



TO: Judicial Section Leaders

DATE: October 15<sup>th</sup>, 2019

FROM: Texas YG State Office

RE: JUDICIAL CASE QUESTIONS

### Trial Questions/Comments

1. In Mike Sundance's affidavit, he mentions that dispatch informed him of an accident at Throckmorton and 9<sup>th</sup>, but he also states the accident occurred at Houston and 9<sup>th</sup>. Could you provide clarification on this and if it was intentional?
2. What is the specific case number?
3. Is the defendant supposed to contradict himself regarding drinking alcohol? And if so, is it a purposeful part of the case problem? For example, on page 28, paragraph 3, Torrance Rush says, "Also, I wasn't on my phone and I don't drink alcohol." But then on page 30, paragraph 1, he says, "I really just had one or two drinks that night." In the second statement, is he referring to alcoholic drinks? And if so, is the contradiction on purpose as part of the case problem?
4. Must an attorney reserve remaining time after direct/cross examination, or be barred from re-direct/re-cross? Where is the rule that judges are using to mandate reservation of remaining time, as seen in past years? In the Rules of Procedures, pages 12-13, it says:
  - a. #2(c) Each team has 18 minutes to present its side (direct and re-direct examination). The team may divide the time among the witnesses however they choose, but each team must call three (3) witnesses to testify for their team.
  - b. #2(d) Each team has 15 minutes for cross and re-cross examination. The team may divide the time among the witnesses however they choose, but the team must cross-examine all of the opposing side's witnesses.
5. Is constructive sequestration of witnesses allowed? In the Rules of Procedures, page 6, in regards to Witnesses, it says, "#8 Witnesses are not to be excluded during the mock trial. No team may invoke the rule of sequestration." Does this bar only actual sequestration? Does this rule also bar constructive sequestration?
6. Should the timestamps on the tweens be a.m. or p.m.?
7. On page 52, is test 06 supposed to be labeled as Subject Texas 02 or is this an error?

### Appellate Questions/Comments

1. Shouldn't the appellant be Torrance Rush?
  - a. **Answer:** That is correct and this edit has been made and uploaded to the website.