

Skill Building Workshop Agenda

AGENDA DAY 1

- 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

- The Oral Examination from A to Z
 - PP Presentation: Understanding Scoring Unit Theory
- Self-evaluation
- Sight Translation Theory
 - Weightlifting exercises for Sight
 - Read Aloud, Compress, Expand, Word substitution
- Simultaneous Presentation
- 21 Day Program

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Examination of the Plaintiff in Accident Case

Q: Good morning sir, please state your name and spell it¹ for the record.

A: My name is Frank Castro.

Q: Mr. Castro, where do you presently reside?

A: I live on Willow Street number 199², in the Bronx.

Q: And³...who do you live there with, Mr. Castro?

A: I live there with my wife and four⁴ children.

Q: Are you presently employed, Mr. Castro?

A: Not at the present time⁵. You know, I haven't been able to work since the accident; it left me in really bad shape⁶.

Q: Well, before the accident, were you employed⁷?

A: Oh yeah, of course.

Q: What type⁸ of work did you do?

A: I worked at a print shop⁹.

Q: And...how long had you been working¹⁰ at the print shop before the accident?

A: I had been working at that job for more than¹¹ seven years, and they really liked me there because I have always been an honest man¹² and very reliable in everything I do.

Q: Yes, I understand. Now Mr. Castro, at the time this accident occurred, was your job within walking distance¹³ from your home, or did you have to take¹⁴ a bus or train?

A: Well¹⁵, let me tell you, when I first started working at the print shop, I did live far away; that is why my wife and I decided to move¹⁶ to the Bronx.

Q: Very well, please go on.

A: We were very fortunate to find an apartment that was five blocks¹⁷ from the print shop, many times I had time to go home for lunch.

Q: Would you say¹⁸ that the print shop is located in a residential¹⁹ or in a commercial area?

A: Well, in that area there are some very nice houses, but there are more businesses than residences so²⁰ I'd say it's a commercial zone²¹.

Q: Now, Mr. Castro, I want you to think back²² to the morning of April 4th, 1983²³. Did you walk to work that day?

A: April fourth was the day of the accident...yeah.

Q: Yes, but did you walk to work that day?

A: Yeah, yeah, of course I went to work. I was always on time²⁴, I almost never missed work. When you have four children you can't afford the luxury²⁵ of skipping work²⁶ all the time. You know how hard it is to find a good job. Besides²⁷, I really enjoyed working for that company.

Q: On that occasion, sir, how did you get to²⁸ your job? Did you walk?

A: Yes, yes, I walked to work as usual²⁹.

Q: Mr. Castro, what were the weather conditions³⁰ on the morning of April 4th?

A: Let's see³¹...that was a sunny morning even though it was still a little bit chilly³².

Q: Now, Mr. Castro, please tell us³³ what happened when you got to the intersection of North and Pine streets, the intersection you had to cross³⁴ in order to get to the print shop.

A: Well, when I got to the corner³⁵ of North and Pine³⁶, I stopped for a second to wait for the green light³⁷; as soon as the light changed I started to cross.

I swear³⁸ I hadn't walked more than three steps when I felt a huge blow³⁹

from behind. I next felt terrible pain in my left leg⁴⁰. I don't know exactly what happened. I only know that I fell forward; I went headlong⁴¹ into the pavement.

Q: Did you lose consciousness at this time⁴² Mr. Castro?

A: No, I didn't lose consciousness, but I was a little bit dazed⁴³, yeah.

Q: Mr. Castro, what was the first thing you noticed as you were lying there, face down⁴⁴ on the street?

A: Well, I remember feeling sharp pain⁴⁵ in my left leg, I tried moving it but I couldn't.

Q: Did anyone come to your assistance⁴⁶ at this time?

A: Quite a bit⁴⁷ of people started gathering around me, and I still⁴⁸ couldn't move my leg. Finally, someone told me not to move, that an ambulance was on its way⁴⁹. I did feel a little better⁵⁰ when I heard this.

Q: And...did the ambulance eventually⁵¹ arrive?

A: Yes, the paramedics arrived. They very carefully picked me up and placed me on a stretcher⁵²; then, while I was still strapped⁵³ to the stretcher, they lifted me into the ambulance and took me to the emergency room.

Q: What happens...I'm sorry⁵⁴, what happened once you were brought into the emergency room?

A: The nurses got there...sorry, the nurses cut off⁵⁵ the left leg of the pants I was wearing and started taking x-rays⁵⁶ of my leg with a portable machine they had there. They also hooked my right arm up to an IV⁵⁷ and drew⁵⁸ some blood.

Q: Go on⁵⁹ Mr. Castro, what else did they do for you at the hospital?

A: Well, at that time the doctor arrived. He injected me⁶⁰ with some anesthesia and I fell asleep. I don't know what happened after that.

Q: Mr. Castro did you lose consciousness⁶¹ at any time before the anesthesia was administered to you?

A: No, I didn't lose consciousness at any moment, though the pain was so⁶² bad I almost cried.

Q: I understand. When you came out⁶³ of the anesthesia, what happened? How were you feeling at that time?

A: Uh, I felt my head was very heavy and I was kind of out of it. My leg was hurting a lot, it was throbbing⁶⁴. When I was able to sit up on the bed, I saw they had put a cast⁶⁵ on me all the way from my big toe⁶⁶ to my groin.

Q: And...how long⁶⁷ did you have to stay at the hospital Mr. Castro?

A: I was there for about eight days.

Q: During your stay at the hospital, what else did the doctors do for you, if anything⁶⁸?

A: They didn't do much, really. The orthopedist⁶⁹ went to see me the next day and explained that, according to the x-rays⁷⁰, it looked like I had a broken femur, tibia or fibula⁷¹, but that he wasn't sure yet.

Q: Did they tell you⁷² anything else at that time Mr. Castro?

A: Uh, as it turned out, I had in fact broken my femur⁷³. I also had a dislocated⁷⁴ knee joint⁷⁵.

Q: Did the doctor, the orthopedist, did he say anything to you at this time? Anything else⁷⁶?

A: He explained that I had to try⁷⁷ and leave my leg still because that was the function of the cast they had put on me.

Q: And...what function⁷⁸ was that?

A: Well, to hold down⁷⁹ the fractured bones, so that they could properly fuse⁸⁰ together.

Q: Did the doctor prescribe⁸¹ any type of medicine for you while you were in the hospital Mr. Castro?

A: I think the only medicine they gave me were some painkillers⁸², because I was in a lot of pain. My leg felt swollen⁸³.

Q: Do you remember if the doctor gave you any medications to reduce⁸⁴ the swelling in your leg?

A: Yes, I think so.

Q: And...aside from the swelling and the pain in your leg, Mr. Castro, did you experience any other discomforts⁸⁵ during the time you were in the hospital?

A: Well, I couldn't sleep at night.

Q: Why was that Mr. Castro? Was it because of the pain?

A: It was simply because lying in bed all day made my body go numb⁸⁶. I also began to suffer⁸⁷ from terrible back pain. I guess the back pain was a result of⁸⁸ being in bed 24 hours a day⁸⁹.

Q: I understand. Thank you very much for your time Mr. Castro, we're all done⁹⁰ here.

A: You're welcome.

90 Scoring Units

Examination of Plaintiff in Accident Case

Q: Good morning sir, please state your name and spell it for the record.

A: Me llamo Manuel Antonio Castro Delgado.

Q: Mr. Castro, where do you presently reside?

A: Vivo en la calle **Willow número 199**¹, en el Bronx.

Q: **And**²...who do you live there with? Mr. Castro.

A: Vivo allí con mi esposa y **cuatro**³ hijos.

Q: Are you presently employed Mr. Castro?

A: **Actualmente**⁴ no. Usted sabe, después del accidente no he podido trabajar más; **he quedado muy mal**⁵.

Q: Well, before the accident, **were you employed**⁶?

A: Ah sí, por supuesto.

Q: What **type**⁷ of work did you do?

A: Trabajaba en una **imprenta**⁸.

Q: And... how long **had you been working**⁹ at the print shop before the accident?

A: Yo llevaba en ese trabajo **más de siete**¹⁰ años y me tenían muy bien considerado ahí, porque siempre he sido un **hombre correcto**¹¹ y cumplidor en todos mis asuntos.

Q: Yes, I understand. Now Mr. Castro, at the time this accident occurred, was your job within **walking distance**¹² from your home, or did you **have to take**¹³ a bus or train?

A: **Bueno**¹⁴, déjeme decirle, cuando yo empecé a trabajar en la imprenta, si vivía muy lejos; por eso mi esposa y yo decidimos **mudarnos**¹⁵ para el Bronx.

Q: Very well, please go on.

A: Tuvimos la inmensa dicha de conseguir un apartamento **que queda**¹⁶ a cinco cuadras de la imprenta. En muchas ocasiones, yo podía ir a casa a almorzar.

Q: **Would you say**¹⁷ that the print shop is located in a residential or in a commercial area?

A: Bueno, por esa zona hay algunas casitas muy bonitas. Pero **en sí**¹⁸, hay más negocios que casas. **Así que**¹⁹ yo diría que es una zona comercial.

Q: Now Mr. Castro I want you to **think back**²⁰ to the morning of **April 4th, 1983**²¹. Did you walk to work that day?

A: El 4 de abril fue el día del accidente, sí.

Q: Yes, but did you walk to work that day?

A: Sí, sí claro que fui a trabajar. Yo era **muy puntual**²², casi nunca faltaba a mi trabajo. Porque cuando uno tiene cuatro hijos, no puede **darse el lujo**²³ de estar faltando al trabajo a cada rato. Usted sabe lo difícil que es conseguir un buen empleo. **Además**²⁴, yo me sentía muy a gusto en esa empresa.

Q: On that occasion, sir, how did you **get to**²⁵ your job? Did you walk?

A: Si, si, me fui caminando **como de costumbre**²⁶.

Q: Mr. Castro, what were the **weather conditions**²⁷ on the morning of April 4th?

A: **A ver**²⁸... esa mañana hacía sol, aunque aún estaba un poquito **fresca**²⁹ la temperatura.

Q: Now, Mr. Castro, please **tell us**³⁰ what happened when you got to the intersection of North and Pine streets, the intersection you **had to cross**³¹ in order to get to the print shop.

A: Bueno, al llegar a **la esquina**³² de la **North con la Pine**³³, me detuve unos instantes porque aun no había cambiado la luz del **semáforo**³⁴. En cuanto cambió la luz, yo comencé a cruzar. Yo **le juro**³⁵ a usted que no había avanzado ni tres pasos cuando **sentí**³⁶ un tremendo golpe por detrás. Después sentí un dolor muy fuerte en la **pierna izquierda**³⁷. Yo no sé muy bien lo que pasó. Solo sé que me caí hacia adelante; me fui **de bruces**³⁸ contra la pista.

Q: Did you lose consciousness **at this time**³⁹ Mr. Castro?

A: No, no perdí el conocimiento, pero si me quedé un poquito **alelado**⁴⁰, eso sí.

Q: Mr. Castro, what was the first thing you noticed as you were lying there, face down on the street?

A: Bueno, yo recuerdo que **me ardía**⁴¹ mucho la pierna izquierda, traté de moverla pero no pude.

Q: Did anyone come to your **assistance**⁴² at this time?

A: **Se agrupó la gente**⁴³ a mí alrededor, y yo que no podía mover la pierna. Total que alguien me dijo que no me moviera, que la ambulancia estaba en camino. Yo **me serené**⁴⁴ un poco al oír esto.

Q: And... did the ambulance **eventually**⁴⁵ arrive?

A: Si, llegaron los del hospital. Me levantaron con mucho cuidado y me colocaron en una camilla; luego me montaron así, **amarrado**⁴⁶ a la camilla, en la ambulancia y me llevaron a la sala de emergencia.

Q: What happens... I'm sorry⁴⁷ what happened once you were brought into the emergency room?

A: Las enfermeras llegaron... perdón, las enfermeras rasgaron⁴⁸ la pata izquierda del pantalón que llevaba puesto⁴⁹ y empezaron a tomar radiografías de mi pierna con un aparato portátil que tenían allí. También me conectaron un tubo al brazo derecho y me sacaron⁵⁰ un poco de sangre.

Q: Go on⁵¹ Mr. Castro what else did they do for you at the hospital?

A: Bueno, en eso llegó el doctor. El me puso una inyección⁵² de anestesia y después de eso me dormí. No se lo que pasó después.

Q: Mr. Castro did you lose consciousness at any time before the anesthesia was administered to you?

A: No, en ningún momento perdí el conocimiento, aunque el dolor era tan agudo⁵³ que casi lloro.

Q: I understand. When you came out⁵⁴ of the anesthesia, what happened? How were you feeling at that time?

A: Yo sentí la cabeza muy pesada, y estaba como atontado. La pierna me dolía muchísimo, me latía⁵⁵. Cuando me pude incorporar un poco en la cama, vi que me habían colocado un yeso⁵⁶ desde el dedo gordo⁵⁷ hasta la ingle.

Q: And, how long did you have to stay at the hospital Mr. Castro?

A: Yo estuve allí aproximadamente ocho días.

Q: During your stay at the hospital, what else did the doctors do for you?

If anything⁵⁸.

A: En realidad no hicieron nada. El ortopédico⁵⁹ me fue a ver al día siguiente y me explicó que de acuerdo con las radiografías⁶⁰, parecía que me había fracturado o bien el fémur o bien la tibia o el peroné⁶¹; pero que no estaba seguro aún.

Q: Did they tell you⁶² anything else at that time Mr. Castro?

A: Después resultó que efectivamente me había fracturado el fémur. Además, se me había dislocado la articulación⁶³ de la rodilla⁶⁴.

Q: Did the doctor, the orthopedist, did he say anything to you at this time?

Anything else⁶⁵?

A: Me explicó que debía tratar⁶⁶ de mantener la pierna inmóvil porque el yeso que me habían puesto cumplía precisamente esa función.

Q: And... what function is that?

A: Pues esa, la de sujetar⁶⁷ los huesos fracturados, para que éstos se pudieran soldar⁶⁸ correctamente.

Q: Did the doctor prescribe⁶⁹ any type of medicine for you while you were in the hospital Mr. Castro?

A: Creo que el único medicamento que me dieron fueron los calmantes⁷⁰, porque sentía mucho dolor. Yo sentía que la pierna estaba hinchada⁷¹.

Q: Do you remember if the doctor gave you any medications to reduce⁷² the swelling in your leg?

A: Si, me parece que sí.

Q: And... aside from the swelling and the pain in your leg, Mr. Castro, did you experience any other discomforts⁷³ during the time you were in the hospital?

A: Bueno, por las noches no podía dormir.

Q: Why was that Mr. Castro? Was it because of the pain?

A: Simplemente porque, de estar en cama, inmóvil todo el día se me entumecía⁷⁴ el cuerpo. También empecé a padecer⁷⁵ de unos dolores de espalda horribles. Supongo que lo de la espalda era por el hecho⁷⁶ de que estaba en cama las 24 horas del día.

Q: I understand. Thank you very much for your time Mr. Castro, we're all done⁷⁷ here.

A: De nada.

TV Heist Defendant Testimony

- Q. Good morning sir, could you please state your name for the record¹?
- A. Good morning, my name is José Alfonso Quinteros².
- Q. Very well, I'm going to ask you to think back to November 12, 2011³. Do you remember that date?
- A. Yes, of course I remember. You know⁴, there are things we are never able to forget.
- Q. Let me back up⁵ a bit. Have we met before?
- A. Yes ma'am, you and I have had several⁶ conversations.
- Q. As a result of those conversations, did you plead⁷ guilty to distribution of stolen property⁸?
- A. Well, uh, I plead guilty because my lawyer advised me⁹ to tell the truth. So¹⁰, yes ma'am.
- Q. What, if anything¹¹ did you get in return for pleading guilty?
- A. Nothing, for now¹². If I tell the truth here, you are supposed to¹³ notify the judge so I may be considered¹⁴ at the moment of sentencing.
- Q. Before being arrested¹⁵ in this case, was most of your income¹⁶ derived from illegal activities?
- A. I'm embarrassed to admit it, but honestly I was in a rough spot¹⁷ and that led me¹⁸ to commit some crimes. I just want the judge to know that I never¹⁹ hurt anyone.
- Q. Very well. What did you do for a living²⁰ before beginning a life of crime²¹?
- A. I have been working²² since I was very young. Before my father passed away²³, he used to take me to his shop²⁴, and that's where I learned to be a mechanic.

Before all my problems I was employed at **Briggs Auto Service**²⁵, as a truck mechanic.

- Q. Please tell us who the owner of that shop was, if you know.
- A. The owner was some **gringo**²⁶ named Steven Briggs, but he was never around. **As a matter of fact**²⁷, I started working there and never knew who the owner was.
- Q. **Sir**²⁸, did you ever have the opportunity to meet **Mr. Briggs**²⁹?
- A. I'm not **quite**³⁰ sure of the exact date, but I know I first spoke with him sometime **late October 2011**³¹.
- Q. How did you **come to meet**³² Mr. Briggs? Did someone **introduce you**³³ to him?
- A. No, I was never introduced. He just showed up one day **out of the blue**³⁴ to tell us he was closing down the shop because it was not making enough **revenue**³⁵. That same day he offered us a job so we could make a little extra **dough**³⁶.
- Q. Let me interrupt you there **for one second**³⁷... when you say "we", who are you referring to?
- A. Well, I'm talking about me and some of my friends... one of them was named Francisco but we all called him **Pancho Pantera**³⁸, and a **buddy**³⁹ of mine from my country called Ismael.
- Q. Go on, what did Mr. Briggs say to you, what kind of **deal**⁴⁰ did he offer?
- A. Uh, well supposedly we were going to receive a cargo shipment from **God knows where**⁴¹ and he wanted us to unload it. **I had a bad feeling about it**⁴², because we had to do it in the middle of the night and present some **fake IDs**⁴³ that he gave us.
- Q. Did he tell you that what **you would be**⁴⁴ doing was illegal?

- A. Of course not, but I'm no dummy⁴⁵. There was obviously something rotten⁴⁶ about the whole situation. I should have known better⁴⁷.
- Q. Go on⁴⁸; please explain to the Court⁴⁹ what you needed to do on that occasion.
- A. We had to go to the West Baltimore shipyard⁵⁰, it was important that we should arrive to dock 17⁵¹ before midnight and look for a container on a cargo ship. Since I'm a mechanic, I was asked to bring some tools: a ratchet, a hacksaw⁵² and a blowtorch⁵³.
- Q. So you and your friends agreed to help⁵⁴ Mr. Briggs unload said container, is this correct? On the day in question⁵⁵ what did you and your accomplices⁵⁶ actually do?
- A. Me and my boys were in a van we used to pick up spare parts⁵⁷. I was nervous because of the papers we had to present to the guard because I knew they weren't legit⁵⁸. But the guy⁵⁹ let us in so we went to find the container.
- Q. So please tell us again the date that these events⁶⁰ took place in and, if you remember⁶¹, the exact time you spoke with the security guard?
- A. The Baltimore thing happened November 12, 2011, and when we arrived it was exactly 12:10 am⁶².
- Q. Well, Mr. Quinteros, it's been a while⁶³ since that happened. How come⁶⁴ you remember so many details?
- A. As I said⁶⁵, there are things you just never forget. We were supposed to get in out in less than an hour... before the shift change⁶⁶... but it took us too long and we were late. The boss had given me a crude sketch⁶⁷ of the area and when I looked at it I noticed⁶⁸ the time on his watch.

- Q. I'm showing you what has been previously marked as **Exhibit 22**⁶⁹ for the **prosecution**⁷⁰, is this the map you are referring to?
- A. Yes. We were looking for the registration number on the side of the ship's **hull**⁷¹. Let's see... um, **F081956**⁷². When we found it, I got up to the door and I got on the **ladder**⁷³ that we had brought. Afterwards, in order to remove one of the panels above us I torched the bolts while Ismael loosened them and Pancho Pantera removed them.
- Q. I see, so after you started working on the container's door, did all the **bolts**⁷⁴ come off quickly or did you have any difficulties?
- A. No, it sure wasn't easy. In fact one of the bolts **wouldn't budge**⁷⁵ and broke off, luckily I had a **spare**⁷⁶. We were trying to leave everything the same way we found it.
- Q. Once you took the panel off, what did you do then?
- A. Well, we immediately started unloading the container. We got out about 20, 25 **42** **inch**⁷⁷ flat screen televisions. That took us about an hour. After we were done we replaced the panels, got in the truck and **immediately**⁷⁸ left for Briggs' workshop.
- Q. I see, can you please tell us how long the **whole**⁷⁹ operation took?
- A. From the time we arrived to the time we left it was about an hour and **57 minutes**⁸⁰. Of course, I'm not counting the time it took us to get to Baltimore and back. I'm **just**⁸¹ referring to the time inside the dock.
- Q. Sounds to me like you ran a very well organized **operation**⁸², right?
- A. Well Miss... **we were hired**⁸³ because of the fact that we are professionals.

- Q. So you went back to the shop after you had loaded your truck. By the way⁸⁴, where exactly was Steven Briggs' shop located?
- A. At the time, the shop was on Elton Street, very close to where I used to live⁸⁵. I'm not sure if Mr. Briggs would still own a shop there... know what I mean⁸⁶?
- Q. On that occasion sir, did you get paid for the job that you and your buddies so professionally executed?
- A. Uh, no one ever gave me money, I was just given 4 of the fucking⁸⁷ T.V's that we unloaded from the container. That's why I was so pissed off with the boss. I thought we were getting some cash, not some stupid TVs. What an asshole⁸⁸!
- Q. Mr. Quinteros, please keep your cool⁸⁹. I'm sure the judge doesn't appreciate you using foul language in the courtroom. What did you do with the television sets?
- A. Oops! I'm sorry, but the truth is that every time I think about what he did to me and my boys⁹⁰... Now, with the whole T.V thing... I kept one of them, and sold another one. The other two were in my mom's garage.
- Q. How did you manage⁹¹ to sell that one television set? I mean you didn't have any paperwork or receipts⁹² for it, right?
- A. You see, that's where I screwed up⁹³. I called one of those radio shows, on 680 LPAM station. They offer free advertising for when you want to sell something, so I placed an ad. After a few hours I got a call from some Guatemalan⁹⁴
- Q. How much did you charge that individual for the stolen TV?
- A. I asked for \$750.00, but we haggled⁹⁵ for a bit and finally settled for \$500.00 cash. He paid me right then and there with five Benjamins⁹⁶
- Q. Not a bad take⁹⁷ for less than two hours of work, huh?

- A. That's what I thought, but now it looks like I'm going to spend **at least**⁹⁸ seven years of my life in the **slammer**⁹⁹.
- Q. **Good point**¹⁰⁰... Your Honor... could I have a few minutes to check my notes...? I think I'm almost done.

Defendant's Testimony

- Q. Good morning sir, could you please state your name for the record¹?
- A. Me llamo José Alfonso Quinteros².
- Q. Very well, I'm going to ask you to think back to November 12, 2011³. Do you remember that date?
- A. Por supuesto que la recuerdo. Usted sabe⁴ que hay cosas que uno nunca olvida.
- Q. Let me back up⁵ a bit. Have we met before?
- A. Sí señora, usted y yo hemos conversado⁶ varias veces.
- Q. As a result of those conversations, did you plead guilty⁷ to distribution of stolen property⁸?
- A. Bueno, usted sabe, me declaré culpable porque mi abogado me aconsejó que dijera la verdad, sí señora.
- Q. What, if anything⁹, did you get in return¹⁰ for pleading guilty?
- A. Por ahora nada. Si digo la verdad aquí, se supone que usted se lo diga a la juez¹¹ para que me considere al momento de imponer la sentencia.
- Q. Before being arrested¹² in this case, was most of your income¹³ derived from illegal activities¹⁴?
- A. Me da pena admitirlo, pero la verdad es¹⁵ que la necesidad me llevó a cometer algunos delitos¹⁶. Lo que quiero que sepa el juez es que yo nunca lastimé¹⁷ a nadie.
- Q. Very well. What did you do for a living before beginning a life of crime¹⁸?

- A. Yo he trabajado desde muy joven. Antes de fallecer¹⁹ mi padre me llevaba a su taller, ahí fue donde aprendí de mecánica. Antes de mis problemas trabajaba en un taller de mecánica²⁰ de camiones, Briggs Auto Service.
- Q. Please tell us who the owner²¹ of that shop was, if you know²².
- A. El dueño es un gringo²³ que se llama Steven Briggs²⁴, pero él nunca estaba allí en el taller. Es más²⁵, yo empecé a trabajar ahí y ni siquiera sabía²⁶ quién era el dueño del negocio.
- Q. Sir, did you ever have the opportunity to meet²⁷ Mr. Briggs?
- A. Pues no sé la fecha exacta, pero sé que hablé con él por primera vez a finales²⁸ de octubre del 2006.
- Q. How did you come to meet Mr. Briggs? Did someone introduce you²⁹ to him?
- A. No nadie me lo presentó, simplemente³⁰ él llegó un día a decirnos³¹ que iba a cerrar el taller porque no producía ganancias³², pero ese mismo día nos ofreció un negocio para que nos ganáramos un poco de plata³³.
- Q. Let me interrupt you for a second here... when you say "we", who are you referring to³⁴?
- A. Oh, bueno, hablo de mí mismo y de dos amigos...uno se llama Francisco, pero todos le decimos Pancho Pantera³⁵ y un compa de mi país que se llama³⁶ Ismael.
- Q. Go on, what did Mr. Briggs say to you, what kind of deal did he offer?
- A. Ah, pues supuestamente iba a llegar un cargamento de no sé dónde³⁷ y él quería que le ayudáramos a descargar³⁸ el camión. A mí me dió mala espina

porque había que hacerlo de noche y teníamos que llevar unas **credenciales**³⁹ que nos entregó.

- Q. Did he tell you that what you **would be doing**⁴⁰ was illegal?
- A. Claro que no, pero yo **no soy ningún tonto**⁴¹, era obvio que había **gato encerrado**⁴²...
- Q. Go on; please explain to **the Court**⁴³ what you needed to do on that occasion.
- A. Teníamos que ir al Puerto de Baltimore y nos dijo que era muy importante que **Ilegáramos**⁴⁴ antes de la medianoche, porque se suponía que iba a llegar un **bueque**⁴⁵ de no sé dónde. Como soy mecánico, me pidieron que llevara mis herramientas, lubricantes y un **soplete**⁴⁶.
- Q. So you and your friends **agreed**⁴⁷ to help Mr. Brigss unload the truck. On the day in question what did you and your **accomplices**⁴⁸ actually do?
- A. Fuimos los tres... Ismael, el Pantera y yo en un **camión de carga**⁴⁹ que usábamos en el taller para ir a recoger **refacciones**⁵⁰. Al llegar al puerto entregamos los **papeles falsos**⁵¹ al guardián que estaba cuidando la entrada. El **tipo**⁵² nos dejó pasar y fuimos a buscar el **furgón**⁵³.
- Q. So please tell us **again**⁵⁴ the date that these **events**⁵⁵ took place and, if you remember, at what time **did you talk**⁵⁶ to the security guard?
- A. Lo de Baltimore sucedió el 12 de noviembre del 2011 y cuando entramos al lugar eran exactamente las **12:10 a.m**⁵⁷.
- Q. Well, Mr. Quinteros, **it's been a while**⁵⁸ since that happened. **How come**⁵⁹ you remember so many details?

- A. Vuelvo y le repito⁶⁰, hay cosas que no se olvidan. Se suponía que entráramos y saliéramos sin demora en menos de una hora... antes del cambio de turno⁶¹... y ya íbamos tarde⁶². El jefe me había dado un croquis⁶³ y cuando lo miré también me fijé⁶⁴ en la hora
- Q. I'm showing you what has been previously marked as Exhibit 22⁶⁵ for the prosecution, is this the map you are referring to?
- A. Sí. Buscamos el furgón número... a ver... el F081956⁶⁶. Cuando lo encontramos, me acerqué a la puerta y me trepé⁶⁷ en la escalera que traíamos⁶⁸. Después, para quitar unos de los paneles de arriba, calenté los pernos⁶⁹ con el soplete mientras Ismael los aflojaba⁷⁰ y el Pantera los sacaba.
- Q. I see, so after you started working on the container's door, did all the bolts come off⁷¹ quickly or did you have any difficulties?
- A. No, fácil no fue, de hecho, uno de los pernos no cedía⁷² y finalmente se rompió, pero lo bueno fue que yo traía repuestos.⁷³ La idea era dejar el furgón en las mismas condiciones en que lo encontramos.
- Q. Once you took the panel off, what did you do then?
- A. Pues inmediatamente empezamos a descargar el furgón. Sacamos como⁷⁴ 20 televisores de pantalla plana de 42 pulgadas. Eso nos llevó menos de una hora. Posteriormente colocamos⁷⁵ los paneles en su lugar y cuando terminamos nos montamos en el camión y nos fuimos inmediatamente al taller de Briggs.
- Q. I see, can you please tell us how long did the whole operation⁷⁶ take?
- A. Desde que entramos hasta que nos fuimos fueron 57 minutos. Claro que eso es sin tomar en cuenta⁷⁷ el tiempo que nos llevó manejar a Baltimore y de regreso.

Yo solo me refiero al tiempo que estuvimos dentro del área de seguridad⁷⁸ del puerto.

- Q. Sounds to me like you ran⁷⁹ a very well-organized operation, right?
- A. Bueno señorita, el jefe⁸⁰ nos contrató precisamente porque somos profesionales.
- Q. So you went back to the shop after you had loaded your truck. By the way, where exactly was Steven Briggs' shop located⁸¹?
- A. En ese entonces el taller se ubicaba en la calle Elton muy cerca de donde yo vivía⁸². Ahorita mismo no sé si el Señor Briggs tendrá algún negocio ahí o no, ¿me explico⁸³?
- Q. On that occasion sir, did you get paid for the job⁸⁴ that you and your buddies⁸⁵ so professionally executed?
- A. Bueno a mí nadie me dió dinero, sólo me regalaron cuatro de los televisores de pantalla plana⁸⁶ que sacamos del furgón. Por eso fue que terminé disgustado⁸⁷ con el patrón, yo pensé que nos iba a pagar con dinero no con malditos televisores. Que hijo de puta⁸⁸.
- Q. Mr. Quinteros, please keep you cool⁸⁹. I'm sure the judge doesn't appreciate⁹⁰ you using that kind of language in the courtroom⁹¹. What did you do with the television sets?
- A. Ay! Dígale que me perdone⁹², pero la verdad cada vez que pienso en lo que nos hizo a mí y a mis compas⁹³... Ahora con lo de los televisores... pues yo me quedé con uno de ellos y otro lo vendí. Tenía los otros dos en la cochera⁹⁴ de la casa de mi mami⁹⁵.

- Q. How did you manage⁹⁶ to sell that one television set? I mean you didn't have any paperwork⁹⁷ or receipts⁹⁸ for it, right?
- A. Bueno, ahí fue que metí la pata⁹⁹, llamé a uno de esos programas de la radio, a la radiodifusora¹⁰⁰ 680 LPAM, La Preferida. Ellos ofrecen anuncios¹⁰¹ gratis si uno quiere vender algo; yo anuncié uno de los televisores. Después de un par¹⁰² de horas, me llamó un guatemalteco¹⁰³.
- Q. How much did you charge¹⁰⁴ that individual for the stolen¹⁰⁵ TV?
- A. Yo le pedía \$750.00, pero estuvimos regateando¹⁰⁶ un rato y finalmente pactamos¹⁰⁷ en \$ 500.00 en efectivo. Me pago ahí mismo con 5 billetes de \$100.00.
- Q. Not a bad take¹⁰⁸ for less than an hour of work, huh¹⁰⁹?
- A. Eso pensé yo, pero ahora resulta¹¹⁰ que me va a costar 7 años de mi vida.
- Q. Good point¹¹¹. Your Honor, could I have a few minutes to check my notes. I think I'm almost done.
-

Amparito Luna

Honorable Juez Long:

Mi nombre es Amparito Luna, nacida el 2 de septiembre de 1955, en Quito - Ecuador, siendo mi nacionalidad ecuatoriana y mi lugar de residencia Quito - Ecuador.

Desde 1994 he visitado los Estado Unidos en calidad de turista. El 27 de agosto del presente, mientras realizaba varias compras, fui detenida por el personal de seguridad de la tienda Macys del Florida Mall por haber sacado de la tienda un probador de perfume, sin precio marcado, para que fuera percibido por mi esposo quien se encontraba a la salida de la tienda al interior de la plaza comercial.

Esta situación fue considerada por el personal de seguridad como intento de robo del mencionado probador. Este hecho fué hecho del conocimiento de la policía del Condado de Orange en Orlando, por lo que fui arrestada y conducida a prisión.

Posteriormente y luego del pago de la fianza correspondiente recuperé mi libertad. Por lo anterior debía presentarme en el Juzgado de su Presidencia el 8 de octubre del 2002 y responder por el caso: N° 4820022 - MM levantado en mi contra.

Por ser ciudadana ecuatoriana y encontrarme residiendo en mi país Ecuador, no me es posible presentarme ante usted en la fecha indicada y responder por el cargo levantado en mi contra, por lo que solicito a usted que se me permita responder por correo.

De usted atentamente

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De usted atentamente²⁵

Chesco Robbery

Pair Arrested in Chesco Robbery

A man who allegedly robbed an elderly Chester County woman, hit her, tied her hands together, and took her medical alert button to prevent her from alerting police was arrested Sunday night with an accomplice in Delaware.

Leonard Bernard, 36, of Philadelphia, and Brianna Mitchell, 41, of Spring City were found at a motel in Dover and arrested after police there received a tip. They are being charged with robbery, burglary, aggravated assault, kidnapping, criminal conspiracy and related charges, according to police.

Police said Bernard forced his way into the 76-year-old woman's West Whiteland Township apartment in the Exton Crossing development around 6:20 p.m. Saturday. He threatened to cut the woman, who lives alone, police said.

He took the woman's wedding ring, necklace and watch off of her, according to police. Bernard is accused of emptying out drawers in various rooms in her home. Police said he knew exactly where the woman kept jewellery.

His accused accomplice, Mitchell, worked until last month for Caring Bridge, a home health care company the elderly woman used, according to police. Mitchell called the woman an hour or so before the robbery. Police believe she was making sure the woman was home.

After the robbery, Bernard is accused of smacking the woman, pushing her to the ground, and tying her hands together.

(225 words)

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ENGLISH TO NON-ENGLISH SIGHT TRANSLATION- SHORT EXAM

Pre-Sentence Report

According to the Orange City Police Department on September 15, 2012, at approximately 7:12 PM, the defendant John Medina along with two other males entered an auto parts store and committed the offense of armed robbery. The suspects were pretending to shop for windshield wipers when the store clerk approached them. One of the suspects brandished a gun. Meanwhile, the defendant emptied the cash register. In an interview the defendant stated the following: "I was at a friend's house when I was offered a ride from North Carolina to Orlando by these people I barely knew and then I ended up getting arrested". And he added, "My plans were to visit a sick friend, but as the saying goes "no good deed goes unpunished!".

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Opening Statement by the Prosecution

Good afternoon, ladies and gentlemen of the jury, my name is Maria Foster and I am the prosecutor¹ in this case. As the Judge informed you at the beginning of the trial, the defendant Salvador Sánchez has been charged² with two counts of attempted murder as well as other serious felonies³. This opening statement is my opportunity to tell you briefly⁴ what I believe the evidence in this case will show.

Going back to February 24th⁵ of this year it was about midnight or a little after⁶ that and a couple of guys that have been friends for a number⁷ 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 while⁸, knew who he was and knows a friend of the defendant named Jon Guzman⁹ who was also present at the party.

At any rate¹⁰, at some point, everybody left the party, several people were hanging out¹¹ in the parking lot, it's probably after two o'clock¹² at this point¹³; 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 point¹⁴, there appeared¹⁵ to be somewhat of a heated¹⁶ argument between Jerry and the defendant but that was it.

Everybody got in their cars and went home -- or actually¹⁷ went back to Jerry's place. In other words, Jerry, Vance and the friend from out of town¹⁸ went to Jerry's residence¹⁹, it's a duplex²⁰ 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 some²¹ music and talking. Not too much²² time goes by and there is²³ 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 buddy²⁴, Jon Guzman.

Jerry stepped²⁵ 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 attempting²⁶ to close the door when the defendant forced his way into Jerry's house and got inside the house followed by²⁷ his friend Guzman.

Following²⁸ there was some pushing, of course, since Jerry had tried to close the door, and a fight broke out²⁹ inside the victim's house. Out of nowhere³⁰, the defendant pulls out a firearm³¹ and starts shooting at³² Jerry. Jerry is hit³³ several times, so he turns around and runs away from the scene. Vance comes to help out³⁴ and he is also shot once, there was a struggle between Vance and this³⁵ defendant.

The other fellow Jon Guzman is basically³⁶ 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 panicking³⁷, he goes into a closet, it wasn't like a big walk-in closet³⁸, it was just³⁹ 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 fairly⁴⁰ big guy⁴¹ and he can't really⁴² hide in the closet. Next thing he knows⁴³, he hears a voice⁴⁴ coming from somewhere in the room saying; "this is for you" and then more shots ring out⁴⁵. Vance felt⁴⁶ that he had been shot again but remained still, playing dead and hoping that the shooter⁴⁷ would leave.

You will hear Vance telling you how he remained in that closet bleeding, in pain and not knowing⁴⁸ 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 turned⁴⁹ over. All this time he forced himself⁵⁰ to remain quiet so the defendant wouldn't come back and finish him off⁵¹.

Meanwhile Jerry, who had been⁵² 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 managed⁵³ to escape through a window and run to a nearby convenience store⁵⁴ to ask for help. The store's clerk and gave the phone to the friend who proceeded to inform⁵⁵ the police about the events that had just occurred. Later during the trial, you will get the chance⁵⁶ to listen to the tape of that call to the emergency operator.

Shortly⁵⁷ after the shootings, the defendant and his friend took off⁵⁸ in their vehicle. Soon after, police arrive, paramedics⁵⁹ arrive and both men, Vance and Jerry, are taken by helicopter to a nearby⁶⁰ hospital. The first officer on the scene got a description of the perpetrators⁶¹ and the get-away car from both victims and their friend and proceeded to radio his dispatcher⁶² with the information.

You will have the opportunity⁶³ to hear more about the details of this case as we present⁶⁴ 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 doubt⁶⁵, that this defendant did attempt to commit murder upon⁶⁶ Vance Smith and Jerry Silva, did commit aggravated⁶⁷ battery upon them, did burglarize⁶⁸ the house and should be convicted of attempted felony⁶⁹ murder.

Thank you very much⁷⁰ for your attention⁷¹.

Cochran Closing

You are empowered to do justice. You are empowered to ensure that this great system of ours, works. Listen for a moment, will you, please. One of my favorite people in history is the great Frederick Douglass. He said shortly after the slaves were freed, quote, "In a composite nation like ours as before the law, there should be no rich, no poor, no high, no low, no white, no black, but common country, common citizenship, equal rights and a common destiny." This marvelous statement was made more than 100 years ago. It's an ideal worth striving for and one that we still strive for. We haven't reached this goal yet, but certainly in this great country of ours, we're trying.

From the very first orders issued by the LAPD so-called brass, they were more concerned with their own images, the publicity that might be generated from this case than they were in doing professional police work. That's why this case has become such a hallmark and that's why Mr. Simpson is the one on trial. But your verdict in this case will go far beyond the walls of Department 103 because your verdict talks about justice in America and it talks about the police and whether they're above the law and it looks at the police perhaps as though they haven't been looked at very recently. (227)

Remember, I told you this is not for the naive, the faint of heart or the timid. So it seems to us that the evidence shows that professional police work took a backseat right at the beginning. Untrained officers trampled--remember, I used the word in opening statement--they traipsed through the witnesses, through the, through the evidence. And it was interesting because the prosecution didn't agree with that at the beginning but later on in this trial we heard Mr. Goldberg and talking to witnesses use my words traipsing through the witness scene that scene at Bundy, used my words because they understood we knew what we were talking about we were able to demonstrate it through the videos. They delayed unconscionably routine procedures in notifying the Coroner's they didn't call the criminal staff on time and, yes they allowed this investigation to be infected by a dishonest and corrupt detective... they did that in this case, and they may want to back away from it all they

want but that is very important as you are going to see to this case and the resolution of my client's innocence. (191)

Because of their bumbling, they ignored the obvious clues. They didn't pick up paper at the scene with prints on it. Because of their vanity, they very soon pretended to solve this crime and we think implicated an innocent man, and they never, they never ever, looked for anyone else. We think if they had done their job as we have done, Mr. Simpson would have been eliminated early on.

And so this case is not, let me say it at the onset, is not about attacking the Los Angeles Police Department. We are not anti-police in making these statements, you are not anti-police. We all need the police, I just said, there is so much crime in this country, we need the police. But what we need, what we must demand, what all of us should have are honest, effective, non-biased police officers. Who could demand less? Can any of you say that's not what we should have?

Like the defining moment in this trial, the day Mr. Darden asked Mr. Simpson to try on those gloves and the gloves didn't fit, remember these words; if it doesn't fit, you must acquit. And we are going to be talking about that throughout. (203)

So to summarize, if you take the witnesses that we presented who stand unimpeached, unimpeached, and if you are left with dogs starting to bark at 10:35 or 10:40, 10:40 let's say--and we know from the most qualified individuals, Henry Lee and Michael Baden, this was a struggle that took from five to 15 minutes. It's already 10:55. And remember, the thumps were at 10:40 or 10:45--O.J. Simpson could not be guilty. He is then entitled to an acquittal. And we have talked to you and you have heard from The Court and my colleagues talked to you about this whole idea about circumstantial evidence. I want to talk a little bit more about that now. We've shown you the incredible evidence that it would be impossible... OJ could not, would not, did not commit these crimes and when you have a circumstantial evidence case this becomes very, very important; the prosecution must then disprove our timeline beyond a reasonable doubt and if they don't... you must acquit. (170)

Good morning, my name is Judge De Alessandro. In just a moment I am going to call the **Protection from Abuse**¹ cases scheduled for today. But first I am going to explain the **procedure**² that will be followed in these cases.

In each of these cases, someone has come to court requesting a **court order**³ of protection against someone else. The person who starts the case is the **Plaintiff**⁴ and the person who has been brought to court is the **Defendant**⁵.

All of the cases I am **about to**⁶ call are scheduled for **hearing**⁷ today so all Plaintiffs and Defendants **must be**⁸ ready with all their witnesses and evidence if a trial is needed in the case. I am going to call the Plaintiff's name and the Defendant's name. If the Plaintiff does not answer, I **will assume**⁹ that person is no longer **pursuing**¹⁰ the case and the case will be **dismissed**¹¹.

If the Plaintiff is here and the Defendant does not answer, what happens next depends on whether the Defendant has been **served**¹² with the **complaint**¹³ as the law requires.

If not, then **the case**¹⁴ cannot proceed today and will be **continued**¹⁵ or postponed to a future date. If there is a temporary order in the case, **it continues**¹⁶ in effect until the next court date.

If the Defendant has been served and **fails to answer**¹⁷, I will assume the Defendant has chosen **not to contest**¹⁸ the case and will **ordinarily**¹⁹ **grant**²⁰ the Plaintiff a court order of protection.

If **both**²¹ parties are present, then I am **going to try**²² to determine whether **a trial**²³ is needed or not. **Most**²⁴ cases of this **kind**²⁵ are not resolved through a trial even when both parties are in court.

Sometimes the Plaintiff chooses not to proceed. If I hear that in any case today, I am going to **make sure**²⁶ the Plaintiff is **acting**²⁷ voluntarily **without anyone**²⁸ pressuring them. In some other cases, the Defendant **is not opposed**²⁹ to the Plaintiff getting a court order of protection. In many cases, court orders are **issued**³⁰ without a trial based on the parties **agreeing**³¹ that the court should **approve**³² an order. The Plaintiff gets a court order that can have the same **level**³³ of protection as a court order issued after a trial. A court order issued **by agreement**³⁴ contains no decision that the Defendant has or **has not done**³⁵ anything **wrong**³⁶. Both parties **benefit**³⁷ by not having to wait for a trial to be **scheduled**³⁸, and both parties **avoid**³⁹ the **uncertainty**⁴⁰ and stress of a trial. So in any case where both parties are here, I am going to ask the Plaintiff and the Defendant whether each of them **is willing**⁴¹ to consider the **possibility**⁴² of a court order

by agreement. If you say "Yes", all you are saying is that you are open to the possibility--you are not committing yourself⁴³ to agreeing to anything.

There should be no contact or discussion between a Plaintiff and a Defendant in a case. In some cases, there are temporary orders in effect that prohibit contact, and I am directing⁴⁴ that there be no⁴⁵ contact, whether or not there is an order in effect. Sometimes a lawyer involved in the case or a representative of an advocacy⁴⁶ group can be a go-between⁴⁷ to explore whether agreement on a court order is possible. If the parties to a case can agree on a court order, there is no trial. On the other hand⁴⁸, if an agreement as to what should happen is not reached, the parties still have a right to a trial.

If there is a trial in any case, the Plaintiff presents evidence first, because the Plaintiff has the burden of proof⁴⁹: First, the Plaintiff has to prove that the Plaintiff and Defendant are family or household⁵⁰ members. This means generally that the parties in a protection from abuse case must be related by blood⁵¹, or be married, or have had a sexual relationship. Plaintiff also must prove that the defendant committed abuse against the Plaintiff.

The law defines abuse to mean any one or more of the following kind of conduct:

* assaulting or attempting to assault someone as to cause injury or offensive physical contact, including sexual assaults⁵²

* threatening someone in a way that would put that person in reasonable fear of bodily harm⁵³

* putting someone in reasonable fear of bodily injury through a course⁵⁴ of conduct

* stalking someone to the point that they are in reasonable fear of bodily harm

* forcing someone to do something against their will or preventing them⁵⁵ from doing something that they have a right⁵⁶ to do

In deciding what evidence to present, the Plaintiff and the Defendant should keep in mind the

limitations of what evidence the court⁵⁷ can consider. There are three major⁵⁸ requirements: First, evidence must be relevant or have a bearing to the issues⁵⁹ in the case.

Second, hearsay evidence⁶⁰ is not allowed. Third, evidence should not be repetitive.

The Plaintiff and the Defendant each have the right to testify⁶¹, and they each have the right to call⁶² other witnesses to testify. Whether you are a Plaintiff or a Defendant, you should be prepared to ask questions⁶³ to your own witnesses. You also have a right to cross examine⁶⁴, or ask questions to the other party's⁶⁵ witnesses. The judge may also exercise⁶⁶ control over what kinds of questions can be asked, and may require each party to present their questions through the court, so that the judge is actually⁶⁷ questioning the witnesses based on what questions the party wants to be asked.

In cases involving children, the court can make decisions about parental rights⁶⁸ and responsibilities, and the parties can present evidence to help the court make decisions in the best interests⁶⁹ of the children.

After both parties have presented their evidence, the trial ends. The judge may make a decision on the spot⁷⁰, or may wait until later. This is called taking the case under advisement⁷¹. If the judge decides the Plaintiff has proved abuse, the court will issue an order of protection from abuse. On the other hand, if the judge decides Plaintiff has not proved⁷² abuse, the case is terminated without further⁷³ order.

Either party has the right to appeal⁷⁴ a decision made over their objection. You can get more information about the appeal process from the clerk⁷⁵.

ORDER OF PROTECTION

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All of the cases I am about to call are scheduled for hearing today so all Plaintiffs and Defendants must be ready with all their witnesses and evidence if a trial is needed in the case. I am going to call the Plaintiff's name and the Defendant's name. If the Plaintiff does not answer, I will assume that person is no longer pursuing the case and the case will be dismissed.

If the Plaintiff is here and the Defendant does not answer, what happens next depends on whether the Defendant has been served with the complaint as the law requires.

If not, then the case cannot proceed today and will be continued or postponed to a future date. If there is a temporary order in the case, it continues in effect until the next court date.

If the Defendant has been served and fails to answer, I will assume the Defendant has chosen not to contest the case and will ordinarily grant the Plaintiff a court order of protection.

If both parties are present, then I am going to try to determine whether a trial is needed or not. Most cases of this kind are not resolved through a trial even when both parties are in court. Sometimes the Plaintiff chooses not to proceed. If I hear that in any case today, I am going to make sure the Plaintiff is acting voluntarily without anyone pressuring them. In some other cases, the Defendant is not opposed to the Plaintiff getting a court order of protection. In many cases, court orders are issued without a trial based on the parties agreeing that the court should approve an order.

The Plaintiff gets a court order that can have the same level of protection as a court order issued after a trial. A court order issued by agreement contains no decision that the Defendant has or has not done anything wrong. Both parties benefit by not having to wait for a trial to be scheduled, and both parties avoid the uncertainty and stress of a trial. So in any case where both parties are here, I am going to ask the Plaintiff and the Defendant whether each of them is willing to consider the possibility of a court order by agreement. If you say "Yes", all you are saying is that you are open to the possibility--you are not committing yourself to agreeing to anything.

There should be no contact or discussion between a Plaintiff and a Defendant in a case. In some cases, there are temporary orders in effect that prohibit contact, and I am directing that there be no contact, whether or not there is an order in effect. Sometimes a lawyer involved in the case or a representative of an advocacy group can be a go-between to explore whether agreement on a court order is possible. If the parties to a case can agree on a court order, there is no trial. On the other hand, if an agreement as to what should happen is not reached, the parties still have a right to a trial.

If there is a trial in any case, the Plaintiff presents evidence first, because the Plaintiff has the burden of proof: First, the Plaintiff has to prove that the Plaintiff and Defendant are family or household members. This means generally that the parties in a protection from abuse case must be related by blood, or be married, or have had a sexual relationship. Plaintiff also must prove that the defendant committed abuse against the Plaintiff.

The law defines abuse to mean any one or more of the following kind of conduct:

1. assaulting or attempting to assault someone as to cause injury or offensive physical contact, including sexual assaults
2. threatening someone in a way that would put that person in reasonable fear of bodily harm
3. putting someone in reasonable fear of bodily injury through a course of conduct
4. stalking someone to the point that they are in reasonable fear of bodily harm
5. forcing someone to do something against their will or preventing them from doing something that they have a right to do.

In deciding what evidence to present, the Plaintiff and the Defendant should keep in mind the limitations of what evidence the court can consider. There are three major requirements:

First, evidence must be relevant or have a bearing to the issues in the case.

Second, hearsay evidence is not allowed.

Third, evidence should not be repetitive.

The Plaintiff and the Defendant each have the right to testify, and they each have the right to call other witnesses to testify. Whether you are a Plaintiff or a Defendant, you should be prepared to ask questions to your own witnesses. You also have a right to cross examine, or ask questions to the other party's witnesses. The judge may also exercise control over what kinds of questions can be asked, and may require each party to present their questions through the court, so that the judge is actually questioning the witnesses based on what questions the party wants to be asked.

In cases involving children, the court can make decisions about parental rights and responsibilities, and the parties can present evidence to help the court make decisions in the best interests of the children.

After both parties have presented their evidence, the trial ends. The judge may make a decision on the spot, or may wait until later. This is called taking the case under advisement. If the judge decides the Plaintiff has proved abuse, the court will issue an order of protection from abuse. On the other hand, if the judge decides Plaintiff has not proved abuse, the case is terminated without further

order. Either party has the right to appeal a decision made over their objection. You can get more information about the appeal process from the clerk.