

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

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|------------------------|---|----------------------------------|
| RHONDA BOYETTE, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No.:5:19-cv-1802-LCB |
| |) | |
| MARCUS ADAMS, |) | |
| |) | |
| Defendant. |) | |

ORDER

In December 2018, Defendant Marcus Adams arrested Plaintiff Rhonda Boyette on two charges of Willful Abuse of a Child under Ala. Code § 26–15–3 for abusing her minor son, JL. Proceedings in the District and Circuit Courts of Limestone and Madison Counties ultimately revealed that Boyette hadn’t abused JL. Instead, JL’s father coached and intimidated him to lie about Boyette. She filed this suit against Adams in November 2019, claiming her arrests violated her Fourth Amendment right to be free from unlawful seizures. In response, Adams has moved for summary judgment on her claims.

Where one parents pits his or her child against the other, the child loses. This type of behavior is despicable. Even worse is when one parent uses his or her child to perpetuate false accusations against the other in a custody battle or to alienate that

child from the accused parent. The Madison County Circuit Court found that this happened *after* Boyette was arrested.

That finding notwithstanding, the undisputed material facts in this case show that Adams had probable cause to believe that Boyette had abused JL when he arrested her. Accordingly, Defendant's Motion for Summary Judgment (Doc. 60) is **GRANTED in part** and the Court **DECLINES** to exercise supplemental jurisdiction over Boyette's state law claims.

FINDINGS OF FACT

Plaintiff Rhonda Boyette married James Monte Long Sr. on August 28, 2011. (Doc. 61-2 at 9). That year, Boyette gave birth to their son, JL. (Doc. 61-2 at 11). Boyette and Long divorced in 2014. (Doc. 61-2 at 9). Shortly after their divorce was finalized, Long began accusing Boyette of abusing their son. (Doc. 61-2 at 23–24). In the past, Boyette had been accused of abusing her other minor son, C. (Doc. 61-2 at 18–19, 77).

On January 6, 2014, Long filed a police report with the Madison Police Department, alleging Boyette struck JL with her hand with such force that she left a handprint on JL's skin. (Doc. 61-2 at 23–24; 211–13). He further alleged that JL had bruising on his right cheek, right jaw, the right part of his neck, and a scratch on his right neck. *Id.* Long took photos that showed the purported abuse. *Id.* Boyette had contacted Long to let him know that she'd disciplined JL the previous evening. *Id.*

On June 18, 2016, Long reported another instance of bruising to the Madison Police Department. (Doc. 61-2 at 41; 99–102, 223). According to the report, JL told his godmother, Rebecca Goodsell, that his mother had “hurt him.” *Id.* at 101. Long took photos that showed the purported abuse here too and submitted them to law enforcement. Nothing came of either report.

Boyette and Long’s relationship became more acrimonious as years passed. (*See, e.g.*, Doc. 61-2 at 95). From 2014 until 2020, several petitions for child custody modification and other like petitions were filed in the Madison County District and Circuit Courts. In the disposition of one such case, JL was ordered to attend counseling sessions. In one counseling session with therapist Janie Currie, JL had a violent outburst and threatened Currie’s and Boyette’s lives. (Doc. 61-2 at 89). That session ended with JL curling up into Boyette’s arms and apologizing for what he’d done and expressing fear of his father. *Id.* JL continued to attend counseling sessions and was under Stacy Ickard’s care during the period relevant to this suit.

On February 22, 2018, JL went to school with a note addressed to his counselor. (Doc. 61-3 at 148). The note stated, in sum, that Long had made JL remove his clothes and pose for photos. *Id.* School officials contacted law enforcement and Defendant Marcus Adams was assigned to investigate those claims. (Doc. 61-3 at 152). Adams met with Long later that day to begin his investigation. *Id.* When asked about the photos, Long told Adams he’d taken them to document

evidence of Boyette's alleged abuse. *Id.* Adams then viewed photos of bruising on JL's right buttock and thigh area, which Long attributed to Boyette. *Id.* This turned the tide in Adams's investigation.

Adams scheduled an interview for JL at the National Child Advocacy Center ("NCAC") to take place on February 22, 2018. (Doc. 61-3 at 23, 152). The interview's goal was to gather information about Boyette's purported abuse. *Id.* During the interview, however, JL didn't provide information sufficient to continue the investigation. Adams, therefore, closed the case. *Id.*

On November 13, 2018, Goodsell contacted Adams to express concerns that Boyette was abusing JL. (Doc. 61-2 at 111). Specifically, Goodsell stated that she was concerned about bruises she'd seen bruises on JL's upper back. Goodsell also told Adams that she'd spoken to JL about these bruises, recorded that conversation, and had a copy of it to provide to law enforcement. (Doc. 66-3 at 5). Adams told Goodsell to file a police report containing the information she'd provided him. Goodsell filed that report three days later, accompanied with photos of JL's bruised body that she'd taken. (Doc. 61-3 at 130).

On December 7, 2018, Long sent photos of JL's most-recent bruises to Adams. (Doc. 61-3 at 24). Long represented to Adams that Boyette had paddled JL the week before. *Id.* In fact, the record discloses that Boyette admitted as much. (Doc. 61-2 at 49–50, 106). Five days later, on December 12, 2018, December Guzzo

interviewed JL at the NCAC. (Doc. 61-6 3). Only Guzzo and JL were in the room where Guzzo conducted the interview; Adams viewed the interview from a separate room via a live feed. (Doc. 66-3 at 5; Doc. 61-6 at 4). Before this interview, Guzzo watched all of JL's other interviews. (Doc. 61-6 at 4). Contrary to his previous interviews at the NCAC,¹ JL provided a more coherent and detailed account of events regarding Boyette's purported actions. *Id.* Specifically, JL disclosed that his mother spanked him with a wooden paddle and he drew and described it unprompted. (Doc. 61-6 at 6).

When asked where Boyette paddled him, JL stood up and pointed to his back and posterior. (*See* Video Submission in Doc. 66-4 at approx. 5:00). He said that it “[h]urt a lot” when Boyette paddled him. *See Id.* JL also said that his spanking the previous week didn't leave any marks, but the week before, it had on his hips and buttocks. (*See Id.*; Doc. 61-6 at 9). He attributed those bruises to Boyette's actions and described what they looked like, leading Guzzo to believe JL had seen photos of those bruises before. (Doc. 61-6 at 9). Guzzo found this fact unremarkable and not an indication of prepping or coaching because JL was able to independently describe specific sensations when he was hit and the emotions he felt when he was hit. (Doc. 61-6 at 9). At the interview's conclusion, Guzzo went into the room Adams had been sitting in and told him that she believed JL hadn't been coached. (Doc. 61-6 at 8).

¹ Boyette doesn't dispute that JL was more coherent and detailed here than his previous interviews.

Guzzo also believed, based on the photos and her interview with JL, that Boyette's alleged actions weren't merely instances of corporal punishment. Instead, they were repeated instances bruising caused by abuse. (Doc. 61-6 at 10).

Adams had, at the time of Guzzo's interview, photos of bruising from February 2018, Goodsell's November 2018 police report and accompanying photos, a recording of JL discussing the bruising and paddling, consistent accounts from Long and Goodsell, and JL's statements during his most-recent NCAC interview.

One day after JL's interview, JL purportedly told Boyette and her husband that Long "told him things he was supposed to say" during the NCAC interview, which included "some really bad stuff about [Boyette]." (Doc. 66-8 at 1). That same day, Boyette and her husband spoke with an on-duty Officer Daniel Nunez at the Madison Police Department. (Doc. 61-3 at 138). The Boyettes brought JL with them and claimed that JL was being "put up" by Long to say that Haden Boyette was sexually abusing him. (Doc. 61-3 at 138). Adams told the Boyettes that no one had made any sexual assault allegations. Instead, the case concerned JL's bruising. (Doc. 1-3 at 138).

Adams asked Boyette to come to the police station for an interview on December 19th. (Doc. 61-3 at 138).

Boyette agreed and appeared at the police station on December 19, 2018. (Doc. 61-3 at 138). Back in an interview room at the station, Adams read Boyette

her *Miranda* rights—which she waived—and began the interview. *Id.* When asked why she thought she was there, Boyett told Adams that she was unsure. *Id.* at 139. Adams told Boyette that the interview concerned JL’s “constant” bruising. He then showed her photographs of bruises on JL’s body. Among those photos were those taken in February of 2018. Boyette said she recognized them. *Id.* Boyette denied, however, seeing bruises on JL’s body from November to December of 2018. *Id.* She suggested those bruises she didn’t recognize may have been the result of JL playing football or otherwise playing outside. *Id.* She disclosed, however, that she had used a paddle on JL in the past and that her husband, Haden Boyette, had constructed the paddle. That paddle matched JL’s description of the paddle Boyette used. Adams discussed JL’s interview with Guzzo at the NCAC where he’d said that he used to get spanked with a belt, but now he got a paddle and they both hurt a lot. Finally, Adams asked Boyette if she knew of any other source that could’ve caused JL’s bruising. *Id.* Boyette said she didn’t; nor did she say she wasn’t the cause of JL’s bruises. Only after this did Adams arrest her and she asserted that she hadn’t bruised JL. *Id.* Adams contends that only after he arrested Boyette did she try to give him some paperwork. *Id.* Boyette was housed in the Madison County Jail and bonded out the same day. Adams charged her with two counts of Willful Abuse of a Child. (Doc. 61-3 at 137).

After arresting Plaintiff, Adams returned to the lobby to tell Haden Boyette the charges his wife faced. (Doc. 66-8 at 2). Mr. Boyette avers that he asked Adams

to speak to JL—either after or before and after Adams arrested Boyette. (Doc. 66-8 at 2). Adams declined, allegedly stating that he didn't care what JL had to say at that juncture and that he'd heard everything he needed to hear from him. (Doc. 66-8 at 2).

Eventually, the charges Adams brought against Boyette in Madison County were dismissed because Boyette lived in (and the alleged criminal activity occurred in) Limestone County, Alabama. Adams presented his case files and notes to a Limestone County magistrate and applied for warrants for Boyette's arrest. (Doc. 61-4 at 18). The magistrate approved Adams's applications after reviewing the files, issued the warrants, and typed complaints that Adams signed. *Id.* at 19. Boyette turned herself into law enforcement on April 12, 2019. (Dc. 61-3 at 239). She bonded out of the Limestone County Jail that same day. *Id.* The charges brought against Boyette were dismissed on May 31, 2019. (Doc. 61-3 at 241).

Boyette filed this action on November 16, 2019, and an Amended Complaint on January 16, 2020. (Doc. 17). She brings five claims against Adams. The first two are for "Illegal Seizure / False Arrest" brought in accordance with 42 U.S.C. § 1983. (Doc. 17 at 4–5). In the first, she contends that Adams arrested her without probable cause. (Doc. 17 at 4). In the latter, she alleges that Adams "intentionally misrepresent[ed] incriminating facts to a magistrate and intentionally fail[ed] and refus[ed] to disclose exculpatory facts" that caused the Limestone County magistrate

to issue warrants for her arrest. (Doc. 17 at 5). Her remaining claims are founded in Alabama tort law.

LEGAL STANDARD

Rule 56(c) of the Federal Rule of Civil Procedure states that summary judgment is proper “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law.” The party moving for summary judgment bears the initial burden of informing the Court of the basis for its motion and identifying the portions of the pleadings or filings which it believes demonstrate the absence of a genuine issue of material fact. *Celotex Corp v. Catrett*, 477 U.S. 317, 323 (1986). Once the moving party has met its burden, Rule 56(e) requires the non-moving party to go beyond the pleadings and by her own affidavits, or by the depositions, answers to interrogatories, and admissions on file, designate specific facts showing that there is a genuine issue for trial. *Id.* at 324.

The substantive law distinguishes the material facts from the irrelevant for the Court. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). All reasonable doubts about the facts and all justifiable inferences are resolved in favor of the non-movant. *See Fitzpatrick v. City of Atlanta*, 2 F.3d 1112, 1115 (11th Cir. 1993). A dispute is genuine “if the evidence is such that a reasonable jury could return a

verdict for the nonmoving party.” *Anderson*, 477 U.S. at 248. If the evidence is merely colorable, or is not significantly probative, summary judgment may be granted. *Id.* at 249.

DISCUSSION

I. Qualified Immunity

The Eleventh Circuit has recently explained that

[q]ualified immunity exists in part to prevent public officials from being intimidated—by the threat of lawsuits—from doing their jobs. In the course of their jobs, officers must sometimes rely on imperfect information to make quick decisions. Nevertheless, those decisions must be reasonable to fall within qualified immunity’s ambit. So when we consider whether an officer is entitled to qualified immunity, we balance the need to hold officers accountable when they exercise power irresponsibly and the need to shield them from harassment, distraction, and liability when they perform their duties reasonably.

Qualified immunity shields from liability all but the plainly incompetent or one who is knowingly violating the federal law. But it does not extend to an officer who knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the plaintiff.

Sosa v. Martin Cnty., 13 F.4th 1254, 1263 (11th Cir. 2021) (cleaned up). From the above, several propositions come to the fore. And those propositions will guide the Court’s analysis here. First, qualified immunity exists to protect the men and women in law enforcement from intimidation while they’re simply doing their jobs. The specific type of intimidation qualified immunity is meant to curb arises where officers are threatened with suit because they were forced to act on what turned out

to be imperfect information. Second, the Court must conduct a balancing test when determining whether qualified immunity is appropriate: a test that tempers the consequences of an officer's actions based on the reasonability of those actions given a case's particular facts. This protection, however, doesn't give law enforcement carte blanche to do as they please. Instead, officers who behave with plain incompetence, such that a citizen's clearly established constitutional rights were violated, won't receive qualified immunity's protections.

II. Boyette's § 1983 claims fail.

“To invoke qualified immunity, a public official must first establish that he was acting within the scope of his discretionary authority when the challenged action occurred.” *Sosa*, 13 F.4th at 1263. Acting in the scope of one's discretionary authority means that the official's actions were done in the course of performing his duties and in the scope of his authority. *Id.* It's undisputed that Adams was acting within the scope of his discretionary authority when he arrested Adams: he was investigating an open child abuse case and arrested Boyette. *See, e.g., Gonzalez v. Butts Cnty.*, 522 Fed. Appx. 742, 746 (11th Cir. 2013). Accordingly, the burden shifts to Boyette to show that Adams shouldn't receive qualified immunity's protection.

To meet her burden, Boyette must adduce evidence that Adams: (1) violated her constitutional right not to be arrested; and (2) that right was clearly established

in light of the specific context of the case, not as a broad general proposition, at the time of Adams's actions, so as to have provided fair notice to him that his action violated Boyette's rights. *See Sosa*, 13 F.4th at 1263 (collecting authorities).

Arrests supported by probable cause are compliant with the Fourth Amendment. *See Sosa*, 13 F.4th at 1264 (citing *Barnett v. MacArthur*, 956 F.3d 1291, 1296–97 (11th Cir. 2020)). When an arresting officer raises a qualified immunity defense, a §1983 plaintiff must adduce facts that establish the defendant officer didn't have even arguable probable cause to arrest her. *Id.* (citing *Cozzi v. City of Birmingham*, 892 F.3d 1288, 1293–94 (11th Cir. 2018)). Probable cause to arrest exists when, based on the totality of the circumstances, the facts and circumstances available to the officer would cause a prudent man to believe that the suspect has committed, is committing, or is about to commit an offense. *Rankin v. Evans*, 133 F.3d 1425, 1435 (11th Cir. 1998). “A probability or substantial chance of criminal activity, not an actual showing of such activity, satisfies that standard.” *Id.* (quoting *D.C. v. Wesby*, 138 S. Ct. 577, 586 (2018)) (cleaned up). Arguable probable cause exists “when reasonable officers in the same circumstances and possessing the same knowledge as the arresting officer could have thought there was probable cause to arrest the plaintiff.” *Id.* (quoting *Brown v. City of Huntsville*, 608 F.3d 724, 734 (11th Cir. 2010) (cleaned up)). If a court finds an officer had arguable

probable cause to arrest a plaintiff, qualified immunity's protections attach to his actions and bars a plaintiff's false arrest claim against him. *Brown*, 608 F.3d at 735.

In Opposition to Adams's Motion, Boyette contends several material facts are genuinely disputed, thus precluding summary judgment (Doc. 66 at 18–25, 33–35); she analogizes her case to *Kingsland v. City of Miami*, 382 F.3d 1220 (11th Cir. 2004) *abrogated on other grounds by Hardigree v. Lofton*, 992 F.3d 1216 (11th Cir. 2021) (Doc. 66 at 26–28, 35–36); she outlines the parameters of corporal punishment available to parents in Alabama (Doc. 66 at 28–31); and she concludes Adams lacked arguable probable cause while baldly asserting that Adams knew Long had been coaching JL from the outset of his investigation. (Doc. 66 at 37).

A. Boyette's genuinely disputed material facts either don't present a genuine dispute or don't concern a material fact.

To avoid summary judgment, “the nonmoving party must do more than show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 586 (1986). Boyette attempts to meet this burden by highlighting certain parts of the record that she finds material and genuinely in dispute concerning the facts Adams relied upon and the adequacy of his investigation. The Court finds Boyette's interpretation of the record strained: there's no genuine dispute of material fact about the lawfulness of Boyette's warrantless arrest.

Boyette's contentions about several genuine disputes of material fact merely intermingle argument or speculation about JL's subjective pain perceptions, legal conclusions, Boyette's characterizations of JL's bruises, unsubstantiated facts, and post hoc investigatory results. (*See, e.g.*, Doc. 66 at 34–35). For example, Boyette contends that “JL experienced nothing other than the expected pain of a paddle” (speculation), that “JL described the appropriate use of corporal punishment in the December 2018 forensic interview” (legal conclusion), “[t]he day after JL's forensic interview, December 13, the Boyettes told Adams that JL reported to them that he had been coached by Long” (unrelated allegations of sexual abuse), “JL's counselor was prepared to confirm the coaching” (post hoc investigatory results), and “JL eventually confirmed the coaching in court.” (same). None of these assertions establish a genuine issue of material fact regarding Adams's arguable probable cause.

Most troubling to the Court, however, are Boyette's contentions that Adams *knew* Long was coaching JL (and encouraged it) and that Adams hid that he knew Goodsell was Long's girlfriend. (*See, e.g.*, Doc. 66 at 14–15, 18–19) (Boyette's claims of coaching and Adams's facilitation); (Doc. 66 at 10, 19–20, 34–35) (Boyette's contentions that Adams knew Goodsell was Long's girlfriend).

On the former, Boyette appears to take contradictory positions regarding Adams's purported knowledge of Long's coaching. On one hand, Boyette asserts

that Adams fully knew JL had been coached from the outset of his investigation. However, in other portions of her Opposition, she contends that Adams didn't know about the extent to which Long had coached JL "because he did not investigate." (Doc. 66 at 14, 18). In addition to these contradictory assertions, Boyette's contentions suffer from another deficiency. While she maintains that Long had shown JL photos of his earlier bruises, thus coaching or prepping him, Guzzo reached exactly the opposite conclusion during her interview with JL. (Doc. 66-2 at 8, 10). Guzzo, who's trained to examine children for coaching queues, found none, as JL could clearly articulate his physical and emotional sensations experienced from paddling *and* because he drew the paddle Boyette used unprompted. (Doc. 61-6 at 7). This evidence directly supports Adams's position and undermines Boyette's mere argument. As this Court has stated time and again, argument isn't evidence.

The record evidence Boyette relies upon to show that Adams *knew* Goodsell was Long's significant other also fails to support that claim. For that proposition, Boyette cites what's become Doc. 61-5 at 18. (*See* Doc. 66 at ¶5, ¶38). Relying on that document, Boyette asserts that Adams identified Goodsell as "Long's girlfriend." (Doc. 66 at 8). That document is Exhibit I to Adams's Declaration. It's an investigatory report summarizing JL's interview with December Guzzo from December 11, 2018. And it merely recounts that JL told Guzzo that his father had a

girlfriend—not that Goodsell was Long’s girlfriend. (Doc. 61-5 at 18). And nowhere in the report does Adams identify Goodsell as Long’s girlfriend.

In sum, Boyette failed to raise a genuine dispute of material fact that Adams lacked arguable probable cause to arrest her without a warrant. When he arrested Boyette, Adams had several pieces of evidence to support a finding of arguable probable cause, namely JL’s statements during his recent interview with Guzzo, photos of bruising from February 2018, Goodsell’s November 2018 police report and accompanying photos, a recording of JL discussing the bruising and paddling, and consistent statements from Long and Goodsell. These all would have led a reasonable officer in Adams’s position to believe that there was probable cause for Boyette’s arrest.

B. Adams’s investigation was reasonable.

Law enforcement officers must conduct investigations sufficient to “deter officers from fabricating charges” and to prevent officers from “cover[ing] up improper detentions by including only selective evidence in their reports.” *Kingsland*, 382 F.3d at 1229. When determining whether qualified immunity should attach to an officer’s investigatory conduct, courts must “charge the officer with possession of all the information reasonably discoverable by an officer acting reasonably under the circumstances. A police officer may not close his or her eyes to facts that would help clarify the circumstances of an arrest.” *Id.* at 1228 (cleaned

up). “The constitutional reasonableness of a police investigation does not depend on an officer’s subjective intent or ulterior motive in conducting the investigation.” *Id.* at 1229 (cleaned up). But this shield doesn’t allow officers to selectively investigate claims. *Id.* While, officers aren’t required to perform error-free investigations they’re not obliged to independently investigate every proffered innocence claim. *Id.* at 1229 n.10 (citing *Baker v. McCollan*, 443 U.S. 137, 145–46 (1979)).

Boyette contends that her first arrest violated her Fourth Amendment right to be free from unlawful arrest because Adams’s investigation wasn’t reasonable, analogizing her case’s facts to those in *Kingsland*. (*See* Doc. 66 at 26, 33, 36). Her position is unpersuasive.

The appellant in *Kingsland* sued police officers who arrested her after responding to an accident she’d been involved in with another police officer. On the scene, the appellant presented with symptoms of nausea and disorientation and told officers she was in pain. The record revealed that her symptoms were so severe that she had trouble standing. Other evidence immediately available after the accident—including from witnesses who’d been riding in the truck the appellant had been driving—disputed the investigating officers’ subsequent reports and testimony. *Id.* at 1226. Ultimately, the appellant was arrested for driving under the influence of marijuana.

The Eleventh Circuit found the officers' probable cause determination unreasonable for several reasons. At the outset, the court stated that the district court didn't consider the appellant's sworn statement for purposes of determining whether a genuine issue of material fact existed. *Id.* That statement, the court found, highlighted the dearth of evidence the responding officers had when they arrested the appellant. *Id.* Thereafter, the court found compelling the appellant's argument that probable cause was lacking because the record contained no evidence that she or her truck were searched; no dog-sniff was conducted; no evidence of drugs were found or produced; the appellant tested negative for marijuana; and that the officers didn't take witness statements from the passengers in the appellant's truck. *Id.* It appears that the *Kingsland* court found most disturbing the total lack of any corroborative evidence to demonstrate probable cause by the investigating officers, evincing a conscious and deliberate attempt to avoid evidence that would have exonerated the appellant. *Id.* at 1227, 1230. The court noted that, while the officers weren't obliged to perform an "error-free" investigation or independently investigate every proffered innocence claim, the appellant's allegation that the defendants "turned a blind eye to *immediately* available exculpatory evidence" was unreasonable. *Id.* at 1228 n.10 (emphasis added).

The first reason the Court finds Boyette's reliance upon *Kingsland* underwhelming is that her claims differ from that appellant's. As noted in that

opinion, the *Kingsland* appellant presented a unique and exceptional case: an officer involved in an accident contacted other officers on his police radio to respond to the scene. This action indicated a possible conflict of interest and motive for wrongdoing for the responding officers, which bolstered the appellant's contentions that those officers consciously and deliberately avoided evidence that would've exonerated her. *Id.* at 1228 n.9. While Boyette insinuates that something like that may have happened here because (she contends) Long and Adams were friends, no admissible record evidence substantiates her position. (*See* Doc. 61-3 at 22; Doc. 66-3 at 10). On this point, Boyette stated in her deposition that a security resource officer and Long's ex-wife told her that Adams and Long were friends, but that's all. (Doc. 61-2 at 39). No other statement or piece of admissible evidence has been provided to substantiate those claims. Instead, the only other scrap of evidence tying Adams to Long is Adams's familiarity with Long's ex-wife from thirty years ago. (Doc. 66-3 at 11). This fails to create any genuine issue of material fact. *See, e.g., See Torres-Bonilla v. City of Sweetwater*, 805 Fed. Appx. 839, 841 (11th Cir. 2020).

Second, unlike in *Kingsland*, there's no dearth of evidence to upend Adams's probable cause determination. While Adams's investigation wasn't iron-clad, he certainly had arguable probable cause to arrest Boyette in December 2018. As noted above, he had several pieces of evidence to support this finding, including: (1) JL's statements during his most-recent NCAC interview which included verbal

descriptions of Boyette's use of the paddle and JL's visual depiction of the paddle; (2) Guzzo's assurance that she believed JL hadn't been coached; (3) JL's recorded disclosure to Goodsell along with the November 2018 police report and accompanying photos; (4) photos beginning from February 2018 of bruises on JL's body; and (5) consistent statements from Goodsell and Long about JL's bruising. (Doc. 61-3 at 20). These are more than sufficient to sustain a finding of arguable probable cause. *See, e.g., Rankin v. Evans*, 133 F.3d 1425, 1440 (11th Cir. 1998) (investigator allowed to rely to a meaningful degree on victim's statements in determining the existence of probable cause and such statements supported probable cause finding); *Stoot v. City of Everett*, 582 F.3d 910, 922 (9th Cir. 2009) (child abuse victim's statement to investigator gave rise to probable cause); *United States v. Vallimont*, 378 Fed. Appx. 972, 975 (11th Cir. 2010) (child's statement gave rise to probable cause to issue arrest warrant); *Gonzalez v. Butts Cnty.*, 522 Fed. Appx. 742, 747 (11th Cir. 2013) (consistent statements from minor students gave rise to probable cause; no further inquiry was required). While proceedings in state court ultimately vindicated Boyette's position that she didn't abuse JL, (Doc. 66-2), the dismissal of the charges against her and the County Circuit Court's related custody

order are ultimately irrelevant for the Court's determination of whether Adams had arguable probable cause to arrest her.²

Boyette's final attempt to point out the unreasonableness of Adams's investigation also falls flat. There, she insists that Adams knew JL had been coached from the outset of his investigation (Doc. 66 at 37), but largely supports that conclusion with contentions that Adams *could have* spoken to other people, like JL's counselor or unnamed family members. *Id.* This type of Monday-morning-quarterbacking fails to establish that Adams consciously and deliberately avoided exculpatory evidence before arresting Boyette.³ In sum, Boyette's argument here largely calls for the Court to hold that Adams had to chase down every proffered innocence claim, which Adams wasn't required to do. *Gonzalez v. Butts Cnty.*, 522 Fed. Appx. 742, 747 (11th Cir. 2013). Accordingly, Boyette's "illegal seizure" claim fails.

C. Adams didn't manufacture probable cause to support the warrant for Boyette's second arrest.

Although Boyette styles her second claim as one for "false arrest," her claim is actually one for malicious prosecution. *See Williams v. Aguirre*, 965 F.3d 1147,

² "That a defendant is subsequently acquitted or charges are dropped against the defendant is of no consequence in determining the validity of the arrest itself." *Marx v. Gumbinner*, 905 F.2d 1503, 1507 (11th Cir. 1990).

³ As noted *supra*, Boyette also contends Adams knew JL had been coached because of the answers he provided to Guzzo during his interview. For the reasons already stated, the Court found those contentions unpersuasive.

1158 (11th Cir. 2020) (explaining that false arrest claims encompass warrantless seizures, whereas malicious prosecution claims encompass seizures conducted pursuant to a warrant).

To succeed on a malicious prosecution claim, Boyette must prove her Fourth Amendment right to be free of unreasonable seizures was violated because: (1) the legal process justifying her seizure was constitutionally infirm and (2) that her seizure would not otherwise be justified without legal process. *Id.* To show that the warrant was constitutionally infirm, she can show that the officer who applied for it should've known that his application failed to establish probable cause *or* that an official, including an individual who didn't apply for the warrant, intentionally or recklessly made misstatement or omissions necessary to support the warrant. *Id.* (collecting authorities).

Boyette hasn't presented a genuine dispute of material fact about whether her seizure was unconstitutional. In her Opposition, Boyette contends that Adams manufactured probable cause before the Limestone County magistrate by deceiving the magistrate about Goodsell's relationship with Long, by demanding that Boyette prove she didn't cause JL's bruises, by acting out-of-step with normal investigatory procedures, and by refusing to document and investigate Long's coaching. (Doc. 66 at 25; *see also* Doc. 17 at 5). As noted above, these contentions aren't borne out in the record.

There's no record evidence to show that Adams knew Goodsell was Long's significant other. As for Boyette's claims that Adams required her to prove otherwise, the Court is unpersuaded. Review of that interview shows Adams simply asked Boyette if she could provide an alternate cause of JL's bruises. Not that she disprove anything. Similarly, there's no instance of coaching which Adams was aware of to document. While the record shows that JL likely saw photos his father took of him, Guzzo found there was no coaching to investigate during her December 2018 interview with JL. Here, like other cases, Adams's investigation reveals that officers sometimes rely upon what turns out to be inadequate or incorrect information post hoc. But Adams certainly didn't intentionally or recklessly misstate anything to the magistrate. And, as the Court has already stated, the information which he provided the magistrate certainly established arguable probable cause to arrest Boyette.

III. The Court won't exercise supplemental jurisdiction over Boyette's remaining state law claims.

Boyette's remaining claims are founded in Alabama tort law. (*See* Doc. 17 at 5–8). Because the Court has dismissed the federal causes of action against Adams, no other claims over which the Court has original jurisdiction exist. Accordingly, the Court declines to exercise supplemental jurisdiction over Boyette's state law claims. *See Marshall v. Washington*, 48 Fed. Appx. 523, 527 (11th Cir. 2012)

(affirming district court's refusal to exercise supplemental jurisdiction over plaintiff's state law claims after dismissing his § 1983 claims against police officers).

CONCLUSION

Based on the foregoing, the Court **GRANTS** in part Adams's Motion for Summary Judgment (Doc. 60) and **DECLINES** to exercise supplemental jurisdiction over Boyette's state law claims. Counts I and II of Boyette's Complaint are **DISMISSED WITH PREJUDICE** and the Clerk of Court is directed to **CLOSE** the case.

DONE and **ORDERED** this December 28, 2021.

A handwritten signature in black ink, appearing to read "Liles C. Burke", written over a horizontal line.

LILES C. BURKE
UNITED STATES DISTRICT JUDGE