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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

DWAYNE WHITE,)
)
Plaintiff,)
)
v.) No. 16-cv-560-JPG-DGW
) Benton, Illinois
RICHARD WATSON, St. Clair)
County Sheriff, et al.,)
)
Defendants.)

TRANSCRIPT OF JURY TRIAL PROCEEDINGS
DAY/VOLUME I

BEFORE THE HONORABLE J. PHIL GILBERT
UNITED STATES DISTRICT JUDGE

DECEMBER 3, 2018

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(Following voir dire/jury selection, proceedings continue in open court; jury panel present).

THE CLERK: Please be seated.

THE COURT: Why don't we go ahead and swear them in now. Please stand and be sworn.

(Jury sworn).

THE COURT: Okay. Again, on behalf of the Court and the parties, I want to thank you for your participation in this trial. You have now been sworn as the jury in this case. This is a civil case involving disputed claims between the parties. Those claims and other matters will be explained to you later.

By your verdict, you will decide the disputed issues of fact. I will decide questions of law that arise during the trial and before you retire to deliberate at the close of the trial. I will instruct you on the law that you are to follow in reaching your verdict. It is your responsibility to determine the facts and apply the law to those facts that you hear. Thus, the function of the jury and the function of the Judge, as I said earlier, is well-defined and do not overlap.

Before proceeding further, I wanted to tell you how this trial is going to be conducted. We are going to break for lunch, come back at 12:30. At that time the attorneys for the parties will have an opportunity to make opening

1 statements in which they will explain to you the issues and
2 the case and summarize the facts that they expect the evidence
3 to show.

4 They will give you kind of a road map as to what they
5 believe the evidence is going to show in this case.

6 Following the opening statements, witnesses will be
7 called to testify under oath, they will be examined and cross-
8 examined by the attorneys and documents and other exhibits
9 that may be received into evidence.

10 After all the evidence has been received, the
11 attorneys will again have an opportunity to address you and
12 make their final arguments. Before they make the final
13 arguments, I will be instructing you as to the law.

14 You should give careful attention to the testimony
15 and other evidence that is received and presented for your
16 consideration, but you should not form or express any opinion
17 about the case until you have heard all the evidence, the
18 arguments of the attorneys, and the instructions on the law
19 from me. In other words, you should not form or express any
20 opinion about this case until you retire to begin your
21 deliberations in the jury room.

22 During the trial it may be necessary for me to confer
23 with the attorneys outside of your hearing. And when I do
24 that, it's easier -- In the courtroom downstairs I used to
25 have sidebar conferences, but we don't have that situation

1 here. So, if I do have to consult with the attorneys during
2 the trial, unfortunately you will have to be excused and go
3 back to the jury room until those matters are resolved.

4 During the course of the trial you will have an
5 opportunity to take notes. And note-taking is only to aid
6 your memory. This is not going to be a long trial, but some
7 people like to take notes and other people don't. Notes are
8 not evidence. You should not -- If you do not take notes, you
9 should rely on your own independent recollections of the
10 evidence and not be unduly influenced by the notes of other
11 jurors. Notes are not entitled to any greater weight than the
12 recollections and expressions of each juror about the
13 testimony. When you leave the courthouse your notes will stay
14 here and they will be returned to you in the morning.

15 We will be taking breaks usually in mid morning and
16 mid afternoon. We will start at 8:30 every morning and try to
17 go until 4:00 or 4:30 each day. I want to make every effort
18 -- Hopefully we can get this trial in in four days, but it may
19 lead into Friday.

20 So, at this time we are going to take a recess until
21 12:30. When you come back here we will begin with the opening
22 statements of counsel, and then the evidence will begin.

23 Again, I appreciate your participation in this trial,
24 and we will see you in an hour.

25 THE CLERK: All rise for the jury.

1 (Jury out).

2 (Proceedings continue in open court; jury not
3 present.)

4 THE COURT: Ms. Bedi?

5 MS. BEDI: We have a partial agreement with the
6 Defendants that I would like to show during my opening.
7 Defendants agree I can show some pictures of the cell, as well
8 as some screen shots of the cell checks. Where our
9 disagreement arises is that I would like to show a picture of
10 Bradley Scarpi, as I mentioned before, and the Defendants want
11 to pick which picture I can show them. So, they agree that I
12 can show a picture, and I would like to be able to pick the
13 picture that I show the jury at this point.

14 MR. YSURSA: Your Honor, I think that's a
15 mischaracterization by saying that we want to pick. They have
16 asked that we consent that they be able to show pictures that
17 are not admitted into evidence. Obviously, we have an
18 objection to the use of actual substantive evidence in the
19 demonstratives in the opening statements. But with said, is
20 it just the two pictures?

21 MS. BEDI: It's just the two pictures.

22 MR. YSURSA: Okay. We will let them show the two
23 pictures.

24 THE COURT: Okay.

25 MS. BEDI: Thank you.

1 THE COURT: Okay. All right. Anything else before
2 we recess for lunch? Get back -- 20 minutes?

3 MS. BEDI: Yes, Your Honor, 20 minutes.

4 THE COURT: 20 minutes, less whatever time you want
5 to take?

6 MR. YSURSA: That's fine.

7 (Following a recess, proceedings continue in open
8 court; jury present.)

9 THE COURT: Welcome back. We are now going to begin
10 with the opening statements. Ms. Bedi is going to present the
11 opening statement on behalf of the Plaintiff. She has the
12 opportunity to go first. Then you will hear from Mr. Ysursa.

13 Again, each of you have notes. You got my
14 instructions on note-taking. It's strictly a personal
15 preference. I have no preference one way or the other. Notes
16 are for your use and your use only.

17 Ms. Bedi, you may proceed.

18 MS. BEDI: Thank you, Your Honor.

19 Good afternoon, ladies and gentlemen of the jury. I
20 am going to show you in just a minute here a picture of Brad
21 Scarpi. Brad was a loving son and brother, and you see here
22 in this picture, he's the one wearing the hoodie next to the
23 snowman. Brad was also an incredibly talented and fearless
24 roofer. He was the guy on the job site who would always pick
25 to do the most dangerous, the highest jobs, the jobs nobody

1 else wanted to do. And he would do this not because he was
2 some dare devil, but he would do it because there were other
3 guys on the job site who didn't want to do up and do that
4 dangerous work. This was Brad stepping up on behalf of his
5 co-workers, and that really tells you a lot about what kind of
6 person Brad was.

7 He also stepped up for his family. He helped out his
8 sister, Cindy, by taking care of his autistic nephew. He was
9 the guy that you could count on to liven up any kind of family
10 gathering or party. But, Brad's life was not just about his
11 fearless work ethic and his love for his friends and family.
12 Brad also had a lot of struggles.

13 Brad struggled with mental illness, Brad struggled
14 with opioid addiction, and because of those struggles he spent
15 time in the St. Clair County jail. On May 23rd, 2014, Brad
16 was in that jail, in this cell. Nine months before Brad found
17 himself in this jail cell, his mother, who was his lifeline,
18 passed away. She died of cancer. A month later and one day
19 after Brad's 33rd birthday, his sister died. She also died of
20 cancer. These deaths, they rocked Brad's already fragile
21 world. So, when Brad found himself in this jail that day, he
22 was dealing with grief, his mental illness, with his
23 addiction, and on top of all of that other detainees were
24 threatening him, and that's how he ended up in this jail cell
25 in the segregation unit of the cell. He was moved from his

1 jail cell because of other threats detainees were making
2 against him. As Brad sat in the jail cell he was drowning.
3 He cried out; cried out for help from Defendant Christopher
4 Lanzante. Defendant Christopher Lanzante is sitting at the
5 table right over here in the blue shirt. He told Lanzante
6 about his despair, he told Lanzante that he was going to kill
7 himself.

8 I'm going to explain more about this in a minute, but
9 the second Defendant Lanzante heard that Brad was thinking
10 about suicide, there was only one thing he could do. The
11 minute he heard those words he was required to stop whatever
12 he was doing and make sure that Brad was safe, move him to a
13 place in the jail where he could not hurt himself, where he
14 could get counseling, where he would not be at risk of
15 suicide. But, that is not what Defendant Lanzante did. I'm
16 going to tell you exactly what happened, and I'm going to have
17 to use some language that's incredibly offensive.

18 So, on this day, Brad is sitting in the jail cell
19 that you see and he says to Defendant Lanzante, "I'm going to
20 kill myself, I feel like I need some help." Defendant
21 Lanzante responds with, "Then you will be a hanging mother
22 fucker." And the minutes after Lanzante says these words,
23 Brad sinks into his grief, into his mental illness, into his
24 addiction. 48 minutes after Lanzante said these words to
25 Brad, he found him hanging from the bars of his jail cell

1 lifeless, and Brad was pronounced dead a few hours later. And
2 that's why we are here today, because on May 23, 2014,
3 Defendant Lanzante was required to ensure the safety of Brad
4 Scarpi. And, had he done his job, Brad would not have taken
5 his last conscious breaths in this jail cell. Brad did not
6 have to die this way, but he did. And he died because of
7 Lanzante's cruelty and because Lanzante failed to follow the
8 rules of the jail.

9 Now, everyone you are going to hear from in the trial
10 is going to talk about the fact that Brad's death was a
11 tragedy. But, in order to understand the magnitude of this
12 tragedy you need to understand about how Brad lived. I'm
13 going to show you a picture of Brad with his brothers,
14 including his brother, Dwayne, who's sitting over here at the
15 table in the purple shirt. Brad was one of these people who
16 was the life of the party. He brought fun wherever he went,
17 he loved to make people laugh. As I mentioned, he also worked
18 as a roofer and he worked for his brother, Dwayne. And, he
19 was so talented at his trade that competitors would try to
20 hire him away from his own brother. But, Brad also had his
21 struggles, as I mentioned, and roofing is physically-demanding
22 work. Brad had a number of really bad falls and he injured
23 his back. While he was recovering from those injuries he was
24 prescribed pain medication, and while he was recovering he
25 became addicted to pain meds.

1 Brad wanted to kick his addiction. He wanted to --
2 He wanted to kick his addiction because he knew that it
3 fuelled so many of his problems.

4 You are also going to hear from Brad's sister, Cindy.
5 Brad's sister, Cindy, was like a second mother to Brad. She's
6 going to tell you about Brad's childhood. She's going to tell
7 you Brad was a sweet, affectionate child who liked Michael
8 Jackson and He-Man cartoons. Even as a child he had
9 struggles. Brad's mother was an addict. She had to step in
10 and take care of her brother because his mother was absent,
11 and that reality haunted Brad and created a lot of his
12 struggles as an adult.

13 You will hear from a third sibling, Brad's brother,
14 Brian. Brian's going to tell you when Brad ended up in the
15 jail this time, he hoped that this was going to be the time
16 that Brad was able to get sober, kick his addiction, come out
17 and begin to make better choices.

18 Brad was motivated to make better choices, to turn
19 things around because of his children. Brad had two children,
20 Dylan and Bradley, Jr., and one of his biggest regrets is that
21 he was not able to be the parent that those boys deserved.
22 Because of his struggles with mental illness, because of his
23 struggles with addiction, he was an absentee father and he had
24 deep regrets about that and his future plans to turn things
25 around centered on those children. He was motivated to make

1 different choices for those kids, and he was going to do it
2 because he had the support of his incredibly strong family.

3 Brad's brother, Brian, is going to tell you that he
4 never expected his brother to come out of jail in a coffin.
5 What he expected is that that jail was going to keep his
6 brother safe and return him home to his family. That's not
7 what happened, and it didn't happen because the jail refused
8 to follow its own rules.

9 Now, jails operate with rules that, if they are
10 followed, are supposed to keep people like Brad, people that
11 are suicidal, safe.

12 When a person is locked up in a jail like this they
13 are absolutely powerless. Correctional officers like
14 Defendant Lanzante, they have control over every aspect of a
15 person's life. They control when somebody eats, when they get
16 to shower, they get to call home. Every single thing that
17 happens in that person's life is at the control of officers
18 like Defendant Lanzante. It's an incredible responsibility
19 and there are rules about how officers need to use that
20 responsibility. They are written rules set forth in jail
21 policy.

22 There are two policies that are really critical to
23 the issues you are going to hear in this trial. The first one
24 is about cell checks. What that policy says is that
25 correctional officers have to do safety checks on the cells

1 every 30 minutes. During those checks officers have to make
2 sure that detainees are safe, that they are not harming
3 themselves, they are not harming anyone else, and they are not
4 harming county property. Their job is to listen to detainees,
5 to look at them, to make sure that everything is okay.

6 The second policy you are going to hear about is a
7 policy about suicide prevention. Now, this policy you are
8 going to hear it referred to as the Quiet Room policy, this is
9 an incredibly simple rule. What this policy says is if an
10 officer has any indication that someone might be suicidal
11 because of something they say, because of the way they act,
12 that officer has only one option, and that is to take the
13 person who might be suicidal, to remove them from anything
14 that they could use to harm themselves, to put them in a place
15 where there are no bars, no bedding that can be used to hang
16 themselves with, no razors, to put them in a place where they
17 can be safe and to refer them to a mental health provider.
18 That is the only option when an officer has any indication
19 that someone might be suicidal.

20 In the St. Clair County jail, that place, that safe
21 place is referred to as the Quiet Room. You are going to hear
22 that word many times during this trial. There were no
23 exceptions to this policy, it had to be followed. Every
24 person you are going to hear from who works at the St. Clair
25 County jail is going to tell you that.

1 You are going to hear from two experts who are going
2 to help you understand the nature of suicide in the jail.
3 They are going to talk to you about the rules that jails have
4 to follow in order to keep people safe from suicide and what a
5 reasonable jail official would do after a suicide.

6 It will also help you understand that jail suicides
7 are a major problem in every single jail in this country and
8 that's why officers have to take immediate action if they come
9 across someone who might be suicidal. There is no other
10 option, because failure to do so, failure to take immediate
11 action is a matter of life and death.

12 Now, Defendant Lanzante has never admitted that he
13 broke those rules I just described and he's not going to admit
14 it in this trial. But, Defendant Lanzante has a problem,
15 because when Brad cried out to him and Lanzante refused to
16 help, they were not alone. There were seven other men in the
17 cell block with them. The picture you are looking at is the
18 picture of that cell block. There were seven other men who
19 were in there. You are going to hear from three of them
20 during this trial; Mr. David Garcia, Mr. Randy McCallum, and
21 Mr. Ronnie Gully. Each of them heard Brad's cries for help,
22 each of them heard Defendant Lanzante refuse to help him.

23 Mr. Garcia and Mr. Gully remember Defendant Lanzante
24 using the MF'er phrase. Mr. McCallum remembers Defendant
25 Lanzante saying something sarcastic.

1 You are also going to hear about a complaint written
2 by Mr. Gully just four days after Brad died. He filed a
3 complaint to the jail superintendent detailing what he
4 observed right before Brad's suicide. He wrote down four
5 years ago that Lanzante used that hanging mother-fucker
6 phrase, and that was four years ago.

7 Gully writes in this complaint that the last words
8 Brad heard before he hung himself, before he was drowning in
9 the weight of his pain and his illness, were that phrase.

10 So, what does Lanzante say about all of this? Here's
11 what he is going to say: He's going to say that he checked on
12 Brad and he followed all of the rules perfectly; that he went
13 by Brad's cell and the entire time he was responsible for
14 ensuring Brad's safety, Brad was sleeping and Brad woke up and
15 hung himself. That's going to be Lanzante's story. But,
16 Defendant Lanzante has another problem. Because in this cell
17 block there's video surveillance, and the video surveillance
18 shows in the hours before Brad Scarpi's suicide Lanzante broke
19 the jail rules over and over and over again. He rushed
20 through his cell checks, he did cell checks to look for the
21 safety of all eight of those detainees in less than 30
22 seconds. And here -- That's Defendant Lanzante in this screen
23 shot. This is a screen shot from one of his cell checks. So,
24 he said that he rushed through his cell checks, he did the
25 majority of them in under 30 seconds.

1 Now, there's one exception. Defendant Lanzante says
2 that during the time he was responsible for Brad's care he
3 never ever spoke to Brad, he had no conversation with Brad.
4 That's going to be his testimony today. But the problem is,
5 video has him standing outside of Brad's cell for 20 seconds.
6 Lanzante cannot account for those 20 seconds. He's got no
7 explanation for what he was doing outside of Brad's cell for
8 22 seconds.

9 Now, Lanzante's rule-breaking fits into a pattern
10 with the jail. Unfortunately, rules at the jail, especially
11 rules about the Quiet Room, about suicide prevention, were too
12 often disregarded. Now, not every officer, not in every
13 instance, but St. Clair County jail had a suicide problem. It
14 was an obvious problem and nobody was doing anything about it.

15 Now, it's the responsibility of the sheriff of St.
16 Clair County, Sheriff Watson sitting over here next to
17 Defendant Lanzante, to ensure that everyone in that jail,
18 including the people who are housed there, are safe. Sheriff
19 Watson delegated that responsibility to the jail
20 superintendent, a man named Phillip McLaurin. In the year and
21 a half before Brad's death, jail staff violated policies of
22 the jail nine times. And this resulted in the death of one
23 other person in the segregation unit of the jail just two
24 months before Brad Scarpi's death. These incidents,
25 violations of policy are reflected in jail incident reports,

1 and I am going to briefly summarize them for you. These are
2 the things that happened leading up to Brad Scarpi's suicide.

3 In January 2013, Rachel Hart, who was widely known as
4 somebody who was suicidal, she drank bleach and was rushed to
5 the emergency room.

6 In March 2014, Rodney Brown repeatedly asked to go to
7 the hole. The hole is another word for the Quiet Room.
8 Officers denied his request. They documented his behavior as
9 strange and odd.

10 2013, Ramone Parker tells his officer that he's
11 paranoid, he's paranoid schizophrenic, that he's having
12 threats about harming someone. Officers don't get him any
13 help, just put him in segregation cell.

14 June 2013, Rodney Brown is found with a razor blade
15 pressed up against his throat threatening suicide.

16 September 2017, Ramone Parker tells officers he's
17 suicidal and he's going to hang himself. An officer looks at
18 Ramone and says, "No, you won't," leaves the cell, comes back,
19 and Ramone is hanging.

20 January 2014, Rachel Mills is somebody who was also
21 known as suicidal. This was widely known amongst the jail
22 staff. She gives three notes to a correctional officer
23 expressing that she's struggling with suicidal thoughts. Only
24 after that third note does the officer take any action to put
25 her in a safe place.

1 March 2014, just two months before Brad's suicide,
2 Joshua Jurcich hangs himself in a cell that's almost identical
3 to Brad's. He, like Brad, cried out before his suicide and
4 the officer in that case ignored him.

5 May 20, 2014, Jerry Davis is booked into the jail.
6 He tells officers that he's had a number of stays in mental
7 health hospitals, that he's feeling useless, he's feeling
8 sinful. Officers take no action to try to protect him and put
9 him a regular cell. He's found trying to strangle himself
10 with a shoelace.

11 May 22, 2014, the day before Brad's suicide, Preston
12 Young, who also had a recent death in his family, is found
13 trying to hang himself with his blanket.

14 Now, Superintendent McLaurin is retired today, but he
15 was in charge of the jail during each one of those incidents I
16 just described to you. He was in charge of the jail on May
17 23, 2014. He's going to testify in this trial through
18 pre-recorded testimony, and he will admit that after each one
19 of these incidents the jail did nothing. They made no changes
20 to their practices, they made no changes to their trainings.
21 Not once was any employee at the jail disciplined for their
22 actions or inactions for a suicide related event.

23 Just eight weeks before Brad died in that max unit,
24 Joshua Jurcich died. He hung himself in his cell identical to
25 Brad's, and you are going to hear testimony about this

1 incident, you are going to hear that, like Brad, Josh cried
2 out and that the officers ignored his cries.

3 Defendant Lanzante is going to admit that he knew
4 about Josh's death, he knew that Josh hung himself in his cell
5 that was identical to Brad's. The jail superintendent will
6 say the same thing, and so will Sheriff Watson. They all knew
7 about this. Nobody took any action to prevent another death.
8 And if they had taken action, if they had acted to change
9 their practices, they could have saved Brad's life.

10 So, I'm going to wrap up now and I'm going to
11 conclude by acknowledging that I know the evidence in this
12 case is not going to be easy to hear. It's not going to be
13 easy to hear how Defendant Lanzante left Brad to die. It's
14 not going to be easy to hear how the jail broke its own rules
15 over and over and over again.

16 It's not going to be easy to hear about how Brad's
17 children are never going to know their father because of his
18 premature death, but we need you to hear Brad's story, we need
19 you to hear the story about how the St. Clair County jail
20 operates and, after you do, after you do hear the stories, we
21 are going to ask you to consider all of this evidence and to
22 deliver a verdict for Brad's estate, for his children. We are
23 going to ask you to deliver a verdict that sends a message to
24 Defendant Lanzante, that sends a message to the jail that they
25 must follow their own rules. We are going to ask you to issue

1 a verdict that sends a message that just because the jail
2 houses people that are accused of breaking the law, they are
3 not above the law. We are going to ask you to send a verdict
4 to make it clear to the Defendants that they cannot operate
5 this way, they have to value and protect the lives of the
6 people who are in their custody. We are going to ask you to
7 do justice for Brad's children.

8 Now, Bradley Scarpi was not a perfect man, but he was
9 a man who tried as best he could to step up for the people in
10 his life, and we are going to ask you to step up for Brad. We
11 are going to ask you for a verdict that will ensure there is
12 not another Bradley Scarpi, not another Joshua Jurcich. We
13 are going to ask you for a verdict that will help save lives.

14 Thank you for your time, for your attention, and your
15 service.

16 THE COURT: Thank you, Ms. Bedi.

17 Mr. Ysursa.

18 MR. YSURSA: Thank you, Your Honor.

19 Good afternoon. I know we met this morning. I am
20 Thomas Ysursa, and I represent the Defendants, Officer
21 Christopher Lanzante and Sheriff Richard Watson.

22 You just heard a lot. Plaintiffs told you they are
23 going to prove a lot of things to you. Make them prove it.
24 They have told you what they believe the evidence is going to
25 show. Examine that evidence and make them prove it.

1 Plaintiff told you that on May 23, Bradley Scarpi
2 yelled to Defendant Lanzante and said he was going to kill
3 himself, and they claim that the evidence is going to show
4 that Officer Lanzante called him a hanging mother fucker.
5 That's what they say they are going to prove. They are going
6 to prove that that man is a killer. Make them prove that.

7 Now, what's the evidence? You heard the whole story
8 about Brad's life, everything else, drug addiction. But, what
9 is the evidence to establish that fact? It is the testimony
10 of three convicted felons who are currently housed in the
11 Illinois Department of Corrections. When you hear this
12 evidence come in, listen to the evidence, listen to the
13 testimony, look at the inconsistencies of the statements of
14 those convicted felons, and judge those individuals if they
15 are telling you the truth, and then you compare that with
16 Officer Lanzante, a man who works as a correctional officer in
17 St. Clair County, who serves our community. He doesn't live
18 on our dime, he serves our community. And that's what they
19 are going to ask you to do. They're going to ask you to
20 believe three felons over that man there.

21 Now, let's talk about Bradley Scarpi's detention on
22 May 23rd, okay?

23 Around dinnertime you are going to hear Officer
24 Lanzante -- or, excuse me, Officer Harris was working in A/B
25 block and he was handing out the dinner trays. Bradley Scarpi

1 came to him and said, "Hey, there's some guys here threatening
2 me, I need to move." Officer Harris didn't ignore him.
3 Officer Harris talked to him and then took him to his
4 supervisor. You are going to hear evidence that the reason
5 why these gentlemen were threatening them is because Bradley
6 Scarpi owed them; owed them commissary. I guess when you are
7 in the jail that's what your tender is, he owes them
8 commissary.

9 Officer Harris took Mr. Scarpi to go see Sergeant
10 Brian Cunningham. Sergeant Cunningham spoke to Mr. Scarpi and
11 determined *let's move him*, okay? This is about 4:00 in the
12 afternoon. "Let's move him to lower level B, because he's
13 saying some guys are threatening him, and then we will figure
14 out what's happening, we will look into it and see what's
15 going on." So, Officer Harris began to move him. Another
16 officer, Officer Wilson, joined Officer Harris in moving Mr.
17 Scarpi to lower level B. Mr. Scarpi said, "No, I can't go to
18 lower level B. Those guys threatening me, they have got
19 friends in lower level B and they might hurt me." The officer
20 said, "All right." So, they radioed to Sergeant Cunningham
21 and told Sergeant Cunningham. Sergeant Cunningham said,
22 "Let's put him in E-Max for the night and we will figure this
23 out," okay?

24 What is E-Max? It's a maximum security cell block.
25 You are going to hear evidence there's many reasons to place

1 individuals there. It can be disciplinary, it can be loss of
2 privileges, it can also be for an individual's protection. It
3 can be because an individual is a witness in a case and they
4 need to be protected, it can be for medical reasons. There's
5 a whole list of reasons why an individual may be placed in
6 E-Max. In this case the evidence is going to show that the
7 jail did it for Bradley Scarpi's safety. The evidence is
8 going to show at about 4:29, Mr. Scarpi was escorted into
9 E-Max and he was placed in Cell 5.

10 Now, you heard in opening statement that there was an
11 indication that there was eight other detainees -- or seven
12 other detainees besides Mr. Scarpi in E-Max. Not true. There
13 was one cell that was empty.

14 So, if he's placed there in E-Max about 4:30 in the
15 afternoon, Officer Lanzante does not come on duty until 5:45.
16 He comes on duty, he takes over for an officer by the name of
17 Jon Knyff. They do their pass-on. He does the head count
18 first, they do the pass-on; pass on the keys, talk about,
19 okay, what happened during the previous shift.

20 Officer Knyff is going to tell you that he told
21 Officer Lanzante, you know, "There was a new individual in
22 that cell block," and that was Bradley Scarpi, and Officer
23 Lanzante is going to tell you he did his cell checks, he did
24 them all in a timely manner. Plaintiff is going to argue like
25 they did in opening statement that they were rushed. The fact

1 is that he did all of his cell checks in a timely manner and
2 there's an undisputed fact that when he did those cell checks
3 Bradley Scarpi was alive each time. How do we know that?
4 Unfortunately, the last time when he did it, which wasn't a
5 cell check, it was a med pass -- and I will explain that in a
6 second -- Bradley Scarpi was unfortunately hanging. So, we
7 know he was alive before that.

8 All right. So, let's talk about the med pass. So,
9 about 9:30, approximately, that evening, Officer Harris took
10 the nurse to go through E-Max to do the med pass.

11 You see, when counties or states house, you know,
12 accused criminals, convicted felons, they have to provide them
13 medicine, and they should. So, Officer Harris was taking the
14 nurse -- You will see pictures with a cart. He was opening
15 the door and doing -- and handing, letting the nurse hand out
16 the medicine. You will see him open a couple of doors and
17 then you will see him walk back in the same manner he walked
18 on his other cell checks, and he looked in and he noticed that
19 something was wrong. He opens the door -- He first steps
20 forward, he peers in the window to that cell, cell 5, he opens
21 the door and he sees Mr. Scarpi, unfortunately, hanging. He
22 immediately comes out, he goes to the end of the cell block --
23 you will see this on video -- the end of the cell block, he
24 gets the supervisor, tells the nurse, and then St. Clair
25 County officers respond. They go back in, they open the door,

1 they do everything they can, but unfortunately it's too late,
2 and Mr. Scarpi is pronounced dead at St. Elizabeth's Hospital
3 in Belleville. Now, that's what happened on that night.

4 Plaintiffs say that before that, within about an hour
5 before that, I believe they said -- and they showed you a
6 picture -- that Officer Lanzante had a conversation with Mr.
7 Scarpi, and that's when Mr. Scarpi told him that he was going
8 to kill himself. Officer Lanzante is going to get up there
9 and he's going to testify truthfully; that Bradley Scarpi
10 never said he was going to kill himself and that if a man or a
11 woman cries out that, "I am going to kill myself," Officer
12 Lanzante is going to move him to the Quiet Room. That's a
13 simple fact, he's going to testify to it. The only evidence
14 to the contrary is the testimony of three felons who signed
15 declaration affidavits nearly two years later after a private
16 investigator from the Plaintiffs went and saw him.

17 Now, you heard also the Plaintiffs talk about these
18 nine other incidents, and they went and summarized it.
19 Defense is confident when you see all the evidence, not just
20 the evidence that the Plaintiffs handpicked to show you, but
21 when you see all of the evidence, you will see that the St.
22 Clair County jail not only did not have a widespread pattern
23 of disregarding the Quiet Room, they actually followed the
24 Quiet Room policy. When they had indications that an inmate
25 was suicidal, they took them to the Quiet Room, they notified

1 their supervisor, they notified Mental Health, and then they
2 relied on Mental Health in housing them later.

3 One incident I would like to talk to you about, was
4 mentioned, Counsel said Rachel Hart. Actually, her name was
5 Jessica Hart, okay? This was on January 19, 2013, Jessica
6 Hart told a correctional officer she was going to kill
7 herself. The correctional officer immediately moved her to
8 the Quiet Room, notified her supervisor, notified Medical.
9 Then they are going to show you an incident report from
10 January 23, four days later where Jessica Hart drank bleach.
11 You see, you have got to provide cleaning supplies to
12 detainees when they are in jail, so they give them a
13 water/diluted bleach solution and they can clean. And they
14 are going to say, "How could that happen? She just said four
15 days earlier she was going to kill herself. How could that
16 happen?" What Plaintiffs don't tell you and we will show is
17 that on January 20th, Jessica Hart was seen by the
18 psychologist, counselor in the Mental Health Department, and
19 that mental health professional released her from the Quiet
20 Room and said she could go back to the cell block.

21 I think Officer Lanzante and those correctional
22 officers have every right to rely on the professional judgment
23 of the mental health professionals. I think it would be wrong
24 and you will hear evidence that it would be contrary to
25 procedure and standards if they did not follow those directly

1 to the Mental Health. So, again, that's one example.

2 Let's talk about for a minute the other one that Ms.
3 Bedi went at length about, and that's the suicide death of
4 Joshua Jurcich. The evidence is going to show that two months
5 prior to Bradley Scarpi killing himself, Joshua Jurcich did
6 hang himself. But, you know what the evidence is also going
7 to show, that -- and common sense tells us, that you can't
8 stop and prevent every suicide. All you can do is do your
9 best to try to prevent it. That goes with a friend, that goes
10 in a jail. And the jail has a duty to protect those
11 detainees, but they need to be aware of it. There needs to be
12 evidence that they knew about it.

13 Joshua Jurcich, they are going to say -- there's
14 going to be evidence presented that the same thing happened,
15 he yelled out for a correctional officer and a correctional
16 officer just blatantly ignored him. You know the evidence
17 they are going to present for that? The testimony of another
18 convicted felon.

19 So, they are going to go through all of this, and in
20 the end all of these issues that you are going to be asked to
21 address at the end are going to come down to whether or not
22 you believe these convicted felons or do you believe the
23 correctional officers who are tasked with serving and
24 protecting our communities.

25 Now, let's talk for a minute about what the evidence

1 is going to show about Brad's life. It's going to show that
2 Brad had a rough life, it's going to show that he dropped out
3 of school, it's going to show that he was in jail, in the St.
4 Clair County jail or IDOC 19 times between the ages of 18 and
5 33. That's not Officer Lanzante's fault. He didn't put him
6 in there. He's a guard.

7 It's going to show that he did start working for his
8 brother's construction company, and at first he was a good
9 worker his brother is going to tell you. His brother is also
10 going to tell you that in 2012 he fired his brother because of
11 his drug problem. He wasn't coming to work, showing up late,
12 and he fired his own brother.

13 The evidence is going to show that Bradley Scarpi had
14 two children. They are going to come in here and talk about
15 that. At the time of Mr. Scarpi's death, his oldest son was
16 17, his youngest son was 12. Unfortunately, Bradley Scarpi
17 had no involvement in those children's lives. The testimony
18 is going to show that he never had custody of them, he never
19 married their mothers, they are by two separate women.
20 There's going to be no evidence that he paid child support,
21 there's going to be no evidence that he coached them in Little
22 League, there's going to be no evidence that he took them to
23 doctors' appointments, no evidence that he got up and did
24 midnight feeding with these kids. There's going to be no
25 evidence that he nurtured and cared for these children. But,

1 you know what's going to be the most important piece of
2 evidence? It's going to be the lack of evidence. Bradley
3 Scarpi's children aren't even going to testify at this trial.
4 The mother of his children, two mothers of his two children
5 aren't going to testify at trial. That says a lot.

6 In the end no one is going to disagree that this is a
7 sad deal. When someone loses a life it's sad. But, the
8 evidence is going to show there was a 33-year-old man addicted
9 to drugs, in and out of jail, facing a charge for home
10 invasion, had no real family connection, and he lost all hope
11 and he took his own life.

12 Plaintiff wants you to blame that man sitting over
13 here. They want you to blame him. Well, you know what?
14 Defendants are confident that when you see all the evidence
15 you are not going to blame them, that at the end you are going
16 to return a verdict in favor of the Defendant.

17 Thank you.

18 THE COURT: Thank you, Counsel.

19 Mr. Bowman, you may call your first witness.

20 MS. DEL VALLE: Plaintiff calls Ms. Cindy Files.

21 (Plaintiff witness, Cindy Files, sworn).

22 THE CLERK: Please be seated. Please state your full
23 name and spell your last name for the record.

24 MS. FILES: Cindy Sue Files, F-I-L-E-S.

25 THE COURT: If you can, speak directly into the mic.