

VINNY: Your honor, the defense calls as its first witness, Mr. Sal / Ms Mona Vito.

TROTTER: I object your honor, this person is not on the witness list

VINNY: This witness is an expert in the field of automobiles and is being called to rebut the testimony of George Wilbur. Your honor, would instruct the bailiff to escort Mr./Ms. Vito to the witness stand please.

VINNY: Mr./Ms. Vito, you're supposed to be some kind of expert in automobiles, is that correct? Is that correct?

JUDGE: Can you please answer the counselor's question?

MR/MS VITO: No. I hate him.

VINNY: Your honor, may have permission to treat Mr./Ms. Vito as a hostile witness?

MR/MS VITO: You think I'm hostile now, wait until you see me tonight.

JUDGE: Do you two know each other?

VINNY: Yeah, he's/she's my partner.

JUDGE: Well that would certainly explain the hostility.

TROTTER: Your honor, I object to this witness. Improper foundation. I am not aware of this person's qualifications. I'd like to voir dire this witness as to the extent of her expertise.

JUDGE: Granted. Mr. Trotter, you may proceed.

TROTTER: Mmm - hmm, Mr./Ms. Vito, what's your current profession?

MR/MS VITO: I'm an out-of-work hairdresser.

TROTTER: "Out of work hair dresser." Now, in what way does that qualify you as an expert in automobiles?

MR/MS VITO: It doesn't.

TROTTER: Well in what way are you qualified?

MR/MS VITO: Well, my father was a mechanic. His father was a mechanic. My mother's father was a mechanic. My three brothers are mechanics. Four uncles on my father's side are mechanics.

TROTTER: Mr./Ms. Vito, your family's obviously qualified, but, uh, have you ever worked as a mechanic?

MR/MS VITO: Yeah, in my father's garage. Yeah.

TROTTER: As a mechanic?

MR/MS VITO: (Shakes his/her head - "yes")

TROTTER: What did you do in your father's garage?

MR/MS VITO: Tune-ups, oil-changes, brake relining, engine rebuilds, rebuilt some trannies, rear ends.

TROTTER: Ok. Ok, but does being an ex-mechanic necessarily qualify you as being an expert on tire marks?

MR/MS VITO: No, it doesn't. Good-bye.

JUDGE: Sit down and stay there until you're told to leave.

VINNY: Your Honor, Mr./Ms. Vito's expertise is in general automotive knowledge. It is in this area that his/her testimony will be applicable. If Mr./Ms. Trotter wishes to voir dire the witness as to the extent of his/her expertise in this area, I'm sure /he's/she's going to be more than satisfied.

JUDGE: Ok.

TROTTER: Alright. Alright. Now, uh, Mr./Ms...Vito? Being an expert on general automotive knowledge... can you tell me what would the correct ignition timing be on a 1955 Bel Air Chevrolet with a 327-cubic inch engine and four-barrel carburetor?

MR/MS VITO: That's a bullshit question.

TROTTER: Does that mean that you can't answer it?

MR/MS VITO: It's a bullshit question. It's impossible to answer.

TROTTER: Impossible because you don't know the answer!

MR/MS VITO: Nobody could answer that question.

TROTTER: Your Honor, I move to disqualify Mr./Ms. Vito as an expert witness.

JUDGE: Can you answer the question?

MR/MS VITO: No. It is a trick question.

JUDGE: Why is it a trick question?

VINNY: Watch this.

MR/MS VITO: Because Chevy didn't make a 327 in '55. The 327 didn't come out until '62. And it wasn't offered in the Bel Air with the four-barrel carb til '64. However, in 1964, the correct ignition timing would be 4 degrees before top dead center.

TROTTER: Well.... uh....he's/she's acceptable your honor.

VINNY: Your Honor, this is a picture taken by my partner outside the Sac-O-Suds.

(Showing prosecutor) Do we agree on this?

TROTTER: Yeah.

VINNY: Thank you. I'd like to submit this picture of the tire tracks as evidence.

JUDGE: Mr. Trotter?

TROTTER: No objection your honor.

VINNY: Mr./Ms. Vito, did you take this picture?

MR/MS VITO: You know I did.

VINNY: And what is this picture of?

MR/MS VITO: You know what it's of.

VINNY: Mr./Ms. Vito, it has been argued by me, the defense, that two sets of guys met up at the Sac-O-Suds at the same time, driving identical metallic mint-green 1964 Buick Skylark convertibles. Now, can you tell us by what you see in this picture if the defense's case holds water?

(He/She hesitates)

VINNY: Mr./Ms. Vito, please answer the question. Does the defense's case hold water?

(He/She examines photo)

MR/MS VITO: No. The defense is wrong.

VINNY: Are you sure?

MR/MS VITO: I'm positive.

VINNY: How could you be so sure?

MR/MS VITO: Because there is no way these tire marks were made by a '64 Buick Skylark. These marks were made by a 1963 Pontiac Tempest.

TROTTER: Objection your honor. Can we clarify to the court whether the witness is stating opinion or fact?

JUDGE: This is your opinion?

MR/MS VITO: Its a fact.

VINNY: I find it hard to believe that this kind of information could be ascertained simply by looking at a picture!

MR/MS VITO: Would you like me to explain?

VINNY: I would love hear this.

MR/MS VITO: The car that made these two equal-length tire marks had positraction. You can't make those marks without positraction, which was not available on the '64 Buick skylark.

VINNY: And why not? What is positraction?

MR/MS VITO: Its a limited slip differential which distributes power equally to both the right and left tires. The '64 Skylark had a regular differential, which anyone who's been stuck in the mud in Alabama knows you step on the gas one tire spins, the other tire does nothing.

VINNY: Is that it?

MR/MS VITO: No, there's more. You see? When the left tire mark goes up on the curb and the right tire mark stays flat and even, well, the '64 Skylark had a solid rear axle, so when the left tire went on the curb, the right tire would tilt out and ride along its edge. But, that didn't happen here. The tire marks stayed flat and even. (Referring to photo) This car had an independent rear suspension. Now, in the 60s, there were only two other cars made in America that had positraction and independent rear suspension, and enough power to make these marks. One was the corvette, which could never be confused with the Buick Skylark. The other had the same body length, height, width, weight, wheel base, and wheel track as the '64 Skylark, and that was the 1963 Pontiac Tempest.

VINNY: And because both cars were made by GM, were both cars available in metallic mint green paint?

MR/MS VITO: They were.

VINNY: Thank you Mr./Ms. Vito. No more questions. Thank you very, very much. You have been a lovely, lovely witness.

JUDGE: Mr. Trotter, would you like to question Mr./Ms. Vito? Mr. Trotter? Mr. Trotter?

TROTTER: Uh..uih...uh... no your honor, no further questions.

JUDGE: Mr./Ms. Vito, you can stand down.