

Summary of SC94804, *Deanna Copeland v. Lucas Wicks*

Appeal from the Lincoln County circuit court, Judge David Ash

Argued and submitted April 8, 2015; opinion issued July 21, 2015

Attorneys: Copeland was represented by John D. James of James Law Group LLC in St. Peters, (636) 397-2411; and Wicks was represented by Joel D. Brett and Katherine R. Moore, attorneys in St. Charles, (636) 949-2120.

This summary is not part of the opinion of the Court. It has been prepared by the communications counsel for the convenience of the reader. It neither has been reviewed nor approved by the Supreme Court and should not be quoted or cited.

Overview: A mother acquitted in a child abuse case appeals a circuit court’s judgment finding a deputy sheriff she sued for malicious prosecution had qualified immunity from her lawsuit. In a unanimous decision written by Judge Mary R. Russell, the Supreme Court of Missouri affirms the judgment. Because the mother cannot show that the deputy was motivated by malice, the deputy was entitled to judgment on the mother’s malicious prosecution claim. The deputy was entitled to qualified immunity from the mother’s claim under the federal law because, under the facts of the case, there was no constitutional violation arising from his probable cause statement.

Facts: The division of family services asked a deputy sheriff to investigate the possible abuse of a two-year-old girl based on information from a hospital that the child had suffered non-accidental injuries. The deputy sheriff reviewed photographs depicting injuries to the child’s eye and lip and then interviewed the child’s mother. The mother stated she came home from work and was angry to find the child alone in a bathroom with the door shut and her boyfriend asleep in another room. She said she picked the child up “a little rough” and agreed that the bruise to the child’s eye was consistent with the bathroom doorknob and that it was possible the child hit her eye on the knob when her mother picked her up. The mother stated she “grabbed” the child under her arms and “heaved her” into the tub to give her a bath and that, when the mother let go, the child slipped and fell, bruising her lip on the tub. The deputy sheriff then wrote a probable cause statement outlining the reasons he believed the mother had “committed criminal offenses.” The prosecutor charged the mother with felony child abuse; the mother later was acquitted. The mother then sued the deputy sheriff for malicious prosecution and for violating a federal law, 42 U.S.C. section 1983, arguing the deputy maliciously misstated facts in his probable cause statement and acted with an evil motive. The deputy moved for summary judgment (judgment on the court filings, without a trial) on the basis of qualified immunity. The circuit court sustained his motion, finding that there was no dispute as to material facts and that the deputy was entitled to qualified immunity. The mother appeals.

AFFIRMED.

Court en banc holds: (1) Because the mother cannot show that the deputy was motivated by malice, the deputy was entitled to judgment on the mother’s malicious prosecution claim. The mother claimed the deputy made two misstatements – one that she “slammed” the child’s head into the doorknob due to anger and the other that she admitted she “threw” the child into the bathtub – that were either intentionally false or made with reckless disregard for their truth. As to

the second statement, the mother said she “heaved” her child into the bathtub, and a dictionary shows that one meaning of “heave” includes “to throw.” As to the first statement, the description of events by the mother and the deputy is substantially the same; the key difference is in the deputy’s characterization of the mother’s intent. It was inaccurate for the deputy to state that the mother admitted this intent, but the mother has not shown his attribution of motive was motivated by malice. There was no evidence before the mother’s trial that the deputy bore actual hatred or malice toward the mother, and there is nothing in the record that he acted for any purpose other than to perform his duties of investigating a child abuse claim.

(2) The deputy was entitled to qualified immunity from the mother’s claim under section 1983 because, under the facts of the case, there was no Fourth Amendment violation. This federal statute allows a citizen who has had “any rights, privileges or immunities secured by the Constitution” violated by another, under color of state law, to sue the violator for damages. Law enforcement officers may be entitled to qualified immunity from such claims unless their actions violate a clearly established law of which a reasonable person would have known at the time of the alleged violation. Even if the deputy’s statements in his probable cause statement had been made with a reckless disregard for their truth, a corrected affidavit would have established an objective basis to believe the mother committed some criminal offense because she admitted she was angry and “heaved” her daughter into the bathtub.