

Case Summaries: Fourth Circuit Court of Appeals (May 30 and 31, 2023)

Complaint adequately pled a Fourteenth Amendment violation for deliberate indifference to a pretrial detainee's medical needs and should not have been dismissed

[Stevens v. Holler](#), 68 F.4th 921 (May 30, 2023). In this case from the District of Maryland, a pretrial detainee died the day after being released from the Alleghany County Detention Center. His estate sued, alleging a due process violation based on deliberate indifference to the detainee's medical needs. The district court dismissed the case, finding that the complaint failed to adequately plead that the defendants knew or should have known that failure to provide medical treatment would have created an unreasonable risk of death or serious harm and failed to act. The court unanimously reversed. "Appellant sufficiently alleged that the Individual Medical Defendant knew of and disregarded a substantial risk of serious injury to the Decedent." Because dismissal of other claims by the district court were based on the finding that the plaintiff failed to allege a constitutional violation, it was error to dismiss those as well.

\$6 million-dollar damages award against officer for wrongful conviction affirmed; summary judgment in favor of two other officers reversed; summary judgment to the city affirmed

[Howard v. City of Durham](#), 68F.4th 934 (May 31, 2023). Darryl Howard was convicted in state court of two counts of second-degree murder and one count of first-degree arson in 1995. He was sentenced to 80 years. He served 21 years before being exonerated by new DNA evidence and pardoned. He then sued in the Middle District of North Carolina, asserting claims against several police officers and the City of Durham. The trial court granted summary judgment to two of the defendant officers and to the city but allowed claims against another officer to proceed. Those remaining claims related to the suppression of favorable evidence and the fabrication of inculpatory evidence. A jury ultimately found for Mr. Howard and awarded him \$6 million dollars in compensation. The plaintiff appealed, arguing that the district court erred in granting summary judgment to the two other officers and to the city. He also argued that the damages stage of the trial was tainted by inadmissible character evidence. The defendant officer cross-appealed, asserting various bases for a new trial.

The claims dismissed by the district court relating to the two other officers concerned their involvement with post-conviction DNA testing of evidence and investigation in the case that occurred in 2010 and 2011. That testing excluded the plaintiff as a potential source of DNA and affirmatively identified the DNA of another person. Police eventually found that person and interviewed him in 2011. He made inconsistent statements to officers and made inculpatory statements while alone in the interview room that were recorded. The two officers claimed not to have heard the inculpatory statements nor to have realized that they were recorded. The video and a short report on the interview were turned over to the police records department but were never relayed to the prosecutor, the DA's office, or to Howard or his counsel, despite a court order requiring such information to be disclosed. The plaintiff learned of this interview and recording only in 2016. Because there were legitimate issues of material fact surrounding the nondisclosure of the 2011 interview and whether the officers acted in bad faith by suppressing it,

the district court erred in entering summary judgment on those claims. The grant of summary judgment was therefore reversed and the claims against the two police officer remanded for further proceedings.

As to the plaintiff's other claims, he could not show that the City of Durham "officially sanctioned or ordered" the misconduct at issue and the trial court's grant of summary judgment to the city was affirmed. The damages award was similarly affirmed, with the Court determining that the trial court did not abuse its discretion in admitting evidence offered by the defendant during that stage of the proceedings.

As to the defendant's cross-appeal, the trial court did not err in admitting evidence relating to the Governor's pardon of the plaintiff or by refusing the defendant's challenge for cause of a juror. The verdict against the defendant was therefore affirmed in all respects.

Judge Quattlebaum wrote separately, concurring in part and dissenting in part. He would have affirmed the district court's decision to grant summary judgment to the two officers involved in the 2011 interview.