

State of Lone Star v. GREGORY HAMILTON

Defense Attorney Izadora Amaris Lopez-McGawley (2017)

OPENING STATEMENT

Your honor, may I have permission to move freely about the well?

This is a case of doubt beyond reasonable. Today, you will meet a man named Gregory Hamilton, local criminal defense attorney, living on 2298 Minneola Road, Houston, State of Lone Star. As you will hear in the trial, he is well known in the judicial system as someone who has shown himself to be a man of the law. Gregory has been an active participant in his community, having run for political office twice. And although he may have made decisions in his personal life that some of us may disagree with, he is nevertheless a person like you and me. As you will hear from the prosecution, he has been accused by his brother, Michael Hamilton, local cocaine trafficker, currently living in the Harris County Jail, of the murder of Cynthia Stone, who as shown in the testimony of all witnesses, was considered Gregory Hamilton's girlfriend. In Michael's testimony, one that he only agreed to give after making a deal to soften his own sentence if he cooperated with the D/A, he gives a long, elaborate story about how Gregory struck Cynthia and then asked Michael to take him on his boat 12 miles into the Gulf of Mexico to weigh and sink the body so that he would not be discovered. However, the evidence presented to support his story shows no more than fingerprints of Gregory Hamilton in the home of Cynthia, his girlfriend, and on the boat of Michael, his brother. The evidence will also provide a few receipts, one of a dinner, one of a rug, a check made between brothers for boat parts, and a note from Gregory to Joye Walford, Gregory's other girlfriend, may I remind you that this, while being something that is frowned upon, is not punishable by law, where he asks her to tell authorities the true story of what happened to Cynthia on the night of her death. Additionally, there were drops of Cynthia's blood found in Gregory's home and on the boat, but **nothing tying Gregory to the scene of either**. Although in the beginning, Michael's story may seemingly match the exhibits, you will notice that such loose evidence can have multiple interpretations. What you won't find in the trial, is a murder weapon or a body, therefore you will not find definitive evidence of who committed this crime. Although he may be considered for lesser crimes, Gregory Hamilton is not a murderer. He cannot be considered a murderer in the first degree, second degree, or even be considered for manslaughter, because there is no hard evidence to prove that he killed Cynthia. So as we go through this trial, remember the evidence, and the verdict will come easily. There is more than reasonable doubt in this case; the doubt is beyond reasonable.

CROSS EXAMINATION: TRACY LEDUC

1. Are you married Tracy?
 - a. Yes
2. And do you love your partner?
 - a. Yes
3. Do you think it is unethical to cheat on your partner?
 - a. Yes

4. Referring to court and counsel for what has previously been marked for identification as prosecution's Exhibit A. Could you please repeat who you saw at Donatello's Restaurant on June 5th of last year?
 - a. Gregory and Cynthia.
5. When you saw Gregory at Donatello's on June 5th of last year, did you know him?
 - a. Yes, he is well known.
6. So then you'd know that he was either married or dating Joye Walford?
 - a. Yes
 - b. No
 - i. Well then through the course of your investigation you learned this?
 - ii. Yes
7. Do you agree that a man and a woman being alone together while out at an upscale restaurant may appear to be a date?
 - a. Yes
8. Did you see Gregory Hamilton in a "secluded corner" with Cynthia Stone at Donatello's Restaurant on June 5th of last year? A date in which he was married and had another girlfriend?
 - a. Yes
9. So shouldn't you have excused yourself from the case due to the fact that you were a second-hand witness?
 - a.
10. Would you consider political ideologies something that could change someone's impression of a person?
 - a. Yes
11. From where did you know Gregory Hamilton?
 - a. He was a well-known criminal defense attorney who has run for both state attorney general and the local office district attorney. He lost both races, but I recognized him from his appearances in the courthouse and his political campaign posters.
 - b. Something else
 - i. *Your honor, may I approach the witness?* Can you please read the answer you gave during your witness statement?
 - ii. He was a well-known criminal defense attorney who has run for both state attorney general and the local office district attorney. He lost both races, but I recognized him from his appearances in the courthouse and his political campaign posters.
12. So you are acquainted with his standpoint on politics then?
 - a. Yes
13. And you have seen him fight for the defendant in cases where you or people from your department have made the arrest, making statements or conclusions that you may disagree with?
 - a. Yes.
14. So then do you think, regardless of your personal character, that someone with this exposure to Gregory Hamilton could be negatively biased against him based on his affair with Cynthia, his political ideologies, and/or his standpoint in the courtroom? All things not punishable by law?

I have no further questions your honor

DIRECT EXAMINATION: GREGORY HAMILTON

1. Please state your name.
 - a. Gregory Hamilton
2. Where do you live Gregory?
 - a. 2298 Minneola Road, Houston, State of Lone Star
3. And what is your profession?
 - a. I am a criminal defense attorney and have run for office twice.
4. Are you married?
 - a. Yes, but separated
5. So have you dated anyone since the separation?
 - a. Yes, two women
6. What were their names?
 - a. Joye Walford and Cynthia Stone
7. When did you date these women?
 - a. I dated both of them between January and July 29th of last year
8. So you were dating them simultaneously?
 - a. Yes, I was
9. Did the women know this?
 - a. Joye had found out about Cynthia in the beginning and told me to stop dating her, but other than that, not to my knowledge.
10. Did they both have access to your home
 - a. I gave them both keys and alarm codes, but made sure that they only came over when I asked them to do so. I didn't want any surprises, so they were well aware not to come over uninvited.
11. And after that date, July 29th, did you stay in a relationship with either one of them?
 - a. Yes.
12. Which one?
 - a. Joye.
13. Why?
 - a. She was pregnant with my child at the time, but miscarried in early August.
14. Have you been in contact with Joye recently?
 - a. I hired her in my law firm in February
15. Why did you hire her?
 - a. Knowing her personally, I am aware that having been diagnosed with advanced colon cancer she needed the money to pay her medical bills. Other than that, she is a bright, aggressive, and hardworking woman.
16. Aggressive, interesting word choice. You mentioned a very specific date of July 29th when stating the end of these relationships. What happened?
 - a. Cynthia was killed that evening.
17. Where was she killed?
 - a. In my living room.
18. Were you there at the time?
 - a. No, I was at a baseball game.
19. So how do you know that she was killed then?
 - a. I received a phone call from Joye soon after. She was hysterical and told me that she had struck Cynthia in the head with a fireplace tool and called me because she thought she had killed her.
20. How did you respond?

- a. I told her to go into the kitchen, get a glass of water, and stay there until I got home.
21. And when you got there?
- a. I saw Cynthia's dead body on the floor of the living room. I felt for her pulse, but couldn't find any.
22. What did the crime scene look like?
- a. The scene seemed to match what Joye had said, there was blood on Cynthia's head and a fireplace tool to match.
23. And did you talk to Joye?
- a. Yes, right after that.
24. And what did she say?
- a. She said that Cynthia had shown up at the door while she was there and their meeting led to Cynthia reaching for a gun.
25. Did the crime scene match this statement?
- a. I checked her purse and found a pistol like she had said.
26. Did you say anything else to Joye?
- a. I told Joye to go home and not to tell the police or anyone about what had happened.
27. Why did you tell her to keep it from the police?
- a. I was overwhelmed and panicked.
28. Why?
- a. My girlfriend, who was pregnant with my child, had just killed someone. My first reaction was that it was bad for publicity, but I also didn't want my baby to be born in a prison.
29. So you weren't thinking clearly?
- a. No, it was a highly stressful and emotional situation. One of my girlfriends was dead, the other a killer.
30. *Your honor, may I approach the witness?* I now show you Exhibit B. Do you recognize it?
- a. Yes, it is the receipt for a rug I purchased 2 days after the night of Cynthia's death.
31. Why did you buy this rug?
- a. To replace the one I had wrapped Cynthia and her purse in right after Joye left.
32. What else happened after Joye left?
- a. I called my brother Michael Hamilton.
33. What did you say?
- a. I asked him to come over to my house immediately.
34. What did you do while you waited for him?
- a. I took the fireplace tools and drove them to a nearby school where I disposed of them into the dumpster. Then I went home.
35. What happened when your brother arrived?
- a. I told him about the situation.
36. What did you say?
- a. That I did not kill the person, but that I needed him to dispose of the body.
37. And his response?
- a. He asked me why he should get involved, so I said that he had a boat and could make sure that the body was not found.
38. Did you offer him anything in return?
- a. Yes, \$25,000.
39. You mentioned a boat, had you ever been on this boat?
- a. Yes, many times.

40. When was the last time you were on this boat in relation to the killing of Cynthia Stone?
- a. Roughly six months before her death I would say.
41. As a criminal defense attorney, have you ever been in a case with fingerprints older than this used as evidence?
- a. Yes.
42. So were you on the boat that night?
- a. No.
43. Did your brother accept the offer to dispose of the body?
- a. Yes. After I explained why I had called him and offered him the money, he loaded the body into his car and left.
44. And what did you do during this time?
- a. I went back into the house and looked for signs of struggle and blood. I didn't find any.
45. Did you ever speak to Joye again?
- a. Yes. I called her to see how she was doing.
46. Did she answer?
- a. No, but I left a message.
47. What did you say on the message?
- a. I told her to take a sleeping pill and to try and get some sleep.
48. Do you recall any phone calls coming in afterward?
- a. No.
49. Why?
- a. I was unable to sleep so I drank a stiff drink and took two sleeping pills.
50. Referring to court and counsel to what has been marked for identification as prosecution's Exhibit D. Can you please repeat what this note is?
- a. It is a note that I wrote to Joye, asking her to come out with the truth.
51. Why did you give her this note?
- a. My case was not going well and I thought it would be best to have the real story be known.
52. Why didn't you come out with the real story earlier?
- a. After I failed to report it immediately, I didn't think anyone would believe me.
53. Why didn't you report it immediately?
- a. Like I said, it was a stressful situation and I wanted to protect the mother of my child.
54. Did you ever think that your brother would turn against you?
- a. No, I didn't, and I didn't think he'd lie.
55. *Your honor, may I approach the witness?* I now present Exhibit C for identification. Do you recognize this?
- a. Yes.
56. Can you explain it?
- a. It is a check for \$250 made out to my brother to replace the anchor and chain that he used to sink the body.
57. Is this the only money you gave your brother relating to the disposal of Cynthia Stone's body?
- a. Yes.
58. So you never paid him the \$25,000 that you promised him?
- a. No, I did not.
59. Was your brother resentful?

a. I didn't think so, but then again, I never thought he would lie and tell the police that I killed Cynthia either.

60. Did you care about Cynthia?

a. Yes, of course.

61. Did you kill Cynthia Stone?

a. No. Absolutely not.

I have no further questions your honor.

NOTES: MICHAEL HAMILTON

Drug dealer

Agreement with D/A, large punishment: 15 years, \$500,000

Wants to be cooperative/provide a lot of evidence because of deal

Incompetent

Delayed confession, didn't come out until he knew it would benefit him

Gregory promised him \$25,000, never got the money

On drugs at the time

IF THE WITNESS DOES NOT REMEMBER SOMETHING, TELL THEM TO SAY THEY FORGOT SO THAT YOU CAN REFRESH THEIR RECOLLECTION.