

**PENNSYLVANIA STATEWIDE
HIGH SCHOOL MOCK TRIAL COMPETITION**

2004



COMMONWEALTH OF PENNSYLVANIA

v.

MAXINE/MAXWELL ABILITY, a/k/a MAX ABILITY

***SPONSORED BY THE YOUNG LAWYERS DIVISION
OF THE PENNSYLVANIA BAR ASSOCIATION***

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PROBLEM QUESTIONS & CONTACT INFORMATION

Questions regarding these case materials should be sent to David Keller Trevaskis at the Pennsylvania Bar Association (PBA). Case material questions will be answered in cooperation with the Statewide Mock Trial Executive Committee. Questions regarding mock trial procedure, including any questions involving the Rules of Competition or Rules of Evidence (Pennsylvania Mock Trial Version), should be directed to your District or Regional Mock Trial Coordinators.

Answers to legitimate and non-repetitive questions will be posted on the mock trial website www.pabar.org under the Young Lawyer's Division (YLD) link (direct access at www.pabar.org/yldstatewidemock.shtml). The questions and answers will be posted in a single supplemental memo; the memo will be continually updated through January, 2004.

You may begin submitting questions anytime. **The deadline for submitting questions is January 23, 2004.** The last update to the supplemental memo will be posted by January 26, 2004. The January 26, 2004 memo will become the official supplemental memo and may be used in the Competition. Earlier dated copies may not be used. Please consult Rule of Competition B.4 regarding the evidentiary value teams are to give the official supplemental memo.

Questions must be sent in writing by one of the methods listed below. Please be sure to include return contact information in the event we need to reach you to clarify a question. **NO QUESTIONS WILL BE CONSIDERED UNLESS SUBMITTED UNDER THIS PROCEDURE.**

E-mail:	david.trevaskis@pabar.org
Fax:	717.238.7182
Regular Mail:	David Keller Trevaskis Pennsylvania Bar Association. 100 South Street PO Box 186 Harrisburg, PA 17108-0186

Teams without access to the website can request paper copies from Louann Bell at the PBA (louann.bell@pabar.org; same address and fax # as above). Please be sure to include your return address.

INTRODUCTION AND ACKNOWLEDGMENTS

Welcome to the 2004 Statewide High School Mock Trial Competition – the twentieth anniversary of one of the top secondary level academic competitions in the Commonwealth! The Competition, started in 1984, is sponsored by the Young Lawyers Division of the Pennsylvania Bar Association (PBA/YLD). It provides high school students with a firsthand experience of the American judicial system.

The problem centers around an alleged car theft that occurred on December 17, 2003, in the town of Higgins, Barrister County, Pennsylvania. What appears to be an open and shut case with a quick resolution turns out to be much more complicated than it first appeared. This year's case materials were created by Statewide Mock Trial Committee Co-Chair Jillian Duhl of Allegheny County. As a parent of twins who are diagnosed in the autistic spectrum and a volunteer attorney at the Education Law Center in Pittsburgh, Ms. Duhl is aware of the challenges that face students with disabilities. It was after assisting a family of a child with Asperger's Syndrome with a special education due process hearing that the idea for the problem was conceived. Current statistics show that autism and its associated behaviors have been estimated to occur in as many as 2 to 6 in 1,000 individuals (Centers for Disease Control and Prevention 2001). Autism is four times more prevalent in boys than girls and knows no racial, ethnic, or social boundaries. Family income, lifestyle, and educational levels do not affect the chance of autism's occurrence. The incidence of autism in America and other countries is growing significantly each year.

It is also fitting to use a problem involving a special education student for the 2004 competition, a competition that will occur during the nation's celebration of the fiftieth anniversary of the 1954 *Brown v. Board of Topeka* United States Supreme Court decision that outlawed segregated public schools. Many of the laws and procedures followed by schools in working with special needs children are the result of court cases that are the progeny of the *Brown* decision. The attitudes towards children of difference reflected in some of the statements and actions by characters in this mock trial reflect negative attitudes that still exist despite years of change. This problem pays homage to *Brown* and its progeny.

The 2004 case materials were revised and edited for competition purposes by members of the Statewide Mock Trial Committee which is co-chaired by Duhl and Bedford County attorney Bill Higgins. Special thanks is given to YLD leadership for their assistance in developing the problem materials. Current YLD Chair Honorable Todd Seelig, Past YLD Chair Charles Eppolito and Chair-Elect James Wells combined to make this year's problem both an exciting trial event and a valuable civic lesson. Jane Meyer, Past Mock Trial Co-chair, provided invaluable assistance throughout the development process. Cheltenham Township Police Detective Michael Santarelli, Abington School District Counselor Judy Bomze, and Project PEACE trainer Mary Ellen Schaffer from Illinois added greatly appreciated technical assistance for the problem. Susan Minnick contributed significantly in the design of the map exhibit.

Earlier drafts of the problem benefited from the careful editing of Montgomery County attorney Donna Adelsberger and Anne Panfil, Chief Counsel for the Criminal Rules Committee of the

Pennsylvania Supreme Court. Rebecca Moyes, an autism consultant also offered invaluable assistance helping us create a realistic Individualized Educational Plan for Max Ability. Insight on the idea and thanks for a parents' perspective is given to Stuart and Donna Kurland of Mt. Lebanon, Pennsylvania. Moreover, the book Asperger's Syndrome by Tony Attwood provided excellent scientific and social information. Special thanks is also deserved for our mock trial "dynamic duo" - PBA Pro Bono Coordinator David Trevaskis and Harrisburg lawyer Alan Boynton - who continue to provide treasured advice and insight year in and year out.

We thank, as well, those volunteers who contributed their time and energy to the overall organization and running of this year's Competition, particularly Mock Trial Co-chairs Bill Higgins and Jillian Duhl. Last, but certainly not least, we thank the PBA staff, headed by Executive Director Barry Simpson and Deputy Executive Director Fran O'Rourke. Many PBA staffers, too numerous to mention, provided valuable time and talent – without their help the Competition would not be a success. However, special thanks is given to Louann Bell. Louann jumped into the void when the program most needed her support, replacing Susan Donmoyer who had served the PBA and mock trial for the past 17 years before moving on to her first love, working to protect animals.

We hope that teams find the materials interesting and wish them the best of luck!

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA
Criminal Division**

Commonwealth of Pennsylvania	*	Criminal Action No: 0619-03
	*	
	*	
	*	
v.	*	
	*	
Maxine/Maxwell Ability, a/k/a	*	Charges: Theft By Unlawful Taking,
Max Ability, Defendant	*	Unlawful Use of an Automobile

CRIMINAL COMPLAINT

I, the undersigned, do hereby state under oath (affirmation):

1. My name is Chief Parker Carr, badge #53 of the Higgins Police Department;
2. I accuse Defendant Maxine/Maxwell Ability, a/k/a Max Ability, who lives at 1998 Seelig Way, with violating the penal law of the Commonwealth of Pennsylvania;
3. The day of the week and the date when the accused committed the offense was on or about Wednesday, December 17, 2003;
4. The place where the offense was committed was in the County of Barrister;
5. The accused committed acts against the peace and dignity of the Commonwealth of Pennsylvania and contrary to the Act of Assembly, specifically theft of property valued over \$2000 and unauthorized use of an automobile.
6. I ask that a warrant of arrest or summons be issued and that the accused be required to answer the charges I have made; and
7. I swear to or affirm the within complaint upon my knowledge, information and belief, and sign it on December 17, 2003, before Jane Meyer whose office is that of District Justice.

Commonwealth of Pennsylvania
County of Barrister

/s/ Chief Parker Carr #53

Personally appeared before me on December 17, 2003, the affiant above named who, being duly sworn (affirmed) according to law, signed the complaint in my presence and deposed and said that the facts set forth therein are true and correct to the best of his/her knowledge, information and belief.

/s/ Jane Meyer, District Justice
Issuing Authority

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA**
Criminal Division

Commonwealth of Pennsylvania	*	Criminal Action No: 0619-03
	*	
	*	
	*	
v.	*	
	*	
Maxine/Maxwell Ability, a/k/a Max Ability, Defendant	*	Charges: Theft By Unlawful Taking, Unlawful Use of an Automobile

AFFIDAVIT OF PROBABLE CAUSE

I, the undersigned, do hereby state under oath (affirmation):

1. My name is Chief Parker Carr, Badge #53 of Higgins Police Department;
2. I am a representative of the Higgins Police Department which has been investigating the theft of the automobile of Mrs. Alice Abuela (pronounced Ah-BWALE-a) who resides at 123 Widener Street in the town of Higgins, Barrister County.
3. The Higgins Police Department has received the following information regarding the theft and unlawful operation of the above mentioned vehicle owned by Alice Abuela:
 - a) At some time after 1330 hours, on December 17, 2003, Maxine/Maxwell Ability, a/k/a Max Ability, went to the home of Alice Abuela, located her pink 1967 Shelby Ford Mustang in the driveway of her home at 123 Widener Street and entered the vehicle without permission of the owner.
 - b) Upon entering the vehicle, Max Ability observed that the keys to the car were not in the ignition. S/he then opened the engine compartment and ran a wire from the battery to the ignition coil, thereby configuring the car to start without the keys to the vehicle.
 - c) After starting the vehicle, Max was then joined by passenger K.C. Turner, grandchild of the owner, Alice Abuela. Max Ability drove the vehicle to the J&T Pizzeria and parked the vehicle out of view in the back of the restaurant. Max Ability proceeded to enter the restaurant and order food with K.C. Turner and Logan Kay, another student at Higgins Area High School who was already at the restaurant.
 - d) I, Chief Parker Carr, responding to the call from J&T Pizzeria, arrived at J&T's restaurant at 1520 hours and located Max Ability, K.C. Turner and Logan Kay.

- e) Max Ability provided a full confession, indicating with detail the manner in which the theft and/or unauthorized use of the vehicle occurred.
- f) K.C. Turner provided a statement which corroborated the statement of Max Ability.

Based on the aforementioned information, I request that an arrest warrant be issued for Max Ability, whose residence is 1998 Seelig Way, Higgins, PA.

I swear to or affirm the above information upon my knowledge, information, belief, and sign it on December 17, 2003, before Jane Meyer whose office is that of District Justice.

/s/ Chief Parker Carr #53

WARRANT

TO ANY AUTHORIZED PERSON:

Pursuant to this warrant, you are commanded to arrest Maxine/Maxwell Ability, a/k/a Max Ability, Defendant, if found in the Commonwealth of Pennsylvania and bring said Defendant before the undersigned to answer the foregoing complaint.

/s/ Jane Meyer, District Justice
Issuing Authority

DOCKET TRANSCRIPT

Jane Meyer, District Justice
Issuing Authority

Maxine/Maxwell Ability, a/k/a Max Ability
Defendant

Chief Parker Carr
Affiant

Date of Arrest: December 17, 2003

Preliminary Hearing: December 29, 2003

Charges:

18 Pa.C.S.A. § 3921. Theft by Unlawful Taking

18 Pa.C.S.A. § 3928. Unauthorized Use of Automobiles

Offense Date:

On or about December 17, 2003

All charges bound over to court. Bail is continued at \$10,000 cash or bond. The bond was posted on December 18, 2003 after the preliminary arraignment. Defendant was released subject to conditions of bail and remains so released.

Certified this 29th day of December, 2003

/s/ Jane Meyer
District Justice

I, the above-named Issuing Authority certify that this Transcript is a true and correct Transcript of the Docket.

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA
Criminal Division**

Commonwealth of Pennsylvania

*

Criminal Action No: 0619-03

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*

*

v.

*

*

Maxine/Maxwell Ability, a/k/a
Max Ability, Defendant

*

Charges: Theft By Unlawful Taking,
Unlawful Use of an Automobile

*

ARRAIGNMENT

I, Max Ability, have been advised of the offense(s) charged in the criminal information against me by the District Attorney of Barrister County and I/my lawyer have/has received a copy thereof.

I have been advised and fully understand that I/my lawyer have/has the right to request discovery or disclosure from the District Attorney as provided by the Rules of Criminal Procedure within fourteen (14) days of today's arraignment date.

I have been advised and I fully understand that I/my lawyer have/has the right to file with the Court any pre-trial application for relief in the form of a single omnibus pre-trial motion as provided by the Rules of Criminal Procedure within thirty (30) days of today's arraignment date.

I hereby enter a plea of Not Guilty to the above charges and request a trial by Jury.

Date: January 12, 2004

/s/ Max Ability

Defendant

/s/

Attorney for Defendant

/s/

Attorney for the Commonwealth

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA**
Criminal Division

Commonwealth of Pennsylvania

*

Criminal Action No: 0619-03

*

*

*

v.

*

*

Maxine/Maxwell Ability, a/k/a
Max Ability, Defendant

*

*

Charges: Theft By Unlawful Taking,
Unlawful Use of an Automobile

INFORMATION

The District Attorney of Barrister County by this information charges that on or about December 17, 2003, in said County, Maxine/Maxwell Ability, a/k/a Max Ability, did, with intent to commit a specific crime, do an act which constituted a substantial step toward the commission of a crime.

Specific Crimes Attempted:

18 Pa.C.S.A. § 3921. Theft by Unlawful Taking

18 Pa.C.S.A. § 3928. Unauthorized Use of Automobiles

All of which are against the Act of Assembly and the Peace and Dignity of the Commonwealth of Pennsylvania.

/s/

District Attorney

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA
Criminal Division**

Commonwealth of Pennsylvania

*

Criminal Action No: 0619-03

*

*

*

v.

*

*

Maxine/Maxwell Ability, a/k/a

*

Charges: Theft By Unlawful Taking,

Max Ability, Defendant

*

Unlawful Use of an Automobile

RULE 600 WAIVER

I have been advised and I understand that under Rule 600 of the Pennsylvania Rules of Criminal Procedure that my trial in Barrister County Court must begin on or before the 180th day from the date of the filing of the criminal complaint accusing me of the above charges. I am aware that these charges may be dismissed if my trial does not commence on or before the 180th day or within any additional time allowed to the Commonwealth under the provision of Rule 600.

I have been advised and I understand that by signing this "Waiver" I am waiving or giving up my right to be tried within 180 days from the filing of the criminal complaint, and I am agreeing that I can be tried after the 180th day.

I have not received any promises, nor have I been forced to sign this waiver. I read and write the English Language and have attended school to eleventh grade. I have reviewed this "Waiver" with my attorney.

Date: 1/12/04

/s/ Max Ability

Defendant

Date: 1/12/04

/s/

Attorney for the Defendant

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA
Criminal Division**

Commonwealth of Pennsylvania

*

Criminal Action No: 0619-03

*

*

*

v.

*

*

Maxine/Maxwell Ability, a/k/a

*

Charges: Theft By Unlawful Taking,

Max Ability, Defendant

*

Unlawful Use of an Automobile

PRE-TRIAL ORDER

And now, this 26th day of January, 2004, it is hereby ordered that:

The Commonwealth brings this action against Max Ability for the following: 18 Pa.C.S.A. § 3921, Theft by Unlawful Taking; and 18 Pa.C.S.A. § 3928, Unauthorized Use of Automobiles. These charges stem from the December 17, 2003 incident in which Alice Abuela's pink 1967 Shelby Ford Mustang was allegedly stolen from her home at 123 Widener Street in Higgins, Pennsylvania. The Commonwealth alleges that Max Ability intentionally committed the acts charged in violation of the Pennsylvania Crimes Code.

Defendant made certain statements, both orally and in writing, that were the subject of a hearing this day in which Defendant sought to suppress said statements. Although this Court found compelling the expert testimony from Dr. Quinn C. Jones as to the capacity of a defendant with Asperger's Syndrome to appreciate the *Miranda* warnings and to knowingly, intelligently and voluntarily waive such rights, the Court is bound by current case law in deciding to deny the suppression motion and to admit the statements into evidence.¹

The Commonwealth and the Defendant have agreed to stipulate to the authenticity of certain documents and have agreed on certain facts as more fully set forth in the Evidentiary Stipulations filed in the case.

A defendant in a criminal action is presumed to be innocent until proven guilty. This presumption places upon the Commonwealth the burden of proving the Defendant guilty beyond a reasonable doubt. Although the Commonwealth has the burden of proving that the Defendant is guilty beyond a reasonable doubt, this does not mean that the Commonwealth must prove its case beyond all doubt to a mathematical certainty, nor must it prove the complete impossibility

¹ Research presented to the Court suggests that a higher court might find room to extend the Constitutional protections provided by our current jurisprudence to persons with the disability this Defendant presents. The Court notes that some good web sites to review for future consideration of the question raised here are: www.autism-society.org and www.autismlink.com. (The latter site is Pennsylvania-based).

of innocence. A reasonable doubt is a doubt that would cause a reasonably careful and sensible person to hesitate before acting upon a matter of importance in his or her own affairs. A reasonable doubt must fairly arise out of the evidence that was presented or out of the lack of evidence presented with respect to some element of the crime. A reasonable doubt must be real doubt; it may not be an imagined one, nor may it be a doubt manufactured to avoid carrying out an unpleasant duty.

The witnesses available for trial are listed below. The prosecution and defense must call each witness listed for their side. **No inference may be made from that failure of the defendant to testify because constitutional protections require that there be no mention of the defendant's failure to testify at trial.**

For the Commonwealth

- K.C. Turner, student at Higgins Area High School and friend of Max Ability
- Chief Parker Carr of the Higgins Police Department

For the Defendant

- Quinn C. Jones, M.D., Defendant's psychiatrist and expert witness
- Logan Kay, student at Higgins Area High School and friend of Max Ability

/s/Eddie Pearce
Senior Judge

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA
Criminal Division**

Commonwealth of Pennsylvania

*

Criminal Action No: 0619-03

*

*

*

v.

*

*

Maxine/Maxwell Ability, a/k/a

*

Charges: Theft By Unlawful Taking,

Max Ability, Defendant

*

Unlawful Use of an Automobile

EVIDENTIARY STIPULATIONS

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

1. The Criminal Complaint, Affidavit of Probable Cause, Arrest Warrant, Docket Transcript, Arraignment Sheet and Information.
2. Exhibits and their pre-markings as indicated on the exhibit list

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

In addition, the parties agree that any witness who demonstrates knowledge of J&T's Pizzeria may testify to the diagram of the pizzeria.

/s/

Attorney for Commonwealth

/s/

Attorney for Defendant

January 15, 2004

**IN THE COURT OF COMMON PLEAS
FOR THE COUNTY OF BARRISTER, PENNSYLVANIA
Criminal Division**

Commonwealth of Pennsylvania

*

Criminal Action No: 0619-03

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*

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v.

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*

Maxine/Maxwell Ability, a/k/a

*

Charges: Theft By Unlawful Taking,

Max Ability, Defendant

*

Unlawful Use of an Automobile

FACT STIPULATIONS

The parties have agreed to these stipulated facts:

1. On December 17, 2003, Mrs. Alice Abuela owned a pink 1967 Shelby Ford Mustang with Pennsylvania License Plate ASD 1217, VIN # 717717232323.
2. Mrs. Alice Abuela is the grandmother of Commonwealth witness K.C. Turner.
3. On December 17, 2003, Max Ability was 18 years old. (DOB 10/1/85)
4. Max Ability first met Logan Kay and K.C. Turner when the three were in eighth grade and took part in a social group created by their school for the express purpose of assisting Max Ability in his/her interactions with others.
5. Dr. Quinn C. Jones will be accepted as an expert in the field of Psychiatry.
6. In conjunction with the December 17, 2003 incident, Chief Parker Carr created a police report. The document has since become unavailable due to no fault of either party. The parties agree that all pertinent information obtained by Chief Carr related to the incident and contained in the Chief's report is also contained in Chief Carr's witness statement. It is agreed that the police report will not be available as an exhibit, except for that part of the report which is a map of the pizzeria created by Chief Carr and included here as an exhibit.

/s/

Attorney for Commonwealth

January 15, 2004

/s/

Attorney for Defendant

APPLICABLE LAW OF BARRISTER COUNTY

STANDARD OF PROOF / PRESUMPTION OF INNOCENCE

A defendant in a criminal action is presumed innocent until proven guilty. This presumption places upon the Commonwealth the burden of proving the defendant guilty beyond a reasonable doubt. This does not mean that no possible doubt must exist, because some doubt will always exist. Beyond a reasonable doubt means that a juror, after hearing all of the evidence, is convinced to a moral certainty that the defendant is guilty.

COMMONWEALTH CRIMES CODE

18 Pa.C.S.A. § 3921. Theft by Unlawful Taking

- (a) Offense Defined - A person is guilty of theft if he or she unlawfully takes or exercises unlawful control over movable property of another with intent to deprive him or her thereof.
- (b) Definition – As used in this section the word “deprive” means to withhold the property of another permanently or for so extended a period as to appropriate a major portion of its economic value.
- (c) Grading – If the value of the movable property exceeds \$2000, or if the property stolen is an automobile or any other motor propelled vehicle, the theft constitutes a felony of the third degree. Otherwise, theft constitutes a misdemeanor of the second degree.

18 Pa.C.S.A. § 3928. Unauthorized Use of Automobiles

Offense Defined - A person is guilty of a misdemeanor of the second degree if he or she operates an automobile, or any other motor propelled vehicle of another, without consent of the owner.

Defense – It is a defense to prosecution under this section that the actor reasonably believed that the owner would have consented to the operation had he or she known of it.

18 Pa.C.S.A. § 302. General Requirements of Culpability

- (a) A person is not guilty of an offense unless he or she acted intentionally, knowingly, recklessly or negligently, as the law may require.
- (b) “Intent” defined – A person acts with intent, with respect to a material element of an offense, if it is his or her conscious object to engage in conduct of that nature or to cause such a result.

18 Pa.C.S.A. § 3901. Definitions in the Crimes Code

As used in the section pertaining to theft crimes, the following words and phrases shall have the meanings given to them in this subsection:

“Movable Property” – Property the location of which can be changed.

“Property” – Anything of value, including real estate, tangible and intangible personal property, contract rights, and other interests in wealth, admissions or transportation tickets, captured or domestic animals, food and drink, electric or other power.

“Property of another.” – Includes property in which any person other than the actor has an interest which the actor is not privileged to infringe, regardless of the fact that the actor also has an interest in the same property.

18 Pa.C.S.A. § 1103. Maximum Sentences

The maximum imprisonment permissible for a person convicted of a crime is as follows:

- (a) Twenty years in the case of a felony of the first degree.
- (b) Ten years in the case of a felony of the second degree
- (c) Seven years in the case of a felony of the third degree
- (d) Five years in the case of a misdemeanor of the first degree.
- (e) Two years in the case of a misdemeanor of the second degree.
- (f) One year in the case of a misdemeanor of the third degree.

List of Witnesses

*Please note that the 2004 Mock Trial packet provides witness statements from two witnesses on each side. The prosecution and defense must call each of these witnesses. **The failure to call the defendant may not be mentioned at trial because constitutional protections require that there be no mention of the defendant's failure to testify at trial.** If a team improperly raises a negative inference about the defendant's failure to testify, the proper response is for the opposing team to raise an objection pointing out the violation. The objecting team may not move for a mistrial, though such would be the result in an actual trial.*

Teams are allowed to sit a student at the defense table to play the role of the defendant but teams are advised that all students playing the role of the defendant are prohibited from behaving in any manner that might distract other participants in the trial, especially if such behavior intends to highlight some theatrical vision of the defendant's autistic spectrum disorder. If a defendant behaves in such a manner as to cause distraction, the proper response is for the prosecution team to raise an objection pointing out the violation.

For the Commonwealth

- K.C. Turner, student at Higgins Area High School,
- Parker Carr, Chief of the Higgins Police Department

For the Defendant

- Quinn C. Jones, M.D., Defendant's psychiatrist and expert witness
- Logan Kay, Student at Higgins Area High School

1 **Witness Statement: Chief Parker Carr**

2
3 Witness for the Prosecution
4

5 My name is Parker Carr and I have been an officer with the Higgins Police Department
6 (HPD) for 25 years, the last five years as Chief. In addition to my administrative duties, I keep
7 involved in day-to-day issues. I am the primary investigating officer for vehicle theft and have
8 been so for the past 10 years. Prior to attending the police academy, I received a Bachelor's
9 Degree in criminal justice from the University of Pittsburgh. I also have a Master's Degree in
10 Criminal Justice from Shippensburg University.
11

12 As HPD's vehicle theft investigator, I see what a growing and expensive problem vehicle
13 theft is in our society. Higgins is not immune. Some of our local theft is organized "chop shop"
14 business and some of it is kids being stupid and joyriding. Note that I don't call it "harmless"
15 joyriding"—stealing a vehicle is no laughing business. I attend national seminars to network
16 with other police officers and insurance company representatives regarding this growing menace.
17

18 At 1455 hours on December 17, 2003, I received a dispatch that a Mrs. Alice Abuela
19 (pronounced Ah-BWALE-a) was reporting a vehicle stolen from 123 Widener Street. Upon my
20 arrival, at 1501, Mrs. Abuela told me her vehicle had been parked in her driveway when she left
21 her home at about 1220 to take a cab to the drug store. She told me her daughter usually drives
22 her in her 4-wheel SUV when the weather is bad, but Mrs. Abuela needed her diabetes
23 medication and didn't want to wait for her daughter. She was worried the light snowfall might
24 turn into a major snowstorm, as predicted by the forecasters. Mrs. Abuela, who lived with her
25 daughter and grandchild, had intended to move her vehicle into the garage, but her cab showed
26 up early. Upon her return home from the drug store, which she guessed was approximately
27 1445, she noticed her vehicle was gone. She called her daughter and grandchild on their mobile
28 phones but neither answered. She then immediately called the HPD.
29

30 Mrs. Abuela explained that her daughter, Paige Turner, was the only person who had an
31 extra set of keys for the vehicle. She described it as a pink 1967 Shelby Ford Mustang with
32 Pennsylvania license plate ASD 1217. I knew the vehicle well because it always led Higgins'
33 Independence Day parade and because Mrs. Abuela usually had the vehicle sitting like an exhibit
34 in her driveway during the day. She estimated the value of the vehicle at \$35,000. It was in mint
35 condition and had been restored years before by her late husband. It is currently maintained by
36 daughter Paige and grandchild K.C., according to Mrs. Abuela. She had told me at the last
37 parade that she ultimately planned to donate the vehicle to Higgins so it would always be in the
38 July 4th parade.
39

40 I investigated the scene and saw visible tire marks in the fresh snow that had been lightly
41 falling since noon. At 1506, I put out a bulletin describing the vehicle. At 1507, I got a call
42 saying that Jillian Teti (pronounced TEE-tie), the owner of the local pizza restaurant, J&T's
43 Pizzeria, had called into the station. Jillian told dispatch that she had overheard the stolen car
44 call on the police scanner and had just seen the described car parked behind the dumpster at her
45 place. I told Mrs. Abuela that I would contact her with more information and would most likely
46 need her to come down to the police station to give a statement. I quickly drove my marked

47 vehicle to the J&T's, although I did not activate my lights or siren. From 123 Widener Street to
48 J&T's is about a 10 minute drive under normal conditions. The road that day was a bit slippery.
49 I took the call because our other cars were on the other side of town, past the police station
50 which is fifteen minutes from J&T's.

51

52 Upon my arrival at approximately 1520, I circled the pizza shop where I saw, behind the
53 dumpster in a space out of view of the street, an older-model pink Ford Mustang with its hood up
54 and license number matching that given by Mrs. Abuela. I drove back around to the front and
55 parked next to the handicapped space on the left as you face the building. I called in my location
56 and noted the time as 1522 on my watch. I then entered J&T's where I encountered two
57 teenagers sitting at a table. I asked them their names and ages; they identified themselves as 18-
58 year-old Max Ability and 16-year-old Logan Kay. I thought Logan looked familiar but wasn't
59 sure why. I knew Max by name only. My spouse, who teaches at Stern Elementary School in
60 Higgins, had told me Max was labeled with Asperger's Syndrome. My spouse, like a lot of
61 regular education teachers, feels Max's family—as other families with special education kids—
62 get more attention for their kids than other kids get. I give them credit for fighting for their
63 rights. My spouse had told me that Max appeared pretty normal and even expected to attend
64 college. Max seemed fairly normal to me—you know how teenagers can be.

65

66 After getting their names, I asked if either knew how Mrs. Abuela's Mustang ended up at
67 J&T's. The younger teen, Logan Kay, looked down. The older teen, Max Ability, told me "I am
68 responsible for the Shelby being here." I asked Max how s/he drove without keys. Max
69 described wiring the vehicle's engine and explained, in tedious detail, the full mechanical design
70 of the ignition system, telling me that "with some pigtail wire and a couple of alligator clips you
71 can do away with the keys for a 1967 Shelby Ford Mustang." Max then pulled out the wiring
72 from his/her jacket pocket. Max fully admitted not having asked permission from Mrs. Abuela
73 to drive the car. This wasn't the first time a suspect fully admitted or described how he or she
74 committed a crime, but usually it takes more work than just showing up and asking a single
75 question. I was curious how Max stopped the engine after they arrived at the pizza shop, but I
76 only got a smile from Max when I asked that question. I later learned from my mechanic friend,
77 Pat Santarelli, that all you had to do was unclip the wires and the car would stop.

78

79 As I was about to question Logan Kay, K.C. Turner came out from the restroom / pay
80 phone area. I knew K.C. was Mrs. Abuela's grandchild. I told K.C. I was there to investigate
81 the theft of Mrs. Abuela's Mustang. K.C. volunteered that Max took his/her grandmother's
82 prized Mustang, starting it without keys and driving it without permission. K.C. claimed that
83 s/he had been showing Max the vehicle when Max decided to take it for a joyride. K.C. told me
84 that s/he tried to stop Max from driving, but when Max entered the driver's side after "hot-
85 wiring" the engine, K.C. just jumped in the vehicle to make sure Max didn't do anything
86 dangerous. K.C. said "I was scared because when Max gets that crazy look, Max can't be
87 stopped." K.C. was also concerned because Max was a newly licensed driver and the roads were
88 lightly covered with snow.

89

90 According to K.C., after they pulled out of the driveway and started driving through
91 town, Max told K.C. that Max was going on a "long ride." K.C. explained that s/he was able to
92 calm Max down, however, and convince Max to stop for pizza since a good meal would be

93 needed before taking a “long ride”. K.C. said s/he and Max met up with Logan at the pizza shop
94 and that Logan seemed to distract Max by asking Max a lot of questions about the car. Once
95 settled in the pizza shop, K.C. pretended to need to go to the bathroom and had been in the
96 process of making a 911 call when s/he saw my police vehicle arrive. I later verified that a 911
97 call had been made from the pizza shop to our system at 1521:45. I also verified that I had
98 arrived at J.&T.’s at 1521:30 since I had called into the HPD upon parking my car and my call
99 was noted. (Both the 911 and HPD systems are synchronized for time.)

100
101 Having heard enough, I formally arrested Max, informing Max that s/he was under arrest
102 and placing handcuffs on Max. At this point, Max became aggressive, telling me s/he did not
103 want to be touched. I know how to control somebody when they get out of line, so there was no
104 problem. After giving Max his/her Miranda warnings, I told Logan and K.C. to call their
105 families and let them know they were safe. They used their cell phones to call their homes. I left
106 them at the pizza shop with Jillian Teti, the owner, who had just brought out the pizza they had
107 ordered. Max and I arrived at the HPD headquarters at 1620 hours. Max was photographed and
108 fingerprinted, putting up enough resistance that I needed a couple of officers to restrain Max. I
109 had them put Max into a cell to calm him/her down. At 1810, before conducting further
110 questioning, I again administered Miranda rights to Max which Max waived. I asked Max if
111 s/he wanted to call a lawyer and Max said s/he wanted to call Dr. Quinn C. Jones. I know Dr.
112 Jones isn’t a lawyer so I knew I didn’t need to call Dr. Jones, but I told Max that s/he could call
113 anyone s/he wanted after we were done. In great detail, Max confessed and fleshed out the story
114 I heard from K.C. at the pizza shop.

115
116 I made sure everything was done right, partly because of a bad experience our department
117 had back in 1997 before I became Chief. One of our former officers had investigated an incident
118 involving another Asperger’s Syndrome kid, who had made terroristic threats over the phone.
119 He called this poor family 30 times in two hours, insisting on speaking to their son who was
120 away at summer camp. They finally called the police after he showed up at their house. When
121 they told him he couldn’t speak to their son, he became agitated and the family felt threatened.
122 The responding officer picked up the kid and the young man admitted doing everything the
123 family had said. The officer was really upset when the former Chief took down a big book from
124 the American Psychiatry Association, some sort of diagnostic statistics manual, and noted that
125 the kid had Asperger’s Syndrome, a then newly recognized psychiatric disorder. The former
126 Chief said there was no way the kid could have formed the intent to do what the officer was
127 charging him with and so the old Chief spoke to the complaining family and buried everything.
128 Nothing happened to the kid. I didn’t have a problem with it, since the complaining family
129 really didn’t have their heart in going after the kid. But I know the responding officer and some
130 others felt like the kid was being protected by a bunch of medical mumbo-jumbo. The old Chief
131 lost a lot of support within the department because of that incident. If the complaining family
132 had wanted to press charges, the Chief’s action in letting the kid go might have cost the Chief her
133 job.

134
135 I had Max’s confession typed up and Max read it carefully, even correcting the typo I had
136 deliberately put in the second paragraph. Then Max signed the statement. A few minutes later,
137 Max’s mother, who is a lawyer, arrived and told Max not to say anything more. While Max was
138 being processed and confessing, in the interim, at 1630, Mrs. Abuela had arrived at the police

139 station with K.C. Mrs. Abuela made it clear to other officers that she wanted the department to
140 fully pursue the theft. She screamed about Max kidnapping her baby, which I thought when my
141 officers told me about it, meant her grandchild, K.C. One of the younger officers joked that she
142 meant the vehicle.

143

144 I interviewed Logan Kay the next day, December 18, 2003. Logan told me K.C. had
145 instigated the incident. I was skeptical of Logan's version, however, because I then fully
146 recalled why I had recognized Logan; Logan had been in frequent contact with our juvenile
147 officer and had recently shoplifted from a local merchant. According to Logan, K.C. and Max
148 had been in the pizza shop for nearly an hour before I arrived and that K.C. seemed completely
149 unconcerned about anything. Logan added that K.C. had driven the car and that K.C. was absent
150 from their table when I arrived only because K.C. had gone to the bathroom, not to call for help.
151 I challenged Logan right away about this time problem. Jillian Teti, the restaurant owner and the
152 sole person working at that time, had already told me the three kids had been in the pizza shop
153 for just about fifteen minutes when I arrived. Indeed, she had only served them sodas by the
154 time I arrived; I think K.C. took their pizza order home with his grandmother.

155

156 I was also skeptical from the start about Logan's story since s/he hadn't said a word at the
157 pizza shop to correct K.C. when K.C. blamed Max for the theft. But before dismissing Logan's
158 story, I checked back with Jillian. Jillian said she was fairly certain about the time the kids
159 arrived because her pizzas cook for exactly 25 minutes and she put the pizza order in just before
160 she heard the police scanner call out about the car. Jillian also said she went outside to spread
161 rock salt over her front parking spaces just before 2:30 p.m. Logan was the only one in the shop
162 at that time and Jillian told Logan just to call her when she was ready to order. Logan said s/he
163 was in no hurry; s/he was waiting for some people. Jillian then went to the back shed by the
164 dumpster and pulled out the rock salt and filled her big salt spreader. She then walked the salt
165 spreader around the side of the restaurant where the bathrooms were located because she wanted
166 to check on a new crack on the outside of the bathroom window. According to Jillian, when she
167 came back in from spreading salt and checking things out, it was just past 3 p.m. and the new
168 kids were taking off their coats as if they had just arrived. Jillian said there was no car by the
169 dumpster and the supply shed when she went out but that it was there when she came back in.
170 That's why she knew to call the police when she heard the report on the police scanner about the
171 stolen car. Jillian is famous for always having the scanner on in her kitchen.

172

173 Signed and sworn to under oath on the 29th day of December, 2003.

174

175 /s/ Chief Parker Carr

176

177 Signed before me this 29th day of December, 2003.

178

179 /s/ Charles Eppolito, Notary Public

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Witness Statement: K.C. Turner

Witness for the Prosecution

My name is K.C. Turner and I am an 18- year-old senior at Higgins Area High School. My mother is Paige Turner and my grandmother is Alice Abuela. Mom and I live with Grandmother Abuela at 123 Widener Street in Higgins. I am going to college next fall to play soccer at the University of North Carolina on a full athletic scholarship. This whole thing with my grandmother’s car being stolen by Max Ability has really upset me and upset my family. Grandmom loves that car—it is a pretty cool set of wheels—she probably treats it better than she treats Mom and me. We moved in with Grandmom and Pop Pop right after my father died nearly fourteen years ago. Things went really well until I hit 8th grade and my grandfather died. Pop Pop had really kept things steady but without him Mom and Grandmom have had a lot of problems, one of which is that car. Grandmom has always wanted my mom to keep the car in tip top shape, something my Mom learned to do from her father, but Grandmom won’t share that car with anyone.

Mom sure knows cars and she has taught me everything you need to know to keep a car in great shape. She listens to those old hippies talk about cars every weekend on NPR and she reads auto magazines the way some moms read cookbooks. You have to admit it, the car looks great, even painted pink. Maybe that is why Grandmom leaves it out in the driveway during the day for people to gawk at. Grandmom is so possessive of that thing that no one can drive it except her. She made a big deal about letting my mom have the extra set of keys to the car after Pop Pop died, but Grandmom has never let Mom take the car out except once a year when Mom drives Grandmom and me in the car as part of the 4th of July parade. Grandmom even had it in her Will that the car would go to the town of Higgins for use in the parade forever, though she changed her Will once I got my driver’s license. She told me she had left the car to me, as long as I promised to drive it in the parade each year.

I am so excited that I will finally get to drive the car next July. I am going to drive instead of Mom in this year’s parade. And once the car is legally mine, I am going to have myself a really special parade. Maybe knowing that she would never get the car is why Mom started dumping the upkeep of the car on me as I got older; she saw no percentage in working hard on something that would never be hers. Mom blew her chance at the car, according to Grandmom, by taking the car out once without permission when she was my age. I promised my Grandmom I would never take the Shelby out without permission since I would never do anything to jeopardize my future with the car. This is why what Logan is saying is so crazy. If anybody would have taken the car without permission, it would be Logan. Logan had actually done a lot of thinking about the car. Logan came up with a lot of schemes s/he has shared with me over the years—how we could make a mold of one of the keys and get a new key made so we could use the car when no one was around was one of them. I don’t think Logan loves the car; I just think Logan liked the challenge and liked teasing me. Logan used to ask why I rode the school bus when I had the coolest car in town at home.

The only person as crazy about that car as Grandmom is Max Ability. Max knows everything there is to know about the 1967 Shelby Ford Mustang. The funny thing is that Logan

47 Kay and I are to blame for that. It was the little trouble I got into in 8th grade—some pushing
48 and shoving with a boy who made fun of my Pop Pop for having a pink car-- that brought Max
49 and me together. I had started seeing a counselor and she asked me if I would be part of a
50 “social group” for Max. I found it a bit strange but I thought the alternative might be detention,
51 so I agreed to join the group even though I wasn’t sure what it was all about. Logan was in the
52 group, too. Logan and I had known each other forever, so that made the group more appealing.
53 It turned out to be a pretty easy time out of regular class where a group of us got together and
54 acted like we were friends of Max. That isn’t really what the counselor told us was the purpose
55 of the group meetings—I think we were there to help Max fit into the school. Max looks normal
56 but can act a bit strange around people. I found Max a hoot. All you had to do was get Max
57 interested in something and s/he would focus so much on that that nothing else seemed to matter.
58 My soccer workouts are the only thing on which I can match Max’s ability to focus.
59

60 Logan always treated Max a bit meanly, trying to get Max to do things that weren’t right.
61 Logan and I were reading Tom Sawyer at the time and Logan thought I might be able to pull a
62 deal on Max like Tom Sawyer did when he got his friends to paint the fence he was suppose to
63 paint by pretending it was so much fun to paint. Logan started talking in group about my
64 working on the Shelby and, sure enough, Max got all interested in the car. I started bringing
65 Max over to the house and showing Max how to do all of the jobs I had to do to keep the car in
66 shape for Grandmom. Pretty soon, Max was doing all of the work and I was just hanging out. I
67 would always bring other kids, usually Logan, over to hang with while Max worked because
68 there wasn’t much point in trying to communicate with Max while Max was focused on the car.
69 Logan use to hang out with me a lot, but since Logan decided to tell a bunch of lies about me to
70 the police, I haven’t seen much of Logan. Logan has some strange hang-up about Max and I
71 think Logan is trying to protect Max to make up for treating Max badly in the past. Logan was
72 part of that first group we had with Max in 8th grade and Logan made it clear s/he thought I was
73 taking advantage of Max with the car as time went on. But Logan didn’t say it in a manner that
74 showed Logan felt I was bad for doing it. Logan actually seemed jealous that I had some power
75 over Max that Logan wanted. Logan is younger—s/he’s gifted and skipped a grade—and I think
76 Logan is having a hard time growing up and figuring out how the world works. Hey, I got
77 something from Max but Max got a lot from me, which is better than anything Logan gave Max.
78 Mutual self-interest is how the world works.
79

80 You know, Max isn’t stupid. I use to get really ticked off at the kids in school who
81 would make weird faces when Max walked past. Max doesn’t get crazy looks or have wild
82 seizures—people try to make Max out to be like Dustin Hoffman in that old movie, but Max is
83 nothing like that. I feel badly about what happened, but I know firsthand that you can’t make
84 Max do things Max doesn’t want to do. That Huck Finn trick worked for getting Max to work
85 on the car; it never worked to get Max to do any of my other chores. Max loved that car; I never
86 could get Max to love weeding the garden. S/he actually had studied so much about the Shelby
87 Mustang that Max knows more about the car than Shelby probably did. Once, when Max heard
88 those radio talkers dismiss the Shelby Mustang because of some perceived limitation, s/he
89 immediately wrote them an email detailing why the Shelby Mustang was the ultimate classic, the
90 greatest American built car ever. Max then listened for weeks hoping to hear them respond.
91

92 At about 1:30 p.m. on December 17, 2003, Max, Logan and I left school early because
93 the threat of snow in the forecast gave us an early dismissal. I wanted to get home to relax, but
94 Logan told me that Max had talked about coming with me to work on the car. I asked Max if
95 Max wanted to come over and Max did. Logan said something to Max about being wired, but I
96 missed all but the end of their exchange. I just assumed Grandmom would have put the car in
97 the garage because of the threat of snow, so I figured Max would just fool around in the garage
98 for a bit and then go home. Logan said s/he was going to visit his/her elderly aunt to make sure
99 the aunt was ready in case it stormed. Logan told us s/he would meet us later on at J&T's, a local
100 pizza shop. I figured my Mom or Grandmom could give us a ride over after Max was through
101 with the car. It took Max and I about a half hour to walk to my house; we could have taken a
102 school bus, but we're seniors and seniors shouldn't have to ride yellow buses. Mom is pretty
103 cool about this; she has been able to take me to school in the mornings when I am tired. The trip
104 home in the afternoon is good exercise.

105

106 When we got to my house, I was surprised to see that the Shelby still in the driveway and
107 that nobody was home. I called my Mom on her cell but didn't get an answer (later I learned she
108 had left it at home that morning). I was bummed about missing out on a pizza, but I figured Max
109 and I could get some food in the house. Then I realized I had the wrong bag—I had Logan's bag
110 and Logan must have had mine. We had made that mistake before—the bags were exactly alike.
111 It seemed like a good idea the day we bought them. My keys were in my bag, so now we were
112 locked out of the house in the snow. When I told Max I didn't have my keys, s/he just laughed
113 and said there was no need for keys. "I'll take your car for a ride without keys," Max added. I
114 told Max s/he wasn't making any sense. Max then pulled out some wires and clips from his/her
115 school bag, opened the hood, connected the wires to the battery and then to the coil, and the car
116 started up right away. I was so surprised I didn't know what to say, but I tried to talk Max out of
117 taking the car. It didn't work. Max just got in the driver's seat, put the car in gear and asked me
118 if I was coming along. I jumped in the passenger seat and watched in amazement as Max drove
119 the car through the slight snowfall on the roadway.

120

121 I told Max s/he had to pull over and turn around and Max just screamed at me. I was
122 afraid to get Max even more agitated so I shut up. After a few minutes, I started talking about
123 how hungry I was and how much I wanted to go get my keys and have some food. After a few
124 more minutes of driving around, I had Max heading towards J&T's for a pizza and to meet up
125 with Logan to trade bags. I decided then and there that I would call my grandmother when we
126 got inside the pizza shop to let her know the car was safe. I was really worried that she would
127 somehow blame me for Max taking the car since Max was my "special friend" and since ending
128 up at a pizza shop in the Mustang was something she knew I would have enjoyed under other
129 circumstances. Max did something to the car in the parking lot of the pizza shop and it stopped
130 running. I was worried that s/he had ruined the car, but Max just smiled when I asked what s/he
131 had done.

132

133 We parked in the back of the pizza shop and entered through the rear door. Logan was
134 already waiting for us at the shop and saw us drive up because Logan was making a cell call
135 from the back lot of the pizzeria. We all walked inside. Logan had not even realized s/he had
136 my bag and I don't know if s/he even noticed me switching them. I was surprised that Logan
137 didn't even ask me about why Max had driven the car. Max had immediately launched into

138 telling Logan all about driving the car. Max seemed really wired as s/he told the story and I
139 thought I should be careful about getting up to call my grandmother. All Max could talk about
140 was the way the car handled and the way the engine sounded. Max had always bugged me to
141 ride with Mom and Grandmom in the 4th of July parade and Grandmom had not let him/her do so
142 even once. Max was so inquisitive about everything in the car and how it worked that my
143 Grandmother said Max gave her a headache and she wouldn't want to ruin the parade by getting
144 one.

145

146 All Max could talk about at the pizzeria was how great it was to take the car for a ride.
147 Max kept talking about taking it "for a long ride" and I began to worry that maybe I should call
148 the police instead of Grandmom. Logan asked Max a lot of questions about the car and
149 distracted Max from me. It took me a few more minutes before I could escape from Max and get
150 to the pay phones by the bathrooms towards the back of the restaurant. I told Max I had to use
151 the restroom so Max wouldn't be suspicious when I went to use the pay phones. I had left my
152 cell phone in the car; it had fallen out of my pocket when I was getting into the passenger seat
153 when Max first took the car and I had forgotten to pick it up. I dialed 9-1-1 and, just as the
154 operator picked up, I saw the Police Chief coming into the restaurant. I thanked the operator and
155 hung up and then went out to talk to Chief Carr. I was so relieved that Max had been stopped
156 from stealing Grandmom's car, from taking it on a long ride.

157

158 Chief Carr handled everything very professionally and s/he had us call home. I went out
159 to the car and picked up my cell phone, then went back in and made the call home. Mom was
160 happy I was safe and Grandmom was pleased, too. However, she was also worried that Max
161 might have ruined the car. Everything turned out fine, however. I don't know why Max flipped
162 out the way Max did when Chief Carr cuffed Max on December 17th, but I'll be glad when the
163 trial is done and everyone can get on with their lives. I doubt Max is going to jail—this is the
164 kind of thing they give people probation for on the TV shows. I was surprised they even charged
165 him/her with all those crimes; I thought you were still a juvenile if you were 18 and lived at
166 home. Really, how bad is a criminal record for Max? It's not like Max has a scholarship to lose.
167 I miss having Max around; it is a lot quieter now when I work on the car. I miss Logan, too, but
168 I am angry with Logan. I don't understand why Logan is going around telling so many lies
169 about what happened that day. I knew the Shelby would never be mine if I took it without
170 permission. I can appreciate wanting to help out Max, but at what price? You have to tell the
171 truth. I tried to help Max out, to get Grandmom to not press charges. However, Grandmom is
172 crazy about that car and she would not listen to anything I said in Max's defense. There was no
173 way Max was going to get a break from Grandmom; she said she would press charges against
174 anyone, even my mother, if Mom ever took the car without permission. I believe her.

175

176 Signed and sworn to under oath on the 29th day of December, 2003.

177

178 /s/ K.C. Turner

179

180 Signed before me this 29th day of December, 2003.

181

182 /s/ Teri Frees, Notary Public

1
2 **Witness Statement: Quinn C. Jones, M.D.**
3

4 Witness for the Defense
5

6 My name is Quinn C. Jones. I am 42 years old and employed by Barrister Regional
7 Health System in Higgins, Pennsylvania. I am a child and adolescent psychiatrist and have been
8 employed as such for the past 11 years. I went to the University of Pennsylvania Medical School
9 where I graduated with honors. I then went on to do internship and residency in Philadelphia at
10 Pennsylvania Hospital. I went on to do fellowship in Child and Adolescent psychiatry at the
11 Johns Hopkins University Medical Center in Maryland. I met my spouse in Maryland and
12 subsequently moved to Higgins. I am currently director of Child and Adolescent Psychiatry at
13 Barrister Regional Hospital. I am board certified in Psychiatry and Neurology.
14

15 While at Barrister Regional Hospital I have developed an interest in the study and
16 treatment of patients with autistic spectrum disorders. Autism runs a whole spectrum with some
17 patients at one end of the spectrum who are non verbal and self-injurious to patients at the other
18 end of the continuum who are high functioning and highly articulate. Nonetheless, even my very
19 high functioning Autistic patients are unaware of social cues and experience sensory issues. A
20 major portion of my practice, at least 75 percent of my patients, have a diagnosis within the
21 autistic spectrum. As part of the treatment of my patients, I manage their pharmacological
22 therapy dispensing medication as necessary. I also give referrals to other health care providers
23 including behavioral pediatricians, occupational therapists for sensory issues, and speech
24 therapists when there is a delay in speech or inappropriate pragmatics of conversation. I also
25 refer to physical therapists if the child walks on her toes. Most psychiatrists simply manage the
26 medication portion of the treatment and leave the rest up to the psychologist or the pediatrician.
27 I feel this does my patient a disservice. I like to keep my hands in everything.
28

29 Autism is characterized by several types of impairments which are usually present in
30 some way in the patient. First, there is rigidity of thought and behavior, limited imagination or
31 imaginative play, and the individual may carry out ritualistic action or focus on minor details.
32 For example, one of my patient's parents noticed at an early age that her daughter would line up
33 her mothers' hair care products and make-up along the sink in the bathroom. Each morning,
34 when this young mother awoke, she would find that her daughter had arranged the grooming
35 products by color and height. This was done everyday without fail and any effort by the mother
36 to interfere with this behavior brought what the mother initially thought was simply a temper
37 tantrum. Once the mother saw the pattern of behavior for what it was—symptoms of the autistic
38 spectrum—she brought her child to me. A second common impairment is that there may be
39 limited verbal and non-verbal communication with a lack of true two-way conversational skills,
40 and a failure to understand emotions, gestures, or ideas of others. Autistic children often
41 demonstrate an over-literalness in interpreting what is said. These children frequently are
42 unable to hold a two way conversation and the topic of their one way communication is often
43 limited to what they see on television or what has been presented to them by others. Finally,
44 individuals diagnosed in the autistic spectrum have difficulty with social relationships. They may
45 appear aloof or indifferent and may have inappropriate styles of approaching others if contact is
46 made socially.

47

48 Asperger's Syndrome is a less severe form of autism. With Asperger's Syndrome, there
49 is a marked and sustained impairment in social interaction, restrictive and repetitive patterns of
50 behavior and a strong preference for routines and avoiding change. Additionally, there may be
51 physical motor delays and clumsiness associated with Asperger's Syndrome. Asperger's
52 Syndrome may not initially be diagnosed because the child's expressive language is relatively
53 good and his or her cognitive scores fall within the average to above-average range.

54

55 People with Asperger's Syndrome perceive the world differently from everyone else.
56 They find the rest of us strange and confusing. Why don't we say what we mean? Why do we
57 say many things we do not mean? Often an individual with Asperger's Syndrome will tell us
58 hundreds of facts about one topic. I had an adult patient that knew every species of insect and
59 could talk for hours about insects. One child patient initially would go on and on about Thomas
60 the Tank Engine, which may seem ordinary as regards the topic but which was unusual in its
61 depth of focus. This child then progressed to an encyclopedic knowledge of vacuum cleaners.
62 Although often possessing a wealth of information on a small subject, the person with
63 Asperger's Syndrome usually lacks the social skills necessary to utilize that knowledge for his or
64 her benefit among peers. The Asperger's Syndrome patient's limited ability to hold a two way
65 conversation adds to his or her social difficulties. Parents of children and adolescents with
66 Asperger's Syndrome note how socially isolated their children are at school, having few genuine
67 friends.

68

69 The children with Asperger's Syndrome do not seem able to read people's body
70 language and may comment on things that are true but embarrassing. I had a patient tell me,
71 during a chance meeting while I was out jogging, how badly I smelled and how I should take a
72 shower in the future before seeing her. Individuals with this diagnosis may also experience
73 sensory issues including sensitivity to sound, touch and smell. For example, I have a patient who
74 must cut all of the tags out of her clothing because it is so painful to her to have the tags touch
75 her skin. She is also so sensitive to noise, she cannot be in the house when her mother runs the
76 vacuum cleaner or her father uses a blow dryer on his hair.

77

78 It is also important to understand that these children do not understand that there are
79 different behavioral codes for various levels of relationships. Thus the child can be vulnerable to
80 exploitation by others. As a physician I have seen both mild and extreme cases of such
81 exploitation. A mild example, still painful for those who care about others, involved a patient
82 who was bullied at a sporting event and made to perform silly tasks that mocked the opposing
83 team and allowed others to laugh at him. On the extreme end, I have seen Asperger's children
84 taken advantage of physically because they simply could not read the cues of the opposite sex or
85 of sexual predators.

86

87 Max Ability became my patient about 8 years ago. I was familiar with Max already
88 because I went to college with Max's father. I have been able to observe Max at social events
89 over the years. At the time Max came to my office, Max was already diagnosed with Asperger's
90 Syndrome. I wish I had worked with Max earlier but I was initially worried about my
91 relationship with his/her family. Generally, it is not good to be so close to a patient's family, but
92 when Max's Dad came to me for help I couldn't turn down an old friend. After my first session

93 with Max, Max's parents were so happy with my treatment plan that they then turned over
94 complete management of Max's case to my office. I currently see Max about every six months
95 unless an issue arises that requires a more immediate visit. The last time I saw Max was on
96 December 18, 2003, a day after the incident with Mrs. Abuela's car.
97

98 Max lives with his/her parents Sal and Al Ability who are a lawyer and an engineer,
99 respectively. Prior medical records indicate that Max was diagnosed in the autistic spectrum at
100 around 3 ½ years. Max attended a special education preschool where Max received speech and
101 occupational therapy services. In grammar school, Max's parents started to see that Max needed
102 to be in control of games and activities. Additionally, Max's conversation started to sound like
103 all of the lines were straight from the television shows that s/he watched during the day. At that
104 point Max was evaluated by the school psychologist and was officially given the Asperger's
105 Syndrome diagnosis. Consistent with the diagnosis, Max was impulsive and was not aware of
106 the consequences of his/her actions. Moreover, Max had no concept of personal space. At that
107 point in grammar school, Max would get quite close to someone when holding a conversation or
108 hug someone that s/he thought was a friend. But once Max learned the appropriate action for a
109 particular situation through a social story, Max could memorize the particular action and apply it
110 to the same situation. This teaching behavior through social stories is a major part of my
111 approach to treating Asperger's children.
112

113 Max is an attractive adolescent who always appears in my office well dressed and neat.
114 If you saw Max sitting in my office, you would think Max was just your average kid. Max has
115 an exceptional memory and is quite proficient with computers. Max also has an avid interest in
116 repairing mechanical items. First it started with repairing flashlights, then it progressed to hair
117 dryers and toaster ovens. As Max got older, the interest became cars, specifically the motor of
118 the 1967 Shelby Ford Mustang. Recently Max's parents bought him/her an old Ford Mustang to
119 rebuild. I encouraged Max's parents to allow Max to get a drivers' license, since that is an
120 important social milestone and is so connected to his/her interest. However, I warned Max's
121 parents to be careful because Max is impulsive. You never know where Max might take the car
122 if not watched carefully.
123

124 In Max's case, s/he was also naïve. Often, as Max got older, other children took
125 advantage of this fact. Students realized that Max took things literally, so they would sometimes
126 set Max up and Max would get in trouble. There was a rule in school that students couldn't take
127 off their shoes in school. One student told Max that that rule meant Max had to jump into the
128 school pool with his/her shoes on. Max did just that. Often Max's parents would bring Max to
129 my office after an incident at school so we could discuss what happened and explore with Max
130 what to do if the situation occurred again in the future. On a more recent occasion, about two
131 years ago, Max and I had quite a long session surrounding another incident that happened at
132 school. Two students in his/her class told Max to take the teachers purse out of her desk and look
133 for candy. The teacher had been called out of class to talk with the principal in the hallway.
134 They told Max that since the teacher gave them candy on special occasions, she would be happy
135 for Max to get them candy since her being out of the classroom was a special occasion.
136

137 When the teacher returned and could not find her pocketbook, she reported it stolen.
138 When she asked the class who had taken it, Max readily volunteered that he had taken it. Max is

139 always honest and would always admit what had been done. At that time Max and I clearly went
140 over the fact that stealing was wrong and unless the person who owned the object gave you
141 permission to use it, you could not take it even if someone else says it is okay to do so. I
142 specifically told Max the consequences of taking things that did not belong to Max. I was
143 satisfied Max would act appropriately. But it shows how naive Max is and how Max can easily
144 succumb to the pressure of other students who do not understand Max's disability.

145

146 Years before the purse was taken, when there were several occasions when Max was
147 taken advantage of by other students, I saw a very negative pattern begin to develop. I
148 recommended when Max was in 8th grade that Max's parents begin a social group at school to
149 help break this pattern, The social group was designed with school counselors so Max could
150 make some friends and some of the students could understand Max's personality. Although I do
151 not normally go to the school setting, because Max's parents were friends of mine, I went over to
152 the school and explained how to set up the group. Max's guidance counselor, Ms. Moyes, was
153 happy to set up the program. Apparently Max was not the only student having difficulties based
154 on disability and the school wanted to avoid being viewed as allowing such harassing behaviors
155 to continue. A neighboring school district recently had been hit with a lawsuit for failure to
156 protect a Down's Syndrome child from physically abusive classmates.

157

158 Max's social group met during a free period and involved about five students. The
159 school psychologist facilitated discussions regarding topics with which Max was familiar and
160 current events. The other students then showed Max how to give and take in conversation and
161 how to read their facial expressions in the conversation. It was at this group that one of the other
162 students took an interest in Max and his/her knowledge of mechanics. In turn, Max assisted this
163 student, K.C. Turner, with his/her care of a family vehicle. Through this interaction, K.C.
164 learned how Max thought and practiced getting Max to understand social clues people give out
165 to one another. Max developed a good friendship with K.C.

166

167 As I stated before, I saw Max on December 18, 2003 to discuss the incident with Mrs.
168 Abuela's car. After that session with Max, as well as based upon my review of the police
169 records regarding Max's response to the officer's questions, it is my opinion to a reasonable
170 degree of medical certainty that Max Ability did not have malicious intent when s/he rewired the
171 car so it could be driven to the pizza restaurant. I am also convinced that Max did not actually
172 drive the car to the pizza shop, despite the "confession" to the police. Max has Asperger's
173 Syndrome and therefore was susceptible to exploitation by his/her friend. It is also no surprise to
174 me that Max explained to the police officer exactly how s/he rewired the car to drive it without a
175 key. Not only is Max honest but s/he has a great passion for mechanical devices.

176

177 In this case and in others, I question how effective Miranda Warnings are to a person like
178 Max. S/he knows what the words say but I doubt s/he can understand their meaning since they
179 are the antithesis of both all we have taught Max and all that Max's Asperger's Syndrome
180 presents. I go further than my colleagues in saying all autistic kids, even the highest functioning,
181 like Max, can never form the intent necessary to commit a crime. Most of my colleagues think it
182 is an issue of impulse control not determining right from wrong.

183

184 Although rare, this is not the first occasion I have heard of someone allegedly committing
185 a criminal offense related to their special interest. For example, a male adolescent was
186 fascinated by trains and while on the train station platform decided to steal a railway engine.
187 There was considerable doubt that he had any malicious intent, but in that case he did take the
188 train for a ride. Here I think Max started the car to assist a friend and then told the police s/he
189 was responsible for the car being stolen, in the police view, because Max knows his/her starting
190 of the car was the act responsible for allowing the car to be moved. Max could not understand
191 that K.C. was stealing the car because, in Max's eyes, it was K.C.'s car. Furthermore, Max told
192 me s/he did not drive the car. Max said K.C. drove the car so K.C. could go get his/her keys from
193 Logan

194
195 Signed and sworn to under oath on the 29th day of December, 2003.

196
197 /s/ Quinn C. Jones, M.D.

198
199 Signed before me this 29th day of December, 2003.

200
201 /s/Teri Frees, Notary Public

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Witness Statement: Logan Kay

Witness for the Defense

My name is Logan Kay and I am a 16-year-old senior at Higgins Area High School. I'm young for my grade; gifted, they call it, but being gifted in Barrister County doesn't seem like that big a deal. I am going to Penn State, main campus, in the fall and then I plan to head to law school at Temple where I want to become a trial lawyer. After seeing what can happen to nice people like Max, just because they are a little odd, I want to make a difference in the world. I probably am just trying to assuage my guilt over the things I made Max do over the years. We met in this special social group in 8th grade and Max was the target of everybody. I used to walk with her/him into the local drug store and have her/him steal small items from different sections of the store. As long as I told her/him it was okay, s/he did it. And Max was good at it until his/her doctor taught her/him to not do it anymore.

I should have listened to the doctor; last school year, I got caught at the mall taking a CD from the store and I got into a ton of trouble. Coincidentally, K.C.'s mom was managing the store at the time. I can't believe she turned me in. Luckily, we had this new Teen Court program for first time offenders (it was the first time I was caught and the last time I did it). I had to admit I did it and then two lawyers—they were just kids from the town, but they were good—argued before a jury of my peers about the kind of punishment I should get. They sentenced me to write a letter of apology to Ms. Turner, personally deliver it and then serve as a juror on five other cases. My mother and father were so embarrassed by the whole thing and so was I, but it did help open my eyes. We had one Teen Court case where this kid was really picking on a weaker kid and all I could think was that that was what I had been doing to Max. Keith Bailey, the Teen Court Coordinator, told me I could either take the chance or blow it. I'd like to think I took the second chance, or at least I am taking that opportunity now by doing something good for Max.

This whole thing with K.C.'s grandmother's car being allegedly stolen by Max Ability has really upset me and made me think deeply about what really matters. I have known K.C. since Kindergarten and I have always stood by him/her, but what s/he did with Max and that car isn't right. I had only known Max since 8th grade. I had started seeing a counselor about career choices and she asked me if I would be part of a "social group" for Max to see if I might have an interest in special education. I thought it a bit odd but K.C. told me s/he had been invited to join the group, too, so I agreed to do it even though I wasn't sure what it was all about. At the time, I thought it would be sort of fun to mess with the strange kid I thought Max to be. It turned out to be a pretty interesting experience where a group of us got together and became both friends and social guides of Max. The counselor told us we were there to help Max, who can seem pretty odd if you don't know Max as a person. We were there to help Max fit into the school.

I really liked Max even though I quickly fell into the habit, like some of the other kids, of using Max to get a laugh or some sort of rush. It was like that with the shoplifting. I really regret that now, though there were some pretty wild things that I was able to get Max to do that a normal kid would have known not to do. It is a good thing we never got caught doing all of those things because I'd be in a lot more trouble now than I am. My folks really gave it to me

47 for the one time I was caught. They made it clear that if I ever did anything else “stupid” like
48 that, I’d be grounded for the rest of high school and I could kiss my “daddy and mommy
49 scholarship”—that’s what they called their promise to pay for my college—right out the window.
50

51 As strange as Max might seem at times, the other side of Max that was so fascinating was
52 that he could really focus on things. All you had to do was get Max interested in something and
53 s/he would focus so much on that that nothing else seemed to matter which is really cool to
54 watch. Maybe it isn’t quite normal, but what is so cool about normal anyway? When K.C. and I
55 started talking in group about working on K.C.’s Shelby (we always called it that even though
56 everyone knew it was his/her Grandmother’s) Max got so interested in the car that s/he became
57 an expert in how it ran and how it was put together. K.C. started bringing Max over to his/her
58 house and showing Max how to do all of the jobs s/he had to do to keep the car in shape for
59 her/his Grandmom. K.C. had never been one of the kids who made Max do things before this,
60 and some of what happened with the car was probably my fault, but once K.C. saw Max was
61 hooked, K.C. reeled that fish in.
62

63 Pretty soon, Max was doing all of the work and K.C. and I were just hanging out. I was
64 sort of jealous of Max. Although K.C. acted like s/he had a robot to do all her/his chores, Max
65 really seemed to love working on that car. There wasn’t much point in trying to communicate
66 with Max while Max was focused on the car, but it was awesome to watch in a lot of ways. I
67 know Asperger’s kids are supposed to be easy to take advantage of, but sometimes I wonder if it
68 wasn’t Max who had the upper hand in his/her dealings with K.C. and me. We sat back a lot and
69 laughed at Max but Max had the last laugh because Max’s parents bought him/her a wreck of an
70 old Mustang to repair and Max, based on what s/he learned with K.C., has it almost working.
71 Max has a Mustang, K.C. just gets to look at one, and I am still riding my bicycle.
72

73 At about 1:30 p.m. on December 17, 2003, Max, K.C. and I grabbed our school bags and
74 left school early because the threat of snow in the forecast gave us an early dismissal. I needed
75 to go visit a relative to check that they had enough supplies in case it really became a big storm,
76 but I made plans to meet up with Max and K.C. at J&T’s for a pizza in about an hour. K.C.
77 asked Max if s/he could come with him/her to work on the car before meeting up with me for
78 pizza. It was already snowing lightly, but K.C. and Max walked instead of waiting for the
79 yellow bus. K.C. always made a big deal about how seniors shouldn’t ride on school buses, but I
80 think s/he just didn’t want to catch any more flak from the kids in town. Last spring some of the
81 kids had started asking K.C. the question I always joked with K.C. about--why s/he was still
82 riding the bus when the hottest car in the world was sitting in his/her driveway each day?
83

84 When I got to J&T’s, the place was empty. Ms. Teti—it is her shop—was the only one
85 there. She was listening to the police scanner, as she always does, picking up news about
86 accidents in the bad weather. She told me she had to go put out rock salt and asked me if I
87 wanted anything right away. I said no and pulled my cell phone out to make a couple of calls.
88 My cell reception was terrible in the restaurant so I went out the back door to try to get a better
89 signal. I remember it was 2:30-something on my cell when I saw that K.C. and Max had pulled
90 up in the Shelby. The Shelby was parked in a spot next to the dumpster and the supply shed
91 behind the pizza shop. Max was standing outside of the passenger side door. S/he had lifted up
92 the hood of the car and was doing something to the car under the hood that made the car stop. I

93 saw K.C. standing by the driver side door. I was surprised to see the car out in the bad weather
94 and asked K.C., “how did the Shelby get here without your grandmother knowing?” K.C.
95 brushed me off, saying that “Max is wired today, literally and figuratively.”
96

97 K.C. and Max came into the pizza shop and sat down at the table right in front of the
98 ordering counter. K.C. moved around our school bags for some reason when we sat down—I
99 was so distracted that I forgot to ask her/him what he was doing. The bags were identical and we
100 were always taking the wrong bag, so I guess K.C. just wanted to make sure s/he had the right
101 one.
102

103 K.C. asked me if I wanted a ride home when we finished eating. Realizing what was
104 going on, I said quietly to K.C. that if anything went wrong and if s/he had an accident or
105 something, K.C. could kiss that scholarship to North Carolina goodbye. And even if nothing
106 happened, if K.C.’s grandmother found out s/he had the car out without permission, there would
107 be a ton of trouble. K.C. told me, “whatever.” I took out my cell phone and told K.C. to call
108 home so nobody would worry about the Shelby or about them. K.C. asked me to “sit tight and
109 please chill out,” saying we would just get a pizza, and then leave. Max was really focused. All
110 Max could talk about was the way the car handled and the engine sounded. It took me a few
111 minutes before I finally relaxed, but once I did, I really forgot about how much trouble K.C.
112 might be in if anyone knew what K.C. had done. I just sat back and listened to Max go on and
113 on about the Shelby.
114

115 Ms. Teti had not yet come in from the front of the restaurant where she was salting the
116 parking lot and didn’t notice that my friends had joined me. It may have been a half hour or
117 longer before she returned and took our soda and pizza order. K.C. was seated next to Max.
118 Both seated facing the front parking spaces. All of the sudden, K.C. got up and said s/he had to
119 go to the bathroom. I was about to make some joke about poor bladder control when Chief Carr
120 walked in and approached Max and me, confronting us about who had taken Mrs. Abuela’s
121 Shelby. I sort of ducked because I knew the Chief from Teen Court. I figured we were all in
122 trouble.
123

124 Max volunteered that s/he was responsible for the 1967 Shelby Mustang being at the
125 pizza shop and pulled some wires from his/her pocket and put them on the table. K.C. returned
126 and began adding nonsense about calling the police and how Max was at fault and had taken
127 K.C. for a ride. While Officer Carr was arresting Max, K.C. leaned in next to me and said,
128 “don’t worry, Max is not going to get into trouble, but you and I will no matter what the truth is.
129 Let the ‘Rainmeister’ take the fall. Special ed kids get away with everything; it’ll be just like
130 when Max stole the purse.” “Rainmeister” was a term I created for Max that now embarrasses
131 me but one that K.C. still uses sometimes.
132

133 I was too shocked to say anything right away and then the cop got physical with Max and
134 things seemed so far out of hand that I just did as I was told. I called my parents and went home.
135 But the next day, when I had a chance to review what had happened and when I learned they
136 were not going to let Max off lightly like they did that time in school, I knew I had to come
137 forward with the truth.
138

139

140 Signed and sworn to under oath on the 29th day of December, 2003.

141

142 /s/ Logan Kay

143

144 Signed before me this 29th day of December, 2003.

145

146 /s/ Jennie Jacoby, Notary Public

EXHIBITS

- Exhibit A: Picture of Vehicle and List of Specifications (*separate document*)
- Exhibit B: Page 1: Pizzeria Map Created by Chief Carr (*separate document*)
Page 2: Pizzeria Map Details
- Exhibit C: Statement of Max Ability
- Exhibit D: Curriculum Vitae (CV) of Quinn C. Jones, M.D.
- Exhibit E: Max Ability's Individualized Educational Plan (IEP) (*separate document*)

EXHIBIT B (page two)

The following statements detail the map on page one of Exhibit B as recorded by Chief Parker Carr.

1. The map is not drawn to scale.
2. The dimensions of the shop are approximately 100 feet long (along the main road) and 45 feet deep.
3. Logan, Max and K.C. sat at the table closest to the ordering counter in front of the kitchen on the west side (left side as you face the building from the front) of the pizzeria.
4. Chief Parker Carr parked his/her vehicle in the first non-handicapped space to the west of the front entrance.
5. There are windows on each side of the front door of the pizzeria. The view looking out from each window covers a range limited to from the nearest wall to the middle of the three handicapped parking spaces in front of the store.
6. The small window in the bathroom, which allows no visibility, is not marked on the map.
7. The pay phone is located on a wall partition which runs floor to ceiling and which obstructs the view of anyone at the phones or the bathrooms of the west side of the restaurant.
8. The regular parking spaces are approximately 15 feet deep and 10 feet wide; the handicapped spaces are 15 feet deep and 20 feet wide (width being along the main road).
9. A circular drive runs around the pizzeria connecting the back lot to the main road on both sides.
10. The kitchen of the pizzeria is approximately 800 square feet in size.

EXHIBIT C

STATEMENT OF MAX ABILITY

I started the pink 1967 Shelby Ford Mustang by running a wire from the battery to the coil. I had brought the wire and the alligator clips over to my friend, K.C.'s house for the purpose of starting the car without needing the keys. No one could get the keys because K.C.'s grandmother never let anyone have the keys. Logan had told me K.C.'s grandmother had taken the keys from K.C. so K.C. wouldn't drive the car.

I was taught to take responsibility for my actions when I take things that don't belong to me. I was responsible for the ~~Shelby~~ *Shelby* [misspelling crossed out by defendant and correct spelling written in, correction noted and initialized by Chief Parker Carr and by defendant] being taken from K.C.'s grandmother's driveway. If I hadn't wired the car, it would still be sitting in the driveway.

I wanted to drive that car. It is the best car in the world. I liked taking the car out for a ride and I am sorry you took me away from the car. I was looking forward to going back out in the car after we ate the pizza.

December 17, 2003

Max Ability
Signed: Max Ability

EXHIBIT D

CURRICULUM VITAE QUINN C. JONES, M.D.

HOME ADDRESS: 905 MacLeod Drive, Higgins, PA

TELEPHONE: (123) 555-0403

BIRTHPLACE: Leoville, Pennsylvania, September 20, 1961

MARITAL STATUS: Married April 3, 1992 to Deiondre Watts Jones, Esq.
Children: Harrison and Sydney

CURRENT POSITIONS:

Director of Child and Adolescent Psychiatry, Barrister Regional Hospital, Higgins,
Pennsylvania

Director, Autism Research, Barrister Regional Hospital, Higgins, Pennsylvania

POSTGRADUATE TRAINING:

1990-1992 Instructor/Child and Adolescent Psychiatry Fellow, The Johns Hopkins
Hospital, Baltimore, Maryland

1986-1990 Residency in Psychiatry and Neurology, Pennsylvania Hospital,
Philadelphia, Pennsylvania

LICENSURE: Pennsylvania

FORMAL EDUCATION:

1982-1986 Doctor of Medicine, The University of Pennsylvania School of Medicine,
Philadelphia, Pennsylvania

1978-1982 B.S., Magna Cum Laude, The University of Pennsylvania, Philadelphia,
Pennsylvania

BOARD CERTIFICATION:

Psychiatry and Neurology, June 1996

Board Eligible: Child and Adolescent Psychiatry

PROFESSIONAL SOCIETIES:

American College of Psychiatry and Neurology

1992-present

Johns Hopkins Medical and Surgical Association

1990-present

Association of Professors of Child and Adolescent Psychiatry
Barrister County Medical Society

1999-present
2000-present

SELECTED ABSTRACTS

1. Jones, Q, Duhl, A. Randomized Trial of Strattera in Adolescent ADHD Teens, CAP 2003 Annual Meeting, Poster Session III, January 24, 2003, Anaheim, California
2. Jones, Q, Donmoyer, S, Correlations of Seizure Activity to Autism in Female Patients. ACONP Annual Clinical Meeting, May 11, 2002, New Orleans, Louisiana.

RESEARCH INTERESTS:

Use of Medication to Treat Autistic Spectrum Disorders
Behavioral and Dietary Management of Autistic Spectrum Disorders