

# Arizona Justice -The Case of the Unloaded B-B Gun

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The case: Plaintiff sues Defendant for negligence in that her 11 year old son shot neighbor plaintiff's 10 year old daughter with a BB gun. The BB lodged in the girl's neck. This happened three years ago and the decision was made not to remove the BB, that leaving it there would be harmless.

The Jury: 8 people; three men five women.

Men:

Me-72 years old, former school teacher, liberal democrat.

Laughing fireman, age about 25-makes a joke about everything, always laughing.

Ex-military, reading a Christian bestseller for his church group, age 70's-pompous and smirking, self-righteous, wants to bring back corporal punishment.

Women:

Artist, in her 20's, bright, gender not clear, tattoos burned off arms. Conservative, punitive.

Foreperson by assumption- said she was 22 - very overweight math teacher-to-be, takes over, pushes others around, acts coy, talks incessantly.

Well-to-do, married, in her 70's, very conservative, intelligent.

PE coach and nurse - in her 60's, tough, coarse, conservative

Married woman, sensible, caring, in her 50's, conservative.

The suit charged negligence. I felt that was not true. The mother had taught her son to be careful; the gun was kept in her room until she felt she could trust him, that he was not to use it without her being present. Someone else got the gun from the house, an older boy, and the son picked it up, called to the girl who was playing on the fence between the yards and said he was going to shoot, thinking it was empty. The girl turned, the boy shot, the BB hit.

Doctors agree that BB need not be removed and no future problems should arise.

The other 7 jurors were willing to listen to my argument, then ignored it, did not discuss, did not ponder. They had decided she was negligent, even though each one of them recounted a story or two about their own indiscretions as youngsters, and none was willing to say that their mothers were negligent; it's just the sort of thing that can happen to kids.

The group felt that there was no reason to award a large amount. We (I had been marginalized since I was not a signer, but I was able to participate) calculated the medical bills and added on \$10,000 for pain and suffering and possible future surgery; even though three doctors said there would never be any need for it.

We all thought that the attorneys for the plaintiff were obnoxious, ill-prepared and sarcastic. The judge seemed uncomfortable.

When the clerk read the verdict, she had to ask the judge to verify for her that the figure was correct, seemed to find it unbelievably low.

No emotion was registered by anyone in the court, no smile no frown.

Only one of the jurors who signed the verdict was willing to stay and answer questions. She was the caring married woman and she gave a good summary to the lawyers and litigants. I stayed also and told my point of view.

This was the second jury I served on. The first one was an armed robbery case. The verdict was guilty, and I concurred, but the process was hurried and careless. I had to get them to go over the evidence again so we could have a reasonable discussion. Some jurors expressed thanks that we spent more time on it.

It is not fair or reasonable for me to draw any vast conclusion from these two experiences, but it certainly makes me wonder about the jury system.

Post Script: The day after I prepared this article for eZineArticles I received a notice that I have been called up for jury duty, again. Jack Wilson is a writer and artist from Los Angeles and Phoenix.

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