

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.

Indeed, that came off of that car. You personally viewed an automobile in which these three young people were confined. You have seen pictures -- pictures of the three young people being confined to a trunk, and placed in the trunk. Don't forget, this case came to the law enforcement people two weeks -- two weeks after the crime occurred. [ Where is the gun, where is the knife? ] I submit that that defendant knows where they are, or what he did with 'em. Naturally, he didn't give 'em to us. [ Talking about positive testimony, or physical evidence, we have something much more powerful, much stronger than any physical evidence.

[ We have the positive identification by three young people, two of whom were violently raped, by this defendant, telling you that he is the one who did that to them. ] You saw those little girls get up here on the witness stand and testified. And, when it got to the point of where Karen was being raped, it was extremely difficult for her to testify. When Karen began to testify, and she got to the point of telling about how she was raped vaginally; that was difficult. But, when she got to the point where she had to tell you, the members of this jury, how she was brutally attacked, rectally, vaginally, rectally, and then was caused to commit oral sex acts on this defendant. You saw how difficult it was for her to testify. Now, I ask you, when these girls got up here and testified, were they lying? Or when that defendant got up here, used the profanity in your presence, and said, he didn't have anything to do with it, I ask you, was he telling the truth? Now, you have the complete right, complete right to determine somebody was lying. Was it these three young people, two of whom got up here and said, I was raped? Indeed, that

had to be terribly embarrassing for them. Or was it the defendant that gets up here and says, no, I didn't have anything to do with it? You be the judge. This is what you're here for. And, if you find that their testimony was correct and true, then you have no other alternative than to come back and return a verdict of guilty as charged, on both of those counts. Defense says, Sharon never saw a pistol. Look if she was concocting the story and she had seen a pistol -- if she was in fact concocting the story, she would have come up here, and told you, I saw a pistol.

[ Sharon did not see a pistol. ] But, let's back up. Let's not forget that over here, at the 7-11 store, she heard when that defendant said, I don't fight, I shoot. She also heard, when they were getting over there, and they were taking Keith from the front of the car and bringing him to put him in the trunk of the car, and lock him up in the trunk, she heard him say, if you attempt to go for a gun in the glove compartment, I've got one, and I'm going to shoot you. She didn't have to see it. The threats was there. The law doesn't say you've got to produce the weapon. The threat was there. What greater threat can there be? Than taking a person and confining them to a trunk? I'll ask you, visualize yourself being placed in a trunk, and the trunk latch being closed on you, in small -- in such a small area, can you imagine the type of torment you would fear, and the threat that these young ladies and that young man was under at that time? It comes back, she sees, Sharon sees, Karen attempt to make a break. When she does, the defendant tells her, you better not be so stupid, because if you do, before you get two steps away, I can shoot you down. Another act of intimidation, another act

of threat. He then goes and says, it looks like this one is going to give me trouble. He takes her and he goes and puts her in the trunk of the car. Then they say, there is no threat and no intimidation? My God, the best thing that ever happened was her submitting at that time, cause if he had not, she would have been killed.

BY MR. BROUILLETTE:

Your honor, I'd like to oppose an objection at this time. The scope of rebuttal argument is confined to the matters covered in the argument of the defense. He has started a new argument, and he's going into areas that were not discussed in the defense's argument, and it is beyond the proper scope of rebuttal.

BY MRS. KNOLL:

No, your honor. He said that there was no threat on Sharon. And, that is the purpose of this closing argument, and rebutt that issue.

BY THE COURT:

Yes. Stick with the rebuttals, Mr. Knoll. Go ahead. Let the objection be noted.

BY MR. KNOLL:

So, with all of this, counsel says there's no threats. This is why she went ahead and had sexual intercourse with this defendant. I ask you to ask in your own mind, at this point, with those facts and circumstances, if she, in fact, voluntarily had sex with him? You be the judge of that. Counsel says that he doesn't understand how this testimony went at the gas pumps. He doesn't understand why the defendant, who was standing there, was approached by Keith. The testimony was very clear. The reason why he did,

he got up there and he said the man was looking at him like he was real mad. ] They went up there; they talked a little while; they resolved their differences. The defendat, himself, extended his hand and shook hands. This is what happened there. That's not at all inconceivable; certainly not difficult to understand. He says he doesn't understand why the testimony of -- showed that the actions or the voice of the defendant became violent. Understand when it actually happened. He was acting friendly. He was telling them how to drive, where to turn. They got to the Little California Road, this is where Keith said, it looked like something was wrong. He then went ahead, and he brought the car to a stop. ] When he did, this is when the defendant became violent, took the keys, and told him to drive ahead. This is when the voice changed. Wants to know why Sharon didn't see the pistol... When he was telling Keith to get in the trunk of the car? ] The reason for that is that Sharon was in the car. He brought his pistol to the back, had him -- he told -- he opened the trunk and told him to get in. This is where the pistol was. The pistol was at the back of the trunk of the car. It wasn't in the car. He didn't show it in the car to the rest of them. Keith stated, though, that he saw that pistol in the car, when they came to the first stop, when he told him, Keith, you drive on. ] Counsel talks about the defense witnesses, Arthur Lavallais, Paul Dominick, John Mose. All of these people are friends in crime. That's what they are. We have the records here, that we have introduced to show you what kind of a record they have. You determine whether or not they are in fact worthy of belief. Out of these, we had two of the witnesses that came up and said, this took place on

Monday, May 9, 1977,.....the knife incident, at B. Bean Mose's place in Marksville. This is what they testified to. Brought Willie Gaines on, Willie Gaines wouldn't say that it was on that date. But, what physical evidence did we have to rebut that? We have here, the arrest -- the report by the City Police here in Marksville, which shows that on May 8th, this is the day before this happened, which is on May 9th. On May 8th, they show where they went over there and they investigated an incident in which Vincent Simmons was involved, and in which there was a gun. At this time, this is where Julius Guillot, the man who testified, the City Policeman, and Jim Beaman, another City Policeman, went out there to the -- to B. Bean Mose's place. You'll recall this -- recall his testimony where he says, that he told Jim Beaman, who had the defendant in his car at that time, he says, be careful, because he keeps a knife, and he said, we had a knife incident just a short -- just a few days ago. The knife incident prior to the date of May 8, 1977. It certainly occurred before the date of the crime of May 9, 1977. Well, what did those witnesses come up here to say? They were what we call alibi witnesses, to say, I wasn't at the scene of the crime; I was somewhere else. This is just an old classic defense, when you don't have anything else to go upon. That's exactly what happened here. And, we've blown their alibi completely to heck. The defendant says that Karen and Sharon submitted by their own testimonies, that -- to intercourse with this defendant without any threats being made to them. Ladies and gentlemen, you do not have to -- threats do not come by words alone. It is much more powerful and much more affective to have actions to convince

that person that they better do it, and if they don't do it, they're going to be subjected to serious harm. I want to tell you a little something. First of all counsel says that Mr. Fruge and Mr. Perry, who are inmates, serving time up here, testified that it was on the 1st day of May that they saw the defendant in a black silk shirt, which he said, he never had maroon pants -- when he said he never had nor borrowed, and black boots, zip up type. Yes, the -- those witnesses did not state that it was May 1st. They said that it was the first part of May of this year, that they saw him in clothes meeting the description, and in particular, the pants, meeting the description, which the defendant himself, got up here and testified that he did not own. Counsel seems to say, well, we're giving them some favoritism, for testifying in this matter, cause they're serving as trustees. They were trustees before this trial started. They were trustees at the time that Perry brought the defendant down the elevator from upstairs, in the first part of 1977. This is part of his job as a trustee. And he brought him down. And he was in maroon pants that he was in. No question. And, there's certainly been not even a scintilla of evidence to show that we have promised him some type of favoritism for his testimony. And, the same is true with Fruge. No, sir. I haven't offered them any kind of leniency at all for their testimony. They came and testified, because they was asked whether or not they recall. They said, yes, they did recall. That's why they've testified. And, I'll tell you something else, too. They told you the truth. Told you the truth. Now, counsel says, that there are some questions that remain unanswered. Didn't

tell you what questions remained unanswered. He says that elements of the crime were not proved. What elements of the crime were not proved? Every single solitary element was proved, and proved with very strong and convincing evidence. If there are any questions, I ask you, in your own mind, are there any questions in your mind that those two little girls were raped? Absolutely not. They were raped; they were brutally; they were raped by that defendant, Vincent Simmons. Ladies and gentlemen of the jury, when we started this case, and I first talked with you, I told you that we were going to bring evidence here and testimonies here, to prove to you the guilt of this defendant beyond a reasonable doubt. I submit that we have far -- far exceeded the criteria for reasonable doubt, and we have just about proved it to you to an absolute certainty. Indeed, this crime has been proved beyond a reasonable doubt. Now, I have done my job. Now, it's time for you to go into deliberation and do your job. And, I ask that you come back with a just and equitable verdict in this matter. You come back with verdicts of guilty as charged on count one, Attempted Aggravated Rape of Sharon Sanders; and count two, Attempted Aggravated Rape of Karen Sanders. Once you've done that, you will have done your duty. I think you.

**(COURT'S CHARGES TO THE JURY BEFORE DELIBERATION)**

**BY THE COURT:**

Members of the Jury, now that you have heard the evidence and the arguments, it becomes my duty to give you the instructions of the court as to the law, which is applicable in this case. It is your duty as jurors to follow the law as stated in the