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## Witness-murder trial heading to jury in Baltimore

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In his closing argument to the jury responsible for determining whether Patrick A. Byers Jr. ordered the murder of Carl S. Lackl Jr. by cell phone from his jail cell, a federal prosecutor called the evidence presented over the past three and a half weeks "overwhelming."

But attorneys for Byers and co-defendant Frank K. Goodman said the government's case is based on biased assumptions, phone records without proof of conversations and a lying "snake" witness.

The dueling pleas to the anonymous 16-member panel unfolded Wednesday before a courtroom full of Lackl's and the defendants' family and friends. Byers faces the death penalty in the alleged witness murder; Goodman, accused of relaying Byers' wishes to the gang members who carried out the hit, could receive life if convicted.

Assistant U.S. Attorney Bryan Giblin contended Byers viewed Lackl, a 38-year-old single father, as the "last man standing" between him and an acquittal in the March 2006 murder of Larry Haynes.

"To Mr. Byers it's 'Why risk it?'" Giblin said. "He knew Carl Lackl saw him. ... He had to silence him."

Lackl, one of two eyewitnesses who implicated Byers in the Haynes murder, was gunned down by a 15-year-old Blood gang member in a drive-by shooting outside his Rosedale home a week before he was scheduled to testify against Byers in Baltimore City Circuit Court.

The teen murderer, Johnathan Cornish, has pleaded guilty and agreed to a 40-year prison term. A more senior gang member who has admitted acting as a middle man, Marcus Pearson, will serve 35 years. Both testified in the case, with Pearson as the prosecutors' crucial link to Goodman and Byers.

The defense attorneys asked why the jury should be expected to believe an inveterate liar simply because he is now a state's witness.

A. Eduardo Balarezo, one of Byers' attorneys, spent a good chunk of his closing yesterday playing dozens of excerpts from Pearson's videotaped interviews with homicide detectives, citing so many lies that Pearson had told over the course of the investigation that the defendants' supporters

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sitting in the back row of the courtroom began to smile and laugh.

"What does this man not lie about" Balarezo asked. "How can you believe anything this person says?"

Goodman's attorney, Christopher M. Davis, who called Pearson a "snake" and "unreliable," said the government's star witness makes for a shaky lynchpin.

"He is it for Frank Goodman in terms of inculpatory testimony," Davis said.

Acknowledging Pearson's propensity for prevarication, Giblin, who spoke before the two defense attorneys, said Pearson never wavered as to who the murder was for.

"The one constant though all of Mr. Pearson's statements was, it was a murder for 'Pat in jail'," Giblin said.

The other major point of contention, which all the attorneys addressed Wednesday, is the collection of records that show cell phones associated with the major players in the case, including witnesses, connecting at crucial times.

For instance, according to records referenced by Giblin, Pearson called Byers, then Lackl, then Byers the afternoon of Lackl's death. And in the minutes after the 911 call reporting the Lackl shooting, Cornish called Pearson, then Pearson called Byers.

"Is there any explanation for that other than the obvious?" Giblin asked.

Davis said such assumptions are dangerous in such a high-stakes case.

"The inference they're asking you to draw is that people were talking" when the phone records show call or direct-connect durations, Goodman's lawyer said. "But it is not provable, ladies and gentlemen."

Balarezo called the phone records "highly misleading" since, among other things, those shown to the jury include only a percentage of the calls made by the phone alleged to be Byers.'

Balarezo also countered the prosecution's conception of Byers' state of mind as he was about to face trial in the Haynes murder.

He said Byers knew that Joseph Parham, a neighborhood drug dealer who was the other man who tied Byers to the Haynes homicide, had recanted in April 2007; that Lackl's identification was vulnerable to cross-examination; and that the detective in the case had performed a "shoddy" and "incomplete" investigation. All this combined to make Byers confident, not desperate to off a witness.

Balarezo's Powerpoint-aided closing argument continued past press time. Assistant U.S. Attorney John F. Purcell Jr. will rebut the defendants' arguments Thursday morning before Byers' and Goodman's fates are entrusted to the jury.

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