

1 course, because you're looking for the police. You want
2 to make sure that the police aren't there to catch you
3 in the act of rolling through that stop sign. You're
4 looking around, and you're hoping there's no police
5 cars. You look around, see no police cars, no police
6 around, and then you proceed to roll through that stop
7 sign.

8 When you do that, you make a conscious decision
9 to do that, and you know that if you roll through that
10 stop sign and there's a cop in the bushes hiding, you're
11 going to get in trouble for it. You're going to get a
12 ticket, and you're going to have to pay a fine. Knowing
13 the consequences, you decide to roll through that stop
14 sign after you looked around to make sure there's no
15 police.

16 In this particular case, the defendant had
17 minutes to decide whether or not he wanted to kill
18 Rita Cobb in this case. In this case, he strangled
19 Rita Cobb. You heard from Dr. Saukel, the pathologist,
20 about how long it takes to manually strangle or with a
21 ligature strangle somebody. What I'd like to do -- the
22 doctor said it's somewhere in the neighborhood of five
23 to ten minutes. I'm going to take three minutes, and in
24 the three minutes, I want you to think about it. This
25 is how long he had to think, at least three minutes.
26 We're going to take three minutes here, and we're going
27 to be silent. I want you to think about the amount of
28 pressure Dr. Saukel told you has to be applied during

1 the three minutes and how much force has to be applied
2 to strangle somebody.

3 (Whereupon there was a
4 pause in proceedings.)

5 MR. THOMAS: Right now it's approximately one
6 minute.

7 (Whereupon there was a
8 pause in proceedings.)

9 MR. THOMAS: Right now it's approximately two
10 minutes, and the person strangling Rita Cobb still has
11 his hands around her neck or pulling this wire coat
12 hanger, and at this point she's probably unconscious.

13 (Whereupon there was a
14 pause in proceedings.)

15 MR. THOMAS: Ladies and gentlemen, that's
16 approximately three minutes that you've had here. In
17 this case, Dr. Saukel testified it was five to ten
18 minutes. The person strangling Rita Cobb had up to
19 ten minutes to decide, I'm not going to do this. All
20 this time they're applying pressure. They're deciding
21 during that time period that they're acting
22 deliberately and with premeditation when they're
23 choking Rita Cobb to death.

24 The second way that you can get to first degree
25 murder in this case is felony murder. There's three
26 elements: The defendant committed or attempted to
27 commit rape; the defendant intended to commit rape or
28 attempted rape; and while committing or attempting to

1 commit the rape, the defendant did an act -- did an act
2 that caused the death of another person.

3 That could be accidental or anything like that,
4 but in this case I would argue it's not accidental.
5 It's still done on purpose. He wants to cause the death
6 of Rita Cobb. He wanted to kill her. That's
7 Instruction 540A.

8 This isn't a what-is-it. This is a
9 who-done-it. As far as what is it, I would argue to you
10 that this -- there's no doubt that this is first degree
11 murder. It's either first degree murder under the
12 felony murder rule or first degree murder under a
13 willful, deliberate, and premeditated rule.

14 The defense is going to argue that the
15 defendant wasn't the one that committed this crime; that
16 he simply had sex with Rita Cobb sometime before she was
17 murdered. I would argue this is not a reasonable
18 conclusion based on all the evidence that was presented
19 in this case.

20 Let's talk about that evidence. The first
21 thing I want to show you is Exhibit 13. That is what
22 Daryl Kraemer and Marta Kraemer saw when they walked
23 into Rita's room on September 23, 1985. They see Rita's
24 body lying in bed like it is in Exhibit 13 in a sexual
25 position. Her body is fully nude, no clothing. You can
26 see in Exhibit 14 there's what appears to be a white
27 pair of shorts or cloth in her mouth.

28 What was the motive of this killing? If you

1 had to look at all the evidence in this case and
2 determine what the motive is, you could only come to one
3 conclusion. It's not a burglary. It's not a robbery.
4 There's lack of ransacking, lack of anything valuable
5 missing, and you could see on Exhibit 10, you can see
6 the wedding ring that was described by Marta and Daryl
7 still on the table there right by the bedside.

8 You can see in Exhibit 15 -- and this is kind
9 of hard to see on the small photograph up there. When
10 you go back in the jury room, you can look at it.
11 There's a watch or what appears to be a watch on Rita's
12 left arm, and then on her right arm, there appears to be
13 a bracelet. The detective testified, there's no show of
14 forced entry or anything that would indicate to him that
15 there was a burglary or a robbery in any way.

16 The only thing you could come to the conclusion
17 of based on all the evidence that the motive in this
18 case was sex. The person who did it wanted to rape
19 Rita Cobb and then kill her. That's the only thing that
20 you could come to with all the evidence in this case.
21 That's the only reasonable conclusion as to what the
22 motive is in this case.

23 Use your common sense. You don't lose your
24 common sense as jurors. You still have your common
25 sense. Marta Kraemer's testimony, she said quote "The
26 way that she was positioned, someone had to have had sex
27 with her to be frank". You see Exhibit 13 and the
28 position that she was in, and you recall the testimony

1 from Dr. Saukel regarding the knee.

2 As far as a sexual assault, whether or not it
3 was consensual or nonconsensual, Dr. Saukel said, in
4 many cases, you could find the absence of bruising.
5 That doesn't mean that it was nonconsensual or that it
6 was consensual, one way or the other. If you look at
7 all of the evidence in this case, you can come to the
8 conclusion that it was nonconsensual; that this was a
9 rape, ladies and gentlemen. That's the only reasonable
10 conclusion.

11 You have the white shorts stuffed in Rita's
12 mouth and why else would you stuff shorts in somebody's
13 mouth? To silence them. You don't want them screaming
14 or talking while you're committing heinous crimes on
15 this person. So you stuff shorts in her mouth. Keep
16 her quiet. If the reason Rita was killed was because
17 somebody wanted to kill her, they wouldn't have to stuff
18 the shorts in her mouth. They would strangle her.
19 There would be no reason to stuff shorts in her mouth
20 and gag her because they would put their hands around
21 her neck and strangle her, and she wouldn't be able to
22 say anything anyways because the air would be cut off or
23 the blood flow would be cut off.

24 The signs of struggle. You have Exhibit 12 and
25 Exhibit 11. Exhibit 11, if you look at the top
26 right-hand corner, you have a pair of glasses, Rita's
27 glasses, that were found there. You heard Daryl say she
28 would never just throw her glasses there. The fact that

1 it's on the floor shows there had been a struggle; that
2 she was fighting.

3 What about the watchband pin? That's important
4 because look where it is. It's above her right side.
5 It's like if somebody were to hold their hand -- if a
6 male were to hold their hand, and she was struggling,
7 she might have gotten the watch pin out. It was the
8 defendant's watch pin. You heard the testimony, that
9 watchband pin does not match the watchband pin that Rita
10 had.

11 Look at the size. I would argue it's a male's
12 watchband pin. That would show additional signs of a
13 struggle and show additional signs that she was, in
14 fact, raped and this was nonconsensual.

15 If you conclude the motive in this case was
16 rape, then everything points to this person seated right
17 here at the counsel table, Mr. Yablonsky, as the person
18 who committed that rape.

19 DNA evidence showed that only the defendant had
20 sex with Rita. There's no other evidence showing that
21 anybody else had sex with Rita other than the defendant.
22 If you conclude that the motive in this case was rape
23 and that Rita Cobb was raped, then the only person the
24 evidence points to is Mr. Yablonsky. That's it. Nobody
25 else.

26 Then if you look at all of the DNA evidence,
27 Item A dash 11 and Items A dash 18a and A dash 18b, they
28 all match the defendant's DNA that was taken in Item J

1 dash 1. I'm showing you what's been marked Exhibit 46.
2 Look at those numbers up there, ladies and gentlemen.
3 The sperm fraction, Item A dash 18a, the sperm fraction
4 Item A dash 18b, then Item -- the sperm fraction, Item A
5 dash 11. Then look at Item J, the reference buccal swab
6 from Mr. Yablonsky.

7 All you got to do is look at these numbers.
8 The first is 12, 12, 12, 12. As you go down that row,
9 every single number matched Mr. Yablonsky's DNA. If
10 there was one number that did not match, you heard the
11 criminalist, then that excluded Mr. Yablonsky. You
12 heard the testimony. All of those numbers match
13 Mr. Yablonsky, Item J dash 1.

14 If you look at Exhibit 47, tells the same
15 story. This is Table II. If you look at Table II, same
16 thing. All of the numbers match, only one possible
17 explanation. Mr. Yablonsky was the one that had sex and
18 left that sperm on Rita Cobb's vaginal swab and left it
19 on that felt pad. That's the only reasonable conclusion
20 that you could come to in this case.

21 The figure the criminalist gave as far as what
22 is the possibility of somebody in a random population
23 would have that same DNA that Mr. Yablonsky has. We got
24 into the figures of trillion and quadrillion, but,
25 suffice to say, that it was at the very least 1 in
26 7 billion. That's the population of the earth.

27 There's no other evidence that exists that
28 points to anybody else. If the defense gets up here and

1 says there's evidence, it's all speculation because
2 there has not been any evidence presented in this case
3 that links this case to anybody else but the defendant.

4 Look at the defendant's own statements. He
5 denies any type of sexual contact with the victim. We
6 know that's a lie because the only way that his sperm
7 would get into Rita Cobb's vaginal swab would be if he
8 had sexual intercourse with Rita.

9 Look at Instruction 362. If the defendant made
10 a false or misleading statement before this trial
11 relating to the charged crime, knowing that statement
12 was false or intending to mislead, that conduct may show
13 he was aware of his guilt of the crime. You may
14 consider it in determining his guilt. You cannot solely
15 look at that by itself, but you can consider it along
16 with all the other evidence in determining whether or
17 not Mr. Yablonsky is guilty of these crimes that he's
18 accused of.

19 Let's go through some of the things he said in
20 the interview. When the detectives are asking about
21 several different names, his response -- this is going
22 to be on Page 31, of the transcript.

23 (Whereupon a portion of audiotape Exhibit 49 was played,
24 not reported.)

25 MR. THOMAS: He says, I didn't socialize with
26 the lady. I didn't hang out with her. He's not even
27 being asked at that point. All he had to say is he
28 had sexual contact with the victim or dated the victim

1 or did anything with the victim, oh, yeah, we used to
2 socialize. There wasn't a question pending at that
3 point that would incriminate him. He just volunteered
4 that information. I didn't socialize with the lady.
5 I didn't hang out with her, basically distancing
6 himself from the crime.

7 He already knows at that point when the
8 detectives are asking him questions. I would argue he
9 knows the detectives are there looking at him. Later
10 on, when he's asked about going to the police station,
11 he already knows, am I being considered a suspect?

12 The next part of the statement -- we're still
13 at his home at this point. So he's being asked some
14 questions, and I'll play the interview portion of that.
15 This is all coming out of Exhibit 49. This is Page 40
16 of the transcript, approximately 59 minutes and
17 55 seconds into the tape or the recording.

18 (Whereupon a portion of audiotape Exhibit 49 was played,
19 not reported.)

20 MR. THOMAS: In the interview, the detectives
21 constantly give him an opportunity to say, yes, we had
22 consensual sex. Yes, I had a dating relationship with
23 Rita, but every single time he denies any of that. At
24 this point the detectives already know that he had sex
25 with Rita at some point. The evidence shows that, and
26 for the defendant to say, I've never had any sexual
27 contact or any dating relationship with the victim in
28 this case, the only one reasonable conclusion that you

1 can come to is that he's lying to distance himself.
2 He's lying because he had nonconsensual sex with Rita.
3 He raped her.

4 Same interview, another portion of it. This is
5 going to be on Page 43 at approximately 1 hour and
6 4 minutes and 45 seconds into it.

7 (Whereupon a portion of audiotape Exhibit 49 was played,
8 not reported.)

9 MR. THOMAS: Again, being asked a simple
10 question, and he still denies it all the way through.
11 Again, the only reasonable conclusion that you can
12 come to as far as why he's denying it is because he
13 committed this crime and doesn't want to be linked
14 with the crime that he committed.

15 One last clip I want to play on Page 109 of the
16 transcript approximately 2 hours 46 minutes and
17 53 seconds into it.

18 (Whereupon a portion of audiotape Exhibit 49 was played,
19 not reported.)

20 MR. THOMAS: Again, he's asked about any
21 intimate relationship that he had with Rita, and he
22 again denies having any intimate relationship. I
23 missed the page. It was actually Page 99 where this
24 was found.

25 Then at the very end, Detective Alexander is
26 trying to give him a clue that there's evidence that
27 links him to the crime, and yet again he doesn't want to
28 admit anything as far as any sexual contact or any

1 dating relationship with the victim. The only reason
2 he's doing that, ladies and gentlemen, I would argue
3 that he is trying to distance himself from what he did
4 in 1985. This is on Page 109.

5 (Whereupon a portion of audiotape Exhibit 49 was played,
6 not reported.)

7 MR. THOMAS: Ladies and gentlemen, the
8 defendant knows what the detectives are getting at.
9 He knows. He understands. He even says so. The only
10 difference is that we're talking --

11 Detective Alexander's talking about fingerprints and
12 not DNA, and the defendant knows where his DNA is
13 going to be. He knows that he had sex with Rita Cobb.
14 He knows that he raped Rita Cobb at this point, and he
15 still doesn't want to come and admit that he had some
16 sort of sexual contact. That's because, I would
17 argue, that it was nonconsensual sex. It was a rape.

18 From all the evidence that you've heard, what
19 can we say about what happened on or about
20 September 20th, 1985? I have Exhibit 35 up there, a
21 picture of Rita Cobb that everybody's been identifying.
22 We know that somewhere around that time period somebody,
23 the defendant, came into Rita Cobb's house, raped her,
24 and then strangled her to death manually and with a wire
25 coat hanger, and left her on the bed, fully nude, in a
26 sexual position, then tried to conceal the evidence at
27 that point turning up the heat, closing the curtains,
28 turning on the radio hoping that nobody would come in

1 there and find her body before it fully decomposed.

2 From all of the evidence, what can we say about
3 the defendant, Mr. Yablonsky? We can say the defendant
4 is a cold-blooded killer who committed first degree
5 murder when he raped and strangled Rita Cobb to death.

6 What I'm going to ask you, ladies and
7 gentlemen, is to return a verdict of murder in the first
8 degree and a true finding on the special circumstance in
9 this case that the murder was committed in the
10 commission or attempted commission of a rape.

11 Thank you.

12 THE COURT: Thank you, Mr. Thomas.
13 Mr. Sanders.

14 MR. SANDERS: Thank you, your Honor. Because
15 of where I sit, I'm going to move the podium over with
16 the Court's --

17 THE COURT: Mr. Sanders --

18 MR. SANDERS: Is that okay?

19 THE COURT: -- my court is your court.

20 MR. SANDERS: Thank you, your Honor. The
21 only problem with one of these things is there's not
22 enough room at the top. I figure it's better than
23 walking back and forth and picking things up and
24 bringing them over. If you'll bear with me, ladies
25 and gentlemen.

26 I appreciate the time that you have taken to
27 sit and listen to this case. Before anything else I
28 say, I want you to make sure -- my client and I do

1 appreciate your time. We know that all of you have
2 other things to do and other people that need your
3 attention, and yet you were here two weeks now to
4 perform this service. So please know that we both want
5 to thank you for that. We do consider this an important
6 service.

7 If you're like me, you have a strong feeling
8 for our American way of doing things. Our American
9 justice system is probably one of the hallmarks of -- of
10 that system. The way we settle disputes, the way we
11 bring in people off the street to make very important
12 decisions having to do with the -- whether they're civil
13 or criminal. That's an extremely important task.

14 You can serve your country by picking up your
15 rifle and going off to the front lines. You can vote.
16 You can educate yourself on issues, make good decisions.
17 By being a juror, you do that too because when you're a
18 juror, you are listening to evidence and you're going to
19 apply the law. You make a decision in your community
20 that in our community, we will follow the law.
21 Sometimes that's a tough thing. Sometimes it's not
22 easy.

23 You're sitting here with a courtroom full of
24 people. Lots of people want you to decide one way.
25 Lots of other people want you to decide another way.
26 You're going to decide how this case is decided. You're
27 going to follow the law that was given to us by the
28 judge, and if it means we have to make a hard choice,

1 we're going to make a hard choice. If it means we're
2 going to make an unpopular decision, we're going to make
3 an unpopular decision. We're going to do what the
4 evidence says, and we're going to do what the judge has
5 instructed us to do. I appreciate you for that.

6 Sometimes I think it's helpful if we pause for
7 a second and consider what we are doing here and what is
8 going on. How does this -- how did we get here? We're
9 in this nice, lit courtroom. We've got comfortable
10 seats out here. We've got a court reporter that's
11 taking notes. It wasn't always this way.

12 Before we got to this place, many people had to
13 put in their ideas and their input and their
14 suggestions. Hundreds and hundreds of judges and
15 lawyers and common citizens had an input on how to best
16 do this. So a long time ago a trial like this would
17 have maybe only had three people there. You would have
18 had the judge, Prince John. You'd have the sheriff of
19 Knottingham, and you'd have some poor person that was
20 charged with shooting a deer in the king's woods. He's
21 brought down to a dungeon someplace and maybe assisted
22 in his confession with some hot irons or whatever. That
23 was the way trials were. We decided that wasn't a good
24 idea.

25 Let's, first of all, bring it out in the open.
26 Let's put them in a place that's open to the public.

27 Then instead of just a government magistrate,
28 we have a nonbiased, unbiased official, to be the judge,

1 but not the judge of the facts. We're going to bring in
2 every day, ordinary citizens to make these kinds of
3 judgments, a jury of our peers.

4 Then we decided, let's keep a record, and we
5 decided, let's open it to the public, make sure that
6 everything we do is on the up-and-up. One of the very
7 last things they did was they added me. They decided
8 it's a good idea to have someone come and speak for the
9 accused, someone to come in and say, wait a minute,
10 Mr. Prosecutor, wait a minute, Mr. Government Attorney,
11 before we rush into this thing, have we considered this,
12 have we considered this? Before we make all these
13 jumps, these logic jumps on circumstantial evidence, did
14 we consider this or did we consider this?

15 Everyone in the last few hundred years has
16 agreed that's an important point, so that's what I'm
17 here to do is to say, wait a minute. I know that the
18 prosecutor is in a hurry to get this done, and I know he
19 wants you to -- he's got DNA, so game over. Our system
20 of justice requires that somebody say, hold on. Wait a
21 minute. Have we considered this? Let's look at that.
22 Is that circumstantial evidence as strong as he wanted
23 you to believe?

24 The judge has instructed you on this idea of
25 reasonable doubt. The judge has instructed you that
26 before someone is convicted of a crime, they have -- the
27 government's attorney has to prove it beyond a
28 reasonable doubt. It's not, well, he sounds pretty

1 guilty, and the prosecutor -- and the prosecutor showed
2 us those bad pictures, and he's pretty sure. That's not
3 the standard. The standard is, has he proved the case,
4 all the elements of the case beyond a reasonable doubt?

5 You know what, the judge gave you another
6 instruction that I'm going to refer to, and that's the
7 one on circumstantial evidence because this case is a
8 circumstantial evidence case. Everything about it is
9 circumstantial evidence. There is no direct evidence in
10 this case that goes to the main issue.

11 So the judge instructs, well, in circumstantial
12 evidence cases, circumstantial evidence does not help
13 unless the precursors, the steps in logic to determine
14 that the only reasonable conclusion points to guilt, and
15 the prosecutor has that duty too. On all of those
16 instances, and I'm going to list about 20 of them, where
17 he wants you to make a conclusion based on
18 circumstantial evidence, did he prove beyond a
19 reasonable doubt that none of the other possible
20 circumstances were true? I don't think so.

21 Some people think you got to prove him guilty
22 beyond a reasonable doubt. That's pretty hard. Beyond
23 a reasonable doubt, that's really hard, but that is the
24 way, after hundreds of years of the best minds that we
25 could bring to bear to this subject, the way we decided
26 is best.

27 I like to use the analogy of baseball. When I
28 was a kid, everybody played baseball. It was pretty

1 much the only game in town. When I grew up, they didn't
2 have AYSO Soccer or Little League Football or
3 basketball. If you wanted to play organized sports, it
4 was baseball, and baseball was the national pastime.
5 The NBA was something that not many people heard of, and
6 the NFL wasn't a big deal if you lived west of the
7 Mississippi.

8 Baseball was evented a long time ago. Do you
9 think that they ever fine-tuned baseball, so that it
10 would stay engaging, so that it would be a good game?
11 Absolutely. They have doctored the ball so that
12 sometimes some years they think they want it to be
13 springier and some years they want it to be deader.
14 They made all these rules about bats because they don't
15 want them to be too -- make the ball go too far. They
16 don't want them to be dead.

17 They have taken the pitcher's mound and raised
18 it up a little bit or lowered it a little bit to try to
19 get the perfect combination, so that on one hand we
20 don't have games that are 30 to 27 or games that are
21 always 1 to 0. We want some somewhere in the middle.

22 They make rules about where the fences can be.
23 All these things are designed to make baseball what it
24 is, entertaining, engaging. That's the same thing with
25 this. We could have used other standards for criminal
26 trials. We could have said, you know, more likely than
27 not, that's good enough burden. It isn't good enough
28 for us in this country. We could have said, if there's

1 clear and convincing evidence, that's good enough. But
2 we decided that wasn't good enough for this country. We
3 wanted the highest standard, beyond a reasonable doubt.

4 A person is presumed innocent, and the
5 government's lawyer, the prosecutor, has to prove them
6 guilty beyond a reasonable doubt. So if there are
7 doubts, and if there are reasons for those doubts, then
8 we vote not guilty.

9 By the way, as you might see as this trial goes
10 on, you now know something about guilty and not guilty
11 that most people don't know. A lot of times we hear
12 that -- we read in the papers somebody was not guilty,
13 the jury exonerated them or, you know -- and now you
14 know that's not what that means.

15 If a person -- if there is some evidence,
16 doesn't mean they did it or did not do it, but you vote
17 not guilty because not guilty doesn't have to do with
18 whether or not they committed a crime. Not guilty has
19 to do with how much evidence there was that they
20 committed a crime. If there's enough evidence, we can
21 overcome not guilty. It has to be everything beyond a
22 reasonable doubt otherwise we vote not guilty. It
23 doesn't mean what everybody thinks it means. It means,
24 Mr. Prosecutor, you don't have enough evidence in this
25 case. That's what it means.

26 Sometimes I think our government, when it comes
27 down to these cases, I think they go too quick. They
28 take shortcuts. I think sometimes they will -- if it's

1 a case of, okay, we've got enough, day's over. I think
2 some people have said that, close enough for government
3 work, you know.

4 Some of you are old enough to remember the
5 great movie, *In the Heat of the Night*. Do you remember
6 that one? For those of you who haven't seen it, you got
7 to see it. You've got Rod Steiger. He's a sheriff down
8 there way down in Mississippi somewhere in a small town.
9 You've got Sidney Poitier who happens to be traveling
10 through, and he is a homicide detective from
11 Philadelphia. Somebody gets killed in this little town,
12 and it's an important person, and there's a lot of
13 pressure on the local sheriff to come up with the
14 killer.

15 What does he do? He sends his deputy over to
16 the train station to look around, and look at that, a
17 black man, that's not from around there, that's trying
18 to get on a train and leave town. That's enough for
19 him. Sidney Poitier is arrested, brought to jail,
20 charged with the murder. Let's go home for dinner,
21 boys.

22 Then, as the movie unfolds, they realize that
23 Sidney Poitier couldn't have done it. Then the sheriff
24 goes out and arrests his own deputy and Sidney Poitier
25 goes, you arrested Sam? The sheriff goes, well, I know
26 that Sam put \$300 in the bank last week. Where did he
27 get \$300? You know what, Sam lied to me last night
28 about where he was going on patrol. I've got the

1 evidence. I got the motive. I got him in a lie. He's
2 guilty. All Sidney Poitier can do is laugh and, come
3 on, what's going on here?

4 The point I'm trying to make is, in this case,
5 there's evidence that some of those kind of things
6 happened. Point in Chief Number 1, that -- the white
7 shorts. Did you notice the -- the evolution of the
8 white shorts? The first officer that gets to the scene
9 says -- he looks in the room. He says, yeah, there's a
10 woman lying nude on the bed, and she had a gag in her
11 mouth. Then everybody else picked up on that. Oh, yeah
12 she had a gag in her mouth, white shorts, gag.
13 Everybody after that until we got to the two people that
14 actually knew, one was the criminalist.

15 He's on the stand. I said Mr. Criminalist, I
16 can't think of his name, did you ever actually see the
17 white shorts in her mouth? Well, no, I didn't. Did you
18 ever determine that there was a test on the white shirts
19 that they had been in her mouth? No, we didn't do that.

20 The last person was the coroner. Remember when
21 the coroner took the stand, and the coroner was up
22 there, and the -- we asked him that question.
23 Mr. Coroner, you were the one that finally rolled the
24 body? Yes. Did you ever see those white shorts in her
25 mouth? No, I didn't.

26 Yet, when the prosecutor is up here, he's still
27 talking about white shorts stuffed in her mouth and a
28 gag. There was absolutely no evidence of that, but