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Then comes the third and final step in this trial and many feel the most important step, ladies and gentlemen, that is your deliberations. You will be asked to retire to the jury room. I will give you instructions on your deliberations. You will have the opportunity to review any of these exhibits that have been admitted into evidence, have the opportunity again to review the instructions of law, you will be given verdict forms and you will be asked to return your verdicts in this case.

With that outline for today's procedures here in court we will now commence. I will first inquire if the State of Ohio is ready to proceed.

MR. PADDEN: State is ready, Your Honor.

THE COURT: Is the defendant ready to proceed?

MR. TINGLE: Yes, Your Honor.

THE COURT: Ladies and gentlemen of the jury, we turn to the final arguments in this case, the first portion being delivered by Assistant Prosecuting Attorney, Daniel Padden. Mr. Padden.

MR. PADDEN: May it please the Court, good morning, ladies and gentlemen.

As Judge Ellwood has said, closing statement is our chance to review with you what the evidence in this case has established, and the evidence in this

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case has established beyond a reasonable doubt that the defendant, Clarence Roberts, is guilty of aggravated murder and that he did purposely and with prior calculation and design cause the death of Leo Sinnett. The evidence is further established beyond reasonable doubt that the defendant, Clarence Roberts was either committing a robbery or attempting to commit a robbery and that he was the principal offender in the aggravated murder, or that he committed the aggravated murder with prior calculation and design. As to County 2 of the indictment, aggravated robbery, the evidence also supports a finding of guilty to that charge.

Now, after the lawyers are finished Judge Ellwood will give you the instructions on the law in this case. From these instructions you will learn of what's called the elements of the offense.

The elements of aggravated murder are: Venue, or where the crime occurred. Identification, and that is that the defendant is Clarence Roberts; purposely and with prior calculation and design cause the death of Leo Sinnett. Those are the five elements of aggravated murder.

In order to establish the specification the State must prove, first, that the defendant either committed

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an aggravated robbery or attempted to commit an aggravated robbery; and second, that he was either the principal offender in the aggravated murder, or that he committed the aggravated murder with prior calculation and design.

In order to establish the aggravated robbery the State must prove that the defendant committed or attempted to commit a theft offense and that, second, he had a deadly weapon on or about his person or under his control.

Now, what I'd like to do in closing arguments is to take a look at each one of these elements in a little bit more detail to show you what we believe the evidence in this case has established.

First, venue. That is where the crime occurred. The evidence has established that the home of Leo Sinnett, 1225 Lincoln St., Buffalo, Ohio, is in Guernsey County, Ohio.

Secondly is identification and most every witness has identified the defendant as Clarence Roberts also known as "Skip" Roberts.

The third element is purposely. The State must establish that this murder was done purposely, and I'd ask you to recall the testimony of Dr. Fardal. Dr. Fardal testified that there were five stab wounds to

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the back of Leo Sinnett, three stab wounds to the neck area of Leo Sinnett, nine stab wounds to the chest area of Leo Sinnett, twelve stab wounds to the abdominal area of Leo Sinnett, and seven stab wounds to the hands of Leo Sinnett. He testified about other injuries, scrapes and abrasions and the like. Dr. Fardal testified that the cause of death in this case was multiple stab wounds to the heart, lungs, liver and stomach. Ladies and gentlemen, this was no accident. These wounds show the purpose to kill Leo Sinnett.

So we've talked about venue, identification, purposely. We turn now to the fourth element and that is prior calculation and design. The State must also establish that the defendant committed this crime with prior calculation and design. That is the plan in which the crime was carried out. Now, what facts have you heard that establish prior calculation and design?

We believe the evidence in this case has established all of the following facts: We start out with what the defendant did, Clarence Roberts, on May 17. You heard Jodey Dolan testify from the witness stand that she spent most of the afternoon near the Buffalo V.F.W. selling chickens at the barbecue fund raiser. She testified that she saw this defendant,

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Clarence Roberts, drive by there several times alone and with license plates. Why was he in Buffalo on that Saturday? His three small children were at home with a 14 year old and had been there since the day before. Then she says from the witness stand that she saw the defendant, Clarence Roberts, "Chip" Andrews and Mr. LaFollete together with Clarence Roberts driving. This is up near her house in the area of Mr. Sinnett's house. You recall that from the jury view you were on a couple of weeks ago. Why was he there? He had no business being up there. Finally, she sees Albert "Chip" Andrews driving. This defendant is in the front passenger seat. Mr. LaFollete is in the back seat. What's he doing - stocking that neighborhood?

Remember what Shirley Stillions testified to. She said she and her granddaughter are out near the truck and her granddaughter, Rachael, said that white car has been driving around here all day. That's the testimony you heard in this case. Why? Why is the white car driving around all day? It's because this man, Clarence Roberts, had planned to kill Leo Sinnett. All of the trips around town were to stake out the house and looking for the opportunity to enter.

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Secondly, we have a change of drivers. Doesn't seem odd to you that every event we heard about with this white car, the trip to Zanesville on Thursday night, this car going up and down State Route 313 throughout the day, all the times riding around before the murder that man is driving the car. It's only on the last trip, this death trip, that there's a change of drivers. Why did he change drivers? It's not because "Chip" Andrews is sober. He blew a .222 in the breathalyzer. It's not because "Chip" Andrews has never been in trouble before. Steve Stolarick said he recognized him. It's because that's part of the plan. You drive and I'll go in and kill him.

License plates. Let's talk about the third element, the third factor for prior calculation - license plates. Why in the world would anyone take their license plates off a car? There's only one real reason to do that so no one could identify you when you go do something wrong. Let's think about that for a minute.

This defendant, Clarence Roberts, on Thursday the 15th of May drove to Zanesville. He drove back from Zanesville on Thursday night. Friday morning he drove from Buffalo to Quaker City. According to this defendant's niece he drove -- cruised around with the

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niece and his children on Friday, he drove over to Buffalo, he drove back to Quaker City Friday to drop off the children, he then drives back to Buffalo and on Saturday he drives up and down State Route 313. I count seven different trips that we know about. Then and only then he realizes it's a worse penalty to drive with those wrong plates on the car. This really make sense to you? It doesn't to me. Or does it make more sense that you take off those plates before you go do something wrong. You don't want to be caught a it so you take those plates. No one can identify a car without plates. The plates are taken off before the murder to hide the fact that the murder is going to happen.

The fourth factor for prior calculation. Stab wounds. There's 45 stab wounds Dr. Fardal testified to. You're going to have in the jury room before you State's Exhibit "AA", the coroner's report. Take a look at it. It goes through each of the 45 wounds, where they're located, trajectory, the depth. The fact that there's such a large number of wounds would seem to indicate that there was a plan to go in to do great bodily harm. Why else are you going to have that many stab wounds?

Fifth. The knife. The testimony from Steve

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Stolarick reveals that he removed a knife from the defendant's sheath located on the right rear side of the defendant which we now know to be just minutes after the murder of Mr. Sinnett. The testimony of "Butch" Duche' from the Airport Inn was that the defendant, Clarence Roberts, had a knife on him that evening the night of the murder. The testimony of John LaFollete indicated the defendant had a knife. Whose knife was it? It was Clarence Roberts' knife. He even admitted that when Mr. Plummer cross-examined him. Why does a person carry a knife into somebody else's house? Why? You use it to rob and kill them. This knife was used as the means to carry out the plan.

Six. This wasn't a random act of violence. This wasn't a spur of the moment situation. This was a plan to pick out a person who was elderly, lived alone, had a lot of money and who was disabled. And you know what? All four of those things are Leo Sinnett. This was a plan to kill Leo Sinnett because he fits all those categories.

Lastly, seventh item for prior calculation that I've come up with, and you may come up with more, is that John LaFollete testified in this case. Let's talk for a minute about Mr. LaFollete. He was

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arrested in Pennsylvania and he spoke twice to Deputy  
Pollock. You heard the testimony. Mr. LaFollete is  
going to spend at least the next eight years in prison  
for his part of this crime. Helping or aiding the  
defendant and running from the law with the defendant.  
Year two thousand five that's the earliest John  
LaFollete, that's the earliest, that John LaFollete  
will be out of prison. John LaFollete told us what  
happened on the Thursday night before this homicide.  
He told us about what this defendant said. We don't  
have to rob him, I'll just kill him. The State  
believes that that's, lady and gentlemen, that's the  
start of this plan Thursday night, May 15. That's  
when this defendant said I'll kill him. It happened  
when "Chip" Andrews and this defendant were ripped off  
for a hundred dollars when they bought crack cocaine.

Now, going back to those elements we talked about  
- venue, identification, purposely, prior calculation  
and design and I told you the last one is cause of  
death. Dr. Fardal testified the cause of death  
occurred by the multiple stab wounds to the chest and  
abdominal area. That's the only possible cause of  
death.

We've covered all the elements what I believe are  
the factors under each one. But in preparing this

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that much blood on the defendant, Clarence Roberts?  
You explain it because he just killed Leo Sinnett.

Ladies and gentlemen, go into the jury room, take a look at the photographs, State's Exhibits "KKK-3", "HHH-1", "GGG-3", "HHH-2", "HHH-3", and "HHH-6". These aren't there for reasons to sicken you or to make you ill by looking at this much blood but there's a lot of blood. Look at the video. It shows you how much blood is there. Mr. Sinnett shed a lot of blood.

Now, from time to time I imagine everyone on the jury, and I know I have, have cut yourself maybe at shaving, maybe it's working in the kitchen cutting up some food, maybe it's working around the house or on the job and we may think gee, we're bleeding a lot. You don't get your hands blood-covered with a cut. You don't get your hands blood-covered just as if they were put in red dye from a cut. We're talking about a lot of blood. Whoever did this was a bloody mess.

Sgt. Vierstra saw no blood on John LaFollete. Sgt. Vierstra saw no blood on John LaFollete. I can use the rest of my time and tell you that because that's the facts of the case. He didn't see any blood on LaFollete. But Sgt. Vierstra and Steve Stolarick told us his hands were blood-covered. There was a large amount of blood on his hands. His hands were

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blood-covered just as if someone had poured red dye on them and he was blood-covered from his knees to his waist, speaking of this defendant, Clarence Roberts.

Ladies and gentlemen, the defendant, Clarence Roberts, killed Leo Sinnett. It's proven by the amount of blood that was on him minutes after the murder.

Let's talk for a minute about money. Remember what Theresa Kinnan testified to? She was the barmaid at the Spirit Lounge. Mr. LaFollete, Mr. Roberts come in and ordered drinks. Mr. LaFollete pays for them with a \$50.00 bill. He had never ever, ever, ever, ever, ever paid for a drink or drinks before with a \$50.00 bill at the Spirit Lounge.

You have before you Defendant's Exhibit "1", the receipt from Farm & Fleet. The testimony in this case indicates from Kim Robbins and from Matt Robbins that the defendant gave money to John LaFollete and he went in and bought the two shirts at Farm & Fleet and what did he use to pay for it? A \$50.00 bill. You examine Defendant's Exhibit "1" and take a look.

So you may say so what's the significance of that? Well, don't you remember the testimony of Ruth Black? She said that her father liked to carry large bills fifties and hundreds. And speaking of hundreds let's

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not forget what Detective Davis found on the defendant when he was arrested. A hundred dollar bill. A hundred dollar bill.

Let's go back to Farm & Fleet for a minute. According to Kim Robbins and Matt Robbins the defendant, Clarence Roberts, wanted to go and get a shirt, a new shirt, because he was worried that he had blood on his shirt and he was worried about DNA testing. According to John LaFollete it was the defendant who wanted to go get a new shirt. According to the defendant it was John LaFollete that wanted to go get a new shirt. But according to everybody it was John LaFollete that went into Farm & Fleet to get these shirts. Let's stop here for a minute.

When you get back into the jury room over there you're not required to put your common sense outside the jury room. You take that in there with you. Judge Ellwood will instruct you on how to determine credibility and how to deliberate in this case. Use your common sense to make your decision in this case. Now think about it. We've got two men and one of them has just murdered a man and one of them has a large amount of blood on them. Now which one of these men is going to go into this nice, bright, light, lit up store? The man with the blood or the man without the

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1 blood? I think it's pretty apparent the one without  
2 the blood is going to go in the store and get the  
3 shirts. Both of these men went into the Spirit and  
4 into a bar, a dark bar but only the one without blood  
5 went into Farm & Fleet.

6 Let's talk for a minute about State's Exhibit "E".  
7 This is the money bag. The money purse that I've  
8 referred to in opening statement of Leo Sinnett. It's  
9 in the photographs, it's gripped around Mr. Sinnett's  
10 hand at the time of his death. The testimony has  
11 established that "Chip" Andrews knew Mr. Sinnett. The  
12 testimony is established that John LaFollete knew  
13 Mr. Sinnett. Clarence Roberts, the defendant,  
14 indicated to you that he really didn't know  
15 Mr. Sinnett but he knew that he had carried some  
16 money. When you get in the jury room open up State's  
17 exhibit "E". Take a look at what's in that money  
18 pouch. ~~Twenty one \$100.00 bills, two \$50.00 bills, a~~  
19 checkbook, and other personal items of Leo Sinnett.  
20 He had \$2,200.00 cash in that bag up by his neck.  
21 Jodey Dolan and Ruth Black told us that everyone who  
22 knew him knew about this money pack. Well, if that's  
23 the case and if this defendant's story is that John  
24 LaFollete killed him why did he leave \$2,200.00 there?  
25 It doesn't make sense. The defendant didn't know

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about the money purse therefore he left it. All he knew about was what you see in State's Exhibit "GGG-3", the right rear pocket of Leo Sinnett that's pulled out that's got red stains all over it, the white interior of the pocket has red stains all over it. Clarence Roberts killed Leo Sinnett.

Fifth. The knife. Whose knife was it? Who had the knife when the highway patrol pulled over the white Oldsmobile? Who had the knife at the Airport Inn after the homicide? Who threw away the knife? Who destroyed evidence? The person who killed Leo Sinnett did and we know from the testimony that's Clarence Roberts. I keep asking myself would any of you hold on and actually keep a murder weapon with you and carry it around? It doesn't make sense.

Six, the Thursday night, May 15yh conversation. We heard the testimony that the defendant, Clarence Roberts, said he would kill Leo Sinnett rather than just rob him. On May 17th he made that statement come true. There's been no testimony from anyone else that anybody else said they were going to kill Leo Sinnett. "Chip" Andrews suggested just robbing him and that wasn't good enough. He wanted him killed.

Those, ladies and gentlemen, are the six factors that I've come up with in indicating from the facts

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that it was the defendant, Clarence Roberts, that killed Leo Sinnett.

Let's talk for a moment about a few other items. Sometimes in a case you're talking motive. Motive is not required to be proved by the State of Ohio. Motive is the reason for the crime and it's pretty apparent from the facts of this case that the motive in this case was money. It was greed. It was money. There's no other reason for this crime.

Let's talk about robbery. We don't have to prove that an actual robbery occurred. All we have to prove is that either there was a robbery or an attempted robbery. You might ask yourself well, what facts have we heard that determines that there was a robbery? Again, photographs tell many stories. State's Exhibit "GGG-3" shows the right rear pants pocket of Leo Sinnett turned inside out with what appears to be blood all over it. That's where he kept his wallet. That's the testimony. State's Exhibit "Z". The paint can. Take a look when you get in the jury room. Take a look at the contents. See whose VFW card is in there. See whose they are. That's the remnants of Leo Sinnett's wallet. The \$50.00 drink purchase, the Farm & Fleet receipt for \$50.00, the hundred dollar bill found on the defendant when he was arrested.

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1 Robbery, robbery, robbery. They all go together.

2 Let's talk for a minute about the burden of proof.  
3 You heard that way back when when you were first  
4 impaneled. You've heard it throughout the case.  
5 Judge Ellwood will instruct you the law of this case.  
6 He will read to you the definition beyond a reasonable  
7 doubt. It is the standard of proof in this case. It  
8 does not mean all possible doubt as everything related  
9 to human affairs is open to some possible doubt.  
10 Proof beyond a reasonable doubt is proof of such  
11 character that an ordinary person would be willing and  
12 to act and rely upon it in the most important of their  
13 own affairs. That's the burden of proof. That's what  
14 we're asking you to hold us to. Nothing more, nothing  
15 less.

16 Now in this case the defendant testified. What  
17 does Mr. Roberts want us to believe? First, ladies  
18 ~~and gentlemen, you have to determine credibility. You~~  
19 have to determine the credibility of the witnesses and  
20 how much weight you will give to each witness's  
21 testimony. You don't have to believe all or any part  
22 of any witness's testimony merely because they're  
23 under oath. You have to consider the credibility of  
24 the witnesses and apply the test of truthfulness that  
25 you would in your daily lives. Keeping that in mind,

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1 let me remind you of one important fact. Last  
2 Thursday afternoon Clarence Roberts told us that he  
3 went into the Best Western Motel and he registered for  
4 a room in his name with his identification.

5 MR. TINGLE: I'm going to object. The facts do not support  
6 that statement.

7 THE COURT: Yes, ladies and gentlemen of the jury, remember as  
8 I have advised you, you are the determiners of any  
9 disputed fact. The testimony does not support that  
10 the defendant stated that he went in and registered  
11 for a room but it may support other testimony and  
12 facts that are in evidence. You may continue,  
13 Mr. Padden, with that notation on the record.

14 MR. PADDEN: The room was registered, according to the  
15 defendant, Clarence Roberts, in Clarence Roberts'  
16 name. He gave his I.D. He testified he didn't have  
17 the identification of Jerry Adamic or anybody else.  
18 ~~Now, you heard on Friday from Judy Eibel, the~~  
19 assistant manager at the Best Western. She checked  
20 the records of the Best Western for the 17th and 18th  
21 of May. And you know what? There's no Clarence  
22 Roberts registered at the motel on those two days.  
23 What does that mean? What does that mean? You make  
24 up your minds what that means. You make up your minds  
25 who's telling the truth and who's not. Who's the only

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1 witness who got to sit in this courtroom and listen to  
 2 all the evidence before they could testify? Doesn't  
 3 it seem odd to you that the defendant was able to  
 4 weave such a clever story but he never told anybody  
 5 about it until last Thursday. Why hide it? Why? He  
 6 testified he didn't know because he didn't know what  
 7 to say until he listened to everybody else.

8 The State believes that the defendant lied to you  
 9 from that witness stand about that hotel room and what  
 10 else did he lie about? He lied about the deer. He  
 11 lied to Steve Stolarick minutes after the homicide  
 12 about gutting a deer. He admitted to you I lied to  
 13 Steve Stolarick on cross-examination. He was able to  
 14 lie his way through a traffic stop and able to explain  
 15 away this large amount of blood. The defendant wants  
 16 you to believe that John LaFollete had this large  
 17 amount of blood on him. Sgt. Vierstra never saw that  
 18 ~~large amount of blood. John LaFollete said he didn't~~  
 19 have a large amount of blood on him. Only the  
 20 defendant, Clarence Roberts, is the only person who  
 21 said John LaFollete had any blood on him.

22 Now the State believes that the defendant has lied  
 23 twice. He lied to Stolarick. We believe he lied  
 24 about the motel room. Maybe more. Who do you  
 25 believe? Sgt. Vierstra or the defendant, Clarence

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Roberts?

Last Thursday Clarence Roberts told you that when they were riding around after the change of drivers and after the license plates had been removed from the car that "Chip" Andrews was driving and that he was in the front seat and John LaFollete is in the back seat and Clarence Roberts' coat was in the back seat and tucked inside that coat inside that pocket was the knife and the knife sheath. That's what he told you. The car pulls up in front of Sinnett's house. LaFollete gets out. Clarence Roberts after awhile is worried, gets out, comes back in the car. LaFollete lo and behold says I just killed him. LaFollete is covered in blood. LaFollete is bent over clutching that knife and what's this defendant do? He turns around and he wrestles that knife away. And he told you from that witness stand, moved around, now he got up, turned around came back, put that knife down inside and put it in the sheath. Uh oh. Uh oh. The sheath is in the jacket in the back seat. That's the testimony that is before you. Another mistake and a big one. Steve Stolarick says that knife was in a sheath on the right rear pants of the defendant. He went up, picked up his jacket, pulled the knife out the knife out of the sheath. How do you put the knife

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1 in the sheath when the sheath is in the back seat in  
2 the coat? You can't answer that one.

3 His version doesn't add up, ladies and gentlemen.  
4 There's just no way he can get the blood off of his  
5 hands. He can't get Leo Sinnett's blood off his  
6 hands.

7 Let's talk for a moment now about the charge and  
8 the law in the case. The defendant was indicted for  
9 aggravated murder and you're going to be instructed to  
10 consider the charge of aggravated murder, that he  
11 purposely and with prior calculation and design caused  
12 the death of Leo Sinnett. You're going to be asked to  
13 deliberate on this to discuss it and if all 12 of you  
14 agree then we'd ask you to consider the specification.  
15 Once you've considered the specification then we'd ask  
16 you to consider Count 2, the robbery charge. If,  
17 however, all 12 are unable to agree as to the  
18 ~~aggravated murder charge then you can consider the~~  
19 lesser charge of murder. We would first, however, ask  
20 you to consider very strongly and believe the evidence  
21 has established that the defendant is guilty of  
22 aggravated murder.

23 Mr. Tingle mentioned on opening statement about  
24 the death of Leo Sinnett is a tragedy and I would  
25 agree. It's a tragedy that these acts can go on in

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1 someone's home, in the home of an elderly disabled  
2 man. His home was invaded and those folks back there  
3 lost a loved one. Don't allow the tragedy to continue  
4 by not find -- by finding the defendant not guilty. I  
5 would ask you to return a guilty verdict to aggravated  
6 murder, the specification and aggravated robbery.

7 Thank you very much. Thank you, Your Honor.

8 THE COURT: Thank you, Mr. Padden. Ladies and gentlemen, that  
9 completes the first portion of the final argument. As  
10 each side has requested and reserved 90 minutes I  
11 believe it would be appropriate for us now to turn to  
12 our first morning recess. We will then return and  
13 hear the final argument on behalf of the defendant.

14 Further instructions at this time?

15 MR. TINGLE: No, Your Honor.

16 MR. PLUMMER: No, Your Honor.

17 THE COURT: Ten minute recess.

18 ~~(Whereupon, a short recess was~~  
19 ~~taken.)~~

20 (Whereupon, the following  
21 proceedings were had before the  
22 Court and Jury.)

23 THE COURT: The record will reflect the Judge and all members  
24 of the jury have returned from the recess. Ladies and  
25 gentlemen of the jury, the defendant is present

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