

United States Court of Appeals For the First Circuit

No. 06-1191

DAVID DAVIGNON, DAVID GOUVEIA, DAVID MILLER,
EDWARD MORIS, JR., and THOMAS PRESBY,

Plaintiffs, Appellees,

v.

THOMAS M. HODGSON, Individually and as
Bristol County Sheriff,

Defendant, Appellant.

ERRATA SHEET

The opinion of this Court issued on April 24, 2008 is amended as follows:

On page 34, line 15, insert after "... matter of substantive law." the text below as new footnote number 10 and renumber all subsequent footnotes accordingly.

The cases Hodgson cites in his reply brief discuss generally the principle of judicial deference to decisions made within a public safety organization. They do not stand for the proposition that a court should instruct a jury regarding this principle. The reason for this is obvious: juries should not be engaging in Pickering balancing in the first place.