

Study Questions for the *Shipley* Case and Accompanying Statute

1. What type of court is deciding the *Shipley* case in the decision you have? Is it the trial court? How many judges are on this court?
2. Is this a criminal or a civil case? How can you tell? What difference does it make?
3. The general question the court is deciding is whether or not Janice Shipley violated 16 Graham Gen. Stat. §2345. How would you phrase the issue in a more specific way? What exactly is the question that the court is debating, and why does the answer make a difference as to whether or not Shipley violated the law?
4. Looking at 16 Graham Gen. Stat. §2345, does its plain language tell you if a scooter is a vehicle for purposes of the statute?
5. Under the statute, does the defendant have to know that what they are doing is against the law in order to be guilty?
6. Notice that right after the word “vehicle” the statute says “such as an automobile.” Does the defendant here want to make the scooter seem like an automobile, or does she want to make the scooter seem different from an automobile? What features of an automobile does she focus on in her argument?
7. What features of an automobile does the State focus on, and does it argue that the scooter is similar to, or different from an automobile?
8. What does the court decide here? What features of an automobile does the court focus on?
9. Notice that the court also discusses the purpose of the statute. What does the court think that the purpose of the statute is, and why is this important to the court’s reasoning?
10. Near the end of the case, the court says “It is also true that the defendant may have endangered herself through her decision to ignore the red light in her direction, but this appears to be little more than an adult’s voluntary and calculated decision.” Why do you think that the court makes this point? Do you agree with it?

11. After making its decision, the court says “However, we do not mean to say that every non-motorized conveyance is not subject to the statute. There may well be non-motorized conveyances that are enough like automobiles to fall within the purview of the statute, and we retain our prerogative to so rule.” Why do you think the court makes this statement?
12. Do you agree with the court’s decision? If you were a judge dissenting from the opinion, can you think of any arguments you would make?