

FOR NEW YORK STATE TOWN, HODGSON RUSS WINS FEDERAL APPEAL

In a favorable decision obtained by Hodgson Russ, the U.S. Court of Appeals for the Second Circuit affirmed a judgment in favor of a New York State town, its chief of police, and one of its officers—all Hodgson Russ clients. Michael B. Risman represented the defendant-appellees. The Second Circuit decreed that the plaintiff-appellant's claims of false arrest, false imprisonment, and malicious prosecution allegations stemming from the appellant's arrest and prosecution for the alleged rape of his teenage daughter (charges that were eventually dismissed) were all without merit, primarily citing the appellant's failure to prove a lack of probable cause necessary to support his arguments. The town's police officers arrested the appellant, after his daughter identified him as her assailant. The court concluded that probable cause was satisfied by various means, including, but not limited to, the victim's initial statement. The court affirmed the district court's granting of the defendant's motion to dismiss the case.

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