

Critical Thinking and Writing

Exercise

#2

"Aggravated Assault Court Case"

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SCENARIO

On June 1, around 10:30 PM, Ms. Janet Burns, an 18-year-old black female, 5'3" tall and weighing 120 lbs, was stabbed with a knife in her lower back while she was using a pay phone near the street in front of the convenience store parking lot. Although seriously injured by the stabbing, she survived and recovered enough to return to her retail job in the mall.

Mr. Andre Swimmer, a 19-year-old black male, 5'7" tall and weighing 150 lb, was arrested for this crime and charged with aggravated assault.

The two main witnesses testifying against Mr. Swimmer are also African Americans. The first one is Mr. Alton Moore, the police officer who arrived on the scene soon after the stabbing. Based on evidence he collected at the scene, he arrested Mr. Swimmer within an hour of the stabbing. The second witness testifying against Mr. Swimmer is Mrs. Shante Green, a retired school teacher who claims to be an eyewitness to the crime.

QUESTIONS

You are on the jury that is hearing the case against Mr. Swimmer. As this is a criminal case, the judge has told you and the other members of the jury to presume the defendant, Mr. Swimmer, is innocent unless there is proof beyond a reasonable doubt of his guilt.

Your job is to determine whether the evidence given on the witness stand by Officer Moore and Mrs. Green is good enough to justify convicting Mr. Swimmer of aggravated assault.

Read Documents A–C. Then writing in sentences, answer the following questions:

Does the evidence given by Officer Moore and Mrs. Green show that Mr. Swimmer is guilty beyond a reasonable doubt? Why, or why not? Be specific and make sure that your answer comprehensively considers the evidence presented in the documents. Provide details from the documents to support your judgments.

DOCUMENT A

Legal Definitions

“Aggravated assault” =

“An assault where serious bodily injury is inflicted on the person assaulted ... including assaults committed with dangerous or deadly weapons” (Gifis 33).

“Deadly weapon” =

“Any instrument that is capable of producing death or serious bodily injury ... e.g., knife, pistol, rifle” (Gifis 126).

“Reasonable doubt” =

“Reasonable doubt which will justify acquittal is doubt based on reason and arising from evidence or lack of evidence, and it is doubt which a reasonable man or woman might entertain, and is not fanciful doubt ... Reasonable doubt is such a doubt as would cause prudent men to hesitate before acting in matters of importance to themselves” (Black 1265).

DOCUMENT B

Police Officer Alton Moore's Testimony on the Witness Stand

On June 1, when I arrived at the crime scene at 10:45 PM, I immediately went over to Ms. Janet Burns, an 18-year-old black female, approximately 120 lb and 5'3" tall, who was on a stretcher being lifted into an ambulance. She told me that she didn't know who had stabbed her, but that whoever had done it had snuck up behind her when she was using the pay phone in the convenience store parking lot and stabbed her in her lower back.

I then went over to the pay phone area, near the street in front of the convenience store, and put a crime scene tape around it to keep it from being disturbed. I couldn't inspect it thoroughly then because it was too dark for me to see the ground there since the streetlight right above it was burnt out and it was a dark night.

Then I walked 30 yards to the nearby convenience store. The clerk inside said she had been busy and had not seen anything of the stabbing.

Next I interviewed three young black males standing outside the store. The first one was Jerome Patterson, 19, 180 lb, and 6'2" tall. He was wearing black pants and a black t-shirt. The second one was Riley Brown, 21, 220 lb, and 6'4" tall. He was wearing an orange bathing suit and a white tank top. The third one was Anthony Watson, 20, 150 lb, and 5'8" tall. He had on blue jeans and a white t-shirt. He said that he was the victim's ex-boyfriend. All of these young men were very cooperative, and none said that he had seen anything of the stabbing.

Turning from them, I saw another young black male, Andre Swimmer, 19, 150 lb, and 5'7" tall, coming around the corner at the other end of the convenience store. He was wearing blue jeans and a white t-shirt. As I approached him to ask whether he had seen anything, he ran away from me. To me that was a sign that he was the guilty party.

After I caught up with him, I found even more evidence of his guilt. He was extremely nervous when I started asking him questions. I reasoned that if he was guilty, he would be very nervous when interviewed, and he was very nervous. So I concluded that he was the guilty party.

Plus when I searched him, he had a knife in his pocket that had some wet blood on its blade. He said that he had accidentally cut himself with the knife earlier in the evening when he was carving a walking cane, and so the blood on the knife was his. I asked to see the place he had cut himself, and he showed me a "cut place" on his finger. But I still found it hard to believe that the blood on the knife was his; he had such shifty eyes. He just acted and looked so guilty that I arrested him on the spot.

DOCUMENT C

Mrs. Shante Green's testimony on the witness stand

About 10:30 PM on June 1, I was sitting on my front porch on a hill that looks down at the convenience store parking lot. Even though I was about 100 yards from the convenience store parking lot, I saw Mr. Swimmer in the vacant lot beside the parking lot congregating with his friends, something they do there nearly every summer night.

I don't know what it is with these kids today. Their music is full of foul language, and they wear their pants down to their knees. They're lacking in good manners and good values. Mr. Swimmer, in particular, plays his boom box so loud in that vacant lot beside the convenience store that he often keeps me awake into the early morning hours.

That night I don't know what got into him, but I got a clear look at him stabbing that girl. I know it was night time, but I still have 20/20 vision even though I am 70 years old. It was easy for me to see him in

his blue jeans and white t-shirt tiptoeing up behind the victim and then plunging the knife in her back. It's a wonder it didn't kill her.

Yes, I am positive that he's the one who did it. I saw it with my own eyes. The neighborhood needs to be protected from this dangerous young man, and so I hope he'll be locked up a long time for committing this crime.

QUESTIONS

1. What is the main claim that is being defended in the passage? It's the one for which evidence is being given.
2. What does the claim mean? Explain it in your own words.
3. In this passage, what evidence is offered for the main claim? The evidence is the ground or basis for believing that the main claim is true. Be sure to identify all of the evidence.
4. Is it reasonable to believe that the evidence is true?
 - A. If so, why? For instance, is it from an unbiased credible expert on the topic in question? Or is it provided by a reliable eyewitness?
 - B. If it's not reasonable to believe that the evidence is true, why not? For instance, are there other credible alternative explanations that have not been addressed or ruled out? Or is there strong evidence that the main claim is actually false?
 - C. Be sure to assess all of the evidence and explain its strengths or weaknesses in detail.
4. Assuming that the evidence is true, would it show that the main claim must be true or that it is at least probably true? Be sure to check for fallacies in the reasoning.
5. Based on your analysis and evaluation, does the passage show that the main claim is true?
 - A. If so, why?
 - B. If the passage does not show that the main claim is true, then why not?