

Guilt Innocence Phase  
August 22, 2017

1 THE COURT: State, do you wish to make an  
2 opening?

3 MS. BARNETT: I do.

4 THE COURT: All right. Please proceed.

5 **CLOSING STATEMENT**

6 MS. BARNETT: The first thing I want to do  
7 is just thank you for your patience. We have gone way  
8 overdue of what we told you we were going to do. And  
9 you guys have been listening through the entire time  
10 with patience, and I'm very grateful for that. Thank  
11 you.

12 So the first thing I want to point out and  
13 talk about is where we started; and that's what it is  
14 that the State has to prove. And this is what I used in  
15 my little homeschool elements: That Sandra Melgar on  
16 December 23, 2012, intentionally and knowingly caused  
17 the death of Jaime Melgar, the complainant, by stabbing  
18 the complainant with a deadly weapon, namely a knife, in  
19 Harris County, Texas.

20 I don't think the Defense would disagree  
21 with this: That whatever happened, happened on or about  
22 December 23rd. It happened in Harris County, Texas,  
23 that Jaime Melgar is the complainant, and that they  
24 intentionally and knowingly caused the death and stabbed  
25 him with a deadly weapon, a knife. Proven.

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1           The second charge. And, again, what I  
2 told you guys in voir dire was that you don't have to  
3 agree on whether it was an intentional act intending to  
4 kill or intending to cause serious bodily injury that  
5 resulted in his death. Either one is murder. Six and  
6 one put together, it's murder.

7           So the second charge -- or the other  
8 second part of the murder case charge is that the person  
9 in Harris County, Texas, by stabbing the complainant  
10 with a deadly weapon; and Jaime Melgar is the  
11 complainant. They did intend to cause serious bodily  
12 injury, and did cause the death by intentionally and  
13 knowingly committing an act clearly dangerous to human  
14 life.

15           Certainly you guys saw the photos. You  
16 saw all the wounds he had; the 13 stab wounds and all  
17 the other wounds he had to his body and to his head.  
18 Certainly that person intended to kill or intended to  
19 cause serious bodily injury which resulted in death.  
20 We've proven all of those things. We've proven all of  
21 those things.

22           The only issue before you, the only issue  
23 that you must decide: Is Sandra Melgar the one that did  
24 it? That is it, no other question.

25           I get to talk about -- I get to talk in

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1 the beginning, and I get to end the argument. So what I  
2 want you to think about is when the Defense attorney is  
3 telling you his case is where does this chair fit in?  
4 Most of the blood that came from the Jaime Melgar was on  
5 this chair. That's the streaming blood that Celestina  
6 Rossi talked about, the artery injury that came off this  
7 chair. Why was the chair there? Why is there blood on  
8 the stool with a cover? How does this fit into the  
9 burglar's story? How does this fit into a burglary? It  
10 fits into Sandra Melgar and Jaime Melgar, and I'll be  
11 able to explain to you how it doesn't fit into a  
12 burglary story. Make them tell you how this significant  
13 piece of evidence fits in with their theory. Make them  
14 do it.

15 THE COURT: Thank you, Ms. Barnett.  
16 Defense, you may proceed.

17 **CLOSING STATEMENT**

18 MR. SECREST: I'm not taking the bait.  
19 Okay? I want to say from the very beginning, thank you.  
20 About the only thing Ms. Barnett and I agree on is thank  
21 you, and we're both sincere about that.

22 I want to go one step further, though. I  
23 want to apologize if I have been too abrupt, if I've  
24 been too abrasive. I'm a big boy. When all this is  
25 over with, criticize me. You can tell me that. I can