# Do you want to get hit by a car? Then move like a GTA character!

–– Nina Davies

This contribution presents a fictional script in the form of a conversation between two former law students on their podcast, *Learned Friends*. The dialogue revolves around an incident involving a self-driving car designed to predict pedestrian movements, exploring the legal complexities arising from the integration of predictive technologies in the justice system. The script was used as narration for a film that was featured in *Precursing,* a solo exhibition by the author at Matt's Gallery in October 2023. As part of this issue of *Documenta,* the artist has included annotations that connect the fictional narrative to the research underpinning it. These annotations touch upon topics such as the Hammersmith Ghost case and issues of mistaken belief, the prohibition of photography and radio broadcasts following the Lindbergh baby kidnapping trial, the infiltration of artistic technologies into formal and bureaucratic sectors, the training and testing of self-driving cars in *Grand Theft Auto,* and the introduction of predictive technologies in judicial processes. Through this work, the author seeks to explore how the use of emerging technologies in storytelling impacts their application in fields where information accuracy is paramount.

Keywords: NPC, Predictive Algorithms, Simulation, Fiction

This paper provides an annotated script from a fictional podcast interview as an accompaniment to a real-life video installation presented at Matt's Gallery in London in October 2023. The intent of this script is to re-think an emerging viral dance as if it were a traditional dance of the future. Using fiction as a tool, I have based this script on the Non-Player-Character (NPC) trend seen on the social media platform TikTok, in which real-world human actors replicate the gestural vocabularies of video game characters, and construct a narrative within this style of moving acts as a response to a socio-technical environment similar to our own. Taking the form of a conversation between two ex-law students on a podcast called *Learned Friends*, this fictional conversation provides a peephole into a world where not the past, but the future increasingly informs the present. This annotated version of the script will explore some of the real-world references that have influenced this work such as the case of the Hammersmith Ghost, predictive sentencing, and the effects of using technology as a tool for storytelling. The annotations will interrupt the script at relevant moments so that the reader is able to see where these real-world references hide within the work.

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**Riley:** Welcome back everyone, to *Learned Friends*. This is Riley here.

**Devon:** And Devon.

**Riley:** Today we're gonna be looking at a case that has been re-opened after 24 years.

**Devon:** Yeah… this is a super interesting one. Now, this is fairly normal isn't it – to have a case pending this long right?

**Riley:** Oh yeah, I actually looked into this, and the longest a case was pending for was 180 years.

**Devon:** What? [laughs]

**Riley:** No, I'm serious. It first happened in 1804 and was settled in… get this… 1984.

Figure 1: *Precursing* (Installation). 2023. Image courtesy of artist and Matt's Gallery, London

**Devon:** Wow!

**Riley:** Uh huh.

**Devon:** I'm speechless… So this is nothing.

**Riley:** What… the?

**Devon:** Piasecki v. Wade

**Riley:** Right yeah. I think it's actually uncommon for cases to be re-opened. Like for no reason.

**Devon:** Sure, sure.

**Riley:** So I did my research, as always…

**Devon:** As always… [tuts in a sarcastic way]

**Riley:** Wait? What? You still think I don't do my research?

**Devon:** I didn't say that…

**Riley:** This is ridiculous, so I just wanna say for the record, I always do… the most…

**Devon:** [laughs]

**Riley:** …extensive… [laughs]… research… Apart from this one time…

**Devon:** Sorry I need you to tell this story.

**Riley:** So, there was this one time, where we were messaging the night before we were gonna record an episode. And I was telling Devon about the points I wanted to hit when we spoke, and…

**Devon:** Basically, Riley didn't understand the assignment [laughs]

**Riley:** Yeah…I mean it's pretty embarrassing, but we were doing an episode about stationary security, which I'm sure some of you will remember. It was a computer game where you would detect security anomalies. And it turned out the people playing the game were… or sorry… let me rephrase that… who thought they were playing the game… were actually doing free labor for security services.

**Devon:** [laughs] And Riley… thought that… [laughs]

**Riley:** [sighs] … I had found a case from ages ago about a stationery security incident, where the stationery from an insurance company…

**Devon:** Sorry we need to just clarify here that you're talking about stationery as in…

**Riley:** Pens, and pencils, yeah… they went missing on the day a new client had opened an account with this insurance company, so the policy was written in pencil. Which resulted in the insurance company not being liable for anything on this account.

**Devon:** [laughs] Such a niche case. And so old…we're talking before computers, before laser printing, and when things were recorded only by hand using wet ink.

**Riley:** You know what, I was so proud of the research I had made. And Devon did not allow.

**Devon:** [laughs] because it was boring dude. The law is already boring enough. [laughs]

**Riley:** Fair enough, I'm still waiting for the chance for this to re-emerge. But… I don't think it's gonna happen.

**Devon:** But let's get into it…

**Riley:** …Piasecki v. Wade

**Devon:** I think maybe before we do, we should probably explain why it's been re-opened right?

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Although this script is not about ghosts per se, I feel it is important to introduce this notion early in the script as I want you—the readerm—to be thinking of ghosts throughout this work. Belief is central to the event of seeing a ghost; whether or not it is there is irrelevant. This idea of belief puzzled lawyers in the UK for around 200 years following the case of the Hammersmith Ghost in 1804. In 1803, a series of ghost sightings and attacks spooked the locals of Hammersmith. Disregarding the mass hysteria, a bricklayer by the name of James Milwood continued his nightly walks wearing all-white bricklayers work attire. On one of his nightly excursions, he was—and not for the first time—mistaken for the Hammersmith Ghost and consequently shot by vigilante customs officer Francis


Figure 2: *Precursing* (Video Still). 2023. Image courtesy of artist.

Smith (Ezard). During Smith's trial, held at the Old Bailey in London, his defense was that he mistakenly believed he was encountering a ghost. Although Smith was found guilty of manslaughter, the notion of "mistaken belief" was debated in courts for more than two centuries until it was resolved in *R v. Gladstone Williams* in 1984 (Cherer). As a result of the 1984 case, the notion of mistaken belief was allowed as a permitted defense and was later written into the Criminal Justice Act 2008, Section 76. It is important to note that mistaken belief is not permitted if the belief is not honestly held and reasonable, or if the defendant was intoxicated during the incident (Criminal Justice and Immigration Act 2008).

The dates mentioned above in this fictional script correlate to the dates when this debate around mistaken belief was re-opened in the UK. I am purposely nodding to this two-century-long debate as it is an example of how the notion of a human error was eventually permitted to be used (for the most part) as a defense. With the advent of technologically-assisted cognitive devices that—in the case of this script—are capable of error, notions of mistaken belief may have to be re-opened and expanded upon.

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**Riley:** Sure.

**Devon:** Now this is actually how we initially came across the issue, and some of you might have heard about this more recent malpractice case against the app *e-chemist*, where people were diagnosed with depression based on the way they moved.

**Riley:** And am I right in saying that these people weren't actually depressed?

**Devon:** Well, it's hard to say. Depression is common, right? So I think in most cases it was probably correct. But as you know the original feature of *e-chemist* was to provide prescriptions for low-risk medications as a way to reduce appointments with oversubscribed medical practices.

**Riley:** That's right…

**Devon:** And they eventually started providing diagnoses using various AI technologies.

**Riley:** Right

**Devon:** And some of these technologies were bought by the app in their early stages of development… including *Nervous Movement*, which is a generative model that detects whether you might be at risk of depression based on your body movements.

**Riley:** So, it basically says, "You have bad posture, you might be depressed"?

**Devon:** I mean I think it's more complex than that.

**Riley:** Sure.

**Devon:** But basically, yeah. But there's no definitive sad way of moving, right? What it does is it takes your movement data to produce a prediction on whether you will be more sad later.

**Riley:** Okay…

**Devon:** And it can never tell you're sad based on how you move, because… mood affects bodily movement differently across cultures… so it's entirely cultural-specific.

**Riley:** And is this what the current case is about? Misdiagnosing someone based on cultural differences?

**Devon:** Not exactly, no, but this is the reason why the app doesn't really work right? And I guess to sort of wrap up my bit here, in this on-going trial against *e-chemist*, the prosecution have stated that they do not want the predictions to be shown to the jury as evidence.

**Riley:** Which is where this gets super interesting…

**Devon:** Yeah, so the prosecution claim that if something is a prediction, then it isn't necessarily real at the moment it's made, and if a prediction is faulty, then could this mislead a jury? So I guess, the question is, how much do the jury believe the prediction? If the jury's not shown the prediction are they left with the facts that someone was prescribed medication that eventually gave them an anxiety disorder? Plain and simple.

**Riley:** So you're saying that the fact that the prediction was wrong, means it shouldn't be included as evidence? But isn't the faulty prediction actually incriminating? It's a clear example of it giving the wrong advice.

**Devon:** Yeah, you're not entirely wrong, and I think this is how Piasecki v. Wade gets brought into the mix.

**Riley:** Totally and I can see that. So they're – the prosecution – are trying to set some sort of symbolic precedent then…

**Devon:** Yeah, they're basically saying predictions aren't real, and that we shouldn't consider predictions within systems where finding truth is concerned, like a court. But yeah maybe we should move onto Piasecki v. Wade now.

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The use of technology in court proceedings has an immense impact on producing a verdict and, in turn, establishing truth. A commonly used example of how technology affects a trial is the Lindbergh baby kidnapping trial, a highly publicized 1935 court case in which Bruno Hauptmann was convicted of kidnapping and murdering the 20-month-old son of aviator Charles Lindbergh and his wife Anne. The media frenzy surrounding the Lindbergh baby kidnapping trial acted as a catalyst for the ongoing debate on the ethics of camera and media presence in court (Strickland). Following the Lindbergh trial in 1937, "Canon 35"—a ban on the use of photography and radio broadcasts—was introduced by the American Bar Association. It was

believed that the presence of this technology affected the process of a fair trial; for example, the flash of the light bulb blinding witnesses while making a statement could potentially affect the credibility of the witness's statement (Rogers 737). In 1956, "Canon 35" was expanded to include the use of television cameras in a courtroom, and in 1981 was revised due to the technology being less intrusive. This resulted in the allowance of newer, more discreet technologies. The media frenzy surrounding O. J. Simpson's trial in 1995 re-opened the debate on the use of television cameras in court, thus keeping this discussion in a constant state of flux.

Another example of scrutinizing allowed technology within the justice system is the use of slow-motion replay of video evidence. A case study on the trial of John Lewis (2009), a man who shot a police officer during a convenience store robbery, calls into question the use of slow-motion replay to detect the intention behind an action (Caruso et al.). In this case, the surveillance footage was only shown in slow-motion, which misled the jury into thinking there was more time for Lewis to notice the police officer and decide to shoot. Although it is obvious from the footage that Lewis authored the fatal shot, had the footage of the event been watched in real-time, the jury might have produced a verdict of second degree murder rather than first degree murder—the difference between a death sentence and a prison sentence.

Primarily focusing on this second example of using slow-motion replay on video evidence, it is clear that this technology—which offers a view usually undetectable to the human eye—shows us something that is not there, time. Time in this sense, is a ghost, rendering John Lewis' thoughts as a mere apparition. In this fictional script, the two characters debate the ethics of showing a jury predictive information relating to a case against an online medical prescription service. This conversation mirrors John Lewis' case study; but instead of concerning the speed of time, it is about the ordering of time. Here, the timeline is false. If a jury were to be shown a prediction produced by generative technology, a fundamental question of reality would be brought into question: what is this prediction's relationship to reality? The jury in John Lewis' case understood how slow-motion technology worked and were aware that it was in use, yet were unaware of the technology's limits. While there is no real-world example for the fictional "e-chemist" case, I wanted to propose a


Figure 3: *Precursing* (Video Still). 2023. Image courtesy of artist

future scenario where predictive technology is commonly used and included as evidence. I wondered whether a jury would question the technology that produced a prediction. Or would they be able to separate the prediction from reality? Or perhaps, after living with a predictive future self for so long, would anyone consider it to be a part of them, inseparable from their present self?

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**Riley:** Cool, yeah. Well, this is the point where Piasecki gets re-opened. So Piasecki, the car company, who I'm sure you're all familiar with, was taken to court by the family of Robbie Wade. And Robbie Wade was fatally hit by a Piasecki Matica which was, I think one of their early self-driving cars… am I right?

**Devon:** My parents actually had one of those.

**Riley:** Really?

**Devon:** Yeah, there was some kind of government incentive to try and get more self-driving cars on the road, so the government was giving tax credits to people buying new cars, which made them the same price as other cars.

**Riley:** Right, and I guess that made the Matica relatively cheap then?

**Devon:** I mean, no one our age would have been able to afford it…

**Riley:** Unless you used your law degree to actually become a lawyer, instead of hosting a law-themed podcast.

**Devon:** [laughs] I mean… but carry on.

**Riley:** Yeah, so the case made against Piasecki by Robbie Wade's family turned into this really strange case where it seemed like the car malfunctioned… as many early models did. But in this specific case, there was some mysterious evidence.

**Devon:** Dun dun dun! [sung]

**Riley:** You know those rear-view mirror screens that are kind of a screen *and* a mirror?

**Devon:** yeah…

**Riley:** Well it showed Robbie running into the middle of an industrial estate, causing the car, which was backing out of the estate to swerve around him.

**Devon:** But that's not what happened, was it?

**Riley:** Nope… it hit him

**Devon:** Damn!

**Riley:** Basically, where the car swerved to was actually where Robbie was. He never actually ran into the middle of the lot.

**Devon:** But isn't the footage caught on the camera live?

**Riley:** You think that it would be, but no. It's all predictive because the whole system is based on where it will predict people to physically be, of course. There are live sensors, and then also a live network between the cars

**Devon:** Hence the government incentive.

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I want to briefly return to this belief that intent is something that could be seen using slow-motion technology in John Lewis' case. This idea that we can use slow-motion to access someone's thoughts originates from another industry. In cinema, slow-motion has been used as a tool for storytelling by filmmakers such as Akira Kurosawa, Stanley Kubrick, and Martin Scorsese. Scorsese in particular pioneered the use of slow-motion to access a character's feelings of rage, desire, or contempt (The Discarded Image). While there's no definitive way of reading slow-motion, its vast use across cinema and advertising over the past 100 years has created an expanded form of non-verbal communication, often predicated on assumptions. Thus it comes as no surprise that the members of the jury found Lewis guilty of first degree murder after watching the slow-motion footage of a moment that lasted two seconds. I like to think about the famous scene from *The Matrix* where Neo, the film's main character, dodges multiple bullets, gracefully back-bending and running up walls. If this were played in real-time, would the character seem to have as much control as when seen in slow-motion? Or would he appear to be merely flailing amongst the chaos? The reason I'm returning to this example is that when a technology is used as a storytelling tool, these alternative/artistic applications can spill over into other uses of these same technologies, in which greater precision and accuracy are required.

In 2022, AI filters were introduced to TikTok, one of which was the AI Anime Filter that uses one frame in a video and turns it into an anime image. AI filters on the TikTok app operate differently to regular filters in that they use machine learning to recreate an entire image rather than overlaying it with visual features. While this filter is mostly used to turn selfies into anime characters, it has also been used on empty spaces to try and detect ghosts. Not all images produced by this filter find ghosts, which is what makes it so creepy when a figure appears in the rendered image. In some cases when users take selfies, a secondary figure will appear behind the user. This technology, which is trained to find anthropomorphic figures, is in its own way being used for paranormal storytelling purposes on TikTok. Of course, methods of storytelling on TikTok differ from those of feature-length films, but nonetheless we suspend our notion of disbelief when we—the viewer—engage with these images. We know there's no ghost, yet we momentarily believe in this technology because it's fun to do so. The same goes for Neo dodging bullets with a super-human level of accuracy in *The Matrix*; we know that no one can register the movement of bullets that quickly, but, for the sake of the story, we believe it.

To return to the question of mistaken belief in regard to the case of the Hammersmith Ghost, bearing in mind that this notion of technology is being used for storytelling purposes, I wanted to consider the self-driving car as if it were Francis Smith, the man who mistakenly believed he saw a ghost and acted accordingly. The self-driving car predicts where Robbie will be while it backs out of the estate and tries to swerve around him. Here, the ghost would be the prediction, the version of Robbie that the car is moving around. In the case of the Hammersmith Ghost, the context for such an event was essential, namely that there had previously been multiple sightings of ghosts. In the case of the self-driving car, this would be the data the predictive model is trained on. In a sense we could draw comparisons between the car in this script to the jury for John Lewis's case–they are both applying technology's creative, fictional, and world-building functions to high-stakes decisions.

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Figure 4: *Precursing* (Video Still). 2023. Image courtesy of artist.

**Riley:** Yeah. But no, there's no live footage. But it gets even weirder.

**Devon:** Oh.

**Riley:** The predictive footage found in the car, shows Robbie moving in a weird way. Like he's in a video game.

**Devon:** What? Like GTA style?

**Riley:** Yeah exactly. He runs into the middle of the car park, and appears as if he kinda hits an invisible wall and kind of runs on the spot for a split second and stands – well kinda bobs, staring vacantly out into the distance.

**Devon:** But what do you mean by predictive footage? Sorry I've not heard this term before.

**Riley:** Well, this is the part I don't fully understand, but basically the car used a similar generative-predictive model as *e-chemist* uses, which can detect how people will move up to 10 seconds into the future.

**Devon:** Oh, I didn't realize that's how *Nervous Movement* worked…

**Riley:** Yeah… I think it's slightly different in that *Nervous Movement*, the company, make a prediction of how the body will move if the person was sad, and then if it's a close match, it alerts the person who was moving.

**Devon:** I see, so the prediction is the predicted movement, not the alert it sends out.

**Riley:** Precisely. And with the Piasecki Matica, the predictive data was always made visible to the passenger so that human intervention could happen when it was necessary, and, as I'm sure you remember, the movements it predicted weren't organic movements – like intricate, hands or individual movements. They were these sort of video game-like movements.

**Devon:** Yeah of course I remember this–I mean, I feel like we need to talk about Precursing.

**Riley:** Mmm yeah. I'm gonna come to that in just a moment… but just let me finish this.

**Devon:** Cool.

**Riley:** So, the pedestrian movement prediction never needed to be that intricate as it mainly needed to forecast the general direction and speed of pedestrians. And then also – the most important thing – is that these generative models are pre-trained right?

**Devon:** Right…

**Riley:** So, most of their training data comes from driving simulation games including games like *Grand Theft Auto*. So, the predictive footage it produced always showed the pedestrians moving in this programmed way.

**Devon:** See, I always thought this was just a fun feature of the model

**Riley:** No, it's mainly due to the manufacturers deciding it was a waste of processing power. But what I'm trying to get at here, is that what these models are trained on… isn't real life, yeah?

**Devon:** Mmmm.

**Riley:** – it's a video game…and I think there's something that this case opens up which is really important, which is if these generative networks are based on fictional representations of reality, then do they in some way turn reality back into fiction?

**Devon:** Uhhh, okay. I'm not entirely with you there. [laughs]

**Riley:** What? You don't agree or…?

**Devon:** No, I think I'm not following…

**Riley:** I guess I mean that in a sense these fictional, unreal worlds are in someway materializing through the autonomous machines that now control large parts of our daily lives because their cognitive functions are built and trained inside video games.

**Devon:** Okay…

**Riley:** And…as I promised…This is why I think Precursing is such an interesting practice and was so widely adopted. It's basically people recognizing that simulations have a direct relationship to reality and the need to exist in this sort of fictional way.

**Devon:** …I just wanna quickly explain what Precursing is because it was trending around 25 years ago where it wasn't uncommon to see a few people on the street every once in a while waving at a bus stop or running on the spot facing a fence.

**Riley:** It was fun. Did you ever do it?

**Devon:** Yeah of course, didn't you?

**Riley:** Yeah, I remember doing it all the way to the bus stop to meet my friend in the morning.

**Devon:** Wow… such commitment.

**Riley:** I know… I think that kid was probably my only friend. [laughs]

**Devon:** [laughs] Yeah… I mean you didn't need to tell me that. I'd figured that out years ago. We were just kids when Precursing came out, but it first started out as a prank, do you remember?

**Riley:** Uhhhh…

**Devon:** Where they would clump together and start precursing, and then self-driving cars wouldn't be able to tell which way people were gonna move individually and the car would eventually stop. So people would do this as a sorta joke.

**Riley:** Nice!

**Devon:** And eventually people realized that self-driving cars–or I think cars with autopilot as well – responded better to pedestrians who were Precursing.

**Riley:** When you say better do you mean responding faster?

**Devon:** Yeah, it made it easier for the cars to detect pedestrians, and by becoming these sort of characters they would match the training data which these machines ran off of.

**Riley:** But we don't really see this around much anymore, do we?

**Devon:** No… but… I don't know if you've seen this, but it's become really popular in rural, agricultural, and mining areas. Where, basically, there's no urban pedestrian sidewalks.

**Riley:** No way!

**Devon:** No kidding, it's even become a health and safety requirement for working around industry vehicles like tractors and turbine harvesters, which use old generative models similar to Piasecki Matica.

**Riley:** Right, that's insane.

**Devon:** Yeah.

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As mentioned in the introduction, the NPC trend is one of the primary influences of this script. The trend has been evolving since the COVID-19 pandemic and has mimicked movement styles from video games such as *Grand Theft Auto, The Elder Scrolls,* and *Red Dead Redemption*. NPC—short for "non-player-characters"—are characters in video games that have limited interaction abilities or agency. The TikTok trend involves real people performing movements that are recognizably from NPCs in public spaces or while live-streaming in their homes.

Using the NPC trend as well as the case of the Hammersmith Ghost as a starting point for writing this script, I decided to set this story around a fictional trial in which a person was mistaken for a ghost. With an interest in predictive technology, I decided to look into its application in self-driving cars and came across YouTube videos of people training Convolutional Neural Networks in the *Grand Theft* Auto V video game. Looking further into this, I discovered that self-driving cars are commonly trained in virtual environments—particularly that of GTA V—as the robust design of these worlds provide safe and affordable training in a model's early stages of development (Martinez et al.). While I am not critiquing this approach of using fictional/simulated environments to train neural networks, I thought about the effect of slow-motion used as a tool for storytelling and how it makes us believe we can see things that aren't there. But what if, instead of us, it was the technology that was mistakenly seeing things? The AI anime effect on TikTok so easily proves that ghostly sightings can occur when neural networks are trained to find anthropomorphic figures. Although here the ghost is both the digital apparition seen by the car as well as the person moving is the shadow of their own future self.

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**Riley:** Well, I think we need to start wrapping up, but I obviously wanna bring this all back to the re-opening of Piasecki vs Wade, which has yet to be resolved.

**Devon:** Yeah, and I don't think it will be for a while to be honest.

**Riley:** You know what, I was thinking the same thing actually,

Figure 5: *Precursing* (Performance). 2023. Image courtesy of artist and Matt's Gallery, London.

or at least it looks like it's heading that way because it's opened up so many new questions concerning… even how the… how the legal system functions.

**Devon:** In what way?

**Riley:** Well, I guess the law has always been concerned with creating, or finding truth in past events, and now it seems that what we're dealing with here is a… well… something completely different. It's deciding truth within past situations that arise from prediction.

**Devon:** And a prediction is never wholly truthful…

**Riley:** Yeah exactly, and also a predictive technology can't ever be liable for something, which brings me to my last point.

**Devon:** Okay.

**Riley:** I was speaking with a Ph.D. student who regularly listens to our show – shoutout to Evan if you're listening to this! And they told me about this crazy proposal within the justice system to change the courtroom proceedings and protocols entirely.

**Devon:** What?

**Riley:** Yeah, I was actually gonna say this to you later, but was thinking this might need to be its own episode. Because what these people are suggesting is to get rid of the system of prosecution vs. defense.

**Devon:** Okay… [laughs] and…

**Riley:** And their reasoning for this is that the whole court system is a kind of make-believe setup anyways. Two people in wigs and robes tell a story to twelve random people who then decide the truest story between the two, and then another person in a robe and a wig decides a punishment based on stories told through anec-data.

**Devon:** Sorry, what do you mean by anec-data?

**Riley:** Sorry, anecdotal data, like how data can kinda tell a story. So, in this case a predictive technology usually tells a judge how likely it is that a defendant will do this crime again based on data about their background.

**Devon:** So, what are these people suggesting?

**Riley:** Well, I don't quite know yet, I need to do more research, but they're basically suggesting that the storytelling process of court proceedings need to change.

**Devon:** Okay.

**Riley:** I mean, the law is basically a storytelling machine, right?

**Devon:** Yeah, I'd agree with that, but it's enforced at a specific level.

**Riley:** Exactly. And I think that perhaps how it's enforced is what needs changing. But yeah, I think what's going on is that the storytelling process is now a kind of medley of past events as well as predictions.

**Devon:** Right, so there's two versions of every story.

**Riley:** Sometimes three; there's the plaintiff, the defendant, and sometimes the prediction. And I guess, the main questions here are, what will these new rituals look like? Will they break away from this binary system of one side versus the other? Will truth be accessed by looking into the future instead of the past? Will technology be the only harbinger of the future or will we appoint ceremonial positions to people who have been professionally trained to think about the future? Actually the questions are endless at this stage.

**Devon:** It's definitely an interesting time to be working in the legal field, that's for sure. Well, I think that's probably a good place to stop, as we've sadly run outta time, but I think maybe we should do a part two to this. Maybe for the next episode, what do you think?

**Riley:** Yeah, maybe we can do a poll on our socials and see what all you guys have to say.

**Devon:** Well, thanks for joining us again.

**Riley:** Just in case you forgot, you're listening to Devon and me, Riley, from *Learned Friends*. Please don't discuss any of the evidence that you've heard here today, and bye for now.

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Seventh Generational Thinking is an Iroquois practice that takes the position of someone living seven generations in the future when making large decisions that affect a community. It's the idea that the decisions we make today should not only benefit people living presently but also those of our future ancestors (Joseph). As we witness the effects of climate breakdown, this practice of appointing an individual or a group to represent people from the future has been taken up by non-Iroquois people (Krznaric).

Predictive sentencing, often facilitated through advanced algorithms and machine learning, is increasingly employed in the Western criminal justice system. These systems analyze vast amounts of data to forecast an individual's likelihood of reoffending and to help judges make more informed decisions about sentencing and parole. While proponents argue that predictive sentencing enhances objectivity and efficiency, critics raise concerns about potential biases in the algorithms, ethical implications, and the risk of perpetuating existing inequalities within the criminal justice system. The debate around the reliability and fairness of predictive sentencing continues to evolve as technology and legal frameworks adapt to these approaches (Jan et al. 4-6). Predictive sentencing relies on a myriad of data points, including an individual's criminal history, socio-economic background, education, employment records, and demographic information to construct a profile aimed at forecasting the likelihood of future criminal behavior.

Within this data analysis process, what would be the difference between actual data versus anecdotal data? What constitutes anecdotal evidence will differ from case to case, especially in cases concerning individual needs and circumstances (Codex FutureLaw). While this script does not make attempts to answer these questions directly, I wanted to think through the dichotomy within the legal system, which up until now has forensically considered the past to a system that incorporates predictive analytics. The work makes a speculative leap and further considers prediction as an active agent in the legal system. Inspired by this notion of Seventh Generational Thinking, I wanted to imagine a role for a human agent that represents the future. Unlike in the UK, where the defense and prosecution wear wigs and robes, perhaps this person would wear clothes from the future. Or perhaps the role of the judge would adapt to a ceremony

representing future figures. As a part of the speculative leap I make in this work, I also consider what it would mean to show a jury a prediction. In court proceedings today, what the jury is allowed to hear and see is censored and curated to avoid any overpowering anecdotal information. Harking back to the days of witchcraft, curses, ghosts, and predictions, I wonder what place the courts will hold for these technological apparitions and prophecies.

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