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The Effects of Real versus Simulated Context on Recall

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THE EFFECTS OF
REAL VERSUS SIMULATED CONTEXT ON RECALL

by

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VITA

The author, Laura Anne Monti, is the daughter of LeRoy J. Monti and Mary (Foley) Monti. She was born February 28, 1959, in Evanston, Illinois.

Her elementary education was satisfied at St. James Catholic Grammar School, and her secondary education was completed at Arlington High School, Arlington Heights, Illinois where she graduated in 1977.

She entered DePaul University in September, 1978 where she completed her first year of study in Liberal Arts. She enrolled in the University of Arizona in the fall of 1979, and received the degree of Bachelor of Arts with a major in Psychology in August of 1981. While attending the University of Arizona, the author was a member of the Sigma Alpha Iota, Alpha Beta Chapter, an honorary music fraternity, and a member of the national Honor Society in Psychology, the Psi Chi Chapter. In the summer of 1980, she completed a semester of study at the Universita di Firenze, Florence, Italy.

The author is the co-founder of MAM Imports, which was established in 1982 and imports Italian goods to America. In 1983 she entered the Cognitive Psychology program at Loyola University of Chicago. She is presently working as a research assistant at Loyola University in the Psychology Department.

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REVIEW OF RELATED LITERATURE

The purpose of the present paper is to investigate the effects of real versus simulated context on recall. The approach to this issue draws upon literature from the areas of human learning and memory, and, because this study focuses on court-related issues, a review of relevant legal publications will be included.

Hermann Ebbinghaus, influenced by Fechner's psychophysical methods of studying human learning and memory (with emphasis on precise experimentation and quantitative treatment), published in 1885 his monograph entitled On Memory. The methodology employed by Ebbinghaus included such techniques as the use of meaningless nonsense syllables or individual words arranged into lists to be first studied and then tested for retention, with Ebbinghaus in the capacity of experimenter and subject. The learning process occurred exclusively through the repetitions on the natural memory (1885/1964). Learning was found to be void of any meaningful or semantic analysis, a learning process which is known today as rote verbal learning.

It is important to recognize that Ebbinghaus's experiments were conducted within a laboratory and employed nonsense syllables or individual words arranged

into lists to test retention of same, as a function of repetition. His results indicated that mere repetition does have an effect on memory. Replication by other experimenters utilizing various experimental modes such as visual rehearsal (Graefe & Watkins, 1980; Tversky & Sherman, 1975; Weaver, 1974) or active rehearsal (Cooper & Pantle, 1967) tends to support Ebbinghaus's claim.

Is the above concept of repetition for retention relevant to situations outside of the laboratory which employ real material such as sentences or prose passages? Advocates of the Ebbinghaus theory have provided few examples of the above effects as found in non-laboratory settings or with prose material.

Ebbinghaus's research has prompted an evolution of investigation into the realm of human memory. Bartlett (1932), influenced at first by Ebbinghaus, worked with similar materials, using the nonsense-syllable methodology. Bartlett, however, became disenchanted with this mode of experimental design and introduced an investigation with a more realistic approach to this issue. He selected meaningful material, specifically prose passages, of interest in themselves and with relevance to everyday experiences, thus adding a new dimension to the previous theories on memory. Bartlett found that recall was rarely literally accurate; subjects tended to elaborate, embellish, and exclude detail. He suggests that subjects' use of

imaginative reconstruction, influenced by their attitudes, their past reactions, and experiences, intermeshed with a few outstanding details pertinent to the passage, aids memory of material (1932). Bartlett further instituted the concept of schemata, a process by which the subject reproduces prose material, influenced by personal organization of past experiences. An important complimentary concept has been suggested by Bower, Black, and Turner (1979), a concept referred to as script norms and designed to more accurately define the effect of prior knowledge and experience on memory.

A myriad of investigations into various facets of context statements or natural conversations as related to memory and accuracy of same, have been the focus in recent research. The many precedents in these investigations have influenced such conjectures as are presented in the ensuing hypothesis. Neisser, in his remarks at the 1978 conference on "Practical Aspects of Memory" suggests that a study of memory in a natural setting may be more creative than that performed in a laboratory environment. Although Neisser acknowledges the previous work accomplished by Bartlett, he detects deficiencies in ecological validity. His argument notes that few people memorize prose passages within the course of everyday activities. He suggests that the time has come for research into the nature of memory in a natural setting.

Kintsch and Bates (1977) and Keenan, MacWhinney, and Mayhew (1977) suggest that studies in the naturalistic mode could produce significant results in the study of human memory. Keenan, MacWhinney, and Mayhew (1977) propose that, although the encoding of linguistic information may be adequately described in the laboratory, still, additional information is brought to bear in the encoding when words are spoken by a real person in a real situation. They found that interactional content of words is an important component in determining the merits of memorizing meaning. A dramatic difference was discovered in this research by means of statements classified as high and low in interactional content. Statements found to be high in interactional content produced superior memory for surface form and meaning; statements low in interactional content demonstrated no memory for surface form, and even less for content. Kintsch and Bates (1977) utilized a classroom lecture for an environmental setting, and tested for recognition memory in two experiments. Both studies yielded the results that memory for meaning was highly significant in answering questions about topic statements, details, and extraneous remarks. A two-day delay demonstrated almost a verbatim memory for all three types of statements, but a five-day delay greatly minimized that memory. Both studies showed that extraneous remarks were best remembered, and there were found to be no differences in memory for

topics as opposed to details. The aforementioned studies have set precedents for future research into the realm of memory in natural context.

McGeoch (1932) suggested that forgetting is a function of cue-deficiency for recall, initiated by alterations in the learner's external or internal environment. Smith (1979) presented a list of eighty common words to subjects for study. The following day, one group of subjects was tested for recall in the original learning room, while the other group of subjects was tested for recall in a different room. It was found that the average recall of subjects in the same context group was higher than the average recall of subjects who changed environment. The effects of the internal environment on retention are reported in Bower's article entitled "Mood and Memory" (1981). Subjects demonstrated mood-state dependent memory in recall of word lists; specifically, subjects had a greater retention when mood was congruent in both the learning and test situations as opposed to an inconsistency between them. It appears that the greater the similarity between the learning and test situations, the greater the resultant memory.

Memory research may prove to hold some valuable inferences for consideration by the legal system. An early investigator, interested in researching memory and court testimony was William Stern (1904). Stern conducted an investigation into the reliability of testimony. His

desire was to elicit recall of fact through a staged event tantamount to a real-life scenario. Stern found that testimony can be evaluated using two main criteria. The first criterion is the amount of recall, and the second is accuracy of recall. His results indicate that there is minimum accurate recall of testimony. It is important to note that Stern desired to investigate human memory within the context of the real world; however, the methodology employed included staging, props, and rehearsals, thereby creating a simulated event.

One of the outstanding researchers in the investigation of eyewitness testimony is Elizabeth Loftus (1975, 1977, 1979b, 1979c, 1983). Her results would indicate a reconstructive process in recall. One of the paradigms employed included films or slides of a fast-moving automobile (accident), which after viewing, subjects were questioned about what they had observed. Some of the questions were designed to elicit a desired answer, often resulting in misleading information about the event. Loftus suggests that two kinds of information go into one's memory; the first constitutes the information obtained during sensory input from the original event, and the second contains external information furnished after the fact. She further concludes that, through integration of these two kinds of information, we are not able to sort out the specific details, since our memory is a single

entity. There are some discrepancies to be noted in Loftus's results, based on the methodology used. As with Stern, Loftus utilizes a methodology which attempts to recreate a real-world circumstance; however, it is not the real world and is void of the influential variables the real world might supply to alter the results. Further, subjects received information only visually. It is thought that more accurate and detailed results could be obtained through the employment of a methodology which allows information to filter through all five senses simultaneously. Using Loftus's information as an impetus, the ensuing measure might encompass an investigation into the nature of memory as related to testimony in the courtroom (natural setting) with a comparison group receiving the same information in a laboratory environment.

Harris, Teske, and Ginns (1975) studied the memory for practical inferences from courtroom testimony. Subjects generally remembered both inferences and affirmations as fact even when cautioned not to do so. Lipton (1977) further studied the psychology of eyewitness testimony. The results lend credence to the influence of the questioning technique on both accuracy and quantity of testimony. Clifford et al. (1981) studied the memory for target voices. Investigators concluded that good voice memory under very favorable conditions of encoding, storage, and retrieval is the exception rather than the rule.

Christiaansen, Sweeney, and Ochalek (1983) requested that subjects estimate the weight of an experimental confederate who interrupted a class lecture. A telephone survey was conducted after the encounter and revealed that by informing subjects that the man they had viewed had either thrown a heavy object or was a truck driver, led to a significantly heavier weight estimate than telling subjects that he ran away or was a dancer. The investigations cited (Christiaansen, Sweeney, & Ochalek, 1983; Clifford et al., 1983; Harris, Teske, & Ginns, 1985; Lipton, 1977) provide variations in methodology used to research the nature of memory. Again, these are mock or simulated attempts to create a real-life experience, and it is important to confirm these results within a natural context.

Opinions of attorneys and law enforcement personnel on the accuracy of eyewitness testimony contribute a controversial element into the nature of human memory as related to eye and voice identification (Brigham & Wolfseil, 1983). Defense attorneys felt that eyewitness identifications are often misleading and exaggerated by jurors, while prosecuting attorneys and law-enforcement officers indicate that they regard eyewitness identification as rather accurate and that its importance is adequately assessed by both judges and juries. Subjective interests, however, could influence the positions of each of these law-enforcement personnel and barristers. This controversy does provide

justification for additional research confined to an actual courtroom setting.

Bridgeman and Marlow (1979) deviate from the preferred mode of utilizing simulated mock jury trials for investigation. These researchers are convinced that simulation techniques provide information that is, at best, suggestive and they are uncertain as to the generality of laboratory-based socio-legal research. Variables often manipulated in laboratory studies of jury decision-making and eyewitness/earwitness testimony comprise a small fraction of the total stimulus scope to which a real juror or eyewitness is actually exposed in a courtroom or during a crime. Emphasis has been on manipulative, laboratory designed experiments in an unnatural setting. Methodological issues, such as logistical difficulty in locating jurors, securing their cooperation, and investigating their testimony evoke legal and ethical constraints; however, even with these limitations, investigation is very important for directly linking the findings of simulation research to procedures and results of real trials. Bridgeman and Marlow (1979) attempted to investigate jury decision-making based on attendance at actual felony trials. Their findings appear to be contrary to the views presented by Loftus and Stern. It was found that jurors are highly involved and responsible people who determine guilt or innocence on the basis of factual evidence.

Neisser, in part, supports this premise and points out that witnesses are prone to error, but they are not always wrong; memory researchers must attempt to comprehend the successes of testimony as well as the failures (1982). He concludes that subjects often recall the gist of a sentence, expressed in different words. Neisser found the recall of John Dean to be thematic; times and dates, however, were confused. Both studies indicate a consistency in their findings; both jurors and eyewitnesses tend to be accurate in recall of the important issues. This finding is contrary to the concept that memory is malleable; however, the methodology used in these aforementioned studies is also inadequate since both are post hoc evaluations which are lacking in laboratory comparison.

The major goal of the present research is to investigate and attempt to clarify further the nature of naturalistic memory phenomena. It is expected that an examination of recall in both naturalistic and simulated contexts will more accurately reflect basic memory processes. It is hypothesized that there will be a difference in recall shown between those individuals who experience input from all senses in a naturalistic context and those individuals who receive only auditory input in a mock-trial situation.

HYPOTHESES

A series of four hypotheses were formulated in these experiments, based on the theoretical expansion evident in the preceding literature review. These four hypotheses, with a brief rationale for each, are presented in this section. Experimentation which investigated each of the four hypotheses was conducted twice (Experiments 1 and 2), in order to assure that effects found are indeed representative of the populations at study.

Hypothesis I. Subjects in both the real (court) and quasi-simulated (tape) groups will exhibit identical memory for days, months, years, and defendant names (fragment memory). There will be no differences in subjects' memories for fragment items resulting from their participation in either the court or tape group.

Rationale: The work of Elizabeth Loftus (1975, 1977, 1979b, 1979c, 1983) suggests that memory tends to be malleable and that this malleability of memory produces inaccurate reports from eyewitnesses. It is suggested here that these findings of Elizabeth Loftus might be a function of the simulated environment in which experimentation was conducted and information was encoded. It is further suggested that Elizabeth Loftus investigated a

particular kind of memory, specifically memory for speed of vehicles, colors of traffic lights, and colors of vehicles. The present study of fragment memory (memory for days, months, years, defendant names) is assumed to be similar in kind to that utilized in experimentation by Loftus. It is the intention of the present investigation to expand on the aforementioned by relating it to a real-world context.

Hypothesis II. Four categories were comprised to assess kind of memory. Every sentence written by subjects was tallied into one of the following four categories: opinion statements, factual and correct statements, factual and incorrect statements, and summary statements. It is hypothesized that the type of group (court or tape) in which the subjects participate will not have an effect on the distribution of sentences into these four categories.

Rationale: There is a discrepancy in results from studies conducted in a simulated environment (Christiaansen, Sweeney, & Ochalek, 1983; Clifford, 1983; Harris, Teske, & Ginns, 1985; Lipton, 1977; Loftus, 1975, 1977, 1979b, 1979c, 1983) and those few studies conducted within the real-world context (Bridgeman & Marlow, 1979; Brigham & Wolfseil, 1983; Neisser, 1982). Specifically, the studies conducted in the simulated environment suggest a malleable memory while studies conducted within the real-world support a more accurate reproduction in memory.

Hypothesis III. Recall made by subjects will be equally distributed among all four categories as previously defined.

Rationale: Bartlett (1932) suggests that memory is rarely literally accurate. It is necessary to further clarify what kind of memory subjects report.

Hypothesis IV. There will be no differences found in the quantity of recall (computed in two-minute intervals) as based on the type of group (court or tape) in which subjects functioned.

Rationale: Emphasis has been placed on the effect of both internal and external context on the quantity of recall (Bower, 1981; McGeoch, 1932; Smith, 1979). Much of this research has been limited to alterations of context within a simulated environment. The present thesis attempts to extend these investigations into the real-world and utilize the simulated group (tape) as a control.

EXPERIMENT ONE

Method

Subjects. Thirty students in a Loyola University undergraduate psychology course served as subjects in experiment 1 (14 males and 16 females).

Design. The present study investigated the effects of a real versus a quasi-simulated trial proceeding on the accuracy of recall or retrieval of those events. Two groups of fifteen subjects each were employed in the study. One group (the courtroom group) attended preliminary trial hearings (specifically six continuances and one guilt plea were observed) in a Skokie courtroom, for an observational period lasting thirty minutes. After the observational period, subjects were asked to provide their free recall of these observed events, as detailed in the subsequent procedure section.

The second group (the classroom group) were instructed to listen to a tape recording of the hearings just discussed, in a classroom at Loyola. Again, after being exposed to the tape recording of the proceedings, this group was also asked to provide their free recall of these auditory events as detailed in the subsequent procedure section.

Materials. A questionnaire was administered to the subjects after their exposure to the court proceedings. The questionnaire instructed subjects to recall everything about the conversational aspect of the proceedings that they were able to recall. A copy of this questionnaire is provided in Appendix A.

An accurate reproduction of the proceedings, given in the Skokie courtroom on November 15, 1983, was obtained from the official court stenographic recorder, and the recall given by subjects was assessed using this official transcript as a baseline. A copy of this transcript is provided in Appendix B.

Further, and in addition, a tape recording of the November 15, 1983 proceedings was obtained from the office of the presiding judge, Judge Sullivan, Skokie Courthouse, Skokie, Illinois. A transcript of this tape recording is provided in addition to the transcript provided by the court stenographer in order to indicate the entire panorama of events that transpired, including extraneous events not relevant to the court hearings. This transcript is presented in Appendix C.

Procedure. Fifteen subjects were transported to the Skokie Courthouse, Skokie, Illinois on November 15, 1983. Subjects were directed to Courtroom F and were seated in the jury box. They had been previously instructed to listen to the events that would transpire and further

instructed that their recall of these events would then be tested. Subjects listened to the proceedings for a duration of thirty minutes, at which time they were instructed to exit the courtroom and proceed to the adjoining jury room. A questionnaire was then given, face down, to each subject to assure that all subjects began at the same time. The questionnaire consisted of one question about subjects' recall of the dialogue of the preceding trial events. Subjects were allowed a total of thirty minutes in which to complete the questionnaire. Prior to the beginning of the testing session, subjects were informed that the instructor would interrupt the recall protocols every two minutes and subjects would be requested to draw a horizontal line across these protocols, following Bousfield and Sedgewick's (1944) methodology for assessing recall as a function of time.

Three weeks later at the same time (nine a.m.), the remaining fifteen subjects met at the school. Two adjoining classrooms had been previously reserved by the instructor for this experimentation. Attempts were made to arrange this environment to simulate a courtroom (15 chairs were placed similar to the arrangement of a jury box and the tape recording was set at a distance similar to that between the jury box and the judge's desk). A tape recording of the November 15, 1983 proceedings was utilized in this phase of the experimentation. Subjects were directed to

Classroom A and were seated in the prearranged seats. Subjects had been previously instructed to listen to the events of the taped trial with the intent that his/her memory would be tested on this testimony. The tape was played for the same thirty minute duration, at which time subjects were instructed to exit Classroom A and proceed to Classroom B (an attempt to replicate the procedures at the courtroom where subjects moved from the courtroom to the jury room). The questionnaire was given to the subjects in the same format and test taking procedures as for the courtroom subjects.

Defendant names, trial dates (day, month, and year), and convictions were tallied for frequency from the stenographic transcript. Four categories were devised to depict subjects' recall of irrelevant material (visual elaborations and opinion statements), factual material related to the dialogue that is correct, factual material related to the dialogue that is incorrect, and summary statements that encompass generalities pertaining to the preceding events. Two independent judges rated each sentence for each subject on these four categories. Every word within each two-minute interval was also counted for each subject.

Results

The term "fragment" according to the American Heritage Dictionary of the English Language (1973) suggests

these definitions: "1. A part broken off or detached from a whole, 2. something incomplete; an odd bit or piece, and 3. an extant part of an unfinished or lost text." Within the present experimental context, memory is defined as subjects' detached memory for days, months, years, and defendant names. It should be clarified that this type of memory was not imperative to explain the thematic aspects of the trial proceedings; thus, these four categories represent memory for fragment or detached memory. The dependent measure in the present analysis was the number of "fragment" items recalled from the court record. The court transcripts indicate that 12 days, 12 months, 9 years, and 28 names (including the first, middle, and last names) were mentioned in the proceeding. Each of these items were taken as a potential score in assessing the memory of subjects for "fragment" material. A computer generated repeated measures 2 x 4 analysis of variance with subjects nested into groups was therefore performed on this fragment memory; neither the main effect of group, nor the main effect of fragment memory was found to be significant. However, the interaction between groups (court or tape) and the four repeated measures (day, month, year, and defendant names) was found to be significant, $F(3,84) = 3.12$, $p < .03$. Table 1 depicts the means and standard deviations affiliated with each of the four measures.

Two judges rated every sentence for every subject

Table 1

Mean Recall as a Function of Fragmentary Memory

Group	Fragment Memory			
	Day	Month	Year	Defendant Names
Court[a]				
M	0.73	1.20	1.20	0.60
SD	0.96	0.94	1.08	1.12
Tape[a]				
M	0.26	0.53	0.60	1.46
SD	0.45	0.74	0.73	2.16

[a] $n = 15$

into one of four categories. The four categories included memory for: (a) irrelevant statements, (b) correct factual statements, (c) incorrect factual statements, and (d) summary statements that were correct. Appendix D depicts examples for each one of these categories. The Kappa measure (Cohen, 1960) was utilized to assess the degree of interjudge agreement, K = .97, n = 828. Thus, the dependent measures in this phase of experimentation were the number of sentences tallied for each subject within each of the four categories. The independent variables were the differences between groups, and the differences between categories.

A computer generated repeated measures 2 x 4 analysis of variance design with subjects nested into groups was then conducted on these four categories. Table 2 depicts the relevant means and standard deviations associated with each of the four categories. The group main effect did not differ significantly. The category main effect was significant, $F(3,84) = 136.01$, $p < .001$. The group by category interaction indicated a trend, $F(3,84) = 1.91$, $p < .13$).

(Note: A parametric test is one whose model specifies certain characteristics about the population from which the sample is drawn. Parametric tests further require that scores under analysis result from measurement in the strength of at least an interval scale [Siegel, 1956].

It is suggested that the aforementioned testing procedures could possibly be violating some of the

Table 2

Mean Recall as a Function of Judged Categories

Group	Judged Categories			
	(a) Irrelevant Statements	(b) Factual Correct Statements	(c) Factual Incorrect Statements	(d) Summary Statements
Court[a]				
M	1.40	25.93	1.00	0.73
SD	2.64	6.68	1.51	0.96
Tape[a]				
M	0.87	21.53	2.93	0.80
SD	1.06	12.03	2.15	1.01

[a] *n* = 15

assumptions inherent in parametric statistics. Therefore, a Friedman two-way analysis of variance by ranks and four individual chi-square tests for independent samples (Siegel, 1956) are provided for analysis of "fragment memory" and "judged categories" in Appendix G. The reader is encouraged to refer to this section for a comparison of results. A short discussion about the findings is also provided in Appendix G.)

All words for each subject were tabulated as a function of two-minute durations. There were a total of fifteen two-minute intervals. The dependent measures included the amount of words reported by each subject in every two-minute interval. There was a total of 15 intervals equalling the allotted thirty minute testing duration. A computer generated repeated measures 2 x 15 analysis of variance was again conducted for number of words reported by subjects as a function of two-minute intervals. Table 3 depicts the means and standard deviations for each of these two-minute intervals. There was a significant group main effect, $F(1,28) = 13.40$, $p < .001$, and a significant time main effect, $F(14,392) = 7.09$, $p < .001$. There was no significant interaction detected between groups and two-minute intervals.

Figure 1 depicts the quantitative results of Table 3 in a cumulative graphical format. An observation of Figure 1 clearly shows that the two functions approach

Table 3

Mean Recall as a Function of Two-Minute Intervals

Two-Minute Intervals	Group			
	Court[a]		Tape[a]	
	M	SD	M	SD
2	41.80	9.03	28.73	12.01
4	46.80	13.67	32.93	10.56
6	39.26	9.80	37.80	8.17
8	41.26	7.56	31.47	9.53
10	40.26	10.09	30.73	15.11
12	33.80	13.44	30.93	12.35
14	43.73	8.44	32.87	14.51
16	41.73	8.95	26.47	20.27
18	41.80	11.32	25.13	14.98
20	35.86	16.79	27.80	20.39
22	39.20	14.26	28.20	18.17
24	43.67	12.40	25.47	17.53
26	36.47	13.95	19.87	19.97
28	27.40	16.26	17.60	19.07
30	25.60	22.34	11.00	16.01

[a] $n = 15$

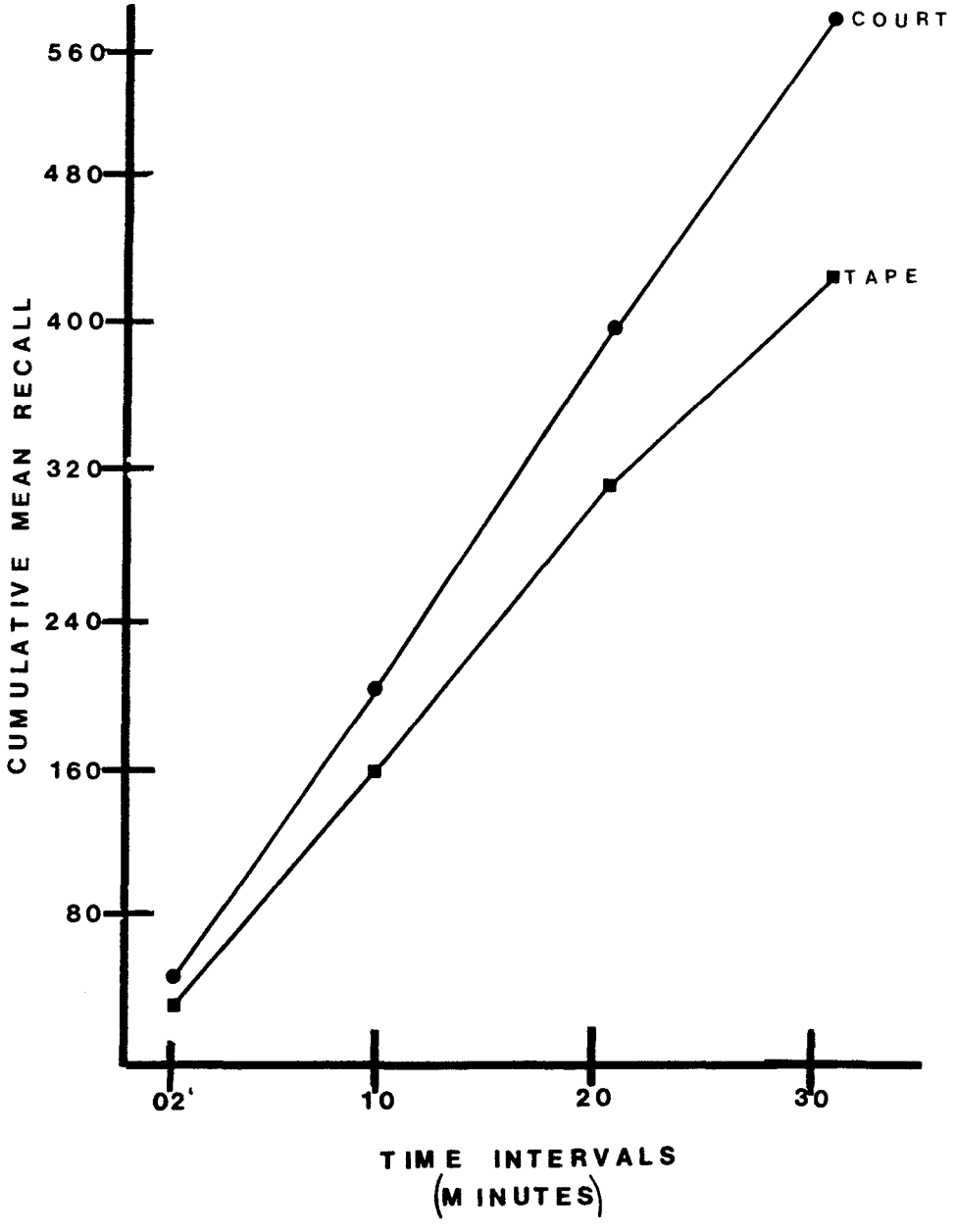

Figure 1. Cumulative mean recall as a function of two-minute intervals

asymptotic values at a different rate.

EXPERIMENT TWO

Method

Subjects. Twenty-eight subjects in a Loyola University undergraduate psychology course served as subjects in Experiment 2 (13 males and 15 females).

Design. The present study investigated the effects of a real versus a quasi-simulated trial proceeding on the accuracy of recall or retrieval of those events. Two groups of fourteen subjects each were employed in the study. One group (the courtroom group) attended preliminary trial hearings (specifically 12 continuances and two guilt pleas) in a Skokie, Illinois courtroom, for an observational period lasting forty-five minutes. After the observational period, subjects were asked to provide their free recall of these observed events, as detailed in the subsequent procedure section.

The second group (the classroom group) were instructed to listen to a tape recording of the hearings just discussed, in a classroom at Loyola University. Again, after being exposed to the tape recording of the proceedings, this group was also asked to provide their free recall of these auditory events as detailed in the subsequent procedure section.

Materials. A questionnaire was administered to the subjects after their exposure to the court proceedings. The questionnaire instructed subjects to recall everything about the conversational aspect of the proceedings that they could possibly recall. A copy of this questionnaire is provided in Appendix A.

An accurate reproduction of the proceedings, given in the Skokie courtroom on November 22, 1983 was obtained from the official court stenographer, and the recall given by subjects was assessed, using this official transcript as a baseline. A copy of this transcript is provided in Appendix E.

Further, and in addition, a tape recording of the November 22, 1983 proceedings was obtained from the office of the presiding judge, Judge Sullivan, Skokie Courthouse, Skokie, Illinois. This recording was used to enact the simulated condition in this experiment.

Procedure. Fourteen subjects were transported to the Skokie, Illinois Courthouse, Skokie, Illinois on November 22, 1983. Subjects were directed to Courtroom F and were seated in the jury box. They had been previously instructed to listen to the events that would transpire, and further instructed that their recall of these same events would be tested. Subjects listened to the proceedings for a duration of 45 minutes at which time they were instructed to exit the courtroom and proceed to the adjoining jury

deliberating room. A questionnaire was then given, face down, to each subject to assure that all subjects began at the same time. The questionnaire consisted of one question about subjects' recall of the dialogue in the preceding trial events. Subjects were allowed thirty minutes in which to complete the questionnaire. Prior to the beginning of the testing session, subjects were informed that the instructor would interrupt the recall protocols every two minutes and subjects would be requested to draw a horizontal line across these protocols following Bousfield and Sedgewick's (1944) methodology for assessing recall as a function of time.

Three weeks later, at the same time (nine a.m.) the remaining fourteen subjects met at the school. Two adjoining classrooms had been previously reserved by the instructor for this experiment. Attempts were made to arrange this environment to closely resemble a courtroom (fourteen chairs were placed in a similar arrangement to that of a jury box and the tape recording was set at a distance similar to the distance between the jury box and the judge's podium). A tape recording of the November 22, 1983 proceedings was utilized in this phase of experimentation. Subjects were directed to Classroom A and were seated in the prearranged chairs. Subjects had been previously instructed to listen to the events of the taped trial, with the intent that their memory would be tested

on this testimony. The tape was executed for the same 45 minutes duration, at which time subjects were instructed to exit Classroom A and proceed to Classroom B (this was in an attempt to replicate the procedures at the courtroom when subjects moved from the courtroom to the jury deliberation room). The questionnaire was given to subjects in the same format, and test-taking procedures were the same as for the courtroom subjects.

Defendant names, trial dates (day, month, and year), and convictions were tallied for frequency from the stenographic transcript. Four categories were devised to depict subjects' recall of irrelevant material (visual elaborations and opinion statements), factual materials related to the dialogue (correct), factual materials related to the dialogue (incorrect), and summary statements that encompass generalities pertaining to the proceedings. Two independent judges rated sentences for each subject on these four categories. Every word within each two minute interval was also counted for each subject.

Results

Memory for fragment material as previously defined in the results section of Experiment 1 was again employed for investigation in the present experiment. The dependent measures in the present analysis were the number of "fragment" items recalled from the court record. The court

transcript indicates that 43 days, 46 months, 21 years, and 75 names (including first, middle, and last names) were mentioned in the proceeding. Each of these items were taken as a potential score in assessing the memory of subjects for "fragment" material. A computer generated repeated measures 2 x 4 analysis of variance with subjects nested into groups (court or tape) was performed on this type of memory. The significant main effect for groups, $F(1,26) = 4.05$, $p < .05$, and the significant overall fragment memory effect, $F(3,78) = 5.69$, $p < .001$), are not consistent findings with those findings of Experiment 1. The significant interaction effect, however, between groups and fragment memory, $F(3,78) = 4.96$, $p < .003$) is congruent with the findings of Experiment 1. Table 4 depicts the means and standard deviations for the repeated measures used to define fragment memory.

Two judges rated every sentence for every subject into one of four categories. The four categories included memory for: (a) irrelevant statements, (b) factual correct statements, (c) factual incorrect statements, and (d) summary statements (refer to Appendix F for further clarification regarding the four categories). Thus, the dependent measures in this phase of experimentation were the number of sentences tallied for each subject within each of the four categories. The independent variables were the differences between groups, and the differences between

Table 4

Mean Recall as a Function of Fragment Memory

	Fragment Memory			
Group	Day	Month	Year	Defendant Names
Court[a]				
M	0.86	1.43	0.71	1.00
SD	0.86	1.28	1.07	2.22
Tape[a]				
M	1.79	2.21	1.07	5.43
SD	2.32	2.61	0.92	6.71

[a] *n* = 14

categories. The Kappa measure (Cohen, 1960) was utilized to evaluate the degree of interjudge agreement with respect to the four categories, $K = .98$, $n = 891$.

A computer generated repeated measures 2 x 4 analysis of variance design was employed to investigate the relationships between groups and the four categories. Table 5 provides the means and standard deviations employed in this design. These findings are consistent with the findings of Experiment 1. Specifically, the group main effect did not differ significantly; the overall category was significant, $F(3,78) = 91.76$, $p < .001$, and the interaction between groups was significant, $F(3,78) = 3.51$, $p < .01$.

(Note: A parametric test is one whose model specifies certain characteristics about the population from which the sample is drawn. Parametric tests further require that scores under analysis result from measurement in the strength of at least an interval scale [Siegel, 1956].

It is suggested that the aforementioned testing procedures could possibly be violating some of the assumptions inherent in parametric statistics. Therefore, a Friedman two-way analysis of variance by ranks and four individual chi-square tests for independent samples (Siegel, 1956) are provided for analysis of "fragment memory" and "judged categories" in Appendix G. The reader is encouraged to refer to this section for a comparison of results. A short

Table 5

Mean Recall as a Function of Judged Categories

Group	Judged Categories			
	(a) Irrelevant Statements	(b) Factual Correct Statements	(c) Factual Incorrect Statements	(d) Summary Statements
Court[a]				
M	1.36	28.36	1.36	2.14
SD	1.91	6.33	1.40	2.57
Tape[a]				
M	2.14	21.21	4.21	2.71
SD	3.80	14.14	2.04	3.58

[a] $n = 14$

discussion about the findings is also provided in Appendix G.)

All individual words were tabulated as a function of fifteen consecutive two-minute intervals. The dependent measures included the amount of words reported by each subject in every two-minute interval. There was a total of 15 intervals equalling the allotted thirty minute testing duration. A computer generated repeated measures 2 x 15 analysis of variance was again employed to investigate the associations between groups and number of words reported per subject as a function of two-minute intervals. In the present experiment there was no significant group main effect; this finding is inconsistent with the significant findings of Experiment 1. The repeated time interval, however, was found to be significant, $F(14,364)$, $p < .001$, which is congruent with the findings of Experiment 1. As also found in the first experiment there was no significant interaction between groups and time intervals. Table 6 depicts the means and standard deviations utilized in the present design.

Figure 2 depicts the quantitative results of Table 6 in a cumulative graphical format. An observation of Figure 2 demonstrates relative symmetry of word recall between both groups. This finding is contrary to the findings in Experiment 1.

Table 6

Mean Recall as a Function of Two-Minute Intervals

Two-Minute Intervals	Group			
	Court[a]		Tape[a]	
	M	SD	M	SD
2	30.07	10.74	32.64	12.70
4	37.36	7.84	32.93	14.01
6	42.00	6.61	42.07	11.03
8	39.86	7.61	38.86	10.65
10	35.43	8.81	40.07	8.46
12	38.57	11.53	38.50	14.26
14	36.93	13.08	38.79	13.50
16	38.93	9.04	36.29	14.22
18	35.71	13.03	29.71	16.14
20	32.57	17.49	40.00	17.63
22	29.93	15.69	29.50	14.46
24	31.43	17.44	26.50	19.22
26	28.86	15.60	28.64	21.76
28	19.07	12.51	20.36	16.26
30	21.50	18.70	11.36	15.60

[a] $n = 14$

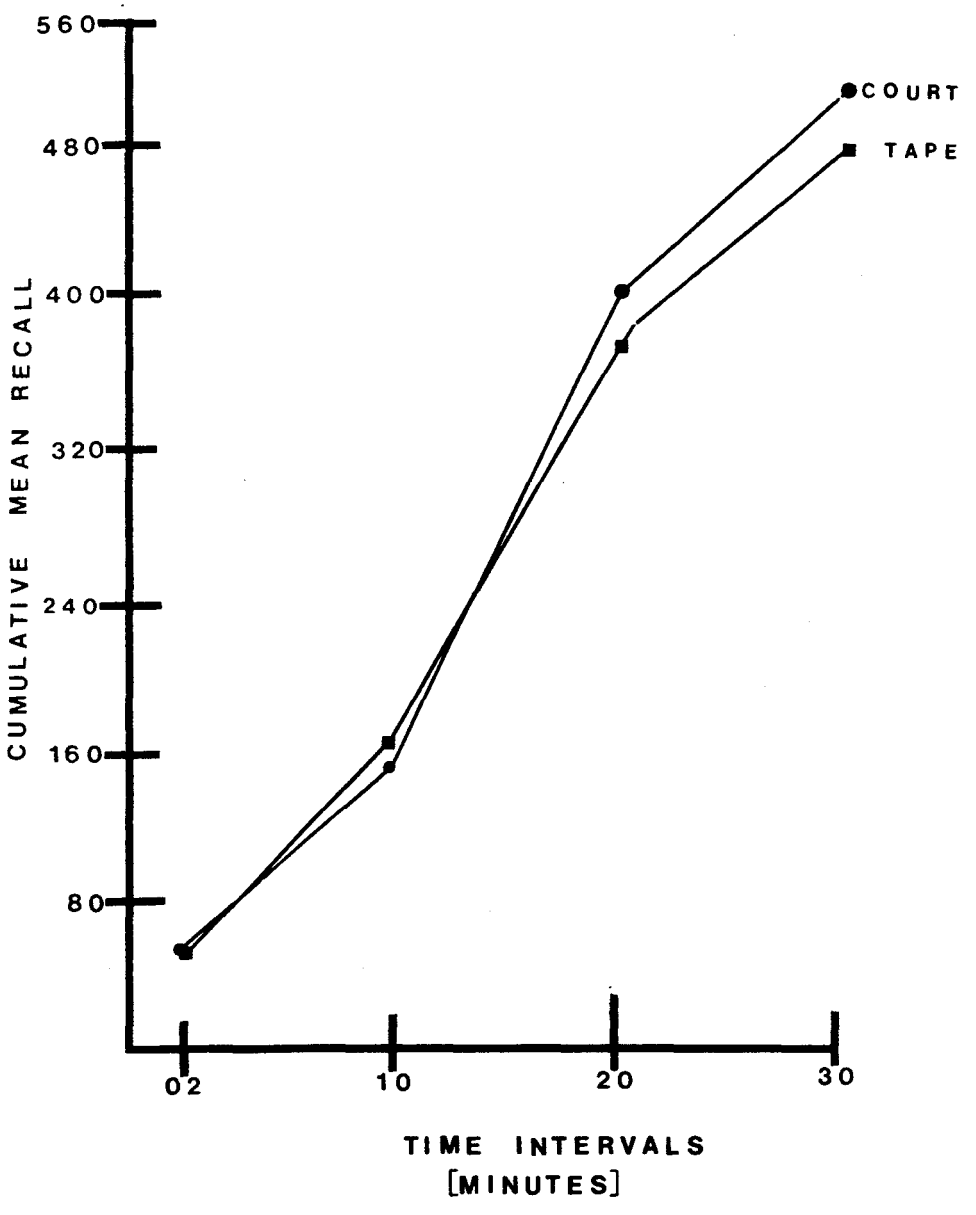

Figure 2. Cumulative mean recall as a function of two-minute intervals

DISCUSSION

On February 22, 1984, the Chicago Sun Times editor, Adrienne Drell, cited a controversy regarding the first blind member of a federal jury in Chicago, Illinois. Pennie Lilly, unable to see due to a retinal disorder from birth, had been previously rejected for two trials on these grounds; she was chosen, in this instance, with the attitude that her handicap could be an advantage. A videotaped deposition was played and fellow jurors assisted Lilly by reading to her from the transcript of the trial; in addition, they described details in photographs introduced as evidence. The controversy of issue entailed the accuracy at which Ms. Lilly could determine a defendant's degree of guilt or innocence. The polarities in this controversy reflect two conflicting opinions: first, a sensory handicap may deter accuracy in decision making, and secondly, a sensory handicap could at the least be compensated for through the other developed senses, and at the most could even enhance such decision making.

The article further states that Linda Rudolph, jury administrator, had also sent questionnaires to two men with auditory deficits, adding further dimension to the controversy. Ms. Lilly and the other two potential jury

candidates are representative of the importance of research into the effects of sensory deprivation (visual/auditory versus auditory) on the accuracy and quantity of memory.

The findings, in the present study, suggest that memory, in some instances, can be slightly more acute in those individuals who experience only auditory input. Specifically, the results for fragmented material indicate a significant interaction between the type of group involvement and the fragmented memory measures utilized for investigation; this finding warrants further explanation. The means for memory of day, month, and year are relatively equally distributed across the court and tape groups, in both experiments; however, defendant names were remembered with more accuracy by the tape group that had experienced only auditory input. This suggests that individuals who are sensorially deprived will remember dates equally as well as those who receive simultaneous sensory input; further, they will remember proper names slightly better.

William James (1890) suggested that proper names were more difficult to remember than names of general properties and classes of things. Lorayne and Lucas (1974) and Roth (1959) suggest several methods that could possibly enable readers to recall surnames. The present research suggests that memory for surnames will be best encoded through restricted sensory input as evidenced in the experimental groups that were exposed only to the tape

recording of the trial events.

Elizabeth Loftus (1975, 1977, 1979b, 1979c. 1983) suggests that after an individual experiences an automobile accident, new information about this event will come to the individual's attention and will be incorporated into memory, resulting in an alteration of that recall. Consequently, the merging of old and new information could possibly yield various drawbacks as to the reliability of eye/voice witness testimony, and could also be viewed as a detrimental variable in the decision processing of jurors. It must be recognized, however, that Loftus utilized video and film slides in her methodology, indicating the use of only visual input for experimentation. As noted in the introduction to the present thesis, it is further recognized that the environment in which experimentation was conducted was a simulation and not an actual real-world setting.

Bates, Kintsch, and Masling's (1978) findings are contrary to the above results. These researchers demonstrated a significant memory for meaning as a function of the ability to reject a false paraphrase. Keenan, MacWhinney, and Mayhew (1977) found similar results; statements high in interactional content yielded accurate memory for surface form and meaning, while statements low in interactional content manifested opposite results. Kintsch and Bates (1977) found memory for meaning also to be significant with respect to topic, detail, and extraneous

categories. The above three studies have all produced diverse results when compared with the Loftus studies. The methodology employed in these three studies emphasizes naturalistic conversation and environment as a means for experimentation contrary to the Loftus experiments which utilized only a simulated context.

The present study utilized both a simulated and naturalistic context for experimentation. It is, therefore, not surprising that differences occurred as a result. Memory for correct and factual statements was most often reported by subjects in both the tape and court groups, resulting in a significant main effect for judged categories. This finding implies that free recall elicits accurate and comprehensive statements by subjects in both contexts; further, this discovery is congruent with the results discovered using the naturalistic methodology.

Differences between groups, tape or court, although not significant, arose with respect to the categories of irrelevant statements and factual/incorrect statements. Subjects within the simulated setting reported more incorrect facts and more irrelevant statements as compared to those subjects within the naturalistic conditions. This finding suggests that a simulated environment, as employed by Loftus, is more likely to manifest intrusions of new material into the memory of old thoughts resulting in a distorted memory composite; conversely, memory

originally constructed in a naturalistic context, as demonstrated by Bates et al. (1978), Keenan et al. (1977), and Kintsch et al. (1977) is less likely to be influenced by this malleability.

Quantity of memory has been an important variable in investigation since Bartlett (1932) researched this issue, a variable which designates the fluency/time relationship. The results of the present two experiments indicate a significant difference in number of words reported by subjects as a function of two-minute intervals. That is to say, quantity of recall is contingent upon the amount of time intervals experienced by the subjects. This finding necessitates future investigation to determine the point at which memory is most copious.

Results from the cumulative graphs depicted in Figures 1 and 2 indicate discrepancies between the two experiments. Findings from Experiment 1 suggest a difference in the amount recalled as a function of group participation. Experiment 2, in contrast, shows almost identical quantity of recall between the court and tape groups. It is imperative to note that Experiment 1 (conducted on November 15, 1983) encompassed an observational period lasting thirty minutes. Experiment 2 (November 22, 1983) lasted for an observational period of forty-five minutes. This difference in observation time could be the variable that is contributing to this

discrepancy. A future viable research paradigm could attempt to determine this effect of observational duration on quantity of recall.

The conclusions drawn from the present two experiments must be regarded as tentative. The analyses are based on only two trials, in one courtroom, of one county in Illinois. Experimentation is still in the stages of discovery of important variables. Outcome predictions are based on small samples of participants. Interpreted together, however, these two experiments are highly suggestive of the influence wielded by naturalistic versus simulated settings on memory.

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APPENDIX A

Questionnaire

Please document (in the space allotted) your total recall of only the dialogue as it occurred in the preceding trial events. It is imperative that you are as accurate and complete as possible. (Your recall should entail even the repetitions of questions and answers, since points will be given for memory of every question and answer that transpires in the trials).

Project Title: The Effect of Real-World Versus Simulative Context on Recall

I, _____, state that
(volunteer)

I am over 18 years of age and that I wish to participate in a program of research being conducted by Laura Anne Monti who has fully explained to me the procedures, risks, benefits, and alternatives involved and the need for the research; has informed me that I may withdraw from participation at any time without prejudice; that my answers will be anonymous (and coded if needed); has offered to answer any inquiries which I may make concerning the procedures to be followed; and has informed me that I will be given a copy of this consent form.

I understand that biomedical or behavioral research such as that in which I have agreed to participate, by its nature, involves risk of injury. In the event of physical injury resulting from these research procedures, emergency medical treatment will be provided at no cost, in accordance with the policy of Loyola Medical Center. No additional free medical treatment or compensation will be provided except as required by Illinois law.

In the event that I believe I have suffered any physical injury as the result of participation in the research program, I may contact David Ozar, Ph.D., Chairman of the Institutional Review Board for the Protection of Human Subjects for the Lake Shore and Water Tower campuses of Loyola University. Telephone (312) 274-3000 ext. 313 or 127.

I freely and voluntarily consent to my participation in the research project.

_____
(Signature of Investigator or Assistant)

_____
(Date)

_____
(Signature of Volunteer)

_____
(Signature of Witness to the oral explanation and signature of volunteer)

_____
(Date)

APPENDIX B

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,
vs.
JERI LYNN WATKINS,
Defendant.
No.

REPORT OF PROCEEDINGS of the hearing before the Honorable EDWARD M. FIALA, JR., on the 15th day of November, 1983.

APPEARANCES:

HONORABLE RICHARD M. DALEY,
State's Attorney of Cook County, by
MR. LOUIS BRUNO,
Assistant State's Attorney, for
the People of the State of Illinois.

MR. LEONARD LAUTER,
Attorney at Law,
for Jeri Lynn Watkins.

C.M. LaMantia, CSR
Official Court Reporter
32 W. Randolph
Chicago, Illinois 60601

THE COURT: I'm going to advise you of our procedures and your rights.

In this courtroom the clerk shall first call all of those cases where the defendant is requesting a continuance. Secondly, those cases where the defendant is entering a plea of guilty. Then, for trial purposes, those cases where the defendant is represented by a lawyer and then we're going to call the remaining cases.

You have a right to be represented by a lawyer in these proceedings. If you do not have an attorney but desire to hire one, you may avail yourself to the services of your local bar association lawyer reference plan where you will have an opportunity to speak to a private attorney, who will represent you for a fee. If you should determine that you cannot afford a lawyer and depending upon the nature of the case, I will appoint the Public Defender of Cook County to represent your interests, without charge to you. If you desire to see an attorney on your own, you may confer with the representative of the Chicago Bar Association Lawyer Reference Plan who is here this morning, Mr. Robert Goodman. Mr. Goodman is the gentleman

standing to my immediate left. If you should engage the services of Mr. Goodman, you may retain him on a fee basis.

You have an absolute right to plead not guilty and persist in that plea of not guilty and require the State to prove you guilty beyond a reasonable doubt.

You also have an absolute right to have your case heard by a jury. Now, a jury consists of 12 people selected at random from all over Cook County. You or your lawyer would help select that jury and they would have to be unanimous, they would all have to agree as to a finding of guilty. All juries in this District are heard in this building.

Your right to a jury that I have advised you may be waived and under those circumstances I will hear your case as a bench trial.

When you plead guilty you receive no trial whatsoever.

You also have a right to ask questions of any witness who is testifying against you or have your lawyer do so. That's called your right of confrontation.

You have a right to use the power of

subpoena of this Court to bring witnesses in Court on your behalf.

You are presumed innocent of any charge and that presumption of innocence will remain with you at every stage of your trial until the tryer of fact, either a jury or me, is convinced by the evidence beyond a reasonable doubt as to your guilt.

When you plead guilty you lose all of those rights.

You also have an absolute right of appeal. Your appeal ultimately goes to the Illinois Appellate Court, but before you may perfect that right of appeal, we must consider two sets of circumstances.

First, if you plead guilty and are found guilty, under that particular set of circumstances you must first appear before this Court within 30 days from the date you entered your plea of guilty and you file a paper called a motion and in that motion you must set forth each and every reason why you feel I should give you leave or permission to withdraw your plea of guilty. If I grant that, you may yet be prosecuted for the very same offense that you were found guilty of and the State may reinstate and prosecute you for any other offenses they dismissed

in contemplation of your plea of guilty.

The second circumstances where you plead not guilty and are found guilty, there in order to perfect your right of appeal you must file with the Clerk of the Circuit Court of Cook County within 30 days from the finding of guilty. A pre-printed form called a Notice of Appeal is available in the Clerk's Office without charge. Failure to file a Notice of Appeal within 30 days will cause your appeal to become defective.

Under either of these circumstances, you have an absolute right to be represented by a lawyer and if you cannot afford one, depending upon the nature of the case, the Public Defender will be appointed without charge to assist you.

You are also entitled to a transcript of these proceedings, and by a transcript I mean the information the young lady to my right, who is called the court reporter, is writing down. And if you cannot afford to pay for a transcript, one shall be given you without charge.

THE CLERK: People of the State versus Jeri Lynn Watkins.

MR. LAUTER: Good morning, your Honor. Leonard

Lauter appearing on behalf of the defendant, your Honor, and I would ask the Court at this time to excuse the presence and waive the presence of the defendant in that she missed a plane in Fort Lauderdale. She is a representative of (inaudible) Illinois. I got a call from her brother today. I would ask, in her behalf, for the next court date.

THE COURT: What I am going to do is this: There will be a bond forfeiture and warrant entered and continued, not released; defendant not in Court.

The date, Counsellor, will be 12-16-83. If she doesn't appear at that time before the Court, the warrant will be released. That will give her an incentive to come back to Illinois.

MR. LAUTER: Maybe the Court is doing the reverse. Maybe we should give an incentive to stay away from Illinois.

THE COURT: Then I should increase the bond.

Have a good day.

MR. LAUTER: Thank you, your Honor.

(Whereupon the above entitled cause was continued until December 16, 1983, for further proceedings.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - FIRST DISTRICT

I, Cynthia M. LaMantia, an Official Court Reporter for the Circuit Court of Cook County, Twenty-first Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable EDWARD M. FIALA, JR. , Judge of said Court.

C. LaMantia

Official Court Reporter

Dated this 29th day

of December , 1983.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,
vs.
JACK HERBERGER,
Defendant.
No.

REPORT OF PROCEEDINGS of the hearing before the Honorable EDWARD M. FIALA, JR., on the 15th day of November, 1983.

APPEARANCES:

HONORABLE RICHARD M. DALEY,
State's Attorney of Cook County, by
MR. LOUIS BRUNO,
Assistant State's Attorney, for
the People of the State of Illinois.

MR. JOSEPH JENORIAL,
Attorney at Law,
for Jack Herberber.

C.M. LaMantia, CSR
Official Court Reporter
32 W. Randolph
Chicago, Illinois 60601

THE CLERK: People of the State versus Jack Herberger.

MR. JENORIAL: Herberger.

Good morning, your Honor. Joseph Jenorial (phonetic), for the defendant Jack Herberger.

I must inform the Court that Mr. Herberger has taken a job in California. We advised him of the necessity for his appearance at this hearing; however, he states to us that he couldn't afford to come back.

THE COURT: Very well.

This is a civil matter, Mr. State's Attorney, where a civil defendant does not respond.

MR. BRUNO: I believe the State would ask for a judgment, then.

THE COURT: You are awarded that. There is a finding of probable cause.

Recommendation of the Secretary ot State is: revoke his driving privileges. Because this is reciprocal, the Secretary of State of California shall be notified accordingly and his license will be suspended in California.

MR. JENORIAL: He's been advised of that, your Honor.

THE COURT: Very well, Counsellor.

The order is entered accordingly, finding of probable cause.

(Which was all proceedings had in the hearing of the above entitled cause.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - FIRST DISTRICT

I, Cynthia M. LaMantia, an Official Court Reporter for the Circuit Court of Cook County, Twenty-first Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable EDWARD M. FIALA, JR. , Judge of said Court.

C. LaMantia

Official Court Reporter

Dated this 29th day of December , 1983.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	)	
vs.	)	No.
CEDAN ASEEN, Defendant.	)	

REPORT OF PROCEEDINGS of the hearing before the Honorable EDWARD M. FIALA, JR., on the 15th day of November, 1983.

APPEARANCES:

HONORABLE RICHARD M. DALEY,
State's Attorney of Cook County, by
MR. RANDY ROBERTS,
Assistant State's Attorney, for
the People of the State of Illinois.

MR. JOHN J. LAMPIERS,
Attorney at Law,
for Cedan Aseen.

C.M. LaMantia, CSR
Official Court Reporter
32 W. Randolph
Chicago, Illinois 60601

THE CLERK: People of the State versus Cedan Aseen.

MR. LAMPIERS: Good morning, your Honor, John J. Lampiers on behalf of the defendant who stands before the Court.

This is the first time up, your Honor.

THE COURT: Correct.

MR. LAMPIERS: And I just this morning, a few minutes ago, had a chance to peruse part of the officer's report.

I'm going to be, in this situation, going to have to ask for a date, if the Court please.

THE COURT: Counsel, I'll give you leave to file your appearance instanter on behalf of the defendant.

MR. LAMPIERS: There was an appearance of Fagen and Epton. I'll file for them.

THE COURT: Fine, will you please?

It will be 12-16, Counsel.

MR. LAMPIERS: 12-16?

Thank you, your Honor.

THE COURT: Let the record reflect defendant is present in Court.

(Whereupon the above entitled cause

was continued until December 16, 1983.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - FIRST DISTRICT

I, Cynthia M. LaMantia, an Official Court Reporter for the Circuit Court of Cook County, Twenty-first Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable EDWARD M. FIALA, JR., Judge of said Court.

C. LaMantia

Official Court Reporter

Dated this 29th day of December, 1983.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Plaintiff,	)	
vs.	)	No.
ALBERT GOLDMAN,	)	
Defendant.	)	

REPORT OF PROCEEDINGS of the hearing before the Honorable EDWARD M. FIALA, JR., on the 15th day of November, 1983.

APPEARANCES:

HONORABLE RICHARD M. DALEY,
State's Attorney of Cook County, by
MR. RANDY ROBERTS,
Assistant State's Attorney, for
the People of the State of Illinois.

MR. ALBERT GOLDMAN,
the defendant,
appearing pro se.

C.M. LaMantia, CSR
Official Court Reporter
32 W. Randolph
Chicago, Illinois 60601

THE CLERK: People of the State versus Albert Goldman.

THE COURT: May I have your name, sir?

MR. GOLDMAN: Albert Goldman.

THE COURT: Mr. Goldman, you were placed on a period of supervision on November 10, 1982; is that correct, sir?

MR. GOLDMAN: Yes.

THE COURT: You've satisfied all of your fines and you've completed the ASEP Program.

Mr. State's Attorney, with respect to Mr. Goldman, are you aware of any violations?

MR. ROBERTS: No, Judge, I am not.

THE COURT: That being the case, Mr. Goldman, your period of supervision is terminated satisfactorily.

MR. GOLDMAN: Thank you.

(Which was all the proceedings had on the hearing in the above cause.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - FIRST DISTRICT

I, Cynthia M. LaMantia, an Official Court Reporter for the Circuit Court of Cook County, Twenty-first Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable EDWARD M. FIALA, JR., Judge of said Court.

C. LaMantia

Official Court Reporter

Dated this 29th day of December, 1983.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Plaintiff,	)	
vs.	)	No.
DAVID LEON,	)	
Defendant.	)	

REPORT OF PROCEEDINGS of the hearing before the Honorable EDWARD M. FIALA, JR., on the 15th day of November, 1983.

APPEARANCES:

HONORABLE RICHARD M. DALEY,
State's Attorney of Cook County, by
MR. JAMES LIEBERMAN,
Assistant State's Attorney, for
the People of the State of Illinois.

C.M. LaMantia, CSR
Official Court Reporter
32 W. Randolph
Chicago, Illinois 60601

THE CLERK: People of the State versus David Leon.

MR. LIEBERMAN: James Lieberman, Assistant State's Attorney, Judge.

ATTORNEY OF RECORD: Good morning, your Honor.

MR. LIEBERMAN: Judge, the complaining witness just left Court. I had a conversation with him and with the defense attorney.

THE COURT: As you know, Counsel, there was an SOL on October 11 and I see that there is a motion to reinstate.

MR. LIEBERMAN: Yes, Judge.

Basically, what I'll be doing is we'll withdraw our motion to reinstate and let the SOL stand.

THE COURT: Motion to reinstate is withdrawn with prejudice.

MR. LIEBERMAN: Yes, Judge.

For the record, the complaining witness told me today in Court --

THE COURT: Your demand for trial is of record, Counsellor.

MR. LIEBERMAN: -- that he does not wish to proceed in this case.

THE COURT: Complaining witness was in Court?

MR. LIEBERMAN: Yes, sir.

THE COURT: And it shall be the order: Motion State SOL of 10-11-83 to stand.

MR. LIEBERMAN: Thank you, Judge.

THE COURT: Defendant's discharged.

ATTORNEY OF RECORD: Thank you, your Honor.

THE COURT: Thank you, gentlemen.

(Which was all the proceedings had on the hearing in the above cause.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - FIRST DISTRICT

I, Cynthia M. LaMantia, an Official Court Reporter for the Circuit Court of Cook County, Twenty-first Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable EDWARD M. FIALA, JR., Judge of said Court.

C. LaMantia

Official Court Reporter

Dated this 29th day of December, 1983.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,	)	
Plaintiff,	)	
vs.	)	No.
GREGORY KENDALL,	)	
Defendant.	)	

REPORT OF PROCEEDINGS of the hearing before the Honorable EDWARD M. FIALA, JR., on the 15th day of November, 1983.

APPEARANCES:

HONORABLE RICHARD M. DALEY,
State's Attorney of Cook County, by
MR. RANDY ROBERTS,
Assistant State's Attorney, for
the People of the State of Illinois.

MR. GREGORY KENDALL,
the defendant,
appearing pro se.

C.M. LaMantia, CSR
Official Court Reporter
32 W. Randolph
Chicago, Illinois 60601

THE CLERK: People of the State versus Gregory Kendall.

THE COURT: State your name, please.

MR. KENDALL: Gregory Kendall.

THE COURT: Thank you.

The record shall reflect on October 13, 1982, the defendant was placed upon a period of supervision, assessed fines and ordered to ASEP.

ASEP was satisfactorily completed. What about your payment of fines, young man?

MR. KENDALL: I have it.

THE COURT: Have you the funds today?

MR. KENDALL: Yeah.

THE COURT: Upon payment of those funds to the clerk --

Are you aware of any violations, Mr. State's Attorney?

MR. ROBERTS: No, I am not.

THE COURT: -- your supervision is going to be terminated satisfactorily. You are going to be discharged.

Kindly see the clerk through that door, sir.

(Which was all the proceedings had on the hearing in the above cause.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - SECOND DISTRICT

I, Cynthia M. LaMantia, an Official Court Reporter for the Circuit Court of Cook County, Twenty-first Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable EDWARD M. FIALA, JR., Judge of said Court.

C. LaMantia
Official Court Reporter

Dated this 29th day
of December, 1983.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
MUNICIPAL DEPARTMENT - SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	)	
vs.	)	No.
MICHAEL MULCASIO, Defendant.	)	

CHANGE OF PLEA

REPORT OF PROCEEDINGS of the hearing before the Honorable EDWARD M. FIALA, JR., on the 15th day of November, 1983.

APPEARANCES:

HONORABLE RICHARD M. DALEY,
State's Attorney of Cook County, by
MR. LOU BRUNO,
Assistant State's Attorney, for
the People of the State of Illinois.

MR. JAMES MULTRIGGER,
Attorney at Law,
for Michael Mulcasio.

C.M. LaMantia, CSR
Official Court Reporter
32 W. Randolph
Chicago, Illinois 60601

THE CLERK: People of the State versus Michael Mulcasio.

MR. MULTRIGGER: Good morning, your Honor.

Again, for the reocrd James Multrigger on behalf of Mr. Mulcasio, who is present in Court.

Your Honor, also present, for the record, Mr. Mulcasio's father who is standing behind us.

THE COURT: Thank you.

Mr. State's Attorney, may we have your name?

MR. BRUNO: Lou Bruno on behalf of the People, your Honor.

THE COURT: Very well. The record is going to reflect that there has been a partial conference between the State's Attorney present in this courtroom, defense counsel, the arresting police officer and this Court.

MR. MULTRIGGER: That is correct.

MR. BRUNO: That's correct, your Honor.

THE COURT: The sum and substance of that conference -- I take it that the defendant is going to be entering blind pleas of guilty to the offenses of driving a motor vehicle under the influence of alcohol, attempting to elude a police officer, and that there would be a

stipulation to the facts in the officer's affidavit and a hearing on the implied consent.

MR. MULTRIGGER: That is correct.

THE COURT: Is that correct?

MR. BRUNO: That is a correct recommendation, your Honor.

THE COURT: Very well.

Young man, I want you to state your age, date of birth and your full name.

THE DEFENDANT: My name is Michael Edward Mulcasio. I'm 25 years old, I was born on August 17, 1958.

THE COURT: Now, listen to me carefully. If I use any term or any expression you don't understand, I want you to tell me and I'll be very happy to rephrase it. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: At any time during these proceedings you wish to confer with your lawyer, let me know and I'll stop these proceedings to give you time. Do you understand that, sir?

THE DEFENDANT: Yes, sir, your Honor.

THE COURT: Listen to me carefully.

Do you understand you are charged with operating a motor vehicle under the influence of

alcohol on August 12, 1983, in Rolling Meadows, Cook County, Illinois?

THE DEFENDANT: Yes.

THE COURT: Do you understand that you are charged with the offense of attempting to elude a police officer at the same date, place?

THE DEFENDANT: Yes.

THE COURT: Do you understand each of these charges?

THE DEFENDANT: Yes, sir.

THE COURT: Did you have enough time to discuss each of these charges with your lawyer before you stepped up before me today?

THE DEFENDANT: Yes, sir.

THE COURT: And how do you plead to each of these charges, guilty or not guilty?

THE DEFENDANT: Guilty.

THE COURT: Do you understand that when you plead guilty you are not going to receive a trial of any kind whatsoever?

THE DEFENDANT: Yes.

THE COURT: Do you understand that you have a right to plead not guilty and persist in that plea of not guilty and require the State of Illinois to

prove your guilt beyond a reasonable doubt?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand what a jury is?

THE DEFENDANT: Yes, sir.

THE COURT: Would you like me to give you any further explanation?

THE DEFENDANT: No.

THE COURT: Are you giving up your right to a jury as to each of these cases?

THE DEFENDANT: Yes, sir.

THE COURT: Now, when you plead guilty to a criminal offense you lose some valuable rights. As you stand before me today you are presumed innocent of each of these charges, but if in fact I should accept your pleas of guilty as voluntarily being made you lose that presumption of innocence as to each of these charges. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that you have a right of confrontation as to each of these charges and by that it is meant the right to be present in Court when witnesses would be called to testify against you and have your lawyer examine those witnesses in your presence, but when you plead guilty you lose

that right as well? Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that you have a right to have your lawyer use the power of subpoena of this Court to bring witnesses into Court on your behalf? When you plead guilty you lose that right as well. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Knowing all of this, you still wish to persist in your plea of guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: Please listen to me carefully.

When you plead guilty to the offense of operating a motor vehicle under the influence of alcohol, you are pleading guilty to what is called a Class A Misdemeanor. By a Class A Misdemeanor it is meant that it is an offense punishable upon conviction on the maximum side by imprisonment at the Cook County Department of Corrections, commonly known as the County Jail, up to one year and/or a fine of up to $1,000 or both, or a fine up to $1,000, or probation or conditional discharge up to a year and a fine of up to $1,000. And upon conviction of this offense the Secretary of State will revoke your

driving privileges, such as they are, for a minimum of one year. On the minimum side, you could be placed upon a period of supervision up to two years. Supervision is not a conviction.

Now, knowing all of this do you still wish to persist in your pleas of guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand that you are being placed upon a period of supervision and should you violate the conditions of supervision you could be convicted and sent to jail for a year?

THE DEFENDANT: Yes, your Honor.

THE COURT: Now, for the offense of attempting to elude the police officer, that is called a Class B Misdemeanor and by a Class B Misdemeanor it is meant it is an offense punishable in the Cook County Department of Corrections, commonly known as the County Jail, up to six months and/or a fine up to $500 or both or supervision up to a period of two years. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Knowing all of this, do you still wish to persist in your pleas of guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: Do you understand what you are doing in this case is entering what is called a blind plea of guilty, blind in the sense that there has been no, absolutely no agreement whatsoever as to what the sentence would be if I should accept your pleas of guilty as to voluntarily being made. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Very well. Knowing that do you still wish to plead guilty?

THE DEFENDANT: Yes, your Honor.

THE COURT: Mr. State's Attorney, upon the People demonstrating a factual basis to support these pleas, I'll accept these pleas as voluntarily being made.

MR. BRUNO: Yes, your Honor.

Your Honor, on the date and time in question the arresting officer, Officer Pearson of the Rolling Meadows Police Department, observed the defendant traveling in a motor vehicle in which he was operating westbound on Kirchoff Road at Keith Court in Rolling Meadows, County of Cook, State of Illinois. At that time the Officer noticed that the defendant was proceeding at a high rate of speed,

your Honor. The Officer followed the vehicle which then turned south on Benton. The Officer at that time, your Honor, had to activate his emergency lights in an attempt to stop the vehicle. The vehicle did not stop upon the activation of the emergency lights of the Officer's marked squad car, but proceeded on his way, your Honor. The subject at that time passed another vehicle near Fairfax and Benton Avenues and the Officer continued to pursue the vehicle south onto California Avenue. The subject then turned onto Tall Trees failing to signal and also traveling at a high rate of speed, your Honor. The subject then proceeded to park his car, your Honor, at 302 Shady Lane, which was his residence, and at that time he entered his backyard. The Officer then approached him, your Honor, at the back door of the residence. The Officer noticed that the defendant was extremely belligerent and noticed that defendant had a strong odor of alcohol on his breath; also, your Honor, noticed that the defendant's attitude was combative; that he was crying at that time; and that the defendant's speech was thick-tongued. He noticed that the defendant's balance was wobbling and that in walking he would stagger and in turning he

would stagger. This led the Officer to determine, based upon his expert opinion as a police officer, that the defendant was in fact under the influence of alcohol at that time and had been operating a motor vehicle under the influence of alcohol at that time, your Honor. This jurisdiction would lie properly with this Court and the defendant was over the age of 17 at the time of the offense; in fact he was 25, your Honor.

THE COURT: Is that your stipulation?

MR. MULTRIGGER: So stipulated, your Honor.

THE COURT: The record shall reflect, based on the totality of the forefoing, that this defendant has freely and voluntarily and intelligently entered into a plea of guilty to each of the instant charges. This Court expressly finds that there is a sufficient factual basis to support each of the pleas of guilty by defense Counsel's stipulation to the facts recited by the Assistant State's Attorney in support of each of the instant complaints.

This Court finds that this defendant has freely and voluntarily and intelligently waived his right to a jury.

This Court finds that this defendant has

freely and voluntarily and intelligently entered into a blind plea of guilty.

Further, that he was represented during this hearing in that the defendant is represented by very able and experienced trial Counsel.

And accordingly, judgment as to voluntariness at this particular point only is entered.

Aggravation?

MR. BRUNI: Your Honor, I believe that in the 402 conference we have had an opportunity to review the defendant's record, your Honor, and to say the least, it is not a good driving record. There are two suspensions upon his record. There's also a conviction for a 6-303 offense, your Honor.

THE COURT: Those are for multiple movers?

MR. BRUNO: Yes, your Honor. In fact, that occurred twice.

THE COURT: Mitigation, if any?

MR. MULTRIGGER: Your Honor, in mitigation I would rest primarily on the facts brought out during the conference.

I would just briefly allude at this time: the defendant is presently employed. He is 25 years of age. Although his driving record that has been

brought out is certainly one indication that he has problems on the road, he has had no prior convictions in the sense of his drinking problem. I would indicate to the Court, as has been brought out, the defendant does have a drinking problem and has presently voluntarily been seeking treatment through a psychologist, a Dr. Charly, in an attempt to alleviate the problem that has led to him being before your Honor and pleading guilty to these charges.

THE COURT: Very well.

Do you have anything to say, sir, before I pronounce a sentence in your case?

THE DEFENDANT: No, your Honor.

THE COURT: Counsel, is there a stipulation that all those facts alleged and documented by this police officer in his affidavit would be considered by this Court in the hearing on implied consent?

MR. MULTRIGGER: It would be so stipulated, your Honor, as to the implied consent.

THE COURT: Is there also a stipulation that this Court shall entertain the implied consent at this time as well?

MR. MULTRIGGER: Yes, it would be our desire.

THE COURT: Very well.

This Court finds with respect to the implied consent probable cause. Therefore, the Secretary of State shall be directed to suspend his driving privileges for a period of six months.

For the offense of eluding -- attempting to elude a police officer, you are fined $200 and a judgment of conviction shall be entered against you. Secretary of State will revoke your driving privileges for that offense as well. That fine shall be paid on 10-18-84.

For the offense of operating a motor vehicle under the influence, what I'm going to do in your case is give you a taylored, a very taylored, sentence. I'm sentencing you to two years reporting supervision through the Social Service Department of the Circuit Court of Cook County. You'll report back on October 3, 1985. You are fined $500 and you are ordered to attend the ASEP Level 2 Program. You will pay that fine and report to me on March 16, 1984. At that time I'm going to have the opportunity to evaluate your ASEP referral. When I am sending you to ASEP I'm not suggesting that you go; you are ordered to go. You do not comply with my order, I'll

tell you now, you will do six months in the County Jail for contempt of Court. There are no violations allowed by me. None. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Your lawyer imparted that to you already, did he not?

THE DEFENDANT: Yes, your Honor.

THE COURT: And he told you that that is my policy, did he not?

THE DEFENDANT: Yes.

THE COURT: You know that is exactly what will happen to you if you do not go to ASEP and complete that program, do you not?

THE DEFENDANT: Yes, your Honor.

THE COURT: Fine.

Also, sir, you receive specifications and conditions of your reporting supervision and, Counsel, have you given those to the --

MR. BRUNO: Yes, I have, your Honor.

THE COURT: Will you acknowledge?

MR. BRUNO: Acknowledge receipt?

MR. MULTRIGGER: Yes, we would acknowledge receipt.

I tender those documents to the defendant.

THE COURT: Very well.

You may sign that in the Clerk's Office. I want to have your attention.

If you do not live up to all of those conditions I'm going to violate your supervision and I'm going to consider giving you one year straight time in the County Jail, and I will tell you now, you work very hard for that supervision and I think you are entitled to it, and I'm going to give you straight time if you violate any of those conditions.

You are not to operate an automobile in Illinois without authority from the Secretary of State.

You will not ingest any alcohol while operating a motor vehicle. That means the proverbial "two beers" or one. You will have none and operate a motor vehicle. If you do, you violated that order. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Motion State SOL each and every remaining offense?

MR. BRUNO: Yes, your Honor.

THE COURT: Demand for trial?

MR. MULTRIGGER: Reiterate our demand.

THE COURT: I'm advising you you also have an absolute right of appeal, but before you may perfect your right of appeal you must first appear before this Court within 30 days from today and in writing file a paper called a motion wherein you do ask this Court leave or permission to withdraw your pleas of guilty to come out of these charges. If I grant you that, you may be prosecuted for each and every one of these cases. If you cannot afford a lawyer, I'll appoint the Public Defender without charge to assist you. You're also entitled to a free transcript unless -- if you cannot afford one. Do you understand that?

THE DEFENDANT: Yes, your Honor.

THE COURT: Very well. That will be the order, gentlemen.

MR. MULTRIGGER: May I inquire, is the defendant's license a part of the file now?

THE COURT: It is not. The defendant posted a "D" of 3,000.

Very well.

MR. MULTRIGGER: Thank you, Judge.

THE COURT: You may see the Clerk through that door.

(Whereupon the above entitled cause

was continued until March 16, 1984, for further proceedings on the above cause.)

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS

MUNICIPAL DEPARTMENT - SECOND DISTRICT

I, Cynthia M. LaMantia, an Official Court Reporter for the Circuit Court of Cook County, Twenty-first Judicial Circuit of Illinois, do hereby certify that I reported in shorthand the proceedings had on the hearing in the above entitled cause; that I thereafter caused the foregoing to be transcribed into typewriting, which I hereby certify to be a true and accurate transcript of the proceedings had before the Honorable EDWARD M. FIALA, JR., Judge of said Court.

C. LaMantia

Official Court Reporter

Dated this 29th day of December, 1983.

APPENDIX C

C. Court is back in session. Kindly remain seated and quiet.

J. Before we take any other matters for the 10:30 call I'm going to advise you ladies and gentlemen as to the procedures in this courtroom and as to some of your rights. In this courtroom, the clerk shall first call all of those cases where the defendant is requesting a continuance. Secondly, those cases where the defendant is entering the plea of guilty. Then for trial purposes those cases where the defendant is represented by a lawyer and then we're going to call the remaining cases. You have a right to be represented by a lawyer in these proceedings. If you do not have an attorney, but you desire to hire one, you may avail yourself to the services of your local bar association. . . .lawyer reference plan where you'll engage council on a private basis. If I should determine that you cannot afford a lawyer and depending on the nature of the case, I will appoint the public defender of Cook County to represent your interests without charge to you. If you desire to see an attorney on your own, you may confirm with this representative of the Chicago Bar Association lawyer reference plan who is here this morning, Mr. Robert Goodman. Mr. Goodman is the gentleman standing to my immediate left. If you should engage Mr. Goodman, you shall engage him on a private basis. You have an absolute right to plead not guilty and persist in that plea of not guilty. It will require the State of Illinois to prove your guilt beyond a reasonable doubt. You also have an absolute right to have your case heard by a jury. Now, a jury consists of twelve people selected at random from all over Cook County. You or your lawyer would help select that jury and they would have to be unanimous. That means they all would have to agree as to the issue of guilt. All jury trials in this district are heard in this building. When you give up the right to a jury that is called a jury waiver and under those circumstances, I will hear your case as a bench trial. When you plead guilty you receive no trial what-so-ever. You also have a right to ask questions of any witness who testifies against you or have your lawyer do so. That's called your Right of Confrontation. You have the right to use the power of subpoena of this court to bring witnesses in this court on your behalf. You are presumed innocent of any charge; that presumption of innocence will remain with you at any stage of the

trial until the triorfact (either the jury or me) is convinced by the evidence beyond a reasonable doubt as to your guilt. When you plead guilty you lose all of those rights. You also have an absolute right of appeal. All appeals ultimately first go to the Illinois Appellate Court, but before you may effect that right of appeal, we must consider two sets of circumstances. First, if you pleasd guilty and are found guilty, under that particular set of circumstances you must first appear before this court within thirty days of the date you entered your plea of guilty; and you file a paper called a motion and in that motion you must set forth each and every reason why you feel I should give you leave or permission to withdraw your plea of guilty. If I grant that, you may be prosecuted for the very same offense that you were found guilty of and the state may re-institute and prosecute you for any other offenses they dismissed in contemplation of your plea of guilty. The second set of circumstances where you plead not guilty and are found guilty, then in order to effect your order right of appeal, you must file with the Clerk of the Circuit Court of Cook County within thirty days of the finding of guilty in a pre-printed form called the Notice of Appeal, available in the clerk's office without charge. A failure to file a Notice of Appeal within thirty days will cause your appeal to become defective. Under either of these circumstances you have an absolute right to be represented by a lawyer. If you cannot afford one, depending on the nature of the case, a Public Defender will be appointed without charge to assist you. You are also entitled to a transcript of these proceedings; by a transcript I mean the information the young lady to my right, who is called a Court Reporter, is writing down. If you cannot afford to pay for a transcript, (?). . .start taking any pleas. Are there any continuances to be made?

CD: Not many counsel.

J: Call any matters that any ready.

CD: PEOPLE OF THE STATE VS. JERRY LYNN WATKINS

C: Counsel here, Your Honor.

DL: Leonard Water on behalf of the defendant Your Honor . . . .ask the court at this time to excuse the (?) of the defendant. . . .(?) Mr. Watkins is in Fort Lauderdale, Your Honor. By the (?) call from his brother (?). . .I would ask the court on his behalf

the next court date. . . .(?).

J: What I'm going to do is this. There will be a bond forfeiture of a warrant ventured and continued, but not released if the defendant is not in court. The date counselor will be 12/16/83. If he doesn't appear at that time, of course, a warrant will be released. That will give him incentive to come back to Illinois (?). . . .The court should do it in reverse. Maybe we should give him incentive to stay away from Illinois.

J: I should increase the bond.

DL: Thank you, Your Honor.

J: O.K.

CD: PEOPLE OF THE STATE VS. JACK HURBURGER

DL: Hurburger. Good morning, Your Honor.

J: Morning, counselor. Your name?

DL: (?). . . .I must inform the court that Mr. Hurburger has taken a job in California and I advised him of (?) appearance, of this hearing. . . .however, he states to us that it's not important to come back.

J: Very well, this is a civil matter. States Attorney (?). . . .where the civil defendant did not respond?

SA: We would ask for a judgment then (?) . . . .

J: You are awarded that, for a finding of probable cause, recommendation from the Secretary of State is to revoke his driving privileges plus as his reciprocal, Secretary of State of California shall be notified accordingly and his driver's license will be suspended in California.

C: (?)

J: Sure.

Clerk: PEOPLE OF THE STATE VS. SEDAN ASSINE

C: Good morning, Your Honor (John?) on behalf of the defendant (?) which passed before this court; this is the first time up, Your Honor, and I just this morning had a chance to (?). I'm going to be in a situation that I have to ask for a continuance.

J: Counsel are you (?) part of your appearance that you attend here on behalf of the defendant?

C: It'll be (?) occurrence. . .no fault.

J: Fine! Would you please? It will be on 12/16, counsel, 12/16. . . .? Thank you, Your Honor.

Clerk: PEOPLE OF THE STATE VS. ALBERT GOLDMAN

J: May I have your name, sir?

D: Albert Goldman.

J: Thank you, Mr. Goldman. You were placed on a period of supervision on December 10, 1982. Is that correct, sir?

D: Yes.

J: You satisfied all of your fines and you completed the ASCEP program. Mr. States Attorney, with respect to Mr. Goldman, are you aware of any violations?

SA: No, judge, I'm not.

J: That means, Mr. Goldman, you are discharged from the period terminated satisfactorily. Do you have an SOL? I'll do that now.

Clerk: PEOPLE OF THE STATE VS. DAVID LEON

J: David Leon please.

C: James Lieberman, the defense attorny.

J: Very well.

C: Good morning, Your Honor.

J: Good morning, counsel.

C: Judge, I (?) the complaining witness just left court before I had a conversation with him and with the defense attorney.

J: You know, counsel, there was an SOL on October 11. Is there a motion to reinstate the SOL?

SA: Yes, that's basically what we'll be doing. We'll withdraw our motion to reinstate the SOL.

J: Stand Motion to reinstate is withdrawn with prejudice.

C: Yes, sir. For the record the defendant does not wish to testify in this case.

J: It shall be the order of motion, and the motion state SOL of 10/11/83 stands, (?) is discharged.

C: Thank you, Your Honor.

J: Thank you, gentlemen.

Clerk: PEOPLE OF THE STATE OF ILLINOIS VS. GREGORY KENDALL

J: State your name, please.

D: (?)

J: Record shall reflect on October 13, 1982, the defendant was placed on a period of supervision. Assess fines and 10 days of ASCEP was satisfactorily completed. Fines (?) will you pay those fines today? Upon payment of those fines to the clerk (?) . . . . Are you aware of any violations Mr. States Attorney?

SA: No, I'm not, judge.

J: Your supervision is termed satisfactory and your going to be discharged. Kindly see the clerk through that door, sir.

Clerk: PEOPLE OF THE STATE VS. MICHAEL MCKLOSIA

C: Good morning, Your Honor. Judge, for the record, there is no counsel on behalf of Mr. McKlosia present in court. Your honor, also, for the record, Mr. McKlosia's father (?).

J: Thank you, Mr. States Attorney. May we have your name, please?

SA: (Milbourn?) on behalf of the people, Your Honor.

J: Very well. The record's going to reflect that there had been a partial conference between

the States Attorney present in this courtroom, defense counsel, the arresting police officer, and this court. Is that correct?

SA: That is correct, Your Honor.

C: That is correct, Your Honor.

J: (?). . . .substance of that conference. I take it is that the defendant is going to be entering a blind plea of guilty to the offense of driving a motor vehicle under the influence of alcohol, attempting to elude a police officer, and that there will be a stipulation to the facts alleged in the officer's affidavit, and the hearing in the implied consent.

SA: That is correct, Your Honor.

C: That is correct (?). . .representation, Your Honor.

J: Very well. Young man, I want you to state your age, date of birth, and your full name.

D: My name is Michael Edward McKlosia. I am 25 years old and I was born on August 17, 1958.

J: Now listen carefully. If I use any term or any epxression you don't understand, I want you to stop me. I will be very happy to appraise that. Will you do that?

D: Yes, Your Honor.

J: At any time during these proceedings you wish to confer with your lawyer, let me know, and I'll stop these proceedings and give you that opportunity. Will you do that, sir?

D: Yes.

J: Now listen to me carefully. Do you understand that you are charged with operating a motor vehicle under the influence of alcohol on August 12, 1983 in Rolling Meadows, Cook County, Illinois?

D: Yes.

J: Do you understand that you are charged with the offense of attempting to elude an officer on the same date?

D: Yes.

J: Do you understand each of these charges?

D: Yes.

J: Did you have enough time to discuss each of these charges with your lawyer before you stepped up before me today?

D: Yes.

J: And how do you plead to each of these charges? Guilty or not guilty?

D: Guilty.

J: Do you understand that when you plead guilty you are not going to receive a trial of any kind what-so-ever?

D: Yes.

J: Do you understand that you have a right to plead not guilty and persist in that plea of not guilty and require the State of Illinois to prove your guilt beyond a reasonable doubt?

D: Yes.

J: Do you understand what a jury is?

D: Yes.

J: Would you like me to offer you any further explanations?

D: No.

J: Are you giving up your right to a jury as to each of these cases?

D: Yes.

J: Now, if you plead guilty to a criminal offense you lose some valuable rights. As you stand before me, now, you are presumed innocent of each of these charges, but if, in fact, I accept your plea of guilty as voluntarily being made, you lose that presumption of innocence as to these charges. Do you understand that?

D: Yes.

J: Do you understand that you have a Right of Confrontation as to each of these charges and by that I mean you have the right to be present in court with witnesses to testify against you, and have your lawyer examine those witnesses in your presence. But when you plead guilty, you lose that right as well. Do you understand that?

D: Yes, Your Honor.

J: Do you understand that you have the right to have your lawyer use the power of Subpoena of this court to bring witnesses into this court on your behalf. When you plead guilty you lose this right as well. Do you understand that?

D: Yes.

J: Knowing all of this do you still wish to persist in your plea of guilty?

D: Yes.

J: Now listen to me carefully. When you plead guilty to the offense of operating a motor vehicle under the influence of alcohol, you're pleading to an offense called a class "A" misdemeanor. It is meant that it is an offense punishable upon conviction on the maximum side by imprisonment by the Cook County Department of Corrections, commonly known as the County Jail, up to one year and/or fines of up to $1000.00 or both. Or fines up to $1000.00 or probation, or conditional discharge of up to one year and/or fines of up to $1000.00 and upon conviction of this offense, the Secretary of State will revoke your driving privileges such as they are for a minimum of one year. On the minimum side, you could be placed upon a period of supervision up to two years. Supervision is not a conviction. Now, knowing all of this do you still wish to persist in your plea of guilty?

D: Yes.

J: Do you understand that if you're placed on a period of supervision, and you should violate the conditions of supervision you could be convicted and sentenced to jail for a year? Now, for the offense of attempting to elude a police officer.

That's called a class "B" misdemeanor. By a class "B" misdemeanor, it is meant that it is an offense punishable in the Cook County Department of Corrections, commonly known as the Cook County Jail, up to six months and/or a fine of up to $500.00 or both, or supervision of up to two years. Do you understand that?

D: Yes.

J: Knowing all of this do you still wish to persist in your plea of guilty?

D: Yes.

J: You understand that what you are doing in this case, young man, is entering what is called a blind plea of guilty. Blind in the sense that there has been absolutely no agreement what-so-ever as to what the sentence would be if I should accept your plea of guilty as being voluntarily made. Do you understand?

D: Yes.

J: Very well. Knowing all this do you still wish to plead guilty?

D: Yes.

J: Mr. States Attorney of the people, on the factual basis to support these pleas, I'll accept these pleas as being freely and voluntarily made.

SA: Yes, Your Honor. Your Honor, on the date and time of question, the arresting officer, Officer Pearson of the Rolling Meadows police department, observed the defendant travelling in a motor vehicle in which he was operating west bound on Kirchoff Road at Keith Court in Rolling Meadows, County of Cook, State of Illinois. At that time, the officer noticed the defendant was travelling at a high rate of speed, Your Honor. The officer followed the vehicle which then turned South on Benton. The officer, at that time, Your Honor, activated his emergency lights in an attempt to stop the vehicle. The vehicle did not stop upon the activation of the lights of the officer's squad car, but proceeded on his way, Your Honor. The subject, at that time, passed another vehicle near Fairfax and

Benton Avenues and the officer continued to pursue the vehicle down to California Avenue. The subject then turned onto Fall Trees failing to signal and also travelling at a high speed, Your Honor. Subject then proceeded to park his car, Your Honor, at 302 Shady Lane, which was his residence, and, at that time he entered his back-yard. The officer then approached him, Your Honor, at the back door of the residence. The officer noticed that the defendant was extremely belliger-ent and he noticed that the defendant had a strong odor of alcohol upon his breath. Also, Your Honor, he noticed that the defendant's attitude was (?). . . . , that he was crying at that time, that the defendant's speech was thick talk. He noticed that the defendant's balance was wobbly and while walking he would stagger, and in turning he would stagger. This led the officer to determine, based on his expert opinion as a police officer, that the defendant was, in fact, under the influ-ence of alcohol, and, at that time had been oper-ating a motor vehicle under the influence of alcohol at that time, Your Honor. Jurisdiction would (?) to this court and the defendant was over the age of seventeen at time of the offense. In fact, he was twenty-five, Your Honor.

J: Is that your stipulation?

SA: (?) . . . .

J: Record shall reflect based upon the totality of the court ruling that the defendant is freely, and vol-untarily, and intelligently entering into a plea of guilty to each of the charges. This court expressly finds that there is a sufficient factual basis to support each of the pleas of guilty by defense counsel. . . to the facts that were cited by the Assistant States Attorney in support of each of the complaints. This court finds this defendant has freely and voluntarily and intelli-gently waived his rights to a jury. This court finds that this defendant has freely and voluntar-ily and intelligently entered into a blind plea of guilty. Further, that (?) all (?) relevant to (?) that the defendant is represented by a very able and experienced trial counsel and accordingly judgment is voluntary and at this particular point only is injured aggravation.

SA: Your Honor, I believe that (?) we had an opportunity to review the defendant's records and to say the least, it is not a good driving record. There are two suspensions upon his record, as well as a conviction for a 6303 offense.

J: Multiple movements?

SA: Yes, Your Honor, in fact that occurred twice.

J: Litigation pending?

D: Your litigation would rest primarily on the facts brought out during the conference (?) At this time the defendant is presently employed, twenty-five years of age (?). (?) . . . .certainly one indicating that he has problems on the road. He's had no prior convictions of sentence for any drinking problems. Presently and voluntarily he's been seeing a psychologist (Dr. Charlie ?), to alleviate his problems (?) . . .before he pleads guilty to these charges.

J: Very well. Do you have anything to say, sir, before counsel sentences you?

D: No.

J: Counsel, is there a stipulation on all the facts alleged as articulated by this police officer in his affidavit. . . . (?) would be (?) in the hearing on implied consent.

SA: So stipulated, Your Honor.

J: Is there also a stipulation that the court entertain the implied consent at this time as well?

SA: Yes, Your Honor.

J: Very well. This court finds you, with respect to the implied consent, probable cause, therefore, the Secretary of State should be directed to suspend his driving privileges for a period of six months. For the offense of attempting to elude a police officer, you are fined $200.00 and a judgment of conviction shall be injured against you. Secretary of State shall revoke your driving privileges for that offense as well. That fine shall be paid on 10/18/84. For the offense of operating a motor vehicle under the influence. . .what I'm going to

do in your case is give you a tailored, a very tailored sentence. I'm sentencing you to two years of reporting supervision in the Social Service Department of the Circuit Court of Cook County. You will report back on October 3, 1985. You are fined $500.00 and you are ordered to attend the ASCEP level two program. You will pay that fine and report to me on March 16, 1984. At that time, I'm going to have the opportunity to evaluate your ASCEP referral. When I'm sending you to ASCEP, I'm not suggesting that you go; you're ordered to go, and if you should not comply with my orders, I will tell you now, you will do six months straight time in the County Jail for contempt of court. There are no violations allowed by me. . . none. Do you understand that?

D: Yes, sir.

J: Your lawyer imparted that to you already. . . did he not?

D: Yes.

J: He told you that was my policy. Did he not?

D: Yes.

J: You know that is exactly what will happen if you do not go to ASCEP program, do you not?

D: Yes.

J: Fine. Also, sir, you'll receive specifications and conditions of your reporting supervision. Counsel, have you given those to the (?).

C: Yes, I have, Your Honor.

J: Will you acknowledge?

C: Yes, Your Honor. . .so received.

J: Very well, you may sign that in the clerk's office, young man. I want to have your attention. If you do not live up to all of those conditions, I'm going to violate supervision. I'm going to consider giving you a year straight time in the County Jail. I will tell you, sir, you've worked very hard for that sentence and I think your entitled to it. I'm going to give you straight time if

you violate any of those conditions. You are not to operate an automobile in Illinois without authority from the Secretary of State. You will not inject any alcohol while operating a motor vehicle. That means the proverbial two beers or one. You'll have none and operate a motor vehicle. If you do, you've violated that order. Do you understand?

D: Yes, Your Honor.

J: Motion state SOL each and every remaining offense. (?)

SA: Yes, Your Honor. . . .so reflected.

J: And I'll advise you, sir, you have an absolute right of appeal, but before you may perfect your right of appeal, you must first appear before me/ this court within thirty days from today, and in writing, file a paper called a motion wherein you would ask this court leave or permission to withdraw your pleas of guilty to some or all of your charges. If I grant you that you may be prosecuted for each and every one of these cases. If you can't afford a lawyer, I'll appoint the public defender without charge to assist you; you are also entitled to a free transcript of your trial. . .if you cannot afford one. Do you understand?

D: Yes.

J: Very well.

C: (?). . . .defendant's license?

J: He did not (?) . . . . the defendant posted a "D" to agree, counsel.

APPENDIX D

November 15, 1983: Examples of recall as categorized by judges

Categories	Examples
Irrelevant Statements	1. "The lawyers seemed very uninterested to what was being said, so I figured it was part of the proceedings." (SS-5)*
	2. "There was a guy who looked like he was from Hells Angels sitting in the back row." (SS-15)*
Factual and Correct Statements	1. "Everyone please remain seated and quiet." (SS-2)*
	2. "Following an automobile which was preceding at high speed in Rolling Meadows on . . . .road Officer put on his emergency lights and followed the defendant in the automobile." (SS-8)*
Factual but Incorrect Statements	1. "The judge also mentioned to the defendant's attorney that the way the attorney handled the case was improper and that he acted inexperienced." (SS-9)*
	2. "This court is now back in session; all rise." (SS-14)*
Summary Statements	1. "He asked the people to state their names and asked them if they were going to plead guilty or not guilty." (SS-6)*
	2. "Another man came before the court and possibly another and a similar procedure took place in which a set pattern of phrases were said, a common, simple answer for each was given and the court continued to the next case." (SS-5)*

*SS=subject

APPENDIX E

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	)	
-vs-	)	Courtroom F
JOSEPH HARDISON, Defendant.	)	

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. DAVID SHAPIRO,
Assistant State's Attorney,

on behalf of the People;

MR. MICHAEL BURKOS,

on behalf of the Defendant.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Joseph H. Hardison.

MR. BURKOS: Good morning, your Honor. Michael Burkos for the Defendant.

The State has made an offer in the pre-trial conference, and there are some serious ramifications concerning my client's job, which he had for eighteen years.

THE COURT: Particularly with respect to the implied consent.

MR. BURKOS: Yes, and his employment, his employer is out of state. He would like to have time to discuss it with him.

THE COURT: That is not unreasonable.

MR. SHAPIRO: No objection.

THE COURT: Last time was by agreement. This shall now be a Motion Defendant. Make a note. Counsel, there isn't a chance to get a continuance after December 23. We're to trial or dispose of it. The date is written down for your client's benefit.

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE [illegible] JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-[illegible] DISTRICT

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had before the Honorable JUDGE FIALA.

Janice Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COCK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,
-vs-
MORRIS BRISTOE, Defendant.
Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. DAVID SHAPIRO,
Assistant State's Attorney,

on behalf of the People;

THE DEFENDANT,

having appeared pro se.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Morris V. Bristoe.

THE COURT: One moment, please. Your name, please?

THE DEFENDANT: Morris V. Bristoe.

THE COURT: Thank you. Are you represented by an attorney, sir?

THE DEFENDANT: Not at this time. I have an attorney, but he isn't here.

THE COURT: What is your lawyer's name?

THE DEFENDANT: Charlie Wayland (sic).

THE COURT: When did you retain Mr. Wayland?

THE DEFENDANT: About a month ago.

THE COURT: Did you pay him on that date?

THE DEFENDANT: No, I didn't.

THE COURT: He just indicated that he would represent you?

THE DEFENDANT: Yes.

THE COURT: Mr. Wayland is not of record. Go ahead, sir.

THE DEFENDANT: I would like to request a

continuance.

THE COURT: Sir, I gathered that is what you wanted to do. Since you have indicated to me a specific attorney, I'm going to give that continuance to December 23. That date is written down for your benefit, and it's also written for the benefit of Mr. Wayland. On that date, young man, you go to trial. No continuances.

THE DEFENDANT: Thank you.

THE COURT: Please give that date to the young man.

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY ILLINOIS-SECOND DISTRICT

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had before the Honorable JUDGE PIALA.

Janice Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

LLOYD CARLSTROM,
Defendant.

Courtroom 1

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE PIATA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney, of Cook County, by
MR. DAVID SHAPIRO,
Assistant State's Attorney,

on behalf of the People;

THE DEFENDANT,

having appeared pro se.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Defendant named Carlstrom.

THE COURT: Your name, please?

THE DEFENDANT: Lloyd Carlstrom Jr.

THE COURT: Thank you. The record shall indicate November 17, 1982 Mr. Carlstrom was placed on a period of supervision and fines assessed. He has paid his fines.

Have you made restitution, sir?

THE DEFENDANT: Yes.

THE COURT: When was that done, sir?

THE DEFENDANT: The same day I was in court the first time.

THE COURT: Very well. Mr. State's Attorney, your name for the record.

MR. SHAPIRO: David Shapiro.

THE COURT: Mr. State's Attorney, are you aware of any violations in this case?

MR. SHAPIRO: No, your Honor.

THE COURT: The file reflects there are none. In that case supervision is terminated and you're

discharged, sir.

THE DEFENDANT: Thank you.

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript which I hereby certify to be a true and accurate report of the proceedings had before the Honorable JUDGE FIALA.

Janice Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-DOMONT DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

JOHN JAMES,
Defendant.

Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE PIATT, Judge of said court, on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. DAVID SHAPIRO,
Assistant State's Attorney,

on behalf of the People;

THE DEFENDANT,

having appeared pro se.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. John James.

THE COURT: Your name, please?

THE DEFENDANT: John James.

THE COURT: Mr. James, are you represented by a lawyer?

THE DEFENDANT: Yes, I am.

THE COURT: Who is your lawyer?

THE DEFENDANT: Mr. Edward Wells.

THE COURT: And do you have Mr. Wells coming in here today?

THE DEFENDANT: I have called his office, and he can not come in, and he asked me to ask for one more final date.

THE COURT: The record will indicate this matter was up one prior occasion. That was by agreement on October 24, 1983.

When did you engage Mr. Wells?

THE DEFENDANT: He has handled other matters for me.

THE COURT: I'll indicate Motion Defendant to

12-23.

I want you to understand something. Mr. Wells knows what my policy is. There are no continuances. You go to trial on that date, sir, with him or without him. You're on trial on December 23. Final for trial. The date has been written down for your benefit.

THE DEFENDANT: Thank you.

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

I, JANICE J LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had before the Honorable JUDGE FIALA.

Janice Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	)	
-vs-	)	Courtroom F
ANTHONY LEE WILLIAMS, Defendant.	)	

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. DAVID SHAPIRO,
Assistant State's Attorney,

on behalf of the People;

MR. JAMES J. DOHERTY,
Public Defender of Cook County, by:
MS. SUSAN RILEY,
Assistant Public Defender,

on behalf of the Defendant.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Anthony Lee Williams.

THE DEFENDANT: Here.

THE COURT: Mr. State's Attorney, your name for the record.

MR SHAPIRO: David Shapiro, your Honor.

THE COURT: Miss Riley, will you please state your name.

MS. RILEY: For the record Susan Riley, Assistant Public Defender.

Judge, I had a previous conversation with Mr. Spector who was handling this case. At this time we would be filing a Jury Demand instantor.

THE COURT: Transfer instantor to Courtroom K.

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

I, JANICE [illegible] TYTON, an official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the preliminary hearing of the Defendant had before the Honorable JUDGE [illegible], Judge of said court.

Janice Lyton
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,
-vs-
CHARLES BATTAGLIA, Defendant.

Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. DAVID SHAPIRO,
Assistant State's Attorney,

on behalf of the People;

MR. LAWRENCE FILLMAN,

on behalf of the Defendant.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Charles Battaglia.

MR. FILLMAN: Good morning, Judge. For the record, Lawrence Fillman. I represent the Defendant, Charles Battaglia, present before the Court.

We have had a pre-trial in this matter. At this time on behalf of Mr. Battaglia we would enter a plea of guilty to the charge of driving under the influence of alcohol; waiving a jury trial, and I ask for a hearing on aggravation and mitigation.

THE COURT: Essentially what you're telling me is this is a blind plea?

MR. FILLMAN: Yes.

THE COURT: There is a blind plea as to the speeding as well?

MR. SHAPIRO: No. There is an agreement as to that. The Defendant will plead guilty to this charge and we recommend a fine of fifty dollars. We would S.O.L. the 11-709.

MR. FILLMAN: That's correct, Judge.

THE COURT: And the per se count (phonetic spelling) as well?

MR. SHAPIRO: Per se count would be S.O.L.'d, your Honor.

THE COURT: At the appropriate time I'll reflect your demand.

MR FILLMAN: Thank you. Judge.

THE COURT: Mr. Clerk, swear the Defendant, please.

(Defendant is sworn.)

THE COURT: What is your name, sir?

THE DEFENDANT: Charles Battaglia.

THE COURT: And your age?

THE DEFENDANT: Twenty-nine.

THE COURT: I ask you to speak up, sir. Do you understand, sir, you're charged with the offense of operating a motor vehicle under the influence of alcohol in Rolling Meadows, Cook County, Illinois on September 7, 1983?

THE DEFENDANT: Yes, sir.

THE COURT: Also, at the same date, time and place you're charged with speeding, fifty-eight miles in a forty-five zone.

THE DEFENDANT: Yes.

THE COURT: Do you understand each of these charges?

THE DEFENDANT: Yes, sir.

THE COURT: Did you have enough time to discuss each of these charges with your lawyer before you stepped up before me today?

THE DEFENDANT: Yes, sir.

THE COURT: Let the record reflect--. I'll require specifics, Mr. State's Attorney.

MR. SHAPIRO: I have them, your Honor.

THE COURT: Do you understand you're pleading guilty to each of these charges?

THE DEFENDANT: Yes.

THE COURT: Do you understand when you plead guilty you will not receive a trial of any kind whatsoever?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that you have a right to plead not guilty and persist in that plea of not guilty and require the State of Illinois to prove your guilt beyond a reasonable doubt as to each of these offenses?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that when you plead

guilty to operating a motor vehicle under the influence of alcohol you are pleading guilty to an offense called a Class A Misdemeanor. By a Class A Misdemeanor it is meant it is an offense punishable upon conviction on the maximum side by imprisonment in the Cook County Department of Corrections, commonly known as the County Jail, up to one year and or a fine of one thousand dollars or both, or a fine of up to a thousand dollars or probation or conditional discharge and or a fine of up to a thousand dollars.

And upon a conviction for this offense the Secretary of State of Illinois will revoke your driving privileges for a minimum of one year.

On the minimum side you could be placed upon a period of supervision up to a period of two years. Supervision is not a conviction, which would designate the loss of your driving privileges.

Knowing all of this then do you still wish to persist in your plea of guilty?

THE DEFENDANT: Yes, sir, I do.

THE COURT: Now, sir, your lawyer has entered into a very limited agreement with the State's Attorney present in this courtroom. That limited agreement only

deals with the offense of speeding.

And is it your limited agreement that if I accept your plea of guilty to the offense of speeding that you would be convicted of that offense and fined fifty dollars payable on March 26, 1984? Is that your limited agreement?

THE DEFENDANT: Yes, sir.

THE COURT: Do you understand that there is absolutely no agreement whatsoever as to what disposition this Court may impose for the operating a motor vehicle under the influence of alcohol?

THE DEFENDANT: I'm aware of that.

THE COURT: To that extent that's called a blind plea. Blind in the sense you have no idea what sentence I may impose. If I accept your plea of guilty as voluntary being made. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Has anyone made any promises to you as to what I may impose?

THE DEFENDANT: No, sir.

THE COURT: Very well. Mr. State's Attorney, upon the People demonstrating a factual basis I'll accept it.

MR. SHAPIRO: On September the 7th, 1983 at Algonquin Road, Cook County, Illinois, Rolling Meadows, Officer Tople of the Rolling Meadows Police Department observed the Defendant driving a motor vehicle; at that time the Officer detected the Defendant's vehicle driving at a speed in excess of the posted speed limit, your Honor, and determined that the Defendant's speed was in fact fifty-eight miles per hour.

He proceeded to observe the Defendant was improperly using lanes at that point, your Honor, and then proceeded to pull over the Defendant's vehicle. At the time the Defendant's vehicle was pulled over, your Honor, he detected a strong odor of alcohol emitting from the Defendant's breath when he spoke to the Defendant.

He noticed that his voice was not in order in that, your Honor, the Defendant was speaking with a slurred and thick-tongued manner. Also, your Honor, he observed the Defendant's balance was falling; that his walking was falling; that his turning was falling. That he completely missed the finger to nose test, your Honor.

He proceeded to arrest the Defendant for

driving under the influence of alcohol, brought him back to the Rolling Meadows Police Department where a breathalizer was administered with a result of point 14.

At the time of the offense the Defendant was over the age of seventeen, your Honor. And venue lies properly with this Court.

MR. FILLMAN: So stipulated, Judge.

THE COURT: Based upon the totality of the foregoing this Court expressly finds that this Defendant has freely and voluntarily and intelligently entered into a plea of guilty to each of the offenses. This Court expressly finds that there is a sufficient factual basis to support each of the pleas by Defense counsel's stipulations to the facts recited by the Assistant State's Attorney in support of each of the instant complaints.

This Court further finds that this Defendant freely and voluntarily and intelligently waived his right to a jury; that he is freely and voluntarily and intelligently entering into a limited plea agreement with respect to the offense of speeding only.

This Court expressly finds that the Defendant has entered into a blind plea of guilty to the offense

of driving a motor vehicle under the influence of alcohol, and has done so freely and voluntarily.

That at all times relative herein this Defendant is represented by very able and experienced trial counsel.

Accordingly, a judgment of conviction is entered for the offense of speeding. On the 11601 Sub-paragraph "B" a judgment as to voluntariness only is entered as to operating a motor vehicle under the influence alcohol.

Before we proceed any further, you are under oath, are you representing to this Court and you wish this Court to rely upon this material representation that you have never in fact been charged with operating a motor vehicle under the influence of alcohol or drugs or a combination of both during your lifetime, is that correct?

THE DEFENDANT: Correct.

THE COURT: Anything by way of aggravation?

MR. SHAPIRO: No, your Honor.

THE COURT: Mitigation, if any?

MR. FILLMAN: Very briefly in mitigation. The Defendant is twenty-nine years of age. He presently lives in Palatine, Illinois. The certified copy of

the Defendant's driving record from Springfield indicates absolutely no convictions of record. He has been driving approximately thirteen years.

I feel that he would be a worthy candidate for supervision, and I would ask the Court to so impose that order.

THE COURT: Counsel, may I have the specifications?

MR. SHAPIRO: Certainly, your Honor.

THE COURT: Very well, sir. For the offense of speeding, which you stand convicted, you're fined fifty dollars. And that fine shall be payable on March 26, 1984. Judgement of conviction is entered accordingly.

For the offense of operating a motor vehicle under the influence of alcohol, sir, you're sentenced to a term of one year non-reporting supervision to November 1, 1984. You are fined three hundred dollars.

You are ordered to attend the AESP Program, and you will complete that program and abide by any recommendations they make. The Clerk's Office is instructed to notify the Secretary of State of referral to AESP. Failure to attend AESP and complete any recommendations they make will subject you to contempt of this Court.

I will tell you, you must attend AESP and abide by their recommendations. I'll consider six months straight time in the County Jail for contempt of Court. Your lawyer knows that is my policy, young man. That is a guarantee. You are also going to receive from me specifications and conditions of your supervisory order. You will, in fact, live up to all of them. Failure to comply with any of the conditions, you are going to subject yourself to a conviction which you will lose your license and you'll do time in the County Jail.

Please understand that. There are no exceptions to any order of supervision I impose. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Motion State the two remaining offenses. Your demands are reflected.

MR. FILLMAN: Thank you.

THE COURT: I would also indicate, sir, before you leave this courtroom, you go through that door with your lawyer. Be registered into the AESP Program, and you will receive your specifications and conditions of your supervision. Do you understand that?

THE DEFENDANT: Yes, sir.

THE COURT: Very well.

MR. SHAPIRO: What was the termination date?

THE COURT: 11-1-84. And the C.S.I. and the fines shall be payable on March 26, 1984. You will return to this Court on March 26, 1984 so that I have an opportunity to evaluate the referral I just made to the Central States Program. Do you understand me?

THE DEFENDANT: Yes, sir.

THE COURT: Even though you plead guilty, sir, you have an absolute right of appeal. But before you may perfect that right of appeal you must first appear before this Court within thirty days from today and in writing you file a paper called a motion. And in that motion you must set forth each and every reason why you feel that I should give you leave or permission to withdraw your pleas of guilty to some or all of these cases. If I grant your motion you may be prosecuted for all four cases. If you can't afford a lawyer, I'll appoint the Public Defender without charge to assist you. You are also entitled to a free transcript of these proceedings if you cannot afford one. Do you understand?

THE DEFENDANT: Yes.

THE COURT: Good luck to you, sir.

MR. FILLMAN: I do have a motion for the release of the Defendant's driving license.

THE COURT: Upon him being registered in the ADSP Program and receiving his specifications, counsel, I'll make that authorization.

Will you acknowledge a copy of the specifications?

MR. FILLMAN: Yes, I acknowledge receipt of the supervision order.

THE COURT: That will be the order.

THE DEFENDANT: Thank you.

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause: that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause before the Honorable JUDGE FIALA, Judge of said court.

Janice J. Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

WALTER WEINER,
Defendant.

Court room 5

REPORT OF THE PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE PLATA, Judge of said court, on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MS. ANN BENEDIK,
Assistant State's Attorney,

on behalf of the People:

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Walter Kenner.

THE DEFENDANT: Here.

THE CLERK: The complaining witness is Kenneth Sabbath. This is from Evanston. The Evanston cases are at 1:30. The bond shows them to be here at nine o'clock.

THE COURT: What is your name?

THE DEFENDANT: Walter Kenner.

THE COURT: Mr. Kenner, are you represented by a lawyer?

THE DEFENDANT: Not at the present moment, no, sir.

THE COURT: Mr. Kenner, the bond slip indicates nine o'clock, and you did the right thing by coming here at nine o'clock. The order of Judge Rohrer on November 19 indicates 1:30. So I could appreciate your complaining witness may be confused as to what time he or she was told to come here.

THE DEFENDANT: There are two different dates.

THE DEFENDANT: I have one date.

THE COURT: We're going to clarify that today, sir.

THE DEFENDANT: Okay, thank you.

THE COURT: Miss State's Attorney?

MS. BENEDIK: Yes?

THE COURT: Do you have anything that the witness will be here at 1:30?

MS. BENEDIK: I cannot say for sure. I could try to give the witness a call.

THE COURT: Why don't we do that. Give them a call. See if he desires to come in. If he doesn't, I'll grant you either an S.O.L. or you may get a date. That way Mr. Kenner will not be inconvenienced.

Mr. Kenner, we'll call you in a very few moments. We'll pass this briefly.

(Whereupon, the case was passed and later recalled.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause before the Honorable JUDGE FIALA, Judge of said court.

Janice Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,	)	
-vs-	)	Courtroom F
LAVELLE ROSE, Defendant.	)	

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MS. ANN BENEDIK,
Assistant State's Attorney,

on behalf of the People;

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: Lavelle Rose. This is the same situation.

THE COURT: Your name, please?

THE DEFENDANT: Lavelle Rose.

THE COURT: Miss Rose, you also were told on your bond slip to be here at nine o'clock?

THE DEFENDANT: Yes.

THE COURT: And you did exactly the right thing. The record shall reflect that the order had indicated 1:30. What I'll do is pass this and the State's Attorney will make a phone call. Then we'll call you in a few minutes. Have a seat.

(Whereupon, the case was passed and later recalled.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause: that I thereafter caused to be transcribed into typewriting the foregoing transcript which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause; before the Honorable JUDGE FIALA, Judge of said court.

Janice Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

HAROLD STANFORD,
Defendant.

Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON RICHARD M. DALEY,
State's Attorney of Cook County, by:
MS ANN BENEDIK,
Assistant State's Attorney,

on behalf of the People;

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Harold Stanford. Donald Dhein.

THE DEFENDANT: Here.

THE COURT: What is your name?

THE DEFENDANT: Donald Dhein.

THE COURT: The record will reflect that the Defendant was placed upon a period of supervision on September 23, 1983 and assessed fines.

Are you prepared to pay these fines today, sir?

THE DEFENDANT: Yes, sir.

THE COURT: Supervision then will be terminated on 8-29, sir. Payment upon that fine of three hundred dollars, will be order of Court supervision to August 29, 1984. Please see the Clerk through that door, sir.

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

I, JANICE J. LYLON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript which I hereby certify to be a true and accurate report of the proceedings had before the Honorable JUDGE FIALA, Judge of said court.

Janice J. Lylon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,
-vs-
BERNARD POWELL, Defendant.
Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. LOU BRUNO,
Assistant State's Attorney,

on behalf of the People;

MR. ROBERT STRENGINI,

on behalf of the Defendant.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Defendant named Bernard Powell.

MR. STRENGINI: Judge, if I may?

THE COURT: Would you kindly identify yourself?

MR. STRENGINI: For the record Robert Strengini on behalf of Bernard Powell.

MR. [illegible]: [illegible] on behalf of the People.

THE COURT: The record will reflect that this matter had been passed earlier and there was a partial conference. Present at that conference was the Defense counsel, State's Attorney, and the arresting police officer, and one of the complaining witnesses and this Court. That being the case, what if anything was done?

MR. STRENGINI: Judge, what I did is I discussed everything with my client. We feel, Judge, that what the Court would recommend in this case is fair and reasonable. However, I think as Mr. Powell's attorney I have a little research to do on that to protect his interest on the civil end of this matter. If I may, I don't want to inconvenience the complaining

witness, the State's Attorney, or the officer anymore or your Honor anymore. If I could have one final date, even a short date, two weeks, just to do a little research on the ramifications of what might happen if I plead the way we are intending. And then set the matter over in two weeks for a plea.

THE COURT: Mr. State's Attorney, if you would make a notation of what my recommendations were.

MR. BRUNO: I have all ready written up the specifications sheet, your Honor.

THE COURT: Very good.

MR. STRENGINI: I have it, Judge, also.

THE COURT: Very good. There is no problem. What I will do, because of the plea contemplated in this case and because some admissions that could be made I could appreciate his concern in so far as insurance is concerned.

I'll grant the date. I don't think we have to go into a protracted date.

MR. BRUNO: We would like early December.

THE COURT: That's exactly how I feel about it. If it's not inconvenient, either have this young man or have his attorney be present. Young man, I would suggest that you call your lawyer, tell him what

occurred as of today. It may be to his interest as well as yours to have him present or the other attorney certainly. I also appreciate, counsel, what you have done to notify all of the witnesses by mail.

What date?

THE CLERK: Give them December 13.

MR. BRUNO: Could we have the 8th. Is that available, December 8?

THE COURT: I see no reason why.

THE CLERK: There is no court on December 9.

MR. BRUNO: The complainant will be leaving December 9th.

THE COURT: I will not be sitting here. It doesn't make any difference.

THE CLERK: December 8 is okay.

MR. BRUNO: Would you like the case brought before you then?

THE COURT: Not at all.

MR. STRENGINI: I think it would be better if you were here at the time we did this.

THE COURT: I'll be on vacation December 5. I'll be gone for three weeks.

MR. STRENGINI: How about December 3. I'm sorry. December 2.

MR. BRUNO: December 2.

THE COURT: Fine.

MR. BRUNO: You will be sitting here that day?

THE COURT: I'll be in the building. It doesn't make any difference. The file could be brought to me and I'll put it on my call.

MR. BRUNO: December 2. Room F, 9:00.

MR. STRENGINI: That would be for a plea or?

THE COURT: Yes. If it goes to trial any judge may try this. But I'll only accept a plea on the conditions I have indicated.

MR. STRENGINI: I understand that, Judge. But the date that we come in, if for some reason a plea does not take place, we would not go to trial on that day, I'm assuming?

MR. BRUNO: The State has expert testimony that they could not have.

THE COURT: It would take some time. You would have to subpoena some people in. That's his reason. Thank you for appearing.

MR. STRENGINI: Thank you very much, your Honor

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause before the Honorable JUDGE FIALA.

Janice J. Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS, Plaintiff,
-vs- Courtroom F
BARRY S. WILLIAMS, Defendant.

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court: on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MS. ANN BENEDIK,
Assistant State's Attorney,

on behalf of the People:

MR. ROBERT KRUG,

on behalf of the Defendant.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Barry G. Williams.

MR. FRUG: Good morning, your Honor. For the record, Rob Frug. The Defendant is not here. I attempted to reach him by telephone. I didn't reach him. All I could tell the Court is that he was here the first time, Judge. I found him to be reliable. I don't know why he is not here.

MS. BENEDIK: Ann Benedik for the People. Let the record reflect it's now 10:20. The State would be ready to proceed to this case. We ask for a B.F.W.

THE COURT: There would be, of course, a B.F.W. You may surrender him, and I'll consider vacating the B.F.W. But I'll give him an incentive to come in, and I'll set the date for 12-23.

MR. FRUG: Thank you, your Honor.

THE COURT: B.F.W., "D" bond five thousand dollars. 12-23-83. Warrant to issue. Thank you, counsel

MR. FRUG: Thank you

x x x x

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois, do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause; that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause before the Honorable JUDGE FIALA, Judge of said court.

Janice J. Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

LARRY FINN,
Defendant.

Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MS. ANN BENEDIK,
Assistant State's Attorney,

on behalf of the People:

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: Leroy Flynn.

MS. BENEDIK: Apparently the defendant is not in court. We would have asked for a continuance today, but since he is not here we would be asking for a B.F.W.

THE COURT: Asking for a B.F.W.?

MS. BENEDIK: Yes, Judge.

THE COURT: Delores Cavanaugh in the courtroom?

MS. BENEDIK: Neither of the complaining witnesses are in court today. There was a mistake as to the dates given to the complaining witness.

THE COURT: B.F.W., "D" bond of three thousand dollars total. The date shall be 12-23-93.

MS. BENEDIK: Thank you, Judge.

THE COURT: Warrant is issued. Make that total

* * * *

(Which were all the proceedings had in the above-entitled cause on this date.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause: that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause before the Honorable JUDGE FIALA, Judge of said court.

Janice J. Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

DEAN THANTASOROUS,
Defendant.

Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. LOU BRUNO,
Assistant State's Attorney,

on behalf of the People;

MR. JOHN BERMAN,

on behalf of the Defendant.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: The People of the State of Illinois vs. Dean Thantasorous.

MR. PERMAN: Good morning, Judge. For the record, John Perman, representing the Defendant, Dean Thantasorous. We ask this be passed. If your Honor would sit in on a pre-trial, if the State would consent to that.

THE COURT: I have no quarrel with that.

MR. BRUNO: We'll see what we could do on it first.

THE COURT: Do we have star 36?

MR. BRUNO: Yes, that's Coon.

THE COURT: We're going to call you shortly, if you'll have a seat.

(Whereupon, the case was passed and later recalled.)

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS

I, JANICE J. LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause: that I thereafter caused to be transcribed into typewriting the foregoing transcript which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause; before the Honorable JUDGE FIALA, Judge of said court.

Janice Lydon
Official Court Reporter

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

THE PEOPLE OF THE STATE OF ILLINOIS,
Plaintiff,

-vs-

KATHY ROSS,
Defendant.

Courtroom F

REPORT OF PROCEEDINGS

BE IT REMEMBERED that the above-entitled cause came on for hearing before the Honorable JUDGE FIALA, Judge of said court; on the 22nd day of November, 1983.

APPEARANCES:

HON. RICHARD M. DALEY,
State's Attorney of Cook County, by:
MR. STEVE GOBLE,
Assistant State's Attorney,

on behalf of the People;

MR. DONALD NORMAN,

on behalf of the Defendant.

WHEREUPON, the following Report of Proceedings was had in the above-entitled cause, to wit:

THE CLERK: Kathy Ross.

MR. NORMAN: Good morning. For the record Donald Norman. I represent the Defendant, Kathy Ross.

MR. GOBLE: Steven Goble on behalf of the People, your Honor.

THE COURT: Very well.

MR. NORMAN: Pursuant to the Supreme Court Rules, your Honor, we had a pre-trial conference with the State's Attorney and the officer

MR. GOBLE: Only a limited agreement, however

THE COURT: Has there been an agreement with respect to the implied consent?

MR. GOBLE: Yes, your Honor.

MR. NORMAN: Yes, your Honor.

MR. GOBLE: As to that, by agreement, finding of probable cause.

MR. NORMAN: That is correct.

THE COURT: Was that part of the pre-trial conference?

MR. NORMAN: That was.

THE COURT: A blind plea then is only with respect

to the D.U.I.?

MR. GOBLE: And the stop sign charge, your Honor.

THE COURT: Very well. And the improper lane usage?

MR. GOBLE: Motion State S.O.L.

THE COURT: At the appropriate time, counsel, your demand will be reflected.

Would you indicate your name?

MR. NORMAN: Donald Norman, your Honor.

THE COURT: Thank you.

Mr. Clerk, swear the Defendant.

(The Defendant is sworn.)

May I have your name, please?

THE DEFENDANT: Kathy Ross.

THE COURT: Miss Ross, do you understand you are charged with the offense of disobeying a stop sign and operating a motor vehicle under the influence of alcohol on October 7, 1983 in Rolling Meadows, Cook County, Illinois?

THE DEFENDANT: Yes.

THE COURT: Do you also understand, young lady, that there is a hearing on the implied consent, that is, for your refusal to take a breathalizer examination, and that is also pending.

MR. NORMAN: Your Honor, it's not a refusal to take the breathalizer. There was a breathalizer given, your Honor. It was a refusal to take a second test.

THE COURT: Very well. And refusal to take one of the tests offered by the police officer in this particular case. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Very well. Did you have enough time to discuss all of these charges with your lawyer before you stepped up before me today?

THE DEFENDANT: Yes.

THE COURT: And, young lady, do you understand all of these charges?

THE DEFENDANT: Yes.

THE COURT: Now, do you understand that you are pleading guilty to these offenses?

THE DEFENDANT: Yes.

THE COURT: And do you understand that when you plead guilty, Miss Ross, that means you're not going to receive a trial of any kind whatsoever?

THE DEFENDANT: Yes.

THE COURT: Do you understand that? Do you understand that you have a right to plead not guilty and

persist in that plea of not guilty and make the State prove your guilt beyond a reasonable doubt as to the two traffic offenses?

THE DEFENDANT: Yes.

THE COURT: Now, do you understand what a jury is?

THE DEFENDANT: Yes.

THE COURT: Would you like me to offer you any further explanation as to what a jury is?

THE DEFENDANT: No.

THE COURT: Are you giving up your right to the jury in this case?

THE DEFENDANT: Yes.

THE COURT: Miss Ross, please understand. When you plead guilty to the offense of operating a motor vehicle under the influence of alcohol you are pleading guilty to an offense called a Class A Misdemeanor. By a Class A Misdemeanor it means that it is an offense that is punishable on the maximum side by imprisonment in the County Jail, up to one year, and or a fine of up to a thousand dollars or both, or a fine of up to one thousand dollars or probation or conditional discharge and or a fine of up to a thousand dollars. All of these

dispositions are convictions, which would require the Secretary of State to suspend your driving privileges for a minimum of one year.

On the minimum side, you could be placed upon a period of supervision up to a period of two years. Supervision is not a conviction, which would designate the loss of your driving privileges

Do you understand what I have just said?

THE DEFENDANT: Yes.

THE COURT: Did you discuss what I just said with your lawyer before you stepped up before me today?

THE DEFENDANT: Yes.

THE COURT: Now, with respect to the refusal to take one of the tests requested by this officer. That is an implied consent hearing. And if I should accept your lawyer's agreement as to probable cause in that particular case that means the Secretary of State is in fact going to revoke your driving privileges for a period of six months for your refusal to take one of those tests. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Now, knowing all of this do you still

wish to persist in your plea of guilty?

THE DEFENDANT: Yes.

THE COURT: Now, your lawyer tells me he has entered into a limited agreement with the State's Attorney here. Limited in the sense that there has been no plea agreement as far as the offense of operating a motor vehicle under the influence of alcohol.

MR. NORMAN: Under the influence of alcohol and drugs, your Honor.

THE COURT: Yes. I'll recite that into the record at the appropriate time.

With respect to the offense of improper lane usage and disobeying a stop sign, and on the implied consent, to that extent there has been an agreement between your lawyer and the State's Attorney. I am told and I have to determine now whether or not this is your agreement. Is it your agreement that if I accept your plea of guilty to disobeying a stop sign that you be convicted of that offense and fined fifty dollars payable March 26, 1984; and that the offense of improper lane usage would be dismissed; and on the implied consent hearing that there be a finding of probable cause, which

would necessitate the loss of your driving privileges by the Secretary of State for a period of six months.

Is that your limited agreement?

THE DEFENDANT: Yes.

THE COURT: And did you enter that limited agreement freely and voluntarily and of your own volition?

THE DEFENDANT: Yes.

THE COURT: And do you understand that agreement?

THE DEFENDANT: Yes.

THE COURT: Now, with respect to operating a motor vehicle under the influence of alcohol and drugs on the date in question. Do you understand that there has been no agreement whatsoever? So to that particular charge you're entering what is called a blind plea. Blind in the sense that there is absolutely no agreement between your lawyer, this State's Attorney or this Court, as to what sentence may be imposed. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: And do you understand that if I accept your plea of guilty as voluntarily being made to that charge I may sentence you to any range that I told you about. Do you understand that?

THE DEFENDANT: Yes.

THE COURT: Knowing all of this do you still wish to plead guilty?

THE DEFENDANT: Yes.

THE COURT: Mr. State's Attorney, upon the People demonstrating a separate and distinct factual basis for each of these pleas, I'll accept them as freely and voluntarily being made.

MR. GOBLE: There would be a stipulation that on October 7, 1983 at approximately 12:30 P.M. at the location of 2901 Martin Lane in Rolling Meadows, Cook County, Illinois, the Defendant was operating a motor vehicle and she was operating that motor vehicle in the manner that she was weaving from lane to lane; additionally, she went through the stop sign at that location. The officer was called to the scene and at that time he made certain visual observations about the Defendant. He smelled a strong odor of alcohol. Her attitude was sleepy. Speech was thick-tongued and muffled. Her balance, walking and turning were all in need of support and staggering. And in this officer's opinion after observing many people under the influence of alcohol he felt this Defendant was under the influence of

alcohol.

In addition, a breathalizer test was administered in which the result was point 09. Officer Sleugh (sic) before you, your Honor, in addition had a conversation with the Defendant after having read her Miranda Rights; and at that time she told the officer that she was also under a doctor's care for a prescription drug; that drug being Placidyl at the time this incident occurred.

And it would be a further stipulation that this Court has proper venue and jurisdiction and the Defendant is above the age of seventeen years. So stipulated?

MR. NORMAN: So stipulated.

THE COURT: Very well. And, gentlemen, is there a further stipulation that all the facts recited by the State's Attorney would be the same facts that would support a finding of probable cause on the implied consent?

MR. NORMAN: Yes, your Honor.

MR. GOBLE: So stipulated, your Honor.

THE COURT: Based upon the totality of the foregoing this Court expressly finds as follows: that the Defendant herein is freely and voluntarily

and intelligently entered into a plea of guilty to the offense of disobeying a stop sign and driving a motor vehicle under the influence of alcohol and drugs.

This Court expressly finds that there is sufficient factual basis to support each of the pleas of guilty by Defense counsel's stipulations to the facts recited by the Assistant State's Attorney in support of each of the instant counts.

This Court further finds that the Defendant is freely and voluntarily and intelligently waived her right to a jury; that she has freely and voluntarily and intelligently entered into a limited plea agreement with respect to the improper lane usage, disobeying a stop sign, and the offense of implies consent.

This Court further finds that this Defendant is freely and voluntarily and intelligently entered into a blind plea of guilty to the charge of operating a motor vehicle under the influence of alcohol and drugs on the same date, time and place alleged in the instant complaint; and accordingly a judgment of conviction is entered for the charge of disobeying a stop sign, and a finding of probable

cause is entered with respect to the Implied consent A judgment as to voluntariness only but not as to conviction is entered with respect to operating a motor vehicle under the influence of alcohol and drugs.

That being the case, Mr. State's Attorney, what if anything by way of aggravation?

MR. GOBLE: Nothing, your Honor, other than the facts recited. She has a completely clean driving record.

THE COURT: Mitigation, counsel?

MR. NORMAN: Your Honor, on February 22, 1983 the Defendant was a passenger in a vehicle and was involved in an accident in California, and she sustained several broken ribs and other extensive injuries which caused her to be placed under a doctor's care. And after she had got out of the hospital she had been prescribed the drug in question as set forth by the State's Attorney, and that was the cause of it. And unfortunately, her doctor had not warned her that she could not have a drink and take the drug at the same time.

Your Honor, my client has a completely clean record. She has never been involved in anything of

of this nature before. And I ask your Honor for supervision in this case because of her lack of a prior record. She has been completely honest with the State's Attorney, with the police officer. She did refuse to take the second test but she was emotional at the time and distraught because of the circumstances.

THE COURT: Very well.

MR. NORMAN: And for this reason, your Honor, I ask the Court's consideration of supervision.

THE COURT: Essentially what you're telling me by mitigation that she took prescriptive drugs, the effect of which were potentiated by the effects of alcohol. Is that correct?

MR. NORMAN: Yes, your Honor. She had not been warned by her doctor in this regard

THE COURT: Very well. Miss Koss, for the offense of disobeying a stop sign you are convicted of that offense, fined fifty dollars That shall be payable March 26, 1984. For the offense of operating a motor vehicle under the influence of alcohol and drugs you are sentenced to a term of one year non-reporting supervision to November 1, 1984. You are fined three hundred dollars. You are ordered to attend

the AESP Program and complete that program and abide by any recommendations they make. Failure to comply with that program or comply with any recommendations they make may subject you to contempt of court or violation of your supervisory order which would necessitate a conviction and jail. Do you understand that?

THE DEFENDANT: Yes.

MR. NORMAN: If the Court please With respect to the AESP, the school cannot commence in the month of April because her family is leaving for California early next month, your Honor, and if that could commence at that time.

THE COURT: Commence when?

MR. NORMAN: In April.

THE COURT: I'll leave that in the discretion of AESP. If the AESP people wish to do that I have no quarrel with that. I need a check date. At this point I'll refer her to AESP and I'll check on 3-2[illegible] And if in fact she is in that program or they wish to extend it that is entirely in their discretion. But you will attend the AESP Program and you will complete the AESP Program.

Before you leave this courtroom, young lady,

you'll be enrolled in that particular program. You'll sign the paper through that door. When you leave my courtroom you're also going to receive specifications and conditions of supervision. You are required to live up to all those conditions. Failure to live up to those conditions may subject you to a jail sentence.

Please understand I have a policy in my court. No one violates one of my orders of supervision. If you do, you're going to jail. That's the only recourse that anyone has who violates an order willfully that I impose. It's a policy I enforce and I always enforce it. Bear that in mind. The Secretary of State on a finding of probable cause will suspend your driving privileges for six months in their discretion.

Motion State S.C.L. the remaining offenses?

MR. GOBLE: Yes, your Honor.

THE COURT: Improper lane usage is sustained. Your demand for trial is reflected.

MR. NORMAN: I would have another statement, your Honor. May the Defendant have permission of this Court to leave the jurisdiction this winter and go with her family to California?

THE COURT: I have no quarrel with that. We have

a reciprocal agreement with the Secretary of State of California and all of the U.S. There is no problem.

MR. NORMAN: So she is not in violation of her bond?

THE COURT: No, her bond is enlarged for that purpose for accommodating her family.

I wish to advise you that you have a right of appeal. Before you may perfect that right of appeal you must first appear before this Court within thirty days from today and in writing you file a paper called a motion. And in that motion you must set forth each and every reason why I should give you leave or reason to withdraw your plea of guilty. If I grant you that you may be prosecuted for all of these offenses including the implied consent. If you can't afford a lawyer to help you do this I'll appoint one without charge called a Public Defender.

You are also entitled to a free transcript of these proceedings if you cannot afford one. Do you understand?

THE DEFENDANT: Yes.

THE COURT: Good luck to you.

MR. NORMAN: Thank you.

* * * *

IN THE CIRCUIT COURT OF THE COOK JUDICIAL CIRCUIT
COOK COUNTY, ILLINOIS-SECOND DISTRICT

I, JANICE J LYDON, an Official Court Reporter for the Circuit Court of the Cook Judicial Circuit, Cook County, Illinois do hereby certify that I reported in shorthand the proceedings had in the above-entitled cause: that I thereafter caused to be transcribed into typewriting the foregoing transcript, which I hereby certify to be a true and accurate report of the proceedings had in the above-entitled cause before the Honorable JUDGE FIALA, Judge of said court

Janice J. Lydon
Official Court Reporter

APPENDIX F

November 22, 1983: Examples of recall as categorized by judges

Categories	Examples
Irrelevant Statements	1. "Also, I found it strange that the jury could sentence them so easily." (SS-1)*
	2. "The judge seemed to be a very lenient person when it came to someone who cooperated and listened to their attorney by pleading guilty, but if the person would not listen and cooperate, the judge seemed to give them the biggest fines, probations, and sentences that were allowed under the judicial system." (SS-2)*
Factual and Correct Statements	1. "Are you aware that your plea is a blind plea of guilty and according to the agreement I may impose any sentence I see fit?" (SS-5)*
	2. "Your counsel has made a limited agreement with the States Attorney which does not involve the driving under the influence of alcohol charge." (SS-13)*
Factual but Incorrect Statements	1. "Upon leaving the hospital the woman was driving when a policeman stopped her." (SS-4)*
	2. "Someone after Bataglia was fined $3000.00." (SS-10)*
Summary Statements	1. "Some people were represented by lawyers and some weren't, some plead guilty and some pleaded innocent." (SS-4)*

November 22, 1983 (Continued)

2. "The judge would hear it and ask if the client, if he/she knew what they were accused of and what would happen to them if they all said yes, after that he stated their fines and their convictions." (SS-2)*

*SS = subject

APPENDIX G

EXPERIMENT ONE

Results

A Friedman two-way analysis of variance by ranks (Siegel, 1956) was conducted to determine if differences between "fragment memory" types (i.e., memory for days, months, years, and names) exist. The independent measure was the number of correctly mentioned days, months, years, and names, respectively by subjects in both the court and tape conditions. The dependent measure was the differences between the total rank sum for each of the four types of memory. The effect of "fragment memory" types suggests a significant difference, $\chi^2_r(3, N=30) = 20.39$, $p < .01$.

Four individual chi square tests were conducted to determine differences between groups (court or tape) as a function of their memory for days, months, years, and names. The independent measure was type of group participation and the dependent measure was the amount of recall for days, months, years, and names. None of the four chi squares indicate any significant differences between groups.

A Friedman two-way analysis of variance by ranks (Siegel, 1956) was further utilized to determine differences in memory for categories. The independent measure was the amount of recall for each of the four judged categories (memory for: irrelevant, factual/correct, factual/incorrect, and summary statements). The dependent measure was the total rank differences between these four categories for all subjects. Results indicate a significant difference in memory for categories, $\chi^2_r(3, N = 30) = 69.87$, $p < .0001$.

Four individual chi square tests (Siegel, 1956) were conducted on each of the categories to determine differences in recall between the court and tape groups. Thus, the dependent variables were the amount of irrelevant, factual/correct, factual/incorrect, and summary statements reported by subjects. The independent variable was difference in group participation. There are no significant findings with respect to differences between groups for the irrelevant and summary categories. There is, however, a significant difference between groups with respect to the factual/correct category, $\chi^2(1, N = 30) = 6.56$, $p < .02$, and with respect to the factual/incorrect category, $\chi^2(1, N = 30) = 11.93$, $p < .001$.

EXPERIMENT TWO

Results

A Friedman two-way analysis of variance by ranks (Siegel, 1956) was conducted to determine differences between "fragment memory" types (i.e., days, months, years, and names). The independent measure was the number of correctly mentioned days, months, years, and names reported by subjects in both the court and tape groups. The dependent measure was the total rank differences between each of the four memory types. Results indicate a significant trend, $\chi^2_r(3, N = 28) = 6.88$, $p < .10$.

Four chi square tests (Siegel, 1956) were conducted on the four "fragment" types to determine differences between groups as a function of same. The independent measure was differences between groups and the dependent measure was the total amount of recall for each of the four memory types. Results indicate a significant difference in memory for names, $\chi^2(1, N = 28) = 5.40$, $p < .05$. This finding is inconsistent with the findings of experiment one. The remaining "fragment" types (i.e., days, months, and years) are not found to be significantly different between groups. This finding is consistent with the findings of experiment one.

A Friedman two-way analysis of variance by ranks (Siegel, 1956) was conducted on memory for category material. The independent measure was the amount of recall by subjects for each of the four judged categories (i.e., irrelevant, factual/correct, factual/incorrect, and summary statements). The dependent measure was the total rank differences between the four categories. A significant difference between categories is found, $\chi^2_r(3, N = 28) = 14.84$, $p < .01$. This finding is consistent with the finding of experiment one.

Four individual chi square tests (Siegel, 1956) were conducted on each of the four categories, respectively to determine differences between groups. The independent measure was differences between groups, and the dependent measure was amount of recall in each of the four categories. There is no significant difference between group recall with respect to irrelevant and summary categories. There is, however, a significant difference between group recall with respect to memory for factual/correct statements, $\chi^2(1, N = 28) = 7.65$, $p < .01$ and memory for factual/incorrect statements, $\chi^2(1, N = 28) = 7.35$, $p < .01$. These findings are consistent with the findings of experiment one.

Discussion

It is important to recognize that distribution free statistics limit interpretation of interaction effects. Therefore, a comparison between the results utilizing parametric statistics and results utilizing nonparametric statistics is not quite analogous. The results that utilized a nonparametric analyses appear to confirm the results indicated in the body of the present thesis, even considering the interaction limitation.

Bartlett's finding (1932) that memory is rarely literally accurate and Loftus' finding (1975, 1977, 1979b, 1979c, 1983) that memory is fallible are discoveries. Neisser (1982) suggests that John Dean's memory is accurate and Bridgeman and Marlow (1979) suggest that jurors' accounts are precise. Clearly, a conflict about accuracy of memory can be detected through the above polar opinions. It is suggested here that perhaps both schools of thought reveal partial truth with respect to memory and that the discrepancy lies in the type of memory being assessed. Specifically, Loftus' investigated memory equated here to "fragment memory" while Neisser speaks more about a thematic type of memory. Results from the present study suggest that the "type" of memory a researchers wishes to manipulate is an essential characteristic to consider when making inferences about memory.

Elizabeth Loftus' (1975, 1977, 1979b, 1979c, 1983) suggestion that memory is fallible is supported by the present findings. Clarity of this finding must be presented. Specifically, fallibility of memory is increased within the context of a simulated environment (i.e., tape) and it is further suggested that when individuals encode information in the appropriate natural setting it is likely that they will report a more accurate representation of what has transpired. It is necessary for further researcher to confirm these findings and to focus on those variables that could further confine the limitations of memory.

APPROVAL SHEET

The thesis submitted by Laura Anne Monti has been read and approved by the following committee:

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The final copies have been examined by the director of the thesis and the signature which appears below verifies the fact that any necessary changes have been incorporated and that the thesis is now given final approval by the Committee with reference to content and form.

The thesis is therefore accepted in partial fulfillment of the requirements for the degree of Master of Arts.

Nov. 12, 1984
Date

Mark L. Mayzner
Director's Signature