

## 2018-2019 California Mock Trial Summary of Teacher/Attorney Coach Questions

10/26/18

1. Shouldn't a witness be able to testify to what they would reasonably know from the Fact Situation?

A witness can only testify to their own witness statement and any portion of the fact situation, stipulations, and exhibits, of which you would reasonably have knowledge.

2. We were going over the case and the pretrial and wanted to ensure we got it correctly: if the ruling is to dismiss the charge, then there is just the one charge, correct?

If the presider rules in favor of the defense, the criminal threat charge will be dismissed. However, the comment may still be used as evidence relating to the Count 1 – False Report of an Emergency, subject to relevance and other evidentiary objections.

3. The jury instructions for false report of an emergency 148.3(b) are missing.

There are no jury instructions for false report of an emergency 148.3(b) in Calcrim. The elements of the offense are in the Penal Code section on page 17.

4. How can the actual comment "You deserve to die. I'm going to get you for this, you just wait. I hate you. When you're dead no one will even miss you, you monstrous slime of a person. You think you can stick me with a \$34,000 lawsuit and just get away with it? Watch your back Sawyer, I'm coming for you." be used as evidence in the trial if it is not found in any of the witness statements?

Case Packet Page 53 under **Witnesses**:

You will supply the facts of the case. As a witness, the official source of your testimony, or record, is composed of your witness statement, and **any portion of the fact situation**, stipulations, and exhibits, of **which you would reasonably have knowledge**. The fact situation is a set of indisputable facts that witnesses and attorneys may refer to and draw reasonable inferences from. In addition, see rules below on the Student Rulebook

### **The Trial**

#### **Rule 3.1 — The Case**

- B.** The fact situation is a set of indisputable facts.

5. Question about Exhibit E, the diagram of the apartment: Because the positions of 2 people are indicated (Reagan Klein at the dining table, Marlow Patterson in the lower left hand corner), we really need to know the TIME of the evening that this "snapshot" represents.

Exhibit E on page 50, represent Reagan's apartment of the night in question. The diagram supports what is in the statements and facts of parties present.