

# UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

## Scotia v. Kansas City Board of Police Commissioners

933 F.3d 967 (8th Cir. 2019) · No. No. 18-1537 · Decided August 12, 2019

### SUMMARY

The Eighth Circuit vacated and remanded a district court order denying Officer William Thompson qualified immunity and official immunity in an excessive-force and wrongful-death action arising from the shooting of Ryan Stokes. The court held that the district court had not adequately identified the plaintiff-friendly facts or analyzed whether Thompson violated clearly established law. It also held that the court improperly treated qualified immunity and Missouri official immunity as interchangeable inquiries.

### CASE DETAILS

|                       |                                                                                                                                                                                |
|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States Court of Appeals for the Eighth Circuit                                                                                                                          |
| WRITING FOR THE COURT | Stras, Circuit Judge; Loken; Wollman; Stras                                                                                                                                    |
| JURISDICTION          | Federal                                                                                                                                                                        |
| DECIDED               | August 12, 2019                                                                                                                                                                |
| DOCKET                | No. 18-1537                                                                                                                                                                    |
| DISPOSITION           | vacated                                                                                                                                                                        |
| PROCEDURAL POSTURE    | Interlocutory appeal from the denial of summary judgment based on qualified immunity and official immunity.                                                                    |
| STANDARD OF REVIEW    | De novo review of the denial of summary judgment based on qualified or official immunity, including review of the legal sufficiency of the district court's immunity analysis. |
| PRECEDENTIAL VALUE    | Published precedential opinion                                                                                                                                                 |
| PARTIES               | William Thompson v. N.S., only child of decedent Ryan Stokes, by and through her natural mother and next friend, Brittany Lee, Narene James                                    |

### TOPICS

qualified immunity

section 1983

police misconduct

summary judgment

interlocutory appeal

### PRACTICE AREAS

## QUESTIONS PRESENTED

1. Whether the district court adequately analyzed Thompson's entitlement to qualified immunity when it denied summary judgment based on a general right to be free from excessive force and unresolved factual disputes.
2. Whether the district court properly analyzed Thompson's entitlement to Missouri official immunity, rather than treating that inquiry as interchangeable with qualified immunity.
3. Whether the denial of qualified and official immunity could be reviewed on interlocutory appeal.

## HOLDINGS

1. When denying qualified immunity at summary judgment, the district court must specifically identify the plaintiff-friendly version of the disputed facts and determine whether, in light of the information actually available to the officer, the officer violated clearly established law. A generalized excessive-force right and the existence of factual disputes are insufficient by themselves.
2. A district court is not required to decide whether the officer violated the Constitution before deciding whether the asserted right was clearly established.
3. Missouri official immunity and federal qualified immunity are distinct inquiries, and a district court must separately determine whether the facts would allow a reasonable jury to find that the officer acted with malice or in bad faith.
4. The denial of qualified immunity and official immunity, as threshold immunity issues, is subject to interlocutory appellate review.

## KEY QUOTATIONS

*“Although there need not be ‘a case directly on point for a right to be clearly established, existing precedent must have placed the statutory or constitutional question beyond debate,’ or else ‘officers are entitled to qualified immunity.’” (933 F.3d at 969)*

*“‘[O]utside [of] an obvious case,’ the Court has explained, it is not enough ‘to state that an officer may not use unreasonable and excessive force, deny qualified immunity, and then remit the case for a trial on the question of reasonableness.’” (933 F.3d at 969)*

## FACTUAL BACKGROUND

Officer William Thompson shot and killed Ryan Stokes during a police chase after Stokes ran into a parking lot, briefly opened the door of a parked car, and moved toward a pursuing officer. Thompson claimed that he saw Stokes with a gun and believed Stokes intended to ambush the pursuing officer; Stokes's family contended that Stokes was unarmed and attempting to surrender. The record contained conflicting evidence about whether Stokes possessed the gun found in the car, whether Thompson ordered him to get on the ground, and whether Stokes was surrendering.

## PROCEDURAL HISTORY

Stokes's family sued Officer William Thompson under 42 U.S.C. § 1983 for excessive force and under Missouri's wrongful-death statute. Thompson moved for summary judgment asserting qualified immunity from the federal claim and official immunity from the state claim. The United States District Court for the Western District of Missouri denied both forms of immunity, and Thompson appealed. The Eighth Circuit vacated and remanded for reconsideration.

## DISPOSITION

vacated

## REMAND INSTRUCTIONS

The district court must reconsider Thompson's motion for summary judgment. For qualified immunity, it must identify the plaintiff-friendly version of the disputed facts and evaluate whether, considering all information available to Thompson at the moment, his shooting of Stokes violated clearly established law. For official immunity, it must separately determine which facts could permit a reasonable jury to find that Thompson acted with malice or in bad faith.

## CASES CITED

- Raines v. Counseling Assocs., Inc., 883 F.3d 1071, 1074 (8th Cir. 2018)
- Robbins v. Becker, 715 F.3d 691, 694-95 (8th Cir. 2013)
- Kisela v. Hughes, 138 S. Ct. 1148, 1152-53 (2018) (per curiam)
- City of Escondido v. Emmons, 139 S. Ct. 500, 502-04 (2019) (per curiam)
- Saucier v. Katz, 533 U.S. 194, 200-01 (2001)
- Pearson v. Callahan, 555 U.S. 223, 236 (2009)
- Hernandez v. Mesa, 137 S. Ct. 2003, 2007 (2017) (per curiam)
- Div. of Emp't Sec. v. Bd. of Police Comm'rs, 864 F.3d 974, 978-80 (8th Cir. 2017)
- State ex rel. Barthelette v. Sanders, 756 S.W.2d 536, 539 (Mo. banc 1988)
- State ex rel. Missouri Department of Agriculture v. McHenry, 687 S.W.2d 178, 181 (Mo. banc 1985)
- Wealot v. Brooks, 865 F.3d 1119, 1125-29 (8th Cir. 2017)
- Schmidt v. City of Bella Villa, 557 F.3d 564, 575 (8th Cir. 2009)

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