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Saginaw, Michigan

Friday, November 13, 1998

(People's Proposed Exhibits No. 1 through 10
marked for identification.)

(Proceeding commenced at 9:18 a.m., jury not
present.)

THE COURT: Anything before we begin today?

MR. GUST: Your Honor, we've had discussions, the
prosecution and myself, Mr. Duggan, regarding some
issues, one being there was a prior alleged incident
between one of the victims in this matter, Anthony
Thomas, and Mr. Wicker.

Mr. Duggan has indicated to me what questions he
would ask, and the nature of the questions posed to me.
at least as the ones that will be used during this
trial basically are that Mr. Wicker and Anthony Thomas
had a prior confrontation at which time Mr. Thomas
alleges that Mr. Wicker threatened him, and I believe
that is going to be the essence of that testimony.

Also, Your Honor, we've had previous discussions
regarding previous statements and testimony given by
some of the witnesses in this matter. During those
statements and -- and testimony, the witnesses have
indicated -- have said things that, you know, everyone
is afraid of Mr. Wicker and people tremble when he's

1 around and things like that.

2 Mr. Duggan has assured me that he's instructed
3 the witnesses not to mention anything regarding that,
4 and we are relying on that representation.

5 *THE COURT:* Okay. Any comment, Mr. Duggan?

6 *MR. DUGGAN:* That's basically accurate.

7 *THE COURT:* Okay. For the benefit of those
8 sitting in the rear, observers, I've had some report
9 already from the sheriff that some -- there was some
10 exchanges going on in the hallway which you, of
11 course, had to stay in because of jury selection and
12 the fact that we needed all the seats.

13 I can tell you that this is really not fair to
14 the defendant. There have been questions to the
15 jurors already were they aware of the name Peter
16 Rabbit and gangs and all of that sort of thing.

17 And so I want to caution anybody here that you're
18 welcome to stay, but if there is even discussion or
19 comment or, you know, moving around or so on, this
20 could jeopardize the defendant's right to a fair
21 trial. Therefore, I will not tolerate any of that
22 sort of conduct. If that becomes a problem, you'll be
23 removed from the courtroom and probably the
24 courthouse.

25 So I am here to ensure that Mr. Wicker has a fair

1 trial, and that means free of any implications or
2 threats or anything where the jury might be influenced
3 by that in judging whether he's guilty or innocent.
4 So it would be very counterproductive, in any event,
5 and I'm not going to tolerate it.

6 Okay, if there's nothing else, I'll ask Mr.
7 Ahnger to escort the jury in and we'll begin the
8 trial.

9 (Jury present at 9:24 a.m.)

10 **THE COURT:** Okay, please be seated. I'd like to
11 welcome everybody back. We're now ready to begin the
12 trial, and so as part of that, we'll ask Mr. Duggan to
13 present his opening arguments.

14 **MR. DUGGAN:** Thank you, Your Honor.

15 Good morning, ladies and gentlemen. Thank you
16 again for your attention during jury selection and the
17 devotion you show as citizens by honoring the order to
18 be here to serve as jurors. That's the part we can
19 pretty much exact from you by a threat that goes with
20 not honoring a subpoena. From here on it has to be a
21 matter of your conscience and it has to be a matter of
22 your willingness to serve and let your minds and eyes
23 and ears do the job they were intended to do, which is
24 to hear evidence, take it in so you can analyze it
25 later when you deliberate to reach a fair and just

1 result.

2 The evidence you are about to hear in this case
3 which will basically be from this box is going to
4 convince you by the end of the trial that you are in
5 the presence of a vicious and vindictive man who had a
6 desire to kill other people to prove his power over
7 them.

8 The defendant, Thomas Peter Wicker, who is known
9 as Peter Rabbit, confronted Anthony Thomas on East
10 Genesee Street back on March 25th, 1998, along with
11 several of the defendant's associates, and the
12 defendant got right up in Anthony's face and told him
13 do you know me? I'm Peter Rabbit. I'll kill you.
14 I'll kill your mama. I'll kill whoever.

15 Police officers happened to be nearby, so Anthony
16 Thomas got away that day. But as a result of the
17 events of that day, March 25th, 1998, a search warrant
18 was issued to try to find evidence of the whereabouts
19 and information about Peter Rabbit, Thomas Peter
20 Wicker, and it was executed at the premises where his
21 mother lives and where he stayed.

22 This apparently angered the defendant. It
23 angered him enough to arm himself and three of his
24 acquaintances less than a month later to break into
25 the home of Anthony Thomas's friend, Rob Mason, at

1 3250 Bundy here in the City of Saginaw, County of
2 Saginaw, State of Michigan, just before midnight on
3 April 29th, 1998, and it is that break-in and what
4 followed that is the job you have to do in this case,
5 is to decide what occurred.

6 Anthony Thomas had frequented 3250 Bundy quite
7 often and many times that day, April 29th, 1998. He
8 and his friend, Rob Mason, were involved in the
9 recording industry in a fledgling way trying to get
10 groups together, songs going. They were, in fact,
11 going to the house of Mr. Mason which he was renting
12 and trying to fix up at 3250 Bundy to pick up
13 something called a dat, which they'll explain has
14 something to do with the recording industry. It's
15 some sort of tape.

16 The defendant and his three accomplices lay in
17 wait, one inside the house apparently, the defendant,
18 and two of the four outside. When Rob Mason and
19 Anthony Thomas pulled up to the house in separate
20 cars, the defendant and his accomplices opened fire
21 apparently with several types of weapons, firearms.

22 There was extensive bullet damage to Anthony
23 Thomas's vehicle along with other types of damage.
24 There was a motor home parked in the back that was
25 damaged by bullets, projectiles from a firearm, and

1 also there was damage to the house both inside and
2 out. There was also a couple of items taken from the
3 house according to Rob Mason that had been there
4 before. Miraculously, Rob Mason and Anthony Thomas
5 avoided injury.

6 The defendant's three accomplices wore masks. He
7 allowed his face to be seen by both Rob and Anthony.
8 They will both identify it in court under oath from
9 this witness stand. They will identify him as the man
10 they saw shooting a pistol at Anthony Thomas just
11 before midnight on April 29th there at Bundy under
12 circumstances that indicate that the defendant
13 intended to kill either personally or with the help of
14 his buddies Anthony Thomas.

15 They will tell you that their identification of
16 the defendant, Thomas Peter Wicker, as the man that
17 tried to kill Anthony Thomas is without qualification.
18 They are sure.

19 Others will testify in this case about how the
20 crime was reported, what the police did when they got
21 to the scene shortly after the incident, the damages,
22 the evidence that was collected, the photographs that
23 were taken to show the damage, but this case will boil
24 down to what Rob Mason and Anthony Thomas tell you.
25 Pay close attention to them when they testify.