

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

COURTROOM 26

HON. JAMES P. CLONINGER, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
)
) Plaintiff,)
) No. 2002026651
) vs.)
)
) CARLO PARLANI,)
)
) Defendant.)
)
)
)

REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS

FRIDAY, DECEMBER 16, 2005

APPEARANCES:

For the Plaintiff:

GREGORY TOTTE
District Attorney
BY: GILBERT ROMERO
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For the Defendant:

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1 VENTURA, CALIFORNIA; FRIDAY, DECEMBER 16, 2005

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3 (Proceedings were had and reported, but not transcribed
4 herein.)

5
6 THE BAILIFF: Remain seated. Come to order, please.
7 Court is in session.

8 THE COURT: We are back on the record in the case of
9 People versus Parlanti. We have all jurors, counsel and the
10 defendant.

11 Mr. Romero, you may make your closing argument.

12 MR. ROMERO: Thank you, your Honor.

13 Good morning, ladies and gentlemen. Before I get
14 into my argument, a couple of things I want to say: First
15 off, I want to thank you very much for your time and your
16 patience and your service on this jury the last week or so
17 that we have been together;

18 Second thing I want to say is I actually get to
19 argue two times. I'll make my argument now, defense counsel
20 will come up, make their argument, and then I get to go a
21 second time. And I know if you watch the TV shows, you don't
22 see that second argument, and the reason for that is -- the
23 reason why I get to argue twice is because I have the burden
24 of proof. It's my burden to prove to each and every one of
25 you beyond a reasonable doubt that the defendant is guilty.

26 So, the first thing I would like to start off with
27 to let you know is that there are some things that you, as
28 jurors, are not going to get as evidence, and I want to bring

1 that to the forefront right now so you don't ask about them
2 during your deliberations. You are not going to get the
3 police reports. There are legal reasons why this evidence is
4 not going to come before you, and you are not to speculate as
5 to why or why not you are getting them. You are not going to
6 get any transcripts that were referenced to. You are not
7 going to get the full and complete diaries that we talked
8 about, and you are not going to get any of the medical reports
9 that Dr. Manchester talked about.

10 I'm going to move around. I don't want to block
11 everybody's view the whole time.

12 Now, what you are going to do, as jurors, is have
13 certain responsibilities and obligations. The first thing is
14 that you have a duty to deliberate individually. That means
15 that Mr. Parlanti is entitled to each and every one of your
16 individual opinion. Everyone must participate. Everyone must
17 give their reasons why they feel one way, and everyone must be
18 treated equally in the jury deliberation room.

19 You have a duty not to allow sympathy for the
20 defendant or the victim or victims enter into your
21 deliberations in any way. As much as you possibly can,
22 emotion should not in any way enter into your decision of
23 whether or not the defendant is guilty of the crimes he is
24 charged with.

25 You have a duty not to allow any prejudice with the
26 defendant or the victim enter into your deliberations, and you
27 have a duty not to speculate. What that means is you must
28 base your decision on the evidence that you have before you.

1 You cannot consider what may or may not be out there. You
2 have to base your decision on the evidence that was presented
3 before you. That's the way it works in our criminal system.

4 There's a jury instruction that reads that neither
5 party is required to call all the evidence we possibly can in
6 a trial. That would extend trials weeks and weeks and weeks,
7 if possible. So, you have a duty not to speculate on what
8 else may be out there. You make your decision on what you
9 have before you.

10 And you have a duty not to consider in any way what
11 you believe the penalty or punishment may be in this case.
12 That cannot influence your decision of how you vote in any
13 way.

14 Now, you have two jobs as jurors. I talked to you
15 about you being the judges of the facts, and that's what you
16 must do. You determine what the facts are in this case. The
17 judge will then give you the law, and then you apply what you
18 believe the facts to be in this case to the law, and you make
19 your determination of whether or not you believe the defendant
20 is guilty of the crimes charged.

21 One thing you all bring in this courtroom that you
22 will use throughout this entire process is your common sense.
23 I'm going to refer to that several times throughout my
24 presentation.

25 One of the jury instructions you are going to be
26 given is going to list some things that you can use as a guide
27 to determine whether or not you believe a witness is credible,
28 and it's not limited to the items that are listed. It's just

1 kind of a guide giving you things that you can look at; such
2 as, you can look at the opportunity or ability of a witness to
3 see, hear or otherwise be aware of what they're testifying
4 about. Now, that's an important one. I'm going to come back
5 to that a little later.

6 You can talk about or you can consider the ability
7 of a witness to remember or to communicate what they are
8 testifying about; the character and quality of their
9 testimony, meaning their character and quality of their
10 presentation that they gave to you while on the witness stand;
11 the demeanor and manner of a witness, whether a witness was
12 hiding behind a monitor screen, whether the witness was
13 shaking while testifying. All of that you can consider in
14 your deliberations. The existence or non-existence of bias;
15 some kind of ulterior motive or interest you can consider in
16 determining how much weight to give a particular witness;
17 and you can also look at statements previously made that are
18 consistent or inconsistent with the testimony that the witness
19 is -- the witness gave during the trial. All of those are
20 things that you can consider.

21 Now, this is what I must prove to you beyond a
22 reasonable doubt. Count 1 alleges the unlawful sexual
23 intercourse. In order for me to prove beyond a reasonable
24 doubt that he is guilty, I need to prove there was an act of
25 sexual intercourse by two people who were not married, the
26 intercourse was against the will of Ms. White, and that it was
27 completed by means of force, violence, duress, menace or fear
28 of immediate and unlawful bodily injury. That's what I must

1 prove. If I prove beyond a reasonable doubt those four
2 things, the defendant is guilty.

3 Count 2, this is what I must prove beyond a
4 reasonable doubt. I must prove that the defendant willfully
5 inflicted bodily injury upon Ms. White, and the bodily injury
6 resulted in a traumatic condition. What a traumatic condition
7 is, it's an injury. Did she have an injury as a result of
8 being struck by the defendant?

9 Count No. 3 is false imprisonment. This is what I
10 must prove. The defendant intentionally and unlawfully
11 restrained, confined or detained Ms. White, compelling her to
12 stay in her bedroom; Ms. White did not consent to the
13 restraint, confinement or detention; and the restraint,
14 confinement or detention was accomplished by violence or
15 menace.

16 Now, one thing I want to tell you is in the facts
17 that were presented to you, there are multiple acts that could
18 constitute a number of those crimes charged. For example, the
19 rape. Ms. White talked about multiple sexual encounters with
20 the defendant that she alleges was against her will. If you
21 believe that that happened, all you have to find is that she
22 was forced to have sex one time. If you find that, then that
23 is -- then that is sufficient to find him guilty because there
24 are multiple allegations of rape that she has made. There's
25 not a count for each one. As long as you believe that it
26 happened one time, then that is sufficient to find the
27 defendant guilty for the one count of rape.

28 Same with the bodily injury, there's only one count.

1 It's Count 2. But in the facts that you were given, you can
2 find that there were several instances where the defendant
3 inflicted bodily injury, bruises to her face. She said she
4 was slapped repeatedly, and she had taken some photographs of
5 the bruises to her face. If you believe that that happened,
6 that is sufficient to convict him of Count 2. There's also
7 another set of facts where she says she was kicked in her ribs
8 by the defendant repeatedly, and she had some fractured ribs.
9 If you believe that to be true, then that is sufficient to
10 find him guilty of the 273.5, Count 2.

11 You don't have to say which circumstances you
12 believe happened to find him guilty of a 273.5. All you have
13 to agree is that on one of those occasions, that happened, and
14 the defendant is guilty.

15 MR. BAMIEH: I'm going to object, your Honor, as to the
16 first comment by Mr. Romero. I believe it misstates the law.

17 THE COURT: I'll speak to counsel here at the bench.
18 Nothing that was said jumps out at me about the statement of
19 the law. I need to know what you are talking about.

20 ///

21 (Bench conference held off record and not reported.)

22 ///

23 THE COURT: Thank you, counsel. The objection is
24 overruled. I didn't hear it that way, but perhaps you can go
25 back over it, Mr. Romero.

26 MR. ROMERO: Sure.

27 If you believe the defendant kicked Ms. White and
28 fractured her ribs, you can convict him of Count 2 as long as

1 you all agree that happened. If you believe that the
2 defendant slapped Ms. White and left bruising on her face, you
3 can convict him of that count as long as you all agree that
4 that happened.

5 Same with the false imprisonment. If you believe
6 that the defendant bound Ms. White with zip ties, then you
7 find -- you can find him guilty of that count. Now, she
8 testified that she was bound more than once; initially, when
9 they had sex, and then he unbound her, and then he bound her
10 again. If you all agree that he bound her initially, that is
11 sufficient to find him guilty of the false imprisonment. If
12 you believe he cut the ties and then bound her again, as long
13 as you all agree that happened, that is sufficient to find him
14 guilty of that count as well.

15 The point is, there are multiple acts that Ms. White
16 described where you can find the defendant guilty of the
17 charges. You all just have to agree as to what acts
18 constitute the particular charge that you are finding him
19 guilty of.

20 Now, Ms. White -- I told you in my opening statement
21 that Ms. White was very dependent on the defendant, and that
22 is abundantly clear throughout the trial. She was dependent
23 on his affection, his validation, and she did everything she
24 thought she could to make him happy, and she let Mr. Parlanti
25 do what he wanted. She let him talk to other women. She let
26 him possibly go on business trips and be with other women, and
27 she kind of just accepted it as part of the relationship.

28 Now, Ms. White is who she is. Prosecutors don't get

1 to choose who victims of crime are. Victims of crime come in
2 all forms. Ms. White came to court, and she testified that
3 she was beat, bound, and raped by the defendant, and she comes
4 with all she has. She comes with all the baggage. She comes
5 with everything you saw her testify to in court, and you
6 decide whether or not you believe Ms. White.

7 Gail Pincus came, and she testified, and she shed
8 some light as to the dynamics of an abusive relationship. She
9 talked about how initially a batterer is a gentleman, is
10 romantic, sweeps the victim off her feet, has them fall in
11 love with him, enchants them. Then once they have established
12 that sense of trust, that's when they begin to impose the
13 power and control.

14 Ms. Pincus drew the circle, the wheel of violence.
15 And at the very center of that wheel, when she described the
16 dynamics that took place in the relationship, was a need for
17 power and control that batterers have over their abusers.
18 Now, 85 percent of batterers are male, and the reason why they
19 batter is because they have that need to exert that power and
20 control over their significant others.

21 The defendant, very clear, fancies himself a Romeo.
22 He likes to go out and meet women. He likes to talk to women.
23 He likes the way women make him feel. There was no doubt
24 about that in this trial. In fact, Ms. De Barra flew from
25 Ireland and told you that in a six- to seven-week relationship
26 with the defendant, she had him move in, into her apartment in
27 Ireland, and she thought he was a perfect gentleman, greatest
28 guy in the world; so much so that she allowed him to move in

1 with her even though she knew he had a girlfriend in Italy.

2 That's how charming he was.

3 Well, that relationship only lasted a few weeks, and
4 Mr. Parlanti did not get an opportunity to follow through with
5 his pattern of behavior of first enchanting and entrusting,
6 and then given the opportunity to exert the power and control.

7 Ms. White told you that on June 29th, she was at her
8 apartment here in Ventura County, and the defendant got drunk.
9 He started drinking some wine. The defendant, for some
10 reason, got angry with her, and I believe the testimony from
11 Ms. White was whenever the defendant gets drunk, starts
12 drinking, that's when she becomes afraid. And I believe
13 Ms. Sandra Lavagnino said the same thing. She was fearful of
14 the defendant when he started drinking. The defendant starts
15 drinking, has her go buy him some more wine. She comes back,
16 and he's angry, tells her to get out of the office where they
17 were. She goes into her room. He comes in, gets her out of
18 bed, tells her, "No, I didn't want you to get away from me. I
19 want you out of the apartment." And she's pulled to the door.
20 She has her head banged against the wall. She described how
21 that was done. He then pushed her to the adjacent wall and
22 banged her head some more. He then slapped her, choked her
23 where she fell to the floor -- I believe she said
24 unconscious -- and that's where he began to kick her in her
25 ribs on her side.

26 He then -- excuse me. He then got her into the
27 bedroom where he bound her with the zip ties and where he
28 raped her multiple times. That's what she came and testified

1 about. She did not report the incident until July 18, 2002
2 almost three weeks after it happened.

3 Now, when I just told you about what happened, did I
4 include every detail that she testified to on the stand? No.
5 I could tell you what she testified to on the stand in detail,
6 probably take me a few hours, and she was on the stand for
7 several days to be able to tell you everything that she said.
8 And if I were to give my closing argument a week from now and
9 talk about what she told you, I could probably tell you the
10 same thing, but not exactly the same thing.

11 When she talked to the deputies almost three weeks
12 after it happened, she described it to them many times. She
13 talked to Deputy Fullerton. She described the incident to him
14 a few times. The very next day, she talked to Deputy Reilly.
15 She described the incident to him a few times. Did she say
16 the exact same thing in every letter or e-mail that she sent
17 out? Because it's clear that as soon as she started talking
18 about it, she didn't stop. She wrote either e-mails or
19 letters to the defendant's therapist. She wrote e-mails or
20 letters to the defendant's attorneys, to the defendant's
21 girlfriend in Italy. She couldn't stop talking about it.

22 Why did she do all that? I don't think there's any
23 one answer to that. Maybe she was feeling angry, and she
24 wanted to hurt the defendant. Maybe she just wanted to tell
25 everybody because she wanted to unload. Maybe she thought it
26 would help her. There's probably no single answer for that.
27 But she did. She told everybody who she could think of what
28 happened. She told the defendant's business partner. She

1 wrote him a couple of e-mails describing what had happened,
2 but did she say the exact same thing in every one of those
3 communications? No. And it's ridiculous to think that she
4 would; that to think that she would say the exact same thing
5 every time she talked about it.

6 Now, you -- you may consider the ability of
7 Ms. White to see, hear or otherwise be aware of what happened.
8 When she talked about what happened over several hours of that
9 night of June 29th over several hours, when she talked about
10 it, was she really -- do you really think she was paying
11 attention to how many times the defendant initially banged her
12 head against the wall? Was she counting them? Or do you
13 think she was trying not to get too hurt?

14 When the defendant banged her head against the
15 adjacent wall, do you think she was counting how many times he
16 was banging her head? Or do you think she was thinking about
17 not getting hurt? When the defendant choked her and she fell
18 to the floor and he started kicking her, do you think she
19 counted how many times he kicked her? And if she says, "I
20 think he banged my head about 30 times," to the best of her
21 recollection, that's probably what she remembers. Was she
22 counting them? No.

23 When she says, "I think he kicked me ten times," to
24 the best of her recollection, that's what it felt like to her;
25 that he banged her head 30 times. Did he bang her head
26 against one wall 30 times and then banged her head against the
27 adjacent wall 30 times? Probably not. But does that change
28 the fact that that's what it felt like to her when she's being

1 beaten like that? when she's being slapped? when she's being
2 kicked? Is she going to have an accurate recollection of all
3 that or is she just going to be thinking at that time, "I need
4 to make sure to protect myself as best I can. I don't want to
5 get too hurt"? You need to look at the core of what Ms. White
6 said.

7 Clarence Darrow was a famous, early 20th-century
8 attorney, and he represented John Scopes, Scopes' monkey trial
9 is probably his most famous case. He was a criminal defense
10 lawyer and a labor lawyer. He also represented Leopold and
11 Lowe, two well-to-do guys from the Midwest who were charged
12 and I believe they pled guilty to killing a young guy. Those
13 are probably his two more well-known cases, but he had a very
14 long and distinguished career.

15 And one of the persons he represented in about 1920
16 was a young guy, who was accused of bombing the Los Angeles
17 Times Building, here in Los Angeles. And the prosecution in
18 that case had a star witness. They had a person who
19 personally I.D.'d this defendant running away from the scene
20 of the bombing of the L.A. Times Building.

21 So, the district attorney's office in Los Angeles
22 sent Mr. Darrow the statement of this witness and he read it.
23 And sure enough, "I saw your client bombing the building, and
24 I saw him run away." Mr. Darrow hired his investigator, and
25 he sent this investigator out to talk to this witness. He got
26 the report back, looked at it, same thing. "I saw your client
27 bomb the building and run away." Looked at the initial report
28 that he was provided by the district's attorneys office, exact

1 same thing.

2 They get to trial. This witness gets on the stand
3 and testifies to the exact same thing, word for word,
4 verbatim. And Mr. Darrow got a "not guilty" for his client
5 because he argued to the jury that that is not the way things
6 work in real life. We don't work off of scripts. Maybe in
7 television, but in real life, we do not work off of scripts.
8 People do not say the same exact thing, word for word, every
9 time they talk about an event.

10 I'm asking you to consider all of the evidence. Not
11 just the minutia, the minuscule, little inconsistencies that
12 have flooded this case.

13 The defense's theory is to attack Ms. White with the
14 tiniest of details and make the record as messy as possible.
15 We spent an inordinate amount of time in this trial going over
16 things she said to Deputy Fullerton that were different than
17 things she said to Deputy Reilly the next day that were
18 different from what she faxed to Deputy Reilly on the 22nd
19 that were different than what she testified to in the
20 preliminary hearing earlier this year.

21 If we were to have another hearing and had her
22 testify again, would there be things that she said over the
23 trial these last three days that she never said before? Yes.
24 You can talk about something over and over and over, but what
25 you need to look at is the core. The core.

26 Is she being consistent with what she has said? She
27 may not remember three years ago what happened over four to
28 five hours. She may not be able to remember that. The

1 deputies were given transcripts, taped transcripts, verbatim,
2 word for word, of what was spoken three years ago; given an
3 opportunity to review them before they came on the stand to
4 testify, and they couldn't remember what they were talking
5 about. They had to keep referring to the report. And in
6 fact, they just kept reading through the report when they were
7 being asked questions. They weren't testifying on their
8 memory. They were -- "Yeah, that's what it says here. That's
9 what it says here." And I made that objection two times with
10 both deputies. I was watching. Several questions. "Oh,
11 yeah, that's what it says here. That's what it says here."
12 Ms. White didn't have an opportunity to do that, to look at
13 her transcript, taped statements, and see exactly what she
14 said.

15 That's what the defense is trying to do here. They
16 are trying to get the record as messy as possible. Looking at
17 your notes, you probably don't have an exact word-for-word
18 exchange of what was said on the stand because it was so
19 minuscule, so tiny, it was difficult to follow everything that
20 was being said. The defense wants you to lose focus of the
21 big picture by pointing out every single variation, including
22 the most miniscule of each of Ms. White's statements, but I'm
23 asking you, look at the core.

24 Three years ago, my brother got married; my older
25 brother, someone who I love very much. He got married in San
26 Luis Obispo. I have a very large family. I have relatives
27 here in California, in Texas, Michigan, Florida as well as
28 Mexico and Brazil. A lot of them came to the wedding up in

1 San Luis Obispo. It was in June of 2002, three years ago.

2 Little over three years ago.

3 And I drove up from the wedding because I live here
4 in Ventura, got in my car the day of the wedding, the day of,
5 drove up, had lunch with my brother, and it was -- the wedding
6 was actually on a ranch, a small ranch; had a lot of family
7 there.

8 After having breakfast, we went over to the ranch,
9 and I had a bunch of cousins, little cousins ranging from
10 three to about 16 years old there. And the ranch actually
11 belonged to the parents of the bride, and they had really nice
12 horses. They had this area -- kind of like a park area where
13 people were playing football, and I remember taking my -- a
14 group of my cousins, about ten of them, like I said, large
15 family, and we walked over to the horses. We were able to pet
16 the horses, comb their hair; afterwards, played a little
17 football with some other relatives.

18 Then the wedding started. Sat through the wedding.
19 As soon as the wedding was over, I left; drove back down to
20 Ventura.

21 Now, since that time -- actually, shortly
22 thereafter, I got phone calls, and I spoke to relatives who
23 weren't able to make the wedding, and they asked me about it.
24 So I told them. I told some about the actual wedding. I told
25 some about the horses. I told some about the football. I
26 told some about my cousins.

27 If you were to go back and look at every statement
28 that I made to those relatives about that day -- and it wasn't

1 something traumatic. It was a wonderful day, seeing my
2 brother get married -- would they all be consistent? No.
3 They wouldn't be. That's a natural tendency. If they are all
4 consistent, exactly the same, that's when you start to wonder.
5 What is going on here? Why are they so consistent?

6 In all of the information that was launched at
7 Ms. White while she was on the stand for those three days, all
8 the e-mails, all the letters that were given to her, was --
9 was it ever stated that she said she lied? that she said she
10 was not beaten? that she said that she was not raped? Did
11 that ever happen? No. Ms. White never made that statement.
12 She might have talked about it endlessly to anyone she can
13 think of, but did she ever say she lied? that she was not
14 raped? that she was not beaten? No, she did not.

15 Corroborating evidence. Going back to my story of
16 my brother's wedding. Let's say I had to prove that I was
17 there three years ago. Let's say I had to prove that I was
18 there, okay. You have my statement to you that I went there.
19 Well, how about some more proof? Okay. I remember on the way
20 back, I stopped by a gas station, and I used my credit card
21 for some gas. I can produce that document showing that my
22 credit card was used on a particular date in San Luis Obispo.
23 Corroborating evidence to show that I was there on that date,
24 proving I was there.

25 Well, we have Ms. White's testimony. And should you
26 look at it with a critical eye? Yes, you should. Look at it
27 with a very critical eye. The allegations she is making
28 against the defendant are serious. Look at it.

1 What else do we have to show that she is telling you
2 the truth? Well, we have people who came in and testified
3 that they saw Ms. White shortly after the 29th walking slow.
4 None of them said they saw any bruising on her face. None of
5 them recalled that, but they do recall her walking very slow.
6 She was not making eye contact. Couple people said she was
7 kind of looking down. Before that, she would say "hi." She
8 would look at them. "How're you doing?" Superficial
9 greetings. But then remember her -- and I think it was Kevin
10 Bunch and Sarah Campbell said, "Yeah, after the 29th, you
11 know, she really wasn't making eye contact with us anymore.
12 Didn't see any bruising, don't really recall any arguments,
13 any loud noise on the 29th coming from their apartment or
14 anywhere around that time, but I remember there was something
15 different in her demeanor." Corroborating evidence.

16 The photographs that Ms. White took of herself in
17 the bathroom. She took two photographs of the bruising to her
18 face with the disposable camera, and she kept them. During
19 this time, she's still living with the defendant. She's still
20 sleeping in the same bed right next to him, and she was only
21 zip tied to him at night.

22 During the day, he would be gone. She would be able
23 to leave if she wanted to. Why didn't she leave? I can't
24 answer that question. I'm sure there are profound,
25 psychological reasons why Ms. White stayed in that apartment;
26 why she did not just call 9-1-1; why she did not just go to a
27 neighbors; why she didn't do a number of things. She did take
28 pictures of herself.

1 Almost three weeks later from the date of the
2 incident, she finally does go to the sheriff's department, on
3 July 18th, and they take photographs of Ms. White. And they
4 also came in and testified to the best of their recollection
5 they don't really remember seeing that type of bruising on her
6 face or any bruising; don't really remember seeing that
7 bruising on her face. Well, they do recall seeing some faded
8 bruising on her arm, I believe -- and I believe that was
9 Deputy Reilly testified to that. And Deputy Keller, Jody
10 Keller, is the one who took these photographs, and she said,
11 "She might have had some bruising on her arm, and I think I
12 remember seeing some bruising on her back near her ribs."

13 Well, almost three weeks later, the bruising that
14 she suffered faded. So when she went to the deputy sheriff,
15 that evidence was not there at that time, but there is another
16 injury that she had that doesn't heal like bruises, does not
17 heal that quickly. Three weeks or so was not enough time.
18 And what I'm talking about is the two fractured ribs that she
19 had.

20 On July 22nd, she goes to Doctors On Duty in
21 Monterey, and she sees Dr. Troy Manchester, and she gets
22 treated. And Dr. Manchester takes x-rays of her ribs because
23 she's been complaining of this pain. She's been having
24 problems, walking slow. The residents at the apartment
25 complex testified to that. The sheriff's deputies testified
26 to that, her moving kind of slow. She's got two fractured
27 ribs. You can tell -- he can put the fractured ribs, in his
28 opinion, as happening between two and six weeks before. July

1 22nd, two to six weeks before. That puts June 29, 2002 in
2 that range. Takes a lot longer for fractured ribs to heal
3 than it does for bruises. That is corroborating evidence.

4 And the defense might come up and argue that: Well,
5 she could have fractured her ribs doing a number of things.
6 The evidence was clear that when Dr. Manchester examined her,
7 she had no other injuries on her face. She wasn't in no
8 recent car accident where she still -- where her ribs hit the
9 steering wheel possibly. There was no bruising there.
10 Corroborating evidence that the defendant beat her on
11 June 29th.

12 What other corroborating evidence do you have that
13 the defendant did this to Ms. White? Sandra Lavagnino.
14 Sandra Lavagnino came in, and she testified that the defendant
15 was charming in their relationship when they first started
16 dating. She fell in love with him, and she moved into his
17 apartment. And once she was in his apartment, that's when the
18 abuse started. She talked about lying in bed, sleeping.
19 Defendant comes in and throws cold water on her. Other
20 occasions, lying in bed, sleeping. Defendant comes in and
21 flips the bed over. No apparent reason. She talks about the
22 defendant choking her to unconsciousness. She talked about
23 the defendant and her having a conversation and something
24 being said, she didn't recall exactly what, but the defendant
25 then just losing it, threw her in the sink, hit her with a
26 colander on her head, ripped off her dress and lit it on fire.

27 The defendant likes the power and control. He takes
28 out his frustrations on his significant others. That's what

1 he does. And the purpose of that evidence, the purpose of
2 Ms. Lavagnino coming here and testifying is to show you just
3 that; that you can consider that to show that he has a
4 propensity to act violently against his significant others.

5 Finally, what other corroborating evidence do we
6 have? Well, Ms. White testified that the defendant left on a
7 business trip on July 16th. She reported the incident on the
8 18th. Detective John Reilly testified that when he got
9 involved in the investigation, he went looking for the
10 defendant at Dole Foods. He testified, "I went to Dole Foods,
11 and I talked to a couple people, one of them being a security
12 officer there, looking for the defendant. Didn't find him
13 there."

14 The evidence shows -- where is the next time we see
15 Mr. Parlanti? Katia testifies that we see Mr. Parlanti in
16 late July or early August of 2002 back in Italy. I'll let you
17 think about that.

18 The diaries. We spent a lot of time talking about
19 the diaries that Ms. White kept. She kept two diaries; one
20 for herself, and one to help the defendant to help the
21 defendant in some type of litigation that he was involved in.
22 And the diary that she kept to help the defendant, she didn't
23 put any of the abuse in. Why? This was for his attorneys,
24 for the defendant, to help him in his lawsuit. So there
25 wouldn't be anything about violence in that diary. There was
26 no mention of beating that happened on June 29, 2002 in either
27 one of those diaries.

28 Ms. White stated on the stand, "I remember Carlo

1 telling me to get out of the office and go into the bedroom,
2 and I remember that's where I made the entries in both
3 diaries." That's what she testified to. Then Mr. Bamieh
4 showed her the two diaries and said, "There's different color
5 ink. How could you have made the same entry if there's a
6 black pen and a blue pen?" She really didn't have an answer
7 for him at that time. She said, "I think it might have been
8 two pens on the night stand. I don't remember."

9 On cross-examination, I asked her about it. And
10 then she says, "The entry that I made" -- actually, she says
11 this on direct initially, too. She says the entry she made on
12 June 29th, in her personal diary, she made before the abuse
13 happened. That's why there's no more -- that's why there's no
14 discussion of the abuse.

15 MR. BAMIEH: Objection. Misstating the testimony on
16 direct examination.

17 THE COURT: Overruled. The jurors are the judge of what
18 the evidence is.

19 MR. ROMERO: Then I show her the entry of the diary from
20 -- that she was keeping to help Mr. Parlanti because that has
21 entries that go beyond the 29th. So, I physically handed her
22 the diary and asked her, "Will you look at those dates?" And
23 she looked at them. And in her personal diary, her entry for
24 the 29th is on one page. In the diary -- you will get this.
25 In the diary that she kept for Mr. Parlanti, her entry for the
26 29th is just a few sentences, the very bottom. And at the
27 very top, you have June 24th, next entry, June 25th through
28 the 28th, and then at the bottom, June 29th. All in the same

1 color pen, all -- if you look at it, looks like the exact same
2 pen, same ink.

3 Ms. White testified that after June 29th, that the
4 defendant asked her to make the entries into the diary. He
5 actually asked her why she wasn't still doing it. This is the
6 diary that she was supposed to be keeping to help him. Look
7 at those entries. June 24th, June 25th through 28th, and
8 June 29th. Same pen. Same ink. Made at the same time, after
9 the June 29th date.

10 Go to the next page. June 30th, July 1st, July 2nd,
11 and you will have this part when you go back to deliberate.
12 Very short. Very brief. All in blue ink. All the same. But
13 a little different than entries on the other side, which
14 corroborates her testimony that she wrote them all at the same
15 time. Mr. Parlanti asked her, "Why aren't you still writing
16 in this diary?" She takes it, and she makes some entries.
17 Another occasion, she takes it, she's makes some more entries.
18 All the same.

19 Now, I admit that when she was initially asked on
20 cross-examination about the diaries that she said, "I think I
21 made them both at the same time the few minutes that I had
22 before he came in and pulled me out of bed." And my response
23 to that is: You can't expect a person who has been testifying
24 for three days about an incident that lasted several hours,
25 more than three years ago, to remember every little thing that
26 happened. That's unreasonable. That is unreasonable to
27 expect that.

28 As I said, there's no mention of the beating in the

1 one that she continues to write in after June 29th because
2 that's the one she's keeping to help Mr. Parlanti. And if
3 he's checking it, how would it help him if she were to discuss
4 him beating her and raping her?

5 What did Ms. White gain by coming and testifying for
6 three days in this trial? She's got no lawsuit against the
7 defendant or his company. She did not take any money from the
8 defendant even though he gave her power of attorney over his
9 finances. She didn't take any of his money; had the
10 opportunity, did not do it.

11 And in opening arguments, Mr. Bamieh actually said,
12 "Ms. White is the one with the power in this relationship.
13 She had the power of attorney." Well, that was before you
14 heard the testimony. Did Ms. White have any power in that
15 relationship? No, she did not. She didn't take his
16 belongings. She took photographs of the apartment before she
17 left. And in it, it has all of his belongings; his suit, his
18 computer. You can all see it clearly there in the photograph.
19 She didn't even take the furniture.

20 There was an e-mail that she sent about the
21 defendant promising to pay for her daughter's -- for her
22 daughter's college education. And because of that, Heather
23 should get the computers, but that didn't happen. That was
24 Ms. White talking out of anger after what Mr. Parlanti did to
25 her, and she's talking to everybody.

26 She sat through several days of examination. She
27 was asked tough questions both by the prosecution and by the
28 defense. And she came back day after day after day and

1 answered those tough questions. The defense stated in their
2 opening statement that it was Ms. White, who was driving this
3 investigation.

4 Well, you heard her daughter Heather Reeves come to
5 court and testify. And she said, "I flew out to help my mom
6 move." Didn't see any bruising on her face; packed up her
7 stuff, spent the night in the hotel, and drove up to Monterey.
8 She was being honest. Was Heather Reeves being honest? Was
9 she credible about her testimony? Did she say, "Oh, my mom
10 was so beaten up"? No. She told you what she remembers three
11 years ago.

12 You had Sarah Campbell and Kevin Bunch and Alfred
13 Berger come and testify, who said they saw Ms. White walking;
14 that she was walking slow, didn't see any injuries on her
15 face, but I noticed something different in her demeanor. Did
16 Ms. White dictate their testimony? No.

17 Sandra Lavagnino, was she credible? She was on the
18 stand, and she was shaking. She didn't even look at the
19 defendant. She couldn't look at the defendant. What else
20 does she have in common with Ms. White? Don't want the
21 defendant to know her new last name. Don't want to even look
22 at the defendant.

23 Dr. Manchester. Did Ms. White dictate what
24 Dr. Manchester came to court and testified? Of course not.

25 What Ms. White did do was provide information on who
26 to contact. So, does that mean that she's driving the
27 investigation because she says, "You know what? I -- I talked
28 to my friends, and here are their phone numbers. Go and talk

1 to them"? Does that mean she's driving the investigation?
2 How else is law enforcement supposed to contact potential
3 witnesses if we don't get their contact information? We need
4 that. It's a common sense thing. We need to talk to the
5 people that she talked to. The defense wants to make it seem
6 that just because she was providing us with that contact
7 information, that she was driving the investigation.

8 The defense whole theory in this case is to attack
9 Ms. White at every opportunity and to make the record as messy
10 as possible, so it's so confusing that the jurors say, "I
11 don't know what's going on."

12 I'm asking you to look at the big picture. Look at
13 all the evidence. Look at what Ms. White testified to and
14 look at the evidence that corroborates what she said. If you
15 consider all the evidence in this case, it's clear that the
16 defendant beat, bound, and raped Ms. White for the simple
17 reason is that he could. That's what he liked to do to
18 Ms. White on this occasion.

19 He saw Ms. White not as a person, but as another one
20 of those things he collects. He's a Romeo, who likes to go
21 out and meet women and talk to women and enchant them. That's
22 what he does.

23 Look at all the evidence. Look at the big picture.
24 One of the things we are taught at law school from the very
25 beginning is you don't want to lose sight of the forest by
26 looking at an individual tree. Look at everything. Look at
27 the entire forest. Don't get caught up on individual trees.

28 It's time that the defendant be held accountable for

1 what he has done to Ms. White three years ago. It's time that
2 he be held responsible for what he did to Ms. White. And when
3 you look at all of the evidence, there's only one reasonable
4 conclusion you can come to, and that is the defendant loves to
5 exert power and control, and he beat, bound, and raped
6 Ms. White on June 29th. Thank you.

7 THE COURT: Thank you, Mr. Romero.

8 Folks, we will take the morning break at this time,
9 20 minutes. Between now and the time you come back to court,
10 please don't discuss the case. Please don't form or express
11 opinions. Court is in recess.

12 ///

13 (Off record - recess.)

14 ///

15 THE BAILIFF: Remain seated. Come to order, please.
16 Court is in session.

17 THE COURT: We are back on the record in the case of
18 People versus Parlanti with all jurors, both counsel and the
19 defendant.

20 Mr. Bamieh, you can proceed.

21 MR. BAMIEH: Thank you.

22 Good morning, everybody.

23 THE JURY: Good morning.

24 MR. BAMIEH: For the next -- take you to the lunch break
25 here with my closing argument, and then when you come back,
26 hopefully not after eating a very large turkey lunch that will
27 put you to sleep at 1:30, I will finish my argument. It will
28 go approximately two, two and a half hours, to give you a

1 head's up. It's my obligation in the one time I have before
2 you to discuss the facts and in detail to make sure, that when
3 you leave here, that I have provided you with our defense, and
4 that I've done my best to explain it to you and given my
5 client every opportunity to get a fair consideration of the
6 facts in this case. And that's all that I ask, a fair
7 consideration of the facts of this case.

8 Now, you do look at all the evidence. You do look
9 at the credibility of people. You do talk deeply about what
10 people said, and you are not affected by tears. Now, you are
11 going to use logic and common sense, and you are going to put
12 them to the test. You are going say, "Mr. Romero, your job
13 was to prove it to us beyond a reasonable doubt, and we are
14 here to evaluate whether you did that or not." And during my
15 argument, we will discuss how they failed to meet that burden.

16 You're about to embark on a process that if you
17 think about, in everyday life, is uncommon. And it's uncommon
18 in everyday life that we get together with 11, virtual
19 strangers, sit in a room, and make a decision as a body of 12.
20 When do you do that in real life? You don't. I am almost
21 amazed by it.

22 My wife and I, when we go to a video store to pick a
23 video, we argue about that, and we know each other and love
24 each other and make one decision.

25 The advantage that you may have over my wife and I
26 at the video store is you have the law that the Court is going
27 to give you. That law gives you instructions about what you
28 can and cannot do. I'm going cover some of that. Technology

1 sometimes is a great assistance and sometimes can be a pain.

2 The law will help you deliberate in this case.

3 First thing -- one of the things the Court will tell
4 you, when you go back there, pick a foreperson. Makes sense,
5 doesn't it? Every group needs a leader. And find some way to
6 pick a foreperson so you can discuss the decision you are
7 going to make.

8 Now, if my wife and I did that at the video store,
9 that would lead to further arguments, but hopefully, you guys
10 will be able to go back there and choose somebody to lead you
11 in your discussions.

12 They ask you to base your decisions on the facts and
13 the law, and that's very important; the facts you actually
14 heard from the witness stand; the law the actual judge gave
15 you, not what you may think, but what the judge gave you.

16 Do not speculate. Now, speculation is -- is a tough
17 thing here because there's a lot of things you can speculate
18 about this case. For instance, Mr. Romero, in his remarks,
19 told you about: Think where the defendant was; think where he
20 was. Well, what -- he's asking you to speculate. Where was
21 he? We know he left Ventura County and -- at some point, and
22 we know he was in Italy at another point. We don't know why,
23 do we? We know he had a job, next we heard, at a different
24 business. We know he was working in Italy. We know he was
25 traveling throughout Europe. That's all been testified to,
26 but the reasons why he was there and where, that would be
27 guessing, wouldn't it? Wouldn't you have to guess?

28 What witness told you why he left? Where did you

1 hear that? What witness told you what he knew? Where did you
2 hear that? You didn't. And so, to think to where he was and
3 why he went, that was asking for speculation. The law
4 expressly forbids you to do that. You've taken an oath to
5 follow the law. I know you will hold to that oath.

6 You must accept the law as provided by the Court.
7 It's a simple thing. It's not like, "Judge, you made the
8 rulings and everything, but now I'm back here, and I'm going
9 to start telling you what the law should read like." Can't do
10 that. Makes sense. Because we all have to have a set of
11 rules. We are, after all, a society of laws, and we all agree
12 we are going to follow them when we come to this courtroom.
13 That's part of your oath.

14 You decide questions of fact by what was actually
15 presented at trial. What did we actually hear? What did we
16 actually see? What was presented to us? We can't guess what
17 we could have gotten. We have to decide what was presented to
18 us. Cannot consider penalty of punishment. We are entitled
19 to the individual opinion of each juror.

20 Now, Mr. Romero talked about this, and I would like
21 to talk about it just a little bit more. When you go back in
22 the jury room, find a way that everybody gets to participate.
23 We just took 14 people, two may be leaving us shortly.
24 Hopefully, they don't need to come back, but we have 12 people
25 -- 14 people taken out of the community, 12 who go back and
26 deliberate. All of you have your experiences. All of you
27 were listening to the evidence.

28 Now, wouldn't it be a shame if you just spent the

1 last week or so here and few days, listen to all this
2 evidence, and didn't get a chance to express what your
3 opinions were of the evidence? Wouldn't that just have been a
4 waste of your time? If you are just going to follow along and
5 not express an opinion, not listen to the other jurors in
6 forming your opinion, wouldn't that be just a waste of your
7 time?

8 What we want in this country and in this court is we
9 want all the jurors to get a chance to participate, and they
10 should. Make up your own mind. And you are entitled to make
11 up your own minds, and you all said you would, and you will
12 make it based on logic, the facts, and the law the Court gives
13 you. You have all the evidence.

14 The law says that they don't have to provide all the
15 evidence. Court -- best way to describe court is like this
16 when it comes to the prosecution and defending cases: With
17 the prosecution, it's put up or shut up. Whatever you got,
18 whatever you have, all the bullets in your gun that you have
19 that says this man committed these crimes, put it up, show us,
20 whatever you got. It's your duty to bring the evidence to
21 court. If that's what you got, we will make our decisions on
22 what you got. We are not going say what you could have got,
23 but understand, if we needed something to get over our
24 reasonable doubt and you didn't provide it, we are holding
25 that against you. And you hold it against them by voting not
26 guilty. It's that simple. You have all the evidence. That's
27 what they put up.

28 And it also tells you when you make a decision, just

1 in case you didn't know this, don't flip any coins back there.
2 Decide the facts in this case. That's your first job. Decide
3 the facts. And I'll tell you, in this case, that will be the
4 hardest job you have by far, deciding the facts. And if you
5 can't decide the facts, if you can't decide what happened, if
6 you don't know what happened, the decision is not -- you don't
7 compromise your decision. You don't say, well, maybe this
8 happened. Well, maybe that happened. See, no. That's not
9 the way it works. You have to decide the facts.

10 If you can't decide, fine, just tell us. You can
11 tell us that by voting not guilty. We can't decide based on
12 this evidence. We can't decide. How are we supposed to
13 decide on this? This is what you gave us? Or if you can
14 decide, then tell us what you decided, but decide the facts.
15 You can't compromise that. You can't say, well, ten percent
16 of that may have been true. 20 percent may have been true.
17 I'll take the five percent, and we will just compromise the
18 rest. No. You must decide the facts as a group. Base it on
19 the evidence; what you heard and saw in court is what the
20 evidence is, the exhibits that go back to you.

21 Statements of the attorneys are not evidence. Can't
22 be used in determining facts. Let me give you an example of
23 statements of attorneys.

24 In this case, I've said my name is Ron Bamieh
25 repeatedly. The Court has said my name is Ron Bamieh
26 repeatedly. However, let's say the evidence was -- let's say
27 this case was about -- hey, decide if that guy sitting over
28 there at the table is Ron Bamieh. Decide it. The only way

1 you can decide it -- you couldn't decide it from what the
2 Court said about me. "Hey, Mr. Bamieh, please stand." He
3 wouldn't say "Hey." "Mr. Bamieh, please stand." Or
4 Mr. Romero referring to me as Mr. Bamieh. You couldn't decide
5 that because we weren't under oath. The one officer, John
6 Reilly, who knew me, called me "Mr. Bamieh" from the witness
7 stand. Well, you can say, "Well, you know, he seemed
8 credible. He identified that guy there in the nice suit over
9 there as Mr. Bamieh. I'll go with that. That's Mr. Bamieh."
10 But that was testimony you heard. But if there was no
11 testimony about who I was, if there was nobody that turned
12 around and pointed to me and said, "That's Ron Bamieh," you
13 couldn't decide that fact. You -- you would be guessing
14 because the statements of the attorneys, once again, is not
15 evidence.

16 So, what we are saying by that is if a person is not
17 under oath, is not testifying, we are not going to -- we are
18 not going to say -- we are not going to rely on that stuff.
19 We are not going to rely on the statements of our questions.
20 For instance, if I asked a question of somebody, like I asked
21 a question of Deputy Fullerton about the med/legal exam, and
22 he didn't know. And you couldn't say from that question that
23 I asked that in a med/legal exam, that injuries could last for
24 weeks and weeks, and that you could see trauma to a vagina
25 over weeks and weeks.

26 However --

27 MR. ROMERO: Objection. Outside the scope of the
28 evidence.

1 THE COURT: Overruled.

2 MR. BAMIEH: However, when Dr. Manchester testified, and
3 I asked him about the med/legal exam, and if you accept him as
4 a medical expert, and he testified that you could see trauma
5 to a vagina for weeks and weeks, that you could rely on. That
6 you could rely on.

7 No independent investigation is allowed. You can't
8 go over to Westlake, try to find the apartment. Can't go into
9 the Vons and look for two-liter bottles of wine. Not allowed.
10 You got to make your decision based on what was presented here
11 in court. That's what you have to make your decision on.

12 You are allowed to use logic and common sense. And
13 I'll -- I submit to you, when you do that, that's going to
14 really hurt the People's case.

15 And you are allowed to use direct and circumstantial
16 evidence. And I think it's important that we go over and
17 understand that concept, direct and circumstantial evidence.

18 Direct evidence directly proves a fact if found to
19 be true. Makes sense. So, we can directly prove a fact. So
20 let me give you an example.

21 E-mail of August 30, 2002, to Brian Whitney. There
22 was an e-mail in evidence of an e-mail to Brian Whitney on
23 that day, and it was from Ms. White. Here's the e-mail.

24 "I just found out today that what they charged Carlo
25 with. Tell him to run. Becca." That's in evidence. You
26 will have that back in your deliberations. The e-mail, you
27 could use that as direct evidence that Becca White, Rebecca
28 White, on August 30, 2002, sent that e-mail. You can use that

1 as direct evidence to prove that fact. You can.

2 You can use it as circumstantial evidence also. The
3 way you can use it for circumstantial evidence is, if found
4 true, proves a fact from which an inference of the existence
5 of another fact may be drawn. You can make an inference from
6 that piece of evidence also. Same August 30, 2002 e-mail, the
7 inference can be that Ms. White did not tell the truth when
8 she said she wanted Mr. Parlanti arrested.

9 When she testified in court, she did not want Mr. --
10 she wanted Mr. Parlanti arrested the whole time after she
11 spoke to the officers. Remember that testimony? That was her
12 strong desire, that she wanted him arrested. Well, you can
13 use this e-mail and say that's circumstantial evidence that
14 she lied. She did not tell us the truth. That really after
15 that conversation with the police officers, she really did a
16 lot of things to make sure that he would not get arrested.

17 Now, Mr. Romero said in his remarks that I was going
18 to attack Ms. White; that the defense was based on attacking
19 Ms. White, going for the small little details. What I ask you
20 all is this: Somebody makes the allegations she did, the way
21 she made them, with her demeanor, saying, frankly, the most
22 outrage -- some of the most outrageous things you could
23 possibly hear about someone, claiming facts that, on their
24 face, make no sense whatsoever, and the defense attorney, who
25 represents somebody charged with these crimes shouldn't ask
26 her a question or two about it?

27 "Thank you, ma'am. That was great direct testimony.
28 No further questions. Next witness, please." What would you

1 expect? What would you expect? In all reality, that we are
2 just going to accept that as true? Isn't that the way the
3 process works, is that we test the credibility of the
4 evidence? And then you make a decision as to that
5 credibility? Isn't that the way it works?

6 And to say that we are attacking the minuscule
7 nature of her testimony, ignores the fact that she says things
8 that were, first of all, beyond any common sense and any logic
9 you could possibly apply on this planet Earth. That's one.
10 And I'm going to go through those.

11 Two, would be to say that, uhm, well, she was
12 inconsistent. She didn't tell a few things. Well, if
13 Mr. Romero was telling you -- telling people about his
14 brother's wedding, how many different ways do you think he
15 would describe the bride's hair? She was a blonde. She was a
16 brunette. She was a red-head. I'm guessing he said it the
17 same way every time. How many different ways did he say he
18 pet those horses? Did he say he rode them? They buck like
19 crazy? They were wild horses? No. He probably told them
20 same time, "We pet some horses."

21 To compare those two, him telling his relatives
22 about the family, and Ms. White telling -- making some of the
23 most outrageous statements you could hear in a court of law,
24 to compare those two, frankly is ridiculous on its face.

25 And Mr. Romero is one of the finest prosecutors the
26 DA's office has here. And he's doing what my mom used to
27 always say we should do. When you get lemons, try to make
28 some lemonade. That's all he's trying to do. He's making

1 some lemonade. He's doing the best he can with what he has,
2 but what you have to do is you don't have to drink that
3 lemonade. You can call it for what it is. You can say,
4 "Those are lemons, Mr. Romero." That's all it is. She made
5 no sense. We can't believe her.

6 You can also use that e-mail, circumstantial
7 evidence, that her complaints were false, and she feels guilty
8 about it.

9 Assessing credibility. That's what you are going to
10 be asked to do. That's what you are asked to do, to assess
11 people's credibility.

12 Now, before we came to court, before you ever set
13 foot in this courtroom, and you were asked: How would you
14 assess somebody's credibility? What would you look for in
15 somebody to determine whether they are telling the truth,
16 whether it was an employee or somebody who came up to you?
17 What would you look for in a person? Just your own common
18 sense as -- as an adult in our society, what would you look
19 for, reasonably? Not unreasonably. Not -- I'm not asking you
20 to apply some standard to Ms. White that you -- that normal
21 people wouldn't apply or that the law doesn't say you could
22 apply. Not asking that at all. I'm not saying, "Hey, there
23 are these minuscule details that she made a slight mistake on.
24 Let's ram it in to her." Yeah, that's it. I'm not asking for
25 that, not at all.

26 But just your normal, everyday life, if you were
27 asked, before you came here, somebody on the street said,
28 "Hey," how would you assess somebody's credibility if they

1 were talking to you or somebody was selling you a car?
2 somebody was selling you a car? How would you assess the
3 credibility as to the used car? Think just how you normally
4 would decide this. You would think. Remember the facts
5 accurately. The one time, they told me the car had 10,000
6 miles, next time 150,000 miles, next time 60,000 miles. If
7 that was going on, would you have a problem with that? Was
8 that 10, 30 or 100,000? How many miles did that car have on
9 it? Would you have a problem at all with that? You know, you
10 asked them five different times, and every time they told you
11 a different answer. Wouldn't you think, well, nobody can
12 possibly tell the story the same way every time? There's no
13 way. It's an honest mistake. 10,000, 20,000, 50,000, 100,000
14 miles. Every time they tell, it's different every time. Or
15 do you think, hum, something is wrong? Just in your normal
16 everyday life.

17 You would look, to say, do they have a reason to lie
18 to me? Did this person have a reason to lie to me, who is
19 selling me the car? Well, you'd think, they may have a
20 motive. They may want to sell the car. They may not like me.
21 They may have some motive, but you would want to know that.
22 And if they didn't have a motive, you would say, hey, they
23 seem reliable. I can understand that.

24 Are they consistent? Do they make sense and
25 logical? If they told you this car you are driving right
26 here, it gets 2000 miles to the gallon, 2000 miles to the
27 gallon, and it drives about 100 miles per hour with complete
28 control, and you can't crash it no matter what you do, you can

1 say, "Well, that's completely illogical. What do you think, I
2 was born yesterday? Well, that can't be true."

3 If they told you that the car could drive 200 miles
4 an hour, 200 miles an hour; still gets great gas mileage,
5 40 miles to the gallon. Well, it's not as ridiculous as your
6 last story, but I wasn't born yesterday. That's completely
7 illogical. I can't believe you.

8 That's all I'm saying. Just apply logic to what you
9 heard in court. Is there some corroboration? Can you kick
10 the tires? Do other people have similar opinions? Do you see
11 anything where there's -- where they tell you things about the
12 car that are not apparent; that nobody ever saw before; nobody
13 ever saw it drive fast; nobody ever said it can run before?
14 And does the person, who is selling you the car, do they hide
15 the tires when you walk by? Can I look under the hood? No, I
16 can't look under the hood. And when you do look under the
17 hood, and you see something is wrong, they say, "Oh, I forgot
18 about that. Yeah, that was a mistake. Oh, that's not what I
19 meant when I said not look under the hood. You may see
20 something, you know, the car was fine. I meant something
21 else." If they did that to you, if they did that to you, if
22 they tried to cover up their mistake with more lies, would you
23 have problems with their credibility?

24 All I propose to you is if this is a reasonable way
25 to assess somebody's credibility, if this is a reasonable way
26 that you would have done it outside of court, if this is in
27 your common sense and experience, if this is -- makes sense to
28 you, why would you treat anybody on the witness stand

1 differently? Why would you assess the credibility
2 differently?

3 And if somebody couldn't meet this minimal standard,
4 this minimal standard, why would it be any differently here?

5 How about if the person had lied to you before? Had
6 told prior lies? How would you feel about that person? Would
7 you -- would you believe them in something else they said?
8 I'm guessing that most of you, most of you, somebody that lied
9 to you before, would have trouble believing them in the
10 future. Makes sense. Matter of fact, that's consistent with
11 what the law says, too. We will talk about that shortly.

12 Now, the law tells you how to assess credibility.
13 And it tells you how, in a way. It gives you the standards
14 how we can assess credibility, which you're going to find,
15 really, if you follow the law, is common sense things in the
16 legal instructions.

17 Ability of the witness to remember. That's one of
18 the things that you assess. Do they remember things?

19 Bias, interest or motive. We look for that. Do
20 they have a bias? Do they have an interest or motive.

21 The character and quality of the testimony. Was
22 somebody being overly dramatic? Was somebody making sense?
23 Do they have a quality about them?

24 Demeanor. Always important.

25 Existence or non-existence of fact. Okay. Are they
26 testifying to things that, on this planet, factually don't
27 exist or couldn't exist or completely illogical? Logic and
28 common sense. Sorry.

1 Consistent and inconsistent. The law says,
2 credibility-wise, if they are inconsistent, you hold that
3 against their credibility. You do. If they are inconsistent,
4 the law says you hold that against their credibility. If they
5 are consistent, that can bolster their credibility, but if
6 they're consistently inconsistent, that's not good and
7 wouldn't be good in real life, would it? That would be bad.
8 We would say, if you're consistently inconsistent, how do I
9 rely on you at all?

10 The law also gives instruction called willfully
11 false, and I should have done this earlier. Let me do it now,
12 though. What I've done is I have taken -- you'll get the jury
13 instruction. The Court has read you most of them, and you
14 will get more before we are done, and I've paraphrased them.
15 I paraphrased them, and I've done my best to be as accurate as
16 I can as to what the law says, but obviously, I'm doing it in
17 a limited space here. So, I condensed them. And with names,
18 and I go through names, I've condensed the names of people so
19 they fit on the chart. I don't mean any disrespect to people
20 at all, but in order to make it fit here, I --for instance,
21 I'll call Rebecca White "RW," Carlo Parlanti, "CP" and
22 similar things like that. Some people I use the full names,
23 but for the most part, if I could fit it on the slide, I will,
24 if I can't, I abbreviate.

25 With the law -- there's no -- this will be an
26 accurate portrayal of law. This isn't the complete set of
27 instructions.

28 Willfully false. The law recognizes what you all

1 know. Someone who does not tell the truth in one area cannot
2 be trusted in others. That's what you know. I mean, that's
3 just common sense. You didn't have to be told that by the
4 judge to know that, but we know that.

5 And the law says that if you want, if you want, once
6 you find that they have been untruthful, willfully false, you
7 can disregard everything they have to say because we
8 understand that if we are going to say to somebody, prove this
9 beyond a reasonable doubt, and you call somebody who does not
10 tell the truth, that we shouldn't be relying on that to
11 convict anybody. Somebody who has proven to be false
12 repeatedly we should not be relying on to convict anybody.
13 The law recognizes this.

14 If you thought about that before you came to court,
15 and you told -- if we are in a coffee shop, and you said,
16 "Hey, Mr. Bamieh," or you'll probably call me "Ron" in a
17 coffee shop, but we will go with "Mr. Bamieh," and you said,
18 "Hey, what's -- what's the law about if somebody lies in court
19 and in a trial where allegations are made, and they're really
20 bad? What does a jury have to do?"

21 And I said to you, "Well, you know, you are allowed
22 to disregard it."

23 And you go, "That's what I would think. I bet
24 that's exactly what the law would be." And that makes sense
25 to you. And the instruction you're going to get is going to
26 make sense too. If somebody is not telling the truth in one
27 area, you don't have to believe them, and you sure as heck
28 should disregard everything they have to say.

1 If you don't believe Rebecca White, if you don't
2 believe her, you have to acquit Carlo Parlanti. Isn't that
3 what the state of the evidence is, if you don't believe her?
4 If you find her to be willfully false? If you found her to
5 lack credibility? If you just can't accept what she is saying
6 as true, you have to acquit.

7 She's the only person charged on the complaint -- on
8 the information. The only person. The information is the
9 charging document the Court read to you at the start of the
10 trial. She's the only person charged.

11 If she didn't testify, there would be no case here.
12 There would be no case whatsoever if she didn't testify.
13 Common sense, right? She's the sole witness to binding,
14 battery and sexual assaults. It's her testimony that all that
15 is based on. That's where it comes from. Sole witness about
16 that.

17 So, what you are going to be asked to do and what
18 you must do is determine her credibility. Determine whether
19 or not she was credible or not. Can you rely on Rebecca
20 White? Did she remember accurately? Did she have an accurate
21 memory of events?

22 Well, she told us she has memory problems. She
23 testified to that. She has short-term memory problems. So,
24 she -- right away, she tells us. There's no evidence of that
25 besides her statement, but she has short-term memory problems.
26 She has trouble remembering. She -- the short-term memory
27 problems seem to occur, seem to occur, every time there's some
28 damaging facts that went towards her credibility for some

1 reason. These short-term memory problems, they appeared. And
2 just look back at the testimony. And if I quote testimony and
3 you think I've quoted anything inaccurately, and I've said
4 anything inaccurately, hold it against me. Hold it against
5 me. But I think you will find that those short-term memory
6 problems occur, where she started talking about them, vividly,
7 and how she has these short-term memory problems when I
8 confronted her with damaging facts.

9 Did she have a motive or reasons in this case? Just
10 following along now with the law says how to assess
11 credibility. Did she have any motive? Was there any motive
12 we heard about?

13 We know and you know that Carlo Parlanti broke up
14 with her before leaving to Mississippi. And how was that
15 proven? We know because Ms. White was impeached with
16 testimony of her motive with the preliminary hearing
17 transcript.

18 Now, the preliminary hearing transcript is not in
19 evidence; however, the statements I read into evidence off the
20 preliminary hearing transcripts. I read them in. I quoted
21 from them. If you remember, I approached her with the
22 transcript. I read to her, and that's how they are in
23 evidence. Not from the transcripts themselves, but me reading
24 what was in the transcript into evidence. Rebecca White's
25 motive. From the preliminary hearing transcript, I asked her
26 about this; read this to her to impeach her.

27 We are talking about if she knew that Mr. Parlanti
28 was having an affair with another woman. If she knew that.

1 And she said she did in trial. She said she did. And I said,
2 "Well, at the preliminary hearing, ma'am, isn't it true you
3 said you didn't?" And we went through the preliminary hearing
4 transcript her. And my question to her, where I started from,
5 was, "Yes, having an affair, seeing somebody else on the
6 side." And we put this in context to refresh memories, and
7 they need to be refreshed in terms of Mr. Parlanti in
8 Mississippi.

9 At the preliminary hearing, she said, "No."

10 "Isn't it true you made allegations to Mr. Parlanti
11 that he was sleeping with her?" Same preliminary hearing,
12 next line down.

13 Her answer was, "Yes." So, just at the preliminary
14 hearing, she is consistently inconsistent.

15 "Isn't it true that you believed he was sleeping
16 with her?"

17 And she answered, "I know he spent a night or two
18 with her." We continued. "He was in Gulfport, Mississippi,"
19 was her answer.

20 And I asked, "With who?"

21 And she said, "He was at work."

22 And I said, "Come on, ma'am. With who? You know
23 who she was." Once again, this is read to her right out of
24 the preliminary hearing transcript.

25 "He was probably with, with..."

26 And my question to her, "Starts with a C."

27 And she admits, "With her."

28 And later on, it was established "with her" meant

1 "Cecelia" at trial.

2 So, the preliminary hearing, when she was confronted
3 with this issue, she denied it, originally. And then when she
4 realized, once again, that she was kind of caught in this
5 denial, in her statement, at the end of the day at the
6 preliminary hearing, we get her to admit, "With her," Cecelia.
7 And at trial, knowing because she had the preliminary hearing
8 transcript, okay, and was at the preliminary hearing, and what
9 happened, she just admits it.

10 MR. ROMERO: Objection, your Honor. Facts outside the
11 evidence.

12 THE COURT: Overruled. As I said earlier, the jury is
13 the final judge of what the evidence is.

14 MR. BAMIEH: So, a lot of people would say that if you
15 knew that you've been left for another woman, that you may
16 have a motive. That would be reasonable, I think. Most
17 people would think that would be reasonable. So, there is
18 some motive there, but she was also forced in more motive when
19 confronted with her e-mails now.

20 E-mail that came into evidence in terms of being
21 read into evidence. E-mail from Rebecca White to Katia Anedda
22 on September 5, 2002. Her e-mail.

23 "First of all, I do love Carlo with all that is me.
24 Yes, I am angry with him. He cheated on me and lied to me
25 about it." Evidence of motive. Motive.

26 E-mail from Rebecca White to Katia Anedda on
27 September 12, 2002, read into evidence once again.

28 "Where he walked out the door and said 'good-bye' to

1 me for the last time, I fell on the floor and cried knowing I
2 would never feel him run his hand over my face again, kiss my
3 lips or talk to me in bed with his liquid, silver voice again.
4 I love him, and I will never get to ever see or hear from him
5 again." Motive. Motive. Motive.

6 And when she testified, by the way, she testified
7 that she left him. That's what she testified to here in
8 court. On September 12, 2002, she said something completely
9 different. Motive.

10 And motive apparent on 7/22/02 fax to Reilly. And
11 that fax, what I'm talking about, is not the cover sheet,
12 which I'll talk about later, but the actual fax statement she
13 had in front of her that she said she wrote while she was in
14 Monterey over the 20th and 21st, I believe was her testimony,
15 and she faxed it the morning of the 22nd. She -- that's the
16 fax statement I'm talking about, and that -- this was read to
17 her also at trial.

18 In her fax statement to Reilly, the statement she
19 said she worked on, she wanted to make it as accurate as
20 possible. In that statement, she said:

21 "I try to make up with him, giving him a chance to
22 fix what he has done, but he calls other women and talks with
23 them instead of me." And just so we are clear, you may see
24 some typos in this slide. I read it to her as she wrote it,
25 and I quoted it to her as she wrote it, and that's what I'm
26 trying to do with these slides.

27 Motive. She wanted to make up. He didn't want her.
28 He left. And that's why her testimony of saying things like,

1 "I broke up with him," or, "I left him," trying to diffuse
2 that motive evidence is so ridiculous because you all knew
3 that she knew this case pretty well. And she knew about the
4 e-mails she wrote because she provided them as she told
5 everybody to the District Attorney's Office. She provided
6 them, and yet she comes to court, comes to court, knowing what
7 she has written before, knowing what she has said before, and
8 just looks at you and says, "I left him. He never left me. I
9 never said that." We got all this.

10 Anger apparent in 9/13/02 letter to Dr. Farber. She
11 testified once again on -- I think it was redirect examination
12 by Mr. Romero when she testified that she wrote this letter to
13 Dr. Farber to help other women so that, God forbid, nobody
14 else would get hurt. Not because she was angry. Not because
15 she was upset. Because she was trying to help other people.
16 Well, then I confronted her with the statement she wrote. "I
17 tried to make up with him" -- I'm sorry. I went backwards.
18 There it is.

19 On the last line of her letter to Dr. Farber, as
20 read to her in court:

21 "I just hope he makes a better life outside of the
22 USA for he hates us and cheered last 9/11 when we were
23 bombed."

24 Now, the thing that I asked you to take from the
25 statement is look at the date, 9/13/02. Pretty much the
26 anniversary. That's the postmark date, by the way. The
27 anniversary of 9/11. And think about how everybody in this
28 country was feeling about then and how we still were mourning.

1 We still were angry, and how we felt about people who disliked
2 our country. Her. She writes this to Dr. Farber. This is
3 just pure, unadulterated anger. This is not for help. Not
4 for any other reason. Some people would say it's kind of
5 manipulative, wouldn't you think?

6 Character and quality of Rebecca White's testimony.
7 E-mail to Brian Whitney on 8/29/02, the first one I'm
8 referring to now that was shown to her. Remember this?

9 "I am in a police safehouse packing a gun." And the
10 other line? That should be in quotes, by the way. I
11 apologize. "I gave him three weeks to make it right, and he
12 did not feel he did anything to me. So this is the story."
13 And signed "Becca."

14 Now, when I first showed her that e-mail, she
15 claimed -- she claimed on that e-mail, for whatever reason, "I
16 didn't write this." Remember that? "This is not one of the
17 e-mails I gave," she said, "Mr. Romero," the DA's office.
18 That's what she said. And she said it with anger, with spite,
19 like, you know, I'm trying to fool her or something. "I never
20 said this. I didn't even have a gun. How would I say that?
21 That's crazy. I gave him three weeks to make -- I didn't say
22 that, no way."

23 And then what happened? For some reason -- and I
24 don't know what the reason was, and I won't speculate -- she
25 thought that that e-mail looked different; that she thought,
26 "Hey, something is going on here. I should deny this. He
27 probably can't prove that it came from me." What was she
28 thinking? And then I showed her one of the e-mails that she

1 gave to Mr. Romero. She had to admit it came from her. Same
2 exact lines were in it. And then what was her answer? What
3 about that? Was that just a mistake? "Oh, I don't know what
4 I meant by that." What was her answer to that? How could she
5 possibly explain that? She was going to come and swear to you
6 she didn't write that. When she is caught, when she is
7 caught, "I'm sorry. Just a mistake. Come on, I made so many
8 statements, how could I possibly remember. Just a mistake."

9 All of her mistakes, by the way, were realized after
10 she was caught. Not before. After she was caught. After she
11 gets caught in something, that's when it's a mistake. That's
12 when it's innocent. Before, she doesn't admit it. In
13 contrast to the officers. They admitted their mistakes right
14 before anything. They didn't try to deny anything. Yeah,
15 they made mistakes. There was no issue with them. They had
16 no problem with that.

17 The difference between being credible and being
18 incredible.

19 Your Honor, I notice it's noon.

20 THE COURT: All right. We can break at this time. Let
21 me talk to counsel at the bench briefly before we do.

22 ///

23 (Bench conference held off record.)

24 ///

25 THE COURT: Thank you, counsel.

26 We are going to take a shorter lunch period today.
27 We will resume at 1 o'clock with argument. Between now and
28 the time you come back to court, please don't discuss the

1 case. Please don't form or express opinions or conclusions
2 about it. Jurors are excused until 1 p.m.

3 We are in recess until then.

4 (Lunch recess taken.)

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1 VENTURA, CALIFORNIA; FRIDAY, DECEMBER 16, 2005

2 P.M. SESSION

3 --oOo--

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5
6 THE BAILIFF: Remain seated. Come to order, please.

7 THE COURT: We're back on the record in the case of
8 People versus Parlanti with all of our jurors, both counsel,
9 and the defendant.

10 Mr. Bamieh, you can resume.

11 MR. BAMIEH: Thank you, your Honor.

12 Hope you all had a nice light lunch with lots of
13 coffee. I will continue my closing argument.

14 As we left off, we were discussing the fact
15 Ms. White denied that she wrote that e-mail to Mr. Whitney on
16 8/29/02; said the e-mail had been edited somehow in some
17 fantastic fashion and was not the same as she gave the DA.
18 And later, she had to admit she wrote this when she was caught
19 and confronted with the exact same e-mail from one that she
20 gave the district attorney. Character and quality of her
21 testimony.

22 Another example of this is the e-mail she wrote to
23 Katia Anedda on 11/15/02.

24 "I now have friends in the" -- that's her spelling
25 -- "mofia" -- I think she meant Mafia -- "here that would fix
26 it, but Carlo does not love me. I know that. I just want him
27 to know I do love him." Once again, making one of these
28 statements, but making it clear that she is in love with

1 Carlo. She wants to do anything that she can to get him back,
2 and she's sending these e-mails at an unbelievable rate.

3 Now, what you can use in determining the credibility
4 of a witness is the existence or non-existence of a fact. In
5 other words, you can use some logic here, just some common
6 sense and logic. It's completely allowed, well within the
7 scope of the law, whether you're here in the courtroom or
8 you're out in the street talking to somebody. Just apply
9 logic.

10 In this case, it was surreal. It's -- I work with
11 some teen-agers in one of these popular shows, called the
12 "Surreal Life," and they get these, I guess, B actors or
13 somewhat-known celebrities to live in a house together, and
14 they call it "surreal" I guess because these people, their
15 reality is far from what a normal person's reality is, and it
16 make sense. And a lot of times, with Ms. White, I think you
17 will find her reality was much different than most normal
18 people's reality; actually, much different than most anybody
19 you can possibly meet.

20 Four liters of wine in five to six hours. She said
21 that, and she was sure of it. And she -- Mr. Romero, on
22 redirect, tried to get her to come off it in some way, get
23 down under four liters somehow. An extraordinary amount of
24 alcohol. And she was even shown four liters of wine. A
25 remarkable amount for one human to digest. And her testimony
26 was, at the time of the initial binding, he had drunk two
27 liters already, had -- was more than halfway through the
28 second two-liter bottle. So, he was somewhere over three

1 liters of alcohol. And to make this point even clearer, most
2 people, in their common sense, know -- I mean, all of you have
3 lived enough years in the planet to know what alcohol does to
4 the human body. You know that three liters of alcohol in one
5 night -- what the effects of that would be, but just to make
6 sure there was no mistake about it, we called Mr. Beckner,
7 excuse me, just to do some simple mathematics in these
8 exhibits. And we used the widest range possible because it
9 really doesn't matter if it's nine percent or 12 percent.
10 It's still going to be an incredible blood alcohol level.
11 Near fatal, if not fatal, blood alcohol level. Beyond belief.
12 And the amazing thing about Ms. White is she could say these
13 things that are beyond belief with no qualms. She could say
14 them just as straight-faced as she could describe how she was
15 attacked; just as straight-faced without any hesitation. Even
16 when confronted with what four liters looks like, she could
17 still say it to you. No problem. It's ridiculous. It's
18 beyond ridiculous.

19 Mr. Romero tried to ask Mr. Beckner about tolerance
20 for alcohol. What was her testimony about Mr. Parlanti? He
21 was running five miles a day, swimming the other days. He was
22 in excellent, physical shape. He was getting up for work at
23 6:30 in the morning. That sounds like somebody who is downing
24 two or three liters of wine a night? It's, on its face,
25 foolish to say to somebody. And she said it to you asking you
26 to believe it. His blood alcohol level, under her scenario of
27 events, giving the broadest range possible, between a .31 and
28 a .65. As Mr. Beckner told you .08, .08 in this state, and in

1 most states, legally intoxicated for driving. Over three
2 times over that, and she's saying he was walking and talking.
3 She is saying at .31, at the minimum, at a .31, he had the
4 manual dexterity, the motor skills to thread this, at a .31.
5 Couldn't have happened. Under her scenario of events, on this
6 planet, Earth, as we know it, based on our common sense and
7 experience, it cannot happen. Could not have happened.

8 And the point -- oh, maybe she made a mistake.

9 Okay. Maybe she did, but how many times was she asked about
10 this? Did she ever come off it? Did she ever say, "I made a
11 mistake? Oh, I must be wrong"? Did she ever go back on that
12 one time? Minimize it in any way? She wouldn't give it up
13 for the life of her, ever. How many opportunities did we give
14 her, by the way? How many opportunities? Are you sure?
15 Could it have been three and a half liters? Are you sure
16 someone drank the whole thing? She finished off saying, at
17 the end of the evening, he had completed both bottles.
18 Ridiculous.

19 Just logically, would he be standing? walking?
20 grab someone? bind somebody the way she described? Could you
21 do that logically at those blood alcohol levels? He
22 literally, literally, if he was like that, would have been a
23 pushover. Literally. Could you achieve or maintain an
24 erection even at those levels? It affects your central
25 nervous system. That's part of it. You're extremely,
26 extremely, extremely intoxicated. You just can't physically
27 do certain things. That's one of them. Surreal testimony of
28 Ms. White continued, though.

1 This was -- I mean, there's no other description for
2 this but surreal. On 11/22/05, she has an -- Investigator
3 Robertson has a conversation with Ms. White. 8:30 a.m.
4 interview, the first one. This was all testified to. Said
5 Mr. Parlanti tied her up on prior occasions. That's what she
6 said about 8:30 a.m., was that 30-minute interview.

7 Then we get this. At 10:20, calls back and says,
8 "He did not ever tie me up." That's the testimony in the same
9 day. And this is the person. We are saying, okay, she's
10 credible. We can believe her. She doesn't believe herself.
11 And then her explanation, her explanation, confronted with
12 these simple facts, is -- what she says when she gets caught
13 on a couple of occasions, "That's not what I meant."

14 We all speak English. We all know what the language
15 means. "He did not ever tie me up." What is the other
16 interpretation of that?

17 Continuing with the surreal testimony of Ms. White.
18 She testifies on direct examination, once again, "Mr. Parlanti
19 beat me up with belts during sex." And she puts the date when
20 this happened around Mother's Day of 2002. That's the
21 testimony, and that was on direct examination. And she
22 testified it was not her idea. She did not want to
23 participate. She was surprised by this. And she backs it up
24 by saying, "I showed my daughter," Heather
25 Christianson-Reeves, HCR, "the bruises on my chest." That's
26 how she backs it up. She says, "Yeah. I had nothing to do
27 with this."

28 And then, of course, we have the e-mail of 5/5/02.

1 5/5/02 from Rebecca White to Carlo Parlanti. And what does it
2 say?

3 "You are a prince to me always. I have the belt
4 laying out for you when you come. I need a spanking. Becca.
5 The story of a prince. Smile." That e-mail is in evidence.

6 There is no way that she can come to court and tell
7 you that on 5/5/02 that her intent was any different than what
8 is written on the paper, but she did. And her explanation
9 became, after some questioning, was, "I was using reverse
10 psychology." I don't know if you remember that. "I was using
11 reverse psychology," is what she said. "And the theory being
12 that if I mentioned the belts, he would not use them." Okay.

13 So, I hear that testimony, and I ask a question.
14 It's a very simple one. "If it's reverse psychology, what
15 made you think the first time you used this device that it
16 would work?" Right? How would you know it was going to work?
17 You had to have tried it before. You had to suggest you
18 wanted to use the belts before to know that somehow the
19 reverse psychology would work and Mr. Parlanti would not be
20 interested in using the belt. How would you know for the
21 first time you used it? It's just surreal. It's like she
22 doesn't live on the planet here. How is it even close to
23 being consistent?

24 The 7/22/02 fax to Detective Reilly.

25 "Please arrest him at work and soon." That's when
26 she faxes him, right?

27 8/30/02 e-mail to Brian Whitney. The opposite. Of
28 course, before confronted with that e-mail, she denies ever

1 wanting him not to be -- that's probably an argumentative
2 there -- ever wanting, having a desire for him to run from
3 authority, not to get caught. And then she sends a similar
4 e-mail, almost verbatim, at 8:31 to Ms. Anedda. A direct
5 contradiction of what she told Detective Reilly.

6 Testified that Mr. Parlanti had his entire fist, his
7 entire fist in her vagina, and he tried to open it. That was
8 her testimony at trial. And then tried to open an entire
9 fist. Physically -- well, let me -- she wrote to Dr. Farber,
10 on the postmark envelope of 9/13/02, that Mr. Parlanti had his
11 whole hand inside her rectum. At trial, she tried to mitigate
12 that by saying four fingers, but to Dr. Farber, she wrote the
13 whole hand. And just the physical realities of that, that it
14 would be possible to commit such an act, not mentioning any
15 lubrication or anything like that, that you could get an
16 entire fist like that inside of somebody. And assuming you
17 could, assuming for a second you could, what would be the
18 amount of physical damage that would cause? It would be
19 tremendous. It would be tremendous.

20 No reports of physical pain in those regions to Dr.
21 Manchester. None. Zero. He didn't even look. Didn't even
22 check her out in that area at all. Wasn't even an issue.
23 Just makes no sense.

24 The one thing that made clear throughout this trial
25 was Ms. White was consistently inconsistent. We are not
26 talking about little details here. We are not talking about
27 minutia here. We are talking about the main part of the case,
28 aren't we? The main part of the case. The main issues in

1 this case, she was inconsist -- consistently inconsistent.

2 Take the easy ones. Fullerton and Reilly on 7/18
3 through the 22nd of '02. That encompasses, just so we are
4 clear, the statement to Fullerton on tape, the statement to
5 Detective Reilly on tape, and the written correspondence later
6 on, 7/22, that she faxed to him. She says she reported
7 Mr. Parlanti because her father would not give her dollars,
8 support, for help if she didn't. That's what she says. And
9 then to Dr. Manchester, she said on 7/22/02, she said, I had
10 to come here because the police said they would not take the
11 report unless she went to a doctor. She just saw the police
12 two days ago. Three days ago. My fault. Three days ago.
13 They took a report. She was there. They interviewed her
14 twice, as a matter of fact. They told her -- they did a
15 followup, and this is what she's telling the doctor three days
16 later. The doctor. Explain this to me. Is this a minor
17 detail or something? She's pathological.

18 To Dr. Farber. The doctor wouldn't treat me -- she
19 wrote "me" -- we made it "her" -- unless she turned him in,
20 meaning Mr. Parlanti. Wouldn't treat me unless we turn him
21 in.

22 At a trial, she explains, "Yeah, I called a doctor
23 and spoke to a doctor on the phone."

24 Yeah, doctors are like that. "I'm suffering from a
25 physical trauma. I'm really injured. I need some help."

26 "Well, go talk to the police. I can't help you."
27 They take an oath that they are supposed to help people.
28 There's a reason for that. And this doctor she called, the

1 one doctor she called out of the phone book, who she can't
2 remember, wouldn't treat her unless she turned him in.

3 To attorneys, Chris and Ron, summer of '02:

4 "I went to a doctor for help, but he told me he
5 would not help me until I turned in whoever did this to me."
6 Now she went to the doctor. Not called. Now she went.

7 At preliminary hearing, asked about the conversation
8 with her father, once again. Right? Read to her from the
9 transcript. "When did the conversation with your father
10 occur, where he told you he would not give you money unless
11 you turned Mr. Parlanti in?"

12 And at the preliminary hearing, she said, "I believe
13 that was on the 16th." That's when she spoke to her father.
14 So she's on the phone.

15 Then we find out after the preliminary hearing --
16 the preliminary hearing, once again, was August 25th of '05 --
17 after the preliminary hearing, on Halloween of this year, we
18 find out that Mr. Romero interviewed Ms. White's parents.
19 Now, this is easily circumstantial evidence. What could he
20 possibly be interviewing them on? The money. She needed
21 money for support, right? We have further circumstantial
22 evidence on what we know those interviews were about because
23 we find out later on, she then e-mails Investigator Dave
24 Williams and Mr. Romero on 11/1/05 at 7:09 a.m. And so, that
25 e-mail makes it clear that she knew that Mr. Romero
26 interviewed her parents the night before. Very next day. We
27 have two pieces of circumstantial evidence. We have the fact
28 that Mr. Romero interviewed -- well, we have three pieces,

1 actually. We have the preliminary hearing testimony where she
2 says, "My father, I spoke to him on the 16th."

3 We then have another piece that says Mr. Romero
4 interviewed the parents. And that's a stipulation. There's
5 no issue as to that. Interviewed the parents of Rebecca White
6 on 10/31/05. And we can say, okay. We know at the
7 preliminary hearing she mentioned that she spoke to her
8 father; that Mr. Romero interviewed these people on the 31st.
9 That makes sense because the inference would be -- a
10 reasonable inference would be that he had to talk to them
11 about whether or not Ms. White had spoken to them and whether
12 or not they said, "You must turn Mr. Parlanti in if you want
13 any support whatsoever." Okay, that's how you use
14 circumstantial evidence.

15 And then the third piece, even if we need more, we
16 have a third piece where Ms. White e-mails Dave Williams and
17 Mr. Romero on 11/1/05 and talks about her contact with her
18 parents and whether or not she spoke to her father. And in
19 that e-mail, and we have that in evidence:

20 "I was okay. I never really talked to my dad. We
21 are not close. He told my mom if I turned Carlo in, he would
22 put money in my account for gas for me to come because Mama
23 knew I had not been working and I was broke. I talk to Mama
24 but not my dad. I am not changing my story" -- misspells
25 "just" -- "just making it more clear."

26 This right here is Rebecca White. She's caught.
27 She's caught in a lie. She knows now that Mr. Romero has
28 proof of that lie, and now she covers up. Isn't that what

1 she's doing? "That's not what I meant." She tells everybody,
2 "I spoke to my father, I spoke to my father, I spoke to my
3 father." Mr. Romero speaks to her father. "I didn't speak to
4 my father." And then the weird thing of it all is, to make it
5 even more surreal, she comes to court and says, "I spoke to my
6 father."

7 Something is wrong here. Something stinks. This is
8 more than just slight inconsistencies. This is more than
9 something is just not -- something is just a little wrong.
10 Something really is just not right. It's just not right in
11 the worst way, and you have to see this. It's so obvious in
12 these e-mails and what she does in court. You just have to
13 see this.

14 At trial, she says... the consistently inconsistent
15 Rebecca White. At trial, she had Mr. Parlanti's permission to
16 read e-mails from ex-girlfriends and contact them. That was
17 her testimony at trial. She had his permission. And she was
18 very, once again, confident about this fact.

19 We have an e-mail then, from April 17, 2002, from
20 Rebecca White to Ms. Anedda. And this was read in open court
21 right off the e-mail.

22 "He is upset with me for looking in his e-mails and
23 reading all the e-mails from these girls." Does that sound
24 like somebody with permission; that she was being allowed to
25 do something or that he knew she was doing it at the time?
26 Does that sound even remotely like that could be the case?
27 The consistently inconsistent Rebecca White.

28 Fullerton and Reilly statements, 7/18th and 19th of

1 '02. Intercourse three times, and they were clear about this
2 as they went over it with her numerous, numerous times. Told
3 them: Does not remember if she said "no" to the intercourse;
4 calls it "making love." When she describes it, she calls it
5 "making love." Those are her words. Calls it "making love."
6 Says only one time bound; that only one of the acts of
7 intercourse occurred when she was bound. The others, she was
8 not.

9 Reilly, on 7/22/02, this is once again the faxed
10 letter she sent in. Intercourse five times now. Now we are
11 at five times. And that's when intercourse is defined as the
12 penis entering the vagina. And in that letter, she says when
13 she tells him to stop, he does. Still calls it "making love"
14 even in that letter. This time, it's two times bound. Three
15 other times, not bound. Adds for the first time fist in
16 vagina. Never mentions hand in her anus. Ever. First time
17 she mentions this detail.

18 To Dr. Manchester: Says, sexually assaulted; says
19 fist, but not hand. On 7/22/02, no complaints of pain other
20 than chest. Dr. Manchester. She writes him two years later.
21 Two years later. And we know at this point, Mr. Parlanti has
22 been arrested. We know -- we know that from Mai De Barra.
23 And she writes Dr. Manchester, at this time, 7/22/04, writes
24 the doctor, telling him that there was a hand in her anus that
25 she forgot to mention back on 7/22/02. Strange at best.

26 Dr. Farber. Sexual intercourse now three times to
27 her. Now calls it rape, not making love. Mentions full hand
28 in anus for the first time. And remember this, 9/13, is

1 before Manchester 7/22/04. And now, she mentions there was
2 chocolate cream in her nose and throat for the first time.
3 Another detail.

4 Now, Mr. Romero argues that she can't expect -- you
5 can't expect her to remember every detail. You can't expect
6 her to tell it the same way every time. We don't. We don't.
7 We don't expect anybody to do it the same way, but we can't
8 expect people to start adding details, start adding violent
9 episodes that occurred to them, and they're adding it months
10 later. And we say, yeah, that makes sense. That makes sense.

11 These aren't minor details. These are traumatic
12 events that occurred, and she had no mention of when she first
13 reported. None whatsoever. All of a sudden, these details
14 start getting added in over time. What's going on? Makes you
15 feel like maybe somebody needs a little more attention. Look
16 at me. Look how bad I was hurt. I keep adding details,
17 adding details, and it gets more surreal. And at trial, the
18 chocolate cream, she goes, "Oh, yeah, I did say that. I
19 forgot all about it."

20 Letter to attorney Chris and Ron, summer '02.
21 Sexual intercourse, three times. Still on three. She's off
22 the five now, and this is after she wrote to the police
23 officer. She is off the five. Calls it rape. No mention of
24 fist or hand. No mention of chocolate cream.

25 How about the prelim? What did she say at the
26 prelim, 8/25/05? Now it's four times of sexual intercourse.
27 Told him "no" every time. She was clear on this all of a
28 sudden in court. No mention of fist or hand at the prelim.

1 No mention of chocolate cream.

2 Trial. Trial. Four acts of sexual intercourse.
3 Makes sense because she had read the preliminary hearing
4 transcript recently. Calls it "making love" several times
5 while she's testifying. Told him "no" every time. She
6 mentioned the fist in the hand this time. Forgot and then
7 remembers the chocolate cream.

8 Every time, every time, it's different. Every
9 single time, it's different. Every single time. These aren't
10 just, like, on minor points, by the way. It's not like we are
11 asking her about -- she's getting the number of blows to the
12 head incorrectly. This is about the sexual intercourse that
13 she reported and the details are being added. Additional
14 details are being added over time, and that has to concern
15 you.

16 When somebody starts adding stuff over time, adding
17 stuff at the prelim, adding stuff at a trial, coming up with
18 more outrageous facts as we go, that has to concern you.
19 That's stinks. That can't be right.

20 She's repeatedly inconsistent on even the date the
21 offense occurred. She's inconsistent. And what's really
22 amazing about this is that when we look at the calendar, she's
23 off a week, okay. She just reported this. She is not
24 reporting an incident that happened two years ago or one year
25 ago. She's reporting an incident, under her testimony now,
26 that occurred approximately three weeks before she reported
27 it. But what makes no sense and what you will have trouble
28 with is because, all right, the 29th and the 6th, traumatic,

1 maybe you got it wrong. But when the officer -- and I think
2 it was Reilly -- I mean, I'm sorry -- yes, Reilly or Fullerton
3 -- I won't say for sure, but one of them for sure testified
4 that they asked her about the consensual sex. Remember that?
5 And they backtracked it to the 16th or 15th, just a few days
6 earlier. And she admitted they had consensual sex on the 15th
7 or 16th. And Ms. White is saying, no, she's a week off on
8 everything.

9 Now, it's a little troubling. You would -- you are
10 a week off on this all of a sudden? All of a sudden, you're a
11 week off on these dates? You just can't remember two days
12 ago? What happened to you two days ago? "I don't really
13 remember." And she's off this whole week, and she has no
14 memory of how come she messed that up. Oh, I'll go to the
15 29th now. All of a sudden we start from the 29th.

16 Why? Why would she change the dates? It does give
17 a little bitter explanation of why she has no bruises. It
18 does -- it would -- maybe she bought a week for healing time
19 maybe? Maybe it explains why nobody can find a mark on her.
20 She has sore ribs. "I'm being tied up."

21 When she talked to Officers Fullerton and Reilly,
22 she says -- and both of them caught her in this. When he left
23 for work -- when Mr. Parlanti left for work, she was tied up
24 in the house. And then they catch her on that. You know,
25 think about it. You are sitting there, if you are an officer,
26 and somebody tells you that. He tied you up in the house when
27 he was gone for work all day long? Yeah. And they questioned
28 her about it, and they questioned her about it.

1 And finally, she says, "Oh, no, only at night."

2 It's just not right. Something is wrong there.

3 On the number of sexual acts, she is always
4 inconsistent. On time, Mr. Parlanti woke up the next day. In
5 trial, remember now, she's going with the Saturday the 29th
6 as her date. That's the date she is going with, and she -- at
7 trial, Mr. Parlanti wakes up the next day. She caught herself
8 originally. If you need the testimony read back on this, you
9 can ask. I know I'm being loved for saying that right now.
10 She says the next morning, she caught herself saying, "He woke
11 up at 6:30. Oh, no, he didn't. He didn't."

12 But on her previous statements to the police, she
13 gave 6:30 as the time he woke up; that he had these four
14 liters of wine on the 29th. On the crack of dawn on a Sunday,
15 at 6:30 in the morning, he is up out of bed. Just not within
16 the conception of reality. Just can't be. It's not within
17 those parameters.

18 She is inconsistent on wanting Mr. Parlanti to run
19 or to get caught, on contact with father, on what doctor told
20 her, on what she told doctor, on what she wrote to Ms. Anedda,
21 on what she wrote to Brian Whitney. These are just all things
22 over time, and there were dozens, literally dozens and dozens
23 of them in this trial. On what she wrote herself,
24 inconsistent, and says, "I never wrote this." Confronted with
25 an e-mail, where she did. "Oh, I guess she did."

26 She said those things, by the way, her confidence
27 level on these things, she would deny, was the same as her
28 confidence level when she describes what happened to her.

1 It's the same. There's no way for you to know. How would you
2 know unless she was confronted here at trial, for instance,
3 with her statements about her father? How would you know that
4 she wasn't telling the truth about that? Her demeanor? She
5 was very adamant about it. Seemed very sure of herself. How
6 would you know unless we confront her with her prior
7 statements and show that, in fact, she was not telling the
8 truth? How else would you know?

9 But you do know. And that's the same way she told
10 you about those rapes, same way she told you about the
11 battery. She was willfully false. Just look at how she tried
12 to cover her tracks. Just look.

13 One of my favorite ones that came out was she talks
14 about Mr. Parlanti pulling her hair, and then the shower scene
15 where a big clump of it so large it stopped up the drain. We
16 all remember that. And then we remember, from Officer
17 Fullerton, he asked, "Let me see." It may have been Officer
18 Reilly. "Let me see the back of your head. Let me see the
19 back of your head." Nothing. No hair missing whatsoever.
20 Nothing. Just covering.

21 One of her favorites, when she got caught, one of
22 her favorites when she's shown words on paper, "That's not
23 what I meant." That's one of her favorites. About -- went to
24 the doctor. She said, "I went to the doctor." "I didn't mean
25 I actually went to the doctor. I meant I called him. That's
26 not what I meant when I wrote 'went to the doctor.'"

27 "Never was tied up." Speaking of the belt -- I'm
28 sorry -- speaking of her lying to Investigator Robertson.

1 "Never tied up." "That's not what I meant when I wrote 'I was
2 never tied up.'" Immediately changing statements.

3 Just look at what she did after Mr. Romero catches
4 her, after interviewing her parents. Look what she does. She
5 immediately changes her statement. Crack of dawn, e-mails the
6 DA's office. And not just one that morning. The evidence was
7 there were three that morning all back to back to back.
8 Covering her tracks.

9 And then, of course, we have the short-term memory
10 problem. I got caught. I got a problem with short-term
11 memory. I don't remember what I said yesterday. I can tell
12 you three months ago, three years ago, but not -- not -- not
13 last time. Willfully false. She has to know she's not
14 telling the truth. She has to know that.

15 Any reasonable person would know that she can't be
16 telling the truth: About her father; how -- she has to know
17 that there's no way you are going to buy that. When denying
18 e-mails. She has to know that can't be true. Four liters of
19 wine. Any reasonable person would know that can't be true.
20 The recording device on the phone. The recording -- this
21 magical recording device on the phone that records anybody's
22 conversations whenever they call. And not only does
23 Mr. Parlanti have the super power to do that, he can also
24 record the Monterey PD's fax machine. It's surreal. It's not
25 believable. It's false.

26 60 times her head hit the wall. A grown man, using
27 full force, 60 times hit the wall. Now, Mr. Romero does a
28 good job in trying to argue this in his closing argument in

1 saying, "She wasn't counting. She wasn't counting." How many
2 times was she allowed the opportunity to come off that number
3 to say, "I'm not sure"? And by the way, that's a perfectly
4 reasonable answer, wouldn't it be? How many times did your
5 head hit the wall? A lot. Do you know? I can't be sure.
6 Perfectly reasonable answer, isn't it? Acceptable. Truthful.
7 But most people would say. How many times -- somebody asked
8 me, "How many times, Mr. Bamieh, in the last week, have you
9 drank from your water cup?"

10 I would say, "I don't know. Couple hundred maybe.
11 I have no idea. It would be a lot." Okay. That's
12 reasonable, isn't it? But if I said to you, "I think I drank
13 from it 300,000 times. 300,000 times. Yeah. That's what I
14 did. 300,000 times, I drank from my water cup." That's a
15 little ridiculous.

16 She's saying, every time she's asked -- she is now
17 at 60, by the way. An extra 30 came in during this trial.
18 Think to yourself here, reasonably, okay. She wants to say
19 that -- she wants to say a grown man, as powerful as she
20 claims Mr. Parlanti was, a strong man, working out everyday,
21 just think right now, if I stood here and I put my fist like
22 that and I started hitting this wall as hard as could 30
23 times, what do you think would happen to my hand? Reasonably.
24 What would we expect? I just -- somehow, I'm so psychotic I
25 could do this 30 straight times as hard as I can. You would
26 expect my hand would be broken, if not worse. She is saying
27 Mr. Parlanti took her head, hit this bulletin board 30 times.

28 By the way, the way she physically described that

1 scene with him touching, I would argue to you, doesn't seem
2 like it would be physically possible to do it the way she
3 described it, pelvis to pelvis. Very close. Doesn't seem
4 like you could do that, does it? The way she describes it,
5 pelvis to pelvis, touching an inch apart, physically doesn't
6 make sense, but the point then is, if not her head is severely
7 damaged -- by the way, no head injuries the officer saw
8 whatsoever -- where are marks on the bulletin board? Where is
9 the broken bulletin board? Where is the hole in the wall?
10 It's drywall in these apartments. Paper-thin walls. Remember
11 that testimony from Mr. Berger? You can hear people in the
12 next apartment on the phone. Where is the damaged drywall?

13 Isn't that reasonably what we expect to see? We
14 expect, okay, if he actually did this: My God, are you okay?
15 You must be so hurt. Oh, we better give you a lot of
16 attention and care. We go to the apartment, and we don't see
17 anything on the bulletin board, and we look at those pictures.
18 By the way, pristine, pristine. Doesn't even look like
19 there's dust in the place. Clean as a whistle. And you look
20 at the walls. Clean as a whistle. Nothing. Not a mark. Not
21 a dent. Not a bump. Nothing. 60 times as hard as he could.
22 30 times in the bulletin board. 30 times in the adjacent
23 wall. Nothing on her head. Nothing on the wall.

24 You must have a problem with that. You have to say
25 to yourself: That just can't be true. Now I lost my little
26 thing.

27 No wall damage. No blood anywhere. Anywhere. No
28 blood anywhere in that apartment. Police didn't see it. Not

1 on the walls. Nowhere. And she's alive, which, I would
2 argue, if that actually happened, there should be somebody's
3 dead body somewhere. Willfully false.

4 How did she scratch Mr. Parlanti's legs? Under her
5 version of events, as she said them, she says he choked her
6 while standing up against the adjacent wall. That's what she
7 says. And he's choking her against the adjacent wall, and she
8 said she past out, fell to the floor. She next wakes up. His
9 knees are in her back, and he's choking her from behind.
10 That's what she says. That's how she testified. That's
11 exactly what she said. Knee in the back, choking her from
12 behind.

13 How does she scratch the back of his legs while
14 being choked? She said, "I must have scratched him while I
15 was choked. I scratched him from his butt down to his knees.
16 I know I did it really hard." How did she do that? In what
17 physical position is she in to do that? It makes no sense.

18 If he's so abusive during the relationship, why is
19 she writing that letter to the judge saying he's not?
20 Remember the letter she wrote to the judge? I showed it to
21 her. I asked her if she wrote it. She admitted it, and then
22 she said that she was lying.

23 Now, my question to you, under her version of
24 events, if she's lying to that judge, to that court, what's
25 the difference between lying to that court and this one?
26 What's the difference?

27 Pools of blood. Pools of blood. All right. She
28 said because of what he did to her, putting his hand inside

1 her anus, there's a pool of blood in the bed. A pool of it.
2 Right. She didn't change the sheets. She did not change the
3 sheets. That's her testimony. Told Fullerton, though, on the
4 sheets was Mr. Parlanti's blood. That's what she told
5 Fullerton. To you, she tells you there's a pool of blood on
6 the sheets and on the bed, and it sunk right through the
7 sheets into the bed. To Fullerton, she said -- and she said
8 it was her blood, the pool was her blood, not his. And to
9 Fullerton, she says it was Mr. Parlanti's blood from the
10 scratches to the backs of his legs, and she knew it because
11 she washed the sheets. That's what she told Fullerton.

12 How can that be? What changed? How do we get to
13 the pool of blood hers? How do we get there? We started off,
14 it was Mr. Parlanti's blood from the scratches. Three years
15 later, it's her blood. And if it's true, then, okay, let's
16 just say, all right. Here's another point of logic, and I
17 know that's troubling to the People's case at this point. If
18 she didn't change the sheets, you would either have to believe
19 one of two things: That Mr. Parlanti, those nights he slept
20 in that apartment, slept in her pool of blood, and that's what
21 he did. And if you look at that apartment, by the way, and
22 how neat it was, I think you will find it probably wouldn't be
23 reasonable to believe that the people who lived in that
24 apartment would have been comfortable sleeping in pools of
25 blood. And so, they had to think, okay, then if she didn't
26 change the sheets, somebody must have if there's pools of
27 blood. If she didn't, it has to be Mr. Parlanti and -- just
28 logically, right? Well, you saw the mattress, and you will

1 see it again. It's in evidence. It's a mattress on the
2 floor.

3 And the diary, by the way, is, as she said, "I hid
4 it under my bed, and he had no idea about it." How would he
5 find the diary then? If he's changing the sheets and hiding
6 the diary under the bed and the bed is on the floor, how would
7 you find the diary? It's totally illogical. It makes zero
8 sense. And it's just compounding itself on top of each other.

9 If it was rape, if that's what she wants you to
10 believe, it was rape, who would write the e-mail to Ms.
11 Anedda? Who would write that e-mail about the man that raped
12 her? It's completely illogical. Who would write that?
13 Willfully false.

14 Diaries. The diaries. Diary on June 29th. "We
15 fight with words all night again. In deep hurt. Carlo." I
16 may have read that wrong. But "deep hurt to each of us." And
17 I can't make out -- well. "We fight with words all night
18 long."

19 Now, here's the thing once again about the diary
20 testimony. When I cross-examined her on this topic, she had
21 every opportunity to answer it any way she wanted, if you
22 remember. I asked her, did she write this on -- first, I took
23 her through the entire day, and it was established on that
24 entire day, she didn't have time to write in the diary. So
25 then she testified that right before she went to bed, she
26 wrote in this diary. Before Mr. Parlanti entered the room and
27 chaos began, she wrote in her diary.

28 Then I asked her, well, how about this other diary,

1 the Carlo diary, as we called it. The Carlo Parlanti diary.
2 She goes, "Well, I kept that in a different location," is what
3 her testimony was.

4 And I asked her, "Did you have to go to that
5 location to get that second diary before you went to bed?"
6 And she said she did. And she testified to you about this
7 vivid memory she had about grabbing Mr. Parlanti's diary
8 before going to bed and writing in both of them. And I let
9 her say it.

10 Then I took her through this. I said, "Did you use
11 -- do you have a pen that you use for these diaries?"

12 She says, "Yeah, there is one by the phone." Her
13 testimony. "One by the phone." And she said that. "One by
14 the phone." And then I did what anybody would do who would
15 look at those diaries when you see two different colors of
16 ink. And you said, well, that just can't be true.

17 I showed them to her. And I said, "Ma'am, explain
18 to me how there's two different colored inks in these
19 diaries." That makes no sense. And she had no explanation on
20 cross-examination. None. And then we go home, and we start
21 redirect later. And on redirect examination the next day, she
22 has an explanation for it. Huh. That has to be troubling.
23 She tells you a story about these diaries and when she wrote
24 them. She gets caught, caught red-handed, and then she will
25 come back and try to explain it away. And then Mr. Romero
26 argues that's reasonable. You will have these in evidence by
27 the way, these pages. And we take the pages out, and that's
28 what's admitted. And you don't get the rest of the diaries.

1 The -- once again, the 29th, the entry in the blue
2 ink is inconsistent with the one in the darker ink.

3 Now, the -- the words are exchanged that cause, once
4 again, nothing in there. Once again, her testimony would be
5 for this, I guess, "Well, he was forcing me to keep that
6 diary. I was keeping it for court, and I was basically
7 writing lies in it."

8 Okay. Well, once again, if she is going to lie to
9 that court, she is going to lie to that court, why not this
10 court?

11 Wasn't until redirect that she said wrote them at
12 different times. And then the sheets get her again on this.
13 Once again, if there's pools of blood on those sheets and
14 somebody changes the sheets, how does Mr. Parlanti not find
15 that diary? Willfully false. Cannot leave bed for two days.
16 Could not leave bed for two days; yet, making all her diary
17 entries for Mr. Parlanti, making them. Her explanation, which
18 I really didn't get on this, there it is, is that if you look
19 at them, you can tell she was writing them at the same angle
20 at the same time. I have no understanding of what that means.
21 Zero. It's nonsensical to me. If it makes sense to you,
22 fine. I'm going to submit it won't. She can't use the
23 bathroom, but she's getting to that diary. That's what she
24 came up with. That's her explanation.

25 Instructions. You will get instruction of --
26 willfully false instruction and sufficiency of a single
27 witness instruction. I submit to you they are kind of related
28 because in order to rely on one witness to render any verdict

1 in this case, you have to believe that witness. If that same
2 witness, who the People are asking you to rely on, that one
3 witness is willfully false, you can't believe it. Right? We
4 have talked about that, repeatedly. So, if you have somebody
5 who is willfully false, and that's the one witness the People
6 are hoping to prove their case by beyond a reasonable doubt,
7 and the law tells you, you can disregard that witness'
8 testimony if you find them to be willfully false -- and I
9 submit to you, you can find it numerous times in this case,
10 numerous times in this case -- well, then that one witness is
11 not going to be sufficient because you cannot believe her, and
12 you need somebody else. You need somebody else to tell you
13 those facts.

14 All you have is Rebecca White, isn't it? That's --
15 the only people in the room were Rebecca White and
16 Mr. Parlanti, and Mr. Parlanti has the right not to testify,
17 which you cannot hold against him, and I know you will follow
18 the law, and he's -- he's allowed in this country to say, "Put
19 up or shut up, people. I don't have to say a word here. Put
20 up or shut up." And if they can't put up, he can shut up.
21 That's the way the law works, and the law tells you, you can't
22 hold it against him.

23 If you believe Ms. White, you can convict. If you
24 don't believe or find her willfully false, you cannot convict.
25 On this case, on the evidence that you received in this case,
26 if you find you can't believe her, if you find she's willfully
27 false, you cannot convict him. That's not what this is about.
28 They are supposed to produce all their evidence. That's it.

1 That's the best they have got, right there, in this case. All
2 right. And I argue to you that's just not enough. Not even
3 close. Not even in the ballpark of close.

4 The law requires you all agree on a specific act,
5 which constitutes a crime. Three, four, five. What number
6 was it? How many times? How many different -- what act are
7 you going to say: We believe this one was committed? What
8 act? Which one? How could you all reasonably say: I can
9 believe this? I can't believe the rest of them. If I can't
10 believe act two, how can I believe act one? If I can't
11 believe act three, how can I believe act one, just logically?
12 If I can't believe there was five times, how can I believe
13 there was once? What's the difference between lying about the
14 number of acts or lying about a specific act? Isn't lying
15 lying? If you can't believe her, if you can't believe her on
16 any of these acts, how can you decide one? If you can't
17 believe her that he banged her head against the wall 60 times,
18 which one? Are you going to convict him of act one? two?
19 Which one are you going to convict him on? Which act did he
20 cause injury to, that he battered her? Which one? How could
21 you believe her?

22 If you can't believe that a man with a blood alcohol
23 level of over .30 would be able to maintain an erection or
24 would be able to do the acts that she described, how could you
25 convict? How? Because you can't believe her.

26 If you can't believe her in this case, you can't
27 believe her, you have to acquit.

28 The prosecution, they take a shotgun approach to

1 this. They say, "I will tell you which one to believe. Just
2 believe one." Well, no, no, no. What you have to say back
3 is, "Prove to us one. Prove to us one. Prove us one."
4 They're asking you to pick one. Pick one. And that's not the
5 way it is. You have to say, they have to prove one.

6 Sandra Lavagnino, that's SL. You will not find her
7 name on the information. You won't find that he's charged.
8 Mr. Parlanti, this huge Romeo, okay. I guess when Mr. Romero
9 says that, that means he's had hundreds of women at his
10 disposal, at his beck and call. Out of those hundreds of
11 women, they find one other? Where are the rest? Where are
12 the rest that say they were attacked? beaten? This is the
13 man who behaves this way? He's so violent and evil? Where
14 are the rest of these women? Where are they? Why didn't he
15 call them?

16 And by the way, it's not illegal to be charming.
17 It's not illegal to go out with two women at the same time.
18 It's not illegal. It's not illegal to date people over again.
19 It's not illegal to break up with them. It's just not. I
20 know you may think, that guy is cheating on his women. He's a
21 bad guy. Not charged with that. Nowhere on the information
22 or any instruction you will see: If you find his behavior was
23 seeing two women at the same time is bad, vote guilty. You
24 will never see that instruction. It's not the law.

25 And your job, by the way, is don't let passion and
26 emotion sway you. It's to use logic and common sense. And if
27 you let yourself get away from the facts of this case and look
28 someplace else -- and Mr. Romero says, you don't see the

1 forest through the trees. I would argue, Mr. Romero is
2 looking at one tree. He's looking at Rebecca White. He's not
3 looking at the forest here. The facts of this case, the
4 overwhelming facts in the case, the forest, is the one tree is
5 not telling the truth and has done so repeated.

6 The jury instructions tell you that you can't get
7 beyond a reasonable doubt on Ms. Lavagnino alone. You must
8 believe Rebecca White to get beyond a reasonable doubt. If
9 Ms. Lavagnino was on the information, then it would be worth
10 cross-examining her at length. It would be worth going after
11 credibility. But in this case, there's one woman on the
12 information. There's one woman, who Mr. Parlanti is charged
13 with in this case, and that woman is who the focus of this
14 case is on, and you can't go any place else.

15 He was never charged with a complaint against her.
16 Never. Ever. Never even went to the police until contacted
17 by somebody else. And by the way, one thing we do know is
18 that Ms. White knows Ms. Lavagnino and knew about her.
19 Interesting, isn't it?

20 Rebecca White is the one and only witness. The
21 prosecution knows, knows, that nobody is going to convict on
22 Rebecca White's testimony. Why do you think only one count of
23 rape? Not three, four, five? There's a reason to doubt the
24 prosecution's case. There are many reasons to doubt the
25 prosecution's case. They attempted to bolster Rebecca White
26 because they knew Rebecca White, on her own, is a disaster, a
27 train wreck.

28 How about Sandra Lavagnino? Problem is: Not

1 charged. Law says: Can't get over beyond a reasonable doubt
2 with just her. Rebecca White knew about her prior to 7/18 of
3 '02.

4 Battered women syndrome. That's another attempt to
5 bolster her, isn't it? And we have Ms. Pincus, who is a
6 passionate advocate about this issue, and I would ask you just
7 to -- Ms. Pincus has spent the majority of her life on this
8 issue. It's her passion. It's what she does, and she
9 advocates and is on these boards, and God Bless her for it.
10 But before you can get to having some credibility or
11 discussing Ms. Pincus' testimony in terms of this case, you
12 have to decide, first of all, was somebody battered? Did that
13 occur? Because what's the point in it otherwise? Just be
14 careful with what she said.

15 What a lot of times happens with people is they hear
16 somebody, and they have a Master's, they're a social worker,
17 they work with people, and they throw out a statistic, like --
18 Mr. Romero did it, too -- throws out a statistic out of thin
19 air; 15 percent of batterers are women. And I just asked a
20 simple question, "Where did you get that? Where did you get
21 the number?" And she couldn't answer me. And she comes up
22 with a study, doesn't know where, just somewhere. And we say
23 these numbers so easily, these people say these numbers so
24 easily, and it happens all the time. I'll be watching TV and
25 somebody will throw out this number about something, and I
26 think: Where did they get the number?

27 And I guess what I say to you, if they can't back up
28 where they got the number from, and they don't have it on the

1 tip of their tongue, and they don't know, please question it.
2 To even consider that, don't you have to at least believe
3 Rebecca White, that she was battered?

4 And does battered women syndrome explain a person,
5 who is remarkably inconsistent, fabricates evidence and is
6 willfully false? Did I miss that? Is that the explanation
7 for it? We can't just say: There is a syndrome out there
8 called "battered women's syndrome" and the women who suffer
9 from it, they are going to lie, they are not going to tell you
10 the truth, they are going to come to court and make stuff up,
11 they are going to be surreal, they are going to create
12 evidence out of thin air, they are going to say things that
13 don't make any logical sense on this planet.

14 Well, what would you call that? Oh, I call that
15 "battered women's syndrome." That's not what she said. It
16 doesn't explain Rebecca White's behavior, her testimony. It's
17 inconsistent with the facts in this case.

18 Power of attorney. Ms. White had the power of
19 attorney. Ms. Pincus, in cross-examination, admitted that a
20 normal person and this normal batterer, if there is such a
21 thing, a normal batterer, would never give up power of
22 attorney. He wouldn't, and she had it over him. She
23 controlled it. And she told Brian Whitney she was going to
24 use it. She was going take the computers and the furniture.
25 She had it. She was going to use it.

26 By the way, she was seeing -- by the testimony in
27 this case, she was seeing two men at once, and I don't know if
28 you caught this. It was a small point, but Mr. Young, when he

1 testified, said he was dating Ms. White in early '01, which
2 was the same time she testified to dating Mr. Carlo Parlanti.
3 So, it appears that Ms. White was seeing two men at the same
4 time. Not a crime. Not a big deal, but as Ms. Pincus
5 testified, inconsistent with battered women syndrome because a
6 batterer isn't going to allow that.

7 Using legal system. Is Ms. White not using the
8 legal system? When Mr. Romero says: Why would she possibly
9 be doing this? Why? It's troubling, isn't it? Because we
10 all think: God, this woman is just troubled because she's not
11 making any sense. She is coming to court and saying this.
12 Look at all the attention she received from all those people
13 when she said that. And look what happened? Did it help her
14 when she got -- when Mr. Parlanti left her? Look at all that.
15 And is there something wrong with Ms. White? I would argue
16 that, yeah, there apparently is something really wrong with
17 her. There's something that's much deeper, disturbing,
18 troubled, whatever you want to call it. You just can't come
19 to court and say the things she said and not have something
20 really, really wrong with you. It's disturbing. It's
21 disturbing.

22 And we all want to believe that, in the general
23 sense, people will not do that. That's what we want to
24 believe. We want to believe that -- we look at ourselves, our
25 friends, our family, our loved ones. We don't want to say:
26 Who among us would come to court and say such things? My God,
27 nobody would. Because we are evaluating -- we are evaluating
28 that as a normal person when we say this. Who would come and

1 do this? We are thinking to ourselves: What normal person
2 would come to court and do this? Isn't that what we're
3 thinking in our heads? What normal person? And see, the
4 mistake in that thinking, the -- the mistake in thinking that
5 way, why a normal person would do this, is you're assuming
6 she's normal, and you can't make that assumption. And I would
7 argue to you that based on the evidence that you heard,
8 actually, the evidence says she's not. Actually, the evidence
9 is that she's abnormal because most normal people could not
10 sit here and tell you the things that she told you with a
11 straight face. They couldn't be caught in repeated lies like
12 that and just keep going. They wouldn't be remarkably
13 inconsistent over long periods of time. Consistently
14 inconsistent. They wouldn't say things like a human being
15 drank four liters of wine and then had the ability to have
16 sexual intercourse with her. A normal person would not do
17 that.

18 I'll give you an example. When OJ Simpson was
19 acquitted, my wife said to me, "Well, now he has to live with
20 it."

21 And I looked at her and I go, "Oh, he will live with
22 it just fine." I mean, if you think he did it, fine, but
23 don't think that a person, who would do such an act is going
24 to have a problem living with it. He will live with it just
25 fine. And you see him playing golf. He is out -- nothing is
26 going on in his life.

27 See, we all want to evaluate people like we would
28 ourselves, like how would I react to that. Would I be -- what

1 would a normal person do?

2 In this case, unfortunately and truthfully, I feel
3 sorry for the woman. And you can have pity for her, but you
4 can't use that pity to convict somebody, who they can't prove
5 is guilty. You can have pity for her. That's okay, but she's
6 not normal. She said things that were abnormal. She said
7 things that were surreal. She said things that any normal
8 person would know is wrong, was false, and she did so
9 repeatedly.

10 So, please, when you evaluate that issue, when you
11 think to yourself: What normal person would do this? Before
12 you get there, think to yourself: Was she normal? Is what
13 she saying what a normal person would say?

14 Inconsistent with battered women syndrome because we
15 have Katia and Maria De Barra. Now, they produced one person
16 who says that he's a batterer. Then we show two people after
17 the fact that he had relationships with, and I argue to you
18 Mai De Barra, she lived with him for six weeks. Six weeks in
19 the same residence. There may be a big difference between six
20 weeks and three months. Perfect gentleman. Everything was
21 fine. Ms. Anedda had a long-term relationship with him.
22 Everything is fine.

23 Now, does that prove anything? No. But we if we
24 look at the case reasonably, just on the circumstantial
25 evidence, what we know from the case, and if we want to take
26 some facts from the case, there was evidence from Ms. White,
27 if you choose to believe it, that Mr. Parlanti was in therapy.
28 There was evidence that he wasn't drinking anymore. There was

1 evidence that for some reason he made a change in his life.
2 And we see down the line with Ms. Anedda, the woman he was
3 with after Ms. White, and with Ms. De Barra, that he's
4 behaving normally. And there's no reason to think there's
5 anything about battered women or batterers or anything, is
6 there?

7 Reason to doubt the prosecution's case. Where is
8 the corroboration? Where is it? Well, let's talk about that.

9 Dana Anderson, the manager. She's two feet away
10 from Ms. White at the door. No makeup on by Ms. White.
11 Coverup. Notices nothing. Not a bump. Not a bruise.
12 Nothing. And according to Ms. White, now we are in the early
13 days here of recovery. Now, a normal person, you go to
14 somebody's door you don't know and they are destroyed, when
15 you show up on the door and they are a mess, they have
16 bruises, and they are totally beaten up, they look terrible,
17 "Are you okay? What happened?" Ask questions. That's
18 something that stays in your mind over years. That's not
19 something you just forget about. Nothing. Saw nothing.

20 Kevin Bunch. No facial injuries. None. Couple
21 feet from her.

22 Sarah Campbell. No facial injuries. By the way,
23 none of these people could testify as to the dates when they
24 saw her, by the way. So that's a little hole there that we
25 can't seem to overcome in terms of when they saw her, in terms
26 of any of these people that testified when they saw her
27 walking slowly or when they saw no facial injuries.

28 Albert Berger. No facial injuries. None. None.

1 Fullerton, Reilly, Keller. Once again, no facial
2 injuries. Zero. Nobody.

3 Somebody who got beaten, closed-fist punch to the
4 fails, full force, slapped ten times extremely hard, head
5 banging in the wall 60 times. Nothing. Not a bruise. Not a
6 bump. Nothing. Nobody saw anything. Wouldn't you expect
7 something? A big black eye? Huge bruises everywhere? Here's
8 their injuries they got on the 18th. You have these. You
9 don't have to ask them what they saw. You get to see, and you
10 will see them clearer than my slide, by the way. Just look as
11 close as you want. Hold them up to your eyeballs.

12 And Dr. Manchester. No facial injuries or bruising
13 on the chest. She testified he almost bit her nipple off.
14 Nothing. Nothing not even a complaint of pain. They rely on
15 broken ribs as their corroboration. That's their -- Rebecca
16 White said this and broken ribs. We will go with that. That
17 corroborates her. She's telling the truth.

18 When did they happen? To adopt the corroboration
19 theory of ribs, you have to get over the Rebecca White
20 problem. When did they happen? Because, see, Mr. Romero, I
21 think he misspoke because when we asked -- when I asked,
22 sorry, Dr. Manchester, he said they could have happened as
23 early as the 16th. He testified to that. It could have
24 happened, the broken ribs, under his diagnosis, could have
25 happened within the 16th. And he took her into June, in that
26 range. That's the reasonable inference he had from the
27 circumstantial evidence in front of him. The reasonable
28 inference from the circumstantial evidence that he had in

1 front of him, he testified to this range. That range. That's
2 the reasonable inference that he had.

3 Now, the law says, the law says, on circumstantial
4 evidence, when there's two reasonable inferences, two, one
5 that points to the defendant's guilt and one that points to
6 his innocence, you must, you must adopt the one that points to
7 his innocence. You must. You must. That's what the law
8 says. That's one of the protections we built into it, was
9 circumstantial evidence. And that's what we are doing.
10 Following the law.

11 No witness could put slow-walking Ms. White prior to
12 Carlo Parlanti leaving town. None. They couldn't. They
13 didn't have a date, a time period, none. They could just say
14 July. Early July some time. Couldn't put a date on it.

15 For Mr. Parlanti to be held responsible for her
16 broken ribs, you have to believe Rebecca White. She's the
17 only person who says he broke them. The only person. You
18 have to believe her.

19 The self-portraits, another interesting thing. What
20 I found interesting was Mr. Berger sees Rebecca White with
21 red-ish, brown hair. Okay. That's what he testified to.
22 Red-ish, brown hair. I would say that's pretty close to
23 red-ish, brown hair. And she says that happened -- that
24 hair-style happened according to her on the night of the 17th.

25 Here. What I would like you to do is compare her
26 face in the self-portrait with the photo from the police
27 department. And I would ask you this: Notice anything
28 different? And I apologize for my copy of the self-portrait,

1 it didn't digitally transfer like I hoped it would, but you'll
2 have that picture. I'm not trying to do anything to mislead
3 or try mistate that picture. It's not intentionally blurry.
4 It just transferred that way. And besides the hair color,
5 which she explains by the dying the night before, I would like
6 you to look at her face. I would like you to look at her face
7 in the picture. Look closely at the two women, pictures of
8 her that we know of, and tell me if you think they occurred
9 about same time. Something's wrong there. You are going find
10 something's wrong with those pictures. You are going to --
11 there's a problem there. If you look close, you will see it.

12 I will argue to you or I'll point out to you that I
13 think you will find the self-portrait, that that woman in that
14 self-portrait, and it could be Ms. White, looks younger than
15 the one on the other side. If you just look at the face,
16 where the wrinkles are, and where they are missing in the
17 self-portrait, you are going have an issue. And you may have
18 an issue of how she got those pictures because you will be a
19 little troubled by a woman, who is alleged to be in great
20 pain, dying her hair the day before she reports to the police.
21 Now, I have never died my hair. I have no expertise in this
22 area, but I'm guessing it's going to require some form of
23 putting your hands up here and doing things of that nature.
24 I'm guessing for a person, who has to move their arms a lot
25 while dying your hair, if your ribs are broken and you
26 actually did dye your hair, it's going to cause you to be
27 very, very uncomfortable. I'm guessing it's going to be --
28 and I would argue it's inconsistent she died her hair after

1 she broke her ribs. It's just inconsistent. And the problem
2 that she has now is she was giving this date of the 17th as
3 dying her hair. And so, if we have people seeing her with
4 that red-ish brown hair, it had to be after this date,
5 according to her, or she may not be telling the truth about
6 any of it. Or worst, even worse, somebody fabricated some
7 evidence. Even worse.

8 And I remind you, too, that Ms. White testified that
9 she was beaten by her former husband ten years earlier. I
10 remind you of that testimony. And this picture, you are going
11 to find this is troubling. If you look at that picture
12 closely, something is different about those two women, and
13 it's more than hair color.

14 Why didn't anybody else see these injuries if she
15 had them? If she had these bruises on her face, how come none
16 of these people saw these injuries? If we have to believe the
17 self-portrait is true and she took them when she did and the
18 argument is these other people saw her before she reported it,
19 why didn't anybody see them but her; these remarkable injuries
20 that only Rebecca White saw and only she was able to
21 photograph by herself? There's some things that just don't
22 make sense. And this is one of them. If she had these severe
23 traumatic injuries, somebody had to see them besides her.

24 Why not turn over the pictures to the police at the
25 apartment or law enforcement much earlier? She didn't turn
26 over those self-portraits to anybody in law enforcement until
27 August 24, '05, the day before the preliminary hearing. She
28 held those pictures for over three years. Three years. This

1 crucial evidence in this case. This crucial evidence is
2 established that she was beaten. She hands them over three
3 years later. That's weird at best. Where are the other
4 pictures? Where are they? Where are the rest of them? Tell
5 me. Where did they go? Even the ones you didn't develop, you
6 just threw them out? Okay. Great. Good. Excellent. We are
7 fine with that. Thank you.

8 Investigation fails. In this case, there's no other
9 way to put it. This investigation failed. Mr. Romero told
10 you before, you can't expect CSI. I would say, okay, you
11 can't expect CSI, but can't expect Mayberry or RFD either.
12 You gotta' do better. You just gotta' do better. If you're
13 going to bring these types of allegations, these types of
14 charges, you gotta' do better than these police officers did.
15 And I'm not saying they intentionally did anything wrong or
16 they meant to not do a good job, anything like that, I'm not.
17 Just the facts as they were testified to, you gotta' do
18 better.

19 I mean, Detective Reilly honestly admitted he was at
20 a family function on a Friday. Maybe he had other things to
21 do, but I don't expect CSI, and neither should you, but you
22 got to expect better. You just do.

23 They mess up the tapes. They record over a tape to
24 start with. The evidence in the case, they are recording
25 over. They lose the pictures. They lose the pictures of the
26 apartment. They lose them. They don't take the sheets or any
27 evidence out of that apartment. They just don't take them.
28 They are there. She tells us she told them about blood on the

1 sheets, which I'm going to guess or I'm going to argue that
2 you're probably not going to believe, and that's why the
3 officers didn't take them. I am guessing if there were pools
4 of blood, even Detective Reilly -- I think he intended to do a
5 good job -- if he saw those pools of blood, he would have
6 grabbed the sheets.

7 They don't take the computer, the computer with
8 these nasty bad images. I asked Detective Reilly: You know
9 about a search warrant, don't you? Yeah. You can apply and
10 get one and take whatever you want. Yeah, yeah.

11 Phone recorder. If this was true, true, take --
12 he's recording these phone calls without anybody knowing --
13 where is it? No med/legal. No medical/legal. She testified
14 -- or well, now she does, they didn't know at the time, and I
15 would argue to you the reason why they didn't do any med/legal
16 on her is because she didn't talk about anything that caused
17 severe trauma to her vagina. When she talked to the officers
18 about this huge fist in her vagina, a man opening his hand,
19 I'm guessing they would have, but they decided in the case
20 where the allegation was rape to do none of that, no med/legal
21 whatsoever.

22 How would you feel about this case if the
23 investigators did their job and took the computer? How would
24 you feel about it? You'd probably have some questions about
25 that computer, wouldn't you? You would sit there and go, hum,
26 that computer, I would like to know what was on that computer.
27 I would want to know that. I would want to know if there were
28 pictures of bound women on it, wouldn't you? Because if there

1 was, you would say, okay, she has some credibility. And if
2 there wasn't, what would you say? There wasn't any pictures
3 of bound women on that computer, what would you say?

4 Mr. Parlanti's presumed innocent, isn't he? Isn't
5 he? He's presumed innocent. That's the law we have. He's
6 presumed innocent. Can you convict a man of these crimes
7 without an answer to your question? Remember, it's them who
8 has to put up or shut up. It's them with the responsibility
9 to bring the evidence to court. That's their duty as a
10 prosecutor. And to Mr. Romero's credit, he has never backed
11 away from that duty once. He accepts it fully, and you have
12 to hold it to him.

13 They had access to this stuff. They chose, and I
14 say "chose," they chose, for whatever reason, they chose not
15 to bring it. And that's why the defendant has the
16 presumption. We require the prosecution to produce the
17 evidence. Put up or shut up. That's what the law is all
18 about. Put it up. When they don't, when they choose not to
19 provide you the evidence, it's held to their detriment because
20 the presumption always stays with Mr. Parlanti. It's held to
21 their detriment.

22 Can't believe her. She logically makes no sense.
23 Not tell the truth. Poor investigation. No corroboration.
24 None. The evidence of corroboration is none. Slow walking.
25 Slow walking. Corroboration. That's -- slow walking. Broken
26 ribs. You can't put a day on that. And if you do, please,
27 when you go back there, if you want to put a day on that,
28 well, say she was walking slow, that's corroboration, tell you

1 -- tell me where beyond a reasonable doubt that's been proven
2 where somebody came up here and said, "I saw her on this day
3 slow walking," and it was a day Mr. Parlanti was in town.
4 When? When? You can't because it wasn't given to you.

5 The simple thing wasn't even given to you. Nobody
6 pointed over and said that's Carlo Parlanti until they called
7 a police officer to do that. Simple things. I'm not arguing
8 that. What I am arguing, though, if you are going say that
9 corroboration that proves my case beyond a reasonable doubt,
10 tell me, how did you prove it? Tell me. Where is the date
11 that we got that that was proven? Where? Who testified to
12 that? Bunch? No. Dana Anderson? No. Huh. Campbell? No.
13 Berger? No. Police officers? No. Who gives us that date?
14 We can assume all we want, but tell me what piece of evidence
15 are you relying on to find beyond a reasonable doubt that the
16 fact that she had broken ribs prior to the 16th of August?
17 What is that fact? Not the doctor. Not the doctor. He gives
18 circumstantial evidence. He gives a reasonable interpretation
19 to dates it could be in. Got to take the one that favors
20 Mr. Parlanti. Not the doctor. Not the witness. Who? Who?
21 Tell me. And if you can't -- and I would submit to you, you
22 can't on this evidence -- it wasn't put up. If you can't, you
23 have to -- you have to vote not guilty.

24 Rebecca White already said nothing happened. That's
25 the June 29th entry again. She already said it. She already
26 said it.

27 This trial, last week or so, we have all followed
28 the rules. And if there's ever a question about the rules at

1 any time, at any time, we had to take time out. We had to
2 take time out to make sure nothing was violated with
3 Ms. Pincus. We took the time because these rules, we hold
4 them. This is our system of justice. This is what we hold us
5 all responsible to. We say we are going to follow these
6 rules. We are going to hold people to their burden. We allow
7 the defense to attack the credibility of evidence. That's
8 within the rules. We have to follow this evidence code, and
9 when there's a dispute in the evidence code, we turn to a
10 judge, who makes a ruling, and either side, no matter how it's
11 ruled upon, accepts it and moves forward.

12 These are the rules that we work by, live by. These
13 are the rules that are the basis of our system. And the
14 rules, ladies and gentlemen, the rules are if they cannot
15 prove their case beyond a reasonable doubt, if they can't have
16 the evidence, if they can't garner that evidence to prove
17 their case beyond a reasonable doubt, you have to vote not
18 guilty.

19 In this case, in this case, it's Rebecca White. I
20 ask you, do you believe Rebecca White beyond a reasonable
21 doubt? The answer, based on the evidence that you saw, if you
22 adopt the law that if she was willfully false, you can
23 disregard; if you apply your common sense that you came in
24 here with, that you thought before you ever walked in here,
25 that people who lie consistently cannot be trusted; if you
26 adopt the rules that it has to make logical sense and you look
27 at what she said and say that has to be completely illogical
28 on this planet; if you adopt the rule that she consistently

1 tried to cover up when she was caught in lie after lie after
2 lie; if you adopt the rule that we all decided we would
3 follow, there's one verdict, it's not guilty.

4 On behalf of Mr. Parlanti, I thank you for your
5 time. I thank you for your effort, and God speak to your
6 verdict. Thank you.

7 THE COURT: All right. Thank you, Mr. Bamieh.

8 Folks, we are going to take a brief break now. Ten
9 minutes. Before we resume, between now and when you come back
10 to court, please don't discuss the case. Please do not form
11 or express opinions about them. We are in recess.

12 ///

13 (Jurors exit courtroom.)

14 ///

15 (Proceedings continued and were reported, but not transcribed
16 herein.)

17 ///

18 THE BAILIFF: Remain seated. Come to order, please.

19 THE COURT: We're back on the record in the case of
20 People versus Parlanti. We have all jurors, both counsel and
21 the defendant.

22 Before we go on, ladies and gentlemen, there was a
23 part of Mr. Bamieh's closing arguments where he alluded to the
24 evidence and the number of charges of rape, I believe it was,
25 that were filed by the district attorney in this case. You're
26 instructed to -- you're admonished you are not to draw any
27 inferences from the amount of charges filed in this case
28 relative to the evidence in this case. That's not a proper

1 inference for the jurors to draw or something you need to look
2 at in evaluating the evidence in this case.

3 Mr. Romero, you can close.

4 MR. ROMERO: Good afternoon, ladies and gentlemen. I am
5 going to be as brief as I possibly can.

6 Mr. Bamieh, in his closing argument, alluded to the
7 prosecution in this matter as trying to make lemonade.

8 As I asked some of you in voir dire in the very
9 beginning about a trial, a trial is a search for the truth,
10 make no mistake about it. It's about trying to determine what
11 the facts are, the best way we possibly can with the evidence
12 we have. The defense puts their own spin on the evidence.
13 I'll give you a few examples.

14 Dr. Troy Manchester came in here, and he testified
15 he saw Ms. White on the 22nd, and his opinion was that the
16 fractures to her ribs were between two and six weeks old,
17 which would put it between July 8th to the 17th. Two to six
18 weeks old from the 22nd when he saw her; two weeks, July 8th
19 to the 17th. That's the range and that time period where he
20 believes Ms. White fractured her ribs. He did say that it's
21 possible that she could have fractured her ribs as early as
22 the 16th. And the defense pointed out, well, that's a
23 reasonable inference. So, the circumstantial evidence
24 instruction reads if there's two reasonable inferences, you
25 must adopt the one that points to his innocence. Well, it
26 goes further than that, and it reads: If there's two
27 interpretations of the evidence, and one is reasonable and the
28 other is unreasonable, you must disregard the unreasonable

1 evidence. And it's unreasonable to believe that she fractured
2 her ribs on the 16th because when she came on the 22nd,
3 Dr. Manchester examined her physically, and he saw no injuries
4 whatsoever. No bruising. If she had fractured her ribs as
5 early as the 16th, fractured two ribs ribs, she would have
6 bruising on her ribs. His opinion was it was between two and
7 six weeks from the date that he saw her. The defense puts
8 their own twist on the evidence.

9 Give you another example. Deputy Fullerton got on
10 the stand, testified. He was one of the last officers, who
11 testified; given a transcript of his conversation with
12 Ms. White on the 18th. Mr. Bamieh was asking him, as he's
13 reading through his transcript, "Wasn't it true that she told
14 you that on July 11th, on Thursday, July 11th, she was tied up
15 with the zip ties at night?"

16 Deputy Fullerton said, "Yes, she did."

17 And then I went back on redirect examination. I
18 said, "Deputy Fullerton, look at that transcript. Tell me
19 where in that transcript did she say 'Thursday, the 11th?'"

20 "She didn't. She said 'a Thursday' and I said,
21 'Thursday, the 11th?'"

22 My point being, that you can look at a particular
23 statement, whether it's in a letter, in an e-mail, or a
24 transcript of taped statements with police officers. You can
25 take a particular statement from all of that and completely
26 take it out of context. It's not very difficult to do, and
27 that was done quite a bit.

28 Ms. White, for whatever reason, decided to e-mail or

1 write letters to anybody and everybody. And Mr. Bamieh went
2 into detail about letters she sent to Dr. Farber and to
3 letters she sent to Ron and Chris, who are -- who were, at the
4 time, Mr. Parlanti's attorneys, where she would talk about the
5 hand in the vagina, in one, and the -- or the hand or fingers
6 in the anus in the other. And those letters were written back
7 in 2002. August, September, around that time, 2002.

8 And then Mr. Bamieh, shortly thereafter, says at the
9 preliminary hearing, at the preliminary hearing, August 25,
10 2005, she made no mention, she made no mention of the hand in
11 the vagina or hand in the anus. She did not. She was never
12 asked those questions. Those letters existed where she had
13 made those statements back in 2002, but she was never asked
14 those questions at the preliminary hearing. So, of course
15 that was not in the record. Does that prove that she's lying?
16 No. She just was not asked those questions.

17 It's easy to take a person's statements, who have
18 talked about an event multiple times, out of context. That's
19 not a difficult thing to do.

20 Mr. Bamieh says that my case rests solely on Rebecca
21 White. That is not true. Let me make it very clear to you.
22 Rebecca White is part of the case. She alleges that the
23 defendant beat, bound, and raped her. Is she the only
24 evidence we have? No. She's not. She has photographs that
25 she took of the bruising. Mr. Bamieh says, "Look at them.
26 That's a younger woman," even intimating that she might have
27 had them back to 1995 from when she was hit or alleged she was
28 hit by her husband. Well, you have the pictures. Take a look

1 at the pictures.

2 We have the fractured ribs. What other explanation
3 could she have for fracturing two ribs? Look at all of the
4 evidence. Look at the neighbors who saw her walking with a
5 limp. And no, they didn't point to a particular date and say,
6 "This is the date I saw Ms. White walking funny." No, they
7 didn't say that. We know that Ms. White left on the 19th.
8 Never came back. The reasonable inference from their
9 testimony would be that it happened some time in the early
10 part of July.

11 You are not going to get witnesses three years later
12 that were interviewed back in 2002 by the detectives in late
13 July or early August. And even then, they couldn't pinpoint
14 the exact time or date. That's not something people will
15 automatically remember, and you can't expect them to remember
16 back three years later.

17 Another example of how the defense twists some of
18 evidence. Mr. Bamieh said that Ms. Anderson, Dana Anderson,
19 the manager at T.G.I. Fridays, that she -- she went to
20 Ms. White's house, and she didn't see any injuries on her
21 face. Well, that's not exactly what Ms. Anderson said.
22 Ms. Anderson said, "You know what? I really don't remember.
23 I remember going, knocking on the door, giving a purse, and I
24 -- I don't remember how long I was there. I just dropped it
25 off, but nothing really stands out in my mind. I really don't
26 remember."

27 "Well, if you had seen somebody black and blue, you
28 would remember that, right?"

1 "Well, I really don't remember. It's not clear."
2 That was her testimony. That is different than saying, "I saw
3 her face and I didn't see any bruising on there." Completely
4 different. That's what the witnesses, who observed Ms. White
5 walking, that's what they said. They didn't say, "I saw her
6 face and she had no bruises." What they said was, "I don't
7 remember. It's vague. I just remember her kind of looking
8 down." Mr. Berger said, "She might have had on glasses. Just
9 remember her walking funny." Not that "I saw her face and she
10 didn't have bruises." That's what the evidence is, and the
11 defense tries to twist that.

12 Another example of the defense twisting the
13 evidence. Ms. White testified when she had her head banged
14 against the wall, wall by the -- wall by the door and the
15 adjacent wall, that she felt like the defendant was doing it
16 with all of his might, full force. That's what she testified
17 to. Now, Mr. Bamieh comes here, comes over, and he argues
18 that if he had pounded his hand into the wall with full force,
19 he would probably break his hand. That's not the testimony.
20 The testimony is not that the defendant hit her as hard as he
21 could. That's different. What Ms. White testified to is when
22 she was being -- when she had her head banging the against the
23 wall, to her, it felt like the defendant was doing it as hard
24 as he can. How hard was he doing it? She doesn't know. See
25 how the defense twists the evidence? They don't give you
26 exactly what is being told.

27 Ms. White is being beaten. Does she know how hard
28 she is being hit by the defendant? No, she doesn't know that.

1 She can't tell that. She can tell you how she feels, how much
2 it hurts, and what she thinks is going on. She can tell you
3 how many times she believes her head was banged against the
4 wall or how many times she was slapped or how many times she
5 was kicked, but she can't tell you that the defendant was
6 doing it with all his force. Two different things.

7 Another mischaracterization of the evidence.

8 Mr. Bamieh argued that when the defendant told her, after she
9 bought the second two-liter of wine, to get out of the office
10 and she went into the room. Mr. Bamieh argued to you that she
11 then picked up the journal and went into the bedroom. That's
12 not what she said. What she said was: She generally keeps
13 them together. Sometimes not. She recalled that she went
14 into the room, and they were kept under the bed, and she
15 pulled them out from under the bed, and she remembered
16 initially that she wrote on them. That's what she said. Not
17 what Mr. Bamieh just argued to you.

18 And it's true, that when Mr. Bamieh pointed out the
19 two different color inks, she didn't know how there were two
20 different color inks. She said maybe there were two pens.
21 She did that on the second full day of testimony, late in the
22 afternoon, before we broke. And the very next day, she came
23 back, and I asked her on redirect examination, might have been
24 re-redirect examination about the entries in the diary. And
25 she said, "I recall yesterday testifying to the two different
26 colors of ink."

27 So I showed them to her, and I said, "Take a look at
28 them." So she looks at the 29th in her personal diary. It's

1 in black ink. Then she looks at the 29th in the diary she was
2 keeping for Mr. Parlanti, blue ink. And I asked her, "Take a
3 look at that."

4 And she looked. And she said, "I wrote all of
5 these, not on the dates that they say. I wrote them later,
6 when Mr. Parlanti asked me why I was not writing in the diary
7 anymore." And if you look at those three entries, on that
8 day, you will see that they are all the same exact color ink
9 from the exact same pen. Compare that to the next entries
10 next on the diary. Blue ink. All the exact same pen. The
11 ink is a little different than the ink on this side. You can
12 tell by the color, but you can tell it's all consistent, which
13 corroborates that she went back after the 29th, after the
14 beating, after a few days, and the defendant asking her to go
15 back and make entries, and she did. And she did. That was
16 the testimony.

17 Mr. Bamieh said that when Ms. Pincus testified, that
18 she was just pulling statistics out of the air. And
19 specifically, he was talking about the 85 percent of batterers
20 are male, and that Ms. Pincus didn't have an answer. Well,
21 what she responded, that's not completely accurate. What
22 Ms. Pincus responded, was that it was a Congressional study by
23 the Violence Against Women Act, federal legislation, that was
24 conducted by some people in Washington, D.C. That was her
25 answer. But Mr. Bamieh's characterization, she didn't know.
26 She had no idea. She's just pulling these numbers out of the
27 air. A twist on the facts. That's not what the evidence was
28 that came out at trial.

1 Not only that, but Mr. Bamieh wants you to
2 completely disregard what Ms. White says unless it helps him.
3 Give you an example. Ms. White testified that Mr. Parlanti
4 had stopped drinking; that he was going to AA meetings.
5 Mr. Bamieh used those facts in his arguments to show that
6 although Ms. Lavagnino and although Ms. White came in and
7 testified that he gets drunk and beats them, that's an
8 indication that he's cleaned up his act, and now he's with
9 Ms. De Barra in Ireland, and she's not talking about any
10 problems with Mr. Parlanti, and Katia is not talking about any
11 problems with Mr. Parlanti. So, look, he's cleaned up. He
12 has cleaned up his ways. He likes to pick and choose the
13 facts that help him. I'm telling you, look at everything.
14 Take the good and the bad.

15 Ms. White, for whatever reason, decides to write all
16 these letters professing her love before and after the
17 incident. Why? Again, I don't have that answer. Probably
18 because she still loved him. Probably because she was still
19 hurt by what he did to her. Probably because she was angry.
20 Probably all of those reasons all at the same time and at
21 different times. That's who she is. She's not the strongest
22 person. She's didn't do the smartest things at all times, and
23 it's easy to sit back and pick apart what she did or didn't do
24 and make it seem like she's lying. That's not a difficult
25 thing to do.

26 I'd also like to point out this last thing that
27 Mr. Bamieh did. He had before him, as he's asking witnesses
28 questions, all of the police reports. He had the transcripts.

1 And when he was asking officers questions, he was making
2 mistakes. He was making mistakes with all of those
3 statements. And he had them before him and the officers were
4 saying, "Well, that's not there."

5 Mr. Bamieh, "Oh, I'm sorry. It must have been the
6 other officer." He had all of that evidence before him.

7 Ms. White, when she testified, she didn't have that. She came
8 in here. She testified for three days to the best of her
9 memory what happened more than three years ago over several
10 hours. She couldn't keep it all straight. She couldn't
11 remember everything she wrote in each one of those letters and
12 each one of those e-mails. You can't expect a person to do
13 that.

14 What I want you to do is look at all of the evidence
15 in its entirety, and there's only one, reasonable conclusion
16 you can draw from all of the evidence, and that's that the
17 defendant beat, bound, and raped Ms. White.

18 Thank you.

19 --oOo--

20 (Proceedings continued and were reported, but not transcribed
21 herein.)

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF VENTURA

COURTROOM 26

HON. JAMES P. CLONINGER, JUDGE

THE PEOPLE OF THE STATE OF)	
CALIFORNIA,)	
)	
Plaintiff,)	
)	No. 2002026651
vs.)	Reporter's
)	Certificate
CARLO PARLANTI,)	
)	
Defendant.)	
_____)	

I, Erika A. Sjoquist, CSR 12350, RPR, Certified Shorthand Reporter of the State of California, for the County of Ventura, do hereby certify that the foregoing pages numbered 1 through 104, inclusive, are a full, true, and correct **partial** transcript of the proceedings held on DECEMBER 16, 2005, in the above-entitled cause.

Dated at Ventura, California, this _____ day of _____, 20____.

ERIKA A. SJOQUIST, RPR, CSR 12350
Official Reporter

*Please Note: Copies of this transcript are not certified and do not conform with the provisions of Government Code Section 69954(d) unless they bear the **original** signature of Erika A. Sjoquist.