

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**JENNIFER ANN CLARK  
ANGELA STEVENS,**

**Plaintiffs,**

**v.**

**OFFICER JOHN MILLER,  
OFFICER ALAN CARPENTER,  
VINCENT HERTZ, and  
MOBILE COUNTY**

**Defendants.**

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) **CIVIL ACTION NO. 09-0694-CG-B**  
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**VERDICTS AND SPECIAL INTERROGATORIES**

**I. Unlawful Entry Claims against Miller, Carpenter and Hertz**

**A. Deputy John Miller**

Do you find from the preponderance of the evidence:

1. That Deputy Miller violated the federal constitutional right of Jennifer Clark not to be subjected to an unlawful entry of her home?

Answer: Yes or No

If you Answer is No, then skip to the unlawful entry claim against Carpenter, section B.

2. If Yes, then were Deputy Miller's acts the proximate or legal cause of damages, if any, to Clark?

Answer: Yes or No \_\_\_\_\_

3. If Yes, then should Clark be awarded compensatory damages due to the unlawful entry by Miller?

Answer: Yes or No \_\_\_\_\_

If your answer is yes, then in what amount? \_\_\_\_\_

4. That Deputy Miller acted with malice or reckless indifference in unlawfully entering Clark's home, such that punitive damages should be assessed against him?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

**B. Deputy Alan Carpenter**

Do you find from the preponderance of the evidence:

1. That Deputy Carpenter violated the federal constitutional right of Jennifer Clark not to be subjected to an unlawful entry of her home?

Answer: Yes or No \_\_\_\_\_

If you Answer is No, then skip to the unlawful entry claim against Hertz, section C.

2. If Yes, then were Deputy Carpenter's acts the proximate or legal cause of damages, if any, to Clark?

Answer: Yes or No \_\_\_\_\_

3. If Yes, then should Clark be awarded compensatory damages due to the unlawful entry by Carpenter?

Answer: Yes or No \_\_\_\_\_

If your answer is yes, then in what amount? \_\_\_\_\_

4. That Deputy Carpenter acted with malice or reckless indifference in unlawfully entering Clark's home, such that punitive damages should be assessed against him?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

**A. Animal Control Officer Vincent Hertz**

Do you find from the preponderance of the evidence:

1. That Officer Hertz violated the federal constitutional right of Jennifer Clark not to be subjected to an unlawful entry of her home?

Answer: Yes or No \_\_\_\_\_

If your Answer is No, then skip to the excessive force claims in section II.

2. If Yes, then were Officer Hertz' acts the proximate or legal cause of damages, if any, to Clark?

Answer: Yes or No \_\_\_\_\_

3. If Yes, then should Clark be awarded compensatory damages due to the unlawful entry by Hertz?

Answer: Yes or No \_\_\_\_\_

If your answer is yes, then in what amount? \_\_\_\_\_

**II. Excessive Force claims against Deputies Carpenter and Miller**

**A(i). Deputy John Miller**

Do you find from a preponderance of the evidence:

1. That Deputy Miller used excessive force against Stevens?

Answer: Yes or No \_\_\_\_\_

If No, then skip to the excessive force claim by Clark against Miller, section A(ii).

2. That Stevens should be awarded compensatory damages against Miller for his use of excessive force?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

3. That Deputy Miller acted with malice or reckless indifference in the amount of force he used against Stevens, such that punitive damages should be assessed against him?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

**A(ii) Deputy John Miller**

1. That Deputy Miller used excessive force against Clark?

Answer: Yes or No \_\_\_\_\_

If No, then skip to the excessive force claim against Carpenter, section B.

2. That Clark should be awarded compensatory damages against Miller for his use of excessive force?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

3. That Deputy Miller acted with malice or reckless indifference in the amount of force he used against Clark, such that punitive damages should be assessed against him?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

**B. Deputy Alan Carpenter**

Do you find from a preponderance of the evidence:

1. That Deputy Carpenter used excessive force against Clark?

Answer: Yes or No \_\_\_\_\_

If No, then skip to the unlawful seizure claim against Hertz, section III.

2. That Clark should be awarded compensatory damages against Miller for his use of excessive force?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

3. That Deputy Carpenter acted with malice or reckless indifference in the amount of force he used against Clark, such that punitive damages should be assessed against him?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

**III. Unlawful Seizure claim against Hertz**

Do you find from the preponderance of the evidence:

1. That Officer Hertz violated the federal constitutional right of Jennifer Clark not to be subjected to an unlawful seizure of her dog?

Answer: Yes or No \_\_\_\_\_

If you Answer is No, then skip to the trespass claim in section IV.

2. If Yes, then were Officer Hertz' acts the proximate or legal cause of damages, if any, to Clark?

Answer: Yes or No \_\_\_\_\_

3. If Yes, then should Clark be awarded compensatory damages due to the unreasonable seizure by Hertz?

Answer: Yes or No \_\_\_\_\_

If your answer is yes, then in what amount? \_\_\_\_\_

**IV. Trespass claim against Mobile County**

Do you find from a preponderance of the evidence:

1. That Mobile County's agent, Vincent Hertz, trespassed on plaintiff's land without the plaintiff's consent?

Answer: Yes or No \_\_\_\_\_

If No, then skip the remaining question.

2. That Clark should be awarded nominal damages against Mobile County for trespass?

Answer: Yes or No \_\_\_\_\_

If Yes, then in what amount? \_\_\_\_\_

Nancy Spencer  
FOREPERSON

FILED IN OPEN COURT THIS 16<sup>th</sup> DAY  
OF March, 2011.

CHARLES R. DIARD, JR. CLERK

By Marilyn Boyer  
DEPUTY CLERK