



2021 National High School Mock Trial Championship Case Errata

This errata sheet serves to clarify or correct errors in the Mock Trial case and/or rules. Questions that were submitted might have been reworded from the original submission for clarity and conciseness. Duplicative questions from multiple advisors might have been combined using different phrasing. The case file will be updated with these corrections, as applicable.

1. Q: Will the Indiana Bar Foundation be providing jury instructions for the offenses charged?

A: Jury instructions will not be provided. We have provided the language from the Indiana Code to assist teams in devising their legal strategies. The prosecution must accurately prepare its case to meet the legal requirements of each charge beyond a reasonable doubt. The defense should use the code to prepare its case to counter the charges. Even though no jury instructions have been provided, each team in its opening and/or closing may reference that the presiding judge will instruct the jury on the law.

2. Q: In a state competition, teams were not permitted to do any outside legal research. I did not see a similar rule for this competition. Is that the case for the national competition?

A: It's impliedly illegal. You can research evidence law, but you can't argue it, because we're under the National rules of evidence, not any individual state's. You can research substantive law, but you can't argue it, because it's not provided. You can research facts, but you can't provide them, because it would be unfair extrapolation. The National Mock Trial Competition doesn't *forbid* research, because it feels awkward to stop people from learning, but the national rules are the same the states: you can't use outside legal or factual materials in your presentation.

3. Q: Competition Rule 4.11 does not make clear whether a party may or may not ask the court to admit an exhibit subject to the court's redaction of objectionable material. Can you clarify that exhibits may only be admitted in unredacted form?

A: The Exhibit that any team seeks to introduce is the full exhibit that was provided with the case materials. The Presiding Judge may, upon a proper request, instruct the jury to disregard portions of an exhibit that is sought to be admitted.

4. Q: Must expert witnesses be formally tendered as such to the court before proceeding to give expert opinion testimony?

A: The following will be added as Stipulation 26: An expert witness does not have to be tendered as an expert before proceeding to give expert testimony.

5. Q: In the paragraph starting with Line 109 in Neer's statement, Neer states that the drive was 2.5 hours, but has an arrival time only 1.5 hours later. Which is correct?

A: The statement should read "After a one- and half-hour drive..." (Line 114).

- 6. Q: The date of the incident on the Charging Document is "on or about May 7, 2019". The rest of the case uses the date of May 4, 2019. Which is correct?**

A: The Charging Document should indicate the crime took place on or about May 4, 2019.

- 7. Q: None of the witness statements have dates or signatures. Is this an issue?**

A: No, it's not an issue. All witness statements are true and accurate statements from the point of view of each witness. Regardless of date and signature, each witness is bound by the facts contained in his/her own witness statement, the statement of facts, if present, and/or any necessary documentation (such as exhibits and stipulations) relevant to his/her testimony.

- 8. Q: Will there be any clarification of the prosecution's burden regarding the causal relationship between the defendant's actions and Catfish's death, such as primary cause, contributing cause, substantial factor?**

A: Teams should look at the Indiana Code and Charging Document provided, which outline the crimes and criminal culpability. Those should be used in combination with the statements and exhibits to guide a team's legal strategy.

- 9. Q: We were confused by the editor's note on page 7 and thought that it does not make clear that it is meant as a caution not to rely on Exhibit 8 in real life. Can you clarify that the Editor's Note in no way affects the use or admissibility of Exhibit 8 in the case itself?**

A: This exhibit is considered true and accurate for the purposes of mock trial. It is not true and accurate in real life.

- 10. The Indiana Bar Foundation has changed the name of one of the witnesses. Obie Servant shall now be called Obie Goode.**