

to add that defendant had strained a muscle in his neck, thereby explaining why he appeared the way he did in the lobby.

191. After a detailed discussion regarding the arrival of the police, firefighters and EMTs, the People discussed the failures of the detectives to stay in the apartment longer, document what they saw more thoroughly, and get search warrants. The People asserted that these omissions were ultimately meaningless because the bathroom *“was never a crime scene. It stopped being a crime scene when the defendant began altering and staging the crime.”* Had the police searched the entire apartment, the People contended, they would have, for the most part, found only what defendant had wanted them to find (4581-82).

192. The People then moved into that portion of closing argument—as has been addressed previously in this response and will not be repeated here—that defendant had failed to *“think of everything”* and so had left several *“clues”* behind, starting with the wet spot in the bedroom, moving to the blood spatter on Shele’s legs, and defendant’s trips to get seltzer. In so doing, the People again were doing no more than asking the jurors to draw inferences from the trial proof.

193. Defendant complains that, because the People had not introduced any testimony as to the cleaning powers of club soda, the People acted as an unsworn witness when we told the jury that defendant had purchased the seltzer to remove the bloodstain from the bedroom sheet. Defendant is correct that the People referred to what he had learned from his mother when he was a teenager about using club soda to remove red-wine stains and then asked the jury to infer the reason why defendant purchased two bottles of club soda on his second trip to Rite Aid was to remove the stain (4585). But it is hardly a secret that club soda is good for