

**TRIAL TEAM  
ILLINOIS**

2017-2018 Tryout Packet

# Important Dates

## **Info Meetings:**

Tuesday, August 29th	7:00pm	Law Building
Wednesday, August 30th	5:00 pm	Law Building

## **Clinics**

Thursday, August 31st	4:30-7:00pm	Law Building
Monday, September 4th	4:30-7:00 pm	Law Building

## **Try Outs:**

Round 1:

Tuesday, September 5 <sup>th</sup>	6:00-10:00 pm	Law Building
Thursday, September 6 <sup>th</sup>	6:00-10:00 pm	Law Building
Friday, September 7 <sup>th</sup>	6:00-10:00 pm	Law Building

Round 2:

Sunday, September 9 <sup>th</sup>	6:00-10:00 pm	Law Building
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Law Building Address: 504 East Pennsylvania Avenue  
Champaign, IL 61860

# Tryouts & Clinics Format and Procedures

## **Overview:**

There will be two rounds of tryouts this year. The first round will consist of two short parts, a cross examination and a witness portrayal OR monologue. Both should be no longer than 15 minutes. For Part One's examination, you will use the attached case, *Logan Lovell v. Pat Sainsbury*. For Part Two's witness portrayal, you will use the attached case, *Logan Lovell v. Pat Sainsbury*. In order to prepare for tryouts you should first read the attached case. After reading the case pick one witness to cross-examine. Next select either to portray a **different witness than the one you plan to cross-examine** or a monologue to perform. For example, if you choose to cross-examine Logan Lovell, you may not play Logan Lovell as a witness.

When you come to your scheduled tryout time, please bring your filled out hard copy of the Tryout Questionnaire on Page 6 of this packet.

## **ROUND 1 OF TRYOUTS:**

### **Part One: Cross Examine a Witness:**

During the first part of your tryout, you will be performing a **cross-examination** of one of the witnesses in the case. A cross examination is performed on an adversarial witness, called by the other party in a case. These witnesses are not your friends; here you will have to obtain the facts from them that help your case but may harm their case, or make the adverse witness look bad. Your questions should be simple and concise, ones that can only be answered with a **yes or no**. Your goal here is to control the witness and make them say what you want them to say, but be careful not to be too aggressive.

An example of a close-ended question on cross-examination is:  
"You were at Quad Day on August 27th, weren't you?"

### **Part Two: ONLY CHOOSE ONE!**

**(Either a witness portrayal from the case OR deliver a monologue.)**

### **Portray a Witness**

Your first option is portraying a witness. If you choose this option, you will be **portraying** one of the four witnesses, Logan Lovell, Officer Kerry Cambridge, Pat Sainsbury, or Quincy Waitrose, excluding the witness you cross-examined. (For example, if you cross-examined Quincy Waitrose, you may not play

him/her as a witness.) You will be asked a series of questions by one of the members of our team conducting tryouts. This is a direct examination, which is designed to tell a story and advance a certain theory of the case. Therefore, feel free to elaborate on your answers. If you can, try to envision this witness as a real person and create a character for them. Perhaps add an accent (if you can do a convincing one) or model them after a favorite television or movie character by giving them certain mannerisms or imagining funny lines that they would say. (For example: you could pretend to be an overachiever who always needs straight A's if you play Pat Sainsbury.) The main point of this part of the tryout is to judge your ability to represent your chosen witness as if his or her personality is in fact yours. You will be judged on your ability to improvise as well as your ability to respond to questions asked of you.

### **Deliver a Monologue**

Your second option is to deliver a short, 30-45 second **monologue**. You have a choice of reading one of the paragraphs attached to the last page of this packet, or another excerpt of your choosing. This part of the tryout can be planned and prepared ahead of time. So, even if you get nervous about thinking on your feet for parts one and two, you can completely control this portion of the tryout. Try to give us some emotion, make us laugh, or portray an accent that you have mastered. Just have fun with it! It does not have to be memorized, but memorization might add to overall delivery!

For examples of direct and cross examinations, and witness portrayals, check out the Illinois Trial Team website at [www.Illinoistrialteam.com](http://www.Illinoistrialteam.com). There will be links posted to YouTube videos for your review.

### **ROUND 2 OF TRYOUTS:**

Those who perform well at the first round of tryouts will be invited back for a second round of tryouts.

*NOTE: There is no preparation involved for the second round.*

The Illinois Trial Team is more than just a competitive group of students that participate in mock trial tournaments. Our team is encouraged to participate in service activities, attend speaking events, and contribute to the University of Illinois campus. Being a part of a mock trial team also requires teamwork and group cooperation. For this reason, the second round of tryouts will last about 45 minutes, will test your ability to formulate arguments, and observe how you interact with a group. This round of tryouts is a way for the members of our organization to get to know you better as a person. It should also help you decide if the Trial Team is something you want to be a part of.

### **CLINICS/OFFICE HOURS:**

Current members of the Illinois Trial Team will be holding clinic sessions (office hours) to help with any unanswered questions. These clinics will be held on the following days:

Thursday, August 31st – Law Building 4:30-7:00 pm  
Monday, September 4th – Law Building 4:30-7:00 pm

Treat these clinics as if they were office hours. Come prepared with questions, and be ready to practice. Come in any time, and stay as long as you would like.

Please contact Vanessa Aceves at [illinoistrialteam.vpe@gmail.com](mailto:illinoistrialteam.vpe@gmail.com) with any questions.

# Why should you join the Illinois Trial Team?

The Illinois Trial Team has served as an organization of hard working, successful students since 1989. Since then, the team has built a reputation on campus as the top organization for pre-law students. Not only is mock trial a great activity on campus, it is also nationally known as an association that develops amazing litigation attorneys. Many attorneys today have said that their mock trial experience has set them apart from other students when applying to law schools, when being recruited for jobs, and for when you step foot in a real court room.

Many mock trial students from Illinois now practice in Chicago, among top firms and government agencies.

Our trial team does much more than attend competitions. We are a well-rounded group of students that are involved in many groups on campus and strive to do our best to prepare for law school.

Some of the benefits of joining the Illinois Trial Team are listed below:

- Become familiar with the rules of evidence, court room procedure, and the stages of a trial
- Gain three hours of pass/fail credits as “Law 199” coursework
- Learn from real attorneys, practice in front of real judges in real court rooms
- Perfect your public speaking skills
- Gain access to a number of discounts for LSAT prep courses
- Receive invitations to speaking events from legal professionals on campus
- Become closer to U of I’s College of Law admissions staff
- Travel across the nation and compete with some of the best universities in America
- Become friends with some incredible individuals on campus that you might never meet otherwise

Illinois Trial Team  
Tryout Questionnaire

**Instructions: Fill this form out and turn it in at the start of your tryout.**

**Name:** \_\_\_\_\_ **Year:** \_\_\_\_\_  
**Email:** \_\_\_\_\_ **NetID:** \_\_\_\_\_

**1. Why are you interested in being on the Illinois Trial Team?**

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**2. What previous experience do you have related to mock trial? (ie: high school mock trial, speech competition, acting, debate team, etc.). Have you received any sort of awards or recognition for any of these activities?**

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**3. What other organizations are you planning on joining this school year?**

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**4. How did you hear about us?**

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5. Are you going through any other recruitment processes right now? (i.e. sorority, fraternity, sports walk-on tryouts, etc.)

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## Illinois Trial Team Contact Information

If, at any point, you have any questions at all, feel free to contact me, Vanessa Aceves, at [illinoistrialteam.vpe@gmail.com](mailto:illinoistrialteam.vpe@gmail.com) or any of our Executive Board members. We are more than happy to answer any questions you may have:

**Jack Duffley (President) – [duffley2@illinois.edu](mailto:duffley2@illinois.edu)**

**Julia Petche (Vice President Internal) – [juliapetsche@me.com](mailto:juliapetsche@me.com)**

**Vanessa Aceves (Vice President External) – [illinoistrialteam.vpe@gmail.com](mailto:illinoistrialteam.vpe@gmail.com)**

**Sara Lemerman (Treasurer) – [illinoistrialteam.treasurer@gmail.com](mailto:illinoistrialteam.treasurer@gmail.com)**

**Emily Dean (Secretary) – [emilyd2@illinois.edu](mailto:emilyd2@illinois.edu)**

**Alyssa Castronovo (Social Chair) – [alyssacastronovo@icloud.com](mailto:alyssacastronovo@icloud.com)**

**Rocky Khoshbin (Tournament Chair) – [bk5@illinois.edu](mailto:bk5@illinois.edu)**

**Dan Lewis (Head Coach) – [drl2@illinois.edu](mailto:drl2@illinois.edu)**



The Case:

Logan Lovell, Plaintiff  
Vs.  
Pat Sainsbury, Defendant.

Case Synopsis:

Mary Lincoln High School offers the popular Illinois Judges Association program, Seven Reasons To Leave The Party on Friday, April 10, 2009, and the entire school population attends. On Saturday, April 11, 25 teens are invited to a party at the home of a high school student, Kim Jordan. The party goers were all told that Kim's parents will be home, and that the party is a simple "movie night." When guests arrive, they realize Kim's parents are not at home and there is evidence of alcohol being present, brought by guests in coolers.

Some of the students who attend the parentless party are members of the high school swim team, specifically Logan Lovell and Pat Sainsbury. The school has a zero tolerance policy regarding drugs, drinking, smoking and curfew violations, especially for those on school athletic or scholastic teams. Once the swim team student Logan Lovell sees the alcohol come out of a cooler brought to the party by an upper-classman, he/she leaves, taking two other students along.

A traffic accident occurs involving Lovell and Sainsbury. After calling an ambulance to the scene, police officers ask all the uninjured students to undergo breathalyzer tests, including the passengers. Driver Sainsbury blows a .05 (the legal limit for those 21 years of age or older is .08). Driver Lovell blows a .02. All others pass the test.

Lovell has filed suit against Sainsbury alleging that he/she was driving under the influence, was careless, failed to control his/her vehicle, was tailgating, caused a hazard by-driving while using a cell phone, and caused permanent physical harm as well as pain and suffering, including possible loss of college swimming scholarship.

**YOU ARE PROVING LIABILITY ONLY – NOT DAMAGES**

**PLAINTIFF WITNESS 1: LOGAN LOVELL (driver of the Toyota Prius)**

My name is Logan Lovell. I'm 18 years old and a student at Mary Lincoln High School. I've been asked to tell my size and weight. I am about five foot five and a half and I weighed 123 lbs. last time I checked. I also have a part time job at a local discount store. I work some nights and most weekends.

On the evening of April 11, I went to a party at Kim Jordan's home. I thought Kim's parents were going to be there, but they weren't. When I saw evidence of alcohol, I decided to leave the party, not only because of the zero tolerance rules at school.... Our school had just had a presentation on the 7 Reasons To Leave The Party and when I noticed that some of the kids at the party had brought coolers and were drinking beer, I knew I had to get out of there. That 7 Reasons presentation confirmed everything my parents and older brothers and sisters had been telling me about being a responsible person. I'm a member of the high school swim team. That absolute zero tolerance policy means drinking and drugs. Grades too. It's a strict school. I believed what I heard and signed the contract provided by the 7 Reasons speaker. Besides all that, I hadn't been feeling all that well. My throat hurt and I'd been sucking on cough drops all day. In fact, I was sucking on one when the accident happened.

At the time of the accident I was on academic probation and wasn't allowed to swim with the team. My grade point average slipped because I was having trouble in math and French classes, as well as history. I've been working hard to get my grades up so I can swim with the team again and maybe eventually end up with a swimming scholarship to the local college. The last thing I needed was another strike against me. Now I'm sitting here recovering from a broken nose and collar bone and if the collar bone doesn't heal right I may never have the chance to get back on the swim team or be eligible for a swimming scholarship. And, my parents had restricted my work hours to just Friday evenings and weekends, but that was fine with my boss.

When I noticed the beer at the party, I told two of my close friends that I had to leave and they offered to come with me. We didn't make a big fuss, we just left and on the way to the car, which was parked about a block away from the party house, we called Pat Sainsbury to see if he /she wanted to come to my house instead of running the risk of being caught at the party. Pat's on the swim team too. We had to leave a message on Pat's cell phone because there was no answer.

Also before getting in my car, which is really my parent's car, I called home to let Mom and Dad know that I'd be coming home early and I asked permission to bring some friends with me. They said yes and didn't ask any questions and I didn't tell them the reason I'd left the party.

On our way to our house, we stopped at a convenience store and got some chips and some soda. We also each ate an ice cream bar. It felt good on my throat. We also stopped at a video rental store and picked up two videos. We left the party at about 8:00 p.m. and the stops only took a few minutes each. I didn't see the time, but I think the accident happened at about 8:30 or so.

It was dark, but it was clear. No rain or anything like that. I am a careful driver. I check my rearview mirrors regularly and after leaving the video store, our last stop before heading home, I noticed that a dark colored van was sort of following us and getting too close for comfort. I couldn't see who was driving the van, and the vehicle didn't look familiar to me. I mentioned to the others in the car that it looked like someone was trying to scare us by getting too close.

I tried slowing down to let the van pass, but they slowed down too. By the time we approached the street where I needed to turn to go home, I was more than a little nervous, it sure felt like that van was following me, and following too closely. There's a police station at our corner, on Jackson Road, and the thought occurred to me that I shouldn't lead whoever was following me to my home so I turned into the police station parking lot. I had my left turn signal on, because I intended to turn left to go to my house, but I changed my mind and turned right. There is a left turn lane at that intersection, and I may have sort of drifted to the left before I turned right, but it's illegal to pass someone on the right, isn't it? I slowed down sort of fast to make the turn. That's when the van hit us in the rear, pushing our car into a light post. I think I was going about 25 miles per hour when we got hit. I remember leaving the road, hearing a crash and then pretty much everything gets confused, even though I never lost consciousness. I remember talking to the police officer investigating the accident. I said, "I am sure sorry that I tried to turn too fast but I was afraid of the car following me."

I know I hit a post; the left front of the Prius is really crushed in, but there was very little damage to the rear of the vehicle, only a small ding and scratch. Airbags in front and on the driver side deployed and hit me pretty hard, but it was hitting that post that really did the damage.

I do remember seeing people from the van spill out of the vehicle, all screaming and yelling. I recognized Pat Sainsbury as the driver. Pat got more tickets than I got, which means the police determined that the accident was Pat's fault. That's why Pat should have to pay. Pat can still swim and I can't. Pat may get a scholarship and I probably won't. I had to go through therapy for months, and Pat walked away without any aches or pains.

I also remember the police giving everyone in the van breath tests to see if alcohol had been involved. Pat got a DUI and also citations for failure to control the van and some other things. I think that's entirely fair. I heard from some of the other students that the smell of beer in the van was pretty strong. Someone said that they were messing around in the back seat and beer spilled, but no one had been drinking, it was still open liquor in a moving vehicle! And we'd just had a presentation at school about 7 Reasons to Leave the Party. In the ambulance, they must have given me a blood alcohol test too. They told me I blew a .02. I think that's incredible because I hadn't had a drink. No alcohol at all! I had been sucking on a cough drop right before the crash, that's the only thing I can think of that might have caused that reading.

I'm insured on my parents' insurance. I had permission to drive their Prius and now our rates will probably go up, all because Pat Sainsbury was trying to freak us out and may have been drinking... and he/she sure wasn't driving safely. I got a ticket later in the mail, and I'm afraid of the insurance rate increase. I don't want my parents to suffer financially because Pat Sainsbury was irresponsible. We want Sainsbury's insurance to pay for the car repair, and all my medical bills, as well as my pain and suffering, and maybe, if I lose a college scholarship we can recover something for that too.

My nose was broken and will probably heal crooked, which the doctor said may lead to major sinus problems in the future. And healing a broken collar bone is a major pain. I had to hold still for weeks and sleep in a recliner. I couldn't dress myself; I couldn't put on or tie my own shoes for weeks. Taking a shower was even complicated. And I couldn't drive, which I sometimes need to do to get to and from work and school. And those inconveniences were nothing compared to the pain and discomfort. You should hear the noise my collarbone made when I tried to move right after the accident. It was awful. And

now I have this huge bump over where the break was. Looks really creepy, especially when I'm in my swimsuit. This is bad enough, but I could have been killed. We all could have been killed!

I was out of swimming 6 weeks and I'm still sitting on the side of the pool and not competing. Physical therapy was and is awful, but it helped me regain some mobility and it's still helping. I'm still sore, but I'm told I'm healing well. Not being able to drive was a hassle and a drag. If I could sue for loss of fun, I'd be doing that too.

I know from the Seven Reasons to Leave the Party that if Pat Sainsbury is convicted he/she will have a record and it may affect him/her future in lots of different ways. I know I don't trust him/her anymore... Pat made bad decisions and now he/she might be losing his/her driving privileges. I'm sort of beating myself up these days. If I'd been a better friend and made Pat leave the party with me, then this all wouldn't have happened. I guess I just cared too much about keeping my own record clean and didn't think enough about others. I've apologized about this to Pat but Pat didn't want to talk to me about it. Again, I had nothing to drink. Either the cough drop made the machine go crazy, or the machine was just plain wrong. I did get a ticket after the accident. It came in the mail. It was for improper lane usage, but not for a DUI.

**PLAINTIFF WITNESS 2: OFFICER KERRY CAMBRIDGE (issued ticket)**

My name is Kerry Cambridge; I'm a city police officer in the community of Lincoln's Grove where the accident took place. I've been an officer for 12 years and have trained in accident investigations at the Illinois Police Academy. The unusual thing about the accident in question is that it happened right in front of the Lincoln's Grove Police Station on the corner of Second and Jackson Roads.

I was returning from my dinner break at 8:30 p.m. on the evening of April 11 and was still on the front steps of the police station talking with my superior officer who was entering the building after me. I was near the street and heard the accident happen and turned around to see a red Prius off the road in front of the station.

The Prius had obviously been tailed by an old Volkswagen van, which was driving much too close for safety. The Prius' air bags deployed and people from the van immediately jumped out and ran to the Prius to see if they could render assistance. Most of the kids were screaming and yelling. One of the kids, Quincy Waitrose, kept yelling, "That jerk Logan Lovell just swerved right in front of us." I heard no squeal of tires, nor horns blowing. I just hear a crash.

My supervisor and I called for emergency assistance and the EMT's arrived in minutes. The only person that suffered any injury was the driver of the Prius, student Logan Lovell. When we reached the Prius, we could see that the driver was pretty messed up. Bloody nose, which I figured was probably broken, and a broken collar bone. The driver seemed crumpled behind the steering wheel, clutching at his/her shoulder. It was pretty obvious when we asked if he/she could move that there was considerable pain involved. It ended up that there were bruised ribs too. The kid looked terrible, but I could tell from his/her reactions that alcohol probably had not been involved in Lovell's decision making or driving abilities. I knew Lovell was going to be pretty uncomfortable for quite some time with the broken collar bone. Mine's been broken and it's not easy. I later found that Lovell did have a blood alcohol level of .02.

That kid in the Prius, Logan Lovell, suffered an injury that required immediate professional medical attention. He/She had to be carried from the scene by stretcher to the ambulance. The kid was bleeding from the nose and maybe somewhere else on his/her head, and was moaning. I did talk to Lovell very briefly, and he/she said, "I am sorry I tried to turn too fast, but I was sideswiped by the car following me too closely."

The Prius had been in like new condition, but the accident damaged not only the outside but the inside suffered too. The kids had opened cans of soda and it was everywhere, along with some chips and popcorn, and what looked and smelled like granola.

I suspected the driver of the 1992 Volkswagen van, Pat Sainsbury, may have been drinking sometime that evening because I smelled alcohol and that's probable cause. Sainsbury had an odor of alcohol on his/her breath, and seemed to be having some balance issues. As a police officer, it's my duty to warn any underage person taking a breath test that a refusal to submit to the test, or submission to the test resulting in an alcohol concentration of more than 0.00, may result in the loss of that person's privilege to operate a motor vehicle and may result in the disqualification *pf* the person's privilege to operate a motor vehicle. I told this to Pat Sainsbury and Pat indicated that he/she understood. Any Illinois driver, just by holding a

license, is presumed to have given permission to undergo these kinds of tests, and especially if there has been an accident where a ticket has been issued, and I issued a couple of tickets. One to each driver. Sainsbury failed to stop, and Lovell made a turn from an improper lane. Because Lovell had been taken to the hospital, I processed the paperwork and the ticket was mailed later.

After standard field sobriety testing, which included me asking Sainsbury to walk a straight line, touch his/her nose with eyes closed, answer some pretty basic questions, and blow into the breathalyzer, we found that Pat Sainsbury, blew a .05 which is below the .08 legal limit for an adult, but for under age drivers, and Sainsbury was 18, there's really no acceptable level. It was at this point that I read Sainsbury his/her Miranda rights and made the official arrest. Sainsbury seemed unsteady on his/her feet as well, but was articulate enough. I heard later that Lovell blew a .02 in the ambulance.

The ticket I issued was for improper lane usage, not for a DUI, but now I question not giving Lovell a ticket for that too. There's a zero tolerance for blood alcohol for under age drivers.

Sainsbury is blaming breath freshening strips, but I don't think those could increase the BAT (blood alcohol test) to that level, no way. There's nothing that supports that in our training. The van suffered no visible damage, but that could be because it was showing its age before the accident.

Because Sainsbury had obviously been driving too fast, had failed to control the vehicle, had failed to brake to avoid the accident, and had been drinking, I issued citations. The only thing Sainsbury did right was wear a seatbelt. Every kid involved in this accident had the sense to wear their seatbelts, which probably helped avoid any more serious injuries. It was obvious from the smell inside the van that something had been going on in there. There were two empty beer cans and the place smelled of beer, though on closer inspection the beer cans were dry. A towel had obviously been used to try to sop up some of the beer. I wish I'd been able to issue citations to everyone in that van, as I believe they all contributed to the accident at least in some small way. The van looked like a real party had been going on in there. It was also obvious that Sainsbury had been using his/her cell phone while driving. I found a phone that was flipped open and it looked like Sainsbury had been in the middle of texting someone while driving.

It didn't help that the van was a much larger and heavier vehicle than the Prius. Plus the van had seven people riding in it, all of whom piled from the van and started yelling, screaming and after seeing the damage to the Prius and to Lovell started to also complain that they felt ill. By that time, half the police station staff was outside rendering assistance and trying to calm everyone down, call parents, and process everything.

After interviewing Sainsbury and the other students, all were released to the custody of their parents. Sainsbury told me, "I looked down at the text for just a second and the car in front of me turned." One of the other passengers said, "The car turned left and then right, and Lovell has a reputation for wild driving." These kids had all come from a party at the Jordan's home, which we also drove by at about 11:30 p.m. after all the paperwork had been done and the scene of the accident had cleared. By the time we arrived at the Jordan residence it was obvious that no one was at home and no evidence that a party had taken place. Due to the statement by others in the Prius, we were aware that the Jordan's hadn't served any alcohol to the kids. Whatever alcohol had been at the party had arrived in coolers with some of the older guests.

Pat Sainsbury has a clean driving record, except for this instance. For a first DUI conviction, Sainsbury could get a maximum fine of \$1000, possible imprisonment for up to one year, and a minimum of one-year loss of full driving privileges. And, since Sainsbury is under 21, if convicted of DUI, he/she can be ordered to participate in a program that includes visits to morgues to observe DUI accident victims or visits to facilities that treat DUI victims. If Sainsbury gets the DUI conviction, he/she will also, as an 18-year-old, forfeit his/her driver's license. That would be my recommendation.

I think this experience has done a lot to help every student at Mary Lincoln High School realize the dangers of driving after drinking, and using cell phones while driving.

An arresting officer may request a breath, blood or urine test, whichever he or she chooses. It's my duty to tell the arrested person that (1) you are considered to have consented to the test; (2) if they refuse to take the test, or take it and have a blood alcohol level of 0.08 or more, their license will be suspended; and (3) they may have the test of their choice at their expense in addition to the one given by the police. And, for kids under 21, I need to advise that any blood alcohol level is unacceptable.

As this is Sainsbury's first offense, I hope the judge will consider some community service work that would help improve judgment skills. I think it also helps for kids to have to pay for the damage they caused.

I'm familiar with the 7 Reasons to Leave The Party program these kids all saw. It's a wonderful program and very effective, when the kids listen and they usually do. Illinois judges go to schools and really challenge the kids to think. They know the program stresses that: "By the time these "party-goers" hit the courthouse, it is too late. The 7 Reasons program is the judges' attempt at preventative law. It concedes that the people who have the most influence on teens are not judges but their peers. The goal is to give the majority who do not drink or do drugs the inspiration they need to convince their peers not to go down this road, thereby saving their friends from having a criminal record, losing their driver's license or even saving their friend's life. The presentation is blunt, visual and interactive."

For the most part, these kids made good choices. They left the party and no one was killed. Having said that, I'm not at all convinced that the explanations Pat Sainsbury is giving are valid. Our equipment is pretty accurate. I'd bet my patrol car that Sainsbury had more than 'one gulp of beer, which would have affected response time and judgment. Kids are still kids. They sometimes make good decisions and they sometimes make bad ones. In this group of kids, Sainsbury was the one carrying the most responsibility for this accident. Had there been no alcohol involved, I'm convinced that the accident could have been avoided. I've been a police officer for 12 years. I can spot someone under the influence of alcohol pretty accurately. I've seen hundreds of them and I count Sainsbury as one who -Was definitely under the influence.

**DEFENSE WITNESS 1: PAT SAINSBURY (driver of following car)**

My name is Pat Sainsbury; I'm 18 years old and attend Mary Lincoln High School along with Logan Lovell. We're both on the swim team and have been friends for years. I've been asked to give my height and weight as well. I'm 5'6" tall and weigh 120 lbs. This means I'd have had to have the equivalent of one full drink to get me to the blood alcohol level they say I had the night in question. That's just not what happened.

I attended that same program on the Seven Reasons to Leave The Party and was impressed. It made a lot of sense. So, when the beers started appearing at the party that was held on April 11 at Kim Jordan's house, I looked around for other kids on the swim team and noticed that Logan Lovell had already left. I knew I should leave too and I did, after I took the time to round up some of the other kids who had heard the Seven Reasons presentation.

admit that I had never tasted beer in my entire life until that night. Someone handed me a soda can and I took a huge swig and then realized that it was beer that they'd put in the can to trick me. I swallowed that one gulp, but that was all. I'd had a cold and couldn't taste very well, my sense of smell was all messed up and I'd been sucking on throat lozenges pretty consistently for days. And because I think my breath smells awful from this cold, I'd also been using breath freshener strips that may have alcohol in them. I think a combination of all that made me blow the .05 and not that one swallow of beer. And, I just read somewhere on line that having a temperature can cause a false positive on that breath test I was given. I had a cold; I could have had a fever. I read that for every degree above normal there can be an increase in the reading of a blood alcohol test.

Six friends and I left the party about a half hour after we realized Logan Lovell had left with two other kids. I thought maybe we could catch up to them, especially if they stopped for gas or something. Someone said that Logan had invited some kids to his/her house to watch movies. I thought it would be a good idea to leave the party, so we did. All seven of us. We piled into my older brother's van and left.

I'm a very safe driver. I have had no tickets at all since getting my driver's license. I didn't speed and I didn't do anything wrong in this instance either. We spotted what we thought was Lovell's car in front of us some miles before the turn off to his/her house. Some of the kids in the back of the van tried calling Lovell on his/her cell phone, but there was no answer. Probably had it shut off when driving. That's what we've been told to do. When we got closer to the car, we realized from the color and the fact that it was a Prius, that we were 90% sure it was Lovell's car.

Someone in the back tried to text Lovell using my cell phone and then handed the cell phone to Quincy Waitrose, a passenger in the front, to show me what they had texted. That's why the police think I was texting when I was driving. All I did was look down for a second and that was enough. I never even held that phone in my hand, I just glanced at it.

We'd been following Lovell for a while, and Lovell would slow down then speed up. I thought that was a signal that Lovell recognized us. It never occurred to me to pass the car. We were going to follow Lovell home and join their party. Play it safe, you know? Be clean and not risk our grades or positions on the swim team. We all know that the school has a zero tolerance policy for junk like that.



Anyhow, right in front of the police station on Jackson Road, just yards before Lovell's own street, Second Road, where he/she should have been turning, Lovell signals to turn left, which would be the direction of his/her home, and starts to enter the left turn lane, but then Lovell slams on the brakes and tries to turn right into the police parking lot, right in front of me. I had no chance of stopping. The van's heavy and handles like a truck. I tried to brake but it felt like nothing happened and the next thing I knew Lovell's Prius was piled up on the lamp post right in front of the police station and officers are starting to swarm around us.

A bunch of kids in my van had been trying to be funny. They'd brought an O'Doul's fake beer and had soaked to towels and were swinging them around in the back of the van. It wasn't alcohol, I swear. There may have been empty cans back there from my brother, or they may have fallen out of the recycling bin, but those cans weren't ours, they were dry!

Anyhow, after the accident, everyone in the van got out and ran to the Prius and we all saw what had happened to Logan and we freaked. There was blood everywhere. That's when things got all crazy. Half the people around me started feeling sick and complaining and crying. That didn't help my situation, I can tell you that. I think their reaction made me look guilty. I hadn't done anything wrong. I hadn't been speeding, we all had our seatbelts on, we'd left the party like we were supposed to do, and we'd not been drinking.

We'd been goofing around and things got out of hand. I told the investigating officer that I was sorry that I may have looked down at a text message for less than a second and didn't see the car turn until it was too late.

The arresting police officer must have thought I looked drunk because I seemed off balance. The ground was pretty uneven in that area and I did sort of trip and fall a few times, but I wasn't drunk. But, I think my stumbling, plus that O'Doul's prank, made the officer think I was drunk. I cooperated fully and did everything I was asked to do, including the breathalyzer test. It was after that test that I was arrested and got read my Miranda rights. I still can't believe all of this is happening, but I can't believe anyone would find that I was drunk beyond a reasonable doubt. I explained everything about the one gulp of beer, the O'Doul's and that stuff... but no one wanted to listen to me.

So now I'm facing a possible DUI conviction; possible fine, possible jail time, possible community service, loss of my driver's license...all of which I'd accept if I'd done anything really wrong. It was Logan's fault, really. We wouldn't be here if Logan Lovell hadn't slammed on the brakes and made the crazy turn! Logan tried to apologize to me for not asking me to come along when he/she left that party. Talk about denial. Logan caused that accident, not me. If Logan hadn't slammed on the brakes and made that crazy turn. And I wasn't using a cell phone when the accident happened. It was someone else using my cell phone.

Logan, who is a so called friend, wants me to pay for everything, even for the possibility of him/her not getting a swimming scholarship? Some apology! And, let's not forget that Logan's on probation for bad grades, for crying out loud. They don't give scholarships to kids with grades like Logan's. I just don't think a real team player should sue another team member. This law suit is going to do Logan some harm too when it comes to scholarships. If anyone looks at the complete record, they'll see that Logan was trying to get something for nothing and blames other people for his/her own mistakes. And, add to all of

this, Logan Lovell also blew a blood alcohol level above the zero tolerance level. I think Logan's was a .02. That's not that different from what I blew. Logan should have gotten a DUI out of this whole thing too.

## **DEFENSE WITNESS 2: QUINCY WAITROSE (passenger)**

My name is Quincy Waitrose and I'm a 17 year old student at Mary Lincoln High School. I'm friends with both Logan Lovell and Pat Sainsbury. I was in Pat's brother's van when the accident happened on the evening of April 11.

We got to the party the same time Logan Lovell did, but we left sometime after Logan left. I was with Pat the entire evening and saw what happened when someone gave Pat that soda can full of beer. Pat took one huge swig and then yelled at the kid who'd given him/her the can for about 10 minutes. I've never seen Pat so upset. Pat was saying stuff like, "Zero Tolerance, you jerk," and "This could ruin me." All of which is true.

The school does have zero tolerance and if someone thought that Pat had taken the drink voluntarily, Pat could have been banned from the swim team, or could have been serving detentions or worse. Now he/she may lose his/her driver's license too. Man, that's harsh.

We left the party some time after Logan left. I didn't think we were making any conscious effort to catch up with Logan's car. There are only about 10 miles between the party house and Logan's house with loads of places to stop between them. Pat never said anything about trying to catch up to Logan... but some of the kids in the back of the van said they were trying to call Logan to see if it would be ok to come over to his/her house. I tried texting Logan as well using Pat's cell phone. My battery was dead on mine.

We really were taking the Seven Reasons to Leave the Party seriously. We talked about it in the van. Everyone there thought the reasons to leave were good ones, not that anyone gave us problems when we left. They just said goodbye and off we went. I especially liked the trust thing in that presentation. I've worked hard to be a good example to my younger brother and sister. And I think my parents trust me. I know they are proud of the fact that I decided to leave that party. And I know they are proud of me for standing by my friend, Pat, and am working to clear his/her good name. Pat wasn't drinking.

I was sitting in the front seat of the van, next to Pat. I saw tail lights ahead of us and said, "I bet that's Logan." Pat sped up a little bit, but not so much as to make anyone nervous. As we closed the distance, I said, "Yep, that's Logan's car. A red Prius. It's the only one like that in town."

The kids in the back were making kind of a lot of noise and they said something about O'Doul's and then we smelled something like beer and Pat started laughing, out yelled that they should cut it out..

Pat sped up a little more and someone in the back seat texted Logan using Pat's phone and passed the phone to the front to show us what they were going to send. It said something like "where's the party" trying to let them know we were following them. I held the phone so Pat could see it and I said, "It says "where's the party?" And Pat laughed and then we noticed that the Prius' brake lights were on and we had no chance to stop. It was awful. The noise was incredible. We in the van all had our seat belts on, thank goodness. I dropped the cell phone and how they think it was Pat who he/she was a texting while driving because Pat admitted it was his/her phone. It was Pat's phone, but other people were using it. Logan signaled that he/she was turning left, which would have taken us to his/her home, but he/she turned right! Right in front of us. Someone in the back was yelling, "Slow down" and I think someone said, " Watch out," but it didn't do any good. All the warnings in the world won't help if the driver in front of you does

something totally unexpected. Logan Lovell's left turn signal was on and Logan was heading toward the left turn lane when he/she jerked the wheel and made that crazy right turn right in front of us.

Everything stopped for a period of a few seconds and then everyone in the van started screaming. I remember yelling right before the accident, "Look out, the car in front of us is turning the wrong way." We got out of the van and ran toward the Prius to see if we could help. Thank goodness we were in front of the police station. Those officers were out there fast and the ambulance arrived in what seemed like seconds. I talked to the police officer and told him/her the car just swerved to the left, then right, and turned right in front of us. We had no chance to stop.

The kids in the Prius were ok, except for Logan. Logan's face was covered with blood and he/she was all crunched over like he/she was in pain and trying to protect him/herself from moving too much. The police did everything right, except they wouldn't listen to us. We kept trying to explain that the smell in the van was O'Doul's and the towel was wet with that non-alcoholic beer, but they also found some older empty cans of real beer that were under some of the seats, probably from Pat's older brother. Now Pat's being blamed for everything, even though Logan really caused the accident by slamming on the brakes and making that crazy turn.

Pat and some of the other kids were having trouble walking on the grass, it was sort of lumpy and they kept saying junk like "it's almost like we've been drinking" but we hadn't been, not any of us. Maybe that's what gave the officer the idea that Pat had been drinking. That and the O'Doul's smell from the car. Pat sure wasn't drunk, hadn't even had anything alcoholic to drink, except for that one prank gulp at the party. And, Pat had a terrible cold. Maybe some of the medicine he/she had been taking made the breath test go all strange.

Pat's a great kid. He/She shouldn't have to have his/her whole life messed up because someone ahead of him/her slammed on their brakes and made a crazy turn!

## Monologue Ideas

You can choose anything! It could be a poem, lyrics from a song, or a part from a movie. You could write it yourself. Here are some ideas that I found online:

### **Freaky Friday, Anna Coleman**

Mr. Bates may I please speak with you? By what stretch of the imagination, I mean, like, how could I, like, get an "F"? I mean, what mistakes did I make? That was a college-level analysis. As a matter of fact I most certainly am qualified of making that point. As in Hamlet, what's done is done? That's Macbeth, you know-nothing twit. Bates. Elton Bates. Griffith High School. Well, you asked me, I mean, my mom to the prom, but she turned you down. And now you're taking it out on her daughter, aren't you? Aren't you? Oh come on, it was a high school dance. I mean, you've got to let go and move on, man. And if you don't, I'm sure the school board would love to hear about your pathetic vendetta against an innocent student. Oh, and by the way Elton, she had a boyfriend. And you were weird.

### **Good Will Hunting, Will Hunting**

Of course that's your contention. You're a first year grad student. You just got finished readin' some Marxian historian, Pete Garrison probably. You're gonna be convinced of that 'til next month when you get to James Lemon and then you're gonna be talkin' about how the economies of Virginia and Pennsylvania were entrepreneurial and capitalist way back in 1740. That's gonna last until next year. You're gonna be in here regurgitating Gordon Wood, talkin' about, you know, the Pre-Revolutionary utopia and the capital-forming effects of military mobilization...

### **The Notebook, Noah Calhoun**

Well that's what we do, we fight... You tell me when I am being an arrogant son of a bitch and I tell you when you are a pain in the ass. Which you are, 99% of the time. I'm not afraid to hurt your feelings. You have like a 2 second rebound rate, then you're back doing the next pain-in-the-ass thing. ... So it's not gonna be easy. It's gonna be really hard. We're gonna have to work at this every day, but I want to do that because I want you. I want all of you, for ever, you and me, every day. Will you do something for me, please? Just picture your life for me? 30 years from now, 40 years from now? What's it look like? If it's with him, go. Go! I lost you once, I think I can do it again. If I thought that's what you really wanted. But don't you take the easy way out.

### **Legally Blonde, Elle Woods**

On our very first day at Harvard a very wise professor quoted Aristotle... "the law is reason free from passion." Well...no offense to Aristotle, but in my three years at Harvard I have come to find that passion is a key ingredient to the study and practice of law...and of life. It is with passion, courage of conviction, and strong sense of self that we take our next steps into the world. Remembering that first impressions are not always correct, you must always have faith in people, and most importantly...you must always have faith in yourself. Congratulations class of 2004...we did it!

For more examples visit: <http://www.monologuedb.com>