

Criminal Procedure I

Fall 2011

Professor Daniel Martin Katz

Michigan State University

College of Law

SIMULATION ASSIGNMENT



IN RE SAM W.

ATTORNEYS

[]= Miller, Amy
[]= Mychailyshyn, Michael
[]= Hinman, Aaron
[]= Williams, Laura

Δ= Joffe, Benjamin
Δ= Moore, Richard
Δ= Hettenhausen, Chelsea
Δ= Ricotta, Christopher

ORDER OF PROCEEDINGS:

Prosecution (35 min TOTAL)

Defense (35 min TOTAL)

Opening (3min)

Opening (3min)

Direct Davis
Direct Andrews
Cross Sam
Cross Terry

Cross Davis
Cross Andrews
Direct Sam
Direct Terry

[] Closing (~4min)

Δ Closing (~4min)

ACTORS

Sam Winters = Δ Daniel C. Waslawski

Terry Winters = Jonathan Junia

Officer Drew Davis = Kelli Claxton

Detective Jamie Andrews = Ellen Durkee

All **actors and attorneys** are to compose written questions and expected answers for their respective roles. These questions should reflect the writer's knowledge of relevant facts and applicable law.

All other students will serve as **assistant counsel**. Each counsel will be assigned to either the prosecution or defense team and will write an ~1000 word crisp, concise analysis of **one** of the following issues as **assigned by the instructor**. This analysis should demonstrate knowledge of relevant facts and applicable law (**drawing only from the assigned pages of our textbook**).

The purpose of this Pre-Trial Suppression Hearing is to determine whether the statements of Defendant Sam Winters may be admitted into evidence at trial. In making this determination, the court will consider two primary arguments.

1. Was the waiver of rights by the juvenile to the Officer Davis voluntary, knowing, and intelligent in light of the juvenile's age and disabilities?

Π=

Anderson, Mathew Arsenault, Jessica Bisel, Jacob Curbelo-Infante, Eva Danielson, Laura Dorris, Carmen Firth, Clayton
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Δ=

Grellman, Carsten Hazel, Margaret Lindberg, Samantha Luggen, Edmund Mackenbrock, Megan Marshall, Lucas May, Stephanie

2. Was the attempted invocation of rights at the police station by the parent on behalf of the juvenile valid such that all questioning should cease until a lawyer was appointed for the juvenile?

Π=

Murphy, Matthew Oquendo, Diana Patterson, Andrea Piccin, Jonathan Raymond, Brandon Rodriguez, Elysia Roth, David
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Δ=

Rutkoske, Stephanie Schonberger, Keith Stanis, Thomas Terry, Shelia Timmer, Paige Turchyn, Matthew

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
COUNTY OF MARICOPA, JUVENILE DIVISION
(PETITION)**

Count 1: Interference/School	CTS07000451 F6
Count 2; Threatening	CTS07000451 M1
Count 3: Threatening	CTS07000451 M1

IN THE MATTER OF

SAM WINTERS

JV9011876

ADDRESS 11960 West Mesquite Street
 Cactus, AZ 85354

AGE	BIRTHDATE
12	08-27-1994

The name and address of the parents/guardians of said child are:

Name	Relationship	Address
Terry Winters	parent	same as juvenile

Said child is in the custody of the Maricopa County Juvenile Court Center.

Petitioner this 9th day of January, 2007, alleges that said child is delinquent.

COUNT 1:

SAM WINTERS, on or about the 8th day of January, 2007, while at or near 13245 West Surprise Lane, Cactus, Maricopa County, Arizona, intentionally, knowingly, or recklessly interfered with or disrupted the normal operations of Cactus Education Center, an educational institution, by threatening to cause physical injury to students, teachers, and/or staff, an employee, student, or person on the property of an educational institution, in violation of A. R. S. § 13-2911.

IN THE MATTER OF SAM WINTERS

COUNT 2:

SAM WINTERS, on or about the 8th day of January, 2007, while at or near 13245 West Surprise Lane, Cactus, Maricopa County Arizona, threatened or intimidated by word or conduct to cause physical injury to Jordan Monroe, in violation of A. R. S. § 13-1202.

COUNT 3:

SAM WINTERS, on or about the 8th day of January, 2007, while at or near 13245 West Surprise Lane, Cactus, Maricopa County, Arizona, threatened or intimidated by word or conduct to cause physical injury to Taylor Woodson in violation of A. R. S. § 13-1202.

Wherefore, petitioner prays that the Court hear and determine this cause and make such judgment pursuant to the law as the welfare of said child and the interest of the State may require.

Petitioner: Maricopa County Attorney

STATE OF ARIZONA

County of Arizona

Petitioner, being first duly sworn upon oath, deposes and says that the petitioner has read the foregoing petition and knows the facts contained therein are true and correct to the best of petitioner's knowledge and belief.

Petitioner: Maricopa County Attorney

Subscribed and sworn to before me
this 9th day of January, 2007.

/seal

Notary Public for Maricopa County, Arizona
My commission expires: 03/28/2010

CACTUS POLICE DEPARTMENT
Departmental Report Number 07000451
General Narrative

INCIDENT: THREATENING
DATE/TIME: 01/08/2007
LOCATION: 13245 West Surprise Lane
VICTIMS: CACTUS EDUCATION CENTER
Responsible person: Alex Rawson
Position: Principal
JORDAN MONROE dob 03/03/1963
TAYLOR WOODSON dob 04/17/1965
OTHER WITNESSES: LEE HART dob 05/02/1972
OFFENDER: SAM WINTERS dob 08/27/1994
PARENT: TERRY WINTERS dob 02/16/1967

1978

SYNOPSIS:

On 01-08-2007, at approximately 1158 hours, Sam Winters, was arrested reference interference with an educational institution, disorderly conduct, and threatening, which occurred at Cactus Education Center, located at 13245 West Surprise Lane.

NARRATIVE:

I am the School Resource Officer assigned to Cactus Education Center, an elementary and middle school in the Palm Valley School District, which is located at 13245 West Surprise Lane. On 01-08-2007, at approximately 1115 hours, I responded to the counselor's office. I spoke with the school principal Alex Rawson. Rawson told me a 7th grade student had made some threats toward staff and students at the school. Rawson told me the student identified as Sam Winters had threatened to kill the nurses and some students at the school.

Rawson went on to say the problem began on Friday, 01-05-07, when Winters came to the nurses' office complaining of pain after being kicked in the head on the playground before school. The nurses, Jordan Monroe and Taylor Woodson, noted no injuries to Winters. They applied an ice pack and sent Winters back to class. Later that day, Winters went to the office, requested to call the parent to be picked up, and later left school with the parent.

According to Rawson, today, 01-08-2007, Winters went back to the nurses' office complaining of a headache and requested an aspirin. The nurses found nothing wrong and told Winters to return to class. Winters began to yell "Go to Hell" then returned to class. The nurses prepared a discipline referral slip and sent it to the office. Because the principal was in a meeting, the school secretary told the classroom teacher to send Winters to the office of the school counselor, Lee Hart. In a meeting with Hart and Rawson, Winters again said "Go to Hell." Rawson told Winters the language was inappropriate. Winters told Rawson, "I'm gonna come back to school to beat up the nurse, and kill the nurse." When Rawson asked why, Winters replied, "I hate the nurse." Winters said there were also teachers and students to kill. Winters told Rawson about knives at home.

The counselor, Lee Hart said Winters came to the counselor's office and said knives are available to use to kill the nurses, a lot of teachers, and some students. Hart said Winters said killing animals with a knife is fun.

I next spoke to the parent, Terry Winters in the principal's office. Terry Winters told me sole legal custody was awarded in 2000, after Sam Winters' other parent died in a car accident. There have been no problems at home, no bad attitude nor change in demeanor. Sam Winters has never been in trouble with law enforcement. Sam Winters has been diagnosed with Post Traumatic Stress Disorder (PTSD) and takes adderall for Attention Deficit Hyperactive Disorder (ADHD). There is no suspicion about the use of any illegal substances. Last Friday, Sam Winters had been mad at the nurses because they did not do anything about the headache. At home, no injury was noted and Sam Winters had not been taken to a doctor.

Next, I spoke with Sam Winters in the counselor's office. I read the Juvenile Miranda Warnings from a standard issue Cactus Police Department worksheet. Winters understood the rights and said yes to all of the questions, except Winters did not want to have a parent present. During the interview Winters said the nurses were stupid. Winters said the counselor was told, "I was going to beat up the school nurses and then kill them." Winters admitted the counselor was told knives would be used to kill the nurses and some students and teachers on a list. Winters refused to say exactly where the knives were hidden or the location of the list. Later, Winters said a friend supplied the knives a few months ago and due to fear of retaliation, would say no more.

I also spoke to Monroe and Woodson who said they felt threatened by what Sam Winters said. They will aid in prosecution.

Rawson said Cactus Education Center will aid in prosecution.

Ofc Drew Davis #1978
Mon. Jan. 8 2007

Officer Report for incident 07000451
Supplement #1

#1950

Narrative: On 01-08-07 I responded to the Cactus Education Center, reference a student threatening faculty and other students. Upon arrival, I was advised by Officer Davis that Sam Winters was in custody due to threats made to school nursing staff.

I then contacted school principal, Alex Rawson, who advised a student, Sam Winters, was sent to the office after telling school nursing staff to "Go to Hell." While speaking to the principal, Winters stated an intention to beat up the school nurse. Winters said, "Better yet, I'll just kill the nurses." Winters also stated there were about ten other students and teachers that should be killed. These students' and teachers' names were not mentioned and no list was found. Winters refused to provide other details. Winters did advise Rawson of the possession of various weapons and that these weapons had been used to kill small animals.

I contacted nursing assistant Jordan Monroe who stated Winters reportedly had been kicked in the head last Friday while on the playground. Winters came to the nurses' office complaining of a headache. No injury was discovered. Winters was given an ice pack and told to return to class. Later, Winters was released to the parent and left school early. On 01-08-07, Winters returned to the nurses' office complaining of cheek and jaw pain. The nursing staff advised Winters it did not look as if anything was wrong. Winters became irritated and said "Go to Hell." Winters walked out of the door. The nurses sent a behavior referral to the office.

I interviewed school counselor, Lee Hart. Winters came to the counseling office. Previously, Hart had only spoken to Winters a few times over the last few months. Hart asked Winters what was wrong. Winters replied, "They are being mean to me." Hart asked who was mean and Winters said, "The nurses." Winters then said to Hart, "I am going to beat them up and then kill them." Winters told Hart knives were hidden in the desert, near home. They were purchased from a Colombian drug dealer for \$50.00. Later Winters said, "Maybe I won't kill them if I switch schools." Winters described to Hart previous behavior of killing small animals, including chopping up rabbits and feeding them to the dogs.

I returned to the Cactus Police Department where Winters had been transported and conducted an interview in the juvenile holding room. Winters requested the presence of the parent. Terry Winters arrived and was escorted to the interview room. During the interview Winters said the nurses were stupid. At this point, Terry Winters interrupted and asked to have all questions cease until a lawyer was present. I told Terry Winters you can't say that. Terry Winters continued to interrupt so we stepped into the hall. I told Terry Winters only the juvenile offender can request a lawyer and the parent would be required to leave if the outbursts continue. We returned to the juvenile holding room.

Sam Winters stated, "They were being pissy." "I was going to kill the school nurse." Sam Winters refused to give information about the location of any weapons. I told Winters detention was likely. Winters replied, "Maybe that's best because if not, maybe I'll get the knives and go kill them."

During the interview, Winters continued to be uncooperative and stated a Colombian drug dealer sold the knives to Winters. Winters stated the drug dealer (name unknown) had on a mask to protect his identity and Winters cannot identify him.

I explained to Winters the danger if another child found the knives. Then Winters said the knives weren't hidden and that a friend named Jo (last name unknown) has the knives but there is no way to contact Jo.

Nothing further.

Det. Ashten Andrews
#1950

Cactus Police Department
Juvenile Miranda Warnings Worksheet

Name: Sam Winters

DR # CTS07000451

Location of event: 13245 West Surprise Lane

Locations warnings given: 13245 West Surprise Lane

By: Officer Davis #1978

Juvenile's present grade in school: 7th

Juvenile's reported performance in school: average

These are your Miranda Warnings.

1. You have a right to remain silent. This means you do not have to talk to me or answer my questions about this crime. You can be quiet if you wish. Do you understand this? Yes X , No

2. Anything you say can be used against you in a court of law. This means anything you tell me I can later use against you in a court of law. A court of law is a place where a person or judge will decide whether you committed a crime. A judge is like an umpire in a baseball game. The judge decides whether you acted in a right way or in a wrong way. If you did something wrong, you may be punished. Do you understand this right? Yes X , No

3. You have the right to have an attorney present prior to and during questioning. This means, if you want one, you are allowed to have a lawyer here before and during my questions to you. An attorney is a lawyer or person who will speak to you and help you concerning the crime we think you have done. So do you understand this right? Yes X , No

4. If you cannot afford an attorney, you have the right to have one appointed for you prior to questioning. This means that if you do not have the money to get a lawyer, if you wish, one would be given to you free of charge before you are questioned. Do you understand this right? Yes X , No

If you want to answer questions now without a lawyer present, you may. You may still have the right to stop answering my questions at any time.

Do you understand each of these rights? Yes X , No

Do you agree to give up these rights and talk to me? Yes X , No

Do you want to have your parent or guardian present during questioning? Yes , No X

The possibility exists that your case may be handled by an adult court. If you are taken to an adult court, you may get more punishment than you would receive in the juvenile court. Do you understand this? Yes X , No

Officer writing report: Davis #1978

Statement of Terry Winters

January 16, 2007

My name is Terry Winters. I am the parent of Sam Winters who was born August 27, 1994.

On January 12, 2007, I received a call from Alex Rawson, the principal at Cactus Education Center. Rawson said there was a problem with Sam and to come to the school immediately.

When I arrived at the school, only the school secretary was in the outer office. I was told to wait in the lobby. About 10 minutes later a police officer and Rawson came out of an office. Rawson came over and said Sam had threatened the nurses, other staff, and students. I was introduced to Officer Davis.

I had a discussion with Officer Davis about Sam's behavior at home and general attitude which had been fine and nothing out of the ordinary. I said Sam is under the care of a psychiatrist and therapist. I said Sam is diagnosed with attention deficit hyperactive disorder and takes a stimulant, adderall. Sam is also diagnosed with post traumatic stress disorder syndrome. Sam is also prescribed abilify, a mood stabilizer. Sometimes Sam takes benadryl in order to sleep. I said Sam does not do illicit drugs or drink alcohol. I said Sam has an Individualized Education Plan under the emotionally handicapped umbrella and has some learning disabilities.

I then told Officer Davis about the incident wherein Sam was kicked in the face on Friday. Sam thought it was purposeful but does not know who did it. The nurse checked Sam on Friday and later Sam called to come home early. Sam's cheek was slightly swollen and red. It was uncomfortable over the weekend.

Officer Davis went into an office and returned about 20 minutes later. Officer Davis said Sam would be taken to the police station.

I did not get to talk with Sam while at the school.

I went to the police station. After some time passed, Detective Andrews came out and said I could see Sam. Sam was visibly upset. Sam wanted me to sit in on the interview. Detective Andrews started asking Sam questions. Very soon into the interrogation of Sam, I recognized leading and suggestive questions

that could lead to inappropriate questions. I told Andrews that I objected to the line of questioning, that I wanted it stopped, and that I wanted Sam to have a lawyer. Andrews said, "You can't say that, Sam already decided." Then Andrews asked me to leave the room so we could talk. In the hall, Andrews again said I could not object and that I would not be allowed in the room if I continued to interrupt. We returned to the room.

Sam's mood alternated between cooperative when Andrews acted pleasant to stubborn and defensive when Andrews acted hostile. Sam told a number of tales that were inconsistent, implausible, and out of character.

After the interview I told Andrews privately that Sam's story didn't hang together. Sam loves our cats and dogs. He is always with someone. I am a stay at home parent and work out of our house.

JESS B. DANIELS. Ph.D.
Psychologist

Examiner: Jess B. Daniels
Probation Officer: Stacy Jennings
Date of Evaluation: March 29, 2007
Juvenile: Sam Winters
Age/Date of Birth: 12 years, 7 months/ August 27, 1994
Reason for referral: Court ordered

Background information:

According to information provided by Probation Officer Stacy Jennings, Sam has one pending complaint. He has been in detention since January 8, 2007, and was seen in detention for the current evaluation.

The complaint apparently involved serious threats within the school environment. The police report was not available to this evaluator.

According to the Probation Officer, the natural parents divorced when Sam was an infant. The juvenile now lives with one parent who was awarded sole custody in 2004 after the other parent died. The parent reported to the Probation Officer that the juvenile is well behaved at home, following rules and abiding by curfew. Sam was severely physically abused while living with the deceased parent. He also witnessed constant domestic violence during that time. Sam has been involved with services for the past 3 years, although those reports are not available. It is reported that Sam has been diagnosed with Post Traumatic Stress Disorder (PTSD) and Attention Deficit Hyperactive Disorder (ADHD) and receives daily medication.

Prior to being detained, he attended Cactus Education Center and was in the 7th grade. The current complaint occurred at the school and the school reports Sam needs to be withdrawn or he will be expelled.

The parent reports that Sam is not capable of following through on the threats and there is no access to weapons. Sam was always supervised at home and never left alone.

Assessment Techniques:

Stanford Binet Fifth Edition Abbreviated Form
Wide Range Achievement Test Fourth Edition (WRAT IV)
Millon Adolescent Clinical Inventory
Incomplete Sentence Blank
Observations
Interview

Intellectual/Academic Assessment:

Sam was administered the Stanford Binet Fifth Edition Abbreviated Form. His intellectual functioning measured in the dull range (Full scale I Q 87).

A review of his basic skill performance on the WRAT IV essentially indicated the absence of an ability achievement discrepancy in reading/decoding, reading comprehension and spelling. Math calculations skills were quite weak and only at the 12th percentile. This was an indication of a discrepancy.

Sam was asked during the current evaluation about placement in special education, did not appear to know the reason for the placement, but offered it may be due to academics and behavior. Average grades were reported. Several previous suspensions for fighting and swearing were mentioned.

If a problem involves a special education student diagnosed with Attention Deficit Hyperactive Disorder and Post Traumatic Stress Disorder, and perhaps placed in special education as an emotionally disturbed child, and there appears to be a connection between the disabilities and the disruptive behavior, expulsion is not an option for the school. The student should be held accountable for the behavior, but an Arizona public school does not have the option of expulsion. The school can offer an alternative placement if the school believes the student is a threat to others. This is important and fundamental to special education.

The current examiner is conjecturing on the range of choices and possibilities based on available information which, though limited, does

present the likelihood of special education placement as emotionally disabled. With Attention Deficit Hyperactive and Post Traumatic Stress characteristics, the likely connection between the behavior and the disabilities would require the aforementioned actions by the school.

Social/ Emotional Characteristics

Sam presented as about 4 feet 7 inches, weighing about 85 pounds and appeared younger than the stated age. There was adequate hygiene, with gait, posture and motor behavior within normal range. Sam was generally responsive to the current evaluation, talked about the issues at school, openly acknowledged the kinds of things that were said and stated they were not meant. Sam denied ever hurting anything or anybody, although acknowledged some fights with other students. These were not described as particularly violent.

Sam did not exhibit significant distress during the current evaluation with the primary facial expression neutral to normal and responsive. Speech quantity and quality were within the normal range with speech impairments not evidenced. Sam was oriented in all spheres and did not present with evidence of hallucinations, delusions, or major mood related difficulties at the time of the evaluation.

Sam acknowledged taking medication for Attention Deficit Hyperactive Disorder as well as what appeared to be antidepressants. Sam also confirmed prior involvement with Child Protective Services.

Sam claimed no health related problems but then mentioned a hole in the heart when very young, but it went away. Gang involvement was denied. Sam ran away one time while living with step-parent due to abuse. Fire setting and stealing were denied. Sam denied mood swings but admitted an anger problem. Sam denied involvement with weapons, cruelty to animals, and significant aggressive behavior.

Use of substances was denied. Sam expressed concerns continue to focus on the experience of abuse in the past and continues to report characteristics that would suggest post traumatic stress characteristics and/or possible Post Traumatic Stress Disorder. Sam presented as anxious. There was no indication of a major mood related difficulty. There was no

indication of thought related disorders or related disorders or preoccupation, violent ideation, or, based on projective testing or interview behavior, a high level of actual physically based anger and directed aggression.

Sam did not seem to grasp the impact of the statements made at school, claimed no intention to actually hurt others but was very angry with the circumstances. Sam reported a tendency to say such things and did not deny the current complaints.

A significant feature of Sam's personality indicated the appreciable use of defense mechanisms such as repression and denial. Sam seems to have a naïve, non-critical, and non-punitive attitude toward actions taken. This is not to say there is no regret for the statements, but Sam does seem essentially to excuse the statements fairly easily. There is remorse without actually fully grasping the seriousness of making such statements in a school setting. There is limited insight, rather than trying to fake good.

DIAGNOSTIC STATEMENT:

Axis I: Post Traumatic Stress Disorder (by background information)
Attention Deficit Hyperactive Disorder
R/O Mathematics Learning Disorder

Axis II: Deferred

Axis III: Client reports earlier heart ailment

Risks to the Community

The current evaluation relies upon current background information as well as Sam's presentation during the current psychological evaluation. Noteworthy were reports of previous extreme physical abuse, post traumatic stress disorder and attention deficit hyperactive disorder characteristics and an actual diagnosis of attention deficit hyperactive disorder.

Sam is in special education with it presumed given current academic findings that the special education placement may be for an emotional disability.

Sam has had some fights at school which have resulted in suspensions; however there was no expressed preoccupation with weapons, despite the alarming nature of some statements reportedly made at school. Sam does not seem to sense the full impact of such statements. It is likely that such statements have been made in the past to express anger. Sam does present with characteristics of overly controlled hostility and then at least verbal aggression, though no actual examples of excessive physical aggression including cruelty to animals.

It is likely that Sam does exhibit patterns of verbal aggression and does not seem to grasp their seriousness, thereby allowing this level of outspokenness which can be very alarming. Sam claimed the comments about violent acts were mentioned to the principal because of great annoyance at the nurses over a prior encounter. Sam did not and does not have any plans to carry out the threats, but rather used the statements for shock, which they certainly can be in the school setting.

From a psychological perspective and given the limited available information including the police report, this examiner agrees with the probation officer that the likelihood that Sam would carry out such threats or had the intent to carry out such threats seems low.

Amenability to treatment

This juvenile reportedly has had many years of therapy and counseling, psychiatric intervention, and involvement with Child Protective Services. The details of these services must be carefully assessed to determine Sam's amenability to treatment; however, based on Sam's presentation and with the limitations in background provided, Sam appears to be highly amenable to treatment.

SUMMARY AND CONCLUSION:

1. The results of the current evaluation did not present Sam as exhibiting reality contact problems, psychosis, or major mood related difficulties.
2. There was no indication of substance abuse, gang involvement, access to weapons, preoccupation with weapons, or even evidence of hostile ideation.

3. The complaint occurred in the public school setting with a special education student who presumably is placed because of an emotional disability. A special education student whose actions constitute an endangerment must be provided with alternative placement. Expulsion is not an option if the infraction is related to the disability. The school needs to be supported in the effort to provide an appropriate alternative school placement.
4. Standard probation, perhaps with some home based services could be undertaken. Close monitoring of medications is important. Therapeutic intervention is required. There is no excuse for Sam's verbalizations, however, children with experiences similar to Sam's do present with levels of aberrant characteristics and anger, particularly if they feel victimized and sense a loss of control. Sam described the incident with the nurse as somewhat humiliating, and though this does not justify the statements, the reaction is not atypical with juveniles with post traumatic stress disorder and attentions deficit hyperactive disorder.

If I can be of further assistance, please do not hesitate to contact me.

JESS B. DANIELS, Ph.D.
Licensed Psychologist

Diagnostic Criteria for Attention Deficit /Hyperactive Disorder

- A. Either (1) or (2):
- (1) six or more of the following symptoms of *inattention* have persisted for at least 6 months to a degree that is maladaptive and inconsistent with developmental level:
- Inattention*
- (a) often fails to give close attention to details or makes careless mistakes in schoolwork, work, or other activities
 - (b) often has difficulty sustaining attention in tasks or play activities
 - (c) often does not seem to listen when spoken to directly
 - (d) often does not follow through on instruction and fails to finish schoolwork, chores, or duties in the workplace (not due to oppositional behavior or failure to understand instructions)
 - (e) often has difficulty organizing tasks and activities
 - (f) often avoids, dislikes, or is reluctant to engage in tasks that require sustained mental effort (such as schoolwork or homework)
 - (g) often loses things necessary for tasks or activities (e. g., toys, school assignments, pencils, books, or tools)
 - (h) is often easily distracted by extraneous stimuli
 - (i) is often forgetful in daily activities
- (2) six or more of the following symptoms of *hyperactivity-impulsivity* have existed for at least 6 months to a degree that is maladaptive and inconsistent with developmental level:
- Hyperactivity*
- (a) often fidgets with hands or feet or squirms in seat
 - (b) often leaves seat in classroom or in other situations in which remaining seated is expected
 - (c) often runs about or climbs excessively in situations in which it is inappropriate (in adolescents or adults, may be limited to subjective feelings of restlessness)
 - (d) often has difficulty playing or engaging in leisure activities quietly
 - (e) is often “on the go” or often acts as if “driven by a motor”
 - (f) often talks excessively
- Impulsivity*
- (g) often blurts out answers before questions have been completed
 - (h) often has difficulty awaiting turn
 - (i) often interrupts or intrudes on others (e.g., butts into conversations or games)
- B. Some hyperactive-impulsive or inattentive symptoms that caused impairment were present before age 7 years.
- C. Some impairment from the symptoms is present in two or more settings (e.g., at school, work or home)
- D. There must be clear evidence of clinically significant impairment in social, academic, or occupational functioning
- E. The symptoms do not occur exclusively during the course of a Pervasive Developmental Disorder, Schizophrenia, or other Psychotic Disorder and are not better accounted for by another mental disorder (e. g., Mood Disorder, Anxiety Disorder, Dissociative Disorder, or a Personality Disorder).

Stanford Binet IQ ranges

IQ Range	Classification
140 and over	Genius or near genius
120-140	Very superior intelligence
110-120	Superior intelligence
90-110	Normal or average intelligence
80-90	Dullness
70-80	Borderline deficiency
Below 70	Definite feeble-mindedness