



2024 CASE and RULES Q&A

THIS IS THE FINAL POSTING OF THE 2024 CASE AND RULES Q&A REPORT.

The FINAL VERSION of the case materials will be posted to the Team Information page of the Mock Trial website, as well as the Team Materials Google Folder, on or before Friday, January 26.

Information contained in this Q&A posting is binding on all teams and participants.

This Q&A report will be posted to the Team Materials Google Drive folder, and eventually to the Team Info section of the Mock Trial website, once a week beginning in mid-October, with the final posting by the end of the day on Friday, January 26, 2024. No case or rules questions will be entertained after Tuesday, January 16, 2024 at 5:00 p.m. EST.

It is each team's responsibility to stay current on any case updates made during the competition season. All student team members and coaches are reminded to check the website and the Team Materials Google Drive folder at least once a week for updates. Teams are responsible for keeping track of case corrections/updates on their individual copies of the case materials.

The clean, updated, corrected copy of the materials will be posted to the website by the end of the day Friday, January 26, 2024, and that version of the materials is to be considered the first and only version of the materials submitted by any party in this action when trying this case in a competition round. Teams are to assume that the fault for any typographical error or any other correction or addition to the case materials indicated below lies with the Problem Subcommittee or Mock Trial office, not with a particular witness, unless otherwise noted. The fact that a correction or addition to the case materials was made at any point during the season is **not relevant** during a trial round.

All teams must use clean, up-to-date copies of the FINAL VERSIONS of the case materials during all trial rounds.

Typos Found & Corrected

If applicable, the correction/addition or ~~deletion~~ is highlighted and in bold.

October 20

Order on Motion to Suppress, page 18, 2nd paragraph: References to **Detective** Epps should be Corporal Epps.

Leland, Page 32, line 154: **She** should be S/he

Campesino, Page 41, line 85: **Instagram and Tik Tok** should be Zeptogram and KitKot

Campesino, Page 41, line 101: ~~Instagram~~ should be Zeptogram

Exhibit 1: In the “Drug Type” box, both Cocaine and Marijuana are checked. Only Marijuana should be checked.

October 27

Blaze, Page 47, line 48: ~~Pepper~~ should be Peppery

November 10

Exhibit 3A, Page 61: ~~side effective~~ should be side effects

Exhibit 8, Page 72, 7th line up from bottom of page: swabs from the ~~vase~~ (item 3) should be swabs from the desk (item 3)

November 17

Exhibit 8, Page 71, near top of page: the swabs collected from Nikita/Nikolas Campesino should be identified as 23-198836-004, not ~~23-198836-003~~, and the swabs collected from Kendall Leland should be identified as 23-198836-005, not ~~23-198836-004~~.

Questions & Answers

October 20

Q: Is Officer Barker a different person than Detective Foulder?

A: Yes.

Q: On what date did Epps speak to Foulder about the burglary and learn about the vase shards?

A: The case materials contain all relevant information.

October 27

Q: Although the motion to suppress the drug evidence was denied, can we object to admissibility of the evidence for reasons other than probable cause?

A: Yes. The ruling does not preclude objections based on the Rules of Evidence.

Q: How far is the lake house from East Waleska Avenue?

A: The case materials contain all relevant information.

Q: In Exhibit 5, is the Time Code reversed? It starts on Saturday, April 15, 2023, and then ends on Friday, April 14, 2023.

A: Yes, it is in reverse chronological order, with the earliest time at the bottom of page 3 and the latest time at the top of page 1.

Q: In Exhibit 1, the marijuana weight is marked as 1 pound on page 58 under quantity but in Epps's statement, page 25 line 129 says "clearly more than one ounce," so does that mean it was approximately 16 ounces?

A: The case materials contain all relevant information.

November 3

Q: Exhibit 5 says that the "Garage Door" opened and closed at 1:03pm and at 3:34pm. Can you clarify if the "Garage Door" is 1) the door through which cars enter the garage; 2) the entry door that connects the garage to the interior of the house; or 3) the entry door that connects the exterior of the house to the garage?

A: 2 -- the entry door that connects the garage to the interior of the house.

Q: The motion to suppress says that Epps pulled over Hudson and Campesino at 12:15 a.m., but the police report Epps filed says time of occurrence 0115 which is 1:15 a.m. Epps also said that s/he pulled them over "a little after midnight." Which is correct?

A: The case materials contain all relevant information.

Q: Are students allowed to use the courtroom as a demonstrative when testifying?

A: Yes -- to the extent permitted by the presiding judge, witnesses may step down from the witness stand to demonstrate something.

Q: Can students write on a legal pad as a demonstrative based on testimony?

A: For witnesses, this is governed by Rule 23 and the answer is no. However, the closing attorney may use or rely on notes written during the trial.

November 10

Q: Why did the detectives request the text messages in Exhibit 4 when it is not brought up in the witness statement with regards to the investigation?

A: See below.

November 17

Q: In Exhibit 5, there are four instances where the Security System is "Armed Away Remotely" (Friday: 1:05 pm, 4:28 pm, 11:49 pm; Saturday: 3:18 pm). What exactly does "Armed Away Remotely" mean for this particular security system? Is it being armed from

a separate device (*a remote or an app*)? Is it being armed from an off-site location (remote location)?

A: “Armed Away Remotely” means that the Blinks Home Security app (on a smartphone or other mobile device with an internet connection) was used to activate or arm the system.

December 1

Q: On the incident report, the time of the report is 1205 and the time of the incident 0115. Did Epps write the report at 12:05 pm on Saturday?

A: Yes.

Q: Is it “fair game” for any testifying witness to assert their Fifth Amendment right against self-incrimination if the questioning warrants it?

A: No. The evaluators will be told such an assertion by any witness would be an unfair extrapolation and should subject that witness to a reduction in score.

December 11

Q: Is the duffel bag lost along with the 'powdery substance'?

A: The case materials contain all relevant information.

January 22

Q: Was River Blaze subpoenaed or did they volunteer to testify?

A: River Blaze was subpoenaed by the defense.

Q: Which witness (if any) can sit at the prosecution counsel table (*e.g.*, the investigating officer by practice, but would that be Epps or Foulder)?

A: Under Georgia law, the lead investigator may sit at the prosecution counsel table, if their presence at counsel table is needed for the orderly presentation of the case. In this trial, Foulder may sit at the prosecution counsel table at the option of the prosecution. See below.

Q: Is there a lake at Kendall Leland's house that is a different lake than where his/her lake house is located? In Foster Morgan's statement, lines 137 and lines 143-144, s/he appears to be referring to a lake right next to the house in which he/she is standing, which is Kendall Leland's main home.

A: No, Morgan is referring to Lake Campbell, where Leland’s lake house is located.

Q: Det. Foulder's statement, line 107, says s/he received the blood samples back from pathology a few weeks after the incident. Should that be the pathology report that s/he received?

A: Yes – Foulder received the pathologist's report **along with** the blood samples. The latter are typically returned to the investigating officer to be secured in the evidence room so that chain of custody is maintained. See below.

Q: When Kendall Leland references early April (page 31, line 131), does s/he mean the 4th or the 14th?

A: The case materials contain all relevant information.

Substantive Additions and Changes to Case Materials

If applicable, the correction/addition or ~~deletion~~ is highlighted and in bold.

October 27

Epps statement, page 25, line 138 should read: “. . . my patrol vehicle for transport to the station, ~~then led the cuffed suspects into the back seat.~~”

November 10

[SEE DECEMBER 11 ENTRY BELOW] ~~Foulder statement, page 36, line 107, add at beginning of paragraph: Because of the apparent connection between Leland and Campesino, I asked Horizon Wireless to produce a log of texts from Campesino's mobile device. Horizon complied with my request, and it turned out that Campesino and Leland had exchanged texts on Friday, November 14th. I then received the blood samples~~

December 1

Stipulation 19 is added on page 14 as follows:

19. All witnesses are testifying voluntarily and have waived their right against self-incrimination under the Fifth Amendment of the U.S. Constitution.

December 11

Leland statement, line 48 should read: ~~A friend~~ A high school acquaintance that I had ~~met~~ gotten to know in workout classes, NikCee Campesino

Foulder statement, page 36, line 107, add at beginning of paragraph: Because of the apparent connection between Leland and Campesino, I asked Horizon Wireless to produce a log of texts from Campesino's mobile device. Horizon complied with my request, and it turned out that

Campesino and Leland had exchanged texts on Friday, April 14th. I then received the blood samples

....

January 5

Foulder statement, page 37, lines 121-124, should read: According to Leland, the neighbor said that the perpetrator entered with a second person, and the neighbor gave a description of someone that Leland was not familiar with. I realized, however, after talking with Corporal Epps ~~, but~~ that ~~matched~~ the description Leland recounted matched ~~of~~ the person who was in the car with Campesino during the traffic stop in the early morning hours of Saturday, April 15.

January 22

Stipulation 20 is added as follows:

20. Detective Foulder, in his/her capacity as lead investigator for the matter being tried, may at the option of the prosecution sit at the prosecution counsel table.

Foulder statement, page 36, line 107, should read: “About two weeks later, I received the blood samples back from pathology ~~a few weeks after the incident~~ (to preserve chain of custody), along with the pathologist’s report.”

Name & Word Pronunciations

October 20

Campesino: Cam-puh-SEE-no

CRK/WTR: Creek Water

Leland: LEE-land

Mox Foulder: Mocks Folder

NikCee: NICK-see

Nikita: Either the Hindi or Russian pronunciation is acceptable

October 27

Zeke: ZEEK

Baji: BAH jee

Xiang: Sheeawng¹ (one syllable)

Cloisonne: Cloy sun AY

¹ This is an Anglicized approximation. You are encouraged to check YouTube.