



## A License to Dismiss: A Forensic Discourse Analysis of “Caught in Providence” Courtroom Hearings

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### Abstract

Forensic linguistics is an emerging interdisciplinary approach to linguistics and law that is getting crucial nowadays. It is a sub-field of linguistics which is concerned with written and oral interaction in legal contexts. Forensic Linguistics encompasses various areas such as Auditory Phonetics, Acoustic Phonetics, Semantics, Discourse and Pragmatics as well as Language of the Law and Language of the courtroom which investigates the language used by judges, lawyers and witnesses. The present study applies a qualitative descriptive approach to analyze ten videos of “Caught in Providence” courtroom hearings as a unique model for forensic discourse. It applies Griffiths Question Map (GQM) developed by Griffiths and Milne (2006) and theory of politeness by Brown and Levinson (1987) to investigate the types of questions used in “Caught in Providence” courtroom hearings as well as the politeness techniques adopted to highlight their significance in presenting a distinctive forensic discourse. The findings of the present study show that “Caught in Providence” courtroom hearings have unique characteristics as forensic discourse. The study invites further investigation of courtroom hearings in non-western countries to highlight aspects of similarities and differences.

**Keywords:** courtroom hearings; digital legal discourse; forensic discourse analysis; Griffiths Question Map; Politeness theory

## **1. Introduction**

Forensic linguistics is a branch of linguistics where language is used in the analysis of crimes and laws in judicial matters, disputes, legislation and courtroom hearings (Olsson, 2008). It is the scientific study of language that is applied to forensic “purposes and contexts” (McMenamin, 2002) and a sub-field of linguistics that is concerned with interaction in legal contexts (Coulthard et al., 2017). Forensic linguistics is an emerging interdisciplinary approach that deals with linguistics and law and is gaining more attention nowadays and studies both spoken and written language (Ramezani et al., 2016; Wennerstrom, 2010). As defined by Ramezani et al. (2016), forensic linguistics is “a branch of applied linguistics which deals with the analysis of linguistic evidence to clarify the ambiguities existing in any judicial process, especially in investigation crimes and legal issues” (p. 375).

Forensic text types include emergency calls, ransom demands & threat communication, suicide letters, final death row statements, confessions and denials by public figures (Olsson (2008); Umiyati, 2020, pp. 26, 27). In a similar vein, Ramezani et al. (2016) state that forensic linguistics investigates legal texts “such as handwritten texts prior to a suicide, documents and evidence remained from a crime scene and notes of abductors” (p. 375). Ariani et al. (2014) identify typical types of linguistic evidence which are, author identification, forensic stylistics, discourse analysis, forensic phonetics, forensic transcription and variation.

Forensic linguistics encompasses myriad areas such as Auditory Phonetics, Acoustic Phonetics, Semantics, Discourse and Pragmatics, Stylistics and Questioned Authorship, language of the law, language of courtrooms as well as translation and interpretation (Umiyati, 2020). Auditory Phonetics studies language sounds to identify, class characteristics of speakers such as age, regional or social accent. Acoustic Phonetics deals with the physical characteristics of speech sounds which

requires laboratory observation with specialized equipment. Semantics focuses on interpreting the meaning expressed in sentences or utterances, while Discourse and pragmatics relate to the inferred meaning and the analysis of narratives, conversations as well as the social context of discourse. Both are used in the analysis of many areas such as courtroom conversation and jury instructions among others. Stylistics and Questioned Authorship is concerned with the identification of authors through the stylistic analysis of his/her writing. Language of the Law is also one of the areas of forensic linguistics that studies legal language. Furthermore, language of courtroom scrutinizes the language of witnesses; lawyers; and judges during hearings. Finally, interpretation and translation are considered one of the fields of forensic linguistics as skillful translators are usually required to deliver the intended meaning (Umiyati, 2020, pp. 27, 26). Another classification is provided by Ariani et. al. (2014), who outline five areas of forensic linguistics which are document examination, software forensic which helps in author identification, semiotics, plagiarism detection and lawyers’ interaction (pp. 224, 225).

Forensic linguists use various linguistics tools such as “discourse analysis or conversation analysis, general language theories and speech act theories in order to provide a court with their expert opinions” (Ramezani et al., 2016, p. 376).

## **2. Literature review**

Since forensic linguistics (FL) is considered a relatively emerging subfield of linguistics, some studies conducted deal with its origin, definition and the key elements, while other studies deal with areas in FL such as crime investigations, suicide notes, fake news and forensic phonetics. A third group of studies focus on analyzing forensic discourse. These various studies unveil the “complex dimension of power and ideology” in both written and verbal modes of legal discourse (Matoesian, 2013, p. 634).

Ariani et. al. (2014) focus on the key elements of FL along with its history and development. They explore “the typical types of linguistic evidence such as author identification, forensic stylistics, discourse analysis, forensic phonetics, forensic transcription and variation (intra-author and inter-author)” (p. 222). The study outlines seven categories where linguistic evidence is used in legal proceedings such as author identification, forensic stylistics, discourse analysis, linguistic dialectology, forensic phonetics, forensic transcription and variation (Ariani et al. 2014, pp. 223, 224). Likewise, Correa (2013) conducts an overview of FL and shows how it could prove helpful to the criminal justice system. He highlights three main areas where applied linguistics (pragmatics, discourse analysis, and sociolinguistics) intersects with Forensic linguistics: (1) language as the medium of communication, (2) language of the law, and (3) language crimes.

Focusing on the crime investigations, Ramezani et al. (2016) study the various aspects of forensic linguistics and how it can be applied in crime investigations. They analyze the discourse of crime investigations to differentiate between successful and unsuccessful ones (p. 376). Similarly, Syam (2018) deals with how FL tools can be used to solve crimes in police investigations and courtrooms through applying the analysis of speech or texts to reveal the motives of crimes (p. 100).

Dealing with suicide notes, Sudjana and Fitri (2013) investigate Kurt’s Cobain suicide note, to unveil the motives behind committing suicide and to prove that applying linguistic analysis can be fruitful in investigating suicide notes as it analyzes the lexical items, clauses and phrases, metaphor and ambiguous meaning. The analysis showed the genuineness of his suicide. Similarly, Milani & Tan (2016) analyze Virginia Woolf’s suicidal note to prove that it is genuine and to unveil the reasons that made her commit suicide. They apply Linguistics Inquiry and Word

Count (LIWC) program along with semantic forensic analysis and prove that she suffered from bipolar disorder.

Forensic linguistics can also help in investigating fake news. Sousa-Silva (2022) analyzes fake news that were collected from some fake news outlets to show that they all utilize some linguistic features at various levels such as typography, orthography and morphosyntax. Such results can help computer software to detect fake news and help linguists to spot fake news and prove this in court (p. 2409).

Since forensic phonetics is crucial for investigators, Rohatgi et. al. (2018), analyze voice samples of some speakers to investigate some parameters such as time for completing the sentence, pitch, intensity and pauses between sentences to highlight similarities between the recordings and examine whether they belong to the same person or not. This voice analysis is useful for investigators when dealing with phone call threats (p. 36). Likewise, Uysal (2018) investigates the time perception used in “the denials in the last statements of 70 death row inmates, who were executed in Texas Huntsville Unit between 1982 and 2016” and highlights the tenses used in the statements on a horizontal timeline (pp. 350, 351).

Focusing on forensic discourse, Catoto (2017) analyzes courtroom hearings from the archives of the Office of the Provincial Prosecutor in Kidapawan City in the Philippines and conducts a textual analysis of murder, robbery, theft and rape cases. In another study, Catoto (2022) conducts a textual analysis to identify types of modal verbs used by prosecutors when they give their resolutions regarding cases. He proves that prosecutors use different types of modalities to make decisions (p. 117). Along similar lines, Todd (2023) investigates the grammar and pragmatics in sexual assault trials in the United States. At the grammatical level, he analyzes transitivity, the use of adverbials and modal as well as nominalization, while the pragmatic level focuses on conversation analysis to evaluate the court transcripts of

three court cases. Furthermore, speech acts in legal discourse are examined by Ali (2020) who adopts the classification of speech acts into: representatives, commissives, expressives, declaratives and directives (p. 53). Areh and Kaja (2021) tackle penal courts in Slovenia to examine the topics discussed and investigate the interview techniques. Along similar lines, Shuy (1997) identifies three common techniques used in courtrooms. First, the use of yes/no questions “which imply more control by the speaker over the hearer than the open questions do”. Second, the use of tag questions to presuppose certain facts that are not proved yet and this also indicates that the speaker is more powerful and is trying to control the conversation. Third, the use of promises and threats (p.181).

### **3. Forensic Discourse Analysis**

Forensic discourse analysis focuses on the social context and the socio-cultural background in which the discourse is produced. It can be applied to both written and oral productions. Thus, it includes features such as “conversation cooperative principles, turn taking, the design and distribution of speaking chance between interlocutors, and the length of conversation for each participant” (Ramezani et al., 2016, p. 382).

Forensic linguistics deals with the language used in police interrogations with witnesses and suspects, language used by lawyers during trials and legal proceedings as well as court hearings (Ariani, Sajedi, & Sajedi, 2014). The main three categories of FL are written legal texts, spoken interactions during investigations, interviews and in courtrooms and investigations (Ali, 2020, p. 43).

### **4. Method**

#### **4.1. Research design**

The present paper applies a qualitative descriptive approach to analyze 10 videos of Judge Caprio Courtroom hearings in “Caught in Providence” YouTube

channel. It applies Griffiths Question Map (GQM) developed by Griffiths and Milne (2006) and theory of politeness by Brown and Levenson (1987) to investigate the types of questions in the courtroom hearings as well as the politeness strategies employed. As such, the study highlights the techniques used in these court hearings to present a distinctive forensic discourse.

The Griffiths Question Map (GQM) specifies eight types of questions that are divided into productive and non-productive ones. The three productive questions are open questions, probing questions and appropriate closed yes/no questions, while non-productive questions are inappropriate closed yes/no questions, leading questions, multiple questions, forced choice questions as well as opinion or statement questions (Griffiths & Milne, 2006, p. 182). However, Todd (2023) outlines five categories of questions which are: “open”, “closed”, “leading”, “heavily leading” and “yes/no” questions.

Open questions are the ones that allow a full range of response. For instance, questions that asks the interlocutor to describe or narrate something as they pave the way long and accurate answers. Probing questions require a specific answer as they start with question words such as “who”, “why”, “when”, “how” or “what”, and they help in gaining more details. Appropriate closed yes/no questions are used to conclude the answer and “establish legal points” (Griffiths & Milne, 2006, p. 182).

Non-productive questions include inappropriate closed yes/no questions which are used inappropriately in a way that allows the interviewee to evade giving more detailed answers, leading questions which suggest the answer, multiple questions which include many sub-questions at once, forced choice questions where the interviewee is offered a limited number of answers, as well as opinion questions where the interviewer poses an opinion instead of asking a question (Griffiths & Milne, 2006, p. 183).



Politeness refers to how social distance is expressed between speakers and how face is saved and maintained during conversation in a certain speech community (Richards & Schmidts, 2002, p. 405). Scollon and Scollon (1995) identify three politeness systems; the first is the deference politeness where participants are equals but they deal with one another with distance. The second one is solidarity politeness where speakers are friends, and they do not feel power relations between them. The third one is hierarchical politeness system where speakers are in a certain organization and they use various politeness strategies (as cited in Sadeghoghli & Niroomand, 2016, p. 30). Brown and Levinson’s theory (1987) has three main concepts: face, face threatening acts (FTAs) as well as politeness strategies (p. 61). Face refers to the image that the person wants to maintain in social interaction. Positive face refers to the desire to be admired by the society, while negative face refers to the desire to have autonomy and independence. The former might be expressed by showing similarities or expressing appreciation, while the latter can be expressed by reducing threatening facial actions such as advising, disagreeing or satisfying the negative face by giving space and showing respect (Sapitri et al., 2019, p. 113). FTAs refer to any speech act that could threaten positive or negative face. An example of the former would be criticizing someone, while the latter would be requesting to do a certain task (Sapitri et al., 2019, p. 113).

To save the “face” of interlocutors, Brown and Levinson (1987) suggest politeness strategies to avoid and/or mitigate undesired effects of face-threatening acts. These strategies are divided into four major strategies; namely, “bald-on-record, positive politeness, negative politeness and off-record politeness strategies” (Sapitri et al., 2019, p. 115). Bald on record is a strategy that involves direct orders or imperatives because of the urgency of the situation or power difference between speaker and hearer. Positive politeness, on the one hand, minimizes the difference



by showing solidarity or shared interests (Sapitri et al., 2019, p. 116). Negative politeness is achieved when the speaker avoids imposing and resorts to hedging or apologizing, while off-record strategy relies on the ability of the listener to infer the intended meaning as “the actor leaves it up to the addressee to decide how to interpret the act” (Brown and Levinson, 1978, p. 216).

To that end, the present paper seeks to address the following questions:

What are the types of questions used in “Caught in Providence” courtroom hearings?

What are the politeness strategies utilized and what do they signify?

## **4.2. Data Collection**

Courtroom hearings constitute a new area for research that is not fully explored because they are not available for the researchers. However, Judge Caprio courtroom hearings are recorded and available on YouTube on a channel called “Caught in Providence”. Caprio has served as the chief judge of Rhode Island municipal court and he “gained fame for his compassionate courtroom rulings” (Iqbal, 2024). He is also known as “The nicest judge in the world” (Iqbal, 2024). His YouTube channel has 2.91M subscribers and 1.9K videos (February 1<sup>st</sup>, 2025). Moreover, his show “‘Caught in Providence’ has millions of fans, with viral clips amassing nearly 500 million views” (Iqbal, 2024). According to the description of his YouTube channel their courtroom is a space “where people and cases are met with kindness & compassion” (Caught in Providence, 2015). Due to his reputation all over the world, there is another YouTube channel for him with the episodes dubbed in Arabic and it is titled “The Merciful Judge” (Merciful Judge, 2023).

The data of the present study consists of 10 videos of courtroom hearings for Judge Caprio from “Caught in Providence” YouTube channel. The selection is based

on two conditions; first, all the selected videos have only one courtroom hearing dealing with one defendant only. Second, the selected videos have a duration of 6 to 7 minutes to ensure consistency.

### **4.3. Data analysis**

The steps taken for the analysis of the selected YouTube videos are as follows: first, the context of the courtroom hearing of the analyzed videos is provided to understand the case and the background of the defendant and the person accompanying him/her as well as the violation committed. Second, the types of the questions are analyzed according to Griffith Question Map to investigate the types utilized and the significance of this choice. Third, the politeness strategies used are analyzed in order to outline their purpose and significance. In so doing, the study sheds light on the distinctive features of Judge Caprio Courtroom hearings.

## **5. Findings and discussion**

### **5.1. Judge Caprio courtroom hearings**

Since analyzing courtroom hearings discourse “focuses on the interaction between specific linguistic features and their social functions” (Udina, 2017, p. 1339), the present study provides the context of courtroom hearings to give the background of the encounter. One of the distinctive features of courtroom hearings is that they constitute highly formal discourse where power relations and legal procedures control language use.

Judge Caprio courtroom hearings are distinctive in many ways. First, courtroom hearings are broadcast on television and streamed on YouTube as there is a channel called “Caught in Providence” that has many episodes. Second, defendants are usually allowed to accompany one of their family members who comes to court and participates in the legal encounter. Indeed, many of the defendants come to court along with their children who are allowed to speak with

the judge and say their opinion about the violation committed by their mother/father. In some cases, the husband is accompanied by his wife or vice versa. Third, unlike other courtrooms, Judge Caprio usually builds a rapport with the defendants through various techniques such as “positive politeness, having small talk, hedging or softening the language” as well as showing solidarity and using humor (Brown & Levinson, 1987).

Before examining the types of questions and the politeness strategies used, it is important to outline the context of the analyzed videos. The following table introduces the title given to each video along with its description as well as its date and the number of views (see table 1).

*Table 1 Titles, description, date and the number of views of the analyzed videos (retrieved 1<sup>st</sup> February 2025).*

No.	Video Title	Description	Date	No. of views
1	93-year-old Speeder	A 93-year-old WWII veteran comes to court for his first ticket and shares stories of fighting in the pacific.	October 15, 2019	7,182,389
2	Can I give you a hug?	A young woman comes to court for multiple red-light violations and is moved to tears by the generosity of our Caught in Providence viewers.	October 29, 2019	6,407,265
3	Welcome to America	A Family of Syrian refugees leave a lasting impression on the	December 17, 2019	6,766,996

		Judge, as they declare their love of America.		
4	World’s Strictest Mom Softens!	The ‘World’s Strictest Mom’ is back, but this time she brings her daughter to face her ticket!	December 31, 2019	1,321,144
5	Homeless & Hopeless	A mom being evicted with no place to live, comes to court after her car is booted and is overcome with emotion.	February 18, 2020	146,807
6	Fleeing from Hell	Judge Caprio helps a woman who is recovering from a domestic violence situation.	June 25, 2020	134,465
7	\$50 for the Baby	Judge Caprio is so moved by the story of a single mom with no job that he feels obliged to help.	September 1, 2021	255,029
8	A Bike for the Baby	When a motorist gets emotional talking about raising her 3-year-old girl and their life struggles, Judge Caprio and his son David volunteer to help.	September 2, 2021	99,467
9	Homeless and Hungry	A homeless motorist gets an unexpected but much-needed gift from a stranger. Judge Frank Caprio.	April 6, 2023	4,438,827

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10	Speeding Through Life	Judge Caprio meets the oldest motorist ever to appear before him. the oldest motorist ever to appear before him!	April 28, 2023	544,131
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Table 1 illustrates the themes of each courtroom hearing. It is evident that the title of each one is indicative of the main theme of the video. Moreover, the description of each video provides the context and summarizes the defendant's story. For instance, in video number 1, the description tells the audience the age and the profession of the defendant as well as the traffic violation that he committed. It also illustrates that he shares stories about his memories as one of the veterans of the Second World War. Similarly, in video 10 the judge meets the oldest motorist who was also a war veteran. The second video has a young girl who has many red-light violations, and the judge helps her out by using money from the donations sent to the court to help people who really need it. The issue of the refugees is evident in the third video as it deals with a Syrian mother who got a ticket because she was speeding. The woman along with her daughter and husband state that they love the United States of America. Homelessness is in the description of videos number 5 and 9 as the description of each one of them tells the story of a devastated mom who is homeless and has no place to go, and another one who is also homeless and cannot even afford to buy food. In video number 6, domestic violence is the main topic discussed with the defendant as the woman has red light violations because she was subjected to domestic violence and was chased by her ex-husband. In both videos 7 and 8, Judge Caprio sympathizes with the defendants who are single mothers and are raising a baby alone. He offers his help by giving one of them 50 dollars for the baby, while getting a bike for the other one.

The above discussion of the topics raised in “Caught in Providence” courtroom hearings attest to the fact that Judge Caprio courtroom hearings offer a distinctive legal discourse as the judge shows solidarity and sympathy with the defendants in myriad ways. These distinctive features are also evident below when analyzing the types of questions and the politeness strategies employed.

## **5.2. Question types**

### **5.2.1. Open questions**

Open questions are used by Judge Caprio as they give the opportunity for the defendant to narrate and explain while answering the required questions; therefore, the judge gets long and accurate answers. This type of question is used by Caprio in various parts of the hearing to achieve different purposes. The first use is in the beginning of courtroom hearing when he tells the defendants the number of violations committed and gives them the chance to justify and tell him about the circumstances. For instance, *“What do you want to tell me about these? What Should we do with you? “Is there anything she wants to tell me about that? How’s your son doing?”*. Another use of open questions is when the Judge wants to know more information about the defendant and allows him/her to talk about himself/herself. For instance, in video number 1, Caprio discovers that the defendant is a war veteran, and he asks him to narrate his story. He says: *“Tell me about your experiences during the war”*. The third use of open questions was at the end of the hearings to give the defendant an opportunity to express their feelings and speak up their mind. For instance, in video number 9, the judge asks the girl at the end of the hearing about the message that she would like to send to those people who sent money to help others. He says, *“What do you want to say to the person who sent in that money?”* Furthermore, open questions are used to show solidarity with the defendant by paving the way for him/her to talk about their family and share stories that are really

touching. For instance, in the video titled “A bike for the baby” Caprio asks the defendant to tell him a story about her daughter as he felt curious because she gets emotional whenever she mentions her. This led the defendant to talk about her pregnancy and the hardships that she encountered as well as her feelings that there is something special about her daughter.

### **5.2.2. Probing questions**

The corpus under analysis demonstrates a notable prevalence of probing questions. These questions are used to fulfill myriad purposes such as gaining more details about the defendants, building rapport or showing solidarity with them. Examples of the first use include *Gladys, what do you do? How old is your daughter? how old are you? Who got the tickets? Why is it your daughter’s not getting a second chance?* Caprio also uses probing questions to build rapport with the defendants. For instance, in video number 1, he asks the war veteran some questions about his service in the navy and the duration of time that he spent there “*Where were you in the Pacific? How long did you serve?*”. Moreover, in video number 3, he builds rapport with the girl who is going to translate for her mother by asking her multiple questions to show his keenness to know more about her and gain her trust. Here are some examples “*where do you go to school? What is your favorite subject? What do you want to do when you get big? what grade are you in?*” To show solidarity with single parents who come to court, Judge Caprio asks them about their children. For instance, *how many children do you have? Who’s the third child? How many? How old is he?*

### **5.2.3. Appropriate closed yes/no questions**

One of the main features of courtroom hearings discourse is the use of yes/no questions as they “display more control by the questioner” (Ehrlich, 2010, p. 276).



Yes/no questions are also referred to as one of the “coercion techniques in courtrooms” (Shuy, 1997, p. 181). However, in the analyzed corpus, yes/no questions are used by the judge to verify the information and know more accurate details about the defendant to assess the situation and offer help when needed. Here are some examples: *Do you remember this? You were there? You were in the Navy? That's why she went fast because you were sick? Do you work? Did you hear your mother's explanation? Do you have rules for your daughter too? Do you have a place to go to? You live in Rhode Island? Do you have any children? He lives with you? Does he live with you? Are you working? You have family here; you have a sister? But do you go to school, Jaylen?*

#### **5.2.4. Non-productive questions**

One of the distinctive feature of Judge Caprio discourse is that non-productive questions are sparsely represented in the analyzed corpus. There is no use of inappropriate closed yes/no questions, leading questions nor forced choice questions. The use of multiple questions is noted in one of the analyzed videos; however, it is used as a way of rephrasing the questions and providing the defendant's daughter with multiple choices as evident in video number 3. Here is the example, *“You heard it. Right. What do you think of that explanation? Was it a good explanation? Was it just, okay? Or is it something that you think is worthwhile of consideration? What do you think?”*. Opinion questions are scarcely used in the analyzed videos. For instance, in video number 2, Judge Caprio uses the question *“What are we going to do with you?”* to presuppose that the defendant has many unpaid traffic violations and to express his frustration and disapproval of what she has done. Furthermore, opinion question is also used in video number 4 to express resentment and disapproval of the attitude of the defendant's son. The judge says,

“Do you say yes, sir? When you get outside your mother’s going to give you a lecture on talking to the judge, right?”. This shows that he is instructing the boy to follow the ethics of the courtroom and keep the formal and hierarchical power relations.

### **5.3. Politeness strategies**

#### **5.3.1. Bald on Record**

Courtroom hearings have asymmetrical power relations between the judge or the prosecutor on the one hand, and the defendant on the other. The use of bald-on-record strategies is common as they are evident in legal directives and judicial orders.

Judge Caprio usually starts by telling the defendant the violation/s committed which is bald-on-record strategy. Here are some examples, *your motor vehicle has been booted, you have ten violations, I'm going to order a \$100 boot fee, she has nine violations, red light and speeding, these are two parking tickets*. All these examples manifest the power hierarchy in courtroom.

In the corpus under analysis, the judge uses bald-on-record strategy to prove that he uses his judicial power to help and support the defendants. For instance, in videos number 1 and 10 the judge dismisses the case when he discovers that the defendants are war veterans who fought during World War II. He expresses his gratitude and appreciation of this generation as they participated in making the world a better place. Moreover, this strategy is also used to show mercy and empathy with some defendants who cannot afford to pay the fine. For instance, in video number 9, the judge says, *“I'm going to charge you \$300 for the tickets, So I'm going to use \$300 of that fund for your benefit, And the boot will be released”*. This is because he found out that the defendant is broke and homeless.

Bald-on-record is also employed by the judge to clarify his stance regarding homelessness. In video number 9, the judge made a joke about homelessness to help the defendant to smile, but he instantly used bold-on-record to make sure that she will not misunderstand the situation. He says, *“Oh listen! I am not joking about homelessness I know it is a very serious matter; I am just trying to make you feel comfortable, you understand”*.

### **5.3.2. Positive Politeness**

Positive politeness is a face-saving act that is used in the corpus under study to achieve myriad purposes. The first one is to build rapport. For instance, the judge says to the mother in video number 5, *“you are a great mother, you’re a good mother, we need more mothers like you”* to appeal to the positive face of the defendant and build rapport with her as complementing makes people more engaging and cooperative. Another example of using positive politeness to build rapport and show gratitude is in videos 1 and 9. The judge says, *“Well, you have been known as the greatest generation, and you were the greatest generation.”*, *“Oh, you’re part of the world’s greatest generation”*, *“We can never, ever thank you and your generation enough for the contributions you made to this country”*, *“You really did make the world safe. So, we want to honor you and thank you for your service, for your bravery, and for your contributions to this country”*. All these examples manifest the use of positive politeness to express gratitude and hence, build rapport.

Positive politeness is also used to show solidarity. When dealing with defendants who are suffering in life, Judge Caprio is usually keen on using positive politeness to reassure the defendant and show empathy. Here are some examples: *“I can understand you are going through some difficulty and life, so we’re going to try to help you out... I’m going to exercise my discretion, but that I do it by exercising some compassion and empathy”*. In these examples the judge is expressing his

sympathy by directly stating that he understands the challenges encountered by the defendant.

Since he is called “the merciful judge”, Caprio utilizes positive politeness to reassure the defendants and acknowledge their emotional anxiety. For example, in videos number 5, 6, 7, 8, and 9, he says *“I have the message that you don't have any money, I have the message that you have a young son and have the message that you have to move out today and so just relax and answer my questions, I have pretty good indication of what your circumstances are and I'm not going to ask you to go into them because I understand it's very personal, I know you are very nervous. I know you are facing some challenges right now; I want you to know that I understand and appreciate that. Talking to you, I just get a sense that you are dedicated to this girl.”* All these examples appeal to the positive face of the defendants and grants them a feeling of solidarity.

### **5.3.3. Negative Politeness**

Defendants use negative politeness to show deference, mitigate imposition and give the impression that they are cooperative. For example, at the beginning of the hearings most defendants greet the judge such as *“Good morning, your honor!”* or *“Good morning, sir!”* to show respect. Furthermore, defendants also express their gratitude when Judge Caprio sympathizes with them as they say, *“Thank you, your honor!”*

Another way of employing negative politeness by defendants is to apologize or use indirectness to protect their face. For instance, in video number 5, the defendant keeps saying *“I am sorry. I am so sorry”* to the judge as she does not have any place to go to. Moreover,, in video number 3, the Syrian woman apologizes for

not being able to speak English with the judge. She says, *“I’m sorry. I don’t understand”*.

#### **5.3.4. Bald-Off-Record**

Despite being rare in courtrooms, Judge Caprio uses bald-off-record strategy to mitigate face-threatening-acts. He uses the interrogative instead of the imperative to avoid imposing power on the defendants. Here are some examples, *“You want to get to the other microphone? You want to identify yourself for the record?”*. Although the judge holds authority by the force of law and can give direct orders to the defendants, Caprio prefers to mitigate these orders by formulating it as a question to soften imposition and show respect.

Another instance of using off-record strategy is also employed by Judge Caprio to indirectly express his resentment from the behavior of the defendant’s daughter when replying to him. He told her, *“Do you say yes, sir?”*. This is indirect politeness strategy to impose authority and criticize the behavior as the daughter did not abide by the power hierarchy in the courtroom when she addressed the judge.

## **6. Conclusion**

Forensic discourse analysis constitutes a promising area of research that can prove helpful in helping prosecutors and judges taking the right decisions as it provides objective linguistic results. Courtroom discourse is a unique type of discourse as it is usually constrained by legal hierarchies that affect the interaction.

The present study analyzed ten videos of “Caught in Providence” YouTube channel to highlight the distinctive features of Judge Caprio courtroom hearings by analyzing the topics of the videos and applying Griffiths Question Map (2006) as well as Brown and Levinson’s (1987) Politeness theory to outline the types of questions and the politeness strategies employed along with their significance.

The results of the study showed that Judge Caprio courtroom hearings have peculiar features that constitute unique legal discourse. First, “Caught in Providence” courtroom hearings are streamed on YouTube and broadcast on television, so they could be watched by millions of people all over the world. Second, unlike other courtroom hearings where formality prevails, Judge Caprio allows the defendants to have company when coming to the court. Those who accompany the defendants are also given the opportunity to participate in the legal encounter even though they may be children who are coming with their parents. Third, the analyzed corpus exhibits a tendency towards utilizing productive questions of the three types (i.e. open questions, probing questions and appropriate yes/no questions). These three types are used to achieve various purposes such as building rapport, allowing the defendants to talk about themselves, or showing empathy with defendants. Non-productive questions, on the other hand, are scarcely represented in the videos under analysis. Fourth, politeness strategies are used to show compassion and mercy towards defendants as they display mitigation in the directives, show empathy and care for their psychological wellbeing. Bald-on-Record is used to show power hierarchy in courtroom and to prove that Judge Caprio is using this power to dismiss cases and show sympathy. Positive politeness is used in the corpus under study to build rapport, show solidarity and acknowledge defendants’ anxiety. Moreover, negative politeness is used by defendants to mitigate imposition and show deference, while bald-off-record strategies are used by the judge to show respect and soften imposition. These aspects make the discourse of “Caught in Providence” a unique and a professional discourse.

To conclude, the current study has provided an examination of courtroom hearings interaction where power dynamics play a vital role and showed that “Caught in Providence” courtroom hearing constitutes a unique discourse where

mercy and compassion prevail. As such, the present study can be an addition to forensic discourse analysis of courtroom hearings. The researcher recommends conducting more studies on other courtroom hearings in non-western courtroom hearings to highlight aspects of similarities and differences.



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## تصريح برد الدعوى: تحليل الخطاب القضائي لجلسات محكمة "ضُبط في بروفيدانس"

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### المستخلص:

علم اللغة الجنائي هو منهج متعدد التخصصات يدمج بين علم اللغة والقانون، وقد ازدادت أهميته في الوقت الحالي. يُعتبر علم اللغة الجنائي فرعاً من فروع علم اللغة الذي يدرس التواصل الكتابي وكذلك الشفهي في السياقات القانونية. يتناول هذا المجال العديد من الجوانب مثل الصوتيات السمعية، وعلم الدلالة، وتحليل الخطاب وعلم براجماتية اللغة، بالإضافة إلى لغة القانون ولغة جلسات الاستماع بالمحكمة، التي تفحص اللغة التي يستخدمها القضاة والمحامون والشهود. تطبق الدراسة الحالية منهجاً وصفيًا نوعيًا لتحليل عشرة فيديوهات من جلسات المحكمة في برنامج "ضُبط في بروفيدانس" كنموذج فريد للخطاب القضائي. تعتمد الدراسة على أنواع الأسئلة التي طرحها جريفيث وميلين عام (2006)، ونظرية "التهذيب" لبراون وليفينسون (1987) لتحليل أنواع الأسئلة المستخدمة في جلسات المحكمة بالبرنامج، وكذلك استراتيجيات "الأدب" المُستخدمة لتسليط الضوء على أهميتها في تقديم خطاب قضائي مختلف ومتميز. أظهرت نتائج الدراسة أن جلسات المحكمة في برنامج "ضُبط في بروفيدانس" تتميز بخصائص فريدة كخطاب قضائي. وتدعو الدراسة إلى إجراء مزيد من الأبحاث حول جلسات المحكمة في بلدان مختلفة لإلقاء الضوء على أوجه التشابه والاختلاف.

**الكلمات المفتاحية:** جلسات الاستماع بالمحكمة، الخطاب القانوني الرقمي، تحليل الخطاب القضائي، أنواع الأسئلة لجريفيث، نظرية "التهذيب"