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I N D E X

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1 THE COURT: Good morning. Please be seated.

2 Good morning. This is CR-20084012, State of  
3 Arizona versus Young. Present are all counsel and  
4 Mr. Young.

5 The State ready to proceed?

6 MR. MCCOLLUM: Yes, Your Honor.

7 THE COURT: Thank you.

8 Defense ready to proceed, Mr. Palser.

9 MR. PALSER: Yes, sir.

10 THE COURT: Thank you.

11 Bring them in, please, Jared.

12 (Jury present.)

13 THE COURT: Please be seated, ladies and  
14 gentlemen.

15 All right. Good morning. This is CR-20084012,  
16 State of Arizona versus Young. Present are all members  
17 of our jury, counsel, and Mr. Young.

18 Ladies and gentlemen, couple of preliminary  
19 notes. First and foremost, on behalf of myself and my  
20 staff and I'm sure I speak for the lawyers as well, I  
21 want to thank you all for your attentiveness to this  
22 matter, for being punctual, and you've made it easy for  
23 the Court to conduct this trial. We appreciate it.

24 Let me explain to you what we will do this  
25 morning, and explain the alternate process. We will

1 start with closing arguments. The State goes first.  
2 When the State finishes, the defense has an opportunity  
3 to make their closing argument. And then the State gets  
4 the final opportunity to address you folks in rebuttal  
5 because they have the burden of proof.

6 So that we don't cause Mr. Palser to have to  
7 break up his closing argument, I don't think that's fair  
8 or appropriate, we will hear from Mr. McCollum first. I  
9 don't know exactly how long he will take. He will get  
10 us to the noon hour, maybe 11:30, 12, something like  
11 that. Then we'll take our noon break even if it's a  
12 little before.

13 We will come back, hear from Mr. Palser. Then  
14 finally we will hear again from Mr. McCollum.

15 At that time, June will draw three of your  
16 names, at random, to be designated as the three  
17 alternates in the case. As I said at the beginning of  
18 the case, we are very mindful of the sacrifice that you  
19 all have made and the time you have donated to this  
20 cause, and we could not do this without you folks.

21 The reason we have alternates again is because  
22 we have to have 12 people at the end of the case. In a  
23 case this long sometimes people get sick, sometimes  
24 emergencies arise. If we didn't have 12 people, we'd  
25 have to start from scratch and bring in all these

1 witnesses from all over the country again, all of the  
2 resources, all of the time expended by everyone involved  
3 in the process.

4           So, if we would have known you had all been  
5 healthy, we would have only picked 12 of you. But so,  
6 we will draw three names at random at the end of case.  
7 You all will be alternates.

8           What will happen is the whole jury will be  
9 excused. Jared will take your notes and he will secure  
10 them. No one will see them. Then the remaining 12  
11 jurors will deliberate. If one of the 12 jurors is  
12 unable to continue for whatever reason, if they have an  
13 emergency or become ill or whatever, then one of the  
14 alternates will be called to come in, and take the place  
15 of that juror. We'll return your notes to you at that  
16 time.

17           If we don't need you, if the jury -- if the 12  
18 jurors are all healthy and remain intact throughout the  
19 process, we will call you immediately upon a verdict,  
20 and let you know exactly what the verdict is. We will  
21 make arrangements if you want your notes to get them  
22 back to you. If you don't, we will have them shredded  
23 so no one will have any access to them.

24           The one important thing is, all of the  
25 alternates as well as all members of the deliberating

1 jury will remain under the admonition throughout this  
2 process. So please don't read anything, watch any media  
3 coverage of the case, go on the internet, do any  
4 research, visit the scene, speak to people or allow  
5 people to speak to you in your presence about the case.

6 So, the alternates remain under the  
7 admonitions. Once we call, once the case is concluded  
8 and over, then you are free of the admonitions and  
9 you're free to speak to anyone you'd like about the  
10 case. You're free to talk to people, share your  
11 opinions if you'd like, read anything you want at that  
12 time. But until that time we ask that you remain  
13 mindful of the admonition. All right.

14 Each of you have a copy of the jury  
15 instructions. I will read those instructions to you at  
16 this time, and then we will hear from Mr. McCollum on  
17 behalf of the State in his closing argument.

18 I am going to tell you the rules you should  
19 follow to decide this case. It is your duty to follow  
20 these instructions. If anything in these instructions  
21 is different from the instructions you were given at the  
22 beginning of this case, you should disregard the  
23 preliminary instructions, and rely on these final  
24 instructions.

25 It is also your duty to determine the facts.

1 Facts are things that actually happened. You must  
2 determine the facts only from the evidence produced in  
3 court. You should not guess about any fact. You must  
4 not be influenced by sympathy or prejudice. You must  
5 not be concerned with any opinion that you feel I have  
6 about the facts. You are the sole judges of what  
7 happened.

8           You must consider all of these instructions.  
9 Do not pick out one instruction or part of one and  
10 disregard the others. However, after you have  
11 determined the facts you may find that some instructions  
12 no longer apply. You must then consider the  
13 instructions that do apply together with the facts as  
14 you have determined them. Decide this case by applying  
15 these instructions to the facts which you find.

16           You must find the facts from the evidence. The  
17 evidence which you are to consider consists of testimony  
18 of witnesses, the exhibits, and any facts stipulated to  
19 by the attorneys.

20           At times I have decided whether testimony and  
21 exhibits should have been admitted. When an objection  
22 to a question was sustained, you are to disregard the  
23 question. You are not to guess what the answer to the  
24 question might have been.

25           Do not concern yourselves with the reasons for

1 these decisions. The admission of evidence in court is  
2 governed by rules of law. In their opening statements  
3 and closing arguments, the lawyers talked to you about  
4 the law and the evidence. What the lawyers say is not  
5 evidence. But it may help you to understand the law and  
6 the evidence.

7           The lawyers are permitted to stipulate that  
8 certain facts exist. This means that both sides agree  
9 those facts do exist, and are part of the evidence.

10           Evidence can be either direct or  
11 circumstantial. Direct evidence is the testimony of a  
12 witness who saw or heard an event. Circumstantial  
13 evidence is the proof of a fact from which the existence  
14 of another fact may be inferred. You must determine the  
15 weight to be given to all of the evidence without regard  
16 to whether it is direct or circumstantial.

17           In deciding the facts of this case you should  
18 consider what testimony to accept and what to reject.  
19 You may accept everything a witness says or part of it  
20 or none of it. In evaluating testimony you should use  
21 the tests for accuracy, truthfulness people use in  
22 determining matters of importance in everyday life,  
23 including such factors as the witness's ability to see  
24 or hear or know the things about which the witness  
25 testifies, the quality of the witness's memory, the

1 witness's manner while testifying, whether the witness  
2 has any motive, bias or prejudice, whether the witness  
3 is contradicted by anything the witness has previously  
4 said or written, or by other evidence, and the  
5 reasonableness of the witness's testimony when  
6 considered with the other evidence.

7           Consider all of the evidence in light of  
8 reason, common sense and experience.

9           You have heard evidence that a witness has been  
10 convicted of a criminal offense. You may consider this  
11 evidence only as it may affect the witness's  
12 believability.

13           The testimony of a law enforcement officer is  
14 not entitled to any greater or lesser weight or  
15 believability merely because of the fact that the person  
16 is a law enforcement officer. In other words, you are  
17 to weigh the testimony of law enforcement officers just  
18 as you judge the testimony of any other witnesses.

19           The rules of evidence ordinarily do not permit  
20 the opinion of a witness to be received as evidence.  
21 However, a witness may testify as to an opinion on a  
22 subject upon which the witness has become an expert,  
23 because of education, study or experience.

24           You should consider the opinion of an expert  
25 and should weigh the reasons if any given for it.

1 However, you are not bound by any expert opinion. Give  
2 the expert opinion the weight that you believe it  
3 deserves.

4           You must not consider any statements made by  
5 the defendant to a law enforcement officer unless you  
6 determine beyond a reasonable doubt that the defendant  
7 made the statement voluntarily. A statement by the  
8 defendant was not voluntary if it resulted from the  
9 defendant's will being overcome by a law enforcement  
10 officer's use of any sort of violence, coercion or  
11 threats, or by any direct or implied promise, however  
12 slight. You must give such weight to any statement by  
13 the defendant as you feel it deserves under all of the  
14 circumstances.

15           The State must prove guilt beyond a reasonable  
16 doubt based on the evidence. You must not consider that  
17 defendant is likely to be guilty because the defendant  
18 did not testify. The defendant is not required to  
19 testify. The decision on whether or not to testify is  
20 left to the defendant, acting with the advice of an  
21 attorney. You must not let this choice affect your  
22 deliberations in any way.

23           Neither side is required to call as witnesses  
24 all persons who may have been present at the time of the  
25 events disclosed by the evidence or who may appear to

1 have some knowledge of these events, or to produce all  
2 objects or documents mentioned or suggested by the  
3 evidence. You must not draw a conclusion of any kind  
4 from the failure of either the State or the defendant to  
5 call such witnesses to testify.

6           The State has charged the defendant, Ronald  
7 Kelly Young, with one count of the crime of conspiracy  
8 to commit first degree and one count of the crime of  
9 first degree murder. You must not think that the  
10 defendant is guilty just because of these charges.

11           The defendant has pled not guilty to both of  
12 these charges. This plea of not guilty means that the  
13 State must prove every part of these charges beyond a  
14 reasonable doubt.

15           A defendant in a criminal case is presumed by  
16 law to be innocent. The law does not require a  
17 defendant to prove his innocence or to produce any  
18 evidence. The State has the burden of proving the  
19 defendant guilty beyond a reasonable doubt.

20           In civil cases it is only necessary to prove  
21 that a fact is more likely true than not. In criminal  
22 cases such as this, the State's proof must be more  
23 powerful than that. It must be beyond a reasonable  
24 doubt. Proof beyond a reasonable doubt is proof that  
25 leaves you firmly convinced of the defendant's guilt.

1           There are very few things in this world that we  
2 know with absolute certainty. And in criminal cases the  
3 law does not require proof that overcomes every doubt.  
4 If, based on your consideration of the evidence, you are  
5 firmly convinced that the defendant is guilty of the  
6 crime charged, you must find the defendant guilty.

7           If, on the other hand, you think there is a  
8 real possibility that the defendant is not guilty, you  
9 must give the defendant the benefit of the doubt and  
10 find the defendant not guilty.

11           The verdict must represent the considered  
12 judgment of each juror. In order to return a verdict,  
13 it is necessary that each juror agree thereto. In other  
14 words, ladies and gentlemen, your verdict in this case,  
15 if you return a verdict, must be unanimous. It is your  
16 duty as jurors to consult with one another and to  
17 deliberate with a view to reaching a verdict if you can  
18 do so without violence to your individual judgment.

19           Each of you must decide the case for yourself,  
20 but do so only after an impartial consideration of the  
21 evidence with the other jurors. In the course of your  
22 deliberations, do not hesitate to examine your own views  
23 and change your opinion if convinced that it is  
24 erroneous. But do not surrender your honest beliefs as  
25 to the weight or effect of the evidence solely because

1 of the opinion of the other jurors, or for the mere  
2 purpose of returning a verdict.

3 In arriving at a verdict, the subject of  
4 penalty or punishment is not to be discussed or  
5 considered by you, as that matter is one that lies  
6 solely with the Court and must not in any way affect  
7 your decision as to the guilt or innocence of the  
8 defendant.

9 Each count charges a separate and distinct  
10 offense. You must decide each count separately on the  
11 evidence with the law applicable to it, uninfluenced by  
12 your decision as to any other count. The defendant may  
13 be convicted or acquitted on any or all of of the  
14 offenses charged.

15 Your finding as to each count must be stated in  
16 a separate verdict. Any verdict you reach, if you reach  
17 a verdict, must be the result of your unanimous  
18 conclusion that the State did or did not prove that  
19 charge beyond a reasonable doubt.

20 The only matter for you to determine is whether  
21 or not the State has proven the defendant, Ronald Kelly  
22 Young, to be guilty beyond a reasonable doubt. The  
23 defendant's guilt or innocence is not affected by the  
24 fact that another person or persons might have  
25 participated or cooperated in the crime, and is not on

1 trial now. You should not speculate about about the  
2 reason why any other person is absent from the  
3 courtroom.

4           You have heard evidence of the defendant's  
5 character. In deciding this case you should consider  
6 that evidence together with and in the same manner as  
7 all the other evidence in the case.

8           The crime of first degree murder requires proof  
9 of the following three things: Number one, the  
10 defendant caused the death of another person; and,  
11 number two, the defendant intended or knew that he would  
12 cause the death the of another person; and number three,  
13 the defendant acted with premeditation.

14           Premeditation means that the defendant intended  
15 to kill another human being, or knew that he would kill  
16 another human being, and that after forming that intent  
17 or knowledge, reflected on the decision before killing.  
18 It is this reflection, regardless of the length of time  
19 in which it occurs, that distinguishes first degree  
20 murder from second degree murder.

21           An act is not done with premeditation if it is  
22 the instant effect of a sudden quarrel or heat of  
23 passion.

24           Cause the death means that the crime produced  
25 the death and that the death would not have occurred but

1 for the commission of the crime.

2           Knowingly means that the defendant acted with  
3 an awareness of the existence of conduct or  
4 circumstances constituting an offense.

5           Intentionally or with the intent to means that  
6 a person's objective is to cause that result or to  
7 engage in that conduct.

8           The crime of first degree murder includes the  
9 less serious crime of second degree murder. The State  
10 may prove second degree murder but fail to prove the  
11 more serious crime of first degree murder. If you find  
12 the defendant is not guilty that the more serious  
13 offense, or if you cannot agree after a full and careful  
14 consideration of the evidence whether or not the  
15 defendant is guilty of the more serious crime, then you  
16 should consider the less serious crime.

17           The crime of second degree murder requires  
18 proof of either one of the following: Number one, that  
19 defendant without premeditation intentionally caused the  
20 death of another person, or, number two, the defendant  
21 without premeditation caused the death of another person  
22 by conduct which he knew would cause death or serious  
23 physical injury.

24           The crime of conspiracy requires proof of the  
25 following three things: Number one, that the defendant

1 agreed with another person that one of them or another  
2 person would engage in unlawful conduct, and, number  
3 two, that the defendant intended to promote or assist  
4 the commission of such unlawful conduct, and number  
5 three, that the intended conduct would constitute a  
6 crime whether known or unknown by the defendant to be a  
7 crime.

8           In your consideration of the evidence regarding  
9 the offense of conspiracy, you should first determine  
10 whether or not the conspiracy existed as alleged in the  
11 indictment. If you conclude that the conspiracy did  
12 exist, you should next determine whether or not the  
13 accused knowingly became a member of the conspiracy.

14           The fact that persons conduct themselves in a  
15 similar manner or associate with each other or assemble  
16 together or discuss common aims does not alone prove a  
17 conspiracy.

18           The primary focus of the crime of conspiracy is  
19 the agreement itself.

20           To prove a conspiracy, it is not necessary to  
21 show a formal meeting or an express agreement. It is  
22 not a defense to a charge of conspiracy that the person  
23 with whom the defendant is charged with conspiring does  
24 not intend to commit the crime. One may become a member  
25 of a conspiracy without full knowledge of all the

1 details of the conspiracy.

2           On the other hand, a person who has no  
3 knowledge of a conspiracy but happens to act in a way  
4 which furthers some object of the conspiracy does not  
5 thereby become a conspirator. A person understanding  
6 the unlawful character of a plan who knowingly  
7 encourages, advises or assists the undertaking thereby  
8 also becomes a co-conspirator.

9           In determining whether a conspiracy exists, you  
10 should consider the actions and statements of all of the  
11 alleged conspirators. However, in determining whether a  
12 particular defendant was a member of the conspiracy, you  
13 should consider only that person's acts and statements.

14           A person cannot be bound by the acts or  
15 statements of a co-conspirator until it is established  
16 that a conspiracy existed, and that that person was one  
17 of its members.

18           In determining whether the State has proved the  
19 defendant guilty beyond a reasonable doubt you may  
20 consider any evidence of the defendant's hiding or  
21 concealing evidence, together with all other evidence in  
22 the case. You may also consider the defendant's reasons  
23 for hiding or concealing evidence. Hiding or concealing  
24 evidence after a crime has been committed does not by  
25 itself prove guilt.

1           If you find that the State has destroyed,  
2 caused to be destroyed or allowed to be destroyed any  
3 evidence whose contents or quality are in issue,  
4 specifically the shotgun found in the rental van located  
5 in Yorba Linda, California, you may infer that the true  
6 fact is against their interest.

7           If you find that the State has lost, destroyed  
8 or failed to preserve evidence whose contents or quality  
9 are important to the issues in this case, then you  
10 should weigh the explanation, if any, given for the loss  
11 or unavailability of the evidence. If you find any such  
12 explanation is inadequate, then you may infer that the  
13 evidence is against the State's interest, which may  
14 create a reasonable doubt about the defendant's guilt.

15           The State need not prove motive, but you may  
16 consider motive or lack of motive in reaching your  
17 verdict.

18           All 12 of you must agree on a verdict. All 12  
19 of you must agree whether the verdict is guilty or not  
20 guilty. When you go to the jury room you will choose a  
21 foreperson who will preside over your deliberations and  
22 who will sign any verdict.

23           You will be given two forms of verdict on which  
24 to indicate your decision. They read as follows:  
25 Ladies and gentlemen, here are the two forms of verdict.

1 They will be sent back to the jury room with you. And,  
2 they read as follows: I will read them to you now: We  
3 the jury, duly impaneled and sworn in the above entitled  
4 action upon our oaths do find the defendant, Ronald  
5 Kelly Young, and there is a blank line, where you should  
6 write the word guilty or the words not guilty, as you so  
7 find, of the offense of conspiracy to commit first  
8 degree murder as alleged in count one of the indictment.

9           The verdict form goes on, only answer the  
10 following interrogatory if you find the defendant guilty  
11 of the above. So if your verdict is guilty here, you  
12 need to continue on with the verdict form, which  
13 provides we the jury find the defendant committed the  
14 offense as consideration for the receipt or in the  
15 expectation of the receipt of anything of pecuniary  
16 value. And there is a box where you should check proven  
17 beyond a reasonable doubt, if that's your conclusion, or  
18 a box where you should check not proven if that's your  
19 conclusion.

20           And in the lower right-hand corner there is a  
21 signature line where the foreperson should sign this  
22 verdict form.

23           The second form of verdict reads: We the jury,  
24 duly impaneled and sworn in the above-entitled action  
25 upon our oaths do find the defendant, Ronald Kelly

1 Young, and again there is a blank where you should write  
2 in the word guilty or words not guilty as you so find,  
3 of the offense of first degree murder as alleged in  
4 count two of the indictment.

5           And this verdict form goes on to instruct you,  
6 only answer the following interrogatory if you find the  
7 defendant guilty of the above. And the interrogatory  
8 reads we the jury find the defendant committed the  
9 offense as consideration for the receipt or in the  
10 expectation of the receipt of anything of pecuniary  
11 value. And there is a box where you should check proven  
12 beyond a reasonable doubt, if that is your conclusion,  
13 or a box where you should check not proven if that is  
14 your conclusion.

15           The verdict form concludes by instructing you,  
16 if you find the defendant not guilty of the above  
17 offense, or if after full and careful consideration of  
18 the evidence and after reasonable efforts at  
19 deliberation you cannot agree upon a unanimous verdict,  
20 you may consider the following: We the jury, duly  
21 impaneled and sworn in the above entitled action upon  
22 our oaths do find the defendant, Ronald Kelly Young,  
23 again there is a blank where you should write in the  
24 word guilty or the words not guilty as you so find, of  
25 the lesser-included offense of second degree murder.

1           And then there is a signature line in the lower  
2 right-hand corner where the foreperson should sign. All  
3 right.

4           Counsel, anything --

5           Let me have you write it down. Can you write  
6 it down for Jared?

7           Counsel, while we are waiting for that, would  
8 you approach the bench, please?

9           (At the bench.)

10          THE COURT: Anything from the State with regard  
11 to instructions or verdict forms?

12          MR. MCCOLLUM: No, Your Honor.

13          THE COURT: Mr. Palser?

14          MR. PALSER: No, sir.

15          THE COURT: I know there were several pictures  
16 of Mr. Triano, his family, some of those notebooks.  
17 Were any of those introduced?

18          MR. MCCOLLUM: No.

19          THE COURT: Number of them.

20          MR. MCCOLLUM: No.

21          THE COURT: Forgot, I think we introduced the  
22 the picture of Mr. Triano in the scene but just didn't  
23 allow it to be published; is that right?

24          MR. MCCOLLUM: Right. That's true.

25          THE COURT: So do you want me to tell them that

1 the only picture we have of Mr. Triano is the picture of  
2 Mr. Triano at the scene? I would rather just address  
3 that myself. I need to say something to them.

4 This might be good time for the standard  
5 instruction that you've received all of the evidence  
6 you're going to receive in the case.

7 I can do that. Let me ask you this.

8 MR. PALSER: I anticipate more of these.

9 THE COURT: There may be. But let me ask you  
10 this. I'm a firm believer in trying to help these  
11 people out if we can do it without hurting either side.  
12 Seems like a pretty innocuous request. Is there a  
13 picture that you all can agree to right now that we can  
14 admit and tell the jury based on their question the  
15 lawyers have agreed, talked and I will say its you guys  
16 idea, and they have agreed to admit Exhibit 141, which  
17 is a picture of Mr. Triano?

18 MR. PALSER: I don't think --

19 MR. MCCOLLUM: I do.

20 MR. PALSER: I don't know if we have one of  
21 Pamela Phillips, do we?

22 MR. MCCOLLUM: I do have an individual  
23 photograph of Mr. Triano.

24 THE COURT: Mr. Palser, he is not asking -- he  
25 says we have seen that. Why don't you find it real

1 quick. Let's see if we can just agree. Think it makes  
2 the lawyers look good

3 (Open court.)

4 MR. MCCOLLUM: May I have a moment Your Honor?

5 THE COURT: You may.

6 Bear with us, ladies and gentlemen. We are  
7 attempting to resolve this question.

8 (At the bench.)

9 MR. PALSER: Can we just like publish it real  
10 quick in response to your question? Here it is?

11 THE COURT: Well, why don't we just introduce  
12 it and I will tell them.

13 MR. PALSER: Okay.

14 THE COURT: No objection.

15 MR. MCCOLLUM: No.

16 THE COURT: I'll just say we have introduced  
17 it.

18 MR. PALSER: Okay.

19 THE COURT: All right.

20 (Open court.)

21 THE COURT: Counsel, pursuant to a question  
22 from our jury, do I understand that there is no  
23 objection from counsel to admitting 3 A, Mr. McCollum?

24 MR. MCCOLLUM: Not from the State.

25 MR. PALSER: No objection, sir.

1 THE COURT: Thank you. All right.

2 Ladies and gentlemen, counsel have agreed to  
3 admit Exhibit 3 A, which is a photograph of Mr. Triano.  
4 It will be in evidence. You will have that available to  
5 you. It will go back with all of the other exhibits,  
6 and so, hopefully that takes care of that concern.

7 So 3 A is admitted.

8 With that, Mr. McCollum, the State may give its  
9 closing argument, sir.

10 MR. MCCOLLUM: Thank you, Your Honor. May I  
11 take a moment to get set up?

12 THE COURT: You certainly may.

13 MR. MCCOLLUM: No person has ever saved more,  
14 created more, intended more evidence in a first degree  
15 murder case, a first degree murder, as did Ronald Young.  
16 And no person has ever intended, created and saved more  
17 evidence of conspiracy to commit first degree murder as  
18 did Ronald Young.

19 You saw, and I warned you ahead of time that  
20 there would be a lot of evidence. This wasn't evidence  
21 created by the State. It wasn't evidence from any  
22 sources but from the defendant. And why is because he  
23 was confident. He was confident that everything was  
24 under control.

25 When examining a criminal case, and when

1 deciding the actions of another person, and the  
2 culpability of another person, the guilt of another  
3 person, it is important to measure the type of control  
4 that he had. One of your decisions will be did Ronald  
5 Young intend to kill Gary Triano. And I submit to you,  
6 ladies and gentlemen, that there is no issue, no issue  
7 that Ronald Young intended to kill Gary Triano.

8 Ladies and gentlemen, I was told a long time  
9 ago, early '80s, by a senior prosecutor, start with the  
10 day of the crime. Here I am. I'm walking through the  
11 parking lot. I'm Ronald Young. We had questions during  
12 the course of this trial whether or not there were  
13 suspicious people in the parking lot. Polo shirt, pair  
14 of shorts, maybe golf slacks, golf hat, walking through  
15 the parking lot. No cameras. You knew. The defendant  
16 knew there were no cameras.

17 We will get to that shortly. Nothing  
18 conspicuous about a man with a bag. Open up a car door,  
19 flip it in, touch something inside, and walk away.  
20 That's it.

21 Day of the crime, November 1st of 1996, so many  
22 lives were in existence at that time, people who have  
23 now come before you, and told you what they know. Or  
24 told you what they found. They existed on November the  
25 1st and had no idea what was about to happen in that

1 parking lot.

2           And when it happened, ladies and gentlemen,  
3 there was shock on everybody's part. Everybody. There  
4 was some issue at trial about did you see this, did you  
5 see that. Was a man coming. Was a man going. I  
6 involved myself in that discussion, because I believe  
7 based upon your questions that you wanted those answers.  
8 But I don't believe that there is anybody now in the  
9 jury box who expected someone to say, hey, I'm going to  
10 start looking for a bomber walking out of that lot. I'm  
11 going to start looking for someone suspicious. What  
12 were they going to look for, a man walking out with this  
13 in his hand.

14           Initially no one knew what happened to the car  
15 of Gary Triano. No one knew. This is more suspicious.  
16 No one knew.

17           If something happened right now in the back of  
18 the courtroom, gun went off, what would you do? You  
19 would look. You would think that whatever was  
20 happening, whatever caused it, whatever the effect, had  
21 to be over there. And you saw that during the course of  
22 the testimony.

23           But nevertheless I probed that with you. And I  
24 probed that for you so you could understand the dynamics  
25 of that events of November the 1st of 1996. And your

1 questions, I have to say, were fantastic. They were.

2           Even now, even on the eve of deliberations,  
3 there are questions that search out facts. The photo of  
4 Gary Triano. You'll get that in evidence. He had a  
5 regular day. There is no doubt about it. He played  
6 golf with friends. His mood was good. He had  
7 anticipated going home to have dinner with his  
8 girlfriend. And he sat down in his car.

9           There is one more aspect of murder that I want  
10 to address before I move on. And that is, ladies and  
11 gentlemen, when he sat down in his car, and that was on  
12 the passenger seat -- and there is no doubt about that,  
13 by the way. When that was on the passenger seat, that  
14 bomb did explode. I probed during the trial because you  
15 were probing about radio frequencies, and about  
16 distances, and 100 and 200 and 300 feet. Because I told  
17 you I would be watching and paying attention from this  
18 chair as the what was interesting or needed for you when  
19 the time came to deliberate.

20           So I probed radio signals and I probed  
21 distances and I showed you diagrams of 150 feet. But  
22 the fact was, Ronald Young didn't have to be sitting  
23 outside the car when that bomb exploded. As a matter of  
24 fact, when the defense witness testified I was quite  
25 surprised about how far away could actually be. Balcony

1 that could hardly be seen. But even if you believe that  
2 Mr. Triano sat down in his car, and reached across and  
3 said what in the world is this, you know, and reached in  
4 the bag and pressed the button, blew himself up, it's  
5 first degree murder.

6 But the person that put that bag on that seat  
7 intended him to die. You can't put that together  
8 without intending someone to die. This is not a child's  
9 toy. It is not a 4th of July firecracker. That pipe  
10 was fragmentary in nature. The amount of powder in  
11 there was deadly by nature. And there is no way that  
12 anybody, any killer could say, I didn't intend for him  
13 to die. I didn't know that much powder and that much  
14 pipe would make a difference. He intended Mr. Triano,  
15 to die.

16 So let's move on. Where do you begin? I have  
17 no advice for you. I really don't. When you go back,  
18 you have a lot of notebooks. The evidence has been  
19 organized for you. And whenever possible when I was  
20 standing here at the ELMO trying to figure out how it  
21 works, I gave you explanations of documents, formats,  
22 the types of records that people maintain. Because it's  
23 within those documents, it's within the physical  
24 evidence from the van, it's from the evidence of  
25 Florida, that we have what Ronald Young had confidence

1 in saving, creating, and maintaining during the course  
2 of years.

3           We are not talking about Mr. Triano dying on  
4 the 1st of November and things happening right away.  
5 This was a cold case. There is no doubt about it.

6           When the police first went into the van, and  
7 collected evidence, it hadn't even occurred yet. What  
8 the police decided to take out of that van was  
9 completely unrelated to a murder because it hadn't  
10 occurred yet. But what you have now, despite the fact  
11 that took years to filter and think about and compare  
12 and analyze, what you now have, is a time capsule.

13           Because long before the murder, weeks before  
14 October the 8th of 1996, while Jim Gamber was still  
15 having coffee in his office not knowing what was going  
16 to happen, while Keith St. John was processing paperwork  
17 at the Pima County Sheriff's Office, Officer Mercado  
18 found the van. October the 8th, and shortly after that  
19 Mr. Young tried to get his van back.

20           You heard Detective Crowley who went there on  
21 October the 17th, to say, by then Mr. Young and  
22 Mr. Raumbach had already been there, and didn't get  
23 their stuff. It wasn't released. And so Crowley went  
24 through it. But again, Crowley didn't know about a  
25 murder. He didn't know the significance of a Tucson

1 map. He didn't know the significance of a piece of  
2 paper that represents a pleading in a divorce case.

3 He didn't know about the significance of a  
4 Ramada Inn receipt for July of 1996. He only collected  
5 it because it might give some indication as to where  
6 Mr. Young might be. That's it.

7 Now his warrant had already been issued. And  
8 that's a fact. That warrant had be issued in August of  
9 1996. However, this Ramada Inn event, and we are going  
10 to call it an event, occurred before that. Occurred  
11 before the warrant. Mr. Young wasn't hiding from the  
12 warrant when he stayed at the Ramada Inn down the street  
13 from Gary Triano. He was reconning. He was probing.  
14 He was investigating. He was deciding the best way to  
15 do what he promised almost a half a year before.

16 Because as you look through the exhibits, as  
17 you look through the Aspen computer, and that was the  
18 computer he left behind with confidence, in his home on  
19 Snowbunny Lane, you'll see that he made promises to get  
20 rid of the quote 800 pound gorilla. That's what he  
21 said.

22 Let's take a break from this exhibit for a  
23 minute. Let's go back to Aspen. Where did the  
24 conspiracy begin? Now normally the State isn't required  
25 to show a formal agreement. The State isn't required to

1 show the moment when the decision was made. The State  
2 isn't required to show that handshake that made the  
3 difference. Or the initial transfer of money.

4 But if you remember, we have done a lot of that  
5 for you during the course of this trial. April the 15th  
6 of 1996, and remember in the beginning I told you,  
7 April, May, June, July, August, September, October,  
8 November. That became significant for a lot of reasons.  
9 But more importantly you heard a recording where  
10 Mr. Young said to Pam, we've saved hundreds and hundreds  
11 and hundreds of calls dating back six months before the  
12 the event. That's what he said. Those are his words.

13 This isn't a witness who comes in, who happened  
14 to have been sitting in the Caribou Club who overheard  
15 something. And things it might have been six months or  
16 eight months or whatever. This is him talking six  
17 months before the event. So that's why it became  
18 important for me to direct you in the beginning.

19 And I don't normally like doing that. But it  
20 was for me to tell you to keep an eye out for evidence,  
21 maintain your focus on the evidence and look at the  
22 little pieces of the puzzle that come together. Nothing  
23 is going to jump out at you.

24 So let's go back a little bit before April of  
25 1996. And I draw your attention to April 15th. I'm

1 going to do so so over the next few minutes because  
2 April the 15th we have evidence that Ronald Young walked  
3 into the Caribou Club in Aspen, Colorado. He used this  
4 credit card. He put it on the table. He charged  
5 \$139-some for dinner. And guess who was sitting at the  
6 table with him that night? The night before leaving  
7 Aspen, Colorado? The night before abandoning his  
8 computer at his house? The night before he went on a  
9 cross country trip to conclude the old Ronald Young; to  
10 finalize the old life. To travel with his son to see  
11 his daughter, to see his ex-wife, to travel through  
12 Texas, travel through Florida, looking for the place  
13 where he was going to live. With the money that he was  
14 expecting.

15           That's what he was doing. He left Aspen,  
16 Colorado, with a credit card that couldn't be traced to  
17 him. This says Ronald Young but you have the paperwork  
18 that says Phillip Desmond. So he had that card that  
19 could not be traced to him and he heads off.

20           Now, in 2005 I'm just going to jump ahead one  
21 time here then I will get to it again later. This is  
22 found in his computer. All before D-Day. First message  
23 on my Snowbunny answering machine day I left, I love  
24 you. Want to go ahead with the thing we talked about.  
25 It's in the evidence. It's in the evidence in the

1 communication notebook under chapter that says Aspen  
2 computer.

3           Next 11 phone conversations. Copy of American  
4 Express charge for Pamela Phillips flight round trip to  
5 Denver, three and a half weeks after I was in Aspen.  
6 April of 1996 in the Caribou Club with a credit card in  
7 his hand and the woman he loves sitting next to him, a  
8 plan is born.

9           Now there is a document that's in evidence, we  
10 put it there for you that was identified by Heather  
11 Triano Klindsworth. It was a handwriting of Pamela  
12 Phillips. It was confirmed as of Pamela Phillips by the  
13 expert, and it says you took money from me, Ronald  
14 Young. But that document was dated April the 5th of  
15 1996. And after that fax was sent to Ronald Young they  
16 met at the Caribou Club. That's what they are referring  
17 to the night he left Aspen, and they talked and they  
18 planned, and they connived.

19           Shortly after that -- now that was April the  
20 15th, we have the other letter, same handwriting, same  
21 Pamela Phillips, same girlfriend that he loves, who now  
22 writes, I would call your landlord. Maybe what's his  
23 name could have been. I think the apparent connection  
24 between us is best left at a minimum. I don't want to  
25 appear as too much of a helper, though you know I am.

1           Whatever had happened early in that month,  
2 whatever the frustrations may have been of Pamela  
3 Phillips as a result of losing in the divorce case, and  
4 she did, she was taking it out on everybody until Ronald  
5 Young came up to her and said, Pamela Phillips, I'm the  
6 guy that's been helping you with this problem all along.  
7 Don't start accusing me. I'm the guy. I'm the one.

8           And they have a dinner and then she agrees.  
9 Because in this document dated after the Caribou Club,  
10 and this is in the evidence, it's in the Aspen computer  
11 that he was confident to leave behind, it says Aspen may  
12 never feel like home again to you, but there are lots of  
13 fantastic places to be if you have the freedom and  
14 resources to go.

15           There was a transition. And by then,  
16 Ms. Stubbs told you, she found the money missing. And  
17 she goes over to Pam and says Pam, there is this money  
18 missing. And she says well, it was Ronald Young but  
19 don't worry about it. And Detective Crowley stops by  
20 because he hears about it and she says don't worry about  
21 it. She is taking care of it. As a matter of fact, she  
22 is taking care of a lot of things.

23           The young socialite of Aspen, Colorado, with  
24 her private ski lift in her future, has taken care of  
25 it. There was this agreement that was born on Snowbunny

1 Lane that changed so many lives. This conspiracy.

2 Let's go back for a moment to how Pamela  
3 Phillips felt that month, that beginning of April when  
4 she wrote that letter, April the 5th of 1996. She had  
5 been found in contempt by the Pima County Superior  
6 Court. She was told that she was incredibly petty. She  
7 was told that she was tormenting the victim, as was he  
8 tormenting her. There is no doubt about that. I  
9 apologize to the family, but that's a fact.

10 They were tormenting each other. Year after  
11 year after year. And then all of a sudden on March the  
12 21st, the day that minute entry came out, nothing else  
13 happened in that case. What is she going to do? Now  
14 she no longer has the court system to fight her battle  
15 for her. She had no place else to turn and she was  
16 running out of money.

17 There is evidence of her running out of money  
18 in Ronald Young's computer. He was the one that  
19 documented running out of money. He did. So here she  
20 has no place else to turn. She's been found in  
21 contempt. She's been told you will provide the kids to  
22 this man. You will allow for phone calls with this man.  
23 You will respect the minute entry dated July of 1995.  
24 You will do it. And the only way you can get out of it,  
25 the only way you can purge this contempt, is to do it.

1           Did she file to purge the contempt? No, she  
2 didn't have to because she had one thing better. At  
3 that point in time, the thing that she held in her hand  
4 was a two million dollar, two million dollar life  
5 insurance policy. And Ronald Young says we can do it.

6           Because guess what? In his computer you're  
7 going to find that he, too, was running out of money.  
8 They were going to have to give up the dream. They were  
9 going to have to give up Aspen. They were going to have  
10 to give up nights at the Caribou Club and meeting fancy  
11 people like Donald Trump and Marla Maples.

12           Ronald Young talked about that when he spoke to  
13 Coes and O'Connor in 2005, how much that meant to Pamela  
14 Phillips. How it was so important to her that he  
15 couldn't even keep up. But he found his way to keep up.  
16 He found his way to become important in her life.  
17 Something that didn't bother him so much that he was  
18 willing to sacrifice Pamela Phillips.

19           So here they are in the Caribou Club. You've  
20 got the letter. You've got the intent. You've got the  
21 expression here of what he agreed to. Why he kept that  
22 is beyond me. But as I said to you in the beginning,  
23 this wasn't -- this is just a piece of the puzzle. He  
24 kept it all. Because he was in control.

25           So let's go a little further. We talked about

1 April. He leaves. Now when you take the time to look  
2 at --

3 THE COURT: Excuse me, Mr. McCollum.

4 Ladies and gentlemen, if anyone has a cell  
5 phone on, the rules require that you turn it off.  
6 Please make sure everyone's cell phone is off.

7 Thank you, Mr. McCollum.

8 Sorry for the interruption, sir. Go ahead.

9 MR. MCCOLLUM: That's okay, Your Honor.  
10 We will get back to this.

11 Remember the day I started in the morning, and  
12 I lost my thought? The only thing I could do, just sit  
13 quiet for a second. It comes back to me.

14 Okay. Going back to April of 1996, after the  
15 Caribou Club, he leaves town, now, we know that for a  
16 lot of reasons. Number one, Joy Bancroft said Pam never  
17 talked about him again. That was it. Like he dropped  
18 off the face of the earth. And despite the fact that  
19 she maintained contact with him, for whatever you give,  
20 whatever credit you give it, for whatever weight you  
21 give it, even if it's just one series of lies after  
22 another, she maintained contact with him but never told  
23 her best friend about Ronald Young ever again.

24 So we know he left Aspen. How else do we know  
25 he left Aspen? He saves information that was found in

1 the time capsule in the van, the credit card receipts.  
2 He went to Lincoln, Nebraska. He used -- bought some  
3 food. He used his American Express card. Don't leave  
4 home without it, you know? And he traveled and he  
5 traveled and he traveled. But this wasn't incriminating  
6 to him. He didn't worry about this. It was just  
7 charges on somebody else's account.

8 I know I can remember cross-examination  
9 questions, did he charge the bomb on his credit card.  
10 Did anybody believe for a second that he would buy bomb  
11 parts with a credit card? Most of you knew that he  
12 would walk in with cash. And he left Aspen with cash by  
13 the way, there is evidence in the time capsule that he  
14 left with over \$1700. He left with whatever Pam gave  
15 him and that got him by, through April, May. And we are  
16 going to get to June in a minute. We know what happened  
17 in June.

18 So here we go. Pam has been given time to come  
19 up with a little bit more money. They know the  
20 insurance policy is a fact. And he begins his journey.  
21 First the journey is to see the country and to examine  
22 where he will be. Be with his son for a while in case  
23 that never happens again. Be with his daughter in  
24 school. We know that was important to him because  
25 you'll remember the phone call where he said to Pamela

1 Phillips, you've promised me you'd take care of my kids.  
2 You remember that? You promised me you'd take care of  
3 my kids.

4 So he spent that trip going across the country.  
5 Wandering down, meandering through Florida, through into  
6 Texas, where then he sent his son home to Aspen. Now,  
7 he drove to Colorado, but he sent his son home on an  
8 airplane. Now he told the police that he went from  
9 Houston to California, but he saved the evidence, all  
10 right? You know? He went to Denver, Colorado. And  
11 guess who he invited to come along? Pamela Phillips.

12 Put her up in a first class hotel, the Loews  
13 Georgio and they sat and they talked some more. And she  
14 gave him the assurance that there would be money, there  
15 would be a better life. Where is it? Let's get it back  
16 again.

17 But there are lots of fantastic places to be if  
18 you have the freedom and resources to go. There would  
19 be a better life. And they were still living it in  
20 Loews Georgio with a view of downtown Denver. But it  
21 wasn't just assurance. He saved evidence of what  
22 happened in Denver, Colorado. There are the notes.  
23 There is the note pad. There was the larger note pad  
24 with just one document and there is loose pieces of  
25 paper that represent just an impossible amount of

1 evidence, almost too much to comprehend. And that's why  
2 we had to take our time during the course of this trial.

3           He got information from Pamela Phillips, about  
4 people who may be connected, advice. He was in Denver  
5 and wrote down phone numbers of things he needed. Here  
6 we go. There is no area codes here but these are Denver  
7 numbers. He was looking it up in a Denver phone book.  
8 For example, French's, the phone number. What about  
9 French's? I mean why would he go to French's when he is  
10 meeting with Pamella Phillips to enjoy the Loews Giorgio  
11 Hotel? French's was close to the Loews Giorgio and he  
12 sold powder. They did. It's a fact. It's not  
13 disputed.

14           Had the address. Again, no area code. He had  
15 a shotgun. Now, he is meeting with Pam in Denver. But  
16 why does he need directions to 210 Williams Street in  
17 Superior, Colorado? Why does he write down the phone  
18 number of a man named Joseph Nord who is a gunsmith?  
19 Why? Without an area code? He is meeting with Pam.  
20 They should be having drinks and dinner, but he is  
21 writing it down. He is saving it. And if you look at  
22 this evidence, there is no indication there was another  
23 trip to Denver throughout the entire course of this  
24 event. That was the one trip to Denver.

25           There was Lincoln, Nebraska. There was

1 Chicago. There was Georgia. There was Houston. There  
2 was California. But one trip to Denver. One note  
3 prepared in anticipation. And, I can't possibly believe  
4 the intuitive nature of somebody on this jury who wrote  
5 is there a chance that friction when putting the pipe  
6 together would cause the bomb to explode? And the  
7 expert said to you of course it could. And I put  
8 plastic over it, but you could also use paste. Paste.  
9 Toothpaste.

10 Now maybe it's a shopping list, you know.  
11 French's gun store. Circuit City for electric,  
12 gunsmith, a Fed Ex, toothpaste. I got to remember to  
13 get toothpaste. But interestingly enough, toothpaste  
14 shows up again in the notes, and not on a shopping list.  
15 Somebody told him don't forget. Now, who told him?  
16 Maybe somebody, maybe Mr. Nord. Who knows. Maybe  
17 something he got off the internet.

18 Another intuitive question. I remember it like  
19 I will remember the rest of my life. Somebody on the  
20 jury said was there internet access and information  
21 about bombs on the internet back in 1996. And Tony May  
22 told you well, I had been asked by Senator McCain, do  
23 you remember that, I had been asked by Senator McCain to  
24 check into it. And I found that by then it was too late  
25 to shut the door. There were already a million

1 references to building bombs on the internet.

2           And I have to tell you, not only was that  
3 valuable information in this case, but it scared the  
4 bejeebies out of me, that there was that much  
5 information available to the average person.

6           Not only how to build a bomb. We are not  
7 talking about a nuclear device that requires plutonium.  
8 Talking about stuff that you can buy without even  
9 registering. Just throwing your cash on the table, say  
10 I want some of that. And nobody is going to ask about a  
11 piece of paper. Nobody going to ask about a Futaba  
12 receiver. No one is going to ask any questions about  
13 Red Dot powder. And that had to come as a surprise, to  
14 think that somebody could walk into a store today, in  
15 any community, in any city of the United States, pick up  
16 Red Dot powder, come out, pick up a pipe, charge it and  
17 kill somebody. No scientists needed for that. Not at  
18 all.

19           He did have one concern, killing himself. But  
20 he made some inquiry about that. Maybe he got it off  
21 the internet. Maybe he got it from Mr. Nord. But he  
22 knew about toothpaste. Or, he needed to brush his  
23 teeth, one or the other.

24           So, here we are. We are in Denver with Pam,  
25 and Ron Young. And all of a sudden now the plan kicks

1 up a little bit more. And, this trip with Pam is  
2 actually first part of May. And then something else  
3 happens. He decides that he's got to go to Tucson.  
4 Never been there before. The last thing he would want  
5 to do is to get to Tucson, and not know where to go or  
6 what to do. A map wasn't good enough. Would you want  
7 to commit a murder with just a map? No way. Not good  
8 enough.

9           So, you don't want to fly into Tucson. Number  
10 one, it's easier just to fly into Phoenix and rent a  
11 car. With cash. From Saban's. What was that date  
12 again? May 29th through the 31st, 522 miles. I didn't  
13 need to put a map in to show you how far it was from  
14 Phoenix to Tucson. You didn't need that. Everybody  
15 here knows that.

16           So he rents the car with cash. And, let's step  
17 back for a minute to the notes. He had researched it  
18 already on the internet. Mr. Saban told you from the  
19 witness stand, did anybody looking up Saban's would get  
20 this phone number. You know, Saban's, in his  
21 handwriting. Saban's. These are the notes that he  
22 started to prepare after and during the time he met with  
23 Pam.

24           Let's see what we got here. We have the  
25 Saban's note, where he talks about laplink, a map, a

1 spread sheet. He lists the names of the four people,  
2 that we had the signators come in and testify to; one,  
3 two, three, four.

4           So we know this. We know what this note is  
5 dated, we can date this note, because of this? It  
6 happened before May 31st. He didn't write a date on  
7 here. Didn't sign his name. Found in his possession,  
8 in his handwriting, dated before this. Dated when he  
9 was with Pam. Some computer lingo. And this is  
10 interesting, there is a name here, Michael Woodcock.  
11 Okay, in Texas.

12           Now Mr. Young had a Texas driver's license.  
13 And don't forget the fact that he also had a passport  
14 dated for April of 1996. It's in there. You'll see it.  
15 But Michael Woodcock, because there is also evidence in  
16 his Aspen computer of checking out a Michael Woodcock.  
17 So he drives through Houston, drops off his son, sees  
18 Michael Woodcock, and then a few other references.

19           Set this over here.

20           So he goes to Saban's. And he rents the car  
21 for cash and he drives to Tucson. Or Flagstaff or Las  
22 Vegas or Holbrook, you know, any number of things that  
23 someone -- Grand Canyon, someone who's never been to  
24 Arizona. But the fact is he rents it for cash, and at  
25 the same time he rents this car, a license plate

1 disappears down the road. From Avis.

2 Disappears. Lost or stolen. May 30th, 1996.

3 It's true. Public records. The cold case detectives  
4 dug it all.

5 So, he gets the plate. He pops it on. We'll  
6 get back to the plate. It was found in his van, in the  
7 time capsule later on. We will get back to it.

8 He travels down. He looks around. And he  
9 starts to measure up. Home, place to stay. But he  
10 doesn't stay very long. Car goes down, car comes back,  
11 one day trip basically to Tucson and that's the end of  
12 May. Early June.

13 So, what does he do? Ends up back in  
14 California to spend some time with his parents. Because  
15 remember when he spoke to Coes and O'Connor, he said  
16 that would probably have been the last time I would see  
17 my parents. That's what he said. When he rambled and  
18 rambled and rambled. I mean the judge talked about  
19 voluntariness of that statement. I give respect to Coes  
20 and O'Connor for sitting through it. Every time they'd  
21 ask an important question he rambled. He rambled, some  
22 more rambling. He gave up things. He gave up things  
23 like, I went back to spend that last bit of time with my  
24 parents. It's true.

25 But there he is. He is in California and the

1 time has come to get more serious now. So what does he  
2 do? He goes back to a hotel. Here we go. In the van.  
3 The time capsule. The receipt. Only it says Phillip  
4 Desmond. But that wasn't found in Phillip Desmond's  
5 possession. It was found in his pocket, basically. It  
6 was found in his van outside his parents house. And it  
7 compares to the records that show you that not just one  
8 day, he intended one day, not just one day, but 18 days,  
9 during a not so popular time of the year.

10 Because the person from Ramada Inn said that  
11 was a slow time of the year. People don't vacation in  
12 Tucson in July of the year.

13 But he comes to Tucson, and he stays down the  
14 street from Gary Triano. And at a hotel near where Pam  
15 used to live. Because she lived on Woodland. Just  
16 around the corner from Woodland was the Ramada Inn.  
17 Right there at that intersection of Sabino Canyon and  
18 Tanque Verde. And he stays for one day, two days and  
19 three days and each day it's a cash deal. More cash on  
20 the floor. More cash on the floor.

21 But by the time he was staying at that hotel,  
22 he was no longer living on the cash he took from Aspen.  
23 Because by then you have evidence, you do, his own  
24 evidence, his spread sheet, that shows in June of that  
25 year he started to collect the \$25,000. Before the

1 murder. Before the time capsule. Before any knowledge  
2 an innocent man might have regarding the death, he was  
3 collecting his money. That fact will go to your grave.  
4 You will never forget that \$25,000 paid in advance.

5 \$25,000 is serious money. It's not hotel  
6 money. It's not food money. It's not McDonalds.  
7 \$25,000 alone is serious money. Not as serious as two  
8 million dollars, but it sure is a good faith  
9 representation. It was the largest installment  
10 throughout the years that had ever been made. Because  
11 after that it was 1500, 2400, 1800, 1400, all in code.  
12 All in code.

13 So here he is. He's now got the pocket money  
14 that's the flow of money that gives him the confidence  
15 that Pam wanted to go ahead with the thing they talked  
16 about. It's true. And he stays there. What does a guy  
17 do on Tanque Verde for 18 days?

18 I love this town. I moved here from Baltimore.  
19 It's great. I love Mt. Lemmon. I ride my bike. I  
20 enjoy the saguaros. But for a man who said he had only  
21 been to Tucson for a day or day and a half when he spoke  
22 to the police in 2005, he stayed 18 days. What can you  
23 do in 18 days? You can follow Taylor O'Connor. You can  
24 do that for 18 days. That's what she said happened in  
25 July of that year. She did.

1           She had no reason to lie here. She was being  
2 followed. She was followed again. It happened several  
3 times. He knew her car she drove. How do you think she  
4 feels sitting on the witness stand, realizing now that  
5 during that time period someone had her address, her  
6 place of employment, and her car written down on a note  
7 recovered from the time capsule.

8           How do you think she felt? Or Melissa Triano  
9 Walsh in the courtroom realized when she was going to  
10 her uncle's with her black Corvette that she too was  
11 targetted for information. Because it's always been  
12 important to Mr. Young throughout this process to get  
13 information.

14           He told Pam he wanted information. He wanted  
15 to be in control. And control in the computer age,  
16 control for a man who knows how to get into the database  
17 is control. Information is control and he was getting  
18 it when he stayed there for 18 days. He was gaining the  
19 confidence he needed to walk through a parking lot.  
20 That's it. Set it down. And walk away. Look around,  
21 because you can bail out any time.

22           If I were walking through the parking lot with  
23 this, you, me, Mr. Young, Mr. Palser, and someone says  
24 hey dude, what are you doing. Nothing, I'm looking for  
25 the men's locker room. Okay, down the corner around the

1 street. Walk away. That's it. That's all he had to  
2 do.

3           Instead he knew, from information, because it  
4 was well-known, Mr. Triano didn't lock his car. And he  
5 could have confirmed that any number of times. Reach  
6 in, drop it on a seat. And, I dropped it there. You  
7 think oh, my God. He dropped it. It's going to  
8 explode. You know he knew the safety devices on that.  
9 He could have dropped it. Wouldn't have exploded. Even  
10 if the safety had been put in the armed position, it's a  
11 switch. It's a toggle. Drop it down. Walked out. He  
12 knew how to be careful. He was in control.

13           But let's go back to July 18 days. While he  
14 stayed at that Ramada Inn, I remind you earlier there  
15 had been no warrant, none. He wasn't being sought  
16 after. He knew that. He told the police in 2005 that  
17 he realized that the warrant had been issued in August.  
18 That's when he knew, that's when he found out after the  
19 fact that a warrant had been issued for me, some gal  
20 called me, told me. There is.

21           So in July when he is wandering around, is he  
22 hiding from Crowley in Tanque Verde? At the Ramada Inn?  
23 Of course not. It was him. It was him. It wasn't  
24 Phillip Desmond. It was him.

25           So, there we go. Warrant gets issued. Some

1 more events occur. Eventually the van is seized.

2 Now Taylor O'Connor testified that during the  
3 period a month or so before the murder she also recalled  
4 Mr. Triano being followed again in an airplane. In an  
5 airplane. You have evidence he knew Mr. Young was a  
6 pilot. I have his pilot's license. It was taken from  
7 him, in November of 2005. You have it. Just as sure as  
8 I'm standing here.

9 So, along comes October. Let's go through this  
10 a little bit more. We have the loose notes. And you've  
11 seen some of those here. I had the two ladies affirm,  
12 and it made them nervous. You remember Ms. O'Connor  
13 said, somebody had this in their possession? You think  
14 that was sincere? Of course it was. Somebody had this  
15 about me? Somebody connected to this case.

16 But that's in here. The actual note is here.  
17 Don't overlook it. Touch it, feel it. Because it's  
18 guess what, this is a piece of paper that was in his  
19 hands. It's in his handwriting. Here it is. And here  
20 is some notes about, can't read some of the handwriting.  
21 Here is a note that talks about outfitters, Cherry  
22 Creek, you know. You heard testimony Cherry Creek was  
23 in Denver. That's where the Loews Georgio was. Paging.  
24 Toothpaste. Fed Ex.

25 Now Fed Ex occurs over and over in these notes.

1 But you've learned over the course of this trial that  
2 Fed Ex became important to them. It was an absolute  
3 certain way of sending an extraordinary a large amount  
4 of money without being detected. Not only was the Fed  
5 Ex the way to go, but you later learned that they used a  
6 false name, Richard Perez, a man who also is dead.

7 So what else do you have in here? You'll get a  
8 chance to look at it. It's all here. What else did we  
9 find in the time capsule? This you've seen already. I  
10 have shown them to you.

11 Okay. You're going to get a copy of this, by  
12 order of court, you won't get the actual pad. Don't  
13 worry. It's just a piece of paper but the handwriting  
14 is Mr. Young's. And it will all be there. And even  
15 though this isn't the most incriminating piece of  
16 evidence, I like this. He had a card from Pam. Dare to  
17 dream, for in dreams lie the foundation for happiness.  
18 They are talking about the death of a human being during  
19 the course of this conspiracy, and she has time to write  
20 visions are coming into focus. Visions are coming into  
21 focus. Her visions of lining her pocket. Her visions  
22 of private ski lifts and a house in Aspen, traveling  
23 with Donald Trump. Love Pamela.

24 This isn't the woman who said you took my  
25 money. The woman who said you took my money was a

1 frustrated woman who had been found in contempt, a woman  
2 who later realized she could only turn to one man.  
3 Ronald Young.

4           What else do we have? These documents are  
5 invaluable. I invite you, I can't tell you to sit there  
6 and read everything. But I invite you to read  
7 Mr. Young's calendar of events, in his credit card  
8 receipts. I do. You'll have these.

9           The credit cards, departure money, and  
10 somebody, another intelligent, another intuitive  
11 question, and I wish I had paid attention from as each  
12 person put their questions in writing and passed them up  
13 so I would have known so that I could acknowledge and  
14 thank you some day, but somebody said if you leaves  
15 town, and left his computer in Aspen, was there any  
16 evidence that he could link with his computer. It was  
17 asked, a good question.

18           Found in the van. The link with his computer.  
19 He left after April 15th. So that's the time capsule.  
20 That's the van.

21           Where do we go to from here? It is expected in  
22 a case like this, for someone to argue nobody put Ronald  
23 Young at the scene of crime. It is. And I can tell you  
24 if that were the standard, we wouldn't be here. If that  
25 were the standard, the first thing the detective would

1 say is I'm sorry, ma'am, we can't solve this homicide  
2 because no one saw the killer at the scene. It has to  
3 stop. We have to be fair.

4           Thankfully, though, the evidence is clear and  
5 the Court has told you that there is no distinction  
6 between direct evidence and circumstantial evidence.  
7 And you wouldn't expect anything less as a citizen.  
8 You'd want the evidence to be poked and prodded and put  
9 forth and examined, and compared until the end of time  
10 to solve a murder. You'd want it. You'd expect nothing  
11 less. That's what happened. But he wasn't seen that  
12 day. Could be argued that the killer wasn't seen that  
13 day. He wasn't. It was Ronald Young and I even  
14 hesitate to say that. Because I know it. Because, the  
15 evidence points to Ronald Young.

16           But the killer wasn't seen that day. He  
17 wasn't. But he was there. Bet my lunch money. He was  
18 there. Because the car blew up. A remote control was  
19 tilted somewhere within 400 feet. When that first came  
20 up, I know, I saw your faces. You're looking oh, my  
21 gosh, 400 feet, anybody within 400 feet would have been  
22 seen. There is no doubt about it.

23           State's Exhibit number 34 for your convenience,  
24 there it is, that's a wide view, and this is the view  
25 showing feet. Way out into the road on Sunrise is just

1 100 feet. There are golf courses, greens, balconies,  
2 bushes, viewing, trash cans nearby, grassy knolls, any  
3 number of places where a person could sit and just  
4 relax. He could have been even in the parking lot next  
5 to it sitting in his car. No one was really paying  
6 attention to the second parking lot.

7           Everybody was asked about the first parking lot  
8 because that's where they were. The people second  
9 parking lot got away. As did Mr. Hadd escaping through  
10 the tunnel.

11           So, enough said about the crime scene. There  
12 is something important though that was occurring at the  
13 same time of the murder, or should I say not occurring.  
14 We have evidence. Here it is. What was not occurring  
15 despite all the data, the thousands and thousands and  
16 thousands of document that Mr. Young saved, everything  
17 from e-mails to Pam to notices to communications with  
18 his son and his daughter in business dealings and  
19 everything, thousands and thousands of things, nothing  
20 from October the 26th through November 5th. No  
21 activity. He was too busy.

22           That's evidence. The computer just said to us,  
23 said to you, that Mr. Young does not have an alibi.

24           Now in the opening statement Mr. Palser said  
25 Raumbach would give him an alibi and he cross-examined

1 Mr. Crowley. To say, didn't Mr. Raumbach tell you in  
2 your report that it was just days before the interview  
3 that occurred on November 5th, that you saw Ronald  
4 Young, and Detective Crowley had to say yes, he told me  
5 that.

6 But at the same time, ladies and gentlemen, he  
7 said that Raumbach also said it had been sometime since  
8 he had seen him. Referencing the van. And Crowley knew  
9 that that incident had occurred before October 17th when  
10 he got into the time capsule. More importantly,  
11 Raumbach let's use the word represented himself as  
12 representing Mr. Young. Inferring legal counsel. But  
13 he was not a lawyer.

14 So, the computer tells us there is no alibi.  
15 Now there are two facts that are important when we are  
16 talking about State's Exhibit number 45. The first fact  
17 is this: When he was interviewed by Coes and O'Connor,  
18 he remembered that he was living in Florida at the time  
19 of the murder. That's what he said. That he was living  
20 in Florida at the time of the murder and October there  
21 were presidential debates. It's in his statement. Why  
22 does he have to tell Crowley? So he can say I have any  
23 own alibi. I remember where I was when the man was  
24 killed. I remember talking to Pam.

25 But when he was talking to his son, on the jail

1 phone calls, he said he hadn't gotten there until the  
2 first part of November. No receipts, no credits, no  
3 landlords. That's what he told Coes and O'Connor. And  
4 it was important to Mr. Young in those calls to say, I  
5 want you guys researching some things for me about where  
6 I was and when I left Aspen. That's why those calls  
7 were important. We're going to discuss more of those  
8 calls later.

9           But, then it starts. He relocates, and Pam is  
10 on this trek to get the money and you have the insurance  
11 policy. There is some letters going back and forth.  
12 Finally the insurance companies decides that she gets  
13 the money. Now then cross-examination, the insurance  
14 man was asked well, you gave it to her because you  
15 decided that she didn't do it. And then on my redirect  
16 he confirmed that well, it was just getting too  
17 expensive to wait much longer without any evidence  
18 available.

19           Now the van had been recovered but nobody knew  
20 what we had yet. The computer hadn't been recovered  
21 yet. Nobody knew about Ramada Inn. Nobody knew about  
22 Saban's. Nobody knew about the map. Nobody knew about  
23 the minute entry, the Court order where they tormented  
24 tormented each other where she was being incredibly  
25 petty. Nobody knew about all this. So they paid her

1 her money, two million dollars plus for interest and  
2 that becomes important because later on when Ron Young  
3 tried to collect his money, he says I want my interest,  
4 too. It was mine when it was earned. That's what he  
5 said.

6           So, you're going to go through a trek, and you  
7 will take your time, I know. You will examine the  
8 documents that were sent back and forth and the phone  
9 calls that were exchanged to and from. And you will see  
10 references in there to anything you want to find that  
11 you choose not to believe it. But to totality, there is  
12 a word I want you to remember, any thing discovered in  
13 the back must be taken in its totality with all other  
14 evidence. Because when you read through those e-mails,  
15 you listen to those calls, there are statements made,  
16 that can mean only one thing.

17           (Recording played.)

18           MR. MCCOLLUM: Six months prior to the event.

19           (Recording played.)

20           MR. MCCOLLUM: You bothered me with some help  
21 to get rich.

22           (Recording played.)

23           MR. MCCOLLUM: Watch out for my kids. If  
24 anything ever happened to me, watch out for my kids.  
25 You know, when was that decision made? That decision

1 was made back in April, May, June, July, August,  
2 September, October, before the murder.

3 (Recording played.)

4 MR. MCCOLLUM: Feelings for you have never  
5 changed. That's what he said.

6 That caused him to go on his vacation. And if  
7 he had not been forced to go on vacation, the other  
8 thing would not had to have been accomplished. The  
9 other thing. And this you know.

10 (Recording played.)

11 MR. MCCOLLUM: That's all I have for now.

12 Thank you.

13 THE COURT: Thank you, Mr. McCollum.

14 All right. Ladies and gentlemen, as I  
15 indicated we will take our noon recess a little bit  
16 early. Please remember the Court's admonitions. We  
17 will reconvene, let's try to reconvene at 1:15 if we can  
18 instead of 1:30.

19 Is that going to work for everybody? We will  
20 reconvene 1:15. At that time we will hear from Mr.  
21 Palser on behalf of the defense.

22 Have a nice lunch.

23 Please stay mindful of the Court's admonitions.

24 Thank you.

25 (Jury excused.)

1           THE COURT: Counsel, anything we need to do  
2 for --

3           MR. PALSER: Approach real quick, Judge?

4           THE COURT: Yes, sir.

5           MR. PALSER: Your Honor, I don't want to beat a  
6 dead horse. I would like to note for the record that  
7 yesterday during jury instructions Mr. McCollum  
8 indicated that as an officer of the Court he believed  
9 second degree murder instruction was appropriate. In  
10 closing argument me mentioned that if Mr. Triano  
11 triggered the bomb in his opinion that was premeditated  
12 first degree murder, I think is a contradiction. Simply  
13 for the record we wanted to renew our objection on  
14 second degree murder instruction.

15           THE COURT: Very good. Objection noted.

16           MR. PALSER: We also move now also vacate the  
17 instruction to second degree murder.

18           THE COURT: That request is respectfully  
19 denied.

20           MR. PALSER: Thank you.

21           (Noon recess.)

22           THE COURT: Ready for the jury, counsel?

23           MR. PALSER: Yes, sir.

24           THE COURT: Bring them in please, Jared.

25           MR. MCCOLLUM: Your Honor, may we approach?

1 THE COURT: Yes, sir.

2 (Jury present.)

3 THE COURT: Please be seated, ladies and  
4 gentlemen.

5 Let the record reflect presence of all members  
6 of our jury, counsel and Mr. Young.

7 Mr. Palser, you may give your closing argument  
8 on behalf of the defendant at this time, sir.

9 MR. PALSER: Thank you, Judge.

10 These are always the toughest cases. Someone  
11 died in a horrific, horrible way. The first instinct  
12 that any of us have as human beings is to say, there's  
13 been something horrible, let's find out who is  
14 responsible. Let's hold whoever is responsible to  
15 answer for this charge. Let's convict whoever is  
16 responsible for this act.

17 Make sure you get the right person. As jurors  
18 you've taken an oath. You've taken an oath to uphold  
19 the law. You have taken an oath to follow the judge's  
20 instructions. Those instructions run, if I remember  
21 right, 42 pages. I promise scout's honor I will not  
22 read you every one.

23 But those instructions tell you some very  
24 important things. Instruction one, you are not to be  
25 influenced by sympathy. Very simple, what this

1 instruction is telling you in English, do not find  
2 someone criminally liable just because you feel  
3 sympathy. Sympathy is a wonderful emotion. It helps  
4 society get along well. Sympathy and empathy combined  
5 lead to a very nice world. But as jurors it is your  
6 duty to look at the facts. And look at those facts each  
7 of you, for yourselves.

8           Do not change your mind. Instruction 15. Do  
9 not compromise for the mere purpose of returning a  
10 verdict. When you look at instruction 15 and  
11 instruction 16 together, 16 tells you any verdict you  
12 reach, if you you reach a verdict, must be the result of  
13 your unanimous conclusion that the State did or did not  
14 prove the charge beyond a reasonable doubt.

15           That applies to all three charges that are in  
16 front of you. And at this point in time there are three  
17 charges in front of you. There is a conspiracy charge,  
18 there is a murder charge. And the judge has instructed  
19 you if you find the defendant not guilty, or after  
20 careful deliberation cannot reach a verdict as to first  
21 degree murder, you may then go consider second degree  
22 murder as a lesser-included offense.

23           So I talk about his three charges because there  
24 are three spots on the verdict form. The instructions I  
25 just highlighted for you apply to each charge. You are

1 not to compromise. You are not to come back into the  
2 jury room, and say you know, doggone it, the State's  
3 case just really doesn't hold water but man, we got to  
4 find him responsible for something.

5 I warned you about that. That's your urge as a  
6 human being. To find someone responsible. But you're  
7 not to go back there and say well, we got to find him  
8 responsible of something. So, let's all just get  
9 together and we will compromise, we will do the second  
10 degree murder thing, and then we will all go home.

11 If you compromise like that it is a violation  
12 of your oath to the court, to the parties, that you took  
13 at the beginning of this case.

14 A verdict is not to be a compromise verdict.  
15 You are to look at each and every count, and decide as  
16 to each and every count guilty or not guilty. Despite  
17 the fact that you feel sympathy. Because you will feel  
18 it as human beings. You feel it now. I felt it. I'm  
19 on the other side. We have an adversarial system in the  
20 United States of America. The State says we are going  
21 to get our Prosecutors, and they are going to represent  
22 the interests of the State of Arizona. The people of  
23 Arizona.

24 Our constitution also says that the defendant,  
25 any defendant, gets a lawyer, too. You may have noticed

1 there is a plethora of lawyers sitting over here for  
2 this case. This is a very serious case. This is why in  
3 the beginning I tried to remind every jury I stand in  
4 front of that you have to follow your oath. And not  
5 base things upon sympathy.

6 Now let's look at what the State told you. One  
7 of the first things they told you in this case, one of  
8 the very first witnesses that appeared, talked about  
9 there was Isuzu that left the parking lot. It's very  
10 aggravating as a criminal defense lawyer to know the  
11 rules and to know that it's going to be five weeks  
12 before I get to call my people.

13 State's witness said there was this Isuzu and  
14 it left and it's gone, Isuzu left, and that was it.  
15 That was the end of that. Five weeks later -- literally  
16 that was first day of trial. Five weeks later, Michael  
17 Miller came in and sat down and said, yup. I was  
18 driving an Isuzu that day. The red one, or maroon one.  
19 Had to go meet my wife for dinner. I was making some  
20 phone calls. I pulled out. Couple days later somebody  
21 told me hey, you know, did you look here, look at the  
22 paper, you know, this red, maroon, I believe maroon one,  
23 maybe it was a Ford or something, that left the scene.  
24 And Mr. Miller said oh, that was me.

25 He picks up the phone. He calls the police

1 department. And he says I think I'm the guy you're  
2 looking for, you all. I'm the one in the maroon Isuzu.  
3 Then not long after Mr. Miller, Wright Randolph Jr. came  
4 into court and told you among other things, he pulled  
5 in, driving his white Isuzu. So we had to wait five  
6 weeks. But when it finally got to be our turn, we got  
7 to show you every Isuzu that was in that parking lot.

8           So do not buy from the first day the intimation  
9 that oh, some Isuzu left had a first nefarious reason.  
10 The Isuzu number one belonged to Michael Miller. Isuzu  
11 number two belonged to Wright Randolph, Jr.

12           Neither of those gentlemen is on trial.  
13 Neither of those gentlemen has been accused of first  
14 degree murder or conspiracy to commit first degree  
15 murder. And both of those guys were known to the  
16 authorities within days.

17           Michael Miller was known to the authorities to  
18 be the person in the maroon Isuzu within three days.  
19 Wright Randolph Jr., was known to be the person in the  
20 white Isuzu within that day. Because he is the guy who  
21 pulled in.

22           Now the State told you well, you know, now we  
23 don't have to put him at the scene of the crime. Could  
24 be a murderer and could have been anywhere and kind of  
25 just left and, you know, anybody could have left. Well,

1 there is one point that I guess we are going to have to  
2 agree on with the State. The killer, their term, the  
3 killer, left that day. The only problem is we don't  
4 know who the killer was. We have no idea at this point  
5 in time who the killer was.

6 Nobody in their right mind is accusing Michael  
7 Miller. Nobody in their right mind is accusing Wright  
8 Randolph, Jr. Because they are Isuzu drivers. But we  
9 don't know who left that day. There are unanswered  
10 questions here which lead to huge reasonable doubt in  
11 this case. One of those is where did the real killer  
12 go, and who was the real killer.

13 Now Joseph Bob Hadd, he goes by Bob, I always  
14 have to call him Bob, Bob sits up here and he says, you  
15 know, 45 minutes later yeah, we escaped out the tunnel  
16 of the golf course. Think about the logic of this,  
17 folks. The tunnel is there for golf carts to go back  
18 forth to the La Paloma golf course. Once you get to the  
19 end of the tunnel, you're on the golf course.

20 Nobody, no witness, has ever come into this  
21 courtroom, and said I was sitting out on the golf  
22 course, after 5:38 p.m. on November 1st, 1996, and  
23 hanging out on the golf course, in the darkening hours,  
24 in the glooming, and I see a guy who is six foot six  
25 inches tall and over 250 pounds come through that

1 tunnel. With brown shoulder length hair. Nobody has  
2 told you that.

3 Nobody has told you I was in that parking lot  
4 that day, and I saw a guy six foot six, over 250 pounds,  
5 lurking around the parking lot, hanging around the  
6 parking lot, anywhere near the parking lot, anywhere  
7 near the clubhouse, anywhere near the golf course,  
8 anywhere near the hotel, anywhere in that area.

9 The State cannot place Ronald Young at that  
10 scene. There is a very simple reason for that. You're  
11 allowed to draw logical inferences from the evidence.  
12 The very logical inference from the evidence is they  
13 cannot place him at the scene because he wasn't there.  
14 A man this size does not have much ability to lurk in a  
15 public space like that.

16 One of the very last witnesses you heard from,  
17 Mr. Miller, was asked by the State, who would you  
18 consider to be suspicious. And he said well, you know,  
19 people don't fit in, that don't belong there. I knew  
20 most of the people there. I knew them at least by  
21 sight. I golfed with them. I kind of knew who they  
22 were. This is a place for members.

23 Now I have not spent really any time at a  
24 country club in my entire life. But, place for members  
25 is where members know the other members. Members know

1 the frequent guests. They know each other. Someone  
2 suspicious is someone who does not fit in, who they  
3 don't know.

4 Now Mr. McCollum played around with the duffel  
5 bag. Said could have been wearing a polo shirt. He  
6 could have been wearing a pair of golf pants. He could  
7 have got out. I guess got size 44 golf pants and  
8 somehow trek up and down in the parking lot. Could  
9 have, would have, should have.

10 There is an old saying. If wishes were horses  
11 we would all be riding. Could have, could have  
12 happened. Could have happened is not good enough in a  
13 court of law. Could have happened is not proof beyond a  
14 reasonable doubt. It could have happened. Well, I  
15 could sprout wings and fly. I guess it's theoretically  
16 possible, but it's not proof. And you would be sitting  
17 there thinking well, you know what, Walt, minute we  
18 actually see you fly with those things then we will  
19 believe you. Use that same skepticism when you look at  
20 the State's case.

21 He could have had golf pants on and he could  
22 have been walking through there. The only problem with  
23 that is, nobody says I saw him there. Nobody says I saw  
24 a suspicious big guy anywhere near there. The State has  
25 not produced that evidence for you. And the evidence is

1 closed. They will not produce that evidence for you.  
2 They cannot link Ron Young anywhere near that country  
3 club that day.

4 They can't even place him in Tucson on that  
5 day. The best they can do is July. You heard more than  
6 one witness talk about July, okay. August, nope, can't  
7 place him there. September, no. October, no.  
8 November, no. I mean, testimony is you have to hit the  
9 transmitter to make this thing go off. You're not doing  
10 it from California. You're not doing it from Florida.  
11 You have to be very close to that scene.

12 State's 43 was used by Mr. Kadous. He talked  
13 to you about the layout of the country club. There are  
14 very few places to go here. This is the parking lot in  
15 question. One of the things he told you was I went out  
16 there. I conducted an experiment. And as I'm right  
17 here, I don't have a line of sight to here. My  
18 transmitter won't work. So if he is this far away,  
19 trying to go through or around these trees, this bush,  
20 this open area here where lawn is, another set of trees  
21 and some cars, doesn't work.

22 You've heard and you can see here at the bottom  
23 of the picture there is a block wall on this side, once  
24 again blocking the line of sight. The State said in its  
25 closing well, you know, there could have been somebody

1 across the street, I mean which I guess is over here.  
2 They could have been sitting on the grassy knoll. Lee  
3 Harvey Oswald I guess could have been brought back to  
4 life, hit the transmitter or something.

5 I guess could have, would have, should have  
6 covered a lot of the State's case. Could have been  
7 there on the grassy knoll. What evidence do you have of  
8 anyone being on the grassy knoll? Zero. Zero evidence  
9 of anyone being across the street that looks suspicious  
10 in any way, shape or form.

11 Well, he could have been in the other parking  
12 lot. Yeah, not like they didn't probably think of this  
13 the first day of the investigation. Somebody could have  
14 been in the other parking lot. He could have been  
15 shooting through with his transmitter through these  
16 trees and these bushes, and whatever vehicles are going  
17 back and forth and whatever vegetation here in the  
18 median, somebody could have been in here. That's good  
19 theory. They could have been here.

20 Look at the picture. Let's use a little thing  
21 called logic. Could have been here. Would have had to  
22 have driven out, driven down this path here, made a  
23 turn, and left, and exited. Nobody has told you anybody  
24 suspicious, anybody nefarious, anybody six foot six and  
25 over 250 pounds was seen taking that pathway out.

1 Nobody has told you anybody that size was going down a  
2 foot path. Nobody told you anybody that size was going  
3 into the clubhouse or into the building here. Or into  
4 the massage area, or hiked out on the tennis courts or  
5 swimming in the pool.

6 The State cannot place Ron Young anywhere near  
7 La Paloma on November 1, 1996.

8 We told you in opening, we asked you to  
9 remember four things, four numbers. The first one, very  
10 simple number, very poor black marker. Now it's in  
11 multi colored number. Zero. Zero evidence connecting  
12 Ron Young to La Paloma. Zero stands for one other  
13 thing. Zero evidence connecting Ron Young to any kind  
14 of explosive device, to any kind of bomb. You heard for  
15 weeks on end about picking up pieces. And how careful  
16 they were and how meticulous they were, and trying to  
17 identify pieces. And looking, going to Radio Shack.  
18 Going to look for end caps. Going to look for pieces of  
19 pipe. Going to look for everything.

20 None of that ever came back to Ron Young. None  
21 of that was ever traced to him. One lead they had, one  
22 lead you heard, one name that they got, one lead out of  
23 this, from Brandy Kadous the other day, he said, you  
24 know, I went out. I looked for remote control  
25 exemplars. And I went to every hobby shop in town.

1 When he was on on cross-examination, he says to Mr.  
2 McCollum, went to every hobby shop in Tucson. I looked  
3 around. And yeah, one of them gave me a name.

4 Then there is dead silence. The next question  
5 wasn't asked so I had to sit there, wait until it was my  
6 turn. What was that name. Joe Tisps. But he said he  
7 put down in his report phonetically. Now I don't know  
8 how get phonetically when they hand you the receipt that  
9 had the man's name on it. But that's what he put in his  
10 report. Who is obviously not Ron Young.

11 They tried their best to trace these  
12 components. They were unable to do so. They were  
13 completely and totally unable to do so.

14 They tried their best to reconstruct the  
15 device. And, to have you think it's got this huge giant  
16 range. What Mr. Kadous, formerly lead bomb technician  
17 Officer Kadous, told you was when he did his experiment,  
18 he had the wire laying out either on the seat, so  
19 exposed, or he had it up at a 45 degree angle. It was  
20 just a day or two ago and you probably remember my  
21 horrible drawing of a 45 degree angle. My high school  
22 geometry teacher is probably very mad that I didn't get  
23 that one right. But he showed you 45 degree angle,  
24 which is kind of halfway up.

25 And said yeah, the higher your antenna, the

1 further that antenna is extended, the more reception  
2 you're going to have. The more that it's wrapped up,  
3 and contained, the less your range will be.

4           Tony May created to the best of his ability an  
5 exemplar and on his exemplar he showed us weeks ago  
6 where the antenna goes. I said well, Mr. May, what's  
7 this white thing here. The white thing here is the  
8 antenna. Which Mr. May has hooked into here, wrapped  
9 around, concealed, contained, blocked, by this board,  
10 looping around here, and once again, block on this side.  
11 This is where Mr. May put the antenna in his recreation.  
12 Thus making it a much shorter range device than if the  
13 antenna was standing up.

14           So if you look at their own exemplar, and you  
15 look at La Paloma, logic tells you that whoever did this  
16 had to be close. Logic tells you they had to be someone  
17 who fit in. Or otherwise they would have been  
18 suspicious.

19           Logic tells you it was not a six foot six over  
20 250 pound guy wearing his country club camouflage,  
21 wandering through the parking lot, with this bag on his  
22 shoulder, and then tossing it on the seat. Just went by  
23 and you could just throw it down in there. Throw it  
24 down in there. Toss it in the seat. Do you think Tony  
25 May would ever agree that you could take a live bomb,

1 and just toss it somewhere? I don't think so.

2           Now there are a few facts that are not in  
3 dispute. This is why I asked you to keep in mind, not  
4 to be swayed by sympathy. Mr. Triano is dead. It is a  
5 tragic, horrible occurrence. But we don't even know how  
6 it happened. Because there is more than one  
7 explanation. One explanation is the remote control  
8 device was actually used. Somewhere close to the car.  
9 Somewhere where someone had a line of sight.

10           Second explanation, because we don't know who  
11 this belongs to, that makes just as much sense as the  
12 State's theory, what if it's Mr. Triano's bomb? What if  
13 as he is picking it up, moving it around, in his own  
14 car, he accidentally hits that toggle switch.

15           You heard the evidence, from all of the bomb  
16 boys, especially from Tony May; accidentally hit the  
17 switch, you're not going to hear this noise. You're not  
18 going to have time to hear that noise. In less than a  
19 millisecond the device will explode.

20           Soft sided bag. Now I have never had a purse  
21 in my life. But I have had gym bags. Can take a heavy  
22 object, put it in a gym bag. You pick it up. Sides  
23 come together. If you hit that that toggle switch,  
24 you've got less than a millisecond to live. What if  
25 Mr. Triano says to some of his friends, I need one of

1 these. Somebody provide it, stick it in my car. He  
2 come out. He gets in his car. He says oh, that must be  
3 it. He goes to either pick it up, put his hand in it,  
4 accidentally hits that toggle switch. The forensic  
5 evidence is consistent with that. And it's more  
6 consistent with that than somebody someone using a  
7 remote control device.

8           Because Dr. Bruce Parks testified very clearly,  
9 I believe this was also to a jury question, but could be  
10 mistaken. It was a long time ago. But he clearly  
11 testified, I don't know if his hand was on the bag, in  
12 the bag, or out of the bag. I know it was close. It  
13 was somewhere in the area, but I can't tell you folks  
14 whether it was on it, in it, or whatever. All I know is  
15 it was close based upon the damage to the body.

16           That's what Dr. Parks told you. Which is  
17 consistent with someone reaching into the bag. And you  
18 reached in and you have the bad luck to hit the wrong  
19 part, it's going to go.

20           Under the State's theory, it's armed. Toss it  
21 down. On the State's theory, it's armed and you're  
22 tossing it down on the seat. That theory I just gave  
23 you, can I prove that to you beyond a reasonable doubt?  
24 Probably not. I have got Dr. Parks' testimony. He says  
25 he doesn't know where his hand was.

1           I have got a very viable story. It was his  
2 bomb. He accidentally set it off. Is that beyond a  
3 reasonable doubt? That makes just as much sense as the  
4 State's theory in this case.

5           And just like the State's theory, the State's  
6 theory cannot be proven beyond a reasonable doubt. You  
7 heard from the State's own witnesses the things  
8 Mr. Triano was involved in.

9           You heard from Lee Glauvitz about who was  
10 investigated, about who had a motive. The State will  
11 probably get up and say well, you know, guys, all those  
12 people were cleared. Yeah, we quit looking at those.  
13 It was their choice to quit looking at those people. It  
14 was their choice to say let's investigate two guys who  
15 are mysteriously flying out of the airport to Chicago,  
16 Illinois, at this time. They are important enough to go  
17 out and look at, they are important enough to write a  
18 report about and say we went out, talked to these two  
19 guys. They don't even know today who these guys are.

20           They did not look at them very hard. But they  
21 were clear. Magically they are clear. They thought it  
22 important enough to send multiple officers down to the  
23 Nogales, Arizona, border right where it goes into  
24 Nogales, Sonora, and speak with Michael Gardner. And  
25 said we got to make sure he doesn't have any explosive

1 devices. Let's take Rudy the crime dog, the bomb  
2 sniffing dog, down there to make sure everything is  
3 okay. Let's send a bomb technician in case we find  
4 something.

5 Let's look at his hotel room. And, oh, he  
6 wasn't around so he is cleared.

7 You heard from multiple sources with Chinese  
8 gambling deals. You heard about very large investors  
9 from Mexico, who when Ron Young was being interrogated  
10 told you yeah, Pam told me he got hooked up with these  
11 large investors from Mexico, and they lost a lot of  
12 money. And he must have pissed off the wrong people,  
13 was what Ms. Phillips was quoted as saying in that  
14 interrogation.

15 You heard about that, the Chinese gambling  
16 deal. This was a deal that Don Redman who came in and  
17 testified said I was Gary's friend. I let him live at  
18 my house, when he was bankrupt. He was my buddy. There  
19 were deals he got involved in, that I was afraid to be  
20 part of. You did not hear Mr. Redman say, there were  
21 deals he got in that were financially risky and were too  
22 rich for my blood. You didn't hear him say there were  
23 deals that were too much of a gamble. You heard him say  
24 there were deals I was afraid to be involved in, folks.

25 You have a laundry list of alternative suspects

1 in this case that make just as much sense as blaming Ron  
2 Young.

3 We promised you a couple other numbers in  
4 opening. One number we asked you to remember was 400.  
5 That is the maximum range of the transmission device.  
6 Brandy Kadous talked about that, said 400 under optimum  
7 conditions.

8 Five to eight seconds. Randolph Wright, after  
9 admitting that he was speeding, apparently a lot, kind  
10 of had to look at the judge kind of like hey, Judge,  
11 make sure I'm okay here on the speeding ticket? Said  
12 yeah, yeah. I said five to eight seconds. I was there  
13 really fast. I'm trained to look for people fleeing the  
14 scene with people leaving. Didn't see anybody leaving.  
15 Tried to render aid.

16 The last number we promised you was three or  
17 four days. You heard from now Mr. Crowley used to be  
18 Detective Crowley, that he was after Ronald Young. For  
19 years he was after Ron Young. Doing his best to try to  
20 find him. As part of his investigation he talked to a  
21 gentleman named George Rumbaugh, and he talked to him,  
22 his testimony was very clear, on November 5th, of 1996.

23 And as I recall his testimony, which is one of  
24 the things the judge has probably instructed you  
25 already, is it's your memories that count. What you've

1 got in your notes is what counts. If I remember it a  
2 little incorrectly or I remember it a little differently  
3 than you did, your memory counts. You're the triers of  
4 fact.

5 But as I recall Crowley's testimony, he said I  
6 talked to George Raumbach. He told me he was a lawyer,  
7 that he had a law degree, but he wasn't representing  
8 Ronald Young. He was a friend of his that he had known  
9 at one point in time to try to get Ron Young's property  
10 back out of his van. On November 5, 1996, I asked him  
11 when did you last see Ron Young. And Mr. Raumbach said  
12 I saw him three to four days ago here in California  
13 where I live. Then later on the conversation he said  
14 yeah, it's been a while.

15 Now you define a while for me. Now, when I  
16 take my nieces and nephews up to McDonalds, if they have  
17 got to wait more than like three minutes for those Happy  
18 Meals, that's a long while for them. Whereas most of us  
19 wouldn't think it was that long of a period. Put a  
20 number for me on a while. It's been a while. Well, to  
21 them three minutes is going to be a long while. To most  
22 of us that be a very short while.

23 There is no specific number. It's like saying  
24 wait a minute, a moment. Well, we know that's probably  
25 short period of time but is that a minute? Is it 30

1 seconds? Is that two minutes? We don't know. But it's  
2 been a while.

3 Well, what he did tell him specifically was  
4 three to four days ago in California. As we told you in  
5 opening, 480 miles away, from Tucson, Arizona. Three to  
6 four days is pretty simple math. I wasn't very good at  
7 the geometry but the simple math I could figure out  
8 three to four days before the 5th, is either the 1st or  
9 the 2nd. In California.

10 So let's talk about the time capsule. Never  
11 seen a real time capsule. Pretty full, van evidence.  
12 Time capsule. The State told you it's all here. It's  
13 all here, folks. It's that simple. It's all here. So  
14 let's look for it all. There is some papers and stuff.  
15 Kind of full. Some papers. It's all here, yeah. There  
16 is some papers. Here is one of these fancy clippy  
17 things. Yeah, it's all here. There is a little post-it  
18 says ready van. So let's look. Because it's all here.

19 Somebody want to show me a license plate?  
20 Somebody want to show me a shotgun? Because it's all  
21 here. That was their words. It's all here.

22 Show me that shotgun. It's not in here now, is  
23 it? So apparently not only is it a time capsule, it's a  
24 time machine because the shotgun has been transported to  
25 some other space and time. Because nobody knows where

1 it is.

2           What you've got is a picture, at best, taken a  
3 long time ago. I don't think anybody really wants me to  
4 open all these, check for shotgun. You don't think it  
5 could fit in here. It's all here. It's not all there.

6           That's the worst time capsule I ever saw  
7 because it's not all there. Where is that shotgun?  
8 Where did it go? It's not in evidence. You're not  
9 going to see it.

10           You heard Officer Mercado talk about this.  
11 Well, you know, I go and I seize things and I take them  
12 and I put them in evidence. That's my job. And then I  
13 keep them in evidence. Then, if need be, we release  
14 them. I said well, now Officer Mercado, there were some  
15 things you released to Detective Crowley, right? Well,  
16 I don't remember, really remember. Here are the sheets.  
17 Take a look at your evidence sheets that you got signed  
18 out. You release miscellaneous papers and you released  
19 a cell phone in connection with that van, right.

20           Oh, yeah, now that I have seen the papers, I  
21 remember that. Show me the piece of paper that says, I  
22 released a shotgun to anybody. Well, I don't have one  
23 of those.

24           The judge has instructed you that when evidence  
25 is lost or destroyed or not here, you can hold that

1 against the State. For losing that evidence, you can  
2 hold it against the State, he specifically instructed  
3 you, for not being able to bring that shotgun here in  
4 court. Because it was in police custody.

5           Scott Sweetow with the ATF went over there and  
6 measured it. And the ATF was very disappointed because  
7 it was legal. Anybody in the world could have that.  
8 Except for of course the Brea Police Department or the  
9 State of Arizona, or the Pima County Prosecutor's  
10 office. They can't have it any more because nobody  
11 knows where it is.

12           You're allowed to consider whatever  
13 explanation. Well, you know, we don't keep property  
14 forever. Where did it go, you all? We took this  
15 shotgun and we somehow put it in the time capsule and it  
16 disappeared. I'm not buying that one. It's gone but  
17 they don't know where it's at. Well, sometimes we  
18 destroy old evidence, you know, if it's not an active  
19 case we might destroy it. Don't you think they might  
20 right down the numbers from it and say hey, this is what  
21 we destroyed here today? We are having a gun destroying  
22 party so let's write down what we are destroying.

23           That is a weak explanation. We don't know  
24 where it is. We they we may have destroyed it. You  
25 find an inadequate explanation, Court's instruction

1 number 33, you may infer that the evidence is against  
2 the State's which me create a reasonable doubt about the  
3 defendant's guilt. That's what the judge has instructed  
4 you in this case.

5           A legal weapon that had a cut down barrel, so  
6 the State now wants you to think, well, he had a shotgun  
7 in his van, one of the barrels had been cut down, one  
8 was still very long, you heard the testimony, so he must  
9 have been up to something. It was going to be a  
10 shooting. Of course, you have no evidence of it going  
11 to be a shooting. Whatsoever. You have no evidence  
12 that was going to be used for any of those.

13           You have a very logical point that Mr. Triano  
14 was not killed by a shotgun. No evidence of that and  
15 makes no sense.

16           That is the type of evidence that is introduced  
17 to make you think well, Ronald Young is a bad guy. He  
18 had a shotgun, must have been a bad guy. He must have  
19 done this, too. I mean what is the theory, the plan was  
20 to take the rental van, over to Tucson, and shoot the  
21 man. But hey wait a second, that doesn't quite pan out.  
22 Darn, they took my shotgun, so instead of going and  
23 getting a different shotgun, I'm going to build a bomb.

24           I mean do you really think that that makes  
25 sense? What Tony May called fairly sophisticated

1 device, you're going to just go build one. And you  
2 heard about that well, we know there is stuff on the  
3 internet about how to do it. How many of you really,  
4 truly think you can build something like that?  
5 Mechanically, it might be fairly simple, for some of  
6 you. Not for me. I'm not good at that kind of thing.  
7 But mechanically, I mean putting little end cappy things  
8 on can be hard. I own a pipe wrench. Drilling a hole,  
9 it can't be that hard.

10           How many of you think you could actually put  
11 the powder in? Actually put some type of detonater in  
12 that little hole? Actually do that yourself? And how  
13 many of you would trust doing that from plans that you  
14 got off the internet? Very few, is my guess. I  
15 certainly couldn't do it.

16           The State has told you Ron Young could have  
17 gotten the plans off the internet. He could have. So  
18 could have I. So could have, well, I guess anybody that  
19 had access to the internet in 1996, and the ability to  
20 read whatever article pops up on how to build a bomb.  
21 So there is 200-some-odd million people in the United  
22 States. Guess out of all those people, anybody who had  
23 access to a computer could have done it.

24           But what the state has not shown you from all  
25 of the meticulous recordkeeping that Ronald Young did,

1 they have not shown you one time where he had plans for  
2 a bomb. They have not shown you one time where he is  
3 connected in any way, shape or form to bomb plans or  
4 bomb parts and they cannot do that.

5           They have showed you a couple of times their  
6 lists with the word toothpaste. I don't know what they  
7 have against dental hygiene but occasionally I might  
8 write down the word toothpaste reminding myself I need  
9 to go get toothpaste. If you're going to be a  
10 sophisticated bomb builder, why in the world would you  
11 be using toothpaste instead of a high grade lubricant?  
12 And Tony May did not say, well you'd want to simply use  
13 paste on the threads. He said you'd want to use any  
14 substance that would lubricate those threads. Petroleum  
15 jelly would lubricate the threads. There is a million  
16 things that would do the job.

17           And he did say well, yeah, I guess in a pinch  
18 you could use something like toothpaste. So, you can't  
19 have the master bomb builder who is now all of a sudden  
20 master bomb builder because he used toothpaste. Maybe  
21 he just wanted to brush his teeth, folks.

22           You didn't see on those lists anything that  
23 said get length of pipe, buy Red Dot powder, anything  
24 like that. But he had the name Joe Nord written down.  
25 Joe Nord was a gunsmith. He could have gone there. You

1 did not hear one single word, not one, that Ron Young  
2 actually went to Nord's place of business in that  
3 garage. Not one. None, no link. Zero link of him  
4 going to that garage.

5 He could have gone to French's gunshop because  
6 he had the number. He had written down French's, okay.  
7 And then Mr. French came up here and said that I don't  
8 know who Ron Young is. I never dealt with him, and  
9 never dealt with Pamela Phillips. I don't know these  
10 people. He could have gone there.

11 I told you before, he could have gone there  
12 does not in any way, shape or form prove he did go  
13 there. You did not hear anybody come in here and say,  
14 Joe Nord builds bombs. Nobody said that. Nobody can  
15 say that. Because Joe Nord is not building bombs.

16 The State have a very nice made up conversation  
17 about the Caribou Club. They went to the Caribou Club.  
18 And Mr. McCollum spent a few minutes telling you, well,  
19 you know, Ron said this and then Pam must have said this  
20 and then Ron must have said this and Pam must have been  
21 this. Where is the proof of that, other than Mr.  
22 McCollum's words and supposition.

23 You do not have a tape recording of the Caribou  
24 Club. You have nothing to go on other than there was a  
25 receipt showing at one point Ron Young charged something

1 there. You have no evidence Pamela Phillips was even  
2 present at the Caribou Club. All you have is a made up  
3 conversation that exists in one place and that is in the  
4 prosecution's head. Because there is no evidence that  
5 conversation ever, ever took place.

6 Do not be misled by my comments. Do not be  
7 misled by the State's comments. That conversation never  
8 took place. Nobody knows and there is no proof of it.  
9 Goes along with what happened in Denver. I guess it's  
10 not Vegas. I guess what happens in Denver everybody  
11 going to hear about. But what happened in Denver.

12 Well, Denver is apparently home of the infamous  
13 French's gun store which sells Red Dot powder. Oh my  
14 God, Red Dot powder is what, sold throughout the United  
15 States? You can buy it all you want. Big deal.  
16 Really, big deal. Who cares. Anybody who is of age,  
17 and does not appear obviously crazy, can walk into any  
18 gun store, Wal-Mart, wherever they sell this stuff, hand  
19 over their money and take their Red Dot powder home with  
20 them. And anybody could do it.

21 Do not be swayed by the logical fallacy that if  
22 anybody could do it, this person must have done it.  
23 Anybody could do it, so he must have done it. There is  
24 no link between Ronald Young and Red Dot powder. None  
25 whatsoever. Other than anybody can buy it. Well, that

1 means I could have bought it. Does this make me guilty  
2 that in 1996 I qualified that I was over the age of 21  
3 and not obviously crazy, may have had the money to walk  
4 into the store and buy it? I don't know what it costs  
5 but it can't be that much. You buy for what \$10, \$20?  
6 I don't know.

7 But that makes me guilty, too. I mean I was in  
8 the United States at that time. I was in Tucson,  
9 Arizona. Must have been me because anybody could do it.  
10 Must be me. That's a logical fallacy that if anybody  
11 could do it, he must have.

12 French's says we don't even remember dealing  
13 with him. Well, is it a busy store, Mr. French? Oh,  
14 you know, we'd have half a dozen customers a day. But  
15 you didn't remember the guy six six over 250 pounds that  
16 came in and bought all this Red Dot powder. You don't  
17 remember that obviously because you don't even remember  
18 dealing with him.

19 Goes along with the exact same vain about Saban  
20 rental car. Ron Young flys into Phoenix, that's the  
21 State's words in their closing, Ron Young flys into  
22 Phoenix. The proof of that is where? It's a very minor  
23 point. Very minor point. But it Illustrate he flys  
24 into Phoenix. How? Don't know. No proof of it.

25 State wants you to believe he flys into

1 Phoenix, and somehow, it's within 522 miles so he must  
2 have drove to Tucson. And, somehow, along this drive to  
3 Tucson, he is now stealing Avis rental car plates.  
4 That's the State's theory.

5 Now you heard Mr. Saban who is the State's last  
6 witness. Mr. Saban, do you have any connection to Avis  
7 rental car? No, we don't. Okay. So I'm going to use a  
8 little of that common sense and say, he didn't have any  
9 Avis rental car license plates.

10 Mr. Saban, do you know where that car went?  
11 No, I don't. I know it went 522 miles. Could have been  
12 anywhere. He has no clue.

13 It's pure speculation that he came to Tucson,  
14 Arizona, and it's blatant speculation to think well,  
15 it's Phoenix and the plate at some point was lost in  
16 Phoenix and so my goodness, the plate was reported lost  
17 on the 30th.

18 What did the motor vehicle department  
19 representative tell you from this chair? That's the day  
20 it was reported by Avis rental car as lost, mislaid or  
21 stolen. Sir, was it lost that day, do you know. Well,  
22 it had to be sometime before that. They do all their  
23 stuff in batches. It wasn't even on the 30th, folks.  
24 That's the day it was reported. Do you really think  
25 Avis rental car with how many cars they have went

1 running around immediately, and said we have lost a  
2 plate. We are going to go immediately to the motor  
3 vehicle division and report this lost plate.

4 No, they waited until they had a batch. It's  
5 not even the correct time frame.

6 There is Michael Woodcock. Who apparently is  
7 now the bomber. It must have been Michael Woodcock.  
8 Because Ron Young had looked at him at one point so he  
9 must have the bomber. Talked to him at one point.  
10 Looked into him at some point.

11 The State talked about a \$25,000 installment.  
12 Apparently a number you're going to take to your graves.  
13 I'm not quite sure why you're doing that but, I hope  
14 not. I hope when you're done with this, you don't have  
15 to take these numbers to your grave. There was a  
16 \$25,000 installment. That was the State's words in the  
17 State's closing. And the proof of that is -- it's not  
18 in the time capsule. Where is it.

19 There is no proof. Robert Semple, the forensic  
20 accountant, testified most of the day, I looked at  
21 ledgers, notes. I looked at loan amortization  
22 schedules. I look at email. I looked at the Fed Ex  
23 stuff. I looked at this. I looked at that. I looked  
24 at the other thing. For hours he talked about this.  
25 And on cross-examination took what, five minutes?

1 Mr. Semple this \$25,000 credit that you show, Semple did  
2 not use the word installment. Semple did not testify  
3 all at once. Mr. Semple, where did this come from. I  
4 don't know. When was it paid? I don't know. Was it  
5 paid all at once? I don't know. Why don't you know?  
6 Well, I wasn't provided all those records, and so I have  
7 no idea when, where, why or how that credit shows up on  
8 the loan amortization schedule.

9 He said he didn't know. And then he had to  
10 answer a very simple question. Mr. Semple, do you know  
11 why these payments were being made? And his answer was  
12 clear. No, I don't.

13 The payments were being made for a very simple  
14 reason. Blackmail. It's a very simple explanation.  
15 Blackmail makes as much or more sense than the State's  
16 theory. Why, however, would there be any money advanced  
17 prior to November or December?

18 Well, you heard the explanation. Coes and  
19 O'Connor back in Florida talked to Ron Young for a very  
20 long time. And whether or not you think that Ron Young  
21 rambled throughout his interview, goodness knows you all  
22 had to sit through it so rambling might be the right  
23 word. One of the things he clearly told you during that  
24 interview was that he had come to Tucson, he said May,  
25 turned out to be July, apparently. He said he had come

1 to Tucson during May of '96 in the year 2005. So nine  
2 years later.

3 Do any of you have perfect memory for where you  
4 were nine years ago? March 25, 2001, where were you?  
5 Can you come up with that in your head real quick now,  
6 do you know exactly where you were? If you were lucky,  
7 March 25, 2001, was your birthday or your anniversary,  
8 you might have a clue. Or if you're like me, you keep a  
9 calendar for work appointments. You might be able to go  
10 back and look.

11 But let's make it harder. Okay. You're under  
12 arrest. You're going to come in here, talk to Coes and  
13 O'Connor. You're not going to be looking at your  
14 calendar. Not going to be looking at any diary. Where  
15 were you nine years ago, March 25th? Nobody knows  
16 exactly so when he says May or July, nine years  
17 previous? Doesn't matter.

18 But he did tell Coes and O'Connor what he was  
19 doing. He was looking into Gary Triano's bankruptcy for  
20 Pamela Phillips. Because as the State told you, there  
21 was an acrimonious divorce, and Pamela Phillips  
22 constantly wanted more child support. And she was petty  
23 and he was petty. They came into court and they argued  
24 and this and that and the other thing. And you clearly  
25 heard from the State's witnesses Mr. Triano had clearly

1 gone bankrupt.

2           Now, you want to get money out of somebody  
3 that's bankrupt, what are you going to do? You're going  
4 to look for where they are hiding their assets. Do not  
5 think for a moment that Gary Triano was not hiding  
6 assets. One of the last witnesses you heard, Jim  
7 Matison, sat right there and told you, he put GLT  
8 Corporation in my name. It was funneled through me to  
9 to the bankruptcy. Gary Triano was running the company.  
10 Gary Triano was making the decisions. Mr. Matison, were  
11 you even involved in some of these deals. No. Didn't  
12 know what was going on. My name was out. Matison was  
13 the front guy for GLT Corporation. And he clearly  
14 admitted that, folks. He clearly admitted he had no  
15 responsibility to make the business decisions.

16           His only responsibility was trying to help Gary  
17 Triano avoid the bankruptcy court. He said, I went out,  
18 I got an American Express card in the company name so  
19 Gary Triano would have a credit card. That he could  
20 use. I put GLT corporation, had it in my name. So he  
21 could still conduct business. Away from the prying eyes  
22 of the bankruptcy court. Because if the bankruptcy  
23 court comes sniffing around, and says hey, wait a  
24 second, you're 24 million dollars in debt, in your  
25 bankruptcy where are all your assets, or, if you're

1 ex-wife comes sniffing around and says hey, can you  
2 figure out where the hell Gary is hiding these assets,  
3 one of the first places you're going to want to look is  
4 at Jimmy Matison who is literally at that moment hiding  
5 assets.

6 Taylor O'Connor, 1996, she had her a brand new  
7 Grand Am. Still working for the gas company, driving a  
8 brand new blue Pontiac Grand Am. Where else does one  
9 hide assets in a bankruptcy? Perhaps one might buy a  
10 fancy car and give it to your girlfriend. She testified  
11 we are dating. That's where some of the assets went.

12 Who else might be hiding assets? Your friend  
13 Don Redman that you're living with. You didn't hear  
14 anything about Don Redman other than we were living  
15 together and there were deals Triano was involved in I  
16 was afraid to get involved in.

17 But who else had assets? Melissa Triano  
18 testified in 1996 she was about 26 years old. And  
19 driving a black Corvette. Another potential asset that  
20 if you were looking for hidden assets you'd say hey wait  
21 a second, you got a 26-year-old kid, driving a black  
22 Corvette.

23 She first testified she had done a few things  
24 for her uncle. She had just started three months  
25 earlier at Prudential, and had a Corvette. This is

1 exactly what Ron Young said in his interrogation. He  
2 was there looking for assets. A few of them were  
3 actually found.

4 Spent a lot of time talking about this, lot of  
5 time having people initial next to it. And three of  
6 these four people are very likely hiding assets from the  
7 bankruptcy court. You don't have to listen to me about  
8 the bankruptcy court. In evidence are documents from  
9 that court.

10 Get to take all these back there with you. 28  
11 A-3, testified to by Patti Noland, regarding the  
12 divorce. They were being petty. It is ordered  
13 respondent Gary Triano shall not threaten, intimidate,  
14 endanger, assault, commit an act of custodial  
15 interference, unlawful imprisonment, kidnap, trespass or  
16 damage the property of or commit any other disorderly  
17 conduct against petitioner Pamela Phillips and/or  
18 Samantha Stubbs.

19 She was held in contempt, you heard that. She  
20 was held in contempt in this divorce proceeding. And  
21 then she quit filing things. Maybe she quit filing  
22 things because she wanted to get her ducks in a row,  
23 figure out who was hiding the assets. And where the  
24 assets were.

25 Patricia Nolan testified to 28 A-7, an official

1 court document. Mr. Triano has known debts of four  
2 million dollars, other potential unliquidated  
3 liabilities of \$20 million. \$24 million upside down.  
4 In 1994 that GLT Corporation performed consulting work  
5 for Victor Fears Trust. Another person that was looked  
6 into by the police and conveniently cleared.

7 Now there is one minor point, but I think it's  
8 important to raise with you. Samantha Stubbs testified  
9 Pamela Phillips had had the house on Woodland Road in  
10 her name, Samantha Gump now, used to be Stubbs. Pamela  
11 Phillips sold that house. She had to take a bargain  
12 price because her house was sold and she sold it for  
13 \$600,000. Apparently was a bargain price. And Ms. Gump  
14 was very clear about that. She sold it for \$600,000.

15 She got the money. It wasn't Gary Triano's  
16 money. It was her money. Then within minutes we have  
17 got Patty Noland on the stand, who is the clerk of this  
18 court, to testify to you that these are real court  
19 documents, and the State stands up and says Ms. Noland,  
20 let's look here. We have got 28 A-7, turn to page 2,  
21 look down here at the bottom, it says 300,000. Doesn't  
22 it say 300,000, ma'am? Says 300,000, right, 300,000,  
23 that's what it says. Poor Ms. Noland is like yeah, it  
24 says 300,000. Take 28 A-7 back and look at it.

25 It actually says, petitioner, which is Pamela

1 Phillips, sold the home she owned in Tucson, Arizona,  
2 for a net profit to her of plus or minus \$300,000 before  
3 payment of capital gains taxes. So the document does  
4 not say Samantha Gump is a liar. The document did not  
5 say Samantha Gump was making a huge \$300,000 mistake.  
6 The document says Pamela Phillips earned, made, 300,000  
7 on that deal. Logic tells you she sold it for 600,000,  
8 she doubled her money, she made a lot of money. But  
9 don't be misled by these small things. She had money.

10 State told you well, there is no computer  
11 activity. That's it. Must have done it. Nothing on  
12 there showing any computer activity whatsoever so, well,  
13 that's it. Game over. Game over. No computer  
14 activity. Wait, wait, wait. Stuff taken from the  
15 computer. How convenient. Defendant J in evidence,  
16 dated the 30th of October 1996. This day. Right here  
17 this line. To John Hollinger from Ronald Young. That's  
18 only one, you know. What the heck.

19 Wait. One of these they got October 26, in  
20 evidence, defendant's I(1), to the manager of Avis  
21 rentals, Aspen, Colorado, from Ron Young, my name is  
22 Ronald Young, and I rented a Plymouth Voyager from your  
23 agency last April. I used an American Express card as  
24 payment guarantee method. Although I originally  
25 expected to use the vehicle for vacation, I exceeded

1 that rental agreement from time to time by advising your  
2 national office, the 800 number. And it goes on and its  
3 in evidence and you can read it.

4 But at the end it says, I respectfully ask that  
5 upon recovering the vehicle you assign a responsible  
6 person to carefully inventory my belongings and store  
7 them, and here is a list of all my belongings that I  
8 would like.

9 Now if you are planning something nefarious,  
10 and your stolen Avis rental car, Avis rental van, is now  
11 the subject of a problem and you're going to commit a  
12 murder in the next five days, are you calling, writing  
13 letters, faxing Avis rental company to get your stuff  
14 back? I don't think so.

15 Defendant's H, November 7th, 1996, first  
16 letter, taken from a computer, in evidence, to Larry  
17 Elford, United States Forest Service, regarding Aspen  
18 outfitting and John Hollinger -- now according to the  
19 State theory, murder was committed six days before this  
20 was written -- saying here is the problems with Aspen  
21 Outfitting Company. Here is where I was on my long  
22 vacation, and in Florida, because I didn't want to deal  
23 with those folks. But I want to deal with the problem.  
24 Here is how I'd like to do it, November 7, 1996.

25 November 29, 1996, the Forest service. If

1 you're on the run from a murder why are you calling,  
2 writing, faxing, or e-mailing or coming anywhere near  
3 the United States Federal agency? Why would you be  
4 calling a Justin Mowatt? Why on January 30th, 1997,  
5 would you be sending a letter to the United States  
6 Bureau of Alcohol, Tobacco and Firearms, less than two  
7 months later all of a sudden you're writing the ATF  
8 saying, hey, let's talk about this Hollinger thing.

9           These are throughout this very time period  
10 February 22nd to the ATF, and on and on. February 5th  
11 to the ATF. October 30th, to the Forest Service. But  
12 he saved things therefore he is guilty. That's the  
13 State's theory.

14           The State wants you to believe part of his  
15 statement. The State wants you to believe well, you  
16 know, when he was talking away he said he was probably  
17 in Florida, so believe that because contradicts  
18 Raumbach. Nobody knows where he was apparently except  
19 for Mr. Raumbach. So believe one part of the statement  
20 but don't believe his other portion of his statement,  
21 when he says I was looking into the bankruptcy. I was  
22 trying to deal with the fraud problems and the theft  
23 problems out of Aspen, Colorado.

24           Now folks, you heard Ron Young was in some  
25 trouble. Detective Crowley was breathing down his neck.

1 Looking for him. He was accused of theft and fraud. In  
2 Aspen, Colorado, in April of 1996. You don't have to  
3 like him for that. You're not expected to give him  
4 credit for that. In any way, shape or form you're not  
5 expected to be pro theft or pro fraud because very few  
6 people are. That is why he left Aspen, Colorado. And  
7 that is why he remained gone for a lengthy period of  
8 time, a very lengthy period of time. Until 2005.

9           In 2005, Ron Young was arrested by sounds like  
10 every police agency in southern Florida, including the  
11 ATF, and the Americas Most Wanted cameras being there,  
12 and Mary Tiger from the Broward County Sheriff's  
13 Department, who said why all we had on him was this  
14 theft and fraud warrant. That was it. And, he  
15 immediately told them his real name and they asked him  
16 do you have any weapon. He says yeah, I got a little  
17 handgun in the thing over there. And that got him 10  
18 months in a Federal lockup. 10 months he had to do. We  
19 didn't hide these facts from you. We didn't hide any of  
20 this from you.

21           It intrigues me why the State in its closing  
22 chose not to even mention the alleged testimony of Andre  
23 Mims. I mean they put him up. It's their witness. Why  
24 did they even bring him up? Because Andre Mims is a  
25 liar. Andre Mims is a stone cold liar. I have never

1 seen in my career such a blatant liar presented by any  
2 prosecutor. Andre Mims was a known liar before he got  
3 on the stand. They put him up.

4           Before he even got to Tucson, Arizona, and sat  
5 in that chair, the State of Arizona was aware, the  
6 prosecution was aware, the lead detectives in the case,  
7 Gamber and St. John, were aware that he was a liar.  
8 They were aware because they were there when they first  
9 saw him lie and they first heard his lies. Because he  
10 wants to trade some information. He is a legal beagle.  
11 Now you all, I went to law school, so I don't have one  
12 of those legal beagle degrees. I'm not quite sure what  
13 a legal beagle degree is. But I will tell one thing I  
14 have known since I was a little boy. I know what a liar  
15 is.

16           And he says, you know, yeah, I agree, you know,  
17 I want to trade my testimony for some kind of leniency  
18 in my Federal case. I'm doing 34 years. I got 21 to  
19 go. It's a long drawn out process. I got 21 more to  
20 do, guys. I will come in here and I'll say whatever the  
21 heck will help the State of Arizona. This is my legal  
22 opinion. That's what I'm going to do, is I'm going to  
23 go in there, and if I come up with enough crap, they  
24 might cut my sentence.

25           Now you're going to hear from the State hey, we

1 didn't promise him anything. You heard that Pima County  
2 Prosecutor didn't promise him anything. Well, I will  
3 give you a lesson in the law that is not a legal beagle  
4 lesson. State of Arizona does not have any hold over  
5 Andre Mims. They do not have any control over Andre  
6 Mims. This is a state court. The jurisdiction here is  
7 state court jurisdiction. It ends at the borders of  
8 Arizona. Neither of these gentlemen nor anyone in their  
9 office has the ability to make deal in the Federal  
10 cases. They can't do that. That's not their authority.  
11 They would have to go work for a Federal prosecution  
12 agency.

13           So don't let them get by with well, we didn't  
14 promise him anything. We just put him on the stand, see  
15 what would happen.

16           Well, what would happen is, he came in here and  
17 he lied to you just how they knew he had lied before.  
18 And how did they know? They knew because when they took  
19 his first story they said you know what, Andre? Hey,  
20 you know, partner, we are not quite buying it, Andre.  
21 Why don't you write down here the story. Tell us what  
22 your story is. And then, after that, hey, let's hook up  
23 up to this polygraph. Let's see how you do. And the  
24 legal beagle apparently thought well, I'm smarter than  
25 the average legal beagle, I can beat this polygraph

1 thing, look at me go.

2           And at the end of that, they said you know  
3 what, Andre, you were being deceptive, buddy. The  
4 relevant questions on here, you were being deceptive.  
5 And Andre sat up there and I said, you know, they told  
6 you you were being deceptive, didn't they? Come on now,  
7 Andre, they told you you were being deceptive. They  
8 told you you lied.

9           Now I'm thinking most legal beagles would know  
10 being deceptive same as lying. They told you that,  
11 right? And Andre sat here, and if I had any sympathy in  
12 the world for liars, I would have felt sorry for him.  
13 Had Andre sat here and he looked at me, and there he  
14 sat, because at that point he is caught. He didn't know  
15 what lie to tell now. And I said you know, well, let's  
16 be fair, let's give you some time, Andre. We are due in  
17 court. We are good. We got time, Andre. Come up with  
18 an explanation. Did they or did they not tell you you  
19 were being deceptive.

20           I don't know how the Court court reporter takes  
21 down the uh part. That was his only explanation. Agent  
22 Paul Gillen, defense Q, which is stipulated to. The  
23 judge has instructed you when we stipulate to something,  
24 both sides agree this is the evidence. This is the  
25 truth. This was read to you one time by the judge. It

1 will be read to you one time by me.

2           The parties agree Agent Gillen who administered  
3 the polygraph to Andre Mims would be testifying as  
4 follows:

5           Question: You discussed the results of the  
6 examination with Agents Bell and Murillo, Detectives St.  
7 John and Gamber and Mr. Mims himself. Answer: Yes.

8           Now that was really tough question now I asked  
9 Andre Mims that. What was the response was a blank  
10 stare. Because his lies are pretty much run out at that  
11 point in time. He doesn't know what to say other than  
12 silt there and give me a blank stare.

13           But Agent Gillen says yup, I told him that. So  
14 just clarify now, did you tell all the people I just  
15 named, Agents Bell and Murillo, Detective Keith St.  
16 John, Detective Gamber, Andre Mims, did you tell all  
17 those people I just named that in your opinion Mr. Mims  
18 was being deceptive in his responses to the relevant  
19 questions you asked. Yes. I don't recall exactly what  
20 the verbiage was but yeah, my recollection was when we  
21 were finished, everybody was aware that he didn't pass  
22 that test. Including Mr. Mims. Correct.

23           We saved Agent Gillen from a five hour plane  
24 ride from Florida all the way out here, five hour plane  
25 ride back, to answer these three questions. And these

1 three questions are very important because they tell you  
2 one thing. They tell you when Andre Mims was caught in  
3 a lie, he is caught. When I say the man is a liar, he  
4 is a liar. And he is a liar that the State knew was  
5 lying before they even brought him into court to testify  
6 to you.

7           You heard the testimony. Who were the main  
8 detectives in this case for Pima county? Detective St.  
9 John and Detective Gamber. Who were the main  
10 detectives? They were. Who was at this meeting when  
11 Andre Mims was told he was a liar? Detective St. John  
12 and Detective Gamber were there. They knew he lied.  
13 They knew back when this took place in '05 or '06 that  
14 he was a liar yet they chose to put him on the stand.

15           And then in closing they don't even talk about  
16 him. Why? Because their witness blew up on them,  
17 y'all. And he is obviously a proven liar. This is what  
18 the State's case is based upon, a proven liar? A liar  
19 who has four convictions already? A liar who says I  
20 want to trade my lies for leniency? And yeah, let's be  
21 really tricky because I'm a legal beagle. They didn't  
22 promise me nothing but I'm going to go back and Florida.  
23 I'm going to talk to the Feds, tell them I was a good  
24 little witness. And maybe they will give me something.

25           Because he is out of appeals, guys. He has no

1 other options. Andre Mims can either come in here and  
2 lie, or his other two choices would be escape, well, I  
3 mean come on now. You all think a legal beagle is smart  
4 enough to escape? I don't.

5 Or option three, he could sit there, do his  
6 time like a man. You all think Andre Mims can do that?  
7 I don't. Snitches do not do their time like men.  
8 Snitches come in here, and snitches offer to lie for a  
9 benefit. And they knew that. They presented him to  
10 you.

11 State told you in opening, five weeks ago, CSI  
12 has nothing on these guys. Talking about the  
13 investigation, talking about the ATF. CSI has nothing  
14 on these guys. Now on CSI I think now there is CSI  
15 Miami and CSI Tampa, there is CSI Las Vegas, I think  
16 every state has got one. There is probably, you know,  
17 CSI Nogales, I think next year or something. Who knows.

18 But you sit there, you watch one of those CSI  
19 programs, show me a CSI program where the sheriff goes  
20 rummaging through the car which is the crime scene.  
21 Show me a CSI program where the sheriff walks up, says  
22 Deputy Blair, I want your flashlight. Takes a  
23 flashlight, ducks under the tape, proceeds to the car  
24 by himself, is seen moving things. Now how many, how  
25 many bomb guys did we hear that talked about how

1 meticulous you need to be? You want to be very  
2 meticulous.

3           And you did not hear on cross-examination the  
4 defense get up and say now bomb technician are you sure  
5 you don't want to be sloppy? I mean come on. That's  
6 just silly. You want to be meticulous. They all told  
7 you that. You want to be very meticulous. You want to  
8 document where every little piece is so that you can  
9 figure out what happened. You do not want somebody  
10 grabbing a flashlight, ducking under the tape, going  
11 into the vehicle, without wearing any protective  
12 clothing and rummaging around. And tossing items about.  
13 That is not what you are going to see on CSI.

14           DPS Officer Jensen talked to you about that.  
15 Said you know, I had some major concerns. I was scared  
16 of the write on report. I was afraid. But I went to my  
17 commanders, I went to up my chain of command, said there  
18 is a problem. This is what I saw. They told him you  
19 know, we know. We will take care of it. Don't you  
20 worry about it. You don't need to write nothing about  
21 this. That's what they told him.

22           He is still a police officer. The courage that  
23 it takes to come in here and say something is wrong with  
24 another police officer is incredible. And yet he came  
25 in and said this is what I saw that night. And I'm sick

1 and tired of the cover up is basically his attitude.  
2 I'm sick and tired of I saw this, and nobody wants to  
3 hear about it. He finally 14 years later gets to get it  
4 off his chest. The Sheriff Dupnik was in that car.

5           Judge has told you we don't have the burden to  
6 produce any evidence, but we can certainly talk about  
7 what's wrong with the State's evidence. I can't go back  
8 14 years ago, and stop at that moment and say hey,  
9 Sheriff Dupnik, what are you doing in the car? I can't  
10 go back with a video camera, take pictures of it or a  
11 movie of it to see what was flying around the car. I  
12 don't have that opportunity. That evidence is lost. My  
13 ability to go back in time, see exactly what he did is  
14 lost.

15           Interesting, Gary Triano always had a cell  
16 phone. Nobody told you 1996 those big blocky ones.  
17 Always had one. Where was it? Who went in the car?  
18 Now State's going to tell you well, you heard Deputy  
19 Blair say Sheriff Dupnik was only in there to ID the  
20 body. That's it. He was just there to ID the body.  
21 That's his job. Now of course, Officer Jensen told you  
22 he never heard of the sheriff personally coming out to  
23 IDs, body or anything along those lines.

24           But okay. Once again let's try to use some  
25 logic. 5:38 p.m., that evening, Officer Jensen is

1 called out. First police officer there. Gets out  
2 there, does some scene control. Goes into the building.  
3 Takes a couple of hours to get name and stuff from 150  
4 people. Once again use your logic. How long would it  
5 take to get name and identifiers from 150 people? Going  
6 to take a while. Minute apiece, going to take a while.  
7 5:38, however long he is in the parking lot, two hours,  
8 in the building, comes back out, so now it's at least  
9 7:38.

10 He comes back out at least 7:38, and he sees  
11 Sheriff Dupnik do this. And you've heard he is there to  
12 ID the body.

13 You've also heard Joy Bancroft say, 7 o'clock  
14 at night, in Aspen, Colorado, I don't know how many  
15 miles away that is but that's a long ways, 7 o'clock at  
16 night Aspen, Colorado, I found out from Pamela Phillips.  
17 She was hysterical 7 o'clock at night.

18 You heard Ruben Lopez, who is Mr. Triano's  
19 friend, and business associate. He said yeah, I was out  
20 there. I was golfing, at 5:30-what-9? 5:40. Ruben  
21 Lopez says the bastards, they killed Gary.

22 Dr. Butman said well, I'm a cardiologist. I  
23 ran out there to see if I could help. People like Dr.  
24 Butman make the world a better place. He is going to  
25 help. And he says within minutes, people were saying

1 that's Gary Triano. You heard that it was on the  
2 evening news in Tucson. Prior to 7:38 p.m. So Channel  
3 4 knew, Channel 9 knew, Channel 13 knew, whatever  
4 stations they have up in Aspen, Colorado knew. Ruben  
5 Lopez knew. Dr. Butman knew. Everybody in the parking  
6 lot knew who was in that car at 7:38 p.m. and yet still,  
7 Sheriff Dupnik apparently is the only one in the world  
8 that is qualified to say yes, that's really him. That  
9 does not make sense. That is a thin story.

10           You're going to see me checking my notes.  
11 There is good reason for that. Besides my natural  
12 paranoias as a defense lawyer, I only get once chance.  
13 This is my turn. I don't get to get up here again.  
14 This is it. This is my one chance. Why is that? I  
15 mean we learned in kindergarten, I remember  
16 kindergarten, nice to take turns. There is a book out  
17 there somewhere, everything I ever needed to know I  
18 learned in kindergarten. That's one of those, nice to  
19 take turns.

20           Well, I only get one turn. State of Arizona  
21 gets two. The reason for that, under the law, as  
22 blatantly unfair as may seem at first glance, is that  
23 the State always has the burden of proof in a criminal  
24 case. In a criminal case the burden of proof is the  
25 highest burden of proof under the law. That burden of

1 proof is beyond a reasonable doubt. Long time ago the  
2 judge talked to you early on in preliminary instructions  
3 a little bit about burdens of proof.

4 I'm going to tell you what the three main  
5 burdens of proof are. The first one is called a  
6 preponderance of the evidence. That one is very simple.  
7 You picture the statue of justice holding two scales  
8 evenly, and you get just a little, little over 50  
9 percent, just move one of those scales just a smidgen,  
10 put a feather on there and move it, that's a  
11 preponderance of the evidence. Slightly more than 50  
12 percent. That is the standard that is used in civil  
13 cases.

14 If I leave the courthouse tonight, I go to the  
15 parking garage, I'm in a hurry or I'm tired because I  
16 have been talking all afternoon, I don't look behind me  
17 and I back into somebody's car, and they are backing up.  
18 And we get out, we are like hey, that was your fault.  
19 No, that was your fault. Somebody is going to fix my  
20 car. Well, we can come into court, and we can sue each  
21 other for damages, for money, and whoever wins just has  
22 to reach that magic standard of a preponderance of the  
23 evidence, a little bit more than 50 percent. So who do  
24 they believe, just a little bit more. That's when money  
25 is at stake.

1           The next highest burden of proof under the law  
2 is what is called clear and convincing evidence. Clear  
3 and convincing evidence has been defined multiple times  
4 and is defined in your instructions as highly probable.  
5 This one we can't put a straight numbers on highly  
6 probable. What does that mean to you. Is that 80  
7 percent true? Is it 85 percent true? It's impossible  
8 to say because the law doesn't give you that easy little  
9 number and say 85 percent true, highly probable, clear  
10 convincing evidence, good.

11           Clear convincing evidence is used in cases  
12 where the State is trying to take away someone's  
13 children. So if the State enters into someone's house  
14 and says, you know what, we think you're being a bad  
15 parent, we are going to take the kids, that person gets  
16 a hearing. That hearing has to be proven true by clear  
17 and convincing evidence. Now you see we start off with  
18 money, that's pretty low. Taking someone's children,  
19 gets much higher.

20           The highest burden under the law is beyond a  
21 reasonable doubt. Defense lawyers I think since time  
22 began have been trying to figure out cool and neat ways  
23 to explain this. And I think I have heard them all.  
24 Once again, we can't put numbers on it. Is it 98  
25 percent true? Is it 99 percent true? The law doesn't

1 give you an easy number. But it is beyond a reasonable  
2 doubt. Reasonable makes common sense.

3           If the defense lawyer comes in here and says,  
4 you know, folks, it was the little green men, they must  
5 have done it. Well, is that beyond a reasonable doubt?  
6 Well, it's not real reasonable unless defense lawyer can  
7 come in and say it was the little green men and look  
8 here, I have got a couple of them with me. Because  
9 you've never seen them before.

10           A doubt must be reasonable but beyond a  
11 reasonable doubt means if you've got a reason to doubt,  
12 not guilty is the only appropriate verdict. If you find  
13 it highly probable, not guilty is the only appropriate  
14 verdict. This is what your oath says. Beyond a  
15 reasonable doubt. The way I always look at it when I  
16 was a kid, once I got one of these A-plus things, means  
17 I did really, really, really good on that one paper.  
18 State has to get an A-plus here to find Mr. Young guilty  
19 of anything.

20           Because they have that burden, they get to talk  
21 twice. Now of course if they don't think I made any  
22 points at all the whole time I was up here, they don't  
23 have to talk to you again. They are not forced to.  
24 There is nobody with a gun over there saying you must  
25 get up, talk again. They don't have to. But they have

1 the opportunity to have the last word. They get the  
2 last word. They get the first word.

3 Now on one hand, the State wants you to think  
4 Mr. Young is a master bomber, able to construct this,  
5 without being seen or traced, place it without being  
6 seen or traced, trigger it without being seen or traced.  
7 Had this great plan in place, you know. If you are  
8 going to have a great plan in place, wouldn't you make  
9 darn sure that insurance policy had been paid up? Would  
10 you make it Joy Bancroft's responsibility to pay for  
11 that.

12 If you had a great plan in place to get  
13 insurance money, wouldn't you want to know the policy  
14 was still in effect and wasn't late? You would want to  
15 know that. That is a glaring reason to show Ron Young,  
16 Pamela Phillips how in the heck are they involved?  
17 Other than this mythical, magical,  
18 nobody-has-heard-it-except-for-inside-the-State's-head  
19 conversation the Caribou Club. There's been no evidence  
20 presented to you of conspiracy, and conspiracy that's a  
21 good one would sure as heck make sure that right then  
22 and there, for the last six months that policy had been  
23 paid up on time every month.

24 The State did do a great job of showing  
25 blackmail. How many phone calls did you all listen to?

1 How many e-mails did you listen to? These are all in  
2 evidence. I blew them up so that I could keep track of  
3 them. Pamela Phillips says I see you as a spider in the  
4 web. The spider I saw was you. Waiting to catch what  
5 it can, entangled in its web. This was one of what the  
6 State been calling the upset Pam. She is happy. They  
7 get along. They don't get along. They go back and  
8 forth on the phone. Well, they did go back and forth on  
9 the phone.

10 If you were being blackmailed for a period of  
11 six and a half seven years, could you maintain your  
12 being angry every single time you talked to the person?  
13 It's almost impossible to stay mad at somebody every  
14 single time you talk to them, for that long. But this  
15 is how she sees Ron Young.

16 THE COURT: Mr. Palser, at an appropriate point  
17 where you reach it, let's take a little break.

18 MR. PALSER: Okay. Now is fine.

19 THE COURT: Ladies and gentlemen, we will take  
20 our afternoon recess for about 15 minutes. Thank you.

21 (Recess.)

22 THE COURT: All right. Bring them in, please,  
23 Jared.

24 (Jury present.)

25 THE COURT: Please be seated, ladies and

1 gentlemen.

2           Record will reflect presence of all members of  
3 our jury, counsel and Mr. Young.

4           Mr. Palser, you may continue your closing  
5 argument, sir.

6           MR. PALSER: Thank you, judge.

7           Getting close to done. I promise. One of the  
8 things that why you have heard in this case is a number  
9 of different phone calls. What you've heard is that  
10 Ronald Young and Pamela Phillips had a very complicated  
11 relationship. It was one of those multifaceted things.  
12 You heard from Kevin McDonald who was the live-in nanny  
13 for Pamela Phillips, while she lived in Aspen, Colorado.

14           And Mr. McDonald clearly said, you know, when  
15 they were having private conversation, I wasn't  
16 listening in. I don't know how many times Pam actually  
17 went over to Ron's houses. What he did tell us was they  
18 had an intimate relationship. And he was very polite  
19 about it. But, basically what he said was he heard them  
20 having an intimate relationship. And, they were very  
21 careful about it and Ron was always gone well before the  
22 children woke up. There is that side to it.

23           There is the other side to it, of you heard on  
24 the phone calls, I think the one phone call was entirely  
25 about financial advice. I still don't understand the

1 stock market stuff, and real estate stuff. But it was  
2 on and on and on about financial matters. And, Ron  
3 Young saying you ought to do this, you ought to do that.  
4 And Pamela Phillips one point saying yeah, you know, I  
5 had to pay -- not going repeat her ways -- I had to pay  
6 a lot of taxes last year.

7 Well, yeah, you ought to do this. The  
8 financial stuff goes on and on and on. Would somebody  
9 who is blackmailing somebody else help them or offer  
10 them financial advice? The more money she has, the  
11 easier it is for him to get paid. Very simple concept.  
12 You heard that they had a personal relationship. They  
13 talked about Star Babies. They talked about going to  
14 talking about the Portrero property -- not going to it  
15 but talking about the Portrero property. You heard  
16 evidence one point she got a chunk of money for that,  
17 and you heard on and on him doing these things.

18 That does not preclude just because you're  
19 helping somebody with their business stuff, that does  
20 not preclude later on blackmailing them. You heard a  
21 lot of phone calls and I will not replay them for you.  
22 I will not go into them for you again. But Pamela  
23 Phillips said a number of interesting things. I want to  
24 know we are capping it at four. If you had an agreement  
25 or deal, why would you want to know you're capping it?

1 If you're getting blackmailed hey, you know, some point  
2 I just can't do this any more, which is what you heard  
3 her say. I can no longer do this. I can't continue  
4 doing this. This has got to stop. And, you don't hear  
5 any point in time Ron Young saying yeah, it's going to  
6 stop this point. Blackmail is over. It's okay. We are  
7 done. That's not how blackmail works.

8           You heard the State's portions of that phone  
9 call, the very last one that the State played a snippet  
10 from. Pamela Phillips says I am not, I am not going to  
11 keep sending you more and more and more money. Unless I  
12 know that you can honor our agreement. Okay, we totaled  
13 it up and I will get the balance, listen, six and a half  
14 years, and it goes on and on.

15           At the end of that phone call, very last page  
16 of that that, very serious, when you sit in a womens  
17 prison for murder. What's the very next line? The very  
18 next line is not Ron Young, when I sit in a womens  
19 prison for murder, guess what, jerk, you're going with  
20 me. You're going to be in your own prison.

21           No, that's not what she says. She does not say  
22 if I go down, you go down. She does not say, what do  
23 you mean sit in a womens prison for murder. I didn't do  
24 anything wrong. I'm a socialite. I'm concerned about  
25 my social status. I didn't do anything wrong, why would

1 I be sitting in a womens prison for murder.

2 She does not say those things. She does not  
3 issue a denial. And she certainly does not say if I go,  
4 you go. She says, I will be back at 4. I'm going to be  
5 back at 4. No, you're going to be in prison for murder.  
6 Call you tonight in I think and hangs up. I will be  
7 back at 4. I will be back at 4 is not a denial by  
8 Pamela Phillips that she ever did anything wrong. I  
9 will be back at 4 is acknowledgement that she is paying  
10 money for blackmail.

11 Hard to read. Sorry about that. My blow-ups  
12 are not perfect and I might have to get even closer to  
13 read it. E-mails taken from Ron's computer addressed to  
14 Pamela Phillips, sent to Pamela Phillips. Hello,  
15 following is part of just one of dozen of terrible  
16 articles that should be interesting reading for anyone  
17 knowing any of the parties involved, noticed your name  
18 pops up several times in an article, all the articles,  
19 what a surprise. Copy of the full article, four long  
20 and grisly pages, will go out to people who should know  
21 about certain parties involved. I think it is only fair  
22 considering how one of the parties continues to fuck  
23 certain people. Each day, beginning Tuesday morning,  
24 one person in the valley will receive the full article  
25 until information is received.

1           Robert Semple told you information was the code  
2 for money. Goes out, one person gets it, the full  
3 article, until information is received. Hard to decide  
4 who should be first. Perhaps Kendall Evans, school  
5 principal, then maybe some business leaders.

6           I was personally disturbed by Ron Caviglia's  
7 quote, Pam will rip your heart out for a commission. I  
8 really don't like it at all. The article, Requiem for a  
9 Heavyweight. Gary Triano's sensational murder remains  
10 unsolved after five years.

11           Pam, if I don't get my money, and you don't  
12 send the information, the articles are going to start  
13 going out. Your social standing there is going to go  
14 way down the tubes. And you're going to be sitting in a  
15 womens prison for murder if you do not continue to give  
16 me money. That is in evidence, as defendant's K-1, you  
17 will have that with you back in the jury room.

18           Judge gave a lot of instructions about this  
19 conspiracy. Page after page of legal instructions  
20 defining what a conspiracy is, what a conspiracy could  
21 be. There's been no evidence presented to you other  
22 than a hypothetical conversation that hypothetically  
23 took place at the Caribou Club to support any  
24 conspiracy. And in Court's instruction number 24, you  
25 have to find all of the things, all three things in this

1 instruction. You have to find that the defendant  
2 intended to promote or assist the commission of an  
3 unlawful act. Unlawful conduct.

4 This does not say find defendant intended to  
5 help Pamela Phillips after the fact. After she had done  
6 whatever it was that she had done. If we are going to  
7 talk about a hypothetical conversation at the Caribou  
8 Club, we are going to talk about theoretically  
9 partnership was in Denver where they theoretically met.

10 Let's talk theoretical. You saw the D-Day  
11 thing. I submit to you that if you're going to commit a  
12 murder you probably wouldn't keep around something as  
13 that said all before D-Day. I want to go ahead with the  
14 thing we talked about.

15 You heard shortly after April in July, Ronald  
16 Young was in Tucson, investigating Gary Triano hiding  
17 his assets. That is the thing we have to go ahead with,  
18 want to go ahead with. That's why he had money. Very  
19 simple.

20 You want to talk about hypotheticals though.  
21 What makes just as much sense as Caribou Club or more,  
22 is Ron Young and Pamela Phillips are together whether  
23 they are at her house or his house, or anywhere, after  
24 November 1, 1996. She says Ron, I don't know what to  
25 do, man. The payments were late on the insurance. I'm

1 really in hot water. And this is hypothetical. I have  
2 call it that 12 times. I don't want to mislead you  
3 thinking I have got personal knowledge or anybody does.  
4 But hypothetically just like the Caribou Club was  
5 hypothetically, hypothetically, Ron, insurance payments  
6 are late, what do I do.

7 Well, why would your insurance payment be late,  
8 Pam? Well, I don't know. Joy was supposed to pay it.  
9 Well, Pam, get it in there. They meet, she says Ron, I  
10 think we are in trouble. I hired somebody to kill Gary  
11 Triano. He says oh, really, Pam? You ruined me in  
12 Aspen. You told Detective Crowley I took your money. I  
13 couldn't keep up with you. Now you're with other  
14 people. And you know what? You're ruined my life,  
15 you're going to support my retirement. You're going to  
16 do it right here. You're going to do it right now, and  
17 hear is how you're going to do it. And I'm going to  
18 keep track of every payment. But Ron, Pam, you just  
19 confessed to me. All it takes is one phone call. But  
20 Ron. Pam, you got the money. You're going to pay it.

21 You don't have to like him for that. Not  
22 asking you to make Ron Young your best friend. I'm  
23 asking you to give him a fair trial. I'm asking you to  
24 look at this evidence. Look at the State's Caribou Club  
25 theory. That makes just as much sense as the

1 hypothetical conversation I just gave you.

2           If you think they both make just as much sense  
3 this is a verdict of not guilty on every single count.  
4 Look at the number of people who had a motive. And look  
5 at the testimony of ATF Agent Glauvitz. We investigated  
6 the mysterious two men at the airport. Michael Gardner.  
7 John Fioramante. FRA Internation Mexican business  
8 interests. Kevin Oberg, who was hiding assets from the  
9 bankruptcy court also, that he got found out about.  
10 Mr. Oberg had access to blasting stuff through his  
11 company. His company hired subcontractors to blow stuff  
12 up on the north side. We looked into him. We looked to  
13 see if he had in the blasting permits. The Fears Trust.  
14 The one point, Gary Fears was the prime suspect.  
15 Chinese gambling interests. Mark Mariner. Las Vegas  
16 casinos.

17           Agent Glauvitz says well, you know, we really  
18 couldn't find anything on those people. We couldn't  
19 connect them to the bomb. We couldn't connect them to  
20 La Paloma. So we no longer considered them suspects.  
21 Agent Glauvitz, same facts were drawn out, yes. Under  
22 Agent Glauvitz's theory Ron Young shouldn't even be  
23 sitting here and he was one of the investigators in this  
24 case. He was one of the men who was responsible for  
25 this investigation. Other people were cleared.

1           But you know what? Years later, they found Ron  
2 Young got money. And they said, you know what, now it  
3 must have been him. Pressure is on the State. It's on  
4 the police. It's on the cold case unit. It's on  
5 Detective Crowley who was after him for a long time.  
6 Detective Crowley who for a theft and fraud case out of  
7 Aspen, Colorado, when Ronald Young was arrested in  
8 Florida, got on an airplane and immediately flew out  
9 there, for a fraud case.

10           They were after the one-armed man and they were  
11 sure as heck looking for him. And guess what, he got  
12 money. We had never stood up here and told you he  
13 didn't get money. Blackmail makes just as much sense as  
14 any conspiracy, any murder for hire.

15           There is a laundry list of people who had  
16 motive to do this. There is a laundry list of people  
17 such as Las Vegas casinos and, out of the country  
18 business interests that Mr. Triano took a lot of their  
19 money and they didn't get it back. Do you truly expect  
20 a real Mafia person to come in the back door of the  
21 courtroom right now say oh, you know what, I really feel  
22 bad, we did it. Well, I'm not seeing it yet.

23           Do you really expect that? You expect them to  
24 come in say hey, it was us. We feel bad about this  
25 whole thing. No. Somewhere the real killer, who we

1 agree with the State must have been at La Paloma,  
2 somewhere the real killer is laughing. That's not  
3 right.

4           The State's case is based upon guesses. It's  
5 based upon could have happened. He could have bought  
6 Red Dot powder. He could have done this. He could have  
7 done that. Anyone could have bought Red Dot powder so  
8 it must have been him. There is no evidence of that.  
9 There is no evidence linking Ron Young to this crime in  
10 any way. The State has done a great job of showing he  
11 committed blackmail, and that's all he did.

12           We ask you to follow your oaths, follow the  
13 law, and when you go back in the jury room, think about  
14 the things I just told you, and find Ronald Young not  
15 guilty of all counts. Thank you.

16           THE COURT: Thank you, Mr. Palser.

17           Mr. McCollum, at this time you may give the  
18 State's rebuttal, sir.

19           MR. MCCOLLUM: Yes, Your Honor.

20           As Mr. Palser indicated to you earlier, sitting  
21 in that chair, I represent you. I represent the State  
22 of Arizona. I represent the office of Barbara Lawall.  
23 I been doing this for 30 years. I can tell you my one  
24 obligation to you is to make sure you get all the facts.  
25 That's it. Give it to you. To collect as much as I

1 can, from every source possible, to have it analyzed, to  
2 have it looked at in order to help you when the time  
3 comes to deliberate. And I take that very seriously.

4 I was accused of being a liar by Mr. Palser; of  
5 presenting a liar to you. Mr. Mims. That's  
6 objectionable. There isn't a person sitting in the jury  
7 box who would not have wanted to hear from Mr. Mims.  
8 Absolutely. And it wasn't just Mr. Mims. The prelude  
9 to Mr. Mims was the phone call. I hope you remember the  
10 phone calls.

11 Mr. Palser didn't mention the phone calls. But  
12 remember the jail phone calls. Where he spoke to his  
13 daughter and said my man, Mr. Mims. My in house lawyer,  
14 my buddy, Andre, and Andre was in the background, you  
15 could hear him say, tell Kelly I said hello. That's  
16 enough of a reason for you to hear from Andre Mims that  
17 there was a foundation. You heard that word used during  
18 the course of this trial foundation, Mr. McCollum, do  
19 you have a foundation. Yes, Your Honor, I understand.  
20 I asked a few more questions.

21 But that is a foundation for presenting you  
22 with the evidence. And I can recall like it was today  
23 when after Mr. Mims testified and after Mr. Palser stood  
24 here and shouted and screamed and pointed at me, pointed  
25 at him, that despite having been told about a polygraph

1 you still asked relevant questions. You did. And that  
2 meant to me that it was not a mistake to give you Mr.  
3 Mims.

4           The question, I don't know if you can recall,  
5 the person who wrote the question recalls, have you ever  
6 testified for the state before? Do you remember? You  
7 do remember? Despite having heard about a polygraph,  
8 you still knew that it was your job when the time came  
9 to deliberate to determine credibility. Because that's  
10 what you were told in the instructions.

11           What was his answer to that? In my 15 years of  
12 incarceration I have never testified for the State.  
13 Never.

14           Mr. Mims knew he was under a potential sentence  
15 of 34 years and decided to call the police. And let  
16 them know about something that he thought was serious.  
17 Anybody here disagree blowing up a man in a parking lot  
18 is serious? And he called. Now, here is a man who has  
19 been prosecuted by the State, here is a man who has been  
20 accused of things and put in prison for a long period of  
21 time, implicated, who decided to put himself back in  
22 that pot again. And we have law enforcement officers  
23 around him asking him questions and he knows damn well,  
24 that before it's over he is going to be labeled a  
25 snitch.

1           They don't proceed with Mr. Mims back in 2005.  
2 His appeals all run. He doesn't contact anybody else  
3 because it was my letter that had him call us. And he  
4 came forward to you and told you what he recalled now,  
5 what did he tell you? How do you analyze Mr. Mims? How  
6 do you fulfill your obligation to weigh credibility? Do  
7 you let Mr. Palser decide for you? By screaming at you  
8 enough that the man is a liar? Is it proper for us to  
9 tell you that Heather Triano Klindsworth is a liar or  
10 that Melissa or people are? That was not our job. It's  
11 your job.

12           Don't let anybody substitute their opinion for  
13 what you got to do. You've got to live with what you  
14 do. So how do you analyze it? What did he have? He  
15 knew about the insurance policy. Isn't that worthy of  
16 note? He knew about the animosity between Gary Triano,  
17 and Pamela Phillips. He knew about it. He knew about  
18 the abuse. Where did he find out? He didn't know  
19 Pamela Phillips. He had been in prison for years. He  
20 knew because he spoke to the man he trusted. It's the  
21 truth.

22           Now, he also knew that Ronald Young told him  
23 that the guy got what he deserved. And that he blew him  
24 up. Fine. Take it aside, throw it all away. Say  
25 because of a test, for which there is no foundation in

1 evidence --

2 MR. PALSER: Objection.

3 MR. MCCOLLUM: -- in terms of reliability --

4 MR. PALSER: That was precluded, Your Honor.

5 May we approach?

6 THE COURT: You may.

7 (At the bench.)

8 MR. PALSER: They are not allowed to call  
9 polygraphs unreliable, which is what he is implying  
10 right now. You told me I couldn't go the other way.

11 THE COURT: Yeah, I agree. Let's not talk  
12 about the polygraph being reliable or unreliable.

13 (Open court.)

14 MR. MCCOLLUM: The best cross-examination he  
15 could come up with is Mr. Mims, you weren't aware of the  
16 results, were you. And he said he was not aware of  
17 the -- he was not aware. How do you measure  
18 credibility.

19 I was talking about that a moment ago. Why do  
20 you think you're in such a good position? You look at  
21 the man on the stand. Hear what he has to say. You  
22 compare it with other facts. That's what you do. If a  
23 man were to come in the stand and say that the sun is  
24 shining outside today, and you didn't know anything  
25 else, how would you measure it? You've been inside all

1 day. He's been inside all day. But if there were a  
2 window, you could compare. If you'd just come in from  
3 outside, you could compare. If you had someone who you  
4 trusted who told you something, you could compare.

5 That's the way you measure credibility. That's  
6 all I ask you to do. Is to compare credibility of every  
7 single witness you see in this courtroom.

8 Mr. Mims didn't get any deals. He lacked  
9 further appeal. He had a confidential relationship with  
10 Mr. Young. He was beyond the jurisdiction of Pima  
11 county. He had originally had hopes of early release.  
12 But all of that was gone. He had reservations about  
13 being a snitch. He had a history in this case of  
14 cooperating. He cooperated with the pretrial  
15 interviews. And he had no motive to lie. Enough said  
16 on Mr. Mims.

17 Let's talk about the purpose of a rebuttal  
18 argument. The purpose of this argument is not to stand  
19 up here, and rehash everything I said before. It's not  
20 but I do have to listen to what's been said. And I do  
21 have to clarify and there are several points that I can  
22 recall during that. And excuse me. Notes, I don't  
23 usually bother people with reading. I don't use a lot  
24 of notes but, there were couple of things I thought were  
25 worthy of note.

1           One, Mr. Palser talked about the license plate.  
2 Confusing the dates of the license plates. Giving you  
3 every reason to believe that the plate could have been  
4 stolen at a time or date other than when there was a  
5 rental at Saban's rental service. What you have is  
6 somebody from MVD who said it was reported to us on June  
7 the 26th. What you have in evidence is a document from  
8 Avis saying May 30th. It's true. Could have been taken  
9 in April. But the documentation is consistent with the  
10 other evidence, the rental from Saban's of the two.

11           Here we go. I love this one. The best I  
12 should save it for last. Mr. Palser said the Sheriff  
13 Dupnik was in the car and isn't it funny that  
14 Mr. Triano's phone was missing. Isn't that just now, I  
15 think he just accused Sheriff Dupnik of stealing the  
16 phone. But if you'll recall the testimony of the  
17 witnesses, the phone batteries were in the car. They  
18 were in the car. The antenna was in the car. The phone  
19 was obliterated by the bomb that killed Gary Triano. So  
20 he misled you with that fact. That is in evidence.

21           Three. 400 feet. Under optimum conditions 400  
22 feet. Actually what their witness said was it could be  
23 more, it could be less depending on the conditions. Mr.  
24 Palser pointed out, on the photograph, let's get it out  
25 real fast. Mr. Palser pointed out so there is always

1 these things that could block the signal. But I asked  
2 Tony May because of your interest at the time, because  
3 of the type of questions you had asked previously, I  
4 asked him, what do you see here that would have  
5 interfered with the signal.

6           And let me see. That was a tough answer, he  
7 said, nothing. Nothing. It's as a matter of fact the  
8 man who was in charge of security said they kept  
9 everything trimmed so that a man could walk underneath.  
10 That's what they said. But Tony May, the expert, told  
11 you, nothing would have blocked the signal. Because  
12 recall the questions to him on cross-examination were  
13 how about high tension wires, you know. And, other  
14 types of blocking items, whatever. I forgot the exact  
15 questions.

16           But he looked at this and said there is the  
17 car, there is where Mr. Triano died, nothing would have  
18 blocked the signal. So, he stood here and said, 400  
19 feet optimum, but I know you know the facts. It didn't  
20 come from one witness, came from a lot of witnesses.  
21 And the fact is that the bomb went off. And the fact is  
22 the bomb was designed with a remote control device built  
23 in. Because the bomb parts that were found in the car  
24 revealed the crystal. The crystal, microscopic. Maybe  
25 sheriff Dupnik planted the crystal. Maybe that's what

1 he was doing in the car.

2 Ladies and gentlemen, when Karl Jensen sat on  
3 that witness stand he told you at the time I was a green  
4 police officer. You know, I was green. The same thing  
5 with Wright Randolph. He was in his recruit uniform.  
6 It is regrettable that that day, that day, such an  
7 important event in the occurrence of Pima County had to  
8 be dealt with with a recruit and a new officer. And he  
9 had to admit to you on the stand, I took peoples  
10 identification. I didn't get all their ID'd, didn't do  
11 I don't even know if somebody left the parking lot after  
12 I arrived. That's what he said.

13 And Mr. Randolph said yes, people could have  
14 left the parking lot after I arrived. He was offered up  
15 to you as being the Johnny On the Spot, first one on the  
16 scene, trained to see people leaving because of his  
17 experience, at the academy. But the fact is, like  
18 everybody else there, when the time came to look at that  
19 car, nobody was thinking. Nobody was watching. The  
20 killer got away. The killer got away.

21 And you can't say from the evidence how that  
22 day, this, this snap shot, that event, who he was. And  
23 we didn't present that snap shot. We gave you all the  
24 evidence. And you can't avoid the evidence.

25 Mr. Palser talked about blackmail. There is

1 blackmail in the book. He did talk about it. The word  
2 blackmail appears in the book. It does. Ronald Young  
3 says Gary Triano is blackmailing you. Ronald Young says  
4 don't you try to blackmail me. I can't imagine anybody  
5 would blackmail you, Pam. We have a trusted  
6 relationship.

7 All that's in there. It's in there. Never  
8 once does she say, stop blackmailing me. Well, the  
9 truth of the matter is, it came to the point where he  
10 was blackmailing her. That's a fact. Because she  
11 wasn't paying the money. The one point -- you got your  
12 1.6. I want my four. You're going to see words in  
13 there like it was mine when it was earned. You're going  
14 to see that in the e-mail. You're going to see that  
15 over and over and over again. But how do you explain  
16 that when you stand up in front of a jury, who one might  
17 believe doesn't have experience. You take a book, like  
18 this and you say, line two paragraph four, here it is  
19 see that, spider web.

20 You're not going to decide this case on those  
21 words. It is regrettable that you have so much  
22 information to go through. But it's not regrettable  
23 that you've had an opportunity to hear all the evidence.

24 Let me go through another one here. Grassy  
25 knoll. I love this one. I like this, too.

1           When he was commenting about my reference to  
2 grassy knoll he said nobody saw the man with long brown  
3 hair. Do you remember that? Let's see here, here we  
4 go. This is it of the State's Exhibit number 70.  
5 Ronald Young, passport, April 9th of 1996. April again.  
6 There is Ronald Young. There is his photograph. Brown  
7 hair, long, shoulder length? In fact, he is thinner  
8 than he is now.

9           And although Mr. Miller said I was the one that  
10 fled the lot, did you notice, did anybody pay attention  
11 to that Mr. Miller didn't have gray hair? He had a  
12 couple of strands but he didn't have gray hair. But Mr.  
13 Hadd said that the man that the corner of the lot who  
14 was in the car had gray hair. I see from your faces you  
15 were paying attention. There is Mr. Young, April of  
16 1996.

17           What else did I pick out? Let's see, June  
18 30th, the phone, Kevin McDonald. About Mr. McDonald  
19 hearing the little relationship up in the bedroom. But  
20 Mr. McDonald wasn't presented to you just for the fact  
21 that there was a little affair going on in Snowbunny  
22 Lane. Mr. McDonald gave you a piece of information that  
23 exploded in this courtroom and I hope you heard it.  
24 What did he tell you? When I heard about the explosion  
25 I spoke to Pam, and she seemed like well, first thing

1 she talked about was the insurance policy. Remember  
2 that? That's what he said.

3           So we are to assume from Joy Bancroft that  
4 Pamela Phillips, who tormented Gary Triano for years,  
5 who kicked him about within the Court system until she  
6 lost, now was all broken up because he was dead and she  
7 was getting two million dollars. But caught off guard  
8 by Kevin McDonald, she wasn't crying. She wasn't  
9 weeping. And the first thing out of her mouth was  
10 insurance policy. She didn't think it mattered to Kevin  
11 McDonald. He was just a snow bum who flew in and out of  
12 Aspen, and took people up the mountain, taught them how  
13 to ski. But she slipped with Kevin McDonald and that's  
14 why you heard from him. And you'll measure his  
15 credibility. Just like everybody else's.

16           So, let's talk about some of the other little  
17 facts. Kevin McDonald. Mr. Woodcock. Mr. Palser was  
18 concerned that I was inferring some ultra involvement of  
19 Mr. Woodcock. I brought up Mr. Woodcock to you because  
20 it dates the note. It dates the note. Because  
21 mentioned within the third page of the note is  
22 Mr. Woodcock after there is a discussion of the things  
23 and then related you to an e-mail found in the computer  
24 a document saying that his concerns about Woodcock were  
25 from April of 1996. That's what it was about.

1           How do you date the note? How does the note  
2 become important? Mr. Palser stood here, his version of  
3 it. Let's take for example if he is allowed to give you  
4 a version, and invite your concerns. Then let's take  
5 his version. He told you inferring that something may  
6 or may not have occurred, inferring that Ronald Young  
7 found out she had hired somebody to kill the victim, and  
8 now that he is dead and now that she's confessed, it's  
9 time to get the money. But it happened six months prior  
10 to the event. It happened in June. Money started being  
11 paid in June.

12           Mr. Semple testified all day so that I could  
13 ask him one critical question and you heard it. And I  
14 repeated it. Based on your experience with all of the  
15 bank records, based on your experience with the  
16 documents from Mr. Young, based on your totality of  
17 experience with everything that you collected, and was  
18 provided, is that schedule of payments reliable. I have  
19 no reason to believe that that schedule is not reliable.  
20 Everything about it is consistent with the tracking  
21 numbers we found from Fed Ex, from the dollar amounts  
22 that were talked about in the emails from that bank  
23 account showing structured funds, everything about that  
24 schedule was 100 percent.

25           So he had no reason to believe that the first

1 payments were not paid as early as June of 1996 \$25,000.  
2 I don't quite understand what Mr. Palser said up here  
3 when he talked about that \$25,000 but it's who it was a  
4 wisp of smoke because the spread sheet speaks for itself  
5 and there was more than one version of it.

6           When you go through the books, and you will  
7 have them, you will go through and you will see the  
8 spread sheets. They are here. Different versions of  
9 it. Showing the \$25,000 and where you'll notice, you'll  
10 recall, ladies and gentlemen, that when I went up to the  
11 ELMO, one of my many occasions when I was semi  
12 successful with it, I showed you the spread sheet. Now  
13 this spread sheet from that book came from Ronald  
14 Young's computer in 2005. This is it, very beginning.  
15 It's chapter -- Exhibit 12, letter A, showing all the  
16 dollar amounts that were exchanged and at the very top  
17 in the upper left-hand corner, been on the ELMO before,  
18 I didn't feel like dealing with it any more in closing  
19 arguments, June to December \$25,000, new amount,  
20 \$375,000 owed. Owed. In June. Not just money starting  
21 to be paid. But money owed in June. Not blackmail  
22 money after the murder. But owed in June. This is from  
23 his computer.

24           Now Mr. Palser just in that fleeting moment up  
25 here, said to you, why would anybody write that. What

1 did he mean by that? Why would anybody write that? He  
2 wants you to think it's somebody put it there for you,  
3 to impress you, to convince you, another lie possibly.  
4 But it was there. And there was no testimony and no  
5 cross-examination that defeated that fact that that came  
6 from the computer all before D-Day.

7 Well, maybe D-Day was the bankruptcy, which had  
8 already occurred. What is D-Day? Do I need a history  
9 lesson here? D-Day talked about the first message left  
10 on my Snowbunny answering machine the day I left, want  
11 to go ahead with the thing we talked about. I love you.  
12 I love you. The notes said I love you. The card said I  
13 love you. The Christmas card with Pam in Aspen hugging  
14 her kids near the ski lift, I love you. Him saying my  
15 feelings for you have never changed. They were married  
16 because of what happened. They were bonded because of  
17 what happened. They had nobody else to turn to but each  
18 other over the years. And they harassed each other,  
19 just like Pam harassed Gary Triano, and Gary Triano  
20 harassed her. They harassed each other. But they were  
21 bonded because they knew that even though they could say  
22 to one another you could go to prison, they knew they  
23 were both in the pot. And you see that over and over  
24 and again in the communications. You do.

25 I'm offended when somebody stands up here and

1 says Gary Triano killed himself.

2           The killer put that bomb in that bag. The  
3 killer put that bag in that car. And I told you, if he  
4 reached into the bag, and said what in the world is  
5 this, and it blew up, it's murder. There isn't any  
6 doubt about that.

7           Mr. Palser didn't spend a lot of time with  
8 conspiracy. Everything he was saying, everything you  
9 heard, reeks of conspiracy. It reeks of the meeting of  
10 the minds. It reeks of two people who were so cold and  
11 so greedy that they believe that nothing else matters.  
12 And that is what you see in those e-mails. That's what  
13 you read day in and day out, that coldness, that  
14 greediness, that bartering with each other. You know,  
15 imagine the audacity that's needed for that type of  
16 communication. Well, it's the same thing needed to,  
17 ladies and gentlemen.

18           Oh, I know. One more thing. Mr. Palser told  
19 you that you're supposed to infer something. Because  
20 the shotgun is no longer available. We got a picture of  
21 it. And as a matter of fact, somebody asked a really  
22 good question. Why would somebody want to saw off a  
23 shotgun.

24           MR. PALSER: Objection.

25           THE COURT: Just a minute, Mr. McCollum.

1 MR. MCCOLLUM: Yes, Your Honor.

2 MR. PALSER: Ask to approach.

3 THE COURT: Yes, sir.

4 (At the bench.)

5 MR. PALSER: Once again, using precluded term.

6 THE COURT: All right. Rephrase your reference  
7 to the shotgun. Altered or something.

8 MR. MCCOLLUM: Yes, Your Honor.

9 THE COURT: I ask that you read -- ask counsel  
10 be admonished for using precluded term not twice, and,  
11 that the jury be informed that that was a precluded  
12 term, State shouldn't have said it.

13 Just a minute. I think, Mr. Palser, that would  
14 call much greater emphasis to what you don't want the  
15 jury to hear. So I think a better way to handle this is  
16 simply to have Mr. McCollum refer to the shotgun as in  
17 its altered state, some way other than sawed off. I  
18 really think that it would be counterproductive to your  
19 position for me to reemphasize that.

20 MR. PALSER: Once again I'm in a position of  
21 trying to rely on the Court's previous ruling.

22 THE COURT: I understand.

23 (Open court.)

24 MR. MCCOLLUM: Shotgun, modified shotgun.  
25 There was testimony about the modification of that

1 shotgun, from an expert, ATF. And the question you  
2 asked was, why? Why. Because already the  
3 stock was something that could come off. It  
4 was something that could be concealed. The judge  
5 instructed you on concealed evidence. And there is a  
6 lot of that in this case. There is concealeable  
7 shotgun. There is conversations of code. There are  
8 false names, Richard Perez. You'll have the Fed Ex  
9 reports showing Richard Perez, Richard Perez, Richard  
10 Perez, a man who had died in 1999. The defendant use  
11 the named Doug Franklin to conceal. That was part of  
12 the plan. Concealment was part of that conspiracy.

13 But, the shotgun was released because nobody at  
14 the time knew about the note. Nobody knew about the  
15 note. Nobody knew about the addresses that led to  
16 Mr. Nord, at the time when Pam was in Denver and Ron was  
17 there in the Loews Georgio hotel. Spending money.  
18 Thinking about what might be needed for this ultimate  
19 event.

20 Mr. Palser indicated to you I have created some  
21 image that Ronald Young is a master bomber. Nobody said  
22 that. And he said that could anybody here build a bomb  
23 off the internet. Well, there is a million sites that  
24 talk about it and there is pipe bombs in the United  
25 States. But ladies and gentlemen, when the time came

1 that the shotgun was taken out of circulation, there was  
2 still a bomb in place. A bomb blew up Gary Triano.

3 Mr. Palser indicated there is no link between  
4 Mr. Young and the bomb. But there is. There is, ladies  
5 and gentlemen. The shotgun was testified was referred  
6 to as a skeet type shotgun. A skeet type shotgun.  
7 French's sold Red Dot powder, Red Dot powder is for  
8 reloading skeet guns. The address and the phone number  
9 without area code was on the note that was written when  
10 they were in Denver. Ladies and gentlemen, that is a  
11 link.

12 Do you want more? Do you need more? If you  
13 need more, then I can answer your questions. Skeet gun,  
14 Red Dot powder. Then ladies and gentlemen, you have to  
15 take into account that although he saved this evidence,  
16 so much was lost by over time. And I know you may go  
17 back and say well, if they found A, they might have  
18 found B. We found what we found. We gave you what we  
19 have and it is complex. And as I said before, I said  
20 when I stood up here originally, ladies and gentlemen, I  
21 have never seen anybody save so much evidence, create so  
22 much evidence of guilt in a case such as this.

23 So when you think about the evidence, and when  
24 the times comes to deliberate, I'm not going keep you  
25 here, not going to bore you. You know what to do. When

1 the time comes to deliberate I will look at that  
2 evidence, remember the time capsule. I'm not embarrassed  
3 for using that term. That's exactly what it is.  
4 Evidence was saved by the police, although not  
5 determined to be relevant, for years. And I'm not going  
6 to admonish anybody for not figuring it out beforehand.  
7 It was figured out and we are here. No statute of  
8 limitations. We are here.

9           So when you go back and you and you look at  
10 that evidence, the time capsule and what was in it,  
11 reach out. Pull it out of the box. Take it out of the  
12 envelope and hold it in your hand. When you hold a  
13 Ramada Inn receipt in your hand, you're going to know he  
14 was there. He said, Mr. Palser said, he was  
15 investigating the bankruptcy. But Mr. Young told Coes  
16 and O'Connor that he was only in town for a day or day  
17 and a half. Not 18 days in July. A day and a half. So  
18 when a day and a half he collected all this evidence of  
19 bankruptcy, under a false name, using Phillip Desmond,  
20 paying cash, concealing his identity, and planning when  
21 and where Gary Triano was going to die.

22           Mr. Palser told you -- and this is the end.  
23 Mr. Palser told you do not decide this case on sympathy.  
24 Well, I never spent one moment in this courtroom preying  
25 upon your sympathy. Never. I didn't present witnesses

1 who talked about how they cried days and days after the  
2 funeral. And who attended. I didn't spend one moment  
3 of your time. I didn't waste your time with sympathy in  
4 this case.

5           Every moment I sat here, and looked at  
6 witnesses and scooted my chair. I listened to your  
7 questions, and I focused all of the witnesses on the  
8 critical facts.

9           But Mr. Palser would substitute sympathy with  
10 fear. Fear what the police could have done to the crime  
11 scene. Fear what Mr. Mims is trying to do to your head.  
12 Fear what the different people or different things that  
13 may have occurred, or not occurred in this case, but  
14 fear.

15           I trust that you will not be afraid. I trust  
16 that you will be logical. I trust that you will look  
17 back at your notes. You'll remember your questions and  
18 you'll remember the \$25,000 and the Ramada Inn and every  
19 other thing that you'll read about here and look in  
20 here.

21           Let me spend this last few moments showing you  
22 what you're going to have. Florida. The van. The  
23 photos. The recordings. The diagrams. The  
24 photographs. The handwriting tests to show that the  
25 notes were written by Ronald Young and that the Fed Ex

1 sent to Ronald Young in the name Richard Perez, Pamela  
2 Phillips. The insurance policy for two million dollars.  
3 And how it was going to become more and more expensive  
4 every year, if Mr. Triano didn't die. The public  
5 records. The divorce file. And on and on. The Ramada  
6 Inn, records from history, to show the 18 days paying  
7 cash using a false name. Transcripts. Oh, oh, oh. The  
8 detailed charts of Mr. Semple showing the flow of money  
9 back and -- should I say in one direction, not back and  
10 forth, in one direction, to Ronald Young. All here.

11 The Pamphlets showing that he intended to  
12 conceal and connive. And probably, oh yeah, something  
13 out of an old phone book. Mr. Nord's phone number, to  
14 confirm that a gunsmith was contacted in Superior,  
15 Colorado. The documentation showing the amount of  
16 digital material in the computer.

17 By the way that remind me, Mr. Palser showed  
18 you things, inferred they are created during that time  
19 period. They weren't created during that time period.  
20 That one document was dated by Mr. Young but had a  
21 modification date of November the 5th. In the computer  
22 it was November 5th. Mr. Young dated it himself.  
23 That's important. And they showed you documents that  
24 were written allegedly contacting the ATF found in his  
25 possession, with no address. With no phone number.

1 With no indication where he was. Feeling out what was  
2 going on, seeing if the Hollinger thing had gone away.

3           So you have it all. And that's all I can say.  
4 You even have stuff I didn't think to put in. Picture.  
5 A picture of Gary Triano. Somebody asked. Somebody  
6 cared. To know what he looked like. In my zeal of this  
7 case, looking for facts, not wanting to sympathize, not  
8 wanting to prey upon your sympathies, it was overlooked.  
9 And the family is honored by your simple request. So I  
10 thank you.

11           I have nothing further.

12           THE COURT: Thank you, Mr. McCollum.

13           At this time, Jared, would you step forward, be  
14 sworn, please, sir.

15           (Bailiff sworn.).

16           THE COURT: Ms. Lee, will you please draw at  
17 random the names of three jurors to be selected as  
18 alternates.

19           Ladies and gentlemen, all 13 -- 15, I'm sorry,  
20 of your names are in this envelope.

21           THE CLERK: Juror number 8. Juror number 14.  
22 Juror number 6.

23           THE COURT: All right. Ladies and gentlemen,  
24 thank you. At this time Jared will take you back to the  
25 jury room. You'll want to give him a schedule that you

1 want to work off of for the rest of the afternoon, if  
2 you do, or if you want to come back and start Monday or  
3 Tuesday, let him know what your preference is in that  
4 regard.

5           Regardless, please remember the Court's  
6 admonitions. Do not discuss the case with anyone except  
7 your fellow jurors in the jury room. And do not do any  
8 research, do not speak to anyone else, or read or watch  
9 anything that might be broadcast in the media about the  
10 case.

11           Thank you. We will be at recess at this  
12 time.

13           (Jury absent.)

14           THE COURT: Ladies and gentlemen, you can be  
15 seated. Thank you.

16           Counsel anything further for the record?

17           MR. MCCOLLUM: No, Your Honor.

18           MR. PALSER: No, sir.

19           THE COURT: Thank you:

20           (Recess.)

21           THE COURT: We are back on the record outside  
22 the presence of the jury. Present are counsel and  
23 Mr. Young. Apparently there is a question with an  
24 exhibit, gentlemen.

25           MR. MCCOLLUM: Yes, Your Honor. Just thoughts

1 since everybody is still here rather than coming back  
2 Monday, if you hadn't left already, we can spend a few  
3 minutes. Only thing I have all documents I have  
4 somewhat of a disagreement with June, and that she  
5 marked the statement of the defendant to Coes and  
6 O'Connor as admitted but not to go to the jury. If it's  
7 the Court's intention that statements of a defendant not  
8 go to the jury, that's the way it is. I have had them  
9 go before. I have had them not go before. I thought I  
10 moved it into evidence because I showed it up on the  
11 screen. But --

12 THE COURT: No, I think you were allowed to  
13 publish it. But generally, statements, depositions, et  
14 cetera, do not go back to the jury. Because they just  
15 overemphasize that particular testimony over any other.  
16 So, you show it as not admitted?

17 THE CLERK: I show it as admitted for purpose  
18 of the record.

19 THE COURT: Right, but not admitted for  
20 purposes --

21 THE CLERK: Not to go to the jury.

22 THE COURT: Yeah. Generally I think the law  
23 is, Mr. McCollum, as I understand it, that those types  
24 of things do not go back to the jury. Because they  
25 overemphasize one witness's testimony over that of any

1 other, so.

2 MR. MCCOLLUM: But in this case it's not a  
3 witness. It's the defendant.

4 THE COURT: Well, I understand that. But, it's  
5 essentially the defendant's, if you will, testimony,  
6 albeit not given in court.

7 So, Mr. Palser, what is your position?

8 If neither counsel care, I'm happy to send it  
9 back.

10 (Discussion off record between counsel and  
11 client.)

12 MR. PALSER: Judge, our opinion is it should  
13 not go back.

14 THE COURT: Yeah, that's consistent with my  
15 understanding of the law.

16 MR. PALSER: Thank you for the opportunity to  
17 consult here.

18 THE COURT: Absolutely.

19 MR. MCCOLLUM: With that said, Your Honor, only  
20 remaining thing I wanted to advise the Court is we have  
21 asked our IT people to give us a computer that has  
22 nothing on it.

23 THE COURT: That is one of the things that we  
24 always make sure of. That will be for playing any of  
25 the DVDs, and the CDs will play off of it?

1 MR. MCCOLLUM: They will play off of it, yes.

2 THE COURT: Yeah. I just want, Mr. McCollum,  
3 you to certify, provide some certification that the  
4 computer that's provided to the jury for their use in  
5 playback does not have any documents related to this  
6 case or anything else; that it's essentially a clean  
7 blank computer, and that it will be used only for  
8 purposes of playing back the media evidence.

9 MR. MCCOLLUM: Yes, Your Honor. This is a  
10 computer that hasn't been in our possession or our use  
11 at all, been with the IT division and I'll certify it.

12 THE COURT: That's fine. Ultimately you're the  
13 one who is on the hook for it being completely blank.

14 MR. MCCOLLUM: Yes, Your Honor.

15 THE COURT: We have had that several times, not  
16 been a problem. Your office has supplied computers in  
17 several cases before the Court, and we have never had a  
18 problem. But I just want to make sure there is no  
19 oversight on anybody's part.

20 MR. MCCOLLUM: I will take the  
21 responsibility.

22 THE COURT: That's fine.

23 MR. PALSER: Sure.

24 THE COURT: Anything else, counsel?

25 MR. PALSER: Could we call it a tabula rasa

1 just because it's really cool?

2 THE COURT: Call it what?

3 MR. PALSER: Tabula rasa, really cool term.

4 THE COURT: You can call it anything you want,  
5 Mr. Palser, fine. Off record.

6 (Proceedings concluded.)

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