

## NCSC Practice Scripts

### Simultaneous

Ladies and gentlemen, I would like to thank you very much for your service as jurors in this case. You will now hear my **opening statement**<sup>1</sup>, which is my opportunity to **point out**<sup>2</sup> what the evidence will show in this case. Because the **burden of proof**<sup>3</sup> falls on me as the prosecutor, I get to go first. Afterwards, you will have the chance to hear from the defense.

The **prosecution**<sup>4</sup> will show that on **September 8, 2020**<sup>5</sup>, the day after Labor Day, in a **saloon**<sup>6</sup> called O'Hara's, the defendant, Carl Miller, was meeting with his business clients, **as usual**<sup>7</sup>. The **evidence**<sup>8</sup> will show that at **3:55 p.m.**<sup>9</sup>, the defendant was in the saloon. There were two people working there that day, the **bartender**<sup>10</sup>, John Thomas and the server, **Roberta Jones**<sup>11</sup>. But on a Tuesday after a long **weekend**<sup>12</sup>, not a lot of people want to go to a bar, **do they**<sup>13</sup>? Since the place was deserted, the employees were thinking about **closing up**<sup>14</sup> early when in walked one of the defendant's clients. Roberta got up **to greet**<sup>15</sup> the individual, who was not a **regular**<sup>16</sup> customer.

The defendant, Carl Miller, walked straight up to the **newcomer**<sup>17</sup> and waved Roberta off. John heard Roberta say, "If he ain't drinking, he's not staying," before the defendant **swore**<sup>18</sup> at her and told her to **mind her own business**<sup>19</sup>. While Mr. Miller and his client were sitting at a booth, John observed Mr. Miller pass a small **glass**<sup>20</sup> bottle with a white powder in it to his **buddy**<sup>21</sup>. Sensing there was something **shady**<sup>22</sup> going on, John decided to call 911.

Just as he was **dialing**<sup>23</sup> the number, he observed the unknown man **pull a gun on**<sup>24</sup> the defendant. The **gunman**<sup>25</sup> then reached for his pocket, pulled out his **shield**<sup>26</sup> and shouted "Police! You are under arrest." **Unbeknownst**<sup>27</sup> to all of them, law enforcement had been **surveilling**<sup>28</sup> the bar for a while, and the supposed client was actually an **undercover**<sup>29</sup> narcotics officer. The defendant immediately took off running towards the exit, shouting, "**Damn**<sup>30</sup> cops, always **harassing me**<sup>31</sup> for no reason." The officer **gave chase**<sup>32</sup>, but the defendant pushed him,

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### Simultaneous

causing the officer to trip on a **bar stool**<sup>33</sup> and hit his head on the table, opening a big **gash**<sup>34</sup> on his **forehead**<sup>35</sup>. Roberta and John rushed to aid the officer, who seemed to be **badly hurt**<sup>36</sup> and was bleeding **profusely**<sup>37</sup>.

A **physician**<sup>38</sup> named Patricia Reyes was driving through the parking lot of the shopping center that day. Dr. Reyes will testify that, shortly after four o'clock, she was buying groceries from the grocery store **directly**<sup>39</sup> across from O'Hara's saloon. As she was driving away from the **supermarket**<sup>40</sup>, she saw the defendant **exiting**<sup>41</sup> the saloon like a bat out of hell. It caught her attention because the man was obviously fleeing the place, and she thought, "Does that guy need help? **I wonder**<sup>42</sup> if something's wrong."

Dr. Reyes followed the defendant for **a couple**<sup>43</sup> of blocks, until the point where the defendant jumped into a convertible. As the doctor was following him, the man looked directly at her. And, as the defendant was **starting**<sup>44</sup> the car, he looked again at Dr. Reyes. This eyewitness has told us that as the man drove away, she immediately **made note**<sup>45</sup> of the plate number of a **tan**<sup>46</sup> Mustang convertible with the **top**<sup>47</sup> down. She wrote down **J1X265**<sup>48</sup> and she has attested that she is 100 percent sure **she wrote down**<sup>49</sup> the correct number.

Then Dr. Reyes thought, "Something seems **wrong**<sup>50</sup>. I should get back to that bar and see **what's happening**<sup>51</sup>. Somebody might be hurt." When she arrived there, she saw the bartender and **server**<sup>52</sup> and she found the **detective**<sup>53</sup> bleeding on the floor. She then proceeded **to tend to**<sup>54</sup> his wound and waited for the ambulance to get there.

With the information **provided by**<sup>55</sup> the doctor, the police were able to find an address **registered to**<sup>56</sup> that vehicle – **606 Glendale**<sup>57</sup> – just minutes away from O'Hara's. **Investigators**<sup>58</sup> went to that address and found the Mustang parked **right there**<sup>59</sup>.

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### Simultaneous

The **defense**<sup>60</sup> will try to tell you that this is a case of **mistaken identity**<sup>61</sup>, but don't let them fool you with that. You will not hear one single person, **other than**<sup>62</sup> John, Roberta, and Dr. Reyes, who can tell you where this man was at 3:55 p.m. on September 8, 2020.

The car was **seized**<sup>63</sup> and taken to the **crime lab**<sup>64</sup>, where a forensic technician found cocaine **residue**<sup>65</sup> on the driver's side **armrest**<sup>66</sup> and on the **rearview mirror**<sup>67</sup>. That cocaine matched exactly with the cocaine **found in**<sup>68</sup> the bottle that this defendant gave to the undercover agent.

As members of this jury, **you are sworn**<sup>69</sup> to listen to the evidence closely and decide what really happened on that day. **We are confident**<sup>70</sup> that, after hearing all of the witnesses and seeing all the Exhibits, you will have no problem finding this defendant, Carl Miller, guilty of the **felonies**<sup>71</sup> of **distributing**<sup>72</sup> cocaine, **fleeing and eluding**<sup>73</sup>, and **battery**<sup>74</sup> on a law enforcement officer, all of which are serious crimes **under the laws**<sup>75</sup> of this State.