

Georgia Cases on File in the Georgia Mock Trial Office

If a Georgia case is used in, copied for or modified for any activity, class, mock trial demonstration and/or mock trial competition, the Subcommittee on the Problem of the Georgia High School Mock Trial Committee of the Young Lawyers Division of the State Bar of Georgia must be given the appropriate writing credit for the original materials in all copies distributed to participants. Thank you.

The Georgia cases listed below are available upon request from the Georgia Mock Trial office. The cases are described on the following pages. Indicate your choice(s) by checking the case(s) and Bench Brief (if available) you'd like to order. Paper copies of these cases are NOT available. Cases are only available in a PDF format.

Limit of 3 cases per school year.

Questions? **404/527-8779** or **800/334-6865 ext. 779.**

Email or fax your order to the:

Georgia Mock Trial Office

mocktrial@gabar.org or FAX to 404/527-8717

NAME OF PERSON PLACING ORDER

TELEPHONE NUMBER WITH AREA CODE

SCHOOL/FIRM/ORGANIZATION NAME

EMAIL ADDRESS TO SEND FILES

Civil Cases:

- (BB:) *State v. Binder* (1992)
- (BB: N/A) *Hills v. Midway School Board* (1991)
- (BB: N/A) *Johnson v. Bowen* (1989)
- (BB: N/A) *Taylor v. Lance Memorial Hospital* (1992)
- (BB:) *Hamilton v. Sadler* (2001)
- (BB:) *Cowell v. Roberts* (2013)
- (BB:) *LaQuinta v. Hill* (2007)
- (BB:) *Schwinn v. Farnsworth* (2003)
- (BB:) *Stuart v. Garfunkel Property Group* (2015)
- (BB:) *Bryson v. Cobb* (2017)
- (BB:) *O'Riley v. Happy Daze Daycare* (1999)
- (BB:) *Tenebrous v. Busy Bee Express* (1995)
- (BB: N/A) *Alexander v. Cooper, Cook, & Troy* (1993)
- (BB:) *Alex Sadler v. Parker Hamilton* (2009)
- (BB:) *Ortega v. Brewster, et. al* (1997)
- (BB:) *Fields v. Register* (2005)
-
- State v. Windsor* (Middle School Criminal)
- Procope v. Winkies Foods* (Middle School Civil)

Criminal Cases:

- (BB:) *State v. Stafford* (2010)
- (BB:) *State v. Banks* (2006)
- (BB:) *State v. Berrien* (2016)
- (BB:) *State v. Binder* (1992)
- (BB: N/A) *State v. Clifford Bryant* (1988)
- (BB:) *State v. Sandy Bryant* (2008)
- (BB: N/A) *U.S. v. Remy* (1994)
- (BB: N/A) *State v. Turing* (1993 National)
- (BB:) *State v. Dougherty* (2009 National)
- (BB:) *State v. Barrett* (1990)
- (BB:) *State v. Capulet* (2012)
- (BB:) *State v. Brunetti* (2000)
- (BB: N/A) *State v. West* (1985)
- (BB:) *State v. Finn* (2004)
- (BB:) *State v. Foil* (1996)
- (BB:) *State v. Cunningham* (2002)
- (BB:) *State v. Pyke* (2014)
- (BB:) *State v. Peterson* (1998)

The Georgia High School Mock Trial Competition is a project of the Young Lawyers Division of the State Bar of Georgia

104 Marietta Street, NW, Suite 100 • Atlanta, GA 30303 • 404/527-8779 or 800/334-6865, ext. 779 • FAX: 404/527-8717
mocktrial@gabar.org • www.georgiamocktrial.org • www.facebook.com/GeorgiaMockTrial • www.twitter.com/GA_MockTrial

All cases below are original cases, with some being adapted from other states' cases, as noted.

High School **Civil** Cases

Civil Rights—First Amendment (Free Speech)

Rook E. Greenwood v. Chief Billie Durden, in His/Her Individual Capacity as Chief of the Miltonville Police Department -- (2011)

This problem is a 42 USC § 1983 action brought by Detective Rook E. Greenwood against Chief Billie Durden of the Miltonville Police Department. Greenwood claims that Durden violated his/her civil rights by terminating him/her based on a statement s/he made through a posting on a social networking site. Chief Durden disputes that the statement in question had anything to do with Greenwood's firing, and instead claims to have terminated Greenwood "for good cause" due to citizen complaints. **Bench Brief available.**

Hills v. Midway School Board -- (1991) [also SC (1991)]

As a member of a school band, Hills is suing the school board because the band was abolished and his/her chance for a scholarship was lost after s/he and the band played a protest song at a local function. **Bench Brief NOT available.**

DUI Host Liability

Shannon Johnson v. Kelly Bowen -- (1989)

Johnson's husband Lee was killed in a car accident with Stacey Viscious, who was arrested and charged with DUI. Johnson claims Viscious consumed the beer at a party given by Terry Bowen, a high school student at Thomas Nast High School. Johnson is suing Kelly Bowen, the parent of Terry Bowen. **Bench Brief NOT available.**

Job Discrimination

Taylor v. Lance Memorial Hospital -- (1992) [adapted from AZ 1988]

Male nurse claims to be fired from women's hospital because of his sex. Hospital claims he was fired because of his negligence and lack of cooperation. Used at '92 Summer Law Camp. **Bench Brief NOT available.**

Libel

Parker Hamilton v. Alex Sadler -- (2001)

An anonymous message is posted on the Campbell County High School's Internet newsgroup citing an impropriety between teacher Parker Hamilton, a law student and stolen money from an attorney trust account, as reasons for Hamilton's leaving the legal profession to pursue a career in education. Hamilton alleges the post was made by student Alex Sadler and files a civil libel suit. **Bench Brief available.**

Negligence

Addison Cowell v. Marion Roberts -- (2013)

Addison Cowell and Glenn Miller are seniors in Milton County High School's Marching 76ers marching band and were up for a scholarship to UGA. During a practice on a hot August afternoon, Marion Roberts, the band director, punished Cowell for being late to practice by running laps around the track. The athletic trainer soon after canceled all outdoor activities due to the heat index being too high, but

no one retrieved Cowell, who stayed out running and collapsed and busted his/her lip on the track, thus preventing him/her from performing at that Friday night's game and missing out on the spot for the scholarship. Cowell sues Roberts for negligence for not making sure Cowell was brought inside when activities were cancelled. **Bench Brief available.**

Gabriel/Gabrielle Garcia LaQuinta v. Jed Hill, M.D. -- (2007)

Paris LaQuinta and Nicole Commodore went out to a club on a Saturday night. One drank alcohol to excess, while the other did not. They both got into Paris' new car, bound for home. On the way, they collide with a large SUV driven by Dr. Jed Hill. Paris is killed and Nicole is in a coma, unable to testify. The driver of Paris' car is in question and while Hill is charged with causing the accident, s/he claims that s/he is not at fault and counter-sues Paris' parents. **Bench Brief available.**

Scooter Schwinn v. Kirby Farnsworth -- (2003)

A car driven by the defendant hits a bicycle pizza delivery person. The Defendant counter-sues the Plaintiff, claiming negligence on the part of the Plaintiff. **Bench Brief available.**

Stuart v. Garfunkel Property Group, Inc. -- (2015)

A mall security guard stuns the Jean Stuart (an elderly mall walker) with a Faser after Stuart refuses to comply with guard's demands. Guard claims that Stuart assaulted the guard first and the stunning was in self-defense. Stuart is suing the mall management company for negligent hiring and negligent retention of the guard; the guard testifies on behalf of the plaintiff, setting up a hostile witness. **Bench Brief available.**

Personal Injury

Bryson v. Cobb -- (2017)

Harper Bryson, the plaintiff, was injured during a high school softball game while rounding third base, potentially scoring the winning run to advance the team to the championships. The defendant, Joey Cobb, is known for a powerful and accurate arm from the outfield. Bryson claims that Cobb hit him/her intentionally to save the run and game but Cobb argues that hitting a moving target like that would be impossible. All witnesses are direct witness to the incident and have several different vantage points. **Bench Brief available.**

O'Riley v. Happy Daze Daycare and J. Weaver -- (1999) [similar to SC 1999]

Parents charge daycare center with exposing child to second-hand smoke, leading to an asthma attack and permanent disability. Written with SC, which used an altered version suitable to SC law. **Bench Brief available.**

Tenebrous v. Busy Bee Express -- (1995)

Plaintiff is suing for compensation following a traffic accident. Colorful witnesses. Failed mediation agreement included. **Bench Brief available.**

Sexual Harassment

Alexander v. Cooper, Cook, & Troy -- (1993) [also SC (1993)]

Attorney sues her law firm for providing an unwelcome and hostile work environment constituting sexual harassment. **Bench Brief NOT available.**

Tort—Battery

Alex Sadler v. Parker Hamilton -- (2009)

This case uses a mock trial competition as the backdrop for the plot. On March 16, 2008, Defendant Sadler struck Plaintiff Hamilton with his/her briefcase causing injury to Plaintiff's mouth and nose. After this initial attack, the defendant continued attacking the plaintiff by pushing and cursing him/her until law enforcement personnel arrived at the scene. Plaintiff has suffered serious bodily injury in addition to pain and suffering. Defendant filed a counterclaim. **Bench Brief available.**

Wrongful Death

Ortega v. Brewster, et. al -- (1997) [adapted from NM 1996]

Based on Morris Dees' "Hate on Trial," this fact pattern sets the racial tension between immigrants and citizens. An Hispanic-American is killed in a hate crime and a member of an anti-immigrant organization pleads guilty to murder. This civil case charges a national, anti-immigrant political organization and its Internet web site with liability for the death. **Bench Brief available.**

Hatty Fields v. Reese Register -- (2005)

Hilly Fields was killed during the Grand Finale of the Annual Charity Fashion Show supporting Safe Shelter. Her killer was her uncle Cappy Fields and Hilly's personal security guard, Hunter Sherlock, gunned down Cappy shortly after Cappy shot Hilly. Rumors abound about Cappy, his relationship with Reese Register of McKoy Designs & Manufacturing, Inc., his affiliation with shady underworld characters and his dependence on drugs and alcohol. Hilly's parent, Hatty Fields alleges Register conspired with Cappy to murder Hilly and is liable for her death. **Bench Brief available.**

High School *Criminal Cases*

Aggravated Assault

State v. Claire/Clay Stafford -- (2010)

The defendant, Clay/Claire Stafford, is accused of aggravated assault against his/her classmate Verne/Vivian Theodore. The prosecution claims that Stafford carefully planned the alleged attack on Theodore during a graduation party, but Stafford claims that Theodore was a bully who pushed Stafford to his/her limit. **Bench Brief available.**

Arson/Felony Murder

State v. Robin Banks -- (2006)

The town of Auraria Springs, located in the mountains of North Georgia, is playing host to the "Gang of Four" Economic Summit. Simultaneously, the Glutco Corporation, maker of the massive SUV, the Guzzler, has plans to convert a former alternative fuel vehicle dealership in Auraria Springs into a Guzzler dealership. Robin Banks, a local environmental activist protests both the Gang of Four summit and the anticipated Guzzler dealership. In the days leading up to the start of the summit, the building Glutco planned to convert into their new dealership burns to the ground and Philipa Newton, a local homeless woman, dies in the fire. Philipa's sibling, Larry Newton, identifies Robin Banks as the person who set the fire in the dealership, but Banks has an alibi. Banks is charged with Felony Murder and First and Second Degree Arson. **Bench Brief available.**

Burglary

***State v. Berrien* -- (2016)**

Six years after the events of the murder conviction of Ashley Dougherty, Talbot Berrien finds him/herself working in another museum, planning an exhibit of the infamous *Cherokee Rose*. However, the *Rose* is stolen the night before the grand opening of the exhibit by a squad of burglars posing as high-end donors. The finger is pointed at Berrien for letting them in the museum after hours and giving them access to the painting. Berrien counters that s/he was a dupe in the whole plot and s/he was scammed into being the patsy by Dougherty him/herself, who coincidentally showed up at the museum just in time to hatch the plan. **Bench Brief available.**

Drug Trafficking

***State v. Binder* -- (1992)**

Chris Binder is charged with trafficking in cocaine and obstruction of law enforcement officer. Issue of police brutality. **Bench Brief NOT available.**

***State v. Clifford Bryant* -- (1988) [adapted from TX 1987]**

The charge of possession of marijuana with intent to distribute is defended by an entrapment claim. (2 witnesses per side) **Bench Brief NOT available.**

***State v. Sandy Bryant* -- (2008—the 20th Anniversary Season) [adapted from TX 1987 and GA 1988]**

The charge of a sale of a controlled substance (marijuana) is defended by an entrapment claim. (3 witnesses per side) **Bench Brief available.**

***U.S. v. Remy* -- (1994)**

Adds an international flavor to drug trafficking and importation. Brazilian charged with violating customs laws of U.S. **Bench Brief NOT available.**

Fraud/Computer

***State v. Turing* -- (1993—National HSMT Competition Case)**

Student gains access to school's computer system and orders a check to be written. Many exhibits included. **Bench Brief NOT available.**

Homicide

***State v. Ashley Dougherty* -- (2009—National HSMT Competition Case)**

Philip Newton, an assistant curator at the New Echota Museum of Art, is gunned down in the museum curator's office after a series of arguments over a world-famous painting, *The Cherokee Rose*, destined for a new exhibit at the museum. Ashley Dougherty, the curator, admits to shooting Newton and is charged with his murder, but Dougherty claims it was self defense. **Bench Brief available.**

***State v. Barbara Barrett* -- (1990)**

Defense is battered woman syndrome. **Bench Brief available.**

***State v. Daniel/Danielle Capulet* -- (2012)**

On May 14, Philip Newton, a resident of Miltonville, was shot and killed while riding his Harley Davidson Road King on Quarto Run by Daniel/Danielle Capulet. Newton had been in an altercation with the Capulet and Montague teenaged children earlier in the day which led to Newton following the teenager's car back home to the Capulet driveway. Capulet admits shooting Philip, but claims it was an

act of self-defence as the motorcyclist was the aggressor by threatening several people in the Capulet front yard with his aggressive driving. The defendant has been charged with Murder, Felony Murder and Aggravated Assault in Newton's death. **Bench Brief available.**

***State v. Haley Brunetti (2000)* [adapted from CA 1998]**

At approximately 7:45 a.m. on Friday, November 29th, a shooting occurred at Millard High School in suburban Salem Cove. Nicky Blanc, a freshman shot and killed Jackie Potomski, a senior by shooting Potomski in the chest with a hunting rifle. Blanc also shot at the police officers responding to the call. The officer's returned fire and killed Blanc, as well. In the course of the investigation it was learned that Haley Brunetti, Blanc's cousin, also had a long standing rivalry with Potomski. The officers allege that Brunetti plotted with Blanc to kill Potomski and Brunetti was charged with Murder and Felony Murder. **Bench Brief available.**

***State v. Matthew West -- (Clayton Co. 1985)* [adapted from MS 1983]**

A 24-year old female file clerk is murdered with a .38 caliber revolver behind the Crazy Time Bar. She was seen in the bar earlier in the evening arguing with boyfriend Matthew West over the victim "seeing other men". West was seen slapping the victim twice during this altercation. **Bench Brief NOT available.**

State v. Micky Finn -- (2004)

Victim Hollingsworth Morse dies of an overdose of liquid Ecstasy (liquid MDMA) at a Halloween party given by three friends and roommates Micky Finn, Dylan Childs and Ashley Brewer. Finn, Childs and Brewer are notorious pranksters at Metropolitan University and their biggest prank of the year comes at the annual Halloween party where, in the past, Finn has dressed as the Grim Reaper and passed out a tray of drinks at midnight. One of the drinks was spiked with liquid Ecstasy and given to the "mark" the friends identified earlier in the week. In years past, Brewer obtained the drug and Childs made sure the "mark" made it to the party and stayed until midnight. In this case, Brewer has copped a plea and will testify against Finn. Finn is charged with Felony Murder and Childs is not charged at all. **Bench Brief available.**

State v. Perry/Perri Foil -- (1996)

Case set in Atlanta, host of the 1995 "Spartan" Games, surrounds the sport of fencing. A fencing incident results in the death of a contestant. Was it an accident or murder? Lots of conflicting facts, and a confession by the defendant creates a legal issue regarding admissibility. **Bench Brief available.**

State v. Sam Cunningham -- (2002)

Former best friends and business partners Sam Cunningham and Jude Smith try their luck one last time at shrimping on the vessel *Jodocus*. Cunningham and Smith are the only two on the boat when a storm blows up and sinks the ship. Cunningham makes it to shore alive that evening, but Smith's body washes up on the beach a couple of days later with what appears to be stab wounds. Cunningham is charged with murder, felony murder, and possession of a knife during the commission of a crime. **Bench Brief available.**

State v. Sam/Samantha Pyke -- (2014)

The local loan shark, Bobby Bacalaleri, is pushed off the top level of the Miltonville Parking Garage to his death 10 stories below. Sam/Samantha Pyke, a client of Bobby's and a suspected local drug dealer is arrested for his murder. While Pyke admits to meeting with Bobby on the night of the fall, Pyke claims that s/he was leaving the deck when the real murderer pushed Bobby over the edge. Bobby's younger sibling claims s/he saw Pyke do it, while a witness across the street casts doubts on Pyke's

guilt. Could it have been a disgruntled member of Bobby's crew? Crime scene photos help set the scene. Pyke has been charged with Murder, Felony Murder and Aggravated Assault in Bobby's death. **Bench Brief available.**

Involuntary Manslaughter/Hazing

***State v. Pat Peterson* -- (1998) [adapted from NJ 1997]**

Fraternities and sororities have been replaced at this university with Student Social Organizations (SSO's). The problem with hazing, however, has not been solved. Pledgemaster Pat Peterson is charged with involuntary manslaughter and hazing in the death of freshman Jamie Johnson. **Bench Brief available.**

Middle School Criminal Case

***State v. Shawn Windsor* -- (2008) [adapted from IA MS 2005] Grade 7-8**

In Miltonville, the Metropolitan University football team is the hottest ticket in town, particularly since the team has made it all the way to the Rose Bowl this season. In this case, Shawn Windsor, the manager of the Pizza Now! restaurant (a popular local hangout) is accused of reckless driving after a hit and run accident during the victory celebration injured MU fan "Hawk" Kennedy. **Bench Brief NOT available.**

Middle School Civil Case

***Kelly Procope v. Winkies Foods Corporation* -- (2008) [adapted from IA MS 2008 & SC MS 2008] Grade 7-8**

The Plaintiff purchased a cup of coffee from the Defendant's establishment. While the Plaintiff was holding the cup of coffee purchased from the Defendant, the lid suddenly and unexpectedly came off of the cup, causing the coffee to spill onto the Plaintiff resulting in severe bodily injuries. This case is based loosely on the famous *Liebeck v. McDonald's* case. **Bench Brief NOT available.**