

Indiana High School Mock Trial  
2016-17 Case Material Questions & Answers  
Updated: January 17, 2017

**NEW QUESTION AND ANSWER (January, 2017)**

**Q:** Does the dead man rule apply to this case regarding Lou King's statements?

**A:** The Dead Man Rule is not applicable.

**PREVIOUSLY SUBMITTED QUESTIONS AND ANSWERS (December, 2016)**

**Q1:** Gender Specificity. Unlike years past, several of these characters appear to have an assigned gender. Can you clarify whether or not they are in fact men and if so, how this will be impacted by the rule disallowing costumes. Teams will have to assign women to play these roles if they do not have the necessary gender balance on their teams.

**A1:** There are no assigned genders to the witnesses in the 2016-17 Mock Trial Case. The case author had no intention of deviating from past or Mock Trial Rules regarding gender neutrality. All teams should adhere to Rules of Competition, Rule 3.5 (b), which states "All witnesses are gender neutral. The witnesses will have names and characteristics that will allow them to be played by either males or females. Personal pronoun changes in witness statements indicating gender of the characters may be made. Any student may portray the role of any witness of either gender. Students should not create issues arising from the case materials relating to gender. For example, if the case is set in a time period that it is unlikely that a woman would have been in a particular occupation, an issue should not be created to question witnesses' credibility, veracity, or any other basis."

Some characters (not witnesses) may have gender defined – such as Lou Contralto, Donatella Contralto or Joey Tessitura. However, these characters are not played by team members and therefore gender can be referenced without inconsistency with Rule 3.5 b.

**Q2:** Should we have applicable law concerning an ordinary person's actions? Meaning, should we not have law that would direct what an ordinary person would do when seeing his/her beloved pet die?

**A2:** No. The definition of "Sudden Heat" which is included in the Case Materials is sufficient for the teams to prepare and argue the case.

**Q3:** Why are the sentences for murder included in the case, if attorneys are not responsible for making sentence recommendations at time of trial?

**A3:** The sentencing information for the murder charge and lesser included offenses is provided, in part, for the learning process for the students. However, the teams can refer to sentencing in opening statements or closing arguments if they wish.

**Q4:** The Specificity of the Indictment. I read the Indictment to only charge the defendant with Murder - not a lesser charge. If true, is it also accurate that the lesser charge may not be pursued by the Prosecution during the competition?

**A4:** The indictment is for murder, but all lesser included offenses are applicable and can be argued if a team so chooses. Under Indiana law, a defendant can be convicted of any lesser included offense necessarily included in the offense charged in the indictment. Voluntary manslaughter is a lesser included offense for murder, as noted in the statutes provided in the Case Materials, specifically Ind. Code 35-42-1-3(b). Thus, teams are permitted to pursue or argue the offense of voluntary manslaughter.

**Q5:** Is the murder statute correct 35-42-1-1? Is it missing premeditation like in the indictment?

**A5:** Yes, the statute for Murder is correct. The Indictment has been revised to delete the reference to malice aforethought and premeditation to avoid any confusion as to the elements of Murder.

**Q6:** Page 22 of original case says Lou had \$700, but Exhibit 4 (p. 54) says \$650. Please clarify.

**A6:** The case stands as written. Sometimes the case author intentionally creates discrepancies.

**Q7:** Is the date on p. 20 of original case supposed to be 7/4/13 or 7/4/16?

**A7:** The date of July 4, 2013 on page 20 is correct. However, page 14 was incorrect and now has been revised to show the correct date of July 4, 2013.

**Q8:** Are the misspellings of "luminol" in Exhibit 4 and Jerry Bilt's statement as "luminal" intentional?

**A8:** The misspellings were not intentional. The Case Materials have been revised on page 23 and Exhibit 4 (page 54) to reflect the proper spelling as Luminol.

**Q9:** Exhibit 4 (page54) indicates that the "Type of Incident/Crime/Description of events" indicates that the body was "located in locked cooler". Witness testimony indicates the body was found in a body of water. Is this an intentional mistake?

**A9:** Exhibit 4 has been revised to delete the reference to the body located in the cooler.

**Q10:** Exhibit 4 (page 2) under the section labelled 09/22/16 about lab results mentions that the blood stains near Rowan Hyde's front door match the DNA of "RH" ~ Rowan Hyde, not "LC" the decedent.

**A10:** Exhibit 4 has been revised to indicate LC instead of RH.

**Q11:** Exhibit 4 indicates that there is blood found near the front door that matches RH, but Dee Ennay's statement indicates that there were no blood samples matching RH. Is this discrepancy intentional?

**A11:** See Q & A #10.

**Q12:** Page 1 of Exhibit 5/Autopsy Report shows the date of death as 09/11/17 and the DNA testing as being done on 9/22/17. Are these error intentional?

**A12:** The errors were unintentional. Exhibit 5 has been revised to correct the dates as 9/11/16 and 9/22/16 respectively. In addition, the date that the body was identified by the son/daughter of Lou Contralto has been revised to 9/14/16, rather than 9/22/16