

# **GOLD CUP 2024**

## **QUESTIONS AND CLARIFICATIONS**

### **SUBSTANTIVE QUESTIONS**

**Q1:** Is Detective Lee's title Deputy Lee or Detective Lee? He's referred to as both in the packet.

**A:** Danny Lee is a Deputy who hopes to one day advance to Detective. Ms. Winston simply made a mistake when she referred to him as a Detective rather than a Deputy.

**Q2:** When was Adriana Garcia convicted for grand theft? On the RAP sheet on Exhibit 24 it says she was convicted on 9/2/2028.

**A:** She was convicted on 9/2/98. An updated Exhibit 24 will be provided.

**Q3:** Stipulation 14 says "Exhibit 29, the Missing Persons Report" is stipulated to be admissible, but the missing persons report is Exhibit 28, not Exhibit 29

**A:** Stipulation 14 should identify the Missing Persons Report as Exhibit 28. An updated Pretrial Order will be provided to correct this typo.

**Q4:** Stipulation 14 says that Brandon Jack's body was found on November 1st, 2023. However, Detective Lee's report says that Mr. Jack's body was found on January 30, 2024 and his skull was found on November 1st.

**A:** Brandon Jack's skull was found on 11/1/23 and his body was found on 1/30/24. An updated page 2 of the Pretrial Order will be provided to correct the item.

**Q5:** Is Adriana Garcia's third charge a conviction or not? The packet says it's not but her RAP sheet has a conviction date.

**A:** She was acquitted. An updated Exhibit 24 makes that clear.

**Q6:** What time does the 911 call from Ms. Winston come in? The exhibit lists it as 4:34 p.m. but Detective Lee was dispatched 11:25 a.m., before the call came in.

**A:** The 911 call was placed at 10:55 a.m. An updated Exhibit 3A will be provided.

**Q7:** Multiple questions were asked about Arlo. No further information will be provided beyond the below response.

**A:** Arlo is a Standard Poodle that volunteers his time at the District Attorney's Office on an as-needed basis. He provides emotional support for witnesses and victims both inside

and outside the courtroom. Celeena Winston's deposition is updated to reflect his proper breed.

**Q8:** Is Exhibit 21 the card that Roebuck gave the police officer in 2018, or the one he gave Ceelena when she inquired about his services?

**A:** Mr. Roebuck gave identical cards to both Danny Lee and Celeena Winston.

**Q9:** There are discrepancies with the dates on both police reports regarding when events occurred versus when the reports were filed (e.g., Exhibit 6a lists dates from 2023 but is dated 2018). Can you clarify this?

**A:** An updated Exhibit 6A will be provided to reflect the correct date.

**Q10:** Where is Ryan Roebuck currently?

**A:** He lives and works in Gold County. His residence is located at 1234 27<sup>th</sup> Street.

**Q11:** Deputy Lee indicates that he finds the bodies on January 31st, but Exhibit 18 indicates that the bodies were received by the coroner's office on November 3rd. Is this an error or a point of advocacy?

**A:** The 11/3/23 date is the date the testing was completed on the bodies previously received at the Coroner's Office.

**Q12:** In the Supplemental Police Report contained in the Exhibits (Exhibit 6A), specifically page 2 lines 35-37, Deputy Lee describes the condition of the skeleton, however this sentence is not included in the Supplemental Police Report in the actual fact pattern. Is this an error or a point of advocacy?

**A:** Exhibit 6A is correct. The two documents are intended to be identical.

**Q13:** The testimony of Jordan Avey contains two page 9s that are identical, except for differing dates for one of the felony convictions. Which is the correct page 9/correct conviction date?

**A:** This was a clerical error. There should only be one page 9. Please discard the other page 9. It's important to note that attorney's questions are not evidence.

**Q14:** Jordan Avey's interview says she saw texts from Roebuck to Garcia saying "I know what you've done. Just think about what might happen if I don't keep it to myself," and "I can make you disappear just as easily as one of your tenants, old lady! Don't mess with me." She then references Exh. 27 and says those were the texts she saw, but Exh. 27 does not contain those texts. Are we missing the texts she references and, if so, is that an error?

**A:** Jordan testifies that "he was always threatening her." Not all threats, if any, were necessarily made by text. Relevant changes were made to her preliminary hearing transcript.

**Q15:** Jordan Avey's account is that the letter from Brandon Jack arrived sometime in 2024, a few weeks before Brandon Jack's skull was unearthed (page 7 of her preliminary testimony). Adriana Garcia's account is that the letter arrived about a month after Brandon Jack was reported missing, in 2018 (page 2 of Agent Lee's 11/1/2023 report). The letter is also dated in 2018. Does this mean Jordan Avey must testify that she saw Adriana Garcia retrieve this letter from the mailbox in 2024?

**A:** No further information will be provided.

**Q:16** Jordan Avey says that she discussed Megan Eixenberger's departure with Brandon Jack. That would mean that Megan left the boarding house in 2018. Adriana Garcia says that Megan died because of COVID. Is it intentional to have Adriana Garcia claim that Megan died of COVID several years before the pandemic?

**A:** No further information will be provided.

**Q:17** Is there any witness that can identify Exhibit 30? The exhibit list says that the saw has a red substance on it. But it does not appear that any witness discusses or could authenticate the photo. There is a stipulation that Lee has seen all the exhibits, but he does not discuss Exhibit 30 or a saw at all.

**A:** Please see updated Exhibit 6A.

**Q18:** When were the additional bodies uncovered in the defendant's yard? Celeena Winston's statement and Exhibit 18 (Lab report) say that Brandon Jack's skull was dug up by Arlo on November 1st and the additional bodies were uncovered that week (either the next day or the day after). See Pg. 21 ln 14 ("Detective Lee started looking through the dirt where Arlo had found the skull. He found a full skeleton, without the head, buried in Adriana's yard and called for backup. Before you know it a whole swarm of officers descended on the house and the surrounding yard. Over the next day or two they totally dug up her flowers and vegetable garden and were searching in and under her shed. It was really creepy once the coroner started coming out with body bags on stretchers.") Agent Lee's reports say that Brandon Jack's skull was dug up by Arlo on November 1st and the additional bodies were discovered on January 31, 2024. Is this discrepancy intentional? If not, on what date was the remainder of Brandon Jack's skeleton exhumed, and on what date were the other six bodies exhumed?

**A:** Brandon Jack's headless body, as well as the other bodies, were found over the course of several days beginning on January 30<sup>th</sup>. A clarification has been added to Celeena Winston testimony on page 8. An updated copy of her deposition transcript will be provided.

**Q19:** Was Jordan Avey the only boarder in 2024?

**A:** Yes.

**Q20:** Can we get the lab report for the IGG test?

**A:** No further information will be provided.

**Q21:** Is there a definitive cause of death for any/all of the boarders?

**A:** No further information will be provided.

**Q22:** Was Deputy Lee wearing gloves on 1/30/2024 when he discovered additional graves at 1424 F street.

**A:** There were no bodies discovered at 1424 F Street. But Danny Lee was wearing gloves at all relevant times when handling or processing evidence.

**Q23:** What were the dates that Matt and Casey died?

**A:** At some point between July of 2020 and October of 2023.

**Q24:** For Charge #4 on Garcia's RAP sheet, when was Ms. Garcia released? Stipulation 16 says she was released on 6/22/15 but in her interview she says she was released around March 2015.

**A:** No further information will be provided.

**Q25:** Does Allison have Dalmane in her system? It says she doesn't in the lab report but on the last page of Ms. Garcia's interview Det. Lee mentions Dalmane right after taking about Allison.

**A:** Deputy Lee's reference to Dalmane at that point is not necessarily related to Allison given that he was interrogating her about all the bodies at the time of the interview. Legally, law enforcement is permitted to use deception while interrogating a suspect.

**Q26:** Jordan Avey and Adriana Garcia both say Brandon Jack moved into 1426 F St. toward the end of 2016, but Garcia's bank records say she started depositing checks addressed to Jack in February 2016. Is this intentional?

**A:** An updated Exhibit 19 will be provided.

**Q27:** Does Garcia think that Megan died from COVID or went to Texas? Avey says that Garcia told her Megan moved but Garcia says in her testimony that she thinks Megan died from COVID. Is this meant to be conflicting?

**A:** No additional information will be provided.

**Q28:** Winston says that on 11/1/18, she watched Danny Lee dig up a skeleton without a skull and that over the next day or two, the police found all the other buried skeletons. Jordan Avey says that a few weeks after receiving Brandon Jack's Letter (ex. 26) dated 9/27/2018, the cops started finding bodies in the yard. Danny Lee says that he recovered only the skull on 11/1/18,

that he returned to Garcia's home to find the rest of the skeleton on 1/30/24, and that on 1/31/24 he found the other 6 skeletons. Are these discrepancies intentional?

A: Celeena Winston's deposition testimony has been updated to clarify her testimony.

**Q29:** Garcia's interview states that she would give Roebuck his cut of the monthly checks, but the bank records indicate that he was only regularly receiving \$150 monthly, his original 10% cut of TeriAnn's Social Security checks. Is it intended that Roebuck was only being given 10% of one tenant's Social Security checks, rather than 10% of multiple tenants' checks?

A: No further information will be provided.

**Q30:** Is it a mistake that the reports don't confirm that it is Brandon Jack's body that was found? It says no match in Ex. 5 and then Ex. 18 just says his name next to the body.

A: Although Exhibit 5 confirms that there was no hit in the CODIS database, his identity was subsequently proven through Investigative Genetic Genealogy (IGG).

**Q31:** Jordan Avey says she's 69 but RAP sheet says her DOB is 5/23/65 which would make her 59

A: Her deposition testimony is updated to correct her age.

**Q32:** How did they do tissue samples (toxicology) when only skeletons were found.

A: Based on how the bodies were wrapped/buried sufficient material was available for testing.

**Q33:** The cause of death for Brandon Jack is not listed. Was this intentional?

A: No further information will be provided.

**Q34:** Does Exhibit 26 contain two different types of ink?

A: No further information will be provided.

**Q35:** Can we assume Danny Lee is familiar with all of the witness transcripts?

A: No. He is familiar with information and exhibits contained in his police reports and the Missing Persons Report.

**Q36:** What is the chain of custody for the texts in Exhibit 27?

A: No further information will be provided.

**Q37:** In the Bank of Gold summary under “other notable transactions,” it states, “Starting June 2015, Ms. Garcia transferred \$150 monthly to an account belonging to Ryan Roebuck.” Was she consistently sending a total of \$150 to Ryan Roebuck, or \$150 per tenant for whom she received a social security check?

**A:** No further information will be provided.

**Q38:** How many rooms are in the defendant’s home?

**A:** No further information will be provided.

**Q39:** How quickly does the defendant replace a boarder when there’s a vacancy?

**A:** No further information will be provided.

### **PROCEDURAL QUESTIONS**

**Q1:** Do we have to defend all charges? General Rule 1 says that parties may not amend the pleadings but wondering if defense is allowed to admit to Charges 2 and 3 (grand theft and felony forgery)?

**A:** A prosecution team may not add to, delete or change the charges contained in the Information in any way. Whether or not a defense team chooses to concede the merits of one or more charges during the course of the trial is a strategic decision that they are free to make. There will be no bifurcations granted or pleas taken on any of the charges in the Information.

**Q2:** Does blowing up a part of the exhibit on a demonstrative instead of the entire exhibit count as a modification/change to the exhibit or is this allowed?

**A:** Please see Rules 3.5 and 4.11(a) as well as Pretrial Order #5. Blowing up all or part of an exhibit is allowed and does not constitute a modification/change under the rules.

**Q3:** Can we mark exhibits if we can remove the marks after (for example if we have a clear sheet over the exhibits that are removable)?

**A:** Teams may mark on exhibits during the course of trial. For example, teams may use dry erase or clear overlays to mark on exhibits to assist the jury in understanding witness testimony or counsels arguments. However, no markings may be made prior to the start of the trial.

**Q4:** Do exhibits provided have to be authenticated by the witness during direct examination or can be admitted without further authentication and be admitted by any witness?

**A:** A proper foundation for the provided exhibits should be laid by the witness prior to the introduction or publication of the exhibit. However, pursuant to the Pretrial Order Stipulations 12, 14, 19 and 20, certain exhibits are stipulated to be admissible and may be admitted at any point, with or without additional witness testimony.

**Q5:** Can witnesses have notes on the witness stand?

**A:** No.

**Q6:** Are preliminary matters included in the 60-minute time limit that each team has to present their case?

**A:** No. See Rule 4.8. Each team has 60 for case presentation and 8 minutes to make and respond to Motions in Limine. Introductions, housekeeping and any other preliminary matters are not included in the time limits.

**Q7:** The Information, Pretrial Order, and Verdict Form refer to the government as the plaintiff. Is that a clerical error?

**A:** No. That is the nature of case captions in Gold County. It has no bearing on the case whatsoever.

**Q8:** Are Counts 2 and 3 of the Information intended to be identical?

**A:** No. Count 2 is for Grand Theft and Count Three is for Forgery. An updated Information will be provided.

**Q9:** Evidentiary ruling 7 says that ALL witnesses have been sworn and sequestered. Does that exclude the party representatives?

**A:** Adriana Garcia is not excluded from the courtroom.

**Q10:** Stipulation 14 says that Exhibit 18 is admissible. Exhibit 18 contains information about the 6 other bodies. Can the parties argue that while Exhibit 18 is admissible, some information must nonetheless be redacted?

**A:** The parties have stipulated that the foundational elements for admission have been met for Exhibits. 5, 18, 19 and 29. This means that both the document itself and all contents of the document are admissible. However, parties may strategically make non-foundational objections to certain content based on the Federal Rules of Evidence. Sustained objections may allow for requests for redaction (which may be done constructively). Also see Evidentiary Ruling 9.

**Q11:** If an exhibit is stipulated to be admissible, is it still subject to objection?

**A:** The parties have stipulated that the foundational elements for admission have been met for Exhibits. 5, 18, 19 and 29. This means that both the document itself and all contents of the document are admissible. However, parties may strategically make non-foundational objections to certain content based on the Federal Rules of Evidence. Sustained objections may allow for requests for redaction (which may be done constructively). Also see Evidentiary Ruling 9.

**Q12:** Stipulation 12 provides that the bank summary of Adriana Garcia's account (exhibit 19) is a proper record of regularly conducted business under FRE 803(6). However, the document appears to have been prepared in anticipation of prosecution and would thus also be subject to a confrontation objection. Will teams be permitted to object to the exhibit as violation of the confrontation clause?

**A:** No. See updated Stipulation 12.

**Q13:** Can we argue affirmative defenses?

**A:** Teams may prepare their case however they see fit. No additional jury instructions will be provided.

**Q14:** Does count two of the indictment (grand theft) pertain only to Brandon Jack? That is, can advocates only argue that Garcia took from Jack without his consent? Similarly, does count three of the indictment (felony forgery) limit advocates to arguing Garcia acted to defraud Jack, or can they argue she intended to defraud any person?

**A:** No further information will be provided.

**Q15:** Can you please explain how ballots are scored?

**A:** Arguments are worth 20 points each. Examinations are worth 15 points each for a total of 100 points.

**Q16:** Is Ryan Roebuck unavailable?

**A:** No.

**Q17:** Can Adriana Garcia testify that she had Ryan Roebuck bury the tenants who she contends died of natural causes? Adriana Garcia repeatedly claims she did not kill or bury anyone. And at one point she says, "who knows how they got there." But at another point, when she is asked how the bodies ended up buried in the back yard, she says "They had no friends or family to mourn them and funerals, cemetery plots and headstones are all expensive. Not to mention the fact that I couldn't let my parole officer know that I was running a boarding house. I didn't want to go back to prison." Given these two apparently contradictory statements, would it be a violation of the rules for Garcia to testify that she paid Roebuck to bury the people she admits died (allegedly of natural causes) in the house?



**A:** Teams are free to make whatever strategic decisions they deem best. However, teams should be certain they are sticking to the fact pattern and witness testimony is subject to the reasonable inference rule as well as the potential for impeachment by omission.

**END OF CLARIFICATIONS**