

MOCK TRIAL CHAMPIONSHIP
OF
THE COMMONWEALTH NORTHERN MARIANA ISLANDS

MOCK TRIAL CHAMPIONSHIP OF CNMI, CRIMINAL CASE#04-01

Plaintiff,

V.
LES (LESLIE) HAYDEN,

STATEMENT OF THE FACTS

Defendant.

** ** * ** * ** *

On May 20,2004, Capitol Hill High School held its 25th annual senior prom. As part of the ceremony, Steve Camacho, a senior at Capitol Hill High School, and his date, Connie Park, a junior at Capitol Hill High School, were elected king and queen of the senior prom. For the preceding 24 years, the king and queen of the senior prom had lead a caravan of students for an all night camping trip to the Garapan Central Park, located approximately 25 minutes from Capitol Hill High School, where the prom was held.

The prom was chaperoned by Principal Jessie (Jessica) Tudela and Pat Seman, a faculty member. Pat Seman was a first year assistant basketball coach for the Capitol Hill High School basketball team after graduating from the state university as a scholarship basketball player. Principal Tudela was the retiring principal of Capitol Hill High School, who had been on faculty for 25 years.

After the senior prom concluded, the students, led by their king and queen, proceeded to caravan to Garapan Central Park for an anticipated all night camping excursion. Connie Park led the procession from the high school. At approximately 1: 15 a.m. on May 21,2004, Chris Hayden who was driving the fifth vehicle in the student caravan collided with a VW Bug being driven by Stacey Knight, a 15 year old sophomore at Capitol Hill High School, who was attempting to locate the caravan to participate in the all night camping excursion. Jamie Knight, Stacey's

20-year-old sibling, was also in the vehicle. Both Knights died as a result of injuries received from the collision between the vehicles. Neither was belted.

Chris Hayden was 17 years old at the time of the accident and subject to the provisions of MTR 3 14.37. The CNMI Department of Public Safety investigated the accident and charged Les (Leslie) Hayden, Chris Hayden's father/mother, with violation of MTR 3 14.37, parental control of minors; MTR 502.020, liability for conduct of another, complicity; and MTR 507.040, manslaughter in the second degree. The judge has ruled that, if the evidence warrants, instructions on the lesser-included offense of reckless homicide will be given to the jury.

WITNESSES

For the Plaintiff

1. Chris Hayden
2. Sandy Lee
3. Pat Seman

For the Defendant

1. Jessie (Jessica) Tudela
2. Jared (Janet) Pangelinan
3. Les (Leslie) Hayden

EXHIBITS

1. Preliminary UD- 10 Official Traffic Crash Report
2. Map drawn by Jared (Janet) Pangelinan

MOCK TRIAL CHAMPIONSHIP
OF
THE COMMONWEALTH NORTHERN MARIANAI SLANDS

MOCK TRIAL CHAMPIONSHIP OF CNMI

CRIMINAL CASE#04-01

Plaintiff,

V.

STATEMENT OF CHRIS HAYDEN

LES (LESLIE) HAYDEN,

Defendant.

** ** * ** * ** *

My name is Chris Hayden. I am 18 years old and a 2004 graduate of Capitol Hill High School and plan to attend State University in the fall of 2006. I have received partial academic scholarships and have been working since graduation in a local law firm to save the necessary funds to attend.

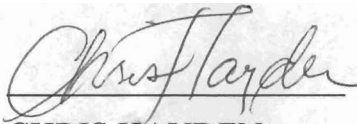
On the night of the prom my date, Don (Dawn) Guerrero, and I had originally planned to host a party after the dance at Don (Dawn)'s parent's lakeside home. Principal Tudela had informed us shortly before the prom about the new curfew statute, so some of the students were concerned about continuing the tradition of going to Garapan Central Park. We thought this would be a good alternative. The lakefront home actually is located approximately 5 miles or 10 minutes before you reach the Garapan Central Park. The lake is actually just behind the Guerreros' neighbor's house. There is a small beach and a nice sized lot for everyone to set up their camping gear.

Don (Dawn) was very anxious about the post-prom activities. Because he/she was the president-elect of the student body, it was his/her job to assist the king and queen and to organize the caravan for the all night camp out. I think Don (Dawn) and I assumed that we would be elected king and queen of the prom and were somewhat surprised when Steve Camacho and Connie Park were announced. The honor seemed to go straight to their heads. After the crowning ceremony, they

decided that we should not be the class to destroy school tradition. Connie and Steve held court in the school parking lot for about 30 minutes. They convinced most of the people who had agreed to attend our after-prom party to go to Garapan Central Park. Although we resisted at first, Don (Dawn) and I agreed because it was so close to his/herparent's home and because we didn't want to be perceived as poor sports. We decided that we would have everyone over for breakfast instead.

When we left the prom (it was in the Capitol Hill High School Gymnasium), we followed the caravan as closely as we could. As we approached the intersection of Highway 329 and Route 388, we saw the traffic light turn yellow. I sped up to beat the light. I am sure that I was in the intersection before the light turned to red. It is hard for me to remember all the facts because we collided at about that time. I didn't see the other vehicle before the accident; I am familiar with Route 388 and didn't anticipate anyone would be on the road that late on a Saturday night. I was somewhat dazed at the time, but gave a statement to a police officer.

The next day, Trooper Lee came to our home and talked to our whole family. I did not even recall that Trooper Lee was the person that I had spoken with the previous night. I was still very upset and surprised that he/shewould come to our home so soon after the accident. My dad/mom took care of everything and I really didn't talk that much with Trooper Lee. I do not remember what Trooper Lee said that morning.

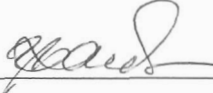


CHRIS HAYDEN

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS)

SUBSCRIBED AND SWORN to before me by CHRIS HAYDEN, this
30 day of August, 2005.

My Commission Expires: April 25, 2008



NOTARY PUBLIC

MOCK TRIAL CHAMPIONSHIP
OF
THE COMMONWEALTH NORTHERN MARIANA ISLANDS

MOCK TRIAL CHAMPIONSHIP OF CNMI, CRIMINAL CASE#04-01

Plaintiff,

V. STATEMENT OF STATE TROOPER
SANDY LEE

LES (LESLIE) HAYDEN,

Defendant.

** ** * ** * ** *

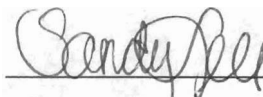
At approximately 1:20 a.m. on May 21, 2004, I received a call that there was a traffic accident at the intersection of Highway 329 and Route 388. I arrived on the scene to find Chris Hayden's vehicle and VW bug off the side of the road at the northeast corner. I immediately attempted to render aid to the occupants of the VW, but was unable to procure their release from the vehicle.

After the emergency medical technicians and CNMI Fire Department arrived on the scene, I was not involved in the extraction of the occupants of the VW. I began taking statements from the witnesses at the scene. I took statements from Chris Hayden, Connie Park, Steve Camacho and Don (Dawn) Guerrero. Chris was extremely upset over the accident and I had a great deal of difficulty in calming him/her to obtain a statement. He/she told me that "I thought I could beat the light. I didn't see them coming. I'm sorry, I'm so sorry." Don (Dawn) Guerrero, who was a passenger in the vehicle indicated that he/she was not aware of the traffic light before the collision. Don (Dawn) was apparently selecting a radio station when the collision occurred.

Several of the witnesses appeared to have been drinking, although the number of individuals involved did not allow for me to administer any intoxication identification tests. We were more focused on getting aid to the injured and

clearing the accident scene. I asked each of the students involved their ages and was informed that they were all minors. In conformance with MTR 3 14.37, I immediately transported the students to their respective homes and left them in the custody of their parents. Because Don (Dawn)'s parents were not home, he/she was left in the care and custody of Division of Youth Services ("DYS").

The next day, I spoke with the parents of Chris Hayden. (Les) Leslie Hayden admitted to me that he/she had given Chris permission to attend a post-prom party at the lakeside home of Don (Dawn) Guerrero, located on Hwy. 329, approximately 5 miles south of Garapan Central Park. Steve Camacho and Connie Park both informed me the dance had ended at precisely midnight. Les (Leslie) Hayden had already told me that Chris and Don (Dawn) were not on their way home from the prom, but were going to have the all night party at Don (Dawn)'s lakeside home. Based upon this information and the information I received from Chris Hayden at the scene of the accident, I recommended to the Attorney General's Office that Les (Leslie) Hayden be charged with violation of MTR 314.37. After my conversations with Les (Leslie) Hayden, I questioned several other students and their parents. Mr./Mrs. Hayden was the only parent who acknowledged granting his/her child permission to attend the post-prom activities. Mr./Mrs. Hayden seemed almost proud of the fact that his/herson/daughter was "not allowing the traditions of Capitol Hill High School to perish." Although I have always liked the Haydens, I graduated from Capitol Hill High School with their oldest child, the evidence was clear that there was probable cause to believe a violation of the statute had occurred.

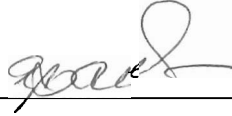


SANDY LEE

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS)

SUBSCRIBED AND SWORN to before me by SANDY LEE, this 30
day of August, 2005.

My Commission Expires: April 25, 2008



NOTARY PUBLIC

MOCK TRIAL CHAMPIONSHIP
OF
THE COMMONWEALTH NORTHERN MARIANA ISLANDS

MOCK TRIAL CHAMPIONSHIP OF CNMI,

CRIMINAL CASE#04-01

Plaintiff,

V.

STATEMENT OF PAT SEMAN

LES (LESLIE) HAYDEN,

Defendant.

** ** * * * * *

My name is Pat Seman, and I am a civics teacher and assistant basketball coach at Capitol Hill High School. I graduated from Capitol Hill High School in 1990 and have known the Hayden family for some time. Their oldest son, Tom, and I actually graduated together in 1990. We were not close friends, but were involved in a lot of the same activities. Tom beat me in the election for student council president that year. I guess it was a blessing in disguise, because I had time to concentrate on basketball and received a scholarship to State University.

The night of the prom, I was one of two chaperones, along with Principal Tudela. The prom was over at midnight and I was anxious to get home. During the prom, I had spoken with Chris Hayden and Don (Dawn) Guerrero about the post-prom party. They both assured me that the Garapan Central Park outing would not take place and that everyone would be at the Guerreros' lakeside home. I later learned that the Guerreros' home is actually a block from the lake. After the dance ended, we began, politely, escorting the students out of the gymnasium. A large group of students remained in the parking lot apparently trying to decide where they would go for the rest of the evening. These spontaneous pep rallies had occurred a couple of times during my high school years, but lasted no longer than

five or ten minutes. This pep rally, if you could call it that, lasted for at least a half an hour, maybe longer.

I talked with Chris Hayden shortly after he/she got off the pay phone inside the gym at about 1:15 a.m. He/she told me that plans had changed and the group was going to Garapan Central Park. he/she apparently attempted to call his/her parents and tell them about the change. I told Chris that they had better hurry if they planned on getting anywhere before curfew.



PAT SEMAN

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS)

SUBSCRIBED AND SWORN to before me by PAT SEMAN, this 30
day of August, 2005.

My Commission Expires: April 25, 2008



NOTARY PUBLIC

MOCK TRIAL CHAMPIONSHIP
OF
THE COMMONWEALTH NORTHERN MARIANA ISLANDS

MOCK TRIAL CHAMPIONSHIP OF CNMI, CRIMINAL CASE#04-01

Plaintiff,

V. STATEMENT OF JESSIE (JESSICA)
TUDELA

LES (LESLIE) HAYDEN,

Defendant.

** ** ** ** **

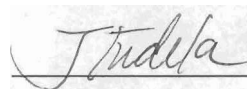
I am Jessie (Jessica) Tudela, the principal of Capitol Hill High School. I started as a teacher at the school in 1970 and slowly worked my way up to become principal in 1989. The school opened in 1968, but only had students through the 1st grade. I joined the school faculty in its second year with the first graduating class of 1970. I have known Chris⁷ family for a very long time. Les (Leslie) was in our first graduating class. Their oldest child, Tom, attended Capitol Hill High School and graduated in 1990, and Shannon graduated in 1993. The Haydens have always been among the very best and brightest students Capitol Hill High School has turned out. Chris in particular was a pleasure to teach and know. I know he/she will be successful in his/her future endeavors.

The Capitol Hill prom is held on the third Saturday of May every year. In my first year at the school, 1970, it became a tradition for the teacher with the most seniority and the teacher with the least seniority to chaperone the prom. Since becoming principal, I had always attended the prom, despite the fact that I was not the most senior member on the staff. This was actually the first prom I attended as the senior faculty member and designated chaperone.

The prom is the culmination of a week's activities beginning with graduation ceremonies on the Sunday before prom. That week, the Freshmen,

Sophomores and Juniors, who do not complete school until the Friday before prom, host a series of activities to honor the exiting senior class. Don (Dawn) Guerrero had been elected student body president for the next year and was organizing and coordinating all of the events leading up to prom night. I had informed the entire school that the new state law might affect their post-prom activities and was relieved when Don (Dawn) informed me that he/she was hosting a post-prom party to solve the problem. The Garapan Central Park camp out was a nice tradition and one that I hate to see go, but the law is the law.

The prom ended, as every year, at exactly 12:00 midnight. The king and queen always hold court in the parking lot after the dance and lead the exiting senior class in songs and cheers before traveling to the Garapan Central Park. This year, Connie Park and Steve Camacho led the cheers and songs. The rally was a little quieter than usual and Connie and Steve seemed to be doing most of the talking. Since becoming principal, I always stayed for these post-prom rallies, but did not participate. In 1989, Chris' oldest brother, Tom, had been elected student body president and had coordinated prom activities that week. He had actually printed up a program of the week's activities starting with graduation and ending with the post-prom rally. The school copied and distributed the brochures, although no subsequent class had the initiative to do the same.

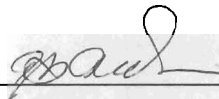


JESSIE (JESSICA) TUDELA

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS)

SUBSCRIBED AND SWORN to before me by JESSIE (JESSICA)
TUDELA, this 30 day of August, 2005.

My Commission Expires: April 25, 2008



NOTARY PUBLIC

MOCK TRIAL CHAMPIONSHIP
OF
THE COMMONWEALTH NORTHERN MARIANA ISLANDS

MOCK TRIAL CHAMPIONSHIP OF CNMI, CRIMINAL CASE#04-01

Plaintiff,

V. STATEMENT OF JARED (JANET)
PANGELINAN

LES (LESLIE) HAYDEN,

Defendant.

*** ** **

My name is Jared (Janet) Pangelinan. I am a current senior at Capitol Hill High School and attended the Senior Prom with DJ, my girlfriend/boyfriend. After the dance ended, we attended the pep rally and joined the caravan headed to Garapan Central Park: I was approximately the seventh car in the caravan and was almost involved in the accident myself. Although I saw everything that happened, the Police Officer did not take my statement.

Prior to the time we left Capitol Hill High School, I spoke with Chris Hayden and Don (Dawn) Guerrero. They had invited everyone to Don (Dawn)'s parent's lakefront home instead of Garapan Central Park. My parents had given me permission to attend the post-prom party, but only if we promised to forego the Garapan Central Park camp out. Chris assured me that she/he would let his/her parents know about the change in plans. Don (Dawn) also said that if the group changed its mind, we could make the short trip to his/her home after we arrived at Garapan Central Park.

Anyway, as we approached the intersection of Highway 329 and Route 388, Connie and Steve, the King and Queen, proceeded through the intersection at about the time the light turned yellow. Those of us following sped up a bit to beat

the light. I doubted I would make it through before the light changed, but did not expect any traffic at that time of night. I was watching the light to decide whether I was going to proceed through when the crash occurred. I am certain that the crash occurred just as the light turned red. Chris Hayden was almost out of the intersection when the crash occurred. The vehicles did not travel far because they were stopped by a tree on the northeast corner. If the tree had not been there, I am sure the VW would have traveled another 50 feet off the road.



JARED (JANET) PANGELINAN

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS)

SUBSCRIBED AND SWORN to before me by JARED (JANET)
PANGELINAN, this 30 day of August, 2005.
My Commission Expires: April 25, 2008



NOTARY PUBLIC

MOCK TRIAL CHAMPIONSHIP
OF
THE COMMONWEALTH NORTHERN MARIANA ISLANDS

MOCK TRIAL CHAMPIONSHIP OF CNMI, CRIMINAL CASE#04-01

Plaintiff,

V. STATEMENT OF LES (LESLIE) HAYDEN

LES (LESLIE) HAYDEN,

Defendant.

** * * * *


My name is Les (Leslie) Hayden. I reside at 123 Fourth Street in Garapan, Saipan. My wife/husband and I have three children. Chris is our youngest and best-behaved child. I have lived in Garapan my whole life and was a member of the Capitol Hill High School first graduating class of 1970. At first, we were against the new high school, but after spending my junior and senior year there, I felt we had really started something the community could call its own. I have served on the school board twice, from 1981 to 1984 and again from 1987 to 1989. I was on the board at the time Principal Tudela was promoted from assistant vice principal. Our two other children, Tom and Shannon, graduated from Capitol Hill High School in 1990 and 1993.

In the weeks before the prom Chris told us that they had been warned about the new curfew statute and were planning a party at Don (dawn)'s lakefront home following the prom to remedy the situation. Even though it's "senior⁷" prom, most of the kids attending the high school join in for the post-prom activities at the lake. With the group swimming all night, I figured it was probably safer for them to be so close to the Guerreros' home in case of an emergency. We live close by, although not that close to the water, and I was also relieved to know that we could check on the group if necessary.

Prior to allowing Chris to get his/her license, I paid for and insisted that he/she attend driver's education courses at Capitol Hill High School. Only when we were satisfied that Chris was capable of handling the responsibility of an automobile did we allow him/her to take the driver's test and obtain his/her license. Chris does not drink, does not smoke, and has always been truthful with us. I trusted Chris and would do so again. This has been a tragic accident for our family and we are very sorry for the loss of those two young kids. I just wish I knew what we could have done differently.

At about 2:00 a.m. on May 21, 2004, Trooper Lee brought Chris and Don (Dawn) to our home. Chris was hysterical. Trooper Lee asked if he/she could return the next day and, of course, we told him/her that would be fine.

That Sunday morning, after we returned from church, Trooper Lee came to our home. It had been a difficult morning and the whole family was still very upset. The whole town knew of the accident by that time and our church services were very emotional. Trooper Lee didn't seem to care. It seemed that he/she was accusing us of causing the accident. Trooper Lee has always disliked our family because Tom, our oldest, defeated him/her in a high school election. I guess I got a little upset with him/her. My reaction was to protect Chris and his/her decision to attend the post-prom camp out. I told Trooper Lee that I had given Chris permission to attend the post-prom camp out at Don (dawn)'s lakeside home. I know that Chris and Don (Dawn) would have stopped by our house before they reached the Garapan Central Park to tell us their change in plans. Chris was always very conscientious.


LES (LESLIE) HAYDEN

COMMONWEALTH OF THE)
NORTHERN MARIANA ISLANDS)

SUBSCRIBED AND SWORN to before me by LES (LESLIE) HAYDEN,
this 30 day of August, 2005.
My Commission Expires: April 25, 2008



NOTARY PUBLIC

APPLICABLE LAW

MTR 314.37. Parental Control of Minors

(I) For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning:

- (a) "Minor" - Any person under the age of eighteen (18) or as may be otherwise phrased, any person of the age of seventeen (17) or under.
- (b) "Parent" - Any person having legal custody of a minor:
(1) as a natural or adoptive parent; (2) as a legal guardian;
(3) as a parent who stands "in local parentis"; or (4) as a person whom legal custody has been given by order of court.
- (c) "Remain" - To stay behind, tarry, linger, congregate, move about, wander, stroll or stay unnecessarily upon or in any public assembly, building, place, street or highway.
- (d) "Allow" - Either permit or neglect to prevent. It requires actual or constructive knowledge on the part of the parent or guardian, that is, the parent or guardian must actually know about the minor violating this section, or the circumstances must be such that a reasonably prudent parent or guardian should have known the minor was violating this section.

(2) (a) It shall be unlawful for any minor to be or remain in or upon any public assembly, building, place, street, or highway within the island at night during the following periods:

- 1:00 a.m. to 5:00 a.m. Saturday
- 11:00 a.m. to 5:00 a.m. Sunday
- 1 1:00 p.m. Sunday to 5:00 a.m. Monday
- 11 :00p.m. Monday to 5:00 a.m. Tuesday
- 11:00p.m. Tuesday to 5:00 a.m. Wednesday
- 11:00 p.m. Wednesday to 5:00 a.m. Thursday
- 11:00 p.m. Thursday to 5:00 a.m. Friday

- (b) It shall be unlawful for any parent or guardian having legal custody of a minor to allow such minor to be or remain in or upon a public assembly, building, place, street or highway in the island under circumstances not constituting an exception as enumerated in subsection (3) during the time periods contained in (2)(a).

(3) In the following exceptional cases, a minor in or upon any public assembly, building, place, street, or highway in the island during the nocturnal

hours provided for in subsection (2) shall not be considered in violation of this section:

- (a) When the minor is accompanied by parent or guardian;
- (b) When accompanied by an adult authorized by a parent or guardian of such minor;
- (c) When exercising First Amendment rights protected by the United State Constitution, such as the free exercise of religion, freedom of speech, and the right of assembly, provided that written notice signed by the minor and countersigned by the parent is in possession of such minor specifying when, where, and in what manner said minor will be exercising such First Amendment rights;
- (d) In case of reasonable necessity but only after such minor's parent has communicated to the Department of Public Safety the facts establishing such reasonable necessity;
- (e) When the minor is on the sidewalk continuous to the place where such minor is odds, or on the sidewalk contiguous to a next door neighbor who has not communicated an objection to a police officer or the Department of Public Safety;
- (f) When returning home, by direct route from, and within one (1) hour of the termination of, a school activity, or any activity of a religious or other voluntary association, provided that justification indicating the place and time of termination of said event can be given to any investigating officer of the Department of Public Safety;
- (g) When authorized by regulation issued by the mayor in cases of reasonable necessity involving more minors than may be reasonably dealt with on an individual basis. Such regulation should be sufficiently in advance to permit publicity through news media and through other agencies such as the schools. The regulation shall define the activity, the scope of the use of the public assembly, building, place, street, or highway permitted, and the period of time involved not to exceed more than one (1) hour beyond the time for termination of the activity, and the reason for finding that such regulation is reasonably necessary. The mayor shall notify the Department of Public Safety of said information;
- (h) When engaged in a business or occupation which the laws of Mock Trial Rules (MTR) authorize a person under eighteen (18) years of age to perform;
- (i) When the minor is, with parental consent, in a motor vehicle with a lawfully authorized adult driver;

- (j) When the minor, who is married in accordance with law or had disability of non-age by a court of competent jurisdiction; or
- (k) When the minor is homeless or uses a public place as his or her usual place or abode. They can also be within the vehicle.
- (l) When the minor is homeless or uses a public place as his or her usual place or abode.

(4) (a) A police officer upon finding or being notified of any minor in or upon any public assembly, building, place, street, or highway whose parent is believed to be in violation of this section may stop and question such minor and request such information as his or her name and age and the name and address of his or her parent, guardian, or person having legal custody.

(b) If the police officer determines or has reasonable cause to believe that a curfew violation has occurred, the police officer may obtain from the minor the information necessary to issue a citation to the minor's parent, guardian, or person having legal custody.

- (5) Any minor found in violation of any section of this section shall be:
- (a) Taken to his or her home; or
 - (b) Directed to proceed immediately to his or her home; or
 - (c) Taken to a facility designated by the Department of Public Safety.

(6) (a) Any parent, guardian, or person having legal custody of a minor allowing a minor to violate subsection (2)(a) of this section shall be subject to a fine of no more than \$499.00.

(b) Any parent, guardian, or person having legal custody of a minor who allows a minor to violate subsection 2(b) of this section is guilty of complicity for any penal code violation committed by the minor during the time of violation of subsection 2(b) if the parent, guardian, or person having legal custody of the minor has actual knowledge at the time of the violation or had actual notice of the minor's intent to violate subsection 2(b) and permitted the violation.

MTR 502.020. Liability for Conduct of Another; Complicity

(1) A person is guilty of an offense committed by another person when, with the intention of promoting or facilitating the commission of the offense, he:

- (a)** Solicits, commands, or engages in a conspiracy with such other persons to commit the offense; or
- (b)** Aids, counsels, or attempts to aid such person in planning or committing the offense; or
- (c)** Having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

(2) When causing a particular result is an element of an offense, a person who acts with the kind of culpability with respect to the result that is sufficient for the commission of the offense is guilty of that offense when he:

- (a) Solicits, commands, or engages in a conspiracy with such other persons to commit the offense; or
- (b) Aids, counsels, or attempts to aid such person in planning or committing the offense; or
- (c) Having a legal duty to prevent the commission of the offense, fails to make a proper effort to do so.

Definitions: The purpose of subsection (2) is to make special provisions for a complicity in an offense, which has a prohibited result as an essential element. The offense is most likely to be affected by this provision or homicide, with death or another as the prohibited result, and assault, with bodily injury of another as the prohibited result. Unlike subsection (1) this provision does not require intent for a defendant to be guilty. It is only required that the defendant act with the kind of culpability sufficient for commission of the offense charged. Its purpose can best be described by using the following hypothetical: D, for purposes of defrauding an insurance company, aids or counsels another person to burn down a building, and the other person commits the act of burning. If some person is seriously injured as a consequence of the fire, D cannot be held under subsection (1) to have intended to promote or facilitate the commission of an assault. Under this subsection, however, it could be held to have acted: "wantonly" or "recklessly" toward the injured person in causing the burning of the building and, therefore, could be convicted of assault as that offense is treated in MTR 508.

MTR 501.020. Definition of Mental States

The following definitions apply in the Mock Trial Rules (MTR):

- (1) "Intentionally" - a person that acts intentionally with respect to result or to conduct described by a statute defining an offense when his conscious objective is to cause that result or to engage in that conduct.
- (2) "Knowingly" - a person acts knowingly with respect to conduct or to a circumstance described by statute defining an offense when he is aware that his conduct is of that nature or that circumstance exists.
- (3) "Wantonly" - a person acts wantonly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation. A person who creates such a risk but is unaware thereof solely by reason of voluntarily intoxication also acts wantonly with respect thereto.
- (4) "Recklessly" - a person acts recklessly with respect to a result or to a circumstance described by statute defining an offense when he fails to perceive a

substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that failure to perceive it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation.

MTR 507.050. Reckless Homicide

(1) A person is guilty of reckless homicide when, with recklessness he causes the death of another person.

(2) Reckless homicide is a Class D felony.

MTR 507.040. Manslaughter in the Second Degree.

(1) A person is guilty of manslaughter in the second degree, when,,including, but limited to, the operation of a motor vehicle, he wantonly causes the death of another person.

(2) Manslaughter in the second degree is a Class C felony.

MTR 508.060. Wanton Endangerment in the First Degree.

(1) A person is guilty of wanton endangerment in the first degree when, under circumstances manifesting extreme indifference to the value of human life, he wantonly engages in conduct, which creates a substantial danger of death or serious physical injury to another person.

(2) Wanton Endangerment in the first degree is a felony.

PRELIMINARY UD-10 OFFICIAL TRAFFIC
CRASH REPORT

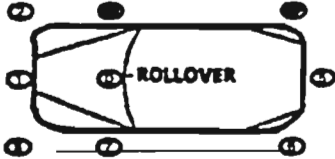
Effective - January, 1992

VEHICLE

1 2 3 5 7 9

REGISTRATION/STATE

GREATEST DAMAGE



- UNDERCARRIAGE
- MULTIPLE
- UNKNOWN/OTHER

EXTENT OF VEH. DAMAGE

○○○○○○○○○○

DRIVABLE

- YES
- NO

TOTAL OCCUP.

○○○○○○○○○○

VEHICLE TYPE

- PA AT
- VA AX
- PU AY
- ST AZ
- MD AL
- CY BB
- MO BH
- GC BN
- SM BP
- OR BX
- AA CH
- AH CP
- AN CX
- AP OO

VEHICLE USE

- PRIVATE
- COMMERCIAL
- PURSUIT/EMERGENCY
- FARM
- SCHOOL/EDUCATION
- CLUB/CHURCH/(Y PLATE)
- MILITARY
- OTHER GOVERNMENT
- UTILITY (GAS, CABLE, PHONE)
- OTHER

SPECIAL VEHICLES

- POLICE AMBULANCE
- FIRE FARM EQUIP.
- BUS CONST. EQUIP.

VEHICLE DEFECT

- BRAKES
- LIGHTS/REFLECTORS
- STEERING
- TIRES/WHEELS
- WINDOWS
- OTHER

NON-COMMERCIAL TRAILER CONFIG.

- UTILITY
- HOUSE TRAILER
- BOAT TRAILER
- FARM EQUIP.
- TOWED AUTO
- RECREATIONAL DOUBLE
- OTHER

MOST HARMFUL/SEQUENCE OF EVENTS

← VEHICLE VEHICLE →

VEHICLE					VEHICLE				
1ST	2ND	3RD	4TH	MOST	1ST	2ND	3RD	4TH	MOST
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
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INJURED PASSENGERS ONLY

PASSENGER OF VEHICLE									POS.	REST.	AIRBAG	EJECT
1	2	3	4	5	6	7	8	9			<input type="radio"/> 1 <input type="radio"/> 3	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			<input type="radio"/> 2	<input type="radio"/>
FIRST NAME									MIDDLE	LAST		
A UNKNOWN												
D.O.B.			SEX	INJURY	AMBULANCE/HOSPITAL							
M/D/Y			<input type="radio"/>	<input type="radio"/> K <input type="radio"/> B								
			<input type="radio"/>	<input type="radio"/> A <input type="radio"/> C								

PASSENGER OF VEHICLE									POS.	REST.	AIRBAG	EJECT
1	2	3	4	5	6	7	8	9			<input type="radio"/> 1 <input type="radio"/> 3	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			<input type="radio"/> 2	<input type="radio"/>
B												
FIRST NAME									MIDDLE	LAST		
D.O.B.			SEX	INJURY	AMBULANCE/HOSPITAL							
M/D/Y			<input type="radio"/>	<input type="radio"/> K <input type="radio"/> B								
			<input type="radio"/>	<input type="radio"/> A <input type="radio"/> C								

PASSENGER OF VEHICLE									POS.	REST.	AIRBAG	EJECT
1	2	3	4	5	6	7	8	9			<input type="radio"/> 1 <input type="radio"/> 3	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			<input type="radio"/> 2	<input type="radio"/>
C												
FIRST NAME									MIDDLE	LAST		
D.O.B.			SEX	INJURY	AMBULANCE/HOSPITAL							
M/D/Y			<input type="radio"/>	<input type="radio"/> K <input type="radio"/> B								
			<input type="radio"/>	<input type="radio"/> A <input type="radio"/> C								

PASSENGER OF VEHICLE									POS.	REST.	AIRBAG	EJECT
1	2	3	4	5	6	7	8	9			<input type="radio"/> 1 <input type="radio"/> 3	<input type="radio"/>
<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>			<input type="radio"/> 2	<input type="radio"/>
D												
FIRST NAME									MIDDLE	LAST		
D.O.B.			SEX	INJURY	AMBULANCE/HOSPITAL							
M/D/Y			<input type="radio"/>	<input type="radio"/> K <input type="radio"/> B								
			<input type="radio"/>	<input type="radio"/> A <input type="radio"/> C								

TRUCK/BUS INFORMATION

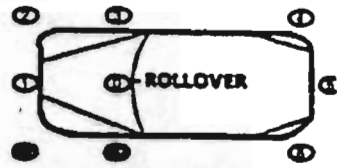
CARRIER NAME			
STREET			
CITY	ST.	ZIP	
SOURCE OF NAME		TYPE AND AXLES PER UNIT	
<input type="radio"/> PAPERS <input type="radio"/> LOG		[] - [] - [] - []	
<input type="radio"/> DRIVER			
<input type="radio"/> VEH. MARKINGS			
<input type="radio"/> INTERSTATE	CARGO BODY TYPE	HAZARD. MATERIAL	TYPE CLASS
<input type="radio"/> INTRA (MI ONLY)			
MPSC:		PLACARD	<input type="radio"/> YES <input type="radio"/> NO
DOT:			
ICC:		SPILL	<input type="radio"/> YES <input type="radio"/> NO
GWR:			

VEHICLE

2 4 6 8

REGISTRATION/STATE

GREATEST DAMAGE



- UNDERCARRIAGE
- MULTIPLE
- UNKNOWN/OTHER

EXTENT OF VEH. DAMAGE

○○○○○○○○○○

DRIVABLE

- YES
- NO

TOTAL OCCUP.

○○○○○○○○○○

VEHICLE TYPE

- PA
- VA
- PU
- ST
- MD
- CY
- MO
- GC
- SM
- OO

VEHICLE USE

- PRIVATE
- COMMERCIAL
- PURSUIT/EMERGENCY
- FARM
- SCHOOL/EDUCATION
- CLUB/CHURCH/(Y PLATE)
- MILITARY
- OTHER GOVERNMENT
- UTILITY (GAS, CABLE, PHONE)
- OTHER

SPECIAL VEHICLES

- POLICE AMBULANCE
- FIRE FARM EQUIP.
- BUS CONST. EQUIP.

VEHICLE DEFECT

- BRAKES
- LIGHTS/REFLECTORS
- STEERING
- TIRES/WHEELS
- WINDOWS
- OTHER

NON-COMMERCIAL TRAILER CONFIG.

- UTILITY
- HOUSE TRAILER
- BOAT TRAILER
- FARM EQUIP.
- TOWED AUTO
- RECREATIONAL DOUBLE
- OTHER

FORWARD ORIGINAL TO:

VEHICLE FROM LEFT OF FORM

VEHICLE FROM RIGHT OF FORM

VIN	UEC2V10E2	
Plate No.	YOU	Make
	(Color)	Traveling on
Est. Speed	40 MPH	Legal Speed
		Towed To/By

VIN	JCPOVW243	
Plate No.	Year	Make
	(Color)	Traveling on
Est. Speed	40 MPH	Legal Speed
		Towed To/By

UNINJURED PASSENGERS

UNINJURED PASSENGERS

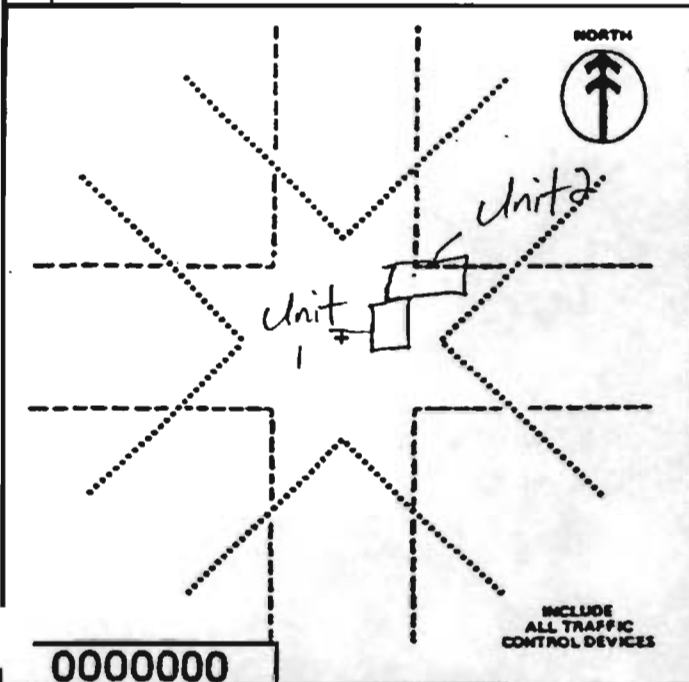
1	Name	Phone
	Address	Pos. Rest.
2	Name	Phone
	Address	Pos. Rest.
3	Name	Phone
	Address	Pos. Rest.

1	Name	Phone
	Address	Pos. Rest.
2	Name	Phone
	Address	Pos. Rest.
3	Name	Phone
	Address	Pos. Rest.

ADDRESS OF INJURED PASSENGERS	A	Address	Phone
	B		
	C		
	D		

WITNESS	Name	Address	Phone

ARREST	Name	Charge	Cl. File No.	Cl. Date

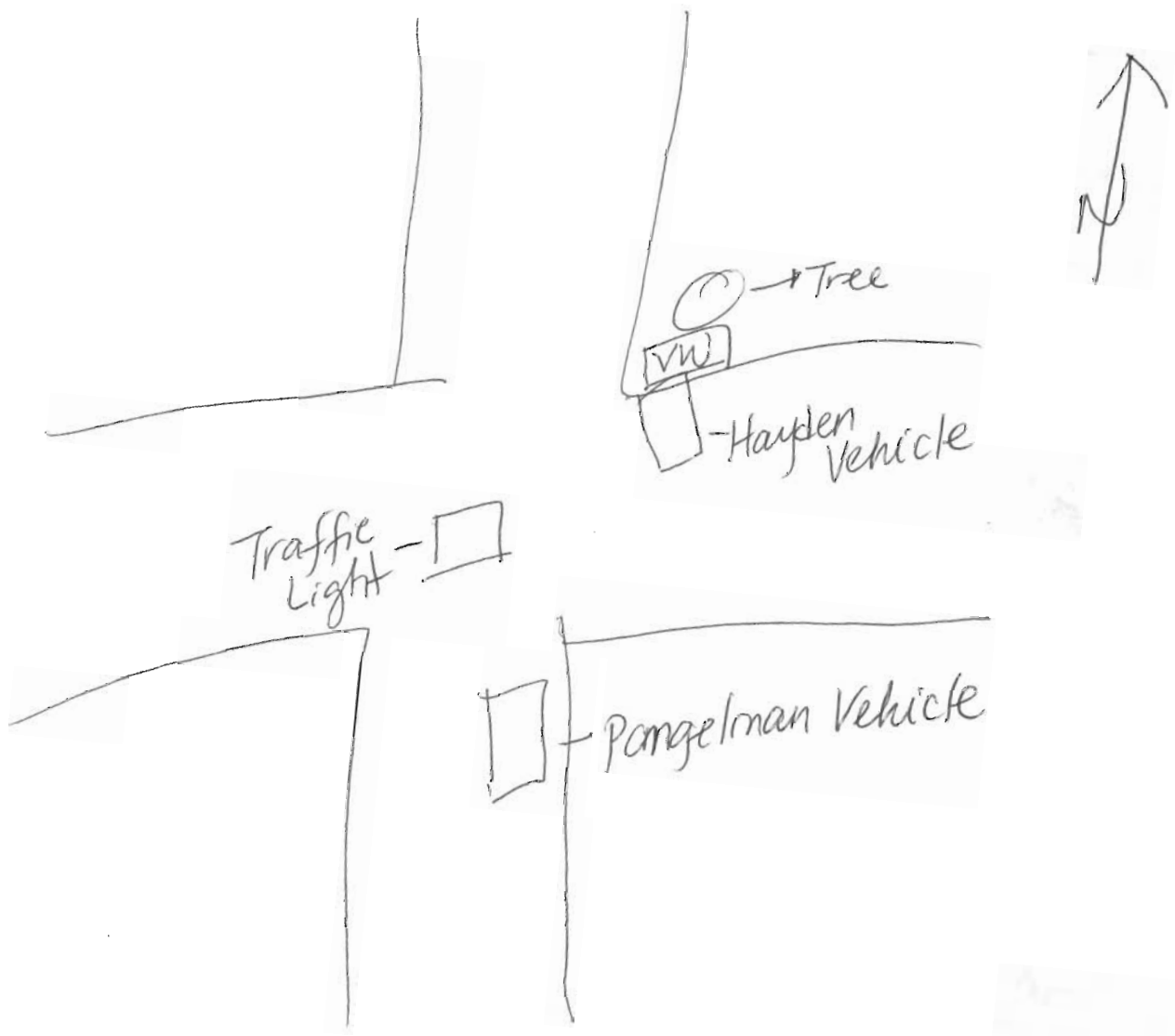


CRASH DESCRIPTION AND REMARKS

Unit 1 was travelling North on & failed to yield rt of way at stoplight.

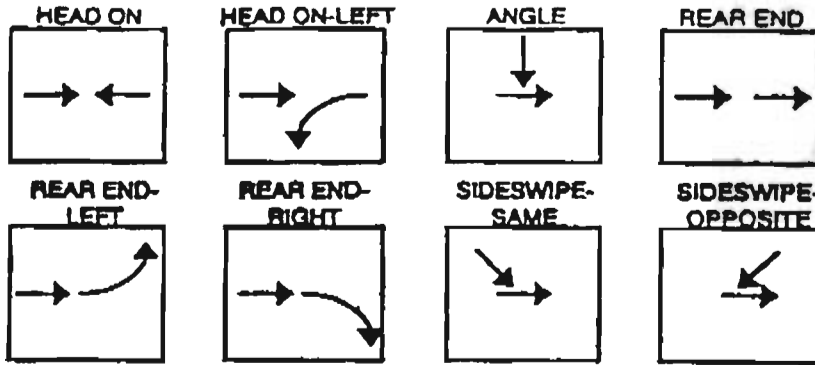
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Reported: Mo/Da/Yr	Time	A.M. P.M.	Investigator	Badge No.	Damaged Property Other Than Vehicle	Precinct/An.
Photos by	Comp. Deposition	Reviewer	Person Advised of Damaged Traffic Control Device	Owner	Address	
	Open	Closed	Name:	Date:	Time:	



Drawn by
Jared (Janet)
Pongelman

**H
O
W**



- MOST HARMFUL SEQUENCE OF EVENTS**
- NON-COLLISION
 - 01 OVERTURN
 - 02 FIRE/EXPLOSION
 - 03 IMMERSION
 - 04 JACKKNIFE
 - 05 RAN OFF ROAD
 - 06 DOWNHILL RUNAWAY
 - 07 CARGO LOSS/SHIFT
 - 08 SEPARATION OF UNITS
 - 09 OTHER NONCOLLISION
 - COLLISION WITH OBJECT NOT FXD
 - 10 PEDESTRIAN
 - 11 PEDALCYCLE
 - 12 RAILWAY TRAIN
 - 13 ANIMAL
 - 14 MOTOR VEHICLE IN TRANSP
 - 15 PARKED MOTOR VEHICLE
 - 16 OTHER OBJECT NOT FIXED
 - COLLISION WITH FIXED OBJECT
 - 17 FIRE HYDRANT
 - 18 IMPACT ATTENUATOR
 - 19 BRIDGE/PIER/ABUTMENT
 - 20 BRIDGE PARAPET END
 - 21 BRIDGE RAIL
 - 22 GUARDRAIL FACE
 - 23 GUARDRAIL END
 - 24 MEDIAN BARRIER
 - 25 HIGHWAY TRAFF. SIGN POST
 - 26 LUMINAIR/LIGHT SUPPORT
 - 27 UTILITY POLE
 - 28 OTHER POLE
 - 29 CULVERT
 - 30 CURB
 - 31 DITCH
 - 32 EMBANKMENT
 - 33 FENCE
 - 34 MAILBOX
 - 35 TREE
 - 36 HIGHWAY/RAIL SIGNAL
 - 37 BUILDING
 - 38 TRAFFIC ISLAND
 - 39 OTHER FIXED OBJECT

- AREA**
- FREEWAY INTERCHANGE (including ramps/access roads)**
- 01 TRANSITION AREA (Increase or decrease in travel lanes)
 - 02 ON OR RELATED RAMP
 - 03 ON OR RELATED MEDIAN CROSSING
 - 04 OTHER
- INTERSECTION (within 150 ft. or related)**
- 05 WITHIN INTERSECTION
 - 06 DRIVEWAY RELATED
 - 07 OTHER
- OTHER AREA**
- 08 WITHIN REST AREA
 - 09 WITHIN SCALE AREA (weigh station)
 - 10 SCHOOL DRIVEWAY RELATED
 - 11 SHOPPING CENTER DRIVEWAY RELATED
 - 12 OTHER DRIVEWAY RELATED
 - 13 PARKING RELATED (legal roadside)
 - 14 TRANSITION AREA (Increase or decrease in travel lanes)
 - 15 ON OR RELATED MEDIAN CROSSING
 - 16 RAIL CROSSING RELATED
 - 17 NON-TRAFFIC AREA
 - 18 OTHER
 - 19 NOT KNOWN

- ACTION PRIOR TO CRASH**
- DRIVER/CYCLIST ACTION:**
- 01 GO STRAIGHT AHEAD
 - 02 LEFT TURN
 - 03 RIGHT TURN
 - 04 STOPPED ON ROADWAY
 - 05 CHANGE LANES
 - 06 BACKING
 - 07 SLOWING, STOPPING ON ROADWAY
 - 08 STARTING UP ON ROADWAY
 - 09 ENTERING PARKING
 - 10 LEAVING PARKING
 - 11 ENTERING ROADWAY
 - 12 LEAVING ROADWAY
 - 13 MAKING U-TURN
 - 14 OVERTAKING OR PASSING
 - 15 AVOID OBJECT
 - 16 AVOID PEDESTRIAN
 - 17 LOST LOAD FROM VEHICLE
 - 18 AVOID VEHICLE (FRONT/BACK)
 - 19 AVOID VEHICLE (ANGLE)
 - 20 DRIVERLESS MOVING
 - 21 DRIVERLESS PARKED
 - 22 OTHER
- PEDESTRIAN ACTION:**
- 23 CROSSING AT INTERSECT.
 - 24 CROSSING NOT AT INTERSECT.
 - 25 GETTING ON/OFF VEHICLE
 - 26 IN ROADWAY WITH TRAFF.
 - 27 IN ROADWAY AGAINST TRAFF.
 - 28 STANDING/LYING IN ROADWAY
 - 29 PUSHING/WORKING ON VEHICLE
 - 30 OTHER WORKING IN ROADWAY
 - 31 PLAYING IN ROADWAY
 - 32 IN ROADWAY OTHER REASON
 - 33 NOT IN ROADWAY
 - 34 OTHER

- CARGO BODY TYPE**
- 01 VAN/ENCLOSED BOX
 - 02 CARGO TANK
 - 03 FLATBED/PLATFORM
 - 04 DUMP
 - 05 CONCRETE MIXER
 - 06 AUTO TRANSPORT
 - 07 GARBAGE/REFUSE
 - 08 OTHER/UNKNOWN

- CODE OF INJURY**
- K- FATAL INJURY**-Any injury which results in death.
 - A- INCAPACITATING INJURY**-Any injury other than fatal which prevents normal activities and generally requires hospitalization.
 - B- NON-INCAPACITATING INJURY**-Any injury not incapacitating but evident to others at the scene.
 - C- POSSIBLE INJURY**-No visible injury but complaint of pain or momentary unconsciousness.
 - O- NO INJURY**-No indication of injury.

- HAZARDOUS ACTION**
- 01 NONE
 - 02 SPEED TOO FAST
 - 03 SPEED TOO SLOW
 - 04 FAILED TO YIELD
 - 05 DISREGARD TRAFF. CONTROL
 - 06 DROVE WRONG WAY
 - 07 DROVE LEFT OF CENTER
 - 08 IMPROPER PASSING
 - 09 IMPROPER LANE USE
 - 10 IMPROPER TURN
 - 11 IMPROPER/NO SIGNAL
 - 12 IMPROPER SACKING
 - 13 UNABLE TO STOP IN ASSURED CLEAR DISTANCE
 - 14 OTHER
 - 15 UNKNOWN

- POSITION**
- 1-9 VEHICLE INTERIOR
SEE REPRESENTATION BELOW
-
- 10 SLEEPER SECTION
 - 11 OTHER ENCLOSED PASSENGER CARGO AREA
 - 12 OTHER UNENCLOSED PASSENGER/CARGO AREA
 - 13 TRAILING UNIT
 - 14 RIDING ON VEHICLE EXTERIOR
 - 15 UNKNOWN

- RESTRAINT USE**
- 01 NO BELTS AVAILABLE
 - 02 SHOULDER BELT ONLY USED
 - 03 LAP BELT ONLY USED
 - 04 SHOULDER/LAP BOTH USED
 - 05 NO BELTS USED
 - 06 CHILD RESTRAINT USED
 - 07 CHILD RESTRAINT NOT USED, NOT AVAILABLE, IMPROPER
 - 08 RESTRAINT FAILURE
 - 09 HELMET WORN
 - 10 HELMET NOT WORN
 - 11 RESTRAINT USE UNKNOWN

- AIRBAG**
- 1 AIR BAG DEPLOYED
 - 2 AIR BAG NOT DEPLOYED
 - 3 AIR BAG NOT AVAILABLE

- MOTORCYCLES**
- 01 MOTORCYCLE DRIVER
 - 04 MOTORCYCLE PASSENGER 1
 - 07 MOTORCYCLE PASSENGER 2