

Court's X
DML
7-31-14

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
HERMINIO PIZARRO and OLGA GARCIA,

Plaintiffs,

Index No. 304460/2008

-against-

VERDICT SHEET

THE CITY OF NEW YORK, P.O. and P.O. EFRAIN
MORALES, SHIELD NO. 13473,

Defendants.
-----X

ALEXANDER W. HUNTER, JR. :

1. Did defendants commit a battery upon HERMINIO PIZARRO in front of 245 Brook Avenue?

FIVE (5) JURORS MUST AGREE ON
THE ANSWER TO THIS QUESTION

YES

ANSWER "YES" OR "NO"

- | | |
|------------------------------|---------------------------|
| 1. YES - <u>Phila</u> | 4. YES <u>John Berry</u> |
| 2. YES <u>Greg Richards</u> | 5. YES <u>Carl Medina</u> |
| 3. YES <u>James E. Hardy</u> | 6. YES <u>Kevin Hall</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #2.

2. Did defendants commit a battery upon HERMINIO PIZARRO while being transported in a police car to the precinct?

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

YES
ANSWER "YES" OR "NO"

- 1. White
- 2. Gregory Richards
- 3. José Mendez
- 4. Jane Berry
- 5. Carol M Sessions
- 6. Lorraine Noel

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #3.

- 3. Did defendants commit a battery upon HERMINIO PIZARRO while inside the 40th Precinct bathroom?

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

YES
ANSWER "YES" OR "NO"

- 1. White
- 2. Gregory Richards
- 3. José Mendez
- 4. Jane Berry
- 5. Carol M Sessions
- 6. Lorraine Noel

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #4.

- 4. Did POLICE OFFICER EFRAIN MORALES violate HERMINIO PIZARRO'S FOURTH AMENDMENT CONSTITUTIONAL RIGHT to be free from unreasonable seizure by using excessive force?

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

YES
ANSWER "YES" OR "NO"

- | | |
|----------------------------|----------------------------|
| 1. <u>Phibee</u> | 4. <u>Jane Berry</u> |
| 2. <u>Gregory Richards</u> | 5. <u>Court M Sessions</u> |
| 3. <u>James Mendez</u> | 6. <u>Lorraine Hall</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #5.

- 5. Did POLICE OFFICER EFRAIN MORALES violate HERMINIO PIZARRO'S FOURTH AMENDMENT CONSTITUTIONAL RIGHT from unreasonable seizure by being falsely arrested?

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

YES
ANSWER "YES" OR "NO"

- | | |
|----------------------------|----------------------------|
| 1. <u>Phibee</u> | 4. <u>Jane Berry</u> |
| 2. <u>Gregory Richards</u> | 5. <u>Court M Sessions</u> |
| 3. <u>James Mendez</u> | 6. <u>Lorraine Hall</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Phibee

Proceed to Question #6.

- 6. Did POLICE OFFICER EFRAIN MORALES violate HERMINIO PIZARRO'S FOURTH AMENDMENT CONSTITUTIONAL RIGHT from unreasonable seizure by being maliciously prosecuted?

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

YES
ANSWER "YES" OR "NO"

- | | |
|----------------------------|----------------------------|
| 1. <u>Plutces</u> | 4. <u>Jane Berry</u> |
| 2. <u>Gregory Richards</u> | 5. <u>Carl M. Sessions</u> |
| 3. <u>Jean M. ...</u> | 6. <u>Lorraine Noel</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

If you answered yes to any of questions 1 through 6, proceed to Question #7.

- 7. State the amount which fully and fairly compensates Plaintiff HERMINIO PIZARRO for his pain and suffering from his injury of August 4, 2007 to present.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

\$ 2 million

- | | |
|----------------------------|----------------------------|
| 1. <u>Plutces</u> | 4. <u>Jane Berry</u> |
| 2. <u>Gregory Richards</u> | 5. <u>Carl M. Sessions</u> |
| 3. <u>Jean M. ...</u> | 6. <u>Lorraine Noel</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #8.

- 8. State the amount which fully and fairly compensates Plaintiff HERMINIO PIZARRO for his pain and suffering from verdict to the time plaintiff could expect to live.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

\$ 0 (ZERO)

- | | |
|----------------------------|----------------------------|
| 1. <u>[Signature]</u> | 4. <u>[Signature]</u> |
| 2. <u>Gregory Richards</u> | 5. <u>William Sessions</u> |
| 3. <u>John E. Hendy</u> | 6. <u>Lorraine Nell</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #9.

- 9. If you have made an award for the amount intended to compensate Plaintiff PIZARRO for damages to be incurred in the future, then state the period of years which such sum is intended to provided compensation for plaintiff HERMINIO PIZARRO'S pain and suffering including permanent effect of the injuries.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

0 (ZERO)

(Number of years-Life expectancy)

- | | |
|----------------------------|----------------------------|
| 1. <u>[Signature]</u> | 4. <u>[Signature]</u> |
| 2. <u>Gregory Richards</u> | 5. <u>William Sessions</u> |
| 3. <u>John E. Hendy</u> | 6. <u>Lorraine Nell</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #10.

10. Do you award punitive damages as against POLICE OFFICER EFRAIN MORALES for his violating HERMINIO PIZARRO'S constitutional rights? If yes, state the sum below.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

\$ 1 million

- 1. [Signature]
- 2. Gregory Richards
- 3. [Signature]
- 4. [Signature]
- 5. Courtney Sessions
- 6. Lorraine Neal

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #11

11. Did defendants commit a battery upon OLGA IRIS GARCIA in front of 245 Brook Avenue?

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

YES
ANSWER "YES" OR "NO"

- 1. [Signature]
- 2. Gregory Richards
- 3. [Signature]
- 4. [Signature]
- 5. Courtney Sessions
- 6. Lorraine Neal

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #12.

- 12. Did POLICE OFFICER EFRAIN MORALES violate OLGA IRIS GARCIA'S FOURTH AMENDMENT CONSTITUTIONAL RIGHT to be free from unreasonable seizure by using excessive force?

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

YES
ANSWER "YES" OR "NO"

- | | |
|----------------------------|---------------------------|
| 1. <u>White</u> | 4. <u>James Berry</u> |
| 2. <u>Gregory Richards</u> | 5. <u>Carl M Sessions</u> |
| 3. <u>James E. Hendrix</u> | 6. <u>Lorraine Noel</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

If you answered yes to Question 11 or 12, proceed to Question #13.
Otherwise, report your verdict to the court.

- 13. State the amount which fully and fairly compensates Plaintiff OLGA IRIS GARCIA for her pain and suffering from her injury of August 4, 2007 to present.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

\$ 250,000

- | | |
|----------------------------|---------------------------|
| 1. <u>White</u> | 4. <u>James Berry</u> |
| 2. <u>Gregory Richards</u> | 5. <u>Carl M Sessions</u> |
| 3. <u>James E. Hendrix</u> | 6. <u>Lorraine Noel</u> |

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #14.

- 14. State the amount which fully and fairly compensates Plaintiff OLGA IRIS GARCIA for her pain and suffering from verdict to the time plaintiff could expect to live.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

\$ 0 (ZERO)

- 1. Phintee
- 2. Gregory Richards
- 3. [Signature]
- 4. Jane Berry
- 5. Court M Sessions
- 6. Lorraine Noel

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #1.

- 15. If you have made an award for the amount intended to compensate the Plaintiff for damages to be incurred in the future, then state the period of years which such sum is intended to provided compensation for plaintiff OLGA IRIS GARCIA'S pain and suffering including permanent effect of the injuries.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

0 (ZERO)
(Number of years-Life expectancy)

- 1. Phintee
- 2. Gregory Richards
- 3. [Signature]
- 4. Jane Berry
- 5. Court M Sessions
- 6. Lorraine Noel

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

Proceed to Question #16

- 16. Do you award punitive damages as against POLICE OFFICER EFRAIN MORALES for his violating OLGA IRIS GARCIA'S constitutional rights? If yes, state the sum below.

FIVE (5) JURORS MUST AGREE ON THE ANSWER TO THIS QUESTION

s. 250,000

1. Pointz

4. James Berry

2. Gregory Richards

5. Courtney Sessions

3. Paula Hernandez

6. Lorraine Hall

I, THE UNDERSIGNED JUROR, DO NOT CONCUR IN THE ABOVE

REPORT YOUR VERDICT TO THE COURT