

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.

Methamphetamine Arrests in Nevada

On January 24, 2003, members of the Consolidated Narcotics Unit (CNU), which is comprised of Reno Police Department, DEA and other law enforcement agencies, responded to an anonymous tip regarding a possible clandestine laboratory operating in Sparks, Nevada. Based on information from this source, the agents obtained a search warrant and raided a warehouse located on Pine Street. The successful operation led to a seizure of approximately 40 ounces of crystal methamphetamine (Ice), 30 pounds of marijuana, packaging materials and \$47,850.00 in cash.

On January 28, members of the CNU arrested James Bratt and Erik Burns after they were observed distributing one pound of the mentioned controlled substance at a well-known casino in Reno. Apparently the pair had been operating inside the casino for several months; authorities believe they were part of a major drug ring and are looking for more suspects, possibly employees of the establishment.

A search incident to the arrest revealed 9 pounds of "crystal meth" located inside Bratt's vehicle. Jose Perez, the alleged ring leader and main distributor of the methamphetamine, was subsequently arrested at his residence located in Sparks. Police confiscated several firearms, electronic scales, computers and records belonging to Perez.

All three defendants were booked into the Washoe County Jail on federal drug charges and appeared before a US Magistrate on January 29, 2003.

Methamphetamine Arrests in Nevada (225 words)

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All three **defendants**²² were booked into the Washoe County Jail on federal drug charges and **appeared before**²³ a US Magistrate on January 29, 2003.

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.

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Consecutive Exercise: Gator Pub - English

Q. Good morning Mr. Lopez, please sit down.

A. Good morning. Thank you.

Q. Sir, going back to **June 15 of 2001**¹, did you happen to go to The Gator Pub that night?

A. Yes, miss, a few of us went to that pub.

Q. **Do you recall**² who you went to the pub with and where it is located?

A. Yes, **of course**³. I went there with my wife and my sister. I know how to get there but I don't know the exact address.

Q. **About**⁴ what time did you go to The Gator Pub?

A. It was around **eight thirty**⁵ or nine P.M.

Q. And was there a specific reason you happened to go to The Gator Pub **that**⁶ night?

A. Yes, miss. I have **a band**⁷ with my friend David, who's like a brother to me. We play music together and always hang out together. That's why we went to the pub...to listen to music and **get a bite to eat**⁸.

Q. This fellow David, **had you worked**⁹ for him or are you friends with him? What was your relationship?

A. I've known David since we were kids. We've worked together and I've played in his band since I was very young. We're always **out together**¹⁰ either hunting, fishing, working or **partying**¹¹.

Q. I see, and what kind of work do you do Mr. Lopez?

A. Well, I work in construction. I'm a **bricklayer**¹² but I also **do**¹³ some carpentry or tile **installation**¹⁴ work, basically all kinds of construction work.

- Q. I see. So you get to The Gator Pub, and did there come a time that you decided to **go outside**¹⁵ the pub or **leave**¹⁶ the pub?
- A. **Well**¹⁷, I just went to check up on the girls to make sure they were okay, and to see where they were. I have the habit of watching out for girls because I have **several**¹⁸ sisters.
- Q. Tell us at what time you went and **checked on**¹⁹ the women, if you remember.
- A. Well, I think it was around ten thirty, **something like that**²⁰, during the first break that the **band**²¹ took. I think they started playing at nine but I'm not really sure about the exact time because I **don't wear**²² a watch.
- Q. So what happened after you went outside?
- A. One of the girls came over to me crying and said there was a guy outside with a gun and that he **had mugged**²³ them.
- Q. Let me stop you for a second here. These women you've been **talking about**²⁴, are you referring to your sister and your wife or someone else?
- A. Well, I went out to check on my sister but the one who came over crying was an **acquaintance**²⁵ of mine, her name is Lupe.
- Q. Are you referring to **Guadalupe Mendoza**²⁶, the victim in this case?
- A. Well, yeah, her name is Guadalupe but everybody calls her Lupe and I **have known**²⁷ **her**²⁷ since she was little. Her brother sometimes works with us when we have big construction jobs.
- Q. Okay, so let me bring you back to the story, you were telling **the jury**²⁸ that Guadalupe, Lupe as you call her, **came to you**²⁹ crying and said something about a robbery?

- A. Yes, she ran up to where I was and said that **some guy**³⁰ had robbed her and **her friend**³¹ **Rosaura**³² at gunpoint. That he had threatened them, called them sluts, and stolen their purses and their watches.
- Q. Go ahead, what happened next?
- A. I hollered at the other guys to come help me and see if we could **catch**³³ the **thief**³⁵. At that moment I saw someone running toward the road and I began to chase him.
- Q. So after you called for the others to help you, did you **start chasing**³⁵ the suspect?
- A. **That's right**³⁶. I saw a guy running with a lady's purse in his hand, and I realized he was the prick and followed him, but I **lost sight of him**³⁷ because it was dark.
- Q. So when you were chasing this person, did there come a point in time when you **actually**³⁸ lost sight of this person?
- A. Yes I did, for a few seconds because it was **very**³⁹ dark, but David **caught up to me**⁴⁰ and told me he had seen him duck behind some **bushes**⁴¹.
- Q. Now, before this person **dove into**⁴² the bushes, you said you were running... What kind of surface were you running on? Do you remember?
- A. We were running on a paved road.
- Q. So it was actually a paved road, not a **dirt road**⁴³ or anything like that.
- A. Yes, miss. There's a paved parking lot **right outside**⁴⁴ the **Gator**⁴⁵, but on the other side it's dirt road. I ran from where there's no pavement to where it's paved.
- Q. And **at the point**⁴⁶ that the person you were chasing ran into the bushes, were you **running after**⁴⁷ this person by yourself?
- A. Well, David and I were closer to him but we **heard**⁴⁸ other people hollering at us from the parking lot.
- Q. Now you mentioned some other people, when did they **come in the picture**⁴⁹?

- A. Well, **there were people**⁵⁰ there. I could hear them hollering at us, hollering from the bar for us to **come back**⁵¹ because he had a gun and it was too dangerous. David and I keep running. Eventually other people follow us.
- Q. So how long would you say, how much time **had gone by**⁵² between when you lost sight of the person that went into the bushes and when the person **popped up**⁵³ out of the bushes again?
- A. Less than a minute.
- Q. And what happened after the person popped out of the bushes?
- A. I saw him **point**⁵⁴ a gun at us and I heard a click. I realized that his gun had gotten **jammed**⁵⁵. I told this to David and we started running again to catch up with him.
- Q. Let's talk about that a little bit. You start chasing the man, then **he hid**⁵⁶ in the bushes and then he points the gun at you?
- A. Exactly, first I chased him, then he hid in the bushes, then he popped up again and **the two of us**⁵⁷, David and I, started to chase him. Then he stopped, turned around and pointed his gun at us.
- Q. Do you know if David had seen the gun at this point?
- A. Well, I don't know, but when I heard it get jammed, I told David it was on and we kept on chasing him toward the **main**⁵⁸ **road**⁵⁹.
- Q. Can you **estimate**⁶⁰ the distance between you and this person with the gun when it was pointed at you?
- A. I would say about eight to ten yards, **at most**⁶¹.
- Q. Do you believe that he was **attempting**⁶² to fire the gun at you?
- A. I have no doubt that he was shooting, trying to take me out, since I was the one who was closest to him.

Q. This would be a good time to ask you about your background with **firearms**⁶³. Are you familiar with firearms?

A. I've had guns since I was **about four**⁶⁴ or five years old. My dad loved to **go hunting**⁶⁵ and he always had guns in the house.

Q. What kind of firearms are you familiar with?

A. I am pretty familiar with almost all kinds: **shotguns**⁶⁶, rifles, pistols. I'm telling you, I've owned about a hundred of them and I don't even know how many I have currently. In my family everyone loves going hunting or **target shooting**⁶⁷.

Q. So can we say that hunting is your **main**⁶⁸ hobby?

A. Yes, miss, I'm a big **fan**⁶⁹ of hunting.

Q. And you mentioned you heard a click. **Was it**⁷⁰ one click? And did you hear it with your own ears?

A. Yes, miss, a click. I heard it **clearly**⁷¹ since there's not a lot of traffic out there and hardly any noise at night.

Q. Okay so after the click what happened?

A. Well, we tried to **catch up with him**⁷² because we knew his gun had jammed. If we had given him the chance to get it clear and **cocked**⁷³ again, we wouldn't be here to tell about it.

Q. Okay. Well who actually caught up with this person?

A. David caught up with him first and **grabbed him**⁷⁴ by the legs, then I got there and threw myself on top of him **to hold him down**⁷⁵.

Q. Thank you, no further questions.

Examination of the Plaintiff in Accident Case

- Q: Good morning sir, please state your name and **spell it**¹ for the record.
- A: My name is Frank Castro.
- Q: Mr. Castro, where do you presently reside?
- A: I live on **Willow Street number 199**², in the Bronx.
- Q: **And**³...who do you live there with, Mr. Castro?
- A: I live there with my wife and **four**⁴ children.
- Q: Are you presently employed, Mr. Castro?
- A: **Not at the present time**⁵. You know, I haven't been able to work since the accident; it left me in really **bad shape**⁶.
- Q: Well, before the accident, **were you employed**⁷?
- A: Oh yeah, of course.
- Q: What **type**⁸ of work did you do?
- A: I worked at a **print shop**⁹.
- Q: And...how long **had you been working**¹⁰ at the print shop before the accident?
- A: I had been working at that job for **more than**¹¹ seven years, and they really liked me there because I have always been an **honest man**¹² 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 distance**¹³ from your home, or did you **have to take**¹⁴ a bus or train?
- A: **Well**¹⁵, 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 move**¹⁶ to the Bronx.
- Q: Very well, please go on.

A: We were very fortunate to find an apartment that was **five blocks**¹⁷ from the print shop, many times I had time to go home for lunch.

Q: **Would you say**¹⁸ that the print shop is located in a **residential**¹⁹ or in a commercial area?

A: Well, in that area there are some very nice houses, but there are more businesses than residences **so**²⁰ I'd say it's **a commercial zone**²¹.

Q: Now, Mr. Castro, I want you to **think back**²² to the morning of **April 4th, 1983**²³. 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 time**²⁴, I almost never missed work. When you have four children you can't **afford the luxury**²⁵ of **skipping work**²⁶ all the time. You know how hard it is to find a good job. **Besides**²⁷, I really enjoyed working for that company.

Q: On that occasion, sir, how did you **get to**²⁸ your job? Did you walk?

A: Yes, yes, I walked to work **as usual**²⁹.

Q: Mr. Castro, what were the **weather conditions**³⁰ on the morning of April 4th?

A: **Let's see**³¹...that was a sunny morning even though it was still a little bit **chilly**³².

Q: Now, Mr. Castro, please **tell us**³³ what happened when you got to the intersection of North and Pine streets, the intersection you **had to cross**³⁴ in order to get to the print shop.

A: Well, when I got to **the corner**³⁵ of **North and Pine**³⁶, I stopped for a second to wait for the **green light**³⁷; 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 **blow**³⁹ from

behind. I next felt terrible pain in **my left leg**⁴⁰. I don't know exactly what happened. I only know that I fell forward; I went **headlong**⁴¹ into the pavement.

Q: Did you lose consciousness **at this time**⁴² Mr. Castro?

A: No, I didn't lose consciousness, but I was a little bit **dazed**⁴³, yeah.

Q: Mr. Castro, what was the first thing you noticed as you were lying there, **face down**⁴⁴ on the street?

A: Well, I remember **feeling sharp pain**⁴⁵ in my left leg, I tried moving it but I couldn't.

Q: Did anyone come to your **assistance**⁴⁶ at this time?

A: **Quite a bit**⁴⁷ of people started gathering around me, and I **still**⁴⁸ couldn't move my leg. Finally, someone told me not to move, that an ambulance was **on its way**⁴⁹. I did **feel a little better**⁵⁰ when I heard this.

Q: And...did the ambulance **eventually**⁵¹ arrive?

A: Yes, the paramedics arrived. They very carefully picked me up and placed me on a **stretcher**⁵²; then, while I was still **strapped**⁵³ to the stretcher, they lifted me into the ambulance and took me to the emergency room.

Q: What happens...**I'm sorry**⁵⁴, what happened once you were brought into the emergency room?

A: The nurses got there...sorry, the nurses **cut off**⁵⁵ the left leg of the pants I was wearing and started **taking x-rays**⁵⁶ of my leg with a portable machine they had there. They also hooked my right arm up to an **IV**⁵⁷ and **drew**⁵⁸ some blood.

Q: **Go on**⁵⁹ Mr. Castro, what else did they do for you at the hospital?

A: Well, at that time the doctor arrived. He **injected me**⁶⁰ with some anesthesia and I fell asleep. I don't know what happened after that.

Q: Mr. Castro did you **lose consciousness**⁶¹ at any time before the anesthesia was administered to you?

A: No, I didn't lose consciousness at any moment, though the pain was **so**⁶² bad I almost cried.

Q: I understand. When you **came out**⁶³ 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 throbbing**⁶⁴. When I was able to sit up on the bed, I saw they had put **a cast**⁶⁵ on me all the way from my **big toe**⁶⁶ to my groin.

Q: And...**how long**⁶⁷ 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 anything**⁶⁸?

A: They didn't do much, really. **The orthopedist**⁶⁹ went to see me the next day and explained that, according to **the x-rays**⁷⁰, it looked like I had a broken femur, tibia or **fibula**⁷¹, but that he wasn't sure yet.

Q: **Did they tell you**⁷² anything else at that time Mr. Castro?

A: Uh, as it turned out, I had in fact broken my **femur**⁷³. I also had a **dislocated**⁷⁴ knee **joint**⁷⁵.

Q: Did the doctor, the orthopedist, did he say anything to you at this time? **Anything else**⁷⁶?

A: He explained that **I had to try**⁷⁷ and leave my leg still because that was the function of the cast they had put on me.

Q: And...**what function**⁷⁸ was that?

A: Well, to **hold down**⁷⁹ the fractured bones, so that they could properly **fuse**⁸⁰ together.

Q: Did the doctor **prescribe**⁸¹ 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 **painkillers**⁸², because I was in a lot of pain. My leg felt **swollen**⁸³.

Q: Do you remember if the doctor gave you any medications **to reduce**⁸⁴ 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 **discomforts**⁸⁵ 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 numb**⁸⁶. I also began **to suffer**⁸⁷ from terrible back pain. I guess the back pain **was a result of**⁸⁸ being in bed **24 hours a day**⁸⁹.

Q: I understand. Thank you very much for your time Mr. Castro, **we're all done**⁹⁰ here.

Arraignments

Welcome to **arraignments**¹. The purpose of these proceedings is for you **to enter**² a plea to the **charge**³ that is pending against you. When you come to the podium, **the Court**⁴ will advise you of your charge, inform you whether it is a first or second-degree misdemeanor and you will need to enter your **plea**⁵.

Since⁶ these proceedings are being recorded, **please**⁷ do not say anything about your case until after you have entered your plea. Anything you say can be used against you **should you**⁸ proceed on a not guilty plea.

As you know you have three plea options: guilty, not guilty or **no contest**⁹. If you plead not guilty, you **deny**¹⁰ the charge against you and retain all **the rights**¹¹ listed on the front of the plea form that you have read. If you plead guilty, you admit the charge against you, **give up**¹² all the rights listed on the front of the **plea form**¹³ and the Court will pronounce a sentence. If you plead no contest, you neither admit nor deny the charge against you, give up all the rights listed on the front of the plea form and the Judge will sentence you **accordingly**¹⁴. If you enter a not guilty plea, your case will not be resolved today. In that case, you will be required to return to the courthouse for further proceedings.

If you have not already **retained**¹⁵ an attorney, or don't think you can afford to retain one, and you are requesting the Court **to appoint**¹⁶ the public defender, please have your **financial affidavit**¹⁷ completed and signed. The Court will review your affidavit and, if you qualify, appoint the **public defender**¹⁸ to represent you in this case.

If the public defender is appointed to represent you, it will be your responsibility to do the following:

First you will be required to pay an **application fee**¹⁹ within 7 days for the services of the public defender. You will also be required to contact the public defender's office **within 10 days**²⁰ to arrange a meeting with your attorney. The clerk will provide you with the information you will need to get in touch with the public defender's office. Finally, I must inform you that while a public defender may be less expensive than a private attorney, the services of the public defender are not free. **Therefore**²¹, you will be required to pay a reasonable fee for the **legal services**²² you receive as a defendant in these **proceedings**²³. This fee will be assessed at the conclusion of your case.

If you plead either guilty or no contest, your case will probably be resolved today and when you leave, you will know what your sentence will be. However, in some cases, it may be necessary **to postpone**²⁴ sentencing. If that were necessary, the Court will advise you when your next court appearance will take place.

The minimum and maximum sentences that **you face**²⁵ today depend on the charges:

If you are charged with a misdemeanor, you could be sentenced **as follows**²⁶:

- A minimum of zero days in the **county jail**²⁷ up to a maximum of one year.
- A minimum of zero days on county **probation**²⁸ up to a maximum of one year,
- A minimum fine of zero dollars up to a maximum of **one thousand**²⁹ dollars.

Also, if you enter a plea of guilty or no contest to the charge of possession of **20 grams**³⁰ or less of **cannabis**³¹ and the Court finds you guilty, your **driving privileges**³² in this state will be suspended for 2 years. Additionally, as part of any

sentence, you will be assessed criminal

court costs³³.

In order for you **to fulfill**³⁴ your financial obligations, the Judge will set a payment schedule for all **monetary amounts**³⁵ you are ordered to pay. Should you **fail to make**³⁶ your payment on time and do not **appear**³⁷ at the next scheduled Collections Court date, the **presiding**³⁸ Judge can charge you with contempt of court, issue a **warrant**³⁹ for your arrest and **you could be sent**⁴⁰ to jail.

Because the cases in here today are **criminal cases**⁴¹, the Court can sentence you to jail if you plead guilty or no contest. Depending upon the charge, and any **prior criminal record**⁴² you may have, jail may be appropriate. If you are concerned about a possible jail sentence, please **don't hesitate**⁴³ to ask the Judge if you will go to jail should you enter a guilty or no contest plea.

When you are finished at the podium please **remain**⁴⁴ in the **courtroom**⁴⁵ until you receive your copy of the Judge's disposition. This is your record of today's proceedings.

If you are not a U. S. citizen, a plea of guilty or no contest could result in your **deportation**⁴⁶. If you are not a U. S. citizen, **you may wish**⁴⁷ to enter a plea of not guilty and consult with an attorney.

If you wish **to appeal**⁴⁸ your sentence, your appeal **must be filed**⁴⁹, in writing, within 30 days of **today's date**⁵⁰. If you wish to appeal and don't think you can afford to retain an attorney to represent you, you can request the Court to appoint the public defender. If you are going to request that a public defender be appointed to

represent you, you must fill out an affidavit of insolvency. If you are interested in appealing your sentence, **the clerk**⁵¹ can provide you with more information.

Please make sure that all forms you will be using today are completely **filled out**⁵² and signed.

The clerk will call about 10 people **at a time**⁵³. Please respond **out loud**⁵⁴ when your name is called and then **line up**⁵⁵ in the center aisle where **the gates**⁵⁶ open. You will be called to the podium one at a time in the order in which your name was called.

Thank you.

Arraignments – Sight Part 1

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Arraignments – Sight Part 2

If you have not already retained an attorney, or don't think you can afford to retain one, and you are requesting the Court to appoint the public defender, please have your financial affidavit completed and signed. The Court will review your affidavit and, if you qualify, appoint the public defender to represent you in this case.

If the public defender is appointed to represent you, it will be your responsibility to do the following:

First you will be required to pay an application fee within 7 days for the services of the public defender. You will also be required to contact the public defender's office within 10 days to arrange a meeting with your attorney. The clerk will provide you with the information you will need to get in touch with the public defender's office. Finally, I must inform you that while a public defender may be less expensive than a private attorney, the services of the public defender are not free. Therefore, you will be required to pay a reasonable fee for the legal services you receive as a defendant in these proceedings. This fee will be assessed at the conclusion of your case.

If you plead either guilty or no contest, your case will probably be resolved today and when you leave, you will know what your sentence will be. However, in some cases, it may be necessary to postpone sentencing. If that were necessary, the Court will advise you when your next court appearance will take place.

Opening Statement by the Prosecution

Good afternoon, ladies and gentlemen of the jury, my name is Maria Foster and I am the **prosecutor**⁵⁷ in this case. As the Judge informed you at the beginning of the trial, the defendant Salvador Sánchez **has been charged**⁵⁸ with two counts of attempted murder as well as other **serious felonies**⁵⁹. This opening statement is my opportunity to tell you **briefly**⁶⁰ what I believe the evidence in this case will show.

Going back to **February 24th**⁶¹ of this year it was about midnight or a **little after**⁶² that and a couple of guys that have been friends **for a number**⁶³ 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**⁶⁴, knew who he was and knows a friend of the defendant named **Jon Guzman**⁶⁵ who was also present at the party.

At any rate⁶⁶, at some point, everybody left the party, several people were **hanging out**⁶⁷ in the parking lot, it's probably after **two o'clock**⁶⁸ **at this point**⁶⁹; 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**⁷⁰, there **appeared**⁷¹ to be somewhat of a **heated**⁷² argument between Jerry and the defendant but that was it.

Everybody got in their cars and went home - - or **actually**⁷³ went back to Jerry's place. In other words, Jerry, Vance and the friend from **out of town**⁷⁴ went to Jerry's

residence⁷⁵, it's a **duplex**⁷⁶ 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**⁷⁷ music and talking. **Not too much**⁷⁸ time goes by and **there is**⁷⁹ 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**⁸⁰, Jon Guzman.

Jerry **stepped**⁸¹ 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**⁸² to close the door when the defendant forced his way into Jerry's house and got inside the house **followed by**⁸³ his friend Guzman.

Following⁸⁴ there was some pushing, of course, since Jerry had tried to close the door, and a fight **broke out**⁸⁵ inside the victim's house. **Out of nowhere**⁸⁶, the defendant pulls out a **firearm**⁸⁷ and starts shooting **at**⁸⁸ Jerry. Jerry **is hit**⁸⁹ several times, so he turns around and runs away from the scene. Vance comes to **help out**⁹⁰ and he is also shot once, there was a struggle between Vance and **this**⁹¹ defendant.

The other fellow Jon Guzman is **basically**⁹² 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**⁹³, he goes into a closet, it wasn't like a big **walk-in closet**⁹⁴, it was **just**⁹⁵ 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**⁹⁶ big **guy**⁹⁷ and he can't **really**⁹⁸ hide in the closet. **Next thing he knows**⁹⁹, he hears a **voice**¹⁰⁰ coming from somewhere in the room saying; "this is for you" and then more shots **ring out**¹⁰¹.

Vance **felt**¹⁰² that he had been shot again but remained still, playing dead and hoping that **the shooter**¹⁰³ would leave.

You will hear Vance telling you how he remained in that closet bleeding, in pain and **not knowing**¹⁰⁴ 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**¹⁰⁵ over. All this time he **forced himself**¹⁰⁶ to remain quiet so the defendant wouldn't come back and **finish him off**¹⁰⁷.

Meanwhile Jerry, **who had been**¹⁰⁸ 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**¹⁰⁹ to escape through a window and run to a nearby **convenience store**¹¹⁰ to ask for help. The store's clerk and gave the phone to the friend who proceeded to **inform**¹¹¹ the police about the events that had just occurred. Later during the trial, you will **get the chance**¹¹² to listen to the tape of that call to the emergency operator.

Shortly¹¹³ after the shootings, the defendant and his friend **took off**¹¹⁴ in their vehicle. Soon after, police arrive, **paramedics**¹¹⁵ arrive and both men, Vance and Jerry, are taken by helicopter to a **nearby**¹¹⁶ hospital. The first officer on the scene got a description of the **perpetrators**¹¹⁷ and the get-away car from both victims and their friend and proceeded to radio his **dispatcher**¹¹⁸ with the information.

You will **have the opportunity**¹¹⁹ to hear more about the details of this case as we **present**¹²⁰ 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**¹²¹, that this defendant did attempt to commit murder **upon**¹²² Vance

Smith and Jerry Silva, did commit aggravated¹²³ battery upon them, did burglarize¹²⁴ the house and should be convicted of attempted felony¹²⁵ murder.

Thank you very much¹²⁶ for your attention¹²⁷.

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

1. State your full name and spell the last name for the record.
2. Do you understand the charges I just read to you?
3. Do you swear to tell the truth, and nothing but the truth, so help you God?
4. Please introduce yourself to the jury.
5. Let me rephrase that question.
6. What, if anything, did the defendant say to you?
7. Going back to the night of....?
8. Are you now, or have you ever been, under psychiatric care?
9. Tell the members of the jury what he was wearing, if you remember.
10. On the day in question, were you questioned by law enforcement?
11. Would it refresh your recollection?
12. Please stand up, raise your right hand and face the clerk.
13. Are you under the influence of any drugs, medication or alcohol?
14. At this time the witness is excused.
15. Did your attorney explain to you the sentencing guidelines?
16. Did the defendant, at any time, point his weapon at you?
17. Objection, Your Honor, counsel is badgering the witness.
18. May I approach the witness?
19. Are you entering this plea freely and voluntarily?
20. Has anybody threatened or coerced you?
21. I withdraw my objection.
22. We move for a mistrial.
23. At this time we move for a Judgment of Acquittal.

24. Is the defense ready to proceed?

25. I am holding you in contempt of court.

26. The jury will disregard the previous statement.

27. We presented a motion to suppress.

28. How do you plea to the charges?

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

30. Counsel is leading the witness, Your Honor.

31. Are you disputing the results of the breathalyzer?

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

33. Are you a convicted felon?
