

UPDATE MEMORANDUM
2017 Illinois State Bar Association High School Mock Trial Invitational

People of the State of Illinois v. Taylor Cartwright

First Update Memo 1/11/2017

1. Our mock trial team noticed that Lincolnville and Lincoln City were used interchangeably on pages 12, 14, and 15 in the Supplemental Incident Report.

Answer: There was an inadvertent typographical error in the materials. On page 14 of the case materials in the Supplemental incident report, the box titled “City” should read “Lincolnville” instead of “Lincoln City.”

2. With respect to the deceased witness Erin Kane and the rule against hearsay: her testimony was not in the form of prior testimony, however there is another limited exception to the hearsay rule when the declarant is unavailable. Although only usable in certain circumstances, death is definitely one. However, that exception is not listed in the ISBA Mock Trial handbook as one of the acceptable exceptions to hearsay, so I was just wondering if was allowed to raise that exception at trial.

Answer: The admission of statements by deceased witness Erin Kane is the subject of the Court’s pre-trial Order on Motions *in Limine*. The Court Order allows the statements by Kane to be admitted, but subject to certain restrictions imposed on the State. Except as provided for in that Order on Motions *in Limine* or in the Pre-Trial Order, the rules of evidence governing the Mock Trial shall be as set forth in the Mock Trial Rules of Evidence. See the Simplified Rules of Evidence found in Section VIII of the 2017 ISBA Mock Trial Handbook.

3. In Dr. Jamie Craig’s affidavit references to Dr. Paulsen are made. However the name of the defense doctor is Dr. Peters. Are references to Dr. Paulsen a typo?

Answer: This was an inadvertent error in the 2017 Mock Trial Problem, which has since been corrected in the problem. Specifically, in Lines 65-71 of Dr. Jamie Craig’s affidavit, the surname of the other doctor should be Peters, not Paulson, as follows:

I understand that Dr. Peters is testifying for the Defense and disagrees with my conclusion. While I have the utmost respect for Dr. Peters, I believe that medical advances in the field of pathology have passed him/her by. In addition, I attended medical school with Dr. Peters' son, who later lost his license to practice medicine due to a drug conviction. Over the years, I had on many occasions spoken at length with Dr. Peters about the practice of medicine and have been dismayed that his/her focus has turned from service to the public to the financial rewards of being an expert witness, or “a hired gun.”

An updated case packet was posted to the ISBA Mock Trials website in November 2016 underlining the changes in red.