

1 will be in prison for the rest of his life. He's  
2 going to live a life of deprivation in a  
3 structured confinement. I'm not going to detail  
4 all the things that he's not going to have and  
5 that he's going to miss, because these young men  
6 aren't going to have those things. Now, some  
7 might argue that a life in prison, a life in that  
8 kind of prison that Jim Esten talked to us about,  
9 some might argue, you know, that that's worse than  
10 death. I don't buy it. I still ask you for life.  
11 Choose life.

12 You know, I also ask for mercy for the  
13 family. And that can be a point of mitigation for  
14 any single one of you, mercy for the families,  
15 mercy for the families of Jason, Derrick, and  
16 Dajon and mercy for Glenford's family. Whatever  
17 you decide, these families are going to grieve.  
18 You can't change that. But you do have the  
19 ability to lessen that grief. You have the  
20 ability to give these families some finality. We  
21 all understand that the death penalty isn't going  
22 to be imposed in one year or two years or five  
23 years or 10 years or maybe 20 years or 25 years.  
24 We all know that. And each little maneuver that  
25 comes down the little, each little legal maneuver

1 is going to resurrect this case, and these  
2 families are going to be reliving it. Let's put  
3 this matter to rest the best we can. And again,  
4 no lenient options here. I'm asking you for  
5 severe punishment. Just choose life. Even a life  
6 for the rest of his life in prison, choose life.

7 Now, let's, let's talk about this  
8 decision you have to make, that you are about to.  
9 What you are about to decide is, is a very  
10 personal decision. Any single one of you can  
11 choose life, and any single one of you can take  
12 death off the table. You don't have to justify  
13 it. You don't have to explain it. You don't have  
14 to support it. You don't have to quantify it.  
15 Any single one of you can choose life. One way to  
16 think about this is the launching of a nuclear  
17 missile. You know, we've all seen those movies  
18 where they're on the deck of a submarine and, you  
19 know, you got the captain, and you got some  
20 officer, and they both got a key, and they both  
21 got a button. And not one man can set off that  
22 nuclear missile. They both got to turn the key,  
23 and they both got to hit the button. Well, each  
24 one of you has a key, and you have a button. And  
25 when you stand up there considering whether to

1 turn that key and press that button, any single  
2 one of you that has any kind of doubt that this is  
3 not the worst of the worst, any one of you who has  
4 a single doubt that Glenford is not beyond  
5 redemption, any one of you who feels like you can  
6 give Glenford this tempered mercy of life in  
7 prison, you have that power. Don't turn the key.  
8 Don't hit the button. You don't have to talk  
9 about it. You don't have to support it. You  
10 don't have to defend it. You have the power to do  
11 that all by yourself, any single one of you.

12 The one thing that doesn't abide by  
13 majority rule is a person's conscience. And the  
14 law acknowledges that. Let me say it again. The  
15 one thing that doesn't abide by majority rule is  
16 my conscience. And the law acknowledges that.  
17 And that's why we have all these rooms they're  
18 talking about, and that's why we have all these  
19 seemingly artificial procedures that first you got  
20 to figure this out and then, because the law knows  
21 the enormity of this decision, and the law gives  
22 you a way out. Remember, all we're asking for is  
23 severe, severe punishment. All we're asking for  
24 is life.

25 Of course, Mr. Kane is going to have an

1 opportunity to speak with you last, and I wish I  
2 had that opportunity. But let me leave you with  
3 one thought. On those occasions in our life where  
4 we're kind of looking back, and maybe we're with a  
5 son or a daughter, and we're kind of telling them  
6 about the things we're proud of, the things we've  
7 done that we're proud of, the things that we have  
8 participated in that made a difference. I  
9 guarantee you that when that time comes, there is  
10 not one person here, there is not a single one of  
11 you, not one of you who's going to look in that  
12 son, son's or daughter's eyes and say, I voted to  
13 execute a young man. It's not going to happen.  
14 Choose life. Thank you.

15 THE COURT: Thank you, Mr. O'Brien.

16 Mr. Kane?

17 MR. KANE: Thank you. Ladies and  
18 gentlemen, the first thing that I want to talk to  
19 you about is the special verdict forms that you'll  
20 actually be given. All this, all this talk about  
21 rooms that you go into and step-by-step processes  
22 are nice, but I said to you when this hearing  
23 started, nobody envies the job you have to do.  
24 And the best that we can do for you is at least  
25 explain the mechanics of it so you can concentrate



1 on the job and not get too hung up with, hung up  
2 with those mechanics. So, let me explain the  
3 verdicts that you're given and what we're  
4 suggesting that you do with them.

5 You're going to be given one verdict that  
6 just deals with the aggravator circumstance in  
7 this case. And as you've been told by each lawyer  
8 that's talked to you, nothing in a death penalty  
9 case is automatic. But, frankly, I'm unable to  
10 come up with a logical way in which you could not  
11 sign this verdict form. That, the aggravator  
12 circumstance that we've alleged is that the  
13 defendant in this case has been convicted of more  
14 than one count of murder. He was. You know he  
15 was, because you're the people who did it. So,  
16 what the State is asking is, when you get back to  
17 the secure room, the first thing you do is take a  
18 vote and, and when you've agreed unanimously, go  
19 ahead and sign this one that the aggravating  
20 circumstance is present, because it is.

21 Now, when you're talking about the  
22 mitigating circumstances, you're going to get a  
23 special, separate special verdict that just deals  
24 with those, and it's got little check marks that  
25 you can make next to any of the mitigating

1 circumstances that we discussed here in court that  
2 you, that even one of you feel exist. And on the  
3 second page it's got a bunch of blank lines, and  
4 what that's for is for any of you to write  
5 anything in. If any individual juror feels that  
6 anything, the defendant got in a fight in the  
7 third grade; the defendant talks with a lisp;  
8 anything you decide is a mitigating circumstance,  
9 that's what that space is there for you to write  
10 in. And make sure that you get them all listed.  
11 So, those are the two special verdicts,  
12 aggravator, mitigating. Those are pretty easy to  
13 understand.

14 You'll also be given penalty verdicts for  
15 each of the three counts of murder. And there is  
16 three separate forms that you'll be given. And  
17 again this may seem needlessly complicated, but  
18 the law requires that you be given each of those  
19 options. Now, you'll get three potential penalty  
20 verdicts for each of the three murders. So,  
21 you'll have nine all together. Put them in what I  
22 suggest to you, how you do it is up to you. I  
23 suggest you put them in three stacks. You have  
24 the Dajon Jones penalty verdicts. You have the  
25 Derrick Jones penalty verdicts. And you have the

1 Jason Moore penalty verdicts. And the first thing  
2 you'll see is that one of them is a penalty  
3 verdict for you to use if the jury finds that no  
4 aggravating circumstance exist. Again I don't  
5 know how you could find that in this case, but  
6 it's a potential outcome, and it's a form that we  
7 have to provide for you if you want to use it.

8 What I ask you to do based on the  
9 evidence, first thing you do when you get this far  
10 is take this penalty verdict and just put it  
11 aside, because it doesn't apply. Secondly, you'll  
12 be given an alternative to use if you make the  
13 decision that the aggravating circumstances  
14 outweigh any mitigating circumstance. And this is  
15 the one that gets you into that final room or the  
16 final step of the process or whatever you want to  
17 call it. Because you'll notice that this  
18 particular verdict form lists all four potential  
19 penalties, hundred years, life with the  
20 possibility of parole, life without parole, and  
21 the death penalty. On the other hand, if you  
22 reach the decision that mitigating circumstances  
23 outweigh the aggravating circumstance, you're  
24 given a verdict form to use for that. And as you  
25 will notice, that does not include the death

1 penalty, because unless you all unanimously agree  
2 that the aggravating circumstance outweighs all of  
3 those mitigating circumstances, you can't vote for  
4 death. And that's why you're given these two  
5 alternative special verdicts. Please make sure  
6 that when you're done, you only return one penalty  
7 verdict on each count. We've given you these  
8 alternatives as exactly that, alternatives or  
9 choices. And when you get done, you should have,  
10 as I think the judge indicated when she read the  
11 instructions to you, five verdicts forms, your  
12 special verdict form on the aggravator  
13 circumstance, your special verdict form on the  
14 mitigating circumstance, and then one penalty  
15 verdict for each of the murders, one for the Dajon  
16 Jones killing, one for the Derrick Jones killing,  
17 one for the Jason Moore killing.

18 That's mechanics. As to substance,  
19 you've heard a lot about mitigating circumstance.  
20 And a mitigating circumstance again can be  
21 anything that you feel helps to explain why this  
22 happened, make it less serious. And in your, to  
23 the defendant's benefit anyway. But how much  
24 weight you give to those mitigating circumstances  
25 and how important they are, that's up to you. You

1 can decide, yeah, there is a mitigating  
2 circumstance. He had a tough childhood. But lots  
3 of people have tough childhoods. I'm not going to  
4 consider that very strongly, and I'm going to  
5 suggest to you that at least two of the mitigators  
6 that you've heard discussed are ones that should  
7 not be given great weight by you. And one is a  
8 mitigator that's been really stressed in argument,  
9 and that's the fact that the defendant has no  
10 prior record. And I'm going to suggest to you  
11 that that should be one of the least important  
12 mitigating circumstances, and you should give it  
13 the least weight of any of the mitigating  
14 circumstances you'll hear about, and the reason  
15 is, membership in the human race is not a union  
16 job.

17 In a union job you get progressive  
18 discipline. No matter how bad you mess up, you  
19 get an oral warning, and then you get a written  
20 reprimand, and then maybe some time later you get  
21 fired. Life doesn't work that way. Whether you  
22 have a prior record or not, there are certain  
23 offenses that are so serious, certain harms that  
24 are so grievous that if you cause those, you  
25 deserve the ultimate penalty. And it doesn't

1 matter if it's the first time that you've been  
2 convicted of any major offense, and it doesn't  
3 matter that you have no prior record. So, while  
4 that's a mitigator that's present and you've got  
5 to consider it and give effect to it, what effect  
6 you give to it is up to you. And I would suggest  
7 to you, for the reason stated, that that be very  
8 little.

9 And the other mitigator that I would  
10 suggest to you shouldn't be given much to you, and  
11 this may sound callus, and I'll explain it. Don't  
12 give a lot of weight to the effect that this  
13 execution, if it is carried out, will have on,  
14 would have on the members of the defendant's  
15 family. And I do not mean to minimize what  
16 they're going through. I would not suggest and I  
17 wouldn't tolerate anyone else suggesting that any  
18 of Mr. Budd's family members got on that stand and  
19 faked anything. They were hurting. They told you  
20 they were hurting. And that's a fact. You've  
21 heard nothing but hurting for the last two days.  
22 You've sat through a universe of pain in this  
23 courtroom. But as my colleague's already pointed  
24 out, there is only one person that's responsible  
25 for that, and that's the defendant. And for a

1 defendant to come in and say to you, I have caused  
2 all these people pain. I have caused all these  
3 people, my family members to suffer and to grieve  
4 and to worry, and because I did that, I want you  
5 to consider that as a mitigating circumstance and  
6 give me a lighter sentence than you would  
7 otherwise is just inconceivable. It is so  
8 logically inconsistent that you are entitled to  
9 reject it. I'm sure it would make his family  
10 members feel better if you sent him home tomorrow.  
11 But if anybody suggested you do that, you would  
12 say, well, we can't do that. That's not the right  
13 thing to do.

14 Well, if you examine all the evidence and  
15 you decide that, that the death penalty is the  
16 appropriate and worthy and deserved punishment and  
17 then you don't do it just because you feel bad for  
18 the pain it's going to cause his family, that  
19 would be just as wrong as letting him go. It's a  
20 difference in degree, not in the form of what  
21 you're doing. You've got to arrive at a decision  
22 as to an appropriate penalty, and I suggest that  
23 you not be swayed in performing that duty by the  
24 pain that your decision will cause, because that  
25 decision, just like everything else that throws

1 from the death of these three young men, isn't  
2 your fault, isn't my fault, isn't the fault of  
3 anyone on the face of the earth but the young man  
4 sitting in the middle seat at that table.

5 The last thing I want to talk to you  
6 about is a suggestion that was made by the defense  
7 lawyers in this case, and that's that the death  
8 penalty ought to be reserved for the worst of the  
9 worst. That's hard to quarrel with, and I don't  
10 intend to quarrel with it. But having said that,  
11 how do you decide what's the worst of the worst?  
12 And the worst of the worst what? The worst of the  
13 worst murder? The worst of the worst murderer?  
14 Can there be a worst of the worst murder? Isn't  
15 every murder just horrible? I mean, it involves  
16 the end of a human life. Can one murder be worse  
17 than another? Sure it can. What's the worst of  
18 the worst murder? Maybe it's the execution of a  
19 child. Maybe it's waking a 14-year-old boy up  
20 from the last sleep that he's ever going to enjoy  
21 on the face of the earth to expose him to  
22 intimidation, interrogation, and ultimately  
23 extermination. Maybe that's the worst of the  
24 worst. Or maybe the worst of the worst is the  
25 agony that Derrick Jones went through as he fled



1 down a narrow hallway for his life as bullets tore  
2 into his body from front and back, as he spent his  
3 last moments on earth clinging to the vain hope  
4 that a bag of toilet paper and paper towels would  
5 somehow be transformed into something that would  
6 save his life, that somehow paper would stop  
7 bullets. But, of course, paper doesn't stop  
8 bullets, and he died. Is that the worst of the  
9 worst? Or is maybe the worst of the worst Jason  
10 Moore, so close to freedom and yet so far,  
11 collapsed on the threshold of the slaughter house,  
12 crawling for his life, shot in the back once,  
13 crawling further but in the wrong direction,  
14 towards a corner, shot twice, continuing to crawl  
15 until he curls up in a fetal position in the  
16 corner and runs out of time and breath and blood.  
17 Worst of the worst, your call, not mine.

18 And worst of the worst murderers, what's  
19 the worst kind of murderer? Could it be somebody  
20 that doesn't kill out of passion, out of  
21 excitement, out of a sudden fit of rage but  
22 somebody who makes an economic decision, somebody  
23 who decides, people are hurting my business so  
24 they have got to die, somebody who uses the guise  
25 of his friendship to play a ball game with these

1 guys and try and feel out which one of them took  
2 his dope, so which one is going to die first. Is  
3 that the worst of the worst? Or maybe the worst  
4 of the worst is somebody that takes a year to  
5 think about what they have done, somebody who, not  
6 in the heat of the moment but after calm  
7 reflection, after a time to have been able to  
8 consider the consequences of his actions, the pain  
9 that those actions have caused, the agony that  
10 everyone is going through and will continue to go  
11 through, somebody who can sit down and write this:  
12 They call me Smallz aka AI. Every day on the  
13 street I used to get high. There's rules for a  
14 killa. Don't get it confused. I'm wearing county  
15 blues with my face on the news. Blew these niggaz  
16 off the earth. That's the way it to go. I only  
17 killed three but I shoulda killed four. Left them  
18 dead on the floor, but just right before they was  
19 cryin' and pleadin', screamin' for Jesus. Ya'll  
20 can keep the weed cuz you can't smoke in now cuz  
21 your ass is underground. Cross me, I blow like a  
22 bomb. Took three niggaz from they moms. I'm a  
23 thrilla killa. Ask Saratoga Palms. Call me Murda  
24 Mann.

25 Defense counsel suggest that the State

1 asks you to impose the ultimate penalty in this  
2 case out of hatred. Wrong. Defense counsel  
3 asserts that the State asks you to impose the  
4 ultimate penalty in this case out of anger.  
5 Wrong. It would be wrong for you to do either of  
6 those things. We are asking you to impose the  
7 ultimate penalty in this case, because the  
8 defendant's earned it. The defense says life is  
9 precious. We agree. That life was precious.  
10 That life was precious. And that life was  
11 precious. And precious things are purchased with  
12 precious coin. The defendant purchased those  
13 three lives, and the coin is his own. Thank you.

14 THE COURT: Thank you, Mr. Kane.

15 Ladies and gentlemen, you will now be  
16 excused from the courtroom to begin your  
17 deliberations.

18 Ms. Clerk, would you swear the bailiff to  
19 take charge of the jurors?

20 (Thereupon, the bailiff was sworn.)

21 THE COURT: Would you swear him and my  
22 law clerk? In fact, let's swear Mr. Garcia first  
23 to keep the alternate separate.

24 (Thereupon, the law clerk was sworn.)

25 THE COURT: Ladies and gentlemen, I would

1 ask that you now collect your belongings, your  
2 notebooks, and I believe that Mr. Bailiff is going  
3 to come back into the courtroom and take you to  
4 your deliberation room. We will stand in recess.

5 Mr. Bailiff, you may take your jurors.

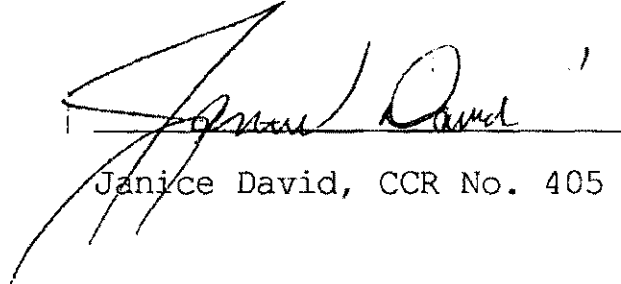
6 THE BAILIFF: Thank you.

7 THE COURT: We're in recess.

8 (Recess taken.)

9 \* \* \* \* \*

10 Attest: Full, true, accurate transcript of  
11 proceedings.

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16 Janice David, CCR No. 405  
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	[2] 40:24 41:8	7 88:19	[5] 8:12 23:5 24:18 25:12 27:1
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[1] 23:7	[1] 41:18	95th	<b>Adding</b>
13	37th	[2] 49:5 49:6	[1] 108:13
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[1] 22:6	4	A	<b>Additional</b>
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[4] 50:21 69:8 97:21 110:8	40		<b>Additionally</b>
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15	[2] 10:9 10:10	Abide	[8] 16:5 57:25 81:5 85:24 86:11 90:19 91:2 113:1
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[1] 17:12	[2] 5:20 6:10	[3] 94:7 108:14 109:25	<b>Administer</b>
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1998	5th	[6] 13:23 16:17 18:24 25:18 35:25 43:21	[1] 69:22
[1] 25:12	6	Academically	<b>Adolescence</b>
1:00	62	[2] 21:9 25:10	[2] 33:8 37:6
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[2] 1:14 3:1	[1] 15:1	Accent	<b>Adolescents</b>
2	69	Accept	[3] 40:16 41:18 41:21
20	[1] 22:12	[1] 53:11	<b>Adopted</b>
[9] 5:18 7:11 21:24 22:16 39:20 41:10 42:2 69:23 115:23	7	Acceptance	[1] 95:25
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[1] 15:12	[1] 22:11	Accepted	[4] 39:10 40:6 41:15 42:4
2002	75	[2] 36:14 97:7	<b>Adults</b>
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1 words added and give effect, and I added those and  
2 gave you the substituted case, judge.

3 THE COURT: Do you know whether or not it  
4 was put into this packet? Let me see.

5 MR. KANE: I did. In fact, I put it in  
6 personally.

7 THE COURT: Because you saw that on the  
8 top.

9 MR. KANE: Right. And I left that on in  
10 the front just because it had your writing on it.

11 THE COURT: Excellent. Okay.  
12 Mr. Brooks, Mr. O'Brien, have you seen the revised  
13 instructions?

14 MR. BROOKS: Judge, we have. And with  
15 the understanding that our prior objection, which  
16 was ruled upon by the Court, is preserved, the set  
17 of instructions we now have is, as far as we know  
18 is a correct statement of law.

19 THE COURT: Let's quickly go through them  
20 and see if we have a complete agreed-upon set.  
21 The first one, it is now my duty as judge...  
22 Number two, if in these instructions any rule,  
23 direction, or idea is repeated... Number three,  
24 the trial jury shall fix the punishment for every  
25 person convicted of murder of the first degree.

1 Number four, the jury shall fix... Number five,  
2 life in prison without the possibility of parole  
3 means exactly what it says, that the defendant  
4 shall not be eligible for parole... Number six,  
5 in the penalty hearing evidence may be presented  
6 concerning... Number seven, in order to even  
7 consider the death penalty as an option for  
8 sentencing... Number eight, the law does not  
9 require the jury to impose the death penalty...  
10 Number nine, the full-page instruction, in  
11 deciding on an appropriate sentence for the  
12 defendant, you will consider three types of  
13 evidence, evidence relevant to the existence of  
14 aggravating circumstances, evidence relevant to  
15 the existence of mitigating circumstances, and  
16 other evidence presented against the defendant.  
17 You must consider each type of evidence for its  
18 appropriate purpose.... Number 10, you are  
19 instructed that the following factor is the only  
20 circumstance alleged in this case... Number 11,  
21 murder of the first degree may be mitigated by any  
22 of the following circumstances -- we're going to  
23 read this in its entirety, because this is the one  
24 that was the subject of the original objection.  
25 Murder of the first degree may be mitigated by any



1 of the following circumstances, even though the  
2 mitigating circumstance is not sufficient to  
3 constitute a defense or reduce the degree of the  
4 crime. Number one, the defendant has no  
5 significant history of prior criminal activity.  
6 Number two, the murder was committed while the  
7 defendant was under the influence of extreme  
8 mental or emotional disturbance. Number three,  
9 the youth of the defendant at the time of the  
10 crime. Number four, the defendant's diminished  
11 intelligence. Number five, the impact of the  
12 defendant's execution on his family members,  
13 including his mother, grandmother, brother, and  
14 sisters Shermaine and Angel.

15 Is that Angel or Angela? Did I  
16 misunderstand?

17 MR. BROOKS: It should be Angela.

18 THE COURT: That's what I thought. I  
19 could correct it here.

20 MR. KANE: I apologize.

21 THE COURT: That's okay. I just simply  
22 added an A in black ink. Number six, the impact  
23 of the defendant's execution on his other family  
24 members, friends, and loved ones. Number seven,  
25 any other mitigating circumstances.

1 Mr. Brooks, is that, I know that you  
2 continue to object to this instruction, but this  
3 is what you anticipated based on, if you will, the  
4 compromise that I make based upon your earlier  
5 argument; is that correct?

6 MR. BROOKS: Well, it was the Court's  
7 ruling, your Honor, yes, that the Court made a  
8 ruling that, that took into account both positions  
9 and both sides.

10 THE COURT: Very well. Mr. Kane,  
11 Ms. Pandukht, you understand that this was the  
12 Court's decision with respect to a compromise  
13 instruction?

14 MR. KANE: Yes, judge.

15 THE COURT: Very well. Number 12,  
16 mitigating circumstances are those factors which,  
17 while they do not constitute a legal justification  
18 or excuse for the commission of the offense in  
19 question, may be considered, in the estimation of  
20 the jury, in fairness and mercy, as extenuating or  
21 reducing the degree of the defendant's moral  
22 culpability. You must consider and give effect to  
23 any aspect of the defendant's character or record  
24 and any of the circumstances of the offense that  
25 the defendant proffers as a basis for a sentence

1 less than death. In balancing aggravating and  
2 mitigating circumstances, it is not the mere  
3 number of aggravating circumstances or mitigating  
4 circumstances that controls. Number 13, in  
5 determining whether mitigating circumstances  
6 exist, jurors have an obligation to make an  
7 independent and objective analysis of all the  
8 relevant evidence... Number 14, a reasonable  
9 doubt is one based on reason... Number 15, the  
10 jury is instructed that in determining the  
11 appropriate penalty to be imposed in this case,  
12 that it may consider all evidence introduced...  
13 Number 16, in your deliberation you may not  
14 discuss or consider the subject of guilt or  
15 innocence... Number 17, the credibility or  
16 believability of a witness should be determined...  
17 Number 18, although you are to consider only the  
18 evidence in the case in reaching a verdict, you  
19 must bring to the consideration of the evidence  
20 your everyday common sense and judgment... Number  
21 19, during your deliberation you will have all the  
22 exhibits which were admitted into evidence...  
23 Number 20, the Court has submitted several sets of  
24 verdicts to you. There is one special verdict  
25 dealing with the alleged aggravating circumstance.

1 Should that be circumstances?

2 MR. KANE: No. There is only one  
3 aggravating circumstance.

4 THE COURT: There is one special verdict  
5 dealing with the mitigating circumstances. There  
6 are three penalty verdict forms, one for each  
7 count. At the conclusion of your deliberations,  
8 if you find that the existence of the aggravating  
9 circumstance has been proven beyond a reasonable  
10 doubt, you should return five signed verdict  
11 forms, the special verdict dealing with the  
12 aggravating circumstances, the special verdict  
13 dealing with the mitigating circumstance, and a  
14 penalty verdict fixing the punishment for each of  
15 the three counts... Number 21, now you will  
16 listen to the arguments of counsel... There is a,  
17 immediately following the listen to the  
18 instruction there is the special verdict dealing  
19 with aggravating circumstance. And, of course,  
20 that is more than one offense. The next is  
21 special verdict parenthetically describing  
22 mitigating circumstances. And then there are one,  
23 two, three, four, five, six, seven opportunities  
24 to have the jury to check with respect to those  
25 mitigators that they consider. So, that's a

1 two-page special verdict form, the next penalty  
2 verdict, count one, having to do with Dajon Jones  
3 and the punishment to be set for that conviction,  
4 the next penalty verdict, count one, Dajon Jones  
5 as the victim with respect to sentencing to be  
6 set, the next penalty verdict, count one.

7 MR. KANE: That's also for Dajon Jones.  
8 And, for the record, your Honor, this is the way  
9 that I've done it, just so the court understands.

10 THE COURT: You can sense my confusion.  
11 I'm sorry.

12 MR. KANE: I submit three proposed  
13 verdict forms for each count in a death penalty  
14 case. The first verdict form says the jury finds  
15 that the aggravating circumstance outweighs the  
16 mitigating circumstances and has the four options,  
17 including the death penalty. The second form is  
18 for the jury to use if they find that the  
19 mitigating circumstances outweigh the aggravator,  
20 and it does not include the death penalty. The  
21 third option is for the jury to use if they don't  
22 find that any aggravating circumstance exist. In  
23 this case I understand that, I don't know how the  
24 jury could rationally do that, but I think it's  
25 required that it be included.

1 THE COURT: This was not based upon the  
2 finding of guilt on three separate counts. Is  
3 this verdict form even legally firm?

4 MR. KANE: I don't think it's rationally  
5 possible, but I don't know that I can leave it out  
6 unless the defense says it's okay to leave it out.

7 THE COURT: Mr. Brooks, Mr. O'Brien, I  
8 mean, is it legally firm? I mean --

9 MR. KANE: I included a verdict form for,  
10 for the jury to use if they don't find the  
11 existence of an aggravating circumstance.

12 MR. BROOKS: Which --

13 MR. KANE: Because they have to make that  
14 separate finding here in the penalty.

15 MR. BROOKS: In which case it's the  
16 alternative, similarly do not include death.

17 MR. KANE: Correct.

18 MR. BOOKS: That's fine.

19 THE COURT: But can they find no  
20 aggravating circumstances?

21 MR. BROOKS: Yes, judge, they could.

22 THE COURT: Even though there are  
23 multiple murders?

24 MR. BROOKS: Yes, they could.

25 THE COURT: Okay. I, I trust both of

1 your expertise.

2 MR. KANE: Well, obviously I would be.  
3 hollering about it, because it's logically  
4 inconsistent. But I think if I failed to include  
5 it when the defense wants it in, I would be  
6 inviting errors.

7 THE COURT: No question. No question.  
8 The next one, then, is penalty verdict, count two,  
9 having to do with Derrick, the exact same thing.  
10 This is the one where aggravators outweigh  
11 mitigator, includes the possibility of death.  
12 Penalty verdict, count two, Derrick where they  
13 find mitigators outweighing the aggravators,  
14 therefore, include the possibility of death.  
15 Penalty verdict, count two, Derrick, again they  
16 find no aggravating circumstances. Next is  
17 penalty verdict, count three, having to do with  
18 Jason Moore. This is where they found, would find  
19 that the aggravator outweigh the mitigators, and  
20 they can potentially impose death. Next in  
21 penalty verdict, count three, Jason Moore, again  
22 with the mitigators outweighing the aggravators,  
23 no possibility of death. And finally the penalty  
24 verdict form, count three, as to Jason Moore where  
25 the jury would potentially find no aggravating

1 circumstances and, of course, the possible range  
2 of sentences does not include death.

3 Have we completed a review of the  
4 proposed instructions for this phase of the trial?

5 MR. KANE: Yes, your Honor.

6 THE COURT: State, do you have anything  
7 you wish to add?

8 MR. KANE: No, I do not.

9 THE COURT: And on behalf of the  
10 defendant, other than the previously stated and  
11 argued and decided upon objection, anything  
12 further?

13 MR. BROOKS: No, judge.

14 THE COURT: Very well. When I was last  
15 here in the courtroom, we were making a  
16 determination as whether or not Mr. Budd was going  
17 to take the stand.

18 Have we made that decision?

19 MR. O'BRIEN: We have, your Honor.  
20 Defense would request that we be allowed to reopen  
21 our case.

22 THE COURT: Very well. Then, counsel,  
23 are we ready for the jury to be brought back?

24 MR. KANE: Judge, I believe that it's  
25 clear on the record, but I just wanted to make



1 sure that the Court formally instructed the  
2 defendant that his statement to the jury, whether  
3 sworn or unsworn, is not to include any denial of  
4 guilt -- and if that happens, the prosecution  
5 would object -- but that the statement is limited  
6 to statements of remorse, pleads for leniency, and  
7 statements of future plans.

8 THE COURT: Mr. Budd, and, Mr. Kane, for  
9 your benefit, I spoke, as you know, with Mr. Budd  
10 and explained what I believed to be, was a simpler  
11 explanation of what you just said. In fact --

12 MR. KANE: Than would be the first time.

13 THE COURT: I tried to take some of the  
14 legalese out of it and talked to Mr. Budd. And,  
15 frankly, this is going to be part of the record.  
16 I urged him to consider talking to the jury. I  
17 explained, with both counsel present, that he  
18 would not, A, be placed under oath, would not be  
19 subject to cross-examination so long as he stayed  
20 within certain boundaries, and that the only thing  
21 he really can talk about here is a plea that they  
22 spare his life, a desire that he has to remain,  
23 even though incarcerated, a part of his family,  
24 and, if, in fact, he feels remorse or sorrow for  
25 what happened in this case, he can tell the jury

1 that as well.

2 MR. KANE: Thank you.

3 THE COURT: Mr. Brooks, Mr. O'Brien,  
4 anything else for the record?

5 MR. BROOKS: No, your Honor.

6 MR. O'BRIEN: No, your Honor.

7 THE COURT: Then the defense case will be  
8 formally, will remain open. I don't know that you  
9 said --

10 MR. BROOKS: Judge, I don't think we did  
11 rest.

12 THE COURT: I don't think you rested.

13 MR. KANE: I thought they did, and I said  
14 no rebuttal. But whatever happened, the State has  
15 no objection to reopening the case.

16 THE COURT: Thank you, Mr. Kane. I think  
17 what we'll do is, we'll bring the jury back in.  
18 Why don't we get Mr. Budd on the stand before they  
19 come in?

20 MR. O'BRIEN: Thank you.

21 THE COURT: Oh, and while Mr. Budd is  
22 coming forward I just received a note. I'm  
23 assuming that this came from Mr. Bailiff, says  
24 juror number 12, your foreperson, said she knows  
25 Dr. Paglini, says she knows the doctor that just

1 testified.

2 Do you wish for me to make inquiry as to  
3 the extent of her knowledge or, and/or  
4 relationship? You identified him in the  
5 beginning?

6 MR. BROOKS: No. I don't think we did,  
7 judge. So, I suppose that would be appropriate  
8 just to ask her.

9 THE COURT: Mr. Bailiff -- and Mr. Budd  
10 can stay right where he is -- why don't we bring  
11 that juror in by herself, let us make a bit of  
12 inquiry.

13 Good afternoon, Ms. Goldner. You don't  
14 have to take your seat. Presumably we're probably  
15 going to be here for a minute.

16 Mr. Bailiff provided to me a note  
17 indicating that you think you know Dr. Paglini; is  
18 that correct?

19 JUROR NO. 12: Yes.

20 THE COURT: What is the nature of your  
21 knowledge and/or relationship:

22 JUROR NO. 12: Someone I know saw him as  
23 a physician.

24 THE COURT: Okay. So, you've never  
25 treated with him; is that correct?

1 JUROR NO. 12: No. I accompanied him on  
2 his, the first time he went but, and then I didn't  
3 further see --

4 THE COURT: You weren't a part of the  
5 interview or the, the counseling or care and  
6 treatment that the doctor provided directly?

7 JUROR NO. 12: No.

8 THE COURT: Okay. Is there anything  
9 about that person's relationship with the doctor  
10 and your relationship with that person that would  
11 affect your ability to be fair and partial here?

12 JUROR NO. 12: Not at all, no.

13 THE COURT: So, the simple fact that  
14 someone that you know at one time treated with the  
15 doctor is not going to have you in any way  
16 weighing his testimony in, with any greater weight  
17 than anyone else, is it?

18 JUROR NO. 12: Not at all.

19 THE COURT: Mr. Kane?

20 MR. KANE: No, your Honor.

21 THE COURT: Mr. Brooks, Mr. O'Brien,  
22 anything you wish to ask this juror?

23 MR. BROOKS: Judge, we have no questions.

24 THE COURT: You know, I wish I had that  
25 on tape.

1           You can step back out into the corridor.  
2           And I believe, Mr. Bailiff, we're ready for the  
3           jury to come in.

4           JUROR NO. 12: Should I just stay, then?

5           THE COURT: Yeah. That's fine.

6           (Thereupon, the jury entered the courtroom.)

7           THE COURT: Welcome back. You may be  
8           seated. Let the record reflect that we are again  
9           present in the matter of State versus Budd. All  
10          counsel and parties are present.

11          Will you stipulate to the presence of the  
12          jury?

13          MR. KANE: Yes, your Honor.

14          MR. O'BRIEN: Defense will, your Honor.

15          THE COURT: Very well. Ladies and  
16          gentlemen, we are very close to the end of this  
17          proceeding and, frankly, none of us can, with any  
18          meaningful recollection, remember whether or not  
19          the State, the defense officially rested their  
20          case. If they did, we are going to reopen it,  
21          because, Mr. O'Brien, I believe you have another  
22          witness that you would like to have the jury hear  
23          from; is that correct?

24          MR. O'BRIEN: We do, your Honor. Thank  
25          you.

1 THE COURT: And that next witness is?

2 MR. O'BRIEN: Glenford Budd.

3 THE COURT: You'll note that Mr. Budd is  
4 presently seated here in the witness stand.

5 And, Mr. O'Brien, you may proceed.

6

7

DIRECT EXAMINATION

8

BY MR. O'BRIEN:

9

Q. Thank you, your Honor. Glenford, I  
10 understand there is something you want to tell the  
11 jury.

12

A. Yeah, not, not just the jury but jury,  
13 the victim's family, and my family. I want to say  
14 that I'm sorry. I'm not just saying that. It's  
15 from here. Nobody deserve to go through this,  
16 nobody at all, not the family, not my family,  
17 nobody here. This is real hard for me. I'm not  
18 good with expressing myself, you know. I'm sorry.  
19 I really am.

20

Q. Do you want to say anything else,  
21 Glenford?

22

A. It's hard. I can't explain it.

23

MR. O'BRIEN: Thank you, your Honor.

24

THE COURT: Mr. Budd, is there anything  
25 else you would like to tell the jury?

1 THE DEFENDANT: Spare my life, please,  
2 please.

3 THE COURT: Thank you, sir. Mr. Kane?

4 MR. KANE: Your Honor, as Mr. Budd has  
5 elected to exercise his right to address the jury  
6 in the manner of an unsworn statement, the State  
7 has no right of cross-examination.

8 THE COURT: Thank you very much. Thank  
9 you, Mr. Budd. Mr. O'Brien, any other witnesses?

10 MR. O'BRIEN: No. Thank you, your Honor.  
11 The defense will rest.

12 THE COURT: Ladies and gentlemen, it is  
13 now the time for me to instruct you with respect  
14 to the nature of the law for this phase of the  
15 trial.

16 (Thereupon, the Court read the jury instructions.)

17 THE COURT: On behalf of the State,  
18 Mr. Kane, are you prepared to proceed?

19 MR. KANE: Ms. Pandukht.

20 THE COURT: Ms. Pandukht?

21 MS. PANDUKHT: The defendant deserves to  
22 die for the murders of Dajon Jones, Derrick Jones,  
23 and Jason Moore. He has earned that right. But  
24 that is a decision that all of you have to make  
25 unanimously, and it is a hard one. There is a lot

1 that you have to do before you can get there. And  
2 the judge has read the instructions that you have  
3 to follow, and I want to go through them with you,  
4 as I know that Mr. Brooks and Mr. O'Brien are also  
5 going to want to go through them with you, because  
6 they are so important.

7 Now, they, the first one I want to focus  
8 on is instruction number seven. Basically it's a  
9 four-step process, at least the way I see it.  
10 You, one, have to decide, is there the aggravating  
11 circumstance that exist? Is it proven beyond a  
12 reasonable doubt? That's step one. Step two,  
13 then, is, if you find that an aggravating  
14 circumstance exist, you have to then determine, do  
15 one or more mitigating circumstances exist?

16 Now, this instruction will tell you that  
17 that decision doesn't have to be unanimous, and  
18 you don't need to find all of what's ending up  
19 being listed as seven, I believe, mitigating  
20 circumstances, but you have to make the  
21 determination in the second step of the process to  
22 find whether or not a mitigating circumstance or  
23 circumstances exists. Now, once you go through  
24 that process, then comes the third step.

25 Now, the third step is very, very



1 important. And that is, do any of the mitigating  
2 circumstances outweigh the aggravating  
3 circumstance? And if you decide that the  
4 aggravating circumstance, or let me say it this  
5 way: If you decide that the mitigating  
6 circumstances do not outweigh the aggravating  
7 circumstance, now the defendant is eligible for  
8 the death penalty. And it is only until that  
9 point that he is even eligible for that penalty.  
10 Now, once you decide that the defendant can even  
11 get the death penalty, it still is not mandatory.  
12 You do not have to impose that sentence. You are  
13 free to impose any one of the four possible  
14 penalties in this case. And those are listed as  
15 well in the instructions. But this instruction  
16 tells you that once you find that the mitigating  
17 circumstances do not outweigh the aggravator, you  
18 can impose that sentence. And that instruction is  
19 very, very important. And I'm going to now turn  
20 to instruction number 10.

21 Instruction number 10 deals with the  
22 aggravating circumstance in this case, and there  
23 is only one, and it is, the murder was committed  
24 by a person who has, in the instant proceeding,  
25 been convicted of more than one offense of murder

1 in the first or second degree. Now, this is an  
2 easy one, because you just found the defendant  
3 guilty in the trial phase of first degree murder  
4 with use of a deadly weapon, three counts. It's  
5 more than one. You've already found that. This  
6 should be the easiest part of your determination,  
7 instruction number 10. Certainly the aggravating  
8 circumstance has been proven beyond a reasonable  
9 doubt. You all convicted him. So, I will focus  
10 on the mitigating circumstance, and there is two  
11 instructions that I want to focus on.

12 The first one is instruction number 12,  
13 and that is basically, this instruction talks  
14 about considering and giving effect to mitigating  
15 circumstances. And they explain what they are.  
16 They're basically factors that are not  
17 justifications. They're not excuses. But they  
18 may be considered by you as extenuating or  
19 reducing the defendant's moral culpability, and it  
20 does state in this instruction, just as you've  
21 already heard, that you have to give effect to and  
22 consider the defendant's character or record and  
23 any of the circumstances of the offense that he  
24 proffers as a basis for a sentence less than  
25 death. And you heard testimony about that, and

1 you heard it relating to instruction number 11.

2 Instruction number 11 lists seven  
3 mitigating circumstances. And what I want to do  
4 is go through these one by one. You heard  
5 considerable testimony yesterday as well as today  
6 during this penalty phase from a variety of  
7 witnesses, and they fit into these seven  
8 categories, this list of mitigating circumstances.  
9 A couple of these I'm going to concede right off  
10 the top. First of all, number one, the defendant  
11 has no significant history of prior criminal  
12 activity. The State agrees with that as well as  
13 number three, the youth of the defendant at the  
14 time of the crime. The State also agrees, I would  
15 also note that all three of the victims were  
16 younger than the defendant at the time of their  
17 murders. But I want to spend some time with what  
18 I believe is the, what probably falls within the  
19 second one and the seventh.

20 And the second one is, the murders were  
21 committed while the defendant was under the  
22 influence of extreme mental or emotional  
23 disturbance and any other mitigating  
24 circumstances. And I wanted to address that,  
25 because you heard a lot of testimony from the

1 defense witnesses about the defendant's childhood,  
2 the death of his stepfather, his father having an  
3 alcohol and abuse problem with his mother. You  
4 heard evidence about his father going to prison  
5 for dealing marijuana. You heard a lot about  
6 being evicted from residences, not having enough  
7 food, all of those types of things. And where do,  
8 where do they fit in? I could be wrong, and  
9 Mr. Brooks or Mr. O'Brien may correct me, but I  
10 believe they fit in the second and seventh  
11 categories. What I wanted to address with you is  
12 basically, you have to, in looking at these  
13 mitigating circumstances, look at it twofold. One  
14 is, do they exist? And then you have to think  
15 about them in terms of, are any of these factors a  
16 basis for reducing his moral culpability? Do they  
17 extenuate or reduce his moral culpability?

18 Now, with regard to his family and  
19 financial problems, you heard evidence from the  
20 defense witnesses about all of that. I'm not  
21 going to dispute that he certainly had  
22 difficulties in his life. We all have  
23 difficulties in our life.. I hope that you recall  
24 the Moores when they testified. Earl and Linda  
25 Moore had testified about how they were once

1 homeless. I believe that they stated that as well  
2 as Dajon's family. I believe Dajon's sister,  
3 Kokitha, told you that they have had problems  
4 where they have had, haven't had a place to live.  
5 Every single family could probably give you  
6 stories about somebody in their family dying,  
7 somebody in their family going to jail, having  
8 difficulties in their life. The question is, do  
9 those rise to the level that they are a mitigator?

10 Now, there was also considerable  
11 discussion about the defendant's illegal status,  
12 that he was an illegal alien here in this country  
13 without a social security card, without a birth  
14 certificate, I believe, as well. And he has  
15 brought through that testimony basically in terms  
16 of why he couldn't find a job. You heard that he  
17 could not get legitimate work, even though he  
18 allegedly tried to get legitimate work, tried to  
19 apply for jobs. But what we do know is that the  
20 defendant didn't have a legitimate job. You heard  
21 from Mr. Paglini that he was selling drugs from  
22 age 17 until age 21. He was selling marijuana  
23 just like his stepfather did before he died. He  
24 was selling that to the quantity of up to six  
25 pounds. You heard on cross-examination that the

1 defendant got six pounds of marijuana just in 2003  
2 before the murder. So, in the spring of 2003  
3 that's a considerable amount of marijuana. This  
4 isn't just selling an ounce here and an ounce  
5 there as Mr. Paglini would like you to believe.  
6 He had six pounds of marijuana that he was dealing  
7 in Las Vegas, and that was how he was earning his  
8 living, and that was how he was making money.  
9 Certainly the evidence that you heard in  
10 mitigation, look at that as well in terms of, of  
11 what really is going on there. Is that really  
12 something that mitigates what the defendant did,  
13 the fact that he chose to deal drugs instead of  
14 have a legitimate job?

15 Now, you also heard evidence with regard  
16 to number four, I believe it is. Number four is  
17 the defendant's diminished intelligence. You  
18 heard from Mr. Paglini that he had an average IQ  
19 of, I'm not sure if it was 80, 84. It was  
20 somewhere in that range. But it was basically a  
21 low average IQ. Well, I would ask you to recall  
22 the testimony of his teacher. Remember the  
23 teacher yesterday that said that she had nothing  
24 but positive things to say about this defendant?  
25 She said that he had average grades and average

1 IQ. And who would know how someone is doing in  
2 school better than their teacher. They certainly  
3 had a great relationship. She liked him very  
4 much. That was very, very obvious. She thought  
5 that he was a good student, even got her jokes and  
6 her humor, I believe she said. So, according to  
7 his teacher, who he had for a significant amount  
8 of time, he was an average student and did well  
9 enough at Veil. That was the continuation school.

10 But what I would also like to draw your  
11 attention to with regard to this particular  
12 mitigator is, there was a lot made out of the  
13 defendant not being able to express himself, not  
14 being able to have the same kinds of skills that  
15 other people might have. Well, I would ask that  
16 when you go back into that deliberation room, you  
17 read the letter, the letter he wrote to Greg  
18 Lewis, which is State's Exhibit No. 49B. Frankly,  
19 this letter speaks for itself. Because when you  
20 read this letter, you read someone that can write  
21 very well, you know. He can read well enough,  
22 because he's responding to a letter written by  
23 Greg Lewis, and you know that, because he  
24 specifically responds to several things in this  
25 letter that are answering questions that Greg

1 Lewis posed to him. Greg Lewis tells him he just  
2 had a baby and another one is on the way. The  
3 defendant congratulates him. He congratulates him  
4 and says -- I believe it is on page two of the  
5 letter -- congratulations on your shorty being  
6 born. He also, Greg Lewis asks him in the letter,  
7 you know, how is your hair? Is your hair long?  
8 And the defendant responds in his letter back to  
9 Greg Lewis, you asked if I'm still growing my hair  
10 out. Right now I got it twisted up, going dread.  
11 He is responding specifically to things that Greg  
12 Lewis asked him.

13 He also not only makes it clear that he  
14 can read and write just fine, he has the ability  
15 to even know when it's appropriate to write thank  
16 you cards. He says in the letter that he knew to  
17 write a thank you card to the mother of Greg  
18 Lewis. And he didn't send it to Greg Lewis  
19 himself and sent it to his mother's address,  
20 because he says that he didn't know where he was  
21 living. He hadn't heard from him. So, he sends  
22 it to his mother. But he wanted to thank him  
23 specifically for putting money on his books, which  
24 was in Greg Lewis's letter to him. So, he's  
25 certainly smart enough to know not only to write a



1       thank you card when somebody gives you a gift, he  
2       knew Greg Lewis's mother's address. Also in the  
3       letter you'll notice that he knows cell phone  
4       numbers and home numbers of the person named Wes.  
5       He's listing those in the letter. It is a very  
6       well-written letter and certainly contradicts any  
7       alleged diminished intelligence that the defense  
8       would like you to believe mitigates his offenses.

9               But most interestingly in that letter, he  
10       counsels Greg Lewis. He gives him advice that's  
11       pretty mature. The defendant tells Greg Lewis,  
12       this time when you return, have it be your last.  
13       You have kids. That ain't where it's at, feel me?  
14       Get out and wait for my return. He's basically  
15       telling him to quit committing crimes, because  
16       you've got kids. And this jail, CCDC, that's not  
17       where it's at. That isn't from somebody with that  
18       diminished of an intelligence.

19              More importantly than all of that, this  
20       defendant was smart enough to do a lot of things  
21       in the course of these murders that somebody with  
22       less intelligence may not have thought to do,  
23       because, you see, this defendant doesn't just fly  
24       off the handle and have a big argument where  
25       everybody knows that he's mad at them and he's

1 going to kill them. This defendant is smart  
2 enough to get ahold of a gun and smart enough to  
3 hide that gun so that nobody sees him coming. He  
4 is smart enough to know that, I'm going to need me  
5 a gun that's going to be able to shoot a lot of  
6 people with a lot of bullets without having to  
7 reload. He had a gun that was a nine-millimeter  
8 with a clip that could shoot at least 11, 12, 13,  
9 up to probably 15, 16 slugs. He needed a gun like  
10 that, because when you got three people or four  
11 people in an apartment and you start shooting, you  
12 don't want somebody to stop you and turn that gun  
13 on you, do you? He wasn't stupid. The only thing  
14 that he made a mistake about was letting Lazon  
15 Jones get away. That's the only thing that this  
16 defendant messed up on. He was certainly smart  
17 enough to commit this crime without getting caught  
18 right away. He was able to shave his head, change  
19 his appearance, hide out at several different  
20 residences without being caught for several days,  
21 certainly was smart enough to do that.

22 And he was also smart enough and had  
23 enough long-term memory to remember what he did a  
24 year and three months after the murders. We know  
25 that, because he writes it to Greg Lewis in those

1 rap lyrics. He certainly was smart enough to  
2 remember how many people he killed, how many  
3 people he should have killed. And he also  
4 remembered what they probably said before he  
5 killed them. So, with regard to the mitigator of  
6 number four, the defendant's diminished  
7 intelligence, I would certainly suggest that that  
8 does not exist in this case.

9 Now, with regard to the impact of the  
10 defendant's execution on his family members, and  
11 I'm going to group five and six together. There  
12 is no doubt that this has caused considerable pain  
13 and grief for the defendant's family members.  
14 There is no question. There is no question that  
15 you saw that on the stand when his family,  
16 friends, and his mother and his sisters and his  
17 brother were testifying. But whose fault is that?  
18 Who is to blame for the suffering of his family  
19 members? The defendant is 100 percent responsible  
20 for causing all of that. Because the defendant  
21 had a choice. He had a choice whether or not to  
22 fire those bullets into those three boys, and he  
23 had the choice to kill them, a choice that he  
24 didn't give to the three boys. Those three boys  
25 didn't have the same choice, and he took away

1 those boys from their family members, too. So, in  
2 addressing number five and six, I would also ask  
3 that you consider the impact on the victim's  
4 families.

5 MR. BROOKS: I'm going to object, your  
6 Honor. This is inappropriate argument. It's  
7 unethical. The instructions are absolutely clear  
8 that that evidence cannot be considered where the  
9 jury considers the adequacy of mitigating  
10 evidence.

11 THE COURT: That is correct. I would ask  
12 Ms. Pandukht to confine --

13 MS. PANDUKHT: I will move on.

14 THE COURT: Move forward.

15 MS. PANDUKHT: I will move on. These are  
16 the seven mitigators, factors. Once you determine  
17 that any one of these or more than one of these  
18 exist, you then move on to the third step.

19 The third step is whether or not any of  
20 these mitigating circumstances outweigh the  
21 aggravating circumstance. And this is where you  
22 need to consider what this defendant did on the  
23 day of these murders and is the fact that he may  
24 have diminished intelligence, any of the other  
25 mitigating factors listed there, is that

1        outweighing what he did on May 27th, 2003 when he  
2        brutally murdered those three boys. So, I would  
3        ask, does his diminished intelligence outweigh  
4        brutally murdering Dajon Jones when he is alone in  
5        that bedroom, unarmed, no way to defend himself?  
6        Does it outweigh what he did to him? Is the fact  
7        that his mother was unattentive to him or too  
8        permissive, does that outweigh shooting Derrick  
9        Jones seven times, murdering Derrick Jones as he's  
10       trying, trying to flee the apartment to run away  
11       from a man shooting him four times in the back?  
12       Is the fact that the defendant decides to deal  
13       drugs and sell marijuana, does that outweigh  
14       gunning down and murdering Jason Moore on the  
15       balcony?

16                These pictures are hard to look at.  
17       These pictures are hard. But you have to put a  
18       face on them, because Jason, Derrick, and Dajon  
19       aren't just dead bodies. They aren't just  
20       faceless strangers. They're somebody's brother.  
21       They were somebody's son, somebody's sister,  
22       somebody's grandson, and somebody's father. I  
23       would ask that you recall the testimony of Lizzie  
24       Jones who stated that her grandson, who's  
25       actually, you know, she adopted him as her son.

1 He was engaged and had a baby on the way. And  
2 that little boy wasn't even born yet when his  
3 father was killed. Kokitha had a baby, and Lazon  
4 had a baby brother that Dajon never met, that  
5 Dajon will never know. And Jason Moore was part  
6 of a very, very close family, and they were torn  
7 apart by this. And I would ask that you recall  
8 that as well.

9 This is an extremely difficult, difficult  
10 decision, but it is one that you are going to have  
11 to make. And once you get to that point where you  
12 decide that the mitigating circumstances, if you  
13 decide that the mitigating circumstances do not  
14 outweigh the aggravating circumstance, then it's  
15 up to you to make the decision of what the  
16 appropriate sentence is. And what is the  
17 appropriate sentence for somebody who commits  
18 three murders? The decision is yours. But the  
19 death penalty is the appropriate decision in this  
20 case.

21 This defendant, he acted like he was  
22 their friend. He acted in such a way that nobody  
23 ever would have thought he would have done  
24 something like this. But just like his family  
25 never thought he would do anything like this, same

1 with Lazon Jones and Dajon and Jason and Derrick,  
2 you know. There was a lot of talk about him  
3 coming to this country and being an immigrant and  
4 trying to fit in and not having the support.  
5 Well, you know what? Those boys, they hung out  
6 with him. They befriended him. They took him in  
7 and played basketball with him. They accepted  
8 him, and they thought he was their friend, and he  
9 repaid them by killing them over thinking they  
10 stole some weed. This wasn't some heat of  
11 passion, self-defense, anything like that. This  
12 was cold-blooded murder. This was an economic  
13 decision. And you heard that from Mr. --  
14 Mr. Paglini himself. This was an economic  
15 decision. He was a drug dealer selling up to six  
16 pounds of marijuana, and he thought they took some  
17 of his profits, and he was going to keep them, he  
18 was going to kill them over it. And it was bad  
19 enough that he killed one person, but the fact  
20 that he killed more than one person, three young  
21 men, one of them 14 years old, his actions have  
22 earned him the right for the death penalty. And  
23 that's a penalty that he deserves. Thank you.

24 THE COURT: Thank you, Ms. Pandukht.  
25 Mr. Brooks?

1 MR. BROOKS: May it please the Court,  
2 counsel, and ladies and gentlemen of the jury.  
3 This is my last time to talk to you. What we're  
4 going to do is, I'm going to talk a bit, and  
5 Mr. O'Brien is going to talk a bit. Mr. O'Brien  
6 is going to talk a bit about the evidence. I'm  
7 going to concentrate more on the legal procedures,  
8 the aggravation, mitigation, and the procedure you  
9 will go through. And you may say, well,  
10 Ms. Pandukht just explained that to us. But let  
11 me tell you a little secret. You guys may be the  
12 smartest jury in the world, but this stuff is  
13 difficult, and it's complicated, and this is hard  
14 for even lawyers to follow. So, forgive me if I  
15 repeat some of the things that she has said, but I  
16 think these are difficult processes and,  
17 therefore, it may help to hear them again.

18 The key terms are aggravating  
19 circumstances and mitigating circumstances. And,  
20 of course, what the law is trying to do here is,  
21 they're saying in this situation, we're not going  
22 to be governed by passion. We're not going to be  
23 governed by outrage and sympathy and things that  
24 are not rational. We're going to try to be as  
25 rational as possible in this process. From our



1 standpoint, Glenford's standpoint, aggravating  
2 circumstances are bad. They're things that make  
3 the crime worse. They're things that make a  
4 sentencing jury want to impose a harsher sentence.  
5 Mitigating circumstances, from our standpoint, are  
6 things that simply help you understand why this  
7 happened. And they would help you, we hope, make  
8 a decision to show some mercy on Glenford Budd.  
9 And please understand, in no way at all should  
10 anyone say that we are trying to excuse what we  
11 did or, or avoid responsibility or anything like  
12 that. Mitigating circumstances simply help us  
13 understand why this happened. And we are hoping  
14 that if you understand everything, that you will  
15 simply show Glenford Budd mercy.

16 Now, let me also explain exactly where  
17 we're coming from. What we want in this  
18 sentencing hearing is life in prison with or  
19 without the possibility of parole. I mean, this  
20 is a horrible crime. We're not in any way going  
21 to suggest otherwise. If we get life in prison,  
22 we are grateful. We are grateful for that mercy.  
23 That's where we're coming from here.

24 Now, to understand this process I'm going  
25 to use an example. And I didn't come up with

1 this. Other people did. I'm going to use the  
2 example of rooms. Right now you are seated in a  
3 room, and the borders of your room are borders of  
4 the jury box. And I want you to pretend that  
5 there is another room that goes right over here  
6 and then a third room that's right over here. In  
7 each room you have certain things you have to do,  
8 certain decisions you have to make. Once you make  
9 a decision you will either stay in that room, or  
10 you will move to another room. All of you will  
11 leave one room and go to another room together.  
12 However, once you, what, what you do in each room  
13 is not necessarily a group decision. Some of the  
14 decisions you have to make are individual  
15 decisions. There are times you will be in a room  
16 and you will have a decision to make that  
17 somebody, each one of you individually must  
18 decide.

19 Now, I'm going to explain this in more  
20 detail. The first room, the room you're in right  
21 now, I'm going to call it the aggravation room.  
22 While you're in the first room your job is to  
23 decide whether the State has proved beyond a  
24 reasonable doubt the existence of at least one  
25 aggravating circumstance. It has to be a

1 unanimous decision. That's a group decision.  
2 When you make that decision, the only evidence you  
3 can consider is the evidence relating to the  
4 aggravator. Now, in this case the State has  
5 alleged one aggravating circumstance, that  
6 Glenford killed more than one person and was  
7 convicted in this proceeding of killing more than  
8 one person. So, in making that decision you  
9 simply are mentally going through the process of  
10 reviewing what you have already decided once. If  
11 you make the decision that, in fact, the State  
12 proved the one aggravating circumstance, then all  
13 of you will leave the first room, and you go to  
14 the second room.

15 I'm going to call the second room the  
16 weighing room. And I apologize for my accent.  
17 Sometimes my words are not understood. By  
18 weighing I mean like a scale, and here we're  
19 weighing two different things. What you're going  
20 to do in the weighing room is two things. First  
21 you are to individually consider evidence of  
22 mitigation. Individually each one of you, you are  
23 to decide what mitigating circumstances exist in  
24 the case. These circumstances do not have to be  
25 proven beyond a reasonable doubt. They do not

1 have to be decided upon by your group in a  
2 unanimous way. You can certainly discuss it, but  
3 each one of you individually must decide what  
4 mitigating circumstances exist.

5 Some mitigators are obvious. One of the  
6 instructions list, I think, seven mitigators,  
7 obviously that Glenford is a young man, the fact  
8 that young people don't necessarily do things with  
9 the, with the same deliberation and thinking  
10 process that older people do. Another obvious  
11 mitigator is Glenford's complete absence of a  
12 prior criminal record. Now, that is clearly a  
13 very important mitigating circumstance. You will  
14 also consider evidence about his mental  
15 intelligence. You will consider evidence about  
16 his background, about the fact that he came here  
17 from a different culture. You will consider his  
18 family circumstances. You will consider the  
19 evidence relating to the difficulties his family  
20 had, the disintegration of his family, the death  
21 of his stepfather. You will consider the  
22 desperation that he experienced, the desperation  
23 and inability to get a job that drove him to  
24 selling drugs. All of this could be considered by  
25 you. You are not limited to the list in the

1 instructions. In fact, we may have missed  
2 mitigators. And you are entitled to look at that  
3 and consider that and come up with your own  
4 mitigators. The verdict form says any other  
5 mitigators, anything you can think of. One juror  
6 in one case put down as a mitigator the fact that  
7 the client was represented by the public  
8 defender's office. If you feel another lawyer  
9 could have done a better job, put it down as a  
10 mitigator.

11 Forgive me. I get dry mouth. That's why  
12 I have to drink so much water.

13 You're still in the weighing room. Once  
14 you individually decide what mitigators are  
15 relevant, then while still in this weighing room  
16 you must weigh the mitigating circumstances and  
17 the aggravating circumstances. This again is an  
18 individual process that each one of you  
19 individually makes. And, by the way, I, I must  
20 disagree with Ms. Pandukht when she suggest that  
21 somehow finding that mitigating circumstance  
22 outweighs the death of a human being is somehow  
23 something that this, how could it ever happen.  
24 We're not talking about that. The decision is  
25 what to do in this case. And is it necessary to

1 kill another human being? And I will submit to  
2 you that the nuclear bomb in that equation is  
3 similar to the value of a human life. The taking  
4 of human life in and of itself is of such  
5 importance that that has to weigh enormously in  
6 your proceeding. And I suggest to you that the  
7 future taking of a human life must be considered  
8 as more devastating and heavy and weighty than a  
9 past taking of a human life, because ultimately  
10 what we want to do is preserve life, not allow  
11 life to be taken lightly.

12 While you're in this weighing room you  
13 can discuss this stuff, but each person makes the  
14 decision individually. And if one person says, I  
15 have reviewed the evidence and, in my opinion; I  
16 have come to the conclusion that the mitigating  
17 circumstances outweigh the aggravating  
18 circumstances, then you stay in this room. At  
19 that point in time you will now sentence the  
20 defendant, and death is off the table. And I want  
21 to emphasize this. Each and every one of you has  
22 the individual authority to do this. Each and  
23 every one of you has the individual authority to  
24 say, I have decided that mitigating circumstances  
25 outweigh aggravating circumstances. And once one

1 person makes that decision, then you stop. You  
2 stay in this room, and you sentence the client to  
3 either life in prison or life with the possibility  
4 of parole, life without the possibility of parole,  
5 but death is off the table. Only in that  
6 circumstance where each one of you individually  
7 says, in my opinion, the aggravating evidence  
8 outweighs the mitigating evidence, or to put it  
9 another way, the mitigating evidence does not  
10 outweigh the aggravating evidence, at that point  
11 all of you have, all, if all of you have done that  
12 process and made that decision, all of you go into  
13 the final room. And in the final room, that is  
14 where you simply decide what the appropriate  
15 punishment is, and you can include all four  
16 alternatives, life in prison with parole, life  
17 without parole, the death penalty, and there is a  
18 hundred years sentence with the possibility of  
19 parole.

20 Now, this is a very complicated process.  
21 It's onerous, but there is a theme that runs in  
22 the process, and that is that life is precious.  
23 And the theme is, you are never required to impose  
24 the death penalty. And, in fact, there is a  
25 presumption in the law essentially by the process

1 that you should not do that. Because there are so  
2 many safeguards as you move through the system.  
3 But if you get to the final room, you do have  
4 death as an option. And in that circumstance you  
5 still are not required to impose the death  
6 penalty, but you certainly can if you find  
7 yourselves in that final room.

8 Now, let's look briefly at the  
9 aggravators and mitigators. It is very hard to  
10 suggest that the first part of this process isn't  
11 very much of a process. You've already convicted  
12 Glenford of three counts of first degree murder in  
13 this proceeding. So, I'm not going to spend a lot  
14 of time there. Realistically, you would move on  
15 to the second process, the second room, into the  
16 weighing room. Once you get in the weighing room  
17 there is substantial mitigation in this case. And  
18 we discussed before, Mr. O'Brien is going to  
19 discuss a little bit in a few minutes.

20 The law never tells you how much weight  
21 you must give to one aggravator or to one  
22 mitigator. It's simply an individual decision  
23 that you have to make. I submit to you that the  
24 weight of preserving life and preserving suffering  
25 is the weightiest consideration that you will have



1 in these deliberations. And I submit to you that  
2 the ending of suffering, the ending of killing is  
3 so weighty that it allows you to conclude that the  
4 mitigating circumstances do outweigh the  
5 aggravator circumstances. If you find yourselves  
6 in the third room with death as an option, you may  
7 wonder, well, how do we know when death is the  
8 right penalty? The law doesn't tell you that.  
9 There is nothing in the Nevada Revised Statutes  
10 that tells you when death is the appropriate  
11 option. But I think I can help you figure this  
12 puzzle out.

13 At the very beginning of this case during  
14 jury selection we talked about several statements,  
15 one of which was, thou shalt not kill. Another  
16 statement was, the death penalty is appropriate in  
17 some circumstances. Now, we didn't get into it in  
18 great detail, but it could be argued that those  
19 two statements are completely opposed to each  
20 other. But they, they could be reconciled when we  
21 also consider what someone said during jury  
22 selection. And they said, a person has the right  
23 to kill in self-defense. And that is where we  
24 understand how the death penalty should  
25 appropriately be used. If Glenford Budd is a

1 clear and present danger to the community in  
2 custody, in prison, then the death penalty would  
3 be appropriate, because it is self-defense to  
4 defend against a clear and present danger. In  
5 this case we know that the right of self-defense  
6 is not applicable, because Glenford is not a clear  
7 and present danger. He is virtually an ideal  
8 inmate. He is not a dangerous inmate. He is not  
9 causing violence while incarcerated. And  
10 obviously that would be a clear sign that he did  
11 remain a clear and present danger if while  
12 incarcerated he was a violent person.

13 Adding to this conclusion that he is  
14 absolutely not a clear and present danger is his  
15 record. This man has no prior criminal  
16 convictions, none. This is not a career criminal  
17 and I want to say this: Considering the horrific  
18 nature of this crime, if the man had a significant  
19 criminal history, then those two things combined  
20 together would suggest that this is a person that  
21 the death penalty might be appropriate for. But  
22 Glenford has no criminal record. He has this one  
23 day where he did this horrible thing. Under these  
24 circumstances he simply is not a clear and present  
25 danger, and under that circumstance we should not

1 use our right of self-defense against him.

2 There is also a saying that the death  
3 penalty is preserved for the worst of the worst.  
4 Glenford Budd is not the worst of the worst, and  
5 we know that because of his record or his lack of  
6 record, lack of criminal record. We know that  
7 because he is a person who works well  
8 institutionalized. Yes, he committed a horrible  
9 crime, but a horrible crime does not put you in  
10 the category of the worst of the worst. If this  
11 man had a long history of violent crime, I  
12 couldn't say this with a straight face, but he  
13 doesn't. He's not the worst of the worst. He  
14 doesn't need to be killed. You saw the pictures  
15 of the prison. And I think you would agree it's a  
16 grim life. And, quite frankly, that is the future  
17 of Glenford Budd if he is given the chance to live  
18 out a natural life.

19 What we are asking you for is to allow  
20 Glenford Budd to live his natural life until he  
21 dies, as we're all going to die when nature  
22 decides that such is the case. By doing that,  
23 ladies and gentlemen, a lot of suffering can be  
24 prevented. And I submit to you that the killing  
25 of Glenford Budd is absolutely unnecessary in this

1 case. We appreciate your time. We appreciate  
2 your consideration. Thank you very much.

3 THE COURT: Mr. O'Brien?

4 MR. O'BRIEN: Thank you, your Honor.  
5 Court's indulgence.

6 THE COURT: Of course.

7 MR. O'BRIEN: Jason Moore was 19.  
8 Derrick Jones was 19. Dajon Jones was 14. When  
9 we watch grieving family members identify their  
10 loved ones from photos like that, it inflames our  
11 passions. It inflames our passions to a point of  
12 hatred. Hate is a great motivator. Hate fueled  
13 the holocaust. Hate is the food of terrorism.  
14 Terrorism feeds off of hate. It's hate that  
15 rallies the mob. However, hate does not make for  
16 good decisions. We have to set the hate aside.  
17 It's not going to help any of us, and it's  
18 certainly not going to help you to make this very  
19 difficult decision. I realize that you are angry.  
20 That's understandable. These three young men were  
21 killed. It's such a waste. We understand the  
22 anger. But don't make this decision in anger.  
23 Don't make this decision based on anger and  
24 vengeance. The legacy of this decision that  
25 you're about to make is going to last far longer

1 than your sense of anger or any sense of  
2 vengeance. Acknowledge the anger. Count to a  
3 hundred. Pound on the table. Kick a chair. But  
4 set it aside. You're not here to make a judgment  
5 based on hate and vengeance. Set the anger aside,  
6 and then and only then can you make a decision  
7 that you will be confident that you can live with.

8 Now, the details of Glenford's life  
9 haven't been offered because we want to paint a  
10 picture of poor, poor, pitiful Glenford. And no  
11 one is suggesting we pat him on the back and tell  
12 him how sorry we feel. And no one is suggesting  
13 that we give him probation, and no one is  
14 suggesting that we forgive him. We are here  
15 asking for a very severe punishment. No one has  
16 forgotten those three young men I've just showed  
17 you. Certainly you haven't forgotten it. You've  
18 already found Glenford guilty. You've already  
19 rendered the largest portion of justice in this  
20 case.

21 When we offer this mitigation evidence,  
22 first of all, the law demands we offer it. I have  
23 an affirmative duty to put forth to you, as jurors  
24 in a capital case, the facts and circumstances of  
25 Glenford's life. Again it's not an excuse, and

1 it's not a defense. The purpose of this evidence  
2 is to provide you with a context, because you have  
3 a very difficult decision to make. And I think  
4 Dr. Paglini was able to take this information and  
5 put it into a further context for you, and you  
6 need this context to determine if Glenford is the  
7 worst of the worst, if Glenford is so dangerous  
8 that he must simply be deleted and, finally, if  
9 Glenford must be exterminated.

10 Now, the law instructs you, you must  
11 consider and give effect to the mitigation  
12 evidence. And, as Mr. Brooks told you, and I'm  
13 going to cut out much of this, because Mr. Brooks  
14 has talked to you about it, and you've, and I  
15 believe you all have a good understanding of the  
16 evidence we presented. But the important thing to  
17 know is the mitigation evidence is not limited to  
18 what we presented to you. It's not limited to the  
19 way we presented it to you. You can take what you  
20 learned here, and you can pick it up, and you can  
21 turn it any way you want, or based on anything you  
22 heard here you can create your own mitigating  
23 circumstance. The law acknowledges what a  
24 difficult decision this is, and it gives you every  
25 opportunity to choose life.

1 I want to address briefly the mitigation,  
2 mitigating circumstance of diminished IQ. And I  
3 would like you to remember what we say here isn't  
4 evidence, and I think the evidence you heard on  
5 diminished IQ, first of all, I don't believe  
6 Ms. Levy -- Ms. Levy is the school teacher -- ever  
7 testified that Glenford had an average IQ. There  
8 was no evidence presented at all that there was  
9 any assessment done like that in that alternative  
10 school. I would further submit that, that, as  
11 tough a teacher as Ms. Levy said she was, when  
12 you're in an alternative school, you're showing up  
13 and you're trying hard, you know, maybe that's the  
14 baseline to see. I don't know. But I would  
15 submit that additionally she did not have a long  
16 time to observe Glenford. As you may recall, I  
17 think she said he only had two or two and a half  
18 credits, and then he left. The point is, the only  
19 evidence we have regarding his diminished  
20 intelligence are those tests that Dr. Paglini  
21 explained to you. And he explained to you that,  
22 you know, I don't care who's giving this test.  
23 He's going, he's going to range, forgive me if I'm  
24 too low, but I believe it was from 75 to 84,  
25 something in that general range. So, there is no

1 question whether or not we've shown you that  
2 Glenford has a diminished IQ. That's  
3 indisputable. I mean, we never suggested that he  
4 was a blathering idiot that couldn't respond to a  
5 question or write a letter or anything like that.  
6 The fact is, the evidence shows, the only  
7 evidence, Glenford does have a diminished IQ. All  
8 those other things you heard and anything that  
9 touches you, anything that causes you to choose  
10 life can be a mitigating circumstance, anything.

11 Now, if any one of you feels, once you  
12 enter that deliberation room, and to go along with  
13 Mr. Brooks's analogy, you're through that first  
14 room, we understand that, and you're into what  
15 Mr. Brooks calls the weight room. If any one of  
16 you at that point feels that you cannot consider  
17 and give effect to the mitigation evidence that  
18 you heard, send Cliff a note, because you can't,  
19 you can't do that. The law demands that you  
20 consider it and give effect to it. You must.

21 I do not ask you to be lenient. I ask  
22 you to severely punish Glenford. I do ask you for  
23 mercy. Unashamedly, I stand before you and ask  
24 you for mercy, ask you to choose life. The mercy  
25 I ask for is somewhat tampered, because Glenford



1 together for two years, and they synthesized 66  
2 studies, and their goal was identifying risk  
3 factors in terms of violence. And what they came  
4 up with, they identified individual, family,  
5 school, peer-related, community, and neighborhood  
6 risk factors. What they discovered -- and this is  
7 kind of common sense, too -- is that the larger  
8 number of risk factors the youth was exposed to,  
9 the greater probability of violent behavior in the  
10 community. And this is some of the things they  
11 understood. The United States Department of  
12 Justice, once again April, 2000 individual  
13 factors. If the individual is hyperactive, they  
14 have a two- to five-time chance of engaging in  
15 criminal behavior. If they have been aggressive,  
16 it's like a half to six times chance. Early  
17 initiation of violent behavior, that times it by  
18 six. And then, you know, beliefs and attitude,  
19 favorable -- antisocial behavior.

20 Now the family factors, I have  
21 highlighted in blue some of the things that apply  
22 to Mr. Budd. So, anytime you see something  
23 highlighted in blue, this is something we're going  
24 to discover as I talk about his life. Parental  
25 criminality, child maltreatment but for Mr. Budd,

1 poor family management practices, low levels of  
2 parental involvement, residential mobility,  
3 parental attitudes favorable to substance abuse,  
4 and parent/child separation. Now, before I kind  
5 of kick this off I want to be able to address  
6 something. I feel I've interviewed Mr. Budd's  
7 mother and sister and a bunch of family members.  
8 And these are all decent people. They're not  
9 horrible people. They came from a different  
10 country. They're doing the best that they could.  
11 But, you know, sometimes as an immigrant you come  
12 here. You're faced with an uphill struggle. And  
13 sometimes you cannot be as attentive to your  
14 children because of different factors. So, we're  
15 going to discuss that in a second.

16 Here are some more factors that increase  
17 criminality: Academic failure, for Mr. Budd, low  
18 bonding in school, dropping out of school, high  
19 delinquency rate in school. He doesn't have that.  
20 Peer-related factors, he really didn't hang out.  
21 He wasn't involved with any gangs. He really  
22 didn't, he never -- siblings or peers for the most  
23 part. Community and neighborhood factors, poverty  
24 times two. If you live in poverty conditions, you  
25 have a greater chance of criminal acting out.

1 Community disorganization, that happened a little  
2 in his latter part of his years, we're going to  
3 discover in a few moments. Exposure to violence  
4 and racial prejudice rage is another one. So,  
5 these are some of the factors that the department  
6 of justice came up with that influenced violent  
7 behavior. And it's important just to kind of get  
8 an idea of these factors in Mr. Budd's life.

9 Now, we're going to talk about his life.  
10 And what I've done is I've highlighted some of the  
11 things that have occurred in his family. Mr. Budd  
12 was born on December 23rd, 1982. He's a second  
13 of three. His parents were not married. He grew  
14 up in Belize City, Belize, which is basically a  
15 country in Central America that's relatively poor.  
16 He had a tremendous amount of family around him,  
17 and for the most part he was born healthy, decent  
18 childhood, no developmental milestones, on time.  
19 Everything was kind of fine. But when I talked to  
20 Mr. Budd, I said, gees, why did your parents  
21 separate? He goes, well, I'm really not sure.  
22 And the constant thing with Mr. Budd was, during  
23 all my interviews, is that he was kind of  
24 protective of his family. He has positive  
25 relationships with everyone in his family, and he

1 didn't really like to air any dirty laundry. And  
2 so sometimes I would have to get information from  
3 other people, like maybe his mom or friends of the  
4 family, et cetera, et cetera.

5 So, we found out from Mrs. Budd or Karen,  
6 which is his mom, is that her boyfriend,  
7 Mr. Budd's father, was an alcoholic and verbally  
8 and physically abusive to her when he was  
9 intoxicated. So, at the age of four this should  
10 be a parental separation. They separated. The  
11 parents separated, and mother now moves to United  
12 States. And Mr. Budd is raised by his maternal  
13 grandmother, and his father lives across the  
14 street. Now, the first question I have is, why  
15 isn't the father raising the three kids? But  
16 apparently the grandmother is really available,  
17 and she's probably the matriarch of the family,  
18 and she took care of things.

19 So, Glenn went to school, and he  
20 completed the first grade in Belize. So, he went  
21 on, and he seemed to adjust to school and was  
22 probably like a C student. But what we're going  
23 to find out a little later on is he had some  
24 significant academic problems. Now, in middle of  
25 childhood, he goes through age six to 11 without

1 much difficulties. He sees his father almost  
2 daily. He talks to his mom a few times a month,  
3 and everything is kind of fine. He bonds with his  
4 maternal grandmother. He plays with his cousins,  
5 and there is really nothing outstanding. It's  
6 kind of an unremarkable childhood for the most  
7 part with the exception of the parental  
8 separation. He talks to his mom, but he's not  
9 with his mother.

10 And, so he eventually moves to the United  
11 States in California. And what happens now, he's  
12 separated from his father, and he's kind of  
13 learning a new culture. He's kind of a small  
14 young man or young boy, and he speaks broken  
15 English. He's relatively shy, and he's trying to  
16 get into a new culture and fit in. And he also  
17 has a stepfather. He saw a few pictures of his  
18 stepfather throughout the years. And he has a  
19 brother, a half brother that he's introduced to  
20 for the first time. So, for relatively seven  
21 years he's not seen his mother.

22 So, what happens now is he's separated  
23 from, actually should be two sisters, his extended  
24 support system in Belize. And, interesting  
25 enough, throughout the next numerous years he

1 rarely talks to his father, loves his dad, but his  
2 dad's the one really not keeping in contact with  
3 him. And, as you kind of find out later on, his  
4 dad had some cocaine problems and eventually is  
5 now in prison. So, but during the time there was,  
6 you know, occasional talking, you know, but not  
7 much, nothing you would expect for a father to be  
8 involved with his son, even if you're far away.  
9 So, he's adjusting to his life. He actually likes  
10 his stepdad, Mr. Winston Miller. He's from  
11 Jamaica, a decent guy, kind of loving, you know.  
12 And as I think Glen said, you know, hey, he kind  
13 of filled the hole, the gap, because I missed my  
14 father. And he also saw that, for the most part,  
15 I think Mr. Miller treated his wife pretty good.  
16 So, that was relatively positive.

17           However, Mr. Miller didn't work. He sold  
18 marijuana. So, that's what he was doing.  
19 Sometimes he would sell clothes outside of his  
20 car. Now, it was interesting when I was  
21 interviewing Mrs. Gill, we're going to get to this  
22 in a second. You know, I asked her. I said, you  
23 know, well, you know, your husband went to prison,  
24 you know, Glen's stepfather. I said, what did he  
25 go to prison for, you know? And she was really

1 hesitant to tell me this information. You know,  
2 it was kind of pooh pooh. And I guess even some  
3 of the friends, a lot of the friends that knew the  
4 family didn't know that he went to prison for  
5 selling drugs. So, here we have this young boy  
6 adjusting, and he starts sixth grade in a public  
7 school in California, and he's getting kind of  
8 like okay grades. Seventh grade comes along.  
9 He's kind of struggling a little academically,  
10 some Cs and Ds, not really any behavioral problems  
11 at this time. And he's, for the most part  
12 everything is fine, loves his family. He's happy  
13 where he's at.

14 Now we come to the eighth grade. Now we  
15 have difficulties here. Glen starts to exhibit  
16 more educational problems. And at this point what  
17 I think I want to do is, I want to fast-forward  
18 and talk about his IQ, because this is kind of  
19 important to understand his high school years.  
20 So, if you can be patient with me, I'm going to  
21 whiz through some of this. Here it is. Okay.

22 We gave an IQ test about, what, about 15  
23 months ago. And now let me help you with what  
24 this means. I had to compare him to 20 to 24  
25 years 11 months, the standardized group in the

1 United States. VS IQ means verbal scale IQ. An  
2 average IQ is 100. So, if you have like, let's  
3 say, a 90 to a hundred and 10, that's more or less  
4 average. If you're about a hundred and 10 to 119,  
5 that's considered above average. And 120 to 129  
6 is superior, and 130 is very superior. One thirty  
7 and up is about two percent of the population.  
8 Now, conversely, when we go the other way, you  
9 know, if you have about a 90, 91, 92, I consider  
10 that like average. Eighty to 89 is below average.  
11 And 70 to 79 is what we call borderline  
12 intelligence. And below, 69 and below is called  
13 mental retardation at the second percentile.

14 Now, in Mr. Budd's case, he has a verbal  
15 scale IQ of 84. So, when I line him up with a  
16 hundred people from the group of 20, almost 25  
17 years, 86 percent, 86 percent of those  
18 individuals, young adults have better cut verbal  
19 skills than Mr. Budd. And it gets a little worse.  
20 When we talk about perceptualization skills,  
21 visual, eye, hand coordination and things like  
22 that, he falls down to the eight percentile. Now,  
23 when we combine these two IQs, his full scale IQ  
24 is an 80, which is at the ninth percentile. So,  
25 what does that mean? That means he is of low



1 average intelligence. And if we sample him 95 out  
2 of a hundred times, he would be anywhere from  
3 borderline to low average.

4 Now, I also administered some, some  
5 assessment in terms of achievement scores. And  
6 his pronunciation abilities were in the low  
7 average range of the 12th percentile, sixth grade  
8 level. His spelling abilities are at the seventh  
9 percentile compared to his standard IQ at the  
10 fifth grade level. And math is severely impaired,  
11 the second percentile, fourth grade level.

12 Now, I'm going to talk about, let me get  
13 a little more stuff here. I also gave him a  
14 memory test. Now, the memory test, I didn't list  
15 everything here, but in the memory test his  
16 short-term auditory memory was assessed as a 62,  
17 at the first percentile. His visual short-term  
18 memory was in the average range, hundred and three  
19 of the 58th percentile. This guy had difficulty  
20 processing auditory information in verbal form.  
21 Now, that's just based on a few tests, but he had  
22 some significant difficulties. And then his  
23 long-term memory was severely impaired for his  
24 auditory memory, once again the first percentile.  
25 And his visual memory, long-term memory was

1 average. So, his verbal recognition memory, which  
2 is much easier, I'll give you an example of verbal  
3 recognition. If I say, who was the president of  
4 the United States during the Civil War, that would  
5 be, you have to recall that information. But if I  
6 put it on a test and I said, well, it's either,  
7 you know, George Washington, Franklin Delano  
8 Roosevelt, or Abraham Lincoln. Then you see it  
9 and go, oh, yeah. That's Lincoln. So, that's a  
10 little easier. And he actually scored in the  
11 average range with that, about the 37th  
12 percentile. So, you know, I think that he has  
13 difficulties kind of processing and kind of  
14 retaining, but if he can get a little exposure,  
15 he's doing much better. And his visual memory is  
16 within the average range.

17 Now, I want to go back to some of his  
18 achievement scores. And he was assessed in eighth  
19 grade, and we don't, this is ninth grade. But he  
20 was given the Iowa Test of Basic Skills in eighth  
21 grade on April, 1997. And he was compared to  
22 national percentile ranks. His vocabulary was  
23 assessed at the eighth percentile compared to the  
24 nation of eighth graders. His reading  
25 comprehension was actually the low average range

1 of the 25th percentile, which wasn't bad. His  
2 spelling was at the second percentile, which is  
3 kind of interesting. So, this is a little higher.  
4 But what that indicates is, when he's doing school  
5 work, you know, he can't spell. So, when he's  
6 trying to express himself in written form, he's  
7 totally lost. And his ability to comprehend is  
8 kind of in the below average range at best. So,  
9 this is the guy, this is a kid who's going to  
10 struggle academically.

11 And then a year later they give him the  
12 Stanford Achievement Test in April, 1998, and he  
13 was assessed in the severely impaired range for  
14 reading, and he was a little higher for, for math,  
15 language, and science, in the low average range.  
16 So, here we have a kid who is now in eighth grade,  
17 and what we have is, he's starting to have  
18 academic problems. He's getting Ds. He's kind of  
19 sometimes missing class. He's kind of tardy. And  
20 now he's exhibiting some behavioral problems,  
21 also, a little -- defiance with the teachers. He  
22 occasionally, I think he stole, not a taco or  
23 tamale or something like that. And he was in  
24 trouble from that. And so he's starting to  
25 struggle.

1 Now, let me go back to, it's not working.  
2 There we go. Okay.

3 So, what happens in eighth grade, his  
4 stepfather, kind man who sells drugs, he's sent to  
5 prison for the second part of the eighth grade and  
6 for part of the ninth grade, for approximately 13  
7 months, and he's on his own. Well, not on his  
8 own. He's living with his mother and his sister  
9 and younger brother, and he's doing the best he  
10 can. But mom's working more, trying to make ends  
11 meet. So, the family is a little more stressed,  
12 and he's not doing well in school at all. So,  
13 this kind of continues. He has some mild  
14 behavioral problems, and so now we're kind of  
15 moving long. He goes to high school at Montebello  
16 High School, and we were fortunate enough, you  
17 think, Emily Reeder of the public defender's  
18 officer, social worker interviewed the principal,  
19 the vice principal. I think it was within the  
20 last month. And he clearly remembered Mr. Budd.  
21 And he said, you know, he was kind of, you know,  
22 kind of some oppositional defiance, kind of tough  
23 in some ways, no violence, no major, serious  
24 problems but always kind of getting in some mild  
25 trouble and not doing well in school at all. And

1 we can see with his IQ and his achievement scores  
2 that he would struggle. And usually kids who are  
3 not doing well in school are going to try to, in  
4 feeling bad about it, kind of resist that and move  
5 in different directions.

6 So, you know, eighth and part of ninth  
7 grade his dad's in prison. His stepdad is in  
8 prison. He's not in much contact with his  
9 biological father. His family is kind of  
10 struggling, but they're getting by. And he ends  
11 up, in the sophomore year he ends up getting  
12 expelled from school for behavioral problems, and  
13 what happens next is a short time after that he  
14 has a bunch of kids in his house. His mom gets  
15 upset. And he's sent to his Uncle Budd's house in  
16 Los Angeles for three months. So, if I'm getting  
17 the sequence down, he gets expelled from school.  
18 He goes to Veil, which is continuation school. He  
19 gets in trouble, and then he's sent to his Uncle  
20 Budd's house in LA. And he goes to Dorsey High  
21 School for about approximately three months, does  
22 okay there, does fairly well. He goes back to  
23 Veil High School, which is a continuation program,  
24 that he's there from like 8:30 in the morning  
25 until about 12:30, and it's much easier. And then

1 he plays basketball. And so that's more or less  
2 his life. And around this time in roughly his  
3 sophomore year he begins to smoke marijuana.

4 Now, he continues that education to have  
5 educational lack, but he's actually doing okay at  
6 this continuation school. His grades are kind of  
7 like Cs, an occasional B, but it's not that, you  
8 know, it's not a pressing school. So, this is  
9 where his life takes a turn for the worst. What  
10 happens at his junior year, he continues at this  
11 school, Veil. During his junior year he's  
12 involved in a, well, he and his buddies are  
13 helping these girls on the side of the road, and  
14 this car hits them. His buddy gets his leg  
15 broken, and Mr. Budd is unconscious, and he  
16 recovers, and everything is kind of fine. But  
17 that happens. And then at one point during his  
18 junior year, early senior year, actually I think  
19 it was in his senior year. He recognizes he's  
20 credit deficient, because he had all Fs in high  
21 school his first year. So, he's behind. And he  
22 ends up at a friend's house. I think it was  
23 Mrs. Gadeau's home if I'm not mistaken. And she  
24 helps him, and his best friend's sister helps him  
25 with homework, and he kind of gets it together for

1 a little while. But since he's credit deficient,  
2 he ends up dropping out of school. And then, then  
3 this is the most important thing that happens, is  
4 at age 18 his stepfather dies in a motor vehicle  
5 accident. I think a drunk driver hit him. And  
6 this is the beginning of, I would say, the end of  
7 the family. This is such a, a major blow. Mother  
8 is severely depressed. Eventually she loses her  
9 job.

10 Glen moves back home, helps out with his  
11 younger brother, younger sister, helps him with  
12 his homework, make sure he's fed. At times there  
13 is not enough food. Collateral sources indicate  
14 that the neighbors sometimes feed the younger  
15 kids. The electricity is turned off. They have  
16 extension cords hooked from one house to the next  
17 to give them some light for a while. They're  
18 falling behind in the rent payments, and things go  
19 from bad to worse. Glen is still screwing around  
20 a bit, smoking marijuana and, you know, trying to  
21 hang with the girls and, but he's a little more  
22 responsible towards the family needs, because mom  
23 lost her job. She's just overwhelmed with  
24 despair. And what happens next is, within several  
25 months, in approximately January, 2002, now this

1 is roughly 16 months before the crime. And this  
2 is how fast the family is destabilized. I think  
3 the father, the stepfather died several months  
4 before that, and the family tried to keep it  
5 together for about five or six months.

6 What happens next is that the family has  
7 to move. They get evicted from their  
8 three-bedroom town home. So, they move into a  
9 studio apartment. And there is Mrs. Gill and her  
10 three kids -- because there is still one child in  
11 Belize -- and then, I think, her sister and a few  
12 more people. So, they have eight people in a  
13 studio apartment. And this last about anywhere  
14 from six to eight weeks, and they get evicted,  
15 because they have too many people. And they moved  
16 from a decent area where they had a nice group of  
17 friends and you got really connected to their  
18 families and did a lot with their families to now  
19 somewhere in LA that was crime-ridden. And within  
20 that first month he was there he was with, I  
21 think, one of his aunts, and he was just on the  
22 porch, and there was a drive-by, and he was shot  
23 at. And he was not involved in any gangs at all.  
24 So, a significant deterioration of losing his  
25 friends, losing his social network, going to a



1 crime-ridden area. You're there for X amount of  
2 weeks. And then you're kicked out. You're  
3 evicted. So, now they go to another place,  
4 another studio, another seven or eight people in  
5 the place, and they last about another six to  
6 eight weeks there until they're kicked out once  
7 the landlord finds out. They got to move them  
8 out.

9 So, now we're at approximately late  
10 March, 2002. They're evicted again. The mother  
11 takes the younger son to a relative's house, and  
12 Mr. Budd, who's dropped out of school, attempts to  
13 get a job, but he's an immigrant, applies at ma  
14 and pa grocery stores, can't get anything going.  
15 He's unemployed, still smoking marijuana a few  
16 times a week, playing basketball, hanging with the  
17 girls. He's with his sister, and he move into his  
18 friend's house for maybe a few weeks, and then  
19 that doesn't work out. And then he moves again.  
20 Now we're kind of like in the summer of 2002. And  
21 he moves in with a girlfriend of his and, and her  
22 mother. And he moves in with her, but they're on  
23 section eight housing, and they had recently got,  
24 just got this place. So, they're kind of  
25 impoverished themselves. So, it's kind of rough

1 going. He sees his siblings on the weekend. It  
2 gives him a lot of happiness. He plays  
3 basketball. He's not getting a job. He said he  
4 can't find one. And so within, by November, 2002  
5 he calls his Uncle Budd, who now lives in Las  
6 Vegas, and he says, hey, can I move out there with  
7 you? And he goes, okay. Fine, see what I can do  
8 to help you out.

9 So, between January of '02 and November  
10 of '02 and December of '02 Mr. Budd is moved six  
11 times. So, we can say that he lost his structure,  
12 his support system. Life, he doesn't have any  
13 money. What does he do to get money? He sells  
14 marijuana. He sells an ounce here, sells some  
15 joints, little baggies, and he's kind of surviving  
16 that way. So, now he moves to, let's see. He  
17 moves to Vegas. He moves in with his uncle and  
18 aunt. He gets along fairly well with his uncle.  
19 I think his uncle had some criminal problems early  
20 on, also. And he doesn't get along too well with  
21 his aunt. I think his aunt feels it's kind of an  
22 imposition to have him there. And he continues to  
23 sell marijuana, playing basketball. Several  
24 months later, in May, 2003 the crime occurs, and  
25 that brings us up to date. And now he's

1 incarcerated.

2           So, now I want to go into what went wrong  
3 with this young man. Well, in terms of strong,  
4 caring, guiding father, his biological father had  
5 alcohol problems in, early in Glen's childhood.  
6 Domestic violence resulted in the separation.  
7 Biological father had cocaine problems during  
8 Glen's adolescence, and he's now in prison in  
9 Belize. Stepfather, decent man, sold drugs.  
10 Okay. At age 18 Glen's stepfather dies, and the  
11 family kind of deteriorates from that point on  
12 and, you know, there is a parental loss there,  
13 too. Let's move on.

14           Now, the mother, I want to kind of  
15 explain when it says mother inattentive, because  
16 based on, you know, when I talked to some of the  
17 collateral sources of people who know Mrs. Gill,  
18 they say, look. She's a nice lady. All right?  
19 But you have to kind of understand it from a  
20 perspective where she comes to this culture.  
21 She's doing the best she can. She's a nurse's  
22 assistant. Other times she has other different  
23 kinds of jobs. After her husband dies she's  
24 working two, three jobs trying to keep things  
25 together, and they're impoverished. And so, but,

1       you know, consistently, you know, when things are  
2       kind of going good, one of the collateral sources  
3       said that she was more focused on giving the kids  
4       material items as opposed to kind of the nurturing  
5       stuff. Low supervision, permissive with alcohol  
6       and education, that came from a collateral source  
7       who likes Mrs. Gill but said, you know, the kid,  
8       he's like 15 or 16, and they're at a family party,  
9       and she's allowing him to have beer, and she goes,  
10      well, what can you do? She should have been much  
11      more firmer with him.

12               Significantly, she was depressed and  
13      stressed after the second husband's death, which  
14      is reasonable. One could expect that to occur.  
15      And we're talking about significant stressors in a  
16      short period of time. You know, the death of a  
17      husband, of the economics, of the family  
18      deteriorating, we're talking about now you're  
19      impoverished. You lost your job. You're being  
20      bounced back and forth from place to place,  
21      probably feeling overwhelmed. And the same  
22      pressure was on Glen, the same pressure of trying  
23      to help his siblings, trying to make it work,  
24      being a young man with a low IQ, not having many  
25      possibilities, not having any mentoring to kind of

1 put him in the right direction. Once again  
2 criminally responsible. Okay. But these are  
3 factors that kind of were shaping him, you know,  
4 the pressure that he's experiencing.

5 Stable parental marriage, well, this is  
6 not, this should be separation. Parents separated  
7 age four. At times his stepfather was in prison,  
8 the stepfather's death. One parent always in a  
9 different country from Glen. You know, from the  
10 age of four until 11 he was with his dad, and then  
11 from the age of 11 on he was not with his dad. He  
12 was with his mom. So, there was always a  
13 separation going on there. Stable secure home,  
14 well, this kind of a redundant, we're getting  
15 redundant from the other thing, but basically, you  
16 know, raised in childhood by parental grandmother,  
17 severe financial problems when stepfather dies,  
18 multiple moves, the six moves during his 18th  
19 year, not a lot of stability for this young man.  
20 Consistent discipline and limits, basically, you  
21 know, I think the collateral interview said the  
22 mother was permissive and not structuring the  
23 children, loved the children, decent mom but, you  
24 know, somewhat permissive.

25 Academic success, we talked about his low

1 IQ, and kind of the parental involvement for  
2 academics was low but, you know, let's once again  
3 keep this in context. We have a family moving  
4 here from a different country, you know, the kind  
5 of stress to make things work. They're doing the  
6 best they can. But one of the interesting things  
7 we're going to come up to is one of the mother's  
8 of Glen's best friend, when she was taking care of  
9 him during that, I think his junior or senior  
10 year, she had him do his homework, and he was very  
11 respectful, and he was actually kind of doing well  
12 for a little while. He was kind of in a different  
13 environment, you know. There was probably a lot  
14 of family stress. Accepted by peers, for the most  
15 part, you know, yes. He was doing fairly well.  
16 He had decent peers. He wasn't involved in, he  
17 was involved in soccer as child in Belize. He  
18 played some organized baseball for a little while,  
19 basketball for a little while. Drugs and alcohol  
20 abuse discouraged, prohibited, not really.  
21 Biological father, alcohol and cocaine problem,  
22 stepfather sold marijuana, mother permissive to  
23 allow alcohol usage. Family had drug involvement  
24 legal problems.

25 So, what's being modeled for this young

1 man? Well, it's not, it's not more or less that,  
2 you know, you shouldn't be doing these kind of  
3 things. You know, stepdad helps the family by  
4 selling marijuana. Biological father is in  
5 prison. So, positive socialization and mentoring  
6 in late adolescence, stepfather is a decent guy.  
7 I'm sure the father is a decent guy. But in terms  
8 of being role models, some good, some not so good.  
9 He didn't have anybody there at the age of 18.  
10 You would think that maybe perhaps the biological  
11 father would have stepped up a little and got more  
12 involved to try to help this young man. He lost  
13 his whole neighborhood once the stepfather died  
14 and they had to move. And that was a big support  
15 system for the two mothers of his best friends.  
16 So, that's what went wrong with this young man.

17 Now, what I want to talk about next is,  
18 remember this visual aid we had? And this is  
19 Glen. And the base here where we had, you know,  
20 kind of a no psychological disorders for the  
21 family and no substance abuse problems, we have a  
22 lot of different things going on, a lot of  
23 different mitigations we covered. I'm just going  
24 to kind of go over it again. Father's alcoholism,  
25 stepfather sells drugs, stepfather and biological

1 father go to prison. Immigration, not able to  
2 work. Well, you know, there is a lot of people  
3 that work even if they don't have social security  
4 cards. That's the reality. So, stepfather's  
5 death result in extreme family instability, lack  
6 of guidance, nurturing at that point, family  
7 struggles financially, multiple moves that we  
8 talked about.

9 So, what happens? Positive peer  
10 relationships, well, he lost those when he moved.  
11 Okay? Modeling of positive values, that was kind  
12 of lost also at the age of 18 when the stepfather  
13 died and the family struggled. Consistency,  
14 structure, and stability decreased significantly.  
15 He's not really getting this anymore. He's kind  
16 of on his own. He has never really had an intact  
17 family. And so then there is a higher chance of  
18 drug dependency and criminal history. I'll give  
19 the psychological disorder. So, these two are  
20 supposed to be highlighted here. So, the  
21 stressors of this kid's life, all right, increased  
22 and then the lack of resiliency factors and the  
23 increase of the risk factors result in a higher  
24 propensity of drug dependency and criminal  
25 history. And that's what happens. This is what



1 happens here. Now, let me see if I'm, okay.

2 Continued mitigation, we talked about his  
3 life. Now I want to add on some things. His  
4 juvenile history indicates mild to moderate acting  
5 out as juvenile. No gang involvement, which is  
6 positive. One significant juvenile arrest, which  
7 is verbal abuse of an officer. He completed six  
8 months juvenile probation, no evidence of juvenile  
9 antisocial behavior as revealed by numerous  
10 collateral sources, and no prior adult violent  
11 history. He did sell marijuana, and he engaged in  
12 some minor petit thievery in the eighth and ninth  
13 grade. And when we compare him, I don't think  
14 he's a sociopath. And I say that for several  
15 reasons. A sociopath is an individual who has a  
16 history of instrumental violence and lacks a  
17 conscience. I mean, he just doesn't care about  
18 anything, ever. And, and when we compare him to,  
19 when we did the -- Checklist, revised second  
20 edition, this is on 20 realms, and you can get as  
21 much as 40 points. So, each realm gives you two  
22 points. And if you get a score of like 30 and up,  
23 you know, that indicates that you really have some  
24 severe problems, and you have sociopathic  
25 personality traits or behaviors. He scores about

1 a 9.5, which is not necessarily, it's not a high  
2 score at all. Now, I base that on not only my  
3 clinical interviews but the collateral interviews,  
4 talking to other people, which you're going to see  
5 next, but people who knew this kid throughout his  
6 formative years and early adult years. So, based  
7 on that, you know, I don't see him as being a  
8 sociopath.

9 Now, let's talk about cognitive  
10 immaturity. There is a brief filed with the  
11 supreme court, Roper versus Simons in 2005  
12 pertaining to the juvenile death penalty. And  
13 because of that brief, what they did is, they  
14 outlawed juvenile death penalty. And the reason  
15 why they did it is because they had all these CAT  
16 scans and MRIs of these adolescents and young  
17 adults, and they figured out -- they already kind  
18 of knew this, but now this kind of gave them  
19 proof -- that when you're, you know, as you  
20 develop, as, if you have kids, you can understand  
21 this. When your kids are 15, 16, 17 years old,  
22 there's more defiance, more acting out, poor  
23 judgment. And then all of a sudden they hit  
24 their, maybe early, mid 20s. They mature a little  
25 more, and they're much more reasonable. Well,

1 it's because what they found out, that in the  
2 central part of the brain is over stimulated when  
3 it comes to impulsiveness and, and issues like  
4 that. And in your frontal lobes, which is the  
5 executor, where you kind of do cost/benefit ratio,  
6 should I do this? What are the long-term effects  
7 of this? It's under developed. It continues to  
8 develop in the late teen years and early 20s. And  
9 that kind make sense. That's kind of why if, you  
10 have, if you're like a young man and you 20 years  
11 old and you're trying to get car insurance and  
12 your rates are really high, because they kind of  
13 know statistically that when you're hitting about  
14 25 years old, you're settling down. Okay? So,  
15 and that's part of because of how a young adult or  
16 an adolescent processes information. They're not  
17 hard wired as, I would say, I am as a 44-year-old  
18 or somebody in their 30s. So, adolescents tend to  
19 be less mature, more impulsive, less capable of  
20 controlling their conduct and thinking in terms of  
21 long-range consequences. Adolescents --  
22 development which learns character and moral  
23 judgment are incomplete and still undergoing  
24 formation.

25 Now, this individual is almost 23 years

1 old. And the crime occurred probably when he was  
2 a little over 20 years/four months. So, he's not  
3 an adolescent. We all know that. But he's a  
4 young adult. And that kind of still fits. And I  
5 thought that was information that was important to  
6 give. We already talked about the cognitive  
7 immaturity in terms of his low IQ. So, if you  
8 have a low IQ, how are you processing? How are you  
9 thinking? Well, you can only process the best  
10 that you can based on your cognitive ability.  
11 Now, we already went through the test here. Let's  
12 see what else we have. Okay.

13 Skipper versus South Carolina, another  
14 supreme court decision, ruled that evidence of  
15 adjustment in prison, jail goes to the character  
16 of the defendant, character is highly relevant to  
17 the jury sentencing determination. So, what did I  
18 do? I reviewed the Clark County Detention Center  
19 records for the last two and a half years. And  
20 what we found out is he has no violent instances,  
21 no attempted escapes, and no serious infractions.  
22 What does he have? One time he had a magazine in  
23 his cell. I think he got a day for that of  
24 isolation, whatever. Another time his cell wasn't  
25 cleaned. Another time he was banging on the door

1 to try to attract the girls. That was it. No  
2 fights, no attempted escapes, no serious  
3 infractions. Let's see what else we have here.

4 What I would like to do briefly is go  
5 through some of the people I interviewed. I'm not  
6 going to go through the mother. This is his  
7 sister, and some things I highlighted here, just  
8 to, so you can kind of understand where I kind of  
9 was coming from. Ms. Angela Budd, his sister,  
10 described her brother as a calm individual, gets  
11 along well with others, no domestic violence. You  
12 know, for the most part she has a positive  
13 relationship. His ex-girlfriend of two years,  
14 Ms. Kim Hensley, no evidence of anger control  
15 problems or history of aggression, always treated  
16 her well, described him as a sweet individual.  
17 Patricia Byrd, this lady is about 23 years old.  
18 Her brother is best friends with Mr. Budd. She  
19 tutored him in high school, and she acknowledge  
20 that Mr. Budd felt embarrassed because of his  
21 academic deficits, and he couldn't understand  
22 educational concepts. She also stated he has no  
23 history of violence or gang involvement,  
24 associated with a good group of people.  
25 Mr. Budd's family was nice, and the family was

1 severely affected by Mr. Winston Miller's death.  
2 Mr. Budd was described as very quiet and shy.  
3 Ms. Sonya Dudley, Mr. Budd's best friend, Eddie  
4 Byrd's mother, Ms. Dudley knew the family very  
5 well. She had a close relationship with Ms. Karen  
6 Gill. Mrs. Gill loved her children, yet provided  
7 poor supervision. Mr. Budd was always respectful,  
8 always enjoyed the Dudleys' family outings, called  
9 her auntie, always affectionate and respectful in  
10 the home. He was never violent. Ms. Dudley  
11 confirmed the family's deterioration after  
12 Mr. Winston's tragic death, described Mr. Budd as  
13 a very good kid who did well when supervised.  
14 Ms. Louise Dedo, she also knew the family for  
15 about eight years. These are the people in his  
16 life until the stepfather died and they had to  
17 move. Verified parental arguments between  
18 Mrs. Gill and Mr. Winston. Mr. Budd live with  
19 Ms. Dedo for three or four months during high  
20 school, secondary problems between Mr. Budd and  
21 his mom. Mr. Budd got along exceptionally well  
22 with her family, obeyed family rules, and had no  
23 problems. She had no problems with him. She  
24 described him as quiet, well-mannered, respectful.  
25 And when Mr. Budd lived at her home, she expressed

1 the importance of education, and he completed all  
2 his homework and was attentive to school needs.  
3 She continues and says that, you know, there was a  
4 severe emotional impact on the family after  
5 Mr. Miller's death, that, for example, Mrs. Gill  
6 was emotionally overwhelmed, worked excessively,  
7 and kids were unattended. Tremendous amount of  
8 responsibility fell on Glen's shoulder to take  
9 care of his younger brother. Mr. Budd made meals  
10 for his brother, watched him, and helped him with  
11 his homework. Common for the Budd children to be  
12 hungry. Other people in the neighborhood fed  
13 them. Mrs. Gill was much more absent in the  
14 children's life. The children were unsupervised  
15 sometimes even at 1:00 o'clock in the morning.  
16 Utilities were turned off on several occasions.  
17 And Mr. Budd's academics declined once his  
18 stepfather died. I think actually that might be  
19 wrong, because I think he had dropped out of  
20 school right before his stepfather's death.

21 Ms. Glass, this is the 18-year-old  
22 daughter of Ms. Dedo, more or less said,  
23 confirming once again that, you know, he had a lot  
24 of responsibility when his stepfather died, no  
25 violence, decent guy. Mr. Eddie Byrd, this is his

1 buddy. I don't know if he came here today. If he  
2 did, I'm just going to whiz through this really  
3 quickly. Mr. Byrd reported Mr. Budd's family were  
4 permissive pertaining to academics. Mr. Budd  
5 suffered from low self-esteem, was ashamed  
6 pertaining to academics, confirmed the family's  
7 disintegration after Mr. Miller's death.

8 Let's go on to the next one. Vernon  
9 Glass, is he here today?

10 BY MR. O'BRIEN:

11 Q. No.

12 A. No? Okay. Another close friend, these  
13 three guys were in the accident together, was  
14 complementary of Mr. Budd's mother and stepfather,  
15 confirmed the family's disintegration after  
16 stepfather's death. Now Mr. Budd was severely  
17 affected by Mr. Miller's death. After the family  
18 was evicted he saw less and less of Mr. Budd.  
19 These guys were friends for several years.  
20 Confirmed Mr. Budd had a tremendous amount of  
21 responsibility toward siblings. Mr. Budd was not  
22 involved in gangs, carried weapons, or display of  
23 violence. Mr. Glass confirmed that Mr. Budd was  
24 of small stature, sometimes picked on, rarely  
25 defend himself. When Mr. Budd was 16 years of



1 age, he was playing basketball with his siblings,  
2 was intimidated by gang members. Mr. Budd carried  
3 a small bat briefly to defend himself and his  
4 siblings and never looked for trouble. And that  
5 doesn't mean he wasn't wrong with this thing, but  
6 just kind of shows some of the patterns and his  
7 history.

8 So, basically I conducted approximately  
9 11 collateral interviews. Emily Reeder conducted  
10 approximately 10. So, there's 21 total. As  
11 stated, I think the vice principal of Montebello  
12 High School is, you know, say he wasn't in school  
13 a lot, and he was kind of a opposition defiant  
14 kid. He was getting in some trouble but nothing  
15 violent tendencies, nothing serious. So, let's  
16 see where we're at here. Okay. We're going to  
17 move away from that.

18 So, what I would like to do is move back  
19 once again just quickly. This is the mitigation.  
20 Okay? You have a lot of things that went wrong in  
21 this guy's life between this, the fact that he has  
22 positive adjustment while incarcerated, low IQ,  
23 the numerous collaterals that indicate that he was  
24 actually a decent kid before all these things  
25 happened. I think the most important thing I want

1 to stress is, is the stress, all of the  
2 culmination of the poverty, the, the, all the  
3 family deteriorating that increased the potential  
4 for something to go wrong in this young man's  
5 life. No skills, low IQ, decent kid for the most  
6 part, really no history of violence before this.  
7 Kind of minimal. All right? So, we don't have a  
8 long history of somebody who's violently  
9 re-offending, and that's, I guess, my presentation  
10 for right now.

11 MR. O'BRIEN: Thank you, doctor.

12 Pass the witness, judge.

13 THE COURT: Mr. Kane?

14  
15 CROSS-EXAMINATION

16 BY MR. KANE:

17 Q. The IQ number of 80 that you gave us,  
18 that's not really a hard number, is it, doctor?

19 A. If we assess this guy a hundred times, if  
20 we have a psychologist, different psychologists  
21 assess this guy, he will come up with this IQ.  
22 Let me give you the range. I want to, this way I  
23 don't mislead you.

24 Q. That, you've anticipated my question.  
25 What you're really saying by that 80 is there is a

1 margin of error for either side? And that is --

2 A. Yes, sir.

3 Q. -- 30 of your report.

4 A. Yeah. I'm going to actually, I'm taking  
5 the test out, because we have ranges at the 95th  
6 percentile, the 95th confidence interval  
7 okay. His full scale IQ is 80 at the ninth  
8 percentile. So, if we test him 95 out of a  
9 hundred times, he's going to range between 76,  
10 borderline IQ, and 84, still low average. So, any  
11 psychologist you're going to get here, if the guy  
12 knows how to administer the test, which I'm sure  
13 they do, he's going to be falling in that range,  
14 borderline to low average. And I'm not going to  
15 emphasize borderline as much as I'm going to  
16 emphasize low average, roughly at the 90th  
17 percentile. So, when you compare him to a hundred  
18 people, 91 operate a little better than he does.

19 Q. Now, I want to be clear about what's not  
20 in your report.

21 Glenford Budd is not mentally retarded,  
22 correct?

23 A. He is not mentally retarded.

24 Q. He is not mentally ill, correct?

25 A. He is not mentally ill.

1 Q. On the spectrum of intelligence, he fits  
2 into the below average range?

3 A. Correct.

4 Q. You described things that Mr. Budd told  
5 you about his marijuana dealing, selling a bag  
6 here and there to friends and things like that.  
7 Do you remember that?

8 A. Correct.

9 Q. Actually it was more than that, wasn't  
10 it, doctor?

11 A. In the spring of 2003 before his arrest,  
12 he told me that on one occasion he went to  
13 California and purchased four pounds of marijuana,  
14 and on a second occasion he purchased, I think,  
15 two pounds of marijuana. So, it escalated when he  
16 was in Vegas here.

17 Q. Well, in fact, Mr. Budd never had a job,  
18 and the only way he had ever earned money was from  
19 selling marijuana, isn't it?

20 A. That is true.

21 Q. And, in fact, you state on page 14 of  
22 your report, Mr. Budd had never been gainfully  
23 employed. Mr. Budd sold marijuana from the age of  
24 17 until his incarceration in May of 2003?

25 A. That would make sense to me.

1 Q. And he was dependent on those sales of  
2 marijuana for the money that he used to live,  
3 correct?

4 A. I would think that would be a correct  
5 assumption.

6 Q. As far as what he or what anyone else  
7 told you, he had no other source of income?

8 A. Correct.

9 Q. Based on that, did you form a hypothesis  
10 as to why Glen Ford Budd killed the three people  
11 that he killed?

12 A. Well, my hypothesis, and I'm just, and  
13 I'm just thinking about this. I mean, you think  
14 about all of the stress factors that occurred and  
15 how this kid's life deteriorated. And if he's  
16 selling marijuana, my hypothesis would be that,  
17 hypothetically if it was ripped off, that would be  
18 more or less his life line in terms of income and,  
19 and he might engage in poor decision-making.

20 Q. And, in fact, you stated in your report,  
21 it is this are author's hypothesis that, I'm  
22 reading from page 18 towards the bottom of the  
23 page. It is this author's hypothesis that since  
24 Glenford was living day to day in an economic  
25 sense for years, if he felt these individuals

1 ripped him off of his marijuana, parentheses, and  
2 profits, closed parentheses, he possibly responded  
3 out of desperation.

4 Did I read that correctly?

5 A. Yes. Yes.

6 Q. And desperation would be desperation over  
7 losing his profits?

8 A. I guess you can interpret it that way,  
9 desperation in terms of, for him, his situation,  
10 which would not, obviously it's a very poor  
11 decision. He took the lives of three young men.  
12 But the stressors and everything else, they likely  
13 culminated in him making obviously a horrendous  
14 decision.

15 Q. In addition to being a poor decision and  
16 a horrendous decision, in the terms of your  
17 hypothesis, doctor, it was just a straightforward  
18 business decision, wasn't it?

19 A. Well, I wouldn't, that's hard for me to  
20 say.

21 Q. These people were damaging his profits,  
22 correct?

23 A. I hear what you're saying.

24 Q. He reacted to that, correct?

25 A. I would say to you that it's multifaceted

1 in regards to his stress level which, once again,  
2 does not, you know, condone his behavior, but the  
3 fact that, you know, the family had deteriorated  
4 so much and that he didn't have any guides in his  
5 life in terms of male role models in helping him  
6 deal with this part of his life or he has no skill  
7 level, low IQ and he gets to the point where he  
8 makes a horrible decision, so it just, I think  
9 it's a multifaceted situation where he felt a lot  
10 of pressure.

11 Q. Doctor, I'll accept, and I won't argue  
12 with you. All of the decisions that we make in  
13 our life are the product of multiple factors,  
14 correct?

15 A. Correct.

16 Q. And a lot of them we aren't even aware  
17 of, correct?

18 A. Yeah. You're right.

19 Q. I may think I know why I became a lawyer,  
20 and I might have become a lawyer for seven reasons  
21 that I'm not even aware of buried somewhere back  
22 in my subconscious, correct?

23 A. Could be.

24 Q. But we all have free will, correct?

25 A. Yes.

1 Q. And we all make decisions?

2 A. Right.

3 Q. And your hypothesis was that the motive  
4 for this specific action, the death of these three  
5 guys, was the economic motive that they were  
6 interfering with the profits from Mr. Budd's drug  
7 deal?

8 A. Now, that would be, yeah, one explanation  
9 with a lot of different variables. Now, however,  
10 let me just add something.

11 Q. Doctor, that's all I asked.

12 A. Okay.

13 MR. KANE: Thanks.

14

15 REDIRECT EXAMINATION

16 BY MR. O'BRIEN:

17 Q. Brief, judge.

18 Now, Dr. Paglini, you interviewed many  
19 people. Of course, you talked to Glenford. Tell  
20 me about this indicia of all these drug profits.  
21 Did he have a car?

22 A. No.

23 Q. Did he have an expensive collection of  
24 jewelry?

25 A. This is a kid who's living day to day.



1 That's my understanding. He was living in someone  
2 else's home, you know. He was separated from his  
3 family, and he didn't feel, I think, too welcomed  
4 in the home, and he was living day to day and kind  
5 of, interesting enough, modeling his stepfather,  
6 you know, in terms of trying to survive in that  
7 realm of selling marijuana.

8 Q. Did you receive any information that  
9 Mr. Budd was earning a considerable or even a  
10 moderate amount of money from any drug enterprise?

11 A. Well, I, I wouldn't call it a drug  
12 enterprise. I would say it was probably pretty  
13 small, but he was using it to survive, yeah.

14 Q. And, in fact, he often had periods of no  
15 food?

16 A. That seemed to be more relevant, I think,  
17 beforehand that he would, you know, rely on the  
18 good graces, after his stepfather died, of  
19 neighbors and other people and girlfriends and  
20 things like that.

21 Q. But you didn't notice any marked increase  
22 in his economic standing, did you?

23 A. Not, not that I'm aware of, sir.

24 MR. O'BRIEN: Thank you. Nothing  
25 further.

1 THE COURT: Mr. Kane?

2 MR. KANE: No, your Honor.

3 THE COURT: Doctor, thank you. You may  
4 step down.

5 THE WITNESS: Thank you.

6 THE COURT: Who's next, Mr. O'Brien,  
7 Mr. Brooks?

8 MR. O'BRIEN: Court's indulgence, please.

9 THE COURT: Of course.

10 MR. O'BRIEN: Defense will rest, your  
11 Honor.

12 THE COURT: Mr. Kane, Ms. Pandukht?

13 MR. KANE: No rebuttal.

14 THE COURT: Ladies and gentlemen, I think  
15 we'll take our afternoon recess. We'll take about  
16 15 minutes.

17 During the recess I must remind you, it  
18 remains your duty not to discuss this case among  
19 yourselves or with anyone else. Don't read,  
20 watch, listen to a report of or commentary on  
21 anything which might be associated with this  
22 matter. Don't form or express an opinion in any  
23 of these issues until it has been fully and  
24 finally submitted to you under instruction of law  
25 by me.

1 We'll see you in about 15 minutes.

2 (Thereupon, the jury exited the courtroom.)

3 THE COURT: At this point it would  
4 certainly be my plan to instruct and allow you to  
5 close after the break.

6 Are you all prepared to do that?

7 MR. KANE: Yes, your Honor.

8 MR. O'BRIEN: Yes.

9 MR. BROOKS: Judge, just for the record,  
10 I think this is clear, but both defense attorneys  
11 are allowed to argue. I'll be arguing first, then  
12 Mr. O'Brien.

13 THE COURT: Mr. Kane, no objection to  
14 that?

15 MR. KANE: No, judge.

16 THE COURT: Very well. Take about 15  
17 minutes or however long you need to get set up.  
18 Mr. Kane?

19 MR. KANE: Yes, your Honor. Before we  
20 break I don't think there is any formal  
21 requirement that, as there is at trial that the  
22 Court advise the defendant of his right to  
23 testify, but I think it should be made clear on  
24 the record that the defendant has been informed  
25 that he has the right to address this penalty jury

1 either under oath or by an unsworn statement.

2 THE COURT: Mr. Brooks, Mr. O'Brien, have  
3 you explained to Mr. Budd the opportunity that he  
4 would have to essentially talk to this jury?

5 MR. O'BRIEN: Yes, your Honor.

6 THE COURT: Mr. Budd, are you comfortable  
7 that your attorneys have explained to you the  
8 right that you have to talk to this jury?

9 THE DEFENDANT: Yes, ma'am.

10 THE COURT: You know you can, this is a  
11 wholly different legal proceeding than the guilt  
12 phase? You understand that, correct?

13 THE DEFENDANT: Yes.

14 THE COURT: And you don't even have to be  
15 sworn in this part of the proceeding if you want  
16 to talk to the jury. There are some minor  
17 limitations on what you could say to the jury but,  
18 indeed, they're minor.

19 Is it your decision that you wish not to  
20 talk to this jury?

21 THE DEFENDANT: Yes, ma'am.

22 MR. KANE: And I just ask that it be  
23 clear on the record that the defendant is doing  
24 this knowing that if he were to make an unsworn  
25 statement in allocution, that he would not be

1 subject to cross-examination.

2 THE COURT: Yeah.

3 MR. O'BRIEN: May I interject, your  
4 Honor?

5 THE COURT: Yes.

6 MR. O'BRIEN: Judge, I've advised  
7 Mr. Budd of his right to make an unsworn  
8 statement. I've advised him that if he chose  
9 to --

10 THE COURT: To be free of  
11 cross-examination?

12 MR. O'BRIEN: I told him if, if he  
13 elected to exercise that right, he would not be  
14 cross-examined by the district attorney, provided  
15 he stayed within certain parameters. I also  
16 discussed with him the ability to do sworn  
17 testimony.

18 MR. KANE: Judge, I don't want to  
19 nitpick, but I just, I want a clear record the  
20 parameters that would apply to any statement the  
21 defendant might make to the jury on, under my  
22 understanding, would apply both to sworn or  
23 unsworn statement. That is the limitations of  
24 what he could say to a jury would be expressions  
25 of remorse and pleads for leniency, without

1 denials of guilt. If he gave an unsworn statement  
2 in allocution, if he departed from that, I get to  
3 object to that and ask the Court not to let him  
4 continue and have the jury disregard it. But  
5 under no circumstances, no matter what he said in  
6 an unsworn declaration, would I have the  
7 opportunities to cross-examine him. And I want to  
8 make sure he understands.

9 THE COURT: That's why I use the term,  
10 Mr. Budd, you have the right to talk to the jury,  
11 because really that's what it is at this point.  
12 My concern, frankly, at this stage of the  
13 proceeding is whether or not both defense counsel  
14 are comfortable that Mr. Budd understands what I  
15 think is a unique opportunity in criminal law he  
16 has at this point to ask for leniency, ask that  
17 his life be spared.

18 MR. O'BRIEN: Judge, I will inform this  
19 Court I have spent considerable time discussing  
20 this very issue with Mr. Budd.

21 THE COURT: Counsel, will you approach?

22 (Conference at the bench.)

23 THE COURT: We're going, to Mr. Kane,  
24 Ms. Pandukht, I'm going to ask for something that  
25 is a bit unusual in that I want to speak to the

1 defendant in the presence of his counsel but  
2 without, without the presence of the State. I  
3 will make a record of it.

4 Let me stop there and ask whether or not  
5 you have objection to me doing so.

6 MR. KANE: Judge, given the importance of  
7 this issue, as long as there will be a record made  
8 of it in case of any appeal problems, no, I do  
9 not.

10 THE COURT: Thank you. I'm going to do  
11 that now. I would ask, then, that Ms. Pandukht  
12 and Mr. Kane please, and actually this side of the  
13 room leave the courtroom, please.

14 MR. KANE: If we're going to do that,  
15 judge, can we just clear the room?

16 THE COURT: Clear the room is fine, yes.  
17 I think that's appropriate.

18 (Thereupon, the jurors, the State, and the  
19 audience exited the courtroom.)

20 THE COURT: Mr. Budd, I want to talk to  
21 you from a different position. It is likely hard  
22 that you can separate me sitting next to you from  
23 the person that's been sitting up here throughout  
24 the course or your incarceration and throughout  
25 the course of this trial. I am deeply concerned

1 about you not talking to this jury. I, I  
2 understand, because your attorneys have told me  
3 your feelings about not wanting to testify. They  
4 have told me what your attitude and what your  
5 belief is about what actually happened on the date  
6 in question. But you don't have to talk that in,  
7 at this stage of the game. All you have to do is  
8 to talk to this jury about how you feel about the  
9 loss of your friends, how you feel about the loss  
10 that their family feels, how you feel about the  
11 loss that you potentially face from your family if  
12 you're put to death. Obviously you will never see  
13 your mother, grandmother, nieces, nephews,  
14 brothers, sisters. You don't have to talk about  
15 what happened on that day.

16 Do you feel badly about those three young  
17 men?

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: Do you feel badly about what  
20 their family went through?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Do you feel badly about what  
23 your family is going through?

24 THE DEFENDANT: Yeah.

25 THE COURT: I think it is important that



1 you tell, if nothing else, that you tell that to  
2 the jury. I am deeply concerned about the  
3 decision that this jury would make without you  
4 getting up there and talking to them. I know how  
5 frightening, how terrifying it must be but, and I  
6 will leave it, of course, to counsel to guide you.  
7 But it is my personal and professional opinion  
8 that you should speak to this jury.

9 Do you have any questions for me?

10 THE DEFENDANT: No.

11 MR. O'BRIEN: She's telling you this,  
12 because of everything I've been telling you. This  
13 could make a difference. We just want you to say  
14 what's on your heart. We don't want you to lie.  
15 We just want you to tell the truth.

16 THE COURT: Is there any question in your  
17 mind that what everybody went through, your  
18 family, their family, is a horrible thing to go  
19 through?

20 THE DEFENDANT: I'm going to do it.

21 THE COURT: He's going to do it.

22 MR. O'BRIEN: You're sorry for what their  
23 family is going through, and you're sorry for what  
24 your family is going through. That's just the  
25 truth, Glen. That's how you feel; is that true?

1 THE DEFENDANT: Yeah.

2 MR. O'BRIEN: Now, as far as your plans  
3 for the future, you want to still be able to be a  
4 son, right, and a brother and an uncle? Don't you  
5 still want to talk to Eddie Byrd and Vernon? If  
6 you do, just say it from your heart, doesn't have  
7 to be fancy.

8 Do you want to write down some notes? Do  
9 you know what you're going to say?

10 THE DEFENDANT: (No audible response.)

11 (Recess taken.)

12 THE COURT: Let's go back on the record  
13 in the matter of State versus Budd. I think that  
14 we're to the place now where we can order the  
15 instructions; is that correct?

16 MR. KANE: Yes, judge.

17 THE COURT: Very well. As I remember,  
18 the only instruction that was to be modified had  
19 to do with the one that talks about murder in the  
20 first degree being, may be mitigated by any of the  
21 following circumstances, and there was a one  
22 through seven that the defense wanted to modify;  
23 is that correct?

24 MR. KANE: Well, the next instruction  
25 right after that, the defense wanted a couple of

1 many times, he don't want to say it. So, that was kind of  
2 hard for him.

3 Q. Now, you mentioned that he and his stepfather  
4 ultimately got very close. Is that fair to say?

5 A. Yes, they did.

6 Q. Can you tell me more about their relationship?

7 A. Well, right there they become close. And, you  
8 know, I had to go work. And my husband take care of  
9 Raheem and Glen; he make sure they go to school. He drop  
10 them off he picked them up. He drop me off at work. You  
11 know, he just keep my family together. He was there for  
12 me.

13 Q. I'm going to show you --

14 MR. O'BRIEN: And I've previously shown this to  
15 the State, and we're just going to use it for  
16 demonstrative purposes.

17 THE COURT: Very well.

18 BY MR. O'BRIEN:

19 Q. Karen, I'm putting up here -- I thought this  
20 might help you a little bit, since the movements are a  
21 little hard to keep track of. Can you see that on your  
22 screen, there?

23 A. Yes.

24 Q. Now, in the lower left-hand corner of this  
25 diagram, there's a circle underneath it that designated as

1 Belize. Of course, this follows over to the right, and it  
2 goes through Glenford first arriving to the United States.  
3 I'd like to talk to you about some of those blue circles,  
4 those yellow circles, and that red circle. Okay?

5 Now, you've already told us about the new  
6 country, the new culture, the new stepfather. Talk to us  
7 a little bit about what Louise DeDeaux talked to us about,  
8 getting kicked out of the house. Tell us how that came  
9 about.

10 A. It was hard for me because after Winston had  
11 passed, I always tried to keep my family together, tried  
12 to hold on as much job as I can, and put a lot of  
13 responsibility to Glen. I figured, you know --

14 Q. Do you think you were a little too tough on him?

15 A. Yes.

16 Q. Of course --

17 A. It was --

18 Q. I'm sorry. Go ahead. What did you want to say?

19 A. I think I just put a lot of pressure on him.

20 And my baby he come to me and said, "Just let me have one  
21 night. Just Friday for myself." And even when Friday  
22 come, he would still take care of Raheem, his little  
23 brother with him.

24 Q. Did it frustrate Glenford that he couldn't find  
25 a job?

1 A. Yes.

2 Q. Can I ask you why -- did the family ever take  
3 any efforts to get him in the amnesty program or anything  
4 else, to fix that for him?

5 A. No. I was just too scared. I was just too  
6 scared. I did not know -- I did not know the law. I did  
7 not know that I could apply.

8 Q. But the subject came up, and you talked about it  
9 at times?

10 A. Yes.

11 Q. Just never pursued if?

12 A. No.

13 Q. Tell me a little bit about -- and we're looking  
14 at -- excuse me -- we're looking at this photo here, just  
15 after he leaves Louise's house, Winston dies, and you guys  
16 are trying to keep that nice home you had together. Tell  
17 me about that period of time.

18 A. Well, Glen tried everything he can. He said,  
19 "I'm going to get a job." He tried. He did not have a  
20 Social. He couldn't go to college, because he didn't have  
21 a Social Security.

22 Q. Of course, he never finished high school, did  
23 he?

24 A. No. But when he eleventh grade, they had --  
25 like, military people came from the different school, and

1 they tried to get him into the military, or whatever,  
2 their program, anything at all. He couldn't never did  
3 nothing. He needed a Social Security. So --

4 Q. Okay. Let me bring you back. I know this is  
5 hard. Winston's died. You're scrambling to find work.  
6 Tell me about what's going on in the family as you're  
7 trying to keep that home together and you're trying to  
8 keep that family together. Talk to me about that.

9 A. That's hard, because I had my three children in  
10 the home; Glen was the oldest. And, you know, he came to  
11 me and he said, "Mom, don't worry about nothing. Winston  
12 not here, but I'm going to help you. I'm going to help  
13 you to raise Raheem. I'm going to take care of Angie.  
14 I'm going to help you."

15 I said, "Well, I don't know how you're going to  
16 do that, Glenford. I have to take on another job." I was  
17 working for B of A, Bank of America, and I take on another  
18 job at CitiBank. And then I have my son doing everything  
19 for me -- pick them up, drop them off. You know, the only  
20 thing they couldn't do was cook. And I taught him how to  
21 cook.

22 And then when he learned to cook, he start  
23 cooking, so I didn't have to cook. I just take on a third  
24 job, because I couldn't -- I had to. I wanted to keep the  
25 house I had. I wanted to keep my kids together, and I

1 wanted to make sure they wore a coat. And then I just  
2 fell apart. I just fell apart, and I couldn't manage no  
3 more. And they kicked me out of that house. I went and  
4 got a single apartment, and single --

5 Q. Let me stop you there for a second, Karen.

6 Was it hard on Glenford to leave that  
7 neighborhood and his friends?

8 A. Yeah. He was crying that day. He was, like --  
9 his girlfriend at the time came to me; she gave me a  
10 check. She said, "How much money you owe?" She said, "My  
11 mom sent you the check."

12 By the time she sent me the check, it was  
13 already too late. I had owed, like, maybe 3- or 400, and  
14 they wouldn't rent it, because they know the next month I  
15 couldn't pay. They said, "Take the money. Take it and go  
16 somewhere else." He didn't want to leave, because he  
17 don't know nowhere but Montebello.

18 Q. Tell me about -- I don't know if I should call  
19 it a home -- tell me about this studio apartment you were  
20 forced to move into.

21 A. It was definitely hard, because every time we  
22 would go -- just go visit my family and leave him there,  
23 he never really like that. The neighborhood we live in,  
24 it was not a nice neighborhood.

25 Q. A lot of gangs?

1           A.     It was a lot of drugs, a lot of crack. Even  
2     though the neighborhood we live in was a lot of seniors,  
3     but they have a lot of crack in that neighborhood.

4           Q.     Uh-huh.

5           A.     And we was in there. And I had my sister  
6     staying in there with me to help me with my children, and  
7     she was going through the same thing I was going through.  
8     So, she stayed there with me just to help. I didn't allow  
9     any people in there. They said it was too many of us in  
10    the room. This time it not that I couldn't pay, it was  
11    because there was too many of us in there. So, they  
12    kicked me out of there, too.

13          Q.     And when they kicked you out of there, the  
14    family was separated?

15          A.     Yeah.

16          Q.     What happened?

17          A.     I took the little ones, Raheem and Angie, and I  
18    went with my friend. And Glen stayed with one of his  
19    friends. And then shortly after that, he came to live  
20    with us in Las Vegas.

21          Q.     Did he have to kind of shuttle between various  
22    friends?

23          A.     Yeah; between his friends and his girlfriend.

24          Q.     And now we're going to talk about Uncle Kurt a  
25    little bit. But I want to talk to you about this circle



1 here.

2 Did there come a time when Junie went to live  
3 with his Uncle Kurt?

4 A. Yes.

5 Q. And why did you think that was a good idea?

6 A. Because, I said, "I'm going through a lot. And  
7 this is family." And they love him as they were -- I  
8 can't do it by myself. Somebody have to help me. And I  
9 went to the family.

10 Q. And what did Kurt do?

11 A. And he say, "Yeah, my nephew can stay with me."  
12 And then he put him in a school, and the school that he  
13 put him in was gang related. And they tried to jump him  
14 one day. And when he told me that, I was home -- I said,  
15 "You have to come back home." And Kurt said, "No. He  
16 stay. I'm going to take care of him."

17 Q. Okay. Did Kurt take care of Glen?

18 A. No.

19 Q. Tell me about that.

20 A. Kurt was having problems with his wife and his  
21 girlfriend. He left the lady that he was with to go back  
22 to his wife, and he didn't take my son with him. The girl  
23 called me and she said, "Karen, Kurt don't live here no  
24 more," she said, so -- "but your boy is here." I said,  
25 "What do you mean my boy is here?" She said, "He didn't

1 take him."

2 So, I talked to her and I said, "Why he left?"  
3 I mean, "Why didn't you take your nephew with you?" And  
4 he was, like, "Karen, he's going to be out of there." I  
5 said, "No, he's not. You promised you're going to take  
6 care of him."

7 Q. Did Glen kind of look up to Kurt?

8 A. Yes.

9 Q. And Kurt agreed, "Hey, you know, I'll take care  
10 of him. I'll watch him"; is that right?

11 A. Yes.

12 Q. And then he just left?

13 A. Yes. The lady and him have problems, and he  
14 went back to his wife. And I think he went --

15 Q. And he just left Glenford with this other woman?

16 A. Yes. I don't think he would -- I don't think he  
17 left like that, but he would come back -- but he would  
18 have come back for him. The point, he left and he didn't  
19 take my son with him. So, I told him, you know, "I'm  
20 going to go back," and I go back and I got him back.

21 Q. And at some point, after you're going through  
22 all these evictions and Glenford is running from friend to  
23 friend trying to find a place to sleep, he comes to  
24 Las Vegas; is that right?

25 A. Yes.

1 Q. And who was he coming to stay with in Las Vegas?

2 A. He was coming to stay with his uncle.

3 Q. Uncle Kurt?

4 A. Yes.

5 Q. Did you think that was a very good idea? He  
6 doesn't --

7 A. Well, promised me and assured me this time is  
8 different, that it's going -- you know, and I said, "Well,  
9 it's only going to be for a short time," because I know  
10 what type of person he is now. But this time he had his  
11 grandfather over here, too.

12 Q. Okay.

13 A. So, he was between the grandfather and the uncle  
14 for support. His grandfather was going to be there  
15 financially; but for a place to sleep, he was going to be  
16 with Kurt.

17 Q. During this time, did you talk with Glen on the  
18 phone?

19 A. All the time. He would tell me that he don't  
20 have no food. They treat him bad. They said he eat up  
21 all the food and they don't want him eating up all the  
22 food. And he just said, "Mommy, just come over and get a  
23 place." And said, "I got to save up enough money and then  
24 I'll come."

25 And then he called me back and he said, "I got a

1 place." And I said, "How are you going to have a place?  
2 You don't have a job."

3 Q. And he said some friends have a place and they  
4 can't afford to pay for the place." And, he said,  
5 "They're going to give it to me." And I said, "I'll come,  
6 but I would have to have that place in my name. I would  
7 have do all that."

8 Q. So, he's trying to get you an apartment?

9 A. Yeah. He's trying to get me an apartment over  
10 here. But it never happened. It didn't go like that. It  
11 never happened.

12 Q. Now, when you were talking -- who wasn't giving  
13 him food? Who was treating him so poorly at Kurt's house?

14 A. Kurt's mother-in-law. His wife's mother.

15 Q. Was Kurt gone a lot?

16 A. Yeah. Kurt was -- at that time, Kurt was in  
17 jail. Kurt had went to jail.

18 Q. And tell me more about this -- Kurt's  
19 mother-in-law and how she treated Glen.

20 A. She was real mean to him, and she didn't like  
21 him. I don't know why she didn't like him. But she was,  
22 like, "You're not going to eat all my grandkids' food,"  
23 and -- you know, she was just mean to him. And then the  
24 wife was coming -- she was, like, "Karen, that is my mom  
25 and she's leaving town, and take care of your son." She

1 always does. She's, like -- she'll call me and tell me  
2 everything that was going on. She was, like -- even if  
3 it's her mom -- she'd tell me. And that's her fault that  
4 he was treated bad.

5 But, "I'm going to send for you. As soon as I  
6 get myself together, I'm going to send for you." It  
7 didn't happen.

8 Q. What kind of contact have you had with your son  
9 over the last two, two and a half years?

10 A. I visit my son three times a month, at least.  
11 Sometimes four times a month. Every weekend.

12 Q. And you live in Los Angeles?

13 A. Yes.

14 Q. Sometimes I take a Greyhound. I drive. I fly.  
15 Sometime I visit him, and I don't have no monies.  
16 Sometime I put \$10 on his book, \$5 dollars, whatever I  
17 got. But I'll come. I'll say, "I don't care, Son. I  
18 don't have no money, but I'm going to come." And I would  
19 take the little one. I'd take Angela. I take her baby.  
20 My family. My friends. Anybody who want to ride with me  
21 or offer me ride that would come. But I would never leave  
22 him there. All I got is my family and my kids. That's  
23 all I have.

24 Q. What do you hope for the future as far as having  
25 contact with Glen and for the rest of your family with

1 contact with Glen?

2 A. I would love to be able to just come wherever he  
3 at; wherever they send my son, wherever he at, I'm just  
4 going to have to move closer to where he's at, to be there  
5 for him. It's hard. It's hard. It's like every time I  
6 leave somewhere, they pull the rug. Everytime I sit with  
7 him, I'm not at home. It's like I'm going through a  
8 roller coaster. I don't know when it's going to stop.  
9 But I would love to be able to come see him, visit him,  
10 just be there for him.

11 Q. Now, of course, your family has been going  
12 through very terrible times lately, in the last two and a  
13 half years. Where's Glenford's concerns been during this  
14 time?

15 A. Me and my family. He keeps saying,  
16 "Everything's going to be hard, but we'll be all right."  
17 He knows I'm not going to leave him nowhere. You know, he  
18 keeps telling me -- he's just worried about me.

19 Q. What do you think Glenford -- do you think  
20 Glenford can be -- still be a son, if in prison?

21 A. Yes. He still is, even now. Even now, when he  
22 calls me, you know, I just look forward to the call. I  
23 look forward to the mail. I do everything. I tell him  
24 everything. Everything.

25 Q. It's important for you to keep that?

1           A.     It is. It's very important for me. I don't  
2 have nothing. I grow up with my kids, you know. That's  
3 all I have is my children.

4           Q.     So, you think he's going to be able to be --  
5 still be a brother to his sisters and his little brother?

6           A.     Yes. Everything. He is. And they look forward  
7 to him, too. The little one -- you know, everything  
8 happen in his life, he put on paper, and he send it to  
9 him, you know. I'm coming, Mommy. I'm coming. Wait for  
10 me." Because I can't go. Glen get a visitor on Friday.  
11 My little one get out of school at 3:00 o'clock on  
12 Fridays, and if I'm driving, I won't make it in time to  
13 catch that visit, then I would have to fly. And I would  
14 have to buy two tickets to fly. And the little one tell  
15 me, "I'm coming." I can't tell -- I can tell him no, but  
16 he wants to tell him stuff that he lie and didn't want to  
17 tell me. And then he's giving me -- I'm, like, "What are  
18 you saying?" You know, "I didn't do good in school," or  
19 "I have this girl." You know, everything.

20          Q.     This is Raheem?

21          A.     Yeah. I said, "You got a girlfriend?" I didn't  
22 even know he had a girlfriend." He tells him everything.  
23 Everything. It's hard. It's hard for Raheem, too.  
24 Because he was like Raheem's father, after Raheem's father  
25 left. You know, he just look up to Glenford. He cleans

1 his shoes the same way. He wears his clothes the same  
2 way. You know, for everything. You know, "I can't wait  
3 for my brother to get home."

4 Q. Is there anything else you want to tell these  
5 people?

6 A. Please, just consider my son. You know, it's  
7 real sad for what happened. I really apologize for them  
8 families. It's hard for their family, for my family. I'm  
9 sorry, you know. But at least just give me that chance to  
10 still be able to see my son, to be there with him. I  
11 would really appreciate that.

12 MR. O'BRIEN: Thank you, Karen.

13 Pass the witness.

14 MR. KANE: The State has no questions for  
15 Mrs. Gill?

16 THE COURT: You may step down.

17 THE WITNESS: Thank you.

18 THE COURT: Who's next, Mr. O'Brien?

19 MR. O'BRIEN: The Court's brief indulgence.

20 MR. KANE: Judge, can I be excused from the  
21 courtroom briefly, on an unrelated matter.

22 THE COURT: Certainly.

23 MR. O'BRIEN: Would you like me to wait for  
24 Mr. Kane?

25 THE COURT: Ms. Pandukht, are you prepared to



1 proceed without Mr. Kane in the courtroom?

2 MS. PANDUKHT: Who do you plan to call?

3 MR. O'BRIEN: Eddie Byrd.

4 MS. PANDUKHT: That's fine.

5 THE COURT: You may proceed.

6 MR. O'BRIEN: The defense will call Eddie Byrd.

7 EDDIE BYRD,

8 having been first duly sworn though the clerk to tell the  
9 truth, the whole truth, and nothing but the truth, was  
10 examined and testified as follows:

11 THE CLERK: Please be seated.

12 Will you please state your name and spell it for  
13 the record.

14 THE WITNESS: Eddie Byrd, E-d-d-i-e B-y-r-d.

15 DIRECT EXAMINATION

16 BY MR. O'BRIEN:

17 Q. Good morning, Eddie.

18 A. Good morning.

19 Q. Can you tell us how you know Glenford?

20 A. He's been one of my close friends since seventh  
21 grade; when we were in the seventh grade.

22 Q. And you met him in seventh grade in that  
23 Montebello neighborhood?

24 A. Yes.

25 Q. Tell me about Glenford in seventh grade and how

1     you guys became friends and --

2           A.     Well, he couldn't -- couldn't speak a lot of  
3     clear English. So, when I met him, myself, I kept saying,  
4     "What? What did you say?" And he was, like, "Nothing.  
5     Nothing. Nothing. Nothing." And I was asking where he  
6     was from, and he said he was from Belize. And I was,  
7     like, "Okay." We went to different schools, though. I  
8     went to Montebello Intermediate, and he went to LaMerced.

9           And, so, I used to see him after school, and I  
10    saw him and wondered why -- I thought he went to a way  
11    different school, and I was, like, "Man, what school do  
12    you go to?" And he said LaMerced, but I couldn't  
13    understand what he was saying, though. So, we just  
14    started playing basketball together and going to the parks  
15    and playing down the street at other people's houses and  
16    became close friends after that.

17          Q.     Tell me a little bit about the neighborhood you  
18    guys grew up in and hung out in.

19          A.     It was predominantly a Mexican neighborhood. It  
20    was just like Ms. Louise said, there was only, like, five  
21    or six families of African-American on the street.

22          Q.     And I am guessing the adults in that  
23    neighborhood got along fairly well; is that fair to say?

24          A.     What adults? The -- our family?

25          Q.     Well, I mean, like the grown-ups, like Louise

1 and Karen. How did the kids get along or --

2 A. Well, everybody got along. Are you talking  
3 about the African-Americans or --

4 Q. Well, no. I'm talking about the neighborhood,  
5 in general.

6 A. Everybody knew each other, so -- it was a  
7 dead-end street. So, it was, like, whoever live on the  
8 street, you pretty much knew their families; like, when  
9 the cousins came over, you knew everybody by name, so it  
10 was really close.

11 Q. Did you ever witness any confrontations in the  
12 neighborhood between teenagers, things like that?

13 A. Yeah. That's common. That's everywhere you go.

14 Q. Can you tell me about that?

15 A. Well, it was a lot of conversation between --  
16 like, basically, growing up around a lot of Mexican  
17 people, you get called names a lot. Montebello is not Los  
18 Angeles. It's not predominantly African-American. You  
19 can only live in certain places. So, it was like you get  
20 called names. "Go back where you came from," things like  
21 that.

22 And I was the main one, the predominate one, who  
23 wanted to get in fights, wanted to do everything. And  
24 Vernon, Ms. Louise's son and Glen told each other, "Why  
25 you got to fight 'em? It ain't enough of us. You

1 can't -- you can't do that."

2 And I had a bad attitude, I was, like, "I don't  
3 care. What are they going to do to me?" But Glen and  
4 Vernon started saying, "Man, you can't do that. You can't  
5 do that." So, I was the one who really wanted to just  
6 push the issue; but teenagers are going to be teenagers,  
7 and I had to realize that from my friends. And I got into  
8 a couple of fights, but Glen and Vernon, they -- I went to  
9 a different school, so I fought here, and when I come  
10 home, like, everything's fine, everything's cool.

11 Q. Well, it sounds like you've been able to  
12 straighten yourself out pretty good. Why don't you tell  
13 the jury what you're doing now, what you've have been  
14 doing for the last year.

15 A. I attended the University of Charleston for two  
16 years. I went to East Los Angeles College, first, for two  
17 years. I played football. I got a scholarship to the  
18 University of Charleston for two years, and I got  
19 recognized well from the NFL, but I had -- I had a child.  
20 His name's Eddie Byrd, III. I call him Trey. And Glen's  
21 never seen him.

22 But my life is going pretty good. I'm going to  
23 the NFL camp in April. I go to Cal State L.A. now in Los  
24 Angeles, but I came home to be with my son, because I  
25 thought that's what a father's supposed to do, because I

1 never had my father in my life. So, I came home to be  
2 with my child for a while.

3 And I work out, and I played this year on a  
4 semi-pro team and won a championship in November.

5 Q. So, education has been a real way out for you,  
6 so to speak, or a way to a better life, I should say.

7 A. Yes. Well, as they say, like in some places, I  
8 guess, I was the one who made it out of the Hood. Like, I  
9 was the one who went to school and kept going to school.  
10 I'm the only one in my family who graduated collage. I  
11 graduated with an A.A. degree in 2003 from East Los  
12 Angeles College, in general education.

13 And when I went to Charleston, I didn't graduate  
14 because I came home to be with my son, because I had a  
15 child; but I'll continue my education.

16 Q. What kind of discussions would you have with  
17 Glen about education?

18 A. Education was a big thing to me, personally;  
19 because I felt like if you can't do nothing else other  
20 than sports and you get hurt, you have to have your  
21 education to fall back on. And I got that drilled into  
22 me, not even from my mom, not even from, like, close  
23 friends, it was a coach who told me that when I was  
24 growing up. And it was always instilled in my brain that  
25 you've got to go to school. You've got to get good

1 grades.

2 Q. What kind of things in high school was Glen  
3 proud of?

4 A. Wood shop.

5 Q. Wood shop?

6 A. Yeah.

7 Q. Tell me about that.

8 A. It was like -- because he got in trouble and we  
9 went to Montebello High School together for three years.  
10 And he got in trouble at the school for something dumb.  
11 He got sent to Vail High School. And every time I come  
12 home from school, he was talking about wood shop, what he  
13 did in wood shop. And I'm, like, "Is that the only class  
14 you got?" And he's, like "No, that ain't the only class I  
15 got." I was like, "You ain't in no other class?" He was,  
16 like, "I got a reading class. I got math class. I've got  
17 this class." I was like, "Why do you just talk about wood  
18 shop?"

19 "Because it's cool. You get to build this, you  
20 get to build that, you get to build that." I was, like,  
21 "Okay." Because I'm not a hands-on person. I ain't  
22 building nothing. I play sports. That's all I'll do.  
23 But, I mean, wood shop was the only class he really loved.  
24 He made a lot of things in there, too.

25 Q. I'm going to put on the overhead a picture.

1 MR. O'BRIEN: For the record, this is has been  
2 admitted as Defense Exhibit S.

3 BY MR. O'BRIEN:

4 Q. Do you recognize that picture, Eddie?

5 A. Yeah.

6 Q. Can you tell me about it?

7 A. Yeah. That's Glen when he was at LaMerced High.  
8 He loved LaMerced, the intermediate school, in like 7th  
9 grade. He didn't look that old, but that's how old he  
10 was. He was, like, 13.

11 Q. That's in 7th or 8th grade?

12 A. Yeah.

13 Q. What was Glen's life -- did you know Glen's  
14 stepfather?

15 A. Yes.

16 Q. Tell me about the life of the Budd family before  
17 his stepfather died.

18 A. It was good. It was it was a typical family who  
19 had a father in it. So, I would always be over there,  
20 because I didn't have my father in my life. My mom had  
21 five kids. I have two older sisters and two younger  
22 brothers; I'm the middle child. So, it was like -- I just  
23 think about it, like, they had their family. Like, it was  
24 them. And they had a father in their family. And I was  
25 always over there, because it was good to see when the

1 father came home, everybody say hi to them. They ate  
2 dinner together, they did a lot of things together, and I  
3 never had that.

4 Q. Were you in Glen's life when the stepfather  
5 died?

6 A. Yeah. He was with me.

7 Q. I'm sorry? Who --

8 A. Glen was, when it happened. I was with him.  
9 Like I said, it was a family get-together. And we went  
10 over; they called everybody, and we went to the hospital.  
11 And everybody's at the hospital, and I was there when they  
12 told Karen the news that he had passed away.

13 Q. How did Glenford react?

14 A. It was like -- it was like he was shocked. He  
15 didn't move. He didn't -- he didn't -- he just kept  
16 saying, like, "This is messed up. This is messed up." He  
17 didn't say that, but he just kept shaking his head back  
18 and forth. But he didn't cry. He didn't really show his  
19 emotion about it. And I never understood that, but his  
20 stepbrother, Winston's other son, he went berserk; like a  
21 lot of people went berserk, but Glen didn't.

22 Q. Do you feel like Glenford didn't show any  
23 emotion because he didn't care?

24 A. Of course not. He didn't show -- I wouldn't say  
25 that. Some people don't. I don't. My grandma passed



1 away, my uncle. I would never cry. I'd just stand there.  
2 I just take it.

3 Q. Tell me about how this affected Glenford in  
4 months and years afterwards, and if you guys talked about  
5 that at all.

6 A. Yeah, we talked about it. It was kind of weird  
7 how you talk about it. Because it was, like, we'd all be  
8 together, all of us: Me; Vernon, Ms. Louise's son;  
9 Terrice (phonetic), Vernon's godbrother; and my brother,  
10 Marcus. And a couple other people. And we would just  
11 talk about the good times, about when is when Bloody  
12 (phonetic) -- Winston -- they had a swimming pool. And my  
13 brother, he's kind of big; right? So, they had a swimming  
14 pool, and my brother used to just dive and, like, Winston  
15 would be there with a water hose, and my brother would  
16 just dive into the pool and all the water would come out.  
17 And, like, everybody would laugh.

18 But we used to talk about little certain things  
19 about like that, and --

20 Q. Well, I mean, you guys, as friends, would kind  
21 of reminisce about things?

22 A. As a group, yeah.

23 And then when me and Glen would talk -- me and  
24 Glen talked a lot. It was, like, I was the person he  
25 would really talk to. You know how you have certain

1 friends you talk to and confide in. You know, I guess I  
2 was that person he could talk to; because I told him  
3 things about my life that I didn't tell other people, too;  
4 like, about his case and where I was going. To me, he was  
5 just looking at me and things like that.

6 Q. So, you would confide a lot with Glen?

7 A. Yeah.

8 Q. You guys are best friends, I take it?

9 A. You could say that, yeah. I don't call a lot of  
10 people my friends; so, yeah.

11 Q. Would Glenford confide in you all the time, as  
12 well?

13 A. Yeah. You know, it was weird, because I didn't  
14 take it as confiding. I thought he was just talking,  
15 until you have to just listen. I have to say that he talk  
16 quietly; he don't talk very loudly. So, you have to  
17 listen to what he's saying.

18 And, then, like, he would tell you about --  
19 about Winston, about how he has to take care of his  
20 brother and walk him to school every day. And I used to  
21 make fun of him about that, when he used to have to walk  
22 him to school and pick him up. "Man, you got to pick him  
23 up every day?"

24 He's all, "Yeah."

25 "Wait. He can't walk him by himself?"

1 He's, like, "No."

2 "I thought he was old enough to walk home by  
3 himself. He lives around corner."

4 And he's, like, "Nah, I got to pick him up. My  
5 mom told me I have to pick him up." And, so, I talked to  
6 him a lot about a lot of things, and he confided in me jut  
7 on a one-on-one- basis, not in a group.

8 Q. Tell me about how the family was doing  
9 financially after Winston died.

10 A. Oh, like the testimonies you had before. It was  
11 like -- it was hell. It didn't go right. Like, when you  
12 have something going so good for so long and you just have  
13 it tooken away from you and you have to struggle on your  
14 own and not having a man in the household, it's hard. My  
15 mom had to do it for all her life. I seen the troubles my  
16 mom went through, and it was hard for me to see it that  
17 Glen's mom had to go through it, too.

18 Q. Were you able to watch Glenford get frustrated  
19 from not being able to find a job?

20 A. Yeah.

21 Q. What kind of things would he tell you?

22 A. He would just get pissed off and be like --

23 Q. Did he tell you, "Hey, I'll an illegal. I can't  
24 get a job"?

25 A. He didn't tell me that until -- how old was

1 I? -- 18, 19. Because I moved when I was a senior in high  
2 school. I moved to Pasadena, California, to get a job in  
3 high school, because I wanted to play football.

4 So, I thought, "Why ain't you getting a job?  
5 Why ain't you getting a job?" And he was telling me about  
6 his birth certificate, "You know, oh, I got to wait for  
7 it. I'm waiting for it. I'm waiting for it." And then  
8 finally he told me. I looked at him like he's crazy. I  
9 said, "You can get a job."

10 He's, like, "Fool, I got no Social Security  
11 card." I was, like, "Who don't have a Social Security  
12 card?" He was, like, "I'm serious."

13 So, it was -- it was shock to me. But like he  
14 tells me everything else, until he finally told me.

15 Q. Was he ashamed of it, though?

16 A. If he's holding it in for that long, he's got to  
17 be ashamed of it, yeah.

18 Q. Did you think that Budd's family showed their  
19 emotions a lot?

20 A. No. Because like some people -- some people  
21 don't shoe their emotions. Some people hold it in, and  
22 some people care it on their shoulders.

23 Q. And how would you describe the Budd family?

24 A. They're holding it in, try to keep -- I'd say  
25 try to keep it in-house.

1 Q. Keep secrets?

2 A. Not -- every -- not secrets to each other --

3 Q. Right.

4 A. -- it's just secrets to the outer world.

5 Q. Even to best friends?

6 A. Well, you could say that. But it's not really a  
7 secret, because it's just something you just -- you just  
8 can't tell certain people some things, because you don't  
9 know how they're going to react, best friends or not.

10 Q. Uh-huh.

11 A. Anybody can turn on you at any point on any day,  
12 so --

13 Q. Were you around when Winston went to prison?

14 A. I stayed, I think -- when that happened, I lived  
15 with my grandmother. But I used to always come back to my  
16 mom's house. But, yeah, I heard about it. They told me  
17 he was in Jamaica. So, I was like, okay.

18 Q. Oh. So, you never knew he was actually in  
19 prison?

20 A. No. I found that out later on, that he was in  
21 jail.

22 Q. Okay. So, they had made up this story about  
23 Jamaica?

24 A. Yeah. He's always going there anyway, so I just  
25 thought he was there again.

1 Q. Tell me about your hopes for the future as it  
2 relates to your friendship with Glen.

3 A. I've been -- I've been away -- I went to West  
4 Virginia for two years. So, when this happened, I was at  
5 that school. And this is one of the main times I've got  
6 to see him, and he hasn't seen my son. Like I said  
7 before, I got a child. And I just recently showed him a  
8 picture of him. He talks to my sisters, my brothers and  
9 writes them letters and stuff. But my school address and  
10 everything is getting messed up, and I'm not home not.

11 It's kind of -- it's kind of like you're losing  
12 somebody, but you're not; like, he's away, but he's still  
13 here, and I want him to still be here. I don't want it to  
14 be like, "Oh, I have a friend, but he's not here anymore.  
15 I have a friend, but he's going away." My friend's always  
16 going to be here, no matter where he's at, and I still  
17 want that.

18 Q. Now, I understand your mother very much wanted  
19 to be here; is that true?

20 A. Yeah.

21 Q. Does she know Glen?

22 A. Yeah.

23 Q. Is she close to Glen?

24 A. Yeah.

25 Q. Can you tell us why she's not here?

1           A.     She has high blood pressure and she has anxiety  
2 attacks. And just recently, in the past two weeks, she  
3 had two of them, so she couldn't make it. She don't fly,  
4 no way. And her driving, she would have to drive by  
5 herself. So, she really just wanted me to tell Glen that  
6 she loves him, you know. Yeah, that's it.

7           Q.     Anything else you wanted to tell the jury,  
8 Eddie?

9           A.     This thing about how as this trial goes on -- I  
10 know it's already done -- but there's another life at  
11 stake. That's basically it.

12                 MR. O'BRIEN: Thank you. I'll pass the witness,  
13 Your Honor.

14                 MR. KANE: The State has no questions for  
15 Mr. Byrd.

16                 THE COURT: You may step down.

17                 I'm wondering if we should take our morning  
18 recess now.

19                 (The Court admonishes the jury for the morning  
20 recess.)

21                 THE COURT: We'll take about ten minutes, Mr.  
22 Bailiff.

23                 (The jury exits the courtroom.)

24                 THE COURT: Counsel, would you approach.

25                 THE COURT: We'll be in recess for a few

1 moments.

2 (Brief recess taken.)

3 THE COURT: Please be seated.

4 We'll go back on the record in the matter of  
5 State versus Budd. All parties are present with counsel.

6 Will you stipulate to the presence of the jury?

7 MR. KANE: Yes, Your Honor.

8 MR. O'BRIEN: The defense shall, Your Honor.

9 THE COURT: Mr. O'Brien, who's next?

10 MR. O'BRIEN: Thank you, Your Honor. The  
11 defense would call Shermaine Budd.

12 SHERMAINE BUDD,  
13 having been first duly sworn through the clerk to tell the  
14 truth, the whole truth, and nothing but the truth, was  
15 examined and testified as follows:

16 THE CLERK: Please be seated.

17 Will you please state your name and spell it for  
18 the record.

19 THE WITNESS: Shermaine Budd, S-h-e-r-m-a-i-n-e  
20 B-u-d-d.

21 DIRECT EXAMINATION

22 BY MR. O'BRIEN:

23 Q. Good morning, Shermaine.

24 A. Good morning.

25 Q. Tell the jury who you are in your



1 relationship -- or, I should say, your relationship with  
2 Junie.

3 A. I'm Shermaine Budd. Junie is my brother.  
4 Glenford is my brother.

5 Q. And you live in Belize?

6 A. Yes.

7 Q. You just flew in last night; is that right?

8 A. Yes.

9 Q. How was your trip?

10 A. Kind of scary. My first time out this far. I  
11 had to ask a lot of questions; but, you know, I had to be  
12 here.

13 Q. Well, thank you for coming all that way.

14 A. You're welcome.

15 Q. Could you tell the jury a little bit about  
16 growing up in Belize with Junie?

17 A. My younger -- my brother, he was a bit shy,  
18 always shy. A Granny's boy. Granny's boy. I mean, you  
19 know, Granny had to do everything for him. Make him tea,  
20 fry his eggs. Because when he first came out here, he  
21 expected my mother to do everything for him, you know. He  
22 said, "Granny always prepare my breakfast, everything."  
23 So, she said, "Well, you are grown, you have to do it  
24 yourself." And he had to learn, you know. But eventually  
25 I guess he learned how to feed his self. Granny not their

1 own; right? Granny's boy.

2 Q. He was grandma's little baby, huh?

3 A. Yeah. Everything. My younger sister, Angela,  
4 you know, he would always be home by his self, you know,  
5 building his stuff. You could play with it, but when he's  
6 finished. And Angela is like a pea, you know. "Granny  
7 said I be over here," you know. But once he finished,  
8 everybody is allowed to play with it, but not before.

9 And he even got his -- you know, his own set of  
10 tools, his hammer; you know, they by him nails, because,  
11 you know, that's what he like, you know, out there  
12 building stuff.

13 Q. That's what always give him pleasure --

14 A. Yeah.

15 Q. -- the putting things together, building things?

16 A. Yeah.

17 Q. Of course, you were in Belize when Glenford left  
18 for the United States.

19 A. Yes.

20 Q. You already told us what a Grandma's boy he was.

21 A. Uh-huh.

22 Q. Tell me how Glenford reacted to that, what you  
23 watched, how he felt, if you know.

24 A. Well, he was, you know, sad that he was leaving  
25 his grandmother, because that's his second mom; and also

1 excited that, you know, he go meet his mom, so, you know,  
2 continue to where they left off. But it was kind of sad  
3 to me because, you know, he cried. I even, you know, when  
4 we would talk and things, I tell, "I will meet you soon,"  
5 you know, so you don't have to worry. But when we got to  
6 the airport, he cried, cried home.

7 Q. So, he's happy on one hand but --

8 A. Yeah. Happy, and also sad. But it was good.

9 Q. Now, you've never lived in the United States; is  
10 that right?

11 A. Never.

12 Q. So, after Glenford left Belize City, when he was  
13 11 --

14 A. Uh-huh.

15 Q. -- you haven't had much personal contact with  
16 him; right?

17 A. No. Just talk on the phone, write. Even now, I  
18 am still in contact with him because he writes. It's just  
19 that I have laminate the letters because, you know, they  
20 are in pencil, and I want -- I want to keep them, you  
21 know. Always did.

22 Q. You want to save them?

23 A. Save them, yes. That's why I got them  
24 laminated. But we are still in contact.

25 Q. Now, you have a family in Belize?

1           A       Yes, I have my own family. I have two boys and,  
2 you know, my husband who I'm living with. Not married,  
3 but living together a couple of years.

4           Q.       What kind of contact, what kind of role would  
5 you like Glenford to play in your life in the future and  
6 your family's life?

7           A.       Well, he's my brother; he's always been my  
8 brother, you know. And I want him to be here to talk to  
9 my boys, you know. They are boys, and he's a -- he's a  
10 man; right? So, he could talk to them, you know, advise  
11 them, you know, "Listen to mommy. Make sure you do what  
12 mommy do -- make sure you do what mommy tell you to do,  
13 you know, not upset mommy. Always be there because  
14 there's no one like your mother, you know."

15                   I want him -- they know that they have a uncle  
16 you know; because when he write the letters, you know, I  
17 read it to them. You know, "Uncle Junie says hi." When I  
18 write back, I say JJ and Sero (phonetic) send kisses," you  
19 know. So, they know they have uncle; it's just that they  
20 don't meet in person, but they have pictures.

21           Q.       Is there anything else you'd like to tell us,  
22 Shermaine?

23           A.       Well, I'm really sorry an awful lot about what  
24 happened. But people change, you know. There is  
25 always -- you could give somebody another chance, you

1 know. Our God is a forgiving God. Why shouldn't we?

2 MR. O'BRIEN: Thank you, Shermaine.

3 I'll pass the witness, Your Honor.

4 THE COURT: Mr. Kane?

5 MR. KANE: The State has no questions for  
6 Ms. Budd.

7 THE COURT: You may step down, ma'am. Thank you  
8 very much.

9 THE WITNESS: Ladies and gentlemen, I think that  
10 we'll take an early lunch break today. Once again, we  
11 have provided lunch for you. You'll have a bit more time  
12 to enjoy it today. We will reconvene at 1:15, Counsel.

13 (The Court admonishes the jury for the lunch  
14 recess.)

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## REPORTER'S CERTIFICATE

I hereby certify that the foregoing is a true,  
accurate and complete transcription of my stenographic  
notes taken at the time of the aforementioned trial  
proceedings.

  
JEAN M. DAHLBERG, RPR, CCR 759, CSR 11715

Dated: December 16, 2005

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

GLENFORD ANTHONY BUDD,

Defendant.

FILED  
**ORIGINAL**  
Dec 23 10:48 AM '05

Case No. C103882

Dept. No. XVIII

VOLUME 8-B

0193182

REPORTER'S TRANSCRIPT OF JURY TRIAL

Before the Honorable Justice Nancy M. Saitta

Thursday, December 15, 2005  
1:30 p.m.

APPEARANCES:

For the State:

EDWARD KANE, ESQ.  
Deputy District Attorney

TALEEN PANDUKHT, ESQ.  
Deputy District Attorney

For the Defendant:

HOWARD BROOKS, ESQ.  
Deputy Public Defender

TIMOTHY O'BRIEN, ESQ.  
Deputy Public Defender

REPORTED BY: JANICE DAVID, CCR NO. 405note note

W I T N E S S E SDEFENSEDr.Cr.Redr.Recr.VD.**JOHN PAGLINI**

By Mr. O'Brien: 4 54

By Mr. Kane: 48

**GLENFORD BUDD**

By Mr. O'Brien: 80



1 LAS VEGAS, NEVADA, DECEMBER 15, 2005, 1:30 P.M.

2 \* \* \* \* \*

3 THE COURT: Welcome back. Let the record  
4 reflect we are again present in the matter of  
5 State versus Budd. All parties are present with  
6 counsel.

7 Will you stipulate to the presence of the  
8 jury?

9 MR. KANE: Yes, your Honor.

10 MR. O'BRIEN: Defense will, your Honor.

11 THE COURT: Very well. Who's going to be  
12 our next witness, Mr. O'Brien?

13 MR. O'BRIEN: Thank you, your Honor.  
14 Dr. John Paglini.

15 THE BAILIFF: Dr. Paglini, if you will  
16 remain standing, please, raise your right hand,  
17 and face the clerk.

18  
19 JOHN ANTHONY PAGLINI,  
20 called as a witness, and having been first duly  
21 sworn to testify to the truth, the whole truth,  
22 and nothing but the truth, was examined and  
23 testified as follows:

24  
25 THE CLERK: Please be seated.

1 THE WITNESS: Thank you.

2 THE CLERK: Will you please state your  
3 name and spell it for the record?

4 THE WITNESS: John Anthony Paglini,  
5 P-a-g-l-i-n-i.

6

7

DIRECT EXAMINATION

8

BY MR. O'BRIEN:

9

Q. Good morning, doctor. If I may approach?

10

A. Good afternoon.

11

THE COURT: Yes, you may.

12

BY MR. O'BRIEN:

13

Q. What is your occupation, doctor?

14

A. I'm a licensed clinical psychologist.

15

16

17

Q. And could you give the jury a brief  
summary of the, the education you completed to  
attain that position?

18

19

20

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25

A. Sure. I have a bachelor's degree at  
Catholic University in Washington DC. My  
doctorate degree was at Illinois School of  
Professional Psychology in Chicago, an AP approved  
school, my AP approved internship from the United  
States Air Force, Malcolm Grove Hospital, Andrews  
Air Force Base. That was one year. My next two  
years was with Nellis Air Force Base as a captain,

1 as a psychologist. I finished up my doctorate at  
2 that time, a doctor of psychology. In 1991 I was  
3 in Desert Storm as a psychologist for the air  
4 force, did that for approximately three months,  
5 separated from the service in September, 1991 with  
6 an honorable discharge. Then I went into private  
7 practice from 1991 to current. Experience usually  
8 was about, experience as inpatient psychiatric  
9 hospitalizations as well as outpatient. For the  
10 last approximately seven to eight years I've  
11 specialized in forensic psychology, and that's  
12 predominantly where my practice is today.

13 Q. And do you, do you keep current on new  
14 trends in your profession, attend seminars and so  
15 forth?

16 A. Yes. I attend seminars with the American  
17 Psychological Association, American Board of  
18 Forensic Psychology, worked on approximately 20 to  
19 30 death penalty cases, many more murder cases,  
20 probably anywhere from, I'm thinking 50 to 75 or  
21 higher, several hundred we call pretrial  
22 competency evaluations. I also do risk  
23 assessments, violence and sexual offender risk  
24 assessments for the department of parole and  
25 probation, public defenders, defense attorneys, as

1 well as occasionally I'm hired by the prosecution.

2 Q. And what about professional  
3 organizations?

4 A. Member of the American Psychological  
5 Association.

6 Q. And have you conducted forensic  
7 psychological evaluations for the criminal courts  
8 in this district previously?

9 A. Yes, numerous times, like I've outlined  
10 beforehand. You know, probably 50 to 75 or higher  
11 murder trials, testified in court for defense as  
12 well as the prosecution.

13 Q. What is a forensic psychological  
14 evaluation?

15 A. Forensic psychological evaluation is when  
16 you talk to the defendant. You interview him,  
17 conduct psychological tests, review the discovery  
18 such as the police report or witness statements,  
19 any prior psychological evaluations, also conduct  
20 collateral interviews, which is basically you're  
21 talking to the people in the person's life,  
22 family, ex-girlfriends, ex-wives, current  
23 girlfriends, anybody who has known the person for  
24 quite some time. And so a forensic psychological  
25 evaluation is very comprehensive. It's just not

1 get and receiving information from the defendant  
2 but try to go above and beyond.

3 Q. And I believe you may have mentioned this  
4 for the jury, but you clearly have testified  
5 regarding forensic psychological evaluations in  
6 both murder cases and death penalty cases?

7 A. I've testified actually, interestingly  
8 enough, in only one death penalty case, because  
9 all the cases that I'm on, they settle. They seem  
10 to be settling. And so of the cases I've been on,  
11 I've been on approximately 20 to 25 death penalty  
12 cases. And this will be my second time testifying  
13 in court.

14 Q. And on occasion you have been retained by  
15 the district attorney's office?

16 A. Correct. I've been retained once on,  
17 actually twice on a death penalty case as working  
18 with them to help them cross-examine the defense  
19 witness.

20 Q. And has my office retained you to  
21 evaluate Mr. Budd in this case and secure your  
22 testimony?

23 A. Yes.

24 Q. And tell us the process you went through  
25 to evaluate Mr. Budd.

1           A. Well, I evaluated Mr. Budd. I had a  
2           procedural meeting with his attorney in July 19,  
3           2004 where I more or less tell him who I am, what  
4           my role is. And then I evaluated Mr. Budd on July  
5           23rd, August 24th, September 4th and 5th, October  
6           23rd and 24th, 2004. In addition to that I  
7           conducted approximately, I'm thinking either 10 or  
8           11 collateral interviews where I talked to family  
9           members and friends who know Mr. Budd, also  
10          administered psychological testing, cognitive  
11          testing, which is an IQ test, a memory test, and  
12          an achievement test. In addition to that what I  
13          did is, I reviewed the discovery in the case. And  
14          in a latter part I received information on  
15          discovery from the social worker for the public  
16          defender's office -- she had interviewed some  
17          additional people -- and reviewed that. So, my  
18          evaluation consisted of, extensively of  
19          psychological interviews, psychological testing,  
20          review of the discovery provided, and then  
21          collateral interviews.

22                Q. Do you feel you have a, an adequate grasp  
23                and adequate information regarding the  
24                psychosocial issues involving Mr. Budd to testify  
25                to this jury?

1 A. Yes.

2 Q. And what are you going to focus on today?

3 A. Today I'm going to talk about mitigation.

4 And if I may get started, I'm going to use a power  
5 point presentation here. Now, this is my first  
6 time with a power point. So, hopefully I'm not  
7 going to mess too many things up here.

8 Your Honor, is it okay if I stand?

9 THE COURT: It certainly is. And I  
10 understand that you do have, if you will, a, and I  
11 don't want to call him an assistant but someone  
12 who may know the power point a bit, sorry, better  
13 than you. If you need his assistance, he is free  
14 to assist at any time.

15 MR. O'BRIEN: Thank you, your Honor.

16 THE WITNESS: Thank you very much. Okay.  
17 What I would like to do today is talk about  
18 mitigation. And before we get to mitigation I  
19 want to tell you a story about seven years ago  
20 when I was in a death penalty case. I was hired  
21 by the prosecution. And one of my colleagues, a  
22 female psychologist, was testifying on behalf of  
23 the defense. And she had referred to the  
24 defendant, who had killed someone, as a good guy,  
25 a nice individual. And that kind of struck me,

1 because I said to myself, well, how do you, how do  
2 you tell a jury he's a nice guy when he's  
3 committed a murder? And as I listened to the  
4 testimony, what I heard was, this individual had  
5 decent qualities. And through my years working  
6 with murders and individuals who committed crimes,  
7 what I've recognized is that murders are a  
8 heterogenous group, meaning that, it's like if you  
9 go to a baseball stadium with 40,000 people, there  
10 is probably 40,000 different worlds. It's a  
11 commonality among people. Some people are good.  
12 Some people are, you know, generally bad.  
13 Sometimes decent people or okay people commit a  
14 crime, and it's not necessarily characteristic of  
15 them. And so one of the things I've learned about  
16 murderers is, like I said, their a heterogenous  
17 group.

18 Today what we're going to discuss is  
19 Mr. Budd's life. We're going to, hopefully by the  
20 end of my presentation you're going to have a  
21 better understanding of what mitigation is, what  
22 his life is about, how he evolved, and things  
23 called risk and resiliency factors, how he was  
24 shaped and formed into coming up to the time when,  
25 unfortunately, he committed these murders. And



1 I'm going to get started here, but there is one  
2 thing we have to talk about before I get into the  
3 definition of mitigation, and that is criminal  
4 responsibility. He's already been found  
5 criminally responsible by a jury of his peers.  
6 So, that's not mitigation. We've already got to  
7 that point, and that was at the penalty phase, not  
8 the penalty face, the trial. So, my point here  
9 is, we're going to be talking about mitigation.

10 So, what is mitigation? Any aspect of  
11 the defendant's character or record or any other  
12 circumstances of defense the defendant exhibit as  
13 a basis for a sentence less than death.

14 Mitigation is multifaceted and equates to moral  
15 culpability. Now, once again, everyone is very  
16 diverse. And mitigation can be anything, if the  
17 defendant's mentally retarded, if the defendant  
18 has any traumatic brain injuries or developmental  
19 disorders or grew up in a very abusive home.

20 These are all different aspects of mitigation.

21 Mitigation also includes positive things, if he's  
22 helped people or what has his time been like in  
23 jail. In Mr. Budd's case, he's been incarcerated  
24 for two and a half years. How has he performed  
25 during that time while incarcerated? That is

1 another form of mitigation or -- mitigation  
2 equates to moral culpability. And we're going to  
3 kind of just understand what that is in a second.

4 I'm going to read this. It's kind of  
5 long. Elementary psychological reality, you do  
6 not arrive at all our choices on equivalent, raw  
7 material. The nature of quality of understanding  
8 perception, impulse control, judging values,  
9 underlying choice, even the ones that result in a  
10 heinous crime, are influenced by developmental,  
11 cognitive, neuropsychological, relationship,  
12 cultural, community, and situational factors.  
13 These all kind of converge into what we have as a  
14 person who led him up to this crime.

15 So, and if you think about this, we're  
16 all different. I'm 44 years old but, you know,  
17 the neighborhood I grew up in is fairly stable.  
18 There could have been another guy in Chicago that  
19 lived about a few miles away, was in a very  
20 unstable family environment that had a different  
21 lifestyle or different perceptions than I did, and  
22 that's very true. And this is what this talks  
23 about. Now, this doesn't mean he's not morally  
24 responsible, because he is. But what this is  
25 talking about is everyone is shaped differently

1 that brings them to certain life choices.

2 Now, we're going to talk about family  
3 history. And what I would like to do is guide you  
4 through what a healthy person is and a healthy  
5 family and then, and this is what we call  
6 resiliency factors. And then the next thing we're  
7 going to talk about is risk factors, what happens  
8 that increases a person's chance of offending.  
9 So, as we all know, you know, behavioral patterns  
10 are multigenerational. If you have parents who  
11 are drug addicts or have alcohol problems and  
12 their parents had drug and alcohol problems, there  
13 is a higher propensity for the child to have drug  
14 or alcohol problems. The child is predisposed to  
15 heredity. Family shape child, and childhood is  
16 formative.

17 Now, for healthy development this is  
18 pretty easy to kind of understand. If an  
19 individual has a strong, caring, guiding father, a  
20 nurturing mother, stable parental marriage and  
21 stable secure home, if the parents model, control  
22 aggression, they help the child understand how to  
23 respond to conflict, if there is academic success,  
24 if they have adhesive friends and if the family  
25 discourages drug and alcohol abuse or prohibit it

1 and there's positive socialization and mentoring,  
2 you have a higher chance that your child is going  
3 to do fairly well in the world. It doesn't mean  
4 that if your child has all these things, he's not  
5 going to commit a crime. But there is more  
6 resiliency factors and less risk factors, and  
7 that's what really it comes down to.

8 Now, this is a good idea, kind of  
9 conceptualize, this is a visual conceptualization  
10 of what I'm talking about. Let's assume this is  
11 Mr. Budd. Okay? If there is no family history of  
12 alcohol or drug dependence, no family history of  
13 psychological disorder, no developmental  
14 abandonment or instability, and if he has  
15 positive, pure relationships, modeling of  
16 positive -- consistency, structure, stability,  
17 acceptance, and affirmation and intact family,  
18 then the less chance of psychological disorder,  
19 drug dependency, and criminal activity. Once  
20 again, it doesn't mean that if this person has all  
21 this, he's not going to develop a drug problem,  
22 but it's less so. Now, we're going to explore in  
23 a second here what this means.

24 Now, approximately five years ago the  
25 department of justice brought 22 researchers

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IN THE SUPREME COURT OF THE STATE OF NEVADA

GLENFORD A BUDD,  
Appellant,  
vs.  
THE STATE OF NEVADA  
Respondent.

Supreme Court No.:  
District Court Case No.: 03C193182  
Electronically Filed  
Nov 10 2014 09:38 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

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DISTRICT COURT  
CLARK COUNTY, NEVADA

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CLERK

THE STATE OF NEVADA,

Plaintiff,

vs.

GLENFORD ANTHONY BUDD,

Defendant.

Case No.: C193182

Dept. No.: XVIII

VOLUME 8

(A.M. Session)

REPORTER'S TRANSCRIPT OF PENALTY PHASE

Before the Honorable Nancy M. Saitta, District Court Judge

Thursday, December 15, 2005

Scheduled for 8:30 a.m.

APPEARANCES:

For the State:

EDWARD KANE, ESQUIRE  
Deputy District Attorney

TALEEN PANDUKHT, ESQUIRE  
Deputy District Attorney

For the Defendant:

HOWARD BROOKS, ESQUIRE  
Deputy Public Defender

TIMOTHY O'BRIEN, ESQUIRE  
Deputy Public Defender

Reported by: Jean M. Dahlberg, RPR, CCR 759, CSR 11715

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## I N D E X

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1 LAS VEGAS, CLARK COUNTY, NEVADA

2 THURSDAY, DECEMBER 15, 2005; 8:30 A.M.

3 -oOo-

4 P R O C E E D I N G S

5 THE COURT: Please be seated.

6 Welcome back to all of you. Sorry for the delay  
7 this morning. I understand that perhaps some of you were  
8 actually caught in elevator problems. I'm not sure. I'm  
9 just hearing that an awful lot, so I may not begin to  
10 believe it anymore.

11 But let the record reflect we are present in the  
12 matter of State versus Budd. All parties are present.

13 Counsel will you stipulate to the presence of  
14 the jury.

15 MR. KANE: Yes, Your Honor.

16 MR. O'BRIEN: The defense will, Your Honor.

17 THE COURT: Very well.

18 We are in the defense case. Mr. O'Brien or  
19 Mr. Brooks, are you prepared to call your next witness?

20 MR. O'BRIEN: We are, your Honor. Thank you.

21 Louise DeDeaux.

22 LOUISE DE DEAUX,  
23 having been first duly sworn through the clerk to tell the  
24 truth, the whole truth, and nothing but the truth, was  
25 examined and testified as follows:

1 THE CLERK: Please be seated.

2 Please state your name and spell it for the  
3 record.

4 THE WITNESS: Louise DeDeaux, L-o-u-i-s-e,  
5 capital D-e, capital D-e, again, -a-u-x.

6 THE CLERK: Thank you.

7 DIRECT EXAMINATION

8 BY MR. O'BRIEN:

9 Q. Good morning, Ms. DeDeaux.

10 A. Good morning.

11 Q. I understand you flew in from Gulfport,  
12 Mississippi?

13 A. Correct.

14 Q. And I understand your house suffered significant  
15 damage --

16 A. Yes.

17 Q. -- from the hurricane.

18 A. Uh-huh.

19 Q. I'd like you for taking the time out to come  
20 here.

21 A. Thank you.

22 Q. Why would you put all those pre-pressing matters  
23 aside and be here to talk to the jury today?

24 A. For my love of Glen. I prayed about this, that  
25 I wouldn't fall apart. But I'm glad they came a part of

1 my family, because of my children, we all grew up -- we  
2 all found yourselves single mothers with raising children.

3 We were on our street in Montebello. There was  
4 only five black families that was on that street. Three  
5 of us were a single parent, raising anywhere from two to  
6 three, and five children. So finding ourselves and  
7 struggling mothers, we became close. And there was a part  
8 where we knew where our children were at any given point,  
9 because they could all go from one person's house to  
10 another person's house; and that way we knew that they  
11 were well taken care of.

12 Q. And tell us about your son and his relationship  
13 with Glen.

14 A. My son was two years older than Glen, and Eddie.  
15 They looked up to him because he was the oldest in the  
16 neighborhood. He was like their older brother. They went  
17 to movies, they hung out, go to the mall, play basketball.

18 And they do have a history, whereas one night  
19 they were on their way to the movies. They had met these  
20 young ladies and they all decided to, from the movies, to  
21 go to the beach. The young lady's car broke down on the  
22 freeway, so they stopped to help her fix her car. In the  
23 process, a drunk driver on a motorcycle was coming at Glen,  
24 Eddie and my son, and Glen was in the front. My son  
25 reached up and pushed him out of the way and took the



1 blunt of the motorcycle, himself.

2 Q. And I understand your son was severely injured?

3 A. Yes.

4 Q. And Glenford and Eddie Byrd were injured, too?

5 A. Yes.

6 Q. Tell me about that, the aftermath of that.

7 A. My son sustained -- on his right hip, it was  
8 broken in five places. His left leg was broken in half.  
9 His left arm was broken in two.

10 Q. And I'm sorry to interrupt you. I know Vernon  
11 was severely hurt in that accident --

12 A. Yeah.

13 Q. -- and I know he was in the hospital for a  
14 substantial time; is that right?

15 A. Any months.

16 Q. Tell me about the interactions between Glen and  
17 Vernon, and the rest of your family during that time.

18 A. Well, each -- each one of those boys was taken  
19 to a different hospital at that point in time. But as  
20 they were released, they insisted on having their parents  
21 bring them to the hospital to ensure that my son was okay.  
22 So, they wanted to see him to ensure that he was all  
23 right.

24 And, so, they came, and they decided to stay  
25 with me all day at the hospital until he came out of

1 the -- one of the surgeries. My son had to have at least  
2 seven surgeries. But for the first surgery, that night,  
3 they decided to stay with me to make sure that their  
4 friend, their brother, was okay.

5 Q. Now, you had a good understanding and some  
6 personal knowledge regarding the Budd household; is that  
7 right?

8 A. Yes.

9 Q. Can you describe to me the household before  
10 Mr. Miller, the stepfather, was killed in that accident --  
11 in a different drunk driving accident --

12 A. Yeah.

13 Q. -- not to confuse the jury.

14 A. The household was stable. They had food,  
15 utilities, everything that a loving family would want.  
16 The children didn't have to want for anything, and  
17 Mr. Miller took care of everything.

18 Karen was the mother. She provided for her  
19 children at that point in time, and did what a mother was  
20 supposed to do for her children.

21 Q. Now, you may have said it, but tell me again.  
22 When was the first time you met Glen? Do you know how old  
23 he was or what grade or --

24 A. I think he was about 16, 17.

25 Q. Okay.

1           A.     Because it was about 18 when he came and started  
2 living with me.

3           Q.     Tell me about that.

4           A.     When he came to -- the way it came about, you  
5 know, living with me, is that him and his mother got in an  
6 argument. She had gave -- given him instructions of what  
7 she wanted him to do that day, and they wasn't done, his  
8 chores. And, so, he argued with her, and words were  
9 passed. She told him that she was the parent, that she  
10 was responsible for him, and if he felt that he was grown,  
11 then, you know, he could leave.

12                   So, he decided that he wanted to leave. And  
13 wind up -- my son noticed that he was sleeping outside in  
14 the alley by the garage, so he opened up the door and went  
15 out and talked with Glen and asked him what was going on.  
16 And he said that, you know, him and his mother got in a  
17 little disagreement. And, so, my son says, "Well, you  
18 don't have to sleep out here. You can come and sleep in  
19 my room."

20                   So, he made the decision to bring Glen into the  
21 house, and they slept and talked about what was going on.  
22 My son, in that instance, decided to talk with him and let  
23 him know, you know, about -- "Junie, your mom is doing all  
24 that she can. If she asks you to take out the trash,  
25 that's what you should do."

1           So, he stayed with me at least four months  
2 before he -- I insisted for him to return home to his  
3 mother. And at that point in time, I insisted that he go  
4 with his mother because Mr. Miller had deceased.

5           Q.    Tell me more about -- of course, you don't learn  
6 more about a person --

7           A.    Uh-huh.

8           Q.    -- than when they're living with you. Tell me  
9 more about what additional facts you learned about Glen  
10 during this period that he lived with you and your family.

11          A.    Well, Glen lived with me. I had no problems  
12 with him. Whenever I asked him to do something, he did  
13 it.

14                I had an extra mattress that was out in my  
15 garage, and that's what he would pull in every on night  
16 for him to sleep on; gather blankets, pillows. Every  
17 morning, he would take that mattress and put it back where  
18 belonged. Cleaned up behind himself, and did chores  
19 around my house, taking out trash, washing the dishes. If  
20 I asked him to do a load of laundry, I had no problem with  
21 that; he did it.

22                The -- I did notice while he was with me that  
23 Glen was a very shy, loving person. Never heard his voice  
24 above a whisper. Everything was, "Yes, Ms. Louise. Okay,  
25 Ms. Louise." I had no problem with Glenn at all.

1       Q.     How did he get along with the rest of your  
2 family, the children?

3       A.     They were brothers and sisters. They were like  
4 brothers and sisters. My daughter is 19; my son is 26 --  
5 will be 26 in two weeks. They got along so well that my  
6 daughter calls Glen her older brother. And Glen looked at  
7 Vernon as his older brother. It's like the family's  
8 became one. We all were family after the -- you know,  
9 living in that area, going through the struggles that we  
10 had to go through as single mothers raising our children,  
11 you know, in a predominantly Mexican neighborhood; where  
12 our children were being -- to the point where if they went  
13 out looking for jobs, they were not given any jobs.

14            If they -- I remember once I went to this  
15 Catholic church to apply for the Christmas gifts that they  
16 normally give families. I put my name on the list, and I  
17 was not called. No one pulled that name up, because on  
18 the application you are -- you do put your race down  
19 there. So, this was a Mexican Catholic church in our  
20 area, like three, four blocks away from our house. But no  
21 one in that church pulled that ticket or that card to give  
22 gifts to a black family in the neighborhood.

23       Q.     Was this the kind of neighborhood that was --  
24 you had to go out of your way to get yourself into  
25 trouble?

1           A.     The neighborhood was very quiet. The only times  
2     that there was any action going on around the neighborhood  
3     was when the paramedics came for one of the senior  
4     citizens that was having problems, or an emergency. But  
5     as far as any gang activity, there was activity. But I  
6     must say that our children lived in that neighborhood.  
7     They were friends with other neighbors. We all got along  
8     fine. We shared recipes we shared meals. And like I  
9     says, as far as any fights, race fights in the  
10    neighborhood, we did not have that.

11          Q.     Tell me about how the death of the stepfather  
12    changed things at the Budd household.

13          A.     The death of Mr. Winston (sic) was very  
14    devastating to the entire family, as well as to the  
15    extended families. On the night that this all happened,  
16    they were at a family function. Mr. Winston and his  
17    nephew, I do believe, went to the store to get some ice  
18    and sodas, and was struck by a drunk driver.

19                The phone call from the nephew came to my house;  
20    that was the only number that he could remember, was my  
21    number. And, in turn, I didn't have Ms. Karen's sister's  
22    number, which was where she was, so I had to get Ms. Sonya  
23    to help me.

24                And the three of us was on the phone. And the  
25    friend that was making the phone call, we had to push her

1 to get her to tell us what was going on. And in the  
2 background, I heard Mark tell her, "Tell her -- tell  
3 Ms. Louise Bloody's (phonetic) dead." And at that point  
4 in time, I didn't want to believe what he was saying.  
5 And, as well, Sonya's on the line, too.

6 So, we give this information to Ms. Karen, and  
7 she goes to one hospital, where they stated that he was  
8 supposed to be. He was not there. Then we had to drive  
9 to a second hospital, where, when we got there, the police  
10 was waiting for her. And the doctor came out in the  
11 middle of the lobby, asked her who she was. She advised  
12 him who she was and, at that point in time, in the middle  
13 of the lobby, the doctor advised her that he had  
14 deceased -- he was deceased.

15 At that point in time, everybody -- the  
16 children, Ms. Karen, almost fainted. We were literally  
17 trying to grab the children because they were just  
18 running. They didn't know where to go, what to do. They  
19 couldn't believe it. It was total devastation for the  
20 entire family.

21 About an hour later they brought Mark to the  
22 hospital, the friends; they released him from the hospital  
23 that he was at. They brought Mark to the hospital for him  
24 to be there with the family to go through trying to  
25 understand what had happened.

1 Q. How do you feel this event affected Glen?

2 A. I feel that this event affected him deeply.  
3 Because Mr. Miller was a father figure, he was a friend,  
4 he was a provider. And to erase that equation, the  
5 family -- he didn't have a job. No way of making any  
6 income, and now it's --

7 Q. When you say "he," who are you talking about?

8 A. Glen. He was not -- he would go looking for a  
9 job and come back empty-handed, as well as my son and the  
10 other young men that was in the neighborhood. So, to  
11 erase that equation, it affected them very, very deeply.  
12 The entire family, as a matter of fact, was affected by  
13 this deeply.

14 Because, then, Ms. Karen had to take on the  
15 responsibility of being provider, mother, and go out and  
16 work. So, at that point in time, she had to take two jobs  
17 to be able to put a roof and provide food and clothes for  
18 her children.

19 Q. She was trying to keep that home together?

20 A. Yes.

21 Q. And setting aside the emotional affects for  
22 Glen --

23 A. Uh-huh.

24 Q. - what practical day-to-day effects did this  
25 have on Glen? What added responsibilities did he have to



1 do?

2 A. The responsibility was his brother Raheem. He  
3 was left to get Raheem up every morning, take him to  
4 school. Before school, Glen would iron his clothes and  
5 Raheem's clothes, so that they would have pressed clothes  
6 instead of wrinkled clothes to go to school. Get him  
7 breakfast, make sure he brushed his teeth and washed his  
8 face. Glen would walk him to school, put him on campus;  
9 and, then, in turn, go to Vail High School, which is the  
10 alternative school.

11 Raheem would get out of school about 2:30,  
12 quarter to 3:00. It was Glen's responsibility to be  
13 standing at the gate. When he came -- was dismissed from  
14 school, to be there, to walk Raheem back to the house, and  
15 be responsible for him until Ms. Karen came home from  
16 work.

17 Q. Would Glen go to basketball games and football  
18 games with your son and Eddie Byrd?

19 A. Yes. And Raheem would go right along.

20 Q. Glenford would always take Raheem?

21 A. Yes.

22 Q. Now, you talked about how Karen was struggling  
23 to keep the home together and keep the family together.

24 A. Yes.

25 Q. Was she successful in doing that?

1           A.     At points in times, no. There was times that  
2     the utilities were turned off; where she had to have help  
3     from the neighbors, where an extension cord was from her  
4     garage to their garage, in order for them to have  
5     electricity. There was points in times where that went  
6     on; several times, that I can recall, seeing an extension  
7     cord from the garage go to a neighbor's house to let them  
8     have light in the apartment.

9           Q.     Were they eventually evicted from that home?

10          A.     They were evicted from that home.

11                 At that point in time, my understanding was that  
12     they went to live with her sister; where the sister, her  
13     husband, and her children were there, along with Karen and  
14     her three children at the time. Because, at that point,  
15     in time, Angela, the younger sister, had come from Belize  
16     to be with her mother and her brothers. So, Karen and her  
17     three children were there with the sister and her family.  
18     So, it was, to my understanding, like a studio apartment  
19     that everybody was sharing at that point in time.

20          Q.     Do you have any -- did you get to see Karen --  
21     excuse me -- did you get to see Angela, Glen's younger  
22     sister, and Glen interact together? Do you know anything  
23     about that relationship?

24          A.     Yes. Glen loved his sister. And they would  
25     play around like children. Kids. They'd picked at each

1 other, and then wind up with a hug and, you know, kissing  
2 on each other affectionately as a brother and sister  
3 would.

4 The same with Raheem. He would be outside, if  
5 he was playing basketball, he would interact with his  
6 younger brother, play basketball, play games. If Raheem  
7 was playing with one of his toys, Glen would stop and  
8 spend some time with him at that point in time and play  
9 with him with his toys. It was Glen's responsibility to  
10 be the man of the house, I should say; and he took that  
11 responsibility to the utmost, that that's what he wanted  
12 to do for his mother and his sister and his younger  
13 brother, be the man.

14 Q. What happened to this apartment in Los Angeles?

15 A. The one in Los Angeles?

16 Q. The studio apartment you described.

17 A. They were evicted from that.

18 And, from there, I do believe she went on to  
19 stay with a friend.

20 Q. When you say "she," who?

21 A. Karen.

22 Q. And did Glen accompany her?

23 A. No.

24 Q. So, the family split up?

25 A. The only ones that I do believe that went on to

1 say with Ms. Sonya was Raheem and Karen.

2 Q. Tell me -- if you can, tell me a little bit  
3 about the Budd family, in general, and how they deal with  
4 their emotions.

5 A. The way that they deal with their emotions are  
6 to the point where they hold things back. They do not  
7 outwardly express what's really going on in their hearts,  
8 what's really going on in their lives, what's going in  
9 their minds. It's to the point where it's like you have  
10 to function, but you're not really functioning because  
11 you're not able to really let everybody in and see what's  
12 going on.

13 Q. Now, why do you say that? Do you have some  
14 examples? Or why would you draw that conclusion?

15 A. Well, it was to the point where when we had to  
16 do the obituary for Mr. Winston, I was the one that helped  
17 Ms. Karen type it up, and the information was given to me.  
18 And, at that point in time, in doing it, I was trying to  
19 do it one way, and we had to do it another way, because at  
20 that point in time is when I was confidentially told that  
21 the family was here illegally. And, so, we had to word it  
22 so as to not cause a lot of problems for the -- for her or  
23 the children.

24 Q. Was this the first time that you or your son had  
25 heard about Glen's illegal immigration status?

1       A.     Yes. At that point in time it was, like, you  
2 know, secrets were being told. And this is our first  
3 awareness of it, and --

4       Q.     What kind of secrets would Glen -- or, what kind  
5 of lies or secrets, what-have-you -- what kinds of things  
6 would Glen say to you?

7       A.     That he didn't have a birth certificate. He was  
8 asking his mom to get a birth certificate for him. And  
9 she had to send back to Belize for it, and it hadn't come.  
10 They're looking for it, or they couldn't find it at the  
11 time. So, it was like a -- a stall, I should say. I'll  
12 use it as that, a stalling situation.

13      Q.     How about this -- the point -- were you present  
14 in the neighborhood when Mr. Miller was absent --

15      A.     Yes.

16      Q.     -- for a long period of time?

17      A.     Yes.

18      Q.     Did you know he was in prison?

19      A.     No.

20      Q.     Did the family -- what did the family tell you?

21      A.     In asking, you know, where he was, I was told  
22 that he was in Jamaica, that he was in Jamaica on  
23 business. Because he was buying clothes from downtown and  
24 sending them back as a business. And that he had to go  
25 back to take a shipment to Jamaica or to Belize. But it

1 was that he was out of town. We were not told that he was  
2 in jail.

3 Q. Is it fair to say that this was a family who  
4 held in their emotions and very carefully avoided showing  
5 their feelings?

6 A. Yes.

7 Q. What do you -- do you have any hopes for the  
8 future, as far as your relationship and Vernon's  
9 relationship with Glen?

10 A. Yes. I would hope to be able to come and visit  
11 him. I would hope that my son and my daughter, my  
12 grandson, would get a chance to know him, Glen, and  
13 continue to be a part of our family, as he is a part of  
14 our family.

15 Q. You understand he's been convicted of a very  
16 terrible crime?

17 A. Yes.

18 Q. Why would you want Glen to have contact with  
19 your family?

20 A. In all honesty, I do not believe that Glen did  
21 this. In all honesty, the person that the media have --

22 Q. Well, let me stop you there --

23 A. -- depicted is not the person that I know.

24 Q. Okay. I understand. I understand what you're  
25 saying.

1 Even if --

2 A. Uh-huh.

3 Q. -- by virtue of this jury's verdict, Mr. Budd  
4 has been found guilty --

5 A. Uh-huh.

6 Q. -- given that fact, why would you want Glen to  
7 have this kind of contact with your sons and daughters,  
8 nieces, nephews, all of that?

9 A. Because we love him. I love him.

10 Q. What would he have to give to those people?

11 A. His love in return. Just to know that he's  
12 there to be able to talk with us, to be able to see him,  
13 to know that he's okay. And be around for the nephew that  
14 is going to be born in a couple of weeks. He has nephews  
15 that he has never even seen that are in Belize. For him  
16 to be an impact on his nephews and his nieces, however  
17 this young one is coming to be, that he be able to be  
18 around to know them and for them to know him and know the  
19 type of person that he really is. And for him to express  
20 his love for his mother, his grandmother and his family  
21 and extended friends.

22 MR. O'BRIEN: Thank you very much. And I want  
23 to thank you again for putting all your own troubles aside  
24 and taking this time to come out to Las Vegas.

25 THE WITNESS: All right. Thank you.

1 MR. O'BRIEN: Pass the witness, Your Honor.

2 THE COURT: Thank you, Mr. O'Brien.

3 Mr. Kane?

4 MR. KANE: Just a couple of questions,  
5 Mrs. DeDeaux.

6 CROSS-EXAMINATION

7 BY MR. KANE:

8 Q. During the period of time that you knew Glenford  
9 Budd, he appearance to you to be a responsible person, did  
10 he not?

11 A. Yes.

12 Q. In fact, he had a lot more responsibilities than  
13 a lot of people his age, am I right?

14 A. Yes.

15 Q. And he didn't shirk those responsibilities?

16 A. No, he did not.

17 Q. He willing accepted them?

18 A. Yes.

19 Q. In fact, would it be fair to say he displayed a  
20 maturity above what you might expect from a person that  
21 age?

22 A. Yes.

23 Q. Did you also have some interaction with Glenford  
24 about his school work?

25 A. Yes. I noticed one day he was helping Raheem



1 with his homework, and ran across a word that he did not  
2 understand, and asked me, "What does -- Ms. Louise, what  
3 does this mean?" And, at that point in time, I noticed  
4 that Glen was not up to reading speed, as what he should  
5 have been for a 10th grader or an 11th grader, that he was  
6 at that time.

7 Q. Now, Glen lived with you for a little bit,  
8 didn't he?

9 A. Yes, he did.

10 Q. And during that period of time, did he, in fact,  
11 do all of his homework?

12 A. Yes.

13 Q. Did he appear attentive to his school needs?

14 A. Very.

15 Q. And, in fact, his school work fell off after the  
16 unfortunate death of Mr. Winston and all that that  
17 entailed; am I right?

18 A. Correct.

19 Q. Up until then, he was doing his school work and  
20 managing?

21 A. Yes.

22 MR. KANE: Nothing further.

23 MR. O'BRIEN: Nothing further.

24 THE COURT: Thank you. You may step down.

25 Who's next Mr. O'Brien?

1 MR. O'BRIEN: The defense would call Angela  
2 Budd.

3 ANGELA BUDD,  
4 having been first duly sworn through the clerk to tell the  
5 truth, the whole truth, and nothing but the truth, was  
6 examined and testified as follows:

7 THE CLERK: Please be seated.

8 Would you please state your name and spell it  
9 for the record.

10 THE WITNESS: Angela Budd, A-n-g-e-l-a B-u-d-d.

11 DIRECT EXAMINATION

12 BY MR. O'BRIEN:

13 Q. Good morning, Angela.

14 A. Good morning.

15 Q. Can you tell the jury where you live?

16 A. I live in Los Angeles, California.

17 Q. And you are Eddie's younger sister; is that  
18 right?

19 A. Correct.

20 Q. Can you tell the jury about your life in Belize  
21 prior to Glen coming to the United States?

22 A. My life in Belize, it was like any other  
23 ordinary kid. We had everything we ever needed. My  
24 grandmother took care of us, and my dad.

25 Q. Okay.

1           A.     It was me and my older sisters, and we had other  
2     cousins and uncles.

3           Q.     Now, when -- and how much older is Glen than  
4     yourself?

5           A.     He's two years older than me.

6           Q.     Do you remember when Glen was in Belize and your  
7     mom was in Los Angeles?

8           A.     I do.

9           Q.     How did Glen feel about the loss of his mother?

10          A.     We both -- I mean, all three of us shared the  
11     same feelings about our mom, that we all understood that  
12     she left to better her life and get us over here. We  
13     never felt left out, because we had conversation with our  
14     mom. We would talk to her on the phone, we had pictures,  
15     and so forth; everything that -- when she worked, she  
16     would send us stuff. Christmas, we'd get gifts; Easter,  
17     we'd get gifts. I mean, my grandmother filled in when she  
18     wasn't there. She was like our second mom.

19          Q.     Tell me about -- of course, when Glenford is  
20     eleven, you were -- what? -- seven or eight? Eight years  
21     old then?

22          A.     If he's two years older, I'd probably say I was,  
23     like, nine.

24          Q.     So, when -- at eleven, when Glen comes to the  
25     United States, you stayed behind in Belize; is that right?

1           A.     Yes, I did.

2           Q.     Tell me about how that decision and that fact of  
3 him leaving his grandma and the only home he knew affected  
4 Glen?

5           A.     Well, we all understood that when my mom left  
6 she was supposed to send for us. And she sent for my  
7 brother first. So, we all had to understand that. We all  
8 knew that we were coming anyway.

9                   When he left, I was made; because, like, "Why he  
10 get to go first? Why didn't -- I'm the baby. Why didn't  
11 I get to go first?" But, I mean, we all dealt with it.  
12 He left, I was pretty much sad; because me and Glen, we  
13 shared a relationship. We're basically like twins.  
14 Anything he feel, I feel. Anything I have, we share. I  
15 mean, if I'm going through something, that's the person I  
16 talk to. Even now, that's the person I -- I feel like  
17 going to. We basically share a relationship that it was  
18 perfect. It was just -- he was my big better, and I look  
19 up to him.

20          Q.     Now, how old were you when you came to --

21          A.     I was 15.

22          Q.     -- to the United States?

23          A.     I was 15; 15 years old.

24          Q.     What did -- tell me about Glenford and yours  
25 relationship, then?

1 A. When I came?

2 Q. When you came.

3 A. Yes. When I came --

4 Q. Well, let me stop you for a moment. Was it  
5 scary coming to a new country?

6 A. Pretty much. Pretty much.

7 Q. There was a lot of unknowns, I bet?

8 A. There was?

9 Q. There were a lot of unknown things.

10 A. Well, I watch TV, so I really -- I seen  
11 different stuff that were not in our country, over here.

12 Q. Was it a lot like TV, or did you have a little  
13 hard time?

14 A. I mean, TV can make you sad, put in more than  
15 it's really like. They will make you feel like  
16 something's really bad. Or, like, McDonald's, they'll  
17 show you a big burger, but when you get to McDonald, it's  
18 really small, or something like that.

19 Q. What did Glenford do for you to help ease that  
20 transition?

21 A. Well, I could remember the first time I stepped  
22 into airport. The first person, I saw my mom and then I  
23 saw my brother. We walked out the airport, and all of  
24 sudden I seen this tall building, I seen nothing by cars  
25 on top of it. And I said, "Glen," I said, "how did the

1 cars get up there?" He started laughing. I said, "You  
2 shouldn't be laughing at me. Because when you came, I'm  
3 pretty sure you asked the same things, how did the cars  
4 reach up there."

5 He said, "Oh, no, just watch and see." We get  
6 into the building; when we're coming out, I noticed the  
7 cars keep going around and around and around, until they  
8 get to the bottom. So, that was my first laugh that he  
9 gave me, and when he was clowning. I don't know. "What  
10 you mean, how the cars get up there?" I mean, the first  
11 time, I don't really know. And then he gave me the  
12 information.

13 Just myself, he was -- I would dress different.

14 Q. You would what?

15 A. I would dress differently. I would put on  
16 tennis shoes. As long as my tennis shoes was clean, I  
17 didn't care. I would put on some tennis shoes, some pink  
18 shirt, some purple pants. As long as I'm clean, I'm fine.  
19 He said, "No, that doesn't match. This is how it goes.  
20 You don't tie your laces like that. You don't put it too  
21 tight. You loosen it a little bit." So, he helped me  
22 adjust and learn how to live my life in the U.S.

23 Q. Now, were you in the household when the  
24 stepfather Winston Miller died?

25 A. Yes, I was.

1 Q. Tell me, generally, how that affected the  
2 family.

3 A. Well, it affected us very much, because  
4 Mr. Miller, my stepfather, we looked up to him, and he was  
5 our provider. He gave us what we needed, and not  
6 necessarily what we wanted. We had to work for what we  
7 wanted. And for Glen, it affected him deeply. I mean he  
8 knew Mr. Miller way more than I did. I was barely getting  
9 to know him. And the little I knew about him was enough.  
10 I mean, he's an amazing person. I mean, he took us in as  
11 his.

12 Q. Is your brother -- is your older brother the  
13 kind of person that's able to deal with his emotions and  
14 shows his emotions?

15 A. It's hard to get him to really show his  
16 emotions; but, I mean, he deals with it. I mean, from me,  
17 being his sister, I could see -- you know, I could see  
18 certain things that another person wouldn't see, because I  
19 know him.

20 Q. Tell me about the kind of things Glen did after  
21 the stepfather died to help the family try to keep home  
22 and hearth together?

23 A. Well, when my mom would go to work, he was the  
24 one that -- like Ms. Louise said, he'll get my brother --  
25 he will also get me; because, I was -- I sleep a lot.

1 He'll also make sure I'm up, and I had to be at school.

2 When we get home, we had to do our homework. I  
3 couldn't be outside, of course, because I was  
4 understanding age and I was a girl. I couldn't hang out  
5 with his friends -- with any of his friends. I had to be  
6 in the house at a certain time. And --

7 Q. And who's giving you all this direction?

8 A. My brother.

9 Q. I see.

10 A. And even though my certain things my would agree  
11 that I could do, Glen would be like, "Oh, no, Mom, she  
12 can't do this. She's just 16," or "this is not allowed."  
13 Or, you know, he will be the man. He will take all the  
14 responsibility. Like anything that my father would  
15 disagree with, he will disagree with. So, that was his  
16 job. Was like father and a brother to me after Mr. Miller  
17 passed away.

18 Q. Economically, how did things change after the  
19 stepfather passed?

20 A. It was kind of hard for us, really; because my  
21 mom, like I said, had to work two jobs. The kids had  
22 to -- what our mom always told us was it was her job to  
23 provide, and our job was to go to school and do the  
24 homework, do the house chores and be at school the next  
25 day. That was our job. We weren't supposed to worry



1 about all that.

2 But, I mean, as far as Glen, he's the older one.  
3 He wanted to make sure that my mom didn't have to  
4 struggle, she didn't have to go through all that by  
5 herself. So, he decided to take that -- he took heavy  
6 load and carried with him, with her. So, he basically was  
7 the one that had to be strong for me and my little  
8 brother.

9 Q. What was it like for the family when you were  
10 evicted from the family home?

11 A. It was pretty hard, because we basically had to  
12 go live with my aunt. It was a single house. It was me  
13 and --

14 Q. It was a single house? What do you mean by  
15 that?

16 A. It was a single apartment. It was like -- it's  
17 not even a one bedroom. It's just a big old --

18 Q. Like a studio apartment?

19 A. Yeah. And it was me, my cousins -- three of my  
20 cousins, my aunt, my mom, my brother. I mean, it was one  
21 bathroom and -- I mean, we still holded out. All the kids  
22 was at school. My mom was at work. Every day my auntie  
23 will stay home and she will cook and make sure that when  
24 we come home we got something to eat. I mean, we  
25 struggled, but we got through it. We got through that

1 part.

2 Q. What was the neighborhood like, there?

3 A. The second neighborhood that we moved into  
4 wasn't too good. But, I mean, the kids -- we didn't come  
5 outside for nothing. We was always in the house.

6 Q. Is that because of your own choice or did you  
7 have direction?

8 A. Towards the end, we had directions that we had  
9 to follow, and we followed them.

10 Q. And you lost that home, as well --

11 A. We lost that also.

12 Q. -- is that right?

13 A. We lost that also.

14 Q. Did the family end up splitting up then?

15 A. We did. My mom --

16 Q. Can you tell us a little bit about that?

17 A. If I was comfortable? No. But we had to do  
18 what we had to do. I mean, we couldn't complain. We had  
19 to pick up and carry on.

20 Q. Tell me a little bit about who went where and  
21 how did it affect all of you?

22 A. Well, my mom went to Ms. Sonya's house. Me and  
23 my brother went to my other aunt's, Jennifer's house, and  
24 that's how we -- we went there. From there, I was in  
25 school. Raheem was going to school, and he was with my

1 mother. And we talked on the phone, like any other -- any  
2 family when they would split up.

3 Q. And did Glenford also have to live with various  
4 friends on occasions?

5 A Yes, he did. But even though he was living with  
6 other friends, like I said, me and him, we shared a real  
7 close relationship. If I would have to leave from school  
8 and be where he was at, I would do that. I would go  
9 however far he was to be with him.

10 Q. Now, Glenford's been in jail for quite some time  
11 now. What kind of contact have you had with him directly  
12 and through the family?

13 A. Letters. I would ask my boss for off days to be  
14 out here, to be able to see him. And, basically, that's  
15 he did -- I mean, that's all we could do. We can't be  
16 there physically with him; but at least I talked to him  
17 and see him on the screen. And bring him -- send him  
18 pictures, update him about how my son is doing, because he  
19 do have a nephew that's two, and a niece that's on the  
20 way.

21 Q. What are your hopes for the future, Angela? I  
22 mean, we've talked about this, and you realize the best  
23 case scenario here is Glenford's going to be in prison for  
24 the rest of his life. What do you hope for the future?

25 A. My hope for the future is for him to still be

1     able to come and be there, as far as -- I mean, like I  
2     said, I have a son. My son doesn't really know him like  
3     that, but he knows that's he's uncle. And he always asks  
4     for him. He's only two, but he's a real smart kid. He  
5     asks for his uncle. And for the future -- I mean, even  
6     though he'll be locked up, I want to be able to visit him,  
7     sit there and talk, tell him how life is. Let him see how  
8     his nephew and niece are growing. Let him bond with them,  
9     even though he's still locked up.

10        Q.     Thank you. Is there anything else you'd like to  
11     say before I pass you to the State?

12        A.     I don't know. I'd like to tell my brother that  
13     I love him and I'll always be there for him, no matter  
14     what.

15               MR. O'BRIEN: Thank you, Your Honor.

16               THE COURT: Mr. Kane?

17               MR. KANE: I have no questions for the State.

18               THE COURT: Thank you.

19               THE WITNESS: You're welcome.

20               THE COURT: Who's next?

21               MR. O'BRIEN: Judge, we would call Raheem  
22     Miller.

23               THE COURT: What is the age of this witness?

24               MR. O'BRIEN: Thirteen.

25               Is that correct, Raheem?

1 THE WITNESS: Yes.

2 THE COURT: Counsel, do you feel a need for me  
3 to canvas the witness with respect to the usual that we do  
4 with children?

5 MR. KANE: No, Judge, not under the  
6 circumstances.

7 THE COURT: Very well.

8 RAHEEM MILLER,  
9 having been first duly sworn through the clerk to tell the  
10 truth, the whole truth, and nothing but the truth, was  
11 examined and testified as follows:

12 DIRECT EXAMINATION

13 THE CLERK: Will you please state your name and  
14 spell it for the record.

15 THE WITNESS: Raheem Miller, R-a-h-e-e-m  
16 M-i-l-l-e-r.

17 THE CLERK: Thank you.

18 DIRECT EXAMINATION

19 BY MR. O'BRIEN:

20 Q. Good morning, Raheem.

21 A. Good morning.

22 Q. What kind of big brother is Glen?

23 A. He's a good brother. He's always a good brother  
24 to me. He always made sure I went to school on time, made  
25 sure my clothes are ironed; everything that a big brother

1 always do.

2 Q. Okay. When your dad was still alive, tell the  
3 jury about what kind of relationship you had with Glen.

4 A. I had a good relationship with him. Like, he'll  
5 take me anywhere he goes. Like, he always keep me out of  
6 trouble. Always been around him, you know.

7 Q. Okay. Did Glen -- what do you call your  
8 brother?

9 A. I call my brother Junie.

10 Q. All right. Junie.

11 Did Junie ever teach you anything special?

12 A. Yeah. He told me how to play basketball.

13 Q. Can you tell us a little bit about that?

14 A. He was the one who inspired me to play  
15 basketball. That's how I learned to play basketball.

16 MR. O'BRIEN: Are you guys hearing him okay?

17 THE COURT: Speak up just a little bit.

18 I'm sorry, Mr. Miller.

19 THE WITNESS: Yeah. He told me how to play  
20 basketball and how to shot the ball better. He told me,  
21 like, the rules of like everything about basketball. I  
22 used to shoot, like, funny. I used to shoot like -- I  
23 used to toss the ball without even looking at the rim or  
24 nothing; so, he told me how to position the ball right.  
25 You know, how to dribble better.

1 BY MR. O'BRIEN:

2 Q. Now, I'm sorry to have to ask you about this,  
3 Raheem, but Winston Miller was your natural father?

4 A. Yes.

5 Q. Needless to say, his passing was very hard on  
6 you; is that right?

7 A. Yes.

8 Q. Can you tell us how Glen helped you deal with  
9 that situation?

10 A. Yeah. Like, always, like, when we wake up and  
11 start crying just thinking about it, he always come and,  
12 like, tell me the right things. And then I'll stop  
13 crying. He'll be, like, "Everything's going to be all  
14 right. I'll help you through it." He'll always be there  
15 for me.

16 Q. So, emotionally, he was always there for you?

17 A. Yes.

18 Q. How about just -- was your mother around as much  
19 after your dad died?

20 A. No; she was mostly at work. But she would come  
21 home in the afternoon, too.

22 Q. So, tell me how that changed things for you, and  
23 tell me who did all those things a mother or father would  
24 do for you after your dad died.

25 A. My brother. He'll always like -- he'll always

1 wake me up in the morning, make sure I ate something, make  
2 sure that I took a shower and got ready for school.

3 And, then, right after school, he'd always be  
4 there to pick me up; you know, and make sure I had  
5 something to eat and make sure I did my homework.

6 Q. What would you guys do on Friday nights?

7 A. We'll go, like, see a movie or go to a high  
8 school football game.

9 Q. When you say "we," who are you talking about?

10 A. Me and my brother and his friends. He'd take me  
11 along.

12 Q. Okay. There's about almost ten years'  
13 difference between you and Glen; right?

14 A. Right.

15 Q. Did he have any problem with letting you hang  
16 out with him and his buddies?

17 A. No. He didn't have no problem taking me along.  
18 We always go to the football games or to the mall or go  
19 see a movie.

20 Q. Is your big brother a good artist?

21 A. Yeah. While he was in there, he drew, like a  
22 picture of me. I sent him a picture, and then he drew,  
23 like, my face off the picture. And --

24 Q. Did he send that back to you?

25 A. Huh?



1 Q. Did he send that back to you?

2 A. Yeah; he sent it to me. Yeah, the one that he  
3 drew of me.

4 Q. So, it sounds like you -- while he's been in  
5 jail you've had contact with him; is that right?

6 A. Yeah. I talk to him on the phone on his  
7 birthdays or, you know, send him Christmas cards, or go  
8 visit him.

9 Q. Now, when you visit him, you can't be in the  
10 same room with him; right?

11 A. No.

12 Q. It's just on the TV?

13 A. Yeah.

14 Q. But those visits are still important for you?

15 A. Yeah. I like visiting him.

16 Q. You understand what's at stake here?

17 A. Huh?

18 Q. You understand what's at stake at this hearing,  
19 and you understand that Glen is going to be in prison at a  
20 minimum for the rest of his life; is that true?

21 A. Yes.

22 Q. What do you want -- what do you want from the  
23 future? What kind of contact do you want with Glen? Why  
24 is that going to be important for you? What can he do for  
25 you?

1       A.     I want to keep on visiting him and talking to  
2     him, and writing to him, too; let him know how I am doing.

3       Q.     Why is that important to you, Raheem?

4       A.     'Cause, he's like my big brother.

5       Q.     You're going to be going into high school soon,  
6     next year?

7       A.     Yeah.

8       Q.     If you had a big, big problem, or a big weighted  
9     decision, who would you go to?

10      A.     My brother. Since he already went to high  
11     school, you know, I could ask him about anything about  
12     high school.

13      Q.     Is there anything else that you want to say to  
14     Raheem?

15      A.     That I'd like to still talk and -- I like  
16     talking, writing to my brother and telling him what's up.

17             MR. O'BRIEN: Thank you, Raheem.

18             I'll pass the witness, Your Honor.

19             THE COURT: Thank you, Mr. O'Brien.

20             MR. KANE: The State has no question for  
21     Mr. Miller, Your Honor.

22             THE COURT: You may step down.

23             THE COURT: Who's next, Mr. O'Brien?

24             MR. O'BRIEN: Kheleen Glen.

25             Do you feel up to it, though?

1 Judge, at this time, may I state something for  
2 the record?

3 THE COURT: Certainly.

4 MR. O'BRIEN: We've marked for identification  
5 purposes some family photographs, and they've been marked  
6 as N through U. Mr. Kane has been good enough to  
7 stipulate to their admission, so we won't have to go  
8 through the formality.

9 THE COURT: Thank you very much.

10 KHELEEN GLENN,  
11 having been first duly sworn by the clerk to tell the  
12 truth, the whole truth, and nothing but the truth, was  
13 examined and testified as follows:

14 THE CLERK: Please be seated.

15 MR. O'BRIEN: And, Judge, for the record, may I  
16 move for admission of the exhibits, Defense Exhibits N  
17 through U?

18 THE COURT: Basically, by stipulation, they will  
19 be admitted, and you have permission to publish.

20 MR. O'BRIEN: Thank you.

21 (Defense Exhibits N through U were admitted into  
22 evidence.)

23 THE CLERK: Will you please state your name and  
24 spell it for the record.

25 THE WITNESS: Kheleen Glen, K-h-e-l-e-e-n

1 G-l-e-n-n.

2 THE CLERK: Thank you.

3 DIRECT EXAMINATION

4 BY MR. O'BRIEN:

5 Q. You're Glenford's grandmother?

6 A. Yes.

7 Q. And you go by Dolly? Would you like me to call  
8 you Dolly?

9 A. Okay.

10 Q. Can you tell me what Glenford was like as a boy?

11 A. Well, Glenford was quiet, and he was kind and  
12 gentle. Loved to play with his sister -- the two sister,  
13 and a cousin. They always play together. From school,  
14 they play together on Saturdays. Glenford like to play in  
15 the back in the yard, building house out of old board.  
16 Well, Angela like go and touch the board. He tell me,  
17 "Granny, please make Angela stop fooling with those  
18 things." I had to call Angela inside.

19 Q. Now, when you say a house, what kind of house is  
20 he making?

21 A. Making out of old board.

22 Q. Like, a playhouse?

23 A. Yeah. And they could play in there.

24 Q. And once he finished that house, would he let  
25 Angela play in it?

1 A. Yes.

2 Q. Do you remember -- when Glenford was a -- I  
3 believe it was the first or second grade, did he have to  
4 repeat a year of school in Belize?

5 A. Well, yeah, he repeat.

6 Q. Do you remember what grade that was?

7 A. I think it was second grade. Third. Third.

8 Q. Third grade?

9 A. Uh-huh.

10 Q. When -- let me take you back to the time when  
11 Karen left to come to the United States. Was that  
12 difficult for Glen?

13 A. Well, at first it was difficult because he want  
14 to follow her, you know.

15 Q. Uh-huh.

16 A. And I tell him, Well, you have to stay with  
17 Granny."

18 Q. But, as the years went by, he was becoming more  
19 attached to you?

20 A. Yes.

21 Q. When he had to leave your home, when he was 11  
22 years old -- leave you and leave his sisters -- how did  
23 that make Glen feel? Do you know?

24 A. Well, at the first -- he never feel too good to  
25 leave -- go and leave his sisters, you know. He wanted to

1 go, but I tell him, "Mommy wants you, so you have to go."

2 Q. Okay. He didn't want to leave?

3 A. No.

4 Q. It was kind of hard for him?

5 A. (Witness nods head in the affirmative.)

6 Q. I'm going to show you this photograph.

7 MR. O'BRIEN: For the record, Judge, this is  
8 Defense Exhibit P.

9 THE COURT: "P" has already been admitted.

10 MR. O'BRIEN: Thank you, Your Honor.

11 BY MR. O'BRIEN:

12 Q. Can you see that on the screen, Dolly?

13 A. Yes.

14 Q. Can you -- can you point to Glenford? You can  
15 just touch the screen real quickly with your finger.

16 A. (Witness complies.)

17 Q. That's Glenford there, with the striped hat?

18 THE COURT: Stripped shirt.

19 MR. O'BRIEN: Stripped shirt, I should have said.  
20 Thank you, Judge

21 BY MR. O'BRIEN:

22 Q. Tell me about this picture. What's going on?

23 A. It was his cousin's birthday. And he was nine  
24 at that time.

25 Q. So, this was just a couple years before he had

1 to leave?

2 A. Yeah.

3 Q. Dolly, will it be important for you to keep some  
4 kind of contact with Glenford -- or Junie, I should say,  
5 because you call him Junie -- is it important to you to  
6 have the ability to write or talk to Junie in the future?

7 A. Yes.

8 Q. Is there anything else you want to tell us,  
9 Dolly?

10 A. I just want to say that Glenford was very quiet  
11 and gentle and nice to grandmother. No trouble. He gives  
12 me no trouble.

13 MR. O'BRIEN: Thank you very much, Dolly.

14 I'll pass the trouble, Your Honor.

15 MR. KANE: The State has no questions for  
16 Mrs. Glenn.

17 THE COURT: You may step down. Thank you.

18 Who's next, Mr. O'Brien?

19 MR. O'BRIEN: Karen Budd. I'm sorry, Karen  
20 Gill. Pardon me.

21 KAREN GILL,  
22 having been first duly sworn by the clerk to tell the  
23 truth, the whole truth, and nothing but the truth, was  
24 examined and testified as follows:

25 THE CLERK: Please be seated.

1           Would you please state your name and spell it  
2           for the record.

3           THE WITNESS: Karen Gill, K-a-r-e-n G-i-l-l.

4           THE CLERK: Thank you.

5                         DIRECT EXAMINATION

6           BY MR. O'BRIEN:

7           Q.     Good morning, Karen.

8           A.     Good morning.

9           Q.     I know this is hard for you, so let me -- let me  
10          start just by showing you some photographs, and we'll talk  
11          about those a little bit. Okay?

12          A.     Yes.

13          Q.     For the record, I'm showing -- I'm putting on  
14          the monitor what has been admitted as Defense Exhibit N.  
15          Who's that?

16          A.     Glen. That's Glenford, my son.

17          Q.     What age is he there?

18          A.     Two.

19          Q.     So, at this age, you guys had a pretty tight  
20          family; is that right?

21          A.     Yes. I was still at home with my family.

22          Q.     Showing you now what's been admitted as Defense  
23          Proposed Exhibit O, tell me about this picture.

24          A.     That's Glenford and his sister Shermaine,  
25          Glenford was three, I think his sister was five in that



1 picture.

2 Q. So, this is about a year before the family  
3 splint up; is that right?

4 A. Yes. He was already in school.

5 Q. Tell me about that decision to leave Belize and  
6 leave your children and come to the United States.

7 A. It was very hard for me to leave my country and  
8 leave my family behind. But I had to move on. I had to  
9 try to make a better life for my family. So, I came here.  
10 I left Glenford at age four, and I came here with the  
11 intent that -- I was trying to get them here as soon as  
12 possible. But it wasn't easy for me. It was a lot of ups  
13 and downs, and it took me a long time. But I get my son  
14 here. It was hard for him, because it was a like a bitter  
15 sweet thing. He was leaving his grandma and his family,  
16 but he was happy to come here with me.

17 And he came and he was just right up on me. He  
18 was attached to me, he was very quiet, very shy, like  
19 always. Even on birth, when he was born, you know, my  
20 friends that used to come to the house, they was, like,  
21 "Karen, do you have a baby?" I would hear the baby  
22 crying, and I was, like, "You've got to excuse me. My  
23 baby's crying." They would say, "I don't hear anything."  
24 I said, "I do." You know, he was always quiet. Always.

25 And the same way when he grew up and he came, he

1 was still quiet. And I had a new boyfriend at the time,  
2 and he was just right up on me. He never left -- you  
3 know, he was right up on me.

4 Q. And you're talking about Winston?

5 A. Yes. And one day while Glen was there, me and  
6 Mr. Miller had an argument. And to my surprise, Glen  
7 said, "You better not hit my mom." And he tells him, "I'm  
8 not gonna hit your mom. I have a lot of respect for your  
9 mom." And he said, "But I respect you, Glen, as a little  
10 man that you have respect for your mom." You know, and  
11 then Mr. Miller gave him a hug, and, like I say, Glen was  
12 always shy, and then started opening up to Winston, you  
13 know. And from there on they get real, real close.

14 Q. Okay.

15 A. Pretty close.

16 And it turns his life again. You know, he  
17 turned around to Glen. Because that little shy boy  
18 started opening up. He started meeting friends.

19 Q. Uh-huh.

20 A. You know, he was kind of shy, even when I put  
21 him in school; because he was really small for his age.  
22 And he was always in school, and I did everything I could  
23 do for my family.

24 Q. Do you remember Glen having to repeat a grade?  
25 Now, of course, you weren't there, but I'm sure --

1       A.     Yes. I remember Grandma calling me. The report  
2 cards, they always mailing report cards to me, to keep  
3 everything up on me. And I said, "What do you mean you  
4 fail? How are you gonna fail? Why should you fail?" You  
5 know, but it was hard for him. That's right after I left.  
6 Right after I left, he just fail. He just -- it just was  
7 hard for him.

8       Q.     Glenford was pretty good with wood shop and  
9 things like that?

10      A.     Yes. He love a hammer. He love a nail. He  
11 always -- anything he could find, he build something out  
12 of it.

13      Q.     So, he's good with his hands?

14      A.     The school work was a little bit more of a  
15 challenge for him?

16      A.     Yes.

17      Q.     When Glen came here at 11 -- of course, you've  
18 described it as being bitter sweet, having to leave his  
19 grandma -- did he have a heavy accent at that time?

20      A.     Yes, he did. And he wouldn't talk because he  
21 was -- he would have to repeat over and over. And just  
22 rather not say nothing, or he would wait for me.

23      Q.     When you say he'd have to repeat over and over  
24 again, the other kids would have him --

25      A.     "Say it again. Say it again." And after too