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State of Michigan
In the Supreme Court

The People of the State of Michigan

Plaintiff-Appellee,

v.

Cora Ladane Lymon

Defendant-Appellant.

MSC No. 164685

COA No. 327355

Wayne County Circuit Court
Case No. 14-010811-FC

Appendix to
Cora Ladane Lymon's
Brief on Appeal

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Date: November 17, 2023

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Appendix A
April 7, 2015, Trial Transcript

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF MICHIGAN,

-vs- Case No. 14-10811

CORA LADANE LYMON,

Defendant.
_____/

JURY TRIAL

BEFORE THE HONORABLE DANA MARGARET HATHAWAY
CIRCUIT COURT JUDGE

Tuesday - April 7, 2015

APPEARANCES:

MR. DUANE BROWN,
Assistant Prosecuting Attorney,
Appearing on behalf of the People.

MR. RONALD GOLD and MR. ERIC BERG,
Appearing on behalf of the Defendant.

Reported by:
Jacquetta Smith, CSMR
Official Court Reporter

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April 7, 2015

Detroit, Michigan

(Proceedings commencing at 9:48 a.m.)

CLERK: Calling case number 14-010811-01-FC, People of the State of Michigan versus Cora Ladane Lymon.

This matter is here for a jury trial.

MR. BROWN: Good morning, Your Honor. Duane Brown on behalf of the People.

MR. GOLD: Good morning, Your Honor. For the record, Ronald R. Gold representing the defendant, and I'm assisted today by Mr. Eric Berg.

THE COURT: Okay.

Are there any preliminary matters we have to put on the record before we bring in the jury?

MR. BROWN: None from the People.

MR. GOLD: Nothing, Your Honor.

THE COURT: Okay.

All right.

Let's bring them in.

DEPUTY: All rise.

(Whereupon the jury panel was brought into the courtroom).

DEPUTY: You may be seated.

THE COURT: All right.

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Good morning, everyone.

PROSPECTIVE JURORS: Good morning.

You're here for, today, for a jury trial.

We anticipate this trial lasting one to two days, and the sooner we get started with the trial, the sooner you can get back to your daily lives.

So, I have a number of preliminary instructions that I have to read to you before we're gonna call the first fourteen of you to come up and sit in the jury box.

We're gonna ask those fourteen questions, and for the remainder of you that aren't called up, I want you to remember the questions. Raise your hand, do something to remind yourselves that you had some responsive information to the questions that were asked, because when you do ultimately get called into the jury box to potentially replace another juror, I'm going to ask, did you have any responsive information to the questions we already asked.

I do that, I do it that way so that we're not redundant, and we're not asking the same jurors, the same questions, over and over and over again.

Okay.

Well, I just saw someone that I recognize.

Mr. Rutherford? Okay.

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He was just in my child's birthday party this weekend.

All right.

For the record, we've never discussed this case, have we?

PROSPECTIVE JUROR RUTHERFORD: No.

THE COURT: Okay.

All right.

We're gonna go ahead and get started.

All right.

Ladies and gentlemen, I'm Judge Dana Margaret Hathaway, and it is my pleasure and privilege to welcome you to the Third Circuit Court for the County of Wayne.

I know that jury duty may be a new experience for some of you.

Jury duty is one of the most serious duties that members of a free society are asked to perform.

Our system of self-government could not exist without it.

The jury is an important part of this court.

The right to a jury trial is an ancient tradition, and part of our heritage.

The law says that both a person who is accused of a crime, and the Prosecution, have the right

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to a trial not by one person, but by a jury of twelve impartial persons.

Jurors must be as free as humanly possible from bias, prejudice, or sympathy for either side.

Each side in a trial is entitled to jurors who keep open minds until the time comes for you to decide the case.

Now, a trial begins with jury selection.

The purpose of this process is to obtain information about you that will help us choose a fair and impartial jury to hear the case.

During jury selection, the lawyers and I are going to ask you questions.

This is called the voir dire.

The questions are meant to find out if you know anything about the case.

Also, we need to find out if you have any opinions or personal experiences that might influence you for or against the Prosecution, the defendant, or any witnesses.

One or more of these things could cause you to be excused in this particular case, even though you may otherwise be qualified to be a juror.

The questions may probe deeply into your attitudes, beliefs, and experiences. They are not

meant to be an unreasonable prying into your private life.

The law requires that we get this information so that an impartial jury can be chosen.

If you do not hear or understand a question, you need to let us know.

If you do understand it, you should answer it truthfully and completely. And please do not hesitate to speak freely about anything you believe we should know.

Now, during jury selection, you may be excused from serving on the jury in one of two ways.

First, I may excuse you for cause. That is, I may decide that there is a valid reason why you cannot, or should not serve in this case.

Or a lawyer from one side or the other may excuse you without giving any reason whatsoever for doing so.

That’s called a peremptory challenge.

The law gives each side the right to excuse a certain number of jurors in this way.

If you are excused, you should not feel bad or take it personally.

As I explained before, there simply may be something that causes you to be excused from this

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particular case.

Now, I'm going to ask you to stand and swear to answer truthfully, fully, and honestly all the questions you will be asked about your qualifications to serve as a juror in this case.

If you have religious beliefs against taking an oath, you may affirm that you will answer all the questions truthfully, fully, and honestly.

Please stand and raise your right hands.

CLERK: Do you solemnly swear or affirm that you will truthfully and completely answer all questions about your qualifications to serve as jurors on this case?

PROSPECTIVE JURORS: I do.

THE COURT: Okay.

You can be seated.

I'm going to introduce you to members of my staff.

The Court Reporter is Jacquetta. She's taking down everything that I'm saying. So, it's important that when the lawyers and I are asking you questions, don't talk over one another because she can only take down one person at a time.

My Court Clerk is Eunice.

And we have Deputies Derisol and Deputy

Minor.

This is a criminal case involving the charges of three counts of torture; three counts of unlawful imprisonment; three counts of interfering with the crime reports; three counts of felonious assault; and one count of felony firearm, which I will explain more fully later.

The charges have been made against the defendant in this case, Cora Lymon.

Counsel, could you please stand, introduce yourself, and your client?

MR. GOLD: Good morning, folks.

My name is Ronald R. Gold, defense counsel for Mr. Cora Lymon.

Mr. Lymon, would you stand, please?

This is the defendant, Mr. Cora Lymon.

And I'm assisted in this trial by my associate, Mr. Eric Berg.

THE COURT: Thank you very much.

Prosecuting Attorney for this case is Mr. Brown.

Can you please stand, introduce yourself, and your O.I.C.

MR. BROWN: Good morning, ladies and gentlemen.

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PROSPECTIVE JURORS: Good morning.

MR. BROWN: As the Court indicated, I am Duane Brown, and I represent the People of the State of Michigan.

To my right, at this point, would be my Officer in charge, Officer Buxton.

THE COURT: Thank you very much.

MR. BROWN: And did the Court want me to call the --

THE COURT: I'll read them. Thank you.

MR. BROWN: And potentially, ladies and gentlemen --

THE COURT: No, I'll read them, Mr. Brown.

MR. BROWN: Okay.

THE COURT: Thank you.

MR. BROWN: Thank you.

THE COURT: The potential witnesses in this case are Jacqueline Lymon, Samuel Lymon, Isaac Lymon, Sergeant Abdilla, Officer Smith, Sergeant Moening, Lieutenant Buckberry, Mario Johnson, and Lakeisha Sanders.

Counsel aware of anyone I may have missed? Nope?

MR. GOLD: No, Your Honor.

MR. BROWN: Not on behalf of the People.

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THE COURT: Okay.

Thank you very much.

Does anyone in the audience, by a show of hands, know any of the attorneys, the defendant, anyone that works for the Court, or any of the witnesses that I called?

Okay.

I -- obviously, Mr. Rutherford, we've already put on the record that you and I know one another.

Okay.

For the record, I see no hands.

We think that the length of the trial will last two days.

If this is going to be a real hardship for us, you need to let us know once you're called into the jury box.

And what we consider a hardship, for purposes of excusing you from jury duty, means that you're leaving the State and you can't rearrange your plans, or you have some medical procedure that you also can't rearrange.

Simply working -- missing work does not qualify as a hardship that will excuse you from jury duty.

Now, I'm gonna talk to you about some legal

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principles, before we get started with the voir dire.

A person accused of a crime is presumed to be innocent.

This means that you must start with the presumption that the defendant is innocent.

This presumptions continues throughout the trial, and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty.

Every crime is made up of parts called elements.

The Prosecutor must prove each element of the crime beyond a reasonable doubt.

The defendant is not required to prove his innocence, or to do anything.

If you find that the Prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty.

A reasonable doubt is a fair, honest doubt growing out of the evidence, or lack of evidence.

It is not merely an imaginary doubt, or possible doubt, but a doubt based on reason and common sense.

A reasonable doubt is just that, a doubt that is reasonable after a careful and considered

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examination of the facts and circumstances of this case.

Now, as I said before, this is a criminal case. The paper used to charge the defendant with a crime is called an Information.

I'm going to read the Information to you now.

It alleges that on September 5th, 2014, in the area of 7309 Anna Drive, in Van Buren Township, that the defendant did, in count one, torture, with the intent to cause cruel or extreme physical or mental pain and suffering, inflict great bodily injury, or severe mental pain or suffering upon Jacqueline Lymon, a person within his or her custody or physical control.

In count two, that the defendant did, with the intent to cause cruel or extreme physical or mental pain and suffering, inflict great bodily injury, or severe mental pain or suffering upon Isaac Lymon, a person within his or her custody or physical control.

In count three, that the defendant did, with the intent to cause cruel or extreme physical or mental pain and suffering, inflict great bodily injury, or severe mental pain or suffering upon Samuel Lymon, a person within his or her custody or physical control.

Count four, the defendant knowingly restrain Jacqueline Lymon, by means of a weapon or dangerous

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instrument.

In count five the defendant knowingly restrain -- is that sixteen year old, or is that a fifteen? Mine's a little blurry. We're reading count five. Is that sixteen?

MR. BROWN: I believe count five is sixteen.

THE COURT: Okay.

Thank you very much.

In count five, did knowingly restrain a sixteen year old child, by means of a weapon or dangerous instrument.

In count six, did knowingly restrain a fifteen year old child, by means of a weapon or dangerous instrument.

Count seven, the defendant did, through the use of unlawful use of physical force, prevent or attempt to prevent another person from reporting a crime committed, or attempted by another person, and the violation involved threatening to kill or injure a person.

In count eight, the defendant did, through the use of unlawful use of physical force, prevent or attempt to prevent another person from reporting a crime committed, or attempted by another person, and the violation involved threatening to kill or injure a

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person.

In count nine, that the defendant did, through the use of unlawful use of physical force, prevent or attempt to prevent another person from reporting a crime committed, or attempted by another person, and the violation involved threatening to kill or injure a person.

In count ten, that the defendant did make an assault upon Jacqueline Lymon with a dangerous weapon, to-wit, semi-automatic hand gun, but without intending to commit the crime of murder, or to inflict great bodily harm less than the crime of murder.

In count eleven, that the defendant did make an assault upon Isaac Lymon with a dangerous weapon, to-wit, semi-automatic hand gun, but without intending to commit the crime of murder, or to inflict great bodily harm less than the crime of murder.

Count twelve, that the defendant did make an assault upon Samuel Lymon with a dangerous weapon, to-wit, semi-automatic hand gun, but without intending to commit the crime of murder, or to inflict great bodily harm less than the crime of murder.

And in count thirteen, the defendant did carry or have in his possess -- his or her possession, a firearm, to-wit, semi-automatic hand gun, at the time

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he or she committed or attempted to commit a felony, to-wit, felonious assault.

Now, the defendant has pled not guilty to these charges.

You should clearly understand that the Information I have read is not evidence. An Information is read in every criminal trial so that the defendant and the jury can hear the charges.

You must not think it is evidence of guilt, or that he must be guilty just because he's been charged.

Okay.

With that, let's call our first fourteen of you up into our jury box.

CLERK: Seat number one, Robert Lee Thomas.

Seat number two, Charles William Moser.

Seat number three, Ellen Booth Mc Carthy.

Seat number four, Latana Marie Brown.

Seat number five, Sheryl Fenice Morgan.

Seat number six, Malquiel Parker.

Seat number seven, Daniel Ivan Mc Broom.

Seat number eight, Anthony David Secco.

Seat number nine, Jose Munoz.

Seat number ten, William Clark.

Seat number eleven, Florence Goldsmith.

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Seat number twelve, Michael Clement.

Seat number thirteen, Aimee Dahl.

Seat number fourteen, Victor Wright.

THE COURT: Okay.

Juror in seat number one, please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR ROBERT THOMAS: My name is Robert Lee Thomas.

I live in Brownstown Township

And I'm a Technical Assistant at a Cardiology office.

THE COURT: Okay.

Thank you very much.

Juror number two, name, community in which you live, and what you do for a living?

PROSPECTIVE JUROR MOSER: Charles Moser.

I live in Brownstown.

And I work for Ford Motor Company.

THE COURT: Okay.

Thank you very much.

Juror number three, same questions.

PROSPECTIVE JUROR MC CARTHY: Ellen Booth Mc Carthy.

I live in Allen Park.

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I'm a retired Librarian.

THE COURT: Thank you very much.

Juror number four.

PROSPECTIVE JUROR BROWN: Latana Brown.

Live in Inkster.

I am a housing aide.

THE COURT: Okay.

Thank you very much.

Juror number five?

PROSPECTIVE JUROR MORGAN: Sheryl Denise Morgan.

Detroit, Michigan.

Administrative with AT&T.

THE COURT: Thank you very --

MR. GOLD: I'm sorry, I couldn't, I couldn't hear that, Judge.

THE COURT: Could you, could you repeat your answer?

PROSPECTIVE JUROR MORGAN: Sheryl Denise Morgan.

Detroit, Michigan.

AT&T Administrative.

THE COURT: Thank you very much.

Juror number six.

PROSPECTIVE JUROR PARKER: Malquiel Parker.

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Detroit, Michigan.

I work at Garden Fresh.

THE COURT: Thank you very much.

Juror number seven.

PROSPECTIVE JUROR MC BROOM: Daniel Mc Broom.

Detroit, Michigan.

Truck driver.

THE COURT: Truck driver?

Okay.

Thank you very much.

Juror number eight?

Please keep your voices up.

PROSPECTIVE JUROR SECCO: Anthony David Secco.

I'm from Woodhaven, Michigan.

And I'm an I.T. Consultant.

THE COURT: Thank you very much.

Juror number nine.

PROSPECTIVE JUROR MUNOZ: Jose Munoz.

I'm from Garden City, Michigan.

Supervisor at a scrap company.

THE COURT: Thank you very much.

Juror number ten.

PROSPECTIVE JUROR CLARK: William Clark.

From Redford, Michigan.

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I'm a business owner.

THE COURT: Thank you very -- what type of business do you own?

PROSPECTIVE JUROR CLARK: Hygenic --

MR. GOLD: I'm sorry?

PROSPECTIVE JUROR CLARK: Hygenic Cleaning Service.

THE COURT: Thank you very much.

Juror number eleven.

PROSPECTIVE JUROR GOLDSMITH: Florence Goldsmith.

Detroit, Michigan.

I work, I take care of an Alzheimer and Dementia resident.

THE COURT: Okay.

Juror number twelve?

PROSPECTIVE JUROR CLEMENT: Michael Clement.

Dearborn Heights.

U.S. Steel.

THE COURT: Thank you very much.

Juror number thirteen?

PROSPECTIVE JUROR DAHL: Aimee Dahl.

I'm from Livonia.

And I'm an Engineer at a plastics company.

THE COURT: Okay.

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And juror number fourteen?

PROSPECTIVE JUROR WRIGHT: Victor Wright.

Detroit, Michigan.

Retired from Ford Motor Company.

THE COURT: Okay.

All right.

By a show of hands, have any of you ever served on a jury before?

Okay.

Start with juror number three. How long ago was it?

PROSPECTIVE JUROR MC CARTHY: It must have been ten, twelve years ago.

THE COURT: Was it a criminal case?

PROSPECTIVE JUROR MC CARTHY: The case was dismissed, we were sent home, really before we knew about the subject matter of the case.

THE COURT: Okay.

So, you were never --

PROSPECTIVE JUROR MC CARTHY: Right.

THE COURT: Called up.

PROSPECTIVE JUROR MC CARTHY: The defendant never showed up.

THE COURT: Okay.

All right.

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And juror number five? How long ago was it?

PROSPECTIVE JUROR MORGAN: It was a long time, about ten, maybe, I would say ten years.

THE COURT: Ten years? Okay. Was it a criminal case?

PROSPECTIVE JUROR MORGAN: It was.

THE COURT: Were you able to reach a verdict?

PROSPECTIVE JUROR MORGAN: Yes.

THE COURT: Okay.

Did anyone else in the second row raise their hand?

No?

Who in the third row raised their hands?

Okay.

Juror number thirteen, how long ago was it?

PROSPECTIVE JUROR DAHL: It was June of 2013.

THE COURT: Was it a criminal case?

PROSPECTIVE JUROR DAHL: It was a criminal case.

THE COURT: Were you able to reach a verdict?

PROSPECTIVE JUROR DAHL: I actually was the alternate --

THE COURT: Alternate?

PROSPECTIVE JUROR DAHL: Juror that was dismissed.

THE COURT: Okay.

All right.

Again, by a show of hands, do any of you have relative or friends who are involved in law enforcement, or the legal profession?

Okay.

Juror number three, who is it to you?

PROSPECTIVE JUROR MC CARTHY: Yes, my sister-in-law is an Assistant Prosecuting Attorney in Monroe County.

THE COURT: Okay.

Is that gonna affect your ability to be fair in this case?

PROSPECTIVE JUROR MC CARTHY: I don't think so.

THE COURT: Okay.

PROSPECTIVE JUROR MC CARTHY: She doesn't talk about her cases.

THE COURT: Okay.

All right.

Who in the second row raised their hand?

Anyone?

Juror number six, go ahead.

PROSPECTIVE JUROR PARKER: My auntie, she's a retired Detroit cop.

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THE COURT: Okay.

Is that relationship gonna affect your ability to be fair to both sides in this case?

PROSPECTIVE JUROR PARKER: No.

THE COURT: Okay.

Anyone else, by a show of hands?

Juror number nine, go ahead.

PROSPECTIVE JUROR MUNOZ: I have a cousin in the Wayne County Sheriff Department.

THE COURT: Okay.

Is that gonna affect your ability to be fair in this case?

PROSPECTIVE JUROR MUNOZ: No.

THE COURT: Say no again?

PROSPECTIVE JUROR MUNOZ: No.

THE COURT: Okay.

And that’s the problem where I said that we can’t speak over one another. I -- it’s normal during dialogue with somebody else to know where the question’s going, and to try to preempt an answer, but I need a clear record for the Court Reporter.

Okay.

Has anyone ever been arrested or charged with a criminal offense, by a show of hands?

Okay.

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Juror number ten, what was it?

You don't have to stand up, sir.

PROSPECTIVE JUROR CLARK: Okay.

Well --

THE COURT: Was it a felony?

PROSPECTIVE JUROR CLARK: Yeah, it was.

THE COURT: Okay.

Were you convicted of a felony?

PROSPECTIVE JUROR CLARK: What you call it, pre-trial Diversion.

THE COURT: Diversion?

PROSPECTIVE JUROR CLARK: Yeah.

THE COURT: Is that what you said -- okay.

Is that gonna impact you're ability to be fair in this case?

PROSPECTIVE JUROR CLARK: I think so.

THE COURT: Why is that?

PROSPECTIVE JUROR CLARK: Well, for one, I feel that I was, wasn't directly dealt with at trial, or in the case.

I don't think that circumstantial evidence caused imminent behavior, because of the charge I was under, and basically because I was driven to that trial, I mean, to that cause.

When a person, his friends, then it may cause

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persons to -- it's not inappropriate -- that's not appropriate.

However, I was victimized by the Detroit Police Department years ago, before the Rodney King incident.

And I just don't feel that I could judge another man.

THE COURT: Okay.

Well, you're not judging the man, you're judging the facts of the case, and whether the Prosecutor has met its burden.

I just want to make that clear for everybody.

Okay.

All right.

Thank you.

All right.

Has anyone -- anyone else, arrested or charged with a crime, by a show of hands?

Okay.

For the record, I see none.

Has anyone ever been the victim of a crime?

Show of hands?

No one?

Okay.

All right.

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Mr. Brown, they're all yours.

MR. BROWN: By a show of hands, how many of you are familiar with the term of domestic violence?

I see most of you.

If you are somewhat -- again, could I see that again?

Someone has -- thank you.

Now, any of you have any close relatives, friends, or yourself who have been a victim of domestic violence?

Okay.

We're starting in the first row.

Juror number one, what is your experience with that?

PROSPECTIVE JUROR ROBERT THOMAS: My aunt and her husband were, they had an abusive relationship. And both of them were arrested on various occasions for domestic violence.

MR. BROWN: Okay. Did you ever witness any of that?

PROSPECTIVE JUROR ROBERT THOMAS: I did not.

MR. BROWN: Okay. Now, would that affect your ability to sit here and listen? There might be some issues of domestic violence?

PROSPECTIVE JUROR ROBERT THOMAS: No, sir.

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MR. BROWN: Okay. Who else in the first row?

Juror number four?

PROSPECTIVE JUROR BROWN: My aunt and her husband had a dangerous relationship.

MR. BROWN: Okay. And you -- did you witness that first hand, or just --

PROSPECTIVE JUROR BROWN: I did, as a child, but not vivid memory of it.

MR. BROWN: Would that affect your ability to sit here and listen?

PROSPECTIVE JUROR BROWN: I don't think so.

MR. BROWN: Second row?

Juror number five?

PROSPECTIVE JUROR MORGAN: Cousin that was in an abusive --

MR. GOLD: I'm sorry, I couldn't hear that, please.

PROSPECTIVE JUROR MORGAN: A cousin that was in an abusive relationship.

MR. BROWN: Okay. Would that affect your ability to sit and listen?

PROSPECTIVE JUROR MORGAN: No.

MR. BROWN: Anyone else in the second row?

Third row?

Juror number nine?

PROSPECTIVE JUROR MUNOZ: Yeah, my father beat up my mother all the time.

MR. BROWN: Okay. And did you witness that, juror number nine?

PROSPECTIVE JUROR MUNOZ: Sure did.

MR. BROWN: Would that affect your ability to sit here?

PROSPECTIVE JUROR MUNOZ: It probably would. It would bring back memories.

MR. BROWN: Okay. And no matter what the Judge said, you -- are you saying you wouldn't, or instructions, or what the evidence said, you wouldn't be able to put, set that aside?

PROSPECTIVE JUROR MUNOZ: Probably not.

MR. BROWN: Okay. Anyone else? Juror number ten?

PROSPECTIVE JUROR CLARK: My brother had an altercation with my niece, as a child. My wife had some, her family members, and of all the things I've been through in my life, tried to change that.

I'm not one of Jehovah's Witnesses, and I don't feel that I'd be competent in judging anything.

MR. BROWN: So, I, I guess you're saying then, whatever the Judge instructed you, or whatever evidence you heard, you still would not be able to sit

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there objectively, and listen to the evidence, and make a decision?

PROSPECTIVE JUROR CLARK: Yes.

MR. BROWN: Okay. Anyone else in the third row?

Juror number eleven?

PROSPECTIVE JUROR GOLDSMITH: My cousin, right now, her boyfriend --

MR. BROWN: Okay. And you're a witn --

PROSPECTIVE JUROR GOLDSMITH: Domestic violence.

MR. BROWN: I'm sorry?

PROSPECTIVE JUROR GOLDSMITH: Domestic violence.

MR. BROWN: Okay. You're witnessing that as you speak?

PROSPECTIVE JUROR GOLDSMITH: I didn't witness it, but I know about it.

MR. BROWN: Okay. And how would that affect your ability to sit here, if there was some issues involving domestic violence?

PROSPECTIVE JUROR GOLDSMITH: Well, I could sit here.

MR. BROWN: So, you're telling the Judge and the jury -- I'm sorry, and the attorney, that you can

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put that aside, and just listen?

PROSPECTIVE JUROR GOLDSMITH: Yes, I can put it aside and listen, yes.

MR. BROWN: Okay. Do all of you know, by a show of hands, that this case involves the State of Michigan versus the defendant? Not the defendant versus any witnesses, potential witnesses?

All of you understand that?

Very good. This is not a personal situation between the two of them.

Do any of you have a problem with the State of Michigan, possibly, by way of the People, being involved in a case, or someone's domestic relationship, or someone's marriage?

Do any of you feel that that should be left to those parties?

Juror number fourteen, you're -- you feel that the People should stay out of that, and that the two of them should work that out?

PROSPECTIVE JUROR WRIGHT: No, I can't -- what was the first question was --

MR. BROWN: The question was, do you feel that this case involved -- well, first of all, I did ask, if in fact you all understood that this case involved the People of the State of Michigan versus the

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defendant, not the defendant versus any one particular person? You understand that?

PROSPECTIVE JUROR WRIGHT: Yes.

MR. BROWN: Okay. And secondly, the question was, do you feel that the State of Michigan, by way of the Prosecution, should not get involved when there's a marital situation, or a domestic relationship, and those parties have a problem?

PROSPECTIVE JUROR WRIGHT: I, I mean, you know, the law is the law. That's all I can say. I mean, the law is the law.

If they want to intervene, they intervene. That's what they been doin'.

MR. BROWN: Okay. But do you feel that maybe they shouldn't intervene, juror number fourteen?

PROSPECTIVE JUROR WRIGHT: I'm from old school, and if it ain't under my roof, it ain't none of your business.

MR. BROWN: Okay. So, you feel, what happens in that household, should stay in that household, and other individuals should stay away?

PROSPECTIVE JUROR WRIGHT: Yes.

MR. BROWN: That's the way you feel?

PROSPECTIVE JUROR WRIGHT: That's the way I feel.

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MR. BROWN: Okay. Now, in spite of what the Judge might instruct you, or evidence you hear, do you think you can put aside those old school feelings, as you say, and make a decision based on what you hear from that witness stand?

PROSPECTIVE JUROR WRIGHT: I'm from the old school, so I ain't tryin' to -- look, I have a problem with the justice system itself, you know. I been harassed, or whatever. I try to stay off the street at certain times of the evenin'.

Like I say, if his problem is -- if it's at home, it's at home.

MR. BROWN: Okay. So, it should not even be -- finish your statement.

PROSPECTIVE JUROR WRIGHT: Don't come at my door. I mean, you know, you don't tell me how to whoop my child, if you ain't gonna --

MR. BROWN: Okay.

PROSPECTIVE JUROR WRIGHT: You know, that's what I'm tryin' to say.

MR. BROWN: Now, are you saying, you cannot put then those feelings aside, no matter what the Judge instructs you, and make a determination based on what you hear from the witness stand?

PROSPECTIVE JUROR WRIGHT: I don't think so.

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MR. BROWN: You don't think so? Okay.

Now, I see you shaking your head, juror number thirteen. Do you feel that same way?

PROSPECTIVE JUROR DAHL: No.

MR. BROWN: Oh, okay. All right.

PROSPECTIVE JUROR CLARK: I feel the same way.

MR. BROWN: You feel the same way? I think you, you voiced that, juror number ten.

PROSPECTIVE JUROR DAHL: I, I would clarify, I think particularly when minors are involved. I think the -- perhaps intervention is more key in that situation when it's specifically adults involved. Maybe they can take care of their own situation, but when there's children involved, I think it's more key the law protect the --

MR. BROWN: But are you saying, though, juror number thirteen, no matter what the facts, no matter what the circumstances, it should be left in that household?

PROSPECTIVE JUROR DAHL: No, I am not saying that.

MR. BROWN: Okay.

PROSPECTIVE JUROR DAH: I'm saying, I think it's key that the law protect younger individuals who

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are, particularly are victims of domestic violence.

MR. BROWN: Okay. Now, aside from juror number ten, and juror number fourteen, has anyone else had maybe a bad experience with the Police Officers?

Juror number nine, you have?

PROSPECTIVE JUROR MUNOZ: Yeah, I was a victim of Police brutality, growing up in Detroit, when I was, in my teenage years.

MR. BROWN: Okay. Is that gonna -- if there's some Police testimony, is that gonna affect you're ability to sit there and listen to what they say?

PROSPECTIVE JUROR MUNOZ: Yeah, it would. Just because the fact that, why should I help them out, help out law enforcement when they, you know, they beat me up, you know what I mean?

MR. BROWN: Okay. So, you feel that you'd be helping out law --

PROSPECTIVE JUROR MUNOZ: Yeah.

MR. BROWN: If someone was just testifyin' as to what they saw?

PROSPECTIVE JUROR MUNOZ: Yes.

MR. BROWN: Okay. No matter what the Judge instructed you?

PROSPECTIVE JUROR MUNOZ: Yep.

MR. BROWN: Okay. Anyone else feel that way? Nothing further, Your Honor.

THE COURT: Okay.

Mr. Gold?

MR. GOLD: Good morning, again, folks.

Mr. Thomas, you said something about domestic violence in your family. Who did that involve again?

PROSPECTIVE JUROR ROBERT THOMAS: My aunt and her husband.

MR. GOLD: Were you pretty close with them?

PROSPECTIVE JUROR ROBERT THOMAS: Not really close, but somewhat.

MR. GOLD: Was this recent, or occurred over a number of years, or years ago?

PROSPECTIVE JUROR ROBERT THOMAS: It's probably seven years ago.

MR. GOLD: Do you see them currently, very often?

PROSPECTIVE JUROR ROBERT THOMAS: Not very often.

MR. GOLD: Are they still together?

PROSPECTIVE JUROR ROBERT THOMAS: No, they are not.

MR. GOLD: They're divorced?

PROSPECTIVE JUROR ROBERT THOMAS: Yes.

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MR. GOLD: This case here involves allegations of domestic violence, as you may have guessed.

Do you think that you could listen to the testimony, and be fair in this particular case?

PROSPECTIVE JUROR ROBERT THOMAS: I believe so.

MR. GOLD: Let me ask you this: If you were on a, if you were on trial, yourself, as a defendant in a domestic violence case, do you think you would like to have a juror like yourself judging the case?

PROSPECTIVE JUROR ROBERT THOMAS: Most likely not.

MR. GOLD: And why do you say that?

PROSPECTIVE JUROR ROBERT THOMAS: No matter what one may say, they may have made a decision already, before hearing any evidence.

MR. GOLD: So, then, as I said, if you were a defendant, you probably would have some questions, or doubts about somebody like your sitting, like yourself sitting in judgment of you, is that correct?

PROSPECTIVE JUROR ROBERT THOMAS: Yes.

MR. GOLD: Okay. Mrs. Brown, you said that an aunt and her husband had some domestic violence problems, which you witnessed as a child?

PROSPECTIVE JUROR BROWN: Yes.

MR. GOLD: Is that correct?

PROSPECTIVE JUROR BROWN: Correct.

MR. GOLD: Do you see those people, your relatives, currently?

PROSPECTIVE JUROR BROWN: Well, he's since passed.

MR. GOLD: Oh.

PROSPECTIVE JUROR BROWN: And she passed away after being drunk and he allowed her to stay in a burning house, and died. So, that was --

MR. GOLD: Okay. Well, that's, that's pretty tough. What do you think? Could you set that aside and listen to this case, and judge my client, Mr. Lymon, fairly?

PROSPECTIVE JUROR BROWN: I can judge him fairly.

I don't condone domestic violence.

MR. GOLD: I understand.

PROSPECTIVE JUROR BROWN: But I can still judge him fairly.

MR. GOLD: So, I gather, if you were in the place of Mr. Lymon, would you want a juror like yourself deciding the case?

PROSPECTIVE JUROR BROWN: I'm an honest

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person. I can reason, and I can assume, based on the facts, if something may or may not have happened.

MR. GOLD: Because the facts are gonna control?

PROSPECTIVE JUROR BROWN: I would think so.

MR. GOLD: Thank you.

Miss Morgan?

PROSPECTIVE JUROR MORGAN: Yes?

MR. GOLD: Who was it, again, something about a cousin of yours, that --

PROSPECTIVE JUROR MORGAN: A cousin, was in an abusive relationship.

MR. GOLD: With his wife, or a girlfriend, or --

PROSPECTIVE JUROR MORGAN: No, it was a boyfriend.

MR. GOLD: And do you see them currently?

PROSPECTIVE JUROR MORGAN: Not often, because I -- she's under such distress always, and --

MR. GOLD: Because of that relationship?

PROSPECTIVE JUROR MORGAN: Yes.

MR. GOLD: Okay. Well, that experience, and what you know about it, would that cause you some concern about sitting in judgment of my client, Mr. Lymon?

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PROSPECTIVE JUROR MORGAN: I would hope not. I would hope that I can be honest, and just set that aside.

MR. GOLD: If you were Mr. Lymon, would you settle for a juror such as yourself, judging the case?

PROSPECTIVE JUROR MORGAN: Probably not.

MR. GOLD: You would have some doubts?

PROSPECTIVE JUROR MORGAN: I would have some doubts.

MR. GOLD: Mm-hmm. Thank you.

PROSPECTIVE JUROR MORGAN: You're welcome.

MR. GOLD: Mr. Clement, you said something about -- I'm sorry, did you say something about that you were familiar with a relative or somebody that had domestic violence -- no. Okay.

Mrs. Dahl, you, you said something about a cousin and a boyfriend, did you?

PROSPECTIVE JUROR DAHL: No.

MR. GOLD: No? Okay. I've got you, I'm sorry about that.

Okay.

THE COURT: Anything additional, Mr. Gold?

MR. GOLD: I do have a couple more, Your Honor.

THE COURT: Okay.

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MR. GOLD: Just a couple more.

In, in preliminary remarks, the Judge talked with you about the fact that this is a criminal case, and that in these United States, anybody who's charged with a crime is presumed to be innocent.

In other words, when the case starts, my client, Mr. Lymon, walks in this courtroom, and sits behind that table, and at this point, he's presumed to be innocent.

And the Judge has told you that, because he's presumed to be innocent, unless the facts are such that you are convinced beyond a reasonable doubt, that you have an obligation and a duty to find him not guilty.

Now, does anybody in the jury here think that, because he's sitting as a defendant here in court, that he must have done something wrong? Anybody have that feeling?

PROSPECTIVE JUROR: I do.

MR. GOLD: Okay. Well, you know that there are innocent people who are convicted, correct, naturally?

I'm sorry, Judge?

PROSPECTIVE JUROR: Yes, I do know that.

THE COURT: She's just asking her to repeat her answer.

MR. GOLD: Okay.

And if, if the Judge tells you that the fact that he's here in court as a defendant is no evidence at all, do you accept that, or do you still question that?

PROSPECTIVE JUROR: I accept that, but when you state the question of, has he done something wrong, I guess I feel that it's extremely likely he's done something wrong to be here.

MR. GOLD: Thank you.

I have no more questions.

THE COURT: Okay.

Counsel, can you approach?

(Whereupon a discussion was had off the record at the bench at 10:27 a.m.)

THE COURT: Okay.

Peremptories to you, Mr. Brown?

MR. BROWN: I'm sorry, Your Honor?

THE COURT: Peremptories, to you.

MR. BROWN: At this time, the People would thank and excuse juror number seven.

THE COURT: Okay.

All right.

Ladies and gentlemen, once you're excused from this courtroom, you'll go back down to the first

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floor courtroom, where you will likely be assigned to another courtroom for another trial.

Okay.

Peremptories, Mr. Gold?

MR. GOLD: Yes, Your Honor. At this time, the People (sic) would thank and excuse juror number thirteen, Miss Dahl.

THE COURT: Miss Dahl, okay.

All right.

The Court will excuse jurors nine, ten, and fourteen, as well.

Nine, ten, and fourteen.

Grab your things, go back down to the first floor jury room.

Okay.

We're gonna call some additional jurors.

CLERK: Seat number seven, Guillermo Sancen, C -- S-a-n-c-e-n.

Seat number nine, Brenda Crowe.

Seat number ten, Betty Lewis.

Seat number thirteen, Forest Rutherford.

Seat number fourteen, Yardran Smith.

THE COURT: Okay.

Juror number seven, please state your name, the community in which you live, and what you do for a

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living?

PROSPECTIVE JUROR SANCEN: My name is Guillermo Sancen.

I am a construction worker.

And I live in Detroit.

THE COURT: You live in Detroit, okay.

Juror number nine, name, community in which you live, and what you do for a living?

PROSPECTIVE JUROR CROWE: My name is Brenda Crowe.

I live in Detroit, Michigan, slash, Ferndale.

And I work for the United State Postal Service.

THE COURT: Okay.

Thank you very much.

Juror number ten?

PROSPECTIVE JUROR BETTY LEWIS: My name is Betty Lewis.

I live in Detroit, Michigan.

And I work --

MR. GOLD: I'm sorry, I didn't hear?

THE COURT: Was that you work in environmental services?

PROSPECTIVE JUROR BETTY LEWIS: Services.

THE COURT: Okay.

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All right.

Juror number thirteen, name, community in which you live, what you do for a living?

PROSPECTIVE JUROR RUTHERFORD: Forest Rutherford.

I live in Grosse Pointe Farms.

And Reliability Engineering for U.S. Steel.

THE COURT: Okay.

And juror number fourteen?

PROSPECTIVE JUROR SMITH: Yardran Smith.

I work for Comerica Park, and I also work at Mc Donald’s.

THE COURT: You work for? What did you say, the second thing?

PROSPECTIVE JUROR SMITH: Comerica Park and Mc Donald’s.

THE COURT: Okay.

And what community do you live in, sir?

PROSPECTIVE JUROR SMITH: Detroit, Michigan.

THE COURT: Okay.

All right.

Now, all the questions are focused on our newly seated jurors.

To our newly seated jurors, did any of you have any trouble understanding, or hearing any of the

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questions that were asked so far this morning.

Okay.

For the record, I see no hands.

Based on those questions, are there any information that you need to provide to us?

Let me remind you, there were questions about domestic violence, whether you served on a jury before, whether you've ever been convicted of a crime, anything.

PROSPECTIVE JUROR BETTY LEWIS: Oh.

THE COURT: Go ahead, okay. We'll start with juror number ten.

PROSPECTIVE JUROR BETTY LEWIS: I have a felony, in '93, 1993, welfare fraud, but restitution was paid back.

THE COURT: Okay.

Anyone else, by a show of hands?

Okay.

Juror number nine?

PROSPECTIVE JUROR CROWE: Domestic violence.

THE COURT: You've been a victim of domestic violence?

Is that a yes?

PROSPECTIVE JUROR CROWE: Yes.

THE COURT: Okay.

Can you still be fair to both sides in this case?

PROSPECTIVE JUROR CROWE: Children are involved, my kids were involved, I doubt it.

THE COURT: How long ago did this happen to you?

PROSPECTIVE JUROR CROWE: Fifteen years ago.

THE COURT: Was there ever any sort of criminal case brought?

Is that a no?

PROSPECTIVE JUROR CROWE: No.

THE COURT: Okay.

And juror number thirteen, were you raising your hand?

Go ahead.

PROSPECTIVE JUROR RUTHERFORD: Yeah. Victim of domestic violence when I was a kid, abandoned and beat pretty regular.

THE COURT: Is that gonna impact your ability to be fair to both sides in this case?

PROSPECTIVE JUROR RUTHERFORD: No, Your Honor.

THE COURT: Okay.

Thank you very much.

And juror number fourteen, you were raising

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your hand. Go ahead.

PROSPECTIVE JUROR SMITH: Yes, two of my aunties and my grandma was in abusive relationships.

THE COURT: Did you ever observe any, any abuse? Personally, you observed it?

PROSPECTIVE JUROR SMITH: Yes.

THE COURT: Okay.

Is that gonna affect your ability to be fair to both sides in this case?

PROSPECTIVE JUROR SMITH: No.

THE COURT: Was that a no?

PROSPECTIVE JUROR SMITH: No.

THE COURT: Sorry, thank you.

Okay.

Absent challenges for cause, peremptories to you, Mr. Gold?

MR. GOLD: Your Honor, with appreciation, we would ask that Mrs. Mc Carthy be excused.

THE COURT: And that is juror number three, okay.

Mr. Brown?

MR. BROWN: The People are passing, at this point.

THE COURT: Okay.

Counsel, can you approach?

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(Whereupon a discussion was had off the record at the bench).

THE COURT: The Court will excuse jurors nine and ten.

Thank you for bringing that up. You exit out that way.

Okay.

Let's call our jurors.

CLERK: Seat number three, Ronald Nabors.

Seat number nine, Kanwar Dhillon.

Seat number ten, Jameszella Sneed.

THE COURT: Okay.

Let's start with juror number three. Could you please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR NABORS: Wayne Nabors.

Grosse Pointe Woods, Michigan.

Financial Advisor.

THE COURT: Okay.

All right.

And juror number nine?

PROSPECTIVE JUROR DHILLON: I'm Kanwar Dhillon.

I live in Canton, Michigan.

I am an Engineer at G.M.

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THE COURT: Okay.

And juror number ten?

PROSPECTIVE JUROR SNEED: My name is Jameszella Sneed.

I stay in Detroit, Dearborn.

I'm a school teacher.

THE COURT: Okay.

All right.

To our newly seated jurors, three, nine, and ten, did any of you not hear or understand any of the questions that were asked so far this morning?

For the record, I see no hands.

Based on those questions, is there any information you need to provide to us?

Go ahead, juror number three?

PROSPECTIVE JUROR NABORS: When I lived in Kentucky, I worked in a children's home, working with the children --

THE COURT: You can put your hand down, sir.

PROSPECTIVE JUROR NABORS: Okay. Thank you.

THE COURT: Go ahead.

PROSPECTIVE JUROR NABORS: Working with children that had been domestically abused, physically, sexually, and though I never witnessed it, I witnessed the aftermath with markings, and emotional and physical

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pains, et cetera, et cetera.

THE COURT: Is that gonna impact your ability to be fair to both sides to this case? Fair to both sides in this case?

PROSPECTIVE JUROR NABORS: That's -- I don't know.

THE COURT: Okay.

All right.

And juror number ten, go ahead.

PROSPECTIVE JUROR SNEED: My daughter, my daughter, she was assaulted, but we have, we haven't did the warrant yet.

THE COURT: I'm sorry, I couldn't -- are you saying your daughter was the -- a victim of domestic violence?

PROSPECTIVE JUROR SNEED: My daughter was assaulted.

THE COURT: She was assaulted?

PROSPECTIVE JUROR SNEED: She only six years old.

THE COURT: Okay.

I see you're very emotional now.

Is this gonna impact your ability to be fair in both sides in this case? Fair to both sides?

PROSPECTIVE JUROR SNEED: I don't know.

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THE COURT: Okay.

How recently was she assaulted, ma'am?

PROSPECTIVE JUROR SNEED: She was assaulted on, I can't remember what date. They doin' a warrant right now.

THE COURT: Was it within the past year?

PROSPECTIVE JUROR SNEED: Yes.

THE COURT: Okay.

PROSPECTIVE JUROR SNEED: It was, like, last -- like this -- I can't remember.

THE COURT: Okay.

And juror number nine, I see you raising your hand. Go ahead.

PROSPECTIVE JUROR DHILLON: I am against violence, ma'am, especially when young children are involved.

I, I don't have any personal experience but, it's very emotional for me, if children are involved.

THE COURT: Okay.

I think if you would ask every juror, they would probably say they're also against violence.

What we need to know is, can you be fair to both sides?

I, I saw a hand. Okay.

Juror number seven, I will get to you.

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Can you be fair to both sides in this case?

PROSPECTIVE JUROR DHILLON: Ma'am, I, I don't know.

THE COURT: You don't know?

PROSPECTIVE JUROR DHILLON: I --

THE COURT: That's fair, that's a fair answer.

Okay.

Juror number seven, go ahead. You have something --

PROSPECTIVE JUROR: Yes, actually, I was somebody assault myself and a closer friends last year, on July.

THE COURT: Okay.

PROSPECTIVE JUROR: Last year, you know, and basically I have trouble to listen, because I have a little hole in my left ear.

THE COURT: Oh, so you have a medical condition that might prevent you from being able to take in all the evidence in this case, is that what you're saying?

PROSPECTIVE JUROR: It's, it might.

THE COURT: It might.

Okay.

All right.

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Mr. Brown, absent challenges for cause, peremptories to you.

And you're -- either side is free to approach if they'd like to, with respect to cause.

MR. BROWN: Well, can we approach, Your Honor?

THE COURT: Yeah, come on.

(Whereupon a discussion was had off the record at the bench).

THE COURT: Okay.

Mr. Brown, peremptories to you?

MR. BROWN: People pass.

THE COURT: Okay.

Mr. Gold?

MR. GOLD: Your Honor, with appreciation, I would ask that Mrs. Lee (sic) be excused?

THE COURT: What? I don't see a Mrs. Lee. Mrs. Sneed?

MR. GOLD: Yes, I'm sorry.

THE COURT: Okay.

Are we talking about juror number ten?

MR. GOLD: Yes, we are.

THE COURT: Okay.

All right.

MR. GOLD: I wrote it down wrong. Sorry

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about that.

THE COURT: Okay.

Thank you.

And the Court will excuse juror number seven.

Okay.

New jurors.

CLERK: Seat number seven, David Stringer.

Seat number ten, Gregory Kirby.

MR. GOLD: Judge, what was the last name, I didn't hear that.

THE COURT: Kirby.

MR. GOLD: Thank you.

THE COURT: Okay.

Juror in seat number seven, could you please state your name, community in which you live, and what you do for a living?

PROSPECTIVE JUROR STRINGER: David Stringer.

I live in Inkster, Michigan.

And I'm a truck driver.

THE COURT: Okay.

And juror number ten, same questions. Mr. Kirby?

PROSPECTIVE JUROR KIRBY: Gregory Kirby.

Detroit, Michigan.

I'm a Pastor.

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THE COURT: You're a Pastor?

PROSPECTIVE JUROR KIRBY: Yes, ma'am.

THE COURT: Okay.

All right.

To our newly seated jurors in seats seven and ten, did any of you not hear or understand the, any of the questions that were asked so far this morning?

By a show of hands?

PROSPECTIVE JUROR KIRBY: Understood.

THE COURT: You understood them.

Okay.

Thank you very much.

Based on those questions, is there any information that you need to provide to us?

PROSPECTIVE JUROR STRINGER: I have two cousins that are State Police Officers.

THE COURT: Okay.

For the State of Michigan?

PROSPECTIVE JUROR STRINGER: Yes.

THE COURT: Okay.

Those relationships gonna impact your ability to be fair to both sides in this case?

PROSPECTIVE JUROR STRINGER: No, ma'am.

THE COURT: Okay.

Juror number ten, did you have any responsive

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information that you need to provide to us?

PROSPECTIVE JUROR KIRBY: No, ma'am.

THE COURT: Okay.

Mr. Gold?

MR. GOLD: One minute, Your Honor.

Your Honor, with appreciation, we would ask that juror number three be excused.

THE COURT: Okay.

Mr. Nabors, thank you very much.

And Mr. Brown?

MR. BROWN: The People would thank and excused juror number ten, Your Honor.

THE COURT: Okay.

All right.

We need a juror for seat number three and ten.

CLERK: Seat number three, Cheryl Lofton.

Seat number ten, Ronda Wilson.

THE COURT: Okay.

Juror in seat number three, could you please state your name, community in which you live, and what you do for a living?

PROSPECTIVE JUROR LOFTON: Cheryl Lofton.

Detroit, Michigan.

Blue Cross Blue Shield of Michigan.

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THE COURT: Okay.

And juror number ten, name, community in which you live, and what you do for a living?

PROSPECTIVE JUROR WILSON: Ronda Wilson.

I live in Dearborn Heights.

And I'm customer service at a printing company.

THE COURT: Okay.

All right.

To our newly seated jurors, three and ten, did any of you not hear or understand any of the questions that were asked so far this morning?

By a show of hands?

I see none.

Based on those questions, is there any information that either of you need to provide to us, with respect to your qualifications to serve as a juror?

Nothing from juror number ten? Nothing from juror number three?

PROSPECTIVE JUROR LOFTON: No.

THE COURT: Okay.

All right.

Mr. Brown, peremptories to you.

MR. BROWN: People pass.

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THE COURT: Okay.

Mr. Gold?

MR. GOLD: Yes, one minute, Your Honor.

THE COURT: You can do multiples, if you'd like, Mr. Gold.

MR. GOLD: Oh, okay.

Your Honor, with appreciation, we'd excuse jurors number nine and number seven.

THE COURT: Okay.

Let's pick juror seven --

CLERK: Seat, seat number seven, Clyde Ayers.

Seat number nine, Samantha Hankard.

THE COURT: Okay.

Juror in seat number seven, could you please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR AYERS: Clyde Ayers.

Detroit, Michigan.

I'm a machine operator.

THE COURT: Okay.

Thank you very much.

And juror number nine?

PROSPECTIVE JUROR HANKARD: My name is Samantha Hankard.

I'm from Dearborn.

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And I am an elementary school teacher.

THE COURT: Okay.

All right.

To our newly seated jurors, seven and nine, did either of you not hear or understand any of the questions that were asked so far this morning?

Okay.

I see no hands.

Based on those questions, is there any information that you need to let us know.

Go ahead, juror number seven. You're raising your hand.

PROSPECTIVE JUROR AYERS: I have a felony, been incarcerated.

THE COURT: Okay.

Anything else, juror number seven?

PROSPECTIVE JUROR AYERS: No.

THE COURT: Okay.

Juror number nine?

PROSPECTIVE JUROR HANKARD: I had a student last year that was beaten at home.

THE COURT: That was beaten?

PROSPECTIVE JUROR HANKARD: Yes.

THE COURT: Okay.

Is that gonna impact your ability to be fair

to both sides in this case?

PROSPECTIVE JUROR HANKARD: I don't think so.

THE COURT: Okay.

Mr. Brown, any peremptories?

MR. BROWN: May we approach?

(Whereupon a discussion was had off the record at the bench).

THE COURT: All right.

I'll take care of cause. Go ahead. Any peremptories, Mr. Brown?

MR. BROWN: The People pass.

THE COURT: Okay.

Mr. Gold, any peremptories?

MR. GOLD: I do, Your Honor. One minute, please.

THE COURT: Okay.

MR. GOLD: Again, with appreciation, Your Honor, we would ask that the juror sitting in seat number nine be excused.

THE COURT: Okay.

Miss Hankard.

THE COURT: The Court will excuse juror number seven.

CLERK: Seat number seven, Thalese West.

Seat number nine, Mose Primus.

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THE COURT: Okay.

Juror --

MR. GOLD: I'm sorry, I didn't get that last name for number nine?

THE COURT: Primus, P-r-i-m-u-s.

Okay.

Juror in seat seven, could you please state your name, community in which you live, and what you do for a living?

PROSPECTIVE JUROR WEST: Okay. My name is Thalese West.

I'm from Brownstown, Michigan.

And I'm a hair stylist.

THE COURT: Okay.

Did you hear all the questions that were asked so far this morning?

PROSPECTIVE JUROR WEST: Yes.

THE COURT: Do you have any responsive information you need to provide to those questions?

PROSPECTIVE JUROR WEST: No.

THE COURT: Okay.

And juror in seat number nine, could you please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR PRIMUS: Mose Primus from

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Detroit, Michigan.

I'm retired. I was a meat cutter.

THE COURT: Okay.

Mr. Primus, would you be able to sit on this jury?

PROSPECTIVE JUROR PRIMUS: I don't think so.

THE COURT: Okay.

All right.

PROSPECTIVE JUROR PRIMUS: I'm --

THE COURT: Yeah, I'm gonna excuse you.

PROSPECTIVE JUROR PRIMUS: Can I go?

THE COURT: Yep. You have to go back down to the first floor jury room.

PROSPECTIVE JUROR PRIMUS: Okay.

CLERK: Seat number nine, Ronald Malec.

THE COURT: If you need to have a seat, and just take a break before you go back down to the first floor, that's fine.

PROSPECTIVE JUROR PRIMUS: Okay.

THE COURT: Okay.

Juror number nine, could you please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR MALEC: My name is Ronald Malec.

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I live in Northville Township.

And I'm retired.

THE COURT: Okay.

What did you do, sir?

PROSPECTIVE JUROR MALEC: I was a Draftsman for Ford Motor Company.

THE COURT: Pardon, could you keep your voice up.

PROSPECTIVE JUROR MALEC: A Draftsman for Ford Motor Company.

THE COURT: Okay.

Mr. Malec, did you hear all the questions that were asked so far this morning?

PROSPECTIVE JUROR MALEC: Yes, I did.

THE COURT: Do you have any responsive information to any of those questions?

Is that a no?

PROSPECTIVE JUROR MALEC: No.

THE COURT: Okay.

Thank you very much.

All right.

Mr. Brown -- actually, it's to Mr. Gold. Peremptories to you.

MR. GOLD: One minute, Your Honor.

THE COURT: Okay.

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And just so the record's clear, Mr. Primus was dismissed for a medical condition.

MR. GOLD: Your Honor, again, with appreciation, we'd ask that jurors number two, and number four, be excused.

THE COURT: Okay.

Mr. Brown?

MR. BROWN: The People pass at this time.

THE COURT: Okay.

CLERK: Seat number two, Jennifer Politi.

Seat number four, Paul Ackerman.

THE COURT: Okay.

Juror in seat number two, could you please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR POLITI: Jennifer Politi.

Northville Township.

And I'm an Insurance Broker.

THE COURT: Okay.

And juror number four?

PROSPECTIVE JUROR ACKERMAN: Paul Ackerman.

Taylor, Michigan.

Department of Homeland Security, retired Federal Security Officer.

THE COURT: Okay.

Thank you very much.

All right.

Did either of you not hear or understand any of the questions that were asked so far this morning?

By a show of hands?

I see none.

Based on those questions, are there any information you need to provide to us?

Go ahead, juror number two?

PROSPECTIVE JUROR POLITI: I served on a jury before, about three years ago.

THE COURT: Was it a criminal case?

PROSPECTIVE JUROR POLITI: Yes.

THE COURT: Were you able to reach a verdict?

PROSPECTIVE JUROR POLITI: Yes.

THE COURT: Okay.

And juror number four, any responsive information to the questions that were asked so far this morning?

PROSPECTIVE JUROR ACKERMAN: If I would have got the call, he wouldn't have been too pretty when he got to the jail.

THE COURT: You don't think you could be fair?

PROSPECTIVE JUROR ACKERMAN: No, I cannot.

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THE COURT: Okay.

All right.

The Court will excuse juror number four.

Mr. Brown, peremptories to you.

MR. BROWN: We pass at this time.

THE COURT: Okay.

Mr. Gold?

Ladies and gentlemen, this can be the lengthiest part of the entire process, but I assure you we're nearing the end, and you'll be excused for lunch in short order.

MR. GOLD: Your Honor, with appreciation, I'd ask that juror number thirteen be excused.

THE COURT: Okay.

All right.

Can we call a juror for seat number four?

CLERK: Seat number four, Andrea Lewis.

Seat number thirteen, Inez Thomas.

THE COURT: Okay.

Juror number four, could you please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR ANDREA LEWIS: My name is Andrea Lewis.

I live in Detroit, Michigan.

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And I'm a stay at home mom.

THE COURT: All right.

And juror number thirteen?

PROSPECTIVE JUROR INEZ THOMAS: Inez Thomas.

I live in Ecorse, Michigan.

I, I do residential home care.

THE COURT: Okay.

Thank you very much.

All right.

By a show of hands, did any of you not hear or understand any of the questions that were asked so far this morning?

Okay.

All right.

I see no hands.

Juror number thirteen, you have some responsive information you'd like to provide to us?

PROSPECTIVE JUROR INEZ THOMAS: Yes, I do.

THE COURT: Go ahead.

PROSPECTIVE JUROR INEZ THOMAS: My mother was abused when I was a child. And I was abused physically, mentally, in a six and a half year relationship. This happened in 2012, my ex-boyfriend was arrested.

THE COURT: Are these experiences going to

impact your ability to be fair to both sides in this case?

PROSPECTIVE JUROR INEZ THOMAS: I don't know.

THE COURT: Okay.

Did you have to testify at any sort of legal proceeding?

PROSPECTIVE JUROR INEZ THOMAS: Yes.

THE COURT: You did?

Okay.

And juror number four, did you have any responsive information that you wanted to provide to us?

PROSPECTIVE JUROR ANDREA LEWIS: Yes. I'm a victim of domestic abuse, from my ex-husband.

And it's a little creepy gotten assigned to this courtroom. I was just here last year with my daughter. You sentenced her step-father, to twenty-seven to fif -- twenty-seven months to fifteen years for raping her.

THE COURT: Okay.

Ma'am, I, I can't guess at this. I need you to be honest. Do you think you can be fair to both sides in this case?

PROSPECTIVE JUROR ANDREA LEWIS: No.

THE COURT: Is that a no?

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You have to say yes or no.
PROSPECTIVE JUROR ANDREA LEWIS: No.
THE COURT: Okay.
Thank you.
Okay.
Mr. Brown, peremptories to you.
MR. BROWN: People pass, Your Honor.
THE COURT: Okay.
MR. GOLD: Judge, may we approach?
THE COURT: Yes.
(Whereupon a discussion was had off the record at the bench).
THE COURT: Okay.
Go ahead, Mr. Gold.
MR. GOLD: Your Honor, with appreciation, we'd ask that juror number thirteen be excused.
THE COURT: Okay.
And the Court will excuse juror number four.
MR. GOLD: Thirteen.
THE COURT: Yes.
MR. GOLD: Oh, yes.
THE COURT: Thirteen, and I'm excusing four.
Okay.
CLERK: Seat number four, Jason Marzette.
Seat number thirteen, Lavett Holloway.

THE COURT: Okay.

Juror number four, please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR MARZETTE: Jason Marzette. Detroit, Michigan.

I'm a student, and also work for the University of Detroit Mercy, for Public Safety.

THE COURT: Okay.

Where are you going to school?

PROSPECTIVE JUROR MARZETTE: University of Detroit Mercy.

THE COURT: Okay.

What are you studying?

PROSPECTIVE JUROR MARZETTE: Communications.

THE COURT: Okay.

Juror number thirteen?

PROSPECTIVE JUROR HOLLOWAY: Lavett Holloway. Detroit, Michigan.

I'm a Member Representative at the Auto Club Group.

MR. GOLD: I'm sorry?

PROSPECTIVE JUROR HOLLOWAY: Member Representative at the Auto Club Group.

THE COURT: Thank you.

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All right.

By a show of hands, did either of you not hear or understand any of the questions that were asked so far this morning?

Okay.

I see no hands.

Based on those questions, is there any information you need to provide to us?

Go ahead, juror number four?

PROSPECTIVE JUROR MARZETTE: My father is a retiree of the Detroit Police Department.

THE COURT: Can you be fair to both sides in this case?

PROSPECTIVE JUROR MARZETTE: I'm not sure. I've also been assaulted, middle school, all the way up to high school.

THE COURT: Juror number thirteen, any responsive information to the questions?

PROSPECTIVE JUROR HOLLOWAY: No, ma'am.

THE COURT: Okay.

Mr. Gold, peremptories to you?

MR. GOLD: Yes, may I approach, Your Honor?

THE COURT: Yes.

(Whereupon a discussion was had off the record at the bench).

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MR. GOLD: One minute, Your Honor, please.

THE COURT: Okay.

Take your time.

MR. GOLD: Again, with appreciation, we'd ask that juror number four be excused.

THE COURT: Okay.

Let's pick one more juror.

CLERK: Seat number four --

THE COURT: Oh, I'm sorry. Mr. Brown, any peremptories?

MR. BROWN: We'd thank and excuse juror number thirteen.

THE COURT: Okay.

My apologies.

CLERK: Seat number four, Edna Arrington.

Seat number thirteen, Scott Sheidy.

THE COURT: Okay.

Juror number four, could you please state your name, the community in which you live, and what you do for a living?

PROSPECTIVE JUROR ARRINGTON: Edna Arrington.

Retired school teacher.

THE COURT: What community do you live in, ma'am?

PROSPECTIVE JUROR ARRINGTON: Detroit.

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THE COURT: Thank you very much.

Juror number thirteen, same questions.

PROSPECTIVE JUROR SHEIDY: Scott Sheidy.

Northville, Michigan.

I'm in sales for an automotive component company.

THE COURT: Okay.

By a show of hands, did any of you not hear or understand any of the questions that were asked so far this morning?

For the record, I see no hands.

Based on those questions, is there any information you needed to provide to us?

Okay.

Juror number thirteen, go ahead.

PROSPECTIVE JUROR SHEIDY: I served on a jury before.

THE COURT: How long ago?

PROSPECTIVE JUROR SHEIDY: Over ten years.

THE COURT: Criminal case?

PROSPECTIVE JUROR SHEIDY: No, a civil case.

THE COURT: Okay.

Any other information, based on those questions that we asked this morning?

I don't see any hands.

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Okay.

Mr. Brown?

MR. BROWN: The People pass.

THE COURT: Okay.

All right.

In that case, we have a jury.

Ladies and gentlemen, the time is now eleven ten.

I'm going to swear you in after we return from lunch.

So, I'm gonna have you come back here at twelve ten.

For those of you that aren't -- weren't called to sit in the jury box, you're gonna go back down to the first floor jury room.

The rest of you, you're members of this jury. You're excused for lunch.

You don't have to go back to the first floor jury room. When you return to the building, come right up to courtroom 704, and we're gonna go ahead and get started.

Again, I'll see you at twelve ten.

DEPUTY: All rise.

(Whereupon the jury was excused for lunch).

(Whereupon a recess was had in the

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proceedings from 11:06 a.m. to 12:11 a.m.)

THE COURT: Okay.

Calling case 14-10811, the People of the State of Michigan versus Cora Lymon.

We are here for a jury trial in progress.

MR. BROWN: Good afternoon, Your Honor. Duane Brown on behalf of the People.

MR. GOLD: Ronald R. Gold on behalf of defendant.

MR. BERG: Eric W. Berg on behalf of the defendant.

THE COURT: Okay.

Because I have to read my preliminary instructions to the jury, I just want to make sure, some of these instructions -- with respect to the elements, are accurate.

As far as the torture instructions go, from what I can recall of this case, there wasn't an issue with respect to great bodily injury, was there?

Isn't -- is it -- am I right in thinking that the torture theory is based on severe mental pain or suffering?

MR. BROWN: That is correct.

THE COURT: Okay.

All right.

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So, that, that eliminates the need to give that part of the instruction, for great bodily injury.

Okay.

Second, this one is a little bit more complicated, and this is my only other issue, before they come in here.

There is a standard jury instruction, 19.8, for the crime of unlawful imprisonment.

However, given that the Information states a specific age, with respect to each of the minor children, I'm wondering if I have to add an additional element that states that the Prosecutor must prove beyond a reasonable doubt that Isaac Lymon was sixteen years old at the time of the offense; and in count six, the Prosecutor must prove beyond a reasonable doubt that Samuel Lymon was fifteen years old at the time that the offense was committed.

And I don't know, we -- we really don't have much guidance, with respect to that, but it certainly makes a difference with respect to the S.O.R.A. notice.

So, I, I'm not sure. That's just my, my thoughts that I have to include that.

MR. GOLD: The age, Your Honor?

THE COURT: Yeah.

As an element of the offense.

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And it's -- I have zero guidance here, with --

MR. BROWN: I see.

THE COURT: Mm-hmm. Because obviously, in the case of criminal conduct cases, that that is an element.

It's not an element with respect to the standard jury instruction, but it is charged in the Information, and that makes a difference, if there is a conviction, for S.O.R.A.

So, it's out of an abundance of caution that I would.

But if the defense doesn't want it, I won't include it in there.

So, Mr. Gold, I'd leave it up to you.

MR. GOLD: I don't think it's an issue.

THE COURT: Okay.

So, what does that mean? Does that mean you want it, or no?

MR. GOLD: No.

THE COURT: You don't think it will be an issue.

MR. GOLD: I don't think it's necessary.

THE COURT: Okay.

All right.

Then I won't read that. I'll read the standard instruction then.

Well, I guess I'll leave it up -- Mr. Brown, do you concur?

MR. BROWN: I'm okay.

THE COURT: That we shouldn't change it?

MR. BROWN: Yeah, I'm okay.

THE COURT: Okay.

All right.

And I can obviously devote more time before I read the instructions in their final form, but okay. As long as we're all in agreement that that's the way we're going to read that one.

Let me see if there was any other -- nope, I think the other ones were pretty standard.

Okay.

Then let's bring in the jury, if they're here.

DEPUTY: All rise for the jury.

(Whereupon the jurors were brought back into the courtroom at 12:15 p.m.)

DEPUTY: You may be seated.

THE COURT: Okay.

Good afternoon.

All right.

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Ladies and gentlemen of the jury, you have been chosen to decide a criminal charge made by the State of Michigan against one of your fellow citizens.

I'm now going to ask yo to stand and swear to perform your duty to try the case justly, and to reach a true verdict.

If your religious beliefs do not permit you to take an oath, you may instead affirm to try the case justly, and reach a true verdict.

Please stand and raise your right hands.

CLERK: Do you solemnly swear or affirm that in this action now before the Court, you will justly decide the questions submitted to you, that unless you are discharged by the Court from further deliberation, you will render a true verdict, and that you will render your verdict only on the evidence introduced, and in accordance with the instructions of the Court, so help you God?

JURORS: I do.

THE COURT: Okay.

You can be seated.

All right.

I'm now going to explain some legal principles you'll need to know, and the procedure that we'll follow in this trial.

A trial follows this procedure:

First, the Prosecutor is going to make an opening statement, where he's gonna give you his theory about the case.

The defendant's lawyer does not have to make an opening, but he may make an opening statement after the Prosecutor makes his, or he can wait until later.

These statements are not evidence.

They are only meant to help you understand how each side views the case.

To prove the charges in this case, the Prosecutor must prove the following beyond a reasonable doubt:

In counts one, two, and three, the defendant is charged with the crime of torture.

To prove these charges, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant had custody, or physical control, over Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon.

This means that the defendant used force or the threat of force either to confine Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, by interfering with his or her liberty, or to restrict Jacqueline Lymon,

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Isaac Lymon, and or Samuel Lymon's freedom of movement.

Second, that the defendant exercised custody or physical control over Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, without his or her consent, or without lawful authority to do so.

And third, that at the time that the defendant had custody or physical control over Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, he intentionally caused great bodily injury, and or severe mental pain, or suffering, to Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon.

Severe mental pain or suffering means a substantial change in mental functioning that can be perceived by another person, and must have been caused by the defendant in one or more of the following ways:

Intentionally causing great bodily injury to Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, or threatening to cause great bodily harm to him or her;

Threatening Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon with imminent death, or threatening that another person will imminently be killed or subjected to great bodily injury.

And fourth, that the defendant intended to cause Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon to suffer cruel or extreme physical pain, or

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mental pain and suffering.

The Prosecutor does not need to prove that Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon actually suffered any pain.

In counts four, five, and six, the defendant is charged with the crime of unlawful imprisonment,

To prove these charges, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant knowingly restrained another person.

Restrain means to forcibly restrict a person's movements, or to forcibly confine the person so as to interfere with that person's liberty, without that person's consent, or without lawful authority.

The restraint does not have to exist for any particular length of time, and may be related or incidental to the commission of other criminal acts.

And second, the defendant restrained the person by means of a weapon, or dangerous instrument.

In counts seven, eight, and nine, the defendant is charged with the crime of interfering with a crime report.

To prove these charges, the Prosecutor must prove each of the following elements beyond a

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reasonable doubt:

First, that the defendant prevented, or attempted to prevent another person from reporting a crime committed, or attempted by another person.

Second, that the defendant used unlawful physical force or threats to kill or injure another person, or threats to cause property damage to prevent the report of a crime committed, or attempted by another person.

In counts ten, eleven, and twelve, the defendant is charged with the crime of felonious assault.

To prove this charge, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant either attempted to commit a battery against, or did an act that cause Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon to reasonably fear, or apprehend, an immediate battery.

A battery is a forceful or violent touching of the person, or something closely connected with the person.

Second, that the defendant intended either to injure, or to make Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon reasonably fear an immediate battery.

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As assault cannot happen by accident.

And third, that at the time the defendant had the ability to commit a battery, he appeared to have the ability, or thought he had the ability.

And fourth, that the defendant committed the assault with a hand gun.

An in count thirteen, the defendant is charged with the crime of possessing a firearm at the time he committed a felony.

To prove this charge, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant committed the crime of felonious assault. That crime has been defined for you.

It is not necessary, however, that the defendant be committed -- convicted of that crime.

And second, that at the time the defendant the crime, he knowingly carried or possessed a firearm.

Next the Prosecutor is going to present his evidence.

He may call witnesses to testify, and may show you Exhibits, like documents or objects.

The defendant’s lawyer has the right to cross-examine those witnesses.

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After the Prosecutor has presented all his evidence, the defendant's may also offer evidence, but he does not have to.

By law, the defendant does not have to prove his innocence, or produce any evidence.

If the defense does call any witnesses, the Prosecutor has the right to cross-examine them.

The Prosecutor may also call witness to contradict the testimony of the defense witnesses.

After all the evidence has been presented, the Prosecutor and the defendant's lawyer will make their closing arguments.

Like the opening statements, these are not evidence. They are only meant to help you understand the evidence, and the way each side sees the case.

And you must base your verdict only on the evidence.

You've been given a written copy of the instructions I have just read to you.

You can refer to them during the trial.

And since no one can predict the course of the trial, the instructions may change at the end of the trial.

And at the close of the trial, I will provide you with a copy of my final instructions for your use

during deliberations.

My responsibilities as the Judge in this trial are to make sure that the trial is run fairly and efficiently, to make decisions about evidence, and to instruct you about the law that applies to this case.

You must take the law as I give it to you.

Nothing I say is meant to reflect my own opinions about the facts of the case.

As jurors, you are the ones who will decide this case. Your responsibility as jurors is to decide what the facts of the case are. This is your job and no one else's.

You must think about all the evidence, and all the testimony, and then decide what each piece of evidence means, and how important you think it is.

This includes how much you believe what each of the witnesses said.

What you decide about any fact in this case is final.

When it is time for you to decide the case, you are only allowed to consider the evidence that was admitted in the case.

Evidence includes only the sworn testimony of witnesses, the exhibits admitted into evidence, and anything else I tell you to consider as evidence.

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Sometimes the lawyers and I will have discussions out of your hearing.

Also, while you are in the jury room, I may have to take care of other matters that have nothing to do with this case.

Pay no attention to those interruptions.

You must not discuss the case with anyone, including your family or friends. You must not even discuss it with the other jurors until the time comes for you to decide the case.

When it is time for you to decide the case, I will send you to the jury room for that purpose.

Then you should discuss the case among yourselves, but only in the jury room, and only when all the other jurors are there.

When the trial's over, you can discuss the case with anyone you want.

If I call for a recess during the trial, I'm either going to send you back to the jury room, or allow you to leave the courtroom on your own, and go about your business.

But you must not discuss the case with anyone, or let anyone discuss it with you, or in your presence.

If someone tries to do that, tell him or her

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to stop, and explain that as a juror, you are not allowed to discuss this case.

If he or she continues, leave and report the incident to me as soon as you return to court.

You must not talk to the defendant, the lawyers, or the witnesses about anything at all, even if it has nothing to do with this case.

So, if the lawyers or the defendant see you in the hallway, they're going to ignore you. They're not trying to be rude, but they just can't discuss anything whatsoever with you.

It is very important that you only get the information about the case here in court, when you are acting as the jury, and when the defendant, the lawyers, and I are all here.

All right.

The restrictions I'm about to describe are meant to ensure that the parties get a fair trial.

In our Judicial system, it is crucial that jurors are not influenced by anything, or anyone, outside the courtroom.

Now that many jurors have easy access to information through hand held devices and other technology, jurors may be tempted to use these devices to learn more about some aspect of the case.

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But if a juror were to do this, it would harm the parties.

The parties' attorneys would have no way of knowing that a juror has gotten outside information, and would have no chance to object if that information was false, untrustworthy, or irrelevant.

Remember, no matter how careful and conscientious news reporters, family members, friends, or other people outside courtroom may be, information about the case from television, radio, the internet, and social media will inevitably be incomplete, and could be incorrect.

Please bear these things in mind as I read the following instructions:

These restrictions apply until I discharge you from jury service.

You must decide this case based only on the evidence you see and hear in this courtroom.

You must not consider information that comes from anywhere else.

This means that during the trial, you must not read, watch, or listen to news reports about the case whether in newspapers, on television, on the radio, or on the internet.

You also must not research any aspect of the

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case during trial.

This means research using a cell phone, computer, or other electronic device to search the internet, as well as research with traditional sources like dictionaries, reference manuals, newspapers, or magazines.

You must not investigate the case on your own, or conduct any experiments concerning the case, including investigation or experiments using the internet, computers, cell phones, or other electronic devices.

You must not visit the scene of any event at issue in this trial.

If it is necessary for you to view of visit the scene, court staff will take you there as a group under court supervision.

You must not consider as evidence any personal knowledge you have of the scene.

Before your deliberations, you must not discuss this case with anyone, even your fellow jurors.

After you begin your deliberations, you should discuss the case with your fellow jurors, but you still must not discuss the case with anyone else, until I discharge you from jury service.

Until I have discharged you from your

service, you must not share any information about the case by any means, including cell phones, or social media.

If you discover that a juror has violated my instructions, please report it to my Deputy.

Now, the questions the lawyers ask the witnesses are not evidence. Only the answers are evidence.

You should not think that something is true just because one of the lawyers asks questions that assumes, or suggests that it is.

I may ask some of the witnesses questions myself.

These questions are not meant to reflect my opinion about the evidence.

If I ask questions, my only reason would be to ask about things that may not have been fully explored.

During the trial, the lawyers will -- may object to certain questions or statements made by the other lawyers or witnesses.

I will rule on these objections according to the law.

My rulings for or against one side or the other are not meant to reflect my opinions about the

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facts of the case.

You can see that we have chosen a jury of fourteen.

After you have heard all the evidence, and my instructions, we will draw lots to see which two of you will be dismissed, in order to form a jury of twelve.

I may give you more instructions during the trial, and at the end of the trial, I will give you detailed instructions about the law in this case.

You should consider all of my instructions as a connected series. Taken together, they are the law that you must follow.

After all of the evidence has been presented, and the lawyers have given their arguments, I will give you detailed instructions about the rules of law that apply to this case.

Then you will go to the jury room to decide on your verdict.

A verdict must be unanimous. This means that every juror must agree on it, and it must reflect the individual decision of each of you.

It is important for you to keep an open mind and not make a decision about anything in this case until you go to the jury room to decide the case.

You can take notes during the trial, if you

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wish, but of course, you don't have to.

If you do take notes, you should be careful that it doesn't distract you from paying to all of the evidence.

When you go to the jury room to decide your verdict, you may use your notes to help you remember what happened in the courtroom.

If you take notes, don't let anyone except the other jurors see them during deliberations.

And your notes will never be examined by anyone.

When your service concludes, they'll be collected and destroyed.

Okay.

Mr. Brown, go right ahead.

OPENING STATEMENT BY MR. BROWN

Why the gun?

That's gonna be a question throughout the testimony that you're gonna hear, ladies and gentlemen.

Because you're gonna hear that on September 5th, 2014, that this defendant came home to their house in Van Buren Township.

And for whatever reason, he'd been hearing allegations, or himself thought that there was some allegations that Miss Jacqueline Lymon might have had

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an affair. Might have been having some extra marital affair, or something to that nature.

But you're hear, though, that instead of discussing it with Miss Lymon, that this defendant chose to introduce a gun to that situation.

There were also two children in that home, at the time, one being Isaac Lymon and Samuel Lymon.

And you're gonna hear what this defendant did to those children, and what this defendant subjected those children to,

Now, I don't want to, I guess, give you the preview of what I'd like you to stay focused and listen from the stand, 'cause I'm not gonna testify.

'Cause we have three individuals, Miss Jacqueline Lymon, Mr. Isaac Lymon, and also Samuel Lymon, who will tell you what happened.

But we submit to you, ladies and gentlemen, there was nothing that those three individuals did that should have caused this defendant to treat them in the manner that he did.

And you'll hear that threats were made by this defendant, as to harm to those three.

And also that gun was pointed at them.

But again, at this point, I just want you to listen attentively to the testimony once it starts,

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ladies and gentlemen.

Thank you.

THE COURT: Okay.

Go ahead, Mr. Gold.

OPENING STATEMENT BY MR. GOLD

Again, good morning, or should I say, good afternoon. I'm sorry.

On behalf of my client, Mr. Cora Lymon, I have a choice. I can make an opening statement now; I can reserve it and make my opening statement after the Prosecutor finishes with his witnesses; or I needn't make an opening statement at all.

Obviously, I've chosen to make an opening statement.

And I want to make an opening statement because I believe it will be easier for you to follow a testimony if you get sort of a birds eye view of everything that occurred, during that, that Friday evening. It was on September the 5th.

Now, what, what basically happened, and by the way, Mr. Lymon, the defendant in this case, though he need not do so, is going to testify.

And he's going to tell you that he remembers that Friday, September the 5th, and the following day, September 6th, like it was yesterday.

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He's also going to tell you, as he's told me every time we discuss the case, that it was worst mistake of his life. He made a terrible error in judgment. He should never, never have done what he did. It was a terrible decision he made.

And if you feel, at the conclusion of the case, that he should be punished even more than he has been, then I'm gonna suggest to you, what you can do.

Now, what happened?

Okay.

Mr. Lymon's gonna tell you, on that Friday, at -- by the way, he's forty-four years of age. He runs his own business, a cleaning business, cleaning commercial establishments.

And he's had some financial problems which may, or may not have lead, to all the arguments. He and his wife have had a stormy relationship for a long, long time.

And as a matter of fact, his home was foreclosed upon, money is a terrible problem, and he's had a lot of pressure on himself.

Well, September the 5th, on Friday, he comes home from where he's been, and he's going to tell you, as I indicated, he remembers it like it was yesterday.

He comes home and goes into the garage of the

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house. His wife and two boys are home.

He goes into the garage, sits down on the step there, and has a cigarette, as it was his custom, because he didn't smoke in the house.

And as he's smoking the cigarette, he looks at his wife's car, and notices, underneath the bumper, or the front end, whatever the case may be, that there's all kind of hay.

Now, he had some suspicions that maybe his wife was fooling around, I don't know. Was yes, or not, or fooling around.

His wife's employed at La-Z-Boy. And there's a new La-Z-Boy establishment that opened up in Canton Township, I believe it is, where they're doing some sodding, and maybe you'll recall, when they do sodding, sometimes they throw this hay down and make the grass grow.

So, there's lots of hay there, so he figures, although his wife didn't work at the new La-Z-Boy, that she probably went there because her car had this hay on the bottom of the bumper.

Now, he had also received a telephone call, on his cell phone, he received a telephone call from some lady who identified herself as Karen.

He doesn't know who this lady is. He was not

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able to find her telephone number. He was trying to research it.

Bu Karen says, I know where you live, I know where I can find you, your wife's been messing around with my husband.

So, this further fuels his anxiety and concern.

He goes back in the house, starts talking with his wife, and they have a very heated argument.

Now, Mr. Lymon has a concealed weapon permit. And because of the nature of his work, sometimes he has to go in areas that are not so great, and often times during the late evening and early morning hours. And so he has a C.C.W. permit, which entitles him to carry a gun on his person, a hand gun.

So, he comes back in the house, he's got his two boys, ages sixteen and fifteen then, Isaac being the oldest boy, Samuel being the youngest boy, and he's arguing, has an argument with his wife.

He tells the boys, his sons, the young men, to go upstairs and clean their room, because they hadn't cleaned their rooms, he noticed a couple days earlier.

Okay.

Tells them to go up and clean their room.

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And then he's arguing with his wife, and he's telling his wife, that in his mind, this telephone call from this Karen, is serious, because neighborhood boys hang out in his garage, that they'll come around, he welcomes them.

And if you got some crazy lady, this Karen, who's gonna come around to the neighborhood, and maybe shoot --

MR. BROWN: Your Honor, I'll object to that.

THE COURT: Yeah.

MR. BROWN: Can we approach?

THE COURT: Yeah.

(Whereupon a discussion was had off the record at the bench at 12:37 p.m.)

MR. GOLD: Okay.

As I told you, Mr. Lymon is gonna testify, and, and what I'm gonna say is that the evidence will show -- evidence is testimony given under oath, and he's gonna take an oath to tell the truth, and gonna testify.

So, now -- I'm trying to think where I left off.

Okay.

He tells his sons, the young men, to go upstairs and clean their room.

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And then he has his phone is in hand, then he says, he's telling his wife his concern about the neighborhood kids, if this Karen, or she's crazy lady, or whoever she is, comes by, the evidence is gonna show that he's concerned about the welfare, she might come by and shoot up the house. I don't know.

And so, and when he comes in the house, I think it's habit to leave his hand gun -- the kitchen and the family room are like one big open space.

And the evidence is gonna show that there's a closet off the kitchen that he normally leaves his hand gun up there.

So, he goes ahead and grabs his hand gun, and this is the mistake.

This is the most terrible mistake he ever made in his life, inexcusable. And he'll tell you that, because it's haunted him ever since.

He gets the hand gun, and he's waving it, although he's gonna tell you two things.

Number one, the evidence is gonna show that the hand gun was unloaded.

And number two, the evidence is gonna show that he didn't point it at her.

But he had it there, and he had it in his hand because he wanted to intimidate her, to tell her

to admit what he thought in his mind is that perhaps she's doing something outside the marriage that just wasn't proper, whatever the case may be.

Now, his sons, the young men, ages, Isaac age sixteen then, and Sam age fifteen, come down during this sequence of events, and they're subjected to this argument between him and his wife, and they're -- and they hear a lot of it.

And as he's gonna tell you, that this had nothing to do with his sons. The -- he didn't want to threaten them. He certainly didn't intend to threaten them.

And the evidence is gonna show, at one point, as a matter of fact, the eldest son, Isaac, left the house.

And the wife went out behind him, to get him, and they were gone for about fifteen or twenty minutes.

And she, at that time, if she truly was frightened or so on, could have went to a neighbor's, could have called the Police, could have done something, but she didn't.

She came back in the house.

Well, that was at -- that went on through the night, some time during the night, some time during the night, that night, around midnight or so, they lost

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power. It was out, he thought it was gonna be a short time. He went upstairs, to the bedroom, and the evidence is gonna show, he got some -- he went to look for some candles, but the power was only out a short time, and that they then all watched T.V.

He and his wife fell asleep in the, in the living room, family room.

I think he -- if I recall correctly, he's gonna tell you exactly what it was. I, I think he went up, went upstairs, but they fell asleep.

And then in the morning, in the morning, he apologized, and, as to what occurred, and as was his habit, at seven o'clock in the morning, he took his eldest son, Isaac, to work, where he works, I think, at some type of a nursing home, or retirement home, or something like that.

His wife and Samuel, the fifteen year old boy, were still home. And he left to drive them.

And then he came back, excuse me, he came back from driving his son to, to work, and I think his wife and Samuel were there.

And then his wife took Samuel to her mother's house, and then went on to work. We're talking about Saturday morning now.

And some time during the day, I don't know

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exactly what, Mrs. Lymon will have to tell us, some time during the day, apparently she spoke with somebody, or got some advice, or did this, or whatever the case may be, and she went in about six o'clock Saturday afternoon to the Police station.

And I believe she may have brought the young boys, or, her sons with them. I'm not sure. But the Police interviewed all three of them.

And then later that night, about five scout cars and fifteen, ten to fifteen Police Officers swarmed the house, and arrested him, and recovered the gun.

And they're going to tell you, whoever testifies, that when they recovered the gun, it was not loaded.

That, as was his habit, that there was a holster with the ammunition.

And it's a, it's a forty-five caliber hand gun.

And the testimony, the evidence is gonna show you that these type of hand guns, they, they have a magazine that goes in the bottom, and I think each magazine has about five shells in it.

So, when he put the gun up in the linen closet, he puts the holster down there, with the

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magazines, and then when he was gone, he told his wife to take the gun upstairs, and I don't know if she hid it or whatever she did.

But that's what happened.

That's the story.

And then, I think at the conclusion of the proofs, when the case is over, I'm gonna have another opportunity to talk with you. I'm only gonna have one opportunity, the Prosecutor has two opportunities.

The Prosecutor's gonna talk with you first, because he's got to convince you beyond a reasonable doubt as to every single element.

Then I'll have my opportunity to talk.

And the Prosecutor will have a second opportunity, because at that point, he can answer some of the things that I may bring up.

Although I think, when the case is over, you're going to conclude that the fact of the matter was that, that Mr. Lymon really didn't intend to threaten or hurt anybody.

His anger, unfortunately, the worst day of his life, was directed at his wife.

He did some stupid things.

And if you feel that he hasn't been punished enough, I'm going to suggest to you, at the end of the

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trial, what you can do.

And what I'm going to suggest to you, basically, is, it's a felony, but okay, find him guilty of felonious assault, because he did have a hand gun, and although he may not have intended or did intend, his wife was put in fear, and that wasn't right. And he knows that wasn't right.

He admits that wasn't right, and he's willing to accept whatever consequences you feel should be the case.

Thank you.

THE COURT: Thank you.

Okay.

Call your first witness, Mr. Brown.

J A C Q U E L I N E L Y M O N

Called as a witness and having been first duly sworn by the Clerk at 12:46 p.m., was examined, and testified as follows:

THE COURT: Hold on, we've got to swear you in.

Go ahead.

CLERK: Raise your right hand.

Do you swear or affirm that the testimony you are now about to give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

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WITNESS: I do.

CLERK: Okay.

THE COURT: You can have a seat.

Whenever you're ready.

DIRECT EXAMINATION

BY MR. BROWN:

Q Could you again state your name, for this record?

A Jacqueline Lymon.

Q And Miss Lymon, are you familiar with someone by the name of Mr. Cora Lymon?

A Yes, that's my husband.

Q And is he in the courtroom today?

A Yes.

Q Could you point him out for the jury, and the Judge, and counsel, and indicate what he has on today, and where he is located?

A He's sitting between the two gentlemen, right here, with the black suit on.

MR. BROWN: Indicating for this record, the witness has identified the defendant in this matter, Mr. Cora Lymon.

THE COURT: So noted.

Go ahead.

Q (By Mr. Brown): What was the -- on the date of September 5th, 2014, what was the relationship between

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yourself and the defendant?
A He's my husband.
Q Okay. And if you would, tell the jury how long have you two been married?
A Twenty-one years.
Q And as a result of that marriage, are there any children?
A We have three.
Q And what are their names, if you would?
A Alexis Lymon, Isaac Lymon, and Samuel Lymon.
Q And were you at a location of 7309 Anne Drive?
A Correct.
Q That's Van Buren Township?
A That's Belleville.
Q Belleville?
A Yeah.
Q Okay. That would be the County of Wayne?
A Yes.
Q Okay. Now, did something take place on that day, September 5th, 2014, that brings you to court today?
A Yes.
Q If you would, tell this jury what, in fact, happened, if anything?
A I was preparing dinner for the family, and he began accusing me of having affairs. He said he had found a

piece of hay, or a long grass, on my car.

Q You said, he. Now who are you referring to?

A Cory --

Q Since there's another --

A Cora Lymon.

Q And I apologize Madame Court Reporter.

Since there's some other males --

A Sure.

Q We have to distinguish.

A Okay. Cora Lymon said that he had found a piece of hay, or a long grass, on my car.

And I asked him, what did that supposed to mean?

And he stated that that meant I had been in the woods, having affairs with men, driving, I guess parking in the woods.

And then he proceeded to say that someone named Karen had called his phone, and said that I had been sleeping with her husband, and that she was gonna shoot up the house.

Q So, what happens next, tell the jury.

A From there, I challenged it, and you know, I told him I didn't believe it.

And then from there, he started to say that I was a cold hearted bitch because Karen was gonna

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drive by and shoot up the neighborhood, and it was gonna be all my fault.

And I proceeded to just let him know that I didn't believe it, and it went back and forth, for a while, with an argument.

And then he had said that he had text messages in his phone that he could show me, and then he took his phone and slammed it down on the table. And that broke his phone.

And --

Q Now, where are the two of you, and I apologize. But where are the two of you at this point? Tell this jury?

A We're both in the kitchen, at this time.

Q So, the phone is slammed down. What happens next? Tell the jury.

A So, he said that he would be able to prove it. So, he said that he was gonna go get his phone fixed. So, he left for a while, came back.

At that time, I was putting food on the plates for the family, and he said that he couldn't get the text messages retrieved.

And as we were getting ready to eat, he just, you know, continued ranting, and you know, that --

Q What's the defendant saying? Tell the jury, what's he

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saying?

A He, he was saying that Karen had been calling, and he knew I was having an affair. And Karen had stated that she had found me once, and she would find me again. And you know, and then he asked me, at some point, what did I want to do as far as the marriage was concerned. And I told him that, Mr. Lymon, that I wanted to be done with it. That I didn't want to do this anymore.

And he, again, started calling me a cold hearted bitch, and a whore.

And from then, our family room is open to the kitchen. So, I --

MR. GOLD: Judge, if I may, it's gonna be kind of difficult to object.

I, I think, perhaps, a question and answer rather than a long narrative.

THE COURT: It's a narrative. It was kind of taking on the -- I understand, you're trying to tell the story, but let's keep it --

MR. BROWN: Okay.

Q (By Mr. Brown): Did something happen in the kitchen? All right. Go ahead. What, what happened next?

A As I was sitting down, and he was arguing, he went and he retrieved a gun from the pantry, which is right off, in the kitchen area. It's kind of hard to describe.

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I didn't realize --

Q Go ahead, go ahead.

A I didn't realize at first he had a gun, 'cause I was sitting on the sofa, and -- which is off the kitchen. And then my boys are sittin' at the table.

And I could tell by their faces that they looked very frightened, which got me on alert.

Q Now, how are they looking? Describe for the jury, how did the two kids -- what are their names? Tell me their names?

A Samuel and Isaac.

Q Okay.

A Their faces looked very scared, and serious. And it was, like, they were trying to tell me, with my -- their eyes, to just stop talking, just be quiet.

Q So, what happens next? Tell this jury.

A So, he held the gun up, and he always --

Q How did he hold it up, I apologize?

A He held it out, where I could see it. And he told me that I was cold, for playing with his heart all this time, and I should have left him a long time ago.

And he had me come sit back at the table.

Q Now, where is the gun pointed? Tell the jury. At that time.

A It's pointed at me.

Q Okay. When you say, pointed at me, if you would, just describe to the jury how the gun was --

A So, now, I'm sittin' at the table, after he told me to come back from the family room, I'm sitting at the table. And he's pointed, he's holding the gun like this.

MR. BROWN: Indicating, for the record, the gun is -- now, where is the barrel of the gun, if you know?

WITNESS: It's pointed in my direction.

Q (By Mr. Brown): Okay. What happens next?

A So, he starts threatening, and he stands up, with the gun. At that time, I stood up, and my back is against the deck, door.

And then my son, Isaac, comes over and stands in front of me.

And he told him, he was, like, you think I'm just gonna let you shoot my mother?

Q What happens next?

A And then he tells him, well, you can get it, too. And he holds the gun at Isaac. And he, he puts the gun towards Isaac's head, at that time.

Q What happens next?

A Somehow or another, he had all of us sitting -- he had all of us move to the family room, on the sofa.

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Q When you say, he, you're referring to the defendant?
A Yeah, Mr. Lymon. And he was still pointing the gun at us, rantin' and ravin', just you know, fussing and accusing, for quite a long time.

And then my boys, at one point, were both holdin' on to me, one at my waist, and the other at my arm. And they were just both praying and saying, God, don't let him kill my mother. God, don't let him kill my mother.

MR. GOLD: Your Honor, I'm gonna object to what they may have said.

MR. BROWN: Did you hear some --

THE COURT: It's hearsay?

MR. GOLD: Yes.

THE COURT: The statement itself wasn't hearsay.

It's not a statement that any fact could be proven by.

MR. BROWN: Okay.

THE COURT: Go ahead.

MR. BROWN: All right. Heard something

Q (By Mr. Brown): All right. What happens next while -- while you're hearing this, you have a son on each side?
A Mm-hmm.
Q What -- is that a yes?

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A Yes.
Q Okay. What happens next, Miss Lymon?
A And then he, he starts to say, well, what about me? Don't you love me? And --
Q Who is that saying --
A Mr. Lymon says to the boys, what about me, don't you love me?

And they were upset, and crying, and they were, like -- they say, yes, it's like, but right now you're trying to kill our mother.

And eventually he had us move from the couch, and all of us kneeled down at the fireplace. This is over a period of time.
Q Why did you kneel down? Tell the jury.
A 'Cause he said, this is it. He was about to kill us.
Q Okay. So, how are you positioned? If you would, show the jury how you were positioned, and the children?
A We're huddled together.
Q On the floor?
A On the floor.

MR. BROWN: With the Court's permission, could you show us?

WITNESS: You want me to get on the floor?

THE COURT: If that's easy for you.

WITNESS: Well, yeah, we were, we were just

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down on our knees, like this, and we were all huddled together.

Q (By Mr. Brown): Okay. What's in front of you? Tell the jury.

A Mr. Lymon is in front of us.

Q What is -- does he have anything with him?

A Yeah.

THE COURT: You can sit back in the chair, ma'am.

Q (By Mr. Brown): Does he have anything in his hand?

A Yeah, Mr. Lymon is in front of us. He has the gun in his hand, and we're pleading with him not to do it.

Q What are you saying? Tell the jury what you are saying?

A I'm just begging him not to, and I'm asking him, what about God, because faith had been important to us.

And he was saying, "F" God, at that time.

And at one point, I was just pleading and begging and praying that God would protect us.

And I looked up to the upper part of our house, and it seemed as though I saw like a light or something, and I was, like, I told him, I said, Cory, I think angels are here to protect us.

Q What happens at that point?

A And he said, you're gonna see angels. He's, like,

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you're gonna see a lot of angels in a minute.

Q What did you think, at that point?

A He was saying that he was gonna kill us. He was saying, you're gonna see a lot of angels in a minute. And he had said, this is it. And he held the gun out and, at this time, we're screaming, and we're praying with all of our hearts, and just saying, God, protect us.

And he had the gun up, and we closed our eyes and braced ourselves, and then he just, he didn't do it. He put it down.

And he separated us. He had me in the center, and had each of the boys on the side.

And then he would go back and forth, as though he was contraplating (as spoken), and figuring out if he would say things to the effect if I kill your mother, I have to kill you, because you wouldn't be able to take it.

And he would make statements, during the -- this is over a period of time.

He said, I'm gonna do some demonic, quote, shit, tonight. I'm gonna burn this thing down after I, I kill you all.

Q Where are you at that point, just so we're --

A I'm sitting on the floor, in front of the fireplace.

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Q Okay.
A And each of my boys, at this time, are on the side of me. He had separated us, at this time.
Q What happens next?
A Over a period of time, he would -- we was just talkin' it out, back and forth.

So, eventually, he put -- he, he, he had me sit down next to him, at one point. He sat me on the couch, and he was hittin' me in the back of my head, and --
Q Again, for the record, what is he hitting you with?
A He's hitting me with his hand, in the back of my head, just -- he's slappin' me in the back of my head.
Q Is the defendant saying anything at that point?
A He's callin' me bitches and whores, and he put the gun at my side. And at one point, he eventually put the gun in his own mouth, and he told us to pull the trigger.

At that time, my son, Isaac, got up and ran out the house.

And I stood up, and I'm just kind of lookin' back and forth, and 'cause --
Q What are you thinking, at that point? Tell the jury.
A I didn't know if I should go after Isaac, or stay with Samuel, 'cause I didn't want to leave him by his self,

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and Mr. Lymon told me to go get Isaac.

So, Isaac had ran in the driveway, and I got -- I told Isaac, I was, like, come back in.

And he was, like, you know, no, I'm gonna run.

And I was, like, well, Sam's by his self, and I don't know what he's gonna do if we leave Sam.

I was, like, he's -- we could just get him to calm down, just come back in.

So, Isaac came back in the house with me.

And at that time, Mr. Lymon was tellin' us, he was just sayin', just pull the trigger, one of you all, just pull the trigger.

And we all said, no, you know. We love you. Just, you know, calm down.

Q Now, why did you say that? Tell the jury.

A Because we wanted him, to gain his trust, to make him think that it was okay.

Q Are you afraid?

A Of course, yes.

Q Okay. What happens next?

A So, at that time, he did allow us to sit down. He kept the gun near him, but he didn't have it in his hand anymore. So, it was as though he had started to calm down, and wind down. But he wouldn't let anybody still

leave the room.

Q What do you mean by that? Tell the jury. How did you know that he would not let you leave?

A Well, when the boys had to use the bathroom, they had -- they had to urinate in cups, because nobody could leave.

Q Now, how did that come about? Tell the jury.

A Well, at the point when they said they had to use the bathroom, he told ‘em, use it in a cup, or pee against the wall, ‘cause I’m gonna burn it down anyway.

Q That was said by this defendant?

A Yes.

Q What happened next? Tell the jury.

A At that point, he did allow us to just stay there. So, of course, I couldn’t sleep, but I sat there and just closed my eyes. And he kept the gun near him, but it wasn’t in his hand any more.

So, when the next morning came about, we -- I told him, and the boys just let him know, we’re -- we told him that, you just had a bad night, you know. It’s okay, ‘cause we wanted to gain his trust enough where the situation would just calm down.

So, he, at that point, had calmed down, and he was saying stuff to the effect, like, you know, I’m sorry, and I don’t know why I did that.

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And we just told him, it's okay. You just had a bad night.

And I asked him if I could get ready for work? And he said, yeah.

And I told him that we would just forget about it.

Q Now, how long had you been in that situation, in that -- on that couch, or in that area? Tell the jury, how many hours was it?

A It started, probably about seven o'clock in the evening.

Q P.M.?

A Yes.

Q Okay.

A And then it got to the point where he put the gun down, probably around midnight.

Q When you say, put it down, how close was that gun to him, Miss Lymon?

A It was in, it was in arm's reach. There's the sofa, and there's a table. And he had it on the table.

Q And if you would, describe to the jury, where is the defendant in relationship to where you and Mr. Samuel, and Mr. Isiah (sic) are? Where is the defendant, how far away is he?

A Samuel and Isaac are, we're all in the same room.

Samuel and Isaac are on the family room floor. I'm directly next to him, where if I move, he could feel it if I moved.

And that's how we spent the night, until the morning.

And in the morning is when I asked him if I could go to work, and I told him he just had a bad night.

And he allowed it.

And my son Isaac had to go to work.

And we just act as if it were normal.

And he drove Isaac to work. He took him to work, and when he got back, I was ready to leave, and I told him that I wanted to take Samuel to work with me, 'cause I didn't want to leave him there.

I told him, just let me take him over my mother's house, because he was shaken up.

Q Did you call the Police at that point?

A I didn't.

Q Tell the jury why not?

A Because I wanted to just get out of the house, get Sam to my mother's house, to a safe place. I didn't call the Police until after I went to work, and I called my manager, and I let him know that he needed to get somebody in to replace me, 'cause I had to leave, to

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make a Police report.

And then, at that time, I picked up Samuel from my mom's. We went to the Police station, and then we made a report at that time.

Q Now, again, tell the jury -- so you waited until some several hours?

A Yes.

Q Okay. So, at some point, you did go to the Police Department?

A Correct.

Q Okay. Now, did you have a cell phone when the defendant left with, I believe, your son Samuel?

A At that point, yes, I believe I did have access to my cell phone.

Q Tell the jury, why didn't you call the Police at that point?

A Because I wanted to get out of the house. I wanted myself and Samuel to just leave. I didn't want to take a chance on it escalating again, and we're there while the Police is there, and he perhaps decide to hold us hostage or something like that. So, we just wanted to leave.

So, my thing was, just act is though it were normal, and make him think everything was normal, so we could just leave.

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Q Now, as far as the bathroom facilities --
A Mm-hmm.
Q Did you, in fact, go to the bathroom during that period of time?
A No, I didn't. I was just able to just -- I didn't have to go. I was just able to hold it when I did. With my boys in the room, I wasn't gonna urinate in a cup or anything like that.
Q Now, where did the cups come from, if you recall?
A It's the family room. So, they were drinking -- one of the cups had pop in it, which was later mixed with urine. Another was just an empty cup that we had in there, somebody had finished their drink, and that's where he had 'em urinate.

And if I'm not mistaken, he also urinated in a cup as well.

Q Now, you say, had them urinate. How did that come about? How did you -- the defendant had the two sons urinate in a --
A Right. When they said they had to use the bathroom. He said, well, you're not going anywhere. Just urinate against the wall, or in a cup.

He had first suggested against the wall, because he said he was gonna burn it down anyway.

Q Now, were you concerned about your safety?

A Of course.
Q Were you concerned about your children's safety?
A Yes.
Q Did you believe the defendant was serious when he, when he was making those statements?
A Absolutely.
Q And I believe you indicated the gun was pointed at you and the children?
A Yes.
MR. BROWN: One second, Your Honor.
THE COURT: Okay.
Q (By Mr. Brown): Now, had you seen that gun before?
A Yes, I had -- I was aware he had it.
Q What, what type of gun was it, just so the jury knows, if you know?
A I don't know the name of it. It's silver, the kind you put a clip in, and pull the chamber back.
Q Okay. Now, was any of that done when the defendant retrieved the gun from the closet, you say?
A Yeah, it was, it was loaded, and he had pulled the chamber back. So by the time he had the gun up against my son, it was ready just to fire.
Q Okay. So, at some point, he, he had loaded it, I believe you told the jury? Put a clip in?
A Yeah. The clip was in there.

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Q Okay.

MR. BROWN: Nothing further, Your Honor.

THE COURT: Okay.

Go ahead, Mr. Gold.

CROSS-EXAMINATION

BY MR. GOLD:

Q Mrs. Lymon, I want to ask you a few questions. And if you're not sure what I'm asking you, let me know, please, and I'll phrase it again so that -- I want to be sure that you understand it, so you'll know what you're answering. Fair enough?

A Yes.

Q Okay. During the incident, that Friday evening, when Isaac ran out of the house, left the house, he was gone for at least fifteen or twenty minutes before he finally came in, correct?

A Absolutely not.

Q How long was he gone?

A A few seconds.

Q Just a few seconds?

A Yeah, he was in the driveway. He had only gotten to the driveway.

Q Yeah, I understand he only got in the driveway. But how long was he in the driveway?

A A few seconds, as I just --

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Q Just -- well, you went out and spoke with him, did you not?
A Yes.
Q And didn't he, didn't he tell you that he didn't want to come in?
A Yes.
Q Didn't he suggest, or did you suggest to him, that he should go to a neighbor's, and call the Police?
A No, I told him, come back in because Samuel was in the house, and I didn't want to leave Samuel. And we were gonna stick together. And I was afraid of what Mr. Lymon might do if I didn't bring him back in, as he said.

So, that's why I was able to get him to come back in, 'cause we just weren't sure if he didn't come back, what Mr. Lymon might do.

Q Well, you knew, of course, if he didn't come back, if he left, of course he would be safe, correct?
A Correct.

MR. BROWN: I'm gonna object, calls for speculation.

MR. GOLD: Okay.

THE COURT: Sustained.

MR. GOLD: Okay.

Q (By Mr. Gold): Well, so you say it was only a few

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seconds to go out in the driveway, and talk with him, and --

A Yeah.

Q And tell him to come back --

A It felt like a few seconds.

Q Okay. If he wanted, however, there was nothing to prevent him from running away, correct?

A Correct.

Q And if you wanted, there was nothing to prevent you from running away, except your concern for your other son, Samuel, correct?

A Right. I wasn't gonna leave my son.

Q Okay. Did you have your cell phone with you at that point?

A No.

Q Did Isaac have his cell phone with him, at that point?

A No, Mr. Lymon had already taken it.

Q Okay. Now, you knew about this -- about your -- about this -- that your husband had told you about this Karen lady, whoever she may be, correct?

A I believe he made it up, but, yeah.

Q Oh, you, you think -- but he did tell you about it, correct?

A Yes.

Q Okay. And he also, when he, when he called you a cold

hearted bitch, or whatever he said to you, that was because he was concerned about the neighborhood kids --

MR. BROWN: We'd object to this, 'cause this would call for speculation on her part.

MR. GOLD: Okay. Well, didn't he tell you --

THE COURT: Yeah, hold on. Go ahead.

Q (By Mr. Gold): But didn't tell you that he was concerned about the neighborhood kids that hand out in your garage, if she came, that she could shoot up the neighborhood?

A He didn't use those words. He said, I was a cold hearted bitch because I was not concerned.

Q You didn't believe him?

A Of course not.

Q Now, when he tried to re -- when he tried to retrieve Karen's telephone number -- when he slammed the phone down, it broke, correct?

A Correct.

Q And he had told you that -- was it Saturday morning, when he was going to the AT&T store, to see if he can get the information to fix it, or was it Friday? That Friday?

A He left out for a period of time, after he broke his phone. And then he came back shortly thereafter, and said that he wasn't able to get the phone numbers, or

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whatever.
Q Was that on Friday, when this incident occurred? Or was it on Saturday?
A Friday.
Q It was on Friday? What time was it -- I think you said you were preparing dinner?
A Correct.
Q What time was it when he left to go to the AT&T store?
A Roughly seven fifteen or so.
Q Had you already prepared dinner?
A It was in -- I was at the point of, basically, putting it on the plates, at that point.
Q Okay.
A It was just about ready.
Q So, he left the house, and came back, and said that he couldn't get the phone fixed, or something like that?
A Yes.
Q Okay. And couldn't find her telephone number, or whatever the case may be, correct?
A Correct.
Q Now, it was his habit to leave the hand gun in the linen closet, which is off the kitchen?
A No. He had it wherever he wa -- he didn't have a particular spot for it. That's where it was, at that time.

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Q It was there that night? Had you seen him place, place it there that Friday?
A No, I didn't realize it was there until he pulled it out, actually.
Q Okay. Now -- and by the way, when he pulled the gun out, I mean, you couldn't tell by looking at it, whether or not the magazine was in it, the ammunition, could you?
A No, I couldn't tell by looking at it.
Q And it was his habit to, as far as you know, to take the magazine out of the gun when he set it down somewhere, correct?
A Not correct.
Q Not correct? He would leave it loaded?
A Yes.
Q Okay. But when -- anyway, when he took it out, you, you really, since you couldn't see if the magazine was in or not, you didn't know, correct?
A I know the magazine was in there, because he pulled it back, and I heard that click.
Q Well, when he pulled -- you say he pulled it back, he could have pulled that back without the magazine, couldn't he, or you don't know?
A I'm not really a gun person.
Q Okay. So, you don't know whether or not he could have

pulled it back, just to frighten you, or something. Okay.

Now, your son, Samuel, had, on other occasions, urinated in a bottle, didn't he, correct?

A No, we have a toilet.

Q Well, okay. So, my question to you is, had, prior to this time, had he ever urinated in a bottle?

A No. We have a toilet.

Q Okay. I understand.

Going back to when your son, Isaac, ran out the door. Where were you at that point?

A I stood up, when he ran out the door. I had previously been on the sofa, next to Mr. Lymon, and I stood up because it scared me, and I kind of just stood there. I didn't know whether to go after him, or to stay put.

And Mr. Lymon told me to go get him. And I ran behind him.

Q Okay. When, when your husband told you to go get him, where was the hand gun?

A It was still in his hand. Remember, he had just put it in his mouth, at that point, and told one of us to pull the trigger.

Q Okay. So, so when, when he put it in his mouth and asked you to pull the trigger, that was before Isaac ran outside?

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A That's what triggered it, when he did that, Isaac just, I guess, got scared, or saw it as his opportunity, and jumped up and ran out the door.

Q Now, obviously, at that point, your husband was in great distress, correct? And there came --

MR. BROWN: Objection to speculation.

MR. GOLD: Well --

THE COURT: Well, it's from, based on her own observation.

Go ahead.

MR. GOLD: Okay.

Q (By Mr. Gold): So, he puts the gun in his mouth, and asks -- who did he ask to pull the trigger, you or your sons?

A He just put it out there, generally. He didn't say a name.

Q Okay. There came a point when you were crying, and he was crying also, correct?

A I was crying a lot through the night, yeah, I'm sure he was crying, too.

Q Okay. And the next morning, when -- strike that.

Do you recall that there was a power failure late that night? Do you remember that, the power went out for a while?

A I don't.

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Q Do you remember him going upstairs to try to find some candles?
A No.
Q Okay. Do you -- after a time, you were all in the family room, and he -- who wanted to turn on the T.V.?
A We weren't allowed to turn on the T.V. It wasn't movie night. He had us in the family room, with the gun held on us.
Q Okay. The family room and the kitchen are sort of, like, one big area, correct?
A Yes, it's an open floor plan.
Q But that, that evening, there came a time when a T.V. was put on, correct?
A Not correct.
Q You never watched a T.V. that night, any of you?
A No, we weren't watching T.V.
Q You fell asleep on the floor, did you?
A I was on the sofa, next to him.
Q When you awoke in the morning, your boys were upstairs, were they not, in the bedrooms?
A No.
Q Where were they?
A In the family room, on the floor.
Q Where was Mr. Lymon when you woke?
A Right next to me.

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Q Was he --
A On the sofa.
Q Sleeping?
A No.
Q Okay. So, you went into the kitchen and started making coffee. He didn't tell you not to, did he?
A I didn't make coffee that morning.
Q Well, didn't you go in the kitchen to prepare some breakfast, or something?
A No. He allowed us to get dressed. I asked him, could I go to work. He allowed me to go to work. He allowed my son, Isaac, to go to work. He even took him to work, because like I said previously, we had convinced him, at that time, you just had a bad night, and he was gonna be okay.
Q Okay. Bad night, he was out of control right, is that right? Okay.

Now --

THE COURT: Was there an answer there?

WITNESS: I didn't answer.

THE COURT: Okay.

Can you answer?

WITNESS: Yeah, he was out of control.

Q (By Mr. Gold): Okay. Your marriage has been, shall we say, rocky for some time, correct?

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A Correct.
Q Your home had been foreclosed upon, correct?
A Correct.
Q Your husband was trying to save the home, is that correct?
MR. BROWN: Object to relevance.
THE COURT: What is the relevance?
MR. GOLD: Well, to show his mental state.
THE COURT: Go ahead.
Q (By Mr. Gold): Your husband --
A I don't know that he was trying to save the home. From what I received, presently, in the mail, there had been no effort, I don't know exactly what he was doing.
Q Well, didn't you have some discussion about him, about refinancing, or something?
A We did do that, that's true.
Q And he had applied to try to get some refinancing?
A Yeah, he was trying to do some -- yeah, that's true.
Q Okay.
A That's true.
Q Now, going back to when your husband first re -- first got out the gun, he was holding the gun up in the air, correct? He wasn't pointing it at you, right? He wanted you to see it?
A When he first, he first presented it, and then he

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pointed it at me.
Q Well, so, there came a time when he pointed it at you. When he pointed it at you, approximately how far away from you was he?
A I would say across from the table. So, most tables are about thirty-six to twenty-four inches. We're across from each other.
Q Okay. Can you tell the jury what time you left that morning, with your son, Samuel?
A It was probably about nine o'clock or so.
Q Okay. He had already come home, after dropping off Isaac, correct?
A Yes.
Q And you could see, when he already came home, that she was calmed down, and he had apologized --
A Right.
Q Correct?
A Correct.
Q Okay. And then, when you left -- you left around what time, to go to work?
A About nine o'clock.
Q Okay. Did you get at your place of business at nine o'clock?
A Probably, probably about nine forty, 'cause I dropped my son, Samuel, off at my mother's house first, and

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then I went to work from there.
Q And then I think you said, you talked with your boss, or management, or whatever the case may be --
A Right, I had to call him, and let him know to get someone in to relieve me, so I could leave and make a Police report, at that time.
Q Okay. So, what time did you leave work?
A Probably about twelve thirty or so, was when he was able to get a replacement in there for me.
Q Okay. And if I, if I tell you that you didn't get to the Police station until about six o'clock, does that sound correct? Six p.m., that afternoon?
A No, I think that's when the arrest was finally made. But I went back to my mother's house, got Samuel. I would say, probably three o'clock I got to the Police station.
Q But if the report shows that you got there at six --
MR. BROWN: We'd object. She can't testify as to what the report would say.
MR. GOLD: Okay.
THE COURT: Sustained.
MR. GOLD: Very good. Okay.
Q (By Mr. Gold): So, you, you say you got there about three o'clock?
A Yeah.

Q Okay.
A Yeah.
Q Before going to the Police, did you discuss the incident with anybody else?
A Yes, I told my mother about it.
Q Okay. Aside from your mother, did you discuss the incident with anybody else?
A Not in detail. I told my manager that there had been an incident at my home last night, and I needed to leave, and I placed a Police report. But I didn't tell him details.
Q Okay. Now, you spoke with somebody that suggested that you go to the Police, did you not?
A I suggested I go to the Police.
Q You, you yourself?
A Yes. I didn't need anyone to tell me that.
Q Okay. By the way, since the incident, you nor your children have seen your husband, outside of court, correct?
A Correct.
Q Since September 5th, you --
A Correct.
Q You had no contact with him, or your sons have, as far as you know?
A Correct.

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Q Correct? That's pursuant to Court Order, do you know?
A I'm not understanding what you're asking.
Q Okay. When was it, that night, that your husband started to cry? Was that before he put the gun in his mouth, or after?
A It was a long night. I don't remember exactly when he started to cry.
Q When he was crying, you were crying?
A I was crying most of the night. So, that would be a speculation.
Q In the morning, there would -- there came a time when you took the hand gun and put it somewhere, did there not?
A Yes.
Q Okay. When you got the hand gun, what time was it?
A I don't know.
Q It was in the morning?
A Yeah, it was in the morning.
Q Was it after -- was it after your husband had left to take Isaac to work?
A I don't remember that chain of events, to be honest.
Q You took the gun, and where did you place it?
A I placed it in a drawer that's near, on the side of our entertainment center, it's a chest. And I know it's a drawer that nobody uses, or even think to look into.

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So, I placed it there.
Q You placed it there because you thought it would be safe there, correct?
A Yes.
Q And was that downstairs, or upstairs?
A It's downstairs.
Q I'm sorry, downstairs?
A Downstairs, yes.
Q Now, when you placed it there, you noticed the gun was unloaded, correct?
A Actually, I, I don't remember if it was loaded or not.
Q Do you know that the holster, with the two magazines, were in a linen closet, off the kitchen, after he had left. Did you notice that?
A I'm not sure where the magazines were, but I do know that I placed the gun in the drawer, near the entertainment center, downstairs.
THE COURT: Anything further, Mr. Gold?
MR. GOLD: Yeah, just a couple -- I'm sorry, Your Honor. Just a minute, please?
THE COURT: Okay.
Q (By Mr. Gold): Are you aware that when the Police recovered the gun, it was upstairs, in the master bedroom shelf, unloaded? Did you know that?
A No, I, I don't think I did know that.

Q Well, what you're telling us is that you placed it downstairs, in a shelf, and you don't know whether it was loaded or not?
A No, not a shelf. It was in a chest, next to the entertainment center, in a drawer.
Q In a drawer?
A Mm-hmm.
Q Some place that you frequently didn't use?
A Right.
Q Your idea was to hide it?
A Yes.
Q Okay. And does it surprise you to know that when the Police recovered the holster, in the linen closet, that the two magazines were in the linen closet, off the kitchen, together with the holster?
A It's not surprising. I don't, I don't see the relevance of it, actually.
Q Okay. And yet you say you don't know whether the gun was loaded or not, when you put it away?
A Right.
Q Wouldn't you think that if you --

MR. BROWN: I've got to object at this point. He's asking for an expertise, and she's not qualified to talk about that.

THE COURT: Okay.

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I don't even think there's a pending question, but go ahead.

MR. GOLD: Okay.

THE COURT: I'll rule after I hear the question.

Go ahead.

MR. GOLD: Okay.

Q (By Mr. Gold): I mean, naturally, when, when he's gone, and you've got the hand gun, and you're gonna put it away, you would look to see whet her it's loaded or not, wouldn't you?

A Apparently not if I didn't.

Q You didn't look?

A No.

Q Okay. Now, I think you had said that you and your husband were talking divorce, for some time? Separation, legal.

A Yeah, we had a rocky marriage.

Q And that night, again you told him that you were going to leave? Did that start causing him to start crying?

A I can't say what triggered his emotions. I don't know.

Q Okay.

MR. GOLD: Okay. Your Honor, just one minute. Let me just take a quick look. There might be something I forgot to ask about.

Q (By Mr. Gold): Do you know whether or not, when you came into the Police station, and were interviewed, you do recall afterwards writing out a statement, correct?
A Correct.
Q And your interview was not, as far as you know, video taped, or audio taped, is that correct?
A As far as I know it wasn't.
Q It was not? Okay.

After the Police Officer went over everything with you, it was then -- let me start over again.

You say you think you got to the Police station about three o'clock, correct?
A Yeah, that's what I would, it felt like, about three.
Q Okay. You do recall, after talking with the Police Officer, he then asked you some questions, and then asked you to write this all down?
A Correct, mm-hmm.
Q You -- okay.
A Yes.

MR. GOLD: Your Honor, I have nothing further.

THE COURT: Any redirect, Mr. Brown?

MR. BROWN: Just, just one, for clarification.

Get something marked. This has to be

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cleared, Your Honor.

THE COURT: Okay.

MR. BROWN: People's 1.

(Whereupon People's Proposed Exhibit No. 1 was marked by the Court Reporter).

REDIRECT EXAMINATION

BY MR. BROWN:

Q Mrs. Lymon, I'm gonna show you what's been marked People's Proposed Exhibit 1.

A Okay.

MR. BROWN: And that has been cleared.

Q (By Mr. Brown): You've seen this before?

A I have.

Q Tell the jury, when, and where, and how?

A That's the gun that Mr. Lymon had when he was pointing it at us.

Q Okay.

MR. BROWN: People would move for entry of People's Proposed Exhibit 1, Your Honor.

THE COURT: Any objection?

MR. GOLD: Voir dire, Your Honor.

THE COURT: Go ahead.

VOIR DIRE EXAMINATION

BY MR. GOLD:

Q Mrs. Lymon, I gather, you're not too familiar with hand

guns, are you?
A I'm not.
Q Okay. And this looks like the, the weapon that your husband had?
A Mm-hmm.
THE COURT: Is that a yes?
WITNESS: Yes.
Q (By Mr. Gold): And of course, you can't tell this type of a hand gun from any other, similar make, I'm sorry. Maybe I didn't -- let me make myself clear.
This hand gun as opposed to some other hand gun, that's the same make and everything, you wouldn't tell -- you couldn't tell the difference, could you?
A I'm, I'm not clear on what you're asking me.
Q Okay. As far as you know, there's nothing unique about this gun that would be able to tell you that this was the gun in your house that night?
A That's true.
Q As opposed to some other, is that correct?
A That's true.
MR. GOLD: Your Honor, I think, at this point, there's not a proper foundation. There has to be some relevance to show that this was the particular gun that was recovered at the home.
THE COURT: Okay.

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Well, I mean, that's what she said. That's the gun.

So, I'm gonna admit it.

MR. GOLD: Okay.

MR. BROWN: The People have nothing further, Your Honor.

THE COURT: Okay.

Mr. -- anything?

MR. GOLD: Nothing further.

THE COURT: Okay.

(Whereupon the witness was excused).

THE COURT: All right.

We're gonna take a quick five minute break.

DEPUTY: All rise for the jury.

(Whereupon a recess was had in the proceedings from 1:31 p.m. to 1:41 p.m.)

THE COURT: All right.

We're back on the record.

Okay.

Mr. Brown, you can call your next witness.

I S A A C L Y M O N

Called as a witness and having been first duly sworn by the Clerk at 1:42 p.m., was examined, and testified as follows:

THE COURT: Raise your right hand.

CLERK: Do you swear or affirm that the

testimony you're now about to give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS: I do.

THE COURT: Whenever you're ready, Mr. Brown.

DIRECT EXAMINATION

BY MR. BROWN:

Q Could you again state your name, for this record?

A Isaac Lymon.

Q And how old are you, Mr. Lymon?

A I am seventeen.

Q And back in September of 2014, on the 5th, how old were you?

A I was sixteen.

Q You would have been sixteen then?

Now, are you familiar with someone by the name of Mr. Cora Lymon?

A Yeah, that's my father.

Q Is he in the courtroom today?

A Yeah, he right there.

Q Okay. When you say right there, if you would, just briefly describe what Mr. Lymon has on today, and where he is located?

A He's in the middle, like a yellowish tie, and a suit jacket that's like a brownish plaid.

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MR. BROWN: Indicating, for the record, the witness has identified the defendant, Mr. Lymon.

THE COURT: So noted.

Q (By Mr. Brown): Calling your attention to the date of September 5th, 2014, do you recall that day?

A Yeah.

Q Did something occur on that date that brings you to court today?

A Yes.

Q If you would, tell the jury what, in fact, happened?

A My father, for a while, he's been, he was accusing my mom of cheating, and you know, stuff like that.

Q Was that on this day?

A Hmm? Yes, this was --

Q On this particular day?

A Yep. And it was on that day. And he kept going on, like, he saw her with another man, and he had pictures on his phone. And she asked, you know, show me the pictures, if you have 'em.

And, yes, show me the pictures if you have 'em, like -- and he slammed his phone on the table, and broke his phone screen, and it wouldn't turn on.

So, he went to the AT&T store.

Q Now, where were you?

A Hmm? Pardon me?

Q Where were you when this was going on?
A At first, I was upstairs, because my mom was preparing dinner. And I was upstairs, I was on my lap top, I think.
Q Okay.
A At the time.
Q At what point did you come downstairs? Tell this jury.
A I came downstairs once dinner was ready to eat.
Q What was going on between the defendant and Mrs. Lymon, once you got downstairs? If you would, tell the jury what you actually saw?
A He was getting, like, more angry, and like more and more and more mad, saying, you know, who's Karen, and who's Karen, like if she shoots up this neighborhood, it's all your fault, like you heartless, you cold.

And all this and that.

And then my mom, she sat down, on the couch. Me and my little brother were at the dinner table eating our dinner, you know, and he was just like, okay, he's ranting and all.

And so then he took it a step further. Our like, pantry, linen closet, it's like to the side of the kitchen, he went and grabbed his gun, and cocked it, and was, like, you think this is a joke, or you know, you all gonna take me serious now.

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He started to point the gun at my mother.

Q What did you think, at that point?

A At that point, like, my reaction was, like, I have to protect my mother.

So, like, I stood up, like, try and calm him down, like, yo, dad, that's our mother. Let's not take it this far.

Q Were you afraid?

A Hmm? Yeah.

Q Okay. What happens next? Tell the jury.

A Yeah, after that, he sits down, and still has the gun in his hand. And you know, he's pointing, and he was going, going on how she did him wrong for so many years, and all this stuff.

Q Where is the gun? Tell the jury.

A The gun was in his hand, like, he had it like this, sitting down, at a dinner table.

Q And what are you thinking?

MR. GOLD: Your Honor, maybe indicating the witness is pointing near his, like, on his knee?

THE COURT: Okay.

WITNESS: Well --

THE COURT: Go ahead.

Q (By Mr. Brown): Where was the gun? Show the jury where the gun actually was, if you recall

A All right. The gun, he had it in his hand. And it was, like, leaning on the table, but it was, like, pointing towards my mother. And --

Q Where were you in relationship to where your mother was? Tell this jury.

A Hmm? I was in the kitchen, and she was in the family room. So, I was, like, across from her, like somewhere like around that angle.

And eventually, he told me and my little brother, you know, get up, get with your mom.

And he started to tell us, like, you know, if I kill her, I'm gonna have to kill you guys, too.

And then we started, like, you know, begging and pleading for our lives.

Q Why were you doing that? Tell this jury. I know that's a stupid question, but did you think he was serious?

A Hmm? Yeah, I mean, he actually like had the gun pointed at us, and was, like -- he was angry, like, veins popping out, and the whole nine yards.

And you could just -- we was just like all really scared.

We didn't know what to do. It was, like, it was really sad, 'cause, you know, you don't wake up thinkin', this is it?

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And so, that was a moment where we thought, this is it, and then he eventually told us to get on the ground.

We was all huddled up. We was all praying. We were screamin' to the top of our lungs, hoping that one of our neighbors will hear us.

Q Why were you doing that, to -- so the neighbor would hear?

A Hmm? Yeah.

Q Okay. What happens next?

A Oh, what happened next is, he told us to get up. He tells me to sit on one side of the fireplace. He tells my mom to get in the middle. And then he told my little to get, like, across from her.

So, like, she's in the middle, I'm on the right side, my little brother's on the left side.

And he had it pointing at her, and he tells us, don't move, don't move.

And how she did his -- how she did him wrong. And was basically trying to persuade me and my little brother how she did us wrong.

And, yeah, just tryin' to persuade us how, like, you know, she's wrong, she did all of this stuff. She's cheating on him. He has a evidence.

And once he killed her, he's gonna kill me,

and my brother, and he'd have the perfect alibi, saying that he'll be at work, and he say he'll burn down the house, and all of that.

Q Okay. Does there come a time when the defendant does something else? What else happens? Tell this jury.

A Yeah. Eventually he tells my mom to sit with him, and like, he has her like right next to him.

And then he puts the gun --

Q What's right next to him?

A He's sitting on the couch, the sofa, and he tells her to get next to him.

And like, he puts a gun to the side of her, like that, you know. And then he starts questioning her, and like, if it wasn't the answer that he want, you know, he's like hit her on the back of the head, like, come on.

And yeah, and so then, after all this, he starts talking, and then, it like, it seems like he's calming down, but then he'd get even more mad, or like if me and my brother make a sudden movement, you know, he'll point it out, he's like, sit down, or stop, or don't try it.

Q Now, how long -- at that point, how many hours had passed, if at all? At what point did it happen?

A Around three hours, 'cause it started around seven

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o'clock. So, it was like around ten o'clock, around that time.

Q So, for three hours, you've been in that situation, where you could not move. Did you want to move -- you're shaking your head. You've got to give us a verbal --

A Oh, I'm sorry. Yeah, I wanted to move, but, you know, I was scared.

Q Did there come a time when you had to use the facilities, the rest room?

A Yeah, I asked, can I use the bathroom. He's like, yeah, pee on the wall, the house is gonna burn anyway.

And then, once I was doing so, he told me to pee in a cup.

And, you know, I looked at him, like, it was weird, and so I peed in the cup.

And he told me to set it down, and sit back down in my spot.

Q Your spot? So, he had designated a spot for you?

A Yeah, the chair that I was sitting in, previously.

Q Now, where was the gun, at that point?

A The gun was still in his hand. He was waving it around, doing his commands, like --

Q Yes.

A Commanding us to do so.

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Q And what were you thinking, at that point?
A I was thinkin', at that point, like, I hope he calms down, ever, 'cause his voice wasn't as loud, and angry as it was before, but he was still aggressive, his tone was still aggressive.
Q So, what happens next? If we get to ten o'clock, what happens at that point? Tell the jury.
A At that point, he goes on talking to my mom, saying how she should have just left.

And then, eventually, he puts the gun on his self, like, you know, turn it around and put the gun on his self.

And once he puts the gun to his self, he goes around, like, you know, come on, I know you want to do this, shoot me, shoot me, shoot me, like he did it to me, he did it to my brother, and he did it to my mother.

And so then, once he got up, you know, it was like, I was just freaking out, I was scared. So, I left the house, like, the garage, I opened the garage, and I went in the driveway, and I was just breathing, like, panting, you know.
Q Were you having trouble breathing?
A Yeah.
Q What happens at that point?

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A My mom comes, and she gets me. I was out there no longer than two minutes. My mom, she comes out and get me, and tells me, like, you can't leave your brother, come on.

And so, we come back in the house. And my dad, it was, like, you know, you don't love us, you don't love me, all of this.

And my mom was saying, yes, we do, 'cause if we didn't love you, we would have left.

And she was just tryin' to calm him down.

Q And what are you doing, at that point?

A I'm just shaking my head, nodding, you know, everything to what my mom was saying. It was, like, yeah, dad, like, chill out. Let's just, you know, calm down, let's just forget about this.

He was still angry, at that time.

Q Now, where is your other brother, if you would, situated while this is going on?

A Okay. So, at this point in time, we're by the garage door. And so, and that's by the kitchen table. And so, my little brother, he's still in the family room, and he's still sitting in the chair.

Q Okay. Are you able to observe him?

A Able to observe him?

Q Your brother, yes. Your, your other brother, are you

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able to see him?
A Oh, yeah.
Q Does he appear afraid, too?
A Hmm -- yeah.
Q What happens next?
A So --
Q We have you at the garage. Do you, at some point, come back into the house?
A Yeah. We all sit down, and like now, he's calm, and he's talking. It was, like, well, how do we move on from this, 'cause you can't just forget about this, or you can't just go on. How are we gonna move on from this point, you know. We're at the end now, we're at the end of the road, and things just awkwardly just stopped.

And you know, I asked, can I go back to my room?

He said, no. You gotta stay downstairs.

And --
Q Now, where did you have to stay? Tell the jury where you had to stay?
A He said I could sit on the couch, or anywhere on the floor.

I chose to sit on the floor, by the couch, by the T.V.

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Q Okay. What happens next?
A Oh, what happens next is, he turns on the T.V., and movie's on. I didn't really go to sleep. I kind of had one eye open, and --
Q Why not? Why didn't you go to sleep? Tell the jury.
A I didn't know if it was, like, true. I didn't know if it was truly over. I thought, like, kill us in our sleep, or something.
Q Were you afraid?
A Yes.
Q What happens next? Tell this jury.
A I was able to get a hold of a phone, at that time. He said we was allowed to get 'em, 'cause he threw my phone at the --
Q And I apologize. You're saying that your phone was thrown at some point. At what point did you -- was your phone removed from you?
A It was when he told me and my little brother to go in the family room, with our mother.
Q And what did he say regarding the phones, he being the defendant? Did he say something regarding your telephones?
A Yeah, he like, you're not calling anyone, you know. No, it's to call 9-1-1. And told us to sit over, where our mom was, you know, on the couch. And he was waving

his gun at us, pointing it.

Q Indicating, for the record, you, you're pointing your finger out, toward -- so, the gun was pointed towards you?

A Yes.

Q And your brother?

A Yes.

Q And the, the cell phones were taken from you?

A Yes.

Q Okay. What -- did you see where they were put, if you recall?

A Yeah, he threw 'em, he just tossed 'em on the stove. And the battery came out, and all that.

Q Okay. So, both cell phones were taken from you and your brother?

A Yes.

Q So, what happens at that point? I believe, moving forward, you indicated to the jury that you had asked about your phone, or something? Later in, did you say that you asked about using your phone or something? Or you were able to use your phone?

A Yeah, once it, like, all calmed down, where, like, the incident was over, and --

Q Approximately what time would that have been, I'm sorry?

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A That was around twelve o'clock.
Q Okay. What happens at that point?
A I was able to retrieve my phone. And I set an early alarm, on my phone. And I was going to just, like, you know, ride my bike to work, and -- 'cause I didn't want him dropping me off at work.
Q So, what happens next?
A Yeah, I had my phone in my hand, and stuff. We were all laying down, and you know, we all have our eyes to him, 'cause the tension, the tension was still there.

So, the next morning, waking up, he was saying, you know, I'm sorry, I'm sorry, didn't mean for that to happen.

And all, and as I was getting ready to go to work, I said I was gonna ride my bike. He said, no, you don't have to ride your bike, I'll take you .

And he, on that ride to work, it was, like, silent, most of the time. I was still shooken up. I was still teary eyed.

He was, like, you sure you can go to work?

Q Why were you teary eyed? Tell the jury.
A I was, I was teary eyed because, you know, I almost lost my life that day. I was just shooken up. I couldn't believe that he took it that far.
Q Okay.

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MR. BROWN: Nothing further, Your Honor.

THE COURT: Okay.

Go ahead, Mr. Gold.

MR. GOLD: One second.

MR. BROWN: Well, I just have one other question.

THE COURT: Go ahead.

Q (By Mr. Brown): Now, you eluded to the fact that you had to use the rest room. Now, did you have to use a cup, also?

A Yes.

Q Okay. Now, did, did yours have something in it, the cup that you used, or was it clean?

A My cup, I had nothing in it. But I think it was his cup that had the red and white.

Q When you say, his, who are you referring to?

A Oh, I'm sorry. I was referring to my father.

Q Okay. I just want to show you something, which is Exhibit 1. Just look at it in the box. Does this look familiar to you?

A Yeah.

Q Okay. What does it look like? Tell the jury what --

A It looks like it's forty-five.

Q Had you seen this before?

A Yes.

Q When? Tell the jury when.
A When I saw it?
Q Yes.
A I haven't -- I didn't see it that day, but like, usually he'll have it on top of the entertainment center, or on one of the shelves of the entertainment center.
Q Okay. Is this the gun that was pointed at you?
A Yes.
Q That night?
A Yes.

MR. BROWN: Nothing further.

THE COURT: Okay.

Go ahead, Mr. Gold.

CROSS-EXAMINATION

BY MR. GOLD:

Q Mr. Lymon, may I call you Isaac?
A Yes.
Q Okay. Isaac, I want to ask you just a few questions, and if you're not sure what I'm asking you, let me know, so we can -- I can rephrase it, so that you understand what I'm asking you. Fair enough?
A Yes.
Q Okay. Isaac, did you say that it was around twelve o'clock at night when your dad had calmed down?

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A Yes.
Q And was that when you got your cell phone?
A Yes.
Q And how did you get the cell phone?
A He was, like, he gave us, like, a little minute where we could move around.
Q Uh-huh.
A So, I kind of grabbed it, and put it in my pocket, and turned it back on, checked the time.
Q Okay. Did your dad, as far as you know, did your dad see your retr -- get your cell phone back?
A No.
Q He didn't see that?
A No.
Q You had gotten it back without him seeing it?
A Yes.
Q And so, I think you said then you went upstairs?
A Yeah, I went upstairs, and like's where I checked my phone, 'cause I didn't want him to see me with it.
Q Okay. What time was this when you went upstairs?
A Around twelve o'clock, twelve ten.
Q What time did you go to sleep?
A I didn't really go to sleep, but I basically stayed up all the night.
Q In your room, or downstairs?

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A Downstairs.
Q You came back downstairs?
A Yeah ‘cause he told us, we had to stay downstairs that night.
Q Well, did I -- as I understand it, when you went upstairs, did you also set the alarm on it?
A Yeah.
Q And when you set the alarm, was that in order for you to get up the next morning, for work?
A Yeah, if I went to sleep.
Q And you went to sleep downstairs?
A I said, if I went to sleep. I didn’t go to sleep that night.
Q Oh. Well, how long were you in your bedroom before you came back downstairs?
A Five minutes.
Q When you went upstairs, your, your dad didn’t tell you not to go upstairs to your bedroom, did he?
A Hmm? No, he didn’t tell us that. He just gave us, like, some room light. Okay. I’m done, or whatever. We all have to stay downstairs.

And then, after a while, what had seemed like a long time, Isaac, come back downstairs.

I’m like, okay.

Q Okay. But I’m trying to understand, your dad’s down

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there, having a tough time with the gun and everything, and then you just walk upstairs. Was that when he calmed down?

A Yeah.

Q And when he calmed down, where was the gun?

A It was around this area, like, close to his body. I was upstairs, so I don't know a specific place where his gun was at, but I know, once I woke up -- well, not once I woke up, but once I got up, his gun was on the little table next to him.

Q Next to him?

A Yes.

Q And what time -- you say once you got up, or if you didn't get up, what time was this now?

A Around four in the morning.

Q Four in the morning?

A Yes.

Q And, and who turned on the T.V. that night?

A He did.

Q Did you have a movie or something that you guys were watching, or something like that?

A He just turned it on, and this movie popped up, and then, he didn't pick a channel, it was like he just sat there, watched it.

Q Now, did your dad fall asleep downstairs, or did he go

upstairs, what happened with him, as far as you know?
A I think he went to sleep for a little while, ‘cause I kept my head to the T.V.
Q Because you what?
A I kept my head to the T.V.
Q What do you mean by that? You --
A Like, I was just staring at the T.V. and -- and he was, like, to the back of me.
Q Oh, you, in other words, you kept looking at the T.V.?
A Yeah.
Q Okay. So, when you went upstairs to set the alarm on your telephone, and make sure it was working and everything, so how long were you upstairs?
A Five minutes.
Q Okay. And at that point, didn’t it strike you that maybe you should call the Police?
A I didn’t want to take a chance.
Q You were afraid to call the Police, is that what you say?
A Yeah.
Q Your dad didn’t tell you not to call the Police, or anything? He didn’t even know you had a gun -- a cell phone with you, right?
A Yeah. That’s why I didn’t want to take a chance, ‘cause if he hears the door bell, around late that

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night, he knew that one of called the Police.

Q Okay. So, what you're saying is, then, you were afraid to call the Police?

A Yeah.

Q Okay. When you set your alarm, what, for seven a.m.?

A Mm-mmm. I set it for four a.m.

Q Four a.m.?

A Yeah.

Q What time was it that you eventually went to work?

A I went to work around seven.

Q Okay. And I think you said you were gonna ride your bicycle?

A Yeah. So, that's why I set it until four, 'cause I didn't know how long it would take me to get to work, riding my bike.

Q Oh, well, when did your dad say he'd drive you to work?

A Once my alarm start going off, he's like, where you goin'? I said, I'm gettin' ready for work.

He said, no, I'll drive you.

And I said, okay.

Q So, at four o'clock in the morning, when your alarm went off, at that point he said he'll drive you to work?

A Yes.

Q Okay. And there came -- when your dad drove you to

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work, did you see the hand gun anywhere?
A No.
Q Did you know what had happened to the hand gun?
A No.
Q Okay. And during the, the night, there was some time in the night, when your mother was on the couch, and you said your dad had her sit next to him, correct?
A Yes.
Q And he slapped her on the back of the head with his hand?
A Yes.
Q Okay. And at that point, I think the gun was at her side, or something?
A Yes.
Q Was the gun pointed at her, or just laying down?
A It was pointed at her. He had the gun, gripped in his hand, pointed at her side.
Q Okay. And did there come a time when your daddy was crying?
A Yeah.
Q Was your mother crying at the same time?
A Yes.
Q And where was he when he was crying, and where was your mother?
A I know at one point in time, when, like it first

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happened, like when he first pulled out the gun, he was crying. And that's when he was at the table, and that's when she was at the couch. And she was pleading with him, and me and my brother starts to cry, and we was pleading with him.

Q Okay. Did there come a time when your dad pointed the gun at himself?

A Yes.

Q And when did that occur?

A Like a time frame?

Q Yes.

A Around ten, or eleven. I didn't have no form of --

Q I understand.

A Yeah, clock. So, I can't really put a specific time on it, but it was later that night.

Q Where was he when he did that?

A At first he did it around the couch, like he was sitting down, and put it on the couch, like, put it in his mouth. He walked around, like, told me to do it. Told my brother to do it. And he went into the kitchen --

Q You mean to -- you mean he was asking you to pull the trigger?

A Yeah.

Q And he was asking your brother, Samuel, to pull the

trigger?
A Yes.
Q And when he was doing this, was he standing up or sitting down?
A At first, he was sitting down. And then he stood up.
Q Okay. Was he crying?
A Hmm? No.
Q Okay. And then he went back into the kitchen?
A Yes.
Q And what did he do then, when he went back in the kitchen?
A He went back in the kitchen, and he started talking, or ranting, whatever. And that's when I kind of took my chance, and left out the house, and stood in the driveway. I was gonna run off, but -- and then my mom and my little brother was in the house, so it kind of hit me, like, you don't want to leave your mom and your brother in the house when he's threatening to kill them. So I stopped.
Q Okay. I think, and I'd like to know, from you, so did your dad put the gun in his mouth just one time, or did he --
A Multiple.
Q I'm sorry, multiple times?
A Yes.

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Q Was it always in the family room, or in the kitchen, or both?
A Both.
Q And he wanted you or your brother to pull the trigger, is that -- and you refused?
A Yes.
Q Okay. Do you recall your dad, on that Friday, when he first came home, telling you go upstairs and clean your bedrooms, do you remember that?
A No.
Q Okay. I think you said, when your dad was driving you to work, you didn't have any conversation with him?
A No, he just apologized, and, and saw that I was teary eyed, and said, are you sure you can go in today.
I was, like, yeah, I'm sure.
Q Well, didn't -- that was in the car, but didn't he apologize in the house, before --
A Yeah.
Q You went in the car?
A Yeah.
Q He apologize to your mother, and to you, and your brother?
A Yep.
Q Okay. And what words did he -- when he apologized, what words did he say?

A I don’t remember his exact words.
Q Okay.
A I just know, he kept saying, like, I’m sorry, you know, I’m sorry. And --
Q Okay. That night, when you were watching television, and you awakened at four a.m., when you awakened at four a.m., what was -- where was your dad?
A He was on the couch, laying there, and he had my mom next to him, like where she couldn’t really get up.
Q I’m sorry, sir?
A I said, he was laying on the couch --
Q Uh-huh.
A Kind of, and he had my mom where, like, she couldn’t really get up, ‘cause if she get up, then he would get up, too, like --
Q Where was the gun?
A The gun --
Q If you noticed?
A No. Yeah, I don’t really remember, ‘cause like I said, my T.V. was to the head. I don’t know what he did with the gun. I just knew the gun wasn’t in his, in his hands, once everything calmed down.
Q The gun was in his hands, or was not?
A Was not in his hands once everything --
Q Calmed down?

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A Yeah.
Q You don’t know where the gun, where he put it or anything?
A I know once I looked up, it was near our table. We got a table.
Q Uh-huh.
A At that time, and it was on there. So, I’m assuming it was there all night.
Q Okay. Do you recall hearing your dad tell Samuel to turn on the T.V.?
A No.
Q You remember going to the Police Department, to make a statement?
A Yes, my mom picked me up from work, and we drove to the Police Department.
Q Was your brother, Sam, with you?
A Yes.
Q Okay. And you were interviewed, and you spoke with, with a Detective, isn’t that correct?
A Yes.
Q And after talking with a Detective, and the Detective asking you some things, he then asked you to write out a statement, correct?
A Yes.
Q And let me show you something, and ask you, is this

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your hand writing, on this? Is that your hand writing?
A Yes.
Q You wrote that?
A Yes.
Q Okay. Let me, let me direct your -- and by the way, is there a time on your statement here, at the bottom?
A When I signed it?
Q Yeah.
A Yeah, it says at eight twenty.
Q Okay. And so, it was about -- well, you were interviewed at eight twenty. Does the statement say that you wrote it down at nine o'clock?
A It does say nine o'clock. Yeah, I guess.
Q Okay. And take a look at, take a look at the second page, and I've got something underlined there, and read that to yourself. Don't answer any questions. Just, just read it to yourself, the part that I've got highlighted there.
Okay?
A Mm-hmm.
Q So, let me ask you again, do you, did you write down there that your dad told Sam to turn on the T.V.?
A Yeah, either Sam, or he grabbed the remote. It's seven, it was seven months ago, so I don't exactly --
Q You don't remember, exactly?

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A Yeah.
Q Okay. So, he may have asked, he may have told Sam, or took -- to turn on the T.V., is that correct?
A Yeah.
Q Okay. Now, there's no question, the T.V. was put on?
A Yeah.
Q Yeah, there's no question about that?
When your dad woke up and said he'll take you to work -- well, strike that.
There was at least one time, or something like that, prior to this night, when you had urinated in a bottle, isn't that correct?
A No.
Q You never did that before?
A No.
Q Okay. In the beginning, you said that nobody took him serious, correct?
A Yes.
Q When it all started, and that made him angry, didn't it, that nobody was taking him serious, or listening to him?
A Yeah.
Q About that Karen business?
A Yeah.
Q And you recall your dad saying something about, that

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she could come by and shoot up the whole neighborhood?
A Yes.
Q Okay. And your dad was concerned about neighborhood kids, gather in your garage?
MR. BROWN: We'd object at this point.
THE COURT: Okay.
MR. BROWN: To speculation.
THE COURT: Okay.
MR. GOLD: That's good.
THE COURT: Sustained.
MR. GOLD: I have no further questions.
THE COURT: All right.
Any redirect, Mr. Brown?
MR. BROWN: No, Your Honor.
THE COURT: Okay.
You can call your next witness.
Thank you, you can step down.
(Whereupon the witness was excused).

S A M U E L L Y M O N

Called as a witness and having been first duly sworn by the Clerk at 2:14 p.m., was examined, and testified as follows:
CLERK: Raise your right hand, please.
Do you swear or affirm that the testimony you're now about to give in these proceedings will be the truth, the whole truth, and nothing but the truth,

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so help you God?

WITNESS: I do.

THE COURT: Go ahead.

DIRECT EXAMINATION

BY MR. BROWN:

Q Could you state, state your name for this record?

A Samuel Lymon.

Q And young Mr. Lymon, are you familiar with someone by the name of Cora, Mr. Cora Lymon?

A Yeah, he's my father.

Q Where is he sitting, and what does he have on today?

A White shirt, with the, like, yellow tie, or cream tie, or brown.

MR. BROWN: Indicating, for the record, the witness has identified the defendant in this matter, Mr. Cora Lymon.

THE COURT: So noted.

Q (By Mr. Brown): If I may, I just want to call your attention to the date of September 5th, 2014. Do you recall that date?

A Yes.

Q Something occur in your household, regarding that date?

A Argument, starting with my mom and my dad. Basically, my dad was saying that my -- he has photos with my mom cheating, with some other guy, and some woman named

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Karen called him, talkin' about she, she found them once, he can -- she can find him -- her again.

Q Okay. Now, tell us what you saw on that day? So, what happened? As a result of this, you heard that conversation take place between your father, and your mother?

A Yeah.

Q Okay. The defendant and Miss Lymon.

So, what did you see occur next?

A Well, at one point, he left out to -- because he broke his phone, to --

Q He, being the defendant?

A Yeah.

Q Okay. What happens next?

A And when he came back, they start arguin' again. And he went to the linen closet, and pulled out a gun, because my mom wasn't taking him seriously.

Q Okay. Were you taking the defendant serious?

A No.

Q Where were you, at that point?

A At the kitchen table.

Q So, what happens next? Once the gun's pulled out, tell the jury what happened?

A He pulls it out and pointed it at my mom. And my brother jumps up, because he was pointing it at my mom.

Then my dad pointed it at my brother.
Q What are you thinking, at that point?
A I was scared, because I didn't know what was gonna happen next.
Q So, what did happen next?
A Like, after that, he had us all move to, it's what's called the family room. And had me, my mom, and my brother sit on the couch together. And after --
Q Where is the gun, at this point? Tell this jury.
A He's pointing it -- he pointed it at, well, it's in his hand, and he pointed it at my mom, my brother, and at that point, he didn't point it at me yet.
Q You said, yet. Is the gun pointed at you, at some point?
A Yes.
Q Tell this jury when?
A He pointed it at me when he had us move, had my brother sit in one chair, and me in the other, and my mom in the center.

Then my -- I start movin' around, and he pointed it at me and told me stop movin'.
Q Did you stop moving?
A Yes.
Q Why did you stop moving?
A Because I didn't want him to shoot me.

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Q So, what happens next, once you stop moving, what happens next in that house?
A He keeps going on and on about how he doesn't know who Karen is, and everything. And we're telling him, we don't know who Karen is either.
So, he just keeps going on from there.
Q He, being who?
A My father.
Q Okay. Where is the gun, at that point?
A It's still in his hand.
Q All right. Is it pointed at someone?
A Yeah. He --
Q Who is it pointed at?
A He wave it around, periodically, at all of us.
Q Are you afraid, at that point?
A Yes.
Q Tell the jury, what happens next?
A After that, after he start waving it around, I just, at one point, he was, like, if I kill your mother, I'm gonna have to kill you, too, and your brother, because you guys wouldn't be able to bear it all.
Q What did you think when he said that?
A I thought he was gonna kill us.
Q Were you afraid?
A Yes.

Q Now, did you have a cell phone?
A Yeah, but he took it from me when -- while we was at the table, because I tried to call the Police.
Q You tried to call the Police?
A Yeah, but he seen it lyin' under the table, and took my phone from me.
Q What did the defendant say when he took your phone, if anything?
A He said, if the Police come here, I'm gonna kill you.
Q So, what did you think, at that point?
A That he was tellin' the truth, that he was gonna kill us.
Q Okay. So, we fast forward to, you're telling us about, you had to move, at some point, and the gun was pointed at each of you, at certain points?
A Yeah.
Q What happens next?
A After a while, he had my mom sit by him, on the couch, after he sat down on the couch. So, he had my mom come sit by him, and he started putting the gun to her side, and hitting her in her head.
Q And what are you doing while this is going on?
A I told him to stop. Then he pointed the gun at me and told me, what you gonna do about it?
Q What did you think at that point?

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A That if I say anything else, that he's gonna kill me.
Q Did you say anything else?
A No.
Q What happens next?
A After that, it starts -- he, like, whispering in my mom's ear. I couldn't really hear what he was saying.

So, at one point, he turned the gun on himself, put it in his mouth, and put it to his head. And he kept putting it back and forth.

And he tried getting my mom to pull the trigger, but she didn't want to do anything. He was, like, one of you pull the trigger.

So, then my brother ran out the house, and my mom ran after him.

Q And what happens at that point?
A Right when I was, like, about to go follow with him, they come back inside the house. So, he had us come back to the family room.
Q Where is the gun, at that point, if you recall?
A It's still in his hand.
Q Did he point it at anyone?
A Not at that moment.
Q What happens next?
A After a while, it was him still yelling at us and everything, he basically told us that we have to sleep

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downstairs.
Q Did you want to sleep downstairs?
A No.
Q So, after you're told to sleep downstairs, what happens next in that house?
A Well, I had to use the bathroom. And he told me to pee, pee in the cup, or pee on the wall. And there was this cup with red pop in it, so I peed in it.

Then my brother had to use the bathroom, too. So, he threw my brother a cup.
Q Is that what you wanted, is that how you wanted to use the rest room?
A No.
Q What happens after that? Tell the jury.
A Well, he tells my brother that he can either pee in a cup or pee on the wall, pee on the wall because I'm burnin' -- I'm gonna burn the house down anyway, with you all in it.
Q What did you think, at that point?
A That he was probably gonna do it.
Q Were you afraid?
A Yes.
Q What happens next?
A Well, the night goes on, and once he finally tells us we can, like, we have to sleep downstairs, he turns the

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T.V. on, but nobody really paid attention to the T.V. because he was just pointing a gun at us and everything.

So, he had -- so, basically, we all started, started like just sitting there. And for a while, he put the gun down, on that table right next to him.

Q Okay.

MR. BROWN: I have nothing further.

THE COURT: Okay.

Go ahead, Mr. Gold.

CROSS-EXAMINATION

BY MR. GOLD:

Q Mr. Lymon, can I call you Samuel?

A Yes.

Q Okay. Samuel, I'm gonna ask you a few questions, and if you're not sure what I'm asking you, just let me know, and I'll, I'll say it again so that we understand it, okay?

A Yes.

Q Fair enough?

Do you know what time it was when your dad had thrown down his telephone, broke, and then he left the house to go to the AT&T store, do you know what time that was?

A Around five.

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Q Okay. Had your mother started making dinner yet?
A Yeah. It was already in the process of being cooked.
Q Okay. And then your dad came back, and do you know whether or not his phone had been repaired?
A It wasn't.
Q Okay. And he was still talking about this Karen person, correct?
A Yes.
Q Do you recall him telling your mother that people could be in danger here, kids in the neighborhood, Karen could come by and shoot up the whole house?
A Yes, and that's --
Q Pardon me?
A Yes, and that's why, the main reason he brought out the gun, because my mom really didn't take him seriously when he was sayin' that.
Q Was your mom laughing at him?
A Yeah, nobody, nobody really cared about it, because we all knew it was a lie.
Q Okay. So, you didn't take him seriously either, is that correct?
A Yes.
Q Did that make him angry?
A Yes.
Q Do neighborhood kids congregate around your garage?|

A No.
Q There came a time when your brother, Samuel, left the house, do you remember that?
A Isaac.
Q I'm sorry, you're Samuel. There came a time when Isaac left the house, do you remember that?
A Yes.
Q And can you give us some idea of approximately what time that was?
A Around eight or nine.
Q Okay. Did he leave the house by himself?
A Yes.
Q And --
A But my mom went out after him.
Q Okay. When he left the house, did he go through the front door, or the garage door?
A Garage door.
Q And how long was he gone before your mom left after him?
A About thirty seconds.
Q Okay. And how long were they gone all together?
A Like, forty seconds, or fifty-five.
Q In other words, they just came right back in, is that correct?
A Yeah.

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Q Okay. When your brother had left the house, and your mom went after him, what, if anything, did your dad do?
A He was still putting the gun in his mouth, and putting it to his head.
Q All right. He was point the gun at himself, is that correct?
A Yeah.
Q Now, you didn't know whether the gun was loaded, correct -- or not, correct?
A I did.
Q You did what?
A I did notice it loaded.
Q And how was that?
A When he brought out the gun, I was sitting in view of where he brought it out. When he brought it out, he pointed it down, pulled it back, and the bullet went into the chamber.
Q Well, you saw him pull it back and so on, but you had no way of knowing if a bullet went in the chamber at that time, did you?
A I seen it.
Q What did you see?
A The bullet go --

MR. BROWN: Object at this point, being argumentative.

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MR. GOLD: Okay.

THE COURT: All right.

Sustained.

Q (By Mr. Gold): Regarding the television, you said your dad put on the television?

A Yeah.

Q And what time was that?

A I'm not sure.

Q When your dad put on the T.V., where was the gun?

A I'm not sure.

Q Okay. When your dad turned on the T.V., where were you?

A Sitting down.

Q Where was your mom?

A On the couch.

Q And your brother?

A On the floor, sitting down.

Q Okay. When he turned on the T.V., did you move in front of the T.V., or change where you were sitting?

A No.

Q And did you watch the television?

A No. I didn't care about it.

Q Okay. Did you end up sleeping on the floor?

A I would switch positions. I would sleep on the floor, then I would sleep in a chair, back and forth.

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Q Okay. Do you recall the power going out for a short time that night? The electricity?
A No. It never went out.
Q Okay. And when you, when you fell asleep, on the floor, or couch, whatever the case may be, what time did you wake up in the morning? To -- just when you stood awake? When you stayed awake?
A I really wouldn't sleep that much. I'd sleep for like five minutes, then wake up.
Q Okay.
A Over and over again.
Q When you finally awoke, awake, when you woken, to stay up, what time was it?
A Around six or seven.
Q Okay. And did you see your dad take your brother to work?
A Yes.
Q That was after you had awakened, correct?
A Yes.
Q When your dad took your brother to work, where was the gun, did you see it?
A I'm pretty sure, at that point, it, it was either on the table, or -- yeah, or I just didn't see it.
Q You, you may not have seen it?
A Yeah.

Q It could have been that you didn't know where the gun was?
A Yes.
Q But certainly, when your dad took your brother to work, the gun wasn't in his hand, or you didn't see it on him, correct?
A Correct.
Q Okay. Now, your dad apologized. Did he apologize to you?
A Yes.
Q And was that before he took Isaac to work?
A After he came back.
Q After he came back, he apologized to you?
A Yes.
Q How about before he left? Did you hear him apologize to your mother?
A No.
Q Okay. Did you hear him apologize to Isaac?
A No.
Q Okay. Now, you said -- I think I heard you, correct me if I'm wrong, that when he put the gun to his head, he had -- to his mouth, he had also put the gun to his head?
A He would go back and forth. He would put it in his mouth, then put it to his head.

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Q How many times, approximately?
A Three, two times.
Q I'm sorry, sir?
A Three or two times.
Q Okay. And when he did that, did he ask you to do anything?
A He asked -- he, he tried to get me to pull the trigger, or my brother.
Q To pull the trigger?
A Yeah. Or even my mom.
Q Or your mom also. And --
A Yeah.
Q And everybody refused?
A Yes.
Q Aside from today, the last time you saw your dad was when?
A September 5th.
Q That Saturday?
A Friday.
Q Okay. But you saw him Saturday morning, when he took your brother, Isaac, to work, correct?
A Yes.
Q Okay. And then today is the first time?
A Yeah.
Q Okay.

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MR. GOLD: Your Honor, I have no further questions.

THE COURT: Okay.

Mr. Brown, any redirect?

MR. BROWN: No, Your Honor.

THE COURT: Okay.

Thank you.

You can step down.

(Whereupon the witness was excused at 2:31 p.m.)

THE COURT: Any additional witnesses from the People?

MR. BROWN: No, Your Honor.

THE COURT: Okay.

MR. BROWN: At this time, we rest.

THE COURT: All right.

Then we will take a brief five minute break, and come back.

DEPUTY: All rise for the jury.

(Whereupon the jury was excused from the courtroom at 2:31 p.m.)

MR. GOLD: Your Honor, relative to the three counts, interfering with a crime report, I don’t think that, that there’s enough evidence to allow a jury to speculate on that.

There were times during the night when all of them, I believe, had an opportunity to call the Police.

And I'm not so sure that that -- on those three counts, and let me look at the Information, how it's phrased.

Now, this was a long night, involving several hours, and I think there was an opportunity during that time when they could have called the Police.

I just don't think that there's enough evidence that we could say beyond a reasonable doubt that, that he interfered with them, such that they were unable to make a Police report, a crime report.

THE COURT: Okay.

All right.

Go ahead, Mr. Brown.

MR. BROWN: In response, needless to say, the People would disagree, in that we have testimony from both of the, the sons, that the phones were collected, initially, and that one son indicated that, and I believe that was Samuel, indicated that once the light was seen by this defendant, he made him turn their phone back over to him.

So, I don't think it's a continuing thing. I think once the phones were collected from these individuals, and the knife -- the gun, rather, was

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introduced into the situation, that they were acting reasonable, based on the threats that this defendant was making.

Whenever they would move, the defendant, no, you get here.

And you have one testimony, one -- some testimony, Your Honor, from one of the sons indicating that he had the sneak to get the phone. I believe that was Isiah (as spoken), and he put it in his back pocket, and hid it, and then had to sneak upstairs.

But then he was afraid, at that point, because the defendant had told him that if the Police arrived, that he would kill them.

THE COURT: Okay.

All right.

I'm reviewing -- oh, did you have something to say?

MR. BROWN: No, no, no, no, no.

THE COURT: Okay.

I'm reviewing the jury instruction.

The first element is that the defendant prevented or attempted to prevent another person from reporting a crime committed, or attempted, by another person.

And second element is that the defendant used

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unlawful physical force or threats to kill or injure another person, or threats to cause property damage to prevent the report of a crime committed, or attempted, by another person.

We just heard from Samuel Lymon, who said that the defendant stated that if the Police come here, I'm going to kill you.

And we heard testimony from both of the sons, stating that the phones of Samuel Lymon and Isaac were both taken, to prevent the, the Police from being called.

And I have to look at the testimony in the light most favorable to the People. That's the standard.

And I, I think given that, I have to deny your motion for a directed verdict, because if the testimony were to be believed, I think it would satisfy the elements of those charges.

Is there anything else we need to put on the record before we bring the jury out, Mr. Gold?

MR. GOLD: No.

THE COURT: Okay.

DEPUTY: All rise for the jury.

(Whereupon the jurors were brought back into the courtroom).

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THE COURT: All right.

Mr. Gold, you can call your first witness.

MR. GOLD: Your Honor, at this time we'd call to the witness stand the Officer in charge.

M A R K B U X T O N

Called as a witness and having been first duly sworn by the Clerk at 2:39 p.m., was examined, and testified as follows:

CLERK: Do you swear or affirm that the testimony you're now about to give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS: I do.

DIRECT EXAMINATION

BY MR. GOLD:

Q Sir, for the record, would you state your name, please?

A Sure. My name is Detective Mark Buxton.

Q And Officer Buxton, you're in charge of this case, the Officer in charge?

A I am.

Q And as Officer in charge, you had to talk with all of the other Officers involved, and make up some reports, is that correct?

A I did.

Q Okay. Would you get your report, please?

Okay. I've got my pages numbered, but I

know, I know you don't have all yours numbered.

Would you take a look at the page that talks about the evidence collected.

A Certainly. Is that page six, at the top?

Q Okay. Is that the page where, at the bottom, it says, four of thirteen? Are we on the same page? At the very bottom?

A Yeah, it doesn't say anything at the bottom.

Okay. This is the main report. This is a, a collaboration of all of the reports together.

Q Okay. Then I'm talking --

A So, yeah, I know which one you have, though.

Four of thirteen.

Okay. I'm on that page.

Q Okay. Let's first talk about the hand gun.

What type of a gun is it, sir?

A The hand gun is -- I guess we're not on the same page. My four --

THE COURT: Do you have the page? Can you just hand him the page that you're --

Q (By Mr. Gold): Maybe, maybe I can show you the page I'm looking --

A Yeah, the one you're telling me has actually got the --

Q Can you see it there?

A Victim information on it.

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THE COURT: Why don't you take that up to him, so he can see it.

MR. GOLD: Yeah, okay.

Q (By Mr. Gold): Is that the page you have?

A No, that's not same one I have. Okay.

Q Okay. What type of a hand gun is it?

A It's a Carr, is that make.

Q Forty-five --

A It doesn't say what caliber it is on here.

Q Okay.

A Yes, it does. It's a C.W. forty-five. So, that would mean it's a forty-five.

Q Okay. And does it, does it say where the gun was recovered from?

Do you have any -- do you have anything in your report to show --

A I do, yeah.

Q Okay. You've got that.

A I apologize.

Q No problem.

A Okay. The silver and black Carr C.W. forty-five semi-automatic hand gun located in the master bedroom, on the shelf, in the linen closet.

Q Okay. So, when the Police came, the master bedroom is upstairs, is it, correct?

A Correct.
Q So, the hand gun, when the Police came, was located upstairs, correct?
A Yes.
Q Okay. Number two, does it indicate whether the hand gun was loaded or unloaded?
A It does. It says the gun did not have a magazine inserted, and it was unloaded.
Q Okay. Now, the black holster, can you tell the jury where the black holster was recovered?
A The black holster was located in the master bedroom, in a night stand next to the bed.
Q Okay.
A In the top drawer.
Q Okay. Did -- is there also some information to the effect that a black holster was recovered from the linen closet, downstairs? Do you see that anywhere?
A Oh, yes. There's another black holster containing two silver magazines, loaded, each with five forty-five caliber rounds, located in the blue dresser, in the top drawer, next to the entertainment center, in the family room.
Q In the family room? That's downstairs?
A Yes.
Q So, the holster and the ammunition was downstairs, and

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the hand gun was upstairs?
A Correct.
Q Now, in this particular hand gun, Officer, you're the Officer in charge, you've seen it?
A I have, yes.
Q Okay. Now, it is possible to slide, cock it without a magazine being in it, correct?
A Correct.
Q Okay.

MR. GOLD: I have no further questions.

THE COURT: Anything, Mr. Brown?

MR. BROWN: Yeah, just maybe one or two questions.

CROSS-EXAMINATION

BY MR. BROWN:
Q Officer Buxton, at what time was the, the gun recovered?
A I don't believe the exact time is in the report.

No, there's no time there.

Q There's no time. Now, would it be safe to say, though, that would have been long after this event had occurred?
A Yes, sir.
Q Okay.

MR. BROWN: Nothing further.

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THE COURT: Okay.

MR. GOLD: I have nothing further.

THE COURT: Okay.

You can step down.

(Whereupon the witness was excused).

THE COURT: You can call your next witness, Mr. Gold.

MR. GOLD: Okay. At this point, we'd call Mr. Lymon to the witness stand.

THE COURT: Okay.

C O R A L Y M O N

Called as a witness and having been first duly sworn by the Clerk at 2:45 p.m., was examined, and testified as follows:

THE COURT: Come on up, Mr. Lymon. We're gonna swear you in.

Raise your right hand.

CLERK: Do you swear or affirm that the testimony you are now about to give in these proceedings will be the truth, the whole truth, and nothing but the truth, so help you God?

WITNESS: I do.

THE COURT: You can have a seat.

DIRECT EXAMINATION

BY MR. GOLD:

Q For the record, would you state your name, please?

A Cora Ladane Lymon.
Q And Mr. Lymon, how old are you, sir?
A Forty-four years old.
Q Are you employed?
A Yes, I am.
Q What kind of work do you do?
A I own a cleaning business.
Q And when you say a cleaning business, what, what does that mean?
A Janitorial work, commercial, restaurants, any commercial establishment we clean.
Q In other words, when a business is closed, you go in and clean up, is that correct?
A Yes, sir.
Q Now, your wife’s name is?
A Jacqueline Lymon.
Q And is she the one that testified earlier here today?
A Yes, sir.
Q And you have how many children, do you?
A Three.
Q And who’s the oldest?
A Alexis.
Q And how old is Alexis?
A Twenty-two.
Q Does she live at home?

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A No, she'll be twenty-two July 23rd.
Q Okay. Does she live at home?
A No.
Q Okay. And your other children, their names and ages?
A Isaac Lymon, who is seventeen; and Samuel Lymon, he, he just turned sixteen.
Q Okay. So, your two sons that you just named, they both testified earlier today?
A Yes, sir.
Q Okay. Now, Mr. Lymon, let's start off with Friday, September the 5th, okay?
A Yes, sir.
Q And can you tell the jury what, if anything, you did earlier in the day?
A Earlier that day, I had went down by the lake and talked with some fishermen, 'cause I liked to fish, and just kind of hung out. My wife had went out, ran some errands, as well.

And then we was supposed to meet back about four, four thirty.
Q Okay.
A At the house.
Q When you say, talked to some fishermen, were you fishing?
A No, just talking with them, hanging out.

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Q Okay. Do you recall whether or not you had your hand gun with you?
A No, it wasn't with me.
Q Okay. So, what time did you come home then?
A About four fifteen, four thirty, some where up in there.
Q And when you came home, was your wife home?
A Yeah, she was already home.
Q And your sons?
A I think Isaac -- one of 'em was home, and one of 'em was outside playin'. But dinner was gettin' ready to be prepared, so they both, you know, they both --
Q Okay. You remember that?
A Yeah. That I do recall, yes, sir.
Q Did you receive some type of a phone call from somebody you didn't know?
A Absolute.
Q And was it a male or female?
A It was a female.
Q And did she give you a name?
A Yes, she did.
Q What was her name?
A She said her name was Karen. And she said --
MR. BROWN: I'm gonna object to this hearsay.
MR. GOLD: Well --

THE COURT: Go ahead.

MR. GOLD: Okay.

THE COURT: What's your response, Mr. Gold?

MR. GOLD: Okay. That is -- let me --

Q (By Mr. Gold): As a result of --

THE COURT: Okay.

Q (By Mr. Brown): Of the conversation that you had with her, were you concerned?

A Absolutely.

Q And what were you -- what was your state of mind? What were you concerned about?

A Well, she stated that --

Q Okay. You can't say --

THE COURT: Don't state what other people told you.

WITNESS: Okay.

Q (By Mr. Gold): Tell me what your concern, what you were thinking. Tell the jury what was in your head?

A Well, after the conversation with this young lady, whomever she is, I was concerned about, what I felt was a threat against our home.

Q Okay. And when you came home, did you tell your wife about that?

A Yes, I did.

Q Now, did there come a time when you went out for a

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smoke?
A Yes, it did.
Q And what time was this?
A About, anywhere between five to five fifteen. I went out in the garage. It's a -- you have to step down out of our kitchen, onto a step, and then you're in the garage.

I sat down on the step. I lit the cigarette. I'm smoking, and I notice, in her bumper, not the lower part, but in the middle part, it's hay. You know, like --
Q Okay. And when, when you saw the hay, what went through your mind?
A She went to La-Z-Boy.
Q I'm sorry, sir?
A That she went to La-Z-Boy.
Q What is La-Z-Boy?
A I'm sorry, La-Z-Boy is the furniture store that she works at. And they were building a new one, at that time, in Canton, Michigan.
Q Is that near your house?
A Yes.
Q And so, how did you associate the hay with the La-Z-Boy?
A 'Cause we had been drivin' by, previously that week,

anticipating the opening. And she thought that she may be a part of that opening, and she wasn't.

Q Okay. So, when you saw the hay, what, if anything, did you do next?

A I came back in, after I finished my cigarette. I said, hey, did you know it's hay in your, your bumper.

Q Okay. And after you told her that, did you accuse her of anything, or anything like that, or what, what did you tell her?

A Well, when I asked her about it, I asked her, hey, you know it's hay in your bumper, you know. Have you been up to La-Z-Boy?

And she said, no.

I was, like, well, that's where the hay is at, you know. They was layin' -- before they laid the sod down, they put hay out there.

Not just, you know, I talked to her, I said, you know, if you went up there, you went up there, you know, but you don't have to lie about it.

You know what I mean, so -- and that's where the argument really triggered, 'cause I called her a liar.

Q Okay. So, then you -- after that, you got into an argument with her, is that correct?

A Yes.

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Q Okay. Did you try to find out about this phone call, and a number, or anything like that? What did, what did you do?
A Well, we're going back and forth about the hay. We're going back and forth about Karen. And as we're going back and forth, I've already had suspicions about her committing adultery. And Friday night was not the first night of us having a conversation about adultery.
Q Okay.
A So, in that, you know, I'm askin', like, hey look, you know, if you're doin' somethin', let me know. I said, but now, if you doin' somethin', and somebody is callin', and now they sayin' if they found you once, they can find you again.
Q Would -- okay.

THE COURT: Wait. Don't state what other people said.

Q (By Mr. Gold): Yeah.
A I'm sorry.
Q Okay.

THE COURT: The jury will disregard that.

Go ahead.

WITNESS: Well, in that, I just felt like the house was threatened. We do have a lot of children that hang out in our garage, on a day to day basis, it

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can be anywhere between four kids, to maybe twelve at largest.

And my concern was, her tone, and then the fact that -- well I can't say what she said.

Q Okay. Did you try to retrieve a number from a telephone?

A Yes, I did.

Q Were you able to?

A No.

Q What did you do?

A At this point, we're, we're going back and forth, we're arguing. And I did the dumbest thing you could do. I grabbed the gun, had my phone in the hand, and I'm yellin', and I'm cursin', and I slammed it down on the table.

Q The phone or the gun?

A Both.

Q Okay. And what, if anything, happened?

A I believe the -- when I slammed it down, it's in the case. I slammed it down, the, the front of it hit the table.

Q You're talking about the telephone?

A Yes.

Q Could you see that it -- whether or not it was broken?

A No.

Q Okay. So, what did you do next?
A I'm yellin', I'm cursin', and not realizing, I'm scaring my family. I let my wife down, I failed my children, because I feel like I could have handled it, or expressed it, a better way.
Q So, what did you do?
A We were yelling, and we're arguing, we're going back and forth, you know.
Q Did you leave the house?
A I went outside to smoke a cigarette. I never left.
Q You never left?
A I never left.
Q You didn't go to have the telephone fixed?
A Not that night. I went that morning.
Q Saturday morning?
A Saturday morning.
Q The next morning?
A Yes.
Q So, that night then, you didn't leave?
A No.
Q Okay. So, you went outside and had a cigarette. Now, can you tell the jury about what time this was?
A By this time, it's a little after seven, 'cause it's like starting to get dark. And went outside, had a smoke, trying to calm down, you know, like that.

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I came back in, and we started back arguing again.

Q Okay. And did there come a time when you got the gun?

A Yes, I picked the gun up.

Q You, you had picked it up before you went out to smoke?

A No, I had set it down.

Q Oh, so you -- where did you set it down at?

A The phone and the gun was on the, on the table, in the kitchen.

Q When you went out to smoke, did you take the gun with you?

A No, I didn't take the gun with me.

Q Okay. So, you came back in. Where did you go?

A I came back in through the kitchen door.

Q Yep.

A We began arguing again, you know. And we just going back and forth. She tellin' me I'm a liar, she tellin' me I'm crazy.

She's sayin', I don't have video, and I wasn't saying that I had a video of somebody texting me a picture of a video, I was saying that there's a video of her being at the La-Z-Boy store, if she was there. They install security systems, in and out.

Q Okay.

A So, it's able to pin point that you was there.

Q Okay. So, you were having an argument. You were having an argument with her?
A Yes.
Q At what point did you pick up the gun?
A I picked the gun back up, and I was gettin' ready to put it up, and I'm still arguin', arguin', wave it up, and I didn't put it --
Q What do you mean, getting ready to put it up? What do you mean?
A Like getting ready to, like, put it back up.

MR. BROWN: Objection, leading.

THE COURT: Don't lead.

MR. GOLD: I'm sorry, Judge.

THE COURT: Go ahead. Don't lead.

Q (By Mr. Gold): Okay. Well, what -- I wanted to know what you meant by that term, that you're getting ready to put it up?
A Yeah, I was getting ready to put it away.
Q Oh, okay. And where would that have been?
A Back in the pantry.
Q In the linen closet, or whatever it is?
A Right.
Q Okay. Now, is the gun loaded at this point?
A No.
Q Why wasn't it loaded?

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A The gun was never loaded.
Q That night, it was never loaded?
A It was never loaded.
Q How long had it been in the linen closet, in the pantry, off the kitchen?
A Since I had got back from work, prior that Thursday, that Thursday night into Friday morning. I never took it out the pantry.
Q Well, you worked Thursday night, the night before, all night?
A Yes.
Q What time did you come home?
A Maybe about four thirty, five.
Q A.M.?
A Yes.
Q Okay. So, you get the gun out of the pantry, and you slam it on the table. You, you said it was or was not loaded?
A It wasn't loaded.
Q Okay. What happened next?
A We're arguin'. Goin' back and forth, goin' back and forth.

At this time, the boys were in the kitchen, she was in the family room. I told the boys to go clean their room. Four days --

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Q Why, why did you tell them that?
A Four days prior to that, I had asked them to clean their room. And the rooms wasn't clean. Four days prior to that, my oldest son, I found a two liter bottle full of urine, in his bathroom -- in his, in his room, settin' in the corner.

And I asked him, why did you do that? Why did you urinate in, you know.

Q Okay. Okay. Let's, let's back track a little bit.

You've got the gun in your hand. Your wife's on the sofa in the living room, and the boys are in the kitchen.

A Mm-hmm.
Q What happened then?
A We're --
Q You told them, you told them to go up and clean their room.
A I told them to go clean their room.
Q Yeah. What happened then?
A They went upstairs and cleaned their room.
Q Both boys went upstairs?
A Yes.
Q Okay. Now, you heard 'em testify here today.
A Mm-hmm.
Q They said they didn't go upstairs.

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A Mm-hmm.
Q So, what's --
THE COURT: Is that a yes? You have to say yes.
WITNESS: I'm sorry. Yes.
Q (By Mr. Gold): They did go -- you're sure? Do you have any question about that?
A No. It's in their statement they went upstairs and cleaned the room.
Q Okay. Now, the boys go upstairs to clean their room.
A Yes, sir.
Q Your wife is in the family room.
A Yes, sir.
Q What did you do next?
A We continued to argue, go back and forth, like that.
And then the boys said, they came down, and said they were done. I never went back up to see if they did a good job or not.
And from there, they got involved in the argument, and understandably so, 'cause I'm yellin' to the top of my voice, you know.
And I'm quite sure I fed -- I made them feel intimidated, made them feel scared. And that's where I failed them as a father.
Q Okay. Let me ask you this: Now, you're under oath?

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A Yes, sir.
Q You promised to tell the truth?
A Yes, sir.
Q And you know, when you're under oath, and you don't tell the truth, that's a crime?
A Absolutely.
Q Okay. Did you intend to frighten the boys?
A No.
Q Did you intend -- take -- look -- take them separately. Samuel? Did you intend to frighten him?
A No.
Q Let's talk about your son, Isaac. Did you intend to frighten him?
A No.
Q Let's talk about your wife, Jacqueline. Did you intend to frighten her?
A No.
Q Well, what was the purpose of having the gun in your hand?
A The purpose of me even grabbin' the gun in the first place, was to show the insignificance. We only have one hand gun. And I'm feelin' like, if a person will make a threat against your house, in the day and time we live in, you don't know who you dealin' with. You don't know what they're capable of. You don't know

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what kind of weapons they have.

And for someone to be as bold as that woman was, and to say what she said, I took it seriously. I took it very seriously.

Q Okay. Now, did there come a time that evening when either of the boys, Samuel or Isaac, started to cry?

A Yes.

Q Okay. Were you threatening them when they started to cry?

A No, but I was yellin' to the top of my voice, and like I said, I intimidated 'em, and that wasn't good.

Q Did you intend to intimidate them?

A No.

Q Did you have any type of a beef with your sons?

A No.

Q Okay. Now, you said earlier, your wife and you have had, this has been ongoing for some time, correct?

A Yes. Yes, sir.

Q Okay. What if anything is the situation with your home?

A The situation right now?

Q Your house, yes.

A Right now, it's -- it hadn't had been foreclosed on. The mortgage company is trying to work it out, to where the home can be saved. And I have the paper work to

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prove it.
Q Okay. Had foreclosure proceedings started?
A Absolutely. They pushed the foreclosure date back six times.
Q Because you're trying to work it out?
A Yes.
Q Now, during the time that you had the hand gun in your hand, and you're screaming at the top of your lungs, and yelling and so on, did you ever point it at Samuel?
A No, sir.
Q Did you ever point it at Isaac?
A No, sir.
Q Did you ever point it at your wife?
A No, sir. But it could be considered that I did, because I was waving it around.
Q Okay. You were waving it around. You -- were you agitated, were you highly excited during this time?
A Yes.
Q Okay. Did you ever directly stop to point it at anybody?
A No.
Q What was your purpose in having a hand gun in your hand?
A Like I indicated before, the first initial reason that I reached was to show the insignificance of, we only

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have one hand gun to protect our home.

And because I didn't know who this person was, and I did not know what capability that they have, and that it's so many children in our neighborhood, that it wasn't enough to protect our home.

I said it that day. I meant it that day. I mean it -- I don't -- I felt like our home was being threatened.

Q Okay. You've spoken to me about the case before. We've talked about it, correct?

A Yes, sir.

Q And what about you grabbing that hand gun? What's your feelings about that?

A It was the dumbest mistake I could have ever made.

MR. BROWN: Leading, at this point.

THE COURT: Yeah, don't lead.

MR. GOLD: Okay.

Q (By Mr. Gold): Well, what did you say about the hand gun, then?

THE COURT: You can repeat your answer, sir.

WITNESS: It was the dumbest thing I could have done.

Q (By Mr. Gold): You ever do anything -- well, strike that.

Can you tell the jury about what time it was

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that you felt you had started to calm down?

A Maybe about ten, ten thirty.

Q Okay. Did there come a time before you started to calm down, that you were crying?

A Yes.

Q Why were you crying?

A ‘Cause it, it just -- it was sad. You know, it was, it was sad how the response was taken from her, the words that was said to me, about it. The response about the kids bein’ in the garage.

Nothin’ was taken serious.

And it was sad.

Q Was your wife crying, at some point?

A Oh, yeah, she was crying.

Q And had you ever filed for divorce?

A I have.

Q That was how long ago?

A About a year and a half ago.

Q Is that still going on?

A No.

Q And was there a time when your sons were crying, Samuel and Isaac?

A Yes.

Q And at what point were they crying?

A Periodically, during the argument.

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Q Okay. Did you use the hand gun in an effort to get your wife to admit that she had, been having some type of an affair or something?
A No, sir.
Q Did you intend, then, to threaten her with the gun?
A No, sir.
Q Did you ever intend to threaten either Samuel or Isaac with the gun?
A No, sir.
Q You heard testimony that Samuel -- there was on point when Samuel ran out of the house?
A Isaac.
Q I'm sorry, Isaac. Yes.

At one point, there was some testimony from Isaac that, and your wife, and your other son, that he ran out of the house, correct?
A Yes.
Q How long was he gone?
A Maybe ten minutes.
Q Okay. Did you order your wife to go out and bring him back in?
A No, she jumped up and ran behind him.
Q Did you tell her that she couldn't leave?
A No.
Q Did you tell her that she should leave?

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A I didn't tell her --
Q That she should go?
A I didn't tell her anything.
Q She just got up and went after your son?
A Yes.
Q Okay. Now, so things started calming down about what time, did you say?
A Maybe about ten, ten thirty.
Q Did there come a time when the television was on?
A Yes.
Q Who put the television on?
A One of them cut the T.V. on.
Q Had you asked them, or, or do you recall what happened? How that came about?
A No, 'cause everything had calmed down. Everybody was calm. She was sittin' at the end of the couch, I was sittin' on the other end of the couch. They cut the T.V. on, we started watchin' a movie. I fell asleep.
Q Okay. When you fell asleep, what time did you wake up?
A Isaac started movin' around, maybe about four, four thirty, somewhere up in there. And he was gettin' ready to ride his bike to work. And I told him, he didn't have to ride his bike to work, that I would take him.
Q Did you apologize to him?

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A Absolutely.
Q How about, did you apologize to Samuel?
A Absolutely.
Q Did you apologize to your wife?
A Absolutely.
Q So, when you took him to work, where was the hand gun?
A The hand gun, at that time, was in the kitchen, on the counter. And when I left out, to take him to work, she took the gun and put it up for me.
Q Did you ask her to?
A No.
Q Well, how do you know she took it up and -- and she picked it up?
A Well, I know, the kids don't touch the gun.
Q Well, how do you know she did anything --
MR. BROWN: We'd object, at this point, to leading.
THE COURT: Okay.
MR. GOLD: Okay.
Q (By Mr. Gold): Well, what happened --
THE COURT: You can continue. Go ahead.
Q (By Mr. Gold): What happened to the gun, as far as you know?
A Well, I left, so she put the gun away.
Q How do you know she -- when you came back, was the gun

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there?

A No.

Q What time did you come back?

A Maybe about seven fifteen, seven thirty.

Q Okay. So, why do you say that she put the gun away?

A ‘Cause the kids don’t touch the gun.

Q Is that what you’ve taught them?

A Absolutely.

Q And so, when you came back, did you know where the gun was?

A I knew she had put it up, and I went upstairs. She was gettin’ dressed. I asked her where the gun at. She told me.

And she continued to get dressed.

I went in Sam’s room, apologized to him again, and went downstairs and told ‘em I was gettin’ ready to go to AT&T.

She came downstairs, as well as Sam, began to fix, like, a lunch, like the dinner we had yesterday, she was gonna take that for lunch, and I left.

I went to the AT&T store.

Q Now, you pleaded -- heard the Police Officers testify that the holster and the two magazines that go into the gun, each magazine containing five rounds, was found downstairs in the linen closet off the kitchen.

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Do you know, as far as a you know, is that correct? Do you know?

A I can't recall where they, where they got it, 'cause one -- she put it upstairs. And they're sayin' they got it downstairs.

So, it was not downstairs.

Q Okay. Are you certain that the gun was never loaded?

A I'm positive the gun was never loaded.

Q Any question about that?

A No, not at all.

Q Did you tell me something, or was there any kind of a power failure? Do you know anything about that?

A Yes, it was.

Q Tell the jury what, what that was?

A September 5th, going into September 6th, there was a storm that came. It did knock the power out. And I did go upstairs to look for a candle.

Q Okay. What time was this that the power went out?

A Maybe about midnight or so, a little before. But the, the power did go out, and it is -- it was such a devastating storm, that not only did it knock our power out, but when I was arrested, it affected the Romulus Court, that their power and system was out.

Q Okay. Okay. Let's go, let's go back to your home. When the power went out, why did you go upstair?

A To find a candle. My wife had decorative candles, in boxes.
Q Okay.
A Like in our upstairs linen closet.
Q When the power went out, where was the hand gun?
A The hand gun was in the kitchen, on the counter.
Q Okay. When you went upstairs, to get the candles, was there any reason that your wife couldn't leave, or your sons couldn't leave the house?
A Not at all.
Q Did you ever take the cell phones away from your son, and told 'em they couldn't call the Police, or use it?
A No.
Q That never happened?
A No.
Q Okay.
A I broke my phone. None of their phones was broken.
Q Okay. Well, you heard one son say he had the phone, but he was afraid to call the Police?
A He --
Q You heard that?
A Yeah. And he also -- and the one also said, I gave him the phone, and then five minutes later, said, he took the phone.
Q Okay.

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A I never took their phones.
Q How long was the power out?
A Maybe about ten, fifteen minutes.
Q During all this time, were you upstairs, looking for candles, or something?
A Yes, I was trying to find the right box she had it in.
Q Okay. So, there was nothing to prevent them from leaving the house that night, is that correct?
A No.
Q Okay.

MR. GOLD: I have no further questions.

THE COURT: Okay.

Go ahead, Mr. Brown.

CROSS-EXAMINATION

BY MR. BROWN:

Q So, Mr. Lymon, you're telling this jury, then, that you felt it necessary to apologize all through the night, and the next morning, because you had raised your voice?
A That it was a bad argument. It was, it was ugly.
Q But it was just an argument. So -- that's what you're telling the jury, just an argument, no gun was involved?
A No, sir. I'm not telling --
Q Is that what you're telling the jury today?

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A No, sir, I'm not telling the jury that.
Q So, a gun was involved?
A I never said the gun wasn't involved.
Q Well, you did, at some point, have a gun in your hand, did you not?
A Yes, sir.
Q Okay. We agree on that.
And the next day, that gun was still downstairs?
A No, sir.
Q The next morning?
A Yeah, the next morning.
Q Yeah, the gun was still downstairs?
A Yes, sir.
Q So, that gun was never put away, was it?
A No, we left it on the kitchen, the kitchen counter.
Q We didn't leave it on there, you introduced the gun, you went to the closet, or some place, on your person, and pulled that gun out, did you not?
A Yeah, I went to the linen closet and got it.
Q Got a gun?
Now, you, you told the jury that you were concerned about the safety of the house, right?
A Yes, sir.
Q So, tell the jury, how many calls did you make to the

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Police regarding safety, or somebody maybe coming by, and watching the house? How many calls did you make?

A I didn't make any. I wanted to first ask my wife, was it any --

Q So --

A Was there any truth to it, or anything.

Q Now, if I ask you a question, and you don't understand it, let me know and I'll rephrase the question.

A Okay.

Q So, the answer to the question I asked you, you didn't make any calls to the Police Department regarding your concerns about the safety of your family, on that day, did you?

A No, sir. Not at that time.

Q And let's see, the gun was out that morning, true?

A Yes, sir.

Q The kids slept downstairs, didn't they?

A No. Isaac slept in his room.

Q So, you're telling the jury, then, the kids are mistaken when they say that they stayed downstairs?

A I went to sleep first.

Q Downstairs?

A Downstairs. The first time I woke up is when my son, Isaac, began to move, about four, four thirty, and he suggested that he wanted to ride his bike to work. And

I told him, he didn't have to ride his bike to work. And he said, okay. He went back upstairs.

Q So, you're telling the jury that your son, Isaac, wasn't downstairs, did not spend the night downstairs?

A To my -- when I went to sleep, he was down there. When I woke up, I woke up to him, his alarm going off upstairs.

Q And that was about four o'clock?

A Yeah, so I don't know at what point --

Q And you went to sleep around what time?

A Maybe, right after the power outage. Maybe close to about one o'clock, one fifteen. Somethin' up in there.

Q So, about one fifteen, those kids are downstairs -- your children were downstairs?

A Yeah, they were still watchin' T.V.

Q Well, I believe you said the T.V. wasn't turn on 'til later that, that morning?

A No, I --

Q You didn't turn the T.V. on, did you?

A I didn't turn the T.V. on. The T.V. was on when the power went out.

Q So, your son, Samuel, decided to stay downstairs, also?

A Yes, sir.

Q And also, Miss Jacqueline Lymon is mistaken when she said she was downstairs because of you, with a gun?

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A We always stay in our family room and watch T.V. late. So, that's not an uncommon thing. We have a very nice family room, so we watch T.V. a lot in there.
Q At four a.m., five a.m.?
A I didn't -- I never said we was watchin' T.V. at --
Q Well, that's my question to you. Do you normally sit down at watch television 'til five a.m.?
A We normally fall asleep in the family room. And sometimes sleep 'til four -- sometimes we'll sleep in there all night.
Q Do the kids normally urinate in cups?
A No, they generally don't urinate in a cup, as well as they generally don't urinate in a two liter bottle.
Q But in this particular night, your children, your sons did urinate in a cup, did they not?
A I was not there when he did that.
Q So, you don't know?
A I don't know, sir.
Q You weren't there? You were at the house --
A I'm saying, I was upstairs, lookin' for the candle, so if that took place, it did not take place in front of me. I spoke with my son, and asked him not to do stuff like that, you know.
Q But you did become aware that one of them -- well, both of them had urinated, downstairs, did you not? You

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knew that, didn't you?
A No, I did not.
Q You know it now then? So, you're telling the Court, this jury then, this is the first time that you've heard that those children had to use the bathroom?
A No.
Q In a cup? That particular day?
A You know how I found out my sons urinated in --
Q My question to you, sir, is that, is today the first time --
A No, sir.
Q That you've heard that?
A It's not the first time.
Q You were in the house on September 5th, 2014, were you not?
A Absolutely.
Q And you did own a forty-five caliber gun?
A Yes, I did.
Q And I believe you told the jury that you didn't have any problems with your sons, did you, that day?
A No.
Q You're their father, they loved you, you loved them, right?
A Yeah, I love my babies.
Q Okay. And they -- I believe they indicated to you they

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loved you?
A Absolutely.
Q And I believe that you said the explanation for the, the two sons being upset is that your voice was loud. That's the only explanation you, you give is that, because you were shouting?
A I was, I was yelling. I am a yeller, and you know, it can be intimidating.
Q To the fact that they wouldn't go to their room, they'd just stay downstairs? Right?
A No.
Q So, that's not what happened?
A No, I, I yell. Absolutely. I did yell.
Q For hours?
A We were both yelling, back and forth.
Q No, I, I'm asking, at this point, I'm asking what you're doing.

Are you telling this jury that you yelled at your children for hours?
A No, I didn't yell at my children for hours.
Q Were you yelling at Mrs. Jacqueline Lymon?
A Yes, we were arguing.
Q For hours?
A Yes, we were arguing.
Q I'm asking, again, I'm asking what you were doing, sir.

A You are asking me to answer a question in a way that is not in the true light of what happened.

You're asking me to say, I yelled for three or four hours, just at a person, without a response, and that's not true.

Q I didn't ask you how you were yelling, I asked you if in fact -- now, do you not understand that question?

A Mrs. --

Q It's a yes or no question. All you have to say is were you yelling at Miss Jacqueline Lymon for three or four hours?

A Yes, we were arguing.

Q What were you doing? Did you have a problem with the word, I, we?

A No, sir.

Q Okay. I'm asking about what you did.

MR. GOLD: Judge, he's -- I think he's badgering the witness.

THE COURT: You're getting a little argumentative, Mr. Brown.

MR. BROWN: Okay. I'll move on.

Q (By Mr. Brown): Now, when you arrived at the house, Mrs. Jacqueline Lymon was preparing food, was she not?

A I was already at the house.

Q I believe you indicated that you came into the house,

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and she was preparing food, or she was preparing food while you were there?

A She was preparing food while I was there. Remember, I said, we both agreed to be back at the house at four, four thirty.

Q Okay. So, at some point, you got there, and the food was being prepared?

A She was starting to make it.

Q Okay.

A It hadn't been prepared at all.

Q And at some point, you received a call from someone?

A Yes.

Q And you were highly upset about that, were you not?

A I was more so shocked.

Q You were just shocked?

A Yes, more so.

Q So, as a result of being shocked, you just asked her, Miss Lymon about it, and then you forgot about it, right, 'cause you were just shocked?

A No.

Q You weren't upset?

A No. I didn't say that.

Q So, what are you saying? Are you, aren't you telling the jury that -- didn't you say earlier that you were upset about this?

A I didn't, I didn't say I wasn't upset about it. I was shocked, as well.
Q And you were upset, weren't you?
A Yes, but I --
Q Okay.
A I, I -- do I have the right to be shocked, as a father, as a husband, if someone is making a threat against --
Q Sir, unfortunately, I get to ask the questions.
THE COURT: Yeah, just answer the questions.
Q (By Mr. Brown): So, you were upset about this cal? And as, as you told the jury, you didn't call the Police out of this concern, you said, for the, the house, and the safety of the children in the neighborhood?
Now, I believe you indicated that you wanted to show the family that there was one gun? Is that why you were waving that gun around?
A No. What I said was, I grabbed the gun, to show the insignificance of just, we only have one gun. One gun is insignificant if you feel or think, or maybe assuming that someone may be threatening your home.
Nowadays, the way people are shooting up homes, it's stuff that people is --
Q Now, that was in the presence of those children, too, right?

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A Yes, sir.
Q So, they were downstairs when you were -- had that gun up, waving it?
A Yes, sir.
Q Okay. And at some point, the gun was pointed at them, wasn't it?
A I was waving it. I never directly pointed that gun at my kids.
Q But you were waving it, and they were, they being the children, and Miss Jacqueline Lymon, was in front of you, isn't that correct?
A Yes.
Q Okay. And if they had concerns about a gun, they would be afraid, wouldn't they, if the gun's being waved in front of them, and you were highly upset, weren't you?
A Yes, I -- and I admitted that. I said, it was the dumbest thing I could have done.

MR. BROWN: I have nothing further.

THE COURT: Any redirect, Mr. Gold?

MR. GOLD: I have nothing further, Your Honor.

THE COURT: Okay.

You can step down, sir.

(Whereupon the witness was excused).

THE COURT: All right.

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Mr. Gold, any additional witnesses?

MR. GOLD: No.

THE COURT: Okay.

Does the defense rest?

MR. GOLD: Yes.

THE COURT: All right.

While we're here, any rebuttal from the People?

MR. BROWN: No, Your Honor.

THE COURT: Okay.

All right.

Now, ladies and gentlemen, we're gonna conclude for the day.

I will see you tomorrow morning for closing arguments and final jury instructions, and then you'll begin your deliberations.

So, you can leave your note books on your chairs.

You're not free to discuss the case with anyone until I excuse you to go deliberate, but I will see you tomorrow morning, nine a.m. Thank you.

DEPUTY: All rise for the jury.

(Whereupon the jurors were excused for the day at approximately 3:22 p.m.).

THE COURT: Okay.

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Let's look over the proposed jury instructions, that were just handed out.

I don't believe there were any stipulations. Can we remove that?

MR. BROWN: That's correct.

MR. GOLD: There were none.

THE COURT: Okay.

All right.

So, we don't have to give that one.

Okay.

Mr. Brown, do you see instructions that you find that inapplicable?

MR. BROWN: No, Your Honor.

THE COURT: Or know of any that should have been included?

MR. BROWN: No, I think this is good.

THE COURT: Okay.

All right.

How about you, Mr. Gold?

MR. BROWN: I would just ask -- well.

THE COURT: Go ahead.

MR. BROWN: For domestic violence, I mean, there was testimony that he was striking her in the back of the head.

THE COURT: So, you're moving to amend the

Information?

MR. BROWN: Just as to that -- well, no, we'll leave it, we'll leave it as it is.

THE COURT: All right.

MR. BROWN: That's okay, at this point, Your Honor.

THE COURT: How about the verdict form, Mr. Brown? Did you have a, an opportunity to look at that?

MR. BROWN: Yes.

THE COURT: Okay.

Any issue with it?

MR. BROWN: No, Your Honor. We are fine with that.

THE COURT: Okay.

All right.

Mr. Gold, any issues with the instructions?

MR. GOLD: No. No.

THE COURT: What about the verdict form?

MR. GOLD: No issues.

THE COURT: Okay.

All right.

Counsel, at one point, or at some point during the pendency of this case, I reduced the bond significantly, and I didn't have the benefit of a transcript, at that point.

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And now, my inclination is to reinstate the original bond, simply because there -- the entire case is based on the testimony of family members.

And I'm concerned --

MR. GOLD: Judge, could I be -- could I address that?

THE COURT: Go ahead.

MR. GOLD: Yeah. You may recall that I asked him, under oath, that since the incident, there's been no contact.

THE COURT: There's been no contact.

MR. GOLD: At all.

THE COURT: That true.

MR. GOLD: Because, because it was ordered.

And he's faithfully appeared at every single hearing, and I have no doubt that he'll be here tomorrow morning.

So, what I'm asking of -- we're talking about one more day.

THE COURT: I know.

MR. GOLD: To see what happens.

Oh, and I was just reminded, I forgot, he's also on a tether.

THE COURT: He is on a G.P.S. tether, as well?

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MR. GOLD: Yeah. You have a tether on?
DEFENDANT: Yes, ma'am.
THE COURT: Okay.
DEFENDANT: You've ordered it.
THE COURT: All right.
Okay.
Mr. Brown, is there anything you'd like to add here?
MR. BROWN: No. Again, we just have one more day, and I think there is a tether, and --
THE COURT: Okay.
MR. BROWN: I can't say with any credibility there's been any incidents since this happened, so --
THE COURT: Well, I mean, the witnesses did say that there's been no -- there has been no contact.
MR. BROWN: Right.
THE COURT: Okay.
MR. BROWN: So, with that mind, I'm okay, Your Honor.
THE COURT: All right.
Okay.
All right.
Then we'll continue with the, the current bond conditions.
MR. GOLD: Thank you.

THE COURT: Okay.

I will see you tomorrow morning, nine a.m.

Thank you all very much.

MR. BROWN: Thank you.

MR. GOLD: Thank you.

MR. BERG: Thank you, Judge.

(Whereupon the proceedings were concluded for the day).

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CERTIFICATION OF COURT REPORTER

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, SUZANNE L. KINSEY, Official Court Reporter in and for the Third Circuit Court for the County of Wayne - Criminal Division, State of Michigan, do hereby certify that the foregoing pages 1 through 246, inclusive, comprises a full, true and correct transcript, to the best of my ability, of the proceedings and testimony taken by Jacquetta Smith, CSMR, in the matter of the People of the State of Michigan versus Cora Ladane Lymon, Case No. 14-10811, on April 7, 2015 (Jury Trial).

_____
Suzanne L. Kinsey, CSMR 4477
Official Court Reporter

Dated:_____

Detroit, Michigan

The authenticity of the foregoing transcript is null and void unless affixed with an ***original*** signature of the Court Reporter in blue ink.

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Appendix B
April 8, 2015, Trial Transcript

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF MICHIGAN,

-vs- Case No. 14-10811

CORA LADANE LYMON,

Defendant.
_____/

JURY TRIAL

BEFORE THE HONORABLE DANA MARGARET HATHAWAY
CIRCUIT COURT JUDGE

Wednesday - April 8, 2015

APPEARANCES:

MR. DUANE BROWN,
Assistant Prosecuting Attorney,
Appearing on behalf of the People.

MR. RONALD GOLD and MR. ERIC BERG,
Appearing on behalf of the Defendant.

Reported by:
Jacquetta Smith, CSMR
Official Court Reporter

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April 8, 2015

Detroit, Michigan

(Proceedings commencing at 9:27 a.m.)

CLERK: Calling case number 14-010811, the People versus Cora Lymon.

This matter is before the Court for a jury trial in progress.

MR. BROWN: Good morning, Your Honor. Duane Brown on behalf of the People.

MR. GOLD: Ronald R. Gold on behalf of the defendant.

MR. BERG: Eric Berg on behalf of defendant.

THE COURT: Okay.

Anything we need to put on the record before we bring the jury out?

MR. BROWN: There was one thing.

THE COURT: Go ahead.

MR. BROWN: If we can approach?

THE COURT: Come on up.

(Whereupon a discussion was had off the record at the bench).

THE COURT: Okay.

Let’s bring out the jury.

DEPUTY: All rise for the jury.

(Whereupon the jurors were brought into the

courtroom).

THE COURT: Good morning, everyone.

JURORS: Good morning.

THE COURT: Okay.

Mr. Brown, you can proceed with your closings.

CLOSING ARGUMENT BY MR. BROWN

Why the gun?

As you may recall, when I began, that's how I started, ladies and gentlemen.

Why this gun?

Now, you have had the opportunity to hear two different versions of what alleged to have taken place.

But let's begin by talking about what this defendant said.

Now, as you recall, this defendant said, well, I received a call. I was concerned about the safety of the house.

But if you also recall, no calls were made to the Police, nothing of that nature.

I submit to you that that was just an excuse.

Now, a critical and horrific mistake was made by Ms. Lymon, and young Samuel, and young Isiah (sic).

They didn't take this defendant seriously.

They made a mistake in doing that.

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Because what happened next, ladies and gentlemen?

The gun.

Okay. First this defendant, from what you heard, and you use your collective memories, in terms of what you heard, but at first you did hear, and I believe consistently, from all three or four of the witnesses, including this defendant, that this defendant initially came in, oh, I, I've had some conversations, or call from somebody, and they've threatened to come by the house.

All right.

Mistake number one. Isiah, Samuel, and Miss Jacqueline Lymon, they didn't pay him any attention.

So what does defendant say?

Well, I, I went outside and had a cigarette.

And then what?

I see some hay. See some hay on her car.

That's it. That's all he needs.

So, what did he say? Oh, well, she must have been at La-Z-Boy.

She's lying to me.

I want the truth.

Comes in, says that. They're not paying any attention.

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Now, let's understand, what's going on at that house?

They're getting ready to eat.

Because this is important, ladies and gentlemen, when you're thinking about why did Isiah, Samuel, and Miss Jacqueline Lymon come in here and tell you what happened?

On that particular day, they were not plotting some scheme to get this defendant in trouble.

What did Miss Lymon say she was doing, and that's uncontested? Preparing a meal.

That's all they were doing.

I believe you had Isiah saying, and he was up in his room, listening to his -- playing on his computer, something to that nature. That's it.

They were not scheming.

But let's go back. So, while he's smoking, this defendant sees some hay on the car, comes back in. Oh, I, I know where you've been. You've been to La-Z-Boy.

Oh, no, I haven't.

That was a very serious mistake on their part.

They didn't take this defendant seriously.

Oh, yes, you have. I'll get the tapes.

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You now know what Miss Lymon has been dealing with.

This defendant is gonna subject her to going up there, asking her potential employer, because this is the new La-Z-Boy, well, we need the tapes, because my believes I was at this facility.

She said, I wasn't there.

They blew him off.

More importantly, Miss Jacqueline Lymon says, oh, no, no. What are you talking about? No, no. Show us the tapes.

And I believe you heard all three of them saying, all the Lymons, the two children and Miss Lymon say, well, well, show us the tapes.

They're getting ready, the three of them.

What does the defendant do?

At that point, oh, okay. You think I'm playin'?

This. Gets that gun out, and all of a sudden, the whole situation in that home changes, because of this defendant, and his jealousy. His obsession, with him, at that point.

And then, what do you hear? Why did everybody sit down? Where's that gun? That gun is pointed at them.

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Everybody, from that point on, hours and hours of horrific terror is heaped upon them.

You heard the testimony, ladies and gentlemen.

Now, when you're thinking about credibility, you don't have some kids who've been out all night, or something, who never do what they're supposed to do.

You have Isiah, who's saying, he had to go to work that morning.

You also have Miss Jacqueline Lymon, who said, she had to work that morning.

So, it doesn't make sense that they're gonna be downstairs, supposedly, as this defendant would have you believe, watching television.

What did Isiah tell you?

Well, I snuck and got my phone.

'Cause the phone were taken from them, and that's gonna be important when you're back there deliberating, because the Judge is gonna instruct you regarding their attempts to make a call to the Police, or do something.

And what did Samuel say? The phone was taken from him.

This defendant saw a light, said, give me that phone. You're not calling anyone.

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And if you do, what's gonna happen to you?

This went on all night, for hours.

And that gun. Now they can't explain away, why that gun, the next morning, was still out, on that table.

And as Miss Lymon told you, she put that gun away.

That's uncontested. They can't explain that away.

Now, they'll try and explain, they try to explain the cups. The children urinating in the cup.

If you recall, well, well, several weeks ago, I found something in a, a bottle upstairs, or something like that. Trying to explain that.

But you had a chance to see those children. And is it logical that those two children, and Miss Lymon, would have to use, or want to use, the bathroom in a cup, like that was told to you, by them?

And you determine their credibility, 'cause you had a chance to look at them.

You determine their demeanor, and whether they were trying to tell you something other than what happened on September 5th, 2014.

That's for you to determine, back there.

And I submit to you, and you had a chance to

see them, that they were forthright with you.

But you'll make that ultimate decision.

And what did you have?

Miss Lymon having to stand here, or sit there, and humiliate herself, and tell you, that she wasn't gonna use the bathroom in front of her children.

Now, you think about that, whether that's something that's made up, ladies and gentlemen, or that's something that happened. Would she want to humiliate herself saying that, having to say that?

That she's not gonna use the rest room in front of her boys, because you have your own common sense, that you can use, when you go back there.

Does that makes sense, what she said? That she is a mother, with two sons, not gonna use the bathroom in front of them.

They couldn't explain that away.

But what you have is this defendant, obsessed.

September 5th, 2014, was the time when this defendant wasn't having it anymore. He wasn't gonna be not taken seriously, as I told you, earlier.

This gun was going to rectify that situation.

Nobody was leaving.

And what did you have?

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You had Isiah, at some point, that he took an opportunity, when the defendant had the gun in his mouth, and ran outside.

And what you will do, I'm sure, is mostly you will say, well, is this something I would do?

But understand, unless you're in that situation, it's hard to sit there, and Monday morning quarterback, and say, well, I would have done this and that.

And that's where credibility is gonna be important, because you've heard what they said, what they did, and why they did it. And you heard Isiah say, well, I thought about my brother, and my mother, back in that house.

And you had Isiah and Samuel both telling you that they were concerned about their mother.

Isiah jumped in front of this defendant, between that gun, and said, you're not, you're not gonna do that, dad.

And they're still saying dad, in spite of what happened, showing you the type of respect that these boys have.

Isiah said, when I set my alarm for four o'clock, 'cause I was gonna ride my bike.

But in spite of what had happened, dad said,

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well, no, I'm taking you.

And what did Isiah say? He said, that ride to work was quiet. Nothing to say.

What did this defendant tell the son? What did he tell Isiah, after putting him through hours and hours of terror?

And Isiah said, he was crying. Dad said, well, are you gonna be able to go to work?

'Cause it was nothing to this -- he had no remorse, nothing.

To him, it was another night.

But to them, and you determine, they might be totally scarred from this situation.

Because this was someone who was supposed to take care of them, and look after them, and this is what he did. Held a gun on them.

Told them what, ladies and gentlemen?

Well, I'll burn the house down.

Don't worry about it, using the rest room in the -- against the walls, or something like that.

I'm gonna burn it down anyway.

Whenever they tried to do something affirmative, they say, can we do something? Stay here. That gun, this gun, was his mechanism for controlling them, for hours, and hours that night.

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Miss Jacqueline Lymon, or those kids, should not have been subjected to that.

Because of this defendant's selfish, jealous rage, they had to sit there and subject themselves to that, for hours and hours, ladies and gentlemen.

And then what?

As I was telling you, Isiah said, he went on to work.

Miss Lymon said, she went in.

Well, who did you tell? What happened?

Well, I told my mother. And you think, is that logical, for someone to call their mother?

And I told my boss, I say, I had to leave.

Well, who told -- who made you call the Police? She was asked that.

She said, no one had to tell me that.

But unless this is something you go through every day, who knows how you're gonna respond.

So, think about that, because some of you might be saying, well, I would have called immediately.

But when they were outside, they being Samuel -- Isiah and Miss Lymon, when she went out to get him, Samuel was in there.

And what did both of them tell you? We were concerned about Samuel. He was still in there, with

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him, pointing that gun, with that gun still there.

Well, where was the gun?

It was always at arm length.

We didn't know what he was gonna do. We were afraid.

Well, why didn't you call someone?

He said, if the Police came, he would kill us. There would be gun fire. We were afraid.

A night of terror because of hay, hay on the bumper.

But what did you see?

Hay on the bumper.

She's lying to me.

Oh, no, you're not gonna lie to me. Not this day.

And why aren't you gonna lie?

This gun. That gun that was out, all night, ladies and gentlemen.

Now, it hasn't been a long trial. You've had a chance to see Isiah, Samuel, and Miss Lymon.

And you are going to decide what you determine, whose version you believe.

Thank you.

THE COURT: Thank you, Mr. Brown.

Go ahead, Mr. Gold.

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CLOSING ARGUMENT BY MR. GOLD

Good morning, folks.

JURORS: Good morning.

MR. GOLD: I've been trying cases for a long time, and I try all my cases with juries.

And I'd like to say a word about that jury system.

I believe in juries. And over all these years, I've tried cases, I found out, that invariably juries get it right.

Have there been aberrations? Sure.

I had a couple cases where I thought my client had no chance whatsoever. The jury came back, not guilty.

I had cases where my client did nothing wrong, in my opinion, and the jury came back guilty.

However, in about ninety-eight percent of the time, I find that juries get it right.

And you get it right for the reason that, when you go to decide this case, the twelve of you who are finally going to decide the case, you bring into that jury room twelve times the experiences in life that I have.

Regarding the trial, I've taken some notes, but you've got twelve times my memory.

You've got twelve times whatever experiences I may have had during my lifetime.

And when you discuss this case, invariably, ninety-eight percent of the time I would guess, you get it right.

Now, there's another important thing, about juries.

You ladies and gentlemen are the buffer between the power of the government and the common citizen.

You know, regarding the government, there's unlimited funds, unlimited assets, Police Officer in Detroit can call a Police Officer in Los Angeles, have somebody arrested. They've got Investigators, they've got Prosecutors, almost unlimited funds.

And what do we, as citizens, have?

One thing. Juries.

Because before a final pronouncement is made, every person who is accused of a crime has that opportunity to have twelve citizens, his peers from throughout the community, sit in judgment.

And that's the reason that I use juries.

Okay. I should remind you that the Prosecutor's Office represents all the People of Wayne County.

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And the job of the Prosecutor's Office is not to get a conviction. Their job is to see that justice is done.

And when an innocent person is acquitted, that's justice even more so than when a guilty person is convicted.

Something strange happened in this case, which I haven't seen before. We've got one night, a terrible, terrible incident. And low and behold, somebody in the Prosecutor's Office authorizes thirteen counts against Mr. Lymon. Thirteen counts.

I mean, he didn't go out in the street and assault somebody, he didn't rape somebody. This was a family situation.

A family situation that unfortunately got out of hand.

And yet the Prosecutor authorized thirteen counts, torture, unlawful imprisonment, assault.

I mean, it's like somebody going in Tiger Stadium, and maybe dropping a bomb, and then he's charged with trying to kill all fifty thousand people who might be there.

Now, that's not fair. It simply isn't fair.

This was a domestic situation that got out of hand.

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And as Mr. Lymon told you, it was the worst mistake of his life.

But you know, somebody who's lived forty-four years, trying to do the right thing, has one horrible mistake, one bad night. A person like that is entitled to have his word and credibility given some credence.

You know he's been under great stress.

You for years his marriage wasn't going well.

You know his home was being foreclosed upon.

You know he worked nights, in areas where he felt it was necessary to get a C.C.W. permit, to have a hand gun.

And he was under a lot of stress.

Well, what happened?

He was out of control that night, obviously.

Again, his wife told him he was leaving. She was crying, he was crying.

I'm not so sure he even realized everything he was doing.

But he did know one thing, he did know one thing, that gun was not loaded.

You heard the Police Officer testify that, when the gun was recovered upstairs, it was unloaded.

You hard the Police Officer testify, downstairs, in the linen closet, off the kitchen, the

holster along with the two magazines were recovered.

One of the boys indicated that the defendant cocked the gun, and he saw, or he knew a bullet was in there, or -- he couldn't possibly know that.

He couldn't even tell whether or not there was a magazine in there.

And the Police Officer told you, when I asked him, that it's possible to take that type of a hand gun, and cock it, without any -- without a magazine, any ammunition being in there.

So, when it all started, Mr. Lymon knew one thing. The gun was not loaded.

Now, something strange happened in this case.

Mrs. Lymon, that morning, when Mr. Lymon apologized to the boys, said you don't have to ride your bike, I'm gonna take you to work, realized what had occurred, and left.

Mrs. Lymon didn't leave immediately and go to the Police.

She waited, and she took her other son to her mother's house.

Then she went to work.

This was in the morning. I asked her, I think she said, about ten thirty, or somewhere around that area.

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Made some arrangements to leave.

But you know, I asked one of the young men, I asked Isaac, what time were you interviewed by the Police. And I showed him his statement.

He looked at it. He said, yes, the Police Officer interviewed him about eight twenty, and then he wrote the statement at nine o'clock at night.

What did Mrs. Lymon do all day?

Well, one thing we know she did, she went ahead and got her two boys. We know that.

I don't know who else she spoke to.

But there were hours before she went to make the report.

I don't know what prompted her. Maybe she was thinking, in view of the -- an impending divorce, she wanted to have some evidence to get what she could get.

I don't know what she was doing.

But she waited hours to go to the Police.

And not only did she go alone, she went and collected the two boys to support her.

And I'll tell you this, before anybody testifies in court, they talked with the Prosecutor, they talked with the Detective, they reviewed the notes. That's why their stories were somewhat similar.

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There were discrepancies. Mrs. Lymon was sure the T.V. was never on that night. That's what she said.

That T.V. was on. They were watching T.V.

So, she was mistaken.

I'm not -- you know, there were other little indiscrepancies (as spoken).

But that much, for sure, was glaring.

Now, I stated to you that somebody of his character, after forty-four years of doing the right thing, sometimes you got nothing more to rely upon but your word. That's all.

And I suggested that because of his character and so on, that his word is important.

We never know when we're gonna be in a situation where all we've got is our word.

And that is entitled to some weight in your consideration.

Mr. Lymon had no beef with the boys. They were there. He had no argument with them.

His argument was with his wife.

Well, when this trial started, I talked with you about two great things in American jurisprudence, American law.

The first thing is the jury system, which I

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discussed.

The second thing is the concept, the presumption of innocence.

The Judge has told you what the law is.

Everybody who's accused of a crime is presumed to be innocent.

Mr. Lymon here, was first charged with a crime, he was presumed to be innocent.

When he went to a preliminary examination, he was presumed to be innocent.

When he came into this court, with an attorney, and sat in this chair, he's presumed to be innocent.

That presumption follows him, even now, and that presumption follows him as you go into that jury room.

And what the law says is that until you are convinced beyond a reasonable doubt, as to each and every element, your duty is to find him not guilty. That's the law.

And if you have a reasonable doubt, that's it.

And what is a reasonable doubt? Well, there's some fancy explanations, but basically speaking, a reasonable doubt is doubt for which you

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have a reason.

For example, we know Mrs. Lymon was not correct when she was there was no T.V.

Well, you might say, I've got a question about all her testimony. She waited to go to the Police. Why?

That's a reasonable doubt. You got a reason for it.

And if there is such a doubt that you have, your obligation, and you took an oath, you swore to, I believed you then, and I believe you now, that if there's a reasonable doubt, that you'll find him not guilty.

Now, thirteen counts. Torture, false imprisonment, false Police reports.

You know, somebody in the Prosecutor's Office, for whatever reason, is looking to bury him. And that's not fair. That's not the American way to do things.

Counts one, two, and three, torture.

Part of the elements, one of the elements that you have to be convinced of beyond a reasonable doubt, is that Mr. Cory intentionally, intentionally caused severe mental pain or suffering.

And by the way, it was a horrible, terrible

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incident, and Mr. Lymon said, the worst mistake of his entire life.

There's no medical reports. Did any of the boys, or wife, seek out medical treatment?

Did they even go to the hospital?

Now, I'm not justifying the events. I don't -- I'm not, I don't want to downplay it. It was serious, and none of us has to go through such a thing.

But as similar to a situation, perhaps, when you're in a car, and you lose control, and you think you're gonna hit a wall or something, there's a moment of terrifying.

And, and you know, God willing, all of us get over that. It's something that happens.

And this was terrible, and I don't want to belittle it.

But again, counts one, two, and three, you have to find beyond a reasonable doubt that Mr. Lymon intentionally caused the wife and the boys, severe mental pain, or that he intentionally caused great bodily injury to them.

And number four, that he intentionally caused the wife and the boys to suffer cruel and extreme physical or mental pain.

You know, he was out of control. He didn't

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intentionally do anything. He didn't mean to do that, or else he would have loaded the gun.

His intention was to try to get his wife just to fess up to what he thought she had, or had not done, whatever the case may be.

He went about it totally wrong.

So, I suggest to you, regarding torture, and we all got a mental idea of torture, what torture is, that you must have a reasonable doubt, whether he intended any of that, because he never intended it.

So, regarding counts one, two, and three, I think it's clear. I think under the law, you've got to have a reasonable doubt, because you've got to question some of the evidence.

Counts four, five, and six, unlawful imprisonment.

There you have to find beyond a reasonable doubt that Mr. Lymon knowingly restrained, knowingly restrained.

And you know, there was ample opportunity for them.

You heard Isaac left the house.

You heard that his -- that the mother went after him.

You heard that one of the young men went

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upstairs, with his cell phone, in the bedroom.

You heard that Mr. Lymon left at seven -- to take Isaac to work at seven o'clock.

There was time then to call the Police, or make a report.

Nobody did anything.

For whatever reason, Mrs. Lymon, she even waited until he came back before she left.

Does that indicate to you that he was -- she was terrified for her life?

What does that tell you, that she waited 'til he came home, before she left?

She wasn't afraid of anything, at that point.

Counts seven, eight, and nine, interfering with a crime report.

That's something I don't see very often.

Interfering with -- I mean, a Prosecutor's Office, whoever dreamt this up, interfering with a crime report.

The justification for that is, instead of saying that somebody came and altered reports, wrote down something false, that they had an opportunity to call the Police, and he restrained them.

Think about that. I, I submit that, in my opinion, that you've got to have a doubt about

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interfering with a crime report.

Counts ten, eleven, and twelve, felonious assault.

Again, the jury instruction says, number two, that the defendant intended, intended. Did he intend to hurt the boys, or his wife?

Did he intend to -- or did he intend to cause him that kind of stress?

Unfortunately, they were there, when he had his complaint with his wife.

That's counts ten, eleven, and twelve.

Well, what do you do?

What do you do in this case? What's the right thing?

You know, everybody wants justice.

Sometimes justice is a fleeing thing of thought that we can't quite put our finger on.

I would suggest to you that if you feel that Mr. Lymon has not suffered enough, remember now, because of these proceedings, he hasn't seen his sons since September 5th of last year.

He's got certain restraints on him.

Home's in foreclosure.

Business in kaput.

If you feel he doesn't -- he hasn't suffered

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enough, let me, let me make a suggestion, find him guilty of felonious assault. That might fit the situation.

What is felonious assault? Although he may not have intended, felonious assault is somebody with a dangerous weapon, puts another person in fear.

Okay. Okay. That would fit the facts, and in my opinion, I would suggest to you, that would be justice.

That would be the fair thing to do.

You've got the power to do the right thing.

Nobody can set aside your verdict. Nobody can alter your verdict. Nobody can tell you what to do. Nobody can change it.

Your verdict is the final, the final decision in this particular matter, and it can't be questioned.

What I'm asking to -- you to do is do justice in this case. That's why we have juries.

You know, your verdict represents the attitude of the community.

THE COURT: You have one minute left --

MR. GOLD: Okay.

THE COURT: Mr. Gold.

MR. GOLD: Your verdict represents the attitude of the community.

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And if you do bring back a verdict of not guilty, or as I suggest, if you feel that he needs some more punishment, bring back one count of felonious assault. That sends a message. It sends a message to the Prosecutor's Office, don't over charge. What, what are you talking about a case, the man's not a rapist, assaultive.

Okay.

I'm not gonna have another opportunity to speak with you.

Rightfully, the Prosecutor has a second opportunity. He should have an opportunity to answer some of the things I may have brought up.

In the event he brings up something I haven't discussed, then I would ask one of you to take my position.

If Mr. Gold were here, what would he say about that, because there is an answer to everything.

Again, I want to thank you. It's been a short trial, but it's been intense, been very quick. Everything moved along. We had no pauses.

And we got the proofs in, the evidence.

But again, just remember, at the beginning of the case, you took an oath to follow the law, and that you would follow the law and do the right thing.

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And as I indicated, if you have a doubt, about any one of these charges, your obligation is clear, that obligation is to bring back a verdict of not guilty.

Thank you.

THE COURT: Thank you.

Go ahead, Mr. Brown.

REBUTTAL ARGUMENT BY MR. BROWN

I just have a couple things, ladies and gentlemen.

One, I'd like to just remind you, and that's what I'll be doing, basically.

You had the testimony of Samuel Lymon, from the witness, who indicated to you that he was able to see the gun, this gun.

And I'll hold it down for those who -- and he indicated to you, from the stand, that he was able to see a bullet in that chamber, engaged.

You also from Miss Jacqueline Lymon, who told you, ladies and gentlemen, if you recall, yesterday, that he racked it, before -- or after he took it down. That he engaged that gun.

And I submit to you, that was for emphasis.

That was his way of highlighting, I'm serious, as I told you earlier.

Also, when that was taken, you heard the fact that it was pointed at them, and more importantly, and this is what I wanted to emphasize to you, you heard the testimony of all three of them, how they had to kneel down, and pray.

And I submit to you, ladies and gentlemen, you don't make that up.

Miss Jacqueline Lymon indicated to you that she had to tell this defendant, while she was trying to save her life, that there's a light, she saw a light, and please, don't do that.

That's what they were going through.

So, when you're thinking about whether they were terrorized, or something, think about how Miss Lymon said they were all huddled here, praying, in the circle. Praying that this defendant would not kill, as he had indicated he would do.

Periodically, all through those hours, whenever they would do something he didn't like, or move, or something, I'm gonna kill all of you.

And what did Isiah tell you? That he told him, well, I'll kill your mother, but then I'll have to kill you.

And think about that. Was that a night of terror, from someone who was supposed to care for them,

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and take care of them? This defendant.

That's what he was doing to them, all night, ladies and gentlemen.

This defendant would bring up the television.

You make a determination on how important that is, whether the television was on or not.

But I submit to you, it's important that these individuals, Jacqueline, Miss Jacqueline Lymon, Samuel and Isiah, did not get together with a script, or something, well, we're gonna do this, 'cause there were differences in what they said.

And I submit to you, they were just telling you what took place on September 5th, 2015. The night of terror that they had, all because this defendant's jealous rage, and a piece of hay that he saw while he was sitting down, smoking a cigarette.

Thank you.

THE COURT: Thank you.

JURY INSTRUCTIONS

THE COURT: All right.

Members of the jury, the evidence and arguments in this case are finished, and I'm now going to instruct you on the law.

That is, I will explain the law that applies to this case.

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Remember that you have taken an oath to return a true and just verdict based only on the evidence, and my instructions on the law.

You must not let sympathy or prejudice influence your decision.

As jurors, you must decide what the facts of this case are. This your job and nobody else's.

You must think about all the evidence, and the testimony, and then decide what each piece of evidence means, and how important you think it is.

This includes whether you believe what each of the witnesses said.

What you decide about any fact in this case is final.

It is my duty to instruct you on the law, and you must take the law as I give it to you.

If a lawyer says something different about the law, follow what I say.

At various times, I have already give you some instructions about the law.

You must take all my instructions together as the law you are to follow.

You should not pay attention to some instructions, and ignore others.

To sum up, it is your job to decide what the

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facts of this case are, to apply the law as I give it to you, and in that way, to decide the case.

A person accused of a crime is presumed to be innocent.

This means that you must start with the presumption that the defendant is innocent.

This presumption continues throughout the trial, and entitles the defendant to a verdict of not guilty unless you are satisfied beyond a reasonable doubt that he is guilty.

Every crime is made up of parts called elements.

The Prosecutor must prove each element of the crime beyond a reasonable doubt.

The defendant is not required to prove his innocence, or to do anything.

If you find that the Prosecutor has not proven every element beyond a reasonable doubt, then you must find the defendant not guilty.

A reasonable doubt is a fair, honest doubt, growing out of the evidence, or lack of evidence. It is not merely an imaginary or possible doubt, but a doubt based on reason and common sense.

A reasonable doubt is just that, a doubt that is reasonable after a careful and consideration

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examination of the facts and circumstances of the case.

When you discuss the case, and decide on your verdict, you may only consider the evidence that was properly admitted in the case.

Therefore, it is important for you to understand what is evidence, and what is not evidence.

Evidence includes only the sworn testimony witnesses, and the exhibits admitted into evidence.

Many things are not evidence, and you must be careful not to consider them as such.

I'm not going to describe some of the things that are not evidence:

The fact that the defendant is charged with a crime, and is on trial, is not evidence.

The lawyers' statements and arguments are not evidence.

They are only meant to help you understand the evidence, and each side's legal theory.

The lawyers' questions to witnesses are also not evidence. You should consider these questions only as they give meaning to the witnesses' answers.

You should only accept things the lawyers say that are supported by the evidence, or by your own common sense and general knowledge.

My comments, rulings, and instructions, are

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also not evidence.

It is my duty to see that the trial is conducted according to the law, and to tell you the law that applies to this case.

However, when I make a comment, or give an instruction, I'm not trying to influence your vote, or express a personal opinion about this case.

If you believe that I have an opinion about how you should decide this case, you must pay no attention to that opinion.

You're the only judges of the facts, and you should decide this case from the evidence.

You should use your own common sense and general knowledge in weighing and judging the evidence, but you should not use any personal knowledge you may have about a place, a person, or an event.

To repeat once more, you must decide this case based only on the evidence admitted during the trial.

Now, as I said before, it is your job to decide what the facts of this case are.

You must decide which witnesses you believe, and how important you think their testimony is.

You do not have to accept or reject everything a witness said.

You are free to believe all, none, or part of any person's testimony.

In deciding which testimony you believe, you should rely on your own common sense and every day experience.

However, in deciding whether you believe a witness's testimony, you must set aside any bias or prejudice you may have based on the race, gender, or national origin of the witness.

And there is no fixed set of rules for judging whether you believe a witness, but it may help you to think about these questions:

Was the witness able to see or hear clearly?

How long was the witness watching or listening?

Was anything else going on that might have distracted the witness?

Did the witness seem to have a good memory?

How did the witness look and act while testifying?

Did the witness seem to be making an honest effort to tell the truth, or did the witness seem to evade the questions, or argue with the lawyers?

Does the witness's age and maturity affect how you judge his or her testimony?

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Does the witness have any bias, prejudice, or personal interest in how this case is decided?

Have there been any promises, threats, suggestions, or other influences that affected how the witness testified?

In general, does the witness have any special reason to tell the truth, or any special reason to lie?

And all in all, how reasonable does the witness's testimony seem when you think about all the other evidence in the case?

Sometimes the testimony of different witnesses will not agree, and you must decide which testimony you accept.

You should think about whether the disagreement involves something important or not, and whether you think someone is lying, or is simply mistaken.

People see and hear things differently, and witnesses may testify honestly, but simply be wrong about what they thought they saw or remembered.

It is also a good idea to think about which testimony agrees best with the other evidence in the case.

However, you may conclude that a witness deliberately lied about something that is important to

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how you decide the case.

If so, you may choose not to accept anything that witness said.

On the other hand, if you think the witness lied about some things, but told the truth about others, you may simply accept the part you think is true, and ignore the rest.

The evidence must convince you beyond a reasonable doubt that the crimes occurred on September 4th, 2014, in Wayne County, Michigan.

The defendant is charged with the crimes of three counts of torture, three counts of unlawful imprisonment, three counts of interfering with a crime report, three counts of felonious assault, and felony firearm.

These are separate crimes, and the Prosecutor's charging that the defendant committed each of them.

You must consider each crime separately, in light of all the evidence in the case.

You may find the defendant guilty of one or more of these crimes, or not guilty.

Possibly penalty should not influence your decision.

It is the duty of the Judge to fix the

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penalty within the limits provided by the law.

Now, facts can be proved by direct evidence from a witness or an exhibit.

Direct evidence is evidence about what we actually see or hear.

For example, if you look outside and see rain falling, that's direct evidence that it's raining.

Facts can also be proved by indirect, or circumstantial evidence.

Circumstantial evidence is evidence that normally or reasonably leads to other facts.

So, for example, if you see a person come in from outside, wearing a rain coat, covered with small drops of water, that would be circumstantial evidence that it is raining.

You may consider circumstantial evidence.

Circumstantial evidence by itself, or a combination of circumstantial evidence and direct evidence can be used to prove the elements of a crime.

In other words, you should consider all the evidence that you believe.

You should not decide this case based on which side presented more witnesses.

Instead, you should think about each witness, and each piece of evidence, and whether you believe

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them.

Then you must decide whether the testimony and the evidence you believes proves beyond a reasonable doubt that the defendant is guilty.

You have heard testimony from a witness who is a Police Officer.

That testimony is to be judged by the same standards you use to evaluate the testimony of any other witness.

In counts one, two, and three, the defendant is charged with the crime of torture.

To prove these charges, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant had custody or physical control over Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon.

This means that the defendant used force or the threat of force either to confine Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, by interfering with his or her liberty, or to restrict Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon’s freedom of movement.

Second, that the defendant exercised custody or physical control over Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, without his or her consent, or

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without lawful authority to do so.

Third, that at the time that the defendant had custody or physical control over Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, he intentionally caused severe mental pain or suffering to Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon.

Severe mental pain or suffering means a substantial change in mental functioning that can be perceived by another person.

It must have been caused by the defendant in one or more of the following ways:

Intentionally causing great bodily injury to Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon, or threatening to cause great bodily harm to him or her;

Threatening Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon with imminent death;

Or threatening that another person will imminently be killed, or subject to great bodily injury.

And fourth, that the defendant intended to cause Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon to suffer cruel or extreme physical pain, or mental pain and suffering.

The Prosecutor does not need to prove that Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon

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actually suffered any pain.

In counts four, five, and six, the defendant is charged with the crime of unlawful imprisonment.

To prove this charge, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant knowingly retrained another person.

Restrained means to forcibly restrict a person's movements, or to forcibly confine the person so as to interfere with that person's liberty, without that person's consent, or without lawful authority.

The restraint does not have to exist for any particular length of time, and may be related or incidental to the commission of other criminal acts.

And second, that the defendant restrained the person by means of a weapon or a dangerous instrument.

In counts seven, eight, and nine, the defendant is charged with the crime of interfering with a crime report.

To prove these charges, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant prevented, or prevent -- attempted to prevent another from reporting

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a crime committed, or attempted by another person.

Second, that the defendant used unlawful physical force or threats to kill or injure another person, or threats to cause property damage to prevent the report of a criminal -- of a crime committed, or attempted by another person.

In counts ten, eleven, and twelve, the defendant is charged with the crimes of felonious assault.

To prove these charges, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant either attempted to commit a battery against, or did an act that caused Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon to reasonably fear or apprehend an immediate battery.

A battery is a forceful or violent touching of the person, or something closely connected with the person.

Second, the defendant intended either to injure, or to make Jacqueline Lymon, Isaac Lymon, and or Samuel Lymon reasonably fear an immediate battery.

An assault cannot happen by accident.

And third, that at the time, the defendant had the ability to commit a battery, appeared to have

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the ability, or thought he had the ability.

And fourth, that the defendant committed the assault with a hand gun.

And in count thirteen, the defendant is charged with the crime of possessing a firearm at the time he committed a felony.

To prove this charge, the Prosecutor must prove each of the following elements beyond a reasonable doubt:

First, that the defendant committed the crime of felonious assault.

That crime has been defined for you.

It is not necessary, however, that the defendant be convicted of that crime.

And second, that at the time the defendant committed the crime, he knowingly carried or possessed a firearm.

When you go to the jury room, you will provided with written copies of these instructions.

You should first choose a Foreperson.

The Foreperson should see to it that your discussions are carried on in a businesslike way, and that everyone has a fair chance to be heard.

A verdict in a criminal case must be unanimous.

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In order to return a verdict, it is necessary that each of you agree on that verdict.

In the jury room, you will discuss the case among yourselves, but ultimately, each of you will have to make up your own mind.

Any verdict must represent the individual considered judgment of each juror.

It is your duty as jurors to talk to each other, and make every reasonable effort to reach agreement.

Express your opinions and the reasons for them, but keep an open mind as you listen to your fellow jurors.

Rethink your opinions, and do not hesitate to change your mind if you decide you were wrong.

Try your best to work out your differences.

However, although you should try to reach agreement, none of you should give up your honest opinion about the case just because other jurors disagree with you, or just for the sake of reaching a verdict.

In the end your vote must be your own, and you must vote honestly, and in good conscience.

If you have questions the jury instructions before you begin deliberations, or questions about the

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instructions that arise during deliberations, you should submit them in writing the Deputy.

When you go to the jury room, you will be given a copy of the written instructions you have just heard.

As you discuss the case, you should think about all my instructions together as the law you are to follow.

If you want to communicate with me while you are in the jury room, please have your Foreperson write a note, and give it to the Deputy.

It is not proper for you to talk directly with the Judge, the lawyers, Court Officer, or other people involved in the case.

And as you discuss the case, you must not let anyone, not even me, know how your voting stands.

Therefore, until you return with a unanimous verdict, do not reveal this to anyone outside the jury room.

I've prepared a verdict form listing the possible verdicts that I will send in.

And if you do request the Exhibit that was admitted, I will send that in with my Deputy, as well.

Okay.

Let's choose our alternates.

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And as alternates, you're still not free to discuss the case until a verdict is reached.

If something happens to one of our other jurors during deliberations, you're gonna be called back to begin deliberations anew with the remaining panel.

CLERK: When I call your name, gather your things and go with the Deputy.

Juror in seat number, seat number six, Malquiel Parker.

And juror in seat number two, Jennifer Politi.

THE COURT: Okay.

Let's swear in our Deputies.

CLERK: Raise your right hand.

Do you solemnly swear to keep this jury in the manner and form as prescribed by law?

DEPUTY: I do.

DEPUTY: Yes.

THE COURT: Okay.

Go on in.

DEPUTY: All rise for the jury.

(Whereupon the jurors were excused to begin deliberations at approximately 10:18 a.m.)

(Whereupon a recess was had in the

proceedings from 10:18 a.m. to 11:50 a.m.)

CLERK: Calling case number 14-010811, the People versus Cora Lymon.

This matter is before the Court for a jury trial in progress.

THE COURT: Appearances, please.

MR. BROWN: Good morning, Your Honor. Duane Brown on behalf of the People.

MR. GOLD: Ronald R. Gold on behalf of defendant.

MR. BERG: And Eric Berg on behalf of defendant.

THE COURT: Okay.

Counsel, we have a note from the jury that they've reached a verdict.

Let's bring them out.

DEPUTY: All rise for the jury.

(Whereupon the jurors were brought back into the courtroom).

DEPUTY: You may be seated.

THE COURT: Okay.

Which of you is the Foreperson?

Juror number eight, am I right in understanding you reached a verdict?

JUROR SECCO: Yes.

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THE COURT: Okay.

Could you stand and read the verdict?

JUROR SECCO: Sure.

We, the jury, find the defendant, Cory Lymon, as follows:

Count one, torture of Jacqueline Lymon, guilty of torture.

Count two, torture of Isaac Lymon, guilty of torture.

Count three, torture of Samuel Lymon, guilty of torture.

Count four, unlawful imprisonment of Jacqueline Lymon, guilty of unlawful imprisonment.

Count five, unlawful imprisonment of Isaac Lymon, guilty of unlawful imprisonment.

Count six, unlawful imprisonment of Samuel Lymon, guilty of unlawful imprisonment.

Count seven, interfering with a crime report, Jacqueline Lymon, not guilty.

Count eight, interfering with a crime report, Isaac Lymon, not guilty.

Count nine, interfering with a crime report, Samuel Lymon, not guilty.

Count ten, assault, Jacqueline Lymon, guilty of felonious assault.

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Count eleven, assault, Isaac Lymon, not guilty.

Count twelve, assault, Samuel Lymon, not guilty.

Count thirteen, felony firearm. Guilty of felony firearm.

THE COURT: Okay.

Thank you very much.

You can have a seat.

Rita, could you please poll the jury?

CLERK: Juror number one, was that and is that your verdict?

JUROR ROBERT THOMAS: Yes, it is.

CLERK: Juror number three, was that and is that your verdict?

JUROR LOFTON: Yes, it is.

CLERK: Juror number four, was that and is that your verdict?

JUROR ARRINGTON: Yes.

CLERK: Juror number five, was that and is that your verdict?

JUROR MORGAN: Yes.

CLERK: Juror number seven, was that and is that your verdict?

JUROR WEST: Yes.

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CLERK: Juror number eight, was that and is that your verdict?

JUROR SECCO: Yes.

CLERK: Juror number nine, was that and is that your verdict?

JUROR MALEC: Yes.

CLERK: Juror number ten, was that and is that your verdict?

JUROR WILSON: Yes.

CLERK: Juror number eleven, was that and is that your verdict?

JUROR GOLDSMITH: Yes.

CLERK: Juror number twelve, was that and is that your verdict?

JUROR CLEMENT: Yes.

CLERK: Juror number thirteen, was that and is that your verdict?

JUROR SHEIDY: Yes.

CLERK: And juror number fourteen, was that and is that your verdict?

JUROR YARDRAN SMITH: Yes.

THE COURT: Okay.

Thank you very much.

I'm going to excuse you to go back in the jury room, just briefly, and I'll be in momentarily to

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release you.

DEPUTY: All rise.

THE COURT: And please hand the verdict form to my Deputy.

(Whereupon the jurors were excused from the case).

MR. GOLD: Judge, could I review with you, I'm not sure I got count ten, right?

THE COURT: Sure.

Count ten was guilty of felonious assault.

MR. GOLD: Thank you.

THE COURT: Okay.

I've confirmed the verdict.

I'll accept the verdict.

The defendant will be remanded.

We have a sentencing date of April 22nd.

MR. GOLD: April 22nd?

THE COURT: Yes.

MR. GOLD: That's fine, April 22nd.

THE COURT: Okay.

(Whereupon the proceedings were concluded for the day at 11:55 a.m.)

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CERTIFICATION OF COURT REPORTER

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, SUZANNE L. KINSEY, Official Court Reporter in and for the Third Circuit Court for the County of Wayne - Criminal Division, State of Michigan, do hereby certify that the foregoing pages 1 through 54, inclusive, comprises a full, true and correct transcript, to the best of my ability, of the proceedings and testimony taken by Jacquetta Smith, CSMR, in the matter of the People of the State of Michigan versus Cora Ladane Lymon, Case No. 14-10811, on April 8, 2015 (Jury Trial).

_____
Suzanne L. Kinsey, CSMR 4477
Official Court Reporter

Dated:_____

Detroit, Michigan

The authenticity of the foregoing transcript is null and void unless affixed with an ***original*** signature of the Court Reporter in blue ink.

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Appendix C
April 22, 2015, Sentence Transcript

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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE
CRIMINAL DIVISION

THE PEOPLE OF THE
STATE OF MICHIGAN,

-vs- Case No. 14-10811

CORA LADANE LYMON,

Defendant.
_____/

SENTENCE

BEFORE THE HONORABLE DANA MARGARET HATHAWAY
CIRCUIT COURT JUDGE

Wednesday - April 22, 2015

APPEARANCES:

MR. DUANE BROWN,
Assistant Prosecuting Attorney,
Appearing on behalf of the People.

MR. RONALD GOLD,
Appearing on behalf of the Defendant.

Reported by:
Jacquetta Smith, CSMR
Official Court Reporter

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C O N T E N T S

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Sentence

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April 22, 2015

Detroit, Michigan

(Proceedings commencing at 9:35 a.m.)

CLERK: Calling case number 14-010811, the People versus Cora Lymon.

This matter is before the Court for sentencing.

MR. BROWN: Good morning, Your Honor. Duane Brown on behalf of the People.

MR. GOLD: And for the record, Ronald R. Gold appearing on behalf of the defendant.

THE COURT: Okay.

Mr. Gold, have you had an opportunity to go over the pre-sentence report with your client?

MR. GOLD: I have, Your Honor. And I have a correction.

THE COURT: Go ahead.

MR. GOLD: Which will affect the guidelines.

On page, page one, under evaluation and plan.

THE COURT: Yes?

MR. GOLD: The second, the third paragraph down, it indicates that the defendant has two misdemeanor convictions.

He really has only one. I spoke with Mr. Brown. I think Mr. Brown will agree with me, the

alleged domestic violence involving his wife, was dismissed. I know, for a fact, because I was there.

THE COURT: Okay.

I thought that that said no, he pled no contest. That's wrong?

MR. GOLD: No, no. The matter was dismissed on motion of the Prosecutor's Office.

THE COURT: Okay.

Give me one second.

I'm trying to find the criminal history here.

So, what they put under the criminal history is wrong?

MR. GOLD: Yes.

December 6th of '13, it was dismissed on motion of the Prosecutor's Office.

THE COURT: Okay.

You have no reason to dispute that?

MR. BROWN: No, I have no reason.

THE COURT: Okay.

All right.

I'm gonna order the Probation Department to correct this, within their records.

So, that would change what, the PRV --

MR. GOLD: Yes, but let, let me go back to page one again.

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THE COURT: Okay.

Give me one second.

It's imperative that they get the information in here right.

MR. GOLD: Yes, correct.

THE COURT: Okay.

Go ahead, Mr. Gold.

MR. GOLD: Okay.

So that, so that then that sentence should read, that it's his first felony offense, and he has one, one misdemeanor conviction.

THE COURT: Okay.

MR. GOLD: And then the next sentence, it should be corrected, it should be noted that one of the misdemeanor convictions is a domestic violence case, in which his wife was the victim.

So, that should be crossed out.

THE COURT: Okay.

That will be deleted.

MR. GOLD: Okay.

Then the only other matter I've got, refers to the guidelines.

Otherwise --

THE COURT: Give me one second.

MR. GOLD: Okay.

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THE COURT: Okay.

MR. GOLD: Okay. Now, on the guidelines, accordingly, the PRV totals should be twenty-two, inasmuch as P.R.-5, the five points there become two points, becomes two points, and the total becomes twenty-two.

THE COURT: Does that change the grid at all?

MR. GOLD: It does. It does.

THE COURT: So, that would be a PRV level "C" then?

MR. BROWN: No, that would not change the --

MR. GOLD: Wait, let me take a look here.

MR. BROWN: It would still be a "C", Your Honor.

MR. GOLD: Wait, let me --

THE COURT: It would be a "C". It was a "D", on this, so it comes to a "C".

MR. BROWN: So, it wouldn't be --

THE COURT: Okay.

So, it's, it's lower, okay?

MR. GOLD: Correct. It comes to a "C".

THE COURT: Okay.

MR. GOLD: Okay. Now, there's two, two scores here that I take issue with.

The first one is OV-4, which talks about --

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MR. BROWN: Well, maybe we should start at one, and then just work our way --

THE COURT: Let's --

MR. GOLD: Well, the only ones I disagree with --

MR. BROWN: No, I disagree --

THE COURT: He, he's probably gonna have some issues, as well.

MR. GOLD: Oh, I'm sorry. Oh, I'm sorry. Okay.

THE COURT: So, go ahead.

MR. BROWN: I think one should be fifteen, Your Honor.

MR. GOLD: Let me see what --

THE COURT: And that -- okay. Go ahead, Mr. Gold. That's use of a weapon.

MR. GOLD: I'm trying to think, there was a reason that I didn't score that.

THE COURT: I had gone through these, and I had actually, based on my recollection, without the benefit of my trial notes, I had scored it at five, but fifteen is a firearm was pointed at or toward a victim, or the victim had a reasonable apprehension of an immediate battery when threatened with a knife, or other cutting or stabbing weapon.

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And the first page of my notes show that Jacqueline Lymon testified that the defendant was pointing the gun at him, and Isaac, and then Isaac stood in front of his mother.

So, I think fifteen points is the appropriate score.

You're welcome to make any objection you'd like, or argument, Mr. Gold, with respect to that.

MR. GOLD: Well, as I indicated, I, I thought that should be --

THE COURT: You think it should be zero?

MR. GOLD: Yes.

THE COURT: Okay.

Okay, let's move on. Your objection's noted.

Let's move on to OV-2.

MR. GOLD: Okay.

MR. BROWN: I think that should be five, Your Honor.

THE COURT: That's what I had it scored at, as well.

Mr. Gold, you think that should also be zero?

MR. GOLD: Yes -- one second, please.

I do.

THE COURT: Okay.

I had that scored at five as well.

We'll leave five.

Okay.

No issue with OV-3? There was no bodily injury to anyone.

OV-4, go ahead.

MR. BROWN: The People have ten, Your Honor.

THE COURT: Okay.

And Mr. Gold, you think that that should be what?

MR. GOLD: OV-4 should be zero, psychological injury to victim.

You may recall the testimony, there was nothing at all about psychological injury. And it says, score ten points if the injury may require professional treatment.

There's been no testimony. We have no evidence, or anything that, that may require psychological, professional treatment.

THE COURT: Mr. Brown, are there going to be any victim impact statements made today?

MR. BROWN: No. I did speak with Miss Lymon. She indicated she was not coming.

But I will say this, Your Honor --

THE COURT: No, go ahead, make your argument.

MR. BROWN: The People did contact the --

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Miss Lymon, and she indicated that both of the boys have been in counseling since this happened.

So, I'll leave it to the Court.

THE COURT: Both of the boys --

MR. BROWN: I asked --

THE COURT: Have been in counseling, is that what you said?

MR. BROWN: Yes.

THE COURT: Sorry.

Okay.

MR. BROWN: And I had asked if she could submit something.

I don't know whether you have anything, at this point, or not, regarding that, but she did say both boys were in counseling.

MR. GOLD: Well, Your Honor, my, my problem with that is, two --

THE COURT: It's a preponderance of the evidence.

And you can't say that they would submit something. That's why I'm going through my notes, now, to recall what the, the testimony was in this case.

And there is case law that says that something as simple as crying on the witness stand could be inferred by the Court as sufficient to require

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counseling at some point in the future, even though they hadn't sought it.

Okay.

MR. GOLD: Well, my, my difficulty is, Your Honor, to uphold the integrity of the system, I think we, we've got to have something a little more substantial than that, before we attribute points for psychological injury.

I mean, it was just one night. It's not the normal type of a torture case. This was a little bit different.

And I, I just think that giving points, under these circumstances, for psychological injury, is incorrect.

THE COURT: Okay.

I --

MR. BROWN: If the Court remembers the testimony --

THE COURT: I, I do remember the testimony.

MR. BROWN: This would was the young man --

THE COURT: And they said that they were huddled, they were all crying.

Excuse me one second, while I was going through this.

They were terrified.

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Isaac Lymon said he was teary eyed because he almost lost his life.

They claim that the defendant stated he was going to burn the house down with everyone in it.

I think that the testimony between the family members is sufficient to constitute the potential for requiring psychological counseling in the future.

So I'm going to leave that at ten, especially given the convictions in this case.

MR. GOLD: Okay. My objections are noted.

THE COURT: Okay.

Now, OV-5.

MR. GOLD: Okay.

THE COURT: This is score only if it's -- okay, so that's zero.

MR. GOLD: Yes.

THE COURT: That's not appropriate.

THE COURT: OV-6.

MR. GOLD: Zero.

THE COURT: Zero?

MR. BROWN: People agree.

THE COURT: Okay.

OV-7.

MR. BROWN: The People have fifty, Your Honor.

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MR. GOLD: Well, on OV-7 now --

THE COURT: Now, he was convicted of torture.

MR. BROWN: Yes, Your Honor.

THE COURT: Now, my, my concern is, in most of the OVs, these are -- they make exceptions for what the actual conviction was.

Are you aware of any prohibition that if the, the actual conviction is for torture, that they can't -- OV-7 can't be scored, or is it necessary that OV-7 be scored, if the conviction's torture?

We really don't get a lot from the instructions.

MR. GOLD: I think you've analyzed that correctly. I agree with that, that -- and I would say that in view of all the other guideline points, that the Court should not score that.

MR. BROWN: But the jury found that there was torture.

THE COURT: Yes.

MR. GOLD: Well, that's the offense he was charged with, but --

MR. BROWN: But it doesn't say if the offense is torture, that he can't be --

THE COURT: Yeah.

MR. GOLD: If --

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THE COURT: Go ahead, Mr. Gold.

MR. GOLD: If you'll, if you'll recall, during, during that evening, there were times when one or two, or all three could have left the house. There were times when it was on and off, that they were watching television later on in the morning.

The mother could have left earlier, than what she did.

I just think that scoring that many points for this particular OV-7 is incorrect.

THE COURT: I had it circled, with a question mark, thinking that it also needed to be fifty, based on the, the conviction in this case, and given the fact that the instructions don't prohibit it, I have to believe that it's expected it would be fifty.

So, I'm going to keep that at fifty. That can obviously get sorted out by the Court of Appeals, if there is an issue.

But your, your objection's noted, that you think it should be zero, based on the conviction.

MR. GOLD: Yeah.

THE COURT: All right.

For OV-8, I had zero.

MR. BROWN: People agree.

MR. GOLD: Agree.

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THE COURT: Okay.

OV-9, they had ten.

MR. BROWN: People had ten.

THE COURT: Okay.

MR. GOLD: Agreed.

THE COURT: Give me one second here.

Okay.

All right.

Now, OV-10. They had ten, I had zero.

MR. GOLD: I have zero.

MR. BROWN: I had ten.

THE COURT: Okay.

I interpret OV-10 to be taking advantage of someone else, that would be considered the weakest in the herd. And it has to be a particularly vulnerable victim.

And I don't think that any of the witnesses classified, for purposes of scoring OV-10, so I have zero.

MR. BROWN: We don't go along with that, Your Honor.

THE COURT: Okay.

OV-11, zero.

OV-12?

MR. BROWN: People had twenty-five.

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MR. GOLD: Your Honor --

THE COURT: I think it, I think it has to be zero.

MR. GOLD: Yes, and the reason is because PRV considered the prior felony -- the contemporaneous felony convictions.

THE COURT: Has not result, and will not result in a separate conviction.

MR. BROWN: Correct.

MR. GOLD: Exactly.

THE COURT: And these all resulted in separate convictions.

MR. BROWN: People concede.

THE COURT: Okay.

MR. GOLD: So what --

THE COURT: So, OV-12 is zero.

The remaining were zeroes. Any issues with the remaining ones?

MR. BROWN: None from the People.

THE COURT: Okay.

MR. GOLD: Not from defendant.

THE COURT: Okay.

So, where are we at here?

MR. GOLD: Well, I got to add this up now. I'm confused now.

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MR. BROWN: I believe we have ninety.

THE COURT: I had eighty-five. Oh, no, you might be --

MR. GOLD: I got eighty.

THE COURT: Forty, thirty, you have ninety. It is ninety.

MR. GOLD: Wait, Judge, I don't, I don't --

THE COURT: Go ahead.

MR. GOLD: I don't see how you get ninety. I get --

THE COURT: Fifteen plus five.

MR. GOLD: Is twenty.

THE COURT: Plus ten, is thirty.

MR. GOLD: Thirty.

THE COURT: Plus fifty is eighty.

MR. GOLD: Eighty.

THE COURT: Plus ten is ninety.

MR. GOLD: What other ten is --

THE COURT: OV-9.

MR. GOLD: Oh, I missed that. Okay. Ninety.

THE COURT: So that brings us to one twenty-six to two ten.

MR. GOLD: Let me take a look at -- wait, let me see what -- okay. So, we've got -- what does Your Honor get for the guidelines?

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THE COURT: It's one twenty-six to two ten.

The ninety takes it to a five grid.

MR. GOLD: One twenty-six to two ten.

THE COURT: Okay.

Any sentence recommendations from the People, Mr. Brown?

MR. BROWN: Your Honor, I'm not gonna ask for the top, but the People would ask for one seventy to twenty-five.

THE COURT: All right.

Anything else from the People?

MR. BROWN: No, Your Honor. I did speak with the complainants in this matter, and also the Court had an opportunity to hear the testimony.

THE COURT: Okay.

Go ahead, Mr. Gold, before I give your client an opportunity to speak.

MR. GOLD: Okay.

THE COURT: I did read the letters that were submitted to the Court, on his behalf.

MR. GOLD: Okay.

Judge, you, you heard the testimony, and I acknowledge that you've taken careful and accurate notes. As far as I know, you were listening intently, and I would suggest that this is the normal type, not

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the normal type of a case that when we think of a torture case. This was one unfortunate night where Mr. Lymon lost his cool.

You recall the testimony, he was under the belief, correct or not, whatever the case may be, that his wife had committed other acts or something. Then he was trying to get to the bottom of it.

And you'll recall the testimony where he said that the weapon, the hand gun, was not loaded.

And the testimony of the Detectives, who testified, when they recovered it, it was not loaded.

And even the testimony of his wife, who indicated, I believe she indicated, when she took it upstairs and placed it in, wherever it was, that it wasn't loaded.

Now, the question is, what do you do?

Okay.

It's not like a murder case, where some individuals may get ten or twelve years.

I mean, the guidelines here are horrendous, under these facts.

And as I indicated, in my opinion, respectfully, it's just not the type of a torture case where third parties were involved.

It was a domestic relations that just,

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situation that got way out of hand.

And as Mr. Lymon testified, under oath, it's his first felony conviction. He -- it was the worst mistake of his life, when he got the hand gun. He was just out of control.

And so what do you do? I mean, what's the right thing to do?

He -- for forty-four years, he's been a law abiding man. He's done the right thing.

Is it gonna serve society any benefits to put this man away for ten or twelve years?

We know he's got to do two years on the felony firearm.

How much is right?

How many more years should he do?

I note that the recommendation from the Probation Department --

THE COURT: I'll state for the record, I've never seen a recommendation from the Probation Department before. This was the first I've ever seen in a pre-sentence report. I was actually quite shocked by that.

But go ahead, I did see that it was two plus five.

MR. GOLD: Okay.

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Yeah, two plus, plus five years.

THE COURT: Yeah.

MR. GOLD: Yeah, seven years.

And as I indicated, you know, nobody -- we may argue, as I did about the psychological injury to the children, and or the wife.

But you know, you've got to decide the right thing to do.

And how many years should a man be put away? What's the fair thing to do?

In my opinion, the recommendation is, by the Probation Department, is more in the line with what's equitable and just, than the guidelines, because I think this is just a case that the guidelines do not appropriately give points for. I, I just don't think that they're right.

And as I said before, it's not the normal type of a case.

And the Court's got to consider that, for forty-four years, the man's done the right thing.

Mr. Lymon has tried to do the right thing.

And no third parties were involved.

I don't want re -- keep repeating myself, but it's one night that got out of hand.

Hopefully, there's gonna be no permanent type

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of injuries.

And I would think that Mr. Lymon can still be a productive citizen.

And to put him away for the number of years that these guidelines, that the Prosecutor has asked for, it just seems to me that that would be more in line with a homicide case, than this type of a case.

Accordingly, I would ask the Court to adopt the recommendation.

Give them the two years for the felony firearm that you have to, and five years additional time, which I think will be more than enough to punish him for one wrong decision, a wrong decision involving domestic violence situat -- home relationship that just got out of hand.

THE COURT: Okay.

All right.

Mr. Lymon, this is the time and date set for sentencing.

MR. GOLD: Your turn.

THE COURT: Is there anything you'd like to say on your own behalf?

DEFENDANT: Yes.

THE COURT: Go ahead.

DEFENDANT: I am so sorry. To my wife, to my

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children, to my mother, my father, to my ministry, jail, it does no justice, what I'm losing.

I haven't talked to my kids since September. I haven't seen them.

I'm still a father. I love my kids.

I'm gonna miss my son's graduation, my daughter's graduation, my parents' first grandchild, Alexis. She's gonna graduate U of D, next year, college. First grand baby.

I won't be there.

I won't be there to give her away if she gets married.

It's been a lot, and it hurts.

I repent. And I'm deeply sorry.

And I just hope that you would have mercy on me, as God has mercy on me, because I need it.

Thank you.

THE COURT: Thank you.

I'm sure your attorney told you, Mr. Lymon, that in order to go beneath the guidelines, I have to be able to articulate substantial and compelling reasons to do so.

Based on the convictions in this case, and the fact that you, of all people, were the person that was supposed to protect your family.

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And you scared the hell out of ‘em.

I, I couldn’t imagine what they must have been going through on the night that this occurred.

The guidelines may seem harsh, and in fact, many cases they are. And perhaps this is one of those cases.

But simply because the guidelines are harsh, isn’t enough of a reason for me to go below the guidelines.

However, I will sentence you to the bottom of the guidelines.

As I said before, with respect to the scoring, you can take that up with the Court of Appeals.

But with respect to counts one through three, the torture counts, I have to sentence you to one hundred and twenty-six months to two hundred and forty months in the Michigan Department of Corrections.

With respect to the three counts of unlawful imprisonment, seven to fifteen years in the Michigan Department of Corrections.

With respect to the felonious assault count, two to four years in the Michigan Department of Corrections.

And those will all run concurrent to one

another, and consecutive to the mandatory two years for the felony firearm.

Since this was a conviction by jury trial, you have an automatic right to appeal your conviction and sentence with the Court of Appeals.

If you can't afford an attorney, one will be appointed for you, and that request must be made within forty-two days.

MR. GOLD: The record should indicate that I'm giving Mr. Lymon --

THE COURT: He's taking advantage of his appellate rights?

MR. GOLD: Yes, I'm --

THE COURT: Okay.

Oh, and you will receive credit for one hundred and forty-one days.

MR. GOLD: Yes.

DEPUTY: You can step back, sir.

(Whereupon the proceedings were concluded for the day at 10:00 a.m.)

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CERTIFICATION OF COURT REPORTER

STATE OF MICHIGAN)
) ss.
COUNTY OF WAYNE)

I, SUZANNE L. KINSEY, Official Court Reporter in and for the Third Circuit Court for the County of Wayne - Criminal Division, State of Michigan, do hereby certify that the foregoing pages 1 through 26, inclusive, comprises a full, true and correct transcript, to the best of my ability, of the proceedings and testimony taken by Jacquetta Smith, CSMR, in the matter of the People of the State of Michigan versus Cora Ladane Lymon, Case No. 14-10811, on April 22, 2015 (Sentence).

_____
Suzanne L. Kinsey, CSMR 4477
Official Court Reporter

Dated:_____

Detroit, Michigan

The authenticity of the foregoing transcript is null and void unless affixed with an ***original*** signature of the Court Reporter in blue ink.

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Appendix D
People v Drallette, Unpublished Court of Appeals Opinion

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1997 WL 33353604
Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK COURT RULES BEFORE CITING.

Court of Appeals of Michigan.

PEOPLE OF THE STATE OF MICHIGAN, Plaintiff-Appellee,
v.
Mark Dewayne DRALLETTE, Defendant-Appellant.

No.
184591
.
|
March 25, 1997.

Before: HOEKSTRA, P.J., and MURPHY and SMOLENSKI, JJ.

UNPUBLISHED

PER CURIAM.

***1** Defendant was convicted of aggravated stalking, M.C.L. § 750.411i; MSA 28.643(9), and sentenced to ten years' probation. He appeals as of right. We affirm.

Defendant first claims that the trial court should have recognized his legal incompetence in representing himself at trial and should have sua sponte replaced defendant with appointed counsel to ensure that he would not be denied a fair trial. We conclude that defendant was not denied a fair trial and the trial court did not abuse its discretion by allowing defendant to represent himself at trial. *People v. Adkins,* 452 Mich. 702, 721 n 16; 551 NW2d 108 (1996). The trial court complied with the requirements for waiver of counsel set forth in *People v. Anderson,* 398 Mich. 361, 366-367; 247 NW2d 857 (1976), and MCR 6.005(D), as recently reaffirmed in *Adkins.* The trial court repeatedly warned defendant both at the hearing on self-representation and at the start of trial of the risks attendant to self-representation. We agree with the trial court that defendant's decision to represent himself was made knowingly, understandingly, voluntarily and unequivocally, and defendant does not argue otherwise on appeal. He argues only that he lacked legal skill. During trial, defendant was generally mindful of the court's rulings and consulted with standby counsel on various matters. Defendant cross-examined the prosecution's witnesses, challenged evidence, and presented witnesses and evidence on his behalf. Although defendant's cross-examination of the witnesses often resulted in damaging evidence coming in, we do not believe that is reason enough to declare that he was deprived of a fair trial by self-representation. Although a defendant's competence is a pertinent consideration in whether he should be allowed to represent himself, his competence as to legal skills is not the determinative factor. *Anderson, supra* at 368; *People v. Morton,* 175 Mich.App 1, 7-9; 437 NW2d 284 (1989). Where defendant repeatedly advised the court of his desire to represent himself and presented a defense on his behalf, the trial court did not abuse its discretion by failing to sua sponte "thrust counsel upon [defendant], against his considered wish." See *Adkins, supra* at 720; *Morton, supra.* Defendant is not entitled to use his failed attempt at self-representation as an appellate parachute. *Adkins, supra* at 724-725.

Defendant next claims that he was denied a fair trial by prosecutorial misconduct. In reviewing claims of prosecutorial misconduct, this Court examines the remarks in context to determine whether they denied defendant a fair trial. *People v. Bahoda,* 448 Mich. 261, 266-267; 531 NW2d 659 (1995). After reviewing the challenged remarks in context, we conclude that the prosecutor's remarks were proper responses to issues raised and arguments presented by defendant or fair comments based on testimony at trial. *Id.,* 282-283; *People v. Duncan,* 402 Mich. 1, 16; 260 NW2d 58 (1977). The comments were either proper or, if erroneous, did not rise to the level of error requiring reversal. *People v. Mezy,* 453 Mich. 269, 286; 551 NW2d 389 (1996); *Bahoda, supra* at 285-288.

***2** Next, defendant claims that he is entitled to resentencing on the basis of an inaccurate statement made by the sentencing court regarding lifetime probation. Although the court may have misspoke when it stated that it believed that lifetime probation was permissible punishment under the aggravated stalking statute, there is no indication on the record that the court did not appropriately exercise its discretion in sentencing defendant to ten years' probation such that the resulting sentence is invalid. *In re Dana Jenkins,* 438 Mich.

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364; 475 NW2d 279 (1991). Cf., *People v. Whalen,* 412 Mich. 166, 169-170; 312 NW2d 638 (1981); *People v. Green,* 205 Mich.App 342, 346; 517 NW2d 782 (1994), and cases cited therein. The misstatement was harmless error. *People v. Thomas,* 447 Mich. 390, 393; 523 NW2d 215 (1994). Defendant is not entitled to resentencing.

Finally, defendant claims that his sentence of ten years' probation is harsh and disproportionate in light of his personal circumstances and as compared to other defendants with aggravated stalking convictions. We disagree. There are no sentencing guidelines for the offense of aggravated stalking; however, all sentences are subject to appellate review under the proportionality standard. *People v. Potts,* 436 Mich. 295, 302; 461 NW2d 647 (1990). This case is distinguishable from *People v. White,* 212 Mich.App 298; 536 NW2d 876 (1995), where the defendant in *White* pleaded guilty to the offense of *attempted* aggravated stalking, not aggravated stalking. When compared to a possible term of imprisonment, or jail time plus probation, the term of probation imposed on defendant does indeed seem modest, as suggested by the trial court. The length of the probation, the main thrust of which precludes contact by defendant with the complainant and her new husband and which orders mental health treatment, is justified in light of the continuous harassment in which defendant had engaged and in light of his apparent inability to comprehend wrongdoing or inappropriate behavior on his part. The sentence of ten years' probation imposed on defendant is proportionate. *People v. Milbourn,* 435 Mich. 630, 635-636; 461 NW2d 1 (1990).

Affirmed.

All Citations

Not Reported in N.W.2d, 1997 WL 33353604

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Appendix E
Explanation of Duties to Register as a Sex Offender

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MICHIGAN SEX OFFENDER REGISTRATION/VERIFICATION/UPDATE

☐ **Initial Registration** ☐ **Verification** ☐ **In-Person Update**

Agency	Administrator	Phone Number	Date

Your next verification month is:

Registration Tier	Verification Frequency	Registration Status	Estimated End Date

I. Offender Information

Last Name	First Name	Middle Name	Suffix	Date of Birth

Race	Sex	Hair	Eye Color	Height	Weight	Last Verification Date (only for Verifications)

Registration Number	Social Security Number	Driver's License/Personal ID Number	FBI Number

MI/SID Number	Michigan Department of Corrections Number	Immigration Number
Fingerprints on File ☐ Yes ☐ No	Palm Prints on File ☐ Yes ☐ No	DNA on File ☐ Yes ☐ No
Passport Number	Professional License Number	Professional License Type

II. Residence Information

Address	City	State	ZIP Code	Start Date

III. Incarceration(s)

Facility Name	Incarceration Start Date	Incarceration End Date	Total Days Incarcerated

Address	City	State	ZIP Code

IV. Contact Information

Telephone Number #1	Phone Type	Telephone Number #2	Phone Type

The following email/internet information is only collected for those with offenses committed on or after **July 1, 2011**. For each account enter either "Email", followed by the full email address, or enter the name of the internet identifier, followed by the username or screen name

Email/Internet Identifier #1	User/Screen Name	Email/Internet Identifier #2	User/Screen Name
Email/Internet Identifier #3	User/Screen Name	Email/Internet Identifier #4	User/Screen Name
Email/Internet Identifier #5	User/Screen Name	Email/Internet Identifier #6	User/Screen Name

V. Alias(es)

List All Aliases

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VI. Scars/Marks/Tattoos (SMT)

SMT Type #1	SMT Location	SMT Description	SMT Type #2	SMT Location	SMT Description
SMT Type #3	SMT Location	SMT Description	SMT Type #4	SMT Location	SMT Description

VII. Employment Information

Employer Name	Employer Address	County	Volunteer ☐ Yes ☐ No	Start Date
Employer Name	Employer Address	County	Volunteer ☐ Yes ☐ No	Start Date

VIII. Campus

Campus Name	Campus Address	County	Start Date

IX. Vehicle(s) (as defined under MCL 257.79)

Make	Model	Style	Color	Year	License	State VIN
Make	Model	Style	Color	Year	License	State VIN
Make	Model	Style	Color	Year	License	State VIN

X. Mobile Home (s)

Make	Model	Style	Color	Year	License	State VIN

XI. Offense Information

Offense Date #1	Crime Code and Description	Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details						
Offense Date #2	Crime Code and Description	Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details						
Offense Date #3	Crime Code and Description	Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details						
Offense Date #4	Crime Code and Description	Counts	Victim Age	Conviction State	Conviction Date	Case Number
Offense Details						

XII. Registration Fee

Balance Owed	Fee Paid	Collecting Agency	Indigent ☐ Yes ☐ No	Date Paid

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EXPLANATION OF DUTIES TO REGISTER AS A SEX OFFENDER

Each duty on this list is followed by the specific section of Michigan Complied Law (MCL) which requires that specific duty.

1. I am required by law to register as a sex offender. Failure to register as required by law is a felony and may result in prosecution under Michigan Compiled Law (MCL) 28.729(1).
   a. If I am a Tier I offender, I must register for 15 years. MCL 28.725(11)
   b. If I am a Tier II offender, I must register for 25 years. MCL 28.725(12)
   c. If I am a Tier III offender, I must register for the remainder of my life. MCL 28.725(13)
   d. I understand my registration period excludes all period(s) of incarceration. MCL 28.725(14)
2. I am required to sign the required registration form(s). Failure to sign the required registration form(s) is a misdemeanor and may result in criminal prosecution.
3. If I am required to register because of a conviction in another state, my registration, verification requirements and/or duration may differ from what is listed on this form or that of the convicting state. If the "Next verification month" listed on page 1 of this form is blank, please contact the MSP SOR Unit at (517) 241-1806 four weeks after receipt of this form for additional information.
4 I am required by law to verify my address by reporting in-person and providing proof of residency at a local law enforcement agency, sheriff's office, or Michigan State Police post that has jurisdiction over my residence. Failure to verify my address as required by law is a misdemeanor and may result in prosecution.
   a. If I am a Tier I offender, I am required by law to verify my address once every year during my month of birth. MCL 28.725a(3)(a)
   b. If I am a Tier II offender, I am required by law to verify my address twice each year according to the following schedule: MCL 28.725a(3)(b)

Birth Month	Reporting Months	Birth Month	Reporting Months
January	January and July	July	January and July
February	February and August	August	February and August
March	March and September	September	March and September
April	April and October	October	April and October
May	May and November	November	May and November
June	June and December	December	June and December

   c. If I am a Tier III offender, I am required by law to verify my address four times each year according to the following schedule: MCL 28.725a(3)(c)

Birth Month	Reporting Months	Birth Month	Reporting Months
January	January, April, July, and October	July	January, April, July, and October
February	February, May, August, and November	August	February, May, August, and November
March	March, June, September, and December	September	March, June, September, and December
April	January, April, July, and October	October	January, April, July, and October
May	February, May, August, and November	November	February, May, August, and November
June	March, June, September and, December	December	March, June, September and, December

5. Upon registering as a sex offender, I am required by law to provide the following information:
   a. My legal name and any aliases, nicknames, tribal names, ethnic names, and any other name by which I have been known. MCL 28.727(1)(a)
   b. My social security number and any social security numbers or alleged security number that I have previously used. MCL 28.727(1)(b)
   c. My date of birth and any alleged dates of birth that I have previously used. MCL 28.727(1)(c)
   d. The address where I reside or will reside. If I do not have a residential address, then I must provide the location that I use in lieu of a residence. If I am homeless, then I must provide the name of the village, city, or township where I spend or will spend the majority of my time. MCL 28.727(1)(d)
   e. The name and address of any temporary lodging used or to be used when I am away from my residence for more than seven days. MCL 28.727(1)(e)
   f. The name and address of each of my employers. "Employers" includes contractors. If my employment location is not in a fixed location, then I must provide the general areas where I work and the normal travel routes that I take while working. MCL 28.727(1)(f)
   g. The name and address of any school that I attend or that has accepted me if I plan to attend. MCL 28.727(1)(g)
   h. All telephone numbers registered to me or used by me, including, but not limited to, residential, work, and mobile telephone numbers. MCL 28.727(1)(h)
   i. All electronic mail (email) addresses and internet identifiers registered to me or used by me. *This section only applies to individuals with offenses committed on or after July 1, 2011*. MCL 28.727(1)(i) (Internet identifiers means all designations used for self-identification or routing in internet communications or posting. MCL 28.722(g))
   j. The license plate number and description of any vehicle that I own or operate. MCL 28.727(1)(j)
   k. My passport and all other immigration documents that I may have. MCL 28.727(1)(l)

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l. All occupational and professional licensing information that I may have. MCL 28.727(1)(m)

6. During my verification periods, I am required by law to review all of my registration information for accuracy. MCL 28.725a(4)
7. I am required by law to report in person not more than three business days after to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence, all of the following:
   a. My new address after changing or vacating my residence within the state of Michigan. If I am homeless or lack a fixed or temporary residence, I am required by law to provide the village, city, or township where I spend the majority of my time. MCL 28.725(1)(a) and MCL 28.727(1)(d)
   b. The name and address of my employer upon obtaining, changing, or discontinuing employment, including volunteer work. MCL 28.725(1)(b)
   c. The name and location of the school upon enrolling or discontinuing enrollment at an institution of higher learning. MCL 28.725(1)(c)
   d. My new name upon changing my name. MCL 28.725(1)(d)
8. I am required by law to notify in person a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence not more than three business days before if I change my residence to another state. I shall indicate the new state and, if known, the new address. MCL 28.725(7)
9. If I am not a resident of the state of Michigan but my place of employment is in Michigan, I am required by law to report, not more than three business days after a change of my place of employment or the discontinuation of my employment. MCL 28.725(3)
10. I am required by law to report, not more than three business days after the change, by first class mail to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence, all of the following:
    a. My temporary address and dates of travel if I intend to temporarily reside at any place other than my residence for more than seven days. MCL 28.725(2)(b) and MCL 28.727(1)(e)
    b. Any electronic mail (email) addresses and internet identifiers registered to me or used by me. *This section only applies to individuals with offenses committed on or after July 1, 2011*. MCL 28.725(2)(a)
    c. The license plate number and description of any vehicle that I own or operate. MCL 28.725(2)(a)
    d. All telephone numbers registered to me or used by me, including, but not limited to, residential, work, and mobile telephone numbers. MCL 28.725(2)(a)
11. I am required by law to provide my new or temporary address by reporting in person to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence 21 days prior to traveling to another country for more than seven days or changing my residence to another country. Failure to report this information is a felony and may result in criminal prosecution. MCL 28.725(8).

    Additionally, I am required by federal law to report in-person to a local law enforcement agency, sheriff's office, or Michigan State Police post having jurisdiction over my residence 21 days before any international travel to provide anticipated travel dates, places of departure, arrival, or return, method of travel, the destination country and address. Failure to report this information is a crime and may result in prosecution. 34 USC 20914(A)(7); 28 CFR 72.6(d)
12. The Michigan Department of Corrections may not release me until I provide the address of my proposed place of residence. A county jail located within Michigan will not release me until I provide the address of my proposed place of residence. MCL 28.725(4) and MCL 28.725(5).
13. I am required by law to maintain either a valid Michigan operator's or chauffeur's license or Michigan personal identification card with a digitized photograph. This card may be used as proof of residency. *This does not apply to an individual required to be registered under this act who is homeless as outlined in MCL 28.725a(7)*.

    Other proof of residency may be required, such as a voter registration card, utility bill, or other bill. Unless otherwise specified by law, my digitized photograph will be included on the public sex offender registry website. Failure to maintain the proper identification is a misdemeanor and may result in criminal prosecution. MCL 28.725a(7) and MCL 28.725a(8)
14. I am required by law to pay a $50.00 registration fee at the time of my initial registration and annually following the year of initial registration. The payment of the annual registration fee shall be paid at the time I report during the first verification reporting month for me unless I elect to prepay the annual registration fee for any future year for which an annual registration fee is required. Prepaying my annual registration fee does not change or alter my reporting requirements as detailed in section 3 above. The sum of the amounts paid under this section shall not exceed $550.00. If I am determined to be indigent by the collecting agency, this fee will be temporarily waived for 90 days. Failure to pay the registration fee is a misdemeanor and may result in criminal prosecution. MCL 28.725a(6) MCL 28.724a(5), and MCL 28.725b(3)
15. I am required by law to have my fingerprints and palm prints taken if they are not already on file with the department of State Police. Those fingerprints and palm prints will be forwarded to the Federal Bureau of Investigation if they are not already on file with the Federal Bureau of Investigation. I must be reprinted if my fingerprints or palm prints were expunged and/or returned to me. MCL 28.727(1) (q)
16. It is a felony to knowingly provide false or misleading information concerning a registration, notice, or verification, and doing so may result in prosecution. MCL 28.727(6)
17. I acknowledge that I have read the above requirements and/or had them read to me.

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Your next verification month is: **Registration Number:**

PLEASE READ CAREFULLY BEFORE SIGNING

I have reviewed my registration information and have verified the information is accurate and complete. I understand that willfully failing to comply with the requirements of the Sex Offenders Registration Act or knowingly providing false information is a crime and may result in criminal prosecution.

I acknowledge that I have been provided a written notice explaining my registration duties. I have read the above requirements and/or had them read to me and I understand my registration duties.

SIGNATURES

Signature of Offender	Signature of Notifying Official
Signature of Parent, Legal Guardian, or Power of Attorney, if applicable	Printed Name of Notifying Official
Date	Notifying Agency

SUBMIT COMPLETED FORM VIA MAIL TO:

Michigan State Police
Sex Offender Registry Unit
P.O. Box 30634
Lansing, MI 48909-0634

OR

FAX To: 517-241-1868