



1. Question regarding trial evidence:
How are we to enter the death certificate? Do we need to add a Business Records affidavit?

The Rules of Evidence have been revised to assist with this issue. Two rules which were originally removed have been placed back into the Rules.

For authentication purposes review Rule 902(4). If a document is self-authenticated there is no need to lay a foundation through a witness before offering it to the court.

As long as the judge agrees that the document is self-authenticated, the judge will enter the document as an exhibit.

For hearsay purposes review Rule 803(9).

2. Cameron Shepard's Date of Birth has been updated on the Indictment.
3. The footnote at the bottom of Page 33 was updated to reference the retrograde extrapolation manual.

Appellate Questions/Comments

1. In reading through this year's appellate case, we believe that when the materials reference 803(8)(B), they ***mean*** to be referencing 803(A)(ii)—that's the only construction that seems to make sense. Are we correct? If so, 803(A)(ii) should be added to the case materials. If not, the issue doesn't make any sense! ****For reference, 803(8)(B) qualifies all of the issues in 803(8)(A) and cannot be read separately without it. 803(A)(ii) specifically refers to the records of police officers, which is what the case is referring to.**

This Advisor then responded with this: Ok, upon further reading, here's what we ***think*** happened. The rule number used to be 803(8)(B), but then were revised, so the current rule number is 803(8)(A)ii). The current 803(8)(B) deals with something else.

Anywhere "803(8)(B)" is referenced you may substitute "803(8)" instead.

It is correct that the Texas Supreme Court updated the Rules of Evidence in 2015. Any case law that was written before this time has the old numbering system. This year's appellate case should also have been updated to the new number system.



2. On the second page it states "**State of Texas, Appellant v. Cameron Shepard, Appellee.**" It then states the points of review: "(1) Whether the trial court erred in denying the motion to suppress the results of the warrantless blood draw, and (2) Whether the trial court erred in denying the motion to suppress the video recording from the police officer's body camera video." On the next page, it states **Cameron Shepard as the Appellant** and specifically states why he's filing for appeal (same reasons previously mentioned). Furthermore, the case numbers are the same. It seems to me like Cameron Shepard is appellant, not State of Texas (which is what's stated on the first page of case). Am I misunderstanding something? Who is the actual appellant and appellee of this case?

See page 3 and 4 of the Rules of Appellate Procedure: "A party can "win" in the trial court, "lose" in the appellate court, and then appeal that loss to the highest court. This is the typical scenario in Youth and Government competition. Because of the changes to who lost, the titles of the parties will switch from appellant to appellee and from appellee to appellant."

At the trial court the case was styled as follows: "The State of Texas vs. Cameron Shepard." Mr. Shepard lost his motion to suppress and filed an appeal – making Mr. Shepard the Appellant.

Thus, at the Third District Court of Appeals the case was styled as follows: "The State of Texas, Appellee v. Cameron Shepard, Appellant." At this level, the State lost as to both issues (pages 3-9). The State appealed this decision – making the State now the Appellant.

So finally, where we are for the competition, before the Texas Court of Criminal Appeals, the case is styled as follows: "The State of Texas, Appellant v. Cameron Shepard, Appellee."

An easy way to remember the names is that the "-ant" always got squashed at the lower level.

*The warrantless blood draw is an appellate issue. Trial court students should assume that the trial court ruled in a pretrial hearing that the blood results were not excludable solely because they were obtained without a warrant.