



ILLINOIS STATE
BAR ASSOCIATION

Illinois State Bar Association
424 South Second Street, Springfield, IL 62701
800.252.8908 217.525.1760 Fax: 217.525.0712

Illinois State Bar Association High School Mock Trial Invitational

2020 Mock Trial Case

Dakota Young

v.

Riley Miller

None of the characters in this case are real. Any similarity between these characters and living people is coincidental and unintentional.

This problem is based on a problem prepared by the Tennessee Bar Association and is used with its generous permission. Any requests for use of this problem must be directed to the Tennessee Bar Association, in addition to the Illinois State Bar Association.

Special thanks to ISBA staff personnel, the members and associate members of the ISBA's Standing Committee on Law-Related Education for the Public, the Mock Trial Coordinator, Katy Karayannis, and Deputy Coordinator, Kelsey Chetosky for their assistance in preparing the problem.

© Copyright 2019 Illinois State Bar Association

AVAILABLE WITNESSES

Prosecution Witnesses	Defense Witnesses
Dakota Young, Plaintiff Quinn Simpson Peyton Lancaster	Riley Miller, Defendant Alex Williams Officer Addison Knight

CASE DOCUMENTS

Legal Documents

1. Complaint and Answer
2. Relevant Statutes
3. Stipulations
4. Available Case Law
5. Jury Instructions

Exhibits

1. Text messages between Taylor and Riley Miller
2. Instagram Message from Riley Miller
3. SnapChat from Dakota Young
4. LakeCom 911 Transcript
5. Certified Copy of Conviction
6. Traffic Crash Report and Diagram
7. Map of Area of Crash
8. Lincoln County Chronicle Article

Statement of the Case

On the morning of March 23, 2019, three teenagers left a party and drove southbound on Waveland Avenue. Suddenly the driver, Defendant Riley Miller, lost control of the car and drove off of the side of the road, striking a tow truck that was parked on the right side of the road with its amber lights flashing while assisting a stalled car. Plaintiff, Dakota Young, was injured and has sued Defendant Riley Miller for several claims arising out of Riley's driving that night.

The ISBA LRE Mock Trial Subcommittee, the Mock Trial Coordinator, and everyone who participated in drafting this problem hopes that this Mock Trial case raises awareness about the dangers of distracted driving to all of the students, coaches, and parents who participate in any way in our program this year. Specifically we hope that this problem raises awareness on the Illinois laws on texting and driving, and Scott's Law, which is also commonly referred to as the slow down and/or move over law.

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

DAKOTA YOUNG,)	
Plaintiff,)	
)	
v.)	Case No. 19 L 18071
)	
RILEY MILLER,)	JURY TRIAL DEMANDED
Defendant.)	

COMPLAINT

Plaintiff Dakota Young, by and through counsel, and for Plaintiff's Complaint against Defendant Riley Miller states as follows:

PARTIES

1. Plaintiff Dakota Young is an adult resident of the City of Lakeside, Lincoln County, Illinois.
2. Defendant Riley Miller is an adult resident of the City of Lincolnville, Lincoln County, Illinois.

JURISDICTION AND VENUE

3. This is an action predicated upon negligence and negligence per se.
4. This Court has subject matter of this action and personal jurisdiction over the Defendant Riley Miller.
5. Venue of this action in this judicial district is proper as Defendant Riley Miller is a resident of Lincoln County and the acts that form the basis for this Complaint occurred in Lincoln County.

FACTS

6. Early in the morning of March 23, 2019, Plaintiff Dakota Young was a passenger in a 2017 Chevy Cruze driven by Defendant Riley Miller.
7. The Chevy Cruze traveled southbound on Waveland Avenue, a four-lane highway, between approximately 1:00 a.m. and 1:30 a.m. on March 23, 2019. At that time, the roadway was slippery from ice and/or melted snow.
8. As Defendant Riley Miller crossed Pitts Avenue, there was visible to Defendant Miller a stopped tow truck on the right side of the road with its amber oscillating lights (warning

lights) activated. The tow truck was sitting off the right side of the Waveland roadway behind a stalled vehicle that the tow truck was assisting.

9. Defendant Riley Miller negligently drove into the stopped tow truck when its warning lights were activated, causing Plaintiff to be injured.

10. Just prior to and at the time that Defendant Riley Miller drove into the stopped tow truck, Defendant Riley Miller was text messaging while driving.

11. In or about the early morning hours of March 23, 2019, Defendant Riley entered his car and began driving, Defendant Riley Miller had been at a party where Defendant Riley Miller had been drinking alcohol.

12. Just prior to and at the time Defendant Riley Miller approached the location of the tow truck, Defendant Riley Miller failed to move over or slow down.

13. Plaintiff Dakota Young was taken to Lakeside Medical Center for evaluation and treatment of serious injuries to Plaintiff's right leg, ankle, and back. Plaintiff suffered less severe injuries to the right arm and hand.

14. The physical injuries suffered by Plaintiff Dakota Young were severe and debilitating and were a direct and proximate result of the accident.

15. Plaintiff Dakota Young's damages include, but are not limited to, physical injuries, pain and suffering, future earnings, economic injuries, medical expenses, future impairment, future pain and suffering, and mental and emotional distress.

COUNT 1 **Negligence Per Se**

16. Plaintiff Dakota Young hereby incorporates by reference paragraphs 1 through 15 of Plaintiff's Complaint as and for paragraph 16 of Plaintiff's Complaint as though fully set forth herein.

17. There was in force and effect at the time of the accident Section 12-610.2(b) of the Illinois Vehicle Code that prohibited a driver operating a motor vehicle while using an electronic device.

18. Defendant Riley Miller violated 625 ILCS 5/12-610.2(b) by operating a motor vehicle while using an electronic device as described in this Complaint.

19. At the time that Defendant Riley Miller was driving down Waveland Avenue as alleged, there was in force and effect a law, known commonly as Scott's Law, being Section 11-907(c) of the Illinois Vehicle Code, that required drivers to slow down or move over one lane, if possible, when approaching a stopped emergency vehicle, or any vehicle with flashing lights.

20. Defendant Riley Miller violated 625 ILCS 5/11-907(c) by failing to move over and/or slow down when approaching an emergency vehicle when it's warning lights were activated as described in this complaint.

21. At the time that Defendant Riley Miller was driving down Waveland Avenue as alleged, there was in force and effect Section 11-601(a) of the Illinois Vehicle Code that required driverd to operate his or her vehicle with due care.

22. Defendant Riley Miller violated 625 ILCS 5/11-601(a) by failing to operate Defendant's vehicle at a reasonable speed under the traffic, roadway, and weather conditions at the time in question.

23. Defendant Riley Miller's violations of any and all of these three statutes constituted negligence *per se*.

24. Each of the violations alleged in paragraphs 18 and 20 above were the actual and proximate cause of Plaintiff's damages.

COUNT 2

General Negligence

25. Plaintiff Dakota Young hereby incorporates by reference paragraphs 1 through 15 of Plaintiff's Complaint as and for paragraph 25 of Plaintiff's Complaint as though fully set forth herein.

26. Defendant Riley Miller owed Plaintiff Dakota Young a duty of care to operate Defendant's motor vehicle in a reasonably prudent manner.

27. Defendant Riley Miller breached Defendant's duty to Plaintiff Dakota Young by failing to exercise reasonable care under the circumstances and by failing to operate Defendant's motor vehicle in a reasonably prudent manner.

28. Defendant Riley Miller breached Defendant's duty to Plaintiff Dakota Young in one or more of the following ways:

- A. By failing to operate Defendant's vehicle at a reasonable rate of speed in light of the existing traffic, road, visibility, and weather conditions;
- B. By failing to move over and/or slow down, failing to pay proper attention by text messaging while driving, and by driving carelessly;
- C. By failing to avoid a collision with the tow truck when in the exercise of reasonable care Defendant Riley Miller could have done so;

D. By operating Defendant's motor vehicle with disregard for the safety of the Plaintiff Dakota Young.

29. Each of the breaches of duty alleged in paragraphs 28 above and all of these breaches collectively were the actual and proximate cause of Plaintiff's damages.

WHEREFORE the Plaintiff Dakota Young respectfully requests:

1. That this Court enter a judgment for Plaintiff Dakota Young and against Defendant Riley Miller for compensatory damages in an amount in excess of \$50,000, including but not limited to:

- a. Past and future medical expenses;
- b. Past and future pain and suffering;
- c. Past and future economic damages;
- d. Permanent impairment;
- e. Emotional distress;
- f. Loss of enjoyment of life; and
- g. Other general and special damages.

2. That this Court award Plaintiff Dakota Young such further relief to which Plaintiff Dakota Young is entitled.

Respectfully submitted,

Hailey Jackson
Attorney for the Plaintiff

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

DAKOTA YOUNG,
Plaintiff,

v.

RILEY MILLER,
Defendant.

)
)
)
)
)
)
)

Case No. 19 L 18071

PLAINTIFF'S RULE 222 AFFIDAVIT

The undersigned, being first duly sworn upon his oath, deposes and says:

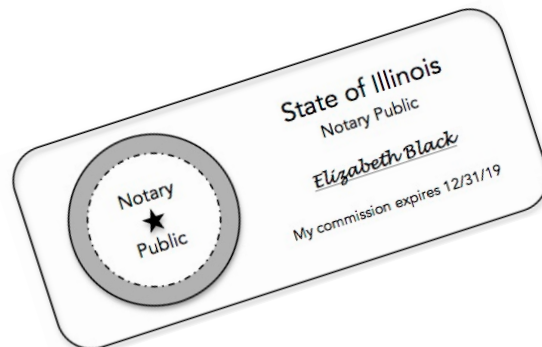
1. I am an adult resident of Lincoln County, Illinois, and under no legal disability.
2. I am the attorney for the Plaintiff in the above-captioned lawsuit.
3. That the total money damages sought by Plaintiff in the above-captioned lawsuit, exclusive of attorneys' fees, interest and costs, exceeds \$50,000.00.

Further Affiant sayeth naught.

Hailey Jackson
Attorney for the Plaintiff

Signed and sworn before me on
November 1, 2019.

Elizabeth Black



IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

DAKOTA YOUNG,)	
Plaintiff,)	
)	
v.)	Case No. 19 L 18071
)	
RILEY MILLER,)	JURY TRIAL DEMANDED
Defendant.)	

DEFENDANT'S ANSWER AND AFFIRMATIVE DEFENSES

Defendant Riley Miller, by and through undersigned counsel, and for Defendant's Answer and Affirmative Defenses to the Complaint filed by Plaintiff Dakota Young states as follows:

ANSWER

1. Admitted.
2. Admitted.
3. This paragraph is an allegation of law and not of fact to which no answer is required.
4. This paragraph is an allegation of law and not of fact to which no answer is required.
5. This paragraph is an allegation of law and not of fact to which no answer is required.
6. Admitted.
7. Admitted.
8. Admitted.
9. Denied.
10. Denied.
11. Admitted that Defendant had been at a party. Denied that Defendant had been drinking alcohol at the party.
12. Denied.

13. Defendant lacks knowledge of the matter sufficient to form a belief as to admit or deny the allegations contained in paragraph 13.

14. Defendant lacks knowledge of the matter sufficient to form a belief as to admit or deny the allegations contained in paragraph 14.

15. Defendant lacks knowledge of the matter sufficient to form a belief as to admit or deny the allegations contained in contained in paragraph 15.

16. Defendant hereby incorporates by reference paragraphs 1 through 15 of Defendant's Answer to Plaintiff's Complaint as and for paragraph 16 of Defendant's Answer to Plaintiff's Complaint as though fully set forth herein.

17. This paragraph is an allegation of law and not of fact to which no answer is required.

18. Denied.

19. This paragraph is an allegation of law and not of fact to which no answer is required.

20. Denied.

21. This paragraph is an allegation of law and not of fact to which no answer is required.

22. Denied.

23. Denied.

24. Denied.

25. Defendant hereby incorporates by reference paragraphs 1 through 15 of Defendant's Answer to Plaintiff's Complaint as and for paragraph 25 of Defendant's Answer to Plaintiff's Complaint as though fully set forth herein.

26. Admit.

27. Denied.

28. Denied and Deny paragraphs (A) through (D) of this paragraph 28.

29. Denied.

WHEREFORE, Defendant Riley Miller prays that this Court enter judgment in Defendant's favor on Count II of Plaintiff's Complaint, award nothing to Plaintiff Dakota

Young, and award Defendant Riley Miller the costs of this action incurred by Defendant and grant Defendant such further relief as this Court finds warranted by the record of the case.

AFFIRMATIVE DEFENSES

1. The alleged accident and any resulting injuries and damages sustained by Plaintiff Dakota Young resulted from one or more independent, intervening, and/or superseding causes or acts, over which Defendant Riley Miller had neither control nor the right to control and for which it is not liable, namely (a) that Plaintiff Dakota Young failed to use the seat safety belt that was in the car, and/or (b) by Act of God there was ice on the roadway surface and/or the roadway surface was wet so as to make it slippery.

2. In the alternative, Defendant Riley Miller asserts that the Plaintiff Dakota Young was guilty of comparative fault in failing to exercise reasonable caution for Plaintiff's own safety and by assuming the risk of the potential for the alleged incident to occur in one or more of the following respects: (a) that Plaintiff Dakota Young failed to use the seat safety belt that was in the car that Plaintiff was required by law to use; and/or (b) Plaintiff Dakota Young voluntarily became a passenger in and entered Defendant's car, believing that Defendant Riley Miller had consumed alcohol shortly before Plaintiff Dakota Young entered Defendant's car; and/or (c) Plaintiff Dakota Young voluntarily became a passenger in Defendant's car and allowed Defendant Riley Miller to drive that car notwithstanding that Plaintiff Dakota Young believed that Defendant Riley Miller had consumed alcohol shortly before Plaintiff Dakota Young entered Defendant's car. Plaintiff Dakota Young's fault was the proximate cause of the alleged accident and any resulting injuries and damages sustained by Plaintiff Dakota Young. If Plaintiff Dakota Young's fault is determined to be fifty percent (50%) or more, then Plaintiff Dakota Young is barred from any recovery. If Plaintiff Dakota Young's fault is determined to be less than fifty percent (50%), then any award to Plaintiff Dakota Young must be reduced accordingly.

WHEREFORE, Defendant Riley Miller prays that this Court enter judgment in Defendant's favor on each of Defendant's Affirmative Defenses to Plaintiff's Complaint, award nothing to Plaintiff Dakota Young, and award Defendant Riley Miller the costs of this action incurred by Defendant Riley Miller and grant Defendant Riley Miller such further relief as this Court finds warranted by the record of the case.

Respectfully submitted,

Andrew Mitchell

Attorneys for Defendant

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

DAKOTA YOUNG,)	
Plaintiff,)	
)	
v.)	Case No. 19 L 18071
)	
RILEY MILLER,)	
Defendant.)	

AFFIDAVIT

Riley Miller, being first duly sworn upon his/her oath states as follows:

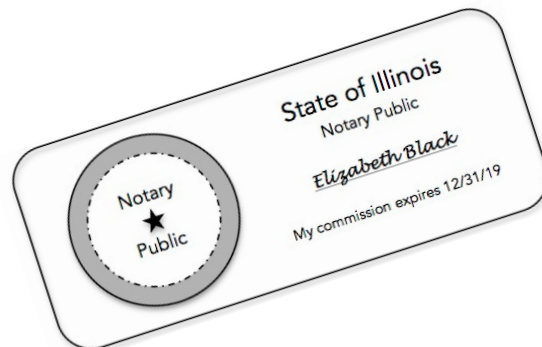
1. Riley Miller is an adult resident of Lincoln County, State of Illinois, and under no legal disabilities.
2. Riley Miller is the Defendant named in Plaintiff's Complaint.
3. Riley Miller has read the foregoing Answer he/she is making to Plaintiff's Complaint and states that as to those paragraphs of the Answer in which Riley Miller states that he/she lacks knowledge of the matter sufficient to form a belief as to admit or deny the allegations contained in those paragraphs, said statements of lack of knowledge are true.

Further Affiant sayeth not.

Riley Miller

Signed and sworn before me on
November 1, 2019.

Elizabeth Black



IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

DAKOTA YOUNG,)	
Plaintiff,)	
)	
v.)	Case No. 19 L 18071
)	
RILEY MILLER,)	
Defendant.)	

**PLAINTIFF'S ANSWER TO
DEFENDANT'S AFFIRMATIVE DEFENSES**

Plaintiff Dakota Young, by and through counsel, and for Plaintiff's Answer to Defendant Riley Miller's Affirmative Defenses, states as follows:

1. Plaintiff Dakota Young Denies that Plaintiff's injuries resulted from independent, intervening, and/or superseding causes or acts of any kind, and Plaintiff Dakota Young Denies that any such cause or act was not within Defendant Riley Miller's control or right to control.

2. Plaintiff Dakota Young Denies that Plaintiff Dakota Young was guilty of any comparative fault or that Plaintiff failed to exercise reasonable caution for Plaintiff's own safety or that Plaintiff Dakota Young assumed any risk of the potential for the alleged incident to occur.

WHEREFORE, Plaintiff prays that this Court find that none of Defendant Riley Miller's Affirmative Defenses are proven, find that Plaintiff Dakota Young is entitled to the relief prayed for in Plaintiff's Complaint, and that Plaintiff Dakota Young be awarded such further relief as the Court finds warranted by the record in this case.

Respectfully submitted,

Hailey Jackson
Attorney for the Plaintiff

JURY INSTRUCTIONS

The Issues In This Case

The Plaintiff claims that Plaintiff was injured and sustained damage, and that the defendant was negligent in one or more of the following respects:

- A. Defendant failed to operate Defendant's vehicle at a reasonable rate of speed in light of the existing traffic, road, visibility, and weather conditions;
- B. Defendant failed to move over and/or slow down, failing to pay proper attention by text messaging while driving, and by driving carelessly;
- C. Defendant failed to avoid a collision with the tow truck when in the exercise of reasonable care Defendant Riley Miller could have done so;
- D. Defendant operated a motor vehicle while reading, writing, or sending electronic text messages.
- E. Defendant failed to move over and/or slow down when approaching an emergency vehicle when its warning lights were activated.
- F. Defendant failed to operate Defendant's vehicle at a reasonable speed under the traffic, roadway, and weather conditions at the time in question.

The Plaintiff further claims that one or more of the foregoing was a proximate cause of Plaintiff's injuries.

The Defendant denies doing any of the things claimed by the Plaintiff, denies that Defendant was negligent in doing any of the things claimed by the Plaintiff, and denies that any claimed act or omission on the part of the defendant was a proximate cause of the Plaintiff's claimed injuries.

The Defendant claims that the Plaintiff was contributorily negligent in one or more of the following respects:

- A. Plaintiff failed to use the seat safety belt that was in the car.
- B. Plaintiff voluntarily became a passenger in Defendant's car at a time when Plaintiff believed that Defendant had consumed alcohol.
- C. Plaintiff voluntarily allowed Defendant to operate Defendant's car at a time when Plaintiff believed that Defendant had consumed alcohol.

The Defendant further claims that one or more of the foregoing was the sole proximate cause of the Plaintiff's injuries.

The Plaintiff denies doing any of the things claimed by Defendant, denies that Plaintiff was negligent in doing any of the things claimed by Defendant, and denies that any claimed act or omission on his part was a proximate cause of Plaintiff's claimed injuries.

The Defendant also asserts the following affirmative defenses:

- A. Plaintiff's failure to use the seat safety belt in the car was an independent, intervening, and/or superseding cause of Plaintiff's injuries over which Defendant had no control.
- B. By reason of an Act of God there was ice on the roadway surface and/or the roadway surface was wet so as to make it slippery and that these road conditions were an independent, intervening, and/or superseding cause of Plaintiff's injuries over which Defendant had no control.

The Plaintiff denies that Plaintiff was negligent in any manner or respect as alleged by Defendant. Plaintiff further denies that the condition of the roadway was an independent, intervening, or superseding cause that excused Defendant's negligence.

The Defendant further denies that the Plaintiff was injured to the extent claimed.

JURY INSTRUCTIONS

Negligence and the Duty of Care

When I use the word “negligence” in these instructions, I mean the failure to do something which a reasonably careful person would do, or the doing of something which a reasonably careful person would not, under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

When I use the words “ordinary care,” I mean the care a reasonably careful person would use under circumstances similar to those shown by the evidence. The law does not say how a reasonably careful person would act under those circumstances. That is for you to decide.

It was the duty of the Defendant, before and at the time of the occurrence, to use ordinary care for the safety of the Plaintiff. That means it was the duty of the Defendant to be free from negligence.

Intoxication

Intoxication is no excuse for failure to act as a reasonably careful person would act. An intoxicated person is held to the same standard of care as a sober person. If you find that Defendant was intoxicated at the time of the occurrence, you may consider that fact, together with other facts and circumstances in evidence, in determining whether the Defendant’s conduct was negligent.

Plaintiff’s Comparative/Contributory Negligence

When I use the expression “contributory negligence,” I mean negligence on the part of the Plaintiff that proximately contributed to cause the alleged injury.

It was the duty of the Plaintiff, before and at the time of the occurrence, to use ordinary care for Plaintiff’s own safety. Plaintiff is contributorily negligent if (1) the Plaintiff fails to use ordinary care for Plaintiff’s own safety and (2) Plaintiff’s failure to use such ordinary care is a proximate cause of the alleged injury.

The Plaintiff’s contributory negligence, if any, which is 50% or less of the total proximate cause of the injury or damage for which recovery is sought, does not bar Plaintiff’s recovery. However, the total amount of damages to which Plaintiff would otherwise be entitled is reduced in proportion to the amount of Plaintiff’s negligence. This is known as comparative negligence.

If the Plaintiff’s contributory negligence is more than 50% of the total proximate cause of the injury for which recovery is sought, the Defendant shall be found not liable

Burden of Proof – Negligence and Comparative Negligence

The Plaintiff has the burden of proving each of the following propositions:

First, that the Defendant acted or failed to act in one of the ways claimed by the Plaintiff as stated to you in these instructions and that in so acting, or failing to act, the Defendant was negligent;

Second, that the Plaintiff was injured;

Third, that the negligence of the Defendant was a proximate cause of the injury to the Plaintiff.

If you find from your consideration of all the evidence that any of these propositions has not been proved, then your verdict shall be for the Defendant.

On the other hand, if you find from your consideration of all the evidence that each of these propositions has been proved, then you must consider the Defendant's claim that the Plaintiff was contributorily negligent. As to that claim, the Defendant has the burden of proving both of the following propositions:

A: That the Plaintiff acted or failed to act in one of the ways claimed by the Defendant as stated to you in these instructions and that in so acting, or failing to act, the Plaintiff was negligent;

B: That the Plaintiff's negligence was a proximate cause of Plaintiff's injury.

If you find from your consideration of all the evidence that the Plaintiff has proved all the propositions required of the Plaintiff and that the Defendant has not proved both of the propositions required of the Defendant, then your verdict shall be for the Plaintiff and you shall not reduce Plaintiff's damages.

If you find from your consideration of all the evidence that the Defendant has proved both of the propositions required of the Defendant, and if you find that the Plaintiff's contributory negligence was more than 50% of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the Defendant.

If you find from your consideration of all the evidence that the Plaintiff has proved all the propositions required of the Plaintiff and that the Defendant has proved both of the propositions required of the Defendant, and if you find that the Plaintiff's contributory negligence was 50% or less of the total proximate cause of the injury or damage for which recovery is sought, then your verdict shall be for the Plaintiff and you shall reduce the Plaintiff's damages in the manner stated to you in these instructions.

When I say that a party has the burden of proof on any proposition, or use the expression "if you find," or "if you decide," I mean you must be persuaded, considering all the evidence in the case, that the proposition on which he has the burden of proof is more probably true than not true.

Plaintiff's Duty

You are instructed as a matter of law that no passenger has a duty to keep a look out or control the driver unless the passenger knows or should have known that such actions are essential to his or her own safety.

Negligence--Intervention of Outside Agency

If you decide that the Defendant was negligent and that the Defendant's negligence was a proximate cause of injury to the Plaintiff, it is not a defense that something else may also have been a cause of the injury. However, if you decide that the sole proximate cause of injury to the Plaintiff was something other than the conduct of the Defendant, then your verdict should be for the Defendant.

Proximate Cause

When I use the expression "proximate cause," I mean a cause that, in the natural or ordinary course of events, produced the Plaintiff's injury. It need not be the only cause, nor the last or nearest cause. It is sufficient if it combines with another cause resulting in the injury.

Intervening Cause

If you decide that the Defendant was negligent and that the Defendant's negligence was a proximate cause of injury to the Plaintiff, it is not a defense that something else may also have been a cause of the injury. However, if you decide that the sole proximate cause of injury to the Plaintiff was something other than the conduct of the Defendant, then your verdict should be for the Defendant.

The negligence of the Defendant will not constitute a proximate cause of Plaintiff's injuries if you find that some intervening act supersedes Defendant's negligence, but if you find that the Defendant could reasonably foresee the intervening act, that act will not relieve the Defendant of liability.

Act of God

A loss or injury is due to the act of God, when it is occasioned exclusively by natural causes such as could not be prevented by human care, skill, and foresight. However, if you find from your consideration of all of the evidence in the case that Defendant's acts or omissions proximately contributed to cause Plaintiff's injuries, then Defendant may be found liable for Plaintiff's injuries notwithstanding any act of God that may have proximately caused Plaintiff's injuries.

Violation of Statute

There was in force in the State of Illinois at the time of the occurrence in question a certain statute which provided in pertinent part as follows:

Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties.

You are hereby instructed that a tow truck engaged in towing operations is such an "authorized emergency vehicle".

There was also in force in the State of Illinois at the time of the occurrence in question a certain statute which provided in pertinent part:

(a) As used in this Section:

"Electronic communication device" means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

(b) A person may not operate a motor vehicle on a roadway while using an electronic communication device.

There was also in force in the State of Illinois at the time of the occurrence in question a certain statute which provided in pertinent part:

Each driver and passenger of a motor vehicle operated on a street or highway in this State shall wear a properly adjusted and fastened seat safety belt.

[Mock Trial Note: Although the Illinois seat belt law provides that "[f]ailure to wear a seat safety belt in violation of this Section shall not be considered evidence of negligence", for

purposes of this Mock Trial, the failure to wear a seat safety belt when required can be considered evidence of negligence.]

There was also in force in the State of Illinois at the time of the occurrence in question a certain statute which provided in pertinent part:

No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

If you decide that a party violated the any of the statutes on the occasion in question, then you may consider that fact together with all the other facts and circumstances in evidence in determining whether and to what extent, if any, a party was negligent before and at the time of the occurrence.

APPLICABLE STATUTES

625 ILCS 5/11-601(a)

No vehicle may be driven upon any highway of this State at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. The fact that the speed of a vehicle does not exceed the applicable maximum speed limit does not relieve the driver from the duty to decrease speed when approaching and crossing an intersection, approaching and going around a curve, when approaching a hill crest, when traveling upon a narrow or winding roadway, or when special hazard exists with respect to pedestrians or other traffic or by any reason of weather or highway conditions. Speed must be decreased as may be necessary to avoid colliding with any person or vehicle on or entering the highway in compliance with legal requirements and the duty of all persons to use due care.

625 ILCS 5/12-610.2

(a) As used in this Section:

"Electronic communication device" means an electronic device, including but not limited to a hand-held wireless telephone, hand-held personal digital assistant, or a portable or mobile computer, but does not include a global positioning system or navigation system or a device that is physically or electronically integrated into the motor vehicle.

(b) A person may not operate a motor vehicle on a roadway while using an electronic communication device.

625 ILCS 5/11-907(c)

Upon approaching a stationary authorized emergency vehicle, when the authorized emergency vehicle is giving a signal by displaying alternately flashing red, red and white, blue, or red and blue lights or amber or yellow warning lights, a person who drives an approaching vehicle shall:

(1) proceeding with due caution, yield the right-of-way by making a lane change into a lane not adjacent to that of the authorized emergency vehicle, if possible with due regard to safety and traffic conditions, if on a highway having at least 4 lanes with not less than 2 lanes proceeding in the same direction as the approaching vehicle; or

(2) proceeding with due caution, reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be impossible or unsafe.

As used in this subsection (c), "authorized emergency vehicle" includes any vehicle authorized by law to be equipped with oscillating, rotating, or flashing lights under Section 12-215 of this Code, while the owner or operator of the vehicle is engaged in his or her official duties.

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

DAKOTA YOUNG,
Plaintiff,

v.

RILEY MILLER,
Defendant.

)
)
)
)
)
)
)

Case No. 19 L 18071

PRE-TRIAL ORDER

On this the 1st day of November, 2019, the above-captioned matter came before the undersigned judge for pretrial conference. The parties, appearing through their counsel, indicated their agreement to, and approval of, the stipulations outlined below, and requested that they be made the Order of this Court. The terms of this order, accordingly, shall not be altered, except upon a showing of good cause.

The parties have entered into the following stipulations, which shall not be contradicted or challenged:

1. All of the exhibits are authentic and the parties waive all objections to the authenticity of all exhibits. The parties do not waive their objections to the admissibility of the exhibits at trial, unless otherwise stated below in the stipulations.
2. All documents and exhibits in the case packet are true and accurate copies of the exhibit. The parties waive all objections to the use of a black and white copy of any exhibit during trial.
3. All witness affidavits are true and correct copies of the witness affidavits, sworn to by the declarant and given on or before November 1, 2019. The signatures on the witness statements and reports are authentic and have been properly notarized.
4. On March 23, 2019 at the time of the incident giving rise to Plaintiff's Complaint, the parties agree that it was 10 degrees Fahrenheit, that it had snowed earlier that day and that the road conditions were wet.
5. The Plaintiff's medical bills are reasonable and necessary for the degree of injury. The medical bills total \$33,917.37.

6. No witness examination or argument can suggest in any manner that there is a missing witness or party to this litigation, and any comparative fault arguments are to be limited only to the two parties to this case.
7. Exhibit 1 is a one-page exhibit of the text messages of Riley Miller and Taylor Bowling. The parties have stipulated to chain of custody.
8. Exhibit 4, a two-page collective exhibit, is the transcript of the 911 call made by Riley Miller on March 23, 2019.
9. Exhibit 5, a three-page collective exhibit, is the judgment form regarding Quinn Simpson, is a certified copy of the conviction.
10. The parties have stipulated that all required notices regarding the evidence to be used in this case have been given.

The Court has also ruled on several pretrial motions filed by the parties. Based on this Court's ruling on the pretrial motions, it is the law of this case that a violation of a statute designed for the protection of human life or property is *prima facie* evidence of negligence or other fault. Where it is shown that a party has violated a statute, this *prima facie* evidence of his negligence may be rebutted by proof that the party acted reasonably under the circumstances of the case, despite the violation.

Based on this Court's ruling on the pretrial motions, it is also the law of this case that Exhibit 6, the accident report, is not admissible into evidence to prove the truth of the matters recorded in the report because the report contains conclusions and hearsay. *People v. Watkins*, 98 Ill. App. 3d 889, 900 (1st Dist. 1981); *see also People v. Garrett*, 216 Ill. App. 3d 348, 357 (1st Dist. 1991) ("a police report summarizes information obtained from various sources during the course of an investigation. Consequently, they are the product of second hand knowledge as to the reporting officer and, hence, hearsay."). Nor are such reports admissible as a business record. "Although police accident reports may otherwise be admissible in evidence under the law, subsection (a) of this rule does not allow such writings to be admitted as a record or memorandum made in the regular course of business." 145 Ill 2d R. 236(b). The police report may, however, be admissible as a prior witness statement under Mock Trial Rule of Evidence 613. Police reports are also admissible, provided a proper foundation has been laid, as evidence of a past recollection recorded or for use in impeachment. *Watkins*, 98 Ill. App. 3d at 900; *Wilkinson v. Mullen*, 27 Ill. App. 3d 804, 807 (1st Dist. 1975). Police reports, like any other

document, may be used to refresh a witness' recollection, again provided the proper foundation is laid for such use of the report. A person's statement as recorded in a police report may also be used as an exception to the hearsay rule, provided a proper foundation is laid, to establish a person's state of mind at the time statement to the police was made and where the circumstances of the making of the statement indicate the apparent sincerity of the person making the statement. *People v. Berry*, 172 Ill. App. 3d 256, 262 (1st Dist. 1988). The police report may also be used for impeachment by the use of inconsistent statements, but it is necessary not only to lay the necessary foundation by cross-examining the witness to be impeached, but also to prove by the testimony of an impeaching witness the nature of the alleged statements and the fact that they were made. *Allen v. Yancy*, 57 Ill. App. 2d 50, 62 (1st Dist. 1965).

The Court has also considered Defendant's pre-trial motion that Plaintiff is not entitled to bring a private cause of action for a violation of Scott's Law. Defendant's Motion is denied.

Judge Catherine Meyer

ENTERED: November 1, 2019

Plaintiff Witness Affidavit: Dakota Young

1 My name is Dakota Young. I turned 18 on July 2, 2019, and I live with my parents in
2 Lakeside, Lincoln County, Illinois. I'll probably be living with my parents for the rest of my life
3 because of what Riley Miller did to me on March 23, 2019. I remember everything about that
4 night. It changed my life forever. I re-live every detail every single day.

5 I had been at a party at Austin Crosher's house. We all went to Lakeside High School
6 together, where I was a senior. I think Austin's party was celebrating something ... maybe our
7 school team won the basketball game that night or something. I never really paid much attention
8 to sports at school. I pretty much kept to myself. I liked to read mystery novels a lot and to draw
9 cartoons, so I spent most of my free time reading and drawing. When I was a sophomore, I spent
10 some time at the local police explorer group for students and it was so interesting, I decided that
11 I wanted to be a police officer, but that will never happen to me now because of the injuries I
12 received in the car crash.

13 I didn't really know anyone in the car that well, but I was becoming closer to Riley
14 because we had been hanging out together sometimes. I knew Alex and Riley were friends.
15 Riley didn't have a reputation for partying. Riley and Alex had been hanging out at Austin's
16 party together. I knew Alex because we'd run into each other at parties in the past. Alex could
17 always be counted on to bring beer, and Alex could drink just about anyone under the table,
18 which was pretty fun to watch. Anyway, at about midnight, I heard someone say that people
19 were going to get something to eat. I had a bit of a headache and was feeling kind of woozy. I
20 thought food might help, so I decided to go. Also, I thought Riley was sober, but since the
21 accident, I've heard some people say that Riley was drinking that night, so I guess it was because
22 Riley was drunk and texting that the crash happened. We were going pretty fast, too, and Riley
23 didn't even try to pull over or slow down or anything when we came up on that tow truck that
24 was on the side of the road with its lights flashing.

25 After we left the party, I got in the front seat of Riley's car. It was a newer Chevy Cruze,
26 silver, I think. Riley was really proud of it. Before we got out of the driveway, Riley told me to
27 buckle up; I guess Riley knew that s/he was a bad driver. As we turned onto Waveland Avenue,
28 Riley's cell phone rang. Riley looked at it and must have noticed a text message. Riley said
29 something like, "Taylor is driving me crazy!" Riley seemed frustrated. I knew that Taylor

Bowling and Riley had been an item for a few months. Taylor was another student at Lakeside High School.

Riley kept text-messaging Taylor; it made me nervous. Riley was also driving too fast, so fast that I got a little sick to my stomach. I tried waving to get Riley's attention, but Riley was engrossed in the phone. We were on a four-lane road, with two lanes in each direction. We were in the outside lane, closest to the curb. I suddenly noticed the tow truck because of those flashing yellow colored lights. It was parked on the right side of the road behind a stopped car that must have been broken down or something. The driver of the tow truck must still have been in the tow truck because I didn't notice him outside of the truck. Just then, Riley kind of tossed the phone at me. I think that Riley dropped it because that was when Riley lost control of the car. I can't remember the exact timing; I am a little fuzzy about the details there. But I do know that Riley was on the phone and that we did not move over for the tow truck at all.

The actual wreck is kind of a blur. I remember feeling like we were up in the air and then hit something really hard. I heard later that it was the tow truck that we crashed into. I must have been knocked out by then, because I don't remember anything else until the paramedics got me out of the car. The first thing I remember was hearing one of them saying, "This one smells like the bottom of a keg." Another one asked me, "How much did you have to drink?"

Yes, I had been drinking. I don't remember how much I'd had, probably five beers in the two hours that I was at the party. Still, I didn't see the harm in it; I certainly didn't plan on driving that night. Besides, I didn't do anything wrong. Riley's the one who caused the accident.

My injuries from the wreck were mostly on my right leg and foot, which were crushed in the accident. It was really horrible. I have some pretty bad back and neck pains, too, and I guess one of the discs in my back is bulging now. When I arrived in the hospital, I was in so much pain that I could hardly talk to the doctor. The doctor asked me lots of questions like how much it hurt, where it hurt, if I had been drinking, and things like that. I couldn't move my toes on my right foot, and the paramedics had stabilized my leg on a board when I was on the stretcher. Eventually, I had to have surgery to insert a metal rod and pins in my leg, which the doctors say will eventually require replacement. The entire thing was very painful. Three of my ribs were broken on the right side, and I had a lot of pain when I took a breath. Also, I am right handed, and my right arm and hand were injured in the wreck, but not as badly as my right leg and foot. I

61 never used to have headaches, but now I have them about four times a week and medicine
62 doesn't help.

63 To be a police officer, I need to be able to run, jump, and have full use of my legs and
64 arms. However, because of the injuries I sustained, I cannot run for long periods of time or lift
65 anything over 50 pounds because of the pain and injuries to my legs and lower back. My hand
66 bothers me some still, and of course, the headaches are terrible and it's hard to concentrate on
67 reading. My left knee was also injured in the wreck and gives me trouble to this day, even
68 though I was not treated for an injury to my left knee.

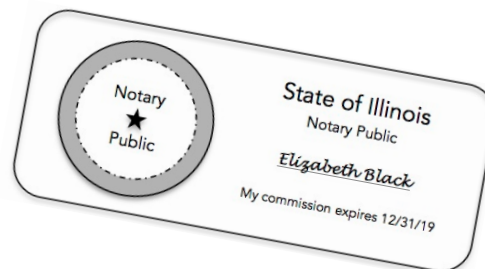
69 I feel like my entire life has been ruined because of what Riley did. I don't understand
70 why Riley wasn't paying attention and being careful while driving. I would not have cut loose at
71 the party if I had known Riley was going to do that. It almost cost me my life, and it certainly
72 cost me the quality of my life. The photo in Exhibit 3 was a SnapChat that was sent by me. I
73 thought I was feeling better that day and my friend offered me a once in a lifetime chance to go
74 sky-diving. But I guess it turns out that I wasn't really feeling okay because the instant I got
75 strapped in I was in a lot of pain again and the whole thing was miserable.

76 All my friends use the website Myfriendz.com to stay in touch. I have seen Riley's
77 Myfriendz page since this all happened. For a while, Riley's screen name was "L3RND MY
78 L3SSN." Also, I saw a comment from Riley where Riley was saying how sorry Riley was.
79 Riley also said in a comment that Riley would "nvr twd agn." I knew that "twd" means "texting
80 while driving" in teen lingo. When we text and instant message (IM), we take out vowels and
81 abbreviate so that it's faster. Also, it's a fun way to keep a POS—parent over shoulder—from
82 knowing what we're saying so we can KPC—keep parents clueless. I could have saved copies of
83 all of those Myfriendz messages, but I didn't.

Dakota Young

Signed and sworn before me on
November 1, 2019.

Elizabeth Black



Plaintiff Witness Affidavit: Quinn Simpson

1 My name is Quinn Simpson. I was riding in my friend's old black Ford minivan when I
2 saw the accident between that little car and the tow truck that occurred early in the morning on
3 March 23, 2019 on Waveland Avenue.

4 My friend Jude Justice lives off of Waveland. His street is Pitts Avenue West. We left
5 his house on Pitts Avenue and drove to the stop sign at the end of the road at the intersection
6 with Waveland Avenue. We had been watching old re-runs of American Idol—when Justin and
7 Kelly were battling it out—at Jude's house, but we decided it was time for a little fun.

8 There is a service station on Pitts Avenue East where I like to purchase lottery tickets.
9 This girl from work won \$10,000 a couple of months ago with a ticket from there, and that's the
10 most of anyone I personally know. The most I ever won was \$40. Jude and I had made a bet
11 that I would win at least five dollars that night if we played pick three. I know, I know, that stuff
12 will break you, but what's a little fun between friends? So, Jude was driving me to get a lottery
13 ticket. My car was in the shop or I could have taken it. Jude is crazy-funny about his dinky van,
14 and he never lets anyone else drive it. Calls her "Licorice." I always make fun of him for that.
15 He says if she breaks on him, he won't be able to deliver pizzas anymore.

16 When we were stopped at the stop sign at the end of Pitts Avenue, I looked to see if any
17 traffic was coming from my left, which would be southbound, before Jude pulled out to the
18 median and continued across the southbound lanes of Waveland. I was just hanging out in the
19 passenger seat, but you know, I am the world's worst "backseat driver." Even though I was
20 sitting up front, I was still doing things you do when you drive. You know—like when we
21 approached the intersection, looking for oncoming traffic and stuff.

22 I saw a car coming southbound, but it was pretty far away. It looked like there was
23 plenty of time to cross Waveland before that car would approach. The speed limit on Waveland
24 is just 35 miles per hour in that area. Jude pulled the van into Waveland from the stop sign
25 where we were stopped. He wasn't going very fast—you know, his ride is older and he treats her
26 like a jewel. Even though we weren't going very fast, I was so surprised when I saw that the car
27 was coming so fast. It was a light-colored sedan, like a Camry or something, coming
28 southbound on Waveland. It looked like they were going faster than 35 to me.

I could see into the vehicle even though it was nighttime. There were lights from the street lamp that is in the center of the road. The city uses those halogen lights, and they really help light things up. Also, I think there may have been that faint green glow from within the car, like a cell phone has at night when you're using it. I remember seeing that the driver was looking down and then I thought I saw the driver kind of point at or jerk his/her arm towards the front seat passenger. I didn't see the driver throw anything or hand anything to the passenger, though. I heard later that the driver may have been texting, but I never actually saw a cell phone.

I never saw the driver look up, but I heard the loud noise of the car sliding with the brakes behind us right after we passed in front of it. In the mirror I could see that the car wound up smashing into a tow truck that was on the right side of the road. The car crossed the solid white line and left Waveland Avenue a few feet south of where we crossed from Pitts Avenue.

I called 911 right away and told the operator that there was an accident on Waveland southbound from Fisk. Fisk is the nearest major intersection. I didn't mention Pitts to the operator because a lot of people don't recognize Pitts Avenue. It's one of those smaller residential streets. We didn't wait to see what happened because I could see people getting out of the vehicle and it didn't look like anyone was really badly hurt. Also, I figured the police would be there in a minute or two and we'd just get in the way. When we came back by the wreck after buying lottery tickets, the police were there. The ambulance was there, as well. We were able to travel down Pitts without any problem.

I didn't see the tow truck before the accident at all. I looked both ways more than once and it didn't catch my attention. That is kind of funny because after the accident I saw that it had its yellow flashing lights on. I would have thought I would have noticed the lights if they were on at the time of the accident. The weather that night wasn't the best. It had snowed a bit either earlier that day or the night before. The snow was mostly cleared off of the road. I don't remember it being icy at all or the snow causing us any issue driving to the gas station.

I do not know any of the kids involved or their families.

I do not wear glasses or contacts because I had laser vision correction surgery about a year ago. My vision is better than 20/20 since the surgery. It's amazing what they can do now.

I work in the laundry at Lincoln County Medical Center. I had just worked a double on that Friday, so I wasn't at work when Dakota Young and the other kids were brought in after the wreck because I was off on Saturday. Sometimes I also wait tables at my Grandma's restaurant,

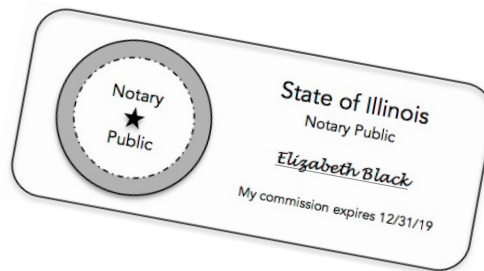
60 the Silver Spoon, on Fisk on the weekends, but I had the weekend off. I heard from the nurses at
61 the Medical Center that Dakota was injured pretty badly and also that the driver had been
62 drinking.

63 I really didn't want to testify in this case because I was afraid of being cross examined. I
64 have been to court once before when I was charged with felony theft about nine years ago. I
65 ultimately plead guilty to the theft. I didn't like the court experience too much. But, without
66 thinking, I opened my big mouth to the reporter, Nancy Dew, who was covering the accident
67 when I returned to work on Sunday at the hospital. She must have been checking on the kid who
68 was most seriously injured or something. I guess she never forgets a face or name, because she
69 must have told the Plaintiff about me.

Quinn Simpson

Signed and sworn before me on
November 1, 2019.

Elizabeth Black



Plaintiff Witness Affidavit: Peyton Lancaster

1 My name is Peyton Lancaster, and I am an accident reconstructionist specializing in
2 rollover accidents. I reside in Champaign, Illinois, which is over two hours from Lincoln
3 County.

4 My job focuses on inspection and evaluation of motor vehicle traffic collision scenes,
5 including collecting, photographing, measuring, recording and evaluating physical evidence from
6 the road, environment, and vehicles to determine how the collision occurred. Where physical
7 injury to vehicle occupants or pedestrians occurs, I also evaluate those injuries in relation to
8 determining their motion during the collision process. I use data to analyze motions of vehicles,
9 occupants, and pedestrians, and utilize equations to determine time, distance, velocity and/or
10 speed of collision.

11 I became an accident reconstructionist after working as a mechanical engineer for twelve
12 years. I attended the University of Illinois for my bachelor's degree, and I received a Master of
13 Science degree from Lincoln State University in 1992. I am a member of the Society of
14 Mechanical Engineers. I have done more than attend a seminar; I am an expert in reconstruction
15 of motor vehicle collisions.

16 I am certified by the Accredited Coalition for Reconstruction of Traffic Accidents
17 (ACRTA) as an accident reconstructionist. ACRTA requires me to take continuing education
18 courses, and accreditation must be renewed every five years. . I work for five counties in
19 Illinois, including Lincoln County. I also consult on other matters on a case by case basis.

20 I was not accepted to ACRTA for the first two times I took the examination. My
21 application was approved, but I did not pass the practical portion of the exam the first two times I
22 took the test. The practical portion is a staged collision, and you must answer questions under a
23 time constraint. ACRTA only lets applicants take the test three times, so I was so concerned that
24 I would not pass that final time. But I finally passed! It's a good thing I passed this time, or
25 Bob, my friend who has a close relationship with one of the panel members, would never let me
26 live it down.

27 I am coming up for membership renewal next year with ACRTA, and my experience
28 testifying in cases like this does help with that process, but that is not why I am testifying here
29 today.

30 About three years ago, I was a guest author in an article in Wrecked, a professional
31 journal concerning accident reconstruction. I have testified in three different cases, and I have
32 given my deposition for three other cases. I almost always testify for the plaintiff in civil cases
33 because I have made friends with attorneys at some of the big plaintiff firms in Illinois, but I
34 would consider testifying for the defense if asked. Of course, I am paid for my services, and my
35 rate is \$250 per hour, but that does not affect my investigation.

36 Dakota Young's attorney contacted me to consider this case within two days of the
37 collision. I did not go to the scene of the crash because it snowed after the accident. Therefore, I
38 felt that my time was better spent reviewing the pictures, accident reports, witness statements,
39 and measurements taken by law enforcement working the scene. I did not take the photographs
40 that I used for my investigation, but I assume that they came from investigators who were at the
41 scene immediately after the accident. The Plaintiff's lawyer provided them to me.

42 So you can understand the site, I want to explain the big factors. Waveland Avenue is an
43 asphalt road in the City of Lakeview. It is a four-lane divided highway with trees and lights in
44 the median. There are two northbound lanes and two southbound lanes. There are periodic
45 openings for traffic to enter and exit to the east and west, since it is a divided highway. The
46 accident occurred approximately one mile south of the intersection of Fisk Avenue, which runs
47 east and west. In addition to Fisk Avenue, there is an opportunity for east or westbound traffic to
48 cross Waveland Avenue by way of Pitts Avenue, which is about 60 feet south of the location
49 where the onset of the skid marks was located.

50 Although the speed of a vehicle can be determined by the length of its skid marks, the
51 grade of the road and the condition of the tires must also be considered. Also, if the vehicle was
52 still moving at the time of the impact, skid/speed formulas will only yield the minimum
53 "original" speed. It is more likely than not that Dakota's vehicle was still moving at the time of
54 the accident based on the photographs of the skid marks, and the scuffs on the curb. According
55 to the traffic report, there is a slight downhill grade as you approach the site of the collision. I
56 say slight because based on Officer Addison Knight's measurements, it is only about one degree
57 of slope, which results in a multiplier of 1.74%.

58 I sent another engineer, Miles Smith, with whom I work closely to the scene so he could
59 measure the skids that were visible in the photographs provided to me. He discovered that the
60 rear tires left a skid 73 feet in length. The rear skids were more prevalent at the start of the

61 marks. Based on this information, the vehicle was traveling at least 43 miles per hour at the
62 onset of the skid marks. The speed limit is 35 mph on Waveland Avenue. Therefore, it is more
63 likely than not that the driver was speeding at the time the brakes were first applied.

64 I believe that the tire which was flat, on the right front wheel, was fully functional at the
65 time of the crash. It is my professional opinion that this tire went flat after the strong force
66 impact against the curb. It is also possible it was punctured by something on the roadway. It
67 would have been helpful if law enforcement had seen fit to preserve the tire for testing because
68 they did not test it themselves.

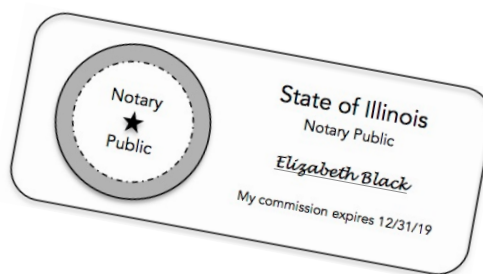
69 I am also aware that there has been discussion of texting as a cause or contributing cause
70 of the accident. I cannot determine, using scientific evidence or to a reasonable degree of
71 certainty, whether Riley Miller was in fact texting. I have reviewed the cell phone records
72 obtained by law enforcement from Riley's phone. I am in agreement that the text messaging
73 appears to be dated and timed to coincide with the accident. However, I simply cannot say
74 whether Riley was texting or someone else was texting using Riley's phone. I will not risk my
75 professional reputation saying otherwise.

76 However, in accidents where only one person occupied the vehicle, cell phone records
77 have proved informative. I have been working on a study concerning this topic. The study has
78 not been reported yet, but I plan to send it to Wrecked for possible publication. According to the
79 preliminary findings of my research, teens who are texting while driving spend 400 percent more
80 time with their eyes off the road than when not text messaging while driving. The study
81 involved 20 participants who drove a simulated roadway that contained a number of events a
82 person typically might encounter while driving, such as pedestrians emerging from behind
83 parked cars, traffic lights, cars turning right in front of the driver's vehicle, a car following too
84 closely episode, and a lane change task. Retrieving and, in particular, sending a text message
85 detrimentally affected the driver's ability to respond to these critical driving measures. Ability to
86 maintain a driver's lateral position on the road, and to detect and respond appropriately to other
87 traffic and traffic signs was significantly reduced.

Peyton Lancaster

Signed and sworn before me on
November 1, 2019.

Elizabeth Black



Defense Witness Affidavit: Riley Miller

1 My name is Riley Miller. I'm 18 years old, and I live in Lincolnville, Illinois, with my
2 mom and three younger sisters. I'm a senior at Lakeside High School now, and I also deliver an
3 early morning mail route. It means getting up at 4:00 am and having to drive pretty fast on my
4 rural route. Yes, I've gotten two speeding tickets, but I was only going 10 miles an hour over the
5 limit each time. Most of the time, I'm just barely making it through work in time for school, but
6 I have to do it so I can stay home in the afternoons and watch my sisters until my mom gets
7 home from work. I'm used to having to act like an adult. My dad was an alcoholic, and he died
8 in a car crash after he'd been drinking. That's why I will never drink; I've seen what alcohol can
9 do to a person and a family.

10 On March 22, 2019, our high school's basketball team won the district championship,
11 which was really exciting, since Logan City High School is our arch rival! After the game, I
12 went to an after-party at the house of my friend, Austin Crosher. Crosher's parents were on a
13 trip of some kind. You know, most people think that all high school kids drink too much, do
14 drugs and act irresponsibly, but that's just not true. I'd say fewer than half of the kids at the
15 party were drinking. In fact, if I'd known that parties like Dakota were going to be there, I
16 might not have even gone. I try to stay away from that kind of thing.

17 Anyway, I was getting uncomfortable around the few drunk people I saw, so I was
18 looking for a reason to leave. Also, I had promised to meet Taylor later that night. Taylor
19 Bowling and I had been dating for a few months. Taylor had to work and couldn't make it to the
20 party. Taylor's sweet, but also the type who likes to keep in near constant communication, so
21 even though I knew it was going to be late after the party, I said that I'd meet Taylor at the coffee
22 shop. The coffee shop is open until 2:30 am on the weekends because so many people stay there
23 late and use the wireless internet, sit by the fireplace and chat, and drink coffee. We hadn't set a
24 time yet, so I was waiting to hear from Taylor about that.

25 I suggested to a couple of people that I might be interested in going to get something to
26 eat. Actually, I suggested to Dakota that Dakota needed something to eat. I knew Dakota from
27 school and we had recently gotten to know each other a little better. I was concerned because
28 Dakota had clearly been drinking a lot at the party, and I thought if Dakota had some food in
29 Dakota's stomach, the alcohol might metabolize faster. My mom always tried to get my dad to
30 eat while he was drinking. So, Dakota, Alex, and another one of our friends named Guadalupe

Lewis decided to ride in my car to go to Denny's. At the time, I was driving a 2017 Chevy Cruze. I had just gotten it, and I was still getting used to driving it. It didn't have cruise control and so I had to make sure I really watched my speed so I didn't get going too fast. Also, the Cruze was a lot bigger than the previous car I'd been driving; I still hadn't figured out how to park it.

We got into the car. I told Dakota to buckle up, but I didn't check to make sure Dakota did. We had just gotten out of the driveway when my cell phone rang with a message from Taylor. I looked down and read the message. Taylor had written "adn...CB NOW." That means "Any day now. Call back now." All caps meant the message was serious; it's like yelling over the phone. I said, "Taylor's driving me crazy" because Taylor knew that we weren't supposed to meet until after the party, and Taylor hadn't even told me what time yet. Taylor just wanted to know where I was and what I was doing all of the time.

While I will admit that I have been known to sometimes text and drive, I didn't this time. Because I was still getting used to the Cruze and, because it was at night, I didn't think it would be good to respond. So, I hit reply and then tossed the phone to Dakota. I asked Dakota to type "ntwd," which means "no texting while driving." I wanted Taylor to understand that I'd be in touch as soon as I could. I saw Dakota grab the phone.

Right after I gave the phone to Dakota, I lost control of the car, so I don't know if Dakota was able to type the message or not. I'm not sure what happened next. I know that Alex thinks something might have run in front of the car, but I think that I slipped on some ice that was on the road. It had snowed earlier in the day and so the roads were slippery and the Cruze wasn't the best at handling in the snow.

I did see the tow truck that was on the side of the road. I noticed it because the yellow lights were flashing on top. I tried to slow down and move over, and I think that is why my tires slipped and I lost control of the car. I guess I didn't slow down enough? I'm not sure how fast I was going before I tried to slow down, but I don't think it was more than 5 miles per hour over the speed limit. Then I heard and felt the car hit something, which I later learned was the tow truck.

I'm very sorry about what happened to Dakota. I called 911 right away to get everyone help as fast as possible. I was frantic, and I feel terrible. I know that Dakota will always blame me for the crash, but the accident wasn't caused by texting, drinking, or driving irresponsibly. It

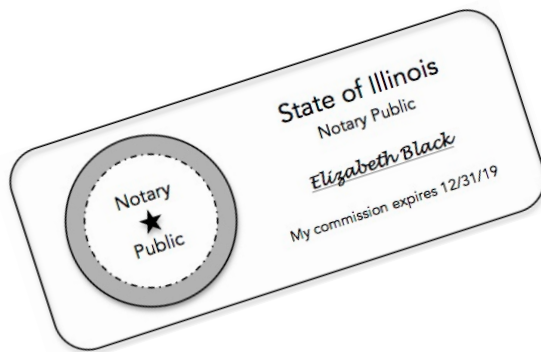
62 was just an accident. It happened and I'm sorry, but I honestly don't believe I was doing
63 anything wrong while I was behind the wheel.

64 I answered all the questions that the officers asked me. I heard the passengers talking to
65 the paramedics, but I couldn't hear what they were saying. I also turned my cell phone over to
66 the police because they wanted it during the investigation. The photo in Exhibit number 2 is a
67 screenshot of a message I tried to send to Taylor on Instagram after the crash. Taylor never
68 responded to my messages. Even though everything was really just an accident – I was driving as
69 carefully as I could have been – I didn't know what would happen since I'd never been in an
70 accident before and this was a pretty bad one.

Riley Miller

Signed and sworn before me on
November 1, 2019.

Elizabeth Black



Defense Witness Affidavit: Alex Williams

1 My name is Alex Williams, and I live in Lakeside. I am 17 years old. I am in the 12th
2 grade at Lakeside High School. I have been a B+ student in high school and I plan on attending
3 the University of Illinois-Chicago next fall. I have not yet decided what to major in.

4 In March of 2019, our basketball team beat Logan City High School for the District
5 Championship. It was a pretty big deal. After the game, I left the stadium with Guadalupe
6 Lewis. We went to my parents' house to pick up beer. My parents have an extra refrigerator
7 outside where they normally keep it. I think I grabbed about eight beers – Fat Boy Ale, I think.
8 Anyway, I made my way over to Austin Crosher's house at about 11:00 pm or so. His parents
9 were out of town on a business trip of some kind. We met our other friends there. In total, there
10 were about 50 people at his house. Austin's house has a swimming pool, and some of the people
11 were swimming.

12 When we arrived at Austin's, the party seemed to be in full swing. I immediately noticed
13 Jessie Jones, another classmate, was there, which was great because we had kind of had a thing
14 going back then. I started talking to Jessie and to other kids, like Riley Miller. At around 12:30
15 am, some of us started to get hungry. There's a Denny's nearby that stays open all night, so four
16 of us got into Riley's car to head over there. Denny's has breakfast at midnight, which was just
17 what I was craving. I wasn't going to drive because I had already had three or four beers. Riley
18 drove because Riley hadn't had anything to drink. I sat in the back seat with Guadalupe, who
19 also did not have anything to drink because Guadalupe was big into tennis and had a match the
20 next day. Dakota Young sat in the front passenger seat next to Riley. I can't specifically
21 remember if Dakota was drinking that night, but if I had to guess, I would say so because almost
22 everyone at the party was.

23 We left Austin's house in Riley's 2017 silver Chevy Cruze. I was buckled in, but I have
24 no idea if the others were, as well. We turned left out of Austin's driveway onto Fisk Avenue.
25 After a couple of miles, we turned right onto Waveland Avenue.

26 Riley had been texting something to Taylor Bowling when we starting driving. Riley and
27 Taylor were dating, though I think Riley also liked Dakota. They had been hanging out recently
28 sometimes. Riley has been known to text and drive sometimes, but generally has a reputation
29 for being a pretty good driver, especially since Riley got a new car. I have sometimes told Riley

30 to stop texting when we go places, and Riley usually stops. I saw Riley typing at least one text
31 when we were leaving the party, but I did not see Riley text later in the drive and I'm not sure
32 where the phone was before the crash. I don't remember seeing it in Riley's hand at the time of
33 the accident, but I also didn't see Riley give the phone to anyone else. I never saw it in Dakota's
34 hand. I did hear Riley say something to Dakota and about ten seconds later, Riley lost control of
35 the car. We drove across the solid white line on the right side of the road and hit a stopped tow
36 truck. The tow truck definitely had its flashing lights on when we hit it. I remember seeing it just
37 before the crash and hoping that we didn't hit it and that no one would get hurt.

38 I don't know why Riley lost control. It didn't feel like we were speeding. I'm not sure if
39 something ran across the road or what. It was a snowy day, so maybe that had something to do
40 with it? I saw that one of the tires was flat after the crash, but I don't know when it went flat. It
41 was a pretty forceful impact. I was pretty shaken, but I managed to get out of the car.
42 Guadalupe and Riley also were able to get out. However, Dakota appeared to be pretty badly
43 injured. Also, because of the way the car hit the tow truck, the front passenger door couldn't
44 open. The road was a little wet, but it didn't seem too slippery. I didn't have any trouble walking
45 around on it after the accident. I do remember that it was really cold.

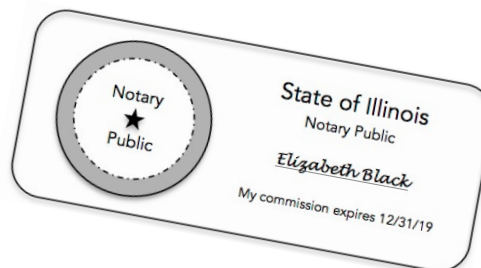
46 I know that Dakota was hurt pretty badly and was taken by ambulance to the Lincoln
47 County Medical Center. I think it was because Dakota wasn't wearing a seatbelt. I remember
48 that because at one point Dakota had it on, but in trying to turn around and talk to Guadalupe and
49 me, Dakota unbuckled the seat belt. None of the rest of us had that level of injury. I was
50 wearing my seatbelt at the time of the crash, but I don't know if Riley and Guadalupe were
51 wearing theirs.

52 A couple of minutes later, the police, and then an ambulance, arrived. Officer Knight
53 with the Lakeview Police Department took statements from us. I told Officer Knight exactly
54 what happened.

Alex Williams

Signed and sworn before me on
November 1, 2019.

Elizabeth Black



Defense Witness Affidavit: Officer Addison Knight

1 My name is Addison Knight and I am a supervising officer with the City of Lakeside
2 Police Department. I work all the major accidents in our jurisdiction. Recently, we started
3 cracking down on common problems caused by drivers in an effort to make Lincoln County
4 highways the safest in Illinois. It helps that Lincoln County has a state's attorney who is
5 focusing on prosecuting traffic-related offenses, including DUI and reckless driving.

6 I grew up in Lincoln County. I played football at Logan City High School when we won
7 the state championship in 1984. It was one of the best times of my life! I did not go to college.
8 After graduating from the police academy in Champaign, Illinois and working a few years as a
9 deputy with the Lincoln County Sheriff's Department, as well as doing part-time security, I was
10 accepted to the Illinois State Police (ISP). In my four years as a trooper with the highway patrol,
11 I worked accidents on major highways within our state. I saw first-hand the effects of driver
12 inattention. The last year I was there, I was the most experienced officer on an accident scene. I
13 have been present at countless motor vehicle accident scenes in my law enforcement career. I
14 have investigated one other accident where a driver was possibly texting while driving.

15 I have also completed a five-day training session on accident reconstruction. Those
16 classes are in high demand for law enforcement officers, and that experience was one of the
17 factors that helped me to get my position with the Lakeside Police Department. I would like to
18 get further training so that I can apply to be certified as an accident reconstructionist with the
19 Accredited Coalition for Reconstruction of Traffic Accidents. I could pick up a lot of extra work
20 as a professional witness if I was certified. Despite the fact that I haven't been given the
21 opportunity to be certified yet (the class is very expensive and our county can only certify
22 someone every several years) I have reconstructed over 200 accidents in my career, I have
23 testified as an accident reconstructionist approximately 15 times in court, and I work as a part of
24 the Lincoln County Accident Reconstruction Team (or L-CART). L-CART is made up of
25 experienced and certified officers from police departments all throughout Lincoln County. I was
26 recently promoted to one of the lead reconstructionists on L-CART and have worked along with
27 and learned a lot from certified reconstructionists from other departments..

28 In my last year with the ISP, I was asked to assist my supervisor, Lt. Robert Curtis, with
29 preparing the ISP's contributions to the Governor's Illinois Strategy for Safer Highways Plan.

30 The goal of the project was to reduce the fatality rate by ten percent by the end of 2018 based on
31 data from 2010. The Plan focuses on things like construction zones, intersections, lane
32 departures and driver behavior in effort to reduce injuries and fatalities associated with motor
33 vehicle crashes on Illinois highways. My job was primarily to assemble statistics for that
34 project, but I was honored to be a part of it. Things like rumble strips and median barriers are
35 products of such safety initiatives.

36 In my years of law enforcement, I have learned that addressing driver behavior is a
37 critical factor in reducing fatal and serious injury crashes. The statistics show that a large
38 number of crashes are due to the impaired condition of the driver or driver error. Drivers under
39 the age of 21 (ages 15-20) continue to be over-represented in crashes with injuries or fatalities.
40 On a local level, I have organized a campaign for the high schools to learn that “Attention =
41 Alive.” My campaign is similar to “Click-It or Ticket,” “Just Say No,” and other similar
42 awareness campaigns. The five major contributing factors for youthful drivers’ crashes are
43 speeding, crossing into the wrong side of the road, failure to yield, reckless driving, and drinking.
44 Driver inattention is most often caused by fatigue, pre-occupation with other thoughts, or
45 distractions such as grooming, eating, reading, cell phones, kids, or something outside of the
46 vehicle. A review of crash data reveals that 37% of drivers made no pre-crash response.
47 Recently, we have seen a tremendous number of problems associated with young drivers who are
48 texting or talking on cell phones while driving. The legislature has tried to help with that
49 problem in recent years by creating laws prohibiting texting while driving. “Attention = Alive”
50 covers all these topics to increase awareness among Lincoln County teen drivers.

51 I prepared the Uniform Traffic Accident Report in this case.

52 I was called to examine the scene and evidence from a wreck that occurred at
53 approximately 1:30 am on March 23, 2019 on Waveland Avenue in Lincoln County, Illinois. I
54 arrived within ten minutes of the accident because I happen to live nearby. When I arrived, I saw
55 a Chevy Cruze—it was a 2017 and silver in color—smashed into a tow truck at the right front
56 quadrant. The tow truck was located on the side of the Parkway, parked on the side of the road
57 assisting a stalled vehicle. From first glance it appeared that the car’s front tire could have been a
58 cause, because it looked like it was almost flat. However, later I decided that this was not the
59 cause and probably happened when the car hit the curb after hitting the tow truck. The tire was
60 not sent to a lab because I did not feel it was necessary under the circumstances.

61 The first thing I did was spend a few minutes talking with the two EMTs who were at the
62 scene about what they did upon arrival. Leslie and Mark were the EMTs working that night.
63 Leslie and Mark both confirmed that they had to rely on Dakota's friends to tell them who
64 Dakota was because Dakota was unable to clearly answer their questions at arrival upon arrival
65 to the scene.

66 Then, I started to collect and evaluate the physical evidence. I took measurements of
67 some skid marks that were there. I think another police officer took the photographs of the skid
68 marks. I did not review them in forming my opinion as my measurements were more helpful in
69 analyzing the scene.

70 As the lead accident investigator for Lakeside PD, I interviewed witnesses at the scene. I
71 initially interviewed Guadalupe Lewis. However, she was not particularly helpful as she stated
72 she was looking at her own phone the entire time and did not witness anything. I next
73 interviewed Alex Williams. Alex helped me to understand the route that the youngsters took
74 when they left Austin Crosher's home on Fisk Avenue and where everyone was sitting in the car.
75 Also, Alex was the first person to admit that Riley had been texting at some point during the
76 drive but he was unsure whether that was the case around the time of the accident. Alex said that
77 Taylor Bowling was supposed to be dating Riley, but with Dakota in the mix, things had gotten
78 interesting because according to Alex, Dakota was intent on breaking the couple up.

79 I interviewed Riley after talking with Alex, and Riley explained the texting in detail.
80 Apparently, Taylor wanted more of Riley's attention and was upset that Riley was partying
81 without Taylor. Taylor was texting to Riley about this displeasure. Riley told me that a few
82 seconds before the accident Riley said, "Dakota, mind helping me out with this?" and tossed
83 Dakota the phone. Riley didn't look at where the phone was heading as he/she tossed it, so it hit
84 the floorboard of the passenger's side. Dakota retrieved it and started texting, asking Riley what
85 to type. However, Riley wasn't sure what Dakota wrote or if any message was actually sent.
86 Riley didn't really have the best explanation of what happened or what caused the accident.
87 From what I gathered, Riley didn't see the tow truck parked there and didn't really move over.
88 Riley never mentioned anything to me about the road being icy and that causing the accident.
89 The road was a little slippery I guess, but I didn't focus on that too much. No one named Quinn
90 Simpson ever came forward to me as a witness, so I never took a statement from him/her. I knew

91 that two 911 calls had been made – one from Riley and one from someone who wanted to remain
92 anonymous. When dispatch asked for their name they refused to provide it.

93 After the accident, Dakota Young was transported to Lincoln County Medical Center by
94 ambulance. I interviewed Dakota at the hospital. I did not think Dakota's memory of the
95 accident was that good because of pain medication at the time of the interview and intoxication
96 at the time of the crash. Dakota told me that Dakota drank a "couple" of beers at the party, but
97 that's what everyone always says. Dakota also said that Dakota was wearing a seatbelt. At the
98 time I interviewed Dakota, Dakota couldn't remember anything after pulling out of Austin's
99 driveway onto Fisk. I did not find Dakota to be that helpful. Dakota did say that nothing seemed
100 wrong with the car before the accident. Dakota did giggle strangely when I asked him/her about
101 texting and Taylor.

102 The records I obtained from Riley's phone indicate that the final text message was sent
103 from Riley's phone at approximately 1:19 am on March 23, 2019. From the language of the text
104 itself, I believe that Dakota actually typed the message because it has a very different feel than
105 the other texts, like it was from a different author. Also, that could explain Dakota's odd
106 behavior at the hospital. I made copies of this chain of texts and preserved them in the case file.
107 Also, Riley's statement that he or she was not texting is supported by the statement of Riley, and
108 Alex Williams' stated that Alex did not see Riley with the phone shortly before the crash. Based
109 on my professional experience and the evidence I was able to consider, I believe that Riley
110 Miller was probably not distracted by texting at the time of the accident. I based my opinions on
111 the testimony given by occupants of the vehicle, the cell phone records provided by the
112 Defendant, and the evidence at the scene.

113 From the length and location of the skid marks, the damage to the vehicles, and based on
114 my training, I calculated the speed of the Chevy Cruze to be about five miles per hour below the
115 speed limit at the time of the crash.

116 The weather was not a factor for necessitating a slower speed, even though it was a bit
117 slippery outside. In my professional opinion, the vehicle's speed was not a contributing factor in
118 the crash.

119 Based on all the information I gathered, I believe the cause of the accident cannot be
120 conclusively determined by scientific evidence. The skid marks indicate that the driver was

121 aware that the car was going to collide with the tow truck in advance of the collision and was
122 trying to stop, but the cause of the crash is unclear.

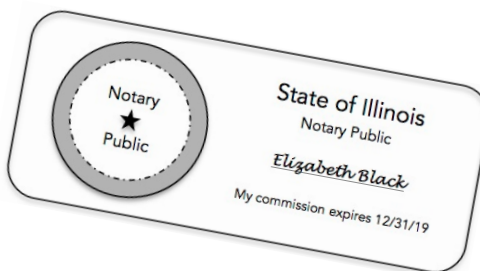
123 Riley did submit to alcohol blood testing at Lincoln County Medical Center. I was made
124 aware that at 3:45 am Riley's blood alcohol content, or BAC, was 0.04. Dakota's BAC was also
125 tested at Lincoln County Medical Center in the course of medical treatment and it was 0.11, at
126 around 3:30 or 3:45 am.

127 I am aware that Riley Miller has had two speeding tickets in the past, but did not find any
128 other traffic citations or any arrests for any criminal matters in Riley's records.

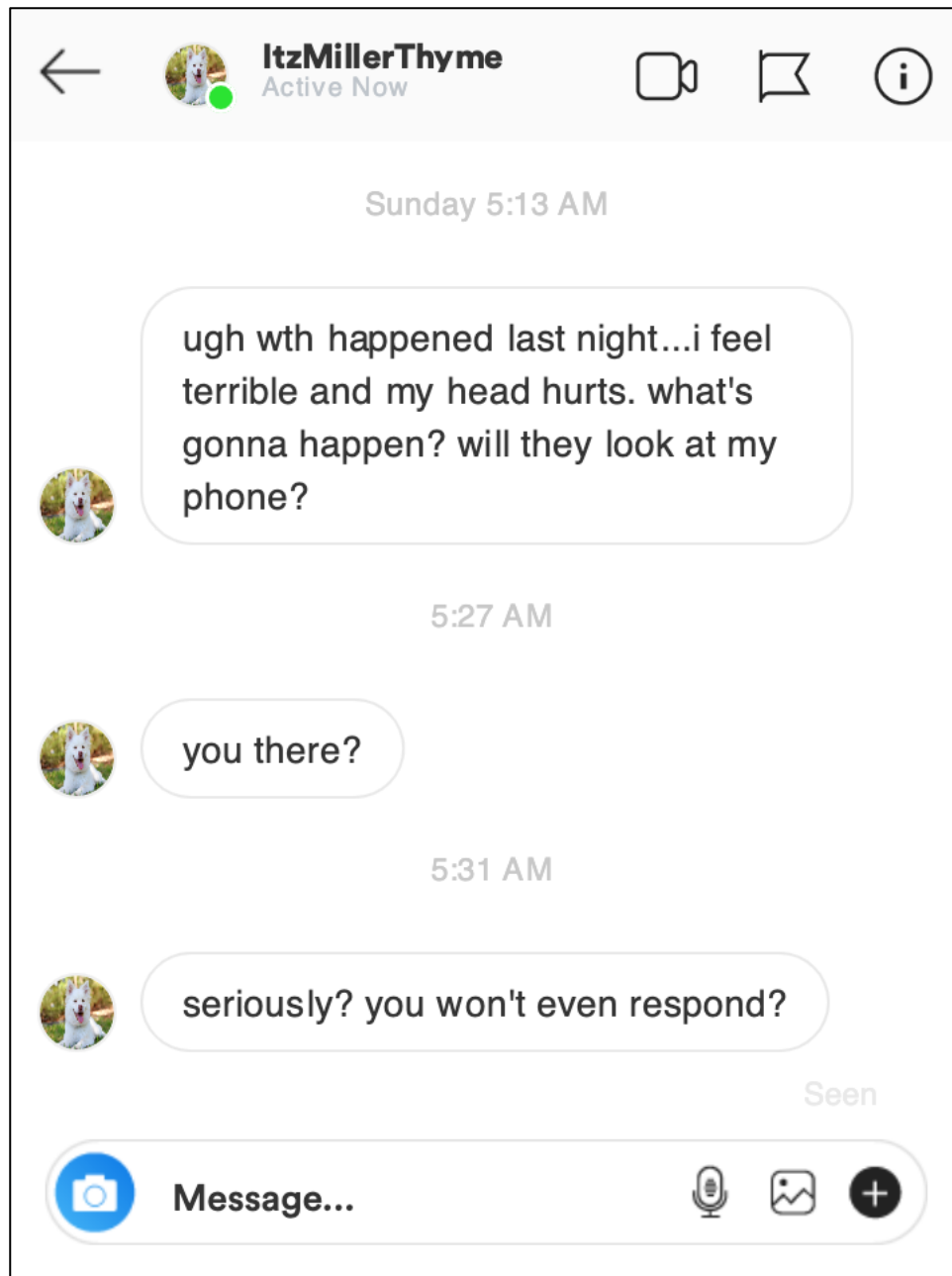
Addison Knight

Signed and sworn before me on
November 1, 2019.

Elizabeth Black











Incident No.: 19-27881

Date: 03-23-19 Time: 01:27 hours

Dispatch: "911. What is the address of your emergency?"

Caller 1: "I don't know. It's on Waveland Avenue. Near, or southbound from Fisk street."

Dispatch: "What's going on there?"

Caller 1: "There was an accident. A silver car hit something. I don't know what"

Dispatch: "Is anyone hurt?"

Caller 1: "I don't know. We didn't stop to see."

Dispatch: "What's your name?"

Caller 1: "I really would rather not say. I'm sorry."

Dispatch: "Okay. Give me a minute to get help on the way."

Dispatch: "Lakeview Fire Department Ambulance 12, Tower 12. You're due for an MVA on Waveland Avenue in the area of Fisk Avenue. Ambulance 12, Tower 12 you're due for the MVA on Waveland avenue. No specific address given. Unknown injuries. Unknown injuries."

A12: "Copy for both Ambo 12 and Tower 12. Both units in route."

Dispatch: "Copy. Lakeview PD unit K78, you're due for the MVA on Waveland and Fisk Avenue."

LPD K78: "Copy. I'm in route."

Dispatch: "Okay, I've dispatched police and EMS to the area. Would you like officers to give you a call when they arrive?"

Caller 1: "No that's okay. Thanks for your help. I hope everyone is okay. Have a good night, bye."

***** CALL ENDS *****

Dispatch: "911. What is the address of your emergency?"

Caller 2: "I don't know. It's on Waveland Avenue. I was in an accident. I was driving and there was an accident."

Dispatch: "Is it near Fisk Avenue?"



Incident No.: 19-27881
Date: 03-23-19 Time: 01:27 hours

Caller 2: "Maybe? "

Dispatch: "Okay, someone called this in already. Is anyone hurt?"

Caller 2: "I don't know. One of the passengers, Dakota, I think they are stuck in the car."

Dispatch: "What's your name?"

Caller 2: "Riley Miller. It was an accident I swear. I was paying attention but I didn't even see the tow truck there."

Dispatch: "Okay Riley. Help is already on the way. Can you tell me what happened?"

Caller 2: "We were driving on Waveland. Taylor texted me and I looked at it like a minute before we crashed. Then I just don't know. I lost control. We hit a parked tow truck."

Dispatch: "Okay, who else is in your car?"

Caller 2: "Dakota and Guadalupe. Dakota is unconscious."

Dispatch: "Was there anyone in the other vehicle, the tow truck?"

Caller 2: "Yes. That person isn't conscious either."

A12: "Ambulance 12, Tower 12 on scene."

Dispatch: "Copy. A12, TW12 on scene at 01:35."

Caller 2: "Thank goodness, EMS is here. Thank you. Thank you. I'm going now."

***** CALL ENDS *****

LPD K78: "K78 on scene."

Dispatch: "Copy. K78 on scene at 01:38."

A12: "Dispatch, A12."

Dispatch: "Go ahead A12."

EMS 4: "Two patients unconscious. Get a second ambo on the way. Multiple injuries to tow truck driver. Passenger in Chevy is trapped. "

Dispatch: "Copy."

IN THE CIRCUIT COURT OF THE TWENTY FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

Case Number: 2011 CF 22189

People of the State of Illinois	Quinn Simpson, Defendant
Certified Copy of Conviction	

I, Margaret Cain, Circuit Clerk for the county of Lincoln, in the state of Illinois, hereby certify that in my possession in the above referenced case have the following documents and that attached are true and correct copies of those documents kept in the official Court Record in Lincoln County, Illinois.

1. Plea of guilty – 1 of 1 pages.
2. Sentencing order – 1 of 1 pages.

Dated: November 4, 2019

Margaret Cain

Margaret Cain
Circuit Clerk
Lincoln County, Illinois



**IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS**

Case No. 11CF 22189

<u>People</u> Plaintiff(s)	<u>Quinn Simpson</u> Defendant(s)	File Stamp
<u>Smith</u> Plaintiff(s) Atty.	<u>Jones</u> Defendant(s) Atty.	
Judge <u>Meyer</u>	Court Reporter <u>Kate</u>	
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent		
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other _____		

PLEA OF GUILTY

THE COURT HAVING ADDRESSED THE DEFENDANT IN OPEN COURT FINDS:

That the defendant was advised of and understands that the state has the burden of proving him/her guilty beyond a reasonable doubt; that he/she is presumed innocent until proven guilty, the nature of the charge(s) and the possible punishment that might be imposed by the Court, including, if applicable, extended term or consecutive sentences and the right:

- (A) To plead not guilty or to persist in that plea if already made.
- (B) To present evidence in his/her own defense
- (C) To use the subpoena power of the Court.
- (D) To a jury trial or a trial before the judge without a jury.
- (E) To confront the witnesses against him/her.
- (F) To counsel and if indigent, to appointed counsel.
- (G) To pursue an appeal within 30 days, and if indigent, to a transcript of all the proceedings in his/her case without charge to assist in the appeal process

☐ That the defendant has waived right to counsel.

☐ Interpreter Present

☒ That the defendant understands that if he/she is not a U.S. citizen that this plea could result in his/her deportation.

☒ That a plea agreement as stated to the Court was voluntarily arrived at: The defendant has stipulated that if witnesses were called that they would testify competently to sufficient facts to support a finding of guilty to the offense(s) of:

Theft Class 3 Statute 720 ILCS 5/16-11a)(u)
 Count _____ ☒ Original ☐ Amended

☒ That the defendant pleads guilty to the offense(s) stated above, and waives his/her rights as stated in (A) thru (E) above.

☒ That the defendant agrees to the imposition of a specific sentence and waives the right to a pre-sentence investigation or an aggravation and mitigation hearing.

☐ That the defendant makes an unconditional (COLD) plea(s) to the charge(s) and asserts the right to a pre-sentence and aggravation and mitigation hearing.

☐ That the probation office of this Court is directed to conduct a pre-sentence investigation. A written copy is to be furnished to the Court, the defendant and the State's Attorney not less than three (3) Court days before the date set herein for sentencing.

☒ Sentencing hearing is continued to instanter at 94 m., in Room 310 of the

- ☒ Lincoln County Judicial Center
- ☐ Lincoln County Branch Court

Date: 11/18/11

Defendant's Signature

[Signature]

P1-CR-001 (06/19)

White - Clerk Green - Probation Yellow - SAO Pink - Deft. Gold - Counseling Service

IN THE CIRCUIT COURT OF THE TWENTY-FOURTH JUDICIAL CIRCUIT
LINCOLN COUNTY, ILLINOIS

Exhibit 5

Case No. 11CF 22189

People of State of Illinois		Quinn Simpson		File Stamp
Plaintiff(s)		Defendant(s)		
Smith		Jones		
Plaintiff(s) Atty.		Defendant(s) Atty.		
Judge <u>Meyer</u>	Court Reporter <u>Kate</u>	Deputy Clerk <u>Jill</u>		
A copy of this order <input type="checkbox"/> should be sent <input type="checkbox"/> has been sent				
<input type="checkbox"/> Plaintiff Atty. <input type="checkbox"/> Defense Atty. <input type="checkbox"/> Other _____				

JUDGMENT ORDER (JGMO)

☒ The Court Jury having found the defendant guilty of: Theft (4-3)
☒ Original ☐ Lesser/Incl. ☐ Amended Statute: 720 ILCS 5/16-1(a)(1)

- ☐ A motor vehicle was involved in the commission of the felony
☐ This is an Illinois Domestic Violence Related Case (ILDVCR)
☒ Judgment entered on conviction and sentence
☒ Defendant must surrender FOID/Concealed Carry Card and/or firearms and ammunition
☒ Nolle Prosequi Count(s) Remaining

UPON THE DEFENDANT'S PLEA/VERDICT OF GUILTY THE FOLLOWING SENTENCE IS HEREBY IMPOSED

The Defendant is placed on the below through..... Date 5/16/14 Time 5pm Months _____ Days _____
☐ 208 - Withhold Judgment - Court Supervision
☐ 215 - Withhold Judgment - 720 ILCS 550/710 Probation
☐ 216 - Withhold Judgment - 720 ILCS 570/410 Probation
☒ 204 - Probation 30
☐ 206 - Conditional Discharge
☐ 213 - Electronic Monitoring
☒ 209 - Perform public service 300 hours, to be completed by 5/16/14

The Defendant is to report to: ☐ Judge ☐ Court Services ☒ Judge and Court Services ☐ Non-Reporting
☐ Complete a 26 week ILDHS approved Domestic Violence Counseling Program, and follow all treatment recommendations at:
 ILDHS Provider Name: _____ Phone Number: _____

THE DEFENDANT TO SERVE THE FOLLOWING PERIODS OF INCARCERATION Years _____ Months _____ Days _____
☐ 201 - Department of Corrections
☒ 202 Lincoln County Jail ☒ Good time to apply ☐ No good time to apply _____
☐ 203 - Periodic Imprisonment (weekend equals 3 days)
☒ 250 - Credit for time served 0 days
☐ The sentence of _____ shall run ☐ consecutive ☐ concurrent to the term imposed by the
 Circuit Court of _____ County, case number _____
☒ Defendant to begin incarceration on instantly

THE DEFENDANT TO COMPLY WITH THE FOLLOWING CONDITIONS:

- ☒ All conditions of the Financial Sentencing Order
☒ Follow all rules of ☒ Probation ☐ Conditional Discharge ☐ Electronic Home Monitoring ☒ Community Service ☐ TASC
☐ Alcohol/Drug Evaluation (OPAO) / Treatment ☐ Psych Evaluation/Treatment (OPKC) ☒ No further criminal violations (NOCO)
☒ Waives personal service of Petition to Revoke (WPSOP) ☒ No Contact/Abusive Contact with Sally Grove
☒ Refrain from entering the premises of (NEASA) Grove's Pizza, Lincolnville, IL
☐ Other: _____

☒ Cause continued to 5/16/14 at 9 A m. in room 310 for completion of terms

Defendant's Signature: Quinn Simpson
 Judge: Catherine Meyer

Date: 11/18/11

PI-CR-045 (06/19) White - Clerk Green - Probation Yellow - SAO Pink - Defendant Gold - Defendant Attorney

ILLINOIS TRAFFIC CRASH REPORT

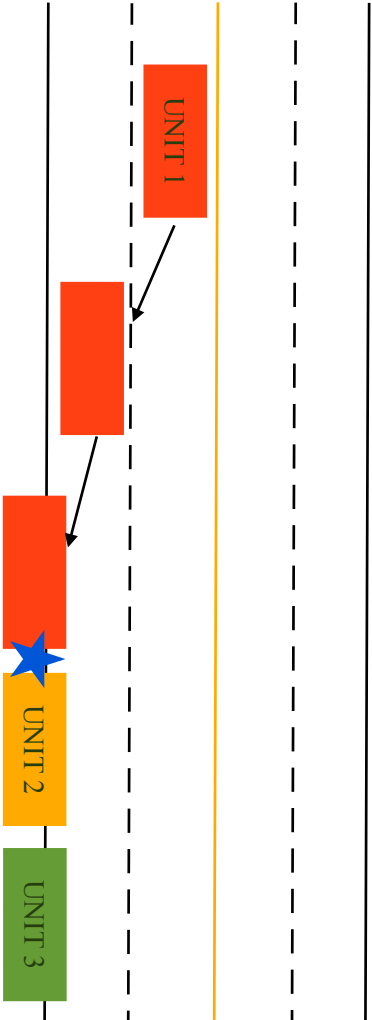
Sheet 1 of 1 Sheets

UNOFFICIAL
Not For Distribution

TC0002

DRAC	TRHD	TRFC	WEAT	DRVA	VIS	VEHD	LGHT	COLL	MANV
U	U	U	U	U	U	U	U	U	U
INVESTIGATING AGENCY Lakeview Police Dept.									
ADDRESS NO. 13870				HIGHWAY or STREET NAME Waveland Avenue				DAMAGE TO ANY ONE PERSONS VEHICLE / PROPERTY <input checked="" type="checkbox"/> \$500 OR LESS <input type="checkbox"/> \$501 - \$1,500 <input type="checkbox"/> OVER \$1,500	
INVESTIGATING AGENCY Lakeview Police Dept.				TYPE OF REPORT <input checked="" type="checkbox"/> ON SCENE (DESK REPORT) <input type="checkbox"/> NOT ON SCENE (DESK REPORT) <input type="checkbox"/> AMENDED				AGENCY CRASH REPORT NO. 2019 1378126	
ADDRESS NO. 13870				COUNTY Lakeview				DATE OF CRASH 03/23/19	
COUNTY Lincoln				TOWNSHIP Lakeview				TIME 1:30	
AT INTERSECTION WITH Waveland Avenue				INTERSECTION RELATED <input type="checkbox"/> PRIVATE PROPERTY <input type="checkbox"/> HIT & RUN <input checked="" type="checkbox"/> DOORING WITH <input checked="" type="checkbox"/> PEDAL CYCLIST?				# OF MOTOR VEHICLES INVOLVED 2	
<input checked="" type="checkbox"/> DRIVER <input type="checkbox"/> PARKED <input type="checkbox"/> DRIVERLESS <input type="checkbox"/> PEDAL <input type="checkbox"/> EQUEST <input type="checkbox"/> NCV <input type="checkbox"/> PV				DATE OF BIRTH 9/25/01				MAKE Chevy	
NAME (LAST, FIRST, MI) Miller, Riley				SEX Y				MODEL Cruze	
STREET ADDRESS 770 Range Meadow Drive				SAFT Y				YEAR 2017	
CITY Lincolnville				INJ N				LEVEL 1	
STATE IL				EJECT N				ENGAGED 2019	
ZIP 67778				PLATE NO. RM101				STATE IL	
TELEPHONE 212-333-1190				STATE CLASS IL D				VIN M6389127888312	
DRIVER LICENSE NO. M612-0020-1934				PPL Miller, Riley				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Dept.				VEHICLE OWNER (LAST, FIRST MI) Miller, Riley				POLICY NO. SD1 - 2019 - 3876	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE Same as above	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center				INCIDENT RESPONDER Y				TELEPHONE 611-201-3312	
NAME (LAST, FIRST, MI) Brooks, Calvin				DATE OF BIRTH 2/11/89				MAKE Ford	
STREET ADDRESS 1078 Mountain Avenue				SEX M				MODEL F550	
CITY Lakeview				SAFT Y				YEAR 2018	
STATE IL				AIR N				LEVEL 1	
ZIP 61776				EJECT N				ENGAGED 2019	
TELEPHONE 212-110-6789				PLATE NO. TOW12				STATE IL	
DRIVER LICENSE NO. B361-1238-9102				PPL Lakeside Towing Inc.				INSURANCE CO. Swiss Insurance Co.	
EOMS AGENCY Lakeview Fire Department				VEHICLE OWNER (LAST, FIRST MI) Lakeside Towing Inc.				POLICY NO. SD1 - 2016 - 7218	
TAKEN TO Lincoln County Medical Center									

A **Diagram** and **Narrative** are required on all **Type B** crashes, even if units have been moved prior to the officer's arrival.



NARRATIVE (Refer to vehicle by Unit No.)

Unit #1 was traveling southbound on Waveland Ave. when Unit #1 lost control. Unit 1 crossed the white fog line on the side of the road and struck Unit #2. Unit #2 was parked at the time of the collision. Unit #2 had its amber warning lights activated at the time of the accident per witnesses. Driver of Unit #1 may have been distracted at the time of the collision. Unit #3 was unoccupied and no witnesses present inside of Unit #3 or on scene from Unit #3. Unit #2 had arrived just prior to the accident to tow Unit #3 when collision occurred.

LOCAL USE ONLY

u 1 Color Red	u 2 Color Orange	
u Towed due to: <input checked="" type="checkbox"/> Disabling Damage	<input type="checkbox"/> NOT Disabling Damage	Damage Extent:
u Towed due to: <input checked="" type="checkbox"/> Disabling Damage	<input type="checkbox"/> NOT Disabling Damage	Damage Extent:
		Towed by /to Lakeview Tow Lot

LARGE TRUCK, BUS, OR HM VEHICLE

IF MORE THAN ONE CMV IS INVOLVED, USE SR 1050A
ADDITIONAL UNITS FORMS.

A CMV is defined as any motor vehicle used to transport passengers or property and:
1. Has a weight rating of more than 10,000 pounds (example: truck or trailer combination); or
2. Is used or designed to transport more than 15 passengers, including the driver (example: shuttle or charter bus); or
3. Is designed to carry 15 or fewer passengers and operated by a contract carrier transporting employees in the course of their employment (example: employee transporter); or
4. Is used or designed to transport between 9 and 15 passengers, including the driver, for direct compensation (example: large van used for specific purpose); or
5. Is any vehicle used to transport any hazardous material (HAZMAT) that requires placards (example: placards will be displayed on the vehicle).

CARRIER NAME _____
ADDRESS _____
CITY/STATE/ZIP _____

Motor Carr. ID ☐ Interstate ☐ Intrastate
☐ No Comm./Govt. ☐ Not in Comm./Other

USDOT NO. _____ ILCC NO. _____

Source of above info. ☐ Side of Road ☐ Papers ☐ Driver ☐ Log Book
GVWR/GCWR ☐ < 10,000 ☐ 10,000 - 26,000 ☐ > 26,000

Were HAZMAT placards displayed on the vehicle? ☐ Y ☐ N

If yes, name on placard _____ 4-digit UN no. _____ 4-digit Hazard Class no. _____

Did HAZMAT spill from the vehicle (do NOT consider FUEL from the vehicle's own tank)? ☐ Y ☐ N ☐ UNK

Did HAZMAT Regulations violation contribute to the crash? ☐ Y ☐ N ☐ UNK

Did Carrier Safety Regulations (HCS) violation contribute to the crash? ☐ Y ☐ N ☐ UNK

Was a Driver/Vehicle Examination Report form completed? ☐ Y ☐ N ☐ UNK

HAZMAT ☐ Y ☐ N ☐ UNK Out of Service? ☐ Y ☐ N
MCS ☐ Y ☐ N ☐ UNK Out of Service? ☐ Y ☐ N

Form No. _____

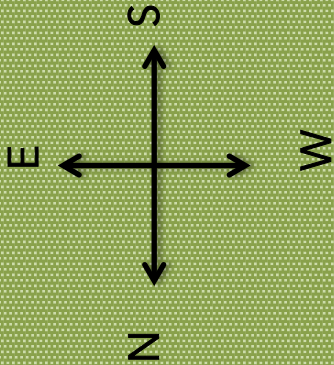
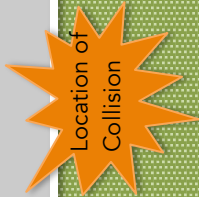
IDOT PERMIT NO. _____ WIDE LOAD? ☐ Y ☐ N

TRAILER VIN 1 _____
TRAILER VIN 2 _____
TRAILER WIDTH(S): 0-96" 97-102" > 102"

TRAILER 1 ☐ ☐ ☐ ☐ ☐ ☐
TRAILER 2 ☐ ☐ ☐ ☐ ☐ ☐

TRAILER LENGTH(S): 1 _____ ft TRAILER 2 _____ ft
TOTAL VEHICLE LENGTH _____ ft NO. OF AXLES _____

SELECT CODES FROM BACK COVER OF CRASH BOOKLET:
VEHICLE CONFIGURATION _____
CARGO BODY TYPE _____ LOAD TYPE _____



Houses

PITTS AVE EAST

WAVELAND AVE

PITTS AVE WEST

Service Station

FISK AVE



Lincoln County Chronicle

Accident Injures Teens: TXTNG 2 BLAME?

Nancy Dew, ndew@Lincolncochronicle.com

Three teens were traveling south-bound on Waveland Avenue early Saturday morning when the 2017 Chevy Cruze driven by Riley Miller crashed into a tow truck that was attempting to tow a stalled vehicle on the side of the road. Two other local teens were in the car. No other vehicles were involved.

The passengers and driver were taken to Lincoln County Medical Center to be evaluated and treated for injuries. The front seat passenger was the most seriously injured.

Authorities question whether texting was involved. One passenger reported that the driver was texting at the time the vehicle skidded and hit the tow truck.

Officer Addison Knight stated, "This texting thing is getting out of control. The law says they can't do it while driving. Period. But, we are seeing more and more of it, especially from teen drivers. "

Drinking may also be a cause in the crash according to paramedics at the scene.

Officer Knight told reporters, "I am doing everything in my power to get to the bottom of this. If it was the tires, we want to know. If it was the speed, we want to know. If it was texting or drinking, we want to know it because someone should pay. We have to teach these kids a lesson." The driver and passengers are minors and thus were not consulted for comment. All the teens involved in the wreck attend Lakeside High School in Lincoln County.

