

Updated through January 26, 2004

FINAL SUPPLEMENT TO CASE MATERIALS

The deadline for submitting questions was January 23, 2004. No further questions will be posted. If you have any comments about answers provided in this memo, or if you have submitted a question before January 24, 2004, which does not appear in the supplement, please immediately email David Trevaskis at david.trevaskis@pabar.org and inform him of the omission. All questions submitted have been included in this supplement.

THIS IS THE FINAL SUPPLEMENT TO THE CASE MATERIALS AND IS THE OFFICIAL SUPPLEMENTAL MEMO WHICH MAY BE USED IN THE COMPETITION, AS PROVIDED BELOW:

Supplemental Materials – Evidentiary Value:

The supplemental clarifications may be used in all the same ways (including for impeachment and as testimony) that the main body of the case materials are used. Answers clarifying a witness statement are to be treated as follows: Where necessary, information will be attributed to a specific witness in which case the clarifying information becomes part of that witness' statement. If the clarifying information is not attributed to a single witness, assume that all witnesses have this knowledge. The practical implication of this is that if a witness is challenged as to his or her knowledge reflected in the statement, he or she may refer to these supplemental clarifications to show knowledge. (See Rule of Competition B.4)

NOTE FOR JANUARY 26, 2004 FINAL SUPPLEMENT

Here is the third and final set of answers to all questions about the 2004 mock trial competition received through the close of the question period. Questions have been divided into case clarifications and rule and evidentiary interpretations. As with the earlier supplements, most case clarification questions have been answered with a general response: ***"The case materials provide all of the information available to answer this question."***

That response sometimes means that there is enough information already in the problem to answer the question asked; more often, the response means that the question was not addressed in the case materials and the answer to the question is unnecessary for purposes of the competition. The problem committee has tried to fill in unintentional gaps in the case materials without creating too much new information that might burden teams preparing for the competition.

Teams should be careful if they try to elicit information by asking questions which the problem does not answer in detail because, on direct, it will often elicit an objection of "unfair extrapolation" and, if asked on cross exam, the questioner is stuck with the answer given. (Rule of Competition E-6).

Miscellany:

12-17-03

Page One - The Criminal Complaint starts on page one and continues on page two; the oath is found on the second page.

Exhibit A / Color of Pink 1967 Shelby Ford Mustang — The color of the car in Exhibit A is blue or gray depending on your hardware. The car in the problem is pink. The Mock Trial Committee has not been able to find a picture of a pink 1967 Shelby Ford Mustang and our efforts to make the blue one pictured in Exhibit A pink have failed. So, for purposes of the competition, Exhibit A shows Alice Abuela's 1967 Shelby Ford Mustang as it appears now, the car having been painted blue at some point in time after the incident at the heart of the trial. No information on when or why the painting was done is available for the competition. At all times covered in the problem materials, the car was as described in the materials, pink. (This information is available to all witnesses.)

11-2-03

Exhibits Initially Posted – Exhibits A and B initially posted on the website, October 17, 2003, were reversed. They were pulled down that morning and corrected by noontime. If you copied the first posting of these Exhibits, you will need to replace them. The correct Exhibit A (vehicle) is a picture of a 1967 Shelby and correct Exhibit B (page 1) is a diagram of the pizza shop. Exhibit A (specs) was not affected.

Color Exhibits – Some of the posted Exhibits on the website contain color. For the purpose of the competition, teams may use either color or black and white copies of these Exhibits.

Exhibit A – Exhibit A is a two page document consisting of a vehicle and the vehicle's specifications.

Blank Pages –Blank pages in the problem have been removed.

CASE CLARIFICATIONS

11-2-03

1. Did Max Ability have a Junior License?

No. For the purposes of the competition, there were no restrictions upon Max's license. (This information is available to all witnesses)

2. Can Dr. Quinn C. Jones' testimony be considered a violation of his patient-doctor privilege?

The privilege can be waived if the patient waives it and, for the purposes of this case, the patient and his/her family have waived that privilege.

The answer to all of the following questions (Questions 3 through 40) is:

“The case materials provide all of the information available to answer this question.”

As noted, this response sometimes means there is enough information already in the problem; more often, this response means the question was not addressed in the case materials and the answer to the question is unnecessary for purposes of this competition.

3. How did Jillian know that the car was there when she came back in? The car was parked out of the sight of the back doors, and there is no window in the kitchen. Therefore, if Jillian came into the Pizzeria from spreading rock salt outside, she wouldn't have been able to see the car!
4. How did Max enter the vehicle? It's kind of hard to believe a woman who loved the car so much would leave it unlocked.
5. What do the initials J and T of the name J&T's Pizzeria stand for?
6. Why did Max have wires and alligator clips in his pocket?
7. If all you had to do was remove the alligator clips from the wire to turn off the car, then why was the wire in Max's pocket inside the Pizzeria?
8. Who was Logan Kay calling on his cell phone?
9. Is it possible that the bag switch was intentional: that Logan had told Max to steal the car, and switched the bags so they'd be locked out and have no other choice?
10. What does the C. in Quinn C. Jones stand for?
11. How many pay phones are at J&T's pizzeria?
12. What was the barometric pressure on December 17th, 2003?
13. Is Max in special education classes or is he mainstreamed?
14. Has Max ever committed a crime in the past?

15. Why was Mrs. Abuela at the drugstore so long?
16. Does Mrs. Abuela have Type I or II diabetes?
17. Has K.C. Turner ever committed a crime in the past?
18. Why doesn't the Vehicle Identification Number have any letters in it, as all do?
19. At what time did Mrs. Abuela call for her cab?
20. What grades do Higgins Area High School serve? 9-12?
21. When is Logan's birthday?
22. How old is Mrs. Abuela?
23. How many people in Higgins have Asperger's?
24. How many people at Higgins Area High School have Asperger's?
25. What does K.C. mean when he says he thought Max to be a "hoot"?
26. How many children with Asperger's does Dr. Jones actually treat?
27. Is Max Ability taking any medication?
28. What are the specifications on Max's Mustang?
29. Does Chief Carr use physical force on Max Ability?
30. The Case Materials provide all of the information available to answer this question.
31. How far is the Higgins Police Department from J&T's pizzeria?
32. What kind of lawyer is Max Ability's mother?
33. Where did Max Ability's mother go to law school?
34. Is Max Ability's mother allowed to give him legal advice and act as his attorney?
35. Is Max Ability's mother in good standing with the Pennsylvania Bar Association?
36. What does Max Ability's father do?
37. What is Max Ability's cumulative grade point average?
38. If K.C. was making a call from BEHIND the wall, how could he have seen Chief Parker Carr arrive?
39. If K.C. arrived at 3:00, according to Jillian Teti's statement, then he would have to have been in the car at 2:45. If he was in the car at 2:45, he would have had his cell phone on him, since it fell out IN the car. His grandmother couldn't reach him. Why?
40. What are the dimensions of the storage shed behind J&T's pizzeria?

12-17-03

41. Why is exhibit A showing the car as blue or gray when the car in the problem is pink? Has that been explained somewhere else in our materials? All through the materials the vehicle had been referenced the color pink (not the blue color it comes up on my computer). Was this an error or is this something we can incorporate in our arguments?

The color of the car in Exhibit A is blue or gray depending on your hardware. The car in the problem is pink. The Mock Trial Committee has not been able to find a picture of a pink 1967 Shelby Ford Mustang and our efforts to make the blue one pictured in Exhibit A pink have failed. So, for purposes of the competition, Exhibit A shows Alice Abuela's 1967 Shelby Ford Mustang as it appears now, the car having been painted blue at some point in time after the incident at the heart of the trial. No information on when or why the painting was done is available for the competition. At all times covered in the problem materials, the car was as described in the materials, pink. (This information is available to all witnesses.)

42. On Exhibit E, Max's IEP, on p. 3, at the bottom of the page, for the Progress report for goal #4, is the number 5 out of 8 or 8 out of 8?

5 out of 8.

The answer to all of the following questions (Questions 43 through 91) is:

"The case materials provide all of the information available to answer this question."

As noted, this response sometimes means there is enough information already in the problem; more often, this response means the question was not addressed in the case materials and the answer to the question is unnecessary for purposes of this competition.

43. How much is Dr. Jones being paid for his/her testimony?
44. How often did Dr. Jones see Max during the 8 years (s)he has treated him?
45. How regularly did Dr. Jones see Max and how often had (s)he seen Max in the year prior to the theft? ((S)he said (s)he sees Max once every 6 months unless an issue arises).
46. Prior to December 18th, when was the last time Dr. Jones saw Max?
47. How did Logan Kay and KC Turner meet in Kindergarten when they are two years apart in age?. Logan skipped a grade, and they are both currently seniors?
48. How did Mrs. Abuela get to the police station with KC when they didn't have a vehicle?
49. Are the teacher checklists distributed and then collected among the faculty for Max's classes?
50. Can we obtain a list of classes taken by Max during senior year?
51. What classes did Max take senior year?
52. Was Ms. Martin Max's social skills class teacher?

53. Was the Social Skills class a traditional class or was it intended only for students with behavioral IEPs?
54. On the measurements of behavior, are the instances intentional fixed events or are they naturally occurring events teacher(s) observed?
55. Is only one teacher reporting occurrences or is a team of teachers who have Max?
56. How many students with IEP's attend Higgins SHS?
57. Is there any documentation saying QC Jones is the clinician designated in IEP?
58. Did Max have any previous IEPs for previous school years?
59. What were the goals of any previous IEP? Were they met? Commentary?
60. Were the students introduced into Max's social group from 8th grade informed toward the goals of the IEP?
61. Were the students introduced into Max's social group fro 8th grade informed toward the reasons for the IEP?
62. What role does the Community Agency rep play in the drawing up of any IEP?
63. Is the Local Ed Agency Rep the guidance counselor or what?
64. Is this Max's first official IEP?
65. Can we have/use any PA legal requirements to follow the IEP?
66. The IEP is active for one year—is this a limitation on an IEP under law or for any other reason?
67. Student's preset levels of educational performance on the IEP designates grades while a junior since the document was written up near the end of the junior year for the upcoming senior year, correct?
68. What is the difference between the social skills group and the social skills class?
69. Can we have a map of the town of Higgins, PA?
70. Can any designated resident of Higgins (Chief Carr, Logan, KC) testify as to distances of the town landmarks mentioned n the case?
71. What are the distances between the various landmarks in the problem (actual distance and travel time(s))?
72. From which direction did Chief Parker arrive at J & T's?
73. Are the doors to J & T's glass, opaque or solid metal/wood?
74. What is the length of the pay phone's handset cord?
75. What make and model is the Mustang Max is fixing up at home?
76. Can Max's mustang be started in the same fashion as the '67 Shelby?
77. On what side of the engine compartment is the battery/starter of the '67 Shelby?
78. What grades did Logan skip?

79. Does the Mustang have rear wheel drive?
80. Does KC's cell phone have voice mail?
81. Can a team mention the two "hippies" of PBS car maintenance fame by name? (Tom and Ray)
82. At what grade level in grammar school was Max diagnosed Asperger's and was Dr. Jones his official psychiatrist?
83. Is Dr. Quinn C. Jones a member of the American Medical Association (AMA)?
84. When does Max Ability attend his auto-mechanics course
85. How high is the partition wall (where the phone is) at the pizzeria?
86. Is Mrs. Abuela's home east or west of the pizza shop?
87. Not all psychologists believe that Asperger's syndrome is a branch of autism, instead a separate disorder. Is Dr. Jones an expert of Asperger's syndrome, enough to make educated comments?
88. Can you please clarify for me where the name "Reinmeister" originated from and what it means?
89. Are we to assume that both K.C. and Max(ine) Ability have their drivers licenses?
90. Regarding Exhibit B: It is stated: "7. The pay phone is located on a wall partition which runs floor to ceiling and which obstructs the view of anyone at the phones or the bathrooms of the west side of the restaurant." Is the west side of the restaurant from the partition, or is it from the center of the restaurant?
91. Does Mrs. Abuela give all the facts to the Chief directly, or is it given on the 911 phone call, is it hearsay?

1-26-04

The answer to all of the following questions (Questions 92 through 108) is:

"The case materials provide all of the information available to answer this question."

As noted, this response sometimes means there is enough information already in the problem; more often, this response means the question was not addressed in the case materials and the answer to the question is unnecessary for purposes of this competition.

92. On page 3, number 3, item C, it is stated that "Max was then joined by passenger K.C. Turner". Can we infer then that Max was definitely the driver of the Shelby?
93. In order for the Ford Shelby to be "jump started", does the clutch have to be pushed in like in other manual transmission cars?
94. Where did Logan get her cell phone-from her pocket or from her backpack?

95. In order for Max Ability to drive Mrs. Abuela's 1967 Shelby Mustang GT 500 it is necessary to unlock the steering column. He was able to "hot qite" the car using alligator clips, however starting the vehicle does not unlock the steering column. The steering wheel cannot turn without the ignition being turned on, unlocked, or being completely removed. If the ignition was not tampered with then it should be impossible of Max to move the car in any other than straight forward and backwards. So as a result of this: How was it possible for Max/K.C. to drive the car to J&T's? Was the ignition in the vehicle damaged which made the car capable of being driven?
96. I have a question about Exhibit B, the map. Page 2 says that the wall partition holding the pay phones blocks the view of the west side of the restaurant. Does this include the door, as in, can the doors be seen from the pay phones?
97. Was Max's written statement retyped after the spelling error was crossed out?
98. Chief Carr's testimony states that the police chief circled J&T's pizzeria before parking out front. Is it possible to clarify in what manner he/she circled the shop? (i.e., by "circled" is it implied that Chief Carr drove completely around the shop, passing in front of the front windows at some point, or did he/she simply turn off of the main road, drive around the back of the shop, and then park without ever passing in front of the windows?)
99. Does Mrs. Abuela know that Max works on her car?
100. What is the length of the phone cord and partition wall at J & Ts pizzeria? (for purposes of whether K.C. could have seen around the floor-to-ceiling partition while on the payphone)?
101. A question concerning Max's confession: Page 19 - Is the time of questioning at 1810 by the Chief on pg. 19, line 109 correct? In line 138, Mrs. Abuela arrives at 1630, while Max is confessing. Is he confessing for the 3rd time? (Pizza Shop, at 1610, and at 1830?)
102. Does Chief Carr know that Max's mother is a lawyer before Chief Carr questions Max (For purposes of Max's understanding and the applicability of the Miranda rights)?
103. How many patients does Dr. Jones have?
104. Can K.C. see out of the front window of the pizza place from the pay phones?
105. Was the car unlocked when Max allegedly hot-wired it? How else would they have gotten into it?
106. Why did K.C. call Paige Turner?
107. What exactly did Dr. Jones review as part of his reviewing the police documents?
108. Was it intentionally put into in the case that in Max's confession he only confesses to hot wiring and not driving the car?

RULE and EVIDENTIARY QUESTIONS

11-2-03

1. Can a single teacher [or attorney] coach two teams?

Under the Rules of Competition, A4 and A5, multiple teams from the same school are viewed as distinct. They may not communicate with each other about other teams since that would

invoke our anti-scouting prohibition. Thus, for practical purposes, a single teacher and a single lawyer might train and prepare two teams together, having them go through the same exercises and even scrimmage each other. However, once either of those coaches took the team to a competition, they could not take the other team to another competition, since they might either see the team their other team competed with or a team their other team might play in the future. Even if the coaches didn't share any information between the two teams about the opponent, the appearance would be otherwise and this would directly violate the no scouting rules.

It seems possible that a school with one primary teacher coach and two teams might enlist another teacher to basically chaperone for one team while the primary teacher coach takes care of the other team. Perhaps the lawyer coach would fill the main support role at the competition for that other team. But that lawyer coach would then be unavailable to accompany any other team in future matches, just as the teacher coach would be unavailable to that team.

Once the two teams from the same school have had their first trials, they need to be reminded that they cannot share information about opposing teams across the two teams. A difficult situation would arise for a teacher coach or lawyer coach who works with one team that is eliminated and then has an interest in a remaining team that goes up against a team that the eliminated team played. The teacher or lawyer coach could observe (teams out of the competition may observe without violating the no scouting rules) but could not coach.

12-17-03

2. I am concerned about Exhibit E, Max's IEP. As it stands now, since no one involved in the case was present at Max's meeting, no one (not even Dr. Jones) can testify as to the contents of the document. How is this document to be used in the case? Will there be a clarification (e.g. Dr. Jones reviewed the document even though he was not present at the meeting) ? Also, can the doctor testify to the validity of the IEP?

Dr. Jones is able to testify as to the contents of Exhibit E, Max's IEP, having reviewed the document in preparation for the trial. The validity of the IEP is not an issue at this trial.

3. May material from the websites listed in the footnote on page 10 of the trial materials in the pre-trial order be used in the competition in any fashion? Are teams responsible for knowing that material?

No to both questions. Those websites are merely resources for those participants who wish to explore more fully the issues raised in this problem; teams may not use the materials from the website in any fashion during the trial and are not responsible for that material.

4. Still looking at the footnote on page 10 of the trial materials in the pre-trial order, can the Miranda issue be reargued during the Mock Trial? Is there a possibility that the confession would be inadmissible (since the individual has Asperger's Syndrome) due to the absence of a lawyer, or a lack of comprehension of the Miranda Warning?

No to both questions. However, it is the intention of the Mock Trial Committee to prepare materials for an appellate argument on that issue to be used by teams following the completion of the mock trial competition.

5. Can a school have more than two teams?

A school can have as many teams as it can field, as long as each team follows the rules regulating the competition.

6. Are statements made by Max Ability to others admissible as admission by party opponent irrespective of any 5th amendment rights of Max? If a witness says what Max says to him/her, would it be admissible under mock trial rules?

Max's statements to others are not protected under 5th Amendment challenges for purposes of this trial. The admissibility of Max's statements, as well as the statements of any other person in this trial, rests on interpretation of the mock trial rules of evidence.

7. What is the definition of "operates" that appears in 18 Pa.C.S.A § 3928. Unauthorized Use of Automobiles. Offenses Defined - "***if he or she 'operates' an automobile*" (page 14 of the case materials).

No definition has been provided in the statute.

8. In 18 Pa. C. S. § 3921 (page 14 of the case materials), does the phrase "withhold the property for so extended a period as to appropriate a major portion of its economic value" mean that if its value is fully appropriated for a limited period of time, that would satisfy the statutory requirement, as the period of time does not need to be determined as "extended" in relation to depreciation of the useful life of the vehicle, but to the amount of time during which its full value was appropriated?

Yes. That was the intent of the legislators who drafted and passed the law.

9. Who can testify to the Car Specs in exhibit A, second page, at the trial

Anyone who demonstrates knowledge of the vehicle may testify on any part of Exhibit A.

10. We have had different things happen in our previous years with the order of events. Would it be possible for the order of the opening statements and the closing statements be posted in the judges' instructions for both criminal trials and civil trials?

Trial coordinators should make sure that the correct order of trial for the mock trial is known by all presiding judges. The trial coordinators may use whatever means they deem best to accomplish that goal. However, if a problem arises, the rules of competition not only allow but encourage teams to take the ultimate responsibility for making sure that the rules of the competition are followed through appropriate objections and requests for sidebars with the judge. If a team is aware of a problem in the order of trial, the team needs to alert the presiding judge. If both teams allow the incorrect procedure to be followed, they are stuck with that result.

To clarify, the order of trial is as follows: the Commonwealth presents an opening statement, the defense presents its opening statement, the Commonwealth presents its witnesses, the defense presents its witnesses, the defense closes first then the Commonwealth closes. (Rules of Competition E.10 (a) and (b)). Normally, the Commonwealth is situated closer to the jury.

11. Do all parts of the definition in the statute have to be met in order for the charge to stand?

To the extent you are asking whether the Commonwealth must prove each element of a crime, on proof beyond a reasonable doubt, then the answer is yes.

12. When do we need to give rosters ? Who do we send rosters to?

There are two roster issues involved in the competition. First, if your school has entered multiple teams, you must submit a roster for each team to your regional coordinator by the start of competition identifying which students are on which teams. Generally, these lists may not be altered after the start of competition. (Rules of Competition, A.5. You can find your regional coordinator on the website or by asking Louann Bell at louann.bell@pabar.org.) Second, for each trial, you must fill out a trial roster form and provide a copy to the presiding judge, coordinator in charge of the trial and the opposing team. This form identifies the student names and roles for each trial. (Rule of Competition E.13. A copy of this form is posted on the website).

13. Is a team of Home Schooled students limited to only those members who reside in the county hosting the competition, or is the team permitted to include members who don't reside in the county, but are members of the Home School organization sponsoring the team?

There is no problem with allowing students who live in more than one county to compete on a homeschooled team. There are no residential requirement rules at this point with regard to homeschooled teams. However, under the mock trial rules, to be eligible for a homeschooled team, each student must be from a school district that does not have a mock trial team, or if it has one, that school does not have a policy permitting homeschoolers to participate in extracurricular activities. (Rule of Comp. A. 3.)

14. Does the prosecution have to demonstrate an attempt or the actual theft? I ask this because our attorney advisor noted that under PA law there is a critical distinction between a substantial step toward commission of a theft and an actual theft. He thought this was likely a misprint; however, we wanted to confirm this because it will influence our case.

The mock trial is governed by the statutes provided in the case material, not by Pennsylvania law.

15. Is there anyway the defendant in this case can be called?

Absolutely not.

16. Where do the specifics about the '67 Shelby in Exhibit A come from?

The specifics are from a website for Mustangs. The source is not an issue at trial and the specifics provided are the specifics for the car in the problem.

1-26-04

17. Is the use of the documents on pages 7 and 9 of the case admissible on cross examination?

Their use is admissible in any segment of the trial to the extent permissible under the mock trial rules.

18. As far as affidavits are concerned, where are we permitted to use them as part of the case? May we use them as we would the witness statements in asking witnesses to read from them? And/Or May we imply and/or use information from them in our opening and closing statements?

Yes to all of the above

19. Given Fact Stipulation #6, can evidence contained in Chief Carr's affidavit pertaining to his police report, i.e. statements made by others to Officer Carr during his investigation, be considered to be from his police report. Therefore allowing for hearsay exceptions to be admissible for information in his police report?

Yes.

20. The rules state that one witness may not be asked about information contained in another witness' affidavit. I assume the objective is to prevent a witness from having to be asked questions like "your statement contradicts the police officer's statement, shouldn't we believe the police officer rather than you." However in at least one instance in our problem Logan states that KC made statements to him (page 32, lines 127-130) that are not found in KC's affidavit. Both KC and Logan are obviously witnesses. Does this new rule preclude us from asking KC on cross "didn't you tell Logan blah, blah"?

A team can ask the question but it would rightfully be subject to an unfair extrapolation objection because it is outside the scope of the witness's statement. The other team is also free under our rules of competition to make up an answer. Since the answer to the question is not in statement of the witness being questioned, the witness can make up any answer they want and that witness can not be impeached by the affidavit of the other witness.

21. This is a follow-up to the answer to RULE and EVIDENTIARY question #8. It refers to 18 Pa. C.S. Section 3921 (page 14 of the case materials) . As I understand the reply, it means that the statute is satisfied so long as the full value of the property is appropriated, and it does not have to be taken for an extended length of time. Is that correct?

Yes.

22. May we ask Quincy Jones(expert) hypothetical questions, allowing the doctor to render an additional expert opinion relative to the defendant's ability to knowingly and voluntarily waive Miranda?

Dr. Jones would not be rendering a hypothetical opinion as to Max' ability to waive his/her Miranda rights since that would appear to be within Dr. Jones' personal knowledge, as Max's treating psychiatrist.

Of course, admissibility of expert testimony is subject to the Rules of Evidence, §§ 701-705.

23. Is testimony about Logan's past with the law admissible as testimony since it wasn't in the actual court system?

The testimony is admissible to the extent that it is admissible under the mock trial rules.

24. According to Factual Stipulations, the missing police report, is in essence replaced by the Chief's Statement. If that is indeed the case, is that statement subject to same scrutiny that a police report would be. i.e. Can the defense's expert Dr Quinn be given the report on the stand to comment on the chief's descriptions related to Max. Can sections of the statement be read to witnesses for them to comment as would be permitted if it was an exhibit. (Last year the expert was able to handle and criticize the police report). However no witness has ever been permitted to handle the statement of another witness.

It is not an exhibit so it cannot be given to anyone else to comment on.

25. Although the defendant is protected from conclusions drawn regarding his failure to testify, may conclusions be drawn from the fact that the Commonwealth is failing to call Mrs. Abuela, ostensibly the plaintiff in the case and the driving force behind the prosecution?

Yes.

26. Did the motion to suppress by the defendant, which has already been denied, apply just to the statements that Max made after he was read his Miranda rights or did it apply to his un-Mirandized statements as well?

It applied to all of his statements. Max's Miranda rights are not an issue for this trial.

27. Could you possibly clarify the cited criminal codes? Under the section dealing with Theft by Unlawful Taking, would a person who attempted to take the vehicle also be found guilty or only a person who actually operated the motor vehicle?

The statute stands as written.

28. One of the teacher advisors asked if a tape measure could be used to measure a distance. Could it be brought to the courtroom and used to measure a distance inside the courtroom prior to the start of the trial?

No. Such a use of the tape measure would violate the rule against using props if used during the trial and, if a measurement taken before the trial was used, the evidence of that measurement would be outside the statement of any witness.

29. Are we clear that there is no Miranda issue whatsoever to be raised in this case? Shouldn't Chief Carr have given Miranda warnings before he asked questions at the Pizzeria?

There are no Miranda issues to be raised at trial.

30. Under the cited criminal codes, specifically under Theft By Unlawful Taking, can the defendant also be found guilty if the prosecution can prove that a substantial step toward the commission of a theft occurred?

The statute stands as written.

31. Are lawyers allowed to ask the judge to sequester the witnesses?

No. The rules specifically handle that situation.