

Dear Mock Trial Teacher and Attorney Coaches:

The Arizona Foundation for Legal Services & Education and the Young Lawyers of Arizona welcome you and your team to the 2003-2004 Arizona High School Mock Trial Program. We would like to apologize to everyone for the delay in releasing the problem. Unfortunately, it could not be helped. Thank you for your patience and understanding.

Please review all of the material carefully. If you have any questions about registration or administration of the program, please contact Susan Nusall with the Arizona Foundation for Legal Services & Education at 602-340-7361. If you have any questions about the case, the Rules of the Program or the legal aspects of the program, please contact your local Regional Coordinator or the State Legal Counsel Coordinator, Danelle Liwski with the Pima County Juvenile Court in Tucson at (520) 740-4711 or post your question(s) on the Mock Trial website, www.azflse.org/mocktrial.

The Regional Tournaments will be held on March 6, 2004 and the State Tournament will be held on March 27, 2004.

Case Materials

This year's problem, as you will see, is a civil case. The case has been adapted from another state. Since the case was adapted, the maps and street names do NOT correspond to any actual location. The pictures provided as exhibits are not from the locations stated – those locations are fictitious. Additionally the curfew laws provided in the problem are not Arizona laws. Please use the times provided in the problem but please realize that the curfew laws for Arizona are as follows: Phoenix, Tucson, Flagstaff: Under age 16 – 10:00 p.m. – 5:00 a.m.; ages 16 & 17 – Midnight – 5:00 a.m.; all age groups may stay out past curfew if accompanied by an adult. Those who are ages 16 & 17 may stay out past curfew if on reasonable business, such as traveling back and forth from work. Yuma curfew is a little different from the other three. Under the age of 18 – 11:00 p.m. – 6:00 a.m. unless accompanied by a parent. Additionally there are helmet laws in Tucson as follows: City Code Section 20-29(1) states that no person under 18 shall ride without wearing a properly fitted and fastened bicycle helmet. You may use this law in argument for negligence during the trial if you choose to do so. Any similarity or resemblance of any character to an actual person or entity is strictly unintentional and coincidental. The Arizona Foundation for Legal Services & Education and The Young Lawyers of Arizona would like to thank the following for help in developing this year's problem: Georgia Mock Trial for the problem, Chris Enos (Goering, Roberts, Rubin, Brogna, Enos & Hernandez), Lt. Robert Kimmins (Pima County Sheriff's Department), and Bruce Chalk (Pima County Attorney's Office). Also, for their assistance with editorial work, we would like to thank Dewain Fox (Fennemore Craig), Janice LaFave (Paralegal Intern-Arizona Foundation for Legal Services & Education), and Susan Nusall (Arizona

Foundation for Legal Services & Education). The problem could not have been completed without their assistance.

Included with the case materials are the necessary citations needed to assist your students in preparing their argument. Legal authorities will be posted to the website in the very near future. **PLEASE NOTE: Due to the case being provided on-line, no signatures could be input. However, it is assumed for the purpose of this mock trial, that all documents have been properly signed.**

Program and Evidence Rules

All team members are expected to know both of these sets of rules. Please make sure that students are thoroughly familiar with these rules.

Forms

Please become familiar with how and when the necessary forms are needed and comply with the requirements shown below.

Score Sheet and Ratings

A score sheet and the criteria for scoring to be used by the judges at the Regional and State Tournament is included in the case materials. Your students should be aware of the scoring system that is used to rate their performance. We recommend using the scoring sheet when students engage in trial practice runs. **Remember that each side has only 35 minutes to present their case this year.** Please note in Rule III.1 that there are mandatory penalty points for exceeding time limits during closing arguments.

Mock Trial Participants List

The State Coordinator must receive a completed typewritten Participant List for your team. This form must be submitted by January 30, 2004. If you do not return the form by the deadline, your team may be prohibited from competing. Any requests to make changes to this form after January 30th are subject to approval by your Regional Coordinator. If your Regional Coordinator approves such changes, you **MUST SUBMIT A NEW PARTICIPANT LIST IMMEDIATELY** to the Arizona Foundation for Legal Services & Education.

Student Roster

The Student Roster form is the official form you are to use on Tournament Day. Please make certain that you have at least **FIVE COPIES** on hand the day of the tournament. The team is responsible for completing this form and presenting it to the judge/bailiff at the beginning of each round including the Finals Round.

Preparing Students to Participate

The Steps in a Mock Trial and Pre- and Post- Activities handout can help students develop a basic understanding of the mechanics of a trial and presents students with ten situations in which they must apply the rules of evidence. An answer key is provided for coaches. You are also provided with a suggestions sheet and helpful hints designed to guide attorney-coaches in working with students. Please take a few moments to review these materials to better prepare you for using these techniques with your students.

State Tournament

The State Tournament is scheduled for Saturday, March 27, 2004 at the Federal Courthouse located in downtown Phoenix. Teams that did not compete in the Maricopa County Regional Tournament will be eligible for overnight lodging the evening before the State Finals. More details about the State Tournament will be forthcoming.

National Mock Trial Tournament

The National Mock Trial Tournament will be held May 6-9, 2004 in Orlando, FL. The Arizona Foundation for Legal Services & Education has applied for funding from the Academic Contest Fund Committee for funding to help offset travel-related costs for the state winner. However, the exact amount will not be determined until January when the matter is heard before the State Board of Education. Once those funds are approved, the Arizona Foundation for Legal Services & Education will work directly with the state winner on the expenses to be reimbursed. It is strongly recommended that schools have a fundraising plan in place in the event that they are the State winners and are eligible to travel to the National Tournament.

We hope you enjoy the problem. We thought the characters opened the doors for a fun trial!!!! Have fun and good luck with your tournaments!

Susan Nusall
Mock Trial State Coordinator

Danelle Liwski,
Legal Counsel Coordinator

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

SCOOTER SCHWINN,)		
)		
Plaintiff,)	No.	
)	C20031999	
)		
)	COMPLAINT	
-vs-)		
)	(Tort- Negligence)	
)		
KIRBY FARNSWORTH,)		
)		
Defendant.)		
<hr/>)		

COMES NOW Plaintiff Scooter Schwinn, by and through undersigned counsel, for his/her claim against the Defendant, alleges:

1.

Defendant Kirby Farnsworth is a resident of Pima County, Arizona and all acts complained of herein occurred in Pima County, Arizona.

2.

On or about August 13, 2003, Defendant Farnsworth violently collided with Plaintiff Scooter Schwinn and the bicycle upon which Plaintiff was riding.

3.

Defendant Farnsworth failed to exercise the degree of care which is used by ordinarily careful persons under the same or similar circumstances.

4.

The collision was factually and proximately caused solely by the negligence of Defendant Farnsworth.

5.

The acts of Defendant Farnsworth in driving too fast for conditions, reckless driving and driving without headlights constitute negligence and negligence *per se*.

6.

Said collision caused Plaintiff Scooter Schwinn serious bodily injury and property damage in an amount to be proven at trial.

WHEREFORE, Plaintiff Scooter Schwinn prays for the following:

- (A) That the Summons be issued and Defendant be served with a copy of this Complaint;
- (B) Plaintiff Scooter Schwinn demands a jury trial;
- (C) That Plaintiff Scooter Schwinn be awarded damages in an amount to be determined by a fair and impartial jury.

Dated this 11th day of October, 2003.

_____/s/
Attorneys for the Plaintiff

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PIMA

SCOOTER SCHWINN,)	
)	
Plaintiff,)	No. C20031999
)	
)	ANSWER/COUNTERCLAIM
-vs-))
)	(Tort- Negligence)
)	
KIRBY FARNSWORTH,)	
)	
Defendant.)	
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ANSWER

COMES NOW Defendant Kirby Farnsworth, by and through undersigned counsel, and hereby answers the Plaintiff's Complaint as follows:

1.

Defendant Kirby Farnsworth admits jurisdiction.

2.

Defendant Kirby Farnsworth denies each and every other allegation contained in the Plaintiff's Complaint.

3.

Defendant Kirby Farnsworth affirmatively alleges that Plaintiff Scooter Schwinn's claimed loss is a direct and proximate result, in whole or in part, of his/her or his/her agent's own negligence and/or the negligence of third persons or entities not parties to

this litigation; alleges that the comparative negligence statutes of the State of Arizona may or do apply to these proceedings; and affirmatively alleges that one or more of the affirmative defenses set forth in Rule 8, Arizona Rules of Civil Procedure, may or do apply to these proceedings, and the same are alleged herein so as not to be waived at this time.

COUNTERCLAIM

1.

Defendant/Counterclaimant Kirby Farnsworth re alleges the contents of his/her Answer as it is fully set forth herein.

2.

Defendant/Counterclaimant Kirby Farnsworth is a resident of Tucson, Pima County, Arizona.

3.

At all times material hereto all acts complained of by Defendant/Counterclaimant occurred in Pima County, Arizona.

4.

On or about August 13, 2003, Plaintiff/Counterdefendant Scooter Schwinn negligently and recklessly rode his/her bicycle in the path of a vehicle driven by Defendant/Counterclaimant Kirby Farnsworth.

5.

Plaintiff/Counterdefendant Schwinn failed to exercise the degree of care which is used by ordinarily careful persons under the same or similar circumstances.

6.

As a result of Plaintiff/Counterdefendant's negligence, Defendant/Counterclaimant Kirby Farnsworth was unavoidably forced to take evasive action, causing a collision between Defendant/Counterclaimant's car and a tree.

7.

The incident was factually and proximately caused solely by the negligence of Plaintiff/Counterdefendant Schwinn.

8.

The acts of Plaintiff/Counterdefendant Schwinn in riding the wrong way down a one-way street and failing to have the proper reflectors on his/her bicycle constitutes negligence and negligence *per se*.

9.

Said collision caused Defendant/Counterclaimant Kirby Farnsworth to suffer serious bodily injury and property damage in an amount to be proven at trial.

WHEREFORE, Defendant/Counterclaimant Kirby Farnsworth prays for the following:

1. Plaintiff/Counterdefendant Schwinn takes nothing by way of his Complaint;
2. That Defendant/Counterclaimant Kirby Farnsworth be awarded damages in an amount to be determined by a fair and impartial jury;
3. For such other relief as the court deems appropriate.

DATED this 8th day of November, 2003.

_____/s/
Attorneys for the Defendant/Counterclaimant

ARIZONA 2003 – 2004 MOCK TRIAL WITNESSES

PLAINTIFF WITNESSES –

SCOOTER SCHWINN, PLAINTIFF
PIX PATTERSON
TYBEE CUMBERLAND

DEFENSE WITNESSES –

KIRBY FARNSWORTH, DEFENDANT
LEASH WALKER
DUSTY TRIALS

STIPULATIONS

1. All exhibits included in the problem are authentic and accurate in all respects, and no objections to the authenticity of the exhibits shall be entertained.
2. The signatures on the witness statements and all other documents are authentic.
3. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
4. Chain of custody for evidence is not in dispute.
5. Stipulations cannot be contradicted or challenged.
6. Any supplemental information provided is of no legal consequence in terms of the trial and is not admissible for impeachment or any other purpose.
7. Sheriff Philip Newton is unavailable as a witness.
8. Exhibits 1 and 2 were kept in the ordinary course of business or as part of the ordinary conduct of an organization or enterprise where it was part of the ordinary business of that organization, business, or enterprise, to compile the data or information. The information was made for the purpose of recording the occurrence of an event, act, condition, opinion, or diagnosis that takes place in the ordinary course of the business or enterprise, the entry in the record or the compiling of the data was made at or near the time when the event took place, and the recording of the event was made by someone who has personal knowledge of it.
9. Exhibits fairly and accurately reflect the scene, view or geography they purport to depict.
10. Some of the exhibits are certified copies of records kept by the Clerk of Court for Pima County.

EXHIBITS

Teams in competition may use the following exhibits. They are pre-marked and are to be referred to by number, as follows:

<u>Exhibit No.</u>	<u>Exhibit Description</u>
1.	Incident Report and Cell Phone Records
2.	Transcript of Radio Interview
3.	Photo-view (close-up)
4.	Photo-view (distant)
5.	2002 Lexus SC Convertible
6.	Map of downtown
7.	Map of El Presidio Square
8.	Map of accident scene
9.	DUI Conviction of Dusty Trails
10.	Ticket-Scooter Schwinn
11.	Ticket-Kirby Farnsworth
12.	Ticket-Dusty Trails

Statement of Scooter Schwinn

1. My name is Scooter Schwinn and I just turned 18. Frankly, I'm lucky to be alive, because a car hit me last summer while I was on my bicycle.

2. I've lived here in Tucson all my life. When I turned 16, my parents took me around and helped me look for a part-time job. It had to fit several criteria – it had to be close enough to home so I could bicycle back and forth (getting home before the city curfew), and it could not interfere with school work and other academic activities.

3. We wound up at a mom-n-pop pizza place called Nick and Nat's. It is run by Nicholas and Natalie (duh!), a great elderly couple from Venice, Italy. Their pizza is very popular in town, and I fit right in as their star deliverer. They promise delivery within 30 minutes or the pie is free. Well, free to the customer. If we don't get it there in 30 minutes, the deliverer pays for it.

4. I love bicycling. I do have a driver's license, but it is so much better on a bicycle. My first bicycle was a Comet. When I started at Nick-n-Nat's, my parents bought me a Nimbus 2000 because the Comet was a little beat-up. After a really good summer of tips, I sold the Nimbus and bought a Firebolt. I love tinkering with the Firebolt to make it sleeker and faster. One thing I found that really slows me down are the reflectors that are on the wheel spokes. I ended up replacing them with metallic blue-colored reflectors (the kind of blue you see on some police and emergency vehicles) – it looks very distinctive, and people can identify me at night, but I have had some trouble keeping them on (they weren't exactly made for wheel spokes). I have a big halogen headlight on my bike since I ride mostly at night. I always ride on bicycle paths, but if there aren't any, I ride on the right side of the road – after all, it is illegal to ride a bike on a pedestrian sidewalk. My Firebolt also has a rack on the back to hold the pies while I am riding.

5. My delivery area is downtown Tucson and one other neighborhood that is pretty close by. My Firebolt can really fly, so I can make a round trip to the farthest point in my delivery area in about 15 minutes with one pie. The downtown area isn't that big, and we have one big square in the middle of town. The rules on the square are a lot like what would be found when dealing with a traffic circle, with anyone on the square having the right of way to anyone trying to get on the square.

6. Most of the people I see around downtown are a friendly sort, and I usually say hello as I ride by. There are notable exceptions, of course. For one, there's Leash Walker. I'm not sure why, but every time I ride by when s/he is walking the dogs, s/he tries to get them to bark and nip at me. I think it might be because of that one time I rode on the sidewalk to avoid the street sweeper and nearly ran over one of the dogs. I apologized, but the kid seems to be holding a grudge. His/her parents called my parents, and I was grounded because of what s/he said. The reason I had to avoid the street sweeper, Dusty Trails, was because s/he wasn't even sweeping the street at the time – Dusty was driving erratically, and I had to get out of the way. I heard s/he was actually reprimanded for

drinking on the job. I know Dusty has pulled the street sweeper in front of Nick-n-Nat's and tried to buy a beer on more than one occasion.

1 7. During school, I only work three days during the week, one being a weekend night. I also
2 have to be home by 9:30 pm. During the summer, I can work as many hours as I can get, but I
3 have to be home by 11 pm. This means I have to leave work by 10:45 or so. I think this is
4 unfair, since Nick-n-Nat's really starts hopping about 11 pm, and I miss out on some really good
5 tippers who order pizza late at night.

6
7 8. Also, some of my friends meet at a teen pool hall named Q's. I like to swing by Q's when I
8 can (it is on the way home, after all) and see my friends. I also make a little bit of money in
9 small table bets. Otherwise, they'd give me a bunch of lip about being anti-social, which really
10 gets under my skin. My parents don't like me going there, so I don't tell them. I actually keep
11 my pool cue at Nick-n-Nat's just in case. The problem is that sometimes I lose track of time.
12 I've missed curfew a few times because of hanging around the pizza place or going to Q's, and
13 my parents didn't like it one bit – that is, when they catch me. I end up being grounded, doing
14 extra chores, all that stuff. I have gotten away with it a few times, but all told I'd rather not miss
15 curfew.

16
17 9. Yeah, I had heard of Lil' Nemesis T before s/he ran me over...although I think that name is
18 pretentious, it has to be more marketable than Kirby Farnsworth! It was in all the papers – local
19 kid makes it big, huge pop sensation signs huge mega-million dollar recording deal. Phooey! I
20 can't believe people still go for that bubble gum cookie cutter "star of the day" stuff. It is a lot
21 like Johnny Bravo – s/he must have fit the suit. Personally, I listen to a lot of the music my
22 parents have around the house. With very few exceptions, I believe that they stopped making
23 good music in the 1970's. Think about it – without the invention of the drum machine and
24 synthesizer, the 1980's would have had no music at all. As for the 1990's, well, don't get me
25 started. And today? It is stuff like Farnsworth and his/her handlers push through the machine.

26
27 10. My shift on August 13 started like any other, about 6 pm. It was a warm summer day, and
28 the orders were rolling in. I was getting several good tips, but then about 8 pm the sky opened
29 up and it rained for at least an hour and a half – right in the middle of my busiest time! The "rain
30 time" deliveries were taken by the car drivers, leaving me sitting there on my hands and
31 watching it rain. It was really depressing because summer was ending, and my opportunity to
32 earn extra spending money was quickly dwindling. A few friends came by during the storm and
33 teased me for having to be at work, and then said they'd be at Q's later on. On a normal night, I
34 might have taken off early and joined them for a game of pool, but I needed to stick around and
35 make some money if I could.

36
37 11. Finally, the rain ended. I made as many deliveries as I could, knowing that I'd have to stop
38 about 10:45. Just as quitting time rolled around, an order came in for five pies to be delivered to
39 Mr. Carley's house – a well-known downtown resident and notoriously great tipper. First, I
40 begged Nick to let me take the order – that tip alone would make up for the "rain-out" and then
41 some. He agreed. I then tried to call my parents to let them know I might be a little bit late, but
42 they were out at a party. No, I didn't leave a message. I figured I could make the delivery in
43 plenty of time to beat them home, even though Mr. Carley lived on the other side of town.

44
45 12. I picked up the pies and rode to Mr. Carley's as fast as I could. I made it there a little after
46 11:00 pm. Mr. Carley tipped me very well, and I then hustled back to Nick-n-Nat's to drop off
47 the pizza money and get home. I never made it back to Nick-n-Nat's.
48

49 13. I was headed down Camino Seco as fast as I could, when I noticed something blocking the
50 road. I needed to get over to Dos Hombres Street, so I figured I'd cut around the square. I took
51 a right on Calle Concorida Street and swung left on Speedway. I toyed with the idea of hugging
52 the square and going down to Cowboy Avenue or El Dorado Drive, but I saw Dusty sweeping
53 the curb around the square. Prior experience told me to stay as far away from the sweeper as
54 possible, so I went straight on Speedway. As I knew this would take me past the old
55 Cumberland house, I looked for Tybee Cumberland. I saw him/her on her front porch and waved
56 hello to her. I was trying to be friendly, since s/he got really mad at me for riding through his/her
57 garden by accident one time earlier that summer. I helped fix the damage, and we've been
58 getting along great ever since. I even help him/her with gardening on occasion. Too bad s/he
59 doesn't eat pizza.
60

61 14. I know I was going the wrong way down a one-way street, but I was staying very close to
62 my left side of the road. Besides, there wasn't any traffic except for the street sweeper, and it
63 was only going to take a second to get to Dos Hombres. As soon as I was beside the old
64 Cumberland house, I heard this terrible screeching sound (not even the courtesy of a horn!). I
65 then felt my bicycle get smacked by something heavy and fast. It flipped me up and off my bike.
66 I barely caught a glimpse of a big black car – I swear the headlights weren't on. Otherwise, I
67 could have seen it coming from miles away. I think I hit the hood and rolled off. I landed in the
68 street, and the back of my head hit the pavement really hard. No, I don't wear a helmet, although
69 Nicholas and Natalie always get onto me about it. I'm old enough to ride without one, anyway.
70 I remember hearing breaking glass and the sound of a car hitting a tree or something else hard.
71

72 15. The rest is pretty fuzzy. I was lying there in the street. My back was wet from the recent
73 rain. People were starting to gather and see if I needed help. Then I saw him/her, standing over
74 me, with a cell phone glued to his/her ear. S/he was saying something like "Is this going to make
75 me late?" into the phone, then screamed something like "Well, fix it! You know people!" After
76 seeing him/her, I thought I was dead and this was my eternal punishment. I do remember Sheriff
77 Newton being there, and the kid's stupid little dogs sniffing and barking at me. I thought I saw
78 lightning, but I was told later on it was some photographer. I remember the ambulance ride to
79 the hospital and the doctors examining me in the emergency room. I didn't break anything, but I
80 was told I had a concussion. I also suffered many serious scrapes and bruises all over my body.
81

82 16. I was told not to get into too much detail about my injury right now, but suffice it to say I hit
83 my head pretty hard. I lost my job as a delivery boy because of the damage to my bicycle, but
84 Nicholas and Natalie kept me on as a cook until I get it fixed. And I'm still trying to get parts to
85 fix the Firebolt – cooking doesn't pay as well as deliveries. My parents also busted me for
86 spending time at Q's because they found my broken pool cue beside my bicycle. I really wasn't
87 going to Q's that night, but I guess I left it on the bike from the last time. Yeah, my parents
88 came down on me like a ton of bricks, but they put me in touch with this lawyer, who thought we

Statement of Pix Patterson

1. My name is Pix Patterson. I live in New York City – as if I would live anywhere else. Currently, I’m sharing a loft with two dancers who aspire to be Rockettes. Yes, Pix is my given name. You see my dad was a real shutterbug. In fact, he was the second assistant to the associate team photographer for the Yankees for two and half seasons, at least until the infamous “shower shots” surfaced. As a kid, I got to hang around all the star players and some even let me shine their shoes and snap their pictures.

2. Taking photographs of famous people is all I have ever done. You could say *I’m famous* for it. I hate being called a member of the *paparazzi*. That term is sooooo yesterday. It like went out with the Lady Di fiasco. I won’t chase a photo op...unless I absolutely have to and the money is right.

3. Speaking of money, do you have any idea how long this is going to take? I’ve got a plane to catch, for crying out loud! I just can’t miss THE huge premier back in New York. All the biggies will be there, you know. Tom. Halle. Denzel. Julia. I can clean up on the red carpet shots, alone!

4. But please don’t think I just snap photos. I chronicle lifestyles and promote personas. Stars don’t become stars without me, you know. Celebs can complain, but I, and others like me, provide a valuable service by keeping their faces – and bodies - in the news. What was that Jack Nicholson line in *A Few Good Men*? Something like “they want me on that wall, they need me on that wall!” Ole’ Jack, now he’s a real star, not some star-*lite* like Kirby Farnsworth.

5. Hey, you name a star or celeb-wannabee, I’ve probably got an 8 X 10 glossy of them somewhere, unless the picture was confiscated pursuant to a court order or a confidential settlement agreement. Ask any photo editor in the Big Apple. I always get my shot!!

6. Yeah, I know Kirby Farnsworth. Poor kid, his/her 15 minutes of fame lasted about 10 minutes, 25 seconds. Last August, *Glam Kid* magazine hired me to snap some candid shots of Kirby “kickin’ it at home.” My sources told me about Kirby showing up at Tucson High School to see his/her sister receive some Junior Marshall Tucker Band Award or something like that. Kirby wasn’t hard to find. All I had to do was follow the adolescent crowd.

7. My stateside gigs are usually in Miami, New York or L.A. Tucson isn’t really my scene so I wanted to complete the assignment ASAP and then bolt. I tried to get what I needed when Kirby first strutted into the high

school's gym, but his/her little sister kept getting in the way of my shots. How inconsiderate!!!!

8. After stumbling through a few off-key songs, Kirby scrambled out the back door. I tried to follow, but I was blocked by a stampeding herd of teens. One clever yahoo grabbed my camera and before you could say "snap and click" exposed my film, ruining all of the pictures I had taken of Kirby. With my reputation as a "sure shot artist" at stake, I frantically made it to my rent-a-car and spotted a sleek black Lexus convertible streaking out of the parking lot, but I don't remember seeing his/her headlights on.

9. I couldn't believe this punk kid thought s/he was going to give me the slip so easily. I caught up to Kirby at a light and I had my camera ready. Unfortunately, the light changed and Kirby sped off, without even looking my way. I tried to get Kirby's attention by flashing my lights and blowing my horn, but with no luck. Kirby was oblivious. He/she must not have known I was behind him/her.

10. I tailed Kirby to what seemed to be a downtown square. I had no idea what he/she was up to, but I had to get my pics. All Kirby had to do was stop long enough for me to click a few, but he/she was too busy talking on the phone and speeding around turns like the craziest of New York City's cab drivers.

11. I was several car lengths behind Kirby and it was dark, but I could see Kirby's head rocking from side to side, in the red glare of his/her taillights, as if he/she was singing. It is no wonder Kirby didn't see the kid – Scooter Schwinn is it? - on the bicycle until it was too late. A big street sweeper machine was moving slowly along the road with its lights flashing. It may have blocked Kirby's view of where the bike was crossing the street.

12. All of a sudden, I heard a screech of tires, as I pulled around the street sweeper, and a "WHAM!" The next thing I know, Kirby's Lexus is piled into a tree in some oldie's yard and the kid, minus the bike, is rolling in pain in the street. "Whoa," I thought. I took a left onto Calle Concordia, parked on the north side of the square, and then got out of my car. I did not see the impact because the street sweeper was in my way, but I feel Kirby was not paying attention to the road. What was that word I heard on "The Practice?" Negligence? Yeah, the accident was Kirby's fault, s/he was negligent.

13. As I jumped out of my car, my camera was hanging from my neck by a strap. The camera and the flash attachment banged against my chest as I ran over to check on Scooter. Since other people were tending to him/her, I rushed over to Kirby's car. After a few steps, the flash starting clicking on and off uncontrollably. It must have been damaged during my run. Kirby

was bloody about the mouth and standing over the smashed front end of the Lexus, staring intently at the twisted metal. “What a shame. It was brand new,” s/he mumbled. Kirby then stared down at the cell phone in his/her hand, grimaced, and shouted, “Thanks a lot...Pix!” “What?” I replied, as the flash continued to malfunction.

14. Kirby ignored my helping hand and stumbled by me in a huff only to get his/her foot stuck in a clump of dirt and mangled flowers, the remnants of a garden. As s/he pulled his/her foot - and several fresh flowers - free from the earth, Kirby glared at the elderly homeowner and weakly declared, “It’s my fault...the flowers...fame...the bike...I just didn’t see it coming.”

15. Kirby then staggered into the street near where Scooter had landed and seemed startled when his/her cell phone began to ring. Kirby answered and immediately said, “Send help.” Then I am almost certain Kirby said, “Elvis, is this going to be my fate?” S/he followed that by saying, “Tell Tone. He’ll fix it. He knows people.”

16. I figured Kirby was out of it, so I just waited for the cops. I had resisted the urge to take pictures of the event until that point, but I still needed some material. I fixed the flash and shot the entire accident scene, a new experience for me. The *Tucson Citizen* bought the photos and printed them on the front page, another first in my illustrious career. Several national publications soon followed suit.

17. When the cop showed up, Kirby seemed to perk up and the two greeted each other like long lost friends. I guess Kirby is - or should I say was - a hero around these parts. I thought I heard the Sheriff say something about an “autograph” and that “the bike was in the wrong.” I’m not sure though.

18. As for Kirby, well, let’s just say s/he missed his/her moment. The accident definitely kept Kirby from hitting it big. No one has asked me to take his/her picture in a long time and frankly, Tucson would not be on my travel agenda if it were not for this case.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

/s/

PIX PATTERSON

SIGNED AND SWORN to me before 8:00 a.m.
on the day of this round of the 2004 Arizona Mock Trial Tournament.

/s/

C.M. McCormack, Notary Public
State of Arizona
My Commission Expires: 05/01/2004

Statement of Tybee Cumberland

1. My name is Tybee Cumberland, and I live on the Square. That's El Presido Square, in Tucson; my house is at the corner of Speedway and Calle Concordia. I have lived on the Square most of my life; I was born here, and I returned after Papa died, in 1952, to take care of Mama for the rest of her life. The Square is my home now.

2. On the evening in question, I had begun, as I usually do following inclement weather and after taking my constitution around the Square, rocking in the front garden. Mama always liked to rock. I have air conditioning now, of course, but young people with their aerobics and their yoga and their meditation do not appreciate the calming effect of an hour or two in the cool of the evening rocking. (August 13th, we had rain, but that was no matter; indeed, the downpour helped take the edge off the day's earlier heat) Nor do the children appreciate the social value of greeting one's neighbors. That kind Sheriff Newton, down Speedway, for example: so civil, the way "quality folk" used to be. (I do miss him so!) Too often, the local young people rush by my home, trying to beat their curfews. Oh yes, I know about young people's curfews; I've seen them rushing about, headlong, I've heard their horrible noise from those "boomer box" things they carry, and I've cleaned their beer bottles –or what have you– out of my bouganvillea, the next morning. Papa never had to give me a formal curfew; I well knew to be home at a decent hour... or else!

3. The foliage around the stoop is luxuriant this time of year with creepers. The rain had stopped, and I had gone out to re-train some of their tendrils and to nip off a few withered leaves and blossoms. I was standing on my stoop attending to the growths –I am an avid gardener– when my attention was drawn to my peonies around the base of the front steps. Those were Papa's peonies, and I keep them in his honor. You know, that nice Mr. Cerf on television once observed, at random, that Benjamin Franklin always said to tend to your peonies and your dahlias would tend to themselves¹. I, myself, grow bouganvillea, in the beds just beside the front fence and in the narrow strip around the trees between the sidewalk and curb, where passers-by can enjoy them. I have won prizes for my bouganvilles, the last ten years running, at our garden show, if I may say so.

4. The growl and "whoosh!" of the evening street sweeper was a friendly and familiar noise. (Of course, I can remember when that work was done by hand.) I looked for the big machine, but it was hidden at that moment by the full foliage of Mama's palo verde tree beside the curb.

5. Out in the street, to my right, I saw the Schwinn boy/girl coming up the left side of Speedway, into the Square. S/he waved to me, I think; that must have been what grabbed my attention. I was more concerned with his/her bicycle; I have experienced

¹[Bennett Cerf, Treasury of Atrocious Puns, Harper Collins, 1968, p.]

how those tires can ravage my flowerbeds, but I was gratified that Scooter was keeping to the street this time. To be fair, Schwinn is an earnest youth; s/he came back to fix the damage –well as best s/he could– that time before.

1 6. I wiped off my glasses –the residual heat and fresh humidity, you see– replaced them on
2 my face –ah, the ravages of time on these poor eyes! – and proceeded down the front steps,
3 being particularly careful since the treads remained moist. In the lamplight from gas lanterns in
4 the yard and the lit windows behind me, I could see my way down. Just at that moment, I heard
5 the most horrible noise, and glanced up towards the Square.

6
7 7. Two small lights, like the glowing eyes of some evil specter, were headed for me, shifting
8 back and forth, as I stepped as though targeting me –although I can't imagine why. Between
9 them, the grillwork of a huge, dark car, grinned at me malevolently. Before they could reach me,
10 a bicycle passed in front –well, partially in front, from right to left: west to east– like in the
11 advertisements for that Mr. Spielberg's motion picture about a boy helping an ugly little dwarf to
12 leave town one step ahead of the authorities. I think it was because the dwarf was an illegal
13 alien. My grandchildren liked the movie, but they never got me to go; I heard it was very
14 popular.

15
16 8. But in any case, the car coming at me struck the bicycle, then veered to one side...
17 straight into my prize bouganvillea! And to think, just weeks before the Tucson Home Garden
18 tour; how was I supposed to put the flowers right, I ask you? And that wo/man: s/he never
19 really apologized for it, you know. So consumed in him/herself, supposedly somebody famous...
20 as though I cared.

21
22 9. Well, I promptly went down to the street –to the fence, precisely– and demanded to know
23 what the Devil was... Schwinn's bicycle had been thrown aside; the car had come to rest against
24 Mama's palo verde tree with that fiendish grill steaming like a locomotive! Moreover, the driver
25 was on one of those cellular telephones, like my daughter wants me to get in case I fall and
26 cannot get up by myself. While I was trying to get his/her attention, I looked down, and saw
27 Scooter mangled in the street. His/her bicycle was hanging from the mangled iron points of the
28 fence, now, one wheel still spinning lazily. Loose change glinted in the lamplight; a bill blew
29 into my bouganvillea. For a moment, I thought I was having a coronary, then I realized the
30 bright flashes before my eyes were bursts from a camera.

31
32 10. You would think the driver would have been more concerned, especially with people
33 beginning to gather; one has to think of one's good reputation even if one is actually removed
34 from the situation. I can tell you that I certainly restrained my anger and acted very much a
35 proper lady/gentleman, in spite of the destruction visited on my poor bougainvilleas. But no,
36 s/he just kept shouting into that instrument about flowers and fame and the bicycle. Eventually,
37 even before I could return to the house to call for assistance, the ambulance crew came and one
38 of them saw to looking after Scooter. I am not sure who collected the bicycle –I was not paying
39 attention to that– but I saw it was gone the next day.

40

11. Oh, it was such a comfort to see Sheriff Newton there and taking charge! You know it is such a tragedy about him –I never got to say goodbye. Not long after the incident, Sheriff Newton left on a long-planned vacation to Mexico. He had stopped to tell me about it once, when he was out walking his little dog, Rags. Well, always the polite fellow, he had actually stopped to clean up after Rags, so my bouganvillea would not become “over-fertilized” –it throws their blooming off-schedule for the Home Garden Tour. Anyway, Philip had planned to charter a deep-sea fishing boat. After the tragedy, a letter circulated through the neighborhood from a Sam Cunningham, the captain of *Jodocus II* (and the only one who failed to go down with the ill-fated vessel that day), recounting how Philip and Rags disappeared into a sudden squall. One minute, they lounged in deck chairs, waiting to reach prime marlin waters; in almost the next, the two were struggling titanically, with hand and paw, against huge, gray-green briny waves. Life is so fleeting, so fragile, is it not? Vanished without a trace...

12. Yes, I am quite sure the car hit Scooter’s bicycle. Coming right at me, ending up in my yard, throwing the delivery boy/girl into my flowers: that can hardly be right. That car did so much damage to my prized palo verde tree, I had to have it taken down a few days after the accident. If Scooter Schwinn had not been going down Speedway when s/he was, who knows if the car would have run over me at the base of my own front steps! Now, I ask you...?

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

_____/s/_____

TYBEE CUMBERLAND

SIGNED AND SWORN to me before 8:00 a.m.
on the day of this round of the 2004 Arizona Mock Trial Tournament.

_____/s/_____
C.M. McCormack, Notary Public
State of Arizona
My Commission Expires: 05/01/2004

Statement of Kirby Farnsworth

1. My name is Kirby Farnsworth. I am 18 years old now, but I was 17 when the accident occurred. I was born and raised here in Tucson, but ever since I can remember, I wanted to get out of this town and be the next big rock star. I started playing the bongos at age 4, learned the accordion at age 7 and started playing my true love, the banjo, at age 10. I like totally dedicated myself to my music. With my diverse musical background, I knew I could touch teenagers everywhere, and I was primed to take the pop music world by storm with my unique blend of polka, blue grass, and hip hop. I was going to make it to the big time, and make the big bucks, but then my hopes, my one shot at fame and my dreams all ended tragically that evening - right here on the square in my own hometown.

2. A few months ago, I went to Phoenix and auditioned for a national talent search TV show called "North American Super Star." From the instant I walked out on stage, I was no longer Kirby Farnsworth from Tucson, Arizona but I was immediately reborn as "Lil' Nemesis T." I totally blew the TV show producers away with my flying banjo sound and the raw anger and rage in the lyrics to my song "School's For Suckas." Then I came back and hit them in the heartstrings with my tender love ballad "Oh Baby, Oh Yo." The producers said they could really feel my pain. I just write what I feel. Peace on, baby.

3. The producers selected me for the national TV show in Hollywood, California. When the show aired, I was connecting to the masses and they responded to my outpouring of love. The national audience cast their votes, and I was the winner, hands down. The network execs said it was their highest rated TV show ever.

4. The next few weeks became a blur for me. RCA, Sony, Warner Communications and others offered me multi-album recording contracts. I was getting calls from *Teen People*, *Tiger Beat*, *Seventeen* and other magazines wanting to interview me and do photo shoots. Major companies like RC Cola, Cheese Whiz and Oxy 10 wanted me to be their spokesperson. I signed a record deal with Tone Def Records because they wanted to build this whole concept band around me. We were going to be called "Lil' Nemesis T and the Flying Strings."

5. I flew to New York where Tone Def's producers and I auditioned band members for the Flying Strings. Two weeks later, we had a band that could jam, dance and sing, and I was the lead singer and star of the group. Tone Def had us cut a few demos and take some publicity photos. The "suits" from Tone Def promised me they would release our first album "Flying Strings Over America" in about one month, and then we would join Brittany Spears, Nsync and the Backstreet Boys on the worldwide "Teen-palooza Tour."

6. After winning "North American Super Star," the press and the photographers hounded me for stories and photographs. The pack of photographers, called the *paparazzi*, followed me everywhere, hiding around corners and climbing up trees all in hopes of getting a photograph-- especially one that would be embarrassing to a rising

star. They were always wanting to know things like what was I wearing, what did I eat, who did I date, etc. Don't get me wrong, I still wanted to make music that spoke to teens as much as ever, but these photographers and reporters were a real nuisance!

7. Even though I planned to make it big, I didn't intend to forget my family. That's why I decided to slip away from New York and the *paparazzi* and return to Tucson on August 13 to see my 14 year old little sister receive a Junior Fire Marshal certificate. My plan was simple: slip out of New York undetected, fly home incognito, attend the assembly where my sister would receive the certificate, rock the hometown kids with a couple of songs, and spend the night with Mom and Dad. The next morning it would be back to my new crib in New York to finish rehearsing with the Flying Strings for our world tour. I thought my plan had worked perfectly, too, until I got to the Tucson High School gymnasium, and waiting for me there with a nasty, toothy grin was Pix Patterson, the most notorious member of the *paparazzi* press.

8. Pix Patterson ruined the entire awards assembly for my whole family. S/he kept snapping photographs of us the whole time when it was supposed to be a special moment for my sister. She started crying before she even got the Junior Fire Marshal certificate, so Mom and Dad took her home. I felt obligated to try to make it up to the people, so I took to the small, gym stage and gave them a preview of a couple of numbers from the Flying Strings' forthcoming album. Naturally, the teenagers loved it and the parents thought it was too loud. After rocking the house for a few numbers, the high school kids were in frenzy, and I saw a chance to slip out the back through a fire exit door and get away from Pix Patterson.

9. I thought I had given Pix the slip, and I was cruising around comfortably with the top down on my new Lexus convertible. It was a little after 11:00 p.m. when I flipped on the car radio, and there on the air was a familiar voice. The night D.J. was an old friend of mine who use to play with me in the Tucson High marching band. I called 'um up on my cell phone to say I was in town for the night, but the station had already heard about the way I'd blown away the crowd at the gym. On the spot, I was asked to do a live, on-air exclusive interview and I, of course, said "yes." I was cruising around diggin' the old familiar sights and chillin' through the interview when a burgundy Ford Contour pulled up beside me at a stoplight. The tinted window rolled down and there, sitting in that rental car snapping pictures with his/her camera, was Pix Patterson--grinning away with his/her nasty grin.

10. As soon as the light turned, I hit the gas and so did Pix, but his/her Ford Contour was no match for my Lexus. However, the light in front of me turned red and I had to stop, and Pix quickly caught back up to me. So here I am, trying to give a nice interview over the cell phone and now I have the distraction of this *paparazzi* chasing me. If I was gonna have any peace, then I had to think of something fast. I then realized I was only a couple of blocks from the downtown square. There are so many ways to enter and exit on the square that I headed straight for Kitchafoonee Avenue knowing that, if I hurried, I could lose Pix on the square and then cruise around without being pestered.

1 11. I veered right off Campbell Street onto El Dorado Drive and straight into the square with
2 Pix's car in hot pursuit about 20 yards behind me. I hit the gas then took my first left around the
3 square. Yeah, I guess the tires squealed a little when I took that turn. Before I could take my
4 second left onto Speedway, I saw a giant, yellow street sweeper vehicle moving slowly ahead of
5 me in the far left-hand lane. I thought to myself, "Great! After turning left on Speedway, I'll
6 take the next right onto Calle Concordia since this street sweeper will shield me from Pix's view.
7 Pix will go around the square four or five times before s/he realizes that I'm long gone." I was in
8 the right lane and just as I passed the street sweeper, suddenly, some idiot on a bicycle was right
9 there off the hood of my car in the headlights, and I mean, the headlights were on no matter what
10 anyone says now. The cyclist must have been in the middle of the road on the other side of the
11 street sweeper and just darted right out in front of me without looking.

12
13 12. I immediately jerked the wheel to the right and slammed on the anti-lock brakes.
14 However, it was too late. The front end of my car slammed into the bicyclist and the bike right
15 at the headlight on the driver's side of the car. The bicyclist rolled off my car's hood, but the
16 bicycle smashed into the windshield, and the car skidded off the road, across a small yard and hit
17 a tree.

18
19 13. Now I admit, I should have been wearing my seat belt, but the air bags deployed when
20 the car hit the tree, and I am grateful I did not go headfirst into the dashboard. However, the
21 flying glass cut me when the bicycle broke the windshield, and the force of the air bag broke my
22 nose and gave me two black eyes. I also broke my wrist when I jammed it against something in
23 the car.

24
25 14. I was hurting, bleeding and scared, but I found the cell phone on the floor where it had
26 flown out of my hands during the accident. My D.J. friend was still on the other end of the line
27 and frantically asked me, "What happened?" I said that I thought I had just "hit somebody" and
28 that I needed "to go." I hung up and no matter what anyone says, I didn't make any other calls
29 on my cell phone and I'm sorry that I got rid of that phone. I opened the car door and saw the
30 front of my brand new Lexus smashed against a tree. Then I see flashes of light and realize that
31 Pix Patterson has jumped out of his/her car and is snapping pictures of me like crazy. I
32 stumbled past Pix through this flowerbed and back towards the street and saw the bicyclist lying
33 in a crumpled heap in the street. I later learned that the bicyclist's name was Scooter Schwinn.
34 Moments later, Sheriff Philip Newton arrived on the scene as well as an ambulance. Here I am
35 bleeding and hurt with Pix Patterson still hovering around me taking one picture after the next,
36 and this cop starts laying some serious attitude on me, saying things like, "It's against the law for
37 little hippies like you to be out past curfew." I mean, "hippies?" Hippies died out about a
38 hundred years ago, didn't they? Anyway, finally Scooter Schwinn and I were transported in the
39 ambulance to the hospital where the doctors operated on my nose and sinuses and placed my
40 wrist in a cast.

41

15. I know that Scooter Schwinn was physically hurt worse than I was in the accident, but I think s/he has a lot of nerve to sue me. I guess s/he thinks I'm some rich rock star. After all, I believe the accident was entirely Scooter Schwinn's fault! He/she will fully recover, but I will never recover from this accident because, even though I lived, my dreams died that night. With a broken nose and black eyes, there was no way I was ready for the publicity photo shoot Tone Def had scheduled for me and the Flying Strings the next week in New York. After the surgery on my nose, my voice doesn't resonate the same as before my sinuses were crushed. Also, I couldn't play the banjo at all with my wrist in a cast for eight weeks. Even now that the cast has come off, the tendons in my hand and wrist are not nearly as flexible. I've lost my trademark "flying banjo" sound forever! After hearing about my injuries, Tone Def's lawyer told me my contract had an "escape clause" which meant Tone Def cancelled the deal and didn't owe me a dime. Tone Def found a new lead singer for the Flying Strings, and they went on the Teen-palooza tour without me. Now, every time I hear one of the Flying Strings' new hit songs, I just get so depressed I want to cry because I know that it should have been me.

16. I'm only 18 years old and already I'm a washed up, hip-hop banjo player. No fame, no hit records, no Lexus, no crib in New York, and no money. At least, Pix Patterson and the *paparazzi* are all gone now. I live back home now with my parents and sister. I'll be lucky if I ever get a gig playing the lounge at the Tucson Holiday Inn. The only thing I have left from my moment of fame is my trophy from North American Super Star, which sits on the fireplace mantle next to my sister's Junior Fire Marshal certificate. All of this is Scooter Schwinn's fault. That is why I am counter-suing him/her for causing that accident and ruining my life.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time. The material facts are true and correct.

Signed,

/s/

KIRBY FARNSWORTH

SIGNED AND SWORN to me before 8:00 a.m.
on the day of this round of the 2004 Arizona Mock Trial Tournament.

/s/
C.M. McCormack, Notary Public
State of Arizona
My Commission Expires: 05/01/2004

Statement of Leash Walker

1. My name is Leash Walker and I am twelve and one-half years old. I live in downtown Tucson with my parents and older sister/brother, Lane Walker, who is 16 and loves Kirby Farnsworth.

2. Lane and Kirby Farnsworth dated once before s/he moved to New York after winning "North American Superstar". Kirby is okay, I guess. S/he gave me an autographed picture of the Flying Strings, which is really worth nothing now since s/he is not in the band. I'm not really into the music scene anyway. I want to be a small animal veterinarian when I graduate from college.

3. I love animals and have five chihuahuas and a cockatiel named Leo. My chihuahuas each have their own distinct personalities and walking styles. Bandit, the oldest, is a little tubby and walks really slow. Chiquita, the alpha dog, always leads the pack. Tater Tot is really shy and usually runs right beside me. Little Queenie, the youngest and rowdiest, runs all around me and usually gets caught up and tangled in someone else's leash. Achy Breaky Heart, the smallest, has to be carried because he can't keep up with everyone else. I usually carry him in my arms.

4. I walk my dogs 3, sometimes 4, times a day, depending on the weather and how much homework I have. I have to walk them first thing in the morning, right after school and just before bedtime and the 11 pm curfew. After school, I also get paid \$5.00 a day to walk my neighbor, Mr. Carley's dogs, Liberty and Justice, over to El Presido Square for some exercise and a drink of fresh water from the doggie drinking fountain in the square.

5. I always steer clear of Tybee Cumberland's house on the corner across from El Presido Square when walking the dogs. Once, when that stupid pizza delivery boy/girl, Scooter Schwinn, or "Speedee" as I call him/her, went flying by on the sidewalk to deliver a pizza, s/he almost ran over Chiquita who was sniffing Tybee Cumberland's prize wax begonias. S/he scared Chiquita so badly that she jumped right in the middle of Tybee's garden and Tater Tot, Bandit and Little Queenie went running after her. I almost dropped Achy Breaky right on the sidewalk too. Tybee was in his/her garden rocking away and watching the whole time. S/he could see it was Scooter's fault, but s/he yelled at me anyway and told me to get that pack of rats out of his/her garden. S/he later said s/he was sorry, but I'll never forget how s/he insulted my dogs. Why, Chihuahuas were originally bred in Mexico as pets of the kings and they are very loyal companions and are nothing at all like rats!

6. And as for Scooter Schwinn, s/he never apologized or even slowed down and now when s/he goes flying by, Chiquita barks and growls and nearly pulls me off my feet trying to chase Scooter down.

7. I remember the night of August 13th last year so well. It was almost curfew time and I was rushing over to El Presidio Square with the gang for the last walk of the day. I

had just crossed over Calle Concordia into the square and stopped at the doggy fountain to pump some fresh water into the bowl for the dogs. Suddenly Chiquita began to bark and pull on her leash. I looked up over the bushes, as two cars blew past me. I turned around and then I saw Scooter Schwinn flying down Speedway going the wrong way. S/he almost ran into that dopey old streetsweeper, Dusty Trails, who was just sitting next to the square, barely moving. Dusty Trails is pretty friendly most of the time, and sometimes will stop and try to pet the dogs, but the dogs don't like him/her because s/he always has a funny smell on his/her breath and walks crooked.

8. At the same time that Scooter Schwinn swerved around Dusty Trails' streetsweeper, I heard a horn blowing and turned around and saw lights flashing on a maroon car, which was speeding around the square and nearly ran into the rear end of a black convertible that was coming around the corner of the square.

9. I then heard car tires squealing that had to have come from the maroon car. Next, I saw Scooter Schwinn's bicycle fly up and land on the windshield of the black convertible and I heard a small bang. I struggled with the dogs' leashes and ran across the square and saw Speedee, I mean Scooter, lying in the street near Tybee Cumberland's garden.

10. It was then that I realized that Kirby Farnsworth was the person in the black convertible and that his/her car had hit Tybee's palo verde tree and torn up his/her bougainvillea. I noticed that Kirby was standing by the car with blood pouring out of his/her nose and mouth and that s/he had two black eyes. S/he appeared to be in shock and was stumbling around in Tybee's garden with a cell phone to his/her ear.

11. There was some guy/girl following right behind Kirby, snapping pictures of him/her left and right. Poor Kirby tried to get away from the guy/girl but the camera kept on flashing.

12. Chiquita and the gang were barking like crazy at Scooter Schwinn and sniffing around in Tybee Cumberland's garden. I heard Tybee screaming about his/her prize bougainvillea being ruined by Kirby. I'm sure s/he said, "You'll pay for this, you hippie freak!!" Then Sheriff Newton came up and told me to clear out of the way, so I went back into the square and waited for Sheriff Newton to come talk to me.

13. It was way past the city's curfew when Sheriff Newton finally came to talk to me. I told him everything I saw and heard but he didn't really seem to believe me. He asked me over and over if anything was blocking my view. I told him I could easily see through the globe in the middle of the square and that the bushes and trees didn't block my view either. Besides Sheriff Newton agreed with me that the accident was Scooter Schwinn's fault anyway.

WITNESS ADDENDUM

I have reviewed this statement, and I have nothing of significance to add at this time.
The material facts are true and correct.

Signed,

_____/s/_____

LEASH WALKER

SIGNED AND SWORN to me before 8:00 a.m.

On the day of this round of the 2004 Arizona Mock Trial Tournament.

_____/s/_____

C.M. McCormack, Notary Public

State of Arizona

My Commission Expires: 05/01/2004

Statement of Dusty Trails

1. My name is Dusty Trails, and I am 61 years old. I have lived in Tucson all my life. About 3 years ago I left my true calling as a brick layer because my back couldn't take the constant hauling that brick laying requires. I've had three back surgeries, and have to take prescription medication for the pain sometimes. I admit that Darvocet can make me a little loopy, but I can still drive with it. Anyway, I was looking for a more sedentary job, and found one running the street sweeper for the city. Tucson is no garden spot, but the mayor and the city council make me sweep the downtown area every night anyway. I do my best to keep the city beautiful.

2. I usually start cleaning the streets after 10:00 p.m. Since the city imposed a curfew of 11:00 p.m. on kids under 18, I'm always seeing kids taking a lot of stupid risks to get home before curfew. The worst culprits are the kids that do deliveries in the downtown area. All of them are out trying to make that last buck of the night, and that Scooter Schwinn is no exception. Scooter is really a problem, because s/he is always going the wrong way down streets or riding on a sidewalk. Half the time s/he doesn't have a light on his/her bike. I don't know how many times I've had to slam on my brakes to keep from hitting him/her as s/he cut me off. Believe me, a street sweeper may move slowly, but it's tough to make a machine that big stop on a dime.

3. Yes, I've been reprimanded for drinking on the job before, but I never stopped to pick up a beer at Nick & Nat's, like Scooter claims. The one time I took a nip while I was working was on my 60th birthday, August 12, 2002. My back was really hurting that night, and I ran into some friends who were out on the Square. They wanted to toast the occasion. Since I wasn't getting off until 5 a.m., I knew I couldn't meet them later. My back was hurting so bad, I thought it might help to take a drink. My luck that the second I got back into my sweeper Sheriff Newton stopped me. He had seen the whole thing, and he's been after me ever since. Yes, I plead no contest to that DUI. What choice did I have? I don't think I was drunk or unsafe, though. I just didn't want to take any chances with my job. My bosses told me that if I took responsibility for everything they'd only suspend me for a few days.

4. I do remember the night of August 13th last year, and I do remember Scooter darting out in front of that car. I was sweeping as usual, and my back was really killing me, so I took a Darvocet. I was in the left lane going around the Square on Taliaferro Street. I heard, over the sound of my sweeper, the sound of tires squealing, and saw a black convertible coming onto the Square in my rearview mirror. I don't remember seeing its headlights reflected on the wet pavement, but it was really moving. In no time, the car was passing me on the right. I seem to remember some other car following the black car really closely, too.

Incident Report, Cont.

8-14-2003

Witnesses Interviewed:

Tybee Cumberland--435 Saguaro Circle, Tucson

Pix Patterson--1001B Avenue E, NY, NY 10014

Leash Walker--103 Cario Avenue, Tucson

Dusty Trails--1716 Rattlesnake Place, Tucson

Narrative:

At 23:04 on August 13, 2003, I responded to a 911 dispatch regarding an accident with injuries on 4th Avenue. It was ironic that I was not already at the scene. I often station my patrol vehicle there to catch curfew violators at that time of the evening.

Nevertheless, I was patrolling that part of the city alone because I had given Deputy Darby Dreyfus the night off so that he could escort his lady friend Velma Lou to the Junior Fire Marshal Ceremony at the school where she teaches.

As a result, I was finishing up a call nearby--involving a deadbeat who did not want to pay for his cup of coffee at Dinky's Do'Nut Diner --when the emergency call went out. I arrived just ahead of the EMTs. The avenue was chaotic. A teenager was lying unconscious in the street. What looked like the winner of that North American Super Star show was wiping his/her bloody nose, talking on a cell phone, and tromping around in that dear Tybee Cumberland's prize wax begonia bed. I approached him/her to inquire as to what happened, and s/he flippantly waved me away while continuing with the conversation. I overheard him/her saying, "I really screwed up" into the phone.

(Records on that cell phone will be obtained and a supplemental report will be filed when the company provides them.)

A mangled bicycle was thrown up against Tybee's fence. Although there was a headlight on the bike, it had no reflectors and there was no evidence that the bicyclist had been wearing a helmet.

A Lexus convertible, its air bags deployed and its headlights crushed, was smashed into the monkey puzzle tree of Tybee's mom, who worked so hard to get to grow in this warm climate. Poor Tybee was just devastated by the damage. I asked Tybee what happened, and s/he said, "Things happened so fast, it is really hard to say."

A photographer I did not recognize - at first I thought s/he might be a new recruit at the *Arizona Daily Star* - was snapping photographs of the entire scene. I asked the photographer what happened, and s/he said, "Who cares? I can spin this into a huge headline and a big paycheck!" Meanwhile, a child with a pack of streaking Chihuahuas was trying desperately to stop the dogs from doing further damage to Tybee's garden.

As if there were not enough witnesses to interview, the driver of the City's street sweeper, which was parked on the Square, decided to get out of his/her vehicle. When the sweeper door opened, a liquor bottle tumbled out and shattered on the street's storm grate before the pieces all fell into the sewer where the evening's rainwater carried them away. The sweeper driver pretended that he/she did not see the bottle fall and just stepped out onto the curb.

When the ambulance arrived, I directed the EMTs to take the injured parties to the hospital where I could interview them later and maybe even get an autograph from that superstar. I figured the photographer would probably follow the ambulance to the hospital and I could interview him/her there or catch up with him/her later at the *Star* office. I told the child to take that pack of pets over to the Square and get them under control by the time I came to take his/her statement or else I would call the dog catcher to handle them. Once we spoke, s/he said that s/he had an unobstructed view of the accident from the dog water fountain, but I have my doubts. He/she also seemed to want to blame the bicyclist so I went along with that to see what his/her agenda was. I put the driver of the sweeper in the back of my patrol car for possible booking for drunken driving. (I recalled catching him/her DUI in the sweeper last year and will supplement this report with the arrest report on that incident.) Then I went over to comfort that dear Tybee and to get his/her statement on what caused all of that damage to his/her garden.

Attached to this report are the reports from the cell phone company.

Reporting Officer: Deputy Philip Newton /s/
Case No. 03-0813
Badge No. 3581

Single-R Telecommunications

One Single-R Tower
Suite 1423
PHOENIX, ARIZONA 85003

September 1, 2003

Sheriff Philip Newton
Pima County Sheriff's Department
Tucson, Arizona 85701

Dear Sheriff Newton:
date change in 1st paragraph???????

Not sure of

Your recent request for telephone records on incoming and outgoing calls made to and from the Single-R cell phone registered to Kirby Farnsworth on August 13, 2003, has been turned over to me for a response.

Unfortunately, we are unable to provide the information you requested because the computerized records for calls made on that day were destroyed in a three-alarm fire last week at the Single-R computer center.

We apologize for any inconvenience our inability to provide this information causes you in your investigation.

Sincerely,
L. Valarie Jennings /s/
Subpoena Compliance Officer

Transcript of Radio Interview with Kirby Farnsworth,
a/ka Lil' Nemeses T.
on WMCC-FM, Miltonville
8-13-03

Host: I'm Peter Pye and you're listening to the Old Pueblo Café here on TUCC-Tucson, broadcasting live from the Pima Community College campus. It's 11 o'clock and we have a special, surprise guest tonight on the café. It's my old high-school band mate Kirby Farnsworth, now known as the "North American Super Star" Lil' Nemeses T. S/he has taken the pop world by storm with the unique flying banjo sound in "School's For Suckas" and with the tender love ballad "Oh Baby, Oh Yo." Now, Lil' Nemeses T. is set to head out on the worldwide "Teen-palooza Tour." So, Kirby, I mean, Lil' Nemeses T., or should I say Mr./Ms. T? That brings me to the first thing I wanted to talk to you about, what are you doing in Tucson tonight?

Farnsworth: Hey, man, long time no see, huh? Now that I'm makin' music in New York City, don't get back to the ol' home town very much. But my lil' sister was gettin' a Junior Fire Marshal certificate down at the ol' alma mater, so I thought I'd leave my posse for the night and slip into town incognito to surprise her and the 'rents. But darn, if the *paparazzi* press didn't follow along anyway.

Host: That's a bummer.

Farnsworth: Yeh, man, tell me about it. Decided to give 'em the slip, though. Did a couple of tunes for the teen crowd at the fire marshal ceremony. The crowd's clappin' for an encore, but I took the fire exit. As they say, "Elvis has left the building!" I know all the 'rents are ready to leave, but I wonder if the kids will figure out I'm gone before they burn their fingers on those lighters? Now, I'm cruisin' with the top down, just lookin' up at the sky and diggin' that pink, pink moon. Talkin' to you on the cell, so if I fade out, that's why, man.

Host: Ok, I hear you fine now. We'll just go to a song if you fade. Want to play some of your songs, anyway. Which brings us—to jump all the way forward—to your tracks "School's For Suckas" and "Oh Baby, Oh Yo." One's flying banjo, the other's a tender love ballad. That's quite a spread.

Farnsworth: What's weird is that everybody seems to want to staple me down. 'S/he went from flying banjo to tender love ballads.' I didn't go from anything to anything. I just write what I feel. Hey, man, you're not goin' to believe this. I'm sittin' here at a stop light, and darn—Probably as strong as you can say on radio, right, man?—that *paparazzi* photographer Pix Patterson, is sittin' right beside me in a cheap rental car. You remember how we used to give ol' Sheriff Newton the slip on the downtown square?

Host: Yeah, Kirb', I mean Lil' Nem', those were the days.

Farnsworth: Well, I'm fixin' to ditch this *paparazzi* creep on the square.

Host: This is probably a good time, then, to go to a song. I've got "School's For Suckas" cued up. That song really brings back the memories, doesn't it, Kirby? You give that sucka a spin on square, and when you come back, we'll talk about your flying banjo influences.

Farnsworth: That sounds good, man (sound of tires squealing in the background). Later.

(Song plays)

Host: That's "School's For Suckas" by Tucson's own Kirby Farnsworth, better known as Lil' Nemeses T, our special guest here on the Old Pueblo Café. So, Kirby, there's not a lot of poppy sensibility to that one. Tell us how you fell under the flying banjo influence.

(Silence)

Host: Kirby, I, mean Lil' Nem', are you there?

(Silence)

Host: Well, we were talking to Lil' Nemeses T, but s/he said s/he was on the cell phone. Maybe s/he can't hear us. I know there are some real dead spots in Tucson. Some would say the whole town is dead after they roll the sidewalks up for the 11 o'clock curfew. Kirby, Lil' Nem', are you there or should I put on that tender ballad of yours?

Farnsworth: (Breathing heavily.) Hey, man, I'm here.

Host: What happened?

Farnsworth: I think I hit somebody. I need to go. Later, man.

Host: That doesn't sound good. Sounds like there's been an accident. No wonder, given how wet the streets are after that rain we had earlier. I wonder if our fans at the Pima County Sheriff's Department heard that? If not, someone might need to give them a call. Well, let's go ahead and listen to that ballad, "Oh Baby, Oh Yo," here on the Old Pueblo Café.

(Song plays.)





2002 Lexus SC Convertible



Performance

- 4.3-liter, double-overhead-cam 90° V8 engine, aluminum block and heads. Certified Ultra-Low Emission Vehicle (U-LEV)²
- 300 hp @ 5,600 rpm, 325 lb-ft torque @ 3,400 rpm
- Continuously Variable Valve Timing with intelligence (VVT-i)
- 0 to 60 in 5.9 seconds³
- Five-speed automatic Electronically Controlled Transmission with intelligence (ECT-i)
- Vehicle Skid Control (VSC)⁴ and Traction Control (TRAC)
- Fuel consumption: 18/23 mpg city/highway⁵
- Aerodynamic drag coefficient: 0.31 (0.30 with optional rear spoiler)
- Vehicle-speed-sensing, progressive power-assisted rack-and-pinion steering, 3.3 turns, lock to lock
- Front and rear double-wishbone independent suspension
- 245/40ZR18 tires with 18-in alloy wheels⁶
- Run-flat tires capable of traveling 100 miles @ 55 mph with no air pressure (optional)²
- Tire-pressure-monitor system, which can gauge tire pressure without the vehicle being in motion
- Dual tail pipe diffuser
- Front engine, rear-wheel drive

Luxury

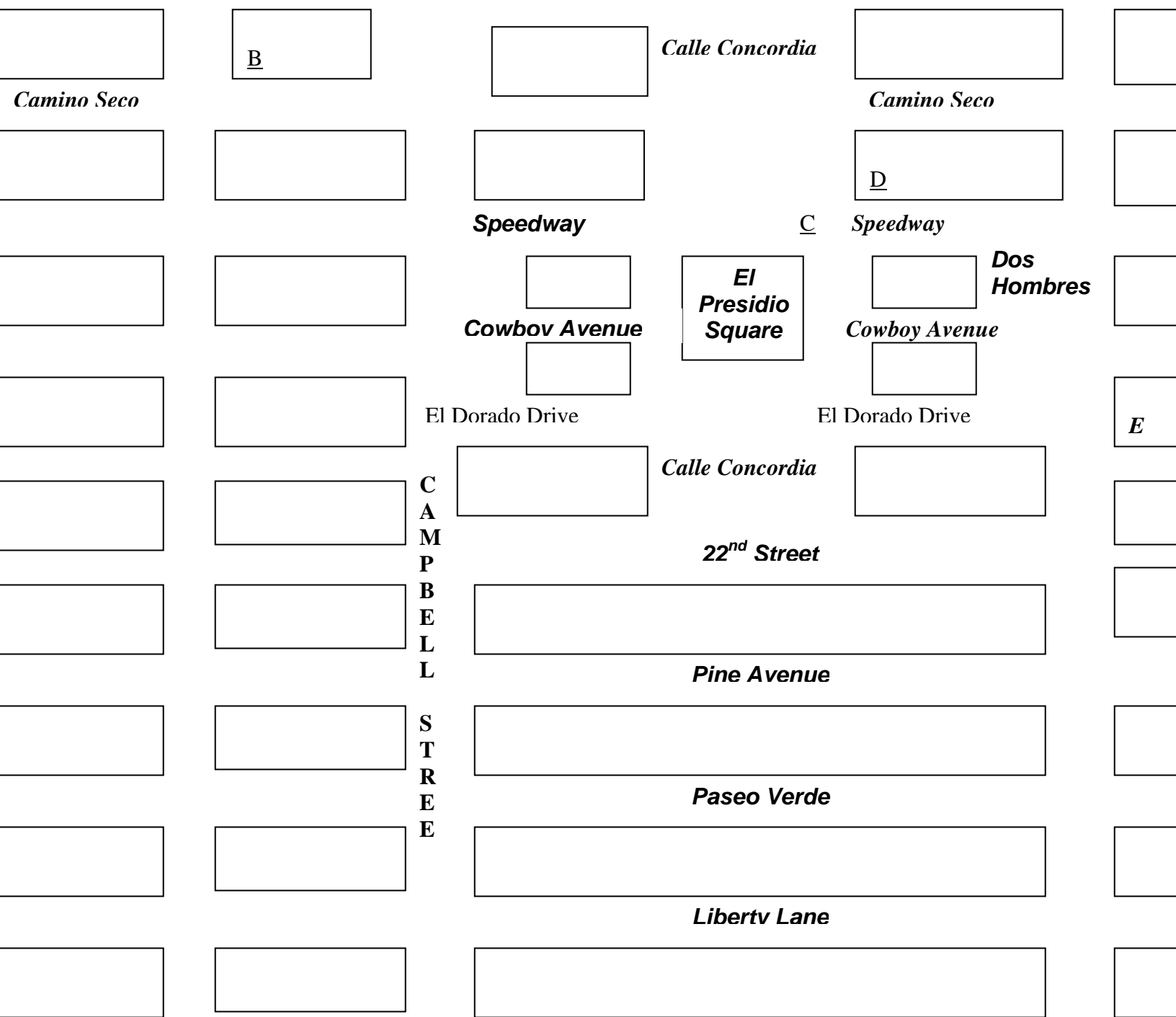
- **Convertible hardtop roof opens or closes in 25 seconds. Roof can be operational when the vehicle is in motion up to 3 mph**
- Leather-trimmed seats and interior with wood panels that cover the navigation screen and audio head unit
- Heated front seats
- Wood- and leather-trimmed steering wheel and shift knob
- In-dash, single-feed six-disc CD auto-changer
- Mark Levinson^{®8} nine-speaker 240-watt⁹ Premium Sound System with seven-channel amplifier and Automatic Sound Levelizer (ASL)
- Intuitive Climate Control with interior air filter, lap-level vents, smog sensor and auto recirculation mode
- Power windows with one-touch auto open/close feature and pinch protection
- Power door locks with collision unlock and shift-activated auto lock
- Multifunction, in-key remote entry system with rolling-code technology
- HomeLink^{®10} universal transceiver to operate compatible garage, gate, home lighting and home security systems
- Electrochromic (auto-dimming) inside rearview mirror and outside mirrors
- Power tilt-and-telescopic steering column with automatic tilt-away
- Interior electronic trunk-lid and fuel-filler door releases with valet lockout feature for trunk, glove box, lower center console box and convertible roof operation
- Lexus Memory System for power driver's and front passenger's seats (except lumbar), steering wheel and outside mirrors
- Multi-adjustable power front seats and front headrests
- 10-way power-adjustable driver's seats with recline, slide, four-way height

- adjust and lumbar support
- Outside temperature gauge
- Green-tinted exterior glass with UV reduction
- Lockable center storage console box
- Dual front cup holders
- Card key
- Illuminated scuff plates with gold illumination in daylight and red illumination at night
- Lexus DVD Navigation System¹¹ with 7" display screen with three tilt positions
- Available Lexus Link with Global Positioning Satellite (GPS) system technology¹²

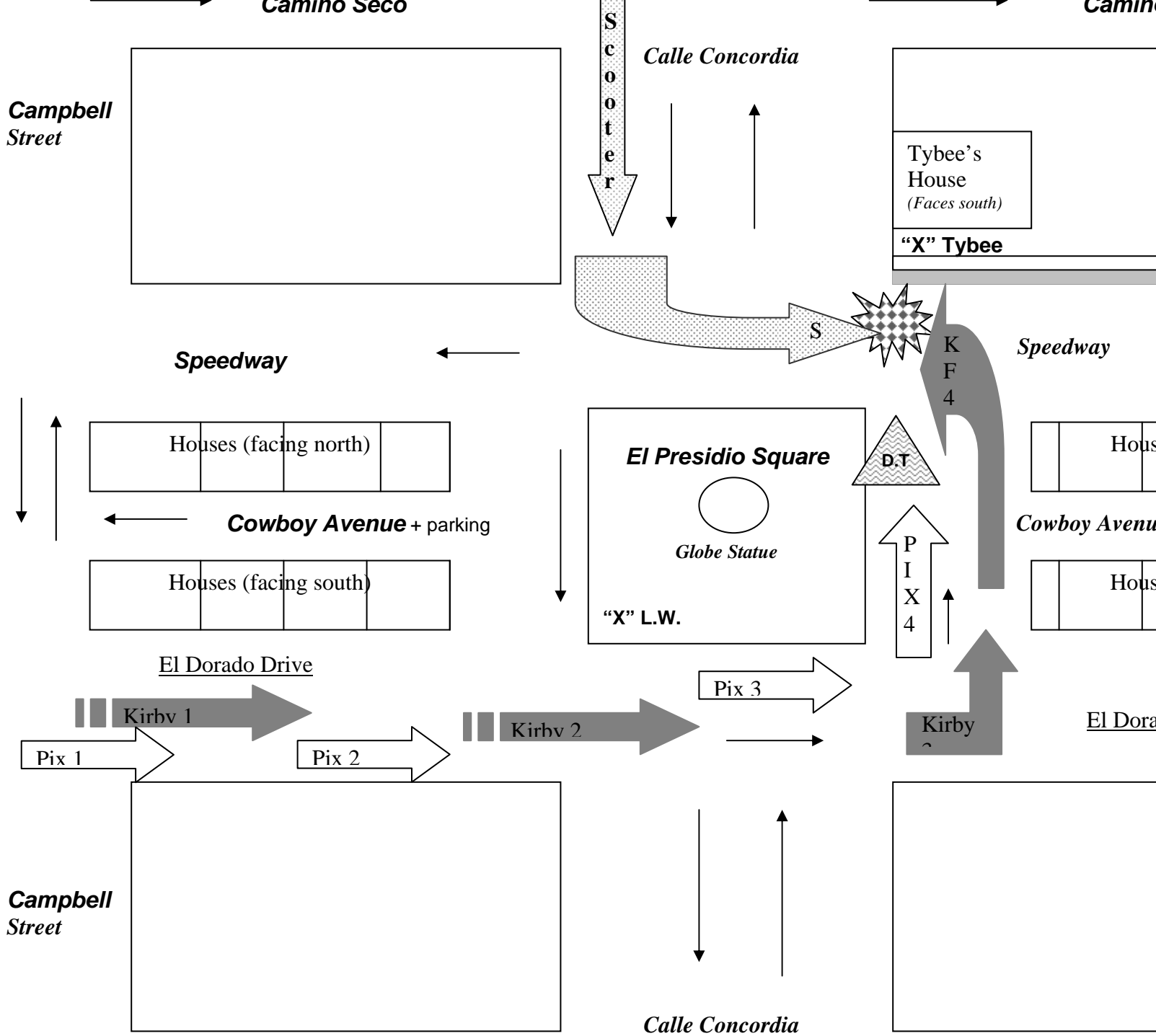
Safety

- Driver's and front passenger's airbag Supplemental Restraint System (SRS)¹³
- Front seat-mounted side-impact airbag Supplemental Restraint System¹³
- Vehicle Skid Control (VSC)⁴
- Four-wheel vented power-assisted disc brakes with four-sensor, four-channel Anti-lock Braking System (ABS)
- Brake Assist¹⁴ and Electronic Brakeforce Distribution (EBD)
- Traction Control (TRAC)
- Three-point seatbelts, front and rear, fronts with pre-tensioners and force limiters
- Child Restraint Seat (CRS) tether anchor brackets for all rear seating positions
- Strong body structure with front and rear crumple zones
- Dual side-impact door beams
- A-pillar reinforcements
- To protect against roof intrusion into the cabin during a rear-end collision, three stoppers have been installed to help protect the interior
- Automatic on/off projector-beam High-Intensity Discharge (HID) headlamps with projector lens, low beams and dynamic auto leveling
- Integrated Fog lamps
- Daytime running lights
- Auto-dimming electrochromic/heated outside mirrors
- Vehicle theft-deterrent and engine immobilizer system, with in-key transponder
- Rear-window defogger with auto-off timer
- Side-window defogger
- Water-repellent door glass with UV protection
- First aid and tool kits

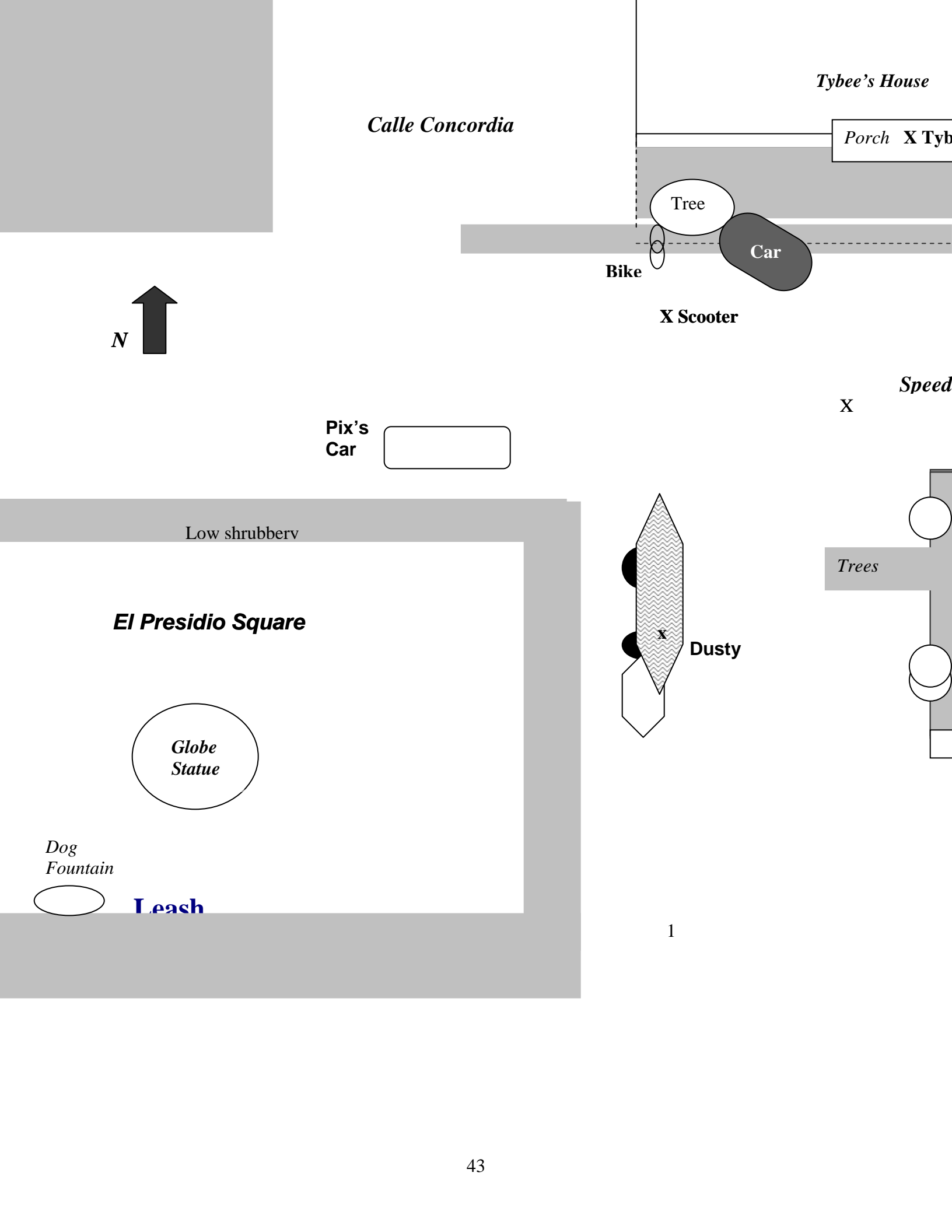




- A – Nick n’ Nat’s Pizza Shop
- B – Mr. Carley’s House
- C – Accident Scene
- D – Tybee Cumberland’s House
- E = O’s Pool Hall



1



In the Justice Court of the State of Arizona in and for the County of Pima

STATE OF ARIZONA,)	Case No.: No. TR02-012345
Plaintiff,)	
vs.)	MISDEMEANOR CRIMINAL COMPLAINT
DUSTY TRAILS,)	
Defendant)	
)	
)	
)	
)	
)	

The undersigned having appeared personally and having been duly sworn does, upon information and belief, accuse:
 And charges that in Pima County:
COUNT ONE: (DRIVING WHILE UNDER THE INFLUENCE OF LIQUOR, DRUGS, VAPOR RELEASING SUBSTANCES OR ANY COMBINATION, A CLASS ONE MISDEMEANOR)

On or about the 13TH day of AUGUST, 2002, DUSTY TRAILS drove or was in actual physical control of a vehicle while under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination thereof while he/she was impaired to the slightest degree, in violation of A.R.S. Sections 28-1381 (A) (1), 28-1382, 13-702, 13-707, 13-802, 13-804, and 13-813.

	SUBSCRIBED AND SWORN to Before me this ____ day Of _____, 2002	
<u>Sheriff Newton, PCSO</u> Print Name and Agency		Magistrate <hr style="border: 0; border-top: 1px solid black; margin-top: 5px;"/> Title

IN THE JUSTICE COURT, PIMA COUNTY, ARIZONA

THE STATE OF ARIZONA,)	
)	
Plaintiff,)	NO. TR02-012345
v.)	
)	PLEA AGREEMENT
DUSTY TRAILS,)	
)	
Defendant.)	
_____))	

I. SPECIFIC TERMS: The State of Arizona and the Defendant agree to the following disposition of this case on the following terms and conditions:

A. THE PLEA: The Defendant, DUSTY TRAILS, agrees to plead NO CONTEST to the charge(s) of:

COUNT ONE: (DRIVING WHILE UNDER THE INFLUENCE OF LIQUOR, DRUGS, VAPOR RELEASING SUBSTANCES OR ANY COMBINATION, A CLASS ONE MISDEMEANOR)

On or about the 13th day of AUGUST, 2002, DUSTY TRAILS drove or was in actual physical control of a vehicle while under the influence of intoxicating liquor, any drug, a vapor releasing substance containing a toxic substance or any combination thereof while he/she was impaired to the slightest degree, in violation of A.R.S. Sections 28-1381 (A) (1), 28-1381, 28-1388, 13-702, 13-707, 13-802, 13-804, and 13-813.

B. THE SENTENCING RANGE: The misdemeanor crime is punishable by up to 6 months in the Pima County Jail. Pursuant to A.R.S. Section 28-1381 (J) and (K), the Defendant must serve at least 10 days in jail. At the time of sentencing, the judge may suspend all but 24 consecutive hours of the sentence if the Defendant completes court ordered alcohol screening, counseling, education, and treatment.

D. PROBATION: The probation period for a misdemeanor DUI maybe up to 5 years and the defendant may receive up to 6 months in the Pima County Jail as a condition of probation. The terms and conditions of probation are subject to modification at any time during the period of probation if the defendant violates any written condition of probation. If granted probation, the Defendant may be assessed a monthly probation fee as a condition of probation.

E. RESTITUTION: At this time, the State is unaware of any restitution owed to the victim(s); however, if the need for restitution arises, the Defendant agrees to make restitution for the full amount of the loss.

The Defendant further agrees to make restitution to all victims named in any counts that are dismissed as a result of this plea agreement.

F. FINES/ASSESSMENTS: For any misdemeanor charge, the court may require the defendant to pay a fine of \$2,500.00 plus a surcharge of 80% for a total amount of \$4,500.00. If the Defendant is unable to pay any fine or assessment in full on the day of sentencing, he/she shall pay a one time \$20.00 time payment charge.

For the misdemeanor DUI, the Defendant must pay at least a \$455.00 fine which includes \$250.00 fine plus a 80% surcharge.

II. SPECIAL TERMS:

The defendant's license may be suspended for up to 90 days.

Pursuant to ARS Section 28-1444, the Defendant shall reimburse Pima County for the per diem costs of any incarceration.

III. STANDARD TERMS:

A. **DISMISSAL OF OTHER CHARGES:** All other charges and allegations in this case are dismissed. Unless rejected or withdrawn, this agreement amends the charges filed in this case, to the offense(s) set forth above.

B. **REJECTION OR WITHDRAWAL OF THE PLEA:** This plea agreement is binding on the State and the Defendant when entered into at the change of plea, whether or not the Court accepts this plea at the change of plea. If at any time the Court concludes that any of the terms or conditions of this agreement are unacceptable, both parties shall be given the opportunity to withdraw from this agreement, or the Court can reject this agreement. The Defendant agrees that this agreement contains his/her true name and that he/she has no prior felony convictions, misdemeanor DUI conviction or pending charges other than those set forth in any Allegation of Prior Conviction filed in this case. Should either of these representations be inaccurate, the Court may reject, or the State may withdraw from, this agreement. The State also may withdraw from this agreement if the Defendant is charged with or commits a crime between the time of this agreement and the time for sentencing in this case. Should the Court reject or the State or the Defendant withdraw from this agreement, the Defendant gives up his/her right to any probable cause determination on the original charges in this case and waives all claims of double jeopardy.

C. **OTHER FORFEITURES:** Nothing in this agreement shall be construed to affect the outcome of any forfeiture action connected with the facts of this case, instituted by any State, United States, or Federal agency, unless a statute expressly provides to the contrary. There has been no agreement concerning such a proceeding now pending, or which could be filed in the future.

D. **APPEALS, MOTIONS, DEFENSES:** The Defendant agrees that he/she may not appeal from the judgment entered or sentence imposed as a result of this plea agreement. See A.R.S. Section 13-4033. Unless this agreement is rejected or withdrawn, the Defendant gives up any motions, defenses or other matters which he/she has asserted or could assert in this case. If the Defendant

obtains a new trial, any pending charges dismissed as a result of this agreement shall be reinstated at the request of the State, and the State shall be free to file any additional charges not previously filed.

E. **WAIVER OF RIGHTS:** The Defendant understands the following rights and that he/she gives up such rights by pleading guilty: his/her right to a jury trial; his/her right to confront the witnesses against him/her and cross-examine them; his/her right to present evidence and call witnesses in his/her defense, knowing that the State will compel witnesses to appear and testify; his/her right at trial to be represented by counsel (appointed free of charge, if he/she cannot afford to hire his/her own); his/her right to remain silent, to refuse to be a witness against him/herself, and to be presumed innocent until proven guilty beyond a reasonable doubt.

F. **AGREEMENT CONTAINS ALL TERMS:** This written agreement contains all the terms and conditions of this plea agreement. The Defendant understands that any promises made by anyone, including his/her lawyer, that are not contained within this written agreement, are null and void. Any prediction or promise as to what the possible sentence will be is understood to be voided by this agreement.

ACKNOWLEDGEMENT AND SIGNATURES:

I, DUSTY TRAILS, agree to be bound by the terms and conditions of this plea agreement and acknowledge the following: I am not on or under the influence of any drug, medication, liquor, or other intoxicant. My plea is not the result of force, threats, assurances, or promises other than those which are contained in writing in this agreement. I have read this agreement with the assistance of counsel. I understand its terms and understand the rights I give up by pleading guilty. If I am granted probation by the Court, the terms and conditions of probation are subject to modification at any time during the period of probation in the event that I violate any written condition of my probation.

DATE

DUSTY TRAILS
DEFENDANT

I have discussed this case with my client in detail and advised him/her of his/her constitutional rights and all possible defenses. I believe my client understands this plea agreement, including the range of sentence he/she faces and the constitutional rights he gives up. I believe that the plea terms and conditions are appropriate under the facts of this case.

DATE

DEFENDANT'S COUNSEL

I have reviewed this agreement. I concur that the terms and conditions of the plea are appropriate and in the interests of justice. I affirm that reasonable efforts have been made to confer with the victim(s), where required. Reasonable efforts have been made to give the victim(s) notice of this plea, the right to be present and an opportunity to be heard.

PIMA COUNTY ATTORNEY

November 21, 2002

Xxxxx xxxxxx
DEPUTY COUNTY ATTORNEY



**PIMA COUNTY SHERIFF'S DEPARTMENT
ARIZONA TRAFFIC TICKET AND COMPLAINT**



COMPLAINT		SOCIAL SECURITY NO. <input type="checkbox"/> SAME AS DR. LIC.		MILITARY <input type="checkbox"/> YES		<input checked="" type="checkbox"/> ACCIDENT <input type="checkbox"/> SERIOUS INJURY <input type="checkbox"/> FATALITY		<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> HAZ. MATERIAL		INCIDENT NUMBER			
DRIVER'S LICENSE NUMBER				STATE/COUNTRY				CLASS		ENDORSEMENTS M H N P T X D			
DEFENDANT		NAME: FIRST <u>SCOOTER</u>		MIDDLE		LAST <u>SCHWIMM</u>		RESIDENTIAL ADDRESS <u>104 College Place</u>		CITY STATE/COUNTRY ZIP CODE TELEPHONE <u>TUCSON AZ 85714</u>			
SEX	WEIGHT	HEIGHT	EYES	HAIR	ORIGIN	RESTRICTIONS		DATE OF BIRTH					
	<u>175</u>	<u>600</u>	<u>BLU</u>	<u>BLN</u>	<u>5</u>			<u>11/27/84</u>					
BUSINESS ADDRESS <u>Nick-n-Nats</u>				CITY STATE/COUNTRY				ZIP CODE		TELEPHONE			
VEHICLE		COLOR	YEAR	MAKE	STYLE	LICENSE PLATE	STATE/COUNTRY	EXPIRES					
		<u>BLK</u>		<u>HUFFY</u>	<u>BICYCLE</u>								
REGISTERED OWNER <input type="checkbox"/> (SAME AS DEFENDANT)						ADDRESS			VEHICLE IDENTIFICATION NUMBER				
THE UNDERSIGNED CERTIFIES THAT:													
ON	<u>8/13/03</u>	TIME OF DAY	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	SPEED	APPROX.	POSTED	R&P	MEASUREMENT DEVICE	DUI	PRIOR CONVICTION		BA CONTENT	
	AT	DIRECTION OF TRAVEL			LOCATION <u>CALLE CONCORDIA / SPEEDWAY</u>			PIMA COUNTY, ARIZONA		YES	NO	UNK	
THE DEFENDANT COMMITTED THE FOLLOWING:													
A	SECTION <u>2B-817A</u>	ARS <u>CC</u>	VIOLATION <u>NO BICYCLE REFLECTORS</u>		<input type="checkbox"/> DOMESTIC VIOLENCE CASE								
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input checked="" type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE								
B	SECTION <u>2B-817A</u>	ARS <u>CC</u>	VIOLATION <u>NO LIGHT ON BICYCLE</u>		<input type="checkbox"/> DOMESTIC VIOLENCE CASE								
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input checked="" type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE								
C	SECTION <u>2B-728B</u>	ARS <u>CC</u>	VIOLATION <u>TRAVELLING WRONG WAY ON ONE WAY STREET</u>		<input type="checkbox"/> DOMESTIC VIOLENCE CASE								
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input checked="" type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE								
D	SECTION	ARS <u>CC</u>	VIOLATION		<input type="checkbox"/> DOMESTIC VIOLENCE CASE								
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE								
E	SECTION	ARS <u>CC</u>	VIOLATION		<input type="checkbox"/> DOMESTIC VIOLENCE CASE								
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE								
YOU MUST APPEAR AT:		<input checked="" type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #1		115 N. CHURCH AVE., TUCSON, AZ		1001		<input type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #3		111 LA MINA, AJO, AZ		1003	
		<input type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #7		601 N. LA CANADA, GREEN VALLEY, AZ		1007		<input type="checkbox"/> PIMA COUNTY JUVENILE COURT CENTER		2225 E. AJO WAY, TUCSON, AZ			
At the date and time indicated:		MONTH:	DAY:	YEAR:	TIME OF DAY:		<input type="checkbox"/> A.M. <input type="checkbox"/> P.M.						
CRIMINAL: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed herein.				VICTIM? YES OR NO ALL VICTIMS NOTIFIED? YES OR NO									
CIVIL: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.				I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of the complaint upon the defendant.									
<u>X</u> <u>Scoter Schwimm</u>				<u>R. NEWTON</u>				<u># 3581</u>					
JUVENILE REFERRAL: Your parent/guardian will be contacted by the juvenile court concerning the above offense.				COMPLAINANT				BADGE NUMBER					
X				PARENT'S NAME				ADDRESS					
PARENT'S NAME				ADDRESS				TELEPHONE					
WARNING TO ALL PERSONS UNDER 18 YEARS OF AGE: If you fail to appear for any court appearance, or fail to comply with any court order, the court will direct the Arizona Motor Vehicle Department to suspend your driver license or driving privilege until you have satisfied the court, or until your eighteenth birthday.													



PIMA COUNTY SHERIFF'S DEPARTMENT ARIZONA TRAFFIC TICKET AND COMPLAINT



COMPLAINT [REDACTED]		SOCIAL SECURITY NO. <input type="checkbox"/> SAME AS DR. LIC.		MILITARY <input type="checkbox"/> YES		<input checked="" type="checkbox"/> ACCIDENT <input type="checkbox"/> SERIOUS INJURY <input type="checkbox"/> FATALITY		<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> HAZ. MATERIAL		INCIDENT NUMBER	
DRIVER'S LICENSE NUMBER B1593973				STATE/COUNTRY AZ		CLASS D		ENDORSEMENTS M H N P T X D			
DEFENDANT		NAME: FIRST KIRBY		MIDDLE		LAST FARNSWORTH					
RESIDENTIAL ADDRESS 716 FAIRVIEW AVE.				CITY TUCSON		STATE/COUNTRY AZ		ZIP CODE 857		TELEPHONE	
SEX M	WEIGHT 160	HEIGHT 509	EYES BR	HAIR BR	ORIGIN S	RESTRICTIONS		DATE OF BIRTH 1/21/85			
BUSINESS ADDRESS				CITY		STATE/COUNTRY		ZIP CODE		TELEPHONE	
VEHICLE		COLOR BLK	YEAR 02	MAKE LEXUS	STYLE CONJ.	LICENSE PLATE BARJO 1	STATE/COUNTRY AZ	EXPIRES 8/04			
REGISTERED OWNER <input checked="" type="checkbox"/> (SAME AS DEFENDANT)						ADDRESS			VEHICLE IDENTIFICATION NUMBER		

THE UNDERSIGNED CERTIFIES THAT:

ON	DATE (MO/DAY/YR) 8/13/03	TIME OF DAY 11:04	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	SPEED	APPROX. 45	POSTED 30	R&P 30	MEASUREMENT DEVICE DUI	PRIOR CONVICTION <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> UNK			BA CONTENT
	AT		DIRECTION OF TRAVEL S/B	LOCATION CALLE CONCORDIA @ SPEEDWAY				PIMA COUNTY, ARIZONA				

THE DEFENDANT COMMITTED THE FOLLOWING:

A	SECTION 2B-701 A	ARS CC	VIOLATION SPEED GREATER THAN R & P				<input type="checkbox"/> DOMESTIC VIOLENCE CASE					
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION		<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input checked="" type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
B	SECTION	ARS CC	VIOLATION				<input type="checkbox"/> DOMESTIC VIOLENCE CASE					
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION		<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
C	SECTION	ARS CC	VIOLATION				<input type="checkbox"/> DOMESTIC VIOLENCE CASE					
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION		<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
D	SECTION	ARS CC	VIOLATION				<input type="checkbox"/> DOMESTIC VIOLENCE CASE					
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION		<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
E	SECTION	ARS CC	VIOLATION				<input type="checkbox"/> DOMESTIC VIOLENCE CASE					
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION		<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						

YOU MUST APPEAR AT:	<input checked="" type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #1	115 N. CHURCH AVE., TUCSON, AZ	1001
	<input type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #3	111 LA MINA, AJO, AZ	1003
	<input type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #7	601 N. LA CANADA, GREEN VALLEY, AZ	1007
	<input type="checkbox"/> PIMA COUNTY JUVENILE COURT CENTER	2225 E. AJO WAY, TUCSON, AZ	

At the date and time indicated:		MONTH: SEP	DAY: 3	YEAR: 02	TIME OF DAY: 9:00 A.M. <input type="checkbox"/> P.M.
CRIMINAL: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed herein.	VICTIM? YES OR NO ALL VICTIMS NOTIFIED? YES OR NO				
CIVIL: <input checked="" type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of the complaint upon the defendant.				
X	R. NEWTON				37
	COMPLAINANT				BADGE NUMBER

JUVENILE REFERRAL: Your parent/guardian will be contacted by the juvenile court concerning the above offense.

X

PARENT'S NAME	ADDRESS	TELEPHONE
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WARNING TO ALL PERSONS UNDER 18 YEARS OF AGE: If you fail to appear for any court appearance, or fail to comply with any court order, the court will direct the Arizona Motor Vehicle Department to suspend your driver license or driving privilege until you have satisfied the court, or until your eighteenth birthday.



PIMA COUNTY SHERIFF'S DEPARTMENT ARIZONA TRAFFIC TICKET AND COMPLAINT



COMPLAINT [REDACTED]		SOCIAL SECURITY NO. <input checked="" type="checkbox"/> SAME AS DR. LIC.		MILITARY <input type="checkbox"/> YES		<input type="checkbox"/> ACCIDENT <input type="checkbox"/> SERIOUS INJURY <input type="checkbox"/> FATALITY		<input type="checkbox"/> COMMERCIAL <input type="checkbox"/> HAZ. MATERIAL		INCIDENT NUMBER	
DRIVER'S LICENSE NUMBER 555-55-5555				STATE/COUNTRY AZ		CLASS D		ENDORSEMENTS M H N P T X D			
DEFENDANT		NAME: FIRST Dusty		MIDDLE		LAST TRAILS					
RESIDENTIAL ADDRESS 1716 S			CITY BUENA TIERRA		STATE/COUNTRY AZ		ZIP CODE 85706		TELEPHONE		
SEX M	WEIGHT 506	HEIGHT 140	EYES BRO	HAIR BLK	ORIGIN S	RESTRICTIONS		DATE OF BIRTH			
BUSINESS ADDRESS CITY OF TUCSON			CITY HIGHWAY		STATE/COUNTRY DEPT.		ZIP CODE		TELEPHONE		
VEHICLE		COLOR 94	YEAR WHITE	MAKE TK	STYLE STREET SWEEP	LICENSE PLATE G-01534	STATE/COUNTRY AZ		EXPIRES N/A		
REGISTERED OWNER <input type="checkbox"/> (SAME AS DEFENDANT) CITY OF TUCSON						ADDRESS			VEHICLE IDENTIFICATION NUMBER		

THE UNDERSIGNED CERTIFIES THAT:

ON AT	DATE (MO/DAY/YR) 8/13/02	TIME OF DAY 11:04	<input type="checkbox"/> A.M. <input checked="" type="checkbox"/> P.M.	SPEED 15	APPROX. 30	POSTED 0	R&P	MEASUREMENT DEVICE	D U I	PRIOR CONVICTION YES <input type="checkbox"/> NO <input type="checkbox"/> UNK <input type="checkbox"/>	BA CONTENT
	DIRECTION OF TRAVEL S/B			LOCATION CALLE CONCORDIA @ SAEEDWAY						PIMA COUNTY, ARIZONA	

THE DEFENDANT COMMITTED THE FOLLOWING:

A	SECTION 28-13B(1)	ARS CC	VIOLATION DUI	<input type="checkbox"/> DOMESTIC VIOLENCE CASE							
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input checked="" type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
B	SECTION	ARS	VIOLATION	<input type="checkbox"/> DOMESTIC VIOLENCE CASE							
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
C	SECTION	ARS	VIOLATION	<input type="checkbox"/> DOMESTIC VIOLENCE CASE							
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
D	SECTION	ARS	VIOLATION	<input type="checkbox"/> DOMESTIC VIOLENCE CASE							
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						
E	SECTION	ARS	VIOLATION	<input type="checkbox"/> DOMESTIC VIOLENCE CASE							
	DOCKET NUMBER	DISPOSITION CODE	DISPOSITION DATE	SANCTION	<input type="checkbox"/> CRIMINAL <input type="checkbox"/> CRIMINAL TRAFFIC <input type="checkbox"/> CIVIL TRAFFIC <input type="checkbox"/> PETTY OFFENSE <input type="checkbox"/> ORDINANCE						

YOU MUST APPEAR AT:	<input checked="" type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #1	115 N. CHURCH AVE., TUCSON, AZ	1001
	<input type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #3	111 LA MINA, AJO, AZ	1003
	<input type="checkbox"/> PIMA COUNTY JUSTICE COURT JP #7	601 N. LA CANADA, GREEN VALLEY, AZ	1007
	<input type="checkbox"/> PIMA COUNTY JUVENILE COURT CENTER	2225 E. AJO WAY, TUCSON, AZ	

At the date and time indicated: MONTH: SEP DAY: 3 YEAR: 02 TIME OF DAY: 9:25 A.M. P.M.

CRIMINAL: <input type="checkbox"/> Without admitting guilt, I promise to appear as directed herein. CIVIL: <input type="checkbox"/> Without admitting responsibility, I acknowledge receipt of this complaint.	VICTIM? YES OR NO ALL VICTIMS NOTIFIED? YES OR NO I certify upon reasonable grounds, I believe the person named above committed the acts described and I have served a copy of the complaint upon the defendant.
X <u>Dusty Trails</u>	<u>R. NEWTON</u> COMPLAINANT
	<u>37</u> BADGE NUMBER

JUVENILE REFERRAL: Your parent/guardian will be contacted by the juvenile court concerning the above offense.

PARENT'S NAME _____ ADDRESS _____ TELEPHONE _____

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