

10th Annual National Trial Advocacy Competition

Questions & Answers

1. According to Local Rule F1, no other law or outside research is permitted. Can reference be made to *Crawford* or *Miranda* / Fifth Amendment?/What law should govern motions *in limine* - Michigan or any state where we find applicable law?
 - a. **Teams may not make reference to *Crawford* or *Miranda*. Additionally, while the US Constitution applies to the State of Sparta, no law or other outside research is permitted. Teams may cite to the Advisory Committee Notes for the Federal Rules of Evidence and Criminal Procedure for language, only.**
2. As a point of clarification, if is unavailable, what procedure does the competition adopt for entering the prior testimony and presenting it to the jury? E.g. read in, presented as document, etc.
 - a. **The method of presentation is left to the teams' discretion as long as it is consistent with the Federal Rules of Evidence.**
3. What constitutes beyond the record for cross-examination questions?
 - a. **See B-4 of the Rules.**
4. Is the defendant left or right-handed?
 - a. **The defendant is right-handed. (Stipulation, F-15.)**
5. How tall is the defendant?
 - a. **The defendant is 5'5". (Stipulation, F-16.)**
6. Included in the packet is a close up picture of one of the sleeves. Is this the left or right sleeve?
 - a. **The photograph of the sleeve is of the right sleeve. (Stipulation, F-17.)**
7. Is spatter a term that is synonymous with blood drops or does it refer specifically to back spatter from a gunshot wound? [*sic*]
 - a. **Definition of blood spatter: the pattern of blood that has struck a surface. (Stipulation, F-18.)**
 - b. **Define back spatter- Competitors are left to the competition materials.**
2. On page 4 of Jessie Carrington's trial testimony, lines 11-13, "The gun was found under the victim's right leg, but the victim was right handed. If she would have killed herself the gun would have fallen and slide under her left leg" Is it supposed to be "the victim was left handed" ?
 - a. **Competitors are left to the competition materials.**
3. Is the picture of the driveway in front of the house the entire extent of the driveway or can we assume it is incomplete?
 - a. **Competitors should assume the photograph's depiction of the driveway is incomplete. (Stipulation, F-19.)**
4. There are a couple of reports with attached pictures, letters etc. When offering something into evidence do we have to offer the report in its entirety or can we just offer the pictures, letters etc.?
 - a. **The attachments to the report can be offered separately.**
5. What pages make up Tracy Jordan's report?
 - a. **The Criminology Report**

6. How many pages is it?
 - a. **Two pages**
7. The gun which shows that Paul didn't touch the gun let alone fire it." -- confusing please clarify.
 - a. **Competitors are left to the competition materials.**
8. Is it a typo when the defense expert says that the victim had taken 12 vicodin?
 - a. **Competitors are left to the competition materials.**
9. Is the Summa Cum Laude really from the defense expert's high school, or should that be from college? We have never seen the cum laude designation for high school.
 - a. **Competitors are left to the competition materials.**
10. What was the final disposition on all of the charged crimes against the defendant?
 - a. **Competitors are left to the competition materials.**
11. Has Loren Deville retained private counsel?
 - a. **Loren Deville has retained private counsel, however, this issue should not be brought up in front of the jury. (Stipulation, F-20.)**
12. Loren Deville's testimony, Page 1, Line 27: "I pretty fluent now." Is this a typo?
 - a. **Competitors are left to the competition materials.**
13. Can we have a better explanation as to why the defendant isn't in the courtroom otherwise it opens up too many possibilities of fabrication?
 - a. **The defendant voluntarily absented from being present at trial, however, the reason for the defendant's absence should not be brought up in front of the jury. (Stipulation, F-21.)**
14. At what point is it appropriate to begin referring to Paul Malin as "the defendant," since we will not be able to make an in-court identification? May we simply refer to him as the defendant from the beginning?
 - a. **Competitors may refer to Paul Malin as the defendant from the start of the trial. The Judges will be informed that this is a competition rule and that they should not deduct points for failure to make an in-court identification. (Rule, F-22.)**