

2008 Florida High School Mock Trial Questions & Answers

- 1) The information on page 12 (the witness list) indicated that the role of Irene Green could be played by either a male or female, but the witness statement seems to be written from the female point of view. Should this part be played by a female? **While all roles in mock trial are generally deemed gender neutral, for this case, it is preferable/easier to have a female in this role if possible.**
- 2) Is there another SUV? Marla regularly drives a sports car, and David's Escalade was called "another really fancy SUV" in Lori Lambert's Statement, on page 13, 3rd paragraph. **No.**
- 3) In the statement of the case (p. 8, last paragraph), it states that the court denied Marla's motion objecting to the admission of evidence – the drug-sniffing dog, the anonymous tip and the document found at the site of the wrecked car – and the evidence was allowed. #7 on the list of **Stipulated Procedural Matters** (p. 11) it states that stipulations cannot be contradicted or challenged. Question: Since the evidence was allowed and it is so stipulated, can we use the procedures by the police in gathering the probable cause as part of our case? Can we question witnesses about the anonymous call, the document, and the use of the drug-sniffing dog? **All evidence presented in the packet is "fair game" for the competition and subject to evidentiary objections, as necessary. You should consult your teacher/coach on specific strategies for introducing evidence during the mock trial.**
- 4) What was David Manning's previous employment? **All relevant information is included in the packet.**
- 5) Is Tony Davis a liaison for the police department, meaning can he be questioned on all of the police activity? **You should consult your teacher/coach on specific strategies for direct/cross-examination and evidentiary objections during the mock trial.**
- 6) What is Mary J. Hasher's actual occupation at this time?
 - a. **Page 16, paragraph 2, states that Dr. Hasher is a teacher at a local university.**
- 7) Lori Lambert's testimony says she only mentioned Marla & David (no mention of son, Sean). Then police office statement says that anonymous caller (Lori) stated Marla & Sean (saying Sean told her about the indoor garden) Contradicting statements? Are they meant to be contradicting or are the names mistaken?
 - a. **Strike the following sentence from Lamberts' statement (pg. 14): "I also did not tell them that the kid I babysat was the one that gave me all the information."**
- 8) Is the Statement of the Case on pages 6 through 8 stipulated to for the competition?
 - a. **The "Statement of the Case" is not stipulated. This statement helps frame the general story of what happened. Certain facts within the "statement of the case" will be included in the new expanded stipulations on page 11, as follows:**
 - * **Marla Manning and David Manning have been married since 2000 and they have a son, Sean.**

*In November 2006, the Manning family was living in Ocean Heights, Florida.

*Lori Lambert was Sean's babysitter.

*Marla dropped off Sean at Lori's apartment on the evening of November 22, 2006.

*Marla picked up Sean from Lori Lambert's apartment later that evening on November 22, 2006 and was involved a short time later in a traffic accident.

*Marla was driving David's SUV at the time of the accident.

*The Ocean Heights Police Department investigated the accident scene.

*The police found a printout of a website on the subject of growing marijuana at the accident site.

*Lori Lambert made an anonymous call to the Ocean Heights Police Department to tell them that Marla and Dave might be running a marijuana growing operation in their condo unit.

*Ocean Heights Police officers took a drug sniffing dog to the Manning's condo building.

*In the hallway outside the Manning's door, the drug sniffing dog alerted.

*A search warrant was issued on November 23, 2006.

*David and Marla Manning were charged individually with possession, manufacturing or cultivating cannabis and with neglect of a child.

Please note the witness statements and exhibits are stipulated.

b. Paragraph 3, Line 6, of the Statement of the Case, should read: **“Instead of using one of the bedrooms as an office, he instead allegedly turned it into an indoor marijuana-growing facility.”**

9) Can the list of cases on pg. 35 be cited during the case?

a. Absolutely. See the disclaimer after the list of cases.

10) On Exhibit D, the car report, is the passenger on the bottom of the form correct as “M. Martin”? If so is it correct that he is a 15 year old boy? Is it correct that he is a passenger in Marla Mannings SUV? If not how is he related to this case? **“Arlen M. Martin” (15) was a witness to the accident, not a passenger. Sections 97-98 of the Accident Report have been updated to reflect this with the letter “W” in each block.**

11) With the exception of Toni Davis, none of the witness statements include “signed and sworn” dates. Is this an error? **All witness statements should be deemed signed and sworn as of October [date problem was released], 2007 for competition purposes.**

12) In Hasher’s statement, the sentence contained in paragraph 5, lines 3-5 doesn’t make sense. It makes more sense if you strike through the word “causing” in line 5. Is this the way it should

read? This sentence should read: **“My research indicates that while some people experience stress reduction, increased creativity and pain relief while using marijuana, the vast majority of users have experienced multiple health risks.”**

- 13) In the statement of the case (p. 8, last paragraph), it states that the court denied Marla’s objection to the admission of evidence – the drug-sniffing dog, the anonymous tip, and the document found at the scene of the auto accident – but the evidence was allowed in. My question is: Since the evidence was allowed and it is so stipulated, can we use the PROCEDURES by the police in gathering the evidence they used as probable cause for the warrant as part of our case? Can we question witnesses about the anonymous call, the document, and the use of the drug-sniffing dog? **See response to question 3.**
- 14) In the current case there are no dates for when the witnesses signed the affidavits. Is this a typo? **See response to question 11.**
- 15) In Lori’s statement, she says when she called with the anonymous tip, she only mentioned David and Marla Manning. She also said that she didn’t tell the police that Sean was the one who told her. In Exhibit E, the lease agreement, it says that when Lori called she mentioned only Marla and Sean and that she stated to the police that Sean was the one who told her. Question: **What is the right information? Is Lori lying?** **See response to question 7.**
- 16) My question was about the accident report listed as one of the exhibits for this year's mock trial case. Question: **I was just wondering if the information under the subheading "injured and uninjured passengers" was correct.** **See response to question 10.**
- 17) Are exhibits allowed to be entered, in on cross examination? **You should consult your teacher/coach on specific trial strategies for admitting evidence on direct/cross- examination.**
- 18) We are having a hard time with the time frame of the neighbor - how long have they known the Manning’s? **Pursuant to Marla Manning’s sworn statement, she and David married in 2000, and moved into Silver Sands Condominiums on the penthouse floor of the building. For purposes of this competition, assume that the lease had to be re-executed each year. The lease agreement included in the packet is the Mannings’ most recently executed agreement.**
- 19) The statement of facts indicates that the evidence seized pursuant to the search warrant was allowed to be admitted at trial. Does this preclude any inquiry into the propriety of the search itself (janitor access and related issues)? **This question has already been answered.**
- 20) In the recently released question and answer section you guys stated “*In November 2006, the Manning family was living in Ocean Heights, Florida.”. The way it sounds the answer appears to me is that during the month of November of 2006 they lived in the apartment. Is this when they moved in? We are trying to establish the length of time that the Manning’s have been in contact with their neighbors. **See response to question 18.**
- 21) When did Sean enter David’s office? How much time elapsed between Sean going into the "office" and when the police made the arrests? **All information pertinent to this competition can be found in the witness statements. For further instructions on drawing reasonable inferences, please refer to Rule III, paragraph 5, of the packet.**

- 22) On the accident report the time of the accident is recorded to have happened at 9:10PM. Lori said she found out about the accident at 8:30. What is the time of the accident? **The case will be changed to reflect the time of the accident to be “19:55.”**
- 23) In our case materials Exhibit A (lease of the Manning residence) states that the inception date is November 1, 2006. In light of the testimony of other witnesses, is this the actual date the lease began or was this the renewal of the lease? **For purposes of this competition, assume that the lease had to be re-executed each year. The lease agreement included in the packet is the Manning’s’ most recently executed agreement.**
- 24) Can we have a clear definition of *hydroponics* for the case? **The cultivation of plants by placing the roots in liquid nutrient solutions rather than in soil**
- 25) Were the marijuana plants found in the Manning’s home grown with soil? **See response to question 24.**
- 26) How much time elapsed between when Marla Manning and Sean briefly entered David Manning’s private office and when the police discovered his indoor marijuana growing facility? **See response to question 21. All information pertinent to this competition can be found in the witness statements. For further instructions on drawing reasonable inferences, please refer to Rule III, paragraph 5, of the packet.**
- 27) From paragraph 1 of Marla Manning’s statement, when did they move into the condominium? **See Stipulations listed in response to question 8.**
- 28) In real court, an expert witness would have reviewed the evidence for which they are being asked to testify about. May we assume that Dr. Hasher has reviewed the information about Sean Manning (knowing that teachers have reported short term memory loss, that he is very intelligent, etc. based upon the information of the other witness?) If not, her information is pretty irrelevant to the case. **This is a question of strategy and no clarification or special stipulation is needed.**
- 29) Is the reinvestigation company that David started in addition to another job? **See response to question 21. All information pertinent to this competition can be found in the witness statements. For further instructions on drawing reasonable inferences, please refer to Rule III, paragraph 5, of the packet.**
- 30) On the accident report, the time of the accident is recorded to have happened at 9:10 pm. Lori said she found out about the accident at 8:30. What is the time of the accident? **See response to question 22. The case will be changed to reflect the time of the accident to be “19:55.”**
- 31) The police report for Marla Manning’s accident is not clear. Is 21:00 the time of the accident? **See response to question 22. The case will be changed to reflect the time of the accident to be “19:55.”**
- 32) When did Sean enter David’s office? How much time elapsed between Sean going into the office and when the police made the arrests? **See response to question 21. All information pertinent to this competition can be found in the witness statements. For further instructions on drawing reasonable inferences, please refer to Rule III, paragraph 5, of the packet.**
- 33) On Page 19, Marla states “Lori had been babysitting Sean for several months even before we moved to the new condo” implying that the Mannings are new to the Ocean Heights Condo.

However, your response in Q & A, #18, states that they moved there in 2000 and have been renewing the lease yearly. What is correct?

- a. All information pertinent to this competition can be found in the witness statements. For further instructions on drawing reasonable inferences, please refer to Rule III, paragraph 5, of the packet.
- b. Pursuant to Marla Manning's sworn statement, she and David married in 2000, and moved into Silver Sands Condominiums on the penthouse floor of the building. For purposes of this competition, assume that the lease had to be re-executed each year. The lease agreement included in the packet is the Manning's' most recently executed agreement.

34) In Marla's statement Pg.19 line 3 states David and Lori married and moved in to the condo in 2000, but on page 20 line 52, Marla states Lori had been babysitting for several months even before they moved into the condo. Is it supposed to read several years, or was Sean born while David and Lori were not married or is it some other mistake? Or is it accurate and Marla is to be crossed on this?

- c. See Stipulations listed in response to question 8.
- d. This is a question of strategy and no clarification or special stipulation is needed.

35) According to Lori Lambert's Sworn Statement, she babysat "for Sean Manning during the months of April through most of November 2006. Sean was six years old..." (Pg 14) According to Maria Manning's Sworn Statement, "Lori had been babysitting Sean for several months, even before we moved to the new condo," which according to the answer to question 18 was in the year 2000. Questions: When exactly did Lori Lambert first begin to baby-sit, was it in 2000 or 2006? When exactly was Sean born? When exactly did the Manning's marry?

- e. The case is complete as written
- f. Sean's birthday is October 10, 2001, this information will be added to the stipulations
- g. The phrase "even before we moved into the condo" stated on page 20, line 52 will be stricken from Marla Manning's Sworn Witness Statement
- h. See Stipulations listed in response to question 8.

36) On what date was the problem released? **October 9, 2007**

37) Since there is no other SUV, should Lambert's statement be revised to read "another really fancy car" rather than "another really fancy SUV? **No.**