

THE PEOPLE OF THE STATE OF ILLINOIS,)
)
 Plaintiff,)
)
 vs.)
)
 ROBINSON JEFFRIES,)
)
 Defendant.)

INFORMATION

Now comes the People of the State of Illinois by the State’s Attorney and informs this Court that on or about October 19, the defendant committed the offense of AGGRAVATED CRIMINAL SEXUAL ASSAULT in that he committed an act of sexual penetration upon Carla Bridges by the use of force in the course of which the defendant displayed and used a dangerous weapon, to-wit, a knife.

STATE’S ATTORNEY

PEOPLE V. ROBINSON JEFFRIES

(Aggravated Criminal Sexual Assault)

PART I - CROSS OF CARLA BRIDGES

Carla Bridges told police that as she was unlocking the door of her third floor apartment, a man suddenly appeared from behind her, pushed her inside, and forced her to have sexual intercourse.

Robinson Jeffries tells you, as he told police and a State's Attorney, a story of consensual sex. He says he knew her from before, though not well, as she was a year ahead of him at South Shore High School until he dropped out at the end of his second year. On the night in question, he had bought her a drink at the Zanadu Lounge and they had "got real friendly." At her suggestion, they agreed to go back to her house to listen to some music, but she told him not to walk out with her, to give her a lead of 5 minutes or so, because there was a former boyfriend of hers there and she didn't want to make him mad. This he did, and followed her in his car (she had a white Volkswagen Rabbit). When they arrived at her apartment building, she opened both the downstairs door and the door to her apartment with a key. He had no knife and definitely didn't threaten her in any way. It was all consensual, though she started crying when it was all over and wouldn't say what was wrong.

You will cross-examine Carla Bridges after you hear her direct testimony at trial. In preparation for Carla's cross-examination, note the difference between the police reports and the preliminary hearing excerpt. Since you do not know to what extent her direct testimony will be consistent with the report of her preliminary hearing testimony, and armed also with the following, get ready for whatever happens:

- A. Your investigator went to her address and reports that her downstairs door can only be opened with a key unless someone buzzes you in.
- B. The emergency room records from South Shore Hospital show sperm but no trauma (i.e., no scratch or cut on the abdomen.)

GENERAL OFFENSE
CASE REPORT
CHICAGO POLICE

1. OFFENSE, INCIDENT - PRIMARY CLASSIFICATION
Criminal Sexual Assault

1. IUCR OFF CODE

2. SECONDARY CLASSIFICATION
Aggravated

3. R# NO

R-627345

SCENE	4. ADDRESS OF OCCURRENCE NO. DIR STREET 9814 S Princeton	5. APT. NO. 3 B	6. FINE RELATED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	7. DATE OF OCCURRENCE - TIME DAY MO. YR. 19 10 [-01] 0130	8. BEAT OF OCCUR 412	9. BEAT/UNIT ASSIGN. 412
	8. TYPE OF LOCATION OR PREMISE WHERE OFFENSE OCCURRED (GIVE NAME OF LOCATION IF APPLICABLE) Residence (Apartment)			10. LOCATION CODE 2 9 0	11. DATE R.D. ARRIVED - TIME 19 10 [-01] 0345	12. ASSIGNED BY KICOS

All information, descriptions and statements in this entire report are admissions of guilt. See instructions on back of form.

13. NO. VICTIMS	21. NAME (LAST-FIRST-M.I.) Bridges, Carla	IDENTITY VERIFIED <input checked="" type="checkbox"/>	22. HOME ADDRESS NO. DIR. STREET APT. NO. 9814 S. Princeton	23. SEX-RACE-AGE CODE F, 01, 29	24. HOME PHONE 955-6187	25. BUSINESS PHONE 733-9142	26. TIME AVAIL. clerk	27. OCC. PATRON X	28. V. APRED YET TO X	29. VICTIM REL. CODE DNA (Does Not Apply)
ADDITIONAL VICTIMS	PARENT/GUARDIAN, IF JUVENILE									

30. NO. WITNESS	31. DISCOVERED <input type="checkbox"/> WITNESSED <input type="checkbox"/> REPORTED OFFENSE <input type="checkbox"/>	32.	33.	34.	35.
DNA					
UNK					

RACE CODES
1-BLACK 2-WHITE
3-BLACK-HISPANIC 4-WHITE-HISPANIC
5-AMER. IND./ALASK. NAT. 6-ASIAN/PACIFIC ISLANDER

OFFENDER/VICTIM RELATIONSHIP CODES
(Also for Member of the Same Family or Household)
01-WIFE 02-BROTHER 17-BROTHER-IN-LAW
03-HUSBAND 04-SISTER 18-SISTER-IN-LAW
05-FORMER WIFE 06-FATHER 19-OTHER RELATIVE
07-FORMER HUSBAND 08-MOTHER 20-CHILD FRIEND
09-MOTHER 10-FATHER-IN-LAW 21-BOYFRIEND
11-AUNT 12-UNCLE 22-FRIEND/ACQUAINTANCE
13-MOTHER-IN-LAW 14-FATHER-IN-LAW 23-OTHER-SPECIFY
15-SON-IN-LAW 16-DAUGHTER-IN-LAW 24-NO RELATIONSHIP

40. NO. OFF.	41. OFFENDER'S NAME (OR DESCRIBE CLOTHING, ETC.) "Robbie"	42. HOME ADDRESS unknown	43. SEX-RACE-AGE M, 01, 28	HEIGHT 5'10"	WEIGHT 160	EYES Br	HAIR Bl	COMPL. Med	MARKS, SCARS, ETC.	44. C.R. NO.	45. OFFENDER REL. CODE DNA
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CIRCUMSTANCES	51. OBJECT/WEAPON <input type="checkbox"/> USED <input checked="" type="checkbox"/> DISPLAYED <input type="checkbox"/> LUNG	52. FIREARM FEATURES	53. POINT/ENTRY	54. POINT/EXIT	55. BURGLAR ALARM	56. SAFE BURGLARY METHOD	57. IF RESIDENCE, WHERE WERE OCCUPANTS
	<input type="checkbox"/> 01 HAND GUN <input type="checkbox"/> 08 EXPLOSIVE <input type="checkbox"/> 02 SHOTGUN <input type="checkbox"/> 09 LIQUID/GAS <input type="checkbox"/> 03 RIFLE <input type="checkbox"/> 10 BOTTLE/GLASS <input type="checkbox"/> 04 KNIFE <input type="checkbox"/> 11 RAZOR <input type="checkbox"/> 05 VEHICLE <input type="checkbox"/> 12 PRY TOOL <input type="checkbox"/> 06 BLUNT INSTRUMENT <input type="checkbox"/> 13 HAND, FEET <input type="checkbox"/> 07 THROWN OBJECT <input type="checkbox"/> 14 OTHER <input type="checkbox"/> 15 DNA	<input type="checkbox"/> 01 CHROME/NICKEL <input type="checkbox"/> 02 BLUE STEEL <input type="checkbox"/> 03 SHORT BARREL <input type="checkbox"/> 04 LONG BARREL <input type="checkbox"/> 05 SAWED OFF <input type="checkbox"/> 06 OTHER <input type="checkbox"/> 07 UNKNOWN <input checked="" type="checkbox"/> 08 DNA	<input checked="" type="checkbox"/> 01 FRONT DOOR <input type="checkbox"/> 02 REAR DOOR <input type="checkbox"/> 03 WINDOW <input type="checkbox"/> 04 ROOF <input type="checkbox"/> 05 FLOOR <input type="checkbox"/> 06 SIDE DOOR <input type="checkbox"/> 07 OTHER <input type="checkbox"/> 08 UNKNOWN <input type="checkbox"/> 09 DNA	<input checked="" type="checkbox"/> 01 FRONT DOOR <input type="checkbox"/> 02 REAR DOOR <input type="checkbox"/> 03 WINDOW <input type="checkbox"/> 04 ROOF <input type="checkbox"/> 05 FLOOR <input type="checkbox"/> 06 SIDE DOOR <input type="checkbox"/> 07 OTHER <input type="checkbox"/> 08 UNKNOWN <input type="checkbox"/> 09 DNA	<input type="checkbox"/> DNA <input type="checkbox"/> ON PREMISE <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO <input type="checkbox"/> ALARM CIRCUMVENTED <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO	<input type="checkbox"/> 01 PUNCH <input type="checkbox"/> 05 PEEL <input type="checkbox"/> 02 TORCH <input type="checkbox"/> 06 OPEN <input type="checkbox"/> 03 EXPLOSIVE <input type="checkbox"/> 07 UNKNOWN <input type="checkbox"/> 04 DRILL <input checked="" type="checkbox"/> 08 DNA <input type="checkbox"/> 05 REMOVED	<input type="checkbox"/> 01 WORK <input type="checkbox"/> 06 OTHER <input type="checkbox"/> 02 VISITING <input type="checkbox"/> 07 UNKNOWN <input type="checkbox"/> 03 VACATION <input type="checkbox"/> 08 DNA <input type="checkbox"/> 04 WEDDING <input type="checkbox"/> 05 FUNERAL/WAKE
58. UNUSUAL CHARACTERISTICS OF OFFENSE	59. GANG RELATED - AFFILIATION <input type="checkbox"/> VICTIM <input type="checkbox"/> OFFENDER unknown						

70. PROPERTY	71. DESCRIBE PROPERTY IN NARRATIVE T - TAKEN; R - RECOVERED				
<input type="checkbox"/> 1 MONEY <input checked="" type="checkbox"/> T \$ <input type="checkbox"/> R \$ 20 <input type="checkbox"/> 2 JEWELRY <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 3 FURS <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 4 CLOTHING <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 5 OFFICE EQUIPMT. <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 6 TV, RADIO, STEREO <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 7 HOUSEHOLD GOODS <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 8 CONSUM. GOODS <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 9 FIREARMS <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 10 Home/Comp. Equip. <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 11 OTHER <input type="checkbox"/> T \$ <input type="checkbox"/> R \$ <input type="checkbox"/> 12 HOME <input type="checkbox"/> T <input type="checkbox"/> R	72. VEHICLE/TRAILER YEAR MAKE BODY STYLE COLOR V.I.N. <input type="checkbox"/> STOLEN <input type="checkbox"/> THEFT <input type="checkbox"/> FROM OFFENDER'S	STATE LICENSE NO.	STATE EXPIR. MO/YR	73. PROPERTY INVENTORY NO.	74. VEH. INVENTORY NO. FOLIO

80. NARRATIVE	81. SOBRIETY OF VICTIM
80. NARRATIVE (Do not duplicate or repeat information - for explanation or additional information only) As complainant was opening the door to her 3rd floor apartment, offender appeared out of nowhere, pushing her inside and displaying a large knife (blade approx. 6"). Once inside he told her that he would hurt her if she did not do what he said and told her to remove her clothing. He undressed too and then forced her at knifepoint to lay down on the bed where he had intercourse with her against her will.	<input type="checkbox"/> 1 SOBER <input checked="" type="checkbox"/> 2 HBD - Been Drinking
82. FLASH MESSAGE SENT	<input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO

83. POLICE PERSONNEL	84. EXTRA COPIES REQUIRED	85. OFFICER NOTIFYING FOLLOWUP INVESTIG. UNIT	86. OFFICER NOTIFYING	87. SUPERVISOR APPROVING
83. FIRST OFFICER AT SCENE P. Jackson 88. REPORTING OFFICER'S NAME (PRINT) P. Jackson 89. REPORTING OFFICER'S NAME (PRINT) B. J. Laplume	<input type="checkbox"/> NORMAL <input type="checkbox"/> CONT'D. OTHER SIDE	85. OFFICER NOTIFYING FOLLOWUP INVESTIG. UNIT UNIT NOTIFIED PERSON <input type="checkbox"/> NOTIFIED <input type="checkbox"/> ARRIVED DATE (DAY-MO-YR) - TIME	86. OFFICER NOTIFYING UNIT NOTIFIED PERSON <input type="checkbox"/> NOTIFIED <input type="checkbox"/> ARRIVED DATE (DAY-MO-YR) - TIME	87. SUPERVISOR APPROVING (PRINT NAME) N. Evers 90. SUPERVISOR APPROVING (PRINT NAME) N. Evers
STAR NO. #56172	STAR NO. #31564	OFFICER'S SIGNATURE <i>P. Jackson #56172</i>	DATE INVEST. COMPLETED-TIME 19-10-[-01] 0530	STAR NO. #9926
		OFFICER'S SIGNATURE <i>B. J. Laplume #31564</i>	DATE INVEST. COMPLETED-TIME 19-10-[-01] 0300	

Offender then put his clothes back on and exited by the front door telling complainant not to call the police. Complainant is sure she will be able to identify him if she sees him again as she had seen him earlier in the evening in the Zanadu Lounge at 7244 S. Jeffrey Blvd. She did not speak to him but thinks she heard someone call him "Robbie". He was wearing a tan V-neck pullover sweater, a dark blue turtleneck, brown leather jacket, dark blue trousers, brown shoes, navy blue socks, and a gold chain.

I HAVE REVIEWED THIS REPORT AND BY MY SIGNATURE INDICATE THAT IT IS ACCEPTABLE. SUPERVISOR'S SIGNATURE: *[Signature]* #9426 DATE (DAY-MO-YR): 20 10 [-01]

FOR USE BY BUREAU OF INVESTIGATIVE SERVICES ONLY

IUCR OFFENSE CODE - REV. CODE <input type="checkbox"/> 1 CORRECT <input type="checkbox"/> 2 REVISED	IUCR METHOD CODE :	METHOD ASSIGNED <input type="checkbox"/> 1 FIELD <input type="checkbox"/> 2 ADMIN. <input type="checkbox"/> 3 SUMMARY	UNIT NO.	OFFICER ASSIGNED STAR NO.	DATE ASSIGNED	BUPV. STAR NO.	INVESTIGATIVE FILE <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO	REASSIGNED <input type="checkbox"/> 1 YES <input type="checkbox"/> 2 NO		
OFFICER REASSIGNED - DATE STAR NO.	STATUS <input type="checkbox"/> 3 CLEARED CLOSED <input type="checkbox"/> 4 CLEARED OPEN <input type="checkbox"/> 5 EXC. CLRD. CLOSED <input type="checkbox"/> 6 EXC. CLEARED OPEN <input type="checkbox"/> 7 CLOSED-NON-CRIMINAL	<input type="checkbox"/> 0 PROGRESS <input type="checkbox"/> 1 SUSPENDED <input type="checkbox"/> 2 UNFOUNDED	IF CASE IS CLEARED, NOW CLEARED USE THIS BOX FOR SINGLE CLEAR UP OR FIRST CLEAR UP OF MULTIPLE CLEAR UP LIST:			<input type="checkbox"/> 1 ARREST & PROSECUTION <input type="checkbox"/> 2 DIRECTED TO FAMILY COURT <input type="checkbox"/> 3 COMPL. REFUSED TO PROSECUTE <input type="checkbox"/> 4 COMMUNITY ADJUSTMENT <input type="checkbox"/> 5 OTHER EXCEPTIONAL	<input type="checkbox"/> ADULT <input type="checkbox"/> JUV.			
VICTIM IDENTIFIERS <input type="checkbox"/> 1 CORRECT <input type="checkbox"/> 2 REVISED	VICTIM NO.	REVISED NAME	REVISED ADDRESS	REVISED PHONE NO. <input type="checkbox"/> HOME <input type="checkbox"/> BUSINESS						
VALUE OF PROPERTY TAKEN/RECOVERED <input type="checkbox"/> 1 DNA <input type="checkbox"/> 2 VERIFIED <input type="checkbox"/> 3 CORRECTED	FILL IN THE FULL AMOUNT OF ONLY THOSE VALUES WHICH EITHER DIFFER FROM OR WERE NOT REPORTED ON THE REVERSE, THE NARRATIVE OR A SUPPLEMENTARY REPORT.									
1 MONEY <input type="checkbox"/> Y S <input type="checkbox"/> N 2 JEWELRY <input type="checkbox"/> Y S <input type="checkbox"/> N	3 FURS <input type="checkbox"/> Y S <input type="checkbox"/> N	4 CLOTHING <input type="checkbox"/> Y S <input type="checkbox"/> N	5 OFFICE EQUIPMT. <input type="checkbox"/> Y S <input type="checkbox"/> N	6 STV, RADIO, STEREO <input type="checkbox"/> Y S <input type="checkbox"/> N	7 HOUSEHOLD GOODS <input type="checkbox"/> Y S <input type="checkbox"/> N	8 CONSUM. GOODS <input type="checkbox"/> Y S <input type="checkbox"/> N	9 FIREARMS <input type="checkbox"/> Y S <input type="checkbox"/> N	10 HARC/DANG. DRUGS <input type="checkbox"/> Y S <input type="checkbox"/> N	11 OTHER <input type="checkbox"/> Y S <input type="checkbox"/> N	12 NONE <input type="checkbox"/> Y <input type="checkbox"/> N
SERIAL NOS. OR IDENTIFICATION NOS. <input type="checkbox"/> 1 DNA <input type="checkbox"/> 2 VERIFIED <input type="checkbox"/> 3 CORRECTED	LIST ALL CORRECTIONS & NEW OR ADDITIONAL NOS. OBTAINED									

REMARKS (PERTINENT INFORMATION NOT ON ORIGINAL REPORT)

PREPARED BY - SIGNATURE	STAR NO.	DATE (DAY-MO-YR)	APPROVED BY - SIGNATURE	STAR NO.	DATE (DAY-MO-YR)
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PEOPLE V. ROBINSON JEFFRIES

PRELIMINARY HEARING EXCERPT

Q: Calling your attention to October 19th of last year at approximately one-thirty in the morning, where were you at that time?

A: I was at the door to my apartment, about to go in.

Q: What if anything unusual happened at that time and place?

A: Suddenly he appeared - -

Q: Indicating the defendant?

A: Yes, this man here - - and he pushed me inside and made me undress.

Q: Before that time, had you ever seen this man before?

A: No, never.

Q: What happened after he made you undress?

A: Then he held the knife against my stomach and -

Q: Did he cut you?

A: Yes, a little. And he told me to get on the bed or he would cut me again.

Q: Did you do that, Miss Bridges?

A: Yes. And then he had sex with me. He had the knife here, next to my neck.

Q: Did he cut you?

A: Not really. He sort of scratched me on the stomach with the tip of the knife.

Q: Did it bleed?

A: No.

Q: What happened after you were on the bed?

A: Then he had sex with me.

Q: Where was the knife during the time he was engaged in sexual intercourse?

A: He held it here, right against the side of my neck.

Q: And when he had finished, what happened then.

A: After a while he got up and put his clothes back on. Then he left.

Q And what did you do?

A: I called the police

Q: What time was that?

A: I don't know but they arrived within 15 minutes.

People v. Robinson Jeffries

First of all, as to “armed with the following” at the end of the statement of facts: a and b. These things have nothing directly to do with impeachment by prior inconsistent statements per se. The locked downstairs door with the buzzer is something that might be brought out on cross. The lack of a cut or other trauma in the hospital records simply gives one confidence to establish that there was no mark on the abdomen. One might also want to cross her on her failure to mention such an injury to the medical personnel.

Structure. The structure of the problem is as follows. You have a preliminary hearing transcript which contradicts what the witness says in the police reports. Thus, much as in real life, you know going in that at trial you are going to impeach – you just don’t know how until you hear her trial testimony.

Performance. Your witness will be supplied with two alternate Q & A direct examination scripts. You and the trainees will have them for the pre-cross Brainstorm. A different coach will play prosecutor in performing each of the two scripts. Version A is consistent with the preliminary hearing, Version B with the police reports. (See next page.)

Please note: The police report (Box 81) says Carla Bridges had been drinking. Also note: The police report narrative says nothing about a cut or other injury.

VERSION A

(more or less consistent with PH)

Q: Had you ever seen this man before?
A: No, never.

IMPEACH WITH
POLICE REPORT

Had seen him earlier that evening in the Zanadu. Heard him called "Robbie."

Q: Did he cut you?
A: Yes, he scratched me on the stomach with the tip of the knife.

No mention of cutting or scratching. (Omission also from ER record.)

VERSION B

(consistent with police report)

Q: Did you know this man?
A: Definitely not, but I had seen him earlier in the evening.

IMPEACH WITH
PH TRANSCRIPT

Q: Before that time had you ever seen this man before?
A: No, never.

Q: Did he cut you?
A: No.

Q: Did he cut you?
A: Yes, a little. And he told me to get on the bed or he would cut me again. (N.B. This now becomes a demonstrable lie under oath in an earlier hearing in this case.)

Direct Testimony of Carla Bridges

Version A (Consistent with Preliminary Hearing)

Q: Please state your name.

A: My name is Carla Bridges.

Q: Where do you live?

A: I live at 9814 South Princeton, 3rd floor.

Q: Are you employed, Miss Bridges?

A: Yes. I work as a clerk in a shipping company.

Q: Calling your attention to October 19th of last year at about one-thirty in the morning, do you remember where you were at that time?

A: Yes. I was just getting home. I was about to open the door to my apartment.

Q: And what if anything unusual happened?

A: Suddenly a man appeared out of nowhere and pushed me inside. He had a knife.

Q: Had you ever seen this man before?

A: No, never.

Q: What happened after he pushed you inside?

A: He held the knife to my throat and told me to undress.

Q: Did you?

A: I had to. He had a knife to my throat.

Q: After you undressed, what happened next?

A: He got undressed too. Then he held the knife to my stomach and told me to get on the bed.

Q: Did he cut you?

A: Yes.

Q: Did it bleed?

A: No.

Q: What happened after you were on the bed?

A: Then he had sex with me.

Q: Where was the knife during the time he was engaged in sexual intercourse?

A: He held it here, right against the side of my neck.

Q: And when he finished, what happened then?

A: After a while he got up and put his clothes back on. Then he left.

Q: And what did you do?

A: I called the police.

Q: What time was that?

A: I don't know but they arrived within 15 minutes.

Direct Testimony of Carla Bridges

Version B (Consistent with Police Report)

Q: Please state your name.

A: My name is Carla Bridges.

Q: Where do you live?

A: I live at 9814 South Princeton, 3rd floor.

Q: Are you employed, Miss Bridges?

A: Yes. I work as a clerk in a shipping company.

Q: Calling your attention to October 19th of last year at about one-thirty in the morning, do you remember where you were at that time?

A: Yes. I was just getting home. I was about to open the door to my apartment.

Q: And what, if anything unusual happened?

A: Suddenly a man appeared out of nowhere and pushed me inside. He had a knife.

Q: After this man pushed you inside, what happened?

A: He told me that he would hurt me if I did not do what he said.

Q: What happened next?

A: He told me to remove my clothes. Then he undressed.

Q: What did he do then?

A: Then he held the knife against my stomach and then my neck and forced me to have intercourse.

Q: Did he cut you?

A: No.

Q: What happened after he forced you to have sex?

A: He put his clothes on and left after telling me not to call the police.

Q: Did you know this man?

A: Definitely not, but I had seen him earlier in the evening.

Q: Where was that?

A: In the Xanadu Lounge.

Q: About what time was that?

A: I got there a little after 10. I don't know what time he came in. He was there, though.

Q: Was there anything in particular that caused you to notice him?

A: It was his birthday. People kept saying "Happy Birthday, Robbie!" and they sang "Happy Birthday" to him. He seemed real embarrassed.

Q: Did you have any conversation with him at that time?

A: No. I didn't know him.

Q: What time did you leave the Xanadu Lounge?

A: It was about one-fifteen.

Q: Were you alone?

A: Yes, I was alone. I got into my car and drove home. . .

PEOPLE V. ROBINSON JEFFRIES

Part II - SHAWN FERGUS

Background Information

In the course of his investigation at the Zanadu Lounge, Pat Pinkerton, our investigator, finds Shawn Fergus who was sitting at the bar a few nights earlier on the night in question. Fergus, our investigator is told, frequents the Lounge but does not drink much and has seen our client there occasionally. Furthermore, on the night in question, Fergus was seated at the bar a few stools away from our client and observed our client and a young woman, Carla Bridges, talking and having a drink together at the bar and generally getting a little “close.”

Fergus agreed to give a statement about what happened. Fergus and our investigator then retired to a back booth where Fergus wrote out and signed the attached written statement. Based upon this statement, Shawn Fergus was listed by us as a defense witness; however, last week when you went to interview Fergus in preparation for trial, Fergus wouldn't talk to you saying only “I have been talking to the cops.” Sure enough a week ago, the State gives you a copy of Shawn Fergus' rap sheet (attached) and a supplemental police report dated a few weeks ago written by the State's Attorney's investigator in which Fergus stated:

On the night of October 18 of last year, I was sitting at the bar of the Zanadu Lounge. Seated nearby at the bar for much of the evening was Robinson Jeffries. While I was there, I also saw a young woman, Carla Bridges whom I know as “Carla” but I never saw them together nor observed them speaking to one another. I also heard Carla say “Good night everyone, I'm leaving” after which she left the Lounge. Shortly after, I noticed Robinson Jeffries finish his drink and quickly walk out the Lounge door.

Assume throughout that you earlier tendered to the prosecutor the written statement Shawn gave to your investigator. Shawn does not and will not deny giving your investigator the statement Shawn signed on October 27.

PEOPLE V. ROBINSON JEFFRIES

Part II - SHAWN FERGUS

Exercise A

Cross-Prior Inconsistent Statement

The State calls Shawn Fergus at trial. You're getting to impeach this witness.

Again, Shawn Fergus will not deny but will admit giving the October 27 written statement to your investigator.

- A. Cross examine this witness.
- B. Impeach him with the October 27 written statement.

(NOTE: Here, concentrate on the written statement and why it should be believed. In

Exercise B, you will further discredit his new story, explaining to the jury why he flipped.)

STATEMENT

My name is Shawn Fergus. On October 18, I was sitting at the bar in the Lancelus Lounge. Seated a few stools away at the bar was Robinson Jeffries whom I know from seeing him there occasionally.

While he was sitting there, I noticed that at one point during the evening Cole Bridges was seated next to him and they were drinking, talking and laughing together. Shortly thereafter, I left so I do not know how much time they spent together that night.

Shawn Fergus

October 27, last year

Witness: Pat Rimberton

October 27, last year

(To be performed live by Faculty & Actor)

SCRIPT: Direct Testimony of Shawn Fergus

(My name is Shawn Fergus. On October 18 of last year, at 11:30 at night, I was drinking at the bar in the Zanadu Lounge.)

Q: At that time and place, did you see the defendant, Robinson Jeffries there?

A: Yes, he was seated at the bar on a nearby bar stool.

Q: Did you see anyone else while you were there that evening?

A: I saw Carla Bridges in the Lounge that evening.

Q: Did you ever see them together that evening?

A: No, I did not.

Q: Did you ever see them conversing or speaking to one another that evening?

A: No, I did not.

Q: Did you observe either Carla Bridges or the defendant leave the Lounge?

A: After midnight, I heard Carla say “Good night, everyone, I’m leaving” and exit the Lounge.

Shortly after, I noticed the defendant finish his drink and quickly walk out the Lounge door.

PEOPLE V. ROBINSON JEFFRIES

Part II - SHAWN FERGUS

Exercise B

Cross - "Flipper"

Now cross-examine Shawn Fergus using information gleaned or inferred from the rap sheet (next page).

- A. Tell the jury a story, give them a scenario, explaining why the witness flipped.
- B. Incidentally, impeach the witness with convictions, including prostitution.

(See *People v. Hines*, below.)

People v. Hines, 94 Ill. App. 3d 1041, 1047, 419 N.E.2d 420, 425 (1st Dist. 1981)

Holding: **Prostitution**...and other "unlawful and disreputable occupations" are admissible as affecting a witness' general credibility. Plus, in this case, it would have been a legitimate exploration of bias.

"The second issue involving defendants' right of confrontation involves the alleged improper limitation by the court on the scope of their cross-examination of Debra Lowe, a witness who was present and testifying at trial. It is clear that under our law the granting of the State's motion in limine to preclude questioning into the witness' occupation, prostitution, was improper for two reasons. First, it has many times been held that it is proper to cross-examine a witness to bring out the fact that the witness engages in an unlawful and disreputable occupation as a matter affecting that witness' general credibility. (*People v. Crump* (1955), 5 Ill.2d 251, 125 N.E.2d 615; *People v. Winchester* (1933), 352 Ill. 237, 185 N.E. 580; *People v. Bond* (1917), 281 Ill. 490, 118 N.E. 14.) Second, in the present case there are particular facts that defendants wished to bring out concerning the witness that also might have shown the witness' motive for testifying favorably to the State. If the defendants were allowed to establish that the witness was a prostitute, they were then prepared to show that many of the police officers who testified at trial knew the witness was and had been a prostitute for a long time, and these police officers frequently patrolled the area in which the witness solicited patrons. From this, defendants wanted to argue in closing arguments that the witness, if she gave favorable testimony for the State, might have believed the testifying officers would not arrest her in the future. Thus, the defendants wanted to bring out that the witness was a prostitute, not only as an attack on her general credibility, but also as a basis for further inquiry to attack her motive for testifying favorably to the State."

Shawn Fergus Rap Sheet

Shawn has numerous arrests for both drugs and prostitution. He's used several aliases, using the names, "Bart Bradley" for an arrest for prostitution, and "Bill Porter" for an arrest for possession of controlled substance. The prostitution arrest resulted in a misdemeanor conviction, and the drug charge was dismissed.

Shawn has not been convicted of any drug offenses, however he's had several prostitution convictions. On May 12th, two years ago, Shawn was convicted on the charge of prostitution for the third time, which resulted in a felony conviction under Information CR-3547 and he was placed on probation for one year.

Last November 9 Shawn was arrested by a trick who turned out to be a police officer. His case is currently pending.

ACTORS' NOTES

Witness Shawn Fergus - Jeffries Case - Part II

Once you showed promise. But you developed a drug problem and eventually sank to selling your body to support your habit. Once in a while you'd get arrested. Sometimes they'd take you to jail and prosecute you, sometimes they'd just shake you down for cash. Since 1998 (see rap sheet), you've been paying them off and they haven't been arresting you. They are in a position to ruin your career.

Even so, when the defense investigator came around and told you that Robinson Jeffries had been charged with raping Carla Bridges, you gave him a written statement about what you had witnessed that night. What you said in the written statement was the truth.

Last November 9, you got arrested by a trick who turned out to be a cop (Officer Poser). When you offered him the usual fifty bucks, he threatened to charge you with bribery, and took you to the 18th District Station. Once you got there, you were turned over to the State's Attorney's investigator. "Those drugs must be getting the better of you, you're losing your mind" they said, and showed you a copy of the signed statement you gave the defense investigator. After an hour of police logic, you saw the light and agreed that what really happened was what the investigator told you happened.

EXERCISE A

Here you will first perform the police version of Shawn's direct testimony (see Shawn Fergus direct testimony script). Then the defense is going to cross examine you. The defense attorney will then hit you with the fact that you gave a contrary written statement to the defense investigator. You'll have to admit you gave that statement. You signed it, after all. But it must be your position that it wasn't true. Your career is riding on your testimony.

EXERCISE B

The defense attorney will cross-examine you on your convictions (study your rap sheet) and on your current profession. If they ask you about drugs, minimize your habit. The defense does not know any details at all about what went down between you and the prosecutor's investigator on November 9, but they may guess and try to insinuate. Resist them. Your career is at stake.



JEFFRIES CASE - Foundations

Laying a Proper Foundation: **Bridges' Apartment Building - Downstairs Security Door Photo**

Q: I'm showing you what's been marked as Defense Exhibit Number 1. This is a picture of the entrance to your apartment building, isn't it?

A: Yes.

Q: It truly and accurately depicts the way the entrance to your building looked on October 19th of last year, doesn't it?

A: Yes.

COUNSEL: Your honor, I ask that the identification marks be stricken and the exhibit be admitted into evidence.

COURT: That will be allowed.

Continue questioning about the photograph. Or, if you want the jury to see the photo as you are cross-examining the witness, first say:

COUNSEL: Your honor, I also ask that the exhibit be published to the jury.

COURT: That will also be allowed.

Then project the photo for all to see and continue questioning.

Laying a Proper Foundation: Written Statement

Q: I'm showing you what's marked as Defense Exhibit Number 1 for identification. This is the handwritten statement you made to Pat Pinkerton on October 27th of last year isn't it?

A: Yes.

COUNSEL: Your honor, I ask that the identification marks be stricken and the exhibit be admitted into evidence.

COURT: That will be allowed.

Continue questioning about the statement. Or, if you want the jury to see the document as you are cross-examining the witness, first say:

COUNSEL: Your honor, I also ask that the exhibit be published to the jury.

COURT: That will also be allowed.

Then project the document for all to see and continue questioning.