

1 Plaintiff JAMES KILROY’S action against Defendant DEPUTY TYLER
2 CARRILLO pursuant to 42 U.S.C. § 1983 for violation of his Fourth and Eighth
3 Amendment rights based upon claimed sexual assault during a search came to trial
4 before this Court beginning on February 21, 2023 and continuing to and ending on
5 December February 23, 2023.

6 All of Plaintiff JAMES KILROY’S other claims against Defendant DEPUTY
7 TYLER CARRILLO have been previously adjudicated in DEPUTY TYLER
8 CARRILLO’S favor. This Court granted Defendant DEPUTY TYLER CARRILLO
9 partial summary judgment as to all other claims other than violation of the Fourth
10 and Eighth Amendment. (ECF # 43, Order re Summary Judgment.) All of Plaintiff
11 JAMES KILROY’S claims against Defendant COUNTY OF ORANGE were
12 previously adjudicated in favor of the COUNTY OF ORANGE. The Court
13 previously granted Defendant COUNTY OF ORANGE summary judgment on July
14 15, 2022. (ECF # 43.)

15 On February 23, 2023, the jury returned a special verdict, signed by the
16 presiding juror, to the Court in favor of Defendant DEPUTY TYLER CARRILLO
17 with its verdict on liability (see ECF # 102) as follows:

18 We, the jury, answer the questions submitted to us as follows:

- 19 1. Did DEFENDANT DEPUTY TYLER CARRILLO touched
20 PLAINTIFF JAMES KILROY’s testicles in a painful manner and/or
21 insert his finger into the anus of PLAINTIFF JAMES KILROY?
22 _____ Yes or ___X___ No
- 23 2. Was DEFENDANT DEPUTY TYLER CARRILLO’S search of
24 PLAINTIFF JAMES KILROY unreasonable in violation of the Fourth
25 Amendment?
26 _____ Yes or ___X___ No

1 3. Did DEFENDANT DEPUTY TYLER CARRILLO conduct a search
2 of PLAINTIFF JAMES KILROY with the intent to receive sexual
3 gratification or to humiliate, degrade or demean PLAINTIFF JAMES
4 KILROY in violation of the Eighth Amendment?
5 _____ Yes or ___X___ No
6

7 If you answered Questions No. 1, 2, or 3 “Yes,” please answer the next
8 question. Otherwise, skip to the end and sign and date the verdict
9

10 4. What are PLAINTIFF JAMES KILROY’S damages, if any?
11 Total Damages: \$ _____
12

13 5. Was DEFENDANT DEPUTY TYLER CARRILLO’S conduct
14 malicious, oppressive or in reckless disregard of the plaintiff’s rights
15 entitling Plaintiff to punitive damages?
16 _____ Yes or _____ No
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18 Signed: ____/s/_____
19 Presiding Juror
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21 Dated: 2/23/2023
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THEREFORE, IT IS ORDERED AND ADJUDGED that Judgment be entered in favor of Defendants COUNTY OF ORANGE and DEPUTY TYLER CARRILLO and against Plaintiff JAMES KILROY.

Defendants DEPUTY TYLER CARRILLO and COUNTY OF ORANGE are the prevailing parties under Federal Rule of Civil Procedure 54(d)(1) and may pursue recovery of their costs incurred in this action in accordance with said Rule and Local Rules of this Court. This judgment may be amended to include any costs and other litigation expenses awarded to Defendants DEPUTY TYLER CARRILLO and COUNTY OF ORANGE by the Court.

IT IS SO ORDERED AND ADJUDGED.

DATED: March 07, 2023


The Honorable James V. Selna
Judge of the United States District Court