

1 BABY DOESN'T KNOW THINGS LIKE THAT NOW.

2 NOW DEFENSE COUNSEL HAS THROWN A PART OF THAT
3 KITCHEN SINK THAT'S BROKEN ON THE GROUND IN FRONT OF
4 YOU RIGHT NOW IS THIS IS CONCEPT OR THIS THEORY THAT
5 PORNOGRAPHY AND CHILDREN HAVE ACCESS TO A LOT OF
6 INFORMATION NOW, SO MAYBE JUST MAYBE, THIS
7 NINE-YEAR-OLD-BOY AT THE TIME OF HIS FIRST OUTCRY WAS
8 WATCHING hardcore PORN AND HE LEARNED HOW IT FELT TO
9 HAVE A LONG, HAIRY PENIS IN HIS MOUTH. THAT DOESN'T
10 MAKE SENSE. BUT THAT'S WHAT THEY WANT YOU TO BELIEVE.

11 THAT CHILD TESTIFIED CREDIBLY. HE WAS HONEST WITH
12 YOU. HE EVEN WENT SO FAR AS TO SAY -- AND I
13 SPECIFICALLY ASKED HIM FOR A REASON BECAUSE I WANT HIM
14 TO BE HONEST WITH YOU -- I ASKED HIM DID HE TOUCH YOU
15 ANYTIME OTHER THAN THAT? HE MENTIONED ABOUT THE
16 BATHTUB AND HE DID NOT MENTION ABOUT THE ANUS. HE
17 DIDN'T MENTION IT.

18 AND LET'S BE UP FRONT ABOUT IT. HE MENTIONED THAT
19 IN HIS INTERVIEW BEFOREHAND BUT TODAY OR THE OTHER DAY
20 WHEN HE TESTIFIED BEFORE YOU, HE SAID, NO, THAT DIDN'T
21 HAPPEN. THAT'S VERY IMPORTANT. ALL OF THE INCIDENTS
22 INVOLVING CLARENCE WERE DEALING WITH ANAL SODOMY. THE
23 INCIDENT THAT INVOLVED ORAL SODOMY WAS ONLY RELATED TO
24 HIM.

25 SO I WILL AGREE WITH DEFENSE COUNSEL TO A CERTAIN

1 EXTENT THAT MAYBE HE WAS A LITTLE CONFUSED WHEN IT
2 COMES TO HIM BEING ANALLY SODOMIZED. AND THAT CHILD
3 WAS HONEST ABOUT THAT. BUT THERE HAS NOT BEEN ONE
4 INCONSISTENCY AT ITS CORE WHEN IT COMES TO BEING ORALLY
5 SODOMIZED BY THE DEFENDANT. NOT ONE.

6 THE REASON WHY WE ADDED THAT CHARGE OF ANAL SODOMY
7 IS BECAUSE LITTLE NINE-YEAR-OLD-CURTIS STATED THAT IN
8 HIS STATEMENT. BUT WHAT I'M ASKING YOU, LADIES AND
9 GENTLEMEN, IS TO DETERMINE THESE FACTS BASED UPON WHAT
10 YOU HEARD HERE IN THIS COURTROOM. YOU DON'T HAVE TO
11 FIND HIM GUILTY OF COUNT 2 IN THE INDICTMENT DEALING
12 WITH ANAL SODOMY. BUT YOU ARE COMPELLED TO FIND HIM
13 GUILTY OF COUNT 1 DEALING WITH ORAL SODOMY. COMPELLED.

14 TALKING ABOUT THE INDICTMENT. YOU ARE GOING TO
15 RECEIVE A DOCUMENT WHICH WILL LIST OUT THE CHARGES.
16 AND IN THIS INDICTMENT, YOU WILL HAVE THE DATE AND I
17 WILL READ IT FOR YOU: IN THE NAME AND BEHALF OF THE
18 CITIZENS OF GEORGIA DO CHARGE AND ACCUSE JON M. THIEME
19 WITH THE OFFENSES OF AGGRAVATED CHILD MOLESTATION, FOR
20 THAT SAID ACCUSED IN THE COUNTY OF FULTON AND STATE OF
21 GEORGIA BETWEEN THE 1ST DAY OF DECEMBER 2006 AND THE
22 29TH DAY OF SEPTEMBER 2007, THE EXACT DATE UNKNOWN TO
23 THE GRAND JURORS, DID UNLAWFULLY COMMIT AN IMMORAL AND
24 INDECENT ACT, CURTIS BELL, A CHILD UNDER THE AGE OF 16
25 YEARS, BY PLACING ACCUSED'S MALE SEX ORGAN INTO THE

1 MOUTH OF SAID CHILD WITH THE INTENT TO AROUSE AND
2 SATISFY THE ACCUSED SEXUAL DESIRES, SAID ACT INVOLVING
3 AN ACT OF SODOMY.

4 THAT'S WHAT WE HAVE CHARGED HIM WITH. THE DATES
5 ARE CLEAR. EVEN THOUGH DEFENSE COUNSEL WANTS TO KIND
6 OF MUDDY THE WATERS A LITTLE BIT ABOUT THIS WHOLE
7 SECOND GRADE VERSUS THE AGE AT THE TIME OF SIX YEARS
8 OLD, BUT THE FACT OF THE MATTER IS TAKING INTO
9 CONSIDERATION THE MOTHER'S TESTIMONY, IN TERMS OF THE
10 TIMEFRAME OF WHEN THIS WOULD HAVE OCCURRED AND TAKING
11 INTO CONSIDERATION THE GRANDMOTHER'S TESTIMONY IN TERM
12 OF WHAT SHE HEARD FROM HER GRANDSON AND THE TIMEFRAME
13 THAT SHE HEARD THAT, WE KNOW THAT THIS ACT OCCURRED
14 BETWEEN THOSE DATES.

15 BUT YOU WILL LATER SEE A JURY CHARGE WHICH STATES
16 THAT THE DATES ARE NOT MATERIAL. AS LONG AS THIS
17 HAPPENED WITHIN THE STATUTE OF LIMITATIONS FOR THIS
18 CRIME, YOU ARE AUTHORIZED TO CONVICT HIM FOR THAT. SO
19 HE DOESN'T GET OFF BY COMING BEFORE YOU AND SAYING, OH,
20 THERE'S CONFUSION ABOUT THE DATE WHEN YOU ARE DEALING
21 WITH A CHILD VICTIM WHO AS WE HAVE HEARD FROM THE
22 EXPERT, MAY HAVE VERY WELL BEEN A LITTLE CONFUSED ABOUT
23 DATES. THAT'S TYPICAL. HE WAS NINE YEARS OLD AT THE
24 TIME.

25 THIS IS COUNT 2. THIS IS THE COUNT DEALING THE

1 ANUS. AND I WILL JUST CUT TO THE MATERIAL PORTIONS OF
2 IT. CURTIS -- THE DEFENDANT DID UNLAWFULLY COMMIT AN
3 IMMORAL AND INDECENT ACT TO CURTIS BELL, A CHILD UNDER
4 THE AGE OF 16 YEARS, BY PLACING THE ACCUSED'S MALE SEX
5 ORGAN UPON AND INTO THE ANUS OF SAID CHILD.

6 AS I STATED, WE WILL CONCEDE THAT. LIVE TESTIMONY
7 THE CHILD SAID, NO, NOW THAT DIDN'T HAPPEN. THIS IS
8 WHAT HAPPENED.

9 LET'S TALK ABOUT THE LAW. A JUROR'S DUTY IS TO
10 SEEK THE TRUTH. THAT IS WHAT YOU'RE TASKED WITH IN
11 THIS ENDEAVOR THAT YOU WILL EMBARK UPON ONCE YOU GO
12 BACK INTO THE DELIBERATION ROOM. YOU ARE TO SEEK THE
13 TRUTH. NOT TO SEEK DOUBT. SEEKING THE TRUTH IS WHAT
14 YOU ARE TO DO.

15 REASONABLE DOUBT. THE STATE IS NOT REQUIRED TO
16 PROVE THE GUILT OF THE ACCUSED BEYOND ALL DOUBT OR EVEN
17 TO A MATHEMATICAL CERTAINTY.

18 A REASONABLE DOUBT MEANS JUST WHAT IT SAYS. IT IS
19 A REASONABLE DOUBT -- A DOUBT THAT IS FAIR-MINDED -- OF
20 A FAIR MINDED, IMPARTIAL JUROR HONESTLY SEEKING THE
21 TRUTH.

22 WHAT DOES THAT MEAN? LET'S SAY FOR EXAMPLE WE
23 HAVE A SITUATION WHERE SOMEONE COMES INSIDE AND THEY
24 SAY IT'S RAINING. THEY COME TO THE COURTHOUSE, THEY
25 SAY IT'S RAINING OUTSIDE AND THEY SAY THAT THEY KNOW