



**Criminal Mock Trial
District Court**

State)
Prosecution)
)
v.)
)
Anderson)
Defendant)

Facts

On February 7, 2003, a University of Minnesota police officer stopped a motor vehicle traveling eastbound on University Avenue S.E. near Walnut Street in Minneapolis because he believed the driver failed to move a lane away from the parked squad car in violation of Minn.Stat. 169.18, subd.11, which requires motorists to move "a lane away" from stopped emergency vehicles. The driver has been charged with violating this law.

Issue:

Did the defendant move over the required lanes when passing an emergency vehicle?

Minn. Stat. 169.18, subd.11 (2002) reads:

"When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having two or more lanes in the same direction, the driver of the vehicle shall safely move the vehicle to a lane away from the emergency vehicle."

Defense:

Defendant Anderson believed he was obeying the law when he changed to the center lane while driving around the squad car.

This law, called the "Ted Foss Move Over Law" was passed by the Minnesota Legislature in 2002. Ted Foss was a State Trooper who was killed when a semi-truck accidentally crashed into his squad car and another car stopped on the side of the road.

To keep public safety personnel safe, the law requires drivers to move their cars a lane over when they are driving near an officer who is making a traffic stop.



Officer Jordon Yang, City Police Officer

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Prosecution Witness Statement

I have been a police officer for seven years. On February 7, I stopped a car traveling east on University Ave. S.E. near Walnut Street. At this location, University Avenue is a one-way street with three lanes of traffic and a paved bicycle lane next to the right curb. The car pulled over to the right and stopped close to the curb. I stopped my squad car behind the car. Part of my squad car partially occupied the right lane of traffic. My flashing lights were on. I got out of my car and went to talk to the driver of the stopped car.

As I was walking back to my car after giving the driver a warning, I saw a second car driving toward me in the center lane of University Avenue. This car, driven by the defendant Matthew Anderson, had signaled a lane change and moved into the center lane to avoid me and my squad car.

I thought Mr. Anderson passed too close to me, in violation of Statute 169.18, subd. 11, because I thought it was illegal for him to pass my stopped squad car without leaving a "buffer lane of traffic" between my car and his car. I immediately got into my squad car and followed Anderson, pulling him over to give him a ticket.

Al Schriver, driver of the first car

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Prosecution Witness Statement

I was headed east on University Avenue near Walnut Street on February 7 when I noticed a squad car behind me. The emergency lights were flashing. I quickly pulled over to the right side of the road, next to the curb. The officer pulled in behind me and parked. I parked my car as close to the curb as I could get. The squad car extended into the traffic lane a little bit.

The officer walked up to my car and talked to me. He explained that the air freshener hanging from my rear view mirror obstructed my view and that it is against the law. I was very relieved that he gave me a warning and not a ticket.

I was watching in the rear view mirror as he walked back to his squad car. I noticed another car change lanes from the right to the middle lane to get around us. After the car passed, the police officer pulled into the traffic lane. He followed the other car for a short while and then turned on his flashing lights and pulled him over. A few moments later, I drove by them both.



Matthew Anderson, Defendant

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Defense Witness Statement

I was driving east on University Avenue. I was traveling in the right lane. Near the intersection of Walnut and University I saw a squad car about a half block ahead on the right side of the road. The police had pulled someone over. The squad car was sticking out a bit into the right lane and the emergency lights were flashing. I turned on my left signal and moved into the center lane to safely drive around the police car and the stopped car.

The next time I looked in my rear view mirror, I noticed the squad car's flashing lights. I immediately pulled over. I wasn't even sure that the police were stopping me. I did not know what I had done wrong. The police officer gave me a ticket for not moving over another lane.

I know that there is a state law that requires that drivers move over so that police officers don't get hurt. I thought that I was obeying the law. I believe I am not guilty because I was in the "lane away" even though it wasn't in the furthest lane.

Aiden Martinez, bicyclist

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Defense Witness Statement

I am a student at the University. I was riding my bike east on University Avenue on February 7, an unusually nice winter day. I was riding in the bike lane on the right side of the road. Just before I reached Walnut Street, I had to slow down because there was a squad car parked behind another car and they were both parked in the bike lane. The squad car stuck out a bit into the traffic lane but the other car was close to the curb. When I turned my head to see if it was safe to move into the lane of traffic to get around the cars, I had to wait for a car driven by the defendant as it changed lanes to move from the right lane into the center lane so that it could drive around the cars. After the defendant's car went by me, I drove around the cars.

Moments later the squad car passed me with its emergency lights on. I was pretty surprised to see the officer pull the defendant over. I didn't see what happened next.



After Evidence Is Presented

Members of the jury, you have heard all of the testimony concerning this case. It is now up to you to determine the facts. You, and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you.

The prosecution must set out such a convincing case against the defendant that the jury believes “beyond a reasonable doubt” that the defendant is guilty.

The Law: Minnesota Statute §169.18 (2002)

When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having two or more lanes in the same direction, the driver of the vehicle shall safely move the vehicle to a lane away from the emergency vehicle.