

1 because he thinks he's just given a sworn
2 statement that's going to let him off. That's the
3 meaning of the question, what happens if the
4 evidence comes back and it proves I didn't do it?
5 That's the point of saying, what happens,
6 hypothetically, if it comes back from Washington
7 and it shows I didn't do it. Do you have any
8 evidence that shows more than one person who did
9 this?

10 Because he's gotten every indication
11 Capt. Lynch and Det. Pfeiffer don't know about the
12 semen in Tyrone's mouth.

13 But, you know what?

14 He never thought they'd be honest
15 cops. He never thought that they'd write that
16 down, come in and tell you about it because that
17 doesn't sound so hot; does it?

18 But, ladies and gentlemen, I'll tell
19 you something, there are two things the State has
20 to prove in this case, identity and state of
21 mind.

22 And, contrary to what Miss Van Pelt
23 said on her summation, we don't need that sworn
24 written confession to prove that the defendant is
25 the person who brutalized, raped, pilloried these

1 children.

2 Felicia Newcomb, what did she come in
3 here and tell you?

4 That the defendant on the phone said
5 to her first he had to kick the door in, then the
6 door was open, and then he says the last time he
7 saw Tyrone was in the bathtub.

8 Significance of the towel, ladies and
9 gentlemen.

10 Janie Bradley, is she lying when she
11 says the defendant said " You'll read about it in
12 the papers"?

13 Is Richard Price lying?

14 Wayne Card, is he mistaken?

15 Is he lying?

16 Shy, the defendant's cousin. Miss Van
17 Pelt says, hey, you know the time if you looked at
18 the clock.

19 Shy is just what her name implies.
20 She knows it's around 9:00 because that's what she
21 looked at.

22 Dawn Troutman, when she gave that
23 statement to Det. Lavigne she was coming in
24 thinking she was exculpating her cousin, hey, he
25 called me at 9:00 o'clock, between 9:00 and 9:30,

1 and told me the kids were missing.

2 She doesn't understand the
3 significance of it then.

4 The police officers do.

5 And, what did they say, " Are you
6 absolutely positive? "

7 They keep asking her " Did you talk to
8 him any other time?"

9 " Never."

10 Cynthia Wilson, she says that when she
11 saw Tyrone he was fully clothed. And, she also
12 tells you it's raining. And, she tells you the
13 defendant has a waist-length jacket on.

14 And, what does Clifton Hall tell you?

15 That the defendant, when he gets
16 dropped off, wants him to take him back to get the
17 jacket.

18 Now, ladies and gentlemen, why is the
19 defendant going out with Clifton Hall to drop off
20 Clifton Hall's mother's friends in November
21 without the jacket?

22 Because he's already committed this
23 crime, ladies and gentlemen, and he's saying to
24 himself, hmmm, did I do the right thing?

25 And, I'll tell you, ladies and

1 gentlemen, this defendant is plotting all the way
2 to cover up his actions.

3 Talk about the polygraph, the Judge is
4 going to charge you, just like the Assistant
5 Prosecutors at the scene know, all that is is an
6 investigative tool.

7 But, contrary to what Miss Van Pelt is
8 saying to you, the defendant not only flunked
9 nightgown, panties, he flunked that he put them in
10 the little girl's mouth, he flunked did you kill
11 Tina and Tyrone, sneakers, blood on the
12 defendant's sneakers.

13 When he's confronted with that
14 footprint he doesn't say, oh, that footprint,
15 that's from when I broke in the window.

16 He can't remember which sneakers he
17 had on when he killed these children.

18 Defendant's first two statements.

19 And, ladies and gentlemen, you got to
20 have a good memory to lie, to keep it all in your
21 mind.

22 When he gives his first statement it
23 comes out rat, tat, tat, no problem whatsoever,
24 says he left -- on page six of that statement --
25 that he left with Clifton to take the two other

1 fellows home about 8:30, around 9:00 o'clock.

2 Then on the final page of the
3 statement Det. Pfeiffer says to him, "When was the
4 last time you saw the children?"

5 "About 9:00 or 9:30."

6 Then, ladies and gentlemen, this
7 defendant has an incredible memory, he can
8 remember that he got the car stuck in the piece of
9 -- ditch, he can remember he bought beer here, he
10 can remember he stopped for fish, he can remember
11 where he cashed his check.

12 Then it comes to the clarification
13 statement.

14 He remembers all the phone calls he
15 made, he remembered exactly what Margaret said,
16 how he went down to Mrs. Hall's apartment, he went
17 and got a cigarette from Paton.

18 And, then it comes down to the second
19 statement, the clarification statement.

20 "Did an Audrey or Shy call and speak
21 with Tina while you were there?"

22 "She could have."

23 "Did you speak with Audrey any time
24 that evening?"

25 "I don't remember."

1 Ladies and gentlemen, he remembers all
2 the phone calls. He remembers even where he lost
3 his eyeglasses. He remembers what he had to
4 drink, where he went.

5 But, he doesn't remember that he spoke
6 with his cousin. And, that's in the clarification
7 statement, ladies and gentlemen.

8 And, that's when the detectives know
9 about the statement that they took from Audrey
10 Troutman and Shy.

11 The defendant knows the significance
12 of that, ladies and gentlemen. He knows just like
13 he knew in the first statement it's around that
14 time that he killed these children, raped these
15 children, brutalized these children.

16 And, ladies and gentlemen, the State
17 contends the first two statements, the oral
18 confession that Frank Pfeiffer told you about,
19 that's all the State needed to convict this
20 defendant beyond any doubt.

21 The sworn statement is good for the
22 defendant. But, he forgot one thing, you can't
23 cheat an honest man.

24 This defendant who thought he was
25 getting over on Det. Pfeiffer and Capt. Lynch,

1 whistling, hey, am I going to get a speedy trial
2 -- can you imagine anyone committing these crimes
3 wanting a speedy trial?

4 The State says to you, ladies and
5 gentlemen, that when he denied the red wire, when
6 he failed to tell the officers about the semen,
7 that he had sexually assaulted Tyrone, he did that
8 deliberately.

9 Do you recall the colloquy that Capt.
10 Lynch and Det. Pfeiffer told you they had with the
11 defendant about the size of the scissors?

12 Do you remember them telling you that
13 the defendant first started out -- (indicating)?

14 Why?

15 Once again, he's trying to mislead,
16 he's trying to be deceptive, he's trying to lie
17 his way out of this in that confession in which
18 he's so contrite, and he's so penitent. But, he's
19 whistling. He thought Det. Pfeiffer and Capt.
20 Lynch are never going to write down how about --
21 what if the evidence comes back and it's another
22 guy.

23 He doesn't know that Capt. Lynch knows
24 that he's called it a ligature.

25 After all, when they asked him "How

1 did you put the nails in Tyrone's head," what did
2 he say?

3 "A hammer. A chair. A crowbar." With
4 a big grin on his face.

5 Now, ladies and gentlemen, this
6 defendant is hoping that that sworn, written
7 confession was going to be his passport.

8 And, ladies and gentlemen, think to
9 yourself, detectives -- Miss Van Pelt suggests
10 that the detectives fed it to the defendant,
11 suggested things.

12 They're going to suggest two different
13 times which he committed the murders?

14 They're going to suggest that it's an
15 accident?

16 They're going to suggest to the
17 defendant that he didn't mean it?

18 Ladies and gentlemen, if what Miss Van
19 Pelt wants you to believe is true, they're going
20 to be so careful, so thorough, so meticulous.

21 Ladies and gentlemen, this defendant,
22 whatever he said was written down.

23 And, the State suggests to you, ladies
24 and gentlemen, when you read that sworn written
25 confession, read it through the focus of someone

1 who is trying to get over.

2 Remember Det. Pfeiffer telling you
3 there was an impasse?

4 Do you remember him telling you there
5 was a impasse when the defendant was asked about
6 the panties?

7 But, do you also recall Det. Pfeiffer
8 telling you that the defendant asked, "Did I flunk
9 all the questions?"

10 So, he's weighing, uhmmm, if I flunk
11 that one --

12 The oral confession just comes pouring
13 out of him, ladies and gentlemen. And, all of a
14 sudden he has questions, "Are you going to bring
15 me down to Elizabeth? Am I going to stay in
16 Plainfield? Going to get me a mental doctor? I
17 can't remember. Tension. Alcohol. Drugs. First
18 two statements I was fine. A little high."

19 But, all of a sudden this defendant
20 wants you to believe that he can't remember.

21 And, look, ladies and gentlemen, at
22 what he says about where the children were. The
23 State suggests to you, ladies and gentlemen, this
24 was once more an attempt on the part of this
25 defendant to get over.