

2017

Mockingbird Challenge

Questions and Answers

If your question is not listed that means the problem stands as it is written. Here are the answered questions. A modified case file will be posted by 9/14/17. All changes are noted below.

Question #1:

On Page 9 of Bennie's statement (lines 23-32), Bennie says "Then yesterday afternoon I remember Sally telling me...". Then the Detective responds, "Wait, she told you the afternoon of the murder that she was ready to do what needed to be done?" Her statement was taken on May 31, so "Yesterday afternoon" would be the 30th. Rick was killed on the 29th though. So the dates were not matching up. We just wanted some clarification on the dates.

ANSWER: The statement has been modified to indicate that Sally made the statement on Monday afternoon. Please see the updated case file.

Question #2:

On Shunnarah's resume, it says "Chief of Psychological for the Alabama Department of Corrections." Is "Chief of Psychological" a typo? If so, what's Shunnarah's proper title?

ANSWER: It is a typo. It has been amended and now reads "Chief Psychologist, Alabama Department of Corrections."

Question #3 A & B:

In Bennie's deposition, she mentions handing Detective Lloyd two things: on page 10, paragraph 5, she mentions handing Detective Lloyd a picture of Rick in his "stupid hat" and on page 12, paragraph 3, she mentions handing him a list of the medicines Sally takes. Are we supposed to have access to those items as exhibits?

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Are all intended exhibits included within the competition packet? For example, some exhibits are randomly numbered, while others have no numbers at all. Additionally, Bennie Arnold references two exhibits she brought to Detective Lloyd. The referenced exhibits are (1) a list of Sally Childers' medications and (2) a picture of Sally's pill bottles as Bennie found them after the stabbing. Neither of those exhibits are included in the competition packet.

ANSWER: A picture of the victim prior to being killed is now included in the case file materials. As for the list, see Stipulation 18, it will serve as the list of medications given. There is no picture of the pill bottles as found other than what has been already provided. No argument may be made that Benny discarded any of the pills before taking the picture. The picture is as she found the pills except she poured them out so we could see how many were in the bottle.

Question #4:

In the Hu report, the nurse's notation about the medication mix-up is dated May 22nd but then afterwards it seems she didn't see it until June 5th. Was the notation made and dated 5/22 and she did not see it until 6/5?

ANSWER: The nurse was responsible for the mix-up on May 22nd. The mix-up was done without the knowledge of the doctor on May 22nd. Dr. Hu is the one that notices the notation for the first time on June 5th. The case file has been amended to try to make that clearer. The "I" was changed to "the nurse."

Question #5:

Does the Hills and Dales flyer depict the uniform Sally and her co-workers on the wait staff wore regularly?

ANSWER: Yes. That is exactly what Sally was wearing when the stabbing occurred. It is the regular server uniform.

Question #6 A & B:

We've noticed there are references both to the brand name and the generic name of Sally's anti-depressant and mood stabilizer medication. Can we treat them as though the references are to the same two medications?

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Dr. Hu refers to one of Sally's medications as "Wellbutrin." Sally never mentions this medication in her journal. Instead, Sally mentions the medication "Bupropion," while Dr. Hu never mentions it. Are Wellbutrin and Bupropion the same medication?

ANSWER: Yes, they are the same drug.

Question #7 A & B:

Dr. Hu's report states that he is being paid by the State of Alabama. Is this intentional?

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The report of Dr. An Hu indicates (first sentence) that "The State of Alabama will pay me at a rate of \$175 per hour for my time spent during the trial." Dr. Hu is in private practice. Is it standard practice for the State of Alabama to pay for an Expert Witness for the Defendant? Is this an intended statement by Dr. Hu (is the state in fact paying for his testimony) or is this an error?

ANSWER: The defendant is indigent. A motion was filed by the defendant for the state to provide her with her own expert. The motion was granted and for economy sake, since Dr. Hu already had a relationship with the defendant, Dr. Hu was appointed by the court. So yes, both experts are being paid by the state.

NOTE: Regardless of the defense the defendant chooses to pursue at trial both experts/doctors will still be called and no motion will be entertained that they should not be allowed to take the stand and testify. This does not preclude objections as to the scope of the testimony.

Question #8:

If Casey Cantrell is played by male, we are supposed to assume that he was not sexually harassed but instead witnessed Rick sexually harassing the female employees at Hills & Dales. What kind of sexual harassment are we to assume a male Casey witnessed? What is proper to assume?

ANSWER: A male Casey can testify as to the same harassment seen by a female Casey. Whatever female Casey endured it is reasonable to say that a male Casey witnessed the same with another co-worker. For what it is worth, all Faulkner lay witnesses will be female.

Question #9:

Some exhibits are numbered, while others are not. If an Exhibit is pre-marked, should we reference the Exhibit as the number it is marked or reference it in sequence of Exhibits used in trial?

ANSWER: You can take this up with the presiding judge in housekeeping.

Question #10:

Competition Rule 4 provides that “each team will consist of precisely four (4) members. Four (4) members will participate in each trial, two as counsel and two as witnesses.” Rule 5, however, states that “[e]ach team will be given two (2) Faulkner witnesses. . . . Approximately 30 minutes before each round [the competition] will disclose which role the Faulkner witness will be playing in that trial. . . . In each trial there will be exactly one Faulkner witness per trial per team.” These two rules contradict one another – please advise.

ANSWER: While confusing, these rules do not contradict each other. At the Wednesday night check-in you will be assigned your two Faulkner witnesses. One of the Faulkner witnesses will be prepared to play both lay witness roles and the other both expert/doctor witness roles. However, in each trial only ONE Faulkner witness will testify and only ONE (insert school name here) witness will testify per team. You will learn which Faulkner witness will testify in each round approximately 30 minutes before each round. So, for instance, in Round 1 if your Faulkner witness is assigned to play the expert, then the (insert school name here) witness will play the role of the lay witness. Every team must be prepared to have a witness for every part. Under no circumstances will any trial have two Faulkner witnesses testifying for the same side or have zero Faulkner witnesses testifying for the same side. It will always be just one witness per trial.

Question #11:

Per the competition rules, advocates are permitted to make pretrial motions. Are they expected to do so orally (as is standard in competitions) or should they have anything prepared in writing?

ANSWER: No written motions. Motions in limine, if any, must be oral. The only paper that can be handed to a judge is a notice of appearance. It is highly recommended that you give the judge a notice of appearance detailing which advocate will perform which skills. It greatly helps with scoring.