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JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

SYBIL DAVIS, an individual and as a
Successor in Interest to ANTHONIE
D. SMITH

Plaintiff

v.

THE COUNTY OF RIVERSIDE;
THE CITY OF MORENO VALLEY;
and DOES 1 through 50, inclusive,

Defendants.

Case No. **5:16-CV-00227-JGB(KKx)**
Consolidated with
Case No. 5:16-CV-01323-JGB(KKx)
*[The Hon. District Judge, Jesus G. Bernal,
Magistrate, Kenly Kiya Kato]*

JUDGMENT ON SPECIAL VERDICT

This action came on regularly for trial on November 13, 2018, in Courtroom 1, of the above-entitled court, the Honorable Jesus G. Bernal presiding, plaintiff Sybil Davis, represented by John W. Harris, Esq. and Herbert Hayden, Esq.; defendant Sgt. Sheree Anthony represented by Eugene P. Ramirez, Esq. and Angela M. Powell, Esq.

A jury of eight persons was duly impaneled and sworn, opening statements by counsel for plaintiff and defendant were given, and witnesses were sworn and gave testimony. The jury was duly instructed by the court and heard closing arguments

1 for phase one of the trial by counsel on November 20, 2018, and the case was
2 submitted to the jury. The jury deliberated, and thereafter returned to court on
3 November 26, 2018, with its phase one verdict consisting of the special issues
4 submitted to the jury and the answers given thereto by the jury, which said verdict
5 was in the following words and figures:

6 **VERDICT FORM (PHASE ONE)**
7

8 We, the jury, being first empaneled and sworn, do find our verdict as follows:

9 **ISSUE 1: Use of Force (§ 1983 Excessive Force, Battery, Bane Act,**
10 **Negligence in Force).**

11 1. Did Defendant Sgt. Sheree Anthony use excessive or unreasonable force
12 against Anthonie Smith when she fired the final gunshot at him?

13 YES X NO _____
14

15 If you answered "Yes" to this question, proceed to Question No. 2.

16 If you answered "No" to this question, skip the remaining questions and sign
17 the juror Verdict Form.

18
19 2. If you find Sgt. Sheree Anthony used excessive force, did her use of
20 excessive or unreasonable force cause Anthonie Smith's fatal injuries?

21 YES X NO _____
22

23 If you answered "yes," go to the next question.

24 If you answered "No" to this question, skip the remaining questions and sign
25 the juror Verdict Form.

26 **ISSUE 2: §1983 familial interference claim - § 1983**
27

28 3. If you find that Sgt. Sheree Anthony used excessive force, do you find that Sgt.

1 Anthony violated plaintiff's Fourteenth Amendment right to be free from
2 interference with a familial relationship of a mother and son with a purpose to harm
3 decedent Anthonie Smith that was unrelated to legitimate law enforcement
4 objectives?

5 YES ___X___ NO _____

6
7 If you answered yes, answer No. 4.

8 If you answered no, skip No. 4 and go to No. 4A.

9
10 4. Did the conduct in Question 3 cause Anthonie Smith's fatal injuries?

11 YES ___X___ NO _____

12 GO TO THE NEXT QUESTION.

13
14 4A. If you find that Sgt. Sheree Anthony used excessive force, did Sgt. Sheree
15 Anthony interfere or attempt to interfere by threats, intimidation or coercion with
16 Anthonie Smith's constitutional right to be free from excessive and/or unreasonable
17 force when she fired the final gunshot at him?

18 YES ___X___ NO _____

19
20 If you answered yes, answer No. 4B.

21 If you answered no, go to No. 5.

22
23 4B. Did Sgt. Sheree Anthony act with the particular purpose of depriving Anthonie
24 Smith's enjoyment of the constitutional right to be free from excessive and/or
25 unreasonable force when she fired the final gunshot at him?

26 YES ___X___ NO _____

27 If you answered yes, answer No. 4C.

28 If you answered no, go to No. 5.

1 4C. Did Anthonie Smith reasonably believe that if he exercised his constitutional
2 right to be free from excessive and/or unreasonable force Sgt. Sheree Anthony
3 would commit violence against him?

4 YES NO

5 If you answered yes, answer No. 4D.

6 If you answered no, go to No. 5.

7
8 4D. Was Sgt. Sheree Anthony's conduct in 4A to 4C a substantial factor in causing
9 Anthonie Smith's fatal injuries?

10 YES NO

11 GO TO NO. 5.

12
13 **ISSUE 3: Damages & Comparative Fault.**

14
15 5. If your answer to Question Nos. 2, 4, or 4D was "Yes," what amount of
16 damages, if any, do you find that Anthonie Smith sustained as a result of Sgt. Sheree
17 Anthony's final shot?

18 Anthonie Smith \$ 1.5 million

19
20 If you awarded any amount of damages for Question No. 5, proceed to Question
21 No. 6.

22 If you awarded no damages under Question No. 5, skip the remaining questions
23 and sign the juror Verdict Form.

24
25 6. Was decedent Anthonie Smith's negligence a cause of his injury, damage, loss
26 or harm to himself?

27 YES NO

28 7. If your answer to Question Nos. 2 or 4 was a "Yes," and your answer to No. 6

1 Following phase one of the trial, the same jury of eight persons was duly
2 instructed by the court and heard closing arguments for phase two of the trial by
3 counsel on November 28, 2018, and the case was submitted to the jury. The jury
4 deliberated, and thereafter returned to court on November 28, 2018, with its phase
5 two verdict consisting of the special issues submitted to the jury and the answers
6 given thereto by the jury, which said verdict was in the following words and figures:

7 **VERDICT FORM (PHASE TWO)**

8 We, the jury in the above entitled action, find the following special verdict on the
9 questions submitted to us relating to this the damages phase of this case:
10

11 Question 1: What is the amount of punitive damages, if any, that you award Plaintiff
12 Sybil Davis as a result of Sgt. Anthony's conduct?

13 \$ _____0_____

14
15 Please date, sign, and return the verdict form and return it to the Court.

16 Dated: November 26, 2018

17
18
19 Signed: ___/s/Juror No. 4_____
20 Presiding Juror

21 It appears by reason of the special verdict that plaintiff Sybil Davis, as
22 personal representative of the estate of Anthonie Smith (decedent) is entitled to
23 judgment against defendant Sgt. Sheree Anthony in the amount of \$1,500,000 for
24 damages that decedent Anthonie Smith sustained as a result of Sgt. Sheree
25 Anthony's final shot.

26
27 It also appears by reason of the special verdict that plaintiff Sybil Davis is
28 entitled to \$700,000 (70% x \$1,000,000) against defendant Sgt. Sheree Anthony for
damages plaintiff Sybil Davis sustained as a result of the actions of defendant Sgt.

1 Sheree Anthony for the loss of Anthonie Smith (wrongful death).

2

3 NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as
4 follows:

5 That plaintiff Sybil Davis have total judgment of \$2,200,000 against
6 defendant Sgt. Sheree Anthony.

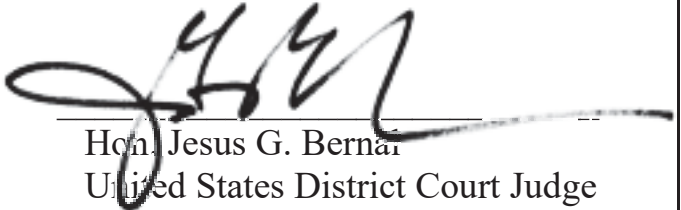
7 That any costs and attorneys' fees that the Court may deem to be
8 recoverable be reserved and determined by the Court at a further hearing.

9 **IT IS SO ORDERED.**

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11 Dated: February 11, 2019

12



Hon. Jesus G. Bernar
United States District Court Judge

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