

The Adrian Empire

Defendant	Squire Wot (York)
Charges brought by	HRM Elric Meladius (York)
Original charges filed	March 28, 2002
Court of Chivalry held	June 1, 2002
Appeal received	June 10, 2002
Appeal decision	September 27, 2002
Magistrate	HRM Elric Meladius (York)
Prosecutor	HRM Elric Meladius (York)
Defense Advocate	Sir Trakx Greenwood (York)
Judges	Sir Wright Bentwood (York) (and 2 unknown)
Charge: Treason	(impersonating the Crown of York via e-mail) GUILTY
Recommended sentence	9 months and 1 day of Judicial Ban 1 day of Service to the Kingdom of York to be performed at the next York coronation feast
Imperial Crown appeal	Reviewed written evidence, as well as videotape of the judicial proceedings
Final verdict	Reversed
Final sentence	Vacated
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ORIGINAL CHARGES

Squire Wot:

On Sunday, March 17, 2002, at the regular York event, a Knight's council was convened for the purpose of reviewing specific documents. Upon review by the Knights present, it was decided that there is sufficient evidence to file charges against you for the crime of Treason against the Crown of York. Although the offense, whereby one of the Crowns of York was impersonated via an email, an official form of Adrian communication, occurred in November 2001, final discovery did not come until Friday, March 15, 2002, when notification was received, via landline, of the final disposition of a subpoena for Internet records. Receipt of this final discovery thus prompted the Knight's council.

Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 2. Calling a Court of Justice, Subsection b., of the Bylaws of the Adrian Empire, the Crowns of York call for a Court of Justice for the following reason: "A member is accused of treason against the Crown", of which you are officially charged.

Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 7. Royal Court, the Crown will convene a Royal Court.

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It is further the duty of this office to inform you of all your rights as follows:

1. Under Article XI: Judicial Courts, Section B. Courts of Justice, "The Chancellery shall have the obligation to fairly and impartially assist either, or both, parties in preparing their case". Please inform this office of whether or not you will be requesting assistance under this section.
2. Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 4. Judicial Ban, the Crown has deemed that you will not be placed on Judicial Ban.
3. Under Article XI: Judicial Courts, Section B. Courts of Justice, Item 9. Courts of Chivalry, a Court of Chivalry may be requested or at the order of the Crown. A Court of Chivalry is hereby ordered in this case. A Court of Chivalry allows the accused to designate one Knight to act as advocate, the complainant shall designate one Knight to act as advocate, and then both advocates will select a third Knight to act as Arbiter. You are officially notified of this right, pursuant to the Bylaws.

Please note; the Crown conducts a Royal Court, in a Court of Chivalry the Crown or the Chancellor shall act as Magistrate. The Crown, in this case, will act as Magistrate.

Additionally, the Court is to be held not less than 30 days from the date of this notice. Please provide the Crown with a list of requested dates, on or beyond Saturday, April 27, 2002, so a date of trial can be set which will be convenient to all parties involved.

Additionally, a trial may be dispensed with should a plea be presented and accepted.

In Service,
Sir Elric Meladius
King of York

COURT FINDINGS

On the mundane date of November 2001 a fraudulent email was sent to the entire populace where the Crowns of York were impersonated. HRM Sir Elric announced to the entire populace in court that he was not amused and if the sender of the email presented him/herself and apologized and admitted guilt he would accept it. Unknown to the populace he had subpoenaed the Internet providers for information.

On March 15, 2002, he received the final responses from these subpoenas. During this time no member ever apologized. HRM inquired (through his Chancellor) if the 30 days time period for charges to be filed were from date of offense or discovery from the Imperial Chancellor and HIH. Being informed that it was 30 days from discovery HRM asked several knights to again present his offer to Squire Wot, to which he believed his evidence implicated. One knight misunderstood and spoke to Squire Wot. One knight said nothing. One knight told there entire estate. One knight told Sir Trakx, Squire Wot's knight.

Upon again hearing no apology HRM convened a Knights Council on March 17, 2002. He presented his evidence and asked for guidance from the knights. The Knights agreed that it Squire Wot had been informed and still did not come forward that he should be tried for Treason to the Crown.

Squire Wot was notified on March 28, 2002, and the process of picking a date and information exchange began. HRM assigned a Court of Chivalry for Squire Wot.

On June 1, 2002, the trial was held. In addition to the original email, HRM presented a test email that no one knew about. This email was supposable sent by him to Squire Wot and an unknown email. The unknown email was undeliverable and the test mail was returned to HRM some days later. Squire Wot contented that it is easy for people to fake emails and just as HRM email was spoofed so was his and he had never received the test email.

Upon deliberations all Judges agreed that they disbelieved Squire Wot had nothing to do with this email. They all voted GUILTY and recommended a sentence of 9 months and 1 day of Judicial Ban and 1 day of Service to the Kingdom of York to be performed at the next York coronation feast. The amount of service should be determined by the feast-o-crate. HRM confirmed the sentence.

It should also be noted, that HRM made a final statement to the populace that a Knight could be held responsible and tried for his Squires actions he would not do so.

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APPEAL

Unto Their Imperial Majesties of Adria and His Excellency, Imperial Chancellor, Greetings!

I forward to you two emails serving as the publishing of findings of the recent Courts of Chivalry here in York. Two Courts were held for the crimes alleged against Squire Wot, my squire, and myself for the crimes outlined in the attached findings. Having received these notices today and having read them, I wish to appeal both cases to the Imperium for further evaluation and treatment, possibly re-trials if so found fit.

MY CLAIMS

In the trial against my Squire, Wot, the King's opening remarks were he had no evidence to conclusively prove that he could indicate my squire of any crime, although he believed he had knowledge of it. I do not believe that sufficient evidence was delivered or provided to indicate anyone the crimes. The judges themselves upon stating their findings indicated they did not have any conclusive evidence either and further stated they did not understand all of the evidence provided to them due to its technical nature. I wish to appeal this case to the Imperium so that further investigation can be conducted, perhaps with individuals competent on the subject. (My primary concern is finding someone guilty of knowledge of a crime, or party to one, that can not be proven was committed.)

This appeal for justice I send up to you for humbly consideration. Please let me know what can and will be done on this matter. I sincerely apologize for having to bring such matters before your Majesties and eagerly await a response.

Yours in Service to a (slightly bruised) Dream,
Sir Trakx Greenwood, Knight Champion and Premier

FINDINGS OF THE APPEAL

SQUIRE WOT, appellant, v. KINGDOM OF YORK
September 27, 2002
Appeal of Court of Chivalry Finding Treason and Sentence

REVERSED, SENTENCE VACATED

Trial: June 1, 2002
Appeal filed: June 10, 2002

LAW

Imperial Bylaws Article XI. B.2. b. define treason as ". . . taking any action or aiding any others in acting in a manner which damages or thwarts the legitimate interests of the individual's Liege Lord." As a matter of law, the Crown is a member's Liege Lord.

Imperial Estates Writ 12 establishes the procedure whereby allegations are found legitimate and warrant trial (it is established that Crowns have the authority of their officers).

Codex Adjudicata III. Courts of Justice, A. Royal Court and C. Courts of Chivalry establish that a person complaining about the conduct of another member (previously applied to nonmembers as well) may request the Crown convene a Royal Court and that Knights and "commoners" may be judged by three Knights. Such a court was convened. Similarly, the procedures for Calling the Court and conducting the trial are laid out in III.C. and E. Limitations appear regarding Mundane Law (III. D.) and time to file (III.F.) (which permit time to investigate and seek alternatives to litigation as long as the complaint is brought to official notice within the Statute).

The recent case, Imperial Crown v. Dame Allora, has raised the issue of establishing injury to prove a case and affect sentencing. Likewise previous convictions should be considered in sentencing.

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FACTS

These facts are not in dispute. On Wednesday, November 21, 2001, a satirical e-mail indicating His Royal Majesty was resigning to quest for his sense of humor and honor, was sent to kingdomofyork@yahoo.com, which purported to be from King Elric/howard@shoelson.net. Another, different, e-mail, subject: "a horse," was sent from the same source 46 minutes earlier to Squire Wot's e-mail address. A "mailer-daemon" was subsequently sent by His Royal Majesty to trace these e-mails but was undeliverable. His Royal Majesty later made an attempt to obtain the record of the actual addresses from the server, but was too late and the records were unavailable. His Royal Majesty made several announcements and spoke to several persons in an effort to get the one(s) responsible to come forward and apologize--which may have ended the matter. No one came forward. A number of persons were rumored to have been involved. Squire Wot was suspected due to the earlier e-mail and for his apparent computer skills. While it is difficult to trace "spoof" e-mail, it is not impossible. However, His Royal Majesty was unable to trace this one. A court was held on June 1, 2002. All evidence provided failed to prove that Squire Wot sent the "spoof" e-mail.

Instead, His Royal Majesty argued that treason was committed because someone had impersonated Him and attempted to prove that Squire Wot was involved because he "knew about it, and failed to come forward" based on the earlier e-mail sent and his computer expertise. The Judges acknowledged that the evidence failed to prove his guilt, but "felt" Squire Wot was involved and therefore convicted him of treason and recommended a sentence of Judicial Ban for nine (9) months and one day of service to the autocrat at the next Kingdom of York Coronation Feast. His Royal Majesty confirmed this sentence. Squire Wot appealed conviction and sentence to the Imperial Crown.

DISCUSSION

As proof, His Royal Majesty stated that treason was committed because someone had impersonated him, He offered the e-mails and a candid explanation of the difficulty in tracing such e-mail and his failure to obtain evidence of Squire Wot or anyone else being the sender. His Royal Majesty argued that Squire Wot had committed treason because he "knew about it, and failed to come forward" after requests were made to do so, based on the earlier e-mail sent and his computer expertise. His Royal Majesty was unable to establish that Squire Wot actually received the "test" e-mail. His Royal Majesty did not speculate on motive or intent. His Royal Majesty never contended that anyone believed the "impersonation."

As rebuttal, Squire Wot and his advocate (and Knight), Sir Trakx, denied any involvement and offered evidence and testimony establishing how easy it is for anyone to send "spoof" e-mail. They presented current "protocols," industry standards which fail to provide adequate security for e-mail addresses, the difficulties involved in tracing e-mail, the availability of information on-line that will enable anyone to professionally "spam" and "spoof" anyone, and other potential suspects gleaned from the rumor mill that followed the incident. During cross-examination, His Royal Majesty asked Squire Wot if rs@kill9.org was in fact his e-mail address, it was. Sir Trakx asked His Royal Majesty if howard@shoelson.net was his address, it was. Sir Trakx demonstrated this was inconclusive.

The standard of evidence in Adrian Trials is not "beyond reasonable doubt." We have established that the standard is a preponderance of evidence. That is, to be greater in influence or weight; to be more likely than not (Webster's New World Dictionary). This is not an overly high standard, some might not think it enough given the gravity of some of our issues, but it is our standard. Evidence is anything that establishes a fact or gives reason for believing something (Oxford American Dictionary). Possible is capable of existing or happening or being done or used etc.(Oxford American Dictionary). Feel (felt) is more troubling, it means to be aware of through intellectual perception or to believe, often for unanalyzed or emotional reasons (Webster's New World Dictionary).

His Royal Majesty argued: it was "possible" to trace the e-mail--but was unable to do it; that Squire Wot was "capable" of sending it; and, that "someone" sent an e-mail to Squire Wot before sending the offending e-mail--but not that he received it. He concluded that it was an "undeniable fact that the squire's e-mail (address) showed up indicates to me that he is involved some way."

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The defense denied being involved, concluded that his e-mail address was no more indicative of involvement than His Royal Majesty's and provided considerable evidence that nearly anyone with a computer "could" have done it. Sir Trakx also suggested that someone may have "framed" his squire because it would lead to his own trial.

Yet the Judges unanimously agree (Lord Wright speaking) that "a decision here . . . wasn't easy. . . . the validity of alot of this evidence is in question; so alot of it came up to the judges' beliefs. The judges believe, although we can not find--we have no videotape of Squire Wot's computer terminal with him at it--the judges believe Squire Wot has some involment in this e-mail." After their sentence recommendation, they add, "we feel that the crime, if provable would warrant a harsher punishment. . . . We believe a lesser punishment because of the lack of strength of the evidence."

The judges mention "the person hurt," from this We assume that His Royal Majesty suffered some harm. We would prefer that findings indicate what harm was done and how the convicted defendant caused or contributed to it. In this case We can't be certain His Royal Majesty was harmed--perhaps embarrassed, but did anyone believe the impersonation and did it actually injure His Royal Majesty's reputation. Did anyone believe the resignation, is His Royal Majesty's sense of humor a justicible question. However, no Knight should have his honor questioned--without charges to back it up. That is offensive. But is it criminal if the whole tone of the piece is satire--a joke. Then, while in poor taste, it isn't to be believed. Recently in the Allora decision, mere exaggeration was held to be insufficient to support a charge of conduct unbecoming, it may apply here.

As to whether a crime was committed, yes, if harm was done then the necessary elements are present "taking any action or aiding any others in acting in a manner which damages or thwarts the legitimate interests of the individual's Liege Lord." Certainly, the e-mail, if believed would have damaged His Royal Majesty's legitimate interests as Crown and perhaps to His reputation. Likewise, anyone who aided in the production or concealed evidence. But, evidence must establish a role not merely a possibility or suspicion.

Overall, the case brings to light weaknesses in Adrian Justice. Judges may not understand "evidence" and "standard of evidence," and while we don't require great formality, we must require some proof that on balance leads to a conclusion of guilt. This does not exist here, or at least it isn't evident from the files, tape, and judges' statements. Indeed, both His Royal Majesty's and the judges' statements indicate a "gut-reaction" not proof of guilt. While sufficient for an investigation, We conclude that the evidence offered, failed to establish the prima facie case. Even without the defense, it does not appear more likely than not that Squire Wot committed the omission (failure to come forward if he knew) thereby aiding others that underlies this conviction for treason.

OTHER ISSUES

While not sufficient to overcome our duty to seek truth, we are gravely concerned with procedural issues and appearance. There is little evidence that Writ 12 procedures were followed. The Codex Adjudicata III.C.2. requires a Bailiff and oath of fidelity and good faith (commonly not done). The Chancellor, who participated in the investigation and advised the Crown, served as Chief Judge. In this case, the Crown acted as Magistrate, expert witness, and prosecution (refusing to allow defense witness for lack of credentials--not required in Adrian Law, but impossible to establish its effect as the Judges didn't want to hear his testimony.

While videotaping was enormously helpful and sets a standard for future cases, poor sound quality made many statements (especially His Royal Majesty's) incomprehensible.

At this time, We leave unanswered the question of satire in the Adrian Empire.

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On another subject, at the end of the trial His Royal Majesty stated that he had conferred with Her Imperial Majesty and the Imperial Chancellor regarding what happens when a squire is found guilty. Is his knight responsible? His Royal Majesty stated "the squire is charged, the knight gets charged, the knight's trial does not take place until the outcome of the trial of the squire. In this case, he was found guilty. Therefore, charges would proceed against Sir Trakx, but, I don't agree with this. I don't think he should be charged." We have conferred with our Chancellor and to our recollection, His Royal Majesty was told that some older precedents may indicate this, but We do not believe current law would support this without some independent act of the knight (participation or concealing evidence) or an extreme lapse in supervision. Fortunately, His Royal Majesty did not pursue this, and no harm was done. But, no one likes to be misquoted.

Maedb, Empress

Karl, Kaiser

assisted by Sir William Baine, Chancellor, Adria

NOTE: We must strongly condemn the cameraman for focusing on a children's book, I Did It, I'm Sorry, after presentation and before deliberation. This was highly inappropriate.