ya ‘oO 1a 1} 12 13 14 15 16 17 18 19 20 21 THENTY-PFPOURTH JUDICIAL DISTRICT COUR? PARISH GF JHFFERSON | SPATE CF LOGISTARA Yun es \* © Re 8 ER Se HE YE SPATE CF LOUISIARA Ho. 80-1269 VS. DIVISISE \*K\* q HALCOLM J. ALEZANDER eee ee ew ; 77 7 ee ee eS | Testimony and proceedings taken in the above numbere@ and entitled case in open Court on Nevember 5, 1989, thea Honorabie Aivin Rady Hasen, Judge presiding, Bivision "k\*. | | APPEARANCES : ST FOR THS STATE: | Mz. Robert Pitre, Assistant District | Attorney | FOR THE DEFSRHDANT: i Mxr.Joseph J. Tosh, Attorney at Law rn see he 10 li 12 13 25 27 28 29 | Berns oti Settee geen. ee STEELS ECT ——————— oe se een ere eee Sn er a ee eee IgpDvpEX DEPUTY RALPH PEPERONE DEPUTY LAWRESCE MORIN O'MEIL DENOUX, JR. MARCO HUZZCLILLO DR. JOHE RAVIOTTA STEVEH KIRBY BETTY EFF MALCOLM JOSEPH ALEXANDER $7 104 igs 115 i122 i28 134 2147 10 i 12 13 14 15 16 i7 18 19 29 2] SSS SS IY IRE SS IS Sa Saya rat as tear mes ey as RSS ea SR ITS ST RI Ie ara PEER COURT: We will now proceed with the gualifications of your as jurors. You may wonder to yourself why we called you here. Portanately yesterday we had a big election and I don‘t know how many of you i | | voted yesterday but even more | impetant than the right to vote is the right to a trial by jury. Because if you didma't vote yesterday some seventy— eight or eighty million did, bet the right of a trial by | jury is sach mere important than the right te vote. fhe you is for instance, did yau kmow that within the last six er seven years the i7th Largest city in the Gnited states lest | ite right to vote. Phe voting for the Legislating body that ran that partieslar city was abrogated by a action af a member of the Justice Hepartment fhe federal government stopped | | AS RTE TT Pt nee were ee cre won even ery raioeee Sree vy oo “I wo 10 ll 12 14 15 i6 17 18 13 26 RI aS RT SS at naar ge semen 21 22 23 24 26 27 28 29 | yoo know what city tkat is? How many sf you know that it is New Orieans, Louisiana. You may remember that seme body was appointed but that is whet the declaration sof independence was | all abeaut, like King George he | had a son and it was Kiang Gearge the Second and it went an Gown the line so we try te get away | from that, bSBst the people don't wote. Actually if you Lleok at =, the number of people that gualif to vote and the people that | @on‘'t even ge down and register to vete in. even this major election for president. you probably ‘only had one-third ef the pecple who could vote that were qualified to vote that! sectually elected the president, and when you divide that by one- halé it terns out te be about twenty percent of the peeple that is geing to ran this nation, bat 2 trial by jery is mach more important because | | ! i who voted for the presidents | like I say, if you don't vote | 13 14 15 17 18 1g i cv Ww ~] SSS RS SRT SRR CE Ss ETE ey not awhole lot happens but a right to a trial by jury your -persen 1if¢e and liberty is effected. Phat is why this matter is so serious. Mr. \* ” 22 tol Ale zander, the youngster we have sitting over fare now for a very sericus matter that we will disexuss in a moment. You may say to yourself that your rights of a trial by jary is not all the important and say, Jadge, they pay you a bandseme salary. Why don't you decide these cases and ia alot efi cases we do, bat a person is entitled to a trial by jury. hank God he is entitied te that seo if any o£ you in the Courtroom may not even remember it but there was a Ban Ramed Aldoph Hitler who took ever Germany in 3333, and you may say he just knocked Fhat is Knocked laws of oak not eat the aii the laws. what he @€id. He about four er five Great System of ante nett ot ee bere el ln let eo a des oo cs te a are eee 21 22 23 sree chin maser sem eeny nnn gc: ea reer ra paneer eats a things he Knocked out was a right te a trial by jery. E don't have to tell you that six million people died becaase they happened to he to profess the Jewish faith. it could have happened to Hegroes ar Lf you happen te be Italian or Spanish or whatever. So our | right to a trial by jary wea have in the United States af America. Tae protectican af the United States constitution whic! is going es fer about two | hundred years. You may say | sgudge that is fitty yeers ago. | Come om. Ban. Get with it. pon‘tt you know that BHilter has | long since been dead. We won | , World War Yi, and I ask you if You dontt think they don't want to knock this system out. rt is subject toa being knocked eet all the time. They would like to knock this thing cet, you evex beard o£ ayatolish shomgiat i the law and erder which I an ‘ | one. Say iet‘is get these ™m 18 19 | 20 28 29 pin shen ease anaatg oem mene sees MOSES EEE RFE RS SES ER RS TS TIN IT TT OS OS Sa RS EE eee ies PRE CLERK: FRE COURE: guilty seo and sots, but that is just the wrong way. That is not what we are leoking for. Phat is the expedient way. Phe enivy problem with that is the mexzt time you may be on the other side of the fence. So in the United States we have the presumption of innocence. That we will talk about at length. Pirst @f ali, © will ask you to raise your right band and stand and be sworn in as jerors. Do you solemniy swear te answer truthfully questions asked you relative to your qualifi- cations te sarve as a jurer in this case? {3GBRORS RESPONDED I DO} Alright, ladies and gentlemen, in erder to gualizy #5 2 jazrer you must be eightean years of age. You ‘must bave resiaed at least one year in the Parish of geffersen, two years in tke State of Louisiana. You mast 27 28 POT ee as SS EE A ES EE STS La RS Sem ar es errs meen saree ee not bea under interdiction. Phat is anable to care for ere Ne: yourself cither physically. mentally or emotionally, aad have been se ordered by a4 court. Yaa mest not be indicted fer a felony or have been convicted of a felony which you have act been pardened and you must be able to read, write and speak the English langeage. Does any one fail into those categories? If any one £alls into those categeries, coms forward. £ Gon\*t want you to Bisart out whatever your problem might be in trent cf allt theese pegple. You have a right to a personal te I er nr eaererewaune ane exenption. You don't have to serva if you so choose. If yoa practice or involved in aay ef the following matters. If you area a public officer in the Executive, legislative or gudicial Branch ef the goveraz- ment of the United States or any State cr any subdivision thereof, Ww PUSS SS ere pemense Sees TIRE ETT: sate: A Senses Pe oe SOAS GEE TS CE SE Ta ee see SR RS Se ES aetive services of the Armed | Perces cf the United States of Bmerica or members of the ‘duty. If you are a member of t i National Guard while on active | | any paid fire or police depart— ment or a member of federal Law enforcenent agency. If you are a menber of ard actually practice the professions eft attorsey at law, Rinister of religien, chirepractor, | physicians, dentists, pharnacteys ard optometrists and if you are seventy years ef age or older and this brings tp another impertant point. Never ask Ladies how old they are. They are either over eighteen or ander seventy. You dont have to go any further than that. | We don't have any Ladies here that are fousewives- vhey are homemakers. I don't wasnt to hear anybody say you don't work. ALI yee do is take care of yoer home and your children. be 14 15 i6 17 18 19 20 w N to wo Tae Si Soni bases SSeS SST S SE know what is. Alright, will the defendant please stand. Ladies and gentiemen, this is Mr. Malcolm Alexander. He has been accused of the crime of aggravated rape. Bo any of you know Malcolm at 21? Sow you notice I said he has beea accused of the crime of aggra~ vated rape. Phat means that the grand jury has indicted this young man. rf it khadn\*t been a grand jgeary indictment he might have been charged with the so-called bill cf infoxma- tion by the Bistrict Attorney, bat that is a mere formal, legal vehicle by which the State goes about prosecuting @ American citizen. You shesid not in any way attach gzilt to this young man. He is presumed to be innocent. Zt is ene of tke most important parts of osxy American system of justice, and that. is that he is presumed to be innocent. The mere fact that he has been Wo 18 V7 18 fe Sutera errant eee Se} Srnec Seas etree ST os x eecemeren creep stenreeemeemes etc, sor mecrmeeapereme perme se ney aS He has been accused. I can he accused of being a horse theif. You can bs accused. r£ he Gidn‘t do it, he didn\*te do it. fhe presumption is that as he Sits there he is as innocent as you and TF are. Me sitting here an& you sitting there as prospective jurors. So it is very. very inportant that we understang that particular peint. Likewise because he is presumed to be innocent. The State acting through Mr. Pitre, the a@istrict attorney will have the dety of proving beyond a reagonable deubt the guilt of Maleoim Alexander for the crime that he is charged with or any lessex crime. What we call a Yesponsive verdict. In this particular case I will give you that infermation as times goes on but the burden of proof is on the State te prove Beyond a reasonable doubt. in other words, if we stop rigkt mow, if there are ne witnesses, you would have to say ke is ii yay ag ns 16 17 18 Nw mm 25 26 27 SFT STS tess SSN ST ae ait erates yoo ae a SE is Sa Sa a a org es er tts ee ra rer sect ce innecest, right. We doaatt have any evidence against him. As he stand@de right now he is amnocent. The State has to cut on the evidence and in connection with that there will be verbal evidence. There will be decumentary tyce of evidence... Tt will be in the form of some type cf item. @hkose will be admittsd inte the receré as the Laws of evidence are ebtained. The mere fact that they are admitted into the record dsesrtt mean that they are controlling om you as a juror. tt simply wmsans it is for you tc cossider and if there is 2 weapon involved or soma- fking like that and ¥ enter it into the recerd@ as a Judge fi de that according to law. K am not saying that is gcod evidence or bad evidence. It simply mets the evidentary test, but it is proper to be in the reeord. It is ep to you as #2 terror to Bake this decision | | | | ! | | | | | ! | | | = nv wo 10 pei rina seer terre ocean sreaiee roerenpssts pupscmmypsetmenpensn terra arto RAE erate SE Lanta eye eae se peers ma pos Se ee hereto: I am sure all of you can handie it, Bight you ask yourself, Judge, I am not a Judge. IF am not a Lawyer, how do I ds this? All we are asking you is to sit here as twelve geod American citizens and listen to the evidence and not be swayed by the fact that Mx. Alexander is a Megrso. Sees anyone feel that because Mr. Alexander is a black persen that you couldn't one te oem NS eA es Re ere sree render a fair and impartial verdict. Is there anyone who feels like because Mr. Alexander is charged with the erime of rape that you cannot render a fair and impartial verdict because we Know that this is the type of ¢erime that creates a serines disfeeling in many ef our minds. ust hecause he is accused of rape, it still has to be proven. The same as if it were simple battery. So @oes anyene Feel because he has been acanused of rape or aggravated rape that you 14 15 16 ro tee To SRC Es aa STI 2 saat Te canbe esterase sa arr ee tree rn eg ee pecans eye yee renrr eee be diffiesit for you because | you, ladies ard gentlemen, make | judgments all the time. You @ecide where you are going to live, who you are going to marry, who is going to be your Exriends and where you are going te buy things and one thing and another. You make these | judgment all of the time. ghere| is mot a person in the room cnet] doesn't mke decisions all of the time, ard you don't go to Honest Fokn \* S &@ place to buy a car. Maybe Honest Soha is not @ecisiok.: “In comsnection with | this mstter you will make the | @ecision of whe is telling the | trath and who is not telling the trata. Tt is very important that you simply apply your every day intelligence zad experience and disregard. Phere is only a aifference when you arse @ealing person. Yin may decide well, | ot iS 16 17 i8 19 20 rete ARIST. SIE EIS TNS I oie oarasesoecta sh: RS SOA TRIS ES tie ete oe er met white, may be he is in the middle, ‘but you hare 2 opportuni ndex the ‘law that if a person gets on the stasdad and testifies to what’ you believe to be a totai falsehood or it is absolately ineerrest, there is a differenee. They both are important. If yoa believe the person is ‘ge1ping a lie er you believe the parson is totally incorrect, then you have a right ts aisbelieve ali of their testimony? : If on aay one point im the cage in your mind you are the only person that makes that decision. XE that witzess tells what you believe to be a lie or what Fou believe to be inceorrsct, thes you havea the right te throw ont the testinony from that witness and @isbdieve it all er you can believa any portion of it. as you see fit ard that is the only difference betweea judging as you de on a day to day basis, making yorr own @decisians and what we have | ty | | | | | | | | wv 20 21 22 23 25 26 27 == ss ates Te Rae 2 RR Te Sar Raa saat tsor SSS eee: the defendant need not make a Statement. Ee the stand on his Be need not eves Gefenase, because we presame he is we are starting out with, ap to the State to prove beyond need not take ewn behalf. . put on & after ali if innocent as a reasonable G@owbt his guilt in connection with this matter and if the State doesa'\*t do tha in your mind the fact that he aoesn't put orn a deimsea should not make any difference to yau. Sc if any of you feel Like that simply beeause this man kas been accused that ke is probably guilty. In other words where there is smoke, there is fire: Does anyore feel that way in this case? An@ we remind you that you cannot feel thet way because we have the duty to give this man a fair and impartial hearing. The state has the duty of painting the picture of guilt and if they can't ds it is | | | | 10 11 12 13 14 15 16 17 18 19 20 25 26 27 28 eS ACE SR STL TE EE A EB RE BRE A SE ET SS LE EIT that picture of guilt and you are satisfied beyond a reasonable { doubt as to his guilt then you should fina this man guilty. Bither you find aggravated rape or gne of the Lasser crimes that is responsive to that such as simple rape or forceable rape. We will explain te you what those technical terms are as we go abeet in the iaw. At the end of the case after you have heard all of the witnesses then we will have the reading by the Court of the so-cailed Law charge, the jury charges, jury instractions. Now that is the law that you are to follew in connection with this regardle of whatever you agrea with it or mot. Is there anybody who will not take the instractions of this Court and follow the law as given te you by the Court whether you agree with it Gx net? I kave to give you the proper law. T£€ ¥ give you the improper law then that would be | Le | | 10 ui 13 14 15 16 17 18 19 20 2) 22 23 AAS TS RS TT ST rr Alexander would have an oppor- tunity for ancther shet at it. Dees anyone feel that they couldn‘tt go along with the law as I woaid read it to yeu from the various instructians that we have? Phis trial leeks like it wili +run into this afternoon and may be into tomorrow. You will not have to spend the night Gr ke sequestered. Dees anyone for some reason £eel Like you wonld net be able fer some reaso to be able to stay with tus tonight and return temeorraw about 9:30 antil this matter is completed because of illness in the family. this is important not because we are not trying to say that yew got some little minor reason to leave the Court, bet we don’t Want you sithing here trying te judge this caserafiter all this man‘ts punishment if he is convicted ¢eeuld bs forty sone~- thing years in jail, the rest of Ris natural life and we ! | | | | | | | | a i ee ot ite a i 12 13 14 15 16 17 18 19 20 21 22 23 24 SSIES ICS it Stee eee erent eects Sa a TT Tes IS SEE TS abort this when you know that your grandfather or your danghter or your nother or soue one else is lying on their deathbed over at one ef the hospitals or if you have some grave other matter that is serious in yeur mind concerning your own health Or otherwise, then we need to know hat. How I am not going toa ask yoau anything aboat that as You BRappen toa be called in the jary box thea gquesticzed by the voir ¢@ere by both attorneys... Li you have that they will ask you that. Please bring that up and they will talk to you personally about that. How in connection with the voir dere as it develops -the law, each side is entitied to have a certain namber of peremptory challenges. Each side has the right te ask you SO called voir dere gnestians. Voir meams to lack at and gere means to speak te. They Look a sce 12 13 14 16 17 18 19 20 Si SE RE a I OTS PES SSS ame sre nate re pe the attorneys for both sides, the State and the defexse will have an Gpportenity to ask you a number of guestions. How these duestions are desiqned to find out as best we can what of you jarors they are going to have sexve in connectien with this case. Each of them haz ae et a A OR nt ae we te twelve peremptery challeages. they ean simply excuse you because they @don\*t Like the fact that you don't have hair On your head or they don\*t Like the tie you are wearing, the @ress that yeu are wearing if you happen tc be a lady. They may not Like you because you | have hair on your face. I used | to be very suspicious ef people | with alot of hair, but it deesn't demean you in any way if you are not selected. 12 Rope you ail will take this superserisusiy. They are goizg te play this thing again as bhest|as they can before you are going to Rave to dezide exactly what is 18 19 20 21 23 24 25 26 Soc mR amore thes: Ia I SASS TS TS SST ae and I dentt make that decision. iam prohibited by Law in any way to express an opiniscn as to my feeling of guilt or innocence concerning Mr. Alexander an@ likewise I am prohibited from in any way commenting on the evidence so this is why I warn you the mere fact that Hr. Pitre pats a piece of evidence in the record and Br. Pash ebjects tsa that and I eventually rule that { no, it should go in evidence, it does mot say ha, ha, this is the goods. All © am saying is that it meets the law of we have these trials and we go threugh the submission oi this : evidence in open eorrt for you | i as jurors here, and you wiil | notices as the ease labors on, Fou will ustice that Mr. Posh or Br. Pitre may object to a leadin heesay evidence. Ali of yor have heard the rule against | question. They may abject to hearsay. ££ you watch Perry | 10 il 12 SITES TERS STR TS RIS eas at te Sted Sn act a ears ses ptm orc es ems mens separ tes Sete en epee ee are he st another party, trying to television they talk about hearsayecvidcence. What is hearsay evidence? Hearsay evidence ie nothing more than 2 gut of sourt statement made hy some other party being repeated in the ceourtrsem by talk about the trath ef the matter. Back in the slid days they would just Say Rudy EBasoa is a horse thiei. They wenld aceuese me of being a horse thie: Somebody say say that Jack Smith teld me that Rudy Eason stole that horse and another witness eomes in and says John gones saia@ he saw Rudy Bason riding that horse ang somebody e@ise game in and said I was talking to Retty Smith and she said that Rudy EBason rede her on the hem and that was all of the once nena re pe enn eran yee evidence they had and they hung you for stealing a korse. So you had three peaple that never even eame to conrt, that somebad else told them. Se for that man nner = bi een roy i6 17 18 specs costo eee Ocoee eer I ome SEE 1S } 20 SSDS STS RE get rid of that system of justice. We have so-called leadine gquestisrs where they are prohibited simply because they suggest an answer toe the partieslar witness. It wouldn't be fair for the district attorney to say didn’t you see Malcolm Alexander out with this girl. Didn't you see hits with a knife. DBidtt you see him that Knife to her throat. What Phe @istrict attorney testifies #0 we don't allaw Leading questions. That is a over eimph - fied exauple. Kow in the course of the trial remember we are trying the guilt or inmkocence of Nr. Alezandger kere. presumed to be innocent. @on't get upset with either attorney because they seem to object ons wav or another. Sine XI am a pelitician FY am going to try ‘£s gourt gon and be your good friend because you are goin a | te be my counterpart in this casp. bot 15 16 17 18 19 20 SS ENTE oR AN LNs a Ts NT SC ITED Ta SI ares SS BSS erase mse: raat SSR a oa ara ym neater, in this case. It takes ten ‘ef you te agree on the verdict so when we have twelve of you will go to the jury reom and deliberate and when ten ef you agree on whatever verdict it might be, guilt oz innecence or any of the lesser charges. When ten ef you agree we have a verdict bat until that tine we don't have a verdict so try the guilt or innocence in this case. Don\*t try the lawyers. Xt wiil seem Like E get angry with Mr. Tesh or Nr. Pitre and I would seem to net favor them one way or ths other or Hr. Pesh continaally sobjects and £ continually overrele it. We are not tryieg the ease on @ number signal. Mr. Tesh got everraled seven times and Er. Pitre get pverraled five times and ue. Toah's manvhoses. That is not what we are here about. @hat we are here about is whether ox net the State can prove the guilt of Haicolnm PASS eT SLT eT SS ERE ST Sa RT AR RIE SN ates suneeionss emt Alright at this time call twelve prapective jurers. How we will have an alternate juror. fhis alternate juror will be Kind of Like a relief pitcher. He wiil sit there during tke whele trial and if no body gets sick er ill or is indisposed in any way then that alternate juror will be excused at the end ef the trial befere deliver- atious, but it will be super impertant just like the relief eiteser is in a baseball game te be there. We don’t like te take your time bat this saves aliot of time. If during the eCeoew of the trial ome of your jurors suddenly becames i11 then we would want to haye ta put anybedy through this again so we will ask you to be patient with ws and we witli ask you if yes don‘t Ruve good cause aot to serve, piease let us know, but please don't say 8inoly £ would rather not serve. I hava a system that prevents you from | | | | 16 7 18 19 20 21 22 23 24 25 26 27 23 @on‘t want te serve. I think it is agt good. I will say sit with us. £ can order you to sit here €or the whele trial and that is a shame and I don't like it but I ask yor Lif yon do have good cause that you can't save on this jury, let us knew, but if yeu den't have good cause Please don't make up some other thing;that is a very important part of our life and the oniy way we can do it is ts have | people suck ss you come. might say judge why dontt you pay a few jurors a little @ecent salary and let them serve @s jurors and yeu won't havea to keep calling citizens. the only problea with that is before tee ieng the jurors are going | to say Judge how do you Like cml last verdict. We are right back where we started-. All we got is some pecple over here who are locking for their own welfar an@ have their money coming in se they say I want to Se a good IT EAIT erent etn RS ESR RTI aE 2 ee peptone sos: H2zZ COURT: Be hage the sunber and mames of the judge invelived. We obviously can\*t have that situation. Are ali of you jurors drawn by Lot? {JURORS BESPONDED YES) jurors written on this List fer the cenvenience ef the attorneys. wow ons other thing I ask you Once you take a seat in the jury box please remain in that seat throughout the trial. So eall the jurors now by lot again. HE BATLIF?: . | Wo. 162, Mr. Glen Weaver. Wamber 153, | Hz. Mich2el Fillmaa. Humber 225), Kr. Samael Keller. Sumbex 66, Hr.Raymond Seuman. Number 25, Ms. Sandra Laklanc. Samber 4, Clifter paigle.~ Humber 227, Ms. Anne Hae Davis. Humber 263, BMs.Geraidize Sapp. Mamber 235, Mre cartos Piper. umber 236, Ms. Shirley Rogers Picon. Samber 125, Ma. Georgiana Smith, Number 20¢, Ms. Paula 10 li 12 13 16 17 18 19 20 21 22 23 24 26 27 28 iene mem La ad dr emcee moe amerenen cr eee een eee teeta eet PEE COURT: How» ladies atid gentlemen, we have sewers each of you ang asked you az yea would tell as your qualifications of a jurer. ¥e new ask you to recali that sath as cértain questions will be asked you on voir dere. Both te ask you questions. How I will repeat the questions and I | will ask all juxors, respective juxoxs remaining in tha ah iieree as well as the people ia the jury box itself to please listen to the guestions asked when they are asked. It is very inpoxéant. Now ladies and | gentiemen I have previously aske you if you understood and agresd} to serve and understand that you believe is the presumptien of innocence. fhe presumptions of innecence is that Mr. Alexander as he stands is innmecent as you are sitting in the jury box, as innocent as I am sitting | in this @dge's box. Can any 23 24 25 LE TR Pe SEE TE STO ART moa erent te mc ne ee rn re ee rama 26 | 27 28 nomen prestmptien of innocence. How the State has a duty of proving beyond a reasonable doubt that Mr. Alexander is quilty of the crime of aggravated rape or uk | any lLessex exrime such as corcibte rape or simple rape which 1 | | will define fer you later. Boes any ene not Keguire the State te the guilty of Mr. Alexander? | Bo any of you feel that you | couldn\*t convict him under any | set of circumstances ne matter what? De you understand that beyond a réasonable doubt dees net mean absolute proof. fhere is no such thing as absolute proof, I can't prove to you the sun is shiniag. TE yeu loeok at the gun iong ensugh ard try to fElgure cat where it is you wiil go blind and ali we Know is that; 1 somabody told es wken we were we believed that. As far as going out and being able to “ore I it, you can't do tht. So No 90 10 11 12 13 14 16 SSCS STS ERS Tiree SE A toe amas, 17 3 18 19 21 22 23 24 rn ee yrs error rere mee Yt is set tatsces on yeur @xb. Yourmther told you you were so and so and it is super important thet you understand the proof beyond a reasonable | adoubt. Wow it is not as it is in civil trials. In civil trials you simply have to preve | that it is more likely than rot. Zt is not a simple guestion af more Likely than not. Tt thas to be a convictica in your own mind to a reasonable certainity that the pictzrre af guilty shawna by the evidence in the case convinces you of guilt cf Br. Alexander. How it doaesr\*t have te be that you stood there and saw it, becauss that would be then absoldte prooakt, but the reasonable doubt is the test. It is your own judgment, the each of us as individuaais can handle it T am sure. Any one q | | | reasonable doubt concept, But | has any problems? Alright, Rwy Reber \_ nN &> CESS area SST TS SI IT Sa RT ae: Sasser sett Se poems ince: RaeseE aE Badies ang gentlemen in order to A JIRBOR: aveaid alot of repetitious questions Lam going to ask. each ef you to give us a hittle et your backgreund to tell as | if you are married, whether | Fou are empleyed, what sort of work that you daw If you have any children, how long you have Lived in gefiferson Parish. By name is Glen Weaver. = have BR, PIECRE: Lived in Jefferson Parish the Last twenty years and I am | single. Bight mow I presentiy | Leit my last job aboat a week age. Xr am still hosking. tf attended Southeastern Laaisiana | University for four years. | i Mr. Pillman? A JUROR: My name is Michael Pillsan. Tf am originally fro® Jeres7 city. New Jersey. x Rave been Living ie neuisiana fer three years. Z work for Lovisiana Power and Light Company. I am married. and live in Marrere. a2 re 31 ern. menbehty om hie i li 12 he io) eer remem em sty et ne SNE sista SSS ncaa se I TEA BT I SE CS SSO A Se SA re oman I.bave ac children. ? BHR. PITRE: Mr, Keller? A JUROR: My mame is Saneei Keller. I am twenty years eld, F am presently employed at a seafood | company and © am also a part- time writer. I have attended | the University cf Seuthwestern | for two years and at present Iam still single. BR. PITRE: Br. Heunman? A JUROR: iam Raymond Seaman. ££ am sixty- five years eld. i have Lived in Jeffersen Parish abost twenty- two years and retired from federal government service aince i972. i Rave two daughters grown ana I have one grand- daughter. Ms. LeBlanc? BR JUROR: My mame is Sandra LeBlanc. fF an | BR. PITRE: | married te a police afficer N a “4 17 18 19 for an insmrance company. Zz lived in jgefferson for about fourteen years. a Nr hs er aN aa PENNE MR. PITRE: Ex. Baigle? A JUROR: My mame is €lifton Daigle. I am thirty-four years old. I lved in Jefiersen Parish ail my life. | i AR married and have three children. £ werk for Highline | Construction. I have been working there for the past five years. | MR. PITRE: | Ms. Davis? | A FUROR: | By name is Anne Davis. TF am a | licensed. practical merse. 7 werk af charity Hospital. I as | aise a student at &.5.U. Medical | Center. I am married and have been Living in Jefferson for five years. | BR. PITRE: mo | Hs. Sapp? | A JUROR: ‘My name is Geraldine Sapp. I an 16 M1 ta 13 i4 15 16 17 18 19 27 28 29 Piper? A JUROR: SSSR TEST DIET eae tte Picou? My name is Shirley Picen. I werk Health Ciinic for the past ten Sees te ane eon are eR eRe HR. PIFREs Smith? pragma se etiam ppperennan y —— es employed by the Jefferson Paris School Board. £ am a student at U.H.o. I have twe childrens, ages 16 and 4. te Zam Cadios Piper. I am empleyed by the United States Departmeznt o£ Agriculture. I ama xvesident of geffersen Parish for twenty years. I kave four children ana two step-children. Z am married. at the Hest Jefferson Mental years. fi kave a stepson and two children. eee Hy mane is Georgiana Smith. I have been living in Jefferson Parish gex seven yers, I am married and kave five childres and I am -£ a ee 34 Fe ames ren 28 29 SAR Sen a ee EES St SS a oe et, aire saa a homemaker. BR. PIFRE=: Ms. Demma? A JUROR: My nae is Paula Somma. iama et secretary. I am twenty-three | | years ola. I have iived is . | Jefiersen Parish all of my aise end I am engged to be married. | BER. PITRE: | i am going to ask you Seme questions If you have a affirmative response, please raise your hand. Have any of you sewed on @ jury before? A JTURGRs X have in Greans Parish ts year a MR. FPLIPRE: Hew long have you been a resident of Jefferson? A FEROR: Fourteen years. BR.SITES: Have any ef you sver been a vietin af any sort ef a crime of vielence or any member of your Ammediate family. A JUROR: X heave a brother accused of rape. 36 | | | | one { 20 21 22 23 SSS rr Te ee es SAS ae ae sncereaeetat aaa iB EBB. PIPRE: She fact that your Prether was accased in ansther case, wanlid that effect ex influence your decision in this case? A SJYRCR: Ho, it wouldn't. BR. PITRE: BARBY one else? A JDBROR: I have a stepbrether who was involve in a barglary. BE. PITRE: Phe fact that your stepbrotker was ehargedg with a crime would that affect or influence your decision in this case in any way? A JEROR: i dontt belive so. RR. PITRE: RAY one else Khas any, any 2f your immediate family other than the ones mentioned bave ever been arrested for any sert of a ering? 6s: ' A& FUROR My son was errested as a juvenile. | | 16 i] 12 satiety asim ee 3 \_ meres sott Seg ar SSE ESN NT TA EI 8 TES ISON TE TT SES A TS a ES Would this fact, the fact that he was arrested affect or iafinernce your @ecision in this case? A JUROR: HO. BR. PITRE: Any one else? A JFTUZOR: I was arrested for D.W.1. BR. PIPRE: Would that arrest influence your Pecision? AB FUROR: Ho, it would Rot. MER. PITRE: Anyone else? AB JUROR: ZI have a hrother-in~-iaw who was axrested for drags. ME. PITRE: Would that affect your decision in. this case? A SFERGRs ue, it wouldnt. MR. PITRE: Anyone else? & JUROR: > brave a stavnbdbrether wko was me 10 il 12 13 14 sr ERO A pepo 15 | 16 23 24 25 26 27 28 BME. PITRE: Phe Lact that yeur stepbhrother was arrested would that inflaence your @acision in any way in this case? A FERORs > Ho. . BR. PIPRE: Do any of yon have any religious of moral seraples that would interfér with you returning a verdict of guilty should the ‘State prove its case beyond a sersonrhie asubt? is there anything im your background where you say EZ can't find - this man guilty if the state proves it? Would you please raise your hand and are there any of you that have aay problen. with the crime itself that would prejadice yan either for or ageinst the defendant or fer cx against the State i any way jast because the nature of the crime. Some pecple are strongly prejudiced against cert@in narcetics cases. Some 1] Mito noe, cers mereec rine ent sma SSRs meas 16 | i 18 19 20 nomena TRE COURT : eases. As &2 general rule you are prejudiced against all. crime bat the fact that this defendant is aceused of rape, would that “influéace you in such a sense that yor couldn't give him a fir trial? De any ef you feel that because he ¥2 is charged with rape, world cause or affect your decision in this case? Is there any reason thet you cauld give aus why you couldn't give the State ox the Gaefendant a fair trial in this cass, anything @2t all that world divert your atterntion away from tis courtroom for the next several hours today and may be into tomorrow. The victim in the ease is Betty Reff. Are any of you sitting in the jury box that might know this lady? Fhatts all =f have. Let me ask you one question. You a JURGR: say that your husband is a police officer? 33 ene iamnene ea a rt et 10 11 12 13 14 | 1s { 17 18 19 26 27 28 SS Yes, siz. TER COURT: £oask yor this question and generally, would you believe a police officer more than you would any other lay witness? rt is very important to know past because @ man is a police officer would yor believe him, weeald you be mere likely to believe him sr disbelieve hin i than any ether witness simpiy | because he is a police officer? As a witness suppose Ke gets up and says one thing aad another witness gets up and says another entire opposite thing. foaald you believe the opalice officer simply because he is a police officer or woald you give Hm give any othsr witness? i A JUROR: | I would probably be more inclined to believe a police sfficer Since I am married te one. .fHE COURT: Does anyone feel the other way that — Ww 19 il 12 13 14 bt in 16 ASSO, Poon oe omer SRI a, police officer could not he i yea unfairly. You feel Like a trusted just heeause a man is | @ police officer that yas would | | @isbelieve him, just the epposite? Ir thank you for your candor, ma'am. Mr. Fash, please. WR. FOSA: is there anybody else related to a police effiesr er anybedy in law enforcenent? A SURORs I have a covrsin on the police force. HR. TCOSH: Would yow relationship to the efficer as the judge says in . anyway canse you to believe a police officer more? A&A JUROR: Ho, BR. TOSH: fhe fact that yeux are &@ police efficer infinuence @n you the other? — A JUROR: Ho. related ts world have 2n ome way or | | i | | | | | | | | | | | q y ae 10 il 12 13 17 18 19 20 22 23 24 25 26 27 28 ST SS ta A ere celeste ee eT memset tee an eae pemens nee nee east Be you have occasion to discuss any cases with your relative? BR JUROR: Ho. BR. TOSH: Anybody else? A JUROR: i have a compin. z don't know exactly tKnow the title. it is in Jefferson Barish he works elosely with the Harry Lee administration. ER, TOSH: Bo you know his name? & JUROR: William Norman. BR. POSH: Again we go back to the Judge's questions. You are married to @ police efficar. De you think you ¢an sit here through the testinony and give ue a fair an@ impartial trial. Yau mast a4ecide we are here for se thing today. That is justice, and i= you feel that you are prejudiced, we have to know now. We appreciate an honest 16 17 18 19 26 27 28 SERENA TS NLS DEIR TT SR I SR I RL eR SCS SR Ae A JUROR: Like E£ said voreviousiy, that I would be inclined to believe the police officer mare if he made am arrest F would be inclined te believe him more. BR. TOSH: Dees anybody else have relations in Law enforcement at all an@ are prejudiced. an any.ikind of way? Bk. POSH: You work for the federal government, is thet correct? A JSURGR: Yes, BER. POSH: Pune tepartment of agriculture was o that a enforcement type agency 2t all? A SURGE: Ho. BR. POSH: What about yeu, sir? Mr. A JUROR: Department sf Labor. HR. TOSH: Heaman? You weren't in any type af law exntoreenernt? 28 29 POA he re ES EST oa a ie Soc Rita TR ne caer ee \_ - I | ; | , | Bo. ‘ BR. FOSH: ‘ i fhe Judge explained to you that this is a indictment, but it is mere piece of paper that allews the system te opezate that brings the defendant, Mr. Alexander into the courtroom te allew this trial. Does any body here have any problem that this is ofly a piece of paper that this is ne way Saying that he is gnilty wf anything Boes everyone under- Stand that? YThe dudge aliss wal cond to Fou that if tke trial ware toe tease right now that the defendant with the presumption o£ innecence would be acquitted and found not guilty. Dees: anybody have any preblem with that? I didn't see any heed shaking before. Z kind ef had my back to you when the dadge was asking you some questions. Dees anyhodty have a probler; some times thie presents 4 problem. Wo preblem at ali? 44 na ’ herd oe i sgn nn tr ce NN ee RR te reno Pe \_ . \_ & ‘oa i~ © li 12 16 17 18 See LSE YER neacamseensceene i To ene: SSSR SS SEI NR, RS ee eR LE SSA STG TiS RT Sa fhe Judge also went into reasonable doubt and f am not going to belahor thr point, more when it is time te charge ; you with the charges and the | law that you have to follow! | The Juage says you can't prove | absolutely that something is | a fact. Which is tree, but in a criminal matter, if there is a@efendant did not commit this crime then it is your sworn | duty to aegqauit him. Now if the | State came in here and proved may be he @ig it ar there is a Likelihoca that ke dia it, bat aid not prove heyond a reagonable donbt, can you take it upos | Your sworn duty te aequit this man. bOses anyhbedy have any problems because that is important because this man\*s life although he is not facing death, ke is facing the rest e£ his life in the penitentiary. How I wast a £air trial ard sa 15 bet ON SAIS ER RO SR a as es 17 18 19 21 22 23 27 28 Sa Judge. We just want you to listen to the testinony. It ies going ta come from that stand and be able te follow the law that the judge gives you. No provlea with that? Sonetines there is a problem with jurors that I have fedad that yeu are going to be given the possible verdicts. Ope of the verdicts is mot guilty, but 4£.is any event that you fired that the state has proven its case beyonsd a reasonable doubt you are going to be asked to fina the defendant 2ot guilty. = wold prefer the term would be acquittal bat that is not the law go I wereld kave to try to explain this to you. Be you enderstand that if the Stats has mot carried its burden; tke State has the barden. We don’t have the burdes. L£ tke State has not carried the burden, bet yor feel there is a. possibility of guilt and you are going to have ts come back peat ee enema SS TL ai ae aI re Le EE serosa sm sees tf LIAR TSS BEE ICTR ATS SS Sasa ee Sha sae tera You dontt have to find him mot guilty if you acquit. Yeo have not found him guilty. understand that. Any problier with that and the Judge aid mention that the deferdant has a constitutiernal right to stay sight where Re is seated and not take the stand and no matter hew curieus yor are as to what he might have te say, the decisi is going to be mine. Whether I let kin take the stand ox not. Ho matter how curious you are, if he doesn't take the stand will you hold that against him. You understand he has kis constitetional right just as if you were on trial today, you could be seatedthere and would not have to take the gtang to testify. You understan that? Any problems? Ho further questions. SHE COURT: Will yoa all approach tke bench, gentlemen? (CONFERENCE AT FRE BEECH} | “ ! | | if 10 il 13 14 15 16 20 21 22 23 | 27 28 EE ST RE EST SS ee: Sa ote srt cpap memes ences erent ep Alxigkt, Ladies and gentlemen, this is the first of a number of so-called bench conferences which we discuss matters with the attorneys that if were aiscussed before you might be prejudicial to you. xt is not because we feel like we pave any great magic or anything else. It is just that we diseess it cpenly before you it might ivdicate something to you and make you prejudiced in the case. Bow, ladies asd gentlemen, we are going to the peremptery challenge time and as f indicated te yeu before for ‘ } Some reason the district attorney : : | or defense cannasel may net want you to serve in connection with this case. it dees not demean they have elected nst to have you as a juror. It simply means for some peculiar reason? yee have « motion in cennection | you in any way. Simply because | | Nrs. LeBlanc? O V7 18 § 19 20 SE RE EE STS UE SRST i AR RSIS ORR SE DN aTI se sasriprmmers gssresmemesttes RSIS SSE TEE yarns LeBlanc for cause. FEE COURT: BR. PRE Ba. THR MR. THE I think under the circumstances ske has been gerfectiy eandidé with as and £ think it would be an anfaizr trial if we have @& police officer’s testimony ard if ait is clese it might have yoa wondering in yorr own mind, to make sure, you are act prejudiced, we are going to excuse you, now, Hrs. LeBlanc. BITRE: | Phe state would thank and excuse Mr. Samuel Keller. COURT: Mr. Keller, you are excused with the Court's thanks. PITRE: clifton Daigle. COURT: Hr. Daigle, you are excused and we thank you for coming. PITRE: Anne bavis and Carles Piper. COURT: You are exeasea with the Caurt's thants. We appreciate yor all | | | are te retarn te the jury room. BR. FOSE 5 Ez would Like to thank and excase No. 66, Nr. Heuman and Ho. 115, Ms. Smith. The balance is acceptable to the defendant. 4 THE COURT: Alright, ladies and gentiemeaa, just stand and be sworn in as jurors at this time. | | THE CLERK: I Raise your right hand. bo you solemaly swear to try this case in a just and impartial manner, to the best of your judgment, to render a verdict according to | | the law and the evidence? (JURORS RESPONDED Zz BO} | SHE RAILIFP: | Boa. 221, Mr. Alfred Hequet. Ho. ! 262, Mr. Mark Datri. Meo. ial, Bs. Lind Hudson. Reo. 137, | Br. Geerge Brunk, Ff. Ho. 143, Ms. Shirley Jones. No. LIF, Mr. Pennwitt Ragquin, Jr. Ho. 215, Mr. Herman Gaigle, Jr. TEE COGRT: Alright, ladies an@ gentlemen, ali of you have heard the questioning ened 16 17 18 19 Sa ras macases ir re EE ——\_———s= | that hag been askeal you prior | to this time. Are there any questions that I suggested concerning presumption af irnnecence and the duty ef the | State to prove beyond a | xeasmable doubt the quilt. of : Mr. Alexendex in order to eonvict him and if you and if | the State does met preve that beyond a reasonable deabt in | your ming you could acquit him? | ts there anyone whe could not | yender that? Is there anyone | that feels lixe that mr. Aiexzander is here and he doesn't take the stand, that yeu weuld hold it against him and be | { | : | prejadiced against him simply j because he didn't take the stare. De any of you feel eimpi¢g because Sr. Alexander has been accused by a indictment that means that ke is guilty. in other words, they wouldn't have arrested kim if he wasn’t that way? Alright, at this time, ladies and gentlemen, we 442 ae seen guilty. Bo aay of you feel : s | | 23 24 25 26 27 are goizg te send you to rrr er ree innch and I ask you not to aiecass the case, but one of the things you are going to ‘leara as a gaage and that is What you are going to ba for th next day ef so. You don't make BD your mind until you hear the last shread eg evidence. Fake it from me. I have been @ judge fer about six years mew and IT am going to be a judg awhile @nd yeur decisicn is just as important. E gust Want you to onderstand you eannot mke your mind up antilk you kear the Last shread of evidence so you start talking now and you start making your | mind up asd 4iscassing it and Fou ail reach a accord ex one | poist or another thea you may | very well be prejudicing your | ewn mind in reference to what | Bay come in the future. $5 I will ask you now te go to lunch and one other thing if anyone shoeld talk to you about any a eg ee 9 a en 10 - ii i2 43 J4 ve pena naee omer peers emo: Ley opera oR are Sannin to do with this, please let me Know 25 Scon aS you return and likewise you may see ur. Pitre ex Mr. fosh and they say geen to aveid you and ast speak to you and you may say what is the matter with that saob. Just! because he is a attorney, he ean't talk. It simply means that they are obser¥ing the ethies of the profession. -Phey | | cannot attempt to s“sy"you by | txying to be Mr. Bice Guy or otherwise because you might | have somebcdy handing candy | and kbeze's af cigars eat in the hali. If you see Mr. Fosh and Hr. Pitre in the bali, they will probably look right past yoo simply because they are ebserviag the rules Bo don't hold it against them if you see one of then in the hall and they are not at least bit ecoutessus ta you. Alright we are going to break for imnch.- (ssry aps8%en zor LUNCH) (JURY RETURNED): PRS COUR? s 53 Fe ee on . stam ’ 5 EERE raat -¥You waive the polling, gentlemen? ER. PITRE: . Yes, Your Honor. HR. Foose: Yes, your honor. | THE COURT: | Alright, ladies and gentienen, we | will preceead with the eoneetind woir-dGere, the lock and speak | to portion of this trial. The i mew jurors please give us your vital informatics, whether yeu are married and single ard your 15 eeccupation, et catera. BR FFRORs: TS can Seabee NI GS EER A OI A RIT TS super tis: aoe EES My mame is Alifreé Meqaet, forty— foer yeaxs oid. Z Live at 6015 Rirline Highway, Metairie; Iam married. =: have six Mebile Hame Rentais, Ine. z Rave Lived in Jefferson Parish for six years. A&A JUROR: children. I work for Lowisiana | | My same is Mark Datri. I Lived in | dgefferson Parish sixteen years. I am twenty-one years eld. am etuneta: F wark For Sperry Ww 15 1€ i7 18 19 26 26 27 28 SS SS ES ES SES SE OS ag Hy name is Linda Hudsen. ft have Live¢e in Jetfersan Parish about thirteen years and x work as a teacher. I am married for Six years and havé no childres. A JUROR: My mame is George Brunk, Jr. I am fifty-two years old, presently employed at Avondale Shipyards. ZI lived in Jefferson Parish for six years. A JURSR: | My name is Shirley Jones. I have beer liwng in Jefferson for over @ year. I am single. A guROR: My name ig Penmwit Naquin. £F have been living in East Jefferson ‘Parish ferty-ome years. I have been married fifty-one Fears. I have forr childrens and I am retired from sales. A JSUROR: I am Herman Daigle. I am married, i have resided in Jefferson Parish three years. I am an automobile mecharic ak. $n rr rr nee Rt ee — a a rN A gn we tL ng ER ne 13 14 15 18 19 20 or nance om a STO SR ae ee et SRSA ES SS RR. PITRE: Have any of your menbexs ef tha prospective jury ever served on a jury before? A FRUROR: x did in Opelousas. BR. PITRE: How leng ago was that? & JUROR: About a year and a half ago. HR. PITRE: . Was it a civil or criminal case? A SUEGR: civil. BR. PIPRE: Anyone else? Hr. Baguin? AB JTROR: Z served on a jury about twelve or fourteen years ago ard I have been on a petit gransd jury Last year. MR. PITRE: Have any of you ever been the victim of any sort of crime sf vielence or has anyone in yenr immediate family ever been the vietim of a erime of violence? Has any ne 16 ii 12 13 14 Se SSS i Ras ever been arrested for a crime? A JBROR: My brother for theft. BE. PITRE: The fact that your brother was arrested, would that, in fact, influence your decision in thiz case? A JUROR: Re, sir. BR. PITRE: You had your band ap? & JBRGR: My brother was arrested for D.H.I. MR. PITRE: De any of you have any religiess or mexal beliefs that woulidn’t allew you te return a verdict ef guilty as charged if the State provea its ease beyond 2 reasonable doubt? BG any of you have any beliets that would not allow you to find the defendant guilty under those circumstances? be any ef you hava any prejudices because of the nature ‘o£ the erime 19 i 12 17 18 bo 2 SS ST SII Tata eer are (ne et en te is charged with rape? Tke fact that ha is eharged with Fape that you conldn't give the State as well ag the defendant & fair triate That‘s aii x have, TRE courr. | HEY. Yosh, yeu have SRY questions? | BR. Tose: | All ef yor were Present before when | X asked about 2BY relatives in law enforcement. Dees this | apply te anyone here? wr. Baiglel? R JURORS Xi have a Sister-~in-lay that is a deputy with the Jefierson Parish Police Department. ER. POSE: ZB what Capacity dees she Work? A JUROR: | 7 | She was a clerk and a Suard at the Prison, : #R. Tosa: | Be you discuss any cases with ker? | A SEROR: Ho. BR. ToOsy;: Would that have any influence On ¥on 40 $2 ae ney vel 10 ll 13 14 16 17 18 24 25 \_ 26 27 making a decision in thie matter? A JGROR: Ho, six. BR. TOSH: Yoa feel that yan could put aside the police officer as testified. You would not held kim in any Gifferent Light then iz it were a lay witness? A FUROR: | Yes, sir. HR. FCSE: a. Jones, you heard mea go over ali of. this information about the indictment and you have any questions abont that? & TUROR: Ho. I don't. BR, FOSE: Bo you hwe any preblems with the things ZI covered earlier as far as the @efendant not taking the stand? & FURCE: BGBe BR, POSh: Hoes anybody have any problems with a | | 13 14 15 16 Sn stent nee pete ea reemer e SSE OOS TS ETN SE Sattar aoe oie a ere eee eee SSE ES ST ce ae SS oe MR. FHE BR. FHE THE ee ne ry re PITREs Phe State would thank and excuse Linda Hudson and Shirley Jones. COGRE: Ms. Hudson and Hs. Jones you are excused with thea court‘s cnanee POSH = Your Honor, £ would thank and excese Mx. Kaquin. COURT s Mr. Baquin, you are excused with tke | Ceurt’s thanks. | TOSHs: fhe balance is acceptable. COURT: fhe jurors whe have net been previsus ¥ Sworn, please stand at this time. & FUROR: I believe I know the defendant, = believe £ wert to school with hin. TRE CcoURT: wouldn‘\*t he able to render a fair and igpartial verdict in this matter? & JURGRs EZ don‘\*t know him that well. 66 ee Br Etat Z, ! \ | | Do you know him so well that you | i = 10 11 42 43 14 15 16 17 18 19 20 21 22 26 27 28 Sle eS RT TE TEER COURT =: Any more challenges or objections? Now is the time before they are sworn. FHE CLERK: Reise your right hand. De you scleunly swear to try this case in a just and imprtial manner to tka best ef your jadgment and to render 2 verdict according to the iaw and the evidence? | {JURORS RESPONDED I FO} THE BAILIFF: Ho. 263, Hs... Patricia Palermo. Re. $8, Es.\* fomi Gravois. io. 6i, ur- Holan Dess. THE COURT: Can I have the gentlemen at the > benck. (consEREnce AT HR BREECH} THR COURT: What is your name please? & JUROR: Thomas Purves. THE COURT: Mr. Purves. yoa spoke to me just before the jurors went to \_ nn rn re tn nt RN A i Fm eg A ETO wv ecm Sa ST Stare ee asc Ye es te as eS ANS TT PRR ST: are ST I te me that you kave not Lived in Jefferson for a year and @ half? & FUROR: Yes. THE COURT: He is not gualified. Zt am going to release him enless T have a objection I em going te release him at this time. HR. FOS8=: Ne ahjectionr. BR. PIPRE: Bo objection. FEE COURT: You have small children te pick up, Ha. Sapn? A JUROR: Yea, they get home about four ofciock THE COURT: We Rave a general motion. MR. PITRE: She is already a juror. (CONFPRRENCE AT FRE BEECH} TAR CGOUR?: Alright, on a jsint metian by beth counsel yeu are excused, Hs. Sapp. Please give that a A AE Mr a i a NN nr eR et er een bo 10 i 12 13 14 18 19 20 {SSS eee upstairs. TEE BAILIP?: Ro. 17, Mx. Kenneth Meredith. TRE COURT: Row we have had a number of discussions with previously selected Surore ard we have asked them a sumber of questions ecoacerming the Presumption of imnocence. Deo each of you understand that 4s the trial ‘starts the defendant, the aceuseGé in this matter, Ne. Alexander is as innocert as you are sitting in that box and @s IT am over Bere. DO eRch ef you reqaire the State to prave beyona a reasonable doubt the guilt of Hr. Alexander and Lf they cannot prove hie guilt beyord a reasonable doubt that you will find him net guilty Gr acquithim., Hach of you agree with that? Be you understand likewise the defendant is cicthe With the rights of the fifth anendzent of the Wnited States Constitution. that he need not - Eg a ST GEE EE CE eas Sa reee TR ee | | | : | | defense. bo any of you feel Lf he deesn't make a statement in his own defense that probably means he is guilty and Ehat teints your feelings towards him because fhe Sid not make a Statement. Po each of you | | | understane that he is not reguired to pat wp a defense. | He has no @ety in this case | at all, but he may if elects to and if he does: not do that | would goa feel Like you would | taint your mind against hin? | Is there any of you thet feels | sinpliy because ‘Nr. Aiexander has been indicted in this case. Im other words, he has beer accused that he is probably guilty? Dees anybody have a faeling of prejudice in their mind because he has been arrested and accused and there may be occasion where the 1 Court will admit certain | evideace in the record, tke Fact that it bas been admitted iate the record does snot mean that the Court approves except nader 64 Rey Ma e i 17 18 19 20 SS a a a a cE I Sens a TS aL NL TS EET TORT NE TRS TTT aT KR FUROR: My name is Patricia Palerme. =f have BA JERCHEs By name is Tomi Gravois. I am a the evidentiary law. It meets the test of evidence. If is not a coOnMent by the Court that it is good evidence or had evidence ox otherwise. It simply meets the test of mlevance and authen-— ticity and sa forth and so on. You are to make up your own mind frem the testimony and the evidere. Bo any of you fer ary | cause feel like you cannot | render a fair and impartial verdict in this matter based on the testimony and the eviderce presented to you in the case. Alirigkt, weald yow please give aS your name and status please. been a xvesident cf Jefferson Parish for seven years. I am & Barkers Offiee Manager. f have been married ten years. teacher in Jefferson Parish. I have lived in Jefferson Parish for approximately thirty-five wo da RE NL TS Tap a Te nv 17 18 19 STEEP Ds SRE ameter cts eter SS TR A JUROR: My namé is Kenneth Heridith. x Ae ENN Oe a Fa A coe Lived ia Jeiferson Parish twenty years. ft am single. A FURGRs. . Bolan Boss, Jefferson Parish Scheol MR. Board. I am married. I have three ehildren, I have lived in Jefferson Parish twenty-five years. PITBEs Have any of yoa new sembers ef the panel ever sarved on a jary befere? Have any of yor or immediate: members of your family have been arrested for any erimes, A SUROR: wR. Z have two brothers that were arreste PITRE: The back that your two-brethers were arrested would that atfect or infleence your decision in this ease? . A SUROR:. won eer ee HO. 0 70” Se MR. PIERRE: Rave any of you cr any members of your immediate. Zamily ever been “ gems a fat J weed ~ 66 -:. \_ : | 19 il 12 13 14 15 16 17 18 19 20 21 26 27 28 | SS SSSR RSS SS SS SSS ES SR ep nt nnn aes BR. A FEBOR: the victin of any cexrines? Be any of You kave any Feligiors or seral belis£ that would efiect or influence your ability toa find the defendant guilty iz the State vroves them guilty beyond a reasonable doubt? in other words if the State proves its case, is tee something that would prevert you from saying in the ecourtresm you find then gniity. Be any of you know elther the defendant or the wictin? ke victim in this ease is Betty Nefi and the Gefendanct is Maleoin Alezandec. Br. Meridita, you know Hr. Alexandar? How €9 you know hin? i went te school with him. The fact that you krow Mr. Alexander PITRE: ang went to schoel with hin, would that effect or infieence your @ecisiaa on your ability 10 il 12 14 15 16 17 18 19 20 21 22 23 24 26 27 28 wv a a SRI NE I LT PRI TC I Fe IN IN LTT aD TO verdict? BR JEROR: Ho. SBR. FOSERs Is anyone here related te anybody in Law enfoxcesent? MR. FOOSE: Zn your aapacity at Barkers, do you Rave apn eceasigr to be involved | Wits the arrest ot shoepiifters? A JUROR: . RO. HR. TOSHhs Mx. Doss, I am going te ask you the question. The State has the burden of preef. TF the State does aot prove its case beyond a reasonable doubt, do | | | | | ' | you feel that you conld come | back and find the defendant, | Malsolm Alexander set guilty? A soRoR: | Yes, sir. HR. POSH: | Can everyone gc that? fhe fact that tke defendant may or nay net take. the stend if ke Beaniganr ent \*€2 \* axe the Stand, we bed in 16 17 (ee Si ess TEES ee ns = SS a SN SORTA TOT ASE him? ME. POSH: Mr. Doss, again, TI am going to have to ask you. Phe judge is going te explain te you the law at the end of the trial. He is going to charge you with the iaw. Bo you feel that you coniad sit here and listen toe the gaagel the Law that he gives you, that you are to have to take the facts from the witness sand and yor wii Rave to go to the jury reom and deliberate and give as a fair trial? A JURCRs Yes, sir. BHR. FOOSE: i have no further question BR. PITRE: Fhe State at this time would thank and excuse Ms. Tomi Gravois and Mr. Kenneth Meriditk- TERE COURT: : You are excused with the Caurt's thanks. BE. TOSE: as -. 4 nom elhlUlUCOl KC RK RAaeoe 2rFrsa | | | | | | : | | 16 17 18 19 20 21 23 24 25 26 27 28 SST SE SSL SL ERR Oe 3 SSB Te EIT 7 PES COURT: Please stand Bs. Palermo and Mr. Dess. TRE CLERK = Raise your right hand. Be you solemnly swear to try this ease in a just and impartial Manner te the best of your judgement and to vender a verdict accerding to the law and the evidence? {JURORS RESPONDED I BO} THE BALLIPFF: Ho. 347, Ms. Maney Barphy. Ho. 86, Mr. J2ek Sigman. SRE COURT: You have heard the questions we have asked before concerning the presumptian af innocence and the reasonable doubt concept ef proof. Be both of you accord te Hr. Alexander the presumption of innocence that we hve spoke {JURCRS RESPONDED YES} PHE COURT: You will seguire the State te prove if it cana beyond a reasonable | ee w ud LA ~J] te td aS Sa SR RL IE oe some sre . SRM So toe SSR I a es A SSSI ee a a et ee in connection with the crime of aggravated rape or any iesso erime which I wil tell you about later on and if you find they have presented proof beyond a noaeghable geabt that you coulda fina him guilty? {JURORS RESPONDED YES} FEE CORY: Likewise new you will mot held it . agaiast the defendant if he dees aot speak ip his own behalf? is that correct? (JERCRS RESPOEDED FHAT'S CORREC?) THE COURT: Yeu understand it will take ten ef yor tea make a verdict in the matter and you understaad that at the end of the trial I will reag certain Zury charges te you. that wili be the law that £ am bound by asd you are bound By. You understand that? {JURORS RESPONDED YES} HR COURT: ” Alright weeld you give us your information please. | | : | | A FUROR: pe ud UW SERRE IS SS I SS a TTT ES bow Oo ee an & FETs RSE LS eras ead BO NO I TE ES tt A JUROR: BR. twenty-one years old. r= lived in Jefferson Parish for two Pood Sales, a food broker and I am sot married. My name is Jack Sigman. £ have Lived! in Jefferson for three years and f am |. @ales manager for Associated Manufacturers Agents. ‘I am married and have one ehilda,. PITRE: Have either of you proepective jursrse ever served on the jery before? Have either of yee ever been or any menber ef your immediate: family have been arrested? Have either of you ox any member of your inmuediate family been the victim of any crime? Bo you pave any religieus or moral issues that woald not allisew yor to return a verdict of guiity should the State prove its case beyond a reqgenable deabt? is there any reason why yeu can‘t give the State and the deeandant | | | | | | | | | | | | r | | | atlas LP eee wig ieee ees po 10 11 12 i3 15 16 17 18 19 27 28 semorteren ere See ER ET I the defendast or the victin? Fhe defendant being Malcolns Alexander and the victim being Betty BHeff? We further questions. BR. FOSH: Bo either of yeu have any relatives ex knew anybody that is in taw enforcement? A JUROR: My father ie a retired police efiiceri MSR. POSH: X am going to aak vou the same thiag XY asked everyens else, The fact that your father is a retied pelice sfficer, would tha have any effect on you rendering 2 werdict? A FIROR: a re re fit ra Ho, sir. BR. POSE: You wouldn't tend to believe a policeman just hecause ke is a policeman? A FUROR: We, sir. A JERCER: By uncie is a Judge. pot to STE SRE RIS SRST AN SNR saree meee ‘oO 7 <> Pema li 12 oat mas: SRI FS a ROSEANNE SEL STII Srerires Season as ee Se er Weuld that fact have any bearing on any decisien that you would make? \_& FUROR: HO. BR. TOSH: @he judge is going to explain toa yea at thes end ef the trial and you will have to go inte the tury reom and deliberate an@ digeess the case with each ether bet if you kad your pind made up after diseussing the facts that. were presented to you you have made up your mind, can you stick by that regardless of what the other jurors decide? You have your own eonvictions. Ef yoa feel whether he is guilty ex not goilty, you can abide by that regardless of the other jurors? {FURORS RESONDED YES} ; BR. TOS s Do you know of any reason why you Should@r tt serve? bBo you have aay problexs? Phat‘ts all the questims. a ET A Re ta fA A EP ON ee ea i ee eee ee oe ee ee can a ee yee eee pee eee he no wu 15 16 17 18 19 20 Tet SE eS IS SS <== Sars SS OTS Sea CSE. ROAST SS See epoca a Mx. Pitre? BR. PIPRE: ha are acceptable. EBS COURT: Hr. Foeh? HR. TOSH: Yoar Honor, the balance of the jury panel is acceptabie. TEE COURT: Please stand and be sworn. PEE CLERK: | Raise your right hand. te you sclemniy swear to try this ease in a just asd impartial manner tc the best of your judgment and to render a verdict according to the law and the evidence? {JURORS RESPORDED i BO} PHE COURT: | Hes everyore been sworn? {JURORS RESPONDED YES} PRE COURT: Alright we ere going to select the alternate jurer. PRE BAILIPEF: Ho. 63, Hr. Gary Phemes. TRE COURT: a nn tens ce A A NE A Re a ye ee ne eee er ie pe ne ait fend we fs a EE EE RIS REET Ga 21 22 23 Sa ase SAS ER rai A JUROR: Yes. TEE COURT: And if the State preves beyond a A JUROR: Yes. TEE COURT: Im connection with thie matter, Mx. eomments by the Court concerning the presumption of innocence. give Mr. Alexander that presunp-| tion of innocence, believing as | be sits now without any evidence| in this case that he is innocent I. as you and x am. The State is reqrired to prove beyond a reasonable doubt his guilt and if they carnnet prove this beyon a reasonable doubt, then you mast vote for @ sequittai. Can you @go that? reasonable deubt the guilt of Mr. Alexander, ceald you fing him gailty? Alexander daes not have to take the stand if he does not take the stand, weeald you koild that | " | | | | Po 16 17 18 19 SS SE aE CRS nee eee ee nee ee SFA EE I RL TC RES BSE EET BE RT TE OT I OT TCE SI OE SP I against him? A JURGR: No. SRE COURT: DO you understand that ke dees not Rave to aake a defense in this mater if he adoes not, would you be prejediced against him fer i { | i | | | | 1 3 i { | that? | BR JEROK2 : | Bo, sir. i THRE CCURTs Likewise in this matter, he has been acensed in the form of that | accmation is a indictment. Do | you believe that you still can | . i give the presumption of innocenc in spite of the fact that he has been in@ieted sr accused? & JEROR: Yes. Give us your neme and status, please. A&A JUROR: i My name is Gary Thomas. fF as a eertified public accountant. ZI have lived in Jefferson Parish three years. I am married and ne rs eee Sy eee po ere a a tr Se TT ne ER. PITRE: Have you ever served on a jury seseoe A SROR: Bo, siz, BR. PITRE: Rave either of you or any member of your immediate family ever beea charged with any sort ef crime? A JUROR: Ne, sir. MR. PITRE: Ras either of yeu or any member of your family been the victim of any crime? A JUIEGR: My father was beaten and robbed about a year ago. MER.PITRE: ghe fact thet hé was the victim of a erine, would that étiect Oz influence your decision in this case? A FUROR: I think it woald. BR. BITRE: The fect that your father was beaten A a nt viclently would prejudice you against this defendant? 17 18 19 Sie aoaa inte seme en net emery SN RIE RE SRT US PL BSE EIT TS REST SS ae et I thisk it would. OSH: BR. No guestions. THE COURT: Any motions, gentlemen? BR. POSH: ZI move that Mr. Phomas be excased for cause. PHE COURP: You are excused, Mr. Thomas. THR BAILIFF: Ms. Sheryl Robinses. THE court: Hs. Robinson, you have heard the questions that have been asked befre. Wenld you eaccerd Mr. Alexander the presumptien o£ innocence? A SUROR: Ho. fHE COURT: You mean you can't believe he is innocent as he sits there now? A JURGEs Ro. SHE COURT: Blright, step dewn. Call the next prospective jarer. 10 11 | { j 12 21 22 23 Ho. 206, Mr. Joseph Savier. TRE CCUER?: You have heard the guestiens that you Rave heen asked. Bo you believe in @e presumption of imkocence? Bo you presume Hr. Alezander to be as innocent as you are as he sits there. accused today? B FUROR: Yes. THE COURT: Would you require the State to prove beyond a reasanable doubt in ordér tao find him guilty? A JUROR: Yes. THE COURT: Ana if they do not prove him guilty beyond a Yeasonabies doubt, would you acquit hin? A JUROR: Yes. HE COURT: DO yea understand that he has the right to xemain sileat and if he does..aet Speak in bis own ae bekalé and does not make any defense in this ease, would you 4 bhai a ren 8a | | | a ne 1 ne ee rr ee Rt a ceca a ee ed ak RT pony 10 11 12 13 14 15 16 M7 18 Sao ne SESE RTT Seve tegen one ES TERE: Tea aaras ee peat ere nem fe tear Soae Fase a IS aS ee =e perme cpr mere hoidg that against him? A FUROR: Ho. nr tr 8 at er te ee THE COURT: Yeu understand he kas been accused by a@ indictment? You naderstand| that does not effect the presemption of innecence thet we have talked about before? That is a mere aceusation and has no wigkt of evidence at ail? You understand that? A JUROR: Yes. | { | | 2ES COURT: Could yoo held him clear of any | prejudice? | A FGROR: | res. | HE COURT: | Caulid you give ss yorr name and statas? A FUROR: | | My nam is Joseph Sevier. =I am thirty, six years cold. f£ hwe lived in Jefferson Parish for twelve years and I aa married an@ have two daughters. } nN G 19 20 2i rere Sa EET conse: 1 ena Re Ro Has either you or any member of your immediate family sever been the wietim of any sext of a erime? A SUROR: Would a hit amd run be a erime? i had three of these. About ten years ago, ene he got away and my truck has been hit twice in Eront ef my house by hit and fen drivers. MR, PITRE: Would this fact effect or influence your decision or your deliberation an this case? A JUROR: HO. MR. PITRE: weula it pretudice you against the @efendant, the fact that seme one struck Your car? & FUROR: Ho. HR. PITRE =: | Bave you ever served on a jury before? A SYRORs No, I haven't. MR. PITRE: 1 ' pa Kea iad 82 ie 1} 12 13 14 15 16 TR TE I EE IE RB IA NN TRS RSPEI bececesartet | | Bo you know of any reason why you couldn\*t give the State as well as the defendant a fair trial? & FUROR: No. BR. POSH Are you related te anybody in law enforcement? A JCRGR: | i | | | | Bo, I am not. | BK. POSE: | Yee hwe been in the Court when iI aske ‘all of the questions. ¥Yorid yon! answer vary on any of the questiens to such an extent that you ceulad aot be able to serve? 2% JUROR: HO. ER. POSH: fhe fact that you are a alternate i | j | | and mey not be called upon toe Seliberate the final suteome of this matter, would that prevent you from listening to the | evidence? | B JUROR: | Bo. | SHE COURT: i 12 13 15 16 17 18 19 21 | SS a aes ee reer ere 22 | 23 SS ce: watz MR. PITRE: Ne challenges. MR. POSE: He is aeceptabie, Your Honor. THE CLERK: Raise your zcight kand please. bBo you solemniy svear to try this case in a just and impartial manner to the best of yeur jedgment te render a verdict aceerding with the lew and evidence? A JUBEGR: X do. {COURT RECESSED} (JURY RETURNED) QE COURT: You waive tke polling, gentlenen? BR. TeSH: Yes, Your Honor. HR, PITRE: Yes, Your Honor. THR COURT: We: have talked in generalities concerning the presumption of innocence ana@ the reasonable G@ouht ef proct, that is required for the Ste to show guilt. of Hu, Alexander. How in cosmectio 84 a) yaa o . eC 11 42 ms ww 14 15 16 SS SSS SE IER TALS i ER RTT Cl tanger na remy ea Soi Saar oe SR aS ESTE SI OR OR a a a OT a AN ee teens po eee oo an | with this matter it is super important that we understand | | | that there is no absolete prost | But the sinple question of i reasonable @oubt. Prock beyond | a2 reasonable doubt, if you have | | a reasonable “Ub? gp your mind as ta the guilt of Mr. Alexaader after all the trial is presented with reference to whether or wt there was actual anal or vaginal intercourse and whether | Or pet that this lady was fereed to have sexual relationship with the defendant, whether she defended herself to the utmost ex whether she had a fear. She Was such great fear of major bedily harm. She acgquiesed and intercouse. fhese are same of the essential elements of proving the matter which Mr. { ! { let the man force her to sexual | ( Pitre will cleariy outline to you aad then you should find the man guilty. Then if they are act prgyven to you beyond a reasonable @oabt, you skhouid aequit the man. Bow first we ss E> ween omy 12 13 IRS 2 AE ER EB SR a aia A SETS, a 14 f 15 16 17 18 25 26 27 28 core ee rg eng will have a reading of the “indictment an& the plez2. Likewise we will then have the opening statements by counsel. Fhat is not opening arguments. They are opening statements by counsel. Now Mr. Pitre as the @istrict attrney for the State of Louisiza, must make an opening statement and tells you what ke intends to prove. Haw it is just @ statement on his part. Z£ he says ke intends to prove something by a witness or by evidence and deasn't go that, it is as though he kRasn\*t said it. £ is not opening argument. They are not trying ts argue at this time and you will recognize that aiter we go ints trial. After the opening statements by Hx. Pitre which he will give yor some guide like a xreadmap of where he inteds to go. it is just like a map and if he doesn't end up geing that way, then it is for yore to } decide after he gives his | ra i4 15 16 NN ta ww CN w om) res ee nae en ae ee SORTS, Steseee oo ae mobreget rE SARS RS GPITS A Ra TY SADIE TS REE RUE HRS Then ‘the State goes first because wili have an opportunity to make an opening statement. He does net have to make an opening: statenent simply because ke does not have tc put en a aefense, but agais we have @isenussed this! an@ this should not trouble you 2 A A A Et if he does net make an opening statement. then we will preceed|. after that to ge into the taking testimony. You will astice thet they kave the burden of proeor. They mast prove it. If we started with the defense, First ef all they would have to say there are se witnesses and that | would be the end of the game. | Se we start with the State who | must poet on evidence to prove | to you beyond a reasonable tend the gailit at this man and then after that is aver , then you will have the defense put on their case if they se desire to do so, Then because the State went fixst, it has the oppertuaity te go Last with the oO 10 11 12 19 20 21 22 23 24 26 27 28 because mo matter what I think Phereafter there will be the se-@iied closing arguments. Phe State wiki make a beginning eglesinzg argument, then Mr. Fosh will make a statement if he desires to do so. then | the State will Rave the oppertunity t5 make the final elosixze argument beacause it has the burden of proving the guilt of Mr. Alexander. We will grece in that order. Thereafter I will give you jury charges that will take abeut twenty or thirty minutes to rea@ te you and we will tern the matter over for deliberation and I say to you Row you are being judges in the case, trae judges in this case after the trial deesa'tt? make a Gare bit of Gifferenmce. Wheat does make a @ifference is what yos ali do se I ask you for yoar attention and I give you one of tricks of the trade ia the judging business and that is te listen and watch the witnesses roy ra Ua 15 16 17 18 1g tt ——— STREETS TRIS AUS Smee mares SSS ToS Rat SER ee cee eee ony = eseorgeece: ta take notes. You just have te Listen and absorb and then after the whole trial is turned over to yeu, you are to go in and discuss the matter and ft point out to yen again wait anti you have heard the last | | I | shread ef evidence before you | start making up your mind becaus 4£ you listen te two witnesses er three witnesses and you make mp your mind that these are good witnesses; the next witress that come in have a little bit sougned time. You might mot be starting at ground zero. You are starting at abost minus ten. So he has got to go a little pit farthex than af he- were you hear them all and then weight them altogsther. I know | that is gsing to be seemingly | @iffieult for yeu to do. Ir have Gone it now for six years myself and i have had a number @f cakes Gecided in the last four er five minetes, after several 16 17 | 18 19 20 21 | 23 24 25 26 27 28 TEE CLERK: The State sof Louisiana, Parish of evidence before yoe first of all Start making ep your mind and mOSt important not te talk abort it tam one another because if you ali don't agree that witnass one is probably correct than if witness Mo. 2 cemes along end telis the story a Little nero then you will say no. 1 wasn't that goed so wait antil you hear one and two and forr end five and how many they have so with that in mind I am going to turn it over to you for the reading of the indictment. wefferson, 24th dudiecial Bistrict Caurt, the Grand gurers af the le State of Lonisiaza, duly impanel @n@ sworn in and for the body of | Parish of Jefferson in the name eng by the authority cf the sais State upor their cath present th one Malcolm J. Alexander, late o the Parish of Jefferson on or about the Sth day of Boveber, in the year ef Gar Lord, one theusan 15 16 | 17 18 20 21 22 23 24 26 27 28 29 TEE COURT: MER. PITREs yape MP. Ladies and gentlemen, my name is Bob with force and arms in the Parish ei Jeiferson aforesaid and withins the jurisdiction of the 24th Judicial bDistrict Ceuart of Bovisiana, in and for the Parish of Sefferson aforesid, then ard there being committed aggravated | upon Betty S$. Neff, contrary to the form of the Statute of the State of Lonisiana, in such case made and provided and against the peace and @ignity of the State. Signed Ronald Loumiet, Assistant District Attorney on Bay 2, 1980: The indictment was filed.with the Deputy clerk, Garo. Be Marse ier aggravated rape, 2.5. 14:42, a trne bill on September 3, 1986. fhe defendant Malcoin Alexander appeared in open court fzepresented by ceunsel ane entered a plea of not guilty to the said charge. Pitre? Pitre. = am here ta presercute on behalf cf the State. tLovisiaha gl SS I SE ER fees eens 2a eT: NS ere, Soares ssa eee att a as Sten ee, Law obligates me to make an opening statement to explain the natere of the charge and the kind of evidence the State is gohg to present toe you to | prove the defendant guilty | beyond a reasonable doubt. The | defendant is. charged with | aggravated rape which is defined! in 14:42 in Louisiana Revised Statute and it reads as follows: Aggravated rape is 4 rape committed where the andl or vaginal Sexual interceurse iz daened te be withset the Lawful consent committed under any One oF more | of the following circumstances: | One, where the victim resists | the act te the utmost, but wneve! resistence is overcome By force or two, where the victim is | prevented from resisting the | act by threats of great and | immediately bedily harm | accompanied by apparent pover of executien or three, where the Victim is under the age of tualvue Bo 1b ou 18 11 12 13 14 15 17 18 18 20 21 22 23 24 25 26 27 28 particular case will net be concerned with that undex tweive years of age. Be will be eoncerned with the first and second subsections. As far as the evidence the State is gaing te mse the State's primary evidence are going to be witnesses that are going to sit in that chair and are going to swear to tell the trath and in adg@itien te the testimony of witnesses we are going to introduce certain physical evidence that we spoke about and may be documents and the way we expect the trial te proceed. Phe first part £ am going to eall police officers. IF am going to call the technicians who took the photogmphs, who gathered certain bits of evidence. Whey are net going te come in and peint the fiager at Maicoim Alexander and say he raped Betty Neff. They are going to come in and they will testify as to their prticipation 12 13 14 15 16 18 19 20 21 22 23 24 25 26 27 28 teok the photographs is going to tell you where he teoek the photographs, where, when, ana why and what is shown in the photographs. We are going to eall the doastor whe examined Betty Neff. We are going to at 2 technician as an expert, a Man whe conducted certain tests. We are going ts call the victim. She is gcing to tell you what happened. IT am not going to tell you that you don't need tc pay attentier ta ali of the | witnesses. You should p2y attention. In a rape case, you usually only Rav¥G ons witness and trat is the victin and I ask that you do pay careful attention to ali af witnesses. Pay particalar attention to the victim. Thee are not going to be any witnesse that are qoing to say we saw Maleolm Alexander rape Batty Meff. Phe only one we expect te say that is Betty Heff. The other witnesses that are going 10 | il 12 13 14 15 16 18 ig 20 21 22 23 24 25 26 PEE BEB. PEE BR. HR. TEE sertain evidence that Betty Heft is geing to give you from the stand and at the corneclasion ef the trizi we are going toe ask that you return a verdict @f guilty. Court: Nx. Posh, would you like to make as epening statement, six? TOSH< Yeur Honor, we weuld waive the oPening statement and rely on the presumption of innocence. COURT s Cali your first witness, sir. PITRE: Phe State is going to call officer FOsSes Your Honor, at this time I waid like to move the Court for a sequestration of the witnesses. COUR? : Any persons who are goiag to be a witness in this patter are Fequested and directed to step ints the hailway. here to remain until you are called in conrection with this case. 85 e456 1! 12 13 14 | 15 16 17 18 19 | 20 21 22 23 24 25 26 27 28 You are directed especially not to discuss your testimoay at any time with any ather party in connection with the matter from this moment forward less ana except the attorneys invoived. 16 il 12 13 15 16 | iv 18 19 20 at 22 23 24 26 27 28 DEPUTY RALPH PEPERONE,Gretna, Louisiana, was called es a witness and after having first been aviy sworn was examined and testified on his cath, as £Ecolloews: DIRECT EZAMINATIN BR. PIGRE: & Officer Peperone, by whom are you employed? A. Sefferson Parish Sheriff's office. & Bow long have you been ss amployed? A. Pive ang a halt years. 2. Bo you have occasion to participate in the alleged aggravated rape of scne Betty Heft? Bs Yes. q Would you tell us when and where the offense teck place to your knowledge? A Xt was at 363 Whitney Avenue, Gretna; it was Bevember &, 1975, at about twelve teirty-two p.m. 2. his was neer the middle of the day? A. Yes. 2 You were one of the First officers to arrive os the scene? A Yea, Siz. 2. feuld yeu tell us what you .observeé when you first arrived? | A. When I first reached tha seane I noticed the gonstraction ef the building. Zt was & Vanes. - is i 16 17 18 19 20 21 22 23 25 26 27 28 BRE. g g A. Q apset and battered. She bad alet to teil me. She related that-~--. BHR. POSE: Objection, Your Eonor. PITRE: Don't tell wus what she told you. Would you just tell us what you did in connection with anything she may have told you dering the course cf your investigation. Hs. Nefi gave me tke fescription of a subject which I Had already received from Readquarters while in route to the scene &A description of the perpatrater was dispatched. Did you broadcast any Gsescriptioca? i reenforcea the initial description. Mmald you give us the deseription that you broadcast? Yes. A black male, twenty to twenty-four years @24, six foot tall, a 165 te 178 poands. A navy-type blue watch hat, black wind- breaker with a rea emblem on the Left Break. He had a blue shirt, blue jeans, slight beard, neat appearance. How isong were yeu on the scene at that location? Potally I was thes about an hour and a half. Subsequent to your arrival, other officers 10 11 12 13 14 16 17 18 19 20 21 23 24 25 26 | 27 28 A. Q. A. MR. | & A | & Yes, sir. Could you tell us what officers came there? fwo of my Supervisors, Sgt. Jerry Karl and £ believe Lt. Dersey followed Dy --~-. MR. TOSHs Yeur Kenor, at this time we are going to chject to the reading of anythiag. SHE COURT: Lay a praper foundation. I am going ta sustain that objection. Purn the repert over. Please @on't read from it. PEE WITNESS: Fellowed by Fechnician Morin and Petective Dekoux. PITRE: While you were there did you observe Fechnicianr Morin Going anything? Yes, Detective Morin filmed the scene and collected some evidence. You were present when Betectivea Moria photographed the scane? Yes, gir, ET was. -What I have previously marked for identification as s-i through S-11, I ask you to lock at the photegraphe and tell me if you can identify them? >» 10 dl 12 13 14 16 17 18 19 20 21 22 23 24 23 26 27 28 a — Q. A. Q Would you start with the phetographs that is marked s-i? g-l is the front of the antique shop. S-2 ere Ye s =—s is the view to the shep through the front door out to the street. S-3 is a work table with a white cloth that was coilecte as evidence. §-4 is again the sane table. You are getting a different view of the cloth, including the back wall of the beilding. ¥hat is also the check-out area of the shop. 8-5 is part of bathroom, floor where the crime which alleged tock place. S-6 is again a shot into the bathroom showing the items used to block the door. S-7 appears to be a shot from within tke bathroom down the hali. 5-3 is ashot cf the back door which is barred from the inside and iocked. $§-10 is a show of the interior of the shot showing the door leading into the hallway from the shop itself to the back hallway. S-1l is another shot of the bathroom itself, leaving a bobbypin and ancther piece of evidence on the ficor. you present when those photographs were taken? sir, i was. De they accurately depict the scene which are \_ os a a es ae 12 13 14 he ou 16 18 19 20 26 27 28 Yes, sir. During the tima that you were still on the premises and condacted the investigation at the scene, did anything unusual take place? ¥Yes,sir., one of the assisting wenits breught back a person fitting the description of the perpetrator whick was within the first ten minates that we were there. Wodd you describe the person that was brought back to the scene? Yes, sir. He was a black maiec about a hundred Seventy pounds, six feot tail. “A glean shaven man, short hair, dressed in jeans angé a black windbreaker. The windbreaker @id not have a emblem on it. We asked Mrs. Beff to lock at the subject and we were about twenty feet away from the man lsoking through a window. She definitely stated that was not the man at all. Phe first man that was breaght back was it Ralcolm Alexander? WO, sir. pia you conduct any other investigation at any other location? Ho, sir. Phat was the extent ef your particimtion? Yes. 10 11 13 1¢ 15 16 17 i9 20 21 22 bo Wa 26 27 28 | €R. lo. BR. a No further questions. CROSS EXAMIBATIO“ POSH: Gfficer, when you were given the initial description of the alleged perpetrator was a description of any mode of transportation given? Yes, sir, an orange ten-speed English racer type bike. he suspect that was brought back to the fene, you said it was ten minutes he arrived, was that person on &@ orange ten- speed hike? Yes, sir, he wae. Did you ebserve personally the conditica of bis pants? Were his pants unzippered? Hot that I know of. You Gidn’t actaally bring Rim any place. You were at the scene? XI was at the scene, yes. MR. POSH: Mo further questions. RE-DIRECT ZXAMINATIO“N PITE: fhe person that was broaght back to the scene completely filled the descripticn of that breadcast? Bo, Sir, he @id ast have the emblem on his > a 18 19 20 21 22 23 24 25 26 27 28 About how long after the broadcast went cut tht ke was brought there? About ten minutes at the longest. BR. PITRE: Wo further gqeestions. we 10 11 12 13 14 15 16 18 19 20 21 22 23 25 26 aT 28 was called as a witness and after kaving first beer daly sworn was examined and testifed on his oath, as follows: MR. PITRE: & om © m o & P # p> PP DEPUTY LAWRENCE MORIN,133 Gardenia Lane, DIRSCT EXAMI BATIO“N Officer, can yer tell me by wham you are employed? Jefferson Parish Sheriff's Gffice. Zn wheat capacity? A erime scene technician. Bow leng have you been sc employed? Four years as 2 crime scene technician. During your employment with the Sheriff's effice, did you have occasion to partici- pate in the investigation of the alleged aggravted rape of Betty Hefi? Yes, sir, I Gid. Could you tell us what you did? When I arrived at the scene EF collected evidencr and teek photegrarhs. And where was the scene and the date? Fhe Sth of Movember, ‘79, at 363 Whitney. Do you recall #¢ what time you arrived at the scene? At approximately 12:36 p.m. Im the aftarnosn? Yes. 12 | 13 14 19 20 21 22 23 24 26 47 $2 P @ initially I photographed the scene and eollected evicence. When you say collected evidence, what sort evidence? A sample of hairs from the flecr in tke bathroom. A towel onthe counter like effice area, of the business. Phe items that you collected, did you teil what yeu did with it? hey were turned over to the crime iab for analysis. Those eleven photographs in front of you marked S$-1 through S-~il for identification, would yor lock at them and tell as if you can identify then? Yes, six. these are the photegraphks that I took on that day. Bo they actually depict the sene shewn ia thos® photographs? Yes, six, they de. On that particular day. November &, 1375, you go to any cther leecations to perform any other sexrvicee in connectien with this case? Bea, six. of an BS aid On any other date, did yoo perform any other services in ccoansetion with the investxyat isa? Yes, six, EF took scone photegraphs of a line-up be ru Ww roy 2 E am going to show you some phetographs wrked. fer identification §-12 through S-16 and I ask you to Lowk at them and tell ee eth an ee see retricerreretenrememen esse er me if you can idestify them, please? A ¥es, sir. These are the photographs which Z took. a Be those photographs depict the sesne at the time? A Yes, a Gther than what you testifead ta, did ¥ou A No, siz. SR ae Sa OI los et pes sat he eis el Na ee ta set tr at al fe eet iro tainso, BR. PITER: No further guestions, THE COURT: ur. Tosh? Cross EXAMINATION BR. FOSE: &. officer, what is your fanction when you eellesct evidence at the scene, what Saco chs asootrdiehone me aerating sheets generally do you aco with it? Fer what > Shtnemieotet purpose? 1» For comparison ané analys's at tke crime lab. Je So you picked ap certain items at the scene | and sent them to the crime lab for ' analysis? ba Yes, sir. le You didn't actually participate in any of reenter these analysis? L606 t t SE ea Ea tam et ene aa, pee 22 23 24 25 26 28 —— SS RS SR Ho, sir. BHR. TOSHs fio further questions. MR. PITRE: Bo fmbther questions. nena ernmennann eres rn rene mene a a aun e ene mete arate a meee cere earran ~ SSS ho sane tee SIS EE Sas TY oo PSL ESE IETS RN TTT SE Somes aa retest eA O'HETIL DBNOUK, JF2R., 299 Haey 2. Long Avenue, Gretna, Louisiana, was called as a witness and having Frst been do sowrn was examined and testifie@ on his oath, as fellows: DIRECT EXANINATICN BR. PITRE: | €ould you tell es by whem you are enployed? geftersen Parish Sheriff's office. | In what capacity? E am a2 khomicide detective. Sow long have you been seo employed? One year, sir. eo pr PP PF iavestigation of the alleged rape of Betty Heff on Hovember 8, 137537 fu Yes, sir, I aid. e. Were you considered the principal officer in charge? A. Yes, sir. 2 And would you tell 2s what happened frem the time you first came to the investigation? Aa Seginning with the arrival at the scene? MR. PITRE: Yes. THE WITNESS: We arrived at the scene about 12:30 | | | | | | | i | | bid you have soceasion to participate in an | | | | { | t | 1 | er 12:45 that day. sevorvievea | | Mrs. Nefk and we breaght her Se er Ww eae: 14 vo w 16 17 18 eeermene sy: Serr ere: i |S. 2. EAR ES I P - e a PIES identified no one that day. #. Badward Hebert EHEospital. Secured a stateent from Mrs. HRefLf and we constructed a composite drawing the alleged perpetrator. She also viewsd nuamereus photegraphs while at the investigatisn division she While at the scene on Whitney Avense were you present when any suspect might haye been brought there? Ho. sir, 2 was not. IE @id find out his identity and showed a picture of him te her at a later date. Would yor tell us abort that? Yes, sir, subsequent to the initial day ef the iavestigation i talkea to one of the polies officers who was en the scene before I was on the scene and I believe that was Sgt. Sherman of the Sheriff's eifice ané he stated that when they rad Brought this first man back to the scene be bad gotten the man’s name. He gave ue the man's name. 2 believe it was barry Ledet. I secured a phoetograph of Mr- Ledet and made a line up er six color photographs and showed it to Mrs. Neff Later and she said positively that was hot A a ee et eT mer ean emt rence anraf + pe ae t P mer A W errerree AN a Ae ann i ll Oc et en ee i eA a a a Ba Bf RN att ry Ww EC 15 16 17 FLEES OSE SSE RE TS I g. A. 2. photographs. You said that you took Hrs. Neff te Baward Bebert Hospital? | Yes, sir, 1 believe so. I snow you two photographs which are marked for identification S-17 and $~18 and ask you to look at them amd tell me if you can identify what is shown in those photographs? | Yes, sir. I ¢an. This is the victim, Mrs. Neff. his is taken at our office of the date that it eccurred. You were present when these photograps were taken? Yes, sir, I was. Does it actually depict what is shown on the photographs at the time you were there? Yes, sir. You told us about the photegraphic lire up. ke man that was brought back from the scene;was there any other phategraphic line up conducted during the course of the investigation? Yes, sir, there was. There was one in particalar that I remember. A man thet Mrs. Neff had seen later in the month frem a @istance and she thought this man , his general appearance might have been the aa a et a I A ET FE PETE ET ET BE 17 18 19 20 | SSS ee esas ees a es © e ? = bis faee. She just saw a figure from the Gistanes. The man was employed at Superior Pentiac. ££ found threugh investigation.the man's mame. I secared a photograph of the nea, showed her a line up consisting of five er six photo- graphs. Zz think it was five photographs with that man‘ts photograph in $t and sho said no, that wasr\*t the man either. No body in the photegraphs ieecked Like the man. Further investigation reveaied the name of Malcolm Alexander ae a poessib suspect on the Sth of Pebreary. I showed | | | : | Brs. Neff five color photegraphs including the photograph ci Maleoim Alexander at which time Hrs. Keff without hesitation identified the photograph ef Malcolm Alexander as the man who perpetrated a rape on ker. | | These photographs that you jest described, wiil Yes, you tell us wheat you @id with then? sir, Z filed them as evidence with the eriminal sconrt\*’s office. . I have here a envelope which bears the Kumber ¥es, 34208 with the receipt on it. Coa#ld you teli ase 4£ you can identify that please? B@ixXe Would you open the envelope and sould you teli si i tt a me OY ne te cl et Oe an dee ten RR end aoe es ean A nts i a | NN FEE TTI 10 ii 12 13 14 15 16 17 18 19 20 Be er a nem oS A om SEanaSeTEt STE apemctees en See [es a. Yes, Were Yes, therein? sir, these are the photographs that x showed Mrs. Baff on the Sth sf Pebrnuary 34th of March, 1986, at 1:09 p.m. That i | and the 24th of March. It is marked the | | is when she viewed them an@ signed the | ae i back. She signed the back ef the motograph of Malcolm Alexaner and initialed the : eather photographs. there any other identification procedures | that you attended invelved in this case? sir. Phere was a physical line up. f wasn't in the room 2t the time. I believe Betective Huzzoiilio was there. i was called away at court. E secared a statement from Mrs. Weff after that Zine up, physical line up at which time she said-~--. . MR. POSE: Objection. THE COURT: fuk WITNESS: Ske ig@entified Balegin Alexander as the perpetrator positively. wR. POSH: Your Honor, I object. He wasn't at the Lineup. He just testified il2 pe 4 wee | | | | Sastained. . | | | | | SO hci ua N ~ eT ea ET STITT sete SS JT nA > On te that. THE COURT: you weren‘® at the Line up? HE WITSESS+ I wasn’t at the Line uP. sir, when i they pat the nembers 66 the men, bat I was not there. when { she peinted hin out in the | Line up. tsi gone out and = | had came pack. SHE COURT: vou came back and then what? "azn WITESSS: gE COURT: 7 am going +o overrule your ebiection i # | | I tock her statement. | { BR. PITREs 2 officer, other than the line =P procedures To were there any other actions that you | had taken in this investigation? tA ves, siz, I filed charges against Maleols 4 nlexanger for the crime after qt secured a statement from Brs.- weft. | & pia you in fact, physically arrest the | géefendant? , A ves, 8ix- cross EXABIBATIOS em ey i I a cnc a NE oa mtn - \_ edt gta 15 cn a ote oa ni ee mere ar Seles en ah a arch al etc FONT Cake ITE ee 17 18 19 2¢ 26 27 28 25 ¥ I y pieeyecen a hus or from a distance who was later found ont to be a enpbyee at Superior Pontiae. oid she call &8 FoR at the @etective pureau te tell you about this Liv aden F Yee, sir. pié ske relay the infermation she thought it was the perpetrator? Be, sir, she said that she saw someone that isakea Like the man. feuld she identify the man? Ho, sir, I don‘t believe she saw his face at the time. She just saw a general @escripticon of the man. RR. POSH: That's 2il the euesticrs. FHE COURT: Any re-direct? > MR. BITRE: Ho. sir. . re a perry nt ar A i Net nN MY Neale Apr Te w remnenineneapemantndinerensn \_ SRLS SR BOI ES OS mispnacrente satay seme So EAL RR CIEE: & sven BARCO NUZZOLILLEO, 11433 W. Bengal Road, Metairiie, Louisiana, was calied as a witsess and after having first been duly sworn was examined ana testified on his oath, «8s foliows; HR. 2 DIRECT EXAMINATION PITRE: fficer, could your tell us by whom you are employed? Jefferson Parish Sheriff's office. In what capacity? I work with the Criminal investigation Dpivisis Ana how long have you been employed with the Sheriff's Gffica? About seven years. Duriag the course of your employment did yor Raye occasion te participate in the investigation of the alleged aggrawted rape ef Betty Neff? I did. Gould you teil us what you did? i was asked by Detective Benewx to assist him with the physical line ap in the Jefferson Correctiscaal Center. Ceuld you tell us kow a tine ap is conducted? Basically you get a suspect 8. you want to prepars 2 line ap and yeu pick ext four ox five additissal suspects that generall fit Bis description. Phey are aressed ance cn eee E nn ncn eee en Ne tA NR AIT a tt 10 11 .24 25 26 28 29 EAT ES negseme meee ne scene» Set en nega SA RA NT CS 8 TNS SSR LL TS CE I a Pf Pp PF PP FP > 2 jampsuits. We have them at the center ~ that we use. Phey are Lined up and | usnually we have the attorney present and ke lines them ap in any particuiar order he wants. Then we ask the victim te step inaide and she views them. In this partienlar case I had them one ata: time by number, step forward, walk toe tke center of the stage, ture around and go ‘back to the original position and i had them tern in each direction, moving backwaxd and face forward. The people that stand in line ap do they asually photograph them? Yes, they are always ghotegraphed. \*ney are always photographed? Rigkt. Were they photegaphed in this case? Yes. . he photographs exhibits S-12 through 16 for . identification, can you identify those? these are the photographs. You were present when any identifzication was mage? Tese Ceald you tell as who MES- wMeaff identified? She identified Maicola. XY believs he was stanéing wo. 4 in the line aps Zack ons has @ mamber. nee yy : “ 116 | | | | | | | ‘ ud we Smo maaan see oN HR. PITRE: fhat’s ali the questions. MR. POSH: x have no questions. HRE PITRE: In connectien with the testimony of 15 16 7 18 Sa oe FS EI ERENT ASCEND RAL BS STA E HE COVE? the previous witness, we ask that the items marked s-i through s-7 2nd $-$ thraugh §-18 be introduced into evidence. X have no objections to the ones that have already been marked. Row, ladies and gentiemen, these @ocuments have been admitted inte the record and &£ will permi OME AS I | | | | | | | fact that they have been nanireek j inte the record @ses not in any tops coronas eee way entertain what Ehe Court thinks whether they are good, bad, ox indifferent. As far as precedure in this case is | i concerned, it simply means that they hav@ met the test for photographs. The main test W we 17 (SPSS corsencupstcoorssra yt Sconce eeaToima re PS SR Se SS eR TEN ST I Re EET 18 | 19 era at BR. PIFREs depict the scene, the things. gad they have taken a picture oft and that precludes the possipnility of any of the touching up of the photographs #0 we eliminate that. He met the test. He testified he Gdidgntt teuck them ep or one thing oer another, bart the mere testimony that i¢. ¢éepicts: the scene as long as they are net inflamatory, then the Court may admit it into the recerd. New I have reeled that they kave met the evidentary test, bat beyond that it is up to yer ts decide whether it does any thing in your mind as far as this ease is concerned. Alright, wilt the Bailiff give the photographs te the jury. While the jury is reviewing those BR. TFOSH: Your photographs, £ am going to mark these as line up photographs as S-19 and sf¥er them into evidence, Horner, I am going to sbject to iis. nn erence netstat eg SS A pri sn PU AES Psa eye peepee ele es | : | lo nl eh Vv fa i the admission of these based on the fact that the proper foandation has not bean Laid. ce scones Lert THE COURT: It seems to me what we are talking we ies) carries saree pore y 1g RT Se NTT ee meerest cece seater RSE AEE ES LR OE RO TT With a11 due 116 Bee about tere is 2.0. If it were evidence at the scene I would | \ i ' { i | | | | I am going to overrule the sect probably sastain the ebjection. object. THE COURT: At this time the court is advised that we have an expert witness on the way, a physician. f dontt know if he is gaing to be gualified as an expert Bet we are going ta take this | moment while we are waiting \* him ts explain to you what an expert is: An expert is a person such as a doctor er an engineer or an architect ox 2 metallargist or semething Like fat; A particular ezpertise in a certain area. If the Court is satisfied that he is an expert then he can give 2890 xwespeets, £ respectfully Nem ls A PT CR A A Te aa lent ea le a ee Ee wv hops aemest ee oo sea sina roars Sec EE ETSY ey : opinion testimory. No body else but an expert can give you oo opinion testimony. The only testimony Bhat any other person can give is what they saw thaselves.@hat LE am saying to. you is this man if qualified wil able to give you opinion testing Row that doesn't make kim the judge in the case. It just Means you can give whatever weig te him that yeu see fit. Ti you are impressed of what ke Say} ig tree and correct, then you give that weight. Yf you are no teo satisfied with that, then you make your own judgment and sometines this infomation that I oan giving, the expert takes it as an insult and = ty te ava sane Z “his before the expert witness when =I gan, Se we will have a physician to come in and if he qualifies as an expert X will tell you and you wilt weigh his testimony the same a ft os ; Cael midi titoebetate eee wea by eb St yt Mate eis oe egepe t as you weigh these photographs. ~] oo i5 16 17 18 19 SS \ Rar SRT admitted inte the record aad the mere fact that he testifies doesn't mean that it is geod 1 bad, or indifferent. You are the ones that decides that and no ene can ever demand of yoa to tell why. he only questian that will be asked of you is whether you voted yes or no for the verdict so we ae going to recess at ths time. {COURT RECESSED) (COUR? RETUREED) THE court: ¥ou waive the poliing cf the jary? HR. PITRE: Yes, Your Henor. MR. FOOSE: Yes, Four Henor. | | | | : | | | | ia ee a heen ne A eR LG A Ee nA ee ce re my ew rn ne on A ht et EE A TT I TT TS I I EN, Ree ST RTT me 1) aera i a SONIA ~~) o SLE Ra 1) a be - Ns) oo ~] od a AT a AL oT ST | Oorieass, DR. JOHN BAVIOTPA, 3439 Kable Drive, Hew Bouisiara, having first been'‘duly sworn was examined and testified on his sath, as fellaws;: ME. &. fa PITRE s Doctor, Yes, sir, BR. Tae MRe THE PHE THE DIREC? EXARINATION are you a medical decter? xy am. PITRE: Your Honor, the State intends te gualify the docter as an expert in the field ef gynecolegy. COURP s You have any objection, Er. Tosh? TCSEs i have no objection, Your Honor. COURT: ¥ou are gynecolegist, board eceartified WITNESS: Yes. COURT: @his means he has gone as far as he can go in preparatim for his profession. First of all a doctor end secondly a specialist in the field of gynecolosy- on. coart is eertifying him as ap expert and as I explained te you 422005 was called as a witness and afte ates em a . | | | | | | | Lie ee previcusly, he can give spinion testimony and as I explained to you earlier you are to weigh it. yourselves. MR. PITRE: 2. Docter, did you have occasion on Navember 8&8, 1379, to examine one Betty Heft? SLSR A ESSA i A Yes, sir, I dia. | le. Borid yeu tell us the purpose of that i examination? A fhe victim was brought to PF. Eédward Hebert Hospital by the Sheriff's Department with 2 history of having been physically zesaulted at approxzmately 11:45 a;m. the morsing cf be ath ef November. = examined her within a ceuplie of hours after the spiscds hag oceurred. IE took a history from the lady and F did 2 = physical examination and taek the appropriate specimens for evaluatim ef her sexual assault. a Could you tell as the history she gave? A. Well, she gave a history that at absut 11:45 that morning a young black man in his early twenties appeared---— BR. FOSH: - Z am going to object to any descrip- mee coer rite ope ase ves Roe tion along theee Lines. Snape eae neta lta A nS neat penne ae er nee ee ae 17 18 20 ST eM = SPCR SS a BL a BR. z © & 19 | Alright. SHE WIPNESS: Zhe person entered the store where she was working at and he had a pistai---. ER. TOSH: | Your Honar, again ET am going to ebject to anything ta do other than the medical aapect of it. FRR COURT: Iam going to sustain that. Just respend ts the questians conceming what you found. PIPREs . Would you give me your physical observations? The physical observatims vere caempatible with the history that the patient gave. Codi yeu tell us what you observed as far as the physical appearance of the wictim? The patient was rxotably distraught. She was quite anxiaus, bat she was oriented, eonversant, mot gnable te give what I eensider a reliable medical history. Her vital Signs were not anusnal except for a slight increase in her price gating which considering as anxious condition, she was in, wouldn't have beer unusual. She Rad a raised area on the left side ef her back, part of her head, about 2124 ae. pa ti \_ eee : ak \_ sas Sapa a nk So tenant ad OES RR st ESSE SAR SS LS RSIS ATE NT EE SO SOL EUs ERATE RL ESTO BITTY ee moneys two inches in diameter which. was elevated and tender. She had some scratch marks and . bruises on her left arm. She had bruises on beth of her were bruises on her thigh. Q- This raised area you spoke of behinGd the left ear would this commenly be called | | | | pelvic bones &n the front. There | | | a hickay, the lump? | mews a: as et © TEER TURK SES DIELS NST: An Yes, 2 X am going to show yeu two photographs, @oator, mrked as S-i7 and S-18 that have been introdaced ints evidence and ask that yea look at the photograph s and teil as if you can identify what is shown? A This is the patiert that examined. This is Mrs. Neff. 2 And on S~i7? A. Yes, 2 And what is this area? Ae his is asratch mark. Other than your physical examination, did you condact any sort pf test? We did some combe of pubic hair. seme samples of the vaginal secretions and made a wet preparation toe iLook under the miscroscope for sperm. We took 2 sO 12 13 14 | 15 16 17 18 1g 21 22 23 24 26 | 27 28 Kectal area. We took some mouth sampling for type and Rh for characteristics and I also got some skull x-rays because of the history of the trauma to the head. 9. Regarding these samples the combed pubic Raizs and so forth, could you teli es what you did with them? \_ ne Z gave those te the representative from the Sheriff's Gffiece who broght them to the | exrime lab. I examined the wet preparation) | myself. g- For the presence af sperm? A Por the presence of sperm and could not find any. | & The test that you conducted for the presence t ef sperm, would this be the same test : for the preseace of seminal fluid? | a So. @. Ceuld you tell us what seminal fluid ist | 1 AL Seminal fluid is a combination ef secretions from the prostrate gland and other glands that are ef. ctulated at the time of climax ef the male. Aliss contained in that seminal secretions are sperm. One. ean be present without the ether. 2. In the nermal courses of the examination like you coadected fer this purpose, do you test for seminal £l1nid? rod li 12 13 14 bes in 16 17 28 29 a ee eA SS TE EP IR ET I As SIN OES ENTE SLE AION IS De Be a re a nN Tn ce] ZX only isok for the presence of active or imsobiis sperm. & And what was the result of the tests? A. I eoulam’t Find any active or immobile sperm from the examination. MR. PITRE: Phatts all the questions. THE CoGOURTs Mr. Tosh? CROSS EXAMINATIGN MR. FOSH: g. Dector, you say you teok seme combs of the public hair. Did you examine these? A. Bo, six, these were taken and placed in an epvelope and given te the sheriff's represertative. a. What did yea turn over to the Sheriff's office? A. XI tuxrmed over all of the specimens that I noted. above with the exception at Socnorrkes cultures and the slide for the wet preparation for the sperm. HZ. BOSH: | Bo farther grestions. ; 488 RR RR RA et IR a itt etn eet Rt renee me ae 26 27 racine semeaoc 28 5 a MR. PP Pp PP eH &. A. STEVEN KIRBY, 3022 bDerbigay Street, Betairie, Lovisiana, was called. as &@ witness and after having first been duly sworn was @xeeamined and testified en his oath, as follows: DIRECT EXAMINATION PITBEs Mx. Kirby, by whom are you employed? gefferson Parish Sheriff\*s Office, crime hb. How long have you been so employed? Poar years. What are your duties at the crime lab? z ai a erizinolegist assigned to the ferensic serology \* tpeetion and my auties are to examine the evidence which 28 sebmitted of a biological nature, £ am responsible fox the examination of bised,< body fluids ana hairs. What sort ef training and education ae you have that would qualify you to testify in this case? | : Z received a bachelor of acience degree in biclegy from noyola University. My major was bielogy. uy minor was Chemistry. i joined the staff at. the erime lab four years ago in @ training status. BY training up to this date has incladéed besides the formal ‘training at the crime lab, I have attended the F.BL.I,. Academy sme pene ne A I er —.— ila han Bau eee at SGASS Ete ee AF Tees YET EE ATE PPE PETS TEE SYTR I pT EE UE GEE ee eT PE EE ET nsozopensy aes NRA TONS NTS SS ae AT a DOO BA STON E Rs ete recent sr ees Dea ho ON 1) ~t Ww wa Serology Porensic Research gnstitutes of advanced Blocd stain and 4 I t : : Body Fluids werksheps. I have attended numerous gmail schools and seminars an. relationship to my membership ine several | professional societies. ghe Lecisis | Association of Forensic Sclentists ana ae | Southern Rasociation @f Forensic scientis XZ kave been both a xteden\*and a tecturer in a continaing workshop preg@anm spensored by the Louisiane Board ef Crime Lab Directors. where are Gameroes workshops @n different aspects ef forensic \*®etelogy and ZI have been # guest Lecturer at Levyela in the guainology department. BR. PITRE: | Your Henor, the State would offer Mr. Rirby as an expert in the field of Forensic Serelegy. FEE COURT: | Mr. Posh? BR. POShs I have no cbjecticana. — COURT : Mz. Kirby. once. again you are certified as an expert in forensic \*erology- SRE PIE Te in TI ae eT: a agate ae Na at eld hal eatin ea tant ae alle trad t de Ae nate te aes ot Lent a nt de wettest bee ‘ - . owe Lg Sas oe . ean tn ke atari de at da nn Rattan eB gk ae ee ak re EU ua ta pe EE PR A RL EY ay eres ree 16 17 18 20 21 Ww to 24 25 26 27 23 © Yes, with the crime lab, did you have cecasion to receive any items from any officers with reference to the alleged rape of Betty meri? sir, E£ have. Could your tell us what you received and when you xrecsived it? t receivad twelve articles of avidence from Me. Bon Carson, the evidence custodian at the crime lab. Ir received those last Bevember. Ir received them at the exime Lab from technician Carsen. As I eaid there are twelve articles in this. hag if you want me to open it. They eonsist of several medical specimens and the clothing of the victim. Gre bag has the medical specimens in it. fhe white tewel, a pair of hive jeans anad a pair of woman’s underwear and a shirt. These items, the white towel, the bias jeans, Yes, the ladies’ underwear, and the shirt, aid you conduct any tests on these articles? six, X did. I ezamined all of these items for the presence of seminal fleia and the presence of any fordgn hairs. What ws the results of your examination? Phe results of my examination was IF foand evidence of seminal Fluid on the white 18 19 20 21 22 23 | 24 25 26 28 29 & ® What They Regar of the seminal fluid on any of the other articles of ciothing. X did find several hairs on the shirt when rx compared the hairs on the shirt from the known head hairs from the victim. 3x determined that there were undistinguishable the hairs that E£ found on here were from 2 human Caucasian and they were hairs that head fallen out nataraliy. about the medical specimens that you received? Coeld you tell as what they were? eonsisted of a vaginal swabs, a vaginal emear which they were consumed by the analysis. £ den'tt have them here taday, and 3 Bave a knewn head baikr sample from the victim, 2 knewn pubic hair Sample from the victim and a combed onbic Sample from the victim and some fingernail acrapings from the victim. Ging the known sample of the com pubic hair sample, did you find any that were @istingauishable? Bo, sir, I found no hairs in the combed pubic hairs from the victim which I could distinguish from the pulled pubic haixs- That weans that I didn't find any hairs in thet@mbec sample that were not the wiectin'’s, R3l00CCdF LADS x Qn ou > vw nn -— © oo o 10 15 16 17 i8 19 20 21 (25 26 27 28 What were the other items? I received a vaginal swab and a vaginal smear. These two items a swab and a smear, Gid you conduct any tests? Yes, gir, I did. What were the results? E conducted severai clinical and misecroscopic examinations of both items and I founda Auman seminal fluid present on those items. What about the blue jeans, the underwear and the shirt? I didn't find any evidence cf any seminal fleid there. | -BR. PIPSReE: Phat‘'s all the questions I have. CROSS EXAMIVATION BR. TOSE: 2. © A Mr. Kirby, in the field of serology. correct me if ET am wrong, you have the expertise to match bleed types. Is that correct? Yes, sir. Can yor do this with such things as seminal Eluiad? in some instances it is possible to find. pid you match any blood type in this case? He, Sir, I didn’t do any comparison work in this case. 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 29 > 8 FP © ° & A pull-over shirt, blue jeans, underwear, 2° white towel and medical specimens. Blue jeans, a shirt and underwear. You agidnit find any seminal fluid? is that correct? That's right. And you found no foreign pubic hairs? That's right. Normally in the case of pabic hairs, can you teil the race? Wes, #ixr. £ can distinguish the race. But you didn't have any ta work with? Ho. BR. TOSH: we further questions. MR. PITRE: Wour Honor, in cennectiorn with the testimony of the witness, we ask that the white towet be marked as S-20 for identificaticn and introduced inte evidence. The blue jeans, underwear, and a shirt marzeé $-21 in globo. 1 ME. POSH: Z have ne objection. PES COURT: Bithoat objection. ed tp b 133 Pp 10 11 12 13 14 18 16 17 18 19 29 21 22 23 24 25 26 27 28 BRPTY WEFF. 34 Derbes Drive, Gretna, Lou- isiana, was called as a witness and after having first been duly sworo was examined anc testified en ber oath, as fclilows: DIRECY EXANINATION MR. PITRE: Q. Noverber 8, of last year, woald yor teil as where you were employed? A. I was employed at the Antiques and Accents Shop on Fhitney Avenue in Gretna. g. Were you one of the owners of the shop? | A Yes. 2. Coulda you tell as what you were coing? A. Z owas sitting down at ny desk. O And would you tell us what happened? A XY saw a black man come up on a yellow bicycle and into the skep. £ asked hin if there was something that I could help him with and he said the was looking for a coffee table and =f walked toward hin, as = did so f faced him. ALL of a sudden Z said there was one outside because XZ had furniture outside that I was working on, repairing it and as I made my way I went toward the door to go outside, he grabbed me from behind. When he aig that I struggled and got away and ran toward zEhe door. He bit me ever the head with at 10 li 12 14 15 16 17 Poe © r BR. Q. Would you go on ard teih us what happened? He pakled the curtain to the back of the shop. He asked about money and I said there isn't any-here I just opened the shoo. Mys. Neft, at what time of the day did this take place? This was semewhat after 11 oteloeck. Are there any other besiness places in that area? Fhe one next dsor to me was open at twelve o'clock. Is thee anything across the street? Ho. Anything wound the block? Phe next thing clase to Be would be about a bleck away. X think your told us you were Rit in the Read with a gun--~. HR. TOSH: Your Honor, £ am going to object to the Leading question. FEE COURT: Ghat is xvreiteratieorn. It is not a leading question. iI overrule the ohjecticon. PITFEE? Prom the point ef your testimony where I interrupted you, could you go on and tell 135 Y 495 10 11 12 13: 14 15 16 17 18 19 20 ai 22 23 24 25 pr oP > © Pp Pr & PF eS us what happened? He brought me back to the back of the shop and TI said I didn't have any money and he Zooked around the shop to see if there Was anyone else arouné or if there was someone in the back. Fhe door that leads to the back and he told me to go in there and he walked to the back and ke iseked around and then he .spotted the re was @ bathroom in the back and he teid me to get im there. Mrs. Neff, I have some photegraphs identified and intrednced into evidence and I am going to sbow you and ask if you can identify them? For example, S-1i? Phat's my shop. $-2, could you tell us what that shows? As you first walk into the shop. S-3? Phat's on my desk, a towel. S~-47 That's my desk and again a white towel. S-5? Phat was in the hathroom. S~-6? Phe door there, the door to the bathroom. s-7? From the bathrsom showing the air mw anditioning 1 10 12 13 15 16 17 18 20 at 22 23 24 25 26 a Q. fe - A s-107? Phat was the door leading to the back. This was the deor you just testified to? Yes. S-S? Phat was the back door with the bars on Rt. s-112 fhe hathroom. ¥You teld us you were brought te the back of the shep. Woald you go on and tell us what happened then? He brought me toa the bathroon and he told me to take my clothes eff. ft objected to it. He said do as X¥ s2y. I said please go away and leave me alone and ~ asked bim please don't hurt me ana he saic ds as I say and get Gown on the Flecr ang he said take your pants off and I took them eff an@ he proceeded to do what he wanted to do and I just said please leave me alene. Phere was nothing I eeuld de. Z had been hit over the head and I was fraie of being killed. I aid exactly 2s © was told to ae. a And what did ke tell: you to ao? He told me to get down on the fleor and just to keep quiet and he kept talking te Be. pn | aid he teil you? A I teok my pants off. He said get dewn on the floor and that is exactiy what © 4id. Q. Did he do anything to you? A. He sexually assaulted me. Q. I have some specific guestions about that. pié nis penis enter inte yeur vagina? i Ae Yes. Q. po you know if ke ejaculated? Ot aA Io am sure that he did. EF wasn't thiaking mn about that. | @ Bid anything else happen? 18 & Other than the sexual assault. Phat'a ahi 1 | that was happening in there. 8 This person that assaulted you, did you, do © 6 you see him in the Courtroom? 17 As Yes. Bie Would you point him cut please? 19 lw He is the black man sitting there with the 20 stripped shirt on. a MR. PITRE: 22 Z would Like the record to reflect 23 that the witness identified tke 24 | defendant, Malcolm Alexander. 25 HE COURT: 26 So ordered. “1 | wp. PIERRE: 28 : : . 3, Is there any crestion in ¥oaxe Bind? 10 Il 12 14 15 16 18 19 20 21 25 26 27 | 28 op ©» © p & e After this attack, Mrs. Neff, coulda yeu tell GS what happened? Fhe phone rang. It kept ringing and I toid bim I have to answer that and it Fang again ang he said answr it. Hurry up. £ tried te talk without being disturbed or anything Like that. fhe giri that was on the other end of the phone said something was wrong, bat E didn’t knew exactly how te say it because she was due at work about twelve atclock. It was getting pretty close to about that time and he said watch what you say and after that I kung wp the phone and he tecok me hack into the bathroom and sexualiy assanited me again. You testified that he hit yon in the head with a gun? Yes. Where was the gun while this sexual agsanlt was going an? Be had i toe my head. Phe whole time? Yes. Here yeu afraid? Yes, Z was afraid. Covwld yeu tell us what happened after the sexual assault the second time? \_ ov ~ 16 17 18 20 2i 23 24 25 26 27 28 said why don't you just leave. He said just do what I am telling you to do. He t said respond to se which = wouldn't, and he kept insisting that < 41d and after he finished. He started pulling his pants up and started piling stuff where f couldn't get out. Bid yoo have any trouble getting out? Neo, because the door spened to the inside, and I made my way over and pushed the @oor open from the inside of the bathroom. So the door that he piled up with the steft to keep yon in, aiantt im fact kesp you in the door: it opened from inside? It opened to the inside, right, the dcor opened to the inside. You called the police? Ho, I called my x-husband and we then called the police. Bnd what did the police da? hey started asking me questions about certain things: “y experience and went through procedures. Were you asked to identify him? Yes, I explained te them a black man coming on a bicycle and after a while they brought a Black pan that was on a bicycle and asked me if this was the man and £ said un 19 11 12 13 14 17 18 19 ai 22 23 24 25 26 27 28 © rp © P o - ep eer | & A. @his man that they breught by. was it the same aay? fhe same day. Was he dxassed similar te the perpetrator? Yes, he had on jeans and a jacket. Were you in a position to see this person that was brought by that day by the police? Yes, I saw hin. You were sure that was not him? EZ was positive. Were you asked at cther times to look at any photographs or view any persons to make an identification? Yes, I viewed hundreds of photographs and i couldn't gee anyone that resembled the man. Could you tell as about any of the line up procedures that you may have viewed? only the one line up and the man was in the Line up. When you speak of Line up there are two types. phetographic line ups oF physical line BBS? XI think I bad geen about four ex five or may be more photographic Line ups. Bid you ever make an identification? At the last group of photographs I saw the man that I was almost a hundred percent 1 10 it 12 13 14 15 16 17 18 19 20 21 22 23 24 26 27 28 29 © 2 ¥You say a hendre& percent sure of. Could you tell us---? Eowas asked to see Kim in a physical line up. Arny reason for that? iIowas quite positive of the picture but IE wanted £or my sake as well as his sake to make Sare this was the right person. You were taken over to FP.Edward Hsbert Eospital? Yes. Could you tell es what happened? Fhe dectors checked me and done things and so forth and the tests that they give you. i have two other photographs S-17 and §$-18 that have been intreduced ints evidence. TI would Like for you to isok at them and teli pe if you can identity them? The first one is a white female which is myself and the second cne I was holding By arm which is quite bruised. How did that bruise cecur? When I was on the flecr I guess from the motion and abzraisieon of heing on the fleor while I was on a tile fleor tkat needed repair. The doctor that examined yeu, did he give you a complete examination? Yes, he aid. @ne of the items that was intreduced ints og 142 ne EM 21 22 23 24 25 26 27 28 29 i| A. A 7 BBs 2. Bop --- evidence was a white tewel and I noticed that these two photographs marked §-3 and S-4, they depict something that appears to be a white towel? When he Left me in the bathroom, this was the bathroom towel that £ had ta clean myself. Zi jast felt = Rad to. I picked up the white towel and cleaned myself in going for the door at the time I Let myself out. Wa said yoa attended a physical Line up? Yes. Bid yeu have any trouble making the identifi- cation? 8a. The charges against the defendant is a serious charge. Is there any guestion in your mind;now is the time te tell as? NO gquestian. You are sure this man thet stands accused, Maicolm Alexan@er is the pan that raped you? Yes, sir. 42. PITRE: Boe Eurther questions. CROSS BXAMINAPICON POSk: Hrs. Hefti, you said this eccurred aon Hovember 8, 219797 Zs that correct? 143 a ou 10 Il 12 13. 14 15 16 17 18 19 23 24 25 26 27 28 A. Yes. Phe game day you were asked to identify someone else that was breaght back to the scene and you saig that was not the person? Yes. You were shown hundreds of pictures EF believe you xeferred to over what period of time were you shewn all of these pictares? J am talking abort in relationship to the date of the incident? Six months. You were constantly being shown pictures? Yes. pig the police contact yeu on each one of these: { eceasions and ask you to view certain Yes. This was a continuous thing on @ifferent days? Yes. Right pricr to the set of photographs that you were shown that had Malcols Alexander pictere on it, what were you told by the palice? z don’t anderstand the question. Were you told by the pelice that they had a sespect and they wanted yor to leek at \* 16 17 18 19 20 | 21 22 © PF : ° Nec. Was there any one else present at this line up besides yourself that you knew of?ts make an identification? No. As far as you know there was no other witnesses that saw this incident and were present at the physical line up that you know ef? No. Bo they have windows in those rooms in the back? Ho. Were the lights on or off? Someone would have to put them on which would have been me or him. I Gon't recall putting them on. Fhere was one window and they had bars en the window and there was enough Light from the window. BR. FOSH: Mo further questions. HR. PETRE: The State rests, THE COURT: Phat Ladies and gentleman, means that the State has painted its Picture. it is the gquestim for you to determine now whether 10 il 12 13 14 18 19 20 24 22 23 24 25 26 27 28 te preve the guilt beyord a reasonable doubt in your ming. Likewise the dGefendant will have an opportunity toe put on evidence if he sees fit. If he doesnitt see £it as we talked about on numeraus occasions, it should not taint you in anyway or make you feel Like he has omitted a duty and repesents some presumption againet him because he has sot presented a case. BR. FOSH: Conid we have a recess. FEE COURT: Yes. {COURT EECESSED} {cur OP THE PRESENCE GF ERE JURY) THE COURT: Bet the record reflect the jery is Rot present. The State has resteG in the matter and Hr. fosh has indicated to the Ceurt that he intends to pat the acefendant on, fake the stand, Mr. Alexander, if you see fit , sir. > ow 10 11 12 | 13 | 15 16 17 18 19 21 22 23 24 25 26 27 28 29 HALCOLM JGSEPEH ALEXANDER, 224 Coretta Drive, having first been duly sworn was examined and testifed Avondale, was called as #2 witness and after en his cath, as follows: THE CouURzR Bx. Alexander, DIRECT EXAMINATION yeu know you have the right to remain silent in this case? PRE WIiTBESs: Yes, PRE COURT: six. You know you are not required to take the witreess stand? THE WITNESS: Yes, PEE COURT: sir. You want to take the stand on your own motion? Do you wank to take the witrmess stand? you donit have to. You have a right net to. Sow I am nat telling you what te do and what not ts do. ik just want to sake sure YOu undarstarnd Halcein, that you don't have to Cake the stand. Yor have to want to get on the stang before the Court will let you testify. Yo body can make you \_. 288 ae | 147 16 17 18 19 20 21 23 24 25 26 27 28 testify. You understand that? TRE WIPTHWESS < Yes, May ZF talk to my lawyer? TEE COURT =: Yes, the big problem is that once you get on the stand you can't pick and choose what you are going te answer. E know you would like to get ap on the Stand and say I didn’t do it. EBomebody else did it. I presume that is what you are geing ts Say. xz knew you are not going to go on the stand and say aid aa it. What r am saying te yeu is when you get on the stand and say 1 dia'\* ao it, they are going to ask you alict eftcher questiens, you may not want to have asked you. How they can't ask you abeut other charges that you have pending against you now, bat they can ask you about what your activities have been before now. It is ap to your attorney to advise you as to the import of that or eok am bw hee Om ee OD eee lUhUlCOMC et EC 15 16 17 i8 | 19 20 21 22 24 25 26 Fou enderstangd what this means SO you talk to your attersey and Bake a decision. (CONFERENCE BETWEEN DEFPERDANT AND ATTORBEY) HR. TOSE: Phe defendant has decided not to take the stand. TER COURT: Mr. Alexander, you anderstand that I aE not cutting you off on this. You understand I am ast saying you can\*t? THE WITNESS: - Yes, sir. THE COURT: i jast wanted to make sare you usGerstand that. EF am sure Four attorney advised you of that but © felt you should be advised | by the Court. Mr. Tesh.are you going to have any witnesses? BR. 658: HO. THER COURT: Bet recall the jury. {JURY RETURHED} THE COURT: You waive the polling ef the jury? ER. PITRE: 10 11 i2 13 14 | 15 16 17 18 19 20 ai 22 23 24 25 26 27 28 29 op We ee Yes, BR. TOSH: Yes, FHE COURT: Your Honor, Your Honor. he dgefense hae not elected ts put any witnesses on at this time. As = indicated to you earlier and as you have agreed to do and you are sworn te do, you will mi treat that as prejudicial an tke grt of the defendant. fhe fact that the defendant has not put on a defense doesn’t in anyway militate against him or areate any presumption against his. Phe presumption is #ill that he is imnocent, until you Gecide from the evidence that has bem put om at this time whether or not ha is guilty of the crime of aggravated rape oramy less\*r effense. A lessor effensea which X will explain te you in just a moment, the jury charges. At this tine we are going to have the soa- galled closing argument of eounsel. Sew, ladies and gentlemen, the clasing argument 10 il 12 13 14 16 tT 18 19 21 22 23 24 26 27 28 | of eocunsel is just that. the | evidence and all of the testimony are in the record. What issaid now is merely argusent. it is important that you listen closely te what beth counsel say, aGt because it is evidence bet becacse they Rave a right to try to persmade you from the testimany that is in this record that has been given te you here today to make up your mind as best you can whether or not the State has shown this man guilty beyond a reasonable doubt, er whether ther have mot. In all events, pieagse Listen ta what they have to Say rather closely. Phe Cours Aoas not Limit the argument of counsel with refarence to whatever they say. If they decide they have proven that the moon is full of green cheese and they talk about that today, God knews we havent i had any testimeny to that effect, We had alot of other staff, 13 ii 42 13 15 16 17 21 22 23 24 26 27 | 28 that effect. Mr. Pitre and Mr. Bosh gets op and says we have shown you now the moon is fall ef green chease and you know that is net so. So if the decision bad gemething to do with greea cheese, it hadn't been shown, So anything that appears to be a rigiculous conclusion you are just going to pass if ever because f admonish you now if they say something the district attorney or the defense counsel says something that simply hasn\*tt been browght cat is anyway by the testimcny or the evidence then make ap your own conclusion from that. Now sometimes there are some Logical carryevers which attorneys may carryover. HZemember attorneys are thinking 73 ite ob: Toole all the time and their e te defend and to prosetnte. How they are advocates whereas I get to sit here like a bump en a log and smile and eay ebjection svatainzed and objection id 11 12 17 18 ig 20 al 22 23 24 25 26 27 28 t have taiked to you about the less®\*r offenses. In connection with this matter there are lessfr offenses. Gne of the less \*r offenses is simple rape ang simple rape is where the wietim ef a rape would be incapable to of resisting and | understanding the nature of the act because he or she was so | a@raunk or messed up on arugs or some stupor, from ox anesthetic agent that she couldn't know what she was @sing ox whether she was incapable because she was stepersd and juat didn’t knew wkat was going cn reaily, didn't know what was going on ex whether she believed that cael was doing the right thing. May Be the man convinced kar that thpy were married. ow there is simple rape, then they kave the question af forcibi® 2rape. How forcibis rape is a rape committed where the sexval intearesurse would be without the lawfnli consent ef the because vietiz. the victim is 453 . 12 i3 14 16 7 18 19 20 | 21 22 23 | 24 26 27 28 nr prevented Fron resisting the act by Farce OF threats of physical wiclence where the victim reasonably pelieves that such resistence woald mot prevent the rape. How f teil you these because you Can find a lesser charge that Mr- ALexandft may be guiity of aggravated rape OF gimple rape er forcible xape of attempt and 7 will describe thet to you and you ean find him not guilty if they haye net shown beyond a -easonable doubt any of these things in youk mind then you have the rigkt and the @aty to find the defendant not guiity- ft will read the charges £6 YOu< XY simply put these charges in your mind so yor will kave some basic idea what Wwe are talking about. Fou ean alse Rave 4& attempt. Yo may say what does one have to do with the ather. it is simply @ question of how you feel about st. we will explain these things more ga11y.3t tee time ss eimeing arqument bat I tbiak li 12 | i3 14 1S 19 20 21 ° 22 23 24 25 27 98 BR. PITRE: zadies and gentlemen. first of all t have told you several times what we are going to talk about the Lessor responsive gharges Guk obviously ne coulida’t be foand guilty ef murder. Now but he can be found guilty of simple rape OF aggravated rape er you Can find him not guilty or attempt of any ef these matters that tr have explained to you. LI tell you that as @ background so that you can andgerstaas what Mr. Posh oF “x, Pitre are going about explaining to you that is what we cail responsive verdicts. f= expalined these to you sc you would have some basic idea and zo where we are going trem here. Sow Hr. pitre? z would Like ts thank you for your patience. fhe issues that we have here are net complicated, Phey are really easy t¢ explain. We have the siteation where the | ag woman was in the shop, jast open wo 16 i7 18 19 20 21 26 27 28 up the shop in the early part of i the day, 13520. She was sexually assanited. the evidence shows that within a short period of time after she reported the assanit to the police. The police did find a suspect who €itted the physical general description of the perpetrator. He was not the man. Hrs. Nett viewed the smn. He didn't have the patch on his jacket. He was clean shaven. This was within an hear. his is the ont thing that there may be a questign. Xt am satisfied as you must be on seeing Hrs. Refi on the stands Phat she is satisfied that was mot the man. As I teld you before the State called several witnesede. We called police oificers that veally don't add aiot to the case. Some of them gather evidence. Some ef them take photographs, and others Like Detactive | pencux whe testified and Mr. Euszoelille who jast conducted miner small things. They taxied he a - id il 13 14 i ol 16 17 18 19 20 21 22 23 24 25 26 27 28 the hespital to the doctor. They bring the evidence from the hospital to the erime lah ana they conduct Line ups. Rere there were several line aps cver | a pericd of some months. Technician | Borin's testimony was just to the effect that he took photo- graphs and ke gathered the items of evidence, things like the towel, any physical evideace from Hrs. Weff's shep. bDenoux and Hugzelilic @ia@ ezactiy whet their testimony was more or less mnducted the identification. The deputy that eame by Peperone was only cailiea ta testify because ke was one of the first officers on the scene | and obtained the description. He was present when the photograghs were taken and was present when the other suspect was brough? by. Then you have the victim. In What sense you ere a judge in that you judge the credibility of the witnesses. Oneact the things that you can jadge is a \_ ome am | SE ey 10 | i 13 14 15 7 18 19 27 28 of this man, whether or not time the rape was committed and whether sz net she identifi the right perm. You aiso judg the aredibility of the witnr who testified in doing that you ask yourself what was actuaily testified to for what reason she identified this witress. fhis is what yen need to gage. the weight cf the evidence as you heard it. Mrs. Herff ais identify thismaa from the stand, She fixe thing that is going to have to enter your mind is this the sane man that coumitted the offense cr was she mistaken Iam peasitive she was postive ef the identification. How the Juage is geing ts read shen charges to you and cavér severe areas. one ig going ta be identification and this is wher | you satisfy in your sind that there was a goed identification er there was not. If you find | she hag a ample epportunity to view the dafendant at the - nees | find the defendant, Maicolaz bo we EEL CR EL TT a Alexander not guilty. Ef you find that she identified the preper persen then you have the burden to find his guilty. one of the other matters tke Fudge is going to talk to you 8 . i about is reasonable doubt. all Gouwbt. You weren't witness to the affense. You weren't there when it happened. The | enly ting that you use to gange goubrt is the witnesses | Reasonable doubt is net beyond 1 thet testified. Phere is alway some doubt. That is why the State's burden is beyond vaentn, m doubt that a reasonable man can use suecess~ fully from the evidesce. Row 4ust because the State has the burden of proof beyond = reascn able doubt I get to talk is you twice, once ROW and once after the defense makes it closing exgument. One thing. i you shoald keep in mind, whatever T-.say,. whatever Mr. { ‘o 10 il eS LER EIEN TY PHS COURT: WR. TOSE:s yt is not swern testimony. Fe tell you what we thins, what we believe to be the case, The State feels that thraugh the evidence the intredaction of the evidence that we have breaght to you that we are ia a position ts ask you to return a werdict sf guilty. Ne. Posh, please. X would like to take this epportunity tc thank you. 4 know it is somewhat tedious in the Courtroom, but this is very important and I ask you memiremmete tener ann memeber wpnatant tere nae to take whatever time is necessary to deliberate. Phis is my last opportunity te talk | to you and © do appreciate your attention. Sr. Pitre said that this is basically a simpie case. Well in some respects | it is simpi2 because the only thing the state has in this case is Mrs. Neff and I think that is what you have te decide All of the witnesses that cane om 160 aaa ttn ens ~\_ to RE SET I Sr 10 11 12 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 SSA TE SS A I ESET up here, all cf the evidence that was put om you heave to keep in mind what evidence wasn't put on. fherea was no bBlocad sample. There was 20 hair samples. oe physical evidence that would tie in the person who kad raped Mrs. Wetf. Em fact, there was sone testimery that seme foreign hairs were found. Ffhey were from a Cagcasian male. I am mot seying a Caacasian raped ofa her. it dust goes to show \_ you that there was no physical evigence pointing to Er. Alezander. On the identificati immediately after the rape 2 suspect was picked up that fit the geseriptien alli except for the patch on the windbreake Zhe same height, the same weight, the same age riding a orange ten-speed bike in the area. There may be some discrepencies as te the facial hairs or Bot. You see Er. Rlexander. Leok at him, lock 1 j | | + | { x. have facial hairs and some black peopie do not grow the san® facial hairs that white people a@s. She couldntt j identify this man she centitica| there were hundreds of pictures ever a three month peried. she even called the pelice. She said she thought ske saw somebody getting en the bus of Saw somesne. They got a pictuar¢ oft that man to identify him. It just gees: te show you there is alot of doubt going on in he mind. Pinaliy after three months for whatever reason she picked Mr. Alexander. I am mot trying te tell you tkat she is lying, bat it is very possible that she is mistaken an@ that is where you have to make the decision. Was she her of coming in kere and . telling a faisehocd because in her mind she may believe that of ali the pictures she lecked at, all the black people te en cr ee tee rete Pe Nn a ne a i a ae tre ere es ce nee ne enn es a ree a Ra RS —————-- ——\_— -. —\_\_\_. — > - a ere - a + ee a a pn seen people that lesked similar to Er. Alexander and seen sees 1 people it may ioock tike Mr. | | Alexander so yeu have te go beck there and you Save to make that decisim, but I submit to yea there is encegh reasonable gexbt im this case that you should return a verdict of net guilty. Yor took an oath when we astarteé that you would give me the benefit sf that doubt 2€ there is any reasonable doubt. I am asking you to ¥¢ back there. Zeep that in mind after you deliberate If think you will fimd the defendant not guilty. HR. PITRE: bring out aue point to keep in ging. When you go in the juryreom to deliberate, Hrs. ¢ seff has aceuseé Halcolsz Alexander as the person who raped ker. Now Hrs. Reftf had several oppertunities to identify him. Who would have . heen the best person for her . 263 ' } Ledies and gentlemen I jast waxzt te | Sp me eee anne 16 17 18 19 20 to identify. There would be no question in my mind the best person for her to identify would be the person that was brought back on a bicycle. They bring back a man who fits the general description om @ ten-speed like the same descrip tion that was giver to the police, but she didn't do that. She took a iorg time in selecti the person. Ske teok a long time before she identified the defendant before she identified the proper person, SEE COURT: Ladies and gentlemen, the accused at the baz, Mr. Halcsim Alexand is presumed ta he innocent unti he is prover guilty. beyond 2 yeasornabie acubt. The eornseqr- ence of this rule of law is tha is not required ta prove his innecence, but may rest apon the presemption in his faver antil it ie overthrown by positive, affirmative proof. Reo fing the accused guilty the he rer re = - a t Ie Sores Ep a a nt a TN CS In 16 17 18 19 20 22 23 24 25 26 27 28 29 a establish to your satisfaction, | ana heyond a reasenable doubt, every essential element of the erime charged in the indictmest! or any lesser one included in { i® This doubt must be reason- | } able ome, Such a doubt as would give rise to a grave uncertainty raised in your mind by reason ef the unsatisfactery character ef the evidence. You are the eédéclusive judges of the facts. | Yoa fied from the evidence or lack of evidence what tacts | have beer proven and what facts have not been proven. For this | Parpess, you are the sole judge: ef the credibility of the wit- nesses and the weight to be given their testimony. Inf determining the credibility of witnesses, you may takeinto account his ot her manner on the witness stan, the probability er improebability of his ox her Statement, the interest of want of interestbhe or she may have i the casa, and every fact and eixrcimstances suxrroundizg the 165 ne encer ete oe tenet neem erannansneeesenin nites Laine acta nek a vee a ta ud pe 10 11 412 13 14 15 16 18 19 20 21 23 24 26 27 28 29 Some: giving of his or her testimeny which may aid yor in weighing bis or her statement. Z£ you believe that any witress in the} ease, either for the Stte or | defense, has willfully and | { deliberately testified falsely | ta any material fact, for the purpose of deceiving you, then | Z charge you that you are jas eit in disregard the entire testis ef such witmess. as proving | nothing and unworthy of belies. | Wher the aceesed does aot avail — himelf or his right to testify in bis own behalf, yeu shoxrid mek consider this fact or permit it to raise a presumptio af guilty against him. You are also the judges of the Law, but in a different senses. You | receive the evidence from the witnesses; you receive the Law from the Gonrt, and it is your duty te accept the law and appl “it as it is given by the Court. fhe bitl of indictment in this ease is a mere accusation or charge against the defendant. 166 Qu ee ei le in eae bleed ee and it is not evidence of tke defendant\*s gailt, and the fact of such @ bill of ixtictment having been found is on so ‘weiskt and dees not cerry any presumption of guilt. You mast not be influenced by it in considering the case. Opening statements made hy the pistrict | Attormey or the counsel for “ deSndant are not evidence you aye not te cessider the opening statment or the closing argumen i as proving anything at ali in the case. Yor are to consider only the testimony of sworn witnesse who have appeared before you on|the witness stand. In closing arguments the attorneys are permitted to sresent for your 1 eousideration their contentions regarding what the evidence has} shown or not shown a2i¢ what conclusions they think may be a@rawn from the eviderce. Evidence is either direct or: circumstantial. Birect evidence is eviderece which, if believed, 3 j \ | | | SR 19 20 21 26 Se 27 . 28 or indirect evidence is evidenc which, if believed, proves & fact, and from the fact you may Logically and reasonably conclude that’ another fact exists. You cannot find the @efendant guilty soielis cn eirenmstantial evidence uniess the facts proved by the evidaac exclinde every other reasonable hypothesis of innocence. We are now to consider the natere a@n@ character sof the crime for which the defendant is heing tried: what are its ingredients and what are the essentials Phe defen@ant is charged with t crime of aggravated rape. fhe foliowing are the responsive verdicts tc the ezime of aggrawbed rape: i. Guiity of mecessary to constitute it. J. i | aggravated rape: 2, guilty of attempted aggravated rapa: 3- guilty sf simple vape; @- guilt ef forcible rape; $. gubity of attempted forcible rape: and 6. mot guilty. I will instract yo dette debeentet deste tet PRET bo 14 15 16 i7 18 19 20 21 22 23 24 asec og trey a re and the Lesser included offense of attempted aggravated rape, 5 rape, furcible rape and attenpted forcible rape. Article 41 of the Eouisiana Criminal Code defines rape ass fape is the act of anal or Vaginal sexual intercourse with a male or femaie person wh is not the spouse of the effender, committed without the person's lawfel consent. Smission is mot necessary: and any sexeal penetration, vaginal or anal, however slight, is sufficinst to compiete the crime. The defenGant is charged with the aggravated tape cf Betty &. Naif. Aggravated rape is a rape, committed where the @nal or vaginal intercourse is geen to be witheut the lawful consen eS en ef the victim because it is com ——L. mitted under any one or moxe of the following circumstances: where the victim resists the act to the utmost, but whose resistance is overcome by ferce; er wheres the victin is prevente maple. 2! of great and immediate bodily harm, accompanied by apparent power of execatien. A lesser included offense to the crime charged is the crime of sinple tape. Simple rape is 2a rape, committed where the anal or vaginal sexual intercourse is deemed te be without the lawful eonsent sf the victim. because it is committed ander any one @r more of the fallewing } circumstances: where the victie is incapable of resisting er of angerstanding the nature of the act by reason of stuper or abno mal condition of the mind prodeced by an intoxication, administered by or with the privity ef the eaffernder; or whe the victim has suck incapacity, by vreasm cf a Sepor or abnormal condition of mind from any cans and the offender knew or should have known of the victim's | incapacity; or where the victim is incapabie through i narcotic, or anesthetic agent, | j | | | | temporary or permanent, of understandhg the nature of the act; and the offender knew er ; i should have krown of the | : . i victim's incapacity: ox where | | the female victim: secbmits ander the belief that the person committing the act is ker husba and such belief is intentionalil oe a er concealment practiced by “| effender. Amothkher lesser i ineluded offense to the crime | charged is forcibie rape. | ly Lesiniana Hevised Statute 14:4341 defines it as follows: \*“£arcible rape is & rape cemmitted where the anal or vaginal sexual intereaurse is desmed toa be without the Lawfel consent of the viectin hecause the yictin i$ act by Force ex t8reata of im physical vislence where the vic yeasonably believes that such resistance woeald not prevent th rape.” Responsive vyardicts to the crime of aggravated rape i) 10 tt 12 Sis es attempted forcible rape. The law of attempt is as fellows: an attempt is a separate but lesser grade of theintended erime; and any person may be convicted of an attempt to commit a crime, although it appears on the trial that the ¢xime intended er attempted was actually perpetrated by such | person in pursuance of such { attempt. An attepPptis defined as follows: "any person whe, havsug a specific intent to commit a crime Goes or omits an act for the purpose of and tending directiyvy towards the accomplishing of his object is guilty ef an attempt to commit the offense intended; and it skall be immaterial whether ander the circumstances, he would have 7 | actually accomplished his peepesen Mere preparation te commit a erime shail not be sufficient to constitete an attempt; bat ; lying in wait with a dangerous | weapon with the intent to commit a crime, or searching for ; an 172 ee 15 16 7 18 19 20 21 22 23 dangerous weapons with the intent to commit a crime, ehelt | be sufficient te constitute an | attempt to commit the gffense intendea@. Tt is essential to intent to commit the crime. | "Specific intent™ compehends more than a mere decision te do Some uniawfal act or acts, it is a thougittout design to efiec \* £2 fea direction of the wing to a particular goal; a contemplatis Ae i ‘~ a ‘ 5 ted s ” ny tee . NS te ils cee a ft of the particular conseguence which would eonstitate the identical crime charged, combined with an expectation and intentign to accomplish that precise effect. @he requisite intent needa net be proved by direct evidence and may be inferred fr elements axe an actual specific intent te commit the offense, and an overt act directed towar that end. o£ ceurse, it will 10 it 13 14 15 16 17 18 19 20 21 23 24 25 26 27 28 a I a I a ac re aa specific intent te commit an offense unless the offender has an apparent ability te consummate ; the crine,. Fhe Court instructs | you members of the jury that in| . Getermining whether or not the | defendant has been identified a the person who committed the offense charged against him, ifjany such offense was committed, you must consi@er all of the testingny in thea case, considering the means of identification; the eircamstances under which he | was identified, the opportunity for identifying the said defendant; the influence brought to bear on persons claiming to identify the wetenalat, the description of his apparel | as stated by the witnesses, and ‘the probabilities or impxrobabil ities that it was the defendant ana if after s@ judging and weigh- ing the evidence, you era not gatisfied heyond all reasonable doubt that the defendant has been correctly identified as the per ~— i) ww Zz o in this indictment, it will be your duty te find the gefendant net guilty. The state and the @efendant are entitled to the individual verdict of each juror. t + BWhile the formal verdict is the collective resait «ef the delib- Dre me etree pry temanrn at erations of the jury as a whole this result mast have been arrived at by each juror separately. In other words, each jurer must have come to rr he ef verdict by reaamm of his own appreciation of the law and the evidence in the case. Sy this, it is not maant that the jurors should not fully discuss the ease with each other in their deliberations in the jury room. On the coantrary, it is the duty of each individual juror to fully @xplore both the evidance and the law. of the case, according ta his Lights. Hewever, sheuld jurers after @ fnli and fair discussion of the case arrive at 2g verdict which squares with their conscience, it is their ab ee sean se tv i 12 13 14 15 16 17 18 19 29 21 24 25 26 27 28 to this epinien and not surrender it simpiy beause ! they ere outnumbered by other jurers entertaining a contrary opinion, or for any reasen not connected with the case. If, however, Fellow jurors are able : to convince them that the by them dees not conform to the Law and the evidence or lack of 1 evidence in the case, it would be their duty to change their | original opinion as ieng 2s ehey ehanged opinion sqaares with their esnseience. Fen of: you jurors mast concur or agres | on whatever verdict yor shall | render. Yeu may render one of 4 the following verdicts: guilty of aggravated rape, guilty at attempted aggravated rape, guilty of simple rape, guilty of forcible rape, guilty end attempted forcible rape 2nd on any verdict respansive to . | the charge, it is necessary tha 18 1S 20 22 23 24 25 26 27 a guilty beyond a reasonable doab returned. Further if you, the jury, hare a reasanabie | doubt as to any or all grades of the offense charged, you | shall find the defendant not | guilty sf that grade oer ail grades of the offense as the case say be. You will retire to your reom and select amerg yeurseive a foreman by majority vetea and after you have arrived at a ver in which at ieast ten of FYon shall concar or agree, your foreman will place a date on th back of the sheet on which the verdicts are written and under the date he will write whatever verdict you arrive at, and unde the verdict he will sign, bis name and ander his signatere he will ada the word “fereman\*. You are to ga in and deliberate with one another and discuss own conscious one verdict oz another xemain with that uniess BR eee ne a a Ee! ket vc E tei as ba a ar 11 12 13 14 21 22 23 24 26 27 28 jurors that you sheuld change your mind, dan'’t simply change your mind because nine of the people have and they need twelve and they need you. Go what you think is right to the best of your ability in this case. It will be @iffienlt for yoa because you are not jedges and you are trained in the iaw but this system has been working for a number ef years and we rely on it as tke best systen of justice in the worid and we ask you to bear that in mind as you ge ahort your contemplatign in this matter understanding if “you canret reach a verdict here some other jury will have to reach a verdict guilty or not se as you go abeut your affairs you will have this verdict sheet which says we the jury finds the @efendanat, Halcelm J. Alexander and a leng black line, Gretna, LDewtisiana, this blank day cf Hovember, 19890, and a piace for am me) OP oe oes re a a aa oy +P. 21 22 23 24 26 27 28 THE COURT: verdicts which we have spoken about before guilty of aggravated Kape, guilty of attempted aggravated rape, guilty of simple rape, guiity of forcible Sape, or guilty of attempted forcible rape and net grilty. EZ new tarn these charges aver te you. Go into the juryrecn and elect from your mumber by majority vote a foreman and ke will be the person that will conduct the aifairs in the jary room. He is net a@ dictator. He is simply the foreman. I acow turn it ever to you. Aliright, the alternate juror, you are now exeused at this time, Mr. Sevier, {SURRY WENT INTO DELLIBERAPTICH} We are going te have a verdict Erom the jury now. This is not going to be a easy verdict ene way or another ior the jury but ZI am not going to make it any harder on them by having anybedy bursting out screaming or hollering one way or another se 10 11 12 13 17 18 19 20 21 22 23 24 25 26 27 28 THE BR. FRE FEE COURT: You waive the polling, gentiemen? PITRE: Yes, FOSHs Yes, COURT: overcome by emotion that you can't remain quiet duxing the course of this matter F am going to have to ask you to leave the courtroom at this time. This is not an easy jeb. These people @ian't ask to be jurors. in fact, they resisted as mach as they could, but the same as Tf would cali you or call anybody else to serve as 6 juror, theiz auty is to serve so let's Gon'tt make it any harder on them. Alright, let's proceed. Cali in the jary. {JURY RETURNED} Your Honor. Your Honor. Phe person with the paper in your band, you have been elected the foreman? PORENAH ¢& Yes, Your Honor. a 18 1 12 13 | 16 17 18 19 20 21 22 23 25 26 27 28 If you have a verdict please hand it over to the bailiff. Would you please stand, Mr. Alexander? Would the clerk read the verdict Please. THER CLERK: 24th Judicial Bistrict Court Parish of Jefferson, State of Lonzisiana Verdict, we the jury, find the defendant, Maicolim 3. Alexander guilty of aggravated rape. Signed foreman Jack Sigman. THE COURT: Nov, ladies and gentlemen, ne body is going to ask you hew you voted. EF will have a polling of | the jury. = will simply ask each one of you if this is you verdict and all you have ts do is say yes er ac. SEE COURT: Is that yoar verdict? A JUROR: Yes. A TERCR: Yes. A TSROR: 10 Il 12 ry ~ 15 16 17 18 ig 20 21 22 23 24 25 26 27 28 FUROR: Yes. SIRORs ¥es. JUROR = Yes. JUROR: Yes. JERGEs Yes. JURGRs Yes. FTRORs Yes. TBEOR: Yes. TURORs Yes. {END OF FESTIMONY AND PROCREDINGS} 10 12 13 14 | 16 17 18 19 20 21 22 |ouxt, go hereby certify that the foregoing pages is | presiding. C£ERPFIOFIicCA TS Z, TED 2. SEARSOHSEE, Cfficial court Reporter, for Division "K\* of the Fwenty Fourth Judicial District | a true and correct transcript of the testimony anc | proceedings taken in the matter cf STATE GF LOUISIAN ¥S. MALCOLM J. ALEXANDER, Wo. 80-1260, an November | 1980, before the Honorable Alvin Rudy Eason, Judge oy oy FED J ABSONNS geeisial Goare Reporter Division °K\* 24th Juediciai District court 10 11 12 13 | 14 15 16 17 18 19 20 21 22 23 24 25 | 27 28 SSENSY-POURTH JUDICLAL DISTRICT COURT PARISH OF SEFFPERSGR SPATS OF LODISIABA + © © &€ #\* &€£ BF & & & & STATE OF LOUISIANA HO. S0-1260 vs. BEVISIGN \*X\* ee SRM & MALCOLM J. ALBZANDER \* x& & & &® \*&\* € x & B F \* & # Pestimony and proceedings taken in the above numbered and entitled case in oper Ecurt on December 10, 1986, the Honerebis Alvin Rady Sassen, guage presiding, Bivision \*%K\* APPEARANCES: POR THE STATE: Wikliam Hail, Assistant pistrict Attorney FOR FHE DEPENDANT : Weseph J. Tosh Attorney at Lav 10 il 12 13 15 16 17 21 22 23 24 25 26 27 BR. POSE: Your Honor, for the record as =z explained to you, ¥our Honors in chambers Z would Like to move the Ceurt the appoerteuaity te have the defendant take a polyograph test ier the basis ef a motion for a new triel. Ae L explained ts yoexr Honor. the one firm thak I contacted for sme while I was at trial Last week that they no longer testify in Court. Pherefore, = would Like an additional week tea obtain anothszr polyograph firm to examine the defendant. Like I said would be the hasis of a new trial. FEE COURT: Welk the Court is going to deny that motion. fhe dispesition was page im this matter. It has been almost a month since the matter has been tried and there ie a mandatory sentence ir connectim with this matter. The jury beard this cage and it wan 2 neERiveus veragict and the | 23 24 25 26 27 28 BR. TCSH: ané the evidence presented at the time ef trial sees ms reason to put Mz. Alexander or the victim of this rape thraugh another trial. There is nothing that can be accomplished by the delay in sentencing. Your Henocr, I wouid like te note my ebjectien for the record, SRE COuRE: Hote counsei‘ts oebjection in connect tok with this matter. Hr. | you have been convictsd by a jar sf your peers of aggravated Yape of Mrs. Betty S. Weif and the provisions of Artiche 14:42, aggravated rase says whasver ecomeits the crime of aggravated xape shail be punished by life imprisenment witheunt benefit of parele, prebation, or suspensicn | = sentence, Accordingly the Court sentences yor ta Life in prisen without benefit of parole, probation or suspensioa according to the Law cf the State of Louisiane, t on 12 13 14 15 16 20 21 22 23 24 26 27 28 Your Honor, I know that the sentence is mandatory, but © would Like te nota my objection to the execessiviness of tke sentence. FER COURT: Airigkht, sir. 10 11 12 13 14 16 19 20 2i 22 23 24 26 27 28 29 cCERTEFEiECA ET SB | Rudy Zason, Judge presiding, Division \*x°. Le SED J. SEAESCERE, Official Court Reporter, for Division "K\* cf the Pwenty Porrth vudiciai District Court, a4o hereby cetify that the foregoing pages is a@ tree end correct transeript of the testinony and proceedings taken in the matter of STATE OF LOWISTABA WS. HALCOLE J. ALEXANDER, HO. £0-1269, on Deeember 19, 1980, the Honerable Aiviz eH FE hep gs FED J. JEAMD BRS Official Cenurt Reporter Division \*“\*K\* 24th Judicial pistrict | court