

FORENSIC EXERCISE

Use of Documents and Exhibits

FACT PATTERN AND CASE MATERIALS

You are representing Dennis Freeman and in the course of your representation you have retrieved several documents and exhibits you will need to enter into evidence. Please prepare a brief direct or cross-examination of witnesses you intend to use for the introduction and admission of these documents and exhibits. Prepare to lay a foundation and use the Mark, Show, Approach, and Show method for introduction of each piece of evidence you will use.

Client

Dennis Freeman

Charges

Attempted Armed Robbery; Aggravated Battery with a Firearm; Aggravated Discharge of a Firearm

Date/Time/Location of Offense

October 2, YR-1, 3:15 p.m., 1234 W. Holland Street, Sunnydale

Date/Time/Location of Arrest

November 22, YR-1, 5:30 p.m., Harriet Trellis Group Home, 1672 W. Mallridge, Sunnydale

Summary of Police Report

The reporting detective (RD) received an assignment from command of a man shot. RD proceeded to 1234 W. Holland Street. Upon arrival, RD observed a black Yukon sport utility vehicle inside the perimeter of yellow crime scene tape. The vehicle was processed and photographed by evidence technician Paul Homer (beat 106) and is detailed in a separate report under this case number.

RD spoke with Officer Most, who had contained the scene and waited for the ambulance. Based on witness interviews, he reported that the victim was stopped at a traffic light, facing west

on Holland and Speedway. A male black subject approached the vehicle from the driver's side, holding a firearm and ordered the victim out of the car. The victim grabbed the gun at which point the offender stepped back and fired several shots into the victim's vehicle, striking him several times. The offender fled the scene in a vehicle that was parked in an alley. The victim remained in his car.

Officer Most reported that none of the eyewitnesses were able to provide a description of the offender, other than he was a young black male with braids in his hair. RD relocated to the hospital to interview the victim. Victor Gonzalez related in essence and not verbatim, that he was in his SUV stopped at a red light, westbound on Holland Street facing Speedway. He was talking on the phone with his cousin. A black male dressed in all white clothing appeared at his window. Gonzalez related that the offender pointed a silver handgun at him and ordered him out of the vehicle. Gonzalez related that he attempted to grab the gun, but was unable to get it away from the offender. The offender then shot him several times. The light turned green and he tried to accelerate, but he was not able to operate his car.

On November 22, YR-1, RD was conducting a separate investigation when he was informed by a subject being interviewed that he had information related to the shooting in October on Holland Street. The subject identified Dennis Freeman and Marcus Links as the offenders. He reported that he was living in a Group Home with Freeman and Links at the time of the shooting, and they had confessed to it. When asked why he did not report this sooner, he replied that he feared for his safety.

RD relocated to the Group Home, where he found Dennis Freeman. Freeman was transported to the Area headquarters. He denied involvement in the shooting. Freeman was placed in a room pending notification of the victim.

RD contacted the victim and requested that he come to the area to view a line-up. He arrived and viewed a line-up containing Dennis Freeman. Gonzalez identified Freeman as the person who shot him while attempting to steal his SUV. A detailed account of this line-up is recorded under a separate detective division line-up report.

RD advised Freeman of his rights per pre-printed form. Freeman related he understood his rights and requested an attorney.

Based on the facts listed on this and all other reports generated in this matter, RD is requesting that this case be CLEAR/CLOSED by Arrest and Prosecution.

Submitted by Detective Martin England

Defense Investigation

The defense interviewed Mrs. Victor Gonzalez and obtained a signed statement from her (attached).

The defense also interviewed Myron Ross, a childcare worker who was on duty at the Harriet Trellis Group Home on 10/2/YR-1. Mr. Ross produced a logbook containing a record of the residents' movements on 10/2/YR-1. There were four boys living in the Group Home on

10/2/YR-1. The relevant pages from the logbook are attached.

In addition, the defense located an eyewitness, Linda Taylor, who had just cashed a check at a currency exchange that was directly across the street from the shooting. She left after the shooting and did not contact the police. She viewed a photo of Dennis and says that he is not the offender. The defense subpoenaed the cashed check from the issuing bank, which is attached. Also attached is a proposed stipulation that the State has refused to sign.

The defense subpoenaed the 911 calls from 10/2/YR-1 in which two people described the offender. The transcript of the recording is attached.

A photo of the SUV that Mr. Gonzalez was driving is attached.

Be prepared to introduce and admit all of the exhibits through the appropriate witnesses.



JTIP Handout: Lesson 25 – Use of Documents and Exhibits

HOOVER CLEANERS

UNITED BANK

CHECK NO 12983476

DATE: 09/30/YR-1

PAY EIGHT HUNDRED THIRTY FOUR DOLLARS and 31 CENTS

TO THE ORDER OF: Linda Taylor
625 S. Campbell
Sunnydale

Edward Hoover

Linda Taylor

R'vd
NUMBER ONE CURRENCY EXCHANGE
10.2.YR-1

Sunnydale Savings and Loan
10/3/YR-1

RECEIVED
PAID
UNITED BANK
10.5.YR-1

10. Mr. Lockwood confirms that Exhibit ___ is a copy of the payroll check Linda Taylor cashed at the Number One Currency Exchange on October 2, YR-1.
11. In October YR-1, personnel at the Number One Currency Exchange were advised that when a person came in to cash a check, he or she was required to show a valid, government-issued ID. If the person was a regular customer, that customer would be in the system, and the check would be cashed. If the person was a new customer, the check would be verified with the issuing company before it was cashed.
12. Once a check was approved for cashing, the employee gave the person his or her money, minus a check-cashing fee. The employee then stamped the back of the check with the stamp indicating it should be paid to Sunnydale Savings and Loan from the Number One Currency Exchange. The back of Exhibit __, the check paid to the order of Linda Taylor and dated September 30, YR-1, contains the stamp that was used in October YR-1 by the Currency Exchange in YR-1. The check was stamped on October 2, YR-1.
13. Toward the end of the day, all cashed checks were placed in a pouch to be sent via armored car to Sunnydale Savings and Loan. Whether the checks were processed the day the pouch was delivered or the next day depended on the time the delivery was made to the bank.
14. Janice Smythe is a Legal Document Processor for Sunnydale Savings and Loan. Ms. Smythe confirms that Sunnydale Savings and Loan records reflect that Exhibit ___ was deposited on October 3, YR-1, into an account held by the Number One Currency Exchange.
15. Exhibit __ is a deposit slip from Sunnydale Savings and Loan dated October 3, YR-1. Exhibit _____ is a copy of check # 12983476 dated September 30, YR-1, payable to Linda Taylor in the amount of \$834.31. These documents were part of the deposit made on October 3, YR-1, into the account held in the name of the Number One Currency Exchange.
16. Holly Hill is a teller at United Bank and served in that capacity in October YR-1. She is familiar with the regular business practices of the Bank. Exhibit ___ is a scanned copy of a payroll check issued from Hoover Cleaners to Linda Taylor on September 30, YR-1. The check bears the received and paid stamp dated October 5, YR-1. After the check was paid to the Sunnydale Savings and Loan, the check was sent to Hoover Cleaners. This was done in the regular course of business.
17. All of the Exhibits attached to this stipulation were kept as part of the normal course of business of the respective institutions and are admissible under the business records exception to the hearsay rule.
18. By agreeing to these stipulations, all of the parties forfeit any objection to the admissibility of this evidence.

Daniella Defender, Attorney for D.F.

Brian Doss, Assistant State's Attorney

**HARRIET TRELIS GROUP HOME
RESIDENT ACTIVITY LOGBOOK**

RESIDENT DAILY ACTIVITY

Date: October 2, YR-1

Shift: First

Caseworker on duty: Myron Ross

TIME	RESIDENT
8:30 a.m.	<i>Links, Freeman, Powers in rooms sleeping Howard is out on weekend pass</i>
9:15	<i>Links is up and moving around; Freeman and Powers still in rooms sleeping</i>
9:45	<i>Freeman in dining room; Powers in shower; Links in room</i>
10:00	<i>All residents in dining room</i>
10:30	<i>All residents in TV room</i>
11:00	<i>All residents in TV room</i>
11:22	<i>Powers leaves Home through front door; Freeman and Links remain in TV room</i>
11:30	<i>Powers out of Home; Links and Freeman in TV room</i>
12:00 p.m.	<i>Links leaves Home; Powers out of Home; Freeman in TV room</i>
12:30	<i>Links and Powers out of Home; Freeman in TV room</i>
12:40	<i>Freeman leaves Home; All residents out of Home</i>
1:00	<i>All residents out of Home</i>
1:17	<i>Powers returns to Home</i>

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RESIDENT DAILY ACTIVITY

Date: October 2, YR-1

Shift: First

Caseworker on duty: Myron Ross

TIME	RESIDENT
1:30	<i>Powers in TV room; Links and Freeman out of Home</i>
2:00	<i>Powers in TV room; Links and Freeman out of Home</i>
2:18	<i>Freeman returns to Home; Powers in TV room; Links out of Home</i>
2:30	<i>Freeman and Powers in TV room; Links out of Home</i>
3:00	<i>Freeman and Powers in TV room; Links out of Home</i>
3:30	<i>Freeman and Powers in TV room; Links out of Home</i>
4:00	<i>Freeman and Powers in TV room; Links out of Home</i>
4:07	<i>Freeman and Powers leave through front door; Links out of Home</i>
4:30	<i>All residents out of Home</i>
5:00	<i>All residents out of Home</i>
5:30	<i>All residents out of Home</i>
6:00	<i>All residents out of Home</i>
6:06	<i>Freeman returns to Home; Links and Powers out of Home</i>
6:30	<i>Freeman in dining room; Links and Powers out of Home</i>