



The 2017 Mock Trial Case

**IN THE CIRCUIT COURT
OF FONDREN COUNTY
STATE OF MISSISSIPPI**

Andrea/Andrew “Andi” Speed,)
As Representative of the Estate of)
Taylor Speed, DECEASED)
v.)
K.D. PERRY, M.D.)

No. 2017-MT

NOTE: All characters, names, events, places and circumstances in this mock trial case are fictitious or are used fictitiously. Any resemblance to any person (living or dead), place, thing or event is purely coincidental.

The 2017 Mississippi High School Mock Trial case, Andrea/Andrew “Andi” Speed, as Representative of the Estate of Taylor Speed, Deceased v. K.D. Perry, M.D., has been adapted from the 2007 Georgia High School Mock Trial case, Garbiel/Gabrielle Garcia LaQuinta as Representative of the Estate of Paris LaQuinta, Deceased v. Jed Hill, M.D. The Mississippi High School Mock Trial Committee would like to thank Georgia for making its case available.

INTRODUCTION

*This introduction is of **no legal consequence** in terms of the trial and is **not admissible** for impeachment purposes or for any other purpose.*

Taylor Speed, 20, and Selena Waverly, 21, were best friends from the moment they met in seventh grade science class. From that day until December 13, 2014, the girls were inseparable. They walked alike, they talked alike, and they even looked alike, although their “look-alike” status was a bit contrived. Most people who didn’t know the pair thought they were twins, or at the very least sisters.

When Taylor turned 20 in October, her parents bought her a “new” vintage 1963 Corvette Stingray. One would think they could have waited for a milestone like her 21st birthday or college graduation, but not Taylor’s parents. They doted on their only daughter—she could truly do no wrong in their eyes. Taylor knew she had them wrapped around her finger, and she and Selena took advantage of that knowledge regularly.

On the evening of Saturday, December 13, 2014, Taylor and Selena decided to meet up with a few of their friends at a local hotspot in Fondren called Club 1989. While at the club, Taylor was heard bragging about her new car and showing the keys to anyone who’d pay her any attention. Of course, Taylor’s bragging became much louder the more alcohol she consumed, and soon everyone who was there that night knew about her shiny new car. Selena, however, was much more subdued that evening. No one saw her drinking anything other than a Coke, and she didn’t seem to be having as good a time as Taylor.

At the end of the evening, Taylor and Selena left the club and bartender, Jo Mayer, saw them fighting about the keys in the parking lot. Mayer overheard Selena telling Taylor that she needed to drive since she hadn’t been drinking. According to Mayer, Taylor didn’t want to let Selena drive her new car. Mayer last saw Taylor holding the car keys in the parking lot that night.

K.D. Perry is a resident at County General Hospital and was returning to the hospital to answer an emergency page after a very long shift in the Emergency Room. S/he was admittedly tired and was going very fast in his/her Guzzler SUV on State Route 1. According to Dr. Perry, the next thing s/he saw was the Corvette crossing the centerline and coming right at him/her. The cars collided and the Corvette rolled down an embankment, ejecting the two occupants. Dr. Perry was working to stabilize Selena when Officer Greenwood arrived at the scene. Taylor was ejected and was lying further away from Selena, unseen by Dr. Perry. Taylor was pronounced dead upon her arrival at the hospital in the early hours of Sunday morning. Officer Greenwood’s report states that Selena was driving the Corvette and finds Dr. Perry at fault for the accident.

Andrea/Andrew Speed, Taylor’s parent, files this lawsuit against Dr. Perry. Dr. Perry, in his/her answer to the complaint claims that Taylor, not Selena, was the driver of the Corvette and was drunk. Selena is still hospitalized in a persistent vegetative coma and is not available as a witness.

STIPULATIONS

1. All exhibits included in the problem are authentic and accurate in all respects; no objections to the authenticity of the exhibits shall be entertained.
2. Stipulations cannot be contradicted or challenged.
3. The signatures on the witness statements and all other documents are authentic.
4. The Charge of the Court is accurate in all respects; no objections to the charge shall be entertained.
5. Chain of custody for evidence is not in dispute.
6. There is no dispute that the case was filed within the statute of limitations for a wrongful death action under Mississippi law.
7. The Introduction provided is of no legal consequence in terms of the trial and is not admissible for impeachment purposes or for any other purpose.
8. Taylor Speed, the deceased victim, is female. Selena Waverly, the surviving victim, is also female.
9. Selena Waverly is not available to testify due to her medical condition.
10. Exhibits 2 and 10 were composed and compiled by the person whose name appears thereon and were each made in the regular course of business at the time of the act, transaction, occurrence or event or within a reasonable time thereafter.
11. Exhibits 1, 3 and 4 are admissible without further foundation.
12. Exhibits 5, 6, 7 and 12 are certified copies of the records in the custody of the appropriate court or agency.
13. Exhibit 11 fairly and accurately depicts the item, scene, view or geography it purports to depict. The picture depicts a yellow wristband.
14. For purposes of this competition only, the state of Mississippi, specifically the Circuit Court of Fondren County, Mississippi, First Judicial District, has adopted O.C.G.A. § 40-13-58.

WITNESSES

The following witnesses are available to be called by the parties. Plaintiff witnesses may not testify or be called on behalf of the Defendant. Defense witnesses may not testify or be called on behalf of the Plaintiff. All witnesses may be female or male. See Rules 3, 5 and 12(f) for more details on witnesses.

For the Plaintiff

Andrea/Andrew “Andi” Speed
Dr. Gerald/Geraldine Gowitt
Officer Rook E. Greenwood

For the Defense

K.D. Perry, M.D., defendant
Calvin/Callie “Crash” Craddock
Jo Mayer

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 Title/Description</u>
1.	Guzzler OnCall Transcript
2.	M.E. Report of Autopsy of Taylor Speed
3.	Composite Lab Reports on Samples for Taylor Speed
4.	Composite Lab Reports on Samples for Selena Waverly
5.	Club 1989 Citation - 04/15/12
6.	Club 1989 No Contest Plea - 05/27/12
7.	Primo Canera Citation - 03/27/12
8.	C.V. of Dr. Gerald/Geraldine Gowitt
9.	Diagram of Calvin/Callie "Crash" Craddock
10.	December 13, 2014 Police Report
11.	Accident Scene Photograph Taken December 14, 2014
12.	K.D. Perry Ticket - 12/14/14

IN THE CIRCUIT COURT OF FONDREN COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ANDREA/ANDREW “ANDI” SPEED,
as Representative of the Estate of Taylor Speed,
DECEASED

PLAINTIFF

Civil Action No. 2017-MT

v.

K.D. PERRY, M.D.

DEFENDANT

COMPLAINT FOR DAMAGES

COMES NOW Andrea/Andrew “Andi” Speed, as representative of the estate of Taylor Speed, Plaintiff in the above-styled civil action, and shows this Honorable Court the following:

1.

Defendant K.D. Perry, M.D. is a resident of the State of Mississippi and the County of Fondren, and may be served with a copy of this complaint within the confines of said County. Jurisdiction and venue are hereby proper in this Court.

2.

On or about December 13, 2014, the vehicle Defendant Perry was operating violently collided with the vehicle in which Taylor Speed was a passenger.

3.

Defendant Perry failed to exercise that 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 Perry.

5.

The acts of Defendant Perry in driving too fast for conditions, falling asleep while operating the motor vehicle and failing to maintain the correct lane of travel, constitute negligence and negligence per se.

6.

Said collision caused the death of Taylor Speed, and Defendant is responsible for all damages proximately flowing from said collision.

WHEREFORE, Plaintiff prays the following:

- (a) That summons issue and Defendant be served with a copy of this complaint;
- (b) That Plaintiff have a jury trial on all issues; and
- (c) That Plaintiff be awarded damages in an amount to be determined by a fair and impartial jury.

This 23rd day of September, 2016.

 /S/
Signed by the attorney

IN THE CIRCUIT COURT OF FONDREN COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ANDREA/ANDREW "ANDI" SPEED,
as Representative of the Estate of Taylor Speed,
DECEASED

PLAINTIFF

Civil Action No. 2017-MT

v.

K.D. PERRY, M.D.

DEFENDANT

ANSWER

COMES NOW Defendant K.D. Perry, M.D., in the above-styled civil action, and shows this Honorable Court the following:

1.

Defendant admits the allegations of Paragraph One of the complaint.

2.

Defendant denies the allegations of Paragraph Two of the complaint.

3.

Defendant denies the allegations of Paragraph Three of the complaint.

4.

Defendant denies the allegations of Paragraph Four of the complaint.

5.

Defendant denies the allegations of Paragraph Five of the complaint.

6.

Defendant denies the allegations of Paragraph Six of the complaint. By way of further answer, Defendant alleges that the tortious acts of Club 1989 and Selena Waverly, both non-parties to this action, are the sole proximate cause of the injuries complained of in the complaint.

WHEREFORE, Defendant K.D. Perry, M.D. having answered Plaintiff's complaint for damages, demands judgment in his/her favor and demands that Plaintiff's complaint be dismissed with all costs taxed against Plaintiff.

This 23rd day of September 2016.

 /S/
Signed by the attorney

STATEMENT OF ANDREA/ANDREW “ANDI” SPEED

1
2
3 1. My name is Andrea/Andrew Speed. My friends call me “Andi.” I am 53 years old. I am Taylor
4 Speed’s mother/father. Taylor was our only daughter, and she was our whole life, really. She was such
5 a good girl! From the day she was born, she was a light and a joy. I can still see her, as a little girl,
6 playing piano or guitar and writing songs. Oh, how she loved to make music. I can also see her running
7 in the neighborhood with all the boys—she could throw a dodge ball like nobody’s business! Taylor
8 always had lots of friends. She was such fun! Mind you, she was responsible, too. We have spent our
9 whole lives here in Fondren It seems like just yesterday we watched her graduate from Fondren Academy
10 with friends, family and even our neighbors cheering her on! You ask anyone about Taylor, and they will
11 smile just thinking about her and have only good things to say.
12

13 2. Now, some people would say that we doted on our daughter—and maybe we did, just a bit. But
14 it’s hard when you wait so many years to have a child not to think that you have a precious gift. And
15 Taylor deserved good things. She was kind to everyone she met and she worked very hard in school.
16 Why, she got A’s and B’s from almost every teacher. (Of course, I don’t count those C’s from her music
17 teacher, Jay B. Knowles, who thinks that unless you are a Yeezy East wannabe, you have no singing
18 talent. My baby could sing! And I don’t count the C she got from that goofy environmentalist science
19 teacher, Figueroa Newton. Unless you were willing to march on Washington for that group Global Nature
20 Activist Troop, you didn’t stand a chance in her class. You could understand Einstein’s Theory of
21 Relativity, and you’d do poorly—and Taylor was only in seventh grade!). We’ve saved all Taylor’s report
22 cards since kindergarten, and the special stories she wrote and her art work in special boxes. We had
23 planned to show them to her children one day. .. I’m sorry! I just feel overwhelmed at times...having
24 lost my one and only child in a thoughtless, needless accident.
25

26 3. Selena Waverly? Why of all of Taylor’s friends, Selena was her best friend. They met in seventh
27 grade science class, and I guess they bonded over the experience. Anyway, they were nearly inseparable
28 from Day 1. And they were so much alike! Why the girls would sometimes throw me off – they walked
29 alike, they talked alike, they looked alike, and they had the same taste in clothes. Taylor was a year
30 younger than Selena, but I used to call Selena-Taylor’s lost twin. Fondren has really grown in the past 10
31 years, and when we would go places all together, people who didn’t know us would ask me how it was
32 raising twins all those years. We would laugh and wink and tell them that we somehow muddled through.
33 Taylor and Selena went everywhere together, and I didn’t worry about them because they stayed in touch
34 with us by cell phone. We had an arrangement that the girls were to call us when they were headed home,
35 so we could know when to expect them. Other parents complain that they cannot keep track of their
36 children and their social lives, but not us. We impressed upon the girls the importance of having fun
37 responsibly, and they really took it to heart.
38

39 4. December 13, 2014. I will never forget that date as long as I walk this earth. The light of my life
40 was snuffed out forever that night. It all started innocently enough. Taylor and Selena had just finished
41 their final exams at Metropolitan University. They were both in a special three-year sales and marketing
42 program. Donald Trump (before he got distracted running for President) and Martha Stewart both came
43 and spoke to the students—not at the same time, of course. Taylor and Selena just could not stop talking
44 about their future business; they had big plans to start a pet clothing and accessories line. They would
45 have done fabulously; Donald *and* Martha both saw they had what it takes—and told them so! But I
46 digress... As I was saying, Taylor and Selena had just finished their fall exams, and they decided to meet
47 some friends at Club 1989, an 18-and-over dance club here in Fondren. Taylor’s mother/father and I have
48 never been there, but it’s THE place to meet and hang out here in town. It’s a spirited “hot spot” as the
49 kids call it, but they have a good system of seeing that people who are underage don’t drink. The Fondren

50 Banner Herald has run several articles about Club 1989, and I guess every once in a while a miscreant
51 who is determined to drink gets around the safeguards, but considering how many people patronize the
52 club, they do pretty well. I can tell you that any time there have been citations for underage drinking, my
53 Taylor was *not* involved.

54

55 5. Taylor and Selena left in Taylor's "new" vintage 1963 Corvette. We had planned to wait to replace
56 Taylor's car when she completed her studies, but her old car was beginning to cost more to maintain than
57 it would cost to put her in a new car, especially with a recent sales event they held at Vintage Rides
58 Metroplex in Fondren. Besides, a young woman these days needs a safe, dependable set of wheels. It's
59 not the same world it was when my wife/husband and I were growing up. And Taylor was doing so well
60 in her studies. As we all know, it's important to look the part of the successful entrepreneur you want to
61 be. I should know, I've been a business man/woman all my adult life, and if I've learned anything, it's
62 that people really do judge you by appearances. And there's no telling when The Donald and Martha
63 would be back; they seemed very impressed with our Community College Program and are very tight with
64 the program director, Seymour Bucks. We certainly wanted her to make the right impression for a possible
65 internship.

66

67 6. Taylor and Selena were planning to get up early Sunday morning because they had been chosen
68 to model in the Fondren Kiwanis Club's Annual Spring Charity Fashion Show and promised to be home
69 early to allow for sufficient "beauty sleep." They left the house around 8:00 p.m., went straight to Club
70 1989, and stayed there all evening. Taylor's mother/father had just gone to bed, and I was waiting for the
71 call letting us know that Taylor and Selena were on their way. At about 11:35 p.m. the phone rang. From
72 Caller ID I knew it was Taylor calling from her cell phone. I picked up the phone and Taylor apologized
73 for keeping us in suspense and running later than expected. She was thoughtful that way. She told me
74 that Club 1989 was "rockin'" that night, and she and Selena had just lost track of the time. She sounded
75 so happy and carefree; telling me how impressed everyone was with her new car. "Don't worry,
76 daddy/mommy," she sang, "We're on the Country Road, and we'll be home before you know it." I'll be
77 the first to admit, I was a bit concerned—one never knows—but I just couldn't be mad at her. How could
78 you, be? She sang so sweetly and her silly songs always made me laugh. What happened next was
79 frightening—I suddenly heard Selena in the background yelling, "Oh my God! What's that driver doing?
80 S/He's not staying to her/his side of the road. Darn Guzzlers!! They think they own the road..." Then I
81 heard the horn honking and the sound of tires squealing and the phone went dead. It was silly, I know,
82 but I stood there, shouting into the phone, "Hello! Hello!" You think you'll be totally logical when things
83 go wrong, but you're not.

84

85 7. Luckily, I quickly snapped out of it and grabbed my keys. Taylor had said they were on the
86 Country Road, close to home, so I headed in that direction. When I arrived, the place was already littered
87 with people and wreckage. I saw a Guzzler ahead of me on the side of the road and chills ran up and
88 down my spine. I parked, jumped out of the car and ran toward where most of the attention was focused
89 – a spot off the side of the road where I could see either steam or smoke. I had just reached the Corvette
90 when Officer Greenwood grabbed me. Time stood still for me as I looked towards the car, at the bottom
91 of the embankment, to my daughter, lying there like a rag doll discarded by a petulant child. I dropped to
92 my knees and wailed. I'm sure I was a pathetic sight, but I defy any of you to keep it together should you
93 ever find yourselves in my shoes. And I hope you never do; it's a fate I would not wish even on Dr. Perry.

94

95 8. The rest was such a blur. I just remember getting into the ambulance and praying with all my
96 might that my baby would be spared. I even started to tell myself that I was asleep and dreaming a horrible
97 nightmare and pinched myself and told myself to wake up. My arm gets sore just thinking about it. Of
98 course, it wasn't a sleeping nightmare—it was all too real. The EMTs left me alone and let me rant, I
99 guess, because they knew what was coming. Poor, poor Taylor. She was declared dead upon arrival at

100 the hospital. I carried on a bit, I'm sure, because they called the Chaplain to sit with me. The Chaplain
101 helped me to call my wife/husband to meet me at the hospital, which s/he did. Selena's parents also came
102 to the hospital. We all tried to comfort each other, but the Waverlys were ill at ease. Their daughter had
103 survived, and ours was dead. I don't hold it against them. Fate can be cruel, and they don't know if they
104 will ever be able to speak to their baby again. It's just a bad situation any way you look at it. They'd help
105 me if they could, but they can't.

106
107 9. At some point, I just went numb, and it was like I was outside myself, observing everything as an
108 outsider. I don't remember everything that happened as we sat in the Trauma Center, but one thing stands
109 out in my mind. The morning of the 14th I returned to the hospital to sign some papers, and I remember
110 seeing Dr. Perry come into the Trauma Center. S/he didn't look much better than s/he had at the scene of
111 the accident, but s/he had showered and had fresh clothes on. Perry was walking with another resident and
112 seemed oddly indifferent to the events of the night before. If s/he saw us all sitting there, s/he didn't let
113 on. S/he was apparently thinking about the coming shift. That's what it sounded like s/he was talking to
114 his/her fellow resident about. Anyway, while Perry was talking s/he reached into his/her resident's jacket
115 pocket and pulled out—of all things—a bottle of NO-DOZ®. Those bright red letters could not be
116 mistaken. S/he shook out a dose and threw it in his/her mouth. “Can I borrow this?” Perry asked the
117 volunteer receptionist, who was obviously smitten with the residents, as s/he grabbed the cup of cold
118 coffee. S/he finished the cup, promised to bring her/him a fresh one shortly, stretched, and winked.
119 “You're a real life saver! Maybe now I can slog through the next 15...” I heard him/her say as s/he walked
120 back toward the treatment rooms.

121
122 10. Seeing this, I then recalled an exchange between Officer Greenwood and Dr. Perry before I got in
123 the ambulance. Officer Greenwood was telling Dr. Perry that it seemed to him/her that, as little as Dr.
124 Perry could recall before the accident, it seemed likely that Dr. Perry had dozed behind the wheel—one
125 of those micro-naps you hear about. Dr. Perry looked nervous and blustered a bit. S/he then blurted out
126 that s/he may have fallen asleep, but the hospital, not s/he, was to blame, and that the wild driving of
127 “those drunken girls” caused the accident. Hearing this, I must admit that I saw red and something in me
128 snapped. I'm ashamed to say that I charged at Dr. Perry and said some things I now regret. However,
129 s/he was suggesting that my daughter was the cause of all this, and I knew that couldn't be right. I was
130 restrained by someone and taken to the other side of the ambulance. After watching Dr. Perry pop the
131 NO-DOZ® in the Trauma Center the next morning, I realized that I had completely blocked out this
132 incident. You must understand, the stress and strain of watching helplessly while my baby was dying had
133 gotten to me. I was lucky to remember my name. Still, I remember thinking to myself at the hospital on
134 Sunday morning that Officer Greenwood had called it right. I'm sure the reason Dr. Perry did not submit
135 the claim to any insurance company is that s/he knows s/he fell asleep at the wheel and caused this tragic
136 accident, and no one will ever convince me otherwise.

137
138 11. My lawyers tell me that there is some question as to who was driving that night. I wasn't in the
139 car, but I can tell you who it wasn't—Taylor. We bought our daughter a cell phone before it was all the
140 rage. We have been blessed with good financial success. But we were adamant about two things: One,
141 you do not talk and drive. No ifs, ands or buts about it. Knowing how strongly we felt about this,
142 whenever Taylor drove, she called us before starting her car and hung up before she put the car in gear.
143 If she needed to call us en route, she knew she'd be in more trouble (with us) if she did not pull over to
144 the side of the road and put on her flashers before calling. Two, if you are too ill to drive or impaired for
145 any reason, let someone else drive. Taylor took this rule seriously, too. Just sitting here, I can recall a
146 few times where Selena or another friend drove Taylor home from school or a classmate's party. If Taylor
147 were impaired in any way, she would not have hesitated to let Selena drive the Corvette. I know it was
148 her new car, but those girls trusted each other with their lives. And Selena was a strong enough person to
149 take the keys from Taylor if Taylor was inclined to drive when she should not.

STATEMENT OF OFFICER ROOK E. GREENWOOD

1
2
3 1. My name is Rook Ellison Greenwood. I am twenty-seven years old, and I have been a police
4 officer in Fondren for the last two years. I have always wanted to be a police officer – it's in my blood.
5 My grandfather was the police chief here when I was a kid, and my mother was a police officer for a
6 while, as well. Since I knew a lot of the officers around here, they let me ride along with them to various
7 calls and crime scenes. I have seen some pretty interesting things.
8

9 2. I grew up here in Fondren and attended Fondren High School. After high school, I attended
10 Metropolitan University, where I obtained degrees in Math and Criminal Justice. It took me a little longer
11 than four years because I had a double major, plus I worked part time at the police department in Fondren
12 while I was in school. Back then, I mostly answered the phone and helped with paperwork, filing and
13 such. After college, I attended the police academy. Once I graduated, I became a P.O.S.T. certified police
14 officer. For my first six months on the Fondren police force, I rode with a training officer who made sure
15 I was ready for the road. Once I was cut loose, I could respond to calls on my own, and I've been doing
16 that ever since. Even though Fondren isn't a very big town, I have responded to numerous calls involving
17 various situations. We don't have a real crime problem here, so most of my calls have been traffic related.
18 I've handled dozens of fender benders, and probably close to ten serious motor vehicle accidents. Two of
19 those involved fatalities, and the rest involved drivers or passengers who were seriously injured.
20 Occupants were even ejected in a few of those cases. I also learned a lot about handling accident scenes
21 when I did "ride alongs" before becoming an officer myself. The police academy also required courses
22 in basic accident reconstruction. My math degree has been helpful in this respect as well.
23

24 3. On December 13, 2014, I was dispatched to mile marker 13 on State Route 1 (what we all call
25 "Country Road") on a Signal 41-4 at 23:47. In lay terms, that's an accident with injuries at 11:47 p.m.
26 civilian time. I was close by, so I arrived within four minutes of the initial call, just a couple of minutes
27 before the ambulance. When I arrived on the scene, I observed one vehicle on the shoulder of the road,
28 facing south. That vehicle was a blue 2014 Guzzler with moderate damage to the front left quadrant.
29 During the course of my investigation, I determined that the driver of that vehicle was Dr. K.D. Perry,
30 who was still on scene and had sustained only minor injuries. The Guzzler's driver's side airbag had
31 deployed, and I observed that the radio was blaring loudly. I also observed a half-empty can of Blue
32 Devil, one of those energy drinks that are so popular, in the cup holder. The can was still cold. There
33 were empty boxes of NO-DOZ® scattered about the passenger compartment of the vehicle.
34

35 4. Upon my arrival, Dr. Perry was rendering aid to an unconscious young female. It looked to me
36 like she had some sort of head injury, and I remember seeing a yellow band around her wrist. She was
37 later identified as Selena Waverly, and she was lying on the east side of State Route 1, down an
38 embankment near the second involved vehicle. The second vehicle was a red 1963 Corvette Stingray
39 Split Window Coupe, and smoke was billowing from the vehicle's engine. The doors of the vehicle were
40 open. Dr. Perry indicated that s/he ran to the vehicle to check on the occupants and found Ms. Waverly.
41 During my on-scene interview with Dr. Perry, s/he never mentioned moving Ms. Waverly for any reason,
42 and there was no evidence at the scene, including drag marks, bent grass or blood, that suggested such
43 movement. Of all people, Dr. Perry should be aware of the dangers associated with incorrectly moving a
44 person with head, neck or back trauma.
45

46 5. Once EMS and other officers arrived, I was informed that a second occupant of the Corvette had
47 been located. She was located close to the Corvette and farther away from the road than Ms. Waverly. It
48 was clear to me that this second female, later identified as Taylor Speed, was gravely injured. I checked
49 her vitals and found that she had no pulse. The EMTs told me that she was pronounced dead on arrival at

50 the hospital. When I was checking her pulse, I saw a yellow band, which looked exactly like the one worn
51 by Ms. Waverly, lying in the grass next to her.

52
53 6. The vehicle looked like it had possibly rolled a few times. It also had front-end damage, with blue
54 paint transfer consistent with the color of the Guzzler. The majority of the front windshield was
55 “spidered,” which is consistent with a rolling accident like this. Both the driver and the passenger were
56 ejected from the vehicle through the doors, which frequently open while the vehicle is rolling...the fact
57 that they apparently were not wearing seat belts didn’t help. Once the EMTs arrived, I returned to the
58 roadway to continue gathering evidence. I observed broken glass scattered mostly near the edge of the
59 northbound lane. This glass was consistent with the broken windows I observed on the Corvette. I also
60 observed faint skid marks in both the northbound and southbound lanes. The skid marks in the northbound
61 lane were not very long and were consistent with the driver suddenly applying the brakes shortly before
62 impact, while the skid marks in the southbound lane were more consistent with the driver swerving.

63
64 7. At this time, I observed a person hurriedly approaching the Corvette. Judging from demeanor, I
65 assumed it was a parent. I tried to intervene, but I guess the person saw enough of the scene to figure out
66 what happened. S/he dropped to his/her knees and began to cry uncontrollably. I had an officer assist
67 him/her away from the Corvette. I later learned that it was Andi Speed, Taylor Speed’s mother/father.

68
69 8. As I was looking around for additional physical evidence, I heard Dr. Perry muttering to
70 him/herself. S/He appeared rather shaken and was muttering something about how s/he just should have
71 stayed at the hospital to sleep. S/He looked pretty ragged, with bloodshot eyes ringed with dark circles.
72 Because s/he was the only involved person who could communicate with me, I asked him/her what
73 happened. Dr. Perry told me s/he was on his/her way home after working over 48 hours straight at Fondren
74 County General Hospital. S/He indicated s/he only had a few hours to catch up on rest before his/her next
75 shift began. Dr. Perry stated that s/he had only been on the road for about 15 minutes when s/he was
76 paged and ordered to return to the hospital “stat.” S/He turned around and was traveling southbound on
77 State Route 1. S/He admitted s/he was traveling at a high rate of speed, but seemed to feel entitled to
78 speed since s/he was a doctor on the way to an emergency. Dr. Perry said s/he doesn’t remember seeing
79 the Corvette traveling toward him/her in the northbound lane until immediately prior to the collision. All
80 s/he remembered was hearing a horn, and then s/he saw the Corvette swerve into his/her lane. S/He
81 slammed on his/her brakes, but it was too late. Once s/he realized that s/he was not seriously injured, s/he
82 began to render aid to Ms. Waverly. S/He was unaware that there was another occupant of the vehicle.

83
84 9. All of a sudden, as Dr. Perry was wrapping up his/her statement, I heard someone screaming, “You
85 killed my daughter! You killed my daughter!” and looked up to see a person charging towards Dr. Perry.
86 Mr./Mrs. Speed was restrained and taken away from the immediate area so I could continue my
87 conversation with Dr. Perry. Dr. Perry didn’t seem flustered at all by the display of emotion, but
88 commented to me that “that person should watch his/her drinking. S/he looks three sheets to the wind.”
89 I commented that Mr./Ms. Speed was obviously in shock from the evening’s events and not intoxicated,
90 to which Dr. Perry replied, “That’s your opinion, Doctor.”

91
92 10. I suspected that Dr. Perry had fallen asleep at the wheel, so I asked him/her about the energy drink,
93 the empty boxes of NO-DOZ®, and the blaring radio. S/He claimed that they helped him/her stay awake.
94 When I confronted Dr. Perry with the possibility that s/he had dozed off at the wheel, s/he said, “Well if I
95 did, it’s the hospital’s fault for making me work such horrendous hours.” I issued Dr. Perry a citation for
96 reckless driving. I looked in my codebook for some charge related to falling asleep at the wheel, but I
97 couldn’t find one. I don’t think they taught this one at the academy. I never told Dr. Perry that the ticket
98 was for speeding. I did discuss speeding with Dr. Perry, but it was only in the context of how dangerously
99 s/he was obviously driving.

STATEMENT OF GERALD/GERALDINE GOWITT, M.D.

1
2
3 1. My name is Gerald/Geraldine Gowitt. I have been the Chief Medical Examiner here in Fondren
4 County since 1996. I am not a county employee. I am an independent contractor. I also do contracting
5 work for some of the surrounding counties. Fondren County is not a very large county, so it is more
6 economical for the county to pay me as an independent contractor as opposed to being a county employee.
7 That way, the county does not have to pay for my insurance, pension and other benefits. The problem
8 with this arrangement, however, is the lack of staff. For instance, when I work in Desoto County, that
9 Medical Examiner's Office has a staff of investigators. These investigators are separate from the police
10 department; the Medical Examiner's Investigator conducts an independent investigation and does not rely
11 solely on the police department for information. In Fondren County, I have to rely on the responding
12 officer's report for the facts of the case.

13
14 2. I also founded my own corporation called Forensic Medicine Associates, Incorporated. We
15 perform forensic studies and generate accident reconstruction reports for civil litigants. Over the years I
16 have been in this business, both plaintiffs and defendants have sought my services. I have probably
17 worked as many cases for the plaintiff as I have for the defendant. I do wish to make it clear that I am not
18 employed in that capacity in this case.

19
20 3. I graduated from Medical School in 1982 and began my postdoctoral training at the University of
21 Mississippi that same year. I did a fellowship in the Orleans Parish Medical Examiner's Office in New
22 Orleans, Louisiana, after my postdoctoral training. I have been working in Medical Examiners' Offices
23 since 1985. I have included a copy of my Curriculum Vitae, if you have any questions about my
24 qualifications. I am board certified in several fields. As a physician, I must complete several hours of
25 Continuing Medical Education a year. My CV lists those hours for the past 16 years. My CME for the
26 last several years has consisted of the audiocassette tapes series sponsored by Practical Reviews in
27 Forensic Medicine and Sciences Monthly. It is far easier to listen to the tapes than to go out of town for
28 a seminar. The Board of Medical Examiners accepts this form of CME. It would cost me a minimum of
29 \$800 a day to cover my practice if I were to go out of town for a seminar. These meetings usually last 4
30 to 5 days, also. Combine the cost of covering my practice with the cost of the hotel, meals, transportation
31 and other seminar costs, and you can see why it's more economical to stay in town. I have testified in both
32 civil and criminal trials for the state, the defense, and plaintiffs. I have testified over six hundred times in
33 my capacity as Medical Examiner, and I have been qualified as an expert each of those times.

34
35 4. As I said, Fondren County is small. I know Dr. Perry and his/her trials and tribulations as a
36 resident. As part of County General's attempt to provide as broad an experience as possible, Dr. Perry
37 did a two week rotation in the medical examiner's office. I was the supervising doctor during this rotation.
38 S/He did not seem to have the mindset for forensic pathology. Forensic pathology is a specialized area of
39 pathology. The forensic pathologist performs autopsies to determine the cause and manner of death in
40 situations falling under the jurisdiction of the local medical examiner or coroner. As a medical examiner,
41 I see people at their worst. The bodies are often disfigured. Dr. Perry is more of a cosmetic surgeon –
42 you are more likely to see him/her on "Nip Tuck" than on "Bones" or "Crossing Jordan." Even as a
43 student, Dr. Perry was an arrogant person. But what goes around comes around – I heard that s/he didn't
44 get any of the residencies during the match process and is pretty ticked at being "sentenced" to County
45 General.

46
47 5. I was "on call" Saturday, December 13, 2014. I received a call from the hospital early Sunday
48 morning informing me of the DOA. I figured that the parents would want some answers so I went in to
49 work on Sunday to perform the autopsy. I have included a copy of my report. I determined that the cause
50 of death was blunt force trauma to the head and the resulting internal injuries. In about 80% of the cases

51 where the bodies are ejected from the car, it is the head trauma that kills the occupants. In a small
52 percentage of cases, the car will roll on top of the occupant after ejection, and the person is crushed,
53 smashed or suffocated. In those rare instances, you would expect to see other internal injuries. In this
54 case, the only internal injuries, aside from some minor abrasions and contusions, were caused by head
55 trauma.

56
57 6. The manner of death was accident; based on Officer Greenwood's report there was no evidence
58 that Dr. Perry intentionally collided with Ms. Speed's vehicle, nor were there any other signs of intentional
59 criminal conduct on his/her part. I heard that the Speeds feel that their daughter's BAC was a result of
60 her use of cough syrup to fight a cold. I don't know what type of cold medication she was taking, but the
61 strongest over the counter cold medication on the market today is Vicks Formula 44®. The alcohol
62 concentration in that bottle is 28%; that is a higher alcohol concentration than some wines. However, for
63 Taylor Speed's blood alcohol content to be .13%, she would have had to consume 5-10 bottles of cold
64 medicine. I have no evidence that that was the case. I am sympathetic to the Speeds. I have two children
65 of my own.

66
67 7. I am familiar with the science of "micro-naps." These are short periods of sleep characterized by
68 theta rhythms (beta rhythms generally reflect alert states, alpha rhythms are associated with quiet
69 wakefulness, theta rhythms are found during some sleep states in humans, and delta rhythms reflect deep
70 sleep) and slow eye movements. If someone experiences this behind the wheel of a car, these episodes
71 result in a quick deterioration of driving performance. The only truly efficient means to recover an
72 adequate level of alertness is sleep, even if only for a very short period.

73
74 8. Residencies are tough on young doctors, even those with an ego the size of Dr. Perry's. S/he
75 comes in from his/her country club island paradise of a medical school and shows up at County General
76 which has an "all your butts belong to us" attitude, and then discovers that the medical profession is
77 grueling and demanding. This is especially true during a residency program. I've seen many doctors resort
78 to over-the-counter stimulants in order to keep up. In fact, I can't remember the last time I saw Dr. Perry
79 when s/he wasn't carrying around one of those Blue Devil drinks. I remember asking him/her about those
80 drinks before the accident, as I had never tried one (the stimulant in my day was a stiff cuppa joe). S/he
81 said, "I pop one whenever I feel like I'm about to nod off, and it really gets me through the rest of the
82 shift." I understand needing a little help to get through the rough spots, but judging from how often I see
83 him/her with those drinks, s/he must be narcoleptic.

84
85 9. It is important to mention that I have absolutely no opinion as to who was ultimately at fault in this
86 accident. I try to keep my nose out of anything not in my area of expertise. In fact, when Dr. Perry came
87 to me and asked if I knew of anyone who was well respected in the field of accident reconstruction, I
88 immediately gave him/her Calvin/Callie "Crash" Craddock's name. I had seen Craddock testify in a few
89 cases, and s/he seemed to be quite competent. Now that I think of it, I don't think I have even heard of
90 any other people in the accident reconstruction field. It must be working out for Dr. Perry, because about
91 a month after that, s/he left a can of Blue Devil for me in my office. I assume it was to thank me. I haven't
92 had it yet—I'm thinking of sending it to the lab for some tests.

93
94 10. Based on the information from the autopsy, I cannot testify as to whether or not Ms. Speed was
95 driving the car. Viewed in light of Officer Greenwood's report, however, it would appear that Ms. Speed
96 was the passenger. I might be able to be more definitive if I was shown accident scene photos or examined
97 the car at the scene. However, real life is not "CSI" or "Law and Order."

98

STATEMENT OF K.D. PERRY, M.D.

1
2
3 1. My name is K.D. Perry, and I am 33 years old. I'm not too fond of my first name, so I go by my
4 initials. It was my teenage dream to change my name, but once I started medical school I figured my
5 initials would suffice. I am currently a third year resident physician at County General Hospital. I work
6 primarily in the trauma center, but I've been exposed to several branches of medicine over the course of
7 the past several years. In fact, emergency physicians must be well versed in many areas so the emergency
8 patient can be promptly diagnosed and treated. I see so much trauma caused by automobile accidents that
9 I can pretty much figure out what happened just by the injuries. After being home-schooled in California,
10 I received my undergraduate degree in biology from Vanderbilt in 2006. After taking some time off from
11 school, I was accepted to the Prism School of Medicine in 2009 and graduated in 2013.

12
13 2. County General wasn't my first choice. In fact, it wasn't on my list at all. You see, access to
14 graduate medical training programs (such as residencies) is a highly competitive process known as "the
15 Match." After a medical student's fourth year of school, interviews are held with the available residency
16 programs. Students submit a "rank-order list" to a centralized matching service (currently the National
17 Residency Matching Program) by February. Similarly, residency programs submit a list of their preferred
18 applicants in rank order to this same service. The process is supposedly blinded, so neither applicant nor
19 program will see each other's list. The two parties' lists are combined by an NRMP computer, which
20 (theoretically) creates optimal matches of residents to programs using an algorithm. On the third Thursday
21 of March each year ("Match Day"), these results are announced. By entering the Match system, applicants
22 are contractually obligated to go to the residency program at the institution to which they were matched.

23
24 3. On the Monday prior to Match Day, we find out from the NRMP if (not where) we matched. If
25 an applicant has been matched, they must wait until the Match Day (Thursday) to find out where. If they
26 have not, they typically "scramble" into a program the next day. This means contacting unfilled residency
27 programs to secure a position. For whatever strange reason, I fell into the no-match category. And here
28 I am.

29
30 4. All those stories you have heard about residents being overworked and undervalued are true, at
31 least at County General. Although the Accreditation Council for Graduate Medical Education (ACGME)
32 has limited the number of resident work-hours (currently, 80 hours weekly, overnight call frequency to no
33 more than one overnight every third day, 30 hours maximum straight shift, and 10 hours off between
34 shifts), these limits are only voluntary. My crafty attending physician, Dr. Bloom, has ingenious ways
35 around these rules. I have been working tirelessly for numerous years to further my career. A portion of
36 a successful career as a surgeon is talent, which I have; of course, the other portion is being "visible" to
37 the decision-makers. I have found over the past few years that by volunteering to take the shifts of the
38 other interns, I have been able to be positively recognized by the senior doctors. So what if a few of the
39 medical staff think that I am pushy and demanding . . . I don't ask them to do any more than I am already
40 doing myself.

41
42 5. I remember the night in question like it was yesterday. It was Saturday, December 13, 2014 and
43 it all started about 11:30 p.m. I had just pulled two 15-hour shifts in a row (a "double dip," as my attending
44 likes to say), and I was on my way home for some shut-eye before my next shift. I really didn't have that
45 long, but nothing beats your own bed when trying to get some quality sleep. I had the windows down and
46 was listening to "Infamous" by Yeezy East (Yeezy East was on my mind because of a recent episode of
47 his wife Jessica Jones' reality show "Keeping up with the Joneses" that I watched on the T! network)
48 when I received a call about 15 minutes after I left from Nurse Ratched telling me to get back to the hospital
49 "stat." She didn't tell me why I needed to return, but I figured it must have literally been a matter of life
50 or death for someone. I did a U-turn (while there was no traffic at this time of night, it was no small task
51 given these narrow country roads) and headed back to the hospital.

52 6. Many people (including that cop who investigated the crash) seem to make a big deal about how
53 fast I was going on the way back to the hospital. Was I speeding? I honestly don't know. Once I got the
54 call, I was determined to make it back to the hospital as soon as I could. I was driving fast, but not to the
55 point where I could not control the car or operate it safely. I wouldn't drive recklessly on the way to an
56 emergency – the irony would be too much to bear.

57
58 7. Anyway, I'm headed back to the hospital and all of a sudden I see a little sporty car headed in the
59 opposite lane of traffic towards me. It was actually the first car I saw on Country Road that night.
60 Watching it approach me, it appeared to have been going very fast. Then, all of a sudden, it swerved
61 across the yellow line and was headed straight for me. I pressed on my horn and slammed on the brakes,
62 but it was too late. The car whacked my front bumper and front corner panel. The next thing I saw was
63 the Guzzler logo coming at me as my air bag deployed. It whacked me in the face pretty good.

64
65 8. My car came to a stop on the shoulder of the road and the air bag deflated. I have to admit that I
66 was stunned. It was the first time I had ever been in an accident, and certainly the first time I had been
67 assaulted by an air bag. I looked down to see this white powdery residue all over me. I guess it came
68 from the airbag. Just then, I hear a lady's voice calling out, saying something about an airbag deploying
69 and I realized that the voice was coming from that OnCall thing that comes in the more expensive cars. I
70 don't think I had ever used it, but I paid for the service anyway. I think I told her I was ok, but she should
71 definitely call the police.

72
73 9. I got out of the car, tried to brush myself off, and then looked back towards where the sporty car
74 had gone. I could not see the car until I got closer to the edge of the road. It must have rolled, but I did
75 not see it rolling. I saw only the headlights flickering oddly in my general direction. Guided by the street
76 lamp, the nearly full moonlight, and the headlights of the car below me, I half ran, half slid down the
77 embankment towards the vehicle. It was something like the length of a football field, but then I was going
78 downhill in the dark, so I can't be too sure. At the bottom of the embankment, I found a Corvette. Once
79 I was closer to the Corvette, I heard a young woman moaning. This woman was later identified as Selena
80 Waverly. The head trauma was significant, and judging from the surrounding debris, it looked like she
81 had been violently ejected. I did my best to stabilize her. Without proper medical equipment or lighting,
82 however, it was difficult to fully diagnose her. So, I gently adjusted her away from the car and closer to
83 the road, so that I could take advantage of light cast by a street lamp above me and the car's flickering
84 headlights. She had a large gash on her forehead, which was bleeding profusely. I removed my jacket,
85 bundled it into a tight ball, placed it on her head, over the gash, and asked her to hold the jacket to her
86 head, applying pressure. She held it until she passed out from the pain of her injuries. I also kept her head
87 stationary for fear of some spinal trauma. However, my ability to treat her was greatly diminished by the
88 need for me to hold the jacket in place on her head. Prior to her passing out, I was able to assess some of
89 her other injuries. Her upper right arm was sore to the touch, as was her upper chest area. I have frequently
90 triaged and treated car accident victims while at County General Hospital, so I was able to react quickly.
91 I didn't have a chance to see if there were any other occupants because the police arrived and took control
92 of the situation...well, sort of, at least.

93
94 10. The officer, Rook E. Greenwood, bumbled down the embankment towards me while I worked
95 feverishly on the bleeding girl. I asked him/her to help me by holding the jacket to her head, but s/he
96 refused. S/he said that blood made him/her "woozy." S/he couldn't even help by shining the flashlight
97 to further assist me, again, s/he said that doing this would make him/her "woozy." S/he walked back up
98 to his/her patrol car. I heard him/her stumble a little. A minute or two later, the ambulance arrived as
99 well. I remember one of the EMTs telling me that I probably saved the girl's life by stabilizing her when
100 I did.

101 11. So I'm standing there, watching them load two girls, not just one, into the ambulance. Until that
102 moment I did not know that there was a passenger in the Corvette. She was later identified to be Taylor
103 Speed. As the stretcher passed by I could smell alcohol, she must have thrown up onto herself, although
104 I could not see this because of the sheet over her body. While I was watching all of this, that cop comes
105 up to me and says, "So how fast were you going in that behemoth?" Oh, boy. I didn't feel like arguing
106 the point. S/he wrote me a ticket for speeding right then and there...or so I thought. Yes, I paid the ticket.
107 I might have complained about the long hours at the hospital to the cop, but I complain to anyone who
108 will listen. No, I didn't fall asleep at the wheel. The cop then mentioned the loud music coming from my
109 car. I honestly forgot the CD was still playing – once I saw someone was in trouble, I zeroed in on that
110 situation and tuned everything else out. Yeah, I drink Blue Devil, but I hadn't had one since the beginning
111 of the second shift. The one in my console must have been pretty old. The cop then busted my chops
112 about the box of NO-DOZ® that was in the console of my car next to the can of Blue Devil. Since the
113 box was not opened I don't see why he thought it was relevant. While Robo-Cop was giving me the third
114 degree, this crazy person comes at me, screaming in such a shrill voice I couldn't understand a word of it.
115 I assumed that s/he was some relative of one of the girls. That person had to be restrained by another cop
116 and taken towards the ambulance. Judging by appearances, it was obvious that the person was intoxicated.
117

118 12. I followed the ambulance to the hospital. Once there I went into the staff kitchen and got a cup of
119 coffee. I walked past the waiting area to seek out Nurse Rached to see what her big emergency was.
120 Fortunately, another attending physician signed the paperwork I had forgotten to complete. I explained
121 about the accident and was told to go home. I reported for my regular shift the next morning and learned
122 that Taylor had died and that Selena was in a coma.
123

124 13. I thought about suing the girl for the damages to my car, but I figured she was banged up pretty
125 badly, so why add insult to injury? I carry collision on my policy, so I just wrote it off. I also found out
126 about the other girl after the fact. I'm really sorry I didn't get to her to see if I could help, but I didn't see
127 her, and I just didn't have the time before everyone arrived on the scene.
128

129 14. Next thing I know I'm getting sued. After I got an attorney, I looked at the reports—the police
130 report, the M. E. report, and I can't believe it! The report the cop wrote sounds nothing like the accident
131 scene as I saw it. It was crazy at the scene that night, with all those people swarming all over the place,
132 but I gave Greenwood a complete and accurate statement of the events. S/he never asked me specifically
133 about moving Selena, but it's hard to imagine that Greenwood could miss something that obvious and
134 important. And now I find out that both girls were drunk, and one was under 21! Also, I found out that
135 the "speeding" ticket I received that night was actually a citation for reckless driving! Greenwood lied to
136 me. I readily admit I might have been going a little faster than the speed limit, and that's why I paid the
137 ticket so quickly. However, if I had known that it was a ticket for reckless driving, I would have fought
138 it all the way to the Supreme Court! And about Gowitt—I think all that formaldehyde really starts to mess
139 with the brain, if you know what I mean. I suppose that is why s/he works in the morgue...no bedside
140 manner, and the patients don't complain. I doubt I've said a dozen words to him/her since I arrived.
141 Gowitt did tell me about Crash Craddock, though. I employed Crash Craddock, to reconstruct the accident
142 scene and the circumstances surrounding the collision. Based on those findings, I really think the
143 responsible parties in this accident are the club that served both of them alcohol and the fact that both of
144 them were so drunk, neither one of them should have been driving. I think this is a case of Ms. Speed's
145 parents not wanting to face the truth, and Ms. Waverly not wanting to face responsibility.
146

147 **WITNESS ADDENDUM**

148 I have reviewed this statement, previously made by me, and I have nothing of significance to add
149 at this time. The material facts are true and correct.
150

151
152
153
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162

Signed,

_____/S/_____
K.D. PERRY, M.D.

SIGNED AND SWORN to me before 8:00 a.m.
On the day of this round of the 2017 Mississippi High School Mock Trial Competition.

_____/S/_____
Jack McCoy, Notary Public
State of Mississippi
My Commission Expires: 06/01/2017

STATEMENT OF JO MAYER

1
2
3 1. My name is Jo Mayer. I am chief barkeep at Club 1989. The club is owned by Beibs, Inc. (Beibs' bars used to be really popular, particularly in Canada where the company started, but now most locations are closing. I have been able to keep Club 1989 pretty popular though.), so I'm also the corporate liaison for the company. A few years ago, I worked several other places (18-&-over dance clubs and bars, like this one: too much neon, too much noise) but it's a dead-end career path. "Breaking in" to solid pay, tips and "celebrity bartender" perks, means a different type of establishment, indeed, and I don't see that happening around here. Besides, my heart's not in it (even beyond hating the music we play). I really want to be an actuary; I figure in this crazy world we live in there's lots of demand for someone who can recalculate risks. I've always been good with details, with figures. That's how I got "promoted" to my current position: I'm good at minding the business side, making sure the bar pays. In return, the job's paid for my tuition, and strange hours don't interfere with my going back to class. Soon, I hope, I'll have enough credits to apply for a "real" job in my chosen field and leave Club 1989's frustrations behind.

15
16 2. Like dealing with "Primo Carnera" (I say that in quotes, but it's actually my assistant's name). No relation (that I know of), but his parents, grand-parents more likely, seventy years ago must've been fight fans to have named him that. Primo wasn't a bad chap until he disappeared recently as mysteriously as he arrived, a year or so ago. He was obliging about moving the stock from the downstairs to the bar and busing tables when our kitchen staff gets overloaded. With the chaos around here, at night, we get overloaded a lot; these kids come in and out of the club in waves, and they "hang out" in clumps (which makes our moving around kind of difficult). They also like to hang out in the parking lot outside, which causes traffic jams for us and gets the neighbors complaining to the police about noise.

24
25 3. Like all clubs, I guess, particularly ones serving young adults, we've had our share of "incidents": noise, health & safety code violations, fights, and fender-benders. Also we've had a couple of citations for serving under-age patrons, too, and those can get your license pulled. As I said, the "clumping" makes it tough to police who's actually drinking what we serve the folks with over-21 wristbands; the "wave" action puts pressure on door security checking IDs (although, overall, our system has worked pretty well, and I don't hesitate to "re-card" anybody coming up to the bar whom I suspect of being under-age). The third time was the worst, because then, after the "dog's free bite," it starts to look on paper as though it's not just coincidence. The cop involved had this trainee along, Greenwood, whose Daddy is a big shot in the department so I got tagged instead of getting a warning for what was an honest and understandable mistake. The county commission has already come down on the management with veiled threats—ominous promises, actually—that we're now on "double-secret probation," "wafer-thin ice" and whatever else the commissioners could think of. Basically, one more citation like those three will be the end of Club 1989's liquor license (which means the end of the club), so management's come down hard on me to protect their investment. We don't need any more attention from the cops; in this game, four-of-a-kind is *not* a winning hand! The city is trying to kill the Beibs again!

40
41 4. So Primo was handy to keep the areas clear around the club, and he helped out on the door when we had a big music draw. (Maybe he grew into his name; I know I was never cut out to be a bouncer.) But Carnera was really sort of a gentle giant. When the usual patrons (who regularly wouldn't have known a pugilist from a petunia) pieced together that Primo's namesake was defeated for the belt by the dad of that clown on *The Beverly Hillbillies*, they taunted poor Carnera mercilessly. He began to get flustered, night-by-night, until something snapped, and he just walked out. He never even came back for his last paycheck.

47
48 5. Carnera's last day was the Saturday you asked me about: December 13, 2014, when the collision occurred. I knew the kids, Taylor Speed and Selena Waverly, of course. They'd been in Club 1989 before, together, and they are very striking: you'd almost say they were twins, if you didn't know. I also know the Doc. One afternoon, about three months ago, when I didn't have Carnera to help me, I was restocking

52 the bar with those six-ounce bottles of Coca-Cola—we serve the old-fashioned glass bottles because it
53 sets Club 1989 apart from the competition (and also helps justify charging the same for soft drinks as for
54 liquor). Anyway my nine-year-old son, Rocky, was helping me carry crates up from the storeroom. Rocky
55 must’ve stepped on a wet spot. He slipped, dropped an entire crate of Cokes onto the cement in front of
56 the stage, then fell, face-first, into the broken glass. That bubbly caramel foam got awfully red, and I got
57 awfully concerned. Rocky (taking his cue from me, of course, as we raced for the emergency room), totally
58 freaked out. When we got to the hospital, Dr. Perry was there on a trauma consult. The Doc suffers, you
59 might say, from “Resident’s Syndrome,” s/he sees the patient as synonymous with his disease, not as a
60 person and s/he has the bedside manner of a boa constrictor, but s/he was a thoroughly-competent, careful
61 physician. Rocky’s fine now. His eyebrows are growing back over (miraculously) the only scars.
62

63 6. But back to December 13th, Club 1989 was crowded; the New Romantics were a big draw, that
64 Saturday. I was working the bar, as usual, trying to keep up with orders for my special Club 1989 cocktail
65 while Primo helped out at the door. Over the noise of the crowd, I could hear taunts from the door to give
66 yellow wristbands to anyone “Baer-ly” legal, that sort of thing (which I knew got on poor Carnera’s
67 nerves). But, as I’ve said, security has been pretty efficient historically about checking IDs; as chief
68 barkeep, I’m responsible to the management, so I care about those things. I’m the one who told the club
69 to mark its security wristbands so that they’d distort noticeably if patrons stretched the plastic enough to
70 slip their bands off and trade (either to beat our ID system or the cover charge) and ever since, compliance
71 has been lots better.
72

73 7. I remember seeing Speed and Waverly, that night, inside. I remember serving Selena Waverly both
74 vodka and tonic (one lime) and a plain tonic (two limes so security wandering through the mixed crowd
75 has an easier time) to take away from the bar; Selena is over-21 and had the wristband to prove it, too, so
76 serving alcohol to take back to the floor is allowed. I think Taylor came up during the evening to get a
77 soft drink, later, but it had begun to get crowded by then, and faces blend together, so I can’t be sure it
78 wasn’t Selena coming back. As I’ve said, they look a lot alike, particularly in a sea of faces, and I wouldn’t
79 have checked for Taylor’s under-21 wristband (which would’ve told them apart for sure) if the order were
80 only for a soft drink. After that, the bar area was so crowded, faces just got lost. As a bartender, you’re
81 on autopilot: check for wristband—we’ve been fooled before (wasn’t everyone) by those Lance
82 Armstrong “Live Strong” wristbands, so now we always make sure—check for obvious intoxication, take
83 the drink order, be sure you get paid, and so on. So... no, I can’t say I saw Taylor for sure at the bar, once
84 things got busy. By then, with the first “wave” inside, Carnera had come back from the door to help me
85 behind the bar, so Taylor could’ve gotten her drinks from him. I dunno. He’s gone.
86

87 8. I think I would’ve noticed and remembered if Taylor had shown up as drunk as she was later,
88 especially since she’s under-age. But now that I think about it, Taylor was acting odd. I thought she was
89 being weird because she recently had broken up with her boyfriend, Bob Huddleston. However, I’m sure
90 I would never have served anyone, regardless of wristband, who was that drunk and loud. I hope I
91 would’ve noticed if Taylor had shown up with an illicit wristband, but all I can swear to was not noticing
92 one on her that night. Outside, at a distance, the light’s deceptive so all I remember is that Taylor had a
93 wristband, then, but not the color.
94

95 9. Anyway, Saturday ended like most other weekends (except more so): the live act ended, and finally
96 the DJ signaled to flash the lights as she put Semisonic’s “Closing Time” on the PA. That was another of
97 my innovations; it’s classier than shouting out “last call,” it’s easily heard over a jabbering herd of
98 youngsters all trying to pick one another up on the dance floor... and it saves my larynx night after night.
99 I looked around, as the room cleared, for Primo to help close up, but he was nowhere to be seen. Tania,
100 from the kitchen, was just gathering up some dirty plates. I don’t believe we should have any food service
101 at all during live acts, but there’s something about crowds, late hours, sawdust and alcohol which makes
102 folks crave overpriced, nauseatingly-greasy onion rings (which I wouldn’t touch, myself, after seeing
103 health inspectors’ reports!), and management is loath to pass up a profit center. I signaled Tania to watch

104 the bar while I went to look for Primo. I don't want anyone ripping off the well, the till or the tip jar in my
105 absence; I'm accountable to the club.
106

107 10. Outdoors, there was no Carnera. He's gone for good, I suppose. Anyway, there was a commotion.
108 Under one of the light-trees in the parking lot, waxed-to-the-nines, a candy-apple-red vintage Corvette
109 glistened next to a small huddle of patrons. What drew my attention was the noise: that brash, slightly
110 slurred, obstinate tone of voice, which testifies to the presence of alcohol or something. Taylor and Selena
111 were surrounded by, apparently, a crowd of admirers for the new car. The car must've belonged to Taylor,
112 because she was brandishing the keys. I saw the flash in the overhead lights, and I heard the clang of a
113 miniature Swiss cowbell on the key ring as Speed brandished it. Taylor was just burning to show off, now
114 that she'd "graduated" from the rebuilt old Volvo her parents gave her as a "first car" so she wouldn't kill
115 herself learning to drive. I recognized Selena's clothes from earlier that evening (when we weren't so
116 busy). Selena's voice was attempting patience in persuading Taylor to permit her to drive them both
117 home—something like Waverly needed to take over as designated driver tonight because she hadn't had
118 "anything," but Speed seemed reluctant (to put it mildly!) to permit anyone else to drive her expensive
119 new toy. In contrast, she had always been willing to share the wheel of her boxy and paint-scraped old
120 "ride." I heard Selena's vocal cadence getting slower and her enunciation progressively more deliberate
121 as their argument went nowhere, and Selena seemed to become frustrated: maybe just tired. I only
122 remembered serving Selena one alcoholic drink, that evening, but I couldn't be sure.
123

124 11. The gawkers swirled around the Corvette as another noise distracted me. It wasn't Carnera, either,
125 and by the time I looked back, the Corvette's engine was purring. Inside the moving car, I couldn't
126 distinguish Taylor from Selena in the passenger and driver's seats; the angle was difficult, and they do
127 look alike. I'm no Olympian (I've reminded myself of that in painful hindsight); there was no chance I
128 could've chased down the car before it turned southbound on State Route 1 and sped away into the night.
129 If I'd known what Officer Greenwood has told me since (when s/he took my statement), I would've run
130 inside immediately and called the cops. But, of course, I couldn't have known all that in advance, so I
131 wandered back, still looking for my assistant.
132

133 12. As the parking lot emptied, there was the usual collection of empty beer cans, bottles, and a few
134 of the plastic cups our bouncer can't intercept on the way out. (Of course, I didn't stop to check whether
135 the drinks cups had alcohol or soft drinks in them: clean up is for the maintenance crew in the morning.
136 Smuggled "home-supply" in the parking lot is typical for clubs where over- and under-age patrons mingle
137 as well as when one has gatecrashers just loitering. Our bouncers try to drive "that influence" away, but
138 there's only so much they can do during the big influx and exodus at either end of the evening). I don't
139 recall serving Taylor, I've always stressed care to Primo, and I hope Club 1989 was no part of the awful
140 tragedy, that Saturday.
141

142 **WITNESS ADDENDUM**

143 I have reviewed this statement, previously made by me, and I have nothing of significance to add
144 at this time. The material facts are true and correct.
145

146 Signed,

147 _____
148 /S/

149 **JO MAYER**
150

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

152 On the day of this round of the 2017 Mississippi High School Mock Trial Competition.
153

154 _____
/S/

155 Jack McCoy, Notary Public
156 State of Mississippi
157 My Commission Expires: 06/01/2017

STATEMENT OF CALVIN/CALLIE “CRASH” CRADDOCK, P.E.

1
2
3 1. My name is Calvin/Callie “Crash” Craddock, P.E., but everyone has called me “Crash” since I was
4 a child. I am a motor vehicle accident re-constructionist and have worked in the field for 15 years. I
5 graduated from the Mississippi Institute of Technology with a degree in mechanical engineering. I
6 originally worked for the Mega Insurance Co. for seven years as a field inspector assisting claims adjusters
7 in determining how collisions occurred. Since then, I have worked as an independent consultant assisting
8 both Plaintiffs and Defendants in trial preparation and testimony. Prior to being retained by Dr. Perry, I
9 did not know and had not met any of the parties to this case.

10
11 2. I have reviewed the vehicles in question, the accident scene (none of the vehicles were present), a
12 diagram of the scene showing the relative position of the vehicles, the police report and the Medical
13 Examiner’s report. Also, I have spoken with Dr. Perry regarding his/her recollection of the events that
14 evening. Based on my investigation, I created my own diagram of the scene to help explain my findings.
15 I created it immediately after my visit to the scene, and I normally keep and create these diagrams in the
16 regular course of my business.

17
18 3. It appears from the diagram I was provided, that a 1963 Corvette Stingray Split Window Coupe
19 was involved in a sideswipe collision with a 2014 Guzzler Extreme on State Route 1, locally known as
20 “Country Road,” causing it to leave the roadway. There was no evidence of any other vehicles being
21 involved. It is not possible to determine the exact point of impact, as there were no skid marks on the
22 roadway. The point of departure from the roadway can be determined by the damage to the foliage on the
23 roadway’s shoulder.

24
25 4. The Corvette left the roadway on the eastbound side of the road (the Corvette was traveling in the
26 northbound lane) and then rolled down an embankment coming to rest on all four tires some 78 yards
27 from where it left the roadway. There was significant deflection of the body panels on both sides of the
28 vehicle, which indicates to me that it rolled through at least 360°, although there is no definitive way to
29 determine how many times it may have rolled. From the police report and the ME’s report, it appears that
30 both occupants of the Corvette were ejected during the collision. All else being equal, occupant kinematics
31 would indicate that the individual closest to the outside of the direction of roll would be ejected first. That
32 is if the roll initiated on the passenger side, the driver would likely be ejected first due to centrifugal force
33 and, of course, vice versa. This general rule, of course, presupposes that nothing else interfered with the
34 occupants prior to being ejected.

35
36 5. Items that might interfere with an occupant’s ejection would be a seatbelt and/or shoulder restraint,
37 or some other physical obstruction such as the steering wheel, windows, car roof, etc. In this case, it was
38 noted in the accident report that neither occupant was utilizing restraints. The windshield frame was
39 totally crushed and the windshield itself was broken in a “spider” pattern. That is consistent with a rollover
40 incident. According to Dr. Perry and all of the documentary evidence, the Corvette was traveling
41 northbound and ended up down the embankment on the eastbound side; therefore, the logical assumption
42 is that the roll initiated on the passenger side as it left the roadway.

43
44 6. Dr. Perry indicated that the Corvette crossed the centerline and struck his/her vehicle on the left
45 (driver’s) side, glancing off of the Guzzler and losing control. It should be noted that the GVW (gross
46 vehicle weight) of the Corvette is 3,245 pounds and the Guzzler’s GVW is 8,120. After the collision,
47 occupant Taylor Speed was located in relatively high grassy weeds quite a distance from where the vehicle
48 left the roadway. Dr. Perry reported that occupant Selena Waverly was located virtually adjacent to the
49 vehicle where it came to rest (78 yards from where it left the roadway as noted above). In order to render

50 effective first aid, Dr. Perry reported that s/he had to move occupant Waverly to a position where light
51 was more abundant, which is why Officer Greenwood's report has the relative positions of the occupants
52 backwards. Occupant Speed expired from her injuries and was pronounced dead upon arrival at the
53 hospital. Occupant Waverly was treated and transported from the scene. Since occupant Waverly
54 remained with the vehicle until nearly the end of its trajectory, the empirical data would indicate that
55 occupant Speed was ejected first. As discussed previously, based on the direction of the roll, this would
56 indicate that occupant Speed was in the driver's seat and occupant Waverly was in the passenger seat.

57
58 7. The ME's report indicated that Occupant Speed had a BAC (Blood Alcohol Content) of .13%. It
59 would be consistent with Occupant Speed having a significant impairment due to intoxication, which
60 caused Occupant Speed to cross the centerline and sideswipe the Guzzler. Based on this information, I
61 created an accurate diagram of the scene. Occupant Waverly had a blood alcohol level of .03%, which
62 should not have produced any significant amount of impairment.

63
64 8. I am familiar with the police department that worked this case. At one point in my career, I
65 considered being a re-constructionist for law enforcement. I actually applied for a position with the
66 Fondren Police Department when I first left Mega Insurance. It was a terrible experience. They subjected
67 you to all sorts of unreasonable tests and background checks. They were unlike any employer I'd ever
68 applied with before. I finally balked when they told me I'd have to take a polygraph – like I was some sort
69 of criminal! If the background tests and all the other nonsense I'd already done wasn't enough for them,
70 it certainly was for me. I told them to forget it. Who'd want to work for anybody that assumes you're
71 lying to them from the start?

72
73 9. I have examined Officer Greenwood's report and find the conclusions reached improbable. Officer
74 Greenwood indicated that the Guzzler crossed the centerline and struck the Corvette forcing it from the
75 roadway. That scenario seems unlikely. Had the Guzzler struck the Corvette head-on, there would have
76 been gross deflection and damage to the front of the Corvette, which is not supported by the evidence. In
77 all likelihood, a direct collision between two objects having that degree of disparity in weight would have
78 stopped the lighter vehicle, not allowing it to continue to travel a significant distance from the point of
79 impact. Due to the disparity in mass of the two vehicles, if the Guzzler had struck the Corvette a glancing
80 blow to the driver's side door or either quarter panel, the weight of the Guzzler would have introduced
81 significant yaw into the line of travel creating a spin. There were no skid marks to indicate that the Corvette
82 spun in any fashion.

83
84 10. On the other hand, if the Corvette struck a glancing blow to the much heavier Guzzler, it would
85 have careened off at an angle similar to a pool ball striking a rail; without introducing any spin into the
86 line of travel. Also, the lighter Corvette would be unlikely to have deflected the Guzzler's line of travel
87 significantly and one would expect it to remain on the roadway and in its lane of traffic, which is what
88 occurred. Based upon the foregoing, it is my considered opinion that the Corvette left the northbound
89 lane of travel and sideswiped the Guzzler, the driver then lost control and crossed back across the
90 northbound lane and left the roadway. Due to the grade of the terrain off of the shoulder, the Corvette then
91 introduced a clockwise roll over the passenger door, ejecting first the driver and then the passenger,
92 coming to a rest 78 yards from where it left the roadway.

93
94 **WITNESS ADDENDUM**

95 I have reviewed this statement, previously made by me, and I have nothing of significance to add
96 at this time. The material facts are true and correct.

97
98 Signed,

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/S/
CALVIN/CALLIE “CRASH” CRADDOCK, P.E.

SIGNED AND SWORN to me before 8:00 a.m.
On the day of this round of the 2017 Mississippi Mock Trial Competition.

/S/
Jack McCoy, Notary Public
State of Mississippi
My Commission Expires: 06/01/2017

LEGAL AUTHORITIES

Statutes and Rules of Civil Procedure

Specific statutes, portions of specific statutes and/or references to specific statutes are provided below. Only these portions/references are relevant to this mock trial case. Teams may only use the statute information noted below in the course of the trial.

Miss. Code Ann. § 11-7-13 Actions for injuries producing death

Whenever the death of any person or of any unborn quick child shall be caused by any real, wrongful or negligent act or omission, or by such unsafe machinery, way or appliances as would, if death had not ensued, have entitled the party injured or damaged thereby to maintain an action and recover damages in respect thereof, or whenever the death of any person or of any unborn quick child shall be caused by the breach of any warranty, express or implied, of the purity or fitness of any foods, drugs, medicines, beverages, tobacco or any and all other articles or commodities intended for human consumption, as would, had the death not ensued, have entitled the person injured or made ill or damaged thereby, to maintain an action and recover damages in respect thereof, and such deceased person shall have left a widow or children or both, or husband or father or mother, or sister, or brother, the person or corporation, or both that would have been liable if death had not ensued, and the representatives of such person shall be liable for damages, notwithstanding the death, and the fact that death was instantaneous shall in no case affect the right of recovery. The action for such damages may be brought in the name of the personal representative of the deceased person or unborn quick child for the benefit of all persons entitled under the law to recover, or by widow for the death of her husband, or by the husband for the death of the wife, or by the parent for the death of a child or unborn quick child, or in the name of a child, or in the name of a child for the death of a parent, or by a brother for the death of a sister, or by a sister for the death of a brother, or by a sister for the death of a sister, or a brother for the death of a brother, or all parties interested may join in the suit, and there shall be but one (1) suit for the same death which shall ensue for the benefit of all parties concerned, but the determination of such suit shall not bar another action unless it be decided on its merits. Except as otherwise provided in Section 11-1-69, in such action the party or parties suing shall recover such damages allowable by law as the jury may determine to be just, taking into consideration all the damages of every kind to the decedent and all damages of every kind to any and all parties interested in the suit.

This section shall apply to all personal injuries of servants and employees received in the service or business of the master or employer, where such injuries result in death, and to all deaths caused by breach of warranty, either express or implied, of the purity and fitness of foods, drugs, medicines, beverages, tobacco or other articles or commodities intended for human consumption.

Any person entitled to bring a wrongful death action may assert or maintain a claim for any breach of expressed warranty or for any breach of implied warranty. A wrongful death action may be maintained or asserted for strict liability in tort or for any cause of action known to the law for which any person, corporation, legal representative or entity would be liable for damages if death had not ensued.

In an action brought pursuant to the provisions of this section by the widow, husband, child, father, mother, sister or brother of the deceased or unborn quick child, or by all interested parties, such party or parties may recover as damages property damages and funeral, medical or other related expenses incurred by or for the deceased as a result of such wrongful or negligent act or omission or breach of warranty, whether an estate has been opened or not. Any amount, but only such an amount, as may be recovered for property

damage, funeral, medical or other related expenses shall be subject only to the payment of the debts or liabilities of the deceased for property damages, funeral, medical or other related expenses. All other damages recovered under the provisions of this section shall not be subject to the payment of the debts or liabilities of the deceased, except as hereinafter provided, and such damages shall be distributed as follows:

Damages for the injury and death of a married man shall be equally distributed to his wife and children, and if he has no children all shall go to his wife; damages for the injury and death of a married woman shall be equally distributed to the husband and children, and if she has no children all shall go to the husband; and if the deceased has no husband or wife, the damages shall be equally distributed to the children; if the deceased has no husband, nor wife, nor children, the damages shall be distributed equally to the father, mother, brothers and sisters, or such of them as the deceased may have living at his or her death. If the deceased have neither husband, nor wife, nor children, nor father, nor mother, nor sister, nor brother, then the damages shall go to the legal representative, subject to debts and general distribution, and the fact that the deceased was instantly killed shall not affect the right of the legal representative to recover. All references in this section to children shall include descendants of a deceased child, such descendants to take the share of the deceased child by representation. There shall not be, in any case, a distinction between the kindred of the whole and half blood of equal degree. The provisions of this section shall apply to illegitimate children on account of the death of the mother and to the mother on account of the death of an illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates. The provisions of this section shall apply to illegitimate children on account of the death of the natural father and to the natural father on account of the death of the illegitimate child or children, and they shall have all the benefits, rights and remedies conferred by this section on legitimates, if the survivor has or establishes the right to inherit from the deceased under Section 91-1-15.

Any rights which a blood parent or parents may have under this section are hereby conferred upon and vested in an adopting parent or adopting parents surviving their deceased adopted child, just as if the child were theirs by the full-blood and had been born to the adopting parents in lawful wedlock.

The list of persons in this section who may bring a wrongful death action is exclusive and only those persons shall be considered interested parties who are entitled to bring an action under this section.

A defendant in an action under this section is authorized within ninety (90) days of filing an answer, to request that the plaintiff initiate the process of determining heirs. Such determination must be resolved before commencement of trial.

Miss. Code Ann. § 63-3-603 Driving on roadways laned for traffic.

Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, except through or bypassing a municipality, the following rules in addition to all others consistent herewith shall apply:

(a) A vehicle shall be driven as nearly as practical entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

(b) A vehicle shall not be driven in the center lane upon a roadway which is divided into three (3) lanes except when:

(i) Overtaking and passing another vehicle where the roadway is clearly visible and such center lane is clear of traffic within a safe distance;

(ii) Such vehicle is in preparation for a left turn; or

(iii) Such center lane is at the time allocated exclusively to traffic moving in the direction such vehicle is proceeding and is signposted to give notice of such allocation.

(c) Official signs may be erected directing slow-moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the directions of every such sign.

(d) Upon all roadways any vehicle proceeding at less than the normal speed of traffic at the time and place and under the conditions then existing shall be driven in the right-hand lane then available for traffic, or as close as practicable to the right-hand curb or edge of the roadway, except when overtaking and passing another vehicle proceeding in the same direction or when preparing for a left turn at an intersection or into a private road or driveway.

(e) Persons riding bicycles upon a roadway shall not ride more than two (2) abreast except on paths or parts of roadways set aside for the exclusive use of bicycles. Persons riding two (2) abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

Miss. Code Ann. § 63-3-405 Duty of driver involved in accident resulting in injury or death or property damage to give information and render aid; liability for rendering assistance

The driver of any vehicle involved in an accident resulting in injury to or death of any person or damage to any vehicle which is driven or attended by any person shall give his name, address and the registration number of the vehicle he is driving and shall, upon request and if available, exhibit his operator's or chauffeur's license to the person struck or the driver or occupant of or person attending any vehicle collided with. Said driver shall render to any person injured in such accident reasonable assistance, including the carrying, or the making of arrangements for the carrying, of such person to a physician, surgeon or hospital for medical or surgical treatment if it is apparent that such treatment is necessary or if such carrying is requested by the injured person. No such driver who, in good faith and in the exercise of reasonable care, renders emergency care to any injured person at the scene of an accident or in transporting said injured person to a point where medical assistance can be reasonably expected, shall be liable for any civil damages to said injured person as a result of any acts committed in good faith and in the exercise of reasonable care or omission in good faith and in the exercise of reasonable care by such driver in rendering the emergency care to said injured person.

Miss. Code Ann. § 63-3-1201 Reckless driving

Any person who drives any vehicle in such a manner as to indicate either a willful or a wanton disregard for the safety of persons or property is guilty of reckless driving. Reckless driving shall be considered a greater offense than careless driving.

Every person convicted of reckless driving shall be punished upon a first conviction by a fine of not less than Five Dollars (\$ 5.00) nor more than One Hundred Dollars (\$ 100.00), and on a second or subsequent

conviction he may be punished by imprisonment for not more than ten (10) days or by a fine of not exceeding Five Hundred Dollars (\$ 500.00), or by both.

Miss. Code Ann. § 63-11-30 Operation of vehicle while under influence of intoxicating liquor or other substances impairing ability to operate vehicle or with blood alcohol concentrations above specified levels; penalties; separate offense of endangering child by driving under influence; penalties; expunction; nonadjudication

(1) It is unlawful for a person to drive or otherwise operate a vehicle within this state if the person:

(a) Is under the influence of intoxicating liquor;

(b) Is under the influence of any other substance that has impaired the person's ability to operate a motor vehicle;

(c) Is under the influence of any drug or controlled substance, the possession of which is unlawful under the Mississippi Controlled Substances Law; or

(d) Has an alcohol concentration in the person's blood, based upon grams of alcohol per one hundred (100) milliliters of blood, or grams of alcohol per two hundred ten (210) liters of breath, as shown by a chemical analysis of the person's breath, blood or urine administered as authorized by this chapter, of:

(i) Eight one-hundredths percent (.08%) or more for a person who is above the legal age to purchase alcoholic beverages under state law;

(ii) Two one-hundredths percent (.02%) or more for a person who is below the legal age to purchase alcoholic beverages under state law; or

(iii) Four one-hundredths percent (.04%) or more for a person operating a commercial motor vehicle.

Miss. Code Ann. § 67-3-73 Immunity from liability of persons who lawfully furnished or sold intoxicating beverages to one causing damage

(1) The Mississippi Legislature finds and declares that the consumption of intoxicating beverages, rather than the sale or serving or furnishing of such beverages, is the proximate cause of any injury, including death and property damage, inflicted by an intoxicated person upon himself or upon another person.

(2) Notwithstanding any other law to the contrary, no holder of an alcoholic beverage, beer or light wine permit, or any agent or employee of such holder, who lawfully sells or serves intoxicating beverages to a person who may lawfully purchase such intoxicating beverages, shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the licensed premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were sold or served.

(3) Notwithstanding any other law to the contrary, no social host who serves or furnishes any intoxicating beverage to a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off such social host's premises, including wrongful death and property damage, because of the intoxication of the person to whom the intoxicating beverages were served or furnished. No social host who owns, leases or otherwise

lawfully occupies a premises on which, in his absence and without his consent, intoxicating beverages are consumed by a person who may lawfully consume such intoxicating beverage shall be liable to such person or to any other person or to the estate, or survivors of either, for any injury suffered off the premises, including wrongful death and property damage, because of the intoxication of the person who consumed the intoxicating beverages.

(4) The limitation of liability provided by this section shall not apply to any person who causes or contributes to the consumption of alcoholic beverages by force or by falsely representing that a beverage contains no alcohol, or to any holder of an alcoholic beverage, beer or light wine permit, or any agent or employee of such holder when it is shown that the person making a purchase of an alcoholic beverage was at the time of such purchase visibly intoxicated.

Miss. Code Ann. § 67-1-81 Sales to minors prohibited; penalties

(1) Any permittee or other person who shall sell, furnish, dispose of, give, or cause to be sold, furnished, disposed of, or given, any alcoholic beverage to any person under the age of twenty-one (21) years shall be guilty of a misdemeanor and shall be punished by a fine of not less than Five Hundred Dollars (\$ 500.00) nor more than One Thousand Dollars (\$ 1,000.00) for a first offense. For a second or subsequent offense, such permittee or other person shall be punished by a fine of not less than One Thousand Dollars (\$ 1,000.00) nor more than Two Thousand Dollars (\$ 2,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment in the discretion of the court. Upon conviction of a second offense under the provisions of this section the permit of any permittee so convicted shall be automatically and permanently revoked.

(2) Any person under the age of twenty-one (21) years who purchases, receives, or has in his or her possession in any public place, any alcoholic beverages, shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$ 200.00) nor more than Five Hundred Dollars (\$ 500.00). Provided, that clearing or busing tables that have glasses or other containers that contain or did contain alcoholic beverages, or stocking, bagging or otherwise handling purchases of alcoholic beverages shall not be deemed possession of alcoholic beverages for the purposes of this section. Provided further, that a person who is at least eighteen (18) years of age but under the age of twenty-one (21) years who waits on tables by taking orders for or delivering orders of alcoholic beverages shall not be deemed to unlawfully possess or furnish alcoholic beverages if in the scope of his employment by the holder of an on-premises retailer's permit. This exception shall not authorize a person under the age of twenty-one (21) to tend bar or act in the capacity of bartender. Any person under the age of twenty-one (21) who knowingly makes a false statement to the effect that he or she is twenty-one (21) years old or older or presents any document that indicates he or she is twenty-one (21) years of age or older for the purpose of purchasing alcoholic beverages from any person engaged in the sale of alcoholic beverages shall be guilty of a misdemeanor and shall be punished by a fine of not less than Two Hundred Dollars (\$ 200.00) nor more than Five Hundred Dollars (\$ 500.00), and a sentence to not more than thirty (30) days' community service.

Miss. Code Ann. § 67-1-83 Other prohibited sales; penalty

(1) It shall be unlawful for any permittee or other person to sell or furnish any alcoholic beverage to any person who is visibly intoxicated, or to any person who is known to habitually drink alcoholic beverages to excess, or to any person who is known to be a habitual user of narcotics or other habit-forming drugs. It shall also be unlawful for the holder of any package retailer's permit to sell any alcoholic beverages except by delivery in person to the purchaser at the place of business of the permittee.

(2) It shall be unlawful for any permittee or other person to sell or furnish any alcoholic beverage to any person to whom the commission has, after investigation, decided to prohibit the sale of those beverages because of an appeal to the commission so to do by the husband, wife, father, mother, brother, sister, child, or employer of the person. The interdiction in those cases shall last until removed by the commission, but no person shall be held to have violated this subsection unless he has been informed by the commission, by registered letter, that it is forbidden to sell to that individual or unless that fact is otherwise known to the permittee or other person.

(3) It shall be unlawful for any holder of a package retailer's permit, or any employee or agent thereof, engaged solely in the business of package retail sales under this chapter to sell or furnish any alcoholic beverage before 10:00 a.m. and after 10:00 p.m. or to sell alcoholic beverages on Sunday and Christmas Day.

(4) Any person who violates any of the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Five Hundred Dollars (\$ 500.00) or by imprisonment in the county jail for a term of not more than six (6) months or by both that fine and imprisonment, in the discretion of the court. In addition, the commission shall immediately revoke the permit of any permittee who violates the provisions of this section.

Miss. Code Ann. § 85-5-7 Limitation of joint and several liability for damages caused by two or more persons; contribution between joint tortfeasors; determination of percentage of fault; liability of medical defendants for economic and noneconomic damages

(1) As used in this section, "fault" means an act or omission of a person which is a proximate cause of injury or death to another person or persons, damages to property, tangible or intangible, or economic injury, including, but not limited to, negligence, malpractice, strict liability, absolute liability or failure to warn. "Fault" shall not include any tort which results from an act or omission committed with a specific wrongful intent.

(2) Except as otherwise provided in subsection (4) of this section, in any civil action based on fault, the liability for damages caused by two (2) or more persons shall be several only, and not joint and several and a joint tort-feasor shall be liable only for the amount of damages allocated to him in direct proportion to his percentage of fault. In assessing percentages of fault an employer and the employer's employee or a principal and the principal's agent shall be considered as one (1) defendant when the liability of such employer or principal has been caused by the wrongful or negligent act or omission of the employee or agent.

(3) Nothing in this section shall eliminate or diminish any defenses or immunities which currently exist, except as expressly noted herein.

(4) Joint and several liability shall be imposed on all who consciously and deliberately pursue a common plan or design to commit a tortious act, or actively take part in it. Any person held jointly and severally liable under this section shall have a right of contribution from his fellow defendants acting in concert.

(5) In actions involving joint tort-feasors, the trier of fact shall determine the percentage of fault for each party alleged to be at fault without regard to whether the joint tort-feasor is immune from damages. Fault allocated under this subsection to an immune tort-feasor or a tort-feasor whose liability is limited by law shall not be reallocated to any other tort-feasor.

(6) Nothing in this section shall be construed to create a cause of action. Nothing in this section shall be construed, in any way, to alter the immunity of any person.

Miss. Code Ann. § 11-7-15 Contributory negligence no bar to recovery of damages; jury may reduce damages

In all actions hereafter brought for personal injuries, or where such injuries have resulted in death, or for injury to property, the fact that the person injured, or the owner of the property, or person having control over the property may have been guilty of contributory negligence shall not bar a recovery, but damages shall be diminished by the jury in proportion to the amount of negligence attributable to the person injured, or the owner of the property, or the person having control over the property.

Miss. Code Ann. § 63-2-1 Requirement of use of safety seat belt system by operator and passengers in passenger motor vehicle; protection of children

(1) When a passenger motor vehicle is operated in forward motion on a public road, street or highway within this state, every operator, every front-seat passenger and every child under seven (7) years of age who is not required to be protected by the use of a child passenger restraint device or system or a belt positioning booster seat system under the provisions of Sections 63-7-301 through 63-7-311, regardless of the seat that the child occupies, shall wear a properly fastened safety seat belt system, required to be installed in the vehicle when manufactured pursuant to Federal Motor Vehicle Safety Standard 208.

Miss. Code Ann. § 63-2-3 Duty, standard of care, right or liability between operator and passenger; contributory or comparative negligence; entry of violation on driving record

This chapter shall not be construed to create a duty, standard of care, right or liability between the operator and passenger of any passenger motor vehicle which is not recognized under the laws of the State of Mississippi as such laws exist on the date of passage of this chapter or as such laws may at any time thereafter be constituted by statute or court decision. Failure to provide and use a seat belt restraint device or system shall not be considered contributory or comparative negligence, nor shall the violation be entered on the driving record of any individual.

O.C.G.A. § 40-13-58 Failure to appear after giving cash bond as admission of guilt; forfeiture of bond; order to stand trial not precluded

Where a defendant cited for a traffic violation posts a cash bond according to the schedule set up by court order and fails to appear in court at the term of court and on the day set in the original citation and complaint, then and in that event, such failure shall be construed as an admission of guilt and the cash bond may be forfeited without the necessity for the statutory procedure provided for the forfeiture of statutory bail bonds. A judgment of guilty may be entered accordingly, ordering the case disposed of and settled. The proceeds of the cash bond shall be applied and distributed as any fine imposed by said court would be. Nothing in this Code section shall be construed as preventing the judge from ordering the defendant to appear and stand trial.

Mississippi Rule of Civil Procedure 8(e)(2)-General rules of pleading

A party may set forth two or more statements of a claim or defense alternatively or hypothetically, either in one count or defense or in separate counts or defenses. When two or more statements are made in the alternative and one of them if made independently would be sufficient, the pleading is not made insufficient by the insufficiency of one or more of the alternative statements. A party may also state as many separate claims or defenses as he has, regardless of consistency.

Case Law

The following excerpts are from Case Law concerning the legal issues raised in this Mock Trial Case.

Only portions of the opinions are provided, and only those portions may be used in the course of the trial.

Citations and internal quotation marks are omitted in the excerpts of the cases that follow.

[E]vidence of seat belt non-usage may constitute relevant evidence in some (but by no means all or even most) cases, so long as (1) the evidence has some probative value other than as evidence of negligence; (2) this probative value is not substantially outweighed by its prejudicial effect and is not barred by some other rule of evidence and (3) appropriate limiting instructions are given to the jury, barring the consideration of seat belt non-usage as evidence of negligence.

Estate of Hunter v. GMC, 729 So. 2d 1264, 1268 (Miss. 1999)

In order to achieve true equity in this scheme (of comparative negligence), it is necessary that the tortious conduct of all participants to the occurrence, including "absent tort-feasors," be considered and apportioned according to the respective degree of fault of each tort-feasor. ... (The) failure to consider the fault of absent tort-feasors in the apportionment process skews the determination of the percentages of fault to be attributed to tort-feasors before the court. ... Unfortunately, section 85-5-7 is, at first blush, somewhat unclear in stating "whose" fault must be considered in the apportionment process. However, this Article shows that, in concert with the equitable principles underlying comparative fault, section 85-5-7 requires that the fault of all participants to the occurrence, including any absent tort-feasor, must be considered in the apportionment of fault.

This Court agrees with the aforementioned commentators that the policy considerations underlying the comparative fault doctrine would best be served by the jury's consideration of the negligence of all participants to a particular incident which gives rise to a lawsuit. A rule of law limiting a jury to a consideration of the fault of the parties at trial would permit a plaintiff to settle with a defendant primarily responsible for a given accident, file suit against a "deeper pockets" defendant who may bear little if any responsibility for the accident, and thereupon require the jury to allocate all of the responsibility for the plaintiff's injuries between the plaintiff and the non-settling defendant. It would be patently unfair in many cases to require a defendant to be "dragged into court" for the malfeasance of another and to thereupon forbid the defendant from establishing that fault should properly lie elsewhere. Such a procedure invites inequitable results which, in certain cases, could arguably rise to the level of a due process violation.

Estate of Hunter v. GMC, 729 So. 2d 1264, 1272-1273 (Miss. 1999)

Under Mississippi's Dram Shop Act, Miss. Code Ann. § 67-3-73(4), which required proof that a customer was served alcohol when he was visibly intoxicated, a casino was liable for damages from the customer's car accident as the expert of the wrongful-death heirs testified that the driver's blood alcohol content was high enough that trained personnel should have spotted the driver's intoxication.

Robinson Prop. Group, Ltd. P'ship v. McCalman, 51 So. 3d 946 (Miss. 2011)

We have consistently held inadmissible evidence of any traffic court initiation or disposition of a case against the parties to a collision unless the party has entered a guilty plea in traffic court, thereby admitting liability. And payment of a traffic fine is not, by itself, an admission of guilt.

We recognize that, under O.C.G.A. § 40-13-58 , "where a defendant cited for a traffic violation posts a cash bond . . . and fails to appear in court . . . on the day set in the original citation, . . .

such failure shall be construed as an admission of guilt and the cash bond may be forfeited."

That admission constitutes a prima facie showing of negligence and is conclusive if not rebutted.

Appellant [Plaintiff at trial], however, has not pointed to any evidence that Appellee [Defendant at trial] forfeited his bond. At the hearing on Appellee's motion in limine, Appellant apparently presented a certificate of the clerk of court stating that the ticket was disposed of by bond forfeiture. But the certificate does not appear in the record, and the trial court did not admit it into evidence. Appellant contends that he was not required to present a certified copy of Appellee's conviction because Appellee acknowledged at his deposition that he forfeited bond.

Appellee, however, only admitted to paying a fine, which is not an admission of guilt. The burden is on the appellant to show error affirmatively by the record. The record in this case contains no evidence that Appellee pled guilty to impeding the flow of traffic. Accordingly, the trial court did not abuse its discretion by prohibiting Appellant from questioning Appellee about the citation.

Eubanks v. Waldron, 263 Ga. App. 75 (2003)

IN THE CIRCUIT COURT OF FONDREN COUNTY, MISSISSIPPI
FIRST JUDICIAL DISTRICT

ANDREA/ANDREW “ANDI” SPEED,
as Representative of the Estate of Taylor Speed,
DECEASED

PLAINTIFF

Civil Action No. 2017-MT

v.

K.D. PERRY, M.D.

DEFENDANT

THE CHARGE OF THE COURT

[Not to be read in open court]

Pleadings

You have been considering the case of Andrea/Andrew “Andi” Speed as Plaintiff, vs. K.D. Perry, M.D., as Defendant, Civil Action No. 2017-MT. You have heard the evidence and are familiar with the contentions of the parties. It is now my duty to instruct you on the law which you shall use in reaching a verdict in this case.

Burden of Proof; Generally; Preponderance of Evidence, Defined

Plaintiff has the burden of proof, which means that the plaintiff must prove whatever it takes to make out his/her case, except for any admissions by the defendant. Plaintiff must prove his/her case by what is known as a preponderance of the evidence, that is, evidence upon the issues involved which, while not enough to wholly free the mind from a reasonable doubt, is yet sufficient to incline a reasonable and impartial mind to one side of the issue rather than the other.

Credibility of Witnesses

The jury must determine the credibility of the witnesses. In deciding this, you may consider all the facts and circumstances of the case, including the witnesses’ manner of testifying, their intelligence, means and opportunity of knowing the facts to which they testify, the nature of the facts to which they testify, the probability or improbability of their testimony, their interest or lack of interest, and their personal credibility as you observe it. While you may consider the number of witnesses on each side, you are not required to decide in favor of the side with the most witnesses. You make all decisions as to the facts of this case, under the law as given you in this charge.

Expert Witnesses

Testimony has been given in this case by certain witnesses who are termed experts. Expert witnesses are those who because of their training and experience possess knowledge in a particular field, which is not common knowledge or known to the average citizen.

The law permits expert witnesses to give their opinions based upon their specialized skill, training and experience.

You are not required to accept the testimony of any witnesses, expert or otherwise. Testimony of an expert, like that of all witnesses, is to be given only such weight and credit as you think it is properly entitled to receive.

Conflicting Evidence; Reconciliation

Any conflicts in the evidence are to be reconciled wherever possible. All witnesses are presumed to speak the truth and, if possible, you should not attribute a false statement to any of them. If you find that this cannot be done, then you should believe the evidence that is most reasonable and believable to you and decide the case by the preponderance of the evidence as you find it to be.

Circumstantial Evidence; Direct Evidence

Direct evidence is evidence, which immediately points to the question at issue. Indirect or circumstantial evidence is evidence, which only tends to establish a fact; it must be such as to reasonably establish that fact rather than anything else. The comparative weight of circumstantial and direct evidence on any given issue is a question of fact for you to decide.

Where circumstantial evidence is relied upon to establish a fact or theory, it must be such as to reasonably establish that fact or theory rather than anything else.

Admissions

An admission is a statement by a party, which tends to aid the cause of the opposing party. All admissions shall be carefully considered.

Impeachment of Witnesses

When witnesses appear and testify, they are presumed to speak the truth unless impeached in some manner provided by law. To impeach a witness means to discredit the witness, or prove the witness unworthy of belief.

A witness may be impeached:

- a. By disproving the facts to which the witness testifies;
- b. By proof of contradictory statements previously made by the witness about matters relevant to the testimony and to the case;
- c. By evidence as to the witness's general bad character; or
- d. By the conviction of the witness of an offense involving dishonesty or false statement.

If it is sought to impeach a witness by "b," "c," or "d," above, proof of the general good character of the witness may be shown. The effect of the evidence is to be determined by the jury.

When a witness is successfully contradicted as to a material matter, the witness's credibility as to other matters shall be a question for the jury.

Since believability of witnesses is a matter to be determined by the jury under proper instructions from the court, if an effort is made to impeach a witness, it is the duty of the jury to determine whether the effort has been successful and whether the witness is to be believed.

Plaintiff's Cause of Action

Plaintiff must prove a prima facie case to recover damages from Defendant. In this case, Plaintiff must prove negligence, causation, and damages. Damages will be decided at a later hearing.

Ordinary Negligence

Ordinary negligence means the absence of or the failure to use that degree of care which is used by ordinarily careful persons under the same or similar circumstances.

Negligence Per Se

Each party contends the other violated certain laws and ordinances, namely driving under the influence, speeding, reckless driving and improper lane usage.

A person shall not drive or be in actual physical control of any moving vehicle while under the influence of alcohol to the extent that it is less safe for the person to drive, or the person's alcohol concentration is 0.08 grams or more at any time within three hours after such driving or being in actual physical control from alcohol consumed before such driving or being in actual physical control ended.

A person under the age of 21 shall not drive or be in actual physical control of any moving vehicle while the person's alcohol concentration is 0.02 grams or more at any time within three hours after such driving or being in physical control from alcohol consumed before such driving or being in actual physical control ended.

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. Consistently with the foregoing, every person shall drive at a reasonable and prudent speed when approaching and crossing an intersection or railroad grade crossing, when approaching and going around a curve, when approaching and traversing a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions.

No person shall drive any vehicle in reckless disregard for the safety of persons or property.

Whenever any roadway has been divided into two or more clearly marked lanes for traffic, a vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.

Such violation is called negligence per se, which means negligence as a matter of law. It is your duty to decide whether such violation took place or not. Satisfactory proof of the violation of one of these laws will only prove negligence. Plaintiff must still prove causation and damages in order to recover.

Negligence; One Act Sufficient

The plaintiff must prove that the defendant was negligent in one or more ways alleged in order to recover.

It is not necessary for plaintiff to prove that the defendant was negligent in every way that plaintiff claims. If you find no negligence at all on the part of the defendant, then that ends the plaintiff's case against the defendant.

Proximate Cause; Definition

Proximate cause is that which, in the natural and continuous sequence, unbroken by other causes, produces an event, and without which the event would not have occurred. Proximate cause is that which is nearest in the order of responsible causes, as distinguished from remote, that which stands last in causation, not necessarily in time or place, but in causal relation.

Same; Concurrent Negligence (Joint Proximate Cause)

Where two or more causes operate directly or happen together in bringing about an injury, there can be a recovery against one or all of the responsible persons. The mere fact that the injury would not have been sustained if only one of the acts of negligence had occurred does not of itself prevent (or limit) the other act from constituting the proximate cause. If all acts of negligence contributed directly and concurrently or together in bringing about the injury, they together constitute the proximate cause.

The proximate cause of an injury may be two separate and distinct acts of negligence of different persons.

Defendant's Case

Defendant claims that Plaintiff is not entitled to recover due to negligence on his/her part, the negligence of a third party, or because of a defense as allowed by law. Defendant bears the burden of proof on these issues.

Comparative Negligence

If you find that the defendant was negligent so as to be liable to the plaintiff, and that the plaintiff also was negligent thereby contributing to the plaintiff's injury and damage, but that the plaintiff's negligence was less than the defendant's negligence, then the negligence of the plaintiff would not prevent the plaintiff's recovery of damages, but would require that you reduce the amount of damages otherwise awarded to the plaintiff in proportion to the negligence of the plaintiff compared with that of the defendant.

Care for Own Safety, Duty to Exercise

Every person has a duty to use ordinary care for his or her own safety. If you should determine from the evidence that the plaintiff failed to use ordinary care and that this failure was the sole proximate cause of the plaintiff's injuries, then the plaintiff could not recover from the defendant.

Assumption of Risk

When a person knowingly and voluntarily takes a risk of physical injury, the danger of which is so obvious that the act of taking such risk, in and of itself, amounts to a failure to exercise ordinary care for one's own safety, that person cannot hold another liable for injuries proximately caused by such action even though the injuries may be in part attributable to the negligence of the other person.

Emergency

One who is confronted with a sudden emergency which was not created by one's own fault, and is without sufficient time to determine accurately and with certainty the best thing to be done, is not held to the same accuracy of judgment as would be required of that person if he/she had more time for deliberation. The requirement is that the person act with ordinary care under all particular facts and circumstances surrounding the situation.

Negligence of Non-Party

Where an action is brought against one or more persons for injury to person or property and the plaintiff is to some degree responsible for the injury or damages claimed, the trier of fact, in its determination of the total amount of damages to be awarded, if any, shall determine the percentage of fault of the plaintiff and the judge shall reduce the amount of damages otherwise awarded to the plaintiff in proportion to his or her percentage of fault.

Where an action is brought against more than one person for injury to person or property, the trier of fact, in its determination of the total amount of damages to be awarded, if any, shall after a reduction of damages pursuant to the preceding paragraph, if any, apportion its award of damages among the persons who are liable according to the percentage of fault of each person. Damages apportioned by the trier of fact as provided in the Mississippi Code section shall be the liability of each person against whom they are awarded, shall not be a joint liability among the persons liable, and shall not be subject to any right of contribution.

In assessing percentages of fault, the trier of fact shall consider the fault of all persons or entities who contributed to the alleged injury or damages, regardless of whether the person or entity was, or could have been, named as a party to the suit.

Dram Shop

A person who willfully, knowingly, and unlawfully sells, furnishes, or serves alcoholic beverages to a person who is not of lawful drinking age, knowing that such person will soon be driving a motor vehicle, or who knowingly sells, furnishes, or serves alcoholic beverages to a person who is in a state of noticeable intoxication, knowing that such person will soon be driving a motor vehicle, may become liable for injury or damage caused by or resulting from the intoxication of such minor or person when the sale, furnishing, or serving is the proximate cause of such injury or damage.

In determining whether the sale, furnishing, or serving of alcoholic beverages to a person not of legal drinking age is done willfully, knowingly, and unlawfully, evidence that the person selling, furnishing, or serving alcoholic beverages had been furnished with and acted in reliance on "proper identification" shall constitute rebuttable proof that the alcoholic beverages were not sold, furnished, or served willfully, knowingly, and unlawfully. "Proper identification" refers to any document issued by a governmental agency containing a description of the person, such person's photograph, or both, and giving such person's date of birth and includes, without being limited to, a passport, military identification card, driver's license, or an official government identification card.

In any case where a reasonable or prudent person could reasonably be in doubt as to whether or not the person to whom an alcoholic beverage is to be sold or otherwise furnished is actually 21 years of age or older, it shall be the duty of the person selling or otherwise furnishing such alcoholic beverage to request

to see and to be furnished with “proper identification” as previously defined in order to verify the age of such person; and the failure to make such request and verification in any case where the person to whom the alcoholic beverage is sold or otherwise furnished is less than 21 years of age may be considered by the trier of fact in determining whether the person selling or otherwise furnishing such alcoholic beverage did so knowingly.

Form of Verdict

If you believe from a preponderance of the evidence that the plaintiff is entitled to recover, you would find for the plaintiff and the form of your verdict would be: “We, the jury, find for plaintiff.” If fault is to be apportioned, you shall make that finding in your verdict.

If you do not think the plaintiff is entitled to recover, you should find for the defendant and the form of your verdict would be: “We, the jury, find for the defendant.”

Verdict in Writing

Whatever your verdict in the case, it must be agreed to by each juror, it must be in writing, dated and signed by your foreperson, and it must be returned and read in court. You do not have to reach a unanimous agreement, but may return a verdict when nine or more of you are in agreement. I have prepared a verdict form to assist you.

Court Has No Interest in Case

I want to emphasize that anything the court did or said during the trial of this case was not intended to, and did not intimate, hint, or suggest to you which of the parties should prevail in this case. Whichever of the parties is entitled to a verdict is a matter entirely for you to determine, and whatever your verdict, it must be agreed upon by all of you.

The court’s interest in the matter is that the case be fairly presented according to law and that you—as honest, conscientious, impartial jurors—consider the case as the court has instructed you and return a verdict that speaks the truth as you find the truth of the case to be.

Jury; Final Instructions

One of your first duties in the jury room will be to select one of your number to act as foreperson, who will preside over your deliberations and who will sign the verdict to which all twelve of you freely and voluntarily agree.

You should start your deliberations with an open mind. Consult with one another and consider each other’s view. Each of you must decide this case for yourself, but you should do so only after a discussion and consideration of the case with your fellow jurors. Do not hesitate to change an opinion if convinced that it is wrong. However, you should never surrender honest convictions or opinions in order to be congenial or to reach a verdict solely because of the opinions of the other jurors.

Retire to Jury Room

You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence which has been admitted in the case. Bailiff, escort the jury to the jury room.

MEDICAL GLOSSARY

Note: There are more terms listed than are used or included in these case materials.

Abrasions = Scrapes

Acute = having a sudden onset, sharp rise, and short course

Amphetamine = A drug with a stimulant effect on the central nervous system that can be both physically and psychologically addictive when overused. This drug has been much abused.

Antecubital fossa = crook of the elbow

Anterior = the front of something

Appendicular = The 126 appendicular bones are made up of 64 bones in the upper extremities (the arms, wrists, and hands) and 62 bones in the lower extremities (the legs, ankles, and feet).

Arachnoid membrane = the middle of three membranes that cover the central nervous system

Aspiration = the act of drawing a substance in or out by suction

Atraumatic = undamaged

Auditory = ear

Auscultation = the clinical procedure of listening to something

Avulsion = the state of something being torn forcefully from a structure

Axial = There are 80 axial bones, comprised of 29 bones in the head and 51 bones in the trunk

BAC = blood alcohol content

Basilar = Located at or near the base of a structure, especially the base of the skull

Benzodiazepines = Valium or Valium-like drugs

Bilateral = of, relating to, or affecting the right and left sides of the body or the right and left members of paired organs

Calvarium = top portions of the skull

Carotid vessels = major blood vessels in the neck that carry blood to the brain

Cervical spine = vertebrae in the neck

Conjunctivae = membranous lining of the inner upper and lower eyelids and the white part of the eye

Cornea = the clear front window of the eye that transmits and focuses light into the eye.

Cricoid = a type of cartilage in the lower trachea

Cyanotic = dusky or bluish in color

Discrete lesions = something that looks different from its surroundings

Distal = situated away from the point of attachment or origin or a central point especially of the body

Dura mater = the tough fibrous membrane that envelops the brain and spinal cord external to the arachnoid and pia mater

Edematous = swollen or puffy

EKG = an electrocardiogram, an acronym commonly used for this non-invasive procedure to record the electrical activity of the heart.

Endotracheal tube = A flexible plastic tube that is put in the mouth and then down into the trachea (the airway). The doctor inserts the tube under direct vision with the help of a laryngoscope. The procedure is called endotracheal intubation. The purpose is to ventilate the lungs

Epidural, subdural and subarachnoid hemorrhage = blood in the spaces between the coverings of the brain and spinal cord

Epiglottis = the piece of tissue at the back of the throat that closes the trachea while swallowing (which is why you can't breathe and swallow at the same time)

Erythema = redness, being reddened.

Exudates = drainage, can be like water or pudding in consistency, its presence may indicate infection

Flexor = the state of being flexed, the opposite of being extended

Gas Chromatography = A type of automated chromatography (a technique used to separate mixtures of substances) in which the mixture to be analyzed is vaporized and carried by an inert gas through a special column and thence to a detection device. The special column can contain an inert porous solid (in gas-solid chromatography) or a liquid coated on a solid support (in gas-liquid chromatography). The basic aim with GC is to separate each component that was in the mixture so that it produces a different peak in the detection device output, which is graphed on a chart recorder

Grossly Intact = totally without abnormality

Hepatosplenomegaly = Enlargement of the liver and spleen

Hyoid = a bone under the jaw just behind the chin

Hypothermia = a condition that can lead to shock or even death in which body temperature is lowered below normal

Icteric = jaundiced or yellow

Intravenous Catheter = a catheter (hollow tube) inserted into a vein for the purposes of either drawing blood or administering fluids

Infarction = the formation of an infarct, an area of tissue death due to a local lack of oxygen

Inferior = situated below another and especially another similar superior part of an upright body

Intrascapular = within the scalp

Irides = plural for iris

Lacerations = cuts

Laryngotracheal cartilages = the cartilage that forms the vocal cords, voice, voice box & windpipe

Larynx = the larynx is the portion of the breathing, or respiratory, tract containing the vocal cords which produce vocal sound. It is located between the pharynx and the trachea. The larynx, also called the voice box, is a 2-inch-long, tube-shaped organ in the neck

Lividity = skin discoloration, from pooling of blood - blood pools at the lowest point in the body if there is no circulation, i.e. death

Lobulated parenchyma = the substance of an organ that is divided into compartments (lobules)

Lumen = A luminous term referring to the channel within a tube such as a blood vessel or to the cavity within a hollow organ such as the intestine. Lumen is a luminous term because it is Latin for light, including the light that comes through a window. When a hollow organ is cut across, you can see light through the space that has been opened. So the word "lumen" came to mean this space.

Mandible = jaw

Metabolite = the intermediates and products of metabolism

Mucosa = mucosa is moist tissue that lines particular organs and body cavities throughout the body, including your nose, mouth, lungs, and gastrointestinal tract. Glands along the mucosa secrete mucus (a thick fluid)

Neoplasia = the process of abnormal and uncontrolled growth of cells. The product of neoplasia is a neoplasm (a tumor)

Normocephalic = normal shaped head

O₂ Saturation = a measure of how saturated the body's hemoglobin is with oxygen. Can be measured non-invasively or with lab tests

Obstructive lesions = any lesion that is in the way of something, like a tumor in an airway

Ocular = eye

Opiate = A medication or illegal drug that is either derived from the opium poppy, or that mimics the effect of an opiate (a synthetic opiate). Opiate drugs are narcotic sedatives that depress activity of the central nervous system, reduce pain, and induce sleep. Side effects may include over-sedation, nausea,

and constipation. Long- term use of opiates can produce addiction, and overuse can cause overdose and potentially death

Orbital bones = bones around the eyes

Oropharynx = the mouth and back of the throat

Overt = open to view

Palpable masses = any swelling, which is a mass that you can feel

Palpably = capable of being touched or felt

Palpation = the act of touching or feeling something

Parietal bones = one of the bones of the cranium

Petechial hemorrhages = pinpoint hemorrhages seen in the conjunctivae on the face and chest and other parts of the body that may be associated with asphyxial death

Pia mater = the thin vascular membrane that invests the brain and spinal cord internal to the arachnoid and dura mater

Plantar Response = a primitive reflex to test spinal cord function

Pleura = the delicate serous membrane that lines each half of the thorax of mammals and is folded back over the surface of the lung of the same side

Posterior = the back of something

Postmortem = after death

Proximal = toward the beginning, the nearer of two (or more) items. For example, the proximal end of the femur is part of the hip joint, and the shoulder is proximal to the elbow. The opposite of proximal is distal.

Pulmonary parenchyma = the substance of the lung

Punctate foci = little pinpoint areas here and there

Rigor mortis = the stiffness occurring in dead bodies

Sclerae = the white part of the eyes

Serosa = One of the delicate membranes of connective tissue which line the internal cavities of the body

Subdural = situated or occurring beneath the dura mater or between the dura mater and the arachnoid membrane

Subgaleal hematoma = a collection of blood underneath the scalp (actually, underneath the lining of the outer surface of the skull, which is galeal)

Supine = lying on the back with the face upward

Temporal lobes = parts of the brain located on the side in the area of the ears

Tetrahydrocannabinol = THC—the drug found in marijuana

Thromboemboli = a blood clot that develops in one part of the body and lodges in another and then becomes larger as more blood clot forms on top of it

Thyroid = a gland in the lower portion of the neck

Trachea = windpipe

Vascular = of or relating to a channel for the conveyance of a body fluid (as blood of an animal or sap of a plant) or to a system of such channels

Vertex = top of the head



13 December 2014, 11:42 p.m.

Airbag Deployment Report: K.D. Perry, *Owner*
 2014 Guzzler Extreme
 VIN # NI41000NA101102

*OnCall automated system connected with 2014 Guzzler Extreme
at 11:42 p.m. on 13 December 2014*

Operator: (11:42 p.m.) Mr./Ms. Perry? We have been alerted that your air bag has deployed. Would you like us to inform the local authorities and emergency medical services? (pause) Mr./Ms. Perry? This is OnCall. We have been alerted that your air bag has deployed. Would you like us to inform the local authorities and emergency medical services?

Driver: That's Dr. Perry.

Operator: I'm sorry, Dr. Perry. Your system alerted us that your air bag has deployed. Would you like us to inform the local authorities and emergency medical services?

Driver: I'm fine. I guess I hit another car, but I have no idea how it happened. It came out of nowhere. Uh...yeah, call the police. They need to be here.

Operator: Yes, Dr. Perry. GPS positioning will allow us to send them to your precise location. [sound of car door opening and closing]



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OFFICE OF THE MEDICAL EXAMINER
Fondren County
Mississippi

Medical Examiner's Inquiry

Case Number: 06D-1996

Name of Deceased: Taylor Speed

Race: **Sex:** Female **Age:** 20

Manner of Death: Accident **Date of Death:** December 14, 2014

Cause of Death: Blunt force trauma to the head

Medical Examiner's Investigator: Officer Rook E. Greenwood

Procedures:

Autopsy: Yes **Limited Dissection:** **External Examination:**

Procedure Date: December 14, 2014 **Day of Week:** Sunday

Certification by Medical Examiner:

Medical Examiner: G. Gowitt **Date:** December 14, 2014

Signature: _____ /S/ _____

Autopsy Report

General Information:

This 20-year-old female was reportedly a passenger in a motor vehicle. The motor vehicle in which she was riding was hit by another. The subject was transported to County General Hospital on December 13, 2014 and was pronounced dead at 01:15 on December 14, 2014.

Date, Time, and Place of Examination:

Under the provisions of the Mississippi Death Investigation Act, an autopsy is performed in the Fondren County Forensic Science Center on Sunday, December 14, 2014, commencing at 10:05 with the assistance of Forensic Technician Dan Stevens.

Presentation, Clothing, and Personal Effects:

The nude body is received in the supine position in a white disaster bag. Attached to the bag is a tag bearing the designation "Taylor Speed." The tag indicates a medical record number of 020311935. A similar identification tag is attached to the left great toe. A hospital identification band encircles the left ankle, bearing the designation "Taylor Speed MR#020311935."

No articles of clothing or personal effects accompany the body.

Evidence of Medical Intervention:

1. An endotracheal tube exits the mouth and is held in place by adhesive tape.
2. An intervenous catheter is in the left antecubital fossa.
3. Four EKG pads are on the anterior torso.

External Examination:

This is the unembalmed, normally developed, adequately nourished body of a young female, appearing consistent with the reported age of 20 years, measuring 70" in length and weighing 150 pounds.

The body has been refrigerated and is cold to the touch. Rigor mortis is full and generalized.

The head is normocephalic, exhibiting injuries that will be described in further detail below. The scalp hair is long and straight, attaining a maximal length of 18" over the crown. The ears are normally formed and set. Dried blood is in the right external auditory canal. There are no ocular or facial petechial hemorrhages. The corneas are clear, and the sclera are minimally icteric. The irides are brown, and the conjunctivae are slightly edematous. The nose is normally formed, and a slight amount of particulate, brown material is in each nostril. The teeth are natural and are in an average state of repair. The lips, tongue, and gums are atraumatic and are free of discrete lesions.

The trachea is in the midline of the atraumatic neck, and the neck is free of palpable masses.

The abdomen is flat and atraumatic.

The back is atraumatic. There is no spinal deformity, and the buttocks are atraumatic.

EXHIBIT 2

The bilateral upper extremities are symmetrical, are normally developed, and are generally atraumatic. There are no track marks. The hands are normally formed, without the absence of digits. The fingernails are very closely trimmed, not extending beyond the distal tips of the digits. There are bits of dirt underneath the fingernails and abrasions on the hands and forearms.

The bilateral lower extremities are symmetrical, are normally developed, and are free of acute injuries. There are abrasions on the lower legs embedded with particles of dirt. The feet are normally formed, without the absence of digits. The toenails are closely trimmed.

Evidence of Injury:

Injury to the Head:

Internal examination of the head reveals intrascapular and subgaleal hematoma on the vertex. There is diffuse subdural and subarachnoid hemorrhage. There are also underlying skull fractures involving the parietal bones associated with this hemorrhage. A ring fracture of the base of the skull is also apparent. The brain reveals acute contusions of the inferior frontal and temporal lobes, bilaterally.

Internal Examination:

Head:

Please see "Evidence of Injury"

Chest and Abdomen:

Scrape marks exist around the left side of the chest and waist areas measuring 3 ½ inches in length and 2 ¼ inches wide.

Cardiovascular System:

The heart is intact and atraumatic.

Neck Structures:

The cervical spine is palpably intact. The tongue is atraumatic. The hyoid bone and laryngotracheal cartilages are intact. The larynx is minimally edematous but is free of obstructive lesions or material. The trachea is intact, and the mucosa of the larynx and trachea is uniformly tan. The anterior neck is atraumatic.

Respiratory System:

The right and left lungs weight 520 and 420 grams, respectively. The pleural surfaces are smooth, and the pulmonary parenchyma is slightly rubbery and pink-red-tan. There are no overt areas of consolidation, infarction, neoplasia, or blood aspiration. The pulmonary parenchyma is mildly edematous. The pulmonary arteries are normally formed and are free of thromboemboli. The bronchi are normally formed and free of obstructive lesions and material.

Gastrointestinal System:

The esophagus is intact, is of the usual caliber, and is lined by unremarkable grey-tan mucosa.

The stomach is intact and contains 230 grams of nondescript, brown-tan fluid. There are no lesions of the serosa, wall, or mucosa of the stomach.

The small and large intestines are normal to gross inspection and palpation. The lumen of the small intestine contains a large amount of brown fluid. Well-formed, slightly soft, brown fecal material is within the large intestine. There are no lesions of the serosa, wall, or mucosa of the small or large intestines. The appendix is present and is unremarkable.

The liver is atraumatic.

The pancreas has a tan-yellow, lobulated parenchyma that is free of calcifications, hemorrhage, and mass lesions.

Genitourinary System:

The right and left kidneys are atraumatic.

The urinary bladder is contracted and is devoid of urine. A couple of punctate foci of hemorrhage involve the mucosa of the urinary bladder. There are no other lesions of the serosa, wall, or mucosa of the urinary bladder.

Reticuloendothelial System:

The spleen is atraumatic.

Regional lymph nodes are not enlarged.

The bone marrow is red-brown, showing no discrete lesions.

Endocrine System:

The pituitary gland, adrenal glands, and thyroid gland are not enlarged, are of the usual consistencies, and are free of discrete lesions.

Musculoskeletal System:

Please see "Evidence of Injury."

The remaining bones of the axial and appendicular skeletal systems are visibly and/or palpably intact. The skeletal muscles are symmetrical and are normally developed.

Summary of Findings:

1. Blunt force trauma to the head
 - a. Scalp hematoma
 - b. Skull fractures
 - c. Subarachnoid hemorrhage
 - d. Basilar skull fracture
2. No evidence of any significant preexisting natural diseases

Other Procedures:

1. Documentary photographs are obtained
2. Routine tissue sections are retained
3. Central blood is submitted to the State Crime Laboratory for routine toxicologic analysis, including ethanol analysis.
4. A blood specimen is obtained and is submitted to the State Crime Laboratory for routine serologic analysis.
5. A blood specimen is obtained, is air dried, and is held in the Fondren County Forensic Science Center.
6. This case is discussed with Medical Examiner's Investigator Officer Rook E. Greenwood.

Cause of Death:

Blunt force trauma to the head.

Manner of Death:

Accident

Opinion and Comment:

This 20 year old female, Taylor Speed, died as a result of a motor vehicle accident and the resultant blunt force trauma to the head. The injury reportedly occurred on December 13, 2014. The subject showed no evidence of significant preexisting natural disease processes.

/S/

12/14/14

Gerald/Geraldine Gowitt, M.D., M.E.

Date

Official Report

**Division of Forensic Sciences
Mississippi Bureau of Investigation
State of Mississippi**

**Headquarters
DOFS Case #: 2014-080696
Report Date: 12/19/14**

**David Rieke
Deputy Director**

**ISO 17025 Accredited
ASCLD/LAB Accredited**

Requested Service: Toxicology – Postmortem
Agency: Fondren County Medical Examiner
Agency Ref#: 06D-1996
Requested by: G. Gowitt

Case Individuals:
Subject: K.D. Perry
Victim: Taylor Speed

Evidence:
On 12/15/14, the laboratory received the following evidence from the Fondren County Medical Examiner via Lockbox.
01 Sealed package containing six tubes containing blood identified as collected from Taylor Speed

Results and Conclusions:
Drug Screen Results by: Immunoassay

<u>Subm#</u>	<u>Drug Screen Classification</u>	<u>Result</u>
01	blood-cocaine/cocaine metabolites	negative
02	amphetamines /benzodiazepines	negative
03	tetrahydrocannabinol	negative
04	opiates	negative

Only those items discussed in the results above were analyzed for this report. The above represents the interpretations/opinions of the undersigned analyst. Evidence analyzed in this report will be returned to the submitting agency. Biological evidence (body fluids and tissues) and fire debris extracts will be destroyed after one year. This report may not be reproduced except in full without written permission of the laboratory.

/S/
Robert Barker
Forensic Toxicologist
601-914-5555

Official Report

**Division of Forensic Sciences
Mississippi Bureau of Investigation
State of Mississippi**

**Headquarters
DOFS Case #: 2014-080696
Report Date: 12/19/14**

**David Rieke
Deputy Director**

**ISO 17025 Accredited
ASCLD/LAB Accredited**

Requested Service: Blood Alcohol – Postmortem
 Agency: Fondren County Medical Examiner
 Agency Ref#: 06D-1996
 Requested by: G. Gowitt

Case Individuals:

Subject: K.D. Perry
 Victim: Taylor Speed

Evidence:

On 12/15/14, the laboratory received the following evidence from the Fondren County Medical Examiner via Lockbox.
 01 Sealed package containing six tubes containing blood identified as collected from Taylor Speed.

Results and Conclusions:

Drug Screen Results by: Gas Chromatography

<u>Subm#</u>	<u>Drug Screen Classification</u>	<u>Result</u>
01	Ethyl Alcohol	Positive: BAC .13

Only those items discussed in the results above were analyzed for this report. The above represents the interpretations/opinions of the undersigned analyst. Evidence analyzed in this report will be returned to the submitting agency. Biological evidence (body fluids and tissues) and fire debris extracts will be destroyed after one year. This report may not be reproduced except in full without written permission of the laboratory.

 /S/
 Robert Barker
 Forensic Toxicologist
 601-914-5555

Official Report

**Division of Forensic Sciences
Mississippi Bureau of Investigation
State of Mississippi**

**Headquarters
DOFS Case #: 2014-080696
Report Date: 12/17/14**

**David Rieke
Deputy Director**

**ISO 17025 Accredited
ASCLD/LAB Accredited**

Requested Service: Blood Alcohol
Agency: Fondren County Police Department
Agency Ref#: 07E-1998
Requested by: Officer R. Greenwood

Case Individuals:
Subject: K.D. Perry
Victim: Selena Waverly

Evidence:
On 12/14/14, the laboratory received the following evidence from the Fondren County Police Department via Lockbox.
01 Sealed package containing six tubes containing blood identified as collected from Selena Waverly

Results and Conclusions:
Drug Screen Results by: Gas Chromatography

<u>Subm#</u>	<u>Drug Screen Classification</u>	<u>Result</u>
01	Ethyl Alcohol	Positive: BAC .03

Only those items discussed in the results above were analyzed for this report. The above represents the interpretations/opinions of the undersigned analyst. Evidence analyzed in this report will be returned to the submitting agency. Biological evidence (body fluids and tissues) and fire debris extracts will be destroyed after one year. This report may not be reproduced except in full without written permission of the laboratory.

/S/
Robert Barker
Forensic Toxicologist
601-914-5555



CITATION

Badge Number 9907	County Number 886	Date 4/15/2012	Time 11:08:00 AM	ST# 20017301451	Citation Number AV 390765
<i>Liquor Retail</i>	<i>Liquor COP</i> 49766	<i>Beer</i> 49766	<i>Wine</i> 49766	<i>Amusement</i> <i>Machine</i>	<i>Other</i>

Mississippi Department of Revenue

To: Jo Mayer, registered agent
Beibs, Inc.

DBA: Club 1989

YOU ARE DIRECTED to appear at the Mississippi Department of Revenue, office of Alcohol and Beverage Control, 1286 Gluckstadt Road, Room L 300, Madison, Mississippi 39110 on 5/27/2012 at 9:00 AM and bring with you this Citation, for the purpose of then and there answering the below stated charges of violating the laws, rules and regulations of the State of Mississippi, relating to the sale and distribution of alcoholic beverages and/or the sale, use possession or disposition of coin-operated amusement machines.

You have the right to be represented by an attorney and to respond and present evidence on all issues involved. A transcript of the proceedings will be made only upon written request and at your expense. You have the right to subpoena witnesses and documentary evidence through the State Revenue Department. No request of a continuance, for subpoenas, or for transcription of the proceedings can be considered unless received in writing at least TEN (10) DAYS prior to the date set for hearing. Any inquiry or correspondence of any nature pertaining to this Citation should be directed in writing to the Administrative Hearing Office, 1286 Gluckstadt Road, Madison, Mississippi 39110.

Unless otherwise provided herein, you are ordered to appear as stated herein and show cause why your license(s) for the sale, distribution, use, possession or disposition of beer, wine and liquor should not be suspended or revoked, or your bond forfeited, or both for violation of Mississippi Code Annotated Section 67-3-53 or 67-1-81.

In that your employee, Primo Carnera did unlawfully furnish alcohol to a person under the legal drinking age of 21. This occurred on March 27, 2012. Your employee was cited criminally for this offense by the City of Fondren.

WARNING-You are given notice that the above stated violation(s) have been observed and a copy of this notice has been placed in your file with the Department of Revenue. Failure to take immediate corrective measure may result in the suspension or revocation of your Alcoholic Beverage License(s) and/or your Coin-Operated Amusement Machine Master License(s).

FOR THE COMMISSIONER

Ricci King
STATE REVENUE SPECIAL AGENT

I have this day of 04/15/2012 served the above named licensee or agent of licensee by handing

Jo Mayer /S/ a true copy of this citation at Club 1989.

Ricci King /S/



State of Mississippi
Department of Revenue
Administrative Hearing Office

PLEA OF NO CONTEST

The undersigned Licensee enters a PLEA OF NO CONTEST to the charges set for hearing on May 27, 2012, at 9:00 AM in Madison Mississippi,

And certify that I have read and understand the Department’s ALCOHOL BEVERAGE AND TOBACCO LICENSEE COMPLIANCE STANDARDS AND PROGRESSIVE DISCIPLINE POLICY. I acknowledge that the privilege of maintaining my Mississippi state alcohol and/or tobacco license is conditioned upon satisfactory compliance with all laws and rules governing alcoholic beverages in this state and that failure to comply with such laws will subject the license to the imposition of penalties in accordance with the DEPARTMENTS’S PROGRESSIVE DISCIPLINE POLICY.

This 27th day of May, 2012.

Jo Mayer /S/

Signature of Licensee’s Registered Agent

Jo Mayer

Name of Licensee’s Registered Agent (Print)

Club 1989

Name of Business (Print)

49766

State Alcoholic Beverage License Number

Please use the following space to provide the hearing officer with any statements that you want the officer to review during the officer’s evaluation of this matter:

Dusty Trails was relieved of his duties after this incident and is no longer employed at Club 1989. After this incident, the club instituted a wristband program to ensure that persons who are not of legal age will not be able to obtain alcoholic beverages

(Continue explanation on a separate sheet of paper if necessary.)

MISSISSIPPI
UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

12-055604 MS0440200 001795263
Court Case Number NCIC Number Citation Number

CITY OF FONDREN—POLICE DEPARTMENT

Upon (Month) March (Day) 27 (Year) 2012 at 01:43
Operator License No. N/A
License Class or Type State Endorsements Expires
Name Primo Canera
Address 1716 Herring Ave.
City Fondren State MS Zip Code 39211
Veh. Yr. N/A Make N/A Style N/A Color N/A
Registration No. N/A Yr. N/A State N/A

Within the State of Mississippi, did commit the following offense: N/A Clocked by:
VASCAR LASER RADAR PATROL VEHICLE OTHER
(Serial # Calibration/Check) at MPH in a zone

DUI (Test Administered: BLOOD BREATH URINE X OTHER)
DUI Test Results TEST ADMINISTERED BY (If Applicable)

OFFENSE (Other than above) Furnishing Alcohol to Minors

In Violation of Code Section Miss. Code Ann. § 67-1-81

In that the accused did: Serve Recruit Chase Katz (age 20) a 12 fl. Oz. bottle of Bud Lite beer within Club 1989

WEATHER ROAD TRAFFIC LIGHTING COMMERCIAL VEHICLE INFORMATION
Clear Dry Light Daylight Commercial Vehicle Violation
X Cloudy X Wet X Medium X Darkness
Raining Ice Heavy Other Hazardous Material Violation (PLACARD)
Other Other

County of Fondren and miles of (city) Fondren on Club 1989 or near
milepost N/A, or within (city) location (secondary location) 123 Fondren Street
OFFICER F. Friendly Badge # 643 Div. Vice

You are hereby ordered to appear in Court to answer this charge on the 1st day of April
at 2:00 p.m. in the Recorder's Court
at 7 Court Square
City Fondren

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE Primo Canera /S/

**CURRICULUM VITAE
GERALD/GERALDINE GOWITT, M.D.**

PERSONAL DATA:

Birthdate: May 8, 1948
Birthplace: Milton, Georgia
Citizenship: United States
Spouse: Jordan Gowitt
Office Address: Fondren County Medical Examiner's Office
3587 Vera Cruz Avenue
Fondren, Mississippi 39211

Telephone: 601-914-1234
Fax: 601-914-5678

PRESENT POSITIONS:

1. Chief Medical Examiner, Fondren County, Mississippi [independently contracted]
2. Independently contracted Medical Examiner for the counties of Desoto, Madison, Hinds, and Rankin.
3. Director, Forensic Medicine Associates, Incorporated

EDUCATION:

1982 Doctor of Medicine with Honors, University of North Carolina, Chapel Hill, Chapel Hill, NC

1972 Physician's Assistant Program, Duke University
Durham, North Carolina

1970 B.A. in Biology, Fondren State College
Fondren, Mississippi

MEDICAL LICENSURE:

1983 Mississippi

CERTIFICATION:

1987 American Board of Pathology (Forensic Pathology)
1986 American Board of Pathology (Anatomic and Clinical Pathology)
1986 Certified clinical laboratory director (Mississippi)
1984 Appointed as a medical examiner for the State of Mississippi
1982 Successfully completed the Examination of the Federation of State Medical
Boards (FLEX)

POST DOCTORAL TRAINING:

1982-1986 Resident in Anatomic and Clinical Pathology, University of Mississippi
Jackson, Mississippi

Chief Anatomic Pathology Resident 1985.

1986-1987 Forensic Pathology Fellowship (Assistant Medical Examiner), Hinds County Medical Examiner's Office, Jackson, Mississippi. Affiliated with the University of Mississippi School of Medicine.

PROFESSIONAL SOCIETY MEMBERSHIPS:

1988-Present American Academy of Forensic Sciences – fellow member
(highest ranking order)

1988-1996 Medical Association of Mississippi

1988-1996 Medical Association of Fondren

1986-Present National Association of Medical Examiners

1985-1997 College of American Pathologists

1982-1997 American Society of Clinical Pathologists

1978-1997 American Medical Association

1973-Present North Carolina Academy of Physician's Assistants
(honorary member 1976-present)

AWARDS AND HONORS:

1982 Doctor of Medicine with Honors, University of North Carolina, Chapel Hill, NC

1981 Student Stores Medical Scholar (Financial Aid Award)

1978 McIver Medical School Scholarship

1977 Award presented for legislative efforts on behalf of physician assistants in
North Carolina

NOTED CONTINUING EDUCATION SEMINARS:

American Academy of Forensic Sciences Annual Meeting. Fondren, MS
February 11-16, 2010.

American Society of Internal Medicine Annual Meeting. Fondren, MS
March 30, 2013.

Practical Reviews in Forensic Medicine and Sciences Monthly (audiocassette tapes) 1998-present

New England Journal of Medicine self-assessment program 1997-1998.

American Society of Clinical Pathologists Check Sample Program 1997-present

National Conference on Shaken Baby Syndrome. Salt Lake City, Utah
November 10-12, 1996.

National Association of Medical Examiner's Annual Meeting. Traverse City, MI
September 13-17, 1996.

American Society of Clinical Pathologists. Fall Meeting. New Orleans, LA
September 16-21, 1995.

National Association of Medical Examiner's Annual Meeting. Charleston, SC
September 23-26, 1994.

American Academy of Forensic Sciences Annual Meeting. Boston, MA
February 15-20, 1993.

Interpretation of Bloodstain Evidence. Corning, NY. November 16-20, 1992.

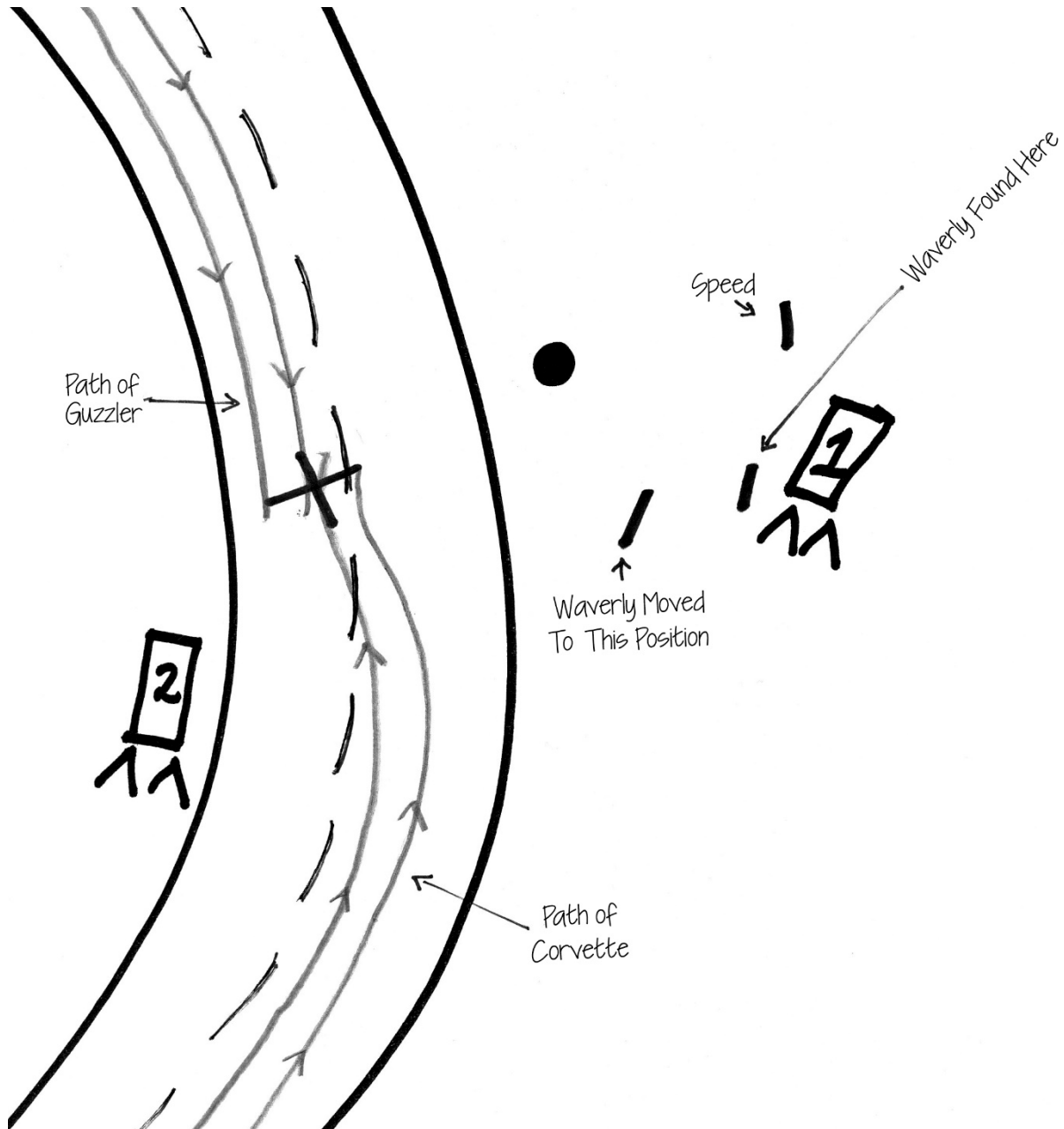
American Academy of Forensic Sciences Annual Meeting. Las Vegas, NV.
February 17-20, 1991.

American Academy of Forensic Sciences Annual Meeting, Cincinnati, OH
February 19-23, 1990.

EXHIBIT 9

Diagram Drawn by: Calvin/Callie "Crash" Craddock
Date: 07/31/16
Internal Case Number: 120106-MTC
Road: State Route 1

Diagram not drawn to scale



Vehicle #1 – Corvette
Vehicle #2 – Guzzler SUV
“X” indicates point of impact on road
Inverted “V” indicates headlight direction
Dot indicates position of streetlight
■ Indicates location of bodies

STATE OF MISSISSIPPI
UNIFORM CRASH REPORT

Agency Number

0001

Agency Case Number

050120100600

Page 01 of 06

Agency Name

Fondren Police Department

G1. County

OF

G2. Status Code

C P U

G3. Reported Date (MM/DD/YYYY)

12 / 13 / 2014

G4. Reported Time (2400)

23:47

Arrival Time (2400)

23:51

10-24 Time (2400)

G6. Vehicles

02

G7. Killed

01

G8. Injured

01

G5. Officer Time

G9. Address Number

G10. Street Name

STATE ROUTE

G11. Hwy/County Road #

1

G12. Trafficflow Direction

N E
 S W

G13. Int.

Y
 N

G14. Distance

000 . 13

G15. Direction

N E
 S W

G16. Intersecting Street Name

MAIN STREET

G17. Int. Hwy/County Road #

G18. City Name

FONDREN

G19. Latitude

N

G20. Longitude

W

G21. First Harmful Event

- Crash with OMV in road
- Rear end slow or stop
- Rear end turn
- Left turn same roadway
- Left turn cross traffic
- Right turn cross traffic
- Head on
- Sideswipe
- Angle
- Hit and run

- Non-Crash in Road
- Overturn
- Jackknife
- Fell from vehicle
- Other

- Crash of MV in road with
- Pedestrian
- Parked Vehicle
- Train
- Bicyclist
- Deer
- Animal (other than deer)

- Fixed Object
- Bridge/Culvert
- Embankment/Ditch/Curb
- Guardrail/Median Barrier
- Tree
- Utility pole/light support
- Other fixed object
- Sign Post
- Signal standard

- Non-fixed Object
- Building/Other Structure
- Maint. Equip. - Not Moving
- Maint. Equip. - Moving
- Other non-fixed object

G22. Crash Location

- Roadway
- Off-Roadway
- Median
- Roadside
- Shoulder
- Parking Lot
- Gore

G23. Intersection Type

- None
- Four-way Inter
- T - Intersection
- Crossover
- Driveway
- Five-point or more
- Off Ramp
- On Ramp
- Path/Trail
- RR Xing
- Traffic Circle/Round
- Y - Intersection

G24. Roadway System

- City Street
- State Highway
- U.S. Highway
- County Road
- Parking Lot/Private Drive
- Interstate
- Off Road
- State Park

G25. Light Condition

- Daylight
- Dark-Lit
- Dark-Unlit
- Dawn
- Dusk

G26. Road Condition

- Dry
- Wet
- Water
- Sand/Mud/Dirt/Oil/Grave
- Ice
- Slush
- Snow

G27. Weather Condition (2)

- Clear
- Blown Debris
- Rain
- Fog/Smog/Smoke
- Cloudy
- Sleet/Hail
- High winds
- Snow

G28. Workzone Relationship

- Not Workzone Related
- Within Construction Zone
- Advance Warning Area

G29. Workzone Type (2)

- None
- Intermittent or Moving Work
- Lane Closure
- Lane Shift/Crossover
- Shoulder/Median Work
- Utility

WITNESS(ES)

G30. First Name

MI

Last Name

G38. First Name

MI

Last Name

G31. Address

G32. Phone Number

G39. Address

G40. Phone Number

G33. City

G34. State

G35. Zip Code

G41. City

G42. State

G43. Zip Code

G36. Sex M F

G37. Age

G44. Sex M F

G45. Age

G46. Badge Number

Rook E. Greenwood

G47. Investigating Officer Name (Please Print)

G48. Officer Signature

Rook E. Greenwood

G49. Reviewing Badge Number

12345

G50. Reviewing Officer Initials

OBE

G51. Photos Taken

Y N

G52. Photographer and Badge #

Sgt. Griffith

N1. Crash Diagram

See Attached



N2. Crash Description

Driver/vehicle #2 sideswiped vehicle #1 causing vehicle #1 to leave the roadway and roll down the embankment. Both occupants of vehicle #1 were ejected. Initial positions of ejected occupants were noted on scene prior to EMS intervention.

0001

050120100600

P1. Person Type Driver Pedestrian Bicyclist Skater Other non-motorist Train Engineer Hit and Run Driver

P2. License # 801610 P3. State MS P4. CDL? N Y P5. DOB (MM/DD/YYYY) 07 / 22 / 1993 P6. First Name MI Last Name SELENA G WAVERLY P7. Address 567 WILDWOOD DR. P8. Phone Number P9. City P10. State P11. Zip Code FONDREN MS 39211

P12. DL Status Valid Suspended - DUI No License Learner Permit Expired Improper DL Suspended Other

P16. Xport P13. Cited P14. Ticket # P15. Offense P17. EMS Agency Code 5318 P18. Medical Facility Code 7691

P19. Condition P20. Non-Motorist Action P21. Contributing Circumstance (3)

P21. Contributing Circumstance (3) No Apparent Improper Driving Failed to Yield Right of Way Following Too Closely Speed Too Fast For Conditions Driving Under The Influence Animal on Roadway Faulty Equipment Exceeded Lawful Speed Improper Passing/Overtaking

Safety Equip. (2) Shoulder & Lap Belt None Complaint of Pain Moderate Life Threatening Killed Not Partially Totally

Extricated N Y M F White Hispanic Black Other Left Center Right Deployed - Front Not Deployed Deployed - Side No Airbag Deployed - Both

Alcohol Test Information None Blood Urine Serum None given Test given Test refused Test given, pending

Drug Test Information None Blood Urine Serum None given Test given, pending Test refused Test given

Occupant 00. Vehicle #: 01. First Name MI Last Name TAYLOR A SPEED 02. Address: Same as Person # 03. Address 891 WILDWOOD DRIVE 04. City FONDREN 05. State MS Unborn Child 06. Position 07. Safety Equip. (2)

08. Sex M F 09. Race White Hispanic Black Other 010. Age 20 011. Extricated N Y 012. Ejection Not Partially Totally 013. Injury Type None Life Threatening Moderate Killed 014. Airbag Deployed - Front Not Deployed Deployed - Side No Airbag Deployed - Both

015. Xport P15. Offense P16. EMS Agency Code 5318 P17. Medical Facility Code 7691

Occupant 00. Vehicle #: 01. First Name MI Last Name 02. Address: Same as Person # 03. Address 04. City 05. State Unborn Child 06. Position 07. Safety Equip. (2)

08. Sex M F 09. Race White Hispanic Black Other 010. Age 011. Extricated N Y 012. Ejection Not Partially Totally 013. Injury Type None Life Threatening Moderate Killed 014. Airbag Deployed - Front Not Deployed Deployed - Side No Airbag Deployed - Both

015. Xport P15. Offense P16. EMS Agency Code P17. Medical Facility Code

MUCR Vehicle

V0. Vehicle # 01 V1. Total Occupant 02 Agency Number 0001

Agency Case Number 050120100600

Page 04 of 06

Owner Information

V2. State MS V3. Year 2014 V4. License Plate Number FEC 544

V12. Owner Name ANDREA / ANDREW SPEED

V5. Make CHEVROLET V6. Model Year 1963

V13. Address 891 WILDWOOD DRIVE

V7. Vehicle Model CORVETTE V8. Vehicle Color RED

V14. City FONDREN V15. State MS V16. Zip Code 39211

V9. Damage: Heavy Light None V10. Speed Zone 55 V11. Est. Speed 55

V19. No Proof of Insurance V17. Insurance Company Name STEADY CO. V18. Policy Number 02161984

V20. Sequence of Events: Collision w/ Person, Vehicle/Non-fixed Object, Non-Collision, Collision w/ Fixed Object. Includes categories like Animal, Bicyclist, Moving Vehicle, etc.

V21. Vehicle Action: Going Straight, Avoidance, Making Left Turn, Lane Change, Stopped, Leaving Parking, etc.

V22. Vehicle Configuration: Passenger Car, Light Truck, School Bus, Single-Unit Truck, etc.

V23. Initial Contact: Diagram showing vehicle impact points on a car body.

V24. Direction of Travel, V25. Bikeway Type: None, Right only, Left Only, etc.

V26. Traffic Control Device: Channel-Physical, Flag Person, Flashing Signal Red, etc.

V27. Device Functioning? Y N, V28. Road Character: Straight/Level, Bridge, Intersect two roads, etc.

V29. Road Design: 2 Lane, 3 Lane, 4+, Frontage/Ramp, etc.

V30. Divided? Yes No, V31. Center Turn Lane? Yes No, V32. Road Surface Type: Asphalt, Concrete, etc.

V33. Towed? Yes No V34. Authority: Owner Police Other V35. Towed By: AAA TOWING

Commercial Vehicle

C1. Carrier ID Number, C2. Authority: US DOT, State, Mexico, MC, Canada, C3. Carrier Name, C4. Carrier Address, C5. City, C6. State, C7. Zip Code, C8. GVWR #

C9. Cargo Body Type: Auto transporter, Bus<15, Bus 15+, Cargo tank, Concrete Mixer, Dump, None, Flatbed, Garbage/refuse, Grain/chips/gravel, Other, Pole/log, Van/enclosed box

C10. Commodity Hauled, C11. Placard ID

C12. HAZMAT Released Yes No

P1. Person Type Driver Pedestrian Bicyclist Skater Other non-motorist Train Engineer Hit and Run Driver

P2. License # 555230050 P3. State MS P4. CDL? N Y P5. DOB (MM/DD/YYYY) 04 / 10 / 1983

P6. First Name K. MI D. Last Name PERRY

P7. Address 131 BRIARWOOD DRIVE P8. Phone Number 601-599-1314

P9. City FONDREN P10. State MS P11. Zip Code 39211

P12. DL Status Valid Suspended - DUI No License Learner Permit Expired Improper DL Suspended Other

P13. Cited Y N P P14. Ticket # 001795272 P15. Offense 1 RECKLESS 2 SPEEDING

P16. Xport. Not Transported Police Hearse EMS Private Vehicle P17. EMS Agency Code P18. Medical Facility Code

P19. Condition No Defects Apparent Obviously Intoxicated Unknown Physical Impairment Hit and Run Affected by Exhaust Fumes Drinking - Not impaired Using Drugs - Impaired Drinking - Impaired Using Drugs - Not Impaired Fell Asleep/Fainted/Fatigue Pending Lab Results

P20. Non-Motorist Action Unknown Pushing vehicle Entering/Crossing Roadway Approaching/leaving vehicle Walking/running/playing/cycling Playing/working on vehicle Working Standing

P21. Contributing Circumstance (3) No Apparent Improper Driving Failed to Yield Right of Way Following Too Closely Speed Too Fast For Conditions Driving Under The Influence Animal on Roadway Faulty Equipment Exceeded Lawful Speed Improper Passing/Overtaking Made Improper Turn Left of Center Failure to keep proper lane/Run off road Avoidance Drove on Wrong Side of Road Fatigued/Asleep Illegally Crossing Median Improper Lane Change Lying and/or illegally in roadway Not Visible (Dark Clothing) Operating Defective Equipment Passed Stop Sign Pedestrian Actions Ran Red Light Roadway Defects Visibility Obstructed Improper Backing See Crash Description

Safety Equip. (2) Shoulder & Lap Belt None Lap Belt Automated Restraint Shoulder Belt Child Safety Seat Helmet P23. Injury Type None Complaint of Pain Moderate Life Threatening Killed P24. Ejection Not Partially Totally

Extricated N Y

Sex M F Race White Black Hispanic Other

Position Left Center Right

Airbag Deployed - Front Not Deployed Deployed - Side No Airbag Deployed - Both

Alcohol Test Information None Blood Breath Serum Urine

Status None given Test refused Test given Test given, pending

Drug Test Information None Blood Urine Serum Urine

Type None Blood Urine Serum Urine

Occupant

O0. Vehicle #: O1. First Name MI Last Name O2. Address: Same as Person# O3. Address O4. City O5. State Unborn Child

O8. Sex M F O9. Race White Black Hispanic Other O10. Age O11. Extricated M Y N Y O12. Ejection Not Partially Totally

O15. Xport. Not Transported Police Hearse EMS Private Vehicle

O6. Position Front-Driver Front-Middle Front-right 2nd-left 2nd-middle 2nd-right 3rd-left 3rd-middle 3rd-right Sleeper of Truck Cab Encl. Pass./Cargo Area Unencl. Pass./Cargo Area Riding on Exterior Towed Vhcl./Trailer O7. Safety Equip. (2) Shoulder and Lap Belt None Lap Belt Automated Restraint Shoulder Belt Child Safety Seat Helmet

O13. Injury Type None Complaint of Pain Moderate Life Threatening Killed O14. Airbag Deployed - Front Deployed - Side Deployed - Both Not Deployed No Airbag

Occupant

O0. Vehicle #: O1. First Name MI Last Name O2. Address: Same as Person# O3. Address O4. City O5. State Unborn Child

O8. Sex M F O9. Race White Black Hispanic Other O10. Age O11. Extricated M Y N Y O12. Ejection Not Partially Totally

O15. Xport. Not Transported Police Hearse EMS Private Vehicle

O6. Position Front-Driver Front-Middle Front-right 2nd-left 2nd-middle 2nd-right 3rd-left 3rd-middle 3rd-right Sleeper of Truck Cab Encl. Pass./Cargo Area Unencl. Pass./Cargo Area Riding on Exterior Towed Vhcl./Trailer O7. Safety Equip. (2) Shoulder and Lap Belt None Lap Belt Automated Restraint Shoulder Belt Child Safety Seat Helmet

O13. Injury Type None Complaint of Pain Moderate Life Threatening Killed O14. Airbag Deployed - Front Deployed - Side Deployed - Both Not Deployed No Airbag

MUCR Vehicle

V0. Vehicle # 02 V1. Total Occupant 01 Agency Number 0001

Agency Case Number 05012010060

Page 06 of 06

Owner Information

V2. State MS V3. Year 2014 V4. License Plate Number CCW101

V12. Owner Name Same as Driver

V5. Make GUZZLER V6. Model Year 2014

V13. Address

V7. Vehicle Model FUEL V8. Vehicle Color BLUE

V14. City V15. State V16. Zip Code

V9. Damage: Heavy Light None V10. Speed Zone 55 V11. Est. Speed 65

V19. No Proof of Insurance V17. Insurance Company Name SLIPPERY CO. V18. Policy Number 03181983

V20. Sequence of Events. Collision w/ Person, Vehicle/Non-fixed Object (Animal, Bicyclist, Maintenance Equip., Moving Vehicle, Parked Vehicle, Pedestrian, Train, Slowing Vehicle, Stopped Vehicle in Road). Non-Collision (Cargo Loss/Shift, Crossover, Equipment Failure, Fell/Jump from Vehicle, Fire/Explosion, Immersion, Jackknife, Median/Centerline, Thrown/Falling Object, Off roadway/Left, Off roadway/Right, Overturn/Rollover, Unit Separation, Over Correcting/Steering). Collision w/ Fixed Object (Attenuator/Cushion, Bridge Structure, Culvert, Curb, Ditch, Embankment, Fence, Guardrail, Mailbox, Median Barrier, Post/Pole/Support, Tree, Other Fixed Object).

V21. Vehicle Action. Going Straight, Avoidance, Making Left Turn, Lane Change, Stopped, Leaving Parking, Slow/Stop in Road, Overtaking/Passing, Parked, Parking Position, Backing, Making U Turn, Making Right Turn, In Tow.

V22. Vehicle Configuration. Passenger Car, Light Truck, Stationwagon/Van, SUV, Motorcycle, Other, RV, School Bus, Single-Unit Truck(2), Single-Unit Truck(3+), Farm Tractor, Tractor/SemiTrailer, Tractor(2), Tractor(3), Train, Truck/Trailer, Emergency Veh., Commercial Bus, ATV, Farm Equip., Unknown Truck.

V23. Initial Contact. Diagram showing vehicle orientation and contact points (Under, Overturn, None, Other).

V24. Direction of Travel. Diagram showing travel direction. V25. Bikeway Type: None, Right only, Left Only, Both Sides, Separate, Signed.

V26. Traffic Control Device. Channel-Painted, Channel-Physical, Flag Person, Flashing Signal Red, Flashing Signal Yellow, No Passing, None, Officer, RR Flashing Signal, RR Signal and Gate, Signal, Stop Sign, Railroad Sign, Yield Sign.

V28. Road Character. Straight/Level, Bridge, Intersect two roads, Private Drive, Straight/Grade, Curve/Hillcrest, Curve/Level, Crossover, Straight/Hillcrest, Begin/End Divided Road, Curve/Grade, One-Way.

V29. Road Design. 2 Lane, 3 Lane, 4+, Frontage/Ramp, Parking Lot, One Way, 1 Lane, Unpaved.

V32. Road Surface Type. Asphalt, Concrete, Dirt, Gravel, Other - See Narrative.

V27. Device Functioning? Y N

V30. Divided? Yes No V31. Center Turn Lane? Yes No

V33. Towed? Yes No V34. Authority: Owner Police Other V35. Towed By: AAA TOWING

Commercial Vehicle

C1. Carrier ID Number: C2. Authority: US DOT, State, Mexico, MC, Canada

C3. Carrier Name

C4. Carrier Address

C5. City C6. State C7. Zip Code

C8. GVWR #

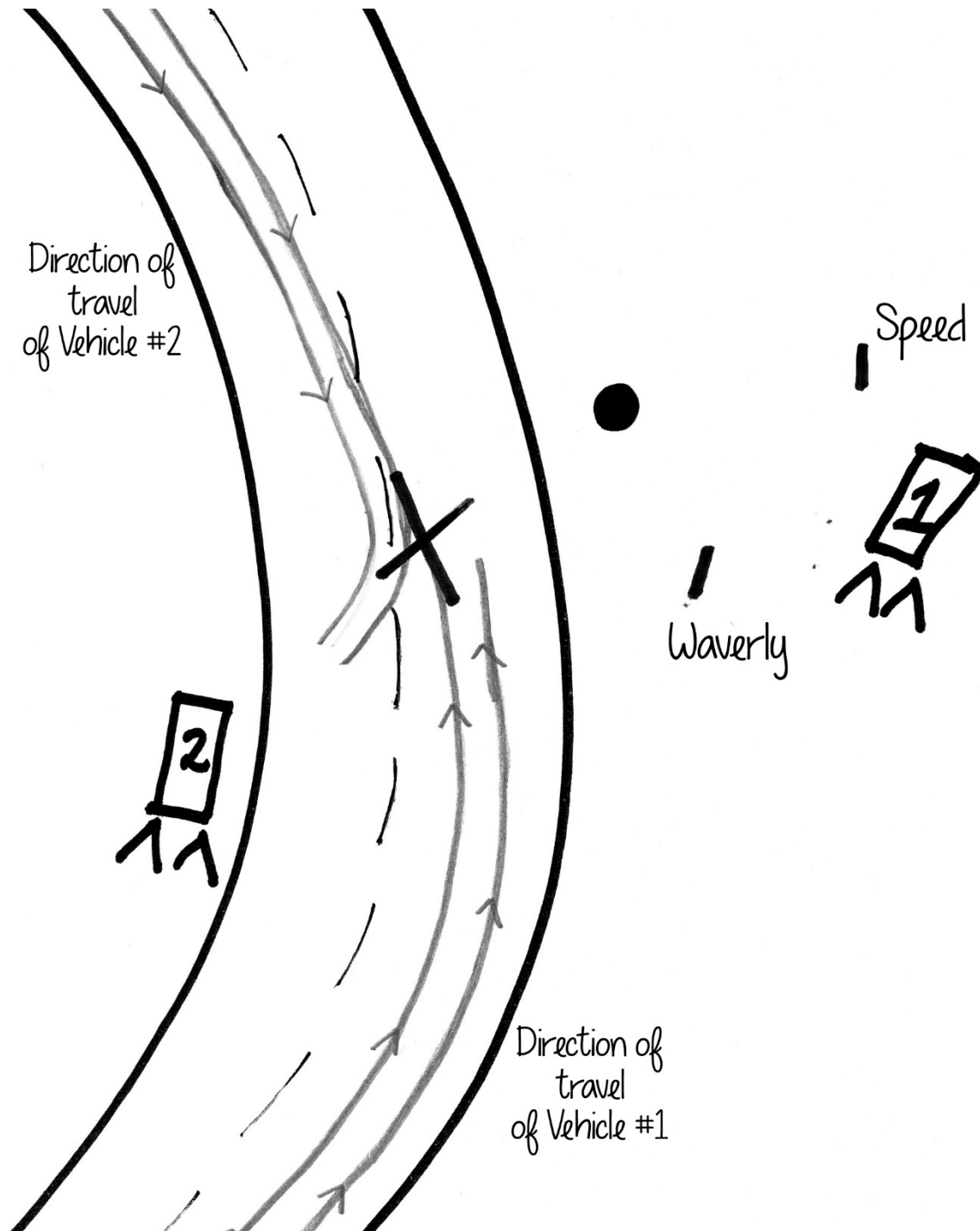
C8. Cargo Body Type: Auto transporter, Bus<15, Bus 15+, Cargo tank, Concrete Mixer, Dump, None, Flatbed, Garbage/refuse, Grain/chips/gravel, Other, Pole/log, Van/enclosed box

C10. Commodity Hauled

C11. Placard ID

C12. HAZMAT Released Yes No

Diagram is not drawn to scale



Continued from Page 2, Section 2 of the report:

Vehicle #1 is the Corvette; Vehicle #2 is the Guzzler. The road is State Route 1. The arrows indicate the direction of travel for both vehicles. The "X" indicates the point of impact of the two vehicles. The squiggly lines indicate the skid marks. The inverted "V's" indicate the direction of the vehicle's headlights. The dot indicates the nearest street lamp. The bodies were located as indicated when I arrived at the scene. There was no indication that either body had been moved.

Accident Scene Photo #1
Plastic armband (yellow)
0.5" in width
2.5" in diameter



MISSISSIPPI
UNIFORM TRAFFIC CITATION, SUMMONS AND ACCUSATION

14-055604 MS0440200 001795272
Court Case Number NCIC Number Citation Number

FONDREN COUNTY, MISSISSIPPI

Upon
(Month) December (Day) 13 (Year) 2014 at 23:45
Operator License No. 555230050
License Class or Type C State MS Endorsements _____ Expires 04-10-18
Name Perry, K.D.
Address 919 Brighton Place
City Fondren State MS Zip Code 30555
Veh. Yr. 14 Make Guzzler Style Extreme Color Blue
Registration No. FCW101 Yr. 14 State MS

Within the State of Mississippi, did commit the following offense: REC Clocked by:

VASCAR LASER RADAR PATROL VEHICLE OTHER

(Serial # _____ Calibration/Check _____) at _____ MPH in a _____ zone

DUI (Test Administered: BLOOD BREATH URINE OTHER)

DUI Test Results _____ TEST ADMINISTERED BY (If Applicable) _____

OFFENSE (Other than above) reckless driving

In Violation of Code Section Miss. Code Ann. § 63-3-1201

WEATHER ROAD TRAFFIC LIGHTING COMMERCIAL VEHICLE INFORMATION
 Clear Dry Light Daylight Commercial Vehicle Violation
 Cloudy Wet Medium Darkness
 Raining Ice Heavy Other Hazardous Material Violation (PLACARD)
 Other Other

County of Fondren and _____ miles _____ of (city) _____
on State Route 1 at or near milepost 13, or within (city) Fondren

OFFICER Rook Greenwood Badge # 714 Div. Fondren P.D.

You are hereby ordered to appear before the Honorable Philip Newton, Judge, to answer this charge
on the 14th day of March 2015 at 2:00 p.m. in the
Recorder's Court
at 7 Court Square
City Fondren

SIGNATURE ACKNOWLEDGES SERVICE OF THIS SUMMONS AND RECEIPT OF COPY OF SAME

SIGNATURE _____

Note: Defendant refused to sign summons but accepted copy at scene. R.G.

Reverse side of the citation reads:

**STATE OF MISSISSIPPI
COUNTY OF FONDREN**

This is to certify that the attached traffic citation, 001795272, is a true and correct copy of the original filed in the clerk's office of the Recorder's Court of Fondren County. It is further certified that a cash bond in the amount of \$600 was posted on January 15, 2015. The Defendant did not appear for court on March 14, 2015, and the bond was forfeited in accordance with O.C.G.A. § 40-13-58.

This 11th day of May 2015.
 / s/
Cathy Clark, Clerk of Court