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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

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APPEARANCES:

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

- TERRELL N. ROBERTS, III, ESQUIRE
- PATRICK A. MALONE, ESQUIRE
- CHRISTOPHER A. GRIFFITHS, ESQUIRE

For the Plaintiff/Intervenor Mabel S. Jones:

- GREGORY L. LATTIMER, ESQUIRE
- TED J. WILLIAMS, ESQUIRE

For the Defendants:

- JAY H. CREECH, ESQUIRE
- ALICE CHONG, ESQUIRE

ESTHER L. THOMPSON, RPR,
OFFICIAL COURT REPORTER
P.O. Box 401
Upper Marlboro, Maryland 20773
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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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1
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 20th day of February, 2006.
23

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