

2022-23 Mock Trial Clarifications and Corrections

1. Are teams allowed to drop one of the charges?

Answer: No, but teams are free to spend as much or as little time on one charge or the other as they choose. That is a strategy decision for each team to make. The case packet has been updated to add some limited evidence to support one of the charges in the affidavits of Andy Benson, Mason Huang, and Carter Rodriguez, the report of Detective Jordan Carmichael, and as the interview with Ryan Grimes.

2. The pills in exhibits don't look the same.

Answer: This is addressed in the newly added Stipulation 15.

3. In the Special Instructions, Dr. Green is referred to as "Dr. Brown."

Answer: This is a drafting error. The Special Instructions will be updated to correct this.

4. Andy testifies that 2C and 2D are what the apartment looked like at arrest but one has a baggie of pills and other does not.

Answer: Andy Benson's affidavit will be updated to clarify this point.

5. In Detective Carmichael's report (first paragraph) the sentence "I have been a Detective with the Chesapeake County Police Department from July of 2014 to present" is a typo, because typically you would be a patrol officer before a detective, and they later say they were a patrol officer from August of 2014 to July of 2016, which is what the typo should say.

Answer: This is a case drafting error. Detective Carmichael's report will be amended to read that Detective Carmichael became a detective in July of 2016.

6. Typo? Page 45, lines 185 - 186 - Exhibit 1 and 1A - 1D - Should that be 12 and 12A-12D respectively? Also, purposely exclude 12E or is that a typo?

Answer: This is a case drafting error. Detective Carmichael's report will be amended to read that lines 185-186 are referring to Exhibits 12 and 12A - 12E for the notebook and photos of the pages.

7. Detective Carmichael says no students acknowledged purchasing drugs nor provided usable information about the case, but what about Mason? Mason said she was called by Detective Carmichael in January and told him/her everything in Mason's affidavit.

Answer: This will be updated to clarify that Detective Carmichael is referencing the interviews they conducted in February of 2022.

8. Dr. Green mentions a study/experiment that they conducted to base their conclusions off of. There is nothing in their affidavit stating the scientific methods they have used, whether this experiment has been able to be replicated by colleagues, etc. My question is--as prosecution, can we make up information to show that Dr. Green's methods were reliable, or would that constitute invention of fact?

Answer: You can never make up evidence that is a material fact not contained in the case packet. Dr. Green's report has been updated to provide some additional information about this experiment.

9. Carter's affidavit references a plea agreement AND having been convicted following a trial. That is confusing unless they intend for us to treat his sentence as a plea deal.

Answer: This is a case drafting error. Carter Rodriguez is not testifying as a result of a plea agreement, and references to this have been replaced.

10. In Taylor Casey's report, they state that Dr. Simon Green's conclusions regarding potential peer pressure is invalid (Lines 59-60) However, in Lines 40-41, where they state what they have read, it's not stated that they reviewed Dr. Green's report. Is this intentional or an oversight?

Answer: This is a case drafting error. Taylor Casey's report will be updated to reflect that they reviewed the expert report of Dr. Green.

11. Did Taylor Casey also review exhibit 13?

Answer: Yes. Taylor Casey's report will be updated to reflect that they are familiar with Exhibit 13.

12. Is the time on exhibit 8 correct?

Answer: Exhibit 8 will be updated for the time to now read 10/18/2021 at 10:21 P.M.

13. In exhibit 2F, four rolls of money are in the picture. In exhibit 13 (under property seized) 3 rolls of cash were seized.

Answer: This is a case drafting error. Exhibit 13 will be edited to read that 4 rolls of cash were seized.

14. We noticed that there isn't anything in the casebook about "if prosecution calls Benson, Huang is dead" or vice versa. If we call one, are we free to reference the other? What about on defense—would the defense still be allowed to reference Huang if Benson is called?

Answer: The case problem contains no restrictions on referencing the non-called witness, and this was a deliberate choice. Each side is free to reference any party they wish, subject to any objection by the opposing side.

15. If there is no agreement to the notebook because one team has an inaccurate notebook, should an appeal to the judge be made?

Answer: Teams should strive to resolve any differences between notebooks by talking to each other before trial. In the rare and unlikely event that teams cannot agree which notebook to use, the presiding judge shall determine which notebook is used for that trial, after hearing a brief 1-2 minute argument from each side. Teams should treat this remedy as a last resort and should make every effort to come to an agreement about which notebook to use, and should never make trivial or frivolous objections to the opposing side's notebook.

16. If a team has a physical notebook, can they also blow up the pages of the notebook as demonstratives?

Answer: Yes.

17. In Dr. Green's affidavit: it says in his affidavit (line 98-99) that Grimes' attorney will be cross examining him at trial. Does that mean the person directing Ryan has to cross Green?

Answer: No. All three Defense attorneys represent Ryan Grimes.

18. The charge calls it a misdemeanor, yet the statute calls it a felony.

Conspiracy is a misdemeanor. The case refers to distribution of a controlled dangerous substance as a felony. Ryan Grimes is not charged with distribution, and therefore this is a misdemeanor jury trial.

19. The Miranda Rights waiver was signed before Grimes was arrested.

Answer: To the extent this is a question, Ryan Grimes signed a Miranda waiver before Grimes's voluntary interview on December 28, 2021. This is not required but was done by Detective Carmichael before the interview.

20. Are the terms "narcotics" and "controlled dangerous substances" used interchangeably? See stipulation 12 and jury instruction 4:24.2.

Answer: A narcotic is a type of a controlled dangerous substance. They are used interchangeably in that everyone agrees that a narcotic is a controlled dangerous substance, but there are other types of controlled dangerous substances (like explosives or other chemicals) that are not at issue in this case.

21. In the opening letter for the casebook, it mentions that not many people know Adderall is considered a narcotic. In the charges against Ryan Grimes, it doesn't mention Adderall as a narcotic but does for cocaine. My students are wondering if that was done on purpose or if that's a correction that will be made.

Answer: The opening letter is not evidence and is never admissible at trial. Nothing related to trials should be taken from the contents of that letter.

22. The numbering of the exhibits was off. There are two exhibit 9s. Each screen shot of the texts was given a different exhibit number. Number 9 was used twice.

Answer: Exhibit 9 is two pages.

23. Do you have to prove possession in order to prove conspiracy?

Answer: To prove conspiracy, you must prove the elements set forth in MPJI-Cr 4:08 CONSPIRACY. Possession could be evidence of conspiracy if a team chooses to present it as such. References to possession have been removed from Taylor Casey's report.