

# **Bond Case Briefs**

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## **LIABILITY - MARYLAND**

### **Francis v. Johnson**

**Court of Special Appeals of Maryland - October 6, 2014 - A.3d - 2014 WL 4976170**

Minor, through his parents, filed action against three police officers, alleging violation of Maryland Declaration of Rights, false imprisonment, battery, and assault. Following jury award of \$465,000 in compensatory damages and \$35,000 in punitive damages, the Circuit Court granted, in part, officers' motion for judgment notwithstanding the verdict (JNOV), striking jury's \$1,000 punitive damages award against one officer and finding the award of compensatory damages to be excessive. Minor agreed to remittitur, and officers appealed.

The Court of Special Appeals held that:

- Evidence of similar prior incident was relevant and its probative value outweighed the danger of unfair prejudice;
- Damages cap under Local Government Tort Claims Act (LGTCa) did not apply as officers were found to have acted with malice;
- Compensatory damages awards for tort and constitutional claims constituted impermissible duplicative recovery;
- Trial court acted within its discretion in reducing compensatory damages award; and
- Overwhelming evidence supported finding that officers acted with malice, as was required to support punitive damages award.