

1 that they look like they were tossed. They don't  
2 look like they were just neatly put down here.

3 And you can look at this picture really  
4 close if you want to. You can see the blood on the  
5 scissors. You know the scissors were the murder  
6 weapon.

7 You know that Clayton Dicks was stabbed  
8 because you heard that from the medical examiner.  
9 And you know that he was stabbed with a blade that  
10 had one side that was blunt, and one side that was  
11 sharp, the type of blade the scissors would be.

12 You can see there is an edge here, and  
13 then of course there is the blunt. A lot of knives  
14 are sometimes on the blunt side, but not as much.

15 We also know that the scissors were  
16 missing from the cash register because they had  
17 been there earlier. And of course more than that,  
18 we know that there is blood on these scissors, that  
19 the blood is in an area that you could expect it to  
20 be if somebody had been stabbed, and you know that  
21 the blood is Clayton Dicks.

22 You know from the DNA analysis that this  
23 blood is Clayton Dicks' and that the chances of

1 this blood being anybody else's is more than the  
2 world's population.

3 And if you look down at the chart, once  
4 we get out the DNA chart, you can see it for  
5 yourself when you look at Clayton Dicks' blood here  
6 and the scissors, it matches all the way down the  
7 line. So it is obvious that the scissors were the  
8 murder weapon.

9 And the fact that they were found there  
10 on the path that goes over to Kemper Road, which is  
11 Warren's house, is significant at that point.

12 He said he discarded it nearby, and that  
13 is exactly where you found them. It is on the path  
14 that goes right over.

15 And you also know one other thing, and  
16 that is that he arrived at Warren Grant's right  
17 after this murder.

18 There is another stain on these scissors,  
19 and this is not a big deal. This is not a major  
20 clue, but it is something that you need to consider  
21 as well.

22 The second stain on the scissors, which  
23 is in the area of where somebody would be holding

1     them, as you heard from Carol Palmer -- and I want  
2     to point out to you that the A and Bs on here are  
3     not the same as the A and B stains. These are just  
4     sides. She was talking about down here, in this  
5     area here.

6             But there was a mixture of DNA on these  
7     scissors. And you know that there was a little  
8     tiny bit of DNA that does not belong to the victim  
9     in this case. The victim's DNA is definitely on  
10    there, but there is another little tiny part that  
11    does not belong that is on this table.

12            And we know that it is a mixture, and we  
13    know that mixtures frequently are made by fluids.  
14    So there is the blood from the victim, and then  
15    there is some other body fluid. It could well be  
16    sweat, for instance.

17            But what you know is that when the  
18    defendant arrived at Warren Grant's house, both  
19    Warren Grant and Delores Harris noticed he was  
20    sweating, and that was just minutes before he would  
21    have discarded those scissors, which was just  
22    minutes before he had stabbed Clayton Dicks with  
23    them.

1           Now, nobody could say yes, this is  
2 definitely the defendant's DNA. But you will  
3 remember -- and this is why it is important -- that  
4 the goal of DNA analysis is to exclude people from  
5 being the contributors of the DNA.

6           And what was on there was just one little  
7 piece, and it told you that there was an allele  
8 number 17. And what you know is that the defendant  
9 has an allele number 17.

10           Robin Lovitt cannot be excluded as the  
11 person who left the sweat on those scissors. And  
12 that is just one more circumstance for you to put  
13 in with the fact that he was sweating when he got  
14 over there at the house and that these scissors  
15 were discarded in the area that he would have been.

16           Blood on the jacket, that's another  
17 circumstance for you to consider. José and Carlos  
18 both told you the murderer had on a jacket. They  
19 said it was a blue jacket, a dark jacket. And you  
20 can see the jacket in the Polaroid.

21           You know the defendant had on this jacket  
22 on the 24th of November. You know it's his jacket.  
23 And he had told Detective Hanula that he had been

1 wearing all of those clothes except for the shoes  
2 for the past few days.

3 Now, he told Officer Ferrone, I wasn't  
4 wearing that jacket at the time it occurred, and  
5 that gets to be another matter of significance.

6 The defendant was concerned obviously  
7 about blood on his clothing. He told Casel Lucas  
8 that he was concerned about blood on his clothing,  
9 that he changed some of his clothing, and he  
10 mentioned particularly a T-shirt. And he said that  
11 there was blood on the stomach area.

12 I'm not going to pick up the jacket  
13 again, but if you want to look at it, you will  
14 notice that there were cut out pieces of where the  
15 DNA was on the jacket, and that is where the blood  
16 spots were. And it was right there on the stomach  
17 area.

18 But of course it's a dark jacket. He  
19 probably didn't notice it in the beginning. But by  
20 the time it was about to be collected, the thought  
21 went through his mind, Well, I wasn't wearing that  
22 at the time, and that's what he told Detective  
23 Ferrone. And sure enough, that jacket had blood on

1 it.

2 Now, I realize she can't tell you much  
3 about the blood, and she told you why, because  
4 somehow the dye or whatever was masking it. But  
5 you know do that in fact there was blood on it.  
6 And you know one other thing, he changed his shoes.

7 Now, we know that because he told  
8 Detective Hanula, I was wearing all of this except  
9 these shoes, and there was kind of a joke about  
10 these brown shoes. And I suppose the joke was that  
11 it just didn't fit the rest of the outfit that he  
12 had on.

13 Now, why would he be concerned about his  
14 shoes? Obviously he would be concerned about his  
15 shoes if he got blood on them when he kicked the  
16 victim after he stabbed him or that he stepped in  
17 some of the blood there.

18 And the only thing you know about shoes  
19 that he had on that night are from two people.  
20 Nobody mentioned his shoes that night except two  
21 people, Misty and Andre. And both of them noticed  
22 that he had on hiking boots, and these sure aren't  
23 hiking boots.

1           So not only did he tell the police that  
2 he changed his shoes, but it's obvious that he had  
3 changed his shoes because they were not the shoes  
4 that people noticed earlier.

5           So he definitely had a concern about  
6 blood being on his jacket. And that is why he told  
7 Officer Ferrone what he told him.

8           So you have got two things, Clayton Dicks  
9 was killed, and he was killed by Robin Lovitt, when  
10 you put all of this together.

11           And that brings us to whether it was  
12 willful, deliberate and premeditated. And again,  
13 remember, that can be made in a very short period  
14 of time.

15           You know the defendant went in there to  
16 steal. He also knew it was a 24-hour  
17 establishment. It's not that he picked a place  
18 that was closed. He didn't burglarize some closed  
19 place to steal. He picked a place that he knew  
20 where people would be.

21           Specifically Clayton Dicks. He knew he  
22 would be there, and he knew he would be there  
23 alone. That's what he told Casel Lucas, and he was

1 Columbia Pike.

2 Q And when you did so, can you describe his  
3 condition?

4 A He appeared to be very nervous on that  
5 particular morning.

6 Q Why do you say that?

7 What did you see?

8 A He had parked a 1984 gray Prelude in the  
9 rear parking lot behind the 4010 apartment,  
10 Columbia Pike.

11 Q Did you approach Mr. Lovitt at that time?

12 A Yes, I did.

13 Q And after speaking to Mr. Lovitt, did you  
14 find something of his?

15 A Yes. I asked Mr. Lovitt if I could  
16 search his car. He told me yes.

17 Q And did you search his car?

18 A Yes, I did.

19 Q What did your search reveal?

20 A I found a long kitchen knife on the  
21 passenger side of the floor of the vehicle.

22 Q Did you ask Robin Lovitt about it?

23 A Yes, I did.