

IN THE SUPREME COURT OF THE STATE OF NEVADA

* * *

JASON JONES,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

CASE NO. 63136

Electronically Filed
Sep 04 2013 08:48 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

APPELLANT'S APPENDIX

VOLUME 14

Direct Appeal From A Judgment of Conviction
Eighth Judicial District Court
The Honorable Valerie Adair, District Court Judge
District Court No. C285488

David M. Schieck
Special Public Defender
JoNell Thomas
Deputy Special Public Defender
330 S. Third Street, 8th Floor
Las Vegas, NV 89155

Attorneys for Appellant

Steven Wolfson
District Attorney
200 Lewis Ave., 3rd Floor
Las Vegas NV 89155

Catherine Cortez-Masto
Nevada Attorney General
100 N. Carson Street
Carson City, NV 89701

Attorneys for Respondent

I N D E X

<u>Volume</u>	<u>Document Name/File Date</u>	<u>Page No.</u>
15	AMENDED JURY LIST (1/29/13)	1544
10	BENCH WARRANT RETURN (1/25/13)	1020-23
15	CRIMINAL COURT MINUTES (UNFILED)	1599-1616
1	DEFENDANT'S MOTION IN LIMINE TO ADMIT EVIDENCE OF AND CONTENTS OF RECORDED 911 REPORT (12/18/12)	60-69
8	DEFENDANT'S PROPOSED JURY INSTRUCTIONS (1/23/13)	780-796
10	EX PARTE APPLICATION FOR ORDER REQUIRING MATERIAL WITNESS TO POST BAIL (1/24/13)	1014-18
2	EXHIBIT A IN SUPPORT OF DEFENDANT'S MOTION IN LIMINE TO ADMIT EVIDENCE OF AND CONTENTS OF RECORDED 911 REPORT (1/2/13)	141-163
1	INFORMATION (11/14/12)	1-3
15	INSTRUCTIONS TO THE JURY (1/29/13)	1506-37
15	JUDGMENT OF CONVICTION (JURY TRIAL) (4/29/13)	1595-96
8	JURY LIST (1/23/13)	779
1	MOTION FOR DISCOVERY SPECIFICALLY DISCLOSURE OF ALL PHYSICAL EVIDENCE COLLECTED IN THE INVESTIGATION OF THIS CASE AND/OR THIS DEFENDANT AND OF ALL FORENSIC TESTING CONDUCTED THEREON (12/18/12)	53-59

<u>Volume</u>	<u>Document Name/File Date</u>	<u>Page No.</u>
2	MOTION TO DISMISS COUNSEL (1/10/13)	168-170
15	NOTICE OF APPEAL (5/3/13)	1597-98
2	NOTICE OF DEFENDANT'S WITNESSES (1/11/13)	203-204
1	NOTICE OF WITNESSES AND/OR EXPERT WITNESSES (12/5/12)	13-32
1	ORDER [TO ISSUE WRIT] (12/26/12)	70-71
15	ORDER DENYING DEFENDANT'S PETITION FOR WRIT OF HABEAS CORPUS (1/29/13)	1504-05
1	PETITION FOR WRIT OF HABEAS CORPUS OR, IN THE ALTERNATIVE, MOTION TO REMAND FOR ADMISSION OF EVIDENCE OF OTHER ACTS/ DEFENSES (12/17/12)	39-52
1	REPORTER'S TRANSCRIPT OF HEARING 11/27/12 (4/16/13)	4-12
1	REPORTER'S TRANSCRIPT OF HEARING 12/11/12 (4/16/13)	33-38
2	REPORTER'S TRANSCRIPT OF HEARING 1/3/13 (4/16/13)	164-167
2	REPORTER'S TRANSCRIPT OF HEARING 1/10/13 (4/16/13)	171-182
3	REPORTER'S TRANSCRIPT OF HEARING 1/17/13 (4/16/13)	212-217
3	REPORTER'S TRANSCRIPT OF HEARING 1/18/13 (4/16/13)	218-222

<u>Volume</u>	<u>Document Name/File Date</u>	<u>Page No.</u>
3	REPORTER'S TRANSCRIPT OF HEARING 1/22/13 JURY TRIAL DAY 1 PGS 1-91 (4/15/13)	223-313
4	REPORTER'S TRANSCRIPT OF HEARING 1/22/13 JURY TRIAL DAY 1 PGS 92-191 (4/15/13)	314-413
5	REPORTER'S TRANSCRIPT OF HEARING 1/22/13 JURY TRIAL DAY 1 PGS 192-293 (4/15/13)	414-515
6	REPORTER'S TRANSCRIPT OF HEARING 1/23/13 JURY TRIAL DAY 2 PGS 1-134 (4/15/13)	516-649
7	REPORTER'S TRANSCRIPT OF HEARING 1/23/13 JURY TRIAL DAY 2 PGS 135-263 (4/15/13)	650-778
8	REPORTER'S TRANSCRIPT OF HEARING 1/24/13 JURY TRIAL DAY 3 PGS 1-60 (4/15/13)	806-65
9	REPORTER'S TRANSCRIPT OF HEARING 1/24/13 JURY TRIAL DAY 3 PGS 61-126 (4/15/13)	866-931
10	REPORTER'S TRANSCRIPT OF HEARING 1/24/13 JURY TRIAL DAY 3 PGS 127-208 (4/15/13)	932-1013
11	REPORTER'S TRANSCRIPT OF HEARING 1/25/13 JURY TRIAL DAY 4 PGS 1-132 (4/15/13)	1024-1155
12	REPORTER'S TRANSCRIPT OF HEARING 1/25/13 JURY TRIAL DAY 4 PGS 133-271 (4/15/13)	1156-1294
13	REPORTER'S TRANSCRIPT OF HEARING 1/28/13 JURY TRIAL DAY 5 PGS 1-112 (4/15/13)	1295-1406
14	REPORTER'S TRANSCRIPT OF HEARING 1/28/13 JURY TRIAL DAY 5 PGS 113-209 (4/15/13)	1407-1503

<u>Volume</u>	<u>Document Name/File Date</u>	<u>Page No.</u>
15	REPORTER'S TRANSCRIPT OF HEARING 1/29/13 JURY TRIAL VERDICT (4/16/13)	1538-42
15	REPORTER'S TRANSCRIPT OF HEARING 4/4/13 SENTENCING (4/16/13)	1582-94
1	RETURN TO WRIT OF HABEAS CORPUS (12/26/12)	72-110
2	SECOND SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES (1/14/13)	205-211
15	SENTENCING MEMORANDUM (3/27/13)	1545-1581
2	STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY (12/26/12)	113-118
2	STATE'S OPPOSITION TO DEFENDANT'S MOTION IN LIMINE TO ADMIT EVIDENCE AND CONTENTS OR RECORDED 911 REPORT (12/26/12)	119-140
2	SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES (1/11/13)	183-202
15	VERDICT (1/29/13)	1543
10	WARRANT OF ARREST (1/24/13)	1019
2	WRIT OF HABEAS CORPUS (12/28/12)	111-112
8	WRITTEN OBJECTIONS TO STATE'S PROPOSED JURY INSTRUCTIONS (1/24/13)	797-805

1 you begin deliberating with one another.

2 If you would all please place your notepads in your
3 chairs and follow the bailiff through the double doors.

4 (Jury recessed at 12:55 P.M.)

5 THE COURT: Is that the State's last witness?

6 MS. CHRISTENSEN: Yes, Your Honor. We just want to
7 make sure that --

8 THE COURT: Right, that's fine.

9 MS. CHRISTENSEN: -- prior to stipulation I
10 appreciate you allowing us to wait for the rest.

11 THE COURT: Okay. Let's go ahead and do the
12 defendant's Fifth Amendment admonition at this time. All
13 right. Mr. Jones, you have the right to take the stand and
14 testify on your own behalf. Are you aware of that right? You
15 can take the stand and testify. Do you understand that?

16 THE DEFENDANT: Yes, ma'am.

17 THE COURT: Okay. If you choose to take the stand
18 and testify, the Deputy District Attorneys will be allowed to
19 cross-examine you, and anything you say, whether it be in
20 response to a question from your lawyers, a question from the
21 Deputy District Attorneys, question from the jury, or
22 questions from the Court, will be the subject of fair comment
23 by the Deputy District Attorneys in their closing argument.
24 Do you understand that?

25 THE DEFENDANT: No.

1 THE COURT: What?

2 THE DEFENDANT: No.

3 THE COURT: I'm sorry.

4 MR. CANO: He said, no, ma'am.

5 THE COURT: No. Okay. What don't you understand?

6 THE DEFENDANT: The whole thing, like.

7 THE COURT: Well, okay. If you -- if you're a
8 witness, they get to cross-examine you just like your lawyers
9 got to cross-examine the State's witness. Do you understand
10 that?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: Okay. And just like we went through with
13 jurors writing down -- I think we've only had two or three
14 questions -- if they want to ask you a question, as long as
15 it's relevant, I read the juror question. Do you understand
16 that?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Okay. And then anything you testify to,
19 regardless of who asked the question, the DA's can talk about
20 that in their closing argument. You understand?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. Now if you take the stand to
23 testify and you've been previously convicted of a felony crime
24 within the past ten years or you discharged your sentence and
25 probation, parole, or imprisonment within the past ten years,

1 the Deputy District Attorneys will be allowed to ask you about
2 that, but all they can ask you about is the offense for which
3 you were convicted, the date of the conviction, the date of
4 the offense, and the jurisdiction, meaning the court, like was
5 it Clark County District Court, or Reno Court, or whatever, in
6 which you were convicted; do you understand?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Okay. Also, if you sustained a
9 conviction for what we call a misdemeanor crime of moral
10 turpitude, I think it's in the last -- he doesn't have one of
11 those, does he?

12 MR. PIKE: No, Your Honor. He has two prior
13 felonies, but he doesn't have any misdemeanors.

14 MR. CANO: No, Your Honor.

15 THE COURT: Then the DA could ask you about that, but
16 your lawyers have indicated you don't have a misdemeanor
17 crime. Do you understand all of that?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Okay.

20 THE DEFENDANT: Now Your Honor --

21 THE COURT: I'm sorry.

22 THE DEFENDANT: What if I don't remember exact dates
23 or times?

24 THE COURT: Well, that's okay because they probably
25 have a certified judgment of conviction, so, you know, they

1 would probably ask you, you know, isn't it true you were
2 convicted of a felony on this day, or your lawyers might ask
3 you on direct examination, so they might show you that, or if
4 you don't remember the exact date then, you know, it's fine to
5 say you don't remember the exact date of the crime or the
6 conviction or whatever.

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Now you also have the right to not take
9 the stand and testify, and if you choose to avail yourself of
10 your right not to testify, the Deputy District Attorneys can't
11 comment on that in their closing arguments; do you understand?

12 THE DEFENDANT: Yes, ma'am.

13 THE COURT: Okay. Also, if you choose not to take
14 the stand and testify, the Court will give an instruction if
15 asked to do so by your lawyers. I don't have it in front of
16 me, but essentially it says that an accused cannot be
17 compelled to testify in a criminal case; thus the decision as
18 to whether or not he testifies is left to the defendant on the
19 advice of his attorney, and the jury's not to consider that in
20 their deliberations, nor draw any inference of guilt from the
21 fact that he does not testify. And I can read you the
22 instruction exactly as it's written when we do jury
23 instructions, but I give that instruction if your lawyers ask
24 me to. Do you understand?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Okay. Have you had a full and ample
2 opportunity to discuss your right to testify, as well as your
3 right not to testify with your lawyers, Mr. Pike and Mr. Cano?
4 I mean, you talked about you can testify, you talked about you
5 don't have to testify, and you know what the DA's can do. Did
6 you talk about all that with your lawyers?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Okay. Do you have any questions you want
9 to ask me about either of these rights or anything I've just
10 gone over with you?

11 THE DEFENDANT: No, ma'am.

12 THE COURT: Okay.

13 MR. PIKE: Your Honor, I hate to interrupt, but also
14 during the course of this, because it's become relevant in
15 other cases, I also advise my clients if they give up their --
16 if they testify at the time of the trial that this is a
17 relinquishment, this prohibits them from invoking their
18 ability to not testify if there's a retrial. It's -- it's one
19 of those rights they can only invoke up until the time they
20 waive it and then it's forever waived.

21 THE COURT: Do you understand that?

22 THE DEFENDANT: No, ma'am.

23 THE COURT: Okay. Basically what that means is let's
24 say you testify in this case and it's a hung jury, so there
25 would be a retrial. Or, let's say you testify in this case

1 and it's a guilty verdict but there were errors that were
2 made, you know, and your lawyer files an appeal, and the
3 Supreme Court reverses your conviction and it comes back for
4 trial.

5 If you've -- if you've waived your right to remain
6 silent, your right not to testify, then you no longer have
7 that right in a subsequent trial. Those would be two ways
8 that a subsequent trial might occur. Do you understand?

9 THE DEFENDANT: So if I waive my right -- if I don't
10 testify in this trial --

11 THE COURT: Then you have that forever more, or,
12 let's just say there was a second trial and you choose to
13 waive your right at that time, then you can testify in the
14 subsequent trial if there was ever a subsequent trial. Did I
15 cover that adequately, Mr. Pike?

16 MR. PIKE: Yes, Your Honor. And there is one other
17 aspect to this also. Early on in an attempt for negotiations
18 in this case Mr. Jones made a proffer to the District
19 Attorney's Office which was recorded. The jury has not heard
20 anything about that because part of the negotiations were that
21 this proffer would be made and there was an offer made in
22 reference to a resolution of the case when the proffer was
23 made; and it would not come in unless he took the stand, in
24 which case if he takes the stand, then they can cross-examine
25 him about that and particularly they can point out any

1 discrepancies --

2 THE COURT: Inconsistencies.

3 MR. PIKE: -- inconsistencies that he may make on the
4 stand from what he told the police.

5 THE COURT: Do you understand all of that?

6 THE DEFENDANT: Yes, ma'am.

7 THE COURT: Okay. Do you have any questions you
8 would like to ask the Court about any of these things?

9 THE DEFENDANT: Yes, ma'am. I'm trying to -- I would
10 like to get a fair understanding of the right to testify in
11 the case of a subsequent trial. If I don't testify in this
12 trial I can't testify in the subsequent --

13 THE COURT: No, no. It's the opposite.

14 THE DEFENDANT: Okay.

15 THE COURT: If you -- if you were to testify -- not
16 to testify, okay, and if there were a subsequent trial, which,
17 you know, there's no right to a subsequent trial. The only
18 way you get a subsequent trial is if before verdict there's
19 some disaster and, you know, Mr. Pike and Mr. Cano are hit by
20 a bus and we don't go to closing, or God forbid we lose three
21 jurors to where we don't have 12, or something like that,
22 number one.

23 Number two, if it goes to verdict and there's a hung
24 jury, meaning it's not unanimous for guilt, it's not unanimous
25 for acquittal, or for one of the degrees of murder they're

1 split on, okay? Or, you're convicted of something and your
2 lawyers file an appeal and your conviction is reversed because
3 of errors that were committed -- trial misconduct errors that
4 were committed by the Court, something like that.

5 You're not guaranteed a right to a second trial.
6 Those would only be the ways I can think of that you might get
7 a second trial following you testifying. Did I cover pretty
8 much the possibilities?

9 MR. PIKE: That's correct, Your Honor.

10 THE COURT: So if -- the only -- I mean, it's no
11 guarantee of getting a second trial. You know, if you're
12 convicted, the only way you get a second trial is if the
13 Supreme Court reviews it and they decide there was enough
14 error in the record or significant enough record -- error,
15 enough errors, little errors taken together, or something like
16 that, where they think that you deserve a new trial, that
17 would be the only -- the only way. Of course, if you're
18 acquitted, State can't try you again. It's all over.

19 THE DEFENDANT: In the case of a subsequent trial,
20 how long would it take to be reviewed by the Supreme Court?

21 THE COURT: Wow, Mr. Pike and Mr. Cano may have more
22 experience in that regard than I do.

23 MR. PIKE: Your Honor, in my experience over doing
24 homicide cases, it could take anywhere between six months to
25 two years for the Supreme Court to make a decision.

1 THE COURT: Right. And of course, that's only if
2 you're convicted. If you're not convicted, the Supreme Court
3 doesn't look at it. All right. Any other questions for this
4 Court?

5 THE DEFENDANT: [Inaudible.] Thank you.

6 THE COURT: I'm sorry.

7 THE DEFENDANT: No, ma'am. Thank you.

8 THE COURT: Okay. And do you need additional time to
9 confer with your client to determine whether or not he's going
10 to be testifying in this matter?

11 MR. CANO: Yes, Your Honor.

12 THE COURT: All right. Let's then move to jury
13 instructions. Now we received a new packet this morning. You
14 can sit down, Mr. Jones. We received a new packet this
15 morning, is that agreed upon? Everything has been agreed upon
16 or is there still some dispute?

17 MS. CHRISTENSEN: Your Honor, we stayed after last
18 Friday and came to resolutions on some things that we could
19 come to resolutions on. I believe if we go through Mr. Pike's
20 written objections, we came to agreements on every one but two
21 of them.

22 THE COURT: Okay.

23 MS. CHRISTENSEN: And so, that reflects the
24 resolutions as to the remainder of them.

25 THE COURT: Okay. What are the two that are still

1 disputed, then?

2 MR. PIKE: Go ahead, I'm sorry.

3 MS. CHRISTENSEN: The first one is his Number 3, the
4 defendant is presumed innocent, the reasonable doubt
5 instruction.

6 THE COURT: Okay. And how is it that you want to
7 change it, Mr. Pike?

8 MR. PIKE: Well, I just -- I believe that my proposed
9 instruction, and it's a California instruction regarding
10 reasonable doubt, is something that is appropriate and should
11 be brought into the jury instructions. I cite the authority
12 for it on the bottom of that.

13 THE COURT: Okay. Ms. Christensen?

14 MS. CHRISTENSEN: Your Honor, this instruction in its
15 entirety has been looked at by the Nevada Supreme Court
16 several times and --

17 THE COURT: And upheld.

18 MS. CHRISTENSEN: -- over and over again upheld; and
19 one of the main things that Mr. Pike's talking about is not
20 just the portion talking about reasonable, but the first
21 paragraph talking about every material element, and that comes
22 from a combination of NRS 175.191 combined with case law. And
23 case law, specifically State v. Peter, 65 Nevada 584, a 1948
24 case, which uses the term "material evidence." And so, and I
25 could list additional cases, as well.

1 THE COURT: Now, I mean, here's the thing, Mr. Pike,
2 I understand you're making a record and hoping to change the
3 law, but this instruction has been upheld numerous times, so I
4 don't change the reasonable doubt instruction.

5 MR. PIKE: Thank you, Your Honor. And in reference
6 to the material elements, those are my page 15 and 16 on my
7 proposed jury instructions contains my list of material
8 elements. The instructions that have been presented by the
9 State, really there's more detail in reference to voluntary
10 manslaughter than there is to the material elements of murder
11 and first degree and second degree murder.

12 So I believe if that instruction is going to be given
13 that it would be appropriate to give the material elements
14 that must be proven beyond a reasonable doubt, and I'd ask
15 that these two instructions then be put into the packet to go
16 to the jury.

17 MS. CHRISTENSEN: Your Honor, the material elements
18 with regards to murder and any of the related, you know,
19 second degree murder, voluntary manslaughter, are listed in
20 the jury instructions and those are instructions that also
21 have been found to be upheld over and over again by the Nevada
22 Supreme Court.

23 We do not need to supplement it by explaining again
24 what the elements are of each of those crimes, and so we would
25 object to adding that instruction, and especially when the

1 instruction with the term "material" has been upheld.

2 THE COURT: All right. I'm not inclined -- I
3 actually think this kind of makes it a little more confusing
4 to me, but beyond that, I mean, I'm not inclined to rewrite an
5 instruction that's been upheld numerous times. So we can make
6 these exhibits, Mr. Pike.

7 MR. PIKE: I've already filed it.

8 THE COURT: You've already filed it. Okay. Great.
9 Then it's part of the record.

10 MR. PIKE: It is.

11 THE COURT: All right. I think that's everything
12 that we needed to do. Do you then have a clean packet -- oh.

13 MR. PIKE: Your Honor?

14 THE COURT: And we'll deal with the issue of whether
15 or not he wants the Fifth Amendment instruction after lunch
16 when we decide or find out whether or not he's going to
17 testify.

18 MR. PIKE: Your Honor, there were two other
19 instructions that I'd like to just make a very brief record on
20 as well.

21 THE COURT: Okay.

22 MR. PIKE: The proposed -- arguments that were
23 consistent with the -- and have been approved by Crane versus
24 State which if the evidence in the case is subject to two
25 constructions or interpretations, each of which appear

1 reasonable, then -- then it's to weigh on the side of the
2 defendant.

3 The -- I must in confidence say to the Court that the
4 language has been approved but it's not mandatory as far as an
5 instruction. I think it should be mandatory, but it is not
6 error to give it, so we request that, and that's Number 7 on
7 my proposed exhibits.

8 THE COURT: All right.

9 MR. PIKE: And similarly, that is also a -- supported
10 in proposed Instruction No. 10 which cites a California case
11 of People versus Anderson, which is a shorter way of saying
12 that the circumstantial evidence, if capable of two
13 instructions, must be interpreted in favor of the defendant.

14 THE COURT: I don't think that's true because it's
15 however the jury chooses to regard the circumstantial
16 evidence. If they find it very believable, they don't have to
17 discredit that. So the way that is written is confusing and I
18 think can be misconstrued to be wrong.

19 Again, if the jury -- the weight to give evidence is
20 up to the jury and if they believe the circumstantial evidence
21 and they believe it indicates something you don't tell them,
22 oh, no, you have to disregard your opinion and spin it a
23 different way because all circumstantial evidence is pretty
24 much capable of different interpretations. I mean, that's
25 what the trial's about. So I think the way that's phrased is

1 misleading.

2 MR. PIKE: Thank you. And then, as far as proposed
3 Instruction No. 4, 5, and 8, and No. 9, in going through the
4 instructions with the State that we've gone through before,
5 those were incorporated into the instructions that -- and
6 appear in the second, so we're able to incorporate some of my
7 proposed instructions and those are just the ones I want to
8 make for the record.

9 THE COURT: Okay. And Ms. Christensen, you emailed
10 us a clean copy of everything that was agreed to between the
11 two of you?

12 MS. CHRISTENSEN: Yes.

13 THE COURT: Okay.

14 MS. CHRISTENSEN: Everything else that I -- I believe
15 he told me he was going to withdraw based on either discussion
16 or based on changes in the instructions.

17 THE COURT: Okay. Basically, then, we'll take our
18 break now. When we come back, we'll figure out whether or not
19 we're going to use a Fifth Amendment instruction and then
20 we'll -- so have, Ms. Christensen, have several copies of that
21 available if it's not already in the packet.

22 MS. CHRISTENSEN: I will.

23 THE COURT: And then we'll number them.

24 MR. PIKE: Thank you, Your Honor.

25 MR. CANO: What time did you want us back?

1 THE COURT: I'm sorry?

2 MR. CANO: What time were we [inaudible] about that?

3 THE COURT: You guys can come back at 2:10.

4 MS. CHRISTENSEN: What time did you tell them to be
5 back? 2:15?

6 THE COURT: 2:10.

7 MS. CHRISTENSEN: Oh, 2:10. Okay.

8 (Court recessed at 1:14 P.M. until 2:12 P.M.)

9 (Outside the presence of the jury.)

10 MS. CHRISTENSEN: Before I rest I'm going to just
11 make one little record because apparently I was referring to
12 an exhibit as the wrong number because I read it wrong, and
13 then we'll rest.

14 THE CLERK: In front of the jury?

15 MS. CHRISTENSEN: Yes.

16 THE CLERK: Okay.

17 (Pause in proceedings.)

18 THE COURT: All right. Court is now back in session.
19 We're out of the presence of the jury. And, Mr. Jones, you've
20 had time over our lunch break to decide whether or not you're
21 going to be testifying, and so we can know what we're doing
22 with the jury instructions, will the defendant be testifying?

23 THE DEFENDANT: You need to know if I'm going to
24 testify or not to?

25 THE COURT: Well, here's the thing, the State's going

1 to rest as soon as the jury comes back in. When the State
2 rests, then it's your case in chief, which as I understand it,
3 you would be the only witness; is that right?

4 MR. PIKE: We've already called our other witness,
5 Your Honor, yes.

6 THE COURT: Right. So if you're going to testify,
7 then you would be doing it basically couple minutes after the
8 jury comes back in. If you're not going to testify, then the
9 defense would rest based just on the witness that they've
10 already called and then I read the instructions and we go into
11 argument.

12 THE DEFENDANT: I'm not testifying.

13 THE COURT: I'm sorry?

14 THE DEFENDANT: I'm not going to testify.

15 THE COURT: Okay. All right. Let's go ahead and
16 number the jury instructions, then. And Mr Pike and Mr. Cano,
17 do you request that the Court give the instruction it is a
18 constitutional right of the defendant in a criminal trial that
19 he may not be compelled to testify, thus the decision as to
20 whether he should testify is left to the defendant on the
21 advice and counsel of his attorney, must not draw any
22 inference of guilt from the fact that he does not testify, nor
23 should this fact be discussed by you or enter into your
24 deliberations in any way? Do you wish me to give that
25 instruction?

1 MR. PIKE: We do, Your Honor.

2 THE COURT: All right. Normally I put that in
3 somewhere by the reasonable doubt instruction, so we'll just
4 stick that in as we go through. Let's go ahead and number the
5 instructions together to make sure that we all have them in
6 the same order. And is there any objection to the proposed
7 verdict form?

8 MR. PIKE: There is not, Your Honor.

9 THE COURT: All right. That will be blue-backed.
10 All right. Number one, it is now my duty as judge.

11 Two, if in these instructions.

12 Three, an information is brought.

13 Four, to constitute the crime charged. Is this the
14 order you want these in?

15 MR. PIKE: Yes, the order that we have -- that
16 they've been submitted.

17 THE COURT: Okay.

18 MR. PIKE: We worked on that yesterday.

19 THE COURT: Five, in arriving at a verdict.

20 Six, you are here to determine.

21 Seven, the evidence which.

22 Eight, the credibility or believability.

23 Nine, a witness who.

24 Ten, the defendant is presumed innocent. Where do
25 you want the it's a constitutional right?

1 MR. PIKE: I think it will be appropriate to come
2 right after this one.

3 THE COURT: Okay. We'll make that Number 11.

4 MR. PIKE: Thank you.

5 THE COURT: Number 12 then is in this case.

6 Thirteen, murder is.

7 Fourteen, malice aforethought.

8 Fifteen, express malice. Sixteen, murder of the
9 first degree.

10 Seventeen, the law does not.

11 Eighteen, the prosecution is not.

12 Nineteen, the intention to kill.

13 Twenty, all murder with.

14 Twenty-one, you are instructed.

15 Twenty-two, you are instructed.

16 Twenty-three, deadly weapon.

17 Twenty-four, in order to use.

18 Twenty-five, manslaughter is.

19 Twenty-six, the heat of passion.

20 Twenty-seven, if you find.

21 Twenty-eight, the flight of.

22 Twenty-nine, although you are to consider.

23 Thirty, when you retire.

24 Thirty-one, if during your deliberations.

25 And 32, now you will listen.

1 All right. Everyone ready for the bailiff to bring
2 in the jury?

3 MR. PIKE: Yes, Your Honor.

4 (Jury reconvened at 2:19 P.M.)

5 THE COURT: All right. Court is now back in session.
6 The record should reflect the presence of the State through
7 the Deputy District Attorneys; the defendant, Mr. Jones and
8 his counsel; the officers of the court, and the ladies and
9 gentlemen of the jury. Ms. Christensen?

10 MS. CHRISTENSEN: Your Honor, we talked and
11 everything has been admitted that we asked to be admitted.
12 There was one error that we needed to correct. I referred to
13 the CD with the defendant's statement as Number 97. I misread
14 it. It was Number 91.

15 THE COURT: All right.

16 MS. CHRISTENSEN: And with that, the State rests.

17 THE COURT: All right. Thank you. Defense?

18 MR. PIKE: Thank you, Your Honor. In reference to
19 the exhibits and the stipulations that have been entered into
20 between the State and the defense regarding admissibility and
21 no need to call the custodian of records. At this point in
22 time the defense also rests.

23 THE COURT: All right. Thank you. Ladies and
24 gentlemen, that concludes the presentation of evidence in this
25 case. As I told you at the outset, that is followed by the

1 instructions on the law which I shall read to you in a moment,
2 and then the attorneys have the opportunity to make their
3 closing argument.

4 Because the State has the burden of proof in this
5 case, they both open and close the closing arguments. You
6 will have a number of copies of these written jury
7 instructions back in the jury deliberation room with you so
8 that you can refer to them during your deliberations.

9 You will also have all of the items of physical
10 evidence that were admitted during the course of this trial.
11 It is important that I read the instructions exactly as they
12 are written. I am precluded from trying to clarify them or
13 expand upon them in my own words in any way. Each of the
14 instructions is also numbered, which may aid you in your note
15 taking.

16 (Jury Instructions read, not transcribed.)

17 THE COURT: Ladies and gentlemen, that concludes the
18 instructions on the law. Is the State ready to proceed with
19 their closing argument?

20 MR. PANDELIS: Yes, Your Honor. Thank you, Your
21 Honor.

22 STATE'S CLOSING ARGUMENT

23 MR. PANDELIS: Counsel, ladies and gentlemen of the
24 jury. On June 17 of 2012, the defendant, Jason Jones, was mad
25 at Jaime Corona. The defendant was mad at Jaime Corona for

1 the burglary that was committed at the defendant's apartment
2 just a few days before.

3 The defendant going into the evening hours of June
4 17th was mad at Jaime Corona for money that was still owed to
5 him over an agreement that they had reached for Jaime Corona
6 to pay him back. Later in that evening the defendant was mad
7 at Jaime Corona and was pounding on Jaime Corona's door.

8 Then the police showed up after Jaime Corona wouldn't
9 answer that door, but the police were called. The defendant
10 was even more mad, pounding at the door for ten more minutes,
11 pounding, yelling, demanding for Jaime to come out, demanding
12 that he be paid the money that Jaime owed to him; and the
13 defendant, being as mad as he was, then pulled out a firearm
14 and shot Jaime Corona as he opened his door that evening at
15 about 10:30 p.m.

16 And because of the defendant's conduct that evening
17 the State is going to ask that you find the defendant, Jason
18 Jones, guilty of first degree murder with use of a deadly
19 weapon. But before doing that, in this case, as in all
20 criminal cases, the State needs to prove two things to you
21 beyond a reasonable doubt.

22 The first being that the crime charged actually
23 occurred; and secondly, that it was the defendant that
24 committed the crime. In this case the crime being charged, as
25 the Judge just read to you, is murder with use of a deadly

1 weapon with the victim being Jaime Corona for the shooting
2 that occurred on June 17th.

3 Now when you look at your verdict form, and Judge
4 Adair just went through it with you and also in the
5 instructions, you are instructed that you're going to, under
6 murder, you're going to have to decide whether this was first
7 degree murder, second degree murder, or voluntary
8 manslaughter.

9 And with each one of those, there's the choice of
10 with use of a deadly weapon or without the use of a deadly
11 weapon. So, for example, if you decide the defendant is
12 guilty of first degree murder, you need to decide whether
13 that's first degree murder with use of a deadly weapon or
14 without the use of a deadly weapon.

15 First things first, the most logical way to go
16 through that verdict form is to eliminate what this case does
17 not involve. We know that a firearm was used in this case to
18 kill Jaime Corona. The coroner, Doctor Dutra, came in here
19 and told you that when he performed the autopsy he saw what he
20 recognized as a very clear bullet entrance wound, bullet exit
21 wound, and he traced the trajectory of the bullet and saw a
22 bullet piercing the heart.

23 A bullet comes from a gun. You saw the bullet hole
24 going through the gate or the screen door. We know a firearm
25 was used. Furthermore, there was a cartridge casing found.

1 You heard some questions to several of the police witnesses in
2 this case about whether or not a firearm was recovered.

3 Well, it would be nice to recover a firearm in every
4 case. Common sense tells you -- and you're instructed to use
5 your common sense -- common sense tells you that when people
6 commit crimes with firearms, a lot of times those firearms are
7 nowhere to be found, especially when a person is apprehended
8 three or four days later.

9 However, you're instructed that the State is not
10 required to recover the deadly weapon, in this case the
11 firearm, for you to find the defendant guilty of a charge
12 including with use of a deadly weapon. So in this case, by
13 process of elimination, and I know it's a little hard to see
14 on here, but with some of the choices you have on your verdict
15 form, you can automatically go and strike out three choices
16 for guilt that do not include the use of a deadly weapon.

17 So you can get rid of simple first degree murder,
18 second degree murder, and finally, voluntary manslaughter
19 because we know if the defendant's guilty, a deadly weapon was
20 used. So what is murder? The Judge instructed you that
21 murder is the unlawful killing of a human being that's done
22 with malice aforethought, either express or implied.

23 Malice aforethought is the intentional doing of a
24 wrongful act. Malice aforethought may arise from anger,
25 hatred, revenge, or particular ill will, spite, or grudge

1 towards the person killed. Clearly there's been evidence of
2 that presented in this case through what we just discussed,
3 the defendant being upset with Jaime Corona over the burglary
4 that occurred.

5 Malice aforethought may also arise from any
6 unjustifiable or unlawful motive or purpose to injure another
7 person proceeding from a heart fairly bent on mischief or with
8 reckless disregard of consequences and social duty. So again,
9 in this case judge Adair told you that there are different
10 theories of murder.

11 In this case the State is asking that you return a
12 verdict of first degree murder with use of a deadly weapon,
13 but you also have some options and you were instructed on what
14 second degree murder is and what voluntary manslaughter is.
15 I'd like to take some time going over those instructions and
16 telling you why this case isn't a case of second degree murder
17 with the use of a deadly weapon, why this case isn't voluntary
18 manslaughter with use of a deadly weapon, and why it is first
19 degree murder.

20 First degree murder is the killing of a human being
21 which is done with -- and you need to find three separate
22 things. That it's done willfully. Willfulness is an intent
23 to kill. That it's done with deliberation. Meaning
24 determining upon a course of action to kill. And then,
25 there's premeditation. Meaning a determination by the person

1 to kill.

2 And you have instructions that give you lengthy
3 definitions of all those things. But when we think about what
4 willfulness is, there need not be an appreciable space of time
5 between the formation of the intent to kill and the act of the
6 killing. So the moment that the defendant pulled out that gun
7 and shot Jaime Corona, that's all you need in this case.

8 And we know that a willful act was done here as you
9 saw the bullet hole. Pulling out that gun from your pocket.
10 Raising it up to the level of Jaime Corona's chest and pulling
11 that trigger is a willful act, so that first element of first
12 degree murder is met in this case.

13 Deliberation. As the Judge informed you, a
14 deliberate determination may be arrived at in a short period
15 of time. It doesn't need to be -- somebody doesn't need to be
16 deliberating over this decision for a day, an hour. And
17 likewise with premeditation, it need not be for a day, an
18 hour, or even a minute. It can be successive thoughts in the
19 mind.

20 However, in this case we have a lot of evidence of
21 the defendant's plan to confront Jaime Corona with a firearm.
22 In this case we know that several days before the shooting
23 occurred the defendant was sending text messages trying to
24 obtain a .380 firearm and that actually the first text message
25 came on June 14th, and that's the same day that you heard that

1 Jaime had burglarized the defendant's apartment earlier in the
2 day.

3 Further evidence of the defendant's premeditation and
4 deliberation was the fact he's at Jaime's door earlier in the
5 evening. You'll recall that the defendant was there two times
6 that day, once before the police arrived and then after,
7 leading up to the time of the shooting. He's there banging on
8 the door. Witnesses saw him banging on the door yelling for
9 Jaime.

10 Police were called to Jaime's apartment, likely
11 upsetting the defendant even more. And then, the defendant
12 returned; after the police leave, the defendant returns to
13 Jaime's door, he's banging, knocking, demanding money at that
14 door loud enough so other people -- it's attracting the
15 attention of other people in the complex before he -- Jaime
16 opens that door, and we know he opened the door because there
17 wasn't a corresponding bullet hole through the wooden door,
18 just the screen door.

19 Jaime opens that door and the defendant willfully
20 fire -- discharges that firearm into Jaime's chest. Second
21 degree murder -- and again, the State is asking you to return
22 a verdict of first degree murder with use of a deadly weapon.
23 But in eliminating voluntary manslaughter with use of a deadly
24 weapon and second degree murder with use of a deadly weapon,
25 it's important to understand what they are and why this case

1 is not one of those two offenses.

2 Second degree murder is also an unlawful killing of a
3 human being with malice aforethought, but unlike first degree
4 murder, second degree murder is done without premeditation and
5 without deliberation, so those elements of premeditation and
6 deliberation, the plan that we talked about with first degree
7 murder, that's not an element of second degree murder.

8 So any murder that is not first degree murder, it
9 doesn't have those elements of premeditation and deliberation
10 is second degree murder. Voluntary manslaughter is the
11 killing -- a voluntary killing of a person upon the sudden
12 heat of passion caused by a provocation apparently sufficient
13 to make the passion irresistible.

14 So when a person commits an act of voluntary
15 manslaughter, there's something that puts them in a sudden
16 heat of passion. They're provoked and they have no
17 opportunity to reflect upon their decision. An example of
18 voluntary manslaughter that's often given is a man leaves work
19 at lunchtime to go surprise his wife with some flowers and a
20 gift.

21 He pulls into the garage, walks into the door,
22 tiptoes his way upstairs, and catches his wife in bed with
23 another man, and then takes out a gun that he happens to have
24 on him and shoots that other man. He is in the sudden heat of
25 passion because he's been provoked. What he sees he has no

1 opportunity to reflect.

2 That is an example of voluntary manslaughter based on
3 the definition that you've been instructed on. So when you
4 look at your verdict form, as we discussed earlier, this isn't
5 -- you can automatically eliminate the choices where a deadly
6 weapon is not used because we know that a firearm was used.

7 But you can also go ahead and get rid of voluntary
8 manslaughter with use of a deadly weapon because, as I
9 indicated, we don't have that highly provoking event like I
10 just described to you where there's no chance for reflection.
11 The defendant here knew about the burglary to his apartment
12 three days before this shooting occurred.

13 The defendant here went to -- had a discussion with
14 Jaime earlier in the day about money. The defendant, Jason
15 Jones, went to Jaime's door and was banging on that door for
16 several minutes before the police arrive the first time. The
17 defendant was at that door again a second time leading up to
18 the time of the shooting banging on that door for about ten
19 minutes before the shots were fired.

20 Clearly not a voluntary manslaughter. Clearly not an
21 act where he was acting under the sudden passion due to an
22 irresistible impulse, nothing like that example I just cited
23 to you. So you can -- you can eliminate voluntary
24 manslaughter with the use of a deadly weapon from your verdict
25 form.

1 Likewise, you can eliminate second degree murder with
2 use of a deadly weapon. As I indicated earlier, second degree
3 murder is a unlawful -- a willful -- willful taking of a life
4 but it's done without premeditation and without deliberation
5 and the facts have shown in this case this was a premeditated
6 and deliberate act on the part of the defendant.

7 So you're left with two choices now on your verdict
8 form; first degree murder with the use of a deadly weapon, and
9 again, that's a willful act that's done with premeditation and
10 deliberation, or not guilty. So the next question you need to
11 answer is whether or not it was the defendant that committed
12 the crime of murder in this case.

13 And when you look at all the facts in this case,
14 there were several factors that point towards Mr. Jones' guilt
15 in this case. We have evidence of motive. The defendant was
16 upset with Mr. Corona leading up to the time of the killing.
17 The defendant was seen before Jaime Corona was shot, knocking
18 at his door.

19 The defendant was seen after Jaime Corona was shot
20 fleeing to the car. You'll recall Mr. Coleman's testimony and
21 then also the evidence of Mr. Coleman's prior statement that
22 you heard through Detective Ivie where Mr. Coleman saw him
23 before and after the shots were fired. You also heard that
24 Jaime was shot with the .380 caliber ammunition.

25 That's the same type of firearm that text messages

1 prove that Jaime -- or, excuse me, the defendant was trying to
2 obtain and likely did obtain due to the fact he arranged a
3 meeting with the person that had that firearm just days before
4 the killing occurred. I'd also ask you to consider the
5 defendant's statement to police as evidence of his guilt.

6 That's the statement that you just heard prior to the
7 break this morning. And finally, the defendant's conduct
8 after the shooting. A lot of that was introduced into
9 evidence through the defendant's own fiance, Denise Williams.
10 So let's talk about the defendant's motive in this case.

11 It's clear he was upset with Jaime Corona over the
12 burglary that occurred. Denise, the defendant's own fiance,
13 came into court and she conceded that the defendant was upset
14 with Jaime over the burglary. Despite the defendant telling
15 detectives otherwise, his own fiance conceded that.

16 The defendant not only talked to Denise about his
17 feelings about the burglary, but Jimmie Brown, the neighbor,
18 the old man with the cane, came in here and told you that the
19 defendant had talked to him about the burglary, asking him
20 some questions about the burglary. So the defendant was
21 clearly aware that there was a burglary at his apartment
22 despite what he told detectives in his statement.

23 Likewise, you see in text messages and other -- and
24 the defendant's statement that the defendant and Denise were
25 short on cash so this money that is owed to him by Jaime

1 Corona is very important to the defendant. Again, upset he's
2 not getting his money back by Jaime Corona.

3 Instead, Jaime Corona is in his apartment that night
4 partying it up with a lady and drinking beer that costs money.
5 Likewise, right after the shooting -- or, during the time of
6 the shooting, Loretta Coleman's in the apartment, and let
7 there be no doubt about Loretta Coleman's testimony.

8 I just want to take this moment to clear this up.
9 Loretta Coleman saw nobody. She told you she heard somebody
10 and Mr. -- the defense own witness came in here, Mr. Perez,
11 you heard he was an investigator that later interviewed Ms.
12 Coleman. He even told you that when he interviewed Ms.
13 Coleman, she said she did not see anybody.

14 But Loretta Coleman told you that she heard the
15 person at the door and when they were knocking on the door
16 conversing with Jaime Corona, they were demanding money, or
17 they were having a conversation about money and later, right
18 after Jaime Corona was shot, witnesses saw Loretta Coleman
19 outside making a statement to the effect of "he was shot over
20 five dollars, shot over five dollars," which is consistent
21 with the defendant being upset with this Jaime Corona for the
22 prior burglary which is a motive for him to carry out the
23 killing in this case.

24 Again, the defendant was seen before and after Jaime
25 Corona was shot, further evidence that the defendant was the

1 person that shot Jaime Corona. You'll recall William
2 Coleman's testimony -- or, and his testimony that was given
3 through the detective through his prior statement where he
4 said he saw the defendant knocking at Jaime's door twice on
5 the evening of the shooting, once prior to the police arriving
6 and then a second time leading up to the time of the shooting.

7 He was reluctant to tell you that in Court, but we'll
8 address William Coleman in a little bit more detail in just a
9 moment. William Coleman, you'll recall his girlfriend,
10 Jovonne Butler also came in here. Remember, she's the young
11 lady that came in here on the arm of the court bailiff up to
12 the witness stand.

13 She told you that immediately after this shooting
14 occurred, William Coleman turned to her and said that he had
15 seen the defendant running from Jaime's apartment. And
16 William Coleman also initially told Detective Ivie that he had
17 seen the defendant run to a black Dodge Neon that he
18 recognized as a car that belonged to the defendant and his
19 fiance, Denise Williams.

20 The fact that Jaime was shot with a .380 as we've
21 discussed is also further evidence that the defendant is the
22 person that carried out the shooting that is responsible for
23 the murder in this case. You'll recall that a .380 cartridge
24 case was recovered at the crime scene in this case and it's
25 recovered exactly where you would expect to find a .380 fired

1 from a semi-automatic weapon.

2 You head the testimony from James Krylo this morning
3 who told you that when a semi-automatic weapon is fired, it
4 automatically ejects the cartridge case. James Krylo also
5 told you some other interesting things that if another type --
6 or, if a .380 casing was fired from another type of firearm,
7 may it be a 9mm, for example, it would not automatically
8 eject.

9 So if a person were shooting Jaime Corona at that
10 door, in order for -- if it were shot from a different type of
11 firearm, a 9mm, for example, after shooting that person would
12 have to manually eject that firearm rather than worrying about
13 just getting the heck out of there because they just shot and
14 killed somebody.

15 Furthermore, as we discussed, on June 14th the
16 defendant is sending text messages to Junior inquiring about
17 the .380, and as Ms. Christensen brought out through the
18 testimony of Detective Sanborn this morning, there's also some
19 conversations a few days before where somebody is texting the
20 defendant bringing to the defendant's attention that they had
21 a .380 for sale.

22 And then, on June 14th, the day of the burglary, the
23 defendant texts that person asking if they still have the
24 .380. On June 15th, the day after the defendant sends those
25 text messages, the defendant sends more text messages to that

1 person that had the .380 where it appears that they're
2 arranging to meet; and it's going to be up to you, ladies and
3 gentlemen of the jury, the finders of fact in this case to
4 give context to all of those text messages.

5 When you're evaluating what all the witnesses in this
6 case had to tell you, it's important to look at the
7 instruction on witness credibility that Judge Adair just read
8 to you, and it tells you that the credibility or believability
9 of a witness is determined by that witness's manner upon the
10 stand, their relationship to the parties, their fears,
11 motives, interests or feelings, their opportunity to observe
12 the matter to which he or she testified, the reasonableness of
13 their statements and the strength or weakness of their
14 recollections.

15 Now unfortunately for the State, when a crime
16 happens, we don't get to handpick our witnesses, as I'm sure
17 that's no surprise to you. When a crime occurs at 1416 F
18 Street near the corner of F and Jackson, to no one's surprise,
19 many of the witnesses, if not all of them, come from that
20 area, and as you saw, many of them were very reluctant to talk
21 to the police that night.

22 Jovonne Butler was very scared to come in here to
23 Court and testify, and as we discussed during jury selection,
24 there's many reasons why witnesses might not want to talk to
25 police about things that they see. And also, Detective Ivie

1 told you about some of the difficulties he has in this
2 particular neighborhood about finding people who want to speak
3 to the police.

4 And it's not as simple as we would like to believe
5 where a person is off the streets arrested so, therefore,
6 everybody should feel comfortable talking to police. This
7 William Coleman, through Detective Ivie's testimony, you know
8 that William Coleman's main concern was not so much being
9 concerned about anybody getting back at him, but just that he
10 had to live in this neighborhood.

11 It's not something he wanted to do. It's not
12 something he wanted his neighbors to see him doing talking to
13 police. He was looking all around. So when you're
14 considering the testimony of William, when you're considering
15 the testimony of Loretta, when you're considering the
16 testimony of Jovonne, when you're considering the testimony of
17 Jimmie Brown, did it seem like any of those individuals were
18 really comfortable being here?

19 Did it seem like any of them were very comfortable
20 about talking about what they saw on the -- during the evening
21 hours of June 17th? And through Detective Ivie's testimony
22 you know that many of them weren't even comfortable talking to
23 police shortly after this happened. And you're also to
24 consider their motives, these witnesses' motives.

25 What would motivate these people to come into court

1 and point the finger at the defendant when many of these
2 people, most of these people hardly know the defendant other
3 than just a neighbor? On the other hand, consider the motives
4 of Denise Williams. She was called as a witness in this case
5 by the State, but I'd ask you to consider her motives and
6 whose interest she's trying to protect.

7 She's the defendant's fiance. She's the mother of
8 the defendant's children. By her own admission, she's told
9 you that she's talked to the defendant hundreds of times since
10 this case occurred. And when she spoke to the police -- and
11 it's going to be up to you to evaluate what she told the
12 police and look back at your notes -- but when she told the
13 police, she told the police things that she wouldn't even
14 realize hurt the defendant, but in retrospect they actually
15 did, and then when she realized that, tried to backtrack.

16 And then, she also denied things that she thought
17 would hurt the police. And you saw her manner upon the stand
18 and that's something else that you're able to consider. You
19 saw that Denise Williams, up on that stand, when Ms.
20 Christensen asked her, did you, in fact, say that? She had no
21 recollection of it.

22 So Ms. Christensen went ahead and played a portion of
23 her statement and said, is that your voice? She said, I don't
24 know, I can't tell you if that's my voice. So Ms. Christensen
25 went so far as to play the first portion of that interview

1 that began with the recitation of her name and date of birth,
2 and all Denise Williams could really give you was a shrug of
3 the shoulders. So consider her motivations in this case.

4 And then finally, you heard the defendant's statement
5 this morning through the testimony of Detective Sanborn and
6 you watched that video. Consider the reasonableness of the
7 defendant's statements in this case. One of the first things
8 that happened when he sat down in that interview room is he's
9 being told he's being charged with murder and watch his
10 reaction.

11 Would that be the reaction of you, the reasonable
12 ladies and gentlemen of the jury, if you're told that you're
13 being charged with a murder you apparently know nothing about?
14 But consider the defendant's statement that he knew nothing
15 about this murder. He tells you that he and Denise have never
16 talked about this murder.

17 So moving on to the defendant's statement, he tells
18 you -- beyond telling you he doesn't know anything about the
19 murder, he tells you he doesn't know anything about the
20 break-in that occurred, You're telling me something I don't
21 know. Now consider the reasonableness of that statement.

22 Jimmie Brown, certainly no axe to grind with the defendant, he
23 admitted to you that he's a -- was friendly with the
24 defendant.

25 But he tells you that the defendant actually

1 approached him the day of the burglary asking him questions
2 about it. So the defendant denies something that we know to
3 be true. And then, once again, the defendant's own fiance
4 tells you the same thing, that the defendant was very well
5 aware of the burglary that occurred, despite the defendant's
6 -- the defendant telling the detectives something else that he
7 had no knowledge about.

8 The defendant goes on to say, "Jaime being murdered
9 and all this shit is all new to me." He says he didn't know
10 that the detectives interviewed his fiance and he says he
11 didn't even know their apartment was searched. Ladies and
12 gentlemen, again, I direct your attention to what the evidence
13 in this case shows.

14 You'll recall that the defendant is apprehended about
15 three days after the shooting on June 21st, which is a
16 Thursday; the shooting occurred late in the evening on a
17 Sunday. He's apprehended at an apartment that's tied to his
18 fiance's brother. His fiance is also at that apartment. And
19 in that apartment they also find the search warrant return
20 that was left at the F Street address.

21 So again, the defendant is telling you he knows
22 nothing about Jaime being murdered. He knows -- he doesn't
23 know that Denise has been interviewed by police. He doesn't
24 know that his apartment's been searched. Yet, by Denise's own
25 admission, they have been together for the day leading up to

1 his apprehension on the 21st and yet he denies all those
2 things, so consider the reasonableness of those statements.

3 Defendant goes on to say he wasn't there that day.
4 He left at 9:00 or 10:00 a.m. And again, ladies and
5 gentlemen, this was Father's Day. He leaves at 9:00 or 10:00
6 a.m. when his fiance is there at the apartment with his two
7 young children on Father's Day.

8 Then he changes his story and says, as a matter of
9 fact, I did come back and I drove the black Neon, I drove a
10 gunshot, kept on going, never to return. Hears a gunshot and
11 keeps on going while his fiance and young children are in that
12 apartment? And detectives ask him, what, isn't that where you
13 live? You never went back?

14 And then, he says they're in the process of moving;
15 their stuff is in storage. And they ask him, where are you
16 moving to? He doesn't really know, they don't have a place
17 yet. Ladies and gentlemen, again, this is where common sense
18 comes into play. You saw the pictures of what the apartment
19 looked like on the early morning hours of June 18th right
20 after the shooting.

21 The defendant wasn't moving. Sure, there was some
22 steps to get their stuff out of the property after the
23 shooting occurred, but the day the shooting occurred nobody
24 was moving from this apartment. Defendant is told by
25 detectives several times that witnesses saw him banging on

1 Jaime's door demanding money.

2 So at that point he has to, once he's confronted with
3 that, he changes his story and says, you know what, I went
4 there that morning before I left and I went there to tell
5 Jaime happy Father's Day.

6 This is the same guy that, by Denise's own admission,
7 the defendant is upset with because he's owed money, and as we
8 all know, Jaime Corona broke into his apartment; yet the
9 defendant goes in there the morning before he leaves to pay
10 him a visit and to wish him a happy Father's Day. Consider
11 the reasonableness of that statement.

12 The defendant goes on to say he was with a friend all
13 night but he won't give -- and you'll have a chance to listen
14 to that statement again, listen to how combative the defendant
15 is when he's asked for some simple information about how they
16 can contact this friend CJ. Where does CJ live?

17 He's hesitant to even agree that people call him J,
18 or that's his nickname, and he doesn't even know whether or
19 not he had a cellphone. He possibly had one. The flight or
20 the conduct of Mr. Jones after the shooting occurred in this
21 case is another piece of evidence you can use to conclude
22 beyond a reasonable doubt that it was the defendant that
23 committed the crime of first degree murder in this case.

24 You're instructed that the flight of a person after
25 the commission of a crime is not sufficient in itself to

1 establish guilt; however, if flight is proved, it is
2 circumstantial evidence in determining guilt or innocence.
3 The essence of flight embodies the idea of deliberately going
4 away with consciousness of guilt and for the purpose of
5 avoiding apprehension.

6 Now once again, Denise Williams testified in this
7 case and she told you that even at the time she was
8 interviewed at about 4:30 in the morning after the shooting
9 she had not seen the defendant at that point and she said,
10 even at that point, it was very unusual for her to not have
11 seen or heard from the defendant.

12 When did Denise Williams actually see the defendant
13 for the first time after this shooting occurred? Well, she
14 told you from this witness stand the first time she saw him
15 was Wednesday, the day before he was -- the day before he was
16 actually arrested, which was about two or three days after the
17 shooting, and she said that that was also very unusual.

18 Ladies and gentlemen, when you look at all the
19 factors in this case, the defendant's motive, the fact the
20 defendant was seen at Jaime's door, the defendant's -- the
21 fact that Jaime was shot with a .380, the same type of firearm
22 that text messages prove that the defendant had an interest in
23 obtaining just days before the shooting occurred and the day
24 that he found out his apartment was burglarized.

25 The defendant's statement to the police. The

1 defendant's conduct after the shooting occurred. It is clear
2 that not guilty is not an appropriate verdict in this case.
3 That the defendant should be found guilty of first degree
4 murder with use of a deadly weapon for the willful,
5 premeditated and deliberate killing of Jaime Corona that took
6 place on June 17 of 2012. Thank you.

7 THE COURT: All right. Thank you, Mr. Pandelis. Is
8 the defense ready with their closing argument?

9 MR. CANO: Yes, Your Honor.

10 DEFENDANT'S CLOSING ARGUMENT

11 MR. CANO: That would be a nice story if it were
12 true, but just look at the evidence that we've been listening
13 to here from last week and on to this week. Now these cases
14 are difficult. And why are these cases difficult? Because
15 when you look at this case in particular, it's based upon
16 circumstantial evidence. And what is that?

17 Circumstantial evidence is evidence that tends to
18 make you believe someone did something when you add them all
19 up together. That's what the State's trying to prove here.
20 They don't have any -- well, they don't have any direct
21 evidence. You know, they're saying they don't have any direct
22 evidence. And what's that?

23 An eyewitness. A confession. A fingerprint. DNA.
24 Things of that nature. And so, that's why this case is so
25 difficult because we need to [indiscernible] out the State's

1 theory, their story, versus the reality and evidence that
2 we've heard here last week and this week.

3 Now when we're going through the evidence, something
4 that you do need to hold onto is something that we talked
5 about since early last week. Remember when all of us were
6 here trying to figure out who can be the 12 fair people that
7 can judge this case? All of you said that you believed in
8 that presumption of innocence.

9 That as Jason Jones sits over there, he's presumed
10 innocent. And all of you said that you would hold the State
11 to their burden of proof, that they have to prove every
12 material element in this case beyond a reasonable doubt. You
13 promised us that you could do that. You promised the State
14 that you could do that.

15 You've just been instructed by the judge that that's
16 what your job is to do. So they have to show not only that a
17 crime was committed, what type of crime, was it open murder --
18 it's an open murder case, so was it murder in the first
19 degree? Was it murder in the second degree? Was it a
20 manslaughter?

21 They have to show you what kind of crime was there.
22 And not only that, they have to show you that Jason Jones is
23 the person who did that. That's their job in this case, and
24 if they haven't done that with the evidence that was presented
25 to you, then he's entitled to a verdict of not guilty because

1 they haven't met their burden of proof.

2 Another thing that you need to take into
3 consideration as you're fettering through all of the
4 information that was presented to you is the credibility of
5 witnesses. You got to understand, why were they up on that
6 stand? What motives did they have? What reason were they --
7 you know, what fears did they have?

8 I know Mr. Pandelis went through this, but it's
9 important to judge the credibility of the witnesses. And as
10 you gauge the credibility, you got to give the weight of their
11 testimony. You got to -- you know, in going through the
12 evidence, you got to give that testimony the weight it
13 deserves.

14 Now in the 17 years I've been doing this, this is one
15 of the first times that I've seen the State put up their
16 witnesses just so they could tear them down. I know Mr.
17 Pandelis says he doesn't get to choose who his witnesses is --
18 his witnesses are in this case, but, you know, I beg to differ
19 there because there's two witnesses that they did -- they did
20 choose on this case if you notice, Detective Ivie and
21 Detective Sanborn.

22 And what was their purpose? To testify about hearsay
23 and hearsay upon hearsay, about unrecorded statements that
24 were given to them that now they want you to believe is true.
25 That's their case. And why are these two witnesses their

1 case? Because, let's face it, this area of town where these
2 characters of witnesses that we have here, they're
3 questionable.

4 And just like they're questionable, the State's case
5 is questionable. That's what makes it reasonable doubt. So,
6 you know, we'll talk about the witnesses here, but first let's
7 talk about their theory and their story of what it is they
8 want you to believe.

9 We'll talk about how this case is circumstantial
10 because they don't have an eyewitness, and I'll get into that
11 a little bit, versus their story versus reality and the
12 evidence that was presented here. There's no evidence that
13 can directly tie Jason into this crime whatsoever.

14 We'll talk about the witnesses and whether or not
15 they're credible or not and you get to make that evaluation.
16 That's why you're chosen as jurors, to make that evaluation.
17 Are these credible witnesses? Do I want to base my decision
18 upon their word? Is that enough evidence? Is that enough
19 proof beyond a reasonable doubt?

20 We'll also talk about the motive here. There was a
21 property dispute. They want you to believe that. Now let's
22 talk about that versus the reality of what was heard on the
23 stand. This texting about a gun, they want you to equate
24 because someone is inquiring about a gun that that actually
25 means they had it in their possession at the time when the

1 incident happens.

2 The two do not mean the same. That's speculation,
3 and you got an instruction from the Judge that you can't
4 speculate. You can't fill in the gaps for the State. They
5 have to fill in their own gaps, and if they can't fill in
6 their own gaps and close that circle, they haven't done what
7 their job is to do in this case and that's prove every
8 material element beyond a reasonable doubt.

9 They want you to think that flight means he's got a
10 guilty conscience, that's why he left. We'll talk about that.
11 Let's talk about the reality of what the evidence showed up
12 here. They said that there was no eyewitness. Well, I beg to
13 differ. There was one eyewitness here. Loretta Coleman. I'm
14 going to talk about her statement a little bit later, but one
15 thing I did recall her saying is that it was not Jason Jones
16 that did this.

17 No motive. They want you to take bits and pieces of
18 evidence here. They're trying to use Denise against her
19 fiance or her boyfriend. Well, if you believe that there was
20 an issue over the property dispute, then shouldn't you also
21 believe that she said whatever issue there was was resolved?

22 And it was resolved on that Friday before? It's not
23 a lingering issue. There was no evidence of any of that. The
24 texts. Read those texts. I encourage you to take that
25 booklet that the State prepared there and go through the

1 texts, and I challenge you to find that Jason said, hey,
2 thanks for that gun, or that gun comes in handy.

3 We don't even know if he had a gun. Was he inquiring
4 about a gun? Sure. But inquiring about a gun, again, does
5 not equate to having a possession of the gun. That's
6 speculation and you're not allowed to do that. I defy you to
7 find any text that shows he had any kind of animosity toward
8 Jaime in this case.

9 If he's inquiring about a gun, hey, I got a problem,
10 I need a gun, I need to take care of it, you're not going to
11 find that text because it doesn't exist because there was no
12 animosity between him and Jaime. And his leaving the scene.
13 Could that be just as easy to explain about his fear?

14 He drives up to his apartment complex, hears the
15 shots fired and takes off. Doesn't necessarily mean
16 consciousness of guilt. There's no gun in this case. And
17 that's important because Jaime was shot with a gun and you
18 want to tie that into this crime and you want to not only tie
19 that into this crime, you want to tie it into Jason Jones.
20 But we don't have one here.

21 They want you to think, oh, well, of course, in every
22 case guns disappear and, you know, people get rid of them.
23 Well, I'm sorry, State, you decided to present this case to
24 you, the jury, and if you don't have enough proof or evidence,
25 then maybe you shouldn't go forward with this case, but it's

1 your job to tie that gun to Jason Jones and you haven't done
2 it in this case.

3 Was there even money to buy a gun when you start
4 looking at those texts? There were inquiries about a .22.
5 Did they tie a .22 into Jason Jones? There was an inquiry
6 about a 9mm. Were they able to tie that into Jason Jones?
7 There was inquiries about a .380. There's no denying that.

8 But you're going to see how much they cost, several
9 hundred of dollars. And you also got to put that in
10 conjunction with the other texts. That rent was due. They
11 had a hundred dollars to their names. Could Jason even afford
12 to buy a gun? Was he just trying to hustle? Get a gun, turn
13 it over, maybe sell it to a gun shop, maybe make a little bit
14 of money so he can make money for the rent.

15 Because if you look in the lists of contacts, you'll
16 see that there's a gun shop on there, that maybe he's trying
17 to inquire about a gun to sell that off. We don't know
18 because we can't speculate, but that does explain some of the
19 texts, and just because we can't speculate about whether or
20 not what he was going to do with a gun, we can't speculate
21 whether or not he even had a gun in his possession because,
22 again, the Court instructed you you're not allowed to do that.

23 No gunshot residue. Now the State's trying to
24 explain this away. They have the detective say, hey, well,
25 you know, it was kind of a shot in the dark, you know. We got

1 a dart, we threw it up against the wall and we were going to
2 see if it sticks. Really?

3 Two detectives with thousands of cases behind them in
4 experience with, you know, probably combined 30 years plus of
5 experience, are you just going to take a shot in the dark?

6 No. You heard Mr. Pike get him to say -- get Detective
7 Sanborn to say, hey, we were given a description of the
8 clothes that he was wearing on Father's Day, and those clothes
9 were similar to the ones that he was wearing when we picked
10 him up, so that's why we did the GSR.

11 They try to explain away, hey, it can go away, cannot
12 go away, but they did the GSR testing for a reason. Because
13 they needed to find evidence and -- to link him to this crime.
14 They said, hey, if -- if it's on your hands and you put your
15 hands in your pockets, it's going to end up in your pockets.

16 They had his clothes. They did the testing. And
17 what was the result? It was a negative result. Who does that
18 bode for? For Jason and reasonable doubt. No DNA. They try
19 to explain it away. Hey, you know, well, I didn't see any
20 evidence of any DNA out there so I didn't take it out there.
21 They didn't even try.

22 The question was, hey, it may be difficult to get
23 DNA, but this is a murder case. This is not a shoplifting
24 case. It's not a simple burglar case. This is a murder case.
25 Yourself as a crime scene analyst should take the

1 responsibility and go above and beyond because if you can put
2 that DNA there on that door, doesn't that help the State's
3 case? Sure.

4 But they didn't even do that. They tried to look for
5 fingerprints and they couldn't find any. No direct evidence
6 linking to him, linking Jason to this crime whatsoever. And
7 they need to do that to complete the circle. They just can't
8 show you that something happened. They got to link Jason to
9 this crime and they don't have that evidence.

10 And when you look at the texts, you're going to see
11 that the only person who is, like, referring to a gun was this
12 person, Vincent Herrera. Remember the guy that lived in
13 Apartment No. 1 with Kazandra? Where are the inquiries to
14 Vincent Herrera?

15 And what kind of relationship did Vincent have with
16 Jaime? Were they friends? Did they have a beef? Was there
17 something going on between them? Do we even know? Did you
18 hear one word about Vincent Herrera from any one of those two
19 detectives? No. Is that the kind of investigation that they
20 should be performing on a case of this magnitude? No.

21 Why the 911 call an hour before? Why is that
22 important? What do we know about it? We know that both
23 Loretta and Jaime were there together and they were extremely
24 drunk and [inaudible]. Do you remember when the State played
25 that little clip of the 911 call from Loretta and you could

1 hear her in the background about the banging?

2 We know that they were there. We know that they were
3 drunk. Did any one of them say Jason was on the other side of
4 that banging door? No. Officer Bilyeu, he was the first
5 officer that arrived there to respond to the 911 call and what
6 did he say about Jaime? Unsteady gait. Slurred speech.

7 As a matter of fact, the way that he kind of
8 described that situation was kind of like, all right, Jaime,
9 you've had a little bit too much to drink, I can't even tell
10 -- I can't even tell what you're trying to tell me. Why don't
11 you sleep that off and you make that report in the morning.
12 They have not tied that 911 call to Jason Jones whatsoever.

13 So why the 911 call? Because they want you to get
14 angry with Jason. They want you to be upset with Jason
15 because, obviously, if he was banging on that door an hour
16 before it happened, he must have been there an hour later and
17 shot him despite the fact that they haven't even linked him to
18 a gun. Can you see what the State's trying to do?

19 They're trying to make you speculate and make you
20 think that this 911 call matters. But that's not your job.
21 You can't let that emotion get away from you. Yes, it's sad
22 that Jaime's shot and he's killed and he's dead, but the State
23 has a job in this case and their job is to prove that, every
24 material element in this case, and they haven't.

25 Let's talk about Loretta. Like I said, she was there

1 when it happened. Now she was extremely drunk and it's up to
2 you to give weight to her testimony up here on that stand
3 because that's what the evidence is, her testimony up here on
4 that stand. And we take that into consideration.

5 She did say she didn't know who the assailant was,
6 but she also did say she knew who her neighbors were. She may
7 not know all of them by name, but she dealt with it. And
8 let's talk a little bit about this area, this little, you
9 know, apartment complex here. Kind of reminded me of, I don't
10 know, maybe like a dysfunctional Melrose Place.

11 I don't know if you guys remember that show
12 whatsoever, where like all of the neighbors kind of know what
13 the other neighbors are up to. They have a little hanging out
14 spot there in the courtyard where they get together, sit, and
15 have beers, and kind of talk about everybody's business. She
16 knew who Jason was.

17 She knew that he lived with the girl that was
18 upstairs that was under arrest. She knew that everybody was
19 saying that it was him, but she also said it wasn't Jason
20 Jones. It wasn't Denise's boyfriend that did this case.
21 That's an eyewitness. But they want you to ignore that.

22 They want you to kind of put that aside because she
23 really didn't see it. She only heard the person, but she
24 really didn't see it. But she heard enough or observed enough
25 so that you know it wasn't Jason Jones, and if that's not

1 enough reasonable doubt, that one person who was there when it
2 happened, I don't know what is.

3 William Coleman. You saw his demeanor up on the
4 stand. Did it seem to you like he was trying to be untruthful
5 in this case? He didn't see the shooting, he only heard it,
6 he was with his girlfriend at the time, drinking a couple
7 beers, watching TV, getting ready for bed, like many of us do.
8 He got up to see what was going on.

9 And what did he say? He saw a person that was
10 standing by the car, had short hair, thought could have been
11 male, wasn't sure because it was kind of dark outside, and
12 they just got into the car and they drove away. That's what
13 his statements have been about this case consistently from the
14 very beginning, in his written statement, in his testimony at
15 preliminary hearing under oath, and here under oath.

16 You see that doesn't work for the State, does it? So
17 what do they do? Bring in Detective Ivie, unrecorded,
18 undocumented statement, oh, yeah, he told me it was actually
19 Jason Jones who was running from the courtyard, in the car and
20 driving away. He has no reason to lie. Asked directly, is
21 that what you said? No, I didn't say that statement.

22 Now are the detectives purposely doing this or are
23 they just making mistakes? You heard Detective Sanborn
24 testify this morning, could have sworn that those lights were
25 functioning; but then when they're pointing it out with other

1 evidence that they were like not even on -- oh, well, I made a
2 mistake, mistakes can be made.

3 Sure mistakes can be made, but are we going to rely
4 on this case on the undocumented, uncorroborated statement?
5 Detective Ivie has 15-plus years of experience. Could, even
6 though William may have been reluctant to give a statement at
7 that point in time, could he have not gone back at a later
8 point in time; maybe not in front of all the other neighbors,
9 take him away from others there and got a different statement
10 from him and got a more complete statement and have it
11 recorded?

12 Yes, he could have. But did he? No. Shouldn't that
13 be his job? That person in the car that we saw wasn't even
14 tied to this shooting from the descriptions that William told
15 me -- told you. Standing by the car, got in, and drove away.
16 We don't even know if they were in the courtyard or not. But
17 we know it wasn't Jason that shot Jaime.

18 He never told you that. We asked him that directly,
19 and he said no. He never said that. He never made any
20 statements regarding seeing Jason Jones with a gun in that
21 courtyard or that ran away from this incident.

22 Jovonne Butler. She didn't see the shooting. You
23 know what's curious about Jovonne is this: For the very first
24 time here in court, she made this statement where she heard
25 Billy -- that's what she called William, her boyfriend -- she

1 heard Billy kind of reciting as he was looking out the window,
2 oh, that must be Jason Jones running to the car, jumping in
3 the car and driving away.

4 Isn't that kind of curious how that phrase of
5 sentencing was kind of said? Does this sound familiar?
6 Because it sounded to me verbatim what Detective Ivie
7 testified to. And isn't it curious that at the time of the
8 incident she never mentions it? She writes a statement, she
9 never mentions it.

10 She's interviewed by the detectives and doesn't
11 mention it. She's interviewed by the defense, never mentions
12 it. But when does she remember it? When she's pre-trialed by
13 the State the week before trial starts. And when you're
14 judging her credibility in this case, I mean, the girl is --
15 is very endearing. There's no doubt about that.

16 There's no doubt that she was afraid to get up on
17 that stand. And we do know that, you know, she's had some
18 issues. I mean, she went to special ed classes and she said
19 she's on disability for mental health. I think we can all
20 read between the lines on that. That's nothing derogatory or
21 against her.

22 But just as she was easily lead into this courtroom
23 and walked up onto that stand, don't you think she could be
24 easily lead to saying verbatim what the State needed them to
25 say after she had been pre-trialed? Yes. But she never saw

1 Jason shoot Jaime Corona because he didn't.

2 James Brown. If anybody, he's probably one of the
3 more credible people that were out there, in my opinion, but
4 it's up to you and it's your opinion that matters, not mine,
5 because you're judging these witnesses. But let's take into
6 consideration what he saw as well. He didn't see the
7 shooting, he only heard it.

8 Remember, he was getting ready for bed. He was very
9 honest and brutally honest about all the medications that he
10 was taking. Oxycodone, the muscle relaxers, the sleeping
11 pills, he was smoking some marijuana earlier that day, and all
12 these -- he was taking all these medications because he has
13 some back injuries and he's doing that for that reason.

14 But what else did he say? That these prescriptions
15 and these drugs, they tend to confuse them at times.
16 Sometimes he gets things mixed up. Sometimes he gets events
17 mixed up with days. He thinks it happens on one day when
18 maybe it happened on a different day or he's confused on
19 occasions.

20 And isn't that possible that that could have happened
21 here? Because what does he testify to? The banging on the
22 door. Because the only other two people that could testify to
23 that never mentioned, you know, Jason Jones at all. Let's
24 take into consideration what he's trying to say. That maybe
25 he got confused; maybe he didn't.

1 Maybe it happened; maybe it didn't. But one thing he
2 doesn't get confused is he's been there for a few months and
3 he knows the neighbors. He knows that Jason came looking
4 about property issues, but he wasn't upset about it. He was
5 asked, he was curious, he wanted to know what had happened,
6 had he seen anything.

7 They're trying to make you think that Jason is so mad
8 about this this is what caused this event, but they really
9 haven't shown you that or proven that whatsoever. He also
10 knows that Jaime and -- and Jason are friends. Having beers
11 together, hanging out together. He's seen them throughout the
12 months that he's been there.

13 He's not confused about that. And they are friends.
14 And it wasn't Jason Jones who shot Jaime Corona because he
15 never said that. Denise, was she a difficult witness? It's
16 up to you to decide. But let's talk about how she was treated
17 before you judge her too quickly. She's told to show up by
18 the State to testify at a preliminary hearing and never called
19 to testify and wasted her day there.

20 She was told that she didn't need to show up or she
21 just needed to sign a piece of paper saying that she didn't
22 want to testify and show up, but instead, she's placed under
23 arrest. She's brought here in chains. You saw the shackles
24 that she had on her as she was brought up here to testify.
25 You think there's some reason why she wouldn't be happy with

1 the State? Yeah.

2 But despite that, her statements are consistent.

3 She, again, did not see the shooting, but heard it. Like I
4 said before, if you want to believe that there was any kind of
5 dispute about some break-in or property issues, you also got
6 to take that into consideration because you can't just take a
7 piece of it, you have to take it all together, that whatever
8 issues that there were, were already settled.

9 She told you Jason didn't own a gun. She wouldn't
10 allow it. Not in her house, it had two small kids. He asked
11 her about it before, but she wouldn't let him have a gun. She
12 told you what kind of relationship it was between her family
13 and Jaime's family. Jaime had a son close in age to her
14 children, they would play together out in the courtyard.

15 There was no animosity. They're trying to build this
16 animosity that was non-existent. She told you that they were
17 friends. So if you're taking her testimony into
18 consideration, you got to take it all into consideration, not
19 just the pieces and parts that the State wants you to believe
20 to make their case because if you really look at their case,
21 that's what they're trying to do.

22 They're trying to poach. They're trying to pick this
23 little piece from this statement and this little piece from
24 that other statement and this other little piece from this
25 other statement, and we add them all together to make you

1 think Jason is guilty of something.

2 But it's up to you to determine the credibility of
3 witnesses and take their testimony as a whole, and when you
4 take it as a whole, those little pieces don't quite weave
5 together. And why? Because it wasn't Jason Jones that shot
6 Jaime Corona. You heard a statement, got to see him, the
7 statement earlier today.

8 Told you he heard it and he left the scene. He told
9 you if there were any issues, they were settled before.
10 Broken radio, he gave him some money for it. It was all
11 settled. He told you, I was cool with him, I didn't have any
12 problems with him. He didn't own a gun because Denise
13 wouldn't allow it.

14 Is that consistent with some of the other witnesses
15 that testified? Yes. Does the State like it? No. Why?
16 Because it goes against their case because of what you need to
17 take into consideration when determining have they met their
18 burden of proof. Did you notice in the video itself how angry
19 or agitated or how animated Detective Ivie and Detective
20 Sanborn got with Jason towards the end?

21 I mean, they told you, you know, we use different
22 techniques to try to get what we can from our witnesses to
23 make our cases. You heard Detective Sanborn, I don't have any
24 open cases. We get our man. And in their minds early on,
25 they decided who it was that was their man and they were going

1 to do everything and anything that they could to try to get
2 their man.

3 They even lied to him. We have an eyewitness that
4 said it was you. Did Jason break? No, he didn't. No, it
5 wasn't me. They're mistaken. They have to be mistaken. You
6 get to take that into consideration as well before making your
7 evaluation on the evidence here in this case. It's because
8 Jason didn't shoot Jaime.

9 James Krylo was an interesting witness. He was the
10 one that told you that it was a .380 cartridge that was shot
11 from a .380 gun and that phenomenon was because there was no
12 bulging. You member how we talked a little bit about how it's
13 the wrong size cartridge in the wrong gun, you're going to get
14 a different effect on it?

15 So it was a .380 shot from a .380. Have they been
16 able to link a .380 to Jason? No. They're trying to because
17 of the texts, looking for a 9mm clip. If there was a 9mm clip
18 or he had a 9mm, then that wouldn't have been the cartridge
19 that was fired off the 9mm. There would have been bulging on
20 the cartridge and there wasn't any.

21 And if anything, when you read through the texts,
22 that's probably the closest thing you're going to get
23 associated to him. Maybe a 9mm, but we don't even know if he
24 had one. Was it a .22? No, he told you it wouldn't have been
25 fired from a .22, but Jason was also inquiring about a .22.

1 Does that make him guilty of having that as well? No, it
2 doesn't.

3 Three--eighty, do we even know he had one? No, we
4 don't. That's speculation, and you're not allowed to do that.
5 If anything, the texts are going to show whatever gun
6 belonged, belonged to Vincent Herrera, Mini Me, and you'll see
7 that in like code name, Mini Me. But what evidence do we have
8 about Mini Me?

9 When is the first time we're hearing really about
10 Mini Me and his involvement and relationship with Jaime
11 Corona? Right now in closing arguments? Shouldn't we have
12 heard that before during the trial? I'm going to tell you why
13 it's not a first degree murder.

14 Because the State -- and -- and the State went
15 through very thoroughly and explained to you what first degree
16 murder is. Murder that's willful, premeditation,
17 deliberation, malice aforethought. Have they shown you any
18 premeditation or deliberation here? Have they shown you any
19 texts or animosity between them? No.

20 The animosity that they're trying to create was
21 already resolved, so there's no animosity. Is there any
22 premeditation in this case? Is there any deliberation? Any
23 thoughtfulness through this case? No. Is there any text
24 reaching out to somebody, I have a problem with my neighbor; I
25 need to get a gun so I can get my neighbor? No.

1 You're not going to see anything like that to show
2 you that this case was thought out. There's no evidence of
3 first degree murder whatsoever. Malice aforethought. That's
4 all that hatred and that malignant heart that you need to
5 have, you know, that anger that you have towards a person.

6 If anything, the evidence shows that there wasn't any
7 animosity. So if they can't show you those elements, it's not
8 a first degree murder. Now the difference between a first
9 degree murder and second degree murder is that there's no
10 premeditation, deliberation. It's a killing with malice
11 aforethought.

12 They haven't shown you malice aforethought existed in
13 the first degree context. They haven't shown you it exists in
14 the second degree context. Now the State made -- the State
15 made a couple statements. They said it was anything but
16 voluntary manslaughter. And I agree with them, I don't think
17 it is either.

18 But when I look at this case, at best, at best, maybe
19 they have an arguable case for some type of a voluntary
20 manslaughter. And what evidence do we look at that we want to
21 go through when we consider that? You got to look a little
22 bit at Jaime. Jaime was intoxicated that day, that night. It
23 was a .32. You heard the doctor tell you how high that blood
24 level was.

25 He had also marijuana in his system. You heard

1 testimony from some of the other witnesses and the neighbors
2 there. He was a person that tended to get kind of angry when
3 he had been drinking, kind of get agitated, kind of get loud,
4 kind of get boisterous. You saw from the testimony of the
5 coroner, Doctor Dutra, that it was a through-and-through shot.

6 It went through the chest and out his back. And --
7 and trajectory is pretty straight. It was slightly downward.
8 And why is that important? Because that shows that he was
9 leaning forward. It was a through-and-through shot that comes
10 in the front and out the back, leaning forward towards that
11 door.

12 Not away because it's slightly downward, and it's
13 kind of hard for me to kind of show it, but I'm sure you guys
14 can imagine if it's slightly downward and you're leaning
15 forward, when you stand that body upright during the autopsy
16 you're going to see that slightly downward trajectory.
17 Whereas when he's standing up in the action of a mode, that
18 trajectory is going to go straight across, just like it did.

19 That's independent evidence. No one's arguing or
20 fighting about that. There was some stippling on his forearm,
21 trying to have you believe maybe that stippling was to try to
22 cover up behind the shot or is that stippling there because he
23 was moving forward towards that gate to try to get out,
24 whoever that person was on the other side of that gate.

25 Was there kind of some provocation, some dispute,

1 some words that were said between Jaime and that other person
2 on the other side? Did that person react and just shoot in a
3 rush because of the situation that was happening? If
4 anything, the independent evidence, when you look at it and
5 you analyze it, that's probably the best-case scenario for the
6 State.

7 I don't even think they have enough to prove that.
8 This case is peppered with reasonable doubt. When you look at
9 it as a whole, when you look at all the parts and all the
10 pieces of this case, what they're trying to show, did they
11 meet that burden of proof that they were supposed to do in
12 this case?

13 Because every little witness, every little piece of
14 evidence they presented to you for a reason because it builds
15 up on a foundation. But unfortunately in this case, there's
16 not very much to that foundation or to that case whatsoever
17 because they are attacking their own witnesses with the police
18 officers so that they can try to get you to accept the police
19 officers' version of what they believed happened, their theory
20 that the State has adopted and is trying to put forward.

21 But their theory is speculation. Their theory is not
22 proof of a crime that happened here. All of you said that if
23 there was enough reasonable doubt in this case you wouldn't
24 have a problem of returning a verdict of not guilty. And when
25 you look at this case in its entirety, that's what Jason Jones

1 is entitled to, a verdict of not guilty. Thank you.

2 THE COURT: All right. Thank you, Mr. Cano. Ladies
3 and gentlemen, we're going to just take a quick five-minute
4 break before we move into the State's rebuttal evidence -- I'm
5 sorry, rebuttal argument. The case is not over yet. It has
6 not been submitted to you so the prohibition about speaking
7 about the case with each other or anyone else is still in
8 effect. You're still not to read, watch or see reports of or
9 commentaries on any subject matter relating to the case and
10 please don't form or express an opinion on the trial.

11 Notepads in your chairs. Follow the bailiff through
12 the double doors. We're just going to take five.

13 (Court recessed at 3:48 p.m. until 3:54 p.m.)

14 (Outside the presence of the jury.)

15 THE COURT: Everyone ready? Where's Phyllis?

16 MR. CANO: Your Honor, we request [inaudible] Power
17 Point [inaudible].

18 THE COURT: Yeah, we make it a Court's exhibit.
19 Thank you for thinking of that.

20 MR. CANO: Your Honor, do we leave the trial notes on
21 the desk [inaudible], you already save those, right?

22 THE COURT: Yeah.

23 (Jury reconvened at 3:56 p.m.)

24 THE COURT: All right. Court is now back in session.
25 Is the State ready to proceed with their rebuttal argument?

1 MS. CHRISTENSEN: Yes, Your Honor.

2 THE COURT: All right. Go ahead.

3 STATE'S REBUTTAL ARGUMENT

4 MS. CHRISTENSEN: Ladies and gentlemen, the defense
5 says why didn't we follow up with these other people? Why
6 don't we hear about Mini Me? This is the first time you're
7 hearing about it in closing statements. Ladies and gentlemen,
8 you heard about no one else from the witnesses in this case,
9 no one else was seen banging on the defendant's door demanding
10 money before the police came.

11 No one else was seen banging on the defendant's door
12 or Jaime's door again before -- after the police left. No one
13 else was seen demanding money from Jaime inside of his
14 apartment. No one else was seen fleeing the scene of the
15 crime. The defendant is the only one who witnesses at the
16 scene saw anything about.

17 And the defense complains that all the State has
18 given the jury in this case is circumstantial evidence.
19 Ladies and gentlemen, you have an instruction regarding this
20 that the defense didn't want to read to you, but what it says
21 is direct and circumstantial evidence carry the same amount of
22 weight.

23 They carry the weight to which you deem it
24 appropriate. That instruction in your packet is Instruction
25 No. 7. Of course, murders and crimes happen without anyone

1 else present and there isn't always an eyewitness. That
2 doesn't mean we can't prove the case. Circumstantial evidence
3 is very important evidence as well, and it can be used to
4 prove cases and it is all the time.

5 So for the defense to say, oh, there's all
6 circumstantial evidence, that doesn't say anything bad about
7 the case. Circumstantial evidence is important evidence, and
8 you heard that evidence in this case. In this case, no one
9 else was seen by any of the witnesses, but additionally, no
10 one else fled the scene never to come back for days.

11 No one else is texting about the same kind of murder
12 weapon that was used in this case in the days leading up to
13 the murder. You couple all that with his completely dishonest
14 and evasive statement to the police and you know that we've
15 proved this case beyond a reasonable doubt.

16 One thing that the defense continues to talk about is
17 William Coleman and how William Coleman testified differently
18 from what he said to the detective. And today Mr. Cano says,
19 you know, maybe the detective made a mistake about what
20 William Coleman said to him. Ladies and gentlemen, think
21 about this.

22 It's at 4:30 approximately a.m. in the morning on
23 June 18th when they're talking to Denise and they're
24 interviewing her, and they tell her, listen, a witness saw the
25 defendant flee in the black Neon. Witnesses saw the defendant

1 banging on the door demanding money. How else do they know
2 those things at 4:30 a.m. when they're talking to Denise?

3 Denise admitted that they told her that. His own
4 fiance admitted that they told her that. How else do they
5 know that unless William Coleman told them? They have that
6 information at the time. I mean, just like they told the
7 defendant, we don't pull your name out of a hat. We got to
8 you by witnesses.

9 Witnesses are telling us this information. And they
10 have that information already; that's how they got to Denise
11 Williams. How else do you think they had enough to get a
12 search warrant for the defendant's apartment and to get Denise
13 Williams out of that apartment in order to interview her?

14 Jimmie Brown was passed out on the sidewalk from the
15 sleeping pill, he told you. He couldn't even write his
16 statement out. That information was from William Coleman.
17 And we'll come back to William Coleman and witness
18 credibility, but first before we talk about witness
19 credibility, what is the thing in this case that corroborates
20 and supports the witness testimony more than anything else?

21 The defendant. His own actions. His texts. His
22 statement to the police. His evasiveness. His answers to the
23 police days later. The defendant is what corroborates the
24 witnesses in this case. The defendant's actions themselves
25 lend validity to what the witnesses say in this case.

1 He fled. And there's an instruction on flight and
2 Mr. Pandelis put it up for you. Flight is about knowing
3 you're guilty. Consciousness of one's own guilt is how we say
4 it. When you know you're guilty, you do certain things.

5 One of the things is you get out of there and you
6 don't go back, to the point where his own fiance told you from
7 this witness stand that she had to track him down three and a
8 half days later at a family member's house in order to even
9 have contact with him. And you know that she would have given
10 an -- or an explanation for that if there were a reasonable
11 explanation other than fleeing the scene of a murder.

12 She would have bent over backwards to help the
13 defendant in this case if she could -- and we'll get to
14 that -- but she didn't. The only thing she could give was,
15 yeah, I didn't see him again until Wednesday the 20th when I
16 went to his uncle's house and found him. That's because he
17 fled in her car leaving her and the two kids without a vehicle
18 at the house for three days without a car.

19 That's because he knows he's guilty, he's got to get
20 out of there, he can't go back to where this just happened.
21 It would be stupid. Detectives are probably there looking for
22 him and they were. He's got to lay low. And that's what he
23 did in this case and that action right there corroborates the
24 witnesses in this case.

25 Even Denise told you that wasn't normal. There was

1 no other explanation for it. And the defendant's own
2 statement corroborates the witnesses in this case as well.
3 When you watch that statement again back in the jury
4 deliberation room, ask yourselves, is this what an innocent
5 person would say in response to this question?

6 Ask yourselves why he is answering those questions
7 the way he does. It's -- in this statement, it's as if he's
8 allergic to the truth. He can't tell them anything. He
9 doesn't even want to admit what his name is. Why, ask
10 yourselves, why does he say he doesn't know about the
11 break-in?

12 Why does he say he didn't even know Jaime was killed?
13 Why does he say he didn't even know SWAT hit his apartment?
14 That he doesn't even know that Denise was interviewed? Why
15 does he say that he doesn't know if he has a cell phone? Why
16 does he say that he doesn't know Kazandra or Vincent, who turn
17 out to be his best friends in the complex, who he's texting
18 with all the time?

19 Why does he say those things? And some of the
20 members of the potential jury, when we asked you about
21 resolving conflicts say, yes, I have examples of when I've had
22 to resolve conflicts with children, and the kinds of things
23 that he does in this case in his statement are what you see
24 when you're trying to ask the person who stole the cookie out
25 of the cookie jar whether they did it or not.

1 The evasiveness. Look at some of the tactics that he
2 uses when he's asked questions. For example, he'll answer by
3 asking -- repeating the question again. To buy time so he can
4 think. Why didn't I go back to the scene? What do you mean?
5 So he'll ask another question after that to try to buy more
6 time to be able to think of a good answer or maybe to be able
7 to change the subject which he also does.

8 He changes the subject. He'll turn it back on the
9 detectives and try to say, you know, you guys aren't doing a
10 good job, or you guys are trying to trick me, or you guys are
11 lying, you guys are good at putting words in people's mouths.
12 So he'll turn it back on the interviewers instead of just
13 answering the question.

14 What does he have to hide? Well, you all know what
15 he has to hide. He killed Jaime Corona. He wants to avoid
16 saying anything that would implicate himself, and he doesn't
17 know what's going to bite him in the end so he just denies
18 everything. He doesn't have a cell phone. He doesn't know --
19 he won't even admit his nickname is J because, who knows, that
20 might hurt him in the end.

21 He won't admit that he's friends with Vincent and
22 Kazandra. He doesn't know how that might affect him in the
23 end so he just denies it. Ask yourselves why does he say he
24 was gone for the whole day on Father's Day, even though his
25 own fiance told us, told the detectives, that he left an hour

1 before the shooting?

2 Because he doesn't want to be at that scene. He
3 doesn't want to be -- put himself there. He knows he has to
4 distance himself from it as long as possible, so he says he
5 left at 9:00 or 10:00 in the morning. Why does he say, I
6 don't even have a gun? What gun? You're not going to find
7 the gun because he knows we're not going to find a gun.

8 He got rid of it. Of course, detectives aren't going
9 to find a gun, so it's really easy for him to say, with what
10 gun? Well, later we find out through his texts that, yeah, he
11 does have guns. He's texting about the 9mm clip that he needs
12 for the Hi Point.

13 Yes, he certainly has access to guns, whether that's
14 Vincent's gun, his gun, a gun they share, he's got access to
15 guns and he's texting about a .380 and meeting up with a guy
16 with a .380 right before the crime, two days before the crime.
17 So we know him saying with what gun, I don't have a gun,
18 that's not true.

19 Why does he explain that the reason he never went
20 back was because they were in the process of moving? Because
21 he has to come up for a reason. I mean, that sounds really
22 bad. I just never went back home. And he admits to that, at
23 first. Later he changes it, but his own girlfriend told you
24 that.

25 He has to come up with an explanation for that

1 because that looks bad and he even knows that. Like that
2 looks like flight. That looks like consciousness of guilt.
3 So he comes up with a reason. We were in the process of
4 moving. Which the detectives know isn't true. They were just
5 at his apartment.

6 It was filled with heavy furniture. It was filled
7 with clothing. Nothing was packed up. They weren't in the
8 process of moving. They didn't move until the defendant
9 killed Jaime Corona and they had to get out of there. At the
10 time of the shooting, they were not in the process of moving.
11 Look at those apartment pictures if you think otherwise.

12 He tries to cover up the real reason by giving some
13 explanation to hopefully try to get the detectives off of him
14 on that subject. In his responses, not only does he change
15 the subject, is he evasive, does he answer with questions,
16 answer the questions with more questions, repeat the question,
17 but as you see he changes his answers.

18 His answers evolve as he is able to get more
19 information from the detectives about what they know and what
20 their investigation has shown and what witnesses have told
21 them, so he changes his story. It evolves even in that 30- or
22 35-minute statement that you watched.

23 So, for example, he doesn't know about the break-in,
24 but then the detectives say, we know all about the break-in,
25 everybody in your complex knows about the break-in. We were

1 all talking about you to everybody. Well, I don't know about
2 no break-in, but yeah, he did owe me money. My girlfriend
3 brought my attention to it.

4 So it evolves, okay, now that he knows he has to say
5 something about that because even Denise told him that. So he
6 realizes I better come up with an explanation for that. And
7 in his statement you see that over and over again. Ask
8 yourselves why he says those things. I submit to you it's
9 because he's guilty and he knows it.

10 The defendant's own statement, his own behavior
11 corroborates the witnesses in this case. Then, of course, the
12 whole CJ thing when he finally tells them that the name of the
13 person whose house that he went to afterwards was CJ. If that
14 were really a person who was innocent, doesn't know nothing
15 about nothing, was just arrested off the street and the police
16 say to him, listen, this could help us, why don't you give me
17 CJ's information, don't you think that person would say, oh,
18 yeah, okay, this is what his house looks like, it's red, it
19 has white trim, outside usually there's parked a black car. I
20 know I can get you the phone number somewhere. That would be
21 the reasonable reaction for someone in that kind of situation,
22 but he's not in that situation.

23 Doesn't really want the detectives to go talk to CJ.
24 That's pretty evident. And his demeanor. I mean, you can
25 judge his demeanor from the testimony -- I mean, the statement

1 as well. He is arrested, brought straight over to Homicide
2 offices, and when he asks, what am I being charged with, and
3 they say, murder, a reasonable person who was innocent and
4 didn't know anything about it would go ballistic.

5 What? Okay. What am I being charged with murder
6 for? What does this have to do with me? He's trying to get
7 more information from the detectives about what they know.
8 That's not the demeanor of someone just plucked off the street
9 accidentally who wasn't guilty. So you get to judge his
10 demeanor when you look at that as well.

11 Ask yourselves what that tells you about his
12 knowledge of his own guilt. And he does make some admissions
13 that hurt him because he does admit that he was driving the
14 black Neon all night. That he -- he took it -- he says that
15 he left at 9:00 or 10:00 in the morning, but he admits he's
16 got that car and that's the car that William Coleman tells
17 detectives he sees the defendant fleeing in and that Jovonne
18 Butler says she hears William say the defendant was fleeing
19 in.

20 So he puts himself in possession of that vehicle.
21 The other -- if you notice during the trial with the
22 witnesses, the defense likes to bring up his other black car
23 that was in the apartment complex as well. But that's a
24 nonissue. As you can see, that car was there when the murder
25 occurred, the Hispanic female who drives it asked if she could

1 please take -- leave and go to work.

2 They allow her to leave. At 3:00 in the morning she
3 comes back to work. They show that car, the other black car
4 in the complex to William Coleman, and he says, No, that's not
5 it; the one I'm talking about is a black Neon. So this other
6 black car thing, it's nothing. It's obvious when you hear
7 from the detectives that it's nothing.

8 It's just something that the defense wants to bring
9 up to throw out there. In his story that he drove up to the
10 scene that night, which he remembers, oh, yeah, you know, I
11 did, I did drive up to the apartment complex, and I heard a
12 pow, and I just took off, never to come back. Are you
13 serious?

14 Your wife and your two kids are up in that apartment,
15 you hear a gunshot and you leave? Never to come back. Never
16 to check on them. There is no man that would do that. I
17 don't care what it is, you would try to find out is my family
18 okay. Even if you left and went, got a phone and called, Hey,
19 Vincent, can you go and check on my wife because she doesn't
20 have a phone, that story is completely unbelievable because no
21 one would do that. If you hear a gunshot at your home, no.
22 You got to find out what happened. Is my family okay? Are my
23 friends okay?

24 The texts, his texts, those also corroborate the
25 witnesses because, of course, he's setting up buying this or

1 possessing, in some way as the defense points out, which is
2 true, the .380 in the days leading up to the murder.

3 So that is another thing that the defendant does that
4 corroborates the witnesses in this case. So all the defense
5 wants to do to try to discredit the witnesses in this case,
6 he's the one who corroborates them the best. And those texts
7 are his. You know, in opening they said, you know, that phone
8 is used by Denise too, you know.

9 And even in cross-examination about that phone,
10 they're still trying to say you can't prove that those were --
11 those texts were sent by J. Well, Denise said, she testified,
12 No, I was never seeking a gun or even talking about a gun on
13 texts. Those are the two people that use this phone.

14 And if you go back and review the texts as I showed
15 you in Detective Sanborn's testimony, even right before he's
16 asking about a .380, five minutes before he's asking about the
17 .380, you still got that .380, bro, that line of text,
18 somebody asked him, who is this? And he says, J. So that's a
19 nice little cue or clue who's using the phone at that time.
20 It's not Denise.

21 And the defense in the opening, and Mr. Cano says it
22 again in his closing, bring up the fact that, you know, they
23 did need money, they didn't have a lot of money, and so he
24 wouldn't have necessarily had the money to get that gun. The
25 defense in opening said, maybe he was going to get it and try

1 to flip it, make some money off of it.

2 Guess what? That still puts him in possession of a
3 .380, the murder weapon in this case. Whether he paid for it,
4 whether he got it to resell it, whether he borrowed it like he
5 has done, obviously from the texts with Vincent or Mini Me
6 before, still in his possession. Was he just borrowing it?
7 Was he just taking the gun to try to maybe resell it?

8 You know, Mr. Cano says, Oh, but there's a text, a
9 contact in the phone for the gun store. Was he trying to
10 resell it? Who knows, but guess what? He's still got it.
11 He's still got possession of it. And I want to remind you and
12 you're instructed on this, we don't have to recover a firearm
13 to prove this case, and it sounded like that's what the
14 defense was saying in their closing.

15 If that's what they meant, they are mistaken and --
16 and the law as the Judge instructed you shows you that. We
17 don't have to find a gun to prove that a crime occurred.
18 That's not an element of any crime in this case. So just
19 because a firearm was not found in this case, doesn't mean we
20 haven't proved it beyond a reasonable doubt.

21 The texts that Mr. Pike brought up in opening and we
22 referred to a little bit within the trial about between the
23 defendant and Denise from Kazandra's phone in which he says to
24 her, something to the effect of it's kind of hard because we
25 only have \$100 and rent is due, shows that they needed money.

1 Fifty dollars that Jaime Corona owed him was a lot.

2 That's a big deal. That's a substantial amount of
3 money, and Jaime told them, according to Denise, Yeah, I don't
4 have it now but I'll pay it back on Friday when I get paid.
5 And then Jaime is out spending it on booze? Partying? And
6 then, he won't even give the defendant the respect to open the
7 door and discuss it with him?

8 That goes toward the motive in this case, ladies and
9 gentlemen, why that would make the defendant mad, why that
10 would give him a motive in this case. We don't have to prove
11 motive to prove that a crime has occurred, but it certainly
12 helps to show who had the motive in this case. He even says
13 to Vincent a couple days before the crime, He owes me money
14 and I'm going to get my money.

15 William Coleman was standing on the balcony and
16 overheard the defendant talking to Vincent and saying that a
17 couple days before the crime. So he's planning on getting his
18 money, that's for sure. Even a couple days beforehand he's
19 thinking about it. Those are the same time periods in which
20 he's trying to get this .380.

21 Whether he was going to use that .380 in the days
22 leading up to threaten him and say I need my money, and then
23 once he got there and realized he's spending my money on
24 booze, he's not even giving me the time of day, and then he
25 calls the cops on me, and that's when he decides this isn't --

1 that's not how it works.

2 And that's when his real premeditation and
3 deliberation begins; that's for you to decide, but that
4 certainly under the law is enough time for premeditation and
5 deliberation to begin because as the Judge instructed you, it
6 can be instantaneous as successive thoughts of a mind, need
7 not be a day, an hour, or even a minute for those things to be
8 formed.

9 It can happen over a very short period of time. The
10 fact that he's seeking a gun several days beforehand, that's
11 good evidence of premeditation, deliberation. But even if he
12 wasn't planning when he was trying to seek out the gun to use
13 it to kill him, doesn't mean that premeditation and
14 deliberation has not been proved.

15 Now you, as Mr. Pandelis told you, you're told in the
16 instructions you get to use your common sense. You know, you
17 don't check your common sense at the door. You use your
18 common sense as reasonable men and women when you're thinking
19 about this case, when you're deliberating on this case. Use
20 your common sense when you're thinking about the witnesses in
21 this case and their credibility.

22 That will come in handy when you're thinking about
23 the witnesses in this case. And the instruction regarding
24 credibility of witnesses was put up there. There are a lot of
25 things that you can consider, and each of the witnesses in

1 this case has unique attributes that you will have to
2 consider.

3 Think about their motives. Think about who they are.
4 Each of them presents something different to you. One
5 extremely obvious one is Denise Williams. Her motives are
6 extremely obvious. She would say anything essentially if it
7 sounded good for the defendant when she's testifying. She
8 didn't know how to handle the situation.

9 I mean, nobody really envies being in her position.
10 She didn't know how to handle being subpoenaed to come to
11 court, so she just refused. You can't refuse to come to
12 court. She's even told you that she knew that. She was told
13 that at the preliminary hearing as well. When she refuses to
14 come to court, she is brought in, and that's how it has to be.

15 We can't have witnesses refusing to comply with a
16 court order, which is a subpoena. It's not because I'm mean,
17 as the defense would suggest. But, of course, you know, she
18 was angry because of what we did to her. She did that to
19 herself. She knows the repercussions. She made a decision to
20 refuse to come in.

21 And once she came in here, she still didn't know how
22 to handle it, so she testified the way she did. She wouldn't
23 even admit that was her voice on the recording. She would
24 essentially say anything if she thought it would help the
25 defendant. She told the detectives one story, and then when

1 she got on the stand, her story was conformed to what the
2 defendant had told the detectives.

3 So she said he left an hour before the shooting. The
4 defendant told them he left at 9:00 in the morning. So on the
5 stand, Denise Williams says, he left at 9:00 in the morning.
6 Well, I would submit to you if there's anything that she
7 changed that benefits the defendant, the truth is probably
8 closer to what she told the detectives.

9 She says to the detectives, oh, yeah, there was a
10 break-in, Jaime did it, defendant was upset, we talked to him,
11 he owed us \$50. In court, she didn't even have any idea who
12 did the break-in. And that's what the defendant said too. He
13 didn't even know about no break-in. He had no reason to have
14 any idea about the break-in, is what he says to the
15 detectives.

16 So she -- she changes her story to conform with what
17 the defendant has said. And even what she says in her
18 statement to the detectives, she still had those same
19 motivations at the time. She's told that they're looking at
20 her boyfriend for murder, that witnesses have seen him doing
21 things beforehand that make him look like a good suspect in
22 the case. So, of course, she's probably going to tailor what
23 she says to try to protect him. So she probably isn't telling
24 the whole truth even when she talks to the detectives on June
25 18th.

1 Anything that Ms. William says that helps the
2 defendant is suspect because it's self-serving. It goes to
3 her own life. Her own family. And when the detectives --
4 when she tells the detectives that the defendant was upset at
5 Jaime after the break-in and then kind of smoothed it over,
6 you can understand why she would say that.

7 You really don't think that she's going to tell the
8 detectives after they tell her that he's a suspect for the
9 murder, oh, really, because he was really mad at Jaime, he
10 really had it out for Jaime. I don't think so. A fiance who
11 shares children with this person is not going to say that kind
12 of thing.

13 You also have to consider her motives when she gives
14 that statement to the detectives. Jovonne Butler, another
15 person whose credibility you'll be considering because she is
16 a lay witness in this case. She has ADD. She's very
17 child-like. She was very scared to be on the stand.

18 I would submit to you, ladies and gentlemen, she
19 doesn't have it in her to make something like this up. She
20 doesn't want to make up a story in order to make herself have
21 to testify. You saw how scared she was to testify, to be a
22 part of this. She doesn't want to be a part of this at all.
23 She was never asked that question before.

24 She wrote out one sentence on a statement and was
25 never questioned later. When the defense went and talked to

1 her, they asked her, Do you have anything to add? And she
2 said, No. Well, first, of course, there's stuff to add. I
3 mean, you heard the things that she testified to. She ran
4 down after hearing the gunshot.

5 She found Jaime on the chair hunched over. She
6 grabbed him and put him down and put a pillow under him. She
7 gave him mouth to mouth. She tried to resuscitate him. He
8 died there in her presence. Takes more than one sentence to
9 even talk about that. So, of course, there's things to add,
10 but she didn't understand it like that.

11 She's sitting next to William Coleman, who really
12 doesn't have anything to add because he doesn't want to be
13 involved in this at all, and she takes -- follows his lead.
14 You heard the defense's investigator say when they went and
15 talked to her again and she says she doesn't have anything to
16 add, it was when she was with William Coleman in the same
17 room.

18 You can imagine her demeanor when William Coleman
19 says, I have nothing to add, and she says, No, I don't have
20 anything to add either. But, ladies and gentlemen, she
21 doesn't have the guile to make something like that up. Mr.
22 Cano says what she says is verbatim as to what Detective Ivie
23 says William Coleman said.

24 As if that's a criticism. Of course, it's what
25 Detective Ivie says William Coleman said, because she heard it

1 straight from William Coleman. Of course, it's the same.

2 William Coleman went down and an hour later he's telling the
3 police what happened.

4 Of course, it's the same as what she heard him say as
5 he looked out the window and saw J running from the -- Jaime's
6 apartment to his car and speeding off in the black Neon. She
7 has no motive to lie about this, to bring herself into court
8 and be subjected to this. Actually, her motive is probably
9 the opposite because when she comes in and says that, it's not
10 what William Coleman said, her boyfriend.

11 So wouldn't her motive, if she had one, be the
12 opposite; to say, no, we didn't see nothing? Interesting how
13 Mr. Cano calls this place Melrose Place and I'd like to
14 suggest that they're all out there chatting it up all the time
15 and these things can be planted in people's minds. Well,
16 guess who Jovonne Butler is probably, if she's talking about
17 the case, talking about it with? William Coleman.

18 So William Coleman tells her again when they're
19 chatting it up later that that's what he saw; that's another
20 prior inconsistent statement of William Coleman and he's
21 admitting it to his loved ones. So she's chatting it up. The
22 only person who would know anything about what happened in
23 that apartment, their apartment while they were alone, is
24 William Coleman.

25 No other witness is going to say that when they're

1 chatting it up outside at the mailboxes. William Coleman is
2 the only one. And that brings us to William Coleman. William
3 Coleman is a different person than Jovonne, and you can see
4 that from his demeanor. He's more street smart. I would
5 submit to you he gets it, he knows what this is about.

6 And what he told you was that he is nervous, he is
7 scared for his sister, Loretta, who still lives there, and
8 what he told the detectives was, Listen, I've got to live
9 here. Those are what his motivations are, and the defense in
10 their opening says, well, now that the defendant's arrested
11 there's no motivation for them to come in here and say
12 anything but the truth; they don't have to worry about
13 anything anymore. But that's not true. There's still the
14 neighborhood. There's still -- if they would be labeled a
15 snitch. There's still pressure not to talk, not to become
16 involved, not to talk to police. William Coleman even told
17 the detectives that night that's where his nervousness comes
18 from.

19 So is it any shock that he comes in here and says
20 something different than what he told the detectives? His
21 demeanor that night with Detective Ivie, looking around,
22 making sure no one's there, making sure no neighbor can hear
23 what he's going to say, asking him whether it's recorded,
24 telling him, Man, I've got to live here. That's what his
25 motivations are based on.

1 I submit to you that on the night of the murder
2 William Coleman wanted to do the right thing. He wanted to
3 help. That was his friend. He wanted to point them in the
4 right direction, he just didn't want to have to be labeled as
5 a snitch. He just didn't want his name associated with it,
6 but he did want to tell them what he knew, and he did.

7 He told them about J banging on Jaime's door before
8 the 911 call, before the police arrived. He told them about
9 him hearing J banging on the door for 10 minutes, yelling,
10 until he finally heard a gunshot, looks out of his window, he
11 sees J running from the scene, Jaime's apartment, jumping in
12 his car and leaving. And that's corroborated by the witnesses
13 too.

14 That was the truth, I would submit to you, about what
15 William Coleman saw. And I'm sure you can all understand his
16 motivations in this case. F and Jackson is a different world
17 than most of us live in, but you can understand what some of
18 those people are dealing with. Loretta Coleman, she's
19 intoxicated at the time. There is no doubt about it.

20 She admits that. It's obvious even from the -- the
21 photograph of her at the time from -- when you hear on the 911
22 call, and she may not remember that much, and her memory may
23 fade over time; that's why what she says at the time is so
24 important. That's why when you listen to the 911 call and you
25 hear her saying, The guy was banging at the door like he was

1 going to kill somebody, she's not making that up.

2 Loretta is not making that up. That's the reason for
3 calling 911, to try to get rid of what's happening out there.
4 And when she says, He knows my name, but I don't know his.
5 It's because she heard her name like she testified. She
6 doesn't know who it is. She's not an eyewitness as the
7 defense said.

8 She didn't see it, and she said that over and over
9 again. She said that constantly, even to the defense
10 investigator when she went out there. And in court, here at
11 the preliminary hearing, she said, No, I did not see who it
12 was, I did not see outside, and I do not know Jason Jones, I
13 do not know the defendant.

14 You know who corroborates that? Denise Williams.
15 She doesn't know Loretta's name when she's describing who she
16 saw downstairs screaming about \$5. On her audiotape, she says
17 the lady was down there screaming about \$5. So she doesn't
18 know Loretta either. That would make sense that they don't
19 know each other.

20 Denise and the defendant and Loretta aren't friends.
21 Loretta stays in her own little world, you can see that. She
22 doesn't know Jason Jones, she said that over and over again.
23 So when she tells the defense, I didn't see who it was and
24 then inexplicably says, but it wasn't the neighbor, or it
25 wasn't Jason Jones, that has to be a mistake.

1 She didn't see who it was. She's been extremely
2 consistent with that. What she does say that she knows though
3 -- even though she's intoxicated at the time, that person that
4 was outside banging on the door was mad at Jaime. He was
5 banging on the door like he was going to break it down.
6 That's why we called 911.

7 He was demanding money, talking about money owed.
8 And then she says, after the police leave, she's back there
9 and she remembers Jaime opening the door, a shot is fired, and
10 he falls to the ground. That's what she tells the detectives
11 on that night when it's freshest in her head. At that time,
12 Loretta Coleman is distressed.

13 She's upset about what happened. Her motivation is
14 to try to help too. This is the person who was her friend.
15 Jaime Corona was her friend. She was over there with him that
16 night. It's extremely upsetting to her that this just
17 happened. She wants to help them too. She doesn't have any
18 motivation to make stuff up.

19 She's just trying to go into her mind and see if she
20 can remember what happened, and she's very consistent that
21 that person was banging on the door like crazy, he was mad
22 about money, and it was up to that time when banging until I
23 hear a shot and Jaime is down.

24 Jimmie Brown, his credibility. He's not drunk at the
25 time. He's friends with everyone in the complex. And the

1 defense brings up in his testimony and today again that he was
2 under some medications for his back. He was under medication
3 for his back when he testified too. You decide whether he
4 seemed fine when he was testifying.

5 Did he seem loopy? Did he seem confused? Was there
6 anything wrong with him? I submit to you that he was
7 completely normal when he testified, even though he's still
8 under the influence of those medications at the time. And the
9 defense says, oh, it makes him confused, dazed.

10 Ladies and gentlemen, there's only one day that Jaime
11 Corona was killed. You don't think he remembers that day?
12 That kind of sticks out in your mind when your neighbor two
13 doors down is shot and killed. I don't think you mess up that
14 day very often. So to say that he's just confusing days and
15 he doesn't know what he's talking about is baloney.

16 Even he who's friends with the defendant says he saw
17 the defendant. He doesn't know the exact times, but he knows
18 when it was in conjunction with the police responding. Before
19 the police respond and then again after the police leave. We
20 know the police leave about an hour before Jaime is shot and
21 killed.

22 Both of those times he sees the defendant out there
23 banging. He says it's only for a very short time that he sees
24 that; it's when he lets his dog out, comes out, he sees it, he
25 goes back inside. And sure, he says, No, it doesn't look like

1 he's mad. But think about his motivations. That's his
2 friend.

3 The defendant is his friend. They smoked a cigarette
4 together every day, he said. It would be very hard to come in
5 and say, yeah, he was really mad, especially if you're from
6 that neighborhood. So he may have watered it down a little
7 bit, but certainly he says he was at the door banging.

8 And we know that the person who was banging was
9 really mad, according to Loretta. And we know from William
10 Coleman, well, he told the detectives that night that it was
11 the defendant who was banging and was extremely angry yelling
12 at Jaime through his door. And there's no doubt that the
13 defendant is mad. They have to call 911 it's so bad. Why
14 else do they call 911 if it's not something serious?

15 DNA and fingerprints in this case would tell us
16 nothing. If we did have DNA and fingerprints all over that
17 door belonging to that man right there, you know what the
18 defense will come in here and say? He's a neighbor, he goes
19 over all the time, of course his fingerprints and his DNA are
20 going to be on that door.

21 So that would tell us absolutely nothing if we had
22 that in this case. Ladies and gentlemen, the science of DNA
23 and fingerprints is decades old. The burden beyond a
24 reasonable doubt that the State has in this case is centuries
25 old. For centuries before that kind of science, somehow the

1 State was able to prove cases.

2 It's because you don't need that kind of evidence in
3 order to prove a case beyond a reasonable doubt. Gunshot
4 residue. If the defendant three and a half days later,
5 however long it is, June 17th to June 21st when he's
6 apprehended, has washed his clothes, changed his clothes,
7 moved around enough so that the GSR, gunshot residue, is no
8 longer there, not going to find gunshot residue on his
9 clothing.

10 This is a homicide case, a serious case, and so the
11 detectives want to do their best and follow up on anything
12 that they can have. They don't want to be told later by the
13 defense, why didn't you take his clothing, it was similar to
14 what Denise Williams said? So, of course they take it.

15 Why would you think that that many days later the
16 defendant would be wearing the same clothing when he went over
17 to his uncle's house, according to Denise Williams, and she
18 had had contact with him and moved all of her stuff out along
19 with his stuff the days before?

20 It would be, now that we know all that, very unlikely
21 that he's wearing the same clothing. Ladies and gentlemen,
22 the autopsy or the coroner told you that you can't tell the
23 position of the body of a victim in conjunction with the gun
24 because you don't know where everybody was standing, and that
25 is true in this case.

1 And Mr. Cano tries to speculate as to what the
2 position of the body was -- was in. He said it looks like he
3 was running to the door. Well, isn't that just as consistent
4 with seeing a gun come up and standing up to shield himself
5 and getting the stippling on his arm?

6 And I ask you, especially if you're .321, who's
7 running like this? It's very classic defensive wounds
8 stippling. And you know how close he was to that gun because
9 it was stippling and the stippling even made it to his chest,
10 so at the most it would have been two feet away from his arm,
11 the barrel of the gun to have made stippling on his chest.

12 So the defendant was standing right outside of his
13 door, banging on it, and like Loretta said, as soon as the
14 door opens, bang. He's dead. He falls to the ground. Ladies
15 and gentlemen, I ask you in your deliberations to go back to
16 the reasonable doubt instruction. I submit to you we've
17 proved this case beyond a reasonable doubt and some of the
18 things that the defense brings up are pure speculation.

19 Specifically, the reasonable doubt instruction says
20 "doubt to be reasonable," so for you to have a reasonable
21 doubt, that doubt to be reasonable must be actual, not mere
22 possibility or speculation. So for the defense to say we
23 don't know about Mini Me, you know, things like that, no. You
24 have to have an actual doubt to believe that it's not proved
25 beyond a reasonable doubt.

1 With all the evidence that's been presented in this
2 case, considering all of the motivations and considerations of
3 the witnesses in this case and where they're coming from, that
4 the defendant's actions after this incident of fleeing the
5 scene and never to come back ever, even to come back to say
6 anything to his family who's in the apartment at the time of
7 this shooting, the defendant's evasive and dishonest statement
8 and his texts, ladies and gentlemen, we've proved this case
9 beyond a reasonable doubt. You know the defendant is guilty
10 and I ask you to come back here and tell him you know that.
11 Thank you.

12 THE COURT: All right. Thank you, Ms. Christensen.
13 The Clerk will now swear the officer to take charge of the
14 jury.

15 (Officer sworn.)

16 THE COURT: All right. Ladies and gentlemen, in a
17 moment I'm going to have all 14 of you collect your notepads
18 as well as your belongings and follow the bailiff to the rear
19 door. As you may have ascertained, a criminal jury is
20 composed of 12 people. There are 14 of you.

21 Two of you are the alternates who were seated in
22 predesignated alternate chairs so that the selection of the
23 alternates is somewhat random. Those are Jurors No. 6 and 7,
24 Mr. Luther and Ms. Smith, you are our alternates. I'd like
25 you to exit. Yes?

1 JUROR NO. 6: That's Luttner.

2 THE COURT: I'm sorry.

3 JUROR NO. 6: That's Luttner. There's no H.

4 THE COURT: Okay. It was typed incorrectly. I
5 apologize. I'd like both of you to exit with the other
6 members of the jury. Before you leave, please provide numbers
7 where you can be reached either tonight or tomorrow. If, God
8 forbid, one of the other jurors becomes ill or something like
9 that before a verdict is reached, you would be called in.

10 For that reason the prohibition about speaking about
11 the case, read, writing, listening, doing any research, all of
12 the things I've already told you is still in place until you
13 have been contacted by someone from my chambers and told that
14 you are excused. So if all 14 of you would please follow the
15 bailiff to the rear door.

16 (Jury recessed to deliberate at 4:48 P.M.)

17 THE COURT: All right. For those of you in the
18 audience, the courtroom is being closed so I need everybody in
19 the audience to please exit. I need -- Phyllis probably ran
20 to the restroom. There you are. You're hiding. Leave
21 numbers where you can be reached.

22 We'll probably let them go to about 5:30, and then
23 tomorrow -- and then can I see counsel at the bench regarding
24 some scheduling issues? All right. I don't think they're
25 going to have a verdict tonight it's so late. If they come

1 back tomorrow with first degree, do you want to start --
2 depending on what time, do you want to start on the penalty
3 phase tomorrow if they come back before lunch, or do you want
4 to bring them back?

5 MR. CANO: [Inaudible.]

6 THE COURT: Wednesday or --

7 MR. CANO: Yeah, we have an out-of-state witness we
8 need to bring in.

9 THE COURT: You need to bring them in? So you would
10 want to do the penalty then the next day?

11 MS. CHRISTENSEN: That will be fine because then we
12 can set up our witnesses too because I don't know if we'd be
13 able to have some --

14 THE COURT: Okay.

15 MS. CHRISTENSEN: Some of them are -- most of them
16 are --

17 THE COURT: Most of your witnesses have been here
18 probably.

19 MS. CHRISTENSEN: Yeah. Most of the witnesses. How
20 are we going to handle that? Is it okay if the family
21 watches?

22 (Court recessed for the evening at 4:50 p.m.)
23
24
25

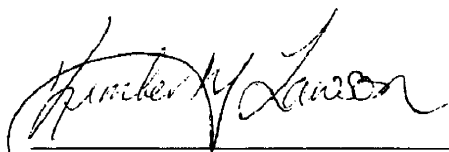
CERTIFICATION

I CERTIFY THAT THE FOREGOING IS A CORRECT TRANSCRIPT FROM THE AUDIO-VISUAL RECORDING OF THE PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

AFFIRMATION

I AFFIRM THAT THIS TRANSCRIPT DOES NOT CONTAIN THE SOCIAL SECURITY OR TAX IDENTIFICATION NUMBER OF ANY PERSON OR ENTITY.

**KARR REPORTING, INC.
Aurora, Colorado**


KIMBERLY LAWSON