

1 THAT WHEN YOU LOOK THROUGH THOSE THINGS
2 WE'RE CONFIDENT YOU'LL COME BACK AND AGREE THAT AS
3 TO THESE CHARGES THE STATE HAS FAILED IN THEIR BURDEN.

4 THAT AS TO THE SEXUAL BATTERY OF ANGELA [REDACTED],
5 SCOTTY MERSON IS NOT GUILTY. AND AS TO THE BURGLARY OF
6 A DWELLING WITH BATTERY ON MICHELLE [REDACTED], SCOTTY MERSON
7 IS NOT GUILTY.

8 THANK YOU.

9 THE COURT: THE STATE MAY PROCEED.

10 MR. BENDER: THANK YOU, YOUR HONOR.

11 CLOSING ARGUMENT IN REBUTTAL

12 MR. BENDER: MR. EIDE HAS DONE AN EXCELLENT JOB
13 FOR HIS CLIENT, MR. MERSON. AS YOU CAN SEE, WHEN I
14 GAVE YOU A CLOSING ARGUMENT A FEW MINUTES AGO AND FROM
15 WHAT MR. EIDE HAS JUST TOLD YOU, IT'S EASY TO SEE WE
16 DO NOT AGREE ON ALL THE POINTS OF THIS CASE.

17 IF WE COULD WE WOULD NOT NEED THE EIGHT OF
18 YOU, BUT WE DO BECAUSE WE DO NOT AGREE ON A NUMBER OF
19 POINTS AND THAT'S NOT UNUSUAL.

20 AND I HOPE ALL OF YOU UNDERSTAND THAT YOU
21 WILL BE DECIDING THIS CASE; NOT MYSELF, CERTAINLY, NOT
22 MR. EIDE. BUT YOU WILL DECIDE THE FACTS. YOU, ALONE,
23 WILL DECIDE THE OUTCOME.

24 NOW, MR. EIDE HAS TOLD YOU A NUMBER OF
25 THINGS, AND IT WOULD BE A SAFE BET TO SAY THAT MR. EIDE

1 IS NOT AN EXPERT ON CHILD PSYCHOLOGY. HE HAS A RIGHT
2 TO HIS OPINION.

3 KEEP IN MIND THAT NONE OF US CAN ANTICIPATE
4 HOW ANOTHER PERSON WILL REACT IN A PARTICULAR SITUATION.
5 I'M SURE WE CAN GUESS; WE CAN ASSUME; WE CAN SPECULATE;
6 WE CAN SUPPOSE WHAT IF.

7 BUT NONE OF US REALLY KNOW HOW ANOTHER
8 PERSON WILL REACT IN A GIVEN SITUATION. SO WE CANNOT
9 SAY IF A PERSON REACTS IN A PARTICULAR WAY, THAT THAT
10 IS THE WRONG WAY OR THE RIGHT WAY TO ACT, NECESSARILY.
11 BECAUSE THAT IS HOW THAT OTHER PERSON REACTED.

12 AND WE HAVE TO REALLY ANALYZE THAT WHEN IT
13 COMES TO CHILDREN. CHILDREN ARE CHILDREN. CHILDREN
14 ARE NOT ADULTS. CHILDREN DO NOT ALWAYS DO THINGS THAT
15 WE EXPECT THEM TO.

16 MR. EIDE HAS INDICATED THAT THE STATE'S
17 CASE IS FULL OF HOLES AND WHAT WE WOULD CALL COMMON
18 SENSE. THAT THIS IS -- EVEN IF WE ASSUME IT TO BE
19 TRUE, IT IS SO ABSURD, IT CANNOT BE TRUE. AND THAT
20 IS WHAT HE HAS TOLD YOU.

21 KEEP IN MIND THAT ALL OF THE WITNESSES AT
22 THE TRAILER THAT NIGHT, DESPITE WHAT THEY TOLD YOU,
23 ALL OF THEM DID AGREE ON ONE THING.

24 THERE WAS A COMMON DENOMINATOR AS TO ONE
25 QUESTION OF ALL OF THOSE WITNESSES AND THAT THEY ALL

1 AGREED THAT, YES, IT WAS POSSIBLE THAT SCOTTY MERSON
2 LEFT THAT TRAILER AND THEY MAY NOT HAVE HEARD HIM.

3 A HUNDRED PERCENT POSSIBILITY? NO. BUT A
4 POSSIBILITY. AND A POSSIBILITY, AS WE KNOW FROM OUR
5 OWN EXPERIENCE, IS ALL IT TAKES.

6 IS IT POSSIBLE? YES, IT IS. THEN IF IT'S
7 POSSIBLE, THEN IT'S POSSIBLE IT HAPPENED. WE NEED TO
8 LOOK FOR NOTHING FURTHER THAN THAT.

9 IS IT A HUNDRED PERCENT POSSIBLE? WELL,
10 THE STATE IS NOT REQUIRED TO PROVE A HUNDRED PERCENT
11 POSSIBLE.

12 WAS THERE AN OPPORTUNITY FOR HIM TO LEAVE?
13 WAS THERE AN OPPORTUNITY? EVEN IF WE BELIEVE THE
14 WITNESSES THAT THE DEFENSE HAS PRESENTED ON CERTAIN
15 ISSUES, IT'S CERTAINLY POSSIBLE THAT MR. MERSON COULD
16 HAVE LEFT AND THAT THEY WERE FULLY COGNIZANT OF THAT
17 FACT BUT DECIDED NOT TO TELL YOU.

18 PARTICULARLY, HIS GIRL FRIEND, THE MAN THAT
19 SHE LOVES AND CARES FOR AND WISHES TO MARRY ONE DAY.
20 BUT IS IT POSSIBLE THAT SHE MIGHT BE LYING FOR HER
21 BOYFRIEND? I'LL LEAVE THAT ANSWER UP TO YOU, LADIES
22 AND GENTLEMEN.

23 IS IT POSSIBLE THAT THESE OTHER WITNESSES
24 CAN BE LYING? I'LL LEAVE THAT FOR YOU TO DECIDE.

25 REMEMBER, THAT MR. EIDE IS ASKING YOU TO

1 REMEMBER AND CONSIDER THE CREDIBILITY OF WITNESSES,
2 AND HE HAS SHOWN YOU THAT A NUMBER OF THE STATE
3 WITNESSES LACK CREDIBILITY BECAUSE THEY HAVE GIVEN
4 INCONSISTENT STATEMENTS.

5 EXACTLY. CREDIBILITY IS BEING ATTACKED ON
6 THE DEFENSE SIDE. I AM TELLING YOU THE CREDIBILITY OF
7 THESE WITNESSES IS AT ISSUE. AND THAT'S AS THE JUDGE
8 WILL INSTRUCT YOU.

9 I HAVE NO AX TO GRIND WITH THESE DEFENSE
10 WITNESSES. I HAD NEVER MET THEM BEFORE MONDAY. BUT
11 I DO HAVE AN AX TO GRIND WHEN THEY GET UP ON THE STAND
12 AND, UNDER OATH, LIE. THEN I DO BECOME INDIGNANT.

13 I HAVE NO AX TO GRIND WITH THEM OTHERWISE.
14 THERE ARE HUMAN BEINGS, LIKE ALL OF US, AND DESERVE
15 RESPECT. AND I WISH THEM NO ILL-WILL.

16 BUT WHEN THEY GET ON THAT STAND AND LIE,
17 THEN YOU HAVE TO CONSIDER THAT. YOU HAVE TO CONSIDER
18 THEIR CREDIBILITIES. AND IF A PERSON LIES ABOUT ONE
19 THING THEY CAN CERTAINLY LIE ABOUT ANOTHER, AND THEIR
20 CREDIBILITY GOES WASHING DOWN THE DRAIN.

21 TAMMY COLE -- I'M SORRY. TAMMY WILLEY,
22 JUDY WILLEY, MICHAEL WILLEY, SHAWN WILLEY, CHRISTI
23 MOORE, MICHAEL HYLAND, SCOTTY MERSON; YOU, ALONE, WILL
24 GAUGE THEIR CREDIBILITY. YOU, ALONE, WILL DETERMINE
25 WHAT WILL BE GLEANED FROM THEIR TESTIMONY.

1 ARE THEY ASSISTING THE DEFENDANT? ARE THEY
2 LYING ABOUT CERTAIN ISSUES? ARE THERE INCONSISTENCIES
3 ENOUGH TO TELL YOU THAT YOU MIGHT HAVE SOME DOUBT AS
4 TO THEIR VERACITY AND TRUTHFULNESS? THAT YOU MIGHT
5 HAVE SOME CONCERNS ABOUT WHETHER THEY ARE TO BE BELIEVED,
6 OR NOT?

7 AND YOU USE THE SAME STANDARDS TO THE
8 DEFENDANT. AS HE HAS TAKEN THE STAND, YOU CAN APPLY
9 THOSE SAME STANDARDS TO MR. MERSON AS YOU CAN ALL THE
10 OTHER WITNESSES.

11 THIS CASE REALLY IS A SIMPLE ONE, DESPITE
12 MR. EIDE'S CONTENTION. IT REALLY IS. BECAUSE WE HAVE,
13 IN ESSENCE -- THE BOTTOM LINE FOR YOU TO DECIDE IS IF
14 YOU BELIEVE ANGELA AND MICHELLE [REDACTED], OR IF YOU BELIEVE
15 SCOTTY MERSON. THAT IS REALLY THE ONLY ISSUE FOR YOU
16 TO DECIDE WHEN WE COME RIGHT DOWN TO IT.

17 THE GIRLS NEVER TESTIFIED THAT THEY SAW
18 MR. MERSON AND THEIR HALF-SISTER, TINA [REDACTED], ARGUING
19 OR FIGHTING. THEY KNEW THAT THEY HAD BROKEN UP. THAT
20 WAS THE EXTENT OF IT.

21 AND, REMEMBER, I TOLD YOU TO USE YOUR OWN
22 RECOLLECTION OF THE TESTIMONY. AND I CERTAINLY DO
23 DISAGREE WITH SOME OF MR. EIDE'S RECOLLECTION OF THE
24 TESTIMONY. SO I WANT YOU TO RECALL IT AS YOU REMEMBER
25 IT FROM THE STAND.

1 THERE IS NO EVIDENCE THAT THE GIRLS WOULD
2 MAKE UP THIS STORY BECAUSE OF TINA [REDACTED]'S RELATIONSHIP
3 WITH SCOTTY MERSON. THERE HAS NOT BEEN ANY EVIDENCE
4 PRESENTED OF THAT. IT IS MERE CONJECTURE AND
5 SPECULATION.

6 HE MENTIONED THAT THE OFFICER, INVESTIGATOR
7 ROACH, SPOKE WITH ANGELA AND IT IS ONLY AT THAT POINT
8 THAT WE LEARNED ABOUT THE BEER ON THE BREATH OF SCOTTY
9 MERSON.

10 THAT IS TRUE. AND I NEGLECTED TO ASK HER
11 THAT QUESTION. THAT WAS AN OVERSIGHT ON MY PART. BUT
12 INVESTIGATOR ROACH DID INDICATE TO YOU THAT ANGELA [REDACTED]
13 TOLD HIM THAT SCOTTY MERSON HAD BEER ON HIS BREATH WHEN
14 HE CAME OVER TO HER.

15 AND THAT IS AN IMPORTANT THING TO REMEMBER.
16 BECAUSE SCOTTY MERSON, BY HIS OWN ADMISSION AND EVERY
17 ONE ELSE AGREES, THAT HE HAD DRUNK BEER THAT EVENING.
18 THAT'S INTERESTING THAT THE GIRL WOULD SMELL IT ON HIS
19 BREATH.

20 THE GRANDMOTHER DID HEAR SOMEONE. IS IT
21 POSSIBLE THAT IT WAS JASON? WELL, SHE THOUGHT IT WAS.
22 BUT WHEN SHE LOOKED OVER SHE SAW THAT JASON'S DOOR HAD
23 NOT MOVED. THE GIRLS FATHER STAYS IN A ROOM OUTSIDE
24 OF THE HOME, NEXT DOOR IN THE BACKYARD.

25 REMEMBER, A CHILD MOLESTATION MOST IMPORTANTLY

1 IS A CLANDESTINE CRIME, LADIES AND GENTLEMEN. WE DON'T
2 DO IT IN FRONT OF WITNESSES. AND A MAN OR WOMAN THAT
3 WOULD MOLEST A CHILD IS NOT GOING TO DO SO OR PUBLICIZE
4 HIS INTENTS OR HIS INTENTIONS TO MOLEST A CHILD. IT'S
5 GOING TO BE DONE SECRETIVELY (SIC), FURTIVELY AND HOPE
6 NO ONE WILL NOTICE.

7 SO IT IS NOT UNUSUAL TO EXPECT THAT SOMEONE
8 BREAKING INTO SOMEONE'S HOME AT AROUND TWO O'CLOCK IN
9 THE MORNING IS GOING TO MAKE A LOT OF NOISE OR PUT AN
10 AD OUT IN THE PAPER, NOTIFYING EVERYONE OF HIS
11 INTENTIONS.

12 SO THE FACT THAT NO ONE HEARD A CAR, NOBODY
13 HEARD A DOOR, DOES NOT MEAN THAT THOSE EVENTS DID NOT
14 OCCUR. AS YOU HEARD, THE AIR-CONDITIONER WAS ON.
15 PEOPLE WERE SLEEPING.

16 AND YOU CAN BE VERY QUIET. THINK ABOUT HOW
17 QUIETLY YOU CAN MOVE WHEN YOU WANT TO AVOID DETENTION.
18 YOU CAN MOVE QUIETLY, SLOWLY. DOORS DON'T HAVE TO BE
19 SLAMMED. WE DON'T EVEN KNOW WHERE MR. MERSON MIGHT
20 HAVE PARKED. HE MIGHT HAVE PARKED DOWN THE STREET.

21 MR. EIDE HAS TOLD YOU, AND RIGHTFULLY SO,
22 THAT THE STATE HAS PRESENTED NOT ONE IOTA OF PHYSICAL
23 EVIDENCE LINKING MR. MERSON TO THIS CRIME.

24 THAT IS TRUE. AND I TOLD YOU THAT FROM THE
25 VERY BEGINNING; I WOULD SEE NO NEED TO CALL CRIME SCENE

1 TECHNICIAN BOB WELCH TO THE STAND TO TELL YOU HE CAME
2 UP WITH ZIP, UNFORTUNATELY. SO, NO, WE DID NOT CALL
3 HIM TO TELL YOU THAT. I TOLD YOU THAT MYSELF.

4 BUT CONSIDER THIS. FINGERPRINTS CAN BE
5 SMUDGED. AND ALL YOU NEED TO DO IS CARRY A TOWEL WHEN
6 YOU OPEN A DOORKNOB, AND THERE WILL NOT BE A FINGERPRINT
7 LEFT.

8 MR. EIDE: OBJECTION, YOUR HONOR. HE'S TESTIFYING
9 HIMSELF.

10 THE COURT: COUNSEL, APPROACH THE BENCH.

11 (THEREUPON, COUNSEL APPROACHED THE BENCH, AND THE
12 FOLLOWING PROCEEDINGS WERE HAD OUTSIDE THE HEARING OF THE
13 JURY, AND ON THE RECORD AS FOLLOWS:)

14 THE COURT: READ THAT BACK, PLEASE.

15 (THEREUPON, THE LAST PARAGRAHPH OF MR. BENDER'S ARGUMENT WAS
16 READ BACK BY THE COURT REPORTER.)

17 THE COURT: THE OBJECTION IS OVERRULED.

18 (THEREUPON, THE SIDE-BAR CONFERENCE WAS CONCLUDED.)

19 MR. BENDER: FINGERPRINTS ARE NOT NECESSARILY LEFT.
20 FINGERPRINTS CAN BE SMUDGED.

21 REMEMBER, AT SEVEN IN THE MORNING, MRS. [REDACTED]
22 CAME IN TO WAKE UP HER CHILDREN. THAT WOULD ALSO EXPLAIN
23 PERHAPS WHY THEY WERE NO FOOTPRINTS.

24 REMEMBER, INVESTIGATOR ROACH SAID HE WAS
25 WEARING DECK SHOES. AND THERE ARE A MILLION PAIRS OF

1 DECK SHOES OUT THERE. AND WHAT DOES THAT PROVE?

2 NOTHING.

3 AND IF SOMEONE GOES AND OPENS A DOOR, IT'S
4 QUITE POSSIBLE THAT THAT FINGERPRINT HE HAD LEFT EARLIER
5 CAN BE SMUDGED BEYOND ANY IDENTIFICATION PURPOSES.

6 THE PRY MARKS WERE OLD, WHICH IS EXACTLY
7 WHY YOU COULD USE THOSE SAME PRY MARKS TO OPEN THE DOOR
8 WITHOUT LEAVING NEW PRY MARKS. AND A CREDIT CARD OR
9 A KNIFE COULD BE USED, WITHOUT LEAVING ANY ADDITIONAL
10 PRY MARKS.

11 SO THE LACK OF EVIDENCE, YES, IT'S SOMETHING
12 YOU SHOULD CONSIDER. BUT THEN CONSIDER WHY THERE IS
13 NO EVIDENCE; THAT THERE IS ALSO JUST AN EQUALLY OBVIOUS
14 REASON FOR THERE NOT BEING ANY AS THERE SHOULD BE, WHEN
15 THE DEFENSE IS CONTENDING THAT THERE SHOULD BE EVIDENCE
16 LEFT.

17 IT'S VERY EASY TO SEE, PARTICULARLY WHEN
18 A PERSON KNOWS A HOME QUITE WELL, AS MR. MERSON DID.
19 IT'S EASY TO SEE WHY NO PHYSICAL EVIDENCE WAS LEFT.

20 THE GRANDMOTHER TESTIFIED THAT THE CHILDREN
21 WERE SCARED AND NERVOUS THAT NIGHT. AND THERE IS,
22 YES, SOME SLIGHT VARIATIONS AS TO THE EXACT TIME.
23 BUT, REMEMBER, THESE PEOPLE TESTIFIED THAT IT WAS AN
24 APPROXIMATE TIME.

25 AND I THINK YOU CAN CONSIDER THE TESTIMONY

1 OF THE STATE'S WITNESSES, THE GRANDPARENTS AND THE
2 CHILDREN -- THERE IS NOT EVEN AN EXTREME OR MODERATE
3 MENTION OF TIME. WE'RE TALKING ABOUT A FEW MINUTES.

4 WHY DIDN'T THE CHILDREN TELL THOSE
5 GRANDPARENTS OR THE MOTHER IN THE MORNING? THOSE ARE
6 QUESTIONS THAT I WOULD CONSIDER, TOO.

7 BUT, REMEMBER, WHAT I TOLD YOU, TOO. WE
8 CAN'T ANSWER THAT QUESTION PRECISELY OR WITH A HUNDRED
9 PERCENT DEGREE OF CERTAINTY BECAUSE WE CAN'T SAY WHY
10 A PERSON REACTS A CERTAIN WAY; PARTICULARLY, CHILDREN.
11 THEY WERE ALSO SCARED. THEY HAD BEEN THREATENED NOT
12 TO TELL, BUT THEY TOLD ANYWAY.

13 VOICE RECOGNITION? THEY TOLD YOU IT WAS
14 SCOTTY MERSON. THEY TOLD YOU HE SAID THESE THINGS.

15 MY RECOLLECTION OF THE TESTIMONY IS THAT
16 ANGELA [REDACTED] DID NOT TESTIFY THAT THE GIRLS WENT IN AT
17 AT THE SAME TIME. MR. EIDE HAS TOLD YOU THAT THAT IS
18 HIS RECOLLECTION. USE YOUR OWN.

19 THE GRANDMOTHER'S TESTIMONY, MISS WILLIE
20 STOCKWELL, IS CONSISTENT WITH THE GIRL'S TESTIMONY, AND
21 IT IS ALSO CONSISTENT WITH THE GIRLS BEING FRIGHTENED
22 BUT AFRAID TO TELL.

23 LITTLE MICHELLE [REDACTED] WAS PERHAPS UNCONCERNED
24 BECAUSE SHE DIDN'T REALLY SEE A LOT OF WHAT WENT ON.
25 PERHAPS, SHE DIDN'T REALLY KNOW THE FULL IMPACT OF WHAT

1 WAS OCCURRING. SHE KNEW SCOTTY MERSON. SHE TRUSTED
2 HIM, PERHAPS, AND DID NOT FEEL COMPLETELY THREATENED
3 WHEN HE LEFT.

4 THERE'S A THOUSAND AND ONE POSSIBLE
5 EXPLANATIONS, LADIES AND GENTLEMEN. WE DON'T HAVE TIME
6 TO GO OVER ALL OF THEM.

7 ANGELA TOLD HER MOTHER AND INVESTIGATOR ROACH
8 WITHIN HOURS AFTER THIS INCIDENT OCCURRED. INVESTIGATOR
9 ROACH DID NOT TELL ANGELA ABOUT THE SEXUAL ABUSE; ANGELA
10 TOLD INVESTIGATOR ROACH.

11 HER MOTHER DID NOT TELL HER ABOUT THE SEXUAL
12 ABUSE. ANGELA [REDACTED] TOLD HER MOTHER. THE GIRLS DID NOT
13 TELL TINA COLE OR ANYBODY ELSE. ANGELA [REDACTED] TOLD HER
14 MOTHER.

15 AND WE HAVE TO CONSIDER WHY. AND THE ONLY
16 REAL REASON WE CAN ATTACH TO WHY SHE TOLD HER IS BECAUSE
17 IT HAPPENED. BECAUSE SHE WAS BEING TRUTHFUL.

18 WE CANNOT ASK OURSELVES WHY SCOTTY MERSON,
19 HE WOULD LEAVE A TRAILER AND DRIVE TO ORLANDO. WE CAN
20 MAKE SOME SPECULATIONS. WE CAN MAKE SOME CONJECTURES.
21 BUT WE CANNOT TELL YOU WHY NOR ARE WE REQUIRED TO DO
22 SO. THE ONLY EVIDENCE THAT YOU NEED CAME FROM THOSE
23 TWO GIRLS.

24 THE LAST THING I WANT TO SAY, LADIES AND
25 GENTLEMEN, AND THEN I'M GOING TO SIT DOWN, IS WE HAVE

1 TALKED ABOUT REASONABLE DOUBT. SOMETIMES THE DEFINITION
2 OF REASONABLE DOUBT IS DIFFICULT TO OBTAIN. IT'S
3 DIFFICULT TO PUT OUR FINGER ON. THE JUDGE WILL READ
4 YOU THE INSTRUCTIONS, BUT I WOULD LIKE TO LEAVE YOU
5 WITH THIS.

6 A GOOD WAY OF LOOKING AT REASONABLE DOUBT
7 IS THINK OF PUTTING A PUZZLE TOGETHER, A JIGSAW PUZZLE.
8 SAY IT'S A PICTURE OF A BEACH SCENE OR A MOUNTAIN SCENE,
9 OR WHATEVER.

10 AND AS YOU'RE PUTTING THE JIGSAW PUZZLE
11 TOGETHER PIECE BY PIECE, SLOWLY BUT SURELY A PICTURE
12 BEGINS TO DEVELOP. AND AFTER AWHILE, EVEN THOUGH
13 PIECES ARE MISSING FROM THAT PUZZLE, EVEN THOUGH THERE
14 ARE STILL HOLES IN THE PUZZLE. WE CAN TELL BEYOND ANY
15 REASONABLE DOUBT WHAT THAT PICTURE IS. AND I THINK
16 THAT'S A GOOD WAY TO LOOK AT REASONABLE DOUBT.

17 MR. EIDE IS QUITE CORRECT, AND AS I TOLD
18 YOU AND ADMITTED TO YOU IN OPENING STATEMENT, DURING
19 JURY SELECTION, IT IS OUR BURDEN OF PROOF. AND THAT'S
20 A BURDEN WE GLADLY ACCEPT. WE WOULD WANT IT NO OTHER
21 WAY. MR. EIDE IS RIGHT; MR. MERSON NEED NOT PROVE
22 ANYTHING ELSE TO YOU.

23 WE WOULD SUBMIT TO YOU, LADIES AND GENTLEMEN,
24 THAT THROUGH THE EVIDENCE OF ANGELA AND MICHELLE [REDACTED],
25 THROUGH THE EVIDENCE THAT SCOTTY MERSON KNEW BOTH OF

1 THEM, KNEW THEM FOR YEARS, KNEW THE LAYOUT OF THE HOUSE,
2 WE DON'T HAVE TO PROVIDE A REASON WHY.

3 BUT ALL WE CAN SHOW YOU IS THAT IT DID
4 HAPPEN. WE DON'T KNOW WHY, BUT IT DID. AND, I THINK
5 THOSE LITTLE GIRLS ARE ALL THE EVIDENCE YOU NEED.

6 IF YOU BELIEVE THAT SCOTTY MERSON IS NOT
7 GUILTY OF THIS CRIME, NOT GUILTY, THEN GO BACK IN THE
8 JURY ROOM AND RETURN SUCH A VERDICT. THAT IS YOUR
9 DUTY.

10 IF THE STATE HAS FAILED TO PROVE TO YOU
11 BEYOND A REASONABLE DOUBT OF THE TWO ELEMENTS OF
12 SEXUAL BATTERY AND THE THREE ELEMENTS OF BATTERY TO
13 YOUR SATISFACTION, TO THE DEGREE OF REASONABLE DOUBT
14 REQUIRED BY LAW, THEN FIND HIM NOT GUILTY.

15 IF YOU FIND THAT ANGELA AND MICHELLE REDACTED
16 ARE LYING. IF YOU BELIEVE THOSE TWO LITTLE GIRLS ARE
17 LYING TO YOU, THEN FIND HIM NOT GUILTY.

18 BUT IF YOU FEEL IN YOUR HEART THAT THEY ARE
19 TELLING YOU THE TRUTH AND ALL THE OTHER EVIDENCE SHOWS
20 SCOTTY MERSON DID INDEED HAVE AN OPPORTUNITY TO COMMIT
21 THIS CRIME -- THE TIME VARIABLES AND THE TIME FACTORS,
22 YES, HE DID HAVE A CHANCE TO DO THIS CRIME, AND THE
23 GIRLS TOLD YOU HE DID -- THEN YOU FIND HIM GUILTY AS
24 CHARGED AS TO BOTH COUNTS, LADIES AND GENTLEMEN.

25 THANK YOU VERY MUCH FOR YOUR TIME.