



Harvard Model Congress Boston 2024

NEW YORK V. BAILEY *By Ericka Familia*

UNITED STATES DISTRICT COURT

Judge Ericka Familia Presiding

STATE OF NEW YORK)

~~STATE OF NEW YORK)~~

Prosecutor)

)

v.) Case No. HMC-DC-2024-LASTNAME-1

v.) Case No. HMC-DC-2024-Familia-1

)

KORI BAILEY)

~~KORI BAILEY)~~

Defendant)

SUMMARY OF FACTS STIPULATED

In late August of 2021, **Saige Carden**, who had just graduated from Melrah Park High School a few months prior, found out that she was pregnant. Saige had always had a tumultuous relationship with her parent, **Angel Carden**, and their arguments worsened during Saige's pregnancy. In November of 2021, Saige decided that she had enough and that she could no longer stand living under Angel's roof. Saige used nearly all of her savings to sign the lease on an apartment in Westbridge, New York, which was almost a five-hour drive from Melrah Park.

Initially, Saige had planned to raise the child on her own; however, after struggling financially for a month, Saige realized that she had to tell the baby's father, **Kori Bailey**, about their child. Kori criticized Saige for not telling him sooner and immediately decided to transfer from the University of Michigan to Westbridge Community College and take on a part-time job to help cover household expenses. As the pair began spending more time together, they realized that they were still in love and quickly decided to get married and move in together.

Their child, Riley Bailey, was born on **March 5th, 2022**. During their first few weeks of becoming parents, both Saige and Kori were overjoyed with the birth of Riley. However, Saige soon began showing signs of depression, such as heavy drinking and becoming increasingly distant from her family. During their next check-up, Saige's doctor determined that Saige was suffering from postpartum depression and prescribed her appropriate medication. As per protocol, the family was assigned a social worker, **Jesse McNeil**, who was charged with visiting the Bailey household periodically to ensure that Riley was growing up in a safe environment.

During Jesse's first few visits, they realized that Saige did not seem to be improving, so they confronted her about whether she had been taking her medication. Saige insisted that she was, but Jesse did not believe her. In fact, Jesse asserted that if Kori were not in the picture, they would have petitioned to have Riley removed from the home and placed in foster care.

On **September 17, 2022**, Kori came home from work and found Saige passed out on the floor in the living room. Near her was Riley sitting next to a broken glass. Both Saige and the baby smelled of alcohol, so Kori immediately called the ambulance. They were both taken to the hospital and released that same day.

Shaken by the incident, Kori called Angel to ask for advice. Angel went to visit the Baileys the next weekend, hoping to convince Saige to move back in with them in Melrah Park, at least until her depression and alcoholism were under control. Saige was adamant on staying in Westbridge, but agreed to meet with **Dr. Avery Pacini**, a psychologist who specializes in postpartum depression. Saige took a liking to Dr. Pacini and agreed to try to stay sober and have weekly meetings with the Doctor to track her progress.

Saige began taking her medication as prescribed and attending Alcoholics Anonymous (AA) meetings twice weekly. By the end of February 2023, she had improved significantly. Kori had hired a babysitter, **Casey Ortiz**, to care for Riley when Saige would go to her meetings and Kori was at school or work. Jesse McNeil made one last scheduled visit to the family around Riley's first birthday and congratulated Saige

on all of the progress she had made during the past year. However, Jesse pulled Kori aside and warned him that Saige would always be at risk to start drinking again.

In April 2023, Kori was offered a summer internship position in Amabo County, New York, a 4-hour drive from Westbridge. The internship was very well-paid, and most of the interns were offered a full-time position post-graduation. Kori knew that the family could use the money, but he was a bit worried about whether Saige would be able to handle caring for Riley alone for a few months. After discussing with Saige, they decided that if Dr. Pacini agreed that she could handle it, then Kori would go.

Dr. Pacini agreed that the couple should take advantage of the internship opportunity, citing Saige's immense progress. The Doctor determined since Saige had been improving for over six months, it was unlikely that she would relapse. However, Jesse McNeil, who still checked in on the family, was strongly opposed to the idea, arguing that leaving Saige to care for Riley alone for such a long period of time was too risky. Angel agreed and suggested that Saige and Riley stay with them in Melrah Park until Kori returned, but Saige was determined to prove that she could do it.

On May 1st, 2023 Kori left for Amabo County. The first few weeks went smoothly at home, but toward the end of the first month, Saige began feeling overwhelmed. She spoke to Kori over the phone and Kori sent her money to pay Casey to watch Riley for four additional hours each week so that Saige could take a break, which seemed to help Saige destress.

On **June 11th** at 6:50pm, Casey arrived at the Bailey household for her scheduled babysitting shift during which Saige attended her weekly meeting with Dr. Pacini. She entered the house with a spare key that Kori had given her and called Saige's name, but after getting no response, Casey followed the sound of Riley crying to the bathroom. When she arrived, Saige was unconscious near the entrance to the bathroom and Riley was sitting in the bathtub with the faucet running. By the time Casey pulled Riley out of the bathtub, the water level had reached Riley's neck. Casey said that if she had not arrived when she did, Riley would have drowned. Casey quickly called the ambulance and dried and clothed Riley while the paramedics arrived. She also called Kori to let him know what had happened.

Kori left Amabo County immediately and arrived at Westbridge Hospital as the ER staff were completing their examination of Saige, who they said was okay, but was definitely intoxicated. The doctors said that Riley was not harmed. The hospital was required to inform Jesse McNeil about the incident, who decided to file a report against Saige and Kori. Riley was placed in an approved foster home pending a family court hearing. On **September 2nd, 2023**, Saige and Kori were separately charged with Endangering the Welfare of a Child. Saige worked out a plea agreement with the District Attorney, but Kori pleaded not guilty.

INDICTMENT

The Grand Jurors chosen, selected, and sworn, in and for the County of Westbridge, in the State of New York, IN THE NAME AND BY THE AUTHORITY OF THE PEOPLE OF THE STATE OF NEW YORK, upon their oaths present that Kori Bailey committed the offense of Endangering the Welfare of a Child, a class A misdemeanor, in that said defendant knowingly left their minor child, Riley Bailey, in the care of Saige Carden-Bailey, who was suffering from postpartum depression and alcoholism, for an extended period of time. The People argue that the defendant failed to exercise a reasonable degree of care, and as a result, their child’s physical condition was in imminent danger of becoming impaired. Furthermore, the Grand Jurors upon their oaths present that Kori Bailey committed the offense of Endangering the Welfare of a Child in violation of N.Y. Penal Law § 260.10 (2).

APPLICABLE STATUTES

N.Y. Penal Law § 260.10 (2): Endangering the Welfare of a Child

In New York State, a person is guilty of endangering the welfare of a child when:

1. He or she acts in a manner likely to be injurious to the physical, mental, or moral welfare of a child less than seventeen years old or directs or authorizes such child to engage in an occupation involving a substantial risk of danger to his or her life or health; or
2. Being a parent or guardian or other person legally charged with the care or custody of a child less than eighteen years old, he or she fails or refuses to exercise reasonable diligence in the control of such child to prevent him or her from becoming an “abused child,” a “neglected child,” a “juvenile delinquent,” or a “person in need of supervision,” as those terms are defined in articles ten, three, and seven of the family court act.

Endangering the welfare of a child is a class A misdemeanor.

N.Y. Jud. Law § 1012: Family Court Act

When used in this article and unless the specific context indicates otherwise: ...

(f) “Neglected child” means a child less than eighteen years of age

(i) whose physical, mental or emotional condition has been impaired or is in imminent danger of becoming impaired as a result of the failure of his parent or other person legally responsible for his care to exercise a minimum degree of care...

(B) in providing the child with proper supervision or guardianship, by unreasonably inflicting or allowing to be inflicted harm, or a substantial risk thereof, ...

APPLICABLE CASE LAW

People v. Scully, 134 Misc. 2d 906 (N.Y. Crim. Ct. NY. 1987)

In this case, the Court ruled that pursuant to N.Y. Penal Law § 260.10 (2), a parent is required, when necessary, to protect their child from the child's other parent until the other parent no longer poses a danger to the child. Thus, the defendant, Patrick Scully, violated the law when he failed to keep his three-month-old daughter away from his wife, who was addicted to drugs and alcohol, "on a permanent basis until such time that his wife was no longer a menace to the child."

People v. Cruz, 152 Misc. 2d 436 (N.Y. Crim. Ct. NY. 1991)

The Court held that in order to prosecute a parent for endangering the welfare of a child, the child does not actually have to suffer harm, as long as the potential existed for the child to be harmed as a result of the parent's actions. The defendant in this case was driving a car while intoxicated with two small children as passengers and although the children were not physically harmed, the Court ruled that "it takes little imagination to recognize the likelihood of harm to the children implicit in the defendant's conduct."

PRE-TRIAL MOTIONS

1. On **September 2, 2023**, **Saige Carden-Bailey** and **Kori Bailey** were separately charged with Endangering the Welfare of a Child.
2. Saige Carden-Bailey worked out a plea agreement with the District Attorney and Kori Bailey pleaded not guilty.
3. All witness statements are sworn and notarized.
4. All items of evidence are eligible for use at trial, following proper procedure for identification and submission. No other physical evidence, aside from those provided, can be introduced at trial.
5. The Counselor-Client Privilege between **Dr. Avery Pacini** and Saige Carden-Bailey has been waived.
6. **Riley Bailey** was an infant during the time of the alleged misdemeanor.
7. The temporary removal and placement of Riley Bailey in an approved foster home in **June 2023** was legally proper in all respects.

POST-SUMMATION JURY INSTRUCTIONS

The state of New York has charged the defendant, Kori Bailey, with **Endangering the Welfare of a Child**, in violation of N.Y. Penal Law § 260.10 (2). This is a class A misdemeanor that can result in a sentence of up to one year in prison if convicted. In order for you to find the defendant guilty of this crime, the People are required to prove, from all evidence in the case, **beyond a reasonable doubt**, each of the following three elements:

1. That between May 1, 2023 and June 11, 2023, the defendant Kori Bailey, acted in a manner likely to be **injurious** to the physical, mental, or moral welfare of Riley Bailey;
2. That the defendant did so **knowingly**; and
3. That Riley Bailey was less than seventeen years old.

Note that the Court has already recognized that Riley Bailey was an infant during the time of the alleged misdemeanor, and thus, the third element does not need to be proved.

WITNESS LIST

Prosecution:

Jesse McNeil, MSW

Angel Carden

Casey Ortiz

Defense:

Kori Bailey

Saige Carden-Bailey

Avery Pacini, Ph.D.

Note on the Order and Gender of Witnesses

The order of witnesses specified above is random and not binding. Teams should feel free to present witnesses in whatever order they deem most rewarding. All witnesses can be portrayed by delegates of any gender.

AFFIDAVIT OF JESSE MCNEIL

Witness for the Prosecution

My name is Jesse McNeil and I am a social worker with the Westbridge County Department of Social Services. I hold a Master of Science degree in Social Work (MSW) from the State University of New York at Albany and I have worked in the Division of Children and Families for over 15 years now. Basically, my main job is to protect the lives and health of children, even when this requires making tough decisions such as taking a child from their parents and placing them in foster care.

I first met the Bailey family in late March 2022, when I was assigned as their social worker after Saige was diagnosed with postpartum depression. I was informed that Saige was becoming increasingly alcohol-dependent and was tasked with visiting the family regularly. At first, I visited the Bailey household biweekly. While I noticed that Kori was always a very loving and attentive parent to Riley, Saige was very distant and seemed to be avoiding engaging in conversation with me week after week. Her eyes were often bloodshot and her palms were sweaty whenever we shook hands, which are common signs of alcoholism. If Kori were not in the picture, I would have had to remove Riley from the household without a doubt.

During my fourth visit, I noticed that the bottle of pills containing Saige's prescribed medication for her postpartum depression was sitting on the kitchen table seemingly untouched, and next to it were multiple empty bottles of liquor. I was concerned about Riley's safety, as I knew that Kori was enrolled in college and had a part-time job, so Saige had to be alone with the baby at times. When I asked Saige if she had been taking her medication, she immediately became defensive and insisted that she was, but it was more than evident that something was off. "Shame on you for thinking I would ever hurt my child!" she told me. Her tone upset me a bit, but I understand that this is a sensitive issue, so I didn't take it too personally.

By October, I had reduced my contact with the Bailey family, as Saige seemed to be doing better. She told me that she had begun meeting with a psychologist and going to AA meetings, which was really helping her cope with her depression and stay sober. Kori had hired a consistent babysitter to care for Riley when neither parent could be home, which I found to be very responsible. I visited the Baileys one last time in March 2023 and congratulated Saige on her progress. I could see that Riley was growing into a happy, healthy baby. However, in dealing with so many of these cases, I have learned not to get excited too soon, as any stressful event can lead to a relapse—and I made sure to warn Kori about this.

Although I was no longer visiting the Bailey household, I was still required to stay in contact with them and update their file with any new relevant information. In April 2023, Kori told me that he was considering taking a summer internship position in Amabo County. I understood that it would be a good opportunity financially for the Bailey family, but I strongly cautioned him against it. Although Saige had been consistently improving for months now, she had not fully recovered and it was way too risky for her to care for Riley alone for multiple months in a row. Even if Saige felt that she could handle it, it was simply not a smart decision. Kori pretended to listen to me, but I could already tell that he had made up his mind to take the position.

Although I did not approve of Kori’s decision, I truly hoped that it would all work out. But of course, I wasn’t surprised when their babysitter found Saige passed out on the floor while little Riley nearly drowned in the bathtub. At this point, I had no choice but to place Riley in a foster home. It saddens me to testify against Kori, but my job will always be to look out for the best interests of children, in this case, Riley Bailey. I tried to warn Kori that no amount of money is ever worth risking the safety of your child, but my words clearly didn’t make a difference.

Jesse McNeil

Subscribed and sworn to me on this, the 29th day of November, 2023

Michael Wallace

Michael Wallace, Notary Public

AFFIDAVIT OF ANGEL CARDEN

Witness for the Prosecution

My name is Angel Carden and I am Saige Carden-Bailey's parent. I live with my spouse and my two younger children at 315 Valentine Road in Melrah Park, New York. I've worked as a hair stylist practically my entire life. Saige has always been incredibly headstrong and stubborn, so we argued a lot while she was growing up because she always thought she knew best. But no matter how much we butt heads, I always made sure to let her know that everything I do is to protect her, even when she might not like it.

When Saige announced that she was moving to Westbridge in November 2021, I immediately tried to convince her against it. She was fresh out of high school and could barely care for herself on her own. How was she supposed to raise a child with no support? However, when I realized that there was nothing I could do or say to change Saige's mind, I wished her the best and told her that she is always welcome to return home and I will welcome her with open arms, as any loving parent would.

Around September of 2022, I found out that Saige was suffering from postpartum depression after receiving a desperate call from Kori. I was devastated. I wanted nothing more than for Saige to move back in with me so that I could help her get better and raise my grandchild. I knew that she had Kori, but he was a teenager like Saige so I didn't trust that he would be able to handle everything on his own. I immediately visited them in Westbridge and tried my hardest to get Saige to come back to Melrah Park with me. I told her that it would only be temporary, but she was stubborn as always and insisted on staying in Westbridge. Surprisingly, I noticed that Kori was becoming quite adept at parenting and seemed a lot more responsible than the kid I remembered from when he and Saige dated in high school. Having a child tends to make young people more mature, I guess.

I remembered that an old family friend, Avery Pacini, worked as a psychologist with a specialty in postpartum depression and had relocated to Westbridge years ago, so I begged Saige to at least meet with her. I was delighted when Saige came back from her appointment and told me that she had already scheduled weekly meetings with Dr. Pacini and had even signed up for AA meetings. I felt that I could finally return home feeling a bit less worried about my daughter and even a little optimistic about her family's future. I checked in with Saige and Kori pretty often for the next few months and was elated to hear that Saige seemed to be getting better every week. But my sister had suffered an alcohol addiction, so I knew that the condition could come with a lot of ups and downs, sometimes unexpectedly.

In April 2023, I called Dr. Pacini to catch up and ask how my daughter was doing. Although Saige and Kori reassured me that everything was going well, I sensed that they were hiding something from me the last time we spoke. And just as I suspected, they were. Dr. Pacini told me that Kori was going to spend the entire summer doing an internship in Amabo County. I was shocked. But I was even more shocked that Dr. Pacini told them that Saige could handle caring for Riley alone for so long. She insisted that Saige had improved significantly and that it would be good for her self-esteem to spend a couple months alone with her child, but I knew it was a horrible decision. As good of a doctor as Avery is, she does not know my child better than I do. I

knew that talking to my daughter and son-in-law was unlikely to change their decision, but I at least had to try. I suggested that Saige and Riley stay with me in Melrah Park until Kori returned from his internship, but unsurprisingly, Saige got upset with me for not “believing in her” and hung up before I could finish speaking.

It broke my heart when I heard that my grandchild was removed by Social Services, but I know that it was the right decision. Kori acted irresponsibly in leaving Riley alone with Saige knowing that she had not fully recovered from her depression and alcoholism and as a result, my poor grandchild almost drowned. Kori needs to be taught a lesson. The Family Court judge should place Riley with me until Saige and Kori are truly ready to be parents. I know that Saige will be furious with me for testifying against Kori, but I hope that she will one day understand that I am only doing what I know is best for my grandchild.

Angel Carden

Subscribed and sworn to me on this, the 29th day of November, 2023

Halle Clottey
Halle Clottey, Notary Public

AFFIDAVIT OF CASEY ORTIZ

Witness for the Prosecution

I'm Casey Ortiz and I was Riley Bailey's babysitter. I am 18 years old and I am a senior at Westbridge Charter High School. I wanted to start saving up money to help my parents pay for college and I've always loved kids, so I figured that babysitting would be a perfect part-time job for me. I worked for the Bailey family from October 2022 to June 2023, until the incident that you have all probably heard about by now.

The Baileys were always pretty good to work with, except I sometimes got annoyed that they didn't pay me on time. But I knew that they weren't doing the best financially and I loved taking care of Riley, so I never really considered quitting. During my first shift, Kori told me that Saige had had some issues with alcoholism when the baby was born but she was going to AA meetings and therapy to get better. Honestly, if Kori hadn't told me, I would never have suspected anything because Saige always seemed super put together, at least when I was at the house. Kori told me to tell him if Saige ever showed any signs that she was drinking again since it was possible that she could relapse, but Saige never did.

During the summer of 2023, Kori, who had been gone for about a month, asked if I could babysit Riley for a couple more hours every week. I needed the extra money and had more time because of summer vacation, so I happily agreed.

On June 11th, 2023, I experienced one of the scariest moments of my life. I was coming from a driving lesson that ended earlier than scheduled and decided to go straight to the Baileys for my 7pm shift, so I arrived a bit earlier than usual—around 6:50pm. I entered the house using the spare key that Kori had given me and called Saige's name, but no one responded, so I followed the sound of Riley crying to the bathroom. Riley is one of the happiest babies I have ever met and cried very rarely, so I sensed that something was off. When I got to the bathroom, I saw that Saige was passed out near the entrance. I'm no expert in alcoholism, but I can certainly recognize the smell of booze whenever I walk into a room. Saige reeked of red wine. But the scariest part was when I looked in the bathroom and saw Riley sitting in the bathtub with the faucet running. The water level was almost up to Riley's mouth when I pulled her out of the tub. If I had arrived 10 minutes later—when I usually arrive for my shift every Sunday—Riley would 100% have drowned. If God exists, this was definitely him. It was absolutely terrifying.

I called the ambulance because Saige was still unconscious and tried to calm Riley down. When the paramedics arrived, I explained everything to them, and they decided to take Riley as well to make sure that she was okay. After they left, I also called Kori to inform him of what happened. Kori tried to sound calm over the phone, but I could tell that he was almost in tears. He thanked me for saving Riley and said that he was returning home immediately.

Testifying against Kori makes me sad because he has only ever treated me with kindness, but I know that it is necessary for Riley's sake. I can tell that Kori really cares about his child, but if he knew that Saige was at risk of drinking again, he should not have left. It would probably be best for Riley to live somewhere where she will be safe.

Casey Ortiz

Subscribed and sworn to me on this, the 29th day of November, 2023

Michael Wallace

Michael Wallace, Notary Public

AFFIDAVIT OF KORI BAILEY

Witness for the Defense

My name is Kori Bailey and I live at 48 Broadway Avenue in Westbridge, New York. I have been accused of endangering the welfare of my child Riley, which cannot be more far from the truth. I love my family more than anything in the world and would never do anything to jeopardize their safety. As soon Saige told me that she was pregnant with our child back in late 2021, I transferred colleges and left everything behind at the University of Michigan to be there for them. To be honest, I felt like it was meant to be because Saige was the love of my life. The only reason we broke up after dating for the last two years of high school was because we knew that our relationship would not be sustainable since neither of us felt that we could commit to long-distance. I knew we would need money to raise our child, so I immediately took on a part-time job.

When Saige began drinking heavily, I immediately alerted her doctor, who diagnosed her with postpartum depression. I always reminded Saige to take her medication, but I didn't want to push her too hard because I did not want her depression to get worse. When I came home from work on September 17, 2022, I found Saige passed out on our living room floor. Riley was sitting near her and there was a broken glass between them. I was terrified and immediately called the ambulance. The baby was crying, so I thought that it would be best for both Saige and Riley to be checked by the doctors to make sure that neither of them were hurt. Fortunately, they were both okay and were released from the hospital that same night. The next day, Saige confirmed what I figured had happened: Saige had been drinking while watching the baby and passed out with a drink in her hand.

At this point, I knew that Saige needed an intervention. She had started taking her medication, but not consistently, so she was not improving. And as much as I loved caring for Riley, I was beginning to feel overwhelmed with having to take on most of the childcare responsibilities on top of school and work. Although I knew that Saige probably wouldn't be too happy with me, the only person I could think to call was Saige's parent, Angel. Angel came to visit us and insisted that we move back to Melrah Park to live with her, but Saige was very against it. Considering how much Saige and Angel argued, I agreed that moving back home would probably make Saige's condition worse.

Angel introduced us to Dr. Avery Pacini, which I am so thankful to her for to this day. Saige really liked Dr. Pacini from the beginning and agreed to meet with her every week, which was such a relief for me. I don't know what kind of magic the Doc worked on my wife, but I started to see Saige improving after only two therapy sessions. She was taking her medicine consistently and even going to AA meetings two times per week. I hired Casey to babysit Riley so that Saige could go to her appointments. By February 2023, it was like Saige was a completely different person. She was so much happier and was reconnecting with her old friends. She even started taking Riley on trips to the park every other day. I knew that Saige had made tremendous progress because even our social worker, Jesse McNeil, who was always very hard on us and threatened to take Riley away if Saige didn't improve was super impressed. During their last visit, Jesse told me that they were required by Social Services to warn me that Saige could always start drinking again.

In April, I was offered a summer internship in Amabo County. It was a highly coveted position among students and everyone at school told me I would be crazy not to take it. I knew they were right. It pays more than any summer internship for undergraduate students and 90% of the interns who successfully complete the summer are offered a full-time job after graduation. We were always short on money and this opportunity could pull our family out of poverty if it worked out. I asked if I could intern at the Westbridge office, but they said they only had space at the Amabo County location.

As good as I knew this opportunity was, I never planned on making the decision without speaking to both Saige and Dr. Pacini first. Saige told me that she felt like herself again and she thought she could handle caring for Riley alone for a couple of months. However, since Dr. Pacini was the expert on postpartum depression and was the most familiar with our situation, we both decided that I would go only if Doc agreed. We were both thrilled when Doc said that she completely believed that Saige could handle it, especially with her support and that of Casey. I told Jesse because we were required to inform Social Services of any significant changes, but I wasn't surprised when they did not approve of our decision. If Jesse approved of it and something went wrong, they would probably be fired, so it made sense for them to stay on the safe side even if they knew that Saige was doing so much better. I knew this was the case because Jesse never threatened to take Riley away from us as they had done so many times before. If Jesse really believed that our baby would be in danger, didn't they have a duty to intervene?

Both Saige and I knew that the summer wouldn't be easy, but I trusted my wife when she said she could do it because she had given me no reason to doubt her in over six months. I have known Saige for a very long time, and I know that when she commits to something, she delivers. I absolutely believed that Saige was capable of, and would, take good care of Riley.

In late May, after I had been in Amabo County for almost a month, Saige told me that it was a bit more difficult than she expected and that she felt that she needed a break. We decided that we would ask Casey to watch Riley for four more hours every week so Saige could rest and I sent her extra money for babysitting. A week later, Saige told me that she was feeling better.

So, you could only imagine my level of shock when Casey called me the night of June 11th and told me that my wife had been drinking and passed out while bathing Riley. I immediately dropped everything and drove back to Westbridge to be with my family as soon as I found out. The doctors said that both Saige and Riley were okay, but Jesse ordered that our child be placed in a foster home even though I had returned home.

I do not claim to be perfect, but I am not—and will never be—guilty of endangering the welfare of my child. It hurts so much that even my own mother-in-law is testifying against me. I always sensed that Angel didn't like me, but I thought I had grown on her when she saw how good of a father I was becoming. I guess Riley was right after all—Angel will do anything to get her way. In this case, it's testifying against her own son-in-law to raise our child herself.

Kori Bailey

Subscribed and sworn to me on this, the 29th day of November, 2023

Halle Clotney
Halle Clotney, Notary Public

AFFIDAVIT OF SAIGE CARDEN-BAILEY

Witness for the Defense

My name is Saige Carden-Bailey and I am the mother of Riley Bailey and married to Kori Bailey. This charge against my spouse for supposedly endangering our baby is absolutely ridiculous. From the moment I told Kori that he was going to be a father, all of the decisions he has ever made have been for the benefit of our family. Kori is the most caring and responsible person I know, which is part of the reason I wasn't planning to tell him about the baby. I knew that his dream was to get a college degree and I didn't want his life plans to be derailed by a child he never planned for. But I knew I couldn't live under my parents' roof anymore, so I had no choice.

I wish you could all have seen how good Kori was with Riley at the peak of my depression and alcohol addiction. Kori was going to classes, work, and taking care of both Riley and me. To this day, I don't know how he balanced everything. He is truly a superhero. I know how well he was doing because even Jesse, our social worker who always seemed to be in a bad mood, and my parent Angel, who didn't think that we were capable of raising Riley ourselves, were impressed. They both complimented Kori on his parenting skills when they came to visit.

On September 17, 2022, I had a rude awakening. I hadn't really been taking my postpartum depression medicine as often as I needed to for the past few months because it upset my stomach and I was still drinking a lot because it was the only way I could feel at peace. But when I passed out while watching Riley that day, I knew that I needed serious help. I was confident that moving back home to Melrah Park would not help, but I did agree to meet with a psychologist that my parent knew, Dr. Pacini. After only one appointment with Doc, I knew that meeting with them every week would help me feel better. As young people, people always treat us as if we are incapable of making good decisions for ourselves, and I was tired of this condescending attitude, especially from Angel and Jesse. Dr. Pacini was a breath of fresh air. From the beginning, they really listened to everything I had to say and truly made an effort to understand and get to know our family.

Over the next few months, I felt that I was getting better by the day. I was taking my medication and going to AA meetings twice a week, as well as meeting with Doc every week. Even Jesse congratulated me when they came to visit for the last time in early March 2023. I was really connected to Riley and finally felt that motherly instinct that everyone talks about. So, when Kori was offered that internship in Amabo County in April, I knew that he should take it. Kori had worked hard for it and it was an amazing opportunity for our entire family. I told him that I could handle taking care of Riley alone for a few months and at that time, I really felt that I could. We both agreed that we would talk it over with Dr. Pacini first, though. Doc said that my chances of relapse were slim to none and was confident that I was capable of caring for my baby for the summer, so we decided that Kori would go.

I told Kori not to tell my mother because I knew that she would immediately try to convince me to move back to Melrah Park, which I was not willing to do, as I had told her so many times before. We told Jesse only because we were required to, and I wasn't surprised that they said Kori shouldn't go. We took Jesse's opinion lightly because Jesse had hundreds of cases to manage and only knew our family on a superficial level. Our

monthly check-in calls with Jesse were at most 5 minutes long, while I had hour-long meetings with Dr. Pacini every single week. Plus, if we asked for everyone’s opinion we would never be able to make a decision because everyone would be pulling us in different directions.

The first couple of weeks after Kori left for Amabo County were challenging for sure, but Riley and I were doing really well. Kori would call to check-in with us every day and when I told him that I felt a little overwhelmed, he immediately sent me money to pay Casey, our babysitter, to watch Riley for a few more hours so I could take a break. This helped a little, but I was still feeling really fatigued by the end of May. I downplayed it whenever I talked to Kori because I knew that his internship was really demanding and I didn’t want to stress him out. Dr. Pacini was helping me deal with everything and I really thought that it would pass.

June 11th was a really low point for me. After over eight months of being completely sober, I poured myself a glass of wine. I had had a particularly rough day and just wanted to calm my nerves a little. I was going to bathe Riley, so I put her in the bathtub and went to pour myself a second glass of wine—which was going to be my last glass. I even put away the bottle so I wouldn’t be tempted to drink more. The last thing I remember was walking back to the bathroom. I am and will always be so grateful to Casey for pulling Riley out of the tub before it was too late. Thank God Kori had given Casey that spare key before he left for his internship.

I completely admit that drinking that glass of wine was a mistake, but I assure you that I did not drink enough to become intoxicated to the point of passing out. I had barely touched the second glass! The only explanation I could think of is that the wine did not interact well with my depression medication and messed with my system. If anyone is at fault for what happened, it is me and not Kori. The fact that Kori has to sit up here and convince the court to return our child to us is sickening. But I guess my mother got what she wanted. Kori is devastated that Angel is testifying against him because he always sees the best in everyone, but I am not at all surprised. Testifying against Kori for listening to our psychologist that she herself referred us to is not out of character for Angel at all. From the beginning, Angel thought that Riley would be better off living with her, but I will not allow my child to be raised by anyone but her own parents.

Saige Carden-Bailey

Subscribed and sworn to me on this, the 29th day of November, 2023

Danielle Foltz

Danielle Foltz, Notary Public

AFFIDAVIT OF AVERY PACINI

Witness for the Defense

My name is Dr. Avery Pacini and I work as a psychologist with a specialty in postpartum depression. I have a Doctorate in Psychology from the University of Virginia and twenty years of clinical experience, including twelve years in my own private practice. Over the years, I have really learned how to get people to open up to me so I can help them effectively. The key is to try your hardest to make your office a judgment-free zone so that people feel comfortable sharing their honest feelings and experiences. I have worked with hundreds of patients suffering from consequences that often result from postpartum depression, such as substance abuse.

My first impression of the Bailey family when my old friend Angel first brought Saige Carden-Bailey into my office was that Saige and her spouse Kori were simply young parents who needed some additional support to manage the various stressors in their lives. During our first meeting in late September 2022, Saige explained everything to me and I could tell that she truly wanted to become a better mother and wife for her family. Her story was nothing I hadn't already seen in past patients, including the incident from earlier that month, when Saige passed out while taking care of Riley. I have noticed that people often need to hit rock bottom before they start on the road to recovery. Saige admitted that she needed help, which is always the first step in recovering from something like alcoholism. Her willingness to commit to attending weekly meetings with me, as well as AA meetings twice a week was a great sign. I knew that the Bailey family would be back on their feet and even thriving within a year.

My optimism was confirmed over the next seven months, as Saige made steady progress with my support, as well as that of her AA meetings and Kori. Saige was rebuilding her life and I could see her self-esteem increasing with every session, which was really gratifying to witness, both personally and professionally. By February 2023, the struggling, self-conscious young woman that I had met back in October had completely transformed into a strong survivor and caring mother. The Baileys even invited me over for dinner a few times and I saw first-hand how well Riley was doing.

If Saige and Kori had come to me back in the fall of 2022 asking if Saige would be capable of caring for Riley alone for three months, I would have been unequivocally against it. But the Saige that I had first met no longer existed by April 2023. From my training and decades of experience, I knew that at that point in Saige's recovery journey, the chances of relapsing were extremely low and that this would be a great opportunity for Saige to prove to herself that she could take care of Riley on her own. When Kori asked for my opinion before making a decision, which was very responsible on his part, I told him just that. Saige would still be meeting with me every week and going to her AA meetings, so I was confident that she could handle it, even if Angel disagreed with me.

At the end of May, Saige told me that she was having some trouble balancing everything, which I am allowed to say because Saige waived her counselor-client privilege to emphasize to the Court that she and Kori have nothing to hide. We worked on some stress-management techniques, which along with the extra free time that she had when Riley was with the babysitter, helped her feel better. On June 11th, 2023, Saige was late to her weekly Sunday meeting with me, which was very unlike her. I called her to make sure everything was okay and when she didn't respond, I called Kori,

who told me what had happened. I assured Kori, who was distraught by the incident, that it was not his fault. I think the charges against Kori are nonsense, as Kori acted incredibly maturely in seeking my guidance before deciding to take the internship in Amabo County for the summer. Knowing what I know today, I would still give him the same advice. Saige's case was extremely rare, and it is still my professional opinion that all of the signs at the time indicated that she would be able to handle caring for Riley on her own for a couple of months.

I know that if a case like this goes public, it could ruin my reputation as a trusted psychologist, but I never even considered not testifying on Kori's behalf because I know that he did everything a good parent would do and does not deserve this. I look forward to continuing to work with Saige until she recovers for good, but in the meantime, Kori should be allowed to raise his own child, who he has shown nothing but love for Riley's entire life.

Avery Pacini

Subscribed and sworn to me on this, the 29th day of November, 2023

Michael Wallace

Michael Wallace, Notary Public

EXHIBIT A

*Abridged transcript of call from Saige Carden-Bailey to Kori Bailey
(May 22nd, 2023)*

Saige Carden-Bailey: I know I said I could handle taking care of Riley by myself for the summer, but it's just so difficult. I don't think I can do it anymore, Kori.

Kori Bailey: I know it's hard, but remember that we knew it would be a challenge!

S: Yeah but it's just so much harder than I imagined. Maybe I'm just not as strong as I thought I was.

K: Did you talk to Doc about it? I'm sure she could help.

S: Yes, I told Doc that I was feeling overwhelmed last Sunday and we practiced some techniques to destress, but they're not really helping. I just feel like I need a break.

K: Saige, you are the strongest person I know. I decided to take this internship because I really believe that you can do it. And Doc does too. Now you just have to believe in yourself. You always say that you want to prove to your mom that you can handle things on your own. This is your chance.

S: You're right, but for some reason I just don't feel as confident anymore. I'm just so burnt out.

K: Okay, how about this. We can ask Casey to watch Riley for some more hours every week so that you can rest. That way you'll have more time for yourself. You can go out with your friends, go shopping, or whatever will help you destress. How does that sound?

S: That sounds good. Maybe it'll help a little.

K: Okay! I will send you the money first thing tomorrow. I have to go, but I love you. Hang in there, you got this!

S: Love you too.

EXHIBIT B

*Bailey Family Record: Westbridge County Department of Social Services
(Written by Jesse McNeil)*

Westbridge County Department of Social Services

Division of Children and Families (DCF)

Household Members: Saige Carden-Bailey (Adult)
Kori Bailey (Adult)
Riley Bailey (Child)

Address: 48 Broadway Avenue
Westbridge, New York 19781

Social Worker: Jesse McNeil

Record of Visits

Date – Visit #	Report
Monday, March 14, 2022 – 1	Both parents seem happy with the birth of their child, Riley. Riley seems healthy. Was told by the hospital that Saige has postpartum depression and is an alcoholic but didn't notice anything.
Monday, March 28, 2022 – 2	Saige was very distant and didn't want to talk to me. Her hands were sweaty when she shook my hand. Riley was crying a lot but Kori was very attentive.
Monday, April 11, 2022 – 3	Saige was even worse and her eyes were bloodshot. Palms still very sweaty. Kori seemed to be doing all of the childcare and patiently answered all of my questions.
Monday, April 18, 2022 – 4	Saige was still so out of it. On the kitchen table was Saige's bottle of pills, which was still full. There were also a lot of empty liquor bottles. I asked Saige if she was taking her medication. She said that she was and yelled at me angrily. She was definitely lying.
Monday, May 2, 2022 – 5	Nothing new. If Kori was not present, I would have to put Riley in foster care because Saige is not getting better.
Monday, May 16, 2022 – 6	Nothing new.

Tuesday, May 31, 2022 – 7	Nothing new.
Monday, June 13, 2022 – 8	Nothing new.
Monday, June 27, 2022 – 9	Nothing new. Kori is a good kid and it's so sad that he has to raise Riley on his own.
Monday, July 11, 2022 – 10	Nothing new.
Tuesday, July 26, 2022 – 11	Nothing new.
Monday, August 8, 2022 – 12	I noticed that the oven was broken and told Kori that it could be a fire hazard. He immediately filed a complaint with the landlord.
Monday, August 22, 2022 – 13	Nothing new.
Tuesday, September 6, 2022 – 14	Nothing new. Riley now six months old. Kori is doing a great job with the baby.
Monday, September 19, 2022 – 15	I was pleasantly surprised to hear that Saige started seeing a psychologist and going to AA a few days ago. I asked who takes care of Riley when Saige is at her meetings and Kori told me that he hired a babysitter. Good.
Monday, October 3, 2022 – 16	Saige seems like a completely different person. She greeted me happily and talked to me for a long time while Kori fed the baby. I decided to reduce the frequency of my visits to the Baileys to only once per month.
Monday, November 7, 2022 – 17	Saige still doing well.
Monday, December 5, 2022 – 18	Nothing new.
Tuesday, January 3, 2023 – 19	Nothing new.

Monday, February 6, 2023 – 20	Nothing new.
Monday, March 6, 2023 – 21	Riley turned 1 year old, very happy baby. Congratulated Saige on her improvement, I am very impressed. But I told Kori to always keep an eye out because Saige could always start drinking again. Visits no longer needed, will keep in touch by phone moving forward.

Record of Calls

Date – Call #	Report
Monday, April 10, 2023 – 1	Kori said he is moving to Amabo County to do a summer internship. I told Kori it was risky to leave Saige alone with the baby, but honestly, it will probably be fine.
Monday, May 8, 2023 – 2	Saige said that Kori has been gone for a week and everything is going smoothly with Riley.
Monday, June 12, 2023 – 3	RECORD PAUSED

June 11, 2023: I filed a report against Saige and Kori Bailey after Saige relapsed and Riley nearly drowned in the bathtub. Riley was placed in the foster home of REBECCA NELSON.

Social Worker Signature: Jesse McNeil

REFERENCE

This case is loosely based on a case from the New York State Bar Association Mock Trial Case Archives, *State of New York v. Brandon Berry* (1999).