

Mr. Hayes's 8th Grade History
Unit 3: Debate

The Case of the Squashed Scooter

WARRANT: If the driver of a car accidentally damages another vehicle that is **improperly** parked, the driver is not responsible for any damage.

OVERVIEW: While Archy Leaf, the **plaintiff**, was shopping at Cherry Hill Mall, his motor scooter was run over by a car driven by Butch Brando, the **defendant**. Mr. Leaf claims that Mr. Brando purposely ran over the scooter to get even with him. Butch Brando says that he is not responsible for the accident and will not pay for the damages.

Archy Leaf has given the following **testimony**:

"It was Saturday afternoon, July 24. I rode my motor scooter over to Cherry Hill Mall and parked in an empty parking space. I stopped in at the Card Shoppe for a birthday card for my girl friend. Then I went into Rush Records. My favorite group, Engine Summer, had a new CD out, and I wanted to see if the store had it.

"I remember passing my motor scooter on the way to Rush Records. It was parked upright."

Leaf was in the record store for about five minutes when he heard a loud crunch and ran outside. To his horror, he saw his scooter lying crushed under the wheels of Butch Brando's car. Several shoppers gathered around the accident scene, but there were no eyewitnesses.

Exhibit A is a map of Cherry Hill Mall with the path Archy Leaf took from the card store to the record shop.

Exhibit B is a photograph of the accident scene. You will note the scooter's tangled wreckage under the car.

Archy Leaf continued with his testimony:

"My scooter was properly parked, I'm sure of that. But more important, this was no accident, I can tell you. Butch Brando was out to get me. He's been mad at me for the past two weeks. We both have summer jobs working at Burger Palace. Butch has been coming back from lunch later and later every day, and I finally had to tell the boss. There's too much work for me to handle all by myself.

"The day after I spoke with the boss, Butch came up to me in the parking lot. 'You won't get away with this,' he said. 'I'll get even no matter what. Just wait and see. You'll be shaking like a leaf, Leaf, before I'm through with you.' I'm sure Butch Brando ran over my scooter on purpose."

Mr. Leaf seeks payment for damages of \$280.00.

Butch Brando has presented a very different version of what happened. I will now read from his testimony. First the question from his attorney and then Mr. Brando's answer:

Q: Where were you on the afternoon of Saturday, July 24?

A: I was driving around in my car. I love my car. There's no way I would ever do anything that might put a dent in it.

Q: When you drove into the mall, what did you see?

A: The parking lot was crowded with cars. There were a few motorcycles and scooters parked, but I didn't see Archy's scooter anywhere, if that's what you mean. I finally found a narrow parking space between a van and another car. The van was hogging part of the space.

Q: Did you see a motor scooter in that space?

A: I certainly did not. At least not from my view behind the wheel. The front of my car sticks out pretty far.

Q: Then what happened?

A: I drove slowly into the space. All of a sudden I heard something crunch under the wheels of my car. I immediately put on the brakes.

Q: How long have you known Archy Leaf?

A: Archy and I are old friends. We used to be in Mrs. Kowalski's class back in grade school. He's kind of a nervous little guy, you know what I mean? So I like to tease him, but he knows I'm only kidding. I'd never do anything to hurt him.

Mr. Brando further stated that when he drove his car into the parking space he saw two young boys running away from the scene. He suggests that if the scooter was not carelessly parked flat on the ground by Leaf himself, then the boys may have knocked it down.

Witnesses have stated that there were vandals at the mall at the time, spraying shaving cream across the windows of several cars. Brando offers as proof **Exhibit C**, which is a police complaint by a shopper whose window was sprayed by vandals around the time of this accident.

Butch Brando says that the scooter was lying flat on the parking space ground. Since it was parked improperly he was unable to see it. Mr. Brando requests the charges against him be dismissed because the accident was due to Leaf's own carelessness.

You have just heard the Case of the Squashed Scooter. You must decide the merit of Mr. Leaf's **claim**. Be sure to carefully examine the evidence in Exhibits A, B, and C.

Did Butch Brando knowingly drive his car over Archy Leaf's motor scooter? Or was it an accident?

EXHIBIT A

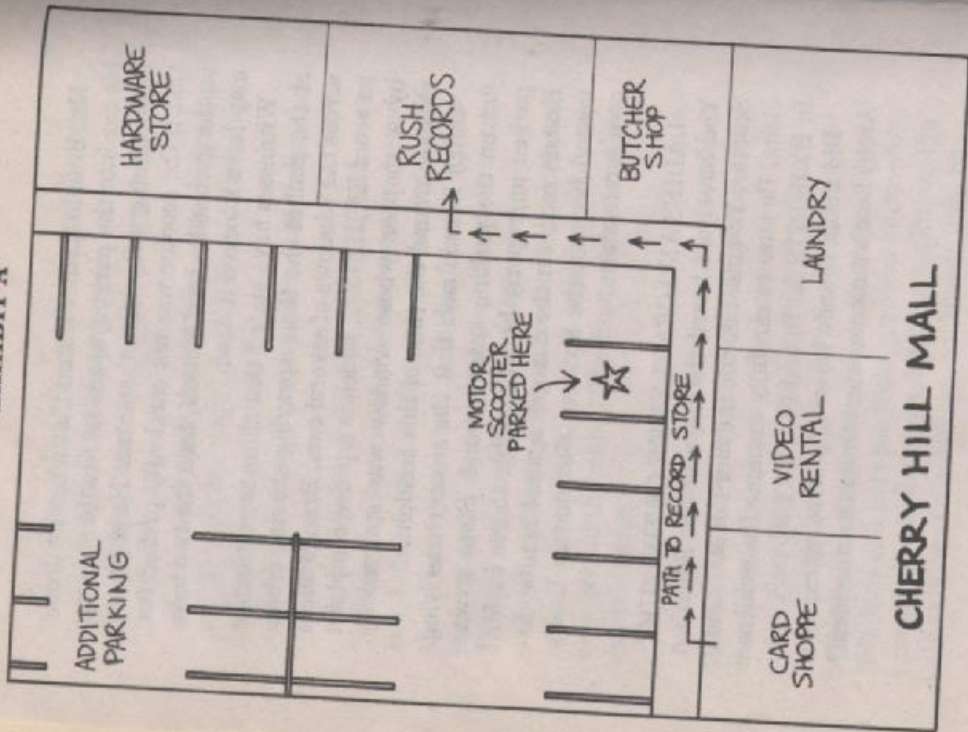


EXHIBIT B

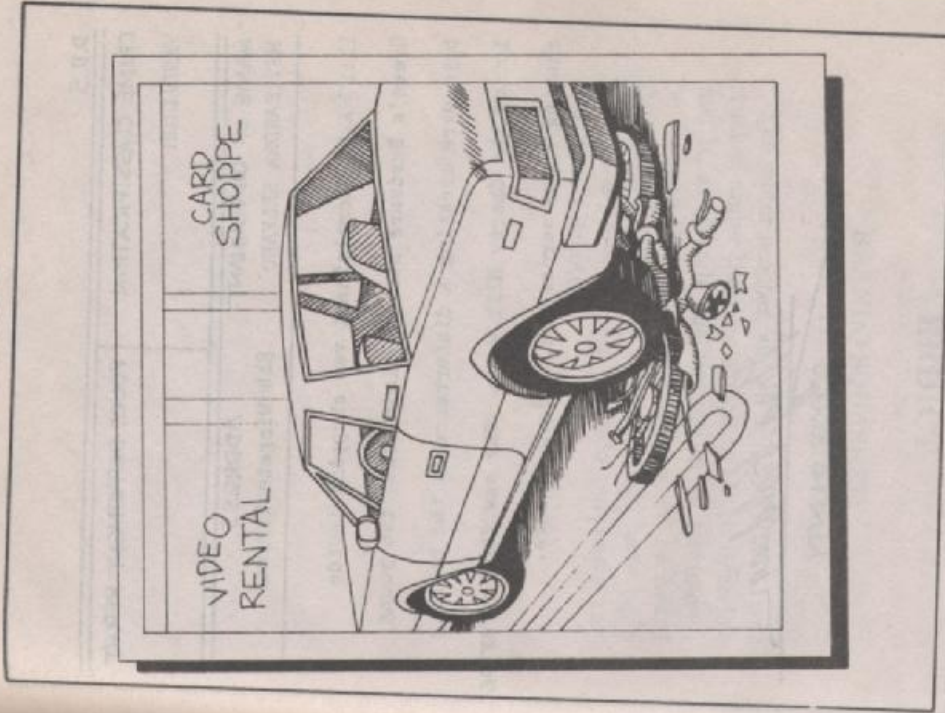


EXHIBIT C

D.D.5

CRIME CLASSIFICATION

VANDALISM

POLICE DEPARTMENT REPORT

NAME OF COMPLAINANT

MS. SANDRA HELFANO

ADDRESS

844 Wingate Terrace

11:17 A.M. Complainant was shopping inside Green's Hardware Store. Claims that two young boys were creating a disturbance in the parking lot of the Cherry Hill Mall. She saw them spraying shaving cream across the windows of cars.

Greg Baldwin

OFFICER ON DUTY