

MOCK TRIAL 2010-11 CORRECTIONS & CLARIFICATIONS

1. With regard to the inconsistencies of times noted in Sgt. McCrystal's police report and affidavit, please treat "22:45" as a human error in the police report (found in the narrative portion of the report). We do not plan to correct this, but will simply leave it as an inconsistency on the part of the sergeant. The BAC occurred seventy five minutes after the accident, as noted in both the report and the sergeant's affidavit.
2. To further clarify/ define "negligence," the following text was excerpted from the Maryland Civil Pattern Jury Instructions, Fourth Edition with 2009 Supplement:
"Negligence is doing something that a person using reasonable care would not do, or not doing something that a person using reasonable care would do. Reasonable care means that caution, attention or skill a reasonable person would use under similar circumstances."
3. With regard to the stipulation that Sgt. McCrystal is to be considered an expert in BAC levels/ BAC charts, teams should still lay a foundation for the testimony and voir dire the sergeant (if they deem it appropriate and necessary).

Under Simplified Rule 601, the first sentence will change to the following:

Physical evidence may be introduced if it is contained within the casebook and if it is relevant to the case.