

## Extra Credit #1

After reading the fact pattern below tell me whether you believe Moon should be held criminally liable and why. Discuss whether you believe the Defendants' conduct was intentional, reckless or negligent. In providing your answer – pick one choice - provide the definition of the one you choose and support your decision with the facts that fit your decision. One page is sufficient.

**FACTS:** It appears from the facts established at trial that at approximately 1:00 a. m. on January 19, 1980 defendant Paul T. Moon was traveling alone in his car in an easterly direction on Maple Road in the Town of Amherst when he became involved in a "drag race" with an automobile driven by Abbott. Maple Road, which traverses a residential area, is a four-lane highway with designated speed limits. Traffic is controlled by traffic control signal lights at various intersections. Spaced white lines divide the two eastbound and the two westbound lanes and double yellow lines spaced approximately four feet apart separate the eastbound and westbound lanes. Both Moon and Abbott were observed racing at very high rates of speed by the occupants of at least three other vehicles which were traveling along Maple Road at the time. At one point in particular Moon was observed trying to overtake Abbott's vehicle by crossing over the double yellow line and traveling in the westbound lane. An automobile driven by Patricia A. Hammond, which entered the intersection of Maple Road and Palmdale, was struck broadside by the Abbott vehicle instantly killing Mrs. Hammond and her two passengers. Moon's vehicle fishtailed through the scene of the accident and avoided collision with the two vehicles. It was described as spinning in a full circle in all four lanes before it stopped facing in a westerly direction. Moon sat in his automobile for a short time until he backed up, made a U-turn and drove away.