

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Aaron Burnette v. City of Norton, et al.

Burnette · No. 5:22-CV-02342 · Decided February 11, 2026

SUMMARY

The United States District Court for the Northern District of Ohio granted Detectives Kevin Starling and Ryan Connell’s motion for summary judgment in Aaron Burnette’s federal and state malicious-prosecution claims. The court held that the evidence showed an independent prosecutor made the charging decision and that Burnette offered no evidence sufficient to overcome the probable-cause presumption arising from the grand-jury indictment. The court dismissed the matter and denied Burnette’s remaining motions as denied or moot.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	John R. Adams
JURISDICTION	United States District Court for the Northern District of Ohio
DECIDED	February 11, 2026
DOCKET	5:22-CV-02342
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants Kevin Starling and Ryan Connell moved for summary judgment on the remaining federal and state malicious-prosecution claims. The district court granted summary judgment and dismissed the matter.
STANDARD OF REVIEW	Summary judgment is appropriate when the record shows no genuine dispute of material fact and the moving party is entitled to judgment as a matter of law. The evidence is viewed in the light most favorable to the nonmoving party, but the nonmoving party must identify specific facts showing a genuine issue for trial. Qualified immunity is a legal question for the court, with the facts viewed in the plaintiff's favor.
PRECEDENTIAL VALUE	Unpublished district-court order; precedential status unknown.
PARTIES	Aaron Burnette v. Kevin Starling, Ryan Connell, City of Norton, et al.

TOPICS

summary judgment

qualified immunity

section 1983

civil rights

civil procedure

PRACTICE AREAS

Civil rights

Civil procedure

Federal courts

Torts

QUESTIONS PRESENTED

1. Whether Starling and Connell were entitled to summary judgment on Burnette's federal and Ohio malicious-prosecution claims because they did not initiate, influence, or participate in the decision to prosecute.
2. Whether the grand-jury indictment conclusively established probable cause in the absence of evidence that defendants deliberately or recklessly presented false testimony to obtain it.
3. Whether Starling and Connell were entitled to qualified immunity on Burnette's federal claims.

HOLDINGS

1. Burnette failed to present evidence that Starling or Connell initiated, influenced, or participated in the decision to prosecute him. The special prosecutor independently made the charging decision, so defendants were entitled to judgment as a matter of law on the federal and state malicious-prosecution claims.
2. Burnette failed to establish a lack of probable cause because the facially valid grand-jury indictment conclusively established probable cause, and he presented no transcript or other evidence showing that defendants deliberately or recklessly presented false testimony to obtain the indictment.
3. Starling and Connell were entitled to qualified immunity because Burnette failed to establish that they violated his Fourth Amendment rights or any clearly established right.

KEY QUOTATIONS

“Summary judgment is appropriate whenever the non-moving party fails to make a showing sufficient to establish the existence of an element essential to that party’s case and on which that party will bear the burden of proof at trial.” (p. 3)

“To prevail, [Plaintiff] must first show that the officers participated in or influenced the decision to criminally prosecute him. And because we construe participation in light of traditional tort causation principles, the officers must have done more than passively cooperate. Instead, [Plaintiff] must show that the officers aided in the decision to prosecute.” (p. 6)

“Even where an officer makes false statements that influence the decision to prosecute a plaintiff, the plaintiff’s malicious-prosecution claim still fails if the charges are supported by probable cause.” (p. 8)

FACTUAL BACKGROUND

The Norton Police Department investigated Burnette after allegations that he had behaved inappropriately toward minors. Detective Kevin Starling investigated the allegations, Detective Ryan Connell was also involved,

and a minor, A.B., reported that Burnette had touched her thighs and otherwise touched her inappropriately. Special Prosecutor Scott Salisbury reviewed the Akron Children's Hospital CARE Center interview and independently decided to present the case to the grand jury, which indicted Burnette on two counts of gross sexual imposition. A.B. later recanted her prior statements at trial, and Burnette was acquitted.

PROCEDURAL HISTORY

Burnette filed the action in Ohio state court on November 21, 2022, and defendants removed it to the federal district court on December 31, 2022. Burnette filed an amended complaint asserting claims under 42 U.S.C. § 1983 and Ohio law. After motions for judgment on the pleadings, only Counts One and Five, alleging federal and state malicious prosecution against Starling and Connell, remained. The court granted defendants' summary-judgment motion, denied Burnette's motion to supplement discovery, and denied his remaining motions as moot.

DISPOSITION

dismissed

CASES CITED

- White v. Turfway Park Racing Ass'n, Inc., 909 F.2d 941, 943-944 (6th Cir. 1990)
- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 248 (1986)
- Celotex Corp. v. Catrett, 477 U.S. 317, 322 (1986)
- Street v. J.C. Bradford & Co., 886 F.2d 1472, 1479-1480 (6th Cir. 1989)
- Frito-Lay, Inc. v. Willoughby, 863 F.2d 1029, 1034 (D.C. Cir. 1988)
- Fulson v. City of Columbus, 801 F. Supp. 1, 4 (S.D. Ohio 1992)
- Harlow v. Fitzgerald, 457 U.S. 800, 818 (1982)
- Johnson v. Moseley, 790 F.3d 649, 653 (6th Cir. 2015)
- Malley v. Briggs, 475 U.S. 335, 343 (1986)
- Wyatt v. Cole, 504 U.S. 158, 168 (1992)
- Ewolski v. City of Brunswick, 287 F.3d 492, 501 (6th Cir. 2002)
- Pearson v. Callahan, 555 U.S. 223, 232 (2009)
- Cook v. Cincinnati, 103 Ohio App. 3d 80, 85-86 (1st Dist. 1995)
- Poe v. Haydon, 853 F.2d 418, 425 (6th Cir. 1988)
- Jones v. City of Elyria, Ohio, 947 F.3d 905, 918-919 (6th Cir. 2020)
- Sykes v. Anderson, 625 F.3d 294, 308-309 (6th Cir. 2010)
- Rogers v. Barbera, 170 Ohio St. 241, 241 (1960), syllabus ¶ 1
- Novak v. City of Parma, 33 F.4th 296, 305, 307 (6th Cir. 2022)
- Snow v. Nelson, 634 F. App'x 151, 157 (6th Cir. 2015)
- Barnes v. Wright, 449 F.3d 709, 716 (6th Cir. 2006)
- Young v. Owens, 577 F. App'x 410, 417 (6th Cir. 2014)

- *Tinney v. Richland County*, No. 1:14 CV 703, 2016 WL 397963, at *13 (N.D. Ohio Feb. 2, 2016), *aff'd*, 678 F. App'x 362 (6th Cir. 2017)

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