

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

CARON NAZARIO,)
Plaintiff,)
)
v.)
)
JOE GUTIERREZ,)
in his personal capacity,)
and)
DANIEL CROCKER,)
in his personal capacity)
Defendants.)
_____)

Civil Action No. 2:21CV169 (RCY)

VERDICT FORM

MEMBERS OF THE JURY:

Please answer the questions on this form in the order listed – that is, please start with Question 1, and answer each question in order before moving on to the next question. Please follow the instructions after each question to determine which question to answer next.

VERDICT:

We the jury, having been duly sworn, and having conscientiously considered the evidence presented, state our unanimous verdict as follows:

ILLEGAL SEARCH (FOURTH AMENDMENT) CLAIM

Question No. 1

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Joseph Gutierrez violated Plaintiff's right under the Fourth Amendment to the United States Constitution to be free of an illegal search?

Yes _____

No _____

If you answered "Yes" to Question No. 1, then please proceed to Question Nos. 2 and 3.

If you answered "No" to Question No. 1, then please skip to Question No. 5.

Question No. 2

What amount of damages would compensate Plaintiff for Defendant Gutierrez's violation of Plaintiff's Fourth Amendment rights?

\$ _____

Question No. 3

Did Plaintiff prove by a preponderance of the evidence that Defendant Gutierrez acted with actual malice or under circumstances amounting to a willful and wanton disregard for Plaintiff's Fourth Amendment rights?

Yes _____

No _____

If you answered "Yes" to Question No. 3, then please proceed to Question No. 4. If you answered "No" to Question No. 3, then please skip to Question No. 5.

Question No. 4

What amount of punitive damages is appropriate to punish Defendant Gutierrez for violating Plaintiff's Fourth Amendment rights, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Question No. 5

In light of the Court's prior determination that Defendant Daniel Crocker violated Plaintiff's Fourth Amendment right to be free of an illegal search, what amount of damages would compensate Plaintiff for Defendant Crocker's violation of Plaintiff's rights?

\$ _____ 0 _____

Question No. 6

Did Plaintiff prove by a preponderance of the evidence that Defendant Crocker acted with actual malice or under circumstances amounting to a willful and wanton disregard for Plaintiff's Fourth Amendment rights?

Yes _____

No _____

If you answered "Yes" to Question No. 6, then please proceed to Question No. 7. If you answered "No" to Question No. 6, then please skip to Question No. 8.

Question No. 7

What amount of punitive damages is appropriate to punish Defendant Crocker for violating Plaintiff's Fourth Amendment rights, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Please proceed to the next page.

ILLEGAL SEARCH (VIRGINIA LAW) CLAIM

Question No. 8

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Joseph Gutierrez violated Plaintiff's right under Virginia law to be free of an illegal search?

Yes _____ No _____

If you answered "Yes" to Question No. 8, then please proceed to Question Nos. 9 and 10. If you answered "No" to Question No. 8, then please skip to Question No. 12.

Question No. 9

What amount of damages would compensate Plaintiff for Defendant Gutierrez's alleged violation of Plaintiff's rights under Virginia law?

\$ _____

Question No. 10

What amount of punitive damages is appropriate to punish Defendant Gutierrez for violating Plaintiff's rights under Virginia law, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Question No. 11

In light of the Court's prior determination that Defendant Daniel Crocker violated Plaintiff's right under Virginia law to be free of an illegal search, what amount of damages would compensate Plaintiff for Defendant Crocker's violation of Plaintiff's right?

\$ 0

Question No. 12

What amount of punitive damages is appropriate to punish Defendant Crocker for violating Plaintiff's rights under Virginia law, and to serve as an example to prevent others from acting in a similar way?

\$ 1,000

Please proceed to the next page.

FALSE IMPRISONMENT CLAIM

Question No. 13

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Joseph Gutierrez falsely imprisoned Plaintiff?

Yes _____

No _____

If you answered “Yes” to Question No. 13, then please proceed to Question Nos. 14 and 15. If you answered “No” to Question No. 13, then please skip to Question No. 17.

Question No. 14

What amount of damages would compensate Plaintiff for Defendant Gutierrez’s false imprisonment of Plaintiff?

\$ _____

Question No. 15

Did Plaintiff prove by a preponderance of the evidence that, in connection with the alleged false imprisonment, Defendant Gutierrez acted with actual malice, or under circumstances amounting to a willful and wanton disregard for Plaintiff’s rights?

Yes _____

No _____

If you answered “Yes” to Question No. 15, then please proceed to Question No. 16. If you answered “No” to Question No. 15, then please skip to Question No. 17.

Question No. 16

What amount of punitive damages is appropriate to punish Defendant Gutierrez for falsely imprisoning Plaintiff, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Question No. 17

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Daniel Crocker falsely imprisoned Plaintiff?

Yes _____

No _____

If you answered "Yes" to Question No. 17, then please proceed to Question Nos. 18 and 19. If you answered "No" to Question No. 17, then please skip to Question No. 21.

Question No. 18

What amount of damages would compensate Plaintiff for Defendant Crocker's false imprisonment of Plaintiff?

\$ _____

Question No. 19

Did Plaintiff prove by a preponderance of the evidence that, in connection with the alleged false imprisonment, Defendant Crocker acted with actual malice, or under circumstances amounting to a willful and wanton disregard for Plaintiff's rights?

Yes _____

No _____

If you answered "Yes" to Question No. 19, then please proceed to Question No. 20. If you answered "No" to Question No. 19, then please skip to Question No. 21.

Question No. 20

What amount of punitive damages is appropriate to punish Defendant Crocker for falsely imprisoning Plaintiff, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Please proceed to the next page.

ASSAULT CLAIM

Question No. 21

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Joseph Gutierrez assaulted Plaintiff?

Yes ✓ No _____

If you answered "Yes" to Question No. 21, then please proceed to Question Nos. 22 and 23. If you answered "No" to Question No. 21, then please skip to Question No. 25.

Question No. 22

What amount of damages would compensate Plaintiff for Defendant Gutierrez's assault?

\$ 2,685

Question No. 23

Did Plaintiff prove by a preponderance of the evidence that, in connection with the alleged assault, Defendant Gutierrez acted with actual malice or under circumstances amounting to a willful and wanton disregard for Plaintiff's rights?

Yes _____ No ✓

If you answered "Yes" to Question No. 23, then please proceed to Question No. 24. If you answered "No" to Question No. 23, then please skip to Question No. 25.

Question No. 24

What amount of punitive damages is appropriate to punish Defendant Gutierrez for assaulting Plaintiff, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Question No. 25

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Daniel Crocker assaulted Plaintiff?

Yes _____

No _____

If you answered "Yes" to Question No. 25, then please proceed to Question Nos. 26 and 27. If you answered "No" to Question No. 25, then please skip to Question No. 29.

Question No. 26

What amount of damages would compensate Plaintiff for Defendant Crocker's assault?

\$ _____

Question No. 27

Did Plaintiff prove by a preponderance of the evidence that, in connection with the alleged assault, Defendant Crocker acted with actual malice or under circumstances amounting to a willful and wanton disregard for Plaintiff's rights?

Yes _____

No _____

If you answered “Yes” to Question No. 27, then please proceed to Question No. 28. If you answered “No” to Question No. 27, then please skip to Question No. 29.

Question No. 28

What amount of punitive damages is appropriate to punish Defendant Crocker for assaulting Plaintiff, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Please proceed to the next page.

BATTERY CLAIM

Question No. 29

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Joseph Gutierrez committed battery against Plaintiff?

Yes _____

No _____

If you answered “Yes” to Question No. 29, then please proceed to Question Nos. 30 and 31. If you answered “No” to Question No. 29, then please skip to Question No. 33.

Question No. 30

What amount of damages would compensate Plaintiff for Defendant Gutierrez’s battery?

\$ _____

Question No. 31

Did Plaintiff prove by a preponderance of the evidence that, in connection with the alleged battery, Defendant Gutierrez acted with actual malice or under circumstances amounting to a willful and wanton disregard for Plaintiff’s rights?

Yes _____

No _____

If you answered “Yes” to Question No. 31, then please proceed to Question No. 32. If you answered “No” to Question No. 31, then please skip to Question No. 33.

Question No. 32

What amount of punitive damages is appropriate to punish Defendant Gutierrez for his battery of Plaintiff, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Question No. 33

Did Plaintiff Caron Nazario prove by a preponderance of the evidence that Defendant Daniel Crocker committed battery against Plaintiff?

Yes _____

No _____

If you answered “Yes” to Question No. 33, then please proceed to Question Nos. 34 and 35. If you answered “No” to Question No. 33, your deliberations are complete; please proceed to the Foreperson Certification at the end of this form.

Question No. 34

What amount of damages would compensate Plaintiff for Defendant Crocker’s battery?

\$ _____

Question No. 35

Did Plaintiff prove by a preponderance of the evidence that, in connection with the alleged battery, Defendant Crocker acted with actual malice or under circumstances amounting to a willful and wanton disregard for Plaintiff’s rights?

Yes _____

No _____

If you answered "Yes" to Question No. 35, then please proceed to Question No. 36. If you answered "No" to Question No. 35, your deliberations are complete; please proceed to the Foreperson Certification at the end of this form.

Question No. 36

What amount of punitive damages is appropriate to punish Defendant Crocker for assaulting Plaintiff, and to serve as an example to prevent others from acting in a similar way?

\$ _____

Your deliberations are complete. The Foreperson should sign and date the certification at the end of this verdict form and return your verdict to the Court.

CERTIFICATION

I certify that the foregoing responses represent the unanimous verdict of the jury empaneled to consider this matter.

JANUARY 17, 2023
DATE

Pursuant to the E-Government Act,
the original of this page has been filed
under seal in the Clerk's Office

SIGNATURE OF FOREPERSON

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the original of this page has been filed
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