**CLOSING ARGUMENT**

I assume that all of your lives have been changed by the testimony you have heard during the last few weeks. You have learned a great deal about evidence and trial procedure, probably more than many lawyers may know.

Jimmy Tsao, Katie Tsao, Terrance Hanson and Mary Hanson were all murdered, and that is a definite. It is undisputed.

However, every word uttered of “so called” proof of Eric’s guilt is nothing more than a pile of “MAYBES” And if you can bear with me for a few minutes....or more....I’ll explain why.

At this point, you know the State’s Attorney’s Office goes first with their opening statement.

They call all of their own witnesses first.

They question all of those first witnesses before we do.

The State’s Attorney’s Office goes first with closing argument

...and after I’m done the State has an opportunity to have the last word. Have no fear, they will stand up and take another shot at convincing you, and most likely telling you how wrong I am.

All this is explained to you as a just and equitable procedure. WHY? Because the State has the burden of proof.

You have all been told that Eric is presumed to be innocent of the charges against him. Further, the State’s Attorney’s Office has the burden of proving the guilt of the Eric beyond a reasonable doubt, and this burden remains on the State throughout the case. The defendant is not required to prove his innocence.

So is that just fancy language, or does it have meaning??

One of the instructions that the judge will read to you is that you should consider all of the evidence in the light of your own observations and experience in life. Clearly, even without that instruction, you would use your brain to digest the evidence, right?

But lets apply that concept to the presumption of innocence.

Do you believe that your police department is full of a bunch of incompetents, who routinely roust the innocent and toss them in the clink?

Do you believe that truly innocent people should be held in custody, or be forced to post bonds to be released?

I think we all need to have some vote of confidence in our local police departments, and court systems.

We have to believe that the police are arresting mostly guilty people, otherwise, we believe the police are arresting mostly innocent people. If that’s the case we have a real problem on our hands.

So let’s be honest here, we do believe that most people who are arrested are guilty of something, right? But then we need to factor in that not everyone arrested is guilty. We add to that our knowledge that over that last decade many people have been released from prisons after being wrongfully convicted of crimes for which they were later determined to be innocent of committing.

In the opening statements to you, Mr. Wolfe said that on September 28th and September 29th, 2005 the Tsaos were murdered in their own Aurora home. Mary and Terry Hanson were subsequently shot to death in their Naperville home and transported to the Tsao home in Aurora. Mr. Wolfe then followed up with his opinion as to what occurred. He painted a gruesome picture of what the evidence would reveal.

While Mr. Wolfe was unveiling his office’s beliefs, some of you had certain expressions on your face and there appeared to be some distinct gazes over at our table.

So this is the point where I want to revisit with you what you were thinking at 2:25 p.m. on January 31. How many of you were thinking to yourselves something along the lines of “He’s guilty, he did it”

I don’t blame you if you did. It’s human nature. Certain biases and opinions are formed by whoever tells the story first. Have you ever heard the expression, you never get a second chance to make a first impression?

These types of occurrences have been a part of all of our lives. If two kids get into a fight on a playground, the first one to run to the teacher and complain usually results in the other kid being punished.

Have you ever watched television courtroom shows such as People Court. It doesn’t matter which one. The first party to tell the judge what a horrific example of human excrement the other is, results in the judge looking over at the Defendant, shaking his or her head and saying something like “so what do you have to say for yourself?”

So really, the presumption of innocence is a nice thought, and if you can do it, God Bless you. But I know it will force you to mentally divorce yourself from what has been ingrained in all of us. I hope you can do it.

You were chosen as jurors because of your personalities, your ability to answer questions, and frankly the way you were able to handle some irritating inquiries. If you didn’t have the mettle to be a good juror in this case, you would not have been selected.

So where does that leave us?

The judge has told you that the Defendant doesn’t need to present any evidence. Judge Anderson will tell you that “The State has the burden of proving that the defendant is guilty of the charges brought against him, and that this burden remains on the State throughout the case. The defendant is not required to prove his innocence.”

So we didn’t even need to ask the witnesses any questions. It is the State’s Attorney’s Office’s responsibility to bring the evidence to you, so that you can decide for yourselves if Eric has be proven guilty beyond a reasonable doubt.

So, in that regard, what do you expect from your State’s Attorney’s Office? Do you think that their obligation is to only show you the parts of evidence that support’s their assumption of Eric’s guilt? Or do you expect that as servants of the community they should show you everything?

Because If we don’t have to do anything, shouldn’t your opinion be as informed as possible? Remember, the State’s Attorney’s office is supposed to seek justice, not just a conviction. Doesn’t that mean that they should tell you the whole story?

Have you ever watched television shows that include interviews of actual jurors who sat on real cases. Frequently, jurors will say “well, the defendant did not prove to my satisfaction that he didn’t do it.” Then you watch the attorney commentator cringe. That’s because the burden of proof shifted and no one noticed. Instead of the jurors keeping in mind that the burden of proof is on the State, jurors will sometimes demand some sort of proof from the Defendant. When and how that happens, no one knows.

Lets look at an example that highlights this concept. Imagine someone you know is arrested for spitting on the sidewalk. This friend or loved one, is of course, now referred to as the “defendant.” Just by itself, doesn’t calling someone the defendant cause that person to sound guilty?

But lets say this defendant claims that he did not spit on the sidewalk. Now if the burden were on the defendant, how in the world could he prove it. Would he have to jack hammer up a city blocks worth of sidewalk, hire a private team of experts, and then pay those experts to testify about those results in court? Who could possibly prove their innocence under such circumstances.

SO our law provides that if the State is intending to point their finger at a citizen, accuse that citizen, and have that citizen labeled “defendant,” then they have the burden of proving it. They can use police officer, after police officer, their own county’s crime lab, and any other expert their heart desires. But they have to prove it beyond a reasonable doubt.

This case seems a little different though. Remember when the State’s Attorney’s Office was questioning the crime scene tech over at the Aurora house? I know we had about 40 witnesses, so allow me to refresh your recollection. It was Officer Groom. She walked through the crime scene and began identifying stains that she believed were related to the murders.

It wasn’t until I asked her some questions that we learned that an estimate of contacts with the bludgeon could be made. It wasn’t until I asked her questions that we even learned that shoe prints were found in the house. In fact there were SEVEN areas that contained shoe prints!

Why do you think the State didn’t ask her about even finding the shoe prints?

Then I was the one who asked about the shoe print directory kept by the FBI

I asked about the video of Katie Tsao at JoAnn Fabrics the evening of the murder.

I was the one who asked questions about whether there was any evidence of a gun, bullets, ownership papers, FOID card or anything else existed at that Aurora home. And as I stand here now, no one has even mentioned a scintilla of evidence that supports that theory of where Eric obtained a gun.

The State’s Attorney’s Office simply asked questions that they thought supported the accusation and then said “no more questions.”

Jennifer Williams told you that her brother never even tried to call her after the murders. The State let that come in, and followed it up with phone records. Again they sat down after only telling you about a few phone calls. They did not tell you that Erics phone records showed that he did try to call Jennifer at 6:22 pm on Thursday the 29th, or on Friday morning at 7:37 am. Maybe Jenny didn’t answer the phone or wasn’t home, but Eric called and a connection was made. How do you feel about that type of presentation. Do you like it? Do you feel confident in the evidence presentation at this trial?

So the State’s Attorney’s Office is having their witnesses only testify about those portions of the case that they feel supports their speculative accusation, and not telling you the whole story. Do you think that you were being misled? Do you think it is fair for the State to ask you to convict Eric of murder when they purposely don’t tell you EVERYTHING?

That type of slant and spin repeated itself over and over again like a DNA strand test, as this trial proceeded. So before you hitch your wagon to their star, let’s look at the rest of the evidence.

Everyone is being told to rely on common sense. But keep in mind that if we historically relied only on common sense, we would still believe the world is flat, and the horseless carriage would be nothing more than fantasy. Certainly, you must use your common sense as a tool, but let your sense of deduction and investigation act as your own laboratory confirmation test.

First, we will start with the allegation of the Financial Thefts. The Judge will read to you the relevancy of this allegation by stating in short that it “has been received on the issue of the defendant’s motive and may be considered by you for that limited purpose. It is for you to determine whether the defendant was involved in that offense, and , if so, what weight should be given to this evidence on the issue of motive.

 Their evidence technicians and investigators went through that truck on more than one occasion, with the most sophisticated and state of the art tools they had, and found nothing. No blood transfer from Eric’s hands, no tiny stain from a plastic garbage bag that could have house bloody debris, not a speck of blood where Eric would have sat, nothing. As far as evidence was concerned, the truck was pristine. How could such a bloody murder be committed so sloppily with so much blood by someone who was so careful?

Tamara Camp explains that Leuko crystal violet is a preliminary test, and will give a positive result for substances other than blood.

 Lets take a look at what we know. Eric went to the Fox and the Hound on Wednesday night with Christine. They had a disagreement about Eric’s trip to California, as they should have. Christine was having an intimate relationship with Eric, and thought they had a mutual commitment. It was difficult for her to hear that after spending the night with Eric on Tuesday, and having dinner with Eric on Wednesday, that Eric was flying out to California to see his ex-fiancee the very next morning. And let’s face, the engagement between Eric and Alison may have been canceled, but the relationship was still on.

 According to Christine, they left the Fox and the Hound to return to her apartment at about 9:30. Upon arriving at her residence at about 10:00, Christine and Eric spoke in his truck for a while, then they both went up to her apartment. Christine was still upset and continued to speak to Eric about her feelings until he left. Christine tells us that Eric left at about 10:20 PM.

 Detective Nilles, among his various answers tells us that from Christines apartment to the Tsao house is about 10.3 miles. There are about 10 stoplights. I guess you’ll have to come up with a time yourself, because in the last 2 ½ years apparently no one from the police department had the opportunity to drive the route on a weekday at 10:30ish to give you an actual time. Lets say 20 minutes as an estimate. It could have been longer depending on the number of stoplights.

 Now Eric tells us that he was home by at least 10:15, when he called Alison. Unfortunately we need to start with an estimate from Christine. She know they arrived back at her place by about 10 PM. Even though she was crying and upset, she believes Eric stayed for about 20 minutes. Eric then had to walk from her apartment, enter his car, drive out of her neighborhood, and according to the STATE, drive straight to the Tsao home.

 Therefore, we know Eric was home 55 minutes after he left Christine’s apartment because that’s when he called Alison. If he wanted to call Alison, he could have made the call from his car the moment he left Christine’s Instead he waited until he made it home. He even called her again about 15 minutes later at 11:30 from the landline at the Hanson Naperville home.

 Keep in mind that Det. Nilles believed it was a little over 5 miles from the Tsao home to the Hanson home, with a couple of stoplights in between. Lets say that to enter the car, leave the subdivision, enter his own subdivision and then cross the threshold of his Naperville home took about 10 minutes. That means that we have 55 minutes from the time he left Christine’s to the time we know he was at the Naperville home. It would be about 70 minutes if you use the land line call as the benchmark.

 Now subtract from the 55 minutes the 20 minutes of travel from Christine’s to the Tsao home, and then the 10 minutes from the Tsao home to the Naperville home. That would leave Eric with about 25 minutes to commit the murders.

 This is where you need to look very close at the photos depicting the homicide scene at the Aurora home. Look at the blood, and how it sprayed in every direction. It’s on the walls, on the ceiling on the floor, on furniture and fixtures. Officer Groom tells us that whatever the bludgeon was that became the murder weapon, it contacted Jimmy Tsao many times. Likewise, it made contact with Katie Tsao may times. We learned that the first strike with the bludgeon usually doesn’t cause a lot of castoff. Remember, castoff is the blood that flies off the weapon.

 However, after the first impact, we now have a pooling of blood. Every time that bludgeon makes contact with a part of the victims body that has formed a pool of blood, we have blood spatter. That’s the spray of blood that flies everywhere.

 Now where did all of the blood that should have landed on Eric go? How did it disappear. You will probably have to choose between two choices, if you believe the States accusations. Neither one has been proven to any degree of doubt, let alone beyond a reasonable doubt, but nonetheless there are really only two choices.

 First choice is that the murders of Jimmy and Katie Tsao were premeditated, that is, that Eric is accused of planning out these murders. The second choice is that the murders were not premeditated.

 Let’s examine option one, that the murder of Katie and Jimmy were planned out. If it was planned in advance it, Eric would have had to have been a skilled ninja to pull this off. He would need to enter the house with the murder weapon, and then separate Jimmy and Katie. He would need to make sure that no one notice that he had the bludgeon in his hand.

 Now was he let into the house or did he sneak in. From Jimmy’s position, he never moved off the couch, as you would have expected him to if he had heard someone gaining unauthorized entry into the home.

 So if this was planned, what was the plan? Eric would somehow need to get into the house with no one noticing. Then he would have be fortunate enough to have Jimmy and Katie separate from each other. If either of them caught a glimpse of him with the bludgeon, then his odds of killing both of them would be slim. All it would take was the pushing of 911 on the phone, and the sound of sirens would be on the way to the Aurora home.

 Eric would have had to plan that he would be lucky enough to have marksman-like skill to take out Jimmy with the first blow. There weren’t any defensive wounds on Jimmy, so odds are that Jimmy was rendered unconscious after the first one or two impacts of the weapon. Then several more impacts with that bludgeon against Jimmy’s head occurred. We may never know just how many there were.

 Remember now, if this were planned, Eric would have to have planned that Katie would not have heard the violence and phone 911.

 Next Eric would need to kill Katie-as planned. Even though the evidence tech tells us that blood falling straight down has a different appearance than blood that is moving at an angle, the evidence tech didn’t check closely enough to tell us whether the assailant was running or not. If the killer was walking slowly the drops of blood would have fallen almost straight down. If the killer was running, the blood drips would have been more tear drop shaped and actually pointed the direction of travel. But again, no one checked.

 Then Eric would have had to kill Kate right where she stood. The blood stains on the wall tell us that she wasn’t running from the killer as the killer was beating her with the bludgeon. It appeared to have all happened in about one spot. And again, multiple impacts from an unknown bludgeon, with blood flying everywhere.

Last Computer keystroke -10:43 PM

Eric is home by 11:15 when he calls Alison from his cell phone. Even the State has to concede that Eric’s home when he called Alison on the land line at 11:30.

One of the most important tasks we need to pay close attention to is the processing of Eric’s Trailblazer. The evidence tech checked every inch of that Trailblazer for evidence. He had special goggles and used an Alternative Light Source. He checked every nook and cranny. Remember, the crime lab expert Tamara camp told us that blood can be hard to dispose of because it can get into seams and threads. Remember, there wereno signs of a clean up in that Trailblazer. In fact it sounded like moving garbage pit. Nonetheless, it was gone over with a fine tooth comb to find just a speck of blood. Anything at all. All of those tine crevices were check, and not even the smallest trace evidence was found. Even the brake pedal and gas pedal were checked. Nothing. It was even swabbed for DNA. Many some invisible DNA was left behind that the sophisticated lab equipment could uncover, But that too was a dead end.

So even though there was no evidence at all that Eric cleaned his Trailblazer.....the Trailblazer was clean.

Now without guessing.....tell me how he did that. Tell me how Eric killed Jimmy Tsao and Katie Tsao and left a bloody holocaust , a mass murder, and drove his truck away without one bit of evidence that our 21st century crime lab could detect. If the State has convinced you beyond a reasonable doubt, then jot it down. Remember though, you should have to guess or pull a big “Maybe he...” out of the air. By now you have heard all the evidence, and you should be convinced beyond a reasonable doubt of that fact.

Now what happened next. Eric drives home. His father had been on a business trip, and returned home that evening. Odds are that Eric did run into his dad when he arrived home. After all, he enters the house through the front door. Certainly Eric would not want to greet his dad with blood all over his clothes, so how did he rid himself of the blood for the ride home? How did he change clothes? Did he take a quick shower at Jimmy and Katie’s? Did they check the drain traps for blood or Eric’s DNA to answer that question? No.

Now the next question is where did Eric get the gun to kill his parents? If he had a gun, why didn’t he just gain access to the Tsao house in the middle of the night and shoot both of them? Certainly that would have been an easier route than bludgeoning both to death. We have heard no evidence of anyone having a gun in this case. Neither Terry, Mary, Jimmy, Katie, or Eric had a gun registered in their name. No one had a Firearm Owners ID card issued by the State of Illinois to own a gun or to buy ammunition. So where did the gun come from? Do you honestly believe that Eric possessed the gun the whole time, but decided to kill two different people at the same time in the same house with a bludgeon and just hope that he was discovered, or his plot frustrated by some intervening force?

But you are the jury. Are you convinced beyond a reasonable doubt of the manner that Eric obtained the gun? Again, don’t use the word “maybe” or perhaps. Not at this stage of the trial.

Clearly Eric would not have had a gun at the Tsao residence. So where did he get it? I suppose Jimmy could have had an illegal gun in his house. However, did you hear anything about the Tsao’s that would make you think that either Jimmy or Katie would buy a gun illegally? What sort of enemy could either Jimmy or Katie have had that they would have need a black market gun and ammunition?

On the other hand, where would Eric obtain a gun at eleven o’clock at night on his way home from the Tsao’s. He couldn’t very well stop at the 7-11 and ask for a pack of cigarettes and a 38 caliber handgun. That’s preposterous. So where did Eric get the gun....without guessing?

If the killings of Jimmy and Katie weren’t planned, then why was he over at their house. There is no evidence that he called in advance. He never told anyone that he intended to see either Katie or Jimmy that evening. And for that matter, who stops by someone’s house unannounced at 10:30. The visiting hour is over. He didn’t need anything from the, because the bottomless cup of credit was still producing untethered purchasing power. So do you think Eric just stopped by? Doubtful.

Now in the morning, Eric got up close to the schedule he had set for himself. However, much like the unmotivated lifestyle of Eric Hanson that we have all become familiar with, Eric could not get into gear.

No Eric needed his cigarettes first, so he drove to the convenience store at about 87th and Modaff. The he returned home where he putzed around putting a few things in his car.

Originally, he intended to pack Wednesday night, but the last minute invitation by Christine disrupted that schedule. So, Eric had a few things packed by Wednesday night, such as his toiletries and a few clothes, which he had washed earlier in the day. However, he wasn’t done, and as a last minute effort he ended up taking some unwashed clothing to CA with him figuring he would wash them at Alison’s.

He headed out for the airport, and after about 45 minutes or so, he decided the traffic had been slower than he had anticipated, so he called to reschedule his flight. He knew when he booked the flight on Frontier Airlines that they did not have a later flight that would still give him time to make the concert. So, he decided to call Southwest. When he went to check his wallet to see if he had the number he discovered that his wallet with his Ids were at home. Now you will see from the evidence Eric kept more than one wallet. I suppose one was kept hidden from his mother and father.

So, Eric turns his truck around and heads back to his Naperville home. He turned on his GPS because he had no plans to take the same route back to I55. He couldn’t risk the 2nd trek back toward I55 to be as slow as the first.

So Eric arrived home. Check the GPS sheet. He ran in the house for about 30 seconds. He grabbed his wallet and hit the road.

NEXT, Eric was interviewed by Nilles over the phone the day that the murders were discovered. He was interviewed in person over the course of the next few days.

He was questioned for over an hour and a half, by a Detective who has attended at many, many training courses on acquiring incriminating statements from suspects.

Nilles admitted that he lied to Eric on more than one occasion. We all understand that having the police lie to a suspect is regarding by the law enforcement community as a valuable tool. I say bring it on. Eric isn’t guilty, so set all the traps you want.

When Eric was confronted with lies about being seen in the area during the times of the murders, he maintained his innocence. When Eric was confronted with lies about leaving a bloody finger print at the scene he maintained his innocence. You know why? Because it wasn’t him.

Compare to Dr. Harkey & Dr. Denton.

He is a forensic pathologist.

They decide the cause of death to a reasonable degree of medical certainty.

Isn’t that what you have to do. You can define reasonable doubt any way you like, but if you like and trust Dr. Harkey, & Dr. Denton don’t be any less thorough and professional.

End with Sky is blue.

Every example can be turned around.

If you think everything I said is baloney, disregard it. You’ve heard all of the evidence, and you’ve already heard 2 closing arguments. At this point, if I’ve said some things that make sense, hold on to it. I won’t get another opportunity to speak, so I’ll have to count on some of you.

All of you have come from various walks of life. You are an accountants, contractors, a teacher, a foundry worker, a mechanic, managers, a nurse, a real estate, a pharmacy student, and admin assistants. When you enter the jury room in a few minutes, one of your first tasks will be to select a foreperson from among you. In fact Judge Anderson will instruct you that you “first will elect one of your members as your foreperson. He or she will preside during your deliberations on your verdict. However, Judge Anderson will not tell you HOW to select the foreperson. Should it be the oldest? The youngest? The one with the most jury experience? The one with management experience? Has a natural leader already emerged from your ranks? Should it be the first person who asks for the position? Should you just remain silent if someone lese speaks up before you. Should you let the foreperson tell you what is important and what is not? Should the foreperson’s voice carry more weight than someone else’s? Should you just follow the crowd?

You were selected for this jury because of WHO you are. What you have done in this life is a part of what is you, but you are the sum of your experiences and opinions. The verdict in this case should NOT define who you are. WHO you are should define what your verdict is in this case. Your verdict should reflect the person you are.

I want to finish by telling you about Cliff Young. I doubt any of you have ever heard of him. Cliff Young was a 61 year old farmer who entered a 544 mile race from Sydney Australia to Melbourne Australia.

This race was full of 150 World Class runners, and 61 year old Cliff Young’s only experience in running was chasing sheep on his ranch. In fact, Cliff listed his 81 year old mother as his trainer.

When he showed up for the race, everyone thought he was a spectator. He was wearing his overall and boots. Many thought he would be dead long before he could ever finish the 544 mile course.

As the race began, off went Cliff Young, shuffling in his galoshes. The pros left Cliff in their dust.

Guess what? 61 year old Cliff Young won that race. He actually set a new course record. He won because he didn’t run the race by the rules the other runners had set for themselves. You see the other runners decided for themselves that they would run 18 hours a day, and sleep for 6. Cliff Young had never heard of those tenets and beliefs. Instead, he ran his own race. He was his own man, and he ran the way he that personified Cliff Young. He ran as if he were chasing sheep on the farm, and each day he gained some ground on the leaders, until he passed them all on the last day.

So, all I ask of you, is for you to run your own race. Of course, discuss the facts and evidence, and challenge each other. But in the end, don’t let anyone else cast your vote. Don’t let anyone else tell you how you must think. Run your own race.