

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

Thomas Raynard James v. Detective Kevin Conley, et al.

James · No. 1:23-cv-24467-KMM · Decided February 3, 2026

SUMMARY

In this order, the United States District Court for the Southern District of Florida addresses cross-motions for summary judgment in Thomas Raynard James’s 42 U.S.C. § 1983 action arising from his wrongful murder conviction and imprisonment. The court grants Detectives Kevin Conley and Charles McCully summary judgment and denies James’s motion for partial summary judgment, primarily concluding that qualified immunity bars his claims concerning allegedly suggestive photographic identification procedures. The excerpt also discusses claims involving malicious prosecution, concealment of exculpatory evidence, and inadequate investigation.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	K. Michael Moore
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 3, 2026
DOCKET	1:23-cv-24467-KMM
DISPOSITION	other
PROCEDURAL POSTURE	Cross-motions for summary judgment in a 42 U.S.C. § 1983 action alleging unconstitutional identification procedures, Fourth Amendment malicious prosecution and seizure, and suppression of exculpatory and impeachment evidence.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. For qualified immunity, the plaintiff must show both a constitutional violation and that the right was clearly established at the time of the alleged misconduct; in the Fourth Amendment malicious-prosecution context, the court evaluates arguable probable cause.
PRECEDENTIAL VALUE	unpublished district court order; persuasive only

PARTIES

Thomas Raynard James v. Detective Kevin Conley, Detective Charles McCully, Miami-Dade County

TOPICS

qualified immunity

section 1983

civil rights

due process

fourth amendment

PRACTICE AREAS

civil rights litigation

constitutional torts

qualified immunity

summary judgment

criminal procedure

QUESTIONS PRESENTED

1. Whether the detectives were entitled to qualified immunity on James's Fourteenth Amendment claim challenging the construction of the photographic arrays as unduly suggestive.
2. Whether the detectives were entitled to qualified immunity on the claim that the presentation of the photographic arrays violated clearly established due process rights.
3. Whether the detectives were entitled to qualified immunity on James's Fourth Amendment malicious-prosecution and seizure claim based on the alleged absence of probable cause.
4. Whether the detectives were entitled to qualified immunity on James's claim that they suppressed material exculpatory or impeachment evidence in violation of Brady-related constitutional obligations.

HOLDINGS

1. The detectives were entitled to qualified immunity because, even assuming the array's construction violated a constitutional right, it was not clearly established in 1990 that an array with the challenged characteristics was unconstitutional.
2. The detectives were entitled to qualified immunity on the theory that they violated James's rights by including his photograph in the array or failing to pursue the inference that tips naming Tommy James referred only to a different person.
3. The detectives were entitled to qualified immunity on the claim that failing to give the photo-array admonitions, prevent witness consultation, record contemporaneous comments, or follow departmental guidelines violated clearly established due process rights.
4. The detectives were entitled to qualified immunity on Count II because arguable probable cause supported James's arrest and prosecution, even after considering the alleged omissions and alternative-suspect evidence.
5. The detectives were entitled to qualified immunity on Count III because James failed to show that the alleged evidence was materially suppressed in violation of clearly established Brady-related law or that Detective Conley intentionally withheld it.

KEY QUOTATIONS

“Determining whether an identification is so unreliable as to violate due process requires us to answer two questions: (1) whether the original identification procedure was unduly suggestive; and if so, (2) whether the procedure, given the totality of the circumstances, created a substantial risk of misidentification at trial.”
(Section III.A)

“Defendants are entitled to qualified immunity as to Count II, because there was at least arguable probable cause that justified arresting Plaintiff.” (Section III.B)

“The Court finds that Defendants are entitled to qualified immunity as to Count III.” (Section III.C)

FACTUAL BACKGROUND

In 1990, Francis McKinnon was murdered during an armed robbery in Coral Gables. Detectives Conley and McCully investigated tips naming Thomas or Tommy James and created photographic arrays that included James; eyewitness Dorothy Walton identified James, and Larry Miller identified his photograph as that of a man he had encountered before the shooting. James was arrested, indicted, and convicted, with the State relying primarily on the eyewitness identifications. More than thirty years later, the conviction was vacated after Walton recanted, and James brought this § 1983 action alleging unconstitutional identification procedures, malicious prosecution, and suppression of exculpatory evidence.

PROCEDURAL HISTORY

James sued Detectives Kevin Conley and Charles McCully in their individual capacities and Miami-Dade County under § 1983 after his murder conviction was vacated following the recantation of a key eyewitness. The detectives moved for summary judgment on Counts I through III, and James moved for partial summary judgment on Count I. The court granted the detectives' motion, denied James's motion, terminated the detectives from the case, lifted the stay, and left the claims against Miami-Dade County pending.

DISPOSITION

other

CASES CITED

- *Malowney v. Federal Collection Deposit Group*, 193 F.3d 1342, 1345 n.1 (11th Cir. 1999)
- *Santiago v. Jaguar Therapeutics, LLC*, No. 17-CV-22749, 2019 WL 4731980, at *1 (S.D. Fla. Jan. 17, 2019)
- *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322, 325 (1986)
- *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986)
- *Mann v. Taser International, Inc.*, 588 F.3d 1291, 1303 (11th Cir. 2009)
- *Cordoba v. Dillard's, Inc.*, 419 F.3d 1169, 1181 (11th Cir. 2005)
- *Clark v. Coats & Clark, Inc.*, 929 F.2d 604, 608 (11th Cir. 1991)
- *Denney v. City of Albany*, 247 F.3d 1172, 1181 (11th Cir. 2001)
- *Bailey v. Allgas, Inc.*, 284 F.3d 1237, 1243 (11th Cir. 2002)

- *Miranda v. B & B Cash Grocery Store, Inc.*, 975 F.2d 1518, 1534 (11th Cir. 1992)
- *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574, 587 (1986)
- *Quinette v. Reed*, 806 F. App'x 696, 701 (11th Cir. 2020)
- *Harlow v. Fitzgerald*, 457 U.S. 800, 818 (1982)
- *Anderson v. Creighton*, 483 U.S. 635, 638-41 (1987)
- *Moore v. Pederson*, 806 F.3d 1036, 1042 (11th Cir. 2015) (en banc)
- *Jordan v. Doe*, 38 F.3d 1559, 1566 (11th Cir. 1994)
- *Pearson v. Callahan*, 555 U.S. 223, 232, 236 (2009)
- *Piazza v. Jefferson County*, 923 F.3d 947, 951 (11th Cir. 2019)
- *D.C. v. Wesby*, 583 U.S. 48, 63-64 (2018)
- *Crocker v. Beatty*, 995 F.3d 1232, 1241 (11th Cir. 2021)
- *Scott v. Harris*, 550 U.S. 372, 378 (2007)
- *Simmons v. United States*, 390 U.S. 377, 383 (1968)
- *Foster v. California*, 394 U.S. 440, 443 (1969)
- *United States v. Ricks*, 817 F.2d 692, 697-98 (11th Cir. 1987)
- *Cikora v. Dugger*, 840 F.2d 893, 894, 896-97 (11th Cir. 1988)
- *Mullenix v. Luna*, 577 U.S. 7, 11 (2015)
- *Cantu v. City of Dothan, Alabama*, 974 F.3d 1217, 1232 (11th Cir. 2020)
- *Aguirre v. Seminole County*, 158 F.4th 1276, 1309 (11th Cir. 2025)
- *Knight v. Jacobson*, 300 F.3d 1272, 1276 (11th Cir. 2002)
- *Davis v. Scherer*, 468 U.S. 183, 194 (1984)
- *Knight through Kerr v. Miami-Dade County*, 856 F.3d 795, 813 (11th Cir. 2017)
- *Butler v. Smith*, 85 F.4th 1102, 1111, 1116 (11th Cir. 2023)
- *Gervin v. Florence*, 139 F.4th 1236, 1248 (11th Cir. 2025)
- *Laskar v. Hurd*, 972 F.3d 1278, 1284 (11th Cir. 2020)
- *Scott v. City of Miami*, 139 F.4th 1267, 1274 (11th Cir. 2025)
- *Swint v. City of Wadley, Alabama*, 51 F.3d 988, 996 (11th Cir. 1995)
- *Mills v. Town of Davie*, 48 F. Supp. 2d 1378, 1380-81 (S.D. Fla. 1999)
- *Brady v. Maryland*, 373 U.S. 83 (1963)
- *Porter v. White*, 483 F.3d 1294, 1304 n.5, 1305-08 (11th Cir. 2007)
- *United States v. Bagley*, 473 U.S. 667, 682 (1985)
- *Polk v. Nugent*, 554 F. App'x 795, 799 (11th Cir. 2014)
- *United States v. Barroso*, 719 F. App'x 936, 941 (11th Cir. 2018)
- *Fappiano v. City of New York*, No. 01-CV-2476, 2015 WL 94190, at *15-16 (E.D.N.Y. Jan. 7, 2015)
- *Kyles v. Whitley*, 514 U.S. 419, 421 (1995)
- *May v. Hoke*, 711 F. Supp. 703, 712 (E.D.N.Y. 1988), *aff'd*, 875 F.2d 857 (2d Cir. 1989)
- *Mitchell v. Goldsmith*, 878 F.2d 319, 322-23 (9th Cir. 1989)

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