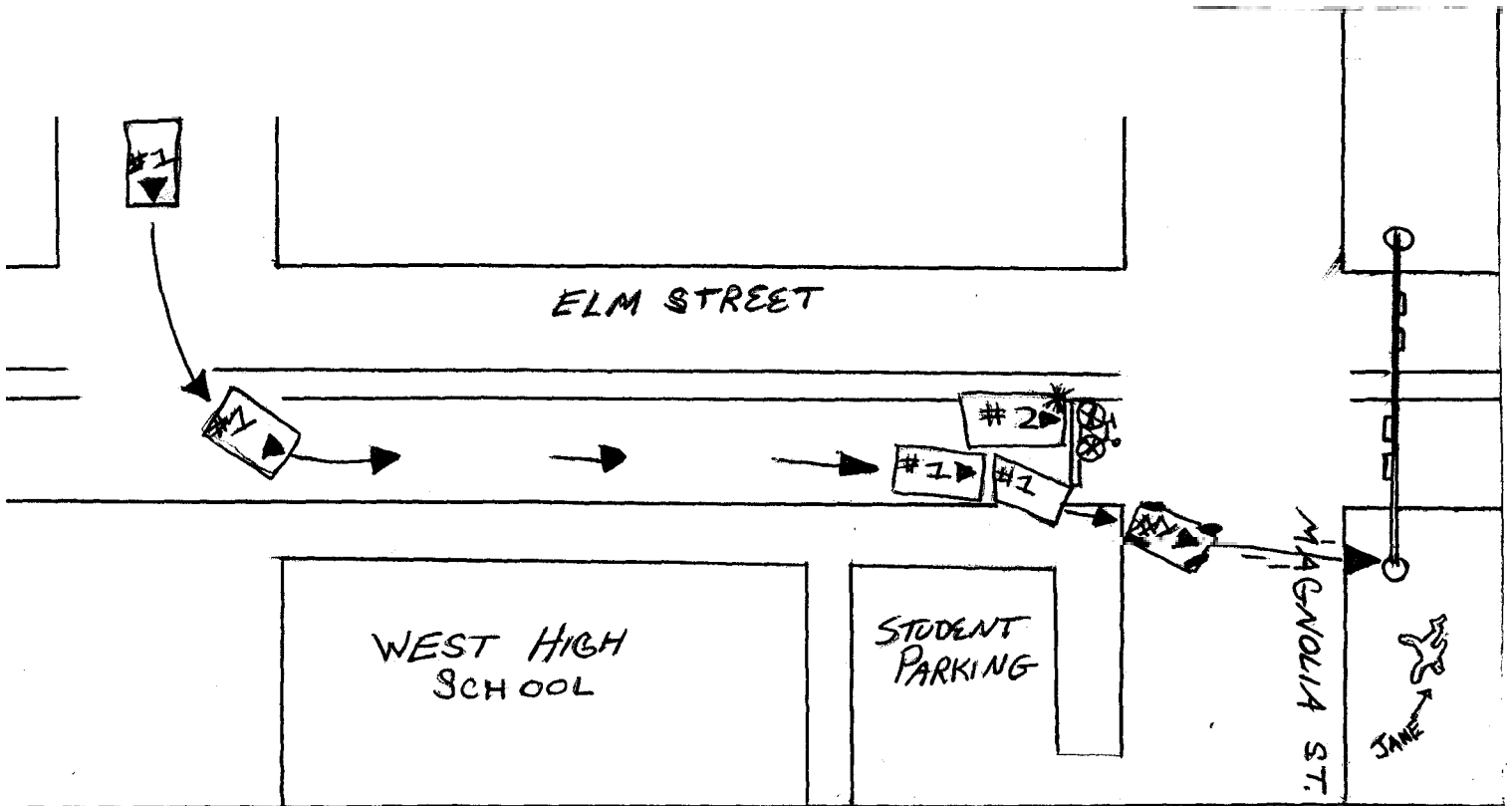


ACCIDENT DIAGRAM



Vehicle #1, operator Terry Jackson, turned Eastbound onto Elm Street. As he/she approached the intersection of Elm Street and Magnolia Street, operator #1 states he/she saw a car (Vehicle #2) in the middle of Elm Street also heading Eastbound with its left turn signal flashing. Operator #1 states he/she attempted to pass Vehicle #2 on the right and turn right onto Magnolia Street. Operator # 1 states as he/she moved to the right of Vehicle #2 he/she then saw a student walking their bike emerging from in front of Vehicle #2 into Operator #1 's path. Operator #1 states that he/she swerved to the right to avoid the biker and slammed on his/her brakes. Operator #1 states that he/she lost control of the car at this time, ran up the curb, rolled the vehicle over and slid across Magnolia Street into the traffic signal pole on the Southeast corner of Magnolia and Elm Street.

Operator #1 and passenger Shaun Anderson were transported to Liberty Hospital, treated for minor injuries and released. Operator #1 was issued a citation for speeding, traveling 47-50 mph in a 30 mph zone. Passenger Jane Anderson was not wearing her seatbelt and was ejected from the rear passenger seat and killed. Based upon thorough investigation, Operator # 1 was arrested and charged with manslaughter and negligent homicide.

Rank and signature of investigating officer	Officer ID#	Police agency	Report Date
<i>Officer Kelly Demlong</i>	<i>4672</i>	<i>Liberty Police Dept</i>	<i>11/16/99</i>

## FINAL LIST OF QUESTIONS FOR 2004 MOCK TRIAL CASE

### ***NEW JUSTICE V. TERRY JACKSON***

First a few words of advice and requests: Every year we receive questions that go beyond the scope of the facts and law provided in the case. These cases are gathered primarily from other states across the country. We generally do not create them ourselves. Students are responsible for only the information provided. There are reasonable inferences that can be drawn in these factual scenarios and issues that are to be dealt with in the trials. The CCLCE cannot and will not provide answers for every little factual inference that could be drawn from the case materials. That is the job of the mock trial teams. Some questions can be answered by a careful reading of all of the facts and statements. Also, the same questions related to rules come up every year. New rules with emphasis have been provided. Let me make special note of competition rule 402 which states “No competitor shall be held responsible for knowing any information that is not contained in the packet, reasonable inference or common knowledge.” In order that the judge’s discretion does not harm a person’s score for not knowing something that is not contained in the packet, we are now making the blanket statement that the type of outside technical information that teams are inquiring about that is clearly prohibited by the rules IS NOT ALLOWED. There will therefore be no voir dire permitted either. Please take care to read the rules carefully before submitting questions. Your considerations of these requests will be greatly appreciated in the future.

Thank you, Beth DeLuco, program coordinator.

Q: When is the show “All My Children” televised in New Justice? Pat Martin mentions that he had seen the show prior to returning to school on the accident date.

A: Facts not given in the case materials will not be “invented” by the CCLCE. Make your own inferences.

Q: What do the three different horizontal lines in or on Elm Street signify? Are any meant to indicate sidewalk areas? Are any meant to be roadway divisions – akin to solid yellow or other street markings for traffic?

A: The map does not show three horizontal lines on Elm Street. There are two lines down the middle of the street separating the directional lanes of traffic. There are two lanes going one way with double lines dividing from the two lanes going the other way on Elm Street.

Q: Who owns Suzuki – Terry Jackson or his parents?

A: Terry Jackson’s affidavit paragraph 2 clearly states that his parents bought him a Suzuki Samurai.

Q: Is the family car doctrine and accompanying liability the law in New Justice? Please clarify the relative legal responsibilities of the vehicle driver and the vehicle owner if they are different.

A: As always, general laws of Connecticut may be applicable in New Justice. However, no outside research is required nor can any student be held responsible for this knowledge. Laws provided in the case materials are the only ones that will be given by the CCLCE. One more word of advice – be sure not to confuse civil liability laws with criminal responsibility.

Q: You earlier indicated that the pole on Magnolia Street is not a “working traffic light”. Does this mean that the light was meant to be working and was not in working order at the time of the accident or that there was not any light at that location at all at the time of the accident? (The diagram seems to indicated spaces that could be interpreted as actual lights.)

A: If the diagram and facts indicate a traffic signal pole with traffic lights on it then it is exactly as previously stated – a traffic light that does not work.

Q: If this had been a previously working traffic light that regular drivers might have become accustomed to, what path of traffic was it meant to control: Elm Street traffic – both directions? East and West and/or Magnolia Street traffic – North and South directions?

A: Most traffic signals are meant to control all directions of any given intersection. Facts not given in the case materials will not be “invented” by the CCLCE. Make your own inferences.

Q: The traffic pole referred to on page 13 paragraph 11 and the traffic light on page 16 paragraph 8 – Are these meant to be the same things?

A: There is only one traffic pole with lights indicated on the map and in the materials.

Q: Are we allowed to argue and/or inquire of case experts and/or fact witnesses about antilock braking systems and skidding potentials?

A: Once again, the rules make it very clear that no outside research is required nor can any student be held responsible for this knowledge. An expert cannot be disqualified for not knowing this information nor can a lay-witness be impeached upon information not gleaned directly from the materials.

Q: Is there any legal liability to vehicle owners or drivers for passenger failure to wear seat belts?

A: As always, general laws of Connecticut may be applicable in New Justice. However, no outside research is required nor can any student be held responsible for this knowledge. Laws provided in the case materials are the only ones that will be given by the CCLCE. One more word of advice – be sure not to confuse civil liability laws with criminal responsibility.

Q: Is Terry Jackson to be viewed as being a minor – under eighteen years of age – at the time of the accident given his recently changed date of birth to 1982?

A: The date of birth and date of the accident make it clear that Terry was 17 at the time of the accident. This was clearly stated in the answers to the last set of questions.

Q: Referring to Demlong's accident report (p.23) is Elm Street a 4 lane or a 2 lane road near Magnolia? The lights across from Magnolia would seem to infer 4 lanes, as would the diagram of car #1 and car #2 side-by-side. Is this interpretation correct, or is Elm Street a 2 lane street?

A: All facts clearly indicate 4 lanes.

Q: Does the 1995 Suzuki Samurai have a back seat? Is it a two passenger vehicle? The only specs that we have found for a Samurai specify that it is a two passenger vehicle.

A: Officer Demlong's affidavit paragraph 6 clearly states that Jane was sitting forward in the "back seat".

Q: What traffic laws apply to New Justice (i.e. right turn on red, passing on the right, seat belts)?

A: As always, general laws of Connecticut may be applicable in New Justice. However, no outside research is required nor can any student be held responsible for this knowledge. Laws provided in the case materials are the only ones that will be given by the CCLCE.

Q: Regarding Terry's affidavit – paragraph 12, wouldn't Terry turn the wheel back to the left, not the right? Or is the discrepancy purposeful?

A: The CCLCE did not write the case. It is the job of the mock trial team to draw inferences and argue discrepancies in the case materials.

Q: On the police report should there be a divider or line in the middle of Elm Street?

A: There ARE two lines down the middle of the street separating the directional lanes of traffic. There are two lanes going one way with double lines dividing from the two lanes going the other way on Elm Street.

Q: Does the State of New Justice have a seat belt law?

A: As always, general laws of Connecticut may be applicable in New Justice. However, no outside research is required nor can any student be held responsible for this knowledge. Laws provided in the case materials are the only ones that will be given by the CCLCE.

Q: In how many directions does traffic flow on Elm Street?

A: There are two lanes going one way with double lines dividing from the two lanes going the other way on Elm Street.

Q: Is there a line/median on Elm Street?

A: See above.

Q: Is there more than one lane of traffic in each direction on Elm Street?

A: See above.

Q: Where was Pat Martin waiting to cross the street: at the corner of the road or in the middle of the street?

A: See affidavit of Pat Martin paragraphs 8, 9 and 10.

Q: In their affidavits, Pat Martin, Terry Jackson and Shaun Anderson identify themselves as "seniors in high school." If the trial is assumed to take place in the present, should we assume that they are now seniors in college?

A: Facts not given in the case materials will not be "invented" by the CCLCE. Make your own inferences.

Q: Is voir dire permitted, as it was last year? If so, is there a time limit or a questions limit? And may lawyers make reasonable inferences about the witnesses' knowledge concerning certain topics?

A: AGAIN, the rules make it very clear that no outside research is required nor can any student be held responsible for this knowledge. An expert cannot be disqualified for not knowing this information. Competition Rule 402: "No competitor shall be held responsible for knowing any information that is not contained in the packet, reasonable inference or common knowledge." Therefore, to make life simpler for everyone, NO, Voir dire WILL NOT BE PERMITTED.

Q: If the light is not a working traffic light, does that mean it is a broken traffic light, or is it just a street lamp? In other words, should the defendant have been aware that there was something (stop sign, light, etc.) that legally required him/her to stop, or was there no legal reason to stop?

A: A traffic light that does not work is exactly that. Any other conclusions, inferences or arguments must be developed by the mock trial team.

Q: From the police map it is unclear whether there is 1, 1 ½ or 2 lanes in each direction.

A: See above

Q: There is a double line in the middle – it is too wide to be just a no passing zone. Is it a standing area or a middle island?

A: Neither – map is not drawn to scale. It is a double line dividing traffic.

Q: Pat discusses crossing the street but there is no indication that she had waited in the middle.

A: See affidavit of Pat Martin paragraphs 8, 9 and 10. Facts not given in the case materials will not be "invented" by the CCLCE. Make your own inferences.

Q: There seems to be a contradiction among some of the witnesses about the road. Can we have some clarification, otherwise we will be arguing apples and oranges.

A: It is the job of the mock trial team to draw inferences and argue discrepancies in the case materials.

Q: On the map there is no pedestrian sign shown even though we know there is one on the road, did the passengers of the Suzuki pass the sign as they were driving? Also at the time of the accident, is it safe to assume they were the only cars on the street at the time?

A: It is not safe to assume anything that is not clearly stated or clearly inferred from the facts. It is the job of the mock trial team to draw inferences and argue discrepancies in the case materials. Once again, facts not given in the case materials will not be "invented" by the CCLCE. Make your own inferences.