

1 TO REMAIN SILENT, A JURY IS NOT PERMITTED TO DRAW  
2 ANY INFERENCE OF GUILT. AND THE FACT THAT A DEFENDANT  
3 DID NOT TAKE THE WITNESS STAND MUST NOT INFLUENCE YOUR  
4 VERDICT IN ANY MANNER WHATSOEVER.

5 THE ATTORNEYS ARE TRAINED IN THE RULES OF  
6 EVIDENCE AND TRIAL PROCEDURE. AND IT IS THERE THEIR  
7 DUTY TO MAKE ALL OBJECTIONS THEY FEEL ARE PROPER.

8 WHEN AN OBJECTION IS MADE, YOU SHOULD NOT  
9 SPECULATE ON THE REASON WHY IT IS MADE. LIKEWISE,  
10 WHEN AN OBJECTION IS SUSTAINED, OR UPHeld BY ME, YOU  
11 MUST NOT SPECULATE ON WHAT MIGHT HAVE OCCURRED HAD  
12 THE OBJECTION NOT BEEN SUSTAINED NOR WHAT A WITNESS  
13 MIGHT HAVE SAID HAD HE OR SHE BEEN PERMITTED TO ANSWER.

14 I SHOULD ALSO ADVISE YOU THAT THE LADY  
15 SEATED AT THE COUNSEL TABLE IS MS. TRISH CASHMAN,  
16 ALSO A DEFENSE ATTORNEY IN THIS CASE.

17 THE STATE MAY PROCEED WITH OPENING STATEMENT.

18 MR. BENDER: THANK YOU, YOUR HONOR.

19 OPENING STATEMENT

20 MR. BENDER: "IF YOU TELL ANYBODY, I'M GOING TO  
21 BLOW THIS HOUSE UP," THOSE WERE THE WORDS THAT TWO  
22 YOUNG, FRIGHTENED GIRLS HEARD IN THE SUPPOSED SECURITY  
23 OF THEIR BEDROOM, EARLY ONE MORNING, MAY 17TH, 1990,  
24 OF THIS YEAR.

25 ANGELA AND MICHELLE ████████ WERE SLEEPING AT

1            APPROXIMATELY 1:30 TO TWO O'CLOCK IN THE MORNING, ON  
2            MAY 17TH, WHEN THEY AWOKE TO FIND AN INTRUDER IN THEIR  
3            BEDROOM. THAT INTRUDER WAS SCOTTY MERSON SEATED AT  
4            THAT TABLE -- (INDICATING).

5            SCOTTY MERSON HAD BEEN DATING TINA COLE,  
6            THE HALF-SISTER OF ANGELA AND MICHELLE, AND THEY HAD  
7            BEEN DATING FOR SOME TIME. IN FACT, THEY HAD LIVED  
8            TOGETHER.

9            MR. MERSON WAS FRIENDS WITH MICHELLE AND  
10           ANGELA. HE HAD BEEN OVER TO THE ██████████ RESIDENCE,  
11           WHICH IS ON HARRISON AVENUE IN COLLEGE PARK, HERE  
12           IN ORLANDO, ON NUMEROUS OCCASIONS. HE WAS FAMILIAR  
13           WITH THE LAYOUT OF THE HOUSE.

14           THAT EARLY MORNING SCOTTY MERSON BROKE  
15           INTO THAT RESIDENCE UNINVITED, LATE IN THE EARLY  
16           MORNING HOURS AND WALKED BACK TO THE BACK BEDROOM OF  
17           THE HOUSE WHERE ANGELA AND MICHELLE WERE SLEEPING. ✓  
18           HE FIRST WENT TO MICHELLE ██████████, COVERED HER MOUTH.  
19           SHE AWOKE, AND HE TOLD HER TO BE QUIET.

20           HE THEN WALKED AROUND THE BED TO ANGELA.  
21           ANGELA WAS NINE YEARS OF AGE AT THE TIME. SHE IS NOW  
22           TEN. MICHELLE IS SEVEN.

23           HE THEN WENT OVER TO ANGELA; TOLD HER TO  
24           BE QUIET AND THEN PROCEEDED TO PULL DOWN HER PANTIES  
25           AND LIFT UP HER NIGHTGOWN AND PERFORM WHAT WE CALL

1 CUNNILINGUS, OR ORAL SEX, WHERE HE PLACED HIS TONGUE  
2 ON HER VAGINA. HE DID THIS FOR A FEW MINUTES.

3 THEN PRIOR TO LEAVING THE HOUSE TOLD THE  
4 GIRLS NOT TO TELL; "THAT IF YOU DO, I'M GOING TO BLOW  
5 UP THE HOUSE." THEY WERE SCARED AND FRIGHTENED.

6 SHORTLY AFTER MR. MERSON HAD LEFT, ANGELA  
7 WENT INTO HER GRANDPARENT'S BEDROOM, WHO OCCUPIED THE  
8 ROOM NEXT DOOR.

9 YOU WILL HEAR TESTIMONY FROM THEIR  
10 GRANDPARENTS, MR. AND MRS. RAYMOND STOCKWELL, THE  
11 OWNERS OF THE HOME, WHO HAD BEEN LIVING THERE FOR  
12 NEARLY 30 YEARS.

13 YOU WILL HEAR TESTIMONY THAT MRS. STOCKWELL  
14 IS A LIGHT SLEEPER AND WHO, BECAUSE OF HER AGE, DOES  
15 NOT SLEEP THE ENTIRE NIGHT THROUGH, AVERAGES THREE TO  
16 FOUR HOURS OF SLEEP. HOWEVER, BETWEEN THAT PARTICULAR  
17 TIME FRAME, BETWEEN MIDNIGHT AND TWO A.M., SHE HAD  
18 DOZED OFF.

19 NO ONE IN THE HOUSE, BESIDES MICHELLE AND  
20 ANGELA, SAW SCOTTY MERSON. THEIR BROTHER, JASON, WAS  
21 SLEEPING IN ANOTHER ROOM WITH THE DOOR ALMOST CLOSED.  
22 AND THE PARENTS WERE SLEEPING IN ANOTHER ROOM ADJACENT  
23 TO THE HOME BUT WITH AN ENTRANCE OUTSIDE THE HOME,  
24 NOT CONNECTED TO THE HOUSE.

25 YOU WILL NOT HEAR ANY OTHER WITNESSES

1 TESTIFY THAT THEY SAW SCOTTY MERSON IN THE HOUSE OTHER  
2 THAN MICHELLE AND ANGELA. YOU WILL NOT HEAR OF ANY  
3 MEDICAL EVIDENCE SHOWING THE DEFENDANT COMMITTED THIS  
4 CRIME.

5 YOU WILL NOT SEE OR HEAR OF ANY PHYSICAL  
6 EVIDENCE.

7 MR. EIDE: OBJECTION, YOUR HONOR HE'S ARGUING.

8 THE COURT: OBJECTION IS OVERRULED.

9 MR. BENDER: YOU WILL NOT HEAR FROM THE STATE  
10 ANY PHYSICAL EVIDENCE PINPOINTING SCOTT MERSON AT THAT  
11 SCENE. THE ONLY EVIDENCE THAT YOU WILL HEAR WILL BE  
12 FROM THE MOUTHS OF ANGELA AND MICHELLE ██████████ WHO WILL  
13 TESTIFY TO THE EVENTS THAT HAPPENED TO THEM THAT NIGHT  
14 IN THE EARLY MORNING HOURS OF MAY 17TH.

15 MR. EIDE HAS TOLD YOU DURING VOIR DIRE  
16 THERE ARE A NUMBER OF WITNESSES THAT THEY WILL BE  
17 PRESENTING, WHO WILL BE TESTIFYING THAT MR. MERSON  
18 WAS AT ANOTHER LOCATION DURING THE EVENING AND EARLY  
19 MORNING HOURS OF MAY 16TH AND THE FOLLOWING MORNING  
20 OF MAY 17TH, AT A RESIDENCE IN APOPKA, IN A TRAILER  
21 PARK. YOU WILL HEAR FROM A NUMBER OF THOSE WITNESSES.

22 YOU WILL NOT HEAR FROM ANY OTHER STATE  
23 WITNESSES OTHER THAN ANGELA AND MICHELLE, AS TO SCOTTY  
24 MERSON'S PRESENCE IN THE HOME THAT NIGHT.

25 DURING YOUR DELIBERATIONS I WANT TO ASK

1 THREE THINGS OF YOU. ONE, AS I TOLD YOU AND ASKED OF  
2 YOU DURING THE JURY SELECTION PROCESS, PLEASE LISTEN  
3 VERY CAREFULLY TO THE WITNESSES AND THEIR TESTIMONY.

4 AND REMEMBER, AS I TOLD YOU, AND AS YOU  
5 LISTEN TO THE TESTIMONY, REMEMBER YOU ARE THE SOLE  
6 ARBITRATORS OF CREDIBILITY IN THIS CASE. IT IS YOU  
7 WHO MUST DECIDE WHO IS TELLING THE TRUTH; WHO IS NOT  
8 TELLING THE TRUTH.

9 ANOTHER THING I WOULD LIKE YOU TO REMEMBER  
10 IS THE LOYALTY OF FRIENDS AND GIRL FRIENDS. KEEP THAT  
11 IN MIND WHEN YOU HEAR THE TESTIMONY OF THE DEFENSE  
12 WITNESSES.

13 AND, LASTLY, THINK OF WHO, WHO HAS THE MOST  
14 OPPORTUNITY TO LIE DURING THEIR TESTIMONY. LISTEN  
15 CAREFULLY TO ANGELA AND MICHELLE. LISTEN CAREFULLY  
16 TO THEIR GRANDPARENTS, WILLIE AND RAYMOND STOCKWELL.  
17 LISTEN CAREFULLY TO CATHY [REDACTED], THEIR MOTHER, AND  
18 PLEASE LISTEN CAREFULLY TO INVESTIGATOR FRANK ROACH,  
19 OF THE POLICE DEPARTMENT.

20 I WOULD SUBMIT THAT AFTER YOU HAVE HEARD  
21 THE ENTIRE TESTIMONY, KEEPING IN MIND YOU ARE THE  
22 ARBITRATORS WHO ENGAGE IN DECIDING CREDIBILITY AND  
23 TRUTHFULNESS, AND I ASK YOU WHEN YOU HAVE HEARD ALL  
24 OF THE EVIDENCE, RETURN A VERDICT OF GUILTY AS  
25 CHARGED.