



*Partnering With Teachers to
Bring Citizenship to Life*

High School Mock Trial 2018
State of Buckeye V. Adam Smith
Errata Sheet

Please note:

The errata sheet serves to clarify or correct errors in the Mock Trial case and/or rules, and does not address team strategy, coaching, or judging protocol. If a question received does not meet the criteria for Errata (e.g. pertains to an evidence question), an email response will be sent.

Errata 01/09/18

- 1) In the case file reference is made to a 1997 Oldsmobile Alero. The Alero did not go into production until 1998, with the first model year offered being 1999?**
 - a. In the fictional setting of the Mock Trial Universe the Alero was available in 1997 and this is in fact the car that was driven. No significance should be attached to this perceived discrepancy. Research of this kind is considered outside research and is expressly forbidden under OCLRE rules.*

- 2) In Avery Thompson's deposition, pg. 71 ln. 143-147, can we assume s/he drew these conclusions based on trial transcripts?**
 - a. Yes. Thompson reviewed the trial transcript as part of his/her investigative reporting.*

- 3) Is the antenna array diagram (the wheel) at the bottom of exhibit C to scale?**
 - a. No. This diagram is for explanatory purposes only and is not to scale with the rest of the map.*

- 4) What is the orientation of the map in exhibit C?**
 - a. Exhibit C is in standard orientation, with North being straight "up," East being to the right of the page, etc.*

- 5) At trial, will the students playing witnesses be permitted to mark on Exhibit C on the stand? For example if our team brings a clean and unmarked copy of Exhibit C on 8.5 x 11 paper, can we ask Lewis to draw on the exhibit in pen to explain his/her testimony?**
 - a. Demonstrative testimony of this kind is not permitted under OCLRE rule 901. Altering the exhibit in any way prior to or during trial constitutes a material rules violation.*

Errata 12/12/2017

- 6) Are both experts familiar with Exhibit C? Neither of them specifically references the map in their witness statement.**
 - a. Both are familiar with Exhibit C.*

- 7) **With regard to Exhibit C, where does this exhibit come from? Taylor Lewis refers to it as “the exhibit prepared for trial” on line 107 of his/her statement, but there is nothing to indicate who created the Exhibit. Was it created by Taylor Lewis? The 1999 Prosecutors? Is the Tower Location Key, (TLK), mentioned in Taylor Lewis’ statement at page 92, the Cell Tower Map? (exhibit C)? Is Exhibit C a map of the towers as of 9/18/98 or is it a current map?**
- Exhibit C is a map created jointly by both parties, stipulated to be an accurate translation of the TLK into physical locations, including other relevant locations (e.g. the school). A TLK is a listing of the geographic coordinates of a tower.*
 - The locations and identifiers of the towers has not changed. Exhibit C shows the towers as they were in both 1998, and in the present time.*
- 8) **Regarding Exhibit C – our copy is very light, and does not show the roads, etc. when printed. Is there a better copy?**
- A copy of each Exhibit is available on the OCLRE website.*
- 9) **Is Lewis familiar with Exhibit A, which was prepared by Waranowitz?**
- Lewis reviewed Exhibit A in preparation for his/her testimony in this trial.*
- 10) **In Lewis's deposition (lines 95-105), (s)he shifts between singular CDR and plural CDRs. Waranowitz uses only singular CDR. Since Lewis obtained the 1997-1998 TLK from a friend at YTT Wireless, is it possible (s)he could have also accessed other call detail records, or is Exhibit B the only CDR both experts examined in their analysis for the trial?**
- Exhibit B is the only CDR examined by the experts, due to the fact that not all of Adam Smith's call detail records were pertinent. For example, Call Detail Records (CDRs) for three days prior to the alleged incident would not have been relevant. Both parties had full access to all data, and full disclosure of all data to both parties occurred prior to trial.*
- 11) **On page 89 in Billie Stoneridge's statement, Lines 110 to 117 "Morgan told us that, after school on September 18, Morgan was supposed to get a ride home, as was their usual practice. Morgan did not have a cell phone, so Morgan placed the call from the school office, but the defendant did." I think you've left out a sentence or two between those two sentences. Morgan placed what call from the school office? But the defendant did what? Judging from the later sentences, Morgan called the Defendant, but there is some missing information there.**
- Morgan did not have a cell-phone, the defendant (Adam Smith) did have a cell phone.*
- 12) **Addison Waranowitz's statement says on Line 10 that he testified in Adam Smith's trial in 1998, but the trial took place in 1999.**
- The year in Line 10 of Addison Waranowitz’s statement should read “1999.”*
- 13) **On Lines 42-43 of Waranowitz's statement it says that a single cell tower covers around 1,021 square miles. I believe this is the coverage area for one antenna, not for the entire tower. The coverage area of the entire tower is 2,826 square miles.**
- Line 42 of Waranowitz's statement should read "The maximum coverage area of one antenna, therefore, is around 1,021 square miles."*

14) Regarding Exhibit A – there are ellipses set forth in line 4 in the column “Tower Target 1998” – what do they mean? i.e., should that column have the same information as the same column in line 3? Or do they mean something else? And if so, what do they mean?

a. The double quotation marks used in line 4 of Exhibit A are "ditto" marks, indicating that in 1998 the only tower attempted for QoS from 545 Spotted Salamander Dr. was tower M654B, as shown in line 3.

Errata 11/29/2017

1. There are several different versions of Exhibit A (case file, first errata, and revised). Additionally, there appears to be a typo in the version in the case file where the tower identifier has too many numbers. Which is the correct version of Exhibit A, and what tower is referred to be “L6521A?”

ANSWER: The corrected version of Exhibit A is attached. The exhibit is marked “Revised Exhibit A.” This is the correct version which should be utilized at trial.

2. In Taylor Lewis' statement, he/she describes separate columns for the originating & terminating cell sites (pg. 93, lines 50-53; pg. 94, lines 96-98) on the CDR (Exhibit B, pg. 104). But, Exhibit B has only one column for "cell site". Is this column the originating tower, the terminating tower, or both?

ANSWER: The CDR provided by YTT wireless lists only the originating tower. The terminating tower is not specified on the CDR.

3. On line 107 of Taylor Lewis' statement, he/she states, "As marked on the exhibit prepared for trial, Smith place a call to his mother, which pinged off of what has been labeled as Tower #1....." My students wanted to know which exhibit this testimony is referring to? Is Taylor referring to exhibit B? exhibit C? or both?

ANSWER: This line is a reference to two exhibits. “Tower #1” is a tower indicated on Exhibit C: Cell Tower Map, which relates to M654. The call details (number, time, duration, tower) are recorded as the 4th call listed on Exhibit B: Call Detail Record (CDR) for Adam Smith.

Errata 11/14/2017

1.) On page 56 it says: "On October 6, 1999, after a jury trial". On page 58 it says: "On October 5, 1999, the parties began trial." then in the next line down, it says "On October 19, 1999 the jury found the defendant guilty of all charges." So, if he was found guilty on October 19, how could "after a jury trial" been on October 6? Please give the correct date the students should be using. On Page 56, the date should read October 19, 1999

2.) Regarding exhibit C. Is the map scale accurate in that one and a half inch is equivalent to 4 miles? The map scale on Exhibit C is accurate.

3.) In the Billie Stoneridge's witness testimony, on line 24 it spells one of Hayley's friends as "Janey" and "Janie". Later, it goes back to "Janey". Which one is the correct spelling of the name? All should be spelled “Janey”.

Errata 10/31/2017

1.) The State of Buckeye is referred to as the Plaintiff-Respondent. But since the State prosecuted Smith, as opposed to lodging a complaint, shouldn't it be "Prosecution-Respondent" throughout? Yes. It should be prosecution/respondent, especially since this motion filed as part of original criminal case. (This is a non-substantive clarification.)

Errata 10/17/2017

1.) In lines 133-134 of Avery Thompson's statement, it says "In both instances, Morgan claimed when he got home Morgan seemed panicked, told him to get in the car, and then took him to Cardinal Park." Can we assume that the second instance of "Morgan" in that sentence should say "Adam" instead? Yes. In line 134 of Avery Thompson's Witness Statement, the name Morgan should be Adam.

Errata 10/06/2017

1.) Page 63 in the prosecution memorandum states "[insert updated podcaster info re: drive test]". Was there supposed to be something additional added to the memorandum?

No. The line "[insert updated podcaster info re: drive test]" on Page 63 of the Case File is in error and should be disregarded.

2.) Waranowitz mentions that there was overcast, but exhibit D (the state test) lists the weather as "sunny". What was the weather like on the day of the incident? EXHIBIT D: DRIVE TEST RESULTS has been edited. "The State's Timeline" conditions have been changed from Sunny to Overcast. (See attached)

3.) Due to printing issues, Exhibits A, D and E did not print in landscape format. The landscape versions of those exhibits follow for use. Note that Exhibit D is revised to include the corrected State's Timeline Conditions.

REVISED EXHIBIT A: TOWER PROXIMITY REPORT

	Location	Tower Target 1998	QoS	Tower Target 2017	QoS
1	382 Spotted Salamander Ave. - A.K.A. <i>Bennigan's Diner</i>	N653B	90%	L651A	Out of Range
2	401 Carnation Rd. - A.K.A. <i>Reynolds' Residence</i>	L651B	40%	L651A	60%
3	545 Spotted Salamander Ave. - A.K.A. <i>Trillium H.S.</i>	M654B	70%	N653A	40%
4	545 Spotted Salamander Ave. - A.K.A. <i>Trillium H.S.</i>	""	""	L655A	15%
5	200 PawPaw Dr. – A.K.A. <i>Cardinal Park</i>	L651B	90%	<i>NOT PERFORMED</i>	<i>N/A</i>
6	1010 Flint Rock Dr. – a.k.a. <i>Smith Residence</i>	L651A	80%	L655A	30%
7	200 Isotelus Pl. – a.k.a. <i>Olentangy Park</i>	L655A	60%	L655A	80%

REVISED EXHIBIT D: DRIVE TEST RESULTS

#Attempt	Date	Time of day/start	Data Point 1	Data Point 2	Data Point 3	Data Point 4*	Data Point 5**	Data Point 6	Data Point 7	Total Drive Time	Conditions
			Trillium HS	Bennigan's	Morgan's House	Depart Morgan's House	Cardinal Park	Olentangy Park	Drop off at Morgan's		
1	4/4/17	3:15 p.m.	3:15 p.m.	3:32 p.m. (+17 min.)	3:50 p.m. (+18 min.)	4:23 p.m. (+33 min)	4:43 p.m. (+20 min.)	5:13 p.m. (+30 min.)	6:02 p.m. (+49 min.)	2hr. 47 min.	Sunny
2	4/4/17	6:00 p.m.	6:00 p.m.	6:18 p.m. (+18 min.)	6:35 p.m. (+17 min.)	7:08 p.m. (+33 min)	7:28 p.m. (+20 min)	7:58 p.m. (+30 min.)	8:47 p.m. (+49 min.)	2 hr. 47 min.	Sunny
3	4/5/17	3:30 p.m.	3:30 p.m.	3:47 p.m. (+17 min.)	4:06 p.m. (+19 min.)	4:39 p.m. (+33 min)	5:00 p.m. (+21 min.)	5:31 p.m. (+31 min.)	6:20 p.m. (+49 min.)	2 hr. 50 min.	Sunny
4	4/5/17	8:00 p.m.	8:00 p.m.	8:17 p.m. (+17 min.)	8:33 p.m. (+16 min.)	9:06 p.m. (+33 min)	9:27 p.m. (+21 min.)	9:57 p.m. (+30 min.)	10:46 p.m. (+49 min.)	2 hr. 46 min.	Post sunset
5	4/20/17	10:00 a.m.	10:00 a.m.	10:15 a.m. (+15 min.)	10:32 a.m. (+17 min.)	11:05 a.m. (+33 min)	11:30 a.m. (+25 min.)	12:00 p.m. (+30 min.)	12:49 p.m. (+49 min.)	2 hr. 49 min.	Storms
6	4/20/17	1:15 p.m.	1:15 p.m.	1:30 p.m. (+15 min)	1:46 p.m. (+16 min.)	2:19 p.m. (+33 min)	2:35 p.m. (+16 min.)	2:58 p.m. (+23 min.)	3:47 p.m. (+49 min.)	2 hr. 32 min.	No traffic lights
7	5/10/17	7:00 a.m.	7:00 a.m.	7:19 a.m. (+19 min.)	7:38 a.m. (+19 min.)	8:11 a.m. (+33 min)	8:35 a.m. (+24 min.)	9:06 a.m. (+31 min.)	9:55 a.m. (+49 min.)	2 hr. 55 min.	Fog
8	5/10/17	3:45 p.m.	3:45 p.m.	4:02 p.m. (+17 min.)	4:19 p.m. (+17 min.)	4:52 p.m. (+33 min)	5:14 p.m. (+22 min.)	5:45 p.m. (+31 min.)	6:34 p.m. (+49 min.)	2 hr. 49 min.	Rain
9	5/11/17	12:00 p.m.	12:00 p.m.	12:15 p.m. (+15 min.)	12:35 p.m. (+20 min.)	1:07 p.m. (+33 min)	1:30 p.m. (+23 min.)	2:01 p.m. (+31 min.)	2:50 p.m. (+49 min.)	2 hr. 51 min.	Rain
10	5/11/17	4:50 p.m.	4:50 p.m.	5:06 p.m. (+16 min.)	5:21 p.m. (+15 min.)	5:54 p.m. (+33 min)	6:20 p.m. (+26 min.)	6:51 p.m. (+31 min.)	7:40 p.m. (+49 min.)	2 hr. 50 min.	Cloudy
State's Timeline	9/18/98	3:15 p.m.	3:15 p.m.	3:30 p.m. (+15 min)	3:47 p.m. (+ 17 min)	4:20 p.m. (+33 min)	4:34 p.m. (+14 min)	4:58 p.m (+24 min.)	5:47 p.m. (+49 min.)	2 hr 32 min	Overcast

Parentheses indicate time added to previous data point.

* Morgan arrives homes at 4:15 p.m. for 33 minutes

** Stop/ Adam shows contents of trunk (3 minutes added to drive time)

EXHIBIT E: EVIDENCE COLLECTION LOG

Crime Scene Evidence Collection Log

Date:	09/28/1998
Time In:	11:00
Time Out:	13:00
Location:	Vehicle delivered to intake processing bay 4 – Buckeye State Crime Laboratory – 1234 Aesculus Avenue
Case Number:	98-1234 – Missing Person

Evidence Collection Log

Item #	Date	Time	Item Description	Location	Collecting Officer
001	9/28/98	11:01	Blue nylon tow-rope, uncoiled	Trunk, right side, on top of debris pile, near right-rear wheel well	Chaudry - B#348
002	9/28/98	11:01	One (1) pair white tennis shoes, Adidas brand, men's size 12	Trunk right side, under coil of rope	Chaudry - B#348
003	9/28/98	11:02	Empty takeout container, Styrofoam, no food residue evident	Trunk right side, under coil of rope, left of tennis shoes	Chaudry - B#348
004	9/28/98	11:05	Fleece blanket, 90in x 90in scarlet and gray in color, folded	Trunk, center	Chaudry - B#348
005	9/28/98	11:10	Plastic shopping bag containing One (1) pair men's pants, black jersey material, white stripe down outer leg. No other contents	Trunk left side, near left wheel well	Chaudry - B#348
006	9/28/98	12:32	6 hairs, brown in color, 6.5" – 7.25" in length	Trunk, adhered to fabric lining above left side tail-light	Forthright – B#692