

State v. Hurley

Sam Hurley is charged with Embezzlement of over \$100,000 from his employer, Framington Chemicals, where he worked as the company's comptroller for 8 years. Beginning about 5 years ago, Hurley is alleged to have opened dummy accounts for the company and claimed to have made investments which he never in fact made. His defense is the he never intended nor ever did benefit from the mistakes that were made. He is an alcoholic and let things lapse. He acknowledges having been less than truthful in trying to cover up the losses he incurred for the company, but adamantly denies the embezzlement and theft charges.

Dr. Mary Grant has been a friend of Hurley's since grade school. Dr. Grant is a plastic surgeon who devotes much of her spare time to working with Doctors Without Boundaries. DWB is an organization which provides medical care to primarily impoverished areas around the world. Dr. Grant volunteers 10 weeks a year to perform surgery with DWB.

Dr. Grant has told Hurley's lawyer that in addition to being a personal friend of Hurley's, Dr. Grant has used Hurley to do her income tax returns, for which he never charges her. Additionally, he has managed the books for DWB for 11 years without ever charging a fee. Her exact words to the attorney were, "there has never been a penny missing from DWB accounts, and Sam has access to hundreds of thousands of dollars we take in through donations. Many of the health professionals at DWB have expressed their gratitude to me for bringing on board an accountant as decent, honest and effective as Sam".

Dr. Grant is being called by Hurley as a character witness. She is aware that Hurley was convicted of income tax evasion 9 years ago after pleading guilty to that charge. He received a sentence of probation. This occurred the year before he began working for Framington. She is not aware of whether Framington knew of his conviction when they hired him. Dr. Grant believes that the tax evasion occurred because Hurley became despondent when his wife died and began severely abusing alcohol. She had thought he had cleaned his act up when he went to work for Framington, but over the last year became concerned that he had started drinking again.

For the Defendant, do a direct examination of Dr. Grant. You are free to create her educational and professional background consistent with the above material.

For the Prosecution, conduct a cross examination of Dr. Grant. The above material may be used for impeachment.