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Fourth Circuit Court of Appeals

(Note: You may access the court's opinion by clicking on the case name)

When Plaintiff's Pleadings in Civil Lawsuit under 42 U.S.C. § 1983 Sufficiently Alleged That Officers Intentionally Withheld Exculpatory Evidence in Plaintiff's Murder Trial, Law Enforcement Officers Were Not Entitled to Dismissal Based on Qualified Immunity at Pleading Stage under Rule 12(b)(6)

[Owens v. Baltimore City State's Attorneys Office](#), ___ F.3d ___, 2014 WL 4723803 (4th Cir. Sept. 24, 2014). The plaintiff brought a federal civil rights civil lawsuit under 42 U.S.C. § 1983 against various officials (including law enforcement officers) and government entities for allegedly violating his constitutional rights under the Due Process Clause by intentionally withholding exculpatory evidence during his 1988 state trial for murder and rape. The lawsuit's allegations included the following assertions concerning the law enforcement officer defendants: During the officers' questioning of the state's key witness that occurred at the prosecutor's request, the witness told them at least five materially different versions of the events surrounding the murder and rape. However, the officers deliberately told the trial prosecutor only about the witness's final version of the events without disclosing the prior versions. As a result, defense counsel was unable to cross-examine the witness about the four prior inconsistent versions. The plaintiff was convicted and sentenced to life imprisonment without parole. In 2007, the plaintiff was granted a new trial, and in 2008 the charges were dismissed. In 2011, he brought the civil lawsuit described above.

The federal district court granted the officers' motion to dismiss the lawsuit at the pleading stage under Rule 12(b)(6) on the ground of qualified immunity. The Fourth Circuit reversed that ruling. The court noted that qualified immunity protects officers from liability for civil damages if their conduct does not violate clearly established constitutional or statutory rights of which a reasonable person would have known. The court ruled that the plaintiff's allegations against the officers sufficiently satisfied a three-factor test so as to deny their qualified immunity defense at the pleading stage: (1) the suppressed evidence was favorable to the plaintiff; (2) the officers suppressed the evidence in bad faith (author's note: a plaintiff is not required to prove bad faith when suing a prosecutor); and (3) prejudice ensued. Prejudice means there is a reasonable probability that the jury would have reached a different result had the evidence been properly disclosed, or to state it another way, whether the criminal defendant received a trial resulting in a verdict worthy of confidence. The court also ruled that it was clearly established in 1988 that an officer's suppression of materially exculpatory evidence in bad faith violates a criminal defendant's constitutional rights.

[Author's note: Although the court's ruling upheld the sufficiency of the plaintiff's allegations so as to bar the officers' dismissal of the lawsuit based on qualified immunity at the pleading stage, whether there will be evidence at the summary judgment stage or trial to support a qualified immunity defense remains as an issue.]