

High School Mock Trial 2021  
State of Buckeye v. Micah Opressa  
Errata Sheet

**Please note:**

The errata sheet serves to clarify or correct errors in the Mock Trial case and/or rules, and does not address team strategy, coaching, or judging protocol. If a question received does not meet the criteria for Errata (e.g. pertains to an evidence question), an email response will be sent to the individual advisor.

**Errata 11/17/2020**

1. **Charlie Nguyen refers to 7% of Buckeye's population having what he calls an "arch print." Do we know the exact population size of Buckeye?**

The population of Buckeye is 11.6 million.

2. **Lines 77-83 of Justice Okafor's statement on page 98 refer to trying "15 cases over the next 11 months." What period of time is this referring to?**

Justice Okafor is referring to how busy they were as a general statement; having tried 15 cases from September 2019 to August 2020.

3. **What was the original charge against Micah before they were offered a plea deal?**

Micah was originally charged with Aggravated Murder, which is a capital offense.

4. **Are the court cases referenced in the Memoranda in Support/Opposition fair to reference within the opening and closing statements?**

Unless the entire case is provided in the Case Law section, teams may refer only to the portion that is cited within the Memoranda in Support/Opposition. Per Rule of Evidence 603 on page 34, "*teams may not make reference during trial to any material not included in the Ohio Mock Trial case file.*" Example II.C. on page 41 should be interpreted to include the case law section **and** the Memoranda contained in the case. [Students are permitted to reference legal research that is included in the case file "*with the limitation that they are only permitted to reference the portions included or cited to within*"].

## **Errata 11/3/2020**

### **1. What is the burden of proof in this case?**

- a. The burden of proof in this case is the somewhat uncommon "manifest injustice." Teams should interpret this to mean that the defendant bears the burden of establishing, through clear and convincing evidence, that a manifest injustice occurred. Clear and convincing evidence is "highly and substantially more likely to be true than untrue" Colorado v. New Mexico, 467 U.S. 310 (1984) at 316. This citation may be used as part of the case materials.

### **2. There is no map of the crime scene or surrounding area included in the case materials. Did Micah or Haumea have any reason to pass through or enter that parking lot?**

- a. We did not include a map of the crime scene or surrounding area because all relevant and pertinent information is included in the witness statements.

### **3. When Justice Okafor requested a continuance for the prosecution, was it granted?**

- a. Yes, the continuance was granted.

### **4. Is there a typo in Charlie Nguyen's statement on line 133?**

- a. Yes, there is a typo. The sentence on page 86 that runs from line 133 to line 134 should read "A latent print is one that is not readily **visible** to the naked eye." (emphasis added)

## **Errata 10/20/2020**

### **1. The case file describes the second plea deal of voluntary manslaughter as both a 5-year and a 10-year sentence. Which is correct?**

There is an error in the case file regarding the second plea offer of voluntary manslaughter. The plea offer of voluntary manslaughter came with a 10-year sentence. Please note the following changes:

- The last sentence of the first paragraph of the case introduction on page 8 of the case file has an incorrect statement. The sentence should read “When the prosecutor offered Micah a new deal of voluntary manslaughter with a **10-year** sentence, Micah decided to take the deal.” (emphasis added to show correction)
- The first paragraph of the prosecution brief on page 64 of the case file has an incorrect statement. The sentence should read “They were sentenced to **ten (10)** years in prison.” (emphasis added to show correction)
- Line 171 of Micah Opressa’s statement on page 80 has an incorrect statement. The line should read “**10** years in prison.” (emphasis added to show correction)

### **2. Lines 118-119 of Justice Okafor’s statement seem to be incorrect and/or incomplete. Please clarify.**

There is an error in lines 118-119 of Justice Okafor’s statement on page 99 of the case file. The sentence should read “When I reviewed the notes it seemed like **Abrams** was nervous about testifying because they weren’t totally sure Opressa was the person they saw the night of Haumea’s **murder**.” (emphasis added to show correction)

### **3. Was Micah properly informed of their rights prior to being questioned?**

Yes, Micah was notified of their Miranda rights prior to being questioned and no Miranda violations are alleged.