

1 accordingly.

2 You may consider proof of a witness's
3 prior conviction of a felony or a crime of
4 moral turpitude as affecting his
5 credibility, but it does not render him
6 incompetent to testify.

7 If you believe from the evidence that
8 a witness previously may a statement
9 inconsistent with the witness's testimony
10 at this trial, the only purpose for which
11 that statement may be considered by you is
12 its bearing upon the witness's credibility.
13 It is not evidence that what the witness
14 previously said is true.

15 And, finally, you may infer that every
16 person intends the natural and probable
17 consequences of his act.

18 Mr. Doucette.

19 MR. DOUCETTE: Members of the jury
20 panel, for the last four days, you've been
21 listening to the nightmare on
22 Sussex Street.

23 Back on April the 19th of last year,
24 Niesha Whitehead was sound asleep in her
25 bed, until suddenly she was awakened not by

1 the monster under her bed but by
2 Mr. No Name and Mr. No Name's Friend. And
3 it's that nightmare that you've been
4 listening to for the last four days that
5 shows that the defendant, Leon Winston, was
6 Mr. No Name.

7 Now, ladies and gentlemen, you've
8 listened for a long period of time here,
9 probably twenty minutes or so, as the Court
10 read you the instructions, read you the law
11 of the case. And certainly, if it hasn't
12 been mentioned already, sort of to comfort
13 you in the fact that those instructions are
14 written down and you'll have those
15 instructions to take back with you. You
16 didn't have to commit them to memory as
17 they were being read to you.

18 Those instructions are important.
19 Number one, they're important because that
20 is the law of the Commonwealth of Virginia.
21 It's not the Commonwealth attorney's law.
22 It's not the defense law. It's not
23 anybody's law but the law of the state in
24 which we live. It's the law of our
25 society, and so they're important for that

1 reason.

2 But they're also important because
3 these are part of the tools that you are
4 going to use in the next period of time,
5 whatever time you think is necessary, to
6 determine this case.

7 You know, evidence by itself, pieces
8 of evidence by themselves, a lot of times
9 don't amount to a whole heck of a lot.
10 It's sort of like a brick. A brick is not
11 the same thing as a brick wall. And a
12 number of bricks might not necessarily be a
13 brick wall, they might just be nothing but
14 a pile bricks.

15 But when we're talking about bricks
16 and we add some mortar to them and we take
17 a trowel and with our own hard effort we
18 put them together, we wind up with not a
19 brick here and a brick there or a brick
20 sort of stumbling and tumbling all over
21 each other, we wind up with a brick wall.
22 So it is in many times with evidence.

23 Look at the pieces of evidence as a
24 whole, look at them as a wall, not as
25 individual pieces of evidence.

1 So in the next few minutes, we're
2 going to talk about the tools that you have
3 to work with when you go back into the jury
4 room.

5 Now, as I said, the Court has given
6 you those instructions as far as the
7 elements of each particular crime. There
8 are a number of crimes there. There are a
9 number of elements that are associated with
10 each crime.

11 I don't want to belabor the point in
12 the sense of going over for -- probably
13 literally for hours talking about each and
14 every one of these crimes. I mean, we're
15 talking about case -- of crimes that
16 probably by themselves -- burglary for
17 instance, we'll spend two or three days in
18 law school learning but all the law of
19 burglary. We're not going to go over that
20 today. You have the instructions.

21 A lot of these instructions are very
22 self-evident as far as what the various
23 elements are concerned. So when you look
24 at something your not just going to get --
25 take burglary as a for instance.

1 Burglary requires a break-in, which we
2 certainly have in this case. We have the
3 kitchen door kicked in.

4 Entering, obviously, we have an entry
5 because we have two people inside
6 Niesha Whitehead's home who have killed her
7 parents with the intent to steal. We know
8 we have the intent to steal because we have
9 evidence from Nate Rorls that the defendant
10 took money as well as cocaine.

11 While armed with a deadly weapon,
12 again, very simple. We have two people who
13 have been killed with deadly weapons that
14 these two intruders brought with them.

15 I use that just as a for instance, I'm
16 not going to go over the elements of each
17 and every one of these particular crimes,
18 but I do want to talk about something. And
19 the ones I want to talk about are the
20 capital offenses.

21 Mr. Petty, is going to work on the
22 technical end. Okay, here we go.

23 Capital offense, we have -- the
24 defendant is charged with capital murder.
25 And one of the elements that the

1 Commonwealth must prove is that the
2 defendant killed Rhonda Robinson, and that
3 the killing was willful, deliberate and
4 premeditated, and that the killing was of
5 more than one person as part of the same
6 act or transaction. That's one capital
7 offense with which the defendant is
8 charged.

9 He is also charged with the capital
10 murder -- a second kind of capital murder
11 on Rhonda Robinson, in which we must prove
12 the defendant killed Rhonda Robinson; and,
13 two, as before, that the killing was
14 deliberate -- it was willful, deliberate
15 and premeditated; and, three, that the
16 killing occurred during the commission of
17 attempted robbery.

18 And we have a third kind of capital
19 murder which the defendant is facing, that
20 the defendant killed Anthony Robinson, that
21 the killing was willful, deliberate and
22 premeditated, and, once again, the killing
23 occurred during the commission of robbery
24 or attempted robbery.

25 Now, you notice that willful,

1 deliberate and premeditated is in italics.
2 You have an instruction that tells you what
3 willful, deliberate and premeditated means.
4 And it's in quotes there, because on the
5 instruction -- on the law it's also in
6 quotes as well, because the willful,
7 deliberate -- willful, deliberate and
8 premeditated, three words saying the same
9 thing. What it means is a specific intent
10 to kill adopted at some time before the
11 killing but which need not exist for any
12 particular length of time.

13 Now, ladies and gentlemen, you may
14 recall during the voir dire process, that
15 questioning process during the first day,
16 the defense, for the most part, asked all
17 if not -- most, if not all, of you whether
18 or not you would put us to the test on the
19 issue of willful, deliberate and
20 premeditated.

21 Well, ladies and gentlemen, that's
22 fine. That's part of what we must prove.
23 That's part of our burden. We gladly
24 accept that burden because the evidence is
25 there. The evidence is there abundantly.

1 Note from the instruction need not
2 exist for any particular length of time.
3 What it must be is a specific intent to
4 kill, that the defendant intended to kill
5 Rhonda Robinson, that the defendant
6 intended to kill Pooh Robinson. That
7 intent could have been formed the second
8 before he pulled the trigger. It doesn't
9 mean, as might be suggested to you, that
10 premeditated means going out and plotting
11 and planning for days or weeks in advance
12 before that as far as that specific intent
13 to kill. All it has to do is exist for
14 some period of time, as small as a second,
15 before the actual act is committed.

16 So the Commonwealth, I said to you, we
17 have evidence of abundant as far as the
18 issue of specific intent to kill.

19 Well, how do we know that? How do we
20 know what was going on in the defendant's
21 mind?

22 Well, we can infer that every person
23 intends the natural and probable
24 consequences of their acts. We intend what
25 we do. We do what we intend. Now,

1 sometimes accidents do happen, but you look
2 at the facts and determine whether or not
3 it was intentional or accidental.

4 How about wound number one on
5 Pooh Robinson?

6 Gunshot wound to the back of the head
7 coming out his eye.

8 How about wound number two?

9 Right below his right ear coming out
10 of his mouth.

11 How about wound number three?

12 Grazing his cheek, going down into his
13 chest, going through all the various organs
14 of his body, as described by Dr. Venuti,
15 until she could ultimately find that nine
16 millimeter bullet somewhere in his abdomen
17 area.

18 How about wound number four?

19 A shot to the right shoulder.

20 At what point do you suppose the
21 defendant is delib -- he's got the specific
22 intent to kill?

23 He's squeezing the trigger over and
24 over and over again.

25 What's the natural and probable

1 consequence of aiming a gun at somebody and
2 pulling the trigger repeatedly, over and
3 over again? What's the natural probable
4 consequence?

5 That you intend to kill him.

6 How about wound number five?

7 This is the shot to the lower abdomen.
8 This is the shot that Dr. Venuti told you
9 had the stippling around it. This is the
10 shot that Dr. Venuti told you was somewhere
11 in the range of less than twenty-four
12 inches.

13 So not only do we have a firing of
14 shots over and over and over again into
15 Pooh Robinson, but we have shots fired from
16 a close distance, within twenty-four
17 inches.

18 How about wound number six?

19 A shot in the back, left shoulder.
20 Nine millimeter bullet recovered from wound
21 number six, as well.

22 How about shot number seven?

23 Through the right thigh.

24 Again, now we have nine shots --
25 excuse me -- seven shots. And I'm not even

1 going to show you this picture of wound
2 number eight, because wound number eight,
3 the one to the base of the penis that came
4 into his left thigh, that was a
5 thirty-eight that was recovered from that
6 particular shot. So not even counting
7 that, we have seven shots fired over and
8 over and over again.

9 When do you suppose the specific
10 intent to kill was formed?

11 I submit to you that it was on the
12 first shot, because the first shot was
13 followed by a second shot, by the third
14 shot, by the fourth shot, by the fifth
15 shot, by the sixth shot, by the seventh
16 shot, boom, boom, boom, boom.

17 What did Carrie Wirges say?

18 She heard a number of shots in
19 succession.

20 What is the natural and probable
21 consequence of pulling a trigger of a gun
22 pointed at close range at a person?

23 You intend to kill them.

24 So when the defense challenged us, if
25 you will, at the time of voir dire to say,

1 okay, hold the Commonwealth to proving that
2 the killings were willful, deliberate and
3 premeditated, ladies and gentlemen, we've
4 proved that in spades.

5 Oh -- before you put the cap on --
6 that's wound number seven.

7 Let's talk about Rhonda.

8 Wound number one, shot to the head,
9 nearly blew her brains out. Didn't quite
10 go through the skull, but a shot to the top
11 of the head coming right back out.

12 How about wound number two?

13 Shot to the chin, right in the face.
14 And because her chin was tucked in such a
15 fashion, it went through her chin and into
16 her neck, through her heart and down
17 through her body, going out her back.

18 How about wound number three?

19 To the back of the neck, coming out
20 the front.

21 These three shots taking place after
22 Pooh Robinson is killed on the steps, does
23 the defendant have a specific intent to
24 kill then?

25 Ladies and gentlemen, after firing all

1 those shots at Pooh Robinson, he's now
2 fired three shots at close range at
3 Rhonda Robinson as she's fleeing with her
4 children because he doesn't want any
5 witnesses.

6 What's his intent there?

7 His intent is the natural and probable
8 consequence to his act of firing multiple
9 shots at a person from close range.

10 What's the proof that the defendant
11 did it? What's the proof that he was
12 Mr. No Name?

13 Well, we know from Niesha that both
14 men that were in her house, both in her
15 house, both Mr. No Name and Mr. No Name's
16 Friend were black males.

17 The defendant is a black male.

18 We know from Niesha that the -- one of
19 the men that was in her home had a tattoo
20 of a dog on his arm.

21 We know from Investigator Gearhardt,
22 going over to take a picture of the
23 defendant, that the defendant has a
24 picture -- or excuse me -- a tattoo of
25 dog-like animal on his arm.

1 We know from Niesha that both men were
2 wearing black.

3 We know from Tranika Turner that the
4 defendant was wearing at least a dark, a
5 navy blue, very black-looking sweatshirt
6 when she picked him up a short time later
7 at the carwash.

8 We know from Dewanna Jones that this
9 same blue -- navy blue, dark sweatshirt was
10 the bag -- one left in the bag in her
11 closet.

12 And just to tie it up just even a
13 little more tightly to the defendant, when
14 the defendant is arrested, he has in his
15 possession or at least leaves in Tranika's
16 house a set of keys, one key that matches
17 Dewanna Jones' apartment and one that
18 matches Robin Wilson's apartment next-door.

19 What else do we know?

20 We know from Niesha that there were
21 two. It wasn't just one black male, it was
22 two black males.

23 What do we know from the evidence?

24 We know that during the course of that
25 night that the defendant was together with

1 Kevin Brown. And we've seen pictures of
2 Kevin Brown, and Kevin Brown is a black
3 male, as well.

4 What else do we know that puts the
5 defendant together with Kevin Brown, that
6 puts him -- that corroborates with what
7 Niesha has to say?

8 We have that trail running up
9 Westover Boulevard. We have the
10 thirty-eight, we have the doo rag, we have
11 the bandanna, we have the gloves all strewn
12 about Westover Boulevard.

13 And how do we know that those are
14 associated with this particular case?

15 Well, the thirty-eight matches up by
16 ballistics tests to the bullet that was
17 found in Pooh Robinson's left thigh. We
18 know that the doo rag has the DNA on it of
19 Kevin Brown. We know that the gloves have
20 the DNA of Kevin Brown, the defendant and
21 David Hardy.

22 We know from David Hardy that the --
23 that Kevin Brown had borrowed those gloves
24 several days later [sic].

25 We know from Carrie Wirges that a

1 person that she described running up
2 Westover Boulevard was holding onto his
3 pants, but she described him as being a
4 black male with a black top running very
5 quickly up Westover Boulevard, matching the
6 description that what we saw in the
7 7-Eleven video.

8 We have Tim Smith, who says that
9 Kevin Brown and another black male were
10 with him in his cab a short time before the
11 killings took place. They had gone over to
12 Sussex Street. They had gone over and
13 shook the windows there or checked the
14 windows to see if anybody was home and then
15 went over 7-Eleven where Kevin Brown was
16 caught on videotape.

17 We have the testimony of
18 Michelle LipFord, who knows both the
19 defendant and Kevin Brown, who says that
20 she took them over there not once but
21 twice, once going over to 410 Sussex Street
22 and having nobody be home and going out --
23 back and going to the 7-Eleven where we see
24 Kevin Brown on the video again, going back
25 to her home and then going back to

1 Sussex Street, where she lets them out and
2 they disappear, and she hears shots.

3 So we know that the defendant was
4 together with Kevin brown that whole night.

5 We also know from Niesha that the two
6 men had guns. And to back that up, we have
7 Robin Wilson.

8 Keep in mind Robin Wilson, who really
9 doesn't know the defendant well, but the
10 defendant leaves his nine millimeter Glock
11 lookalike with Robin Wilson to hold, his
12 nine millimeter Glock lookalike that he
13 calls Robin Wilson after his arrest to say:
14 Do you still got it? Are you still holding
15 it?

16 That nine millimeter that later is
17 matched up as the murder weapon.

18 And in addition to that, we have
19 Nate Rorls saying: I saw the gun. It
20 looked like a Glock.

21 Let's talk about Nate Rorls.

22 Nate Rorls, you remember, is this
23 fellow from the D.C. area, who's been
24 charged by the federal authorities. He has
25 a long time that he's facing. He does not

1 want to face that particular fourteen-year
2 sentence that he talked about. And so he's
3 doing what he can to cooperate with law
4 enforcement.

5 Now, I'm sure the defense is going to
6 get up and say, ah, he's just a snitch.

7 But he is -- can only tell what he
8 knows. And what he knows is corroborated
9 not by what he might wish it to be, but by
10 the hard facts of this particular case.
11 And the reason that Nate Rorls knows about
12 this is because it was told to him by the
13 defendant, a person who has been -- he has
14 been introduced as as brothers. They're
15 close.

16 But what the defendant did, what
17 Leon Winston did, on Sussex Street on the
18 night of the 19th of April goes beyond the
19 bounds of brotherhood. The cold-blooded
20 killing of two individuals is way beyond
21 anything that is covered by brotherhood.

22 What does Nate Rorls tell us?

23 He tells us that the defendant calls
24 him and says I slumped two people.

25 Slumping means killed.

1 Yeah, sure, right. Yeah, come on.

2 Yeah, that's just -- you're just bragging a
3 little bit, right? Right, Leon? Right,
4 Toot -- Tootee? -- I guess is what he was
5 called by Nate -- you're just bragging?

6 No, man. I slumped two people.

7 And he gets up there, he being the
8 defendant, gets up there to Woodbridge the
9 next day, and he goes to see Nate Rorls at
10 that house.

11 And Nate tells you that when he shows
12 up, he's with a girl.

13 And what does Tranika tell us?

14 Yeah, I was with him. In fact, I met
15 Nate -- Nathan she called him. I met
16 Nathan, just a short period of time, went
17 back out in the car.

18 What else does Nate tell us?

19 There were kids in the car, three
20 kids, the girls, two kids, and the
21 defendant's daughter.

22 And what does Tranika say?

23 Yep. I had two of my kids with me,
24 and we picked up the defendant's daughter.

25 Nate says it was in a Pontiac -- she

1 was in a Pontiac.

2 That's what she says Pontiac.

3 Nate says Tranika was introduced to
4 me, and I was introduced to her as
5 Leon Winston's brother, even though I'm
6 really not.

7 And what Tranika say?

8 You know, when I met Nathan, he was
9 introduced to me as my brother -- as Leon's
10 brother.

11 Well, Nate goes on and he tells us
12 that the defendant at that point starts
13 telling him what happened. And he says,
14 well, me and dude -- or me and my
15 codefendant, we killed Pooh -- or Pooh
16 Bear, he says, and, of course, we know that
17 Anthony Robinson's nickname is Pooh, and
18 some woman.

19 Of course, obviously from what you've
20 listened to for last four days, we know
21 that to be the case.

22 Nathan tells us she was pregnant.
23 Dr. Venuti confirms that.

24 Nate tells us the defendant told him
25 that his codefendant chased Pooh down the

1 stairs.

2 Well, how do we know that happened?

3 We've got a thirty-eight caliber
4 bullet that's in the speaker downstairs,
5 not upstairs downstairs, just like -- just
6 as Nate said.

7 We've got Nate saying that they --
8 that the codefendant shot Pooh in the
9 stomach.

10 Wound number eight, the base of the
11 penis out the scrotum and into the left
12 thigh, that's -- stomach.

13 Nate says that Pooh then ran up the
14 stairs yelling we're being robbed. Nate --
15 or excuse me -- Pooh's body is on the
16 stairs. Nate says at that point the
17 defendant told me he shot Pooh in the chest
18 and in the upper body, in the head.

19 Yeah, that's what Dr. Venuti said.

20 Nate says the defendant told him he
21 used a Glock, showed him the gun.

22 Gun was recovered, Glock lookalike.

23 Nate says the defendant told him that
24 he fired a number of shots, fired multiple
25 shots.

1 Yeah. Not only do we have that from
2 Dr. Venuti, we have that from all the shell
3 casings and the bullets recovered at the
4 scene and from the bodies.

5 Nate says that the defendant told him
6 that he took money and cocaine.

7 Yeah. Well, there's some leftover
8 money there, there's some leftover cocaine
9 in the house, and the defendant showed him
10 his share of the money and showed him his
11 share of the cocaine.

12 Nate tells us the defendant told him
13 that will he, Leon Winston, killed the
14 woman to leave no witnesses after killing
15 Pooh Robinson, which is the sequence just
16 as Niesha described it.

17 But, ladies and gentlemen, we don't
18 stop with just all the matches as far as
19 the physical evidence is to what Niesha had
20 to say. We don't stop with just what
21 Nate Rorls had to say the defendant told
22 him. We have science. We have hard, cold
23 intellectual science.

24 David Gibbs testified yesterday that
25 the thirty-eight revolver that was

1 recovered, he compared that to bullets one
2 fifteen and three hundred. Bullet one
3 fifteen is a bullet that's recovered from
4 the speaker downstairs at
5 419 [sic] Sussex Street. And Mr. Gibbs
6 said that the bullet that was recovered
7 from that speaker was fired from that
8 thirty-eight revolver.

9 Mr. Gibbs also compared that
10 thirty-eight revolver with the thirty-eight
11 caliber slug that was taken from
12 Pooh Robinson's body, and he says that the
13 slug that was taken from Pooh's body was
14 fired from the thirty-eight caliber
15 revolver, once again tying Leon Winston
16 with Kevin Brown.

17 But, of course, that's not the only
18 gun that's compared. We've got the nine
19 millimeter that was recovered from Robin
20 Wilson that the defend -- that Robin Wilson
21 said was given to him to hold by the
22 defendant. And we have Mr. Gibbs comparing
23 that with bullets three-o-one and
24 three-o-two, bullets that came from
25 Pooh Robinson's body.

1 We also have Mr. Gibbs comparing the
2 nine millimeter with the shell casings that
3 were fired and recovered throughout the
4 house. Bullet three o-one and -- excuse
5 me -- which is from wound number six and
6 bullet three-o-two, which is from wound
7 number three on Pooh Robinson, were fired
8 from the nine millimeter that was recovered
9 from Robin Wilson's apartment that
10 Robin Wilson said the defendant gave him to
11 hold.

12 And the shell casings that were found
13 strewn about the house at 419 [sic]
14 Sussex Street were fired from the nine
15 millimeter handgun that was given by the
16 defendant given to Robin Wilson to hold.

17 And then we have Nicole Harold.

18 Now, Ms. Harold is the DNA expert, and
19 she talked about not just the gloves, which
20 are Item Number 200, as the young lady who
21 talked today did. She talked about a
22 number of things. She talked about the DNA
23 from the gloves as Item 200. She talked
24 about DNA from the black bandanna. She
25 talked about the DNA from this jacket right

1 here. And she talked about the DNA from
2 the nine millimeter handgun.

3 Now, as far as the gloves are
4 concerned, the gloves that are found at the
5 scene, she said there's a mixture there,
6 and some of the stuff in there is weak.
7 And she said that -- based on the matches
8 that she was able to find and the profiles
9 that she was able to develop and the
10 program that she ran it through, she said
11 that the odds of finding a random match
12 unrelated to the defendant, just finding
13 someone randomly that had those same
14 characteristics and those same loci, is one
15 in one point one billion in the black race.

16 Now, the young lady who came in today
17 and testified for the defense said that, no
18 she used the wrong calculations. No,
19 the -- the odds should be one to one
20 hundred and ninety-five.

21 Well, ladies and gentlemen, one to one
22 ninety-five sounds pretty certain to me.
23 One -- it's not one to one point one
24 billion, but one to one ninety-five sounds
25 real good.

1 Now, is it beyond a reasonable doubt?

2 That's for you to decide. But we
3 don't stop at 200.

4 The defendant's DNA is on the black
5 bandanna that's found going up Westover.

6 Now, it was -- there weren't any
7 calculations for that because of the other
8 calculations that she -- Ms. Harold
9 provided us.

10 The DNA that's found on four-o-three,
11 the DNA that is found on four-o-three she
12 testified is consistent with that of the
13 defendant, Leon Winston. And the degree of
14 probability that you'd find someone
15 randomly with those same characteristics at
16 the same loci would be one and greater than
17 six billion, which is approximately the
18 population of the world, may very well be
19 in the quadrillions or sextillions or
20 numbers that she said that I've never even
21 heard of, but there's no sense in going
22 past six billion because there's only
23 approximately that many people in the
24 world.

25 And she talked about the DNA that she

1 found on the pistol grip of the nine
2 millimeter, Item Number 400, from the skin
3 cells that came from this particular grip.
4 And she testified that, number one, when
5 she was able to recover the skin cells from
6 the grip of this pistol, there was no
7 mixture. On some of the other items,
8 especially on those gloves, it was a
9 problem because it was a mixture and she's
10 trying to figure out whose it was. But
11 here, on this gun, there is no mixture.
12 And she developed a profile of the DNA
13 that's on this gun, and she developed the
14 profile of the defendant.

15 And, ladies and gentlemen, what did
16 she find?

17 In the FGA locus, the value was
18 twenty-two twenty-two. In the FGA locus
19 from the nine millimeter gun, it was
20 twenty-two twenty-two.

21 In the TPOX locus, Leon Winston, it
22 was inconclusive. On the nine
23 millimeter, it was inclusive.

24 D eight S one one seven nine from
25 Leon Winston, a fourteen and a fourteen.

1 Nine millimeter gun, a fourteen and a
2 fourteen.

3 The VWA locus, Leon Winston, sixteen
4 sixteen. Nine millimeter gun, sixteen
5 sixteen.

6 I'm going to try to give it my best
7 shot. Amelogenin -- amelo whatever it is,
8 the locus, XY. Nine millimeter, XY.

9 Penta E, Leon Winston, twelve fifteen.
10 Nine millimeter, twelve fifteen.

11 D one eight, S five one, Leon Winston,
12 fifteen fifteen. Nine millimeter, fifteen
13 fifteen.

14 D two one, S one one, Leon Winston
15 thirty-two point two. Nine millimeter,
16 thirty-two point two.

17 TH zero one, THO one, Leon Winston,
18 seven seven. Nine millimeter, seven seven.

19 D three, S one three five eight,
20 Leon Winston, sixteen sixteen. Nine
21 millimeter, sixteen sixteen.

22 Penta D, Leon Winston, inclusive.
23 Nine millimeter, inclusive.

24 CSF one, PO, inclusive on
25 Leon Winston. Nine millimeter, inclusive.

1 D one six five five three nine,
2 Leon Winston, nine nine. Nine millimeter,
3 nine nine.

4 D seven S eight two zero,
5 Leon Winston, nine ten. Nine millimeter,
6 nine ten.

7 D one three S three one seven,
8 Leon Winston, eleven twelve. Nine
9 millimeter, eleven twelve.

10 D, looks like five -- this is like a
11 reading class or eye exam -- D five S eight
12 one eight, Leon Winston, eleven twelve.
13 Nine millimeter, eleven twelve.

14 The odds that we randomly find
15 somebody with those same matches at the
16 same loci is one in greater than six
17 billion, which is the world population.

18 Ladies and gentlemen, as I said to you
19 when I began, it's now time to take the
20 bricks and the mortar and the trowels and
21 put the wall together. We submit to you
22 that that wall has already been built for
23 you, that you have been given all the
24 evidence that you need to go back into the
25 jury room and say without any shadow of a

1 doubt Leon Winston is Mr. No Name.

2 Ladies and gentlemen, it's the old,
3 saying, it goes back two hundred and some
4 years, it goes: Evil triumphs when good
5 men do nothing. Evil triumphs when good
6 men do nothing.

7 Ladies and gentlemen, you have the
8 tools today through the efforts of the
9 Lynchburg Police Department and other
10 agencies, during course of these last four
11 days, we have given you the tools to go
12 back into the jury room and come back with
13 only one guilty -- one verdict that is
14 supported by the evidence, not supposition,
15 not guessing, but the hard, cold facts that
16 have seen the light of the day. And that
17 one verdict is, Leon Winston, you're
18 Mr. No Name.

19 Thank you.

20 THE COURT: Thank you, Mr. Doucette.
21 Mr. Drewry, Mr. Berger.

22 MR. BERGER: Thank you, Your Honor.
23 Good afternoon ladies and gentlemen.

24 I appreciate your patience.

25 The Commonwealth is asking you to

1 explain.

2 But we know that the defendant told
3 him the type of gun that was used, the
4 Glock lookalike.

5 No less this
6 man told *Robert Brown*

7 We quence of
8 events t nt with
9 what act se,
10 because tter than
11 Niesha, her
12 mother m out --
13 the defe *Robert Brown* about Brown
14 running downstairs shooting the man in the
15 groin coming upstairs and then having to
16 shoot Rhonda because he wasn't going to
17 leave no witnesses. And that is what fits
18 with the facts.

19 THE COURT: You need to wrap it up,
20 Mr. Petty.

21 MR. PETTY: Thank you.

22 The one witness that they did present
23 with some credibility was the lady that
24 testified about the DNA.

25 And I asked her, you remember: You

1 agree with everything else Nicole Harold
2 said except whether the probability is a
3 hundred percent or ninety-seven point five
4 percent?

5 She said yes, I did.

6 That means that she agrees that his
7 DNA is on that gun.

8 Now, ladies and gentlemen, when I
9 started talking with you several days ago
10 about this case, I told you about Niesha.
11 And I told you about Niesha being in that
12 closet holding the door tight, scared. And
13 we talked about how she finally worked up
14 the nerve to leave that closet with her
15 younger sister and how she stepped over the
16 body her mother and how she walked down
17 those steps and had to step over the body
18 of her stepfather, seeking help. And she
19 sought help.

20 The police department came, and the
21 police department began an investigation,
22 and she got help. And they brought that
23 evidence to us, and we tried to help her.
24 And now we have presented that evidence to
25 you, and we ask you to help her.

1 Ladies and gentlemen, at this point
2 the evidence in this case calls out for
3 justice, for justice for Niesha and her
4 sister. The evidence calls for the
5 conviction of this man sitting right here
6 for that willful, deliberate and
7 premeditated murder of the parents of these
8 two kids. That must be your verdict if
9 justice is to be done.

10 Thank you.

11 THE COURT: All right. Ladies and
12 gentlemen, that concludes this stage of the
13 trial. It's time to turn it over to you.

14 I suggest the first thing you do when
15 you get back in the jury room is to select
16 one of your number to preside over your
17 deliberations, and then in a business-like
18 manner consider the Court's instructions
19 and the evidence. I remind that your
20 verdict must be unanimous on each count.

21 We have a number of counts, and I'm
22 going to go over them just briefly with
23 you. We've got three counts of capital
24 murder, and you'll have three verdict forms
25 with respect to each of those counts. One