

EVIDENCE
PROBLEM ASSIGNMENTS
SPRING SEMESTER – 2009

Michael L. Cioffi, Esq.
Adjunct Professor of Law

Blank Rome LLP
1700 PNC Center
201 East Fifth Street
Cincinnati, Ohio 45202-4156
513-362-8701 (Office)
cioffi@blankrome.com (E-mail)

CHAPTER ONE

PROBLEM 1-A. How Did It Happen? Page 25

Counsel for Abby Barton: Steven James Fischer
Counsel for Eric Felsen: John Riley Thompson, III
Trial Judge: Cynthia A. Bolden
Appellate Judge: Michael Richard Keefe

PROBLEM 1-B. He Didn't Object! Page 46

Counsel for Abby Barton and Carl Dreeves: Professor Cioffi
Counsel for Eric Felsen: Mark Andrew Sauter
Trial Judge: Bethany Lynn Bowman
Appellate Judge: Jonathan Haas

CHAPTER TWO

PROBLEM 2-A. Was He Going Too Fast? Page 60

Counsel for Mrs. Reinhart: Guinevere A. Dobos

Counsel for Jay Gadsby's estate: William S. Sweeney

Trial Judge: Brandon T. Charles

Appellate Judge: Callista N. Regas

PROBLEM 2-B. Boys on the Bridge. Page 60

Carla: Sarah E. McWhorter

Arthur: Gang Wang

Counsel for Arthur: Norah Lee Alarafi Softic

Trial Judge: Professor Cioffi

PROBLEM 2-D. Too Much Wax on the Floor? Page 68

Counsel for Mr. and Mrs. Bryant: Chandani Y. Jones

Counsel for Alpha Market: Amy E. Gill

Trial Judge: Danielle Marie Marcian

Appellate Judge: Ryan N. Schmit

PROBLEM 2-E. The Battered Wife. Page 78

Prosecutor: Eric B. Vang

Counsel for Donald: Sarah E. Keates

Trial Judge: Mark Andrew Sauter

Appellate Judge: Melissa Lounsbury

PROBLEM 2-F. The Exploding Gas Tank. Page 79

Counsel for Mrs. Risner: William J. Naber

Counsel for Automaker: Michael Richard Keefe

Trial Judge: Marilu Elizabeth Gresens

Appellate Judge: Kenneth Robert Hughes

PROBLEM 2-G. “My Insurance Will Cover It.” Page 80

Counsel for Lina: Richard R. Campbell

Counsel for Myra: Donta Dwaine Johnson

Trial Judge: Alexander Francis Linser

Appellate Judge: Ryan Mitchell Mabry

CHAPTER FIVE

PROBLEM 5-A. Fight in the Red Dog Saloon. Page 406

Prosecutor: Gregory J. Melvin

Counsel for Don: John Carson Rubin

Trial Judge: John Spencer Dawson

Appellate Judge: Darren William Ford

PROBLEM 5-B. Red Dog Saloon—Part II. Page 407

Prosecutor: Professor Cioffi

Counsel for Don: Anthony Alan Mahan

Trial Judge: Gabriel P. Moorman

Appellate Judge: Christopher Ryan Patrick

PROBLEM 5-C. Red Dog Saloon—Part III. Page 408

Prosecutor: Michael S. Serfozo

Counsel for Don: Melissa Lounsbury

Trial Judge: Robert P. Ronne, III

Appellate Judge: Eric Michael Goodling

PROBLEM 5-D. What Price Truth? Page 409

Prosecutor Irwin: Nathaniel T. Simpson

Counsel Davenport: John Riley Thompson, III

Trial Judge: Edward Denison Hyde

Appellate Judge: Sarah E. Keates

PROBLEM 5-F. Drug Sale or Scam? Page 417

Prosecutor: Marilu Elizabeth Gresens

Counsel for Ronald Moore: Professor Cioffi

Trial Judge: Sarah Elizabeth Young

Appellate Judge: Adam Moser

PROBLEM 5-H. The Corrupt Judge. Page 420

Prosecutor: Alexander Francis Linser

Counsel for John Murdock: Danielle Marie Marcian

Trial Judge: Guinevere A. Dobos

Appellate Judge: Steven James Fischer

PROBLEM 5-I. “It Was an Accident.” Page 422

Prosecutor: Mark Andrew Sauter

Counsel for Donna: Eric Michael Gooding

Trial Judge: Gang Wang

Appellate Judge: Sarah E. McWhorter

PROBLEM 5-K. Acting Out on the Assembly Line. Page 428

Danmore: Andrew Lynn Smith

Counsel for Danmore: Callista N. Regas

Counsel for Haines: Norah Lee Alaraifi Softic

Trial Judge: Richard R. Campbell

PROBLEM 5-M. Death on the Highway. Page 435

Counsel for Teel estate: Edward Denison Hyde

Counsel for Finney estate: Brandon T. Charles

Trial Judge: William S. Sweeney

Appellate Judge: Eric Michael Gooding

PROBLEM 5-N. The Exploding Can. Page 436

Counsel for Forest Halleck: Christopher Ryan Patrick

Counsel for Lorton Chemicals: Jonathan P. Stevens

Trial Judge: Jenna Lee Johnson

Appellate Judge: Professor Cioffi

PROBLEM 5-P. Two Potato, One Potato. Page 449

Counsel for Amos Perrin: Bethany Lynn Bowman

Counsel for Cheron: John Spencer Dawson

Trial Judge: Michael Richard Keefe

Appellate Judge: William J. Naber

PROBLEM 5-R. "I Used His Stuff." Page 452

Assistant U.S. Attorney Amy Norton: Sarah E. Keats

Attorney Kent Slavin: Jonathan Haas

Trial Judge: Jeremy Preston Conley

Appellate Judge: Eric B. Vang

CHAPTER SIX

PROBLEM 6-A. Outside Influence. Page 478

Prosecutor: Gabriel P. Moorman

Counsel for Volstad: Robert P. Ronne, III

Trial Judge: Donta Dwaine Johnson

Appellate Judge: Michael S. Serfozo

PROBLEM 6-B Refusal to Take the Stand. Page 483

Prosecutor: John Riley Thompson, III

Counsel for Adkins: Ryan N. Schmidt

Trial Judge: Nathaniel T. Simpson

Appellate Judge: Anthony Alan Mahan

PROBLEM 6-C. The \$800,000 Jury Error. Page 483

Counsel for Baker: Darren William Ford

Counsel for Henderson: Jenna Lee Johnson

Trial Judge: Gregory J. Melvin

Appellate Judge: John Carson Rubin

PROBLEM 6-E. The Bomber. Page 484

Prosecutor: Gang Wang

Counsel for Jones: Sarah E. McWhorter

Trial Judge: Cynthia A. Bolden

Appellate Judge: William S. Sweeney

PROBLEM 6-F. The Peacock's Tale. Page 485

Prosecutor: Chandani Y. Jones

Counsel for Brown: Richard R. Campbell

Trial Judge: Callista N. Regas

Appellate Judge: Melissa Lounsbury

CHAPTER 7

PROBLEM 7-A. Daily Transcripts. Page 504

Counsel for Excel: Sarah Elizabeth Young

Counsel for Mentor: Michael Richard Keefe

Trial Judge: Bethany Lynn Bowman

Appellate Judge: John Spencer Dawson

PROBLEM 7-B. "Neither Victims nor Parents of a Victim." Page 507

Prosecutor: Amy E. Gill

Counsel for Robert Salmon: Jeremy Preston Conley

Trial Judge: Alexander Francis Linser

Appellate Judge: Andrew Lynn Smith

CHAPTER 8

PROBLEM 8-A. The Hired Gun. Page 520

Counsel for the Plaintiff: Ryan Mitchell Mabry

Counsel for General Motors: Gregory J. Melvin

Trial Judge: Marilu Elizabeth Gresens

Appellate Judge: Kenneth Robert Hughes

PROBLEM 8-B. “Hit the Deck.” Page 544

Prosecutor: Steven James Fischer

Counsel for Dan Dennet: Guinevere A. Dobos

Trial Judge: Danielle Marie Marcian

Appellate Judge: Christopher Ryan Patrick

PROBLEM 8-F. “That’s Just Collateral, Your Honor.” Page 580

Prosecutor: Adam J. Moser

Counsel for Oswald: Nathaniel T. Simpson

Trial Judge: Brandon T. Charles

Appellate Judge: Darren William Ford

PROBLEM 8-H. “She Handed Me the Heroin.” Page 601

Prosecutor: Professor Cioffi

Counsel for Arla: John Carson Rubin

Trial Judge: Norah Lee Alaraifi Softic

Appellate Judge: Jonathan Haas

CHAPTER NINE

PROBLEM 9-A. “It Was My Impression.” Page 608

Prosecutor: William J. Naber

Counsel Dreeves: Edward Denison Hyde

Trial Judge: Mark Andrew Sauter

Appellate Judge: Ryan N. Schmidt

PROBLEM 9-B. The Watchful Neighbor. Page 608

Counsel for Sandy Pinkston: Anthony Alan Mahan

Counsel for Al Davis: Michael S. Serfozo

Trial Judge: Jonathan P. Stevens

Appellate Judge: Robert P. Ronne, III

PROBLEM 9-D. “They Become Anxious and Guilt Ridden.” Page 656

Prosecutor: Donta Dwaine Johnson

Counsel for Art Milton: Cynthia A. Bolden

Trial Judge: Gabriel P. Moorman

Appellate Judge: Professor Cioffi

PROBLEM 9-E. “We Found a Match.” Page 663

Prosecutor: Professor Cioffi

Counsel for David Vanbart: Bethany Lynn Bowman

Trial Judge: Sarah E. Keates

Appellate Judge: William S. Sweeney

PROBLEM 9-F. Paternity Index 624. Page 669

Dr. Pool: Andrew Lynn Smith

Counsel for Richard: Melissa Lounsbury

Trial Judge: Adam J. Moser

CHAPTER THIRTEEN

PROBLEM 13-A. A White Granular Substance. Page 859

Prosecutor: John Spencer Dawson

Counsel for Swenson: Chandani Y. Jones

Trial Judge: Amy E. Gill

Appellate Judge: Kenneth Robert Hughes

PROBLEM 13-B. The Land-Sale Contract. Page 862

Counsel for the Plaintiff: Alexander Francis Linser
Counsel for Ridgeview Estates: John Riley Thompson, III
Trial Judge: Sarah E. McWhorter
Appellate Judge: Jenna Lee Johnson

PROBLEM 13-C. “The Wizard” and the Incriminating E-mail. Page 863

Prosecutor: Christopher Ryan Patrick
Counsel for Tate: Danielle Marie Marcian
Trial Judge: Professor Cioffi
Appellate Judge: Sarah Elizabeth Young

PROBLEM 13-G. Computer Printout. Page 869

Counsel for Georgia Pacific: Callista N. Regas
Counsel for Allied Construction Company: Robert P. Ronne, III
Trial Judge: Michael S. Serfozo
Appellate Judge: Guinevere A. Dobos

PROBLEM 13-H. “This Is O’Rourke.” Page 871

Counsel for Paul Michaud: Norah Lee Alaraifi Softic
Counsel for O’Rourke & Kelly: Jonathan Haas
Trial Judge: Donta Dwaine Johnson
Appellate Judge: Ryan Mitchell Mabry

CHAPTER FOURTEEN

PROBLEM 14-A. The Defamatory Letter. Page 883

Counsel for Paula: Jonathan P. Stevens
Counsel for Daniel: Ryan N. Schmidt
Trial Judge: Richard R. Campbell
Appellate Judge: Jeremy Preston Conley

PROBLEM 14-B. The Unprivate Physician. Page 886

Counsel for Denise: Darren William Ford

Counsel for Dr. Murphy: Gabriel P. Moorman

Trial Judge: William J. Naber

Appellate Judge: Nathaniel T. Simpson

PROBLEM 14-C. “There Never Was Such an Original.” Page 888

Counsel for Dan: Richard R. Campbell Mark Andrew Sauter

Counsel for Eva: Eric Michael Gooding

Trial Judge: Michael Richard Keefe

Appellate Judge: Anthony Alan Mahan

PROBLEM 14-F. The Surveillance Photograph. Page 890

Prosecutor: Marilu Elizabeth Gresens

Counsel for the Defendant: Amy E. Gill

Trial Judge: Gregory J. Melvin

Appellate Judge: Steven James Fischer

PROBLEM 14-M. The Tax Evader. Page 900

Prosecutor: Guinevere A. Dobos

Counsel for Brad Trimble: Kenneth Robert Hughes

Trial Judge: Eric B. Vang

Appellate Judge: John Carson Rubin

CHAPTER TEN

PROBLEM 10-A. The Unhappy Harpsichordist. Page 683

Counsel for Glenn: Jenna Lee Johnson

Counsel for Atlas Moving Company: Sarah E. Keates

Trial Judge: Andrew Lynn Smith

Appellate Judge: Callista N. Regas

CHAPTER 11

PROBLEM 11-A. Dry Pavement. Page 737

Counsel for Paulsen: Professor Cioffi

Counsel for Davis: Ryan Mitchell Mabry

Trial Judge: Danielle Marie Marcian

Appellate Judge: Gabriel P. Moorman

PROBLEM 11-B. The Subpoena. Page 737

Counsel for West: William S. Sweeney

Counsel for Petitioner: Donta Dwaine Johnson

Trial Judge: Melissa Lounsbury

Appellate Judge: Alexander Francis Linser

PROBLEM 11-D. The Football Fan. Page 737

Prosecutor: Brandon T. Charles

Counsel for Rogers: Jeremy Preston Conley

Trial Judge: Edward Denison Hyde

Appellate Judge: Cynthia A. Bolden

PROBLEM 11-G. Deadly Weapon. Page 745

Prosecutor: Adam J. Moser

Counsel for Stimson: Professor Cioffi

Trial Judge: Norah Lee Alaraifi Softic

Appellate Judge: Chandani Y. Jones

PROBLEM 11-I. Obscene Books. Page 755

Prosecutor: Anthony Alan Mahan

Counsel for Root: Michael Serfozo

Trial Judge: Bethany Lynn Bowman

Appellate Judge: Marilu Elizabeth Gresens

PROBLEM 11-J. “Drunk as a Skunk.” Page 756

Counsel for Prizi: Gang Wang

Counsel for Red Dog Saloon: John Carson Rubin

Trial Judge: Eric Michael Gooding

Appellate Judge: Sarah E. Keates

CHAPTER THREE

PROBLEM 3-A. Three See a Robbery. Page 108

Prosecutor: Gregory J. Melvin

Counsel for Higgins: Kenneth Robert Hughes

Trial Judge: Jonathan Haas

Appellate Judge: Darren William Ford

PROBLEM 3-B. Kenworth and Maserati. Page 110

Counsel for Hillary: Eric B. Vang

Counsel for Phillip: William J. Naber

Trial Judge: John Spencer Dawson

Appellate Judge: Robert P. Ronne, III

PROBLEM 3-D. “Any Way You Like.” Page 124

Prosecutor: Steven James Fischer

Counsel for Ratliff: Bethany Lynn Bowman

Trial Judge: Professor Cioffi

Appellate Judge: Mark Andrew Sauter

PROBLEM 3-F. “I’m From the Gas Company.” Page 126

Counsel for Jack Alford: Cynthia A. Bolden

Counsel for Interstate Gas: Callista N. Regas

Trial Judge: Christopher Ryan Patrick

Appellate Judge: John Riley Thompson, III

PROBLEM 3-G. Eagle’s Rest Bar & Grill. Page 126

Prosecutor: Alexander Francis Linser

Counsel for Whitney Seaver: Andrew Lynn Smith

Trial Judge: Richard R. Campbell

Appellate Judge: Jonathan P. Stevens

PROBLEM 3-I. “A Paper-Mâché Man.” Page 128

Prosecutor: Ryan N. Schmidt

Counsel for Zinder: Edward Denison Hyde

Trial Judge: Gregory J. Melvin

Appellate Judge: Eric B. Vang

PROBLEM 3-J. “My Husband is in Denver.” Page 139

Prosecutor: Jonathan P. Stevens

Counsel for Greg Hensen: Brandon T. Charles

Trial Judge: Jeremy Preston Conley

Appellate Judge: Sarah Elizabeth Young

PROBLEM 3-K. King Air YC-437-CP. Page 141

Prosecutor: Danielle Marie Marcian

Counsel for Bruno: Robert P. Ronne, III

Trial Judge: Adam J. Moser

Appellate Judge: Ryan Mitchell Mabry

CHAPTER FOUR

PROBLEM 4-A. “I Got Amnesia.” Page 162

Prosecutor: William S. Sweeney

Counsel for Paul Barlow: Eric Michael Gooding

Trial Judge: Chandani Y. Jones

Appellate Judge: Gang Wang

PROBLEM 4-B. Fire in the Warehouse. Page 183

Counsel for Martin: Christopher Ryan Patrick

Counsel for Carter’s Automotive Repair and Refinishing: Professor Cioffi

Trial Judge: Jenna Lee Johnson

Appellate Judge: Donta Dwaine Johnson

PROBLEM 4-E. “Did You Rob That Bank?” Page 199

Prosecutor: Norah Lee Alaraifi Softic

Counsel for Ivers: Darren William Ford

Trial Judge: Amy E. Gill

Appellate Judge: Guinevere A. Dobos

PROBLEM 4-G. “I Was on an Errand for My Boss.” Page 209

Counsel for Story: Gabriel P. Moorman

Counsel for Farmright Corp.: Mark Andrew Sauter

Trial Judge: Michael S. Serfozo

Appellate Judge: Nathaniel T. Simpson

PROBLEM 4-H. Drugs Across the Border. Page 219

Prosecutor: Jonathan Haas

Counsel for Arlen: Marilu Elizabeth Gresens

Counsel for Bud: John Spencer Dawson

Trial Judge: Anthony Alan Mahan

Appellate Judge: Sarah E. McWhorter

PROBLEM 4-I. “I Felt This Sudden Pain.” Page 233

Counsel for Eleanor Sanders: Kenneth Robert Hughes

Counsel for Liberty Insurance Company: Melissa Lounsbury

Trial Judge: John Carson Rubin

Appellate Judge: Edward Denison Hyde

PROBLEM 4-J. “He Says He’ll Kill Me.” Page 239

Prosecutor: Ryan Mitchell Mabry

Counsel for Otto Neff: Jeremy Preston Conley

Trial Judge: William J. Naber

Appellate Judge: Brandon T. Charles

PROBLEM 4-K. Fright Points the Finger. Page 251

Prosecutor: Adam J. Moser

Counsel for Donald: Michael Richard Keefe

Trial Judge: Chandani Y. Jones

Appellate Judge: John Riley Thompson, III

PROBLEM 4-L. “The Government Let Her Go.” Page 298

U.S. Attorney: Jenna Lee Johnson

Counsel for Rick Masters: Eric B. Vang

Trial Judge: Andrew Lynn Smith

Appellate Judge: Jonathan P. Stevens

PROBLEM 4-M. “He Had Nothing to Do with It.” Page 327

Prosecutor: Cynthia A. Bolden

Counsel for John Garvin: Sarah McWhorter

Trial Judge: Ryan N. Schmidt

Appellate: Judge: Steven James Fischer

PROBLEM 4-N. “If You Want to Stay Healthy.” Page 332

Counsel for Marvin Spreigel: Sarah Elizabeth Young

Counsel for Lanny Keeton: Nathaniel T. Simpson

Trial Judge: Gang Wang

Appellate Judge: Amy E. Gill