

1 *(Members of the Jury enter the courtroom.)*

2 **THE COURT:** Thank you. Please, be seated.

3 Ladies and Gentlemen, both sides having
4 rested and closed, it's now the obligation of the Court to
5 read you the Jury Charge in this case, a copy of which has
6 been provided to each of you to read along with the Court.

7 The Charge in this case reads as follows:
8 Members of the Jury...

9 *(Charge(s) of the Court read aloud to the*
10 *Members of the Jury.)*

11 **THE COURT:** State may proceed.

12 **MISS SHUGHART:** May it please the Court.
13 Counsel.

14 Before you found the Defendant guilty, you
15 heard about many of the patients leading up to Mary Efurd.
16 And now you've heard about the rest of them. Some of them
17 before Mary's case, and a lot of them after. We appreciate
18 the time that you have spent here and the sacrifices that
19 you have made to be here, because we had to prove to you all
20 of these cases so that you could assess the proper
21 punishment.

22 The Judge has read to you the Jury Charge.
23 Texas is one of the few states that allows the jury to
24 assess punishment. So y'all will get this wide, sweeping
25 range, from probation, five years in prison up to 99 years

1 or life. You guys get to make that decision, using your
2 experience and your wisdom from your lives to decide what is
3 the proper punishment that fits the facts.

4 There's a fine on there. You guys heard the
5 Judge mention that: up to \$10,000.00. Don't go back there
6 and fight about it. Okay? That is simply an exclamation,
7 if you want to add it to your verdict. But, I'll be up
8 front with you, we want a life sentence. We are asking you
9 for a life sentence, because the unbroken chain of inhuman
10 conduct demands a life sentence.

11 If this was Mary Efurd's case alone, and we
12 were just talking about her spending the rest of her life in
13 a wheelchair, you might be considering somewhere on the
14 lower end of the range of punishment. But, for every
15 successive patient that you have heard about, you get to add
16 that to your reasons of why he deserves a life punishment.

17 Remember Mary Efurd. Amy Gillentine who,
18 when she woke up, was in so much pain, she wanted to blow
19 her brains out. Lee Passmore, who is in intractable pain.
20 So much so that you can see it on his face, as he sits there
21 and talks to you every minute. Barry Morguloff, who had
22 bone fragments in his nerves. And even though he has a
23 cane, his limp is so bad that he has ulcers eating at the
24 bottom of his feet.

25 (NO OMISSIONS)

1 You get to decide how much their suffering
2 and their lives are worth. You get to decide what to tell
3 them.

4 Kevin McNeill, who can't sleep an entire
5 night through because the pain wakes him up. He can't go to
6 the bathroom, when he wants to. Shirley Mock, who can't
7 walk to the end of her street. Had to retire from her job.

8 You get to decide how you want to add those
9 to the punishment. Each patient, after patient, to your
10 reasons. This Defendant single-handedly ruined their lives,
11 and he gave each one of them a life sentence. He has built
12 a room of pain, using his patients like the bricks to build
13 it. And if you give him 70 or 80 or 99 years, that's still
14 not going to be enough. He will still have a debt to pay to
15 society, because each of these patients got a life sentence.

16 The last time we got up here and we did this,
17 the Defense didn't want you to be prejudiced by all of those
18 victims that you have heard about. Well, now you get to use
19 that. That's what this goes into. It goes into this
20 decision right here, all of the people that he has affected.

21 They want you to think about his family.
22 And, they're a very nice family. They taught him well.
23 They brought him up right. He had all the opportunities to
24 do the right thing. But, he kept them in the dark. They
25 don't know everything that he did. He ruined their lives,

1 too. He will never pay back his dad's retirement money. He
2 chose alcohol and money and cocaine over his parents and his
3 children. Even the worst criminals have family that will
4 miss them, but that does not mean that justice should not be
5 served.

6 Think of the things that he did to hide his
7 actions. He resigned from hospitals, so that they wouldn't
8 report him. He lied on his applications to other hospitals.
9 Even when you get to the later hospitals, at the very end,
10 we gave you the applications to Legacy and University
11 General. He's lying to them about why he left Baylor. He
12 doesn't even mention Dallas Medical Center, because he
13 doesn't want anyone to know what he did there. He lies in
14 his operative reports.

15 Before he even gets to the third and fourth
16 hospitals, he's already getting information from his
17 insurance company that there are claims being made against
18 him; that he's hurting patients. A lawyer has sent him
19 letters, asking him to stop operating. The Texas Medical
20 Board is sending him notices. You have all of that in
21 evidence. They're sending him notices that there are
22 complaints, and he's being reviewed. And when you look at
23 it, that is here (indicating), before he gets to any of
24 those other patients. And yet he continues to go forward.

25 **(NO OMISSIONS)**

1 And, he gets more brazen about it. Remember
2 the nurses who came in here and told you that the patients
3 were flopping around on the operating room table, because he
4 was hitting their neves? But, he wasn't going to use
5 neuromonitoring. Remember the device reps who came and told
6 you he was using the instrumentation wrong? But, he was
7 going to do it his way. He knew better. He didn't care
8 that people were expressing concern; that the alarm bells
9 were going off. He didn't care that when his patients came
10 out of the surgeries that he was -- that they were in pain
11 and they needed help. Anything he could do to keep them
12 from going to another hospital, where another doctor would
13 see what he had done.

14 William Wolaver lost 2,200cc's of blood, and
15 is in constant pain. Jennifer Rich lost 2400cc's of blood.
16 Half of her body's entire blood supply. 2400cc's. That's
17 over two liters. That's like a big two liter Coke bottle.
18 That's how much it is. She can't play with her kids
19 anymore.

20 Remember Marshall Muse? He had to be carried
21 to the car by four people, because he couldn't walk out on
22 his own. But, the Defendant wasn't going to send him to a
23 hospital. And, when he got home, he could feel that
24 hardware grinding against his bone when he would bend over,
25 because it was left loose in there.

1 The Defendant did anything he could to keep
2 them from going to a hospital. And, he wouldn't take care
3 of them himself. You've heard about the patients who, when
4 they woke up, he sent them home in pain.

5 Jeff Cheney, when he woke up, couldn't feel
6 half of his body. But the Defendant didn't order more
7 imaging. He said, "It will be fine. It's going to go away
8 in a couple of weeks." Every time Mr. Cheney came back to
9 see him at one week, two weeks, four weeks, three months,
10 six months afterward, he kept telling him "it's fine, it's
11 going to go away, it's going to get better". Not helping
12 him. Not doing what a doctor does.

13 In fact, at six months, Mr. Cheney is saying,
14 "I need to go see someone who's going to help me." The
15 Defendant is trying to take his images and leave with them,
16 saying, "Another doctor is going to say bad things about
17 this." He doesn't want anyone else to know what he was
18 doing.

19 Jeff Glidewell. He wouldn't take care of
20 him. Mr. Glidewell lay in a hospital bed four days with pus
21 oozing out of his neck, because the infection was so bad.
22 And the radiologist and doctors were telling the Defendant,
23 "You need to go in there and take that sponge out." He
24 said, "No, you do it. I'm not going to do it," even though
25 this other doctor, Dr. Santos, wasn't qualified to do it.

1 He was worried that there would be too much bleeding. He
2 wouldn't be able to fix it. But, the person who caused that
3 problem wouldn't fix it.

4 Thank goodness for Dr. Santos and Dr. Kirby,
5 who were able to get Mr. Glidewell transferred. Because the
6 Defendant sure wasn't going to transfer him to another
7 hospital, where he could get the care he needed. Dr. Moody
8 came home early from a trip to Paris, because
9 Mr. Glidewell's life was in so much danger. That's how much
10 help he needed. But, the Defendant wasn't going to take
11 care of him.

12 Are you seeing now how quickly we has moved
13 up the spectrum towards and past a life sentence? Because
14 all of this happened in less than 18 months. Look at the
15 timeline. Most surgeons don't have these outcomes in their
16 entire lifetime, their entire career of surgery. Yet, he
17 did it in 18 months.

18 He went around Dallas telling everybody that
19 he was the best in town; that he was the only one who was
20 qualified to do these types of surgeries. He was going to
21 teach them how it was supposed to be done. All the
22 meanwhile, he's maiming patients.

23 Phillip Mayfield. He's still in so much pain
24 that his body has an autonomic response, where he faints.
25 He can see the world around him, he can hear what's going

1 on, but he can't interact with that world.

2 Jacqueline Troy, who had an injury that no
3 one has ever seen coming out of surgery before. Injuries
4 that are caused by trauma. Maybe by a car accident, but not
5 by a surgeon. And when she was telling the Defendant that
6 she was struggling to breathe and she couldn't talk, he
7 ignored her.

8 Jerry Summers. Jerry can no longer feed
9 himself, or dress himself. Can't even wipe his own tears.
10 You saw that in his deposition.

11 So, why didn't he stop? Because of greed.
12 Because he owed people a lot of money. He wanted to live
13 the high life. And neurosurgeons make the big bucks. Why
14 didn't he stop? Because he has no conscience. The doctors
15 came in here and told you that. He doesn't care what he has
16 left in his wake, the wake of destruction. He only cares
17 about himself and building his empire.

18 You know who he is, because he told you who
19 he is in that email. He is going to "build, ruin and
20 destroy anything that is in his path". The rest of us are
21 just mere humans bringing him down. You know who he is,
22 because of his actions. He did not choose to stop
23 operating, ever. This was never his choice to stop. He was
24 forced to stop by other doctors, by the Medical Board. They
25 made him.

1 And the fact that he even wants to go out
2 there -- is even talking about maybe applying for another
3 medical license, that tells you something about who he is.
4 That tells you that he doesn't care about all the
5 destruction that he has caused. He just wants to go operate
6 and do it again. Because, that's who he is. He does not
7 deserve the name of "doctor". He is the opposite of
8 everything that a doctor stands for. He abused the trust of
9 his patients, and he used every little loophole in the
10 system so that he could keep going.

11 They want you to show him mercy. He showed
12 his patients no mercy. Every single one of them has to live
13 with the suffering that he gave them. They can feel it in
14 their bones, in their muscles, in their nerves. They can't
15 escape the nightmare that he gave them. And their families
16 have to carry the burden now, to take care of them, because
17 they can't work. They had to quit their jobs. They had to
18 change their homes to fit wheelchairs and walkers and canes.
19 They can't drive. They can't go to their son's football
20 games. They can't even relax in a pool.

21 There is no end to the injuries that he has
22 caused them. They're still ongoing. The patients still
23 have new problems developing all the time, because of the
24 damage that he did to their bodies. Their bodies don't
25 function right anymore. He put screws into nerves. He

1 blasted through arteries. He tore up their esophagus. He
2 was pulling out chunks of their muscle, which leaves them
3 weak. He left loose hardware in them. He broke the
4 vertebra in their backs.

5 I guarantee you, each and every one of them
6 would take the pain that they had before their surgery than
7 what they have to suffer through now. Because he gave each
8 of them a life sentence, a life of pain, a life of missing
9 out on activities and some no life at all. Kellie Martin
10 bled to death at the age of 54. Floella Brown never made it
11 to her 50th wedding anniversary, because of him.

12 Sixty-three witnesses came in here and told
13 you everything that he did and how his actions reverberated
14 throughout our community. Dozens of doctors came in here
15 and testified for free, so that you would know this is not
16 just a bad surgeon. This doesn't happen. This doesn't
17 exist. A bad surgeon stops after one or two bad outcomes.
18 This is 16. Sixteen times, he did this to people. More, if
19 you want to count the double surgeries that he did. But, we
20 are talking about 14 aggravated assaults and two killings.
21 That's more crime than most criminals commit in their
22 lifetime.

23 So, be Jacqueline Troy's voice. Be Jerry
24 Summers' legs. You can't stop their pain, but you can stop
25 him for life.

1 *THE COURT:* Defense may proceed.

2 *MRS. LEHMANN:* May it please the Court.
3 Counsel.

4 Who has Christopher Duntsch hurt, since he
5 gave up his medical license? Nobody. He has hurt nobody,
6 since he gave up his medical license. The truth is, he's
7 never going to get a license again. The truth is, he's
8 never going to get hospital privileges again. That is the
9 truth.

10 I know that the State wants to scare you into
11 believing that there's a possibility. And, Dr. Kirby sure
12 does. But, I don't know about you, I'm going to rely on my
13 common sense. There is no way, on God's green earth, that
14 Christopher Duntsch is going to practice medicine ever
15 again. When you Google his name now, you don't see anything
16 about microbiology, curing cancer. You see this
17 (indicating). You see this (indicating).

18 Our planet is not that desperate for doctors,
19 that someone's going to let him practice again. That ship
20 has sailed. The phone call that the State referenced was
21 from 2015, when he was just locked up. Still in denial.
22 That phone call was not made anytime recently. He knows now
23 that that ship has sailed. He is never going to be a doctor
24 again.

25 **(NO OMISSIONS)**

1 Now, I'm going to implore you to use reason,
2 logic, to come up with your verdict; not emotion, not anger
3 and fear. That's what the State would like you to do. That
4 is why this courtroom has been filled every single day, and
5 especially right now. That's why we have a parade of
6 photographers. And they've been displayed during the entire
7 trial. Why? Because they're relying on you to feel the
8 emotional pressure to send him away for life. That is not
9 justice. That is not justice.

10 Justice means we use logic and reason and a
11 cool head to decide how -- what happens to a man's life. If
12 we use emotion, if we use bias, we would have all these
13 people out here decide what happens to him. But, no. We
14 have a jury. We have people, each one of you, that passed
15 the test. Y'all are unbiased. Y'all could consider
16 probation. I know you didn't promise to give it, but you
17 can consider it and keep an open mind. You don't have a dog
18 in this fight. That is why you're here. Whenever we make
19 decisions with anger and fear, we become vengeful, we become
20 merciless. That is not justice.

21 One of my favorite authors and attorneys,
22 Bryan Stevenson, once said, "We are all more than the worst
23 thing we have ever done. Each of us." And that includes
24 each one of you, me and Christopher Duntsch. He is more
25 than the worst thing he has ever done. He is the son of Don

1 and Susan Duntsch. He will always be their very bright,
2 precocious little boy, who was stubborn but very, very
3 smart. He'll always be the brother of Nathan. He protected
4 him. He'll always be the older brother of Liz and Matthew.
5 He'll always be the father of Corbin and Aiden. He will
6 always be those things. He is more than this Indictment.
7 He is more than this tragedy. And, he knows it's a tragedy.

8 The people who know him best know that he
9 cared about his patients. He brought medicine to a patient
10 in the middle of the night. What neurosurgeon does that?
11 His dad drove down from Breckenridge, because he was so
12 upset after Ms. Brown passed away. He may not be someone
13 who expresses his emotions outwardly, but I know, and his
14 family knows, he was suffering.

15 Should he have continued surgery? No. No,
16 he shouldn't have. But what we hope y'all can see now is
17 the type of pressure he was under to be this great
18 neurosurgeon, to live up to all the expectations, to be
19 everything he was supposed to be. And, he crumbled under
20 that pressure and he lived too long in it and he didn't ask
21 for help and he was very prideful and vein and he should
22 have stopped.

23 But the man who sits here today is a stark
24 contrast. I think y'all can see that. This is not a man
25 who is cocky, who thinks he's God's gift to the world. This

1 is a broken man. He is humbled. He's someone who was a
2 neurosurgeon, and he's been living in the Dallas County jail
3 for a year and-a-half. Or, more than that.

4 His dad said that he has taught Christopher
5 that the bible says, "God humbles those who walk in
6 pride" -- "who walk before Him in pride." And that's
7 exactly what happened to Christopher. And his dad is living
8 his fate, when he comes up here and says to you he was happy
9 that his son was arrested. Because now he knows that he has
10 Jesus in his life. He knows he's not going to die without
11 knowing that. And if it meant that he had to lose
12 everything then, his dad's point of view is, well, it's
13 worth it.

14 Now, each one of you have your own -- you own
15 your vote. That's yours. That is your vote. The decision
16 you're about to make is going to be one that is probably
17 difficult, because everyone is going to have a different
18 point of view.

19 And, there's a big range. I'm not going to
20 tell you which way to vote. I respect your ability to come
21 up with a fair and just verdict. But, what I'm going to ask
22 you to do is two things: one, don't let the pressure get to
23 you. This is your vote. They don't own it. The State
24 doesn't own it. I don't own it. The Judge doesn't own it.
25 It's yours.

1 Yeah, you have a duty to deliberate and hear
2 each other out and be respectful and open-minded. But, you
3 do not have a duty to agree. You are not obligated to come
4 back with a unanimous verdict. If you can't come up with a
5 verdict, you do not have to give in. Judge Thompson is not
6 going to be mad at you, if you can't come up with a
7 unanimous verdict. No one's going to be mad. You, at the
8 end of the day, have to do what's right in your heart and in
9 your mind; not what's right for me, not what's right for the
10 State, not what's right for them, what's right for you.

11 Also, y'all have a duty to report jurors who
12 are breaking the rules. Y'all have rules you have to
13 follow. If anyone starts talking about the parole law and
14 how it would apply to Christopher, you have to write a note
15 and tell the Judge. That's not okay. That's why it's in
16 the Charge. Why do we have that in there? For fairness.
17 We can't know what's going to happen with a parole board.

18 If anyone's pressuring you -- and there have
19 been instances recently here in Dallas County where jurors,
20 after their verdict, were crying and upset because they
21 didn't want to do what the other jurors made them do and
22 they cast a vote that they then regretted. I don't want
23 that to be your position, after this. If someone's
24 pressuring you, and you don't like it and you think it's
25 inappropriate, then write a note and tell the Court. If

1 anyone talks about Christopher and how he didn't testify and
2 what that means, again, write a note and tell the Court.

3 Now, I don't know where y'all were -- where
4 each of you were in the guilt-or-innocence phase.
5 Obviously, you came back with a unanimous verdict. Some of
6 y'all felt very strongly about it. Some of y'all maybe not.
7 Now, if you have any residual doubt about that verdict, in
8 which way you should have voted, you can bring that in here.
9 You can incorporate that in this decision that you're about
10 to make.

11 Now, fairness is something we talk a lot
12 about in the criminal justice system. But, what does it
13 mean? What does it mean in this particular case? So, we
14 know the history. And, it's bad. Eighteen months of bad
15 surgeries. Shouldn't have happened at all. But is it fair
16 to condemn him, when so many people enabled him? Is it fair
17 for him to lose his liberty, when Baylor, University General
18 hospital, Legacy, all these places, made money because of
19 his surgeries?

20 And, they made lots of money. And you know
21 that's true because, even after Baylor -- even after all
22 that -- Dallas Medical Center was courting him. Legacy
23 courted him. UGH courted him, even after Dr. Kirby called
24 his friend at UGH and said, "Don't bring this guy on staff.
25 Don't." And we know how Dr. Kirby feels. I'm sure he was

1 very colorful in his description of Dr. Duntsch. And, what
2 did they do? They brought him on. They brought him on.
3 The money must have been really good. They did not care
4 what happened to these people.

5 So, is it really right for him to sit here
6 alone? None of those people, who benefited so much, are
7 going to be indicted. I'm going to ask that you ask
8 yourself those questions: Is it fair for Christopher
9 Duntsch, who was enabled to do these surgeries, who couldn't
10 have done it without the help of all these big hospitals,
11 all these other doctors, is it right for him to go away, to
12 be thrown away, when all of them profited? All of them had
13 blood on their hands.

14 Dr. Duntsch -- Christopher Duntsch -- is a
15 scapegoat. He's a scapegoat. That concept originally comes
16 from the bible, where a goat was designated to be cast out
17 into the desert and he would bear all the sins of the
18 community. That theme is alive and well in this case. I am
19 not saying that he is not to blame. Of course he is. No
20 one is saying that. Of course he is. But, not all by
21 himself.

22 The community here, all the sins that he's
23 bearing, is for Baylor and Dr. Sample and everyone else
24 there who covered it up and didn't do anything. It's for
25 Dallas Medical Center, who courted him, even though they

1 knew he had a bad outcome and that he resigned his
2 privileges. Red flags.

3 Legacy, who had two very experienced nurses
4 express strong opposition to Dr. Duntsch. And Dr. Bush
5 there said, "No, I'm not going to lose millions of dollars.
6 I'm bringing him on." They didn't care about these people.
7 And, he's alone in this? Oh, and University General
8 hospital or South Hampton, whatever you call it, that's
9 probably one of the worst surgeries of one of the surviving
10 patients: Dr. Glidewell (sic). And this was towards the
11 end, after all of this.

12 Dr. Kirby called and said, "Don't bring him
13 on," and they did it anyway. And Christopher Duntsch is
14 alone? Why? Why is that? Because he's the low-hanging
15 fruit. He's a broken man. He has nothing. He's bankrupt.
16 It's sure a lot easier for the State of Texas to go after
17 him than it is for them to go and prosecute anyone at
18 Baylor, anyone at DMC, anyone at Legacy. Because they have
19 lots of very expensive lawyers and all the resources, and
20 that could get messy. But him, he's all alone. He's
21 vulnerable. He's by himself. He's easy. He was living in
22 his parents' house in Colorado, and his life had completed
23 fallen apart.

24 Now, it is easy for us to see the humanity
25 and relate to all of these victims that you have seen

1 testify. It is very easy. It's very easy to see us --
2 ourselves in them and to feel for them. It is very easy to
3 do that. But, I'm going to challenge you to do something
4 that's a little harder. I'm going to challenge you to look
5 at Christopher and see what we have in common with him.
6 Christopher is like us, in that we all deserve mercy,
7 compassion and fairness. Christopher is like each of us,
8 because everyone deserves the chance at redemption.

9 Thank you.

10 *THE COURT:* Thank you.

11 *MR. McCANTS:* Ladies and Gentlemen, it's an
12 honor to stand before you. It's an honor to stand before
13 you and represent the people. That's what I do, as an
14 assistant district attorney: I represent the people, the
15 people in this community. It's an honor to stand before you
16 to represent the entire Dallas/Fort Worth medical community.
17 And, most importantly, it's an honor to stand before you and
18 represent each and every victim in this courtroom and their
19 families that are here with them, that have the brand of
20 this Defendant on each and every one of them.

21 You see, real peace is not just the absence
22 of conflict. It's not just the absence of this man
23 (indicating). Real peace is the absence of conflict and
24 it's the presence of justice. That's why they're here.
25 They want to make you think that they're here for some other

1 reason. But, that's why they're here.

2 You twelve folks have the awesome ability,
3 the awesome power now, to come together as one, with one
4 heart, one mind, one soul and one voice and sentence this
5 Defendant accordingly. Because, that is your job. You, as
6 jurors, are here to protect. Protect not just the people in
7 this community, but everyone else out there who doesn't know
8 the wrath of this Defendant.

9 So, if you will go with me on one last
10 journey, just ten minutes of your time, one last journey, I
11 will enable you, I will lead you and I will guide you down a
12 path that will help you sentence this Defendant.

13 First, I want to talk about the acts. My
14 co-counsel spent a lot of time on this. But the acts alone,
15 the criminal acts by this Defendant, I want you to look at
16 those each individually and the lies in between them, the
17 deception in between them. "No, Jerry, it's okay. You'll
18 be just fine." The man is a quadraplegic. Probably, the
19 worst case ever. Do you know what? He can't move his --
20 from his shoulders down, but he can feel the pain.

21 If there was anything that resonated in this
22 punishment phase of the trial -- and, make no mistake about
23 it, this is the punishment phase of the trial. Probation is
24 ridiculous. Mr. Summers can feel the pain, but he can't
25 move the rest of his body.

1 When you look at each victim, each act done
2 by this Defendant, each lie, each deception he told either
3 the victims or their families, that's a life sentence in its
4 own. It's not like a murder case, Ladies and Gentlemen,
5 where I have one victim and one family that's crying, that's
6 weeping, for their one loss. I got two six feet under. I
7 got three quadraplegics. I got a number full of maimed
8 people who forever will forever bear the mark of this man
9 and the wrath that he left behind.

10 It's like the Defendant walked into the Whole
11 Foods with an AK-47 and decided he was just going to unload
12 a couple of clips on some people. Do you know what you're
13 going to have? You're going to have a couple dead. You're
14 going to have a few quadraplegics. You're going to have a
15 lot of blood. You're going to have everybody in the ICU.
16 And you're going to have some people with permanent
17 disabilities, for the rest of their lives. That's what this
18 is like.

19 The second thing I want you to consider is
20 the future danger that this Defendant poses. You see,
21 Ladies and Gentlemen, each and every one of you, over the
22 last four weeks, you went home to your family members and,
23 when you did so, you either rode a bus, maybe you drove your
24 own car -- I don't know -- maybe you rode your bike. Maybe,
25 on the weekend, you went to your church. Maybe, you had a

1 barbecue with your friends. Maybe, you passed by people in
2 the airport. Maybe, you went to the grocery store and
3 passed by people in the aisle. I know you came up here and
4 passed by people that you had no idea who they were.

5 You know the difference between you and
6 everybody else? You, and only you, know what this man is
7 capable of. That's the difference. And you want to talk
8 about a future danger. He himself told you that he was
9 putting his papers together to get a medical license. Three
10 doctors came up here and told you that it is reasonably
11 likely that he will get one.

12 I mean, we live in a capitalistic community.
13 And when there is money and a neurosurgeon, somewhere in the
14 United States, that's going to be put together. You and I
15 both know that. I don't care what he has in his background.
16 It might be in some rural country.

17 You want to talk about future danger. They
18 talked about institutional licenses that this Defendant can
19 get. You want this man to be operating on the men and women
20 who fight for our freedoms everyday, men and women who are
21 fighting for the right for us to be able to employ the laws
22 that we have in this state and every other? That's scary.
23 If that doesn't terrify you, I don't know what does.

24 The fact that he would be able to teach in an
25 institution, future surgeons, should terrify you. Because,

1 where there's investors, where there's hospitals, where
2 there's big hospitals, small hospitals, I don't care who
3 they are, and there's a neurosurgeon, there's money to be
4 made. And, yeah, they'll look the other way. Her point was
5 proven. She proved her own point. They looked the other
6 way. No one could stop him.

7 The third thing I want you to look at is, who
8 he is. Who is he? Aside from the fact that he says,
9 "Anyone close to me thinks I'm either God, Einstein or the
10 anti-christ," aside from the fact he said, "How can I do
11 anything I want and cross every discipline boundary like
12 it's a playground and never ever lose," aside from the fact
13 that he says, "Everyone else is human and there is nothing I
14 can do about it. I pick and choose my humans," aside from
15 the fact that he says, "I am ready to leave the love and
16 kindness and goodness and patience that I mix with
17 everything else that I am and become a cold-blooded killer,"
18 and, finally, aside from the fact that "what I am being is
19 what I am" -- "what I am being is what I am" -- "an MF'ing
20 stone-cold killer that can buy, steal" -- sound familiar? --
21 "ruin, build, whatever I want".

22 But, do you know what? Maybe you're saying,
23 "Do you know what, Justin, that's just not enough. Looking
24 at those three things, the acts, each one, the future danger
25 he poses and who he is, maybe that's just not enough."

1 Consider this: go back in time with me, when
2 he was a resident and he had five years of surgical
3 residency and the residency director thought, my God, he's
4 great. The grades he has. He's brilliant. He's going to
5 get a fellowship. Not every doctor gets a fellowship. You
6 got to be the cream of the crop. He got a fellowship with
7 Dr. Foley. And, do you know what? Dr. Foley thought, at
8 the end of his fellowship, man, he's going to represent me
9 well, the community well, the school well and he's going to
10 be great. And, do you know what? They were wrong.

11 He came down to Dallas, to the
12 Minimally-Invasive Spine Institute. They thought, man, this
13 guy is going to make us money and he's going to help people.
14 Do you know what? They were wrong.

15 He went to Baylor. They thought, we've got a
16 fortune here. A neurosurgeon and plenty of people with back
17 problems. And, he can fix 'em. Heard that before? "I can
18 fix you." And, they were wrong. Then they tried to stop
19 him, through his peer reviews. Then, attorneys got
20 involved. And they're thinking, he must stop. He's got to
21 stop. And each victim who walked in and trusted him,
22 trusted him, they were wrong.

23 Then, he went to DMC and told them, yeah, I
24 had a little problem. He lied. But they thought, do you
25 know what? We'll give him a chance. Then, Ms. Martin and

1 Ms. Brown resulted in that. Looking back, those doctors
2 that were calling the Texas Medical Board: "Please, he's
3 gonna stop. He's got to stop. Will you stop him," they
4 were thinking, by now, he'll stop. They were wrong.

5 Ms. Brown was wrong. Ms. Martin was wrong.

6 Then, he goes to Legacy Day Surgery Center.
7 The two nurses that quit thought, for sure, he's going to be
8 done after this. For sure, he's going to be done. Right?
9 This is the end of the road, after what we saw. We quit our
10 jobs, because of him. They were wrong.

11 He goes to UGH, and he performs some of the
12 most painful things I've ever seen in my entire life. What
13 Mr. Glidewell had to go through, I've never seen anything
14 like that. Ms. Troy, losing her voice, having holes in
15 esophaguses, having holes in tracheas. The pain that they
16 went through, the suffering.

17 Mr. Glidewell, when he's like, "I've had
18 enough. I'm stepping out. I'm walking to my car," the
19 Defendant appears out of nowhere, out of a cab and says,
20 "What can I do to get you in the surgery room?" Like, he's
21 a salesman. "What can I do to get you out of the car?"
22 Because, he wasn't done yet. He didn't care. He got him in
23 there, and he ruined the rest of his life. Mr. Glidewell
24 was wrong. The Texas Medical Board was wrong. Everybody
25 has been wrong about this Defendant. Everybody.

1 I just need you to do one thing -- one
2 thing -- for the people here, the people out in the world,
3 the humans that we are, because the god that he thinks he is
4 kills people, kills dreams, crushes dreams. The God that my
5 friends and I pray to, the different gods, they bring life
6 and they bring death, they bring miracles and they bring you
7 dreams. But the god that he thinks he is brings death and
8 destruction.

9 So, I need you to do one thing for me, and
10 that's all I'm going to ask and I'll sit down. Everybody
11 else has been wrong. I need you to be right one time. I
12 just need you to be right one time. One time. Give him
13 life.

14 *THE COURT:* The jury will retire to consider
15 their verdict.

16 *THE BAILIFF:* All rise.

17 *(Members of the Jury retire to deliberate on*
18 *its verdict(s) as to punishment.)*

19 *(Proceedings in recess, pending the*
20 *verdict(s) of the Members of the Jury.)*

21 *(Defendant present in the courtroom.)*

22 *THE COURT:* Let's bring in the jury.

23 *THE BAILIFF:* All rise.

24 *(Members of the Jury enter the courtroom.)*

25 *THE COURT:* Thank you. Please, be seated.

1 Ladies and Gentlemen, the Court has received
2 your verdict. It reads as follows: (Reading) "We, the
3 jury, having found the Defendant, Christopher Daniel
4 Duntsch, guilty of injuring an elderly individual, as
5 charged in the Indictment, unanimously assess his punishment
6 at confinement in the Institutional Division of the Texas
7 Department of Criminal Justice for life and assess a fine of
8 zero."

9 It's signed by Matt Jolly, Presiding
10 Foreperson of the jury.

11 If that is the verdict of each of you, please
12 signify by raising your right hand.

13 *(Members of the Jury polled by the Court.)*

14 **THE COURT:** Okay. For the record, the jury
15 has been polled. The verdict is unanimous. That concludes
16 this trial.

17 Ladies and Gentlemen, it's something of a
18 tradition in this Court that, at the conclusion of the
19 trial, I afford the jurors an opportunity to talk about the
20 case with the lawyers.

21 You're discharged as jurors officially, at
22 this point. But, should you wish to converse with the
23 attorneys in this case, what I'm going to do is have you go
24 back in the jury room, I'll send the lawyers back there and
25 we'll answer any questions that you may have. Sometimes,

1 that's pretty informative. You're. Not required to do
2 that.

3 You're discharged as a juror, and thank you
4 for your service.

5 *THE BAILIFF:* All rise.

6 *(Members of the Jury retire to the jury room*
7 *and are finally released from any further*
8 *service in this case.)*

9 *THE COURT:* Mr. Duntsch, in accordance with
10 the jury's verdict, the Court hereby finds you guilty and
11 assesses a term of life in the Institutional Division of the
12 Texas Department of Criminal Justice

13 Is it your desire to appeal this verdict?

14 *THE DEFENDANT:* Yes, Your Honor.

15 *THE COURT:* All right. The Court will make
16 arrangements for that.

17 Court is in recess.

18
19 *(Proceedings finally ended.)*

20
21 * * * * *