

WILLIAMS V. AGUIRRE: ELEVENTH CIRCUIT DENIES IMMUNITY FOR POLICE
OFFICERS ON A MALICIOUS PROSECUTION COMPLAINT

Meredith Buckner*

In *Williams v. Aguirre*,¹ the U.S. Court of Appeals for the Eleventh Circuit addressed whether qualified and state immunity applied to a malicious prosecution claim brought by an arrestee.² An individual alleged he was maliciously prosecuted for attempted murder of a police officer after the police officer shot him.³ The Eleventh Circuit affirmed the district court's ruling that denied the officers' motion for summary judgment.⁴ The court also affirmed the district court's ruling that the officers did not receive immunity under the version of events given by the man who was shot and arrested.⁵

The incident leading to the lawsuit occurred one morning in April 2014, when Aubrey Williams and Devon Brown walked to a gas station to purchase snacks.⁶ Two police officers arrived at the gas station to question people around the area regarding a reported robbery.⁷ While the officers were speaking with other people, Williams and Brown walked into a nearby alley to avoid the police officers, because Williams had a concealed firearm without a permit to carry a concealed weapon.⁸ Brown also had a concealed firearm, though he had a permit to carry a concealed weapon.⁹ Williams placed his gun into the gas station bag before walking into the alley.¹⁰ The two police officers, Daniel Aguirre and Richard Haluska, followed Williams and Brown into the alley and ordered the two to lay on the ground.¹¹

Williams and Brown refused to lay on the ground, so the officers approached the men.¹² Brown told the officers he did not have a weapon on him, but "Haluska saw a handgun in the pocket of his pants."¹³ Haluska

* Junior Editor, *Cumberland Law Review*; Candidate for Juris Doctor, May 2022, Cumberland School of Law; B.A. Communicative Disorders, May 2019, University of Alabama.

¹ *Williams v. Aguirre*, 965 F.3d 1147 (11th Cir. 2020).

² *Id.* at 1152.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.* at 1152–53.

⁷ *Williams*, 965 F.3d at 1153.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Williams*, 965 F.3d at 1153.

attempted to grab Brown's arm, Aguirre tasered Brown, and Haluska began placing handcuffs on Brown.¹⁴ Aguirre then drew his gun and demanded Williams lay on the ground.¹⁵ Williams made his way to the ground and told Aguirre that he had a firearm, though "Aguirre did not appear to hear him."¹⁶ When Williams laid on the ground, the firearm fell out of the grocery bag and underneath him.¹⁷ Williams, on his hands and knees, turned to his side to tell Aguirre again that he had a firearm that was now underneath him.¹⁸ As Williams turned, Aguirre "jumped back, fired his gun twice, and shot Williams."¹⁹ Aguirre then kicked the gun out from under Williams, placed him in handcuffs, then ran to the police unit to activate the dashboard camera.²⁰ However, the camera was programmed to begin recording sixty seconds prior to activation, which meant the shooting itself was captured.²¹ As a result of the two gunshot wounds inflicted by Aguirre, Williams was hospitalized for two months.²²

Shortly after the shooting, the two police officers gave several statements.²³ In the first statement, both officers claimed Williams had pointed his gun at both of them, prompting Aguirre to fire on Williams.²⁴ However, once the officers saw the dashboard camera video depicting Williams on his hands and knees with no weapon drawn, their stories changed.²⁵ Four days after the shooting, both officers were again interviewed, and both provided conflicting stories.²⁶ Two days later, both officers filed written statements stating Williams pointed the weapon at both officers.²⁷ After these statements, Williams was arrested and indicted by a grand jury on two charges of attempted murder, despite the fact that, as the Eleventh Circuit pointed out, "[n]othing [the court] viewed in [the dashboard] video conflict[ed] with Williams's account."²⁸ Williams could not make his \$250,000 bail and stayed in jail for sixteen months until his bail was reduced to \$50,000.²⁹ Following Williams's release, a local news source published

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Williams*, 965 F.3d at 1153.

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Williams*, 965 F.3d at 1154.

²⁶ *Id.*

²⁷ *Id.* at 1153, 1155.

²⁸ *Id.* at 1155.

²⁹ *Id.*

the dashcam video of the incident.³⁰ Almost one year later, the charges against Williams were dismissed.³¹

Williams filed a complaint against Aguirre and Haluska for malicious prosecution under both federal and state law, alleging “deliberate fabrication of evidence and submission of false reports.”³² The two officers moved for summary judgment claiming they had qualified and state-agent immunity.³³ The officers claimed qualified immunity because they alleged that they had probable cause to arrest Williams for carrying a concealed firearm without a permit.³⁴ The officers argued they had state-agent immunity because “they had arguable probable cause to arrest Williams for attempted murder and that Williams could not prove that [the officers] acted with malice.”³⁵ The district court denied the motion for summary judgment because the video did not resolve whether Williams was holding his firearm, Williams provided evidence of malice, and the officers’ alleged fabrication of the events was the cause of Williams being arrested.³⁶

On appeal, the Eleventh Circuit considered the district court’s rejection of the officers’ qualified immunity and state-agent immunity arguments.³⁷ In defining qualified immunity, the court noted that “[q]ualified immunity shields public officials from liability for civil damages when their conduct does not violate a constitutional right that was clearly established at the time of the challenged action.”³⁸ Officers are entitled to this immunity when acting within their authority unless they violate a “federal statutory or constitutional right and . . . the unlawfulness of their conduct was clearly established at the time.”³⁹ When determining whether the officers had qualified immunity, the court looked to (1) whether there was a genuine dispute of fact regarding Williams’s detention,⁴⁰ (2) whether the officers caused Williams’s injury,⁴¹ and (3) whether Williams had a clearly established right to not be seized.⁴² Williams argued that the officers violated his “clearly established right under the Fourth Amendment to be free from an unreasonable seizure as a result of a malicious prosecution.”⁴³ Under

³⁰ *Id.*

³¹ *Williams*, 965 F.3d at 1155.

³² *Id.* (internal quotations omitted).

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.* at 1156.

³⁶ *Id.*

³⁷ *Williams*, 965 F.3d at 1156.

³⁸ *Id.* (internal quotations omitted).

³⁹ *Id.*

⁴⁰ *Id.* at 1156–57.

⁴¹ *Id.* at 1167.

⁴² *Id.* at 1168.

⁴³ *Williams*, 965 F.3d at 1157.

common law, Williams must prove Aguirre and Haluska “instituted or continued a criminal prosecution against him, with malice and without probable cause, that terminated in his favor and caused damage to him.”⁴⁴ The officers argued that Williams failed to prove the absence of probable cause for his pretrial detention and failed to prove that the officers caused his extended detention.⁴⁵

The officers also argued they had probable cause to seize Williams.⁴⁶ This argument assumes malicious prosecution is “subject to the any-crime rule, which insulates officers from false-arrest claims so long as probable cause existed to arrest the suspect for *some* crime, even if it was not the crime the officer thought or said had occurred.”⁴⁷ The Eleventh Circuit found the any-crime rule does not apply to malicious prosecution under the Fourth Amendment because common law “urge[s] a charge-specific approach, and bedrock Fourth Amendment principles support applying that approach in the context of the charges that justified a defendant’s seizure.”⁴⁸ The Eleventh Circuit found that in order for a plaintiff to prove a violation of a Fourth Amendment right, an individual must establish the legal process justifying his or her seizure was “constitutionally infirm” and that the seizure “would not otherwise be justified without legal process.”⁴⁹ Because the warrant application stated that Williams pointed his gun at the officers, Williams argued there is a “genuine dispute about whether the officers’ accusation against him was intentionally false” given that the officers’ stories evolved and conflicted with each other and the dashboard camera.⁵⁰ The Eleventh Circuit agreed with Williams that a genuine dispute existed.⁵¹

The Eleventh Circuit next considered whether the officers caused Williams’s injuries of unlawful seizure and detainment.⁵² The officers argued that by prosecuting Williams, the causal chain was broken between the officers’ actions and Williams’s injury.⁵³ This court rejected this argument because the officers were responsible for “the seizure that followed the arrest warrant, not the broader prosecution,”⁵⁴ since the indictment had not yet occurred.⁵⁵ Williams also proved that he had a clearly established

⁴⁴ *Id.* (internal quotations omitted).

⁴⁵ *Id.*

⁴⁶ *Id.* at 1158.

⁴⁷ *Id.*

⁴⁸ *Id.* at 1162.

⁴⁹ *Williams*, 965 F.3d at 1165.

⁵⁰ *Id.* at 1165–66.

⁵¹ *Id.* at 1166.

⁵² *Id.* at 1167.

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ *Williams*, 965 F.3d at 1168.

right to not be seized.⁵⁶ The court looked to precedent in deciding “that intentional, material misstatements in warrant applications violate the Constitution.”⁵⁷ Since a reasonable jury could find the officers were giving false facts intentionally and these facts created the probable cause, these statements violated Williams’s rights.⁵⁸ Because of the above reasons, the Eleventh Circuit found the officers were “not entitled to qualified immunity at this stage of the suit.”⁵⁹

Finally, the court considered whether the officers were entitled to state-agent immunity.⁶⁰ This type of immunity “shields government officials acting within their discretionary authority from liability unless federal or state laws enacted . . . for the purpose of regulating the activities of a governmental agency require otherwise or the officer acted willfully, maliciously, . . . or under a mistaken interpretation of the law.”⁶¹ The court found that the officers were not entitled to state-agent immunity “because a genuine dispute of fact exists about whether the officers acted maliciously.”⁶² Therefore, the district court was affirmed.⁶³

Williams v. Aguirre answers questions on the availability of both qualified and state-agent immunity to police officers. In deciding this case, the Eleventh Circuit considered constitutional and state law to determine that the officers were not entitled to either form of immunity and that the district court did not err in denying the officers’ motion for summary judgment. The Eleventh Circuit delivered further guidance on when immunity may protect a police officer and when the immunity is overcome because of a person’s constitutional right.

⁵⁶ *Id.*

⁵⁷ *Id.* at 1169.

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.* at 1170.

⁶¹ *Williams*, 965 F.3d at 1170.

⁶² *Id.*

⁶³ *Id.*