

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**JAMES MCALPHIN**

**PLAINTIFF**

**v.**

**Case No. 5:15-cv-00214 KGB**

**DENNIS CARNES**

**DEFENDANT**

**JUDGMENT**

This matter came for trial by jury on the 29th day of January, 2019. Plaintiff James McAlphin appeared with his attorney Mark H. Allison. Defendant Dennis Carnes appeared with his attorneys William C. Bird, III, and LaKesia Rhea Morrison. All parties announced ready for trial. A jury of twelve was selected and sworn.

On January 31, 2019, the jury returned a verdict as follows:



**Note:** Complete Question 2 if you found in favor of plaintiff James McAlphin in response to Question 1. After you have done so, please have the foreperson sign and date your response to Question 2 and proceed to Question 3. If you found in favor of defendant Dennis Carnes in response to Question 1, please do not respond to Question 2 and instead proceed to Question 3.

**Question 2:** We, the jury, find that plaintiff James McAlphin has proved by a preponderance of the evidence on his state law claim that defendant Dennis Carnes' conduct was:

\_\_\_\_\_ Negligent

\_\_\_\_\_ Malicious

(Please put an "X" by either negligent or malicious)

\_\_\_\_\_  
Foreperson

Dated: \_\_\_\_\_

**Note:** If you find in favor of plaintiff James McAlphin in response to Question 1, then you should answer Question 3. After you have done so, please have the foreperson sign and date your response to Question 3 and proceed to Question 4. If you found in favor of defendant Dennis Carnes in response to Question 1, please do not answer Question 3 and instead proceed to Question 4.

**Question 3:** On defendant Dennis Carnes' claim of immunity as set forth in Instruction No. 10, has defendant Dennis Carnes proved by the preponderance of the evidence that he is not covered by liability insurance for the acts or omissions alleged in this case?

\_\_\_\_\_ Yes

\_\_\_\_\_ No

(Please put an "X" by either "Yes" or "No")

\_\_\_\_\_  
Foreperson

Dated: \_\_\_\_\_

**Note:** Complete Question 4 by writing in the name required by your verdict. After you have done so, please have the foreperson sign and date your response to Question 4 and proceed to Question 5.

**Question 4:** On plaintiff James McAlphin's claim against defendant Dennis Carnes, for violation of plaintiff James McAlphin's 42 U.S.C. § 1983 civil rights as submitted in Instruction No. 11, we find in favor of

Defendant Dennis Carnes

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Plaintiff James McAlphin            or            Defendant Dennis Carnes

/s/ Bennie Lackie  
Foreperson

Dated: January 31, 2019

**Note:** Please complete Question 5 only if the answer to Question 1 or Question 4 is in favor of plaintiff James McAlphin. If you answer Question 5, please have the foreperson sign and date your answer to Question 5 and proceed to Question 6. If you found in favor of defendant Dennis Carnes in response to Question 1 and Question 4, do not answer Question 5 and tell the Court Security Officer that your deliberations are concluded.

**Question 5:** We find plaintiff James McAlphin's damages as submitted in actual damages Instruction No. 14 and nominal damages Instruction No. 15 to be:

\$\_\_\_\_\_ (stating the amount, or, if you find that plaintiff James McAlphin's damages do not have a monetary value, write in the nominal amount of One Dollar (\$1.00), or, if none, write the word "none")

\_\_\_\_\_  
Foreperson

Dated: \_\_\_\_\_

**Note:** You may not award punitive damages against defendant Dennis Carnes in response to Question 6 unless you have first awarded plaintiff James McAlphin actual or nominal damages in response to Question 5 and determined that defendant Dennis Carnes’s conduct was malicious or recklessly indifferent as set forth in Instruction No. 16. If you complete Question 6, please have the foreperson sign and date your answer to Question 6 and then please alert the Court Security Officer that your deliberations are concluded. If you do not answer Question 6, please stop and alert the Court Security Officer that your deliberations are concluded.

**Question 6:** We assess punitive damages as submitted in Instruction No. 16 against defendant Dennis Carnes as follows:

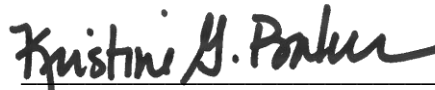
\$ \_\_\_\_\_ (state the amount, or, if none, write the word “none”)

\_\_\_\_\_  
Foreperson

Dated: \_\_\_\_\_

Judgment is therefore entered in favor of defendant Dennis Carnes and against plaintiff James McAlphin.

It is so ordered this 31st day of January, 2019.



\_\_\_\_\_  
Kristine G. Baker  
United States District Judge