

MEMORANDUM

To: The AMTA Community
From: The Criminal Case Committee
Date: December 7, 2015
Re: *State v. Bancroft and Covington* Fall Invitational Case Data

The Criminal Case Committee has collected and analyzed data from the fall invitational season. *State v. Bancroft and Covington* is a balanced case. Both defendants have routinely stood trial, prosecution teams have made use of both Hyde and Keenan, and every witness regularly testifies.

The data come from two sources. First, to determine whether teams have been systematically advantaged when presenting the prosecution or defense side of the case, we collected data from thirty-five tab summaries. Second, we requested aggregate information from fall tournament hosts regarding defendant selection witness calls. We told hosts that the data—which was not team specific—would be further aggregated and the results provided to the AMTA community. We received information from the hosts of thirty-six fall invitational tournaments; most hosts provided data from the first two rounds of competition while others provided data from all four rounds.

Case Balance

State v. Bancroft and Covington is a balanced case. Across nearly 3,000 ballots, the teams representing Avery Bancroft or Chase Covington won only 0.66% more ballots than teams representing the state. Looking to only the final two rounds of competition—mitigating the effects of first-round challenges and leveraging the random side assignment resulting from the third-round coin flip—the balance is even starker, with the prosecution having an advantage of less than one percent.

	Prosecution Win	Defense Win	Tied Ballot	Defense Advantage
Overall	47.86%	48.52%	3.61%	0.66%
Rounds 3 and 4	48.21%	47.51%	4.29%	-0.70%

Defendant Selection

Both defendants regularly face prosecution. Chase Covington faces prosecution in 65% of trials, while defense attorneys have the opportunity to argue entrapment in 35% of trials. There is no statistically significant relationship between the number of ballots won by a prosecution team in a round and the defendant prosecuted in that round.

Witness Calls

Witness selection in *ABC* is remarkably diverse, with only one witness (Warren) appearing in less than one-third of trials and only one witness (Lorean) appearing in more than two-thirds of trials. Importantly, Warren’s usage directly related to the lower rate of Bancroft trials; both prosecution experts in the case are used in about three-fourths of the trials in which they are available (79% for Sikorsky and 77% for Warren). On the other hand, Covington is called in 95% of trials in which she is prosecuted, and Bancroft is called in 96% of trials where he pleads entrapment. The swing witnesses are comparatively less used by defense teams, with Hoy appearing in 24% of trials in which he was available to the defense and DelSesto appearing in 16% of trials in which the state elected to not call her to the stand. Finally, prosecution teams choose to rely on the testimony of Corey Hyde at the same rate regardless of their choice of defendant. Hyde testifies for the state in 58% of Bancroft trials and 60% of Covington trials.

Witness Calls			
	Prosecution	Defense	Overall
Bancroft		33%	33%
Covington		62%	62%
DelSesto	49%	8%	57%
Hoy	25%	18%	44%
Hyde	58%	42%	100%
Keenan	42%		42%
Lorean		74%	74%
Minetos	48%		48%
Sikorsky	52%		52%
Thomas		63%	63%
Warren	27%		27%

Also, witness line-ups are also quite varied, with no prosecution witness call appearing in more than 20% of trials, and only one defense witness call (Covington/Lorean/Thomas) appearing in more than 20% of trials.