

SPRING 2022

TRIAL TEAM TRYOUT CASE FILE

This is the fact pattern for trial team tryouts. For the spring (April '22) audition, **you will give an opening statement [either side] and a direct examination (for 1Ls) or a cross-examination (for 2Ls)** from a case file we will provide you.

You will have approximately 5 minutes for your statement, although you need/should not attempt to complete the entire opening in that time. You may be interrupted and asked to address a particular part of the case and how it bears on the argument. Additionally, you will be given 5 minutes to conduct either a direct or cross-examination of a witness. During that witness examination, we expect you to introduce an exhibit. These skills will be taught by Professor Lippy during the below-mentioned information session.

You may also be asked to speak extemporaneously about a topic of our choosing. Finally, you may be interviewed about your background, schedule and commitment. **To that end, you must provide a copy of your resume through the sign-up link and bring a hard copy of your resume to the tryout.**

As we evaluate performances, some students will be invited back for a brief second round assessment, if needed.

Tryouts are scheduled for **Monday, April 18, 2022 10:30 a.m. – 4:00 p.m.** and **Tuesday, April 19, 2022 12:00 p.m. – 7:00 p.m.** If any of these time slots do not work with your schedule, please email Professor Lippy at elippy@temple.edu and we will accommodate a different time slot.

If needed, the second round of tryouts are scheduled for **Monday, April 25, 2022 10:00 a.m. – 4:00 p.m.**

You can sign up for a 15 minute time slot at this link -
<https://www.signupgenius.com/go/10C0C48AAAD2BAAF8CE9-2022>

COMMONWEALTH V. ALEXIS CARTER

This is a criminal case. The defendant, Alexis Carter, is charged with first-degree murder. Ms. Carter is accused of killing Erika Fennell by striking Fennell around the head repeatedly with a metal pipe. First degree murder is defined as a criminal homicide committed by an intentional killing. “Intentional killing” is killing by means of poison, or by lying in wait, or by any other kind of willful, deliberate and premeditated killing.

The following evidence is stipulated to by both parties:

1. Erika Fennell died on January 15, 2021. The coroner, after conducting an autopsy, determined that the cause of death was repeated blunt force trauma to the head from a metal object.
2. The laboratory tests that were conducted in the case were performed in a proper manner.
3. Defendant’s cell phone number is 215-888-7751.
4. The coroner conducted an autopsy of the body of Dan Blocker. The autopsy revealed that Mr. Blocker died from a heart attack.

WITNESS LIST

PROSECUTION: Detective Frank Delano

DEFENSE: Alexis Carter

Detective Frank Delano initial police report: On January 15, 2021, at 9:57 p.m., uniformed officers responded to a radio call of “screaming” at 1414 N. Fillmore. Upon arrival the front door was open. They entered and found the deceased, later determined to be the homeowner Erika Fennell, lying face down in a pool of blood in the front hall. They checked for signs of life but there was none. This detective was then notified and took over the investigation.

The scene was secured for investigation. The following information was obtained:

- Next to the deceased was a cellphone open to WhatsApp, a text messaging application. The most recent message on the phone was from #215-888-7751. It read “You can’t hurt people – you’ll never see another dawn.” The message was sent at 5 p.m. earlier that same day.
- A check determined that 215-888-7751 was registered to Alexis Carter.
- A search of the lawn outside of 1414 N. Fillmore led to the recovery of a lead pipe with what appeared to be blood and hair. Recovered two feet from the pipe was a handkerchief. Both were preserved for forensic analysis.
- Inside Fennell’s house, the Detective found 4 photographs of individuals kissing in an envelope on the kitchen table. The Detective later identified one of the individuals as the Defendant, Alexis Carter, and the other individual Dan Blocker. No fingerprint analysis was done of the photographs.
- A door-to-door survey was conducted. Catherine McMann, 88, a neighbor residing across the street at 1415 N. Fillmore, was the only person who had information. She claimed that she heard the screaming, and then went to her front door and looked outside. McMann reported seeing a man wearing a black puffy coat running down the block outside of Carter’s home, and that he appeared to drop something as he ran. McMann was unable to describe the male except as “big.” A check of the security camera at the BuyGoods Store at 1401 N. Fillmore showed a male jogging away from the block at 9:59 p.m. Because this is a common jogging area, no further investigation was conducted.
- A DNA analysis of the pipe and the handkerchief revealed the following:
 - On the pipe there was blood. A DNA match was made with the deceased. No DNA of Carter was found on the pipe.
 - On the handkerchief was no blood. A DNA profile was recovered and checked against the local data base. A hit was recorded to Alexis Carter, who was in the database because of a bad checks conviction from 3 years earlier. The DNA found on the handkerchief matched Carter.
 - The hair contained on the metal pole was never sent for testing.
- A warrant was obtained for Alexis Carter. On January 18, this Detective went to Carter’s home. Upon identifying themselves, the Detective asked Carter where she was the evening of January 15, around 10 p.m. She replied “I was at the Alcoholics Anonymous meeting at Regional Methodist Church until around 9:30, and then made my way home.” The Church is located at 1818 N. Ardmore, 3.5 miles from the home of the deceased. Detective Delano asked her if she knew Erika Fennell, and she looked shocked and said “oh crap.”
- Carter was arrested and her cellphone confiscated. A forensic check of her WhatsApp showed that she sent a message to Fennell at 5:00 p.m. but that she deleted the message. There was a message at 10:15 p.m. on January 15 to a person named “Terri” that read “I may have done something I regret.”

Alexis Carter (statement to Detectives):

Although not under arrest at the time of the statement as the Detective did not arrest Ms. Carter until after her statement, Detective Delano provided Alexis Carter her Miranda warnings. Ms. Carter voluntarily waived her Miranda warnings and chose to provide a statement. Her statement to the Detective on January 18th is as follows:

I had nothing to do with the death of Erika Fennell. I do know her – she and I used to hang out, and for a while. We were friendly. We went to the same A.A. meeting. But that friendship went bad after I learned that she was going to tell people about my relationship with my A.A. sponsor, the assistant Pastor at Regional Methodist. His name is Dan Blocker.

How do I know this? She told me about it. I was at her house that afternoon, the day she died, around 3 p.m. We sat outside on the porch and she showed me photos of Dan and me kissing. She told me she was doing this because she wanted a relationship with Dan and if she couldn't have him no one could. I cried and begged her to do nothing. Dan is married and he helps a lot of people. But she just grinned. I left her house by 4:00 or so. I know for sure I left the house before 5:00 because that's when I sent that text message to her.

I was so angry. That's why I sent that text at 5 p.m. But I didn't kill her.

I did call Dan and met with him before the A.A. meeting. He called me around 10 and said "There is nothing to worry about. She's never going to report us. I went for my nighttime run and it's all fixed." I freaked – that's when I texted my friend Terri – I feared I had done something to set Dan off.

No, I don't own a black puffy coat. I was actually wearing my favorite Gucci coat that day. I remember because I was so excited to show Dan at the AA meeting. I saved up a ton of money to be able to buy it. It was a dark purple color and has a really cool Gucci logo on the left front side. I wouldn't call it puffy at all.

I can prove where I was at 10 p.m. Call Terri. I was so upset that I decided to go to Terri's house.

Detective Frank Delano Follow-up investigation:

- This Detective called Pastor Blocker on January 19th. When I explained why I phoned, Pastor Blocker said “I had nothing to do with this. I was at home.” The Pastor then hung up the phone.
- This Detective went to Pastor’s home the next day, on January 20th at 6:00 a.m. The Pastor was seated in his car in the driveway. After knocking on the car window multiple times, Mr. Blocker was unresponsive. The Detective opened the car door and determined that there was no pulse. There were no signs of foul play.
- This Detective then knocked on the door and spoke with the Pastor’s wife, Sharon Blocker. She is also the daughter of Chief of Police Demetriou. Ms. Blocker stated that her husband did not go running any night that week due to a knee injury. After informing her that her husband was non-responsive in the car, she became frantic. She said that he always leaves for work at 5:30 a.m. and had no idea that he was still in the car. Based on her representation that Mr. Booker had not gone running that week, this Detective is not pursuing Pastor Blocker as a suspect.

EXHIBIT 1

PHOTOGRAPH OF DEFENDANT AND DAN BLOCKER
(RECOVERED FROM ENVELOPE INSIDE HOME)



EXHIBIT 2
DEFENDANT'S GUCCI COAT



EXHIBIT 3
LEAD PIPE WITH BLOOD AND HAIR



EXHIBIT 4
WHATSAPP MESSAGE [PHOTOGRAPHIC REPRODUCTION]

You can't hurt people – you'll
never see another dawn. 5 p.m.