

1 they do, talk them over. State your views
2 individually. Don't state merely what you
3 conclude, but explain to your fellow jurors why it
4 is you come to that particular conclusion, and
5 listen to your fellow jurors when they explain to
6 you why they have come to a different conclusion.

7 You can't reason things out if you
8 simply tell each other what your ultimate
9 conclusion is. You need to explain it. You don't
10 explain why you hold to a position. There's
11 little likelihood, except perhaps the sheer force
12 of personality, and that's not an analysis that we
13 want, that you're going to convince somebody that
14 you're right and they're wrong.

15 And, similarly, if you don't tell people
16 what your position is, there's little likelihood
17 that they can convince you that you are
18 incorrect. It's the process of talking things out
19 that is what we're looking for here.

20 Basically, it's long-time experience
21 that by reasoning differences out, it's usually
22 possible for jurors, all twelve jurors in a case,
23 to agree. That, of course, means that you should
24 not hesitate to re-examine your views and you
25 shouldn't hesitate to change your opinion, if you

1 are convinced based on the deliberations that an
2 opinion that you held was incorrect.

3 However, none of you should ever
4 surrender your honest evaluation of the evidence
5 in this case or lack of evidence in this case
6 simply to go along with your fellow jurors or to
7 get the deliberations over with. That would
8 violate the oath you took.

9 This matter is much too serious for
10 decisions to be reached in that particular
11 fashion.

12 In the end, ladies and gentlemen, each
13 one of you has to make up your own mind as to what
14 has or has not been proven by the prosecution.

15 When you come back into this courtroom,
16 if you come back to return a verdict, when your
17 foreperson announces that verdict, while it will
18 be stated by him or her as your verdict, in
19 reality, what that person is telling the Court is
20 that there are being reported twelve individual
21 verdicts that all happen to be the same, because
22 only when all twelve of you have come to the same
23 conclusion is there a decision in this particular
24 case.

25 If you want to communicate with the

1 Court from now on, please do so in the form of
2 written notes from your foreperson. Miss Hull
3 will show you our buzzer system. She'll retrieve
4 your notes. If I can answer the note simply, I'll
5 write the answer right back on the note and send
6 it into the jury room.

7 If it takes some elaboration, I will
8 bring you back in the courtroom and give you the
9 answer, and then ask whether I've answered the
10 question, and we'll engage in enough of a colloquy
11 here to be sure that the question that you have
12 has truly been answered.

13 If you want some or all of the exhibits,
14 simply write us a note and tell us which ones you
15 want -- all are identified -- specifically, if you
16 can, which ones you want. Obviously, if you want
17 the tape, the audiotape or the videotape, we'll
18 also see to it that you get the machinery to be
19 able to use it.

20 Be very, very careful from this point
21 forward not to talk to anybody involved with this
22 case except my staff and me, and then only if it's
23 absolutely necessary and only if it has absolutely
24 nothing to do with the case. The only time we can
25 answer any questions at all about the case is here

1 in the courtroom.

2 If you want to use a phone or get a
3 fresh pot of coffee or take a break, you can let
4 me or Miss Hull know that. But beyond that, don't
5 let us know anything about this particular matter.

6 Also, be very careful that you don't
7 disclose to anybody the state of your
8 deliberations. That means don't tell anybody what
9 you're talking about and don't tell anybody if
10 you've taken any votes how they've come out,
11 because things are fluid. They tend to change.

12 However, if word gets out that at a
13 given moment there's a majority one way and a
14 minority another way, even if we have no idea on
15 what issue, and obviously we will have no idea
16 who's in which group, but the minority always
17 thinks every eye in the place is looking at them,
18 and what that does is add a whole set of
19 extraneous experience that has nothing to with
20 your deliberations.

21 So keep your deliberations absolutely
22 secret among yourselves. Don't tell a soul what
23 they are. The only thing we are entitled to know
24 and the only thing we want to know is the end
25 result of those deliberations, and that will be

1 done in the courtroom by announcing a verdict.

2 I'm going to ask Miss Hull to hand out
3 to you a verdict form, the thing that I'm going to
4 ask your foreperson to fill out when you come to a
5 decision in this case, and while she's doing that,
6 I want to add one other thing about the nature of
7 your deliberations.

8 In a moment we're going to excuse two of
9 you. We have no idea who those two are. Once
10 we've done that, the rest of you will go to the
11 jury room. And do one thing, but only one thing,
12 elect a foreperson. Don't do anything else.

13 I will take a few minutes to go over
14 with the lawyers the instructions that I've just
15 given you to be sure I haven't misstated
16 something, forgotten something, or been
17 incorrect. Frankly, I always talk fast.

18 Miss Russo, who's not my regular court
19 reporter, has finally conceded that I'm a fast
20 talker. She, however, works for the fastest
21 talker in the court, and sometimes when you do
22 that it doesn't always come out right.

23 So if I missed something or misstated
24 something, I'm going to find that out from the
25 lawyers and we'll call you back in here and

1 correct it right away.

2 We want to correct that before you've
3 deliberated, because we want to be absolutely sure
4 that it's had no bearing on your decision. It
5 usually only takes a couple of minutes.

6 So go elect a foreperson, and then wait
7 to hear from us. Once you've heard that you can
8 begin deliberating, you may, but given the hour,
9 I'm going to leave it entirely up to you as to
10 whether you want to deliberate for a while or go
11 off to lunch and then come back and deliberate
12 this afternoon.

13 How long your deliberations go today
14 until you reach a decision is entirely up to you.
15 Whenever you have a decision and you're still
16 here, obviously, you let us know. But if there
17 comes a point at which you want to take a break or
18 break for the evening, or what-have-you, you know
19 what's best for you and what's best to keep the
20 process going appropriately.

21 So simply let me know. If you want to
22 work into the evening, that's fine. If you don't,
23 that's fine, too. Obviously, when you've decided
24 you want to call it quits for the day, if that
25 happens, then you need to decide when to come

1 back. We will be glad to accommodate you by
2 coming in tomorrow or you can come in on Monday.
3 Again, I'll leave all of those decisions up to
4 you.

5 Now, let's take a look at this verdict
6 form, ladies and gentlemen. Please have your
7 foreperson be the only person who fills one out.
8 We don't need extra copies that are tentative
9 decisions. Be sure that only one is filled out,
10 but everybody can have a copy.

11 It is both a form by which we will
12 record your decision and it is a good summary of
13 what we have been talking about.

14 The top simply identifies whose case
15 you're deciding, Mr. Daniel Turner's. The
16 beginning then says, "We, the jury, in the
17 above-entitled cause, all being in agreement,"
18 which is a reminder that your decision, whatever
19 is recorded on this page, must be unanimous,
20 twelve people making the same decision, "find upon
21 our oath," which is a reminder that the decision
22 you make is to be based on the law and the
23 evidence only, "that Daniel Turner is," and then
24 there are three matters that have to be decided.

25 Count One is the count accusing him of

1 kidnapping. So you need to decide whether he is
2 guilty or not guilty of that particular offense.

3 Have your foreperson check off whichever
4 one of those alternatives reflects your decision.

5 Count Two has three alternatives, guilty
6 of criminal sexual conduct in the first degree, or
7 remember I told you you could consider the
8 alternative of criminal sexual conduct in the
9 second degree, or, of course, in every case the
10 alternative of not guilty.

11 Again, you check off one of those
12 three. It can't possibly be more than that.
13 Everybody recognizes, I'm sure, that a person
14 cannot be both guilty and not guilty.

15 The same is true with regard to varying
16 degrees of offenses. You can't be guilty in the
17 eyes of some people of one and guilty in the eyes
18 of others of the other. All twelve of you must
19 agree on which two, if it is a conviction, just as
20 all twelve must agree on not guilty if that's your
21 decision.

22 And Count Three, again, presents you
23 with exactly the same alternatives.

24 Your verdicts are to be here whatever
25 the evidence convinces you of. They don't have to

1 be in any particular order. It doesn't have to be
2 guilty of the first one in all three or guilty of
3 the last alternative. To put it bluntly, you mix
4 and match the decisions however the evidence tells
5 you that those decisions ought be made.

6 We need decisions as to all three
7 counts, however, Count One, Count Two, and Count
8 Three.

9 Now, with regard to Counts Two and
10 Three, you are being authorized by the law to
11 consider the alternatives of criminal sexual
12 conduct in the second degree, so let me explain a
13 little bit how to go about that.

14 What you should do with regard to each
15 of those counts is start by considering the charge
16 of criminal sexual conduct in the first degree.
17 You do not, however, have to conclude that
18 Mr. Turner is not guilty of that offense before
19 you go on to consider the alternative.

20 Obviously, if you start with criminal
21 sexual conduct in the first degree and are
22 convinced he's guilty of that offense, you don't
23 have to concern yourself with the alternative of
24 second degree because it's an alternative, and
25 there is no alternative if you've made the

1 decision that he's guilty of the first degree
2 offense.

3 However, once you've started with first
4 degree, you can then go on to consider second
5 degree, not guilty, whatever order you want, just
6 as long as you start with what we call the
7 principal offense, which is criminal sexual
8 conduct in the first degree. And once you've
9 considered that for however long you think it
10 appropriate, then move on to consider the
11 alternative offense of criminal sexual conduct in
12 the second degree.

13 We will now have our drawing, it is
14 truly that, to see which two of you are excused.

15 Those two, I want to genuinely thank you
16 for all the effort that you've made here, that
17 you've put in. There almost inevitably is some
18 sense of letdown, after especially two weeks in
19 and all the time that you've spent here, that you
20 don't get to participate in the decision.

21 All I can say is it was a real comfort
22 having the extras here. You've seen how things
23 happen. They happen to everybody, but if it
24 happened to some members of the jury we could have
25 then proceeded because we had extras.

1 However, whoever the two of you are,
2 you're welcome to wait around to see what your
3 former colleagues decide. If you don't want to
4 wait around, which is certainly understandable,
5 and want to know what the outcome is before
6 reading it in the paper, we'll gladly call you and
7 let you know what the outcome is. You're
8 certainly entitled to that courtesy.

9 Once your name is called, would you
10 please go back to the jury room. If you left
11 anything there, collect your belongings and
12 leave. You can come in the courtroom or stay
13 elsewhere, but can no longer be in the jury room
14 because you are no longer at that point part of
15 the jury.

16 Miss Hull, would you tell us who fate
17 says the alternates are?

18 THE CLERK: Number 267, Robert Woycke,
19 and Number 21, Jeffrey Bazan.

20 THE COURT: Thank you, gentlemen.

21 (At about 11:45 a.m. - The two
22 alternates were excused from the courtroom)

23 (At about 11:45 a.m. - Clerk sworn by
24 the Court to take charge of the jury)

25 THE COURT: Ladies and gentlemen, would

1 you go with Miss Hull back to your jury room,
2 select your foreperson, and decide what kind of a
3 schedule for right now you'd like, if you'd like
4 to deliberate for a while and go to lunch. You
5 don't have to make decisions about the rest of the
6 day at this point.

7 We'll let you know when you can start
8 deliberating, and you can let us know whether you
9 want to or whether you want to go to lunch.

10 (At about 11:45 a.m. - Jury left the
11 courtroom)

12 THE COURT: Mr. Bramble, does the
13 prosecution have any objections or comments with
14 regard to any of the instructions given to this
15 jury?

16 MR. BRAMBLE: No, your Honor.

17 THE COURT: Let me ask Miss Krause,
18 first of all, do you have any objections,
19 Miss Krause, to that portion of the instructions
20 which were heard by your client's jury?

21 MS. KRAUSE: Your Honor, the only
22 objection I have is yesterday I thought that we
23 had decided we were not going to have the
24 instruction about the defendant not testifying. I
25 believe that that was read by the Court.

1 I'm not going to ask for a curative
2 instruction, however, as that would defeat the
3 purpose of why I asked for it not to be given in
4 the first place.

5 THE COURT: I must confess, I
6 specifically recall having been told that both
7 parties wanted that instruction. Your
8 recollection is different. It's noted for the
9 record.

10 They're just showing them the buzzer.

11 MS. KRAUSE: I honestly thought we had
12 said that to simply highlight it, and, like I
13 said, a curative instruction at this point would
14 defeat the purpose, anyways.

15 THE COURT: Mr. Mirque, do you have any
16 objections to the instructions given to Mr. Daniel
17 Turner's jury, either jointly with the other one
18 or those unique to his jury?

19 MR. MIRQUE: In regards to the joint
20 instructions, it was my understanding that the
21 defendant not testifying would be read.

22 I have no objection and will not join
23 Miss Krause's objection as to that.

24 I do not recall the instruction
25 regarding corroborative evidence. Was that read

1 jointly or was that simply read in Daniel's?

2 THE COURT: What do you mean,
3 "corroborative evidence"?

4 MR. MIRQUE: Where the jury does not
5 believe a victim, that the victim, the one --

6 MR. BRAMBLE: The testimony of the
7 victim need not be corroborated.

8 THE COURT: That instruction was not
9 given at all. My understanding was, again, there
10 was a request that it not be given.

11 MS. KRAUSE: On behalf of Stephen
12 Turner, I requested that.

13 THE COURT: Requested that it be or not
14 be given?

15 MS. KRAUSE: Not be.

16 MR. MIRQUE: Well, I don't recall ever
17 making that request. It's in our favor, also.

18 MR. BRAMBLE: It's a standard
19 instruction, and I would inquire as to the Court
20 why it was not given. I didn't realize you were
21 not going to.

22 THE COURT: Because it was given at the
23 beginning, and we decided that matters which were
24 of a legal significance, lack of resistance,
25 corroboration, et cetera, would not be repeated

1 because most of those simply hadn't been issues in
2 the case.

3 Mr. Mirque, why don't you continue on.

4 MR. MIRQUE: Your Honor, I'm going to
5 submit for the purposes of the record the
6 defendant's proposed jury instruction as to the
7 kidnapping charge. We dealt with this matter
8 early on in the case regarding the asportation
9 element, and it is still our belief that
10 asportation is defined by the cases and they're a
11 progeny of the Davis line.

12 Davis ordered Adams would apply in this
13 case, also. Particularly, I think it was Item Six
14 or Five in that proposed jury instruction.

15 THE COURT: Well, of course, I did
16 clearly instruct the jury on what is properly
17 referred to as an asportation element. I told
18 them that the actions of Mr. Turner, if they were
19 what alleged, had to have resulted in her being
20 moved from one place to another.

21 I did that because a reading of the
22 statute clearly repeatedly uses the word "away."
23 Actually, it only uses it once, but it applies to
24 everything. You can't do the things that the
25 statute constitutes as kidnapping without there

1 being some movement involved.

2 The problem we're having, we're,
3 frankly, using the wrong term. My understanding
4 is the claim being made is that the asportation
5 need be something other than that which is
6 normally incident to the crime involved, rather
7 than that there need not be some movement.

8 Obviously, there must be some movement.
9 I have previously ruled that I don't believe, for
10 all the reasons I stated before, that that which
11 constitutes kidnapping, as alleged here, need also
12 be found to have been independent of the other
13 activities. That element isn't given.

14 The instruction will be put in the file
15 and noted for the record. I thought that was an
16 issue you wanted addressed by the instructions.

17 MR. MIRQUE: Thank you, your Honor. I
18 have nothing further.

19 THE CLERK: They want to go to lunch.

20 THE COURT: Mr. Mirque, be back at
21 1:30. Well, Mr. McIntosh, if you would, get the
22 gentlemen back as quickly as you can, but if it's
23 not 1:00, I understand, because we'd like to get
24 his jury going.

25 Mr. Mirque, you need to be back here,

1 too.

2 MR. MIRQUE: For the closing.

3 THE COURT: 1:00.

4 (At about 11:50 a.m. - Recess taken)

5 (At about 1:15 p.m. - The Daniel Turner
6 jury commenced deliberations)

7 (At about 1:30 p.m. - The Stephen Turner
8 jury returned to the courtroom)

9 THE COURT: Ladies and gentlemen, I'm
10 not going to undo our effort at efficiency by
11 repeating now the instructions that you were given
12 this morning, but I don't ever want it to appear
13 that our objective is efficiency over fairness, so
14 if when you begin your deliberations or at any
15 time during them you think that the lapse of time
16 between the first segment of the instructions and
17 the remainder of them is interfering at all with
18 your ability to recall those instructions and
19 utilize the information which is in them, don't
20 hesitate to ask that some or all of the
21 instructions be repeated.

22 Right now, however, I want to
23 concentrate on the two charges that are made in
24 this case against Mr. Stephen Turner.

25 I want to give you a few cautionary

1 remarks before we get to the specifics of those
2 charges, however.

3 Remember that just as the bringing of a
4 charge against an individual is absolutely no
5 evidence of that individual's guilt, there is no
6 legal principle equivalent to where there's a
7 charge, there must be fire, or something like
8 that.

9 Bringing two charges is just as much no
10 evidence, because since a charge is nothing in
11 terms of evidence, a multiplicity of charges is
12 still simply nothing.

13 Also, don't read into my instructions
14 any judgment by me as to guilt or innocence. Some
15 people might think that if the judge really
16 thought they were innocent, he wouldn't be telling
17 them what the charges were. Of course, that's not
18 my decision to make. In every case the judge
19 always instructs on these elements.

20 Similarly, don't take these latter
21 remarks as somehow suggesting that I have to. I'm
22 not making any judgment one way or the other. I'm
23 telling you what you need so that you can make
24 decisions in this case.

25 What decision you make is entirely up to

1 you, and it may well be, given your decisions,
2 that some or a good many of my instructions aren't
3 necessary. But that's a decision you have to
4 make.

5 And the third thing to keep in mind is
6 that the two charges against Mr. Stephen Turner
7 have to be evaluated separately. Don't decide
8 that because you're convinced he's guilty of one,
9 for example, that, well, you will find him guilty
10 of the other although you're not quite sure,
11 because having done it once, what harm is there in
12 doing it twice.

13 Or if after looking at one charge you're
14 satisfied that you can't find him guilty of that
15 charge, don't do the converse and simply say, "Oh,
16 well, then why should we bother to look at the
17 other."

18 You have to look at the two of them
19 separately, evaluate the evidence, and decide
20 whether he's guilty of one crime, two crimes, or
21 no crimes.

22 And you can return any combination of
23 verdicts that your evaluation of the evidence in
24 light of the law and these instructions tells you
25 is the appropriate one; since there are two, the

1 combination of two guilty verdicts, two not guilty
2 verdicts, one guilty, one not guilty, and there
3 will be some alternatives you could consider.

4 So there can be a variety of
5 combinations. We'll get to those in a minute.

6 Let's now talk about the offenses, the
7 two offenses with which Mr. Turner is charged, and
8 therefore the two offenses that you have to
9 evaluate.

10 In Count Two of the information in this
11 case -- and remember, the information is simply
12 the name of the Michigan legal document which
13 accuses a person of a crime -- Mr. Stephen Turner
14 is accused of aiding and abetting his brother's
15 commission of a criminal sexual conduct in the
16 first degree.

17 His brother, Mr. Daniel Turner, is
18 charged in Counts One, Two, and Three.
19 Mr. Stephen Turner is charged with his brother in
20 Count Two. Typically, the person who is said to
21 have committed the crime and the person who is
22 alleged to have assisted him are charged jointly.

23 And then Mr. Stephen Turner is charged
24 all by himself in Count Four. So we're going to
25 be talking about Counts Two and Four.

1 Your verdict form will make reference to
2 Counts Two and Four. That may seem a little odd,
3 as to what happened to Counts One and Three, and
4 that's the explanation.

5 While we've tried two cases here
6 together, and they really are two separate cases,
7 for purposes of our paperwork we've used common
8 documents. And so the charges were One, Two,
9 Three, and Four.

10 As I've said, One, Two, and Three apply
11 to Mr. Daniel Turner, and you're not judging his
12 case, so obviously you needn't be concerned about
13 those specifically, and Counts Two and Four relate
14 to Mr. Stephen Turner. Those are the two that you
15 are concerned with.

16 Any person, ladies and gentlemen, who
17 directly commits a crime, in other words, any
18 person who himself or herself actually engages in
19 all the conduct which constitutes that crime, is
20 called under Michigan law a principal. A person
21 who helps another, a principal commit a crime, is
22 called an aider and abettor.

23 In order for you to convict Mr. Stephen
24 Turner of what he's charged with, aiding and
25 abetting his brother's commission of a criminal

1 sexual conduct in the first degree, the
2 prosecution's got to prove these things.

3 First of all, the prosecution has to
4 prove that Mr. Daniel Turner committed one of two
5 offenses. Now, although Mr. Stephen Turner is
6 accused of aiding and abetting the commission of a
7 first degree criminal sexual conduct, it is
8 sufficient if the prosecution proves to your
9 satisfaction that his brother committed either
10 criminal sexual conduct in the first degree or
11 criminal sexual conduct in the second degree.

12 If you find that Daniel Turner committed
13 a criminal sexual conduct in the first degree, and
14 that his brother Stephen Turner helped him in the
15 ways I'm going to talk about, then you may convict
16 Mr. Stephen Turner of aiding and abetting the
17 commission of a criminal sexual conduct in the
18 first degree.

19 If what you decide is that what the
20 prosecution has proven is that Mr. Daniel Turner
21 committed a criminal sexual conduct in the second
22 degree, for some reason the proofs don't add up to
23 criminal sexual conduct in the first degree, then
24 you may convict Mr. Stephen Turner of aiding and
25 abetting a criminal sexual conduct in the second

1 degree.

2 Obviously, the prosecution's got to
3 prove that Mr. Daniel Turner committed one of
4 those two offenses. Mr. Stephen Turner is accused
5 of helping him commit one of those offenses.

6 If Mr. Daniel Turner is not, to your
7 satisfaction, guilty of one of those two offenses,
8 then obviously his brother can't be convicted of a
9 crime in helping him because there was no crime
10 for which help was offered.

11 Even if you find there was help but
12 there wasn't a crime to which it pertained, then
13 that help doesn't add up to any criminal
14 liability.

15 So let's spend a little time talking
16 about what constitutes criminal sexual conduct in
17 the first degree, what the prosecution has to
18 prove Mr. Daniel Turner did in that regard, and
19 also what constitutes criminal sexual conduct in
20 the second degree.

21 If the prosecution has met its burden of
22 proving that Mr. Daniel Turner committed criminal
23 sexual conduct in the first degree, if it has
24 proven to your satisfaction beyond a reasonable
25 doubt that he, Daniel Turner, did one of these

1 things -- and it only has to prove one. The
2 legislation considers a lot of things and lists a
3 lot, but it does not require that all be proven,
4 one is enough. But, obviously, one has to be
5 proven.

6 The prosecution has to prove that
7 Mr. Daniel Turner inserted his penis, or his
8 tongue, or a finger, or some object, any object
9 will do, into the genital or anal openings of
10 Lakeysa Cage.

11 Now, any penetration, however slight
12 that penetration, is enough if it was sufficient
13 to go beyond the surface of the body. It doesn't
14 have to go all the way in, to put it bluntly. As
15 long as it goes beyond the surface of the body,
16 that constitutes a sufficient penetration.

17 It's also criminal sexual conduct in the
18 first degree if the prosecution proves that
19 Mr. Daniel Turner put his penis in Lakeysa's
20 mouth. Again, any insertion beyond the surface of
21 the skin is sufficient. Or the prosecution has
22 satisfied its burden if it proves that Mr. Daniel
23 Turner touched Lakeysa Cage's genitals with his
24 mouth.

25 For this form of so-called penetration,

1 there does not in fact have to be penetration. It
2 is sufficient if there is contact between his
3 mouth and her genitals. But because the law deems
4 the offensiveness of that kind of conduct to be
5 comparable to the other things which truly are
6 penetration, it considers it, for definitional
7 purposes, to be a form of criminal sexual
8 penetration.

9 So if the prosecution proves any one of
10 those things, it has proven the offense of
11 criminal sexual conduct in the first degree,
12 because under the law of this state, doing any one
13 of those things with a child who's ten years old
14 is criminal sexual conduct in the first degree.

15 There is an exception: If it was done
16 for legitimate purposes, hygiene or medical
17 treatment, use of a rectal thermometer, or
18 something like that, then it wouldn't be a crime.
19 But nothing of that sort is claimed in this
20 particular case, so you don't have to worry about
21 evaluating any such exception.

22 Now, if instead of proving a penetration
23 the prosecution proves any one of these things
24 that I'm going to describe for you in a moment,
25 what it's proven, so long as it's done it beyond a

1 reasonable doubt, is criminal sexual conduct in
2 the second degree.

3 That offense occurs whenever any one of
4 these things are done to a ten-year-old child,
5 actually any child under the age of thirteen.

6 So to prove this other offense, criminal
7 sexual conduct in the second degree, the
8 prosecution has to prove that Mr. Daniel Turner
9 intentionally touched Lakeysa's genital area, her
10 groin, an inner thigh, a buttock, or a breast, or
11 that he intentionally touched the clothes that
12 cover those particular areas, or that he had her
13 touch one of those parts of his body, or the
14 clothes covering the area, provided it was done
15 under circumstances which could be construed for
16 purposes of sexual arousal or gratification.

17 To prove criminal sexual conduct in the
18 first degree, the prosecution does not have to
19 prove why somebody did it. Engaging in an act of
20 penetration, as we've defined it, most often is
21 for purposes of sexual arousal or gratification,
22 but the prosecutor doesn't have to prove that to
23 be the purpose.

24 In fact, even if the purpose was
25 something else, if that kind of penetration

1 occurred, it's still criminal sexual conduct in
2 the first degree. The law of this state takes the
3 position that an intrusion like that is just so
4 inherently offensive that it doesn't matter why it
5 was done. Unless it was for some legitimate
6 purpose like we've talked, it's a crime.

7 Criminal sexual conduct in the second
8 degree is different, however, because a lot of
9 these things which can constitute sexual contact
10 can in fact be done for reasons that are not
11 sexual, and wouldn't be taken by anybody to be
12 sexual.

13 And if they're not, or at least don't
14 have the appearance of being for sexual purposes,
15 then whatever they are, they're not the crime of
16 criminal sexual conduct.

17 So the prosecution has to prove that the
18 touchings of these various kinds, however, one's
19 enough, were under circumstances that a reasonable
20 person could construe them to have been for
21 purposes of sexual arousal or gratification.

22 That doesn't mean that the defendant
23 meant it to be for that purpose. It doesn't mean
24 that the complainant or victim actually took it to
25 be for that purpose. But if a reasonable person

1 looking at it and evaluating it would take it to
2 be for sexual purposes, then it constitutes sex.
3 Contact and engaging in sexual contact with a
4 child who's under the age of 13 is, in and of
5 itself, criminal sexual conduct in the second
6 degree.

7 Now, if you're not convinced beyond a
8 reasonable doubt, ladies and gentlemen, that
9 Daniel Turner did one of those two things to
10 Lakeysa, that he either engaged in criminal
11 sexual conduct in the first degree or criminal
12 sexual conduct in the second degree with her, then
13 you don't have to go any further. You have to
14 find Mr. Stephen Turner not guilty, because, as I
15 said, if there wasn't a crime committed by his
16 brother, whatever he did, he could not have helped
17 in the commission of a crime, and therefore he's
18 not guilty of anything.

19 If, on the other hand, you're satisfied
20 beyond a reasonable doubt that Mr. Daniel Turner
21 committed one of those two forms of criminal
22 sexual conduct, then you've got to go on to decide
23 whether Mr. Stephen Turner is also guilty of a
24 criminal offense, because remember, his brother
25 committing an offense does not make him guilty of

1 an offense. Certain other things have to then
2 have been done by Mr. Stephen Turner.

3 So if the prosecution satisfies you that
4 Daniel Turner committed one of the crimes that
5 we've talked about, the next thing it's got to
6 prove is that Stephen Turner, and it's important
7 that we keep these names straight, did something
8 to assist his brother Daniel.

9 Now, it does not matter how much help or
10 assistance he gave, as long as the help or
11 assistance he gave indeed actually helped his
12 brother in some way commit the crime.

13 Mere presence when his brother committed
14 a crime is not enough to prove that Mr. Stephen
15 Turner helped commit that crime, even if he knew
16 that it was being committed, nor is it enough for
17 the prosecution to prove that Stephen Turner did
18 not do anything to stop his brother, or that he
19 didn't do anything to help Lakeysha.

20 What the prosecution must prove is that
21 Stephen Turner did some affirmative act which
22 helped his brother in some way commit whatever
23 offense you decide his brother committed, if you
24 find that he did.

25 No particular amount of help need be

1 proven, so long as the help was more than
2 insignificant. The law doesn't deal with
3 "insignificant," but if it was more than
4 insignificant, whatever it was, it constituted
5 enough help.

6 Let me give you some examples of the
7 kinds of things that constitute aiding and
8 abetting. This is not an exhaustive list, by any
9 means. It's simply designed to give you some idea
10 of what is in the nature of sufficient assistance.

11 Urging another person to commit a crime,
12 egging them on, for example. Acting as a lookout
13 while one person commits a crime. Restraining a
14 victim so that the person can in fact commit a
15 crime on them. Impeding a victim's escape. Doing
16 something to deter a victim from reporting the
17 matter or doing something which would damage the
18 victim's credibility if it gets reported.

19 Or doing something designed to help the
20 principal, the person who committed the crime, at
21 least temporarily avoid detection are all the
22 kinds of things which constitute aiding and
23 abetting.

24 But proving that a crime occurred at the
25 hands of Daniel Turner and that Mr. Stephen Turner

1 helped in one of these ways is still not enough.
2 The prosecution has to prove one more thing.

3 It has to prove that Mr. Stephen Turner
4 meant for his help to indeed assist in the
5 commission of the crime. He has to have wanted
6 his brother to be able to succeed with the crime,
7 and to have done whatever he did in assisting it
8 with that purpose in mind.

9 Now, when a specific intent is an
10 element of a crime, as it is here, obviously the
11 crime can't have occurred if the intent didn't
12 exist. So you have to determine, like you
13 determine everything else in this case, the issue
14 of intent, and do you that from the evidence, the
15 lack of evidence, and what conclusions follow.

16 Frankly, most people who engage in
17 criminal behavior -- and I'm not saying
18 Mr. Stephen or Mr. Daniel Turner did, that's for
19 you to decide. But most people who do engage in
20 criminal behavior don't actually state their
21 intent in so many words in the hearing of other
22 people.

23 So it's usually impossible to bring in a
24 witness who can report having heard someone say
25 what their intent is. However, the law does not

1 require impossibilities of anybody, so it
2 recognizes that there are other ways to go about
3 proving an intent.

4 Obviously, if someone can report having
5 heard what somebody said, that's evidence of that,
6 but there are other things.

7 In other words, the prosecution doesn't
8 have to prove intent directly. It has to prove
9 it, but it can do so indirectly or
10 circumstantially. We talked about how
11 circumstantial evidence works.

12 What you have to do is consider who said
13 what, who did what, and what were the other
14 surrounding circumstances, take all those things
15 together and see if they reveal to you what
16 Mr. Stephen Turner's intent or purpose was, even
17 though you find, if you do, that no intent was
18 expressed in so many words.

19 You've often heard the statement,
20 "Actions speak louder than words." That doesn't
21 sound like a real legal principle, but, frankly,
22 it is. It simply says you may look to words, to
23 actions, to the combination of the two, to the
24 circumstances, and deduce from that what somebody
25 actually was thinking and meant, even though, as

1 is usually the case, they didn't tell anybody what
2 they meant, or at least they didn't tell anybody
3 who can come here and report about it.

4 You have to find that the intent
5 existed, and I don't want you to think that by
6 saying it can be done circumstantially, that I'm
7 diluting the significance of having to prove it.
8 But I'm just pointing out that while it has to be
9 proven, it does not have to be proven directly.
10 It can be proven indirectly, and very often that's
11 the only way it can be proven.

12 In sum, before you can find Mr. Stephen
13 Turner guilty of aiding and abetting his brother,
14 you've got to find three things beyond a
15 reasonable doubt.

16 Number one, that Daniel Turner committed
17 either criminal sexual conduct in the first degree
18 or criminal sexual conduct in the second degree.

19 Number two, that Stephen Turner did
20 something affirmative to help his brother commit
21 one of those offenses.

22 And three, that Stephen Turner intended
23 that his brother commit one of those offenses, and
24 intended that what his help was, whatever it was,
25 was going to assist.

1 If you help someone inadvertently, not
2 meaning to, not knowing that you're going to,
3 then, of course, it's not a crime. So you have to
4 have meant for your assistance to in fact be
5 assistance.

6 If you meant for it to be assistance, if
7 it was of assistance and if the person committed a
8 crime with that help, even though it wasn't much
9 help, as long as it was affirmative and real, then
10 the crime of aiding and abetting has indeed
11 occurred, and it's aiding and abetting whatever
12 offense you find that the principal, the other
13 person, actually did.

14 So if you're satisfied that Daniel
15 Turner committed one of the two offenses that I've
16 talked about, and that his brother helped him,
17 intending to help him, then you may find him
18 guilty of aiding and abetting whatever offense
19 you're satisfied Daniel committed.

20 On the other hand, if you've got a
21 reasonable doubt as to whether Daniel committed
22 any offense, or if you're satisfied Daniel did but
23 have a reasonable doubt as to whether his brother
24 Stephen Turner helped or intended to help, then
25 you have to find Stephen not guilty of aiding and

1 abetting, helping, his brother.

2 Now, in addition to being charged with
3 aiding and abetting his brother, Stephen Turner is
4 charged with himself having engaged in criminal
5 sexual conduct in the second degree. That's what
6 Count Four is all about.

7 Count Two charges him jointly with his
8 brother, charges his brother with doing the crime
9 and Stephen with helping him.

10 Count Four charges Stephen with himself
11 having engaged in criminal sexual conduct in the
12 second degree. So let me repeat what that offense
13 is, but in this instance it's not a question of
14 did Daniel do it and did Stephen help him. It's a
15 question of did Stephen do any one of these
16 things.

17 To prove criminal sexual conduct in the
18 second degree, then, as a reminder, what the
19 prosecution has to prove is that Stephen Turner
20 himself intentionally touched Lakeysha's genital
21 area, her groin, an inner thigh, a buttock, or a
22 breast, or the clothing covering those areas, or
23 that he had her touch those parts of his body, and
24 that it was done under the circumstances where
25 reasonable people looking at it could construe it

1 to be for purposes of sexual arousal or
2 gratification.

3 If that kind of activity was in fact
4 done by Stephen Turner on Lakeysha Cage, you may
5 find him guilty of criminal sexual conduct in the
6 second degree, because that conduct on a child
7 under the age of 13 is, in and of itself, the
8 offense.

9 With that, since those are the two
10 offenses we're talking about, I'll turn the matter
11 over to Mr. Bramble, and when he and Miss Krause
12 are finished, I will tell you how to go about
13 deliberating. We'll go over the verdict form, and
14 we'll in short order turn the matter over to you.

15 Mr. Bramble?

16 MR. BRAMBLE: Thank you, your Honor.

17 Ladies and gentlemen of the jury, this
18 is the stage of trial known as closing arguments,
19 my opportunity to argue how the facts apply to the
20 law the judge just instructed you.

21 Now, I think this works out a little
22 better, because now you have the elements of
23 offense, and I don't really have to go over them
24 like I normally do in a closing argument.

25 But clearly the CSC One, penetration,

1 some act of penetration; him, Daniel Turner, that
2 is, placing his penis in Lakeysha Cage's mouth, or
3 the fact that he put his mouth on her vagina.

4 And the second element, normally, is
5 that she's less than 13 years of age. Well,
6 clearly no one is contesting that she's a
7 ten-year-old girl, so one element, one element is
8 all you need focus on here.

9 The word here is "assist." Did he do
10 anything, anything throughout this entire process
11 when Lakeysha Cage was in the apartment, anything
12 to assist. That goes to Count One, the aiding and
13 abetting.

14 It's really pretty simple, ladies and
15 gentlemen. It's against the law for me to dump a
16 bucket of water on Detective Vazquez or this cup
17 of water. And if the deputy goes out and gets
18 that cup of water for me and I dump it on her,
19 he's just as guilty as I am, because he assisted
20 me in the crime, in the commission of the crime.

21 Now, defense counsel made a couple
22 points initially during her opening statement.
23 One is that we have two fish here, and she said
24 they brought in two fish with a net. She's asking
25 you to let one go.

1 Well, I submit we have two fish here,
2 that is correct. One of them may be a bigger
3 fish. He may be the principal, Daniel Turner, but
4 the other fish assisted and helped out, and he's
5 equally culpable and you don't throw him back in.
6 He is equally responsible as his brother, Daniel
7 Turner.

8 Two major points I'd like to make from
9 the get-go here. Number one is, one person lied
10 throughout this. One person lied to the police
11 throughout this whole matter. That person is
12 Stephen Turner. How do we know this?

13 The first statement made by the
14 defendant to Officers Mesman and Baar is, "I have
15 been here all day, but I have been sleeping and I
16 just woke up."

17 Well, we know that isn't true. He lied
18 to them. And when he finds out that lie isn't
19 going to fly, he talks to Lieutenant Straub. And
20 if there is any question as to the veracity of
21 Lakeysha Cage, it has to be dispelled by some of
22 the things that come out in his statement as to
23 Lieutenant Straub, because, in fact, Lakeysha Cage
24 is there and, in fact, Lakeysha Cage -- imagine
25 this.

1 A ten-year-old little girl is there,
2 he's there and she's there, and just as she
3 indicated, she's trying on some lingerie, and
4 she's playing a game of video strip poker with his
5 brother. Mere presence, as the judge indicated,
6 isn't enough.

7 The defendant would have you believe he
8 then sees all this and says, "Well, I think I'm
9 going to go get the mail." Does that make any
10 sense to you? I submit to you the defendant lied
11 again, because what else do we have? The last
12 witness that testified here today, Mr. Kusmierz,
13 and he testifies he comes home at approximately
14 4:30. He walks by their apartment. He lives
15 right next door to them.

16 And what does he see? The door is open,
17 the blinds are open. Both defendants are sitting
18 in there doing what appears to be watching TV. He
19 isn't sleeping, as he told the officers. He's
20 there, he's awake, he's with his brother, and what
21 else does he happen to see?

22 He happens to see a young black female
23 out near their apartment bouncing a ball, which is
24 essentially what Lakeysha Cage testified she did
25 initially, or she went and tried to make a boat or

1 the arrow out of the rubber bands and the sticks.

2 And so the defendant was not sleeping,
3 as he once told the officers, and he hadn't left
4 the apartment, as he told the officers, during
5 this entire incident.

6 Now, the second thing I'd like to point
7 out is the defense counsel stated in her opening
8 statement that the prosecutor must show the
9 Defendant Daniel Turner committed a CSC First, and
10 I don't think the evidence will demonstrate that.

11 That is what she indicated in her
12 opening statement.

13 Compare that with the evidence you have
14 before you in the last two weeks. The Defendant
15 Daniel Turner, when confronted by Cynthia Marble,
16 in front of everyone, everyone who will listen and
17 everyone who happens to be there, drops to his
18 knees in an act of apology and contrition and
19 says, "I don't know why I did it, I don't know why
20 I did it."

21 And you heard from Carmen Garcia that at
22 this time Miss Marble is asking, "Why did you mess
23 with my daughter? Why did you fuck with my
24 daughter? Why did you molest my daughter?" And
25 the co-defendant, Daniel Turner, says, "I don't

1 know why I did it."

2 And we know exactly what he did, because
3 Lakeysha Cage told us. And the defendant, Daniel
4 Turner, knew exactly what he was admitting to.
5 And how do we know this?

6 Well, when the police officers arrive,
7 again, this is Mesman and Baar, they come in, and
8 what is the first thing he said? "Take me to
9 jail." They ask him why, and he says, "You know,
10 what she's accusing me of."

11 Well, the officers knew and the
12 Defendant Daniel Turner knew, as well. He
13 admitted, he confessed to this.

14 We demonstrated our case against him, no
15 question about it. He's admitted to this crime,
16 ladies and gentlemen.

17 How else do we know, how else do we know
18 that the Defendant Daniel (sic) Turner knows what
19 went on in that apartment? Well, the very tape
20 admitted by defense counsel, if you listen closely
21 to that, he talks about an alleged sexual affair.
22 Those are the words he uses, "a sexual affair," to
23 describe the conduct, sexual conduct with a ten
24 year old. A sexual affair with a ten year old,
25 and those are his words.

1 He knew exactly what went on in that
2 apartment, exactly.

3 He provided you some information in his
4 statement to Lieutenant Straub that corroborates
5 that of Lakeysha Cage, because what did Lakeysha
6 tell you? She's there, or she's outside playing
7 and she is playing on the steps, and again, some
8 of the photographs are with the other jurors and I
9 ask you to -- if you need them we'll get the
10 blown-up ones, but we have the original
11 photographs.

12 She's playing on the steps when the
13 Defendant Daniel Turner, the man with the
14 lipstick, comes up and grabs her.

15 And if you will look at these
16 photographs, I think they're -- Exhibit 1, at
17 least, is one of them -- you will see that
18 Lakeysha Cage didn't have time to collect up this
19 boat or this arrow, or whatever it was she was
20 making with the sticks and rubber bands.

21 She didn't have time to because she's
22 grabbed and picked up and taken into the
23 apartment, and those things were made there right
24 where the police found them.

25 She goes into the apartment. The

1 crucial testimony of Mr. Kusmierz, who was here
2 this morning, is -- she testified as to the bird
3 being back here and all these items (indicating).
4 And this is the bedroom, by everyone's account,
5 this is Stephen Turner's bedroom. This is Stephen
6 Turner's apartment. And Mr. Kusmierz said, "You
7 can't see what's back here from out here."

8 That is because she was back here, back
9 in really the same bedroom the Defendant Stephen
10 Turner claims he was sleeping in.

11 Well, again, we've demonstrated he
12 didn't tell the truth. He didn't tell the truth
13 to the police throughout this whole matter.

14 Lakeysha testifies she's brought in here
15 and assaulted in both parts of the room, or both
16 parts of the apartment. The mattress in the front
17 and the cot in back, cot or bed or whatever she
18 calls it in back.

19 She describes the American eagle being
20 there, and she describes how at one point while
21 she is in there, the Defendant Daniel Turner is in
22 there, the Co-defendant Stephen Turner comes in
23 and says something to the effect of, "I'm not
24 going to help, but get that bitch out of my
25 bedroom."

1 Lakeysha Cage didn't go on and tell you
2 that, that word. I think she said, "He called me
3 a 'B' or said get that 'B' out of the bedroom."
4 This man comes in there and says, "Get that bitch
5 out of the bedroom," his bedroom, and yet when she
6 is out here (indicating), back out in the living
7 room, she's brought back out there, Lakeysha
8 testifies that, in fact, Stephen Turner touches
9 her. He touches her top, her chest area.

10 Now, throughout this Lakeysha Cage
11 described what went on to many different people,
12 and one thing that has always been consistent is
13 the big fish, Daniel Turner, is the one who put
14 his mouth to her vagina. The big fish, Daniel
15 Turner, is the one who put his penis in her
16 mouth.

17 The little fish, the other person
18 involved here, she's been consistent all along
19 that he was involved in the touching. "He was the
20 one who touched my breast."

21 Now, if they were going to make any of
22 this up, ladies and gentlemen, the easy way to say
23 this is to say, "Hey, they both did it, they both
24 did this, they both penetrated this and this."

25 She has clearly defined who the big fish

1 was and who the little fish is, and he sits right
2 over there.

3 Now, she also testifies, again, that
4 towards the end of this and after being told, "If
5 you tell anyone I'm going to kill you," by Daniel
6 Turner, that they put this mock together, they put
7 this charade together where they hold the knife,
8 or have her hold the knife to one of the
9 individuals while the other one pretends to take
10 the picture or takes the picture and says,
11 "Look" -- and this is the kind of guys you're
12 dealing with here and this is the way they're
13 jerking this little girl around.

14 They say, "Look, you tell anyone about
15 this" -- she says, "If I tell anyone they're going
16 to kill me." They tell her, "You tell anyone,
17 we're going to have this picture and we are in
18 fact going to tell them you were in here, you were
19 threatening us."

20 When Lakeysha Cage finally was out and
21 finally tells India and India says, "Well, she
22 wanted to tell me more," you heard testimony from
23 Carmen Garcia that she's in the bushes and she's
24 crying and cowering -- this is before her mother
25 gets home and before anything -- and from there

1 they elicit a little bit of what happened and
2 she's brought to the hospital.

3 It's important what takes place at the
4 hospital, and both defense attorneys talked about
5 this, or that is consistent, as I, told you during
6 the opening statements, allegations of Daniel's
7 penis in her mouth, his mouth on her vagina, and
8 the defendant touching her breasts.

9 Well, the doctors came in here and they
10 heard the same history you did, and they said,
11 "Yes, this would be consistent." You wouldn't
12 expect to find any physical findings in her
13 vagina. There wouldn't be any tearing because
14 there isn't any penetration as we often think of
15 penetration, a penis in her vagina, or anything of
16 that nature.

17 And so both doctors say their
18 examination, their evaluation is consistent with
19 the history provided by Lakeysa Cage.

20 What's important, also, to note that
21 takes place at St. Mary's Hospital is the fact
22 that you heard the testimony, the questioning of
23 Mr. Mirque, the defense attorney for Mr. Daniel
24 Turner. He tried to elicit information that would
25 somehow lead you to believe that this girl isn't

1 reacting the way a normal person, a normal child
2 of a sexual assault would.

3 And the fact that she was laughing in
4 the waiting room and that she wanted pop, and
5 things of this nature.

6 You heard Patty Haist, the woman who for
7 nine-and-a-half years has supervised people from
8 both -- has counseled victims, child victims of
9 criminal sexual conduct, adult victims, now
10 supervises people who do that.

11 She said, and her testimony was real
12 clear, she said most people who aren't around us
13 would look at that and try to draw the conclusion
14 that, in fact, because she isn't reacting how we
15 have this preconceived notion that she should
16 react, that it didn't happen, and she said,
17 "That's just not the case."

18 She described to you two ways or two
19 theories, two ways in which people react, and they
20 may do both of them. She said oftentimes a child
21 is trying to regain control of their life and will
22 do things trying to get back in their normal life
23 and trying to regain control. Why? Because the
24 control of their life has been taken away. It was
25 taken away by these two guys.

1 In fact, that's consistent. You see
2 that in the interview with Detective Vazquez. At
3 that time she's saying, "I want pop, I want
4 chips." But then what happens? She started to
5 regain control and assert some control.

6 Then what happens? The doctor says,
7 "Now's the time we're going to do a pelvic
8 examination. Now is the time you're going to get
9 to put your feet in the stirrups and we're going
10 to stick some cold gadgets in your vagina."

11 What happens then? Leslie Vandenhout
12 testifies pretty clearly what happens. The word
13 she used was "hysterical," because what's
14 happening then? She's losing control again, just
15 as she lost control in the apartment when these
16 two individuals were assaulting her.

17 Leslie Vandenhout also testified that
18 she takes a medical history, which is, in fact,
19 consistent with what she said: "He urinated on
20 me. He penetrated my mouth with his penis or his
21 private parts and white stuff came out in my
22 mouth. I spit it out."

23 And it's important to note, if you heard
24 the tape, even at the hospital, despite having
25 spit this stuff out, Lakeysa Cage is still

1 talking about a taste being in her mouth and
2 wanting to brush her teeth to get this out. And
3 this is a ten year old who says, "I've never done
4 this, this is the first time," and she says, "I
5 wish it never would have happened."

6 But even at the hospital some three or
7 four hours later she's talking about this taste
8 still being in her mouth.

9 And Lakeysha Cage told Leslie Vandenhout
10 that, in fact, there were two men there. One man
11 grabbed her, snatched her. There were two men in
12 the apartment.

13 During all these medical times they
14 wanted to know who touched her vagina, and she
15 told them it's the big fish, but it's clear what
16 she told you, listening to the tape, what she told
17 Detective Vazquez. She clearly delineates the big
18 fish versus the little fish.

19 She clearly indicates both to Leslie
20 Vandenhout, Detective Vazquez, to you, that this
21 defendant also was involved. That he touched her
22 chest. That he was involved in this set-up of
23 this placing of the knife.

24 You also heard on this tape her
25 description of how the defendant was dressed, what

1 games she was playing, and again, that all comes
2 out in the defendant's statement. But we know the
3 defendant is lying. We know that.

4 When you start comparing the statements
5 that have come forward that are trivial to him, he
6 lied, he has never told the truth in this matter.

7 The fact of the matter is, ladies and
8 gentlemen, that Lakeysha Cage has been able to
9 testify to you as to what went on on July 7th,
10 1993. And she has been able to clearly
11 distinguish and delineate the respective roles of
12 these two individuals.

13 We have charged the Defendant Daniel
14 Turner as assisting, in Count One, his brother.
15 We have charged in Count Two for his own touching
16 of her.

17 Daniel Turner was in that apartment. He
18 engaged in the first degree criminal sexual
19 conduct. But this act was not done and this
20 transaction was not done until she left that
21 apartment.

22 This man was involved, this man
23 assisted, and you may find that assistance very
24 slight or maybe, as the judge gave one of the
25 examples, to prevent him from getting caught, but

1 it is enough under the statute.

2 The facts here, ladies and gentlemen of
3 the jury, indicate the defendant is guilty of
4 first degree criminal sexual conduct as an aider
5 and abettor. The facts also indicate that the
6 defendant is guilty of second degree criminal
7 sexual conduct by his own conduct, by his own
8 touching.

9 Both fish are here. You have to
10 consider the little fish's involvement. You have
11 to consider how he helped his brother. And you
12 have to look at his statements and look at how
13 ridiculous they sound when he stands up and tells
14 you how this little girl, ten-year-old girl who he
15 doesn't even know was in his apartment, trying on
16 lingerie that was in their apartment, his
17 apartment.

18 And he would have you believe he goes
19 out and gets the mail. And this is after he's
20 already lied to the police officer and said, "Oh,
21 I was here all day but I have been sleeping,"
22 sleeping in a back bedroom which we know, by
23 Lakeysha's statement, was used during this
24 assault.

25 The facts of the matter indicate the

1 defendant is guilty of both charges.

2 On behalf of Lakeysha Cage and on behalf
3 of the People of the State of Michigan, I ask that
4 your verdict reflect that.

5 THE COURT: Miss Krause?

6 MS. KRAUSE: Thank you, your Honor.

7 Here we are, it's the end, and it's time
8 for the prosecutor to pull in his fishing net.
9 And he's right, in my opening I did use the
10 analogy of the keeper, and wanting to catch these
11 fish.

12 We're way past that. It's not a matter
13 of, as he pulls in his net, are any of these fish
14 going to escape out of the holes in the net, the
15 holes in the prosecutor's case.

16 I told you in the very beginning that
17 one of them might be a keeper, and that's Daniel
18 Turner. But I think the evidence has shown you
19 that in this case, the holes in the prosecutor's
20 case, in his fishing net, will allow Stephen
21 Turner to be released from that net, and those
22 holes in the prosecutor's case are simply these
23 three things: No assistance, no act, and no
24 alignment.

25 The judge told you, as did the

1 prosecutor, that to convict Stephen Turner of
2 aiding and abetting his brother in sexual conduct,
3 there has to be more than just his brother doing
4 the sexual conduct. Stephen has to have assisted
5 in some manner, and intended to assist in some
6 manner. And if you don't think Stephen assisted
7 or intended to assist, then you must return a
8 verdict of not guilty.

9 And I think the evidence has clearly
10 shown here that Stephen Turner did not assist his
11 brother in any way. Let's take it one by one.
12 Where do we start?

13 Lakeysha tells you that she's outside
14 playing on the steps of her apartment, and that a
15 man grabs her, a man with lipstick. Not my
16 client, Stephen.

17 The man then drags her to
18 Apartment 204. She told you that the man who
19 dragged her is the man with lipstick. Not my
20 client, Stephen.

21 Lakeysha tells you that when she goes
22 into the apartment, she is first taken into the
23 living room, the very first room in the house --
24 excuse me, the apartment. That was by the man
25 with lipstick. Not my client, Stephen.

1 Then what does she tell you happens in
2 the living room? She tells you that she's thrown
3 on the mattress, her shirt is pushed up, and her
4 breast is felt. By whom? The man with lipstick.
5 Not my client, Stephen.

6 And she told you that Stephen was not
7 even in the room.

8 At some point Lakeysha told you that
9 Stephen came out from the back of the apartment,
10 and that she assumed that he had come out of the
11 back room. How did she describe how Stephen
12 looked? Like he had just awakened. Those were
13 Lakeysha's words.

14 What did she tell you Stephen did? Left
15 the apartment, left out the front door and left
16 the apartment.

17 She then proceeds to tell you that the
18 man with lipstick takes her to the back bedroom.
19 In the back bedroom she tells you that the man
20 with lipstick undresses her, undresses himself. I
21 think there's testimony of urinating on her, and
22 what we can say as ejaculating in her mouth.
23 That's not how she described it, but that's what
24 she was talking about.

25 That was done by the man with lipstick.

1 Not my client, Stephen.

2 And, in fact, Lakeysha told you Stephen
3 was not in the bedroom. We know he wasn't in the
4 bedroom because she talks then about Stephen
5 walking in. And remember what happened when
6 Stephen walked in? Lakeysha told us that Dan, the
7 man with lipstick, said, "Hold her down," or "Help
8 me out," or something to that extent. Lakeysha's
9 own words, ladies and gentlemen, Stephen said,
10 "No."

11 Now, the prosecutor made a big deal that
12 when he came in to the back bedroom, Stephen said
13 something about, "Get the bitch out of here."

14 Look through Detective Vazquez's
15 statements and compare it to all the other
16 statements attributed to Lakeysha up to this
17 point, and you will see that she never said
18 anything about my client using the word "bitch"
19 before.

20 All right, so at this point we don't
21 have Stephen doing anything. He left the
22 apartment once, came back in.

23 Lakeysha then is taken back in to the
24 living room. Well, before she's in the living
25 room -- let me back up a second. Before she gets

1 into the living room she talks about trying on
2 men's clothing -- women's clothing, excuse me, and
3 that was at the closet in between the rooms,
4 before you get back into the front room. Who did
5 she tell you she tried those clothes on with? The
6 man with lipstick. Not my client, Stephen.

7 In fact, I think she told you at that
8 point Stephen had gone back into the back bedroom
9 and was not even in her presence. Then Lakeysha
10 tells you she plays video games. We know that
11 they're not video games, they were actually
12 computer games, but nonetheless, an electronic
13 form of game.

14 And the person who has her play these
15 games has Lakeysha sit on his lap. Who was it?
16 It was the man with lipstick. Not my client,
17 Stephen.

18 Lakeysha told us that Stephen was not in
19 the room when any of this happened. So what does
20 that leave the prosecutor with? To try and
21 convince you that Stephen somehow assisted his
22 brother in the commission of this act, the
23 photograph, the photograph that Lakeysha talked
24 about.

25 She described to you this staged

1 photograph in which Daniel places a knife in her
2 hand and has her stand up next to Stephen, act
3 like she's stabbing him, and then he takes a
4 picture of her.

5 All right. Well, let's talk about
6 that. Lakeysha was very specific and clear that
7 the photograph was taken with a Polaroid camera.

8 Now, some of you might think, how does a
9 ten year old know what a Polaroid camera is. She
10 told you how she knew, she told you. She's
11 familiar with a Polaroid camera. She knows what
12 they look like. She's used one before.

13 She told you her mom had one, and that
14 was verified by her mother, Cynthia Marble. It
15 may not have been theirs that they personally
16 owned, but one had been in the house.

17 Lakeysha had taken pictures of her
18 mother, her sister, and her grandmother with that
19 camera.

20 Do we have the Polaroid camera? No, we
21 don't. The police certainly took a lot of things
22 out of that apartment, a lot of things, and you
23 were shown a lot of things, and it's also pretty
24 clear that the police were there within a
25 reasonable amount of time after this is alleged to

1 have occurred.

2 There is no Polaroid camera. There is
3 no Polaroid photograph.

4 We do have a knife. Lakeysha talked
5 about the knife that was in the peanut butter
6 jar. They've got that. When Lakeysha testified
7 here in the courtroom she said there was jelly on
8 the knife.

9 I invite you to look at that knife in
10 the jury room. There's peanut butter on the
11 knife, there is no jelly. And even if there had
12 been trace amounts of jelly, we don't know about
13 it because it was never sent to the State Lab for
14 analysis.

15 But I think you can look at it with your
16 naked eye and tell that there's no jelly on it.

17 So even though we have one piece of
18 evidence to substantiate this photograph, it
19 doesn't really help us.

20 The next thing is stabbing Stephen. She
21 said they wanted it to appear like she was
22 stabbing Stephen, and, in fact, in her statement
23 to Detective Vazquez, which you all listened to
24 yesterday and you have the transcript of, she was
25 very clear with Detective Vazquez that they put

1 jelly on Stephen's shirt to make it look like he
2 was bleeding.

3 Again, we don't have a photo of it, but,
4 more importantly, we don't have the shirt.

5 Every time I tried to ask somebody about
6 this, what did they say? "Well, we found a white
7 shirt next to the cot" -- excuse me, the mattress
8 in the living room.

9 But what did Mr. Birr tell you was on
10 that shirt? Semen and something consistent with
11 lipstick.

12 Now, we know he had done some testing
13 for jelly because there was a little bit of jelly
14 found on Lakeysha's shirt, and just as a quick
15 aside, I think it's interesting, Detective Vazquez
16 asked Lakeysha if she had breakfast that day and
17 she said yes. No one bothered to ask her what she
18 had for breakfast, whether she had any jelly and
19 toast.

20 But let's get back to Stephen's shirt,
21 because that's the shirt that Lakeysha told
22 Detective Vazquez had a big jelly stain on the
23 belly to make it sound like she was stabbing him.

24 The prosecutor showed Lakeysha this
25 picture (indicating). This is my client,

1 Stephen. This is what he was wearing when he was
2 arrested.

3 He showed her this picture and said, "Is
4 that how he looked to you on that day," and she
5 said yes. I asked the officers, "Officers, is
6 this what Stephen was wearing when you got to the
7 scene? Is this what he was wearing when you took
8 him to jail?" "Yes."

9 There is no jelly stain on the belly of
10 this shirt. Again, you will be able to look at
11 this picture in the jury room.

12 So I think we've shown how, as to the no
13 assistance, the facts don't add up, and we have no
14 alignment.

15 Why would Lakeysha say something about a
16 photograph if it didn't really happen? I don't
17 know. I don't know. But remember, I asked her if
18 she was curious about the people who lived in
19 Apartment 204 and she heard about the one brother
20 who was different, and she said yeah.

21 Then I asked her if she remembered
22 telling us back at the other hearing about
23 laughing and joking with her little sister about
24 wanting to be able to get a photograph of the men
25 in Apartment 204. She said she didn't remember

1 saying that, but when I showed her her testimony,
2 she said that she recognized that it was there on
3 paper and did not deny making that statement.
4 Maybe that's why, I don't know.

5 Can you think that it's a really crummy
6 thing that Stephen Turner did not help Lakeysha
7 Cage? You bet you can. It was. It was. It was
8 awful. But that's not what he's on trial for,
9 whether he made a bad moral decision.

10 He's on trial for aiding and abetting
11 his brother for committing a crime, and if all he
12 did was ignore this ten-year-old girl in the
13 apartment, that may be really awful and it may be
14 really crummy, but it's not a crime.

15 I think we've shown, and using
16 Lakeysha's own testimony, there was no aiding and
17 abetting. That on all major points, when Lakeysha
18 alleges that Daniel was doing something to her,
19 she either admits that Stephen did not do it and
20 was not participating in it, and for several of
21 the things she testified about, Stephen was not
22 even in the apartment or was in another room.

23 And I think you will have to return a
24 verdict of not guilty as to the aiding and
25 abetting count.

1 Now, Stephen is also charged with
2 actually committing the act of criminal sexual
3 conduct himself, touching Lakeysha's breasts.

4 I think that if you look at how
5 inconsistent her statements are as to Stephen
6 touching her breast, you will not be comfortable
7 finding those statements credible.

8 And I can see on your faces you're
9 thinking, Miss Krause, you just got done telling
10 us everything she said doesn't support the fact
11 that Stephen didn't aid and abet.

12 But remember that Judge Kolenda told
13 you, you can believe part of what a witness tells
14 you and not believe other parts. And one of the
15 ways you will make that determination in weighing
16 what parts of a witness's testimony you believe is
17 the consistency.

18 And when it came to the aiding and
19 abetting, from moment one Lakeysha was consistent
20 as to who helped, who did the acts against her,
21 and that Stephen did not help, consistent all the
22 way through. I think you can rely on that.

23 As to Stephen actually touching her
24 breast, that's where things get real fuzzy.

25 Now, the prosecutor brought in the

1 original police reports or the police who first
2 responded to the scene, Officer Mesman, Sergeant
3 Carrier, and Officer Baar. Mesman -- and, first
4 of all, the prosecutor made a big deal of asking
5 all of these police officers, "It's not your job
6 to get a full statement, is it? You're just there
7 to kind of calm things down and you're going to
8 let the next person whose job it is get the full
9 statement."

10 Well, that's all well and good if that's
11 their policy, but let's think back for a moment to
12 what this scene was like when Officer Mesman
13 arrived.

14 Why were they called there? They were
15 called there because Lakeysha Cage's father, Larry
16 Marble, had a crowbar and was trying to beat his
17 way into Apartment 204. It was a crazy situation,
18 it was a hostile situation, as we've heard from
19 all the people who observed this in the apartment
20 building. There were all kinds of people around.

21 And Officer Mesman had to revise his
22 report. Why did he have to revise his report?
23 Because he switched names and addresses and
24 because he misheard things. For example, names;
25 mistook "Cynthia" for "India." I'm not blaming

1 him. I'm not saying he's a bad officer. It was a
2 rough situation, but he got information wrong.

3 Why do I point this out? Because if he
4 got that stuff wrong, it's possible he got other
5 things wrong. And Mesman told us that Lakeysha
6 said Steve felt her breasts at some point, and I
7 believe that Mesman said Lakeysha said it was in
8 the back room.

9 Sergeant Carrier came in and said that
10 she was kind of overseeing or standing by while
11 Officer Mesman took this report, talked to
12 Lakeysha. Sergeant Carrier heard something
13 entirely different than what Officer Mesman put in
14 his report and testified to. Sergeant Carrier
15 says that Stephen came into the back room, dragged
16 Lakeysha out by the neck, I believe, and is
17 fondling her breasts as he's dragging her out.

18 Well, aside from thinking about the
19 physical logistics of that, of trying to fondle
20 the breast as you're dragging the person out, the
21 fact is you've got two officers listening to a
22 statement at the same time and they gave us
23 different versions of what happened.

24 Again, it's not saying the police
25 officers did a bad job. Maybe they misheard what

1 Lakeysha said. Maybe they just heard it wrong.
2 Maybe they wrote it down wrong. But the fact of
3 the matter is, they're inconsistent.

4 Referring back to the prosecutor's
5 expert that he brought in from the YWCA, she
6 talked about how people normally have two types of
7 reactions to trauma: They have a hysterical
8 response or a controlled response.

9 And I'm not going the talk to you about
10 whether or not -- how she was acting in the
11 hospital, no. Why I bring this up is because
12 perhaps Lakeysha's statements at the time were
13 either unclarified or jumbled, confused, and by
14 the time she got to Detective Vazquez, she was
15 more calm and under control, and that's consistent
16 with what the State's own expert told you.

17 Mr. Bramble asked her: Could at one
18 point she be under one form of response and at
19 another time be under another form of response?
20 And his expert said, "Absolutely, absolutely."

21 And the point I'm trying to get to here,
22 ladies and gentlemen, is the original statements
23 made at the time the police officers came to
24 Apartment 204 at the Oak Park Apartments on
25 July 7th, they're inconsistent and they're

1 unreliable for several different reasons.

2 So then we get to Lakeysa talking to
3 Detective Vazquez, and I invite you, if you have
4 your transcripts of Detective Vazquez's
5 statements, to refer specifically to pages 20, 22,
6 and 23. Detective Vazquez first asks Lakeysa
7 about what the brother did when Daniel told him to
8 grab her hand. She told Detective Vazquez that
9 Stephen said, "No, because I don't want her in my
10 room."

11 Apparently, it's at that point that
12 Lakeysa says that the brother Stephen dragged
13 Lakeysa out of the room by her neck.

14 On page 22 toward the end
15 Detective Vazquez asked Lakeysa, "Did the brother
16 do anything other than grab you by your neck and
17 drag you into the living room?" "He felt me on my
18 breast part."

19 "Did he touch you anywhere other than
20 your breast?" "No." "When did he touch you on
21 your breast?" "When he was holding me down."
22 "And where was that?" "In the bedroom."

23 But she had just asked Lakeysa if in
24 the bedroom when Daniel had asked her to, asked
25 Daniel -- hang on.

1 Detective Vazquez had just asked
2 Lakeysha moments before if when Stephen came into
3 the back room and Dan asked him to hold her down,
4 Stephen did, and she said no. And then on page 23
5 it appears that Detective Vazquez is still a
6 little unclear about what's happening with the
7 CSC Second here, because she keeps trying to
8 clarify it. "Did he," referring to Stephen, "hold
9 you down at all in the bedroom?" "No."

10 But a few minutes before that she had
11 just said, "Yeah, that's when Stephen touched me,
12 when he was holding me down in the bedroom."

13 She then goes on to ask Lakeysha, "Did
14 Stephen do anything in the living room?" "No, he
15 just dragged me out there."

16 At trial when I was asking Lakeysha,
17 trying to clarify how exactly it was Stephen was
18 alleged to have dragged her out into the living
19 room because here she was saying it was by her
20 shirt collar, so hard to the point that she had,
21 it was cutting into her neck, and I asked her
22 about testifying previously that she'd been
23 dragged out there with both hands over her head,
24 she gave some interesting answers.

25 She was -- she started to say that when

1 she was playing the video games, "He touched my
2 chest and after he touched my chest he started
3 licking my chest," and I said, "Wait a minute,
4 that's Dan, that's what you told us Dan did."

5 I asked her if she was telling us today
6 if that's what Dan had done, and she said yes.
7 And then I specifically asked her, "Not Stephen,"
8 and she said, "No, not Stephen."

9 And it seems like what has happened is
10 every time Lakeysa is asked about the isolated
11 incident, the isolated allegation of Stephen
12 Turner touching her breast, number one, it's
13 always inconsistent, but it seems that she slips
14 back into telling us what Daniel did to her, not
15 Stephen.

16 The prosecutor stood up here and told
17 you that Dan -- excuse me, Stephen lied to you.
18 Lieutenant Straub came in and told us that Stephen
19 denied assisting his brother and denied touching
20 Lakeysa's breast.

21 Lieutenant Straub told us, also, that
22 Stephen admitted that he felt incredibly
23 uncomfortable with what he had seen in the
24 apartment, and again, that gets back to what I
25 said a few minutes ago. You can think it's really

1 crummy that he didn't help, but that's not enough
2 to convict.

3 Lieutenant Straub tells us that Stephen
4 said that he heard voices, woke up, came out, and
5 discovered that this girl was in the apartment.

6 And that's not inconsistent with what
7 the officer told us he said. The officer told us
8 something to the effect of when he asked Stephen
9 what was going on or what had happened, "I have
10 been here all day, was sleeping, I just woke up."

11 First of all, we don't know the specific
12 question the officer asked. He may have said,
13 "What do you know about this? When did this girl
14 get here?" And his response, obviously, the first
15 time, according to his statement through
16 Lieutenant Straub and according to what Lakeysa
17 told you the first time those two encountered each
18 other, is when Stephen came out of the back room
19 and just woke up.

20 But yet the prosecutor wants you to
21 believe that that's all a lie because he said he'd
22 been there all day. He'd been sleeping the whole
23 time because he worked third shift. How do we
24 know that that's what Lieutenant Straub told us.

25 And that's enough on that, because I

1 just don't think the prosecutor can convince you
2 that that's a lie.

3 Why would Stephen Turner, if he were
4 guilty of aiding and abetting, somehow, and had
5 just touched this girl's breast, why would he call
6 911? Well, I know what the prosecutor's going to
7 say. He's going to say because there was a man
8 beating on his door with a crowbar ready to bash
9 his head in.

10 Does he have a legitimate reason to call
11 911? You bet. Is that probably why he called?
12 Partially. Can you think of another one? I can.

13 He told us through Lieutenant Straub
14 that he was uncomfortable with the situation.
15 Maybe that was his way of turning his brother in.
16 Maybe it's a two-fold purpose. But he certainly
17 is not going to call 911 and have the cops come
18 get him if he just committed an offense.

19 No, it's not the first call on 911, but
20 it wasn't the last one, either.

21 And I ask you, given all the
22 inconsistencies in Lakeysha's statement about the
23 CSC Second, how it seems that she always slips
24 back into describing what Daniel had done to her
25 when pushed to tell us what Stephen did, are those

1 inconsistencies? Are those statements ones that
2 you would want to rely upon in making an important
3 decision in your life? I bet they're not. And if
4 they're not, then the State hasn't proved its case
5 beyond a reasonable doubt and you must return a
6 verdict of not guilty.

7 Basically, I've summed it all up: No
8 act, no assistance, no alignment, no conviction.

9 Thank you.

10 THE COURT: Mr. Bramble?

11 MR. BRAMBLE: Thank you, your Honor.

12 Ladies and gentlemen of the jury, this
13 is my chance to comment on some of the things that
14 defense counsel raised in her closing argument,
15 not rehash my entire closing.

16 As I was sitting there I thought it was
17 really an interesting argument posed by defense
18 counsel, because she says, "He's got two big
19 fish." Pretty apparent, pretty apparent he did
20 this, so therefore you could look at Lakeysha Cage
21 and say, "Yup, pretty much everything she says
22 about Daniel Turner" -- I mean, you've got to read
23 a little bit between the lines here.

24 Everything she says about Daniel Turner,
25 you can believe that, that's true. Let them

1 convict him. You know what? She even relies on
2 some of the things Lakeysha says she says. She
3 says, "When Lakeysha testifies that my client
4 refused to hold her down in the back bedroom when
5 Daniel Turner requested, well, then you can
6 believe her because that helps my case, and it
7 shows he wasn't acting in concert, he wasn't
8 assisting."

9 But, boy, the minute she starts saying
10 anything else about my client, it's
11 incriminating: "Well, then, don't believe her."

12 That's the gist of her argument, ladies
13 and gentlemen.

14 You can't have it both ways here. You
15 can't pick and choose some of Lakeysha Cage's
16 statements and say, "Well, they help me, so
17 believe her then. Everything else she's saying
18 isn't the truth." And that is the gist of that
19 argument.

20 She talks about the camera. Let's touch
21 upon this real briefly. Lakeysha said, "I suppose
22 when you're a ten year old, one camera looks like
23 any other."

24 But, you know, if you look at
25 Exhibit 16 -- and I just have the little one here,

1 the true exhibit that's been admitted has been
2 presented to the other jury -- you know, one thing
3 that struck me is Crime Technician Karen Curtiss
4 looked at that item, it's got a little flash, a
5 little flashlight on there, and said, "Yeah,
6 that's a Polaroid camera."

7 And, in fact, Detective Vazquez was on
8 the stand: "Yeah, I looked at that picture and
9 thought, 'How could I have missed that, it's a
10 Polaroid camera.'"

11 And if they believe it, certainly
12 Lakeysha could believe it. What these guys did in
13 staging this incident, Lord only knows the kind of
14 things they tried to pull over on her, but I ask
15 you to take a look at that exhibit.

16 If you want to look at action, whether
17 it be clothing removed, things done, action taken
18 to cover up this crime, well, then look at -- I
19 believe this is the exhibit. I'm not sure which
20 one it is, but it's the photograph of the
21 panties. And they're children's panties,
22 ironically, if you look at these things, and
23 they're the white panties that Lakeysha says, "You
24 know, I remember trying those on. Those I
25 remember."

1 And where do the police find these
2 panties? In the box with all the other stuff?
3 No. These are panties Lakeysha tried on. Where
4 do they find them? They're wet, they're damp,
5 rinsed out maybe, underneath the sink, underneath
6 the sink.

7 The evidence here has also indicated
8 that there's lipstick on Lakeysha's collar, jelly
9 or something consistent with a jelly substance.

10 The shirt next to the mattress, and I
11 hope you listened to Robert Birr's testimony very
12 closely, because he said, "Yeah, there's lipstick
13 on it, there's semen on it," just as there's semen
14 on the aqua blanket.

15 Lakeysha talks about putting some of the
16 semen in her mouth and putting semen on the
17 blanket. There's semen on that blanket. It's the
18 aqua-colored or light-green blanket.

19 Robert Birr also testified he couldn't
20 necessarily tell what was on that shirt. There
21 was substances, there was stuff on there that
22 wasn't enough on it, there wasn't the consistency
23 requisite for him to actually produce an
24 analysis.

25 There was never any testimony that there

1 was a big stain. As defense counsel said, she
2 simply said there was a knife used on the stomach
3 and it had some jelly on it.

4 The photograph and the purpose of the
5 photograph, and it's the enlargement that defense
6 counsel has, you saw Lakeysha testify, when she
7 looked at them, said that she clearly identified
8 the big fish. The little one, well, geez, didn't
9 really look the same.

10 Well, you take a look at the photograph,
11 because he has changed his appearance. He's grown
12 a beard and he looks different.

13 Now, if these individuals are willing to
14 rinse out some panties and throw them under the
15 sink, are they willing to remove clothing,
16 articles of clothing that they had on that might
17 containing evidence, rinse it out, flush it down
18 the toilet, do whatever?

19 Well, if they were willing to take the
20 action to throw a pair of panties and rinse them
21 out, I assume, and throw them under the sink,
22 well, they're certainly capable of doing that.

23 Now, defense counsel talked about the
24 officers arriving at the scene. Officer Mesman,
25 being a new officer, I was basically reading his

1 report. One of the things he described is, "She
2 said those men inside the apartment touched me."
3 "Those men," two, both of them. And those were
4 the statements she made to him.

5 Now, again, why did, if in fact -- and
6 defense counsel wants you to rely on Lakeysa's
7 testimony that when Daniel Turner asked him to
8 hold him down, hold her down, she said no. And if
9 that is in fact true, why didn't the defendant
10 present any of that and tell Lieutenant Straub any
11 of that?

12 It's because, just as I indicated, he
13 wasn't forthcoming when the police arrived the
14 first time. He wasn't to Lieutenant Straub, as
15 well.

16 The hospital personnel describes the
17 things defense counsel said wouldn't appear in the
18 case, the pain in the neck that Leslie Vandenhout
19 said Lakeysa told her about, the pain in the foot
20 from being thrown against the wall.

21 And one of the questions that defense
22 counsel has you rely on that occurs right here
23 during trial was, she asked Lakeysa, after
24 saying, "Well, it wasn't Daniel who licked and
25 sucked on your breast," or whatever. She said,

1 "Yeah, that was Daniel."

2 She said, "Well, did Steve do that?"
3 She says, "No." Well, Stephen -- and there's
4 never been any allegations that Stephen licked on
5 her breast. The only thing and the way she's been
6 consistent all along was saying Stephen touched.

7 This girl has been able to clearly
8 delineate who the main player is. She points at
9 Daniel, but she has been consistent all along in
10 describing the conduct of Stephen Turner and his
11 involvement and his role in this.

12 The incident with the knife and the
13 touching, very consistent all the way along,
14 ladies and gentlemen.

15 Now, again, defense counsel would have
16 you believe, "Well, you can take parts of
17 Lakeysha's testimony and believe it because it
18 helps me, and it helps my client." When Lakeysha
19 says, "He refused to hold me down," well, then,
20 let's believe her because it helps Stephen
21 Turner.

22 "And you can believe everything she
23 says about Daniel Turner, because that doesn't
24 hurt me." The minute she begins to say things
25 like, "He touched my breasts. He was involved in

1 this staged camera thing," well, then she's lying,
2 then she's lying.

3 That's what she would have you believe,
4 and it isn't consistent, and I don't think it
5 makes sense.

6 Look, Lakeysha Cage has come in here
7 after describing this incident to a number of
8 people and has described it to you, and defense
9 counsel would have you believe, "Geez, in that
10 limited role, if she's talking about my client,
11 she's lying."

12 Well, there's a poet that once said that
13 "Each child born today is God's expression of
14 hope for the future."

15 What hope does Lakeysha Cage have or any
16 child have when she tells someone, "This adult
17 hurt me," and we don't believe 'em? Especially
18 when Lakeysha Cage, along with India Harris and
19 everyone else there, sits and listens to the big
20 fish say, "I don't know why I did it, I don't know
21 why I did it."

22 Well, he did it and he did it. And
23 Lakeysha Cage has been consistent all along as to
24 their roles in this.

25 The facts here, ladies and gentlemen,

1 the facts indicate the defendant assisted, he
2 helped Daniel Turner. And if you listen to the
3 instructions, even helping him cover this up or
4 having him be involved in this incident that would
5 keep Lakeysa from disclosing is enough
6 assistance, that alone.

7 He's assisted him in the CSC One, in the
8 criminal sexual conduct in the first degree, and
9 as Lakeysa has indicated all along, he touched
10 her breast. He is guilty of criminal sexual
11 conduct in the second degree.

12 Because of those factors, I ask that
13 your verdict reflect that.

14 Thank you.

15 THE COURT: Again, ladies and gentlemen,
16 if, because there's been an interruption, so to
17 speak, between your deliberations and hearing from
18 me what it is that the prosecutor has to prove in
19 terms of the elements of this offense, you want
20 some of that repeated in part or in total, simply
21 let us know.

22 I'll explain in a moment how to go about
23 making requests that I give you instructions over
24 again, or how I deal with matters that I haven't
25 dealt with that you think is important.

1 I want to talk now, however, about the
2 process by which deliberations are to occur.

3 Obviously, they are to go forward in as courteous
4 and businesslike a manner as you can.

5 The first thing you should do is select
6 a foreperson. That individual's responsibility is
7 to see to it that your deliberations do go forward
8 courteously, sensibly, and orderly, and also, that
9 person has the responsibility to see to it, along
10 with everyone else, it's not just one person's
11 responsibility, that everybody has a chance to
12 participate in the deliberations fully and fairly.

13 A verdict in a criminal case, whatever
14 that verdict is, has to be unanimous. To convict
15 an individual of a crime, all twelve jurors have
16 to agree that that individual is guilty of that
17 crime. To find an individual not guilty of a
18 crime, all twelve jurors, likewise, have to agree
19 that the individual is not guilty.

20 Nothing is done in jury deliberations
21 without a majority vote. It's unanimity that
22 constitutes a decision.

23 Now, it's your duty to consult with your
24 fellow jurors and to deliberate with a view to
25 reaching an agreement if you can do that without

1 violating your own individual judgments.

2 Inevitably, differences of opinion are going to
3 arise. It's out of analyzing those differences
4 that we've developed the comfort that everything
5 was thoroughly considered and, then, that a
6 judgment is in fact a correct judgment.

7 When those differences do arise, talk
8 things out. Just don't assert a position that, "I
9 see it this way or that way" or "I vote this way
10 or that way," but explain why it is you hold to a
11 particular position. Because, frankly, explaining
12 your position is the only way this process is
13 going to work.

14 You can't expect to convince other
15 people that they are wrong and you are right
16 unless you explain why. And, similarly, you're
17 not giving your fellow jurors a fair opportunity
18 to convince you that one of your positions is
19 incorrect and that theirs is the better one
20 unless, again, they know why it is you're thinking
21 the way you are and you know why they're thinking
22 the way they are.

23 Again, as differences arise, talk about
24 them as fully as you can. Experience teaches that
25 by reasoning things out, it's almost always

1 possible for jurors to come to a unanimous
2 verdict.

3 Now, obviously, part and parcel of
4 talking things out is being not at all hesitant to
5 re-examine your views and change your minds if
6 you're convinced that a position you're taking is
7 incorrect. But none of you should ever give up
8 your honest conviction as to the weight of the
9 evidence in this case or the lack of evidence just
10 to go along with your fellow jurors or just to get
11 this particular case over with.

12 Ultimately, each of you has got to make
13 up your own mind. In reality, when you come back
14 in here and announce a verdict, while your
15 foreperson will announce it, it is a collective
16 decision of the jury. What in fact your
17 foreperson is doing is telling the Court that he
18 or she is reporting twelve identical decisions,
19 because that's what a verdict is.

20 If you want to communicate with the
21 Court during your deliberations to ask for
22 exhibits, to ask a question, to take a break,
23 whatever, we now must insist that you do that in
24 writing.

25 Miss Hull will show you how to buzz to

1 get our attention, and simply put your note on a
2 piece of paper and she will get it to me.

3 If I can respond in just a few words,
4 I'll write it on the paper. If in fact something
5 more than that is needed, we'll come in here in
6 the courtroom so that I can deal with it, and
7 don't hesitate, whether I respond in writing or
8 not, in the courtroom to tell me that that's not
9 what you need, that's not what you were looking
10 for.

11 We want you to have what information you
12 need, and so if we don't understand the question
13 or if you don't ask it quite correctly, don't
14 hesitate to keep working at it until you get an
15 answer to your question.

16 We can't guarantee it will be the answer
17 someone's looking for, but at least the answer to
18 the right question.

19 It's especially important now that you
20 be very careful not to talk to anybody at all
21 about this case. That includes me and my staff.
22 You can talk to us if, meaning me and my staff, if
23 you want to make a phone call, to let us know that
24 you want to take a break, something like that, but
25 nothing that at all alludes to this case.

1 And also be very careful that you don't
2 reveal to anyone, anybody at all, what you're
3 talking about, how the discussions are going, or
4 if you've taken any votes where things stand.
5 That simply is none of our business, and for it to
6 get out would have the effect of potentially
7 interfering with your deliberations.

8 Miss Hull is handing out a verdict
9 form. I'm going to ask that your foreperson,
10 whomever you select to hold that office, fill it
11 out. It's simply a matter of checking off two
12 lines, a verdict with regard to each of the two
13 counts that apply to Mr. Stephen Turner, date it,
14 and sign it.

15 That form, filled out, will be placed in
16 the files of this Court and will be the official
17 record of your decision. You're all welcome to
18 have a copy now and keep it, but please don't fill
19 out drafts or fill out more than one. Decisions
20 might change and we don't need preliminary
21 versions of your verdict floating around for
22 people to find.

23 The top of the form is simply the
24 information which we use to identify this case.
25 The next two lines, while there are only two

1 lines, are packed with things of significance. It
2 says, "We, the jury, in the above-entitled cause,
3 all being in agreement" -- a constant reminder
4 that your decisions, whatever they are, are to be
5 unanimous, we can't accept anything less than
6 that -- "find upon our oath" -- your oath we
7 talked about this morning was to decide this case
8 based only on the evidence and on the law -- "that
9 Stephen Turner is," and then you have listed there
10 the alternatives that we've discussed.

11 As to Count Two, there are three
12 alternatives: Guilty of aiding and abetting the
13 commission of criminal sexual conduct in the first
14 degree, or guilty of aiding and abetting the
15 criminal sexual conduct of criminal sexual conduct
16 in the second degree, or not guilty.

17 As to Count Four, there are two
18 alternatives: Guilty of the charged offense of
19 criminal sexual conduct in the second degree, or
20 not guilty.

21 With regard to Count Two, what you
22 should do, ladies and gentlemen, is start your
23 deliberations by considering whether Mr. Stephen
24 Turner is guilty of aiding and abetting his
25 brother committing a criminal sexual conduct in

1 the first degree.

2 Once you start there, however, you can
3 then let your deliberations go in whatever
4 direction or process you think is appropriate.

5 You do not have to find Mr. Stephen
6 Turner not guilty of the first degree version in
7 order to go on to consider the second degree. If
8 you are satisfied that he's guilty of the first
9 degree version, then, of course, there's no point
10 in considering the other two.

11 But you don't have to do it in any
12 particular fashion other than start with
13 considering whether the prosecution has proven
14 criminal sexual conduct in the first degree, and
15 whenever you think it opportune, given the
16 chemistry of your deliberations, to go on and
17 consider the others, that's entirely up to you.

18 We are, however, insistent that it be a
19 unanimous decision, and, of course, it can only be
20 one decision with regard to each count. That's
21 why the word "or" is there and why the word "or
22 is" capitalized.

23 With regard to Count Four, it's obvious
24 someone can't be both guilty of an offense and not
25 guilty. That's equally true with regard to Count

1 Two. A person can't be guilty of one degree and
2 also be guilty of the other degree. You have to
3 come to an agreement yourself as to which it is.

4 What I would like you to do now, ladies
5 and gentlemen, once we determine who the two
6 alternates are, is to go to the jury room. Elect
7 a foreperson, first of all, but don't start
8 deliberating.

9 What I'll spend the next couple minutes
10 doing is talking to the lawyers about the
11 instructions that I've given over the course of
12 this day to make sure I haven't misstated
13 something or forgotten something, or correcting
14 something if something needs to be corrected.

15 It's best we do it now before there's
16 any possibility that it have an impact on your
17 verdict. It doesn't make a lot of sense to let
18 you deliberate for a while and call you back in
19 and say, "Oh, by the way, I should have changed
20 something," only to find out you've already gotten
21 over that point and we have to go back and replot
22 the ground.

23 Once you've determined who your
24 foreperson is, then go on to consider one other
25 thing, to some extent, and that is what kind of

1 schedule you want to adhere to. You can stay as
2 long as you want today to come to a decision, you
3 can go home when you want to. We will leave that
4 entirely up to you.

5 The first thing we ought decide,
6 frankly, is whether or not, now being 3:00, you
7 want to get right to deliberations or take a short
8 break. You're certainly welcome to do that.

9 Just be very careful you don't end up
10 mingling with the other jury, if in fact they're
11 taking a break at this time. Then get into your
12 deliberations, and a little bit later in the
13 afternoon I'll ask you not how it's going, because
14 that's none of our business, but whether you want
15 to stay a while longer or whether you want to
16 adjourn for the day. If so, when, and when you
17 want to come back.

18 We'll be glad to come in tomorrow if
19 that's what you want to do. We'll do it on
20 Monday. Again, that's entirely up to you.

21 What we need to do now is decide which
22 two of you are the alternates. I'm sure there
23 will be a certain amount of frustration, at least,
24 having been here for two weeks and now not being
25 able to participate in the decision.

1 I want to thank you for being here,
2 because, frankly, at this time of year it's very
3 important that we have extras so that had
4 something else gone wrong, enough did in the
5 course of trial, we would have had plenty of
6 jurors to pursue this particular matter with.

7 I'm glad that our difficulties didn't
8 involve you. They clearly affected you and
9 protracted things, but that nobody got ill or had
10 a problem. But every once in a while that
11 happens, and when it does, we like to be able to
12 be decent and tell people that they go rather than
13 insist that they be here.

14 Those two of you are certainly welcome
15 to wait around to see what the outcome is. If
16 it's achieved today, we certainly also welcome you
17 to simply leave a phone number and ask that we
18 call you with the outcome.

19 We understand why you wouldn't want to
20 spend your tenth day here any longer, but
21 certainly are owed the courtesy of a phone call to
22 find out what the outcome is, so we'll gladly do
23 that for you.

24 Those two, whoever you are, need to go
25 to the jury room to collect whatever you have

1 there, if it's a coat or umbrella, and at least
2 leave the jury room or you can remain around the
3 courtroom, because once you're designated as the
4 two extras, you are no longer part of the jury and
5 cannot have any interaction with them, any more
6 than anyone else in the courtroom can.

7 Miss Hull, will you tell us who fate
8 tells you to be are the two alternates?

9 THE CLERK: Number 217, Cheryl Soloman.
10 Number 113, Gary Kaminski.

11 (At about 3:00 p.m. - The two alternate
12 jurors left the courtroom)

13 (At about 3:00 p.m. - Clerk sworn by the
14 Court to take charge of the jury)

15 THE COURT: If you would, go with
16 Miss Hull, ladies and gentlemen, select a
17 foreperson, and decide whether you want to take a
18 break or get right to work. If you choose to get
19 right to work, please wait to hear from me before
20 you do that so that if additional instructions are
21 needed, we can take care of it.

22 (At about 3:00 p.m. - The Stephen Turner
23 jury left the courtroom)

24 THE COURT: Before I ask Mr. Bramble and
25 Miss Krause whether there are any objections to

1 those instructions that pertained exclusively to
2 Mr. Stephen Turner, I should note for the record
3 what was forgotten before, and that is that this
4 procedure we've utilized of virtually all
5 instructions being given before argument was
6 agreed to by everybody.

7 Rule 6.414(F) has authorized such a
8 procedure, but only upon agreement of the
9 parties. We discussed it yesterday, and my clear
10 recollection was everybody agreed.

11 Mr. Bramble, any objections to the
12 Stephen Turner instructions?

13 MR. BRAMBLE: No, your Honor.

14 THE COURT: Miss Krause?

15 MS. KRAUSE: Your Honor, no objections
16 to the instructions, per se.

17 The record should reflect at this time,
18 as we discussed in chambers, that we specifically
19 did not request the lesser charge of aiding and
20 abetting criminal sexual conduct in the second
21 degree, and I just want the record to reflect that
22 at this time.

23 THE COURT: It does, and the Court
24 decided, frankly, that in light of the evidence in
25 this case, a reasonable jury could conclude that

1 there might be some doubts as to the first degree
2 offense committed by Mr. Daniel Turner, but be
3 satisfied that at least an offense in the second
4 degree did occur.

5 In light of the testimony, to,
6 therefore, not instruct them on that, to take the
7 all or nothing approach was factually unrealistic
8 and unfair to the appropriate determination of
9 this case, so that one lesser was given.

10 There was discussion of other lesser
11 offenses for both defendants, in particular,
12 assault with intent to engage in criminal sexual
13 conduct involving penetration, as well as an
14 assault to engage in conduct of the second
15 degree.

16 In the end, the prosecutor and defense
17 counsel decided that neither one wanted any such
18 instructions, and the Court acquiesced.

19 Do you want to just wait to see what our
20 schedule is like?

21 MR. BRAMBLE: Judge, I guess I would --
22 I think we discussed this maybe very early on, the
23 Court waiving any type of theory claim, and I
24 would do that at this time.

25 MS. KRAUSE: The same goes for Defendant

1 Stephen Turner.

2 THE COURT: And Mr. Mirque?

3 MR. MIRQUE: Daniel Turner joins.

4 THE COURT: All right, let us get to
5 work.

6 (At about 3:04 p.m. - Recess taken, and
7 the Stephen Turner Jury commenced deliberations)

8 (At about 4:18 p.m. - The Daniel Turner
9 jury returned to the courtroom)

10 THE COURT: Everybody have a seat.

11 Ladies and gentlemen, you have asked a
12 question which I think can best be answered here
13 in the courtroom. You have asked some other
14 questions, asked for exhibits which were sent to
15 you, asked one question to which the answer was
16 straightforward and I could write it out.

17 That's not to say that the answer to
18 this question is not straightforward, but it takes
19 a little bit more time than would it make it
20 convenient to write it out.

21 I trust you realize that the earlier
22 instructions I gave, while I was by no means
23 reading from a script, because I don't think
24 that's an effective way of doing it, were thought
25 out ahead of time and a basis for the instructions

1 was drafted out. Of course, when it comes to
2 answering questions, I'm doing it without all of
3 that benefit, so that it may not be as precise as
4 the other ones were, as were the other one, but
5 I'll do my best.

6 The question is, "Why must we agree on
7 the method of penetration but not the method of
8 kidnapping."

9 The answer is you do have to agree on
10 the method of kidnapping, but let me explain why
11 things were dealt with differently here.

12 The claim is that two acts of
13 penetration occurred, and there was testimony,
14 which you have to assess to decide whether you
15 believe it, but there was testimony of two acts of
16 penetration, as that is defined in Michigan law.

17 So the way we do things is to charge a
18 separate offense for each claimed separate act.

19 With regard to the kidnapping, there is
20 only one claim here that something happened that
21 constitutes kidnapping. The only thing which is
22 being claimed is that the kidnapping occurred when
23 Lakeysha was, if you find that she was, grabbed
24 and taken from the outside of the apartment,
25 sidewalk, or porch, wherever it was, into the

1 apartment. That's what is claimed to be the
2 kidnapping here.

3 If you find that that did indeed happen,
4 then that clearly constitutes having led, taken,
5 or carried her, any one of those three things is
6 as the statute requires.

7 You then have to decide, was that act
8 involving a movement of some significance, or was
9 it an insignificant movement. Remember, I told
10 you a movement from one place to another place in
11 the same general area, if it's a short movement,
12 may not be significant. A long movement in the
13 same area may be significant.

14 Moving a person from one place to
15 another place, one environment to another
16 environment, even if it's a short distance, may be
17 significant. But you have to decide that. But
18 when we listed all of the things that the statute
19 deals with, all I can say is that's the way
20 legislators write things.

21 They don't tend, because they're not
22 sure they can ever be that precise in language, to
23 identify only one thing. They list a variety of
24 things maybe which are, frankly, synonymous with
25 one another, but it's my job to give you what the

1 statute says.

2 What I can tell you is if you find that
3 she was taken in some variation of the form she
4 described, then that first element, at least to
5 the extent that she had to have been led, taken,
6 or carried, has been satisfied.

7 Then if you decide it was from one place
8 to another place, that the movement was
9 significant, item number one has been satisfied.

10 If you believe that in fact someone put
11 an arm around her and took her as she described,
12 then that clearly constitutes "forcible" within
13 the meaning of the statute, and we don't have to
14 worry about malicious or fraudulent.

15 Again, we're thorough and we put
16 everything that's in the statute. But the claim,
17 really, here is that force was used as opposed to
18 any one of those other two things, and then, of
19 course, you have to decide if you believe that she
20 was forcibly moved from one place to another,
21 whether that was done with intent to detain or
22 conceal her from her parents.

23 So there's a lot of "or's" in the
24 statute, but the reason there was just one
25 kidnapping charged here is that there's only one

1 set of physical acts which are alleged to
2 constitute the kidnapping.

3 So the bottom line is, you decide
4 whether she was moved as she says she was, and
5 then decide whether it was forcible and whether it
6 was with intent to detain or conceal her, and then
7 the elements of the crime will have been met.

8 If you don't believe that she was moved
9 as she says she was, that there wasn't any force
10 or that there wasn't any movement, then, of
11 course, none of those things can have been
12 proven.

13 Does that help?

14 JUROR NUMBER SEVEN: Can I ask in the
15 manner that indicates our line of thinking?

16 THE COURT: You probably shouldn't do
17 that.

18 JUROR NUMBER SEVEN: Okay.

19 THE COURT: In fact, probably not, you
20 shouldn't do that. If you want to go back and try
21 and figure out a question that is as precise as
22 you can make it, then I'll answer it.

23 And, frankly, if you people deduce a
24 little bit what you think is your line of
25 thinking, that just happens. But I don't want to

1 run the risk that in the course of talking about
2 it here we go too far.

3 So write out the question as precisely
4 as you can and I'll deal with it. I promise I'll
5 deal with it, but there's a little too much risk
6 of finding out more than we should dealing with it
7 orally here. You write it out and I'll answer
8 it.

9 Okay, why don't you go back to the jury
10 room and do that. We'll gladly wait to get the
11 next question, and then we can come right back in
12 and deal with it.

13 (At about 4:25 p.m. - The Daniel Turner
14 Jury left the courtroom)

15 THE COURT: Mr. Kamm, any objection to
16 that exchange?

17 MR. KAMM: I have no objection.

18 THE COURT: Mr. Mirque?

19 MR. MIRQUE: No objections, your Honor.

20 THE COURT: Okay, let's everyone hang
21 around for Part B.

22 (At about 4:25 p.m. - Recess taken)

23 (At about 5:08 p.m. - The Daniel Turner
24 jury returned to the courtroom)

25 (At about 5:08 p.m. - The Stephen Turner

1 jury returned to the courtroom)

2 THE COURT: Ladies and gentlemen, I
3 understand from the clerk that both juries have
4 decided, quite understandably, that today's been
5 long enough, and that you'd like to end your
6 deliberations for today and resume them on
7 Monday. Of course, that's fine.

8 The only reason I brought you back in
9 the courtroom is to remind you, in as impressive a
10 way as I can, that the admonitions that you have
11 been given all throughout this trial, about not
12 paying attention to any publicity about either
13 this case or one like it, and not discussing this
14 matter with anyone or come to any conclusions,
15 applies with special emphasis now because you're
16 in the midst of the most sensitive part of this
17 particular case.

18 So please keep all of those things in
19 mind, but do have as pleasant a weekend as the
20 circumstances allow.

21 I understand that the jury trying the
22 case of Mr. Daniel Turner wants to return at
23 8:30. Mr. Stephen Turner's jury wants to return
24 at ten. Frankly, that's just fine, and that will
25 work out fine.

1 We won't have two juries deliberating
2 necessarily at the same time all the time, and we
3 can maybe coordinate exhibits and that a little
4 bit better.

5 I want to advise you of something which
6 may happen on Monday, only so it's no surprise.
7 It's of no particular significance. You may, in
8 fact, if you have any further questions or when
9 you return a verdict, if it is on Monday, do so in
10 the presence of Judge Buth, one of my colleagues
11 down the hall.

12 I'm scheduled to be out of town Sunday,
13 Monday, and Tuesday. I will see whether those
14 plans should be changed, but if I'm not here, I
15 will be at the other end of a phone, and any
16 questions you have will be directed to me,
17 inasmuch as I'm the one with the knowledge of this
18 particular case, and Judge Buth will just be
19 reporting on to you my answers to your questions,
20 and then presiding over the process of returning a
21 verdict.

22 Please don't look upon that as anything
23 of significance in the case, and I might very well
24 be here. If not, it's because I simply cannot be
25 and will make other arrangements. It happens all

1 the time that way.

2 I've done the same thing for Judge Buth
3 and Judge Benson and Judge Soet, and they have
4 done it for me. The judges do that all the time.

5 If you do need, although I see you've
6 got your jackets on and are ready to depart
7 immediately, to sign out, if you want that grand
8 sum that you will be paid for being here today,
9 Marilyn has gone to get your cards. They will be
10 in your respective jury rooms.

11 Just sign them, then feel free to leave
12 and return back at the times you've decided on
13 Monday. Have a good weekend, and we'll see you
14 then.

15 (At about 5:11 p.m. - The Daniel Turner
16 jury left the courtroom)

17 (At about 5:11 p.m. - The Stephen Turner
18 jury left the courtroom)

19 THE COURT: Counsel, any objection to
20 that exchange with the jury?

21 MR. MIRQUE: No, your Honor.

22 MS. KRAUSE: No, your Honor.

23 MR. BRAMBLE: No, your Honor.

24 THE COURT: We had talked about it in
25 chambers but we didn't put anything on the record,

1 was I correct in assuming from the statements I
2 made here that nobody objects to Judge Buth
3 handling what needs to be handled on Monday, at
4 least so long as I'm available by phone?

5 MR. MIRQUE: Not from Mr. Daniel Turner.

6 MS. KRAUSE: No objection.

7 MR. BRAMBLE: No, your Honor.

8 THE COURT: Okay, everybody have a good
9 weekend, at least as good as possible with the
10 anxiety of having a case hanging over your heads,
11 and I'll see you or at least talk to you by phone
12 on Monday.

13 (At about 5:13 p.m. - Proceedings
14 adjourned)

15 -ooOoo-

1 OFFICIAL REPORTER'S CERTIFICATE

2
3 STATE OF MICHIGAN)
4 COUNTY OF KENT) SS

5
6 I, Rebecca L. Russo, Court
7 Reporter in and for the Circuit Court for the
8 County of Kent, State of Michigan, do hereby
9 certify that I reported stenographically the
10 proceedings held in the above-entitled cause
11 before the Honorable Robert A. Benson on
12 December 10, 1993; and do further certify that the
13 foregoing transcript is a true and correct
14 transcript of my stenographic notes of said
15 proceedings so reported and transcribed by me.
16
17
18

19 Rebecca L. Russo
20 Rebecca L. Russo, CSR-2759
Official Court Reporter

21 Dated: 3.24.94
22 Grand Rapids, Michigan
23
24
25