

NO. 08-00555-CR

STATE OF SOUTH TEXAS,

v.

VINCENZO SANTINI,

Defendant.

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IN THE 13TH DISTRICT COURT

IN AND FOR

BIG COUNTY, SOUTH TEXAS

2015 Fall
Mock Trial Litigation
Intraclass/Intramural Mock Trial Competition

No. 08-00555-CR

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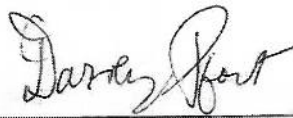
INDICTMENT

THE GRAND JURY CHARGES THAT:

Count One
(Murder)

1. On or about July 6, 2007, in Park City, Big County, South Texas, Vincenzo Santini did intentionally and knowingly cause the death of an individual, to wit: Clayton Sporich.

A TRUE BILL



GRAND JURY FOREPERSON

KATIE MC FARLAND
BIG COUNTY DISTRICT ATTORNEY

By: Melissa Duncan

Melissa Duncan
Assistant District Attorney

No. 08-00555-CR

STATE OF SOUTH TEXAS,	§	IN THE 13TH DISTRICT COURT
	§	
v.	§	IN AND FOR
	§	
VINCENZO SANTINI,	§	
Defendant.	§	BIG COUNTY, SOUTH TEXAS

PRETRIAL CONFERENCE REPORT

After a hearing before the Court with counsel for both parties present, the

Court determines:

1. This is a criminal action in which the State of South Texas asserts that Defendant Vincenzo Santini murdered Clayton Sporich, a state district judge. A previous trial resulted in a mistrial.
2. The Federal Rules of Criminal Procedure and the Federal Rules of Evidence apply to this case.
3. The State will call David Abrams and Dr. Bridget Burke as witnesses. Both were properly listed by the State and are available to appear at trial.
4. The Defendant has indicated his intent to testify. In addition, the Defendant will call Dr. Stephanie Holcombe Lindsay as a witness. Both were properly listed by the Defendant and are available to appear at trial.
5. All witnesses called to testify who have in depositions identified parties, witnesses, or evidence can, if asked, identify the same at trial.
6. Each witness who testified previously or gave a

deposition agreed under oath at the outset of his or her testimony to give a full and complete description of all material events that occurred and to correct the transcript of such deposition or testimony for inaccuracies and completeness before signing the transcript.

7. All depositions and transcripts of testimony were signed under oath.
8. The parties have identified Exhibits 1 - 10 to the Pretrial Conference Report as documents relevant to this proceeding. The parties have also identified Exhibits 11 - 14 as the depositions taken in this case. The method of identification was used by the parties throughout the discovery phase of this case, including throughout the depositions of each of the witnesses.
9. Exhibits 1 - 14 are original and authentic.
10. Other than what is contained in Exhibits 1 - 14, there is nothing exceptional or unusual about the background information of any of the witnesses that would bolster or detract from their credibility.
11. The parties agree that the substantive law applicable to this case is found in South Texas Penal Code Section 19.01, which provides:

MURDER: A person commits the offense of murder if he: (1) intentionally and knowingly causes the death of an individual; . . .
12. The autopsy report marked as Exhibit 3 is an official public record.
13. The court transcript marked as Exhibit 10 is an

official public record.

14. Fingerprints found on a trophy were identified as those of Judge Sporich, Defendant Vincenzo Santini, and John Woods.
15. Blood found on the trophy was the same blood type as that of Judge Sporich.
16. The Court has already denied a motion to dismiss the indictment. No further motions to dismiss the charges will be entertained.
17. This Court drafts its own instructions and verdict form. The Court will not accept amendments or additions to Exhibits 15, 16, or 17.

SIGNED this 11 day of July, 2009.

Jordan Mullin

JUDGE PRESIDING

ATTACHMENTS

1. FBI Employee Review of David Abrams
2. Photo of Decedent
3. Autopsy Report
4. Draft of Jury Charge in Civil Matter
5. Photo of Trophy
6. Medical Report
7. Advertisement for Viagra
8. Autopsy Protocol (Excerpt)
9. Movie Ticket Stub
10. Transcript of Proceedings in Civil Case (Excerpt)
11. Deposition of David Abrams
12. Deposition of Dr. Bridget Burke
13. Deposition of Vincenzo Santini
14. Deposition of Dr. Stephanie Holcombe Lindsay
15. Preliminary Jury Instructions
16. Final Jury Instructions
17. Verdict Form



FEDERAL BUREAU OF INVESTIGATION

EMPLOYEE PERFORMANCE REVIEW

EMPLOYEE: David Abrams
DATE: February 15, 2002
TYPE OF REVIEW: Out of Normal Course (Event Related)

This review was triggered by actions on the part of Special Agent David Abrams, an investigator in the Crime Scene Investigation unit. Agent Abrams was trained in Quantico, Virginia, then was employed by the Bureau in its CSI unit as a Junior Investigator. Abrams soon demonstrated an inability to follow protocols and directives, often telling superiors that the rules did not make sense and should not be followed "blindly like little mice." Abrams often assumed more responsibility than given at specific crime scenes, often tainting evidence inadvertently due to evident incompetence or neglect.

On February 14, 2002 at approximately 3:11:14 PM, Agent Abrams was dispatched to the scene of an apparent murder with the specific directive to take blood samples only, and to refrain from touching any other evidence whatsoever. On arriving at the scene, Agent Abrams walked past the blood evidence area (a chair back streaked with a substance believed to be human blood) and began telling the CSI Unit photographer, Tim Ballengee, how to take photographs. Special Agent Abrams then undertook to collect certain other physical evidence, saying that it needed to be "tagged and bagged" before it got misplaced by the "nimrods" from the local police department. In the process, Abrams contaminated several objects of physical evidence with fingerprints and, in an inexplicable manner, with saliva.

RECOMMENDATION: Special Agent Abrams should be re-assigned from the Crime Scene Investigation unit to a division or unit where no evidence can be mishandled or contaminated. It is the opinion of this reviewer that Abrams should be assigned to the special unit now investigating dog fighting rings in South Texas.

EXHIBIT 1



EXHIBIT 2

No. 05-00322-CV

RELIABLE INTERNET SELLING,
FACILITY, INC.,

Plaintiff,

v.

SHORTCUT INTERNET SALES
INC.,

Defendant.

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IN THE 12TH DISTRICT COURT

IN AND FOR

BIG COUNTY, SOUTH TEXAS

JURY CHARGE

Ladies and gentlemen of the jury:

This case is submitted to you by asking questions about the facts, which you must decide from the evidence you have heard in this trial. You are the sole judges of the credibility of the witnesses and the weight to be given to their testimony, but in matters of law, you must be governed by the instructions in this charge. In discharging your responsibility on this jury, you will observe all instruction which have been previously given to you. I shall now give you additional instruction which you should carefully and strictly follow during your deliberations.

1. Do not let bias, prejudice or sympathy play any part in your deliberations.

EXHIBIT 4

Handwritten: YOU KNOW THIS IS WRONG
I SWEAR I'LL BURN YOU FOR THIS ONE!



EXHIBIT 5

PARK CITY HEALTH CLINIC, PA, INC.
 Dr. Clinton Brown, MD FACS
 333 Morningwood, Park City, South Texas 73220

PATIENT NAME Clayton Sporch DATE 4-27-07

DOB 11-11-50 AGE 56 REFERRING PHYSICIAN None

PRESENT COMPLAINT Sore Throat

DATE PROBLEM BEGAN 4-26-07

PROBLEM WORK RELATED? YES NO ACCIDENT RELATED? YES NO

DESCRIBE HOW PROBLEM BEGAN Throat got sore

PRIOR TREATMENT FOR THIS PROBLEM? YES NO

DESCRIBE PRIOR TREATMENT Don't recall

LIST ALL MEDICATIONS YOU ARE CURRENTLY TAKING

MEDICATION	DOSAGE	FREQUENCY
Nitrostat	0-6 mg	As Needed
Zovirax	?	As Needed

DO YOU SMOKE? YES NO DO YOU USE RECREATIONAL DRUGS? YES NO

DO YOU SUFFER FROM OR IS THERE ANY FAMILY HISTORY OF

ILLNESS	Y/N	ILLNESS	Y/N
AIDS/HIV	N	MASTITIS	N
ANEMIA	N	ULCERS	N
ALCOHOLISM	N	HYPOMANIA	N
CANCER	N	SEIZURES	N
DIABETES	N	NEUROLOGICAL DISEASE	N
EMPHYSEMA	N	KIDNEY DISEASE	N
HEART DISEASE	N	LIVER DISEASE	N
HIGH BLOOD PRESSURE	N	FAINING SPELLS	N
LOW BLOOD PRESSURE	Y	DEPRESSION	N
RENAL FAILURE	N	ERECTION > 4 HOURS	Y

EXHIBIT 6



HE PROBABLY DOESN'T NEED ANY HELP.
WE'RE READY WHEN YOU DO.

Viva VIAGRA

ED is more common than you might think. More than half of all male mammals have difficulty with ED. Claiming that you never have trouble with ED is a lot of bl...

EXHIBIT 7

Don't take VIAGRA if you take nitrates, often prescribed for chest pain, as this may cause a sudden, unsafe drop in blood pressure. If you have prostate problems or high blood pressure for which you take medicines called alpha blockers, your doctor may start you on a lower dose of VIAGRA. VIAGRA is dispensed in dosage levels of 25 mg, 50 mg and 75 mg.

PENGUIN PATHOLOGY: APPLICABLE TO OTHER SPECIES? SEE OUR WEBSITE FOR EXCITING NEW DEVELOPMENTS!
www.canpenguinsfly.com

LYLE LOVETT

"A PERFECT 10"
-TUMBLING ROCK

I LOVE EVERYBODY

AUTOPSY PROTOCOL

Dr. Bridget Burke

Case Files

Regardless of whether you develop investigative protocols it is incumbent upon you to maintain as thorough and organized set of investigative files as possible. The investigative files should include but not be restricted to the following: all reports, investigator's notes, sketches and death scene photographs, reports of autopsy and laboratory analyses of evidence, copies of all forms completed by the coroner to include chain-of-custody forms and laboratory request forms. The major objective is to maintain as complete and proper file as possible. It goes without saying that the autopsy is the final chance to conclusively identify the cause of death. No effort should be spared to ensure that all necessary steps are taken before releasing the body, particularly where cremation may be contemplated.

Step 6: Internal Examination of the Body. A visual evaluation by the pathologist provides a general gross description of body organs, to include weight, appearance and any abnormality or injury observed. Every organ of the body is examined and the results recorded during this phase. The heart, liver, lungs, and pancreas are a few of the organs examined during this phase. The autopsy must include a full description of every organ as found, before dissection and removal.

Step 7: General Description of Body Organs. This phase is often incorporated into Step 6 — Internal Examination of the Body. A key element of this phase of the autopsy protocol is to compare the condition of the organs as found with "normal" conditions. For example, the pathologist may find the organ(s) is diseased or is of abnormal weight, size or shape. This phase of the autopsy should include a microscopic examination of tissue taken from the victim's organs. Usually the organs are removed in a systematic fashion and laid out on a stainless steel surface for dissection. In every autopsy, the following organs must be removed and examined in the following order:

- Heart
- Left lung
- Right lung
- Pancreas
- Liver

There is no excuse for failing to thoroughly dissect and examine each of the above organs, retaining in every instance at least one tissue sample from each.

EXHIBIT 8

you kill
me

THEATRE #4

EXHIBIT 9

FRI 070607 9:40 PM

0168745693258

OFFICIAL TRANSCRIPT OF COURT PROCEEDINGS
July 6, 2007

1 COURT: OK, let the record reflect that we are back in the courtroom at 7:04 p.m.
2 following the jury's verdict in this case, and that all counsel are present,
3 some gloating and some glum. I have reviewed the jury's verdict and find
4 it to be without evidentiary support and contrary to the legal principles set
5 forth in the charge. Moreover, I find the amount of the verdict to be such
6 as to indicate that the jury was improperly motivated in making an
7 excessive award, far in excess of the amount requested by Plaintiff.
8 Accordingly, and on my own motion, I am going to vacate the jury verdict
9 and grant a motion for judgment notwithstanding the verdict, and rule that
10 Plaintiff take nothing in this case. You like apples, Vince? How you like
11 them apples?

12 SANTINI: Judge, you've never been worse on the bench than you are today, and
13 that's a pretty high bar. I finally got one past you and to the jury and then
14 you do this thing. I'll burn you for this.

15 COURT: Yeah, yeah. Go take it up with your buddies in the Court of Apples.
16 We're through here. I've got to sign some orders and then I've have a
17 date. Court is dismissed.

18 ***END OF PROCEEDINGS***

EXHIBIT 10

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 DIRECT EXAMINATION BY MS. JOHNSON:

2 Q: Tell us your name.

3 A: My name is David Abrams.

4 Q: What is your position with the Big County District Attorney's office?

5 A: I am an investigator for that office.

6 Q: How did you come to be an investigator?

7 A: Originally, I was with the Federal Bureau of Investigation in its crime
8 scene investigation unit out of Las Vegas, Nevada. After working there
9 for fifteen years, I went to work for a network television show called CSI
10 that was also set in Las Vegas. I worked there for five years but became
11 disenchanted with all the Hollywood stuff, so I moved to Park City and
12 became an investigator at the district attorney's office.

13 Q: What was your training to become an FBI agent?

14 A: After graduating from Yeshiva University with a degree in music history,
15 I went to a crime investigation school in Quantico, Virginia that was
16 sponsored by the FBI. I graduated there after two years with a
17 specialization in crime scene analysis, and went right to work for the

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 Bureau's crime scene investigation unit.

2 Q: Why did you decide to leave the FBI?

3 A: I became disenchanted with the bureaucracy at the FBI. They were
4 interfering with the way I did investigations, and when I complained
5 about it, they started giving me bad reviews.

6 Q: Can you identify Exhibit 1?

7 A: Exhibit 1 is one of the bad reviews that the FBI-CSI Unit gave me just
8 before I told them to shove it and went on to Hollywood.

9 Q: Did you enjoy working on the television set for CSI?

10 A: I did originally, but after a couple years, their show started getting a little
11 further and further out, and I started objecting that the things they were
12 doing weren't realistic.

13 Q: What kinds of things did you feel were not realistic?

14 A: Well, they did a show where they never could figure out the cause of
15 death because there were too many potential causes of death. The corpse
16 had been stabbed, he had been shot, he had been poisoned, he had been
17 thrown off a bridge, everything in the world that was just totally

DEPOSITION OF DAVID ABRAMS
September 12, 2008

1 unrealistic. Besides that, it was unrealistic to have all those women
2 running around in tank tops all the time. Doesn't happen in the real
3 world. So I quit.

4 Q: And how have you enjoyed your employment at the Big County District
5 Attorney's office?

6 A: I like it great. They let me have free reign with my investigations, and I
7 am not restricted by all of the silly rules that the FBI came up with.

8 Q: Were you asked to investigate the untimely death of Judge Clayton
9 Sporich?

10 A: Yes, I was noticed of Judge Sporich's death at approximately 11:34 a.m.
11 on the Saturday morning his body was found, which was July 7, 2007. I
12 immediately went to the Big County courthouse and to Judge Sporich's
13 chambers.

14 Q: And to be certain, Mr. Abrams, is the Big County courthouse, where you
15 found Judge Sporich's body, located in Big County, South Texas?

16 A: Is this a trick question? Because if you're serious, the answer is "yes."

17 Q: What did you see when you arrived here at the Big County courthouse?

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 A: Well, once I got past all the crime scene tape and the officers who didn't
2 seem to want to recognize my credentials, I entered Judge Sporich's
3 chambers and saw Judge Sporich slumped in a chair. On initial
4 observation, it appeared that he was simply asleep. On closer
5 observation, his skin had a certain pallor that told me he had been dead
6 for quite some time. When I walked around behind the chair, I observed
7 a very strange bruise on the top of his head. I also observed a blunt
8 object, what appeared to be a trophy of some kind, lying near the chair. I
9 tagged and bagged the trophy for fingerprint analysis, and then began
10 looking around for anything else that might be of interest in the Judge's
11 chambers.

12 Q: Can you identify Exhibit 2?

13 A: Yes, that's a photo of poor Judge Sporich, all dead in his chair.

14 Q: Did you do fingerprint analysis on the trophy?

15 A: Yes, the trophy had the defendant's fingerprints on it.

16 Q: Any other fingerprints?

17 A: Yes, Judge Sporich's fingerprints were on it and the fingerprints of the

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 defense lawyer in that civil case.

2 Q: Was any other analysis done on the trophy?

3 A: Yes, we did an analysis of blood that was found on the trophy.

4 Q: What did that analysis show?

5 A: It was the same rare blood type as Judge Sporich, AB negative. You
6 know, less than one percent of the people in the United States have this
7 blood type.

8 Q: Did you do any DNA analysis?

9 A: We tried, but the blood sample on the trophy was so tainted with some
10 other substance that the DNA analysis was inconclusive.

11 Q: Did you determine what the blood was tainted with?

12 A: The Chief Pathologist told me that it was bleach. Ordinary household
13 bleach.

14 Q: Can you think of any other reason that blood would be on the trophy
15 other than that it was Judge Sporich's blood and a result of the wound
16 administered to his head?

17 A: Of course not. There was this trophy lying there that had a spot of blood

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 on it, and there was this dead judge in the chair who had a big bruise on
2 his head that had a little blood seepage around it. In this business, you
3 just put two and two together, and this is what you get.

4 Q: Did you find anything else of interest in the Judge's chambers?

5 A: Yes, I found a copy of a jury charge, actually a draft of a jury charge, that
6 was lying on the Judge's desk. Apparently, Judge Sporich had been
7 trying a trademark case of some kind during the week before his death.
8 The draft jury charge was related to that case.

9 Q: Can you identify Exhibit 4?

10 A: Yes, Exhibit 4 is the draft jury charge I found on the Judge's desk.

11 Q: Why did you think this was significant, if you did?

12 A: Well, I thought it was significant because written across the face of the
13 charge were the words: "You know this is wrong. I'll burn you for this
14 one."

15 Q: Why did that seem significant to you?

16 A: Well, I believe it was Defendant's handwriting, and I understood from
17 courthouse gossip that the Defendant was really upset with the way that

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 the court had drafted the charge. So I figure this was some evidence that
2 the Defendant was out to get Judge Sporich.

3 Q: Did you take draft jury charge into evidence?

4 A: Yes, I tagged it and bagged it and put it in line for processing
5 fingerprints.

6 Q: Did you check the draft jury charge for fingerprints?

7 A: Yes, I did. The fingerprint analysis came back with Judge Sporich's
8 fingerprints, and with fingerprints belonging to the Defendant.

9 Q: You mentioned that there were fingerprints on the trophy from the other
10 lawyer; who was the defense lawyer in that intellectual property civil
11 case that was on trial?

12 A: Well, that was John Woods, a well known IP defense lawyer.

13 Q: Any reason to suspect Mr. Woods of any complicity in the murder of
14 Judge Sporich?

15 A: No, the case went exactly the way Mr. Woods wanted. Judge Sporich
16 gave him everything in the world he could possibly give him in that
17 charge. Even though the jury went crazy and gave Santini's client \$10

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 million, Judge Sporich immediately took it away on a judgment
2 notwithstanding the verdict. And they were close personal friends to
3 boot. There is no way John Woods killed Clayton Sporich.

4 Q: Did you ask John Woods why his fingerprints were on that trophy?

5 A: Yes, there was that one fingerprint from John Woods on the trophy, and I
6 asked Mr. Woods about that. Mr. Woods said he had picked up the
7 trophy and looked at it while they were back in the judge's chambers
8 hammering out the jury charge. He thought it was a strange looking
9 trophy and he wondered who in the world would keep such a thing
10 around their office. But that's how his fingerprint got on the trophy.

11 Q: During the course of your investigation, were you able to rule out any
12 other potential suspects in this case?

13 A: Absolutely. I spent hours overturning every stone, and I didn't find a
14 single other person that would have any motivation at all to kill this fine
15 judge.

16 CROSS-EXAMINATION BY MR. SUGGS:

17 Q: As to the last subject, how long was Judge Sporich a judge in Big

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 County?

2 A: For twenty-five long years.

3 Q: And during those twenty-five long years, did he have occasion to try any
4 criminal cases?

5 A: He tried criminal cases every week.

6 Q: Did any of those criminals ever go to prison?

7 A: Lots of those sorry felons went to prison, Judge Sporich was well known
8 for being tough on crime.

9 Q: Isn't it true, then, that lots of people who went through his court in the
10 criminal justice system would've had ample motivation to kill the Judge?

11 A: Well, maybe.

12 Q: Were the fingerprints on the trophy clear and distinct or were they
13 smudged?

14 A: Some of each. There was an area on the trophy that a cynic would say
15 was wiped clean, but I don't believe that happened.

16 Q: Why not?

17 A: Santini was just too sloppy to take the time to wipe off fingerprints. Any

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 reason why wipe off some and leave other prints all over the place?

2 Santini would have to be pretty insane to do something like that.

3 Vincenzo Santini is a lot of things, but insane is not one of them.

4 Q: Speaking of sloppy, in looking at Exhibit 2, can you point out any blood
5 anywhere in the photograph?

6 A: No, all the blood was on the other side of the Judge's head.

7 Q: Did you take any photos of the blood stain itself?

8 A: Yes, I took probably two dozen photos in the Judge's chambers, but
9 somehow all but this one got erased before I got them off the camera.

10 Q: That kind of thing happen to you often?

11 A: No, it's pretty rare. Just this time and that one other time when I lost all
12 the photos of that bad car/truck accident near the cemetery.

13 Q: This trial ended around 7:00 pm on Friday evening, didn't it?

14 A: That's correct.

15 Q: So once Santini left the premises, it wouldn't be possible to get back in.
16 The courthouse would be locked down that time of night, wouldn't it?

17 A: Not that night. The security company folks were in the basement re-

DEPOSITION OF DAVID ABRAMS

September 12, 2008

1 wiring the security cameras, and had left the doors unlocked until around
2 midnight.

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 DIRECT EXAMINATION BY MS. JOHNSON:

2 Q: State your name.

3 A: My name is Dr. Bridge Burke.

4 Q: What is your occupation or profession?

5 A: I am an medical doctor and I serve as the Chief Pathologist for Big
6 County, South Texas.

7 Q: What are your qualifications to be a Chief Pathologist?

8 A: I went to medical school at Harvard, after graduating from Yale with
9 undergraduate degrees in Nuclear Physics and Microbiology.

10 Q: Did you graduate from Harvard Medical School?

11 A: Yes, I graduated with highest honors. I then went to Queens Charity
12 Hospital in New York City, New York to serve a residency in pathology.

13 Q: Why did you choose New York City?

14 A: Because they have more bodies to look at than virtually any other city,
15 with the possible exception of Fargo.

16 Q: After completing your residency, what did you do?

17 A: I came straight to Big County here in South Texas to serve as a Medical

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 Examiner in the pathologist's office and ultimately worked my way up to
2 Chief Pathologist after twenty grueling years of hard work.

3 Q: You maintain your medical license here in South Texas?

4 A: Yes, I do.

5 Q: Dr. Burke, in the course of your responsibilities as Chief Pathologist for
6 Big County, did you have the opportunity to do an autopsy on the body
7 of Judge Clayton Sporich?

8 A: Yes, I did the autopsy on Judge Sporich.

9 Q: Did you do the autopsy according to your normal formal protocol for an
10 autopsy?

11 A: Yes, I followed the protocol scrupulously, as I always do.

12 Q: Can you identify Exhibit 3?

13 A: Yes, Exhibit 3 is a copy of my autopsy report relating to Judge Sporich.

14 Q: Is this an official record of both Big County and the State of South
15 Texas?

16 A: Yes, it is.

17 Q: Can you briefly describe your findings on autopsy with respect to the

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 death of Judge Sporich?

2 A: Well, it won't necessarily be brief, but I can tell you what I found. First,
3 I found bruising on the back of Judge Sporich's head that was indicative
4 of some kind of blunt force trauma. Upon incising the scalp, I found a
5 fracture of the skull. On further dissection, I found a significant epidural
6 hematoma just under the surface of the dura that apparently put
7 substantial pressure on Judge Sporich's brain. Because I did not want to
8 jump to the conclusion that this was the cause of death, I continued the
9 autopsy in the normal way.

10 Q: What other findings of significance did you make?

11 A: Well, we did a toxicology and a normal screen for substances that might
12 be in Judge Sporich's blood stream.

13 Q: Was there anything significant found in connection with the toxicology?

14 A: The toxicology results were ambiguous. First, we found some slight
15 traces of cocaine, indicating that the Judge may have been exposed to
16 some cocaine in the court room, probably as part of a criminal case.

17 Q: What else did you find in the toxicology results?

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 A: Well, there were some traces of the drug sildenafil citrate, commonly
2 known as Viagra. The amounts were indicative of ingestion of about 25
3 mg, which is the recommended prescribed dosage of that substance.

4 Q: In your professional opinion, did the ingestion of Viagra have anything
5 to do with the Judge's death?

6 A: No, I didn't think that the Viagra had anything to do with the Judge's
7 death.

8 Q: Did you form an opinion based on your extensive and impressive
9 education and your wide range of experience, as to the cause of Judge
10 Sporich's death?

11 A: In all reasonable medical probability, Judge Sporich's death was the
12 result of blunt force trauma, which produced the significant hematoma,
13 which put pressure on his brain and killed him.

14 Q: During the course of the autopsy, did you have occasion to speak to the
15 investigator for the Big County District Attorney's office?

16 A: Yes, I talked to David Abrams about the investigation findings.

17 Q: What did David Abrams tell you, if anything, that was significant to your

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 autopsy findings?

2 A: Abrams found an object that could have inflicted blunt force trauma.

3 The object was immediately behind the body when it was discovered and

4 the object had a small amount of blood on it, the type of which was

5 consistent with Judge Sporich's rare blood type.

6 Q: What object did David Abrams say was found?

7 A: The object was a fairly unusual and ugly trophy. It was Abrams's

8 opinion that the trophy had been used to whack the Judge over the head.

9 Q: Can you identify Exhibit 5?

10 A: That's the trophy used to kill Judge Sporich.

11 Q: Could the trauma to his head have occurred postmortem?

12 A: Absolutely not.

13 Q: Why not?

14 A: If Judge Sporich had suffered a fatal cardiac or hypotensive event, I

15 would have found evidence of that in his autopsy. But I didn't. From

16 my review, the head wound would have been immediately fatal.

17 Q: Did you find anything else in your autopsy or in your investigation

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 concerning Judge Sporich that you believe, in reasonable medical
2 probability, could have lead to his death?

3 A: No, the Judge otherwise seemed to be pretty healthy.

4 CROSS-EXAMINATION BY MR. SUGGS:

5 Q: Dr. Burke, did you examine Judge Sporich's heart?

6 A: His heart was not involved in the whack to his head.

7 Q: I did not ask that. I asked whether you examined Judge Sporich's heart
8 as part of your routine autopsy following your normal autopsy protocol.

9 A: I took a brief look at his heart, yes, but I did not see anything significant
10 so I did not tear into it.

11 Q: So during the course of your autopsy, you did not dissect Judge
12 Sporich's heart?

13 A: No, I did not.

14 Q: Dr. Burke, isn't it true that you have been involved in an affair with the
15 Defendant.

16 A: That has nothing to do with my autopsy of this poor dead Judge.

17 Q: Is it true or not?

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 A: There was a time when I was seeing the Defendant on a semi-regular
2 basis, yes.

3 Q: Were you having an affair with the Defendant?

4 A: I don't know what the definition of an affair is.

5 Q: Were you sleeping with the Defendant?

6 A: We never slept when I was with the Defendant, no.

7 Q: Isn't it true that the Defendant broke off the relationship you all were
8 having, however you want to describe it?

9 A: The Defendant and I quit seeing one another, that's true.

10 Q: Exactly when was it that you quit seeing one another?

11 A: About a week before the Defendant was arrested for killing the Judge.

12 Q: Can you identify Exhibit 8?

13 A: Yes, that is my normal autopsy protocol. This copy was actually
14 published in the New England Journal of Medicine as an example of how
15 to do things right.

16 Q: Is this the normal protocol you followed with respect to the autopsy you
17 did on the body of Judge Sporich?

DEPOSITION OF DR. BRIDGET BURKE

September 12, 2008

1 A: I follow this protocol religiously.

2 Q: Did you follow it religiously here?

3 A: With only a few exceptions, yes. As I said earlier, I did not dissect the
4 poor dead judge's heart because there was no evidence that the heart was
5 involved.

6 Q: Did you examine any of the Judge's medical records?

7 A: None of those records were available to me at the time.

8 Q: Did you defer your official ruling until you had a chance to see the
9 medical records?

10 A: No, I was asked to get a report out as soon as possible, so I did not wait
11 until the medical records were gathered up.

12 Q: Is it possible that those medical records contained information that
13 would cast some doubt on your conclusions in this case?

14 A: All things are possible, of course, but my opinion is based on very
15 substantial medical and scientific evidence. People tend to die of
16 epidural hematomas like this one. And the autopsy indicated that the
17 Judge's injuries could only have occurred while the victim was still alive

DEPOSITION OF DR. BRIDGET BURKE
September 12, 2008

1 and the heart was pumping blood.

DEPOSITION OF VINCENZO SANTINI

September 22, 2008

1 DIRECT EXAMINATION BY MR. SUGGS:

2 Q: What is your name?

3 A: My name is Vincenzo Santini.

4 Q: Are you the Defendant in this case?

5 A: I am the wrongfully accused. Yes, I am the Defendant.

6 Q: What is your occupation or profession?

7 A: I am a lawyer here in Park City, Big County, South Texas.

8 Q: How long have you been a lawyer here in Big County?

9 A: I've been a lawyer here for twenty years.

10 Q: Do you have an area of specialty?

11 A: Yes, I specialize in intellectual property cases.

12 Q: What is an intellectual property case?

13 A: Well, that is a case involving such things as infringement on a patent, or
14 stealing somebody's trademark or their trade dress or their trade secrets.

15 Q: Did you know Judge Clayton Sporich?

16 A: Yes, I did. I've known Judge Sporich since I started practicing law here
17 in Park City.

DEPOSITION OF VINCENZO SANTINI
September 22, 2008

1 Q: Were you trying a case in Judge Sporich's court the week that he was
2 killed?

3 A: Yes, I was trying a trademark case against the fabled intellectual
4 property defense lawyer, John Woods.

5 Q: What kind of case was it?

6 A: It was pretty simple, straightforward trademark case.

7 Q: Who were you representing? The plaintiff or the defendant?

8 A: I was representing the party doing the suing, the plaintiff.

9 Q: What kind of fee arrangement did you have in that case?

10 A: I had a contingent fee arrangement. If I didn't win, I didn't get paid.

11 Q: Did you have a lot of time and money invested in the case?

12 A: I had about a half a million dollars of my own time and another quarter
13 million in expert witness fees, so you, I had quite an investment in the
14 case.

15 Q: Did you kill Judge Sporich?

16 A: I absolutely did not kill Judge Sporich, but I'd have to say that I am not
17 sorry that he's gone.

DEPOSITION OF VINCENZO SANTINI

September 22, 2008

1 Q: Why is that?

2 A: I never did get a fair shake in Sporich's court. He just didn't know the
3 law. Every time there was a close question on the law, he ruled against
4 me.

5 Q: Were there some close questions in the case you were trying the week
6 before his death?

7 A: No, the law was crystal clear on every point in the case, but Sporich
8 disagreed with me on every single legal issue. True to form, he burned
9 me on every one of them.

10 Q: I hand you Exhibit 4, the first page of a draft of the jury charge in that
11 civil case. Do you recognize this?

12 A: Yes, that was a draft of the jury charge and it was in fact the charge that
13 the court submitted to the jury.

14 Q: Is this your handwriting on the front?

15 A: Yes, I scribbled that note.

16 Q: What does the note mean?

17 A: Well, I was pretty upset that the Judge had burned on this charge by

DEPOSITION OF VINCENZO SANTINI
September 22, 2008

1 including instructions that would basically tell the jury that I should lose
2 the case. We were back in the Court's chambers and I was dictating
3 objections to the charge to the court reporter. I looked up and told the
4 Court I was gonna burn him on this one, and then just to make the point,
5 I wrote it across the face of the document.

6 Q: What did you mean that you were gonna burn him?

7 A: That I was gonna get him reversed on appeal, just like I did on every
8 other case where he tried to cheat me.

9 Q: So this had happened before?

10 A: I had probably reversed Judge Sporich twenty times in twenty years.
11 Yes, it had happened before. He was always out to get me.

12 Q: How did the trial turn out?

13 A: For the first time in my career, the jury actually returned a verdict
14 favorable to me in Judge Sporich's court.

15 Q: Had you received favorable verdicts in other courts before?

16 A: All the time. But this Judge had a way of wording the instructions to the
17 jury so that I always lost. This time, however, I beat him at that game

DEPOSITION OF VINCENZO SANTINI
September 22, 2008

1 and the jury gave me a big verdict.

2 Q: How big a verdict?

3 A: The jury gave my client \$10,000,000. I was only asking for
4 \$5,000,0000, so I was pretty pumped.

5 Q: After the jury returned this verdict, what happened in the courtroom?

6 A: Well, after the jury filed out, the court summoned us up to the bench,
7 held the jury verdict up in my face and said, and I quote: "I am granting a
8 judgment notwithstanding this stupid verdict. You like apples, Vince?
9 How you like them apples?"

10 Q: How did you react to that?

11 A: I was livid, of course. That was \$10 million dollars, one-third of which
12 was mine. He just cost me \$3.3 million dollars plus all the time and
13 expense I was out.

14 Q: Did you make any statements to the court at that time?

15 A: I don't really recall saying anything at all at that time.

16 Q: Can you identify Exhibit 10?

17 A: Yes, that's an official transcript of what was said in the courtroom after

DEPOSITION OF VINCENZO SANTINI
September 22, 2008

1 the jury filed out.

2 Q: Do you think this is an accurate transcript of what you said?

3 A: I don't know. I can't imagine that I really said that. I was mad, but I
4 wasn't out of my mind mad. After all, this Judge had done it to me
5 before and I knew he would do it to me again. And I knew I would
6 reverse him—again.

7 Q: The transcript says you told the Judge that you were gonna burn him.
8 What did you mean by that?

9 A: That I was gonna get him reversed on appeal.

10 Q: When did the trial end?

11 A: It ended late Friday afternoon, around 7:00 p.m.

12 Q: What did you do after the judge took that good verdict away from you?

13 A: Well, I packed up my gear and left as soon as I could. I went back to my
14 house, got out the usual bottle of wine, and commenced thinking about
15 the appeal.

16 Q: Was anyone with you?

17 A: Not a soul.

DEPOSITION OF VINCENZO SANTINI

September 22, 2008

1 Q: Did you have any idea the Judge was planning to work late?

2 A: I did. He popped off after we went off the record that we had wasted his
3 time. He said he had to work on other legitimate cases. And, because
4 we kept him so late, he would have to finish signing orders while the
5 security cameras people were making noise throughout the building.
6 And that we probably had made him late for his date.

7 Q: Is there anybody that can vouch for your whereabouts between the time
8 you left the courthouse on Friday evening and the time when the Judge's
9 body was discovered on Saturday morning?

10 A: I'm afraid not.

11 Q: Did you leave your house anytime that evening?

12 A: Yes, I went to a movie.

13 Q: What movie did you go see?

14 A: I went to see the movie, You Kill Me.

15 Q: Can you identify Exhibit 9?

16 A: Yes, that is the movie ticket stub from that movie.

17 Q: Did you see anybody that you knew while at the movie?

DEPOSITION OF VINCENZO SANTINI
September 22, 2008

1 A: I am afraid not.

2 Q: How long was the movie?

3 A: I guess an hour and a half or so.

4 Q: How did you find out about the Judge's death?

5 A: The sheriff showed up at my door at around noon on Saturday and told
6 me I was under arrest. I asked him why in the world he was arresting
7 me, and he told me I was under arrest for the murder of Judge Sporich.

8 Q: I am showing you a photograph marked as Exhibit 5. Can you identify
9 this photograph?

10 A: Yes, that is an ugly trophy that Judge Sporich kept in his office. It was a
11 2nd place trophy from some old mock trial competition. I don't know
12 why he was so attached to it. I hate 2nd place trophies. But it was there
13 as long as I ever knew the Judge.

14 Q: Can you explain why your fingerprints were found on the trophy after
15 the Judge's death?

16 A: During the argument about the jury charge, my opponent, John Woods,
17 picked the trophy up and asked why the court kept such an ugly thing in

DEPOSITION OF VINCENZO SANTINI

September 22, 2008

1 his chambers. He then handed it to me and said, "Don't you think this
2 would make a great murder weapon?"

3 Q: What did you say in response to that?

4 A: I told him that it already looked like it had been used.

5 Q: Why did you say that?

6 A: I saw a little spot that looked like blood on it.

7 Q: Were you having an affair with the chief pathologist?

8 A: Oh yeah.

9 Q: How long did this affair continue?

10 A: For about six months.

11 Q: How would you describe the affair?

12 A: It was pretty wild. Bridget was really fixated on me. Called me all hours
13 of the day and night. Bridget spent more time in my bed than my dog.

14 Q: How did the relationship end?

15 A: Well, about a week before Judge Sporich was killed, I told Bridget I just
16 couldn't live this way anymore. I just wanted to be left alone.

17 Q: How did Bridget react to that?

DEPOSITION OF VINCENZO SANTINI

September 22, 2008

1 A: Bridget told me I was a low life scum, that nobody had ever broken up
2 with Dr. Bridget Burke, and I would get what was coming to me.

3 CROSS-EXAMINATION BY MS. JOHNSON:

4 Q: Did you hate the Judge?

5 A: Depends on what the definition of "hate" is.

6 Q: How would you define it?

7 A: An irrational and strong dislike or disdain for another person that causes
8 one to fixate on harming that other person.

9 Q: Based on your own definition, didn't you hate the Judge?

10 A: No, my strong dislike or disdain for the Judge was not irrational.

11 Q: But the Judge had taken the jury's verdict away from you here?

12 A: Irrationally, I might add.

13 Q: How much did you have in that case in terms of your own time?

14 A: Well, if I'm worth \$600 per hour, like all my big city firm counterparts,
15 then I had about \$500,000 in time in the case.

16 Q: And how much in expenses?

17 A: Experts, maybe \$250,000. Other expenses like depositions, travel and

DEPOSITION OF VINCENZO SANTINI

September 22, 2008

1 the like, maybe another \$50,000.

2 Q: So this Judge had just cost you \$300,000 in hard expenses?

3 A: Irrationally, I might again add.

4 Q: And that is money that you will just have to eat?

5 A: It's an expensive business—we all know that going in. Only people who
6 are willing to take big risks get the big rewards.

7 Q: Plus he had cost you 1/3 of the \$10,000,000 verdict you would have
8 received as a fee?

9 A: Now you're getting close to the definition of "hate," yes. But I would
10 have reversed him on this, so it all comes out in the wash.

DEPOSITION OF DR. STEPHANIE LINDSAY
September 22, 2008

1 DIRECT EXAMINATION BY MR. SUGGS:

2 Q: What is your name?

3 A: Dr. Stephanie Holcombe Lindsay.

4 Q: Dr. Lindsay, what is your occupation?

5 A: I am a medical doctor and I serve as the pathologist in a private
6 pathology group here in Park City, Big County called Autopsies Today.

7 Q: What is your educational background?

8 A: I attended the University of Oklahoma and got an undergraduate degree
9 in animal science. I then spent eight years going to medical school at the
10 Brooklyn Academy of Medicine, where I attended a series of night
11 courses to get a medical degree while working during the day at a local
12 meat packing plant. I then did my residency in pathology at the
13 Bordertown Charity Hospital in Bordertown, South Texas.

14 Q: How big is Bordertown and why did you choose that particular hospital
15 for your residency?

16 A: It was close to home, although it was a town of only 1,000 people. It was
17 also quiet, and I could get in a lot of reading without being bothered by

DEPOSITION OF DR. STEPHANIE LINDSAY

September 22, 2008

1 having to cut up bodies.

2 Q: Do you actually have a medical degree?

3 A: Yes, I do, and I have a medical license as well. My medical license is on
4 file here in South Texas.

5 Q: How long have you worked for Autopsies Today?

6 A: I've worked for them since I finished my residency.

7 Q: What is the business of Autopsies Today?

8 A: We do a lot of private autopsies, and we handle the overflow autopsy
9 work from several of the counties around here.

10 Q: Have you had an opportunity to review the autopsy results from the
11 autopsy of Judge Sporich?

12 A: Yes, I reviewed the autopsy results, including looking at the tissue
13 samples that were preserved and doing fresh work on those.

14 Q: Were you able to actually examine Judge Sporich's body?

15 A: No, Judge Sporich's body was cremated about a week after the death.

16 Q: Having reviewed the autopsy results, did you come to any conclusions?

17 A: Yes, I came to the conclusion that Dr. Burke missed this one completely.

DEPOSITION OF DR. STEPHANIE LINDSAY
September 22, 2008

1 In my professional opinion, Judge Sporich did not die of a hematoma
2 caused by blunt force trauma. I believe he died instead of an extreme
3 drop in blood pressure caused by an ingestion of an overdose of a drug
4 commonly referred to as Viagra.

5 Q: What do you base these opinions on?

6 A: Well, first, although there was a hemotoma, I believe the hematoma was
7 not substantial enough to have caused the Judge's death. There is
8 nothing in the autopsy report that would indicate that the Judge's brain
9 sustained enough of an injury to cause death. In fact, Dr. Burke weighed
10 the Judge's brain and found it to be substantially smaller than the usual
11 human brain, and I simply don't think the hematoma was big enough to
12 put pressure on it.

13 Q: What else do you base your opinion on?

14 A: Well, the toxicology I did indicated that Dr. Burke was wrong about the
15 amount of Viagra in the Judge's blood stream. Dr. Burke found ingestion
16 of a normal amount or 25 mg of Viagra. I found enough Viagra to
17 indicate three times the prescribed amount was in the Judge's

DEPOSITION OF DR. STEPHANIE LINDSAY
September 22, 2008

1 bloodstream.

2 Q: If the Judge had ingested three times the amount of Viagra as the
3 prescribed amount would indicate, in your opinion, what would happen?

4 A: Well, it would cause an unsafe drop in blood pressure like you wouldn't
5 believe.

6 Q: Did the autopsy reveal anything else about the Judge that would make
7 such an unsafe drop in blood pressure fatal?

8 A: Yes, there were indications, both in the autopsy and in the Judge's
9 medical history of blood pressure issues.

10 Q: Can you identify Exhibit 6?

11 A: Yes, Exhibit 6 is a medical record from the Judge's last annual physical.
12 This medical record indicates that the Judge suffered from chronic low
13 blood pressure. He was exactly the kind of person that shouldn't be
14 taking Viagra and sure shouldn't be taking Viagra in excess of the
15 dosages that are recommended by the manufacturer.

16 Q: Anything else in the medical records that you thought was significant?

17 A: Yes, there is an indication that the Judge had a prescription for Nitrostat,

DEPOSITION OF DR. STEPHANIE LINDSAY

September 22, 2008

1 which is orally ingested nitroglycerin, which is a nitrate, which would be
2 consistent with his blood pressure issues and maybe a heart condition.

3 Q: Why is that significant here?

4 A: Because nitrates and Viagra don't mix. Bad combination. Some might
5 say fatal.

6 Q: Can you identify Exhibit 7?

7 A: Yes, Exhibit 7 is an advertisement I found in a professional journal. It is
8 an advertisement by the manufacturer of Viagra.

9 Q: What professional journal did you find this in?

10 A: The Journal of Animal Pathology Science, which I read because it
11 contains a lot of scientific information that is actually cross-species in
12 nature. Very relevant to human pathology in many instances.

13 Q: Do pathologists like yourself rely upon not only the articles but also the
14 advertising in this journal?

15 A: Yes, we rely on this type of information all the time in making
16 professional decisions.

17 Q: What does this advertisement say that is of significance to your findings?

DEPOSITION OF DR. STEPHANIE LINDSAY

September 22, 2008

1 A: This advertisement contains a warning at the bottom that says that the
2 product may cause unsafe drops in blood pressure. I believe that's
3 exactly what happened to the Judge.

4 Q: So the blow to the back of the head was just coincidental?

5 A: No, I think the Judge probably dosed up on Viagra getting ready for his
6 regular Friday evening out on the town. Everybody in town knew that
7 every Friday evening the Judge had a date with that woman, Gabriella
8 Vick, and her reputation is well known in the area. I think he took the
9 Viagra, he likely suffered a severe drop in blood pressure and slumped
10 into his chair. Some person or persons unidentified later entered his
11 chambers and hit him in the back of the head with the trophy, likely with
12 the intention of harming him, but he was already dead. That is why you
13 see so little blood around the victim's wound.

14 Q: Can you identify Exhibit 2?

15 A: Yes, that is the photo taken in the Judge's chambers, showing how he
16 was slumped in the chair. You will notice there is no blood around his
17 head. I would expect to see some blood if he was whacked on the head

DEPOSITION OF DR. STEPHANIE LINDSAY
September 22, 2008

1 while still among the living.

2 **CROSS-EXAMINATION BY MS. JOHNSON:**

3 Q: Isn't it true that the manufacturer of Viagra makes it in different dosage
4 levels?

5 A: I don't know.

6 Q: The advertisement marked as Exhibit 7 shows at the bottom that there are
7 at least three different dosages available, doesn't it?

8 A: Well, that's what it says there. 25 to 75 mg.

9 Q: And a blood test result showing levels consistent with a 75 mg dosage
10 would not, therefore, be out of line with what the manufacturer produces?

11 A: But you're missing the fact that part of it would have been absorbed, so
12 that the presence of 75 mg would indicate of dose of even more. The old
13 guy was really cranking up on the Viagra before his death. It clearly was
14 way too much for someone with a heart problem. Probably too much for
15 someone with a good ticker.

16 Q: Or the test result of 75 mg could just be wrong?

17 A: I'm a lot of things, but wrong isn't among them.

DEPOSITION OF DR. STEPHANIE LINDSAY
September 22, 2008

1 Q: Can you identify Exhibit 3?

2 A: Yes. Exhibit 3 is the autopsy report from Dr. Burke.

3 Q: Dr. Burke's toxicology report shows 25 mg of Viagra, not 75 mg.

4 A: And?

5 Q: If the level was actually 25 mg as reported by Dr. Burke, then the
6 likelihood of some fatal reaction would be significantly less, wouldn't it?

7 A: Maybe something less, but still a risk.

8 Q: Did you look at Judge Sporich's heart to determine if there was evidence
9 of a heart problem?

10 A: As I told you already, the good judge was cremated a week after his
11 death. I had no chance to look at his heart.

No. 08-00555-CR

STATE OF SOUTH TEXAS,	§	IN THE 13TH DISTRICT COURT
	§	
v.	§	IN AND FOR
	§	
VINCENZO SANTINI,	§	
Defendant.	§	BIG COUNTY, SOUTH TEXAS

PRELIMINARY JURY INSTRUCTIONS

Ladies and gentlemen of the jury:

You have been selected and sworn as the jury to try the case of the State of South Texas v. Vincenzo Santini.

This is a criminal case. Vincenzo Santini is charged with one count of murder. The definitions of the elements of this crime will be explained to you later.

It is your solemn responsibility to determine if the State has proved its accusations against Vincenzo Santini beyond a reasonable doubt. I will decide which laws apply to this case and explain those laws to you. You will decide what the facts of this case are and apply the law to those facts. Thus, the function of the jury and the function of the judge are well defined, and they do not overlap. This is one of the fundamental principals of our system of justice.

Your verdict must be based solely on the evidence, or lack of evidence, and the law. The indictment is not evidence and is not to be considered by you as any proof of guilt. The case must be tried only on the evidence presented during the trial in your presence and in the presence of the Defendant, the attorneys, and me. Jurors must not conduct any investigation of their own. Accordingly, you must not visit any of the places described in the evidence, and you must not read or listen to any reports about the case. Further, you must not discuss this case with any person and you must not speak with the attorneys, the witnesses, or the Defendant about any subject until your deliberations are finished.

Before proceeding further, it will be helpful for you to understand how a

EXHIBIT 15

trial is conducted. At the beginning of the trial, the attorneys will have an opportunity to make an opening statement, in which they may explain to you the issues in the case and summarize the facts that they expect the evidence will show. Following the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys. Documents and other exhibits also may be received as evidence.

After all the evidence has been received, the attorneys will again have the opportunity to address you and to make their final arguments. The statements that the attorneys now make and the arguments that they later make are not to be considered by you either as evidence in the case or as your instruction on the law. Nevertheless, these statements and arguments are intended to help you properly understand the issues, the evidence, and the applicable law, so you should give them your close attention. At the close of the evidence, I will instruct you on the law.

You should give careful attention to the testimony and other evidence as it is received and presented for your consideration, but you should not form or express any opinion about the case until you have received all the evidence, the arguments of the attorneys, and the instructions on the law from me. In other words, you should not form or express any opinion about the case until you retire to the jury room to consider your verdict.

The attorneys are trained in the rules of evidence and trial procedure, and it is their duty to make all objections they feel are proper. When a lawyer makes an objection, I will either overrule or sustain the objection. If I overrule an objection to a question, the witness will answer the question. If I sustain an objection, the witness will not answer, but you must not speculate on what might have happened or what the witness might have said had I permitted the witness to answer the question. You should not draw any inference from the question itself.

During the trial, it may be necessary for me to confer with the attorneys out of your hearing, talking about matters of law and other matters that require consideration by me alone. It is impossible for me to predict when such a conference may be required or how long it will last. When such conferences occur, they will be conducted so as to consume as little of your time as necessary for a fair and orderly trial of the case.

STATE OF SOUTH TEXAS, § IN THE 13TH DISTRICT COURT
v. § IN AND FOR
VINCENZO SANTINI, §
Defendant. § BIG COUNTY, SOUTH TEXAS

FINAL JURY INSTRUCTIONS

Ladies and gentlemen of the jury:

I thank you for your attention during this trial. Please pay attention to the instructions I am about to give you.

In this case, Vincenzo Santini is charged with one count of murder.

To prove the crime of murder, the State must prove the following element beyond a reasonable doubt:

1. Vincenzo Santini intentionally and knowingly caused the death of an individual, to wit: Clayton Sporich.

The intent with which an act is done is an operation of the mind and, therefore, is not always capable of direct and positive proof. It may be established by circumstantial evidence like any other fact in a case.

Vincenzo Santini has entered a plea of not guilty. This means you must presume or believe Vincenzo Santini is innocent. This presumption stays with Vincenzo Santini as to each material allegation in the indictment through each stage of the trial until it has been overcome by the evidence to the exclusion of any beyond a reasonable doubt.

To overcome the Defendant's presumption of innocence, the State has the burden of proving the following elements:

1. The crime with which the Defendant is charged was committed; and

EXHIBIT 16

2. The Defendant is the person who committed the crime.

The Defendant is not required to prove anything.

Whenever the words “reasonable doubt” are used, you must consider the following:

A reasonable doubt is not a possible doubt, a speculative, imaginary, or forced doubt. Such a doubt must not influence you to return your verdict of not guilty if you have an abiding conviction of guilt. On the other hand, if after carefully considering, comparing, and weighing all the evidence, there is not an abiding conviction of guilt or, if, having a conviction, it is one which is not stable but one which waivers and vacillates, then the charge is not proven beyond every reasonable doubt and you must find the Defendant not guilty because the doubt is reasonable.

It is to the evidence introduced during this trial, and to it alone, that you are to look for that proof. A reasonable doubt as to the guilt of the Defendant may arise from the evidence, a conflict in the evidence, or a lack of evidence. If you have a reasonable doubt, you should find the Defendant not guilty. If you have no reasonable doubt, you should find the Defendant guilty.

It is up to you to decide what evidence is reliable. You should use your common sense in deciding which is the best evidence and which evidence should not be relied upon in considering your verdict. You may find some of the evidence not reliable or less reliable than other evidence. In doing so, you should consider how the witness acted as well as what he or she said. Some things you should consider are:

1. Did the witness seem to have an opportunity to see and know the things about which the witness testified?
2. Did the witness seem to have an accurate memory?

3. Was the witness honest and straightforward in answering the attorneys' questions?
4. Did the witness have some interest in how the case should be decided?
5. Does the witness's testimony agree with the other testimony and the other evidence in this case?
6. Has the witness been offered or received any money, preferred treatment, or other benefit to get the witness to testify?
7. Had any pressure or threat been used against the witness that affected the truth of the witness's testimony?
8. Did the witness at some other time make a statement that is inconsistent with the testimony he or she gave the court?
9. Was it proved that the witness had been convicted of a crime?
10. Was it proved that the general reputation of the witness for telling the truth and being honest was bad?

You may rely upon your own conclusions about the witness. A juror may believe or disbelieve all or any part of the evidence of the testimony of any witness.

There are some general rules that apply to your deliberations. You must follow these rules to return a lawful verdict:

1. You must follow the law as it is set forth in these instructions. If you fail to follow the law, your verdict will be a miscarriage of justice. There is no reason for failing to follow the law in this case. All of us are depending on you to make a wise a legal decision in this matter.
2. This case must be decided only upon the evidence that you have heard from the answers of the witnesses and have seen in the form of exhibits and these instructions.

3. This case must not be decided for or against anyone because you feel sorry for anyone or are angry at anyone.
4. Remember the lawyers are not on trial. Your feeling about them should not influence your decision in this case.
5. Your duty to determine if the Defendant has been proven guilty or not guilty in accordance with the law. It is the judge's job to determine the proper sentence if the Defendant is found guilty.
6. Whatever you render must be unanimous; that is each jury must agree to the same verdict.
7. It is entirely proper for a lawyer to talk to a witness about what testimony the witness would give if called to the courtroom. The witness should not be discredited for talking to a lawyer about his or her testimony.
8. Your verdict should not be influenced by feelings of prejudice, bias, or sympathy. Your verdict must be based on the evidence and on the law contained in these instructions.

Deciding a proper verdict is exclusively your job. I cannot participate in that decision in any way. Please disregard anything I may have said or done that made you think I preferred one verdict over another.

Only one verdict may be returned as to the crime charged. This verdict must be unanimous, that is, all of you must agree to the same verdict. The verdict must be in writing and, for your convenience; the necessary forms of verdict have been prepared for you. They are as follows:

[READ VERDICT FORM]

In just a few moments, you will be taken to the jury room by the bailiff. The first thing you should do is elect a foreperson who will preside over your deliberations like a chairperson of a meeting. It is the foreperson's job to sign and date the verdict form when all of you have agreed on a verdict in this case and to bring the verdict back to the courtroom when you return. Either a man or a woman may be the foreperson of the jury.

Your verdict finding the Defendant either guilty or not guilty must be unanimous. The verdict must be the verdict of each juror as well as of the jury as a whole.

In closing, let me remind you that it is important that you follow the law spelled out in these instructions in deciding your verdicts. There are not other laws that apply to this case. Even if you do not like the laws that must be applied, you must use them. For two centuries, we have agreed to a constitution and to live by the law. No one of us has the right to violate the rules we all share.

You have been selected and sworn as the jury to try the case of the State of South Texas v. Vincenzo Santini.

This is a criminal case. Vincenzo Santini is charged with one count of murder. The definitions of the elements of this crime will be explained to you later.

It is your solemn responsibility to determine if the State has proved its accusations against Vincenzo Santini beyond a reasonable doubt. I will decide which laws apply to this case and explain those laws to you. You will decide what the facts of this case are and apply the law to those facts. Thus, the function of the jury and the function of the judge are well defined, and they do not overlap. This is one of the fundamental principals of our system of justice.

Your verdict must be based solely on the evidence, or lack of evidence, and the law. The indictment is not evidence and is not to be considered by you as any proof of guilt. The case must be tried only on the evidence presented during the trial in your presence and in the presence of the Defendant, the attorneys, and me. Jurors must not conduct any investigation of their own. Accordingly, you must not visit any of the places described in the evidence, and you must not read or listen to any reports about the case. Further, you must not discuss this case with any person and you must not speak with the attorneys, the witnesses, or the Defendant about any subject until your deliberations are finished.

Before proceeding further, it will be helpful for you to understand how a trial is conducted. At the beginning of the trial, the attorneys will have an opportunity to make an opening statement, in which they may explain to you the issues in the case and summarize the facts that they expect the evidence will show. Following the opening statements, witnesses will be called to testify under oath. They will be examined and cross-examined by the attorneys. Documents and

other exhibits also may be received as evidence.

After all the evidence has been received, the attorneys will again have the opportunity to address you and to make their final arguments. The statements that the attorneys now make and the arguments that they later make are not to be considered by you either as evidence in the case or as your instruction on the law. Nevertheless, these statements and arguments are intended to help you properly understand the issues, the evidence, and the applicable law, so you should give them your close attention. At the close of the evidence, I will instruct you on the law.

You should give careful attention to the testimony and other evidence as it is received and presented for your consideration, but you should not form or express any opinion about the case until you have received all the evidence, the arguments of the attorneys, and the instructions on the law from me. In other words, you should not form or express any opinion about the case until you retire to the jury room to consider your verdict.

The attorneys are trained in the rules of evidence and trial procedure, and it is their duty to make all objections they feel are proper. When a lawyer makes an objection, I will either overrule or sustain the objection. If I overrule an objection to a question, the witness will answer the question. If I sustain an objection, the witness will not answer, but you must not speculate on what might have happened or what the witness might have said had I permitted the witness to answer the question. You should not draw any inference from the question itself.

During the trial, it may be necessary for me to confer with the attorneys out of your hearing, talking about matters of law and other matters that require consideration by me alone. It is impossible for me to predict when such a conference may be required or how long it will last. When such conferences occur, they will be conducted so as to consume as little of your time as necessary for a fair and orderly trial of the case.

No. 08-00555-CR

STATE OF SOUTH TEXAS,

§
§
§
§
§
§

IN THE 13TH DISTRICT COURT

v.

IN AND FOR

VINCENZO SANTINI,
Defendant.

BIG COUNTY, SOUTH TEXAS

JURY VERDICT

We the jury find as to the crime alleged against Vincenzo Santini that he:

- 1. Intentionally and knowingly caused the death of Clayton Sporich.

_____ GUILTY

_____ NOT GUILTY

JURY FOREPERSON

DATE _____

EXHIBIT 17