ADJACENCY PAIRS

IN

THE ORAL LEGAL LANGUAGE

IN

THE UNITED STATES

A Paper in Sociolinguistics

by

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INTRODUCTION

When we look at any transcript of talk, we can see that speech acts are sequentially ordered. The sequential organization of speech acts means simply that some speech acts have to follow other acts. We can refer this organization to linguistic and logical reasons since many linguistic utterances are dependent on other utterances like questions and answers, for example, where the second part completes the function of the first part. I will provide a definition to each part in this paper in order to show how each of them completes the other.

However, it will be interesting to show that these parts can be independent in certain speech acts, such as courtroom conversations. I will provide an evidence to prove that these parts can occur independently in a courtroom speech situation.

It is interesting as well to notice that functions might be switched around between adjacency pairs in the courtroom language. It is exciting to imagine a question functioning as an answer in any speech situation. And, this is what this paper is all about. It will show how adjacency pairs in the courtroom languages differ from adjacency pairs in other speech situations.

Purpose of the Study:

The main purpose of this study is to show how adjacency pairs in the oral legal language differ from adjacency pairs in other speech situations. This might lead to a result that features of adjacency pairs given by sociolinguists, such as Coulthard and Sacks, are not general enough to include adjacency pairs of the courtroom. This can mean precisely that the legal language is different than other languages, and add another important feature to the distinctive features of that unique language.

Considering adjacency pairs as the main two parts of conversation, and knowing that conversation is one of the most common and important speech events that might happen in a speech situation like a courtroom session, we then can appreciate how important it is to draw a clear picture of the adjacency pairs in the courtroom. This picture should provide as many features as possible of adjacency pairs and show how they differ from adjacency pairs in other speech situations, such as a classroom or a friendly meeting, etc.

Methodology of Research, and Data:

To a certain extent, we can call this study an experimental type of study since it is data based, besides comparing some of the collected data to other pieces of data like what is used in socio-linguistic research. Coulthard's book provides many examples of these pieces of data like the examples used to explain the features of adjacency pairs.

Besides comparing my own data to other researchers' data, I will compare and contrast my different pieces of data with each others'. I have three major pieces of data. One of them transcribes what I will call "conversation", even though the second pair parts are missing in this conversation. This conversation happens between the judge and the jury members. I will compare this conversation to other conversations provided in Coulthard's book, and try to apply the conditions of adjacency pairs to my piece of conversation to see if they are satisfied or not.

The second piece of data I will use is an investigation of the district attorney and the public defender with a witness. This witness is not one of the people involved in law. I will try to analyze her answers as second pair parts and compare them to the first pair parts which are the questions asked. My claim here is that the functions of the adjacency pairs are switched in courtroom conversations, since the first pair parts give more information than the second pair parts. This can be proved by taking all the information given in each part and see which one provides more information and details than the other.

To see if my hypothesis is true or not, I will use another

conversation that happens among the same district attorney and public defender with a deputy sheriff as a witness. This witness differs from the first one since he is one of the people of the law. This might predict that function switching of adjacency pairs which happens with the first witness will not happen with this witness. A reason for this prediction might be that the district attorney and the public defender were helping the witness who is not one of the people involved in law, and that they will not do the same thing with the deputy sheriff. This is what the analysis is going to prove.

Besides the previous pieces of data which are my own collected data, I will use two courtroom transcripts. Those are called "Reporter's Transcript of Preliminary Examination". I got those transcripts from Division 4, at Alhambra Municipal Court. I will use several examples from those transcripts to support my analysis whenever they are appropriate.

Having done the analysis, I will gather all the features of adjacency pairs in the legal language in one framework. At the very end of this paper, I will provide some general conclusions which include a list of distinctive features of adjacency pairs in the legal language.

1. Adjacency Pairs (Definition)

Coulthard states that, "Sacks observes that a conversation is a string of at least two turns. Some turns are more closely related than others, and he isolates a class of sequences of turns called 'adjacency pairs' which have the following features: they are two utterances long; the utterances are produced successively by different speakers; the utterances are ordered - the first must belong to the class of first pair parts, the second to the class of second pair parts; the utterances are related, not any second pair can follow any first pair part, but only an appropriate one; the first pair part often selects next speaker and always selects next action - it thus sets up a transition relevance and expectation which the next speaker fulfills, in other words, the first part of a pair predicts the occurrence of the second. 'Given a question, regularly enough an answer will follow.'" (Coulthard, 1978 :70)

What interests me is Sacks' last statement, "Given a question, regularly enough an answer will follow". Using my data, I will show that this is not the necessary condition in the courtroom language. In certain speech situations, questions can have no answers at all, even though they are Yes/No questions sometimes.

The First Pair Part

Although the term first pair part is well defined by the name itself, we can say that according to adjacency pairs order, the first pair part always precedes the second pair part. Coulthard argues that the first pair part includes "Questions, Greetings, Challenges, Threats,

Warnings, Offers, Requests, Complaints, Invitations, Announcements". (Coulthard, 1978 :70)

The Second Pair Part

This term is self-explanatory as well. We said that the first pair part always precedes the second pair part, so we can define the second pair part as the part that is preceded by the first pair part. Referring to the kinds of speech that the first pair part includes, the second pair part in contrast includes: Answers, Responses to greetings, Responses for other first pair parts: Challenges, Threats, Warnings, Offers, Requests, Complaints, Invitations, Announcements, and so on. Coulthard argues that, "for some first pair parts, the second pair part is reciprocal. Greeting - Greeting, for some there is only one appropriate Second Question answer, for some more than one, Complaint - Apology Justification". (Coulthard, 1978 :70)

2. Features of Adjacency Pairs in the Legal Language

Occurrence of Second Pair Part

Producing the first pair part in any conversation, the second pair part is always predicted. If you ask anybody a question, you predict an answer of any type, or, when you invite someone, you certainly wait for either a positive or negative response. Not having any kind of response for a question or an invitation or other first pair part is unacceptable according to the conversational sequential organization that we talked about. Coulthard quotes Sacks that, "whereas the absence of a particular item in conversation has initially no importance because there are any number of things that are similarly absent, in the case of an adjacency pair, the first part provides specifically for the second and therefore the absence of the second is noticeable and noticed. People regularly complain 'You didn't answer my question' or 'I said hello, and she just walked past'". (Coulthard, 1978 :70)

Although a possible rejection is often predicted by any speaker who makes a request, an offer, an invitation or any other kind of request, the same speaker can hardly predict that the hearer does not have any kind of response. This situation, however, has to be satisfied in an every day conversation, but it is not necessarily the condition for a conversation in a courtroom, for example.

Situations Where the Second Pair Part Is Available:

In a courtroom situation, you can have many different kinds of conversations. The judge can have a conversation with the defendant,

he can also discuss a matter with the district attorney, or with the public defender. Each one of the public defender or the district attorney can have a conversation with the other, or otherwise every one of them can have a conversation with witnesses or jury members, and you can imagine a huge number of possible conversations.

When a witness is involved in a legal conversation about certain case, you notice that the fixed order of adjacency pairs is very strictly followed. Coulthard suggests that, "This chaining rule allows for an indefinitely long sequence of the form Q. A. Q. A. Q. A. Such sequences in fact rarely occur in conversation although they are typical of parts of doctor/patient interviews and courtroom cross-examinations". (Coulthard, 1978 :71)

If we look at our data, we can see very clearly that Coulthard's argument is very true. In Transcripts 2 and 3, we have long conversations among the district attorney, the public defender, and the witness. We use the symbols DA, PD and W, to indicate the characters involved in these conversations. The symbols DA, PD represent the Q part, whereas the W represents the A part. Accordingly, we have the following order in all two long transcripts: DA. W. DA. W. DA. W., or in some parts of transcripts: PD. W. PD. W. PD. W. (see Transcript 2, 3). This order is broken in very few places in the transcripts. You can have something like DA. DA. as in page 7 of Transcript 2, but that happened because the district attorney was giving an instruction to the witness, and he was not asking a question:

DA : Put X-one where you heard the noise.

DA : Where were you before X-one? Were you inside the Tip

Top? You were up there in the G where the parking lot is, is that correct?

Looking at Transcript 2 and 3 entirely, we can see that this is the only place where the fixed order is broken, although it was not a real breaking of the order since the two DAs were an instruction followed by a question. The order after that continues to be DA. W. DA. W.

Considering our data in Transcript 2 and 3, we can say that the second pair part is always there in a conversation between the district attorney or the public defender with the witness. It will be be very hard to imagine a speech among those characters with the second pair parts missing from the discussion. The main purpose of the witness being in a courtroom is to answer questions and to talk, otherwise the witness loses his main legal function as one of the main pieces of evidence in a particular case. Our result from the entire argument is that the second pair part can not be missing in a situation where the witness is being asked questions in the courtroom.

Situations Where the Second Pair Part Is Missing:

It is very difficult to imagine any conversation with the second pair part missing almost completely from that conversation. However, it will be linguistically wrong to call that speech a conversation, because as Sacks observes, "a conversation is a string of at least two turns". A speech that consists of only one turn is not a conversation according to Sacks' observation.

We have been looking so far at Transcript 2 and 3 in our available

data. We said that in these two transcripts, the order of turns is very strictly followed, and not broken except in a very tiny situation. If we look, however, to Transcript 1 in our data, we find out that the opposite is true. While the order is fixed in Transcripts 2 and 3, it is often broken in Transcript 1, and while the second pair part is available all the time in Transcript 2 and 3, it is often missing in Transcript 1.

Transcript 1 is for a conversation between the judge and the jury members. In this conversation, the judge asks questions related to both the case and the background of the jurors. Most of these questions are Yes/No questions (meaning that they can be answered either by a Yes or No), such as:

1. J : Have any of you ever been charged for driving a vehicle under the influence of an alcoholic beverage?
2. J : Is there anyone in this jury who HAS NOT in some time of his life had (1.5) one or more (1.5) drinks of an alcoholic beverage and then operated a motor vehicle within an hour or two?

Although most of the questions in this conversation are Yes/No questions, there exist other kinds of questions that can be answered differently, such as:

J : Do any of you have any (hhh) friends, relatives, who have ever been seriously injured in a traffic accident?

This question was answered:

Jm: I have cousins who were killed.

(Transcript 1)

If we search for second pair parts in this transcript, we can see that they rarely exist. Out of twenty-five asked questions, only six of them were answered. For those Yes/No questions which can be answered very simply, no answers were observed most of the time. Watching the gestures of the jurors, I didn't notice any silent answers as a gesture or a body movement. This means that in this speech situation, the second pair parts can rarely exist, and hearers prefer to remain silent than to answer those questions.

If we try to find specific reasons for this phenomenon, we will not find real accurate ones, however, some of the following reasons can be true:

1. The questions asked in this conversation are most of the time Yes/No questions. They are more specifically special kind of Yes/No questions. They are (have any of you ever had ...) and (is there any of you who ...) type questions. If nobody of the jurors has any relationship to the asked question, he or she does not have to answer. Jurors' silence, however, means No, for sure.
2. The asked questions are most of the time long and complicated and might be very hard for jurors to understand them perfectly. In a case where the question is not very clear, the recipient most of the time prefers not to answer.

Philips explains the jurors' inability to understand the instructions and questions stated to them. She argues that: "Considerable

attention has focused on jurors' inability to understand the instructions to juries that judges provide... how they are supposed to relate the testimony they have heard to the statutory definitions of the crimes with which the defendants are charged". (Philips, 1981 :4)

Philips also tries to show how the jury instructions and questions are complicated. She says, "By drawing on the extensive psycholinguistic literature on processing sentences, both Sales (1977) and Charrow and Charrow (1979) have identified aspects of sentence structure that generally tend to decrease the speed and accuracy of sentence comprehension, asevidenced by repetition and/or paraphrase. Sales has recommended that such features be eliminated from jury instructions. Charrow and Charrow have modified pattern jury instructions that are typically read to jurors by a judge so that the instructions had some features identified by psycholinguistics as facilitating the case and speed of comprehension. They found that subjects presented with the modified instructions showed more comprehension than subjects presented with the original jury instructions". (Philips, 1981 :5)

Philips' argument and quotation from other researchers support my idea that questions and instructions given to jurors are complicated. This can explain to a certain extent the absence of answers in such speech situations, and as we have said before, the second pair part is very often missing when questions are asked the jurors by the judge.

3. Functions of Adjacency Pairs in the Legal Language

Questions and answers, as a very common type of adjacency pairs, have different but cooperative functions. Each one of these two pairs complete the other. The function of a question is not completed until an answer is received; if no answer is received, the question can lose its function as a first pair part in a particular conversation. As Sacks argues, "in the case of an adjacency pair, the first part provides specifically for the second and, therefore, the absence of the second is noticeable and noticed". (Coulthard, 1978 :70)

There is a relation of predictability between questions and answers. As Coulthard states, " the first part of a pair predicts the occurrence of the second; given a question, regularly enough an answer will follow". (Coulthard, 1978: 70). The reason of this predictability is that the speaker is requesting some kind of information by asking his question, and the addressee very commonly gives this needed information by answering the asked question. This can specify the function of each one of these pair parts, since the first pair part is a request for some kind of information, and the second pair part is delivering the needed information. Examples of these functions can be found in any typical piece of conversation, like a conversation between two friends:

John : Hi, Bob! How are you?

Bob : I'm fine, and you?

John : Pretty good. Did you go to school today?

Bob : No, I didn't.

John : Why is that? You were sick or something?

Bob : No, but I had a car accident this morning.

As we can notice in this short piece of conversation, the needed information is always given by the second pair part, and this seems to be the natural way of conversing. But, as we said, the answer is like a result of question according to the cooperative relationship between adjacency pairs that we talked about. Grice illustrates this relationship more fully when he states: "Our talk exchanges do not normally consist of a succession of disconnected remarks, and would not be rational if they did. They are characteristically, to some degree at least, cooperative efforts; and each participant recognizes in them, to some extent, a common purpose or set of purposes, or at least a mutually accepted direction". (Grice, p:45)

Functions of Questions and Answers in the Legal Language:

If we look at some pieces of conversation in the language of the law, we can see that the functions of questions and answers can be kept the same, namely requesting information using questions, and delivering information using answers. An example of this can be the typical answers that the clerk asks to any witness like the following short conversation taken from courtroom transcript of Alhambra Municipal Court:

The Clerk : You do solemnly swear that the testimony you are about to give in the cause now pending before this court shall be the truth, the whole truth, and nothing but the truth, so help you god?

The Witness : Yes, I do.

The Clerk : Please state your full name.

The Witness : ( ) ( ).

The Clerk : Please spell your last name.

The Witness : ( ) ( ) ( ) ( ).

The Clerk : Thank you very much. You may be seated in the witness stand.

Although this short piece of conversation has very little amount of information, it includes:

1. Witness' agreement to swear.
2. The name of witness.
3. The spelling of witness' last name.

Although this is the only given information, the functions of adjacency pairs are kept the same and have not been changed. The questions have the requests of information, and the answers deliver this information.

If we look at Transcript 2 and 3 in my data and at most courtroom transcripts, we find out that keeping the functions of questions and answers unchanged in any courtroom conversation happens only at the beginning of a session when the Clerk asks the same questions to every witness, as we have seen. Other than that, in all courtroom conversation, the functions of questions and answers are changed. What I mean by this change exactly is that: there are more bits of information given in questions rather than answers, whereas exactly the opposite can be found in all other kinds of conversations, such as a classroom conversation, friendly conversation, and others.

If someone looks at our data or at any other courtroom transcripts in order to rewrite the case and organize all the events in time and space, he will find all the information he needs in questions rather than answers. If he depends on answers, however, all what he's going to get is Yes, No, I don't understand. He will find some speeches as well, but they will not be complete and accurate.

Questions in the Legal Language Are More Informative Than Answers:

What I wanted to claim so far is that questions in many courtroom conversations are more informative than the answers. Recalling the maxim of quantity of speech which "relates to the quantity of information to be provided", Grice states that under this category "fall the following maxims:

1. Make your contribution as informative as is required (for the current purposes of the exchange).
2. Do not make your contribution more informative than is required". (Grice, p:45)

Recalling these maxims, and focusing especially on the second maxim, we can start examining adjacency pairs in our data. We have to consider, however, that these maxims should be applicable to answers only according to Grice, but we can expand the word "contribution" to include both questions and answers; and, we have to do this anyway for the purpose of our theory which says that: questions are more informative than answers in the courtroom language.

I also want to point out that such over-informativeness may be confusing in that it is liable to raise side issues, and there may

also be an indirect effect in that the hearers may be misled as a result of thinking that there is some particular point in the provision of the excess of information, as Grice points out. But, what I mean by over-informativeness here is to have information in one pair part more than the other pair part. To examine our data, we have to refer to the following discourse notions:

Adjacency Pairs Setting:

If we start looking at our data, we can see very clearly that time and space of the case is always stated by the district attorney. This setting, however, is not done through statements but through questions. Look at the following example:

1. DA : Marlene, going back to May 29th of this year (1.5)
   DA : were you in a parking lot (hh) (1.5)
   DA : between San Gabriel Boulevard and Pine Street, South Pine in San Gabriel?
   W : Yes.
   DA : And that is (.8)
   DA : in the County of Los Angeles?
   W : Yes.

(Transcript II)

2. DA : Deputy (.8)
   DA : going back to (hh) (1.5)
   DA : March 27 about eight forty-five in the evening, what was your occupation?

W : Deputy Sheriff of the County of Los Angeles, and I was assigned for Temple City Traffic.

DA : And about that time, were you in the area of Las Tunas and ( ) Avenue in the (.8)

DA : City of Temple City in the County of Los Angeles?

W : I was further west.

DA : But you were in that area.

W : Yes, I was.

(Transcript I)

3. DA : Mr. Avila, on August 7 where did you live?

W : 5D3 Nicholson.

DA : Monterey Park?

W : Yes.

DA : Is that in the County of Los Angeles?

W : Yes.

(Reporter's Transcript of Preliminary)

Examination : I

It is clear from these pieces of data that time and space in which the case occurs are identified by questions rather than answers. The District Attorney seems to give all the information related to the setting of the case, whereas the witness is functioning as a monitor which says Yes or No after each bit of information. The District Attorney, in the previous examples and in all other examples I have, does not give the chance to the witness to state the time and the space of the

case. In some cases, the witness tries to change the setting, but the District Attorney does not let him or her do that, as in the following example from Transcript I:

DA : And about that time, were you in the area of Las Tunas and ( ) Avenue in the (.8)

DA : City of Temple City in the County of Los Angeles?

W : I was further west.

DA : <u>But you were in that area</u>.

W : Yes, I was.

It is noticeable how the examiner indicates where the witness was, and then never lets the witness object that this was not the right time or right place. After that, the witness forgets his objection and says: Yes, I was.

<u>Events in Adjacency Pairs</u>:

In oral Legal Language, events are stated in questions more than answers. The sequential order of all the events of the case is built by the examiner rather than the witness or the defendant. Witness or other participants might share in adding some events to the speech, but these events are usually within the structure that the examiner builds. Look at the following piece of data:

DA : What was the defendant, Mr. (Medlin) doing when you saw him?

W : He was backing his car out of the parking lot.

DA : What kind of car was that?

W : It's (1.8)

W : I (1.5)

W : a Cadillac, I believe (1.3)

W : Someone, maybe around fifty years, was driving the Cadillac.

DA : (hhh) Did you watch him when he backed the car out?

W : Yes, I did.

DA : As he was backing the car out, what exactly did you do?

W : JUST WATCHED him (hh) (1.8)

W : just watched him really; he was trapped.

DA : Did you (1.5)

DA : what do you mean he was trapped?

W : It took him a long time. It's a very tiny parking lot.

DA : All right, and what accesses are there in that parking lot? How do you go around that parking lot?

W : Through an alley.

DA : And that's the only way you can go around?

W : [The only way]

(Transcript III)

In the previous data, the DA indicated the following events:

1. The defendant was doing something when the witness saw him.
2. He was driving a certain kind of car.
3. The witness was watching him backing his car.
4. There are special accesses in the parking lot. There is a special way to go around that parking lot.
5. The alley is the only way you can go around.

More likely we can call the previous events the (frames) of the events that get filled up by the witness, as if the examiner is building the schema of the entire case through his questions, introducing these frames for the witness to fill them up. The District Attorney was predicting all the events in their crucial order; therefore, an overlapping like the following can happen:

DA : And that's the only way you can go around?

W : [the only way]

Since, he is predicting exactly what the witness wants to say. Searching in my data, I could find many similar examples where the examiner is the one who provides the frames of the events in their crucial order and lets the witness fill them up with information.

Participants in Adjacency Pairs:

As we have said about the setting of the case, that is stated by the examiner through questions and not through answers of witness; participants involved in the case are always named by the examiner as well. The name of the defendant is always stated by the District Attorney or by the Public Defender for the first time in the investigation. After that, the witness can refer to the defendant as Mr. So-and-so.

There is a strategy used by the examiner not to let the witness express the name of the defendant for the first time. The examiner always says something like: Did you see someone who was doing so-and-so in that date and that place, who is now present in this courtroom? The witness always says something like: Yes, I did. What is interesting

after that is that the examiner never asks something like: Who is that person?, or, What is the name of that person?, but rather always asks the witness to point out that person and not to give his or her name. The witness can describe the way this person is dressed, or give some descriptions of his, like: the gentleman with black hair, for example. After the witness points out the person, the examiner starts to mention the name of the defendant through a typical question:

What was Mr. So-and-so doing when you saw him?

Examples of this fact can be found in all cases including my data and Reporter's Transcript, like the following examples:

1. DA : DID YOU SEE someone else that night (hh) (1.5)

   DA : around eight o'clock who is now present in this courtroom?

   W : Yes (.8)

   W : I did.

   DA : Would you point out that person you are talking about?

   W : The gentleman right there with gray hair.

   DA : What wa::s the defendant, Mr. (Medlin), doing when you saw him?

(Transcript II)

2. DA : In that area, did you see someone who you now see present here in this courtroom?

   W : Yes, I do.

   DA : Would you point out that person, please.

   W : The defendant, thee a::, the gentleman with the blue

shirt.

(After several questions and answers, the DA was holding an envelope that has a blood specimen, and he read:)

DA : Blood specimen from (name of defendant) may be marked as people's ( ).

(Transcript III)

3. Q : Mr. Perez, did a vehicle come up to your Fotomat store?

A : Yes.

Q : Was there a person in the vehicle?

A : Yes.

Q : How many?

A : One.

Q : Was it a male or female person?

A : Male.

Q : Do you see that person here today?

A : Yes, I do.

Q : Point out that person, please.

A : (Indicating)

Q : What happened when Mr. Garcia came up to your store?

(Reporter's Transcript of Preliminary)

(Examination: II)

We can see from the previous pieces of data that the name of the defendant is always stated by the examiner. The name is often stated

after the witness points out the defendant. Sometime the examiner states the name of the defendant, even before he is pointed out by the witness, like in the following example:

Q : Mr. Avila, do you know the defendant, Mr. Childs?

A : Yes.

Q : Do you know him as Tony Childs?

A : Yes.

(Reporter's Transcript I)

Either, if the defendant is being pointed out by the witness or not, the examiner is the only one to name the defendant. It looks as if the examiner is the one who gives the permission to the witness after that to use the name to refer to the defendant.

GENERAL CONCLUSIONS

Adjacency pairs used in the courtroom language have special features that distinguish them from adjacency pairs in other speech situations. When the judge asks questions to jury members, in this speech situation answers (second pair parts) rarely exist, and recipients (represented by jury members) prefer to remain silent than to answer those questions

In a situation where examiners ask questions to witnesses, the questions (first pair parts) are more informative than answers (second pair parts). This is the opposite of the case in other speech situations, like friendly conversation or a classroom conversation. The following parts of discourse structure are put together by questions rather than answers in the legal language:

Setting : Time and space of the case is always stated by the examiner. The setting of the case is illustrated through questions rather than answers in the language of the courtroom.

Events : In the legal language, events are stated in questions more than answers. The sequential order of all the events of the case is built by the examiner rather than the witness or the defendant.

Participants: Participants involved in the case are always named by the examiner. The name of the defendant is always stated by the examiner, for the first time in the case. After that, the witness can refer to the defendant using his or her name.

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APPENDIX

TRANSCRIPT I

JUDGE'S QUESTIONS TO JURORS

COURT : Alhambra Municipal Court
DIVISION : Division 4, Drunk Driving Division

Symbols used: J for Judge, Jm for Jury Member

J : Ladies and Gentlemen, this is a (1.5)
J : matter where the ( ) charge of driving a vehicle under the influence of an alcoholic beverage (1.8).
J : First, let me ask any (1.5)
J : do any of you know any reason why you feel that you prefer not to say ( )?
(1.8)

J : Have any of you ever been charged for driving a vehicle under the influence of an alcoholic beverage? Anyone here who had been charged for a crime?
(1.8)

J : Is there anyone in that ( ) that does not drive a car (1.5)
J : does not have a driver's license?
(1.5)

J : Do any of you totally (abstain) from the use of (.8)
J : any alcoholic beverage?

Jm : Yes.

J : Mr. Brown?
(1.8)

J : Mr. Brown, have you ever (abstained) an alcoholic beverage?

Jm : Yes, Sir. I am an alcoholic.
(1.8)

J : Do any of you belong to any group (.8)
J : religious group, organizations which (abstains) the total absence of the use of alcohol?

J : Is there anyone in this jury who HAS NOT in some time of his life HAD (1.5)
J : one or more (1.5)

J : drinks of an alcoholic beverage and then operated a motor vehicle within an hour or two? Anybody had never done that?

Jm : Yes, Sir.

J : Mrs. Long (1.8)
J : You've never done that.
(1.5)

J : Does any of you (1.5)
J : have any of you ever been involved in an accident (1.5)
J : where (1.5)
J : (hh) (1.5)
J : there was an (obligation) that one of the drivers involved in that accident was under the influence of alcoholic beverages?
(1.5)

J : Have any members of your family, friends who has ever been involved in an accident, where one of the drivers (hh) (2)
J : was charged for driving a vehicle under the influence of an alcoholic beverage?
(1.5)

J : Is there any of the jurors (hhh) who FEE::LS THA::T they can not follow these instructions that I will give you ( ) as to the law to advise to this case? Even if you disagree with it?
(1.5)

J : ( ) ( ) you all feel that you will be able to follow my instructions as to the law even if you disagree with it?
(1.5)

J : Do any of you FEEL that someone who was charged with a CRIME (1.5)
J : arrested, booked, and released and appears here and prosecuted (hhh) for any criminal proceeding (hhh) is probably guilty? Let me rephrase that! It is safe to assume that he has done something (1.5)
J : to have been arrested. The question I'm ASKING
[cough]
you is (1.5)
J : are you able to follow the LA:W in the sense that may accuse this presumably (innocent) matter might occur to the Court, but once he gets to the Court here, it is presumed that it must be ( ) to be (innocent) like yourself (1.5)
J : any body who can not make that assumption, start to prepare ( ) the case ( )?
(1.8)

J : Is there anyone in this group who (1.5)
J : is a member of any organization that (ab) the obligation or CHANGE of any law?
(1.8)

J : Do any of you feel that (1.8)
J : from what you know about driving a vehicle, that there is a law in

the state of California that (1.8)
J : that there are ( ) or any strong opinion about anything that you KNOW about what is commonly referred to as drunk driving?
(1.8)

J : Do any of you (ha::ve) any connection with any law (enforcement) agency, work with any law (enforcement) agency ( ) how about family members? Do you have any family members who (hh) (1.3)
J : ( ) (1.5),
J : about the court system, do you have any connection with the court system? District Attorney's Office, City Commissioner's Office, Judges (hhh) (1.5)
J : Mrs. (Jane)?

Jm : District Attorney.

J : Attorneys? Attorney practicing with anyone? Within a private ( )? Anyone else?
[cough]
(1.5)

J : Do any of you have any (hhh) friends, relatives, who have ever been seriously injured in a traffic accident? (2)
J : Mrs. James.

Jm : I have cousins who were killed.

J : You have cousins who were killed? I should have said (1.5)
J : killed or injured (hhh) (1.5)
J : and was anyone in tha::t accident accused of being under the influence of an alcoholic beverage?

Jm : (hhh) I don't know.

J : You don't know if anyone had ever prosecuted or arrested of (charge)?
(1.8)

J : Is there anyone of you who feels tha;:t a police officer in a case of (this crime) is more likely to be telling the truth about the events ( ), do you think that the police officer who is testifying about arrested ( )?
(1.5)

J : Do any of you feel (2.5)
J : tha::t (1.5)
J : our system of proof of a criminal manner, that is, that the people who are prosecutors must be in (that case) beyond the reasonable doubt ( ) do any of you think that (1.5)
J : that this is somehow unfair ( )?
(2)

J : Do any of you feel that (1.5)
J : any kind of ay:: machine, testing machine which tests for ( ) alcohol levels is REQUIRED fo::r ( ), some people have breath

test, blood test ( ), some people ( ) developed a feeling that you CAN NOT ( ) someone unless there is a machine that is turned ( ) alcoholic. Do any of you feel that those machines are invalid? Do any of you feel ( ) about that kind of thing? (1.5)

J : You will be instructed on the laws within the (pause) (governing) the evidence at the later day. I just wanted to find out now whether you have some idea about the prosecution of driving a vehicle under the influence of ( ) and that machine that tests ( ).

(1.5)

J : Have any of you ever been a victim of any crime?

(The Jurors, after that, introduced themselves; they stated their names, addresses, occupations, etc.)

Finally the Judge said:

J : O.K. We will return at two o'clock this afternoon presumably ( ) All right, you are all excused till two o'clock this afternoon.

TRANSCRIPT II

AN INVESTIGATION IN THE COURTROOM

COURT : Alhambra Municipal Court
DIVISION : Division 4, Drunk Driving Division

Characters : District Attorney - DA
Public Defender - PD
Witness - W

DA : Call Marlene Barney.

DA : O.K. (1.5)
DA : Marlene, going back to May 29th of this year (1.5)
DA : were you in a parking lot (hh) (1.5)
DA : between San Gabriel Boulevard and Pine Street, South Pine in San Gabriel?

W : Yes.

DA : And that's (.8)
DA : in the County of Los Angeles?

W : Yes.

DA : Did you see somebody THERE in that parking lot? First of all, what businesses or buildings are around that parking lot?

W : (hhh) (1.5)
W : The parking lot is for a ( ) bar.

DA : What is the name of the bar?

W : The Tip Top Inn.

DA : All right, an:d (hh) (1.5)
DA : were you there with someone else?

W : Yes.

DA : Who were you there with?

W : (Danver) ( ).

DA : DID YOU SEE someone else there that night (hh) (1.5)

DA : around eight o'clock who is now present in this Courtroom?

W : Yes (.8)
W : I did.

DA : Would you point out that person you are talking about?

W : The gentleman right there with gray hair.

DA : What wa::s the defendant, Mr. (Medlin) doing when you saw him?

W : He was backing his car out of the parking lot.

DA : What kind of car was that?

W : It's (1.8)
W : I (1.5)
W : a Cadillac, I believe (1.3)
W : someone, maybe around fifty years, was driving the Cadillac.

DA : (hhh) Did you watch him when he backed the car out?

W : Yes, I did.

DA : As he was backing the car out, what exactly did you do?

W : JUST WATCHED him (hh) (1.8)
W : just watched him really; he wa:s trapped.

DA : Did you (1.5)
DA : what do you mean he was trapped?

W : It took him a long time. It's a very tiny parking lot.

DA : All right, and what accesses are there in that parking lot? How do you go around that parking lot?

W : Through an alley.

DA : And that's the only way you can go around?

W : [The only way]

DA : And (1.5)
DA : was he backing his car towards this alley?

W : Yes.

DA : As you watched him, what did he do with his car?

W : (1.8)
W : He backed it (1.5)
W : he backed it into the alley.

DA : Did you know Mr. (Medlin) from before? You've seen him before?

W : I have seen him before.

DA : As he was backing in the alley, did you (1.5)
DA : do something else?

W : I just basically watched (1.5)
W : I saw him trying to turn in the corner; I heard a crash.

DA : When you say you heard a crash, were you WATCHING him driving his car when you heard the crash?

W : Yes (1.5)
W : I was.

DA : And (1.5)
DA : could you SEE (1.5)
DA : (hh) what the CAUSE of the crash was?

W : I don't understand.

DA : In other words, you saw him driving the car and you heard a crash (1.5)
DA : Could you SEE the point of impact of that crash?

W : I saw a car that was damaged.

DA : All right (1.5)
DA : where was (1.8)
DA : that car in relation, in relationship to Mr. (Medlin's) car when you saw it?

W : ABOUT forty feet away.

DA : Would you try this.
(asking witness to look at an illustration to locate the car)

DA : So is this the (1.5)
DA : the back of the Tip Top Bar (1.5)
DA : is there another building inside?

W : There is an apartment building.

DA : But you can't get out that way?

W : No, you can't go that way.

DA : So the only way out is that alley, going.

W : [That is right]

DA : ...Down here, is that correct?

W : Yes.

DA : The parking lot is in here? Is that right?

W : No, actually (1.5)
W : the alley is running (1.5)
W : a little bit the other direction.

DA : You might try to do what I tried to do here with this marker; draw the approximate location of the car.

W : (drawing) This is the parking lot (1.5)
W : right here (1.5)
W : this is the apartment building right here (1.5)
W : this (.8)
W : is the alley. The car was right here.
(1.5)

DA : Now, when you saw Mr. (Medlin) backing his car, was he backing it to what direction? Was he backing it in relationship to the parking lot?

W : He was backing straight through the parking lot into the alley.

DA : O.K. (1.5)
DA : Now, were you actually WATCHING his car when you heard this crash?

W : [Yes]
(1.5)

W : I saw the front end of the car (1.3)
W : I saw him turning a corner (1.3)
W : turning the corner because that is the dead end of the alley; turning the corner to go THIS direction.

DA : What I'm asking is that could you actually SEE his car coming into contact with any other car?

W : No, I could not.

DA : When you heard the crash, did you

W : [I ran around the corner]

DA : And when you ran around the corner, what could you see?

W : I could see him backing out the rest of the alley.

DA : And did you SEE the: (hh) (1.5)
DA : did you see any damaged car in the alley?

W : Yes, I did.

DA : Where was that car?

W : The car was parked (1.5)
W : in a parking space (1.5)
W : at the apartment building which is directly (1.5)

DA : Why don't you just draw ( ) where the parked car was.

W : (drawing)

DA : (hh) (1.8)
DA : You (1.8)
DA : didn't (1.8)
DA : get the chance to see that car before you heard the crash, did you?

W : No, I did not.

DA : So, all you saw was Mr. (Medlin) backing his car out (1.5)
DA : you saw (1.5)
DA : (hh) (1.5)
DA : you heard a crash.

W : Yes.

DA : You ran around, he was still backing his car out, and you saw a damage in that car parked in the alley?

W : Right.

DA : Did Mr. (Medlin) stop his car?

W : No.

DA : (hh) (1.5)
DA : Did you see him leave the alley and run away?

W : Yes.

PD : Where were you when you (1.5)
PD : when you saw Mr. (Medlin) (hh) (1.5)
PD : driving away?

W : Standing in the alley.

PD : Where?

W : You mind if I

PD : Put a little red X where you were.

W : O:

PD : When you were right (1.5)
PD : when you were right at X, Mr. (Medlin) was already down at the end of the alley?

W : No, he was ( )

PD : When you heard the NOISE of the crash, where were you?

DA : Put X-1 where you heard the noise.

DA : Where were you before X-1? Were you inside the Tip Top? You were up
there in the ( ) where the parking lot is? Is that correct?

W : Yes.

DA : Were you ever inside the Tip Top Bar?

W : Yes.

DA : You work at the Tip Top Bar? (1.5)
DA : What were you doing at the Tip Top Bar?

W : I went there to have a drink.

DA : What cau:sed you to come out from the Tip Top Ba:r (1.5)
DA : to the alley?

W : I wanted to leave.

DA : Were you with anybody?

W : Yes.

DA : Who were you with?

W : Bill ( ).

DA : When you a:: (1.5)
DA : decided to leave (1.5)
DA : did you ( ) outside the Tip Top Bar?

W : No (1.5)
W : Bill and I walked out together.

DA : O.K. (.8)
DA : and you saw Mr. (Medlin) getting into his car.

W : Yes, I did.

DA : Do you know Mr. (Medlin)?

W : No, I only have seen him before (2)
W : Oh yes, I know who he is, ya (1.5)
W : I misunderstood your question.

PD : Before that day of the 29th, did you know his name?

W : No, I did not.

PD : You've never talked to Mr. (Medlin) before?

W : No, I have not.

PD : Did you have any ( ) with Mr. (Medlin) before?

W : Excuse me (.8)
W : I apologize (.8)
W : he did speak to me once; I believe he said "hello".

PD : When was that?

W : It could've been maybe a month or two months earlier.

PD : You've never had any relationships with Mr. (1.5)
PD : (Medlin) other than saying "hello" to you?

W : I believe NOT.
(1.5)

PD : Did you call the police?

W : No, I did not.

PD : Did you TALK to the police?

W : Yes, I did.

PD : Did you give the police your name?

W : Yes (.8)
W : No, I didn't (.8)
W : They contacted me.

PD : When did they talk to you?

W : (1.5)
W : I believe it was the following Monday or Tuesday (.8)
W : possibly Tuesday.

PD : (3.5)
PD : Do you remember Officer (Tracy)?

W : Yes.

PD : Did he talk to you?

W : No, he did not.

PD : Did you ever tell the police that you did not know who the a: (1.5)
PD : driver of the car was?

W : No, I did not.

PD : What did you tell the police?

W : I told them exactly what I told you.

PD : Did you give the NAME of the driver of the car?

W : No, I didn't (.8)
W : know his name (1.5)
W : I knew the license (.8)
W : that's all.
(1.8)

DA : After this event (1.5)
DA : did you stay there for very long, or did you leave?

W : I went looking for the car ( ).

DA : I'm sorry.

W : I went looking for the owner of the car (1.5)
W : that was parked in that apartment building.

DA : Did you stay in the area (1.5)
DA : to talk to the police?

W : No, I did not.

DA : O.K. That's all. Thank you very much.

TRANSCRIPT III

ANOTHER INVESTIGATION IN THE COURTROOM

COURT : Alhambra Municipal Court
DIVISION : Division 4, Drunk Driving Division

Characters : District Attorney - DA
Deputy Sheriff, Witness - W
Public Defender - PD

DA : Deputy (.8)
DA : going back to (hhh) (1.5)
DA : March 27th about eight forty-five in the evening, what was your occupation?

W : Deputy Sheriff of the County of Los Angeles, and I was assigned for Temple City Traffic.

DA : And about that time, were you in the area of Las Tunas and ( ) Avenue in the (.8)
DA : City of Temple City in the County of Los Angeles?

W : I was (.8)
W : further west.

DA : But you were in that area?

W : Yes, I was.

DA : In that area, did you see someone there who you now see present here in this Courtroom?

W : Yes, I do.

DA : Would you point out that person, please.

W : The defendant, thee a::, the gentleman with the blue shirt.

DA : What was it (.5)
DA : that caused you to direct your attention to the defendant?

W : I observed a:: the vehicle (1.5)
W : a pickup truck going east ( ) which sets off my radar at 43 miles an hour.

DA : You were working a radar (.5)
DA : machine in your (.5)
DA : patrol vehicle?

W : Yes, I was.

DA : And a:: when you saw the radar (.5)
DA : being set off at forty-three miles an hour, is this what you observed the defendant's car?

W : Yes.

DA : What did you do when you saw that?

W : After he (.5)
W : passed my location, I made a U-turn and started to follow him.

DA : And a:: as you followed him, did you continue to (.5)
DA : ( ) or determine his speed?

W : Yes.

DA : What was the speed?

W : He maintained the speed at forty-three miles an hour.

DA : And what is ( ) speed limit in thee: area, that is, where he was driving at forty-three miles an hour?

W : Thirty miles an hour.

DA : A:: so he was going approximately by your (.5)
DA : instrumentation and your following with your car, he was going about a:: thirteen miles over speed limit, thirty miles an hour.

W : Yes, sir.

DA : A::: (1.5)
DA : Is there any ( ) about his driving other than the SPEED that you noticed?

W : After I made the U-turn and started (.5)
W : following him, I noticed tha:t (1.5)
W : he was a:: (st ing) the broken white line that separates Number One and Number Two ( ) lanes.

DA : Instead of being in one lane or the other, he was going right down in the middle.

W : Rather than being in the middle, I would say his a:: left, right and left rear tires were in the Number Two la:ne, and the rest of his vehicle was in the Number One lane.

DA : All right, for clarity (.5)

DA : the Number One lane, which lane of traffic is that?

W : The left one (1.5)
W : the closest to the center of the ( ).

DA : So (.5)
DA : the majority of his car was in the Number One lane, closer to the center (aisle), and thee:, the rest of it was in thee: the Number Two lane.

W : That is correct.

DA : (1.8)
DA : All right, what did you do next?

W : Then I ( ) my red lights and ( ) lights a:: in which time the vehicle made a left turn on to (cloverleaf) ( ).

DA : What happened then?

W : Then next to that, my patrol vehicle (.8)
W : approached the driver (.8)
W : and I observed that the defendant a:: was so ( ) to drive a vehicle, a::nd asked for his driver's license and his registration.

DA : A:nd did you observe anything in particular about the DEFENDANT when you made that contact with him?

W : Yes (.5)
W : while I was conversing with him (.5)
W : I noticed a strong odor of alcohol ( ) from his breath (.8)
W : I also observed that his eyes were ( ) (watery) and his speech was ( ).

DA : Did you: (.5),
DA : at that point, start to ( ) to form some opinions as to his possible condition?

W : (1.5)
W : N::O, I didn't form an opinion at that time. I (.5),
W : I asked him to step out of the car so I can give him some (.5)
W : ( ) of (sobriety) tests.

DA : You have some suspicions then?

W : Yes, I do.

DA : A:: did you (.5)
DA : notice anything about the way he WALKED or (.5),
DA : when he got out of the car, did you notice anything else about this person?

W : (2)
W : N:: not really.

DA : [Forget] that you testified him. When he talked to you, did he talk normally?

W : (.5)
W : He talked normally::, his speech was slightly (s).

DA : A:: so you got him out of the car, took him to the position of safety (.5)
DA : and asked him to go over certain tests?

W : Yes, I did.

DA : Would you tell us what was the first test that you asked him to perform?

W : Thee: one leg (extended) ( ) test.

DA: Would you (.5)
DA : mind demonstrating that for the jury so they can see what you're talking about.

(Witness standing and start demonstrating)

W : I first demonstrated to the: a: defendant. I told him, "I want you to stand on one leg and stand ( ) and keep your hands on the side."

DA : And (.8)
DA : did he perform that test for you?

W : Yes.

DA : How did he do it?

W : He extended his a:: the ( ) of his right leg out, about four/five inches, but he could only keep it up there for (.5)
W : less than five seconds ( ).

DA : A:: for about (1.5)
DA : what period of time did you have him perform that test? How many times did he put his foot ( )?

W : A:: five or six times.

DA : What was the next balance test you asked him to perform?

W : Next balance test I asked him was (to place his), keep his ( ) together, close his eyes and ( ).

DA : O.K. (.5)
DA : and did he attempt to do tha:t?

W : Yes, he did.

DA : How did he perform that test?

W : He: placed ( ) keep his arm down, he looked up and (closed) his eyes (.5)
W : but he kept (ing) (.5)
W : back and forth from side to side.

DA : As you just demonstrated?

W : Yes.

DA : What else did you ask him to do?

W : Then I asked him to perform a heel-to-toe test, placing the heel one ( ) for the toe together (.8)
W : with his arms down to the side and looking straight ahead ( ) and take eight steps forward (.8)
W : and I told him to turn around and take eight steps back.

DA : Did he do that?

W : Yes, he did.

DA : How did he do it?

W : He:: he took eight steps forward a:: (.5)
W : on the eighth step, I had to tell him to stop because he could have taken more (1.5)
W : but (.5)
W : as he took the eight steps forward a:: (.8)
W : I believe it was three times he actually had (stepped) to the side.

DA : So (1.5)
DA : out of eight (.8)
DA : steps (.5)
DA : three times, I believe, he stepped off from the side of (the back) of the heel to the toe.

W : Yes.

DA : All right (.8)
DA : did he turn around and walk the other direction?

W : Yes, he did.

DA : How well he performed going the other direction?

W : It was basically the same.

DA : Stepped off (.8)
DA : to the side three times?

W : Yes.

DA : Any other tests?

W : Yes, I did (.5)
W : one other test.

DA : What was that?

W : That was the a: finger-and-nose test. I asked him to ( ) heels and toes together, looking up, closing his eyes and extending his index fingers (.5)
W : and the:n asked him to touch a:: the tip of his nose with his index finger, and I told him which hand to use, and I alternated it between the right and the left.

DA : How, How long did he perform that test?

W : He: a: I had him do it six times (.5)
W : three times with each hand, on a:, twice he touched the: bridge of his no:se and three times he touched the: his upper a::.

DA : So six times; five times he missed the tip of his nose.

W : One time he touched the:

DA : Any other test you asked him to perform?

W : No.

DA : All right, DID you form some opinion at THAT point about his condition?

W : Yes, I did.

DA : What was that opinion?

W : I formed the opinion that he was driving under the influence of an alcoholic beverage.

DA : How lo:ng have you had ( ) at that day (as) a Deputy Sheriff?

W : A:: approximately (1.5)
W : four-and-a-half years, a:: I'm sorry, eight-and-a-half years. (1.5)
W : four-and-a-half on the street (.5)
W : eight-and-a-half total.

DA : O.K. (.5)
DA : So you have been a Deputy Sheriff for eight-and-a-half, but four-and-a-half ( ).

W : Yes.

DA : A:: how many, on that day, how many ( ) drunk driving arrests did you make?

W : (1.5)
W : a... (.8)
W : four/five hundred.

DA : After forming the opinion that the defendant was driving under the influence of an alcoholic beverage (.5)
DA : what did you do next?

W : And the:n placed him under arrest.

DA : Did you ADVISE him of his (requirement) to take some sort of chemical test a:: (1.5)
DA : being under arrest for driving under the influence of a::, and did he choose a particular test?

W : Yes, he did.

DA : What did he say he wanted?

W : He said he wanted a blood test.

DA : What did you do with response to that?

W : I did transfer him to San Gabriel Community Hospital (.8)
W : where I obtained the blood sample.

DA : A:: were you present when the blood sample was obtained?

W : Yes, I was.

DA : Do you know the name of the person who obtained ( ) the technician who took the blood from his arm?

W : A:: looking on the: envelope, he says ( ) a::

DA : But you were there and you (s) (1.8)
DA : looking at the name on the envelope (1.5)
DA : do you know that technician?

W : Not really (.8)
W : because it was my first a:: ( ) with that technician.

DA : Oh, you don't know that technician? O.K. (.5)
DA : fine, a:: (6)
DA : a:: (1.5)
DA : what did you do with the blood sample after ( ) (or) taken from the arm of the defendant?

W : I (1.5)
W : placed it in our (staionery) ( ).

DA : A:: When you placed it in your stationery, did you put it in a certain kind of envelope?

W : Yes, I did.

DA : Is that envelope in ( ) right now?

W : Yes, it is.

DA : O.K. (.5)
DA : so you took the VIAL with the blood in it and you put it in that envelope and ( ), is that right?

W : I took the vial, I ( ) up (.5)
W : and then I placed it in the envelope (1.5)
W : and then when we got back to our station, I placed it in ( ).

DA : All right (.8)
DA : and did you bring that envelope (.8) to court with you this morning?

W : ( ) in this afternoon (.5)
W : it was transferred.

DA : Oh, that's right (.5)
DA : one of the other deputy sheriffs brought it ( ).

W : Yes.

DA : You (.5)
DA : recognized the writing in the envelope.

W : Yes, I do.

DA : Is that your writing?

W : Yes, it is.

DA : All right, you write on the envelope a:: (.8)
DA : blood specimen from ( ) may be marked as People's ( ).

(looking at the envelope)

DA : (5)
DA : What is that (marking) in the vial?

W : A:: the defendant's name and ( ).

DA : Did you place the defendant's name on the envelope?

W : Yes, I did.

DA : The ( ) that you just brought (1.5)
DA : is that ( ) by yourself or by someone else?

W : By myself.

(10)

PD : Now (.5)
PD : Officer (1.5)
PD : when you were driving (.8)
PD : were you alone or with someone else?

W : No, I was alone.

PD : You indicated the:: ( ) of the car was forty-three a:: when you
first (got) it in the radar (.5)
PD : Is there a variance in that radar, plus or minus miles an hour?

W : I don't (a)
W : I don't know.

PD : O.K. (.8)
PD : so that's an approximate spee:d that the (.5)
PD : radar catches and then you (1)
PD : (case) on that?

W : Yes, I (.5)
W : I've been told by my supervisor that it is (1)
W : accurate (1.5)
W : there is no plus or minus (.8)
W : but I don't know.

PD : But when you ( ) the car (.8)
PD : how long did you ( ) the car?

W : A:: approximately:: one-quarter of a mile.

PD : That's about four/five city blocks?

W : Yes.

DA : Now (1.5)
DA : what time was it when this happened?

W : It was approximately:: (.8)
W : I believe it was like quarter to nine.

DA : And a:: did you talk to Mister a:: Marc?

W : Yes, I did.

DA : Did you (have) the flashlight in his face?

W : M:: not a flashlight, a:: I believe I had a ( ).

DA : Did you illuminate his face in any way (.5)
DA : or ( )?

W : When I first approached the car?

DA : Yes.

W : I don't believe (1.5)
W : I just illuminated the interior car (1)
W : actually.

DA : Did you look at the way he was dressed?

W : A:: (1.5)
W : I didn't pay much attention to the way he was dressed but I ( ).

DA : Did you note anything about his facial features (1.5)
DA : other than his eyes?

W : He had gla:sses.

DA : Look at him now. Is he different from what he looked there? (.5)
DA : or (.8)
DA : was it the same?

W : His ( ) was clean shaved at that night.