

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Phynelopha Johnson v. Shawn Myers

No. No. 22-1015, United States Court of Appeals for the Seventh Circuit (November 16, 2022)

SUMMARY

Phynelopha Johnson v. Shawn Myers – 7th Cir. 2022. **Topics:** False arrest; probable cause; arrest warrant presumption of validity; qualified immunity; hearsay in warrant applications; best evidence rule; summary judgment. **Holding:** Affirmed summary judgment for defendant officer. Plaintiff failed to rebut the presumption that a facially valid arrest warrant established probable cause; bare allegations that the officer made false statements in the warrant application, without producing the driver’s license photo or other competent evidence, were insufficient to create a genuine issue of material fact. **Key rules:** (1) A warrant creates a presumption of probable cause that can be overcome only by showing the application was so lacking in indicia of probable cause as to render official belief unreasonable, or that the officer knowingly or recklessly made false statements or omitted material facts. (2) The best evidence rule does not apply to warrant applications (Fed. R. Evid. 1101(d)(3)), and hearsay statements in a warrant application are admissible to show what the officer knew for probable cause analysis, provided the declarants are reliable. (3) Probable cause is assessed objectively based on facts known to the officer at the time of arrest, not hindsight.

CASE DETAILS

COURT	United States Court of Appeals for the Seventh Circuit
WRITING FOR THE COURT	Brennan; Easterbrook; Hamilton
JURISDICTION	Federal
DECIDED	November 16, 2022
DOCKET	No. 22-1015
DISPOSITION	affirmed
PROCEDURAL POSTURE	Appeal from the United States District Court for the Southern District of Illinois, No. 3:19-cv-00426-SPM, Stephen P. McGlynn, Judge. The district court granted summary judgment for Myers on the false arrest claim, and Johnson appeals.
STANDARD OF REVIEW	We review the district court's summary judgment decision de novo and draw all reasonable factual inferences in Johnson's favor. Evidentiary rulings are reviewed for abuse of discretion.
PRECEDENTIAL VALUE	published

PARTIES

Phynelopha A. Johnson, Administrator of the Estate of Phillip Osborne
v. Shawn Myers

TOPICS

civil rights

fourth amendment

summary judgment

evidence

section 1983

PRACTICE AREAS

Civil Rights

Constitutional Law

QUESTIONS PRESENTED

1. Whether the district court abused its discretion in considering Myers's statement about the driver's license photo match and the confidential source's statements over Johnson's best evidence and hearsay objections.
2. Whether Johnson presented sufficient evidence to overcome the presumption that the arrest warrant was valid and establish a genuine issue of material fact on the false arrest claim.

HOLDINGS

1. The district court did not abuse its discretion because the best evidence rule does not apply to warrant applications, and the statements were not hearsay or were admissible under the reliable hearsay exception for probable cause determinations.
2. Johnson failed to rebut the presumption of probable cause because she did not produce the driver's license photo or other competent evidence to show that Myers made false statements or that the warrant application lacked probable cause.

KEY QUOTATIONS

"When a judge authorizes an arrest, as one did here, 'we presume the validity of [the] warrant and the information offered to support it.'" (at 7)

"To defeat the presumption at the summary judgment stage, Johnson must show that a genuine issue of material fact exists that a reasonable officer would have known that the warrant application failed to establish probable cause, or that Myers made false statements or omitted material facts in support of probable cause." (at 10-11)

"Bare assertions are not competent summary judgment evidence." (at 11)

FACTUAL BACKGROUND

Between 2013 and 2014, Officer Shawn Myers supervised ten controlled drug purchases by a confidential source at a residence in Cairo, Illinois. The source initially identified the dealer as Cornelius S. Dean, but later learned his name was Ed, possibly Johnson or Osborne. Myers obtained a driver's license photo of Phillip Edward Osborne and concluded it matched the dealer in surveillance videos. The confidential source also positively identified Osborne. Myers applied for an arrest warrant in January 2017, which was issued by an Alexander

County judge. Osborne was arrested in April 2018 and detained for seven days before the charges were dismissed.

PROCEDURAL HISTORY

Osborne sued under 42 U.S.C. § 1983 alleging false arrest. After his death, his sister Johnson substituted as plaintiff. The district court dismissed claims against county defendants and granted summary judgment for Myers. Johnson appeals only the false arrest claim.

DISPOSITION

affirmed

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242 (1986)
- Illinois v. Gates, 462 U.S. 213 (1983)
- Dollard v. Whisenand, 946 F.3d 342 (7th Cir. 2019)
- Brunson v. Murray, 843 F.3d 698 (7th Cir. 2016)
- Igasaki v. Ill. Dep't of Fin. & Pro. Regul., 988 F.3d 948 (7th Cir. 2021)
- Cairel v. Alderden, 821 F.3d 823 (7th Cir. 2016)
- United States v. Bell, 585 F.3d 1045 (7th Cir. 2009)
- Gaddis v. DeMattei, 30 F.4th 625 (7th Cir. 2022)
- Abbott v. Sangamon Cnty., 705 F.3d 706 (7th Cir. 2013)
- Harney v. City of Chicago, 702 F.3d 916 (7th Cir. 2012)
- Maryland v. Pringle, 540 U.S. 366 (2003)
- Camm v. Faith, 937 F.3d 1096 (7th Cir. 2019)
- Edwards v. Jolliff-Blake, 907 F.3d 1052 (7th Cir. 2018)
- Malley v. Briggs, 475 U.S. 335 (1986)
- Williamson v. Curran, 714 F.3d 432 (7th Cir. 2013)
- Juriss v. McGowan, 957 F.2d 345 (7th Cir. 1992)
- Whitlock v. Brown, 596 F.3d 406 (7th Cir. 2010)
- Beauchamp v. City of Noblesville, 320 F.3d 733 (7th Cir. 2003)
- United States v. Sims, 551 F.3d 640 (7th Cir. 2008)
- Ornelas v. United States, 517 U.S. 690 (1996)
- Burritt v. Ditlefsen, 807 F.3d 239 (7th Cir. 2015)
- Fleming v. Livingston Cnty., 674 F.3d 874 (7th Cir. 2012)
- Gunville v. Walker, 583 F.3d 979 (7th Cir. 2009)
- Bordelon v. Bd. of Educ. of the City of Chicago, 811 F.3d 984 (7th Cir. 2016)
- Watters v. Homeowners' Ass'n at Pres. at Bridgewater, 48 F.4th 779 (7th Cir. 2022)

- Farnik v. City of Chicago, 1 F.4th 535 (7th Cir. 2021)

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