

Thweatt v. Rhodes

Thweatt v. Rhodes was decided on June 28, 2023 by the Fourth Circuit Court of Appeals E.D.Va: Plaintiff appeals the dismissal of her lawsuit for Malicious Prosecution.

Issue:

Whether the plaintiff can sue an officer for malicious prosecution after she was found not guilty of the underlying charge?

Facts:

The plaintiff, working as a bus driver, threatened a student on her bus after the student made a comment to another student that the driver found threatening. Believing the student to have directed the comment at her, the plaintiff confronted the student, while unbuckling her seatbelt and exiting the driver's seat of the school bus to approach the student in her seat. When the plaintiff reached the student's seat, she yelled at the student, "Me? Bring it on. You going to hit me in the face?" While making these statements, the plaintiff gestured with her hands and raised her arms. The student did not respond, but the plaintiff continued to yell, "Who you talking to, me or who?", then moved into the student's seat, stood over the student, and shook her finger, while stating, "Naw, you're going to tell me who you're talking to." The student then stood up and pushed past the plaintiff to escape the bus. Video surveillance captured the incident. The student reported the incident. A school official and a police officer decided to seek charges against the plaintiff. The officer appeared before and made sworn statements to a magistrate and the magistrate issued an arrest warrant for the plaintiff for disorderly conduct under Va. Code. § 18.2-415. The plaintiff was arrested but ultimately was found not guilty at trial. The plaintiff filed a lawsuit against the school official and the officer for malicious prosecution pursuant to 42 U.S.C. § 1983. The plaintiff argued that probable cause was lacking to arrest her for disorderly conduct. The plaintiff also argued that the school official and the officer caused her arrest, and the officers knew there was no probable cause when applying for the warrant, thus violating the plaintiff's clearly established rights. The district court found that neither the school official nor the officer violated the defendant's rights and dismissed the lawsuit.

Holding:

Affirmed. The Court agreed that the defendant's actions of unbuckling her seat belt, rising out of her seat, approaching a teenage girl, and loudly shouting and waving her arms, while leaning over the girl's seat and blocking her entrance, were enough to show disorderly conduct under § 18.2-415. Therefore, the Court ruled, the officer had probable cause for seeking the arrest warrant from the magistrate for disorderly conduct. The Court then pointed out that the first element of a § 1983 malicious prosecution claim requires that defendants "caused" the allegedly unlawful seizure. In this case, the Court ruled that the magistrate judge's order was an intervening cause that broke that causal chain such that neither the officer nor the school official "caused" the defendant's arrest.

Bottom Line:

The intervening acts of a decision maker such as a magistrate can act as a superseding cause that breaks the causal chain and shields an investigating officer from liability. The Court cautioned, however, that police officers can be held liable if they have misled, unduly pressured, or lied to a magistrate.

Full Case at: <https://www.ca4.uscourts.gov/opinions/211242.U.pdf>

