

1 you what happened.

2 First ask yourself what is the issues in the case.

3 Well, I would suggest the first issue, the number one by
4 far, the number one overriding issue in virtually any
5 criminal case including this one is identification. Was
6 this the person? Is that one of the five guys that came
7 into the apartment? Is that Pedro who knocked on the
8 door? Or, when this crime was happening was he home in
9 North Carolina? Was he at his mother's house in Queens?
10 Was he totally understand involved in this case? Did only
11 four men go into the apartment? Was no one named Pedro in
12 the apartment? Was there some other person named Pedro an
13 not him? That's the question in this case.

14 Now, maybe you think, of course, he was there. The
15 question is other things. The question gets our burden of
16 proof. You have to prove he is the person. It's basic.
17 I'm not saying that's the only thing to prove. I'm not
18 saying once you know it was him that the case ends and zero
19 other lesser issues. But, once you determine, once you're
20 satisfied that he, in fact, was one of those five people
21 you're almost there. So don't think, well, the defense
22 didn't contest it, of course, he was there, so that's not
23 an issue in the case. That's not important.

24 No, actually what that means is it is important. It
25 means it shows you how clear and convincing the evidence

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