**<u>25-26 Opinion 1</u>: Advisory Opinions from Prior Seasons**

***Question:*** Are teams deemed to be "on notice" of CIC advisory opinions from prior years for future CIC proceedings under AMTA Rule 7.21(6)?

***Answer:*** No. The opinions from prior seasons do not have any binding force and may not be used to support any future penalty decisions. See AMTA Rule 1.1(2) ("If AMTA publishes any interpretations of its rules, whether related to sanctions, invention of fact, or anything else, such interpretations may not be used by AMTA or any of its committees to justify the discipline of teams or individuals in future seasons. Thus, in future seasons, teams and students are not deemed on notice of such interpretations unless they have been codified in the Rulebook."). The opinions from prior seasons remain available on the AMTA website solely for informational purposes. See id. ("[N]othing in this rule is intended to preclude AMTA or its committees from . . . making such interpretations publicly available.").

**<u>25-26 Opinion 2:</u> Responsive Cross-Examination Answers as to Background Facts**

***Question:*** On cross-examination, Nel Doos is asked, "You don't know the names of the other producers on the Saboteurs aside from Riley Kaye?" Doos responds, "I do, and I'd be happy to name them for you." Is this an Improper Invention under Rule 7.21?

***Answer:*** No. Under Rule 7.21(e), "[o]n cross-examination, a witness commits no violation or Improper Invention when they testify to material facts not included in their affidavit so long as the witness's answer is responsive to the question posed and does not contradict the witness's affidavit." Thus, even if the names of other producers could be considered a material fact, the above testimony on cross-examination is directly responsive and does not violate Rule 7.21.

If the same witness were impeached with the line, "I was told I should include everything that I know may be relevant to my testimony," it would be fully appropriate—and consistent with the Rules—for the witness to respond, "I didn't know the names of other producers would be relevant to my testimony, or I would have included them."

**<u>25-26 Opinion 3:</u> Guilty Portrayals and Prosecution Witnesses**

***Question:*** The state calls Riley Kaye, who offers testimony entirely consistent with Kaye's affidavit and does not contain any Improper Inventions. Does the prosecution team violate Rule 6.11(2) relating to Guilty Portrayals if it argues that Riley Kaye conspired in some way with Charlie Martin to commit a crime?

***Answer:*** No, assuming the team has a factual basis to make the argument. AMTA Rule 6.11(2) states "a **defense team** may not allege, argue, imply, or suggest that a witness called by the defense" committed the wrong, acted wrongfully, or committed a crime. Riley Kaye is a witness called by the prosecution, and the "guilty portrayal rule" therefore definitionally does not apply to arguments made by the prosecution about Kaye. That said, the Improper Invention rule still applies to any testimony by Kaye, and teams are reminded that Rule 6.11(3) prohibits any attempt to indicate through testimony or portrayal that statements in the witness' affidavit are not true, no longer true, coerced, or incomplete. Likewise, Rule 7.21(2)(a)(i) prohibits portrayals or characterizations of witnesses that contradict the witness's affidavit. And Special Instruction 17 states that no testifying witness (aside from Charlie Martin) may portray their witness to be the person who killed Rob Armstrong. Thus, Kaye may not testify or imply, for example, anything that contradicts Kaye's statement that "I know nothing about any poison."

**<u>25-26 Opinion 4:</u> Testimony of Charlie Martin**

***Question:*** Is Charlie Martin allowed to testify, "I thought oxalic acid would only be fatal if someone swallowed 20 grams of it" under Rule 7.21?

***Answer:*** The proposed testimony identified above, on its own, does not violate AMTA's Improper Invention rule. The Improper Invention rule (AMTA Rule 7.21) allows the Case Committee to exclude a defendant in a criminal case from the definition of "affidavit" for purposes of Rule 7.21.

Under Special Instruction 5, Martin's interrogation is not an affidavit for purposes of Rule 7.21. Therefore, Martin is not bound by Rule 7.21(2)(a) and can build testimony based on invented facts that are not included in Martin's interrogation, including the fact above. The permissible, invented facts to which Martin testifies may be used in the same way as any other fact contained in the case packet, such as referencing them in opening statement or closing argument.

It is important to note, however, that testimony from Martin may be subject to other limitations outside of Rule 7.21. For example, Special Instruction 5 notes that Martin's testimony must not contradict stipulations and, with limited exceptions, must not contradict the testimony provided in the interrogation.

Additionally, since only Martin is excluded from Rule 7.21, only Martin may testify to invented facts.

**<u>25-26 Opinion 5:</u> Recordings for CIC Complaints**

***Question:*** If I want to file a CIC complaint in the 2025-2026 season, are there any requirements to provide a recording with the complaint?

***Answer:*** Yes, unless the tournament venue does not allow for recording. Rule 7.21(6)(b)(i) requires that "any allegation of egregious Improper Invention must be supported by an audio or video recording of the round unless recording is prohibited by the venue." This requirement is designed to help avoid difficult-to-resolve factual disputes about the content of testimony.