

Mock Trial

Chris Archer v. New Columbia

A college student is charged with first degree murder and criminal hazing after a prospective member of his fraternity falls to her death with a blood alcohol level of .10.

**Developed by the D.C. Street Law Clinic
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Statement of Stipulated Facts

All parties to this action do hereby agree and stipulate to the accuracy of the following facts:

On November 22, 1997, 18-year-old Milan Jackson died as a result of a 26-foot fall from the clock tower located in the student center of Columbus University. Her death occurred during a pledging activity sponsored by Phi Gamma (hereafter Gamma), the coed fraternity Milan was pledging at the time. Milan was a freshman at Columbus University, having graduated from Ida B. Wells High School in 1997.

Greek life plays a large role on the Columbus University campus. Gamma, in particular, is known for having members in high academic and social standing. Milan was eager to become a part of this organization, as had her aunt, Tanya Maddox, in 1986.

Pledging is the process fraternities use to select which freshmen they will accept into their group that year. In the Gamma fraternity, the last week of pledging is known as "Hell Week." During Hell Week, pledges are given various tasks by the fraternity's upper-classmen, which they must complete if they want to be considered for membership. The defendant, Chris Archer is the president of Gamma, and was in charge of planning Gamma's 1997 pledging activities.

On the last night of pledging, known as "Hell Night," all pledges of the Gamma fraternity were blindfolded while inside of the Gamma fraternity house. Then they were to be led, one at a time, outside of the fraternity house to perform one last task before they were informed who had made it into the fraternity and who had not. While Milan was outside and blindfolded, the defendant whispered something into her ear. Shortly thereafter, Milan grabbed the fraternity flag, ran to the student center and up to the clock tower. It was from the top of the clock tower that she fell.

At the time of her death, Milan's blood alcohol content was 0.10. The level of legal intoxication is 0.08.

Charges and Defense

The State of New Columbia charges Chris Archer with the following violations of the New Columbia Code:

- Count 1 - 1st degree murder in violation of §2-745
- Count 2 - Criminal hazing in violation of §4-1213

Chris Archer denies all charges, claiming that the death of Milan Jackson was accidental and solely the direct result of Ms. Jackson's own actions.

Witnesses To Appear Before the Court

For the State:

- * Pat Smith
- * Dr. Alex Richards
- * Tyler Johnson

For the Defense:

- * Chris Archer
- * Dean Jesse Thomas
- * Dr. Jordan Mitchell

Additional Stipulations

The parties have stipulated to the authenticity of the following items:

1. November 18th memorandum sent to the students of Columbus University and the note to Chris Archer written by Dean Thomas.
2. The "Alcohol Chart" submitted by Dr. Alex Richards. This chart is accepted as an official publication and is used nationwide by experts in alcohol abuse.

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on evidentiary issues.

Applicable Law

NEW COLUMBIA CRIMINAL CODE

§2-745: First Degree Murder

- a) First degree murder is the deliberate and premeditated unlawful killing of a human being. Premeditation means that the defendant actually reflected on the idea of killing, if only for a brief period.
- b) First degree murder is punishable by life imprisonment.
- c) There is no death penalty in New Columbia

§2-746: Second Degree Murder

- a) Second degree murder is the unlawful killing of a human being with malice aforethought. Malice aforethought may be expressed or implied. *
- b) Malice aforethought exists if the defendant has any of the following states of mind:
 - (I) Intent to kill (“express” malice)
 - (ii) Intent to inflict great bodily injury
 - (iii) Reckless indifference to an unjustifiably high risk to human life
 - (iv) Intent to commit a felony

*In the case of (ii), (iii), or (iv), the malice is “implied” (assumed)

- c) Second degree murder is punishable by a maximum period of imprisonment not less than 20 years and not to exceed a sentence of life.

§2-747: Involuntary Manslaughter

- a) Involuntary manslaughter is a killing which occurs as a result of an unreasonable failure to perceive the risk of harm to others, while engaging in conduct resulting in extreme danger to life or of serious bodily injury. This conduct is also known as criminal negligence.
- b) Involuntary manslaughter is punishable by a maximum of 20 years imprisonment.

§4-1213: Anti-Hazing/Gang Initiation Statute

- a) A person commits criminal hazing if:
 - (1) Serious physical injury or death results, or is likely to result, from an act or the direct influence of a gang or fraternity/sorority member during the initiation process.
 - (2) This charge may be brought in conjunction with any other violent crimes against a human being.

- b) Hazing is a class D misdemeanor and is punishable by fine of not less than ten dollars nor more than one hundred dollars, or imprisonment of not less than thirty days nor more than one year, or both, at the discretion of the court.

Criminal Rule 31 - Verdict

- a) CONVICTION OF A LESSER, INCLUDED OFFENSE. The defendant may be found guilty of an offense necessarily included in the offense charged. In a non-jury trial, the judge will make such a finding, without motion by either prosecution or defense.

CASE LAW

Richards v. New Columbia, 908 A.2d. 1096 (1995).

Summary of Facts: On appeal. John Richards, leader of a gang known as the “Nines” was convicted of 2nd degree murder under §2-745 and criminal hazing under the Anti-Hazing/Gang Initiation Statute. As part of a gang initiation ritual, Richards instructed potential gang members to lay on train tracks and count to ten after feeling the initial vibrations of an oncoming train. After drinking heavily, Mark Yoba, a young man being initiated into the gang, lay on the tracks. However, in his intoxicated state, Mr. Yoba did not start counting until the train was almost upon him. Mr Yoba did not react quickly enough to move himself from harm’s way and was consequently killed.

Holding: Although the behavior of Mr. Richards was hazardous, he should not be held responsible for Mr. Yoba’s death. In analyzing culpability for this tragedy, the court must examine the extent that outside pressure caused the victim to act in such a life-threatening manner. Lying on train tracks is an obviously dangerous activity. Despite his intoxication, there is no evidence that blood alcohol levels were high enough to completely impair Mr. Yoba’s judgment. Despite intense peer pressure, Mr. Yoba should have been aware of the risks of undertaking such an activity. The facts do not support conviction of 2nd degree murder.

Regarding criminal hazing, on the other hand, the activities that Mr. Richards selected for initiation put people at serious risk of injury or death. As leader of the Nines, Mr. Richards could have avoided this tragedy by not selecting such a dangerous activity. *Judgment of the trial court is affirmed on the charge of criminal hazing and reversed on the charge of 2nd degree murder.*

Nichols v. New Columbia, 908 A.2d. 1011 (1995)

Summary of Facts: On appeal. Deborah Nichols, president of the Alpha Delta Alpha sorority, was convicted of involuntary manslaughter under §4-1213 and criminal hazing under §4-1213 of the New Columbia Code. As part of an annual sorority drinking competition, pledges were told to compete against each other to see who could consume the greatest amount of beer. Tamara Wilcox, a freshman at Dreyfuss University, was a pledge at Alpha Delta Alpha sorority. As a pledge, Ms. Wilcox was required to engage in this drinking competition. The other members of the sorority, as dictated by Ms. Nichols, told the pledges to continue to drink, despite obvious signs of intoxication. Ms. Wilcox died of alcohol poisoning as a result of this hazing activity.

Holding: Although Ms. Wilcox could have chosen not to drink, it is quite clear that she was under a great deal of pressure to compete in the drinking contest. Under Ms. Nichols’ directive, members of the sorority continued that pressure despite the fact that Ms. Wilcox’s state of intoxication made her incapable of making rational choices. This activity was clearly

a dangerous one that put people at risk of serious injury and, in this case, death. Though Ms. Wilcox may not have intended to kill Ms. Nichols, she was fully aware of the potential dangers of such hazing activities. *Judgment of the trial court affirmed.*

Anderson v. New Columbia, 907 A.2d 410 (1993).

Holding: Past behavior or incidents involving the alleged victim or defendant are admissible when used to establish motive for murder or suicide.

Thomas v. Sylva, 908 A.2d 128 (1993)

Holding: In a case where the charge is first degree murder, lesser included offenses in the meaning of Criminal Rule 31 include second degree murder and involuntary manslaughter, where defendant introduces evidence of lack of deliberation, premeditation and malice.