

1 THE COURT: Let's recess for just a minute, then  
2 we'll take up -- there's a motion in limine I think we need  
3 to take up for a moment.

4 MR. HARRIS: Yes, Your Honor.

5 MR. LYONS: That's fine, Judge.

6 THE COURT: We'll be in recess for a few minutes.

7 (At this time the noon recess was had, after which the  
8 following, to-wit:)

9 THE COURT: Good afternoon, ladies and gentlemen.  
10 Thank you for being here, and I do thank you very much for  
11 your patience. And it's probably not the last time you'll  
12 hear me say that, but we really did have some things to take  
13 care of outside your presence.

14 The record should reflect the jury is present in the  
15 jury box. Both the counsel for the State are present;  
16 Defendant and her counsel are present.

17 The Defendant may begin her case in chief. You may  
18 make your opening statement, counsel.

19 MR. LYONS: Thank you, Your Honor.

20 Good afternoon, ladies and gentlemen. I want to thank  
21 you on behalf of the Defendant for your attention to this  
22 case.

23 As I've watched you throughout these proceedings I've  
24 noticed that you've been very focused and attentive, and I  
25 appreciate that. And I know the State does. And I know

1 that my client does as well.

2 I know it's been long, ladies and gentlemen, and we've  
3 been through all that but, again, my thanks and the thanks  
4 of the Defendant.

5 Ladies and gentlemen, in a situation like this it's  
6 sometimes difficult to really know where to start. There's  
7 so much history here. There is so much of the relationship  
8 between Mr. Carlton and April Wilkens that it's not capable  
9 of just being put to you in a five-minute dissertation. It  
10 just cannot be done.

11 What I think, initially, started out, ladies and  
12 gentlemen, with April Wilkens as an individual growing up in  
13 Kellyville, Oklahoma, having the kind of aspirations that we  
14 all do about growing up, having a family, education, job,  
15 all of those things were part of April Wilkens.

16 April had a relatively nondescript childhood, grammar  
17 school, high school, all of which you'll hear about. She  
18 did receive secondary education and formal education and  
19 postgraduate work in Chicago concerning prosthetics that  
20 you'll hear about.

21 You'll also hear about her relationships with other  
22 folks, friends, family. You'll hear about how after she had  
23 obtained postgraduate studies in Chicago in prosthetics of  
24 her job and where it took her and what she was trying to  
25 attain in life. Here again, a part of these aspirations

1 that we all have at one time or another.

2 And then she'll tell you, and she will testify, ladies  
3 and gentlemen, she will tell you meeting Terry Carlton. She  
4 had come back to Oklahoma from Florida where she was going  
5 to assist and eventually take over her parents' business,  
6 the Snyder Company, which you've heard testimony about  
7 already, prosthetic limb device here in Tulsa, Oklahoma.

8 And she was gonna go shopping for a new car. And she  
9 wound up at the Acura dealership here in Tulsa. And as you  
10 sometimes know, personal information may be filled out or  
11 given to a salesman when there is a potential buyer on the  
12 lot with such things as phone numbers and addresses. And it  
13 was through that information that Mr. Carlton had  
14 demonstrated an interest in April.

15 He called her. From that point on, ladies and  
16 gentlemen, which was about in September or October of 1995,  
17 it took off like a rocket. I mean, you talk about a  
18 whirlwind romance. It was about as quick as one can get.

19 They went from lunch and dinner to a formal offer to  
20 marry within about three months, 24th of December, 1995. I  
21 mean, that's quick.

22 And within that time frame, ladies and gentlemen, it  
23 was one of those kind of fairy tale things that you read  
24 about and you see, and maybe even sometimes people think it  
25 could happen to them. That they would like to happen to

1     them.

2             Because Mr. Carlton, although there's going to be  
3     testimony and evidence about a darker side of Terry Carlton,  
4     there was a side of Terry that was very charming, that was  
5     very witty. He was fun to be around. He could be loving,  
6     kind, considerate. But he could also be meaner than an old  
7     striped snake.

8             And that's what was always perplexing to April. She  
9     didn't see the darker side until later in the relationship.  
10    What she initially saw was what drew her to him. And that  
11    was the thing that kept making her want to hang on, because  
12    it was worth hanging onto. When he was good, he was good.  
13    And she liked it. It was security in many ways as a lot of  
14    folks want in a relationship.

15            It was wonderful. First class trips to Dallas; limo  
16    rides to restaurants; trips abroad to Europe, to Amsterdam,  
17    to Rome; 25,000-dollar engagement ring; an 80,000-dollar  
18    NSX, two-seat sports car.

19            I mean, gosh, who wouldn't be drawn in by that. Plus  
20    a guy who is attractive, witty, charming. I mean, what's  
21    not to like about that picture. What's not to want to hang  
22    onto that. And then it turned ugly.

23            First there was the discovery of the drugs. In an  
24    attempt by April to resolve the situation, such that this  
25    was not something that was a part of Terry's life. And I

1 think as you'll see throughout the testimony and evidence  
2 that's presented, ladies and gentlemen, that that was  
3 something that she was really attempting to try to do,  
4 because it had not heretofore been a part of her life, that  
5 is, intravenous drug use, but it certainly was a part of  
6 Terry's.

7 And it made him something that was not what she was  
8 trying to hang onto. Not what she had fell in love with.  
9 Not what she grew to care about and to have compassion and  
10 feelings for. And it escalated.

11 It even escalated to the point that she started using  
12 drugs. And then the violence escalated. Oh, it was little  
13 things at first, kind of pushing and shoving and this kind  
14 of thing. And then it became hittings and then actually  
15 fists.

16 Then there were threats. Threats that you and I might  
17 not take seriously, but after having a history with somebody  
18 who has shown that they would carry out what they say  
19 they're gonna do because of violence, it became real.  
20 Not because it was just a threat, but because those threats  
21 had been acted on before.

22 Actually, the abuse started in Europe, of all places,  
23 on a trip. It continued throughout the relationship,  
24 escalated into the first rape in December of 1997, and the  
25 final rape on the 28th of April 1998.

1           And it just wouldn't go away. There were attempts  
2 made to try to resolve the situation. There were attempts  
3 made to try to reconcile the differences.

4           And here, I think you'll see through the testimony and  
5 evidence that's gonna be presented, it may answer some of  
6 the questions that you may have about why. About why would  
7 an individual who had been in this kind of situation  
8 continue to try to be a part of this individual's life or  
9 had anything to do with this individual. Why would she go  
10 over to this person's house who was gonna abuse her?

11           That, in many ways, I think, is probably a mystery to  
12 a lot of you. But I anticipate that by the time that this  
13 is over and done with, and the defense has presented its  
14 case in chief, you'll have a very clear understanding  
15 through some of the health care professionals that are gonna  
16 be presented here as experts as to why people do those  
17 things.

18           As to why those of us in situations that we consider  
19 something other -- otherwise normal, would continue to  
20 maintain, stay in or otherwise continue with a relationship  
21 like that. Because it doesn't make sense.

22           It makes absolutely no sense at all. It makes no  
23 sense that it's occurring. That the acts of violence are  
24 occurring to begin with for items or things that are just  
25 absolutely ridiculous, and most of us would not even really

1 think about.

2 And yet to continue the relationship or continue to  
3 make contact for one reason or another when you know that  
4 this individual has those kinds of history.

5 April's going to testify about all the things that  
6 you've already seen and heard, ladies and gentlemen. She'll  
7 testify about the various times that there have been  
8 altercations between her and Terry.

9 She's gonna testify about why those occasions  
10 occurred, when they occurred, where they happened. To the  
11 best of her ability, she's going to tell you why they  
12 occurred, although, in some circumstances, she's not gonna  
13 be able to give you any better explanation than I think  
14 maybe anybody else. Maybe it was the drugs, maybe it was  
15 this, maybe it was that. She doesn't really know.

16 You're gonna hear testimony from others who -- third  
17 parties -- kind of in a situation from being on the outside  
18 looking in. You'll hear testimony of police officers who  
19 will give you some sense about the number of domestic  
20 situations that they had to go to involving Terry and April,  
21 either at his residence or hers.

22 You'll see photographic evidence where Mr. Carlton  
23 would go to the residence, for example, when she was in  
24 Eastern State Hospital, and had trashed her place. Don't  
25 know why. But it wasn't that way when she left. She knows

1 he was there when she got back.

2 Police officers will testify about their observations  
3 of both these people. About the facts that both, at one  
4 time, they were EOD, or emergency order of detention,  
5 because of either being a harm to others or a harm to  
6 themselves.

7 You will see testimony and evidence in large measure  
8 giving you some sense about what has already been presented  
9 by the State.

10 The backpack, for example, why it was there, but in  
11 greater detail than what you've already seen and heard.  
12 What was in it, and why it was at Mr. Carlton's house, and  
13 why it was located where it was.

14 The testimony that you'll also -- about the positions  
15 of the folks downstairs in the basement. How it got to the  
16 point that it wound up in a tragedy, ladies and gentlemen.  
17 Something that should have never happened. Didn't have to  
18 happen.

19 Part of what you're gonna hear, ladies and gentlemen,  
20 that I think is crucial in this case is third party  
21 testimony of people who were in a position, aside from  
22 police officers, aside from health care providers, who were  
23 in a position to actually observe things that were going on.  
24 Things that were going on at April's house. People that  
25 were right next door. People that were just right across



1 the street. People that could hear and see things that were  
2 going on at all hours of the day and night.

3 People coming and going from Ms. Wilkens' residence  
4 hauling furniture out. Late night drive-bys by Mr. Carlton  
5 because of the very unique automobile that he drove and the  
6 way it sounded.

7 One particular neighbor who could always know he was  
8 there simply because of the sound of the automobile, and  
9 would confirm it by going to the window and looking outside.

10 Attempts by Mr. Carlton to break into the residence of  
11 April. Not only attempting, but actually doing it.

12 Testimony and evidence from people that were right there  
13 that had the opportunity to see what was going on, what  
14 April was going through, and to why, over a period of time,  
15 it would not be difficult to understand why she would become  
16 fearful of Mr. Carlton.

17 Fearful to the point that when she had gone over to  
18 his residence after having tried a protective order, after  
19 having tried therapy, after having tried to approach other  
20 people, friends, Mr. Martin, Don Carlton, to exercise some  
21 influence over Terry to get some help at one point, that she  
22 just felt like there's nothing left but me. I had no one  
23 else to rely on. I had no one else that I could count on.  
24 Just me. That's all that's left.

25 And it's because of the fact, ladies and gentlemen,

1 that these things can happen, as the evidence will show, in  
2 such short period of time, very brief seconds, minutes, when  
3 you don't have the time to pick up a phone, and you have no  
4 other reliance but your own to protect yourself.

5 Yes, there was a death involved. And it's tragic.  
6 Death is not pretty. I don't know that there's anything  
7 that is artful or graceful about it, especially under  
8 circumstances like this.

9 But when the facts and circumstances as we believe  
10 them to be will show that you don't have any other option,  
11 you don't have time to sit down and think about it, it's not  
12 a cold, calculated maneuver. It's a reaction to one's own  
13 basic instinct of survival. And based upon the perception  
14 of one who has been in a history of a violent relationship,  
15 I think you'll have a better understanding of what this  
16 entire case is all about.

17 You may not agree with all of it. I'm not asking you  
18 to agree with it. I'm asking you to look at it, to remain  
19 focused as you have throughout these proceedings. Look at  
20 it fairly and impartially.

21 With the aid and the assistance of those who are  
22 working in the area, who make it their life's work, they're  
23 professionals, to understand the fears and the perceptions  
24 of one who has been in a situation like this, will give you  
25 some guidelines, will give you some help.

1           They're not gonna tell you what to think, but they're  
2 gonna give you the information, based upon the relationship  
3 that Mr. Carlton and Ms. Wilkens had, so that you can better  
4 understand what to you and I would normally think is  
5 absolute lunacy, because that's where this case really  
6 goes. Thank you.

7           THE COURT: Thank you, counsel.

8           The Defendant may call her first witness.

9           MR. LYONS: Call April Wilkens to the stand, Your  
10 Honor.

11          THE COURT: Would you take the stand, Ms. Wilkens.

12          Please raise your right hand.

13          Do you solemnly swear that the testimony you will give  
14 will be the truth, the whole truth and nothing but the  
15 truth, so help you God?

16          MS. WILKENS: Yes, sir.

17          THE COURT: You need to speak up.

18          MS. WILKENS: I do.

19          THE COURT: Please be seated.

20          Please sit back in the chair. It won't move, it's  
21 bolted to the floor. Please pull the microphone up and  
22 speak directly into it.

23          Please tell the members of the jury your name.

24          MS. WILKENS: My name is April Rose Wilkens.

25          THE COURT: And are you the Defendant in this