

1 DISTRICT COURT, LARIMER COUNTY, COLORADO

2 Case No. 98-CR-1149, Courtroom 2

3

4 REPORTER'S TRANSCRIPT

VOLUME VI

5

6 THE PEOPLE OF THE STATE OF COLORADO,

7 Plaintiff,

8 vs.

9 TIMOTHY LEE MASTERS,

10 Defendant.

11

12

13 The jury trial in this matter commenced on

14 Thursday, March 25, 1999, at 9:15 a.m., before the

15 HONORABLE WILLIAM F. DRESSEL, Judge of the District

16 Court, and a Jury of twelve and one alternate.

17

A P P E A R A N C E S

18

FOR THE PEOPLE:

MR. TERENCE A. GILMORE  
Reg. No. 1306

19

MS. JOLENE C. BLAIR  
Reg. No. 15934

20

21

FOR THE DEFENDANT:

MR. NATHAN D. CHAMBERS  
Reg. No. 14576

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MR. ERIK G. FISCHER  
Reg. No. 16856

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Reported by Gina B. Zeigler, CSR, RPR

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THE COURT: People ready to proceed?

MS. BLAIR: Yes, your Honor.

MR. GILMORE: I think so, your Honor.

THE COURT: Defense ready?

MR. CHAMBERS: Yes.

THE COURT: What we'll do is I'll read them the instructions, then you can make your initial closing. We'll take a break, come back. You can do your closing, take a stretch break; come back, finish you; and at the end of it, advise Mrs. Gaudreau that she is the alternate, and I will ask, then, the other 12 if they're able to deliberate.

If they are able to deliberate, then what we'll do is that I will direct Mrs. Gaudreau that she's not released, but she's not to talk to anyone and to go to a place where we can keep in contact with her, and please no one contact her, we'll release her once the jury comes back. Okay?

Please return the jury.

(The jury entered the courtroom.)

THE COURT: Please be seated. Put your notebooks down at this point. We allow you to use them only to take evidence. The evidence has been completed. There will be no further note-taking

1 allowed at this point, okay? Please put your  
2 notebooks down completely.

3 Ladies and gentlemen, what we're going to do  
4 is, I'm going to read to you the instructions. Some  
5 of them you've already read yourself and gone over,  
6 but I want to give you a brief overview of the law  
7 that's applicable, as counsel will be no doubt  
8 referring to some of them during their closing  
9 statements.

10 You will have the original instructions and  
11 five copies of the instructions for your use in the  
12 jury room. The copies have all been indicated on the  
13 front by the stamp. The verdict form itself is  
14 attached only to the original. So the copies of the  
15 instructions do not have the verdict form, so when  
16 you go back and review it, as indicated, it will be  
17 on the back of the original instructions.

18 When I finish going over these, counsel will  
19 then have an opportunity to make their closing  
20 statements to you, and we'll discuss that in just a  
21 second.

22 I realize that reading to you, it's  
23 difficult to get a lot out of it, especially if it's  
24 something that isn't familiar to you, but it is  
25 important to give you an overview of the

1 instructions; therefore, we ask that you do listen  
2 carefully.

3 (The jury instructions were read.)

4 THE COURT: Now, at this time counsel will  
5 be making what are referred to as closing statements,  
6 closing arguments, summations. They are called  
7 various titles to them.

8 What you need to keep in mind is that this  
9 is counsel's opportunity to state to you what they  
10 believe the evidence has proven. Their remarks are  
11 not evidence. They can comment on the evidence and  
12 the law; however, it's your decision as to what the  
13 evidence really did prove, and you must apply the law  
14 as set forth in the instructions to those facts as  
15 you find them to be.

16 Under our procedure, the People will address  
17 you first. When they finish their remarks, we'll go  
18 ahead and take a brief stretch break, recess; come  
19 back, defense counsel will then make their summation  
20 to you. After that we'll go ahead and take another  
21 brief stretch break. Then we'll come back and the  
22 People have the last opportunity to address.

23 It's anticipated hopefully these  
24 presentations can be done in three hours. It may  
25 take a little bit longer. That's what counsel's

1 anticipating at this point in time will be necessary  
2 to make these presentations to you. Ask that you  
3 listen carefully to them to understand each side's  
4 position as to what has or has not been proven.

5 People.

6 MS. BLAIR: Good morning, ladies and  
7 gentlemen of the jury.

8 Who would do such a thing as was done to  
9 Peggy Hettrick? Every woman's fear became reality  
10 for Peggy Hettrick during the early morning hours of  
11 February 11th, 1987.

12 She was brutally attacked from behind, a  
13 surprise attack, and killed; a horrible stabbing done  
14 with a large, rigid knife, a minimum of a 5-inch  
15 blade, because that's how long the wound track was  
16 inside of her body; and then an incredibly gruesome  
17 sexual mutilation to both her vaginal area and her  
18 breast, done with a precise, sharp cutting  
19 instrument.

20 Who would do such a thing to someone,  
21 especially to Peggy Hettrick? Who would do such a  
22 thing at that time in the morning, at that location,  
23 in an open field around Boardwalk and on Landings  
24 Drive?

25 Who would attack Peggy Hettrick as she was

1 walking home, stabbing her in the back and then  
2 dragging her 103.5 feet into the field where she was  
3 partially disrobed or unclothed, she was sexually  
4 mutilated, she was positioned and displayed and left  
5 to be discovered?

6 Who would come across her body at 6:55 that  
7 same morning, later that morning, see the blood pool  
8 at the curb, follow the drag trail, the bloody drag  
9 trail out to her body, admit to seeing her pubic  
10 hair, her clenched hand, her matted hair, her  
11 partially open mouth, and then walk to his bus and go  
12 on his normal routine, not saying a word to anyone?

13 Who lives right next to that field and was  
14 into knives and pornography and fantasized about  
15 death and dismemberment and killing?

16 Shy, immature Timmy Masters.

17 Even he described himself at that point in  
18 his life as a very upset kid, very emotionally  
19 disturbed.

20 Tim Masters told the investigators that  
21 everyone fantasizes, and that's true. People do  
22 fantasize about winning the lottery or maybe buying a  
23 new car. Everyone fantasizes. But what did Tim  
24 Masters fantasize about? What did he spend hours and  
25 hours drawing and writing about? What did he spend

1 hours and weeks and months and years fantasizing  
2 about?

3 His drawings and narratives, especially  
4 given the huge number of both, tell us exactly what  
5 he was fantasizing about. His drawings and  
6 narratives provide windows into his mind.

7 I'm going to read to you a couple of  
8 excerpts from the narratives that are in evidence:

9 What exactly did you guys do then? Sherry  
10 asked. I started to tell her when I said, Let's just  
11 say you wouldn't want to die like that. She couldn't  
12 die that way, Mace, Ice was telling me, she doesn't  
13 have a dick to stab and hit several times. Shut up,  
14 I said to Ice. Sherry and all my cousins seemed  
15 shocked at what I said. Oh, yeah, I said, she's got  
16 tits so you couldn't carve your initials in her  
17 chest. Ice, I didn't carve my initials, I carved my  
18 whole name, I said. Then I seen my cousin Bobby run  
19 to the sink and throw up.

20 Then I went over to the other kid that I  
21 just shot. I tore off the kid's shirt and carved the  
22 words Mace in his chest.

23 After I started fighting, I didn't show my  
24 emotions except anger; and when I wasn't mad, I shown  
25 blank, just an expressionless face and voice. I



1 wasn't afraid of anybody or anything, not even death.

2 Behind him was a blood smear on the wall.

3 For some reason the sight of that blood made me feel  
4 good. Every ounce in a while -- every once in a  
5 while I think about other people that I killed and I  
6 kind of space out until I hear a sound or something  
7 from the real world.

8 Am I a murderer? He asked me. Was, not  
9 yet. I'm a murderer, but you're not. See, a  
10 murderer like me is someone who has a chance to let  
11 someone live, but doesn't.

12 Another one about, I followed the blood  
13 trail to another building, and I dragged the kid's  
14 body behind the door.

15 These are excerpts of hundreds and hundreds  
16 of pages of narratives like this about brutal  
17 killings and death and dismemberment.

18 He was fantasizing about knives; 186  
19 references in the materials to knives. He was  
20 fantasizing about death; 291 references. He was  
21 fantasizing about blitz attacks, surprise attacks  
22 from behind, mostly to strangers; 126 times. He was  
23 fantasizing about stabbing or slicing or  
24 disemboweling or eviscerating; 145 times.

25 This was not the innocent drawings of a

1 teenager who was enamored with horror movies, such as  
2 Nightmare on Elm Street or Rambo. This obsession  
3 with torture and death began long before the murder  
4 of Peggy Hettrick, and we know by what was found in  
5 Tim Masters' residence in 1998 that it continued long  
6 thereafter as well.

7           Look at what we found in his home in 1998:  
8 Over 1,000 pages of additional, graphic, gruesome,  
9 more violent stories than we found in 1987, where he,  
10 Tim Masters, becomes Mace or Madic Mason. We find  
11 additional drawings depersonalizing women. We find  
12 more pornography, more horror movies and books. We  
13 find additional knives, survival knives that he's  
14 replaced from the ones that were confiscated in 1987.  
15 And given the fact that the defendant can now legally  
16 obtain guns, we find a number of guns.

17           Ladies and gentlemen, the fantasy had  
18 stabilized. He'd been living that fantasy at that  
19 point for at least 11 years. And in his interviews  
20 in 1987, and even more so in 1992, Tim Masters  
21 attempted to distance himself from the violence, the  
22 horror movies, the military-type play activities, and  
23 the knives.

24           In '87 he told investigators that he didn't  
25 play Army anymore because it bored him. In '87 he

1 said he wasn't into pornography anymore. That was  
2 just some stuff he found in junior high, and he kept  
3 it around to show to friends.

4           We know he looked at it because  
5 investigators found a yellow folder in his bedroom of  
6 cut-out pictures from those magazines of pornography  
7 categorized in different areas of the folder. And as  
8 Hal Dean testified, they were folded so that all you  
9 could see was the vaginal portion of some of these  
10 pictures.

11           In '92 he said he wasn't into pornography  
12 anymore. He said he wasn't into horror movies or  
13 books anymore. In '92 he said he no longer collected  
14 knives. He said he'd changed, seeing that body in  
15 that field changed him. That's what he told  
16 investigators. He realized that violence and death  
17 wasn't a game.

18           In '92 he said he didn't draw anymore. He  
19 said he no longer had the kind of imagination that  
20 was required to do that kind of drawing; and,  
21 frankly, he said he wasn't a very good artist.

22           Yet, in 1998, six years after he told  
23 investigators he wasn't into these things anymore, we  
24 find violent military-type stories about a homicidal  
25 psychopath named Mace or Madic with whom the

1 defendant identified. We find pornography, we find  
2 guns, and we find knives.

3 Ladies and gentlemen, shy, skinny, immature  
4 Timmy Masters was all grown-up in 1998, and he hasn't  
5 outgrown any of the aggression and the violence and  
6 the deviance that we saw in 1987. Nothing has  
7 changed. He's still fantasizing about more violent  
8 things in 1998.

9 Now, the defense has suggested not only was  
10 their client a normal 15-year-old kid, he was just  
11 doing these drawings, silly thing to show to his  
12 friends to impress them. They suggest that there is  
13 absolutely no physical evidence tying him to the  
14 scene. They argue that because we didn't find blood  
15 on the clothing or the person or in the home of Tim  
16 Masters, he couldn't have done it.

17 Remember the statements in opening argument  
18 or opening statement of the defense? This was a  
19 gory, bloody crime scene, and whoever committed the  
20 murder of Peggy Hettrick would have had blood on  
21 them. Because we didn't find any on Mr. Masters, he  
22 couldn't have done it.

23 Well, let's recall what the evidence was.  
24 Both Dr. Allen, the coroner, and Tom Bevel, who was  
25 the blood-spatter and crime-scene reconstruction

1 expert, told you that although this scene was grizzly  
2 and horrible, it was not very bloody.

3 In fact, Tom Bevel testified that he would  
4 expect to find very little, if any, blood to be on  
5 the person who committed this crime; very little, if  
6 any.

7 Dr. Allen testified that the majority of the  
8 victim's blood was lost internally, was found in her  
9 chest cavity. Very little blood was at the scene.  
10 In fact, remember what the evidence was: The  
11 victim's boots were tested for the existence of  
12 blood, and none was found.

13 This -- these were the boots of a person who  
14 was dragged 103.5 feet through the bloody drag trail,  
15 and there was no blood on her boots.

16 And, remember, when the police looked for  
17 the evidence on Tim Masters and in his home, it  
18 wasn't until the 12th of February that they searched  
19 Mr. Masters' residence, approximately 30 hours after  
20 the murder of Peggy Hettrick.

21 And what's the first thing that an  
22 individual would do who committed such a crime? Even  
23 if you're 15 and somewhat immature, you would know to  
24 get rid of the evidence.

25 And he knew by the morning of the 11th that

1 the police were already talking to him about his  
2 activities that morning. And what did the police do?  
3 They brought him back to his house on the 11th, and  
4 he stayed there all afternoon. The house wasn't  
5 searched again or at all until the next day, the 12th  
6 of February.

7 He had all day on the 11th to wash his  
8 clothes. He'd already told investigators that he'd  
9 showered that morning. We can assume or infer that  
10 he showered the morning of the 12th, as well, before  
11 he went to school.

12 And the evidence suggests that he did wash  
13 his clothes. On the 11th when he was interviewed by  
14 Lieutenant Broderick, he said that his clothes from  
15 the evening of the 10th were in the hamper. And we  
16 find an index card in his bedroom that he has  
17 written, "Get clothes out of Dryer." And that's in  
18 evidence, and you'll have an opportunity to look at  
19 that.

20 So after he'd showered twice and had plenty  
21 of time to get rid of any physical evidence, the  
22 police confiscate his clothes, the clothes that he  
23 was wearing on the 12th, and test it for the  
24 possibility of finding any trace evidence.

25 We have no idea what Tim Masters was wearing

1 when he murdered Peggy Hettrick, and it's very  
2 unlikely that he had those same clothes on, on the  
3 12th of February when he was interviewed by the  
4 police.

5           What do we know about the actions of Tim  
6 Masters on the 11th of February? We know he came  
7 upon the body that morning. He saw the body. He saw  
8 the blood pool. He saw the bloody trail. He saw  
9 that she was partially disrobed. He noted that the  
10 jeans had been pulled about down to her knees. He  
11 saw her pubic hair. He saw that her mouth was  
12 partially open. He saw that one hand was clenched,  
13 and he had the presence of mind to form the opinion  
14 that it looked like she had died in pain. He also  
15 tells Wayne Lawson that she looked pretty scraped up.

16           What does he do? He stands there and looks  
17 at the body, by his own admission, for about ten  
18 seconds. (Brief pause.) And he walks away, he gets  
19 on his bus, and he tells no one.

20           This is a kid who wrote hundreds and  
21 hundreds and hundreds of pages of gory, grizzly death  
22 scenes about torture, about killing. He comes across  
23 a bloody crime scene and a body right in his  
24 backyard. He notes all of these things about this  
25 scene, and he simply walks away.

1           It defies reason and common sense. It's not  
2 what an innocent person would do, and it's not what  
3 Linwood Hodgdon did. Don't believe for one minute  
4 that the difference or the explanation for the  
5 difference between the behavior of Linwood Hodgdon  
6 and the behavior of Timothy Masters can be explained  
7 by the difference in their ages.

8           Mr. Hodgdon didn't even get near the body.  
9 He never left the street. He saw the figure in the  
10 field. He saw the blood at the curb. He saw some  
11 blood in the field leading up to it. His first  
12 reaction was, I should help that person. He saw the  
13 blood and he realized that it was probably out of his  
14 hands, and he immediately left to call 911.

15           His reaction is what you would expect to  
16 see. It's inconceivable that Mr. Hodgdon would get  
17 off his bike, trample through the drag trail, walk up  
18 to the body, stand within 4 feet, look at it for 10  
19 seconds, make all the observations that the defendant  
20 made, and then get on his bike and ride to work.  
21 It's inconceivable.

22           There are also things that Mr. Masters saw  
23 or didn't see that implicate him in this case. In  
24 telling law enforcement what he remembered about the  
25 body, he blurred fantasy with reality. He saw her



1 hand clenched and the pubic area, but he never  
2 noticed her breasts either being exposed or being  
3 mutilated.

4 This is a 15-year-old kid with a suitcase  
5 full of pornography in his bedroom. What's the first  
6 thing that Officer Mike Swihart noticed when he  
7 approached that body? He said he saw the yellow  
8 fatty tissue where the nipple had been removed.

9 What does Tim Masters tell law enforcement?  
10 I think her top was covered and I think she was  
11 wearing a white T-shirt with black sleeves like a  
12 football jersey with the number 10 on it.

13 That is a blurring of fantasy and reality.  
14 You look through his work productions and you'll find  
15 the number 10 all over it. He remembered seeing pink  
16 slip-on shoes that were kind of braided together in  
17 appearance. Ladies and gentlemen, she had boots on.  
18 What Tim Masters saw was the victim's socks.

19 Peggy Hettrick was 5 foot 2 or 3, about  
20 115 pounds. She's approximately my size. Where did  
21 that sock come on her leg (indicated)? I'd submit to  
22 you that it was stretched up so that you could see it  
23 over the top of her boot. You could see it if you  
24 were the person pulling her tight jeans down over her  
25 hips, down to her knees, struggling to get them down

1 as far as you possibly could so as to create enough  
2 space so that you could mutilate her vaginally.

3 The only way he could have seen those socks  
4 and remembered pink woven or braided material is if  
5 he sexually mutilated Peggy Hettrick. You look at  
6 the pictures of her body as it was first found by law  
7 enforcement, you cannot see the socks.

8 Tim Masters had in his possession the  
9 weapons capable of committing not only the deep stab  
10 wounds suffered by Peggy Hettrick, but also the  
11 precise cutting instrument that was necessary for the  
12 breast and vaginal mutilation.

13 He was an artist. He would be capable of  
14 performing the mutilations with the symmetry that was  
15 noted by Dr. Allen. The body was dragged into the  
16 field for some reason. It wasn't left out at the  
17 curb where the stabbing occurred. It was dragged  
18 into an area that the defendant felt comfortable in.  
19 He knew that area like the back of his hand.

20 He had some further things to do, the sexual  
21 mutilation; and I'd suggest to you by looking at the  
22 drag trail, that he dragged that body far enough so  
23 that he could see it from his bedroom window. He had  
24 a light source that was sufficient to allow him to do  
25 the mutilations. He had that flashlight with the red

1 lens on it that diffuses the light so you can  
2 illuminate what you're doing, but not be detected.

3 He is the only person who could have dragged  
4 and mutilated that person in that field without  
5 causing a ruckus by his own dogs. He told  
6 investigators, If somebody had dragged that body into  
7 the field, my dogs would have barked.

8 The investigator said, Well, if it was  
9 somebody who's voice they recognized, if you called  
10 out to your dog, would they quiet down? Yes. In  
11 fact, he did. He said he yelled down to his dogs to  
12 quiet down and that they did.

13 The survival knives that he owned were  
14 consistent with the appearance of the wound. In  
15 fact, if you look at the wound, there's something  
16 you're going to notice that is odd about this wound.  
17 There's a little tag on it. And you'll have an  
18 opportunity to study these more closely. One side of  
19 the wound is tagged where there's a little flap.  
20 That is consistent with the serrated edge of the  
21 survival knife or the gutting hook that you find on  
22 those survival knives.

23 He asks questions during his interview with  
24 Lieutenant Broderick that are very odd. They're  
25 talking about the survival knives that he had, and he

1 says, That would be kind of hard, though, to pull it  
2 back.

3           Detective Broderick said, What? Well, it  
4 wouldn't do much good to push it forward, would it?  
5 They wouldn't be very good stabbing somebody. Once  
6 you get them in, you'd have a hard time getting them  
7 out, wouldn't you?

8           Now, who would come up with that idea?  
9 Maybe somebody who had just plunged a survival knife  
10 into the back of somebody else and had a hard time  
11 getting it out? Testimony of the coroner was that  
12 this shattered a rib.

13           He knew that area. He had numerous maps.  
14 He knew the sheds. He knew the outbuildings. We  
15 found sexualized drawings in three different  
16 locations around the defendant's home: In the  
17 Quonset hut, in the shed in his backyard, under the  
18 bridge.

19           Let's talk about the footprint evidence that  
20 the defense seemed to focus a lot of their attention  
21 on. You're going to have this exhibit during your  
22 deliberations.

23           If you look at this evidence, you will  
24 notice that the Thom McAn print that has been  
25 referred to which is number 1, was nowhere near the

1     stabbing of the victim.  If you look at the scale on  
2     this diagram, it puts that footprint about 6 feet  
3     away from where Peggy Hettrick was stabbed.  Nowhere  
4     else on the drag trail around the body do you find  
5     the Thom McAn prints.

6             Whose prints do you find in that area?  This  
7     is the defendant's.  You'll know as soon as you look  
8     at those photos and the bottom of his shoes.  You  
9     don't need an FBI expert to tell you he made that  
10    print.  He admits to being out there that morning,  
11    but we don't have expert testimony about these two  
12    photographs that Mike Swihart took, Exhibits 13 and  
13    14.  They're unknown prints somewhere between the  
14    curb and number 2, somewhere in this area.

15            I would invite you to study the patterns on  
16    these two exhibits of the footprint.  There is  
17    sufficient detail to see the chevron pattern and to  
18    see the dots that are consistent with the defendant's  
19    shoe.

20            You don't need an expert to tell you who  
21    laid these prints.  Just compare them to the  
22    photograph or the actual shoes of the defendant that  
23    you have in evidence.  One of them, People's Exhibit  
24    14, is in blood.

25            Why did the defendant tell Francis Gonzales

1 that he didn't follow the bloody trail? He said he  
2 arched around it. He told Ray Martinez that if any  
3 shoe print was found in the trail, it couldn't be  
4 his. But we know he's lying. This print in the  
5 trail is his. Why did he lie about that to law  
6 enforcement?

7           And notice in the photos where this stab  
8 wound is on Peggy Hettrick? Stand up and turn around  
9 and try to re-create a stab wound, as testified to by  
10 Dr. Allen. It was in the left shoulder blade in a  
11 slightly upward angle, 20 degrees left to right.

12           Now, if you come square on behind somebody  
13 and you try to leave a stab wound in the left  
14 shoulder blade that's slightly left to right in a  
15 slightly upward angle, which hand are you going to  
16 use? The wound in Peggy Hettrick is consistent with  
17 a left-handed assailant. We know that the defendant  
18 is left-handed.

19           Consider the testimony of Wayne Lawson.  
20 Now, I admit, he was not real sure about what his  
21 memory was, but we do know that his earliest  
22 statement was made to Lieutenant Hal Dean, then  
23 Detective Hal Dean, was made on the same day that he  
24 was shown the map by the defendant.

25           He told Hal Dean he was never shown the

1 second map. He only saw the one map. He never said  
2 that he was shown the drag drawing by the defendant,  
3 as the defendant would have law enforcement believe.

4 And he told Linda Wheeler in 1992 that the  
5 defendant told him -- and he only talked to the  
6 defendant once about this incident, and it was the  
7 day that he was shown the map, which we know was the  
8 12th -- he told Linda Wheeler that the defendant had  
9 told him that her nipples had been cut off.

10 Now, the defendant explains that in 1992 he  
11 overheard a conversation by an explorer scout that  
12 they were looking for nipples in the field, and  
13 that's the only way he knew that the breasts had been  
14 mutilated.

15 But the grid search done by the explorer  
16 scout was done on the 13th. The next class she had  
17 with Tim Masters was that Monday, which would have  
18 been the 16th. If Wayne Lawson heard that  
19 information from the defendant that the nipples had  
20 been cut off and it was told in the first and only  
21 conversation that they had, the only way the  
22 defendant would have known that is by doing it  
23 himself.

24 Why did the defendant do the drawings that  
25 he did? He told Linda Wheeler that it was to take

1 out his aggression. He told Francis Gonzales that  
2 seeing the body had been bothering him all morning,  
3 told Linda Wheeler that he drew the drag picture  
4 because he wanted to get it out of his system.

5 Well, first of all, why did it bother him?  
6 He thought it was a mannequin. He didn't -- it  
7 didn't bother him enough to tell anybody about it or  
8 report it to the police. What he drew in that drag  
9 drawing isn't what he saw. He saw a body laying in  
10 the field. Why didn't he draw a body laying in the  
11 field? He drew a lifeless form being dragged under  
12 the armpits by a very small figure, dripping blood  
13 out the back, and leaving a bloody drag trail. He  
14 drew the crime as he remembered it being committed.

15 What was going on in Timmy Masters' life in  
16 1987 when Peggy Hettrick was murdered? It was the  
17 fourth anniversary of his mother's death. She left  
18 the home on February 11th, 1983, and Tim Masters  
19 never saw her alive again.

20 He had Mother's Day cards in his backpack.  
21 You need to look at those. They were done by a  
22 first- or second-grader. He's carrying them around  
23 on the anniversary of his mother's death in tenth  
24 grade.

25 What do we find out in the Masters'



1 residence? A photocopy of the mother's death  
2 certificate. The teachers took the witness stand and  
3 told you that they noticed a level of aggression that  
4 they hadn't ever seen in Tim Masters before. He was  
5 escalating. What can be a precipitating event  
6 according to the experts? The anniversary of the  
7 death of a loved one. And I would submit to you that  
8 that's exactly what was happening in Tim Masters'  
9 mind.

10           What else was in his backpack? Two detailed  
11 maps, the drag drawing, and six or more suicide  
12 drawings. Now, nowhere in any other materials done  
13 by Tim Masters do you find suicide drawings.

14           One of the first people that Tim Masters  
15 talked to was Sherri Wagner. Jim Broderick testified  
16 that he watched that interview, and the defendant  
17 told Sherri Wagner -- and I quote -- If I had done  
18 that, I think I'd probably blow my head off.

19           All of the pictures of suicide that were  
20 found on the defendant's person or in his locker,  
21 none of it was back in his bedroom in the multiple  
22 notebooks that were pulled from there. All of them  
23 are drawings of an individual shooting himself in the  
24 head.

25           Finally, let's talk about fantasy. You

1 heard a lot of testimony from the experts about  
2 fantasy. And the experts don't agree on everything  
3 about fantasy, but what they both did agree on is  
4 that fantasy is a drive mechanism for sexual  
5 homicide.

6 Both experts agreed on that fact. And we  
7 also know and they both agreed that statistically  
8 fantasy becomes a primary-drive mechanism in a  
9 greater proportion of the cases -- I believe the  
10 figure was 67 percent -- when you're talking about  
11 adolescent perpetrators, teenagers.

12 Honestly, it doesn't take an expert to tell  
13 you that Tim Masters fantasized. You'll have the  
14 opportunity to go through his drawings and make that  
15 determination for yourself; but it is obvious that he  
16 was living in a fantasy world, and I would implore  
17 you to take some time and go through those materials.

18 You need to see what was going through the  
19 head of Tim Masters. You need to see the fantasy  
20 world that he was existing in when Peggy Hettrick was  
21 murdered. He was Mason Masters, Mace. He became  
22 Madic Mason in 1998. It became his alter ego. The  
23 fantasy evolved. He even had mail coming to his  
24 house addressed to Madic Mason.

25 And as Mace or Madic, Tim Masters rehearsed

1 hundreds of killings, literally hundreds of sneak or  
2 surprise attacks, where he sneaks up behind someone,  
3 a stranger, and slices their throat or stabs them in  
4 the gut, turning the blade so that he can watch the  
5 pain and agony in their face, or slicing their  
6 genitalia -- usually men. But there's a lot of  
7 killing scenes in there where he mutilates the  
8 genitals of other strange -- strangers or men.

9 He even talks about in one of his narratives  
10 seeing the cigarette illuminating the darkness of his  
11 targeted prey. He fantasized about killing and  
12 eviscerating hundreds of women, Reds, who were also  
13 strangers to him.

14 Is it possible that Peggy Hettrick, a  
15 red-haired woman, about the age of the defendant's  
16 mother when she passed away, is found dead  
17 practically in his backyard on the anniversary of her  
18 death without it having been done by Tim Masters?

19 Is it possible that the victim was stabbed  
20 with a survival knife, or something at least similar  
21 to a survival knife, and sexually mutilated with a  
22 sharp, precise cutting instrument, such as you would  
23 find in the survival kits in those knives, the  
24 surgical scalpel, as Tim Masters called it, in a very  
25 confined space and that it wasn't done by the

1 15-year-old kid who lives next door, who lives in a  
2 fantasy world and fantasizes about killing and death  
3 and dismemberment and mutilation?

4 Did the defendant target Peggy Hettrick? I  
5 would submit to you the evidence suggests very  
6 strongly that these two crossed paths. Peggy  
7 Hettrick walked everywhere, and she lived basically  
8 in that four-block radius. Her apartment was there,  
9 her work was there, the grocery store we know she  
10 frequented was there, the restaurant and drinking  
11 establishments she went to were there, and Matt  
12 Zoellner's apartment was there. And smack dab in the  
13 middle of that four-block radius is the defendant's  
14 home. He admitted to two different investigators  
15 that he might have seen her before, and I'd submit to  
16 you that he did.

17 In considering what is proof beyond a  
18 reasonable doubt, you have a couple of instructions  
19 that help you in deciding what is the quantity of  
20 evidence that meets the burden of proof, proof beyond  
21 a reasonable doubt.

22 It's doubt based upon reason and common  
23 sense which arises from a fair and rational  
24 consideration of all the evidence.

25 Reason and common sense. Instruction

1 number 1 says you should consider all the evidence in  
2 the light of your observations and experience in  
3 life.

4           You were asked in jury selection if you  
5 would abandon your common sense. That's exactly why  
6 we asked you that question. This case is going to  
7 take reason and common sense. And if you apply that  
8 to the facts of this case and the burden of proof,  
9 you will have no reasonable doubt in your mind that  
10 no one in the world could have committed this  
11 homicide in this way, in this location, but Tim  
12 Masters.

13           If you look at the elements of the crime,  
14 both first- and second-degree murder, you'll find out  
15 what the only issue is. The only issue in this case  
16 is who did this murder.

17           There is really no question as to the  
18 location of the murder; as to the date of the murder;  
19 that the death of another person was, indeed, caused,  
20 and that it was caused after deliberation.

21           Whoever murdered Peggy Hettrick went there  
22 with two different cutting instruments: A knife to  
23 cause the death, and a surgical scalpel to cause the  
24 sexual mutilation. The purpose of this death was to  
25 sexually mutilate. The only question is, who did it?

1 Who would do such a thing? Who had the motive and  
2 opportunity?

3 The motive is the fantasy, rehearsal  
4 fantasy, living out fantasy, the blurring of fantasy  
5 and reality. And the opportunity was the proximity  
6 to the scene and the possessions of the weapons  
7 capable of inflicting this kind of injury. No one in  
8 the world had those things except Timothy Masters.

9 I'm asking you to review all of the  
10 materials in this case and apply your logic, your  
11 reason, your common sense, and to return a verdict of  
12 guilty as to murder in the first degree.

13 Thank you.

14 THE COURT: Okay. Go ahead and take just a  
15 short stretch break now. Please step in the jury  
16 room. Be back in about five minutes or so.

17 (A recess was taken from 10:05 a.m. until  
18 10:15 a.m.)

19 THE COURT: Please return the jury.

20 (The jury returned to the courtroom.)

21 THE COURT: Please be seated.

22 Mr. Chambers, you may address.

23 MR. CHAMBERS: May it please the Court,  
24 counsel, ladies and gentlemen of the jury:

25 First of all, I want to thank you for the

1 attention that you've paid to this case. It goes  
2 without saying that this case is of monumental  
3 importance to my client and his family, and we  
4 appreciate the attention that you have paid thus far  
5 and the further attention that you're going to give  
6 to this matter.

7           Earlier this morning his Honor gave you the  
8 instructions of law that must guide your  
9 deliberations. Some of those instructions we talked  
10 about during jury selection. Some of them you have  
11 seen before.

12           In one of those instructions you are told  
13 that every person who's accused of a crime is  
14 presumed innocent and that that presumption of  
15 innocence remains throughout the trial unless the  
16 government can prove guilt beyond a reasonable doubt.

17           And then you're given a definition of what  
18 proof beyond a reasonable doubt is. You're told that  
19 reasonable doubt means a doubt based upon reason and  
20 common sense which arises from a fair and rational  
21 consideration of all the evidence or lack of  
22 evidence. It's not a vague or speculative doubt, but  
23 such a doubt as would cause reasonable people --  
24 you -- reasonable people to hesitate to act in a  
25 matter of importance to you.

1           So the issue becomes after a fair and  
2 rational consideration of all the evidence and a fair  
3 and rational consideration of the lack of evidence,  
4 is there a reason to doubt?

5           Is there even a single reason to question  
6 whether Tim Masters murdered Peggy Hettrick? Is  
7 there anything in the evidence or lack of evidence  
8 that would cause you to hesitate in a matter of  
9 importance to you? Is there anything that gives you  
10 cause to pause?

11           There's a lot of evidence in this case. I'm  
12 not going to be allowed or able in the time that's  
13 allotted to me to discuss every piece of evidence. I  
14 want to talk to you about some of the evidence and  
15 some of the categories of evidence.

16           You heard that over the last 12 years Tim  
17 Masters has made numerous statements. He has given  
18 statements on at least 10 different occasions. He's  
19 been interviewed for well over 20 hours. Imagine  
20 that: 20 hours of interviews. And over all the  
21 years and through all the interviews, he has been  
22 consistent.

23           He has said, I left my house at five until  
24 7. I was walking through the field to catch the bus.  
25 I saw an object in the field. I saw a blood trail.



1 I walked over to the object, I looked at it, I was  
2 confused, I went and caught my bus. And that story  
3 doesn't change. From February 11th, 1987, to  
4 February 12th, 1987, a year later, 1992, it never  
5 changes, ever.

6 And what is remarkable is not just that what  
7 Tim Masters says is consistent, but consistent under  
8 extraordinary circumstances. This is a 15-year-old  
9 kid who was interrogated for hours and hours and  
10 hours and hours on end, and he's consistent. This is  
11 a 15-year-old kid who was confronted with every  
12 strategy available to law enforcement officers to  
13 induce a confession, and he's consistent.

14 The police tried everything they could.  
15 They tried to befriend him; he was consistent. They  
16 tried to wear him down; he was consistent. Do you  
17 remember Detective Wheeler? She goes out to  
18 Philadelphia in 1992. She interviews Tim for five or  
19 six hours. She interviews him to the point where she  
20 is exhausted; and after she is exhausted, Lieutenant  
21 Broderick comes in and interviews Tim for another  
22 four or five hours.

23 10 hours of interviews with a tag team of  
24 investigators, and he's consistent. And not only  
25 that, they bring him back the next day and interview

1 him for three or four more hours; he's consistent.

2           Extraordinary circumstances. The police  
3 lied to Tim Masters. Now, please understand what I'm  
4 saying here. It's not the purpose of my comments  
5 here to be critical of the police. And we are not  
6 here today to decide whether it is an appropriate  
7 investigative technique to lie to a 15-year-old to  
8 induce a statement. That is not the issue. I am not  
9 criticizing. I am simply pointing out the  
10 uncontroverted fact that the police lied to him.

11           Detective Martinez, first of all, tells him  
12 he's not being tape-recorded, and he is. Detective  
13 Martinez tells Tim, We have a very strong case  
14 against you. Well, Detective Martinez, the fact of  
15 the matter is, you had nothing against him.

16           That's right. Detective Martinez said to  
17 Tim, We have lots of evidence against you. Detective  
18 Martinez, the fact of the matter is, you have no  
19 evidence against him.

20           Lieutenant Dean tells him, There's just too  
21 much evidence that we found, things we found at the  
22 scene, things we found on Miss Hettrick's body, we  
23 know you did it. And Tim says, Well, like what?  
24 What did you find?

25           Imagine this. Imagine this.

1 Fifteen-year-old kid, sitting in a police station  
2 while the hour hands on the clock turn over and over  
3 and over; a 15-year-old kid sitting there while the  
4 police say, We know you did it, we've got evidence.  
5 Like what? And Lieutenant Dean's response, You tell  
6 me. You tell me. Lieutenant Dean had to answer that  
7 way because the truthful answer to the question,  
8 "Like what?" -- would have been, "Nothing."

9           Extraordinary tactics utilized against this  
10 15-year-old kid. The police even tell Tim,  
11 Lieutenant Dean even tells Tim, that it was Peggy  
12 Hettrick's own fault. It was her own fault that she  
13 got killed. She's out there walking around at night.  
14 It's her own fault, don't you think so, Tim?

15           No.

16           Through it all, he's consistent. He left  
17 his house at 6:55. He went to catch his bus walking  
18 through the field. He saw an object, thought it was  
19 a mannequin. He walked over to the object. This  
20 15-year-old was confused, and he went to catch his  
21 bus. Not only -- not only is Tim Masters consistent,  
22 but he is corroborated. He is supported by other  
23 evidence.

24           First of all, let's talk about this  
25 statement that Tim made in a couple hours on

1 February 11th that he thought it was a mannequin.  
2 The government suggests to you, Well, that's just  
3 preposterous, that's ridiculous. This is a  
4 15-year-old kid, and this is Fort Collins, Colorado.  
5 This is not Detroit. This is not Los Angeles. It's  
6 not New York or Miami. This is Fort Collins,  
7 Colorado, in 1987. This is a place where you don't  
8 generally find dead bodies in your backyard.

9           It is unusual, and he didn't know if it was  
10 real. And he's supported by Linwood Hodgdon, because  
11 Linwood Hodgdon, when he first saw the object,  
12 thought it was a mannequin.

13           Now, the district attorney makes light of  
14 this age difference, the difference between 15 and  
15 38. Can any of us remember when we were 15? That  
16 seems so long ago; 38 seems long ago. 15 years old,  
17 the judgment that you had when you were 15, as  
18 opposed to when you were 38.

19           Linwood Hodgdon went to a friend's house and  
20 called the police. And the district attorney is  
21 absolutely right, that is exactly what you would  
22 expect. That's exactly what you would expect from an  
23 adult.

24           Tim didn't call the police. And the  
25 question becomes, why? Tim didn't call the police;

1 and, ladies and gentlemen, that is why we're here,  
2 because he didn't call the police. Lieutenant Taylor  
3 said, when he didn't report it to the police, he  
4 became a suspect.

5           Instead of reporting, what did he do? He  
6 went and got on his bus and he thought about it. In  
7 less than three hours later, less than three hours  
8 later, he's contacted by the police.

9           Remember this, now, when he's contacted by  
10 Officer Gonzales, Tim has no idea that anybody saw  
11 him in that field. He has no idea that anybody knows  
12 that he has seen anything. He's pulled out of class.  
13 He has no idea that anybody knows he saw anything,  
14 and Officer Gonzales said to him, Do you know why I  
15 want to talk to you? And Tim says, It's been  
16 bothering me, I think I saw a body.

17           He didn't report it to the police because he  
18 was confused. He didn't report it to the police  
19 because he didn't think that people would believe  
20 him. He didn't want to be made fun of. And that is  
21 entirely consistent throughout his statement from '87  
22 to '92. He makes that point.

23           Do you remember what it was like to be 15?  
24 Do you remember what it was like to be made fun of  
25 when you were 15? Do you remember when you were 15?

1 You just don't want to look stupid. He didn't want  
2 to be made fun of. He didn't think anyone would  
3 believe him.

4 And you know what? He had reason to think  
5 that. It turned out he was right. Because even the  
6 next day when he talks to Wayne Lawson -- this is his  
7 friend, this is isn't some authority person, this is  
8 somebody he knows -- Mr. Lawson's response is, You're  
9 full of it.

10 He's corroborated by physical evidence.  
11 We'll talk more about footprints later; but just for  
12 the time being, Tim's story is corroborated by the  
13 footprints he had in this case. Remember this: Tim  
14 does not know that his footprint is in that field.  
15 In fact, when he talks to the police, he doesn't  
16 think it is. He says, No, my footprint's not there.  
17 But it is there, thank goodness, because it shows  
18 that he's been telling the truth.

19 The footprint is completely consistent with  
20 Tim's story. Number 2 (indicated), it's on top of  
21 the drag trail. It's on top of the drag trail. It's  
22 a footprint that is left after the drag trail is  
23 made, and it is facing the body. That is absolutely  
24 consistent with Tim's story.

25 He came out of his house. He walked through

1 the field. He saw an object. He saw a blood trail,  
2 and he walked over to it, arching around. And that's  
3 why there is no more footprints here, because he  
4 arched around. It absolutely corroborates what he  
5 told the police.

6 He's corroborated by Kelly Charvat.  
7 Remember this? Remember the police go to interview  
8 Tim in 1992? And they ask him these questions about  
9 how he knew that the body had been mutilated. They  
10 ask him this, despite the fact that, you know,  
11 there's rumors going around the school. You've heard  
12 evidence that it was reported in the press.

13 And Tim says, Well, you know, there was  
14 actually an explorer at school who was talking about  
15 it, and her name was Kelly. So the police go and  
16 they track down Kelly. It turns out to be Kelly  
17 Charvat. And she says, Well, that's right, he's  
18 right.

19 How about this whole notion, this whole  
20 idea, this issue about Tim's knowledge that  
21 Miss Hettrick's body had been mutilated? The  
22 district attorney makes a big deal out of that. You  
23 already know, as I just said, as I just pointed back  
24 out to you from the evidence, that there was rumors  
25 going around school. It had been reported in the

1 press.

2 Wayne Lawson. There's a comment made to  
3 Wayne Lawson. Wayne Lawson is interviewed by the  
4 police on February 18th, maybe the 19th. February  
5 18th, I think, a full week later. And Wayne doesn't  
6 know if he heard this from Tim or if he heard it as a  
7 rumor going around the school. He's corroborated.  
8 He is consistent. He is corroborated; and, third,  
9 Tim demonstrated that he was truthful. He  
10 demonstrated it. At a time when he could have lied,  
11 he told the truth.

12 We talked about this before, but it's an  
13 important point. February 11th, 1987, 10 o'clock in  
14 the morning, Officer Gonzales goes to Fort Collins  
15 High School and he pulls Tim out of class. Do you  
16 know why I want to talk to you? Tim does not know.  
17 He could not have known that anybody knows he saw  
18 anything. It's been bothering me. I think I saw a  
19 body. He demonstrated. He demonstrated his  
20 truthfulness. He could have said, No, what's up? He  
21 could have said, I didn't see anything. He could  
22 have lied, but he told the truth.

23 Judge, when did I start? I'm sorry.

24 THE COURT: You've got an hour more. You've  
25 got a little over an hour and five minutes.



1           MR. CHAMBERS: Let's talk just for a moment  
2 about some of the specific things that Tim said that  
3 the government thinks are important or incriminating.

4           This whole comment about the purpose of a  
5 survival knife. What's the purpose of a survival  
6 knife? To kill people. Remember, that's not what  
7 Tim said. Those weren't Tim's words. These are  
8 Lieutenant Broderick's words.

9           How about this statement that Tim made,  
10 Well, looks like all the evidence is against me? Why  
11 would he make that statement? Maybe he would make  
12 that statement because he just sat in the police  
13 station for six hours while the police told him all  
14 the evidence was against him.

15           And in talking about the statements, the  
16 police, the government attempts to paint this picture  
17 about emotionless, almost nonhuman being, that after  
18 hours and after hours and hours and hours of  
19 interviews, Tim breaks down and cries? He doesn't  
20 break down and say, I did it. He breaks down and  
21 cries.

22           He cries because it doesn't matter what he  
23 says. It doesn't matter that even after the police  
24 check out his story and find that he's telling the  
25 truth, check out his story and confirm it, it doesn't

1 matter.

2 It doesn't matter that even though there's  
3 no evidence -- it doesn't matter. It doesn't matter  
4 that years later in the Navy, no problems, it doesn't  
5 matter. It doesn't matter what happens. There's an  
6 angry finger pointing at him saying, You did it.

7 It's not just the numerous statements that  
8 Tim made throughout this ordeal, but his behavior is  
9 entirely consistent with innocence. His reaction  
10 when confronted by Officer Gonzales, his complete,  
11 total, utter cooperation, hours and hours of  
12 interviews of people saying, You did it, with people  
13 lying to him. He could have said, I'm out of here;  
14 but, no, he cooperated.

15 Think of this: The police talked to Tim  
16 twice on February 11th, two different times he's  
17 interviewed on February 11th, and he goes home on  
18 February 11th that night. He's there all night.

19 The police come back to his house the next  
20 day on February 12th, do a search, and he has all  
21 these knives sitting right there on top of his  
22 dresser. He has all these drawings and writings  
23 right there on his bookshelf. He didn't get rid of  
24 them. He didn't destroy evidence.

25 The district attorney suggests to you that

1 the reason there's no blood on knives, clothing,  
2 fingernails, is because Tim destroyed the evidence.  
3 But the evidence you've heard is just the opposite.  
4 He did not destroy evidence. Instead of destroying  
5 evidence, his knives are sitting right there on top  
6 of his dresser.

7 He behaved like an innocent person. And the  
8 district attorney says, Well, there's no blood on his  
9 clothes because the police didn't gather his clothes  
10 until February 12th, 30 hours later. Well, whose  
11 fault is that? Is that Tim's fault?

12 Let me talk for a minute about this notion  
13 of returning to the crime scene. First, the evidence  
14 is clear that Tim did not return to the crime scene.  
15 You heard from Lieutenant Taylor that surveillance  
16 was established. They kept a watch on the place, and  
17 Tim never went back.

18 Obviously this return to the crime scene,  
19 obviously the district attorney wants to believe that  
20 walking through the field on his way to catch the bus  
21 was a return to the crime scene. Think about that.  
22 Just think about that.

23 To buy that argument, you have to presume  
24 that Tim Masters is guilty. You have to presume it.  
25 You have to presume that he committed the crime in

1 the first place.

2 If Tim did not commit the murder, then  
3 walking through the field to the bus is not a return  
4 to the crime scene. To follow that argument, you've  
5 got to presume he's guilty. You've got to take these  
6 instructions of law and throw them in the garbage  
7 can. You've got to say, Judge, I'm not going to  
8 listen to what you told me about the instructions. I  
9 don't care what the law is.

10 What does Tim's walking through the field  
11 tell you? Think about this. What does this walking  
12 through the field tell you? Let's analyze this  
13 logically. Let's analyze it in light of the law the  
14 Judge has given you. Let's follow the law, not  
15 disregard the law.

16 The evidence, first of all, is that Tim  
17 walked through that field to catch the bus every  
18 morning. If Tim Masters committed this crime, and if  
19 he committed this crime with such precision and such  
20 planning that he left behind not one single shred of  
21 evidence, how would a guilty person behave the  
22 morning of February 11th?

23 A guilty person would walk out the front  
24 door of the trailer, cross the street, and go catch  
25 the bus. A guilty person would stay as far away from

1 this field as they could. But he didn't. He got up  
2 like he did every morning. He ate breakfast. He  
3 walked through that field to catch his bus. Entirely  
4 consistent with innocence.

5 After a fair and rational consideration of  
6 the evidence, is there a reason to doubt? Is there a  
7 reason to question whether or not he did this? The  
8 story he tells is consistent. It's corroborated.  
9 He's demonstrated his truthfulness. The behavior he  
10 displays is entirely consistent with innocence:  
11 Total cooperation, preserves evidence, follows his  
12 same routine. These are reasons based upon common  
13 sense. These are reasons that arise from a fair and  
14 rational consideration of the evidence. These are  
15 reasons to doubt.

16 Now, the instruction the Judge gave you  
17 tells you that a reasonable doubt is a doubt based  
18 upon reason and common sense after a fair and  
19 rational consideration of all the evidence or the  
20 lack of evidence.

21 Does the lack of evidence in this case give  
22 you any reason to doubt that Tim Masters is guilty?  
23 Does the lack of evidence in this case give you any  
24 reason to question? Does the lack of evidence give  
25 you reason to hesitate?

1           In this case there is a complete lack of  
2 physical evidence. Complete. You know what I'm  
3 going to say. It makes sense. Think about it.  
4 There is, first of all, nothing, nothing -- I said --  
5 nothing from Peggy Hettrick on any knife. There is  
6 no blood. There is no skin. There is no tissue.  
7 There is no fiber transfer.

8           There is nothing from Peggy Hettrick on Tim.  
9 There is no blood. There is no skin. There is no  
10 fiber transfer, not on Tim, not on his clothes, not  
11 on his shoes, not under his fingernails, not in his  
12 house, not around his house, not on the curtain, not  
13 on the screen, not on the window frame, not on the  
14 skirt around the trailer, not on the door handles,  
15 not in the sink traps, not on the flashlight.  
16 Nowhere. Nothing.

17           And then on top of that, there's nothing  
18 from Tim on Peggy Hettrick. Not on her clothing, not  
19 on her socks, not on her shoes, not on her body. Do  
20 you remember Lieutenant Taylor? He was the lead  
21 detective on this case? There was no physical  
22 evidence linking Tim Masters to this crime.

23           And it's very interesting to me how the  
24 government attempts to explain away this lack of  
25 evidence. I'm going to talk about Tom Bevel a little

1 bit more later, but I just want to make one point  
2 about Tom Bevel right now.

3 Tom Bevel did say that he would expect blood  
4 on the knife. Tom Bevel did say he would expect  
5 blood or skin or some tissue on the instrument used  
6 for mutilation. There's nothing on any of Tim's  
7 knives. There's no blood on the flashlight.

8 Now, that's important. Think about that.  
9 The district attorney has argued to you earlier this  
10 morning that Tim used this flashlight to provide  
11 light to do this mutilation.

12 Think about that in light of the evidence.  
13 Peggy Hettrick was bleeding. She was bleeding, and  
14 her clothes were soaked in blood. Whoever -- whoever  
15 mutilated Peggy Hettrick had to remove her clothes,  
16 had to remove these blood-soaked clothes. And if the  
17 district attorney's theory is right, then where's the  
18 blood on the flashlight? Oh, that's right, I forgot,  
19 we didn't get around to checking it until  
20 February 12th, and that's his fault.

21 It absolutely stretches the bounds of  
22 credulity to believe that Tim Masters could have  
23 committed this crime and left behind not one, single  
24 solitary piece of evidence. That's mind-bending, but  
25 that's what the D.A. wants you to believe. That's

1 what you've got to believe, and you've got to believe  
2 it beyond a reasonable doubt.

3 Tom Bevel. Tom Bevel did say that he would  
4 not expect a great deal of blood on the assailant.  
5 He did not say that he would expect no blood on the  
6 assailant. And Dr. Allen said it is impossible to  
7 establish the amount of blood that Peggy Hettrick  
8 lost to the environment.

9 You're apparently asked to believe that  
10 Peggy Hettrick did not bleed very much outside her  
11 body. And when you think about that, it brings -- it  
12 clearly demonstrates a point that we talked about  
13 during jury selection. It demonstrates the  
14 difference between evidence and opinion.

15 The evidence is she bled outside her body.  
16 There is a blood pool in the street, a blood pool  
17 that is described by Lieutenant Taylor as, quote, a  
18 pretty good blood pool.

19 There is a bloody drag trail. Look at the  
20 picture. She was bleeding. Her clothes are soaked  
21 with blood. Her bra is red, not white. There is  
22 even blood on her socks. The evidence proves that  
23 Peggy Hettrick bled outside her body. The evidence  
24 proves she bled a lot. Yes, there is no blood on  
25 Tim, on his knives, on the trailer, in the trailer,



1 on the clothing, in the sink traps, under the  
2 fingernails, nowhere.

3           And then it's suggested to you that this  
4 really doesn't prove anything. It's meaningless.  
5 It's meaningless that there's no blood anywhere. Not  
6 a drop. Not a speck of blood anywhere is  
7 meaningless. Well, if it's meaningless, why did the  
8 police do all the tests? Do you think that if there  
9 was blood under his fingernails the district attorney  
10 would stand up here and say, Oh, that's meaningless?

11           Do you remember this idea we talked about a  
12 little bit with some expert witnesses about the  
13 concept of confirmatory bias? You just look at the  
14 evidence that supports your opinion and you disregard  
15 everything else. Ignore it. It's meaningless.

16           And the police do a thorough search of that  
17 field, a thorough search of the field, a team of  
18 investigators. Where are Peggy Hettrick's  
19 dismembered body parts? They're not in the field.  
20 They're not with Tim. They're with the killer.

21           Footprints. First of all, we've already  
22 talked about the fact that these footprints  
23 corroborate, support what Tim told the police.  
24 Secondly, there are no footprints, no footprints  
25 consistent with Tim committing this crime. There are

1 no prints at the curb line. There's no footprints of  
2 his consistent with him dragging the body. There's  
3 no footprints of his leading from the body back to  
4 his trailer. What did he do? Did he -- did he  
5 long-jump that far?

6 The district attorney does a very  
7 interesting thing. They tell you about scientific  
8 analysis of Footprint Number 2 by experts at the FBI,  
9 who says that that footprint is consistent with  
10 Tim's, consistent in size -- size and design. And  
11 then without any evidence at all, without any  
12 evidence at all, this attorney asked you to  
13 speculate, to speculate and believe that Exhibits --  
14 I think it was 13 and 14 -- are his footprint too.  
15 Well, if they're his footprint, why didn't the FBI  
16 tell you it was? No, it's much easier to ask you to  
17 speculate.

18 How about this Thom McAn footprint? It is  
19 true that you don't know when it was left, but you  
20 can look at that footprint, and it has not been  
21 disturbed. Nobody stepped on top of it. You also  
22 know that Tim does not own a Thom McAn shoe. And you  
23 know that that footprint is right at -- within  
24 3 feet, 3 or 4 feet of that blood pool. Less  
25 distance than I am from you, way less distance than I

1 am from you. 4 feet, from here to here (indicated).

2 Somebody stabbed Peggy Hettrick. Somebody  
3 dragged Peggy Hettrick's body into that field. Who?  
4 Maybe the footprints are a clue, but the police have  
5 no idea where most of these footprints are located.  
6 They have no idea what direction they're oriented.

7 Lieutenant Taylor says that there were  
8 footprints in the field that were not flagged. He  
9 said there were many footprints along the drag trail  
10 that were not flagged and photographed. Fair and  
11 rational consideration of all the evidence or lack of  
12 evidence. And there is no footprint evidence, none,  
13 zero, showing that Tim Masters committed this crime.

14 I want to talk to you just briefly about an  
15 issue I broached, but I want to talk about it more.  
16 The instructions warn you against engaging in  
17 speculation and conjecture, and it's important to  
18 appreciate the difference between speculating, which  
19 is forbidden, and drawing inferences, which is  
20 proper.

21 Circumstantial evidence is evidence from  
22 which you can reasonably infer another fact. I'll  
23 give you an example: Footprint number 2 is  
24 circumstantial evidence from which you can reasonably  
25 infer that Tim Masters was there after the body was

1 dragged, from which you can reasonably infer he was  
2 there the next morning.

3           Speculation is finding facts in the absence  
4 of evidence. An example: The district attorney  
5 wants you to believe that Peggy Hettrick walked from  
6 the Prime Minister, number 6 here, to Boardwalk and  
7 Landings -- wants you to believe that.

8           How did Peggy Hettrick get to Boardwalk and  
9 Landings? You don't know. You know she was at the  
10 Prime Minister. You know that because she was seen  
11 there by Matt Zoellner and Dawn Gilbreath. You know  
12 that Matt Zoellner asked Peggy, Do you want a ride?  
13 And what did she say? She didn't say, No, I'm fine.  
14 She said, If it's not too much trouble. What does  
15 that mean? It means, Yeah, sure. Looking for a  
16 ride.

17           And Dawn Gilbreath says she sees her with a  
18 group of people getting ready to leave. You do not  
19 know if she walked, if she got into a car. You do  
20 not know where she was or who she was with after  
21 1:20 a.m. You do not know, but you're asked to  
22 speculate.

23           And in this regard, remember what Dr. Allen  
24 said. Dr. Allen said that Peggy Hettrick's time of  
25 death, based upon scientific tests done on the

1 absorption of alcohol, showed that her time of death  
2 could have been as late as 4:30 a.m.

3           Where was Peggy Hettrick from 1:20 to 4:30?  
4 Who was she with? You don't know. It doesn't take  
5 three hours to walk from the Prime Minister, from 6  
6 to 2. That's not a three-hour walk.

7           Based upon the evidence, you're able to  
8 piece together some of Peggy Hettrick's activities up  
9 to 1:20 a.m. You know that she was at Matt  
10 Zoellner's apartment, number 7, at some point. You  
11 know that from circumstantial evidence. You can draw  
12 inferences. There's evidence.

13           There are footprints, there are cigarettes,  
14 and there's this note that's found in her purse  
15 which -- something, I can't quote it exactly, but the  
16 gist of it, If I come knocking at your door at  
17 2 o'clock, don't be a grump, I've been locked out.  
18 Obviously, she had been to Matt Zoellner's apartment;  
19 and, obviously, if she left that note at Matt's  
20 apartment, she went back and got it.

21           Now, what -- it makes absolutely no sense.  
22 It is nonsensical to believe that she would have gone  
23 back and retrieved that note after she saw and talked  
24 to Matt Zoellner at the Prime Minister. That makes  
25 no sense. She just saw him. Why would she then walk

1 over to his apartment to get the note? Say, I left a  
2 note and it's okay. I got in.

3 And there are these footprints on the north  
4 side of Boardwalk. Do you remember the evidence of  
5 that? The district attorney wants you to believe, in  
6 wild speculation, that those are Peggy Hettrick's  
7 footprints. There is no evidence of that at all.

8 The shoes. You know, when the district  
9 attorney wants to prove a point, when they want to  
10 prove that number 2 is Tim Masters', they send it to  
11 the FBI. These footprints were never analyzed. It's  
12 just wild speculation.

13 And Tom Bevel, I think, is again relevant to  
14 this issue of how Peggy Hettrick got there. You  
15 know, Tom Bevel expresses the opinion that based upon  
16 the size of the spatter, it's his opinion that Peggy  
17 Hettrick was stabbed at that curb line. Okay?

18 Maybe so. It doesn't explain how she got  
19 there. And it also, you know, doesn't account for  
20 other evidence that you've heard; for example, Bud  
21 Reed, who says, Looks like somebody dumped her out of  
22 the car and dragged her into the field. It doesn't  
23 account for the FBI, who can draw no conclusions from  
24 the bloodstains.

25 There are footprints and cigarettes at Matt

1 Zoellner's apartment, and that leads to a reasonable  
2 inference that Peggy Hettrick was there at some  
3 point. And what's interesting about that is it shows  
4 that when Peggy Hettrick is at a location, it is  
5 substantiated by evidence that substantiates it.

6 People saw her. She leaves evidence behind.  
7 And that's reasonable. But in contrast to that,  
8 you're asked to believe that Tim Masters can be at a  
9 location, specifically out there in the field, commit  
10 a vicious crime, and leave not a single piece of  
11 evidence. He moves through this world like a ghost.

12 How did Peggy Hettrick get to Boardwalk and  
13 Landings? You don't know. You can look at the map,  
14 and you can tell that if you're walking from 6 to 4,  
15 that's not the route you would take. It involves  
16 backtracking, and it's not up the most lighted  
17 streets. Why in the world would anybody walk that  
18 way?

19 And on this issue -- on this issue, remember  
20 the features of an organized sexual homicide? Do you  
21 remember the two descriptors at the very bottom of  
22 that chart of an organized sexual homicide? They  
23 were, first of all, the weapon is absent. There's no  
24 weapon at the crime scene, and there's no evidence at  
25 the crime scene, no evidence identifying the

1 perpetrator. And that is exactly the situation here.  
2 There's no weapon there. There's no evidence. What  
3 corresponds to that?

4 The next descriptor is the victim was  
5 transported. The victim was transported. There are  
6 three scenes: An abduction scene, an assault scene,  
7 and a dump scene.

8 And that explains the complete lack of  
9 evidence; and it also eliminates the possibility that  
10 Tim Masters is sitting in his house at 1:30 in the  
11 morning, he sees Peggy Hettrick walking by, he jumped  
12 out the window, walks through the field, stabs Peggy  
13 Hettrick, drags her into the field, he mutilated her  
14 body, he goes back to the house, leaving not a single  
15 piece of evidence.

16 Briefly -- I probably don't have time.  
17 Don't speculate, there's no evidence -- I want to  
18 talk about one other area where you're asked to  
19 speculate. And, oh, it has to do with this -- this  
20 theory of Reid Meloy's called trigger events and  
21 precipitators.

22 Something went wrong at school, grieving the  
23 loss of a loved one. And so Wynette Payne comes in  
24 to say that Tim Masters was not a discipline problem,  
25 just didn't pay attention. She took an Army manual



1 from him, and he was angry, but he didn't threaten  
2 me, either physically or verbally.

3 And it's put into evidence to make Tim look  
4 bad on something that's totally unrelated, put into  
5 evidence to invite speculation, apparently.  
6 Apparently, the theory is that Tim Masters killed and  
7 mutilated Peggy Hettrick because Wynette Payne took  
8 an Army manual from him a month earlier. There's  
9 your proof beyond a reasonable doubt, ladies and  
10 gentlemen.

11 And the death of his mother. There's no --  
12 the death certificate is in the kitchen, but  
13 Detective Taylor says there's no evidence how it got  
14 there. It's not fingerprinted. You don't know  
15 whether it's put there by Tim or his father, Clyde.

16 It is not even the anniversary of his  
17 mother's death. If you look at the death  
18 certificate, she died on February 12th, not  
19 February 11th. That's close enough. I mean, we're  
20 only talking about somebody's life. And they take  
21 the tragedy of this young boy losing his mother and  
22 turn it into a motive to commit murder. Obviously,  
23 everybody loses their mother and they don't go out  
24 and kill.

25 More speculation. This whole idea, the

1 wound is consistent with a left-handed assailant.  
2 There's no evidence of that. I wonder why the  
3 district attorney didn't ask Dr. Allen that: Is this  
4 wound consistent with a left-handed assailant? No,  
5 didn't ask the question; instead, asked you to  
6 speculate, because it's an upward motion, so it's got  
7 to be left-handed. I guess that's right. It  
8 couldn't possibly be right-handed.

9 Pink socks. Pink socks. Do you remember  
10 how that portion of the interview went? Lieutenant  
11 Broderick asked, Well, what kind of shoes was she  
12 wearing? Tim says, I don't know. Well, were they  
13 boots? Were they slip-ons? Did they have ties? I  
14 don't know. Well, what do you remember? Do you  
15 remember anything? Maybe there was some sort of  
16 weave. Maybe they were pink.

17 Here's a point about those pink socks.  
18 There is some physical evidence in this case.  
19 There's a hair on those pink socks, and the hair does  
20 not belong to Peggy Hettrick. It does not belong to  
21 Tim Masters. It does not even belong to Matt  
22 Zoellner.

23 This T-shirt or jersey with the number 10.  
24 He's interviewed, he's asked, What was her -- what  
25 was she wearing? A jacket? A coat? A blouse? I

1 don't know. Do you remember anything? Well, maybe  
2 some sort of jersey with a 10 on it.

3 He's very unsure when he's interviewed. And  
4 he's interviewed later, and he says, I don't know, I  
5 know that I said before it was a jersey with a 10,  
6 but I don't know if that's right or wrong.

7 I want to talk to you very briefly about the  
8 drawings and narratives, because my time is limited.  
9 It is real clear, ladies and gentlemen, what you're  
10 being asked to do here. You're being asked to find a  
11 person guilty of first-degree murder because of what  
12 he writes and draws. That's what it comes down to.

13 A couple of comments about the drawings.  
14 Reid Meloy talks about this theory of his called  
15 rehearsal fantasy. And please remember, Dr. Yuille  
16 did not say that making drawings public is  
17 irrelevant. He just said that fantasies can be  
18 public. It's still relevant whether or not they were  
19 shown to others. Even Dr. Meloy says that.

20 He recalls -- remember his word for it,  
21 subterranean: Very private, not shared. But Tim's  
22 productions were not private. Wayne Lawson, the  
23 teachers saw them. There's nothing secret here.

24 A couple of other observations about Reid  
25 Meloy. He's discussing this, the way he categorized

1 fantasies, the second one being paraphilia.  
2 Paraphilia is a fantasy dealing specifically with  
3 sexual activity. And he talks about paraphilia of  
4 picquerism, use of a knife for cutting or stabbing as  
5 part of sexual activity. And he's shown a series of  
6 pictures which have absolutely no sexual overtone at  
7 all, and he says they're picquerism. Doctor, heal  
8 thyself.

9           Here is the essential point on these  
10 drawings. According to Reid Meloy, sexual fantasies  
11 are closely linked to the actual homicide. Sexual  
12 fantasies are closely linked to the actual homicide.  
13 And that makes sense logically. And there is not a  
14 single production, not a drawing, not a narrative of  
15 a woman being stabbed in the back. There's not a  
16 single production, not a drawing, not a narrative of  
17 a nipple being excised from a woman's breast.

18           Ladies and gentlemen, these drawings are  
19 disturbing, but Stephen King is disturbing.  
20 Nightmare on Elm Street is disturbing. And there is  
21 nothing in these drawings that correlates to this  
22 crime. There is nothing. There is no reference,  
23 either explicit or implicit. The majority of the  
24 writings are set in wartime. They have nothing to do  
25 with this case.

1           How about this thing about the scratches?  
2 There's this Freddie Kruegger. You have knives  
3 coming off the finger and four parallel scratch  
4 marks. It's in some of the other drawings. You can  
5 see parallel scratch marks. Four parallel scratch  
6 marks. Here's one. Four parallel scratch marks.

7           Compare that to Peggy Hettrick. She doesn't  
8 have four parallel scratch marks on her face. She  
9 has one large scratch mark. She has a -- I don't --  
10 you decide if that's even a second parallel scratch  
11 mark. And then there are some puncture wounds;  
12 punctures, not parallel scratches. They don't match  
13 these drawings. There are fingernail scratches to  
14 Peggy Hettrick's face, but there's no skin or tissue  
15 under this man's fingernails.

16           How about this drag drawing? First of all,  
17 he put it up on the screen. But this is it. It's  
18 this little tiny thing right here. You can see it.  
19 That's the drag drawing. And Lieutenant Broderick  
20 tells Tim, Well, this is a confession.

21           Well, if it's a confession, what are all  
22 these arrows? What do arrows have to do with this  
23 crime? And if it's a confession, there would be  
24 blood all over Tim Masters. And you know that there  
25 is none.

1           And Lieutenant Taylor didn't regard it as a  
2 confession. Lieutenant Taylor's belief was that  
3 Peggy Hettrick was dragged not under the arms, but by  
4 the hands. You can't have it both ways, ladies and  
5 gentlemen. If this drag drawing is a confession,  
6 then the perpetrator would have blood all over him.  
7 And if this drag drawing is not how Peggy Hettrick  
8 was dragged, then it's not a confession.

9           THE COURT: Approximately 10 minutes.

10          MR. CHAMBERS: Thank you, Judge.

11                 You know Tim's story. We went over it. He  
12 saw an object he later determined -- he later learned  
13 that it was a body. He saw that drag trail. It  
14 was -- a body had obviously been dragged. It does  
15 not take a rocket scientist to figure out that she  
16 was dragged.

17                 And then he makes his drawing; not on  
18 February 11th, but on February 12th. February 12th  
19 is the evidence. And the district attorney gets up  
20 here and argues to you earlier this morning that,  
21 well, why does he draw this if he thought it was a  
22 mannequin? He didn't think it was a mannequin at the  
23 time he drew this. He'd already been told it was a  
24 body.

25                 There's this one narrative where Tim writes,

1 about walking through the field behind his dad's  
2 trailer, there's a full moon, and it was bad luck, I  
3 thought, he writes. Bad luck indeed. Bad luck to be  
4 accused of a murder he didn't commit.

5 The district attorney argues this morning,  
6 Well, who else would have done it? As if somehow  
7 it's a citizen's obligation to prove that somebody  
8 else did it, as if every murder case can be solved.

9 To find Tim Masters guilty, here's what  
10 you've got to believe: You've got to believe that  
11 this 15-year-old kid sitting in his house at 1:30 in  
12 the morning sees Peggy Hettrick walk by, and he says  
13 to himself, This is my chance. So he grabs his knife  
14 and his flashlight, and he jumps out of his window,  
15 leaving no footprints under his window. He dashes  
16 across the field. He stabs Peggy Hettrick in the  
17 back. He drags her into the field and he mutilates  
18 her body with surgical precision. Fifteen-year-old  
19 kids mutilates this body like a surgeon.

20 Then he runs back to his trailer, and he  
21 goes inside, but not before he makes sure that there  
22 is no evidence at all left on the scene. Once inside  
23 the house, he proceeds to clean up every trace of  
24 evidence related to this crime. He cleans his  
25 clothes. He cleans the knife. He dumped Drano down

1 the drain. He cleans his fingernails, removing all  
2 the blood, all the skin, but cleverly leaving behind  
3 a single piece of blue cotton.

4 Then he gets up at 6 o'clock in the morning,  
5 showers, eats breakfast, just like nothing ever  
6 happened, walks through the field behind his house,  
7 which he has meticulously cleaned, scouring it of all  
8 evidence. But then after meticulously cleaning this  
9 field, carelessly walks out into the middle of the  
10 field and plants his big old clodhopper right out  
11 there in the middle of the drag trail. Then he  
12 withstands hours and hours and hours of interrogation  
13 without once slipping up, goes on to join the  
14 military, and leads a normal life for 12 years.

15 Is that common sense? That is nonsense.  
16 Does the evidence provide a reason to doubt? Reasons  
17 to doubt abound. Is there anything in this case that  
18 would cause you to hesitate to act in a matter of  
19 importance to yourself? Is there anything that would  
20 cause you to pause? How about pausing for 12 years?

21 I have to sit down now. And this is always  
22 a very terrifying moment, because once I sit down  
23 there's nothing else I can do, nothing else I can  
24 say. It's out of my hands. It's entrusted to you.

25 The D.A. will be permitted to speak again.



1 I will not have a chance to respond. But there is a  
2 response. There is a response that's based upon  
3 reason, that's based upon common sense, that's based  
4 upon the law.

5 And although it's a little bit terrifying to  
6 sit down, I am assured as I sit down -- I'm assured  
7 because of the conversations we had during jury  
8 selection, each of you said that you believe in the  
9 presumption of innocence, and each of you said that  
10 the presumption of innocence was real to you. It's  
11 not a fiction. Each of you said that you would  
12 require the government to prove its charge against  
13 Tim Masters beyond a reasonable doubt, and each of  
14 you said that if you had a reason to doubt, you would  
15 do your duty and vote not guilty.

16 It's in your hands. Find Tim Masters not  
17 guilty, because he is not guilty. Perhaps when this  
18 trial is over, we can speak again, and I'm confident  
19 that at that time we will all be able to say we did  
20 our duty. Thank you.

21 THE COURT: Okay. Go ahead and take a short  
22 break and come back and hear the People's response.  
23 Please rise as the jury leaves. Back in a few  
24 minutes.

25

1 (A recess was taken from 11:35 a.m. until  
2 11:50 a.m.)

3 THE COURT: Please return the jury.

4 (The jury returned to the courtroom.)

5 THE COURT: Please be seated. The People  
6 may address.

7 MR. GILMORE: Thank you, your Honor.

8 May it please the Court, counsel, ladies and  
9 gentlemen of the jury:

10 On behalf of the People, I would like to  
11 thank you also, thank you not only for the time and  
12 the attention that you spent on this case, but the  
13 fact that you're doing your duty as jurors in this  
14 case.

15 As I mentioned to you in opening statement,  
16 the evidence that you're going to be given in this  
17 case is not usual evidence, not typical evidence of a  
18 murder case, but different evidence. There is no  
19 doubt that the evidence in this case is gruesome and  
20 can be very bothersome. In doing your duty as  
21 jurors, though, the People will implore you to look  
22 at this evidence carefully.

23 In my rebuttal argument, I'm going to go  
24 through some of that evidence. I'm going to point  
25 out things to you that have not been pointed out to

1 you before. I'm going to ask you to do the same  
2 thing.

3 The People want you to open those bags of  
4 evidence. We've given you rubber gloves. I want you  
5 to look at that coat and the blouse, look at the  
6 evidence. It's your duty as a juror, it will not be  
7 complete until you do that.

8 I'm given a limited amount of time now to  
9 respond to the arguments that defense counsel has  
10 made to you. I would like to try to respond to those  
11 arguments in the order they were given. I hope I can  
12 stay in the order that they were given, but I will  
13 honestly try.

14 The first argument that defense counsel made  
15 to you was revisiting the crime scene, that we  
16 misused that term, that the defendant didn't revisit  
17 the crime scene. Defense counsel went over and over  
18 about how consistent the defendant's story is, how he  
19 just happened to find that body on February 11th, at  
20 6:55 in the morning.

21 Start to look at the evidence. First of  
22 all, recall that both experts agree that perpetrators  
23 of sexual homicide frequently return to the scene of  
24 their crime. The defendant's version for the number  
25 of variations as to his explanations of what he saw

1 is basically that he noticed something in the field;  
2 consistent, but it changes from garbage to mannequin  
3 to maybe it was a body, I don't know what it was.

4 He sees blood at the curbside. He sees the  
5 drag trail, and then he steps right in it. Look at  
6 the direction of his foot print. People's Exhibit  
7 20, you probably can't see it from here, but when you  
8 examine this, you'll be able to see the footprints of  
9 the defendant coming down to the drag trail.

10 First notice there's no path here of  
11 footprints going back and forth here every day to  
12 school. There's one set of prints going toward the  
13 drag trail. Where did the defendant walk through the  
14 field every day to school? They're not there.

15 Look also where the footprints enter the  
16 drag trail and where cast number 2 is taken in the  
17 drag trail. There's a gap. The fact that the  
18 footprint is facing the direction of the drag trail,  
19 defense counsel tells you, means he's not guilty.  
20 That footprint wasn't placed there accidentally. The  
21 footprint's not going north-south as going to school  
22 and I accidentally ran over the drag trail. The  
23 footprint's there after he got to the drag trail and  
24 stepped around in the drag trail and then walked in  
25 the drag trail. He immersed himself in this crime

1 scene. It's unusual evidence, but it's very  
2 important evidence.

3 This is not someone, I would submit to you,  
4 that is curious. Look what happens when he goes to  
5 the body. He makes a number of observations that are  
6 repeated to the investigators. He follows the drag  
7 trail. He gets to the body, and then he stands  
8 there, in his own estimation, for 10 seconds, and he  
9 makes a number of observations. Those are very  
10 important. What he observed and what he doesn't  
11 observe, or what he doesn't tell people he observed.

12 He looks with enough detail to see the  
13 clenched fist of one hand. He describes her pubic  
14 hair. He describes a pained look on her face,  
15 describes her hair, describes her mouth being open.  
16 To Wayne Lawson, he says, she was scraped up, but he  
17 never tells anyone that he saw the breasts.

18 A 15-year-old who collects pictures of naked  
19 women, who keeps magazines of naked women for years  
20 can't tell anybody that he saw the breasts. There's  
21 no way you can miss the breasts. The breasts are the  
22 only visible mutilation on that body.

23 When he sees the body of Peggy Hettrick  
24 lying there in the field with her clothes removed,  
25 her body scraped up, a pained look on her face, is he

1 squeamish? Is he horrified? Is he disgusted? Does  
2 he react in any way like Linwood Hodgdon did from  
3 30 yards away?

4 His reaction is emotionless. No reaction.  
5 He looks at the body of a dead woman, naked, with a  
6 pained look on her face, at the end of a bloody drag  
7 trail, and he has no emotion. He does nothing. What  
8 is the possible explanation for that type of  
9 behavior?

10 Use your own experiences in life, these  
11 instructions tell you, use your own common sense. I  
12 would ask you, think about how you would react if you  
13 came upon the body of a naked woman with a pained  
14 look on her face at the end of a drag trail.

15 Those of you that have children, 15-year-old  
16 children, or when they were 15 years old, how would  
17 anybody react? I submit to you none of you will  
18 think that you know anybody that would find a body in  
19 that condition with blood, and stand there and look  
20 at it and stay calm, have no emotion, turn and, I  
21 guess I'll just go to school.

22 There was a reason that the defendant  
23 immersed himself in the drag trail, there was a  
24 reason that the defendant went over to that body, and  
25 there is a reason why he had no emotion. His purpose

1 was to revisit. His purpose was to rekindle the  
2 memory of what he had done that morning. That's why  
3 perpetrators of sexual homicide go back to the body.

4 Look at the explanations he gives us, the  
5 so-called consistent explanations that he gives us.  
6 I thought it was a mannequin. From 100 feet away,  
7 Mr. Hodgdon knew this was no mannequin.

8 Lieutenant Broderick, when he first arrives  
9 at the scene, from hundreds of feet away, can see  
10 that it's a body of a woman; but the defendant is  
11 4 feet away, from me to the computer. He's looking  
12 at it in detail, and he doesn't know that it's a  
13 human being? Does that have any semblance of logic  
14 or reason or common sense to it?

15 Then he tells us in his consistent story,  
16 well, I thought somebody was playing a prank, and I  
17 didn't want to be the butt of jokes, so I didn't say  
18 anything.

19 Again, did he not know this was a human  
20 being lying in the field? Did he not know what the  
21 bloody drag trail meant, the blood at the curb, a  
22 partially naked body?

23 The defendant's story -- and I submit to  
24 you, it is a story, and it's a story that he's kept  
25 up for many, many years now -- doesn't make an iota

1 of sense. If you believe that story doesn't make  
2 sense, there has to be a reason why he returned and  
3 looked at that body.

4 Defense counsel spoke to you for a long and,  
5 I think, repeated a number of times about the lack of  
6 blood. In their opening statement to you, they  
7 talked about this being a thick trail of blood.

8 Ladies and gentlemen, look at the evidence.  
9 Recall the testimony of Mr. Bevel. He would expect  
10 there to be very little blood exchanged between the  
11 victim and the perpetrator; Dr. Allen's testimony  
12 that the three units of blood, 1,500 milliliters, was  
13 in the chest cavity at the time of the autopsy. Look  
14 at the pictures of the blood at the curb scene. How  
15 many drops are there in that scene? Maybe five or  
16 six drops. Recall Mr. Bevel's testimony and  
17 Dr. Allen's, that in a stab wound, when the knife's  
18 pulled out, the wound will tend to close.

19 The body was laid down there, that's what  
20 caused the pooling of blood, most likely laid on her  
21 back right where the wound was; the lines in the  
22 blood, that would be consistent with the material of  
23 the purse lying on the pavement. How much blood is  
24 there after that?

25 You'll see, first of all, that the bloody



1 drag trail that we've referred to, in certain  
2 portions there's no blood. In certain portions, it  
3 appears there's only the dirt. In portions of the  
4 drag trail, clearly there is blood. And I want to  
5 talk to you about how that blood got there; but look,  
6 first of all, at the overall quantity of blood that  
7 we're talking about.

8           The stab in this case went through the heavy  
9 jacket of Peggy Hettrick and her blouse in the left,  
10 upper back. When you start looking at the evidence  
11 in this case, the stab went through two layers of  
12 material. According to the pathologist and  
13 Mr. Bevel, the wound would have closed rather rapidly  
14 when the knife was pulled out; but we also have the  
15 fabric that the blood has to come out of.

16           Defense counsel told you that her clothes  
17 are blood-soaked. You have to take the clothes out  
18 of the evidence bags. Her jacket has blood not on  
19 the front, but only down the middle of her back.  
20 That's the only place the blood is on the exterior of  
21 the coat. The coat has a lining in it, a lining  
22 material that most coats have.

23           Let's think for a moment how the drag was  
24 accomplished. No matter which way we think the  
25 perpetrator held the body, whether by the armpits or

1 by the hands, the material of the jacket is going to  
2 ride up. The hole in the coat is going to be higher  
3 than the wound. The coat itself will block the blood  
4 from coming out. Where would the blood go when that  
5 happens?

6           Again, imagine how the body is being drug;  
7 that there is a downward flow of liquids -- blood  
8 being a liquid; the liner of the coat prevents the  
9 blood from immediately going to the outside. The  
10 blood is going to flow down her back. The blood  
11 flows down the back. It pools at the small of her  
12 back or the top of her jeans, and then it goes  
13 outside the clothing. That's what causes the drag  
14 trail. But a perpetrator carrying -- excuse me --  
15 dragging that body is not going to be exposed to any  
16 degree of blood of any kind.

17           There is absolutely no disagreement in this  
18 case that the wounds to the nipple and the vaginal  
19 area were postmortem. There's no bleeding after the  
20 person dies. There's not going to be any blood  
21 getting all over the killer of Peggy Hettrick.

22           When you look at the evidence, it's not a  
23 question of speculating, it's a question of finding  
24 the truth. The lack of blood is just one  
25 circumstance that deals with the lack of evidence

1 upon the defendant.

2 We've referred to this before, but this is  
3 not a case where the defendant was apprehended  
4 immediately after this crime. The defendant, in his  
5 own statement, acknowledges that he showered the  
6 morning of February 11th. He's contacted later that  
7 day by Officer Gonzales. He's asked about seeing a  
8 body.

9 He didn't know anybody saw him seeing a  
10 body, but certainly this is starting to raise  
11 questions in his mind. He knows he went back and  
12 looked at the body. He knows why he went back and  
13 looked at the body.

14 From that point until he's contacted the  
15 next day, from the time he's brought back from the  
16 Fort Collins Police Department until the time he's  
17 contacted next day is almost 24 hours.

18 We have evidence of washing clothes. Again,  
19 use your own common sense. If there was any blood on  
20 a knife, we're going to wash it, or we're going to  
21 hide it, or we're going to hide it where we hid the  
22 body parts. It's not going to sit there for the  
23 police to come find 24 hours later.

24 Read his narratives. What does he say in  
25 his narratives? He talks about hiding knives in

1 ditches. He talks about hiding evidence from police.  
2 You have to read the narratives in this case.

3 Defense counsel argued to you a number of  
4 times about the footprint evidence in this case.  
5 Footprint evidence is very important, again. I've  
6 already spoken to you about the defendant's shoe  
7 print in the drag trail.

8 Before I leave the subject of lack of blood  
9 on the defendant, we know the defendant stepped in  
10 it; but when his shoes are tested, there was no  
11 blood. The footprints -- we have several different  
12 places that footprints appear in this case. The  
13 first place, I think, of significance is the trail  
14 leading to the drag scene, the fact that there's only  
15 a single trail of footprints, certainly not a path  
16 worn of the defendant going to school that way every  
17 day.

18 Officer Swihart testified to you that the  
19 photographs he took -- and, unfortunately, he didn't  
20 measure exactly where they were, but he testified to  
21 you that they were to the right or to the north of  
22 the drag trail. Those are Exhibits 13 and 14. And  
23 there is no FBI expert that can tell us or tell you  
24 whose shoe prints those are.

25 It's not speculating for you to look at the

1 evidence -- if you look at the evidence and you feel  
2 you recognize the defendant's shoe print in there.  
3 You're told to use that evidence.

4           Those shoe prints are to the right or north  
5 of the drag trail. The defendant went through the  
6 drag trail, that means, then came back and stepped in  
7 it. He had blood on his shoe at that time, blood  
8 that was never found later.

9           The defense claims that it's speculation to  
10 look at the footprints on the north curb of  
11 Boardwalk. He argues to you that we're asking you to  
12 speculate that Peggy Hettrick was walking alone that  
13 night. The People don't want you to speculate, but  
14 do draw the reasonable inferences from the evidence  
15 we've presented.

16           Leslie Gaines saw her walking down Landings  
17 on her way to the Prime Minister, the totally  
18 illogical route that counsel tells you about.  
19 Apparently that's the route Peggy Hettrick took.

20           She was last seen leaving the Prime Minister  
21 alone. She apparently walked everywhere that  
22 evening. She did not have a car. She had not had a  
23 car for at least eight months.

24           And then in front or just to the west of  
25 Mr. Masters' residence, we find footprints.

1 Exhibit 55 is a photograph of one of those  
2 footprints. Open the bag with her boot in it. Look  
3 at the heel imprint on her boot. Look at the imprint  
4 that's visible in the photograph. Look at the shape  
5 of the photograph. That's not speculation. That's  
6 drawing reasonable inferences from the evidence.

7 Peggy Hettrick walked from the Prime  
8 Minister, that night, toward her apartment. She  
9 walked down Boardwalk right in front of the  
10 defendant's house, turned left, and started up  
11 Landings. She was alone. Those are the reasonable  
12 inferences that can be drawn from that evidence.

13 It's hard to respond to every little thing  
14 that was brought up, but Dr. Allen didn't talk about  
15 a time of death based on alcohol. He said his  
16 assistant made some charts about a time of death  
17 based upon potassium levels. He never gave us an  
18 exact time of death. He determined the time of death  
19 by the time she was last seen alive. Don't be  
20 confused between the evidence and counsel's  
21 statements.

22 I'd like to briefly go over with you the  
23 evidence that's been presented in this case regarding  
24 the motive to commit a sexual homicide. I talked to  
25 you about this in opening statement, and it's

1 obviously a central issue in this case.

2 There's absolutely no dispute in this case  
3 that the motive for this homicide wasn't greed or  
4 anger or revenge, any of the so-called typical type  
5 motives for a homicide.

6 The motive for this homicide was different.  
7 The clear purpose of the killing of Peggy Hettrick  
8 was to mutilate her. As I told you in opening  
9 statement, an understanding of the motivation in this  
10 case tells you who the killer is.

11 You heard from two experts in this case, two  
12 experts in the field of forensic psychology. I would  
13 submit to you those first two components dealing with  
14 this issue of fantasy as it relates to the motivation  
15 for the commission of a sexual homicide, the first  
16 component is the person's got to be fantasizing.  
17 Without that, we have no evidence of a motive.

18 There's no disagreement between the two  
19 experts, the defendant acknowledges he fantasized.  
20 He fantasized obsessively. I would submit to you he  
21 fantasized compulsively. He did it in class when he  
22 was supposed to be doing other things. Look at the  
23 numbers in this case of drawings and pages of  
24 narratives. Look at the detail in some of those  
25 drawings. These aren't stick figures that just were

1 whipped out. These take time.

2 The Reds and the Recons story is 150 pages  
3 long, page after page of fantasy killing. The first  
4 component that had to exist, before we had even a  
5 case, of showing a motive, is the person had to be a  
6 fantasizer, and the defendant is.

7 The second component is, what are the  
8 fantasies about? If the defendant's drawings and  
9 narratives were about winning the lottery or girls or  
10 warm beaches, there would be no evidence of a motive.  
11 But the defendant's fantasies are violent.

12 On the second component, Dr. Meloy's  
13 testimony was these fantasies, these violent  
14 fantasies led to an acting out of violent behavior.  
15 Dr. Yuille said, I'm aware of the studies. A lot of  
16 the studies show that sexual homicide perpetrators do  
17 have violent fantasies. The study shows somewhere  
18 between 25 percent, in some studies, to over  
19 80 percent in other studies, over 60 percent in  
20 adolescents that commit sexual homicides. But he  
21 tells us, I don't think the research is at the point  
22 yet where we can say 100 percent.

23 Look at the evidence. The two experts  
24 agreed that this homicide fit within the category of  
25 a disorganized homicide with certain organized



1 features to it. There's no disagreement.

2           When you go through those productions,  
3 recall the testimony that's been given to you from  
4 Dr. Meloy. His methodology in this case was to find  
5 out how many times certain themes appeared in the  
6 fantasies. That will give us a handle on what he is  
7 fantasizing about.

8           Look at the frequency of blitz attacks.  
9 Look at the frequency of components of picquerism.  
10 Look at the knives. Look at the cuttings on bodies.  
11 We'll get back to this in a minute, but look at the  
12 number of times, even, that arrows appear, arrows  
13 that pierce bodies, arrows on the drag drawings that  
14 pierce the body.

15           Look at the frequency of dismemberment.  
16 Look at the frequency of domination and hostility to  
17 women. Look at the frequency of preoccupation of  
18 death. And, finally, look at, when you read the  
19 narratives, the frequency of the category of how the  
20 defendant perceived himself. Each of those  
21 categories appears hundreds of times.

22           Look at the evidence of what happened to  
23 Peggy Hettrick. Is there evidence of a blitz attack?  
24 Is there evidence that the perpetrator snuck up  
25 behind her and killed her? All the evidence suggests

1 that. From the little scrapes on the bottom of her  
2 right boot to the cigarette lying in the blood pool,  
3 the direction in which the perpetrator came from to  
4 attack her, the frequency of the fantasy, the facts  
5 of the crime.

6 Look at the weapons we know were involved in  
7 this case, two weapons: Knives; cutting instruments,  
8 sharp cutting instruments, instruments that penetrate  
9 a body, instruments that mutilate a body. How many  
10 times do those same thoughts appear in the  
11 defendant's fantasies? Hundreds, the frequency of  
12 the defendant's fantasy, the facts of the crime.

13 Look who the victim was: A female. The  
14 fantasies are replete with domination of females.  
15 Who is the enemy in the narratives? Females. Look  
16 what happened here. We had a homicide. Look at the  
17 narratives: Preoccupation with death and killing.

18 Look at how the defendant sees himself, how  
19 he spends hundreds of pages talking about himself.  
20 He's calm. He's emotionless. He says in his  
21 narratives that it would be weak if he had emotions.  
22 Look at the defendant's behavior in this case, his  
23 reaction at the body, his reaction when questioned.  
24 No affect. No emotion.

25 Look at the fantasy. Look at the evidence.

1 Is the fact that every category that appears with  
2 frequency in the defendant's fantasies is reflected  
3 in the crime scene just a coincidence? Is it just a  
4 coincidence that a lady is murdered and the person  
5 who was living closest to her body fantasizes about  
6 the exact way, the exact manner that person is  
7 killed?

8 Dr. Meloy also testified that sexual  
9 homicide involves the pairing of sex and violence, so  
10 we should expect to find some evidence of the pairing  
11 of sex and violence. It's in his fantasies. His  
12 fantasies make that pairing, and this crime makes  
13 that pairing. There could not be a homicide that  
14 pairs violence and sexual arousal any more clearly.

15 Dr. Meloy testified to you on the purpose of  
16 these violent fantasies. Why do people do them? He  
17 indicated there were two reasons why people engage in  
18 violent fantasies. The first was to allow, in a  
19 private way, the person to express anger or hostility  
20 to women. Do we find any evidence of that?

21 Again, you must read the narratives. You  
22 must look at an incredible amount of information  
23 here. You will find the drawings and the narratives  
24 are replete with hostility toward women.

25 The second purpose for violent fantasy is to

1     compensate for feelings that the person that's  
2     fantasizing has. The person is not happy with the  
3     real world. There's problems in the real world. The  
4     fantasy allows the person to escape the real world.

5             Look at the defendant's life at that time.  
6     The defendant was lonely, had few friends at school.  
7     It was unfair that his mother had died. Over and  
8     over we have these feelings about his mother.

9             The defendant, through his fantasies,  
10    compensated for his feelings about his mother. His  
11    mother had left him, and he has this building anger,  
12    this hostility toward women. The fantasies that he  
13    drew about, that he wrote about provided a way for  
14    him to compensate and escape that world.

15            When I talk in a moment about the  
16    precipitants or the triggers, an understanding of the  
17    defendant's relationship to his mother, his feelings  
18    towards women, then places the date of February 11th  
19    in great significance.

20            Dr. Meloy talked about the three types of  
21    mutilation that occur in sexual homicides:  
22    Offensive, defensive, and aggressive. I believe  
23    Dr. Yuille testified he had no disagreement with  
24    that.

25            In the offensive category, which Dr. Meloy

1 testified this would have fit within, we have  
2 sadistic behavior and we have necrophilic behavior.  
3 Look in the defendant's drawings. You've seen some  
4 of them. They're replete with people being tortured,  
5 many times very gruesomely, and they are clearly  
6 alive: Sadistic.

7 Dr. Meloy talked about the trigger  
8 mechanisms, the word "precipitant." Something sort  
9 of has to happen to change a person from fantasizing  
10 to acting out in behavior. Is there evidence of any  
11 type of precipitants in this case?

12 Defense counsel passed over, rather quickly,  
13 the incident at school, the incident with Mrs. Payne.  
14 First, let me just mention that when we're talking  
15 about these fantasies, it's not Wayne Lawson, I would  
16 argue to you, who can tell you whether all the kids  
17 did these fantasies.

18 These are two teachers, one of which has 21  
19 years of experience, and a counselor who has worked  
20 with juveniles -- I believe she indicated -- in Cook  
21 County, Chicago. You saw the look on their faces  
22 when they described those pictures. These are not  
23 pictures and drawings that all high school kids do.  
24 These are different.

25 What's unusual about the incident with

1 Mrs. Payne is the defendant's reaction. Something  
2 broke through that cold exterior. He showed anger,  
3 anger enough that Mrs. Payne took the unusual step of  
4 taking him down to the counselor's office.

5 Pamela Sachs-Kapp indicated Mrs. Payne had a  
6 frantic look on her when she arrived, and the  
7 defendant took a number of minutes walking the  
8 hallway to calm down. They then had the discussion  
9 about his temper, that he on occasion might lose his  
10 temper and slammed his fist into the wall at home.

11 The women felt and saw the anger. The date  
12 of February 11th, is it just, again, a coincidence,  
13 or is there some significance to that date? That's  
14 not the date that Mr. Masters' mother died, but it's  
15 the date he last saw her alive.

16 She left the home on February 11th and died  
17 on February 12th. When we look at Ridgecrest, 11  
18 years later -- you saw the slide of the little  
19 homemade calendar -- each date was placed in the  
20 exact place that it was in 1987. Just a coincidence?  
21 And the date of February 11, not February 12 -- the  
22 date of February 11th is circled.

23 Everything that I've gone through with you,  
24 Dr. Meloy said these are the things we would find in  
25 the fantasies of sexual-homicide perpetrators.

1 Everything was found. Does that have no meaning? Or  
2 is it, as the defense would suggest, the research  
3 hasn't gotten far enough yet?

4 Ladies and gentlemen, the research may not  
5 have gotten far enough for Dr. Yuille to tell us  
6 anything. I'm asking you, look at the evidence, see  
7 if there's anything in the fantasies that you feel is  
8 directly reflected in this crime: The manner in  
9 which it happened, the weapons that were used, the  
10 victim of the crime, and how the defendant perceived  
11 himself to be.

12 They fit like a glove.

13 THE COURT: Approximately 10 minutes.

14 MR. GILMORE: Thank you, your Honor.

15 There's two instructions that I want to talk  
16 to you about very briefly. One that I want to touch  
17 on is the credibility of the witnesses instruction.

18 As a jury it is your role to determine the  
19 credibility of each witness, and the instruction  
20 provides you with a manner in which to make that  
21 determination.

22 It basically tries to put into words how we,  
23 in everyday life, make a judgment as to whether  
24 somebody's telling us the truth or not. The  
25 statements that I want you to examine in relying on

1 that instruction are the statements that the  
2 defendant made over and over about what he thought of  
3 the body of Peggy Hettrick lying in that field.  
4 Determine if those are credible statements. That is  
5 a big key in this case.

6 The other instruction is circumstantial  
7 evidence. Instruction Number 5, two types of  
8 evidence by which you may properly find the truth,  
9 one is direct, the other is circumstantial evidence,  
10 the proof of facts from which other facts may  
11 reasonably be inferred, and the law makes no  
12 difference between these two types of evidence.

13 Ladies and gentlemen, this is a  
14 circumstantial case. That does not mean it's a weak  
15 case. For a circumstantial case to exist, a number  
16 of pieces have to all come together. The case is not  
17 based upon a single eyewitness who may not perceive  
18 something correctly or want to see something  
19 different, a single eyewitness, I would suggest to  
20 you, such as the defendant observing Peggy Hettrick's  
21 body.

22 A circumstantial case requires the putting  
23 together of a multitude of pieces that fit together.  
24 And if you take one of the pieces away, there's no  
25 case. If Tim Masters fantasized violent fantasies,



1 but lived in the west side of Fort Collins, I submit  
2 to you that wouldn't be much of a case.

3 Mr. Masters lives 200 feet from the body,  
4 but does not fantasize, there's not much of a case.  
5 If Mr. Masters has no weapons, it would be very  
6 difficult to explain how he could have accomplished  
7 this crime. If the fantasies of Mr. Masters didn't  
8 match the facts of this case, the case falls apart.  
9 But the pieces all fit.

10 I have a very little amount of time, and I  
11 do have to touch another number of subjects.

12 The pink socks. No explanation has been  
13 given to you as to why the defendant saw the pink  
14 socks. Defense counsel said, Well, there's a hair on  
15 it; but somehow the defendant knew she was wearing  
16 pink socks, and you cannot see her socks standing  
17 next to the body.

18 Look at this drag drawing. I can't show it  
19 to you enlarged here, but look at it very, very  
20 carefully: The image of someone dragging a body.  
21 Recall that Dr. Allen, Officer Taylor, Officer  
22 Swihart all thought that by looking at the body, that  
23 she had been dragged by her hands, just as you and I  
24 would think, because her arms were stretched over her  
25 head.

1           If you were dragging someone by the hands  
2 and you stopped, that's where their arms would be, a  
3 reasonable inference. But the defendant doesn't make  
4 that logical inference. He drags the body being held  
5 by the armpits.

6           Look at the photograph of the drag trail in  
7 the soft dirt. There are two furrows where the heels  
8 were drug. Is there any indication that her buttocks  
9 were drug along there? If you were dragging someone  
10 by their arms and by their hands, the whole back  
11 would be on the ground; but if you're dragging them  
12 by the armpits, as the defendant drew it, as the  
13 defendant marks on his drawing, only the heels are  
14 touching.

15           Is the defendant a sophisticated  
16 investigator? By looking at the drag trail for a few  
17 seconds, he determines how the body was drug? Or did  
18 he have other knowledge? Is the defendant  
19 sophisticated enough, in looking at the body, for  
20 seconds to determine where she was stabbed, where the  
21 blood was coming from? He drew it exactly right.

22           If the body is drug by the armpits, when the  
23 body is stopped being drug, the arms would fall to  
24 the side of the body. The arms, in this case, are  
25 overhead.

1           In the corner of the same drawing is an  
2 eviscerated body with the arms overhead. These are  
3 the thoughts of the defendant either the day of or  
4 the day after the murder of Peggy Hettrick. Did he  
5 guess everything right by looking at the crime scene  
6 for a few seconds?

7           No mention was made in defendant's argument  
8 about the drawing we've labeled the -- been talked  
9 about as the vaginal drawing.

10           Exhibit 125 has been conveniently forgotten.  
11 Defense counsel's argued to you that there's no  
12 direct evidence of a stab to the back or a nipple  
13 being cut. He didn't mention this one.

14           This was found in the bedroom in one of the  
15 notebooks. It's small. It's hidden. Could the  
16 defendant have drawn it that day after the crime? At  
17 one point during the trial it was suggested by  
18 defense counsel that this is cutting wallboard. Look  
19 at the actual picture of Peggy Hettrick. Is that  
20 just a coincidence?

21           I have to implore you one more time, please  
22 do as I asked you when we talked about it during voir  
23 dire. This is a very important case. Please take  
24 the time to look at those drawings, read the  
25 narratives, study this evidence.

1           The evidence is there. Sometimes it's hard  
2 to find. Sometimes you have to do a little thinking  
3 as to how the defendant could draw something like  
4 that unless he knew how it happened. Please look and  
5 read, study, dig into the paper bags. The evidence  
6 is there.

7           On behalf of the People, I would ask you to  
8 hold the defendant responsible, responsible for the  
9 behavior he engaged in on the morning of  
10 February 11th. I ask you to return a verdict of  
11 guilty.

12           THE COURT: Okay. Ladies and gentlemen,  
13 what we're going to do is, I'm going to go through  
14 the procedure. There's 13 of you here.  
15 Miss Gaudreau, you are the alternate, I'm sure you  
16 probably assumed, you were the last one chosen.

17           I'll ask the other 12 if they are able to  
18 deliberate and participate. If so, I'm going to have  
19 you taken back to chambers pursuant to instruction,  
20 and I'll meet with you and advise you of what you are  
21 able to do until the jury does return.

22           After that, then what we'll do is have you  
23 go into the jury room very briefly, request that you  
24 do select one of your members to be the foreperson of  
25 the jury, and then we'll have lunch brought in here

1 set up for you. You can come out, get your lunch.  
2 If you want to sit out here in the courtroom, it will  
3 be sealed until after you've had your lunch, and then  
4 we'll have you go back in the jury room to begin your  
5 deliberations.

6 It's very important that you only discuss  
7 the case when all 12 of you are together in the jury  
8 room. After lunch, when you go back in, you might  
9 hear something out here. We will have other hearings  
10 that will start this afternoon after you begin your  
11 deliberations; hopefully, we will not interfere with  
12 your ability.

13 If after you start your deliberations you  
14 need something, there's a buzzer in there or knock at  
15 the door. The bailiff will respond. Simply advise  
16 them what you need, and they will get it for you. At  
17 any time you are in the company of the bailiffs, do  
18 not continue your deliberations.

19 As indicated, you should only discuss and  
20 deliberate about the case when the 12 of you are in  
21 the jury room alone. If at any time you are in the  
22 presence of the bailiff, please don't ask them any  
23 questions about this or other cases.

24 During your deliberations if questions  
25 should arise, we'd ask you first to refer back to the

1 instructions, as 90-some percent of all questions  
2 that jurors have are usually answered. Please refer  
3 to the instructions, and I believe your answers can  
4 be found there.

5 If, however, you believe a question is  
6 absolutely necessary, it should be put into writing,  
7 sign, date it, and the time, by the foreperson of the  
8 jury. Please do not indicate in your questions how  
9 you are presently standing in your deliberations. It  
10 may take some time for me to respond to it, as I have  
11 to get everyone together, review your question, and  
12 determine what is permissible as far as a response to  
13 it.

14 As indicated, you will have all the exhibits  
15 with you. We'll roll this board in, we'll bring in  
16 the other larger exhibits. If you want to have  
17 another easel, advise the bailiff, they will bring  
18 it.

19 You will have the clothing. It's put  
20 together in a separate box. There also are rubber  
21 gloves for handling it, as did the witnesses here,  
22 because of potential contaminants. If you therefore  
23 believe it is necessary to examine that evidence,  
24 please make sure that whoever is handling it does put  
25 the gloves on.

1           When you do reach a verdict, make sure that  
2 the foreperson does sign and complete the verdict  
3 form in the appropriate method. Knock, use the  
4 buzzer, and simply advise that you have reached a  
5 verdict, but do not say what it is.

6           It may take a little bit to get everybody  
7 back here into court. When everyone is here, we'll  
8 bring you back in. I, for the record, will determine  
9 that all 12 are here. I will then identify who the  
10 foreperson is. I will ask he or she, Has the jury  
11 reached a verdict? If the answer is yes, I'll have  
12 you hand the verdict form and the original  
13 instructions to the bailiff. The bailiff will hand  
14 it to me. I will then read out loud what your  
15 verdict is.

16           I will ask the foreperson if the verdict as  
17 read by me was the decision of each and every member  
18 of the jury. If the answer is yes, I will then ask,  
19 Is there any member of the jury who says the verdict  
20 was not theirs, please raise your hand or otherwise  
21 indicate. If there are no responses, I will receive  
22 your verdict, I will ask you to step back into the  
23 jury room very briefly; after which, I will come in  
24 and meet with you and answer any questions that you  
25 might have.

1           So at this point what I will do is now go  
2 through and ask each one of the jurors regarding  
3 their ability to participate.

4           Miss Sampat, are you able to participate in  
5 deliberations?

6           MS. SAMPAT: Yes, I am.

7           THE COURT: Mr. Jones, are you able to  
8 participate?

9           MR. JONES: Yes, I am.

10          THE COURT: Miss Evens, are you able to  
11 participate?

12          MS. EVENS: Yes.

13          THE COURT: Mr. Keith, are you able to  
14 participate?

15          MR. KEITH: Yes, I am.

16          THE COURT: Mr. Crary, are you able to  
17 participate?

18          MR. CRARY: Yes, I am.

19          THE COURT: Mr. Campbell, are you able to  
20 participate?

21          MR. CAMPBELL: Yes.

22          THE COURT: Mr. Stein, are you able to  
23 participate?

24          MR. STEIN: Yes.

25          THE COURT: Mr. Turner, are you able to



1 participate?

2 MR. TURNER: Yes.

3 THE COURT: Miss Bruen, are you able to  
4 participate in deliberations?

5 MS. BRUEN: Yes.

6 THE COURT: Mr. Noller, are you able to  
7 participate in deliberations?

8 MR. NOLLER: Yes.

9 THE COURT: Mr. Chacon, are you able to  
10 participate in deliberations?

11 MR. CHACON: Yes.

12 THE COURT: Miss Kaltenberger, are you able  
13 to participate in deliberations?

14 MS. KALTENBERGER: Yes, I am.

15 THE COURT: If the 12 of you would please  
16 step into the jury room, I'll swear the bailiffs in  
17 and -- first, Miss Gaudreau, do you have any matters  
18 in the jury room?

19 MS. GAUDREAU: Yes, I do.

20 THE COURT: Why don't you come and get them,  
21 come on out. The bailiff will meet you back here.  
22 I'll meet with you and give you instructions. While  
23 she's doing that, bailiffs please come forward.

24 (The bailiffs were duly sworn by the Court.)

25 THE COURT: Okay. If you come around here

1 and go with her, she'll take you back.

2 Okay. Please rise as the jury leaves. In  
3 just a few minutes, we'll bring you the instructions  
4 and the exhibits.

5 (The jury left the courtroom.)

6 THE COURT: Anything further from the People  
7 prior to recessing?

8 MR. GILMORE: No, your Honor.

9 THE COURT: Make sure the clerk knows where  
10 you can be reached. Likewise, I assume if you give a  
11 number where we can reach the defendant, in case he  
12 needs to be put on the speakerphone and, likewise,  
13 where we can call you to have him brought back,  
14 appreciate it.

15 Anything from the defendants prior to  
16 recess?

17 MR. CHAMBERS: No, sir. Thank you.

18 THE COURT: Okay. We'll be in recess. If  
19 you please clear your items out or -- come forward.  
20 At least make sure we have all the exhibits, and  
21 we'll clear the courtroom, take those matters in,  
22 bring lunch in for them, and then we'll be in recess  
23 until the jury returns.

24 (A recess was taken from 1:00 p.m until  
25 2:00 p.m.)

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(The jury started their deliberations at  
2:00 p.m. and were in recess at 5:30 p.m.)