

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Honorable Marcia S. Krieger

Civil Action No. 11-cv-00102-MSK-KLM

DANIEL MARTINEZ, JR.;
NATHAN MARTINEZ;
DANIEL MARTINEZ III; and
JONATHAN MARTINEZ,

Plaintiff,

v.

JASON VALDEZ,
ROBERT MARTINEZ,
ROBERT MOTYKA, and
BRYCE JACKSON,

Defendants.

VERDICT FORM

WE THE JURY, in the above-captioned action, render our verdict in response to the following interrogatories:

CLAIM 1: Unlawful Entry

Question 1: Did the Plaintiffs prove, by a preponderance of the evidence, that the following Defendants' entry into the residence was made without consent?

Robert Martinez	YES ___	NO ___
Jason Valdez	YES ___	NO ___
Robert Motyka	YES ___	NO ___

If your answer is "NO" with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on this claim. Proceed to answer the questions in Claim 2: Excessive Force.

If your answer is “YES” with regard to any Defendant(s), proceed to answer Question 1 with regard to that/those Defendant(s).

Question 2: Did the following Defendants prove, by a preponderance of the evidence, that their entry into the residence was justified by exigent circumstances?

Robert Martinez	YES ___	NO ___
Jason Valdez	YES ___	NO ___
Robert Motyka	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of the Plaintiffs against that/those Defendant(s) on this claim. If your answer is “YES” with regard to any Defendant(s), you have found a verdict for that that/those Defendant(s) on this claim. In either event, proceed to Claim 2.

CLAIM 2: Use of Excessive Force

Question 3: Did the following Plaintiffs prove, by a preponderance of the evidence, that the amount of force used by the following Defendant in the act of arresting the Plaintiff was excessive?

Nathan Martinez as to Robert Motyka	YES ___	NO ___
Daniel Martinez III as to Bryce Jackson	YES ___	NO ___
Jonathan Martinez as to Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on this claim. Do not answer any further questions in Claim 2 with regard to that/those Defendant(s).

If your answer is “NO” with regard to all Defendants, you have found a verdict in favor of all Defendants on this claim. Proceed to answer the questions in Claim 3: False Arrest.

If your answer is “YES” with regard to any Defendant(s), proceed to answer Question 4 with regard to that/those Defendant(s).

Question 4: Did the following Plaintiff prove, by a preponderance of the evidence, that he suffered injuries (physical or emotional) as a result of the use of excessive force by the following Defendant:

Nathan Martinez as to Robert Motyka	YES ___	NO ___
Daniel Martinez III as to Bryce Jackson	YES ___	NO ___
Jonathan Martinez as to Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on this claim. If your answer is “YES” with regard to any Defendant(s), you have found a verdict in favor of that Plaintiff against that Defendant. In either event, proceed to answer the questions in Claim 3: False Arrest.

CLAIM 3: False Arrest

Question 5: Did the following Plaintiff prove, by a preponderance of the evidence, that he was arrested by the following Defendant?

Daniel Martinez Jr. as to Robert Martinez	YES ___	NO ___
Nathan Martinez as to Robert Motyka	YES ___	NO ___
Daniel Martinez III as to Bryce Jackson	YES ___	NO ___
Jonathan Martinez as to Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on this claim. Do not answer any further questions in Claim 3 with regard to that/those Defendant(s).

If your answer is “NO” with regard to all Defendants, you have found a verdict in favor of all Defendants on this claim. Proceed to answer the questions in Claim 4: Malicious prosecution.

If your answer is “YES” with regard to any Defendant(s), proceed to answer Question 6 with regard to that/those Defendant(s).

Question 6: Did the following Plaintiff prove, by a preponderance of the evidence, that the following Defendant did not have probable cause to arrest him?

Daniel Martinez Jr. as to Robert Martinez	YES ___	NO ___
Nathan Martinez as to Robert Motyka	YES ___	NO ___
Daniel Martinez III as to Bryce Jackson	YES ___	NO ___
Jonathan Martinez as to Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on this claim. If your answer is “YES” with regard to any Defendant(s), you have found a verdict in favor of that Plaintiff against that Defendant. In either event, proceed to answer the questions in Claim 4: Malicious prosecution.

CLAIM 4: Malicious Prosecution

Question 7: Did the following Plaintiffs prove, by a preponderance of the evidence, that the criminal case brought against them was brought as a result of oral or written statements made by the following Defendant?

Daniel Martinez Jr. as to

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

Nathan Martinez as to

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

Daniel Martinez III as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Jonathan Martinez as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

If your answer is “NO” with regard to any Plaintiff’s claim against any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on that Plaintiff’s claim. Do not answer any further questions in Claim 4 with regard to that/those Plaintiff(s) claims against that/those Defendant(s). If your answer with regard to Plaintiff Jonathan Martinez is “NO” as to all Defendants, proceed to consider Claim 4a. Otherwise, proceed to the Damages section if you have found a verdict in favor of any Plaintiff on any of the preceding claims, or proceed to the Certification section if you have found a verdict in favor of all Defendants on all of the preceding claims.

If your answer is “YES” with regard to any Plaintiff’s claim against any Defendant(s), proceed to answer Question 8.

Question 8: Did the following Plaintiff prove, by a preponderance of the evidence, that the following Defendant's statements against the Plaintiff were made without probable cause?

Daniel Martinez Jr. as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Nathan Martinez as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Daniel Martinez III as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Jonathan Martinez as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

If your answer is “NO” with regard to any Plaintiff’s claim against any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on that Plaintiff’s claim. Do not answer any further questions in Claim 4 with regard to that/those Plaintiff(s) claims against that/those Defendant(s). If your answer with regard to Plaintiff Jonathan Martinez is “NO” as to all Defendants, proceed to consider Claim 4a. Otherwise, proceed to the Damages section if you have found a verdict in favor of any Plaintiff on any of the preceding claims, or proceed to the Certification section if you have found a verdict in favor of all Defendants on all of the preceding claims.

If your answer is “YES” with regard to any Plaintiff’s claim against any Defendant(s), proceed to answer Question 9.

Question 9: Did the following Plaintiff prove, by a preponderance of the evidence, that the following Defendant's statements against the Plaintiff were motivated by malice towards the Plaintiff?

Daniel Martinez Jr. as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Nathan Martinez as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Daniel Martinez III as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Jonathan Martinez as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

If your answer is “NO” with regard to any Plaintiff’s claim against any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on that Plaintiff’s claim. Do not answer any further questions in Claim 4 with regard to that/those Plaintiff(s) claims against that/those Defendant(s). If your answer with regard to Plaintiff Jonathan Martinez is “NO” as to all Defendants, proceed to consider Claim 4a. Otherwise, proceed to the Damages section if you have found a verdict in favor of any Plaintiff on any of the preceding claims, or proceed to the Certification section if you have found a verdict in favor of all Defendants on all of the preceding claims.

If your answer is “YES” with regard to any Plaintiff’s claim against any Defendant(s), proceed to answer Question 10.

Question 10: Did the following Plaintiff prove, by a preponderance of the evidence, that as a result of the criminal case, the Plaintiff experienced damages:

Daniel Martinez Jr.	YES ___	NO ___
Nathan Martinez	YES ___	NO ___
Daniel Martinez III	YES ___	NO ___
Jonathan Martinez	YES ___	NO ___

If your answer is “NO” with regard to any Plaintiff(s), you have found a verdict in favor of all Defendants on that Plaintiff’s claim.

If your answer is “YES” with regard to any Plaintiff(s), you have found a verdict in favor of the related Plaintiff against any Defendant(s) for whom you answered “YES” on question 9.

If your answer to this question was “YES” with regard to Plaintiff Jonathan Martinez, proceed to Claim 4a: Continued Malicious Prosecution. Otherwise, proceed to the Damages section if you have found a verdict in favor of any Plaintiff(s) against any Defendant(s), or proceed to the Certification section if you found a verdict in favor of all Defendants on all Claims.

CLAIM 4a: Continued Malicious Prosecution

Question 11: Did Plaintiff Jonathan Martinez prove, by a preponderance of the evidence, the following Defendants made oral or written statements that caused the criminal prosecution of Jonathan Martinez to continue beyond the mere filing of charges;?

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on this claim. Do not answer any further questions in

Claim 4a with regard to that/those Defendant(s). Proceed to the Damages section if you have found a verdict in favor of any Plaintiff on any of the preceding claims, or proceed to the Certification section if you have found a verdict in favor of all Defendants on all of the preceding claims.

If your answer is “YES” with regard to any Defendant(s), proceed to answer Question 12 with regard to that/those Defendant(s).

Question 12: Did Plaintiff Jonathan Martinez prove, by a preponderance of the evidence, the following Defendants’ statements were made without probable cause?

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on this claim. Do not answer any further questions in Claim 4a with regard to that/those Defendant(s). Proceed to the Damages section if you have found a verdict in favor of any Plaintiff on any of the preceding claims, or proceed to the Certification section if you have found a verdict in favor of all Defendants on all of the preceding claims.

If your answer is “YES” with regard to any Defendant(s), proceed to answer Question 13 with regard to that/those Defendant(s).

Question 13: Did the Jonathan Martinez prove, by a preponderance of the evidence, that the following Defendant's statements against him were motivated by malice towards the him

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

If your answer is "NO" with regard to any Plaintiff's claim against any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on that Plaintiff's claim. Do not answer any further questions in Claim 4a with regard to that/those Plaintiff(s) claims against that/those Defendant(s). Proceed to the Damages section if you have found a verdict in favor of any Plaintiff on any of the preceding claims, or proceed to the Certification section if you have found a verdict in favor of all Defendants on all of the preceding claims.

If your answer is "YES" with regard to any Plaintiff's claim against any Defendant(s), proceed to answer Question 10.

Question 14: Did Jonathan Martinez prove, by a preponderance of the evidence, that as a result of the criminal case, he experienced damages:

YES ___ **NO** ___

If your answer is "NO" with regard to any Plaintiff(s), you have found a verdict in favor of the Defendants on this claim.

If your answer is "YES", you have found a verdict in favor of Jonathan Martinez against any Defendant for whom your answer to Question 13 was "YES."

Proceed to the Damages section if you have found a verdict in favor of any Plaintiff(s) against any Defendant(s), or proceed to the Certification section if you found a verdict in favor of all Defendants on all Claims.

Damages

Answer the questions in this section only if you have found a verdict in favor a Plaintiff on one or more claims. Answer the questions only with regard to those Defendants against whom you have found a verdict and only with regard to those Plaintiffs for whom you have found a verdict.

Question 15: Taking into account the Plaintiffs' duty to mitigate, what amount of damages is necessary to compensate the following Plaintiffs on those claims for which you found a verdict in favor of him against the following Defendants?

Daniel Martinez Jr. as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Nathan Martinez as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Daniel Martinez III as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Jonathan Martinez as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Proceed to Question 16.

Question 16: Did the following Plaintiff prove that the following Defendants' actions were taken in reckless disregard of the Plaintiff's rights, such that an award of punitive damages is warranted?

Daniel Martinez Jr. as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Nathan Martinez as to

Robert Martinez **YES** ___ **NO** ___

Robert Motyka **YES** ___ **NO** ___

Bryce Jackson **YES** ___ **NO** ___

Jason Valdez **YES** ___ **NO** ___

Daniel Martinez III as to

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

Jonathan Martinez as to

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to all Defendants and all Plaintiffs, do not answer any further questions in this section, and proceed to sign the appropriate portion of the Certification section. If your answer is “YES” with regard to any Plaintiff against any Defendant, proceed to answer Question 16 with regard to that/those combination(s) of Plaintiff(s) and Defendant(s).

Question 16: What amount, if any, does the jury award in punitive damages against the following Defendants with relation to the following Plaintiffs?

Daniel Martinez Jr. as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Nathan Martinez as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Daniel Martinez III as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Jonathan Martinez as to

Robert Martinez \$ _____

Robert Motyka \$ _____

Bryce Jackson \$ _____

Jason Valdez \$ _____

Proceed to sign the appropriate portion of the Certification section.

Certification

If you found a verdict for one or more Plaintiffs on one or more claims, sign and date the following section. Once you have done so, inform the Court by note that you are ready to return to the courtroom to announce your verdict.

By our signatures and our answers to these questions, we certify that we have found a verdict for one or more Plaintiffs on the claim(s) herein, and that the answers on this form represent the unanimous verdict of the jury.

Dated: September __, 2014

If you found a verdict for the Defendants on all claims, sign and date the following section. Once you have done so, inform the Court by note that you are ready to return to the courtroom to announce your verdict.

By our signatures and our answers to these questions, we certify that we have found a verdict for the Defendants on all claims herein, and that the answers on this form represent the unanimous verdict of the jury.

Dated: September __, 2014

Question 8: Did Jonathan Martinez prove, by a preponderance of the evidence, that the criminal charges against him were continued as a result of oral or written statements made by the following Defendant?

Robert Martinez	YES ___	NO ___
Robert Motyka	YES ___	NO ___
Bryce Jackson	YES ___	NO ___
Jason Valdez	YES ___	NO ___

If your answer is “NO” with regard to any Defendant(s), you have found a verdict in favor of that/those Defendant(s) on Jonathan Martinez’s claim. Do not answer any further questions in Claim 4 with regard Jonathan Martinez’s claim against that/those Defendant(s).

If your answer is “NO” with regard to all Defendants, you have found a verdict in favor of all Defendants on Jonathan Martinez’s claim. If you also answered “NO” with regard to all Defendants and all Plaintiffs in Question 6, do not answer any further questions on this claim. Proceed to the Damages section if you have found a verdict in favor of any Plaintiff(s) against any Defendant(s). Otherwise, proceed to the Certification section if you found a verdict in favor of all Defendants on all Claims.

If your answer is “YES” with regard to any Defendant(s) on any Plaintiff’s claim, proceed to answer Question 8 with regard to that/those Defendant(s) on the claim(s) of that/those Plaintiff(s).

