

Applicant Number

MPT-1

218

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## *State of Franklin v. Clegane*

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**State of Franklin v. Clegane**

**FILE**

Memorandum to Examinee .....1  
Guidelines for persuasive briefs.....2  
Newspaper article from *The Franklin City Post* .....3  
Excerpt from transcript of client interview .....4  
Defendant’s motion to exclude victim statements and deny restitution .....6

**LIBRARY**

Excerpts from the Franklin Crime Victims’ Rights Act .....9  
**State v. Jones**, Franklin Court of Appeal (2006) .....11  
**State v. Berg**, Franklin Court of Appeal (2012) .....13  
**State v. Humphrey**, Franklin Court of Appeal (2008) .....15

**FILE**

**Selmer & Pierce LLP**  
Attorneys at Law  
412 Valmont Place  
Franklin City, Franklin 33703

**MEMORANDUM**

**To:** Examinee  
**From:** Anna Pierce  
**Date:** February 27, 2018  
**Re:** State of Franklin v. Clegane

We represent Sarah Karth. Sarah Karth's sister, Valerie Karth, was physically injured and incapacitated last summer when an unsupervised teenager set off fireworks at a neighborhood Fourth of July party. The teenager, a minor, was also injured. Valerie Karth was struck by the fireworks and also suffered economic injury because sparks from the fireworks started a fire that burned her garage to the ground.

The man who sold the fireworks to the teenager, Greg Clegane, was convicted of the felony of unlawful sale of fireworks to a minor. Clegane's sentencing hearing is in two weeks. Sarah Karth wishes to read victim-impact statements at the sentencing hearing both on her own behalf and on Valerie's behalf. She has also submitted a request that Clegane pay restitution for the losses she and her sister have sustained because of his actions.

Last week the prosecution notified Sarah that Clegane's counsel has filed a motion to (1) exclude the proposed victim-impact statements at the sentencing hearing, arguing that Sarah and Valerie are not victims within the meaning of the Franklin Crime Victims' Rights Act (FCVRA); and (2) deny their restitution requests. A copy of Clegane's motion is attached.

I intend to file a brief in opposition to this motion on behalf of Sarah asking that the court include Sarah's and Valerie's victim-impact statements and order Clegane to pay restitution to both of them. Please draft the argument section of our brief. In drafting your argument, be sure to follow the attached guidelines. Make the most persuasive argument possible under the FCVRA and relevant case law.

**Selmer & Pierce LLP**

**OFFICE MEMORANDUM**

**To:** Associates  
**From:** Managing Partner  
**Date:** July 8, 2012  
**Re:** Guidelines for Persuasive Briefs in Trial Courts

The following guidelines apply to persuasive briefs filed in support of motions in trial courts.

**I. Captions**

[omitted]

**II. Statement of Facts**

[omitted]

**III. Legal Argument**

Your legal argument should make your points clearly and succinctly, citing relevant authority for each legal proposition. Do not restate the facts as a whole at the beginning of your legal argument. Instead, integrate the facts into your legal argument in a way that makes the strongest case for our client.

Use headings to separate the sections of your argument. Your headings should not state abstract conclusions, but rather integrate factual detail into legal propositions to make them more persuasive. An ineffective heading states only: "The court should not admit evidence of the victim's character." An effective heading states: "The court should refuse to admit evidence of the defendant's character for violence because the defendant has not raised a claim of self-defense."

In the body of your argument, analyze applicable legal authority and persuasively argue how both the facts and the law support our client's position. Supporting authority should be emphasized, but contrary authority should also be cited, addressed in the argument, and explained or distinguished.

Finally, anticipate and accommodate any weaknesses in your case in the body of your argument. If possible, structure your argument in such a way as to highlight your argument's strengths and minimize its weaknesses. Make concessions if necessary, but only on points that do not involve essential elements of your claim or defense.