

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
JOSHUA WHARTON, *et al.*, :
 :
 :
 Plaintiffs, :
 :
 :
 -against- :
 :
 POLICE OFFICER CHARLES DECARO :
 and POLICE OFFICER PHILIP KOURIL, :
 :
 Defendants. :
-----X

**VERDICT FORM WITH
RESPECT TO OFFICER
CHARLES DECARO**

07-CV-2137
(Kuntz, J.)

Nothing said in the Verdict Form is meant to suggest what your verdict should be. You alone have the responsibility for deciding the verdict.

Verdict Form

WE, the jury, unanimously find the following by a preponderance of the evidence:

Question 1

Did the Defendant CHARLES DECARO act under color of state law?

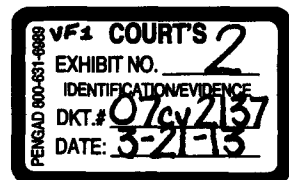
Answer: ✓ Yes No

IF YOU ANSWERED "YES" TO QUESTION 1, PROCEED TO QUESTION 2. OTHERWISE HAVE THE FOREPERSON SIGN AND DATE THIS FORM BECAUSE YOU HAVE COMPLETED YOUR DELIBERATIONS WITH RESPECT TO DEFENDANT CHARLES DECARO.

Question 2

Did Defendant CHARLES DECARO intentionally or recklessly commit an act, under color of state law, which violated the Plaintiff JOSHUA WHARTON's Fourth Amendment right to be free from false arrest?

Answer: ✓ Yes No



Question 3

Did Defendant CHARLES DECARO intentionally or recklessly commit an act, under color of state law, which violated the Plaintiff JOSHUA WHARTON's Fourth Amendment right to be free from malicious prosecution?

Answer: Yes No

IF YOU ANSWERED "YES" TO EITHER QUESTION 2 OR QUESTION 3, PROCEED TO QUESTION 4. IF YOU ANSWERED "NO" TO BOTH QUESTION 2 AND QUESTION 3, HAVE THE FOREPERSON SIGN AND DATE THIS FORM BECAUSE YOU HAVE COMPLETED YOUR DELIBERATIONS WITH RESPECT TO DEFENDANT CHARLES DECARO.

Question 4

Would a reasonably competent police officer, faced with the circumstances before Defendant CHARLES DECARO, have known that Defendant CHARLES DECARO'S conduct violated federal law?

Answer: Yes No

IF YOU ANSWERED "YES" TO QUESTION 4, PROCEED TO QUESTION 5. OTHERWISE HAVE THE FOREPERSON SIGN AND DATE THIS FORM BECAUSE YOU HAVE COMPLETED YOUR DELIBERATIONS WITH RESPECT TO DEFENDANT CHARLES DECARO.

Question 5

Did Defendant CHARLES DECARO'S acts, described in Question 2 and Question 3 above, proximately cause injury to the Plaintiff, JOSHUA WHARTON?

Answer: Yes No

IF YOU ANSWERED "YES" TO QUESTION 5, PROCEED TO QUESTION 6(A), AND SKIP QUESTION 6(B).

IF YOU ANSWERED "NO" TO QUESTION 5, PROCEED TO QUESTION 6(B).

Question 6(A)

Please state the amount that will fairly compensate the Plaintiff JOSHUA WHARTON for any injury he actually sustained as a result of Defendant CHARLES DECARO'S conduct.

Answer: \$ 62,500
 (Fill in Dollar Figure)

Question 6(B)

Because we answered "No" to Question 5, the Plaintiff JOSHUA WHARTON is awarded nominal damages in the amount of \$1.00.

AFTER ANSWERING QUESTION 6, PROCEED TO QUESTION 7.

Question 7(A)

Did Defendant CHARLES DECARO act maliciously or wantonly in violating Plaintiff JOSHUA WHARTON's rights?

Answer: ✓ Yes No

IF YOU ANSWERED "YES" TO QUESTION 7(A), PROCEED TO QUESTION 7(B). OTHERWISE, PROCEED TO QUESTION 8.

Question 7(B)

Do you award punitive damages against Defendant CHARLES DECARO?

Answer: ✓ Yes No

If yes, in what amount?

Answer: \$ 100,000
 (Fill in Dollar Figure)

Question 8

Should Plaintiffs JONATHAN WHARTON and GAIL WHARTON be compensated for the reasonable value of legal services that they secured payment for on behalf of Plaintiff JOSHUA WHARTON in order to defend him of the underlying criminal charges?

Answer: ✓ Yes No

If yes, in what amount?

Answer: \$ 7500
(Fill in Dollar Figure)

THE FOREPERSON MUST SIGN AND DATE THIS VERDICT FORM.

JURY FOREPERSON: C dacosta

DATE: 3/22/13