

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DANIEL BRADLEY,

Plaintiff,

v.

CHRISTIAN CICERO, JOSEPH DUNN, and
DANIEL MOYNAHAN,

Defendants.

No. 18-cv-30039-MGM

VERDICT FORM

**FEDERAL CIVIL RIGHTS ACT (42 U.S.C. § 1983)
UNREASONABLE SEIZURE**

1. Do you find that the Defendant **Christian Cicero** unlawfully seized (under the Fourth Amendment) the Plaintiff by conducting an unlawful traffic stop?

Yes: _____

No: X

2. Do you find that the Defendant **Joseph Dunn** unlawfully seized (under the Fourth Amendment) the Plaintiff by conducting an unlawful traffic stop, or by unlawfully conducting a pat frisk without reasonable suspicion that Plaintiff was armed and dangerous?

Yes: _____

No: X

3. Do you find that the Defendant **Daniel Moynahan** unlawfully seized (under the Fourth Amendment) the Plaintiff by unlawfully conducting a pat frisk without reasonable suspicion that Plaintiff was armed and dangerous?

Yes: X

No: _____

FEDERAL CIVIL RIGHTS ACT (42 U.S.C. § 1983)
UNLAWFUL ARREST

4. Do you find that the Defendant **Joseph Dunn** unlawfully arrested the Plaintiff without probable cause to believe he committed a crime?

Yes: X

No:

5. Do you find that the Defendant **Daniel Moynahan** unlawfully arrested the Plaintiff without probable cause to believe he committed a crime?

Yes: X

No:

FEDERAL CIVIL RIGHTS ACT (42 U.S.C. § 1983)
EXCESSIVE FORCE

6. Do you find that the Defendant **Joseph Dunn** used excessive force in effecting the seizure or arrest of the Plaintiff?

Yes: X

No:

7. Do you find that the Defendant **Daniel Moynahan** used excessive force in effecting the seizure or arrest of the Plaintiff?

Yes:

No: X

**MASSACHUSETTS CIVIL RIGHTS ACT (G.L. c. 12, §§ 11H & 11I)
UNREASONABLE SEIZURE**

8. Do you find that the Defendant **Christian Cicero**, by means of threats, intimidation, or coercion, unlawfully seized (under the Fourth Amendment or Article 14) the Plaintiff by conducting an unlawful traffic stop?

Yes: _____

No: X _____

9. Do you find that the Defendant **Joseph Dunn**, by means of threats, intimidation, or coercion, unlawfully seized (under the Fourth Amendment or Article 14) the Plaintiff by conducting an unlawful traffic stop, or by asking for identification without reasonable suspicion of criminal activity, or by unlawfully removing him from the vehicle without reasonable suspicion that he may have engaged in criminal activity, or by unlawfully conducting a pat frisk without reasonable suspicion that Plaintiff was armed and dangerous?

Yes: X _____

No: _____

10. Do you find that the Defendant **Daniel Moynahan**, by means of threats, intimidation, or coercion, unlawfully seized (under the Fourth Amendment or Article 14) the Plaintiff by unlawfully removing him from the vehicle without reasonable suspicion that he may have engaged in criminal activity, or by asking for identification without reasonable suspicion of criminal activity, or by unlawfully conducting a pat frisk without reasonable suspicion that Plaintiff was armed and dangerous?

Yes: X _____

No: _____

**MASSACHUSETTS CIVIL RIGHTS ACT (G.L. c. 12, §§ 11H & 11I)
UNLAWFUL ARREST**

11. Do you find that the Defendant **Joseph Dunn**, by means of threats, intimidation, or coercion, unlawfully arrested the Plaintiff without probable cause to believe he committed a crime?

Yes: X _____

No: _____

12. Do you find that the Defendant **Daniel Moynahan**, by means of threats, intimidation, or coercion, unlawfully arrested the Plaintiff without probable cause to believe he committed a crime?

Yes: X _____

No: _____

MASSACHUSETTS CIVIL RIGHTS ACT (G.L. c. 12, §§ 11H & 11I)
EXCESSIVE FORCE

13. Do you find that the Defendant **Joseph Dunn**, by means of threats, intimidation, or coercion, used excessive force in effecting the seizure or arrest of the Plaintiff?

Yes: ~~_____~~

No: _____

14. Do you find that the Defendant **Daniel Moynahan**, by means of threats, intimidation, or coercion, used excessive force in effecting the seizure or arrest of the Plaintiff?

Yes: _____

No: ~~_____~~

**MASSACHUSETTS COMMON LAW
FALSE ARREST**

15. Do you find that the Defendant **Joseph Dunn** unlawfully arrested the Plaintiff without probable cause to believe he committed a crime?

Yes: X

No: _____

16. Do you find that the Defendant **Daniel Moynahan** unlawfully arrested the Plaintiff without probable cause to believe he committed a crime?

Yes: X

No: _____

**MASSACHUSETTS COMMON LAW
FALSE IMPRISONMENT**

17. Do you find that the Defendant **Joseph Dunn** unlawfully confined the Plaintiff under Massachusetts law?

Yes: X

No: _____

18. Do you find that the Defendant **Daniel Moynahan** unlawfully confined the Plaintiff under Massachusetts law?

Yes: X

No: _____

**MASSACHUSETTS COMMON LAW
ASSAULT AND BATTERY**

19. Do you find that Defendant **Joseph Dunn** committed an assault and battery on the Plaintiff?

Yes: X

No:

20. Do you find that the Defendant **Daniel Moynahan** committed an assault and battery on the Plaintiff?

Yes:

No: X

*See Transcript
4th Amend*

**MASSACHUSETTS COMMON LAW
MALICIOUS PROSECUTION**

Docket

21. Do you find that the Defendant **Joseph Dunn**, with malice, initiated criminal proceedings against the Plaintiff without probable cause in violation of Massachusetts law?

Yes: X

No: _____

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Transcript*

22. Do you find that the Defendant **Daniel Moynahan**, with malice, initiated criminal proceedings against the Plaintiff without probable cause in violation of Massachusetts law?

Yes: _____

No: X

**FEDERAL CIVIL RIGHTS ACT (42 U.S.C. § 1983)
MALICIOUS PROSECUTION**

23. Do you find that the Defendant **Joseph Dunn**, intentionally or recklessly, initiated criminal proceedings against the Plaintiff without probable cause resulting in Plaintiff's incarceration in violation of the Fourth Amendment?

Yes: X

No: _____

24. Do you find that the Defendant **Daniel Moynahan**, intentionally or recklessly, initiated criminal proceedings against the Plaintiff without probable cause resulting in Plaintiff's incarceration in violation of the Fourth Amendment?

Yes: _____

No: X

*↓
Docket - M/Reg. finding
Not Guilty*

**MASSACHUSETTS COMMON LAW
ABUSE OF PROCESS**

25. Do you find that the Defendant **Joseph Dunn** initiated criminal proceedings against the Plaintiff for an ulterior or illegitimate purpose?

Yes: _____

No: X _____

26. Do you find that the Defendant **Daniel Moynahan** initiated criminal proceedings against the Plaintiff for an ulterior or illegitimate purpose?

Yes: _____

No: X _____

**MASSACHUSETTS COMMON LAW
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS**

27. Do you find that the Defendant **Joseph Dunn** intentionally inflicted emotional distress upon the Plaintiff?

Yes: _____

No: X _____

28. Do you find that the Defendant **Daniel Moynahan** intentionally inflicted emotional distress upon the Plaintiff?

Yes: _____

No: X _____

COMPENSATORY DAMAGES

29. If you answered "Yes" to any or all of questions 1 and 8, what amount if any do you award as compensatory damages as to **Christian Cicero**?

0

30. If you answered "Yes" to any or all of questions 2, 4, 6, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27, what amount if any do you award as compensatory damages as to **Joseph Dunn**?

\$ 60,000

5.

31. If you answered "Yes" to any or all of questions 3, 5, 7, 10, 12, 14, 16, 18, 20, 22, 24, 26, and 28, what amount if any do you award as compensatory damages as to **Daniel Moynahan**?

\$ 15,000

32. If you are awarding compensatory damages, are you awarding pre-judgment interest?

Yes: X

No:

33. If you found that Plaintiff has proved one or more of his claims but not actual damages, what amount if any do you award as nominal damages?

0

34. If you answered "Yes" to any or all of questions 1 and 8, and you find the conduct was malicious, oppressive, or in reckless disregard, what amount if any do you award as punitive damages as to **Christian Cicero**?

0

35. If you answered "Yes" to any or all of questions 2, 4, 6, 9, 11, 13, and 23, and you find the conduct was malicious, oppressive, or in reckless disregard, what amount if any do you award as punitive damages as to **Joseph Dunn**?

\$ 120,000

36. If you answered "Yes" to any or all of questions 3, 5, 7, 10, 12, 14, and 24, and you find the conduct was malicious, oppressive, or in reckless disregard, what amount if any do you award as punitive damages as to **Daniel Moynahan**?

\$ 30,000