GA v. Lacy Boles - Day 8

(9:49 - 10:45)

I've got a, I've got a trap. Well, if you want another cage, I'll bring it. The clerk and court reporter are going through the exhibits, trying to organize them in some way.

(10:46 - 10:58)

I don't know if y'all need to do that before your argument, but now's your chance if you want to. Yeah, yes, I would like to do that. I was understood that there would be files in there.

(10:59 - 11:06)

Okay, let them finish that first. Thank you, Judge. And Your Honor, can I ask a question? Yep.

(11:07 - 11:34)

This is not on the record, correct? These are not on the record. Okay, thank you. If the prosecutor is not using it, or if they are using it, can I use the verdict form or a copy of it, as well as the bill of indictment? Well, that's a good issue to raise, because do you have the verdict form? We've prepared one, but I'm not sure if this is the best way to do it.

(11:35 - 12:22)

Can y'all come up and get a copy, and then we can talk about that? Thank you. I guess where I'm focusing is under Count 1, should there be an instruction to only proceed to the lesser included if they find the defendant not guilty? So y'all may have some thoughts about that. I know we're off the record, but can we talk? Sure.

(12:24 - 13:14)

Your Honor, on the proposed verdict form, we would like – we have no problem with the way it is, except Count 2 should also be the lesser included if the defendant doesn't have it. I believe that Count 2 would also apply to the voluntary manslaughter, not just malice murder. All right, and you're comfortable with it the way it is.

I guess there's some chance they come back guilty on malice murder and the lesser included. Yeah. The way it is here, you're fine with that? Yeah.

(13:14 - 13:40)

Okay. Yes, we are. Yes, sir.

(13:40 - 14:03)

I think there would be some kind of guidance to the jury so they know that the lesser included involuntary manslaughter is – you can't really pick and vote. I don't think you can do that. I guess if they came back guilty on both, then the lesser included would go out the window.

(14:04 - 14:10)

Well, or maybe not. It goes the other way. You have to send it to the lesser of the charges.

(14:11 - 14:46)

So they need to know that these are independent and that the felony murder – I don't understand how that is a lesser included. It's felony murder, and you have malice murder. They're not – the sentences are the same.

They're not the lesser included. So I don't understand Mr. Steele's argument with regard to that. And I can just see that if the jury thinks they can find guilty of malice murder and involuntary manslaughter, you've got a problem.

(14:47 - 15:02)

And they need to know that they need to reach verdicts. They need to consider all of them, and then they need to arrive at a verdict. But they can't arrive at a verdict where it is malice murder and involuntary manslaughter.

(15:05 - 15:33)

And that they can decide that it's felony murder also. I've seen an instruction many times before where it was saying if you do not believe the state has proven beyond a reasonable doubt that the defendant is guilty of malice murder, but you do believe that the state has proven beyond a reasonable doubt that the defendant is guilty of involuntary manslaughter, you may find you're authorized to be the convictor of that or something along those lines. It kind of indicates that it's an either-or, because I agree with Mr. Cole.

(15:33 - 16:29)

I think the court would be constrained to say that's under arrest. Yes, sir. You give that instruction.

It's on page 10, 12, 16011. It's in the center of that page. That is the language, but I would ask that it be included in the verdict form.

(17:05 - 17:36)

Well, I tend to agree with the state on that. So if you were writing the verdict form, it would say what? Well, it would just take the language from 1.60.11 on page 10. If you do not believe beyond

a reasonable doubt that the defendant is guilty of malice murder, but you do believe beyond a reasonable doubt that the defendant is guilty of involuntary manslaughter, lawful act in an unlawful manner, then you would be authorized to find the defendant guilty of involuntary manslaughter in the form of your verdict.

(17:36 - 18:03)

So just mimicking that language, I think, on the verdict form would be helpful to the jury. As you know, they're going to get 12 pages of instructions that could get kind of lost in that. I was thinking of something a little more simple, like if you find the defendant not guilty on count one, you may consider count two.

(18:03 - 20:49)

You've got to be careful on that. And the state's position is that the involuntary manslaughter cannot be a lesser included of count two? Yes, Your Honor. I'm just feeling like count two is just standard if you committed a felony.

(20:49 - 21:13)

And if you intentionally committed a felony and it causes death and that's felony murder, how can it be an involuntary act as a lesser to count two? It just doesn't make any legal sense to me. Disagree with that, Mr. Steele? Yes, I do. You want to convince me? Let me get you this.

(21:13 - 21:15)

Sorry? Let me get you this. Okay. Thank you, Your Honor.

(21:23 - 21:40)

Your Honor, while he looks for that case, can I ask, Your Honor, if the jury will be provided the indictment and the charges in the jury? Typically, I send the indictment back. And then the jury charges a copy of the charges? Yes. Thank you.

(21:48 - 21:57)

All right. Let's take ten minutes and then you all can see if you can find me a case and you all can get your exhibits together before we go on. Thank you, Your Honor.

(1:08:05 - 1:08:13)

Good morning. If you have anything else you wanted to give me, I think I figured it out. But if you have any case, I'll look at it.

(1:08:13 - 1:08:21)

I gave them the case and then gave this statement. He said that they agree or don't want to fight it or whatever you want to call it. All right.

(1:08:21 - 1:08:37)

Yeah. I looked at some case laws when all the federal cases and it appears to be, although it may not seem counterintuitive at some point, but I will agree that I'm not. I'll do it.

(1:08:38 - 1:08:49)

And then I'm going to add language after. Well, we'll just redo it. So we're going to add that as a lesson included in count two and we'll use the same language.

(1:08:50 - 1:09:14)

And the language I came up with is if you do not believe me on a reasonable doubt that the defendant is guilty of malice murder, please proceed to a voluntary manslaughter. Well, I don't think we need the hypotheticals in the verdict form where it says lawful act and unlawful measure. There's really no reason to have that in the verdict form.

(1:09:14 - 1:09:23)

So we'll do the same thing under count two. So we all know now what it's going to look like. And it'll be.

(1:09:24 - 1:09:38)

Do you actually want it in hand when you're arguing? Mr. Steele? You do? Your Honor, can I just make an announcement to Your Honor? Sure. I'm not saying I heard it. I didn't even read it.

(1:09:39 - 1:09:48)

I'm not saying I read it. But the way I heard it, it sounds to me like an improper sequential charge. You know, jurors can deliberate any way they want.

(1:09:48 - 1:10:14)

And it seems like where you are instructing them, we don't believe that misdemeanors of guilty of malice murder or felony murder can proceed to the other one. I just want to raise that to the court. I thought the problem with the sequential charge was, Your Honor, the court said you have to find the defendant unanimously not guilty before we can consider the lesser included.

(1:10:15 - 1:10:19)

And I'm trying to understand that. That's true. Counselman and Cantrell, you are correct.

(1:10:20 - 1:10:40)

And, Stuart, you are correct. What I heard sounded like, you know, if you – basically, if you acquit, maybe I – Well, here's what I came up with, and I took Haines to a way of telling him what I was supposed to tell him. And here's what I came up with.

(1:10:41 - 1:11:01)

If you do not believe, beyond a reasonable doubt, that the defendant is guilty of malice murder, please proceed to the voluntary manslaughter below. So I'm not telling them they have to unanimously agree that the defendant is not guilty. And I thought that by doing that, I was being safe.

(1:11:04 - 1:11:12)

I will – I would maintain my suggestion. But I just wanted to let the court know that that is my concern. All right.

(1:11:13 - 1:11:17)

That's what I intend to do. Do you want to talk me out of that? No, Your Honor. No? Okay.

(1:11:18 - 1:11:28)

And then, Your Honor, can we use – I think I asked that. Can we use the indictment and the verdict form to discuss with the jury? Yes. Yes.

(1:11:28 - 1:11:41)

So here's the verdict form, and I'm going to – We're going to change that later. I'll let you all take a look at it. I know we're starting about an hour late, but there always seems to be some last-minute issue.

(1:11:43 - 1:11:56)

So that's for you all. Would you like to have that? And then you have copies of the jury instructions. Yes.

(1:11:56 - 1:12:22)

That raises another question. Do we now have to change the jury instructions because we've changed the verdict form, or are you content to leave it like it is? Because in the jury instructions, it specifically references count one and then says if you do not find, so – We need to include this, too. Yes, I agree with that.

(1:12:22 - 1:12:25)

Okay. You don't have to count two. All right.

(1:12:25 - 1:12:52)

Here's the indictment for your use if you want it. We will now amend the jury instructions to mimic what we did in count one, but we're going to do it with count two. And then, Your Honor, on page two of the proposed verdict form, I think that the court has in mind, can you do the same thing where there's a space for the lesser included? It gives an instruction, but it doesn't give a place to find a not guilty or guilty.

(1:12:54 - 1:12:59)

You get that? Yes. Okay. So can I not use – I want to show you something wrong.

(1:13:00 - 1:13:12)

All right, we'll – Put this away. Yeah, you can throw that away or I'll hand it back, whatever, and we'll redo it. Your Honor, while that's being done, can I just go to the bathroom real quick? Sure.

(1:13:13 - 1:16:15)

Thank you. Thank you. In regard to the language that you suggested, if they don't find it malicious, please consider – I don't think I need the word please.

(1:16:15 - 1:16:20)

You should put the word consider. I would take the word please out and request that. Okay.

(1:20:14 - 1:20:31)

All right, I have available for you revised jury instructions and verdict forms. Yes, sir, please. Thank you, sir.

(1:20:31 - 1:21:22)

You're welcome. I'm going to strike the parenthetical lawful act in an unlawful manner or whatever it says. That's going to come out.

(1:21:23 - 1:21:29)

I appreciate that. Okay. All right, so that's being prepared as we speak.

(1:21:30 - 1:21:39)

Other than that, are you all ready? We are. Can I just put back a couple of exhibits? Sure. You're

a clerk, so – I mean a court clerk, excuse me.

(1:22:06 - 1:22:22)

Your Honor. Yes, sir. In the jury charge on page 8 of 12, would Your Honor the court also consider in the center of page 21045 to strike lawful act in an unlawful manner? Yes.

(1:22:24 - 1:22:42)

We'll change that. Thank you, sir. Also on page 10 of 12, Your Honor, of the jury charge.

(1:22:42 - 1:22:46)

Mm-hmm. Lesser good offense. Yes, sir, Your Honor.

(1:22:47 - 1:22:51)

Two cases. Three cases. Detached in three different lines.

(1:22:52 - 1:23:14)

Got it. So. You'll tell me when you're ready.

(1:23:15 - 1:23:28)

All right, can we use the indictment? Right here. Okay. Reprinting.

(1:23:29 - 1:23:32)

Okay. Thank you. May I approach the court, Your Honor? Sure.

(1:23:33 - 1:23:36)

May I approach? Yes. I'm giving back. I took it before.

(1:23:51 - 1:24:42)

All right, there's revised verdict, of course. May I approach, Your Honor? You may. Try it away.

(1:24:42 - 1:24:44)

You ready? Yes, Your Honor. Thank you. Okay.

(1:24:45 - 1:25:54)

All right, we will have the jury. Good morning, ladies and gentlemen. Welcome back, and thank you for your patience as we work through some final issues the court had to address.

(1:25:54 - 1:26:12)

At this point, I'm going to invite the state to make a closing argument. Thank you, Your Honor. May it please the court, Your Honor.

(1:26:15 - 1:26:27)

Ladies and gentlemen of the jury. Thank you. We've been considering the case of State of Georgia v. Lacey Jody Bowles here in Paulton County for the last several weeks.

(1:26:27 - 1:26:45)

And something the judge said yesterday actually was on my mind as I tried to decide right now what to say to you this morning. And something the judge said is he said, we're almost to the finish line. Do you remember him saying that yesterday evening? He said, we're almost to the finish line.

(1:26:45 - 1:27:01)

We're almost there. And it kind of stuck in my mind, but I thought what the judge, Judge Bucci, the Honorable Judge Bucci, what he didn't say was what kind of race we've all run together. What kind of race this has been, all of you and all of us.

(1:27:03 - 1:27:18)

Now, sometimes it might feel like a marathon. It's been a marathon, and we're almost to the finish line because it's been weeks, and we've been talking about all this evidence, and we've seen all these people, we've seen all these exhibits, this testimony. So sometimes it feels like it's a marathon, and we're almost to the finish line.

(1:27:20 - 1:27:36)

But sometimes I feel like it's maybe more like a cross-country race, off-road type of, in the woods. There were peaks in the trial where cross-country course might go off track. It's not a flat surface, so there were peaks in the trial, and there was valleys in the trial.

(1:27:36 - 1:27:57)

At 7.30 at night, we're here listening to this stuff, and it's not easy. So there were peaks and valleys, and maybe it's more like a cross-country race, but we're almost to the finish line. But then I thought the most, probably the most, the closest, most after correct analogy is really it's like a relay race.

(1:27:59 - 1:28:18)

Like the 4x100 relays. Because the baton is about to be passed to you. We're almost to the finish line, that's true, but the baton has to be passed to you.

(1:28:20 - 1:28:53)

The lawyers will sit down, and the lawyers will be quiet for once. That's rare, but the lawyers will be quiet and won't speak or argue anymore. Lawyers will be done.

My job's about to be over. Last time I'll speak with you, and the baton passes to you. And then it's your responsibility.

It's on you. And you have to decide and reach a verdict unanimously among you twelve. And that's your civic duty.

(1:28:53 - 1:29:00)

You know, we use that term as well, civic duty. Jury service is your civic duty. It's not called a civic opportunity.

(1:29:01 - 1:29:11)

It's not called a civic vacation or a civic undertaking. It's a duty. It's not going to be easy.

(1:29:11 - 1:29:26)

But like Kennedy said, we put it on you, not because it's easy, but because it's hard. We don't ask you to go through that deliberations door for the last time because it's easy. That's why it's a duty.

(1:29:27 - 1:29:33)

You're being asked to do that because it's hard. But you can do it. No one but you can do it.

(1:29:40 - 1:30:06)

I want to go back to when Judge Bucci, the Honorable Judge Bucci, when he was talking about what qualifies jurors to sit on this case, way back at the beginning of the case, when he was asking me some qualifying questions, some basic questions, to find out who was qualified to serve on the jury. There are basic statutory-type legal questions that are asked of you, just to see if you're even qualified from a minimal level. This was before the lawyers asked you questions, before voir dire.

(1:30:06 - 1:30:26)

This is the minimal to see if you're even qualified to serve on a jury in this county, in this case. And one of the questions Judge Bucci asked was, is everybody here a resident of Paulding

County? You remember him asking that? Is everybody a resident of Paulding County? Is anybody here not a resident of Paulding County? Please raise your hand. And the Honorable Judge Bucci, for the court reporter, said, on the record, I see no hands.

(1:30:26 - 1:30:41)

Looks like everybody's a resident of this county. Now think about that for a minute, I'd ask you, please. Why is that important? This case has to be tried, like every case in this state, in the county in which the crime occurred.

(1:30:43 - 1:31:04)

And that has to be proven beyond a reasonable doubt to you, the jury, that this venue, that the location of this crime occurred in Paulding County. But why is that? Because, ladies and gentlemen of the jury, you have the biggest stake in what happens in this county. This is your county, your community, our community.

(1:31:05 - 1:31:18)

This is where we live. So we don't bring people from Fulton County in to hear matters like this. We don't bring jurors in from Richmond County or Whitfield County or Lowndes County or Marion County.

(1:31:18 - 1:31:34)

We don't bring people from afar to settle our disputes. We don't bring foreign-location people, foreign residents, in to hear our disputes in court. We bring our citizens in, Paulding County residents.

(1:31:34 - 1:31:50)

And that's why it's like that. Because this may be the most hands-on, actual ability that you have to serve your community. Even higher than voting, because you'll take this evidence, you'll consider it, and you'll arrive at a verdict.

(1:31:50 - 1:32:01)

So this is your most hands-on form of government in which you, 12 people, may participate in. So we reserve it only for people in Paulding County because you have a stake in this. You live here.

(1:32:02 - 1:32:16)

And it's like that in every county in Georgia. The residents will decide, and you will decide. I want to go through some legal terms with you.

(1:32:16 - 1:32:26)

That's really my primary responsibility here at the first closing argument. You see, the state gets to talk to you twice in closing argument. The defense will only get to talk to you once.

(1:32:26 - 1:32:41)

That may seem unfair at first. Why do you get twice and they get one? Well, it has to do with the burden of proof. The state has the burden of proof in this case to prove the allegations, every essential allegation in the accusation or indictment in this case, beyond a reasonable doubt.

(1:32:41 - 1:32:51)

That burden never shifts to the defendant. She doesn't have to prove anything. But because the state carries that burden, it carries it all the way through the end of the trial, the state gets to talk to you twice.

(1:32:51 - 1:33:14)

My primary responsibility and role in talking to you is to explain some of the legal principles that will guide your deliberations, the legal instructions that Judge Bucci will give you that will guide your deliberations in this case. It will guide you as you walk through the jury room door for the final time to discuss the case amongst yourselves. This is the indictment.

(1:33:14 - 1:33:24)

You'll have a copy of the indictment back there with you. It should look like this. As you know, the defendant, Lacey Bowles, charged with three counts.

(1:33:24 - 1:33:35)

One is malice murder, two felony murder, and three aggravated assault. And this will be back there with you if you need to take notes or write things down real quick. You'll have the indictment in the jury room.

(1:33:36 - 1:33:52)

But we'll go through it a little bit. It says, it alleges that on the 22nd day of December 2019 that this defendant, with malice aforethought, did cause the death of Daniel Akers, a human being, by shooting him in the head. It's a statute number.

(1:33:53 - 1:34:08)

In violation or contrary to the laws of the said state of Georgia, the good order of peace and dignity thereof. Count two, a little bit different charge. This is felony murder, same date, obviously,

December 22nd, 2019.

(1:34:08 - 1:34:35)

It alleges that this defendant did, while in the commission of a felony, being aggravated assault, did cause the death of Daniel Akers, a human being, by shooting him in the head. Finally, count three is that aggravated assault count upon which count two is predicated. And it's aggravated assault, same day, obviously, December 22nd, 2019, that this defendant did make an assault upon the person of Daniel Akers with a deadly weapon.

(1:34:36 - 1:34:51)

Obviously, the weapon in the box there, a high standard sentinel .22 caliber pistol. And she did make that assault upon him by actually brandishing it and shooting him. So those are the charges you'll have to consider in the case.

(1:34:54 - 1:35:16)

Some of the law that governs those charges, I want to go through it with you. In order to prove malice murder, the state carries a burden to prove that the defendant caused the death of another person, that's Daniel Akers. Unlawfully, the state must prove that for malice murder that she caused that death unlawfully and with malice of forethought.

(1:35:18 - 1:35:26)

I'd ask that you consider those principles. And you'll have these instructions. They're called jury charges, but really all they are is instructions to you, directions.

(1:35:26 - 1:35:45)

You'll have a copy of those back in the jury room as well. So if you miss any of these or you need to have clarification on any of these principles, they'll be in the jury room for you. In order to prove malice murder, the state has to prove beyond a reasonable doubt that the killing must have been done with malice, that the life was taken with malice.

(1:35:46 - 1:35:57)

But malice is not a long-term premeditation. It's not some grudge or some beef necessarily that had been going for a long time. Malice can be formed in a moment, in a moment or an instant.

(1:35:58 - 1:36:12)

And you'll be told that by the judge. Malice is not necessarily ill will or hatred. The state need not prove for malice murder that there was some long-term ill will or hatred amongst the parties, just that malice was formed in a moment or an instant.

(1:36:13 - 1:36:28)

If you believe that, and you believe that's been proven beyond a reasonable doubt, you may convict. You're authorized to convict of malice murder. Malice murder, boiled down to its simplest terms, is the unlawful intent to kill.

(1:36:28 - 1:36:47)

Malice is the unlawful intent to kill. If you believe that it's been proven beyond a reasonable doubt that this defendant formed the unlawful intent to kill and did kill, take the life of Daniel Akers, then you'd be authorized to convict on that charge. So how is malice proven? It can be proven in many different ways.

(1:36:47 - 1:37:16)

How do you prove the unlawful intent to kill? Well, you can find malice when the circumstances show that the defendant acted with the deliberate intention to unlawfully take the life of another person, that being Daniel Akers. That's how it's proven. Shooting an unarmed man without justification in his basement or playroom at 83 Brimel Court, that would be an example of a deliberate intention to unlawfully take the life of Daniel Akers.

(1:37:20 - 1:37:45)

You may also find malice when there does not appear to be significant provocation and all the circumstances of the killing show an abandoned and malignant heart. That's what the law says about malice murder. Again, premeditation not required.

Malice can be formed in an instant. There's no length of time required for malice to arise in the defendant's mind. It can be formed in a moment, a snap of a finger, an instant.

(1:37:47 - 1:38:22)

If the killing was done with malice, it's malice murder no matter how briefly the malicious intent existed. So if a malice was formed in just a moment and the act was undertaken and the life was taken, the life was ended unlawfully, then that would be malice murder. So long as malice is in the mind of the defendant at the time of the killing and moved the defendant to do it, you believe that's been shown beyond a reasonable doubt and is sufficient to authorize you to convict this defendant of malice murder and count the money.

(1:38:26 - 1:38:34)

Proof of motive. The judge is going to advise you in this case the state need not show a motive. You don't have to show why this defendant murdered her husband.

(1:38:34 - 1:38:48)

We have no duty to show you or prove beyond a reasonable doubt or any doubt. We have no burden of proof at all to show you some evidence of motive in this case. After I speak, Mr. Steele will speak, Mr. Cole will speak at the end.

(1:38:49 - 1:39:01)

He'll talk to you about motives. He'll talk to you about some of the evidence that's come forward to show a motive. But I'm just telling you as far as what the judge is going to instruct you on, it's important to keep in mind that the state has no burden of proof to show any motive whatsoever.

(1:39:06 - 1:39:19)

So there's count one again, malice murder. The defendant did cause the death on December 22, 2019, of Daniel Akers, a human being, by shooting him in the head in violation of the statute there. Count one.

(1:39:26 - 1:39:32)

Moving on to count two, felony murder. That's count two. For felony murder, it's a little bit different.

(1:39:32 - 1:39:38)

The state has to show that the defendant, and I shouldn't say individually reporting to the crime there. There's only one defendant. I apologize for that.

(1:39:39 - 1:40:03)

But it says for felony murder, the state must prove that the defendant caused the death of another person by committing a felony. So if this defendant, if you believe beyond a reasonable doubt, she caused the death of Daniel Akers by committing aggravated assault, pointing a gun at him and shooting him, you're authorized to convict on count two. Now, something different than malice murder.

(1:40:03 - 1:40:18)

With felony murder, felony murder can occur without malice. So there need not be malice at all with felony murder, just the intent to commit the act, which is a felony, and that causes the death of Daniel Akers. A little bit confusing, so you will have it back there with you.

(1:40:18 - 1:40:42)

If this defendant, if it has been shown to you beyond a reasonable doubt and proven that this

defendant purposely committed an act, which is a felony, like aggravated assault, and that act, shooting the man, caused his death, that's felony murder. Commission of a felony, purposeful commission of a felony, and the commission of that act caused the death, that would be felony murder. That doesn't require showing malice at all.

(1:40:44 - 1:41:03)

State need not, a little bit different here again, state need not prove a deliberate intent to kill, merely the intent to commit the act that was a felony, and that that act, the commission of it, caused his death. So again, a little bit different. Be sure to consult the judge's jury instructions when you're back there.

(1:41:03 - 1:41:32)

State need not show a deliberate intent to kill here on count two, but merely the intent to commit the act, which was a felony, aggravated assault, and the commission of that act resulted in the death of Daniel Akers. Commission of the aggravated assault plus a death occurred, that's just the simplest terms. Commission of a felony, aggravated assault in this case, a death occurred, no matter what the intention was, without malice, and that would be felony murder in this case.

(1:41:33 - 1:41:50)

Count two, December 22nd, 2019, this defendant did commit felony murder, the offensive felony murder. During the commission of aggravated assault, the commission of that crime caused the death of Daniel Akers, a human being. And there's the statute number there, so that's count two.

(1:41:50 - 1:42:16)

Moving on, finally, count three, aggravated assault. Luckily, this is the simplest count, aggravated assault, that it is alleged that this defendant assaulted another person, Daniel Akers, obviously, by placing him in reasonable fear that he was going to receive a violent injury through the use of a deadly weapon. In this case, the pistol, the high-standard Sentinel pistol, the .22 caliber pistol, is a deadly weapon.

(1:42:17 - 1:42:41)

Assault occurs, again, when a person attempts to commit a violent injury or cause a violent injury, or commits an act that places Daniel Akers, in this case, in reasonable apprehension of him receiving, immediately, a violent injury. So the brandishment and the shooting of the pistol by this defendant would be aggravated assault on Daniel Akers in count three. Actual injury is not required.

(1:42:41 - 1:43:11)

We know that actual injury was inflicted here. Obviously, it is moral injury that was inflicted here, and we know that a firearm, such as what's in the box there, States 173A, is a deadly weapon. Again, brandishing, in fact, shooting Daniel Akers, brandishing the high-standard Sentinel .22 caliber pistol, brandishing it toward him, and then by, in fact, shooting him, is placing him in fear of receiving a violent injury.

(1:43:11 - 1:43:21)

In fact, it was a fatal injury in this case. That is aggravated assault. And that's count three.

(1:43:21 - 1:43:43)

On December 22, 2019, in Paulding County, a location in Paulding County, that this defendant did make an assault on Daniel Akers with a deadly weapon, a firearm, a revolver, by shooting him in the head. There's some other important legal principles I wanted to talk to you a little bit about. The judge will go over these too.

(1:43:43 - 1:43:53)

I mentioned this briefly to you. The state's required to prove to you, beyond a reasonable doubt, that this crime was committed in Paulding County. Kind of give you the background about why that is.

(1:43:53 - 1:44:06)

And that's why you would see Mr. Cole and I ask a lot of witnesses. Kind of wouldn't make a lot of sense, but we would ask every witness in succession, what county is that in? 83 Brain Mill Court. Do you know what county that's in? And that's why we have to do that.

(1:44:06 - 1:44:19)

We have to prove, beyond a reasonable doubt, that this crime occurred in Paulding County. And I hope you'll see that we've done that, that it obviously was committed at 83 Brain Mill Court. Several witnesses said it happened in Paulding County, but that's why we do that.

(1:44:20 - 1:44:30)

Identity. State of Georgia, through us, the prosecutors, we have to prove that this is the Lacey Jolie Bowles that committed the act. There's not a whole lot of dispute about that.

(1:44:31 - 1:44:52)

Several witnesses, if you remember when we said, do you see that person in this courtroom? What are they wearing? Where are they seated? And several witnesses would say, well, it's that lady over there in the black sweater or something. And we would say, can we please have the

record reflect that the witness has identified the defendant? That's why we do these things. It may not make sense at the time, but hopefully it makes sense now.

(1:44:52 - 1:45:04)

It's because we must prove beyond a reasonable doubt that it was this defendant, Lacey Jolie Bowles, who committed that crime. And we're required to prove that. Intent.

(1:45:04 - 1:45:15)

Intent is an essential element of any crime. Intent can be shown in several ways. Intent may be inferred from the proven circumstances or by the acts and conduct of a person.

(1:45:16 - 1:45:27)

Intent may also be inferred when it is the natural and necessary consequence of an act. Intent can be shown that way as well. Intent does not necessarily... It's very important.

(1:45:27 - 1:45:47)

Intent does not necessarily mean an intent to violate a law. We need not show as the state beyond a reasonable doubt or any doubt at all, beyond any doubt, that this defendant intended to violate a statute. We merely must show to you beyond a reasonable doubt that she intended to commit the act that ended up being a violation of the statute.

(1:45:48 - 1:46:04)

The act is prohibited by law, and that she purposely or voluntarily, willfully, intentionally undertook that act. And that's how intent can be shown. Something very important in this case is direct evidence and circumstantial evidence.

(1:46:05 - 1:46:27)

Direct evidence is what was seen, heard, sensed, and said, what a witness may have said they saw, heard, sensed, said, what they said specifically, directly, on the witness stand, or what a photograph may directly show in this case. Circumstantial evidence is a little bit different. Those are facts which may be proven by inference.

(1:46:28 - 1:46:57)

Facts which may be proven by inference. It's kind of a rainy kind of morning this morning. It kind of started out kind of rainy and drizzly, and something that I'll use to differentiate these two evidentiary types is if you're coming in the courthouse, it's dry, you see the concrete out there in the front as you're making your way from your car, and it's dry, but it kind of looks cloudy, the wind in the trees is kind of blowing, the leaves are kind of blowing, it's blustery a little bit.

(1:46:58 - 1:47:09)

You come up here, and you think, well, I better grab an umbrella, it looks kind of like something might happen while I'm in court. You go out for lunch, and everything is wet. All the ground is wet, there's even more leaves, there's puddles.

(1:47:10 - 1:47:32)

Based on what you saw coming into the courthouse that morning, you can deduce that it must have rained while you were inside the courthouse. That's circumstantial evidence. You didn't see it rain, but when you went inside, the wind was breezy, clouds were getting dark, a lot of people had their umbrellas making their way into the door, and when you come out at lunch, it's wet everywhere, it looks like it rained.

(1:47:32 - 1:47:49)

Well, you can infer from the circumstances that it rained, and that's what you can do with circumstantial evidence here. And the thing is, that's very important, here, there's no difference between the two. Now, you see in these old movies, if you watch all these old movies on TV, they got nothing on me, it's all circumstantial.

(1:47:49 - 1:48:16)

And that's horrible, because in reality, circumstantial evidence is just as valuable as direct evidence. Someone can come to you and say, yeah, I was out there in front of the courthouse, it was pouring rain, look at me, I'm soaked, I was in there, and it was pouring rain. There's no difference between that evidence, legally, and your own deduction that I was coming in, it looked rainy, it was blustery, I came out, and it was obviously raining, there's puddles everywhere, it rained.

(1:48:17 - 1:48:28)

There's no difference between those two concepts. So, I'd ask you to remember that as you think about this case. This is very important as well.

(1:48:29 - 1:48:49)

A lot of these concepts are solely for you to decide. The judge can't decide issues like this, the lawyers don't decide issues like this, issues like the credibility of witnesses are for you to decide, and only you, amongst yourselves. You can form an independent opinion about the credibility of a witness, and you can share it with the others as a group.

(1:48:49 - 1:49:06)

But you are to decide the credibility of a witness. You are to decide who will be believed, and who will not be believed, if for some reason you have that somebody should not be believed. When you're judging the credibility of witnesses, you can consider things like bias, motive for testifying.

(1:49:06 - 1:49:36)

You must decide as a jury collectively which witnesses are worthy of belief, and which are not, if you believe some witness is not worthy of belief. You can, in this area, you can decide if a witness supplied an opinion based on being paid to do so, that would be a bias or a motive for testifying. In several expert witnesses in this case, you are to decide what motive those people may have had to come in and give that testimony.

(1:49:36 - 1:49:49)

If any, you deduce from the evidence and the testimony itself. You are to decide the credibility of witnesses. Just a few other legal principles I know the judge will cover for you.

(1:49:49 - 1:49:57)

Sympathy. You cannot base a verdict on sympathy. You cannot base a verdict because you are sympathetic to this defendant.

(1:49:57 - 1:50:09)

You cannot base a verdict because you're sympathetic to Dan Akers or his family members. You cannot do that. You must base your verdict on the evidence and testimony that you've received in this courtroom.

(1:50:10 - 1:50:22)

Sympathy may not play a part in your verdict. You can't show sympathy to either side. We have a decedent here, but we also have a defendant, who's alive.

(1:50:22 - 1:50:36)

You can't show either party sympathy at all. And I mean, you can't show sympathy in basing your verdict. You can have sympathy for whoever you want, but you can't use it to base your verdict.

(1:50:36 - 1:50:51)

That's what the point of the jury instruction is. It is your duty to decide the facts, and that's another thing over which you will have sole control. What is a fact? Just because somebody said something on the witness stand doesn't make it a fact.

(1:50:52 - 1:51:05)

You believe what's a fact and what's not a fact. You have sole authority to decide that. It is your duty to consider the facts, whatever you believe them to be, objectively, without favor, affection, or sympathy to either party.

(1:51:07 - 1:51:21)

You should not be prejudiced for or against either party. No prejudice can be shown either for or against either party in this case. Burden of proof, I've spoken about that.

(1:51:21 - 1:51:33)

The state always has the burden of proof, and it remains at this table on this side of the courtroom. It never shifts to this defendant to prove innocence. She doesn't have to produce evidence, she doesn't have to testify.

(1:51:33 - 1:51:52)

That's her right not to. You can't look down upon her for not testifying because she has no burden of proof. The state has the burden and carries it until the end of this case, until it may overcome the burden by producing evidence satisfactory to you that the elements of the charges have been proven beyond a reasonable doubt.

(1:51:52 - 1:52:05)

That's the state's burden. Your duty in this case, and it is a duty, it's not one that's to be undertaken lightly. I've discussed that.

(1:52:06 - 1:52:36)

I know how sacred the duty is. Your duty is to determine the facts in this case, what happened from the evidence, from the law that the judge gives you that's applied to that evidence, from exhibits, photographs, physical objects or evidence, credibility of witnesses. You must determine the facts also from making a judgment, or you can, you don't have to, but you can determine what were the facts by also including into that equation the credibility of witnesses.

(1:52:37 - 1:52:45)

That's also for your determination only. And finally, testimony. People on the witness stand on the road that gave testimony in this case.

(1:52:45 - 1:53:08)

It's kind of like these are ingredients, you're putting all these together, or you may make use of any or all of these ingredients to go into the middle there to determine the facts, what happened. That's your duty in this case. Again, finally, not to consider things, not to consider sympathy, we

talked about that, prejudice, we spoke about that.

(1:53:09 - 1:53:28)

Public opinion. You can go back in that jury deliberation room and decide this case confidently without fear of public opinion. Your verdict will be respected whatever it may be, you don't have to answer to it, you don't have to explain it to the judge, the lawyers afterward, the public, anybody else, the media.

(1:53:29 - 1:53:48)

Your identities are protected, they're sacred, that protection is sacred, that anonymity is sacred, and you can decide this case without fear of public opinion from any source. And that's, you have the authority to consider a rival verdict without fear or concern for public opinion. You are not to consider punishment.

(1:53:49 - 1:54:19)

If a punishment becomes an issue in the case, the court will take up the issue of punishment. You are not to consider that in any way when you arrive at your verdict. Those are some of the legal principles that I know the judges can talk about that guide you, that will guide you and direct you in your task of deciding a verdict or arriving at a verdict in this case.

(1:54:19 - 1:54:29)

The way I kind of like to look at it is when you go back there, you become, you fly. You become like a filter. You're like a filter.

(1:54:30 - 1:54:55)

All of this evidence and all of this testimony, it has to go through you. And I want you to imagine it like Sam three fingers at the age of playing out in his backyard as a kid or with the kids. I want you to imagine it like Sam running three fingers You have to filter that evidence.

(1:54:56 - 1:55:01)

You have to process it. Feel it. Consider it.

(1:55:04 - 1:55:10)

You have to put it through the filter of your collective consciousnesses. Your collective minds. All of it.

(1:55:11 - 1:55:27)

What does it mean? What does it not mean? And when you do that, when you take an oath to be

a juror, I remember back at the beginning of the trial, Judge Bucci said, hey, you don't have to stand, but just raise your hand. You'll remember when he said this. He said, just raise your hand.

(1:55:28 - 1:55:41)

You do solemnly swear that you will justly and truly try this matter before me as a juror. And everyone said they would. And when you take an oath as a juror, your role kind of changes.

(1:55:43 - 1:56:07)

Because you have to process this stuff and really get into it and roll up your sleeves and really do the work that's hard. And when you take an oath as a juror, it may mean that you don't necessarily take the words somebody who's been paid $10,000 to come in here and tell you something. Because you have a higher oath as a juror to really take that evidence and process it.

(1:56:07 - 1:56:41)

Why are they telling you this? How much have they been paid to tell you this? And I'd ask you to really go back and everything you heard or everything you have seen will be available to you if you need to hear it again. There was a problem sometimes there was audio problems all through this trial. Some of you may not have heard the conversation in one of the state's exhibits between this defendant and the decedent.

There was a note passed. We can't hear that. If you want to hear anything else or see anything else, the judge will make that available to you.

(1:56:42 - 1:56:49)

Not back there where you are. You'll probably have to come back out and view it here. If you didn't hear something or you didn't see something or you think it's important, you can tell the other judge.

(1:56:50 - 1:57:05)

If you want to see anything again, most of the evidence you'll have back there but some of it you won't. If you don't have something back there and you want to see it again or hear it again, write a note. They will help you to judge which you do the right thing and let you see it again if it's legal to see it again.

(1:57:10 - 1:57:50)

But when you're back there and you're listening, you look at all the evidence, pictures, or recalling the testimony from all these different people and you're letting the sand run through your fingers and you're filtering this evidence, this testimony, this case, I just ask you for a moment to ask

because that's the only voice you have. That's the only voice you have to laugh is this evidence. That's the only way you can speak.

(1:57:51 - 1:58:06)

If you speak, see the evidence that is right behind you. I thank you. I want you to give Mr. Steele your attention to the next and Mr. Cole, follow him.

(1:58:06 - 1:58:11)

Thank you. All right. Thank you.

(1:58:11 - 1:58:38)

Thank you, Mr. Traylor. We'll do about a half hour. A lawyer can go as long as a couple hours in closing arguments.

Does anybody think it would be good I didn't take a break now? Does anybody want a break? Everybody's good. All right. Mr. Steele? Mr. Steele? Do you weigh the client's presence? Again? Do you weigh the client's presence? Yes? Okay.

(1:59:51 - 2:01:05)

On behalf of Lacey and everyone involved in this case, I'd like to thank you for your time and your willingness to put all of your critical, personal and professional matters aside and give 100% of yourselves to the goings-on in this courtroom. When Lacey chose you to decide her fate, she gave you awesome power. You may have noticed that every single time the Honorable Judge Bucci walks in or out of this courtroom, we stand in his presence.

(2:01:05 - 2:01:26)

That is a symbol of our respect for the Honorable Court because Judge Bucci is the giver of laws, of the rules, of the principles that apply in this case. He's powerful. We're honored to have him.

(2:01:26 - 2:02:04)

We're lucky to have him. Just like the Honorable Judge Bucci, every time you, ladies and gentlemen, walk into or exit this courtroom, we all rise in your presence because just like and much like Judge Bucci, you are judges. You are the judges of the facts of this case, of what happened in this courtroom between the trial of the State of Georgia versus Ms. Lacey Bowles.

(2:02:10 - 2:02:59)

The first thing that you all did as a body, as a jury, is you raised your right hand and you took an oath. And by that oath, you promised, you actually swore, that you would reach a verdict if you

could based upon the law that will be given to you once these closing arguments are concluded by the Honorable Judge Bucci and the facts as you find them to be that came pouring into this courtroom. Since you need to understand both the law and the facts, I'd like to discuss them with you.

(2:03:02 - 2:03:16)

First of all, Lacey is indicted. You will have this out with you in your jury deliberation room. This is the bill of indictment.

(2:03:18 - 2:03:24)

It's a two-page document. You need to read it. It is the charging document.

(2:03:26 - 2:04:17)

It contains three of the most serious crimes in the State of Georgia. This indictment charges Lacey with malice murder. That's count one.

Malice murder is the intention with malice of forethought to kill, to take a life of another person without justification, without mitigation, without excuse. So an example of malice murder is if somebody pays a person who's a hired murderer, a hit person, a hit man, $5,000 to kill me. The person doesn't know me.

(2:04:18 - 2:04:55)

They have no idea about my family, what I like, my interests. It's a business transaction to them. Their heart is dark and they just come up to me and they just shoot me while I'm walking to my car and I die.

That is an example of malice murder. It was not justified. It was not mitigated.

There was no excuse. It is the intentional killing with malice of forethought. It means an abandoned, malignant heart.

(2:04:57 - 2:05:20)

In this case, Lacey's charged with malice murder for the reasons we'll discuss. She's not guilty. If you find her not guilty of malice murder, there's now another charge that you will consider and that's called involuntary manslaughter.

(2:05:21 - 2:05:41)

It means that Lacey was using criminal negligence. She was committing the crime of criminal negligence and she caused the death of Mr. Akers. She's not guilty of that either.

(2:05:42 - 2:05:55)

Count two in the indictment is felony murder. Felony murder means that in the course of a felony, someone died. You don't need the malice, the intent to kill.

(2:05:56 - 2:06:16)

What you need, though, is the intent to commit the felony. In this case, that's count three, which is aggravated assault. The state has charged, the state is the district attorney's office in Paulding County, has charged Lacey with aggravated assault by shooting Mr. Akers.

(2:06:17 - 2:07:11)

Unlawfully shooting. The intent is to shoot him, not to kill him, maybe, but one bullet to shoot him and he died from that bullet. And if you find that Lacey intentionally, unlawfully pulled that trigger and shot Mr. Akers, brought that gun in that room, and then he died as a result of that gunshot, then that aggravated assault and then it caused the death, that's felony murder.

You will also have on that count involuntary manslaughter. It's the same thing. It means that Lacey using criminal negligence caused the death of Mr. Akers.

She didn't cause any death. She was trying to stop the death. There was no criminal negligence.

(2:07:11 - 2:07:19)

We're not just talking about an accident. An accident is a defense. We're talking about Lacey introduced that gun.

(2:07:21 - 2:07:40)

The last count is the act of assault, which I told you about. So, on this indictment, you will see the names at the top. Those are the grand juries that indicted the case.

(2:07:41 - 2:07:57)

And by indicting the case, they wrote the word true. That's how the case went forward. There is nothing grand about a grand jury.

(2:07:58 - 2:08:11)

There are 16 to 23 people who come into the room. And who's in the room? The district attorney's office of Paulding County. There is no judge.

(2:08:12 - 2:08:18)

No judge. Lacey's not there. She doesn't even know what's going on.

(2:08:18 - 2:08:26)

She has no voice there. There's no advocate for her. So it's a prosecutor and a summary witness.

(2:08:30 - 2:09:09)

It's right here on the indictment. The witness is... And he comes into the grand jury room and he says what he believes occurred and that the jurors should indict Lacey for malice, murder, felony murder, and aggravated assault. No one's asking a single question to Detective Hardy on behalf of Lacey.

Nobody's challenging him at all. It's a one-way ticket. You may have heard the expression a grand jury would indict a ham sandwich.

(2:09:09 - 2:09:37)

That comes from an elected official in New York in the 1970s. What it means is the grand jury doesn't get the information. You get the information.

You have the collision. You have advocacy on both sides. That is why the judge will tell you that this indictment is no evidence of guilt.

(2:09:39 - 2:09:56)

It is simply the way the criminal case gets started. It's much like if any of you have been involved in a civil case. The fact that somebody gets sued doesn't mean they did anything wrong.

(2:09:58 - 2:10:13)

For instance, a person is fortunate to own a home. They live there with their family and they want to put a fence around their home. That was their dream.

(2:10:14 - 2:10:26)

They think it would be beautiful. They get a surveyor and they say, we're going to build a fence. They go to their neighbor and they knock on the door.

(2:10:26 - 2:10:43)

The neighbor opens the door and they say, listen, I'm going to build a fence around my property. We have a surveyor and it's not even going to come close to your property line. We're going to actually build a fence maybe five feet onto our property just so we don't encroach your property at all.

(2:10:44 - 2:10:52)

I'll show you the fence, what it looks like. If you have any concerns, we can discuss them. The neighbor says, do what you got to do.

(2:10:53 - 2:11:02)

You say, okay. You build the fence. A couple months later, you're at home with your family eating dinner and there's a knock on your door.

(2:11:05 - 2:11:17)

It's somebody from the sheriff's office. You say, what's going on? They say, I have some papers you need to sign. You start looking at the papers.

(2:11:18 - 2:11:27)

You say, this is ridiculous. I'm getting sued by my neighbor? I went to my neighbor. I told my neighbor I'm doing this.

(2:11:27 - 2:11:38)

We have a surveyor. I'm confident I could get them on the phone. They have the plot.

This is all on our property. This is not true. The sheriff said, listen.

(2:11:39 - 2:11:45)

Listen. It's not about me. You have to sign here.

(2:11:46 - 2:12:09)

What happened without your knowledge and outside of your presence is your neighbor went to her lawyer and she told her lawyer my neighbor just encroached on my property and built a fence. I don't want that to happen. The lawyer sat at her computer and she typed up the summons and complaint and gave it to the sheriff and paid some money and the sheriff served it.

(2:12:09 - 2:12:33)

The fact that you are sued does not mean you did anything wrong. It's simply the way a civil case gets started. The indictment in this case is no evidence of guilt and the judge will tell you that because it's simply the way the criminal case gets started.

(2:12:33 - 2:12:57)

To this indictment and these very serious crimes, this is it goes without words how serious this is. Lacey is presumed to be not guilty. It's called the presumption of innocence.

(2:12:59 - 2:14:26)

When we started as a country our foremothers and forefathers we broke away from tyrants. Great Britain was a tyrant to the colonies. We are in an original colony.

Georgia is an original colony. There's more blood shed on these ground, holy ground in Georgia to fight for the presumption of innocence than for any other reason and for freedom. And when we broke away from England and formed our union the United States of America and our constitution we said we're not being governed by the government.

The people are not the puppet of the government. The government is beneath the people and if the government wants to charge someone with a crime that person, that citizen, that individual is going to be presumed to be not guilty or presumed to be innocent. It's like a suit of armor that covers Lacey from the top of her head to the bottom of her feet.

(2:14:28 - 2:14:55)

And she was like that when you first met her at jury selection, first met her when you were selected and sworn as a juror, first heard opening statements, the state of Georgia called witnesses, Lacey called witnesses. Right here now the judge will tell you, you start your deliberations, she is presumed to be not guilty. Presumed to be innocent.

(2:15:00 - 2:15:16)

Attorney Lael and I didn't have to ask any questions during jury selection. We didn't have to make an opening statement. We didn't have to cross-examine or confront any witness.

We didn't have to put in any documents. We didn't have to call any witnesses. Lacey certainly didn't have to testify.

(2:15:16 - 2:15:29)

She's already presumed to be not guilty. And that's how you start your deliberations. So if you start with Lacey's not guilty, that's your verdict.

(2:15:31 - 2:16:15)

Then it makes sense the next principle of law the judge will tell you is who has the burden of proving evidence in this case? Who is the burden of proving to you, to your satisfaction what happened? Well if Lacey's already presumed to be not guilty, she doesn't have to prove anything. So the burden of proof is on the district attorney's office in Paulding County through these lawyers prosecutors on behalf of the state of Georgia. And they have to convince you to remove that suit of armor.

(2:16:16 - 2:16:27)

Every piece of it. Every piece of it. And that Lacey goes from not guilty to guilty.

(2:16:27 - 2:16:59)

And this burden of proof means that the prosecution must marshal in such compelling evidence, evidence with such power and force and convince you that Lacey is guilty beyond a reasonable doubt. That's the next principle. Guilt beyond a reasonable doubt is the highest proof that we know as human beings.

(2:16:59 - 2:17:20)

It's not mathematical certainty. It is not some equation that this is exactly what it is, but it's your mind is satisfied beyond a reasonable doubt. The best way to explain guilt beyond a reasonable doubt is in two methods.

(2:17:23 - 2:17:39)

First, it is a doubt for which you can state a reason. That's what guilt beyond a reasonable doubt is. If you have a doubt for which you can state a reason, one doubt for which you can state a reason, your verdict is not guilty.

(2:17:40 - 2:18:27)

This is not some, oh, I think that there's no photographs of Dan Akers in the home of Lacey and the children on March 5th of 2020 and I'm going to tell the jurors that because somehow that shows guilt. Not only was that wrong, completely wrong, and the only photograph we have from March 5th 2020 has Dan Akers and Lacey in a picture. But what is that proof? There are clothing, work clothing of Mr. Akers and it's in a cubby, a back room.

(2:18:29 - 2:18:51)

Who put it there? I asked. When did it get there? What does it prove? I asked, we spent a day with me asking Detective Hardy, I asked him every question openly. What does that mean? What does that prove? He said, nothing.

(2:18:52 - 2:18:59)

I don't know. It's a doubt for which you can say the reason. I'm going to give you something.

(2:19:00 - 2:19:30)

You're going to think of a lot more. You have 12 of you. You are in charge.

You have the power. I asked Detective Ogden, he's the original lead detective on the case. Could you imagine asking the lead detective who charges Lacey Bowles? He actually didn't charge.

(2:19:30 - 2:19:40)

It was Detective Hardy. But he's a lead detective on the case working for the Paulding County Sheriff's Office, working with the District Attorney's Office. They are one.

(2:19:42 - 2:20:31)

The police and the District Attorney's Office are one. I asked him, what evidence do you have that Lacey introduced that gun into that lower playroom? Do you remember his answer? None. You want to talk about a reason to doubt? If Lacey didn't introduce the gun, where is this intent to murder? Where is this intent to kill? Where is the intent to commit aggravated assault if she goes into that room after waking up? And there's Dan Akers with a gun.

(2:20:31 - 2:20:47)

What did Lacey do? How dare I ask Detective Ogden that question, right? It should have been a...I'm glad you asked me. Let me tell you how we know. There's a ring camera in the house.

(2:20:47 - 2:20:52)

Here she is. No one asked me for it before. Let me tell you how we know.

(2:20:55 - 2:21:09)

Because her fingerprint is on the gun, on the trigger. Her DNA is on the gun, on the trigger. Because she has done this to other people and told other people she's confessed to this.

(2:21:13 - 2:21:45)

What evidence do you have that Lacey Bowles is a violent person? The state of Georgia brought in some... I don't know what you call it. She's on a balcony with family members and someone thinks it's funny to go downstairs, Skylar, her daughter's boyfriend, and start shaking the balcony as if there's a perpetrator. And people are running.

(2:21:45 - 2:21:56)

Family members are running. Oh my God. Are we being home invaded? And Lacey gets a gun and goes outside to try to protect people.

(2:21:58 - 2:22:32)

That's the evidence you heard of Lacey with a gun. And Lacey showed the same gun in the

basement area to Dan's relative. What are we talking about? Who's the only person here who talked about burying someone? Who's the only person who wrote a text message to Lacey on September 24th of 2019? I can't live without you.

(2:22:33 - 2:22:50)

If you cheat on me, or if I think you're cheating on me, I'm going to bury us both and the kids will go to foster care. That is a violent writing. That is also suicide statement.

(2:22:51 - 2:23:01)

That is a murder suicide. That's what Dan Akers wrote to Lacey. Detective Hardy testified.

(2:23:02 - 2:23:36)

I asked him, what evidence do you have that Lacey entered that room downstairs on December 22, 2019, early morning hours, 1244 AM with a gun? Detective Hardy, who took out the warrant for Lacey, he testified before the grand jury. He said, none. None.

(2:23:41 - 2:23:49)

You go by evidence. You're not here on a theory. Dan was just skipping through life, opening statement you heard.

(2:23:49 - 2:24:10)

He's happy-go-lucky. I don't have the privilege of knowing Mr. Akers. I would not call somebody who's worried about going to prison until 2024, when it's December 4th of 2019.

(2:24:12 - 2:24:41)

A man who texts that no one's going to look at Lacey for the fact that he can't support his family members with a home, with a roof over their head, or food. A man who writes he's getting furloughed, yet the state wants you to believe he's getting promoted. Dan Akers wrote it.

(2:24:42 - 2:24:57)

How do you know he's carrying around urine in his car to try to get the next job at the airport? Because Chris Berg told you that. Dan Akers and Chris Berg were on text message. The state called Chris Berg.

(2:25:01 - 2:25:14)

In the text message he wrote, and he explained to you, have urine. He said, yeah, that's what that means. Have someone else's urine.

(2:25:16 - 2:26:08)

Because Dan Akers is on drugs. State comes up with, oh, was he on prescription Adderall? The witness said, oh yes. Where's the prescription? It's because in his drug test he comes back for amphetamines.

He's worried about not passing the drug test. It's meth. Methamphetamine.

How do you know that? He's Googling meth cities. Who Googles meth cities? And the man who's happy-go-lucky has a Google search. Why is Dan a failure? Remember I asked the witness, the expert cell phone for the Paulding County Sheriff's Office? She's a great person.

(2:26:09 - 2:26:12)

She said, I don't remember. I said, give me a favor. Here it is.

(2:26:13 - 2:26:21)

Yes, I see it. She did the control nine search. I said, if it's wrong in any way, just come back.

(2:26:22 - 2:26:27)

You can tell the court. You can tell the district attorney's office. You can tell me.

(2:26:28 - 2:26:46)

Just come in the courtroom and say, hey, I looked at this and I got a correct testimony. Is she here? He's not happy-go-lucky. He wrote in his text messages how lonely he is, how depressed he is, how sad he is.

(2:26:47 - 2:27:04)

Yet the state ignores that and the district attorneys and the prosecutors call these witnesses. Did you notice anything wrong with him? Did you think that he needs any mental health? Some people are depressed and they don't tell others and they hide it. There are people who do that.

(2:27:07 - 2:27:24)

Now, was Dan Akers going to shoot himself in the mouth that morning? I don't know. What do you know? You know that there's no evidence that he did not bring that gun into that home. How do you know that? I asked Detective Ogden.

(2:27:26 - 2:27:51)

Do you have any evidence that Dan Akers did not bring that holster and that gun in the home after the McDonald's pulling into his driveway after the Swisher crashes to the floor and he goes

downstairs? Detective Ogden, he's an honest man. He said he could have brought the gun in the home. That is a reason to doubt.

(2:27:52 - 2:28:00)

Everything I've been saying are reasons to doubt. I just discussed with you 17 reasons to doubt. You need one.

(2:28:01 - 2:28:18)

We'll continue. I asked Detective Hardy. Tell the ladies and gentlemen of this jury what evidence do you have that Mr. Akers did not himself bring that gun into the home on the early morning hours of December 22, 2019.

(2:28:20 - 2:28:31)

Walk downstairs and be in that room with that gun in his hand. The answer? I don't have it. He could have done it.

(2:28:34 - 2:28:52)

Well, if he did it and Lacey comes downstairs and sees him, she's a hero. She's been called a murderer for seven years. She's a hero.

(2:28:53 - 2:29:00)

She tried to stop the man. Whether he was actually going to pull that trigger or not. Whether he was just so depressed or not.

(2:29:00 - 2:29:07)

Whether he knew that Lacey was actually going to separate from him. Call a lawyer. Call his boss that Monday.

(2:29:12 - 2:29:18)

And it bothered him so much because he writes about it. I don't want to live without you. You have these text messages.

(2:29:22 - 2:29:28)

I'll never see his kids again. She blocked him. She comes in that room and tries to save him.

(2:29:29 - 2:29:42)

Tries to tell him, no, he says something to the effect of you can't save me. No one can save me.

According to the prosecutor, she should have just said there, okay, I'll go back upstairs.

(2:29:44 - 2:30:00)

But she did what everybody who is humane would do. Everybody who loves someone, no matter what her feelings were about separating from him because he's on drugs. She tried to stop him.

(2:30:00 - 2:30:23)

And what does he do? You know what he does. How does that bullet go into the nose? How does that gun get into the nose? The prosecutor yesterday said, well, there could have been a struggle. How does Lacey Bowles get so close that she puts a gun into the nose of Mr. Akers? He's stronger than her.

(2:30:23 - 2:30:30)

He's bigger than her. He's like this, just like she said. She's trying her best.

(2:30:31 - 2:30:44)

The world is on her shoulder. All you've got to do is turn your wrist. Somehow it gets shoved into his nose.

(2:30:44 - 2:31:27)

All these questions to Dr. Lehman, Dr. Terry, Dr. Downs. How many suicides did you see in the nose? Nobody's claiming that this is some planned out sitting like a marine, like Dr. Lehman tells you, on the side of a bed and puts a gun to his head and pulls the trigger. This was a dynamic situation where Lacey tried to intervene to save him.

Is that criminal negligence? No. That's a hero. But now you're charged with deciding involuntary manslaughter also.

(2:31:28 - 2:31:42)

Is that aggravated assault by intentionally shooting him? Oh yeah. Think of the odds. Lacey is across the room.

One bullet. One shot. She could have shot eight times.

(2:31:43 - 2:32:00)

And the bullet just happens to miss every part of the face except go right into the nose except this little piece that Dr. Lehman says is broken off. And then you don't see where it went. What a shot.

(2:32:02 - 2:32:09)

What a shot. Nothing to open the nasal cavity. The bullet just happens to fit in perfectly.

(2:32:10 - 2:32:56)

But of course it makes this abrasion. And the abrasion just happens to be the same exact size as the ejector rod's end of it. What are the odds? You want to talk about reasonable? That's what a reasonable doubt is.

It's a doubt for which you can state a reason. Dr. Lehman was asked by the prosecutor to a degree of medical certainty was that gun fired from a distance. And Dr. Lehman, he's honest.

(2:32:59 - 2:33:04)

He's a good person. He's a good doctor. No one's here to crucify him.

(2:33:05 - 2:33:10)

He missed this. People make mistakes always. He said that.

(2:33:12 - 2:33:22)

But his answer was telling. He should have said yes to a reasonable degree of medical certainty. Yeah, that was a distant shot.

(2:33:22 - 2:33:30)

That's what he was promoting. But he backed away. He said, I don't want to say that.

(2:33:32 - 2:33:52)

There's strong evidence to suggest that it was from a distance. I asked him, could it have been with the gun in the nose? He said, yes. It could have.

He doesn't think so, he says. But yes, that could be. That's a reason to doubt.

(2:33:53 - 2:34:12)

The lead detective Ogden has no evidence that Mr. Akers didn't bring that gun into the room and point it at himself. Detective Hardy has no evidence that Mr. Akers did not bring that gun into that room and point it at himself. Detective Lehman admits it could be another way.

(2:34:13 - 2:34:21)

He may be wrong. He's not telling you he's certain. And then the prosecutor comes back, well, you weren't there.

(2:34:22 - 2:34:48)

Dr. Downs was certain. He was asked the same question by the prosecutor. Well, you weren't there, you don't know.

Dr. Downs said, I know exactly what happened. Dr. Terry was asked that by the prosecutor. Well, you don't know.

She's like, I do know. This is what the evidence shows. Absolutely, it was not from the bullet.

And they gave reasons. First of all, I recalled Dr. Lehman. You could recall witnesses.

(2:34:49 - 2:34:58)

Because when he left, the prosecutor starts asking Dr. Warren, well, you weren't at the autopsy. We have Dr. Lehman with a magnifying glass. He never said that.

(2:34:59 - 2:35:07)

That was injected by the prosecutor. How dare you? So I called Dr. Lehman. Did he ever say it? No.

(2:35:09 - 2:35:13)

I never testified that way. Is it in your report? No. The prosecutor won't give up.

(2:35:14 - 2:35:43)

Is it possible you did? He's like, I don't remember doing it. Well, did you pull down this light and look in? There's no evidence there's a light to be pulled down. He never even looked in the nose.

That's what you've been told. Where's the picture of the actual defect going into the brain? You would know if there's soot there. The prosecutor tells you.

(2:35:45 - 2:35:57)

The lawyer for the State of Georgia for the District Attorney's Office tells you. Don't believe Dr. Warren. Don't believe Dr. Downs.

Don't believe Dr. Terry. Don't believe Ross Garland. Because they're getting paid.

(2:36:00 - 2:36:09)

That's what totalitarian governments tell you. They control the media. The media says what the government wants it to say.

(2:36:09 - 2:36:19)

They control what goes on in courts. They control who the judges are. They control who can be lawyers, who can be experts.

(2:36:19 - 2:36:26)

They pick them. It's communism. It's not America.

(2:36:29 - 2:36:55)

It's ridiculous to besmirch Dr. Warren, Dr. Terry, Dr. Downs, Ross Gardner. Look at their background. Dr. Terry didn't even bill a penny.

(2:36:57 - 2:37:14)

She looked at this and said this is wrong. I will tell the truth. These are serious people who give of themselves to educate others.

(2:37:16 - 2:37:28)

None of them know Lacey. The prosecutor wants you to believe don't believe other people. Only believe the government's people.

(2:37:29 - 2:37:37)

Dr. Lehman works for the GBI. I think he's a great person. I think he's honorable.

I am not. This is not personal. I'm talking about the prosecutor.

(2:37:37 - 2:38:01)

Don't believe Dr. Warren, Ross Gardner, Dr. Terry, Dr. Downs because they've been paid. Are we joking? First of all, Dr. Downs was hired by the district attorney's office in Paulding County on a case years ago as an independent expert to review autopsy. They know they could do this.

(2:38:03 - 2:38:20)

They knew, they being the state of Georgia, the prosecutors knew that Dr. Terry is coming. Knew that Dr. Downs is coming. Even ripped off part of his report and showed you a little part of it with the x-rays coming through.

(2:38:20 - 2:38:48)

It's a little post-it size put on the screen. Where's one person to support Dr. Lehman? They have the burden of proof. The prosecutor had the audacity to say to a witness how many other people

did Brian Steele go through to find you guys? That didn't happen.

(2:38:49 - 2:38:57)

If it did happen, they'd present evidence. These are just theories and words. That's not evidence.

(2:38:58 - 2:39:06)

There were no other people. No one agrees with Dr. Lehman. That's why the state of Georgia did not bring in anyone else.

(2:39:07 - 2:39:14)

He missed it. How do you know he missed it? It makes sense. He missed it.

(2:39:15 - 2:39:32)

First of all, just think about it. We have a picture. This is Ms. Bowles, number 146.

(2:39:34 - 2:39:42)

This is Mr. Akers. He's cleaned up. He's at the GBI for autopsy.

(2:39:44 - 2:39:56)

That's the abrasion. It's the same size as the end of the gun that you see inverted. You'll see right here, there's a little piece of skin.

(2:39:56 - 2:40:02)

It's a tear in the skin. Think about how you do that. We're talking about a bullet.

(2:40:02 - 2:40:30)

It doesn't evaporate and it doesn't change direction. If the bullet is coming to make this mark, this abrasion, and take off this part of my skin, if the bullet is going upward to my brain from right to left, front to back, you should see it's taking off part of my skin. You should see the defect right here.

(2:40:31 - 2:41:15)

How does it just take off a piece of my skin here and then somehow not rip my whole nasal passage? How does that happen? Especially when Dr. Terry tells you in a report on page 2, Dr. Lehman has the little abrasion inside, the little skips, going from left to right. That's the exact opposite direction of the bullet. This is not like, well, we weren't there and Lacey Bowles was crying but no tears, no water was coming so you need to convict.

(2:41:17 - 2:41:26)

Lacey Bowles brought out lipstick during the interrogation on March 5, 2020. I found that interesting. Doesn't even know if it's lipstick.

(2:41:28 - 2:41:45)

Doesn't even know if it's lipstick. Lacey Bowles is wearing one of her husband's clothing on December 30, 2019 in the interview room and I asked about that. I don't know what it proved.

(2:41:45 - 2:41:53)

It may prove nothing. Well, that's sweatshirt for work. The kids may have had the sweatshirt.

(2:41:53 - 2:42:03)

Lacey may have had the sweatshirt. It may have been a sweatshirt to a lot of people. Or maybe Lacey wanted to be comforted.

(2:42:05 - 2:42:12)

That's something we can't take our husband anymore. Who can? That's not it. But this is it.

(2:42:14 - 2:42:30)

You can't make that a bullet. You would rip off the skin and you can't ignore what these experts are telling you about the abrasion. They have no interest in this case.

(2:42:32 - 2:42:40)

They don't know Lacey Bowles. Do you believe that they're more than $2,000? Be aware. Be aware.

(2:42:41 - 2:42:51)

Be aware what you're unleashing in your county. It's not just about Lacey Bowles. It's about the law.

(2:42:52 - 2:43:08)

It's about whether it's Dave George's proven guilt beyond his own doubt. You want to unleash the police like this? They don't take Lacey's clothing. The prosecutor is saying, well, Lacey, she got rid of her clothing.

(2:43:09 - 2:43:41)

We have to be like, Lacey Bowles is at her home. She calls the police. Do you realize the time? Do you realize the time? Dan Aker's phone connects to Wi-Fi at his home at 1242 a.m. on December 22, 2019.

(2:43:43 - 2:44:07)

The 911 call is at 1244 a.m. It's a maximum of two minutes. Lacey Bowles comes down the steps with a gun, which you have no evidence of. She stands near the doorway and holds that gun up to and points it at Dan Akers, which you have no evidence of.

(2:44:08 - 2:44:26)

Dan Akers is holding in his hands a cup, a bag, keys, a hat. You have no evidence he was holding anything. And Lacey fires this unbeatable shot right through the nasal passage.

(2:44:26 - 2:44:46)

No damage anywhere. She tells the police that night at the hospital she tried to take the gun away from Dan and fell on him. Of course you don't have a recording of it, though.

(2:44:49 - 2:45:01)

Detective Ogden went there to interview Lacey. How do you not have a recording? Lacey calls the police. She's still bloody at the hospital.

(2:45:02 - 2:45:14)

That's what Detective Ogden said. But yet somehow she's washing her hands in the sink. There's no evidence that that's her washing hands.

(2:45:14 - 2:45:22)

These are all just thrown on you like you're not intelligent. We know you're intelligent. You are highly intelligent.

(2:45:22 - 2:45:35)

You were chosen by Lacey to decide her fate because you're intelligent. It is insulting. It is insulting to every one of us.

(2:45:38 - 2:46:29)

Well, it's not my job. Not my job to take pictures. Do you remember all this? Are we joking? And Lacey's garment would have cleared her or would have shown she's a liar and she did not fall on top of Dan Akridge, but you'll never know.

And you know what the judge will tell you? A reasonable doubt can be caused and based upon the evidence, a conflict in the evidence, or a lack of evidence. The lack of evidence is what I'm talking about now. How do you go back and say I don't have a reason to doubt.

(2:46:29 - 2:47:11)

I don't care about her clothing. I don't care about DNA testing on the trigger of the gun. I don't care there's no evidence that Lacey brought that gun downstairs.

I'm satisfied that that entire suit of armor is ripped off her. She goes from a presumption. You start with not guilty.

And I'm convinced that Dr. Lehman, even though he's not going to tell me he's convinced beyond a reasonable doubt, even though he won't say it's surmapping to a medical certainty. I'm going to just do that because the prosecutors suggested that Lacey got rid of the clothing and that bothers me. That's obstruction.

(2:47:12 - 2:47:33)

I mean, we have to be living in a world of hate. You have to hate somebody to convict Lacey. It's not humane.

It's not the rules. You were sworn. You have one reason to doubt.

(2:47:36 - 2:47:42)

It's not guilty. You don't have to do what I'm doing. You have one reason to doubt.

(2:47:46 - 2:48:06)

Why an opening statement? Was it Bonnie and Clyde? I know Mr. Akers has been involved in the criminal justice system since 2002, continuously until his death in 2019. You don't have the documents. He's continuously being brought to court, going to jail.

(2:48:07 - 2:48:17)

Probation revoked. He says in his text message, I'm going to be revoked until 2024. Revoked means go to prison.

(2:48:20 - 2:49:29)

Where's Lacey? In the Bonnie and Clyde. Bonnie and Clyde were villains, outlaws, committed crimes, murdered together. Where'd that come from? That's just a way to get you because you're not intelligent? You are intelligent.

This is all a charade. It's all a charade. Oh, that gray area in the nose, the right nostril that we see

when the nostril is open with the tweezers.

Oh, that's from sheet metal. What are we talking about? How about just do what you're supposed to do, Dr. Leeman? Just put a swab into the nose and take it out. How about just cut out a small amount of tissue and look at it? He never considered it.

(2:49:31 - 2:50:07)

Dr. Leeman was lied to by Detective Hardy, Detective Miller. Who buys a pig? Could you imagine who buys a pig on the same day that you buy the farm? Ha, ha, ha. That's one of your messages between Dr. Leeman.

He wants to know is Dan struggling? Is Dan Akers struggling? No. Detective Hardy said he's happy. Promoted at work.

(2:50:10 - 2:50:18)

Bought a Christmas tree. They're all lies. Man's getting furloughed from work.

(2:50:19 - 2:50:40)

There's no evidence of a Christmas tree. Where's the receipt? The receipt you see is Dan Akers tries to take out $40 twice. About 9.30 on Saturday evening, December 21, 2019.

(2:50:42 - 2:50:52)

And it says, cannot dispense the money for insufficient funds. He can't afford $40. He didn't buy a pig.

(2:50:53 - 2:51:27)

I asked Detective Hardy, you're on this email. Says he just bought a pig, now he's gonna commit suicide? That's ridiculous. Detective Hardy said correctly, I didn't write that, but he's on it.

I said, did you ever correct it? No. Do you have any evidence he bought a pig? No. He returned the pig's food.

Look at the receipt. Then he tried to buy a product that's less than the return. And Mr. Akers was rejected.

(2:51:28 - 2:51:32)

He has zero money. He tried it on a debit card. He can't.

(2:51:33 - 2:51:39)

He's broke. And he's embarrassed. He shouldn't be embarrassed.

(2:51:41 - 2:51:54)

He had a great wife. They have great children that Lacey now raises by herself. She still keeps his photograph in her home.

(2:51:56 - 2:52:14)

Where did that come from, Detective Hardy? I was in the home March 5th, and I'm observant. And I was looking around, and it recorded in me, there's not one picture of Dan Akers. The state only put in one picture of March 5th, 2020.

(2:52:16 - 2:52:51)

It has Dan Akers and Lacey. I mean, you can't make this up. So, the prosecutor says, not one picture? So I ask him, remember this? Mr. Bowles, number 137? That's the pictures on the wall on March 5th of 2020 when Detective Hardy's in the house.

(2:52:52 - 2:53:24)

Then I got closer, took a picture of it, Ms. Bowles, 135. Who is that? And if you don't know, why don't you ask somebody? Why are you getting on a wheel of sand, raising your right hand to God, and saying, not one picture of Dan Akers in that home? If you don't know who this is, shouldn't you ask? And who is it? We don't have to be like, you know, some great investigator. So Ms. Bowles, number 133.

(2:53:26 - 2:53:37)

It's the same picture, the same day. They're wearing the same clothing. What's in Dan's left hand? What's he holding in his left hand? It's the same thing.

(2:53:39 - 2:54:04)

They told him it's a different picture. It's the same cup. At least he's wearing the same jewelry.

The prosecutor tells you, oh, this is an old picture so he excuses Detective Hardy from totally misinforming you. Totally misinforming you. If I didn't correct it, you would have been, wow, no picture, what does that mean? It clearly doesn't mean anything, but wow, no picture.

(2:54:04 - 2:54:24)

We should convict. She's cold. She's cold.

Kids don't get to see their father. Oh my God. She's separated.

She's a killer. She's evil. So the prosecutor comes over and he says, well, this is so old.

(2:54:24 - 2:54:31)

Look at Lacey's right hand. There's no tattoos. She has no tattoos on her right hand.

(2:54:31 - 2:54:48)

It's her left hand. I mean, where are you? Where are you? You have the power. You have the power.

No one else. No one else. We rise for you.

(2:54:50 - 2:55:03)

Don't do this. Don't do this. You fight for what is right.

You fight for justice. This is not, I'm not sure time. This is, Lacey's not guilty.

(2:55:03 - 2:55:23)

I have to be convinced where I cannot articulate a doubt. I cannot state a reason to doubt. Everything I just said are reasons to doubt.

You need one. It's over. You need one.

(2:55:24 - 2:56:18)

You have the power. You are the people. You are the jury.

You are who we stand for. We don't stand for district attorneys and prosecutors and police. We don't stand for them.

We demand that they do their job honestly. We demand they do their job thoroughly. And we demand when they put us on trial and they charge us with the most serious crimes in Georgia that they don't lie to us.

They tell us truth. And they bring us competent, quality, unimpeachable evidence. Why do we have to sit here and listen to family member after family member after family member of Mr. Akers say he's never touched a gun? He's never touched a gun.

(2:56:19 - 2:56:24)

One person told you he can't touch a gun. He's a convicted felon. He would never touch a gun.

(2:56:25 - 2:56:32)

Then the state knows this. They're calling these people. They know it's coming on cross-examination.

(2:56:33 - 2:56:39)

They say it's whispered. Well, did you ever see Dan with a gun? Yes, I did. When? About seven years ago.

(2:56:39 - 2:56:47)

That's right around the time of the killing of his suicide attempt. When Lacey tries to help him. Think about it.

(2:56:48 - 2:57:09)

It's November of 2026. He's talking about about seven years ago. It's November of 2019.

Dan Akers puts a gun towards his face about the big December 22 of 2019. And Chris Burr is stuck with his answer because we're coming. Prosecutor knows that.

(2:57:10 - 2:57:22)

Well, did you see him with this gun, 173A States Exhibit? Yes! With a holster. In his bedroom. In Lacey's bedroom.

(2:57:23 - 2:57:37)

And then he put it in the sink. Why do they call all these people to tell you he's not with a gun? He's with the gun that he had with him. I mean, it's like the world's upside down.

(2:57:40 - 2:57:51)

At some point, you're insulted. Lacey's lived with this for seven years. She's going to live with it the rest of her life.

(2:57:52 - 2:58:29)

You saw her on the video. They don't like the way she acts. How is a person supposed to act when you fail in trying to save your husband from killing himself? How is she supposed What is the real way to act? That woman has held it together to raise kids and now she's being criticized? The prosecutor said on the video, Lacey's like this with her finger.

She never said that the gun turned upside down. Are you joking? She charges at him. Tries to pull his hand away.

(2:58:29 - 2:58:37)

This is happening in less than a split second. He's falling backwards. The gun's in his nose.

It goes off. She fires you. It's like that.

(2:58:38 - 2:58:50)

She falls on top of him. Why add that? She said, I almost hit the bed. Why add that if it didn't happen? How would she even know to add that if it didn't happen? The 9-1-1 call.

(2:58:51 - 2:59:10)

The 9-1-1 call. I tried to take it down. I tried to take the gun down.

The prosecutor said, Now, Detective Harden, did you hear her say, I took it down there? Oh, yeah, that's the confession. I took the gun down. What are you talking about? She's frantic.

(2:59:11 - 2:59:25)

Hysterical. This is just coming out. She planned all this? In the less than two minutes between the Wi-Fi connecting and the 9-1-1 call, she just happens to think, oh, let me get the gun.

(2:59:26 - 2:59:40)

And let me tell the detective that he had the gun in his left hand, but I'll make sure I tell him that he's a righty. The prosecutor kept saying, Lacey Bowles said that he's a lefty. She said he's a righty.

(2:59:41 - 2:59:58)

He's used his left hand. That's a big evidence. He's a righty.

How many people? He's a righty. He uses his right hand. I have no clue what a person who points a gun at themselves and tells their wife, You can't help me.

(2:59:58 - 3:00:12)

Or him. How did Lacey know all that? How does all the evidence matter? Not one person from the prosecution. They have crime scene people.

(3:00:13 - 3:00:26)

They have the clothing. They analyze the clothing. It goes to the GBI.

They preserved it. Ross Gardner's making it up for Lacey Bowles. Her left hand is bloody.

(3:00:29 - 3:00:56)

That's why you see the handprint, the left hand in the McDonald's bag. That's why you see the cast off. She's running out of the room above the trash can, grabs the rail going up the steps, goes into a room to get her phone.

That's why there's blood on the area of the window sill. Everything that she said she did happened. It's backed up by the evidence.

(3:00:57 - 3:01:08)

The prosecutor said, Oh, this is all... made it up. She never went back downstairs, according to Detective Hardy. I didn't hear her go downstairs.

(3:01:08 - 3:01:20)

If you didn't hear her go downstairs, she's telling a child, go upstairs. So a child is not on the couple level. She opens the door for the police and puts on the light.

(3:01:20 - 3:01:29)

We know that. There's blood on the handle and on the doorway entrance. The police say she's in front of the house where they pull up.

(3:01:29 - 3:01:39)

But the detective doesn't hear her go downstairs from her bedroom. It's just not rough on him. He is wrong.

(3:01:39 - 3:02:31)

Detective Hardy is so wrong. It is so wrong of what you did. It is so wrong of what you did.

To take a theory because you believe that you're going to arrest him and show your power and put handcuffs on somebody. We follow evidence and that's why we're here. Why is Lacey how do you know that she's pushing on the chest? Because there's evidence of transfer on the chest.

Remember Dan Akers is not gushing blood onto his chest. Yes, sir. Ten minutes.

(3:15:22 - 3:15:34)

Ready to shoot. Do you know how much time Well, let's see. You started at 1020 and you went until I stopped you at 1024.

(3:15:35 - 3:18:53)

So the math is easy. Sorry? That's what I got. So you've gone about an hour.

And if you go over a couple minutes. I'm sorry. I'm sorry.

I said that wrong. You're right. And if either of y'all go over a few minutes, that's fine.

Is everybody ready? All right, let's So Lacey said that she performed CPR. And that's true. There still hasn't been disproven that.

And you know, this is Ms. Bowles number 48. This is very gruesome. That's a contact blood.

That's not a flow. It doesn't flow upwards. There's no flow there.

So what that shows is that Lacey came in contact with a nose area. Just like she said, she's trying to save his life. She put a hand behind his head as well.

And how do you know that she was on his chest compressing? Because if you look at it, it's gruesome. It's gruesome. Lacey Bowles 42.

There's no blood down the chin area. There's no blood down the chin area. So it's not flowing down.

So when you look at now Lacey 164, the blood on the center of the sweatshirt, how did it get there? It's consistent with someone giving chest compressions. So the prosecutor, oh, she just concocted this within this two minute span. And she didn't give any rate of aid.

She's on the number one. I can't do it again. I can't do it.

I can't go back down. Don't make me go back down there. She goes back down there.

(3:18:54 - 3:22:55)

How do you know that she's screaming? Daniel, Daniel, he's not breathing. He's not breathing. Something happened.

She saw something when she touched the gun. That is a doubt for which you can state a reason. It's over.

And you might have a doubt, and you might have a different doubt, and you might have a third doubt, and you might have a fourth doubt, and you may agree with someone's doubt. It doesn't have to be unanimous. You have one reason to doubt individually.

It's over. These are the rules you took an oath to follow. You will follow.

That's what we do in America, in Georgia. The second best way to explain guilt beyond a reasonable doubt is if your mind is wavering, unsettled, or unsatisfied, that is a doubt of the law, the judge will tell you. So if you are convinced with all of this that Lacey Bowles introduced that

gun and with intent fired that gun into her husband, whether with malice of forethought or just the intent to injure without any type of mitigation or excuse or accident, if that's what you believe, and your mind is not wavering, it is settled, it is satisfied, then the verdict is guilty.

This is one of the most important things you will ever do, to serve on a jury. It is a total honor. Most people are trying to get into our country to have ability to be on a jury and not have the government tell them what they can do and what they can't do.

To enjoy freedoms and to have community members decide what occurred and not government officials. But I'm not talking about the critical decisions in your life of accepting a job, buying a home, or getting married. Those are very big decisions.

But hopefully you can leave your job and get another job, sell a home, get a different home, get a divorce if that's what's best. I'm talking about the decision that you make if God forbid you're in the position that you're in the hospital waiting room and your loved one is on life support. The doctor comes out to the waiting room and he tells you, we've done everything.

We've looked at everything. Pull the plug. If your mind is settled, if it's satisfied, if it's not wavering, you look at that doctor and say thank you.

You've answered all questions. But if you want to say to that doctor, wait a minute, you didn't even take to scale pictures. We don't know whose blood is in the sink.

(3:22:55 - 3:23:15)

We don't know when or if Lacey even washed her hands. We don't know if she introduced the gun into this scene. You lied to the medical examiner and said there's a promotion award.

(3:23:17 - 3:30:39)

There's a pig ball. The prosecutor says in an open statement, happy go lucky. Don't tell anybody about I'm going to bury you and me and then the kids are going to foster.

You say to that doctor, hold on. Hold on, doctor. This doesn't feel right.

And doctor, why do I have to learn that on Saturday evening, December 21, 2019, at 11, 11 a.m. in the cash file of Dan Aker's phone, it has tell someone you love them today because tomorrow is not promised. To my family and friends, I love you. What a coincidence.

Now I don't know. Anything more except it's on his phone and it's within one hour and 33 minutes of his doctor passing. No, doctor, I'm not pulling the plug.

My mind is not satisfied. It is wavering. It is unsettled.

In the most important decision of your life, I'm not pulling the plug. I'm not finding guilt beyond a

reasonable doubt. Why is it that the prosecutor yesterday starts asking Ross Gardner, well, the police believe this was a suicide.

They believe Lacey. So we should excuse all of their failures. You see, Ross Gardner, are you joking? You put Lacey on trial for murder.

If you didn't do the investigation, why would you think you have a right to put her on trial for murder? Why are we making excuses for Paulding County? They had at their disposal the GBI. You saw a GBI agent testify. That's a Georgia Bureau of Investigation, GBI crime lab.

They had an army of people that you saw in here at that house. Why is it we have to be told by the prosecutor, well, on state's exhibit number 220, it's the log of who enters and exits, the Metro was there for 10 minutes. And they're not EMTs.

Remember all that? They're just an Uber. They're an ambulance Uber. Of course they're EMTs.

Why is this constantly being told? Why is Detective Harding, did you notice Lacey Bowles laughing in court? He's an honest man. He said, no, I didn't notice that. I saw her put her head down.

Why is the prosecutor constantly interjecting these myths? How about Brian Steele yesterday? He said it was five or more particles, the most particles on the hands of Mr. Akers. It was really four. It was really four.

Just trust me on that, Dr. Downs. I don't know what matters, but I get the report, show it to you, it's five or more particles. I mean, who here has credibility? Your mind should not be settled.

It should not be satisfied. It should be wavering. Would you trust this when the doctor comes out and tells you? Trust me.

I know I didn't do any of the tests that are expected of us. I know that the Luminol or the Blue Star, it came up with a light, but trust me, no blood. Even though we got a reaction, even though Ross Gardner who teaches it for 20 years says, you have to film it.

You have to be in a dark room. Ambient lighting is okay. I asked the witness, what was the lighting? I don't remember.

How long between the sprays? I don't remember. Did you video it or photo it? No. Just trust me.

I'm from the government. Are you really going to pull that plug? Are you really going to say my mind is satisfied? It is settled. It is not wavering.

That's what the judge will tell you. If your mind is wavering, unsettled or unsatisfied, that is a doubt of the law. That is a doubt, one doubt of the law.

It's over. Based upon the evidence, a conflict in the evidence or a lack of evidence. You have all three.

You have a conflict in the evidence. Lacey's statements. She's unwavering.

She's unwavering. She didn't do this. Dan Akers did this.

It's all recorded. Detective Hardy, no, you're lying to me. There's no blood on the holster.

She doesn't quiver and say, oh my God, let me come up with another story. Well, you know, I did wash the holster a lot. I got a different holster now.

There certainly should be. But what's her right hand look like? We know her left hand had blood on it. We have no idea.

You have no idea. She picked up that holster, touched that safe, put it into the safe. The safe was open or closed.

You have no clue. You look like we have these photographs. Where are the keys? Where's like everything on that keychain shown? Where are Lacey's keys on December 22nd, 2019? Did they, were they joined? Were the two keys joined? Who put the safe key on Lacey's keychain? I asked the detective that.

He doesn't know. Does Lacey even know that the safe key is on her keychain? When's the last time she touched that? Why don't you fingerprint it? How about that? How about something new? You don't have the evidence. You have a lack of evidence.

(3:30:40 - 3:31:28)

Conflict in the evidence. Dr. Lehman, who's telling you there could be another way this happened. It could be that the gun was inverted and shoved into the note.

He's honest. He said, I don't believe from my viewing that that is a strong possibility. But yes, that is possible.

You're going to pull the plug? You're going to go back there and say, oh no, this is definitely, I feel, I feel this. My mind is certain. It is not wavering.

It is satisfied. You'd never do that. I can't get over no pictures of Lacey and no clothing.

(3:31:28 - 3:31:44)

I would just end there, but I'm not on the jury. But how do you reward a statement from the prosecutor, the lawyer, saying to Ross Garnett, we thought it was a suicide, so yeah, we went through the motions, but we didn't really do our job. But we still have a case.

(3:31:44 - 3:42:27)

Just believe us. No. This is not how that works.

She's presumed not guilty. You have to be convinced beyond a reasonable doubt. This is not whatever.

This is about as serious as it gets. It's holiday time. We celebrate Thanksgiving in America.

Part of the Thanksgiving is what you're doing right here. We celebrate your system, that we don't have the government deciding who's convicted or not. We have the people.

The blood on the holster, there is probably blood on that holster. There was a reaction, but who cares? What does that mean? Lacey didn't have the key to the safe. What does that mean? There's no blood on the safe.

Does any of that change anything? So she picks up a holster. Who's the person who's told the police about this holster being on the ground? Police didn't know anything. Lacey, if she's going to lie, how about a really good lie? She comes downstairs, she kills Dan Akers.

She puts the gun in his right hand with his finger in the trigger. The bullet's on the right side of his face. She doesn't know where the bullet is.

She tells everyone that. And she runs upstairs, grabs her phone, calls 911 and says, oh my God, oh my God, I heard my husband come home. She doesn't have to have a Swiffer.

You don't need a Swiffer. This booby trap, I don't know what booby trap. Why does she have a Swiffer? And I hear a gunshot.

I was asleep. And I came down and oh my God, my husband's in a pool of blood. What do I do? It's as simple as that.

You don't need to be falling on top of the man. Why make that up? Who would know to make that up? Who would know that the police are not going to do their job? Who would know that the police didn't get her clothing at the hospital? Who would know all this? Who would know? How would she know people weren't taking pictures of her or videoing her in the house? She's hysterical. Don't pull that plug.

Your mind is wavering. It's unsatisfied. It's not settled.

Ladies and gentlemen, we are lucky to have people like Ross Gardner, Dr. Downs, Dr. Terry, Dr. Warren. They have been criticized here because they are skilled. But the district attorney's office went out and hired Dr. Downs previously.

I asked Dr. Lehman, what's wrong with having another person look over your work? He said

nothing. What's wrong with the expert getting paid? Nothing. Of course there's nothing.

Dr. Lehman did it himself. In a civil case, this is what we do. We challenge each other.

That's how you get the right idea. Why did the state of Georgia bring in anybody to say Dr. Lehman is correct? Think about that. He puts on me that I spoke with other people who didn't say what was good for the defense.

There's no evidence of that. That's insulting to me. It's insulting to you.

That's not evidence. That's just another one of these made up statements. Just like on the 9-1-1 call.

I took it down there. Did you hear there? Did you hear there? No, I didn't hear there. It's not on there.

It's the prosecutor. And when you listen to it in context, I took it down. I tried to take it down.

She's talking about the gun in his hand. She's saying it right away in hysterics. Do you remember in the ambulance, Lacey, according to the EMT, kept saying, why, why, why? The prosecutor asked, well, do you remember her saying, why did I do this? Why did I do this? The witness said, no, that wasn't said.

Why are we doing that? Don't trust them. It's okay not to trust people. That's America.

That's why all these rules. That's why a person's presumed to be innocent when not guilty. That's why the burden's on the prosecution to prove guilt beyond a reasonable doubt.

That's why the person doesn't have to prove anything. That's why Lacey doesn't have to testify. I don't know what she could testify to in this case.

She said everything. She gives a statement on 9-1-1. She gives a statement at the hospital.

I tried to take the gun out of his hand and I fell. Of course, we don't have that on recording, but Detective Ogden told you that. Eight days later, while on prescription medication, she's crying, no tears.

There's no idea. She's dehydrated. All her tears are cried out.

What does that mean? But Detective Ogden, she tells him. He had the gun pointed at him. I tried to take it out of his hand.

January 7th, 2020, a couple weeks later, she writes. You could watch the video. It wasn't played.

At some point, we trust you. We trust you from the beginning. That's why Lacey chose you.

Lacey's just writing. There's no hesitation. She's not Googling anything.

She's just writing. She wrote all those pages there. Tried to take it out of his hand and fell.

How would she know to say I almost fell? And then March 5th, 2020, Lacey goes without a purse to the sheriff's office. She gives another statement. She cooperated the whole way through.

Everything she said is corroborated. Don't pull that plug. The holster, it just doesn't seem to be well received.

Probably blood on it. We don't know. As the prosecutor said yesterday, just trust the man because he's safe.

Ross Gardner says, actually, that is totally wrong. We trust and we verify. That's what jurors do.

It's hard to trust somebody when he's a good person. He admittedly tells you, I don't remember how much time passed between the two myths. I don't remember the light.

All he knows about is in his note, it said it reacted with a green, whitish tint the first time. No reaction the second. Ross Gardner told you that's the reaction.

But why did Detective Hardy tell you on his examination the holster never lit up? Why would he say that? Does he think I'm not going to ask the question of the witness? Didn't you tell Detective Hardy that it lit up the first time? He said yes, of course. That's important. But Detective Hardy tells you, just like all this other stuff, just like the photograph, just like the pig, I didn't talk with Skyler that she found urine in Mr. Aker's car.

Why? I just didn't do it. But you know he had urine in the car. He caused, remember that text message with his friend Chris Berg? When Chris Berg told you, he was talking about getting urine from a third person who's not on drugs.

Don't pull that plug. The best is the DNA. I mean, we wouldn't even be here.

And the prosecutor said, well, you know, if Lacey's DNA was on there, we really wouldn't show anything. Maybe she touched the gun in the past. The witness said she had the gun.

It would tell you a lot. What about Lacey's hands? What if there's no gunshot residue on her hand? Oh, it gets in the whole room. They did the test for a reason.

Think about it. If it's just everyone in the room, why test Dan Aker's hand? Because if his hands don't come back with gunshot residue, it could mean that he didn't shoot the weapon. But his hands, both of them, came back with the most gunshot residue until they stopped testing.

The lack of evidence, the fact that they don't test Lacey, is a reason to doubt and do not pull the plug. And what a coincidence, the ejection rod end of it is the same exact diameter as the

abrasion. How did that happen? What a coincidence.

You have a reason to doubt. Your mind is unsettled. It is not satisfied.

It is wavering. Do not pull that plug. It's a reason to doubt.

That's what the judge will tell you. Circumstantial evidence and direct evidence. It's evidence.

(3:42:28 - 3:43:00)

But what the judge will tell you is that the state must exclude every reasonable theory other than the guilt of Lacey. So if you think about that, the state's burden is so high that they must exclude every reasonable theory other than guilt. Meaning it has to be guilt.

(3:43:01 - 3:44:10)

But it doesn't have to be guilt. Dr. Lehman told you that. It is possible the gun was in the nose.

Well, how do you get the gun in the nose? Lacey just walked up to Dan Aker. The prosecutor. All these questions about the room and the bag and being dropped and the spillage of the water.

Look at the room. If Dan Akers comes into that room and he's holding all of these items and he takes that fatal shot. Dr. Lehman said he's unconscious right away.

He can't function. So how does he drop a water by his feet, a McDonald's bag by his waist area, keys by his head? He doesn't have the opportunity to move. He goes black.

(3:44:14 - 3:45:18)

I asked the crime scene. I asked Detective Harden. I asked Detective Ogden.

What evidence do you have that that McDonald's cup was not placed on the ground? There's no perforations. There's no defects in the bottom of the cup or the side of the cup or the top of the cup. Their answer is I don't know when the cup got there.

That's a truthful answer. The McDonald's bag. How do you know it wasn't placed on the ground? It's not ripped.

It didn't crash and things fall out of it. All it has is that hand print on the bottom crushing it. Otherwise it's intact.

When did that get there? I don't know. How about the keys in the hat? Were they in Mr. Aker's left hand so he couldn't hold the gun or were they on the ground before? I don't know. Was he even wearing the hat? I don't know.

Those are reasons to doubt. You have no idea what occurred. The prosecutor takes a water

bottle and drops it on the floor.

(3:45:18 - 3:47:28)

What did that show? Why didn't the police take a similar McDonald's cup, fill it up with water? You could do it in stages. Fill it up to the top, fill it up to the middle, have a little bit of water with a cap on it, a straw in it, and drop it on that surface, on that rug, on that carpet. Does it indent every time? Then it wasn't dropped.

But what did they say? No, we didn't do that. We didn't even try to do it. Didn't even think about doing it.

Because they don't care. They're just going to go on their theories. The judge will charge you that to impeach a witness means the witness is unworthy of belief.

An example of that is all the people who don't see Dan with a gun, Dan Akers with a gun, Mr. Chris Berg, he was holding a gun. Prosecutor admitted, yes, he's holding a gun. All those people are impeached.

How about Lacey at the funeral, the memorial, rubbing her head? How about seeing her afterwards going into a tanning salon? How about she was behind an area and didn't talk to anybody? What do you want from this woman? What does the state of Georgia want from her? Is she supposed to greet everyone? Tell them all be strong? Be strong for the kids? Not go to a tanning salon, supposedly? What does that mean? How about Mr. Poag, P-O-A-G? You heard from him. What a winner. No, Dan? No guns with Dan.

Then you find out that Dan Akers and Mr. Poag, they go into another person's home. They shoot into that person's home and steal six guns. Oh yeah, Dan Akers, no guns.

(3:47:29 - 3:49:10)

You'll see it. They were all impeached. The judge will tell you about accidents and affirmative defense.

This was an accident. I'm not saying that Dan Akers was going to shoot himself in the nose. I've never said that.

I hope that he wasn't going to shoot himself in the mouth. I don't know how many times, if any, he put a gun into his face before. I have no clue.

But on that day, when he introduced that gun, and the state can't prove he did not introduce the gun, when Lacey was justified by grabbing his arm to try to stop him from killing himself, and that gun goes up into his nostril, there's no intention to gunfire by accident. Lacey had no control of that gun. You have nothing to show Lacey had any control of that gun.

That's an accident. And once that's raised, do you know who has to disprove accident beyond a reasonable doubt? It's not just, oh, do I think it's an accident? The state of Georgia has to disprove the affirmative defense of accident beyond a reasonable doubt. So if you say, could this be an accident? Could it have happened? Where Lacey grabbed the arm and it just discharged and no one intended for it to go off? The state has to disprove that and show that Lacey had the intent, control over that gun, and intended for it to be fired.

Lacey doesn't have to prove it was an accident. Once she raises that defense, the state must disprove it beyond a reasonable doubt. They can't do that.

(3:49:12 - 3:50:40)

Ladies and gentlemen, the witnesses who testified in this case were plentiful. But a lot of them didn't add much to the aid of the prosecutors. You heard from Brent Miller, first on the scene.

He doesn't videotape anything. He has no idea, he doesn't remember, he's truthful. He may have touched Dan Aker's hand or not.

I don't know if that matters, but if it matters to anybody, the gun is under the hand. How do you know that some EMT person, some police officer didn't move the hand? All you've got to do is check for a pulse. I'm not saying that's bad.

Someone checked that man for a pulse. We all can agree on that. You don't just show up at a scene, if there was a signal 48 and you show up and it's dead on arrival, why go in? Why go inside and look? They went in to verify.

Sometimes there's a low pulse. Somebody touched him. Did they move his hand? I'm not saying they put it next to the gun, but the gun and the hand, we don't know where they were when the first officer arrived because there's no photograph.

That's the point. So you don't know how that gun got under the hand. The prosecutor telling you constantly, Lacey says she threw the gun, threw the gun.

(3:50:40 - 3:53:45)

She actually did say she threw the gun. She also said she doesn't remember what she did with the gun. She also said she dropped the gun.

She's under so much stress and this happens in an instant. Lacey's being truthful. He tells you about Lacey throwing up.

She needs to get medical care. No pictures. He had his camera with him.

No pictures. Next one is Brett Witschiff. He's wearing the I Love Jesus sweatshirt.

He's there with someone else. He noticed blood. He recalls there was an officer with Lacey at the time of the incident to try to calm her down.

Lacey was crying, screaming and yelling. The next witness is David Pace. Nice guy.

He's a major. At that time he was a captain. He was second on the scene, he said.

He heard Lacey screaming in hysterics. He doesn't remember even seeing the firearm near Dan's hand. Maybe the hand was moved after he saw, but that's what he said.

He said paramedics were checking for vitals. The next one is John Beal. It's his very first night working.

First crime scene ever. He's kind of like in his internship program. He remembers the blood and while standing at the threshold of the door could hear Ms. Bowles in the living room upset and crying and screaming.

Michael Logan is a paramedic. He worked for Metro Atlanta Ambulance Paramedic as opposed to the prosecutor saying that Metro Atlanta is just an ambulance, it's not EMTs. It's EMTs and paramedics.

Paramedics are above EMTs. He recalls smelling blood and alcohol in and around Dan Akers. He noticed blood on Lacey's clothing when he took her to the hospital.

Lacey was inconsolable at the hospital and had blood on her when going there and Lacey was always saying, why, why, why? That's when the prosecutor said, oh, did she really say, why did I do this? I mean, talk about trust. It's not in any report. It's just made up.

He never said that. The next one is Amanda Carter. You know, she took what she thought was appropriate photographs.

(3:53:46 - 3:56:04)

The next person, she saw Lacey vomiting at the scene. She said that DNA can be collected off the firearms trigger. That's why they take it.

She said that the McDonald's cup could have been placed down on the ground, just like you see it. Clothing at the hospital, she said, should have been grabbed. She said that the police have the ability to photograph on their phones.

There's nothing to stop them. And she said that it should have absolutely been done. Lacey both should have been photographed and her clothing taken.

She talks about the vacuum, the Swiffer. Why is it on the second landing, the kitchen? If it was at the door when you come in, who moved it to the second landing? There's no blood on it. We have

no idea.

I'm sure that's blamed on Lacey somehow. She was lying or planting the scene. You don't have any evidence of that.

Why did Lacey say that she put a Swiffer there? That whole thing that we went through about blood in the sink, she has no idea whose blood that is. Other people came in contact with Lacey. The mother could have done it.

The six-year-old could have done it. You see chapstick next to the McDonald's cup in the kitchen. Lacey uses chapstick.

You can see Mr. Akers from upstairs, steps going downstairs like she said. She took his phone. She tells you the items in his pocket.

The next person is Detective Ogden. I told you, I asked him the question. What evidence do you have that Lacey Bowles introduced that gun at all? Touched that gun at all? Pulled that trigger.

Answer to everyone is nothing. That's it. That's it.

(3:56:08 - 3:58:56)

He admits, I should have taken pictures, I should have taken the clothing. Tells you about some Marine who committed suicide. Has nothing to do with that case.

That was just a waste of time. Talks about the January 7th statement of Lacey. The lack of tears.

He said, I had no idea she could cry any more tears. No idea. He said, I had no idea if Lacey could have made that shot from a distance.

He said that the DNA was collected from Lacey and from Dan Akers and it was supposed to be tested for the firearm. Didn't happen. Deputy Tyler Brown, the Paulding County Sheriff's Office, who was successful getting into Miss Bowles' phone, Lacey's phone, Detective Hardy.

He has a lot of theories. No evidence that Lacey committed this crime. I asked him that.

What evidence does he have that Dan Akers didn't bring that gun into the basement that morning in that room and pointed his face? He said, I don't have it. I think we can pretty much stop there. Talked about all those lies, told it to Dr. Lehman, misled Dr. Lehman.

That's just inexcusable. On the 9-1-1 call, Lacey's being told, where's the gun? It's for safety. Lacey said, I thought that I understood that she told me to go get the gun.

I went back downstairs and I couldn't do it. That whole thing on direct examination, oh, Lacey was grabbing the keys, kept grabbing the keys. Comes out in his report, says nothing like that.

She grabbed for her purse. I mean, why would you trust him? The DNA, he said, it wasn't tested for the money. Did you hear that from the crime lab? Is it in the report? Where is that? It's just made up.

It's just made up. They just didn't do it. Burying both of us and the kids will live in foster care.

(3:58:56 - 4:07:08)

He doesn't tell anybody about that. I have to bring that out. His conviction, remember the prosecutor saying, well, do you have any evidence that Dan Akers, he may have finished all his community service, all of his requirements for evaluations, paid off all his fines for probation.

Remember all those questions by the prosecutor, Detective Harding? Then I have to stand up and say, well, here's the probation revocation case from January 7th of 2020, after the death, where the court is saying he didn't fulfill his probation. Why ask that question? Detective Harding knew that. Prosecutor knew that.

Why? Detective Parker testified, says it could have been opened, doesn't remember, wasn't sure. It reacted with a flash of green and white. We discussed that.

There's no idea. He didn't video it. I don't even know if it matters.

Officer Dixon, March 5th, he's there. He located the key and he opened the safe. He opened the safe.

So long as you don't know how much blood is on the right hand, the holster could have no blood on it. The safe could have no blood on it. It's not remarkable.

The police didn't take notice of Lacey's right hand. You only know about her left hand because of the handprint. The police say, yeah, but Lacey told us both of her hands were bloody.

So they believe that part, but then disbelieve another part. You can't pick and choose. That's pretty convenient.

Then the GBI analysts all testify about the gunshot residue. He's positive for amphetamines. Sergeant Wicks, both of them, and then the phone of Mr. Akers is discussed.

You know what that is. It's sad. GBI crime scene.

McKenzie testified about alcohol. Another GBI crime line person comes in. We talked about the gunshot residue person.

It's the highest. They stop counting. You have GBI agent Murphy.

He comes in. He looks at the gun. Nobody says the gun should have anything on it.

It's there for an instant. It's gone. All of the materials that's going into the sinuses, there's an opening here.

It has nothing to do with what the prosecution shows you. If someone shot me on my scalp, that's tough bone right here. The nose is an open area.

All of that is just wrong. It's a waste of time. James Poag, I'm not going to waste anybody's time with him.

Amanda Berg told you about somebody shaking the bottom of Macy's trying to help people. Chris Berg told you he saw Mr. Akers with the gun that he kills himself with eventually and the holster. We go through all those other witnesses for nothing.

Virginia Edwards, didn't really add much. Aaron Edwards, they talk about Dan at work. He didn't know that Dan was going to be furloughed.

He didn't know that Dan had all these problems. Then they bring a man from Ohio to say, oh, he's a good worker. He's a good worker.

He can't pass the drug test. I'm sure he's a good worker. Dr. Lehman testifies and you know about Dr. Lehman.

He won't even tell you that he's convinced to a medical degree of certainty that he's right. He said that there is another possibility. That's all you have to hear.

It's over. This is not like 50-50. You don't hesitate.

Your mind is settled. It's satisfied. It's not wavering.

You can't say one reason to doubt. Dr. Lehman is a reason to doubt among himself. Then of course, you have the rest of witnesses that Lacey calls.

So what is the state proving? What is the state really proving? Lacey's been consistent. They want to pick apart like, well, she didn't say this at this time. She didn't tell us right away about the holster.

Is that really what we're doing here? Lacey did not testify. The judge will tell you, you cannot consider that in your deliberation. This is America.

These are constitutional rights. She's presumed to be not guilty. She doesn't have to testify.

But she testified through all of the statements that she gave. You have them. The 911 call, the meeting at the hospital where she immediately said she tried to stop him and killed himself and fell on him.

December 30th, 2019, January 7th, 2020, March 5th, 2020. You have her statements. Lacey's not guilty.

That's the verdict. You're going to see nothing on a verdict form that talks about innocence. This is the verdict form.

You will have this when you are selected by the court person. You will fill this out. Each and every one of you have to agree.

If you're not unanimous, you don't get a verdict. Individually, you have to agree. And then you're selected.

It's either Lacey is guilty of malice murder or not guilty of malice murder. Lacey is guilty of involuntary manslaughter or not guilty of involuntary manslaughter. Lacey is guilty of felony murder with the underlying felony of aggravated assault that you intentionally brought that weapon and fired it into.

Mr. Akron, you're not guilty of felony murder. Lacey is guilty of involuntary manslaughter or not guilty. Lacey is guilty of aggravated assault or not guilty by intentionally shooting and causing death.

This is your verdict form. You will fill it out. You will sign it and the court person will date it and you'll return it to this hour of the court in open court to be published.

Nowhere on there is innocence. If I had the burden of proof, I would do what I had to do to show that. I feel like I did show it.

But it doesn't matter because I follow the rules too. You need one reason to doubt. That is the oath you took.

(4:07:09 - 4:11:04)

That is the oath that I took. There are two things in every county of every state in the United States of America. One is a softball field or a baseball field.

The other is a courthouse. In every one of those courthouses, although they may look different, there is that jury rail right in front of you. That is a symbol.

Although I can come up to that back and forth and eventually I can topple that, it is a symbol of strength. It separates the people from the government. It separates the people from the prosecutors.

That jury rail right here means the people have the power. We don't blindly forgive prosecutors and detectives. We demand proof.

Anyone can sit as an accused. Not that long ago, whether you hate him or love him, President Donald Trump sat as a criminally accused. Anyone can sit there.

Everyone has the same rules. You apply the rules. If you are okay with the prosecutors and the police just not doing their job, not collecting evidence, not testing evidence, making up facts like there is no photograph, making up facts like why did I do it, laughing, beware.

Beware. I cannot stand up again. I took a note also to follow the rules.

Don't think I don't have something to say when the prosecutors are done after lunch with their second closing argument. Don't think I can't rebut it. Don't think I don't want to rebut it.

Don't think I agree with it. But I took a note too and I will sit there and I will listen because we trust you. We trust you.

You fight for Lacey. You fight for the rules. You fight for what is right in this case as no one else saw it but you.

Lacey is not guilty of malice murder. Not guilty of involuntary manslaughter. These are serious charges.

She is not guilty of felony murder. She is not guilty of involuntary manslaughter. She is not guilty of aggravated assault.

(4:11:34 - 5:27:26)

All right. Thank you, Mr. Gill. Lacey Gill is out at 1230.

Why don't we break for lunch. I'll give you the same amount of time I've been giving you throughout the course of the trial, which is an hour and 15 minutes. So we'll be back at 145.

Thank you. Mr. Cole, are you ready? All right. Can you see if they're ready? I'm not sure they're all back yet.

Welcome back, everybody. Mr. Cole, would you like to begin? Yes, Your Honor. The police court, Mr. Steele, Mr. Gale.

I think it's pretty evident that there's one thing he can't do. And when I think partly about the way he had handled the investigation and what had happened, that makes pretty good sense, except for one thing. What do you think about the evidence? What was the evidence? The evidence was that the law enforcement here in Parliament Avenue had evaluated it and determined that it was a genocide.

That's what they thought because nobody wants to believe that that defendant over there could take a gun, point it in a man's face, and discharge the weapon. But that's exactly what she did.

And thank goodness for Steele and his friends.

And with his 7,000-plus autopsies, he started to evaluate the evidence that was left by the Williams-Fontana papers. And he starts thinking about it, and he starts evaluating it, and he says, well, this is supposedly recorded as a suicide, but that's not what my experience is telling me. And so he calls up law enforcement, calls up the sheriff's office in Paulding County and says, hey, there's more to this than you think.

(5:27:27 - 5:34:13)

You need to evaluate it and check in with what happened because it's not adding up for a self-inflicted gunshot wound. Now, think about Dr. Terry and Dr. Downs, and I mean, they are skilled in their craft, and they know what they're doing, but let's see here. Mr. Steele.

Mr. Steele in Waudea said, people from the GBI are scientists. They are not on the EMS team. They just test stuff and give you their findings.

Some of you may remember him saying that on Waudea when he was selected. His statements are, his scientists are absolutely on somebody's team. They are paid to play.

And there's nothing wrong with that. They can evaluate things, but they know if they're making $600 an hour and they give the additional hours to come in here and testify, that's more money. And I'm not saying that they may have made something up or changed something, but if you've got an incentive to look at something a certain way, you're going to get paid a lot more money if you do that.

I think it's possible that that could cover your judgment. Now, they just evaluated the facts, but a lot of times science, there's a phrase called garbage in and garbage out, which basically means if you start with a false premise, it doesn't matter how much you evaluate, how much you dictate, you're going to come up with a false solution. So let's say, just for argument's sake, let's say, well, I need to explain, I need to explain this gunshot residue in a nostril.

And is it there or is it not there? That's pretty important to me because what did we learn from all the medical examiners that gunshot residue comes out of the weapon. But, if the weapon is further away, 17 inches, three feet, hidden, then there is no gunshot residue that's going to be found in the wound of the person. So that's interesting because now, now the defendant has got the problem because now we've got to come up with some kind of convoluted gymnastics on evaluating evidence to explain how there is no gunshot residue on the victim.

Well, one, one explanation is the victim was shot from further away than a contact would run in the nostril. But then, if, let's just assume, for the sake of argument, that the gunshot wound was in the nostril, what did Dr. Raymond say? 7,000 evaluations, he knows it, and it's not like it's just a little shot. If it's a contact wound, as the defense would like you to believe, there would be a

plethora, an abundance of GSR in the nostril.

And what did Dr. Raymond say, who happens to be, obviously, the only medical examiner who actually had the body of Mr. Akers in front of him to actually look and see and determine what's there? He says none, or none to the extent that would be less if that gunshot wound had occurred, as the defense would like you to believe. You remember, you remember Dr. Raymond was asking additional questions. He said, well, you know, would it have been easier for you or harder for you to determine self-inflicted suicide? He said, that would be easier.

And it would be easier except for one thing. It wasn't a self-inflicted gunshot wound from suicide. Therefore, it was hard to not find him, because Dr. Raymond does not have a dog in this body.

(5:34:14 - 5:37:54)

His salary remains constant. The only thing he's trying to do is to protect the citizens of Georgia with the truth of what occurred. And it's horrible.

I mean, it's horrible to think how awful it is for murder to occur. And would it be nice, would it be nice if we could outlaw murder, and then it wouldn't occur anymore, because we made the law against it. But unfortunately, the law doesn't stop crime from occurring.

And the state has to do, just like you did, to bring the case forward when they think there isn't enough evidence to prove beyond a reasonable doubt that a crime has occurred. That's our call. Your call and your duty is to evaluate the evidence.

And as much as Mr. Steele would like you to dwell on all kinds of things, what you're sworn to do and what your duty is to do is to evaluate the evidence you actually have. You determine your verdict based on the evidence you have. Well, why in the world do we think that there is enough evidence to prove beyond a reasonable doubt that this defendant intentionally murdered Daniel Akers? Well, let's review some of the evidence we've got.

And Mr. Steele came to testify because he knew Daniel Akers. Knew he was a good worker. Knew he loved his kids.

Knew he was a right hand. He's the kind of guy that you want on your workforce. Because guess what? This drug-infected person that Mr. Steele had you believe, what did you learn about? Oh, yeah.

He's working 40 to 60 hours a week. Did you catch what this defendant said about staying in that room when that was played? This is like a playroom for the kids, but he uses it to sleep in when he's got to get up early and go to work. So he's not bothering anybody.

He can get out of the house without a disturbance. And to paint him as some kind of overdosed drug abuser when you absolutely know that he wasn't on the morning of December 22, 2019, you

know that. And you know that beyond any doubt.

(5:37:56 - 5:41:31)

Because when the body dies, it no longer processes any of the substances in its system. So whatever's in the system, when the person dies, is there. And how much alcohol was in there? .06? .06? Well, oh, one of the officers on the scene smelled alcohol.

My, my, my. Well, where was Mr. Akers less than an hour before his death? He was in a bar, 278th, and he was drinking beer. But what did he do? He stopped drinking beer because he knew he was going to drive home.

And his friend, who he hadn't seen in 20 years, just happened to be there with her husband and saw old Dan sitting at the bar by himself. Well, you ladies and gentlemen know what kind of evening old Dan had and what kind of day he had leading up to his death. And he, you wonder who causes shots in relationships, but then there's little tales that let you know who really is the force to be reckoned with.

And, well, one of us, you may recall that recording of this defendant and Dan, and there's a conversation going with a little child that's also in that recording. Well, who is Dan doing? What is he doing? He is sitting there trying to play with his child, and you can hear this defendant in the background screaming and hollering and raising pain. And at this point, Dan is indifferent.

He's just playing with his son, and he's just kind of ignoring it. And then, Dan says something almost, almost foretelling the future. He makes a comment, Your son will never know you, of all the words to employ.

On those words, to me, Dan, this defendant was losing control of Dan. He was advancing in his job, people were respecting him. He was about to become an apprentice and advance in a local 85, and the future was looking good.

The future was looking good. Now, you know, put everybody on trial at your defense counsel. Put the state on trial, put officers on trial, put friends of the victim on trial, put everybody on trial except for one person, and that's this defendant there.

(5:41:31 - 5:47:03)

You don't want anything pointing at her. But, you know, Mr. Steele has said a, he said, you know, this defendant chose you to decide her fate. No, she didn't.

The state got to choose you to evaluate the evidence as well. But the person, the person who decided this defendant's fate is not you. The person who decided this defendant's fate is her.

She is the one who decided to unplug Daniel Akers. She is the one who was the jury. She is the

one who was the executioner.

She did it. But she was smart enough to cover it up. I know what I can do.

I'll say, let me see, I fell on him, and that will explain any of his blood on me and any of my blood being passed around or smeared on a McDonald's bag or something like that. So that's one explanation. Oh, oh yeah, I picked up the gun and I threw it or I moved it or, oh, I don't know what I did with the gun.

I don't remember. But guess what? That explains why DNA is a non, because her DNA is going to be on the gun from handling it. And if it had been on the trigger, well, that's just the way she handled it when she threw it.

So you've got to evaluate that. Remember when I said garbage in and garbage out for your result? Well, let's think for a moment. What if there was no struggle at all? Zero? Then the defendant has a real problem.

Let's just say, for the sake of argument, that the defendant was angry with Dana. I mean, let's talk about that a minute. He'd been gone for three hours earlier that day with her son.

There was no reason for him to have been gone that long. And what did this hostile, hard-to-control man, what was on his grocery list or list to buy from the stores, the thing that all men like to go buy, tampons. But that's what he was going for, hair color.

So you can see she's got him doing her bidding. That's what she did. She called the shots.

But he says, I've had enough. It's time for a change. And maybe this defendant finally realized that she had lost control of Dana.

Because what did he say? The defense counsel would have you believe that he was suicidal. But how many searches did we have for suicides? Oh, that's right. Out of 200 and something whatever it was, zero.

And he pulls, he, the defense attorney, pulls a text message from 90 days before saying, well, this will bury you and bury me. Well, we know that didn't happen. But what about the literal, I don't know if you call it karma, karma, or do you believe in a higher authority or, you know, kismet, fate? But sometimes, sometimes things happen that are inexplicable but are totally telling about what occurred.

(5:47:06 - 5:47:27)

For instance, you tampon a holster that, of all the things to pick up, you're not going to pick up a gun where a child can get into it. No, you're going to pick up the holster. And what are you going to do with the holster? Well, just took it upstairs and put it in the safe.

(5:47:28 - 5:47:42)

And you heard Detective Parker, if there were blood on it, the living room would have exploded with the reaction. Just it would have been a violent reaction, nothing small. But that didn't happen.

(5:47:43 - 5:48:02)

And think about when they were trying to get into that safe. Do you have a code to get into this gun safe? Well, no, I don't. Do you have a key to get into this gun safe? Well, no, I don't.

(5:48:03 - 5:48:13)

I haven't been in there, nobody's been in that safe since. Since! She put that holster in there. According to her.

(5:48:14 - 5:48:45)

Just like according to her, there was a struggle. But, what makes more sense? And speaking of sense, you are allowed to evaluate and consider everything using your common sense. Well, one person who knew something could be bad on that holster was this defendant.

(5:48:45 - 5:49:29)

And she was trying to stay away from being able to get into that gun safe. But we know from an earlier occasion that she was able to get into the gun safe and get a gun whenever she needed to do it, whether it was a prank or not. But, let's just suppose, does it make sense that this defendant is already upset with Daniel? And so, she decides that, you know, first of all, he had the nerve to leave and go off in the evening.

(5:49:31 - 5:49:47)

But do you know what he told her when she detailed the conversation? Why he was sitting in the garage. Because he didn't want to argue. He's trying to avoid confrontation.

(5:49:48 - 5:50:01)

And once again, the defendant is trying to alleviate the rape and the mean Daniel Akers. He was isolated. He was acting strange.

(5:50:01 - 5:50:25)

It was weird. It was weird, except for the defendant's statements. And she forgot, you know, the best lies are when you put a little bit of truth in there so it has a little bit of consistency with it and a little bit of credibility with it.

(5:50:25 - 5:50:38)

But guess what she said? This man, who was acting different, wanted to isolate himself. What did he do? Oh, that's right. He went off with his son for three hours.

(5:50:40 - 5:50:52)

Shocking. Even the defendant said they were looking at a pig and she decided that they decided that, you know, it's too expensive to get a pig. They decided it was too expensive to get a pig.

(5:50:52 - 5:51:13)

So what does Daniel do, the dominant, strong person? He takes and turns the feed back in for the pig because he knows it's not going to happen. That's how much control he had. The defense counsel wants to say, well, my goodness, you've got this.

(5:51:15 - 5:51:27)

He can't even get $30 out of his refunds or out of the negative income. He can't get $30. Well, use your common sense.

(5:51:28 - 5:51:49)

He's sitting at the bar at Highway 278 by himself, and I will submit to you he wasn't getting beer on his good looks. He had some money to do that. Now, common sense, common sense.

(5:51:53 - 5:52:07)

How about this defendant is so angry? She's not just angry. She's homicidal. How dare Dan do this to her? He doesn't have any right to just go off on his own.

(5:52:08 - 5:52:12)

No. She's calm. She's gone too long.

(5:52:12 - 5:52:42)

And finally, she cuts off the Facebook and the text messages, but then guess what? She puts them back. She wants to be able to have contact with him and have control of him, but in opening, Mr. Treadway called it a booby trap that was set up. You know, it was Swiffer, so she could know when Daniel, the victim, came home.

(5:52:42 - 5:52:55)

And I submit to you it was not a booby trap. It was a doggone death trap because she knew. She knew what she was going to do.

(5:52:56 - 5:53:16)

How do we know that she knew she was going to do it? And that Daniel didn't have any part of it. Well, let's use our common sense a minute, and let's start evaluating it and think about what we're doing here. Well, for one thing, it's Christmas.

(5:53:18 - 5:53:35)

It's Christmas! And what is Daniel doing? He's planning on ways to make the season even more joyous. What's one of the best things about Christmas? You know, when we're kids, we think, oh, man, Christmas. I'm going to get blah, blah, blah, blah, blah, blah, blah, blah, blah.

(5:53:35 - 5:54:02)

And you're thinking, oh, that's going to be great. But when you get to be an adult, when you're kids, what you want to do is see their joy when you give them a present. Even when you don't have the money for it, you want to have your kids be happy.

(5:54:03 - 5:54:15)

And for just a moment, maybe not struggle. Maybe they can thank Dad, who's busted it at his job. He's doing something to provide for his family.

(5:54:16 - 5:54:24)

He may not be the best person in the world, but Doc Lonnie was a good one. And he loved his kids. There's no question.

(5:54:24 - 5:54:39)

Coaching baseball, coaching football. Even Mr. Finley sent a video to him the day, within 24 hours of his death, of a little boy going hunt, hunt. That's from Dad.

(5:54:41 - 5:55:41)

And you think Dad, for a moment, is going to kill himself in the playroom of his children? Common sense. Is he going to kill himself at Christmas when he's told his wife, hey, let's just get through the holidays and then we'll do whatever we need to do? Because guess what? Every simple thing he said, that all of his children will remember a terrible Christmas, Dan would not do it. Because Dan was trying to protect his children, even as bad as it got.

(5:55:42 - 5:55:58)

Even in the text messages, he's trying to say, you know, You're doing the best you can, I understand that. We've got problems here, we just need to go our separate ways on this. But

common sense.

(5:55:58 - 5:56:08)

He's not going to kill himself at Christmas, and he sure isn't. Sure isn't. Sure as anything, he's not going to kill himself in the children's playroom.

(5:56:08 - 5:56:17)

In the house. Because guess who can come downstairs and see what has happened? Those kids. That's not going to happen.

(5:56:17 - 5:56:37)

Common sense. But when you're mad, and you're homicidal, and you don't care about anybody but yourself, and making sure that this person doesn't walk out on you and start a life without you. Because you know what this defendant means? What Dan may have finally figured out.

(5:56:38 - 5:57:06)

And that is that Daniel was going to be ten times better off with her. And your son will never know. Why that? Because unfortunately divorces occur not too infrequently, but most times, there's visitations, and you get to know your children, and you get to spend time with them, and you get to see them.

(5:57:07 - 5:57:23)

So your son will never know you. Well, that's foreboding of what this defendant is going to do. Now, let's go back to the homotopsy moment of Mr. Edwards.

(5:57:24 - 5:57:52)

And he's being evaluated, and now, now, experts, experts are in it. They got a problem, because Dr. Layman, who just came in, and you saw him, he was just answering the question. And there's something else you can look at, too.

(5:57:53 - 5:58:13)

There's something else you can evaluate. Think about how Dr. Layman responded to the questions of Mr. Steele here when he was questioning him and questioning him, and what kind of attitude he had. There was virtually no difference between Mr. Treadway asking the question or Mr. Steele asking the question.

(5:58:13 - 5:58:29)

But wait a minute. Wait a minute. What happened with Dr. Downs when Mr. Treadway was

asking him questions? Mr. Steele could ask the question.

(5:58:29 - 5:58:52)

He could get the whole question out. And Dr. Downs sat there attentively, almost like he was being paid, and responded to Mr. Steele in a very professional manner. But with Mr. Treadway, Dr. Downs was interrupting.

(5:58:52 - 5:58:57)

He was raising his voice, and he was combative. You saw it. He was combative.

(5:58:58 - 5:59:23)

The other doctor was almost like rolling their eyes that somebody would even question what they had done. I mean, Dr. Terry, she was over here, and she's looking at you guys, and she's like, well, that's the way that is. That's all part of what you can evaluate.

(5:59:24 - 6:00:16)

That's all part of what you can evaluate. Now, when you consider the evidence, you need to consider the evidence, and that is what is before you. And people's testimony and their observance and what they know are all important because isn't it interesting how some people don't even recognize how well they're thought of and how valuable they are to people? When Dwight came down here from Ohio, I mean, it was pretty evident that he saw a spark in Daniel.

(6:00:17 - 6:00:25)

He knew it. He knew that Daniel was going to be okay, and he was going to do something. He knew it was somebody he could count on.

(6:00:25 - 6:00:35)

He was there. When the job was to be done, Daniel was there. He wasn't sitting at home trying to figure out a way to get out of work.

(6:00:35 - 6:01:03)

He was 40 to 60 hours a week working, and they already had him getting ready to go to another job because he was a valuable worker, and he was looking to the future. He had an eye appointment the day after, you know, a few days after he was being murdered. That shows that he's not suicidal.

(6:01:05 - 6:01:15)

Nobody, nobody said this to Benjamin. He was planning on killing him early on. That's not required from Alice.

(6:01:15 - 6:01:56)

What's required from Alice is that you kill him, and you don't have a right to do it. And guess what? If the defendant came down with the gun in her hand or had the gun in her hand waiting for the death trap to sound, she hears it, she comes down with the gun, he's coming in with two hands full of, you know, food and keys in one hand, and he turns around and sees her with the gun in his face. Bang.

(6:01:57 - 6:02:03)

Shot and killed. From a distance. The indeterminate gunshot wound.

(6:02:04 - 6:02:17)

That explains all of that. Explains all the lack of soot, the lack of gunshot residue, all of it. But most importantly, explains what happened.

(6:02:18 - 6:02:55)

Because wouldn't it be curious? Of all the numbers of witnesses that this defense attorney went through, Mr. Taylor, what he focused on, he went through all of them, every single one, except for one. Who do you mean now? Oh, yeah. Oh, yeah.

(6:02:56 - 6:03:13)

The lady who had known Nate since high school. He kept up with him on the periphery. Actually, you know how some place and you see something you haven't seen in years, you go, well, that's someone's up.

(6:03:14 - 6:03:24)

Well, that's what this witness that Mr. Steele left out did. Oh, now, she sees him. She sees him alone at the bar.

(6:03:25 - 6:03:34)

Dan, how you doing? What's going on? What is it? They talk a little bit. She gets a beer. He gets a water.

(6:03:35 - 6:03:50)

And he tells her, oh, guess what, some more love messages from this defendant showing how

she's still mad at him. She's still mad at him. Comes in.

(6:03:51 - 6:04:07)

He swishes the water. He decides he deserves about 30 minutes in the house to visit with her husband. And he decides he's going to leave.

(6:04:08 - 6:04:20)

Dan decides he's going to leave. Specific point first. It's late.

(6:04:23 - 6:04:56)

Had a beer. Had some water. It looked like, from what was on the tape, that it was a quarter pounder with cheese meal that he got.

(6:05:00 - 6:05:41)

That normally wouldn't matter that much. But in this scenario, where Mr. Akers, good old Dan, same old Dan, is supposed to be verbose and suicidal, he gets this meal and comes on for this house, not knowing that he is going to trip the death trap. He doesn't know that.

(6:05:41 - 6:05:53)

He thinks he's going into his house and he's going to go downstairs and eat his quarter pounder cheese meal filled. That's what he thinks is going to happen. This defendant over here knows something different.

(6:05:55 - 6:06:02)

She knows. She knows what she's playing. She knows it is execution time.

(6:06:02 - 6:06:41)

That's what she knows. And you know Father's Day, that year, for Dan. That he was just an old mister.

(6:06:49 - 6:06:58)

His family doesn't get to see him and talk to him at all, to know anything about him. I apologize. That's one of our objectives to send it to you.

(6:06:59 - 6:07:05)

Well, you can't decide to verbose it. Mr. Steele is 100% correct on that. Right.

(6:07:05 - 6:07:20)

I'll suspect. So let me rephrase that. The future for Mr. Akers ended at the hands of this defendant.

(6:07:25 - 6:07:44)

And so let's hear a minute. Did the defendant's right hand or left hand? Left. Left hand.

(6:07:44 - 6:07:54)

Did he see left hand? No. He's right handed. Did the defendant's right hand or left hand? Left.

(6:07:54 - 6:08:23)

Left hand. Did he see left hand? No. Isn't that interesting? that she makes a point to show that he's right-handed at this point, but the gun ends up not just in his left hand, but under it.

(6:08:23 - 6:08:44)

For somebody who throws a gun, somebody who throws a gun, that defies physics that the gun's going to be under his left hand. He's right-handed. He's right-handed.

(6:08:45 - 6:09:16)

Now, when you look at where the bag is here and you look at the gun, you see that his thumb is right on that gun. There are teeth. And, you know, somehow we know without DNA and without an analysis that that is, in fact, the defendant's left hand on that bag.

(6:09:17 - 6:10:02)

We don't need experts for that to do that. And that's the same evidence that's provided in them making these conclusions of what's concerning. But look at that.

Look at that. Now, that supposedly is a blood dropping, and this is a blood transfer. Now, is it possible that this defendant could have lifted up Mr. Baker's hand and put it over there on that gun? Is that probable, trying to cover her tracks? That explains the blood on her.

(6:10:03 - 6:10:29)

It's a transfer. Basically, she's there messing with his body. Now, this right here, this right here, we had thousands of dollars being spent on that case.

(6:10:31 - 6:10:49)

And we got all this expert testimony being given. But common sense. Common sense.

(6:10:50 - 6:11:25)

One of the best defense attorneys in probably the world is here defending this defendant. And they've got some of the most qualified experts in the entire world explaining the evidence. And remember, Mr. Chisholm, don't be concerned about how this defendant's story changed from time to time.

(6:11:26 - 6:11:36)

You know, one time she's saying this, one time she's saying another. One time she says the victim, Daniel, didn't say anything at all. One time she's saying, he's saying, nobody can help me.

(6:11:36 - 6:12:34)

One time she's just coming up with all kinds of different explanations. Well, that doesn't matter because it only happens one way. But no matter how many experts you have and how much evaluation you've got, isn't it almost a higher power for business to think that a quarter-pounder meal deal is going to be the coup de grace, the implement that lets you know beyond a reasonable doubt that this defendant murdered her husband.

(6:12:35 - 6:12:58)

And guess what? You can murder him and do it right then, just a strike, just a strike. You know, you've got the gun in your hand, you point at him, and it goes up to your brain, you pull the trigger, you pull the trigger, and as soon as you pull the trigger, you go, oh my God, what have I done? I need to try to save him. I've got to save him.

(6:12:58 - 6:13:08)

So you try to do CPR. Well, that doesn't change the fact that you murdered him because you still murdered him. But there's another telling thing.

(6:13:09 - 6:13:29)

It's the 9-1-1 call. When she punches a 9-1-1 call 17 times around, she asks for help for her. But never for Damien.

(6:13:31 - 6:13:51)

Never for Damien. Most people, I submit to you, want to go down and help the injured person. And when the authorities arrive, or the medics to help, we are on this 9-1-1.

(6:13:51 - 6:14:06)

She was just kind of indifferent about what had occurred. She was not excited that, oh, thank

goodness they're here. And see, that's another thing, you know, about that holster.

(6:14:07 - 6:14:38)

Blood is being thrown around that helm everywhere, except for, guess what? On the safe and on the holster because, I submit to you, that holster was left in the safe when this defendant got the gun out and decided to lay in wait until her death trap was triggered. And that's why everything went so fast with Mr. Steele. She'd already decided what she was going to do.

(6:14:38 - 6:14:53)

Not only did she decide it, she actually did it. That's what happened. And that, you know, you can't view the evidence in isolation.

(6:14:53 - 6:15:06)

You've got to take the whole picture. Somebody who hadn't seen him in 20 years, same old Damien. He's happy, he's conversant, and obviously he's having trouble with this defendant.

(6:15:06 - 6:15:18)

But he just goes on to eat. It's not his last meal. He thinks he's just going to have a quarter pounder meal, and everything's going to be good.

(6:15:18 - 6:15:37)

But that screams at you. That tells you, no way, no way, using my common sense, I know that she decided to execute him. That's what she did.

(6:15:37 - 6:16:07)

She decided to execute him. And everything that Mr. Steele pointed out to you, her clothes, red herring, doesn't matter. What is a red herring? Well, a red herring is something that, it's derived from my old England, and it was when convicts would try to escape the dogs that were pursuing them when they were running for their lives.

(6:16:08 - 6:16:31)

They would take herring fish, which had been smoked and was red and was very pungent, and they would drape it on their boots and put the flavor of the scent on their boots because it was so pungent the dogs couldn't follow them. And that's what the defense counsel was trying to do. They were trying to get you to focus on everything that doesn't matter.

(6:16:31 - 6:16:44)

The gun DNA doesn't matter. Gunshot residue doesn't matter. And you know gunshot residue

doesn't matter because what did the person from the crime lab tell you? It's going to be on anybody in that room.

(6:16:45 - 6:16:50)

And they quit counting after five particles. I mean, that's it. They don't need anymore.

(6:16:50 - 6:16:56)

They know they're in the room. They can't say who pulled the trigger or who did that. But you know.

(6:16:57 - 6:17:21)

You know who pulled the trigger because it doesn't make sense for anybody else. And, oh, yeah, let's not talk about, let's not talk about this defense in different statements because guess what? Her statements, not all of them say there was a struggle. That's something that came in later.

(6:17:23 - 6:17:44)

So if there's no struggle and the only person that says there is a struggle is, oh, that's right, the defendant. Now, you saw the picture of Mr. Akers where he ends up on the floor. I'm not going to show it again, but I want you to think about that.

(6:17:45 - 6:17:58)

There's a struggle going on. There's a struggle going on. Think about the position of his arms and of his legs.

(6:17:59 - 6:18:10)

Everything is spread equal. If you're in a struggle, you're trying to bend your knees to get leverage, to get control. His knees aren't even bent.

(6:18:10 - 6:18:18)

That tells you that that's a total lie about a struggle. Never happened. Never happened.

(6:18:24 - 6:18:49)

Now, the word, a verdict, is derived from the Latin word veris, and it means truth. And you have a duty to reach a verdict that speaks the truth. And I want you to think about all the evidence that you've got.

(6:18:49 - 6:19:24)

Just overwhelming common-sense evidence that this defendant murdered her husband. You've got it. I want you to hear Daniel Akers' voice calling to you, bringing evidence to you, because that's all he has, is what he wants, how he acted, what his attitude was at Christmas in 2019.

(6:19:25 - 6:19:44)

That's all he's got. But he's got something more, because he's got you, ladies and gentlemen, who are going to do the right thing. On behalf of the people of the state of Georgia, I want to thank you for your service.

(6:19:46 - 6:20:00)

I want to thank you for your attention. I ask you to speak the truth. I want you to return the verdict.

(6:20:03 - 6:20:21)

That's what I want, is malice murdered. But if you don't think she had an abandoning, malignant heart or had malice, then go ahead and disconvict her of the felony. But I submit to you, it is a malice murder, and I ask you to return the verdict.

(6:20:21 - 6:20:29)

It's a malice murder. Thank you. Thank you, Mr. Cole.

(6:20:30 - 6:20:38)

Ladies and gentlemen, what comes next is I'm going to instruct you on the law. This is going to take a little bit of time, so why don't we take a 10-minute break. We'll get you back in.

(6:20:38 - 6:21:46)

I'll instruct you on the law, and then we'll start deliberations. It was about 10 minutes before his time was up. He asked whether the court could let him know or Mr. Lail could, and that's all that was, so I just want to put that on the record for the bench conference.

(6:21:46 - 6:22:10)

The other thing that occurs to me is I gave a preliminary instruction, and I told the jury what it means if I sustain or overrule an objection. Well, I just sustained an objection during argument, and I think I need to add something to these instructions just to simply say I sustained an objection just like with evidence. You just disregard.

(6:22:11 - 6:34:25)

You can't consider what the argument was, so I'm going to do that. We have about maybe 10

minutes, and then I'll give them the instructions. All right, welcome back.

(6:34:26 - 6:34:37)

I have to give you some instructions as to the law, and sometimes you hear the lawyer say the judge will charge you on the law. That's what that means. That just means that I'm going to give you instructions.

(6:34:37 - 6:35:01)

The good news that I have for you is that you will be charged written copies of my jury instructions, so if you want to take notes, feel free, but don't feel like you have to. Before I get into the jury instructions that you're going to get a copy of, let me just tell you something. When we started, I gave you what I refer to as a preliminary instruction.

(6:35:01 - 6:35:24)

You may remember it's been a couple weeks ago now, but it was just some basic principles, and one of the things I told you is that if a lawyer makes an objection and I overrule it, that means the evidence is admitted, and you may consider it. You may remember me saying that. On the other hand, if I sustain an objection, this means the evidence is excluded from the trial, and you may not consider it.

(6:35:25 - 6:36:08)

Well, what I wanted to tell you is the same rule applies when it comes to the opening statements of the lawyers and the closing arguments of the lawyers, so during closing arguments, there was an objection, and I sustained it, and I want you to know that the same rule applies, okay? You are considering the case of the State of Georgia v. Lacey Jo Lee Bowles. The grand jury has indicted the defendant with the offenses of malice murder, felony murder, and aggravated assault. The indictment is as I read to you, and you will have a copy of the indictment with you during your deliberations in the jury room.

(6:36:09 - 6:36:32)

The defendant has entered a plea of not guilty to the indictment, and the indictment and the plea form the issue that you are to decide. Neither the indictment nor the plea of not guilty should be considered as evidence. The defendant is presumed to be innocent until proven guilty.

(6:36:33 - 6:37:01)

The defendant enters upon the trial of the case with a presumption of innocence in her favor. This presumption remains with the defendant until it is overcome by the state with evidence that is sufficient to convince you, beyond a reasonable doubt, that the defendant is guilty of the offenses

charged. No person shall be convicted of any crime unless and until each element of the crime is proven beyond a reasonable doubt.

(6:37:01 - 6:37:32)

The burden of proof rests upon the state to prove every material allegation of the indictment and every essential element of the crime charged beyond a reasonable doubt. There's no burden of proof upon the defendant whatsoever, and the burden never shifts to the defendant to introduce evidence or to prove innocence. When a defense is raised by the evidence, the burden is on the state to negate or disprove it beyond a reasonable doubt.

(6:37:32 - 6:37:51)

However, the state is not required to prove the guilt of the accused beyond all doubt or to a mathematical certainty. A reasonable doubt means just what it says. A reasonable doubt is a doubt of a fair-minded, impartial juror honestly seeking the truth.

(6:37:51 - 6:38:22)

A reasonable doubt is a doubt based upon common sense and reason. It does not mean a vague or an arbitrary doubt, but it's a doubt for which a reason can be given. Arising from a consideration of the evidence, a lack of evidence, or a conflict in the evidence, after giving consideration to all of the facts and circumstances of this case, if your minds are wavering, unsettled, or unsatisfied, then that is a doubt of the law, and you must acquit the defendant.

(6:38:23 - 6:38:47)

But if that doubt does not exist in your minds as to the guilt of the accused, then you would be authorized to convict the defendant. If the state fails to prove the defendant's guilt beyond a reasonable doubt, it would be your duty to acquit the defendant. Members of the jury, it is my duty and responsibility to determine the law that applies to this case and to instruct you on that law.

(6:38:48 - 6:39:04)

You are bound by these instructions. It is your responsibility to determine the facts of the case from all of the evidence presented. Then you must apply the law that I give you in this charge to the facts as you find them to be.

(6:39:06 - 6:39:25)

Your oath requires that you will decide this case based upon the evidence. Evidence is the means by which any fact that has put an issue is established or disproved. Evidence includes all of the testimony of the witnesses and any exhibits which were admitted during the trial.

(6:39:25 - 6:39:57)

Evidence does not include the indictment, the plea of not guilty, the opening or the closing remarks of the attorneys, or the questions that were asked by the attorneys. Direct evidence is that which may be seen or heard or otherwise directly sensed, such as by smell or taste or touch. It may be brought into the courtroom in the form of exhibits or by the testimony of direct witnesses to such matters.

(6:39:58 - 6:40:33)

It is evidence that points immediately to the issue in question. When direct evidence by inference points to an obvious, likely, or reasonable conclusion, even though that conclusion was not directly seen, heard, smelled, tasted, or touched, that is said to be circumstantial or indirect evidence. Circumstantial evidence is the proof of facts or circumstances by direct evidence from which you may infer other related or connected facts that are reasonable and justified in light of your experience.

(6:40:34 - 6:41:03)

It is evidence that only tends to establish a conclusion in question by its consistency with such conclusion or elimination of other conclusions. Sometimes circumstantial evidence may point to more than one conclusion. To authorize a conviction on circumstantial evidence, the facts proved must not only be consistent with a theory of guilt but also exclude every other reasonable theory other than the guilt of the accused.

(6:41:04 - 6:41:32)

The law does not require a higher or greater degree of certainty on the part of the jury to return a verdict based upon circumstantial evidence than upon direct evidence. Whether dependent upon direct evidence or circumstantial evidence or both, the true test is whether there is sufficient evidence or whether the evidence is sufficiently convincing to satisfy you beyond a reasonable doubt. If not, you must quit.

(6:41:33 - 6:41:52)

If so, you may convict. There is no rule that either circumstantial or direct evidence is stronger than the other if conflicting. The comparative weight of circumstantial evidence and direct evidence on any given issue is a question of fact for the jury to decide.

(6:41:53 - 6:42:12)

Members of the jury, at times during the trial, the parties may have used a transcript of a recording. The recording itself is evidence. The transcript is not evidence and is provided only as an aid while listening to the recording.

(6:42:12 - 6:42:28)

You must determine for yourselves what's said on the recording. If you cannot understand part of the recording, disregard the corresponding portion of the transcript. If the transcript differs from the recording, the recording controls.

(6:42:29 - 6:43:10)

The transcript you received was prepared by the defense. You, the jury, must determine the credibility of the witnesses. In deciding this, you may consider all of the facts and circumstances of the case, including the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts about which they testify, the nature of the facts about which they testify, the probability or the improbability of their testimony, their interest or lack of interest in the outcome of the case, and their personal credibility as you observe it.

(6:43:10 - 6:43:31)

In determining the credibility of a witness, you may consider, where applicable, evidence offered to attack or challenge the witness' credibility. This may include evidence of bias towards a party. To impeach a witness is to show that the witness is unworthy of belief.

(6:43:31 - 6:43:54)

A witness may be impeached by disproving the facts to which the witness testified. Testimony has been given in this case by certain witnesses who are termed experts. Expert witnesses are those who, because of their training and experience, possess knowledge in a particular field that is not common knowledge or known to the average citizen.

(6:43:55 - 6:44:17)

The law permits expert witnesses to give their opinions based upon that training and experience. You are not required to accept the testimony of any witnesses, expert or otherwise. Testimony of an expert like that of all witnesses is to be given only such weight and credit as you think it is properly entitled to receive.

(6:44:18 - 6:44:59)

Your assessment of a trial witness' credibility may be affected by comparing or contrasting that testimony to statements or testimony of that same witness before the trial started. It is for you to decide whether there is a reasonable explanation for any inconsistency in a witness' pretrial statements and testimony when compared to the same witness' trial testimony. As with all issues of witness credibility, you, the jury, must apply your common sense and reason to decide what testimony you believe or you do not believe.

(6:45:01 - 6:45:32)

The defendant does not have to present any evidence nor testify. If the defendant chooses not to testify, you may not consider that in any way in making your decision. Evidence of prior difficulties between the defendant and the alleged victim has been admitted for the sole purpose of illustrating, if it does, the state of feeling between the defendant and the alleged victim.

(6:45:33 - 6:46:05)

Whether this evidence illustrates such matters is a matter solely for you, the jury, to determine, but you are not to consider such evidence for any other purpose. It is for you to say whether, under the evidence in this case, the testimony of the witnesses and the facts and circumstances of the case sufficiently identify this defendant, beyond reasonable doubt, as the perpetrator of the alleged crime. It is not necessary that the defendant show that another person committed the alleged offense.

(6:46:06 - 6:46:37)

If you do not believe that the defendant has been sufficiently identified as the person who committed the alleged crime or you have any reasonable doubt about such, then it would be your duty to acquit the defendant. The burden of proof rests upon the state to prove, beyond a reasonable doubt, the identity of this defendant as the person who committed the crime alleged in this bill of indictment. This defendant is charged with a crime against the laws of this state.

(6:46:38 - 6:47:03)

A crime is a violation of a statute of this state in which there's a joint operation of an act and intention. Intent is an essential element of any crime and must be proven by the state, beyond a reasonable doubt. Intent may be shown in many ways, provided that you, the jury, believe that it existed from the proven facts before you.

(6:47:03 - 6:47:40)

It may be inferred from the proven circumstances or by acts and conduct, or it may be, in your discretion, inferred when it is the natural and necessary consequence of the act, whether or not you draw such an inference as a matter solely within your discretion. Criminal intent does not mean an intention to violate the law or to violate a penal statute, but means simply the intention to commit the act that is prohibited by a statute. I'm going to define for you malice murder.

(6:47:41 - 6:48:04)

For malice murder, the state must prove that the defendant caused the death of another person unlawfully and with malice aforethought. The killing must have been done with malice to be murder. Malice, as the term is used here, is not necessarily ill will or hatred.

(6:48:05 - 6:48:35)

Rather, it is the unlawful intent to kill without justification, without excuse, or without mitigation. You may find malice where the circumstances show that the defendant acted with the deliberate intention to unlawfully take the life of another person. You may also find malice when there does not appear to be significant provocation and all the circumstances of the killing show an abandoned and malignant heart.

(6:48:36 - 6:48:58)

The state does not have to prove premeditation to prove murder. If a killing is done with malice, it is murder, regardless of how briefly the malicious intent existed. No specific length of time is required for malice to arise in the defendant's mind.

(6:48:59 - 6:49:23)

Malice may be formed in a moment and instantly a fatal wound may be inflicted. If malice was in the defendant's mind at the time of the act or the killing and moved the defendant to do it, that is enough for the killing to be murder. The state does not have to prove motive to prove murder.

(6:49:23 - 6:49:43)

Any evidence of motive has been admitted for your use in determining the defendant's state of mind at the time of the killing. Felony murder. For felony murder, the state must prove that the defendant caused the death of another person by committing a felony.

(6:49:44 - 6:50:12)

The state does not have to show that the defendant acted with malice to prove felony murder. Aggravated assault is a felony, which I will define for you shortly. You may find the defendant guilty of felony murder if you believe that she caused the death of another person by committing the felony of aggravated assault, regardless of whether she intended the death to occur.

(6:50:13 - 6:50:37)

There must be some causal connection between the felony and the death. Felony murder is not established simply because the death occurred at the same time or shortly after the felony was attempted or committed. The felony must have directly caused the death or played a substantial and necessary part in causing the death, regardless of when the death ultimately occurred.

(6:50:39 - 6:50:59)

I'll define for you aggravated assault. For aggravated assault, the state must prove that the defendant assaulted another person with a deadly weapon. To prove assault, the state does not

have to prove that the other person was actually injured.

(6:50:59 - 6:51:25)

However, the state must prove that the defendant attempted to cause a violent injury to the person or committed an act that placed the person in reasonable apprehension of fear of immediately receiving a violent injury. A firearm, when used in the way a firearm is ordinarily used, is a deadly weapon. Involuntary manslaughter.

(6:51:25 - 6:52:08)

For involuntary manslaughter, the state must prove the defendant caused the death of another person without intending to by committing a lawful act in an unlawful manner that was likely to cause death or serious bodily injury. To prove involuntary manslaughter by committing a lawful act in an unlawful manner, the state must prove the defendant acted with criminal negligence. Criminal negligence is an act which demonstrates a willful, wanton, or reckless disregard for the safety of others who might reasonably be expected to be injured thereby.

(6:52:10 - 6:52:38)

The defendant has raised a defense that even if she committed the act described in the indictment, there are circumstances that justify, excuse, or mitigate it. Once this defense is raised, the state must disprove it beyond a reasonable doubt. An accident is an event that happens without the defendant planning, expecting, or anticipating it.

(6:52:38 - 6:53:12)

You may not find the defendant guilty of a crime if the alleged criminal act was committed by accident and there was no criminal scheme, criminal intent, or criminal negligence by the defendant. Criminal negligence is an act which shows a willful, wanton, or reckless disregard for the safety of others who might reasonably be expected to be injured by the act. If the defendant raises the defense of accident, the state has the burden to disprove accident beyond a reasonable doubt.

(6:53:16 - 6:53:54)

The law provides that criminal action shall be tried in the county in which the crime was committed in a prosecution in any case in which it cannot be determined in what county the crime was committed, then it was proper and may be proved in any county in which the evidence shows, beyond a reasonable doubt, that it might have been committed. Then you, that is, the crime was committed in Paulding County, is a jurisdictional fact that must be proved by the state beyond a reasonable doubt as to each crime charged in the indictment, just as any element of the offenses. Then you must be proved by direct or circumstantial evidence, or both.

(6:53:57 - 6:54:43)

If, after considering the testimony and evidence presented to you, together with the charge of the court, you should find and believe beyond a reasonable doubt that the defendant in Paulding County, Georgia, did on or about December 22, 2019, commit the offenses as alleged in the indictment, then you would be authorized to find the defendant guilty. In that event, the form of your verdict would be, we, the jury, find the defendant guilty. If you do not believe that the defendant is guilty of any of these offenses, or if you have a reasonable doubt as to the defendant's guilt, then it would be your duty to acquit the defendant, in which event the form of your verdict would be, we, the jury, find the defendant not guilty.

(6:54:45 - 6:55:45)

If you do not believe beyond a reasonable doubt that the defendant is guilty of malice murder or felony murder, but do believe beyond a reasonable doubt that the defendant is guilty of involuntary manslaughter, then you would be authorized to find the defendant guilty of involuntary manslaughter, in the form of your verdict, and that event would be, we, the jury, find the defendant guilty of involuntary manslaughter. By no ruling or comment that the court has made during the progress of the trial has the court intended to express any opinion upon the facts of this case, upon the credibility of the witnesses, upon the evidence, or upon the guilt or the innocence of the defendant. Your verdict should be a true verdict based upon your opinion of the evidence according to the laws given you in this charge.

(6:55:45 - 6:56:17)

You are not to show favor or sympathy to one party or the other. It is your duty to consider the facts objectively without favor, affection, or sympathy to either party. In deciding this case, you should not be influenced by sympathy or prejudice because of race, creed, color, religion, national origin, sexual preference, local or remote residence, or economic status for or against either party.

(6:56:18 - 6:56:37)

You are only concerned with whether the defendant is guilty or not guilty. You are not to concern yourselves with punishment. One of your first duties in the jury room will be to choose one of you to be the foreperson.

(6:56:38 - 6:57:01)

The foreperson will manage your deliberations and will assign the verdict to which all 12 of you freely and voluntarily agree. You should start your deliberations with an open mind, talk with each other, and consider each other's views. Each of you must decide this case for yourself, but you should do so only after discussing and considering the case with your fellow jurors.

(6:57:02 - 6:57:22)

Don't hesitate to change an opinion if you're convinced that it's wrong. However, you should never give up an honest opinion to be congenial or to reach a verdict solely because of the opinions of the other jurors. During your deliberations, you must not communicate with anyone other than your fellow jurors about this case.

(6:57:22 - 6:57:50)

You are also not permitted to conduct any research about this case, including persons, places, or legal concepts mentioned during the trial. These rules apply not only to in-person communication but also to communication or research using cell phones, text messaging, websites, blogs, or social media of any kind. Whatever your verdict is, it must be unanimous, that is, agreed to by all.

(6:57:51 - 6:58:15)

The verdict must be in writing and signed by one of your members as foreperson dated in return to be published in open court. As you have probably noticed, there are now 13 of you. By the way, we started with 14, and we lost... You may have noticed we lost a juror with a medical problem.

(6:58:16 - 6:58:36)

That's why we have alternates. Although the law only requires a jury of 12, we know from experience that sometimes alternates are required. This is because there are times during the course of a trial that jurors become ill or for some other reason cannot complete their jury service.

(6:58:37 - 6:59:00)

Alternate jurors may be substituted in for one of the other 12 either before or after deliberations begin. This means that although we have gotten this far without having to excuse the alternate or a juror and substitute in the alternate, it could still happen. It's happened before in this court.

(6:59:01 - 6:59:30)

In this case, the alternate juror is Cecil Leon Gravitt Jr. The law requires that alternate jurors remain separate from the other 12 during deliberations unless and until a substitution is necessary. A bailiff will escort the alternate juror to the break room during deliberations, and when a verdict is reached, the alternate will rejoin the other jurors. Let me check in with the lawyers before I send them out.

(6:59:30 - 6:59:38)

Did I mangle something that I need to fix? I know you're going to. Yes? Okay. Let's do that.

(6:59:51 - 7:00:29)

Can we have a bench conference without your client? Yes. You may now retire to the jury room, but do not begin your deliberations until you receive the indictment and any evidence that's been admitted in this case. Bailiff, please escort the jury out.

(7:00:56 - 7:01:21)

All right, during that very brief bench conference, Mr. Cole just pointed out that I did not give the charge on voluntariness, which was intentional, and I just told him I intentionally took it out. Do you all want to agree upon what we send back and see if you can do that? Absolutely. Go ahead.

(7:01:45 - 7:02:11)

That was the charge, which happened to be the charge about the principal of the great dean. Voluntariness, though, I think it's a sequential charge. Not using the words supposed in front of the client in the venue charge.

(7:02:52 - 7:02:57)

Single witness corroboration is removed. Correct. I have not objected, but I'll move it.

(7:02:58 - 7:03:12)

Bailiff? I objected. Proof of prior difficulty concerning parties, I did not make that group. The objection, I didn't give.

(7:03:21 - 7:04:18)

Noted, but I did not want the vote to be given. Justification, under 3.10.10, the first part up to when Debbie Forrest is used, I want that to give defense of a third person, another person. Thank you, sir.

(7:04:19 - 7:04:21)

All right. Thank you. State your name, please.

(7:04:21 - 7:04:26)

Thank you. Thank you. All right.

(7:04:26 - 7:04:33)

We'll look at the offer, too, see what you can agree to. I think you probably will agree on what goes back. But it's all right there.

(7:04:34 - 7:04:39)

And if we need a cart, we can get one. There's a cart over there. So let's get that resolved so they can start.

(7:04:40 - 7:55:30)

My plan is to bring them in again and let them go as late as they're willing to go. All right. Thank you.

(7:55:32 - 7:55:41)

You want it out? I want it back with you. OK. Yes, sir.

(7:56:00 - 7:56:08)

This was made for testimony purposes. We committed a criminal case. And the jury observed his testimony a great deal.

(7:56:09 - 7:56:22)

And I believe that we continue to witness objections to sending the report. We did not send out a police report. This is not just a typical medical exam or autopsy report.

(7:56:23 - 7:56:25)

I can see that. I can see that. OK.

(7:56:25 - 7:56:37)

All right. Thank you. So may I approach the court reporter? So I'll hand the court reporter 229 and say, if you could please mark that it's been received in your collection, but not to go back.

(7:56:37 - 7:56:58)

Can I put it right there? Yes, thank you. The other area that we have had a disagreement on your honor was, there was, as you know, some exhibits, this falls 143, this falls 116, and 116A. These were criminal convictions, probation, revocation documents.

(7:57:02 - 7:57:18)

I would say that that's a continuing witness. A written form that the jury may be able to influence due to the fact that jury deliberations were not, they just be permitted to recall. Mr. Ash, what the testimony was about was exhibits.

(7:57:20 - 7:57:31)

Well, my kind of simple general view of the continuing witness rule is if it's testimony or it looks like testimony, then it doesn't go back. I'm not sure that that's testimony. I understand, your honor.

(7:57:31 - 7:57:38)

Okay, so I'll send those back. Is there something else? Yes, your honor, that's 116, 116A. All right, those can go back.

(7:57:39 - 7:57:45)

May I first submit those? Yes, sir. Court report. And that's when your honor was, same exhibit, 180.

(7:57:46 - 7:57:50)

Can I just put them right here? Yeah, all right. Thank you. That's different, okay.

(7:57:50 - 7:58:05)

This is state's exhibit 184. This is Ms. Bowles' written statement she gave on December 30th, I believe, or January 7th, in custody in 2020. And that would be, to me, what you're talking about, kind of a testimonial type of statement.

(7:58:06 - 7:58:18)

It's in, given by the company of police in preparation for a criminal case, possible contemplation of a criminal action. So I don't think that would go back. It's kind of a continuing testimony.

(7:58:19 - 7:58:26)

Just one, so. Okay, I'll look at some more on that. All right.

(7:58:27 - 7:58:51)

There's more? The only other thing, your honor, would be the CBEs of the different experts hired by the defense. And again, you run into a problem with the continuing witness rule with the jury members possibly putting on new influence and certain pieces of evidence. We have these 40, 50 pages of CBE material.

(7:58:52 - 7:59:05)

I think there's a danger of that. I don't really see the relevance or the utility of sending expert CBEs back to the jury. And then they can recall what the witness's qualifications were.

(7:59:06 - 7:59:15)

So I object to that going back. If they say they want to see them or read them, they can come read them, I guess, in the courtroom. Yes, sir.

(7:59:15 - 7:59:21)

Thank you for that. Okay. What else? That's it, Judge, except that there's a map.

(7:59:22 - 7:59:44)

This is a map that was created by the Fulton County Sheriff's Office High Crimes Division, or whatever they call themselves. This is just a crude memory map of the distance between, or the geographic layout between McDonald's on near Highland City Road. This is stage 218 for the record, and the 83 Brademont Ward incident location.

(7:59:44 - 7:59:56)

There was cross-examination that this was not known to be the exact route taken, that this was a possible route. I think the benefit of it is it just orients the jury to the location, the general geographics of the location. I think it's useful.

(7:59:57 - 8:00:11)

Although I think it has testimonial characteristics. All right, so it doesn't, you have the line, but once you have it in your hands. Just, you know, this is a rapid thing, and I'm not going to say this, and I wouldn't say it now.

(8:00:11 - 8:00:24)

So I'm just going to say that. It did have, I know Mr. Steele, he said it marched through, but it wasn't admitted to that. So it wasn't disused or marched through, but I'm just going to say it.

(8:00:24 - 8:00:34)

It does demonstrate that area, but it actually was admitted. So I think that makes sense, too. Well, I'm not going to, no chance I'm going to remember whether that was admitted.

(8:00:35 - 8:00:40)

Only as it marched through the exhibit. It was admitted for full evidence. I don't know how we can agree on that.

(8:00:41 - 8:00:49)

It was admitted for evidence, not disused. And then we can be able to, I don't know if that's right or if it exists. This is like this 218 admitted to your knowledge.

(8:00:50 - 8:00:56)

218? Yeah. Like a map. Defense? Is it 218? Defense.

(8:00:56 - 8:01:02)

I'm sorry, State's 218? 218 on the map. It was admitted. It was? It was admitted.

(8:01:02 - 8:01:10)

All right. Any other issues? No, Your Honor. Did you want to see the map? Yes, okay, I can see it.

(8:01:11 - 8:01:34)

And I think you were very kind to tread away and approaching to tell me that I made a mistake, but I think we've got to get it on record. So what you just approached about is that when I read out the instructions to the jury, I gave a name, and I shouldn't have read out the name because we're on TV. So I apologize.

(8:01:35 - 8:01:44)

But that is, unfortunately. Okay, give me just a second. May I? Thank you.

(8:01:45 - 8:01:49)

Thank you. I'm just giving you these back. They're kind of just.

(8:01:49 - 8:01:55)

You want to put them here? Yeah. Now, that one's been decided off. Are these supposed to go in? Yeah.

(8:01:55 - 8:02:00)

These are just. Okay. There's a box down there that has one suggestion.

(8:02:02 - 8:02:04)

There's a box. Okay. It's not the same.

(8:02:04 - 8:02:45)

You have to put it on the record. Your Honor, if we could put it on the record that the Sheriff's Office is advising that Stacey's unit 173A and the box that contains it, 173, for security purposes will not go back to the jury. But if they desire to see the weapon or manipulate it in any way, we just propose that they need a lot to do that, and I'm pretty sure it's got to stay in the courtroom.

(8:02:51 - 8:05:42)

Thank you, Your Honor. All right, the defendant's statement will not go back. All right, I'm looking at Ruffin, R-U-F-F-I-N, versus the State, 3-3-3, jury appeals, 7-9-3, and that doesn't exactly say it, but convinces me that the map can go back.

(8:05:45 - 8:13:19)

That's Stacey 218. I don't see these. I'll send the CDs back to the jury.

(8:13:22 - 8:13:37)

Is that everything? Yes, Your Honor. Okay. Your Honor, for the record, what I have is not going back to the jury.

(8:13:38 - 8:13:48)

This is a box that is not going back to the jury. That's steady room. I'm sorry? Steady room is back.

(8:13:49 - 8:13:51)

This is not going back. I'm sorry. State 484.

(8:13:51 - 8:13:57)

Thank you. State 229. State 202.

(8:13:58 - 8:14:03)

We just agreed to buy it. There's no reason that we disagreed. But to respect, they don't need to go back.

(8:14:05 - 8:14:11)

State 201. State 201. State 200.

(8:14:15 - 8:14:25)

Demonstrative by the defense was 149. Defendants 149, 150, 151, 152 will not go back. That is not admitted.

(8:14:28 - 8:14:38)

Defense Exhibit 140 stays out. Demonstrative State Exhibit 244 was not admitted. That stayed out.

(8:14:39 - 8:14:51)

Demonstrative Exhibit State 242. I'm sorry, 241 will stay out. There was Dr. Detective Parker's report.

(8:14:51 - 8:14:56)

We believe this may have been used to refresh the recollection. It's not marked, so it was not admitted. That did not go.

(8:14:57 - 8:15:07)

And then I have in here all these exhibit draft pieces of evidence. State's 199. Defense 93-108.

(8:15:15 - 8:15:23)

State's 182. State's 183. Defense 163A.

(8:15:24 - 8:15:31)

State's 221. State's 2. Those were all brought in to not go back. Very good.

(8:15:31 - 8:15:47)

All right. Well, let's end that. Yes, sir? Can you repeat that, sir? Yeah, 173 and 173A would not go back.

(8:15:47 - 8:15:55)

But it would be available for examination. Okay, well, we will be in recess. And I will end up with a ruling.

(8:15:56 - 8:16:14)

Thank you, sir. Thank you. Thank you.