

## **Clarifications to the 2018 National Pretrial Competition Problem**

*August 31, 2018*

**Q1: The new rules say one person does the motion argument, but the Team Composition rule still says two lawyers will do the argument. I'm assuming that's a holdover from past years, but will both counsel still sit at the table during the motion argument?**

A1: We apologize for any misunderstanding in the rules. Please emphasize to ALL teams that only one advocate per team will present oral argument on the motion to dismiss in each round, and the other advocate will present the oral/closing argument on the motion to suppress. Both counsel for each team will remain at counsel table during the entirety of the round as they must each have a responsibility during the evidentiary portion (i.e. directs and/or crosses) and may assist their arguing co-counsel as needed.

**Q2: Do you want the word counts on the affidavit since it's a page limit this year?**

A2: Yes. Teams should complete the affidavit as requested to ensure the briefs submitted are in accordance with those received by the Competition. Teams will be held accountable to the page limit explained in the Competition Rules (including the formatting in Part III.d.1) and not to any word limit.

**Q3: Based upon our research into 18 U.S.C. 924 (c), this statute (and the way it is applied by courts) is a sentencing enhancement for a "crime of violence."**

**As the crime listed in the indictment under this sentencing enhancement is "Arson - 844(i)," should we assume that Jason Mendoza has also been charged with Arson?**

A3: Jason Mendoza has not been charged with arson in violation of 18 U.S.C. Section 844(i). As explained by the Supreme Court and numerous federal circuit courts, a violation of 18 U.S.C. Section 924(c) is a standalone offense.