

PLAINTIFF'S CHARGE NO. 1

THE COURT CHARGES THE JURY THAT YOU MAY LOOK TO THE SIZE OF THE PARTIES, IF PROVED, IN DETERMINING THE EXCESSIVENESS OF FORCE USED BY THE DEFENDANT, EVEN THOUGH THE PLAINTIFF WAS IN FAULT IN BRINGING ON THE DIFFICULTY.

Refused
EGH

PLAINTIFF'S CHARGE NO. 2

THE COURT CHARGES THE JURY THAT IN CIVIL ACTIONS FOR DAMAGES FOR ASSAULT AND BATTERY, EVEN IF THE JURY BELIEVES FROM THE EVIDENCE THAT THE PLAINTIFF WAS IN FAULT IN BRINGING ON THE DIFFICULTY, YET, IF YOU BELIEVE FROM THE EVIDENCE THAT DEFENDANT'S RETALIATION WAS DISPROPORTIONATE TO, AND EXCESSIVE OF, THE NECESSITY OF PROVOCATION RECEIVED, IN SUCH A CASE YOU CAN FIND FOR THE PLAINTIFF.

Refused to file