

## Clarifications and Corrections Regarding the 2024-25 Case

### **#1: Under Organizational Rule 8.4 Evidentiary Materials - a portion of the rule was unintentionally omitted from this year's casebook.**

Teams are permitted to use one (1) demonstrative and an unlimited number of enlargements during trial.

Demonstrative is defined as any visual or object that presents information from the case in an alternative format. Examples may include, but are not limited to: a timeline of events, a chart displaying data in a visually useful format, or a physical item used to illustrate an analogy.

Demonstratives are subject to the invention of fact rules and must never invent material facts not contained within the case materials. Teams are free to write or mark on demonstratives during trial, but such markings must not deface or destroy the demonstrative.

Enlargement is defined as an exact copy of evidence from the provided case materials, enlarged for use during trial. Teams are permitted to remove markings like exhibit labels or page numbers, but must not make any additional modifications to enlargements prior to trial. If an enlargement has been changed from the original in any material way, it qualifies as a team's one (1) demonstrative. Teams are free to write or mark on enlargements during trial and this does not qualify as a demonstrative, but such markings must not deface or destroy the enlargement. Use of demonstratives and enlargements during trial is at the discretion of the presiding judge. All demonstratives and enlargements must be made available to the opposing team for use at any time during trial. Demonstratives and enlargements must be no larger than 24" x 36".

Disputes. Any disputes about whether something constitutes an enlargement or a demonstrative shall be resolved by ruling of the presiding judge. This decision is final and no team may raise a protest because they disagree with the presiding judge's ruling over whether something is an enlargement or a demonstrative. If a team knowingly attempts to use multiple demonstratives under this rule, the opposing team may raise a protest to the tournament organizers. Knowingly using multiple demonstratives in violation of this rule may result in sanctions including warnings, loss of points, and/or loss of ballots.

### **#2: Organizational Rule 8.5 Case in Chief - this rule was unintentionally omitted.**

Both teams shall conduct a direct examination of exactly three witnesses. Each team must cross-examine all witnesses called by the other side. In the event a team chooses not to conduct a cross-examination or does not have time remaining for a cross examination, the attorney shall receive a score of 0 for cross, and the witness shall receive a score of 10 on cross. In the event a team does not have time to conduct a direct examination, the directing attorney and the witness shall receive a score of 0 for direct examination, but the opposing team is still required to conduct a cross examination, and the crossing attorney and the witness should be scored normally on cross

**#3: Regarding the relevant jury instructions, I wondered if there was a plan to include a jury instruction that defines "malice." I looked it up in last year's casebook, and we had a definition on page 33 of last year's casebook. However, it pertained to the malice necessary to impose punitive damages. Is there a similar definition in the pattern criminal jury instructions? (Here's the quote about malice from last year: Malice is conduct motivated by evil motive, intent to injure, ill will, or fraud.)**

Clarification for the Jury Instruction on Misuse of Electronic Mail: "Maliciously" means a person acted with the intent to harm others. All parties stipulate that this language is part of the jury instruction.

**#4: While looking through the casebook in Daniel(le)'s affidavit she states that her slate registered on September 9th but Exhibit 1 says that the 16th is the first date to register. Is this intentional?**

Clarification: The parties stipulate that even though Exhibit 1 states Candidate Registration was on Monday, September 16, 2024, candidates could register as early as Monday, September 9, 2024. The parties further stipulate that the deadline to register was Monday, September 16, 2024.

**#5: #5: Rule 615 was unintentionally omitted from this year's casebook.**

**Rule 615. Excluding Witnesses:** At a party's request, the court must order witnesses excluded so that they cannot hear other witnesses' testimony. Or the court may do so on its own. But this rule does not authorize excluding a party to the case.

*Note: for the purpose of Mock Trial, "excluded" shall mean "constructively excluded." No competitors should actually be excluded from the courtroom under this rule, but rather the rule simply indicates that excluded witnesses must act as if they did not hear testimony from other witnesses or statements made by attorneys or the judge.*

All witnesses, except for Daniel(le) Benoît and Dana Luna, are constructively sequestered at the start of the trial. Daniel(le) Benoît, as the victim, and Dana Luna, as the Defendant, are not sequestered because they have the right to be present for all parts of the trial. Before opening statements, either party may choose—but is not required—to "move jointly to constructively sequester all witnesses except Daniel(le) Benoît and Dana Luna."