

Skill Building Workshop Agenda

AGENDA DAY 1 | 7:30 AM – 5 PM THURSDAY, FEBRUARY 11TH

- 7:30 AM Login
- 7:45 AM Technical Orientation
- 8:00 AM Introductions
 - Memory and adjective exercise
- Base Line exercises
- Kolb: Reflect and conceptualize
- Consecutive presentation
 - AIM Method
 - Attention test
 - Proverbs II: complete in English; homework: equivalents (intra- and/or inter-lingual)
 - Note taking
 - Memory
 - Chain review

AGENDA DAY 2 | 7:45 AM – 5 PM FRIDAY, FEBRUARY 12TH

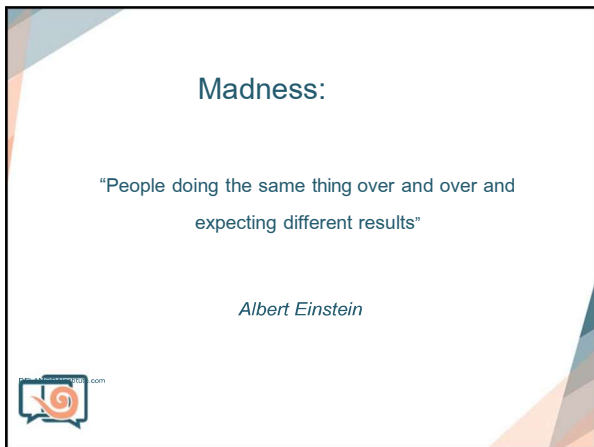
- 7:45 AM Login
- 8:00 AM Consecutive continued
 - Second consecutive exercise
- Sight translation theory
 - Weightlifting exercises for sight
 - Read aloud, compress, expand, word substitution
- Strategies for self-evaluation
- Simultaneous presentation
 - 21 Day Program
- Strategies for success in the 3 modes of interpretation

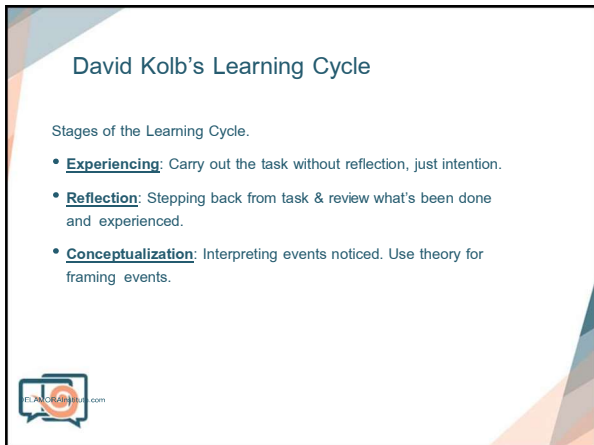
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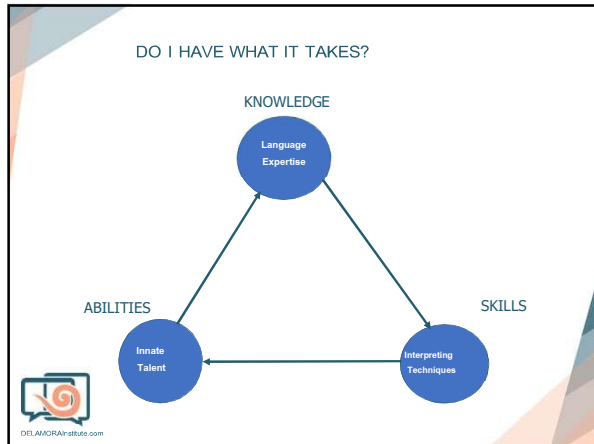
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Presentation Handouts









David Kolb's Learning Cycle

Stages of the Learning Cycle.

- **Experiencing:** Carry out the task without reflection, just intention.
- **Reflection:** Stepping back from task & review what's been done and experienced.
- **Conceptualization:** Interpreting events noticed. Use theory for framing events.

Planning: Taking new understanding and deciding actions required to refine task.


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Agustin's Golden Rule

Did you hear what you just said?

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Weightlifting for Court Interpreters™



Work that brain muscle!

Interpreting Style

So you are:


- Intuitive
- Counter-intuitive



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Consecutive Interpretation

- Improve your AIM
 - Attend
 - Sorry, you must pay



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Finished files are the result of years of scientific study combined with the experience of years.



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Consecutive is the Most Reliable Form of Interpretation

Because the interpreter hears the **complete** thought *before* beginning to interpret




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Consecutive
Patricia Michelsen-King

- The more attention focused on **meaning**, the better the **recall**
- Basic skills: **attend & understand**

Being there

- Understanding the original is essential.
- It's not the words, it's: **the meaning,**
- **Familiarity** with subject = routinization.
- **Ambiguity** inherent in language; context is everything
- Linguistic and **extra-linguistic** knowledge




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Paremiology

Παροιμία + λόγος

- Study of proverbs
- How does this help?
- Understanding interpretation
 - Intra-lingual interpretation
 - Inter-lingual interpretation




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“Pee” Scale

| **E** legance

| **E** conomy


| **P** recision



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**“REM TENE
VERBA SEQUENTUR”**


C&TO



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**“GRASP THE MEANING
AND THE WORDS WILL
FOLLOW”**


C&TO



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Consecutive Interpretation

- Improve your AIM
 - Attend
 - Sorry, you must pay
 - Inscribe
 - A picture is worth a 1000 words



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Note taking

Take notes in the
SOURCE Language

Note-taking
Not one correct way
Patricia Michelsen-King

- Divide page in half.
 - Take notes vertically
- Make notes simple and concise (Write main ideas, trigger words)
- Draw, make your own symbols
- Practice, practice, practice


Note-taking
Abstract ideas from SL

- Placement of ideas on page
 - Indentation, verticalization
- Abbreviation
 - helps to write first and last letters of a word
- Symbols
 - Mathematical, arrows, Greek letters
- Lines
 - Negation, repetition, underlining


Fundamentals of Court Interpretation

Note-taking


- Indentation and 'I'
 - Showing continuing ideas
 - Showing relationship
- *I was attending a meeting, on Saturday, June 15, in California, when I got the call about his death.*



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Sat / 6/15 / Ca
call re †



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Now, drawing your attention to Saturday, November 9, the day of the incident, when the money was allegedly removed from the safe in the office, did you call your employer before or after John told you the \$6,500 was missing?

Fundamentals of Court Interpretation



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*Now, drawing yr attn 2 Sat, Nov 9,
dy inc, whn may us allgdly remvd
frm the sf in off, d u ell yo mplyr
bfr r ftr Jhn tld u \$6,500 ws
mssg?*

Less Notes = More Concentration
(Memory Aides Only)



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Note taking

Nw
◁ **Sat 11/9(incdnt)**

(al \$ rmv^d ← □/□)

Yu call emp^r

or
|
|

Jhn n u

**\$6500
miss^s**

Fundamentals of Court Interpretation



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Consecutive Interpretation

- Improve your AIM
 - Attend
 - Sorry, you must pay
 - Inscribe
 - A picture is worth a 1000 words
 - Memorize
 - Chain it together




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The Chain Method

"A chain is as strong as its weakest link"


- Visualization
- The Linking Rules:
 - It is all about you
 - Size does matter
 - Go ahead be silly



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Dissecting Consecutive


- The formula is in the question
 - Mental templates
- The long answer: tell me about it
 - Mental pictures "A chain is as strong as its weakest link"



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Note Taking Part Deux


- Most common errors
 - Omissions
 - Embellishing
 - Changes in meaning
 - Paraphrasing/Summarizing



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Note Taking Part Deux

- **Omissions:** memory/vocabulary problem
- “(And) was there a (specific) reason you happened to go to the Gator Pub (that night)?”



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Note Taking Part Deux


- **Embellishment:** adding

*Politeness

*Effort to complete

*Contamination from previous

- “...happened to go to the pub that night?”
- “Yes Miss, a few of us went to that pub **that night**.”




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Note Taking Part Deux

- **Changes in meaning**

- “This fellow David, had you worked for him or are you friends with him?”
- “Yes Miss, I have a band with my friend David, (who's like a brother to me.)”


-



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Note Taking Part Deux

- Paraphrasing/Summarizing
 - "Yes, Miss, a few of us went to that pub."
 - "I went there with several people."




Note Taking Part Deux

- Book ends
- Utterance Segments:
 - Beginning – Middle – Last
- Fillers: well... so... uhh... anyways...
- Tags: ...didn't you? ...Isn't it?




Note Taking Part Deux

Now let's talk about symbols!



SIMULTANEOUS INTERPRETATION

Unlocking Your Potential

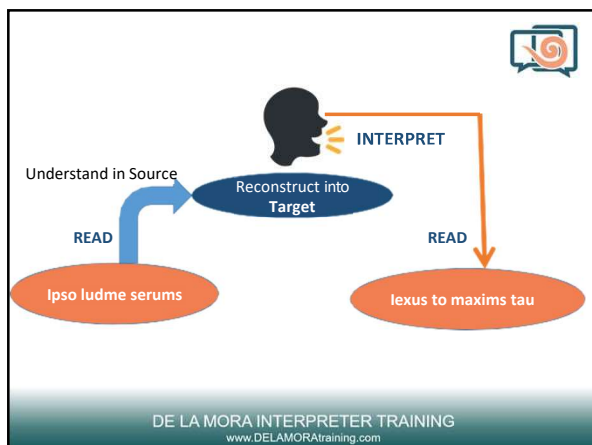


Sight Translation

- **READING FOR CONTENT**
 - The source is the key
 - What's the big idea?
- **CHUNKING**
 - Let me break it down for you
- **DELIVERY**
 - Nice and easy



DE LA MORA TRAINING



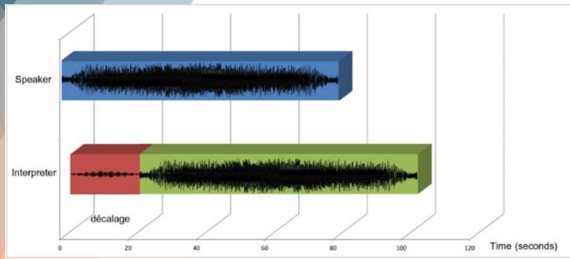
Sight Translation Delivery Exercises

- Reading aloud
- Expanding
- Compressing
- Word/Meaning Substitution

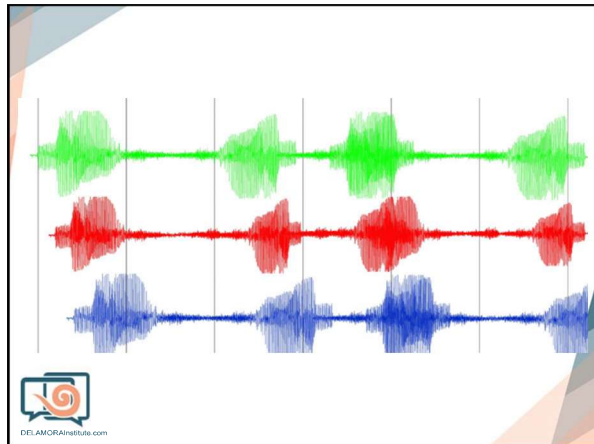


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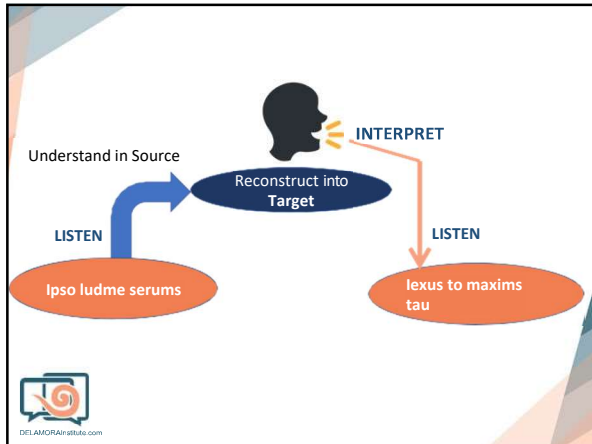
SIMULTANEOUS?




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The perils of code switching



- I didn't mean that.
- Which syntax?

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Speed Translations

- Ask your doctor
- He was sent packing
- This is a non-smoking facility
- I am in the company of strangers
- Unattended baggage will be removed

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Shadowing

- Target language
- Select media
- Increase "decalage"
- Days:
 1. Shadow
 2. Shadow after 3 words
 3. Shadow after 5 words
 - 4 to 7. Shadow increasing number of words

Dual Task

- Shadow and write down:
- Numbers from 1 to 100
- Odd Numbers 1 to 101
- Even Numbers 2 to 100
- Alphabet
- Consonants only
- Name, address and social security number
- All of the above



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Word/Meaning Substitution


- Shadow and change:
 - One word every 30 seconds
 - One word every 15 seconds
 - One word every 10 seconds
 - One word per sentence
 - More than one word per sentence
 - As many words as possible



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How do I know?

- Create a baseline
- Record self before starting program
- Keep recording and script
- Record self again after 21 days
- Check against script
- Compare to baseline



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Solution

Peter Lindquist Ph. D.


- Self-Analysis:
 - Identify
 - Strengths
 - Weaknesses
 - Habits
 - Develop
 - Self-awareness
 - Language skills
 - Coping strategies
 - Cognitive load management
 - Routinization
 - EVS



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"Think of the goal as the treasure at the top of a stairway, and the objectives as the stairs."


Craig Miyamoto



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Climbing the stairway

- Find resources, tools, information, simulations, and other content to help meet each of your objectives.
- Review to make sure the content and objectives are helping you achieve the goals.



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Agustín S. de la Mora
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Cognitive Understanding Assessment

1. Read everything carefully before you do anything else.
2. Write your name on the right top corner.
3. Write down the name of the Governor of this State.
4. Circle the word top.
5. How many cannons on the code of ethics? _____
6. If you think you are the first one to get to this point write: Yes.
7. Say your name out loud.
8. On the back of the page describe the main difference between misdemeanours and felonies.
9. What are the first three words of the pledge of allegiance?
10. If nobody else has done so, say: "I am the fastest reader in this group"
11. What is the capital of the state in which you were born?
12. Underline the word think.
13. What is the name of the national anthem?
14. Who wrote it?
15. Multiply 16 by 34. _____
16. If you are the first person to get here, say: "I am the first person to reach this point and I am an expert at test taking"
17. Define in three words or less "Capital Punishment"
18. What is the most common street name for methamphetamine?
19. If you don't know the answer to the previous question, ask for the answer out loud.
20. Now that you have finished reading carefully, do only what is asked on question number two, turn the paper over and remain silent.

Demand for Materials

Defendant, through counsel, demands that the State of Arizona disclose to Defendant forthwith the existence of material in the State's possession or knowledge which is favorable to the Defendant as to the issue of guilt or innocence, as to the credibility of a State witness, or as to punishment. Defendant further demands that the State continue to disclose such material newly discovered as it is discovered.

As grounds for this motion, Defendant states that the due process clauses of the Fourteenth Amendment to the United States Constitution require such disclosure upon request. *Brady v. Maryland*, 373

U.S. 83 (1963), *United States v. Agurs*, 427 U.S. 97 (1976).

Defendant requests the following materials:

1. Any written or recorded statement made by any person to the police or to the State Attorney's Office which tends to establish the Defendant's innocence or to impeach or contradict the testimony of any witness whom the State will call at the trial of the cause.
2. Any information or material which would tend to establish the Defendant's innocence or to impeach or contradict the testimony of any witness whom the State intends to call at the trial of the cause.

WHEREFORE, Defendant requests that this demand be answered in all respects.

Fredrick J. "Rex" Dimitri, II

Public Defender

Clarise Foxwood, Florida Bar #0592290

Assistant Public Defender

Demand for Materials SU

Defendant, through counsel¹, demands that the State of Arizona disclose² to Defendant forthwith³ the existence of material in the State's possession or knowledge which is favorable⁴ to the Defendant as to⁵ the issue of guilt or innocence, as to the credibility⁶ of a State witness, or as to punishment. Defendant further demands⁷ that the State continue⁸ to disclose such material newly⁹ discovered as it is discovered.

As grounds¹⁰ for this motion, Defendant states that the due process¹¹ clauses of the Fourteenth Amendment to the United States Constitution require such¹² disclosure upon request. Brady v. Maryland, 373¹³

U.S. 83 (1963), United States v. Agurs, 427 U.S. 97 (1976).

Defendant requests the following materials:

1. Any written or recorded statement¹⁴ made by any person to the police or to the State Attorney's Office¹⁵ which tends¹⁶ to establish the Defendant's innocence or to impeach¹⁷ or contradict the testimony of any witness whom the State will call at the trial of the cause¹⁸.
2. Any information or material which would tend to establish¹⁹ the Defendant's innocence or to impeach or contradict the testimony of any witness whom the State intends²⁰ to call at the trial of the cause.

WHEREFORE²¹, Defendant requests that this demand be answered²² in all respects.

Fredrick J. "Rex²³" Dimitri, II

Public Defender

Clarise Foxwood, Florida Bar #0592290²⁴

Assistant Public Defender²⁵

Charging Affidavit

On January 4th, 2015 at approximately 11:17 AM at 931 S. Woodland Blvd in Deland within Volusia county, the above-named defendant Kim Lee Yung violated the law by actually and intentionally touching or striking another person, Dianne Boatwright against her will and intentionally caused her bodily harm contrary to Florida Statute 784.03(1)(a), a first degree misdemeanor. Additionally, the suspect maliciously damaged the personal property of another, to wit, she keyed a 2004 Chevrolet Blazer, VIN 1GNET16F84615048, license plate number N78BT5 belonging to the victim and the damage is estimated to be no less than \$100 dollars but no more than \$500 dollars.

Deputy Frost observed that earlier on 1-4-15 an incident report was filed under number P143-65-321 indicating that this incident had its genesis over a Seiko watch. This incident occurred at the flea market on the north side on route 17-92 near the intersection with 18th Avenue in the City of DeLand. The flea market conducts business on weekends. There are numerous vendors throughout the property. There is no video surveillance of this operation. Both the suspect and the alleged victim were active vendors, each having individual booths towards the rear at an approximate distance of 50 yards from each other. The suspect was taken under custody and booked at the county jail and she was then released on her own recognizance.

Charging¹ Affidavit SU

On **January 4th, 2015²** at approximately 11:17 AM at 931 S. Woodland Blvd in DeLand within Volusia county, the above-named **defendant³** Kim Lee Yung violated the law by **actually⁴** and **intentionally⁵** touching or **striking⁶** another person, Dianne Boatwright against her will and intentionally caused her bodily **harm⁷** contrary to Florida Statute 784.03(1)(a), a first degree **misdemeanor⁸**. Additionally, the suspect **maliciously⁹** damaged the personal property of another, to wit, she **keyed¹⁰** a 2004 Chevrolet Blazer, VIN 1GNET16F84615048, license plate number **N78BT5¹¹** belonging to the **victim¹²** and the damage is estimated to be **no less than¹³** \$100 dollars but no more than \$500 dollars.

Deputy¹⁴ Frost observed that earlier on 1-4-15 an **incident¹⁵** report was filed under number **P143-65-321¹⁶** indicating that this incident had its **genesis¹⁷** over a Seiko watch. This incident occurred at the **flea market¹⁸** on the north side on route 17-92 near the intersection with 18th Avenue in the City of DeLand. The flea market **conducts business¹⁹** on weekends. There are numerous vendors throughout the property. There is no **video surveillance²⁰** of this operation. Both the **suspect²¹** and the alleged victim were active vendors, each having individual booths towards the rear at an approximate distance of **50 yards²²** from each other. The **suspect²³** was taken under custody and **booked²⁴** at the county jail and she was then released on her **own recognizance²⁵**.

(225 words)

Carta de Recomendación de Tacaná

Municipalidad de Tacaná, Departamento de San Marcos, República de Guatemala C.A.

Tel.: 7770-3109 Fax: 7770-3102

El infrascrito alcalde municipal del Municipio de Tacaná del Departamento de San Marcos

Hace constar:

Que la portadora de la presente, Yolanda de Jesús Vázquez Roblero, portadora del documento de identidad nacional #1987-47724-9523, mayor de edad, sexo femenino, oriunda y vecina de la aldea Chequin de este Municipio, se identifica por medio de su partida de nacimiento, extendida en la Municipalidad de Tacaná, San Marcos, es persona de mi anterior conocimiento, honrada, educada, trabajadora, sin vicios y de muy buena conducta y honorabilidad manifiesta. Puedo atestiguar que ha exhibido buenas costumbres y un trato cortés en cada una de las interacciones con otros miembros de la sociedad que yo he presenciado. Los medios en que se desenvuelve son los del hogar, con los que obtiene el sustento diario de ella y su familia, por lo que no tengo ningún inconveniente para recomendarla para los trámites que desee hacer.

Por estas y múltiples otras razones que con mucho gusto puedo comunicarle si lo considera necesario, es un privilegio para mí, el otorgar mi más completa y cabal recomendación personal. Se extiende la presente en el municipio de Tacaná del Departamento de San Marcos, a veintiséis días del mes de junio del dos mil veinte.

Victor Pérez Hernández

Alcalde Municipal Interino

Carta de Recomendación de Tacaná SU

Municipalidad de Tacaná, Departamento de San Marcos, República de Guatemala **C.A.**¹

Tel.: 7770-3109 Fax: **7770-3102**²

El **infrascrito**³ alcalde municipal del Municipio de Tacaná del Departamento de San Marcos

Hace constar⁴:

Que la portadora de la **presente**⁵, Yolanda de Jesús Vázquez Roblero, **portadora**⁶ del documento de identidad nacional #1987-47724-9523, mayor de edad, sexo femenino, **oriunda**⁷ y vecina de la aldea Chequin de este Municipio, **se identifica**⁸ por medio de su **partida**⁹ de nacimiento, extendida en la Municipalidad de Tacaná, San Marcos, es persona de mi **anterior**¹⁰ conocimiento, honrada, educada, trabajadora, sin **vicios**¹¹ y de muy buena conducta y honorabilidad **manifiesta**¹². Puedo **atestiguar**¹³ que ha exhibido buenas **costumbres**¹⁴ y un trato cortés en cada una de las interacciones con otros miembros de la sociedad que yo he **presenciado**¹⁵. Los medios en que se **desenvuelve**¹⁶ son los del hogar, con los que obtiene el **sustento**¹⁷ diario de ella y su familia, por lo que no tengo ningún **inconveniente**¹⁸ para recomendarla para los **trámites**¹⁹ que desee hacer.

Por estas y múltiples otras razones que **con mucho gusto**²⁰ puedo comunicarle si lo **considera**²¹ necesario, es un privilegio para mí, el **otorgar**²² mi más completa y **cabal**²³ recomendación personal. **Se extiende**²⁴ la presente en el municipio de Tacaná del Departamento de San Marcos, a veintiséis días del mes de junio del dos mil veinte.

Victor Pérez Hernández

Alcalde Municipal **Interino**²⁵

Kidnapping - English

- Q. Good afternoon, Pablo. Could you please state your name and **spell**¹ your last name for the **jury**²?
- A. My name is Pablo Barrios, **B as in boy, A-R-R-I-O-S**³.
- Q. Mr. Barrios, **do you mind**⁴ if I call you Pablo?
- A. Yes, that's fine.
- Q. We just heard the **testimony**⁵ of a lady by the name of **Paloma Gonzalez**⁶. Do you know her?
- A. Yes. She's my mother.
- Q. And for the **record**⁷, do you have any brothers and sisters?
- A. I have one younger brother named David and one sister. Yasmin – she's the **baby**⁸ of the family.
- Q. Do you remember where you were **residing**⁹ back on July 3rd of 2015?
- A. Fairview Street. The house number I don't **know by heart**¹⁰ anymore, but I could recognize it if I saw it.
- Q. This is the previously admitted last page of **Exhibit**¹¹ 82. Are you **acquainted**¹² with that house?
- A. Yes, that was my old **place**¹³, where we were all living back then.
- Q. Okay, so you were all living there **July 3rd of 2015**¹⁴? That's the date **in question**¹⁵. That's when a pretty bad **incident**¹⁶ happened at your house, correct?
- A. Yes, sir.
- Q. If you are 21 now – **strike that**¹⁷, how old were you when the **referenced**¹⁸ incident happened?

- A. I was 16. I remember I was in high school, but it was summer vacation then. I was looking for a summer **gig**¹⁹, but no one wanted to hire a **sixteen-year-old**²⁰ at the time.
- Q. Fair enough. Now, your mom was **involved**²¹ with a man named Fernando. Do you remember him?
- A. Yes.
- Q. How old were you when you first met Fernando?
- A. I **would say**²² 15. He lived with us for a while. I think it was few months, but I **couldn't**²³ tell you exactly.
- Q. So your relationship with Fernando Torres for the most part, how would you describe it?
- A. I mean, we would talk **here and there**²⁴. Our **biological**²⁵ father died years ago, but Fernando didn't try to **butt in**²⁶ and act like he was our dad or anything. He was just like a friend. He was a **positive**²⁷ guy.
- Q. And this was a guy your mom was **seeing**²⁸, and you knew that, correct?
- A. That's right. Mom and my **stepdad**²⁹ had been **separated**³⁰ since maybe the year before, and she met Fernando at work.
- Q. Do you also know a man by the name of **Miguel Herrera**³¹?
- A. Yeah, he's my mom's cousin, but he doesn't usually go by Miguel. His friends called him **Slinky**³². He was older and had older friends, so we didn't really **hang out**³³.
- Q. Okay. And was one of these friends **around**³⁴ his age a person by the name of Steve?

- A. Yes. He knew my uncles and he was a friend of Fernando's. He would come by **every once in a while**³⁵ to see Fernando and my mom.
- Q. And would Steve be a person that you could recognize if you saw him here in the **courtroom**³⁶ today? And if so, could you **identify**³⁷ him for the record by telling us where he's seated and maybe describe his color of clothes, **so we know**³⁸?
- A. For sure. He's seated to the left over there with **slacks**³⁹ and a pink button-up shirt without a tie.
- Q. Now, did you have any **knowledge**⁴⁰ or suspect **in advance**⁴¹ that Fernando was coming over that evening, on July 3rd, 2015?
- A. No. I didn't know he was coming until I heard him downstairs. He hadn't visited Mom in a long time – **maybe**⁴² a few weeks. He had been moved out for a while by then.
- Q. Had someone asked you to **alert**⁴³ them if you saw Fernando again?
- A. Yeah, Steve and **Slinky**⁴⁴ did.
- Q. Slinky **being**⁴⁵ Miguel?
- A. Miguel, yes.
- Q. **Okay**⁴⁶. And then did you have to make a decision?
- A. Yes. I don't remember whose number I had – either Slinky's or Steve's – but I decided to contact **whichever**⁴⁷ of them I had. I texted them saying, "he's at my house." They knew I **meant**⁴⁸ Fernando.
- Q. What did you think they were going to **do to**⁴⁹ Fernando that night? Did Steve tell you what the plan was?

- A. Well, he and Slinky said they said that they would come in and grab him and just, like, **force him out**⁵⁰. And I said alright. I thought they just had some kind of **beef**⁵¹ with him and were going to rough him up.
- Q. Okay. Did you anticipate that Fernando was going to **end up**⁵² dead?
- A. No. I thought it would be **unpleasant**⁵³, and the guys made me nervous, but I never thought Fernando would die.
- Q. When you were in **communication**⁵⁴ with these guys, did you figure they were going to be coming that night?
- A. Yes, from what I gathered.
- Q. And did there **come a point**⁵⁵ where you exited your house and **made contact**⁵⁶ with some people outside that night while Fernando and your mom were inside?
- A. Yes. I didn't want to, but they scared me. They were so **intense**⁵⁷ about it; like they might come after me or my family if I didn't help. I was worried for my family.
- Q. Okay. Were you less concerned about Fernando; **fair enough**⁵⁸?
- A. Well, both of us, but I didn't have any choice. Him getting **roughed up**⁵⁹ seemed safer overall than refusing.
- Q. Alright then, and when they arrived, what did the vehicle or **vehicles**⁶⁰ they were in look like?
- A. It was a **little**⁶¹ black car. I think it was a two-seater, kind of sporty, but they had four people in it.
- Q. What was the **point**⁶² of this first meeting with the one car and the four **individuals**?
- A. To tell me their plan and what to do. It was Steve and Slinky. The other guys were a couple **paces**⁶³ behind them, but I didn't recognize them.

- Q. Okay. What did they **instruct**⁶⁴ you to do?
- A. To leave the door unlocked and stay in my room.
- Q. Okay. Did you go back inside afterwards?
- A. Yeah. Then I **gathered up**⁶⁵ my siblings. My sister has her own room, but I took her into the room that me and David shared. I only told David that something **would happen**⁶⁶, without any details. Yasmin didn't know.
- Q. And what do you remember **happening**⁶⁷ next?
- A. I tried texting them saying that they should do it when Fernando left, but they had **insisted**⁶⁸ that it had to be that night. They took... **I'd say**⁶⁹ an hour or two for them to come. **At first**⁷⁰ I didn't think they'd come, but then I heard their car.
- Q. So what did you do then?
- A. My window **faces**⁷¹ the street, so I looked out and saw a gold truck, instead of the black car, but I figured it was them, and I **hunkered down**⁷² in my bedroom.
- Q. Go on. What did you **hear**⁷³ or see happening?
- A. Well, they came into my room first. They pointed a gun at and me and said to stay down. Then they **kicked down**⁷⁴ my mom's door.
- Q. And then what did you hear going on across the **hall**⁷⁵?
- A. I heard Fernando in pain. I could just hear him **screaming**⁷⁶, and them screaming at him.
- Q. How many guys did you actually see **physically**⁷⁷ in your house?
- A. Like four. Maybe five, but I didn't get a chance to actually count them.
- Q. When they threatened you with the gun, what did you do then?

- A. I was just a **deer in the headlights**⁷⁸ at that **point**⁷⁹. I didn't think it was - that it was going to go like that. I didn't even think to call 911 until after they left. I was so scared and **focused**⁸⁰ on what was happening at that moment.
- Q. And what could you hear happening to Fernando in the bedroom?
- A. It **sounded like**⁸¹ he was getting hit with metal. Metal like a **gun**⁸² or something. I didn't see because I was trying to **look away**⁸³. And then I heard them trying to drag him out of the house.
- Q. Were you expecting him to be taken out of the house?
- A. Yes, they had mentioned doing **as much**⁸⁴.
- Q. Okay. Were they having success in getting him off the **premises**, from what you heard?
- A. No. By then I could see them through the open door. He kept holding onto the doorframes, and they just kept **yanking**⁸⁵.
- Q. Okay. Did you hear anything **unusual**⁸⁶ in that hallway?
- A. A **gunshot**⁸⁷. Real loud. I didn't see it because by then they had moved out of my **line of sight**⁸⁸. Then I heard Fernando screaming even more as they were leaving with him.
- Q. Thank you, Pablo. **Your Honor**⁸⁹, I have no further questions of this **witness**⁹⁰.

Kidnapping - Spanish

- Q. Good afternoon, Pablo. Could you please state your name and **spell**¹ your last name for the **jury**²?
- A. Me llamo Pablo Barrios, **B grande, A-R-R-I-O-S**³.
- Q. Mr. Barrios, **do you mind**⁴ if I call you Pablo?
- A. Sí, está bien.
- Q. We just heard the **testimony**⁵ of a lady by the name of **Paloma Gonzalez**⁶. Do you know her?
- A. Sí. Ella es mi madre.
- Q. And for the **record**⁷, do you have any brothers and sisters?
- A. Tengo un hermano **menor**⁸ que se llama David, y una hermana, Yasmin, la **bebe**⁹ de la familia.
- Q. Do you remember where you were **residing**¹⁰ back on July 3rd of 2015?
- A. Fairview Street. Ahora no recuerdo exactamente el numero de la casa, pero podría reconocer la casa si la **viera**¹¹.
- Q. This is the previously admitted last page of **Exhibit**¹² 82. Are you **acquainted**¹³ with that house?
- A. Si esa era misa casa, donde todos vivimos en **aquel momento**¹⁴.
- Q. Okay, so you were all living there **July 3rd of 2015**¹⁵? That's the date **in question**¹⁶. That's when a pretty bad **incident**¹⁷ happened at your house, correct?
- A. Sí, señor.
- Q. If you are 21 now – **strike that**¹⁸, how old were you when the **referenced**¹⁹ incident happened?

- A. **Tenía**²⁰ dieciséis años. Me acuerdo de que estaba en la secundaria, pero estaba en vacaciones de **verano**²¹. Busqué trabajo durante ese tiempo, pero nadie quería **contratar**²² a un niño de dieciséis años.
- Q. Fair enough. Now, your mom was **involved**²³ with a man named Fernando. Do you remember him?
- A. Si.
- Q. How old were you when you first met Fernando?
- A. Yo **diría**²⁴ que tenía unos quince años. Él vivió con nosotros por un tiempo. Creo que fueron un **par**²⁵ de meses, pero no podría decirle exactamente.
- Q. So your relationship with Fernando Torres for the most part, how would you describe it?
- A. Bueno, hablaba con él de vez en cuando. Nuestro padre biológico se murió unos años antes, pero Fernando nunca intentó **meterse**²⁶ y actuar **como si**²⁷ fuera nuestro padre, o algo así. Era más como un amigo. Era un **tipo**²⁸ positivo.
- Q. And this was a guy your mom was **seeing**²⁹, and you knew that, correct?
- A. Así es. Mi mamá y mi padrastro se habían separado el año anterior, y ella conoció a Fernando a través de su trabajo.
- Q. Do you also know a man by the name of **Miguel Herrera**³⁰?
- A. Sí, es el primo de mi mamá, pero normalmente no se llama Miguel. Sus amigos lo llaman Slinky. Él era **mayor**³¹, y tenía amigos mayores entonces no **pasamos** mucho **tiempo**³² juntos.
- Q. Okay. And was one of these friends **around**³³ his age a person by the name of Steve?

- A. Sí. Él conocía a mis tíos, y era un amigo de Fernando. Él le **hacia la visita**³⁴ una vez en cuando a Fernando y a mi mamá.
- Q. And would Steve be a person that you could recognize if you saw him here in the **courtroom**³⁵ today? And if so, could you **identify**³⁶ him for the record by telling us where he's seated and maybe describe his color of clothes, **so we know**³⁷?
- A. Claro. Está sentado allá a la izquierda, con los **pantalones formales**³⁸ y la camisa rosada, sin corbata.
- Q. Now, did you have any **knowledge**³⁹ or suspect **in advance**⁴⁰ that Fernando was coming over that evening, on July 3rd, 2015?
- A. No. No sabía que él iba a visitar hasta que lo escuché en el primer piso. No había visitado a mi mamá en un mucho tiempo – quizás un par de semanas. Él ya se había mudado de la casa desde ese **entonces**⁴¹.
- Q. Had someone asked you to **alert**⁴² them if you saw Fernando again?
- A. Sí, Steve y Slinky me lo **pidieron**⁴³.
- Q. Slinky **being**⁴⁴ Miguel?
- A. Miguel, sí.
- Q. **Okay**⁴⁵. And then did you have to make a decision?
- A. Sí. No me acuerdo de cual número tenía – el de Slinky o de Steve, pero decidí contactar a cualquier de los dos que tenía. Envié el texto “está en mi casa.” Ellos sabían que hablaba de Fernando.
- Q. What did you think they were going to **do to**⁴⁶ Fernando that night? Did Steve tell you what the plan was?

- A. Bueno, él y Slinky dijeron que iban a venir y, bueno, forzarlo a salir. Yo les dije que listo, estaba bien. Yo sí creí que tenían un problema con él, pero que solo se iban a golpear unas veces y **ya**⁴⁷.
- Q. Okay. Did you anticipate that Fernando was going to **end up**⁴⁸ dead?
- A. No. Yo pensé que la situación era incómoda, y los muchachos **me dieron nervios**⁴⁹, pero nunca pensé que Fernando iba a morir.
- Q. When you were in **communication**⁵⁰ with these guys, did you figure they were going to be coming that night?
- A. Sí, según lo que entendía.
- Q. And did there **come a point**⁵¹ where you exited your house and **made contact**⁵² with some people outside that night while Fernando and your mom were inside?
- A. Sí. No quería hacerlo, pero me asustaron. Ellos estaban muy intensos, me sentí como si **atacaran**⁵³ a mí y a mi familia si no los ayudaba. Estaba muy **preocupado**⁵⁴ por mi familia.
- Q. Okay. Were you less concerned about Fernando; **fair enough**⁵⁵?
- A. Bueno, preocupado por ambos de nosotros, pero no tenía **ninguna**⁵⁶ opción. Que él recibiera uno o dos golpes me pareció más seguro que rehusar por completo.
- Q. Alright then, and when they arrived, what did the vehicle or **vehicles**⁵⁷ they were in look like?
- A. Era un carro **negro**⁵⁸ pequeño. Creo que tenía dos asientos y era deportivo, pero había cuatro personas adentro.
- Q. What was the **point**⁵⁹ of this first meeting with the one car and the four **individuals**?

- A. Para contarme su plan y lo que yo debía hacer. Eran Steve y Slinky. Los otros se quedaban unos **pasos**⁶⁰ detrás, pero no les reconocí.
- Q. Okay. What did they **instruct**⁶¹ you to do?
- A. Me **mandaron**⁶² a dejar la puerta sin llave y quedarme en mi casa.
- Q. Okay. Did you go back inside afterwards?
- A. Sí. Yo fui y **junté a**⁶³ todos mis hermanos. Mi hermana tiene un cuarto **propio**⁶⁴, pero la traje al cuarto que compartía con David. Solo le dije a David que algo iba a pasar sin incluir detalles. Yasmin no sabía nada.
- Q. And what do you remember **happening**⁶⁵ next?
- A. **Intenté**⁶⁶ enviarles un texto que decía que deberían hacerlo después de que Fernando se fuera, pero ellos insistieron que tenía que pasar esa noche. **Tomaron**⁶⁷... diría que tardaron una o dos horas en llegar. Al principio no pensaba que vendrían, pero después oí su carro.
- Q. So what did you do then?
- A. Mi ventana **mira**⁶⁸ la calle, entonces cuando me **pille**⁶⁹ un camión dorado, en vez del carro negro, pensé que eran ellos, y me escondí en mi cuarto.
- Q. Go on. What did you **hear**⁷⁰ or see happening?
- A. Bueno, entraron a mi cuarto primero. Me apuntaron con una pistola y me mandaron a quedarme **agachado**⁷¹. Después **derribaron**⁷² la puerta del cuarto de mi madre.
- Q. And then what did you hear going on across the **hall**⁷³?
- A. Podía escuchar que Fernando estaba en mucho dolor. Lo escuche **gritando**⁷⁴, mientras que ellos le gritaban a él.
- Q. How many guys did you actually see **physically**⁷⁵ in your house?

- A. **Como**⁷⁶ cuatro. Quizás cinco, pero nunca tuve la oportunidad de contarlos
- Q. When they threatened you with the gun, what did you do then?
- A. En ese momento me **congelé**⁷⁷. No pensé que fue – que iba a pasar así. **Ni**⁷⁸ pensé llamar al 911. Tenía tanto miedo que solo me podía concentrar en todo lo que estaba pasando en el momento. **Nada mas, nada menos**⁷⁹.
- Q. And what could you hear happening to Fernando in the bedroom?
- A. **Me parecía**⁸⁰ que lo golpearon con un **tipo**⁸¹ de metal duro. Metal como una pistola o **algo así**⁸². No lo ví porque intentaba mirar **hacia otro lado**⁸³. Y después los escuché tratando de **sacarlo**⁸⁴ de la casa.
- Q. Were you expecting him to be taken out of the house?
- A. Sí, eso ya me la habían mencionado.
- Q. Okay. Were they having success in getting him off the **premises**, from what you heard?
- A. No, en ese punto, yo pude verlos a través de la puerta abierta. Él continuaba **aferrarse**⁸⁵ los marcos de la puerta mientras lo jalaban.
- Q. Okay. Did you hear anything **unusual**⁸⁶ in that hallway?
- A. Un **disparo**⁸⁷. Bien **duro**⁸⁸. No lo vi porque se movieron fuera de mi línea de visión. Entonces oí a Fernando gritando aún más mientras se fueron con él.
- Q. Thank you, Pablo. **Your Honor**⁸⁹, I have no further questions of this **witness**⁹⁰.

Birthday Assault - Spanish

- Q. Sir, I am going to ask you to think back to the night of **October 18, 2003**¹. Where were you that evening?
- A. Esa noche salí con mi esposa para celebrar mi cumpleaños.
- Q. Do you remember where you went?
- A. **Pues sí**², fuimos a un restaurante que se llama **Le Fondue**³. Es mi favorito, muy bueno, **por cierto**⁴.
- Q. At what time did you arrive at the restaurant?
- A. Bueno, no era muy tarde... yo tenía que trabajar al otro día... **no sé**⁵, quizás eran las **6:00 de la tarde**⁶.
- Q. And what did you do in the restaurant?
- A. **¿Qué hicimos?**⁷ Comimos.
- Q. Did you consume any alcohol that **evening**⁸?
- A. Unas cuantas cervezas, **sí**⁹.
- Q. Were you **intoxicated**¹⁰?
- A. Claro que no.
- Q. How many beers did you have?
- A. Pues no sé. **Unas quince o veinte**¹¹.
- Q. **So tell me**¹², what happened that evening?
- A. Iba hacia el carro con mi esposa y oí un ruido que me llamó la atención.
- Q. And what was the noise you heard?
- A. Risotadas y unos **cantazos**¹³ que hacían ¡pum! ¡pum! ¡pum!
- Q. And did you see who was making the noise?
- A. Eran dos, **tipo militares**¹⁴, que estaban pateando un carro. Uno de ellos

se orinó en la rueda **de atrás**¹⁵. Yo no lo podía creer. ¡**Qué Puerco**¹⁶!

Q. What, **if anything**¹⁷, did you say to them?

A. **No**¹⁸, fue mi esposa que les gritó.

Q. And what happened then?

A. Uno de los muchachos sacó **una navaja**¹⁹ y se la puso en el **cuello**²⁰ a mi esposa.

Q. And how did your wife react to that?

A. Pues, imagínese. **Estaba cagá**²¹.

Q. And what did you do?

A. Bueno, **por suerte**²² yo tenía mi pistola y **la saqué**²³ y se la apunté al muy maricón.

Q. How did he react?

A. Me dijo que soltara la pistola o iba a **cortar**²⁴ a mi señora.

Q. And what did you do?

A. **Le vacié**²⁵ el revólver.

Q. How many **shots**²⁶ did you get out?

A. **Como le dije**²⁷, le vacié el revolver.

Q. Did you hit him when you emptied the revolver on him?

A. Si señora, **así es**²⁸.

Q. What about his companion?

A. No, ese estaba en **la esquina**²⁹ del estacionamiento, **en el piso**³⁰, llorando como **mama pinga**³¹ que es.

Q. Did you call an ambulance?

A. **¡Qué va ser!**³²

- Q. Did an ambulance **ever**³³ come?
- A. Sí, vi una ambulancia llegar.
- Q. What did the ambulance do?
- A. **Ni idea**³⁴, yo fue a asegurarme que mi esposa estuviera bien.
- Q. Sir, when you shot and **killed**³⁵ your **assailant**³⁶, is it your opinion that it was in **self-defense**³⁷?
- A. **Sin duda**³⁸.
- Q. **Had you not killed**³⁹ your assailant, what do you think would have happened.
- A. Él hubiera matado a mi esposa, **o por lo menos**⁴⁰ la hubiera herido **malamente**⁴¹.
- Q. Do you feel bad about what happened?
- A. **¿Cómo así?**⁴²
- Q. Do you feel bad for what happened that **evening**⁴³?
- A. Me siento mal porque mi esposa estaba **aterrada**⁴⁴. Me siento mal porque este asunto me ha costado dinero. Me siento mal porque tengo que estar aquí **perdiendo el tiempo**⁴⁵. Me siento mal porque me he tenido que mudar de mi casa **debido a este asunto**⁴⁶ y porque se me mancharon los zapatos con **sangre**⁴⁷ esa noche. Pero si lo tuviese que hacer otra vez, **lo mato igualito**⁴⁸.
- Q. Out of curiosity **sir**⁴⁹, what did you do with those shoes?
- A. Aquí **los tengo puestos**⁵⁰. Mire.
- Q. Thank you for your cooperation sir, I have no further questions
- A. No, gracias a usted y también le doy gracias al juez.

Birthday Assault – English

- Q. Sir, I am going to ask you to **think back**¹ to the night of **October 18, 2003**².
Where were you that evening?
- A. I went out with my wife that night to celebrate my birthday.
- Q. Do you remember where you went?
- A. Well, yeah, we went to a restaurant called Le Fondue. It is my favorite one, **by the way**³, it's very good.
- Q. At what time did you arrive at the restaurant?
- A. Well, it wasn't too late... I was supposed to go to work the next day... **I don't know**⁴, perhaps it was 6:00 PM.
- Q. And what did you do in the restaurant?
- A. **What did we do**⁵? We ate.
- Q. Did you consume **any**⁶ alcohol that **evening**⁷?
- A. **Yes**⁸, I had some beer.
- Q. Were you **intoxicated**⁹?
- A. Of course not.
- Q. How many beers **did you have**¹⁰?
- A. Well, I don't know. **About fifteen or twenty**¹¹.
- Q. **So tell me**¹², what happened that evening?
- A. I was heading towards the car with my wife and I heard a noise that caught my attention.
- Q. And what was the noise you heard?
- A. Loud laughing and **banging**¹³ that went: Bam! Bam! Bam!
- Q. And did you see who was making the noise?

- A. It was two guys, **military-type**¹⁴, they were kicking a car. One of them peed on the **rear**¹⁵ wheel. I couldn't believe it. **What a pig**¹⁶.
- Q. What, **if anything**¹⁷, did you say to them?
- A. **No**¹⁸, my wife was the one who yelled at them.
- Q. And what happened then?
- A. One of the guys pulled out a **knife**¹⁹ and put it to my wife's **neck**²⁰.
- Q. And how did your wife react to that?
- A. Well, just imagine. She was **scared shitless**²¹.
- Q. And what did you do?
- A. Well, **luckily**²² I had my gun on me and **I pulled it out**²³ and I **pointed**²⁴ it at the **faggot**²⁵.
- Q. How did he react?
- A. He told me to let go of the gun otherwise he would **cut**²⁶ my wife.
- Q. And what did you do?
- A. I **emptied out** the gun **on him**²⁷.
- Q. How many **shots**²⁸ did you get out?
- A. **As I said**²⁹, I emptied out the gun on him.
- Q. Did you hit him when you emptied the **revolver**³⁰ on him?
- A. Yes sir, **that's right**³¹.
- Q. What about his companion?
- A. No, he was on the **corner**³² of the parking lot, **on the ground**³³, crying like the **cocksucker**³⁴ he is.
- Q. Did you call an ambulance?
- A. **Heck no**³⁵!

Q. Did an ambulance **ever**³⁶ come?

A. Yes, I saw an ambulance arrive.

Q. What did the ambulance do?

A. I have no idea. I went to make sure my wife was okay.

Q. Sir, when you shot and killed your **assailant**³⁷, is it **your opinion**³⁸ that it was in **self-defense**³⁹?

A. **No doubt about it**⁴⁰.

Q. **Had you not killed**⁴¹ your assailant, what do you think would have happened.

A. He would have killed my wife, or he would have at least wounded her **badly**⁴².

Q. Do you feel bad about what happened?

A. **What do you mean**⁴³?

Q. Do you feel bad for what happened **that evening**⁴⁴?

A. I feel bad about it because my wife was **terrified**⁴⁵. I feel bad because this mess has cost me money. I feel bad because I have to be here **wasting**⁴⁶ my time. I feel bad because I had to move from my house because of **this mess**⁴⁷ and because my shoes got stained with **blood**⁴⁸ that night. But if I had to do it again, I would kill him just the same.

Q. Out of curiosity **sir**⁴⁹, what did you do with those shoes?

A. **I am wearing them**⁵⁰. Look.

DUI Opening Statement

Ladies and gentlemen of the jury, I will now give an opening statement for the prosecution. This courtroom isn't quite set up like a **brand-new**¹ court building, so I'm just going to ask you if at any time you **have trouble**² seeing any of the exhibits that are on the TV **screen**³ that you just go ahead and raise your hand.

A .158 blood alcohol **concentration**⁴ and two DUI **convictions**⁵ within seven years. That's why we're here. That's what the defendant has been **charged**⁶ with.

On **February 25, 2020**⁷, at about 11:10 in the evening in Tempe, Arizona in the area of University and Main Street, the defendant was in front of **Corporal**⁸ Cornwall heading southbound on University. Moments before this, the defendant was on Main Street, then **veered**⁹ into a wide right turn before **straightening out**¹⁰ to head southbound on University.

Corporal Cornwall was behind the defendant as he traveled **southbound**¹¹ on University and **observed**¹² the defendant swerve outside of his **lane**¹³ several times. Defendant then made a wide turn from University onto Broadway and immediately turned into a **gas station**¹⁴ at the corner of University and Broadway. That's where Corporal Cornwall pulled the defendant over and **made contact**¹⁵ with him.

When Corporal Cornwall made contact with the defendant, he asked him where he was coming from and where he was going. The **defendant**¹⁶ said that he was coming from a job and that he **was headed**¹⁷ home. Well, that story didn't **hold water**¹⁸ because down here on the map is where the contact **occurred**¹⁹, as the defendant was driving southbound on University. His address was **determined**²⁰ to be 1161 North Trixie Park Avenue, which is, **rather**²¹, which **would require**²² him to be driving northbound from where he was and where he was **intercepted**²³.

The defendant then changed his story and **alleged**²⁴ that he was going to meet a girl. **Apparently**²⁵, that girl didn't show up and so he was actually going to **hang out**²⁶ with another girl.

The defendant had bloodshot, watery eyes, and had an odor of alcohol coming from him. He had **slurred**²⁷ speech. When he got out of his car, he was **unsteady**²⁸ and had to use his car or a truck for balance, and he **swayed**²⁹. He had a two-to-three-inch **rotational**³⁰ sway.

The defendant agreed to **perform**³¹ some **field**³² sobriety tests. The first, which you may have seen before, is the test where an **officer**³³ moves an object in front of the **suspect's**³⁴ eyes. This is called the Horizontal Gaze Nystagmus or HGN test. Corporal Cornwall **will describe**³⁵ what he's looking for in those tests. **I'm sorry**³⁶, Sergeant Smith. That's someone else you'll **hear from**³⁷, who will describe what he's **looking for**³⁸ with those tests and what he saw in this case.

Corporal Cornwall performed the rest of the field sobriety tests – The Walk and Turn and the **One-Leg Stand**³⁹. He'll describe how he performs those tests, what **indicators**⁴⁰ he's looking for, and what he saw in this case.

The defendant also agreed to give a **sample**⁴¹ of his blood. That sample was tested by the **crime lab**⁴², and the result was a **.158**⁴³. That's **nearly**⁴⁴ twice the legal limit of .08. The defendant had a .158 alcohol **concentration**⁴⁵ that night and has had two DUIs within a **period**⁴⁶ of seven years.

Now, the two DUIs within seven years is what **escalates**⁴⁷ this to an **aggravated**⁴⁸ DUI versus just a DUI. The first offense was in Paolo Junction Municipal Court. Court number **TR20081598**⁴⁹. The defendant **committed**⁵⁰ that DUI on November 11, 2013, and he was convicted on January 11, 2014.

His second DUI was in Tempe. That one was committed on August 12, 2015.

The defendant was **convicted**⁵¹ on December 9, 2015.

Now, the crime date of the first one **being**⁵² November 11, 2013, is within seven years, or as the instruction calls it 84 months of February 25, 2020, the date of **violation**⁵³ in this **offense**⁵⁴. And the second one the crime date of August 12, 2015, is again within seven years, or as the **instruction**⁵⁵ refers to it 84 months which is **of course**⁵⁶ the same of February 25, 2020.

You can see the first one occurred about **six years and three months**⁵⁷ before the current offense. The second one occurred **about**⁵⁸ four years and six months before the **current**⁵⁹ offense.

As you've seen from the **Court's**⁶⁰ instructions, the defendant has been charged with two **counts**⁶¹ of aggravated DUI. That's because in Arizona there's two different **ways**⁶² to commit the crime of DUI or in this case aggravated DUI because of the two **priors**⁶³.

During this trial you'll hear the word "**impaired**⁶⁴" a lot. And that has to do with the first count. The first count requires the defendant **be**⁶⁵ impaired to the **slightest**⁶⁶ degree. There's no alcohol concentration **requirement**⁶⁷ in the first part, in the first count.

The second count has that alcohol concentration requirement that a lot of us are **familiar**⁶⁸ with. That one requires that the defendant has an alcohol concentration of .08 **or higher**⁶⁹.

An alcohol concentration of .158 and two DUI convictions within seven years. That's **why**⁷⁰ we're here. That's what the defendant is charged with **doing**⁷¹. After all the **evidence**⁷², the **State**⁷³ will come up here again and ask you to hold the defendant

accountable⁷⁴ for his choices and to find him **guilty**⁷⁵ of both counts of aggravated
DUI. Thank you.

DUI Opening – Sight Part 1

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A .158 blood alcohol concentration and two DUI convictions within seven years. That's why we're here. That's what the defendant has been charged with.

On February 25, 2020, at about 11:10 in the evening in Tempe, Arizona in the area of University and Main Street, the defendant was in front of Corporal Cornwall heading southbound on University. Moments before this, the defendant was on Main Street, then veered into a wide right turn before straightening out to head southbound on University.

Corporal Cornwall was behind the defendant as he traveled southbound on University and observed the defendant swerve outside of his lane several times. Defendant then made a wide turn from University onto Broadway and immediately turned into a gas station at the corner of University and Broadway. That's where Corporal Cornwall pulled the defendant over and made contact with him. When Corporal Cornwall made contact with the defendant, he asked him where he was coming from and where he was going.

(224 words)

DUI Opening – Sight Part 2

The defendant had bloodshot, watery eyes, and had an odor of alcohol coming from him. He had slurred speech. When he got out of his car, he was unsteady and had to use his car or a truck for balance, and he swayed. He had a two-to-three-inch rotational sway.

The defendant agreed to perform some field sobriety tests. The first, which you may have seen before, is the test where an officer moves an object in front of the suspect's eyes. This is called the Horizontal Gaze Nystagmus or HGN test. Corporal Cornwall will describe what he's looking for in those tests. I'm sorry, Sergeant Smith. That's someone else you'll hear from, who will describe what he's looking for with those tests and what he saw in this case.

Corporal Cornwall performed the rest of the field sobriety tests – The Walk and Turn and the One-Leg Stand. He'll describe how he performs those tests, what indicators he's looking for, and what he saw in this case.

The defendant also agreed to give a sample of his blood. That sample was tested by the crime lab, and the result was a .158. That's nearly twice the legal limit of .08. The defendant had a .158 alcohol concentration that night and has had two DUIs within a period of seven years.

(225 words)

Opening Statement by the Prosecution

Good afternoon, ladies and gentlemen of the jury, my name is Maria Foster and I am the **prosecutor**¹ in this case. As the Judge informed you at the beginning of the trial, the defendant Salvador Sánchez **has been charged**² with two counts of attempted murder as well as other **serious felonies**³. This opening statement is my opportunity to tell you **briefly**⁴ what I believe the evidence in this case will show.

Going back to **February 24th**⁵ of this year it was about midnight or a **little after**⁶ that and a couple of guys that have been friends **for a number**⁷ of years were attending a party here in town.

You'll hear testimony from those two gentlemen, Mr. Vance Smith and Jerry Silva. So Vance and Jerry were at a party along with another friend that was from out of town. And at the party, Jerry started having some discussions with the defendant.

Jerry will tell you that he's known the defendant **for a while**⁸, knew who he was and knows a friend of the defendant named **Jon Guzman**⁹ who was also present at the party.

At any rate¹⁰, at some point, everybody left the party, several people were **hanging out**¹¹ in the parking lot, it's probably after **two o'clock**¹² **at this point**¹³; two in the morning and Vance will tell you that he and the friend from out of town were just sitting in their car and waiting for Jerry who was talking to the defendant and his friend Guzman. **At one point**¹⁴, there **appeared**¹⁵ to be somewhat of a **heated**¹⁶ argument between Jerry and the defendant but that was it.

Everybody got in their cars and went home - - or **actually**¹⁷ went back to Jerry's place. In other words, Jerry, Vance and the friend from **out of town**¹⁸ went to Jerry's **residence**¹⁹, it's a **duplex**²⁰ on Golden Avenue not that far from University Boulevard.

So the three gentlemen go back to Jerry's duplex. By this time it's probably 2:30 or later in the morning. They're just sitting in the living room, listening to **some**²¹ music and talking. **Not too much**²² time goes by and **there is**²³ a knock on the door. Since it's Jerry's house, he gets up and opens the door. Much to his surprise, at the door is this defendant and the defendant's **buddy**²⁴, Jon Guzman.

Jerry **stepped**²⁵ outside to talk to them a little bit and find out what they wanted. There was a further discussion and a disagreement. At one point, Jerry tried to go inside his house and was **attempting**²⁶ to close the door when the defendant forced his way into Jerry's house and got inside the house **followed by**²⁷ his friend Guzman.

Following²⁸ there was some pushing, of course, since Jerry had tried to close the door, and a fight **broke out**²⁹ inside the victim's house. **Out of nowhere**³⁰, the defendant pulls out a **firearm**³¹ and starts shooting **at**³² Jerry. Jerry **is hit**³³ several times, so he turns around and runs away from the scene. Vance comes to **help out**³⁴ and he is also shot once, there was a struggle between Vance and **this**³⁵ defendant.

The other fellow Jon Guzman is **basically**³⁶ just standing there without participating in the fight. According to the testimony that you will hear from the witnesses, this defendant did all the shooting.

Vance runs off, he goes into a bedroom. He's **panicking**³⁷, he goes into a closet, it wasn't like a big **walk-in closet**³⁸, it was **just**³⁹ a very small closet. The room is very dark. He goes on the floor and tries to hide, but you can see he's a **fairly**⁴⁰ big **guy**⁴¹ and he can't **really**⁴² hide in the closet. **Next thing he knows**⁴³, he hears a **voice**⁴⁴ coming from somewhere in the room saying; "this is for you" and then more shots **ring out**⁴⁵. Vance **felt**⁴⁶ that he had been shot again but remained still, playing dead and hoping that **the shooter**⁴⁷ would leave.

You will hear Vance telling you how he remained in that closet bleeding, in pain and **not knowing**⁴⁸ if he was going to live or die. He will tell you that he could hear voices outside the room and he also heard noises of windows breaking and furniture **being turned**⁴⁹ over. All this time he **forced himself**⁵⁰ to remain quiet so the defendant wouldn't come back and **finish him off**⁵¹.

Meanwhile Jerry, **who had been**⁵² shot three times, had managed to run out the back door, and was lying on the ground bleeding. His friend from out of town had also **managed**⁵³ to escape through a window and run to a nearby **convenience store**⁵⁴ to ask for help. The store's clerk and gave the phone to the friend who proceeded to **inform**⁵⁵ the police about the events that had just occurred. Later during the trial, you will **get the chance**⁵⁶ to listen to the tape of that call to the emergency operator.

Shortly⁵⁷ after the shootings, the defendant and his friend **took off**⁵⁸ in their vehicle. Soon after, police arrive, **paramedics**⁵⁹ arrive and both men, Vance and Jerry, are taken by helicopter to a **nearby**⁶⁰ hospital. The first officer on the scene got a description of the **perpetrators**⁶¹ and the get-away car from both victims and their friend and proceeded to radio his **dispatcher**⁶² with the information.

You will **have the opportunity**⁶³ to hear more about the details of this case as we **present**⁶⁴ the evidence to you; but, ladies and gentlemen, after you have heard all the evidence in this case, we are confident that you'll find the State has proven **beyond any reasonable doubt**⁶⁵, that this defendant did attempt to commit murder **upon**⁶⁶ Vance Smith and Jerry Silva, did commit **aggravated**⁶⁷ battery upon them, did **burglarize**⁶⁸ the house and should be convicted of attempted **felony**⁶⁹ murder.

Thank you very **much**⁷⁰ for your **attention**⁷¹.

Proverb Completion

God helps those _____

Between the hand and the lip, _____

A closed mouth _____

To make a mountain _____

He who is born to be hanged _____

Jack of all trades _____

No lock will hold _____

Brain is better _____

Live by the sword, _____

Better die with honor _____

Better to be king of the hill _____

A man is judged by _____

One bird in hand _____

Birds of the same feather _____

Between a rock _____

It cost an _____

It's the pot calling _____

You cannot make a silk purse _____

In the country of the blind _____

A stitch in time _____

God helps those who help themselves

Between the hand and the lip, the morsel may slip

A closed mouth catches no flies

To make a mountain out of a molehill

He that is born to be hanged shall be never drowned

Jack of all trades and master of none

No lock will hold against the power of gold

Brain is better than brawn

Live by the sword, die by the sword

Better die with honor than live with shame

Better to be king of the hill than prince of the mountain

A man is judged by the company he keeps

One bird in hand is better than two in the bush

Birds of the same feather flock together

Between a rock and a hard place

It cost an arm and a leg

It's the pot calling the kettle black

You cannot make a silk purse of a sow's ear

In the country of the blind the one-eyed man is king

A stitch in time saves nine

Do You Speak Legalese? Practical Courtroom Phrases

Commands

1. State your full name and spell the last name for the record.
2. Please introduce yourself to the jury.
3. Tell the members of the jury what he was wearing, if you remember.
4. Please stand up, raise your right hand and face the clerk.
5. Let the record reflect that the witness has identified the defendant.
6. Don't belabor the point, counselor.
7. Please resume your seat.

Requests for Information

8. Do you understand the charges I just read to you?
9. Do you swear to tell the truth, and nothing but the truth, so help you God?
10. What, if anything, did the defendant say to you?
11. Going back to the night of....?
12. Are you now, or have you ever been, under psychiatric care?
13. On the day in question, were you questioned by law enforcement?
14. Would it refresh your recollection?
15. Are you under the influence of any drugs, medication or alcohol?
16. Did your attorney explain to you the sentencing guidelines?
17. Did the defendant, at any time, point his weapon at you?
18. Are you entering this plea freely and voluntarily?
19. Has anybody threatened or coerced you?
20. Is the defense ready to proceed?

21. How do you plea to the charges?

22. Are you disputing the results of the breathalyzer?

23. Are you a convicted felon?

Requests for Permission

24. May I approach the witness?

25. Move to strike, there's no question before the witness.

26. Could I have a brief voir dire?

27. I would ask that the court instruct the witness to....

28. May we see you at sidebar, your Honor?

29. Let me rephrase that question.

30. We presented a motion to suppress.

31. At this time we move for a Judgment of Acquittal.

32. We move for a mistrial.

Statements

33. At this time the witness is excused.

34. Objection, Your Honor, counsel is badgering the witness.

35. I withdraw my objection.

36. I am holding you in contempt of court.

37. The jury will disregard the previous statement.

38. If you are indigent, The Court can appoint an attorney to represent you.

39. Counsel is leading the witness, Your Honor.

40. At this time, I am denying your motion without prejudice.

41. At this time, the government <people, state> rests.