

Mock Trial Clarifications and Corrections 2007-08

(1) On page 19, in Corporal Casey Smith's affidavit, in the last paragraph, line 3, it should read as follows: "I also learned from Trooper Dale **Stuart**, the responding officer..."

(2) In Morgan Taylor's affidavit, on page 17, third paragraph, second line, it should read "Volvo V70."

(3) In Dominique Tate's affidavit, second paragraph, fourth line, it should read "from exit 37."

(4) Additional Stipulations

The parties have stipulated to the authenticity and factual accuracy of the following items. The parties have also agreed that the items are not in dispute:

- a) The pellet photographs and information, pg. 25 (Source: Tyler Jones, Defense Witness)
- b) The speed chart, pg. 26 (Source: National Highway Safety Administration)
- c) The accident report, pg 27 (assume it is signed by Cpl. Casey Smith as indicated in the affidavit)

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*.

(5) Assume the accident report has been signed by Cpl. Casey Smith as he mentions in his affidavit.

(6) In the Statement of Charges and Defenses, we have modified Count 4 to mirror the Aggressive Driving statute listed on page 29. Additionally, we have included the law text for your use during competition.

§ 21-901.2 Aggressive driving

- (1) Traffic lights with steady indication of § 21-202*
 - (2) Overtaking and passing vehicles of § 21-303*
 - (3) Passing on right in violation of § 21-304*
 - (4) Driving on laned roadways in violation of § 21-309*
 - (5) Following too closely in violation of § 21-310*
 - (6) Failure to yield right of way of § 21-403*
 - (7) Exceeding a maximum speed limit or posted speed limit in violation of § 21-801.1*
- (*See below for text of the statutes)

§ 21-202. Traffic lights with steady indication.

(a) *In general.*-

(1) Except for special pedestrian signals that carry a legend, where traffic is controlled by traffic control signals that show different colored lights or colored lighted arrows, whether successively one at a time or in combination, only the colors green, red, and yellow may be used.

(2) These lights apply to drivers and pedestrians as provided in this section.

(b) *Green indication.*- Vehicular traffic facing a circular green signal may proceed straight through or, unless a sign at the place prohibits the turn, turn right or left.

(c) *Yielding right-of-way to vehicles or pedestrians within intersections or crosswalks.*- Vehicular traffic described under subsection (b) of this section, including any vehicle turning right or left, shall yield the right-of-way to any other vehicle and any pedestrian lawfully within the intersection or an adjacent crosswalk when the signal is shown.

(d) *Entering intersection on green arrow.*- Vehicular traffic facing a green arrow signal, whether shown alone or with another indication, cautiously may enter the intersection, but only to make the movement indicated by the arrow or to make another movement permitted by other indications shown at the same time.

(e) *Yielding right-of-way to certain pedestrians and other traffic.*- Vehicular traffic described under subsection (d) of this section shall yield the right-of-way to any pedestrian lawfully within an adjacent crosswalk and to any other traffic lawfully using the intersection.

(f) *When pedestrians may cross roadways.*- Unless otherwise directed by a pedestrian control signal as provided in [§ 21-203 of this](#) subtitle, a pedestrian facing any green signal, unless the green signal is only a turn arrow, may cross the roadway, within any marked or unmarked crosswalk, in the direction of the green signal.

(g) *Steady yellow indication.*-

(1) Vehicular traffic facing a steady yellow signal is warned that the related green movement is ending or that a red signal, which will prohibit vehicular traffic from entering the intersection, will be shown immediately after the yellow signal.

(2) Unless otherwise directed by a pedestrian control signal as provided in [§ 21-203 of this](#) subtitle, a pedestrian facing a steady yellow signal is warned that there is not enough time to cross the roadway before a red signal is shown, and a pedestrian may not then start to cross the roadway.

(h) *Steady red indication - In general.*-

(1) Vehicular traffic facing a steady circular red signal alone:

(i) Shall stop at the near side of the intersection:

1. At a clearly marked stop line;
2. If there is no clearly marked stop line, before entering any crosswalk; or
3. If there is no crosswalk, before entering the intersection; and

(ii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal to proceed is shown.

(2) Vehicular traffic facing a steady red arrow signal:

(i) May not enter the intersection to make the movement indicated by the arrow;

(ii) Unless entering the intersection to make a movement permitted by another signal, shall stop at the near side of the intersection:

1. At a clearly marked stop line;
2. If there is no clearly marked stop line, before entering any crosswalk; or
3. If there is no crosswalk, before entering the intersection; and

(iii) Except as provided in subsections (i), (j), and (k) of this section, shall remain stopped until a signal permitting the movement is shown.

(i) *Same - Entering intersection for right turn or for left turn from one-way street onto one-way street.*- Unless a sign prohibiting a turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make:

(1) A right turn; or

(2) A left turn from a one-way street onto a one-way street.

(j) *Same - Entering intersection to make turn indicated by sign.*- If a sign permitting any other turn is in place, vehicular traffic facing a steady red signal, after stopping as required by subsection (h) of this section, cautiously may enter the intersection and make the turn indicated by the sign.

(k) *Same - Yielding right-of-way to certain pedestrians.*- In each instance, vehicular traffic described in subsections (i) and (j) of this section shall yield the right-of-way to any pedestrian lawfully within an adjacent crosswalk and to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard.

(l) *Same - Pedestrians prohibited from entering roadway.*- Unless otherwise directed by a pedestrian control signal as provided in [§ 21-203 of this](#) subtitle, pedestrians facing a steady red signal alone may not enter the roadway.

(m) *Applicability of section.*- Except for those provisions of this section that by their very nature cannot apply, this section applies to a traffic control signal placed at a location other than an intersection. Each stop required by the signal shall be made at a sign or marking on the pavement indicating where the stop shall be made or, if there is no sign or marking, at the signal.

[An. Code 1957, art. 661/2, § 11-202; 1977, ch. 14, § 2; ch. 447; 1986, ch. 410; ch. 472, § 1; 1993, ch. 278; 1997, chs. 45, 315; 1998, ch. 360; 1999, ch. 401, § 2; 2004, ch. 320.]

§ 21-303. General rules governing overtaking and passing vehicles.

(a) *In general.*- Except as otherwise provided in this subtitle, this section governs the overtaking and passing of vehicles going in the same direction.

(b) *Overtaking vehicle to pass to the left.*- The driver of a vehicle overtaking another vehicle that is going in the same direction shall pass to the left of the overtaken vehicle at a safe distance.

(c) *Overtaking vehicles going in the same direction.*- The driver of a vehicle overtaking another vehicle that is going in the same direction, until safely clear of the overtaken vehicle, may not drive any part of his vehicle directly in front of the overtaken vehicle.

(d) *Overtaken vehicle to give way to right.*- Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, on audible signal, shall give way to the right in favor of the overtaking vehicle.

(e) *Duty of driver of overtaken vehicle.*- Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle, until completely passed by the overtaking vehicle, may not increase the speed of his vehicle.

[An. Code 1957, art. 661/2, § 11-303; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 1988, ch. 6, § 1.]

§ 21-304. When passing on right is permitted.

(a) *In general.*- Subject to the requirements of subsection (b) of this section, the driver of a vehicle may overtake and pass to the right of another vehicle only:

(1) If the overtaken vehicle is making or about to make a left turn;

(2) On a highway with unobstructed pavement not occupied by parked vehicles and wide enough for two or more lines of vehicles moving lawfully in the same direction as the overtaking vehicle; or

(3) On any one-way roadway, if the roadway is free from obstruction and wide enough for two or more lines of moving vehicles.

(b) *Safe conditions required.*- The driver of a vehicle may overtake and pass another vehicle to the right only if it is safe to do so.

(c) *Driving off roadway.*- The movement described under subsection (b) of this section may not be made by driving off the roadway.

[An. Code 1957, art. 661/2, § 11-304; 1977, ch. 14, § 2; 1986, ch. 472, § 1.]

§ 21-309. Driving on laned roadways.

(a) *General rule.*- On any roadway that is divided into two or more clearly marked lanes for vehicular traffic, the following rules, in addition to any others consistent with them, apply.

(b) *Driving in single lane required.*- A vehicle shall be driven as nearly as practicable entirely within a single lane and may not be moved from that lane or moved from a shoulder or bikeway into a lane until the driver has determined that it is safe to do so.

(c) *When driving in center of three lanes permitted.*- On a roadway that is divided into three lanes and that provides for two-way movement of traffic, a vehicle may not be driven in the center lane except:

(1) While overtaking and passing another vehicle going in the same direction and while the center lane is clear of traffic within a safe distance;

(2) In preparing to make a left turn; or

(3) When the center lane is allocated exclusively to traffic moving in the same direction that the vehicle is going and the allocation is designated by a traffic control device.

(d) *Obedience to traffic control devices.*- The driver of a vehicle shall obey the directions of each traffic control device that directs specified traffic to use a designated lane or that designates those lanes to be used by traffic moving in a particular direction, regardless of the center of the roadway.

(e) *Lane changing devices - In general.*- The driver of a vehicle shall obey the directions of each traffic control device that prohibits changing lanes on sections of a roadway.

(f) *Same - Trucks, truck tractors, trailers, or buses.*- On a roadway that has two or more lanes for traffic moving in the same direction, the driver of any truck, truck tractor, trailer, or bus shall obey the directions of each traffic control device that requires the vehicle to be driven in a certain lane.

(g) *Two-way left turn lanes - In general.*- On a roadway along which a two-way left turn lane has been provided through traffic control devices, vehicles may not enter that lane except when preparing for or making a left turn from or into the roadway or when preparing for or making a U-turn, and may enter only if the lane is clear of an opposing movement.

(h) *Same - Distance driven in making left turn.*- A vehicle shall be driven within a lane described under subsection (g) of this section the shortest distance practicable prior to making a left turn or U-turn or after making a left turn.

(i) *Same - Left turns made only from within certain lanes.*- On roadways along which a two-way left turn lane has been placed, left turns shall be made only from within such lane.

[An. Code 1957, art. 661/2, § 11-309; 1977, ch. 14, § 2; ch. 543, § 2; 1982, ch. 171; 1986, ch. 472, § 1; 1998, ch. 360.]

§ 21-310. Following too closely.

(a) *General rule.*- The driver of a motor vehicle may not follow another vehicle more closely than is reasonable and prudent, having due regard for the speed of the other vehicle and of the traffic on and the condition of the highway.

(b) *Truck following other truck or motor vehicle towing another vehicle.*- Subject to the provisions of subsection (d) of this section, whenever conditions permit, the driver of every truck, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(c) *Driver of motor vehicle towing another vehicle.*- Subject to the provisions of subsection (d) of this section, whenever conditions permit, the driver of every motor vehicle towing another vehicle, while traveling on a roadway outside of a business district or a residential district and following any other truck or any other motor vehicle towing another vehicle, shall leave enough space so that an overtaking vehicle may enter and occupy the space without danger.

(d) *Overtaking and passing other vehicles.*- A truck or a motor vehicle towing another vehicle may overtake and pass any other vehicle or combination of vehicles.

(e) *Caravan or motorcade.*-

(1) This subsection does not apply to a funeral procession.

(2) A motor vehicle being driven on a roadway outside of a business district or a residential district in a caravan or motorcade, whether or not towing another vehicle, shall be driven to allow enough space between each two vehicles or combination of vehicles so that any other vehicle may enter and occupy the space without danger.

[An. Code 1957, art. 661/2, § 11-310; 1977, ch. 14, § 2; 1986, ch. 472, § 1; 1988, ch. 471, § 2.]

§ 21-403. Vehicle entering stop or yield intersection or through highway.

(a) *Signs authorized.*- Preferential right-of-way at an intersection may be indicated by stop signs or yield signs placed in accordance with the Maryland Vehicle Law.

(b) *Stopping at entrance to through highway.*- If the driver of a vehicle approaches a through highway, the driver shall:

- (1) Stop at the entrance to the through highway; and
- (2) Yield the right-of-way to any other vehicle approaching on the through highway.

(c) *Stopping in obedience to stop signs.*- If a stop sign is placed at the entrance to an intersecting highway, even if the intersecting highway is not part of a through highway, the driver of a vehicle approaching the intersecting highway shall:

- (1) Stop in obedience to the stop sign; and
- (2) Yield the right-of-way to any other vehicle approaching on the intersecting highway.

(d) *Approaching intersection marked by yield sign.*- If a "yield" sign facing the driver of a vehicle is placed on the approach to an intersection, the driver shall:

- (1) Approach the intersection with caution;
- (2) Yield the right-of-way to any other vehicle approaching on the other highway; and
- (3) If necessary, stop in order to yield this right-of-way.

[An. Code 1957, art. 661/2, § 11-403; 1977, ch. 14, § 2.]

§ 21-801.1. Maximum limits.

(a) *General rule.*- Unless there is a special danger that requires a lower speed to comply with [§ 21-801 of this subtitle](#), the limits specified in this section or otherwise established under this subtitle are maximum lawful speeds. A person may not drive a vehicle on a highway at a speed that exceeds these limits.

(b) *Specified limits.*- Except as otherwise provided in this section, the maximum speed limits are:

- (1) 15 miles an hour in alleys in Baltimore County;
- (2) 30 miles an hour on:
 - (i) All highways in a business district; and
 - (ii) Undivided highways in a residential district;
- (3) 35 miles an hour on divided highways in a residential district;
- (4) 50 miles an hour on undivided highways in other locations; and
- (5) 55 miles an hour on divided highways in other locations.

(c) *Continuation of certain prior limits.*- Except as provided in subsection (e) of this section, a posted maximum speed limit lawfully in effect on December 31, 1974, is a maximum lawful speed even if it differs from a limit specified in subsection (b) of this section.

(d) *Alteration of limits.*- Except as provided in subsection (e) of this section, a maximum speed limit specified in subsection (b) of this section or in effect under subsection (c) of this section may be altered as provided in this subtitle.

(e) *Limits may not exceed 55 or 65 miles an hour.*-

(1) Notwithstanding any other provision of this subtitle, a maximum speed limit of more than 55 miles an hour may not be established or continued on any highway in this State that:

(i) Is not an interstate highway or an expressway; or

(ii) Would subject the State to federal funding sanctions under 23 United States Code § 154.

(2) Subject to the provisions of paragraph (1) of this subsection, a maximum speed limit of more than 65 miles an hour may not be established on any highway in the State.

(f) *St. Mary's County.* -

(1) Unless otherwise posted on a public road in a residential subdivision, in residential subdivisions in St. Mary's County, a posted speed limit on a main access road applies to all public roads in the residential subdivision, even if the posted speed limit on the main access road is less than 30 miles per hour.

(2) The provisions of paragraph (1) of this subsection do not apply when a through road traverses a residential subdivision. The maximum speed limit applicable to the subdivision shall be posted on each road exiting off the through road and into the subdivision, along with the posting on the main access road.

(3) A maximum speed limit established under this subsection in a residential subdivision shall be based on the subdivision's road design, motor vehicle traffic, and pedestrian safety.

[An. Code 1957, art. 661/2, § 11-801; 1977, ch. 14, § 2; 1987, ch. 74; 1995, ch. 493; 2006, ch. 589.]