

1 I don't know, they may not want to be all
2 hemmed up back there for 30 minutes. We can
3 leave the door open or something.

4 MR. McDONALD: If there's nobody in the
5 supervisors' meeting room, then --

6 THE COURT: Well, that will just be up
7 -- y'all see what they want to do about that,
8 then. But this will take about 30 minutes.

9 [THE JURY WAS EXCUSED AND COURT WAS
10 PLACED IN RECESS AT 2:33 P.M. COURT WAS
11 RECONVENED IN THE OPEN COURTROOM AT 4:20
12 P.M., THE JURY WAS RETURNED, AND THE
13 PROCEEDINGS CONTINUED AS FOLLOWS IN THE
14 PRESENCE OF THE JURY.]

15 THE COURT: I said this was going to
16 take about 30 minutes. It's taken a little
17 longer than that, and we still haven't
18 finished what all we need to do on the
19 instructions. There are some complicated
20 issues that we have to resolve. So we're not
21 going to go ahead and finish today.

22 We're going to start in the morning at
23 nine o'clock with the closing statements,
24 instructions, and let you consider the case
25 at that time because of the hour and all.

26 It is important that you not think about
27 this case this evening. I know you think
28 you've heard all the evidence and you're
29 wanting to make a decision, but don't do that

1 at this time because these instructions are
2 very important as to what you're going to
3 decide or not decide. Don't want to cloud
4 your mind with anything else. So be sure
5 don't even think about this case tonight, and
6 just come back and we'll see you in the
7 morning at nine o'clock.

8 [THE JURY WAS EXCUSED AT 4:23 P.M., AND
9 THE PROCEEDINGS CONTINUED AS FOLLOWS OUTSIDE
10 THE PRESENCE OF THE JURY.]

11 THE COURT: Are you ready?

12 MS. COOPER: Yes, sir.

13 THE COURT: All right. Both sides have
14 their set of instructions that are granted.
15 Does the State have objections to any of the
16 ones granted or refused? And if you do, you
17 may state that into the record at this time.

18 MR. McDONALD: No objections.

19 THE COURT: You don't have any
20 objections to any of them.

21 MR. McDONALD: No, sir.

22 THE COURT: Okay. Does the defense have
23 any objections to any of the instructions
24 granted or refused? And if you do, you may
25 state that into the record at this time.

26 MS. COOPER: Yes, Your Honor, I have an
27 objection to the refusal of -- just let me
28 just back up. On D-1 yesterday evening, I
29 had a question mark because we were not at

1 that time certain if we had a form of the
2 verdict. Do we have that now?

3 **THE COURT:** Yes, we do. The form of the
4 verdict is instruction number 19.

5 **MS. COOPER:** Judge, I tried to make
6 notes of those that were given and refused on
7 yesterday. Judge, can I just state for the
8 record that -- well, can we just say those
9 that were granted? Have we done that yet?

10 **THE COURT:** Yes.

11 **MS. COOPER:** Okay. The record states
12 that. Now, I think I withdrew D-6. I
13 withdrew D-7.

14 **THE COURT:** You withdrew D-6?

15 **MS. COOPER:** Yes, sir, I think I did,
16 Your Honor. It spoke to -- yes, we withdrew
17 that one. My objection, Your Honor, goes to
18 the refusal of D-8.

19 **THE COURT:** Okay. I have it.

20 **MS. COOPER:** And, Your Honor, I don't --
21 did the Court grant D-9?

22 **THE COURT:** No, I don't think that was
23 granted.

24 **MS. COOPER:** No, okay. No. D-6 was
25 refused, Your Honor, it was not withdrawn.
26 D-7 was refused.

27 **THE COURT:** D-6 is refused?

28 **MS. COOPER:** Yes, it was, yesterday.

29 **THE COURT:** Not withdrawn.

1 **MS. COOPER:** Right. My objection goes
2 to the refusal of D-8 and D-9. Judge, it's
3 going to take me a moment. I had these set
4 out a little differently as I prepared for
5 this.

6 Your Honor, D-8 and D-9 are self-defense
7 instructions that were given by the Supreme
8 Court in Johnson v. State of Mississippi.
9 The cite is 749 So.2d 369. As I stated on
10 yesterday, those instructions D-8 and D-9 are
11 the exact instructions containing the exact
12 same language that the Supreme Court gave in
13 Johnson v. The State of Mississippi. And we
14 would ask that the Court reconsider granting
15 those at this time.

16 **THE COURT:** Which one? D-8?

17 **MS. COOPER:** D-8 and D-9.

18 **THE COURT:** Oh, both. I granted a
19 self-defense.

20 **MS. COOPER:** I understand. But in
21 Johnson v. State, Your Honor, a self-defense
22 instruction as we have here, as well as D-8
23 and D-9, all three of those instructions were
24 offered and granted in Johnson v. State.

25 **THE COURT:** Okay. I granted D-5 and D-4
26 self-defense instructions that say the same
27 thing.

28 **MS. COOPER:** Okay.

29 **THE COURT:** That's why I refused those

1 two.

2 MS. COOPER: Yes, sir.

3 THE COURT: I granted the earlier ones.

4 MS. COOPER: Your Honor, we're going to
5 withdraw D-10, D-11, D-12, D-13, D-14. Your
6 Honor, we still offered D-15.

7 THE COURT: Well, the reason I wouldn't
8 grant that one is because we did wind up
9 coming up with a murder instruction.

10 MS. COOPER: A manslaughter instruction?

11 THE COURT: No, a murder instruction.
12 And this one -- if we didn't have that one in
13 there, I think this one would be appropriate.
14 But since we do have the murder in there --

15 MS. COOPER: Now, my D-15, Your Honor,
16 is a proposed manslaughter instruction.

17 THE COURT: No, it says that he didn't
18 know he was a police officer.

19 MS. COOPER: Uh-huh [affirmative.]

20 THE COURT: But under our other
21 instruction, he could be guilty of murder and
22 still not know he was a police officer.

23 MS. COOPER: Right. The simple murder
24 with the lesser than capital murder.

25 THE COURT: Right.

26 MS. COOPER: Well, Your Honor, for the
27 record, we would state an objection to the
28 refusal of D-15. In Miller v. State, found
29 at 677 So.2d 726, this instruction was given

1 as a manslaughter instruction. I think, Your
2 Honor, I withdrew D-16, and I will withdraw
3 D-17.

4 THE COURT: All right. What about --
5 okay. I refused D-3, but I see now why I did
6 that.

7 MS. COOPER: D-3?

8 THE COURT: Yeah, D-3.

9 MS. COOPER: The reasonable doubt
10 instruction?

11 THE COURT: Yeah.

12 MS. COOPER: Do we have one? We have
13 one, obviously.

14 THE COURT: Yes, we have that. That's
15 why I refused it.

16 MR. McDONALD: Well, we'll object to the
17 reasonable doubt instruction. I forgot.

18 THE COURT: Well, we have a reasonable
19 doubt. Must prove beyond a reasonable doubt,
20 yeah.

21 MR. McDONALD: Oh, just prove beyond a
22 reasonable doubt.

23 THE COURT: Yeah.

24 MR. McDONALD: Not defining reasonable
25 doubt.

26 THE COURT: Right. No, we didn't define
27 reasonable doubt.

28 MS. COOPER: Okay.

29 THE COURT: Does that take care of our

1 instructions, then?

2 MS. COOPER: I think so, Your Honor.

3 THE COURT: All right. I'll give the
4 sides, then, 40 minutes each tomorrow. We'll
5 start -- I'll read the instructions right at
6 nine o'clock, and that will work out good
7 because then the jury probably won't have to
8 take a break until after they go in to start
9 deliberating.

10 All right. We'll recess until nine
11 o'clock in the morning.

12 [COURT WAS PLACED IN RECESS AT 4:45 P.M.
13 ON THURSDAY, JANUARY 22, 2004.]

14 *****

15 [COURT WAS RECONVENED IN THE OPEN
16 COURTROOM AT 9:15 A.M., ON FRIDAY,
17 JANUARY 23, 2004.]

18 THE COURT: Are we ready? State ready?

19 MR. McDONALD: Yes, sir.

20 THE COURT: Defense ready?

21 MS. COOPER: Yes, Your Honor.

22 THE COURT: Then bring our jury out.

23 [THE JURY WAS RETURNED TO THE OPEN
24 COURTROOM, AND THE PROCEEDINGS CONTINUED AS
25 FOLLOWS IN THE PRESENCE OF THE JURY.]

26 THE COURT: For the jury, these are the
27 instructions that you'll have in this case.
28 I'll read them to you. You'll also have them
29 to take back to the jury room to refer to if

1 you need to. Sometimes, when I'm reading, I
2 go a little fast or I may not be loud enough
3 for you. If that is the case, just give me a
4 signal with your hand, and I'll reread them
5 for you or slow down.

6 **[THE JURY INSTRUCTIONS WERE READ BY THE**
7 **COURT.]**

8 **THE COURT:** That concludes the
9 instructions that you'll have. Next, the
10 attorneys will give their summation of the
11 case. I'll let the State go first. How do
12 you want to divide your time?

13 **MR. McDONALD:** Fifty-fifty.

14 **THE COURT:** Okay. How much warning?

15 **MR. MILLER:** Judge, I have 20 minutes?

16 **THE COURT:** Yes.

17 **MR. MILLER:** Could I have a ten-minute
18 warning and a two-minute warning?

19 **THE COURT:** All right.

20 **MR. MILLER:** May I proceed?

21 **THE COURT:** You may.

22

23 **CLOSING ARGUMENT BY THE STATE**

24

25 **BY MR. MILLER:**

26 Ladies and gentlemen, you've heard all the
27 evidence. You just heard the instructions, which
28 tell what we have to prove. Sometimes I think that
29 that is sort of backward. You hear all the evidence

1 and then the instructions. But now what did you
2 hear?

3 First, let's look at what is undisputed.
4 It's undisputed the defendant, Cory Maye, shot and
5 killed Ron Jones. It's undisputed it was in
6 Jefferson Davis County, Mississippi. Undisputed that
7 Ron Jones was a police officer. Undisputed that he
8 was in his official capacity that day as a police
9 officer, or peace officer. All that is undisputed.

10 There's a couple of things that Cory
11 testified to, he said, that the officers' testimony
12 didn't agree on. How do you tell who's telling the
13 truth? That's what you have to do. You have to
14 weigh the evidence and testimony and say, okay, what
15 really happened that day? You're the judges of that.
16 You're the jury.

17 Judge gave you some help on that with a jury
18 instruction. As the sole judges of the facts in this
19 case, you determine what weight and what credibility
20 will be assigned the testimony and supporting
21 evidence of the witnesses. That's in your sole
22 discretion. You decide that. You're required to use
23 your good common sense, sound, honest judgment, in
24 considering and weighing the testimony of each
25 witness. You're also permitted to draw such
26 reasonable inferences from the evidence as seem
27 justified in light of your own experience.

28 There are life experiences every day. We
29 make judgments. We make determinations who's telling

1 the truth, who's lying. I know if you have kids, you
2 make that decision. It's done by taking two
3 conflicting stories, you sit there and you say, okay,
4 who's telling the truth? Well, you look at what your
5 child says, you look at how they say it. You look at
6 the surrounding circumstances and you see if it all
7 matches up. You see if there's inconsistencies. And
8 you draw on your life experiences and say, is that
9 reasonable? Is the story he's telling reasonable?
10 Did it happen that way? And you decide who's telling
11 the truth. And that's what you do in this case.

12 You've got a lot of exhibits. Look at those
13 exhibits. You've got the benefit of hearing the
14 testimony, testimony from several officers. You've
15 got Darryl Graves, Stephen Jones, Darrell Cooley,
16 Terrence Cooley, Eric Johnson, Jim Stone, Dr. Steven
17 Hayne. You've got a statement that the defendant,
18 Cory Maye, gave. You've got the testimony of Cory
19 Maye.

20 Take all that together and say, okay, what
21 happened that day? And what do we have to prove?
22 The judge went over the instructions. If you believe
23 from all the evidence beyond a reasonable doubt -- a
24 reasonable doubt, not any doubt, any speculation, any
25 possibility -- a reasonable doubt. Is that doubt
26 reasonable? That the defendant, Cory Jermaine Maye,
27 on or about December 26, 2001, in Jefferson Davis
28 County, Mississippi, did willfully, unlawfully,
29 feloniously then and there kill and murder Ronald W.

1 Jones, a human being, without authority of law, while
2 the said Ronald W. Jones was acting in his official
3 capacity as a law enforcement officer, to-wit:
4 serving a search warrant as a police officer for the
5 City of Prentiss, Jefferson Davis County,
6 Mississippi, and that Cory Jermaine Maye knew that
7 the person he killed was a peace officer, then the
8 defendant is guilty of capital murder, and it's your
9 sworn duty to find him guilty as charged.

10 That is the elements of capital murder.
11 That's what we have to prove beyond a reasonable
12 doubt. That's what all this testimony has been
13 about.

14 Self-defense. The Court instructs the jury
15 if you find that he did shoot and kill Ron Jones, but
16 it was in necessary self-defense, then it's your duty
17 to find him not guilty. Was this self-defense?
18 You've got an instruction which defines that. You
19 might want to take a few minutes to look at that
20 instruction. The Court instructs the jury to make a
21 killing justifiable on the ground of self-defense,
22 the danger to the defendant, Cory Maye, must have
23 been either actual -- was there any actual danger to
24 Cory Maye that night? No.

25 Cory Maye's sitting here today. Did anyone
26 fire on him? No. Was he in any actual danger? No.
27 He was in no danger, actual danger, at all that
28 night. And the proof is he's right here. Present
29 and urgent. Was there a present and urgent danger to

1 him that night? No. Did anyone fire on him that
2 night? No. So you don't have actual danger, you
3 don't have present, urgent. Or the defendant must
4 have reasonable grounds to believe the victim, Ron
5 Jones, intended to kill the defendant.

6 Has there been any testimony on that? Or to
7 do him great bodily harm. Any testimony at all about
8 that? In addition to this, he must have reasonable
9 grounds to believe that there is imminent danger of
10 such acts being accomplished. Did you hear any of
11 that? Did you hear anybody say Ron Jones tried to
12 shoot me? Ron Jones tried to kill me? I was in
13 imminent danger of Ron Jones doing this to me? No.

14 Did you hear any testimony of Ron Jones
15 having a weapon pulled, pointed, he had a gun pointed
16 at me? No. Did you hear any testimony that Ron
17 Jones intended any harm at all to come to Cory Maye?
18 No.

19 It is for the jury to determine the
20 reasonableness of the grounds upon which the
21 defendant acts. Were his acts reasonable under the
22 circumstances? No. If you find he acted in
23 self-defense, it is your duty to return a verdict in
24 favor of the defendant. To do that, you have to find
25 that the danger was actual, present, urgent, and
26 reasonable grounds to believe he intended harm. I
27 don't think you'll find any of that.

28 If you take what the defendant said as being
29 true, there was no light, he didn't see anyone, he

1 didn't see who he was shooting at, he didn't even
2 look in the direction he was shooting. How could
3 there have been actual, present, and urgent danger to
4 him? How could he have known that? It is totally
5 unreasonable that that happened that night.

6 What did happen that night? This instruction
7 lists the elements of capital murder, murder, and
8 manslaughter. You first start at the beginning of
9 the instruction. If you find on December 26, in
10 Jefferson Davis County, Mississippi, that Cory Maye
11 did willfully, unlawfully, and feloniously there kill
12 and murder Ronald W. Jones, a human being, without
13 authority of law. Without authority of law. No
14 authority of law there. No self-defense. There was
15 no actual, urgent, present danger to him.

16 While Ron Jones acted in his official
17 capacity of a law enforcement officer serving a
18 search warrant as a police officer of the City of
19 Prentiss, Jefferson Davis County, Mississippi.
20 Exactly what he was doing. That Cory Maye knew that
21 the person he killed was a peace officer. Then the
22 defendant is guilty of capital murder. I submit to
23 you that's what happened. He knew he was a police
24 officer, he shot, and he killed him, and he's guilty
25 of capital murder.

26 Look at the testimony that was given. Look
27 at the evidence. What did you hear? We yelled
28 "search warrant" at the front door. Kicked the front
29 door. Yelled "police officer, search warrant" at the

1 front door. Kicked the front door. Saw a light come
2 on. Couldn't get in the front door, went to the
3 backdoor. Yelled "police, search warrant" at the
4 backdoor. Kicked the door. Door came open part of
5 the way. Kicked the door open. Ron yelled "police."
6 Somewhere between the time "search warrant" came out,
7 he was shot.

8 Did anybody else shoot? Where was Ron's
9 pistol? It was in his holster. Submit to you the
10 pistol was in his holster when he went through the
11 door. Did he mean any harm, or was Cory Maye in any
12 danger from him? No, he was not.

13 If you don't believe it happened that way, if
14 you believe that Cory Maye is not guilty of capital
15 murder, then you must go down to the murder section,
16 which says, if you believe beyond a reasonable doubt
17 -- there's reasonable doubt again -- the defendant,
18 Cory Maye, on or about the 26th day of December,
19 2001, in Jefferson Davis County, Mississippi, did
20 unlawfully, wrongfully, without authority of law --
21 there's without authority of law again -- there is no
22 self-defense in this.

23 Look at what happened. Shoot a firearm in
24 the direction of a human being, particularly Ronald
25 W. Jones, an act imminently dangerous and evidencing
26 a depraved heart, regardless of human life, with or
27 without the premeditated design to effect the death
28 of any particular individual, did kill and murder
29 Ronald W. Jones, you should find the defendant, Cory

1 Jermaine Maye, guilty of the lesser included crime of
2 murder.

3 Now, what is this? Dangerous and evidencing
4 a depraved heart. The judge gave you an instruction
5 on that, also.

6 **THE COURT:** You've used ten minutes.

7 **MR. MILLER:** Thank you, Your Honor.

8 **BY MR. MILLER:**

9 Conduct evidencing a depraved heart is
10 conduct so gravely reckless that manifests a total --
11 utter disregard and total indifference to human life.
12 Further compared to culpable negligence, separate and
13 distinct evidence of depraved heart by the higher
14 degree of recklessness from which malice or
15 deliberate design may be implied. Conduct so gravely
16 reckless that manifests an utter disregard and total
17 indifference to human life.

18 Take Cory Maye's testimony. If everything he
19 said was true -- I'm not saying it was, but if it
20 was, what does he say he did? Asleep on the couch,
21 or the chair, depending on whether you take his
22 statement or his testimony. He was asleep. Somebody
23 crashes on his door, wakes him up. What did he say
24 he does? He didn't look out the window, didn't see
25 who was there.

26 Say you believe him. He goes to the back
27 room, he gets his gun, he loads his gun, he lays down
28 on the floor behind the bed. He hears a crash. He
29 don't even look in that direction. He's laying on

1 the floor. He looks this way, shoots this way. What
2 does that show you? Does that sound like conduct so
3 gravely reckless it manifests an utter and total
4 disregard and indifference to human life?

5 If you take his testimony as being true, he
6 shot. He just shot. He didn't see who it was,
7 didn't know who it was. Could've been friends coming
8 over. His girlfriend leaves her keys at home. He
9 was just shooting at whoever was there. That is
10 conduct so gravely reckless it manifests an utter
11 disregard and total indifference to the value of
12 human life.

13 If you take everything he said as being true,
14 he's at least guilty of murder. He just shoots in
15 the direction of the noise without looking, without
16 calling out, without doing anything. I submit to you
17 that's totally unreasonable. But if you take what he
18 says as being true, he's at the very least guilty of
19 murder.

20 Now, if y'all can't agree on murder, you've
21 got a manslaughter. If you believe beyond a
22 reasonable doubt he was killed in Jefferson Davis
23 County, that Ron Jones was killed in Jefferson Davis
24 County, Mississippi, on December 26, 2001, by the
25 procurement of culpable negligence of another, being
26 Cory Maye, without authority of law, you must find
27 the defendant guilty of the lesser included crime of
28 manslaughter.

29 I don't think his actions are either -- come

1 anywhere near being not guilty of murder or
2 manslaughter, but you're the judge of that. Look at
3 the testimony, weigh the testimony you heard. Look
4 at the exhibits. Look in that apartment and say, Is
5 that reasonable? Is that reasonable? Who told the
6 truth today, or the last three days? Was that
7 testimony credible? Was it backed up by other
8 evidence?

9 And look at what we know, what is undisputed.
10 Cory Maye shot and killed Ron Jones, police officer
11 of Prentiss, Mississippi, Jefferson Davis County,
12 December 26, 2001. He shot him with a .380 Lorcin.
13 No one fired on Cory Maye. No one shot him. You've
14 got the gun, you've got the projectiles, you've got
15 the shell casings. We ran the ballistics on the gun,
16 we ran the ballistics on the projectiles. They were
17 all fired from that gun.

18 Look at the evidence, weigh it against the
19 jury instructions. The judge also gave you an
20 instruction in here that says all 12 jurors must
21 agree as that being your verdict. When you arrive at
22 a verdict, the last instruction has the three forms.
23 If you agree on capital murder, we, the jury, find
24 the defendant, Cory Maye, guilty of capital murder.
25 Don't worry about the sentencing. We find the
26 defendant, Cory Jermaine Maye, guilty of capital
27 murder. Write it on a separate sheet of paper.

28 If you can't agree on that, you go to murder.
29 If you agree on murder, 12 of you agree, we, the

1 jury, find the defendant, Cory Jermaine Maye, guilty
2 of murder. Write that on a separate sheet of paper.

3 If you can't agree on that, you go to
4 manslaughter. We find the defendant, Cory Jermaine
5 Maye, guilty of manslaughter. Write that on a
6 separate sheet of paper and knock on the door.

7 Carefully weigh the testimony and the
8 evidence that you've heard. You have the exhibits in
9 the jury room. You will have the jury instructions
10 in the jury room. Go over all that. What did the
11 officers say? Stephen Jones said, I heard "police,
12 search warrant" at the front door three times.
13 Darrell Cooley said the same thing. Darryl Graves
14 said he heard it from the other apartment over there.
15 T. C. said he heard it from the backdoor.

16 Couldn't gain entrance, they saw a light come
17 on. Do you really think Cory Maye didn't know who
18 was at that door? They went to the backdoor. Ron
19 and Stephen went to the backdoor, knocked on the
20 backdoor, rapped on the backdoor. Darrell Cooley
21 testified he was on the front of the apartment and
22 heard it.

23 What happened on the other side? They knock
24 on the door, say, "police, search warrant," the
25 door's opened up, they serve the search warrant and
26 they find the drugs. Nobody's injured. What
27 happened on this side? They knock on the door, they
28 announce "search warrant." Door's not opened.
29 Announce "search warrant." Door's not opened.

1 Announce "search warrant." Door's not opened. Light
2 comes on. Go to the backdoor. Knock on the door,
3 announce "search warrant." Door's open. Announce
4 "police." Ron Jones was murdered.

5 Take the testimony and the evidence, weigh it
6 against the defendant's. Weigh the officers'
7 testimony and the defendant's testimony. Which is
8 credible? Look at the jury instructions and I think
9 you'll find him guilty of capital murder.

10 THE COURT: All right. Ms. Cooper,
11 what type warning do you want?

12 MS. COOPER: Your Honor, may I have a
13 ten-minute warning and then a two-minute
14 warning?

15 THE COURT: Okay.

16 MS. COOPER: May I proceed?

17 THE COURT: Yes.

18 *****

19 CLOSING ARGUMENT BY THE DEFENDANT

20
21 BY MS. COOPER:

22 Good morning. I'm not going to dance and
23 prance. I'm not going to sing or shout. I am going
24 to stand here this morning and deliver this message,
25 a message of truth. We are Cory Maye and Rhonda
26 Cooper, and it is not lost on us that at this time
27 and in this place, the prosecution is attempting to
28 hold Cory Maye to a higher standard of safety than
29 that of the Prentiss Police Department.

1 Within one minute, Cory Maye, awakened from
2 his sleep at 10:30 at night, scared and afraid, had
3 to face and make a decision that would affect the
4 rest of his life. Yes, ladies and gentlemen, less
5 than 60 seconds. Yet Ron Jones, a four-year member
6 of the Prentiss Police Department, had time and
7 opportunity to plan the execution of a search warrant
8 for 1728 Mary Street. Ron Jones had time to get
9 Judge Kruger's signature. He had time to round up
10 his friends and to brief them on the search. He even
11 had time to assign teams.

12 When they got to 1728 Mary Street, the team
13 assigned to the left, they were able to get inside.
14 They handcuffed the suspect, and they served the
15 search warrant. Everything went according to the
16 plan on that side. But the team on the right had
17 some problems. They couldn't get inside. The front
18 door was locked. The backdoor was locked. It was
19 dark inside and out. And there were stairs at the
20 backdoor. So what to do? They hadn't planned on any
21 of this. So what to do now? Let's rush in anyway.

22 Now, ladies and gentlemen, you cannot judge
23 Cory Maye, not here, not now, by a higher standard
24 than that of the Prentiss Police Department. You
25 simply cannot do that based on the evidence offered
26 by the prosecution in this case.

27 Cory Maye has not been trained as a police
28 officer to serve and to protect. However, he is a
29 father, completely and totally responsible for his

1 children. The actions of the police outside his
2 apartment that night called for him to react upon
3 being awakened and to make a decision based on fear
4 and the need to protect his daughter and himself, all
5 within a few seconds. Now, you cannot fault him for
6 that.

7 Where is the evidence in this case that
8 justifies condemning Cory Maye for having to make and
9 having made the decision that he did? Now, I ask
10 you, what are you going to require of the police?
11 What about the decisions that they made? They made
12 the decision, based on what some supposed C.I. told
13 Ronald Jones. They made the decision to attack this
14 apartment. Why? Ask yourselves that. Why? Why
15 would the police on that night, all of them, all of
16 them trained at the state police academy, risk their
17 lives on the word of some confidential informant? No
18 matter what the C.I. supposedly told Ron Jones, Ron
19 Jones was the police officer.

20 Darryl Graves shared with you that the proper
21 procedure was to take the information from the C.I.
22 and do surveillance or a controlled buy with the
23 suspect. Ron Jones had time and opportunity to round
24 up his friends, he had time and opportunity to do
25 those things. Why not take the time to do it
26 according to his training?

27 Darryl Graves and his team, they did it
28 according to the training, and there were no
29 problems. Ron Jones and his team did not. I know

1 you don't like hearing that because he's dead, but
2 that's the truth. He went inside an apartment that
3 he knew absolutely nothing about based solely on the
4 word of some C.I. And that, ladies and gentlemen,
5 you know was not proper police procedure.

6 And another point of fact. Ron Jones'
7 brothers in the law should not have allowed him to go
8 into that dark apartment based on what they knew,
9 which this evidence shows to you was not much at all.
10 Now, are you going to judge the other police officers
11 for what they did? For what they allowed to happen?
12 Why not? The prosecution wants you to judge Cory
13 Maye and to condemn him for what he did. But what
14 about the police officers?

15 The officers that went with Ronald Jones
16 didn't know anything, either. So why would they let
17 their friend go into a dark apartment that none of
18 them knew anything about? Come on, now, that's not
19 Cory Maye's fault. But Stephen Jones, Darrell
20 Cooley, Terrence Cooley, Phillip Allday let Ronald
21 Jones go inside a dark apartment supposedly to
22 execute a search warrant without his gun drawn.
23 That's not Cory Maye's fault. That's not.

24 The officers had time to plan their activity.
25 Cory Maye didn't have time to plan. He reacted by
26 defending himself. And he is not to blame for the
27 way these police officers acted that night. Come on,
28 you've got to ask yourselves, why does the
29 prosecution want you to hold Cory Maye responsible

1 and condemn him for the plans of the police that
2 failed? That's not right. And you cannot do that.
3 You cannot do that here, you cannot do that now.

4 You do not have to convict Cory Maye of
5 capital murder in this case based on the evidence
6 that this prosecution has offered to you. You don't
7 have to do that because they have not proven beyond a
8 reasonable doubt -- come on, now, I know you hear me
9 -- beyond a reasonable doubt that Cory Maye knew Ron
10 Jones was the police. The evidence is too
11 conflicting.

12 The officers have not come into this court of
13 law and told you ladies and gentlemen the truth. You
14 know that. You've heard it. You've seen it. And
15 you cannot ignore it. They've not told you the
16 truth. You cannot ignore that Cory has. Cory Maye
17 told Agent Jim Stone what happened, the truth, two
18 hours after the incident. And as he sat here
19 yesterday and testified to you, he stated the truth
20 two years after the incident. You cannot ignore the
21 truth.

22 And I am asking you, pleading with you to
23 hold on to what the truth is in this case. And
24 please don't let it go. The truth. Yes, yes, Ron
25 Jones is dead, but you cannot convict Cory Maye of
26 capital murder on that fact alone. Just because Ron
27 Jones was a police officer does not mean Cory Maye
28 did not have the right to defend himself, not knowing
29 that Ron Jones was a police officer because, when

1 Cory Maye had only a few seconds to make a decision
2 after being awakened by noises outside his apartment,
3 he did not know who it was.

4 Even if you don't hear what I'm saying, even
5 if you don't like what I'm saying, if you don't like
6 the way I am saying it, put this prosecution to the
7 test. Put them to the test of having proven to you
8 beyond a reasonable doubt. They want you to have
9 Cory Maye, then 21 years of age, reacting and
10 responding in a perfect way. Call 911. Go to the
11 bathroom. Knock on the wall for help. Time didn't
12 permit all of that. Cory told you that it all
13 happened very fast. He told you why he did what he
14 did.

15 Now, the officers -- it's been what, four or
16 five of them? They've come in here and they've not
17 been able to tell you anything definitively. They
18 can't tell you nothing. They can't tell you how much
19 time passed. They can't tell you who stood where,
20 who did what, when they did it, why they did it. The
21 police officers who testified here before you
22 couldn't even tell you why they were really there.
23 And you know that. Everything they said was, I don't
24 know, I don't know. And these are the witnesses that
25 the prosecution called to support a conviction of
26 capital murder of Cory Maye? Not here, ladies and
27 gentlemen. Not now.

28 And you've got to remember that the
29 prosecution has the burden of proving beyond a

1 reasonable doubt, now, not only that Cory knew that
2 they were police, but that he was not justified in
3 defending himself and his daughter. Where is the
4 credible proof? Where is the consistent testimony?
5 Where is the evidence beyond a reasonable doubt to
6 convict Cory Maye of capital murder?

7 Now, let's go over some of the evidence. But
8 as we do this now, I'm going to ask that you continue
9 to ask yourself these questions based on this
10 evidence. Why would Cory shoot a police? Come on,
11 now, he was not a suspect. He did not sell
12 marijuana. He had never been arrested. He was able
13 to get a job and keep a job. He had a loving family.
14 It was Christmastime. He was living with his
15 daughter and her mother. Cory's world was fine. So
16 why would he sacrifice two years of his life to be
17 here today before you, with you being a part of this
18 process that determines his fate and his future?
19 Does that make sense to you?

20 Now, ask yourselves why would Ron Jones rush
21 into Cory's apartment? He had never seen any drug
22 activity in this apartment. He did not have the
23 apartment under surveillance. He did not have a C.I.
24 do a buy from the apartment. He had never been
25 inside the apartment. He did not know Cory Maye. He
26 did not have a search warrant for Cory Maye. It was
27 dark inside and outside. He didn't know if anybody
28 was inside the apartment. The front door was locked.
29 Backdoor was locked. The back steps, he said

1 himself, prevented entry. It was a problem. But he
2 went in anyway.

3 So why would Ron Jones put his life at risk
4 when he had time and opportunity to plan and do
5 otherwise? You got to stay with me, now, because
6 what makes sense to you from the evidence, and as you
7 ask yourself these questions and you review this
8 evidence, you cannot, and I'm again pleading with you
9 to not ignore the truth.

10 As soon as Cory knew that they were, in fact,
11 the police, he slid the gun away from him. If Cory
12 Maye had the design and the intent to shoot and kill,
13 he did not have to stop there, and you know that. He
14 surrendered completely and fully. And how in the
15 world could Cory Maye resist being handcuffed when he
16 had at least 450 pounds of men on his back?

17 Now, Cory Maye voluntarily gave a statement
18 to the investigating officers within two hours of
19 that incident, and what he said to them then is the
20 same thing he told you yesterday, two years later.
21 Agent Stone testified, one of the investigators who
22 took the statement, he told you he believed Cory
23 because Cory was telling the truth.

24 The only truth you have heard in this case
25 has come from Cory, and you cannot ignore that. Now,
26 if you've had any questions about any of the
27 testimony or the evidence, it's right here. And
28 there are the jury instructions there. And you have
29 been instructed by this Court on the law as it

1 relates to self-defense.

2 And the two instructions that I want you to
3 pull and study like a test are Instruction Number 5
4 and Instruction Number 6. Okay? Now, I've given you
5 a lot, and as you wrestle with whether or not Cory
6 Maye was, in fact, defending himself and his daughter
7 because he did not know Ron Jones was a police
8 officer, think about this. Think about the airplane
9 ride and the many things that you know can happen
10 when you ride on an airplane. It's a complete and
11 total leap of faith.

12 When my daughter took her plane ride for the
13 first time at two years of age, the first thing she
14 asked me when we were safely in the air, "Mommy, is
15 this plane going to fall out of the sky?" Now, I was
16 her mother, and still am, and I had to assure her
17 that it would not, although I had no way of knowing
18 that for certain.

19 And what do you do? What do the flight
20 attendants instruct you to do on the plane when you
21 have children with you? If there's some danger with
22 the flight -- if the flight is in danger, who is to
23 put on the oxygen mask first? The parent. And then
24 the parent is to place the mask on the child. So
25 without the parent first getting the proper help, the
26 child doesn't stand a chance of surviving.

27 Now, how is that, ladies and gentlemen, any
28 different than what Cory Maye did that night inside
29 his apartment? During the prosecution's

1 cross-examination of Cory on yesterday, they
2 testified that Cory Maye was wrong in placing himself
3 on the floor and leaving his baby in the bed. But
4 Cory Maye showed you right there on this courtroom
5 floor by laying there that he had not placed his baby
6 girl in harm's way at all. He knew where she was in
7 the bed because he had put her there to go to sleep.

8 It was those outside of his apartment,
9 kicking at that backdoor to his bedroom, that he had
10 to protect her from. Now, you all got to understand
11 and you got to know that Cory did not invent this
12 situation. Cory did not cause these circumstances.
13 He simply reacted and responded to the situation when
14 he thought there were intruders capable of harming
15 him and his.

16 So we should all ask ourselves, who is the
17 prosecution to judge that reaction, to judge that
18 response as wrong and punishable by law? You cannot
19 convict Cory Maye of capital murder when he did not
20 know that Ron Jones was a police officer. You cannot
21 do this when there is no evidence beyond a reasonable
22 doubt that he knew those people were police.

23 Where's the evidence beyond a reasonable
24 doubt to support that? If Darryl Graves, ladies and
25 gentlemen, did not hear anything from Ron Jones and
26 the other officers while he was inside the apartment
27 on the left, why then does the prosecution want you
28 to believe that Cory heard it? That he just had to
29 have heard it inside his apartment? Darryl Graves

1 didn't hear it, and he was a part of the team.

2 You cannot hold Cory Maye to a higher level,
3 a higher standard of safety and response and reaction
4 than you do the trained police. Why does the
5 prosecution want you to expect Cory Maye to have
6 acted rationally, reasonably, in a situation when the
7 trained police didn't? That's not fair. And that's
8 not right.

9 If you convict Cory Maye of capital murder
10 without having put the prosecution to the task of
11 having proven their case to you beyond a reasonable
12 doubt, then you, ladies and gentlemen, are doing what
13 you told me you would not do on Tuesday. You told me
14 Tuesday that you wouldn't give more weight and
15 credibility to what the police officers said just
16 because they were the police. You told me that. And
17 you know that they have not come in here and told you
18 the truth. You know that. You said that you
19 wouldn't do it, and you should not do it here and
20 now.

21 December 26, 2001. Not only did Ron Jones
22 die that night, but many, many lives have been
23 affected and changed because of the events of that
24 night. Ron Jones' family has suffered. Cory Maye
25 and his family have suffered. And you know that Cory
26 and his family are sorry. Death is real. It will,
27 without a doubt, happen to each and every one of us
28 here in this room. When and how, we do not know.
29 But we do know, don't we, that police officers face a

1 particular risk of injury, danger, death every day
2 because they are police officers? They are
3 completely aware of this when they take the oath to
4 serve and to protect the citizens of their town.

5 That is why, ladies and gentlemen, there is a
6 reason it is very important to follow proper police
7 procedures. That's why. You don't make them up as
8 you go along, but you follow those, those by which
9 you have been trained. To follow proper police
10 procedure is to insure officer safety and to reduce
11 the chance of injury or death. Come on now, stay
12 with me. Stay with me.

13 And I want you to remember December 26, 2004,
14 is coming. It will forever be a sad time for the
15 Jones family and for Cory Maye and his family. But
16 now that you all, the 13 of you have now been a part
17 of this process, it's going to be different for you
18 as well. Because when this December 26th rolls
19 around, you'll not only think of Ron Jones, but
20 you'll also think of Cory Maye. And by December 26,
21 2004, each of you will have then participated in the
22 process that determined Cory's fate and Cory's
23 future.

24 And we, Cory Maye and I, submit to you that
25 that's a mighty, mighty big challenge. But Cory and
26 I have faced it head-on for the last two years. And
27 it is now time for us to give it to you. And I admit
28 I am scared, and I am frightened. I now know how
29 Cory felt two years ago as he lay on that bedroom

1 floor because I don't know and Cory does not know
2 what is going to happen now.

3 What next? But I got to give this case to
4 you because that's what this process says I have to
5 do. I have to let it go at this time, but I am
6 somewhat comforted in doing that because I know, when
7 December 26th rolls around this year, each of you
8 will have been challenged and changed by this
9 experience in this place at this time. There's no
10 denying it because life is like that. We will have
11 all been changed by what happens now, by what happens
12 next.

13 Now, the question for each of you, ladies and
14 gentlemen, is, will you have been changed for having
15 done what you knew was right? Will you stand by your
16 convictions? Will you stand by your principles of
17 fairness and justice, or will you just go along with
18 those who might oppose you just so you can get along?
19 How will you be changed? How will you have been
20 changed? It's 2004. Things are different now.
21 Things are new. They're not like they were before.
22 And we submit, based on the evidence, that you
23 cannot, you should not convict Cory Maye of capital
24 murder where there is reasonable doubt as to whether
25 he knew Ron Jones was a police officer when Ron Jones
26 entered his apartment. You cannot do that, not on
27 this evidence, not in this courtroom, not here, not
28 January 23rd, 24th, 2004. You can't do it.

29 And you must remember that Cory Maye is

1 presumed innocent until proven otherwise by the
2 prosecution, who has the burden of proof. And Cory
3 and I submit, based on the evidence that they have
4 offered in this case, they've not met its burden
5 beyond a reasonable doubt that Cory Maye was not
6 acting in self-defense.

7 I got to go. I got to sit down. And I got
8 to give my case to you. Whoo! I hesitate because I
9 don't know what's going to happen. But I do know the
10 truth, and I know and you know that Cory told it to
11 you from that stand, and you cannot ignore it. You
12 cannot ignore it. And after you've weighed all of
13 the testimony and looked at all of the evidence, I'm
14 confident, because I know December 26th is coming
15 again, so I know that you all will have rendered a
16 just verdict, a verdict of not guilty of any crime.

17 Thank you.

18 *****

19 MR. McDONALD: Judge, if I can have a
20 ten-minute and a two-minute warning.

21 THE COURT: Ten and two?

22 MR. McDONALD: Yes, sir.

23 THE COURT: Okay.

24 MR. McDONALD: Thank you.

25
26 CLOSING ARGUMENT BY THE STATE OF MISSISSIPPI

27
28 BY MR. McDONALD:

29 You know, it's always someone else's fault.

1 It's always somebody else's fault. It's the police's
2 fault. The police didn't shoot Ron Jones, Cory Maye
3 shot Ron Jones. Is it the police's fault that Ron
4 Jones is dead? Is it the police's fault about what
5 happened there that night? No, that's a smokescreen.

6 When I was in the Army, I was in an armored
7 brigade. And we had one unit that didn't do anything
8 but spread smoke and smokescreens, for two or three
9 reasons. One reason was, they wanted to hide our
10 positions. The other reason was, they sometimes
11 wanted the enemy to think we were other places and
12 concentrate their efforts and activities on other
13 places.

14 And that's what a lot of this testimony for
15 the defense and these arguments have been. They've
16 been smokescreens. Smokescreens to keep you from
17 thinking about what actually happened out there, what
18 the truth is, and what the references and
19 implications from the testimony actually are.

20 Now, Ms. Cooper said a lot about not holding
21 people to standards two years later, that you
22 couldn't hold Cory Maye to a standard, that we were
23 trying to hold him to a higher standard. I'll be
24 frank with you, the standard I'm trying to hold Cory
25 Maye to is the same standard that is exemplified in
26 the Smith apartment that was right next door. That
27 duplex, built together, just alike. Two search
28 warrants were served that night. One on the Smith
29 apartment, one on Cory Maye's apartment.

1 On the Smith apartment, the officers, led by
2 Officer Graves, went over there. They knocked, they
3 announced "police," they announced "search warrant,"
4 and the Smiths opened the door, let them in, and
5 submitted to the warrant. That's the standard that I
6 believe you should hold Cory Maye to because the same
7 thing, more than that, happened at Cory Maye's
8 apartment.

9 You have heard testimony from the officers in
10 the front of Cory's apartment that they announced at
11 least three times "police, search warrant" out there
12 as they knocked on the door trying to gain entry into
13 that apartment. Did he hear that? Did the Smiths
14 hear it? Hear the other team? The Smiths heard the
15 other team and opened the door. The apartments are
16 the same, the doors are the same, the porches are the
17 same. Look at the film, look at the pictures. Two
18 situations exactly the same. The Smiths opened up
19 and let them in. Cory Maye did not.

20 Now, you heard -- you heard Officer Stephen
21 Jones and you heard Officer Cooley testify that
22 initially the apartment was dark, then they saw a
23 light behind the blinds. Can you see light behind
24 closed blinds? I think possibly you can see light
25 behind a closed blind. And when that light came on,
26 Officer Cooley realized, well, there is somebody in
27 there. Then they go around to the back, and when
28 they get to the back, what do they do? They announce
29 again, "police, search warrant."

1 Because of Jones' size, he feels like, well,
2 maybe I can't get up on the steps and make entry in
3 here. It may not be easy for me to get to the door
4 and get it open. Started around the front of the
5 building again. Allday wanted to know, "Can I try to
6 kick it in?" Yes. He did. He kicked one time. It
7 hung up on the chain. He kicked again, the door came
8 open.

9 Stephen Jones and Ronald Jones come back
10 around the side of the house. Come back around the
11 side of the house. Ron Jones begins to go into the
12 backdoor at that point. And what does he say?
13 "Police," and before he can say anything else, he's
14 shot. Now, what's the situation at that backdoor?
15 The backdoor, you've heard testimony there was light
16 in that back area because there was light in the
17 backyard there. Could he see that Ronald Jones was
18 there in the dark? Could he see he was a police
19 officer?

20 Remember the testimony of the officers with
21 respect to what they were wearing. They were wearing
22 jackets with "police" on it. They were wearing
23 shirts that are police shirts. Some of them were
24 wearing vests, some of them were wearing hats with
25 "police" on them. Could he tell, even from the light
26 coming in from the back, that Ronald Jones was a
27 police officer? I believe, and I submit to you, that
28 he could.

29 Even if you believe he's telling the truth

1 when he said he didn't hear any of the four or five
2 announcements that it was the police, remember, now,
3 the Smiths only heard one announcement that it was
4 police. They were in exactly the same kind of
5 apartment with the door shut when the police, when
6 Officer Graves arrived there and called out.

7 Do you believe they're lying about calling
8 out and announcing "police" and "search warrant"?
9 It's to their benefit to do that. It's for their
10 safety they do that. Certainly, they're not going to
11 omit doing that because their lives and their safety
12 is on the line with respect to that.

13 I do agree with a couple of things that were
14 said. I think that you do have to mainly get down to
15 the fact about who you believe and who you don't
16 believe. And the judge gave you that jury
17 instruction with respect to how you can use your past
18 and use your common sense and observe how the
19 witnesses testified and what they had to say. And
20 the reason for that is, you can believe all of what a
21 witness said, some of what a witness said, or none of
22 what a witness has said.

23 With all witnesses, there are going to be
24 some minor variations or there may be some
25 nervousness where they're confused about something.
26 But look at the testimony of the majority of the
27 witnesses in this case. Look at their demeanor. Did
28 Cory's testimony sound scripted or rehearsed? Did he
29 have to look for advice? Listen to that tape. There

1 are discussions about couch and chair. That's a
2 minor thing, but I think if you listen to the tape,
3 it's evident that he said couch.

4 He said when he testified here he didn't
5 actually say glass broke, that that was something
6 that Officer Stone said. But when you hear the tape,
7 my recollection of the tape is that he said, not
8 Officer Stone, that glass broke. But you heard that
9 when they went in and they searched the apartment,
10 there was no broken glass. He said -- and this is a
11 major thing. He said he was lying on the ground and
12 he had that gun like this looking in the opposite
13 direction when he fired. If you believe he's telling
14 the truth about that, before you make your mind up
15 about whether you believe he's telling the truth
16 about that, look at Dr. Hayne's diagram. Think about
17 what Dr. Hayne said in his testimony with respect to
18 the angle of that projectile. Is Cory telling the
19 truth about that?

20 Was he evasive? He didn't know who gave him
21 this semiautomatic pistol. Just didn't know who did
22 that, although he could remember everything about any
23 ammunition he'd ever bought. Now, they talk about --
24 at the opening, they talked about there was no reason
25 for the police to be there. Ron Jones was a police
26 officer and Ron Jones' duty was to suppress narcotics
27 and drug trafficking in any amount. Whether it's a
28 thousand pounds of marijuana or whether it's a gram
29 of marijuana, it's still against the law.

1 He had a reason to be there. They found
2 marijuana in this apartment, and they found cocaine
3 in the other apartment. He had no reason to be
4 there? He had a reason to be there. And they found
5 drugs in the apartment, in both apartments. He was
6 scared? Do you believe that he was scared? Do you
7 believe that part?

8 Well, what would a normal person do? What
9 would a reasonable person do? When we hear knocking
10 or pounding, even, on that front door, would they
11 call out who's there? What you want? Who is it?
12 Get away? Anything like that. And I submit to you
13 certainly they would. Would you or he or anybody
14 else, when confronted with somebody at your front
15 door, even if you didn't call out, wouldn't you try
16 and look through the side of those blinds on the
17 door? Or wouldn't you come to this window over on
18 this side and pull back that sheet that he had
19 between the blinds and the window and stare out to
20 see who was on your front door?

21 The porch light was on the front door. There
22 were marked police cars in the front yard. There
23 were officers standing on the porch. Is he telling
24 the truth about not hearing it? I submit to you he's
25 not telling the truth about that. Is he telling the
26 truth about not actually going up there and seeing
27 them? I submit to you he's not telling the truth
28 about that.

29 Was he scared? Yeah, I think he was scared

1 because I think he knew who was out there. There's
2 two things here. One, he had the marijuana in the
3 apartment. The second thing, though, is, you'll
4 notice in none of these instructions is any of the
5 elements of the crime motive. Or does any proof have
6 to deal with motive? And the reason is, the law
7 understands and human beings understand that you
8 can't get in a man's mind. Why would he be afraid
9 the police were coming in there? What was his motive
10 about what he was afraid they were there for? I
11 don't know, we won't know, you won't know.

12 Something about the police being there scared
13 him a whole lot. And what did he do? Is he telling
14 you the truth when he said that he was taking care of
15 and protecting his baby? What did he do? He comes
16 here, he leaves the living room. Well, to leave the
17 living room and get to the bedroom, he had to go near
18 this bathroom over there.

19 **THE COURT:** You have ten more minutes.

20 **MR. McDONALD:** Two or ten?

21 **THE COURT:** Ten.

22 **BY MR. McDONALD:**

23 He gets to the bedroom. When he gets to the
24 bedroom, what does he do? He goes and gets his gun,
25 a clip, loads the gun, chambers a round, lays at the
26 end of the bed, and lays his gun down on the floor.
27 Does that make any sense at all, even if he was
28 really scared?

29 Secondly, if he was terrified and trying to

1 protect his daughter, what did he do? He sought
2 protection at the end of the bed. He sought to hide
3 from whoever may be coming in the backdoor at the end
4 of the bed. But if he was really terrified they were
5 going to kill him or hurt him, he's left his daughter
6 exposed on top of the bed. If he was really worried
7 about his daughter, wouldn't he have taken his
8 daughter up and moved her to another room, locked her
9 in the bathroom with him, or just laid on top of her
10 so nobody could hurt the girl, if he was really
11 trying to protect his daughter, and if he was really
12 afraid about that?

13 It was all about him, really, you know. He
14 heard, at least heard, and I submit to you probably
15 looked out when they saw those blinds cracked and saw
16 officers there. So what did he do? I submit to you
17 he did go to the bedroom and he did get that gun and
18 he intended to go out the backdoor. However, he
19 heard them holler "police" at the backdoor and
20 realized they must have had somebody back there in
21 the back. So he couldn't get out the back way.

22 They force entrance there and he opens fire.
23 Did he fire one time? No. Did he fire two times?
24 No. Did he fire three times? Yes. Did he kill Ron
25 Jones? Yes. Look at the measurements on those
26 projectiles. Remember what the doctor said about the
27 body. Remember what the officer said about the
28 distance up of the projectile. Remember what the
29 doctor said about the angle of the projectiles. Was

1 he laying down flat and hiding? Or was he standing
2 or kneeling and trying to hit what he was shooting
3 at?

4 Well, why did he lay down on the ground and
5 push the gun in front of him? After he shot Ron
6 Jones and the door was open, what immediately
7 happened is the officers started yelling "police,"
8 and he realized at that point that it wasn't just one
9 officer at the backdoor, there was more than one
10 officer at the backdoor, he couldn't shoot his way
11 out. And the only way that he, thinking about Cory
12 Maye again, could survive is if he pushed the gun
13 out, laid down, and surrendered.

14 Now, let's talk about training and
15 professionalism. Training and professionalism is
16 being an officer with the Prentiss and Bassfield
17 Police Departments and seeing your commander, your
18 best friend, coworker murdered and shot down and not
19 letting your emotions go and shooting the person that
20 did that. And if they had, no one would've ever
21 known that. It would've just been a police shooting,
22 a return fire, and he'd have been dead.

23 But they didn't. Their professionalism,
24 their judgment, their training came into play. They
25 took him into custody. They took him over to the
26 sheriff's department. They took him further over to
27 Hattiesburg in the custody of another agency. Were
28 they not doing what they should've been doing at the
29 time? Well, were they ill-prepared? If you

1 remember, when they talked about the search warrant
2 and the planning, the information they got is there
3 wasn't an armed person at the apartment. Maybe he
4 should've had his gun out. But if he'd had his gun
5 out, then they'd have really been arguing
6 self-defense. I didn't see a badge, all I saw was
7 the gun.

8 Why is he saying that he wasn't looking
9 towards the door when he fired, that he just went
10 over here and did that and fired? Because if he'd
11 been looking at the door, he would've had to admit he
12 knew it was a police officer he killed, period. Why
13 is he saying that he didn't look out the window?
14 He's saying that he didn't look out the window
15 because, if he'd looked out the window, he would have
16 seen that there was a police officer out there, and
17 he'd be guilty of capital murder. He'd admit he was
18 guilty of capital murder.

19 Why is he saying he didn't hear anything?
20 Because if he admits he heard them calling out, just
21 like the Smiths did in the next apartment, he would
22 have been guilty of capital murder. Again, it's all
23 about Cory. How can I prevent myself from being
24 found guilty of capital murder? If you listen to his
25 testimony and you analyze his testimony and analyze
26 what went on here, everything is trying to separate
27 him from at least that capital murder charge, to get
28 it dropped down to some degree, even with his bogus
29 self-defense argument, in my opinion, the State

1 submits to you is bogus, let me go. It's their
2 .fault. They were incompetent. It's not my fault.

3 Did it take seconds? It didn't take seconds.
4 It was a period of time when they tried to get him to
5 open the door and gain entry to begin with. It was a
6 period of time when it took them to get into the
7 backdoor. It didn't take 15 seconds, it didn't take
8 30 seconds, it was a period, as one of the witnesses,
9 I believe, said, of five, six minutes going on there
10 when they were trying to get into the apartment. In
11 all that time, he never heard them say "police," all
12 that time he never saw a police officer?

13 Now, talking about the C.I., Darryl Graves
14 back here, who is the operations head of the Pearl
15 River Narcotics Task Force, you recall Darryl
16 testifying. And Darryl said that most search
17 warrants are based on confidential informants. Most
18 of them are based that way. But many times they go
19 on searches, and when they get there they find that
20 there's not as many narcotics there as what they
21 anticipated being because time periods are large
22 between the time the warrant is received and the time
23 that the warrant is actually executed because of the
24 planning that had to go into effect.

25 I think it was all about Cory. But today,
26 while it's all about Cory, it ought to be some about
27 Ron, too. The reason that we have the capital murder
28 provision about police officers and firemen, you
29 know, I'm almost shocked when Ms. Cooper was talking

1 about they get paid to go in dangerous places. You
2 know, it's part of the deal to get shot down. He
3 collected his paycheck. You know, I mean, that's his
4 deal, you know? It's not Cory's fault.

5 They go in dangerous places and they do
6 dangerous things, and they do it with dangerous
7 people. They do it with people that are hotheads,
8 people that are violent, people that don't think
9 rationally, people who just don't like police. They
10 do it for a lot of reasons and with a lot of people,
11 but they do it for duty. They don't do it for the
12 money.

13 The legislature, made up of all of us, of all
14 types and kinds of people in our state, realized that
15 there is a thin blue line between us and the forces
16 of criminality.

17 **THE COURT:** You've got two more minutes.

18 **BY MR. McDONALD:**

19 Ron Jones did his duty. He did his duty to
20 suppress the drug problem. He did his duty in
21 planning to go on that raid. He did his duty in
22 leading -- just a minute.

23 **[PAUSE IN THE PROCEEDINGS]**

24 **BY MR. McDONALD:**

25 And he did his duty when, instead of allowing
26 his men to go first into a dangerous situation, he
27 went first because he was the leader, and it was his
28 duty. And for \$1,700 a month, he put his life on the
29 line for the people of the city of Prentiss.

1 Now, if you can hear the evidence you've
2 heard this past week, and if you can hear what Mr.
3 Maye had to say and you believe he's telling the
4 absolute proof about all that, well, you know, I just
5 have to submit to you that that can't be our
6 position.

7 I submit to you he did his duty, and he died
8 doing his duty. I submit to you he's guilty of
9 capital murder and not regular murder and not
10 manslaughter and not self-defense.

11 **THE COURT:** All right. For the jury,
12 there are 13 of you, but only 12 can go on.
13 Does anyone have a problem going on at this
14 time? Anyone that can't go on?

15 **[NO RESPONSE FROM JURORS]**

16 **THE COURT:** Let's see, the last one on
17 the list was Timothy Gipson. You're Mr.
18 Gipson? All right. You will not go in with
19 them, then, you'll be the alternate.

20 For the rest of you, we don't tell you
21 how you deliberate. It's strictly up to you.
22 You can have a show of hands, you can have a
23 secret ballot, you can have a foreman,
24 whatever you want to do. But it's important
25 that you write your verdict down on one of
26 those sheets of paper. You have four choices
27 on your verdict. Write one of those back on
28 a sheet of paper to bring that back into
29 court for the verdict of the jury.

1 If you need anything, be sure and knock
2 on the door and let the bailiff know that.
3 And when you've arrived at your verdict,
4 knock on the door and be sure the bailiff
5 knows about that.

6 All right. The jury may retire to
7 consider their verdict.

8 [THE JURY RETIRED TO DELIBERATE AT 10:38
9 A.M. THE PROCEEDINGS CONTINUED AS FOLLOWS
10 OUTSIDE THE PRESENCE OF THE JURY.]

11 THE COURT: Is there anything else for
12 the record? Ms. Cooper? State? All right.
13 We'll recess this matter and take a few
14 minutes, then we'll call our criminal docket.

15 [COURT WAS PLACED IN RECESS AT 10:39
16 A.M. THE JURY RETURNED TO THE COURTROOM WITH
17 ITS VERDICT AT 11:49 A.M., AND THE
18 PROCEEDINGS CONTINUED AS FOLLOWS IN THE
19 PRESENCE OF THE JURY.]

20 THE COURT: All right. Has the jury
21 reached a verdict?

22 JUROR DONALD W. STURDIVANT: We have,
23 Your Honor.

24 THE COURT: All 12 of you agree on that
25 as the verdict of the jury?

26 [AFFIRMATIVE RESPONSES FROM JURORS]

27 THE COURT: All right. Hand it to the
28 bailiff.

29 [PAUSE IN THE PROCEEDINGS]

1 **THE COURT:** All right. I'll ask the
2 Clerk to read the verdict.

3 **THE CLERK:** "We, the jury, find the
4 defendant, Cory Jermaine Maye, guilty of
5 capital murder."

6 **THE COURT:** For the jury, we'll now need
7 to begin the other phase of the trial, so
8 we'll let you go ahead and be excused for
9 lunch. Everybody remain seated until after
10 the jury gets clear and goes to the bus.

11 **[THE JURY WAS EXCUSED AT 11:52 A.M.]**

12 **THE COURT:** We'll take up the sentencing
13 phase, start that, then, at one o'clock, and
14 we'll stand in recess until one o'clock.

15 **[COURT WAS PLACED IN RECESS AT 11:55**
16 **A.M. COURT WAS RECONVENED IN THE OPEN**
17 **COURTROOM AT 2:20 P.M., AND THE PROCEEDINGS**
18 **CONTINUED AS FOLLOWS OUTSIDE THE PRESENCE OF**
19 **THE JURY.]**

20 **THE COURT:** State ready?

21 **MS. COOPER:** What are we doing, Your
22 Honor? I had thought that we --

23 **THE COURT:** We're starting the
24 sentencing trial.

25 **MS. COOPER:** And I was under the
26 impression that we were going to do
27 instructions. At least that's what I
28 thought.

29 **THE COURT:** No, we'll do that at the