



**Reckless/Careless Driving Mock Trial
District Court**

State)
Prosecutor)
)
v.)
)
Max Paulson)
Defendant)

Facts

On April 23 at approximately 7 p.m., an automobile driven by Max Paulson made a left turn from the northbound lane of Elm Street to Third Avenue, colliding in the crosswalk with a bicycle ridden by Sam Smith, throwing Sam Smith across the street, breaking his leg. Max Paulson is charged with violating Minn. Stat. 169.13 Reckless or Careless Driving.



Officer Mike Rudy

Mini-Mock Trial *State of Minnesota v. Max Paulson*
Prosecution Witness Statement

The intersection of Elm Street and Third Avenue is probably the busiest intersection in our town. There are a lot of cars and a lot of people on the sidewalk and shopping in the nearby stores. Because of this, the city council decided last year that bicycling on the sidewalk is not safe in the downtown area. Signs saying "No bicycles on the sidewalk" were placed on every other block. There is not one on the intersection of Elm and Third, but there is one at Elm and Second. There is also a manufacturing plant nearby that causes major traffic and safety problems. The folks who work there race to get home and sometimes are not careful about watching for pedestrians in the crosswalk. We have had several near accidents recently. On April 23, Max Paulson was driving home after work. Like all of the rest, he was in a hurry to make the turn onto Third Avenue. He made a turn between two cars that required him to accelerate very quickly to get out of the way of the oncoming traffic. The accident investigation found black tire marks on Elm Street where he started his turn. There was no evidence that he tried to slow down before he hit the bicyclist. The force threw the bicyclist across the street. I was in my squad car waiting to enter Third from a parking lot.



Sam Smith, Accident Victim

Mini-Mock Trial *State of Minnesota v. Max Paulson*
Prosecution Witness Statement

I am 17 years old. On April 23, I was riding my bike south on the sidewalk on Elm Street. I was in a hurry because it was starting to get dark and I don't have a light on my bike. I rode past the Speedy Mart, the hardware store and the drug store. I was riding on the sidewalk because the traffic was heavy. There were a few people walking on the sidewalk so I had to weave in and out so I wouldn't hit them. When I looked at the traffic light it was green so I rode into the intersection in the crosswalk. Before I knew it, I was hit by a car that was turning from Elm Street onto 3rd Avenue. I only remember thinking "I'm gonna die." I woke up in the ambulance with a badly broken leg. I had surgery to put pins in my leg to help it heal. It still hurts sometimes.



Eric Featherstone

Mini-Mock Trial *State of Minnesota v. Max Paulson*

Prosecution Witness Statement

I was riding bikes with my friend Sam Smith. It was starting to get dark so we decided to head home. We rode together from the park down Second Avenue toward Elm Street. At Elm Street we separated. Sam turned right, and I turned left. I didn't know anything had happened to Sam until I got home and his dad called me to see if Sam was at my house. I guess the hospital called his dad a couple of minutes later.



Max Paulson, Defendant

Mini-Mock Trial *State of Minnesota v. Max Paulson* Defense Witness Statement

I am 19 years old. I am a good driver. I have never had a ticket or been involved in a car accident. On April 23 I was driving home from work on Elm Street, going north. I got to 3rd Avenue and signaled my left turn as I do every day. There were a lot of cars driving south on Elm. I waited a long time for an opening. Finally, a gap in the traffic occurred letting me turn left. It was only a brief break in the traffic so I made a quick turn. I was surprised, and frankly somewhat embarrassed, when my tires squealed because of my quick turn. The next thing I remember is hitting this bike that came out of nowhere. I mean, one minute I looked and the intersection was clear and the next minute I hit a bike. I am very sorry, but I think the bicyclist is partly to blame.



Sara Firestone

Mini-Mock Trial *State of Minnesota v. Max Paulson* Defense Witness Statement

I was shopping on April 23 just after dinner. I picked up a few items at the Speedy Mart and a prescription at the drug store. When I came out of the drug store I was nearly hit by a bike driven by Sam Smith. Sam was riding on the sidewalk in a fast, rather reckless manner. I didn't think it was legal to ride bikes on the sidewalk downtown. I think I have seen some signs about it. Sam raced by me and entered the intersection, riding in the crosswalk. The light was green. There was a lot of traffic, especially on Elm Street. I heard the tires of a car squeal as it turned from Elm onto 3rd Avenue and hit him. He was thrown across the street, almost hitting a light pole. I ran inside to call 911. Sam was not wearing reflective clothing. I remember thinking that because I had just purchased some reflector tape to put on the jacket that my daughter wears when she rides her bike.



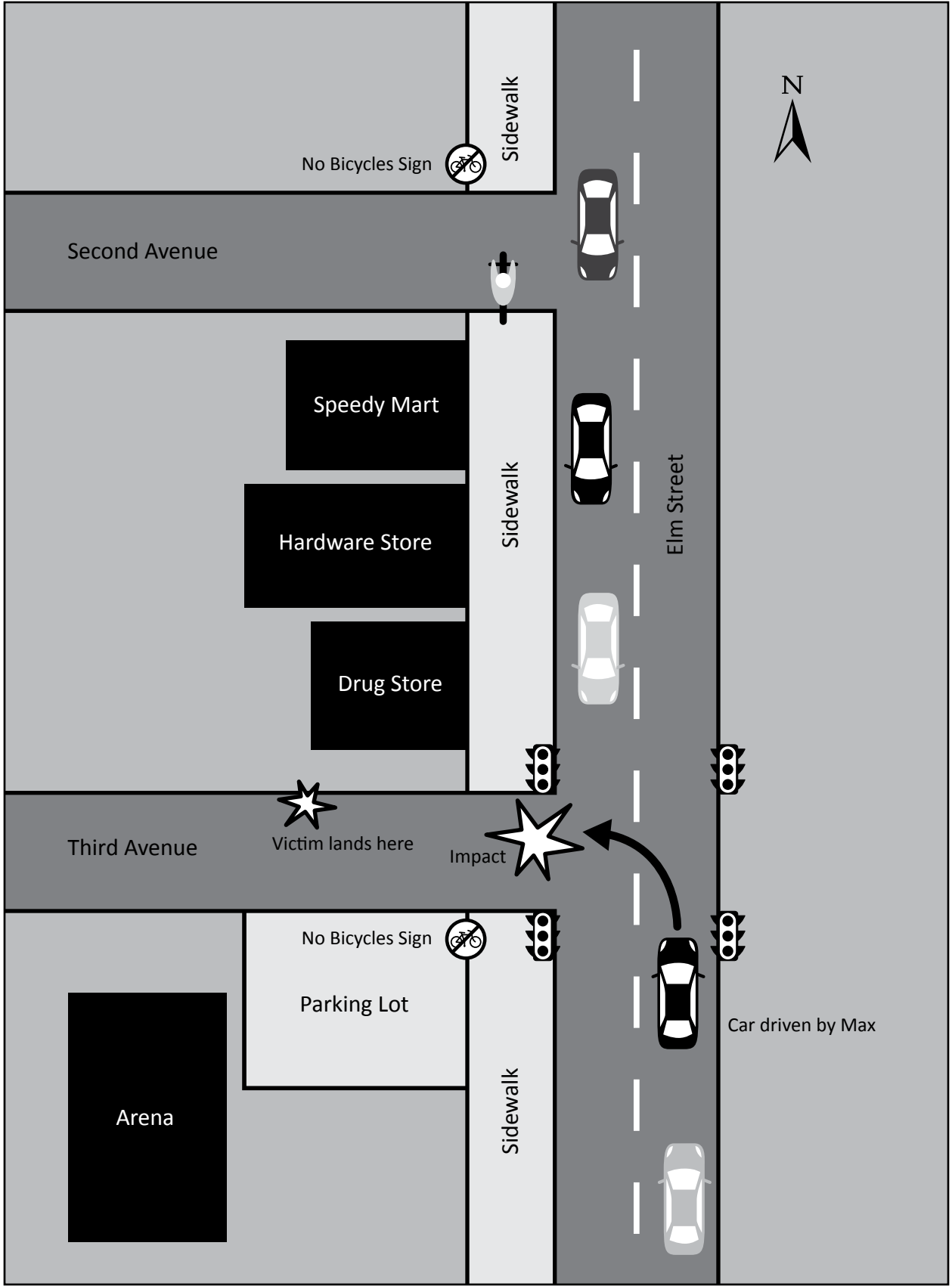
Cynthia Murray

Mini-Mock Trial *State of Minnesota v. Max Paulson*
Defense Witness Statement

I am the director of the Minnesota Bike Safety Project. As part of my job, I run a bike camp where young people learn how to ride their bikes safely. I have been doing this for seven years. During the camp, we focus on the rules of the road, which include getting off of your bike and walking when you are going to cross the street in a pedestrian crosswalk. Also, under Minnesota law, a person may not ride a bike upon a sidewalk within a business district unless permitted by local authorities. If a person doesn't obey the bike laws, he or she can be given a ticket, much like a driver of a car gets a ticket.



Mini-Mock Trial *State of Minnesota v. Max Paulson*: Accident Scene Map





Before Evidence Is Presented

Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning the objections, testimony that the court tells you to disregard, or anything you may have seen or heard outside the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgments about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgment, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

After Evidence Is Presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The law in this case involves: ►

If you find Mr. Paulson guilty of Reckless or Careless Driving you will be finding in favor of the State. If you find Mr. Paulson not guilty of Reckless or Careless Driving, you will be finding in favor of Mr. Paulson. You must all agree on the verdict.

**Minnesota Statute 169.13
Reckless or Careless Driving**

Subdivision 1

Reckless driving.

Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving and such reckless driving is a misdemeanor.

Subdivision 2

Careless driving.

Any person who operates or halts any vehicle upon any street or highway carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle, is guilty of a misdemeanor.

**Minnesota Statute
609.02 Definitions**

Subdivision 1 Misdemeanor.

“Misdemeanor” means a crime for which a sentence of not more than 90 days or a fine of not more than \$1,000, or both, may be imposed.



M.S.A. 169.13 Reckless Driving

If you find that each of these three elements has been proved beyond a reasonable doubt, defendant is guilty of reckless driving. If you find that any of these elements has not been so proved, defendant is not guilty.

- Defendant was the driver of a vehicle.
- Manner in which defendant drove the vehicle indicated either a willful or wanton disregard for the safety of either persons or property. This means conscious and intentional driving which defendant knows, or should know, creates an unreasonable risk of harm to others. Defendant need not have intended, however, to cause harm.
- Defendant's act took place on April 23 in the State of Minnesota.

M.S.A. 169.13 Careless Driving

If you find that each of these three elements has been proved beyond a reasonable doubt, defendant is guilty of careless driving. If you find that any of these elements has not been so proved, defendant is not guilty.

- Defendant operated a vehicle.
- Defendant drove the vehicle carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver. [That is to say that defendant was negligent in the operation of the vehicle. The defendant was negligent if the defendant failed to use such care as a reasonable person would use under similar circumstances.]
- Defendant's act took place on April 23 in the State of Minnesota.

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