

>> GOOD MORNING, JUDGE.
PHILIP MASA AND I WILL REPRESENT
MICHAEL SHANE BARGO.
I WOULD LIKE TO RESERVE 5
MINUTES.
THIS IS THE FIRST RESENTENCING
CASE.
DURING THE NATION, IT WAS SENT
BACK DOWN TO THE PENALTY PHASE
TRIAL IN WHICH MICHAEL SHANE
BARGO, TWO SEVERE AGGRAVATED AT
THE DISPENSARY HEARING, THE
JUDGE ASSIGNED SENTENCING, THE
DEATH PENALTY.
IT IS BAD ON THAT APPEAL.
WHAT I WOULD LIKE TO DO, IT IS A
BIG CASE WITH A LOT OF ISSUES
BUT I WOULD LIKE TO BOIL IT DOWN
TO FOUR ISSUES TODAY.
ONE OF THEM IS PROPORTIONALITY.
THE OTHER IS THE MEDICATION
ARGUMENT.
THE NEXT ONE AGGRAVATED AS WAS
MISAPPLIED AND THE OTHER ONE WAS
THE REQUIREMENT OF DEBT.
THERE ARE PROBLEMS WITH THAT IS
I WILL GET INTO IT IN DETAIL.
THE PROPORTIONALITY ARGUMENT,
DURING THE BRIEFING OF THIS
CASE, IT WAS DECIDED THAT THE
COURT HELD THAT IT IS NOT
REQUIRED ANYMORE UNDER THE
FLORIDA CONSTITUTION TO DO THE
NARRATIVE PROPORTIONALITY FROM
CASE TO CASE.
IT IS MY ARGUMENT TODAY LAWRENCE
OR ANY CASE TOUCHED ON RELATIVE
PROPORTIONALITY AND RELATIVE
CULPABILITY OF THE INDIVIDUAL
DEFENDANTS IN THIS CASE AND THAT
IS IMPORTANT BECAUSE MICHAEL
SHANE BARGO IS THE ONLY PERSON
SENTENCED TO DEATH.
TWO OF LEGALLY COULD NOT BE
SENTENCED TO DEATH BECAUSE OF
THEIR AGE.
ONE PLAN, TWO WENT TO TRIAL AND
WERE FOUND NOT GUILTY AND GIVEN
LIFE SENTENCES.
SO JUST A BRIEF FACT SO THE
COURT KNOWS ABOUT THEM.
FIVE YOUNG PEOPLE, JUVENILES,
SENTENCED ONE OF THEIR FRIENDS

TO COME INTO A HOUSE.
THERE WAS A VENDETTA.
THIS YOUNG MAN, MISTER JACKSON,
WAS BEATEN, SHOT AT AFTER THAT
HIS BODY WAS BURNED, MUTILATED
AND THROWN -- I AM ARGUING
LAWRENCE DID NOT ADDRESS
RELATIVE NATIONALITY.
THE FLORIDA CONSTITUTION TO
REFORM THE FEDERAL CASES IT HAS
TO RECOGNIZE RELATIVE
PROPORTIONALITY BECAUSE TWO OF
THE MOST IMPORTANT CASES OUT
THERE, IT VERSUS FLORIDA AND
TYSON VERSUS ARIZONA ARE CASES
WHERE THE ISSUE OF RELATIVE
PROPORTIONALITY WAS LOOKED AT.
IN TERMS OF FLORIDA CASES, IT
HAS GONE THROUGH A ROCKY ROAD.
THE FIRST MAJOR CASE.
>> BEFORE YOU GET INTO THE CASE
LAW, ISN'T IT PRETTY CLEAR HERE,
ISN'T THERE EVIDENCE THAT
SUPPORT THE CONCLUSION THAT YOUR
CLIENT WAS THE RINGLEADER IN
THIS MURDER?
>> I WILL SAY RESPECTFULLY KNOW.
THAT CAME ABOUT BECAUSE OF THE
TESTIMONY OF THE OTHER MURDER
VICTIM, THAT THERE WAS NO
IMPORTANT EVIDENCE TO SHOW --
>> THERE TESTIMONY IS RECORD
EVIDENCE.
I UNDERSTAND YOU HAVE A
DIFFERENT TAKE ON IT AND I
WOULDN'T ARGUE THAT WASN'T SO
BUT THE QUESTION WAS IS THERE
EVIDENCE IN THE RECORD TO
SUPPORT THAT CONCLUSION?
CAN YOU TELL ME THERE IS NOT
RECORD EVIDENCE TO SUPPORT THE
CONCLUSION THAT HE WAS THE
RINGLEADER?
>> THE TESTIMONY OF THE OTHER
CO-DEFENDANTS THAT HE WAS THE
RINGLEADER.
IF YOU LOOK AT LAWRENCE THERE IS
EVIDENCE THAT IN LAWRENCE, WHAT
HE WAS GOING TO DO.
EXCUSE ME, BODY PART HE WAS
GOING TO CUT.
AND INCLUDE TOOLS AND THAT MENU
WAS DISCOVERED.
>> DO YOU AGREE THAT THE

ARGUMENT YOU ARE ABOUT TO LAYOUT, DO YOU AGREE THAT IF IN FACT THE RECORDS SUPPORT THE NOTION YOUR CLIENT WAS THE RINGLEADER THE PENALTY EVEN IF WE WENT DOWN THE RELATIVE CODE DEFENDANT CULPABILITY PROPORTIONALITY THING, IF IN FACT THE DEFENDANT IS MAKING AN ARGUMENT WAS THE RINGLEADER THAT WHATEVER YOU ARE ABOUT TO TALK ABOUT WOULDN'T APPLY, YOUR WHOLE ARGUMENT DEPENDS ON US FACTUALLY ACCEPTING THE PREMISE THAT HE WASN'T THE RINGLEADER?

>> THAT IS IT THAT I WOULD TELL THE COURT EVERY OTHER CODEFENDANT - LOOKED AT IT IN THEIR OWN WAY.

>> PUTTING ASIDE WHAT A RINGLEADER IS, IF THE PERSON WAS THE DRIVING FORCE, THE PRINCIPLE SORT OF ACTOR HERE, DO YOU AGREE THE CULPABILITY ARGUMENT GOES OUT THE WINDOW?

>> KNOW, I DON'T. EVEN IF THAT -- TO REACT IN THIS -- TWO OF THOSE ACTORS WERE RESPONSIBLE FOR SEDUCING MISTER JACKSON TO THE HOME WHERE HE WAS MURDERED.

MISS RIGHT SENT TEXT MESSAGES AND SUPPLIED LOCATION FOR THE MURDER.

THIS MEAL SUPPLIED THE PROPERTY WHERE THEY WOULD DROP HIS BODY BUT THOSE TWO YOUNG GIRLS SEDUCED HIM AND WHEN HE WAS IN THEIR, MISTER THEY SOTO ATTACKED HIM AND MISTER JACKSON STATED THEY RAN OFF.

THAT IS WHEN HE WAS SHOT FIRST AND DRAGGED BACK INTO A TRAILER AND WITH THE HELP OF SOTO AND HOOPER, HE WAS ABLE TO TESTIFY, BREAK HIS LEG AND SHOOT HIM IN THE FACE.

>> DOESN'T THAT SEQUENCE OF EVENTS SHOW THAT HE IS THE CAPTAIN OF THESE EVENTS, THEY RUN HIM DOWN IN THE YARD, DELIVERED HIM TO THE PLOT?

>> WHAT HAPPENS --

>> PRETTY MUCH.

>> MISTER SOTO AND MISTER COOPER BROUGHT OUT MISTER JACKSON, BURN HIM, SMOTHER HIM AND EVENTUALLY SHOVELED HIS ASHES INTO THE BUCKET.

CULPABLE TO THE SAME EXTENT. THEY ALL HAD BAD ROLLS IN THIS.

>> AS I SEE THIS, THE RINGLEADER DEBATE IS A RED HERRING.

AT THE END OF THE DAY THE STATE HAS PROVEN THE AGGRAVATED OF THE STATUTE SETS OUT FOR US AS LONG AS THERE IS AN AGGREGATOR THAT IS PROVEN, YOU KNOW WHAT THE OUTCOME OF THE CASE IS AN LEAVING ASIDE CONDUCT AFTER THE VICTIM HAD PASSED AWAY AND IT SIMPLY TRUE THAT YOUR CLIENT WAITED FOR HIM TO WAKE UP IN THE BATHROOM SO HE WOULD KNOW WHO KILLED HIM BECAUSE YOUR CLIENTS WANT TO THE VICTIM TO KNOW YOUR CLIENT WAS SHOOTING HIM IN THE FACE AND DELIVERING THE FINAL BLOW?

ISN'T THAT ENOUGH TO SET UP AND ESTABLISH FOR THE JURY THE AGGRAVATED?

>> I WILL JUMP THAT TO MY HS CR. TRIAL COUNSEL OBJECTED THAT THE JURY SHOULD NOT HEAR WHAT HAPPENED TO MISTER JACKSON'S BODY BECAUSE OF THE POTENTIAL SPILLOVER.

THE METHOD OF SHOOTING AND ALL THAT, CASE LAW SAYS THAT BUT WHAT THE PROBLEM IS, MOST OF -- WHAT IS BEHIND THIS?

SHOOTING OF SOMEBODY, DISPOSAL OF THE BODY?

>> I THINK I HEARD AN ANSWER TO MY QUESTION.

YOU BELIEVE THE HSC AGGREGATOR IS ESTABLISHED BY DOMTAE MORRIS 0 -- MICHAEL SHANE BARGO'S CONTACT BY WAITING FOR THE VICTIM TO COME TO ENOUGH TO SEE WHO IT WAS WHO WAS GOING TO SHOOT HIM AGAIN.

THAT IS YOUR CLIENT.

AM I CORRECT THAT YOU ARE CONCEDING THAT ON THAT BASIS LEAVING ASIDE EVERYTHING ELSE THE HSC AGGREGATOR IS

ESTABLISHED?

>> WHERE THE PROBLEM IS.

IT WAS DISPOSED OF.

WE DON'T KNOW WHAT THE JURY CAME BACK, DO THEY THINK THE SHOOTING WAS HVAC.

DO THEY GET MIXED UP WHAT HAPPENED WITH THE BODY, THERE IS A CASE ON POINT, JONES VERSUS STATE.

JONES VERSUS STATE, ONE 234, YOU CAN'T CONSIDER THAT ACTION.

IF YOU CAN'T CONSIDER THAT ACTION IT SHOULD NEVER HAVE OCCURRED.

>> IT IS RELEVANT TO THE CCP.

ISN'T THAT CORRECT?

DID TRIAL COUNSEL PROPERLY GET THIS TEED UP FOR THE ARGUMENT YOU ARE MAKING?

THAT THEY SHOULD NOT CONSIDER IT, THEY SHOULD NOT CONSIDER THAT EVIDENCE ON THE ISSUE OF HVAC, BUT IT WAS PROPERLY TO BE CONSIDERED.

>> DIDN'T OBJECT.

>> I READ IT THE SAME WAY.

AND WE DON'T KNOW IF THAT INFLUENCE THE CCP, HE TOOK THE SKULL A LOT OF THE CHARRED PIT AND LEFT THE MAN'S TEETH. THAT COULD HAVE HAPPENED TO CCP. I'M GOING TO MOVE ON FROM THAT, I AM ARGUING IT.

I DON'T KNOW WHAT IS MORE HORRIBLE, SHOOTING HIM, TORTURING HIM OR PLACING THE BODY AND THE SLEEPING BAG, CREAM AIDING HIM.

SHOVELING HIS ASHES INTO THE BUCKET, THROWING THEM INTO A PIT.

WHEN JONES REVERSED IT, THE ERROR THERE, THERE IS A PLACE WHERE THE JURY HEARD THAT. MY CONCERN, BOTH AGGRAVATED HIS. ON THAT POINT, ON THE PROPORTIONALITY ISSUE I WOULD ASK FOR A LIFE SENTENCE BASED ON THE FACT THAT MY READING OF IT PEOPLE TESTIFIED THEY PUT IT ON MY -- SOME EVIDENCE IN THE RECORD THEY WERE SAYING THAT. WHEN YOU LOOK AT THOSE ACTORS,

INDIVIDUAL FUNCTIONS, THEY BRING THEM OVER.

A LIFE SENTENCE, SOTO TOOK A PLEA, WALKED -- WALKER WENT TO TRIAL.

FARGO ON DEATH ROW.

-- MICHAEL SHANE BARGO ON DEATH ROW.

>> THE DISTINCTION, ONE DISTINCTION, THEY WERE JUVENILES.

IS THAT CORRECT?

>> AS FAR AS PROPORTIONALITY, THE RELATIVE PROPORTIONALITY SITUATION IN FLORIDA IS NOT ON SOLID GROUND.

THEN MACLEOD CAME IN IT IS NOT SITUATED AS LONG AS THEY ARE PART OF THAT.

JEFFRIES PLAYING THAT AND IT WENT BACK, THERE WAS A COMMENT THAT THEY OVERRULED IT AND LAWRENCE CAME, NO COMPARATIVE PROPORTIONALITY AND NEVER MENTIONED ANYTHING ABOUT RELEVANT PROPORTIONALITY.

I READ THAT, PREPARING THE PROPORTIONALITY, RELATIVE PROPORTIONALITY 0.

SUCCESSFUL PROPORTIONALITY - THAT IS MY ARGUMENT.

RIGHT NOW, MY READING OF THIS IS RELATIVE PROPORTIONALITY IS ALIVE AND WELL.

I AM NOT SURE IT IS IN FLORIDA YET.

IT IS RELATIVE PROPORTIONALITY.

>> Reporter: YOU MAY CONTINUE.

>> THE OTHER THING I WANTED TO ADDRESS, RELATIVE PROPORTIONALITY.

THE OTHER THING IS MITIGATION IN THIS CASE.

I COULD GO THROUGH 1000 PAGES.

THE MENTAL HEALTH EXPERTS, DOCTOR WU WHO IS A MEDICAL DOCTOR AND DOCTOR BERLIN, THEY ALL CAME UP WITH 16 MENTAL HEALTH CONDITION THIS FROM HYPERACTIVITY TO SCHIZOPHRENIA TO DELUSIONAL PARANOIA AND EMOTIONAL PROPORTION OF 14 -- THERE IS SOME SEVERE MENTAL PROBLEM TIME -- I AM

PARAPHRASING BUT SHE SAID
SOMEONE WITH THIS MUCH
ANTI-MITIGATION WOULD NOT
QUALIFY.

NO ONE HAD A CHANCE TO RULE ON
THIS AND THE OTHER THING I WANT
TO ADVANCE ON, THERE WAS A
DISCONNECT BETWEEN THE TRIAL
JUDGE AND THE EXPERTS ON TWO
IMPORTANT ISSUES.

DOCTOR EISENSTEIN SAID THE
DEFENDANT -- IT IS VERY
IMPORTANT BUT MISTAKEN.
THE COURT ASKED HIM DO YOU HAVE
ANY SPECIFIC TESTS?

WHAT DOCTOR EISENSTEIN SAID HIS
THERE IS NO QUESTIONS SET.

WHAT YOU DO IS YOU LOOK AT THE
TOUR -- TERMS OF NORMAL
MATURATION, THOUGHT PROCESSES
AND BEHAVIOR TO GET TO THIS
POINT AND THE COURT TOOK THAT AS
A QUOTE IN THE SENTENCING ORDER
AND HE CONCEDED THERE WAS NO
TEST, THE COURT CONSIDERS HIS
OPINIONS ON THE SUBJECT
SUBJECTIVE AND CLOSER TO ADVANCE
AND THAT WAS IMPORTANT.

IT WAS A MISUNDERSTANDING.
THE OTHER PART WHEN IT CAME TO
THE DOCTOR'S KNOWLEDGE OF THE
CASE HE WAS VERY KNOWLEDGEABLE
AND WHEN THE PROSECUTOR WAS
CROSS-EXAMINING -- ISN'T IT TRUE
THIS IS WHAT HAPPENED?

DOCTOR EISENSTEIN OR MANY
ACTORS, MANY THINGS COULD HAVE
HAPPENED.

HE WASN'T GOING TO COMMIT
HIMSELF AND THE COURT TOOK THAT
AS NOT KNOWING WHAT THE CASE IS
ABOUT.

THAT AFFECTED THE OUTCOME
BECAUSE THE COURT SAID
EISENSTEIN'S OPINIONS
SIGNIFICANTLY DIMINISHED, HIS
ADMITTED LACK OF KNOWLEDGE.
THAT IS NOT VIEWED THE MENTAL
LITIGATION, DIDN'T KNOW ABOUT
THE CASE AND IMPACTED THE
COURTS.

THAT IS ON PAGE 15 OF THE
SENTENCING AND THE OTHER THING -
I DON'T KNOW IF I AM OUT OF

TIME.
I HAVE ONE MORE BUT I ARGUED IT
PRETTY WELL IN THE BRIEFS.
>> YOU HAVE USED ALL YOUR TIME.
NEVERTHELESS WE WILL DO TWO
MINUTES FOR REBUTTAL.
>> HE OTHER ONE -
>> BUT RUN DOWN - YOU GET TWO
FOR REBUTTAL BUT THAT IS IT.
WHEN YOU COME BACK.
COUNSEL FOR THE STATE.
>> MAY IT PLEASE THE COURT, THE
OFFICE OF THE ATTORNEY GENERAL.
I AM HERE ON BEHALF OF THE
STATE.
I WOULD LIKE TO START WITH A
RELATIVE PROPORTIONALITY
ARGUMENTS.
ONCE THE COMPARATIVE
PROPORTIONALITY ANALYSIS IS DONE
WITH IT IS RELATIVE.
IT IS A COROLLARY OF ANALYSIS
AND JUSTICE KENNEDY STATED ONCE
RELATIVE PROPORTIONALITY WAS
COROLLARY OF COMPARATIVE.
ONE GOES, THE OTHER GOES AS
WELL.
IF YOU COMPARE THE ACTIONS OF
EVERY ONE CLEARLY ARGOT WAS THE
MOST CULPABLE.
HE WAS THE GREAT LEADER.
HE CAME UP WITH A PLAN.
SETH JACKSON WITH THE EMBARGO,
HE WAS THE SHOOTER IN THIS.
HE ASSIGNED ROLES TO EVERYONE.
HE DECIDED WHAT TO DO WITH THE
BODY.
TO BURN THE BODY.
HE CAME UP WITH THE IDEA TO PUT
THE BODY AND THE PAINT CANS.
HE CAME UP WITH THE IDEA TO TAKE
IT TO THE ROCK QUARRY.
EVERYTHING POINTS TO MICHAEL
SHANE BARGO BEING THE ONE
INSTIGATING THIS.
THE FACT THAT HE WAS ABLE TO
CONVINCE FOUR OTHER INDIVIDUALS
TO HELP HIM SHOWS THAT HE WAS
THE RINGLEADER.
DURING A CRIME, ONE OF THEM DID
NOT DO WHAT THEY WERE SUPPOSED
TO DO.
HE STEPPED IN AND CHANGED IT,
SAID HE MADE THINGS HAPPEN.

CLEARLY FROM THE RECORD, MICHAEL SHANE BARGO IS MOST CULPABLE IN THIS.

>> IF WE AGREE WITH YOU ON THAT, WE DON'T REALLY NEED TO GET INTO THE ISSUE OF RELATIVE PROPORTIONALITY, CULPABILITY, LEAVE THAT FOR ANOTHER DAY. WE ACCEPT THAT IT DOES SURVIVE THE STATE WOULD PREVAIL.

>> I WILL MOVE TO THE H A C ARGUMENT FOR COUNSEL MADE. ON THIS, HE COMPARES HIS CASE TO JONES.

IN JONES THE EVIDENCE THAT WAS ARGUED WAS - THAT FACT WAS NOT RELEVANT TO HAC OR CCP.

IN OUR CASE THE FACT THAT THE BODY WAS BURNED IS EXTREMELY RELATIVE TO THE CCP FACTOR MITIGATE OR IN THIS CASE AND IN THE CLOSING ARGUMENTS THE PROSECUTOR WAS VERY CLEAR WHEN HE STATED WHAT AN ESTABLISHED HAC AND WHAT ESTABLISHED CCP AND THE ONLY TIME HE SPOKE ABOUT THE CCP BUT BURNING OF THE BODY WAS CCP.

IT IS VERY CLEAR WHEN THEY WERE LISTENING WHAT THE HAC WAS.

IT IS ABUNDANT IN THIS CASE.

THIS WASN'T THE SHOOTING DEATH.

THIS WAS AN AMBUSH.

HE WAS LORD TO THAT HOUSE UNDER THE ASSUMPTION HE WAS GOING TO TALK - HE GETS THERE BEING TOLD IT IS JUST GOING TO BE THEM AND MICHAEL SHANE BARGO IS NOT GOING TO BE THERE, HE SITS ON THE COUCH AND SEES MICHAEL SHANE BARGO.

AT THAT MOMENT HE KNEW WHAT WAS GOING TO HAPPEN.

HE WAS ATTACKED, BEATEN UP IN THE LIVING ROOM, SHOT, HE MANAGED TO GET AWAY, GET UP, RUN TO THE KITCHEN, MAKE IT OUTSIDE WHERE THEY FOLLOWED HIM AND FOR A BRIEF MOMENT HE THOUGHT HE WAS FREE AND THEY TACKLED HIM, BEAT HIM UP, SHOT HIM AGAIN EMMA BROUGHT HIM BACK INTO THE HOUSE INTO THE BATHTUB BECAUSE AS MICHAEL SHANE BARGO STATED, I

WANT HIM TO SEE MY FACE WHEN I
KILL HIM, WHEN I SHOOT HIM AND
THAT IS WHAT HAPPENS SO THERE IS
PLENTY OF HAC IN THIS CASE.
AS FAR AS THE MITIGATION OF THIS
CASE EVEN THE DEFENSE EXPERTS
ARE ALL OVER THE PLACE AS TO
WHAT THE DEFENDANT WAS SUFFERING
FROM.
AND THE COURT ORDER THE TRIAL
JUDGE ACKNOWLEDGED HE HAD BEEN
DIAGNOSED WITH SEVERAL THINGS IN
THE PAST, BUT HE DID IT -
SUFFERING FROM ANY OF THESE AND
DEFENSE COUNSEL MENTIONED DOCTOR
LOU HAD INJURY AND A COMPLEX
SEIZURE, WHICH THE STATE EXPERTS
THAT DOESN'T EXIST.
AND HE WAS TAKEN TO THE ARE,
THEN RAN A CT SCAN WHICH CAME
BACK NEGATIVE, GOT SOME STITCHES
AND SENT HOME.
THERE WAS NO EVIDENCE TO TIE ANY
DIAGNOSIS TO WHAT HAPPENED ON
THE NIGHT OF THE MURDER.
HE WASN'T DISORGANIZED, WASN'T
SUFFERING ANYTHING, WASN'T
ERRATIC.
EVERYTHING POINTS TO THIS
ORGANIZED, PLANNED MURDER FROM
BEGINNING TO END AND THE ONLY
DOCTOR THAT WAS ABLE TO EXPLAIN
THE BEHAVIOR WAS DOCTOR
PRICHARD.
WITH OPPOSITIONAL DEFIANT ORDER.
THAT WAS A PERSONALITY DISORDER.
IT WAS NOT A MENTAL ILLNESS THAT
SOMETHING HE LIVES WITH,
SOMETHING HE CAN DEAL WITH
THERAPY, NOT MEDICATION OR
DRUGS.
HE WAS IN THE OC, SEEN BY MENTAL
STAFF.
NO ONE HAS DIAGNOSED HIM WITH
ANY MENTAL ILLNESS.
NOT ANY KIND OF NORMALCY.
A PERSONALITY DISORDER.
AS DOCTORS EVALUATED HIM GOING
THROUGH DIVORCE WITH HIS
PARENTS.
HE IS DEFIANT.
HE DOES NOT WANT TO BE TOLD WHAT
TO DO.
HE IS ANGRY AND THAT IS THE SUM

OF THIS.

HE DID NOT WANT -- HE DID NOT
LIKE JACKSON BECAUSE HE LIKED
AMBER, THIS WAS THOUGHT OUT,
WELL-PLANNED.

HE KNEW HIS CONDUCT THAT DAY.
YOU WOULD AFFIRM HIS CONVICTIONS
SENTENCE.

AND - THANK YOU.

>> TWO MINUTE REBUTTAL.

>> AS FAR AS RELATIVE
PROPORTIONALITY, IF THE COURT
STATES RELATIVE PROPORTIONALITY
PROHIBITS THAT, THAT IS MY
ARGUMENT IN FLORIDA, THE FEDERAL
COURT INTERPRETED YOU RECOGNIZE
RELATIVE PROPORTIONALITY.

>> SORRY TO EAT INTO YOUR BUBBLE
TIME, THE DIFFERENCE BETWEEN
RELATIVE CULPABILITY AND ANY
RELATIVE PROPORTIONALITY OF
DEATH SENTENCE.

DO YOU AGREE THOSE ARE TWO
DIFFERENT CONCEPTS?

>> YES.

CAME BACK AND FORTH THE
COMPARATIVE PROPORTIONALITY,
UNIVERSAL COMPARISON WITH
RELATIVE PROPORTIONALITY, WHICH
ACTOR, WHAT IS THERE
CULPABILITY.

I AM SAYING IF YOU
PROPORTIONALITY WILL BE A
SUBSET, WE HAVE TO ANSWER TO
ARIZONA.

AS FAR AS MENTAL LITIGATION,
THAT IS ALL THAT WAS.

THE IMPORTANT PERSON THERE IS
THE COURT.

THE COURT MAKES DETERMINATION
AND I ARGUE TWO POLITICAL
POINTS, 14-15-YEAR-OLD AND
DOCTOR EISENSTEIN'S KNOWLEDGE OF
THE CASE, THAT AFFECTED THE
TRIAL COURT'S ANALYSIS.

EVERYBODY GOT HUNG UP ON WHETHER
OR NOT THOSE MENTAL PROCESSES
WERE WORKING AT THE TIME OF THE
KILLING.

I WILL ARGUE AGAIN WHAT HAPPENED
TO THE BODY WE HAVE NO WAY OF
KNOWING.

>> I HAVE EXHAUSTED ADDITIONAL
TIME SO I WANT TO THANK BOTH OF

YOU FOR YOUR ARGUMENTS IN THIS
CASE AND THE COURT WILL NOW
PREPARE TO TAKE THE FINAL CASE
OF THE DAY.