
*St. Philip's Academy
Newark
Grade 5, First Place*

A Dangerous Skateboard Ride

Teacher: Lynette France

Students: Amiyrah Allen, Tamika Brown, Tierra Hatcher, Jami Jackson,
Shakeema Jones, Foluso Mimy, Farah Reed, Alton Reese, Ade Ruffin,
Gregory Wells, and Gur-Aryeh Yehudah.

FACTS

On May 1, 1991, while playing in front of his building, Donny met a new kid on the block, Leo. Leo, with his skateboard in hand, urged Donny to get his skateboard and ride with him to City Park. Donny told Leo that his mother would not approve of him going to the park, especially with his skateboard, since he had gotten into lots of trouble for riding his skateboard in City Park several times before. But Leo insisted and helped Donny sneak his skateboard out of his apartment and off they went to City Park. As soon as they entered the down ramp of City Park, Donny ran smack into Mike, who was headed for the basketball court with his friend Ralph. Upon impact, Mike fell and hit his head on the bleachers. Mike was rushed to City University Hospital by Officer Shread who was patrolling the park and observed the whole incident. Mike was treated for a mild concussion and received ten stitches. Donny was not hurt, however, Ms. O'Neil, his mother, was arrested for violation of Ordinance No. 2.

THE LAW

Ordinance 1.: It is a violation of Ordinance No. 1. to skateboard in any city park. Penalties include a fine of \$50 and liability for all damages.

Ordinance 2.: A parent(s) will be held criminally responsible for violations by their child(ren) where the parent(s), with knowledge of the child's prior conduct which endangers others, negligently fails to reasonably restrain the child. Penalties include imprisonment for as long as 60 days, a fine up to \$600 and community service of at least 60 hours. Reasonable efforts made by the defendant to restrain the child is an affirmative defense.

ISSUE

Is Ms. O'Neil, Donny's mother, criminally responsible for Donny's actions which caused Mike's injuries?

WITNESSES

For the prosecution, parkgoer Ralph and Police Officer Shread; for the defense, neighbor Ms. Splint and April O'Neil, Donny's sister.

WITNESS STATEMENTS

Ralph:

On May 1, 1991, at around 4 p.m. I was going to play basketball with my buddy Mike when the same kid who had bumped into me with his skateboard before came into the park. He was going so fast that he reached us in seconds. It looked like he was trying to avoid running onto the court where a game was going on so he swerved and instead of running onto the court, he ran into Mike. Mike fell and hit his head on the bleachers and began to bleed. That's when a policeman ran over to him and took him to the hospital. It happened so quickly that I didn't even have time to warn Mike.

Officer Shread:

I began duty on May 1, 1991 at 2:00 p.m. As usual, I was assigned that afternoon to City Park. As I was patrolling the area near the basketball court, I observed Donny O'Neil and another youngster riding skateboards into the park. They entered through the entrance on Martin Luther King Boulevard, despite the large signs posted at the entrance stating that no skateboards were allowed. As soon as Donny skated down to the basketball court, he lost control and ran right into another youngster who was walking near the court. The youngster fell into the bleachers and then to the ground. I recognized Donny right away since I have warned him several times before about riding his skateboard in the park. Just last week, I personally escorted Donny home and advised Ms. O'Neil, in front of Donny, about the danger of riding his skateboard in the park and the consequences for both.

Mrs. Splint:

I was visiting with Ms. O'Neil less than a week before this incident happened. We were sitting in

her kitchen when an officer knocked on the door. The officer had Donny and was extremely concerned about Donny continuing to ride his skateboard in the park after repeated warnings by the police not to do so.

Ms. O'Neil was extremely upset and disappointed by Donny's actions. She reprimanded him and limited his privileges. She told him to stay in front of the building while playing for two weeks. She also took his skateboard and put it up in her bedroom and told him that he could not ride it unless she was there to supervise him.

April:

Around 3:30 p.m. on the day Mommy was arrested, Donny and I were playing with the other kids in front of our building. A new kid, his name is Leo, came over to Donny and started talking to him. He said he was 10 years old but he looked a lot bigger. Leo had a brand new skateboard and was bragging about how well he could ride. He dared Donny to ride with him to the park. At first Donny said no, but Leo kept teasing and teasing him. Leo started calling him names and telling Donny he was scared. So Donny sneaked into our apartment and got his skateboard out of Mommy's room. Mommy was keeping the skateboard under her bed. Mommy was feeding the baby and did not see or hear Donny take the skateboard. I told Donny that he was going to get into trouble if he took his skateboard. Leo said "no he's not" and told me to mind my business and off they went down the Boulevard toward City Park.

INSTRUCTIONS

The defense must present a sound case for the defendant through an affirmative defense that raises a reasonable doubt as to the defendant's guilt.

SUB-ISSUES

1. Should parents be held criminally responsible for the actions of their children? If so, is the mere fact that they are the parents enough?

2. If a child violates the law despite repeated efforts by his parent(s) to correct the behavior, should the parent(s) be held responsible if the child continues to violate the law?
3. Were the steps taken by Ms. O'Neil "reasonable" under the circumstances?
4. Should the fact that Donny was encouraged and influenced by his new "friend", Leo, be a defense?
5. Should extra efforts be taken to prevent further violations by repeat offenders like Donny? If so, are repeat offenders more likely to be looked upon as guilty? Are their parents?

CONCEPTS

1. Reasonableness.
2. Criminal Negligence.
3. Vicarious liability.