

**FIRST UPDATE MEMORANDUM
2021 ISBA High School Mock Trial Invitational**

People v. Jordan Markson

12/17/2020

Question No. 1. On page 55, the names of the sender and recipient of the emails in Exhibit 17 appear as “Marks” rather than “Markson”. Is this an error?

Answer: This is an inadvertent typographical error.

Exhibit 17, page 55 will be modified and posted separately with this Update Memorandum to correct this error.

Question No. 2. On page 5, below 720 ILCS 5/4-5 – Knowledge (6th line from the bottom), is the word “preformed” misspelled?

Answer: This is an inadvertent typographical error. Page 5 is modified to read as follows:

720 ILCS 5/4-5 – Knowledge

A person knows, or acts knowingly or with knowledge of:

- (a) The nature or attendant circumstances of his or her conduct, described by the statute defining the offense when he or she is consciously aware that his or her conduct is of that nature or that those circumstances exist. Knowledge of a material fact includes awareness of the substantial probability that the fact exists.
- (b) The result of his or her conduct, described by the statute defining the offense, when he or she is consciously aware that the result is practically certain to be caused by his conduct.

Conduct **performed** knowingly or with knowledge is **performed** willfully, within the meaning of a statute using the terms “willfully”, unless the statute clearly requires another meaning.

When the law provides that acting knowingly suffices to establish an element of an offense, that element is also established if a person acts intentionally.

Question No. 3. On page 10, paragraph 14 of the Pre-Trial Order, the 4th line refers to “Exhibit C”. Is it supposed to be “Exhibit 3”?

Answer: This is an inadvertent typographical error. Page 10, paragraph 14 is modified to read as follows:

14. The admissibility of Exhibit 3, the Laboratory Report, as a business record is stipulated but the contents of the report may be controverted or challenged by any party. However, as required by *Bullcoming v. New Mexico*, 546 U.S. 647 (2011), the prosecution may not introduce **Exhibit 3** that reports the results of a forensic test and use Exhibit 3 as substantive evidence against the defendant unless the analyst who prepared or certified Exhibit 3 is offered as a live witness subject to cross-examination.

Question No. 4. On page 55, the two emails in Exhibit 17 are dated June 2016. Should each of these dates be June 2020?

Answer: This is an inadvertent typographical error.

Exhibit 17, page 55 will be modified and posted separately with this Update Memorandum to correct the date.

Question No. 5. What is Riley Russell’s gender?

Answer: Riley Russell’s gender is modified to reflect the male gender.

Question No. 6. Is the toxicology report supposed to say “nanometers”, which contradicts McDonnell’s testimony to “millimeters”?

Answer: This is an inadvertent typographical error. Page 39, Exhibit 3 is modified to read as follows:

Toxicologist	Drug	Result	Uncertainty (99.73% coverage probability)
<i>Volatiles Analysis by Headspace Gas Chromatography</i>			
Eddie Lacy	Oxycodone- hydrochloride	0.4911 mg/L	#0.009 mg/L
Eddie Lacy	Ethanol	0.160 g/100mL	#0.009 g/100mL