

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

JOHNNIE ROCHELL, JR.

PLAINTIFF

v.

CASE NO. 5:16-CV-5093

CODY ROSS

DEFENDANT

ORDER ON JURY VERDICT

On the 20th day of September, 2021, this matter came before the Court for trial to a duly qualified and selected jury consisting of eight members. After three days of trial the jury was instructed on applicable law and the case was submitted on interrogatories, whereupon the jury retired to deliberate its verdict. Thereafter, the jury returned to open court and delivered the following verdict:

INTERROGATORY NO. 1: Do you find by a preponderance of the evidence that Officer Ross used excessive force in arresting Mr. Rochell?

Answer: YES

/s/ Jury Foreperson September 22, 2021

INTERROGATORY NO. 2: Do you find by a preponderance of the evidence that Officer Ross's actions were the direct cause of any actual damages sustained by Mr. Rochell?

Answer: NO

/s/ Jury Foreperson September 22, 2021

INTERROGATORY NO. 3-B: If you answered "no" to Interrogatory No. 2, meaning that any damages sustained have no monetary value, you must nevertheless award nominal damages in the amount of One Dollar (\$1.00).

Nominal Damages: \$1.00

/s/ Jury Foreperson September 22, 2021

INTERROGATORY NO. 4: Do you find by a preponderance of the evidence that Officer Ross's conduct involved reckless or callous indifference to Mr. Rochell's Fourth Amendment rights?

Answer: YES

/s/ Jury Foreperson September 22, 2021


INTERROGATORY NO. 5: If you answered "yes" to Interrogatory No. 4, then determine whether you wish to award Mr. Rochell an additional amount of money as punitive damages. If you wish to award such punitive damages, state the amount you find appropriate, keeping in mind that the amount of punitive damages should bear a reasonable relationship to the harm caused to Mr. Rochell.

Punitive Damages: \$7,000.00

/s/ Jury Foreperson September 22, 2021

The Court found no irregularity as to the form of the verdict and the foreperson confirmed that the jury was unanimous in each of its responses. Neither party requested polling. The jury was then discharged of its duties and the trial was adjourned. A Judgment will follow. The Plaintiff may submit a Motion for Fees and Costs by no later than October 7, 2021.

IT IS SO ORDERED this 23rd day of September, 2021.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE