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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

Docket No. 6:13-cv-1426

JOAN JARA, in her individual	:	
capacity and in her capacity	:	
as the personal representative	:	
of the Estate of Victor Jara,	:	
et al.	:	
	:	Orlando, Florida
Plaintiffs	:	June 27, 2016
	:	9:02 a.m.
v.	:	
	:	
PEDRO PABLO BARRIENTOS NUNEZ	:	
	:	
Defendant	:	
.....	:	

TRANSCRIPT OF JURY TRIAL, VOLUME IX
BEFORE THE HONORABLE ROY B. DALTON, JR.
UNITED STATES DISTRICT JUDGE

Court Reporter: Amie R. First, RDR, CRR, CRC, CPE
AmieFirst.CourtReporter@gmail.com

Proceedings recorded by mechanical stenography.

Transcript produced by Computer-Aided Transcription.

1 APPEARANCES:

2

3 For the Plaintiffs: Mark D. Beckett

4 Richard S. Dellinger

5 L. Kathleen Roberts

6 Daniel McLaughlin

7 Christian Urrutia

8 Amy Belsher

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10 For the Defendant: Sean W. Landers

11 Luis F. Calderon

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1 P R O C E E D I N G S

2 *****

3 THE COURT: Good morning, everyone. Welcome back.
4 We're back on the record in Jara versus Barrientos
5 Nunez, 6:13-civil-1426.

6 All counsel and parties are present.

7 Is our jury back, Mr. Carter?

8 COURT SECURITY OFFICER: Yes, sir.

9 THE COURT: All right. Let's bring them in,
10 please.

11 Hope you all had a pleasant weekend.

12 (Discussion off the record.)

13 (Jury entered the courtroom at 9:05 a.m.)

14 THE COURT: Welcome back, ladies and gentleman.
15 Hope you enjoyed your time away.

16 Were all of you able to follow my instructions not
17 to discuss the case amongst yourselves or with anyone else?

18 JURY: Yes.

19 THE COURT: Yes. We'll take care of that for you.
20 The jurors had a question about ordering in lunch.
21 So we're going to take care of that for them.

22 All right. Ladies and gentleman, as I mentioned
23 to you when I dispersed you on Wednesday, one of the unique
24 things about jury deliberations is, as I mentioned before,
25 the jury is an organic body, can only operate when all of

1 its members are together.

2 So now that you are reconstituted, I'm going to
3 ask you to retire to the jury room and begin or resume your
4 deliberations where you left off on Wednesday.

5 Same instructions apply to you that I gave you
6 before. If you need to communicate with me for any reason,
7 just write your message down, give it to Mr. Carter.

8 As I said before, I have to constitute -- I have
9 to collect all of the troops in order to provide a response
10 to you. And just a reminder that most of the time the
11 answer to any question is in the written instructions that
12 I gave you.

13 But if you do need to communicate with me in any
14 way, again, just a reminder that you're not to disclose
15 where anybody is with respect to any particular issue when
16 you send a communique to the Court.

17 So I'll excuse you with my instructions to resume
18 your deliberations.

19 MR. BECKETT: Judge, just before you release the
20 jury, may we be heard at sidebar briefly?

21 THE COURT: Surely.

22 (Discussion at sidebar on the record.)

23 MR. BECKETT: Judge, there has been some media
24 about this case. And without getting into the content of
25 that, I know it's customary for you to ask the questions of

1 the jury about whether they've abided by your instructions
2 about the media.

3 I'm sure they will answer affirmatively. However,
4 it might make sense to do that.

5 THE COURT: Here's the note, if you want to take a
6 look.

7 MS. ROBERTS: No objections to pizza.

8 (End of discussion at sidebar.)

9 THE COURT: Ladies and gentleman, just before I
10 release you, let me ask you specifically, have all of you
11 been able to avoid seeing any media?

12 The lawyers mentioned to me there may have been
13 some media coverage. I don't look at it myself.

14 Have any of you seen any media coverage or been
15 exposed to any information about the case other than the
16 evidence and my instructions on the law?

17 JURY: No.

18 THE COURT: So the jurors have unanimously
19 answered no to that question.

20 All right. Thank you, ladies and gentleman. You
21 may now retire to resume your deliberations.

22 (Jury exited the courtroom at 9:08 a.m. to
23 continue deliberations.)

24 THE COURT: Make that a part of the record.

25 We'll be in recess pending further word from the

1 jury.

2 (Recess at 9:08 a.m. to 3:07 p.m.)

3 THE COURT: Back on the record in Jara versus
4 Barrientos Nunez, 6:11 -- I'm sorry -- 6:13-1426.

5 The Court notes all counsel and parties are
6 present.

7 Mr. Carter, I understand our jury has reached a
8 verdict.

9 COURT SECURITY OFFICER: Yes, sir.

10 THE COURT: All right. Would you bring them in,
11 please.

12 COURT SECURITY OFFICER: Yes, sir.

13 (Jury entered the courtroom at 3:08 p.m.)

14 THE COURT: Welcome back, ladies and gentleman.

15 Miss Berry, I see you carrying the paperwork.

16 Does that mean that you're the foreperson?

17 THE FOREPERSON: Yes.

18 THE COURT: Has the jury reached a verdict?

19 THE FOREPERSON: Yes, sir, we have.

20 THE COURT: All right. Would you give the verdict
21 form to Mr. Carter, please, ma'am?

22 All right. Ladies and gentleman, in just a
23 moment, I'm going to ask Miss Flick to publish your
24 verdict.

25 What will happen after that, after she's published

1 the verdict, I'm going to come back and ask each of you
2 individually to confirm for me whether or not that is your
3 verdict.

4 So I'll ask each of you individually whether or
5 not that is your verdict, and you should respond
6 accordingly.

7 Miss Flick, would you publish the verdict, please,
8 ma'am.

9 **VERDICT**

10 THE DEPUTY CLERK: Case Number
11 6:13-cv-1426-ORL-37GJK, Joan Jara, Amanda Jara Turner, and
12 Manuela Bunster versus Pedro Pablo Barrientos Nunez.

13 Verdict form.

14 We, the jury, return the following verdict:

15 I: Claims brought by Plaintiff Joan Jara as
16 representative of Victor Jara's Estate against Defendant
17 Barrientos.

18 1: Does the jury find the Defendant Barrientos is
19 liable for the torture of Victor Jara?

20 Yes.

21 If you answered yes to Question 1, Section I
22 above, what is the total amount of damages that you
23 determine is appropriate to compensate the Estate of Victor
24 Jara?

25 Compensatory damages, \$3 million.

1 If you answered yes to Question 1, Section I
2 above, what, if any, is the total amount of punitive
3 damages that you determine is appropriate to assess against
4 Defendant Barrientos?

5 Punitive damages, \$10 million.

6 II: Claims brought by Plaintiff Joan Jara as
7 representative of Victor Jara's Estate, and by Plaintiffs
8 Joan Jara, Amanda Jara Turner, and Manuela Bunster in their
9 individual capacities against Defendant Barrientos.

10 1: Does the jury find that Defendant Barrientos
11 is liable for the extrajudicial killing of decedent Victor
12 Jara?

13 Yes.

14 If you answered yes to Question 1, Section II
15 above, what is the total amount of damages that you
16 determine is appropriate to compensate the Estate of Victor
17 Jara?

18 Compensatory damages, \$3 million.

19 If you answered yes to Question 1, Section II
20 above, what is the total amount of damages that you
21 determine is appropriate to compensate Plaintiffs Joan
22 Jara, Amanda Jara Turner, and Manuela Bunster in their
23 individual capacities?

24 Compensatory damages, \$2 million.

25 If you answered yes to Question 1, Section II

1 above, what, if any, is the total amount of punitive
2 damages that you determine is appropriate to assess against
3 Defendant Barrientos?

4 Punitive damages, \$10 million.

5 So say we all on this 27th day of June, 2016,
6 signed by the foreperson.

7 THE COURT: Thank you, Miss Flick.

8 Jamie McDermott, is this your verdict?

9 JUROR: Yes, Your Honor.

10 THE COURT: Julie Anne Long, is this your verdict?

11 JUROR: Yes, Your Honor.

12 THE COURT: Domingo Codner, is this your verdict?

13 JUROR: Yes, Your Honor.

14 THE COURT: Krystal Lee Platt, is this your
15 verdict?

16 JUROR: Yes, Your Honor.

17 THE COURT: Lisa Louise Berry, is this your
18 verdict?

19 JUROR: Yes, sir.

20 THE COURT: Ann Marie Wetherington, is this your
21 verdict?

22 JUROR: Yes, Your Honor.

23 THE COURT: Thank you, ladies and Mr. Codner.

24 I want to take a minute in addition to thanking
25 you for your time, attention, and your conscientious

1 deliberations in this case to tell you about some special
2 privileges that you enjoy as former members of the jury.

3 Our rules do not permit any of the lawyers or any
4 representatives of the lawyers or any of the parties or
5 representatives of the parties to contact you in any way to
6 inquire about your deliberations or about the method or
7 manner in which you arrived at your verdict.

8 As I told you at the outset, your deliberations
9 are secret and you are entitled to keep them that way.

10 Nonetheless, we do live in a country where we
11 revere the right of free speech. Each of you enjoys the
12 right of free speech. And so in just a moment, I'm going
13 to release you from your obligation that I've imposed on
14 you not to discuss the case amongst yourselves or with
15 anyone else with this piece of unsolicited advice.

16 And that is that my experience is that oftentimes
17 people seek to contact you or to inquire about your
18 deliberations in order to undermine or to question the
19 appropriateness of your work in some way.

20 You have a right to keep your deliberations
21 secret. You're not obligated to speak with anyone about
22 them.

23 My advice to you is that the better course is to
24 maintain the secrecy of your deliberations and the method
25 and manner in which you arrived at your verdict with your

1 fellow jurors.

2 However, you're free to speak with others if you
3 wish to do that. My only admonition is remember that if
4 you choose to speak with someone about your deliberations
5 that you're making a decision for one of your fellow jurors
6 that they may not agree with.

7 So as I said, you're released from my prior
8 admonition with the understanding that my advice to you is
9 that you should continue to maintain your deliberations as
10 confidential.

11 If you could -- if I could impose on you to give
12 me just a few seconds here, minute or two with the lawyers,
13 I'd like to come back and thank you myself personally
14 before you leave the building.

15 But with that, I'll excuse you and thank you again
16 for your service.

17 Mr. Carter?

18 COURT SECURITY OFFICER: Yes, sir.

19 All rise for the jury.

20 (Jury exited the courtroom at 3:14 p.m.)

21 THE COURT: All right. The Court will enter
22 judgment consistent with the jury's verdict.

23 I'll remind the lawyers that post-trial motions
24 will be due 28 days from the entry of the judgment.

25 Anything further from the plaintiff, Mr. Beckett?

1 MR. BECKETT: No, sir, Your Honor.

2 THE COURT: Anything further from the defense,
3 Mr. Calderon?

4 MR. CALDERON: No, Your Honor.

5 THE COURT: All right. I'd like to thank the
6 lawyers for their professionalism and for their
7 presentation. It's been a pleasure to be with you. And
8 I'm sure I'll see you again.

9 But for now, we're in recess.

10 (Proceedings adjourned at 3:15 p.m.)

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13 C E R T I F I C A T E

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15 I certify that the foregoing is a correct
16 transcript from the record of proceedings in the
17 above-entitled matter.

18
19 s\Amie R. First, RDR, CRR, CRC, CPE

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23 Verdict 7

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