

High School Mock Trial 2023

In re S. Khan

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 10/18/2022

1. Which side bears the burden of proof in this case and what is the standard of proof?

In a motion to suppress, the State bears the burden of proof, the standard of which is a preponderance of the evidence. Because this mock trial case is a motion to suppress, the prosecution bears the burden of proof. As such, the prosecution will present their case in chief first and will have an optional two-minute rebuttal after the defense's closing argument.

2. Are Ohio cases binding in the state of Buckeye?

Only cases decided by the Supreme Court of the United States are considered binding precedent for the State of Buckeye. Other cases (e.g. Supreme Court of Ohio) are persuasive authority.

3. What specific statement(s) is the defense trying to suppress?

It is up to the teams to argue the point at which, if ever, Stevie Khan's questioning became custodial and subsequently which statements, if any, could or should be suppressed.

4. Does calling Stevie Khan as a witness automatically waive their Fifth Amendment right to avoid self-incrimination?

No. Stevie Khan maintains their constitutional privilege against self-incrimination.

5. Line 78 on page 98 of the case file references an increase in the number of Pop Rocks Challenges. Is this the same as the Exploding Candy Challenge?

Yes, they are the same "challenge." Line 78 on page 98 should read "the number of *Exploding Candy Challenges* started increasing at Trillium." (Emphasis added)

- 6. At the end of their statement, Adrian Sato says, "These same flawed practices were used during Stevie's questioning" (lines 129-130 on page 111). What information was Adrian Sato able to review in order to make this determination?**

Adrian Sato has spoken with Stevie Khan about their questioning and has formed their opinions on that basis.