

1 jury, this will be the closing arguments. I will charge you
2 now and also charge you again later, that these are not
3 evidence and should not be taken as evidence in any way
4 shape or form. The only things that you can consider as
5 evidence is what came from the witnesses and the exhibits
6 admitted into evidence during the trial.

7 MR. WISEMAN: If it please the Court,
8 Mr. Banks, ladies and gentlemen of the jury:

9 On February 13, 1994, the Defendant drove Alton
10 Davison's car, his 1982 Omega, to the Bucyrus Estates
11 Apartment Complex that you see depicted on State's
12 Exhibit 20. His purpose was to kill the occupants of
13 Apartment 1712B, the apartment of Marichell and Marchae
14 Chatman and at that time being occupied by Richard Warren
15 also, that night at approximately 9:00 O'clock.

16 Linda Chatman and Quanita and Quinton Reeves were
17 present. The purpose of his murderous intentions was
18 revenge for the activities of Rudel Chatman which resulted
19 in the State of Ohio securing trafficking indictments
20 against himself and other members of his family and friends.

21 He had come to carry out his intentions. He had
22 with him a 9mm weapon concealed in a trash bag. The
23 Defendant arrived approximately 9:00 O'clock, after Linda
24 Chatman had been there for a few minutes. He had been seen
25 outside of the apartment by Richard Warren who went to the

1 door. At which point the Defendant asked if Linda was
2 there. And Richard turned around and said, "Somebody's here
3 to see you."

4 At that point Linda went outside and talked to the
5 Defendant. While Richard was inside he spoke to Marichell,
6 when Linda and the Defendant were outside. And he asked
7 what all of us might say, "Who is that?" To which Marichell
8 said, "That's Kevin." And then he couldn't remember the
9 last name. "He was involved in a big drug bust." At which
10 time, his curiosity satisfied, sat back down and resumed
11 watching T.V.

12 It was shortly after that, the Defendant and Linda
13 came back inside whereby the Defendant requested a glass of
14 water. He was given a glass of water and drinking the
15 water, he made idle conversation with Richard. "Who's
16 winning the basketball game?" At this point Richard knew
17 nothing was wrong. Shortly after that, the Defendant pulled
18 a 9mm weapon out of his trash bag and pointed it at Richard
19 Warren and says to him, pointing the gun at him, "You get
20 over here."

21 Richard just looked and he says, "I ain't
22 bullshitting you, get over here." At which time Richard
23 goes over and gets down on the floor, as ordered by the
24 Defendant. That included the little children and Marichell
25 and Linda. You will see the photos of the aftermath of

1 that. They are in evidence.

2 When everyone is down on the floor and the Defendant
3 has the gun pointed at Marichell, she is saying, "Kevin,
4 what are you doing? We don't have anything. What are you
5 doing."

6 "Don't say my name," he said.

7 She said his name several times. And he kept
8 saying, "Don't say my name." At that point words to the
9 affect of you know, "What are you doing. We don't have any
10 thing. Why would-- With these children around you are not
11 going to hurt anybody."

12 At one point in the conversation, the Defendant
13 says, "Well, you should have thought about that before your
14 brother started ratting on people."

15 Whereby Marichell says, "Even if he did, it didn't
16 have anything to do with us."

17 Shortly after that, at point blank range, the
18 Defendant shoots Marichell Chatman. That is the evidence,
19 the physical evidence, as given by Dr. Fardal supporting
20 that fact.

21 Richard Warren was shot, the other occupants of the
22 apartment were shot. You can see from Exhibit 41, the
23 diagram of the apartment which you will have with you. You
24 will see the size of the apartment. The Defendant was here,
25 victims on the floor as they were shot by the Defendant.

1 After being shot at, Richard Warren laid on the
2 floor where he heard the other shots going off and the
3 confusion and the aftermath. When he heard the door slam,
4 somehow after being shot three times, he managed to arise
5 and attempt to flee the apartment.

6 When he gets outside, he began to yell and run
7 towards -- thinking there is a phone at Ike's Restaurant
8 which you can see from this exhibit it a direct shot out of
9 the apartment. What he didn't know was the Defendant was
10 still in the area. The Defendant having left his car down
11 here in the parking lot.

12 The Defendant heard and saw him and went after him
13 again and began shooting at him. And we know he shot him
14 again because you are going to have Exhibit 86 with the
15 bloody spots in the snow where the 4th bullet hit Richard
16 Warren.

17 By some miracle he made it to Ike's Restaurant where
18 he received aid for the four bullet wounds. And he was than
19 transferred to the Columbus Hospital.

20 Now after the fourth shot at Richard Warren,
21 Defendant then fled. Where did he go? He went back to
22 where he left Alton Davison's car in the parking lot -- got
23 into the car attempting to leave. But as he went past Nancy
24 Smathers house, he got stuck in the snow. Now, Nancy
25 Smathers has really no relationship to these people as you

1 heard. She just happened to hear the shots the Defendant
2 fired at Richard Warren as he was attempting to flee the
3 scene of carnage, and came to her front door. When she got
4 to her front door, she saw the Defendant run that car right
5 out there and get stuck. Whereupon she saw the Defendant
6 exited the car, rocking the car to get it out of the snow
7 bank and once successful, leave. Now if she did not come to
8 the door and we don't really know why she did, but she did
9 and she saw what she saw. She saw the Defendant rocking the
10 car and flee.

11 Now Richard Warren -- Richard Warren is the classic
12 case of the guy being at the wrong place at the right time.
13 He is a man without motive or opportunity to fabricate. A
14 man that had only known any of these people for a matter of
15 weeks and didn't know some of them at all. He barely knew
16 Marichell, Marchae, and Linda and I don't believe he knew,
17 from the evidence, I don't believe he was really acquainted
18 with the Reeves children at all.

19 In any event, he happens to be staying with
20 Marichell when the Defendant decided to take out his revenge
21 on anybody there.

22 Why should we believe Richard Warren? Well, I said
23 he has no motive or opportunity to fabricate. His
24 testimony, you will see, meets the facts completely. Where
25 would he come up with the name Kevin. The testimony was that

1 as he was coming out of the surgery at 5:00 O'clock in the
2 morning, he can't even speak, yet he is giving John Foor,
3 his nurse, the name Kevin. John Foor called the Bucyrus
4 Police Department. That is how the name Kevin found its way
5 into this case.

6 He then, of course as you heard, later on was able
7 to give a description of what went on. You will see from
8 the exhibits that you will have with you, that his
9 descriptions of the scene and the placement of the bodies
10 and you should pay particular attention to things like that.

11 The description of Linda Chatman and her position
12 which gave the attitude that she knew who this was and maybe
13 wasn't taking it as seriously as it turned out. You will
14 see from the photographs of the scene, Exhibit 92, that the
15 comments and testimony which placed Linda by the door and
16 the car keys and the lit cigarette, that she continued to
17 smoke despite the threats by the Defendant. And that is
18 present in the photographs.

19 You will see that the glass that Richard described
20 the Defendant drinking out of is present. You will see this
21 in the photographs.

22 You will see that the fatal wound borne out by the
23 doctor's report. Richard said she was shot first in the
24 head.

25 The trash bag in which the gun was concealed will

1 also be shown to you in the photographs and also
2 corroborated by other testimony, other witnesses.

3 Nancy Smathers who apparently is unrelated to any of
4 these people, either by friendship or blood, happened to be
5 a nose neighbor, I suppose. She happened to be curious
6 when she heard the odd sounds. So she went to her door and
7 what she saw was the Defendant attempting to flee the murder
8 scene.

9 Now, why should we believe Nancy Smathers? Well,
10 Nancy Smathers' observations, curiously, just happened to be
11 completely accurate. Nancy Smathers described the vehicle.
12 She described the vehicle which the Defendant exited.
13 Remember it was stopped here. (Indicating) And you will have
14 State's Exhibit 39 with you, which shows the position of the
15 snow where the Defendant's vehicle was stuck. And it also
16 shows the relative position of Nancy Smathers' apartment.
17 And you can see with the street lights over the Defendant,
18 the opportunity she had to observe what went on as she saw
19 the Defendant's vehicle which she described as a mid-sized
20 vehicle and the straight back window, a dome light doesn't
21 go on when the driver's door was open, the license plate
22 light didn't work, and generally a light colored car, unsure
23 about the color.

24
25

1 Well, when the car was recovered, which I will get
2 to in a second, you will see that her observations were
3 accurate. Because she saw the Defendant get stuck in the
4 snow drift, she did a good citizen type thing. She went to
5 the police and told them what she had seen and preserved the
6 scene. You heard the testimony about that -- where the
7 various members of the Bucyrus Police Department made sure
8 that this spot where the Defendant's car had been stuck was
9 not tampered with.

10 Because of that, when Agent Barnes of BCI got there,
11 he was able to do several things. He was able to take these
12 casts that you will see that he testified to. He was able
13 to take photographs that, as you heard from the deposition
14 of Michele Yezzo, were used in determining the tire prints
15 and the partial license plate impression.

16 You will have these photographs with you so you can
17 look at them. Because Agent Barnes did do that even before
18 the car was recovered, there was quite a bit of information
19 they were able to get.

20 And you also heard testimony about a large sheet of
21 numbers, of 043 numbers, which only included Richland and
22 Crawford County, which you also heard was narrowed down, by
23 Captain Blankenship, to one of just a few cars and one of
24 the cars was Alton Davison's vehicle.

25 Now, Alton Davison's vehicle, as you also heard and

1 there was testimony that this vehicle was seized from the
2 possession of a Melanie Davison, Mr. Alton's granddaughter.
3 And the reason that fell into the hands of the Bucyrus
4 Police was because she had committed some suspicious
5 activity while visiting the Defendant in the County Jail.

6 And because of that, Officer Wilhite noticed the 043
7 license plate and one thing led to the other, and the car
8 was seized. And what did they find when they looked at
9 Mr. Davison's car? Well, you heard him testify. First off,
10 and I don't think there is any question, Alton Davison's car
11 as you will see in the Exhibit is an Omega and his
12 granddaughter is associated with the Defendant.

13 You also heard Alton Davison testify that in August
14 1993, he put four brand new tires on the car and testified,
15 I think I believe he stated he put around 3000 miles or
16 certainly less than 5000 he figured he put on the car. You
17 will have the exhibit showing where he purchased the
18 Firestone tires.

19 Curiously, when the police recovered Mr. Davison's
20 car, the tires that were on it, were not the ones he bought.
21 He testified he had no problems with the tires. He didn't
22 authorize anyone to put new tires on. Here he has new tires
23 on his car after only a few thousand miles. And Michele
24 Yezzo, in her deposition, indicated she examined the tires
25 on the car and also looked into the tires that Mr. Davison

1 had purchased and should have been on the car, and her
2 conclusion was that the tires that Mr. Davison bought in
3 August, are similar and consistent with the tire tracks
4 found in the snow at the murder scene. The tires on the car
5 when it was recovered are not.

6 The license plate was recovered from the snow, by
7 virtue of Mr. Barnes' activities. And you see that. This
8 is one of the Exhibits you will have. You can look at
9 these. It lets you see where the numbers were and what was
10 actually in the snow. You will find that it was a plate
11 that had the letters first and numbers on the outside. As
12 you look at the front of the car on the far right, that's
13 where the front of the car hit the snow bank and it was the
14 letters that were left imprinted in the snow-- No, not the
15 letters the numbers.

16 Now, after the car was recovered what did we find
17 out remembering the testimony of Nancy Smathers
18 observations? You heard Agent Hardin looked at this car and
19 testified to a number of things. Number one: when you
20 opened the driver's door the dome light didn't come on. He
21 also testified that when he look at it, the reason it did
22 not light is it was currently out.

23 And you will be able to see the general size of the
24 car. And we believe you will agree that Nancy Smathers'
25 description was completely accurate and that this, indeed,

1 was the car that was used by the Defendant to flee the
2 murder scene.

3 Ms. Yezzo gave us several exhibits which I have been
4 referring to: the photographs and also the items belonging
5 to Mr. Davison showing the ownership of the car.

6 Now, we know that the Defendant, on the night of the
7 murders, picked up Zina Scott at the G.E. Plant on Walnut
8 Street and Zina Scott said he did indeed do that. And we
9 later found a person right across the street from there.
10 Farnella Graham, just happened to find a 9mm shell casing on
11 her walk the next morning. Now that is Exhibit 43 if I can
12 find it. It is here, and you will have it with you,
13 Exhibit 43. This is the shell casing recovered from the
14 front of Farnella Graham's home.

15 You will have, of course, numerous other shell
16 casings and you heard from Tom Nicholson of BCI, a
17 ballistics expert, that all 25 casings recovered, including
18 the one that was in front of Farnella Graham's house, was
19 fired by the same weapon, being the murder weapon.

20 You heard Lt. Dayne testify to Rudel Chatman's
21 involvement with the Keith family.

22 And finally, Dr. Fardel, you will have his report,
23 which indicates the cause of death of Marichell, Marchae,
24 and Linda Chatman and the wounds suffered by Quinton and
25 Quanita and Richard Warren.

1 We anticipate you will be instructed on how to
2 evaluate witnesses' testimony. We anticipate you will be
3 instructed that that is pretty much up to you, to observe
4 their demeanor, their motive, the reason to lie, the reason
5 to tell the truth.

6 We believe that when you apply that standard to
7 Richard Warren and Nancy Smathers, you will come to the same
8 conclusion that the State has. That is, they have neither
9 the motive or opportunity to fabricate. Their statements
10 are corroborated both by each others and by other witnesses.
11 There is no way they can be lying because their statements
12 are backed by the facts as we have seen from other sources.

13 We believe that you will find that the Defendant is
14 guilty of these counts of aggravated murder and counts of
15 attempted murder. I am going to-- The State will get a
16 chance to talk to you again.

17 We ask you to continue to give your attention to the
18 defense counsel, separate facts from allegations and
19 speculations, and when you do that, the State believes that
20 you will agree with us, that the facts and justice requires
21 your verdict of guilty against this Defendant.

22 Thank you. I look forward to talking to you again.
23 Thank you, Your Honor.

24 MR. BANKS: Your Honor, Mr. Wiseman, good
25 morning ladies and gentlemen of the jury. I would like to