15.03B FALSE ARREST – ARREST WITHOUT WARRANT; FACT OF ARREST NOT CONTESTED

In this case, the plaintiff was arrested by the defendant. The plaintiff claims the arrest was improper.

You must decide whether the law allows the defendant to make the arrest.

# Use Note

This instruction should be used in cases where the plaintiff asserts false imprisonment by means of an arrest without a warrant, and the fact that an arrest occurred is not contested. This instruction applies to arrest by citizens as well as by peace officers.

Where the fact of an arrest is contested, use Instruction 15.03A.

Instruction 15.04 should be used after this instruction.

Comment

See Comment to Instruction 15.03A.