

Caitlyn Jenner, ham sandwich mentioned in new freeway shooting motion

BY: Katie Conner
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PHOENIX - A ham sandwich and Caitlyn Jenner are part of a new filing in the freeway shootings case.

Leslie Merritt Jr. is accused of four of the 11 freeway shootings.

Merritt's attorneys, Jason Lamm and Ulises Ferragut want the case to be sent back to the grand jury.

Authorities say they used ballistic evidence gathered from the shot-up vehicles to determine the model of the gun used in some of the attacks. They say they eventually found a match when searching pawn shops in metro Phoenix.

Legal Expert James Goodnow said "In laymen's terms, Mr. Merritt's lawyer is arguing that sloppy detective work and a rushed prosecution led to a flawed and invalid Grand Jury proceeding."

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Goodnow doesn't think the Judge will send the case back to the grand jury.

"Filled with attacks, inflammatory language and even a reference to 'Kaitlyn Jenner's bra size,' the reply brief reads more like an argument that would be presented to a jury than a classic legal brief," said Goodnow.

The motion also states, "The State's failure to present all known exculpatory evidence denigrated the Defendant to nothing more than a proverbial ham sandwich. And while a ham sandwich may not have rights to due process, the Defendant most certainly does."

Goodnow says the brief is essentially a roadmap to what could happen if this case goes to a trial.

"Mr. Merritt's lawyer is trying to paint a picture of prosecutors trying to fit a round peg into a square hole," said Goodnow.

Merritt is expect in court later in February.

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