

1           they're allowed to argue twice.

2                       We'll be closing argument with Ms. DeYoung.  
3           That will be followed by Mr. Short. And then Ms.  
4           DeYoung will be allowed to come back with a brief  
5           rebuttal argument as well. Then you'll begin your  
6           deliberations.

7                       All right. Ms. DeYoung.

8                       MS. DEYOUNG: Thank you.

9                       THE COURT: Okay.

10                      PEOPLE'S CLOSING ARGUMENT

11                      MS. DEYOUNG: Good morning.

12                      THE JURORS: Good morning.

13                      MS. DEYOUNG: I'm trying to get more  
14           technically advanced. I've got a power point. We're  
15           gonna see how it goes this morning.

16                      Oh. And it's a little bit dark. It's like I  
17           don't know to fix that. I tried it and it's supposed to  
18           be working, but.

19                      This is a case of People versus Reginald  
20           Walker. As Judge Hathaway instructed you when we went  
21           started this on Monday or Tuesday, there are multiple  
22           charges in this case. And for each charge there are  
23           multiple elements that I need to prove to you beyond a  
24           reasonable doubt in order for you to find the defendant  
25           guilty of the charges.

1 All of the counts except for the possession of  
2 marijuana, the Count 6 are basically possession with the  
3 intent to deliver. For the five counts that are  
4 possession with intent to deliver, the elements will be  
5 the same. So instead of going through the, the cocaine,  
6 the heroin, the Xanax, and the Vicodin, we'll do it all  
7 at once and, and try and be a little bit more efficient.

8 The first element that I need to prove to you  
9 beyond a reasonable doubt is that the defendant  
10 knowingly possessed a controlled substance. For Count 1  
11 and 2 that would be cocaine. For Count 3 that would be  
12 the heroin. All of it falls right along.

13 How do we know that Mr. -- well, let's see.

14 The second element for all of five counts is  
15 that he intended to deliver this substance to someone  
16 else. For all those counts he's charged possession with  
17 intent to deliver.

18 The third element that I need to prove is that  
19 the substance possessed was whatever ele -- whatever  
20 count we're talking about, and that the defendant knew  
21 that it was.

22 Only for Count 1, only for the possession with  
23 intent to deliver 50 to 450 grams there is a fourth  
24 element for that. Substance was in a mixture that  
25 weighed between 50 grams and 450 grams. That's the

1 element just for the cocaine count on Count 1.

2 So how do we know that Mr. Walker knowingly  
3 possessed the narcotics. For the cocaine he -- the  
4 officers testified that they pulled the -- that they  
5 pulled cocaine out of his pockets. Mr. Walker testified  
6 yesterday that there was cocaine in pockets and it was  
7 him. He knowingly possessed the cocaine. He admits  
8 they're in his pockets.

9 What about the baggie on the floor. How do we  
10 know that Mr. Walker knowingly possessed the baggie that  
11 was found on the floor.

12 First of all, we have the testimony from the  
13 police officers. The other drugs are on the floor right  
14 where he was standing.

15 Secondly, we have the fact that the defendant  
16 try -- admits that he tries to close the door when the  
17 police officers come in. It's guilty knowledge that he  
18 has the cocaine in on him and that he knows about the  
19 drugs that are in the house.

20 Here's the thing that came out this morning  
21 that didn't get put into the power point. Mr. Walker  
22 indicated that he bought this cocaine from a person  
23 named Boss. He said Boss was at the house that day.

24 Boss sells drugs out of that house. Boss  
25 doesn't trust the homeowner JJ or Johnny Nettleton

1           because Johnny Nettleton is a crack addict. The only  
2           person that Boss trust in that house is the person that  
3           the officers testified is upstairs asleep when the  
4           police come in the house.

5                        So, um, the other thing that Mr. Walker  
6           indicated was that Boss and Orlando left the house right  
7           before the officers got to the door.

8                        So what do we know from Mr. Walker's own  
9           testimony. Boss and Orlando sell drugs, but it just  
10          so -- Boss and Orlando don't trust Johnny Nettleton and  
11          they don't feel comfortable leaving their drugs there  
12          without somebody else there that they trust or they  
13          don't feel comfortable selling drugs there without  
14          somebody that they trust and they left.

15                      The person that they trust is asleep. That  
16          doesn't make any sense at all. Because if Boss and  
17          Orlando were in possession of those drugs, Boss and  
18          Orlando would have taken them with them because they  
19          don't trust anybody that is, is in the house with -- you  
20          are not gonna leave what we can figure out from  
21          extrapolating 163 crack rocks times \$10 a rock, that  
22          alone is \$1600 plus the Vicodin, plus the Xanax, plus  
23          all that. You're gonna leave thousands of dollars of  
24          narcotics just around in this house with someone who is,  
25          who's a drug addict. That doesn't make any sense at

1 all. That's too convenient.

2 That bag is Mr. Walker's. The bag is  
3 Mr. Walker's and we know it because it's at his feet  
4 when the police officers come into the door.

5 You've looked at those pictures of the way the  
6 door works. And when you hear the testimony that, oh,  
7 yeah, the drugs are found kind of behind the door and in  
8 the space between the door and the stairs, if you're  
9 thinking about normally how houses work, there's,  
10 there's kind of a gap between the door and the stairs.  
11 There's no gap here. There's no room for anyone else  
12 there besides Mr. Walker and the drugs that are found  
13 there.

14 The only other person that would have had  
15 access to throw drugs there is upstairs asleep. I mean  
16 and if you look at the way the stairwell is constructed,  
17 you really can't even throw the drugs down the stairs  
18 like that. And why would you.

19 Why would you throw them down right where the  
20 police are, are coming in. It doesn't make any sense.  
21 Those are Mr. Walker's drugs and he knew it.

22 Let's even talk about the Metformin. Sorry.  
23 Getting ahead of myself.

24 The Metformin, the diabetic medication that's  
25 in those baggies that are on the floor. Mr. Walker

1 his Metformin just happens to be a different  
2 prescription on the table in the other room. It's just  
3 all a big coincidence.

4 Out of the blue no, no Metformin for 23 years  
5 and all of a sudden we have two diabetic people in the  
6 same house where the drugs are being sold. That doesn't  
7 make any sense. That's too convenient.

8 The next element is that the substance was  
9 intended to be delivered. The packaging alone for the  
10 cocaine, there's 163 packages of crack rocks in Exhibit  
11 6. That's the drugs that were found on the floor.

12 In addition to that, there are, there's heroin.  
13 There's pills. All of these different -- it's like a  
14 whole pharmacy right at the foot of Mr. Walker. That's  
15 not for personal use. That's for delivery.

16 As far as the pills that are in Mr. Walker's  
17 pocket, 23 rocks for personal use, that's a joke.  
18 There's no way. There's, there's -- we got the scale.

19 Let's see. We got the scale that's found in  
20 the house used for weighing out drugs. We got the  
21 baggies that are found in the house.

22 And you looked at the -- had a chance to look  
23 at the baggies that were wrapped up, the rocks that were  
24 wrapped up. They're wrapped up in the corners of  
25 sandwich baggies all consistent with packaging for

1 delivery, for sale.

2 In addition to that, Mr. Walker has over \$5,000  
3 in his pocket consistent with drug activity. He wants  
4 to come in here and tell you that he's making all this  
5 money as a music promoter. But what he testified is  
6 he's made all this money a month before this happened.

7 He tries to say today that he can make a couple  
8 hundred dollars here and there. But really if he is  
9 a -- as big of a crack addict as he's is telling you, I  
10 bought 25 rocks for personal use, that money is gonna be  
11 gone long before we get to August 21<sup>st</sup>. That doesn't  
12 make any sense at all.

13 The money in his pocket, the money that's  
14 wrapped around the powder cocaine, that's his from drug  
15 sales. And that's how we know that he intended to  
16 deliver this substance.

17 The substance possessed was, Count 1, is the  
18 cocaine. We can go through all of it. And that the  
19 defendant knew that it was.

20 Again, we have the fact that he's trying to  
21 close the door on the officers. He's trying to get --  
22 separate the police from his stash.

23 He admits on his testimony that the rocks in  
24 his pocket were cocaine. All of the other items, all  
25 the other contraband is packaged up with the cocaine.

1                   Detective Schwein and some of the other  
2                   officers, I believe, also testified Xanax and Vicodin  
3                   are commonly used for the narcotics trade. Those are  
4                   all -- those are two of the controlled substances,  
5                   narcotics, the pills that you see often when you're  
6                   fight -- looking at people who are selling drugs.

7                   The chemist Tiffany Staples, she came in here  
8                   and she testified that she tested the cocaine, the  
9                   heroin, and the Vicodin using instrumental test, all  
10                  these other test, and that she found all of those items  
11                  to be heroin, cocaine, and Vicodin.

12                  For the Xanax, the Xanax was not tested by Ms.  
13                  Staples. If you were listening, you heard that she, she  
14                  actually did not identify the Xanax. But what we heard  
15                  was she looked -- when she was identifying the Vicodin  
16                  and even the Metformin, she was referencing this drug ID  
17                  bible. The drug bible is kind of the slang term for it.

18                  Detective Schwein said that when he was looking  
19                  at the pills that were taken into evidence, he looked at  
20                  the drug bible. He was able to identify the same things  
21                  that Ms. Staples could identify.

22                  The Metformin was identified in the drug bible  
23                  that she did as well and also the Vicodin. Detective  
24                  Schwein said he was able to identify the Xanax in the  
25                  drug Bible.



1                   And also we know from the testimony from the  
2                   officers that Xanax, that's something that is commonly  
3                   used in the narcotics trade is as something that's  
4                   commonly sold. That's how we know what the substances  
5                   were that was possessed.

6                   This is the tricky part; that the mixture  
7                   weighed more than 50 grams but less than 50 (sic) grams.  
8                   And that's only the element for the cocaine.

9                   And there's two pieces to this. First of all,  
10                  Judge Hathaway is going to tell you that under the,  
11                  under the case law under the statutes we are allowed to  
12                  aggregate cocaine. When, when we have cocaine in one  
13                  place and cocaine in a second place, all of that  
14                  cocaine, all that substance can be aggregated to get to  
15                  the 50 gram threshold.

16                  So if you're looking at the drugs in  
17                  Mr. Walker's pocket and the drugs that are on the floor,  
18                  you can aggre -- on the -- excuse me.

19                  The cocaine that's in his pocket and the  
20                  cocaine that's on his -- on the floor, you can put that  
21                  all together to get to the over 50 gram threshold. We  
22                  can't add in the heroin and we can't add in any other  
23                  substances, but the one substance by itself can be put  
24                  together.

25                  And for that why can we put those together,

1 because of the testimony from the officers about where  
2 the drugs are found.

3 Again, because of the money on him we can show  
4 that it's all his. The only person, other person in the  
5 house with money on him is Mr. Manning. And Mr. Walker  
6 testifies, well, I gave that money to Mr. Manning.

7 Ms. Seals, Diamond Seals testifies, well, Mr.  
8 Manning had just gotten out of jail so we're throwing  
9 him a big party. The person upstairs is asleep. The,  
10 the drugs are Mr. Walker's. There's nobody left to  
11 blame at that point.

12 Again, follow the Metformin. You got the, the  
13 Metformin in the bag on the floor. The Metformin in the  
14 prescription bottle with Mr. Walker's name on it.

15 The other part of it is showing that if you  
16 aggregate all of the cocaine from the baggie and from  
17 the floor, it's still going to weigh over 50 grams. And  
18 that we brought in the chemist Tiffany Staples to  
19 testify about her methodology and what she did to  
20 determine the weight of the cocaine.

21 She indicated that it's 52.44 grams. If it's  
22 extrapolated out -- she took one of the 163 baggies.  
23 She took the cocaine out of one of those baggies and  
24 weighed that and then used that number to get to the  
25 number for, for the part six for the Exhibit 6.

1                   She did the same thing on Exhibit 14, the  
2 cocaine rocks that were found in Mr. Walker's pocket.

3                   Is it possible that some baggies may be less?  
4 It's possible. It's also possible that some baggies may  
5 be more. But the number that she got to is 52.44 grams  
6 based on her methodology that she testified to.

7                   As jurors, what is reasonable. What is a --  
8 you are to find the elements and find -- the elements,  
9 my burden to prove is beyond a reasonable doubt.

10                  It's your, your decision in this case to decide  
11 what's reasonable about whether or not this was over 50  
12 grams. And the People would submit that it is  
13 reasonable that this is over. There is no reasonable  
14 doubt that this over 50 grams.

15                  Most of this case relies on credibility. And  
16 there's, there's only a few parts of this case where the  
17 things are -- where the facts are really at issue. And  
18 when you're looking at credibility, it's important to  
19 look at all of the witnesses.

20                  Let's look at the police officers who came to  
21 the scene. They've all testified they've only been  
22 officers, all four of them, for two years or less. None  
23 of them have ever met Reginald Walker. I think  
24 Mr. Diggs-Taylor said he had some contact with him on a  
25 traffic stop or something.

1                   They've got no reason to lie about what they  
2                   saw. They've got no reason to lie about what they did.  
3                   They don't have any connection to Reginald Walker at  
4                   all.

5                   Officer Barnosky testifies I did the narrative  
6                   report. Officer Toth did the in, inventory section of  
7                   the report. Their report is entered before Detective  
8                   Schwein gets to the office.

9                   Once a report is entered, and you heard  
10                  testimony from Detective Schwein and Officer Barnosky,  
11                  you can't go back in and change that.

12                  Officer Toth testified I went in, because our  
13                  drop down menu box insist that we ascribe all of the  
14                  items found to someone if it wasn't taken directly from  
15                  that person, I didn't get -- I didn't assign it -- I  
16                  assigned it to the homeowner because I had to assign it  
17                  to someone.

18                  Are they manufacturing the story? No.

19                  They're telling you exactly what they did and  
20                  why they did it. If they were going to manufacture a  
21                  story and try to pin a case on Mr. Walker, why wouldn't  
22                  they say then all of these drugs came from Mr. Walker.  
23                  And if they're gonna go that way, if they're gonna  
24                  manufacture the case, wouldn't they say, oh, yeah,  
25                  everything was in his pocket. All of those drugs were

1 all in his pocket. They don't tell you that because  
2 that's not what happened, because that's not what they  
3 did. That's not where they found those items.

4 Detective Schwein, he's been very forthcoming  
5 with you. Yes, I know Reginald Walker. I have history  
6 with him. But his prior case with Reginald Walker is  
7 six years old.

8 The homicide that Mr. Walker was a witness on,  
9 that's been resolved. Detective Schwein said those two  
10 guys are in prison.

11 Do you really think that Detective Schwein is  
12 gonna hold onto a grudge for six years about this. He's  
13 been very honest and forthright about his relationship  
14 with Mr. Walker. He's not trying to sit up here and say  
15 we're best friends, we get along very well, nothing like  
16 that. He's very honest about his relationship with him.

17 The reports aren't changed. And Detective  
18 Schwein was gonna manufacture a story just to get back  
19 at this guy who may or may not have done him wrong six  
20 years ago, why don't the reports now say, and contrary  
21 to what the officers testified to, that all of this  
22 stuff was found on Reginald Walker. Because he didn't  
23 change anything.

24 He tells you what he's doing. He's doing good  
25 police work. He's submitting the case that was

1 presented to him as it was presented.

2 The testimony of the young officers aren't --  
3 isn't changed. They come in here, they're telling you  
4 exactly what they saw, exactly what they did, exactly  
5 what's consistent with reports. Nobody's manufacturing  
6 any testimony.

7 Detective Schwein was never at the scene. He  
8 doesn't come in until eight o'clock in the morning the  
9 next day. He wasn't there. There's no reason. He's  
10 been involved in multiple cases over the course of his  
11 career. There's no reason for him to risk his entire  
12 career on this one case. That doesn't make any sense.

13 If you're a good police officer, you're going  
14 to be happy when someone who you gets is -- has drugs in  
15 their pocket, selling drugs, you're gonna be happy when  
16 that person is brought to justice. There's nothing  
17 wrong with being excited about that.

18 Let's look at the defense witnesses in this  
19 case and their credibility. Diamond Seals' testimony  
20 directly conflicts with Reginald Walker's testimony.  
21 Diamond Seals came in yesterday. She said I never saw  
22 Reginald Walker with drugs. I never saw drugs in that  
23 house. I never saw anything in that house.

24 Reginald Walker got up and testified yesterday  
25 right after her. He says, no, I bought drugs there. I,

1 I was -- I smoked crack there.

2 And it, it, it directly conflicts with what  
3 Diamond Seals was telling you. Nothing was going on. I  
4 didn't see anything, but I was with Mr. Walker all day  
5 long except for two periods of time. That doesn't make  
6 any sense. That's not credible testimony.

7 Mr. Walker's own testimony conflicts with the  
8 statement he gave at the police department on  
9 August 21<sup>st</sup>. So which story is it that is -- that, that  
10 he wants us to believe. You don't know.

11 The -- maybe there he's willing -- he's lying  
12 on the witness stand. He's lying in the, in the witness  
13 room. We -- in the interview room.

14 We don't know what's going on. We don't know.  
15 And it conflicts with what Diamond Seals is telling us.

16 He doesn't mention anything about Orlando or  
17 Boss selling drugs until yesterday. He also wants you  
18 to believe that 23 rocks are personal use. Common sense  
19 and logic dictates that 23 rocks are not personal use.  
20 That's ridiculous. That's just ridiculous.

21 And then he's got \$5,300 left after six weeks.  
22 Counting from July 4<sup>th</sup> down to August 21<sup>st</sup>, that's four  
23 weeks if you wanna -- we wanna say the benefit of the  
24 doubt. The aunt's party's on the -- I don't remember  
25 what that was. The 14<sup>th</sup>.

1                   Someone who is a self-professed drug addict is  
2                   gonna have that much cash left over. That's not, that's  
3                   not credible. That's not reasonable.

4                   Based on all of the evidence in this case there  
5                   is no reasonable doubt of the defendant's guilt. And I  
6                   ask you to find him guilty of all counts including the  
7                   Count 6, the possession of marijuana which is fairly  
8                   self-explanatory.

9                   Thank you.

10                  THE COURT: All right. Mr. Short.

11                  MR. SHORT: Thank you, your Honor.

12                  DEFENDANT'S CLOSING STATEMENT

13                  MR. SHORT: Good morning, ladies and gentlemen.

14                  THE JURORS: Good morning.

15                  MR. SHORT: Mr. Walker and I would like to  
16                  thank you for your attention throughout these past few  
17                  days. What seemed to be a simple drug case has turned  
18                  out to be a four-day trial, and we appreciate your  
19                  attention throughout.

20                  Ladies and gentlemen, when I gave my opening  
21                  statement, I told you one thing of real importance.  
22                  That's that the boulder of the prosecution, her burden  
23                  of proof would not move from her table to mine, and it  
24                  still hasn't.

25                  That burden is still there, ladies and