

**SECONDARY SCHOOL - #5 (Prescription Drug Abuse)**

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	CRIMINAL INDICTMENT
	:	No.: 779
	:	(Involuntary Manslaughter)
	:	
CHARLES HASS &	:	
JENNIFER BUMPHREY	:	
	:	
Defendants	:	

**INTRODUCTION**

There are two types of legal proceedings that make up the justice system in the United States. One involves **CRIMINAL CASES** in which the State is the **PLAINTIFF** and in which the **DEFENDANT** is a person charged with having committed a **CRIME**. The other type of case is what is known as a **CIVIL CASE** in which private persons are both the **PLAINTIFF** and the **DEFENDANT** and which is a legal proceeding to resolve a private dispute among people. Criminal cases always involve allegations of crime. Civil cases involve private disputes such as **CONTRACTS** or **TORTS** which are claims for injury to someone's person or property. This is a **CRIMINAL CASE**, in which the State has accused both Chuck Hass & Jennifer Bumphrey of two (2) Counts, with Count I being the unlawful possession, sale, or distribution of prescription drugs; and Count II, involuntary manslaughter.

BAILIFF: All rise. This Court is now in session.

JUDGE: Please be seated. Ladies and gentlemen of the jury, this is a criminal case alleging that on May 10<sup>th</sup>, 2010, defendants Chuck Hass and Jennifer Bumphrey illegally possessed, sold or distributed a controlled substance, Ritalin, that is a central nervous system stimulant known as amphetamines; and are charged with involuntary manslaughter as a result of giving some of the medication to a friend who was then involved in an automobile accident that caused her death. You will be instructed on the law at the end of this case. You need to know from the outset, however, that it is up to the state to prove, beyond a reasonable doubt, that each defendant is guilty as charged in the **INDICTMENT**, based solely on the evidence you will hear in this case, and not based on any preconceived notions of guilty or innocence of the parties, or anything you may have read in the past about Chuck Hass or Jennifer Bumphrey.

JUDGE: The first part of the trial is what is called **VOIR DIRE**. Voir Dire means to speak the truth, and it is the time of the trial when I must determine whether or not each and every juror is free of prejudice and can make a fair and impartial **VERDICT** based solely upon the evidence that they hear in the case, not what they have heard or read in the media, or saw on television, or any gossip. Therefore, I would first want to know if any potential jurors have heard anything in the past, or read anything about either Chuck Hass or Jennifer Bumphrey?

JURORS: No, Judge. *(If yes, raise your hand and tell the Judge what you know.)*

JUDGE: Is each and every juror here sure that they are willing to take an oath that they will give an impartial verdict based solely on the evidence?

JURORS: Yes, Judge.

JUDGE: All right then, let me explain to the jury the different parts of a trial. Because the state must prove guilt beyond a reasonable doubt, it is up to the state to proceed first, so you will first hear the **OPENING STATEMENT** of the state's **ATTORNEY**. You will then hear the **OPENING STATEMENT** of the attorneys for Chuck Hass and Jennifer Bumphrey.

After Opening Statements, you will then hear the state's **WITNESSES** and after that, either or both defendants may call any witnesses they choose. Any witness called by any party may be cross-examined by any other party. After you hear all of the evidence from the witnesses, you will then hear the **CLOSING ARGUMENTS** from the attorneys for the defendants. After the **CLOSING ARGUMENTS** are made, I will give you **INSTRUCTIONS** on the **LAW** to help guide you in your **DELIBERATIONS**.

Is the state ready to proceed?

STATE'S  
ATTORNEY: Yes, Your Honor.

JUDGE: Is the Defendant Charles Hass ready to proceed?

HASS'S ATTORNEY:  
Yes, your Honor.

JUDGE: Is the Defendant Jennifer Bumphrey ready to proceed?

BUMPHREY'S  
ATTORNEY: Yes, your Honor.

JUDGE: The State may proceed with its opening statement.

STATE'S  
ATTORNEY: Ladies and gentlemen of the Jury, in the opening statement it is my duty to tell you what the evidence will be. I'll tell you what we will prove. We will prove that Charles Hass (often referred to as Chuck Hass) and Jennifer Bumphrey (also referred to as Jenny Bumphrey) were considered pretty "cool." They graduated from high school just last year, had a lot of friends, dressed well, and seemed to be the kind of young people who had everything going for them—everything, that is, until the evening of May 10<sup>th</sup>, 2010. That's when Chuck found some prescription medication called Ritalin that was prescribed for his little brother who has Attention Deficit Disorder with Hyperactivity (ADDH), which are drugs you can only get by prescription, called amphetamines, and can act as a stimulant to the central nervous system.

Chuck was dating Jenny, and he talked her and her friend Blair Brown into trying one of the amphetamine pills with him. Both of them liked how the

drugs made them feel alert and not needing much sleep. It also made them able to party most of the night. Unfortunately, Ms. Brown took the pill, and when she was driving home from the party, it made her drowsy, instead of alert, so she fell asleep at the wheel and drove her car off Wheeling Hill, and died from the injuries she sustained in the accident.

Taking someone else's prescription drugs is illegal possession, and if you sell any, or distribute them to another, it constitutes a separate offense of sale or distribution of a controlled substance. At the end of the trial, you will be asked to decide if each of them either possessed, sold, or distributed any of this controlled substance, any of which constitute felonies, but the punishment is increased if possession and sale or distribution are both found.

The most serious charge against the defendants is that either one of them or both of them distributed a quantity of this controlled substance to Ms. Blair Brown, causing her death. The Court will instruct you at the end of this case what constitutes the charge of involuntary manslaughter. It is enough for you to know now that if a person by negligent or unlawful conduct causes another person to die, even if the person didn't mean to cause harm to them, that person can be found guilty of involuntary manslaughter. At the end of this trial, you will agree that not only are Chuck and Jenny guilty of possessing and distributing this controlled substance, but they are both guilty of involuntary manslaughter in connection with her death.

JUDGE: Counsel for Mr. Hass, you may proceed with your opening statement.

HASS'S  
ATTORNEY:

Thank you Judge. Ladies and gentlemen of the jury, the evidence will be that the State cannot prove that Mr. Hass took these pills in the first place, and can't prove that he sold any to anyone. They can't even prove that he gave any to Blair Brown or Jenny Bumphrey; that it was this prescription medication that caused Ms. Blair to have the car accident that night, and cannot even prove that Ms. Brown even fell asleep at the wheel. What the evidence will show is that Amphetamines are stimulants, not depressants, so you must find Mr. Hass not guilty of everything, because the state just can't prove its case beyond a reasonable doubt.

JUDGE: Defense counsel for Ms. Bumphrey, you may give your opening statement.

BUMPHREY'S  
ATTORNEY:

Now, ladies and gentlemen, Jenny Bumphrey is not a drug dealer, she was just trying to be one of the crowd by going along with her boyfriend Chuck and trying one of the pills. She did not give Blair Brown any of those pills—Chuck did. Although she admits she took one of the pills, she denies selling or distributing any of the pills to anyone, and doesn't believe the State will be able to prove any of the charges against her except that she does admit she tried one of the pills, and so is guilty only of "possession."

JUDGE:

State may call its first witness.

STATE'S  
ATTORNEY:

The State calls the Ohio County Coroner.

CLERK:

Do you swear to tell the truth, the whole truth, and nothing but the truth?

DOCTOR 1:

I do.

STATE'S  
ATTORNEY:

Please state your name.

DOCTOR 1:

My name is Doctor \_\_\_\_\_ (*Name of student playing role.*)

STATE'S  
ATTORNEY:

You are the coroner for Ohio County?

DOCTOR 1:

I am.

STATE'S  
ATTORNEY:

And you did the autopsy on the body of Ms. Blair Brown after her accident?

DOCTOR 1:

Yes, I did.

STATE'S  
ATTORNEY:

What was the cause of death?

DOCTOR 1:

Massive internal injuries of a traumatic nature as a result of her single car accident when she lost control and plunged over Wheeling Hill.

HASS'S  
ATTORNEY:

Objection, it has not been established that she lost control.

JUDGE: Overruled.

STATE'S  
ATTORNEY: What else did your examination disclose?

DOCTOR 1: We also found that at the time of her death, she had prescription medication in her blood—amphetamines for the treatment of ADDH, the same drug that was in the pill bottle recovered from Ms. Bumphrey after the accident.

STATE'S  
ATTORNEY: Doctor, how do amphetamines affect the body?

DOCTOR 1: They generally are considered a stimulant, and they can help a person who had been diagnosed with ADDH or certain other conditions focus their attention better, but in some people, it can also make them groggy, even soon after taking it—that's why the warning says *do not drive or operate machinery with their use*. Certainly, when the effects of the medication wear off, it can make a person very groggy—and even erratic –that's considered the “downer.” What they say about amphetamines is that “What goes up must come down.” The “up “feeling is not worth the “downer” that patients experience afterward.

STATE'S  
ATTORNEY: Do you have an opinion to a reasonable degree of certainty as to whether the amount of that drug in her body would have affected her driving?

DOCTOR 1: Most definitely.

STATE'S  
ATTORNEY: And do you have an opinion as to whether or not she became groggy or fell asleep when she was driving?

HASS'S  
ATTORNEY: Objection, the Doctor is not an expert in accident reconstruction, that opinion would be highly speculative!

JUDGE: I'm going to sustain that objection.

STATE'S  
ATTORNEY: Judge, we will be calling a reconstruction expert.

JUDGE: Very well, proceed.

STATE'S

ATTORNEY: No further questions.

JUDGE: Mr. Hass's attorney may proceed.

HASS'S  
ATTORNEY: You can't say for sure that amphetamines caused her to drive her car over Wheeling Hill?

DOCTOR 1: Nothing is for sure, but it is the most likely thing, unless there would be some evidence that she drove off the hillside on purpose, of which there is no evidence.

HASS'S  
ATTORNEY: Well, you can't even rule out that she may have gotten tired and fallen asleep even without having taken this drug?

DOCTOR 1: Again, that is a possibility, but unlikely when we found the drug in her system. Most probably it did affect her; most probably it was the cause of her erratic driving.

HASS'S  
ATTORNEY: No further questions.

JUDGE: You may step down now, next witness please.

STATE'S  
ATTORNEY: We call the Hass family doctor to the stand. (DOCTOR 2)

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

DOCTOR #2: I do.

STATE'S  
ATTORNEY: Please state your name and occupation.

DOCTOR #2: My name is Doctor \_\_\_\_\_, (*name of student playing role*) and I am the family doctor for the Hass family.

STATE'S  
ATTORNEY: Let me show you the vial of pills obtained from Ms. Bumphrey, on the evening of May 10<sup>th</sup>, 2010, when she and Mr. Hass went to the hospital after they heard of the accident involving Blair Brown.  
Did you prescribe those pills, Doctor?

DOCTOR # 2: Yes.

STATE'S  
ATTORNEY: For whom did you prescribe them?

DOCTOR #2: They were prescribed for Chuck Hass's younger brother John, who was taking them for ADDH. See it has his name on the bottle.

STATE'S  
ATTORNEY: How many did you prescribe for him?

DOCTOR #2: 30 pills - - one for each day of the month.

STATE'S  
ATTORNEY: When was the prescription filled?

DOCTOR# 2: It was filled on May 1<sup>st</sup>, 2010.

STATE'S  
ATTORNEY: That means as of May 10, when this accident happened, there should have only been about ten pills missing from the original 30 if only Johnny Hass was taking them as prescribed.

DOCTOR: # 2: That is correct.

STATE'S  
ATTORNEY: Can you tell us how many are in the container?

DOCTOR # 2: There are only 5 left.

STATE'S  
ATTORNEY: So there are approximately 15 missing that should be there.

HASS'S  
ATTORNEY: Objection, speculation!

JUDGE: Overruled.

DOCTOR# 2: That's correct.

STATE'S  
ATTORNEY: Nothing further.



JUDGE: Attorney for Mr. Hass, you may inquire.

HASS'S  
ATTORNEY: No questions.

JUDGE: Attorney for Ms. Bumphrey, any questions?

BUMPRHEY'S  
ATTORNEY: No questions.

JUDGE: You may step down Doctor. Counsel, call your next witness.

STATE'S  
ATTORNEY: State would call Ace to the stand.

JUDGE: Bailiff, please get Mr. Ace and bring him up to be sworn in.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

ACE: I do.

STATE'S  
ATTORNEY: Please state your name.

ACE: Ace \_\_\_\_\_ (*name of student playing the role*).

STATE'S  
ATTORNEY: What's your occupation?

ACE: Accident Reconstruction expert. Been doing it for 20 years. That's why they call me Ace.

STATE'S  
ATTORNEY: Have you looked into the facts of this car accident?

ACE: I have, that's why they call me Ace.

STATE'S  
ATTORNEY: And do you have an opinion as to how it happened?

ACE: I do, that's why they call me Ace.

STATE'S  
ATTORNEY: What is your opinion?

ACE: No braking, no skid marks, car not going terribly fast, but enough to take out the guard rail, no sign of trying to stop the car to avoid hitting the guard rail at all—It would be my opinion that this person was not consciously in control at the time of the accident—most likely fell asleep at the wheel!

HASS'S  
ATTORNEY: Objection - speculation!

JUDGE: Overruled.

STATE'S  
ATTORNEY: We're finished with our questioning.

JUDGE: Any questions from the defense attorneys?

HASS'S  
ATTORNEY: No your honor.

BUMPHREY'S  
ATTORNEY: No questions your honor.

JUDGE: You may be excused – next witness please.

STATE'S  
ATTORNEY: I'd like to call the Officer to testify.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

OFFICER: I do.

STATE'S  
ATTORNEY: Would you please state your name?

OFFICER: Officer \_\_\_\_\_, *(name of student playing role)*.

STATE'S  
ATTORNEY: Your occupation?

OFFICER: Member of the Wheeling Police Department.

STATE'S  
ATTORNEY: How long have you been on the force?

OFFICER: Ten years, and counting.

STATE'S  
ATTORNEY: Did you have occasion to investigate a death of a young woman, Blair Brown, on May 10<sup>th</sup>, 2010.

OFFICER: I did.

STATE'S  
ATTORNEY: Can you tell us what you did on that night, sir?

OFFICER: Got a 911 call that there was an accident, other patrol had already responded to the accident scene, and I was sent to the hospital, to see the condition of the injured driver. When I met with the Doctor at the hospital, I was advised Ms. Brown had died of her injuries, but that two friends of hers were there who might be witnesses. So I spoke with them, they are the defendants here---- Mr. Hass and Ms. Bumphrey.

STATE'S  
ATTORNEY: What did they tell you?

OFFICER: Well, they were both pretty emotional, didn't tell me much, but Ms. Bumphrey handed me the vial of pills we have here, and she kept saying she didn't give her the pills--she didn't give the pills to her. Mr. Hass wouldn't say anything, said he wanted to speak with his attorney.

STATE'S  
ATTORNEY: Ms. Bumphrey gave you the pills, not Mr. Hass?

OFFICER: No it was Ms. Bumphrey, sure of that. Kept saying though, "I didn't give her the pills" " I did not give her the pills."

STATE'S  
ATTORNEY: Thank you officer. Your honor, the state rests.

JUDGE: Do the defense lawyers have any questions?

HAAS'S  
ATTORNEY: No, your honor.

BUMPHREY'S  
ATTORNEY: No, your honor

JUDGE: You may step down. Now defense counsel, which of you will be going first?

BUMPHREY'S ATTORNEY. We will, your honor, and we will be brief. We call Jenny Bumphrey to the stand.

CLERK: Do you swear to tell the truth, the whole truth, and nothing but the truth?

JENNY: I do.

JUDGE: Ms. Bumphrey, you know that as a person charged with a crime, you do not have to take the stand and testify?

JENNY: I do.

JUDGE: And you have discussed this with your attorney and want to voluntarily take the stand?

JENNY: I have discussed it, and do want to take the stand.

JUDGE: Well, then, proceed counsel.

BUMPHREY'S ATTORNEY Can you tell me about the night of May 10<sup>th</sup>, 2010?

JENNY: Chuck and my good friend Blair and I were at a party and Chuck came up to us both and said he found some pills of his brothers that gave you a nice high, and we were willing to try one. Well, at the time, I thought Chuck was so cool, and I didn't want to look afraid in front of him and Blair so I said "sure, I'll try one", and then Blair said " O.K. me too", so we both took one. I knew it was wrong. Learned it in a WALS mock trial program in grade school. I learned that taking RX drugs from someone else was illegal, and giving them to another was also illegal but I wasn't thinking right. I wasn't thinking about the dangers of prescription drugs -just wanted to fit in, you know.

BUMPHREY'S ATTORNEY Did you tell the Officer on the night in question that you didn't give her the pills?

JENNY: Well, I said, "I didn't give her the pill." Not "pills." I only took one. I think she only took one. At least that's what I thought. I didn't really see what Chuck handed her.

JUDGE: Counsel for the State, you may inquire.

STATE'S  
ATTORNEY: Ms. Bumphrey, why are you the one who had the pill bottle when the police arrived at the hospital that night?

JENNY: Chuck and I were so upset when this happened. Chuck is always so cool. I never saw Chuck cry. But he was crying that night. And I told him to give me the pills. I was going to give them to the police. He was so afraid -- afraid to even talk to them.

STATE'S  
ATTORNEY: No further questions your honor.

JUDGE: Counsel for Mr. Hass?

HASS'S  
ATTORNEY: If you and Blair only took one pill, why are there about 10 missing?

JENNY: I have no idea.

HASS'S  
ATTORNEY: Do you have any witnesses who saw Mr. Hass give you the vial of pills at the hospital?

JENNY: Not that I'm aware of.

HASS'S  
ATTORNEY: So you expect us to believe that you are not the one who gave Blair the pills?

JENNY: I did not give her any pills. I did not. Chuck did! Chuck did!

HASS'S  
ATTORNEY: No further questions, your Honor.

JUDGE: You may step down. Now, Counsel for Mr. Hass, you may proceed with witnesses on behalf of your client.

HASS'S

ATTORNEY: We will not be presenting witnesses, your honor.

JUDGE:

Very well ladies and gentlemen of the jury, you will now hear the closing arguments - first on behalf of the state. Are you ready to proceed, counsel?

STATE'S

ATTORNEY:

Yes, Judge. Ladies and Gentlemen of the jury, this is an open and shut case. It is unlawful in the state of West Virginia to possess or distribute a controlled substance, and prescription amphetamines are a controlled substance, unless they are possessed or distributed pursuant to a valid prescription by a medical doctor. Illegal drugs are not just cocaine, or crystal meth, or even marijuana, but prescription drugs themselves are illegal if distributed or/taken without a doctor's prescription.

There is a good reason for this. Prescription drugs can be as powerful as other drugs we always think of as illegal if they are abused by people who do not have a prescription. Remember, sharing prescription drugs is dangerous, illegal and can be deadly! In this case, Ms. Bumphrey has admitted to illegal possession of this controlled substance. Mr. Hass has argued the state cannot prove any charges against him beyond a reasonable doubt. But the fact of the matter, ladies and gentlemen, is that if you believe Ms. Bumphrey's testimony in this case, she is still guilty of possession, and Mr. Hass is also guilty of possessing this controlled substance, but according to her testimony, he is also guilty of distributing this drug to Ms. Bumphrey and Ms. Brown, and of involuntary manslaughter, for causing Ms. Brown's death. On the other hand, if you disbelieve Ms. Bumphrey, and believe she was the one who distributed the controlled substance to Ms. Brown, then you may find her guilty as well of distribution, and of involuntary manslaughter. You may also find on this evidence that both of them possessed and distributed this controlled substance, and so both are guilty of involuntary manslaughter.

JUDGE:

Now we shall hear from Ms. Bumphrey's counsel.

BUMPHREY'S

ATTORNEY:

Thank you Judge. Ladies and Gentlemen of the jury, the only thing the state has proven, because Ms. Bumphrey admitted it on the stand, is that she illegally possessed a controlled substance. She did not sell it. She did

not distribute it. She didn't even give it to Blair Brown, so the only thing you can find her guilty of in the case is "possession!" You must find her not guilty on all other counts.

JUDGE: Counsel for Mr. Hass you may proceed with your closing statement.

HASS'S  
ATTORNEY: Thank you Judge. Ladies and Gentlemen of the jury, the state has not proved beyond a reasonable doubt any of the charges against Mr. Hass. Ms. Bumphrey is the one who had the prescription vial on her at the time of the police investigation. Other than her testimony, who's to say she didn't get these pills from Hass's home when she visited there? Who's to say she wasn't the one who gave one or more pills to Blair Brown. We have only heard from Ms. Bumphrey. She is the only one that says it was my client who distributed the pills; the only one who said it was my client who gave any pills to Ms. Brown. She may just be trying to save herself! Because the State has not proven its case against my client beyond a reasonable doubt, you must find Mr. Hass not guilty of all charges.

JUDGE: It is now time for me to INSTRUCT you on the law of this case, after which you will be asked to deliberate and determine if the State has proven its case against either or both defendants BEYOND A REASONABLE DEGREE OF DOUBT.

The Court instructs the jury that the charge of possession or distribution of this controlled substance are felony offenses in the State of West Virginia. The jury is further instructed that amphetamines are a controlled substance and that unless distributed and taken pursuant to a valid prescription of a medical doctor, it is unlawful to possess, sell, or distribute such a controlled substance.

In addition, in WV, involuntary manslaughter is causing the death of a person by a negligent or unlawful act whether or not it is the intention of the defendant to cause harm. So if either Mr. Hass or Ms. Bumphrey, or both, unlawfully distributed any of this controlled substance to Ms. Brown, which caused her to lose control of her car and die as a result of her injuries, then you may find either Mr. Hass or Ms. Bumphrey guilty, or both, if you find beyond a reasonable doubt that both distributed this drug and caused this death.

You are further instructed that when you enter the jury room, you shall first pick a **FOREPERSON** and when you have reached a **VERDICT** you may press the buzzer and return to the courtroom at which time the

**FOREPERSON** will read the verdict in open Court. Bailiff, please give the jury five minutes to deliberate.

BAILIFF: Yes, Judge.

***JURORS LEAVE ROOM TO DELIBERATE, and upon return:***

JUDGE: Will the foreperson of the jury please stand. Have you reached a verdict?

FOREPERSON: We have, Your Honor.

JUDGE: Will the defendants please stand. (*Mr. Hass and Ms. Bumphrey along with their lawyers*).

You may read the verdict.

FOREPERSON: **THEY READ BELOW VERDICT FROM THEIR VERDICT FORM:**

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(As to each charge, check whether guilty or not guilty)

*As to the charges against Mr. Hass, you honor, we find as follows:*

*Possession: Guilty\_\_\_\_\_ ; Not Guilty\_\_\_\_\_.*

*Distribution: Guilty\_\_\_\_\_ ; Not Guilty\_\_\_\_\_.*

*Involuntary Manslaughter: Guilty\_\_\_\_\_ ; Not Guilty\_\_\_\_\_.*

FOREPERSON: *As to the charges against Ms. Bumphrey, we find as follows:*

*Possession: Guilty\_\_\_\_\_ ; Not Guilty\_\_\_\_\_.*

*Distribution: Guilty\_\_\_\_\_ ; Not Guilty\_\_\_\_\_.*

*Involuntary Manslaughter: Guilty\_\_\_\_\_ ; Not Guilty\_\_\_\_\_.*

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JUDGE: So say you all?

JURORS: Yes, your Honor.

JUDGE: Thank you jurors for your service.  
We hope you all have enjoyed learning about the criminal justice system, and you may now ask questions!

*Script written by Patrick S. Cassidy, President  
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