

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

**BRUNSON ROBERTS  
ADC #127841**

**PLAINTIFF**

**v.**

**No. 5:12-cv-188-DPM**

**JOHN HERRINGTON, Sergeant, Cummins Unit, ADC;  
BRIAN LEVENGOOD, Sergeant, Cummins Unit, ADC;  
RAY HOBBS, Director, ADC; RAYMOND NAYLOR, Disciplinary  
Administrator, ADC; G. LAY, Warden, Cummins Unit, ADC;  
M. WARNER, Warden, Cummins Unit, ADC;  
V. ROBERTSON, Major of Security, Cummins Unit, ADC;  
J. HOLSTEAD, Corporal, Cummins Unit, ADC;  
TINA GIBSON, Sergeant, Cummins Unit, ADC;  
MERLIN FITZPATRICK, Lieutenant, Cummins Unit, ADC;  
and JOHN DOES, Cummins Unit, ADC**

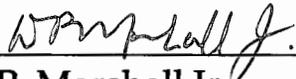
**DEFENDANTS**

**JUDGMENT**

1. Brunson Roberts's excessive-force claims were tried to a twelve-person jury from 15 to 16 December 2014. After deliberations, on December 16th the jury returned two unanimous verdicts. *See attached.* The jury found for John Herrington and for Brian Levengood on Roberts's claims against each of them. Roberts's excessive-force claims against Herrington are dismissed with prejudice. Roberts's excessive-force claims against Levengood are dismissed with prejudice.

2. Roberts also brought claims against Hobbs, Naylor, Lay, Warner,

Robertson, and Holstead that were unrelated to his excessive-force claims. Those claims are dismissed without prejudice. *No* 8. Roberts's excessive-force claims against Gibson and Fitzpatrick are dismissed without prejudice for failure to exhaust. *No* 36. Roberts's claims against the John Does for violating prison policies are dismissed without prejudice. *No* 22.

  
\_\_\_\_\_  
D.P. Marshall Jr.  
United States District Judge

17 December 2014

DEC 16 2014 *Jackson*

IN OPEN COURT  
JAMES W. McCORMACK, CLERK  
BY: ~~John Herrington~~

**VERDICT NO. 1**

1. On Brunson Roberts's excessive force claim against ~~John Herrington~~, as submitted in Instruction No. 9, we find for:

\_\_\_\_\_ Brunson Roberts

John Herrington

**If you found for Roberts on Question 1, then answer Question 2. If you found for Herrington on Question 1, your deliberations on Herrington are done. Do not answer Question 2.**

2. We find Brunson Roberts's damages to be \$ \_\_\_\_\_  
(state the amount, or if you find that Roberts's damages have no monetary value, put \$1.00).

*Keith Erwin*  
Foreperson

*Dec 16, 2014*  
Date

**FILED**

DEC 16 2014

**VERDICT NO. 2**

IN OPEN COURT  
JAMES W. McCORMACK, CLERK  
BY: Brian Levensood, *Jackson*  
DEPUTY CLERK

1. On Brunson Roberts's excessive force claim against Brian Levensood, as submitted in Instruction No. 10, we find for:

\_\_\_\_\_ Brunson Roberts                      ✓ \_\_\_\_\_ Brian Levensood

**If you found for Roberts on Question 1, then answer Question 2. If you found for Levensood on Question 1, your deliberations on Levensood are done. Do not answer Question 2.**

2. We find Brunson Roberts's damages to be \$ \_\_\_\_\_  
(state the amount, or if you find that Roberts's damages have no monetary value, put \$1.00).

Keith Enright  
Foreperson

Dec 16, 2014  
Date