

Granich - Closing Argument

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1 Thank you, your Honor.

2 CLOSING ARGUMENT ON BEHALF OF THE PLAINTIFF

3 BY MR. GRANICH:

4 Mr. Jebson says that I'm dramatic. He's right. He
5 says I talk too loud. He's right. Mr. Jebson is a great
6 lawyer. He's smart. He's charming. He knows how to do a
7 direct examination. He's everything I'm not. But he's got
8 one thing I'm glad I don't have. Clients that are liars.

9 MR. JEBSON: Objection.

10 THE COURT: Overruled.

11 BY MR. GRANICH:

12 90 percent -- 50 minutes and I sat through it, you
13 did, too -- of his argument is based on one word.

14 MR. GRANICH: May I?

15 MR. JEBSON: Sure.

16 MR. GRANICH: Have you got a pen?

17 BY MR. GRANICH:

18 Here's the problem with Mr. Jebson's whole argument:
19 Credibility. Credibility.

20 They don't have any. I'm talking too loud. Sorry.

21 They don't have any credibility. Why not? Because
22 they can't even agree with each other. Oh, it was the small
23 thing, a difference between what Lawler and Diaz said. No, it
24 wasn't. Diaz said she called out in pain. Lawler said she
25 didn't.

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1 That's small? They have no credibility. They can't
2 tell one story by themselves. And when you compare their
3 stories, they have no credibility at all. And everything he
4 said -- she never complained, she never requested -- that all
5 depends on their credibility. You have to believe them. Do
6 you? Do you believe them? Do you?

7 Do you? Do you? Do you? Do you?

8 What did he say? Jury instructions. Serious medical
9 need. Don't be confused. He's saying I'm confusing you.
10 They didn't have to know she had a bad heart. That's what the
11 jury instruction tells you.

12 MR. JEBSON: I object to that. It misstates the law.

13 THE COURT: Ladies and gentlemen, I will shortly
14 instruct you on what the law is that applies in this case.

15 BY MR. GRANICH:

16 They had to know she had a medical claim, a medical
17 need. The deputies told them that, take this woman to a
18 hospital.

19 By the way, Mr. Jebson made a big deal about this
20 memo. Do you know what Deputy McCoy put in the memo word for
21 word? Unable to stand. Do you think someone who can't stand
22 up straight might need to go to a doctor? Those were her
23 words, unable to stand. In that memo she wrote, "I was told
24 this woman was in pain. I saw this woman couldn't stand up
25 straight." It's what the memo said.

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1 The log. How many? 141 "okay"s. Diaz told you
2 those "okay"s mean nothing. All the officers told you, hey,
3 if someone complains, do you put that in the book? No. Those
4 "okay"s are meaningless because they told you they're
5 meaningless.

6 How could the deputies know they have 40,000
7 prisoners? Yeah, but how many die after they're rejected?
8 One.

9 MR. JEBSON: Objection.

10 THE COURT: Overruled. It is argument.

11 MR. GRANICH: One.

12 Why would the deputies remember Patricia Cobige?
13 Because she's the only one who died after they told police to
14 take them to a hospital.

15 MR. JEBSON: Judge, there's no --

16 MR. GRANICH: That's why they remember.

17 MR. JEBSON: There's no evidence of this.

18 THE COURT: Overruled.

19 Ladies and gentlemen, your recollection of the
20 evidence in this case is what will control.

21 BY MR. GRANICH:

22 My favorite argument that Mr. Jebson made is the
23 phone call. When was that phone call made? 12:45. He's
24 saying it occurred on Sunday. But if it occurred at 12:45
25 p.m., afternoon, on Sunday the 11th, why would she say she was

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1 going to court? She had just been there.

2 The phone call --

3 MR. JEBSON: Judge --

4 BY MR. GRANICH:

5 -- as Maurice explained to you --

6 MR. JEBSON: I'm sorry, Judge, but I never said it
7 was in the afternoon. That's misstating what I said.

8 THE COURT: Overruled.

9 BY MR. GRANICH:

10 You heard the phone call, 12:45. That's what the
11 message says, 12:45. Why would she say at 12:45 on Sunday
12 she's going to court when she had just been there? It was
13 Saturday, just like Maurice said. Saturday, an
14 hour-and-a-half after she was arrested, she hadn't gone into
15 the pain she would ultimately die from yet.

16 Mr. Jebson is just wrong.

17 Cramps. God, I never hated that word so much until
18 we came into this trial. Why? Because Patricia Cobige never
19 said cramps. Diaz told you that. I confused her with my
20 questions? Ma'am, she never said cramps, right? What word
21 there don't anybody understand? Because I'm a slick, tricky
22 lawyer. He's better at this than I am.

23 Diaz said she wasn't okay not because had cramps,
24 because she knew she wasn't okay. That's why Diaz told the
25 relief. She told Milovich. Milovich says, well, she didn't

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1 tell me nothing.

2 Barbara Flores. Let's not believe her because after
3 she was mistreated and after she saw someone mistreated and
4 die -- he misquoted -- what was the first thing Barbara Flores
5 did? She went to the police station voluntarily and said,
6 hey, let me tell you what happened in there.

7 And, then, a woman who believes that someone's civil
8 rights were violated and died had the audacity to go to a
9 civil rights lawyer. What's going to happen next, ladies and
10 gentlemen? Sick people are going to want to go to a hospital.

11 Sympathy. I've argued sympathy. Who talked about
12 five kids and grandmothers and injured -- he just spent 15
13 minutes trying to get you to feel sorry for these people.
14 Sympathy? It's his job, not mine. I'm not asking for
15 sympathy. Let's be clear. I'm not asking for sympathy.
16 We're not asking for sympathy. We're asking for justice, not
17 sympathy.

18 Ladies and gentlemen, I've taken up an hour of your
19 time today and I didn't need to. Because you know. You came
20 here and you saw what happened. You heard. You know. I
21 could have taken -- instead of the whole hour, I could have
22 simply said five words. I learned recently that the
23 Gettysburg Address, one of the greatest things ever said in
24 this country, was done under a minute-and-a-half by Abraham
25 Lincoln.

Jury Instructions

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1 I could have done everything I needed to say here
2 today, ladies and gentlemen, in five words. Allow me to do it
3 now.

4 Guilty, guilty, guilty, guilty, guilty (indicating).
5 Thank you.

6 THE COURT: Thank you, Mr. Granich.

7 Members of the jury, you have seen and heard all the
8 evidence and arguments of the attorneys, and now I will
9 instruct you on the law.

10 And I will give each one of you a set of these
11 instructions back in the jury room.

12 You have two duties as a jury. Your first duty is to
13 decide the facts from the evidence in the case. This is your
14 job and yours alone.

15 Your second duty is to apply the law that I give you
16 to the facts. You must follow these instructions even if you
17 disagree with them. Each of the instructions is important and
18 you must follow all of them.

19 Perform these duties fairly and impartially. Do not
20 allow sympathy, prejudice, fear or public opinion to influence
21 you. You should not be influenced by any person's race,
22 color, religion, national ancestry or sex.

23 Nothing I say now and nothing I said or did during
24 the trial is meant to indicate any opinion on my part about
25 what the facts are or about what your verdict should be.