*2017 Mock Trial Case Clarifications / Changes*

*Clarifications to Case*

1. Page 7 indicates defendants plural in the case heading but only lists Tristan Marks. Is that an error?

* Changed to defendant

1. Page 11 lines 27-28 refer to Riley Marks. Is that supposed to be Riley Thomas? I caught a potential mistake in the affidavit of Parker Avery that may need to be corrected. In lines 27-28 Avery says there was vomit on the floor next to Riley Marks. Should be Riley Thomas. Is this intentional?

* Changed to Riley Thomas

1. I noticed another inconsistency similar to what was in last year's case. There are references to Clearwater as a village and as a city. Is this difference not considered important?

* Changed all references of City to Village

1. On page 1 (Stipulation for Trial), #9 states "Riley Thomas was pronounced dead at 2:52am on June 3, 2016," yet on page 3 (under Probable Cause), it states "approximately 2:15am in the morning on June 4, 2016 . "

* Date on page 1, Stipulation #9 changed from June 3 to June 4

1. Unlike Dr. Frankenstein, Dr. McDonnell’s Affidavit does not state that he/she reviewed the other witnesses’ affidavits. Seems like an important thing for an expert to have done. Would the committee please consider amending the McDonnell Affidavit to include an explicit indication that he/she reviewed all the case materials.

* Paragraph 6 of the Dr. McDonnell Affidavit is replaced with the following paragraph:

"I was asked by the State of Wisconsin to review the case materials in this matter and provide my expert opinion regarding the cause of Riley Thomas' death. In doing so, I reviewed all of the affidavits, police reports, lab reports and medical records in this matter, including Exhibits C-N What follows is a discussion of my opinions and a summary of the facts upon which those opinions are based."

* Paragraph 7 of the Dr. McDonnell Affidavit is replaced with the following paragraph:

“Riley V. Thomas arrived at the ME's office on June 4, 2016. Thomas had died about 14 hours previous of a suspected overdose of the prescription narcotic Oxycodone. It was also reported that Thomas had consumed alcohol and smoked cigarettes the night of June 3, 2016. Thomas was afflicted with Cystic Fibrosis, and had been for ten years. The autopsy was unremarkable except for the clear presence of the effects of Cystic Fibrosis. Thick mucus can obstruct airways in people with the disease, but I found no such obstruction. I would expect that Thomas could have lived at least ten more years, if not more. With proper treatment, exercise, and nutrition, Thomas could have lived much longer. I found no indication that cystic fibrosis, itself could cause a sudden death in Thomas, even with the presence of cigarettes and alcohol.”

* Added the following Stipulation 10 to page one, Stipulations for Trial

"After preparing his/her Affidavit, Dr. Devin McDonnell reviewed the Affidavit of Dr. Shelley Frankenstein and Dr. McDonnell's opinions did not change."

1. Dr. Frankenstein’s CV states he/she was educated at “John Hopkins University.” It should be “Johns Hopkins.” Kind of a minor thing, but as I told our students, something that a person who went to Johns Hopkins would know and maybe even be sensitive about.

* Changed to “Johns Hopkins.”

7. I have never treated a patient with cystic fibrosis,

although I have performed a few autopsies on patients inflicted with the disease.

The English teacher in me says this should be "afflicted" not "inflicted."

* Changed to “afflicted”

*No Changes*

1. All the teams we saw kept hammering the EMT, Parker Avery, about what authority s/he had to root around in Grandma’s house to find the stash of pills/drugs. (You didn’t have a warrant, you aren’t a cop, etc…) A reasonable question that most likely would have been dealt with on pretrial motions in a real case, but totally irrelevant to the mock trial. Per the rules, motions other than those to strike testimony following a sustained objection are barred. Thus rendering this line of questioning irrelevant and pointless.

* Will not be making any changes to the EMT affidavit