



# Seufert Law Offices, PA

*We'll Get You Through It*



## From the Captain's Log Loud and Fast

PEASE airport just had its airshow, last one was 2011. We grabbed a mooring on the back side of Fox Point, as we did in 2011, as the landing zone is directly overhead and gives you an up and close view. From there you can also see most of the other aerobatics and this time was no exception. Things started off both days at 1100 with two F-22 Raptors heading off northerly and then returning a short time later. At the speed they were moving they probably hit the Canadian border and just turned around. The ground shakes when they go by. The bi-planes then did their skywriting and then the T-33 Shooting Stars their aerobatics, followed by the F-22 Raptors rocketing directly skywards, hovering in midair, and then heading for the ground at supersonic speeds. The show closed on both days with the US Air Force F-16 Thunderbirds.

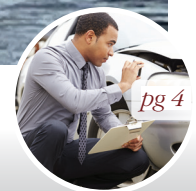
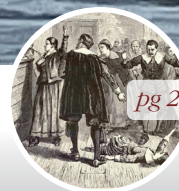
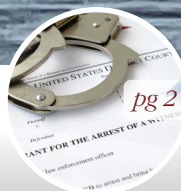
Having seen the show in 2011, and now in 2021, it's amazing the power of these air birds. If you're being chased by an F-22 Raptor, and you are not in an F-22 Raptor yourself, you are pigeon food in a matter of seconds. The Thunderbirds closing the show also demonstrates the incredible skill of those pilots flying at over 700 mph, wingtip to wingtip. As they are active duty fighter pilots you know this country is in good hands.

The other show that played out is the mooring field clearing out as soon as the planes stopped flying at 1600. While the boats steadily came up into Great Bay all morning in a unending stream over 3 hours, when the last afterburner left the sky, if on a stopwatch, every boat decided to leave and head for the ocean. It took only 30 minutes for over 1000 boats to clear out in a mass armada that was almost as incredible as the F-22 and F-16s.

God Bless America. ●



## October 2021 News



# Probable Cause vs. Reasonable Suspicion

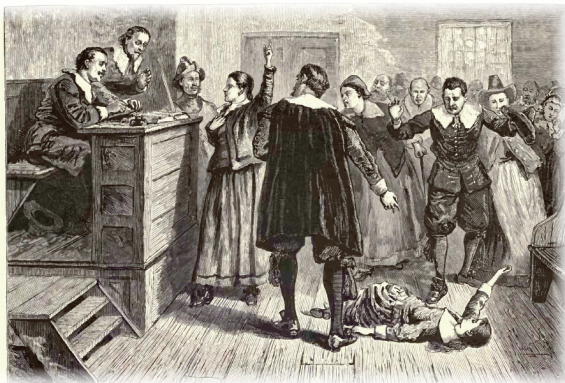


Probable cause and reasonable doubt are two very important concepts in criminal cases. But they relate to two different aspects of those cases. An officer must have probable cause to make an arrest. A prosecutor must prove a case beyond a reasonable doubt.

Probable cause exists if an officer has knowledge and trustworthy information sufficient to warrant a person of reasonable caution and prudence in believing that an arrestee has committed an offense. Probable cause may include information that an officer does not have first-hand knowledge of, such as witness statements. It may include knowledge based on the officer's training and experience, for example what heroin looks like or how it is commonly packaged. An officer may obtain evidence by way of a search warrant: DNA, blood or cell phone records, for instance. It is important that if you are the subject of a criminal investigation to limit the evidence you provide to law enforcement as they seek to develop probable cause. Most often that means that if an officer asks for consent from you, such as for a search, or wishes to question you, the answer is no.

Proof beyond a reasonable doubt is a much tougher burden for the state than probable cause. The state must prove beyond any reasonable doubt that an individual committed an offense. That proof is provided to a judge or a jury during the course of a trial. The evidence must come directly from the individual with personal knowledge, in other words hearsay is not admissible. The State cannot prove that a substance is heroin based on an officer's training and experience. The substance must be tested. The scientist who conducted the testing must testify. Evidence that is sufficient for probable cause for an arrest does not necessarily lead to a conviction. ●

## Genesis of the Salem Witch Trials



In January 1692, in Salem Village, Massachusetts (population approximately 500), a local minister's daughter and niece began exhibiting strange behavior: screaming, uttering weird sounds, contorting themselves, throwing things, and complaining of pinching sensations. Back then, when a physical explanation wasn't apparent, the supernatural was a go-to.

A "bewitched" person was thought to be tormented by someone in league with the devil — a witch. Witch hunts had been in vogue in Europe over the previous 300+ years. The daughter and niece were questioned and pinned the rap on three women, including a Barbados slave (Tituba) who lived with the family.

Tituba quickly realized that confessing — and accusing others of being witches — was her ticket to survival. Confessors lived; deniers were sentenced to death.

The Puritan belief was that confessors would be punished by God instead.

The fuse had been lit. A rumor or unsubstantiated accusation was enough to indict someone. Revenge, jealousy, and self-preservation became powerful motivations to point the finger.

The Salem hysteria silenced those who feared they might be next. By the time sensible heads prevailed in 1693, hundreds had been jailed; 14 women and six men had been executed; five more died while imprisoned. Those executed were hanged, not burned (one exception was a slow crushing).

As for the young girls' abnormal behavior, one theory is that their condition could have been attributed to the fungus ergot, sometimes found in cereal grasses (e.g., rye, wheat, etc.). Eating food contaminated by ergot can induce muscle spasms, nausea, unusual skin sensations, delusions, and hallucinations (LSD is derived from ergot).

Delusions, hallucinations, wretched behaviors - reminds me of some people in Washington D.C., have they eaten ergot? ●



# You've Been Served a Subpoena! Now What?

October 2021 Notable Dates

**Oct. 1**  
World Smile Day

**Oct. 6**  
Garlic-Lovers Day

**Oct. 11**  
Columbus Day

**Oct. 15**  
Boss's Day

**Oct. 16**  
Sweetest Day

**Oct. 25**  
National Art Day

**Oct. 31**  
Halloween

When a fair settlement cannot be reached in your personal injury claim, you (your attorney) may file a personal injury lawsuit to pursue compensation for your injuries.

After filing a lawsuit, "discovery" takes center stage. Each side seeks to gain information and evidence to assist them in preparing for trial. (Most cases eventually settle prior to trial, but good personal injury attorneys prepare to go the distance.)

Depositions are a critical element in discovery. These are question-and-answer sessions in which the defendant's attorney (and possibly your own) will ask you about details and circumstances of your case, and some background information. Depositions also enable attorneys to assess a case's strengths and weaknesses, and give them an idea how a witness will testify, and how that may play out at trial.

The defendant's attorney will issue a notice of deposition, a legal request stating the date, time, and location of a deposition, or may just have an agreement with your lawyer for you and them to show up at the date selected. In this now Zoom world we live in, it may be scheduled as a remote video deposition. Witnesses may also be subpoenaed to give depositions as well (separately). Notable deposition features include:

- Participation is mandatory.
- Generally, those in attendance include you, your attorney, other parties' attorneys, and a court reporter (and possibly a videographer and/or interpreter).
- Your testimony will be under oath.
- Everything will be recorded by the court reporter or videotaped. Transcripts/video may be used as evidence at trial.
- Depositions are typically taken at one of the attorney's office.
- Your attorney, in limited circumstances, can object to defense attorney questions deemed out of line. Objections are noted on the record, but the questions must still be answered.

The prospect of a deposition may be nerve-racking, but look at it as an opportunity to tell your side of the story. Our preparation methods, guidance, and support will ease your anxiety and bolster your case. ●

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*Protect Your Family, Protect Your Rights*



Loud and Fast  
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## The Games Adjusters Can Play

The auto insurance industry is awash in profits. Part of the reason is that they deny liability, make lowball settlement offers, and delay payment for as long as possible, hoping claimants just go away. Here are a few other tricks they employ...

Some adjusters will charm your socks off. Keep in mind that they work for the insurance company, not you. Saving money is their ultimate goal. Don't be blinded by their friendliness.

Adjusters will likely want you to give a recorded statement. They may hint that the law requires it (it doesn't). Don't give a statement unless you have an attorney who approves and accompanies you. When there are witnesses or a police report as to what happened, and who is at fault, for what reason would you agree to give the adjuster "your side of the facts", if there is no dispute, their insured is at fault. Words can, and will, be twisted.

You may be asked to release all your medical records. Bad idea. Have your medical records released to yourself. Then you decide which records are related to the injuries, and what records are not, and pass that along to the insurance company.

The insurance company might offer you a quick settlement if you sign a release. With bills piling up and no income due to injury, this may be tempting. But by signing a release, you forfeit the right to ask for more money or to file suit down the road. Remember, some injuries don't become evident until well after the accident.

Adjusters may also try to convince you that you don't need an attorney, who will "bog down the process" or "doesn't deserve a percentage of your settlement." Statistical evidence shows that claimants with an attorney fare much better than those without one. An attorney can deal with the insurance company, help you attain fair compensation, and protect your rights. •