[ms-0494.013.002.001]

3-10-92

PRACTICE FACT A

On Monday, October 7, 1991, A was eastbound on "A" Street and B was northbound on 9th Street and at approximately 10:20 p.m. said automobiles collided in the intersection of said streets.

The point of impact was the very center of the intersection. Each of said streets is one way and has three lanes for traffic and two parking lanes on either side. This intersection is controlled by traffic signals.

The accident was investigated by a San Diego police officer and each party, A and B respectively, stated that he had the green light.

As a result of the accident, A suffered bodily injury, accumulated doctor and medical bills, and both A's and B's cars were damaged; although B suffered no personal injuries.

The police officer who investigated the accident prepared and filed a report and recommended that a traffic violation be filed against B for running a red light. A criminal complaint has been filed, charging B with a felony.

There are two witness to the accident, X and Y.

At the time of the accident, A was driving a 1991 Ford, and B was driving a 1990 Chevrolet. Both A and B are law students at Western State, and they were in a hurry to get to their respective watering holes to meet their fellow classmates to summarize the night's lecture.

B told the officer at the scene that he had had several beers with one of his classmates at Alfonso's prior to reporting late to class at approximately 9:15 a.m. B also had the odor of alcohol on his breath at the time of the accident.

STATEMENT OF WITNESS X

X, a man approximately 6 feet tall, aged 32, had just been released from the county jail, some ten blocks from the intersection of Ninth and "A" Streets, San Diego, California, at approximately 10:10 p.m. X was an ex-con and had served time in prison for forgery, and his arrest this time was based on suspicion of robbery.

At approximately 10:20 p.m. on said date, X was eastbound on "A" Street, approaching 9th and walking on the north side of "A" Street. X looked up just at the time of the impact of the 1990 Chevrolet and the 1991 Ford which crashed in the center of the

intersection at Ninth and "A" Street.

X advised that the light was amber for traffic which was proceeding east on "A" Street. When asked if he noticed the light prior to impact, X answered, "no", but that he noticed the light after the impact.

STATEMENT OF WITNESS Y

Y is a stockbroker, employed at one of the local stock brokerage firms, and at approximately 10:00 p.m., he had left McDougal's located in the 1100 block of Fifth Street. Y is approximately 30 years of age, 6 ft. 1 in tall, married and living in La Jolla. He had worked late, after having dinner downtown and after leaving work at approximately 9:15 p.m.had stopped at McDougal's for a conference and a drink with two other members of his firm.

Y had two or three scotches and water from 9:15 p.m. until the time he left McDougal's. For dinner he had two martinis and four people had shared a large bottle of wine. He also had one after dinner drink of a liqueur, the name of which he does not remember, which was suggested by a friend.

Just prior to the accident where the 1990 Chevrolet and the 1991 Ford had impacted at the intersection of Ninth and "A" Streets, Y was southbound on Ninth on the wet side of the street approximately 15 feet from the north curb of "A" Street. His attention was called to the intersection by the crash, and, when he was asked about the light, stated that the light on the southwest corner of the intersection of Ninth and "A" Streets was green, and he remembers looking at the light after the impact. Y was on his way to his car, which was parked in the parking garage of Cabrillo Square located in the 1300 block of Tenth Street.

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PRACTICE FACT ~~SITUATION~~ A

On Monday, ~~March 3, 1980~~ October 7, 1991, A was eastbound on "A" Street and B was northbound on 9th Street and at approximately 10:20 p.m. said automobiles collided in the intersection of said streets.

The point of impact was the very center of the intersection. Each of said streets is one way and has three lanes for traffic and two parking lanes on either side. This intersection is controlled by traffic signals.

The accident was ~~investigated~~ by a San Diego police officer, and each party, A and B respectively, stated that he had the green light.

As a result of the accident, A suffered bodily injury, accumulated doctor and medical bills, and both A's and B's cars were damaged; although B suffered no personal injuries.

The police officer who investigated the accident prepared and filed a report and recommended that a traffic violation be filed against B for running a red light. A criminal complaint has been filed, charging B with a felony.

There are two witnesses to the accident, X and Y.

At the time of the accident, A was driving a ~~1974~~ 1991 Ford, and B was driving a ~~1976~~ 1990 Chevrolet. Both A and B are law students at Western State, and they were in a hurry to get to their respective watering holes to meet their fellow classmates to summarize the night's lecture.

B told the officer at the scene that he had had several beers with one of his classmates at ~~Wild Bill's~~ prior to reporting late to class at approximately 9:15 p.m. B also had the odor of alcohol on his breath at the time of the accident.

STATEMENT OF WITNESS X

X, a man approximately 6 feet tall, aged 32, had just been released from the County Jail, some ten blocks away from the intersection of Ninth and "A" Streets, San Diego, California, at approximately 10:10 p.m. X was an ex-con and had served time in prison for forgery, and his arrest this time was based on suspicion of robbery.

At approximately 10:20 p.m. on said date, X was eastbound on "A" Street, approaching 9th and walking on the north side of "A" Street. X looked up just at the time of the impact of the ~~1976~~ 1990 Chevrolet and the ~~1974~~ 1991 Ford which crashed in the center of the intersection at Ninth and "A" Streets.

X advised that the light was amber for traffic which was proceeding east on "A" Street. When asked if he noticed the light prior to impact, X answered, "No", but that he noticed the light after impact.

STATEMENT OF WITNESS Y

Y is a stockbroker, employed at one of the local stock brokerage firms, and, at approximately 10:00 p.m., he had left ~~the Annex Restaurant~~ McDonald's located in the 1300 block of Fifth Street. Y is approximately 30 years of age, 6 ft. 1 in. tall, married and living in La Jolla. He had worked late, after having dinner downtown and after leaving work at approximately 9:15 p.m., had stopped at the ~~Annex~~ McDonald's for a conference and a drink with two other members of his firm.

Y had had two or three scotches and water from 9:15 p.m. until the time he left the ~~Annex~~ McDonald's. For dinner he had two martinis and four people had shared a large bottle of wine. He also had one after-dinner drink of a liqueur, the name of which he does not remember, which was suggested by a friend.

Just prior to the accident where the ~~1976~~ 1990 Chevrolet and the ~~1974~~ 1991 Ford had impacted at the intersection of Ninth and "A" Streets, Y was southbound on Ninth on the west side of the street approximately 15 feet from the north curb of "A" Street. His attention was called to the intersection by the crash, and, when he was asked about the light, stated that the light on the southwest corner of the intersection of Ninth and "A" Streets was green, and he remembers looking at the light after the impact. Y was on the way to his car, which was parked in the parking garage of Cabrillo Square located in the ~~1300~~ 1300 block of Tenth Street.