



Trial Court Case Questions and Answers

1. This question that we received asked for a lot of additional detail on the characters in the case.

Response: The case will not be edited to include any of the details asked in the original question.

2. Please clarify. The duty belt (Exhibit 1) does not have two cans of pepper spray even though page 15, line 1, lists two cans of pepper spray.

Response: Leighton Shields testifies that Exhibit 1 does show two cans of pepper spray. These are found between the police radio and the taser. This comment is not intended to add new information to the case. It is a clarification on currently existing facts.

3. Was Kamari and Sage the only two in the house at the time of the shooting? Where was the grandmother?

Response: The case will not be edited to include any of the above information. The case does not contain any facts related to the grandmother and none should be inferred by any team.

4. At the time of the shooting, was Sage 10 or 11 years old?

Response: Sage states in their affidavit that they were 11 at the time of the shooting.

5. Was Kamari's gun a toy gun? Page 25, line 14: As I kicked the weapon, I noticed it was emitting a green laser to where it was facing.

Response: There aren't any witness that state that the gun was a toy gun. This fact should not be inferred by any team.

6. Affidavit Bellamy Frey (page 27): "I have testified in 22 other trials AGAINST either an officer or their department" 5 criminal trials against an officer and 17 civil lawsuits. I have testified in OPPOSITION to an officer once" arriving at the conclusion that the use of force was not reasonable." Should it be: I have testified in 22 other trials ON BEHALF OF either an officer or their department" 5 criminal trials of an officer and 17 civil lawsuits [finding the use of force reasonable]. I have testified in OPPOSITION to an officer once" arriving at the conclusion that the use of force was not reasonable.

Response: This is a typo that will be fixed after district. No changes to the case will be made before district competition.

7. is the typo on the death certificate on purpose? the age is wrong

Response: This is a typo that will be fixed after district. No changes to the case will be made before district competition.

8. In regards to the elements of the case, is the self defense argument an affirmative defense or a defense period? Does the defense have a burden to prove by a preponderance that Officer Greene is justified? Or does the prosecution have to prove beyond a reasonable doubt that it was not self defense? Thank you in advance.

Response: Great question!!! Self-defense is not an affirmative defense. The defense has the burden of "producing" or bringing up the defense in trial with "some evidence." Then the burden is on the prosecution to dis-prove the burden beyond a reasonable doubt.

9. How tall is Kamari Jenkins? Throughout the case the height of the actual burglar is mentioned, but hers is never stated. I think that would be very beneficial to both sides if it were to be stated for the case.

Response: The case will not be edited to include this information.

10. Can it be clarified a bit more on what actual charges are being placed? Although I think I can understand that the defendant is being charged with murder, I feel like it may not be as clear to others.

Response: Re-watch the introduction-to-the-case video that is posted on the YAG website for Trial Court. That video explains the charges and the defense.

11. Is the Gender of Sage Alexander, male or female? The reason being in the statement of Leighton Shields, their pronouns are he/him.

Response: All witnesses are intended to have no pronouns until portrayed by a student at trial. Any reference to pronouns in the case was unintentional.

12. Will the case lines be pre-numbered?

Response: This is an editing error that may be fixed after district. No changes to the case will be made before district competition.

13. Affidavits do not have line numbering. Will another copy be posted with line numbering?

Response: This is an editing error that may be fixed after district. No changes to the case will be made before district competition.

14. Is it possible to do an approved objection one pager

Response: Teams can create an objection list if they desire. The best starting place are the Comments to Rule of Evidence 611.

15. can i use my free minutes for my openings and closings? the wording in the procedures packet is weird

Response: No, objection "free minutes" can only be used for direct and/or cross.

16. Are affidavits automatically entered in as evidence or will attorneys have to enter each affidavit if they want to question the witness with it?

Response: Affidavits are normally never offered into evidence. They are hearsay. You cannot use a prior statement to bolster the credibility of a witness, but can use it for the purpose of impeachment or to rebut an impeachment. ROE 607, 613, & ROE 803(5).

17. What is the burden of proof for self-defense and deadly force? Do the penal code sections on self-defense and deadly force work together or independently? Are these penal codes an affirmative defense? What is the procedure for affirmative defenses?

Response: Great question!!! Self-defense is not an affirmative defense. The defense has the burden of "producing" or bringing up the defense in trial with "some evidence." Then the burden is on the prosecution to dis-prove the burden beyond a reasonable doubt. This process works the same for both defenses. The defenses can be "produced" independently.

18. In exhibit 8 it talks about case law, can we use the case law within exhibit 8 in our line of questioning?

Response: You can ask the witness familiar with this study about the contents of this study. You cannot use research or case law that is outside of the scope of the case packet. You can ask the witness about the summaries of the cases that are included in Exhibit 8.

19. Please clarify the admissibility of Exhibit 8 Blair Reaction Time Study: Contains hearsay within hearsay. Per Rule 805, it cannot be admitted into evidence unless each occurrence of hearsay falls under an exception to the rule.

Response: Evidentiary rulings will be made during trial by your trial court judge.

20. Will we be required to go through the procedure of certifying Barajas or Frey as experts?

Response: An attorney who wishes to solicit an expert opinion from a witness should follow the steps outline in ROE 702 (Comment 1).

21. For Exhibit 8: Blair Reaction Time Study, is it ok to only submit a few pages into evidence for the sake of keeping papers organized and keeping the information concise? If not, how should we specify that direct/crosses will only focus on a few pages of the study?

Response: Evidentiary rulings will be made during trial by your trial court judge.

22.Hi! Our team is new to judicial and I just wanted to clarify what we should have prepared. Teams should prepare arguments and questions for witnesses. This should also be presented with proper legal rhetoric, correct?

Response: Welcome to YAG!!! Watch the Judge and Attorney Training video that is posted on the YAG website for Trial Court. That video explains the parties, the format of a trial, and generally what you need to have prepared for the trial. Reach out to the state office or your local Y branch if you need individualized help.

