

SAMPLE CASE BRIEF (Doctrinal Class)

State v. Haley, 667 P.2d 560 (Or. App. 1983)

FACTS: Substantive – Defendant and his father were in a bar. Father fell off a bar stool and broke his ankle. Defendant’s license was suspended and he was intoxicated, but he drove father to hosp. Defendant did not try to call an ambulance or police, nor ask anyone else to drive for him (although other people were present who could have done so). On route to hosp. defendant was stopped by police. Procedural – Defendant charged and convicted of two offenses: (1) driving while under the influence of intoxicants; and (2) driving under a suspended license. Defendant raised the “necessity” defense but the trial judge withdrew the necessity defense from the jury and defendant was convicted. Defendant appealed necessity defense ruling. Appellate court affirmed the trial court’s conviction.

ISSUE I: (Legal) Does an “injury to human . . . life,” within the meaning of the necessity defense statute, require life threatening harm?

HOLDING: No, the “necessity defense” statute encompasses any injury to human life, whether or not life threatening.

RATIONALE: (1) Court compared statutory language to the “choice of evils” statute – similarity between statutes but choice of evils statute also encompasses property damage; legislature included words “human or animal life” only to limit the necessity defense to injuries to human or animal life – isn’t as broad as choice of evils statute because doesn’t extend to property damage; (2) “life threatening circumstances” interpretation could have unreasonably harsh results (injured hiker/30-mile walk vs. drive hypo) and legislature surely could not have intended such a result; (3) no harm from this interpretation – second prong of statute restricts the defense to urgent circumstances in any event; (4) general rule of statutory construction – doubts resolved in favor of criminal defendants.

ISSUE II: (Factual) Under necessity defense state, did the “urgency of the circumstances make it necessary” for an intoxicated individual with a suspended license to drive a person with an injured ankle to the hosp. when he did not attempt to obtain alternative means of transportation and knew alternative means of transportation existed?

HOLDING: No.

RATIONALE: Not urgent when: (1) defendant failed to call police, ambulance or other emergency services for transport (although knew of these services); or (2) failed to ask other sober and licensed individuals in bar to drive (although he could have).

DICTUM: “Urgency of circumstances” would make it “necessary” for driver with suspended license to drive for help if no alternative transport existed (other than walking), and distance to walk for help is substantial (approx.. 30 miles) – even if injured party would only suffer pain from delay in getting help.