
People v. Shem

- The teams should be divided into Prosecution and Defense. Each team should be given a call bell, of the kind used in hotels, or other signaling device to seek recognition from the host.
- Consider having the signaling device rotated among team members or small subgroups of team members to avoid over-reliance on any one member of the team.
- The total time allotted should be about 42 minutes. 20 minutes each for Single and Double Jeopardy and about two minutes for Final Jeopardy. To get the full educational benefit of the exercise, all questions in all categories should be read and answered, even if it means going slightly over that time. You may also pause to discuss the significance of certain questions and answers.
- The prompts are in the form of answers and the response should be in the form of questions. Anyone familiar with the show will understand how this works.
- No one except the host (for challenges to the right answer) should be allowed to use the case materials during the game. This is, after all, in large part a memory test. For ease of reference, pinpoint cites to the case book are given for each correct response.
- The first team to ring in gets first crack to respond. If a team rings in before the host has finished reading the prompt, the team must answer without hearing the rest of it. The full prompt eventually should be read for educational purposes.
- A team has four seconds to answer a question from the time the team is recognized as having rung-in first.
- The Jeopardy board should be drawn on a classroom blackboard or may be projected on a screen. The “Single Jeopardy” board will have to be erased at the end of the round and replaced with the “Double Jeopardy” board if that method is used.
- The number in each box should be erased as each clue is selected.
- For Final Jeopardy, only the category should be announced to the teams. They then will have 30 seconds to decide how many points they wish to wager. At that point the answer will be read and the teams will be given 30 seconds privately to come up with the correct question.
- One person, an adult, should be designated as scorekeeper. As in the real game, correct answers earn points; wrong answers result in deductions.
- A gift card in a generous amount should be awarded to the winning side. The gift card should be large enough so that the winning side may take the losing side along at no expense.
### Explanation of Categories

**The Right Time:** Calls for identification of the time a particular event occurred.

**Money Talk:** Identify the amount of money associated with the item in the clue.

**Something I said:** Verbatim quotes are taken from the witness statements and responding team must identify who said it.

**Location, Location, Location:** Calls for knowledge of where things, people, or events were.

**By the Book:** Calls for knowledge of specific contest rules.
The Right Time

100 -- A. The time McCulloch instructed Shem to lock his gallery the night of McCulloch’s Fourth of July party.

Q. What is 9 p.m.? [Facts, p. 12, ll. 9-10; Shem statement, p. 35, ll. 47-49.]

200 – A. McCulloch’s gallery was open for viewing by his guests during his Fourth of July party from this time to this time.

Q. What is 7-9 p.m.? [Facts, p. 11, l. 44.]

300 – A. The approximate time McCullough received a call from MT’s Fine Art Auction House on July 5 about a call the Auction House received about the value of Treason.

Q. What is 12 noon? [Facts, p. 12, ll. 1-3.]

400 – A. The time Shem and Gibbons arrived at McCulloch’s Fourth of July party.

Q. What is 6:45 p.m.? [Shem statement, p. 35, l. 24.]

500 – A. The approximate time that McCulloch’s Fourth of July party ended.

Q. What is midnight? [Facts, p. 11, ll. 52-53.]

Money Talk

100 -- A. This is the estimated sales price of Treason that Bernie Worcester told a caller to the auction house on July 2.

Q. What is $100,000? [Worcester statement, p. 24, ll. 21-22.] [Note that Charlie says that he “thinks” Evan called about the value of the painting on July 2. Gibbons statement, p. 28, ll. 8-10. Evan says he called about the sales price of Treason on July 3. Shem statement, p. 35, ll. 16-20.]

200 – A. The amount that T.M Little asked Marty McCulloch to invest in the purchase of three paintings by Anselm Kiefer.

Q. What is $2 million? [McCulloch statement, p. 31, ll. 40-42.]

300 – A. Of a few hundred dollars, a few thousand dollars, or a few tens of thousands of dollars, this is the amount for which Treason was originally purchased from the artist.

Q. What is a few hundred dollars? [McCulloch statement, p. 31, l. 10.]

400 – A. This is the total compensation Evan Shem received for his work at McCulloch’s art gallery.

Q. What is $0? [Shem statement, p. 33, l. 50; McCulloch statement, p. 30, ll. 48-50.]

500 – A. This is the amount of debt that Evan Shem says he acquired during his undergraduate years.

Q. What is nearly $50,000. [Shem statement, p. 33, ll. 18-19.]
**Something I Said** (Identify the speaker with the statement found in the witness’s statement.)

100 -- A. “There is currently a flourishing market for abstract paintings like *Treason*, and collectors are willing to pay top dollar.”


200 – A. “The first time I saw it, I was stunned. It had a hypnotic quality.”

a. Who is Evan Shem? [p. 34, ll. 9-10, referring to *Treason*.]

300 – A. **[THE DAILY DOUBLE]** – Ask for a wager up to the total points the team has accumulated by that point and then read the clue. “I did not receive even a simple greeting.”

Q. Who is T.M. Little? [p. 39, l. 44, referring to McCulloch ignoring him at the party.]

400 – A. “I noted that the canvas painting was pressed into its original wood frame which would have made it relatively easy to remove and replace.”

Q. Who is Marty McCulloch? [p. 32, ll. 12-14, explaining *Treason* to Officer Barron.]

500 – A. “I greeted everyone who came and left the party.”

Q. Who is Sidney Ogden? [p. 38, ll. 8-9.]

**Location, Location, Location**

100 -- A. This is where Detective Barron found a folder containing a handwritten note that listed four private collectors of work by Fletcher Yazoo.

Q. What is the storage cabinet located near the front of two parking spaces in Shem’s carport. [Facts, p. 12, ll. 35-36. How much detail must be given in the response is up to you.]

200 – A. This is the location from which the Fourth of July party guests watched the fireworks.

Q. What is the patio? [Facts, p. 11, ll. 49-50.]

300 – A. This is the country of origin of the developer of the analysis that both the prosecution and defense experts used to evaluate the authenticity of the versions of *Treason* they examined.

Q. What is Italy? [Worcester statement, p. 25, ll. 23-25; Sardegna statement, p. 43, l. 10.]

400 – A. This is where Evan Shem was when Officer Barron took the storage key.

Q. What is on his living room sofa [or just in his living room]? [Barron statement, p. 22, ll. 48-50; Shem statement, p. 36, ll. 24-25.]

500 – A. This is where Sidney Ogden was during the fireworks display at the Fourth of July party.

Q. What is McCulloch’s mansion’s covered porch? [Ogden statement, p. 38, l. 12.]
By the Book

100 - A. Of prosecution or defense, this is the team that must bring the physical evidence to the trial.

Q. What is the prosecution team? [Rulebook, Rule 3.2(A), p. 6.]

200 – A. The rules say this about the use of laptop computers, tablets, and cellular phones during trial.

Q. Their use is prohibited. [Rulebook, Rule 1.3(L), p. 3.]

300 – A. This is the only member of the team who is allowed to make objections to the cross-examination of a particular witness.

Q. Who is the trial attorney who conducted the direct examination of the witness? [Rulebook, Rule 3.7(C), p. 8.]

400 – A. This member of the team must have a copy of the rules of competition for reference during trial.

Q. Who is the bailiff? [Rulebook, Rule 4.0(D) p. 11.]

500 – A. This is the number of points that must be deducted from each scorer’s score sheet if an attorney coach communicates with his or her team during the trial.

Q. What is five? [Rulebook, Rule 3.3(A) and (F), pp. 6-7.]
# DOUBLE JEOPARDY

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## Explanation of the Categories

**The Arts**: Information about art and artists in the case materials.

**Law of Motion**: Identify issues or law related to the pretrial motion.

**Education Matters**: Identify facts about the educational background of certain witnesses.

**Occupations**: Facts about the work history of individuals associated with the case.

**Two-of-a-Kind**: Identify what the two witnesses share in common as prompted by the clue.
The Arts

200 -- A. This is the playwright of *The Scottish Play*.

Q. Who is Shakespeare? [Ogden statement, p. 37, ll. 17-20.]

400 – A. This is what Evan Shem told T.M. Little he intended to sketch during the Fourth of July party when Little asked Shem why he had his backpack at the party.

Q. What is a scene of the guests watching the firework display? [Shem statement, p. 35, ll. 26-29; Little statement, p. 40, ll. 5-7.]

600 – This is the kind of paint Fletcher Yazoo used to paint *Treason*.

Q. What is acrylic? [Worcester statement, p. 25, l. 3; Sardegna statement, p. 41, l. 19.]

800 – **DAILY DOUBLE** -- A. The painter of *The Treachery of Images*.

Q. Who is Magritte? [Gibbons statement, p. 27, l. 51; Shem statement, p. 34, ll. 30-31.]

1000 – A. One of the contemporary artists other than Fletcher Yazoo whose works were included in Marty McCulloch’s collection.

Q. Who is (Andy Warhol, Jackson Pollock, or Faith Ringgold)? [Facts, p. 11, l. 9.]

Law of Motion

200 -- A. Art I, Section 13 of the California Constitution guarantees this right, the same right guaranteed by the Fourth Amendment of the U.S. Constitution.

Q. What is the right of the people to be secure in their persons, houses, papers, and effects against unreasonable seizures and searches? [The right against unreasonable searches and seizures should be considered an adequate response.] [Case book, p. 16, ll. 12-15.]

400 – A. The pretrial defense attorney is expected to argue that because Detective Barron did not ask Charlie Gibbons whether Gibbons lived in Shem’s apartment, Detective Barron lacked this element of a constitutional search of the storage locker.

Q. What is good faith? [Case book, p. 15, ll. 23-27.]

600 – A. Of a ruling of the California Court of Appeal or a ruling of the U.S. Court of Appeals for the Ninth Circuit, the ruling which is *binding* on the California trial court that will hear the case of *People v. Shem*.

Q. What is a ruling of the California Court of Appeal? [Case book, p. 15, ll. 38-40.]

800 – A. In *Stoner v. California*, the United States Supreme Court ruled that a person occupying this position lacked authority to consent to a search of a guest’s room.

Q. What is the position of hotel clerk [or What is a hotel clerk]? [Case book, p. 17, ll. 31-45.]

1000 – A. Give the two-word phrase that completes the following statement: In the 2014 case of *Fernandez v. California*, the United States Supreme Court held that one occupant of jointly occupied
premises can object to a search of the premises where the other occupant consents only if the objecting occupant is . . . .

Q. What is physically present? [Case book, p. 18, ll. 25-27.]
**Education Matters**

200 -- A. Charlie Gibbons’ highest level of education.

Q. What is high school (or high school diploma)? [Gibbons statement, p. 27, ll. 18-19.]

400 – A. Evan Shem received his Bachelor’s degree in this subject.

Q. What is fine arts? [Shem statement, p. 33, l. 16.]

600 – A. This witness holds a master’s degree in library science.

Q. Who is Sidney Ogden? [Ogden statement, p. 37, l. 8.]

800 – A. Bernie Worcester earned his master’s degree in Art History from this institution.

Q. What is Notre Dame? [Worcester statement, p. 24, ll. 5-6.]

1000 – A. **DAILY DOUBLE** This is the only witness who earned a PhD.

Q. Who is Marty McCulloch. [McCulloch statement, p. 30, ll. 3-4.]

**Occupations**

200 -- A. This is the industry in which Marty McCulloch’s great- great grandfather made the family fortune.

Q. What is the railroad industry? [Facts, p. 11, l. 4; McCulloch statement, p. 30, ll. 7-8.]

400 – A. This witness has been an art dealer for nearly 30 years.

Q. Who is T.M. Little? [Little statement, p. 39, ll. 3-4.]

600 – A. This is Detective Reese Barron’s specialty within the police department.

Q. What is crimes concerning artwork and cultural property? [Barron statement, p. 21, ll. 6-7.]

800 – A. This witness works in New York City.

Q. Who is Jamie Sardegna? [Sardegna statement, p. 41, ll. 3-4.]

1000 – A. This witness once worked in a hardware store.

Q. Who is Charlie Gibbons? [Gibbons statement, p. 27, ll. 3-4.]
Two-of-a-kind

200 -- A. These two people co-starred in a high school play.

   Q. Who are Evan Shem and Sidney Ogden? [Ogden statement, p. 37, ll. 16-18.]

400 -- A. Both of these individuals receive compensation from the Hamiltonia Police Department.

   Q. Who are Detective Barron and Bernie Worcester? [Facts, p. 12, ll. 13-14 (referring to Worcester as “the official art expert retained by the police department”); Barron statement, p. 21, ll. 5-6; Worcester statement, p. 24, ll. 3-4; Sardegna statement, p. 42, ll. 6-7 (referring to Worcester as the police department’s “hired art expert.”)]

600 -- A. Both of these individuals hold advanced degrees from New York University.

   Q. Who are Marty McCulloch and Jamie Sardegna? [McCulloch statement, p. 30, ll. 3-4 (PhD in art history); Sardegna statement, p. p. 41, ll. 4-5 (master’s in art history).]

800 -- A. Matthew Stern and Derek Carrillo share this in common.

   Q. What is they both own [or collect] Fletcher Yazoo paintings? [Facts, p. 12, ll. 38-41; Barron statement, p. 23, ll. 4-5; Shem statement, p. 36, l. 37; and Exhibit D.]

1000 -- A. Both of these witnesses have worked as art curators.

   Q. Who are Bernie Worcester and T.M. Little? [Worcester statement, p. 24, ll. 4-5; Little statement, p. 39, ll. 4-5. Note: There is nothing in the statement of defense expert Sardegna to indicate that Sardegna has worked as a curator.]

FINAL JEOPARDY: The category should be announced and then each team should take up to 30 seconds to determine and write down the amount of their wager, up to all of the points the team has accumulated up to that point. The answer then should be read and the teams given 30 seconds to come up with the response. The host may sing or play the “Final Jeopardy” theme song.

Category: TREASON

   A. This is the name of the person who bought Treason directly from Fletcher Yazoo.

   Q. Who is Edward McCulloch? [“Marty McCulloch’s father” is not an acceptable response.] [Facts, p. 11, l. 30; McCulloch statement, p. 30, ll. 16-17; Worcester statement, p. 24, ll. 45-46; Sardegna statement, p. 41, ll. 42-44.]