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STATE OF INDIANA)
) SS:
COUNTY OF MARION)

IN THE SUPERIOR COURT OF MARION COUNTY
CRIMINAL DIVISION, ROOM THREE

STATE OF INDIANA,)
)
Plaintiff,)
)
vs.) CAUSE NO. 49G03-1109-FA-064634
)
VINCENT SMITH,)
)
Defendant.)

TRANSCRIPT OF STATE'S OPENING STATEMENT

BEFORE THE HONORABLE
CHARLES WILES, SENIOR JUDGE
MARION SUPERIOR COURT
CRIMINAL DIVISION, ROOM THREE
ON DECEMBER 17, 2012

FOR THE STATE OF INDIANA:
Denise Robinson
Brian Lucchi, CLI
PROSECUTOR'S OFFICE
251 East Ohio Street
Suite 160
Indianapolis, Indiana 46204

FOR THE DEFENDANT:
Pro Se

STANDBY COUNSEL:
Theodore Minch
Joshua Moudy
PUBLIC DEFENDER AGENCY
151 North Delaware Street
Suite 200
Indianapolis, Indiana 46204

*Shelly D. Glore, Official Court Reporter
In the Superior Court of Marion County, Indiana
Criminal Division, Room Three*

1 MR. LUCCHI: Good afternoon, Ladies and
2 Gentlemen. It was about one o'clock in the
3 morning when [REDACTED] got off work. She
4 was a manager of a restaurant, and she had a
5 flight to catch in just a few hours.

6 A family member was getting married out
7 of state, and [REDACTED] and her two daughters,
8 [REDACTED] who was 10, and [REDACTED] who was 6, were
9 planning to fly out to the wedding. Someone
10 else had lined up the tickets. All [REDACTED]
11 had to do was get the three of them to the
12 airport by 6:00 a.m.

13 She wasn't ready, but she'd already lined
14 it up with the baby-sitter, [REDACTED], for
15 [REDACTED] to watch the girls through the night.
16 They all knew that the girls would have to get
17 up very early that morning to make it to the
18 airport. But at least this way, if they
19 stayed with [REDACTED], the baby-sitter,
20 overnight, they wouldn't also have to wake up
21 at 1:00 in the morning. So [REDACTED] had a few
22 hours to focus on her to-do list.

23 You can probably picture it. She goes to
24 Walmart, picks up a few last-minute items.
25 Then she goes home. She changes clothes.

1 Switches out a load of laundry. Does some
2 packing.

3 Then she goes back out. She goes to an
4 ATM to withdraw some money. And she goes to a
5 gas station and takes that money to get a
6 money order to drop off at the leasing office
7 the next -- on her way out of town, to pay her
8 rent.

9 She goes to a drugstore to buy some of
10 those little bottles of travel shampoo. Then
11 she heads back home. She's running a little
12 bit late, but she finishes packing.

13 She gets all of the bags and the
14 backpacks and the suitcases at the front door,
15 and she sends a text message to [REDACTED], the
16 baby-sitter, "I'm on my way."

17 She gets all of the luggage and things to
18 the front porch. She locks the front door.
19 She pops open her Jeep, and she starts
20 shuttling her luggage to her vehicle.

21 It's dark. She's focused on getting her
22 vehicle loaded so she can get her girls, when
23 all of a sudden, she realizes that a man is
24 walking right towards her. The man pulls out
25 a gun, puts it to her head, and says, "Don't

1 say a word, or I'm going to shoot you."

2 The man then forces [REDACTED] at gunpoint
3 into the back of the blue Pontiac that he was
4 driving. And over the next 2 1/2 hours or so
5 he drives her to several places. The man
6 drives her to a couple of ATM machines. The
7 man drives her to a secluded wooded area. And
8 [REDACTED] will tell you what the man did to her
9 back at that wooded area.

10 The man drives her to a gas station and
11 ultimately drives her to the Indianapolis
12 airport, where he drops her off. At that
13 point she's finally free and finally able to
14 call for the police.

15 From there, [REDACTED] was actually able to
16 lead the police back to that wooded area where
17 the man had taken her previously. At that
18 location the police found that blue Pontiac
19 that [REDACTED] had been forced into. But that's
20 not all they found. The police also found
21 Vincent Smith, the defendant.

22 The police later showed [REDACTED] a
23 photo array, a group of pictures, and [REDACTED]
24 positively identified Vincent Smith as the
25 man, the man who did all of these things to

1 her. [REDACTED] positively identified Vincent
2 Smith as the man who confined her, the man who
3 attempted to rob her, the man who raped her.

4 Now, during this trial you'll hear from
5 [REDACTED], and she'll tell you that at a certain
6 point, as she was trapped in the back of that
7 blue Pontiac, she went into survival mode.
8 She was constantly thinking, constantly trying
9 to stay one step ahead of the defendant.

10 It's not that she wasn't scared. She was
11 scared. But she was determined to try to live
12 as long as she could and hopefully see her
13 girls again.

14 So if she thought that playing dumb would
15 help her survive, she played dumb. If she
16 thought that trying to get this man to talk
17 with her would help her survive, she tried to
18 get him to talk with her. If she thought that
19 asking him to sing her a song would help her
20 survive, she asked him to sing.

21 And in a way it worked. [REDACTED]
22 did survive. She survived to tell you during
23 this trial exactly what happened to her.

24 She survived to tell you that she was
25 raped by Vincent Smith. She survived to tell

1 you that Vincent Smith forced her to submit to
2 oral sex. She survived to tell you that yes,
3 she pretended to be friendly with Vincent
4 Smith, yes, she pretended to be interested in
5 what he had to say. But she was scared for
6 her life.

7 As you've heard, the State has charged
8 Vincent Smith with a number of counts in this
9 case: rape, criminal deviate conduct, two
10 counts of criminal confinement, attempt
11 robbery, and auto theft. And as we've already
12 discussed, crimes are made up of elements,
13 things that the State must prove beyond a
14 reasonable doubt.

15 Let's just very briefly walk through
16 those. On the rape count the State will prove
17 that Vincent Smith knowingly had sexual
18 intercourse with [REDACTED] when [REDACTED]
19 was compelled by force or imminent threat of
20 force.

21 As you'll hear, Vincent Smith forced,
22 compelled [REDACTED] to have sexual
23 intercourse. He put a gun to her head. He
24 ordered her repeatedly to take her clothes
25 off. And then he raped her.

1 On the count of criminal deviate conduct
2 the State will prove that Vincent Smith
3 knowingly caused [REDACTED] to submit to
4 deviate sexual conduct by force when she was
5 compelled by force or imminent threat of
6 force. The law considers oral sex to be
7 deviate sexual conduct. And as you'll hear,
8 Vincent Smith didn't just rape [REDACTED]; he
9 also forced her to submit to oral sex.

10 On the first count of criminal
11 confinement the State will prove that Vincent
12 Smith knowingly confined [REDACTED] against her
13 will. As you'll hear, Vincent Smith, at
14 gunpoint, forced [REDACTED] to into the back of
15 the blue Pontiac he was driving and then set
16 the child safety locks so she could not
17 escape.

18 On the second count of criminal
19 confinement the State will prove that Vincent
20 Smith knowingly removed [REDACTED] from
21 one place to another by threat of force. As
22 you'll hear, after [REDACTED] had been trapped in
23 the back of that blue Pontiac with the child
24 safety locks set, Vincent Smith drove her to
25 multiple locations.

1 On the attempt robbery count the State
2 will prove that Vincent Smith knowingly
3 attempted to take property from [REDACTED]
4 by threat of force. As you'll hear, Vincent
5 Smith tried to withdraw money from an ATM
6 using [REDACTED] debit card. He also forced
7 [REDACTED] to try to withdraw money from another
8 ATM using her debit card. And he threatened
9 to shoot her if she ran away.

10 Finally, on the count of auto theft the
11 State will prove that Vincent Smith knowingly
12 exerted unauthorized control over someone
13 else's vehicle. As you'll hear, that blue
14 Pontiac that he forced [REDACTED] into at
15 gunpoint, the blue Pontiac that he used to
16 drive her from place to place, the blue
17 Pontiac that he ultimately used to dump her
18 off at the Indianapolis airport, it wasn't
19 even his blue Pontiac. It was a car he'd
20 stolen from a woman named [REDACTED].

21 Ladies and Gentlemen, after you've seen
22 all of the evidence and heard from all the
23 witnesses, the State will ask that you find
24 the defendant, Vincent Smith, guilty as
25 charged. Thank you.