

IN THE ALABAMA YOUTH IN GOVERNMENT SUPREME COURT

CASE NUMBER: 100000

JESSE HILL, M.D.,

Appellant,

v.

STATE OF ALABAMA,

Appellee.

ON APPEAL FROM THE CIRCUIT COURT OF CHAPEL COUNTY, ALABAMA

STATEMENT OF THE CASE AND FACTS

Jesse Hill, M.D. was indicted for manslaughter for striking Paris LaQuinta in a reckless manner.

Dr. Hill is a first year resident physician at County General Hospital working primarily in the trauma department. Paris LaQuinta was a college student. On the night of Saturday, May 27, 2006, Dr. Hill's Guzzler (a large sport utility vehicle) and LaQuinta's classic, restored Corvette collided on Country Road at approximately 11:45 pm. There were two passengers in the Corvette: LaQuinta and Casey Commodore, also a college student and a

friend of LaQuinta. It is disputed whether LaQuinta or Commodore was driving at the time of the accident.

At the trial, the State's principal witness was Officer Morgan Greenwood, who arrived on the scene shortly after the accident and before emergency personnel. Officer Greenwood testified that he arrived within four minutes of the initial dispatch, and that when he arrived, he observed Dr. Hill's Guzzler on the shoulder of the road facing south. The Guzzler had moderate damage to the front left quadrant. Dr. Hill's airbag had deployed. The radio in the Guzzler was blaring loudly and there was a half-empty bottle of Red Devil (an energy drink) in the cup holder. He saw empty bottles of NO-DOZ® scattered about the passenger compartment of the vehicle.

Officer Greenwood testified that he observed Dr. Hill rendering first aid to Casey Commodore, who was lying on the east side of Country Road, down an embankment near the Corvette. The doors of the Corvette were open and there was smoke billowing from the car. After emergency services arrived, it was determined that a second victim - LaQuinta

- had been located. LaQuinta was gravely injured and was pronounced dead at the hospital.

Based on his review of the accident scene, Officer Greenwood opined that the Corvette had rolled a few times as it left the road. The Corvette had front end damage with blue paint transfer on it. The front windshield of the Corvette had "spidered," consistent with a rolling accident. The driver and passenger were ejected from the vehicle through the doors. Greenwood testified that he found glass scattered near the edge of the northbound lane, consistent with the broken windows observed on the Corvette. There were faint skid marks in the northbound and southbound lanes. The northbound lane skid marks were not long, consistent with a driver suddenly stopping. The skid marks in the southbound lane were more consistent with swerving. Officer Greenwood concluded that LaQuinta had been the passenger in the Corvette, and that Dr. Hill had caused the accident by falling asleep at the wheel.

Officer Greenwood testified that he heard Dr. Hill muttering to herself about how she should have stayed at the hospital to sleep. Her eyes were bloodshot and ringed

with dark circles. Officer Greenwood testified that Dr. Hill admitted to having worked over 48 hours straight. Officer Greenwood said that Dr. Hill told him she did not remember seeing the Corvette until it was right in front of her and that all she remembered was hearing a horn and then saw the Corvette swerve into her lane. Based on his investigation at the scene, Officer Greenwood issued Dr. Hill a reckless driving ticket.

Once the State finished presenting its case, the defense opened its case by calling Dr. Hill to the stand. Dr. Hill testified that she was driving home to get rest before her next shift. She admitted that she had the windows down and was listening to the radio. Dr. Hill testified that as she was driving home she received a phone call from the hospital telling her to return to the hospital "stat." Hill did a U-turn and headed back toward the hospital. Dr. Hill testified that she did not know if she was speeding because she was trying to make it back to the hospital as fast as possible. She testified that she was going as quickly as possible, but that she was not driving recklessly.

When Dr. Hill testified that she was not driving recklessly, the State objected, arguing that since Dr. Hill had paid the reckless driving ticket rather than challenging it, Dr. Hill had admitted that she was driving recklessly. Thus, the State argued, Dr. Hill should not now be able to testify that she was not driving recklessly at the time of the accident. Dr. Hill's lawyer argued that the fact that Dr. Hill paid the ticket was not conclusive proof that Dr. Hill was driving recklessly, and that Dr. Hill should be able to testify regarding the nature of her driving at the time of the accident. The judge sustained the State's objection and refused to allow Dr. Hill to testify regarding how she was driving.

Not permitted to proceed further with Dr. Hill's testimony, Dr. Hill's attorney then called Crash Craddock to the stand to testify regarding his expert opinion about how the accident occurred. Craddock was prepared to testify that based on his review of the evidence gathered at the scene of the accident, LaQuinta (whose autopsy revealed that she had a blood alcohol level of .13) had been the person driving the Corvette at the time of the accident. Craddock would have testified that the lighter

Corvette veered into the heavier Guzzler, bouncing off of the Guzzler and leaving the road.

When Craddock began to offer this opinion, however, the State again objected, arguing that since the Court had already found that Dr. Hill's paying of the reckless driving ticket was conclusive evidence that she was driving recklessly at the time of the accident, Dr. Hill could not put on an expert witness to try and prove that she did not cause the accident.

Dr. Hill's lawyer argued that even if the Court concluded that Dr. Hill's payment of the ticket was conclusive evidence that she was driving recklessly that night, in no way did the payment of the ticket provide conclusive proof that Dr. Hill's reckless driving actually caused the accident.

The judge said that Dr. Hill's argument was unreasonable, especially given the fact that Officer Greenwood had testified that LaQuinta was the passenger in the Corvette, not the driver. The judge sustained the prosecution's objection, and refused to allow Crash

Craddock to testify regarding his expert opinion of who caused the collision.

With no other options left, Dr. Hill rested her case. The jury found Dr. Hill guilty of manslaughter. Dr. Hill now appeals her conviction.

STATEMENT OF THE ISSUES

- I. Did the Circuit Court err in preventing Hill from introducing evidence that she was not driving recklessly on the night of the accident?
- II. Did the Circuit Court err in refusing to permit Hill's expert witness Crash Craddock to testify that Hill did not cause the accident?

LEGAL AUTHORITIES

"A person commits the crime of manslaughter if: (1) [h]e recklessly causes the death of another person." Ala. Code § 13A-6-3(a)(1).

"A person acts recklessly with respect to a result or to a circumstance described by a statute defining an offense when he is aware of and consciously disregards a

substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of conduct that a reasonable person would observe in the situation." Ala. Code § 13A-2-2(3).

In Eubanks v. Waldron, the court said:

We have consistently held inadmissible evidence of any traffic court initiation or disposition of a case against the parties to a collision unless the party has entered a guilty plea in traffic court, thereby admitting liability. And payment of a traffic fine is not, by itself, an admission of guilt. We recognize that, under § 40-13-58, "where a defendant cited for a traffic violation posts a cash bond . . . and fails to appear in court. . . on the day set in the original citation, such failure shall be construed as an admission of guilt and the cash bond may be forfeited." That admission constitutes a prima

facie showing of negligence and is conclusive if not rebutted.

263 Ga. App. 75 (2003).

APPELLANT'S ARGUMENT

Counsel for Appellant Dr. Hill will argue that Dr. Hill's payment of the reckless driving ticket was not conclusive proof that Dr. Hill was driving recklessly at the time of the accident. If anything, this fact was just prima facie evidence of reckless driving, and Dr. Hill should have been able to put on evidence to contradict that conclusion. In any case, even if Dr. Hill was conclusively presumed to have been driving recklessly at the time of the accident, her reckless driving did not necessarily cause the accident. Recklessness is one element of the crime of manslaughter. Causation of the death is a separate element of the crime of manslaughter. Dr. Hill was entitled to present evidence that she did not cause LaQuinta's death.

APPELLEE'S ARGUMENT

Counsel for Appellee State of Alabama will argue that Dr. Hill had the opportunity to contest the fact that she

was driving recklessly at the time of the collision, and when she paid the ticket she made the conscious decision not to do so. Rather, Dr. Hill paid the ticket. Thus, Dr. Hill admitted that she was driving recklessly at the time of the collision. Also, the trial judge correctly concluded that Crash Craddock's testimony was inadmissible. If Dr. Hill was driving recklessly at the time of the collision and LaQuinta was a passenger in the other vehicle, then obviously Dr. Hill was the cause of the collision.