

Fate of Roy Summers goes to jury today

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CHINO — The fate of Roy Summers, charged with murdering his former wife and kidnapping two of her children, will be placed in the hands of a jury today, 5½ years after the crimes were committed.

And, if 4½ months of trial and two full days of exhaustive closing arguments are any indication, the jury's deliberations will not be an easy task.

The case against the 41-year-old Summers is a complex one based largely on circumstantial evidence, including a dozen witnesses who said they saw Summers with the missing children after the slaying. The children are still missing.

"What the prosecution is doing with all of these alleged sightings goes with the saying 'where there is smoke there's got to be fire,'" defense attorney Timothy Guhin said during his four-hour closing argument.

Guhin told the jury the sightings were faulty because the memories of many prosecution witnesses were influenced by publicity in their hometowns about the crimes. And, he said, their recollections were shaped by an overzealous police investigator who through suggestion, led people to believe they saw the missing girls when they didn't.

Smith accused Guhin of applying the laws of memory unequally.

"Memory is the same for all. Not good for defense witnesses and bad for prosecution witnesses," he said.

Guhin maintains Summers was in Utah the day of the murder and that at least 10 defense witnesses support that claim.

The only physical evidence in the trial Guhin said, is that of a map found at the crime scene.

On the map, which the prosecution maintains Summers used, there were 22 fingerprints and none belonged to Summers, Guhin said.

Also, there was one fingerprint on a bank slip the assailant used to hold the murder weapon. That fingerprint was not Summers', Guhin said.

"Fingerprints don't lie," he told the jury. Smith said the bank slip was several days old and the fingerprint could have belonged to a number of people.

Smith claims that Summers murdered his former wife out of hatred and took the children because they witnessed the slaying. One of the children, Brandi Jonnell, had cystic fibrosis, which required her to take daily medication.

Smith argued that a medical encyclopedia found in one of Summers' resi-

dence was purchased after the murder to help Summers with the sick child.

But, Guhin said, the encyclopedia was one of several medical books Summers owned.

Besides, he said, in every place where the alleged sightings took place, police checked with pharmacies and doctors and came up with nothing.

"That in itself casts doubt on the alleged sightings," Guhin said.

Another major issue in the case involved a police interview with Summers shortly after the murder in which he indicated he knew of a third child who was left behind at the crime scene.

Summers said he learned of the third child from his sister, but she has testified she did not remember telling Summers about the third child.

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