

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Legal Interpretation – Role play 6

Length: 23:24

Quality: medium

Difficulty: high

Actors

Bailiff, judge, jury, prosecuting attorney, defense attorney, witness 1, witness 2, foreperson

Context

Hernández -vs. – Texas

A Spanish woman living in Texas stands trial for the alleged murder of her husband.

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Bailiff: Please rise. The Court of the Second Judicial Circuit, Criminal Division, is now in session, the Honourable Judge Murphy presiding.

(Everyone remains standing until the judge is seated.)

Judge: Everyone but the jury may be seated. Mr. Anderson, please swear in the jury.

Bailiff: Please raise your right hand. Do you solemnly swear or affirm that you will truly listen to this case and render a true verdict and a fair sentence as to this defendant?

Jury: I do.

Judge: You may be seated.

Judge: Mr. Anderson, what is today's case?

Bailiff: Your Honour, today's case involves a woman who is accused of murdering her husband.

Judge: Court is now in session.

Judge: Members of the jury, you are to decide this case solely on the evidence presented here in the courtroom. This evidence includes the testimony of witnesses and any documents that are entered into the court record. You will not use any objections made by the lawyers and arguments concerning their objections, testimony that the court tells you to disregard or anything you may have seen or heard outside the courtroom.

During this trial you are going to hear testimony of witnesses, and you will have to make judgments about the believability of the witnesses. I ask you to be patient, and listen carefully to the testimony of all the witnesses, and keep it all in mind until you hear the entire case. In making your decision, rely on your own experience, your own judgment, and your own common sense.

If at any time during the trial you are unable to hear, please raise your hand. The parties will be asked to speak up.

Judge: Is the Prosecution ready?

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Prosecuting Attorney: Yes, your Honour.

Judge: Is the Defence ready?

Defence Attorney: Yes, your Honour.

Judge: Are there any opening statements?

Prosecuting Attorney: Yes, your Honour.

Defence Attorney: Yes, your Honour.

Judge: Would the Prosecution please make their opening statement.

Prosecuting Attorney: Your Honour, Ladies and Gentlemen of the jury, I intend to prove that Ms. Violeta Hernandez is indeed a cold-blooded killer and did then and there unlawfully intend to cause serious bodily harm to her husband Roberto Hernandez, and did cause his death by intentionally and knowingly committing an act clearly dangerous to human life, namely, by emptying a capsule of nitro-glycerine into his wine glass at dinner.

Judge: Would the Defence please make their opening statement?

Defence Attorney: Your honour and Ladies and Gentlemen of the jury, I am representing Ms. Violeta Hernandez in this case. I intend to show that on the night of May 18, the defendant, Ms. Hernandez, did not slip liquid nitro-glycerine into her husband's drink causing him to have a heart attack. We will show that she has an alibi for the night of the murder and that there is a lack of evidence against her. Thank you, your Honour.

Judge: Very well, at this time the Prosecution may call their first witness.

Prosecuting Attorney: Thank you your Honour. The Prosecution wishes to call Ms. Chari de León to the stand.

Judge: Ms. De León please take the stand.

Judge: Will the witness please stand to be sworn in by the bailiff. (Witness stands)

Judge: (to the Bailiff) Swear in the first witness.

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Bailiff: Please raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Witness 1: Sí.

Bailiff: Please be seated. Please state your full name for the record.

Witness 1: Me llamo Chari...bueno, Rosario de León.

Prosecuting Attorney: Where do you live?

Witness 1: Vivo en la calle Granada en El Paso, Texas.

Prosecuting Attorney: How do you know the defendant?

Witness 1: Pues... era la limpiadora y cuidé de su marido.

Prosecuting Attorney: And how long had you been taking care of Mr. Hernandez and his house?

Witness 1: Unos quince años.

Prosecuting Attorney: Fifteen years, that's a long time. So you must have known Mr. Hernandez very well.

Witness 1: Sí.

Prosecuting Attorney: How old was Mr. Hernandez?

Witness 1: El señor tenía setenta y dos años.

Prosecuting Attorney: And would you say that he was a wealthy man?

Witness 1: Sí, tenía mucho dinero, estaba forrao.

Prosecuting Attorney: Can you describe his character?

Witness 1: Pues... era muy generoso, cariñoso, amable... A todo el mundo le caía muy bien, porque el señor era un sol.

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Prosecuting Attorney: So you don't think that anyone would try to kill him, being that he was such a kind man?

Witness 1: Sí, yo sé que alguien quería matarle.

Prosecuting Attorney: And who would that be?

Witness 1: ¡Ja! Su mujer.

Prosecuting Attorney: And why do you think that his wife wanted to kill him?

Witness 1: ¡Anda! Porque quería quedarse con el dinero.

Prosecuting Attorney: Did Mr. Hernandez put limits on the amount of money that his wife was allowed to spend?

Witness 1: No, ella podía comprarse todo lo que quería. ¡Estaba todo el día de compras! Y el señor nunca le decía nada.

Prosecuting Attorney: But if she was able to spend his money the way that she wanted, why would she have reason to murder him?

Witness 1: Porque estaba enamorada de otro hombre y no quería al señor Hernandez más... ¡pero sí su dinero!

Prosecuting Attorney: To your knowledge, was Ms. Hernandez in her husband's will?

Witness 1: Sí, iba a heredarlo todo.

Prosecuting Attorney: If she was going to inherit everything then why would she have reason to kill her husband for the money?

Witness 1: Porque cuando se enteró de su relación con el otro hombre, amenazó con quitarla del testamento.

Prosecuting Attorney: So her plan was to fleece her husband, take all of his money and live happily ever after with her lover.

Defence Attorney: Objection!

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Prosecuting Attorney: Your Honour, I'm only stating what I expect the evidence to prove.

Judge: Sustained.

Prosecuting Attorney: No further questions your Honour. (Looking at the Defence Attorney) Your witness.

Judge: Defence, you may now cross-examine this witness.

Defence Attorney: Thank you your Honour. Ms. De León, what was your relationship with the defendant, Ms. Hernandez?

Witness 1: No, no teníamos ninguna relación. Casi nunca hablábamos.

Defence Attorney: That seems a bit odd. You were living in the same house as her weren't you?

Witness 1: Sí, pero no nos caíamos bien.

Defence Attorney: And why was that?

Witness 1: Porque me trataba muy mal. Siempre me mandaba hacer cosas muy raras, solamente para verme sudar.

Defence Attorney: And did Mr. Hernandez know about these so-called things that she made you do?

Witness 1: Pues, no, porque cuando el señor Hernández estaba con nosotras, ella era todo amabilidad.

Defence Attorney: So would you say that you hated Ms. Hernandez?

Prosecuting Attorney: Objection, your Honour!

Judge: Overruled. Answer the question Ms. De León.

Witness 1: Sí, la odiaba.

Defence Attorney: Can you describe the relationship between Mr. and Ms. Hernandez?

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Witness 1: Pues discutían mucho, en mi opinión.

Defence Attorney: So they did not have a good, healthy, loving relationship?

Witness 1: No.

Defence Attorney: Thank you. That is all, your Honour.

Judge: (Speaking to the witness) Thank you, you may now step down from the stand.

Judge: Prosecution, would you please call your next witness to the stand?

Prosecuting Attorney: Yes, your honour. The Prosecution calls Ms. Violeta Hernandez to the stand.

Judge: Ms. Hernandez, please take the stand.

Judge: Mr. Anderson, please swear in the witness.

Bailiff: Please raise your right hand. Do you swear to tell the truth the whole truth and nothing but the truth so help you God?

Witness 2: Sí.

Prosecuting Attorney: Ms. Hernandez, can you describe your relationship with your husband to the jury?

Witness 2: Tuvimos una buena relación. Nos queríamos mucho.

Prosecuting Attorney: Did you have any sort of marital problems?

Witness 2: Discutíamos a veces pero creo que es lo que hacen todos los matrimonios.

Prosecuting Attorney: So you would say that you had a good relationship with your husband?

Witness 2: Sí, teníamos una buena relación.

Prosecuting Attorney: So would you agree that having a good relationship with your husband means cheating on him?

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Defence Attorney: Objection, your Honour.

Judge: Sustained. Prosecution rephrase the question.

Prosecuting Attorney: Is it true that you were cheating on your husband?

Witness 2: Sí, es verdad.

Prosecuting Attorney: Did your husband know about the affair?

Witness 2: Sí, se enteró sobre 4 meses después de que empezara.

Prosecuting Attorney: How did he find out about the affair?

Witness 2: Me vio con mi novio cenando en un restaurante.

Prosecuting Attorney: How did he react when he found out?

Witness 2: Me enfrentó esa noche cuando llegué a casa después de la cena. Estaba enfadadísimo. Pensé que me iba a pegar.

Prosecuting Attorney: Let's move on to the evening of the 18th, when the murder took place. Do you recall your whereabouts early that evening?

Witness 2: Sí, estaba en casa.

Prosecuting Attorney: Who were you with?

Witness 2: Estaba con mi marido.

Prosecuting Attorney: Was there anyone else in the house?

Witness 2: Sí, la limpiadora estaba allí hasta las 8:00 de la tarde.

Prosecuting Attorney: The housekeeper was in the house until 8:00 p.m. Why did she leave the house?

Defence Attorney: Objection, irrelevant.

Judge: Sustained.

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Prosecuting Attorney: So the two of you were alone in the house after 8:00 p.m.?

Witness 2: Sí.

Prosecuting Attorney: Did you eat together?

Witness 2: Sí.

Prosecuting Attorney: Did you pour your husband a glass of wine at dinner?

Witness 2: Sí, siempre bebemos vino con la cena.

Prosecuting Attorney: Ms. Hernandez, did you empty a nitro-glycerine capsule into your husband's glass of wine?

Witness 2: No, absolutamente no.

Prosecuting Attorney: Ms. Hernandez, did you murder your rich, elderly husband in cold blood so that you could keep all of his money for yourself?

Witness 2: ¡No, le quería mucho! ¡Estoy muy triste, era mi vida!

Prosecuting Attorney: Well obviously he wasn't the only one in your life.

Defence Attorney: Objection.

Judge: Sustained.

Prosecuting Attorney: Your Honour, I'd like to bring about the first piece of evidence against Ms. Hernandez.

Judge: Very well.

Prosecuting Attorney: Ladies and gentlemen of the jury, I present to you the 911 Emergency recording of the phone call that Ms. Hernandez made directly after her husband's death. (They play the recording.)

Emergency Service Operator: 911 Emergencies. What's your emergency?

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Witness 2: Mi marido ha tenido un infarto. Envían por favor una ambulancia. Vivimos en el 901 de William Avenue. Dente prisa, por favor. Gracias.

Prosecuting Attorney: Does that sound like grief to you? As you heard, this lady had no remorse for the death of her husband at the time she called 911. She was not panicking, she was not grief-stricken and she certainly was not remorseful. In fact, she was cold and emotionless. Furthermore, when the detectives arrived at the scene of the crime they said that she wasn't even crying. She just had a blank expression on her face as she calmly tried to tell them that he had died of a heart attack. Then later, when she found out that he had had nitroglycerine in his wine, she said that he had killed himself because he loved her too much. That's the most ridiculous, far-fetched, desperate theory I've ever heard. She just drugged her husband then stood there and watched him fight for his life. What kind of monster does that?

Prosecuting Attorney: No further questions, your Honour. (Looking at the Defence Attorney) Your witness.

Judge: Defence, you may now cross-examine this witness.

Defence Attorney: Thank you, your Honour. Was your husband in good health before he died?

Witness 2: No, tenía muchos problemas de salud.

Defence Attorney: Did he at any time before his death complain about having chest pains or numbness in the left arm?

Witness 2: Sí. Unos días antes de su muerte se estaba quejando del dolor de su pecho y experimentó este dolor la misma mañana de su muerte.

Defence Attorney: So Mr. Hernandez's death could have in fact been caused by a heart attack?

Prosecuting Attorney: Objection, your Honour. Mrs. Hernandez is not a doctor.

Judge: Sustained.

Defence Attorney: Ms. Hernandez, you told the jury earlier that your husband got very angry when he found out about your affair. Did he eventually grow to live with it or did he threaten you if you did not stop it?

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Witness 2: Me decía que quería que estuviera contenta y que supiera que no me podía dar todo lo que me pudiera dar un hombre más joven.

Defence Attorney: So he was eventually okay with it?

Witness 2: Sí. Fui de vacaciones con mi novio y mi marido pagó todo. Me dijo que sabía que le quedaba poco tiempo en su vida y que yo necesitaba tener a alguien cuando se muriera.

Defence Attorney: So he not only was okay with it but he encouraged it.

Witness 2: Sí.

Defence Attorney: Ms. Hernandez, do you believe with all your heart and soul that your husband killed himself in order to make you happy?

Witness 2: Sí.

Defence Attorney: As you can see there is no evidence against my client. Did anyone see her drug her husband? No, they did not. Why is it so hard to believe that her husband committed suicide? Every year there are millions of suicides across the globe. It's not an uncommon act. So why are we accusing Ms. Hernandez of murder? Because she had a blank expression on her face when the police arrived to her house? She was in shock for God's sake, it's only natural. Are we here because there were fingerprints on the wine glass that her husband had been drinking out of? Of course there were fingerprints, it was her house. Her fingerprints were all over the house, that's just common sense. The housekeeper says that she killed her husband because he threatened to cut her out of the will. Keep in mind that this is coming from a woman who loathed Ms. Hernandez. Of course she would do anything to get back at her. Including lie. Including lie. There is no evidence that would allow you to conclude that beyond all reasonable doubt that Violeta Hernandez wasted her husband.

Defence Attorney: No further questions, your Honour.

Judge: Prosecution you may call your next witness.

Prosecuting Attorney: The Prosecution rests, your Honour.

Judge: Defence would you please call your next witness to the stand.

Defence Attorney: The Defence rests, your Honour.

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

Judge: The Prosecution may now present their final statement and recommendations to the Jury.

Prosecuting Attorney: Your Honour, members of the jury, today you have heard the testimonies about the alleged murder of Mr. Robert Hernandez. I would like to remind you of some important information that you should consider in your decision. Ms. Violeta Hernandez killed her husband in cold-blooded murder. She deliberately and maliciously put liquid nitro-glycerine in his drink so that it would induce a heart attack and he would die leaving her his entire inheritance. She did not love her husband; she was in love with a younger man. Her husband got in her way and she needed him dead. It was too much for her to wait a few more years until he died a natural death, no this cold woman needed to hurry things along. She decided to take matters into her own hands and she showed no remorse after it was over. We ask that you please find Ms. Hernandez guilty of the pre-meditated murder of her old, rich husband so that his family can have some justice. Thank you, your Honour.

Judge: The defence may now present her final statement and recommendations to the Jury.

Defence Attorney: Yes, your Honour. My client has been tagged as a Gold-digger who killed her rich 72 year old husband. As she has stated, she is innocent. She was wrongly accused of murdering someone she loved deeply. Her husband was aware of her affair, in fact he encouraged it. She's a young beautiful woman. A woman who has needs that an old man cannot provide her. Her husband knew this and he wanted to make sure that she was happy. Her happiness is all he cared about, which is why he chose to end his own life, so that she could be happy with her lover and would have no interference from him. Ladies and gentlemen, this is a love story with a tragic ending. Please find Ms. Hernandez not guilty. Thank you, your Honour.

(Whispered interpreting)

Judge: (to the Jury) Members of the jury, you have heard all of the testimony concerning this case. The defendant has been charged with First-degree murder against her husband. It is now up to you to determine the facts. You and you alone, are the judges of the facts. You will then have to apply the facts to the law as I give it to you. You will determine the conditions that Ms. Hernandez will abide by, to have this case dismissed. The defendant is believed to be innocent of the charges. This presumption remains with the defendant throughout every stage

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

of the trial and is not overcome unless you are convinced beyond a reasonable doubt that the defendant is guilty. The defendant is not required to prove her innocence. The prosecution has the burden of proving the guilt of the defendant beyond a reasonable doubt. This burden remains on the prosecution through the trial. The prosecution must prove that a crime was committed and that the defendant is the person who committed the crime. However, the prosecution is not required to prove guilty beyond all possible doubt or to a certain percentage. Nor is the prosecution required to disprove every conceivable circumstance of innocence. A reasonable doubt is a doubt founded upon reason. Proof beyond a reasonable doubt requires such proof that would convince you to rely upon a fact enough to make an important decision in your own business or personal affairs. However, if you are not satisfied of the defendant's guilt to that extent, then reasonable doubt exists and the defendant must be found not guilty. Your decision must be a unanimous one. When you have reached a unanimous verdict, have your Jury Foreperson fill out and sign the Jury Verdict Form. When you are finished let the Bailiff know and you will be lead back into the courtroom. Will everyone please rise? Will the Bailiff please escort the jury to the jury room?

Bailiff: All rise. Please stand and follow me.

Judge: The court will now take a recess while the jury deliberates.

(Reconvene)

Bailiff: (As the jury enters the courtroom) All rise. (After the jury has been seated) Please be seated.

Judge: Who is the Foreperson of the Jury?

Foreperson: I am, your Honour, Katherine Kember.

Judge: Ms. Kember, has the jury reached a verdict?

Foreperson: Yes, your honour, we have.

Judge: Will the Bailiff please deliver the verdict to the bench for inspection?

(Judge silently reads and signs the verdict, returns it to the Bailiff, who then

Linkterpreting

Plataforma de recursos para la interpretación de enlace

linkterpreting.uvigo.es

returns it to the Jury Foreperson.)

Judge: Will the defendant please rise for sentencing? Will the foreperson please stand and read the jury's verdict?

Foreperson: In the matter of the state of Texas vs. Violeta Hernandez on the charge of murder in the first degree. We the jury find the defendant Violeta Hernandez: Not Guilty.

Judge: The court, having heard the evidence, now finds the Jury's verdict to be appropriate and fair to the defendant, the victim, and the community. Members of the jury, this concludes your service. Thank you for your time. Ms. Hernandez you are free to go. We are adjourned.

(The judge strikes his gavel.)