

Hopping Green & Sams

Attorneys and Counselors

February 21, 2019

Via Electronic Mail

WCWJ (CW)/WJXT/Graham Media Group

4 Broadcast Place

Jacksonville, FL 32207

c/o: management@yourjax.com

dfox@wjxt.com

sales@wjxt.com

Re: False Broadcast Ad by A New Day PC

To Whom It May Concern:

On behalf of Lenny Curry, a candidate for re-election as Mayor of Jacksonville, we demand that WCWJ and WJXT refuse to broadcast the materially false, malicious, and defamatory claim that there have been “109 murders this year alone” as part of some imputed “Curry crime wave” in the City of Jacksonville. We are prepared to initiate legal action against WCWJ and WJXT for any broadcast of this proven falsehood to prevent defamation of Mr. Curry.

The false claim that there have been “109 murders this year alone” is included in written and oral form in an attack ad¹ that we understand may be broadcast imminently at the request of a third-party political committee, A New Day PC. A screen shot from this attack ad reflecting this blatantly false statement is attached as Exhibit A. As reported in the local news² and by the Jacksonville Sheriff’s Office,³ the claim that there have been “109 murders this year alone” in Jacksonville is blatantly false and this falsity is being used in A New Day PC’s attack ad to defame Mr. Curry’s reputation as a conservative public official and candidate for whom safety and law enforcement are a priority. As reflected in screen shots of the Jacksonville Sheriff’s open data and transparency webpage taken on February 21 and attached hereto as Exhibit B, there have in fact only been 23 murders this year and 3 homicides pending classification. Perpetuating A New Day PC’s false statement that there have been “109 murders this year alone” by broadcasting any ad containing that claim after clearly demonstrating its falsity constitutes defamation with malice and reckless disregard for the truth by WCWJ and WJXT.

As you know, defamation occurs where “(1) the defendant published a false statement (2) about

¹ The ad is available here: <https://www.youtube.com/watch?feature=youtu.be&v=LS45KYFfLy0&app=desktop>.

² See, <https://www.news4jax.com/news/local/jacksonville/jacksonville-police-struggle-to-solve-murders>.

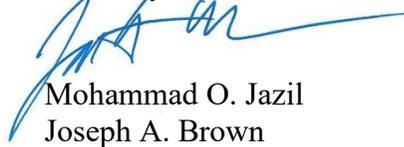
³ Jacksonville Sheriff’s Office statistics are available here: <http://transparency.jaxsheriff.org/>.

the plaintiff (3) to a third party and (4) the falsity of the statement caused injury to plaintiff.” *Bass v. Rivera*, 826 So.2d 534, 534 (Fla. 2d DCA 2002). Here, any broadcast by WCWJ and WJXT containing A New Day PC’s false claim regarding Mr. Curry to your viewers is detrimental to Mr. Curry’s reputation and his bid for re-election to public office. Moreover, pursuant to the U.S. Supreme Court’s decision in *Times Co. v. Sullivan*, 376 U.S. 254 (1964) and the Florida Supreme Court’s decision in *Mid-Florida Television Corp. v. Boyles*, 467 So. 2d 282 (Fla. 1985), any broadcast of the patently false claim in A New Day PC’s attack ad by WCWJ and WJXT after receipt of this demand will constitute libelous defamation that is malicious and reckless because WCWJ and WJXT know of its falsehood.

Mr. Curry is prepared to pursue his claims in full against WCWJ and WJXT for any broadcast of this claim now that WCWJ and WJXT know it to be false.

We trust that you will refrain from broadcasting this false claim, and appreciate your close attention to this serious matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "J.A. Brown", is written over the typed name. The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Mohammad O. Jazil
Joseph A. Brown

cc: Lenny Curry, Candidate for Re-election, City of Jacksonville Mayor

Exhibit A



EXHIBIT B



JACKSONVILLE HOMICIDES Murder Data

While the terms homicide and murder are frequently interchanged, they actually have two different meanings. Homicide is a broader term that means the killing of a person by another. A murder is a homicide committed with criminal intent. This page contains information on Jacksonville murders.

When a homicide lacks criminal intent (e.g., the killing of someone in defense of one's life or in defense of another's life), it is deemed justifiable or excusable. Information on these homicides can be found on the [Non-Murder Homicide Data page](#). Information on homicides awaiting classification can be found on the [Homicides Pending Classification page](#).

Anyone with any information on any homicide is asked to contact the Jacksonville Sheriff's Office at 904-630-0500 or email us at JSOCrimeTips@JaxSheriff.org. To remain anonymous and be eligible for a cash reward of up to \$3,000 if your tip leads to an arrest, please contact Crime Stoppers at 1-866-845-TIPS.

Notwithstanding homicides that are pending classification, there have been **23** Jacksonville murders in 2019.



JACKSONVILLE HOMICIDES Homicides Pending Classification

This page contains information on homicides that are pending classification as criminal, justifiable, or excusable. Some cases cannot be classified immediately due to the need for more information, such as a medical examination, toxicology information, or a decision from the State Attorney's Office. Once a case can be classified, it will be moved from this page to either the [Murder Data page](#) or the [Non-Murder Homicide Data page](#).

Anyone with any information on any homicide is asked to contact the Jacksonville Sheriff's Office at 904-630-0500 or email us at JSOCrimeTips@JaxSheriff.org. To remain anonymous and be eligible for a cash reward of up to \$3,000 if your tip leads to an arrest, please contact Crime Stoppers at 1-866-845-TIPS.

[Export Data](#)

Filter By Year:

| Incident Information | | | Victim Information | | | | Public Statements | |
|----------------------|-----------------|---|-------------------------|-------------|---------------|------------|-------------------------|----------|
| Date | Incident Number | Incident Location | Victim Name | Victim Race | Victim Gender | Victim Age | JSO Public Statement(s) | Comments |
| 02/14/2019 | 2019-0115392 | 5905 Redpoll Ave Jacksonville, Florida | Williams, Denim Jorey | B | M | 14 | N/A | |
| 02/14/2019 | 2019-0115392 | 5905 Redpoll Ave Jacksonville, Florida | Mobley, Titus E. | B | M | 24 | N/A | |
| 02/11/2019 | 2019-0106696 | 9942 Hood Rd Jacksonville, Florida | Keyser, Cameron Richard | W | M | 21 | N/A | |