

High School Mock Trial 2024  
*State of Buckeye v. Ash Espinosa*  
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 10/31/2023**

- 1. Will State be referred to as prosecution or plaintiff? The first page of Order (pg. 60) refers to the State as plaintiff.**

The reference to “plaintiff” at the top of the Judge’s Opinion on page 60 is an error. The State is the prosecution in this case.

- 2. At line 83 of Makani Kekoa’s witness statement, it says, “It appeared to me that Diallo introduced Buddy to Espinosa.” That seems inconsistent with the substance of the remainder of the paragraph. Is there an error in the sentence on line 83?**

No elaboration needed.

- 3. On line 71 of Ash Espinosa’s witness statement, it says, “our furnace died.” Is this referring to Ash’s home furnace, or the furnace at Diallo’s Scrap & Sale?**

The furnace at Diallo’s Scrap & Sale died.

- 4. Was the 80-20% stake in the junkyard merely an informal agreement, or did Espinosa and Diallo formalize that agreement such that Espinosa would be legally liable for any losses or expenses of the junkyard?**

No elaboration needed.

- 5. There is a math error in Exhibit F in the calculation of  $\$1.25 \times 320$ . There is also a typo in Exhibit G that reads “surcharge” instead of “surchage.” Are these errors intentional?**

Exhibit F and Exhibit G accurately represent the records taken from Diallo's Scrap and Sale.

- 6. In Harley's witness statement, Harley says that Oakley's 18th birthday was "a few days after" August 12, 2022. However, in Oakley's witness statement they say, "I am 18 years old." Their witness statement was taken in September of 2023 which would make them 19 years old. What is Oakley's actual age?**

Oakley turned 17 on August 12, 2022, making them 18 years old at the time of their witness statement on September 25, 2023. There is an error in Harley Diallo's witness statement at line 167 on page 80. It should read, "It was just a few days before Oakley's 17th birthday."

- 7. The invoices (Exhibit F and Exhibit G) indicate that Diallo's Scrap and Sale was established in 2012. How does this fit with Grey beginning to work there in 2002?**

There is an error in Exhibit F and Exhibit G. Diallo's Scrap & Sale was established in 2002. An updated version of Exhibit F and Exhibit G are attached.

- 8. Does Buckeye Revised Code 2981.01 (p.63), which defines forfeiture, mirror the federal forfeiture statute?**

No elaboration needed.

- 9. We have received several questions about the origin of the Camaro and its forfeitability. As indicated in the Judge's Opinion and Order, the following issues are to be addressed at trial.**

- A. Was Ash Espinosa the conspiracy leader and, therefore, owes additional money beyond what has already been recovered?
- B. If so, does forfeiture of the Camaro violate Ash Espinosa's Eighth Amendment right against excessive fines?

To the extent the Camaro's origins, how it was purchased, and its general forfeitability were relevant to the Judge's Opinion, those issues have already been addressed and resolved and should not be raised at the hearing. For example, teams may not argue that the Camaro constitutes an instrumentality of Espinosa's offenses because that question has been resolved that it is not. Issues related to the *Timbs* analysis, such as the sentimental value of the purchase, are permitted by the defense and may be rebutted by the State.

- 10. In regard to the third question on the October 17 errata – does this stipulation imply that the means of how the Camaro was obtained is off limits in the case?**

No elaboration needed.

- 11. It has been stipulated that the Camaro was not purchased with stolen funds. How can Diallo's testimony say that the Camaro was purchased with money from Trillium that Ash put into a slush fund?**

No elaboration needed.

## Errata 10/17/2023

- 1. Grey Obisanya's witness statement and their resume (Exhibit C) have contradictory information regarding what year Grey began working for Diallo's Scrap & Sale. What year did Grey Obisanya start working at Diallo's Scrap & Sale, and when did Grey graduate high school?**

Grey Obisanya began working at Diallo's Scrap & Sale in 2002 and graduated high school in 2003. Exhibit C has been updated to reflect this correction. The updated exhibit is included in the corrected case file (dated 10.17.23) which is available on the restricted webpage containing the case materials.

- 2. The witness statements for Makani Kekoa and Presley Aoki are missing line numbers. Will OCLRE reissue the case with line numbers?**

Yes. The case has been updated to include line numbers for all witness statements. The corrected version (dated 10.17.23) is available on the restricted webpage containing the case materials.

- 3. The fourth case stipulation states, "The 1967 Camaro at issue in this case was not purchased with or fixed using funds related to the money laundering or embezzlement schemes." Given this stipulation, and the information in the judge's opinion, it seems that the Camaro must have been used during the crime in order for the Camaro to be forfeitable. No other information in the case supports this. Are students permitted to argue that the Camaro was not used in the crime?**

The judge's opinion has been updated to clarify the Buckeye statute regarding forfeiture. The stipulation is still correct. Arguments about the Camaro's use in the crime and connection to the crime are **not** permitted at trial.

The changes to the judge's opinion are included in the corrected version of the case (dated 10.17.23) which is available on the restricted webpage containing the case materials.

- 4. Is there a title for the 1967 Camaro, or any paperwork associated with its purchase?**

No elaboration needed.



**Exhibit G**  
**Invoice from Diallo's Scrap & Sale to Red Brick Holdings, LLC**

**Diallo's Scrap & Sale**  
*Salvaging Scrap Since 2002*

1734 Santa Ivo Way  
 Harmony, Buckeye 99311  
 Phone: (555) 729-3400  
 Fax: (555) 728-3401



**INVOICE**

INVOICE # 3112  
 DATE: MAY 11, 2021

**TO:**  
 Samuel Samuelson  
 Red Brick Holdings, LLC  
 444 Real Street  
 Harmony, Buckeye 99310  
 Phone: (555) 555-5500

**COMMENTS OR SPECIAL INSTRUCTIONS:**

Thank you for your business. We hope to service your business again soon. Make all checks payable to Diallo's Scrap & Sale. Wire instructions available on request.

SALESPERSON	P.O. NUMBER	REQUISITIONER	SHIPPED VIA	TERMS
N/A	N/A	N/A	USPS Ground	Due on receipt

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	Scrapped vehicles weighing a total of 8,230 pounds	\$1.25/lb	\$10,287.50
1	1,750 pounds of recovered steel scrap	\$1.25/lb	\$2,187.50
1	Service Charge	20% surcharge	\$2,495

<b>SUBTOTAL</b>	<b>\$14,970</b>
SALES TAX	Included
SHIPPING & HANDLING	Free
<b>TOTAL DUE</b>	<b>\$14,970</b>

If you have any questions concerning this invoice, contact Ash Espinosa, (555) 729-3400

**THANK YOU FOR YOUR BUSINESS!**