

2009 Mock Trial Summer Camp Case Materials

State v. Reynolds

Case Summary:

This is a criminal case brought by the State of Washington charging the defendant, Dale Reynolds, with first-degree murder. The State claims that Reynolds, with a premeditated intent to cause the death of Thomas Simpson, caused his death. Reynolds admits that s/he perceived that s/he was in imminent of serious bodily harm because of a condition called the “battered child syndrome,” resulting from a continuous pattern of abuse s/he had suffered at the hands of Simpson.

IN THE SUPERIOR COURT OF THE STATE OF NEW JUSTICE IN AND FOR THE COUNTY OF THURSTON

STATE OF NEW JUSTICE,)	
Plaintiff,)	No. 99-1-80213-6
)	STATEMENT OF
)	STIPULATED FACTS
DALE REYNOLDS,)	
Defendant.)	

All of the parties agree to the following facts:

On September 30, 2008, Dale Reynolds, age 17, shot and killed his/her stepfather, Thomas Simpson, as Simpson entered the front door of their home at 1516 Lynn Avenue, Olympia. Dale then called the police. Detective Nickie Loo responded to the call, reported to the house, interviewed Dale, then arrested him/her. Dale was charged with premeditated murder in the first degree.

Dale waived the right to remain silent, and admitted that s/he shot Simpson, but asserts that s/he acted in self-defense. Dale claims that s/he acted in self-defense because s/he perceived that s/he was in imminent danger of serious bodily harm due to years of abuse at the hands of Thomas Simpson – a condition similar to the “battered woman syndrome” called “battered child syndrome.”

Dale stated that Simpson came to live with the family 12 years ago, when Dale was 6 years old, and that Simpson had abused Dale, a younger sister and their mother on almost a daily basis since 1987, when the family moved into a home of their own. Dale states

that Simpson was subject to unpredictable bursts of anger, when he would beat them, smash their toys, and threaten to kill them for failing to do chores around the house.

The State of New Justice claims that Dale acted with a premeditated intent to cause the death of his/her stepfather, and did cause his death. The prosecution denies that Dale was acting in self-defense because Simpson was not actually threatening Dale at the time of the shooting.

Dale claims that at the time of the shooting s/he was in fear for his/her life because Simpson had threatened to kill him/her the night before, after Simpson had accused Dale of stealing drugs from him.

Witness List

Prosecution:

1. Detective Nickie Loo, Olympia Police Department
2. Jan Martinez, friend of the defendant

Defense:

1. Dale Reynolds, defendant
2. Dr. Pat Carroll, expert on battered child syndrome

Stipulations

The parties stipulate to the following:

1. Both exhibits are authentic and have followed the proper chain of custody to be admissible as evidence.
2. The defendant was read his Miranda rights and all proper police procedures were followed.
3. There are no issues as to violations of the defendant's rights.

Affidavit of Nickie Loo

1. My name is Nickie Loo, and I reside at 555 Stretch Avenue, Olympia. I am a detective
2. with the Olympia Police Department in Olympia, New Justice. I went through full
3. training through the police academy and met all requirements to achieve the rank of
4. full detective. I have been a police officer for 21 years and a detective for 10 years.
5. Presently I head up our homicide investigations division. I have been working
6. homicide cases in various capacities for my full 21 years on the job. I have investigated
7. over a hundred homicides in my career.

8. On September 30, 2008, at about 4:45 p.m. I received a call on my car radio that there
9. had been a shooting at 1516 Lynn Ave. I was in the area and responded to the call.

10. I arrived at the house at 4:55 p.m. and found a white male lying on the doorstep, with
11. two gunshot wounds in the head. He was dead. I checked and found no weapons in
12. the dead man's possession.

13. The defendant was standing in the living room, just inside the front door, still holding
14. a 9 mm handgun. No one else was home at the time. I quickly walked through the
15. house, and there was no sign of a struggle.

16. I advised the defendant of his/her rights. The defendant was crying and seemed
17. disoriented. I could smell alcohol on his/her breath. We took the defendant down to
18. the station, where s/he gave a voluntary statement.

19. The defendant admitted to shooting Simpson, but claimed that s/he was acting in self-
20. defense.

Signed,
Nickie Loo
October 15, 2008

Affidavit of Jan Martinez

1. My name is Jan Martinez, and I am a good friend of Dale's. I live at 444 County Trail,
2. Olympia. I'm a junior at Olympia High School. Dale and I have known each other
3. since sixth grade, when s/he moved in down the street from my family. We've been
4. friends ever since.

5. Dale is really moody. In the last few months before the shooting, s/he was really hard
6. to be around. S/he'd started breaking plans and was hanging out with a pretty tough
7. crowd. I'd basically decided to just avoid him/her.

8. Anyway, the day of the shooting, I stopped by the Reynolds' house in the morning on
9. the way to school and Dale was home alone. S/he told me to come up to his/her room.
10. When I did, s/he showed me a shotgun s/he said s/he had taken from Mr. Simpson.
11. Dale said it was loaded, and s/he was going to use it to kill Mr. Simpson.

12. Well, I was pretty freaked out, and even though I know that Mr. Simpson is not
13. exactly the ideal father, I couldn't believe that Dale would really follow through with
14. it. So I didn't really take him/her seriously. Now I really wish I had done something
15. to try to stop him/her.

Signed,
Jan Martinez
October 15, 2008

Affidavit of Dale Reynolds

1. My name is Dale Reynolds, and I'm presently residing at the Thurston County Jail. I'm
2. 17 years old and I was a senior in high school at the time of the shooting.

3. Up until the shooting I lived with my mom and little sister at 1416 Lynn Avenue.
4. Simpson moved in with us about 12 years ago, when I was 6 years old. My dad had
5. just left. We've never heard from him since the day he walked out. My mom was
6. happy when she met Simpson because he seemed like a good provider, and he was
7. okay to us kids at first, too.

8. Pretty soon we moved into a house that Simpson bought, and almost right away things
9. began to change. He started beating on my mom first, and then started in on me. He'd
10. scream and yell if I didn't take out the garbage when he asked, and if he thought I
11. was slow, he'd find something he knew I really cared about and destroy it. One time
12. he smashed my bike with a sledgehammer, and another time he threw my new stereo
13. out the window. I'd saved up months to buy it.

14. But all of that wasn't as bad as when he beat us. It was totally unpredictable. One
15. minute he'd be fine, and the next he was kicking me in the stomach, pinning me to
16. the floor and bashing my head on the floor. It happened at least two or three times a
17. week. A week before I shot him I had to go to the emergency room and get 15
18. stitches in my forehead where he took a baseball bat to me when he thought I'd stolen
19. some marijuana from him. Only a few minutes before we'd been playing ball.

20. The night before the shooting, I could hear him slapping my mom around, and I
21. yelled for him to stop. He came in my room, and told me if I didn't keep out of his
22. business, he'd "get rid of me once and for all." He accused me of taking some stuff
23. from him.

24. The next morning, after everyone else had left the house, I broke the lock on his
25. closet and took out his shotgun and another smaller gun. The smaller gun was already
26. loaded. I drank some of his alcohol, just to make him mad, and sat waiting for him.

27. I don't really remember what else happened, except that when he walked in the door I
28. must have shot him. I was sure that he was coming to get me.

Signed,
Dale Reynolds
October 18, 2008

Affidavit of Dr Pat Carroll

1. My name is Pat Carroll, and I reside in Milwaukee, Wisconsin, where I am a professor
2. of psychology at the Medical College of Wisconsin. I hold a Ph.D. in psychology from
3. the University of Minnesota. I have written numerous articles about the battered child
4. syndrome, and have been in the forefront of bringing this condition to the attention of
5. the courts as a legitimate defense to cases in which children have killed abusive
6. parents.

7. I also spend time testifying at trials across the country where I have been recognized
8. by the courts as an expert in hundreds of battered child syndrome cases. My fee is
9. \$5,000, plus expenses. This includes my time in reviewing the case files, interviewing
10. the defendant, and actual testimony.

11. I have reviewed the files in this case, and conducted two one-hour interviews with the
12. defendant. In my opinion, Dale Reynolds was suffering from battered child syndrome
13. at the time s/he shot and killed her/his stepfather.

14. "Battered child syndrome" is an extension of the battered woman syndrome. The
15. battered woman syndrome has become an accepted defense by abused women who
16. have killed their abusive husbands or boyfriends. Like the battered woman syndrome,
17. the battered child defense allows jurors to evaluate the state of mind of the child at the
18. time of the act of killing by considering a pattern of abuse that had altered the child's
19. perception about whether s/he was in imminent danger at the time of the act.

20. Battered children and women perceive, more acutely than strangers, the imminence
21. and degree of danger at the hands of their abusers. We call this "heightened
22. awareness" or "hypervigilance," Victims of continued abuse become attuned to stages
23. of violence and learn to interpret certain conduct to indicate an imminent attack or a
24. more severe attack. To a battered person, subtle changes, like a new method of abuse,
25. may create a reasonable fear of imminent severe or deadly violence that might be
26. imperceptible to an outsider. Because victims of abuse know their abusers and their
27. capacities for violence, they may strike back at times that seem to the outsider less
28. dangerous than previous episodes of abuse, or that do not seem threatening at all to
29. someone else.

30. Children who have suffered abuse over long periods of time often also suffer from
31. low self-esteem, depression, isolation, a belief in the omnipotence of the abuser and a
32. sense there is nothing they can do to stop the violence.

33. In this case, Dale is a prime example of a battered child. His years of enduring abuse
34. at the hands of his step-father have caused him to suffer the classic symptoms of low
35. self-esteem, depression and a sense of "doom and gloom", that the pain and anguish
36. will never end and will only continue to get worse. Therefore, his perception of the
37. danger of an imminent attack by his step-father on the day in question was one of a
38. "heightened awareness" where in his mind he reasonably anticipated that his

39. stepfather would come home and attempt to kill him. Thus he prepared himself for
40. the oncoming and in his mind inevitable attack.

Signed,
Dr. Pat Carroll
May 15, 2009

Applicable Law

To convict Dale Reynolds of the crime of murder in the first degree, the prosecution must have proved beyond a reasonable doubt that Reynolds acted with a premeditated intent to cause the death of Simpson, and that s/he caused his death. Premeditation involves more than a point in time.

In the alternative, Reynolds may be found guilty of second-degree murder, a lesser-included offense of first-degree murder. An intentional murder is in the first degree if it is committed with premeditation. It is murder in the second degree if it is committed without premeditation. Premeditation may be proved by demonstrating that the accused acted with consideration and reflection upon the preconceived design to kill, turning it over in the mind, giving it a second thought.

The defense has offered evidence that he acted in self-defense. In the State of New Justice, the standard for self-defense is that the accused, given his or her situation, had a reasonable belief that his or her life was in imminent danger. The trier of fact must put him/herself in the shoes of the defendant, and determine what was reasonable for the person who committed the act to believe at the time the act was committed.

A belief or response, which may be unnecessary in retrospect, may nonetheless have been reasonable in the heat of the moment, and a person in no real danger at all may nevertheless reasonably believe otherwise, and may then lawfully act in self-defense.

The mere presence of the battered child syndrome does not in itself provide justification for killing one's parent. Evidence must still be considered in the context of self-defense and, based upon the defendant's subjective impressions of the potential for danger, s/he must reasonably believe that the victim intended to inflict death or great bodily harm and there was imminent danger of such harm being accomplished.

In homicide cases where the defendant claims self-defense, expert testimony regarding battered child syndrome is admissible. Such evidence may have substantial bearing on the defendant's perceptions and behavior at the time of the killing and is central to the claim of self-defense. The trier of fact may consider the defendant's subjective impressions of the potential for danger, and whether s/he reasonably believed that the victim intended to inflict death or great bodily harm.

The expert evidence on battered child syndrome is admissible to establish:

1. that the syndrome exists, and what its definitions and characteristics are;
2. that the defendant was suffering from the syndrome; and
3. that a person suffering from Battered Child Syndrome may reasonably have perceptions, fears and beliefs that would not be reasonable in others.

The expert may not testify as to whether the defendant actually acted out of a reasonable belief of danger, which is the ultimate issue to be decided only by the trier of fact.

EXHIBIT 1

THURSTON COUNTY HOSPITAL
131 East Fifteenth Street, Pleasantville, NJ 55501
EMERGENCY ROOM REPORT

INITIAL PATIENT DATA:

Name: Dale Reynolds DOB: 2/15/1991 SS#: 999-XX-3423
Date: 9/23/08 Arrived by: Private Transportation Time: 1852

Temp: 98.6 Pulse: 100 Reap: 22 B/P: 114/73 WT: 145

Allergies: NKA
Home Medications: None

TRIAGE ASSESSMENT:

Severe trauma to the frontal region of the head

ASSESSMENT-HISTORY BY NURSE:

1852- Arrived per private transportation. Pt claimed to have been accidentally hit in the head playing baseball. Pt checked for possible concussion and eye sight impairment. Both were negative. Pt bleeding profusely from the forehead. Large laceration to the frontal forehead region.

MEDICATIONS/PROCEDURES:

15 stitches to the frontal forehead region above the right eyebrow. Eye sight tests and X-Rays of the skull performed. No internal damage or eye sight impairment detected.

DIAGNOSIS:

Severe laceration to the forehead above the right eyebrow.

DISCHARGE:

9/23/08 home assisted by family via private vehicle

INSTRUCTIONS TO PATIENT:

Patient was instructed to return in two weeks for possible removal of stitches. Patient advised to take Tylenol for pain and headaches as needed.

Blake Norman, M.D.
Signature of Physician

Kay Turner, R.N.
Signature of Nurse

EXHIBIT TWO

