

9TH ANNUAL NATIONAL TRIAL ADVOCACY COMPETITION
Questions & Answers

APPLICABLE LAW IN SPARTA:

What does SCL 767A.1 *et seq* provide?

A person properly served with an investigative subpoena shall appear before the prosecuting attorney and answer questions concerning the felony being investigated or produce any records, documents, or physical evidence he or she is required to produce.

Could you please provide any other laws of Sparta that are applicable to the case?

Competitors are left to the jury instructions.

How is value determined under the Sparta statutes?

Competitors are left to the jury instructions.

Do Jordan Gallagher and Sloan Jackson have to admit that the recipe is the one they use to make their beer?

Competitors are left to the jury instructions.

BLAIR SMITH'S INVESTIGATIVE SUBPOENA INTERVIEW:

This interview has been updated. Please see page 38 of the problem.

Why is Blair Smith unavailable?

Blair Smith is out of the country.

Do we know whether Jordan Gallagher was present while Blair Smith conducted her investigation?

Competitors are left to the competition materials.

Does the IT specialist regularly run undelete utilities/create file allocation tables?

Competitors are left to the competition materials.

BREWING RECIPE:

With regard to the recipe on p. 46, is this recipe identical to the recipe used by Wolverine for Brewing Sloan's Choice?

Competitors are left to the competition materials.

CONTROLLED ACCESS AREA WITHIN SPARTAN BREWING:

Does the Controlled Access Area Security Record include all those people who entered that area on September 2007 or just those who bothered to sign in?

Competitors are left to the competition materials.

What company/department office are deemed controlled access areas?

Competitors are left to the competition materials.

Who is required to sign in on the Security Record?

Competitors are left to the competition materials.

Are all the signatures on the controlled access log considered authentic?

Competitors are left to the competition materials. Please see Rule F-5.

COMPETITION RULES:

Do all the Federal Rules of Criminal Procedure apply?

Please see competition rules.

Is it permissible to cite to the Advisory Committee Notes in argument regarding the meaning of a provision in the Federal Rules of Criminal Procedure?

Competitors may use the rules and accompanying notes for language only.

Is it permissible to cite or reference provisions of the U.S. Constitution in argument on motions or objections?

No.

Is the intent of Rule F-5 to make every exhibit self-authenticating and prevent students from displaying their knowledge of how to enter a piece of evidence using a witness, or is it simply to prevent teams from arguing that a copy is not the best copy that is available?

The rule prevents teams from arguing that the best copy is not available.

FILE ALLOCATION REPORT:

This exhibit has been updated. Please see page 50 of the problem.

What does it mean that the document was “scanned”?

This is the date the file allocation report was created.

PRELIMINARY EXAMINATIONS IN GENERAL:

Are preliminary examinations conducted ex parte, without opposing counsel being present and allowed to cross-examine the witness?

No.

JESSE ROHL’S TESTIMONY:

Detective Rohl says, “a security log shows that Sam Worker checked into the controlled access area on September 17.” However, the log states 9-16. Is this intentional?

Competitors are left to the competition materials.

When Rohl testified that “we went through the search of the computer together,” are we to presume that Rohl has personal knowledge?

Competitors are left to the competition materials.

JORDAN GALLAGHER’S TESTIMONY:

Gallagher reports that he has worked for the company for about twenty years, and also reports that Spartan Brewing has over 10 years of operating history with a well-respected name. Are the durations accurate?

Competitors are left to the competition materials.

NEWSPAPER ARTICLE FROM SPARTANVILLE SUN TIMES:

This exhibit has been updated. Please see page 58 of the problem.

SAM WORKER’S TESTIMONY:

What is the date of Sam Worker’s conviction for embezzlement? Did the conviction include any period of confinement? If so, what was the date of release?

Sam Worker was convicted and released approximately 10 years ago.

SCORE SHEET:

This score sheet has been adjusted. Please see page 12 of the problem.

SLOAN JACKSON’S TESTIMONY:

In Sloan Jackson’s Preliminary Examination on page 29, lines 11-17, Mr. Jackson states that he had the idea for the jalapeno beer “at the end of July 2007” and that they made a marketing plan on July 1, 2007. Are we to assume that this is an accurate transcription of what he said?

Competitors are left to the competition materials.

MISCELLANEOUS:

Are the dates accurate as a true calendar reads?

Yes.

Are the recipe and marketing plan contained within the competition packet the documents contained in the files, "Jalapeno_Marketing_Plan_07.doc" and "Jalapeno_Recipe.doc" printed versions of the files collected by Jesse Rohl?

Yes.

Several of the Federal Rules of Evidence require advance notice to the court or to the defendant. May we assume constructive notice?

Teams may provide verbal notice to the opposing team before each round of competition. The presiding judge may make discretionary rulings in regard to proper notice.

May we bring in exhibits during the adverse party's case in chief?

Yes.

Are all or any of the documents business records?

Competitors are left to the competition materials.

Does the Spartan Brewing Company server regularly save a record of emails sent from the office?

Competitors are left to the competition materials.

What are the dates of the trip to Las Vegas?

Competitors are left to the competition materials.