

APPENDIX D
(FACT PATTERNS)

Fact Pattern

The following scenario is loosely drawn from an incident that occurred in another town in recent weeks. **It is not intended to represent the facts of that other case. On the contrary, the facts have been altered for the purpose of this exercise.**

Alice, age 17, a student at Best High School, and a member of the coed soccer team had a great idea. The team had just won the sectional championship, and would be competing for the state championship in two weeks. To celebrate the sectional, **Alice** decided that a party was in order. **Alice** knew she couldn't have the party at her house because her father was a spoiled sport, and if the music were too loud, or anybody brought beer, her father would embarrass her by making a scene in front of all her friends.

Alice mentioned her idea to **Bart**, age 17, and also a player on the team, and **Bart** said they couldn't have the party at his house but they knew of a terrific place to hold a party. **Bart** explained to **Alice** that he was friends with **Zeke**, age 15, and **Bart** knew that **Zeke's** parents owned a small 2 bedroom bungalow, which they rented out. It just so happened that the tenants had moved out recently, and the house was empty. **Bart** and **Alice** went over to the bungalow and looked in the windows, and agreed that it was the perfect place to hold a party.

Bart and **Alice** went to **Zeke** and asked him about using the bungalow for the party. **Zeke** said, "NO WAY! My parents would kill me." Besides, **Zeke** and his parents were going away for the weekend and he couldn't have a party there that weekend.

Bart and **Alice** talked things over agreed that the only place to have a party was a place like the bungalow. **Alice** then said, "it would be so easy to get inside the window next to the backdoor because it looks open. You wouldn't even need a key." **Bart** said, "Are you crazy? We can't just break in." **Alice** said, "It's not breaking if they leave the window open, is it?" So **Alice** decided to invite just soccer players, and to limit it to 12 players. The party was to start at 6:30 p.m.

On Saturday at 6:15 p.m., **Alice** and **Bart** arrived at the bungalow with a CD player and plenty of music. They found 3 soccer players, including **Carry**, age 16, and 4 others "friends" of these players, including **David**, age 16, already there. **Bart** tried to push open the back window, but it was stuck, and **Alice** tried to help. **David** saw them struggling with the window, added his weight to the pushing, and the pane shattered. **David** then knocked away the broken glass and climbed through the window. **Carry** followed him, as did the other players and friends who were there. **Bart** said, "What should we do now?" To which **Alice** replied, "What can we do?" They heard something break in the house and feeling somewhat responsible, both climbed in through the broken window. As others arrived, some of them climbed in through the broken window, but eventually someone unlocked the door.

Around 7:00 p.m., **Bart** noticed people drinking beer, and so as not to feel out of place, he took a bottle and sipped from it. That was all the beer he had all night, and it took him an hour to finish the bottle.

Around 8:00p.m., **Eric** and **Frank**, both age 14, arrived. **Eric** was not on the team, but **Frank** was. **Eric** was a graffiti writer, who liked to spray paint on walls and fences, and he had a can of red spray paint in his coat pocket. **Eric** left his coat on the couch. **Frank** had never had alcohol before and got drunk. **Greg**, age 17, a captain of the team, and its leading scorer, pointed to the can of spray paint hanging out of the coat pocket, and told **Frank** that if he wanted to be a full fledged member of the team, he had to spray his initials on the wall. **Greg** never expected **Frank** to take him seriously, and actually walked away after saying this. **Greg** then left the party because "something didn't feel right."

As **Greg** was walking away, **Frank** picked up the spray paint can and sprayed his initials on the wall. **Frank** then handed the can to **Harold**, the other team co-captain, and repeated what **Greg** had said. **Harold** did not spray the wall; he just put the can down. Someone else picked up the can, and several more people spray painted the wall. **Eric** saw that people was spraying the wall and took back his can of spray paint. But by this time, one whole wall was covered with paint.

By 8:45 p.m., it was obvious that the party was getting out of control. There were more than 50 people there, the music was very loud, two lamps had been broken, and of course one wall was painted red. Around 9:00 p.m. a police car was seen driving by the house. The cry went out, "the police are here," and almost everyone took off through the back door. As it turned out, this car had been called to a different disturbance down the street, but a neighbor was just then calling the police about this party. By the time the police arrived, only **Alice, Bart, Carry, David, Eric, Frank** and **Harold** was still in the house, and they were arrested. **Eric** was found to have a "Kung Fu Star" in his jacket, which he had picked up in Manhattan as a souvenir.

Alice, Bart, Carry, Frank, and **Harold** were suspended from the soccer team for violating the athletic code, and missed the state championship game. **Greg** was not suspended because his involvement did not come to light until after the game had been played.

Alice, Bart, Carry, David, Eric, Frank, Greg and **Harold** are appearing in Youth Court for a sentencing hearing.