



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.

Final Errata 1/5/2021

1. **Line 169 of River Foley’s witness statement on page 115 indicates that Micah Opressa was arrested on September 10. However, the defense brief on page 56 indicates that Micah was arrested on September 11. Which is correct?**

There is an error in the defense brief on page 56. The last sentence of the first full paragraph should read, “The very *same* day, Detective Foley arrested Micah, and the state charged them with aggravated murder.” (emphasis added)

2. **What date was the Instagram post in Exhibit C posted?**

The Instagram post in Exhibit C was posted on August 2, 2019.

3. **What is the definition of aggravated murder, which is the charge files against Micah Opressa?**

Aggravated murder is defined as follows:

2903.01(A) No person shall purposely, and with prior calculation and design, cause the death of another or the unlawful termination of another's pregnancy.

4. **What was Haumea Robins’ cause of death?**

The coroner’s report indicates homicide by gunshot wound as cause of death.

5. **Exhibit A appears to be a screenshot from Micah Opressa’s phone. How was this screenshot obtained?**

Exhibit A is a screen shot of Micah Opressa’s phone taken by forensic technicians during the investigation to confirm that their device actually sent the alleged text messages.

6. **On Exhibit E, there appears to be a metric ruler showing the centimeter length of the shoe print left at the crime scene. Are teams permitted to use this measurement?**

The scale/ruler in Exhibit E is accurate and teams can utilize this exhibit and ruler in a manner consistent with all other rules of this competition.

7. **There are some people in this case who are not represented by witnesses. During the trial, will these individuals be referred to as gender neutral or will they be assigned a gender? If they are assigned a gender, which team makes that determination?**

The Defense will decide the gender of Haumea Robins and Scout Firat which should be disclosed during pre-trial.

8. **On line 61, page 103, of Kai Robins' witness statement, Micah is referred to as he/his. Is this an error?**

Yes, this is an error in the case file. Line 61 of Kai Robins' statement on page 103 should read "*They* said *their* mother worked there." (emphasis added)

Errata 12/15/2020

1. **Prior to Micah pleading guilty, did a plea hearing take place? If so, did the hearing follow standard procedure?**

Yes, a plea hearing took place and standard procedure was followed.

2. **What date was the text message in Exhibit A sent?**

The text message in Exhibit A was sent on July 27, 2019.

Errata 12/1/2020

1. **On page 74 of Micah Opressa's witness statement they say they were charged with possession of marijuana and were separately charged with forgery for purchasing and using a fake ID. Was Micah adjudicated or found guilty for these charges?**

Micah was adjudicated delinquent for both charges.

2. **Line 13 of Charlie Nguyen's statement on page 81 states that they became a certified evidence technician. Is this a specialized type of detective or a separate certification?**

Charlie Nguyen's certification as an evidence technician was separate and apart from their role as a detective. In addition to being a certified evidence technician, Charlie Nguyen was also a detective during their time with BPD.

3. **When did discovery occur in Micah Opressa's case?**

Micah Opressa's attorney received discovery on September 30, 2019.

4. Is Micah Opressa being tried as a minor or an adult?

Micah Opressa was being tried as an adult. Aggravated murder is a mandatory bindover to the adult system.

5. Justice Okafor requested and was granted a trial continuance. How long of a continuance was granted?

No elaboration needed.

6. Does Charlie Nguyen live in Harmony?

Yes, Charlie Nguyen lives and works in Harmony.

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 Opessa’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 Opessa 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.