

Question and Respond Types in Courtroom: A Forensic Linguistics Analysis

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Abstract. Employing forensic Linguistics, this qualitative study describes types of question and respond in Providence, Rhode Island court proceedings. Four transcript case from the Traffic court of Providence, Rhode Island, United State of America were used as corpora in this study. Using Griffith Question Map (Griffiths, 2006) and Cooperative Principle to approach the study. It was found that there are seven types of question raised by judge Frank Caprio (Appropriate Closed Yes/No Question, Probing Question, Inappropriate Closed Yes/No question, Open question, opinion or statement, leading question, and Multiple question) and three types of respond of defendant (Maxim of Manner, Quality, and Relevance).

Keyword: Griffith Question Map, Maxim, Frank Caprio

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1 Introduction

Coulthard and Johnson (2010) mention that forensic linguistic range from courtroom discourse, and legal language to plagiarism. Forensic linguistics is a wide range of topics, including the language used in trials by judges, lawyers, and witnesses; the language of the law itself; the language used in civil cases; and the language used in criminal cases (Shuy, 2007:101). Forensic Linguists use linguistic factors including phonetics, phonology, semantics, pragmatics, etc., to help judges and juries to form and give some information that judges or juries did not know about the hidden meaning from the defendant so judge or juries can make more precise judgments.

In the investigating legal context, judges and lawyers frequently comment that in some cases in criminal investigations there are not any clear or proved evidence to find solutions for the crimes and sometimes some cases are incriminated wrongly and missteps might happen in the courts, so this is a

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problem which this study tries to give a solution for that by considering linguistic features like speech acts and cooperative principles.

The analysis of how this conversation works is what Grice (1975) described as endowed in the now-famous Cooperative Principle. This cooperative principle contains four categories, which are formulated as basic rules or conversational proverbs — a set of norms that language users adhere to enforce communication effectiveness and efficiency. The four maxims are the maxim of quantity, quality, relevance, and the way that conversation participants must adhere to.

The reasons to focus on this topic are to study the language phenomena that appeared during the trial, namely the type of questions by judge Frank Caprio and the defendant's response, whether these questions were answered or violated. The identification of responses is relevant when using Gricean Maxims. Frank Caprio does not seem like the hard-handed judge that others have shown themselves to be over years, though he is fair and judicious in his dealing with people.

2 Method

2.1 Setting

The researcher analyzed the question raised by Judge Frank Caprio during the courtroom proceedings. There are 4 transcripts of cases that the researcher collected from the Caught In Providence Youtube Channel.

2.2 Procedure

After collecting 4 transcripts of cases, the researcher condensed the 4 transcripts to 30 data which split into questions and responses. The analysis process was begun with classifying the types of questions based on Griffith's Question Map and responses based on Cooperative Principle.

2.3 Analysis

The suitable method for this study is forensic Linguistics and textual analysis. The research elaborated the several reasons for forensic linguistics and textual analysis. Questions and responses in courtroom belong to the law and language. At the level of question structure, coercive grammatical forms are strongly over-represented when compared to everyday conversation (Gibbons, 2008).

Moreover, there are several phases which were employed in the present research. The first, the researcher inspected the question raised by Judge Frank Caprio using Griffith's Question Map in order to provide the detail description of the question categories. The second is to inspect the responses using the cooperative principle of Grice to provide the detail description of response categories.

3 Result and Discussion

The analysis of data was presented in following section. The first is analysis of type of questions using Griffith's question Map and following by textual analysis. The second is analysis of type of responses using cooperative principle and following by textual analysis.

3.1. Type of Questions

3.1.1. Appropriate Closed Yes-No Question

The appropriate closed yes-no question belonging to the productive question were asked to the defendant during the courtroom proceedings. It can be shown that thought the questions was answerable by yes or no.

Judge : Okay next matter is matter of angel mendoza. You are angel mandoza?

*Defendant: No your honor, my name is jacquelinerodriguesz, but I was the one with the vihicle.
(Data 7)*

Judge: So you've had a real traumatic situation with the children?

*Defendant: Yeah, I had severe preeclampsia, so I had to go I actually a few days later this might have been when I had to go back to the hospital, I had 103 fever they sent me home and they said okay we'll come you know come back, if anything changes you know take a leave whatever to get the fever down, so it didn't change they went backin there like you have an infection we had to keep you.
(Data 30)*

Data 8 When the judge was asked the defendant about the name, she responded it with –no followed by futher explanation that there is mistake in her case. She used angel mendoza vehicle so the police write the wrong name in that accident. Data 31 when judge was asked about the defendant trauma about the children the defendant respon with yes and following by explanation to support her respon. This process was considered to be appropriate because the fact that it extracted more information which will utilized and presented to give the clear information and eventually will solve the case. Hence, Griffiths and Milne (2006) considered this type of questioning as productive because responses of the defendant make confirmations and followed by their justifications (Solan&Tiersma, 2010).

3.1.2 Aproprate Probing Question

During the court proceeding the judge also ask aproprate probing question to the defendant.

[Judge:] Huh? How many drinks did you have that night?

[Joseph Stocci (DJ):] Um... I was little tipsy for sure and that played a role.(Data 18)

Judge: How old are they?

Defendant: Um right now they are gonna be three months in two days. (Data 21)

Judge: What are their names?

Defendant: Um Huntley and Harley fell (data26)

in the data 18 the defendant asked about how many drink did he have and the defendant give clarification to give vivid information. Data 21 also show the probing question the judge wanted to know the age of the defendant children to make clarification in that case. Data 26, a mother as the defendant asked by the judge about the name of her children.

3.1.3 Inappropriate open question

Inappropriate open question is the open question but there is an interrupt when the question is asking.

Judge: Wait, wait your twin boys were what?

Defendant: I'm they were in the NICU and I (Data20)

Data 20 shown the inappropriate open question when the defendant still gives her explanation but directly judge interrupts the defendant by giving another question to make clarification.

3.1.4 Inappropriate Closed Yes/ No Question

The defendant in the courtroom was given preferences on this type of questioning. Besides this question also known to have polarity of the question. The defendant is only asked to answer yes or no depending on his/her knowledge about the case.

Judge: Do you desire to apologize to the court?

Defendant :Yes, I am (Data 6)

Judge:Alright. Do you work here?

Joseph Stocci: I was hired to DJ at Lupo 's for a night (data 13)

Judge: You were the DJ?

Joseph Stocci : Yes(data 15)

Judge:Oh – did you ever get paid?

Joseph Stocci: No. (data 16)

In the data 6 shown the judge asked th defendant to confirms the defendant attitude to apologize about the defendant attitude in the courtroom and the defendant respond with yes. In the data 13 shown the judge wanted to confirm the defendant workplace. The question answer supposed to be yes or no but the defendant violated the maxim of manner.in the data 15 shown the judge wanted to confirm the job of the defendant is he a dj or not and the defendant answer with yes and confirm the judge question. In the data 16 also show the judge asked question to the defendant to confirm and get the information about the defendant job sallary and the defendant respond with no.The defendant also validated on the material presented in the courtroom especially on its veracity. Yes- No question was identified as appropriate way of interrogation (Myklebust & B. Jorklund, 2006; Griffiths & Milne, 2006).

3.1.5 Leading Question

Leading question or suggestive interrogation was found to be a weak/ poor way of interrogating especially during the cross-examination of the oppsing lawyer. The rules of court (2005) deny anyone to ask this type of question to those ho are testifying in the courtroom whether they are victim/compliment/suspect/accused and the witness. Hence, the following example are taken from judge Frank Caprion ask to defendant:

Judge: Is there anything else you'd like?

Defendant : That's all.(data 1)

Judge: Now is there anything you want to say about that?Um..You understand you have the right against self-incrimination, you don't have to say anything, you understand that?

Joseph Stocci :No, I'd like to say something on my behalf (data 14)

Data 1, and 14 shown the judge asked the defendant or give defendant suggestion to tell anything the defendant want to tell about the case. In this case judge give freedom to the defendant to speak beside the judge wanted to hear is there anything the defendant hide from the judge.

3.1.6 Multiple Question

Multiple questions is there is more than one question simultanioulsy during the courtroom.

Judge: are you gonna get to the point where you can walk without a limp? Or you dont know?

Defendant: yeah, I definitely will your honor because i got four kids. For my four kids have to get up keep walking..i can't let it drop me.(data 8)

Data 8 shown there are multiple questions asking by the judge simultaneously to the defendant to find more information about the accident. The judge asks the defendant that she is gonna get to the point where she can walk without a limp and continued with another question as the choice to the defendant.

3.1.7 Opinion or Statement

Opinion or statement question also important equal to another types of the question. The judge normally sustained the objection and the interrogator has to rephrase the mode of the question.

[Judge:] Was the bouncer bigger than Inspector Quinn?

[Joseph Stocci (DJ):] About the same size. (data 19)

Data 19 shown the judge asked an opinion to the defendant about the bouncer size comparing to inspector Quinn but the judge was give opinion that the bouncer was bigger. This question is considered to be opinion or statement when the judge emmbended their personal views on the context of the question instead of making his question clear and specific and can assure that the witness/defendant has the capacity to respond (Griffiths & Milne, 2006).

3.2 Analysis of responses

The responses of the defendant during the courtroom trial are determined. The cooperative stated that the speaker need to make an observation on the fact or reason embedded on the discursive exchange of relevant information. In the same vein, categorized it into four hich include maxim of Quantity, Quality, Relevance and Manner.

3.2.1 Maxim of Manner

The finding present of the observance of the Maxim of Manner during the courtroom proceedings. It revealed the defendant observed to briefed on their responses on the questions raised by the judge or lawyers as transpired in the transcript. The defendant only give information that is relevant to the question and does not give any futher elaboration of their answer or respond. Briefly, they just simply responded based on what is asked.

Judge : Is that correct?

Defendant :Yes, I do.(data 5)

Judge: Do you desire to apologize to the court?

Defendant :Yes, I am (data 6)

Judge: You were the DJ?

Joseph Stocci : Yes. (data 15)

Judge: Oh – did you ever get paid?

Joseph Stocci : No. (data 16)

Judge: To this day you still haven't been paid?

Joseph Stocci : No.(data 17)

Judge: Are they home now?

Defendant: Yeah (data 27)

In the cooperative Principle which has proposed by Grice (1975), He articulated that one must give the briefest information and in an orderly manner. The response to the question must only be based on what is being asked. Data 5 shown when the judge wanted to confirm the truth from the defendant and then the defendant answer with yes. The question was only answerable by yes or no and no further explanation needed. Data 6 also shown the judge asked the defendant for the apologies of his attitude in the courtroom, the defendant answer by yes I am without give any further explanation. In the data 15 the defendant asked to confirm about his job that he is a Dj. The answer is yes and there is no explanation, in data 16 the defendant also asked about payment for his job and the defendant answer with no without give any further explanation. In data 17 the defendant asked to confirm about his payment again but the defendant also give the answer with no. In data 27 the defendant was asked to confirm about her children which coming back from hospital and the defendant answer with yeah.

The response of the defendant in the courtroom hearing in consonance to the cooperative Principle Of Grice especially maxim of manner. They only gave the information that was asked to them, they did not give any further explanation and elaboration of their answer. The defendant's answer were brief, concise and only based on the context of the question. Additionally, the defendants were asked in this manner to give direct and clear answer.

This further confirmed by Kim (1994) that maxim of manner gives us a set of instruction to give a vivid message in our utterances. In a study conducted by Miller, Lane, Deatric, Young and Potts (2007). Maxim of Manner was utilized especially on the reaction of the participants on controlled language, and on the restoration of freedom on their utterances. However, controlled language was found to have a negative response from the participants.

3.2.2 Maxim of Quantity

The response must be informative as required. It means that the response to the questions must be substantial and can give the clear information of the circumstances. The defendant give much information to protect and substantiate of their credibility as shown below:

Judge : Okay next matter is matter of angel mendoza. You are angel mandoza?

Defendant: No your honor, my name is jacquelinerodriguesz, but I was the one with the vihicle.(data 7)

Judge: Are you gonna get to the point where you can walk without a limp? Or you dont know?

Defendant: Yeah, I definitely will your honor because I got four kids. For my four kids have to get get up keep walking..I can't let it drop me.(data 8)

Judge: Huh? How many drinks did you have that night?

Joseph Stocci : Um... I was little tipsy for sure and that played a role. (data 18)

Judge: Are they home with you?

Defendant: Yeah finally and after a month they finally came home (data 24)

Judge: So you were going to the hospital to visit them?

Defendant: Yeah every single day. it was really hard hearing oh they they weren't breathing in the night.(Data 25)

Judge: And you take care of them?

Defendant: Yeah, all by myself the father walked out the minute I thought he found out I was pregnant so I've been taking care of them all by myself, so it twins their hear.(data 28)

Judge: Don't you you have any help at all?

Defendant: My mom hosts me a little bit, but not really. I don't really sleep. I'm exhausted right now, probably running off like two hours of sleep right now, so, but they're worth it. they're so cute,they're babbling like all the time now (data 29)

Judge: So you've had a real traumatic situation with the children?

Defendant: yeah, I had severe preeclampsia, so I had to go I actually a few days later this might have been when I had to go back to the hospital, I had 103 fever they sent me home and they said okay we'll come you know come back, if anything changes you know take a leave whatever to get the fever down, so it didn't change they went backin there like you have an infection we had to keep you. (Data 30)

In contradiction to Maxim of Manner, Grice (1975) foreground in the Cooperative Principle on the Maxim of Quantity, the amount of information that is helpful to the conversation must be expressed and the substantial information must be apprised. In the Data 7 the defendant was asked by the judge to confirm about the her name who do the violation in that street but the defendant tell that there is mistake in her case, the vehicle is not hers but she was driving . Data 8 also shown the quantity of the defendant respon to the question, the defendant explain that she walking limp to get her children after she get shoot. Data 24, the mother asked by the judge about her children and the mother give response and any futher information. Data 25, the mother who do the violation because to visit her children in PICU and she gave any further expalanation. Data 28, the defendant was asked about her care for the baby and she is give explanation that she is take care for the baby.

In the data 29 the judge asked defendant about she get any help to take care the baby and the defendant answer that her mom helping her but she gave more information to give the clear information to the judge. Data 30, the defendant asked about that she had real traumatic situation about the children and she answer with yeah that she had severe preeclampsia so she had to go to the hospital and she gave any further information to give the clear information.

The proponent (Grice, 1975) made an emphasis that on Maxim of Quantity one must make his/her contribution informative as required. This means that the information shared must have the substance to clarify the details being conveyed. Innocent Participants in conversational experiment were found to have a moderate level of attachment to the utilization of this maxim (Engelhardt, Bailey & Ferreira, 2006). In this manner, it manifest that a conversant needs to be more substantive on their responses to conversation.

3.3.3 Maxim of Relevance

Maxim of relevance was originally called as the maxim of relation. It apprised that the contribution must be appropriate on the event of the conversations. It is stipulated that the speaker's discourse must focus on the goal of his/her question and that the hearer embraced the focus of the goal when replying to the question raised. The following extracts accord that the defendants gave a relevant answer to the question and they did not make any explanation to the matter:

Judge: Is there anything else you'd like?

Defendant : That's all.

Judge: You are here today on the...'contempt of court' citation. You have now been in jail... uh..... for some..... 21 days...How do you plead at this junction to the 'contempt of court' citation?

Defendant: Well, your Honor... I was told... by that gentleman right there that if I plead 'no c...' 'nocompl...' How you pronounce it?(data 1)

Judge: where were you shot? No where ?what place?

Defendant: i was walking thorough the armory park on cranston street um. It's like 11: 30.(data 10)

[Judge:] I notice, sir, you are not from Rhode Island?

[Joseph Stocci (DJ):] That's correct, sir.(data 12)

Judge: Now is there anything you want to say about that?Um...You understand you have the right against self-incrimination, you don't have to say anything, you understand that?

[Joseph Stocci (DJ):] No, I'd like to say something on my behalf. (data 14)

[Judge:]Was the bouncer bigger than Inspector Quinn?

[Joseph Stocci (DJ):] About the same size. (data 19)

Judge: wait, wait your twin boys were what?

Defendant: I'm they were in the NICU and I (data 20)

Judge: How old are they?

Defendant: Um right now they are gonna be three months in two days (data 21)

Judge: So this is when they were real infants?

Defendant: Yeah they were born at 34 weeks in their four pounds(data 22)

Judge: How'd they doing?

Defendant: Their good now it was it was really hard (data 23)

Judge: What are their names?

Defendant: Um Huntley and Harley fell (data 26)

This study present the transcript were it observed the maxim of relevance. As shon in data 1, the answer of the defendant was relevant and within the context of the interrogative. In the data 14 also shown the relance of the defendant responf to the judge's question, defendant giving clear respon for the judge question about defendant want to tell in the courtroom. The data 19 also show the relevance of the defendant asnwre to the judge question about the size of the bouncer and the defendant answer without give explanation. Data 20, the defendant was asked about where is her children and the defendant asnwre was relevant to the interrogative-where and she did not give any explanation. In data 21 also shown the relevance of the defendant answer to the judge question based on the context of interrogaative- how pertaining to the age of defendant children. Again in data 23 the response of

the defendant based on the context of interrogative-how pertaining to the baby's news. In the data 26 also show the relevance of the response of the defendant to the question of the judge.

Emphatically, the findings supported the views of Grice (1975) that one must be relevant and should not give information that does not have significance on the topic. This type of maxim was also upheld in patient-centred activities (Gertner, Webber, & Clarke, 1994). Accordingly, Sperber and Wilson (1986; 2004) talked on the significance of relevance that it is focused on the ability to surmise the context and that our ability to decipher its meaning is a great challenge (Fodor, 1983).

4 Conclusion

There are seven types of the question which Judge Frank Caprio asked of the defendant. These seven types of the question are: Appropriate Probing Question, Appropriate Closed Yes-No Question, Inappropriate Open Question, Multiple Question, Opinion or Statement, Leading Question and Inappropriate Closed Yes-No Question. There are three types of the defendant's responses to the Judge Frank Caprio question during the courtroom proceedings. The first is Maxim of Manner, the second is Maxim of Quantity and the last is Maxim of Relevance.

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