

1 demonstrated clearly that sometimes criminals lie and
2 sometimes criminals tell the truth. You have the privilege
3 and the responsibility of telling who is who.

4 The evidence from these people also demonstrates
5 something else. The People, as I told you in opening, are
6 unable to select their witnesses. We're unable to select
7 them from the society pages of the Pantagraph or to select
8 them from offices of State Farm or Verizon or ISU or the
9 clergy or anyone else for that matter. You know, there is a
10 saying, and the saying goes, you will not be able to find
11 swabs in the sewer. We find our evidence where we find it.
12 And many times it's exactly where the criminal places it, in
13 the hands of their confidants and associates, the people
14 they hang with, the people they think are most like them.
15 Then we place the evidence before you.

16 You will decide whether Ed Palumbo, Steve Scheel,
17 Bruce Roland, Bill Moffitt, Kevin Schaal, Ronnie Wright, Ed
18 Hammond, Jody Winkler, are telling you the truth. And by
19 the way, you'll have to decide whether Denny Hendricks,
20 Billy Hendricks, the defendant, Garren Bradford or Franklin
21 Perry Roberts, Mark McCown, whether they're telling the
22 truth.

23 Looking at the State's witnesses as a whole, it's
24 astonishing that so many people could have gotten it so

1 wrong if you don't believe them. Looking at them
2 individually, you should consider some of the small
3 intimate, details some of them true, some of them part of
4 the defendant's most revealing lies, and you need to look
5 for the revealing, telling details, the ones that tell you
6 that a witness is telling it the way he heard it.

7 I heard what I heard said Ed Palumbo to the
8 defense investigator. Consider the chilling remark that
9 this defendant made to Ed Palumbo out at Funks Grove a short
10 time after the killing when this defendant said, killing
11 someone wasn't as bad as I thought it would be. And then
12 consider how that remark ties in with the conversation that
13 this defendant had with Dan Tanasz, a coworker down in
14 Florida, a man with no connection to Ed Palumbo and no
15 connection to Illinois. The defendant asked Tanasz how did
16 it feel when you killed somebody in Vietnam. And the
17 defendant admitted to Tanasz he too had shot someone, not
18 with a note of bragging, but of some concern.

19 The evidence in this case reveals a struggle
20 between the truth and falsehood, between the need to deny
21 and flee from the truth versus recognizing the unmistakable
22 facts as they have emerged over the last nine and a half
23 years.

24 Reflect for a moment about that need, that need to

1 defendant an alibi because they weren't together anymore.
2 And then at grand jury she says it is possible that the
3 defendant could have left her and left their home that night
4 on Easter, 1991. And he could have gone to the store or he
5 could have gone to get cigarettes, and when she was asked at
6 the grand jury to give an estimate for the time that he
7 could have been gone from her, she could have said it could
8 have been an hour, it could have been more, she didn't know.
9 And with Katz, she said she didn't know the details, and she
10 didn't give you any details here either, other than we went
11 to my parents', and we came home.

12 And when defense counsel tried to rehabilitate her
13 and tried to have her say, and she did say well she didn't
14 know what grand jury was going to be asking her, she didn't
15 know when she went there what they were going to be talking
16 about, you'll recall that when she was confronted with the
17 untruthfulness of that comment on cross-examination she
18 admitted, well, she did know when she went to grand jury
19 what they were going to be asking her about. And, in fact,
20 she'd been told about that the time she got her subpoena and
21 the time of her interview with Katz. But what did she say?
22 She just didn't study it before testifying.

23 A day or so after the murder this defendant told
24 Ed Palumbo on the Street did you read about me in the paper.

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1 He also told Palumbo boom, boom, gun goes off, kid dies.
2 And he also referred to the Clark station.
3 Shannon Schmidt, the defendant, and Tammy Snow
4 corroborate key portions of this contact. They all agree
5 this encounter happened. Ed is telling the truth about
6 that. But it's just this defendant and his wife who say
7 that the defendant said to Palumbo I read about you in the
8 paper. But the defendant even himself on direct examination
9 you'll recall can't remember why he would have said that,
10 doesn't know why he said it. And I'd ask you, where is the
11 logic in the scenario happening as the defendant and his
12 wife would have you believe. And how is it that Ed Palumbo
13 would know to say the words boom, boom, mimicking the two
14 shots that were fired at Bill Little?

15 Palumbo may be one of the most unusual people
16 you'll ever meet in a courtroom, but he told you the truth.
17 And the only reason he's here is because he heard what he
18 heard. There is nothing else in it for him. He also told
19 you that the defendant told him about how it felt to kill
20 another human being and how the defendant said it wasn't as
21 bad as he thought. And if Howard and Palumbo and Gaddis in
22 their own ways identified the truth for you, what about the
23 rest?

24 Steve Scheel had no motive to lie. He may have

1 then and are now mistaken and that others are confused and
2 that police who thought enough of his rights not to question
3 him in the car and who carefully read him his rights at the
4 police station, the police then tried to trick him by
5 aggressively questioning him. Well, if the police are
6 misrepresenting what the defendant told him, I suggest they
7 could have done it better. Because they could have simply
8 said he did confess, but they simply told you what the
9 defendant said and what he did as the other witnesses did.

10 And like Ed Palumbo said to the investigator they all heard
11 what they heard. And the defendant, for all his effort, for
12 all his tap dancing and verbal slithering, he just can't get
13 away from the simple fact that they heard what they heard.

14 And you can't get away from the simple fact that they saw
15 what they saw.

16 Look how fast the defendant tried to run away from
17 the testimony of Tim Powell. Now, Tim Powell had no motive
18 to lie. In fact, this information came to us first from
19 Susan Powell. It was she who told the police about Tim
20 Powell. Tim Powell has no criminal record. He hasn't been
21 to prison, and he's never been beaten up by this defendant
22 11 years ago. In fact, Tim Powell barely knew this
23 defendant, and this was the only time he'd ever been in a
24 car with him. And Susan Powell even admitted that

1 you probably wouldn't tell anybody about it or you might
2 tell one or two people about it. Would you tell a dozen?
3 Would you tell 15? Sheer number of he said witnesses in
4 this case, I think raises a red flag. And I submit you
5 ought to look at that. None of whom appeared until the cops
6 started literally beating the bushes, figuratively speaking
7 beating the bushes, when this investigation got up and
8 running again in 1998. They all set on their information
9 waiting -- I don't know what they were waiting for. I guess
10 a visit from the cops.

11 At any rate, let's go down the convictions here.
12 Let's start over here. Here is a three. That's one of the
13 eyewitnesses, Gerardo Gutierrez. He had three convictions.

14 Let's -- here is Ed Palumbo. And do you suppose
15 it was written in the Pantagraph the day after the shooting
16 when they broke their coverage that he was shot twice? Do
17 you suppose that fact was reported in the newspaper or the
18 news locally? Yeah, I bet it was. That's where the two
19 shots, that wasn't a secret that the victim had been shot
20 twice. Ed Palumbo, he had three convictions.

21 Let's see. William Moffitt. The one night at
22 Joliet witness, as I call him, he had six convictions. And
23 boy, isn't that what human nature and common sense tells us?
24 You're in a cell in a prison for one night with a guy, and

1 ground is covered with snow, and if someone like Bill
2 Moffitt, Ed Palumbo or Eddie Hammond came up to you and
3 said it snowed last night. Are you going to not
4 believe them just because of their prior convictions?
5 You are going to say nope, I know it wasn't on the
6 ground when I went to bed. I know it is here when I got
7 up, but these guys got prior convictions so I can't
8 believe it snowed last night. Of course, you are not.
9 You are not going to disbelieve them because it fits
10 with your own observation and it fits with the rest of
11 the picture, and that is the important thing to consider
12 when you hear that instruction about the value of
13 considering prior convictions.

14 I told you I was going to continue to
15 talk a little bit about what defense counsel referred to
16 as taking that long hard look at those people who sat on
17 important information, and I already talked about the
18 person who sat on critical information for the defense,
19 but what is important to point out is defense counsel
20 has stated the evidence quite drastically when he said
21 in his closing statements that all this evidence from
22 all these people who said that they saw this or heard
23 these statements from the defendant just came out in
24 this last year or a year and a half, 1999, and yet the

1 evidence is quite to the contrary. In fact, Palumbo
2 promptly told Shannon Schmidt about his conversation
3 with the defendant on the street, and in fact, she told
4 the police about that conversation in April of 1991.

5 It is undisputed, and in fact, Carlos Luna promptly told
6 the police about his impression about the person leaving
7 the station having the cash drawer under his coat that
8 night. It is undisputed, and Bill Gaddis promptly told
9 his wife when he got home from having seen and witnessed
10 the defendant's silent admission. That is undisputed,
11 and there is others who came long before 1999.

12 Bill Moffitt told you he reported this
13 within a year of his conversation with the defendant in
14 1994. Eddie Hammond told you that he reported this and
15 talked to about it within a short period of time after
16 he left Centralia and went to the Illinois River
17 Correctional Facility within months, and Scheel told you
18 about the fact that he told what he knew back in '93
19 only a year and a half, two years after the
20 conversation. So again there has been a misstatement
21 and a misconception of what the evidence has been in
22 this case.

23 Carroll Landrus, defense counsel said
24 what about that. He says whoa. Well, what about