

## MALDONADO DAY I

OPENING STATEMENT PROSECUTION – DISTRICT ATTORNEY LAYLA ZON – You’re going to hear about two different men and how those men lived their lives... called him an opportunist – a person who appeared one way but was in fact a very different person from who he appeared to be.

“That friendship ended, and it ended violently, and it ended in a brutal murder that occurred on June 11, 2009.”

The defendant was a mastermind. He led three other individuals. He manipulated three other individuals. To conspire with him to murder Tim Clements.

They met at church and he gave Pablo Maldonado the opportunity to work with him, lent him money, etc... He helped him buy two vehicles – one just in May of 2009. The same car he carried Mr. Clements' body in.

The motive was simple, the motive was money, but what this case is about is the ultimate betrayal.

Clement owned the Kirkland road duplex that Pablo Maldonado lived in, set him up with utilities, etc. and said Maldonado could pay him back.

Brittany Beasley was several months pregnant when they [she and Christian Caldwell] moved in with Maldonado.

Said Maldonado was in desperate for money and he wasn't showing up for work the last couple of days before Tim Clements' murder.

He wrecked the last car and Tim Clements is coming to pick Pablo Maldonado up for work.

On the morning of the 11th Barbara Clements saw her husband for the last time.

Last seen alive around 6:45 a.m. when he was leaving to pick up Pablo Maldonado.

Mr. Maldonado however, had other plans for Tim.

Nothing by the end of this trial will surprise you... what you will hear is Caldwell, Beasley and McClain got together under the leadership of Pablo Maldonado... as early as Tues. of that week discussions began to kill Tim Clements.

Someone could have said something or done something and this man would be alive today.

Said they lured Tim Clements out to the property the day before the murder by saying there was water on the floor but something went wrong and they decided not to kill him on the 10th.

They lured him to the property next door (which was vacant at the time) saying that someone had been in there and was stealing pipes and there was water on the floor. Tim Clements called 911 on the 10th based on their story and really the whole thing was a ruse... the plan evolved. It originally started as a robbery... said that if they only got x amount of money from him they could go to his house and kill his wife and daughter and burn the house down.

On the night of the 10th after the failed attempt earlier in the day they got together and came up with the plan for the 11th. Planned to nail the windows and door shut and put sheets on the walls so the blood would be caught on the sheets and they wouldn't have to clean that up... they were going to put a bag over his head after they beat him so that he wouldn't bleed out. All these players had their roles and Pablo Maldonado's role was to lure him out.

Pablo Maldonado called Tim Clements that day and lured him down to the apartment saying there was a pipe busted and water damage. Walked into that apartment with Mr. Maldonado so that Mr. Caldwell could be waiting on the other side of the door with a big baseball bat...

The original plan was tie him up, steal his truck and equipment and get his money from him.

Brittany Beasley's role was to clean. Once they tired him up and put him in the closet the little 16-year-old and the pregnant girl were supposed to babysit this man while the two guys took off in the truck... Ms. McClain didn't show up this morning.

They actually set their alarm clock so they could get up on time, be ready and be in place to murder this guy.

Brittany Beasley's other role was that if the baseball bat didn't knock him out she was supposed to hit him over the head with a liqueur bottle.

McClain didn't show up and Pablo Maldonado actually went to her house and tried to get her to come over, even speaking with her mother, but she didn't show.

Mr. Clements went down to his knees, cursing, complaining and as he tried to get up Mr. Maldonado grabbed a hammer and struck Mr. Clements in the back of the head.... you hear about biting the hand that feeds you? This man was striking the head of the man that fed him.

He was then tied up with phone cords, a Kroger bag over placed over his head and stuck in the closet... he's sitting in the closet gurgling and making sounds and they left and dumped his truck, but took his checkbook and tried to cash one that day. Got rid of his trailer. All the equipment was never really recovered.

Brittany Beasley left and went to Katria's house and she watched movies. Told Katria he[Tim Clements] was in the closet, gurgling, cell ringing, bag moving.

Caldwell and Maldonado go back and forth to Lonzo's in Gwinnett to cash a forged check or try to, they stop at Gwinnett Place Mall and eat.... eventually Lonzo's closes, no money... they have nothing to show for the fact that they took this man's life. Went back the next morning and Lonzo said the bank kept it but in actuality he had faxed a copy to Tim Clement's wife... they are all looking for Tim Clements at this time...

They got up early the next day and took Brittany Beasley to get an ID card made and they go to the pawn shop and pawn a ring and hedge clippers and get a little bit of cash which they blow at Walmart, McDonald's and a bowling alley cause Pablo Maldonado wanted to meet a girl he had been chatting with on the phone.

On the night of the 11th Christian Caldwell and Pablo Maldonado went back to the house, took the body, wrapped it in plastic and sheets, tied two ties on the sheets with an eyelet fabric at knee and mid-waist, put in the truck of the red Tiburon that belonged to Maldonado and Mr. Maldonado took him down Highway 212, the whole time listening to an Eminem song about him murdering his wife Kim, rolled the body over the bridge into the water.

Tc was found the next day when two little boys were out there fishing in the creek and they used a fishing lure to pull the sheet off, saw a leg and ran home crying to their parents who then called 911.

makes a missing person report on the 12th

PM took KM left the state and fled. He was caught in Ala. Lonzo, because he has a buy here pay here lot he puts tracking devices on his car.

Said he denied any involvement essentially used Tim's kindness and goodness as his defense... why would I ever hurt my "angel" and that he was the man he was today because of Tim... the ultimate betrayal.

## OPENING STATEMENTS

DEFENSE – CAPITAL DEFENDER'S OFFICE ATTORNEY STEPHEN YEKEL– Agreed with how Pablo Maldonado and Tim Clements met, all the help Tim Clements had given Maldonado, etc...

Said Pablo Maldonado was "full of crap" sometimes. Said he talks, embellishes and that people don't take him seriously. Said it could be cause he was a small man.

There's a lot of conversation about a lot of things and a lot of people... the lifestyle that was lived was kind of foreign...

Said there was talk and an agreement that they were going to rob Mr. Clements but there was never any intent, ever to harm him.

You'll be the judge as to who is the mastermind

Nobody did anything because nobody thought it was serious. No one thought it would ever come to fruition.

Said Katria McClain didn't lie... had only one interview. And in that the agents made it very clear to the 16-year-old that Pablo Maldonado didn't think anything about her. And here's this 16-year-old girl who is going with permission... to leave. But they got her upset and they got her angry and she told exactly what took place. Said that she didn't think it was serious and that it was a joke, but they talked about it and everyone was there. Not just Pablo Maldonado, but Christian Caldwell, who was telling them what to do. To the point that a hammer was borrowed from Katria McClain's stepfather which was used to nail the windows shut by Christian Caldwell and that he also hung the blankets and even to the point there was a dry run where they went through what each person would do and that Katria McClain never went down there Friday she was supposed to but she didn't and as a result she has already agreed to plead guilty because she knew about the plan. She participated as far as formulating it. She agreed to do certain things.

Said Christian Caldwell was the one chosen to swing the bat because he used to be a baseball player and he could swing the bat hard.

I think the evidence will show, that yes Mr. Maldonado for whatever reason, that he was there. That Mr. Clements came into the apartment... said as they started to go in the door Mr. Maldonado tried to change his mind but it was too late. As he walked into that door he was struck and the results are why were here today.

There's no question that Mr. Caldwell was tied up... the defendants co-defendants indicated that the plan was never to hurt Mr. Clements. The plan was to hit him, bind him and they would force him to sign his name to a check which was at first \$200,000... the plan was destined to fail. Can you ever imagine any of these people walking into a bank with a check for \$200,000 and have any hope of cashing it?

Said that there was another person present with Christian Caldwell and that Mr. Maldonado was part of the plan just like Katria McClain but that there was another person there with Christian Caldwell that struck Tim Clements with the hammer. That he did not inflict any blows on Mr. Clements.

Said Christian Caldwell called the shots and if Pablo Maldonado was the ringleader he would have. Brittany Beasley never helped and stated in the bedroom cause Christian Caldwell said that he didn't want their baby to be a part of it.

CURTIS THOMPSON – 31-years-old. In 2009 he worked for Tim Clements for about three or four months doing landscaping with C&C Landscaping. Mainly covered Rockdale, DeKalb and some of Newton counties. At that time there were four people – two, two-men crews.

Identified Maldonado, said he has changed slightly since he knew him because he'd "gained a little bit of weight."

Said they picked up Maldonado as well as another worker named Paco that worked at the landscaping company. Said Paco and he worked together and Tim Clements and Maldonado worked together as teams.

Said he last saw him about 6:40 a.m. On his way to pick Maldonado up for work. Said he tried to call him around 8 a.m. regarding a customer's scheduling and was not able to get in touch with him – it went straight to voicemail. Said he figured he was with a customer and normally if he left a voicemail he would get back with him in about an hour. Tried to call around 11 a.m. and a few more times later that afternoon but it always went straight to voicemail.

Said tried to call Maldonado later on that day to see where Tim Clements was. The female that he was dating at the time answered the phone and she said she would have him call back. He did and they spoke briefly. He said that Tim Clements had already left. Later that evening Barbara Clements called him around 8 p.m. that night because he had not returned home. He called Maldonado again and he said Clements had to go by Home Depot and that he was meeting with another client around 212 and Ebenezer.

Showed up for work the next morning at 6:15 a.m. Tim Clements' truck was not in the driveway and Barbara met him. She said he had never been home and he said he would go around and look for him, thinking maybe his truck broke down. Went out to Kirkland, Ebenezer and 212 and then came back to the house.

Said when he went past the Kirkland address saw Maldonado's red Tiburon that was still in the driveway.

Said he was very work-oriented and that it was unusual for him to not show up for work.

Said in the days prior to Clements disappearance that Maldonado said he wasn't feeling well and had not shown up for work.

DEFENSE – Said he met Clements through his future father-in-law who was a member of the same American Legion as Clements.

BARBARA CLEMENTS – Married almost 30 years. They met in Michigan and moved to Georgia in 1984. They have a 14-year-old daughter and 20-year-old.

Husband had owned the business since 1980.

Knew Maldonado because they worked together. She said husband didn't go to church so they wouldn't have met there. Said Maldonado worked for him about three years. Said her husband would help Maldonado out from time to time to get cars and setting up the home on Kirkland. Said Maldonado owed Clements around \$8,000 and he would take money for the loans, utilities, rent, etc... out of Maldonado's check.

Said when Lonzo called her about the check she thought it was unusual but that she would call her husband and that she assumed that he had just taken a check. She started trying to reach her husband around then and that time and every time after it went straight to voicemail.

Had plans to have people over that weekend and he was supposed to be home early.

When he was 18 he had to have a blood transfusion and had recently found that he testing positive for Hepatitis C and then he started eating healthy and really taking care of himself even more then he did already.

Said she called Maldonado that night looking for Clements and that he told her that he dropped him off, was going to bid on some jobs and then go to Home Depot. She said she believed him but as it got later she became more worried. She went to the duplex later that evening looking for him because he had told her he needed to do some work on it.

He wasn't there but she drove past it and then turned around and was going to stop but when she came back around there was a crowd of people on the front porch – five or six, mostly guys – so she didn't stop. That was around 7 p.m.

She called hospitals and police stations, as well as all the people they knew. She thought maybe he had been in an accident.

I must have called every hospital, every police station. Calling everyone I knew hoping he was there.

Said she asked Lonzo for a fax of the check and the signature didn't match. Said with her husband missing and the check she knew he wouldn't write a check for that amount without saying something about it to her.

Soon after making the missing persons report she learned he had been found.

MARLON POLLARD – Deputy with the Newton County Sheriff's Office. He responded to the missing person's call on June 12, 2009. Said Barbara Clements told him her husband went to pick up Pablo Maldonado the previous day to go to work and did not return that evening. She also said that Jerry Lonzo had called her and said Maldonado had tried to cash a check for \$2,500 and said her husband would never write a check for that amount to Maldonado.

Said their policy is that you take the missing person's report, follow up as well you can and immediately put the missing person's name on GCIC. He went to Maldonado's home on Kirkland Road. He said he didn't remember who, but someone had said Tim Clements had supposedly went to Home Depot to get some supplies so went out there to make sure he wasn't there working on the apartments. Went out there approximately 12:12 p.m., June 12, 2009. There was no one there at that time. He pulled into the drive and knocked on the front and back door and got no answer from either door. Said saw nothing suspicious that time. The A side of the duplex was open but there was rotting food and garbage all around there and he didn't try to go inside.

Later that day he was contacted by Captain Marty Roberts asking for a description of Tim Clements because they had found a body.

He went back to the NCSO and got a copy of the report and then went back to the Kirkland Road property to meet with Sgt. Sonny Goodson who was the investigator on the case. It was in the evening, likely between 6-7 p.m.

ARTHUR DARR – Said he had known Tim Clements for about 15 years. They met through friends and were both members of the American Legion and hung out watching sports together.

Said they had plans to get together that weekend. They were not able to watch that game together.

Said he drove out there to the duplex at 10 a.m. on June, 12, 2009 to see if he could find Tim Clements. He saw a red car backed in the driveway but did not stop and saw someone loading things into the back of the car. Thought the person was Hispanic but didn't get a good look at it. He left and had made it about five miles, then spoke to another friend of Tim Clement's [Randy Moore] who said he was going to head

out there, so he turned around and went back. They met at the home and when they both got there – in mere minutes – the red car was gone.

Said they walked up and looked in to the unoccupied duplex, the door was open, yelled for Tim Clements. Came back out and walked around the house and both back doors were wide open. Said yelled inside asking if anyone was there and then he went in.

Said the apartment was “trashed” and when he got in the front area he could smell a very strong odor of cleaning solution and everything was cleaned up right in that area.

“I looked at Randy and said we need to get out of here. We don't need to be in this place.”

Everything else in the apartment was in such disarray that it was odd this area was clean and smelled of bleach right by the front door.

Said they walked out and around to the front area and he saw some brown spots on the concrete right there.

Said he had called Maldonado up earlier and asked him where Tim was out and he said he last saw him the day before when he was heading to Home Depot.

A group of them, including him and Barbara Clements, went over there to look in a wooded area in the back of the duplex but did not go inside at the time.

DEFENSE – Said he did not put in his statement that he saw a person standing behind the red car at Kirkland Road but says that he did see that.

DEPUTY JARRETT ALLEN – He was a road deputy at the time and zoned for Highway 36. On the afternoon of June 12, 2009 he got a call about something found in the creek. Met with the two young boys who found the body and the general reason was that there was a possible body in the creek. They directed him to where they found it in the creek. He went to the bridge and looked over the edge and saw a blue blanket wrapped around an object in the creek.

After determined to be a crime scene there was no other traffic allowed in that area with the exception of emergency personnel.

Said from his vantage point he was unable to tell exactly what it was but the boys had told him they had approached it and as they opened it they saw a leg and a foot so he assumed it was a body. Investigators were called in.

DUSTIN EVANS – 19-years-old. He was 16 at the time. He and another boy, his friend, Jacob Mills, liked to fish together and were doing just that on June 12, 2009. They went to the South River. He said Jacob's dad took them and they were on the Henry County side.

They walked across the river and started walking up towards Snapping Shoals Creek and they found the body wrapped up. Said at first didn't know what it was. They walked up to it and they assumed it was a dead deer. Said he threw a rock at it and it made a weird noise, then he poked it with a stick and it broke the stick. Then he poked it with a fishing pole and a jig got stuck in it and when Jacob tried to pull it out a leg came out.

Said they freaked out and ran to a neighbor's house and called the police. He said Jacob started tearing up, they looked at each other and just ran.

Said they did not touch or move the body once they realized what it was.

JACOB MILLS – 20-years-old, then he was 17-years-old. Said he and Dustin are best friends.

Reiterated that they went fishing on the 12th and walked down to the South River and then went on to Snapping Shoals Creek.

Said he did not immediately realize it was a body, he thought it was a dead animal wrapped up.... Said when he lifted up the cloth a leg fell out and they ran to get help. The boot that was on the body and the leg kinda slid out.

Said he kinda froze for a second and then they ran to seek help.

INVESTIGATOR MARK HEGWOOD – Employed with the NCSO. In June 2009 he was an investigator and got a call about a suspicious object found in the creek. Said arrived at the bridge around 5:20 p.m.

Said he was able to get a general description of what Tim Clements should be wearing and what he would look like so that he could compare that to the body in the creek to the person in the missing person's report.

After the scene was processed they brought the body up to 212 so they could look at the body and compare it to the missing persons report.

Said he spoke with Randy Moore and asked if the body had been ID'd and talked some more about the Tim Clements missing persons case. After the body was removed from the scene they left and went to the Kirkland Road address. Both NCSO and GBI. Got there around 10 p.m.

A search warrant was obtained for the duplex. Prior to that they did not go inside that house and no one was allowed that was a civilian to go in and out of the house.

SONNY GOODSON – Retired from the NCSO. His first involvement was to meet a deputy at Kirkland Road. He saw the blood spots on the front walkway, the leaf of a plant and the dirt going toward the driveway. They also smelled a lot of bleach and the plant with the blood was turning brown on the edges of the leaves as if bleach had been spilled on it.

Noticed no one around the residence.

Said with the missing persons report and the info the deputy received that the person may have been heading to the residence they were concerned with what they had found thus far.

Due to the circumstances elected to enter the apartment and do a preliminary search just in case someone was in there hurt that needed their immediate assistance.

Said they constantly announced sheriff's office as they made their way though. No response.

Noticed some wet clothing on the floor in what appeared to be the master bedroom but didn't pay much attention to the general appearance of the home. They were looking for anyone who needed assistance at that time, not searching the home. They secured the residence and waited for the search warrant.

He went to Lonzo's business to interview him about the check. He wasn't there at the time and was out of the country but he called him back from Nicaragua. He told him there was a GPS tracking system on Maldonado's vehicle and gave him a contact number of the person to call to assist them in finding Maldonado's vehicle. They called him that night and told him where he was and what speed he was going. It updated every two minutes. They were able to relay that information to the U.S. Marshals and they got the Birmingham, Ala. Police involved. Maldonado was stopped about 12:40 a.m. He was taken into custody along with McClain. A missing persons report had been filed on her as well.

Said when he originally interviewed Caldwell and Beasley was that they had very little knowledge of the crime to the final interviews which were admissions of guilt in being involved in the homicide.

KATRINA EVANS – DeKalb County Police Department police officer. She was employed as such in June 2009.

On June 11, 2009 she came across an unattended vehicle, a Ford pick-up truck she saw the morning of June 11, 2009. Said the hood was up, the glove compartment was open and the windows were down. She ran the plates and it came back okay and she assumed the owner had a breakdown and was coming back to the vehicle so she ignored it.

The next day, Friday, June 12, 2009, she patrolled the same area and saw the truck once again, still there. She ran the tags again and looked inside and it was much in the same shape as it was the day before. She red-tagged it, which means the driver is made aware – if they come back – that the vehicle will be towed if they come back by and it's in the same place and situation. At 7:10 a.m. she red-tagged the vehicle.

KIMBERLY MUNDRICK – Employed by GBI Crime Lab. She is a forensic biologist. EXPERT IN FIELD OF FORENSIC BIOLOGY EXPECIALLY IN SEROLOGY.

Received samples to do analysis in this case. Received a couple of hammers, a bat and t-shirt and some swabbings as well as a blood-stained card, steps, porch, side door and closet door had blood.

The hammer had one positive one positive one negative and the bat no positive. However, with items like metal (both the bat and the hammer) it isn't difficult to remove the presence of blood because they can easily be washed with soapy water which would remove any traces of blood.