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Fourth Circuit Court of Appeals
(Note: You may access the court's opinions by clicking on the case name)

Court Rules That the Defendant Was in Custody to Require *Miranda* Warnings, and the Defendant's *Miranda* Waiver and Resulting Confession Was the Result of Coercion and Involuntary

United States v. Giddins, ___ F.3d ___, 2017 WL 2434713 (4th Cir. June 6, 2017). The defendant was convicted in a Maryland federal district court of committing a bank robbery on September 25, 2013. Evidence showed that the defendant loaned his car to others who committed bank robberies on September 26 and 27, 2013, and the car was seized after the September 27 robbery. About a week later, the defendant was informed by a law enforcement agency that they had his car and it had been used in a bank robbery. The defendant went to the agency's headquarters, where he was questioned about his involvement with all the robberies. The admissibility of his statements were the focus of his appeal. After discussing the facts, the fourth circuit ruled: (1) the defendant was in custody to require *Miranda* warnings; and (2) the defendant's *Miranda* waiver and resulting confession was the result of coercion and involuntary. The court stated that the officers made it appear that if the defendant did not answer their questions, he would not be able to get his car back, and a detective lied to the defendant when the defendant directly asked him if he was in trouble.

Court Rules That a Law Enforcement Officer and Prosecutor Were Entitled to Immunity in a Civil Lawsuit Alleging That They Failed to Take Steps to Withdraw an Arrest Warrant When They Learned That No Crime Had Occurred

Safar v. Tingle, ___ F.3d ___, 2017 WL 2453257 (4th Cir. June 7, 2017). Plaintiffs Eshow and Safar were arrested, and Safar briefly incarcerated, for an allegation of fraud that was mistakenly reported and almost immediately retracted. They sued in a Virginia federal district court under 42 U.S.C. § 1983 and state tort law against a law enforcement officer and prosecutor who, at different stages of the criminal process, learned that no crime had occurred and yet failed to take steps to withdraw an arrest warrant. The fourth circuit affirmed the district court's grants of immunity to the officer and prosecutor on the § 1983 claims, and remanded with instructions to dismiss the state tort claims without prejudice to the plaintiffs' right to proceed in state court.

The court noted that the plaintiffs' complaint presupposes a novel duty on the officer: *after* (court's emphasis) a magistrate issued the arrest warrants for the plaintiffs based on probable cause, the officer had a duty to take steps to have the warrants withdrawn on learning that the charges were meritless. The court stated that it need not decide whether such a duty exists: the critical point is that the proposed duty was certainly not clearly established when these events occurred to deny qualified immunity to the officer.

The court noted that a prosecutor's decision to seek an arrest warrant is protected by absolute immunity, but it remains an open question whether a prosecutor is entitled to absolute immunity when, as in this case, the prosecutor failed to withdraw the arrest warrant after learning that no crime had been committed. The court decided the question and ruled that because a prosecutor's decision whether to withdraw an arrest warrant is intimately associated with the judicial phase of the criminal process, *Imbler v. Pachtman*, 424 U.S. 409 (1976), the prosecutor in this case was entitled to absolute immunity.