

Fact Pattern

On Sunday afternoon October 18 Tom Jones was driving his black SUV on 23rd St. In Salem, NY .

At approximately 1 PM on that same Sunday afternoon, Jane Addams, a resident of Pennsylvania, daughter of Pastor Quincy Addams, of the Salem Ecumenical Church (founded in 1627) exited from a party being held at the church directly after services. It is believed that she may have had a drink or two of alcoholic beverage at that party. She proceeded to cross the street, directly in front of the church, coming out from between two parked cars.

At that same time Tom Jones struck her while driving his black SUV. Jones stopped his vehicle, exited from his vehicle, and according to witnesses attempted to give/or administer aid to Jane Addams. Witnesses at the scene stated that Mr. Jones smelled of alcohol, his eyes appeared bloodshot and his speech seemed slurred. The police arrived at the scene shortly afterwards.. A police sergeant, who was one of the first on the scene, confirmed the eyewitness account. He also indicated that he observed alcoholic beverages in the vehicle driven by Mr. Jones.

Upon questioning Mr. Jones they learned that Mr. Jones was actually Sgt. Jones of the Salem Police Department. Emergency vehicles responded to the scene and Ms. Addams was taken away in one of those vehicles to the nearest hospital. Shortly after her arrival at the hospital Ms. Addams was pronounced dead.

Sgt. Jones was taken into custody by the officers that arrived at the scene. They did not administer a breathalyzer test at the scene, though a handheld portable breathalyzer was in the car of one of the responding officers. Approximately 7 hours later, Sgt. Jones having been in custody during this entire period of time, was administered a formal breathalyzer test. The result of that test was under .01BAC.

An investigation was undertaken by the Salem Police department's internal affairs unit. As a result of that investigation three police officers that had responded to the scene were suspended.

The district attorney's office of Salem interviewed numerous witnesses who were at the scene of the accident as well as numerous police officers who had responded to the scene, both those that had direct contact with Sgt. Jones and those that merely participated in the accident response and crowd control in front of the church. The District Attorney's Office, relying upon eyewitnesses who described the condition of Sgt. Jones presented her evidence to the grand jury and Sgt. Jones was indicted for DWI as well as vehicular manslaughter.

Pretrial-the prosecution, believing that its case might not be strong enough to convince a jury of the sergeants intoxication, hired an expert witness who told them that he would be able to determine the sergeants actual blood alcohol content by extrapolating backwards from the test that was administered seven hours after his arrest. He not only was using science that had been around for a number of years based upon studies of body weight and the type of food that was

consumed by the individual, but was relying on a new system which subjected the blood sample (taken from the Sgt. pursuant to court order) to an infrared system of light which allowed for the creation of a timeline that could go back 12 hours prior to the taking of the blood, to determine it's alcohol content.

The defense, not yet knowing of the new theory of infrared examination of blood, also hired an expert witness to support their position that the Sgt. was not intoxicated at the time of the accident

[SCENE 1- Conference in prosecutor's Office]

Narrative continues.

The trial judge refused to allow in the expert testimony on the infrared examination of the blood taken from Sgt. Jones.

After several months of pretrial publicity, demonstrations outside of City Hall in downtown Salem, as well as demonstrations outside of the courthouse, and rumored threats to jurors, Sgt. Tom Jones was found not guilty of DWI as well as the vehicular manslaughter charge.

The family of Jane Addams was outraged by what they considered a miscarriage of justice. They petitioned their state senators, their United States senators, as well as their local community organizers, to reach out to the Justice Department to do something about this devastating loss.

The President of the United States, having become very well aware of what had happened in Salem, directed the United States Atty.'s office to look into the matter and consider prosecution for civil rights violation. After said investigation an indictment was brought against Sgt. Tom Jones for violating the civil rights of the late Ms. Adams.

[Scene 2- Conference in the US Aatty's office]

Narrative continues:.

Despite their belief in the criminal justice system, Quincy Adams and his family believed that the only justice they would receive would be through a civil action in either federal or state court. But prior to any verdict being reached in the federal criminal case, and in fact prior to the not guilty verdict in the state case, they had filed a notice of claim against the city of Salem and Ofc. Jones.

They met with their attorney, Dylan Thomas, to express their grief and inquire what would have to be done to bring a successful case against the city of Salem and Ofc. Jones, and in what jurisdiction should that case be brought, federal or state.

[Scene 3--Conference in Dylan Thomas's Office.]