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DOE v. CITY OF DEMOPOLIS

JANE DOE, a minor child, by and through her mother and next friend, Mary Doe,
Plaintiff-Appellant,

v.

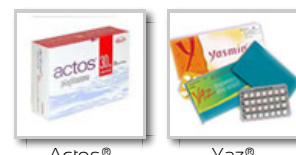
CITY OF DEMOPOLIS, Defendant-Appellee,
TERRANCE SMITH, individually and in his official capacity, Defendant.

No. 11-13459, Non-Argument Calendar.

United States Court of Appeals, Eleventh Circuit.

March 20, 2012.

Before CARNES, PRYOR and KRAVITCH, Circuit Judges.



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PER CURIAM.

Jane Doe, by and through her mother and next friend, appeals the district court's grant of summary judgment in favor of the City of Demopolis, Alabama, on her 42 U.S.C. § 1983 claim that the City violated her Fourteenth Amendment right to due process by failing to train one of its police officers not to commit statutory rape.

I.

Demopolis Police Officer Terrance Smith had sex on three different occasions with Doe when she was 13 years old. The principal of Doe's school discovered that sexual misconduct and reported it to Demopolis Police Chief Jeff Manuel, who fired Smith. Smith was eventually convicted of two counts of second degree rape. *See* Ala. Code § 13A-6-62 (prohibiting sexual intercourse "with a member of the opposite sex less than 16 and more than 12 years old [if] the actor is at least two years older than the member of the opposite sex").

Doe sued the City and Smith in federal district court, asserting a 42 U.S.C. § 1983 claim that the City violated the Fourteenth Amendment by failing to train Smith so that he would not commit statutory rape, and a similar failure-to-train claim under Ala. Code § 11-47-190. She also asserted state law assault, battery, and invasion of privacy claims against Smith. The City moved for summary judgment on the Ala. Code § 11-47-190 and 42 U.S.C. § 1983 claims, which the district court granted. The court found that Alabama does not recognize municipal liability for failure to train under Ala. Code § 11-47-190 and that there was no genuine issue of material fact whether the City was deliberately indifferent to Doe's rights. This is Doe's appeal.

- **LAIR v. MURRY, United States District Court, D. Montana, Helena Division**
Reinstatement of Montana's campaign finance law on donation limits
- **NORTHEAST OHIO COALITION FOR THE HOMELESS v. HUSTED, United States Court of Appeals, Sixth Circuit**
Whether Ohio must count ballots that are improperly cast because of a poll worker's mistake
- **APPLE INC. v. SAMSUNG ELECTRONICS CO., LTD., United States Court of Appeals, Federal Circuit**
Apple's request for preliminary injunction on sales of Galaxy Nexus
- **TAHOE v. TAHOE REGIONAL PLANNING AGENCY, United States Court of Appeals, Ninth Circuit**
An environmental group's challenge to a proposed Lake Tahoe development
- **JAMES v. NATIONAL ARTS CLUB, Appellate Division of the Supreme Court of New York, First Department**
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