

on each count, and the verdict should be guilty as charged on each count. Thank you ladies and gentlemen of the jury.

BY THE COURT:

Mr. Knoll, are you going to argue at this time?

BY MR. KNOLL:

Not now, your honor.

BY THE COURT:

Mr. Brouillette?

(CLOSING ARGUMENT BY MR. HAROLD BROUILLETTE)

BY MR. BROUILLETTE:

Ladies and gentlemen of the jury, I wish to reiterate the thanks that's already been extended to you for participating in this very vital function of this government. Everyone recognizes that there are tasks that have to be performed, that sometimes work hardships, take us away from our homes. This was your time. I point out that the prosecution is entitled to a rebuttal argument after I have concluded, and the defense is not entitled to a second argument. Therefore, I will not have any opportunity to speak to you after the rebuttal by the state. I told you at the beginning of the trial that we would discuss the evidence at the conclusion, after it was all in. And, I ask that you listen very carefully. And, I feel sure that you have done that. It's very easy to get very emotional in this type of a case. And, I must remind you and ask you and request that you use judgment and not emotionally. Whether the parties be people like you are, or people who are very different from you, or any other factors which might suggest emotional feeling and involvement. The law is not based upon emotion, it's based on proven facts. And, I

ask that you use best judgment, and not emotion in evaluating these things. There are a number of puzzling matters in this case, which, I suppose, probably, most of you have wondered about already. It appears to be somewhat unusual there is not one physical piece of evidence to connect Vincent Simmons with this. The testimony was, he drove the automobile; he handled the gas can; yet, we heard nothing about any finger prints, nothing to put Vincent Simmons in that automobile, or having touched that gas can. We didn't see any clothes introduced into evidence. We heard a lot of discussion about the clothes. We know that the house where he lived was searched, and that clothes were removed from that house, but yet, we do not see any clothes introduced in evidence, or any clothes identified before you. Doesn't it strike you as being somewhat unusual that there is not one piece of physical evidence to connect this man with this crime? Any of the — Any of the issues discussed and testified to appear very unusual at best, that the incident about the gas pumps, that was difficult to comprehend. [Here's a man who's standing fifteen feet away, minding his own business, and they drive up, and then they — and someone walks up, and says, what's the matter with you? He hasn't made a gesture; he hasn't moved toward anybody. But he's approached. But, then, from there, an argument ensued, they talk about shooting, and then, shaking hands, and then two minutes time, or such, there's an offer to take him wherever he wants to go.] Does it strike you unusual that there was not even the question asked, where do you live? They got in the automobile, with not having any idea. The man might have lived in Hessmer, or Moreauville, or Bordelonville.

They were going to take him home, yet they were in a hurry to get home to their grandparents, but they were going to take him -- didn't even ask him where he lived. Didn't know if they were going in the same direction they were going; or opposite direction; they were in the automobile; they were going to take him home, and they leave. That's somewhat difficult to understand. There are other things that don't fall into place at all. The discussion about the conversation, very friendly conversation before they get to Little California Road, and then all of a sudden, it becomes violent, very angry, yet, when asked for the explanation of violent, or very angry, the talking about the conversation of people that they knew. They're talking about people that they knew. And, even, this is even in the traveling down the Little California Road. It was very specifically brought out. What -- was this talking about the people that they knew, while they were going down the Little California Road? Yes. This was also testified to at the Preliminary Examination, which is in evidence. Talking about people that they knew. Now, that doesn't sound like very violent or angry conversation. The testimony about the pistol seems quite unusual. Karen -- Sharon testified very positively that she did not see any pistol, at any time. She did not see any pistol at any time. Yet, we have the pistol being waved around, when Keith is being ordered into the trunk of the automobile. How could she not see this. She's in the car around here. And, her cousin is being put in the trunk, a pistol being waved around; those are the exact words, and yet, at no time did she see a pistol. The testimony of Arthur Lavallais the common law, brother-in-law of the defendant, about the clothes

-- he knew what clothes his brother-in-law had. He knew what clothes he had; he knew what was taken from the house when it was searched. And, admittedly, he's got a very poor record. He's been in court many times for many types of petty offenses. We don't have ministers and priests and bishops available to be witnesses, in every situation. Your witnesses, whoever happens to know, whether they've gotten speeding tickets, or been found guilty of disturbing the peace, or not. That's who knew. And, that's how he testified. And, he testified under oath. You heard the testimony of Paul Dominick and John Mose. They were very positive about that evening. Neither one of whom, are friends of Vincent Simmons. This was no buddy-buddy deal. As a matter of fact, it was very obvious that John Mose doesn't like him at all. John Mose was subpoenaed; he was brought in here; he was late arriving. But, he was under oath, and he testified that he knew when this happened. Now, the contradictory testimony of Mr. Julius Guillot, that this was another time; it was earlier, yet he -- you know, he had a written report of a similar incident on the Saturday Night, or the early Sunday morning, but he had no report on this particular one. But, he knew it was early. We submit that the alibi testimony when taken together with the lack of fingerprint; the lack of physical evidence; no clothes, no fingerprints; that these two things contribute to each other, and strengthen each other. There is the issue that was discussed by Mrs. Knoll, about the elements of the crime of attempted aggravated rape. There is a requirement that there be threats of great and immediate bodily harm accompanied by apparent power of execution. With respect to Sharon, she testi-

Sharon
fied very clearly and very positive there was no threat; there was no threat. She was asked if she was threatened, and she testified that she was not threatened. The law requires that one of the elements of the offense is threat of great and immediate bodily harm. She said she was not threatened. The issue of proof beyond a reasonable doubt carries to each element of the crime. And, on e of the charges that's required by the court, in Article 804 of the Louisiana Code of Civil Procedure, is a charge that each element of the crime must be proved beyond a reasonable doubt. The fact is, there may have been circumstances which would put somebody in fear, is not what it says. This "attempted aggravated rape". There must be a threat of great and immediate bodily harm. Sharon testified that she was not threatened. She testified that there was no weapon. She testified that she was not hurt in any way, and she testified that there was not threat to hurt her, if she refused to have sexual relations. She was asked that very slowly and very specifically, and very carefully, and she answered, no, to each one of those questions. This was consistent with the way she testified at the Preliminary Examination -- did he ever grab at your throat, or your hands, or anything, hurt you physically in any way? No, sir. Did he pick up any rock, or bottle, or knife, anything, at any time? No, sir. Did he hit you at any time? No, sir. Did he tell you that he would hurt you if you would not let him make love to you? No, sir. She testified the same way at the trial, and she testified to this at the Preliminary Examination. There had been nothing said about a weapon, to her knowledge, certainly. She never knew anything about a weapon

at all, during the entire incident. We respectfully submit that on that particular issue, that there is a very very serious lacking of proof. The testimony about the clothes is quite interesting. We have two people who are presently serving sentences in jail, who are brought down to testify that on May 1st, two and a half months ago, these two people who were in jail, serving sentences, remembered that on or about May 1st, that Vincent Simmons was in the jail, wearing maroon pants and black boots. How very very convenient. Both of them happen to be trustees. Both of them have quite a bit gainby being very cooperative with the people who run the jail. Where are those red trousers? We know some red trousers were taken out of the house where he was living. Why weren't they shown to you? Because they belong to Arthur Lavallais. That's why they weren't shown to you. He testified under oath, that they were his, and they were taken from his house. Those witnesses didn't remember what I was wearing, or what anybody else was wearing. But, they just happened to remember what Vincent Simmons was wearing. Now, really, ladies and gentlemen of the jury, how would they happen to be so very well acquainted with the clothes of one fellow prisoner? We respectfully suggest that the evidence presented in this case, leaves very many serious doubts and questions, many unanswered things many unusual things; Some that we're not going into, fully. Perhaps, none of us will ever know the answer to it. In defending this man, who was brought into this court, presumed innocent, we didn't have 35 Deputy Sheriffs and the entire Marksville Police Force sent around, ready to run down evidence, and go get certificates, and we didn't have a jail full of prisoners ready to cooperate.

We didn't have all of this available to defend this man. But, we have the law. It's there. We have the law that says a man is presumed innocent until proven guilty beyond a reasonable doubt, until each and every element is proved beyond a reasonable doubt. And, this country was based upon a system of laws that guarantees these rights and guarantees these freedoms. Reasonable doubt is not just a silly little word to toss around and play with on The detective shows on television. It's very very real. And, the lives of people depend upon the meaning of it. The lives and the future of many people depend upon it. You have become a part of the system of justice for these three days. Reasonable doubt has a very important meaning to you today. I ask that you accept that responsibility, and that you consider everything that was said by each individual witness and try to resolve these questions. You won't be able to resolve all of them. Some of them are not answered. We submit there are enough that are not answered that there is indeed a reasonable doubt. [We respectfully represent that, with respect to the charge relating to Sharon Sanders, is very very clear and obvious that there was a lack of any threat of great and immediate bodily harm, from her own lips. From her own lips, there was no threat. And, with respect to her sister, all of these other questions we talked about; the alibi, was he really there? Did it really happen this way? Was it someone else? You heard the same evidence I did. I don't know anything that you don't know. I didn't hear anything that you didn't hear. It was all presented right here. And, you heard it. Your job is to -- when you retire, is to consider these things, and to weigh them carefully; and to remember what our law says, and to

listen to the instructions of the court.] And the court will tell you that if you have any doubt, as to any element of these offenses -- if you have a reasonable doubt as to any element, it is your duty to render a verdict of not guilty. On behalf of the accused, as his counsel, I respectfully represent to you that very serious doubts linger in this case, and that your verdict should indeed be not guilty as to both counts. Thank you very much.

(REBUTTAL BY J. EDDIE KNOLL)

BY MR. KNOLL:

Ladies and gentlemen of the jury, I will be the last one to be speaking with you, so this matter is about to come to an end -- to a close, and you will go into the jury room, and commence your deliberations on this case. I, too, would like to join with the two previous speakers and tell you that we certainly appreciate your time, your energies, your efforts, your attention, sitting here, listening to this case. You have participated in our system of government, our system of justice. I commend you for that. This is the system on which the United States of America is based. It may not be a perfect system, but it certainly, in my opinion far exceeds any other system anywhere in this world. And, this is what makes us Americans, and this is what makes us citizens of this great United States of America. When counsel for the defense commenced his argument, he said that there was no physical evidence; and that as a result of no physical evidence, I assume that he was saying, well, you should acquit this defendant, on these two counts. You have seen a tire, a flat tire that came off of that vehicle, driven for quite some distance.