

N.C.P.I.—Civil 804.05  
EXCESSIVE FORCE IN MAKING ARREST—COMMON LAW CLAIM FOR  
BATTERY—SAMPLE VERDICT SHEET.  
GENERAL CIVIL VOLUME  
MARCH 2016  
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STATE OF NORTH CAROLINA  
COUNTY OF \_\_\_\_\_

IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION  
xx CVS xxxx

PLAINTIFF	)	
	)	
vs.	)	<b>VERDICT</b>
	)	
DEFENDANT,	)	
	)	

We, the jury, unanimously answer the following issues:

**Issue 1:** Did the defendant commit a battery upon the plaintiff during his arrest of the plaintiff?

ANSWER: \_\_\_\_\_  
(If you answer Issue 1 "Yes," then proceed to Issue 2. If you answer Issue 1 "No," then you will not consider the remaining issues.)

**Issue 2:** Was the defendant's arrest of the plaintiff unlawful?

ANSWER: \_\_\_\_\_  
(Proceed to Issue 3.)

**Issue 3:** Was the amount of force used by the defendant to arrest the plaintiff excessive?

ANSWER: \_\_\_\_\_  
(If you answer "Yes" to Issue 2 or Issue 3, or both, then proceed to Issue 4. If you answer Issue 2 and 3 "No," then you will not consider the remaining issue(s).)

**Issue 4:** What amount is the plaintiff entitled to recover as a result of the defendant's battery?

AMOUNT: \$\_\_\_\_\_.

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*NOTE WELL: Issues 5 and 6 should be included on the Verdict Sheet only if the issue of punitive damages is submitted to the jury. If the issue of punitive damages is to be submitted, place this parenthetical guidance at the end of Issue 4:*

(Proceed to Issue 5.)

**Issue 5:** Is the defendant liable to the plaintiff for punitive damages?

ANSWER: \_\_\_\_\_  
(If you answer Issue 5 "Yes," then proceed to Issue 6. If you answer Issue 5 "No," then you will not consider the remaining issue.)

**Issue 6:** What amount of punitive damages, if any, does the jury in its discretion award to the plaintiff?

AMOUNT: \$\_\_\_\_\_.

This the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

Printed Name of Foreperson: \_\_\_\_\_.

Signature of Foreperson: \_\_\_\_\_.