

SPECIAL INSTRUCTIONS

- 1. Witnesses.** Prosecution must call two out of these four witnesses: Braden Benjamin, N.W. Brooks, Blaine Nickson, and Ali Kodatt, in any order. Defense must call two out of these four witnesses: Jay Kuang, Kat Li, N.W. Brooks, and Jo Luna, in any order. Defense is only allowed to call N.W. Brooks if the prosecution does not select Brooks first. No other witnesses may be called. The prosecution will select their two witnesses. Then, the defense will select their two witnesses.
- 2. Rules of Evidence.** The State of Tilly falls under the jurisdiction of IMT. The IMT Rules of Evidence are interchangeable with the Tilly Rules of Evidence, both in name and purpose.
- 3. Visual Aids.** Visual aids may be displayed but may not be offered into evidence pursuant to Rule 1006 of the Tilly/IMT Rules of Evidence.
- 4. Party Representatives.** As the defendant, Jay Kuang is the only permissible “party representative” pursuant to Rule 615. The prosecution does not have a party representative.
- 5. No Affirmative Defenses.** The defense must argue that Jay Kuang is not guilty. No affirmative defenses may be offered by the defendant.
- 6. Closed-Universe Problem.** The only legal materials that competitors may mention, or judges may rely upon, for any purpose are those set forth in the Jury Instructions, Stipulations, Indictment, Pretrial Orders, Special Instructions, and IMT/Tilly Rules of Evidence. All participants must acknowledge such if asked by a judge.
- 7. Revision Dates.** Revision dates do not indicate anything about the history of case documents. They exist solely to ensure participants use the most recent version at trial. Parties may not use these dates to introduce facts about the case.
- 8. Documents and Characters Are What and Who They Purport to Be.** Witnesses must acknowledge authorship of any document that purports to be authored by them and the authenticity of any signature that purports to be theirs. A witness whose affidavit, report, or trial transcript states a witness is familiar with a particular document must acknowledge that the witness is familiar with that document and that the referenced document is the same version as the corresponding document in the current case. In addition, a witness whose affidavit, report, or trial transcript states that a witness is familiar with or recognizes a particular person must acknowledge that the student portraying any witness of the same name during a given round is the same person referenced in the affidavit, report, or transcript.
- 9. Fifth Amendment (Witnesses).** No available witness may refuse to answer any question—and no attorney may instruct a witness not to respond—based on the witness’s Fifth Amendment rights.
- 10. No Constitutional Issues.** The parties have raised all objections arising under the United States Constitution prior to trial in motions in limine and preserved them for appeal.

Accordingly, no party may raise any objections specifically related to the United States Constitution at trial. Any such objections have previously been overruled, and no motion for reconsideration is permitted. Nothing in this Special Instruction precludes the making of timely objections during trial based on the IMT/Tilly Rules of Evidence.

- 11. Best Evidence Rule Limited to Items in the Case Packet.** No attorney may object under Rule 1002 of the IMT/Tilly Rules of Evidence if the “original writing, recording, or photograph” in question is not among the documents contained in this case packet.
- 12. Time Limits.** Should a team wish to publish part or all of a document by reading it onto the record, the time spent reading shall be deducted from the publishing team’s total direct or cross time, depending on whether the reading occurs during the publisher’s case-in-chief or that of the other team. Publication may not occur before opening
- 13. Speech Characteristics as Material Invention.** While teams may employ distinctive accents / speech characteristics to develop a character, teams may not use such accents / speech characteristics to invent material facts or to prove that a voice heard was or was not the voice of a specific person in the case. This Special Instruction does not prohibit asking a witness questions regarding the witness’s certainty of a voice identification or the circumstances in which the witness heard the voice in question. This Special Instruction applies both to examinations of witnesses and to opening statements / closing arguments.
- 14. Witnesses Must Be Able to Respond to Cross-Examination.** Stipulation 1 provides that “All parties and witnesses are at least of normal intelligence and none has or ever has had a mental condition that would impact a person’s perception, memory, or ability to respond to questions on cross examination.” It is a violation of that stipulation and of this Special Instruction to portray any witness in a manner that renders that witness unable or unwilling to respond to otherwise proper questions on cross examination.
- 15. Copies.** No objections may be raised on the grounds that a document, exhibit, or demonstrative is presented (1) in black and white or (2) electronically.
- 16. Criminal Record.** Exhibit 13 is Jay Kuang's authentic criminal record, accessed by Sheriff Blaine Nickson. Every listed detail was accurate at the time the criminal record was created. The defendant, Jay Kuang, may not deny that they were arrested, convicted, and sentenced for every listed charge prior to taking a plea deal and entering a witness protection program. All redactions refer to Jay Kuang's original information.
- 17. Alternate Suspect.** A defense witness is not allowed to make an explicit claim on the stand that they committed the crimes in question. If asked if they committed a crime not mentioned in their witness statement, the witness must deny it. The witness may not use their tone (trying to ‘sound guilty’) to imply they have committed the crimes in question. This does not prevent the defense from arguing that a witness called or not called in trial is an alternate suspect.