



# Stone Busailah, LLP

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## TRAINING BULLETIN

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### **ABSOLUTE IMMUNITY: AN OFFICER MAY NOT ALWAYS BE ABSOLUTELY IMMUNE FROM CIVIL LIABILITY**

#### *A Breakdown of the 9<sup>th</sup> Circuit Most Recent Decision on Absolute Immunity*

By: Muna Busailah, Esq.

#### **Brief Overview**

Bruce Lisker was convicted of the second degree murder of his mother, and then released from custody twenty six years later. Lisker was released when his writ of habeas corpus was granted, and the State declined to re prosecute his case. The court held that Lisker's due process rights had been violated because falsified evidence had been admitted at his trial.

After his release, Lisker sued the Los Angeles Police Department, and the two detectives, Andrew Monsue and Howard Landgren, who investigated, collected evidence, and testified in Lisker's criminal case. One of Lisker's claims against the Detectives was for money damages under 42 U.S.C. §1983 based on the Detectives' alleged pre trial falsification of evidence. The

Detectives claimed absolute immunity from liability for the alleged pre trial falsification of evidence. The court rejected this argument. The Detectives then filed an immediate, interlocutory appeal. This interlocutory appeal allowed the 9<sup>th</sup> Circuit the ability to make a decision on this absolute immunity point of law before deciding the entire case. The article to follow lays out the most recent 9<sup>th</sup> Circuit decision on absolute immunity.

#### **The Investigation of Lisker's Murder Charges**

Detectives Monsue and Landgren were assigned to investigate the stabbing homicide of Lisker's mother. Seventeen year old Lisker was interviewed by the Detectives after the murder and told them the following story: Lisker's mother did not open the front door that day, or

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