



EDUCATIONAL ACTIVITY GUIDE

Generously supported by the Detroit Auto Dealers Association.



Table of Contents

Introduction.....3

Inform: Empower Students with Information.....4

Staggering Statistics.....5

 Impaired Driving.....5

 Distracted Driving.....6

Interactive Activities.....7

Digital Engagement.....9

References.....10

Attachments Section11

INTRODUCTION

About Courageous Persuaders:

Courageous Persuaders takes aim at young drivers, hitting the bullseye of impressionable minds. We're not just talking about a simple awareness; we're talking about a total game-changer. Our initiatives compel students to hit the brakes, forcing them to take a moment and critically evaluate risky driving scenarios. Courageous Persuaders is dedicated to changing the attitude of young drivers. Promoting a shift toward safe and aware driving habits. High school and middle school students are involved in the mission to safer roads.

High school students learn about impaired and distracted driving while participating in fun activities with their peers, while middle school students are introduced to new, positive role models who encourage responsible behavior. Our initiatives start with students, but they do not end there. With the help of the Detroit Auto Dealers Association, we amplify our message to the community. Courageous Persuaders takes pride in helping shape a positive and responsible driving attitude in young drivers.

Empowering Change:

Embrace the power to inspire change! In a recent study, it was discovered that the average age of alcohol initiation between 2017 and 2019 was 14 years old (Chen & Yoon, 2021). This emphasizes the critical need to engage and motivate our younger generation. Let us channel our efforts into middle and high schools, instilling awareness about the dangers of impaired driving from an early age.

Consider this: the average eighth grader in America has already encountered alcohol. As the age of alcohol initiation drops, so does the concerning rise in binge drinking among underage individuals. It is time to seize the opportunity to shape a positive impact on our youth.

The solution is clear – target and educate our students before they reach for that bottle. By empowering them with knowledge and awareness, we can steer them away from potential harm and make informed choices. Courageous Persuaders is devoted to educating, inspiring, and preventing alcohol consumption in the next generation.

Let us unite in the mission to shape a brighter, healthier future. Together, we can foster a generation that makes choices rooted in awareness, resilience, and courage.

Inform: Empower Students with Information

Knowledge is power. Let students know the dangers of distracted and impaired driving. Empower students to make responsible decisions, by stressing the cost of uninformed decision making. Inspire teens to learn and teach others about the dangers of distracted and impaired driving. Provide students with accurate tools to make responsible decisions. The following facts and statistics give teens a real-life insight into the consequences of their actions.

How to Inform and Engage Students:

Classrooms serve as the focal point for fostering knowledge and understanding. Elevate the student learning experience using impactful information and materials on distracted and impaired driving. The resources provided below comprehensively outline the tools that can be seamlessly integrated into classroom settings to effectively convey the dangers associated with impaired and distracted driving.

These educational materials are designed to not only enlighten but also actively involve students in gaining insights into the hazards of distracted and impaired driving. The ultimate aim is to empower students with the capacity to respond actively in risky situations, encouraging them to pause, reflect, and make responsible choices. Facilitated by the educational resources offered by Courageous Persuaders, these initiatives strive to instill a profound awareness of the dangers in the minds of young individuals, contributing to the creation of safer roads.

Staggering Facts: Use the following statistics to inform students about underage drinking and distracted driving:

STAGGERING STATISTICS

Underage Drinking/Impaired Driving

Use the following list of facts to inform teens about the dangers of underage alcohol usage and driving impaired.

- By the 12th grade, 14.4 percent of students engage in binge drinking (Chen & Yoon, 2021).
- Underage drinking is also associated as riding with a peer who has consumed alcohol (Chen & Yoon, 2021).
- Teenage brains are still developing, alcohol consumption causes extensive damage to areas of the brain that control judgement, impulse control, and memory (Punishment for teenage drinking - do's and don'ts 2021).
- Alcohol is a depressant and can cause teens to feel more depressed (Punishment for teenage drinking - do's and don'ts 2021).
- Teens are more likely to binge drink when they consume alcohol (four to five or more drinks at a time), this can lead to unplanned sexual activity, violence, alcohol poisoning and many more grave consequences (Punishment for teenage drinking - do's and don'ts 2021).
- The risk of DUI increases when the driver is young, leading to an increase of subsequent DUI-related risks in comparison with older drivers (Vankov et al., 2021).
- Documented marijuana-related traffic accidents that required treatment in an emergency room rose 475% between 2010 and 2021, the study found. Car crashes due to drunk driving grew only 9.4% during the same time period, although the raw numbers of alcohol-related accidents were in the thousands, not the hundreds as with cannabis.
- A recent analysis of U.S. public safety data showed that from 2000 to 2018, the percentage of motor vehicle fatalities involving cannabis more than doubled from nine percent to about 22 percent.
- Attachment #1:** Students can read the attached PDF as a constant reminder of the consequences of drunk driving. They may also choose to review this on their mobile phone by clicking [here](#).

Distracted Driving

Use the following list of facts to inform teens about the dangers of distracted driving.

- According to NHTSA, distracted driving killed 3,522 people in 2021.
- The National Safety Council reports that on a typical day, eight people are killed and hundreds more are injured in distraction related automobile crashes.
- Even though 94% of drivers think it is “extremely dangerous,” more than one third will still text and drive themselves.
- In Michigan in 2019, data shows that there were 2,789 motor vehicle crashes involving cell phone use while driving. Nationally, that same year, there were 387 fatal car crashes and 28,000 injury crashes involving cell phone use.
- Always keep your hands on the wheel and your eyes on the road; use your phone’s “Do Not Disturb” feature or an app to silence calls and texts.
- Put your phone in the glovebox or elsewhere to curb the urge to look at it.
- Avoid eating and drinking while driving.
- Pull over to a safe location and park your vehicle if you need to make or take a call.
- Ask a passenger to help navigate, change the music, or monitor your texts.
- Distracted driving comes in many forms: adjusting the radio or GPS, applying makeup, eating and drinking.
- Since 2007, drivers 16 to 24 years old have been distracted by devices at higher rates than other drivers.
- Sending or reading a text takes your eyes off the road for five seconds. At 55 mph, that's like driving the length of an entire football field with your eyes closed.

INTERACTIVE ACTIVITIES

Now that students have learned the dangers of impaired and distracted driving, allow them to participate in activities, showing the real dangers of underage drinking and distracted driving.

Paddle Ball

***Materials:** three paddle balls, beer goggles, chalk or tape to mark a straight line.*

***Purpose:** The purpose of this activity will be to show students how impaired and distracted driving can set you off course and affect innocent bystanders as well.*

Directions:

- Have three students stand in a line.
- One student will wear beer goggles to demonstrate drunk driving.
- One student will be perfectly normal to demonstrate the innocent driver.
- One student will be texting/another driving technique (eating, applying makeup, etc.).
- All students will have to walk in a straight line while using a paddle ball and will see the impact of being impaired or distracted.

Coloring Inside the Lines

***Materials:** beer goggles, coloring sheets or Pictionary prompts
(coloring sheets/Pictionary prompts available as **Attachment #2**)*

***Purpose:** The purpose of this activity will be to show students how impaired driving can negatively impact your vision.*

Directions:

- Provide students beer goggles and ask to color inside the lines of a picture or play Pictionary as a group.
- The interactive activity will engage students and show first-hand how much alcohol impacts your vision.

Take the Pledge

Materials: NSC's "Just Drive" Pledge – virtual or hard copy

Purpose: Students should be encouraged to take accountability for their actions on the road. By taking a pledge students will be reminded how they can be a part of the solution! This will have a long-lasting impact on students, and their driving habits.

Directions:

- Ask your students to read the pledge and sign their name.
- Attachment #3.** The pledge is included in the Attachments section and can be found [here](#) digitally.

Mock DUI Trials

Materials: A PDF of a complete DUI Mock trial lesson is **Attachment #4**.

Purpose: Show students the harsh reality and consequences that come with drunk driving in a real-world scenario.

Directions:

- Students will play the defendant and prosecution in a drunk driving incident which resulted in a murder or severe injury of another party. The students will play through the scenario until the guilty verdict is reached. The mock trial may be a re-enactment of a DUI case that already happened.

DIGITAL ENGAGEMENT

The following links are great tools to engage students in learning about distracted and impaired driving.

Drunk Driving Simulator Demonstration

Show students the video linked [here](#). The video shows a fellow teen navigating a drunk driving simulator. The video emphasizes slowed reaction time and the unexpected nature of driving. When impaired or distracted you cannot properly react, endangering the life of yourself and others.

Virtual Bar

Use the link [here](#) to take students to a virtual bar. The simulation assesses the effects of consuming too much alcohol and how it impairs your ability to not only drive, but function. The virtual bar also calculates how much time it will take for your system to completely be rid of the alcohol consumed. The simulation requires students to input their age, weight, and gender in order to accurately assess how much alcohol is too much for their body. This tool will engage students in a fun virtual reality!

Responsibility Test

The link [here](#) will take you to a responsibility quiz for students. This interactive quiz encourages students to make responsible decisions and gives them responsible alternatives.

Victim Stories

Allow students to read victim stories, and the effects made on families linked [here](#). Solidify the dangers of impaired and distracted driving by showing its staggering impact.

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ATTACHMENTS SECTION

ATTACHMENT #1



UNDERAGE DRINKING PREVENTION NATIONAL MEDIA CAMPAIGN

THE CONSEQUENCES OF UNDERAGE DRINKING

Over the last several decades, scientific understanding and knowledge of the dangers of underage drinking have increased substantially. Underage drinking is associated with various negative consequences for children and can affect and endanger the lives of those around them.¹

Children who drink alcohol are more likely to:

Use drugs

Frequent binge drinkers (nearly 1 million high school students nationwide) are more likely to engage in risky behaviors, including using other drugs such as marijuana and cocaine.²

Get bad grades

Children who use alcohol have higher rates of academic problems and poor school performance compared with nondrinkers.³

Suffer injury or death

In 2009, an estimated 1,844 homicides; 949,400 nonfatal violent crimes such as rape, robbery, and assault; and 1,811,300 property crimes, including burglary, larceny, and car theft were attributed to underage drinking.⁴

Engage in risky sexual activity

Young people who use alcohol are more likely to be sexually active at earlier ages, to have sexual intercourse more often, and to have unprotected sex.^{5, 6}

Make bad decisions

Drinking lowers inhibitions and increases the chances that children will engage in risky behavior or do something that they will regret when they are sober.^{7, 8}

Have health problems

Young people who drink are more likely to have health issues such as depression and anxiety disorders.⁹

ATTACHMENT #2

1

Carrot
Book
Table
Cat
Shirt
Phone

2

Tree
Bag
Apple
Kite
Car
Hat

3

Ruler
Mouse
Candy
House
Key
Dress

4

Pear
Cup
Hair
Fish
Ball
TV

5

Snake
Pencil
Star
Nose
Chair
Flower

6

Eye
Banana
Ship
Sun
Door
Sheep

7

Jeans
Mouth
Bed
Moon
Bird
Cheese

8

Egg
Leaf
Glasses
Cloud
Watermelon
Train

9

Rain
Ice cream
Turtle
Spider
Clock
Foot

ATTACHMENT #3

**Take the NSC Just Drive Pledge; Commit to Driving
Distraction-free!****Just Drive.**

At least eight people a day are killed in distracted driving crashes. Handheld and hands-free phone calls and texts, emails, social media, passengers, snacks and even built-in vehicle touchscreens are just some of the distractions fighting for your attention on the road.

Here's a simple way to think about it: if something requires your hands, your eyes or your attention while you're driving, it's a distraction. Distracted driving isn't just risky for you, it can be deadly for every nearby driver, pedestrian, bicyclist and worker. Pledge to avoid distracted driving and help everyone around you get home safe.

Take the Pledge

- I will make our roads safer for everyone by avoiding all forms of distracted driving.**
- I will speak up when others are distracted to protect myself and all other road users.**

All of us want to drive, bike or walk across roads free of distracted drivers. Help us spread the message that when you're behind the wheel, your only job is to drive.

Sign Name

Date

Print Name

ATTACHMENT #4



Grade Levels 7-College

**Driving Under the Influence
Mock Trial Lesson**

MUNICIPAL TRAFFIC SAFETY
INITIATIVES



Save a Life™
Texas Department of Transportation



Municipal Court Mock Trial for MTSI



Learning Objective: Students will...

1. Understand the basic components of a trial.
2. Utilize problem solving skills to analyze and conduct a mock trial.

Lesson Overview: The purpose of this lesson is for students to have a taste of how courtroom procedures work through a mock trial experience, as well as understand the consequences of a DUI. Be aware that even though students might have seen trials on TV, this may be their first exposure to courtroom questioning techniques. For the sake of time, the use of objections is not included in this lesson. Approximate times are listed next to each section of the lesson to help manage time in a classroom setting.

TEKS: 8.19D; 8.29B; US History 29B; US Gov't 13A & 13E, 14C, 20A; Special Topics in Soc. Stud. 2D & 2F

Materials Needed: Mock Trial Packet to include Diagram of the Courtroom (Handout 1), Steps in a Trial (Handout 2), Mock Trial Case (Handouts 3.1-3.8), Mock Trial Assigned Responsibilities (Handout 4), Examination of a Witness (Handout 5), Jury Deliberation Form (Handout 6)

Vocabulary: cross examination, defense, deliberation, direct examination, prosecution, witness

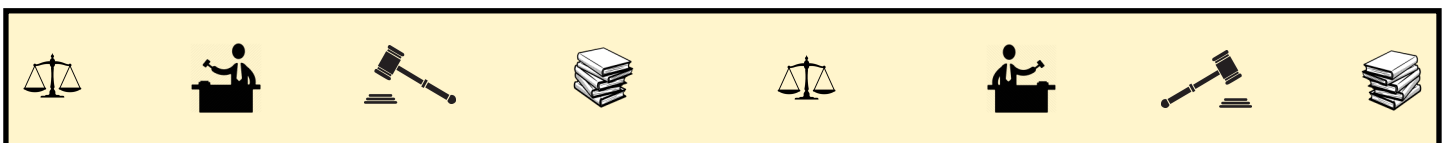
Teaching Strategy:

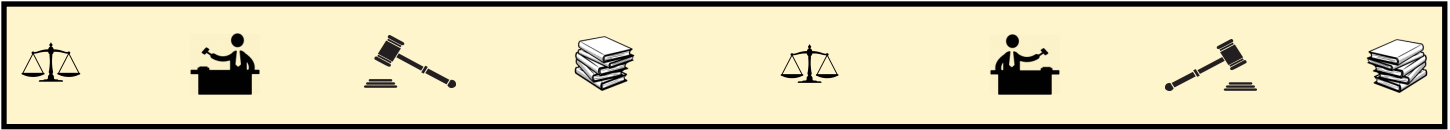
INTRODUCTION (Allow 15-20 minutes for completion)

1. Distribute mock trial packets to each student.
2. Have students investigate the diagram of a courtroom (Handout 1) so they know the basic structure of a courtroom.
3. Use the worksheet, "Steps in a Trial" (Handout 2) to walk students through the basic concepts of a court proceeding. **IMPORTANT:** Remind students that our legal system assumes the defendant is innocent unless proven guilty in a court of law; therefore the prosecution goes first since they hold the "burden of proof." The job of the defense is to highlight doubt. (Be aware, students may or may not be familiar with this concept.)
4. Explain to the class that they are going to participate in a mock trial to better understand the trial process, to learn about traffic safety, and to learn how to apply the law in various circumstances.
5. Have students read through the stipulated facts for the State of Texas v. Charlie Mather (Handout 3). Read this information out loud as a class. As you go through the witnesses, see if the students can decide if that witness is best suited for the prosecution, or the defense.

SEPARATE INTO GROUPS OF 8 (Allow 15-20 minutes for completion)

1. Number students off from 1-8 to place them into 8 different groups. Depending on how many students are in the class, students will end up in groups of approximately 2-5 people depending on

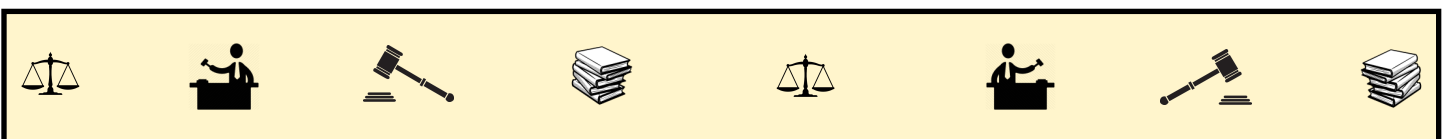


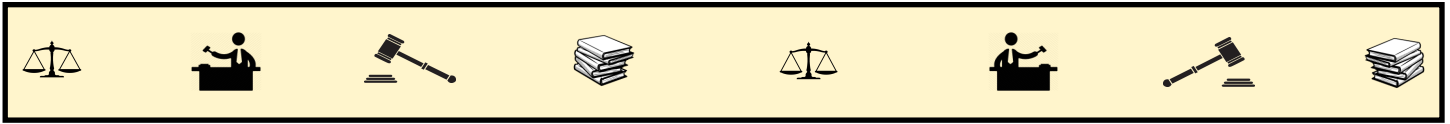


- the size of the class. Once they have been numbered off, allow time for them to move so all the 1's can sit together, 2's, and so on. Make sure they take their packets and a writing utensil with them.
2. Once students are in their groups, explain that it is time to “divide and conquer” one of the main tasks for attorneys during a trial – questioning witnesses! In order to do this in a short period of time, each group will be assigned to the prosecution or defense and given one witness to question. Explain to students, *“If your group is questioning one of your own side’s witnesses, that is called direct examination. If your group is questioning a witness for the opposing side, it is called cross examination.”*
 3. Cut the “Mock Trial - Assigned Responsibilities” chart (Handout 4) into squares and hand each group their assigned responsibility. Each responsibility is numbered to correspond with an assigned group number, so give group 1 the square numbered “1.” and so on. Then, have students turn to the “Examination of Witnesses” (Handout 5) and complete the top portion of it with the information on their square. It is fill-in-the-blank. Tell students not to worry yet about who will play the role of witness. For now, they are all working together as if they are a team of attorneys.
 4. Next, have students complete the remaining items on the “Examination of the Witness” (Handout 5) for their assigned witness using the witness affidavits. Walk around the room and encourage students to revise questions as needed and to consider follow-up questions that might enhance their line of questioning.
 5. When students are ready to share their questions, pull the class back together to receive the Pre-Trial Directives (listed below).

PRE-TRIAL DIRECTIVES FOR GROUPS (Allow 5-10 minutes for completion):

1. While students are working in groups on their questions, pick two student volunteers who will read the prepared opening statements (one to read the prosecution’s, and one to read the defense’s opening statements) when it’s time for the trial.
2. Tell the class that within each group, they need to pick one person to play the role of attorney to ask the questions your group has prepared (it is up to you if you want to allow more than one person to ask questions to their assigned witness).
3. Groups 1, 2, 7, and 8, also need to pick an additional person from their group to play the role of their witness on the stand. These are the groups that were assigned Direct Examination questions.
4. Reassure students that they are welcome to use notes, witness affidavits, or written questions while on the witness stand or when asking questions.





BEFORE YOU BEGIN THE TRIAL (Allow 5-10 minutes for completion)

1. Place a chair at the front of the room to act as the “Witness Stand.” There is no need to move other desks or chairs to mimic a courtroom, but feel free to do so if desired.
2. Encourage students to keep the “Steps in a Trial” worksheet in front of them so they are able to follow along with what happens next in the trial.
3. Let students know that when it is their turn to ask the witness questions to stand so the witness can easily see them.
4. Remind students about courtroom decorum (maybe mention that only one person should be speaking at a time). Those acting out of accordance to the standards set by the judge will be found in contempt of court and asked to leave the courtroom (i.e. sit in the hall and miss out on the fun).
5. When you’re ready, call the court to order.

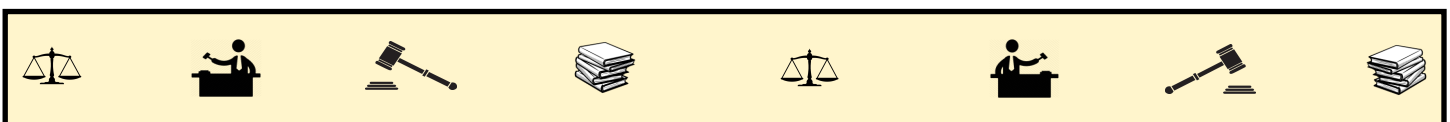
NOTE: Make the trial as authentic an experience as desired. Students love “All rise! The Honorable _____ presiding...,” attorneys standing to make objections, etc.



THE MOCK TRIAL (Allow 20-30 minutes for completion)

This script assumes you take on the role of judge. You can walk around the room while doing so, or station yourself near the witness stand. Do whatever comes naturally. Follow the basic script below, but feel free to add your style to it as you go.

1. Have the bailiff call the court to order.
2. Have the four witnesses stand and swear them in all at once.
3. Invite the student volunteer for the Prosecution to read the prepared opening statement provided (Handout 3.7).
4. Invite the student volunteer for the Defense to read the prepared opening statement provided (Handout 3.8).
5. Have the prosecutor call the first witness, Officer Roberson, to the stand. Allow the student volunteer from group 1 to conduct direct examination of Officer Roberson. (Be aware of your time: If you are short on it, you may need to encourage groups to narrow their list of questions. If you have time to spare, encourage them to ask more.)





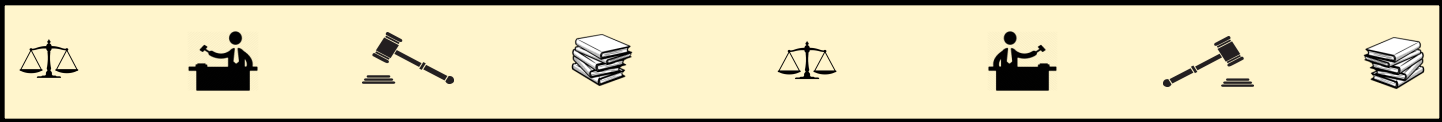
6. Allow the student volunteer from group 5 to then cross examine Officer Roberson.
7. Call the second prosecution witness, Dani Garwin, to the stand. Allow the student volunteer from group 2 to conduct direct examination.
8. Allow the student volunteer from group 6 to cross examine Dani Garwin.
9. Have the prosecution rest its case.
10. Call the first defense witness, the defendant, Charlie Mather. Allow the student volunteer from group 7 to conduct direct examination.
11. Allow the student volunteer from group 3 to cross examine Charlie Mather.
12. Call the last witness for the defense, Andy Corner. Allow the student volunteer from group 8 to conduct direct examination.
13. Allow the student volunteer from group 4 to cross examine Andy Corner.
14. Have the defense rest its case.
15. Briefly explain the concept of closing statements. If time allows, ask for two student volunteers who would like to give it a try (one for prosecution and one for defense). They will be “winging it,” but chances are good that if a student volunteers, then they are enjoying the trial immensely and are eager for the challenge.
16. Have students turn to the “Jury Deliberation” page (Handout 6) and complete it as an exit ticket or have the class vote on which side made the more compelling case.



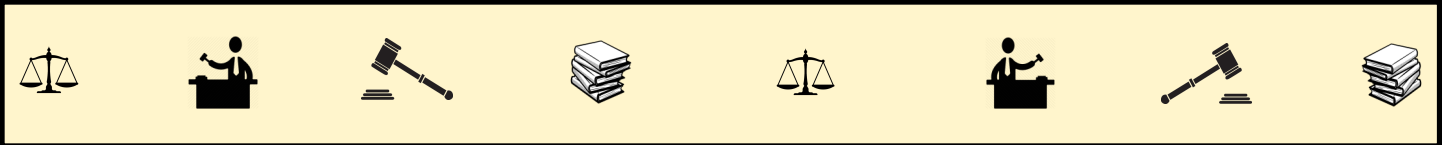
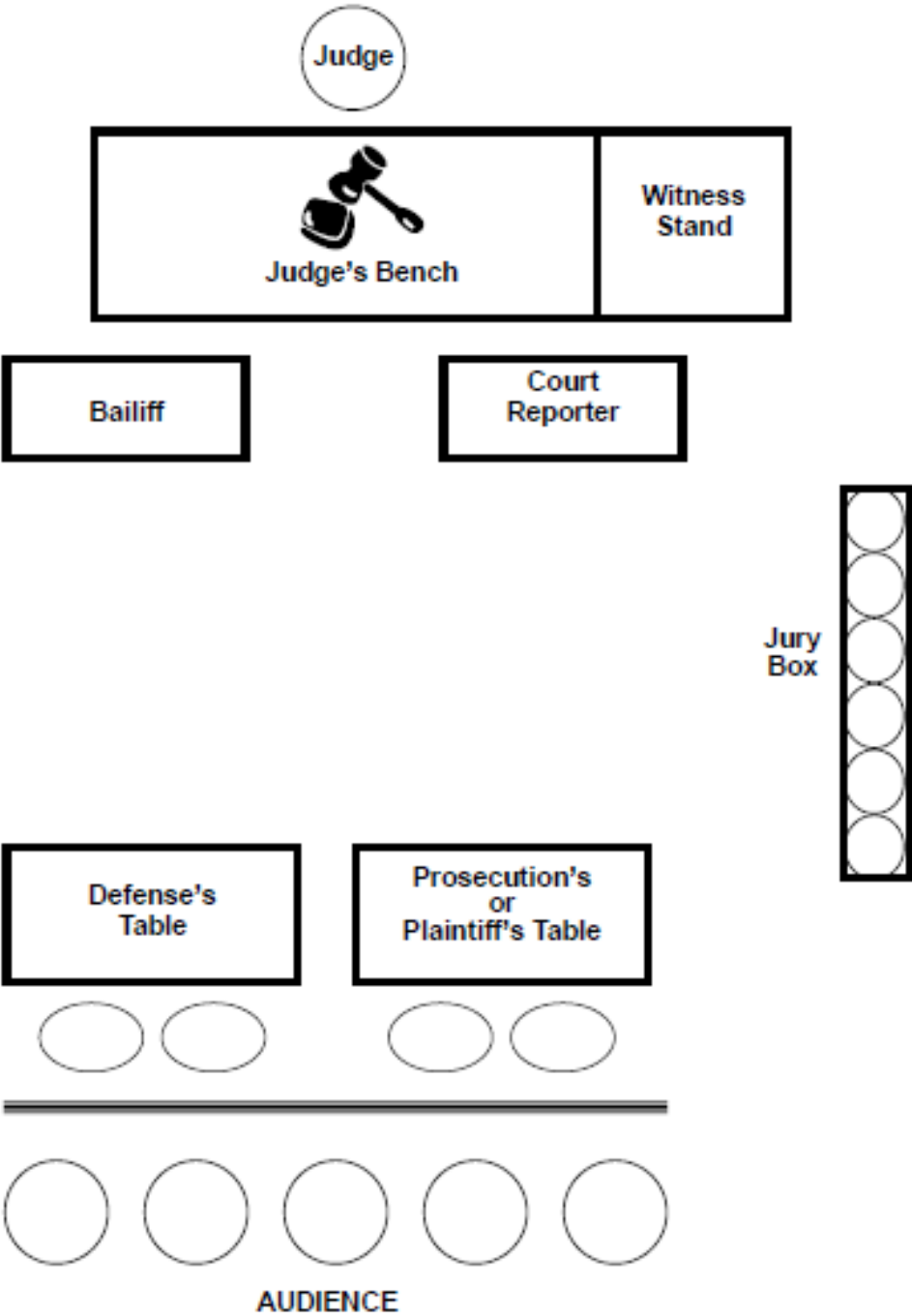
MOCK TRIAL DEBRIEF (If time allows.)

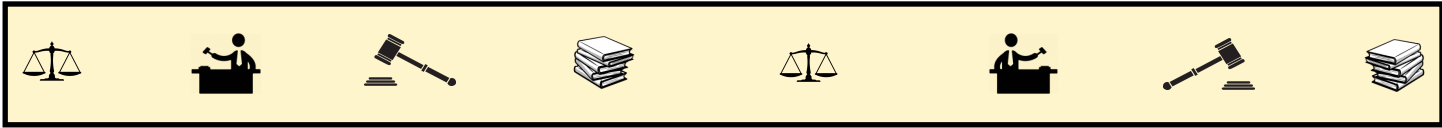
At this point, the students will have a lot to discuss and many questions to ask. Take as many questions as time allows and then consider sharing your contact information with the teacher so that you can answer any follow-up questions.





(HANDOUT 1)
Diagram of the Courtroom





(HANDOUT 2) Steps in a Criminal Trial

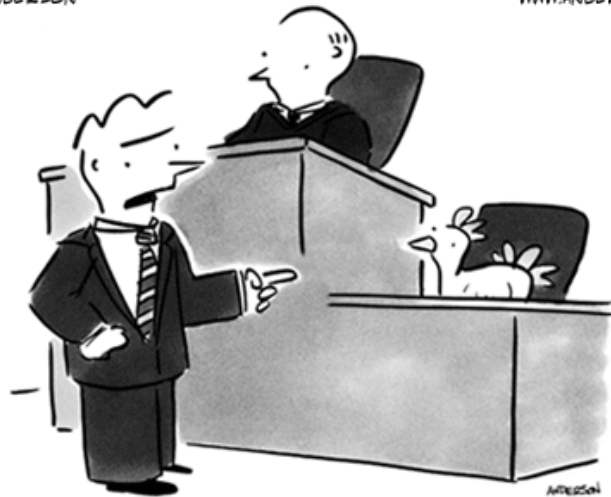
The order of the steps in a trial is as follows:

1. Bailiff/Clerk opens the court session
2. Judge enters room and takes his or her seat (the bench)
3. Opening Statement by the PROSECUTION
4. Opening Statement by the DEFENSE
5. Direct-Examination by the PROSECUTION of a witness they call
6. Cross-Examination by the DEFENSE
----- Prosecution Rests Its Case -----
7. Direct-Examination by the DEFENSE of a witness they call
8. Cross-Examination by the PROSECUTION
----- Defense Rests Its Case -----
9. Closing Statement by the PROSECUTION
10. Closing Statement by the DEFENSE
11. Final Closing by the PROSECUTION
12. Jury Instructions
13. Verdict

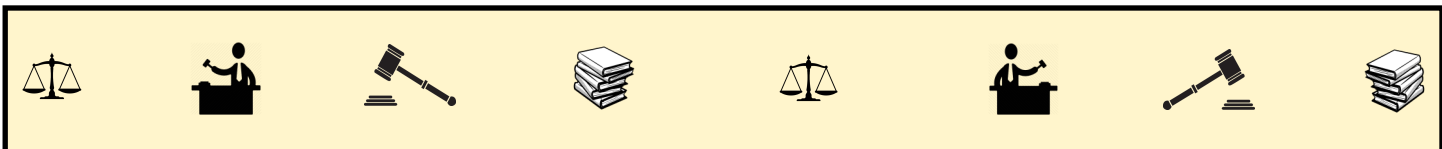
**NOTE: This is a simplified list for classroom mock trial purposes only.*

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"I'll ask you once more, and I remind you that you are under oath! Why did you cross the road?!"





(HANDOUT 3.1) The State of Texas v. Charlie Mather

Background of the Case

At 10:45 p.m. on December 29th, in Sendista County Texas, police officer, Officer Roberson was on patrol when a black pickup truck was observed driving somewhat erratically. The truck had drifted into the neighboring lane and swerved back into its own lane quickly. Then the truck approached a stop sign and did not come to a complete stop until it was past the stop sign and covering the cross walk. There were not many vehicles or pedestrians out at that time of night, but Officer Roberson decided to pull the truck over for a routine traffic stop to investigate. As the Officer approached the vehicle, the driver quickly threw two empty beer cans into the back seat of the truck.

The driver, 17 year-old Charlie Mather, was a local high school student who had just left a friend's house and was heading for home. When Officer Roberson asked the driver about the empty beer cans in the backseat, Charlie stated the car belonged to Dad, and were probably left over from the Dad's last fishing trip. Given the erratic driving and the presence of the beer cans, Officer Roberson decided to conduct a Standardized Field Sobriety Test (SFST). Charlie was asked to walk in a straight line, placing one foot directly in front of the other (touching the heel of one foot to the toe of the other) and then turn and repeat the process. Charlie did ok, but his arms came up more than once from his sides to help with balance. Then Officer Roberson instructed Charlie to raise one leg in front of the other (about six inches off the ground) and begin counting until instructed to stop. Charlie did very poorly, dropping the leg twice and at one point stumbled to the side. Upon conclusion of these two tests, the officer felt convinced that Charlie was under the influence of alcohol and did not feel it was necessary to conduct a "horizontal gaze nystagmus test" or a breath or blood alcohol test. However, the Officer did decide to call Charlie's parents and wrote a ticket for DUI (Driving Under the Influence, Texas Alcoholic Beverage Code 106.041). Charlie continues to deny touching any alcohol and the parents have hired an attorney to deal with this legal matter.

Before the trial, the Sendista County police and the Sendista County prosecutor interviewed several witnesses who were with Charlie Mather at the friend's house before Charlie left that night. One witness, Andy Corner, shared several pictures on Snapchat that revealed pictures of that night. Most of the photos are of friends laughing and playing cards. In one picture, Charlie is standing next to another witness, Dani Garwin, and each can be seen holding a beer can. Dani Garwin stated that she saw Charlie take a few sips of beer that night, but that Charlie was not intoxicated. Dani stated she was not worried about Charlie driving home that night because Charlie was not at all impaired.





(HANDOUT 3.2)

Stipulated Facts

- The traffic stop was made legally.
- Charlie Mather tossed two empty beer cans into the back seat of the truck after being stopped by Officer Roberson.
- Andy Cormer's pictures on Snapchat were from the same night and were taken before Charlie left to drive home and are admissible.
- One of those pictures shows Charlie Mather with a beer can in his hand.
- Officer Roberson did not ask for or conduct a horizontal gaze test, portable breath test, or take a blood sample to test for the presence of alcohol.



Witnesses for the Prosecution

Officer Roberson
Dani Garwin

Witnesses for the Defense

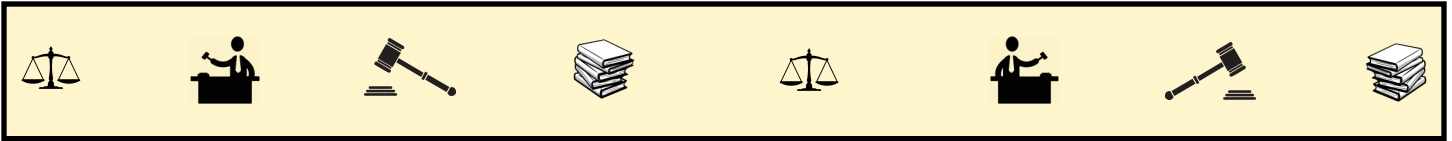
Charlie Mather
Andy Cormer

The Law

Texas Alcoholic Beverage Code Sec. 106.041(a):

A minor commits an offense if the minor operates a motor vehicle in a public place, or a watercraft, while having any detectable amount of alcohol in the minor's system.





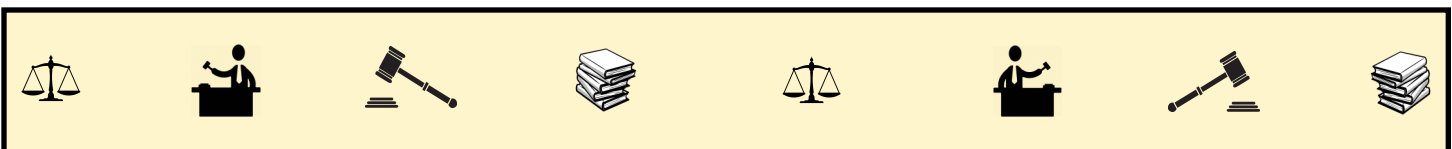
(HANDOUT 3.3)

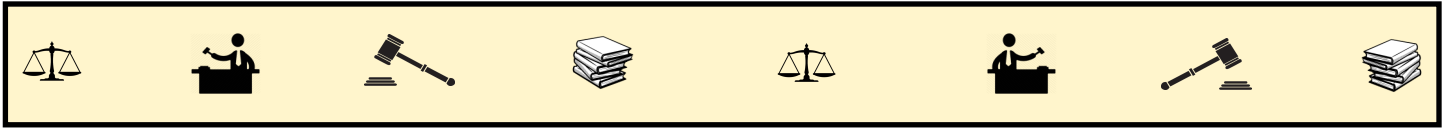
Officer Roberson - Witness Statement

My name is Officer Roberson and I have worked for the Sendista County Police Department for twenty-two years. I have a Bachelor's Degree in Criminal Justice and four letters of commendation for meritorious service. My patrol area covers a large portion of Sendista County and I typically work nights. On the night of December 29th, I was on patrol around 10:45 p.m. when I witnessed a black pickup truck driving erratically. First, it was drifting out of its lane and into the neighboring lane, and then it jerked back quickly into its own lane. Next, it cruised up to a stop sign without stopping until it was well past the sign, covering the cross walk. At that point, I decided to make a traffic stop.

Even though it was dark out, I was able to see with my flashlight as I approached. I saw the driver toss what appeared to be two cans into the back seat. The truck had a second row bench seat and as I neared the rear window, I noticed at least two open beer cans in the backseat that appeared to be empty. The driver was identified as Charlie Mather and he said he was heading home from a friend's house. When asked about the beer cans the defendant said, "This is my dad's truck. I just borrow it sometimes. I don't know anything about any beer cans...must be his. I don't drink."

At that point I conducted a Standardized Field Sobriety Test (SFST), which includes three separate components. The SFST is a common law enforcement tool, used to determine if a driver has been drinking. First, I had Charlie walk a straight line, placing one foot directly in front of the other. The heel of the front foot needs to touch the toe of the back foot each time you take a step, and subjects are instructed to keep their arms at their side. Then the subject must turn and repeat the process walking back along the straight line. Charlie did decently, but his arms came up more than once from his sides to help with balance. Next, I had Charlie stand on one foot raising the other leg out front about six inches off the ground and count from 1-30 by the thousands. For example, "one thousand and one, one thousand and two..." and so on. By "1,003" Charlie was off balance and had dropped his front foot to keep from falling. Charlie smirked and tried to continue, but then stumbled to the side and was unable to complete the test. At that point I was convinced he was under the influence and I did not feel the need to complete the SFST, or conduct a breath or blood alcohol test. I called Charlie's parents and wrote a ticket for DUI (Driving Under the Influence, Texas Alcoholic Beverage Code 106.041). Because Charlie is under 21, a blood alcohol test wouldn't have mattered anyway because ANY presence of alcohol in the system constitutes a DUI for minors.





(HANDOUT 3.4)

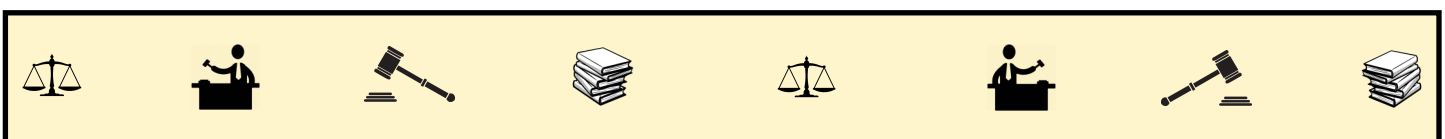
Dani Garwin – Witness Statement

My name is Dani Garwin and I am 17 years old. I attend Sendista High School with Charlie Mather, whose locker is next to mine. We're not really friends, but our paths seem to cross a lot. We have friends in common. We even applied for the same job at Pauli's Pizza, but Charlie got it. Seems like Charlie always had a way of getting what he wanted.

On December 29th, Andy Corner invited a group of guys and girls over to hang out and play poker. We didn't gamble for money, though, we just played for fun. Andy's dad has a weekly poker night where he and his friends actually gamble money, but we didn't. There were leftover snacks and beer from the adults' poker game the night before, so we ate and drank some beer while we played cards. Charlie had a beer like the rest of us, and sipped on it all night. I personally saw him drinking it while we were sitting at the poker table together. He was sitting right next to me. I'm not saying anybody was drunk this time around, not even close. It wasn't really that kind of party. At one point I even teased Charlie about being a "lightweight" for only having one beer, but it wasn't like some kind of "peer pressure" situation. I was just giving him a hard time because he was winning and he was being kind of a jerk about it.



Around 10:30 p.m., Charlie mentioned curfew at 11:00 and we wrapped up the poker game. Andy was circulating and taking a few pictures so we stopped long enough to get a little group shot. I was pretty tired, so I figured I'd head home too. As Charlie left, I stood in the doorway saying goodbye to Andy and talking about plans for next weekend. We watched him get in the truck and leave as we talked. It looked to me like he had something in his hand as he climbed into the truck, but I can't be sure what it was. In my opinion, Charlie got what he deserved. Even if he only had one beer at the party, he shouldn't have driven afterwards.





(HANDOUT 3.5)

Charlie Mather – Witness Statement

My name is Charlie Mather and I am 17 years old. I attend Sendista High School where I am on the honor roll and play on the varsity soccer team. I have worked part-time at Pauli's Pizza for the last year.

Over the winter break from school, some kids from school would often get together in the evenings after work and hang out. On December 29th, Andy Cormer invited some guys and girls over to play poker. My dad plays poker with Andy's dad once a week and they had just had their weekly poker night at the Cormer's house the night before. So we decided to do a "Junior Varsity Poker Night" where we wouldn't gamble like the adults, but instead we would all just try our hand at poker with the chips and hang out.

I borrowed my dad's truck and went over to Andy's around 7:00 p.m. My dad's truck isn't usually very clean, so I didn't even notice the empty cans in the cup holders. He probably had a few beers at the Cormer's while he was playing poker the night before or maybe on his last fishing trip. It isn't unusual for him to have a couple of beers, but I've never seen him drink while driving. He has always told me not to drink and drive.

We were playing poker and having snacks when Andi brought out a six-pack of beer and handed one to each of us. I don't drink. I wasn't sure what to say so I just didn't say anything. I took the beer, opened it, and then I set it down on the coaster and left it there.

Dani made a wisecrack about whether I was going to drink any beer, so I put the can to my lips a couple of times and pretended to drink a little. I didn't actually drink any of it. I don't know why I didn't just say, "No thanks." I guess I didn't want to look lame. When I got pulled over, the flashing lights lit up the interior cabin of the truck and I saw the beer cans. I panicked and tossed them in the back seat, afraid the cop would think I'd been drinking. I was so nervous because I've never been pulled over before, and I didn't handle it very well. When I had to explain about the beer cans and get out of the car for a sobriety test, my heart was pounding and I thought I was going to pass out. I was so stressed out. Everything the officer made me do required good balance, which I've never had. I'm so clumsy, I didn't stand a chance. After this nightmare, paying lawyer fees, fines, and everything else, I don't know if college is even an option anymore. Plus, the soccer scholarship offers dried up as soon as I was charged with a DUI.





(HANDOUT 3.6)

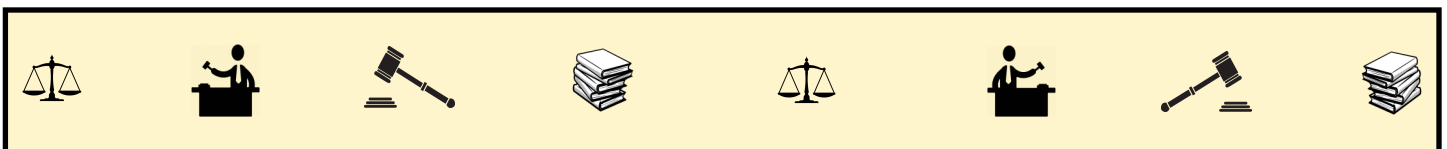
Andy Cormer – Witness Statement

My name is Andy Cormer and I am 17 years old. I go to school with Charlie Mather and Dani Garwin, and I work part time at Pauli’s Pizza with Charlie. On December 29th, Charlie and I worked the lunch shift and it was an ordinary shift. When we were walking to our cars as we left work, I suggested that our group of friends come over to my place for a “Junior Varsity” version of my dad’s poker night. He had leftover food and beer and I knew it would be fun. Charlie agreed and left in his dad’s truck.

Later that evening around 7:00 p.m., everyone arrived and we set up the poker table and got out the snacks. After we played a couple of hands, I went to get the beer from the fridge and started passing them out. As I passed them out, Charlie seemed hesitant.

Everyone was having a good time. Charlie and I had several winning hands of poker. Dani seemed annoyed and I recall Dani making a comment to Charlie about his beer but I didn’t hear what it was. Charlie looked a little frustrated and mentioned curfew and the drive home. I sat at the table playing poker with them almost the whole night and not once do I recall Charlie actually taking a drink of that beer. It sat there on the table, and he held it, but I don’t remember seeing him drink it.

Charlie’s curfew was at 11:00 pm and he was one of the first to leave. As Charlie left, Dani and I were standing in the doorway talking. I didn’t see Charlie stumble or slur his words or do anything that would make me think he was impaired. I am confident that not only was he not impaired, but he hadn’t even had a sip of alcohol. If I thought for a second that he had, I wouldn’t have let him drive home. We look out for each other.





(HANDOUT 3.7)

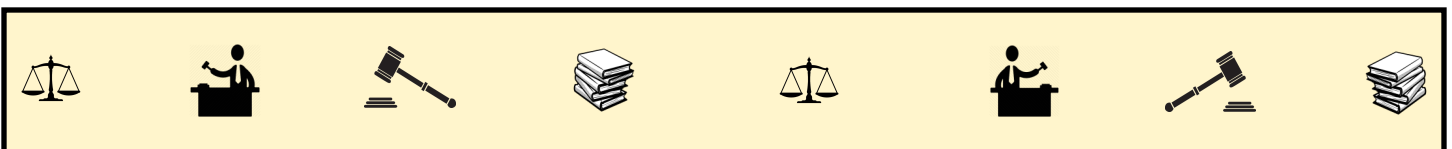
Opening Statement for the Prosecution:

Your Honor, opposing counsel, ladies and gentlemen of the jury, the State will prove beyond a reasonable doubt that the defendant, Charlie Mather, a minor, did knowingly consume alcohol at a party on the night of December 29th. But the defendant didn't just consume alcohol that night. Charlie also made the decision to get behind the wheel of a truck to drive the streets of Sandista County. The same streets that you and I drive, the same streets where construction workers may be working on the side of the road, or where a child may be crossing the street at the crosswalk to get home. You will hear



from the defendant's friend, Dani Garwin, who will testify that the defendant was drinking beer at a party just before getting behind the wheel to drive. The state will show you photographic evidence of the defendant with a beer in hand. You will also hear from Officer Roberson who was on duty that night and observed Charlie Mather swerving into the next lane and coasting past the stop sign nearly into the intersection. Officer Roberson will testify that not only was Charlie driving erratically, but he had two beer cans from the party, which he tossed in the back of the truck as soon as

he was pulled over. Charlie did this in hopes of hiding evidence of his night of drinking. However, it was evident to Officer Roberson that Charlie *had* been drinking, so he conducted a sobriety test, which Charlie failed. It is lucky that the defendant did not hurt someone. The State will prove these things beyond a reasonable doubt and we will ask you to render the only just verdict in this case: that the defendant is guilty of Driving Under the Influence by a minor.



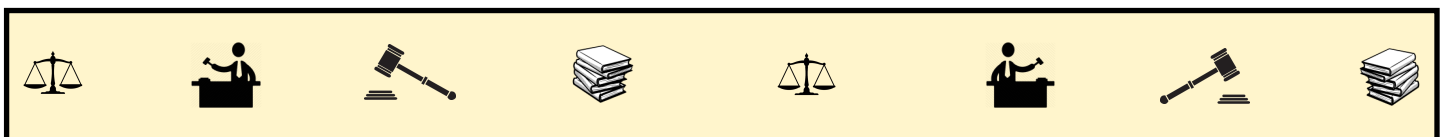


(HANDOUT 3.8)



Opening Statement for the Defense:

Your Honor, opposing counsel, ladies and gentlemen of the jury, Charlie Mather did not consume any alcohol on the night of December 29th. Like a lot of high school kids, Charlie went to play cards and hang out at a friend's house. Charlie drove his Dad's truck and promised to be home before 11:00 p.m. Charlie's a responsible kid and a great student. But like a lot of kids, Charlie was put in an awkward situation when a friend passed out beer and Charlie didn't quite know how to say "no." So rather than make a scene, Charlie just took it and figured nobody would really notice that he didn't drink it. Charlie played it cool but didn't ever take a drink, and then just before leaving that night he poured it down the sink when nobody was looking. On the drive home, the radio station needed to be adjusted, which caused the car to swerve slightly. In fact, Officer Roberson apparently did not feel the need to conduct a more accurate test of Charlie's blood alcohol level by administering a breath or blood test. *Both* would have proven that Charlie consumed no alcohol on the night in question. Instead, Officer Roberson relied on the less conclusive Standardized Field Sobriety Test. A test Charlie failed during that traffic stop because of fear. Charlie was shaking so uncontrollably that it was impossible to keep balance or focus on the task at hand. In addition to this information, you will also hear testimony from Andy Corner who was there that night at the gathering of friends with Charlie. Andy's testimony will corroborate the fact that although Charlie held onto a beer can for part of the night, not once did Andy see Charlie take a single drink — because Charlie *didn't* drink. Ladies and gentlemen of the jury, the prosecution has the burden of proof in this case. When all the testimony has concluded, we believe you will agree that Charlie Mather is not guilty of these charges. Thank you.





**(HANDOUT 4)
Mock Trial - Assigned Responsibilities**

CUT THIS PAGE INTO SQUARES. Give group #1 the square marked “1” and so on. They will use the square to fill-in-the-blanks on the top of the “Examination of Witnesses” (Handout 5), and then they should complete the rest of the handout together with their group. FYI: Even numbered groups are Prosecution. Odd numbered groups are Defense.

<p>1. We have been assigned to the <u>PROSECUTION</u>. Our assigned witness is <u>OFFICER ROBERSON</u>. This is a witness for the <u>PROSECUTION</u>, therefore, we are writing <u>DIRECT EXAMINATION</u> questions for this witness to answer.</p>	<p>2. We have been assigned to the <u>DEFENSE</u>. Our assigned witness is <u>OFFICER ROBERSON</u>. This is a witness for the <u>PROSECUTION</u>, therefore, we are writing <u>CROSS EXAMINATION</u> questions for this witness to answer.</p>
<p>2. We have been assigned to the <u>PROSECUTION</u>. Our assigned witness is <u>DANI GARWIN</u>. This is a witness for the <u>PROSECUTION</u>, therefore, we are writing <u>DIRECT EXAMINATION</u> questions for this witness to answer.</p>	<p>3. We have been assigned to the <u>DEFENSE</u>. Our assigned witness is <u>DANI GARWIN</u>. This is a witness for the <u>PROSECUTION</u>, therefore, we are writing <u>CROSS EXAMINATION</u> questions for this witness to answer.</p>
<p>3. We have been assigned to the <u>PROSECUTION</u>. Our assigned witness is <u>CHARLIE MATHER</u>. This is a witness for the <u>DEFENSE</u>, therefore, we are writing <u>CROSS EXAMINATION</u> questions for this witness to answer.</p>	<p>4. We have been assigned to the <u>DEFENSE</u>. Our assigned witness is <u>CHARLIE MATHER</u>. This is a witness for the <u>DEFENSE</u>, therefore, we are writing <u>DIRECT EXAMINATION</u> questions for this witness to answer.</p>
<p>4. We have been assigned to the <u>PROSECUTION</u>. Our assigned witness is <u>ANDY CORMER</u>. This is a witness for the <u>DEFENSE</u>, therefore, we are writing <u>CROSS EXAMINATION</u> questions for this witness to answer.</p>	<p>5. We have been assigned to the <u>DEFENSE</u>. Our assigned witness is <u>ANDY CORMER</u>. This is a witness for the <u>DEFENSE</u>, therefore, we are writing <u>DIRECT EXAMINATION</u> questions for this witness to answer.</p>

