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Peck vs. Peck

Our clients were the son and wife of the decedent, Rob Peck. Rob was the son of the defendant, Richard Peck.

## **THE FOLLOWING FACTS, TESTIMONY AND VIDEOS WERE ADMITTED IN EVIDENCE**

Rob, according to his wife, suffered from severe alcoholism for over 25 years which caused him to become verbally, and sometimes physically, abusive. On one occasion his son had to restrain him to keep him away from his mother. Rob had failed rehab 3 times. Reaching the end of her rope, Rob's wife filed for divorce in March 2018, forced Rob to move from the home, and changed the locks.

Rob was unemployed so he moved in with his father, Richard Peck. Mr. Peck was 91 years old. Richard testified during this time Rob was perpetually drunk, psychologically abusive, screamed at him, swore at him, threw things, held urine soaked rags in his face, and would repeatedly tell him that he, Richard, was going to die. Richard repeatedly called the SDPD to his home asking for protection. A neighbor said the police were called to Richard's house at least 14 times. Three officers testified and verified Richard's fears. On 2 occasions the SDPD videotaped the encounters. The first video played in trial recorded Richard telling the police they could "come back and get my body after he kills me." And, the second video played in trial showed Rob being placed on a 5150 hold and being taken out of Richard's house on a police gurney so intoxicated that he had urinated and defecated on himself.

Rob's sister testified she was terrified of Rob and wouldn't go to Richard's house when she knew Rob would be there. Richard's housekeeper testified that she was terrified of Rob because she thought Rob would physically hurt Richard and perhaps, her as well.

In the late evening on November 14, 2018 Rob entered Richard's bedroom, sat down on the bed and told Richard, "I'm going to kill you, you'll be seeing me later." Richard got out of bed and went to the kitchen to call the police. He testified the phone had been pulled off the wall which disabled all landline phones in the home. Richard said he panicked and being fearful for his life, went to his room, got his shotgun and shot and killed Rob.

Richard claimed self-defense saying he was fearful for his life.

We knew we had to humanize Rob and started talking about whether there were any good qualities in a person suffering from alcoholism during Voir Dire.

In opening we reenacted the events leading up to the shooting, the shooting and owned every bad fact we could remember.

Although the bad facts and Rob's struggles were discussed in direct, our story brought to life all of the beauty in Rob and the joy he brought to the people in his life. His son was able to show how much he loved and idolized Rob and demonstrated the close relationship they truly had with each other. Rob's wife talked about their love for each other and how the divorce filing and kicking him out of the house was her way of drawing a line in the sand in an attempt to force Rob to get some help. She hoped he would so they could be together as a family again. Some family

friends also testified to their thoughts of Rob, how he treated his wife and son and how much they cared for him.

**CLOSING DAMAGES RECOMMENDATION: ALL NON-ECONOMIC**

Wife – **PAST**- \$500,000.00 in loc damages for months from March to November;  
**FUTURE** – We argued why future damages were warranted, but left the amount,  
if any, to the discretion of the jury.

Son - **PAST** – \$2,500,000.00;  
**FUTURE** - \$5,000,000.00.

**JURY VERDICT: 12-0 on all damages:**

Wife – **PAST** - \$250,000.00;  
**FUTURE**: \$1,750,000.00  
**TOTAL** - \$2,000,000.00

Son - **PAST** - \$2,500,000.00;  
**FUTURE** - \$5,000,000.00  
**TOTAL** - \$7,500,000.00

**TOTAL VERDICT** - \$9,500,000.00

Case was settled after Judge Meyer denied defendants motion for new trial and JNOV.