

IN THE UNITED STATES DISTRICT COURT **FILED**
FOR THE EASTERN DISTRICT OF TENNESSEE,
AT CHATTANOOGA

2010 APR 12 A 8:04

ROY L. DENTON,
Plaintiff

v.

STEVE RIEVLEY,
in his individual capacity
Defendant

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Case No. 1:07-CV-211

U.S. DISTRICT COURT
EASTERN DIST. TENN.

Chief Judge ~~Curtis L. Collier~~ DEPT. CLERK

JURY DEMAND

PLAINTIFF ROY L. DENTON'S PROPOSED JURY INSTRUCTIONS

COMES the Plaintiff Roy L Denton, pro se litigant who hereby files his proposed jury instructions.

**PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 1
WARRANTLESS ARREST**

For the Defendant to succeed on his defense of warrantless arrest, the Defendant must prove by a Preponderance of the evidence that the Defendant arrested the Plaintiff outside of his home and also must prove that the Plaintiff made himself visible in full, plain view to the public. An Officer may not make an arrest of a person inside their home without violating the Fourth Amendment if that person is opening his door to someone "as an insider" such as the plaintiff's wife, whom he is expecting their arrival and not to the public maintaining his right to privacy. An officer may not enter a home without exigent circumstances, a warrant, or consent as in Payton v. New York. If you find that the Defendant has proved by the preponderance of the evidence that the Defendant arrested the Plaintiff outside his home then you must determine if the arrest was lawful under Tennessee Law where an officer may only arrest without a warrant if the misdemeanor was not committed in his presence. If you find by a propondeance of the evidence that the defendant arrested the plaintiff inside his own, without a warrant, exigent circumstances or consent, and that the plaintiff intended only to make himself visible to his wife then you

must find in favor of the Plaintiff on this claim.

Payton v. New York

PLAINTIFF'S REQUESTED JURY INSTRUCTION NO. 2
WARRANTLESS ENTRY

For Defendant to succeed in his claim of warrantless entry into the Plaintiff's home was not a violation of the Plaintiff's Fourth Amendment, then Defendant must prove by a preponderance of the evidence that he had a warrant, consent or exigent circumstances, absent "common authority", as opinioned and held in the U.S. Supreme Court Justices on the case of Georgia v. Randolph that even though Defendant believed that Brandon Denton had common authority of the Defendant's residence, that it is indeed the opinion of the US Supreme Court Justices as in Georgia v. Randolph, that once he arrived at the Plaintiff's home, that finding the Plaintiff at home and his denial of the Defendant to enter his home in effect according to the U.S. Supreme Court Justices' opinion that this revoked Brandon's common authority of the premises. If Defendant cannot prove that he was given consent to enter the Plaintiff's, by the plaintiff who was inside the home, and where the person claiming "common authority" was not present, by a preponderance of the evidence then you must find in favor of the Plaintiff.

Georgia v. Randolph, 2005 U.S. Supreme Court Justices Opinion

PLAINTIFF'S JURY INSTRUCTION NO. 3
PROPER INVESTIGATION

The Defendant must prove that he did not look only at the evidence of guilt while ignoring all exculpatory evidence. Rather, the officer must consider the totality of the circumstances, recognizing both the inculpatory and exculpatory evidence, before determining if he has probable cause to make an arrest." If the Defendant can prove that he questioned all parties involved to determine who the primary aggressor was, if there was a trespasser or possible other scenarios that led up to the incident, then you must find in favor of the Defendant. However, if the Defendant cannot prove that he interviewed or at least briefly spoke to all parties involved to find out identifications of parties involved and each individuals witnessed account of incident to determine primary aggressor, then you must find in favor of

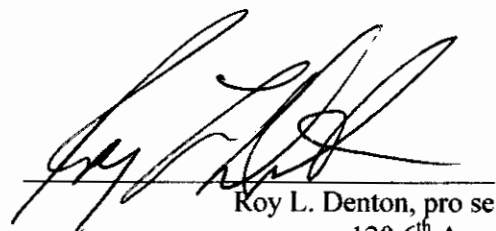
the Plaintiff that his Fourth Amendment was violated as the Defendant did not have sufficient evidence to even go to the Plaintiff's home, but instead should have gotten a warrant to search and seize anyone and anything on the Plaintiff's property. Furthermore, the Plaintiff contends that the defendant failed to reasonably investigate the facts and circumstances surrounding the incident before starting the civil proceeding. In determining whether or not probable cause existed at the time of the civil proceeding was started, you may consider:

1. Whether or not a reasonable person would have made a further investigation of the facts and circumstances before starting the civil proceeding; and
2. What additional facts a reasonable investigation would have revealed; and
3. Whether, with the knowledge of those facts, a reasonable person would have started the civil proceedings.

Parsons, 533 F. 3d at 500

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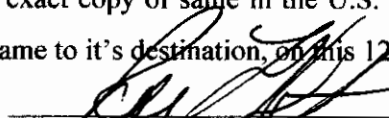
Respectfully submitted this 12TH day of April, 2010.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of this document has been served upon all parties of interest in this cause by placing an exact copy of same in the U.S. Mail addressed to such parties, with sufficient postage thereon to carry same to its destination, on this 12th day of April, 2010.



Roy L. Denton

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