

## Opening Statement by the Prosecution

Good afternoon, ladies and gentlemen of the jury, my name is Maria Foster and I am the prosecutor<sup>1</sup> in this case. As the Judge informed you at the beginning of the trial, the defendant Salvador Sánchez has been charged<sup>2</sup> with two counts of attempted murder as well as other serious felonies<sup>3</sup>. This opening statement is my opportunity to tell you briefly<sup>4</sup> what I believe the evidence in this case will show.

Going back to February 24th<sup>5</sup> of this year it was about midnight or a little after<sup>6</sup> that and a couple of guys that have been friends for a number<sup>7</sup> of years were attending a party here in town.

You'll hear testimony from those two gentlemen, Mr. Vance Smith and Jerry Silva. So Vance and Jerry were at a party along with another friend that was from out of town. And at the party, Jerry started having some discussions with the defendant.

Jerry will tell you that he's known the defendant for a while<sup>8</sup>, knew who he was and knows a friend of the defendant named Jon Guzman<sup>9</sup> who was also present at the party.

At any rate<sup>10</sup>, at some point, everybody left the party, several people were hanging out<sup>11</sup> in the parking lot, it's probably after two o'clock<sup>12</sup> at this point<sup>13</sup>; two in the morning and Vance will tell you that he and the friend from out of town were just sitting in their car and waiting for Jerry who was talking to the defendant and his friend Guzman. At one point<sup>14</sup>, there appeared<sup>15</sup> to be somewhat of a heated<sup>16</sup> argument between Jerry and the defendant but that was it.

Everybody got in their cars and went home - - or actually<sup>17</sup> went back to Jerry's place. In other words, Jerry, Vance and the friend from out of town<sup>18</sup> went to Jerry's residence<sup>19</sup>, it's a duplex<sup>20</sup> on Golden Avenue not that far from University Boulevard. So the three gentlemen go back to Jerry's duplex. By this time it's probably 2:30 or later in the morning. They're just sitting in the living room, listening to some<sup>21</sup> music and talking. Not too much<sup>22</sup> time goes by and there is<sup>23</sup> a knock on the door. Since it's Jerry's house, he gets up and opens the door. Much to his surprise, at the door is this defendant and the defendant's buddy<sup>24</sup>, Jon Guzman.

Jerry stepped<sup>25</sup> outside to talk to them a little bit and find out what they wanted. There was a further discussion and a disagreement. At one point, Jerry tried to go inside his house and was attempting<sup>26</sup> to close the door when the defendant forced his way into Jerry's house and got inside the house followed by<sup>27</sup> his friend Guzman.

Following<sup>28</sup> there was some pushing, of course, since Jerry had tried to close the door, and a fight broke out<sup>29</sup> inside the victim's house. Out of nowhere<sup>30</sup>, the defendant pulls out a firearm<sup>31</sup> and starts shooting at<sup>32</sup> Jerry. Jerry is hit<sup>33</sup> several times, so he turns around and runs away from the scene. Vance comes to help out<sup>34</sup> and he is also shot once, there was a struggle between Vance and this<sup>35</sup> defendant.

The other fellow Jon Guzman is basically<sup>36</sup> just standing there without participating in the fight. According to the testimony that you will hear from the witnesses, this defendant did all the shooting.

Vance runs off, he goes into a bedroom. He's panicking<sup>37</sup>, he goes into a closet, it wasn't like a big walk-in closet<sup>38</sup>, it was just<sup>39</sup> a very small closet. The room is very

dark. He goes on the floor and tries to hide, but you can see he's a fairly<sup>40</sup> big guy<sup>41</sup> and he can't really<sup>42</sup> hide in the closet. Next thing he knows<sup>43</sup>, he hears a voice<sup>44</sup> coming from somewhere in the room saying; "this is for you" and then more shots ring out<sup>45</sup>. Vance felt<sup>46</sup> that he had been shot again but remained still, playing dead and hoping that the shooter<sup>47</sup> would leave.

You will hear Vance telling you how he remained in that closet bleeding, in pain and not knowing<sup>48</sup> if he was going to live or die. He will tell you that he could hear voices outside the room and he also heard noises of windows breaking and furniture being turned<sup>49</sup> over. All this time he forced himself<sup>50</sup> to remain quiet so the defendant wouldn't come back and finish him off<sup>51</sup>.

Meanwhile Jerry, who had been<sup>52</sup> shot three times, had managed to run out the back door, and was lying on the ground bleeding. His friend from out of town had also managed<sup>53</sup> to escape through a window and run to a nearby convenience store<sup>54</sup> to ask for help. The store's clerk and gave the phone to the friend who proceeded to inform<sup>55</sup> the police about the events that had just occurred. Later during the trial, you will get the chance<sup>56</sup> to listen to the tape of that call to the emergency operator.

Shortly<sup>57</sup> after the shootings, the defendant and his friend took off<sup>58</sup> in their vehicle. Soon after, police arrive, paramedics<sup>59</sup> arrive and both men, Vance and Jerry, are taken by helicopter to a nearby<sup>60</sup> hospital. The first officer on the scene got a description of the perpetrators<sup>61</sup> and the get-away car from both victims and their friend and proceeded to radio his dispatcher<sup>62</sup> with the information.

You will **have the opportunity**<sup>63</sup> to hear more about the details of this case as we **present**<sup>64</sup> the evidence to you; but, ladies and gentlemen, after you have heard all the evidence in this case, we are confident that you'll find the State has proven **beyond any reasonable doubt**<sup>65</sup>, that this defendant did attempt to commit murder **upon**<sup>66</sup> Vance Smith and Jerry Silva, did commit **aggravated**<sup>67</sup> battery upon them, did **burglarize**<sup>68</sup> the house and should be convicted of attempted **felony**<sup>69</sup> murder.

Thank you very **much**<sup>70</sup> for your **attention**<sup>71</sup>.

---