

FIRST UPDATE MEMORANDUM
2018 Illinois State Bar Association High School Mock Trial Invitational

Addison Grant v. Sam Smith

First Update Memo 2/13/2018

Question No. 1. On page 4, count 13: Officer Smith is charged with using the taser. On page 8, count 13: Officer Smith denies using taser. In all other parts of the case the use of a taser is mentioned. Is page 8 a typo?

Answer: The problem will stand as written regarding any information referenced in this question.

Question No. 2. Exhibit 13 it says "14:16:07 - Smith: Suspect located." However in the affidavit on line 92 Smith says he located the suspect around 3pm. Is the time discrepancy a significant error?

Answer: This is an inadvertent typographical error. Lines 92-93 of Sam Smith's affidavit should read as follows:

"At around 2:16 PM on July 20th, I spotted Grant sitting on a park bench at Washington Park, wearing a dirty white tee-shirt and red gym shorts drinking some water."

Exhibit 13 will stand as written.

Question No. 3. According to IL state law, police officers cannot be the victims of disorderly conduct. Does that hold true in this case, or is that law suspended/not recognized?

Answer: The current law in Illinois is not suspended or unrecognized by this problem. There was an inadvertent error in the problem in Officer Sam Smith's affidavit. Officer Smith's affidavit, on page 26 of the problem, lines 104-105 should read as follows:

"Also, calling a cop an 'idiot' and nearly spitting on an officer is assault."

Further, Section XI., Subsection A. of the Mock Trial Handbook, which can be found on page 31, and reads, in part, as follows:

"Students may read materials other than those provided in preparation for the mock trial; however, they may only cite materials included in the ISBA mock trial packet, and they may only introduce into evidence those exhibits given in

the case materials. Teams may NOT cite as authority any material that may be referred to in citations or footnotes in the materials.”

Question No. 4. In Exhibit #3, Voice 3 mentions a "code" was called when calling for the ambulance. However Exhibit #13 (dispatch report) does not address what code was used to call for assistance. Is that supposed to be missing?

Answer: The problem will stand as written regarding any information referenced in this question.

Question No. 5. Should the word Grant be replaced by Smith in Petyon Gilbert’s statement, at Page 22, Line 53, where it says, “In this situation, Grant unreasonably assumed . . .?”

Answer. This is an inadvertent typographical error. Lines 53-55 of Payton Gilbert’s affidavit should read as follows:

“In this situation Smith unreasonably assumed, without pause, that Grant was trying to harm him/her during the seizure rather than using Smith’s training/experience to assess that Grant needed medical attention.”