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4   UNITED STATES DISTRICT COURT

5   NORTHERN DISTRICT OF CALIFORNIA

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7   MARIO TORRES,   Case No. 16-cv-06607-SI

8   Plaintiff,

9   v.   **VERDICT FORM**

10   MIKE HANSEN and DANIEL SMITH,

11   Defendants.

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CLAIM 1 – WARRANTLESS ENTRY OF APARTMENT

1. As to Claim 1, has plaintiff Mario Torres proven by a preponderance of the evidence that defendant Mike Hansen and/or Daniel Smith violated plaintiff's Fourth Amendment rights when the officers entered the apartment on July 4, 2012, without a warrant?

Officer Hansen	Yes _____	No _____
Officer Smith	Yes _____	No _____

If your answer to both parts of this question was "no," please skip to Question 5. Otherwise, please answer the next question.

2. As to Claim 1, has plaintiff Mario Torres proven by a preponderance of the evidence that the defendant(s) caused him injury, damage or harm?

Officer Hansen	Yes _____	No _____
Officer Smith	Yes _____	No _____

If your answer to both parts of this question was "no," you must award nominal damages of $1, and then skip to Question 4.   Nominal damages: $_____

If either answer to this question was "yes," please answer the next question.

3. As to Claim 1, state the amount of compensatory damages proved by plaintiff Mario Torres.

    $ _____

Please answer the next question.

4. As to Claim 1, has plaintiff Mario Torres proven by a preponderance of the evidence that defendants' conduct was malicious, oppressive or committed in reckless disregard of his constitutional rights?

Officer Hansen	Yes _____	No _____
Officer Smith	Yes _____	No _____

Please answer the next question.

CLAIM 2 – EXCESSIVE FORCE PRIOR TO HANDCUFFING

5. As to Claim 2, has plaintiff Mario Torres proven by a preponderance of the evidence that defendant Mike Hansen and/or Daniel Smith used excessive force against him inside the apartment <u>prior</u> to plaintiff being handcuffed?

Officer Hansen   Yes _____   No _____

Officer Smith   Yes _____   No _____

If your answer to both questions was "no," please skip to Question 9. Otherwise, please answer the next question.

6. As to Claim 2, has plaintiff Mario Torres proven by a preponderance of the evidence that the defendant(s) caused him injury, damage or harm?

Officer Hansen   Yes _____   No _____

Officer Smith   Yes _____   No _____

If your answer to both parts of this question was "no," you must award nominal damages of $1, and then skip to Question 8.   Nominal damages: $_____
If either answer to this question was "yes," please answer the next question.

7. As to Claim 2, state the amount of compensatory damages proved by plaintiff Mario Torres.

$ _____

Please answer the next question.

8. As to Claim 2, has plaintiff Mario Torres proven by a preponderance of the evidence that defendants' conduct was malicious, oppressive or committed in reckless disregard of his constitutional rights?

Officer Hansen   Yes _____   No _____

Officer Smith   Yes _____   No _____

Please answer the next question.

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CLAIM 3 – EXCESSIVE FORCE AFTER HANDCUFFING

    9. As to Claim 3, has plaintiff Mario Torres proven by a preponderance of the evidence that defendant Michael Hansen used excessive force against him inside the apartment <u>after</u> plaintiff was handcuffed?

                Yes _____   No _____

If your answer was "no," please skip to Question 13. Otherwise, please answer the next question.

    10. As to Claim 3, has plaintiff Mario Torres proven by a preponderance of the evidence that defendant Michael Hansen caused him injury, damage or harm?

                Yes _____   No _____

If your answer to this question was "no," you must award nominal damages of $1, and then skip to Question 12. Nominal damages: $_____

If your answer to this question was "yes," please answer the next question.

    11. As to Claim 3, state the amount of compensatory damages proved by plaintiff Mario Torres.

        $ _____

Please go to the next question.

    11. As to Claim 3, has plaintiff Mario Torres proven by a preponderance of the evidence that defendants Mike Hansen's conduct was malicious, oppressive or committed in reckless disregard of his constitutional rights?

                Yes _____   No _____

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PUNITIVE DAMAGES

12. If you answered "no" to all parts of Questions 4, 8 and 12, do not consider any of the remaining questions and go to the end of the verdict form. Please have the jury foreperson sign and date the form, and return it to the courtroom deputy. If you answered "yes" to any part of Questions 4, 8 or 12, please answer the next question.

13. State the amount of punitive damages that you award.

          Officer Hansen $ _____

          Officer Smith $ _____

Please have the foreperson sign and date the form.

Dated: _____   _____

                                    Foreperson