THE BENCH & THE BARD: A MOOT COURT SERIES BY KENAI PERFORMERS

COVER PAGE

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Warning: Patron and participant discretion advised. "A Midsummer Night's Dream" by William Shakespeare is a romantic comedy with dark undertones and intense emotional conflicts. Elements and themes associated with this literary work include, but are not limited to, forced marriage, parental threats of death or unreasonable confinement, domestic violence, sexual references/innuendos, and psychological distress caused by magical manipulation. This literary work may be offensive or inappropriate for some audience members.

THE BENCH & THE BARD: A MOOT COURT SERIES BY KENAI PERFORMERS

2026 – 2027 Season Case Problem Scenario
"A Midsummer Night's Dream"

Following the events of "A Midsummer Night's Dream," the Duchy of Athens (hereinafter "the Duchy"), charges the sprite Robin Goodfellow (hereinafter "Puck"),[1] with multiple crimes in violation of the Athenian criminal code.

One of the charges levied against Puck is the felony crime of second-degree weapons misconduct. The Duchy argues Puck committed this crime by knowingly possessing a firearm (*i.e.*, a recurve bow), during the commission of a separate felony-level drug offense.

Puck raises two challenges. First, he argues the Duchy lacks jurisdiction to prosecute him. Second, he argues there is insufficient evidence to find that his possession of the recurve bow "aided, advanced, or furthered" the commission of a separate felony-level drug offense.

The Honorable Christopher Marlowe, Superior Court Judge for the First Judicial District at Athens, presides over the criminal bench trial in this matter. Upon the close of evidence, Judge Marlowe concludes that Athens possesses extraterritorial jurisdiction to prosecute Puck. Judge Marlow also finds Puck guilty of misconduct involving weapons in the second degree, and enters a judgment of conviction.

Relevant portions from Judge Marlowe's decision include the following:

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I. Introduction.

This matter concerns the felony crime of misconduct involving weapons in the second degree. The Duchy charges Puck with this crime, arguing that Puck's possession of a recurve bow during the events of "A Midsummer Night's Dream" sufficiently "aided, advanced, or furthered" the commission of a separate felony-level drug offense.

The criminal indictment reads as follows:

> That on, about, or during the evening prior to the wedding of Theseus, Duke of Athens, and Hippolyta, Queen of the Amazons,[2]

[1] [Tr. ix & 13] (Act II, Scene I).

[2] It is unclear whether the events of "A Midsummer Night's Dream" span three or four days. Regardless, the relevant timeframe during which Puck engaged in the conduct at issue is characterized to be – or at least perceived by human reckoning to be – the evening prior to Theseus's wedding. *Contrast* [Tr. ix & 1 & 7] (Act I, Scene I) (Duke Theseus observes that "our nuptial hour / Draws on apace; ***four happy days*** bring in / Another moon[,]" while in the same scene, Lysander and Hermia arrange to flee Athens and meet "***To-morrow night*** . . . in the wood, where often you and I / Upon faint primrose-beds were wont to lie[.]") (emphasis added), *with* [Tr. 12–52] (Act II, Scene I – Act IV, Scene I) (demonstrating that the

> in the twelfth century B.C., or thereabouts, at or near "a wood near Athens,"[3] Puck did knowingly possess a firearm (to wit: a recurve bow), during the commission of an offense of misconduct involving a controlled substance in the first, second, third, or fourth degree.

Puck requested a criminal bench trial in this matter and waived his right to trial by jury. The bench trial has since been held. Having concluded the presentation of evidence, the parties stipulate that there are only two issues facing this Court with respect to Puck's criminal charge; namely, (1) whether the Duchy has jurisdiction to prosecute Puck, and (2) assuming such jurisdiction exists, whether Puck committed the felony crime of weapons misconduct in the second degree. (Puck does not dispute that sufficient evidence exists to prove all other elements regarding the crime of misconduct involving weapons in the second degree. This necessarily includes his concession that sufficient evidence exists to find that he committed a separate felony-level drug offense.)

A. The first issue presented.

Concerning the first issue presented, both Puck and the Duchy are at odds regarding who enjoys proper jurisdiction over the woods near Athens, which is where Puck is alleged to have committed the crimes with which he is charged. The Duchy argues that the woods near Athens are properly within its territorial boundaries. Thus, any crime that occurs within the woods is subject to the Duchy's prosecutorial authority. The Duchy points to the fact that Duke Theseus often hunts in the woods near Athens,[4] which is his royal prerogative as recognized by well-established common law. *Nemo forestam habet nisi rex.* ("Forests belong to no one but the king.")[5] As such, the Duchy insists that the woods near Athens are subject to ducal authority and oversight.

Puck counters that the woods near Athens, and even the City of Athens itself, is properly within the ancient boundaries of "fairy land,"[6] which is the "fairy kingdom"[7] ruled by Oberon, King of the Fairies, and Titania, Queen of the Fairies.[8] The fairies regularly "keep [their] revels" and "dance . . . [their] round[s]" in the woods near Athens.[9] The fairies also regularly enter Athens and its surrounding villages, performing magical follies[10] and bestowing blessings[11] alike to mankind, which Puck argues is their prerogative as supernatural beings. These practices have been occurring since time

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magical and chaotic events in the woods occurred over the course of what appears to have been a single evening; namely, the very evening Lysander and Hermia planned to flee Athens, with the wedding of Duke Theseus and Queen Hippolyta occurring the very next day).

[3] [Tr. 12–20] (Act II, Scene I). *See also* [Tr. 22–23] (Act II, Scene II); [Tr. 28–29] (Act III, Scene I); [Tr. 31–45] (Act III, Scene II); [Tr. 47–49] (Act IV, Scene I).

[4] *See* [Tr. 49–51]; (Act IV, Scene 1).

[5] BLACK'S LAW DICTIONARY (12th ed. 2024) (Legal Maxim #1719). *See also* FOREST, BLACK'S LAW DICTIONARY (12th ed. 2024) ("*Hist*. A tract of land, not necessarily wooded, reserved to the king or a grantee, for hunting deer and other game.").

[6] [Tr. 14] (Act II, Scene I).

[7] [Tr. 16] (Act II, Scene I).

[8] [Tr. ix & 12–14] (Act II, Scene I).

[9] *See* [Tr. 12 & 16] (Act II, Scene I).

[10] *See* [Tr. 12–14] (Act II, Scene I).

[11] *See* [Tr. 48] (Act IV, Scene I), *in conjunction with* [Tr. 64–66] (Act V, Scene I).

immemorial. For all these reasons, Puck contends that he is properly subject to the authority of fairy land, not the Duchy. Even assuming for the sake of argument that magical creatures, such as himself, could possibly be subject to the prosecutorial authority of mere mortals, Puck denies that the Duchy's jurisdiction extends to the woods near Athens.

Despite the parties' fundamental disagreement regarding who properly enjoys jurisdiction over the woods near Athens, the Duchy maintains that – even if the woods near Athens is not within its territory – the Duchy nonetheless possesses a sufficient state interest to justify exercising extraterritorial jurisdiction over the woods, thereby allowing it to prosecute Puck. In turn, Puck does not deny that the exercise of extraterritorial jurisdiction is legally permissible when warranted. Rather, he merely contends that the Duchy lacks a sufficient state interest to do so in this particular case.

This ultimately narrows the first issue regarding jurisdiction to the following: Whether the Duchy possesses a sufficient state interest in exercising extraterritorial jurisdiction to prosecute Puck.

B. The second issue presented.

Concerning the second issue presented, Puck argues there is insufficient evidence to prove that his possession of the recurve bow "aided, advanced, or furthered" the commission of the magical activities involving his use of the ointment derived from the flower "love-in-idleness."[12] (It is the commission of these magical activities involving the ointment in question for which Puck is also charged with a separate felony-level drug offense). The Duchy disagrees. The Duchy argues that the available evidence sufficiently demonstrates that the presence of the recurve bow on Puck's person during the events in question "aided, advanced, or furthered" the commission of the separate felony-level drug offense.

Accordingly, the second issue presented in this matter can be succinctly stated as follows: Whether sufficient evidence exists to find that Puck's possession of a firearm (*i.e.*, a recurve bow), "aided, advanced, or furthered" the commission of a separate felony-level drug offense.

To resolve the two issues presented, this Court will first outline the applicable law. A review of the "effects doctrine" as it pertains to jurisdiction, and relevant case law governing the elements of misconduct involving weapons in the second degree, will prove instructive. Finally, this Court will analyze the available facts under the applicable law, addressing the parties' various arguments as to each issue.

II. Applicable Law.

A. The exercise of extraterritorial jurisdiction under the "effects doctrine."

[12] *See* [Tr. 17] (Act II, Scene II), *in conjunction with* [Tr. 19–20] (Act II, Scene I); [Tr. 22–23] (Act II, Scene II);

Generally, a sovereign entity lacks jurisdiction to prosecute an offense that occurs outside its territory. However, the widely recognized and accepted "effects doctrine" establishes that "a state may exercise extraterritorial jurisdiction over conduct outside the state that has or is intended to have a substantial effect within the state so long as the exercise of jurisdiction does not conflict with federal law and is otherwise reasonable."[13]

Extraterritorial jurisdiction may be exercised when the following conditions are satisfied: "(1) there must be a sufficient state interest, (2) there can be no conflict with federal law, and (3) the crime in question must not have been prosecuted by federal authorities, or the authorities of a foreign jurisdiction."[14]

For purposes of this litigation, Puck only challenges the existence of a sufficient state interest to justify the Duchy's invocation of extraterritorial jurisdiction. The parties stipulate that there is no conflict with federal law, and that the crime in question has not been prosecuted by federal authorities. Likewise, the parties readily acknowledge that Puck has not been prosecuted by the authorities of fairy land – at least, not to date – and that no other foreign jurisdiction has sought to prosecute Puck for the conduct in question.

It is important to remember that the application of the effects doctrine is not contingent upon a defendant's citizenry status. In responding to an argument that the effects doctrine only permits the Duchy to apply its laws to Athenian citizens, the Supreme Court of the Duchy of Athens observed that, under the effects doctrine, "acts done outside a jurisdiction which produce detrimental effects inside it justify a state in punishing he who caused harm as if he had been present at the place of its effect."[15] Based on this principle, and assuming the effects doctrine properly applies, the Supreme Court concluded that the application of the Athenian criminal code "extraterritorially [is] a proper extension of the police power of the state, regardless of the residence or citizenship of a violator."[16]

The Supreme Court observes that the state must not only have a sufficient interest to justify the exercise of extraterritorial jurisdiction, but an interest that is substantial in nature, because this in turn ensures that the exercise of such jurisdiction is reasonable.[17] For example, in *State v. Jack*,[18] the Supreme Court concluded that the state possessed a substantial interest in exercising extraterritorial jurisdiction to prosecute a serious assault committed aboard a state public vessel while in foreign waters[19] because (1) the vessel route was "an important transportation link between the state" and other states, (2) "[m]ost of the cities and towns in [the region] served by this link lack any road access[,]" (3) the crime occurred aboard a type of public vessel that is "important to the [state's] tourism industry[,]" (4) "[i]f people believe that crimes can be committed on [these

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[13] *State v. Jack*, 125 P.3d 311, 319 (Alaska 2005) (citations omitted).

[14] *Id*. at 318 (citations omitted)

[15] *Id*. at 319 (citations omitted)

[16] *Id.* at 319–20

[17] *Id.* at 322 ("But what ***is*** required is that the state must have a substantial interest so that the exercise of jurisdiction under the effects doctrine is reasonable.") (emphasis added).

[18] 125 P.3d 311 (Alaska 2005).

[19] *Id*. at 312.

vessels] traveling to [the state] without any real risk of being prosecuted, it will have a harmful effect on [the people's] welfare – particularly on the personal security of [these vessels'] crew members and persons traveling to and from [the state] on [these vessels][,]" and (5) the "lack of onboard public safety regulation by any other governmental authority."[20]

B. The felony crime of misconduct involving weapons in the second degree.

In relevant part, the Athenian criminal code defines the felony crime of misconduct involving weapons in the second degree as follows:

"A person commits the crime of misconduct involving weapons in the second degree if the person knowingly possesses a firearm during the commission of an offense under AS 11.71.010 – 11.71.040 [*i.e.*, during the commission of an offense of misconduct involving a controlled substance in the first, second, third, or fourth degree]."[21]

When prosecting a criminal defendant for the crime of misconduct involving weapons in the second degree, the Duchy is obliged to prove every element of this crime beyond a reasonable doubt. There are two such essential elements:

(1) The defendant knowingly possessed a firearm; and

(2) The defendant's possession of the firearm aided, advanced, or furthered the commission of a crime of misconduct involving a controlled substance in the first, second, third, or fourth degree.[22]

Regarding the first element, Puck does not dispute that he knowingly possessed a firearm. Under the unique laws of Athens, "firearm" is defined to include a recurve bow,[23] and it is stipulated that Puck knowingly possessed a recurve bow during the relevant timeframe in question.

Turning to the second element, for purposes of this prosecution, it is not disputed that Puck committed the separate crime of misconduct involving a controlled substance in the fourth degree. That is, Puck knowingly possessed "any amount of a schedule IA controlled substance listed in AS 11.71.140(e)" without authorization.[24] Specifically,

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[20] *Id*. at 322 (internal quotation marks omitted).

[21] AS 11.61.195(a)(1).

[22] *See* ALASKA COURT SYSTEM – PATTERN JURY INSTRUCTION: "MISCONDUCT INVOLVING WEAPONS – SECOND DEGREE" 11.61.195(a)(1) at 1 (Added 2009).

[23] AS 11.81.900(b)(28) (defining "firearm" to mean "a weapon, including (i) a pistol, revolver, rifle, or shotgun, whether loaded or unloaded, operable or inoperable, designed for discharging a shot capable of causing death or serious physical injury; ***and also including (ii) a longbow, recurve bow, compound bow, or nonelectric crossbow, whether nocked or un-nocked, operable or inoperable, designed for drawing or cocking with human or fairy power, and releasing by human or fairy power, an arrow capable of causing death or serious physical injury***[.]") (emphasis added).

[24] AS 11.71.040(a)(3) ("Except as authorized in AS 17.30 and AS 17.38, a person commits the crime of misconduct involving a controlled substance in the fourth degree if the person possesses any amount of a schedule IA controlled substance listed in AS 11.71.140(e).").

Puck knowingly possessed the controlled substance known as "love-in-idleness" (a/k/a "Cupid's flower"), for both the intended and actual use of "topical administration to eyes, eyelids, or the ophthalmic region of the face of oneself or others[.]"[25]

The only disputed component of the felony weapons charge levied against Puck has to do with the relationship between Puck's knowing possession of the recurve bow and his unlawful possession of "love-in-idleness." That is, it is disputed whether Puck's knowing possession of the recurve bow "aided, advanced, or furthered the commission of" his unlawful use of "love-in-idleness" when he "administ[ered] [it] to eyes, eyelids, or the ophthalmic region of the face of . . . others[.]"

The legal necessity of proving that a defendant's possession of a firearm during the commission of a drug offense actually "aided, advanced, or furthered the commission of" that drug offense *before* the defendant can be convicted of second degree weapons misconduct is the product of governing case law from the Court of Appeals of the Duchy of Athens. In *Collins v. State*,[26] the Court of Appeals held that possession of a firearm during the commission of a drug offense requires "proof of a nexus between the defendant's possession of the firearm and the defendant's commission of the felony drug offense."[27] Later, in *Murry v. State*,[28] the Court of Appeals explained that this nexus requires a showing that the defendant's possession of a firearm "aided, advanced, or furthered the commission of the drug offense."[29]

The Court of Appeals emphasizes that possession of both a firearm and drugs is, standing alone, insufficient to justify a conviction for misconduct involving weapons in the second degree. This is true even if the firearm and the drugs are in close physical proximity to each other.[30] However, the physical proximity of a firearm to drugs can be considered as one of several relevant factors.

"In *Murray*, the Court of Appeals identifies the following relevant factors in determining whether a defendant's possession of a firearm aided, advanced, or furthered the commission of the drug offense:

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[25]AS 11.71.140(e) ("Schedule IA includes, unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, or which contains any of its salts, isomers, whether optical, position, or geometric, or salts of isomers whenever the existence of those salts, isomers, or salts of isomers is possible within the specific chemical designation: (1) gamma-hydroxybutyric acid (GHB) (some other names include gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate); (2) when intended or used for human consumption: (A) gamma butyrolactone (GBL); (B) 1,4 butanediol (BD); (C) gamma hydroxyvalerate (GHV); (D) gamma-valerolactone 4-pentanolide (GVL)**; *(3) when intended for use or actually used for topical administration to eyes, eyelids, or the ophthalmic region of the face of oneself or others: love-in-idleness (some other names include heartsease; heart's delight; Cupid's flower; viola tricolor; wild pansy.***") (emphasis added). *See also* [Tr. 17 n.44] (Act II, Scene I).

[26]977 P.2d 741 (Alaska Ct. App. 1999), *distinguished on separate grounds in West v. State*, 223 P.3d 634, 639–41 (Alaska Ct. App. 2010).

[27]*Id.* at 753 (Mannheimer, J., concurring). *See also id*. at 748 (adopting the rationale enumerated in Judge Mannheimer's concurring opinion as the basis for the court's reversal of the relevant convictions at issue).

[28]54 P.3d 821 (Alaska Ct. App. 2002), *distinguished on separate grounds in Hoekzema v. State*, 193 P.3d 765, 773 & n.10 (Alaska Ct. App. 2008).

[29]*Id.* at 824.

[30]*Id*.

> (1) the type of drug activity conducted, (2) the accessibility of the firearm, (3) the type of firearm, (4) whether the firearm was stolen, (5) the status of the defendant's possession (legitimate or illegal), (6) whether the firearm was loaded, (7) the proximity of the firearm to drugs or drug profits, and (8) the time and circumstances under which the [firearm] was found."[31]

However, the Court of Appeals warns that this is not an exhaustive list of relevant factors to consider, and that trial courts should not apply these factors in a mechanical manner.[32] "[W]e only recognize [these factors] as relevant to the extent that they show the defendant's possession of the firearm aided, advanced, or furthered the commission of the drug offense."[33]

The primary purpose behind requiring the state to prove the existence of a nexus between the simultaneous possession of a firearm and the commission of a drug offense (that is, to demonstrate that the firearm's possession actually "aided, advanced, or furthered" the commission of the drug offense), is to ensure that citizens are not unjustly punished for merely possessing a firearm. The Court of Appeals explains:

> Many citizens of [the state] possess firearms to protect their homes. If the firearm in Murry's residence was purchased and used solely for home protection, then it would not have the required nexus to Murray's drug offense. In other words, the nexus is not proved simply because Murray's household possession included drugs. To rule otherwise would be contrary to our conclusion in *Collins* that AS 11.61.195(a)(1) was not intended to punish "a cocaine user [who] also happens to be a gun owner."[34]

III. The parties' arguments and this Court's decision.

A. Whether the Duchy possesses a sufficient state interest in exercising extraterritorial jurisdiction to prosecute Puck.

The Duchy argues it possesses a substantial interest in being able to exercise extraterritorial jurisdiction in this matter.

First, the Duchy argues its asserted interest is both reasonable and important because the safety of its citizens is at stake. The Duchy maintains it possesses a legitimate interest in punishing and deterring mischievous fairies who magically cause Athenian citizens to fall in love involuntarily.[35] This includes punishing and deterring

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[31] ALASKA COURT SYSTEM – PATTERN JURY INSTRUCTION: "MISCONDUCT INVOLVING WEAPONS – SECOND DEGREE" 11.61.195(a)(1) at 1 (Added 2009) (quoting *Murray*, 54 P.3d at 824) (internal quotation marks omitted) (internal citations omitted).

[32] *Murray,* 54 P.3d at 824.

[33] *Id.*

[34] *Id*. at 825 (quoting *Collins*, 977 P.2d at 748, 753) (alteration in original).

[35] *See* [Tr. 22–45] (Act II, Scene II – Act III, Scene II).

those who, like Puck, involuntarily administer illicit class IA controlled substance to Athenian citizens while such citizens are in a particularly vulnerable state (*i.e.*, while sleeping).

Second, the Duchy contends that the geographic proximity of the woods to Athens creates a necessary incentive to protect the thoroughways and areas of land frequently traversed by its citizens. The woods near Athens must necessarily be traveled through by Athenians to reach other villages and important destinations.[36] Similarly, Duke Theseus and his court frequently hunt in the woods,[37] demonstrating a regularity of use that justifies the need to assert protective oversight. This also logically extends to a legitimate interest in trade and commerce. The Duchy further points to the fact that the "rude mechanicals"[38] mocked by Puck (*i.e.*, the Athenian tradesmen Quince, Snug, Bottom, Flute, Snout, and Starveling),[39] saw fit to meet in the "palace wood, a mile without the town,"[40] as a natural location to rehearse their play for Duke Theseus's wedding.[41]

Third, the Duchy argues that there is no other foreign jurisdiction who is likely to assert prosecutorial authority to protect Athenian citizens while in the woods near Athens. There is no reason to think that the authorities of fairy land will hold Puck accountable for his actions. Indeed, even King Oberon, at the height of his annoyance with Puck for Puck's incorrect application of "love-in-idleness" to Lysander instead of Demetrius, did not suggest that he would do anything to punish or otherwise discipline Puck for his actions.[42] This is true despite the fact King Oberon considered that Puck's actions may have been willful as opposed to merely negligent: "This is thy negligence: still thou mistakest, / Or else committ'st thy knaveries wilfully."[43]

Puck disagrees. He argues the Duchy lacks a sufficient interest to exercise extraterritorial jurisdiction in this matter.

First, Puck argues that the available evidence demonstrates no physical harm befell Lysander,[44] the only Athenian to whom Puck administered "love-in-idleness" during the evening in question.[45] He argues this belies the seriousness of the Duchy's concerns. Furthermore, Puck notes that his honest mistake in misapplying "love-in-idleness" to Lysander instead of Demetrius was quickly corrected, which necessitated the re-application of "love-in-idleness" to Lysander to return him to his original state of love for Hermia.[46]

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[36] *See* [Tr. 6] (Act I, Scene I).

[37] *See* [Tr. 49–51]; (Act IV, Scene 1).

[38] [Tr. 32] (Act III, Scene II).

[39] [Tr. ix]. See also [Tr. 26–32] (Act III, Scene I–II).

[40] [Tr. 11] (Act I, Scene II).

[41] *See* [Tr. 9–11] (Act I, Scene II), *in conjunction with* [Tr. 26–32] (Act III, Scene I–II).

[42] *See* [Tr. 22–23] (Act II, Scene II), *in conjunction with* [Tr. 34–35] (Act III, Scene II), *and* [Tr. 41–43] (Act III, Scene II).

[43] [Tr. 41–42] (Act III, Scene II).

[44] *See generally* [Tr. 1–66] (Act I, Scene I – Act V, Scene I) (providing no evidence that Lysander suffered any physical pain or impairment of physical condition as a result of Puck's conduct).

[45] *See* [Tr. 22–23] (Act II, Scene II).

[46] *See* [Tr. 45] (Act III, Scene II).

Second, Puck observes that, all things considered, the brief tomfoolery resulting from his accidental misapplication of the "love-in-idleness" ointment to Lysander ultimately served the Duchy's purposes. Indeed, Lysander and Hermia were attempting to evade Athenian law by fleeing Athens into the woods and traveling to seek refuge at the residence of Lysander's aunt.[47] If anything, Puck's actions were merely the imposition of justice – albeit a somewhat unorthodox form of justice – being exacted against Lysander and Hermia for seeking to evade Duke Theseus's lawful edict.[48] Additionally, had Puck not intervened so as to cause the brief magical chaos that ensued in the woods during the evening in question, it is dubious that Lysander and Hermia would have ever been reconciled to Duke Theseus and the rest of their friends.[49] In this sense, Puck's actions are the apparent proximate cause of the happy ending that transpires, with (1) Duke Theseus deciding to overrule Egeus's objection to Lysander marrying his daughter Hermia,[50] and (2) the simultaneous three-fold marriage of Duke Theseus to Queen Hippolyta, Lysander to Hermia, and Demetrius to Helena.[51] Puck emphasizes that, far from placing anyone in harm's way, his actions literally saved Hermia's life, if not Lysander's as well.[52]

Third, Puck argues that no component or element of his alleged wrongful activities transpired within the Duchy's undisputed territory. Similarly, he argues the Duchy fails to demonstrate how any of his alleged wrongful actions have had any actual, intended, or foreseeable impact within the Duchy's undisputed boarders.[53]

Upon consideration of the parties' arguments, this Court ultimately finds the Duchy's position more persuasive. The woods near Athens are in close enough proximity to Athens, frequented enough by Athenians, and a necessary component of travel to and from Athens such that the Duchy is correct to assert a substantial state interest. Perhaps most importantly, this Court finds the Duchy's argument regarding the lack of any other foreign jurisdiction's likely inclination to prosecute crimes committed against Athenians while in the woods particularly persuasive. This Court hereby echoes the very real and serious concern articulated by the Court of Appeals in *State v. Jack* as rightfully applicable in the matter at hand: "If people believe that crimes can be committed [in the woods near Athens while] traveling to [and from Athens] without any real risk of being prosecuted, it will have a harmful effect on [the Athenian citizenry's] welfare – particularly on the personal security of . . . [those] persons traveling to and from [the state through the nearby woods] . . . ."[54]

Accordingly, this Court concludes that the Duchy possesses a sufficient state interest in exercising extraterritorial jurisdiction to prosecute Puck.

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[47] *See* [Tr. 1–8] (Act I, Scene I).

[48] *See* [Tr. 2–4] (Act I, Scene I).

[49] *See* [Tr. 49–51] (Act IV, Scene I), *in conjunction with* [Tr. 53] (Act IV, Scene II).

[50] *See* [Tr. 51] (Act IV, Scene 1).

[51] *See* [Tr. 49–51] (Act IV, Scene I), *in conjunction with* [Tr. 53] (Act IV, Scene II).

[52] *See* [Tr. 1–8] (Act I, Scene I), *in conjunction with* [Tr. 49–51] (Act IV, Scene I), *and* [Tr. 53] (Act IV, Scene II).

[53] *See generally* [Tr. 1–66] (Act I, Scene I – Act V, Scene I) (presenting no evidence that the conduct with which Puck is presently charged was committed anywhere except in the woods near Athens, and demonstrating no direct impact on persons, markets, or other assets located *within* the Duchy's undisputed territory).

[54] *Jack*, 125 P.3d at 322 (citations omitted).

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B. Whether sufficient evidence exists to find that Puck's possession of a firearm (*i.e.*, a recurve bow), "aided, advanced, or furthered" the commission of a separate felony-level drug offense.

This issue ultimately comes down to an evaluation of the *Murray* factors; namely, those factors identified by the Court of Appeals as relevant for analyzing whether a sufficient nexus exists between a defendant's possession of a firearm and the commission of a separate felony-level drug offense. The parties' arguments regarding the various *Murray* factors are fairly succinct. This Court will therefore address each *Murray* factor in turn.

1. The type of drug activity conducted.

The Duchy argues that the type of drug activity conducted weighs in favor of finding that Puck's possession of the recurve bow "aided, advanced, or furthered" the commission of the separate felony-level drug offense at issue because "love-in-idleness" is a schedule IA controlled substance, rendering it one of the most serious types of illicit drugs to handle, possess, transport, or administer. The inherent dangers associated with possessing, handling, transporting, or administering such schedule IA controlled substances typically necessitates the possession of a firearm for the handler's protection. As such, the Duchy reasons that the type of drug activity that occurred supports a finding that Puck's possession of the recurve bow "aided, advanced, or furthered" the commission of the separate felony drug charge.

Puck counters that there is no connection whatsoever between the type of drug activity he conducted and his possession of the recurve bow. At no time did Puck rely upon, use, or otherwise need the recurve bow in the process of possessing and administering the "love-in-idleness" flower.[55] Puck was not selling, trading, or otherwise engaging in drug trafficking, and he notes that the Duchy has not charged him with any such conduct. The mere assumption that the illicit possession and administration of class IA controlled substances is somehow inherently dangerous so as to require a handler or user to possess a firearm is mere conjecture, and utterly unsubstantiated with respect to the existing record as it pertains to Puck's possession and his use of the "love-in-idleness" flower in this particular case. As such, Puck argues that this factor does not support a finding of a nexus between his possession of the recurve bow and his commission of the separate drug charge at issue.

Puck has the better argument on this point. Accordingly, the Court concludes that this *Murry* factor aligns in favor of Puck. The type of drug activity conducted does not support a finding that Puck's possession of the recurve bow "aided, advanced, or furthered" the commission of the separate felony-level drug offense at issue.

[55] *See generally* [Tr. 1–66] (Act I, Scene I – Act V, Scene I) (presenting no evidence that Puck relied upon the recurve bow in his possession to handle, deal, transport, or administer the "love-in-idleness" flower's ointment).

2. The accessibility of the firearm.

The Duchy argues that the recurve bow was kept on Puck's person during the evening in question. It was not, as in some drug cases, kept in a separate location away from Puck, or otherwise secured so as to impede or otherwise delay Puck's ability to handle and use the recurve bow. As such, it was readily accessible, if not immediately available for Puck's use.

Puck counters that, while he indeed kept he recurve bow on his person, he did not have it in his hand during any portion of the evening in question. At no point did he actually handle the recurve bow, grab it in preparation for use, or actually draw and release an arrow from it.[56]

The Duchy is more persuasive here. Accordingly, the Court concludes that this *Murry* factor aligns in favor of the Duchy. The accessibility of the recurve bow supports a finding that Puck's possession of the recurve bow "aided, advanced, or furthered" the commission of the separate felony-level drug offense at issue.

3. The type of firearm.

The Duchy argues the type of firearm at issue is particularly relevant in showing the existence of a necessary nexus. In particular, the Duchy argues that there is an inherent ontological relationship between recurve-styled bows and the "love-in-idleness" flower. It is well known that Cupid wields a recurve-styled bow. Further, as the record in this case establishes, the magical properties of the "love-in-idleness" flower came about because one of the arrows that Cupid loosed from his recurve bow "fell upon" the flower, such that: "The juice of it on sleeping eye-lids laid / Will make or man or woman madly dote / Upon the next live creature that it sees."[57] The Duchy contends that the inherent relationship between (1) the type of bow that Puck possessed, and (2) Puck's use of the "love-in-idleness" flower's magical properties in this matter, aligns this factor in favor of finding the necessary nexus to support the weapons misconduct charge.

Puck disagrees. He argues it is erroneous to attribute the causality of Cupid's recurve bow in creating the magical properties of "love-in-idleness" to the particular recurve bow that was in his possession during the evening in question. He also re-emphasizes that he never used or sought to use the recurve bow that was in his possession, and so there was no practical relationship between his possession of the bow and his conduct involving the "love-in-idleness" flower.

The Duchy logically prevails on this factor. The question presented is not whether Puck literally wielded a particular firearm (*e.g.*, the literal bow belonging to Cupid), but rather, whether Puck wielded a "type of firearm" that bears a relevant connection to the drug-related conduct he perpetrated. Puck's recurve bow is "the type of firearm" that was used to bring about the magical properties of the "love-in-idleness"

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[56] *See generally* [Tr. 1–66] (Act I, Scene I – Act V, Scene I) (presenting no evidence that anyone was aware that Puck even possessed the recurve bow during the events in question, and presenting no evidence that Puck actually used or handled the recurve bow during the events in question).

[57] [Tr. 17] (Act II, Scene I).

flower, the unique properties of which Puck purposefully sought to employ, and did in fact employ, during the commission of his separatee felony-level drug offense. Accordingly, the Court concludes that this *Murry* factor aligns in favor of the Duchy. The type of bow that Puck possessed supports a finding that his possession "aided, advanced, or furthered" the commission of the separate felony-level drug offense at issue.

4. Whether the firearm was stolen.

The Duchy argues the available evidence establishes that the recurve bow in Puck's possession was stolen, and that there is at least circumstantial evidence[58] to conclude that Puck is the one who stole it given his established character for mischievousness.[59] The Duchy points to the fact that the recurve bow bears the following inscription: "This magical recurve bow is the property of the Fairy Peaseblossom."

Puck does not deny that the recurve bow is not his, and he does not deny that he lacks permission from Peaseblossom to possess or otherwise wield it. He does not explain exactly how he came to possess it, but adamantly denies that he stole it. Puck insists that this Court should place no weight on the recurve bow's status, whether stolen or not stolen, because it bears no direct and practical consequence on the drug-related conduct he is charged with instigating.

The Duchy's arguments are more persuasive. The recurve bow belongs to Peaseblossom, and to the extent Puck does not have permission to possess or otherwise wield it, this suggests that the recurve bow was in fact stolen. However, the Court is not persuaded that there is sufficient evidence to prove that Puck is the one who stole Peaseblossom's recurve bow. Indeed, to the extent the Duchy has refrained from charging Puck with theft, there is no reason to speculate that it was, in fact, Puck who stole the recurve bow. However, to the extent the available evidence is sufficient to conclude that the recurve bow was in fact stolen, and that Puck was in possession of the stolen recurve bow during the evening in question, this factor aligns in favor of finding a nexus between Puck's possession of the recurve bow and his commission of the separate felony-level drug offense.

5. The status of the defendant's possession (legitimate or illegal).

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[58] ALASKA COURT SYSTEM – PATTERN JURY INSTRUCTION: "DIRECT/CIRCUMSTANTIAL EVIDENCE" 1.14 (Revised 2012) ("A fact may be proved by direct evidence, by circumstantial evidence, or by both. Direct evidence is given when a witness testifies about an event that the witness personally saw or heard. Circumstantial evidence is given when a witness did not personally see or hear an event but saw or heard something that, standing alone or taken together with other evidence, may lead [the trier of fact] to conclude that the event occurred. By way of example, if before you go to bed on a winter night, you look out your window and see it snowing and you reach out the window and feel it on your hand, you have personal knowledge that it is snowing. This is direct evidence. But, if when you go to sleep, the sky and the ground are clear and when you later awaken the ground is white and covered with snow, you can conclude that it snowed even though you did not see the snow fall. This is circumstantial evidence. *Both types of evidence are admissible and may be considered by [the trier of fact]. Neither is necessarily entitled to any greater weight than the other*.") (emphasis added).

[59] *See* [Tr. 12–14] (Act II, Scene I).

The Duchy primarily relies upon its previous argument regarding the recurve bow's stolen status to argue that this factor ought to align in favor of finding a nexus. The Duchy also points to the fact that Puck's possession is not based upon permission from Peaseblossom, the rightful owner, and so this alone warrants a finding of "illegal" possession of the recurve bow.

Puck contends otherwise, noting that this *Murry* factor does not inquire as to whether a defendant's possession of the firearm in question is – whether directly or indirectly – the product of a crime, so much as whether the defendant's possession of the firearm in question is, in-and-of-itself, illegal. In other words, Puck argues that this *Murry* factor is more concerned with whether a defendant can legitimately possess a firearm. For example, Puck notes that he is not a convicted felon, and so his possession of a concealable firearm is not in-and-of-itself illegal.[60]

Puck has the better argument. The Court agrees that this *Murry* factor is more concerned with the legality of a defendant's possession of a firearm, and not whether the firearm is itself stolen or somehow illegally obtained. The Duchy does not contest that Puck possesses no prior criminal conviction of record that would render his possession of the recurve bow inherently illegal, and the Duchy does not contend that the recurve bow itself has been illegally altered, or otherwise constitutes a class of weapon, the possession of which is inherently illegal. Accordingly, the Court concludes that this *Murry* factor aligns in favor of Puck. The status of Puck's possession of the recurve bow is, in this sense, legitimate such that it does not support a finding that such possession "aided, advanced, or furthered" the commission of the separate felony-level drug offense at issue.

6. Whether the firearm was loaded.

The Duchy contends that Puck's recurve bow was kept in close enough proximity to arrows simultaneously kept on his person such that, for all intents and purposes, his recurve bow was essentially "loaded," or by way of better description with respect to the relevant technology, such arrows were essentially "nocked" and ready to be let loose/released.

Puck asks this Court to hold fast to the literal language of this *Murry* factor. He argues that, because his firearm was not in fact loaded (*i.e.*, that his recurve bow was, at no point during the evening in question, loaded, nocked, or otherwise drawn so as to enable the release of an arrow), this *Murry* factor must be weighed in his favor.

The Court agrees with Puck. There is no evidence presented to suggest that Puck sought, attempted, or actually used the recurve bow during the evening in question. At no point did he ever "load" the bow, or otherwise nock an arrow. Accordingly, the fact that Puck's recurve bow was not "loaded" does not, in turn, support a finding that Puck's possession of the recurve bow "aided, advanced, or furthered" the commission of the separate felony-level drug offense at issue.

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[60] *See* AS 11.61.200(a)(1) (A person commits the crime of misconduct involving weapons in the third degree if the person knowingly possesses a firearm capable of being concealed on one's person after having been convicted of a felony or adjudicated a delinquent minor for conduct that would constitute a felony if committed by an adult by a court of this state, a court of the United States, or a court of another state or territory[.]").

7. The proximity of the firearm to drugs or drug profits.

The Duchy argues that Puck's recurve bow was in sufficient proximity to the "love-in-idleness" flower when Puck was handling it to warrant a finding in favor of the necessary nexus. The recurve bow was on Puck's person. Puck literally handled the "love-in-idleness" flower when he administered the flower's ointment to Lysander's eyelids.[61] Puck also logically kept the "love-in-idleness" flower on his person between the period of its initial and then subsequent use on Lysander.[62] Therefore, both the recurve bow and the illicit controlled substance at issue were in Puck's possession simultaneously. This necessarily placed the recurve bow and the "love-in-idleness" in close physical proximity.

Puck minimizes the significance of the close physical proximity between the recurve bow and the "love-in-idleness" flower. He characterizes the close proximity as merely incidental, and in no way indicative of an intended – or actualized – relational use of both items. He certainly never used these items in tandem, and his use of one was in no way predicated upon the needed use of the other.

The Duchy has the better argument regarding this factor. Proximity is the relevant consideration. The evidence supports a finding that the recurve bow was in close enough physical proximity to the "love-in-idleness" flower while in Puck's possession to align this *Murray* factor in favor of concluding that Pucks' possession of the recurve bow "aided, advanced, or furthered" the commission of the separate felony-level drug offense at issue.

8. The time and circumstances under which the firearm was found.

The Duchy does not deny that the recurve bow was discovered on Puck's person only *after* the events at issue had transpired, and *well after* the Duchy's initial criminal investigation. It does not appear that any party to the case, or any individual who was involved in the events of "A Midsummer Night's Dream," was aware that Puck actually possessed the recurve bow. However, the Duchy argues that this only demonstrates that Puck is a master at subterfuge, and that he is particularly skilled at keeping possessions concealed on his person. In turn, this adds to the danger associated with Puck's possession of the recurve bow, given the difficulty in being able to monitor the use of concealed weapons.

Puck once again asks this Court to consider the literal language of this particular factor when deciding its relevance to a nexus between his possession of the recurve bow and his instigation of the separate felony-level drug crime at issue. He argues that the time and circumstances under which the recurve bow was found is substantially set apart from the drug-related conduct during the events of the evening in question.

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[61] *See* [Tr. 23] (Act II, Scene II).

[62] *See* [Tr. 23–45] (Act II, Scene II – Act III, Scene II).

Puck's position is the better one here. The Court sympathizes with the Duchy's concerns regarding Puck's mastery at concealing items on his person, and the potential increased danger that this can pose when it comes to being able to monitor weapons wielded by individuals in the woods (or anywhere else for that matter), but the time and circumstances under which the recurve bow was found do not support the finding of a nexus between Puck's possession of the recurve bow and his instigated drug activity.

* * *

Taken together, the *Murry* factors appear to be split down the middle when it comes to concluding whether sufficient evidence exists to find that Puck's possession of the recurve bow "aided, advanced, or furthered" the commission of a separate felony-level drug offense. Four *Murry* factors favor finding such a nexus. Four *Murry* factors disfavor finding such a nexus. However, to the extent the Court of Appeals has warned against applying these factors in a "mechanical manner," this Court ultimately concludes that there *is* a sufficient nexus between Puck's possession of the recurve bow and his commission of a separate felony-level drug offense. This Court so finds based upon the particular weight it gives to the third *Murry* factor; namely, the type of firearm at issue.

The inherent ontological relationship between (1) the type of firearm that was in Puck's possession; namely, a recurve bow, and (2) the process by which "love-in-idleness" came to be imbued with its magical properties (and thus, why it has since come to be listed as a class IA controlled substance under law), is overwhelmingly determinative in the Court's eyes. It was a stray arrow loosed from a recurve bow that ultimately caused "love-in-idleness" to attain its potent and dangerous magical properties.

Additionally, Puck's actual use of "love-in-idleness" during the evening in question (while simultaneously possessing a recurve bow), reflects the reason Cupid originally let loose the fated arrow (from *his* recurve bow), that ultimately missed its mark and struck the "love-in-idleness" flower; namely, to cause another person, creature, or entity to fall in love involuntarily. The inherent ontological relationship between recurve bows, the existence of the magical properties of "love-in-idleness," and Puck's use of the "love-in-idleness" flower on the evening in question means that the type of firearm at issue is not only substantially relevant, but determinatively so.

Accordingly, the Court concludes sufficient evidence exists to find that Puck's possession of the recurve bow "aided, advanced, or furthered" the commission of a separate felony-level drug offense. The Court therefore finds Puck guilty of committing the crime of misconduct involving weapons in the second degree in violation of AS 11.61.195(a)(1).

……

Following the entry of Judge Marlowe's written findings of fact and conclusions of law, Puck appeals his conviction to the Court of Appeals of the Duchy of Athens. Puck seeks to have his conviction overturned, arguing that Judge Marlowe erred by resolving the two issues presented during trial in the Duchy's favor. Oral argument is scheduled to take place on November 14, 2026.

In the Court of Appeals of The Duchy of Athens

ROBIN GOODFELLOW (A/K/A PUCK), Appellant, v. **THE DUCHY OF ATHENS,** Appellee.	Court of Appeals No. **A-00001** **Opening Notice of Appeal** Date of Notice: **10/27/2026**

Trial Court Case No. **1AN-26-00001CR**

Appellant appeals from Judge Marlowe's final judgment of conviction entered in Case No. 1AN-26-00001CR. Oral argument will be held on 11/14/2026 to address the following issues raised on appeal:

1. Whether the Duchy of Athens possesses a sufficient state interest in exercising extraterritorial jurisdiction to prosecute Puck.

2. If so, whether sufficient evidence exists to find that Puck's possession of a firearm (*i.e.*, a recurve bow), "aided, advanced, or furthered" the commission of a separate felony-level drug offense.

_____//s//_____
CLERK OF THE APPELLATE COURTS
OF THE DUCHY OF ATHENS

Procedural Aspects, Stipulations, & Parameters

The parties and judges may review a present-day English version of "A Midsummer Night's Dream" to better understand the nature of the facts and proceedings in this matter at the following website: [https://www.litcharts.com/shakescleare/shakespeare-translations/a-midsummer-nights-dream]. This is merely an aid. The present-day English translation is not binding and may not be relied upon as an authoritative interpretation of the facts and proceedings. Only the Official Transcript is authoritative in this regard.

The Official Transcript consists of the 1992 Dover Thrift Editions publication of "A Midsummer Night's Dream" by William Shakespeare, along with all footnotes and commentary contained therein. Written citations to the Official Transcript shall take the following form: [Tr. 26] (Act III, Scene I).

The Record consists of the Season Case Problem Scenario Packet, which includes (1) the 2026 – 2027 Season Case Problem Scenario, (2) the Opening Notice of Appeal, and (3) the Procedural Aspects, Stipulations, & Parameters document. Citations to The Record shall take the following form: [R. 1].

All stipulations and procedural agreements entered into by the parties, as outlined within the 2026 – 2027 Season Scenario Case Problem, are binding. All stipulations and waivers are sufficient as a matter of law.

The law of Alaska is the law of Athens in all respects unless otherwise noted herein or within The Record. Alaska law is binding. All other authority is merely persuasive.

The statute of limitations is not at issue in these proceedings, and the appeal herein is in no way time-barred.

Immunity of any kind, whether qualified, sovereign, or otherwise, is not at issue in these proceedings.

Except as otherwise contested in this case, jurisdiction is proper and not at issue.

Prosecutorial misconduct (selective, vindictive, or otherwise), is not at issue in these proceedings.

Constitutionality is not at issue in these proceedings. Constitutional principles may, if implicated, be discussed and explored in the course of the parties' arguments, but only in context of, and in subordination to, the issues raised on appeal. There is no separate constitutional claim or issue raised on appeal (*e.g.*, Fourth Amendment violations/infringements).

There is no defect or procedural error of any kind regarding the charging document. There are no procedural errors of any kind at issue in this matter.

A *de novo* standard of review applies to all issues for which review is granted as to both law and fact. This is to say that the Court of Appeals of the Duchy of Athens affords no deference to the findings and conclusions within Judge Marlowe's decision, but instead, the Court of Appeals applies its own independent judgment. The Court of Appeals will assess for itself, as guided by the parties' briefing and oral arguments, whether the available facts and applicable law support the parties' various assertions regarding the issues presented.

Any doctrine regarding mootness that would otherwise foreclose Puck's ability to seek relief for purposes of these proceedings is set aside, or applied in such a way so as to allow the Court of Appeals to entertain these proceedings.

The parties are to prepare written briefs for the Court of Appeals' review prior to oral argument. These are "briefs" in name only. Briefs should simply consist of a short, informal argument outline with select quotations from relevant authorities upon which the parties intend to rely so as to assist the judges and fellow counsel prepare for oral argument. Briefs will not be shared with the public.

The time allowed for oral argument is 30 minutes per side. If two volunteer attorneys are successfully retained for a party, then each attorney shall split the issues presented on appeal, and each attorney is to be afforded 15 minutes to argue their issue. Parties will be afforded 3 minutes to argue their case without interruption before the judges begin to ask questions. The Appellant is permitted to reserve a portion of argument time for rebuttal, and for purposes of this exercise, Appellant is encouraged to do so.

The parties are not confined to the arguments addressed within Judge Marlowe's written decision. The parties may raise new or additional arguments as they see fit during oral argument. However, all arguments should be raised/mentioned within the parties' briefs (to afford the parties and judges a fair opportunity to prepare), and all arguments must be relevant to/address the issues raised on appeal. The parties are not confined to the authorities addressed/cited within Judge Marlow's written decision.

THE BENCH & THE BARD: A MOOT COURT SERIES BY KENAI PERFORMERS

CONCLUDING PAGE

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Warning: Patron and participant discretion advised. "A Midsummer Night's Dream" by William Shakespeare is a romantic comedy with dark undertones and intense emotional conflicts. Elements and themes associated with this literary work include, but are not limited to, forced marriage, parental threats of death or unreasonable confinement, domestic violence, sexual references/innuendos, and psychological distress caused by magical manipulation. This literary work may be offensive or inappropriate for some audience members.