N.C.P.I.—Civil 804.12
EXCESSIVE FORCE IN MAKING ARREST—SECTION 1983 CLAIM—SAMPLE
VERDICT SHEET.
GENERAL CIVIL VOLUME
MARCH 2016

STATE OF NORTH CAROLINA   IN THE GENERAL COURT OF JUSTICE
         SUPERIOR COURT DIVISION
COUNTY OF _____   xx CVS xxxx

PLAINTIFF	)	
	)	
	)	
vs.	)	**VERDICT**
	)	
DEFENDANT,	)	
	)	

We, the jury, unanimously answer the following issues:

Issue 1: Was the defendant acting under color of state law when *he* arrested 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: Did the defendant use force to arrest the plaintiff?

ANSWER: _____

(If you answer Issue 2 "Yes," then proceed to Issue 3. If you answer Issue 2 "No," then you will not consider the remaining issues.)

Issue 3: Was the defendant's arrest of the plaintiff unlawful?

ANSWER: _____

(Proceed to Issue 4.)

Issue 4: Was the amount of force used by the defendant to arrest the plaintiff excessive?

ANSWER: _____

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(If you answer "Yes" to Issue 3 or Issue 4, or both, then proceed to Issue 5. If you answer Issue 3 and 4 "No," then you will not consider the remaining issue(s).)

Issue 5: What amount is the plaintiff entitled to recover as a result of the defendant's use of excessive force in violation of the plaintiff's constitutional rights?

AMOUNT: $_____.

NOTE WELL: Issue 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 5:

(Proceed to Issue 6.)

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: _____.