

NATIONAL CRIMINAL TRIAL ADVOCACY COMPETITION PROBLEM FOR 2016

SUPPLEMENTAL QUESTIONS, ANSWERS AND ONE AMENDED ANSWER TO CACJ/HASTINGS

1. Does California law regarding aiding and abetting apply or are legal arguments purely limited to the jury instructions provided with the problem?

YOU ARE LIMITED TO THE JURY INSTRUCTIONS PROVIDED.

2. Can we have physical descriptions of Bob and Bill? Do they look alike?

THIS IS NOT AN APPROPRIATE QUESTION FOR THE COMMITTEE TO ANSWER

3. Did Officer Mojo find the fourth body?

THIS IS NOT AN APPROPRIATE QUESTION FOR THE COMMITTEE TO ANSWER, REFER TO MATERIALS.

4. Which child was ejected from the car and which child was in the booster seat? Page 106 of transcript, the question asked of Jesse Potter was whether both kids needed boosters, and he said yes, the daughter was only 45 pounds. So we're a bit confused whether they both needed boosters

THIS IS NOT AN APPROPRIATE QUESTION FOR THE COMMITTEE TO ANSWER, REFER TO MATERIALS.

5. Where Skor says that "they" said something, would it be permitted to have him testify that the defendant said it?

THIS IS NOT AN APPROPRIATE QUESTION FOR THE COMMITTEE TO ANSWER, RULES OF EVIDENCE APPLY.

6. In your first set of answers to the questions, you indicated that the parties are free to raise Confrontation Clause issues relating to hearsay testimony. I believe this creates a real problem with respect to Officer Mojo. S/he arrived at the scene after the accident and took statements from people who witnessed the accident, and many of these statements may be admissible under various hearsay exceptions. None would probably survive a Confrontation Clause challenge since they all appear to be testimonial. Without these statements, the prosecution as a technical matter cannot explain how the accident occurred in its case in chief since neither of its witnesses experienced the accident, and could be objected to for giving an opening statement, which includes defense witness

statements explaining how the accident occurred.

THE COMMITTEE HAS RECONSIDERED ITS ANSWER TO QUESTION 45, ALREADY PROVIDED. PLEASE TAKE NOTE THAT ALL CONFRONTATION CLAUSE ISSUES HAVE BEEN RAISED IN PRE-TRIAL LITIGATION AND HAVE BEEN DENIED BY THE COURT. THE PARTIES ARE FREE TO INTRODUCE EVIDENCE THAT SATISFIES A HEARSAY EXCEPTION.