



Constitutional Rights Foundation's
2004-2005 CALIFORNIA MOCK TRIAL PROGRAM



Errata and Case Supplements
for

People v. Kendall

November 12, 2004

People v. Kendall

1. Page 13, Stipulations, delete stipulation #8
2. Page 25, line 37, replace “parked vehicle” with “a light pole”
3. Page 29, line 26, delete “except for February 20. I did not think until then that was a drag racer.”
4. Page 33, line 9, replace “first of December” with “first of September”
5. Page 11, paragraph six, first line, replace “the north side of Gardner Avenue” with “Main Street”
6. Page 31, line 15, replace “in June 2004” with “on June 14th, 2004.”
7. Page 39, line 12, replace “in June 2004” with “on June 16th, 2004.”
8. Page 39, line 21, replace “100 feet west of the eastern end of the intersection” with “55 feet west of the Gardner and Main intersection.”
9. Page 16, Jury Instructions, add:

California Jury Instructions, Criminal (CALJIC 3.36)

“Gross negligence” means conduct which is more than ordinary negligence. Ordinary negligence is the failure to exercise ordinary or reasonable care.

“Gross negligence” refers to negligent acts which are aggravated, reckless or flagrant and which are such a departure from the conduct of an ordinarily prudent, careful person under the same circumstances as to be contrary to a proper regard for human life or to constitute indifference to the consequences of those acts. The facts must be such that the consequences of the negligent acts could reasonably have been foreseen and it must appear that the death was not the result of inattention, mistaken judgment or misadventure but the natural and probable result of an aggravated, reckless or flagrantly negligent act.”

10. Page 13, Stipulations, add stipulation #10, “Expert witnesses may testify to witness statements in which they utilized to formulate their opinions.”
11. Page 23, line 42, delete “speeds in excess of 10 miles per hour over the posted speed limit,” and replace with “excessive speeds.”

12. Page 24, line 7 after “limits,” add “illegal contest or exhibition of speed.”
13. Page 26, line 7 after “Darian” add “and Mo,”
14. Page 26, line 8 after “23109” delete “(a) and Mo for violating Section 23109(b).”
15. Page 26, line 11 add “The hospital informed me at the police station that Vanessa was pronounced dead at the hospital and died from traumatic head injuries.”
16. Page 27, line 21, after “racing” add, “(violation of Vehicle Code 23109).”
17. Page 27, line 33, after “anytime,” add “but because of Vanessa’s and my prior conviction for drag racing, we had to cool it for awhile.”
18. Page 16, under Jury Instructions, line 48 add “The unlawful or negligent act was a cause of the death of another human being.”
19. Page 16, under Jury Instructions, line 51 add “**California Jury Instructions, Criminal (CALJIC 3.40)** A cause of the death is an act that sets in motion a chain of events that produces the death as a direct, natural and probable consequence of the act and without which the death would not occur.”
20. Page 13, Stipulations, add stipulation #11, “Vanessa died from traumatic head injuries sustained from the car crash on May 21st.”