



John Van De Kamp v. Thomas Lee Goldstein
(2009 U.S. LEXIS 1003)
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QUESTION PRESENTED ON APPEAL TO THE U.S. SUPREME COURT:

"We here consider the scope of a **prosecutor's absolute immunity** from claims asserted under Rev. Stat. § 1979, **42 U.S.C. § 1983**. See Imbler v. Pachtman, 424 U.S. 409, 96 S. Ct. 984, 47 L. Ed. 2d 128 (1976). We ask whether that immunity extends to claims that the prosecution failed to disclose impeachment material, see, Giglio v. United States, 405 U.S. 150, 92 S. Ct. 763, 31 L. Ed. 2d 104 (1972), due to: (1) a failure properly to train prosecutors, (2) a failure properly to supervise prosecutors, or (3) a failure to establish an information system containing potential impeachment material about informants. We conclude that a prosecutor's absolute immunity extends to all these claims."

FACTUAL BACKGROUND:

In 1998, Thomas Goldstein (then a prisoner) filed a *habeas corpus* action in the Federal District Court for the Central District of California. He claimed that in 1980 he was convicted of murder and that his conviction depended, in critical part, upon the testimony of Edward Floyd Fink, a jailhouse informant. He asserted that Fink's testimony was unreliable, indeed false; that Fink had previously received reduced sentences for providing prosecutors with favorable testimony in other cases; that at least some prosecutors in the Los Angeles County District Attorney's Office knew about the favorable treatment; that the office had not provided Goldstein's attorney with that information; and that, among other things, the prosecution's failure to provide Goldstein's attorney with this potential impeachment information had led to his erroneous conviction.

After an evidentiary hearing the District Court agreed with Goldstein that Fink had not been truthful and that if the prosecution had told Goldstein's lawyer that Fink

had received prior rewards in return for favorable testimony, it might have made a difference in the outcome of the murder trial. The court ordered the State either to grant Goldstein a new trial or to release him. The Court of Appeals for the Ninth Circuit affirmed the District Court's determination. The State decided that, rather than retry Goldstein, who had already served 24 years of his sentence, it would release him. Upon his release Goldstein filed a § 1983 action against the former Los Angeles County district attorney and chief deputy district attorney.

In Imbler, the Supreme Court held that absolute immunity applies to a prosecution's conduct that was "intimately associated with the judicial phase of the criminal process." In the decades following Imbler, the Supreme Court has taken a functional approach and has held that absolute immunity applies when a prosecutor prepares to initiate a judicial proceeding, appears in court to present evidence in support of a search warrant application, or otherwise acts as the State's advocate in a criminal proceeding. The Supreme Court has also held that absolute immunity does not apply when a prosecutor acts in a role other than as an advocate for the State, such as giving advice to police during a criminal investigation, making statements to the press or acting as a complaining witness in support of a warrant application.

In Imbler, the Supreme Court had specifically reserved the question of whether or when it was appropriate to apply absolute immunity where the prosecutor acted in an administrative role rather than as an advocate for the State. This case, however, required the Supreme Court to consider how immunity applies where a prosecutor is engaged in certain administrative activities.

HOLDING:

"We conclude that prosecutors involved in such supervision or training or information-system management enjoy absolute immunity from the kind of legal claims at issue here. Those claims focus upon a certain kind of administrative obligation - - a kind that itself is directly connected with the conduct of a trial. Here, unlike with other claims related to administrative decisions, an individual prosecutor's error in the plaintiff's specific criminal trial constitutes an essential element of the plaintiff's claim. The administrative obligations at issue here are thus unlike administrative duties concerning, for example, workplace hiring, payroll administration, the maintenance of physical facilities, and the like. Moreover, the types of activities on which Goldstein's claims focus necessarily require legal knowledge and the exercise of related discretion, e.g., in determining what information should be included in the training or the supervision or the information-system management. And in that sense also Goldstein's claims are unlike claims of, say, unlawful discrimination in hiring employees. Given these features of the case before us, we believe absolute immunity must follow. "