

CALIFORNIA MOCK TRIAL FACT SITUATION

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3 Santa Elenora is a small rural town in Central California. On July 11, 1997 at
4 approximately 9:15 p.m., a gas truck exiting off Interstate 110 at Elm Street in Santa
5 Elenora collided with a car going the wrong way up the 110 exit ramp. There was a
6 massive explosion. Both drivers and the passenger of the car were killed. The driver of
7 the truck was identified as Jonathan Cooper, a truck driver for Academy Oil. The driver
8 and passenger of the car were identified as Mike and Denise Richards, a newlywed
9 couple on their honeymoon. At the time of the accident, the wrong way-do not enter sign
10 marking the Interstate 110 exit at Elm Street was missing.

11
12 Randy Smith, a jogger who witnessed the accident, went to a nearby pay phone and
13 called the police. Detective Pat Jones went to the scene of the accident and arrived
14 there approximately six minutes after the accident occurred. While at the scene of the
15 accident, Detective Jones talked to Randy Smith. Smith told Detective Jones that there
16 had been a suspicious looking person examining the wrong way-do not enter sign at
17 about 8:15 p.m. Smith described to the detective a person wearing a burgundy and gold
18 Santa Elenora University sweatshirt.

19
20 The next morning, Detective Jones was visited by Marty Bryant, a student at Santa
21 Elenora University. Based on information provided by Bryant, Detective Jones went to
22 the home of Chris Donovan, another Santa Elenora University student, at around 1:30
23 p.m. Donovan answered the door. Detective Jones told Donovan that the police had a
24 few questions about the wrong way-do not enter sign at Elm Street. Before Donovan had
25 a chance to answer, Detective Jones saw a wrong way-do not enter sign leaning on a
26 wall by the front door. The police officer entered, examined the sign, and arrested
27 Donovan. Donovan was taken down to the police station and was properly Mirandized.
28 Donovan requested that counsel be appointed.

29
30 Two days after the arrest, formal charges were filed against Donovan -one count of
31 interference with traffic devices and three counts of involuntary manslaughter. At this
32 time, Ryan O'Neil, a public defender had been appointed for Donovan. O'Neil was
33 unable to show up for this preliminary hearing and called the courthouse just as the
34 hearing started. The hearing was continued. Detective Jones escorted Donovan out of
35 the courthouse. A conversation started between Donovan and Detective Jones, on their
36 way back from the courthouse:

37
38 Detective Jones said, "Another typical day in court." Donovan said, "I can't believe that
39 O'Neil! He's my attorney and he doesn't show up! What a lousy system this is."
40 Detective Jones replied, "Stop whining. What do you expect? Three people are dead
41 because of you!" Donovan then stated, "I never should have told that jerk Marty that I
42 wanted that sign. This is all Marty's fault." Detective Jones said, "It's all about you, isn't
43 it!"
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45 That same day, Reese Parker, a traffic controller for the city of Santa Elenora, examined
46 the street sign seized from Donovan's house and told the Detective that it was the sign
47 taken from Elm Street.

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CHARGES:

The prosecution charges Chris Donovan with four counts:

- Count 1 -Interference With Traffic Devices (California Vehicle Code section 21464(a))
- Count 2 - Involuntary Manslaughter (California Penal Code section 192(b))
- Count 3 - Involuntary Manslaughter (California Penal Code section 192(b))
- Count 4 - Involuntary Manslaughter (California Penal Code section 192(b))

EVIDENCE:

Only the following items may be introduced at trial. Either the defense or the prosecution may bring:

1. A faithful reproduction of the map of Santa Elenora, California, which appears in this packet. Map should be no larger than 22" x 28".
2. A faithful reproduction of the front of the wrong way-do not enter sign sign taken from the Elm Street Interstate 110 exit. Reproduction shall be no larger than 22" x 28".
3. A faithful reproduction of the back of the wrong way-do not enter sign taken from the Elm Street Interstate 110 exit, showing the bar code on the back of the wrong way-do not enter sign. Reproduction should be no larger than 22" x 28".

STIPULATIONS: Prosecution and defense stipulate to the following:

1. No argument concerning the search and seizure of Chris Donovan's house and the admissibility of any evidence taken from Chris Donovan's house will be heard at pretrial or during the trial.
2. Both parties stipulate that a conversation took place between Chris Donovan and Detective Jones as quoted in the Fact Situation. For the purposes of this mock trial, if the defense prevails in the pretrial argument, the defendant's post-Miranda statement to the police will not be admissible at trial for any purpose.
3. In the city of Santa Elenora, 12 blocks equals approximately one mile in distance.
4. According to the U.S. Weather Service, the temperature in vicinity of Santa Elenora on July 11, 1997 reached a high of 84 degrees and a low of 69 degrees.
5. Sunset on July 11, 1997 was at 8:13 p.m.
6. Several other undistinguishable fingerprints were found on the street sign along with Chris Donovan's fingerprints.

THE FORM AND SUBSTANCE OF A TRIAL

The Elements of a Criminal Offense

The penal (or criminal) code generally defines two aspects of every crime. These are the physical part and the mental part. Most crimes specify some physical act, such as firing a gun in a crowded room, and a guilty, or culpable, mental state. The intent to commit a crime and a reckless disregard for the consequences of one's actions are culpable mental states. Bad thoughts alone, though, are not enough. A crime requires the union of thought and action.

The mental state requirements prevent the conviction of an insane person. Such a person cannot form criminal intent and should receive psychological treatment rather than punishment. Also, a defendant may justify his/her actions by showing a lack of criminal intent. For instance, the crime of burglary has two elements: (1) breaking and entering (2) with the intent to steal. A person breaking into a burning house to rescue a baby has not committed a burglary.

The Presumption of Innocence

Our criminal justice system is based on the premise that allowing a guilty person to go free is better than putting an innocent person behind bars. For this reason, the prosecution bears a heavy burden of proof. Defendants are presumed innocent. The prosecution must convince the judge or jury of guilt beyond a reasonable doubt.

The Concept of Reasonable Doubt

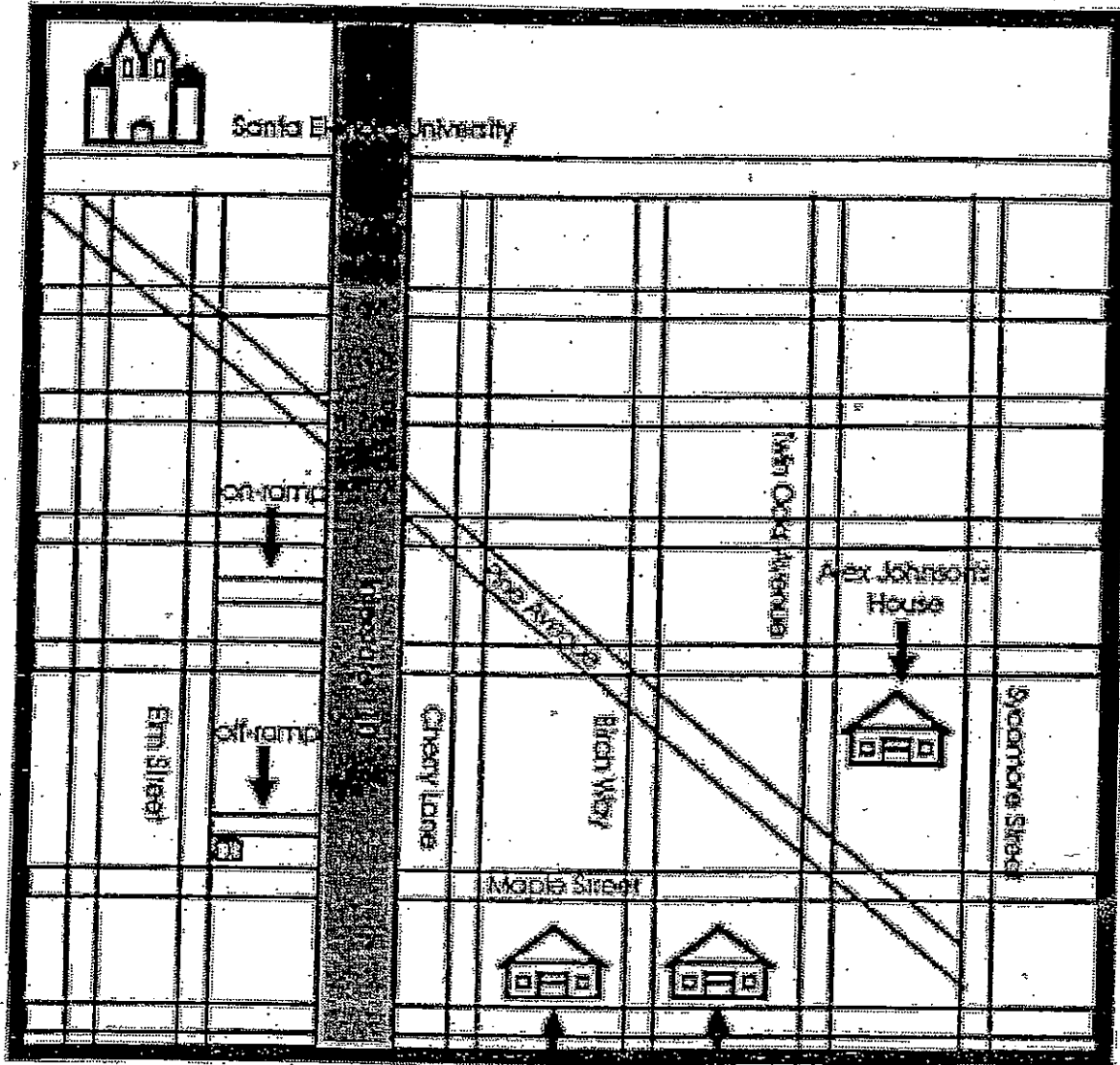
Despite its use in every criminal trial, the term "reasonable doubt" is very hard to define. The concept of reasonable doubt lies somewhere between probability of guilt and a lingering possible doubt of guilt. A defendant may be found guilty "beyond a reasonable doubt" even though a possible doubt remains in the mind of the judge or juror. Conversely, triers of fact might return a verdict of not guilty while still believing that the defendant probably committed the crime. Reasonable doubt exists unless the trier of fact can say that he or she has an abiding conviction, to a moral certainty, of the truth of the charge.


Jurors must often reach verdicts despite contradictory evidence. Two witnesses might give different accounts of the same event. Sometimes a single witness will give a different account of the same event at different times. Such inconsistencies often result from human fallibility rather than intentional lying. The trier of fact (in the Mock Trial competition, the judge) applies his/her own best judgment in evaluating inconsistent testimony.

A guilty verdict may be based upon circumstantial (indirect) evidence. However, if there are two reasonable interpretations of a piece of circumstantial evidence, one pointing toward guilt of the defendant and another pointing toward innocence of the defendant, the trier of fact is required to accept the interpretation that points toward the defendant's innocence. On the other hand, if a piece of circumstantial evidence is subject to two interpretations, one reasonable and one unreasonable, the trier of fact must accept the reasonable interpretation even if it points toward the defendant's guilt. It is up to the trier of fact to decide whether an interpretation is reasonable or unreasonable.

OFFICIAL DIAGRAM

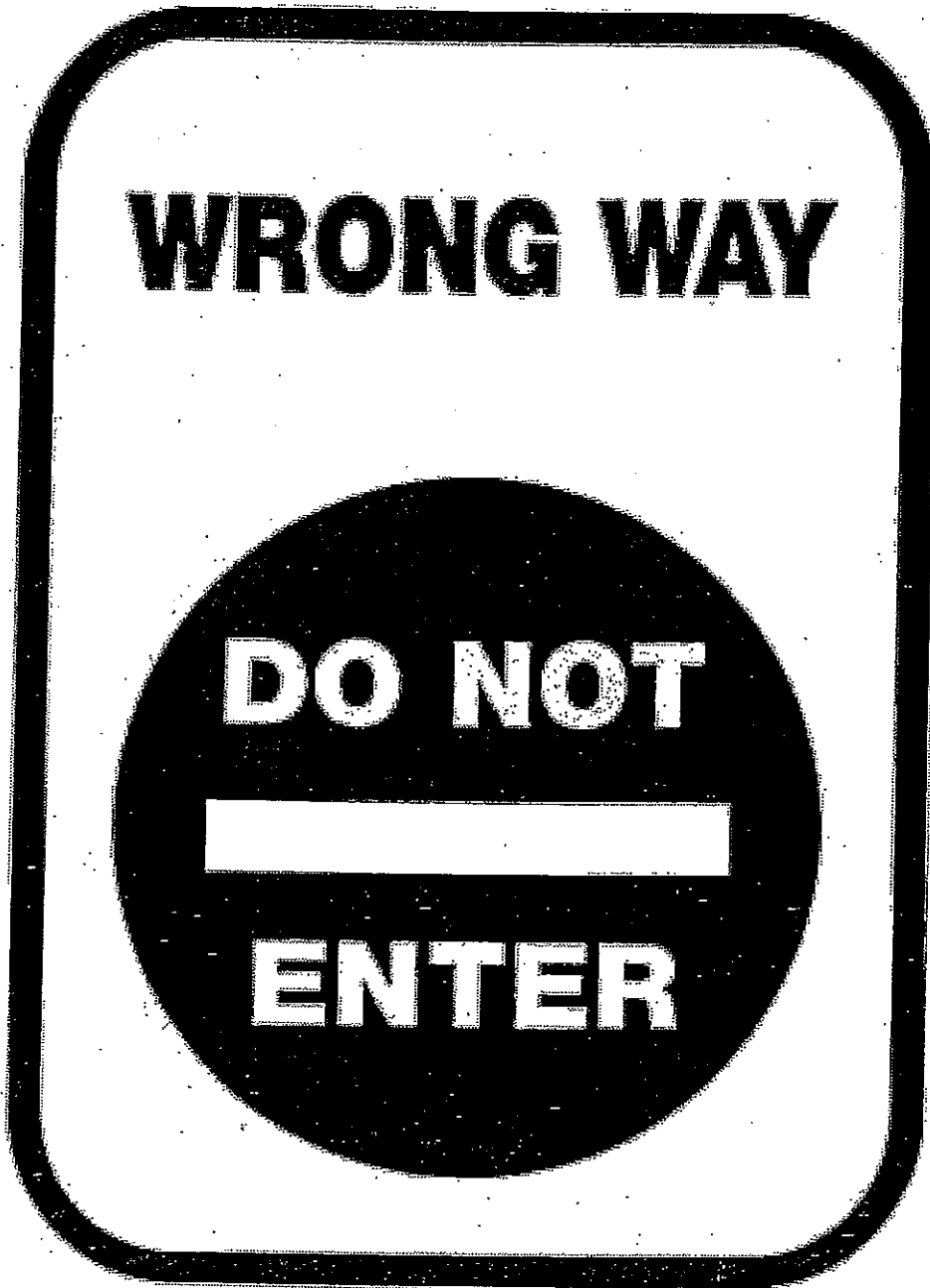
Map of Santa Elena, California



 Original location of sign

Adin Grant's House Chris Denovan's House

OFFICIAL DIAGRAM



OFFICIAL DIAGRAM

**PROPERTY OF
SANTA ELENA, CALIFORNIA**



1 **WITNESS STATEMENT - Prosecution Witness: Officer Pat Jones**
2

3 I am an officer with the Santa Elenora Police Department. I am 36 years old. I grew up in
4 Santa Elenora and attended Santa Elenora University. I joined the police department
5 about 15 years ago. I started out as traffic cop and slowly worked my way up to
6 detective. I was the officer in charge of investigating the accident at the Interstate 110
7 exit at Elm Street.
8

9 On July 11, 1997, at approximately 9:15 p.m., a cargo truck collided with a car driving
10 the wrong way onto the Elm Street Interstate 110 exit. The truck was carrying gasoline
11 and exploded upon impact, causing a huge fire engulfing the entire truck and the car.
12 The driver of the truck, driver of the car, and passenger in the car were all killed. The
13 driver of the truck was later identified as Jonathan Cooper, a truck driver for Academy
14 Oil. The driver and passenger of the car were identified as Mike and Denise Richards, a
15 newlywed couple on their honeymoon. The Richards were driving to San Francisco for
16 their honeymoon and stopped at Santa Elenora for gas. At the time the accident
17 occurred, the wrong way-do not enter sign was gone. The Richards, who were from out
18 of town, apparently thought that they were at the on-ramp to Interstate 110 and drove
19 onto the off-ramp instead. The on-ramp is actually located 1/4 mile further past the off-
20 ramp.
21

22 I was at the station when a call came in about the accident. Randy Smith, a Santa
23 Elenora resident who lives near Elm Street, saw the accident and called the station. I
24 went to the scene of the accident and arrived there approximately six minutes after it
25 had occurred. Firefighters and paramedics arrived shortly after I did, but the vehicles
26 were all fully engulfed and it was impossible to save any of the victims. Randy Smith was
27 at the scene of the accident when I arrived. Smith was out running and witnessed the
28 accident. Smith went to a nearby pay phone to call the police after the accident
29 occurred. Prior to the accident Smith stated that there was a suspicious person wearing
30 a burgundy and gold Santa Elenora University sweatshirt and jeans at approximately
31 8:15 p.m. near the wrong way-do not enter sign marking the off-ramp to Interstate 110.
32 The suspect stared at the back of the sign and tried wiggling the sign. The description of
33 the suspect matches Chris Donovan's profile.
34

35 Early the next morning after the accident, Marty Bryant came into the Santa Elenora
36 Police Station. Marty Bryant told me about the 4S Club at Santa Elenora University and
37 the remark Chris Donovan made after lunch the day before about the wrong way-do not
38 enter sign. Marty Bryant described Chris Donovan to me. The description given by
39 Randy Smith matched Bryant's description of Chris Donovan. I asked Bryant what Chris
40 was wearing the day of the accident. Bryant told me that Chris was wearing a burgundy
41 and gold Santa Elenora University sweatshirt and jeans. I went to Chris Donovan's
42 house with a couple of officers to check out the lead Marty Bryant gave to me.
43

44
45 When we arrived at Chris Donovan's house at around 1:30 p.m., Donovan answered the
46 door. It looked as if Donovan had just woken up. I told Donovan that I had a few
47 questions about the street sign for the Interstate 110 exit off Elm Street. Before Donovan

1 even had a chance to answer, I noticed part of a street sign leaning on a wall near the
2 front door. I immediately entered the house and ascertained that the street sign was a
3 wrong way-do not enter sign. I arrested Donovan. I took Chris and the sign down to the
4 station. Chris Donovan has always denied taking the Interstate 110 exit sign. I properly
5 Mirandized Donovan when we got to the station. I asked if Donovan wanted to contact
6 an attorney or if he/she would like a public defender appointed. Donovan asked me to
7 contact the public defender's office and have one of their attorneys appointed to the
8 case. So, I contacted the public defender's office and had one appointed for Donovan.

9
10 Two days after Donovan was arrested, I spoke to Reese Parker, a traffic controller for
11 the city of Santa Elenora. The day of the accident, Parker had checked the street signs
12 on the west side of Santa Elenora to ensure that all street signs were intact and in good
13 condition. Parker had checked the Interstate 110 exit sign at around 5 p.m. and at that
14 time the sign was intact and in good condition. Parker also told me that all Santa Elenora
15 street signs have an identifying bar code on the back to ensure that they are placed at
16 the right location. Parker examined the street sign taken from Donovan's house and
17 identified it as the sign taken from the Interstate 110 exit.

18
19 That same day, I had to take Donovan to the courthouse for a preliminary hearing. The
20 public defender did not show up, he called at the last minute and said that he couldn't
21 make it. The hearing was continued. As we were walking out of the courthouse, I made a
22 remark about it being another typical day in court for me. Then Donovan started
23 complaining to me. Donovan was whining about how the public defender didn't show up.
24 Donovan said, "I can't believe that O'Neil! He's my attorney and he doesn't show up!
25 What a lousy system this is." I just wanted Donovan to shut up, so I yelled at Donovan. I
26 said, "Stop whining. What do you expect? Three people are already dead because of
27 you!" Then the defendant made the following statement: "I never should have told that
28 jerk Marty that I wanted that sign. This is all Marty's fault." I just said, "It's all about you,
29 isn't it!"

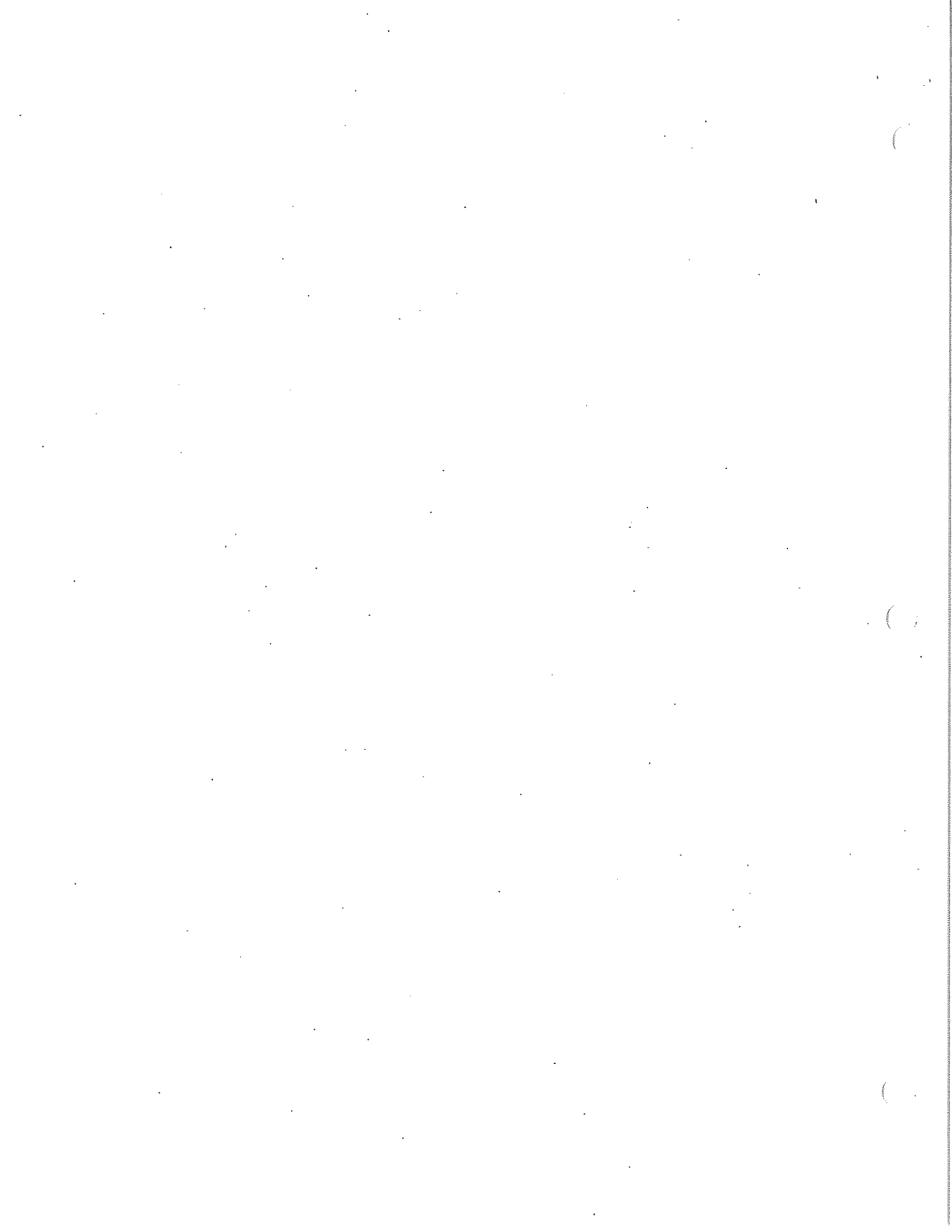
1 **WITNESS STATEMENT - Prosecution Witness: Randy Smith**
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3 My name is Randy Smith. I live at 975 Oak View Lane, Santa Elenora, California. I am a
4 native of Santa Elenora and live approximately one mile from the Interstate 110 off-ramp
5 at Elm Street. I jog usually at least three times a week. There are three routes that I like
6 to take when I jog. Each route takes me past the Elm Street Interstate 110 exit. I
7 normally jog a total of about 20 to 25 miles per week.
8

9 The night of the accident, July 11, 1997, I was out jogging. I started jogging at about 8
10 p.m. I passed the Interstate 110 off-ramp at around 8:15 P.M. I've jogged past there for
11 over five years. As I was jogging westbound on the south side of Elm Street, I
12 approached the Interstate 110 off-ramp and noticed a suspicious person near the wrong
13 way-do not enter sign. The person was staring at the back of the sign and wiggling the
14 sign. The person did not look like a city official or anything like that. The person was
15 wearing a pair of jeans and a burgundy and gold Santa Elenora University sweatshirt
16 and jeans. I had not seen that person around there before, but I later learned that the
17 person I saw was Chris Donovan. I tried to see what the person was doing near the sign,
18 but I did not want to make it look obvious. The person must have heard me coming,
19 because the person turned around and looked at me and then quietly walked away from
20 the sign. Although I didn't get a good look at the person's face, I definitely remember the
21 clothes the person was wearing. I figured that the person was not going to do anything
22 with me watching, so finally I decided to go ahead because I thought the person wouldn't
23 do anything if I was there to see it.
24

25 I jogged for about another two miles, but I was got a leg cramp and started slowing
26 down. So I headed home, walking part of the way and jogging when I could. As I was
27 passing the Interstate 110 off-ramp at Elm Street, I looked to see if the wrong way-do
28 not enter sign was still there. It was missing. Just then, I noticed a car trying to enter the
29 110 by driving up the off-ramp. Suddenly, a gasoline truck came down the off-ramp. The
30 driver of the truck started honking to warn the car. The truck driver tried to stop but was
31 unable to avoid hitting the car. The truck collided with the car. There was a massive
32 explosion and both vehicles were engulfed with flames. I didn't know what to do. I ran to
33 a nearby pay phone and called the police.
34

35 About five minutes after the accident, people from the police and fire departments
36 arrived. I went to talk to the police officer in charge of investigating the accident,
37 Detective Pat Jones. I told the detective about what I had seen earlier, though I never
38 saw that person actually remove the sign.



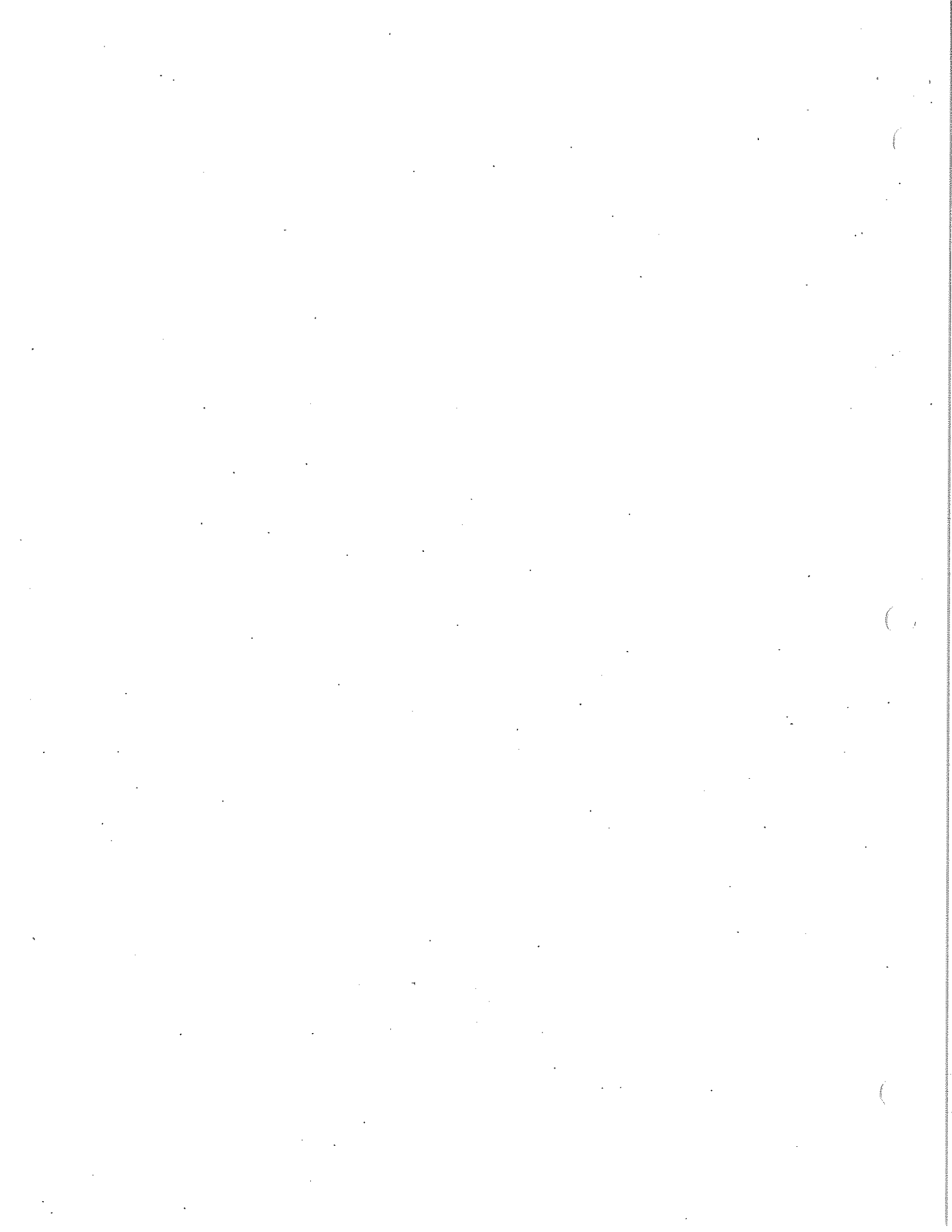
1 **WITNESS STATEMENT - Prosecution Witness: Marty Bryant**

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3 My name is Marty Bryant. I live at 907 W. Willow. Santa Elenora, California. I am 19-
4 years-old and am currently a sophomore at Santa Elenora University. I am majoring in
5 fine arts and minoring in acting. I am a member of the 4S Club, an unofficial group
6 composed of Santa Elenora University students. The 4S Club was created by a group of
7 students who were interested in collecting street signs. As of present, the 4S Club has
8 approximately 20 members. For the past four or five months there has been a
9 decreasing interest in the taking of street signs. Some members still take street signs to
10 complete their personal collection. Chris Donovan, a member of the 4S Club, is one of
11 the members who continues to take street signs. Chris is a very competitive person and
12 has always bragged about having such a great street sign collection.

13
14 The day of the accident, July 11, 1997, the 4S Club had a lunch social at noon. It was a
15 short lunch because a lot of the members had other things to do. After the lunch was
16 over, Alex Johnson, Chris Donovan, and I were just sitting around talking. We started
17 discussing the lack of interest in collecting street signs. Donovan said Donovan's own
18 street sign collection and how it was missing a wrong way-do not enter sign. Donovan,
19 also, stated that there was a wrong way / do not enter sign at the Elm Street Interstate
20 110 off-ramp at Elm Street. Donovan sounded serious about taking that sign. Alex and I
21 both tried to talk some sense into Donovan. We told Donovan how dangerous that could
22 be if the sign were taken away. Donovan eventually agreed to leave the sign alone. I
23 thought that we had convinced Donovan that it was dangerous.

24
25 The day of the accident was pretty uneventful for me. I had a major paper due in about
26 four days for my history class. So, after lunch I went to the library to do some research.
27 Then I went to my 4:40-5:45 p.m. class. After that I went home to write my paper. If I
28 was going to get my paper done on time I knew that I needed to stay home and work on
29 it over the weekend. Late that night, around midnight, I was listening to the radio and
30 heard about the horrible accident. The reporter stated that the sign marking the
31 Interstate 110 off-ramp was missing. I knew that Donovan must have taken that sign. I
32 agonized about what I should do with this information. Finally, early the next morning, I
33 went to the Santa Elenora Police Station. I talked to Detective Jones about what
34 happened after lunch the day of the accident. Detective Jones asked me what Donovan
35 had been wearing the day before. I told the detective that Donovan had been wearing a
36 white T-shirt and a burgundy and gold Santa Elenora University sweatshirt tied around
37 the waist.

38
39 It was hard for me to go to the police. Although Chris and I are not friends, we travel in
40 the same group. It makes me feel awkward around my friends who are also friends with
41 Chris. I've always been nice to Chris out of respect for our mutual friends, but I really
42 don't like Chris' competitive personality. That often gets on my nerves. When the
43 accident at Elm Street occurred I knew I had to say something. Chris needed to take
44 responsibility for taking that wrong way-do not enter sign, especially since it caused
45 three deaths. The families of the victims deserve some sort of vindication.

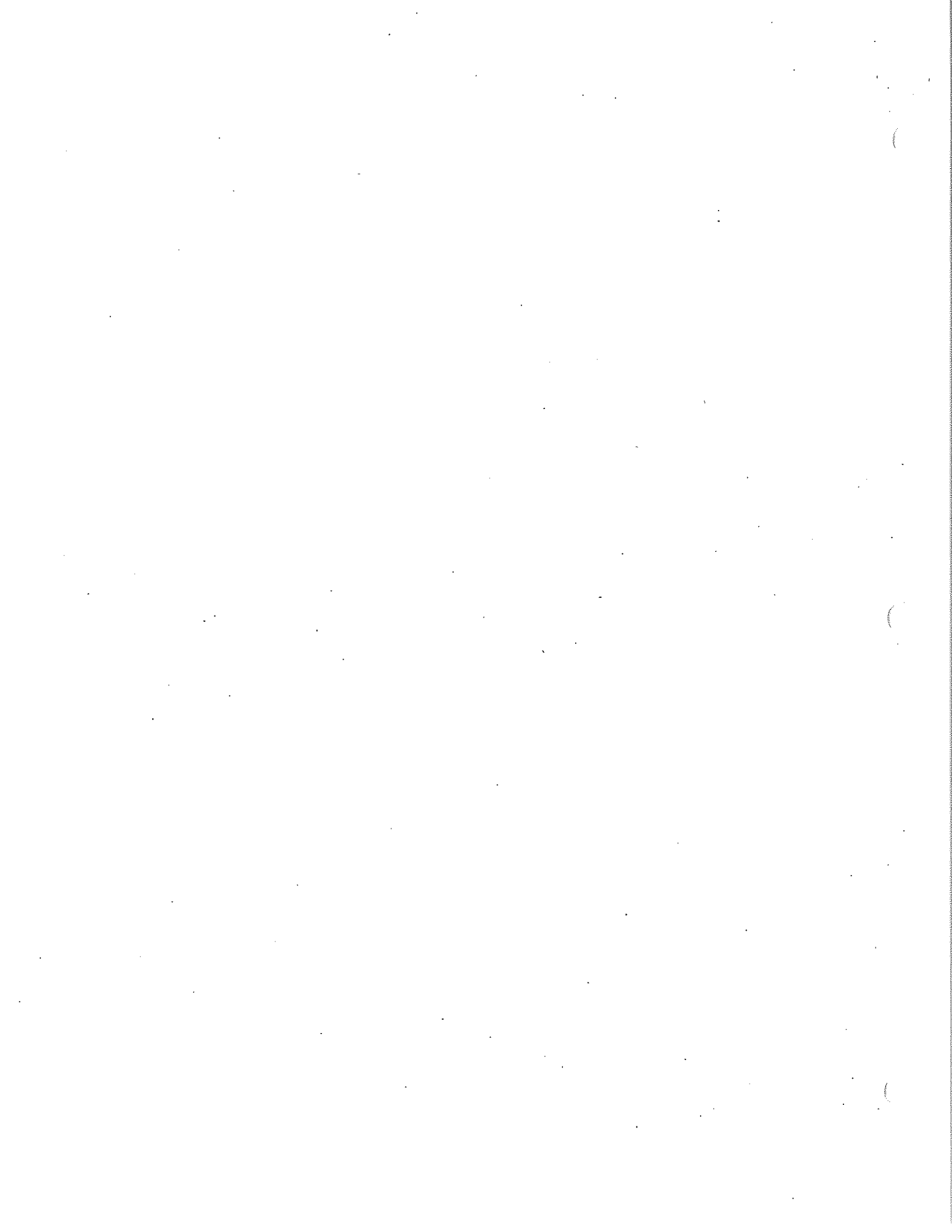


1 **WITNESS STATEMENT - Prosecution Witness: Reese Parker**
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3 My name is Reese Parker. I live at 395 Apple Stree, Santa Elenora, California. I am 47-
4 years- old and divorced. I am a traffic controller for the city of Santa Elenora. My main
5 duties are to monitor the street signs and ensure that they are in good condition. I have
6 worked for the city of Santa Elenora for approximately 20 years. Over the past year or
7 two there has been a 40 percent increase in the taking of street signs. The number of
8 street signs taken increased from 25 to 36. People taking street signs need to realize the
9 danger involved. If a driver does not know the area that he or she is driving around in, it
10 can cause fatal results, as evidenced by the accident at the Interstate 110 off-ramp.
11

12 On the day of the accident, July 11, 1997, I checked the street signs on the west side of
13 Santa Elenora. The Interstate 110 off-ramp is part of the west side of Santa Elenora.
14 The Interstate 110 off-ramp is marked by a single sign that says wrong way. That day, I
15 checked the Interstate 110 off-ramp signs at around 5 p.m. At that time, the sign was still
16 intact and in good condition. Sometime between 5 and 9:30 p.m. (when the accident
17 occurred), the wrong way-do not enter sign was removed. The sign had been secured to
18 the sign post by two standard metric bolts. It would ordinarily take one of my crew
19 members five minutes to remove and replace a sign with the right tools.
20

21 Three days after the accident, I received a phone call from Detective Pat Jones.
22 Detective Jones was in charge of the investigating the accident. Jones asked me to
23 examine the sign and determine if it was the wrong way-do not enter sign taken from the
24 Elm Street Interstate 110 off-ramp. All street signs in Santa Elenora are marked with a
25 bar code on the back in order to indicate their location. After examining the wrong way-
26 do not enter sign the police obtained during their investigation, I determined that the
27 wrong way-do not enter sign was the sign from the Elm Street Interstate 110 off-ramp by
28 looking at the bar code on the back.



1 **WITNESS STATEMENT - Defense Witness: Chris Donovan, Defendant**

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3 My name is Chris Donovan. I live at 1000 Cherry Lane, Santa Elenora, California. I am a
4 freshman at Santa Elenora University and I am 19 years old. I am an English major and
5 a political science minor. I am a member of the 4S Club, a small unofficial organization
6 at Santa Elenora University. The day before I was arrested, Friday, July 11, 1997, the 4S
7 Club got together for lunch at noon. It was a quick lunch because most of the members
8 had classes to attend. We are all taking summer session courses. Marty Bryant, Alex
9 Johnson, and I decided to hang around after lunch was over because we had no more
10 classes till late afternoon. I was surprised that Marty stayed. Marty and I have always
11 been civil to one another but I wouldn't say we're friends. Marty has always seemed sort
12 of defensive and cold to me.

13
14 At any rate, Marty stayed and we started talking about the 4S Club. In particular, we
15 discussed the diminishing interest in the club's main "hobby"—collecting street signs. The
16 4S Club was formed by a group of friends who thought it would be fun and daring to take
17 street signs. The group gradually increased until it reached its current size of 20. Over
18 the past six months, members of the group have become rather disillusioned with taking
19 street signs. It was fun for a while, but its thrill definitely wears off. I have had a pretty
20 good collection of street signs since the spring of 1997 anyway. During the discussion
21 Marty, Alex, and I had about the club, I mentioned that I did not have a wrong way-do
22 not enter sign and thought it would be a cool addition to my collection. I, also, mentioned
23 that there is a wrong way-do not enter sign a few blocks from my house at the Interstate
24 110 off-ramp off Elm Street. Alex and Marty got on my case right away about how
25 dangerous that would be and pleaded with me to leave the sign Elm Street sign alone. I
26 told Alex and Marty that it was only a thought. I was just joking and I knew about the
27 danger involved. I was not and never have been serious about taking that sign.

28
29 After lunch, I studied in the library for a while and then went to my 4:30-5:30 p.m. class. I
30 got something to eat with some friends after my 4:30 class and then I went to my 7:00
31 p.m. Public Administration class. My class schedule that Friday was really hectic
32 because I had to make up some work and there were only a few times available for me
33 to work in the lab. I always look forward to relaxing after all my classes and labs are
34 over.

35
36 That night, Alex and I had plans to go see the movie "Contact." It was a movie that Alex
37 and I both really wanted to see, and we wanted to see it on its opening night. We
38 decided to go to the 8:45 showing at Diamond Cinemas because my 7:00 p.m. review
39 session ended at 8:10. I was supposed to be at Alex's house at 8:30 so we could make
40 it to the movie on time. I was running a little late that night because I had to go to the
41 library to drop off a book. After going to the library, I walked to Alex's house. Alex's
42 house is approximately ten blocks away from the school and two blocks north of my
43 house. I arrived at Alex's about five minutes late even though I walked along Pine
44 Avenue, which was the most direct route. We left immediately, because it takes about 15
45 minutes by car to get to the Diamond Cinemas where the movie was playing. We arrived
46 just as the previews were ending. The movie was great. Alex and I both walked away
47 from the movie stunned. It is one of those movies that makes you think about the

1 meaning of life. After the movie, we went to get some coffee at the local Coffee
2 Company. By the time we left the coffee shop and Alex dropped me off at home, it was
3 1:00.
4

5 As Alex drove away and I was walking toward my front porch, the edge of my foot
6 touched something in the bushes. I turned on the porch light to see what it was. I was
7 surprised to see that it was a wrong way / do not enter sign. I thought that one of my
8 friends in the 4S had taken the sign for me because he or she knew that I didn't have a
9 wrong way-do not enter sign. I didn't realize that it was the sign from the Elm Street
10 Interstate 110 off-ramp. I opened the front door and brought the sign in. I placed the sign
11 by the front door because I was tired and did not feel like bringing it upstairs. I went to
12 sleep and did not wake up till early afternoon the next day.
13

14 At around 1:30 the next afternoon, the Santa Elenora police came by. I had no idea
15 why the police would be coming to my house. The officers mentioned the wrong way/do
16 not enter sign at Elm Street. That's when I realized that the sign I found hidden in the
17 bushes near my front porch must be the one at Elm Street. Before I could answer any
18 questions about the sign, the police forced their way into my home and arrested me.
19 The officers took me and the sign, which I had found the night before, down to the police
20 station. I was Mirandized, and Detective Jones asked me if I wanted to contact an
21 attorney or would like to have a public defender appointed. I asked to have a public
22 defender appointed. I was told the next day that Ryan O'Neil was appointed as my public
23 defender.
24

25 Two days after the accident, I was taken to court and charged with three counts of
26 involuntary manslaughter and one count of interference with traffic devices. My attorney
27 called the courthouse and said that he could not show up, right as the hearing started.
28 The hearing was continued. Bail was set for \$500,000. I couldn't come up with that kind
29 of money and I didn't want to ask anyone for that kind of money. So, I had to go back to
30 jail. Detective Jones escorted me back to the station. While we were walking out of the
31 courthouse, Detective Jones said something to me about this being a typical day in
32 court. I was so angry that my attorney did not show up. I needed someone to complain
33 to, so I started complaining to Detective Jones. It really upset me when Detective Jones
34 accused me of killing those people. I kind of went off. That stupid joke that I told at lunch
35 got me in all this trouble.
36

37 I can't believe this is happening to me. I would never take that wrong way-do not enter
38 sign because of the danger it would cause to others. I feel sorry for the family of those
39 killed in the accident, but I am not responsible for the accident. I don't know who put that
40 sign in my yard. I just hope that the person who really took that sign gets caught.

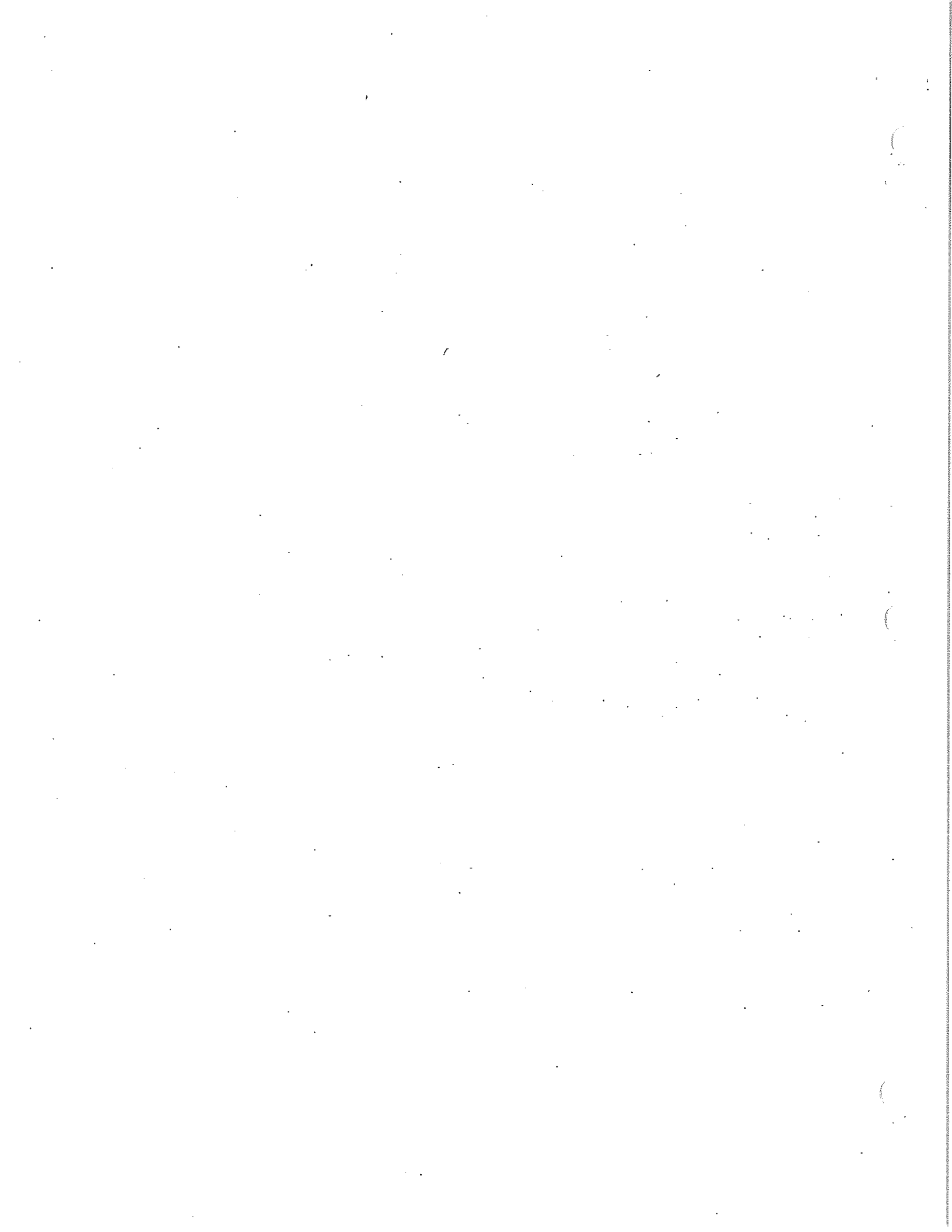
1 **WITNESS STATEMENT - Defense Witness: Alex Johnson**

2
3 My name is Alex Johnson. I am a 19-year-old sophomore at Santa Elenora University. I live at
4 1974 Twin Oaks Avenue, Santa Elenora, California. I am a member of the 4S Club. The 4S
5 Club was created by Santa Elenora University students who wanted to start a collection of
6 street signs. Over the past five months, the interest in taking street signs has diminished.
7 Members of the club have thought about the consequences of taking street signs. There are still
8 some members who take street signs, but the signs they take are normally just signs with street
9 names on them. My friend, and a fellow 4S member, Chris Donovan, used to really be into
10 taking street signs. Chris liked the thrill and excitement at first, but Chris got tired of this
11 "interest" at least two months ago.

12
13 The day of the accident, July 11, 1997, the 4S Club got together for lunch at noon. The club
14 gets together for lunch every two weeks. It's nice because its so rare that everyone is able to
15 get together. It wasn't a very long lunch because most of the members had class at 1 p.m. After
16 they had left, Chris Donovan, Marty Bryant, and I sat around talking. I was really surprised that
17 Marty stayed, because Marty and Chris have never really hung out at all. In fact, I was under
18 the impression that Marty didn't like Chris. Marty and Chris were always polite to each other, but
19 there was always obvious tension. It's hard to explain. There have also been a couple of nasty
20 words exchanged between Chris and Marty about differing political viewpoints and the way the
21 4S Club should be run. Anyway, Chris, Marty, and I were talking about the 4S Club and the
22 declining interest in collecting street signs. Chris mentioned that having a wrong way-do not
23 enter sign would be kind of cool and there was one right at the Elm Street Interstate 110 off-
24 ramp. At first I thought Chris was serious. I realized how much trouble this could get Chris in so
25 I mentioned how dangerous taking that sign could be. Marty was apparently thinking the same
26 thing and also told Chris how dangerous that could be. Chris said that it was just a joke. I was
27 convinced that Chris would not take the sign after that. Chris and I have been good friends for
28 since high school. I know Chris is a good person and I believe that Chris would not take that
29 sign, especially after saying so.

30
31 That night, Chris and I went to go see a movie. Chris had a late review session and was going
32 to come over after so we could leave for the movie theater. The movie started at 8:45 p.m., so
33 Chris was going to be at my house by 8:30. Chris arrived about five minutes late. We still made
34 it to the movies on time, though we got there just as the previews were ending. After the movie
35 was over, it was about 11:15. Chris and I decided to get some coffee at the Coffee Company.
36 We sat outside and talked for a while. I drove Chris home at about 1 A.M. I heard about the
37 accident and Chris' arrest the next afternoon. I was so shocked to hear Chris was arrested.
38 Chris would not take that street sign because of the danger it could cause others.

39
40 I was sure that Chris was not responsible for the accident when I heard that there was a
41 suspicious person wearing a burgundy and gold Santa Elenora University sweatshirt and jeans
42 seen near the sign the night of the accident. That day, Chris was wearing a white No Fear T-
43 shirt and jeans. Chris was wearing the same outfit when we went to the movies that evening. I
44 don't think that Chris even owns a burgundy and gold Santa Elenora University sweatshirt. But
45 even if Chris does have one, so do a lot of students at the University, including myself and
46 Marty Bryant.

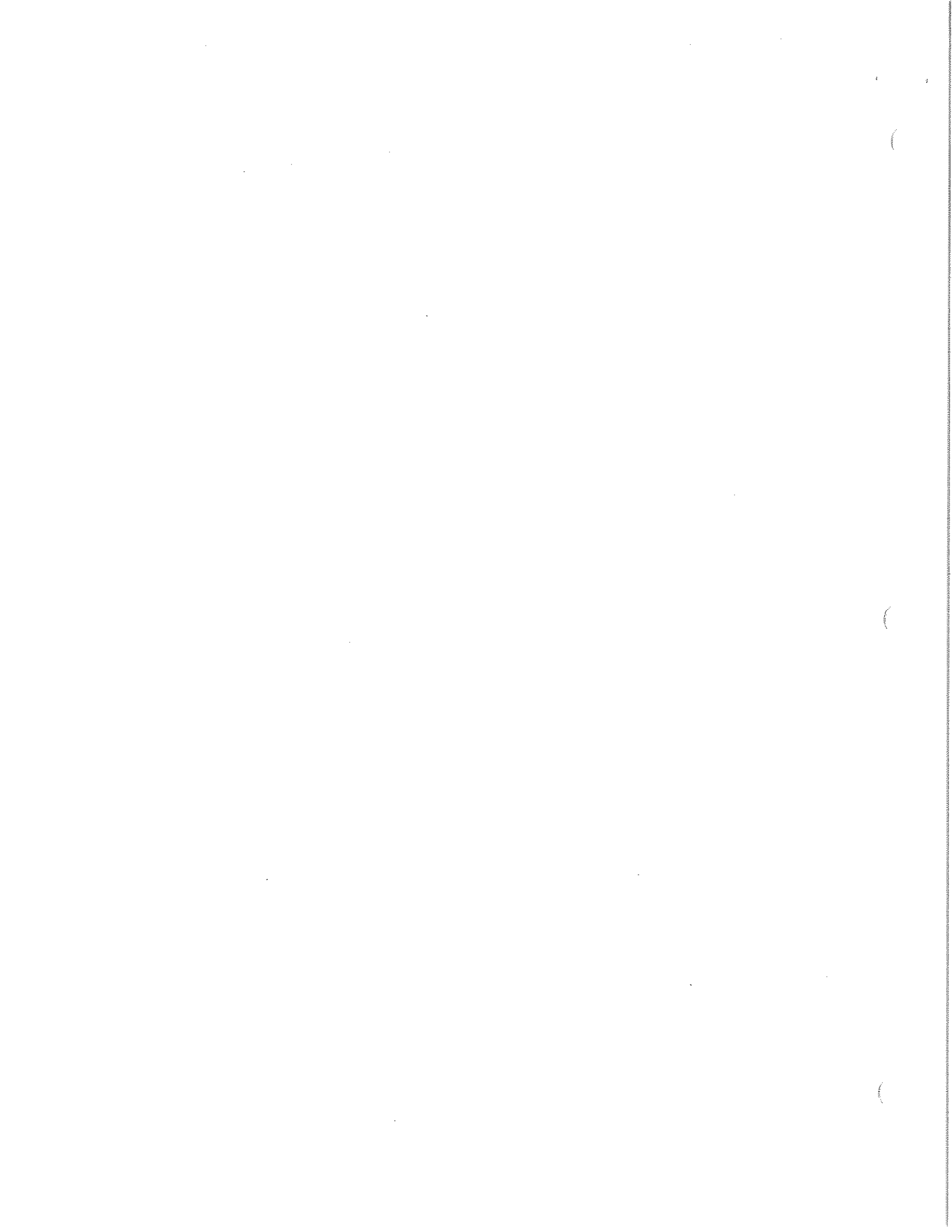


1 **WITNESS STATEMENT - Defense Witness: Aarin Grant**

2
3 My name is Aarin Grant and I live at 995 Cherry Lane, Santa Elenora, California. I am
4 24-years-old and currently employed as an assistant manager at Kalie's, a local
5 restaurant specializing in Chinese-American cuisine. On July 11, 1997, the night of the
6 accident, I was at Kalie's working. It was a Friday night so we were pretty busy. The
7 restaurant closes at midnight. By the time servers had the restaurant all cleaned up and
8 I had finished the paperwork, it was about 12:40 a.m.. I decided to go home after work. I
9 had been working so much that week that I just wanted to go home and relax.

10
11 I got home at about 12:50 a.m. and decided to watch television for a while before I went
12 to bed. I went into the living room to look for the T.V. guide to see what was on. My pet
13 parrot, Billy, who was in his cage near the living room window started making noise. I
14 went over to the cage to see if he needed any water or food. I looked out the living room
15 windows and I noticed that someone was outside. It was my neighbor that lived across
16 the street, Chris Donovan. It looked as if Chris was just getting home because I saw a
17 car driving away from the Donovan house. Chris was walking up to the front porch. It
18 looked as if Chris noticed something in the bushes and stopped to examine it carefully.
19 Chris went to the front porch to turn on the outside lights. Chris then went to the bushes
20 and took something out of bushes. I couldn't tell what it was because some of the
21 bushes and trees on Chris' front lawn were blocking my view.

22
23 I don't really know Chris Donovan well. Chris Donovan and I have run into each other at
24 parties our neighbors have had. We've been introduced before, but have never really
25 had a chance to talk. I was surprised when I heard that Chris was arrested for taking that
26 sign at Elm Street. Chris has always seemed like a polite and kind person.



1 **WITNESS STATEMENT - Defense Witness: Jessie Martin**
2

3 My name is Jessie Martin. I live at 740 Cypress Drive, Santa Elenora, California. I am
4 27-years-old and have lived in Santa Elenora all my life. I am currently employed as a
5 computer programmer for Anderson Consulting. I live on the east side of Santa Elenora,
6 but drive to the west side every weekday for work. I drive past the Interstate 110 off-
7 ramp at Elm Street on my way to work.
8

9 The day of the accident, July 11, 1997, I noticed that the wrong way-do not enter sign at
10 the Elm Street Interstate 110 off-ramp was gone. I noticed this at about 5:15 p.m., as I
11 was driving home from work. I remember that the sign was missing that day, because I
12 was having company over that night and they would have to use the Interstate 110 to
13 get to Santa Elenora. I thought some kid had probably taken it. I was shocked when I
14 heard about the accident and the arrest of my friend, Chris Donovan.
15

16 Chris Donovan and I have been friends for about five year now. I met Chris while I was
17 in grad school. We used to both work at a local video rental store together. We got along
18 right from the start. We have the same opinions on most issues and have similar
19 interests. We both love watching movies and reading. I can't believe that the police think
20 Chris took the sign. Chris would not do something that endangered others, like taking a
21 wrong way-do not enter sign.
22

23 About four months ago, I remember Chris calling me and telling me about the 4S Club.
24 Chris was upset because one of the members of the Club had taken a stop sign. I think
25 Chris said that person's name was Marty. Chris thought that taking a sign like that could
26 cause an accident. That's not what the club was all about. Chris made the person who
27 took the sign promise that he would never take another street sign that places other
28 people in danger. Chris is one of the nicest people I know. This is not something Chris
29 would do.
30

