

Time-Distance Operator Training

TDI-B07.01

Course Title: TIME-DISTANCE OPERATOR TRAINING

Lesson Title: Courtroom Preparation

Lesson Purpose: To allow the participant to become familiar with direct testimony and cross-examination as it applies to Time-Distance cases.

Performance Objectives: At the end of this unit of instruction, the participant will be able to achieve the following objectives:

1. Prepare and deliver complete, concise, and effective direct testimony for Time-Distance speed measurement cases.
2. Respond properly and effectively to cross-examination in Time-Distance speed measurement cases.

Hours: Three (3) hours

Instructional Method: Demonstration

Materials Required: Time-Distance Operator Course Manual
Pen/pencil
Note paper
Materials prepared outside of class

References: See Bibliography

Prepared By: North Carolina Justice Academy Staff

Date Prepared: Spring 1981

Revised By: W. Stacy Holloman
Instructor/Coordinator
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TDI-B07.02

Course Title: TIME-DISTANCE OPERATOR TRAINING

Lesson Title: Courtroom Preparation

I. Introduction

A. Opening Statement

Note: Show Slide, “Opening Statement”

Courtroom preparation and testimony is a major part of your role as a Time-Distance operator. Without proper preparation, winning cases will be difficult, if not impossible. This block of instruction is designed to provide you with the knowledge and skills you need to be prepared for court.

Note: Show Slide, “Performance Objectives”

B. Performance Objectives

At the end of this unit of instruction, the participant will be able to achieve the following objectives:

1. Prepare and deliver complete, concise, and effective direct testimony for Time-Distance speed measurement cases.
2. Respond properly and effectively to cross-examination in Time-Distance speed measurement cases.

C. Reason

Courtroom preparation and skills are necessary in order for the Time-Distance operator to properly present evidence in a Time-Distance case in court.

II. Body

A. Requirements and Procedures

1. Preparation

Note: Show Slide, “Requirements and Procedures”

In preparation for the Moot Court segment of the course, you must prepare the direct testimony for a hypothetical case in which a speeding offense was alleged to have occurred. Think of this as writing a script for a play, in particular a courtroom drama. You are not only the playwright, but you also are an actor: in fact, you will have the starring role as the arresting officer. The script you prepare might include two speaking roles: yours (the Officer) and the Prosecutor. If you decide to write the scene that way, then the prosecutor's role will be to ask a series of questions and the officer's role will be to respond to those questions. Alternatively, you might write the scene without a prosecutor, in which case the entire script will consist of a monologue by you, the officer. The choice you make must be based on the traffic offense adjudication procedures that are familiar to you. You are expected to prepare a complete, realistic, and well thought-out script. Your testimony is the principal body of evidence that will be introduced to establish the elements of the offense. When it comes time to act out your script in Moot Court, you will be expected to do a thorough job in presenting your testimony. (Another "actor" will be appointed to assist you by playing the prosecutor's role).

2. Script

The script you prepare will be based on one of the hypothetical cases described on the following pages. Each case description includes an outline description of various circumstances and conditions alleged to have characterized the incident.

3. Ground Rules

Note: Show Slide, “Ground Rules”

There are a number of ground rules governing how you can use the narrative information in preparing your script.

- a) You are expected to complete a sketch, indicating on it the exact position of your patrol car/time-distance instrument.
- b) You are totally free to decide what type, make, and model of time-distance instrument was used in the case.

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- c) The circumstances, characteristics, and conditions listed in the narrative information cannot be changed. You cannot, for example, decide that there were either more or fewer persons in the vehicle than the description indicates. You cannot change the time, date, or place of the incident.
- d) You may include in your testimony any or all of the circumstances and conditions listed in the narrative description. You do not have to include any item if you feel it is not relevant to the case. For example, you might decide to make no mention of the accused's age in your testimony. You may or may not wish to testify that you learned the names of any other persons that were alleged to be in the subject vehicle. However, if you are questioned about any of those items during cross-examination, you must answer in a way that does not conflict with the "facts" outlined in the narrative description.
- e) Sample scripts of direct testimony for a similar hypothetical case will be presented in class to illustrate the type of material that you will be expected to produce.

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CASE NO. 1 - TIME-DISTANCE

ACCUSED:	John J. Able Male Age 16
VEHICLE:	1997 Chevrolet Corsica Color: White-on-Green Registration Number: AC 6429 Registered to: Mrs. Martha P. Able (mother of accused)
DATE/TIME OF ALLEGED OFFENSE:	Friday, 17 July - 2:15 p.m.
LOCATION OF ALLEGED OFFENSE:	State Highway Number 28 (limited access) Eastbound Lanes, two miles west of Bakerstown exit
TRAFFIC CONDITIONS:	Moderate, free flowing in Eastbound lanes Heavy, constricted in Westbound lanes
WEATHER CONDITIONS:	Daytime Sunny Light, easterly breeze
PERSONS IN VEHICLE: (other than accused):	Fred J. Able Tina B. Brandt Male Female Age 15 Age 16 (Brother of accused)

SITUATION DESCRIPTION:

Subject vehicle is alleged to have been traveling at 67 mph. Absolute speed limit of 55 mph is in force at subject location. Subject location is 4-lane (2 East, 2 West), divided, limited-access highway in suburban-residential neighborhood. A 15-yard-wide grassy median divides Eastbound and Westbound traffic. Subject vehicle alleged to have been in left-hand (inside) Eastbound lane and passing series of slower-moving vehicles in right-hand (outside) lane when the speed measurement was made. When the stop was made, three persons, including the driver were observed to be in front seat of the vehicle.

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CASE NO. 2 - TIME-DISTANCE

ACCUSED: Frank R. Dawes
Male
Age 37

VEHICLE: 1995 Dodge Intrepid
Color: Blue
Registration Number: KT 1292
Registered to: Frank H. Dawes

DATE/TIME OF ALLEGED OFFENSE: Tuesday, 31 March - 7:50 a.m.

LOCATION OF ALLEGED OFFENSE: Highland Avenue, Southbound lane Approximately 500 feet south of intersection with Smith Street

TRAFFIC CONDITIONS: Moderate-to-heavy, free flowing in Southbound lane
Light, free flowing in Northbound lane

WEATHER CONDITIONS: Daytime
Clear
Brisk, westerly winds

PERSONS IN VEHICLE: Peter G. Hale
(other than accused) Male
Age 42

SITUATION DESCRIPTION:

In response to several complaints of speeding traffic by Highland Avenue residents, speed measurement/selective enforcement was being conducted along a straight stretch of that two-lane road (one Northbound, one Southbound lanes), roughly between the intersections with Smith Street and Chambers Place. Highland Avenue is a residential road with posted speed limit of 30 mph (Prima Facie). It is the most direct North-South route between State Highway Number 28 and the commercial district of Bakers-town. A good deal of morning and afternoon "rush hour" commuter traffic passes along Highland Avenue. Citizen complaints of speed focused on the morning rush hour, since it coincides with the departure of neighborhood students to the nearby Junior High School.

Subject vehicle is alleged to have been traveling at 43 mph. Two person, including driver, were observed to be in front seat of subject vehicle. No vehicles other than the patrol vehicle were parked on either side of Highland Avenue in the vicinity of the alleged violation.

Moderate pedestrian traffic was moving along the sidewalks on either side of Highland Avenue; virtually all pedestrians appeared to be students heading south toward the Junior High School situated on Highland Avenue approximately one mile from the scene of the alleged violation.

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CASE NO. 3 - TIME-DISTANCE

ACCUSED:	Simon T. Porter Male Age 18
VEHICLE:	1990 Ford Escort Station Wagon Color: Two-tone Green Registration Number: IG 213 Registered to: Simon T. Porter
DATE/TIME OF ALLEGED OFFENSE:	Monday, 20 July - 7:55 p.m.
LOCATION OF ALLEGED OFFENSE:	Airport Drive, Southbound lanes 200 feet south of intersection with Seventh St.
TRAFFIC CONDITIONS:	Very light, free flowing in both directions
WEATHER CONDITIONS:	Dusk (sunset was at 7:40 p.m.) Clear No Breeze
PERSONS IN VEHICLE: (other than accused)	Jane H. Gilman Female Age 16

SITUATION DESCRIPTION:

Subject vehicle is alleged to have executed turn from Westbound lane of Seventh Street onto right-hand Southbound lane of Airport Drive. Traffic Control light at intersection of Seventh and Airport alleged to have been "RED" to Airport Drive traffic as subject vehicle entered intersection from Seventh Street, and is alleged to have turned "GREEN" as subject completed turn. Airport Drive is a four-lane non-divided roadway (two Northbound lanes separated from two Southbound lanes by solid yellow lines). Prima Facie speed limit of 35 mph is posted along Airport Drive. Subject vehicle is alleged to have been traveling at 45 mph after turning onto Airport Drive. No other vehicular or pedestrian traffic was present in the Southbound lanes of Airport Drive south of intersection with Seventh Street. A few widely scattered vehicles were parked on the right shoulder of the Southbound lanes. Two persons, including the driver, were observed to be in front seat of the subject vehicle.

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CASE NO. 4 - TIME-DISTANCE

ACCUSED:	Paul A. Branin Male Age 33
VEHICLE:	2004 Honda Motorcycle Color: Red Registration Number: PT97 Registered to: Paul A. Branin
DATE/TIME OF ALLEGED OFFENSE:	Thursday, 15 March - 3:00 a.m.
LOCATION OF ALLEGED OFFENSE:	Route 95, Southbound, Mile Marker 37
TRAFFIC CONDITIONS:	Light
WEATHER:	Night time Clear
PERSONS IN VEHICLE: (other than accused)	None

SITUATION DESCRIPTION:

Route 95 is a major 3-lane throughway. An absolute limit of 55 mph is set along the stretch of highway in question. The subject vehicle is alleged to have been traveling at 85 mph in the left hand lane. The subject vehicle also was found to have one of its rear tail lights broken.

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III. Conclusion

- A. Summary
- B. Questions
- C. Closing Statement