



Plaintiff Coprez Coffie brings two claims in this case.

First, Plaintiff Coffie claims that one or both of the Defendants, Scott Korhonen and Gerald Lodwich, searched him in a manner that was unreasonable under the Fourth Amendment to the United States Constitution.

Second, Plaintiff Coffie claims that one or both of the Defendants failed to intervene to prevent the other from conducting such an unreasonable search.

The Defendants deny these claims.

You should consider the evidence that relates to each Defendant separately from the evidence that relates to the other Defendant and return a separate verdict as to each Defendant.

In a civil lawsuit like this one, the burden is on the Plaintiff to prove every element of the Plaintiff's claim by a "preponderance of the evidence."

A preponderance of the evidence simply means evidence that persuades you that the Plaintiff's claim is more probably true than not true.

In deciding whether any fact has been proven by a preponderance of the evidence, you may, unless otherwise instructed, consider the testimony of all the witnesses, regardless of who may have called them, and all the exhibits received in evidence, regardless of who may have produced them.

If the proof establishes each element of the Plaintiff's particular claim by a preponderance of the evidence as to the Defendant you are considering, then you should find for the Plaintiff as to that Defendant on that claim.

If the proof fails to establish any element of the Plaintiff's claim by a preponderance of the evidence, then you should find for the Defendant you are considering on that claim.

In this case, Plaintiff Coprez Coffie claims that Defendants Korhonen and Lodwich conducted an unreasonable search of his body. To succeed on this claim against a Defendant, Plaintiff Coffie must prove each of the following by a preponderance of the evidence:

1. That the Defendant you are considering searched him in an unreasonable manner; and
2. Because of that unreasonable search, Plaintiff was harmed.

If at the end of this trial you find that Plaintiff has proved each of these things by a preponderance of the evidence as to the Defendant you are considering, then you should find for Plaintiff on this claim as to that Defendant.

If, on the other hand, you find at the end of this trial that Plaintiff did not prove either of these things by a preponderance of the evidence as to the Defendant you are considering, then you should find for that Defendant on this claim.

You must decide whether the manner in which the Defendant or Defendants conducted the search of Plaintiff was unreasonable from the perspective of a reasonable officer facing the same circumstances that the defendant officers faced. You must make this decision based on what the Defendant or Defendants who searched the Plaintiff knew at the time of the arrest, not based on what you know now. In deciding whether the search of Plaintiff was unreasonable, you must not consider whether Defendants' intentions were good or bad.

In performing his job, an officer can conduct a search that is reasonably necessary under the circumstances.

For Plaintiff Coffie to succeed against a Defendant on his failure to intervene claim, Plaintiff Coffie must prove each of the following things by a preponderance of the evidence as to the Defendant you are considering:

1. That one or both of the Defendants searched Plaintiff in an unreasonable manner;
2. That the second Defendant, whom you are considering, knew that an unreasonable search of Plaintiff was about to occur.
3. That the second Defendant, whom you are considering, had a realistic opportunity to do something to prevent harm from occurring;
4. That the second Defendant, whom you are considering, failed to take reasonable steps to prevent harm from occurring; and
5. That the failure of the second Defendant, whom you are considering, to take reasonable preventive steps caused Plaintiff to suffer harm.

If you find that Plaintiff Coffie has proved each of these things by a preponderance of the evidence as to the Defendant you are considering, then you should find for Plaintiff Coffie on this claim as to that Defendant.

If, on the other hand, you find that Plaintiff Coffie did not prove any one of these things by a preponderance of the evidence as to the Defendant you are considering, then you should find for the Defendant on this claim as to that Defendant.

If you find that Plaintiff has proved either of his claims against either of the Defendants, then we will go on to the trial of what damages, if any, Plaintiff is entitled to recover.

If you find that Plaintiff has failed to prove both of his claims, then we will not go on to the trial of damages.