

Faithful performance by you of your duties is vital to the administration of justice.

The law applicable to this case is contained in these instructions and it is your duty to follow them. You must consider these instructions as a whole, not picking out one instruction and disregarding others.

It is your duty to determine the facts, and to determine them from the evidence produced in open court. You are to apply the law to the facts and in this way decide the case. Neither sympathy nor prejudice should influence you. Your verdict must be based on evidence and not upon speculation, guess, or conjecture.

The evidence which you are to consider consists of testimony of the witnesses and the exhibits offered and received. The production of evidence in court is governed by rules of law. From time to time it has been my duty as judge to rule on the admissibility of evidence. You must not concern yourselves with the reasons for these rulings.

Arguments, statements, and remarks of counsel are intended to help you in understanding the evidence and applying the law, but are not evidence. If any argument, statement or remark has no basis in the evidence, then you should disregard that argument, statement or remark.

Neither by these instructions nor by any ruling or  
remark which I have made do I or have I meant to indicate  
any opinion as to the facts,

In determining whether any proposition has been proved, you should consider all of the evidence bearing on the question without regard to which party produced it.

In considering the evidence in this case you are not required to set aside your own observation and experience in the affairs of life but you have a right to consider all the evidence in the light of your own observation and experience in the affairs of life.

You are the sole judges of the credibility of the witnesses and of the weight to be given to the testimony of each of them. In determining the credit to be given any witness you may take into account his ability and opportunity to observe, his memory, his manner while testifying, any interest, bias or prejudice he may have, and the reasonableness of his testimony considered in the light of all the evidence in the case.

A person commits a battery when he intentionally and by any means makes physical contact of an insulting or provoking nature with another person.

The plaintiff has the burden of proving that the following proposition is more probably true than not true:

That the defendant intentionally made physical contact of an insulting or provoking nature with the plaintiff.

If you find from your consideration of all the evidence that this proposition has been proved to be more probably true than not true, you should find for the plaintiff.

If you find from your consideration of all the evidence that this proposition has not been proved to be more probably true than not true, you should find for the defendant.

If you decide for the plaintiff on the question of liability, you must then fix the amount of money which will reasonably and fairly compensate her for any of the following elements of damage proved by the evidence to have resulted from the wrongful conduct of the defendant:

The nature, extent and duration of the injury.

The pain and suffering experienced and reasonably certain to be experienced in the future as a result of the injuries.

The reasonable expense of necessary medical care, treatment, and services received.

Whether any of these elements of damages has been proved by the evidence is for you to determine.

If you find that the defendant was guilty of willful and wanton conduct which proximately caused injury to the plaintiff and if you believe that justice and the public good require it, you may, in addition to any damages to which you find the plaintiff entitled, award plaintiff an amount which will serve to punish the defendant and to deter others from the commission of like conduct.

Forms of verdict are supplied with these instructions. After you have reached your verdict, fill in and sign the appropriate form of verdict and return it to the court. The verdict should be signed by each of you. You should not write or mark upon this or any other instructions given you by the court.

If you find for the plaintiff and against the defendant, then you should use the form of verdict which says:

"We, the Jury, find for the plaintiff and against the defendant. We assess the damages in the sum of \$\_\_\_\_\_."

If you find for the defendant and against the plaintiff, then you should use the form of verdict which says:

"We, the Jury, find for the defendant and against the plaintiff."



