

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.

Final Errata 01/16/2024

- 1. In Presley Aoki's evaluation of the 1967 Chevy Camaro, did they examine the car before their interview with Ash and Oakley or after?**

No elaboration needed.

- 2. The updated exhibits from previous errata updates do not have page numbers. Can this be corrected?**

Yes, updated exhibits with page numbers are attached.

Errata 01/02/2024

- 1. Per the errata dated 11/28/2023 clarification #3 states "the amount of Trillium's restitution amount has been recovered". Does this contradict the footnote on page 61 of the judge's decision.**

No elaboration needed.

- 2. Has sentencing already occurred that takes into effect the cooperation agreement or would the cooperation agreement possibly result in a reduction of the current sentence of 28 months and restitution?**

No elaboration needed.

- 3. Was Harley subject to any fines as part of the sentence or only restitution (note Exhibit A says max penalty of up to 120 mo. in prison and up to \$1M in fines)?**

No elaboration needed.

- 4. What currency (check, cash, etc.) did Ash use to pay for the Camaro?**

No elaboration needed.

- 5. Where was the Detective's car parked in relation to Diallo's scrap and sale? What were the general surroundings?**

No elaboration needed.

- 6. On page 69, under the section "Severity of the Offense," it states that, "the State should introduce as much evidence as possible of Espinosa's other criminal activity." This case involves charges of money laundering, embezzlement, and wire fraud against Ash Espinosa. What are you referring to when you state, "other criminal activity." Is there other criminal activity beyond the above mentioned three charges?**

No elaboration needed.

- 7. Can you add page numbers to the updated exhibits?**

Updated exhibits with page numbers will be included in the final errata scheduled for January 16, 2024.

- 8. On page 123, lines 57-58, Presley Aoki says, "The best way accurately appraise a vehicle without getting hands-on with it, so that's what I did." This is not a complete thought/sentence. Is there a typo within it?**

There is an error in the sentence. It should read, "The best way *to* accurately appraise a vehicle *is* getting hands-on with it, so that's what I did." [emphasis added to show correction]

- 9. Since Ash Espinosa is not constructively sequestered for this trial, may Ash sit at defense counsels' table during the trial?**

Yes, Ash Espinosa *may* sit at defense counsel's table. Please keep in mind the following:

1. All Ohio High School Mock Trial rules regarding communication amongst team members still apply.
2. The set-up of each individual courtroom is determined by the competition site and may not accommodate three people at counsel table.

Errata 12/12/2023

- 1. According to the updated Exhibit G, the invoice to Samuel Samuelson and Red Brick Holdings was issued in May of 2021. Should this be dated May of 2022 in order to match the timeline provided in the witness statements?**

Yes. There was an error on the invoice in Exhibit G. An updated Exhibit G is attached.

- 2. There is a discrepancy between Espinosa's and Diallo's plea agreement. In the explanation of the offense, Espinosa pled guilty to on Page 1 of their Plea Agreement (Exhibit B). It is stated that "Defendant also understands that the statutory penalty for this charge also includes restitution and forfeiture," whereas Diallo's plea agreement (Exhibit A) does not mirror this language. Please clarify if this discrepancy is intentional.**

No elaboration needed.

- 3. Since Ash Espinosa is not being constructively sequestered, can they testify to things that were said by witnesses under oath in the current proceeding?**

Defendant Ash Espinosa has the right to be present for the entirety of the trial and is not subject to witness separation. As such, Espinosa may make reference to testimony by other witnesses during trial. All other Mock Trial rules still apply (personal knowledge, hearsay, etc.).

- 4. Should pg.137 be labeled "Exhibit B (Part 3)" instead of "Part 2"?**

Yes. There was an error in labeling the exhibit on page 137. An updated version of the exhibit is attached.

- 5. How is Ash paying for a valuation expert that costs almost the amount of the remaining restitution?**

No elaboration needed.

- 6. Did Presley Aoki look under the hood of the Camaro? Why did Presley say they did not have access to the Camaro?**

No elaboration needed.

- 7. How long did Oakley and Ash work on the Camaro? Grey and Oakley said 2 years, but the car was impounded on Ash's 17th birthday.**

There is an error in Grey Obisanya's statement on page 95 at lines 66-67. It should read, "I know they spent almost *a year* working on that car." [emphasis added to show correction]

There is also an error in Oakley Ghale's statement on page 115 at line 79. It should read, "I spent about \$5,000 of my own money on the repairs over the span of *a year*." [emphasis added to show correction]

- 8. In Makani Kekoa's witness statement, lines 58-70, reads "In March 2022... Espinosa discussed Trillium funds being transferred to the junkyard's accounts and instructed Diallo on how much to "invoice" Trillium." But, in Ash and Harley's witness statements, both state that in December 2021, Ash said he would no longer take money from Trillium, and Harley agreed. Did Makani Kekoa overhear this conversation in March 2022?**

There was an error in Makani Kekoa's witness statement at lines 63-64. The sentence should read "Espinosa discussed Trillium funds *that had been transferred* to the junkyard's accounts and *whether Diallo 'invoiced' Trillium according to Espinosa's instructions*." [emphasis added to show change]

- 9. If a team tenders a witness as an expert, can they use statements of other witnesses while the expert testifies? Under the premise that as an expert they had access to other witness testimony.**

No. As stated in the Mock Trial rules, witnesses are limited to the information in their witness statement, unless otherwise noted.

Errata 11/28/2023

- 1. Harley Diallo and Ash Espinosa are currently serving time in prison. Are students portraying these witnesses permitted to wear a prison jumpsuit at the competition?**

No, students may **not** wear prison jumpsuits at competition. As stated in Competition Rule V.n. on page 21 of the case file, "[a]ll team members and any props or uniforms must pass through local courtroom security." Prison jumpsuits are prohibited at competition to avoid security concerns.

- 2. In the State of Buckeye, if the amount the state gets for selling the Camaro is more than the amount the defendant owes, who gets the excess, the state or the defendant?**

The defendant would get the excess.

- 3. It is understood that the total restitution amount is \$400,000 and that \$18,500 of that total still needs to be paid. Is there any specific "victim" that the remaining restitution will be given to, or is the outstanding balance just assumed to be split between Trillium High School and the "other illicit sources"?**

Other illicit sources will not be compensated, but the State will retain the forfeited funds recovered relating to that illicit activity. The amount of Trillium's restitution amount has been recovered, and the \$18,500 remains outstanding relating to the State's recovery.

- 4. The Case Stipulations states that *U.S. v. Leyva* is binding, but page 64 reads, "The Court finds Leyva persuasive and adopts its holding as the law in Buckeye." Please clarify.**

The Stipulations and the Judge's Opinion are consistent. *U.S. v. Leyva* was persuasive authority that the Court considered, and the Court adopted its holding. Therefore, it is now binding authority in the State of Buckeye.

Errata 11/14/2023

- 1. Makani Kekoa's statement says, "Espinosa would change the routing number..." (page 88, line 134). Based upon the next few sentences it appears that Espinosa changed the account number, not the routing number. Please confirm.**

There is an error in lines 134-135 of Makani Kekoa's witness statement on page 88. It should read, "Espinosa would change the routing *and account* numbers so the money would be deposited to their own accounts." [emphasis added to show change]

- 2. There is an inconsistency in Ash Espinosa and Harley Diallo's witness statements. In Harley's witness statement, it says that the Trillium High School audit is "bi-annual" while Ash's statement says that the audit is "annual." Please clarify.**

No elaboration needed.

- 3. In the errata update posted on 10/31, the updated Exhibit F was made to have the same invoice number and date as Exhibit G, even though the invoices are going to different recipients. Was this a mistake?**

There was an error in the updated Exhibit F that was included in the errata update posted on 10/31/23. The invoice number, date, and recipient information were changed accidentally. A new, corrected version of Exhibit F is included in this document.

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 “surcharge.” 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 B (Part 3)
Ash Espinosa's Plea Agreement

I have read this form, as well as any attachments, and I knowingly, voluntarily, and intelligently enter this guilty plea. I understand the nature of these charges and the possible defenses I might have. I am satisfied with my attorney's advice, counsel, and competence. I am not under the influence of drugs or alcohol at this time. I have not been forced, coerced or threatened in any way to cause me to sign and offer this plea.

/s/ Ash Espinosa _____

05/12/2023 _____

DEFENDANT

DATE

I have explained to the defendant prior to them signing this plea, the charge(s) in the indictment or information, the penalties therefore and their constitutional rights in this case. I represent that, in my opinion, the defendant is competent to enter this plea and now does so knowingly, intelligently and voluntarily.

/s/ Mickey L. McPherson _____

05/12/2023 _____

DEFENDANT'S ATTORNEY

DATE

The State of Buckeye consents to proceed with the arraignment, the plea, and sentencing of this represented defendant.

/s/ Molly E. Kantardzic _____

05/12/2023 _____

ASSISTANT PROSECUTOR

DATE

Exhibit F
Invoice from Diallo's Scrap & Sale to Trillium High School

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 # 2947
 DATE: NOVEMBER 10, 2020

TO:
 Ash Espinosa
 Trillium High School
 810 W. Columbiana Street
 Harmony, Buckeye 99310
 Phone: (555) 844-3000

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	500 pounds of recovered copper tubing	\$5.20/lb	\$2,600
1	320 pounds of recovered steel scrap	\$1.25/lb	\$320

SUBTOTAL	\$3,000
SALES TAX	Included
SHIPPING & HANDLING	Free
TOTAL DUE	\$3,000

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

THANK YOU FOR YOUR BUSINESS!

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

Diallo's Scrap & Sale
Salvaging Scrap Since 2012

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



INVOICE

INVOICE # 3112
 DATE: MAY 11, 2022

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

SUBTOTAL	\$14,970
SALES TAX	Included
SHIPPING & HANDLING	Free
TOTAL DUE	\$14,970

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

THANK YOU FOR YOUR BUSINESS!