

Hot Wheels

Judge

Bailiff

Clerk

Court Reporter

District Attorney 1 (DA)

District Attorney 2 (DA2)

Public Defender

Defendant

Car owner

Police Officer

Fingerprint Examiner (FE)

Jury Foreperson

Bailiff: [*Stand. Bang gavel twice*] All rise. [*Wait for judge to enter and sit*]
The court of the First Circuit of Hawaii is now in session.
Judge _____ (Judge's last name) presiding. Please be seated.

Judge: Good morning, ladies and gentlemen. Calling the case of the People of the State of Hawaii versus _____ (Defendant's full name). Are both sides ready?

DA: Ready for the People, Your Honor.

Public Defender: Ready for the defense, Your Honor.

Judge: Will the clerk please swear in the jury?

Clerk: [*Stand in front of the jury box*] Will the jury please stand and raise your right hand? [*Wait for everyone to stand*] Do each of you swear that you will fairly try the case before this court, and that you will return a true verdict according to the evidence and the instructions of the court, so help you, God? Please say, "I do". [*Wait for jurors to say, "I do."*] You may be seated.

DA: [*Stand and face the jury*] Your Honor and ladies and gentlemen of the jury: the defendant has been charged with the crime of driving or taking a car belonging to someone else, without the permission of the owner. The evidence will show that a 2015 Ferrari was stolen on the night of February 8th. The next day the defendant was arrested driving the stolen car. The defendant's fingerprints were on the keys used to steal the car. The evidence I present will prove to you that the defendant is guilty as charged.

Public Defender: [*Stand and face the jury*] Your Honor and ladies and gentlemen of the jury: under the law my client is presumed innocent until proven guilty. During this trial, you will hear no real evidence against my client. You will come to know the truth: that _____ (Defendant's first name) was just riding in a car stolen by someone else. After finding out that the car was stolen, _____ (Defendant's first name) was just trying to do the right thing by returning the car to its owner. Therefore my client is not guilty.

Judge: The prosecution may call its first witness.

DA: The People call the owner of the car.

[*Car owner goes up to the witness stand and remains standing*]

Clerk: Raise your right hand. Do you promise that the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

Car Owner: I do.

Clerk: Please state your first and last name.

Car Owner: [*Say your first and last name*]

Clerk: You may be seated.

Reporter: Please spell your last name for the record.

Car Owner: [*Spell your last name*]

DA: [*Stand*] _____ (Car Owner's name), where do you work?

Car Owner: I own Ward Car Sales.

DA: What is the address of your business?

Car Owner: 317 Ward Avenue, Honolulu.

DA: Were you working there on February 8th?

Car Owner: Yes, I was.

DA: Was one of the cars you had for sale a red 2015 Ferrari license number CBX 239?

Car Owner: Yes.

DA: Did you see the car on the lot on February 8th?

Car Owner: Yes. The car was there when we closed that night.

DA: Did you see the car again on February 9th?

Car Owner: No. It was missing when I got to work that morning.

DA: Where were the keys to the Ferrari when you left on February 8th?

Car Owner: It was locked in the sales office.

DA: Where were the keys when you came back the next morning?

Car Owner: They were still locked in the sales office.

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DA: Did you file a stolen car report with the police?

Car Owner: Yes, I did.

DA: Had you given anyone permission to take or drive the Ferrari?

Car Owner: No, I did not.

DA: Thank you, I have no further questions.

Judge: Does the defense have any questions?

Public Defender: [*Stand*] Not at this time, Your Honor.

Judge: The witness is excused. [Wait for the witness to leave the stand] The prosecution may call the next witness.

DA2: [*Stand*] The People call the arresting officer.

[*Police Officer goes up to the witness stand and remains standing*]

Clerk: Raise your right hand. Do you promise that the testimony you shall give in the case before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

Officer: I do.

Clerk: Please state your first and last name.

Officer: [*Say your first and last name*]

Clerk: You may be seated.

Reporter: Please spell your last name for the record.

Officer: [*Spell your last name*]

DA2: [*Stand*] Officer, where do you work?

Officer: I have worked for the Honolulu Police Department for the past ten years.

DA2: Were you on duty on the afternoon of February 9th?

Officer: Yes. I was patrolling the road between McCully Street and Ward Avenue.

DA2: Did you observe a red 2015 Ferrari that afternoon?

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Officer: Yes, I did.

DA2: What was the license number?

Officer: CBX 239.

DA2: Where did you first see the car?

Officer: Going West, near the Original Pancake House.

DA2: Why did you notice the car?

Officer: It fit the description of a car that was on our list of stolen vehicles.

DA2: Did you stop the Ferrari?

Officer: Yes. I turned on my lights and siren and pulled the car over.

DA2: Where did you stop the car?

Officer: About half a mile past Ala Moana shopping center.

DA2: What did you do after the car stopped?

Officer: I ordered the driver to step out and I arrested [him/her.]

DA2: Do you see the driver here in court?

Officer: [*Point to defendant*]

DA2: Let the record show that the witness has identified the defendant sitting at the defense table. After you arrested the defendant, did you search the car?

Officer: Yes.

DA2: What did you find?

Officer: I found a set of keys in the ignition.

DA2: [*Bring the script and keys with you. Show the keys to the witness*] Are these the keys you found?

Officer: [*Look at keys*] Yes.

DA2: Your Honor, I would like to have these keys marked as people's exhibit number one and ask that they be admitted into evidence. [*Give keys to clerk who will pretend to put a sticker on them and give them back to you*]

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Judge: Does the defense have any objection?

Public Defender: No, Your Honor.

Judge: The keys will be admitted as People's exhibit number one.

DA2: Officer, was there anything unusual about these keys?

Officer: Yes. Based on my experience as a highway patrol officer, they looked like shaved master keys.

DA2: Can you please tell the jury what shaved master keys are?

Officer: Yes. They are keys that have been filed down so that they will start all models of a type of car. They are used as tools to steal cars.

DA2: I have no further questions.

Judge: Does the defense wish to ask any questions?

Public Defender: *[Stand]* Yes, Your Honor.

Public Defender: Officer, when you pulled the car over, you ordered my client to turn off the ignition, didn't you?

Officer: Yes, I did.

Public Defender: So you saw the defendant touch the keys?

Officer: Yes.

Public Defender: Do you know how far Ward Car Sales is from Ala Moana shopping center?

Officer: Yes, it's about a mile from there.

Public Defender: Thank you. I have no further questions.

Judge: The witness is excused. *[Wait for the witness to leave the stand]* Does the prosecution have any other witnesses?

DA: *[Stand]* Yes, Your Honor. The People call the fingerprint examiner.

[Fingerprint examiner goes up to the witness stand and remains standing]

Clerk: Raise your right hand. Do you promise that the testimony you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, so
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help you God?

FE: I do.

Clerk: Please state your first and last name.

FE: [*Say your first and last name*]

Clerk: You may be seated.

Reporter: Please spell your last name for the record.

FE: [*Spell your last name*]

DA: [*Stand*] _____ (Fingerprint examiner's first name), where do you work?

FE: I am employed by the Honolulu Police Department. I have been a qualified fingerprint examiner for 15 years.

DA: [*Take script and keys to the witness stand and show witness the keys*] Have you ever seen these keys before?

FE: [*Look at keys*] Yes. I was asked to check them for fingerprints at my lab.

DA: Did you find any fingerprints on the keys as a result of your testing?

FE: Yes. There were several clear print impressions.

DA: Were you able to identify the defendant's prints on the keys?

FE: Yes. The prints I found on two of the keys were identical to the fingerprints taken from the defendant.

DA: Thank you. I have no further questions and no other witnesses, Your Honor.

Judge: Does the defense have any questions?

Public Defender: [*Stand*] Yes, Your Honor. _____ (Fingerprint examiner's first name), as a matter of fact, you also found fingerprints on the keys, which did not belong to the defendant, didn't you?

FE: That is correct.

Public Defender: To whom do they belong?

FE: I don't know.

Public Defender: Thank you. I have no further questions.

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Judge: The witness is excused.

DA: [*Wait for the witness to leave the stand*] Your Honor, the People rest their case.

Judge: Is the defense ready with its case?

Public Defender: [*Stand*] Yes, Your Honor. I call the defendant.

[*Defendant goes to the witness stand and remains standing*]

Clerk: Raise your right hand. Do you promise that the testimony you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, so help you God?

Defendant: I do.

Clerk: Please state your name.

Defendant: [*Say your first and last name*]

Clerk: You may be seated.

Reporter: Please spell your last name for the record.

Defendant: [*Spell your last name*]

Public Defender: [*Stand*] _____ (Defendant), where were you on the afternoon of February 9?

Defendant: I was at PearlrIDGE Shopping Center.

Public Defender: Did you see a red 2015 Ferrari at that location?

Defendant: Yes. A guy pulled into the parking lot driving it.

Public Defender: Did you talk to the driver?

Defendant: Yes, I asked him how fast it was.

Public Defender: What did he say?

Defendant: He said to get in the car and he would show me.

Public Defender: What did you do then?

Defendant: I got in the car and he drove onto the freeway going east toward Diamond Head. He was driving really fast.

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Public Defender: Do you know what the driver's name was?

Defendant: Yes. He told me his name was Rick.

Public Defender: What was his last name?

Defendant: I don't know. He never told me.

Public Defender: Had you ever met him before?

Defendant: No.

Public Defender: Did he tell you where he got the car?

Defendant: He said he had stolen the car.

Public Defender: When did he tell you that?

Defendant: When we were on the freeway.

Public Defender: How far did you ride with him?

Defendant: To Ala Moana. He didn't stop before then.

Public Defender: What happened when you reached Ala Moana shopping center?

Defendant: He said he was getting out and I could have the car.

Public Defender: Did you take the car at that time?

Defendant: Yes.

Public Defender: Where did you go?

Defendant: I started driving to Ward Avenue so I could return the car.

Public Defender: How did you know where to return it?

Defendant: Rick told me he took it from a car lot on Ward Avenue.

Public Defender: Where were you when the officer arrested you?

Defendant: On Kapiolani, by Jack in the Box.

Public Defender: [*Take the keys up to the stand and show them to the defendant*] Do these keys belong to you?

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Defendant: [*Look at keys*] No.

Public Defender: Have you ever seen them before?

Defendant: Yes. They were in the Ferrari.

Public Defender: Did you touch them?

Defendant: Yes, when I turned the car off after the officer stopped me.

Public Defender: Thank you, _____ (Defendant). I have no further questions and no other witnesses, Your Honor.

Judge: Does the prosecution have any questions?

DA2: [Stand] Yes, Your Honor. _____ (Defendant), what did this "Rick" look like?

Defendant: I don't remember exactly. He had dark hair.

DA2: What kind of clothes was he wearing?

Defendant: I'm not sure. Jeans, I think, and a t-shirt.

DA2: So you just got into this car with someone that you didn't know and had never even seen before?

Defendant: Yes. But I had never been in a Ferrari before.

DA2: Did it occur to you at any time to call the police?

Defendant: Sure. But there wasn't a phone where we stopped, and I don't have a cell phone. Once I started back, I just kept driving.

DA2: You wanted to drive the Ferrari because it was a fast car, didn't you?

Defendant: I guess so.

DA2: You knew the car was stolen at the time you were driving it, didn't you?

Defendant: Yes.

DA2: Thank you. I have no further questions.

Judge: The witness is excused. [*Wait for defendant to leave the stand*] Does the defense rest?

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Public Defender: [*Stand*] Yes, Your Honor.

Judge: Ladies and gentlemen of the jury, I am now going to read to you the law that you must follow in deciding this case. To prove the crime charged against the defendant, the prosecution must prove three things to you: first, that the defendant drove or took a car belonging to someone else; second, that the owner did not give the defendant permission to drive or take the car; and third, that the defendant intended to take away the owner's right to have the car, either permanently or temporarily.

If each of you believes that the prosecution proved all three of these things beyond a reasonable doubt, then you should find the defendant guilty. But if you believe the prosecution did not prove any one of these things beyond a reasonable doubt, then you must find the defendant not guilty.

Proof beyond a reasonable doubt does not mean beyond all possible doubt. It means that you must consider all of the evidence and that you are very sure that the charge is true.

Judge: Are you ready with final arguments?

DA2: Yes, Your Honor.

Public Defender: Yes, Your Honor.

DA2: [*Stand and face the jury*] Your Honor, and ladies and gentlemen of the jury: the judge has told you that we must prove three things. There is absolutely no question about the first two things we must prove. First, the defendant was arrested driving a car belonging to the owner of Ward Car Sales. Second, the owner testified that no one, including the defendant, had permission to drive or take the Ferrari. Therefore, all we have to prove is that the defendant drove the car and intended to keep it away from the owner for at least a little while. The defendant admitted wanting to drive the Ferrari because it was fast. The defendant knew the car was stolen, and says that [he/she] even thought about calling the police before driving it. But the defendant didn't even try to walk to a telephone instead of driving the car and didn't even try to stop anywhere between Ala Moana and Ward to call the police. That shows that the defendant intended to keep the car for at least a little while. According to what the judge just told you, that is all we have to prove. Based on the evidence, you must find the defendant guilty.

Public Defender: [*Stand and face the jury*] Your Honor, ladies and gentlemen of the jury: _____ (Defendant) was unlucky to get into a car with a man who had stolen that car. [He/she] got into the car because [he/she] had never been in a Ferrari before. My client's fingerprints were found on the keys because [he/she] had to touch them when the officer pulled the car over. But the prosecution's own expert told you that other fingerprints were found on those keys that could not be identified. I suggest to you that they belong to the real thief: Rick. _____ (Defendant) is an honest person and was only trying to return the car to its owner. If [he/she] had meant to keep the car, why would [he/she] drive it back to Ward? Remember that under the law my client is presumed to be innocent. The prosecution must prove every part of its case beyond a reasonable doubt – that means that you must be very sure. One of the things they must

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prove is that my client intended to keep the car from the owner. My client is the only

person who knows what [he/she] intended, and testified under oath that [he/she] wasn't trying to keep the car from the owner, but was trying to return it. The prosecution has presented no real evidence to you to show that this is not true. That means that there is a reasonable doubt and, therefore, you must find [him/her] not guilty.

[Jury will exit the courtroom to deliberate and return after making a decision]

Judge: Will the jury foreperson please stand? Has the jury reached a verdict?

Foreperson: Yes, Your Honor. We find the defendant [guilty/not guilty.]

Judge: The jury is thanked and excused

Bailiff: [*Bang gavel twice*] All rise. Court is adjourned.