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IN THE CIRCUIT COURT FOR PRINCE GEORGE'S COUNTY,  
MARYLAND

INA AMAYYE' EDEN CHI JONES, by and  
through her mother and next friend,  
Candace Jackson,

and

PRINCE CARMEN JONES, SENIOR,

and

to the use of  
MABEL S. JONES, Intervenor,  
Plaintiffs,

vs

Civil Action Law

PRINCE GEORGE'S COUNTY

01-3974

and

CORPORAL CARLTON B. JONES

and

JOHN S. FARRELL  
Chief of Police, Prince George's County

and

ALEXANDRE BAILEY,  
Defendants.

REPORTER'S OFFICIAL TRANSCRIPT OF PROCEEDINGS  
(Excerpt; Mr. Malone's Closing Argument)

Upper Marlboro, Maryland  
January 17, 2006

BEFORE:

HONORABLE JAMES J. LOMBARDI, Associate Judge

and a jury

1 APPEARANCES:

2 For the Plaintiffs, Nina Amayye' Eden Chi Jones and  
3 Prince Carmen Jones, Senior:

4 TERRELL N. ROBERTS, III, ESQUIRE

5 PATRICK A. MALONE, ESQUIRE

6 CHRISTOPHER A. GRIFFITHS, ESQUIRE

7

8 For the Plaintiff/Intervenor Mabel S. Jones:

9 GREGORY L. LATTIMER, ESQUIRE

10 TED J. WILLIAMS, ESQUIRE

11

12 For the Defendants:

13 JAY H. CREECH, ESQUIRE

14 ALICE CHONG, ESQUIRE

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23 ESTHER L. THOMPSON, RPR,  
24 OFFICIAL COURT REPORTER  
25 P.O. Box 401  
Upper Marlboro, Maryland 20773  
(301) 952-4449

1           MR. MALONE: Let's turn a chapter here and turn  
2 a page and talk about what this case is really about,  
3 because it's about more than just deciding what happened  
4 on Spring Terrace on the night of September 1, 2000.  
5 Your job today is to decide whether anything good can  
6 come out of that terrible tragedy. What good can come  
7 out of that? That is in your hands, ladies and  
8 gentlemen.

9           We have the greatest system of civil justice in  
10 the world. Many other places in the world, if someone  
11 had shot someone else, all it would bring about would be  
12 revenge and bloodshed. But we have a justice system  
13 where parents can have enough faith in the system of  
14 justice that they can sit in a courtroom with the same  
15 man just a few feet from them who has killed their son,  
16 admittedly killed their son, and they can lay at the  
17 feet of the trier of fact -- that's you -- their  
18 evidence and expect justice to come out of it.

19           We have the greatest system of justice in the  
20 world for two reasons. One is that everyone is equal in  
21 this courtroom. Just because you're with the Prince  
22 George's County government doesn't make you better than  
23 anyone else. And the second reason that we have the  
24 greatest system in the world is that even when the  
25 government itself is alleged to be the wrongdoer, we can

1 trust the government to bring about justice. We are  
2 sitting in a building that is owned by the Prince  
3 George's County government.

4           And what has the government done to decide this  
5 case fairly? Let's bring in a cross section of the  
6 community to decide the case. We don't care anything  
7 about these folks except that they make a pledge to be  
8 fair. You didn't have to show any special degree when  
9 you came in here, no special expertise, just your common  
10 sense, because you are the voice of the community that  
11 decides what justice, what good can come out of this  
12 case. And that is a powerful and awesome responsibility  
13 for you.

14           There is a law that guides you. The law only  
15 puts out a skeleton, though, of what you are to  
16 consider. The law requires you to put flesh on the  
17 skeleton. Let's talk about what the law provides. And  
18 His Honor told you, Judge Lombardi, in essence, that  
19 money is the measure of justice in this case. You can  
20 not turn back the clock. You cannot bring this man back  
21 to life. You can only measure the fair value of what  
22 his family has lost.

23           Now, if this family had lost a priceless  
24 painting, even if by some miracle they had a Van Gogh or  
25 something like that in their attic and this man had

1 destroyed that painting, there wouldn't be any question  
2 that he would be liable for it even if it's very  
3 expensive. No question at all. It would just be,  
4 "Well, what's the fair market value," and they're going  
5 to have to pay.

6 Now, when a human being's life is destroyed,  
7 it's a lot harder, and that's why we bring in the voice  
8 of the community to decide that. The Governor and the  
9 legislators, the lawmakers who setup this law that we  
10 call the Wrongful Death Act, set up three categories for  
11 you to consider in making a determination of what is  
12 just and fair in this case. I want to go over them now  
13 with you.

14 You heard that Nina Jones is entitled to  
15 recover for any reasonably expected loss of income of  
16 the decedent that would have gone to her. In other  
17 words, her loss of support.

18 Now, you heard evidence about financial  
19 support. You heard what kind of worker Prince Jones  
20 was. You heard that at Bally's he was extremely  
21 well-liked, popular, articulate, customers loved him.  
22 He went out of his way to help people. He needed  
23 minimal supervision. A good employee. Handsome,  
24 well-spoken, the kind of employee anyone would want to  
25 have.

1           You heard he was about to enter an elite Navy  
2 nuclear submarine program. We know that the next few  
3 years as he got into that program would not have been  
4 easy years for he and Nina, but we calculated out very  
5 carefully just what a conservative estimate would be on  
6 what amount of support the average father making an  
7 average income would have provided a child. And you saw  
8 the numbers. We had them on the board here.

9           Let me just show it to you quickly. Depending  
10 on if he did a 20-year program in the Navy or a six-year  
11 program in the Navy, and just using averages, just the  
12 average college graduate, this young girl has lost  
13 somewhere between a little over four hundred thousand  
14 dollars, when you add in the loss of health insurance,  
15 to a little over eight hundred thousand dollars on just  
16 that aspect of the case.

17           I'm going to draw a circle here on the board  
18 and I'm going to call it the circle of family and what a  
19 father does for a daughter, and I'm just going to ask  
20 you to think about how much financial support is in the  
21 overall scheme of things for a father and a daughter.  
22 Because there are two other categories that we still  
23 have left to talk about here. How do you measure the  
24 value of financial support versus the services that a  
25 father gives to a daughter and the care and the comfort

1 and the companionship? People will have different  
2 percentages that they will give to this. But everybody  
3 knows that if all a father did was to send a check in  
4 every month to his daughter for her support, that would  
5 not be much of a father. That father might be maybe  
6 one-tenth of a father, maybe one-fifth of a father,  
7 maybe even one-fourth of a father just on financial  
8 support. So let's put in a quarter of what a father  
9 does for a child as financial support, and that's  
10 something for you all to talk about.

11           The second category that the law provides --  
12 and remember, the great thing about our law is that it  
13 doesn't set out any particular financial schedules or  
14 formulas for calculating the value of the loss of a  
15 father. The law says we trust the people, we trust the  
16 voice of the community to figure out what it is worth.  
17 And the powerful lesson there is that you know you can  
18 imagine a system where the law said, "Okay, death of a  
19 father of a minor child, that's X hundred thousand, two  
20 hundred thousand," any number you want, and that would  
21 just be a schedule and then we wouldn't even need to  
22 have a jury trial.

23           That's not what our law provides. Our law sets  
24 out categories. And our law says those categories are  
25 important, and the law turns it over to the voice of the

1 community to decide. So, our second category, loss of  
2 services, the Judge told you what that means. Any  
3 reasonably expected loss of services, protection, care  
4 and assistance which the decedent provided to the child  
5 and likely would have provided if he had lived.

6           What was the evidence on that? Even in just a  
7 short ten months together, Prince fed her, he dressed  
8 her or burped her, he changed her diaper. But you must  
9 stretch your mind. You must stretch your mind to the  
10 loss of a lifetime of services, because nothing can --  
11 what the judge said -- put any time limit on loss of  
12 services. You heard only the loss of financial support,  
13 that that's reasonably limited to age 18, and to a  
14 little bit after that for college. But everybody knows  
15 a father doesn't stop caring for his daughter at age 18,  
16 or even age 22 when she graduated from college.

17           Now, let's talk about the third category for a  
18 minute. Loss of companionship, comfort. What else did  
19 the Judge say? Kindly offices. Great how the lawmakers  
20 write these Statutes. Advice. This is just the law's  
21 awkward way of saying how important a father's love is  
22 for a daughter. Because what is love between a father  
23 and a daughter? It is companionship. It is comfort.  
24 It is kindly offices. It is advice. And the law places  
25 no restrictions on your consideration of that. And it

1 is a lifetime of love that has been lost here.

2           You must wrap your mind around what it means  
3 for a little girl to lose a lifetime of her father's  
4 love, for a little girl never to be able to say, "Daddy,  
5 look at me, I'm on top of the slide. Daddy, watch this,  
6 I'm going to kick the ball. Daddy, please take me to  
7 soccer practice. Daddy, guess what, the kids just  
8 elected me president of my kindergarten class. Daddy,  
9 guess what I did today?"

10           Now, some fathers are absent out of choice, but  
11 we know from the evidence here that this father would  
12 have been there for all of his daughter's important  
13 milestones. The first ride on a bicycle, the first time  
14 she goes out on the soccer field, with a basketball  
15 field for her school, the first time she borrowed the  
16 car keys. It's funny how quick that happens. Her high  
17 school graduation, college graduation. All of that,  
18 there will be a hole in her life where her father could  
19 have been. A daughter who hopes that one day, like many  
20 girls, she will walk down the aisle of a church, but she  
21 will not have a father on her arm. A daughter who will  
22 not be able to say, "Daddy, guess what, you're a grandpa  
23 now."

24           And it's not just that the father is there for  
25 the great times, for the joyous times, he's there for

1 the tough times, too. "Daddy, some kid was calling me  
2 names today and I want you to beat up her daddy, or  
3 something. Daddy, I was with some kids at the mall and  
4 we did something really stupid, and I'm sorry. Daddy,  
5 I'm all right, but I wrecked the car." All these times  
6 of trouble which we know our children go through, this  
7 little girl will not have a daddy for.

8 We know that this was a father who took his job  
9 very seriously, so seriously that he bought books about  
10 child care before she was even born. A father who sat  
11 that girl on his lap and read Bible stories to her and  
12 Doctor Seuss. Now, he had put off becoming a man, you  
13 know, he was still 25 years old and he hadn't quite yet  
14 graduated from college. He dropped out of school for  
15 awhile. It is probably no coincidence that he did not  
16 get serious about his career until he had a little baby,  
17 because responsible men get serious when they have  
18 serious obligations. And that's what happened to Prince  
19 Jones. That is the evidence.

20 You heard that his life expectancy, if he was  
21 just an average man, when his daughter died, was  
22 forty-six years. This father and daughter lost  
23 forty-six years together, and you have to wrap your mind  
24 around the enormity of that loss.

25 People make objections to awarding money in a

1 case like this. Some say, "Well, no amount of money can  
2 compensate for this." But when someone says that,  
3 aren't they really just saying that it's huge and that  
4 it's hard to calculate the loss that is that big? Other  
5 people might say, "Well, what good does money do  
6 anyway?" I'll tell you, money does a lot of good.

7 Fair compensation for this little girl can give  
8 her -- guarantee her an education, a fine education.  
9 All she needs is one step up on the ladder of success.  
10 She can climb the rest of that ladder herself. You  
11 heard how bright she is and talented, even in  
12 kindergarten. All she needs is the financial  
13 wherewithal to make it.

14 Another objection would be what if the money is  
15 misused by the adults in her life? Now, you heard the  
16 Judge talk about that. We have laws for that. We have  
17 courts. We have trust accounts set up so that the money  
18 is protected and is only used for her benefit while  
19 she's a child for her education, if she has any medical  
20 needs. And then when she becomes an adult, it becomes  
21 under her control.

22 We did not bring this little girl into court,  
23 ladies and gentlemen. It wouldn't have been right. She  
24 wouldn't have understood what was going on here. And at  
25 worst, she would have been scared. Now, the only

1 possible purpose would have been to parade her around  
2 and try to win your sympathy for seeing a darling little  
3 girl. But we're not about sympathy here. We're about  
4 justice. We're about following the law and doing  
5 justice for this girl and her family. You wish you had  
6 seen her in the flesh, please, take it out on me and Mr.  
7 Roberts and not on this little girl.

8           Now, you have seen two other people here who  
9 have had a terrible loss; Mabel Jones and Prince Carmen  
10 Jones, Senior. Nina, fortunately, was only ten months  
11 old when her father died, and, so, she was young enough  
12 to be protected from the raw grief, the horrible sorrow  
13 that these parents have endured. And you have to  
14 consider that, too. Because when this young man died,  
15 he wasn't just a father, he was a son. They called him  
16 Rocky. Rock.

17           Now, a father who asks his son to become his  
18 best man at his remarriage is entitled to say that,  
19 "That boy was my best friend." A father today who still  
20 goes to the gravesite a couple of times a month, who  
21 wakes up in the middle of the night and thinks that he's  
22 talking to him and thinks that there's going to be a  
23 phone call and thinks he's going to be there. You heard  
24 all of that evidence and more about the terrible impact  
25 this had.

1           You know, losing a child is just not in the  
2 natural order of life. We all expect to lose our  
3 parents one day. We know it's going to happen. We try  
4 to put it off. But we do not expect to have to bury our  
5 own children. And it is an event that takes the heart  
6 right out of a person and stomps it on the ground and  
7 leaves it crushed. You saw two people who have been  
8 crushed. The law says that for the parents, you are to  
9 consider their sorrow, their mental anguish, their loss  
10 of society and companionship and comfort and protection  
11 and care, attention, advice, all these words the law  
12 uses to describe love, the love in a family.

13           Now, grief is one thing. Loss of joy and loss  
14 of love is something more. And even protection and  
15 care, remember, that just one other thing that they have  
16 been deprived of, is having a devoted son who, twenty  
17 years down the road when they get older, they could turn  
18 to and say, "Son, please help me out, I need to use my  
19 walker now. Can you help me get something out of the  
20 refrigerator," all those kinds of things that a good son  
21 does for a good parent. They have been deprived of  
22 that, too.

23           So, you must wrap your mind around the enormity  
24 of their lifetime loss. A fair amount awarded here  
25 represents your assessment as the voice of the community

1 about what has been taken from Nina and what has been  
2 taken from her parents, and taken from her grandparents,  
3 from Prince Jones' parents.

4 A death has been incurred here. When someone  
5 destroys something of value that someone else has, that  
6 person is owed a debt, and it may be a huge debt, but it  
7 is a debt, nevertheless, and it is time to pay it. How  
8 much is this little girl's case worth? Is it worth five  
9 million dollars? Is it worth more? Is it worth less?  
10 That is for you to decide based on the evidence in this  
11 case.

12 You will render a verdict, and I want to write  
13 that word down because it is a very special word. The  
14 word "verdict" comes from the Latin. "Ver," means  
15 truth. "Dict" means to speak. A verdict is nothing  
16 more than a speaking of the truth. When you speak the  
17 truth in this case with your verdict, you will speak out  
18 about the value of love, the value of family, and the  
19 horrible price that is inflicted when those things are  
20 wrongfully taken and a cost that must be repaid to make  
21 it right under the law. Thank you.

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2 REPORTER'S CERTIFICATE

3

4 I, Esther L. Thompson, an Official Court  
5 Reporter for the Circuit Court of Prince George's  
6 County, Maryland, do hereby certify that I  
7 stenographically recorded the proceedings in the matter  
8 of Nina Amayye' Eden Chi Jones, et al., versus Prince  
9 George's County Maryland, et al., in the Circuit Court  
10 for Prince George's County, Maryland, Civil Action Law  
11 No. 01-3974, on January 17, 2006, before the Honorable  
12 James J. Lombardi, Associate Judge.

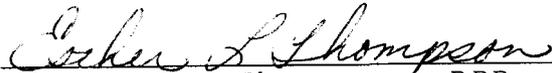
13

14 I further certify that the page numbers one  
15 through fifteen constitute the official transcript of  
16 the requested excerpt from the proceedings as  
17 transcribed by me from my stenographic notes to the  
18 within typewritten matter in a complete and accurate  
19 manner.

20

21 In Witness Whereof, I have affixed my signature  
22 this 20<sup>th</sup> day of February, 2006.

23

24   
25 Esther L. Thompson, RPR.  
Official Court Reporter