

BY THE COURT:

Allright, defense, too, waives polling?

BY MR. BROUILLETTE:

Defense waives polling.

BY THE COURT:

Allright, both sides waive polling the jury. You may proceed.

(CLOSING ARGUMENTS)

BY MRS. KNOLL:

Ladies and gentlemen of the jury, as the Judge instructed you, the State is going to give the first closing argument. And, I would like to, at this time, before I commence my closing argument, to each of you, is to thank you, and sincerely thank you, from the bottom of my heart for your close attention and patience, and time away from your busy daily routine, and your jobs and at your homes. I thank you on behalf of the entire District Attorney's Office and Staff. I know the Defense joins me, and also the court, and all of the members of the court and the Sheriff's Office. If you'll recall on voir dire examination, you heard the law read, to each of you, and the earlier ones that were chosen, you heard it repetitively, and I, at this time, if you'll please bear with me, I'm going to read it for the last time to you. The Defendant was charged with two counts of "Attempted Aggravated Rape". The first count reads, that he did attempt to commit an aggravated rape -- did attempt to have sexual intercourse, with one, Sharon Sanders, without her lawful consent, under circumstances where she was prevented from resisting the act by threats of great and immediate bodily harm, accompanied by apparent power of execution by the said Vincent Simmons.

Count Two: Attempt to commit aggravated rape in that he did attempt to have sexual intercourse, with one, Karen Sanders, without her lawful consent under circumstances where she was prevented from resisting the act by threats of great and immediate bodily harm, accompanied by the apparent power of execution by said Vincent Simmons. This all occurred in Avoyelles Parish on May 9th, 1977; and if you'll recall the opening argument by the District Attorney, he set it out in pretty much details the things that the State was going to prove at that time. And, I'll submit to you, ladies and gentlemen of the jury, that every aspect, every issue, that the District Attorney said he was going to prove in opening argument, has been proven. You recall in the Voir Dire Examination by the Defense and in his opening argument to you, he stated that the defendant was cloaked with the presumption of innocence. And, the District Attorney said that that -- presumption of innocence could be rebutted by proving his guilt beyond a reasonable doubt. And, I'll submit to you his innocence has been rebutted, his defense hasn't rebutted his guilt, and that he is overwhelmingly guilty of "attempted aggravated rape" on each counts of these two little girls, beyond a reasonable doubt. Without going into that, I'd like to -- any further -- just point out to you the definition of rape. Again, rape is defined by Louisiana Law, in the Criminal Code, Title 14, Section 42, as "An act of sexual intercourse with a female person", and alright, and completing and fulfilling that definition, these were two little minor girls, fourteen years old, not the wife of, or judicially separated from bed and board from the offender. These little girls

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have never been married. And, they have stated so, that they were never married, to anyone, committed without her lawful consent, the evidence bore out, that they were under violence and duress, with the apparent power of immediate execution, of the violence. So, it was without their lawful consent. Emission is not necessary. Any sexual penetration, vaginal or anal however slight, is sufficient to complete the crime. If you'll just reflect on the testimony of these two little girls, there was penetration. [ On one, there was penetration, of the first rape that was Sharon. ] On the second twin there was a vaginal rape on the first stop with her; on the last stop with her, which was fourth stop on Little California Road, there was first a vaginal rape of that child. He then stopped again -- I'm sorry, the first vaginal rape of Karen was on the third stop. On the fourth stop he raped Karen initially rectally. It was too painful for her. He turned her around and he raped her vaginally. It was even more painful there, he turned her around and he did it the way he liked it, rectally. Another rape, two rectal rapes and one vaginal rape on the last stop of the -- of Karen Sanders. So, the definition, in meeting the elements of the definition in the crime by these rape victims, it is overwhelmingly fulfilled. The crime itself, of aggravated rape, is a rape which I've just gone over with you, committed where the sexual intercourse is deemed to be without the lawful consent of the victim, and which it was. It was a rape committed under great violence and duress, where the victim is prevented from resisting the act by threats of great and immediate bodily harm, accompanied by the apparent power of execution. Now, at this

time, this is what I'd like to talk to you about. Is that by the acts of great and immediate bodily harm, accompanied by apparent power of execution, and I'd like to point out my observations to you that made it -- the little girls acts that -- where they could not resist the defendant, and what went on in their minds. Try to place yourselves at this time, in shoes of these two little twin girls, fourteen years old, one weighing 97 pounds and the other one weighing 102 pounds, at night in the company of their 18 year old male cousin. They go to the gas pumps; they see the defendant there; and you can see him in the courtroom for yourselves, a huddily built male, You heard his testimony and you saw his demeanor on the stand, and you can see his demeanor in the courtroom. He's an aggressive person. And, I'll submit to you, from his demeanor, he would frighten very easily, any young person. Especially, with a little exposure that these girls have had. They go up to the gas pumps, and of the conversation, without going into details -- cause I feel that y'all remember that conversation, they hear, I don't fight, I shoot. Number one, violence, coming in right there. I don't fight, I shoot. And, when he got in the car, the two little girls became frightened. Sharon, the first girl that testified, she was afraid automatically. She kept nudging her sister. He asked her to sit in the back with him; she was very frightened right then and there. Okay. Now, their cousin was not that afraid. He had more confidence, and the friendship that the defendant seemed to be extending at that time, got in the car. Okay, the next thing that happened, they see the defendant tell their cousin to turn down this gravel road, right

outside of Marksville, called Little California <sup>an</sup>oad, a dusty road. They stop, and they hear this conversation. I'm a man, you're a man, and these are two women. My God, what would have gone on through your minds if you were 14 years old, listening to that conversation, in the presence of this defendant, with your young cousin? [They did not know that Keith had seen a weapon. And, if you will recall the testimony of Karen, she kept begging Keith not to go any further, she not knowing Keith saw a gun, and while Keith was going further up the road, when the Defendant told him to. He hesitated; she was begging when he was hesitating after that first stop;] but he kept going. Allright, during that conversation, also, he took the keys from Keith. That's so abnormal. The fear started building up in these children's minds. Keith was very fearful. He was not telling them of the gun; he didn't want the girls to go crazy; he was afraid something was going to happen. Then and there, he knew. And, being a man, he probably knew what was in for his little cousins, coming from the defendant. Okay, they stop at the second stop. And, at this second stop, this is where the car is parked, with the engine facing this body of water. The first thing that happens there, the defendant takes the keys out of the car; he's in control of the car. They don't have control of the car, anymore. He puts Keith in the trunk of an automobile. That, in itself, is a great violent act to put somebody in a closed locked trunk. And, they put their 18 year old cousin -- the defendant put the twin's 18 year old cousin in that trunk. Again, the fear building up in these children's mind. Okay. At the trunk, the defendant turns around tells the two little

girls, if you have a gun, or if you take a gun from the glove compartment, I'll shoot you before you get it out, or something to that affect. Okay, they believed him. You heard their testimony. They believed him. Their cousin was in the trunk. I would have believed him, too. And, it might have been true. They might have been shot, had they tried to pull a gun on the defendant. Okay. He goes up to the front of the -- after Keith is locked up, Karen tries to resist. This is the only time she tries to resist. And, what happens to her, because she resist, she gets locked up in the trunk. Another very violent act. What went on in the mind of Sharon Sanders, the little 14 year old child, when she sees her cousin and then her twin sister locked up in a trunk, because her sister was trying to resist? Would you have resisted? [Keith thought he was going to get shot when the trunk was closed, from the defendant. Keith saw the pistol, when he was badgering it, or flashing it from -- getting in the trunk from the car. ] Okay, then the rape of Sharon takes place. After he raped Sharon, at this point, by this body of water, puts her in the trunk. ] All three of 'em were in the trunk. Can you imagine what it is like to be stuffed in that trunk, with all three of 'em in there, closed and locked, dead at night? This was taken, like a simulation of them being locked up in the trunk, of them. Now, put dust in there; put the door down, and you try to think about what went on in their minds, worrying about being killed; worrying about trying to breathe, and if they were going to come out of that alive. Rape, on top of that. Karen knew her sister had been raped when she was put in the trunk; well, they kind of heard it. They say, they

almost witnessed it, from sounds. So, what went on through Karen's mind, before she was raped, the next rape victim to come up? The car moved, when the car stops -- you heard -- you recall the testimony of Keith, when the dust really settles in that trunk, and it's difficult to breathe. The defendant goes up there, you, come out. The other twin. Who me? She says... Yes, you, come out. Okay, and the rape of that child is something else. It's a very vulgar, very violent awful rape. The girl, if you recall her testimony, did everything that she could do. She tried to buy her way out with ten dollars. This is not a lot of money. But, this is a fourteen year old child; this is all the money that she had on her; and if she could half way appease the defendant, or -- where it wouldn't be so hard on her, as she said, she was going to try to do anything she could do. When she resisted, she got locked up in a trunk; and she knew her sister had been raped. She said, when you will recall her testimony, when she was being put in the trunk, when Karen was being put in the trunk for trying to resist, what hurt her the most, was she knew that her sister was going to be raped. Okay, when she gives him ten dollars, she's completely disrobed; the defendant is disrobing; she sees him take a gun from the roof, and put it in his boot. After he brutally rapes her, she dressing herself, and then he grabs her, puts a knife at her neck, and he said, have you ever had your neck cut? Now, you heard the testimony from the defense witnesses. The defendant carries a knife. He had a knife; it was taken from him; and it was given back to him; and he put a knife at Karen's neck. He might have slit it then. But, the little girl was pleading for her life and the lives of

her little cousin and her sister. Okay. He goes to the trunk, they open it, and they have this conversation, more threats. Allright, before they had it, they had this gas episode. The gas can, the hose; he takes the gas can out; he's looking for a siphoning hose; he gets the lug wrench; there's a hole put in the gas tank, up in it. You take that into consideration when he is telling these kids, you think about it, whether or not you're going to be good or bad, or if you're going to talk, words to that affect, I can blow you up. He was fooling around with gas; and he could have blown them up. I can shove the car in the lake, and with those three in the trunk, God only knows when they would have been found -- when their bodies would have been found. He said, I could have shot you. And, ladies and gentlemen of the Jury, I submit to you, he is very capable, based on the evidence that you saw today, of doing either one of those acts towards those kids. And, the only thing that saved their lives, is that they did not actively resist him, by doing a fight or offending him greatly, any kind of way, for they would have been dead ducks. After that, he closes the trunk, locks it up, they also hear this air coming out of the tire, and they go to another point, around the same area, and at this point, is where Karen is raped rectally, vaginally, rectally, and then this oral sex act performed upon the defendant by her forcefully. Then, the names being written down, by the defendant's instructions of Karen. This is a fourteen year old child. She gave him the names. He put it in his pocket. And, then he intimidated him. I've got your names; I know who y'all are. The cemetery, Jessie James, over there, will go get his buddies if they say anything. Those



Those kids knew he had their names. He knew Keith. [Keith was innocent and naive enough to take him in good faith, and give him his name, not knowing this person from before; and says, look at all these dead people.] And, after the violence that these kids have been through, they believed that he was capable of whatever he said he could do. And they promised him they weren't going to talk. But, Karen was so violently assaulted, and was so afraid, she couldn't hold it in any longer. She was afraid to go to school, on errands - put yourself in her place, and you can see. Thank God, they did talk. What would have happened had she not talked. And, then, the case was reported. Ladies and gentlemen of the jury, the violence that could have been inflicted on these children, would have been great, had they not used their heads. And, I'll submit to you, that the prayers that they were saying in that trunk, pray to God that we come out of this alive, worked. And, inspired those kids as to what to do, and did it right to come out of that alive, without the least amount of scars. These little girls have some scars to bear from this incident for the rest of their life. They've got it. And, I'll submit that they used good judgment in the way that they handled the situation under the circumstances. That the guilt of the defendant is overwhelming; overwhelming beyond a reasonable doubt. The state has the burden of proving his guilt beyond a reasonable doubt. And, on the voir dire examination, I asked each one of you, if the State proves the guilt of the defendant beyond a reasonable doubt, I'm going to ask each of you to return a verdict of guilty as charged against the defendant on each count. I respectfully submit that his guilt beyond a reasonable doubt has been proven