

INDIANA BAR

FOUNDATION

Indiana High School Mock Trial 2019-2020 Q&A Round 1 (December 2019)

- 1. Q: Exhibit 9 refers to texts on May 23rd -- should that be April?**
A: On Exhibit 9, references to May 23, 2018 should be April 29, 2019. This is changed in the updated case (Version 2.0)
- 2. Q: It appears that Exhibit 1 has inaccurate dates relating to actions of Orson Hayes occurring in May 2018 ~ weeks after Hayes death on April 29, 2018. Are these inaccuracies designed to be intentional "conflicts" or mistakes? Exhibit 1 Section 4, lists the date that Lee Hayes drove Orson Hayes to the bank as MAY 24, 2018.**
A: On Exhibit 1, references to May 24, 2018 should be April 29, 2019. This is changed in the updated case (Version 2.0)
- 3. Q: In Exhibit 9, the search parameters state the date as "23-May-2018". What is the correct date for these parameters?**
A: As referenced above, references to May 23, 2018 should be April 29, 2018.
- 4. Q: Date discrepancy: Page 19, line 24 says Penner wins award in 2013. Page 32, line 33 says Penner wins award in 2008**
A: Penner's award was bestowed in 2008. This is changed in the updated case (Version 2.0)
- 5. Q: Is August 14, 2018 the correct date for the plea deal on page 47--exhibit 1?**
A: Yes. This is when the deal was struck between the State and Lee Hayes for Hayes's involvement in the bank robbery.
- 6. Q: P. 31, lines 2, 4, & 9--Penner Enterprises, but p. 27, lines 26 & 27 and p. 28, line 53 says Penner Technologies. Which is it?**
A: The company name is Penner Enterprises. This is changed in the updated case (Version 2.0)
- 7. Q: On page 7, should the indictment read only as "knowingly kill" or as "knowingly or intentionally kill" as mentioned in the statue and definitions?**
A: The indictment has been updated to reflect knowingly or intentionally (Version 2.0)
- 8. Q: Can we get verification for the locations presented in exhibit 3? We believe we are reading that the Paradise Pub and the gym share an alley, but the locations on the map seem to contradict this.**

A: Quinn Penner's statement should be updated to reflect the map. Beginning at Line 125 of Penner's statement: *"I am aware that my DNA was extracted from a cigarette pack that investigators found in the alley of Paradise Pub. But the bar is near Jamie's gym, so I make my way around that area to smoke on numerous occasions. The only crime that cigarette pack should link me to is littering."* This is changed in the updated case (Version 2.0)

- 9. Q: On page 22 Kris Vinson refers to DNA obtained from the cigarette pack. HOW was the DNA obtained? Was it from an actual used cigarette, blood or merely transfer DNA?**

A: No elaboration needed. All that is needed is that Penner's DNA was found on the cigarette pack.

- 10. Q: In Lee Hayes statement (p12, line 3) his/her birthday is listed as May 20th. Yet on line 58, he/she mentions on April 28th that his/her birthday was "few days ago". So should the birth date be April 20th?**

A: Lee Hayes was born April 20. Line 1 of the statement is changed in the updated case (Version 2.0)

- 11. Q: A few students and coaches have raised concerns that there is no official medical or legal documentation which verifies Orson Hayes death and/or cause of death in the case materials. Would the addition of an exhibit such as autopsy report or death certificate be beneficial? Or at least a stipulation confirming his death?**

A: Orson Hayes died as a result of being shot with no other mitigating circumstances. This is added as part of the stipulations in the updated case (Version 2.0)

- 12. Q: Exhibit 4: Is it a right-handed or left-handed gun?**

A: No elaboration necessary.

- 13. Q: The time of the first text is listed on Exhibit 9 as "11:00 pm." In Vinson's statement at line 132, the time is listed as "11:03 pm."**

A: The time should be 11:00. This has been changed in Vinson's statement in the updated case (Version 2.0)

- 14. Q: Statement of Kris Vinson: Line 24 refers to Penner as "her."**

A: Any person who is being called as a witness should be gender-neutral (him/her, he/she, etc). This will be changed in the updated case (Version 2.0)

- 15. Q: Statement of Quinn Penner: Line 64 refers to Orson Hayes as "he."**

A: Orson Hayes is a male. Any person who is being called as a witness should be gender-neutral (him/her, he/she, etc). However, Orson Hayes is deceased and cannot be called as a witness.

Q&A Round 2 (January 2020)

- 16. Q: Exhibit 9 is an example of the texts between Orson Hayes and an unregistered number. The unregistered number told Orson to meet on Saturday, but in reality, Orson went to the Pub on the 29th, a Sunday.**
A: April 29 is a Sunday and is updated on both Exhibit 9 and Kris Vinson's statement (line 133).
- 17. Q: My question is regarding Exhibits 2 and 9, the phone records. The statements are objectionable as hearsay within hearsay. Are these statements admissible as a certified business record even though they are generated by Kris Vinson, as opposed to obtained directly from the phone service provider?**
A: It is intended that these exhibits are possible to be admitted under the Indiana Mock Trial Rules of Evidence.
- 18. Q: None of the affidavits are signed or dated.**
A: All witness statements are true and accurate statements from the point of view of each witness. Regardless of 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. (Rule 2.5)
- 19. Q: None of the witnesses explicitly state which exhibits they are familiar with. Are we to infer which witnesses have knowledge of which exhibits?**
A: Any witness may speak to any exhibit that can be shown they have familiarity and knowledge with as approved by the judge. It is up to each team to form its own strategy on how best to use the exhibits.
- 20. Q: Penner's testimony states "quarter to midnight" (page 35-36, line 116-117), but Spalding states 11:30 (page 29, line 71). Is the discrepancy intentional?**
A: No elaboration necessary.
- 21. Q: Kris Vinson's testimony has several references to Penner as "she." (Example: page 20, line 34)**
A: As noted in Q&A #14, any gender-specific language for a person that is a called witness is unintentional and should be gender-neutral. This occurrence was updated in case. Other missed occurrences should be assumed to be gender-neutral.
- 22. Q: Since this is a closed universe problem, the kids don't have access to any law outside the case materials. It would be nice, for evidentiary reasons, to include some law saying that both drug dealing and sports betting were illegal in Indiana in 2018.**
A: No elaboration necessary.
- 23. Q: In reference to Q&A #1 & #3 regarding the date on Exhibit 9, should the date in fact be April 27th (before Orson Hayes lost his phone on 4/28) rather April 29th?**

A: There was an error in the previous Q&A. Exhibit 9 date should be April 27. This is corrected on the updated version of the case.

24. Q: Sam Maddox testifies to the existence of a snake house, but we cannot locate the snake house on Exhibit 10. There are, however, two locations for "Goats and Sheep." Is this intended?

A: Sam Maddox's statement should say Train Station instead of Snake House. This is updated in the revised version of the case. This zoo has two exhibits of Goats and Sheep.

25. Q: We are wondering where the alley between the bars is. Is W. Jackson the alley so that the bars share an alley or does it run parallel to S. Thompkins? This seems unlikely as Hodges would not be able to hear cries before the shots if it happened in an alley across the street. What about on-lookers/crowd control after the shooting? Can we assume they were there?

A: No elaboration necessary. Map provided in Exhibit 3 is for reference purposes only and not drawn to scale. Not every element of the are is indicated on the map

26. Q: Can the case background and the stipulations be split onto different pages?

A: There isn't a need for them to be split. The entire case packet is available to everyone, including participant and judges. Everyone is aware of the limitations of the background information and how it is or isn't to be used.

Questions that were duplicative to questions asked by other advisors or on the first Q&A round were not included.

Note: On 2/5/20, the case was updated on Exhibit 1, Part 4 due to a typo. The date of the robbery in the case is April 28. This note supersedes Q&A #2.