

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ANTOINE WILLIAMS : CIVIL ACTION
 :
v. :
 :
DETECTIVE EDWARD KRYSSTOPA, :
and THE CITY OF PHILADELPHIA : NO. 98-CV-1119

MEMORANDUM AND OPINION

J. M. KELLY, J.

DECEMBER 8, 1998

Presently before the Court is Plaintiff Antoine Williams' Motion for Jury Visit to Philadelphia Industrial Correctional Center and the House of Corrections (Document No. 29). For the reasons that follow, Plaintiff's motion is denied.

Plaintiff brought this § 1983 action against the City of Philadelphia and others following his 530 day incarceration, much of which he spent in adult prisons as a juvenile. Plaintiff claims he was falsely imprisoned, and that he has suffered damages as a result. With respect to his damages claim, Plaintiff presently moves to have the jury visit the adult prisons where he was incarcerated so "that the jury [can] fully appreciate what spending in excess of 530 days in an adult penal institution is really like." (Pl.'s Mem. Supp. Mot. For Jury Visit, at 1.)

Defendants argue that Plaintiff's damages case must focus on what damages Plaintiff has suffered, and not on the admittedly difficult conditions of prison. Defendants therefore are of the opinion that Plaintiff's testimony will be sufficient to relate his damages, and that a jury visit to these prisons, in addition having little probative value, would be inflammatory and prejudicial. Finally, Defendants state a jury tour would be exceedingly disruptive, and offer an affidavit of the Deputy Commissioner of the Philadelphia Prison System in support of this claim.

The Court agrees with Defendants that a jury visit is not warranted here. The primary focus of damages in a § 1983 action is to compensate for injuries caused by constitutional deprivations, see Carey v. Piphus, 435 U.S. 247, 254 (1978), and Plaintiff's testimony should be sufficient to communicate his damages to the jury. Further, it is difficult to see how an hour or two in the prisons could impart an appreciation for what it is like to stay there for approximately eighteen months, or why that appreciation is necessary; the jury's subjective feelings about prison is entirely irrelevant to Plaintiff's case for damages. Because of the high probability of prejudice to Defendants, and because of the low probative value of this proposed excursion, Plaintiff's motion is denied under Federal Rule of Evidence 403.

An Order follows.

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ORDER

AND NOW, this 8th day of December, 1998, in consideration of Plaintiff's Motion for Jury Visit to Philadelphia Industrial Corrections Center and House of Corrections (Doc. No. 29), and Defendants' response thereto, it is hereby **ORDERED** that Plaintiff's motion is **DENIED**.

BY THE COURT:

JAMES MCGIRR KELLY, J.