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Period 3
4/7/15

Superior Court Of Tulsa Oklahoma

The Case of Bob Sheldon

Bailiff: All rise. ***[Wait for everyone-except the judge- to stand.]***

Department One of the Superior Court is now in session.

Judge Jack Peterson presiding. Please be seated.

Judge: Good morning, ladies and gentlemen. Calling the case of the People of the State of Oklahoma versus Johnny Cade. Are both sides ready?

District Attorney: Ready for the People, Your Honor.

Public Defender: Ready for the defense, Your Honor.

Judge: Will the clerk please swear in the jury?

Clerk: 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.

Deputy DA: ***[Stand up and talk to the jury.]*** Your Honor and ladies and gentlemen of the jury: the defendant has been charged with manslaughter of Bob Sheldon. The evidence will show that Johnny Cade has used excessive force when trying to protect Ponyboy Michael Curtis. The evidence has shown that the night of the murder was not an act of self-defense. The duty to retreat was not present at the time of the murder. A switchblade was found 15 feet away from the body. It was found semi-buried. This proves it was all intended and done on purpose.

Public Defender: ***[Stand up and talk to 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 different series of evidence against my client, however they will not prove what his real intentions were. You will come to know the truth: that Johnny Cade had simply killed Bob as an act of self defense not just for himself, but as well as for his friend Ponyboy Curtis. It was an act of self defense and my client is not guilty.

Judge: The prosecution may call his first witness.

Deputy DA: **Deputy DA:** The People call the arresting officer.

[Bailiff takes the witness to the witness stand.]

Clerk: Please stand. 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: Devon Williams.

Clerk: You may be seated.

Reporter: Please spell your last name for the record.

Plaintiff [Stand Up.] Devon, where were you on the night of Bob Sheldon's murder?

Devon: At the night of the murder my partner and I were patrolling the area. We parked in an alley a couple of blocks away from the park. Around 3am we had some reports of disturbances so we went to check it out. Looking for the scuffle we saw a young man laying by the fountain. We drove closer and noticed blood all around. At the time I knew it was a murder scene.

Plaintiff: What did you do after that?

Devon: We were instructed to close off the whole scene of the crime. So I did. Closing off the scene, I saw a trail of blood so I chose to follow it. I saw a small pile of dirt with blood. I went to the car and grabbed a small flag to show the detectives something was wrong there.

Plaintiff: Thank you, your Honor I have no further questions.

Judge: Does the defense have any questions?

Public Defender: Not at this time, Your Honor.

Judge: The witness is excused. [*Wait for the witness to leave the stand.*]

Plaintiff : Your Honor, according to Officer Devon he 'saw a trail of blood so I chose to follow it. I saw a small pile of dirt with blood'. According to the report that was made later on when inspecting the crime scene, a switchblade was found under that pile of dirt. A blood analysis confirmed that that blood belong to Bob. Looking at the handle of the blade, fingerprints were found on it. When we asked to get some fingerprints from Johnny we were denied them, so in addition to manslaughter, we would also like to charge for obstruction of justice. I'm done stating my evidence your honor.

Judge: Is the defense ready with its case?

Public Defender: Yes, Your Honor. I call Darrel Curtis.

[Bailiff takes the witness to the witness stand]

Clerk: Please stand. 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?

Witness: I do.

Clerk: Please state your name.

Witness: Darrel Curtis.

Clerk: You may be seated.

Reporter: Please spell your last name for the record.

Public Defender: Prior to this incident, did you 'greasers' have any run-ins with Robert Sheldon and his friends that could have caused possible conflict?

Witness: Well Ol' Johnny got busted up real bad by some Socs at an empty lot near our place. He'd been lookin' for our football to throw around when a blue Mustang came around and out came a couple Socs. One of 'em had a buncha rings on his knuckles and while sluggin' Johnnycake, he'd cut him up pretty bad. Poor Johnny'd been on edge since then. He barely talks now.

Public Defender: Are you all close to Johnny?

Witness: Yes, we're like brothers even though we aren't related by blood. We wouldn't ditch each other for anything.

Public Defender: No further questions, Your Honor.

Judge: Does the prosecution have any questions?

Plaintiff: If Johnny was attacked in such manner is there any way to prove such action. Looking at all the records of my clients and their friends everything is clean. I'm done here your honor.

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

Public Defender: Yes, Your Honor. I call Randy Adderson.

[Bailiff takes the witness to the witness stand]

Clerk: Please stand. 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?

Witness: I do.

Clerk: Please state your name.

Witness: Randy Adderson.

Clerk: You may be seated.

Reporter: Please spell your last name for the record.

Public Defender: Where were you on the night of the murder?

Witness: I was with Bob and a couple of our other friends.

Public Defender: Can you recall any events that may have led to the murder?

Witness: Well, Bob and our other friends, even myself, were getting drunk beforehand, which pretty much upset our girlfriends. While driving around lookin' for our girls, we saw 'em with Ponyboy and Johnny, which pretty much pissed Bob off. He almost got into an altercation with the third greaser that went along with Ponyboy and Johnny.

Public Defender: What were the events that happened afterward?

Witness: We drove around the area where the greasers lived. We saw Pony and the other kid Johnny strollin' through the park, so we decided to have a little fun with them. Maybe teach 'em a lesson 'bout hangin' with our girls by roughing 'em up a bit. We were drunk, which probably didn't help much, but we didn't expect Johnny to actually have a blade on him. Bob and I were dunking Ponyboy in the fountain, while Johnny was being beaten up by the rest of our guys. Everything went by pretty fast afterwards. Johnny pulled out a switchblade and stabbed Bob. We just ran for it, but still can't believe what'd happened.

Public Defender: By any chance, do you know who'd jumped Johnny beforehand?

Witness: Not that I remember bob might off he always loved to mess with people.

Public Defender: Were you and Bob drunk?

Witness: No.

Public Defender: Did you have a reason to jump Johnny?

Witness: No.

Public Defender: Do you think Johnny might've felt threatened upon seeing your faces and recognizing them?

Witness: I'm sorry, but like I said before, we were drunk. I can't really remember everything that'd happened like details like that.

Public Defender: No further questions or witnesses, Your Honor.

Judge: Does the prosecution have any questions?

Plaintiff: Looking at records before hand of Johnny boy and the rest of them all have a horrible record full of felonies. Have you guys ever been attacked?

Witness: Yes, before hand they have been all over our friends mostly girls and have been almost forcing them to please them.

Plaintiff:All done Your Honor.

Judge: The witness is excused. **[Wait for the witness to leave the stand.]** Are we ready with the final arguments?

Plaintiff: Yes, Your Honor.

Public Defender: Yes, Your Honor.

Public Defender: [Stand up and face the jury.] Your Honor, ladies and gentlemen of the jury: Johnny Cade had been acting in simple self defense. Prior to the incident, he'd been jumped by the same people - Robert Sheldon and his same group of friends. Upon recognition of his face, of course he'd feel threatened, would he not? He had been beaten bloody and senseless by them before when they were sober, then wouldn't they have had the power to easily kill them while they were drunk? When they had jumped Johnny alone originally, they had no reason to beat him up. The night of the incident, they were drunk and were burning with rage due to their girlfriends hanging around Johnny and Ponyboy. They had the capability of doing the deed of murdering the two boys if Johnny hadn't beaten them to it. Then a few moments before the murder, Robert and Randy had been drowning Ponyboy. Johnny was fearful for his dear friend and didn't know if he'd live or not. Ponyboy could've died, and Johnny could've been next. The prosecution has not proven that what Johnny had done was intentional. Therefore, there is reasonable doubt, and therefore you must find him **not guilty**.

Plaintiff: [Stand up and face the jury.] Your Honor, ladies and gentlemen of the jury: according to the self defense penal code '(a) (1) Every person who, except in self-defense, in the presence of any other person, draws or exhibits any deadly weapon whatsoever, other than a firearm, in a rude, angry, or threatening manner, or who in any manner, unlawfully uses a deadly weapon other than a firearm in any fight'. The boys did not exhibit any firearm or weapon whatsoever. If the so call attack on johnny before happened that only angered him and added a reason to attack the boys more. Johnny had the right to try to stop it all be inflicting fear rather than going straight for the killing he didn't stand down or try to minimize the danger in the situation. There is also no

proof of intended murder. So the defense can neither prove the murder was in self defense. He is trying to be convicted for manslaughter or in a lower crime 2nd degree murder in which he killed under his subconscious. We ask for 10 years with no privileges or a reduced sentence of 4 years for 2nd degree murder.

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

Foreperson: [*Answer yes or no.*]

Clerk: The jury finds the defendant [*guilty/not guilty.*]

Judge: The jury is thanked and excused. Court is adjourned.

Bibliography

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