



Supplemental Memo: Questions and Answers

The questions and answers in this memo are considered part of the case file and trial documents.
All updates to the case file mentioned herein have been made and posted to the website.

8/26/11

This question concerns technology in the courtroom. Last year, we blew up an exhibit on the crime scene. Would we be allowed to use a powerpoint presentation during closing that ONLY encompasses the exhibits in the packet and ACTUAL testimonial evidence that is said, along with our own argumentative conclusions? Obviously, the rules say that no additional evidence is allowed in. However, this would merely be illustrative evidence. Is this allowed?

ANSWER: I will follow the same rules as last year. I will allow demonstrative and illustrative presentations based upon the facts of the case. However, there are a few caveats to this:

- a. All illustrative and demonstrative evidence is subject to objection by opposing counsel and ruling by the judge.
- b. Whatever electronic or physical components are needed for such evidence are the responsibility of the team. Although it is possible that easels and other materials can be found in the hotel, I cannot make any representations that such will be available. Similarly, there are no assurances that any of the courtrooms will be retrofit with screens or other amenities. Also, please keep in mind that is not likely that your trial will be in the same room every time.
- c. Any illustrative or demonstrative evidence must accurately represent the facts of the case. I will also allow common items in the courtroom such as a tape measure.

10/24/11

In what year is the trial supposed to take place? It occurred to us that if the affidavits were from 2009 but the trial is in 2012, the students would be in college at this point.

ANSWER: The original case file was written for 2003. I changed dates of the statements and affidavits to 2009 to shorten the gap between the evidence and the trial (March 2012). The teams may only use the testimony and facts found in the case file. I refer you to the rules of the competition for dealing with testimony of facts.

12/8/11

Last year teams were critiqued and downgraded on presentation as a result of the competition being held in Virginia as a "Common Wealth State." Such critique was based on objections during openings and closings as well as the use of demonstrative evidence (exhibits) during

opening. In California all of this is completely acceptable and we are taught to do this if necessary. If this is not the case for the competition can this be clarified in the rules, or can all supervising judges pleased be advised of these acceptable tactics?

ANSWER: I cannot comment on why judges took off for certain aspects of presentation because I do not have direct knowledge of it. Each judge is entitled to score the teams as they deem appropriate. Your question seems to involve trial presentation strategy as opposed to rules. That is not covered by the rules of the competition other than demonstrative evidence in general. The Federal Rules of Evidence and Procedure are followed where the case file/rules are silent. Neither California nor Virginia law apply. If certain presentation strategies are accepted in some jurisdictions and not others, teams need to prepare accordingly. The judges will not be instructed to accept certain forms of presentation. As with all demonstrative evidence, the judge has the discretion as to what is allowed in the courtroom. We will not make suggestions to the judges or teams as to trial or presentation strategy.

1/26/12

Who wrote Exhibit E? In order to admit this document, it is necessary to know its author or at least who is able to testify as to its contents, this is not referenced anywhere on the exhibit or elsewhere in the packet.

ANSWER: Teams must analyze the evidence and testimonies to determine how best to use them if at all.

Is there a definition for "unlawful control" or "operate" in the context of the charges against Max Ability? Should we do outside research to determine the usages of these words in other jurisdictions or is the definition meant to be left as arguable either way?

ANSWER: No outside research is allowed in the trials. You must present your case around the information that is given.

Is Max being charged with attempted theft by unlawful taking and attempted unauthorized use of a vehicle or is he being charged with theft by unlawful taking and unauthorized use of a vehicle?

ANSWER: The charges are not attempt charges. I see where there may be some confusion based upon the court document titled "Information." However, the charges against Max stand as:

Theft By Unlawful Taking

Unlawful Use of an Automobile

Are the dates listed on Exhibit E incorrect? If yes, will they be corrected before the competition?

ANSWER: The dates have been modified to coincide with the timeline in the fact pattern. The case file has been updated and uploaded.

1/27/2012

On Exhibit A with the details of the car, the price is listed as \$4 395, is that correct or was it meant to be \$40,395?

ANSWER: Yes, that was a typo. The exhibit has been updated and the case file has been re-uploaded.