

# Street Law Mock Trials



Chris Archer v. the State of New Columbia

Developed by

**STREET LAW<sup>INC</sup>**

and the

Georgetown University Law Center  
D.C. Street Law Project

*This mock trial may be reproduced for academic use only.*

### **Statement of Stipulated Facts**

*All parties to this action do hereby agree and stipulate to the accuracy of the following facts:*

On November 22, 1997, 18-year-old Milan Jackson died as a result of a 26-foot fall from the clock tower located in the student center of Columbus University. Her death occurred during a pledging activity sponsored by Phi Gamma (hereafter Gamma), the coed fraternity Milan was pledging at the time. Milan was a freshman at Columbus University, having graduated from Ida B. Wells High School in 1997.

Greek life plays a large role on the Columbus University campus. Gamma, in particular, is known for having members in high academic and social standing. Milan was eager to become a part of this organization, as had her aunt, Tanya Maddox, in 1986.

Pledging is the process fraternities use to select which freshmen they will accept into their group that year. In the Gamma fraternity, the last week of pledging is known as "Hell Week." During Hell Week, pledges are given various tasks by the fraternity's upper-classmen, which they must complete if they want to be considered for membership. The defendant, Chris Archer is the president of Gamma, and was in charge of planning Gamma's 1997 pledging activities.

On the last night of pledging, known as "Hell Night," all pledges of the Gamma fraternity were blindfolded while inside of the Gamma fraternity house. Then they were to be led, one at a time, outside of the fraternity house to perform one last task before they were informed who had made it into the fraternity and who had not. While Milan was outside and blindfolded, the defendant whispered something into her ear. Shortly thereafter, Milan grabbed the fraternity flag, ran to the student center and up to the clock tower. It was from the top of the clock tower that she fell.

At the time of her death, Milan's blood alcohol content was 0.10. The level of legal intoxication is 0.08.

### **Charges and Defense**

The State of New Columbia charges Chris Archer with the following violations of the New Columbia Code:

Count 1 - 1st degree murder in violation of §2-745

Count 2 - Criminal hazing in violation of §4-1213

Chris Archer denies all charges, claiming that the death of Milan Jackson was accidental and solely the direct result of Ms. Jackson's own actions.

### **Witnesses To Appear Before the Court**

For the State:

- \* Pat Smith
- \* Dr. Alex Richards
- \* Tyler Johnson

For the Defense:

- \* Chris Archer
- \* Dean Jesse Thomas
- \* Dr. Jordan Mitchell

### **Additional Stipulations**

The parties have stipulated to the authenticity of the following items:

1. November 18th memorandum sent to the students of Columbus University and the note to Chris Archer written by Dean Thomas.
2. The "Alcohol Chart" submitted by Dr. Alex Richards. This chart is accepted as an official publication and is used nationwide by experts in alcohol abuse.

The parties reserve the right to dispute any other legal or factual conclusions based on these items and to make objections to these items based on evidentiary issues.

**Applicable Law**

**NEW COLUMBIA CRIMINAL CODE**

**§2-745: First Degree Murder**

- a) First degree murder is the deliberate and premeditated unlawful killing of a human being. Premeditation means that the defendant actually reflected on the idea of killing, if only for a brief period.
- b) First degree murder is punishable by life imprisonment.
- c) There is no death penalty in New Columbia

**§2-746: Second Degree Murder**

- a) Second degree murder is the unlawful killing of a human being with malice aforethought. Malice aforethought may be expressed or implied. \*
- b) Malice aforethought exists if the defendant has any of the following states of mind:
  - (I) Intent to kill (“express” malice)
  - (ii) Intent to inflict great bodily injury
  - (iii) Reckless indifference to an unjustifiably high risk to human life
  - (iv) Intent to commit a felony

\*In the case of (ii), (iii), or (iv), the malice is “implied” (assumed)

- c) Second degree murder is punishable by a maximum period of imprisonment not less than 20 years and not to exceed a sentence of life.

**§2-747: Involuntary Manslaughter**

- a) Involuntary manslaughter is a killing which occurs as a result of an unreasonable failure to perceive the risk of harm to others, while engaging in conduct resulting in extreme danger to life or of serious bodily injury. This conduct is also known as criminal negligence.
- b) Involuntary manslaughter is punishable by a maximum of 20 years imprisonment.

#### **§4-1213: Anti-Hazing/Gang Initiation Statute**

- a) A person commits criminal hazing if:
  - (1) Serious physical injury or death results, or is likely to result, from an act or the direct influence of a gang or fraternity/sorority member during the initiation process.
  - (2) This charge may be brought in conjunction with any other violent crimes against a human being.
  
- b) Hazing is a class D misdemeanor and is punishable by fine of not less than ten dollars nor more than one hundred dollars, or imprisonment of not less than thirty days nor more than one year, or both, at the discretion of the court.

#### **Criminal Rule 31 - Verdict**

- a) CONVICTION OF A LESSER, INCLUDED OFFENSE. The defendant may be found guilty of an offense necessarily included in the offense charged. In a non-jury trial, the judge will make such a finding, without motion by either prosecution or defense.

## CASE LAW

Richards v. New Columbia, 908 A.2d. 1096 (1995).

Summary of Facts: On appeal. John Richards, leader of a gang known as the “Nines” was convicted of 2nd degree murder under §2-745 and criminal hazing under the Anti-Hazing/Gang Initiation Statute. As part of a gang initiation ritual, Richards instructed potential gang members to lay on train tracks and count to ten after feeling the initial vibrations of an oncoming train. After drinking heavily, Mark Yoba, a young man being initiated into the gang, lay on the tracks. However, in his intoxicated state, Mr. Yoba did not start counting until the train was almost upon him. Mr Yoba did not react quickly enough to move himself from harm’s way and was consequently killed.

Holding: Although the behavior of Mr. Richards was hazardous, he should not be held responsible for Mr. Yoba’s death. In analyzing culpability for this tragedy, the court must examine the extent that outside pressure caused the victim to act in such a life-threatening manner. Lying on train tracks is an obviously dangerous activity. Despite his intoxication, there is no evidence that blood alcohol levels were high enough to completely impair Mr. Yoba’s judgment. Despite intense peer pressure, Mr. Yoba should have been aware of the risks of undertaking such an activity. The facts do not support conviction of 2nd degree murder.

Regarding criminal hazing, on the other hand, the activities that Mr. Richards selected for initiation put people at serious risk of injury or death. As leader of the Nines, Mr. Richards could have avoided this tragedy by not selecting such a dangerous activity. *Judgment of the trial court is affirmed on the charge of criminal hazing and reversed on the charge of 2nd degree murder.*

Nichols v. New Columbia, 908 A.2d. 1011 (1995)

Summary of Facts: On appeal. Deborah Nichols, president of the Alpha Delta Alpha sorority, was convicted of involuntary manslaughter under §4-1213 and criminal hazing under §4-1213 of the New Columbia Code. As part of an annual sorority drinking competition, pledges were told to compete against each other to see who could consume the greatest amount of beer. Tamara Wilcox, a freshman at Dreyfuss University, was a pledge at Alpha Delta Alpha sorority. As a pledge, Ms. Wilcox was required to engage in this drinking competition. The other members of the sorority, as dictated by Ms. Nichols, told the pledges to continue to drink, despite obvious signs of intoxication. Ms. Wilcox died of alcohol poisoning as a result of this hazing activity.

Holding: Although Ms. Wilcox could have chosen not to drink, it is quite clear that she was under a great deal of pressure to compete in the drinking contest. Under Ms. Nichols’ directive, members of the sorority continued that pressure despite the fact that Ms. Wilcox’s state of intoxication made her incapable of making rational choices. This activity was clearly

a dangerous one that put people at risk of serious injury and, in this case, death. Though Ms. Wilcox may not have intended to kill Ms. Nichols, she was fully aware of the potential dangers of such hazing activities. *Judgment of the trial court affirmed.*

Anderson v. New Columbia, 907 A.2d 410 (1993).

Holding: Past behavior or incidents involving the alleged victim or defendant are admissible when used to establish motive for murder or suicide.

Thomas v. Sylva, 908 A.2d 128 (1993)

Holding: In a case where the charge is first degree murder, lesser included offenses in the meaning of Criminal Rule 31 include second degree murder and involuntary manslaughter, where defendant introduces evidence of lack of deliberation, premeditation and malice.

**Pat Smith**

**Witness for the Prosecution**

Milan and I had been best friends since we met in the third grade. She was a chubby new girl at school and everyone teased her for being such a “plain Jane” and a “nerd.” Like her, my classmates often teased me and called me “nerdy,” so I introduced myself to her and we became instant friends. As we grew up, Milan began to transform into a gorgeous young woman. She lost her baby fat in junior high. Then, the summer after the eighth grade, she got a great haircut and bought contact lenses and a whole new wardrobe to celebrate her new, shapely figure. By the time we got to high school, all the people who had teased Milan and I while we were growing up wanted to invite her to parties and other events. It seemed like every girl in school wanted to be her best friend and every guy wanted to date her.

I thought that with her new popularity, Milan wouldn’t want to be my friend anymore. After all, now that she could be with the cool kids, why would she want to be with me? Fortunately, Milan was still the same shy, sweet girl she always was. She refused to go to any parties or anywhere else unless I was invited. During her junior year in high school, Milan began to date Craig, the captain of the football team at school. We spent less time together, but I knew that we would always be friends.

During our senior year in high school, Milan and I decided to apply to the same colleges so that we would not have to go through the college experience alone. We were both excellent students and we knew that we would probably have our choice of schools. When we got our acceptance letters from various colleges, we both decided to enroll at Columbus University in New Columbia. It is a reputable school in a small, picturesque town about 300 miles outside of Metro City. It is also a big party school with lots of fraternities and sororities. Milan and I thought it would be great to go to a college known for both its strong academics and its parties! Luckily, Milan and I were housed in the same coed dormitory in rooms right next door to each other. We were so excited about being college students! We



decided that we would try to be more social now that we were in college, so during rush week on campus, the second week of September, we decided to pledge Phi Gamma. Phi Gamma is a coed fraternity. I was the one who chose it because both my parents had pledged Phi Gamma when they were in college. Everybody wants to pledge Gamma. It is the most popular Greek organization on campus. I also knew that I had an advantage because I was a legacy (both my parents are Gammas). My parents love to tell me stories about all their wild and crazy days in Gamma. They made Gamma sound like so much fun! Milan was also very excited about Gamma. She was not a legacy, but she told me that her favorite aunt had been head of new Gammas and president of the Gammas at Columbus University.

When Milan and I met the Gammas during rush week, they seemed so nice. They were like the “Who’s who” on campus. Many of the students who held the most prestigious positions on campus were Gammas. The editor of the school paper; the captains of the basketball, football and soccer teams; the captain of the basketball cheerleaders; the most popular campus DJ; and officers in several campus organizations were all Gammas. Milan and I were amazed! We were so impressed that we were willing to do whatever it took to be part of this fraternity. Chris Archer, the president of Gamma, seemed so welcoming to the eager freshmen when we visited the Gamma fraternity house. S/he told all of us that if we were lucky enough to become Gammas, we would be part of a family. S/he told us that Gamma was more than just a party organization. S/he said that Gamma sisters and brothers are also really supportive of each other and the community in general.

Milan and I were so excited when we were first selected to go on line as pledges! Then things quickly changed for the worse. While we were pledging, the Gammas made all the pledges do really horrible things. They made us eat dirt, drink large quantities of alcohol, clean toilets with our toothbrushes and more! Milan told me that Chris said that if she would sleep with his/her friend Bryan, that she would not only be guaranteed to become a Gamma, but that Chris would make sure that she would be elected head of new Gammas. Milan really wanted to become the head of new Gammas, but she said that it was not worth selling her

body. After that, all of the Gammas were really mean to her. They started calling her “Ms. Stuck Up”, and they would always tease her.

The last week of pledging is called Hell Week and the last night of Hell Week is called Hell Night. On Monday of Hell Week, November 17th, the Gammas made the pledges strip to our underwear. Then they stood around and made fun of us. We were all really frightened, and a couple of pledges started crying. The male Gammas swatted each of us on the behind really hard with a wooden paddle. Then they made us stand outside in our underwear. I got so upset that I started to have an asthma attack. I kept telling the Gammas that I needed my asthma inhaler, but they wouldn't let me go to my dorm to get it. The next thing I knew I had passed out, and I awakened in a hospital.

A few of the Gammas, including Chris, came to visit me Tuesday in the hospital. I thought they had come to apologize. Instead, they threatened me! Chris told me that if I told anyone what happened, they would make me an outcast on campus. When I returned to campus on Wednesday, I built up enough courage to tell Dean Thomas what happened. Instead of supporting me, s/he told me that I was over-reacting, and that the Gammas were harmless. S/he said, “it was all in good fun.” All in good fun! I could have died!

Later, that very same afternoon, the police asked me about the incident. I was so scared that I lied. The Gammas had threatened me, and I knew that I had no support from the college administration. I felt so alone. I told the police that I was playing around, and that I had forgotten to take my asthma medicine. Now I wish I had told the truth. When Dean Thomas found out what I told the police s/he called me back into her/his office. S/he said that s/he would not report my complaint as an act of hazing because I had retracted my original statement.

When the Gammas found out that I hadn't told the police anything, they allowed me to return on line. Even after this incident, I still refused to drop off of the pledge line. I can't believe how stupid I was! Maybe if I had quit, Milan would have too. Then she would still be alive today. Instead, we kept putting up with abuse from the Gammas. Saturday,

November 22nd, was the last and worst night of Hell week. It was Hell Night, and the night of Milan's death. That night, the Gammas had a pledge party. They pressured all of us to drink. All of the pledges drank. Milan and I drank about three shots of tequila. We both got a little tipsy. However, I have seen Milan drunk a couple of times and this certainly was not one of those times. She laughed and talked. Her words were not slurred and she seemed focused. Later that night, at about 1 a.m. each of the pledges was blindfolded and taken out one at a time by a group of Gammas. I heard Chris' voice call for Milan. S/he said, "We have something special in mind for you, Milan." Milan responded and I heard her footsteps as she was led away. Approximately five minutes later I heard people yelling and shouting. I pulled the blindfold off of my eyes and ran outside to see what was going on. I couldn't believe it! I saw Milan on the ledge of the clock tower. Then I saw Chris put his/her hand on Milan's shoulder and push her off the ledge. The next thing I knew, Milan's bleeding, lifeless body was on the ground in front of the clock tower.

I know Chris is lying about having tried to stop Milan from going out on the ledge. Milan would never have gone up on the ledge of that building on her own. She has always been deathly afraid of heights. I think that is precisely why the Gammas made her go on that ledge to hang the flag. They wanted to terrify her or maybe they even intended to kill her. I know Chris must have been pushing Milan instead of pulling her back on the ledge. S/he is just that mean! It was clear that they were making Milan do more than the other pledges. What the Gammas did was cold-hearted murder.

By the way, even though I have spoken with Jordan Mitchell, I am not receiving any money for the interviews I have given him/her.

**Dr. Alex Richards**  
**Witness for the Prosecution**

My name is Alex Richards. I am a psychiatrist who specializes in student counseling, here on Columbus University's campus. I received a Master's in psychology and a Ph.D. in young adult psychology from Norfolk University. I also have a medical degree from Gladden University. I specialize in what is known as "gang mentality." I have written two books: Sisters and Brothers in Sin: The Secret Pain of Fraternities, Sororities and Gangs, and How To Enjoy Your College Years.

I am quite familiar with the initiation processes of many gangs and Greek organizations. I began studying these organizations five years ago when I lost my son to a gang. He was a member of the Warmongers gang and members of a rival gang shot him. He was only seventeen years old. Since then, I have been delivering speeches to community organizations about gangs and violence prevention. I also speak at college campuses across the country. I encourage schools to either adopt strict disciplinary measures with their fraternities and sororities or to disallow them altogether.

Every year, students who pledge various Greek organizations come to me for counseling. In particular, many students have come to see me about the behavior of the Gammas. I myself pledged Gamma twenty years ago but I never crossed. I know how vicious they can be. When I pledged, the Gammas pressured their pledges to engage in many life-threatening activities. Based on my sessions with students, it seems as though each year, the members of the various Greek organizations get increasingly cruel. I have talked with Dean Thomas about their behavior many times but s/he always minimizes the problem. I am sorry that it took the murder of a student to bring attention to this matter.

Milan was one of my patients. She came to see me the week after freshman campus orientation, before she rushed Gamma. She really wanted to be accepted. Milan's shy sweetness and her insecurity touched me. Milan had experienced a difficult childhood. She

told me that other kids teased her for most of her life, and her parents put tremendous pressure on her to be the best at everything. I found out that she had lost the weight that she had acquired as a child through unhealthy methods like self-starvation, regurgitation, and diet pills. It was clear from her behavior, along with her perfectionist personality, that she suffered from an eating disorder like anorexia and/or bulimia. She lived her life to please and impress others. She worked hard to be the prettiest, smartest, and most successful. I am aware of the fact that Milan occasionally drank alcohol and smoked marijuana. Although she was not at the point of addiction, it is likely that she was approaching that stage.

Milan told me that she was excited about starting anew in this place where nobody knew the “old” her. I told her that she should not give up the person she was to become somebody she felt others would like. I advised her to come see me on a regular basis so that we could talk through some of these insecurities. She agreed. We began to have sessions three days a week. I felt that the sessions should be this frequent because college is such a big transition, and Milan’s fragile personality would be facing many new stresses.

When Milan told me that she was thinking of rushing a sorority or coed fraternity, I strongly counseled her against it. She was just blossoming out of her shell, and she did not seem strong enough to take some of the cruelty that a Greek organization could dish out. I was especially worried about the fact that she really wanted to become a Gamma. Gamma is not an easy organization to get into. Many students rush Gamma, many students pledge Gamma, but only a few actually get in. I did not want her to be disappointed. She was insistent on pledging, however, so I decided to offer her support.

Interestingly, Milan seemed to be confident about her ability to become a Gamma. She said that after rushing Gamma, she knew that she had found a place where she could belong. When Milan discovered that she had been accepted as a pledge, she was absolutely delighted. I told her not to get her hopes up and that it was an honor in itself to have been accepted as a

pledge. I shared with her my own experience with pledging Gamma, and how disappointed I was when I was not allowed to crossover. Milan insisted that she would make it.

During the beginning of Hell Week, Milan slipped into my office. She told me that she did not want to be spotted coming into my office by Gammas. When I asked her about how things were going, she said that Hell Week was really difficult for her. I asked her to tell me what was going on, but she refused to elaborate. She had already developed a strong sense of loyalty to the Gammas. She said that she would show them that she had what it took to be a Gamma. She would do whatever they asked her to do and more if necessary. She even told me that she was interested in trying to become head of New Gammas. This so-called honor is bestowed upon the Gamma that shows the most “loyalty” and “promise” to the organization. Even while she was telling me about her plans to excel as a Gamma, I could tell that she was upset and frightened by what was going on in the organization. I begged her to tell me what the Gammas were doing to her. She started to speak, then closed her mouth tightly and murmured “nothing.” When I asked her to report to Dean Thomas she became really upset. She said that nothing was happening, and that if I told the Dean anything she would discontinue our sessions. “Besides,” she said, “the Dean would not do anything against the Gammas anyway.” That was the last time Milan visited my office. That Saturday she was dead.

Milan revealed her fear of heights to me in one of our sessions. She said that she saw her favorite aunt, Tanya, commit suicide from a high ledge and that she had been afraid of heights ever since. Her aunt had always served as a role model to her. Milan said that she wished she could be as perfect as her aunt was. I cannot imagine that Milan would have gone out on that ledge without being pressured or forced to do so. On the other hand, the medical report revealed that her blood alcohol level was at .10 when she died. As you can see, from the National Drug and Alcohol chart, the legal intoxication level is .08 and Milan’s was just over this. Milan was 5'7" and weighed 125 pounds. This means that it would have taken

between two and three drinks to drive her blood-alcohol content up to the level it was at the time of her death. It is quite possible that a fear that she would normally have, such as fear of heights, would be lessened or eliminated at this level of intoxication. Also, since Milan told me that she was a frequent drinker, I am unsure of her individual tolerance level and the effect that alcohol would have had on her in a situation like that which occurred during the Hell Night hazing.

Milan's death was most likely the result of hazing. Her death and the events leading to it fit the typical hazing profile. Many times, fraternities and gangs will claim to strengthen the bonds of the organization by humiliating or dehumanizing their prospective members. In gangs, this may occur when they initiate a member through "jumping them in" (beating him/her up) or sex. Fraternities and sororities often use similar tactics. They will prey on the pledges' secret fears and weaknesses and expose them to the rest of the organization. These organizations claim that this is a way of creating a sense of brotherhood or sisterhood, but it is really a way to establish power dynamics and hierarchies within the group. Usually, the more influential members of the organization use these tactics to mask their own insecurities by bullying others. Unfortunately, the tactics they use are often dangerous and in a few cases, such as in this one, fatal.

Milan's death is a classic case of what happens during the initiation process. Although Chris Archer has never visited this office, I believe that s/he felt threatened by Milan in some way. Although Milan could be shy at times, Milan was very bright and beautiful. Her persona probably intimidated Chris, thereby resulting in Chris singling Milan out for harsher treatment than the already dangerous and degrading activities all their pledges are forced to endure.

**Tyler Johnson**  
**Witness for the Prosecution**

My name is Tyler Johnson. I am a senior here at Columbus University and I am also the vice-president of the Columbus University Chapter of the Phi Gamma Fraternity. Chris and I worked together to plan all of the Gamma events. We are also in charge of pledges and co-plan all of their activities. I was head of New Gammas when I was a freshman at Columbus. Usually, being the head of New Gammas means that you are the most promising new member of the fraternity, and will likely become president of the fraternity when you are a senior. However, when I became a senior, Chris Archer was elected president instead of me. I couldn't believe it! That back stabber was supposed to be my friend. I also can't believe that the other Gammas elected him/her to be the president. I knew one day the entire fraternity would find out Chris' true colors and regret electing him/her to such an important position. I bet they regret it now! Fortunately, if Chris goes to jail for this horrible crime, as vice-president I will automatically assume his/her position as president. When that happens, I will make this fraternity great again.

I got to know Milan pretty well when she pledged our fraternity. I liked her right away. She was smart, good-looking and really enthusiastic about Gamma. She was exactly what we look for in a Gamma. When I met her during rush week, I told her why being a Gamma is so special. Being a part of any fraternity or sorority is like having your own home away from home. It means being a part of a college family. We all support and look out for each other. Even after we graduate, Gammas are known for keeping in touch and doing a lot of professional and social networking. Gammas throw wonderful parties, but we are also really concerned about social and political issues. We believe in giving back to the community.

I also remember a statement that Chris made to Milan the first day we met her during rush week. Chris said, "If you really want to impress us, you can hang the Gamma flag on the



top of the clock tower.” Then s/he smiled. I could not believe that Chris would even suggest such a dangerous task.

Milan seemed to realize and appreciate the unique qualities of being a part of a Greek organization, especially the honor of being a Gamma. She told me that she had an aunt named Tanya Maddox who was president of the Gammas several years ago. Although this did not make her a legacy (you are automatically accepted on line if one or both of your parents is a Gamma), I was really pleased that she had a connection to, and was familiar with, our organization.

Milan had a personality that was somewhat reserved. She would really come out of her shell when she was talking about Gammas and her plans to be president of the fraternity one day. She was also more expressive when she was drinking. Other than those times, however, she was pretty quiet. If you did not know her well, her attitude could easily be mistaken as “stuck-up.” A lot of the Gammas thought she was too snotty to the senior members of the organization. Chris was especially offended by Milan’s personality. I think that the final straw for Chris was when Milan turned down his/her offer to go out with another fraternity member named Bryan. After that, it seemed like Chris was out to get Milan. Chris did not do anything at first, but s/he told me that s/he was going to plan something special for Milan on Hell Night, the last night of pledging. I asked Chris what s/he meant by that but s/he only said, “Hell Night will give Milan a permanent attitude change.” I was really nervous about how weird Chris looked when s/he made that statement, and I begged him/her to tell me what s/he meant. S/he never mentioned her/his plans again until the night of Milan’s death. By then, of course, it was too late.

I have to admit I really love to drink and party. Unfortunately, that has led to problems with my grades, and some of the Gammas think I have a drinking problem. I could tell right away that Milan was also a drinker. A lot of times, Milan and I would chill in my room drinking forties and have really long, personal discussions. She drank a lot, as much as I do.

I think that the pressure she put on herself, along with the pressure of pledging, was sometimes a lot for her to take. She was a real perfectionist. She told me that she really wanted to be a Gamma more than anything else. She also said that just being a Gamma was not enough. She said she wanted to live up to her Aunt Tanya's memory by becoming head of New Gammas and then becoming president when she was a senior. I thought she was a little too obsessed with this whole Gamma thing, but I could relate to some degree. After all, I was head of New Gammas when I was a freshman. Unfortunately, Chris Archer was elected to be president of Gammas. Some said it was because everyone thought I drank too much, but I know it was a conspiracy started by Chris. I told Milan what happened to me. I also told her that a lot of the Gammas thought she was stuck-up. I suggested that perhaps she should try to do something spectacular to impress the Gammas. She really needed to outshine the other pledges.

We also talked about her friend Pat. Milan said that she really loved Pat, but that Pat seemed jealous whenever Milan made new friends. I knew that Pat did not have what it took to be a Gamma. I asked Milan what she would do if she made Gamma and Pat did not. She said that she would always be friends with Pat but that she would not give up being a Gamma for anyone. I was relieved to hear this because I thought Milan would make a wonderful Gamma. I never really got to know Pat. I know that Pat had an asthma attack once during a pledging activity Chris and I planned. Chris let things get out of hand and had the male Gammas hit the pledges on the backside with a wooden paddle. Pat freaked out and had an asthma attack. I do remember that Chris and a couple of other Gammas went to visit him/her in the hospital the next day.

On the night of Milan's death, all the Gammas planned tasks for the pledges as part of Hell Night. Hell Night is the last night of pledging, before we decide who crosses over the line to become a Gamma and who does not. That night, we blindfolded all of the pledges and had them line up in the fraternity house. Then we brought each one out separately to perform

a task. Usually, the tasks are pretty simple, but they are created to scare the pledges. For example we told one pledge to chew on a piece of glass. Then we put an eggshell in his mouth. Since he was blindfolded, there was no way for him to know whether the object was really glass until he chewed it. It really is harmless, but all in good fun.

When we brought Milan out to perform her task, Chris whispered something in her ear. I couldn't hear all of what Chris said but I know I heard the words "tower" and "flag." After hearing what Chris said, Milan snatched off the blindfold, grabbed the flag from Chris' hand and started running toward the campus center. Chris and a couple of the other Gammas, including myself, ran after her. The next thing I knew, we were chasing Milan up the clock tower. Chris was right behind her. By the time the rest of us caught up to the two of them, Milan had fallen off the tower. Only Chris was close enough to see what had happened. I am sure, however, that Chris pushed her. I bet s/he had been planning to kill her all along.

**Chris Archer**  
**Defendant**

My name is Chris Archer. I am the president of Phi Gamma, the oldest and largest coed Greek fraternity in the country. We are known for our great parties and our significant contribution to the community. As a result, numerous freshmen want to pledge Gamma. Rush week is the time of year when new freshmen on campus visit various fraternities and sororities to figure out which ones they would like to pledge. Likewise, the fraternities and sororities decide which freshman they would like to invite to pledge. Once someone becomes a pledge, they are what you call "on line." For the next couple of weeks they are tested in a variety of ways to see whether they have what it takes to "cross over the line" and become a member of that Greek organization.

I met Milan Jackson and her friend Pat in the beginning of September 1997, during rush week. Milan was pretty, bright, and very ambitious. She asked me a lot of questions about Phi Gamma. She wanted to know what would be required of her as a pledge. I thought that she was a little overconfident, since we hadn't made decisions as to which freshmen we would invite to pledge. I was not offended, however, because confidence is one of the qualities we seek in a future Gamma. I told her that if we invited her to pledge she would have to cross the line before becoming a Gamma. I also told her that if she showed strong leadership potential while on line, that she might be elected head of New Gammas. Being head of New Gammas as a freshman is a good way to become president of the fraternity during senior year. She said, "I am going to be head of New Gammas." I laughed and told her that she would have to be invited to be a pledge before she made all those plans for the future. Then I joked, "Well you know, if you really want to impress us, you will do something so great the campus administration will hang the Gamma flag from the top of the clock tower." We both laughed.

I noticed that Milan's friend, Pat, didn't seem to be the Gamma type. S/he was kind of reserved and nerdy and didn't seem to fit in very well. Because they seemed so different, I asked how they knew each other. Milan told me that Pat had been a friend of hers since grade school. She said that she cared very much for Pat, and she hoped that they would become Gammas together, but that she would not give up becoming a Gamma for Pat. Even though I knew that Pat would never be chosen to become a Gamma, I was really turned off by that remark. After all, one of Gamma's strongest principles is loyalty, and I thought that Milan's attitude was not very loyal to her friend.

The Gammas voted to make Milan a pledge. As president, I did not vote. I also did not warn them about some of Milan's less desirable qualities. I was hoping that maybe I was mistaken, and Milan had not been herself that day. Unfortunately, I was wrong. Milan began to show her true colors shortly after she became a pledge. She could be really sweet sometimes and really stuck up at other times. She was always nice to the Gamma officers but she could be really snotty to other Gamma members. When the news came out that she and her boyfriend broke up, a lot of guys started asking her out. I even tried to set her up with my friend Bryan. I thought that they would make a really nice couple. She turned the offer down flat and gave any guy that showed interest in her the cold shoulder.

Many of the Gammas began to dislike Milan. I was hurt by her attitude at times, but I did not dislike her. I figured she must have had something serious going on in her life that made her behave that way. She could be a lot of fun sometimes. She was a lot of fun at parties. She would drink and be a lot more outgoing. We all enjoyed her at those times.

The last week of pledging is known on campus as "Hell Week." This is when a fraternity or sorority plays pranks on the pledges. The Gammas like to give our pledges a hard time, but we would never do anything to endanger their physical or emotional well being nor would we violate campus anti-hazing rules or the anti-hazing law. The pledges are responsible for knowing the history and charter of Phi Gamma. They also must know a

detailed history of the Gamma fraternity here on Columbus University campus. We also had the pledges scrub the bathrooms with their toothbrushes, eat things sprinkled with hot pepper, and other harmless things of that nature. We never touched the pledges, nor did we encourage them to drink. We have had a couple of people get hurt while pledging, but these incidents were due to the recklessness of the pledges and not us. We encourage people to be responsible, but we can not force them to act that way. These people are adults and should be held accountable for their actions.

Pat Smith is a perfect example of someone who does not want to be held responsible for his/her actions. One night during Hell Week, Pat forgot his/her inhaler when we were all hanging out. S/he was sitting quietly in the corner and no one noticed him/her until s/he had passed out. We rushed him/her to the hospital. We were so worried. A few other Gammas and I went to visit Pat in the hospital. S/he seemed really happy to see us, I could tell that s/he really appreciated the visit. I think that the only reason s/he is telling these lies now is because s/he did not cross as a Gamma. S/he never raised any of these allegations when s/he talked to the police. I think that it is strange that s/he reported all of these things that we supposedly did only after s/he was not accepted as a Gamma. It really hurts to see her/him react this way. Even though s/he didn't cross, we were still nice to her. I don't understand why s/he is telling so many lies about us. I think that all of us have been through enough suffering with the death of Milan.

On the evening of her death, Milan seemed to have had a little too much to drink at our party. She started crying and saying that she knew we all hated her. I told her that that was not true. I said, "Sometimes we get offended by your attitude but we certainly do not hate or dislike you." Later, we blindfolded all the pledges as part of our fraternity tradition. On the last night of Hell Week, we have them do one last task. It is always something harmless and in good fun. We brought each of the pledges out one at a time to perform the task. When we entered the fraternity house to bring Milan outside, I said "we have something special in mind

for you.” After we brought her out, I whispered to her, “you are going to have to raise the flag.” What I intended for her to do was to hang a flag on the door to our fraternity house. I just wanted to scare her a bit. We always do that to the pledges. Milan went nuts! Before we could stop her, Milan snatched off her blindfold, grabbed our Gamma flag and ran off towards the campus center. She started yelling that she was going to show everyone how great she was. A few of us chased her because she was drunk and upset and we had no idea what she might do. She ran up the stairs of the clock tower and walked out onto the ledge. I was the first person to catch up with Milan. I was so terrified. I begged her to come inside, but she said that she wanted to hang our flag where everyone could see it. Then she stumbled. I reached out and grabbed her shoulder to stop her from falling but it was of no use. Milan fell anyway. It was horrible!

I am so sorry that Milan died, but I am not a murderer. She got drunk and chose to go out on that ledge without any prodding from me or the any of the other Gammas. I tried to stop her and now I am being accused of murder. The fact is that she put too much pressure on herself to be the best and that is what led to her death. Tyler Johnson is testifying against me because s/he is jealous. S/he expected to become Phi Gamma president, but I was elected to the position instead. I did not intend for this to happen, but Tyler has such a horrible drinking problem that no one felt s/he was capable of handling such an important position.

Even if I wanted to haze, I would not do it. The consequences are too severe. Dean Thomas sent a memo warning students about the consequences of hazing. She wrote an added note to me on the memo and she also called me to say that Milan seemed unhappy.

**Dean Jesse Thomas**  
**Witness for the Defense**

My name is Jesse Thomas and I have been Dean of Columbus University since 1987. I am proud to be a member of the University's community. This school provides numerous sports, clubs, support systems, and most important, exceptional academics. As Dean, it is my responsibility to help maintain this college's good reputation. I do this by overseeing the faculty, staff and students. I am also a major fundraiser for the college.

I am very familiar with the Phi Gamma fraternity. The Columbus University chapter of the fraternity has been in existence since 1908. It is an extremely popular organization whose members tend to be well-rounded students. Also, the alumni of Phi Gamma are the most generous of the campus organizations. Alumni of Phi Gamma have contributed over fifteen million dollars to the college. Much of this money was used to help pay for the new student center.

We enforce strict campus rules about hazing. We send out a letter to all Greek organizations during rush week at the beginning of each year, reminding them of the law and the school rules against hazing. Although we have had to discipline a few organizations in the past, most students seem to respect the policy and we have very few reported incidents of hazing. However, all fraternities and sororities on campus have had their share of mishaps, and the Gammas are no exception. Sometimes the students play pranks that misfire and people get hurt. This is no different from sport team injuries or injuries that occur when students go to parties. As a matter of fact, there have not been any substantiated reports of hazing by Gammas in the last five years. Although reports of hazing have gone down in all Greek organizations, none can beat that record. We have had to discipline several of the other fraternities and sororities due to reports of paddling or other physical abuse of students. Fortunately, none of the hazing we have discovered in the past few years has resulted in serious injury. In fact, due to our low rate of reported incidents in hazing, we were named the



“Best Place to Pledge a Fraternity or Sorority” in two national magazines. I am proud to say that I have personally received several awards based on these statistics. As a result of the reputation I have for reducing the number of hazing incidents, our university has received several donations from charitable organizations and Columbus University has increased my salary. Furthermore, other universities have paid me to lecture at their schools about pledging safely.

I know Chris Archer personally. S/he is a credit to this university. S/he and other Gammas often volunteer at the local battered women’s shelter and tutor elementary school students in the area. S/he plays a huge leadership role on this campus. At a campus-wide Greek meeting two years ago, s/he publicly denounced hazing of any kind. S/he was one of the students who helped me organize an anti-hazing rally. I also had my office send a detailed memo to every student that explained the law and school policy on hazing. I wrote a special note to Chris on the memo I sent to her/him on November 18th.

In conjunction with dealing with physical abuse, the campus administration has also cracked down on under age campus drinking. We post alcohol awareness posters all over campus and mandate that each organization that serves alcohol go through an alcohol awareness program. This, unfortunately, is a much more persistent problem than hazing. Every fraternity and sorority on this campus has been warned about the problem. However, it does not seem to go away. Short of not allowing any of the organizations to serve alcohol at parties, we cannot avoid cases of underage drinking.

I remember when Pat Smith came into my office to report the hazing activities of the Phi Gammas. S/he told me that the Gammas were picking on some of the pledges. I tried to tell her/him that some teasing and pranks during pledging were to be expected. I asked Pat whether there were any instances where s/he was put in physical danger as a result of hazing activity. Pat told me that s/he had just gotten out of the hospital due to an asthma attack. She said that she began to have an asthma attack after being paddled by some Gammas. She said

that they did not take him/her to get medicine or any type of medical attention until after s/he had passed out. I told him/her that I was sure that the Gammas meant no harm and that it was all in good fun, but that these allegations were serious and should be looked into. As soon as Pat left my office, I called the police as required by law. You can't imagine how confused I was when the police told me that Pat had recanted his/her statement. I closed the investigation because campus security cannot base an investigation on what was admittedly a lie.

This is not the first time that I have received a complaint about Gammas where the complainant has changed his or her story. In order for us to use campus resources to investigate an incident of hazing, we must get a report from a complainant. If that complainant recants, then it is a waste of time for campus security or the local police to investigate when there are other things to which they can devote their time, like campus security. Because there are no records of recanted allegations, I do not know how many times a complainant has come to me specifically about hazing at Phi Gamma and then changed his or her story. Perhaps a couple of the allegations that have been made included a bit of truth, but it is just not fair to investigate a reported incident when the accuser won't stick to one story. The accused would have to go through the humiliation of the campus tribunal and would be at risk of expulsion as a result of a story we cannot be sure is true. I refuse to ruin someone's future by putting something false on their permanent academic record, especially the bright futures that most of the Gammas have!

Milan came by my office on the Thursday before her death and said she had something to tell me about the situation with Pat. She said that she did not have time to talk but she would come back on Monday. When Milan left my office, I immediately called Chris to find out what was going on. I told him/her that Milan had some information for me and that if it had anything to do with hazing, I would suspend the fraternity and bring Chris before the

campus tribunal. Chris assured me that there was no hazing going on, nor would there be any in the future. I believed him/her.

I was greatly saddened by the news of Milan's death. She was obviously a seriously disturbed young woman. She has been seeing a university psychologist since before she ever pledged Gamma. Unfortunately, the lack of self-esteem in young adults is a problem nationwide. Milan wanted to be popular, and that desire probably drove her to act irrationally. I was here when Milan's aunt, Tanya Maddox, attended Columbus University about six or seven years ago. Tanya was President of the Phi Gamma fraternity and a real credit to the university. She was certainly a hard act to follow and I would not be surprised if Milan jumped off the ledge because she could not measure up to the successes of her aunt. If I had known that Milan was experiencing emotional problems I certainly would have offered her support.

**Dr. Jordan Mitchell**  
**Witness for the Defense**

My name is Jordan Mitchell. I graduated from Steven Biko University in 1971 with a Ph.D. in American History. I am a local historian and I have studied the history of the four colleges and universities in New Columbia for the last twenty-five years. I have written thirteen articles and two books on this topic. One of the books is titled: The History of Columbus University from Studies to Socials, and is about the lives of students at Columbus University from its founding in 1895 until the present. My books did not sell well until this incident. Now my book on the history of Columbus University is a bestseller. I am also in the midst of writing a book about this case for which I will receive a two million dollar advance and 5% of the profit from its sale.

One of the more interesting aspects of Columbus University is its relationship with campus fraternities and sororities. This university was actually founded by a strong supporter of Greek life and philosophy, Samuel Richardson. Mr. Richardson believed that the highest form of learning could be achieved by imitating the teaching techniques of the ancient Greeks. Richardson also believed that fraternities and sororities were an important way for people to create a strong sense of humanity and brotherhood. As a result, Richardson stressed three principles in his vision for Columbus University: academics (principally philosophy), athletics, and fraternities and sororities.

Phi Gamma, one of the oldest national coed fraternities, got its start here at Columbus University. From its foundation in 1908 until now, Phi Gamma members have had a reputation for excellence and high achievement. Many of the most politically and financially powerful people in this country are Gammas. Moreover, Gammas are very well connected and tend to look out for each other in the job market.

Unfortunately, there is a more sinister side to the Gammas' history. Gammas were once known for their dangerous hazing techniques. From 1955 until the mid 1980's, many

unexplained injuries and even a few deaths occurred on the Columbus University campus during pledging, and the most frequent victims were Gamma pledges. Unfortunately, few students would step forward to implicate the members of Gamma. Even those who were hurt would usually offer weak explanations, if any, for the cause of their injuries. With no one to testify, the problem continued. One of the dangerous activities that were part of the Gamma's hazing tradition occurred during the 1960's and 70's. It was called "raising the flag." This required a pledge to climb to the highest point on campus and hang up a Gamma flag. Because heavy drinking usually preceded this venture, it was extremely dangerous. There were five falls that occurred as a result of this activity; four resulted in serious injuries and one resulted in death. There has been no known occurrence of this act since 1978.

In the early 1980's, college campuses across the country began to crack down on dangerous hazing activities. They began to institute severe punishments to those fraternities and sororities that were found to have hazed their pledges. As a result, many of these organizations either cut down on their hazing or were much more secretive about what was going on. Gamma was no exception to this trend. From about 1987 to the present, there have been only five reported hazing incidents from Gamma.

One of the most fascinating aspects of Milan's death is its similarity to the suicide of Milan's paternal aunt, Tanya Maddox. Like Milan, Tanya attended Columbus University. Tanya was extremely pretty and well liked on campus. She successfully pledged Gamma, became the fraternity's head of New Gammas as a freshman, and eventually the president of the fraternity. In 1990, during Tanya's senior year, a freshman named Richard Doe died under mysterious circumstances. Although the coroner ruled the death an accident, it was widely rumored that his death was a result of hazing by the Gammas. Tanya Maddox was thought to have been involved in his death but it was never proven. Two years after Tanya graduated, on the anniversary of Richard's death, she committed suicide by jumping off the ledge of a building. Her then twelve-year old niece, Milan, was the sole witness to her death.

Hazing has historically had a secretive air. As a result, it is difficult to detect and equally difficult to stop. In my book, I have documented several instances where the pledges and even some members of a fraternity or sorority have recanted their stories of alleged abuse due to fear of repercussions. Unfortunately, some schools, of which Columbus University is one, only report those cases that are fully investigated.

Although I never knew the deceased, I did attempt to interview her alleged murderer, Chris Archer. S/he was extremely nice and cooperative. I asked her/him several questions about her/his involvement with the murder. S/he told me that s/he was unwilling to discuss the facts of the case before the trial, but would be happy to meet with me once this horrible ordeal is over. I also paid Pat Smith \$1000 to give me information about the incident to use in my book.

To: Students of Columbus University

From: Office of the Dean

Date: November 18, 1998

Re: Campus Hazing Policy

This memo is a reminder to all Columbus University Students that hazing is a violation of campus policy and a CRIME. We will suspend any fraternities, sororities or any other organizations that haze their potential members. In addition, if we find any student has hazed another student, that student will be brought before the campus tribunal and will risk expulsion.

A student who hazes is also at risk of criminal prosecution, and **if found guilty may have to face up to a year of jail time.** IF YOU ARE THINKING OF HAZING, THINK AGAIN!!!

Chris,

Whatever you do, do not let me hear of any complaints from pledges about Gamma!

Dean Thomas

# RULES OF EVIDENCE

## Sample Questions

### Rule 1. Leading Questions:

- 1) Example: Ms./Mr. Johnson, you heard Chris whisper the words “tower” and “flag” to Milan shortly before Milan ran to the clock tower, right?  
*Better Question: Ms./Mr. Johnson, what events led to Milan’s running to the clock tower?*
- 2) Example: Tyler, you and Milan would sit in your room regularly and drink 40s, didn’t you?  
*Better Question: Tyler, what was your relationship with Milan?*
- 3) Example: Did you believe Milan to be stuck up?  
*Better Question: What were your impressions of Milan?*
- 4) Example: Pat Smith, didn’t Chris Archer threaten you when she came to visit you in hospital?  
*Better Question: What happened when Chris Archer visited you in the hospital?*
- 5) Example: Ms. Johnson, isn’t it true that Chris Archer had the male Gammas paddle the pledges?  
*Better Question: Ms. Johnson, what if any, pledging activities occurred on November 17th?*
- 6) Example: Even after Milan lost all her weight and became popular she was still loyal and remained your friend, isn’t that right?  
*Better Question: Could you describe your relationship after Milan became popular? [Note: a foundation must be set for this question]*
- 7) Example: Pat, isn’t it true that Chris Archer forced you to drink a lot of alcohol, eat dirt, and clean toilets with your toothbrush during pledge week?  
*Better Question: Pat, could you tell us a bit about your experience with pledging Gamma?*
- 8) Example: Mr. Smith, you saw Chris Archer push Milan from the tower didn’t you?  
*Better Question: Mr. Smith, what did you see when you ran outside?*
- 9) Example: Chris, you would never haze would you?  
*Better Question: Chris, how do you feel about hazing?*



## **Rule 2. Narration:**

- 1) Example: Q: “Ms./Mr. Smith, what types of things were you made to do as a Gamma pledge?  
A: “Well, we had to eat dirt, drink alcohol, clean the toilets with our toothbrushes and we got paddled. When I got paddled, I had an asthma attack. I passed out and had to go to the hospital. Chris visited me in the hospital and threatened me so that I would keep quiet.”

*Better Answer: “We had to eat dirt, drink alcohol, and clean the toilets with our toothbrushes.”*

- 2) Example: Q: Pat, tell us about your relationship with Chris.  
A: Chris is the President of the fraternity that Milan and I decided to rush at Columbus University. He was generally pretty friendly, but I think he had it out for Milan. He would always give her looks of disapproval...

*[Here, the attorney needs to control the witness and have a flow of questions instead of merely permitting the witness to speak freely.]*

- 3) Example: Q: Ms. Smith, when did you and Milan Jackson meet?  
A: We met in the third grade. She was a chubby new girl at school and everyone teased her for being a “Plain Jane” and a “nerd”. Like her, I was often teased by my classmates for being “nerdy”, so I introduced myself to her and we became instant friends.

*Better Answer: We met in the third grade.*

- 4) Example: Q: What did you see when you removed your blindfold and ran after Milan on “Hell Night”?  
A: I saw Chris push Milan off the tower. She had been after Milan to sleep with Bryan when we started pledging. The night of Milan’s death, I heard Chris whisper that she had a special surprise in mind for Milan.

*Better Answer: I saw Chris push Milan off the tower.*

- 5) Example: Q:Ms./Mr. Smith, what is your relationship to the victim, Milan?  
A: I knew Milan very well. We were best friends since the third grade and I know that she was not drunk the night of her death. It was Hell Night and Chris took Milan outside...

*Better Answer: Milan and I had been best friends since the third grade.*

**Rule 3. Relevance:**

- 1) Example: Q: What did you and Milan do the summer after junior high school?  
*Better Question: [Since there is no relevant information regarding the summer after junior high, no question concerning this topic should be asked.]*
- 2) Example: Q: Would you consider paddling a form of hazing?  
*Better Question: Would you consider sky diving to be a form of hazing?*
- 3) Example: Q: Dr. Richards, are you currently married?  
*Better Question: Dr. Richards, do you have any children?*  
*[Leads to the fact that Dr. Richards' son was killed in a gang.]*
- 4) Example: Q: Pat, who was your teacher in the third grade?  
*Better Question: Pat, when did you first meet the deceased?*
- 5) Example: Q: Pat, how many boyfriends have you had?  
*Better Question: Pat, you stated that you and Milan were considered "nerdy". Tell me more about that.*

**Rule 4. Hearsay:**

- 1) Example: Q: Dean Thomas, what did the police tell you about Pat's hazing accusation?  
*Better: Dean Thomas, what did Pat say caused her asthma attack?*
- 2) Example: Chris Archer, what did the other new Gammas have to say about Milan?  
A: Many of them told me that she had a bad attitude.  
  
*Better: Chris Archer, what did you think of Milan?*  
*A: I thought she was a little overconfident, and not very loyal to her friend Pat.*
- 3) Example: Pat testifies that Milan never would have gone to the top of the clock tower because her mother told her that she might fall off.  
*Better: Pat testifies that Milan told him that she was afraid of heights.*

**Rule 5. Firsthand Knowledge:**

- 1) Example: (Dr. Richards): “although Chris Archer has never visited this office, I believe she was intimidated by Milan.”  
*Better: “Milan was afraid of heights, and probably would not jump off a ledge.”*
- 2) Example: Dr. Richards, how would you characterize Pat Smith?  
*Better: Dr. Richards, how would you characterize Milan Jackson?*
- 3) Example: Dean Thomas, what was Milan like when she was drinking?  
*Better: Pat, what was Milan like when she was drinking?*
- 4) Example: (Pat): “When Milan was running towards the tower, she did not seem to be in her right mind.”  
*Better: (Pat): “Dean Thomas took my complaint lightly.”*  
*[Note: both of these are acceptable opinions].*
- 5) Example: Dr. Richards, did Milan show signs of intoxication the night of her death?  
*Better Question: Dr. Richards, what was Milan’s blood alcohol level the night of her death? [Assuming Dr. Richards would be qualified to testify to this information].*

### **Rule 6. Opinions:**

- 1) Example: Pat Smith: Milan was not legally intoxicated.  
*Better: Milan did not appear to be drunk. She was coherent and alert.*
- 2) Example: Ms. Archer, would you say that Milan suffered from an obsessive disorder?  
[objection: this witness is not qualified as an expert to give this opinion]
- 3) Example: Chris Archer: Milan was a very troubled young woman with a lot of self-esteem issues and severe psychological problems.  
[objection: this witness is not qualified as an expert to give this opinion.]
- 4) Example: Pat, do you think that Milan's eating disorder caused her to be suicidal?  
[objection: this witness is not qualified as an expert to give this opinion]  
*Better: Dr. Richards, did Milan exhibit suicidal tendencies?*
- 5) Pat says "Milan's blood alcohol level was not high enough to cause loss of coordination.  
[objection: this witness is not qualified as an expert to give this opinion]  
*Better: Dr. Richards testifies that intoxication could have lessened Milan's fear of heights.*
- 6) Ms. Archer, was Milan suffering from depression?  
[objection: this witness is not qualified as an expert to give this opinion]  
*Better: What was Milan's demeanor during the last two weeks before her death?*

### **Rule 7. Opinions on the Ultimate Issue:**

- 1) Example: Q: Pat, what happened on the night of Milan's death?  
A: After several days of thinking about it, Chris Archer pushed Milan off of the clock tower. She is guilty of murder in the first degree.  
*Better: Q: Pat, what did you see happen that night?*  
*A: I saw Chris push Milan from the tower.*
- 2) Example: What Chris did was cold-hearted murder.  
*Better: I saw Chris push Pat off of the tower.*
- 3) Example: (Dr. Richards): After having conducted extensive research on gang mentality and the nature of group dynamics, I have no doubt that Chris Archer pushed Milan off the clock tower.  
*Better: Milan had self esteem issues that would have made her likely to have done anything to get into the Gammas.*

If it came in pill form, it would be called a tranquilizer. It would be available by prescription only. The prescription bottle would bear warning labels: "Causes drowsiness--do not take this drug while operating machinery." "Do not use this drug if you are pregnant." Since it effects every system in the body, it would be inadvisable to consume if you have any health concerns, especially diabetes, liver, or heart disease. You would be given only a small supply at a time. You would be cautioned to watch for potentially serious side effects, and advised to discontinue its use if you experienced any. Your dosage would be carefully monitored, and you would be watched for signs of abuse or addiction.

Instead, this drug, a central nervous system (CNS) depressant, is freely available, self-administered, and widely abused, regardless of potentially deadly short and long-term effects. It is addictive. It carries no warning labels, and its manufacturers spend millions yearly to promote its use.

*What is it?*

## **Alcohol...C<sub>2</sub>H<sub>5</sub>OH, ethanol, booze, liquid courage, social lubricant...**

rev12/96

### ***What are the effects of alcohol?***

The effects of alcohol are related to dose, rate of intake, body size and percentage of body fluid, expectations, social environment, physical conditions (disease or more common hormonal cycles or sleepiness can be factors), enzyme differences, concentration of alcohol in a drink and whether carbonated mixes were used.

Most individuals can tolerate one standard drink per hour with no significant impairment.

### **Calculation of Estimated Blood Alcohol Level (BAL)**

**Body Weight:** Calculations are for people with a normal body for their height, free of drugs or other affecting medication and neither unusually thin nor obese.

#### **Drink Equivalents**

- 1 DRINK** = 1.25 oz rum, rye, scotch, brandy, gin, vodka, etc.  
 = 1 12-oz bottle of domestic beer  
 = 3.5 oz fortified wine  
 = 5.5 oz unfortified/table wine

**Using the chart:** Find the appropriate figure using the proper chart (male or female), body weight and number of drinks consumed. Then subtract the time factor (see Time Factor Table below) from the figure on the chart to obtain the approximate BAL. For example, for a 125-lb. woman who has had 4 drinks in two hours, take the figure .162 (from the chart for males) and subtract .030 (from the Time Factor Table) to obtain a BAL of .132%.

Time Factor Table

Hours since first drink	1	2	3	4	5	6
Subtract from BAL	.015	.030	.045	.060	.075	.090

**MALES**  
Number of drinks

<b>Body Weight</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>100</b>	.043	.087	.130	.174	.217	.261	.304	.348	.391	.435
<b>125</b>	.034	.069	.103	.139	.173	.209	.242	.278	.312	.346
<b>150</b>	.029	.058	.087	.116	.145	.174	.203	.232	.261	.290
<b>175</b>	.025	.050	.075	.100	.125	.150	.175	.200	.225	.250
<b>200</b>	.022	.043	.065	.087	.108	.130	.152	.174	.195	.217
<b>225</b>	.019	.039	.058	.078	.097	.117	.136	.156	.175	.195
<b>250</b>	.017	.035	.052	.070	.087	.105	.122	.139	.156	.173

**FEMALES**  
Number of Drinks

<b>Body Weight</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
<b>100</b>	.050	.101	.152	.203	.253	.304	.355	.406	.456	.507
<b>125</b>	.040	.080	.120	.162	.202	.244	.282	.324	.364	.404
<b>150</b>	.034	.068	.101	.135	.169	.203	.237	.271	.304	.338
<b>175</b>	.029	.058	.087	.117	.146	.175	.204	.233	.262	.292
<b>200</b>	.026	.050	.076	.101	.126	.152	.177	.203	.227	.253
<b>225</b>	.022	.045	.068	.091	.113	.136	.159	.182	.204	.227
<b>250</b>	.020	.041	.061	.082	.101	.122	.142	.162	.182	.202

Alcohol first affects the most complex area (the frontal lobe) of the brain. This area controls higher functions of the brain such as judgment and social inhibitions (survival skills for group functioning). These complex functions are more sensitive to alcohol than the brain stem functions of respiration or heart rate. Therefore judgment and self control are the first abilities to be suppressed by alcohol. The following chart illustrates the effects of varying blood alcohol level (BAL).

<b>Blood Alcohol Level</b>	<b>Alcohol's Effects on Thinking, Feeling, and Behavior</b>
<b>.02-.04</b>	Few obvious effects; slight intensification of existing moods; some impairment of judgment or memory.
<b>.05-.06</b>	Feeling of warmth, relaxation, mild sedation, exaggeration of emotion and behavior; slight increase in reaction time, impaired judgment about continued drinking; visual and hearing acuity reduced; slight speech impairment; minor disturbance of balance.
<b>.07-.09</b>	More noticeable speech impairment and disturbance of balance; impaired coordination; feeling of elation or depression; definite impairment of judgment and memory; major increase in reaction time; may not recognize impairment. <i>Legally intoxicated at .08 BAL.</i>
<b>.10-.13</b>	Noticeable disturbance of balance; uncoordinated behavior; major increase in reaction time; increased impairment of judgement and memory.

<b>.14-.17</b>	Major impairment of all physical and mental functions; difficulty in standing, talking; distorted perception and judgment; cannot recognize impairment.
<b>20-.25</b>	Confused or dazed; major body movements cannot be made without assistance.
<b>.30-.35</b>	Minimal perception and comprehension; general suspension of cognitive abilities.
<b>.40</b>	Unconscious/coma.
<b>.41+</b>	Deep coma/death.

Tolerance may play a part in the effects of alcohol and the above functions; however, tolerance is an indication of the body's adjustment to regular drinking and is a warning sign of alcohol abuse.

---

## **EFFECTS OF SHORT-TERM ALCOHOL ABUSE**

Specific body functions and body parts can be influenced directly or indirectly by alcohol. Short-term effects include:

### **Sensation and Perception**

- decreases in both visual and hearing acuity
- altered sensitivity to odors and taste
- reduced sensitivity to pain
- altered sense of time: time appears to pass more rapidly
- underestimation of speed of moving objects

### **Emotions**

- decreased fear/anxiety
- increased risk-taking behaviors
- increased likelihood of aggressive humor
- reduced inhibitions

### **Sleep**

- sleep disturbance and tiredness upon awakening

### **Body Organs**

- increased urinary output due to the diuretic effect of alcohol on the pituitary hormones
- temporary increase in heart rate and blood pressure; with higher dosages, decreased heart rate
- dilated peripheral blood vessels in arms and legs. This blood vessel expansion leads to loss of body heat, while producing a feeling of added warmth. Hyperthermia can occur in cool water as well as cool air. (Starting at 50°F)
- constricted arteries supplying the heart, decreasing the supply of oxygen to the cells which may contribute to arrhythmia

### **Motor Skills**

- impaired performance, although individual susceptibility varies at Blood Alcohol Level (BAL) of 10% or below
- decreased balance
- interference with coordination, as in tracing a moving object
- slowed reaction time

### Hangover

- temporary, acute physical and psychological distress following excessive consumption. Nausea, abdominal pain, fatigue, headache, and anxiety are reminders of disrupted body functions that could not be felt while intoxicated. A hangover is the body's reaction to excessive drinking.

### Sexuality

- small doses may facilitate sexual activity by overcoming inhibitions. But while alcohol may provoke desire, even moderate amounts spoil the capacity to perform and respond.
- decreased levels of testosterone have been measured in young males after as few as 4-12 ounce beers.

#### Effects of Alcohol on Sexuality

	Women	Men	Women & Men
<b>Small Dose</b>	Increased enjoyment of foreplay; feelings of warmth; increased quality of orgasm	Increased arousal; control of premature ejaculation lost	Release of inhibitions; increased aggression; increased desire
<b>Moderate Dose</b>	Fewer or no orgasms; decreased quality of orgasms	Increased time needed for erection to form; difficulty maintaining erection; uncertain orgasm; decreased penile rigidity	Longer foreplay
<b>Large Dose</b>	No orgasms; lethargy; no lubrication	Erectile impotence, ejaculatory impotence; thoughtlessness; unpleasant or painful ejaculation; aggressiveness	
<b>Alcoholism</b>	Loss of menstruation; frigidity; infertility	Loss of sexual satisfaction; erectile impotence; decreased testosterone; infertility; breast development; decreased body hair; shriveled testicles	Loss of sex drive

### Synergism

Perhaps the most dangerous alcohol/drug interaction is related to synergism, in which the combined effect of two drugs taken together is greater than the sum of the effects of the two drugs alone. Mix alcohol, a CNS depressant, with another CNS depressant, and the pharmacologic effect on the body is multiplied or exaggerated. Sometimes the result is drowsiness and difficulty in walking, talking, driving, and thinking. Breathing and heart rate can be depressed to dangerous levels. Some combinations of alcohol with barbiturates, tranquilizers, and prescription painkillers can be fatal.



## DOUBLE TROUBLE: MIXING DRINKS WITH OTHER DRUGS

Drug interaction is the phenomenon that occurs when one or more drugs present in the body alter the actions or effects of another drug present in the body at the same time. Some of the interactions may be minor and some disastrous. The *consequence* of the interaction is the important thing to remember.

Alcohol is primarily a central nervous system depressant. When combined with other drugs with similar depression action on the central nervous system, an additive or synergistic effect occurs. This is the most important type of interaction between alcohol and other drugs.

Selected Alcohol-Drug Interactions

Drugs Interacting with Alcohol	Mechanism	Effect	Significance
Acetaminophen (Tylenol, Anacin-3, Panadol, etc.)	Metabolism of drug > or < with chronic use of alcohol	> risk of liver impairment	Moderate
Antidiabetic agents	Interfaces with glycogen production in the liver; enhances the effect of diabetic medicines	Increased low blood sugar	Moderate
Antihistamines (Benadryl, Actifed, & most over-the-counter cold medicines contain antihistamines)	Enhances the effect of antihistamines	> sedation	Minor to moderate
Antimicrobials			
Isoniazid (INH)	Metabolism of drug enhanced with use of alcohol	< INH effect	Moderate
Flagyl, griseofulvin, chloramphenicol	< metabolism of alcohol	Hypotension, flushing, vomiting	Minor
Aspirin and salicylates	> effect of medicine	damage to gastric mucosa	Moderate
Narcotic analgesics; Demerol, percodan, tylox, codeine, Tylenol #3, codeine cough syrups	> effect of medicine	> depression of central nervous system	MAJOR
Non-steroidal anti-inflammatory drugs: Ibuprofen, Motrin, Advil, etc.	> effect of medicine	Damage to gastric mucosa	Minor
Sedative-hypnotics: barbiturates, benzodiazepines, others	Metabolism of drug enhanced with acute alcohol intoxication	> depression of central nervous system	MAJOR
Tranquilizers	> effect of medicine	Impaired coordination and > depression of central nervous system	Minor

## EFFECTS OF LONG-TERM ALCOHOL ABUSE

Prolonged, heavy consumption of alcoholic beverages can result in one or more serious, often life threatening consequences.

- infectious diseases
- nutritional deficiency
- cancer
- liver disorders & diseases
- muscle disease
- hypoglycemia
- nervous system diseases
- mental disorders
- endocrine system disorders
- cardiovascular diseases
- gastrointestinal system disorders
- alcohol/drug interactions and diseases
- deprivation of rapid eye movements (REM) or dreaming sleep, results in anxiety, chronic tiredness, and impaired concentration
- alcohol use may aggravate migraine sufferers' tendency to vascular headaches

### *What are blackouts?*

Blackouts are lapses in memory during intoxication; they are not a loss of consciousness. Whether lasting a few minutes or hours, blackouts are unpredictable but usually happen when the blood alcohol level is high. A blackout usually occurs after ingestion of large amounts of alcohol and for most social drinkers, it is a learning experience. Continued drinking patterns that produce blackouts indicate a high risk for alcohol problems.

## HANGOVERS

### Hangover Theories

The hangover is a mild manifestation of alcohol withdrawal. In the earlier stages, it is the all too familiar "hangover headache." This is more likely related to vascular changes and has nothing to do with the brain. The brain itself has no pain receptors. So, any headache pain must be from the nerves surrounding the lining, skin, vessels, or muscles. Although the alcohol has been eliminated, the body's chemical balance has been upset, digestive organs have been abused, and an overpowering fatigue is felt. There is a lack of consensus among researchers on the causes of hangovers. The explanations most frequently cited are described below.

### *What are the causes of a hangover?*

#### **Central Nervous System (CNS) Rebound**

Alcohol has a depressant effect on the CNS. With abstinence, this depressant effect is removed and there is a "rebound" of sensitivity to stimuli. An area of the CNS particularly affected is the reticular activating system which oversees the general arousal level and CNS activity.

## Congeners

The congeners or chemicals added to color, flavor, preserve, or stabilize alcoholic beverages may cause headaches.

## Dehydration

Alcohol suppresses the hormone regulating the amount of urine produced, therefore, too little of the hormone is released and the kidneys form excessive urine. The kidneys' capacity to reabsorb water is diminished and water is excreted from the body. Therefore, intoxication causes the body to lose water (including vitamins and minerals). This produces the sensation of thirst of "cotton mouth."

## Depleted Body Blood Sugar/Glucose

Alcohol depletes the body of its blood sugar causing a hypoglycemic state. In this state there is a reduced concentration of blood sugar. The brain is deprived of its proper nourishment. Symptoms include hunger, weakness, nervousness, sweating, headache, and tremor.

## Deprivation of Brain Oxygen

The brain is the organ most sensitive to alcohol. It also receives less oxygen when alcohol is present, which adds to the feeling of fatigue the following morning.

## Stomach Irritant/Digestion Rebound

Alcohol is an irritant which produces the flow of gastric juices in the stomach lining, causing nausea and vomiting. The next morning, a "rebound effect" is produced as the stomach works extra hard to neutralize the gastric acid. This may cause an upset stomach.

## Sleep Disturbance

Alcohol alters the neurochemical balance within the brain. Although some people fall asleep faster with a drink, alcohol depresses REM (Rapid Eye Movement or dreaming) sleep and causes more sleep disturbance later at night. REM sleep is an important component of a healthy sleep cycle. Even if people think they sleep well, the loss of REM sleep makes people want to sleep longer in the morning and would then feel tired during the day. Deprivation of REM sleep is what causes people to feel tired.

## Vascular Changes

Alcohol is a vasodilator. It increases blood flow to the extremities. One reason for morning chills may be a rebound effect. As the blood vessels constrict, there is a reduced blood flow to the extremities, and therefore less warmth. These vascular changes have also been related to the hangover headaches. Migraine sufferers should avoid alcohol because use may aggravate their tendency to vascular headaches.

## *Are there any cures for a hangover?*

The simple cause is too much alcohol. The only prevention is to avoid drinking too much, too fast. There is no cure for a hangover. Once excessive drinking has taken place, only time will cure a hangover--none of the many popular home remedies have been shown to be cures.

---

 [\[Healthy Devil Home Page\]](#)

 [\[Submit a Question to the Healthy Devil\]](#)

 [\[Submit your Suggestions and Comments\]](#)

 [\[Back One Page\]](#)

 [\[Help using the Healthy Devil\]](#)

---



# Healthy Devil Online

---

Copyright © 1994 Duke University. All Rights Reserved.