

This is an important U.S. Supreme Court case that now makes it easier to sue officers for wrongful arrest in dismissed cases if the proceeding ends without a conviction. Feel free to disseminate to staff and agencies as you deem appropriate.

Thompson v. Clark - U.S. Supreme Court, 596 U. S. ____ (2022) – decided on April 4, 2022.

Facts:

In January 2014, petitioner Larry Thompson was living with his fiancée (now wife) and their newborn baby in an apartment in Brooklyn, New York. Thompson's sister-in-law, who apparently suffered from a mental illness, called 911 to report that Thompson was sexually abusing the baby. When Emergency Medical Technicians arrived, Thompson denied that anyone had called 911. When the EMTs returned with four police officers, Thompson told them that they could not enter without a warrant. The police nonetheless entered and handcuffed Thompson. EMTs took the baby to the hospital where medical professionals examined her and found no signs of abuse. Meanwhile, Thompson was arrested and charged with obstructing governmental administration and resisting arrest. He was detained for two days before being released. The charges against Thompson were dismissed before trial without any explanation by the prosecutor or judge. After the dismissal, Thompson filed suit under 42 U. S. C. §1983, alleging several constitutional violations, including a Fourth Amendment claim for malicious prosecution. To maintain that Fourth Amendment claim under §1983, a plaintiff such as Thompson must demonstrate, among other things, that he obtained a favorable termination of the underlying criminal prosecution. To meet that requirement, Second Circuit precedent required Thompson to show that his criminal prosecution ended not merely without a conviction, but also with some affirmative indication of his innocence. Thompson prevailed before a federal trial judge, but the U.S. Court of Appeals for the 2nd Circuit ruled that such a claim can succeed only when a case ends with some affirmative indication of innocence.

Holding:

The Supreme Court of the United States reversed, allowing Thompson to proceed with his lawsuit. To demonstrate a favorable termination of a criminal prosecution for purposes of the Fourth Amendment claim under §1983 for malicious prosecution, a plaintiff need not show that the criminal prosecution ended with some affirmative indication of innocence. A plaintiff need only show that his prosecution ended without a conviction. Thompson has satisfied that requirement here. "The question of whether a criminal defendant was wrongly charged does not logically depend on whether the prosecutor or court explained why the prosecution was dismissed," Justice Brett Kavanaugh wrote for the court's majority. The 6-3 ruling clarified the "favorable termination" rule in civil claims seeking damages against police and prosecutors for constitutional violations. The rule requires the plaintiff show "favorable termination" — meaning the criminal proceedings were terminated in favor of the accused who later sues. But the high court's ruling now means a criminal proceeding that ends without a conviction is an outcome that favors the accused.

Bottom Line:

The U.S. Supreme Court has now made it easier to sue officers for wrongful arrest in dismissed cases. The plaintiff no longer must show an affirmative indication of innocence, but only a criminal proceeding that ended without a conviction. Officers are still protected against civil suits by showing the existence of probable cause to make the arrest and by the doctrine of qualified immunity (that the law was not clearly established at the time of the incident).

Full case at: [20-659 Thompson v. Clark \(04/04/2022\) \(supremecourt.gov\)](https://www.supremecourt.gov/opinions/20-659/thompson-v-clark)