

1 These are all reasonable doubts your -- ladies
2 and gentlemen. And at the end of the day when you take
3 all the evidence back, you think about the testimony,
4 think about Mr. Walker.

5 He admitted to what he had on him. He looked
6 you in the eyes. He didn't falter when sister counsel
7 questioned him. No, ma'am. No, ma'am. Yes, ma'am. I
8 have a drug problem. I smoke this. I did this. You
9 can judge his credibility.

10 After you take all these things back, there'll
11 be only one possible verdict for you, ladies and
12 gentlemen, and that's going to be simple possession of
13 under 25 grams.

14 Thank you very much.

15 THE COURT: Ms. DeYoung, any rebuttal?

16 MS. DEYOUNG: Just briefly.

17 PEOPLE'S REBUTTAL ARGUMENT

18 MS. DEYOUNG: A reasonable doubt in this case
19 is a doubt that's based on reason and common sense.
20 Reason and common sense.

21 What does common sense tell us. That based on
22 the testimony that we've heard when the officers knock
23 on the door, Mr. Nettleton has to go outside to see
24 who's there.

25 Mr -- Destiny or Diamond Seals testifies she's

1 drunk when the police officers knock on the door. She's
2 not paying attention to who's coming. She's, she's
3 laying out on the couch.

4 The only people that know that the police are
5 at the door then are the two people at the door.
6 Mr. Nettleton who's already outside talking to the
7 police and Mr. Walker.

8 Who's gonna throw the drugs, the guy that's
9 upstairs sleeping and doesn't know the police are at the
10 door, the other people in the house that have been
11 drinking all the 1800 Tequila all night long. That --
12 there is no common sense in any of those objections.
13 There's, there's nothing. There's no common sense
14 there.

15 A reasonable doubt is a doubt that's based on
16 reason and common sense. Nothing in the logic that
17 anybody could have tossed those drugs is based on reason
18 or common sense.

19 The charge in this case, the charges, all five
20 counts, it's not delivering drugs. It's possession with
21 intent to deliver them. Possession with intent to
22 deliver. That doesn't mean that somebody has to watch
23 him deliver drugs that day.

24 The question becomes what is his intent when he
25 is in possession of those drugs. Judge Hathaway will

1 read you an instruction that says intent can be based on
2 the circumstances surrounding evidence.

3 We don't have to see a hand-in-hand transaction
4 to know what the intent was behind having 163 crack
5 rocks in the, in the baggie on the floor and 23 crack
6 rocks in our pocket along with \$5,000.

7 There's been this ploy for sympathy about poor
8 Mr. Walker. He's just a poor drug addict. He's just a
9 poor drug addict. He, he just takes his -- he just
10 takes the drugs. He doesn't sell the drugs.

11 How do you think using reason and common sense
12 he gets the money to buy the drugs that he's taking. He
13 sells the drugs. He's selling the narcotics. He's
14 gonna sell the drugs that are in his pocket. He's gonna
15 sell the drugs that are on floor at his feet.

16 As far as the proper way to weigh the drugs,
17 you heard Tiffany Staples testify. You heard her
18 analysis. She was cross-examined on it.

19 What she told you is that the lab policy
20 requires that they test two drugs of all of the ones
21 that come in on a certain case. She went out of her way
22 to test four drugs the first time. Then she reopened
23 the case to look at even more of the cocaine to see if
24 it was going to make 50, 50 grams or not. That was the
25 threshold.

1 What she said was that if she was to open all
2 186 baggies, she would have to do 186 individual tests
3 on each one of those crack rocks.

4 Use your reason and common sense in
5 extrapolating whether or not this is over 50 or under 50
6 grams of cocaine. She's abiding by currently practice.
7 She's doing above and beyond what's required of her at
8 the lab. And that's what the chemist, the professional
9 chemist who analyzes drugs for a living; that's the
10 practice that she used in determining of weight of these
11 drugs.

12 Everybody wants to talk about fingerprints and
13 where is the fingerprints and where is the DNA sample
14 that we can pluck out of thin air. And where is the
15 carpet fiber that's only made in one place and it's only
16 in ten specific carpets all over the world.

17 Judge Hathaway talked to you about that in voir
18 dire about this, the CSI concept and, and how what
19 happens in real life is not what happens on TV.

20 The fingerprint evidence. All those fancy
21 technology things. Where's the fingerprints? Where's
22 the fingerprints? They should of sent the scale for
23 fingerprints.

24 Detective Schwein, what he actually testified
25 to is of all of the items I've ever sent, I've only

1 gotten five fingerprints back. Not just baggies, all of
2 the items that he sent.

3 So they say in law, in the practice of law that
4 if you don't have the facts, you argue the law. And if
5 you don't have the law, then you argue the facts. And
6 if you don't have either, you bang the table because
7 it's a distraction. It distracts you away from what's
8 being said on the witness stand. It distracting you
9 away from the evidence as admitted in this case.

10 This argument about fingerprints is table
11 banging. It's trying to distract you from the testimony
12 you heard, from the evidence that was admitted in this
13 case.

14 I ask you to use reason and common sense in
15 determining what happened on August 21st, 2013. Use
16 reason and common sense in assessing the charges and Mr.
17 Walker's responsibility for them. And I submit to you
18 that if you are using reason and common sense, you'll
19 come back with a verdict of guilty.

20 Thank you.

21 JURY INSTRUCTIONS

22 THE COURT: All right. Ladies and gentlemen,
23 members of the jury, the evidence and the arguments in
24 this case are now finished and I'm going to instruct you
25 on the law. That is, I'm going to tell you the law that