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## LINGUISTIC PROPERTIES OF LAWYERS' SPEECH: A CASE STUDY

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The following article is focused on the integrative study of the court trial of Quaneesha Johnson who was accused of her boyfriend's murder. The aim of the paper is to analyze the lawyers' speeches and consider the linguistic and extra-linguistic means evident in them. The importance of the study lies within the outcome of the trial case, and, therefore, it is crucial to find the linguistic elements prevalent in those speeches. The lawyers' speeches are of paramount importance and strictly conditioned by the persuasive and influential strategies and techniques to make an impact on the jury from the standpoint of the verdict to benefit the attorneys. This means that the lawyers are accepted to resort to rhetorical means to sound as convincing and persuasive as possible. Thus, our primary task is to study the speeches through the employment of the method of rhetorical analysis and reveal how artfully, strategically and effectively language is used by the lawyers in the courtroom to affect the court in the decision-making process. To find out the elements of persuasion it was also necessary to look into the semantic, and stylistic properties implemented in the speeches under investigation.

**Keywords:** *lawyers' speeches, linguistic strategies and techniques, discourse analysis, case study, rhetorical means, extra-linguistic features.*

### Introduction

Courtroom interaction differs from social interaction as it is constructed by a specific type of vocabulary typical to legal discourse. Although it is well known that special, legal vocabulary is usually used in courtrooms, the implementation of different stylistic and pragma-linguistic features can also prevail. Namely, lawyers have to construct their speech so as to be heard by the jury as the latter are laymen, not professionals of the legal field. The significance of analyzing lawyers' speeches lies in revealing the underlying message or the impact on the audience to determine whether the utterances

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are true or manipulated. This can be done by analyzing the use of linguistic and stylistic elements in speeches delivered in the courtroom.

Legal discourse is a specialized field where formal language is approved to be used, at the same time it has its own jargon (McCarty, 1989, p. 180; Gozdz-Roszkowski, 2012). Courtroom interaction can be challenging both for the lawyers and the audience, as lawyers should make an effort to interpret their speech in a simple way for the audience, and for the latter to understand the special vocabulary that cannot be avoided. Court cases and jury trials can be exhausting proceedings as lives depend on them. Judges or juries have the heavy duty and responsibility on their shoulder to come to a fair decision and find the defendant either guilty or not. This is done by not only learning about the occurrence or the incident but also listening to lawyers' speeches.

The lawyers' role is vital for their clients as they are the sole representatives for their clients' rights. Even with heavy facts and evidence the jury or the judge may find the defendant not guilty due to the lawyer's professional and skillful manner of presenting the case. For this reason, their speech must be stylistically well organized. Thus, the consideration of rhetoric makes sense.

The rhetorical elements are deeply embedded in the legal discourse, where lawyers strategically use language to persuade and influence the jury (Dauti, 2023, p. 242). The art of rhetoric goes back to Aristotelian times, when it was considered to be one of the highest levels conveying knowledge. Aristotle came up with three components essential for rhetoric: *ethos*, *pathos*, *logos* (Barker, 2015, p.3; Yakutina, Milyaeva, Tarasova, & Rostovtseva, 2020). Another aspect for a good and persuasive speech is the inclusion of certain stylistic devices, since they enhance the process of persuasion. The study has shown that the lawyers tend to use a range of stylistic devices, including repetition, metaphors, etc. to create a persuasive and memorable impact on the jury. These devices contribute to the overall effectiveness of legal rhetoric. Another aspect of good speech presentation relies on the *tone of voice*, *intonation*, etc. A skilled speaker can use prosodic qualities such as pitch movement, speed, loudness, intonation, and tone to achieve a persuasive effect (Durant & Leung, 2016). Taking into consideration all these aspects from the perspective of discourse analysis, it is vital to apply them into the case study of the lawyers' speeches during Quaneesha Johnson's trial, a woman who killed her boyfriend on November 27, 2022.

Quaneesha Johnson, a mother to three children, has killed her boyfriend claiming it to be a self-defense. On November 26, 2022 she went to a club with her friends and was meant to return at about six in the morning the next day. However, when she did not come back, her then boyfriend got worried and called her phone to find out her whereabouts, however the battery of her phone was down. Her boyfriend, Demonte Smith was even more worried since she had informed him before her phone died that she and one of her friends had gotten into a fight. He called hospitals and jails, then her relatives to find out whether there was any news about her. When she called him back

at nine in the morning the next day, he threatened her to hit her when she got home. She called the police and asked for an escort to the house. When the police arrived at the scene, Quaneesha did not go home for another two hours. When she did arrive, Demonte Smith and she got into an argument and the police could not deescalate the quarrel. During that time, she inquired the police about self-defense.

The police gave them some time to calm down, however when they got out of the house, Quaneesha Johnson grabbed her gun and a metal tire iron from her car and went inside, told one of her children to call 911 and say that Demonte Smith had hit her. During the 911 call, they heard the gun shot and her saying *bye* to the victim. Mr. Smith got out of the house and told the police officers: *She hit me in the head with a metal thing and then shot me. Hurry before I die* (“DeKalb woman sentenced”, 2023).

### Unravelling the opening statements of the lawyers

It is essential to note that for the above-mentioned trial there are three lawyers – two prosecutors representing the State and defending the victim’s rights – Furhawn Shah and Jennifer Scacco; and the defense lawyer – Michael Sterling representing the defendant’s rights.

Defense lawyer Michael Sterling’s speech starts with the description of the defendant’s poor and defenseless situation. He targets the police’s actions who had left her on her own against a serial abuser:

*Quaneesha Johnson pleaded for protection, crying for help, and she was left defenseless by police officers who knew better. She was left defenseless against a serial abuser by police officers who knew better.*

(Court TV, August 22, 2023)

Without even taking a closer look, the repeated statement of rhetoric (*left defenseless by police officers who knew better*) is obvious. The defense lawyer emphasizes the defendant’s piteous, vulnerable, and helpless state when mentioning *pleaded for protection, crying for help*, where Ms. Johnson was left to deal with her late boyfriend, the victim of the case, who used to abuse her and planned to do more on the day of his death. Contrary to prosecutor Furhawn Shah’s argument, which highlights the defendant’s irresponsibility, the defense lawyer argued to the jury and judge that the defendant had recently endured her fourth pregnancy and had earned the right to attend her friend’s birthday party. The prosecutor, however, noted that she had left her two children and an infant in the care of her late boyfriend while she went out to party with friends, thus implying that the defendant had both neglected her children and trusted her late boyfriend to care for them,

Furhawn Shah: *The defendant leaves the home and **she's out all night, she's clubbing**, she is missing for **multiple hours** and then **she doesn't return to the house till 11am**. Demonte, like I said, is taking care of the 3 children **all night by himself and all morning**[...].*

Michael Sterling: *Ms. Johnson had just come through her fourth pregnancy. She was two months **postpartum** and **finally** was going to get a night out for her friend's birthday. A night well deserved at the caring through **maternity leave** eight weeks for her two-month-old. **She was going to get a night out. Just to celebrate a friend's birthday.***

(Court TV, August 22, 2023)

When comparing these two ideas describing the same event, we see two sides to the story. The prosecutor obviously is trying to portray the victim as a responsible person taking care of the children without their mother all night till the next morning. He tries to show the careless attitude of the defendant, for he is sure her behavior could by no means be considered pardonable. Mr. Shah also highlights the fight that the defendant and her friends got into, to disclose her violent nature and her tendency to assault others. On the contrary, the defense side depicts the same event totally differently, by explaining that it was only one night that the defendant had gone to party after a heavy pregnancy period, and when she got into a fight, she sent her late boyfriend her location so that he knew her whereabouts. The defense side tries to awaken emotions such as compassion and sympathy towards the defendant, expressed by the lexical units such as *maternity leave*, *postpartum*, etc. In the meanwhile, the prosecutor tries to shift the audience's attention to Ms. Johnson's irresponsible nature towards her family and her aggressive behavior by means of such language units as the defining pronoun **all** in the phrase *she's out all night*, the colloquialism *she's clubbing*, the use of the present indefinite tense to show the continuous nature of her behavior: *She doesn't return to the house till 11am*. The prosecutor's sentence is relayed in the present continuous tense emphasizing actions taking place the whole night, and inferring that instead the defendant was supposed to remain home to take care of her children. From the perspective of semantics, the phrase *by himself* stresses the responsible and caring nature of the victim. The temporal aspect expressed through *all night and all morning*, and *multiple hours* highlights the length of time the defendant had been missing while the victim was taking care of the children without her. On the contrary, the defense lawyer uses past tense, past perfect, and past continuous to describe the event. Upon comparing this with the present tense employed by the prosecutor, it can be deduced that the latter intends to convince in the defendant's irresponsible and careless behavior in general, whereas the defense lawyer wants to

emphasize that the action is over, it was done as the defendant needed a time off. Hence, it should not be mistaken and considered irresponsibility. Mr. Sterling's choice of the adverb *finally* infers the distressing period of time Ms. Johnson has had during her pregnancy for which she was entitled to participate in her friend's birthday party. The use of the repetition should be indicated as a stylistic and rhetorical device as it plays an important role in making a persuasive impact on the audience. In this case, Mr. Sterling repeats the idea of Ms. Johnson's absence breaking the sentence into two short segments: *She was going to get a night out. Just to celebrate a friend's birthday.*

The counterargument continues from the defense side, since the prosecutor was the first to start his speech and tell the story from his own perspective. This gave the defense side a chance to prepare his speech as a counterargument, which he, Michael Sterling, did. Mr. Shah went on describing the victim's concern towards the defendant since the latter's phone was unavailable making the victim and the defendant's aunts to worry about Ms. Johnson. The defense lawyer viewed the same situation from a different angle mentioning that the defendant had two phones, one was her work phone, the other her personal cellphone. Quaneesha Johnson sent her location to Demonte Smith letting him know where she was, and when her phone was unavailable, she plugged it and turned it on seeing multiple missed calls. When the defendant called her aunts back, she explained that she shared her location with her boyfriend, and there was no need to worry.

Furhawn Shah: *Demonte calls her aunts in Philly Rochelle and Andrea and he's worried. And aunts will testify that **he, they** were worried.*

Michael Sterling: *She let Demonte know about the disagreement, dropped him her location so she would know where was at, and went to another spot. So, he would know he dropped in her location he would know where she was at. You would hear that my client has two phones, one because she owns a business, and one is her personal phone. So, my client leaves her business phone in the car, takes her personal phone inside with the location dropped. While she's inside hanging out with her friends, her phone dies. When she comes back out of the place, ready to go home, she plugs her phone up, it has to charge, makes its way up. Gets a call from her aunt, Ms. Rochelle Newell. **Ms. Rochelle Newell says: 'hey, where have you been,** we've been looking for you, Demonte's been looking for you'. **She says: 'Well, I dropped my location so he knows where I'm at.'***

(Court TV, August 22, 2023)

Upon breaking down the sentence, tense forms are similar to the previous ones above, i.e. Mr. Shah's sentence is in present, while half of the sentences of Mr. Sterling is in the past and the other half – in present. Taking a closer look at the prosecutor's second sentence, the choice of the highlighted pronouns *he* and *they* is noteworthy, since the pronoun *they* after *he* plays a convincing role, as it means that not only was the victim worried, but also the defendant's relatives were. Moreover, those relatives can testify to that. Mr. Sterling, however, leads the attention to the fact that the defendant had shared her location with the victim hinting indirectly that the victim had not had a reason to worry about the defendant, or even if he had, he could have checked her location. The defense lawyer chooses direct speech over a reported one: *Ms. Rochelle Newell says: 'Hey, where have you been[...]? She says: 'Well, I dropped my location so he knows where I'm at,'* so that while relaying the interaction between the defendant and her relatives he tries to make the scene lively and present for the jury.

This is followed with threats by the victim toward the defendant which the prosecutor mentions since the State could not hide it as Ms. Johnson's aunts had heard Mr. Smith, but the prosecutor's argument is that the defendant had taken it as a joke, even though she called the police three times. To oppose, the defense lawyer argues that this scared the defendant so much that she called the police three times for them to escort her home.

*Furhawn Shah: And Demonte makes a threat. He says **something along the lines of 'I'm a kick your ass'**. Now, members of the jury, we're not gonna **shy away** from the threat he made. The defendant heard it, the aunts heard it, I'm assuming **ya'll hear** them testify, too, the detectives saw a message. But what I want **ya'll** to pay attention to is the defendant's own statement. Cause she made a statement to the police, and **ya'll** get to **hear** that. And in that statement she says '**oh I was just joking it off, I was laughing it off, I didn't take it serious.**' And this is 2 hours before she even shows up to the house.*

*Michael Sterling: And unlike the prosecutor's categorization of it, he says in those text messages '**when you get home I'm gonna beat your ass on crip.**' '**On crip.**' '**I'm gonna beat your ass on crip.**' That's what he says in those text messages.*

***So my client calls the police. Calls the police. Calls 911. You'll hear that 911 call.** And she says '**I'm getting threats from my baby's father who's at home with my three children. I'm getting threats, and I'm scared to go home. I'm in fear.**'*

(Court TV, August 22, 2023)

Tense form for the prosecutor's passage is a mix including both present and past tenses. In this passage, Mr. Shah also uses direct speech when quoting the victim and the defendant to relay the message for the jury accurately: *I'm a kick your ass[...], oh I was just joking it off, I was laughing it off, I didn't take it serious*. Nevertheless, when Mr. Shah says *something along the lines of* it can be assumed that he is not fully aware of what Demonte Smith's threats to Quaneesha Johnson were, thus the prosecutor improvises or he does not wish to reveal accurately to avoid criticism from the jury. There are many repetitions of the word *hear* – an anaphora in this paragraph, to make an impression that it is a known fact. Besides, the phrasal verb *shy away* according to Collin's dictionary means "If you shy away from doing something, you avoid doing it, often because you are afraid or not confident enough" ("Shy away", n.d.). This indicates that Mr. Shah relays this information only because there is evidence which cannot be concealed. Then the prosecutor shifts the audience's attention to what Ms. Johnson reported to the police in an attempt to emphasize the insignificance of Mr. Smith's threats as they were not taken seriously by the defendant. In the end, Mr. Shah indicates the time it took Ms. Johnson to get home, emphasizing the adverb *even* for a stronger effect to leave an impact: *And this is 2 hours before she even shows up to the house*. The colloquial pronoun *y'all* makes the atmosphere friendly for the jury. Nevertheless, Michael Sterling reveals what Demonte Smith said in reality opposing the prosecutor: *When you get home I'm gonna beat your ass on crip. On crip. I'm gonna beat your ass on crip*. To make it even more convincing, the defense lawyer repeats the same phrase several times, then resorts to the rhetorical device of anaphora through the use of *calls* when mentioning calling the police: *So my client calls the police. Calls the police. Calls 911. You'll hear that 911 call*. The sentences are mostly in direct quoting to leave a convincing impact on the jury about what the threats were, at the same time presenting them as live actions.

According to the prosecutor's narration of the events, Ms. Johnson had declared that her shot would be in self-defense (*Well, I'm gonna shoot him in self-defense* (Court TV, August 22, 2023)). The prosecutor tells the jury and the judge that the pronounced statement infers it was a premeditated murder, and the defendant's intention was conceived right after the victim threatened her in his joint phone call to Ms. Johnson and her aunts. That triggered rage to that degree. The defense lawyer counter argues that the police had left the defendant all alone, defenseless, and she took a metal tire rod and a gun as a protection and then entered the house. The defendant aimed to get her baby, since the victim took it with a dirty diaper and did not want to give it to her. When the victim attacked the defendant, she shot him in self-defense:

Furhawn Shah: *But the evidence is gonna show what actually happened is she set her plan into play. She was embarrassed in front of her family, when Demonte made that threat, so it's time to get rid of him.*

Michael Sterling: [...]leaves her defenseless in a home with a **serial abuser**, who has **threatened** her all night. After she's called the police four or five times. She's scared. The police have left... So, she goes for her protection. She puts her **firearm** in her pocket and she grabs a **tire iron**. Out of the car, things you use to jack the crop, she grabs it, for her protection. She goes to get her two-month-old daughter from upstairs.

(Court TV, August 22, 2023)

The tense form in the prosecutor's segment is a shift from past to present. He described the defendant's feeling in the past tense and shifted it to present to intensify the situation. The idiom *set into play* can be synonymous with "bring into play" or "come into play" meaning "it begins to be used or to have an effect" ("Set into play", n.d.). Contrastingly, the defense lawyer chooses the present tense for this paragraph to relay the information and make it more exciting for the jury. He uses the phrase *serial abuser*, which is semantically rather strong, to characterize the victim. This can be an indicative for the jury to feel empathy toward the defendant and justify the action. In general, the whole passage is full of aggressive vocabulary such as *threatened*, *serial abuser*, *firearm*, *tire iron* expressing the violent atmosphere, hostile emotions and safety measures necessary to have been taken urgently. For making the incident more pitiful, Mr. Sterling tactfully refers to the infant explaining that the defendant took the precautionary steps to get her baby safely. This picture portrayed by the defense lawyer, can evoke compassion towards the baby and the defendant and rage against the victim who was so careless with an infant that he did not bother about its welfare and health, and used it as a pawn: [...] he goes and picks up the **sleeping baby** to bring outside to use it as a pawn, whose diaper is soiled. [...] Brings out a **half-naked baby in the November cold**, whose **diaper's soiled**, so he can use it as a pawn (Court TV, August 22, 2023). The sentence is repeated twice including an emotive content such as *sleeping baby*, *diaper's soiled*, *half-naked baby in the November cold* to affect the jury to show compassion, and sympathy towards the baby and the defendant. The word *pawn* is used in its connotative meaning to convey the idea of "being used or manipulated by someone else" ("Pawn", n.d.).

When we compare the two opening statements, we cannot but notice the degree of pathos in the defense lawyer's speech. He keeps emphasizing the defenseless nature of the defendant, her helplessness and the fact that she was left by herself to enter the house while the serial abuser, her late boyfriend was there, and the infant baby in a dirty diaper was held by the victim out in the cold. The defense lawyer's speech is full of rhetorical means, such as pathos, repetitions, and vivid descriptions of events. The prosecutor's speech, on the contrary, lacks the degree of pathos in it, rather it is more accusatory when he keeps depicting the picture where the defendant instructed her



small child to dial 911 and tell the police that the victim had hit her, explaining it to be child exploitation, since the victim had not hit her according to the defendant herself when giving a report to the police, and including the child in a criminal matter: *She coached her 7-year-old child into saying he hit her and then she goes into police department and says: 'No, Demonte never put his hands on me that day. No Demonte didn't hit me that day'* (Court TV, August 22, 2023). Both speeches include direct speech when they are switching from narration to quotation of what either the police, the defendant, or the victim said. The shift to direct speech puts importance on it, as this way the audience pays closer attention to the events subconsciously. As the lawyers find the key point to be emphasized, they quote the participants. The aim is to make a persuasive impact on the jury or direct their attention to that key statement quoted. Direct speech is quite important in this trial case, since without it, the delivery of speech and events will lack the vitality and the desired impact.

When we look into the structure of the opening statements, both follow the rules of a successful speech. Both lawyers deliver their speech coherently and comprehensively for the listeners to understand them. The events are told in a simpler language lacking strictly professional vocabulary to be apprehended. The goal is not to leave the impression of an educated lawyer, but rather make laymen grasp the events as they want them to. From the perspective of grammar, the sentences tend to include more simple sentences with a subject, predicate and object rather than complex and compound ones typical to legal discourse. Since we have looked into the opening statements, we need to study the closing statements too to be able to have a full picture of the case.

### Insight into lawyers' closing statements

Prosecutor Jennifer Scacco starts her closing statement on emotional tone which introduces pathos into her speech. The prosecutor begins by framing the case as a situation where Ms. Johnson took matters into her own hands, pulling a gun and firing without necessity. This sets the tone for the argument against the defendant: *We are here, ladies and gentlemen, because Ms. Quaneesha Johnson tried to right a wrong on her terms. She **pulled a gun**, and she **pulled a trigger**, when there was no necessity* (Court TV, August 24, 2023). The speech is directed to the jury at this point, addressing them directly and using anaphoric repetition *pulled a gun, pulled a trigger* which has two connotative meanings respectively. In the first case, to *pull a gun* means to get it out ("Pull a gun", n.d.), while to *pull a trigger* means to shoot ("Pull a trigger", n.d.). The beginning of the speech is very vividly concentrated on the sentiment and feelings, and this is one of the persuasive rhetorical means. She wants to make an emotional impact such as sympathy, empathy, care, and pity on the jury members by targeting the lifeless essence of the victim, and humanizing Mr. Smith while talking about him.

*Mr. Sterling in his opening statement called this man a **serial abuser** 10-15 times, but **he** does have a name. His name is Demonte Smith. **He** was a father, **he** was a son, **he** was a friend, and **he** was a member of the community. **He** had and has people who cared deeply about him. **He** wasn't perfect, but **he** didn't deserve to die. Like anyone else in this courtroom, **he** was not perfect. And like anyone else in this courtroom, Demonte Smith deserved an opportunity in his life to redeem himself of any of his **faults**.*

(Court TV, August 24, 2023)

Ms. Scacco tries to invoke emotions toward Demonte Smith who was killed while being someone important in another person's life. This is a rhetorical strategy to create empathy for the victim and to counter any negative portrayal presented by the defense side. It can be discerned from the indirect way of devaluing and discrediting the defense lawyer's opening statement when he addressed the victim as a *serial abuser*. The intention is not direct, nor is it obvious, however the impact of the intention lies in its content which, although covert, has its desired effect on the jury. The prosecutor then addresses the jury directly by firstly mentioning that they are not perfect either so they should be impartial when coming up with a verdict. They should pay attention to the fact that even though the victim was an abuser, he had a right to be forgiven and to live. Ms. Scacco instructs the jury to put aside what the law enforcement should have done and concentrate on what the defendant did though she could have avoided doing it. The prosecutor directs the jury to disregard and ignore any public opinion or any emotional state or feelings that they have and to only consider the evidence. From a stylistic perspective, it is worth noting the anaphoric repetition of the third person singular pronoun *he* emphasizing that the victim was a person and should be identified as such instead of the strong and aggressive phrase *serial abuser*. The employment of the word *faults* introduces a euphemism in the prosecutor's speech and reveals her attempt to minimize the negative behavior of the victim for the jury and evoke pity towards him.

The beginning of the prosecutor's speech, as mentioned above, is purely an emotional appeal, but she contradicts herself by instructing the jury to disregard any emotions and feelings they experience. This can also be indicative of manipulation, since the message behind this can be interpreted as follows: "I am allowed to base my decisions on the way I feel about the situation, and I am providing my speech pathetically, targeting your emotional state, however you have no right to reach a verdict rooted from your feelings and state of mind". She then proceeds explaining to them the concept behind reasonable doubt<sup>1</sup>, using the analogy of a torn dollar bill, saying that it may not be perfect but they can recognize that it is a dollar bill:

*This is the example that I oftentimes use to explain what reasonable doubt is. There were some times dollar bills in circulation which were really **messed up**. There would be writing on it, sometimes it will have been torn in half, and there would be **like** a tape putting it back together, there might be a corner missing, **scribbles all over it, right?** But it wasn't perfect. But you knew what it was. And you would actually pass it at the store because you knew what it was. So, if something's perfect but did you have a reasonable doubt that is an actual dollar bill, no you didn't and you would go to the store and you would pass it, it's much **like** this puzzle. So, there's pieces missing, there's pieces missing, is it perfect? No. But do you have any doubt based on what you see in there that that is **a one-dollar bill**? No, you don't. So, it's not perfect, but you still can find that and you still can come to that decision.*

(Court TV, August 24, 2023)

The prosecutor employs analogical reasoning, comparing the concept of reasonable doubt to the recognition of a damaged dollar bill, and this helps make the abstract concept of reasonable doubt more tangible and relatable. The vocabulary is informal, including colloquial expressions such as: *messed up*, *scribbles all over it*, *like*, and the use of the tag question *right?* which make the speech more comprehensive and easier to grasp. The sentence also includes rhetorical questions, i.e., the prosecutor asks a question without expecting a reply, just the opposite, continuing to explain the situation. This choice of language elements enhances the relatability and accessibility of the explanation. The example can be considered mediocre and unacceptable, as Ms. Scacco goes on saying that the case is the same as the provided example – there may be some pieces missing, however if the jury recognizes that it is *a one dollar bill* then they should come to that decision. In this case, Ms. Scacco disregards the fact that Ms. Johnson is another human being sitting there waiting for a verdict which can be life-changing in its worst way, nevertheless, Ms. Scacco instructs the jury to reach the verdict of charging the defendant guilty even though there may be pieces missing from the case.

The prosecutor then brings up the charges presented by the State, which they have to prove beyond reasonable doubt, and one of them is malice murder. Ms. Scacco explains the jury in legal terms what malice murder is and she bases the charge upon the defendant's interjection *bye* considering it, as she puts it, *an indifference to human's life*.

*Ask yourself whether there was **indifference to human life after she shot Demonte Smith, after he's screaming in pain, after he falls on the ground** when she says 'bye'. State submits that shows an **indifference to human life**.*

(Court TV, August 24, 2023)

In the passage above, Ms. Scacco uses the anaphoric repetition of the adverb *after*, together with the rhetorical component of pathos including such pathetic phrases as *screaming in pain*, *falls on the ground*, and the accusatory phrase *indifference to human life*. The sentence is a shift from the past to the present continuous tense, then again to simple present, describing the past event, then transitioning it into a live action for the jury to relive the scene. In this case, when the prosecutor can come up with charges basing them upon the way she interprets or feels about the interjection uttered by the defendant during the time of the killing, there arises a question – why she, the prosecutor, instructs the jury to pay attention to the evidence only without considering the *background noise*?

*Everything other than those critical few moments, I submit to you as a **background noise**. Everything that they have tried to throw in about Demonte Smith's background, it's **background noise**.*

(Court TV, August 24, 2023)

These two instructions contradict each other, as according to Ms. Scacco, the interjection *bye* is critical, yet the rest are *background noise*, although every element of the case should be interpreted, analyzed and acknowledged before the jury reaches a verdict, especially when the verdict refers to heavy charges brought about by the State.

The prosecutor challenges Ms. Johnson's claim of self-defense, questioning the reasonableness of her fear for her life. Ms. Scacco points out inconsistencies in the defendant's behavior before, during, and after the incident, aiming to undermine the credibility of the latter's self-defense argument. The prosecutor highlights the defendant's actions leading up to the confrontation, such as obtaining a gun and a tire rod, instructing her children to call the police, and walking upstairs to confront Demonte Smith. This is presented as evidence that Ms. Johnson was the aggressor and not acting out of fear for her life. The prosecutor uses contrast and antithesis to underscore the key points. For instance, the contrast of Ms. Johnson's claim of fear for her life with her seemingly relaxed attitude in the 911 call creates a sharp distinction that supports the argument against her self-defense claim:

*[...] if she took them so seriously then why in her first 911 call was, she laughing? Why is she telling detective Knight that when*

*she first heard these threats or when Demonte was saying these things to her allegedly, she, quote, 'was joking it off'? That isn't someone who's taking those seriously. Why then is she saying to 911 on the third call, quote 'I'm not worried about my safety'? But now, here in court it's 'I was **scared** for my life, I was crying for the police not to leave, I thought my life was in danger', when minutes prior she's telling 911 'I'm not worried for my safety'.*

***She** goes to her car. **She** gets the gun. **She** gets the tire rod. **She** goes in the house. **She** prepares for it. And I remember what she testified. **She** said 'I was **scared**'. **She** says 'I was **scared**'. But being just simply **scared** is not enough to pull the trigger of a gun. You can't just be **scared**. You have to be in real reasonable fear that your life is in danger.*

(Court TV, August 24, 2023)

There are several questions touched upon by the prosecutor that can be considered rhetorical though constructed as general questions. These are rhetorical as Ms. Scacco cannot expect any reply to those questions from the jury. The reason for the choice of rhetorical questions is to provide information through an interrogative sentence affecting the audience to process the discussed problem. The paragraph includes numerous repetitions regarding the same idea and actions by the defendant to invite the jury to process the repetitions and conclude the lack of reasonable fear. The sentences in the second paragraph are short with the anaphoric repetition of the pronoun *she* to emphasize it was the defendant who did all this at all times with an intention to do what she did, i.e., kill Demonte Smith.

Ms. Scacco instructs the jury to disregard the victim's history as it is a *background noise*. The phrase is used metaphorically to minimize the significance of certain details presented by the defense lawyer. The prosecutor urges the jury to focus on the critical moments when Ms. Johnson pulled the gun and walked upstairs, as the prosecutor wants to emphasize that everything else presented is *background noise*. This aims to narrow the jury's focus to the key actions relevant to the charges. From this argument, it can be inferred that the prosecutor takes the defendant's speech word for word and interprets that being scared is not equivalent to being in fear for life. Thus killing in this case is considered to be as a felony and malice murder. However, does this not mean that Ms. Scacco is also making an assumption instead of genuinely analyzing the facts? Since the defendant uses the word *scared* instead of "terrified", the prosecutor takes the chance to explain that the word *scared* is a euphemism and cannot be considered a good reason for self-defense.

To counter the State's argument, the defense lawyer relays the story and the facts from another perspective. Michael Sterling's closing statement starts on the same note

as the prosecutor's – emotional appeal full of pathos. He describes his situation quite pathetically to the jury leaving the impression of his honesty and sincerity about the case and the situation in question:

*Ladies and gentlemen of the jury, let me make a **confession**. I've got butterflies in my stomach, my palms are sweaty, I've got palpitations in my heart. **I am nervous, nervous**. I've been doing this a while since I was 24 practicing law, 41 now. Never had a case like this, and out of all the lawyers that Ms. Johnson could have chosen in Atlanta, Georgia, she chose me, this mother of three, chose me to represent her in this case. **I couldn't eat lunch; I couldn't do anything** except of think about what I could say to make sure you understood the important points that came across in this case, the important points that Ms. Johnson had no intention of doing harm or ill-will to anybody on this night in question.*

(Court TV, August 24, 2023)

The closing statement starts with addressing the jury directly and pathetically. Making such a *confession* may have a direct result on the jury if interpreted as honesty. Firstly, providing such a heart-wrenching speech before getting into the main idea, may be convincing for some. To make it even more persuasive, Mr. Sterling uses repetition and emotive language, e.g. *I am nervous, nervous; I couldn't eat lunch; I couldn't do anything[...]*, etc. for reaching better results.

Subsequently, the defense lawyer opposes the prosecutor's statement about the defendant's intention by arguing that the latter called the police three times which proves the lack of intention for killing or harming the victim. Mr. Sterling describes Ms. Johnson's helpless and defenseless position disregarded by the police. The defense lawyer's tone of voice is very vigorous and animated. He speaks quite loudly, the way he speaks and introduces the situation or his counter arguments sound rather aggressive. Based on the situations Mr. Sterling is describing, or the arguments he is bringing, his mannerism and tone of voice change accordingly. Mr. Sterling's voice cracks and breaks, the tone of voice goes lower when he speaks about the defendant's helpless situation, and becomes amiable and animated when he counter argues the prosecutor's statements. When he continues his speech he displays energetic and passionate mannerism and behavior.

*And when we look at all the circumstances, all her actions in **trying** to plead for help, in **trying** to get protection, **trying** to get police intervention, you know that she had no **intent** towards anybody that night. She asked for help, pleaded for protection, and*

*she was left defenseless by police officers who knew better. She was left defenseless by police officers who knew better. Now the state calls a **background noise**. The state would have you **do** what the police officers **did** that night and what they're **doing**, ignore the **intentions** of Demonte Smith. That's what they want you to do, ignore the **intentions** of Demonte Smith, the person who announced time and time again what his **intentions** were that night. The only person who repeatedly announced their **intentions** that night was Demonte Smith confirmed by the detective[...]*

(Court TV, August 24, 2023)

The provided segment includes all the emotions discussed above in addition to several repetitions: *trying, she was left defenseless by police officers who knew better, background noise, do/did/doing, intent/intention?* among others. The paragraph includes accusatory tone towards the police officers who have not protected Ms. Johnson and towards the prosecutor who wants the jury to disregard the intention of the victim and consider everything a *background noise*, to disregard the main details by labeling them a *background noise*.

Despite providing information and facts employing all his efforts to sound emotional and angry, Michael Sterling also demonstrates how Mr. Smith had allegedly thrown Ms. Johnson on the ground before. Mr. Sterling gently throws Ms. Johnson on the ground and explains that his and the victim's height and physique are alike. Besides, the defense lawyer uses such phrases as *guns blazing*, and he also demonstrates with his hands the shooting, enhancing the listener's ability to visualize the scenario: *She could have gone guns blazing. 'Should I have to back down? You've been threatening me all night, you come at me now, I'll shoot you* (Court TV, August 24, 2023). Added to this, Mr. Sterling angrily quotes Demonte Smith's threats to Ms. Johnson: *I'm going beat your ass on crip*. Hence, his tone of voice in this case is of special interest since the defense lawyer does not state it emotionless, while at the same time stating the quote in such an angry and furious manner that it may sound as if those threats were addressed to him personally or to his own wife/daughter. Mr. Sterling's attempt to defend his client appears to be very honest and sincere, as his tone of voice always changes according to what he narrates. When he narrates his defendant's helpless situation, her being a single mother who was scared to go home after the threats, his voice sounds in a falling tone, which includes sympathy and empathy, and the defense lawyer wants to transfer these emotions to the jury. When he speaks about the threats by the victim and the accusations by the prosecutor, the tone of voice rises, sometimes even to an outcry or a bawl since he, Mr. Sterling, gets angry and also wants to underscore the wrong accusations and dishonest attitude. Nevertheless, when a person shouts or speaks in an angry tone, they may not achieve the desired effect from

the audience, as a loud and angry tone triggers people causing them to think that whoever speaks loudly may be at fault, and it is their way of justifying themselves, although this may not be the case, for it can also express the reaction towards the unfair accusations. The consideration of the discussed aspects unfolds Mr. Sterling's efforts to sound persuasive for the jury, proving the defendant's self-defense verdict. A great example for consideration is as follows:

*The only person who repeatedly announced that they were going to do something to hurt somebody that night was Demonte Smith. But they want you to look at her and say 'murderer'? **They want you to look at Ms. Johnson and say 'murderer'? You heard Ms. Johnson take the stand, why, why was the threat so serious?** Why did you take it seriously? Well, Mr. Smith had been abusive to her before. And no, she didn't report it to the police but she told his mom, asked his mom for help, she told her aunt, Michelle Noor, asked her for help. Michelle Noor talked to him; his mom talked to him. She said: **'Look, I know his situation, he just got out of jail. I don't wanna get him jammed up. He's the father of my child, but he slammed me on my face. Can you talk to him, can you get some help?'***

(Court TV, August 24, 2023)

While stating all this, Mr. Sterling's tone of voice changes constantly from rising to falling. The defense lawyer's voice shrieks when he utters *murderer* and sounds angry. But then his tone calms down, and his speech becomes relaxed when he speaks on behalf of Ms. Johnson: *Look, I know his situation, he just got out of jail*. The way he speaks and his mannerism during the whole process is animated, passionate and dynamic. In our opinion, this is a very good way of presenting one's speech, as it keeps the audience focused on what he is saying. Besides, this helps him transfer his own emotions to his listeners, often shifting from the third person to the first when using direct speech, thus keeping everyone tense and attentive. He also uses a rhetorical question without expecting any answer, rather stating the prosecutor's accusation and label towards the defendant: *They want you to look at Ms. Johnson and say 'murderer'? You heard Ms. Johnson take the stand, why, why was the threat so serious?* This is a tactic to point out the impertinent accusation towards the defendant, its absurdity and preposterousness. Another peculiar aspect of the defense lawyer's speech to be noted is that he kept discrediting the prosecutor's speech and authority.

Mr. Sterling's speech is abundant with many cases of direct speech although sometimes he even addresses himself in the third person, asking questions and putting forward a hypothetical.



*It conveniently left out the fact, that she does one more thing, gives both of her daughters the phone and says: 'call 911'. Mr. Sterling, why is that important? Again, it goes to intent.*

*[...]You saw the police officers take the stand, each and every one of them, coached well, well-rehearsed:*

*- Did she **seem** scared to you?*

*- **No.***

*- Did she **seem** a little afraid to you?*

*- **No.***

*- She **seemed** frightened to you?*

*- **No.***

*[...]Or what would you do if your girl was out all night?*

(Court TV, August 24, 2023)

The provided example is full of direct speeches including also rhetorical and hypothetical questions. The use of direct speech during court interaction keeps the events live and vivid for the audience to better understand what has happened and how. This is done quite professionally which can even confuse the listener as when Michael Sterling shifts to direct speech, it seems he is the defendant himself. In the passage adduced above, the direct speech is the conversation between the witness and the one of the lawyers during the trial. In Mr. Sterling's belief, the police officers were trained to answer the questions with negative *no* to the questions whether the defendant seemed to have been afraid or not. The questioning has the word *seem* which does not mean "for sure", "certainly", "definitely", "it means can be", "is possible". The defense lawyer's address to himself in the third person, shows his intention to separate himself from the rest as a speaker, at the same time constructing the question as a rhetorical one, he answers the question he has himself raised for the jury. In the end, the defense lawyer constructs another question hypothetically giving the jury an opportunity to imagine the same scenario from their own perspective. There are other examples of rhetorical questions in his speech:

***Was she supposed to let him beat her up, first? Again? Was she supposed to only shoot after she got brutalized? Again?***

(Court TV, August 24, 2023)

The repetitions of *again, was she supposed to*, the rhetorical questions expressed through the passive voice, the choice and arrangement of the words enhance the persuasiveness of the argument, the clear narrative, and legal references contribute to its overall effectiveness.

Mr. Sterling proceeds to say that he did not have to *lift a finger* during this trial, however he did so for the jury to learn about the true events as they had taken place. In

this way, he emphasizes the fact that the case is very obvious and transparent, there is no burden of proof against the defendant, and the prosecutor cannot prove her guilt beyond reasonable doubt.

*And there was burden on her to put up any evidence, **I didn't have to call a witness, I didn't have to cross-examine anybody, I didn't have to ask any questions.** Ms. Johnson had no, no obligation to testify, I could have just sat there, let them do everything and then come up here and said: 'this is reasonable doubt', and I have no obligation to do anything but **I wanted you to know Ms. Johnson's story. I wanted you to know the truth. I wanted you to help me search for the truth.** Ms. Johnson's presumed innocent and when we raised an affirmative defense as we have in this case, the State not only has to prove her guilty beyond a reasonable doubt, they have to disprove the affirmative defense of self-defense justification beyond a reasonable doubt.*

(Court TV, August 24, 2023)

This segment, as many others, has several anaphoric repetitions: *I didn't have to* and *I wanted you to* that was repeated three times. *I didn't have to* proves the defense lawyer's intention to convince the jury of the transparency and simplicity of the case, the innocence of the defendant and lack of proof towards her. Hence, no effort could have been made by either Mr. Sterling or Ms. Johnson. Nevertheless, the defense side wanted to reveal the details of the incident to prove the defendant's innocence. The trick here is to persuade the jury that the defense lawyer is providing the events, putting his client on the stand, cross-examining the witnesses just for the jury to understand and unravel the real story behind the incident.

Mr. Sterling emphasizes that since Ms. Johnson called 911 multiple times, and tried to get help, she had no intent of assaulting, hurting, most importantly, killing anyone. This means that Ms. Johnson acted in self-defense to protect herself from the expected assault that had been uttered before she had called 911. In a larger context we can see that the defense lawyer tends to disagree with the prosecutor who wants the jury to *search for semantics*, i.e. draw the jury's attention to unimportant and trivial facts unrelated to the discussion (Merriam Webster Dictionary n.d.), whereas he wants the jury to *search for the truth*. The use of repetitions (*play semantics, search for semantics, search for the truth*), and metaphors (*play semantics, search for semantics*) in a lively manner makes the lawyer's speech more persuasive:

*And look, the state wants **to play semantics.** They want you to **search for semantics**; I want you **to search for truth.** They're*

*trying **to search for** a little **semantic** here and there. All she did kind of laugh on the phone. She did kind of say this, but wait a minute, use your common sense, and consider all of the circumstances – calls 911; asks for help; calls again; waits, then waits; doesn't go to the house; calls 911 again; talks to officer Lany two times on the phone; triggers her alarm system; goes down and flags down the police officer and still doesn't go in to that home until she has a police escort. Think about, that's her home. Her name's on the lease, she pays the rent, it's in her name, her children are there, but **they wanna play semantics**, and I'm just trying to ask you **to search for truth**. She didn't go there and she waited for the police because she was scared because she was in fear, because of the threats that he made to her that night, because of his announced intention to beat her. Those circumstances, those facts, all of that has to be considered by you, not their **search for semantics, the search for the truth**.*

(Court TV, August 24, 2023)

Another noteworthy aspect that should be mentioned lies within the following paragraph:

*Defendant is justified in using force and is intended or likely to cause death or serious bodily injury when they reasonably believe that the use of such force is necessary to prevent death or serious bodily injury to themselves or others, or the commission of a forcible of felony which means a felony that involves the use of force or violence against themselves or another. So, it doesn't have to be as the state proffer 'well he didn't have a weapon. He didn't have anything'. Point six foot one, six foot two, two hundred and fifteen pounds, much bigger than her. In that moment she can believe that he's about to do a serious bodily injury to her.*

(Court TV, August 24, 2023)

Considering this paragraph both from the prosecutor's viewpoint and the defense side shows how the same law can be interpreted in different ways. The prosecutor states that one cannot feel scared and kill, while the defense counter argues pointing the physique of the victim, which can be intimidating, causing reasonable fear that can force one to kill. This leaves the audience to interpret as best as they can using their common sense and judgement, so as not to be manipulated from either party.

To summarize the information, the jury came out with a verdict finding Quaneesha Johnson guilty of voluntary manslaughter, two counts of aggravated assault – family violence, two counts of third-degree cruelty to children, and possession of a firearm during the commission of a felony. The jury did not find Ms. Johnson guilty of malice murder which was posed by the State.

### Conclusion

In sum of the case study, it is important to note that the defense and prosecution present contrasting narratives, each employing distinct linguistic, rhetorical, and stylistic strategies in their speeches. While portraying the defendant as a vulnerable, defenseless individual, left by herself to face a serial abuser, the defense lawyer skillfully uses pathos, vivid descriptions, and direct speech to gain compassion and understanding from the jury. As seen, in making the speech more effective, the role of the Aristotelian components and the employment of an appropriate tone of voice, pitch movement, and intonation are decisive. Such linguistic units are of paramount importance in this case from the viewpoint of an effect on the jury's decision in finding the defendant not guilty of malice murder. Michael Sterling's ability to construct his speech skillfully, no doubt, influences the jury's decision and brings to the outcome produced.

Meanwhile, the prosecutor uses a more accusatory tone, aiming to humanize the victim and emphasize the defendant's irresponsible behavior towards her children and her late boyfriend. The emotional appeals, analogies, and rhetorical questions contribute to the persuasive impact of his speech.

As to the closing statements, both sides continue to employ rhetorical devices to affect the jury. The prosecutor targets the emotive state, urging the jury to focus on the victim's rights and questioning the reasonableness of the defendant's fear. In contrast, the defense lawyer defends the defendant's actions, using direct speech, repetitions, and vivid demonstrations to highlight the threats from the victim and the defendant's lack of intention to cause any harm.

Throughout the trial, both sides strategically build the story emphasizing the key points and attempting to guide the jury to their desired point. The effectiveness of these linguistic, rhetorical, and stylistic means play a crucial role in the jury's decision-making process. The State won the case due to their skillful and effective speech. In the meantime, it can also be suggested that the defense side was not totally a failure also due to the utilization of emotive language, applying different intonations in his voice, rising and falling tones, for the sentence was not fully charged as the prosecutors had stated. Thus, rhetoric plays a significant role in legal discourse. Hence, lawyers strategically employ it to reach the desired effect. Each attorney in the case under investigation got the result more or less in their favor, and this is due to skillful speech construction and artful delivery.

### Notes

1. The terminological combination “reasonable doubt” was originally created in the meaning of protecting the jurors’ souls against damnation. (Whitman, 2008).

### Conflict of interests

The author declares no ethical issues or conflict of interests in this research.

### Ethical standards

The author affirms this research does not involve human subjects.

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### ՓԱՍՏԱԲԱՆԱԿԱՆ ԽՈՍՔԻ ԼԵԶՎԱԿԱՆ ՅՈՒՐԱՀԱՏԿՈՒԹՅՈՒՆՆԵՐԸ. ԴԵՊՔԻ ՈՒՍՈՒՄՆԱՍԻՐՈՒԹՅՈՒՆ

#### Զարա Հայրապետյան

Հոդվածն ուսումնասիրում է Քուանիշա Ջոնսոնի դատավարության գործընթացը, որին մեղադրում են իր զուգընկերոջ սպանության մեջ: Աշխատանքի նպատակն է վերլուծել փաստաբանների ելույթները և վեր հանել դրանցում կիրառվող լեզվական ու արտալեզվական այն միջոցները, որոնք օգնում են փաստաբաններին իրենց համոզիչ ու ազդեցիկ խոսքով հասնելու որոշակի արդյունքի դատավճռի ելքի առումով: Փաստաբաններն, իրենց խոսքում տարբեր հոետորական միջոցներ կիրառելով, կարողանում են առավել համոզիչ ազդեցություն թողնել երդվյալ ատենակալների վրա և հասնել իրենց պաշտպանյալների հարցի դրական լուծման: Այսպիսով, մեր հետազոտության առաջնահերթ խնդիրն է ուսումնասիրել փաստաբանական ելույթները հոետորական վերլուծության մեթոդի կիրառմամբ և բացահայտել, թե ինչպես են փաստաբանները կարողանում իրենց ճարտար խոսքով լեզուն արդյունավետ ձևով օգտագործում դատարանի դահլիճում՝ որոշումների կայացման գործընթացում դատարանի վրա ազդելու համար: Համոզիչ տարրերը բացահայտելու համար ուսումնասիրել ենք նաև ելույթներում կիրառվող լեզվական միավորների իմաստային և ռճական բնութագիրը:

**Բանալի բառեր՝** փաստաբանների ելույթներ, լեզվական ռազմավարություններ և տեխնիկա, դիսկուրսի վերլուծություն, դեպքի ուսումնասիրություն, հոետորական միջոցներ, արտալեզվական առանձնահատկություններ: