

MAN/WOMAN KING STATED I SHOULD RECEIVE THE MAX
TESTIFIED IT DIDN'T HAPPEN, BOYCOTTED THE TRIAL, LEGAL-
SHE DIDN'T SEE IT. REQUEST-DOG
BASED ON WHAT I HEARD NO CASES
THE NAMED VICTIM
WILLIAM-OSWALD 3112
CR2225 INITIALY STATED
MURDER-LYNCHING and his MESS-KAW

1 wouldn't have gotten away with. Got in some statements in
2 evidence that probably shouldn't have come in.

3 In terms of his treatment from the bench, I just --
4 again for the record, I think Mr. Rodgers was treated with
5 nothing but kid gloves and respect from this Court and received
6 a more than fair trial.

7 THE COURT: Okay. Thank you.
8 What's your recommendation with regard to sentencing?

9 MR. KING: Your Honor, in terms of sentencing, I think
10 obviously, that Mr. Rodgers should get every day that's coming
11 to him, based on his record, based on the facts of this case.

12 I am not sure if I misunderstood the Court the other
13 day when the Court indicated that the Court believed several of
14 the charges were 654 of each other.

15 THE COURT: Well, the 12021 and the -- ammunition, the
16 gun and the ammunition appear to be 654 to the assault charge.

17 MR. KING: Well, Your Honor, the only comment I have
18 make in that regard is obviously a person can be a felon in
19 possession of a gun, which he was before and after the 245. So
20 he could have committed the -- he could have committed the 120
21 without committing the 245 or vice versa.

22 THE COURT: Well, 245 with the weapon allegation --
23 there is a gun allegation with it. So I don't see how we can
24 it's all part and parcel of the same course of conduct. I think
25 it's 654.

26 MR. KING: Well, I will submit it on that. But I
27 certainly think every day this court -- there is certainly no
28 mitigating circumstances in this particular case.

my
TRIAL
TRANSCRIPT
EXCERPTS

I WAS THE ONLY BLACK W COURT...
DRESSED W GARB, REFERRED TO AS
DEFENDANT

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CROSS-EXAMINATION

BY MR. RODGERS:

ILLEGAL ALIEN DOB: 1894

Q. Miss Rodriguez, is that your legal and lawful name?

A. Yes.

Q. Miss Rodriguez, have you ever used the name Miss Sanchez -- last name of Sanchez?

MR. KING: Objection. Relevance, Your Honor.

THE COURT: Overruled.

You can answer.

THE WITNESS: Do I answer?

THE COURT: Yes, please.

THE WITNESS: Yes. Because my husband is Sanchez.

Q. (BY MR. RODGERS) Miss Rodriguez, you were speaking about a gun that -- and these -- an African-American gunman; is that correct?

A. Yes.

Q. Do you see that African-American gunman here today in court?

A. Well, looking at him, I am remembering that it was him. But if I would have seen -- amongst a lot of persons, then, no, I would not have thought that it was him.

THE COURT: Who is "him" that you are referring to, Miss Rodriguez?

THE WITNESS: Him, the one that's talking.

THE COURT: Okay.

Q. (BY MR. RODGERS) Miss Rodriguez, did you at any time tell the DA's investigator when he came to your home that you could not identify the gunman?

(2)

Duh, THAT'S THE DEFINITION OF IDENTIFICATION - IF YOU CAN'T ID. ONE BLACK FROM ANOTHER THEN YOU CANT ID

SANDRA RODRIGUEZ ON CROSS

HOW STUPID IS THAT IF YOU CAN'T IDENTIFY ONE BLACK FROM ANOTHER YOU CAN'T IDENTIFY

1 A. I don't remember what he had asked me, if I could
2 identify him.

3 Q. Do you recall about half-hour ago you told the
4 prosecutor that you couldn't identify him?

5 A. That's what I am saying. If I was to see amongst a lot
6 of persons and they asked who is he, I could not identify --

7 MR. RODGERS: Nonresponsive, Your Honor.

8 THE COURT: Overruled.

9 Q. (BY MR. RODGERS) Do you recall telling the prosecutor
10 about a half-hour ago that you could not identify the gunman in
11 the parking lot in these events?

12 A. Uh-huh, yes.

13 Q. So are you saying that within the space of 15 minutes
14 you were able to identify the African-American gunman --

15 MR. KING: Objection, Your Honor. Misstates.

16 THE COURT: That's an argument. That's an argument.

17 Ask another question.

18 Q. (BY MR. RODGERS) Can you describe the gunman?

19 A. It was a person, according to what I remember from that
20 day -- who looked older. He did not look young. He wasn't
21 thin. He was full.

22 Q. Miss Rodriguez, do you wear glasses?

23 A. No.

24 Q. This incident occurred about -- do you recall the date
25 and time this incident occurred?

26 A. The time that I remember?

27 Q. The date and -- the date that it occurred, the date and
28 year this event occurred?

(22)

DDA KING'S CLOSING ARGUMENTS

1 true -- but as she was testifying throughout his questioning, a
2 least to me, it appeared from her face, from her eyes, mostly,
3 that there was some kind of dawning of recognition during this
4 whole process about who this person was that was outside of her
5 apartment on July 15th of 2001. And over time, she said,
6 finally, that, "Yeah, it was you. I remember, it was you."

7 And you remember one of the reasons why she did
8 remember that it was Mr. Rodgers, and it came at the end of her
9 testimony, I think much to Mr. Rodgers' surprise, when he asked
10 her, "Is there anything that has happened here to help you
11 remember?" And she said, "Yeah." Basically, she said, "Your
12 voice." Well, Mr. Rodgers has a relatively distinctive voice.
13 And remember, she heard him yelling for at least an hour, 45
14 minutes I think it actually was the least amount of time, but
15 maybe somewhere in the area of two hours. So, yeah, she
16 remembers.

17 She remembers him clearly taking the gun, lift it to
18 the woman's head and saying, "I am going to kill you, you
19 fucking prostitute, or whore, bitch." I can't remember the
20 last -- last line. But it was something to that effect,
21 pressing the gun to her head and making that statement and
22 seeing this woman cry. She also said that at some point in time
23 she saw him hit her, heard him hit her, things of that nature.

24 Why would she be lying? She wouldn't be. ✓

25 You heard from Nelida. Nelida her daughter. Why would
26 Nelida lie? She also heard this argument. She also saw the
27 gun. She saw it being raised up. Well, maybe not quite as
28 clearly as Miss Rodriguez, but did see a gun. Why would she

KKK-PROSECUTOR BRIAN D. KING
LIAR, HOW WOULD HE KNOW SHE WASN'T LYING?

BY SS NDA KWG

NELIDA AN ABUSED, MOLESTED, TEARFUL, FRIGHTENED, OBVIOUSLY COACHED NINE-
YEAR OLD GIRL WHO NEVER SEEN A GUN IN REAL LIFE (RT-201:3-4) SAW
A GUN IN THE SHADOWS (RT-199:10)

DDA KING'S CLOSING ARGUMENTS

KKK-PROSECUTOR BRIAN D. KING
AD HOMINEM APPEAL TO THE JURY'S PREJUDICE AND IGNORANCE

1 It's not reasonable to assume that they would all get
2 together and concoct this story about seeing Mr. Rodgers
3 pointing a gun at his wife's head and threatening to shoot her,
4 threatening to kill her. That's just not reasonable.

5 Especially given the witnesses who have absolutely no
6 reason to lie in this particular case, no motive whatsoever.

7 They don't know Mr. Rodgers, never seen him before, don't have
8 any reason to wish him ill.

9 But according to Mr. Rodgers, they are all lying. And
10 what makes it interesting to me is he is accusing all of them o
11 lying but he is the only one who is being convicted of several
12 felonies. We can take that into account when we are listening
13 to his story. And you even know the nature of the felonies tha
14 he has been convicted of.

15 After we get done giving our closing arguments, you ar
16 going to basically go back in the jury deliberation room,
17 whether or not it's going to be today -- I don't think it's
18 going to be today, but probably tomorrow. You are going to do
19 couple of things. You are going to have some coffee and whoeve
20 brings the donuts and things of that nature.

21 But you are going to elect a foreman who is going to
22 kind of take charge of you, and maybe guide the deliberations
23 along. And you are going to be given a set of instructions tha
24 basically tell you what the law is in these particular counts.
25 You will look at the law and you will apply them to what you
26 heard during the course of the trial and you will come to some
27 decisions, some reasonable decisions.

28 The first count in this particular case is assault wit

SS - DDA KING'S CLOSING ARGUMENTS

KKK - PROSECUTOR KING ADMITS THAT HE DIDN'T HAVE A CLUE WITHOUT THE VICTIM

SS-KING DIDN'T HAVE A CLUE YET THE WHITE RACIST MADDOG USED FOYCE'S NAME AND PROSECUTED MS ANYWAY

1 Again, holding the gun to a person's head, that person is not
2 joking. And I don't know about you, but I don't want to be a
3 person who has any type of firearm pointed to the side of their
4 head. I don't care if it's a toy firearm. I don't want it
5 pointed at my head, especially in an angry or threatening
6 manner.

7 And the threatening statement caused the person
8 threatened reasonably -- to reasonably be in a sustained fear
9 condition, essentially. And that element, of all five, might be
10 the one that you talk about the most. Because the difficulty in
11 this particular case is the victim not being here. So we don't
12 really know what she was thinking throughout this whole
13 incident. But that's why it becomes important to remember what
14 Deputies Padilla and Bowen said, even Miss Rodriguez and Nelida
15 because during this whole incident, even before the gun was
16 pointed at her, she is getting hit.

17 Miss Rodriguez hears the slapping sounds, and she is
18 crying, visibly crying. Crying loud enough that Miss Rodriguez
19 and Miss Sanchez, Nelida, can hear her crying from their bedroom
20 window anywhere from I think it was maybe up to a hundred feet
21 away.

22 The deputies respond. They get there after this gun
23 had been pointed at her head and she is still crying, visibly
24 upset.

25 So she is in some sustained fear. It can't be just a
26 moment. It has to last for some period of time. And that's
27 what we have here, at least until the deputy takes her home.
28 She is still upset, although not quite as upset, she is still