

Deputy Maricopa County Attorney Juan Martinez's Closing Arguments at the Jodi Arias Trial

Full texted version sans timestamps

Transcribed by Robert Frank

9/1/13

This individual, the defendant, Jodi Ann Arias, killed Travis Alexander. And even after stabbing him over and over again, and even after slashing his throat from ear to ear, and then even after taking a gun and shooting him in the face, she will not let him rest in peace. But now, instead of a gun, instead of a knife, she uses lies. And she uses these lies in court when she testified to stage the scene for you just like she staged the scene for the police after she killed Mr. Alexander.

And this woman who would stage the scene has even attempted to stage the scene through the use of the media. She has courted the media, she has gone on national television. You've seen programs, and you've seen some of the, her words to the media. She has also attempted or gone out in search of the limelight. She has signed a manifesto just in case she becomes famous.

And to top it all off, she has indicated that she is innocent, that no jury will convict her, that none of you will convict her after she has staged the scene for you. Well, she is an individual, as you have seen, who has craved the limelight. So it seems that it is only fitting that this individual, that has craved the limelight, it is really only fitting that she now bask in a different kind of light - the light of truth. And in the light of truth, you can see who she really is. She's an individual who is manipulative.

This is an individual who wants to play the victim even though there is no abuse as you heard from those that know her. She's an individual that, according to her own statements and in an email on Valentine's Day of 2007 to Mr. Alexander, said that she was destructive. She's the individual that talked about what she did to doors, what she did to windows. And she's an individual who does not appear to be very nice to her mother because she lashes out at her and strikes her physically.

Additionally, when the light of truth is shining on her, she is somebody who is just an individual that manipulates people. That, for example, when she's speaking to Mr. Alexander during that fateful May 10th, 2008, conversation that she talks about her sister and says how dumb and stupid her sister is. This is an individual who is manipulative. This is an individual who will stop at nothing and will continue to be manipulative and to lie at every turn and at every occasion that she has.

One of the examples is the issue of the gas cans. She indicated to you from the witness stand and looked at each and every one of you after having taken the oath and said, "Yeah, I bought the gas can alright, and I bought it from the Salinas Walmart. I did buy it from the Salinas Walmart, but you know," after being questioned by the prosecutor, " you know, I took it back, and I received cash." Yet, you heard from Amanda Webb, the individu...or the woman who works for Walmart, checked each and every single register, even those that were not geared to give refunds, checked each and every single register. And each one of those registers indicated, "No, there had been no such refund."

And then, of course, you have the confirmatory action in Salt Lake City, after first indicating that, "No, I've never been in Salt Lake City. I've never put gas in Salt Lake City." But you saw the receipts that she had, and not only had she put gas into her car in Salt Lake City, she had two other transactions, one for 5.09 gallons of gas and then one for slightly under 10 gallons of gas. She looked at each and every one of you, this person, and attempted to manipulate you.

Well, this individual, that attempted to manipulate you, believes, based on what we've heard, that even though she may have engaged in actions, she may have done certain things, none of that, absolutely none of it, is her fault. Why could it possibly be her fault? If you look back at her history, which is the important part of it, involving her relationships with men, what do you see? Well, even when she was young, she had this personality of manipulating the facts. Back when she was with Bobby Juarez, what did she tell you about it?

"This was an individual that was unfaithful to me. How could he be so unfaithful to me when I've done so many good things for him? I've tried to buy him clothing. I bought him food. I even lived in a trailer that was so bad that it was infested. Never mind that the reason that I moved there was because I was skipping school. No, that wasn't my fault at all. No, no, no, I was doing this for Bobby, and how does he repay me even though it wasn't my fault?"

Well you know what, he goes and he talks, not talks, he sends letters to another woman over the internet. And it isn't her fault that she found out about it, of course not. How could it be her fault that she found out about it if the library doesn't have enough security attached to that particular computer to have some sort of device attached to it so that somebody can't come along and just hit that backspace button so that whoever was using it before, maybe one, or two, or three, or four people before that, somebody can just come along and hit that backspace button? It is eerily reminiscent of what she told you happened in February of 2007 after she and Mr. Alexander began dating that she went on to his computer and began to hit that same backspace button. It's not her fault that computers have not been improved since the '90's or the 2000's such that you can't stop hitting that backspace button. It's not her fault that that happened, of course not.

That's what she told you from the witness stand. And so, according to her, she hits the backspace button, and there it is, this conversation between Bobby Juarez and somebody else. But that's not her fault. But if you remember how aggressively she reacted to that, nobody was going to do anything to hurt, or nobody was going to be putting her or slighting her or putting her in a position of feeling inferior if you will. She immediately went to Bobby Juarez and did something about it.

There is a pattern because the same thing happened with regard to Matthew McCartney the person that she jumped to after she and Bobby Juarez started to have problems. And I do say "jumped to" because when she was dating Bobby Juarez, he moved away to Oregon, and when he moved to Oregon, he started living with a guy by the name of Matthew McCartney. And when this thing soured with Bobby Juarez, she immediately went with Matthew McCartney. And in terms of that relationship, the reason that that broke up, it's not her fault, just like it with...wasn't her fault with regard to Bobby Juarez. It wasn't her fault at all that she had these issues with Matthew McCartney. No. How she can't help it if she is a good worker. She can't help it if she's working as a waitress, and people come by when she's working as a waitress and try to tell her things about her boyfriend, Matthew McCartney. She can't help that. That's what she wants you to believe.

And again, isn't that reminiscent of what happened involving Mr. Alexander? It seems that this is cyclical, and it seems that the story repeats itself, and it repeats itself because she's lying. And it repeats itself because she's trying to manipulate you through all of the days that she spent talking to you from the witness stand after she had taken an oath.

Well, she gets to the point where she moves to Cal...Palm Desert in California to be with an individual by the name of Darryl Brewer. And of course, when she's there with Darryl Brewer, it's not her fault, again, that relationship is souring. No, not at all. It's not her fault because, well, Mr. Brewer doesn't want to marry her. What's a girl to do? It's not her fault. She's got to look for another guy. And it appears that he doesn't want to have any kids and she does. And so again, it's not her fault. How could it possibly be her fault that somebody has free will? Absolutely not her fault; that's what she tried to tell you.

But resourceful as ever, resourceful as she's always been, this person who is manipulative, she starts

looking around for somebody else and decides that perhaps those boys from the Mormon faith are a pretty good catch because those boys they have a lot of family values, and these boys think work, they seem to be very successful; they just seem to have everything that she desires in a husband so that she can breed. And so what she decides to do is to look for one of those boys, and to Travis Alexander's misfortune, he was that boy. And he was that boy back in September of 2006 when he was at this PPL convention, the yearly convention. Yes, he is the individual that went up to her, and they began to talk. And such was...are that the way...such is the way that things began between the two of them. She wanting to find a boy just like him because she had an ulterior motive. She wanted somebody that was Mormon. She wanted somebody that she...could give her a child. And so this seemed like the perfect catch for her.

And, although she tells you that, well, he kinda was the person that pushed her in this relationship, and that he was the individual that somehow was this person who was so sexually interested in her. And oh, by the way, she wasn't that...it's not her fault that any of this happened. Of course none of it is her fault. It never occurred to her that in the lexicon of the English language there's a word. It's called "no", that you can use when you don't want to do something. And yet you can then take the witness stand, however, and say, "Well, I do know that word but just chose not to use it. But it's not her fault. Again, it's not her fault. It's Mr. Alexander's fault for being interested in her, don't you see? Can't you all see, based on those days and days that she was on that witness stand, that it isn't her fault? She was thinking no, or at least that's what she told you, this person who told you also about the gas cans. Over and over again, she kept saying with regard to each and every single repetitious sexual act, with regard to each and every one of them...goes..., "No. I was thinking no." Really? That's exactly what you were thinking? Did you ever communicate that to him? "No." This from a woman who is manipulative. This from a woman who pretends to be the victim even though there is no abuse.

And so throughout this early part of the relationship, which some would call "the honeymoon portion," during this part, it appears that they do what two people that are young that are involved in a relationship do. They engaged in relations. But there's this finger pointing aspect to this relationship, as portrayed by the defendant. Can't point the finger enough at Mr. Alexander. Can't point the finger enough at the fact that, you know, he's a bad Mormon because he's having sex with me..If he's such a bad Mormon, then why stay with him? You're the one that chose him. If he's such a bad guy, why are you hanging out with him? And to compound things, well, she's also Mormon too. Why do...does she keep pointing the finger at him when she is just as Mormon as he is? She converted in November of 2006, and according to Deanna Reid, there are many classes that tell you about the Law of Chastity. And they tell you about the law involving sexual intercourse.

But wait, it's not her fault. How could you possibly think it was her fault when those three or two Mormon missionaries that came over didn't tell her about it? Again, it's not her fault although there are all these classes where they talk about it, no, let's point the finger at Travis Alexander because, according to her, he's the bad guy, he's the one that told her that it was okay, and so she's going to go along with what he says even though those in the Mormon church are telling her otherwise. It is almost unconscionable for her to point the finger at Mr. Alexander when she's in the same situation as he is; she has the same knowledge that he does. But again, she wants you to feel sympathy because again, it's not her fault, don't ya know. How could it possibly be her fault when she was thinking, "No."

Well, luckily for Mr. Alexander I guess, in the beginning, this relationship was from a distance. And I say luckily because at least when she was in Palm Desert and he was in Mesa, Arizona, during that time, at least

during that time, she couldn't reach out and stab him. She couldn't reach out and shoot him in the face. She couldn't stalk him; couldn't come over unannounced. She wasn't living the ten minutes away. At least, fortunately, during that time, Mr. Alexander had some extra time to live.

And during that time, they were not mutually exclusive, so yes, it is appropriate when they are not mutually exclusive for an individual to send text messages to other women if they are male or even if they are not; there's nothing wrong with it. But if you see that long finger pointing from the witness stand to him, how could he possibly when we were together, how could he possibly, before we came....became exclusive be talking to other women? How could he be on the internet? How could he be sending text messages? But it's okay, don't you see that when she goes to his memorial service, talking about Travis Alexander's memorial service after she kills him, it's okay for her to talk to somebody on the airplane to get a telephone number. It's not her fault that this guy was trying to pick her up. Of course it's not her fault. And what's a girl to do after all? The guy that she was involved with up and died after she stabbed him, slit his throat, and shot him. What is she to do? Can't you see that it really isn't her fault? At least that's what she wants you to believe.

And during this period, Mr. Alexander did see her. And during this period, Mr. Alexander did engage in sexual contact with her. There's nothing, absolutely nothing, important about that as it applies to the killing other than to try to manipulate you, try to shock you and say, "Oh my gosh, look at this guy, he wants to kiss her, and he wants to do other sexual things that other people do in their private lives. And he doesn't want to talk about it for God's sake, and he doesn't want people to know what it is that they're doing." Why would he want anybody to know what he is doing sexually with her. Is that something that this is courteous in this society to do? It's just the opposite, but she has now turned the world sideways for you to look at that in an attempt to manipulate you.

Well, they continue on with this relationship, and she lives out in Palm Desert. At some point, in February of 2007, after this issue involving the February 14th mailing that she indicates that she receives, umm, after that, they make the relationship, if you will, exclusive..What's interesting about the email from February 14th of 2007, and you saw that, is that not about other things, and you have it there for your review, this February 14th of 2007 email. And one of the things that it doesn't talk about is the package that she supposedly received in the mail that day. Take a look at the time. It's around 4:30, 5:00 in the afternoon. I guess they have mail that's really slow there in Palm Desert. Never mentions these unholy underwear, these underwear, these Spiderman underwear that so shocked her. Doesn't mention these chocolates. Thank you for sending those to me. Doesn't thank him at all. The reason she doesn't thank him, and the reason she doesn't mention it, is because there was no such delivery. But of course, that's something that can't be verified except that there's this inconsistency, and it starts showing that this individual will make things up, but she forgot. She forgot about that February 14th, 2007, email. And you know, sort of, the old saying, "With the truth, you ain't got to remember nothing." At least you have to give her credit for having an incredible memory. Well, an incredible memory as to the fantasy world that she wants to create for you, just like that delivery of the underwear. Can't show them to us. Why? Oh, she threw them away, but she took pictures of some other things. And this email was sent out at a time where she would have already received the mail.

But after that, she and Mr. Alexander continue on, and they....she comes over later on that in the month of February, and she comes over in February, one of the things that happens is that she's extremely happy, or at least that's what she tells you. And she's happy because one of the things that she now knows is that, well, she and Mr. Alexander are together. If she is so happy, if she is somebody that really wants to be accepted,

then why, pray tell, does she need to go into his computer and hit that backspace button? That's such a sss, UGH, such an irritation to her that these computers should have this back space button. It's not her fault that she can't keep her hands off of his computer.

It's really his fault, and it's his fault because he's alive, he's a breathing human being who has social contact with other people, men and women. And how dare he, when they are not exclusive, how dare he attempt to spend New Year's Eve with somebody. He should really be alone in his house or in some hut somewhere alone. How dare he do that. But it's not her fault that she found that out; at least that's what she wants you to believe.

Well, they continue this dating, and they continue both involved in this Pre Paid Legal, but the story doesn't get any better. What we are able to glean and find out from that...the history of it is that it doesn't get any better. And one of the things that starts to happen, according to her, is that she starts feeling something; of course, her feelings are so important. And rather than talk to Mr. Alexander about it, rather than say, "Oh, I have these issues. I'm a little concerned," what does she do?

Well, they're on vacation. And when they're on vacation, and it depends on the story that she tells, the one to Ryan Burns or the story that she told you from the witness stand, take your pick because there are many to pick from. But it depends on the story that you believe. During that time she goes on, and she gets ahold of his text messages and goes through all of them, ostensibly while he's either asleep or taking a shower; take your pick. And while he's doing that, she goes through it and finds some text messages, but it's not her fault.. She's not wrong in invading his privacy at all. How can it...she possibly be wrong about invading his privacy when she had feelings, and those feelings confirmed the fact that he was a social human being. That's what, in part, that she like about him, that she was very charismat....that he was very charismatic, that he was very nice, and that people liked him. That's part of the reason that she liked him, but oh no, not when it comes to other people.

And she talked about him having sexual rendezvous with these other people, but that's quick, if you will, on the sly, and very slow on the facts...very low, low on the facts. You don't have any individual that they couldn't even point to a name.....

Nurmi: Objection, your honor, burden shifting.

Stephens: Overruled.

There was no name that it was even pointed out that even had any sexual contact with at that time, but she felt it, so, according to her, that justified it, this person with this borderline personality disorder.

And so as a result of that, she says, "That's it. We're gonna break up, and we're done with this." Except that, I'm so hurt. "I'm so absolutely hurt," she said. You could almost feel it oozing through those fake tears that were supposedly coming from her dur....from the witness stand, you could almost feel this, and what you could feel, of course, was yeah, yeah, yeah, I'm really hurt except let's go on vacation. Let's go ahead and go on vacation anyway. Even though I know all about this, I'm so hurt that I would rather go on vacation with you and enjoy it. And let's continue going on vacation. Yeah, that's her way of manipulating him; that's a way of not letting go of something that she wants. She wants to curb his free will, and when he doesn't wanna do that, well, she's got something else coming for him..She is not going to let him get away that easily, and so she starts engaging in this conduct.

And what else does she do? She does what every person who has caught their boyfriend according to her, being unfaithful. What does she do? She moves close to him, moves from California to Arizona,

specifically to Mesa, very close to him, after they have broken up in the end of June of 2007. That's what she does.

Well now, this is when the stalking begins. Well, maybe it was a little bit before that when she's going into his telephone, or maybe it was before that on the first day that they decided to make this official when she started to go into his computer. There is....it is clear from this relationship that there was this stalking behavior from the very beginning. And so, she moves here to Mesa. If they are not dating, if they are have broken up, why is she here? It's not her fault, don't ya know? It's not her fault because he...he's so persuasive, he talked her into coming out here. That's why she came out to Mesa. And it's again that thing that she just can't say no, just like with whether or not they're going to engage in this sexual con..conduct; can't say no. And in this particular case, according to her, and Mr. Alexander's not here to maybe dispute this, according to her, she moved here because he was the one that told her to do that, even though, according to her, at this point, she had broken up with him.

And what does she do when she comes out here? Well., rather than dating, rather than becoming involved in some sort of social scene in the Mormon Church or finding friends and that sort of thing. No, that's something else. She begins to be more attentive, that's the word, she begins to be more attentive to Mr. Alexander. Perhaps if she's more attentive to Mr. Alexander, perhaps then he'll wanna come back and have her be the only one. And the way that she's attentive is the way that everybody does it normally. I mean, she goes over to his house unannounced at night sometime around in August of 2007, and this is what everybody does.

And she goes over there and starts peeping in the window to see what it is that he is doing. And she goes over there, and by the light of the television. If you remember there was this go-around...by the light. Well, it may have been the light of the television, but now it's the light of truth that we are looking at things, and what she was doing is she was invading his privacy by coming over and peeping in the window, and that is stalking behavior irrespective of what Alyce LaViolette has to say. This individual, Alyce LaViolette, who had problems with the truth when she spoke to you about how many times she had testified on behalf of men; this individual who, quite frankly, misrepresented that to you when she was testifying. But according to Alyce LaViolette, that was no big deal because that's what a person does.

She came over and started to look inside, and lo and behold, it's not her fault that she has vision, so she starts looking in there, and lo and behold, there he is. Yes, there he is, and he's kissing another woman. Like that is the end of the world So what? So what that he's kissing another woman? He's not seeing her; he's entitled to do it. And he's entitled to it; he's in his house. He has the lights off. It's a romantic evening whether she likes it or not, he's moved on. And yet she says it's his fault; he shouldn't have been courting me; he shouldn't have been continuing to have sex with me. She coulda said no; she coulda left; she coulda moved back to California. She coulda never come out here in the first place. She's the person who starts to stalk him.

And so she says, "Oh, I'm so upset." And she starts talking about the brassiere, whether it was unhooked or not and went around and around about that. So what? Well, don't you know he's a Mormon boy; they're not allowed to do that. What does she care? Is she the Mormon conscience? Is that what this...what we have going on here? No, she's not anything like that, but she wants to make it seem like it's his fault. She presented it in a way to manipulate your perception because she's trying to take away from him, with lies, the only thing that he has left, and that's his reputation. He's not here to talk about it, and so it's an easy shot for her. But at this particular point, she's the person that starts to stalk him.

And after she starts stalking him, or after this event of stalking, she doesn't leave him alone. No, she comes over the next day because she's in the right. They've broken up, and it's okay if you're broken up to come over and peep at your ex-boyfriend's house, and then in peeping, find him doing something and then wanting to get an explanation. What possible explanation could he ever have owed her at that point?

Oh, and you know she didn't write about that's the first incident of domestic violence, didn't write about that incident of domestic violence, don't you know, because well, she's a nice person. And you know there's this secret that she's watched, this movie involving the secret that talks about the Law of Attraction, and this Law of Attraction says that you lie. That's exactly what they want you to believe. Now they're starting to justify the lies. It's okay to lie in the journal, which, in a sense, is saying lie to yourself because the Law of Attraction says it's okay to lie, absolutely okay to lie. You don't put down exactly what's going on, and so you don't write about this. Actually, what's going on here is that she's making it up and there's no corroboration of any incident whatsoever.

And so this relationship, if you will, if you want to call it that, continues, and there are moral exploitive, sexual kinds of things that are presented, and that...she...you are regaled with the most intimate details that you could possibly think of. And every time, this was, "Well, I was uncomfortable. But I didn't want to tell him no. I was just uncomfortable" Wait a minute. But she also sent to him text messages, and those text messages indicated that she was not uncomfortable. She's the one, and I don't need to repeat it, you remember those text messages where she's the one requesting the sexual acts. She's the one saying to him, "If you're good...this is what's gonna happen, and then I'm going to want something else." So she's the individual that, if you look at the corroborative, the independent evidence that we have, she's the individual that's in...in this as much as he is. There's no indication that he was ever forcing her to do any of it, anything at all. But you know, she's attempting to manipulate you by saying, "Well, yeah, I went along, but I really didn't want to." And with regard to acts of physical violence, "Well, they weren't so bad, and I didn't write about them."

And with regard to any particular act of physical violence, there's no one that knows about it, there's no one that has seen any bruises, there are no police calls to 911. And she has a reason for that. The reason that she didn't call 911, involving Mr. Alexander, is because she had a similar with Bobby Juarez, and when she had that similar experience with Bobby Juarez, well, she called 911, and you know what, those 911 people in the...in California, you can't trust them because they talked to Bobby Juarez, and as a result of talking to Bobby Juarez, well, they didn't come out, and so I was so soured by that circumstance that I just decided never to call 911. She's trying to provide a justification as to why there are no 911 calls. The reason there is no 911 call is because it never happened. Everything in this case points to the fact that it never happened. Everything in this case points to the fact that it did not happen. There are no medical reports, there are no friends, there is no one that can come in and say anything about that. There are no medical records, there is absolutely nothing.

To the contrary, what is it that you have? Well, on the day that she, in March of 2000, uhh, and 8, when she told Mr. Alexander, according to her, that she was leaving, ummm, he turned around and he hit her, and according to Alyce LaViolette he slapped her, but the defendant went round and round said, "No, it was the back of the head, the side of the head." It depended, apparently, on when as to where he hit her, but if you take a look at the entry for that particular day of March of 2008. No. "I told them he was so upset, and he didn't want me to leave, you know, because we were both so in love with each other," is what she writes. And then she says, "Oh, he kissed me so tenderly three times; they were such wonderful, tender kisses." Is that

what she means when she is talking to you about domestic violence? Kissing. See, that's the problem, you didn't get it the first time. Kissing is domestic violence; tender kissing is domestic violence.

But then you bring an apologist like Alyce LaViolette, and you say, "No, no, no, no, no, no that's not what it means; you need to go behind this, this diary here. Those words don't mean what they, what they, what they say. You need, for example, a little cheat sheet that tells you that under the Law of Attraction that's not what it means. Under the Law of Attraction, it means just the opposite. It means that he did hit her. Can't you read that? Is it? What is wrong with you, almost, is the way it's being put to you, that you can't see that, that you can't buy....or can't be manipulated?"

And the other thing we have is that she claims on January 22nd of 2008 there was also this act of domestic violence, mentioning not what the act was at this point because there's no corroboration involving that act of domestic violence either. All we have is a journal entry of January 24th of 2008. And in that journal entry of January 24th of 2008, she writes, "You know, as far as January 21st, 22nd, and 23rd, nothing noteworthy happened." Not only do we have the diary related to that, it says, "Nothing happened." But again, you are being asked to take a leave. You are being asked again, such as in the gas can example, to think that everybody else is wrong and she's right. And in that example, the one involving the 24th and the supposed incident of domestic violence on the 22nd, domestic violence on the 22nd, you are being asked to say, "No, something noteworthy did happen on the 22nd of January." The thing that was noteworthy on January 22nd of 2008 was that he beat me. And this is the time I had my hand up. And this is the time that he came after me. But it doesn't say that. Not only is there not any corroborative evidence that can be presented, it's to the contrary. She herself said that it didn't happen. But she wants you to go back and say, "Well, don't look at what I wrote. Look at this code, this Law of Attraction. Take a look at that, combine that with my words, combine it with what Alyce LaViolette says. we'll add that in there." And once you do that, you will be able to see, you will be able to know he did, he did abuse me .

And right before she leaves in April of 2008, she says that another incident happened, but she doesn't tell anybody about it.. She still stays at his home, and off she goes. And what's interesting about these acts of domestic violence is that she was very specific as to four of them. But again you know, the truth it's very hard to keep it straight. With the truth you don't need to have to remember nothing, but if you're not telling the truth, if you're trying or attempting to manipulate, you do have a lot to remember. She forgot that there is a psychologist by the name of Sheryl Carp that has previously been involved in this case and had conducted an evaluation of the defendant. And during that evaluation with the defendant, she gave many, not 4, many, 10, 15, 20 incidents of physical violence because at that point, physical violence was being used as the predicate, if you will, the seminal act for post traumatic stress disorder. That's what she was looking at, at that time. And so of course, let's have a lot of acts of domestic violence

Nurmi: Objection, your honor, arguing facts not in evidence.

Stephens: Overruled. The jury is directed to recall the evidence presented during the trial. You may continue.

And so we now have this lots of acts of domestic violence that she doesn't tell you from the witness stand compared to 4 that she does tell you. Which one is true? The only evidence that you have indicates that none of it is true because she can't keep it straight. And she's attempting to manipulate the evidence to fit the goal that she has at that particular time.

With regard to Sheryl Carp, at that time, according to, uhh, Janeen DeMarte, one of the things that was

going on was that Sheryl Carp found that post traumatic stress disorder of the defendant involved these acts of domestic violence, these many, many, many acts of domestic violence, not just 4. And so now when they want to talk about this in a different vein or a little bit differently it's not just all these acts, it's only 4. And that's the problem with the presentation and her attempt to manipulate you. It's actually not even an attempt to manipulate you. They're lies; that's what they are. And she forgot, perhaps, about speaking to other people and the statements that she made with regard to that.

Well, she does move away. And when she does move away, it's almost if we're talking about light; almost like a ray of sunshine for Mr. Alexander. One can only imagine that his stalker is now far away. Because she had done other things while she was here. One of the things that we know is that she would come over unannounced. One of the other things that she would do is she would get into his accounts. And there was also this incident involving Christmas and being underneath the Christmas tree. There's all these incidents. Perhaps Mr. Alexander then let his guard down at this particular point because he really doesn't have to deal with her on a daily basis.

And yes, there is some contact between them on May 10th of 2008. And this is the infamous phone call that involved sex. And actually, that telephone call is very important because you can actually hear how she deals with him even though he doesn't know, based on everything that's in the recording, that he's being recorded. She says, "Noooo, it was being recorded pursuant to his request, don't you know?" Really? Why was it being recorded at his request? He's not gonna be....he can't listen to it. So what possible benefit is this call going to be for him If he's recorded? If he's not going to get it, there's absolutely no benefit to him on May 10th of 2008 to have that telephone call recorded. Yes, he said something's on there, but this is a, supposed to be from his perspective, a private conversation, never to be released to anybody, between him and this woman that, even though she's moved to Yreka, even though they've broken up, even though she's come over and watched him with another woman, even though all of this has happened, she stalked him.

Even though all of that has happened, well, he's going to continue talking to her on the telephone, and he says, and he tells you the reason why. And the reason is that he enjoys having sexual contact with her. And he gives you the reasons why. And he talks about some specific features that he didn't do before and that he does now. He talks about how she introduced him to certain things, How that was such a good thing. How it opened his horizons with regard to that particular aspect. And so he's giving her credit for opening his eyes sexually. And there's nothing wrong with that. And there's nothing wrong with the conversation.

What is wrong, what appears to be wrong is that one of them is recording it without the knowledge of the other.

Nurmi: Objection, facts not in evidence.

Stephens: Sustained.

You'll be able to listen, you've listened to that recording. You can draw your own conclusions as to whether or not you believe he knew or believed that this was something that was being recorded. She says, "Oh, no, I kept hitting the save button. I was the one that did it." And she kept it. She kept it all the way from May 10th of 2008.

But things were not going so well at that point. And, in fact, by May 19th of 2008, just nine days after that, Mr. Alexander is on the computer, his instant messaging service, with somebody named Reagan Houseley. And he's talking to her, and he says, "I'm extremely afraid of Ms. Arias because of her stalking behavior." How prophetic of him back on May 19th. And this 9 days after this telephone call, but he's extremely afraid of her

because of this stalking behavior. Little does he know that he has less than a month to live. And so, he is aware of it. He knows, and he's in the best position to know what is going on between the two of them because he's the one that's going through it. And so when he makes that comment, that comment is indicative of what is going on. You can have people like Alyce LaViolette say, "That's not true." And the reason, we have to give her credit, is that the reason Alyce LaViolette knows that is that she can read minds through the past. She can travel back to May 19th of 2008 and know what Mr. Alexander was thinking. Don't you know? She's the apologist for the defendant. She's the one that can really set you straight. It's not that the defendant is manipulating you. No, no, no. If you take a look at that statement, Mr. Alexander was making it all up. Wasn't true. He was just saying that because, you know, in another part of the instant messaging they were saying, "Aha, hi Jodi, read this," or words to....whatever it is they were saying. And so the defendant doesn't want you to pay any attention of that, but that certainly goes, and it's the beginnings of premeditation, her premeditation to kill him back on May 19th of 2008. He indicates that, "I'm extremely afraid of the defendant "because of her stalking behavior." And who would know better than him? Especially since he's the one that's had to deal with her coming over peeping in his window; he's the one that's had to deal with her showing up unannounced; he's the one that's had problems or damage to his car, according to Lisa Andrews; and he's the one that has her underneath the Christmas tree and has had rings stole...rings stolen by her, so he would know that.

And so then what ends up happening is that some time passes, and May 26th shows up. One of the important things about May 26th is that, that is the day that they break up. And there is much is made by the defense that well, during these conversations, he's mean to her. Well, why wouldn't he be mean to her? Yes, there are names that people are being called; that's correct. There are not any nice names, but he is extremely afraid of her stalking behavior on May 26th when those names are called. And there....there is anger that is being exchanged back and forth. And he sort of capsulizes it by saying or using a term that's not quite so sexual but really capsulizes what's going on here and how the defendant attempts to manipulate the truth when he says, "I am nothing more than a dildo with a heartbeat to you." That's what he tells her because that's how he feels. That's how she makes him feel. And yes, he uses all of those other words, but he's also very derogatory about himself. He knows what's going on every time that, according to that statement, whenever she wants him, the way that she manipulates him is through sex. That's made that comment, and that comment was on the 26th of May in that instant message.

But you don't ignore what else is going on the 26th of May of 2008. On that prophetic day, he also tells her something else in Exhibit 450. She's apologizing to him; again manipulating him. She does something, then she apologizes, and everything is supposed to be okay, but by this time, he has had enough, and he says, "I don't want your apology. I want you to understand what I think of you." That's what he's telling her. He's telling her he wants her to understand what it is that he thinks of her. He says, "I want you to understand how evil I think you are." At that point when he's writing that, he is extremely afraid of her because of her stalking behavior.

And he does think she's evil. And how prophetic? Looking at these next words. How absolutely prophetic. No one can dispute that, that is the truest, those are the truest words that are spoken in this case. And they're spoken by Mr. Alexander even though he is not here through his writings. "You," Jodi Arias, "are the worst thing that ever happened to me." Any doubt that that's the truth? Do we need to look at the pictures of his gashed throat? Do we need to look at the, sort of, fog-like state that she left him in all crumbled up in that

shower? Or do we need to look at his face where she put that bullet in his right temple to know that when he says that, it's true - you are the worst thing that ever happened to me. He's telling her, "Enough is enough." And yes, he's angry, absolutely angry after everything that she has done to him. And you've seen the manipulation as she has tried to manipulate you with what she has told you, and the prime example of it is these gas cans; no one can argue that she lied to you. Well, he's had enough. And yes, he says, "You are the worst thing that ever happened to me."

And then he says, in this Exhibit 450, "You are a sociopath." No, he does not have a psychology degree, but that certainly expresses a feeling about what she says, what she does, and how she deals with him, how she always is manipulating him. It teases this anger out of him and tries to mix in the sex, and he says, "You only cry for yourself." Well, you saw her crying on the witness stand. Can anybody debate the reason she was crying was because she cries for herself? After all, she never intended to be caught. She said that so herself when...after she lied to the police, "Oh no, I was only saying that because I did not want to be caught." And so, you only cry for yourself.

And then he says, "You have never cared out (*sic*) me." Supposedly that could be "for." "And you have betrayed me worse than any example I could conjure." She had betrayed him. For whatever reason, he believes she has done something that is...that is absolutely horrific. And he's telling her, "I've had it. I'm done with you."

And again, this is May 26th. He's done with her. You are sick, and you have scammed me. Again, she has scammed him. Are you going to allow her to scam you is really the question from this text message. Are you going to buy her lies? Are you going to believe what she tells you?

And so, we get to May 28th, just two days afterwards. Two short days afterwards, she begins to plan, if you will, this killing. And planning takes preparation, and there's no doubt that this woman is a very intelligent woman, and she tries to cover part of her bases. And, yes, she could go out and buy a gun, but, you know, if you buy a gun, one of the things that she indicated in California was that there was a waiting period, and they take your name. According to her, that's something that she knows. Well, let's get a stolen gun. She lives with her grandparents in Yreka, and she knows that they have guns...that her grandfather has guns, and she knows where he keeps them, so on May 28th of 2008, she starts the planning. She starts the actual steps, or begins the actual steps to this journey that will take her to Mesa, Arizona, to kill Travis Alexander. There is no other explanation than that she's the one that stole that .25 caliber gun, this very small gun that, according to her, looks like a toy; this small gun. And on May 28th, at a time when she's living there, there's a burglary that is reported at her grandparents' house. And, lo and behold, it's so amazing, and again, this is the manipulative aspect of this case and the defendant.

It is so interesting that this burglary of the house is kinda weird, it's kinda strange, it's kinda special because these burglars were meticulous. They wanted to leave the impression that this was a burglary throughout the house, so they went through 4 rooms, and from each of the rooms, only one item was taken. And where the guns were, you saw, there was some money there. These burglars didn't want money, they just wanted the gun. And they didn't want any kind of gun, they wanted a special gun, a small gun because there were rifles there. If a burglar comes in, he's not going to be very discriminating, "Uhhh, yeah, ya know, yeah, I'm gonna take this little gun. I don't want to take the money, may be too heavy. These other guns are too big. I'm not going to be able to carry them down the street." That's not the way a burglary happens. And, "Oh, after I've taken one item from here, I'm gonna go ahead and go to another room, and after looking in this

other room, I'm only going to take one item from there, and then I'll take a total of 4 items." If you're gonna do that, if you are a burglar, then why, why would you even waste the time of committing a burglary?

The only thing that makes sense with regard to the burglary is that the burglar, the person who went in there is right there. It's Jodi Arias; that's the burglar. And she needs a gun. And she needs a gun to kill Travis Alexander. And she gets it. And guess what? It can't be traced. There's this burglary report out there. No one can say it's her. Well, at least not initially no one can say it's her. But on May 28th, she begins to take these steps after he has told her in that May 26th, 2008, text message that he'd had enough of her.

And so what does she do as part of that? Well, she then says, "If I go to Arizona, you know money is tight; there's an issue with money. One of the things I'm probably gonna have to use is my credit card if I go to Arizona if I fill up with gas. So I've got to make sure that people don't know, if I'm gonna carry this out, that I'm going to be in Arizona because I don't....I can't be linked to Arizona in any way, shape, or form. And certainly, using a credit card at a gas station is going to link me to Arizona. And so, well, why don't I call Darryl Brewer." You can t....you can tell from the time that he testified he still had feelings for her. In fact, when he was asked about this issue about the gas cans, he actually paused, if you remember, and he gulped, and he said, "Oh yeah, she did call me. She called me at the end of May." May 28th is the end of May when this gun is stolen by the defendant from her grandparents home. "Yeah, she did call me then, and she told me she was going to Mesa, she was going to Arizona."

And Alyce LaViolette has the same thing in her notes that, according to Darryl Brewer, the defendant told him at the end of May that she was going to Mesa, Arizona, and needed gas cans. And Alyce LaViolette, even in her notes indicated, "I thought that this was an unplanned visit." Even in her notes, there are issues. But the defendant's attempting to manipulate the truth. But there are issues with regard to this because she's telling Darryl Brewer that she's going there. Even her own expert says, "Hmmm, there's a little bit of an issue here. There's a problem for me because I thought you said that you were not going to Mesa, that you were going to Utah." Or is Utah just not anything else more than a ruse?

You can say you're going to Utah. You can have a sexual dalliance, not an extreme one, but a sexual dalance...dalliance with Ryan Burns, you can adjust him, and nobody will be the wiser because nobody will ever know that you were in Arizona because guess what? You never filled up anywhere. You never put gas in the car.

Well, okay, that's what she does. She calls Darryl Brewer at the end of May, first part of June, and she gets these two containers - two 5 gallon cans for gasoline - and they were empty, so it wasn't like they were full. And he lives in the Monterrey area when she leaves on June 2nd.

Well, when she leaves, she doesn't take her car. She decides to rent a car. And she has told you, "Well, I rented the car out of Redding, California, and the reason that I rented the car out of Redding, California," which is approximately 90 miles south of Yreka, "is because Priceline did not offer this same deal in Yreka. Priceline only offered it in Redding, and that's why I went ahead and did it that way." It wasn't that I didn't want people in Yreka to know what kind of car I was re....I was renting because heaven forbid, if they knew I was renting this car, they could...it could come back to me, and of course, I didn't want....I don't want to be identified in killing Mr. Alexander, so I've already made provisions for the gas cans. Now I've gotta make provisions for the car.

And so she says that's the reason why she goes to Redding, California, except that the documents show something else. Exhibit 523 is the statement from Washington Mutual from June 1 of 2008 to June 30 of 2008.

And this is the statement that she, the defendant, authenticated on the witness stand. And in fact, what we have here is the Budget Rent-A-Car, you see it, June 9th Budget Rent-A-Car in Redding, California. That's what we're talking about. But if you also remember, after she killed Mr. Alexander, she came to the airport, and she flew down there. And if you take a look, at down...down here. There it is. See that? She paid two-hundred and forty-six dollars and 99 cents, and that was to Priceline.com, and it says "air." Hmmm, this Priceline, they have to get their act together here. Yeah, yeah, at one point, when it comes down to the flight, yeah, yeah, I pay them, but when it comes to the car, even though I go through Priceline, I gotta pay for the car. Then how is Priceline ever going to get paid if they don't take their money up front for the rental car? That's how it works. They get their money up front.

Nurmi: Argue...or objection. Arguing facts not in evidence.

Stephens: Overruled.

They get their money up front, and that's how it's listed in these documents, so that we know who's getting the money. Otherwise, if it were left to Budget, then you're imposing on Budget, if Priceline is involved, another accounting step for them to pay Priceline, and it may be a situation where Priceline¹ never pays them. So, by this document right here, when the defendant tells you that, "Hmmm, the reason I went to Redding was because of the Priceline connection," she lied to you. Unless, of course, Washington Mutual made this up. Maybe Washington Mutual also subscribes to the Law of Attraction, and they don't want anything negative here. Maybe. It could happen that way, right?

That's what they want you to believe. Don't believe what's written down, believe what I say. That's the same situation here as it is with those diaries. They want you to believe not what the diary said but what she tells you. They don't want you to believe what that document says; they want you to believe what she says.

So now, we know that she goes to Redding. After she's made provisions for the gas cans, she goes to Redding so that people will not recognize her because she is going to kill Travis Alexander. There is no other explanation for making up all these stories that we're talking about here. There is no other explanation. Contacts Darryl Brewer. Now has the gas cans. Now has the car rented. And still, this car, it's in Redding where people are not going to know her. And in fact, it's at an airport. By definition, an airport is where people come in and they leave; they're traveling. Those are not the kind of people that you're going to run across at the supermarket. And so, it's a way for her to hide.

And she shows up there, and Mr. Columbo asks to her, "We got this nice little red ditty over here for you, nice little red car that you can drive on your way to Arizona," or not Arizona, just drive around, "and by the way, where are you going to drive?" Oh, you know, just around town. That...that's all I'm gonna do. Why did she lie to him? Why did she make that up to him? Because she didn't want to tell him that she was going to Mesa, Arizona, like she already told Darryl Brewer because, then again, that would connect her. But why not take the red car? Well, you know, according to her. red cars call the attention of the police, and she certainly doesn't want the police to find out about her because she's on a mission. She's on a mission to kill somebody. Why would you take a gun if you are going to go on this trip other than to kill this guy? And she says, "Oh, you know, I didn't know that I was going to go there, even though I told Darryl Brewer. I didn't know I was going to go there."

Keep in mind that this is a rental car, and one of the things that she says, as she's pointing the finger at

¹ Juan misspeaks here. Instead of Priceline, he means Budget since the statement reflects she paid Budget, not Priceline, and Budget would have to be the ones to pay Priceline rather than vice versa.

Mr. Alexander and how viciously sexual he is, do you remember when she claimed that she was down in that office, do you remember she said, "We were down in that office, and I had brought over some CD's from the trips that we had taken with some photographs. Do you remember that? And she said, "I had scratched them." For whatever reason, she had scratched those CD's, and he got mad and threw that CD because, you know, that guy, he gets mad at everything, and so I then have to have intercourse with him to calm him down. That's what she said. If she's not going to visit him, if she's not going thinking, or if she's no...hasn't already made up her mind to leave Yreka and visit Mr. Alexander in Mesa, Arizona, why, why take these CD's of the trip with her? Why take these CD's? Who is she going to show these CD's to other than him? And she's in a rental car, so that requires a volitional movement on her part to take something from inside the house or her car whatever which one...ever one she does. But it requires a volitional movement to get those CD's into her car and drive down to Redding, California, and then put them in the rental car. There is no other explanation for those CD's to be in Mesa, Arizona, other than that she knew, she absolutely knew and had already planned it. She knew she was going to kill him. Why else take those CD's?

Do you think that Joe Columbo wanted to look at them? Do you think that her family in Redding cared, the ones that she claimed took her to the airport. Nobody cares about that. It's a good way to disarm, if you will, or it's a good excuse to show up unannounced somewhere. Look, you know, the only reason I'm dropping by, just like I did back in August of 2007, the only reason I dropped by was to show you this. It's not my fault that you haven't seen these, and it's not my fault that I haven't been able to get them to you; not my fault at all. Not at all. But, you know, I'm making it up to you now. She left Yreka California with those CD's. But she forgot about it as she attempted to manipulate the story from the witness stand. She forgot about it. It's those little details that she forgets.

And so she brings those CD's. She doesn't want the red car, and the reason she doesn't want the red car because well, police will see her, doesn't want to be stopped by police. And it's actually foretelling of what happens later because she's stopped in West Jordan, Utah, by the police for a different reason, but she is stopped by the police, and she's right, a red, according to her mind, a red car is more significant or stopped more prominently or frequently by police. She doesn't want to be stopped because what if she's stopped in a place that shows that she's going to Mesa? She wants to hide the fact that she's going to Mesa, Arizona. And she want....the only reason to hide that fact is because she's going to kill him. And it's not like the bishop is going to be upset if she shows up in Mesa, Arizona. It's not like her family's going to be upset if she shows up in Mesa, Arizona there. She's an adult. It's not like her friends, whoever they may be, because we don't know who they are, they're not going to be upset if she shows up in Mesa, Arizona.

The only reason to keep this whole thing secret, which is what she tried to do, is because she was going to kill him. And she's making preparations. And she's very good at making these preparations. You do have to tip her hat....your hat to her. First of all, the burglary. She does a burglary. There are no suspects. The only thing....one of the only things taken is this .25 caliber. It's lost; it's out there, this .25 caliber handgun. Then, she rents this car and then takes the white car. And the white car does have some floor mats in it. She takes this white car and says, "I'm only going to drive around here." Again, she lies; makes that up. It's like a field of lies that has sprouted around her as she sat on that witness stand. It's every time she spat something out, another lie, another weed, would grow around her.

And so she gets in that car, heads out, and sleeps the night at Matthew McCartney's house. And the next morning, June 3rd of 2008, she then shows up over in Monterrey, and in the Monterrey area, shows up there

in the morning and sees Darryl Brewer. And yes, she now has two gas cans. And the only reason to get these gas cans is to put gas in them. There is no other reason why anybody would get a gas can to go on this trip. Well, the ostensible reason to get these gas cans is, perhaps, gas is cheaper in Utah, or maybe gas is cheaper in Nevada, than it is in California. And that's the one of the reasons that's given. But if gas is cheaper in Nevada or Utah, and she does fill them up in Utah, why then? Why would she fill them up in Pasadena? Why would she fill up these three gas cans in Pasadena? The only reason she would fill these gas cans up in Pasadena is because she was going to take the drive to Mesa. And sure enough, there is no evidence that she ever was in this area through this gas...by purchasing gasoline. Everybody that travels in, if they stop somewhere and use their credit card, it's easy to trace, but not if you don't stop anywhere.

And so she picks up these two gas cans and begins the drive. And after she begins this drive, might take a little detour. And this little detour is after some thought because this is a meticulous approach to premeditation; this is a meticulous approach to killing. Again, why stop in Salinas, California, at a Walmart to buy another 5-gallon can? Because she's been thinking, and she thinks, "You know, 10 gallons. Let's say that maybe 30 to...30 miles per gallon, that's only 300 miles. I need another 5 maybe that gives me another hundred and fifty miles; that's 450 miles. That gets me through Arizona. and into Nevada."

So she stops at the Walmart, and she stops at the Walmart, and she does buy a gas can. She admits it. So when you look at this receipt, 237.00A, and you look at it, the bottom item there for \$12.96 is the gas can. I guess that's the price of premeditation these days, \$12.96. And she admitted, "Yeah, sure did," under cross examination, "I bought that gas can, but," and she was very specific, "I took it back to this same store, 2458, on that same day."

Nurmi: Objection. Facts not in evidence.

Stephens: Overruled.

You remember what she said on cross examination when she was asked, "Where did you take that gas can back?" And on cross examination, specifically, she said, "I took it back to the same store that I bought it from."

Nurmi: Objection. Mischaracterizes the testimony.

Stephens: Overruled. The jury is directed to recall the evidence.

And do you remember at that time that the question that was followed up was, "Well, would it surprise you that, that store in Salinas doesn't have any record of that?" And her answer was, "Yes, it would surprise me because I got money back. I got a refund." That's the way the exchange went, and your notes should reflect that. So, didn't take it back there, did she? And she told you that. Why did she say that? Why did she tell you that? Because that's just crushing, if you will, in terms of whether or not this is premeditated, and it is premeditated. She was coming to Mesa with a gun and a knife. This knife appears from somewhere, so she had to have brought it up. Knives are not in a bathroom. So, she stops there after thinking about it and now has another gas can, which gives her a further range of at least 30 miles per gallon; we're talking about an extra 450 miles.

Well, one of the other things that she does as part of this premeditation and part of this whole murder is that if, you know, you want to do something like this, it's a good idea that when you show up have people not recognize you at the place where you're going to commit this murder. And so, if you have blonde hair, and you saw the photograph of her with the blonde locks and the black dog and how they told you that, "That's the same color". Do you remember that line of questioning that went on with, uhhh, Ronnie Dwor.....Lonnie Dworkin, their expert on computers? The question was asked, "Well, do you think that this hair here with the

dog looks the same as the one where she's laying back?" Do you remember that line? Like he was some sort of expert on hair color. You don't need anybody to tell you what the hair color was when she was there with the dog. You can see for yourself. You don't need the prosecutor or anybody to tell you. But you do know one thing. You were also shown photographs of her also taken on June 3rd of 2008, about this same time, and you saw the hair color, didn't ya? Are you gonna believe Mr. Dworkin and the defendant? Or are you gonna believe your eyes? Maybe the Law of Attraction tells you that you should believe Mr. Dworkin because, again, you can't believe the text messages, you can't believe what's written down on the receipt, and you can't believe what's in her journal because of this Law of Attraction.

Now, you can't even believe your own eyes because if you do believe your own eyes, you know she's premeditating the murder. She's thinking of about killing him; that's all that's required. The state doesn't even need to prove a whole plan such as this. All the state needs to prove is that the defendant thought about it, the killing, before she actually carried it out, and this is an extensive amount of planning, days, 6 days in advance, 6 to 7 days in advance of her killing him, a week or so.

And so, she stops there, makes all her preparations, now she can freely drive through Mesa with the....with these....with enough gas so that she doesn't have to stop anywhere; more thinking that goes on. And she tells you, "Well, I hadn't planned on going there to Arizona, hadn't even thought about it, and....but Mr. Alexander, that guy....always guilted me. This is, you know, God, it's just a bad disease this guy; always guilted me. You know, It's not my fault." That's what she's telling you. It ain't my fault. He...I told him I was going to go to Utah, and he was a little bit suspicious about why I was going to Utah, but why don't you stop here in Arizona, you can stop here in Arizona. That's what she told you that he said or that he implied, that he wanted. She kept saying, "No, if you're going to come up here and see me after your trip in Cancun, it's okay."

Well, the problem is, is that it's her word. Do we really know, based on all these lies, that, that's what he told her? Or was there just a call to try and find out what he was doing? Does he have a visitor there? Does he have somebody there? What are all his roommates doing? Are they going to be there when I arrive? What is the situation there? Are you going to take it...her word for that? Is there any indication anywhere that Mr. Alexander even knew that she was coming down there? We have her word.

You know, in cases that are minor to you, not even important cases, are you gonna take her word? And remember, this individual has no problem telling lies. You've seen throughout this whole trial. Well, she says that she does have this conversation with him. And in fact, the...the records do bear out that there is a conversation, but the content of the conversation is still in doubt. And I only have to point out to the m...point as far as the May 10th, 2008, conversation, in terms of showing that she has no problems lying on the telephone where she says, "Well, yeah, I was faking it." And you know what she said she was faking. Even though you heard her squealing like a cat, "No, no, no, that's....that's just me faking it. And you know why? Because I need two hands." That's why she was faking it.

Okay, well, if you can lie on May 10th of 2008 on the telephone to Mr. Alexander, what makes us think that you can't lie about what you and he talked about on June 3rd of 2008? And remember, she's got this history, all along, not only of lying outside of the courtroom, but she has sat in the witness stand, the place where you have taken an oath, a place that is sacrosanct in finding the truth, has sat on that witness stand, looked at each and every one of you in the eye, and lied to you. Specifically, the gas cans; specifically about Priceline. And to another extent, the finger. If you remember, she said, "Oh, you know, he was starting to kick me; he broke my finger." Didn't get any medical care, but he broke my finger. Or alternatively, "I actually was

working at Casa Ramos before I went, and, uhh, when I was at Casa Ramos, uhh" or Margaritaville, one of the two, you take your pick because that's what she told Mr. Burns, "and I either went up against one of the edges, the metal edges, and it cut me, or, alternatively, it was a margarita glass." No, and then she takes the witness stand and says, "Well, in terms of the damage to the finger, I actually damaged the finger when I was at Mr. Alexander's home on June 4th of 2008, but the glass was that. That's how it happened. What story are you gonna believe from this individual? And that's the issue here as to when she tells you something, what are you gonna believe?"

And so, she leaves that area, and off she goes. Drives to Pasadena. Umm, we know that the telephone calls from Mr. Alexander are after that, but she drives to Pasadena. And then something that is so bizarre happens to her. It seems that there's this coincidental horde of skateboarders in Pasadena. That's what...that's the way the kids are there in Pasadena. They...there they...they...they go in hordes, these skateboarders. And this horde of skateboarders, well, they carry screwdrivers. That's one of the things. If you're gonna be in this horde of s...of skateboarders, you have to have a screwdriver. That's what you gotta do or else you're not allowed in this particular club out in Pasadena. And you can get a Strawberry Frappuccino or whatever it is that you get at Starbucks when you go there, be careful because when you go in to get this Strawberry Frappuccino, things are gonna happen to your license plate if you run across this horde of skateboarders with this screwdriver. And so, when she was questioned about that in cross examination, and one of the things that she said was, "Well, yeah, I was pulling out after stopping there, and I was pulling out, and I saw something flat on the ground." And when challenged on that, if you see something flat on the ground, what makes you think that you can go and pick it up? What in...in God's name would ever motivate you to go and pick this up, especially if you were afraid of this horde of skateboarders in...in Pasadena? 'Cos she did say that she was concerned for her safety. Why even get out of the car if you don't even know what it is and if you don't even know that it's related to the car? And she said, "I didn't know it was related to the car. I didn't know what it was."

And she's having problems with the truth there because remember....she's got...she's got to remem...she remembers that she's got the license plate in the back, that...that she's got to deal with this issue involving the...the, uhh, license plate in the back and whether or not they are connected. And she says, "Oh, I didn't know what the license plate was. I didn't even look in the back." When challenged further she said, "Oh, wait a minute, no, no, it wasn't flat. It was actually standing up. And it was standing up, and I was able to reflect and realize that it was, yeah, it was these," not square she corrected the prosecutor, "rectangular." Remember that? It was a rectangular object that she recognized as a license plate. And if you n...don't have any suspicion whatsoever that it has anything to do with your car, why then, why would you even get out of the car and go look, when you're scared, to get a license plate? Why would you on...on God's green earth would you do that? When you're lying, that's you would do that; that's exactly when you would do that.

But she says, "Oh, you know, I went and got it, and I really couldn't tell the numbers, and I didn't compare it to the back." So now you're a thief. Somebody else's license plate is sitting out there. You don't know it's yours. Potentially, it's...it's...if it's not yours, it's somebody else's, and they may potentially come back for it. So what are you doing? You're stealing it; you're depriving them of the opportunity to have the front license plate which is, obviously, required in the state of California because this car had two of them. So that's what you're doing then because she didn't check to see if it corresponded with the one in the back.

And the reasons that she's having problems with that then is because, as you know, in West Jordan, Utah,

the one on the back is upside down like somebody took it off and like somebody put it in the back seat of the car when they arrived at Travis Alexander's house, so that the car wouldn't be able to be identified to them, just like that. That's a..., you know, but she can't admit that, and that's why she's having problems with this license plate that's out there in this parking lot. And she ends that conversation with the prosecutor during cross examination by saying, "Oh well, you know, I didn't see numbers or whatever because, you know what, I can't see. I needed glasses back then, so I really couldn't see. So I just grabbed it, and, uh, it had bugs on it, and so I thought it was mine."

And so, uh, without any regard to whether or not it really is hers, throws it in the back seat of the car. Who does that? No one does that. Making it up. And she's making it up because she got stopped in West Jordan, Utah, and has to explain how it is that the front license plate got into the car. Because this horde of skateboarders from Pasadena, they can't get into her car, so she has to be the one to do it, and the only way that she can say that she's the one to do it is to make up a story. And she made up a story about these skateboarders. I guess it's this wild horde kind of thing where you have to have a screwdriver, they're the ones that did it. And you know, she's making that up. She's lying to you about it, and the reason she's lying to you is because in West Jordan, Utah, that license plate was found in her car.

So, one of the other things that she doesn't.....

Okay. We...we'll stop.

NOON RECESS

The defendant had made her way into Pasadena along with her plan to kill Mr. Alexander in the evening of June 3rd of 2008, and she stopped at the Starbucks. And after stopping at the Starbucks, as part of this stop, she decided to fill up. And we know that she had the 3 gallons of gas..or the 3 gas cans at that point based on the receipts that are before you. And the reason she had those gas cans filled was so that now she was prepared to make it all the way through Arizona without having to stop for gasoline. And she, on her direct testimony and also part of cross examination, indicated that, well, the car, for whatever reason had a bad engine, for lack of a better term, it kept using gas so much, trying to manipulate you into thinking that she stopped at a number of places and used all the gas in the gas cans. But there are no records or any other corroborative evidence that indicates that she stopped anywhere here in the state of Arizona for gasoline. So her plan, if you will, was working well at that point. She wanted to kill him. There was no way that anybody would be able to say that she was even in the state of Arizona because the defense would have been, "Well, I would have had to have stopped for gas." And there was no indication anywhere, and there is no indication anywhere, that she stopped for gas in the state of Arizona.

Another thing that she did as she came into the state of Arizona is she turned off her telephone. And this telephone that she, the cell phone that she had, was turned off so that it could not be traced by law enforcement. So now, not only do you have her in a vessel, an automobile that will not be traced to the state of Arizona, you also have her with a telephone that is turned off. She gave several reasons to different people as to why the telephone was turned off. One of them, that she gave to Ryan Burns, was that somehow it had lost its charge and that she had lost the charger and somehow she had been able to buy it in some store. That was her story that she was able to charge the telephone so that she then was able to call him near the Hoover Dam. Another story that she gave was that, well, when she stopped on the side of the road, and she was cleaning up from killing Mr. Alexander, she actually was able to go underneath the seat and find the charger.

Either way, the net effect of that was that as she came into Arizona, there was no electronic trail of her being here, and there was no physical trail of her coming through. And this was done for the purpose. She knew that she was coming to kill him. There is no other reason why you would turn off your telephone as you're coming through here, especially this woman who clearly loved to use her telephone, that for this particular trip, for this time when she's approaching Mesa, telephone's off. And it doesn't come on until sometime later near Hoover Dam again indicating she was never in the Mesa area, and without the electronic trail, it would have been difficult for the police to find that out. So now you have her in a position where she can come to Arizona and no one's going to know. She's in a car that's white and not red so the police are not going to stop her, and she shows up with a gun and a knife.

And she shows up to see Mr. Alexander, and if you remember that one of the things that she told the police officer, she always, whenever it was not to her benefit, would say, "Well no, I was lying then," as if somehow that's a fallback position, as if somehow that's something to be rewarded, that, "Oh, I lied," so because I have admitted that I lied, you should put that in the good column, forgetting that she lied to start with, and she lied to cover up the killing. And so she indicated that, to this officer, in a telephone call, and by this officer I mean Detective Estaban Flores, that she knew the code to his garage, 0187. And so she knew the code to the garage, and she indicated that that's how she came in. She didn't knock on the front door, she didn't go out through the back and peep through the...through the sliding glass doors like she had done before; she actually walked in. There's no indication that Mr. Alexander came to the door. And this was sometime after 4:00 in the morning. And as she came in, one of the things that's telling about what happened is that she said, "I came in, and I stood by the door, and I watched him. And I watched him for 30, 25 seconds." Who does that? Who comes in and stands there? Someone with some sort of stalking behavior in their past? Someone who's arriving there unannounced? Someone who is there to surprise Mr. Alexander. Mr. Alexander happens to be awake. He's got the dog, Napoleon, with him, and the dog barks. And there's this, hello how are you kind of thing. And at that point, she says that either she does bring her stuff in or she doesn't bring her stuff in; she may have brought her camera at that point. And we also know that she brought in her purse, and her purse is big enough for this toy 25....toy-looking .25 caliber handgun; it's also big enough for a knife. She comes in, and according to her, they go to sleep; there's no sexual activity between them at that point. If Mr. Alexander was this sexual fiend that she has attempted to portray, why didn't he just force himself on her there?

And she said, "Well, at that point, I told him that I was tired and that I did not want to have sex." So, whenever she said no, Mr. Alexander abided by that. The only time that she ever indicated that no she didn't want to have sex with him, he abided by that. And they went to sleep until the next day.

The next day, they do engage in some sexual contact. And there is such a stigma that the defendant has attempted to attach to this particular encounter. In fact, she goes so far as to speak with Richard Samuels, Dr. Richard Samuels, and tell him about this, and tells him that she...these photographs were actually taken while she is straddling Mr. Alexander. Additionally, she talks about how Mr. Alexander has, on his computer, all these photographs of women's breasts; just has to add all this to make Mr. Alexander be something that he is not or have this encounter to be something that it isn't. He did not go to Yreka to seek her out. She drove here to the state of Arizona, to Mesa, to see him. Yes, he did have a camera, and yes, it was used, and thank God he had the camera because that's the reason why we're standing here, because of the images captured on that camera.

And so they engaged in this sexual contact. And there's this, again, this religious sort of overtone, somehow that she's holier than thou, that it was all of his...at his request. It was all about him; it was nothing about her, and that he's somehow violative of the concepts or the precepts of the Mormon faith. Why is that important? It's important because she wants to manipulate you. She wants you to believe that wow, he's such a bad guy; he's holding himself out to be a virgin, and somehow that's really, really bad, that when people date, or when people talk about their sexual lives they somehow don't want everybody to know everything that's going on.

If you remember, Deanna Reid indicated that, yes, they had transgressed, they had engaged in sexual contact, but they went to see the bishop, got whatever penance, or whatever punishment, or whatever happened, but they never engaged in that con...contact again. Somehow, the defendant wants to make it seem that Mr. Alexander kept constantly going; he was this individual who had lost his priesthood or had not, had or had not, and that this encounter was a microcosm of their whole relationship. Well, if it is a microcosm of their whole relationship, then we have the willing partner sitting right here, somebody who enjoyed it just as much as he did.

One hand or two hands, she enjoyed it as much as he did. There are no indications in those photographs other than from their experts who say, "Look at the face. You can tell by the face that she really doesn't want to be there." Really? Can you tell by a grimacing face whether that's pain or joy? Can you tell that by just looking at somebody's face, especially if we're talking about a sexual situation? You can't, but they come in and they want to tell you that because they have a psychology degree or they have a master's degree. And they want to tell you that "Don't believe what you see in your eyes, don't...don't use your common sense or the experiences you have coming in here, believe what we have to say, and by looking at those photographs, you can see this was all about Mr. Alexander."

And again, that's a...just a microcosmic view, if you will, of this whole relationship where she says, "I really never wanted to do it, but it was all about him." And yet, but if you look at the photographs, there's no indication there that she didn't really want to do it; she was enjoying it as much as he was. And so they engage in this conduct, these two Mormons, so stop pointing a finger at him, and stop wagging it as if somehow being a Mormon precludes you from being human. If somehow that's something bad, that he did it, because she's just as Mormon as he is. So if there is fingers....if there are fingers to be pointed, they should be pointed at the same at each other, and if one's conduct is bad, the other one is just as bad.

But that's not what this case is about, and they want you to think that that's what this case is about, that this is about Mormonism and the fact that Mr. Alexander was engaging in sexual intercourse. What those photographs show was that she was there, and they show you the time that she was there, sometime after 1:00 in the afternoon. They may say that the color of her hair there is blonde, but you've been able to see that, and you know what the color of her hair is. You don't need anybody to tell you what the color of her hair is.

And so you know that about 1:30, they are consummating, if you will, their feelings for each other, at least on a physical level. No indication there of anything else other than, perhaps, Mr. Alexander has adopted what the defendant has provided for him because you do see the KY bottle in some of those photographs, and you do know who introduced that into the relationship from the May 10th, 2008, conversation where Mr. Alexander thanked her for introducing.....introducing him to that. We don't know who brought that on that particular day, but it could be reasonably inferred, we're not saying that it happened, that she brought it. She's

the one that introduced him to it, perhaps he already had it there; either way, that's symbolic of her attentiveness to this sexual relationship that they had.

And so, later on in the afternoon, toward getting later, sometime after 5, the defendant says, and it depends on what you listen or what version you listen to, that at that point, Mr. Alexander to show off his body, according to her, and he wanted her to take photographs of him. You've heard the tape of her conversation with Detective Flores that was taken when she was arrested up in Yreka. And that she says that he really didn't want to, that he was reluctant and that she talked him out of it. And they talk about his shaving and how she loved the way he shaved because it was old fashioned. And then she starts talking about how, yes, she is able to get him to get into the shower and take photographs of that. And it really is more of her idea than his. And the only reason that the state can say it is really more idea than his is if you hearken back, think back to what Darryl Brewer told you. One of the things that he was asked on direct ex...or cross examination was, when he was on the witness stand, "Were there ever any photographs that were taken of you by the defendant?" And he said, "Yes, only on one occasion was there photographs taken of me. I didn't want them taken. I was in the shower when she started to snap the photographs." So if it's something that she did in the past, if it's something that she's comfortable doing, to then turn around and say, "Oh no, Mr. Alexander was the person that wanted me to do it," when, as part of the same case, you have her saying that, no he didn't want her to do it. But, she did it, starts taking photographs, and according to her, very sexy. But at that point, the ill will was already there. She is armed with both a knife and a gun at that point. And she begins to take these photographs. And as she takes these photographs, even though she says they are of "Calvin Klein" kind of quality with water coming down as if it was sort of a Pacific, a very quiet, bucolic kind of scene, that's not what's going on.

She talked earlier about a knife, justifying how a knife would have been upstairs by saying that there was this 20 foot rope and that, somehow, she was tied up with that 20 foot rope to that bed. And it depends on who...who she's talking to as whether or not she was tied on her ankles as well as her wrists. But you've taken a look at that sleigh bed. Where is she going to be tied up on that bed? Making it up trying to justify or trying to have a knife there for some other purpose. But if you take a look at that bed, and you've seen it, you know that she's making it up; just making it up. If she's not making it up, then why has she told some of the experts that she was tied by her ankles or on the foot of the bed? Why does she tell somebody else it was both her ankles and wrists? Why does she need to keep changing positions? Because she has a lot to remember, and with the truth, you ain't got nothing to remember.

But she has a lot to remember, and it's a lot for her to keep straight giving....given that she's making all of this up. And so, we...given the facts as we know them and the fact that there was no rope because it would have required her to clean up in the bedroom because that's where the rope was, and if she was all bloody, because we do know that the floor was all bloody, it was also very wet; it was either wet with water, which is white, or it was wet with blood, which is red, Mr. Alexander's blood. It would have had required her to go into the rest of the bedroom and leave some trail of that, and there's nothing there. So, that means there was no rope there, and there was no knife there for her to get. It means that she had both the knife and...or at least the knife at the time of the attack. And so what happens then is that she's standing there.

And then, we have this photograph, Exhibit 160. This is the last photograph of Mr. Alexander while he's still living and before anything bad has happened to him. Quite a legacy for him, isn't it? As he's sitting there, not only is he defenseless, he does not have a gun, he does not have a knife, he doesn't have any weapon

whatsoever. Not only does he not have that, he doesn't have any clothing on. And as he sits there, he doesn't have any dignity either; she's taken that away from him. And if anybody is defenseless in this case, it isn't the defendant, it's Travis Alexander as he sits like that in that shower with his killer standing there dressed in pants, uhhh, presumably, a top on, because there isn't any indication she didn't have a top on, with his camera, and she starts snapping this. Part of this story of hers that you will...would have to believe is that this is also an inadvertent photograph, that this is also an accidental photograph. But take a look, if you will, at the acuity and the sharpness of this photograph; there's nothing accidental about this. Somebody held the photograph...the camera firmly. The defendant held it firmly as she pressed the button and took this photograph, the last live photograph of Mr. Alexander. And while she had him in that position, where he is in the inferior position to her, he's down, she's standing up, she can approach him, and she can approach him as he's sitting there, which she did, no doubt about that. This is not a case of whether or not there was an attack here or whether or not it wasn't her. It's her, and it's him, and it's the man that she has just had sex with, and it's this individual that she has planned to kill all the way from May 28th of 2008. Days, even though the premeditation statute only requires a certain period of time. It doesn't require days. It doesn't require planning. It requires thinking.

And so, she's been thinking about it for a long time because she came very prepared. And before she even went in there, one of the other preparations that she took was to take the license plates off the car. And now she's inside, now she's got him like that. Can anybody think of how anything else could be so much colder or without feeling for the person than to make

Nurmi: Objection, your honor. (inaudible) argumentative

Stephens: Approach

It is cold, it is thinking, it is premeditated to go up to this individual, someone that she has planned to kill for days. Someone which with when she has been intimate with and then attack him. She has indicated to you that it was a shot to the head, but the evidence, the forensic evidence, speaks otherwise. And for you to believe her, and for you to believe that the shot was first, you will need to set aside everything that she has told you, for example, the gas cans; everything she else that has told you, including the fact that she lied to the police, including the fact that she lied to the experts, including the fact that she lied here. And then, you have to say, "Even though she's lied all of these times, even though she's looked us in the face and lied to us, we're now going to believe her with regard to just this one particular aspect." That is not something that is available to you, I submit, and I submit that because of everything that she has said.

And so, she gets her knife, and she took that knife and stabbed him in his front, right here. The reason that she...that we know that she did that is because Mr. Alexander has defensive wounds, and he has defensive wounds to his left and to his right hand. As she is stabbing him, he is alive, and he is cognizant of it, and she begin...he begins to grab at the knife. But unfortunately for Mr. Alexander, one of the knife wounds is to the heart. Does it mean he's going to die immediately? It means he's just going to die, and part of the dying process includes, because the wound is to the heart, blood coming from his mouth, and blood coming out from the wounds. But he's not going to die immediately. He's going to take some time, minutes, to bleed out, but he is going to die. So, in a sense, she has already killed him; he's dead.

Well, you know that he gets up at some point. You know that he doesn't remain seated there because throughout the bathroom, where there's the mat, where there's the scale, all around the bathroom, everywhere, there's blood. And if there's blood everywhere, that means there is movement there. And it isn't

the kind of movement that we...the flopping of the fish kind of movement, it is movement, it is purposeful movement of Mr. Alexander to save his life. And as this time is going by, again, premeditation does not take days, premeditation does not take a plan, premeditation just takes time, and it can be a shorter amount of time. The stabbing, for example, after the first stabbings, could be that. And as he is in this position of dying, he then ambulates, and we know that she didn't carry him over to the, ummm...to the, ummm...sink. We know that he goes there by himself, and one of the things that you see there is this, 98. That's the sink, .and that's the sink with his blood on it after he has been stabbed. The reason that you know that he has already been stabbed, at this point, is because of the patterns that you have on this particular photograph. Right here on the left, and remember the injuries to the hand, He had more stab wounds to the left hand than he did to the right hand. And one of the patterns that was described here was this smudge or this transfer. So that if he, and remember, he had more injuries to his hands, that's not something that she can...she can tell you he doesn't, but you've looked at the photograph; you don't need to believe that, you can believe the photograph. And he does have an injury, a slight injury, to his right hand, but if he's standing here, this would be where his left hand is. And you can see that there's this smudge, or the transfer, as he moves that way as he's falling; moving away, indicating movement. He's still alive, but he's bleeding; that red stuff there, it's blood.

And you also have the drops here, and those are placed there by gravity. If this individual has blood in his mouth, and if you remember that the medical examiner testified that if you do have an injury to the heart, that's one of the things that happens. And as he...it requires, Mr. Alexander to be standing there with his left arm like this. And as he's doing that, we do know that this is what's happening to him - she is stabbing him in the back; that's exhibit number 192; that's a concentric area. Exhibit 193 also shows us that. And he's also being stabbed, as you saw, in the back of the head as he stands at that sink. Because he is standing at that sink, and he is bleeding, and the amount of blood that's at that sink is indicative of time. You just don't go over for a second and get those patterns. He stood there, which means that the defendant was there with the knife stabbing.

The other pattern that you see there; this, on the mirror. If you remember, the blood spatter person indicated that, "Well, yes that could happen from, for example, a gunshot wound, but it could also happen if somebody had blood in their mouth and they get hit in the back of the head." And that's called blood spatter, high velocity splatter. And, what that means then is that Mr. Alexander was having some force applied to his head at the time that he was standing there. That's how you can know that Exhibit 193 mirror indicates movement, hitting him, and then he goes and flies into the mirror. And he's not dead; he's still standing there.

This woman who came to visit him came prepared. So, he begins to go in a different direction. And we know that he begins to go down the hallway, and he's still standing. The reason that we know that he is still standing is if you take a look at Exhibit 133. That's blood transfer. That's either an item of blood came by or the blood was already there. Well, the item of blood, in this case, was Mr. Alexander, and as he's going by, you can see him still sort of standing. And then this rainbow, somewhat ironic, there is no good luck for him at the end of that rainbow. But you can see that it starts high then it arcs down to the area where there's a larger amount of blood. He's stumbling down that way. But he's stumbling with somebody after him. He's trying to get away. He's trying to get away from her.

And she may cry now, but the jury instructions have told you that sympathy is not to be considered in this particular case. No doubt that she did it. No doubt that he's trying to get away from her, and you can tell that by the arc that is there. And you can see that even clearer in here with regard to Exhibit 132. That's the same

view from showing the arc that... Just for contrast, to show you that was part of what was going on, if you take a look at the other side, the other wall, you can see that these are more at the bottom, indicative of substance of blood and rubbing it there, or the blood already being there and an item going through there as it goes to this arc that we see here.

And she chases him down. That's what she did, and he's still alive. How many stab wounds has she already given him at that point? The ones to the back. Do we really need to count the number of stab wounds to get, is there a requisite number to get to the portal of death? No, not really. There's enough here to get him there. He's already got the one to the chest, which is going to kill him. He's already got the ones to the back of the head; they're not fatal. And he's got the ones to his back. But they are accelerating his departure from Earth because the more he bleeds, the quicker he dies; you don't die immediately.

And so, when he gets here, to the end of his rainbow, he gets there to the end. And when he gets there, that's when she does this; this is Exhibit number 205. She slits his throat from ear to ear. There can be no doubt that he got there on his own volition, by his own movements as he tried to get away from her. We know that because of these blood stain patterns. You know that because of Exhibit 130, which shows you. And remember, the rainbow is right above there. He goes down, he collapses there. She catches up to him and goes for the throat.

And, if you want to believe her that she doesn't remember anything, doesn't know anything that's going on, why then, why then, if she really doesn't know what's going on and can't remember, why is she so directed at a place where she can certainly cause death? If she really didn't know what was going on, if it was just passion, if it was just the heat of passion, then you wouldn't have a directed hit to somewhere that's going to kill; you would have dispersed all over the place. But when he goes down, there is a direct strike to his neck, which is a indication of somebody who was thinking, "This person is not going to live. He may get away from me in the shower. He may get away from me all the way to the sink. And he may stumble his way down that hallway, but you know, I caught him." And now, rather than stabbing him anywhere else, right here. So it's a very well orchestrated killing. And it takes time. By time, that somebody's; it takes time, people think.

And so she's now stabbed him in the back. Now, he's trying to get away. Went to the sink, but was almost something to consider. Another thing to consider while he's at the sink is that in front of the sink is a mirror, and as he's standing there, a mirror is reflective of what's going on behind him. He has eyes. His eyes are still open at that point; he can see. He can see the defendant deliver the strikes to his back, and down he goes. And then he gets another cut to the neck. But she's not done with him yet. And again, the point here is, is that if this were the heat of passion, if this was a situation where somebody was just upset, it would be random all over the place, but this was a strike to kill right at the neck.

And then, after she does that, one of the things that we know is that the shooting didn't take place there. The shooting took place near the sink where he had previously been standing. And so, one of the things that they wanted you to believe was that if this person was shot and hit through the head, he couldn't have been shot there at the sink according to them. He's already bleeding and still continued on. But the knife wounds do have to be first. Of course that would violate the laws of nature because he's bleeding so profusely there that the doctor by necessity would have had to have found lots of blood in the track of the bullet, and he didn't.. So if he was standing at the sink, and he was shot at the sink after being stabbed, there would be lots of blood there, and the doctor did not find any there, so he clearly was shot after that when the situation was such that his heart wasn't beating, a situation where the heart wasn't pumping enough blood to get it there. (inaudible)

he was dead at the time that he was shot in order to forensically get the result of no blood in the track of the bullet.

So, he falls there, and then we have more directed behavior. We have this, Exhibit 162. That's Mr. Alexander, that's blood, that's his foot, and that's her foot. And given the fact that we know that the bathroom is this way, that's her standing there. And what's important about that if we look at this exhibit here is that it looks like there's been a wildebeest migration near his head. Look at that, that's.... And what's important about that is that even though there is this stomping of the feet, it just means she was over him, hovering him. How many times was she...was she stamping around, stomping around to get that pattern. But what's even more important about that is that there's nothing in the bedroom, which means this was directed behavior at him.

She was cognizant of what was going on because if she would have been in this state that she wants you to think that she was in, then it would have been all over the bedroom if she had been in this hysterical state that she had describes you....describes for you. And she went out, run into the bedroom, except it's in pristine shape. And what she does then, she begins to drag him. And again we look at that one in Exhibit 163, which is a bit later, you can see she's dragging him down the hallway. What that shows is an intent...or an attempt to clean up.

And as she's going by the sink again, we know that she does something else. What she does is this, Exhibit 207, shoots him in the head. There is no blood in that blood track, which means the heart isn't pumping, and when the heart isn't pumping, he is dead. There is no other medical phenomenon or any other medical indications that would give any other indication. And if that's the case, that he's already dead and then you have the casing from the .25 caliber handgun that she took during this staged burglary where we have the casing right there falling on top of the blood as she's dragging him back because by necessity the body has to be there. And what, if you remember, there's a closet that's up here. The sink is to the left, and this is, and the sink is to the left, and this falls to the right. One of the things that we've talked about is that the shot is right here. If she is dragging him in this fashion that way, and she's pulling him along here, that would mean that it would be this portion of the head that was exposed, which, if you're pulling somebody down the hallway, that's the result that you get - the casing is expelled, and it lands on the blood that is already there. So that's when she delivers this shot to him, somebody that's already dead. So she's killed him three times over. Is that enough premeditation? Even though she's had all of this planning already, this was a very directed attack.

And then she goes about the business of cleaning up. And one of the most interesting things about the cleanup that she did is that she...yes, she knows about cameras; she knows what to do with cameras according to her. And one of the things that she knows how to do....what to do with them is delete photographs. And she's able to look at all of the photographs that are on this camera. Let's assume, for example, that they've already deleted the ones involving the sex. This one right here, the fir...the inadvertent photographs, Exhibit 162, for example, had to be deleted after he was dead. There is no way to get....there is no time travel here because that's really what they want you to believe.

After this happened, she located the camera. And he's not carrying the camera as he's trying to survive. He's...he couldn't care less about that camera. as he's standing over the sink. So what does he do? He just tries to get away. So with the camera getting there means that she was the person who was holding on to the camera and carried it to that location. Then, after she shoots him, she goes back and places him in the shower.

At some point, either after shooting him at the end at the sink, or after placing him in the shower, at some point, she's still thinking because remember how much she has planned it for. I've gotta get rid of this evidence. I've gotta delete this. And what does she do? She deletes only certain images. It's not like all of the images are deleted. This shows somebody who is thinking, "Oh, I don't want to delete the one of his dog, uhh, or this other one. I'll delete just the only ones that hurt me." And that is directed behavior by somebody who claims to have dissociative amnesia. Dissociative amnesia, you heard what the definition of that was. Or is it a fog? Even the San Franciscan fog, if...if...if such a thing existed, wouldn't be so cloudy to account for this kind of behavior. There is no fog that someone can tell you about that hasn't lifted to allow for this. And so, she cleans that up. She has that, and she cleans that up.

The other thing that we know is that she takes the camera, at some point, from that area there. And again, what's important about that, yes, it's important where it was found, and yes, it's important that it was found in a washer, but what's actually more important, to show that she was thinking, is that there are...are no steps leading from the bedroom down to the area where the, umm, camera was found that are bloody in nature or red, which means that she was cleaning herself up because if you're going to be walking around there, you're, by necessity, are going to get it in your socks because that's what she's wearing. She would have had to get it on her socks. And if she's in this horrific, hysterical state, she would have ran down and thrown it down there, but what she did is she cleaned herself up first. The police did not, and you looked at on the stairs, did not find anything that showed that there was any other activity other than up in the bedroom, which mean she cleaned up. She took her socks off and then maybe put her shoes on or maybe put different socks on. But definitely, the...the item that she was wearing was taken off before that camera was taken downstairs and put in the washing machine. And it was put in the washing machine and put through a cycle. Oh there's this big indication or this indication that she could have taken it with her. So? What does that mean? It just means It's an alternative. But she has done so much already.

Other things that she has done, according to her, is there was this glass underneath the...uhhh, the...uhhh, sink area, and that's the glass that's found on top of Mr. Alexander after she cleaned him up, after she cleaned him up in the shower. We don't know if the glass was an afterthought or if it was used to actually clean him, but actually it shows that she went to the sink, approached his body, and dropped it on top of him. But she cleaned him up; wanted to wash away anything, or any contact, or anything that would show her being there. Again, we're told about what, umm, DNA is and how it's left behind, but if somebody washes it away, it's just not gonna be there. And that's another step that she took in staging this scene. She washed away all of her DNA from him. Could have turned on....we don't know if she turned on the shower. We don't know if she used the glass. But we do know that she cleaned up. And it isn't because she loved Mr. Alexander that she cleaned him up. Oh, it isn't that she wanted him to look good even though he, with all due respect, he looked a little bit crunched up there; it wasn't that. The metafact about what she did is to destroy any of her DNA; she washed it off. That's what people do when they want things that such as items off their hands; they wash up, and that's what she did.

And then we don't know what was in the middle of the bathroom that was causing her concern, but we know that she focused in on the bathroom area as well as near the closet. Again, we don't know exactly what was there. Perhaps, that was where she dropped the knife, and she needed to clean the knife there because we know that the knife was cleaned. We know that the knife was not left behind. So, again, there's this directed behavior with regard to the knife.

Had the knife been dripping blood, and remember, she had just stuck it into his neck, had that been happening, and had she been in this hysterical sort of mood that...that she wants you to believe, it's fair to say that that knife would have been bloody, would've, well she would've dropped blood along the way. No, she carried it out. She wants you to believe that she may have carried it down to the dishwasher. If she did carry it down to the dishwasher, which the state disputes, but we can use that for demonstrative purposes to show that knife, if it was carried downstairs, it would have to be cleaned up upstairs, or wrapped in something, like a towel, which shows, again, directed behavior so that no blood got on any of the stairs; didn't get it anywhere else. So, if she says, which is what she said that sort of alluded to, that maybe that's what she did with the knife because no knife was found up there, and we do know that a knife was used in this attack, if she did that, she cleaned....she did something with the knife. She either cleaned it, stuck it in her purse, or according to her, even if you put in a dishwasher, but she can't be sure about that, the behavior before the movement of the knife shows that she was thinking this whole thing through.

If you step back and say, "What has...what was she thinking at the time?" Well, she was thinking the scene, cleaning it; that's what she was doing. She cleaned the body of any DNA. She cleaned the area where it appears somebody attacked there. The other implement, the knife? That was cleaned because it wasn't found dripping anywhere. The, umm, the gun? Well, it was taken. The clothing that she had on her, specifically the footwear that you see in Exhibit 162? That wasn't found anywhere. There was no bloody socks anywhere. And even the towels that were upstairs, if you remember there was one towel missing from the set that was taken down and placed inside of the washing machine, and a cycle was run. It appears that the cycle was run with Clorox. And what's significant about that is that yes, it's significant that Clorox was used, but what's also significant about it is that the hands were clean at the time the Clorox was grabbed because, otherwise, you would've see the handle with blood on it, you would've seen blood all over the washer; you didn't see that. She had already cleaned up upstairs. And she was cleaning up because she did not want to get caught and was, actually, as plans go, pretty good except for the photographs.

So she has now staged the scene; she's now cleaned up. There has been days of premeditation, but if you just take the scene itself. And we will discuss the jury instructions that tells you that it just requires a space of time. And killing somebody three times over has built into it a space of time, irrespective of which events you think happened first or happened. It's the state's position that the state...the stabbing happened first because of the forensic evidence and the blood spatter evidence that's upstairs. Either way, she killed him three times over. She stabbed him in the heart; he would die from that. Certainly the throat was immediately fatal. And the gunshot would also have been immediat....would have been fatal. So there is this premeditation aspect.

And so she staged the scene at that point. Then she did some other things that were equally as interesting, and by "interesting" I mean demonstrative of how well she was thinking at the time. She claims that she was in this sort of foggy state. She wasn't in such a foggy state that she couldn't put the license plate back on the car she was driving on the back. She was in a hurry and put it on upside down, but she did had already taken it off before and remembered to put it back on such that she drove all the way to Utah that way and was stopped in West Jordan....West Jordan, Utah, so yeah, she was thinking there. She wasn't dr...she wasn't driving without a license plate because police officers would have stopped you quicker without a license plate than one upside down. So, thinking there.

The other thing is she packed up the clothing that she was wearing. It was bloody; the shoe...the socks included. Packed all of that up and took her...and took them with her. Cameras, her purse, the gun, all of that,

she was cleaning it up, staging it up for the police, so that when the police went out there they wouldn't even know what was going on. Got in the car with all the cleaning and was sure and careful not to get it anywhere other than the bathroom. Walked out, and then on that hot summer June 4th, got into the car, left Napoleon behind, and started to drive away after putting the license plate on the car.

And according to her, at some point, filling up with gas from the gas cans. If you're in such a fog, how can you even remember that you have gas cans? How can you possibly even remember that you have a gas can if you've never done it before? And she, according to her, this is not something that she did on a usual basis.

Nurmi: Objection. Facts not in evidence

Stephens: Overruled. The jury is directed to recall the evidence

And away she goes down the road until according to her, she stops on the side of the road, starts calling Ryan, and continues her lies. Starts calling Ryan and saying...and gave a story about where she had been; she lied to him. She wanted to continue that speaking with him because he could potentially say, "Well, no, she was with me. She was somebody that was with me at the time." So, again, she's continuing to stage the scene for the police.

What else does she do? If she didn't think that she had killed him, then why is it that she's calling and leaving a voice mail message as soon as she possibly can? "Oh, I'm sorry I couldn't stop." If she was really in this state of fogginess, she could have...you heard some mumbling or you what she wouldn't have been able to work the prompts on the phone. But she was able, according to her, keep going back and trying to do the message. 1, 2, 3, 4, how many times did she say? Many, many times she said she tried to do that. That shows some clarity of thought. And of course, though, she wants you to believe that there was no clarity of thought; she wants to manipulate you, wants to continue to lie. Why send an email if you really didn't know what had happened, why send an email? Why not call the police? And why continue on your journey to make it seem normal? Why continue to make it seem normal as if nothing had happened? The reason that you do that is because you had a plan.

Ryan Burns was nothing more than her alibi. And she show....maybe he was a little bit more because of the interest that she showed. But she calls him up, makes up this story about where the cell phone has been, and continues on to Utah into his waiting arms. Gosh, you can almost hear the violins making their sound as she goes up to him, gives him that first kiss. Isn't that romantic? And then later on as they kiss passionately after going out, and she adjusts him, whatever that may mean, although according to her, he's full of crap. Anybody that doesn't agree with her, oh, they're full of crap. That...those were her words from the witness stand. He's wrong, and he's...he's...he's not telling the truth according to her. He doesn't have anything to gain. But he does tell you that yes, they were involved, and they were involved in a sexual fashion when she gets up there. What a wonderful reu...what a wonderful time it must have been for them.

And so then, there's this talk that she has with her friend, Leslie Udy. And she begins to talk about the future with Mr. Alexander in it. How this Mr. Alexander that is going to be with her in the future after he's married and he has kids, and she's married, she has kids, their children are going to play together. Absolutely staging the scene again. Continuing staging the scene so that if the police start making inquiries, guess what? She didn't know he was dead. "Boy, she was just normal with me," Mr. Burns would say. And with Leslie Udy, "Oh, she was talking about the future." Again, she's just staging the scene after what she has done.

At the restaurant that they go to, there was this talk about her hands, and she, again, makes up a story as to how she got the injury to her hand, even though it's from the knife slipping as she was knifing Mr.

Alexander to death.

And then afterwards, her friend, Dan Freeman, calling her on the...on the...on the telephone and telling, "Oh, his body has been found." And she crying and calls the bishop, trying to determine whether or not he was alive. What an absolute facade. She's creating a wall of excuses, a wall of absolute of what appears to be of impenetrable might so that no one can assail her, no one can say that she had anything to do with this because she's acting the part, and she's lying; she's making it all up. She has lied to everybody, and she has staged the scene.

She staged the scene of the murder, and then she came into court, and during these proceedings, has staged her defense. And she staged her defense by lies. And the lies that she told were to a number of people and to various groups of people. First of all, let's start with you. Perhaps, it may be that, in court, because of the admonition and standing in front of the clerk that, somehow, that would bring out the truth because, after all, this is a truth-finding sort of proceeding. Well, let's start with some of the examples that we can talk about that we know that she lied to you about. This issue about the gas cans, absolutely, without a shadow of a doubt, she's a liar. And she's a liar about, number 1, that she returned it to Walmart, and she's a liar about the fact that she didn't have it over there in Salt Lake City. It's just a lie, and the reason she's lying is that, that explains why there are no receipts here in Arizona, and that also goes to premeditation.

She planned to come and kill Mr. Alexander with that .25 caliber and that knife from May 28th on; that's what the evidence shows. One of the things that you can say to yourself, "Well, you don't have any direct evidence of that." That's true; we have circumstantial evidence. And circumstantial evidence is a fact that you can deduce from looking at the circumstances as opposed to direct evidence, which is visual or hearing ki....sensory kind of evidence.

The best example that I can give you about the difference between direct and circumstantial evidence and how it applies in this particular case is that if you are at a beach, it doesn't matter what beach it is, it doesn't matter what time of year it is, and you're there by yourself, and you're standing there, and you're watching the waves come in. As you stand there from your left, somebody walks by and goes to your right. A minute or so later somebody else comes to you and says, "Has there anybody else been on this beach?" And you can say, "Sure. I just saw him walk by." That's direct evidence.

Contrast that with circumstantial evidence. You are at the same beach. You have not seen anybody go by. You have not seen any fingerprints; you haven't seen anything. And you decide that it's a nice day and you're gonna close your eyes. You have your Wayfarer sunglasses on, you have your towel out, you're gonna lay down, and you close your eyes for exactly, let's say, a minute. And before you closed your eyes, you noticed there were no footprints here, no footprints in front of you, and no footprints there, and doesn't...the ocean's not coming up to you. Close your eyes, and you wake up and when you...for those 45 seconds or so, and then you know then to your left is a set of human footprints. You see those right in front of you and then it goes by. And you didn't hear anything and you didn't see anything. Somebody else comes up to you or the same person comes up to you and says, "Has there been anybody here at the beach?" You didn't see anybody, and you didn't hear anybody, but you can say, "Yes." And the reason that you can say yes is because of the footprints that you saw after you woke up.

And the same thing here. There are many footprints to this premeditation aspect. One of the footprints that we have is up in Yreka, California, after the May 26th of 2008 arguably tells you, "You're the worst thing that ever happened to me." Then you have her stealing the gun, or the gun is stolen, and it's a .25 caliber

that's actually found at the scene². After that you have her borrowing some gas cans. And then you have her lying about those gas cans. And then you have her lying about the license plate. And you have her turning off her phone so that she can't be found in Arizona. And then you have the photographs, and you have the rest of the evidence in this case. She premeditated the murder in this case.

The other thing that we need to talk about in terms of what she told you that is not true is why she rented the car in Redding. She said that's the place that Priceline would give her the best deal, but you saw the receipts, not the receipts but the statement from Washington Mutual that indicated that, hey, she paid directly to Budget, so that wasn't a Priceline thing. She looked at each and every one of you, and that's what she told you. Well, that's because, of course, she's innocent, and you as a jury are not going to convict her, right?

The other thing that she talked...talked to you about was this, uhhhh, this injury to her finger. She said that...she showed you the finger, and she demonstrated it to you, and she that Mr. Alexander had been the person that actually had done that to her. Well, if you remember during cross examination when she was being asked about what happened in the, uhhh...in her killing of Mr. Alexander, the question was, "Well, you really didn't get any injuries. I mean, aside from the injury to the head. Do you remember? That's all that you got then, right?" And then she said, "Oh no, uh uh. I also got the injury to my finger." Do you remember her saying that in a moment of candor, in a moment when she wasn't quite expecting it? She said, "Yes, that's what had happened." Yet then she turns around and says later, "No, no, no, no, that's not how I got it. I got it working for Casa Ramos, Margaritaville. I got it at his house." Who knows? But she looked at you straight in the face about it, an event that occurred at the time of the killing, and she looked at you in the face, every single one of you, after taking the oath, and lied to you. Maybe...maybe this Law of Attraction, maybe something else, maybe that would explain it. Or maybe her experts will explain these three areas that you know were f...were made up; she just made them up to you. And why did she make them up? Because although she says no jury will convict her, it's because she's attempting to get you...or manipulating you to get to that particular point.

One of the other things that, perhaps, we need to look at or to talk about is their experts. And with regard to their experts, with regard to the defense that's presented, one of the things that, perhaps, you can sort of allude to and maybe make reference to when you're looking at this particular defense is by reference to Elizabeth Barrett Browning in a sonnet where she indicated that, and again, it's just a reference to it, "How do I love thee, let me count the lies." It's a little bit of a reference to it, but that's not exactly what she said but really, then how do I love thee, let me count the lies. Well, we've counted three so far that in this court. looking at each of you, she said them.

What else can we look at? Well, perhaps we can look at the motivation, or perhaps we can look at people that have testified on her behalf and then we can understand what's going on. We can talk, for example, about Alyce LaViolette; she's the person who has a master's who came in and has been doing this for a long time. And one of the things that Alyce LaViolette has, and she has an extensive CD or resume, is, one of the things she hasn't included in those is that she is also a liar; that is just the bottom line. She came into here, and she told you, in response to one of your questions about whether or not she had ever testified on behalf

² Juan gives the impression here that the gun was found at the crime scene when he says, "Then you have her stealing the gun...and it's a .25 caliber that's actually found at the scene." The gun was not found at the scene. What he is referring to, and what was actually found at the scene, is a casing from a .25 caliber gun, not the gun itself.

of a male in court, and she said, "One or two times." Remember that? And when she was pressed by the prosecutor during cross examination, "Well, who are they?" Uhhhh; couldn't give you the name. Give me a name; go ahead, give me a name. Uhhhh. Pressed even further, she said, "Well, I didn't testify. I actually wrote a report." She wanted to make herself more than she really was.

She also talked about being a keynote speaker at one of the conferences where was Snow White a battered woman. She indicated that she was one of the keynote speakers there at one of those conferences, and she wasn't. Her CD indicated that she was on the plannery panel, which is just part of people that go there, and she made a presentation to a smaller group.

And just as importantly with regard to lying and Alyce LaViolette, she indicated and tried to justify the defendant's lies for you so that you wouldn't think that they were so bad. She kept saying, "Well, she lied before but not afterwards." And we got into this conversation about lying and Alyce LaViolette said, "Well, you know, there's such things as white lies; those are okay." See, you don't understand, for her, and for the defendant, white lies. White lies; they're okay. And if it's to her benefit to say that something is a white lie, she will say that it is a white lie. And in this case, everything that's negative towards the defendant, and it is untruthful, well, that's just a white lie according to Alyce LaViolette, and to her, that's okay. Probably it's okay to Alyce LaViolette because she wanted herself wasn't truthful to you. It's one thing to be mistaken in a report. It's another thing to look at you as an expert, because they're trying to provide guidance, and say, "Hmmm, yes, I have testified on behalf of men before," and then going back and saying, "No, that's not true." Imagine it? Well, maybe.

That's a guide to the defendant. Maybe that's something that she, of course, believes. Maybe that's something that buttresses the defendant's case, and Alyce LaViolte believes that that's something that she should do.. But what that indicates is that she's nothing more than an advocate. When you begin lying on the behalf of the person that you evaluated, when you begin to, umm, visit them, when you begin to, uhh, have....give them books, when you're with them for 44 hours, that line was crossed. Anything Alyce LaViolette said is contaminated. It is foul. It is not something you should consider because how much credibility can you give her if she came up here and, in advocating that position, she lied to you? Absolutely no worth at all.

And then you have Dr. Richard Samuels. And one of the things about mis...Dr. Samuels was that, and the issue involving lying, is one of the things that he did is that he had trouble with regard to this scoring and rescoring. And there was some issues as to really what the motivation was for the rescoring. Janeen DeMarte, Dr. Janeen DeMarte, that, "Well, there's no reason to be rescoring three times unless you, perhaps, want to change the scores." Or with regard to the MCMI, there's to submit it twice unless, perhaps, you might want to change the scores.

But one of the things that we do know about Dr. Samuels is that he gave the PDS test, and there is no doubt as to that test that the defendant lied; the defendant made it up. There is no truth to the fact that on question 14, number 4, that whatever seminal event that they're talking about, there was never indicat...any indication whatsoever that there was a guy and a girl that came in and killed Mr. Alexander, but he based his test on that. And the defense, and the questions may be asked about whether or not it involved attack of a tiger, or if it involved the attack of a bear, or if it involved a gopher, or...it doesn't matter, the bottom is that it's a lie. Let's say that somebody goes to the doctor, and they go to the doctor and they're talking about some sort of pain that they have. And if they start lying about the pain, isn't the treatment going to be affected by it? How good is the workup going to be if the seminal event that you're there for is a lie?

Oh, yeah, you can say she suffered trauma. Okay, let's assume that you can go that far and say the PDS test showed that she suffered trauma. Well, which trauma are we talking about? Is it the bear? Is it the tiger? Is it the gopher? Or, in our case, is it the trauma of lying about killing Mr. Alexander? Is that what we're talking about? Or is it the killing of Mr. Alexander that we're talking about? Or, as the other expert Sheryl Carp found, was it the trauma of this nonexistent domestic violence?

The problem is that when you start lying and the experts get involved, and they start basing their tests on a lie, how valid do...can the results be? For example, Sheryl Carp found that yes, she believed it was post traumatic stress disorder based on many, many events of domestic violence, yet there were only 4 that were presented to you and never linked to post traumatic stress disorder. Then there's this test of PDS that was...that was taken, and according to Dr. Samuels, he said, "You know what? I probably should have readministered it." In a moment of candor, he said that. And yet, defendant, not only to Dr. Samuels but also to Dr. Carp or Janeen DeMarte, Dr. Janeen DeMarte. Either one. You can't have a lot of domestic violence or a little bit of domestic violence. So you have that issue that is sort of floating out there with the experts.

The other area that the defendant lied about was..or to, was the police. Uhh, Detective Fl... Oh.

AFTERNOON RECESS

When the law is on your side, you argue the law. When the facts are on your side, you argue the facts. But when nothing is on your side, you just argue, and that's what you have. Specifically, there was some mention, perhaps, of somebody's haircut. Does anybody care about Mr. Nurmi's haircut? Was that any part of the evidence that you should consider? There was also some talk about sexual orientation. Whose sexual orientation are we talking about and did that present itself from the witness stand? Because remember you are told that your duty is to follow what's in the jury instructions, and the jury instructions don't indicate that you consider anything other than the exhibits and the testimony that came through from that witness stand. So what you heard with regard to those two issues was, perhaps, just argument, and it was argument that was geared to somehow stir some sympathy in you.

The other issue, for example, that you heard that was just argument was with regard to Exhibit 160. This involved Mr. Alexander, and there was talk about the fact that how could she have possibly have stabbed him in that fashion if she was standing up. Well, according to her own testimony, she was crouched down at the time that this photograph was taken and that that's why the camera didn't have to go very far. The other issue that he indicated was how could she possibly do it with her left hand. I mean...and how clumsy it would be. Doesn't...has somebody forgotten...or has everybody forgotten that she indicated that she's ambidextrous? When she was asked by the prosecutor as to whether or not she could write with her right...left or right hand, she indicated, "I'm ambidextrous." So, perhaps those are the things that should be remembered when arguments are being made.

The third issue that was brought up was, well, it involved the alleged pedophilia. If she really wanted to cause him some damage, if she really wanted to cause Mr. Alexander some damage, why didn't she go to the media about it before this took place if she really was going to do something like that? Well, if you remember the testimony, in August of 2011, there was a hearing involving an issue with regard to the pedophilia, and at that time, there were some magazines, and one those magazines...

Nurmi: Objection. Beyond the scope.

Stephens: Approach

was the Photo Pro Magazine, which is...

Nurmi: Your honor, may we approach

Stephens: Yes

Maybe if (inaudible) just makes argument and you'll forget about Exhibit 465, which is the Photo Pro Magazine. Remember, she's such an avid person who knows all about cameras, an individual who's very interested in that. And in anticipation of that hearing, well, with regard to Exhibit 468, which is in evidence, you can find it in the magazine on page 6 and look at it if need be, she wrote the name of Mark Stan Stanoch, who is with ABC News, and there's a number there. Do you think that she was writing him just to exchange greetings in anticipation of that hearing? Is that what you think was going on?

Nurmi: Objection. Misstates the evidence

Stephens: Overruled.

Do you really think that's what she was doing? Do you think that they had a personal relationship? Do you think that Mr. Stanoch is not busy with other issues? No, she contacted him in anticipation of that hearing because she wanted....

Nurmi: Objection, your honor, misstates the evidence. Can we approach?

Stephens: I sustain that objection

This defendant contacted him for a reason.

Nurmi: Objection. Arguing facts not in evidence.

Stephens: Sustained.

Nurmi: Move to strike, your honor.

Stephens: The jury will disregard.

You do see his name there, don't you? And you do see a number there.

And additionally, with regard to those coded messages, with regard to trying to spread this and whether or not they were true, one of the things that the defendant indicated...defense counsel indicated, well, these were true. They were absolutely true, and there's nothing out there that indicates that they were not true. But if you take a look at Exhibit 469 with regard to these allegations, and this comes from an individual who was so absolutely upset with Mr. Alexander when he used the word "fuck," according to her. Well, in that magazine, page 43, this is....

Nurmi: Objection. Beyond the scope.

Stephens: Overruled

Page 43, she writes, "You fucked up. What you told my...."

Nurmi: Objection. Misstates the evidence, your honor.

Stephens: Sustained. No, sus...

You sustain it or.....?

Stephens: Approach

With regard to these magazines, you will remember that test...testimony with regard to these magazines were taken from the defendant. They were in her possession. They were Exhibit 465 shows that they were her magazines. They have her name on there, her address on there, and she was in possession of them, and she was in possession of them shortly before this hearing involving an aspect of this pedophilia allegation.

And this defendant, at some point, when she was having a visitor by the name of Anne Campbell, if you remember during cross examination, had these two magazines; this one and the Star Magazine. And one of

the guards, or one of the detention officers, was walking her down the hallway, and as she was walking her down the hallway, the defendant indicated to her, and this was shortly before this hearing involving an aspect of this pedophilia, indicated to this detention officer if...or requested from this detention officer that she be allowed to give this magazine, which is the Photo Pro Magazine, exhibit number 465, along with exhibit number 466, which is the Star Magazine, to her friend Anne Campbell. And after these magazines were reviewed by the sheriff's office personnel, and after they were put together, this is the message, in Exhibit 469, that could be gleaned. And it was, "You fucked up. What you told my attorney the next...what you told my attorney next day..."

Nurmi. I object. This is still beyond the scope.

Stephens: Overruled.

directly contradicts what I have been saying for over a year. Get down here ASAP and see me before you talk to them again and before you testify so that we can fix this. Interview was excellent. Must talk ASAP."

And if there's more writing to be looked at, you can take a look at the Janu...January 24th, 2008, entry of her journal in which she indicates that nothing noteworthy has happened, the one that refers to the pedophilia allegation. So, yes, she was very much engaged or using this pedophilia allegation.

The other issue that was raised was, well, with regard to the three can...or the can of gasoline that was purchased at the Walmart in Salinas, California. One of the things that was advanced to you was part of their argument, because it is just argument, was that she did purchase this 5-gallon can of gasoline but then she returned it. If you remember on cross examination, one of the questions that was asked of the defendant, "Did you return it to that same Walmart in Salinas?" and her answer was yes.

Nurmi: Objection. Mischaracterizes the testimony.

Stephens: Overruled. The jury is directed to recall the evidence.

Immediately after that, the prosecutor asked her, "Would it surprise you if I told you that they have no record of that gas ever being returned to that Walmart?" And her answer was, "Yes, it would surprise me because they gave me a refund in cash." So...

Nurmi: Objection. Mischaracterizes the testimony.

Stephens: Overruled again. The jury is directed to recall the testimony.

So she knew, or she told you specifically, that it was that same Walmart that...where she purchased the gas can, that she actually returned it.

Additionally, if you take a look at the Walmart receipt, exhibit number 237.008, there's no markings on it; there is no indications whatsoever that it was ever touched by a Walmart employee. There is no indication that, for whatever reason, maybe the heavens created the one and only exception for her, that the employee would not put a notation on there that there had been a refund; that absolutely would not have happened. But they want you to believe that because the only way that her story makes sense, the only way that there is no premeditation in this case, the only way that they can get you to believe that, perhaps, this is second degree or manslaughter or believe the self defense is that if somehow you say to yourself, "That's okay. She can lie to us about this gas can all she wants, but even though she looked us right in the face and lied to us about this gas can, we're going to disregard that lie because we've gone to the Alyce LaViolette school what...where there are certain things that are called 'white lies'." Perhaps it's because it's on a white receipt that this is a white lie. Perhaps, because it's not...it's one of five of those items there that, somehow, it's a small percentage of a lie. But a lie is a lie, and she looked right at you, in the face, in response to one of your

questions, and told you that.

And you also know that she did not return this gas can for refund by looking at the receipts from the Arco in Pasadena, California. There is Exhibit 237.001, a purchase for 8.301 gallons; that's for her car. You then have another purchase here, 237.012, that is 9.594 gallons; that's the two 5-gallon cans.

Nurmi: Objection, your honor. Arguing facts not in evidence.

Stephens: Overruled

Then you have 237.013, the one that was a little hard to see, and this one you can tell, 2.27 gallons; that certainly will fit in a 5-gallon can.

And if you have trouble believing that, you will remember the testimony of Chelsea Young, who indicated that in Salt Lake City, there were three different purchases of gas - one for 5.09 gallons, which was done at the pump, there was also another purchase for approximately ten...a little bit under ten gallons, which would represent the two other two 5-gallon cans, and then there was another purchase for gasoline, the one for her car; and they're making up almost the same as the gas purchases in Pasadena.

And if the purpose was to save money, which is what's been alleged, then why buy gas in Southern California? Why not buy gas there in Pasadena and then buy some gas in Arizona if that's what she was coming for?

Because they argue to you, and it was all argument, that well, every part of her trip was documented, and she was stopping at the bank, she was stopping at the store, and if she wanted to she could have thrown away the receipt. Yes, every part of her trip was documented...except the part where she came to Arizona. That part was not documented; everything having to do with Arizona was erased. The telephone, well, you know, they told you she's not the first person to have her battery run low. Well, she's the first person we know that killed someone, and when that battery seemed to have just run low exactly when she came into Arizona, right outside of Pasadena. And this charger that she claims to have lost, all of a sudden she found that charger.

The other things that we know is there are no indications at all that when she came here to the state of Arizona, she stopped for gas anywhere. She had those gas cans so that she wouldn't be able to be identified anywhere near Mr. Alexander's home.

Additionally, with regard to the license plate, they tell you, "Well, that's one of the best ways in the world to get stopped, to drive without a license plate." Nobody ever alleged that she was driving without a license plate. The allegation by the state, which is borne out by the fact that the front plate is off and the back plate is upside down, is that she took both license plates off before she arrived at Mr. Alexander's house, so she could park her car there, and nobody would be wiser; nobody would know that it was her that was there. Who would know that? They tell you, "Well, she could have borrowed her parents' car." That's true, she could have done that, but they have license plates on them; they would have been identified to her. It would have been one short step to find out who owned that particular car.

So, that you...you were also told, "Well, there are some guns that her father owned." Can you imagine the question that...or and the answer if she were to her father and said, "I need a gun. I want a gun." Question would have been, "Well, why is it that you need it? Why would you possibly need it if you're going on a trip? And why are you going? What are you doing? Or else I am not going to give you the gun."

All of this is nothing but argument that was presented to you, and it was presented to you in a way so that you could not focus in on the actual issues in this case.

One of the other portions of the argument was that well, you were talked about the finger issue. We

were...you were shown photographs, and they talked to you about the demonstration, but as part of that argument, perhaps, they forgot to talk to you about the cross examination and the issue involving the finger because when she was being questioned about the murder, and she was being asked about this particular finger, and how the injury had happened, and how many injuries she had suffered as a result of the attack, if you will, on Mr. Alexander, she said, "Well, you know, I did get some bumps and bruises." Question was, "Is that all? Is there anything el...I mean that's all that you received?" And she said, "I also cut my finger." That's what she said. So, if that's what she said, then why aren't we talking about it now? Well, the reason we're not talking about it now is because they know that it doesn't help their case, so let's go ahead and make an argument.

The other thing that was going on in this case is that there are a lot of the salacious detail...details of the case that were resurrected for you. There were, uh... there was a tape that was played, but of course, the tape that was played didn't have her, generally speaking, didn't have her side of the comment on...or comments on it. It didn't include all of the comments that you heard before. It just included Mr. Alexander's, so clearly, those were taken out of context.

You were shown a photograph of her laying back nude, and you were asked to look, "Take a look at her. Does that look like somebody that is really happy?" I defy anybody, even Alyce LaViolette, to take a look at a photograph, take a look at a photograph and tell you exactly what an individual is thinking. Is there any way to take a look at the photographs of Mr. Alexander or the defendant, in whatever pose she's in, whatever, uh... state of undress she's in, and tell you, "This is what she was thinking. No, she wasn't enjoying it"

And then they talked to you about, well, she didn't consent to having sexual intercourse with him, and anywhere that you go, well, this would be a sexual assault. If it were a sexual assault, when supposedly he had this incident because there's really nothing to support it, when he had this, according to her, this intercourse with her, wouldn't she have reported it, wouldn't she have gone to the bishop? And, even though that may have happened, given relationships that occur, a person can consent afterwards and say, "Oh, you know, I really didn't want to but it's okay." There's never any indication that that stopped them...

Nurmi: Objection. Misstates the law.

Stephens: overruled.

There's never any indication that, afterwards, it didn't happen. And in fact, she talked in great detail on May 10th of 2008, when they were having that conversation, about how much she liked that sort of activity. She talked about how she was asleep, and he was doing something to her low..the lower portion of her body and how she enjoyed being woken up that way. Well, isn't it the same thing that happened when, supposedly, she was asleep and he was sex...having sexual intercourse with her? But that's not something that fits within their, if you will, spin on things, and so they make an argument on it.

The other thing that they said is that, well, maybe she was just his booty call. Maybe she was his first, his second, booty call, but bottom line is that she was his booty call. Why don't they talk about the May 26th, 2008, instant messaging where Mr. Alexander indicated something to the contrary. He indicated that, if we're going to be using these terms that are floating down the gutter, that he was the individual who was nothing more than a dildo with a heartbeat, and that it appears that whenever the defendant wanted anything, she would use her sexuality, and he was acknowledging that, yeah, I'm your booty call. So, whose booty call is it? Is it hers or is it his? But they don't want you to think about that. They don't want you to talk about that because, again, it's easier to just go ahead and make the argument.

They also talked to you about whether or not the defendant actually lied to you about Priceline. And in it...and we have an exhibit here, 523, that they showed you. And in it, you do see that on 6/9 of 2008, there's a charge of \$233.97 to Budget Rent-A-Car, Redding, California. And if you take a look at, ummm, throughout this whole document, it indicates the merchants that are receiving the payments, the payments for which this defendant contracted for. This is the...these are the activities that she engaged in, just like the journals. What they want you to do is, and they make the argument, is don't believe what's written there. You need to apply the Law of Attraction to these documents, dontcha know? Or maybe you need to go back, when you go in the jury room, and actually sit down to a viewing of "The Secret" because it appears that that is what's going to provide you with the ability to read these documents that are being presented. And when this document says, for example, that we have on 6/20 there's a Sacramento County Airport, and then you also have these, let me find it, on 6/16 for \$246.99, Priceline.com, air, and it tells you that the name of the merchant for that was Priceline. And the significance of that is not that she flew down here; the significance of that is that when that service is used, they note it. There is no indication that between the 9th, 6/9, and 6/16, which is a week time difference, there's no indication that between that week that Priceline somehow changed their billing practices; that's what they want you to believe. It just so happens that, during that time, Priceline decided to do things differently when it came to billing the merchants and how it was that they handled things. See, you can rent a car, according to their theory, and have it go through Budget, but if it's an airline ticket within the same time, well then they follow a totally different procedure.

They wanted to talk to you also about the events at the home. And they indicated to you that they wanted to you....you to use your common sense. They indicated that they wanted you to consider the voice of reason, and they asked you that over and over again. And that voice of reason, the way that they presented it to you, was the defendant's version of events. So, when the argument was made as to the voice of reason, it was nothing more than the defendant's version of events.

When they, for example, when they talked to you about the tying up on that sleigh bed, and they said it shouldn't be too difficult to do, that you can actually tie her up, and then they showed you a photograph of what, potentially, it could be. True, you could, but the problem here is was she tied up with just her wrists around the headboard? Or was she tied up, also, on her feet. Which story do you want to believe? She told two stories; it always goes back to that one issue. There's more than one story that she gave, so which one are you gonna decide to believe? Is it gonna be that she had both her feet tied, or her ankles tied. Or are you gonna decide that it was just her ankles? Is it just her hands? That's the problem with what they are presenting to you.

And then they also showed you photographs, for example, of the stairs and how there was this picture of this, uhh, what appeared to be, to them, a piece of the rope, or what is exhibit number 269, that was on the stairs. That one.57. What's interesting about that, though, if she was doing that, where are the footsteps with the blood on it? If she was so hysterical, where are the footsteps with the blood on it? If she was walking around that bedroom and looking around for this bel...I'm sorry, for this rope, certainly the indica...always was that this was after the killing that she took it with her. So, how come around the bedroom, because, presumably, that she at one point said the knife was on the nightstand, and that's where the knife...that's where the cutting of the rope was because she said she, at least, was tied up by her wrists, how come there is no footprints in blood there? How come there's no footprints in blood here? The reason that there isn't is because there wasn't any rope. She's just trying to justify what happened on that day in order to allow for a

knife to be present so that it makes her story to be palatable to you. Again, you have to have this extra step. You have to have sort of a code in order to understand what she's saying, in order to understand what she is writing.

They talked to you about a timeline, and they talked to you about a photograph where Mr. Alexander was looking into the camera as the starting point. However, and the state showed you this photograph, this is the photograph, as the state mentioned, that was the last photograph that shows him before the attack, when he was living; that was what the statement was by the state. The next...and that's at 5:30:30. The next photograph, that the state contends is where the stabbing is going on is Exhibit 161, which is at 5:31:14. So, in those 44 seconds, between that photograph and this photograph, is there time to go into the bedroom to get a knife? Is there time to go into the bedroom to get her purse that might have a knife and a gun? And that's what happened in this case. Oh, wait a minute. Can you just wait a minute? I need to go get my purse. I need to go do that. And then, this is when you have the attack.

There were many, many possible scenarios that they talked to you about, and one of them involved the sink where there was this blood all over it, and there was smudges all over it, and one of the things that they told you, well, if it was her that was doing it, and if she was able to puncture her stomach...his stomach, how is it they didn't go in deeply? Well one of them...the reason is that, remember there was blood all over the place, and there was blood all over the knife, and she's already admitted that she cut herself when sh...during the attack with the knife. One of the reasons that it could be that it wasn't deep is that she cut herself, and that's when she's going after him with her left hand, and blood has this consistency to it, she slipped on the handle, it went to the blade, and then she cut herself. And if she cut herself and still wants to continue attacking him, it would mean that every time that she stabbed him, it would probably hurt her.

There were...everything that was presented to you is nothing more than argument with nothing to back it up. Nothing, that is, unless you believe what the defendant is telling you. If you believe what the defendant is telling you, then all of these arguments, then, do begin to make sense, but where do you draw the line? Where do you draw the line and believe this defendant when she's lied to everybody that she's come in contact with? And she's lied in other circumstances, too, that maybe didn't involve her being under oath.

One of the things that she lied about was the gun. According to her, back on June 10th of 2008, she said, "Well, you know, when I spoke to the officer, the gun, I made that up; it was a lie." Everything that she that tells anybody of any consequence is a lie until she comes here, and then everything that she tells you is the truth, except for the lies that she told you. And under those circumstances, and given that, they want you to step back and say evaluate her self defense claim.

Evaluate this case and determine whether or not it's manslaughter, or whether or not it's second degree murder. And make sure that discount all of the elements of premeditation that the state has already discussed with you; for example, the .25 caliber gun that turned up missing after she took it in a burglary back on May 28th of 2008. And in terms of renting a car, overlook everything else about that, the fact that she wanted a nondescript vehicle at a different place than where she lived, that she then has in anticipation of that trip. Forget the fact that she told Mr. Brewer that she was coming to Mesa and that she needed two gas cans; forget all of that. Forget the fact that in Salinas she bought another gas can that she lied to you about that because that doesn't fit within her scheme, if you will. Then forget the fact that when she gets to Pasadena, she fills up those three gas cans. And forget the fact that she told you this story about these skateboarders because that doesn't fit within the story, but just go with the story that she told you. Forget all of that. All of

that is just bad coincidences as well as the fact that her phone somehow magically is not on during the time that she's here in Arizona. You would need to ignore all of that in order to find that there wasn't premeditation.

Additionally, the jury instruction with regard to premeditation is much more clear than that and much more specific than that. It tells you that premeditation, in terms of time, does not necessarily have to be prolonged. So, in this particular case, there are two types of premeditation - the one where she thought about it since May of...the end of May, 2008, when she made the preparations, and the other premeditation when she was at the house. He was killed in three different ways - the stab wound to the heart would have killed him, the...obviously the slitting of the throat would have killed him, and the shot to the face would have killed him. That, all of it, did not happen in one instant. It took a period of time, and that, although it was approximately two minutes, what this jury instruction tells you is that the time needed for reflection is not necessarily prolonged, and the space and time between the intent or knowledge to kill and the act of ki...of killing may be very short. Could be seconds; it could be 4, 5, 6 seconds. And in this case, it was more than that.

What she did is she stabbed him first. He wasn't dying quick enough, and she was afraid he was going to live. As he stumbles away, tries to get away, she chases him down. Then she slits his throat and then for good measure, shoots him in the face, and that's the only way that you can account for the casing where it is, falling on top of the blood.

They did talk to you about what is called self defense. And they said to you, "Well, we're not gonna read the whole thing to you. We're just gonna read a portion of it." And they read a portion of it that was on top of page 13, and they said to you that use of deadly physical force is justified if a reasonable person in the situation would have reasonably...would reasonably believe that immediately...that immediate deadly physical danger appeared to be present; actual danger is not necessary to justify the use of deadly physical force in self defense. And they said to you the use of deadly physical force is justified if a reasonable person. Then they said she's a reasonable person. No, that's not what the statute says. The statute sa...or the law says a reasonable person; it doesn't say that the defendant is a reasonable person. The defendant is a liar and a killer. That's not what it says there. It says a reasonable person, a person that is involved in those circumstances, and that's not the defendant. It's not just because it's her that's what we're talking about.

But let's read the whole instruction. It's called "Justification for Self Defense Involving Physical Force." And again, there's going to be an argument. They made it for you, but they didn't give you the full argument; they didn't talk to you about the whole jury instructions. It tells you that a defendant is justified in using or threatening deadly physical force in self defense if two conditions exist, and then it sets out for you what those two conditions are. It talks about a reasonable person in the situation. They're talking about, not the defendant, but what a reasonable person. Presumably, the way the defendant's attorney explained it to you, the way that you were chose, you are the reasonable people; you are the reasonable person the way they explained it to you. A reasonable person in the situation would have believed that deadly physical force was immediately necessary. Here, in order for you to believe that this is deadly...that this is something that is available, you would have to believe that, even after all of the lies, even after the fact that she presented evidence to you about these gas cans, about the fact that she want...she used Priceline when she didn't , the fact that her journals say something when they say something else, the fact that she lied to her doctors, all of that, you have to decide that, even in light of all of that, in light of all of that, you have to believe that force was immediately necessary because she told you so. That's the only way that you would know that it was

immediately necessary because she told you so.

Why would physic...why would deadly physical force be necessary after she stabbed him the first time...first time? It wouldn't be. Why would deadly physical force be necessary after she slashed his throat? Everybody knows that the person, if you slash them that badly, is done. Everybody also knows, for example, if they...if you....if they want to take the shooting first, that if you shoot somebody in the head, that's it. Deadly physical force was immediately necessary, if you already have one of the two...of the three killings already done, then you don't need to do the other two. And the reason that I point that out is because that shows that her intent here was to kill, not to defend herself; that's what she was doing.

And then it talks about to protect against another's use or apparent attempted or threatened use of unlawful, deadly, physical force. What physical force do you see that Mr. Alexander applied to the defendant? What injuries was she able to talk to you about that Mr. Alexander inflicted upon her? Well, she claims was to the head, but there is no verification of that. The only injury that she had that day, the only injury that was verified that she had that day, was the injury to her left finger, and she said she got that stabbing him. So, what injuries does she have, or what use does he ha...what threats do we have? Well, she says, and claims, that he said that he was gonna fuckin' kill you bitch; that's what she says that he said. But again, it's all predicated on believing a liar. Somebody who lied to you about important facts in this case, about things such as the gas can. Why would she have to lie about that? Because if she didn't, then the issue of premeditation is very clear

And, number 2, the defendant threatened and used no more deadly physical force than would have appeared necessary to a reasonable person in the situation. Well, what's a reasonable person in that situation? A reasonable person in that situation would see that the victim, Mr. Alexander, was naked. They would also see that he was sopping wet because he had just been in that shower. They would also see that he was sitting down when this happened. They would also see and know that not once, not once, in his lifetime, and that lifetime that was cut short, not once in that lifetime, did he ever lay a hand on her; not once. There is no evidence that he ever laid a hand on her ever. So, a reasonable person where this individual had never, ever touched her, because you have to believe her and believe those journals that have to be, uhhh, interpreted through The Secret, through the Law of Attraction. You would have to believe her in order to believe that physical force was even necessary at all. There's no indication at all that he ever even touched her.

There were situations, for example, when she told him, according to her journal, that she was leaving, and how did he respond to that? He kissed her tenderly three times. Is that deadly...is that force? Well, you could say that his lips were, what, deadly weapons as he gently kissed her although she loved his lips? Is that what we're talking about?

How about with regard to the supposed incident that happened on the 22nd of January of 2008? Is that...is the indication, or the written word that says "nothing noteworthy happened" at that time. Is that an indication or is that telling you that he struck her? No, that's just the opposite.

And how about the other incident that she claims that happened in August of 2007 after she was peeping inside his window and looking at him with another woman? What about that one? Well, that didn't happen that day. According to her, it happened the next day when he was banging his head up on the closet, over and over, and according to her that was when he didn't touch her but didn't want her to leave. Where, even under that stretch, it's still not physical violence.

There...the last incident of that she describes is the one that right before she left to go to Yreka where, supposedly, she passed out. There's no indication whatsoever with regard to that one because she claimed that she had visible bruising. No indication from the witness stand other than from her that she had bruises. No indication from anybody, and remember what's interesting about that one is that she got that right before she left, and shortly after that, within two days, she was with her family when, presumably these bruises would have been evident. You didn't hear from the witness stand at all that there were any bruises whatsoever.

Nurmi. Objection. Burden shifting.

Stephens: Overruled.

So then, there is no deadly physical force that can be even remotely available to her because he never touched her in that fashion again.

It does say that a defendant may use deadly physical force in self defense only to protect against another's use or apparent attempted or threatened use of physical force. She claims that he threatened physical force. Are you gonna believe her? And remember, the, uhh, earlier jury instruction talks about a situation where the credibility of witnesses is determined by applying it or thinking of it in terms of an important event in life. So, with regard to important events in life, do you think anybody would take the defendant's, uhhh, statement. For example, an important event is what kind of medical care a child is going to receive. If you have a liar such as the defendant, would anybody take her advice as how...as to how to take care of that individual? You wouldn't.

And then it says self defense justifies the use or threat of deadly physical force only while the apparent danger continues. If there is no danger, there is no apparent danger. It also indicates that it ends when the apparent danger ends. If there is no apparent danger, then deadly physical force cannot be used

And additionally, it says the force used may not be greater than reasonably necessary to defend against the apparent danger. This individual, Mr. Alexander, was naked. He didn't have any deadly weapons on him. He was sopping wet. Ummm, he was sitting there. There was no way that he could possibly threaten her bec...at all; just not at all.

It does talk about what we just previously indicated, so that we can put it in context, the use of deadly physical force is justified if a reasonable person in the situation would have reasonably believed that immediate, deadly physical danger appeared to be present. Actual danger is not necessary to justify the use of deadly physical force in self defense. In this case, as I said before, there was never anything that you had from the witness stand, other than from the defendant, who indicated to you that she was fearful. And if she's the only person who indicated that, and she has these credibility problems, it is clear that this standard isn't met.

It says you must decide whether a reasonable person in a similar situation would believe that, and what is that, that they have to believe, deadly physical force was immediat....immediately necessary to protect against another's use or threatened use of lawful...unlawful deadly physical force. We've discussed this already.

And then you must measure the defendant's belief against what a reasonable person in that situation would have believed. We've talked about that already.

And it does say that a defendant has no duty to retreat before threatening or using deadly physical force in self defense if the defendant has a legal right to be in the place where the use or threatened deadly physical force in self defense occurred. Again, in order for this to apply, to say that she has no duty to retreat, you still have to look at what a reasonable person would have done. A reasonable person in these circumstances, as

the defendant has described them, if they...any of it were true, would be that there's a naked guy in the shower, and there's a naked guy in the shower is mad at her, and she's already got a head start down the hallway. Well, if that's the case, and she's running away, this tells you that although she has no duty to retreat, a reasonable person would have taken a left other than a right, according to her.

Nurmi: Objection. Misstates the law

Stephens: Overruled

A reasonable person would have just left. Is he gonna follow her down the street naked? No, of course not.

And was...the second prong is, was not engaged in an unlawful act at the time when the use of threatened, deadly, physical force in self defense occurred. Again, there has to be this threat before this is even, uhh, activated.

It is true that the state has the burden of proving this beyond a reasonable doubt. You have to be firmly convinced, and it does tell you what happens if the state fails to carry this burden. The only evidence that you have in this particular case about whether or not the use of force is...here was justified, keep going back to it, it's like a parrot on a a...I know I sound like a parrot on a stick, keep going back to the same thing, that would mean that you would have to believe the defendant. And the defendant is somebody who has demonstrated to you throughout these proceedings, whether they be outside of the courtroom, in person to the detective, on a telephone call to the detective, speaking with her friends, speaking to the psychologist, or coming in here and speaking here to you throughout this whole thing, she has lied. It requires you to put all of that aside and say, "Something magical happened, and because something magical happened, I'm going to believe her as to this very limited thing even though she's lied to us and she's lied to everybody else."

And then it talks to you about whether or not there have been past acts of domestic violence against the defendant by the victim. Where are they? Where's the proof of that? There is absolutely nothing other than the defendant's own statements. And it talks about the state of mind of a reasonable person shall be determined from the perspective of a reasonable person who has been the victim of acts of domestic violence. But if there have been no acts of domestic violence that have been proven to you, then she does not fall in that category. And then it talks about what domestic violence means, and it lays out the relationship issue, and then it talks about what the potential crimes could be.

Well, you are left, now, to decide whether or not as to premeditated murder because they did not discuss the felony murder issue, whether or not there was any premeditation, or whether or not there's second degree, or whether or not this is manslaughter. It bears repeating, and you've seen these, that premeditated murder requires that the defendant, and we can personalize it, Jodi Ann Arias, caused or killed Travis Alexander. Yeah, she put that knife in really good in his chest, slit his throat, and she shot him in the face; yeah, she did do that.

And did Jodi Ann Arias intend or know that she would kill Travis Victor Alexander? Absolutely. That's why she went for the throat, that's why she just gutted him, and that's why she stuck it in his chest, and that's why she shot him in the face. There was this argument that, well, if she was dragging him back, she would have to aim. No she wouldn't. He was shot in the right temple as opposed to them telling you it was the left temple. And if she's dragging him this way down the hallway, his right temple would be the one that would be most open to her, and she just stuck the gun and shot him; he was already dead at the time.

And, did Jodi Ann Arias act with premeditation? She did. Premeditation means that Jodi Ann Arias intended to kill Travis Victor Alexander. She sure did. She sure did. And after intending or knowing that she

wanted to kill him, did she think about it? Well, sure she did. Do you think that she got the gun in Yreka, the .25 caliber, for any other reason other than to kill him? Do you think that all of these gyrations in preparation for her trip, or these preparations that she took, do you think those were for any other reason other than to kill him? Do you think that she called Darryl Brewer and said, "Hey, I want these two gas cans because I'm going to Mesa," and then I'm gonna lie to people about it, but do you think that she said that...do you think that she called him for any other reason other than that she wouldn't be found out that she was coming to Mesa? Of course not. And the fact that she bought a third gas can. That was for the purpose of going undetected. The fact that she turned off her cell phone. The fact that she took off the license plates when she arrived at his place. All of that was so she could go undetected when she killed him. And so she reflected; she thought about it or knew, which is what is required.

And then it tells you that she didn't have to think of it for a long time; it can be a short period of time. It tells you that it's this reflection regardless of the length of time. In this case, this case is unique in the sense that you have a continuing aspect of premeditation, you have a very long period of time in which she takes...undertakes these preparations, and then you also have a shorter period of time in which she kills him three times over. And so, there's the premeditation either way. And it tells you, that's the difference between first degree and second degree. It also advises you that it is not...well, I'll just read it, that while reflection is required for first degree murder, the time needed for reflection is not necessarily prolonged, and the space of time between the knowledge or the intent to kill and the killing of the defendant....by the defendant of Travis Alexander may be very short.

It does talk to you about premeditation not being the instant effect of a sudden quarrel or the heat of passion, and I will point out to you again that Jodi Ann Arias is the only person that indicates that there has been a sudden quarrel or heat of passion. Nothing in the scene itself indicates that; in fact, the scene indicates something else. She actually took some time to delete some photographs from the camera. She actually took time to make sure that she didn't get her bloody footprints onto the carpet. She took time to put the, uhh, the camera into the washing machine. And she took some extra time to kinda wipe up the scene, drag him back, and stick him in the shower.

Now, the issue here is that, in terms of the instructions, if you find that the defendant is guilty of premeditated murder and/or felony murder, which is the state's position, then you do not consider second degree murder. You do not start with manslaughter and go up. You don't start with second degree murder and go up. You start with first degree murder, and once you're done with that first degree murder calculation, that's the end of the story. Second degree murder is the same thing as first degree murder except there is no premeditation. Clearly, in this case, there is premeditation.

And manslaughter actually has another element. that's added to it in addition to what second degree murder is. There has to be a sudden quarrel or heat of passion, and in order for here, for there to be a quarrel or sudden heat of passion, the defendant has to be believed. But let's talk about manslaughter and the elements. It tells you that if, and only if, you find the elements of second degree murder were proven beyond a reasonable doubt, you must then consider whether the homicide was committed upon a sudden quarrel or heat of passion, that's the added element, resulting from adequate provocation by the victim.

The provocation here is supplied by Jodi Arias. She's the one that's telling you that he's the one that came after her, but again, it's predicated on you believing her. And it talks about adequate provocation means conduct or circumstances sufficient to deprive a reasonable person of self control. Well, if it's Ms. Arias that's

telling you, is there even any provocation whatsoever? It does say that words alone are not adequate provocation to justify reducing an intentional killing to manslaughter. If a naked guy, as Mr. Alexander was, is at the shower...is in the shower shouting at you, that's not enough to justify manslaughter because you can imagine how many situations there are where people get into shouting matches, and that's not appropriate to then shoot them or stab them or slit their throat.

And then it talks about a cooling off period between the provocation, ie., and the killing, and the cooling off period is the time it would take a reasonable person to regain control under the circumstances. Since there is no proof whatsoever that there was any provocation on behalf of the victim here...

Nurmi: Objection, your honor. Burden shifting.

Stephens: Overruled

There is no indication whatsoever that Mr. Alexander did anything, other than what the defendant says, and according to her he said, "A fifth grader," some...or words to that effect, "could take better pictures than you." That's not sufficient provocation.

It goes on that if you do find the elements of second degree murder were proven beyond a reasonable doubt, and it tells you how to decide this case if you find yourself in that position.

It is the state's view that nothing in this case indicates that this was anything other than a slaughter, other than a premeditated killing of a guy, Travis Victor Alexander, who just didn't want to have anything to do with her.

There is no indication here that he went to visit her. Yes, there were tel...there was a telephone call that was made, and yes, they were enjoying...or he was enjoying himself, and apparently, according to what the phone call sounds like, she was enjoying herself. But what actually seems...or what is going on here, because we can say this as a result of the May 19th, 2008, instant message, is that Mr. Alexander had tired of her. And he knew of the history, he knew of the stalking behavior that she had, and he was done with her. And so, he told her that; that he was done with her. And he also indicated that he was extremely afraid because of her stalking behavior. And he was prophetic in that. What ends up happening is that on May 26th they had this argument; you've seen the argument. He says, "It's the worst thing that's ever happened to me," and that's true.

And so, what ends up happening again is that it's as if he were pronouncing his own death sentence. And she undertakes to carry this out. It isn't like he requested it. It isn't like he did anything other than attempt to sort of appease this woman that just wouldn't leave him alone whether it be by coming over sleeping underneath the Christmas tree, taking a ring that didn't belong to her, peeping in his window, doing all of those things that she did, moving to Mesa after he broke up with her...or they broke up, going into his computer hitting the backspace button, breaking into his MySpace account. All of those things indicate to you that her motivation for this was that she just wanted him. She came over, and what does one act of wanting an individual?

Well, to demonstrate that you want an individual is you engage in sexual intercourse, and that's what she did on that particular day; she wanted him. She couldn't let him go. Even from Yreka she couldn't let him go. There's never an indication that he said that he...or he requested her to come there. Those are her words, and she kept saying them over and over like mantra.

And so on that day, when she finally got there, she came ready to go, and by "ready to go" I mean she brought over the weapons, and she spent some time with him. And then, when he was in the shower, he was

no match for her, and she took care of business, and you know how she took care of business. And because she took care of business, and because she stabbed him in the heart, and because she slashed his throat, and because she shot him in the face, and because she premeditated it, you now have a duty. And this duty requires you to take into account that your instructions, and these jury instructions are not something you can disregard, they're mandatory, apply them to the facts. And the facts again, involve an individual who has lied consistently throughout. And based on that, you are to reach a decision as to whether or not the defendant committed first degree murder.

In a circumstance like this, again, you can only make reference to what other people have said, perhaps with regard to other important times of their life. And there's a poet, John Dunn, and again, it's just a reference to him, it's not...it's...it's close to the quote, but the reference I want to leave you with is that, ummm, when you're involved in this, sort of, situation, you have to sit back and think about it, and you think about what is going on, and he wrote, "Every person's death diminishes. So therefore, send no one to find for whom the bell tolls; it tolls for thee."

Nurmi: Objection. Improper argument

Stephens: Overruled

And in this case, what it's telling is that you now have the burden to apply this, and...to the facts that were presented, and in doing so, I am asking you to return a verdict of first degree murder, not only of premeditated murder, but also of felony murder, not because it's an emotional decision that I want you to reach, like them, by saying that something's nonsensical and that sort of thing or making an argument just for its own sake, but because in this case, Travis Victor Alexander was slaughtered by this woman...

Nurmi: Objection. Improper argument.

Stephens: Overruled.

when she slashed his throat, she stabbed him in the heart, and then she shot him in the face, and all of that thinking about it in advance.

Thank you.