

IN THE CIRCUIT COURT OF JACKSON COUNTY, MISSOURI
AT KANSAS CITY

STATE OF MISSOURI,)	
)	
Plaintiff,)	
)	16CR04002567-01
v.)	
)	
LORENZO J. GILYARD,)	Division 6
)	
Defendant.)	

Remarks , Findings of Fact and Verdict

There are seven violent, cruel murders pending before the court. These crimes have gone unsolved and unpunished for two decades. It now becomes the task and the duty of this court to finally answer the obscene insults to our sense of justice, security and freedom the families and our whole community have endured while they were pending.

The commodity of the courts is Justice. And Justice is an exception to the law of supply and demand. When the demand for justice is great, the supply must still exceed the demand and the scales must remain balanced. While the murderer of these young women has remained undiscovered the demand has surpassed the supply. As Americans we turn to our courts to restore the balance, to exact a payment for the assault on our dignity, and to confront the consciences of

those who live among us and threaten us by the corruption they nurture in their souls. And surely there can not be many acts that exceed these crimes of depravity and outright evil.

In the emotional context of merciless, multiple deaths it is a struggle to remain objective. In my opinion, objectivity is the DNA of justice. Without it there is only a mass of loosely attached data, signifying chaos, proof of nothing. I have worked to find the truth in these cases. The word "verdict" means the truth. As has often been said, the truth is rarely pure and never simple.

Prejudice is toxic to the truth. Education is the prescribed antidote to cure prejudice. Therefore, I have tried to remain open to all possible explanations in each of the crimes before me as taught by competing attorneys. I have kept an empty mind in order to insure an open mind.

I have no claim to a special sixth sense; I only applied my common sense. My effort to decide these cases in a context of fairness to both sides has been concentrated and considerable. Today I have reached a level of comfort with my decisions that leaves me satisfied on a personal and professional level that I have lived up to my oath to hold this office impartially.

The State has urged me to consider the cases as one. The defense has argued strenuously that I consider each case standing alone, without the evidence of the others before me, and reach a decision independently on the unique set of facts and circumstances in each victim's life. I have chosen to do both. This decision is made from experience, not expediency.

In arriving at the verdict in each case I considered the evidence presented by the state in the form of testimony from live witnesses, diagrams, photographs and charts. From the defendant I have reviewed every police report, deposition, diagram, photograph and other documents marked and made part of this record. In each case I have given that weight I felt was appropriate in my thirty-three years as an attorney and eighteen years as a trial judge. For example, the two female witnesses introduced by defendant in the courtroom contributed little of any value to either side of the case and were more pitiable than pertinent. Each is to be congratulated for overcoming the odds and making a success of their lives, though, and it took some courage to come to open court and have their past replayed. Many of us would squirm at the thought of doing that as well. Their testimony, however, did not assist either side or me, unfortunately.

In the final analysis it is useful to eliminate what would be impossible. What remains, however inexplicable, does contain the truth within. (C/f Arthur Conan Doyle).

The state presented its evidence in a well-organized and understandable fashion. The defense went to enormous lengths to locate and speak to every available witness after twenty years had passed. Indeed, the pathologist who testified for the defense was an aid to the court because of his impartiality. I am completely satisfied that Lorenzo Gilyard's rights under our Constitution were zealously defended. It is a tribute to the attorneys on both sides of the table, and I am honored to have had them all try this case before me as such excellent examples of dignified advocacy.

I will discuss each count in the order presented to me as I make my findings and conclusions.

Re: **Catherine Barry**. There is no credible evidence that Ms. Barry was either a prostitute or drug addict. She was an unfortunate soul suffering from mental illness. Apparently she felt compelled to take long walks on Main Street and was seen frequently by different people doing so. There were no alcohol or illegal drugs in her system. There was evidence that she would accept rides from strangers from time to time,

perhaps to proselytize to them in the religious fervor that marked her illness. Many people like her populate the larger cities in this country. She was found in a secluded area in a pose that was identical to several of the other victims. There was a sock in a tree a short distance away with semen that I attach no evidentiary value to at all. Statements made to the police by Shirley Williams, Phillip Hamm, Leo Thompson, Steve Netherton, Martin Cleland and Donald Yeager were descriptive of her lifestyle, but were void of true evidentiary value. Evidently the police came to a similar conclusion. It is quite clear she was strangled where she was found. *Her body contained the semen of the defendant and no one else.*

Re: **Naomi Kelly**. Ms. Kelly was a student and apparently earned money as a prostitute from time to time. Her involvement with Lonell Marshall was episodic. It seems he was an ersatz recruiter for the small business college Ms. Kelly attended by day. The reports of their interactions were not conclusive of much other than they knew each other. The scratches on Mr. Marshall's arms could well have come from the 4 year old described in the evidence, who bit his sister in front of the detective. Presumably Mr. Marshall's contact with the child was more prolonged than the police officer. The statements by Tanya Stinson and

Ronita Patterson were of no real value since Ms. Kelly's whereabouts were unknown for a number of hours until she was found. Ms. Kelly was positioned in the same suggestive pose as several other victims. *Her body contained the semen of the defendant and no one else.*

Re: **Ann Barnes.** Ms. Barnes was battling a drug addiction and was a prostitute to support her habit. She led a chaotic street life, but someday might have overcome her situation. She had a teenage daughter at the time of her death who has since expired as well. The victim's relationship with her alleged pimp "Chuck" Carter and the incident where a white man tried to break in their apartment mumbling racial slurs was given no weight. It proves nothing specific as to how she died. She too was found, shoeless like all the victims, and placed in a sexually suggestive pose. Evidence is clear that she died at the site where her corpse was found. *Her body contained the semen of the defendant and no one else.*

Re: **Kellie Ford.** Ms. Ford was also a drug addicted street person, who sometimes worked as a prostitute to support herself. She was in a relationship with a woman named Jill Bojan, who apparently is now imprisoned in Florida for robbery and murder charges. Statements by Terry Jo Jackson, Gerald Farnan, Kristi Hernandez and Pat McCallister

were deemed unreliable or such obviously unsupported hearsay that they were given no evidentiary weight. Ms. Ford was found in a sexually suggestive pose in a secluded area, with no shoes on. *Her body contained the semen of the Defendant and no one else.*

Re: **Angela Mayhew**. Ms. Mayhew's life was somewhat similar to the other women in this case. Her corpse was found in a lightly traveled area in the west part of downtown. Her pants and a sweater were her only clothing. Her shoes were missing. It is my belief that Ms. Mayhew was probably killed somewhere else and simply left by the roadway under cover of darkness. Of some 40 hairs collected from her sweater, only two could be positively matched with the Defendant. These hairs were on the outside of the garment she wore. There was no semen left anywhere. It is certainly suspicious to find the Defendant's hair on her sweater when he professed to police to never have seen Ms. Mayhew "to the best of his knowledge". However, the evidence presented leaves me only suspicious that the defendant killed Ms. Mayhew. Since I am not firmly convinced, I find that the State has **not** met its burden with regard to this count.

Re: **Sheila Ingold.** A large amount of time at trial was spent on this murder alone. A look at the photo of the van Ms. Ingold was found in reveals her to be in the exact same position and condition as the first four victims mentioned above. The story about her being carried out of a building unconscious wearing only a black bra and panties, as told by the admittedly drugged Ms. Williams, is not borne out by the photos at the crime scene. Ms. Ingold is wearing a blouse that is shoved up around her neck and a multi-colored skirt at her feet by the plywood. She has the defendant's semen near her vagina on her thigh. There is also saliva from the defendant and another man on her breast. The police were told in one of the reports that Ms. Ingold regularly sold half of her methadone each week and bought other drugs. Although her blood level at autopsy was .042 and a lethal dose of methadone can range from .040 to .080 it is more likely that she was murdered than that she died of an overdose. To find otherwise would mean she died in the apartment building, two men carried her outside and dressed her, then drove her dead body to the spot it was found, after placing her in the exact same, sexually suggestive position the first four victims were found in. Death by suffocation would leave little or no physical harm to the larynx or throat areas as well, unlike strangulation. We will never know the exact manner of her death.

The used condom has no evidentiary value. Like the other women mentioned above, the defendant's semen is on her body near her vaginal opening, *there is no one else's semen there.*

Re: **Carmeline Hibbs**. Ms. Hibbs was apparently a drug addict who sometimes supported herself by prostitution. She was friends with a woman who allegedly informed on a notorious Cuban drug dealer named Hernandez. He threatened Ms. Hibbs about the situation while Orlando Corcho and he were in a van with her. Ms Hibbs asked to relieve herself and went to the back of the van. Hernandez got out also. Mr. Corcho heard some "grunts". Mr. Hernandez got back in the van and said Hibbs had gone on to work and they both drove away. She was found dead the next day in a parking lot on Broadway between two cars against a pile of snow from a snow plow. It is unlikely Mr. Hernandez killed her on a busy street with a witness in the van. It is more reasonable to assume she actually did go about her business as he said she did. Further, Nathan McGee's observation of three light-skinned men standing near the victim's body the next morning can be attributed to gawking, as no DNA or other remnants of these men was located on the victim. Ms. Hibbs had pants and long underwear, both ripped at the crotch. She had no shoes on her feet. *Her body contained the semen of the defendant and no one else.*

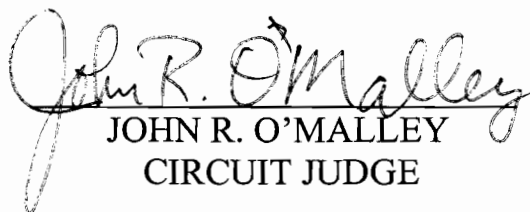
Judgment of the Court

Having heard all of the arguments, examined all of the evidence and being fully advised in all respects, the Court finds as follows:

- 1) Lorenzo Gilyard is **guilty** beyond a reasonable doubt of Murder in the First Degree for the deaths of: Count IV – Catherine Barry; Count V – Naomi Kelly; Count VII – Ann Barnes; Count VIII – Kellie Ford; Count X – Sheila Ingold; Count XI – Carmeline Hibbs.
- 2) Lorenzo Gilyard is **not guilty** of Murder in the First Degree in Count IX- Angela Mayhew.
- 3) Counts I, II, III, VI, and XII, as well as Count I in Case No. 0616-CR03726-01 which was joined with this cause, were previously dismissed by the State.

The Defendant is given an additional fifteen days to file a Motion for New Trial. Sentencing in this cause is set for Friday, April 13, 2007 at 10:00 a.m.

IT IS SO ORDERED.


JOHN R. O'MALLEY
CIRCUIT JUDGE

DATED: March 16, 2007