

ADMINISTRATION OF JUSTICE

Opening Activity

You be the Judge

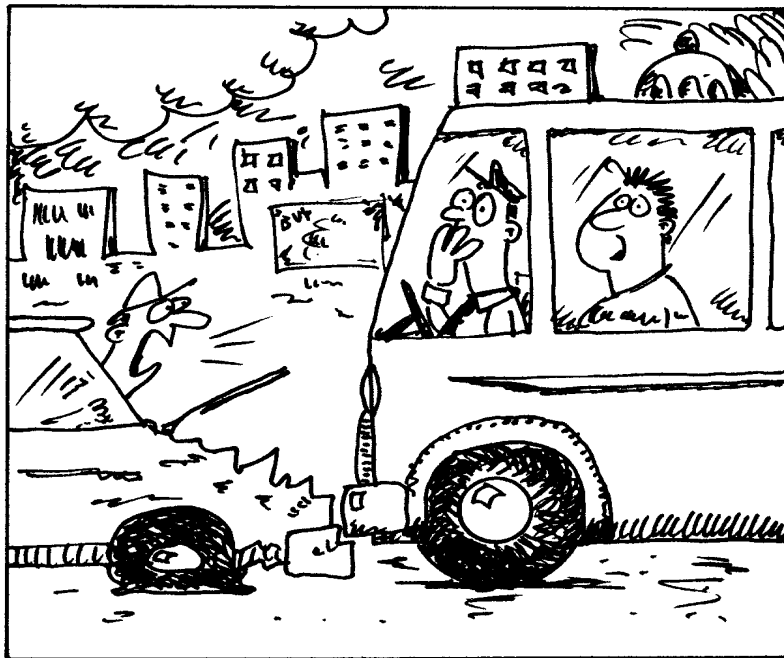
Name: _____ Period: _____ Row: _____ Date: _____

You be the Judge is a legal puzzle designed to exercise your mind and reasoning power. Read the facts of this real life court case. Then put your judgment against that of the real jury or trial judge.

=====

The law has always recognized immediacy as a sign of truth. It takes time and reflection to lie. Also, according to the law, it takes a shock of some momentous occasion to elicit a spontaneous utterance. The Federal Rule of Evidence (Rule 803) on this matter prefers to call such things "excited" utterances, and defines them as "*statements made to a startling event or condition while the declarant was under the stress of excitement caused by the event or condition.*"

22. Oops, I Didn't Mean What I Said!



The police officer who investigated a traffic collision involving a city bus and a mini-van was called to the witness stand by the prosecution. The officer stated that upon his arrival at the accident scene he contacted the driver of the bus first. The officer stated that before he was able to ask the driver for his version of the events leading to the collision, the bus driver quickly exclaimed, "just before the collision, I had no brakes and hit the other vehicle." The officer found the bus driver to be at fault in the collision in part based on his admission. The insurance company defense lawyer contends the statement made by the bus driver is inadmissible because the officer had not advised him of his 5th amendment rights concerning self-incrimination.

Is the statement admissible as evidence in the trial?

How do you think the case should have been decided?
