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1 IN THE CIRCUIT COURT, FOURTH
2 JUDICIAL CIRCUIT, IN AND FOR
3 DUVAL COUNTY, FLORIDA
4 CASE NO.: 16-2013-CA-6244.
5 DIVISION: CV-E

6 LYNNETTE ROEBUCK, individually,
7 and as Personal Representative of the
8 Estate of KALIL McCOY, deceased,
9 Plaintiff,
10 vs.

11 FREDERICK "Freddie" LEE WADE,
12 KENNARD "Boogie" MAHONE,
13 JONATHAN "Flip" BROOKS, individuals,
14 Defendants.

15 TRANSCRIPT OF PROCEEDINGS

16 DATE TAKEN: Tuesday, January 15, 2019
17 PLACE: Duval County Courthouse
18 501 West Adams Street, Courtroom 312
19 Jacksonville, Florida 32202
20 BEFORE: Honorable Robert M. Dees

21 Reported by:
22 Renee B. Farhat
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1 A P P E A R A N C E S

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1 arguments. When they're through, I will have a
2 few final instructions about your deliberations.
3 Counsel.

4 MR. PHILLIPS: May it please the Court?
5 PLAINTIFF'S CLOSING STATEMENT

6 MR. PHILLIPS: Ladies and gentlemen, we
7 started yesterday. Sometimes these wrongful
8 death cases will go a week or more. My last one
9 went six days. And you heard the story of
10 daughter, sister, and friend, Kalil McCoy. You
11 also heard the story of victim Kalil McCoy.

12 There's a lot of cases that juries were
13 selected yesterday, the criminal cases, the
14 traffic cases, businesses that have disputes.
15 And kind of by lottery, you guys were cast with
16 this one, incredibly difficult, and we thank you
17 for sitting there yesterday through some hard,
18 hard things to hear.

19 You know, going to the criminal side of
20 things, we talked about it in jury selection. We
21 know that there was a day in court where these
22 gentlemen actually showed up. They were required
23 to. They came in handcuffs, and if they didn't
24 plead guilty -- which some of them did.

25 But they -- they weren't required to be here

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<p style="text-align: right;">Page 263</p> <p>1 today. And you heard in the Court's jury 2 instruction the defendants do not contest the 3 claims raised. But that doesn't mean that we 4 don't have to have a trial on damages, we 5 don't -- that we can determine what the value of 6 Kalil McCoy's life and Lynnette Roebuck and her 7 family's loss are. And that's your job. And we, 8 again, appreciate you taking it on.</p> <p>9 You know, the family doesn't get their day in 10 court, so to speak, at the criminal case. You 11 don't get to put on evidence as the family. It's 12 even styled the State of Florida versus Frederick 13 Wade. In this one, you know, as you see on your 14 verdict form, it says who the party is. It's 15 Ms. Roebuck on behalf of her daughter.</p> <p>16 December 31st, 1990, to June 19th, 2011, 17 20 years old. It hit me when her mom said that 18 she worked at Forever 21. I got caught up for a 19 second because she's going to be forever 20.</p> <p>20 So we'll take you briefly -- my goal is not 21 to overdo it. You've heard it. We're the only 22 side talking today. But June 20th, 2011, you 23 heard what happened at Kooker Park. Kalil wanted 24 to hang out with a guy she had gone to prom with, 25 consenting adults. One problem: He had -- they</p>	<p style="text-align: right;">Page 265</p> <p>1 going to say the F word, but that he said, "I am 2 going to F-ing kill you if you don't shut up," 3 that he intentionally took that gun -- it takes 4 pressure to discharge. All guns do. It's a 5 revolver. It's got to turn the cylinder. That 6 he fired it.</p> <p>7 And after -- after he shot her, witnesses in 8 the back, through their testimony, said he said, 9 "I told you to be quiet." And she's -- she's on 10 her way to death. That's such a malicious thing 11 to say to somebody. No one claimed he freaked 12 out. No one claimed he drove around Jacksonville 13 aimlessly, saying, Oh, my God, what am I going to 14 do? like we see in the movies.</p> <p>15 He went to a dump site, and he recruited one 16 of the guys with him to dump the body. No 911, 17 no ambulances. It's not an accident that he 18 didn't drop her body off where it even could be 19 found. Take her back to Kooker Park at 20 4:00 a.m., 5:00 a.m. in the morning. Not a 21 chance. But inside the woods, inside a dump site 22 where no one wants to go because of the smells, 23 because of the snakes, because of the other wild 24 animals. They put her in there, and they put her 25 in there intentionally. They didn't want her to</p>
<p style="text-align: right;">Page 264</p> <p>1 call it a woman on the side. He had another 2 lady.</p> <p>3 And whether it's because Kalil was a little 4 bit young and naive or whether she was the strong 5 woman that you saw with her mother, she wanted 6 that window down. She wanted to be seen on that 7 sunny Florida day. Why on earth would that start 8 a fatal argument? We don't know. We've never 9 gotten the answer. There's been excuses, but 10 we've never gotten that answer. And so, for 11 whatever reason, Mr. Wade decided that day he 12 didn't want the drama. They argued. They 13 argued.</p> <p>14 And so it's important to run through the 15 basic facts. This isn't an accident case. This 16 is an intentional infliction of emotional 17 distress case and an intentional or reckless -- 18 giving all benefit of the doubt to defendants -- 19 wrongful death case.</p> <p>20 It was not an accident that Wade kept a gun 21 in the car. It was not an accident that that gun 22 was loaded, that it was taken out and was coupled 23 with anger and threats, that he threatened her 24 life before he took it, that he waved it at her 25 head repeatedly, that he said -- and I'm not</p>	<p style="text-align: right;">Page 266</p> <p>1 be found. They left her there in the middle of 2 summer to be victimized more.</p> <p>3 He organizes the conspiracy to cover it all 4 up. And, again, we don't know what makes people 5 do things like this. But I don't know if it was 6 out of fear of Wade or out of some level of 7 co-conspiracy or that they were afraid they'd all 8 get in trouble. But the quickest way out of 9 trouble is the right thing. None of them did the 10 right thing for days and days.</p> <p>11 Then he and I think Brooks clean his car so 12 thoroughly that it's still sopping with chemicals 13 and wet a week later. No DNA is found because 14 all you see is the bleach and the stuff used to 15 clean it. But it gets -- that's -- those are the 16 worst horrors that I think there could be within 17 a story.</p> <p>18 But it gets worse for Mr. Wade. He walks up 19 to the twin brother of Kalil McCoy. And I want 20 to make sure I get this right. He says -- he 21 kind of hugs him and kind of taps and says, "I 22 hope they find the person that did this."</p> <p>23 Even after seven hours of interrogation, the 24 officer said he lied and lied and lied. And then 25 I think they knew that -- he knew that it was his</p>

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1 time. He told his boys that -- you know, "I'll
 2 take this like a man if it comes down to it."
 3 Well, he finally, I guess, you know, somewhat
 4 took it like a man. Well, then he still had to
 5 go to trial, so I don't know. Did he? So that's
 6 Wade. There would be no wrongful death but for
 7 Wade. He shot her. There's no question about
 8 that.

9 But there would be no travesty, no
 10 deprivation of justice, no appalling treatment of
 11 human beings, fellow human beings, if it wasn't
 12 for what Brooks did. Brooks picked a person up,
 13 carried them out into the woods for them to be
 14 forever hidden and helped lie and conspire.

15 Kennard Mahone, again, he didn't touch the
 16 body, right, but -- and you can judge all of the
 17 witnesses. It seemed to me that Ms. Roebuck had
 18 unique pain from Mahone. Why? Because she knew
 19 him. She trusted him. He dated her daughter.
 20 Never called Crime Stoppers. It's anonymous.
 21 Never found a phone and said, Look, you've got
 22 this thing to work out. Figure it out.

23 And they don't show up here. I don't blame
 24 them. Nobody wants to probably get picked on for
 25 two or three days. But it's all as bad as I --

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1 as justice can deal with.

2 So today's Dr. King's birthday. And there's
 3 a saying about, you know, birthdays. We talked
 4 about, you know, December 31st, 1992, to
 5 June 19th, 2012. And then there's that dash;
 6 right? And Dr. King filled a lot in that dash.
 7 39? Too young. He was struck down. Kalil McCoy
 8 was too young to be struck down.

9 She wanted to be a psychologist. A brilliant
 10 dancer. You saw the beautiful smile. High
 11 school graduate, headed to Bethune-Cookman, a
 12 historically black college down in Daytona, to
 13 study. Worked one job, headed to a second job.

14 Ms. Roebuck will never see her daughter get
 15 married, will never see her have children, will
 16 never see her live out that dash.

17 There's going to be some evidence that goes
 18 back with you. I wouldn't be here -- we wouldn't
 19 be here without the tireless work of JSO. An
 20 officer literally stops combing through dumps to
 21 find evidence to come in and testify. Detective
 22 Gupton has done this for a living. I just -- I
 23 can't imagine the pain that they have to go
 24 through with families day in and day out. It's
 25 so courageous.

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1 You heard the story. It was just yesterday.
 2 It's not like we need to rehash all of the
 3 evidence. But two professional homicide
 4 detectives now, who have come up from the street
 5 to that, testified that this sticks with them,
 6 that this is the one they remember. Bydlik
 7 because it was one of his first; Gupton because
 8 of the -- and for the same reasons as Gupton,
 9 which is because it was so traumatic.

10 I'm going to get into numbers next. And I'm
 11 going to say this once, and then I'm just going
 12 to -- I'm going to put this back down. This
 13 isn't the worst, what's in this envelope. It's
 14 clasped. I've done this before in cases. I
 15 never know whether the jury looks or not. You
 16 don't generally want to see this.

17 But if you think I'm too high, if you think
 18 I'm -- that the compensation that I'm asking for
 19 is not enough or is too much or if you think my
 20 punitive damage talk that I'm about to have, that
 21 I'm crazy or way high, open this up. If you look
 22 at this and then still think the same thing,
 23 fine. But this -- these are photos you can't
 24 see, and we didn't even want Ms. Roebuck to see
 25 some of the ones that we could show publicly. So

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1 we talked about it.

2 You know, I often say justice is spelled one
 3 way, but it's defined many different ways. And
 4 in voir dire we talked about the criminal case
 5 and how that justice was done. And the civil
 6 case is your job, and then there's part two of
 7 the civil case, which is punitive damages, which
 8 is also your job. We're going to talk about why
 9 that's important here.

10 But I have to say and I want to say and I
 11 need to say the compensatory -- the first page
 12 and a half of this verdict form, which we'll get
 13 to, is compensatory. It's only designed to
 14 compensate. How in the world do juries
 15 compensate for pain and suffering from violent
 16 crime? How do they do it?

17 Sometimes I wonder how they do it in auto
 18 accident cases. I try those, too. How do you --
 19 how in the world do you determine what the pain
 20 from a herniated disc is and put it into dollars?
 21 How do you do it when it's a violent death?
 22 Juries do it. They do it every day. And so
 23 that's -- that's the hardest part of your task
 24 and why we needed a jury to figure this out.
 25 So the medical and funeral expenses, we have

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1 that. That's the easiest line on there. \$3,680
 2 for past funeral expenses. And the funeral
 3 expenses, you'll see on the line, only go as to
 4 Frederick Wade. He's the only one that caused
 5 the death. You'll see that in Question 4.
 6 So we've got Question -- this is going to be
 7 the verdict form or a copy of the verdict form
 8 that's going to go back with you. And they're in
 9 order by -- I don't even want to call them least
 10 responsible party because they're all responsible
 11 parties. But, you know, Mahone, who didn't touch
 12 Kalil's body, is first. So I suspect the numbers
 13 would increase by culpable conduct, but that's up
 14 to you.
 15 The judge read you -- and you'll have back
 16 with you the copy of the rules of the road, the
 17 instructions. But here's the interesting thing
 18 about this case, another interesting thing about
 19 this case, is wrongful death is pain and
 20 suffering for Ms. Roebuck and the estate. Severe
 21 emotional distress is actually broader because
 22 it's so reprehensible. Wrongful death can happen
 23 by intent or neglect. Severe intentional
 24 emotional distress is by intent.
 25 So she's allowed to recover pain and

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1 suffering, mental anguish, inconvenience or loss
 2 of capacity of enjoyment of life. And it's
 3 difficult to talk to a mother who's lost their
 4 child and try to get legal questions answered,
 5 and it's one of my least favorite parts of trial
 6 because it's so insignificant compared to the
 7 loss. And linking dollars to loss is hard,
 8 difficult.
 9 So I can say this. I can say what other
 10 juries have done in other cases. And we all --
 11 Kalil was, you know, registering for classes by
 12 the hour. She worked at Forever 21 and was paid
 13 by the hour. You know, we book conference rooms
 14 by the hour. And so there is a way to do this by
 15 the hour.
 16 Compensation can be a lump sum. It's however
 17 you, as a jury, want to do it. We've seen some
 18 people be able to -- some jurors be able to, you
 19 know, take this by the hour of the loss. So
 20 Kalil was killed 2,766 days ago, 2,766 days ago.
 21 It's simple math from June 20th to January 15th,
 22 today. That's 66,384 hours.
 23 In the future -- it's why during the middle
 24 of her testimony we published a mortality table.
 25 Now, mortality tables are just general statistics

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1 on -- and there's a jury instruction about it --
 2 on what we expect somebody to live. It's no
 3 science.
 4 But future is 10,439 days, 250,536 hours, a
 5 quarter of a million hours that Ms. Roebuck is
 6 going to have without her daughter. Children are
 7 not supposed to die before parents.
 8 So, you know, you think about the job
 9 description of unimaginable, unspeakable loss,
 10 and what hourly rate would you put in there?
 11 Well, you'll see that small numbers equal big
 12 numbers when you have that much loss.
 13 And so if it's -- even if it's minimum wage,
 14 for past, it's half a million dollars and, for
 15 future, it's a million. If you plug in \$15,
 16 which is a living wage, then, you know, it's
 17 2 million for past and 3 million, almost
 18 4 million, for future for pain and suffering, for
 19 inconvenience.
 20 And so however it's -- however it's
 21 calculated, the loss caused by Mr. Mahone is a
 22 multimillion-dollar loss. Is that 2 million,
 23 3 million, 5 million, 7 million, 10 million?
 24 What has she gone through, and what is
 25 compensation for that? That's your job.

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1 Brooks -- if Brooks had stood there and said,
 2 no, what would have happened? We don't know.
 3 His number should be larger, we'd submit.
 4 Flip over to Page 2, Freddie Wade.
 5 And all of these are independent. Something
 6 happens and one's overturned, they're all
 7 individual awards. They're all individual
 8 verdicts.
 9 Freddie Wade not only committed the
 10 intentional infliction of emotional distress, but
 11 also caused her death. So you decide what that's
 12 worth.
 13 So here's where this case is different than
 14 most cases: Punitive damages. I'm going to read
 15 it so I get it right. "Punitive damages are
 16 appropriate when a defendant engages in conduct
 17 which is fraudulent, malicious, deliberately
 18 violent or oppressive, or committed with such
 19 gross negligence" -- not even intent, but gross
 20 negligence -- "as to indicate a wanton disregard
 21 for the rights and safety of others." That's the
 22 textbook definition of the things that you've
 23 heard.
 24 "Punishment of the wrongdoer and deterrents
 25 of similar wrongful conduct," deterrents of

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1 similar wrongful conduct, "in the future rather
 2 than compensation of the injured victim are the
 3 primary policy objectives of the punitive damage
 4 awards."
 5 So when Ms. McCoy was in the car with
 6 Mr. Wade, she said, "You shoot me, I'm going to
 7 haunt you." This is a jury's chance -- it
 8 doesn't happen very often -- to be the conscience
 9 of the community. We never get to say that in
 10 other trials. In punitive damages trials, we get
 11 to say "Send a message" and "Conscience of the
 12 community." It's like you unlock certain words
 13 by punitive damages, and they're important words.
 14 I took a look at the crime statistics in
 15 Duval County last night. They're up there.
 16 We're one of the top four in the state of
 17 Florida, up there in the nation. We had a lot of
 18 news watchers out of the 21 people we got to pick
 19 from. A lot of them watch the news, and I watch
 20 the news. And, heck, they're here. But how
 21 often -- seven-year-old shot, killed; 21-year-old
 22 shot, killed. Conscience of the community.
 23 120 -- 112 categorized murders in 2017. They
 24 decategorized some. There's about to be a debate
 25 on that at City Hall. 2017. It's on the uptake

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1 in 2018.
 2 And the even more horrible thing about it is
 3 crime pays. Most of them are unsolved. Despite
 4 digging in garbage dumps, despite officers giving
 5 everything, so many go unsolved. This one would
 6 have gone unsolved, but for a couple of breaks.
 7 They thought they'd get away with it.
 8 So why we're here and why this is important
 9 and why the punitive damage questions are
 10 important, because any failure to punish crime at
 11 any point is an absence of justice. Any failure
 12 to punish crime at any point is an absence of
 13 justice.
 14 The expression is crime -- crime -- you know,
 15 crime doesn't pay. Obviously, if it didn't,
 16 people wouldn't keep doing it. But Jacksonville,
 17 Duval County, the State of Florida, America as a
 18 whole, has a chance to say in cases like this --
 19 and they need to be filed. But they need to say,
 20 oh, not only does crime not pay, but crime takes
 21 and crime punishes, and you're not going to do it
 22 here.
 23 Compensatory damages must be based on full
 24 and fair assessment of the evidence. Punitive
 25 can send a message.

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1 Ms. Roebuck came from the Oakland,
 2 California, area to Jacksonville, Florida --
 3 Oakland, California, to Jacksonville, Florida, to
 4 raise a family. Lost her child and has now moved
 5 back to the Oakland, California, area. I don't
 6 say that to disparage either Oakland or
 7 Jacksonville. Every city in America is dealing
 8 with a drug problem and a crime problem and all
 9 of that. But I do say that to say a message
 10 needs to be sent about violent crime.
 11 One of our next lawsuits is against a rapper,
 12 and he had a song called Retaliation. And in the
 13 song Retaliation, one of the first lyrics is
 14 about payback. And we see it -- the officers can
 15 tell you if you talk to them often on the street.
 16 This type crime is a means to an end, a means to
 17 get rid of a problem because they don't think
 18 payback is coming. They're worried about -- you
 19 know, they'll get rid of any witnesses they need
 20 to. That's their payback. But you know what
 21 today is? You know what today is? Kalil McCoy's
 22 payback; okay?
 23 I'm just a lawyer. I just say words. But
 24 today is Kalil McCoy's payback, and for that
 25 punitive damage line, it needs to be in the tens

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1 of millions of dollars. Nobody over there is
 2 going to disagree with me. They didn't take the
 3 time to show up.
 4 We talked about a billion-dollar verdict in
 5 Georgia in jury selection. I don't want a
 6 billion-dollar verdict. A billion-dollar verdict
 7 is something nobody's afraid of. A \$40-million
 8 verdict, a \$400-million verdict, that's something
 9 that people will be afraid of. And you're
 10 allowed to deter crime.
 11 Thank you.
 12 THE COURT: Members of the jury, you have now
 13 heard all of the evidence, my instructions on the
 14 law that you must apply in reaching your verdict,
 15 and the closing arguments of Counsel. You will
 16 shortly retire to the jury room to decide this
 17 case. Before you do, I have a few last
 18 instructions for you.
 19 During deliberations, jurors must communicate
 20 about the case only with one another and only
 21 when all jurors are present in the jury room.
 22 You will have in the jury room all the evidence
 23 that was received during the trial.
 24 In reaching your decision, do not do any
 25 research on your own or as a group. Do not use

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1 dictionaries, the internet, or any other
 2 reference materials. Do not investigate the case
 3 or conduct any experiments. Do not visit or view
 4 the scene of any event involved in the case or
 5 look at maps or pictures on the internet. If you
 6 happen to pass by the scene, do not stop or
 7 investigate. All jurors must see or hear the
 8 same evidence at the same time. Do not read,
 9 listen to, or watch any news accounts of this
 10 trial.

11 You're not to communicate with any person
 12 outside the jury about this case. Until you have
 13 reached a verdict, you must not talk about this
 14 case in person or through the telephone, writing,
 15 or electronic communication, such as a blog,
 16 Twitter, email, text message, or any other means.

17 Do not contact anyone to assist you, such as
 18 a family accountant, doctor, or lawyer. These
 19 communication rules apply until I discharge you
 20 at the end of the case.

21 If you become aware of any violation of these
 22 instructions or any other instruction that I've
 23 given you in the case, you must tell me by giving
 24 a note to the bailiff.

25 Any notes you have taken during the trial may

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1 be taken to the jury room for use during your
 2 discussions. Your notes are simply an aid to
 3 your memory, and neither your notes nor those of
 4 any other juror are binding or conclusive.

5 Your notes are not a substitute for your own
 6 memory or that of other jurors. Instead, your
 7 verdict must result from the collective memory
 8 and judgment of all jurors based on the evidence
 9 and testimony presented during the trial.

10 At the conclusion of the trial, the bailiff
 11 will collect all of your notes and immediately
 12 destroy them, and no one will ever read your
 13 notes.

14 In reaching your verdict, do not let bias,
 15 sympathy, prejudice, public opinion, or any other
 16 sentiment for or against any party influence your
 17 decision. Your verdict must be based on the
 18 evidence that has been received and on the law
 19 that I have instructed you.

20 Reaching your verdict is exclusively your
 21 job. I cannot participate in that decision in
 22 any way, and you should not guess what I think
 23 your verdict should be from something I may have
 24 said or done. You should not think that I prefer
 25 one verdict over another. Therefore, in reaching

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1 your verdict, you should not consider anything
 2 that I have said or done except for my specific
 3 instructions to you.

4 Pay careful attention to all the instructions
 5 that I gave you, for that is the law that you
 6 must follow. You will have a copy of my
 7 instructions with you when you go to the jury
 8 room to deliberate. All the instructions are
 9 important, and you must consider all of them
 10 together. There are no other laws that apply to
 11 this case. And even if you do not agree with
 12 these laws, you must use them in reaching your
 13 decision in this case.

14 When you go to the jury room, the first thing
 15 you should do is choose a presiding juror to act
 16 as foreperson during your deliberations. The
 17 foreperson should see to it that your discussions
 18 are orderly and that everyone has a fair chance
 19 to be heard.

20 It is your duty to talk with one another in
 21 the jury room and to consider the views of all
 22 the jurors. Each of you must decide the case for
 23 yourself, but only after you have considered the
 24 evidence with the other members of the jury.

25 Feel free to change your mind if you're

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1 convinced that your position should be different.
 2 You should all try to agree. But do not give up
 3 your honest beliefs just because the others think
 4 differently. Keep an open mind so that you and
 5 your fellow jurors can easily share ideas about
 6 the case.

7 I will give you a verdict form with questions
 8 you must answer. I have already instructed you
 9 on the law that you are to use in answering these
 10 questions. You must follow my instructions and
 11 the form carefully. You must consider each
 12 question separately. Please answer the questions
 13 in the order that they appear. After you answer
 14 a question, the form tells you what to do.

15 You will be given one form of verdict, which
 16 I will read to you now. It has the case name up
 17 at the top. The court is up in the upper right,
 18 and then the case name with the parties. It's
 19 called "Verdict." And it says "We, the Jury,
 20 return the following verdict." And there's a
 21 caption, "Intentional Infliction of Emotional
 22 Distress, Kennard "Boogie" Mahone." And
 23 Question No. 1 is "What is the total amount of
 24 any past and future damages sustained by Lynnette
 25 Roebuck for her severe emotional distress caused

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1 by Defendant Kennard "Boogie" Mahone?" and then a
 2 line for you to write a number.

3 And then the next heading is "Intentional
 4 Infliction of Emotional Distress, Jonathan
 5 Brooks." And the same question for him. The
 6 Question 2 is "What is the total amount of any
 7 past and future damages sustained by Lynnette
 8 Roebuck for her severe emotional distress caused
 9 by Defendant Jonathan "Flip" Brooks?" and a line
 10 for you to put a number.

11 The next heading, "Intentional Infliction of
 12 Emotional Distress, Frederick Wade." Question 3
 13 is "What is the total amount of any past and
 14 future damages sustained by Lynnette Roebuck for
 15 her severe emotional distress caused by Defendant
 16 Frederick "Freddie" Wade?" and a line for you to
 17 write a number.

18 And the next heading is "Wrongful Death," and
 19 that's against Frederick Wade. And Question
 20 No. 4 is "What is the total amount of any past
 21 and future damages sustained by the Estate of
 22 Kalil McCoy and/or Lynnette Roebuck as a result
 23 of the injury and death of Kalil McCoy?" And
 24 there are two subparagraphs. A is for "Funeral
 25 Expenses," and then B is "Pain and Suffering,

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1 Loss of Support and Services," and a line for you
 2 to put numbers.

3 The next heading is "Punitive Damages," and
 4 Question 5 is "Under the circumstances of this
 5 case, state whether you find by clear and
 6 convincing evidence that punitive damages are
 7 warranted against," and then there are three
 8 lines under that, "Defendant Frederick "Freddie"
 9 Wade," and a place for you to put yes or no.
 10 Just put a check or an X.

11 And the next one is "Defendant Jonathan
 12 "Flip" Brooks," and a place for you to mark yes
 13 or no.

14 And then "Defendant Kennard "Boogie" Mahone,"
 15 and a place for you to mark yes or no.

16 And then there's an instruction after that
 17 that says "If you have elected not to assess
 18 punitive damages against Defendant Frederick
 19 "Freddie" Wade, Defendant Jonathan "Flip" Brooks,
 20 or Defendant Kennard "Boogie" Mahone," that you
 21 should skip the remaining questions and sign and
 22 date the verdict form.

23 "If, however, you have elected to assess
 24 punitive damages against one or more of these
 25 defendants, the law requires you to answer the

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1 following question."
 2 Question No. 6 is "As to each defendant for
 3 whom you answered yes, what is the total amount
 4 of punitive damages, if any, which you find by
 5 the greater weight of the evidence should be
 6 assessed against that defendant?"

7 And then there's a line for you to write a
 8 number next to Defendant Frederick "Freddie"
 9 Wade, Defendant Jonathan "Flip" Brooks, and
 10 Defendant Kennard "Boogie" Mahone.

11 And then you would date and the foreperson
 12 would sign the verdict form.

13 Your verdict must be unanimous; that is, your
 14 verdict must be agreed to by each of you. When
 15 you have finished filling out the form, your
 16 foreperson must write the date and sign it at the
 17 bottom and return the verdict to the bailiff.

18 If any of you need to communicate with me for
 19 any reason, write me a note and give it to the
 20 bailiff. In your note, do not disclose any vote
 21 or split or the reason for the communication.

22 You may now retire to decide your verdict.
 23 Clerk, one second.

24 MR. JOHNSON: Copies of the jury
 25 instructions?

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1 THE COURT: Yeah. With the evidence, take
 2 the six copies of the instructions and the
 3 verdict form.

4 (The jury exits the courtroom for
 5 deliberations.)

6 THE BAILIFF: Do we have a calculator? They
 7 wanted to know.

8 THE COURT: Does anyone have a calculator?
 9 THE CLERK: I have one.
 10 (Discussion held off the record.)

11 THE COURT: It looked like there might
 12 already be a question.

13 THE BAILIFF: (Tendering)

14 THE COURT: How much were lawyer fees, total?
 15 I think the way to answer that is just to say
 16 there's no testimony or evidence presented as to
 17 the amount of attorneys' fees.

18 MR. PHILLIPS: Yes.

19 THE COURT: All right. So I just put "There
 20 was no testimony or evidence presented as to the
 21 amount of attorneys' fees."
 22 All right. We will be in recess until we
 23 hear something from the jury.

24 MR. PHILLIPS: Thank you, Judge.
 25 (Brief recess)

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1 THE COURT: All right. I understand we have
 2 a verdict.
 3 THE BAILLIFF: Yes, sir.
 4 THE COURT: All right. You can bring the
 5 jury in.
 6 THE BAILLIFF: Jurors are entering the
 7 courtroom.
 8 (The jury enters the courtroom.)
 9 THE COURT: You can be seated.
 10 Mr. Foreperson, has the jury reached a
 11 verdict?
 12 FOREMAN PICKMAN: They have, Your Honor.
 13 THE COURT: Could you hand it to the bailiff,
 14 please.
 15 FOREMAN PICKMAN: (Complies)
 16 THE COURT: (Examining verdict)
 17 The Court finds there are no errors or
 18 omissions in the filling out of the jury form.
 19 Will the clerk please publish the verdict.
 20 THE CLERK: In the Circuit Court, Fourth
 21 Judicial Circuit in and for Duval County,
 22 Florida, Case No. 2013-CA-6244, Division CV-E,
 23 Lynnette Roebuck, individually, and as personal
 24 representative of the Estate of Kalil McCoy,
 25 Deceased, versus Frederick "Freddie" Lee Wade,

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1 Kennard "Boogie" Mahone, Jonathan "Flip" Brooks,
 2 individuals.
 3 We, the jury, return the following verdict:
 4 "Intentional infliction of emotional distress,
 5 Kennard "Boogie" Mahone. What is the total
 6 amount of any past and future damages sustained
 7 by Lynnette Roebuck for severe emotional distress
 8 caused by Defendant Kennard "Boogie" Mahone?
 9 \$75 million.
 10 "Intentional infliction of emotional
 11 distress, Jonathan "Flip" Brooks. What is the
 12 total amount of any past and future damages
 13 sustained by Lynnette Roebuck for her severe
 14 emotional distress caused by Defendant Jonathan
 15 "Flip" Brooks? \$60 million.
 16 "Intentional infliction of emotional
 17 distress, Frederick "Freddie" Wade. What is the
 18 total amount of any past and future damages
 19 sustained by Lynnette Roebuck for her severe
 20 emotional distress caused by Defendant Frederick
 21 "Freddie" Wade? \$150 million.
 22 "Wrongful death, Frederick Wade. What is the
 23 total amount of any past and future damages
 24 sustained by the Estate of Kalil McCoy and/or
 25 Lynnette Roebuck as a result of the injury and

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1 death of Kalil McCoy? Funeral expenses: \$3,680;
 2 pain and suffering, loss of support and services:
 3 \$10,120,000.
 4 "Punitive damages. Under the circumstances
 5 of this case, state whether you find by clear and
 6 convincing evidence that punitive damages are
 7 warranted against: Defendant Frederick "Freddie"
 8 Wade, yes; Defendant Jonathan "Flip" Brooks, yes;
 9 Defendant Kennard "Boogie" Mahone, yes.
 10 "As to each defendant for whom you answered
 11 yes, what is the total amount of punitive
 12 damages, if any, which you find by the greater
 13 weight of the evidence should be assessed against
 14 that defendant?
 15 "Defendant Frederick "Freddie" Wade,
 16 \$100 million; Defendant Jonathan "Flip" Brooks,
 17 \$50 million; Defendant Kennard "Boogie" Mahone,
 18 \$50 million.
 19 "So say we all this 15th day of January,
 20 2019. Benjamin Pickman, Foreperson."
 21 THE COURT: Does Counsel wish the jury to be
 22 polled?
 23 MR. PHILLIPS: No, Your Honor.
 24 THE COURT: Okay. Ladies and gentlemen, I
 25 want to thank you for your time and consideration

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1 of this case. I also wish to advise you of some
 2 very special privileges enjoyed by jurors.
 3 No juror can ever be required to talk about
 4 the discussions that occurred in the jury room
 5 except by court order. For many centuries our
 6 society has relied upon juries for consideration
 7 of difficult cases. We have recognized for
 8 hundreds of years that a jury's deliberations,
 9 discussions, and votes should remain its private
 10 affair so long as it wishes.
 11 Therefore, the law gives you a unique
 12 privilege not to speak about the jury's work.
 13 Although you are at liberty to speak with anyone
 14 about your deliberations, you are also at liberty
 15 to refuse to speak to anyone.
 16 A request may come from those who are simply
 17 curious or from those who might seek to find
 18 fault with you. It will be up to you to decide
 19 whether to preserve your privacy as a juror.
 20 And on behalf of the Court and the parties, I
 21 appreciate your time and consideration of the
 22 case. You have completed your service.
 23 Okay. We're adjourned.
 24 (Whereupon, the taking of the foregoing
 25 proceedings were concluded at 11:07 a.m.)