



Therefore, his motion to amend the complaint is denied. [Doc. #99]

Second, the plaintiff's motion to strike the evidence of his conviction for risk of injury to a minor is denied. Nyenhuis has submitted a transcript of Smith's state court guilty plea under the Alford doctrine. [Doc. #98, Ex. B] While the plaintiff's plea is not admissible on the issue of credibility, the underlying conviction, as opposed to the plea, is admissible for its legal consequences. See Burrell v. United States, 384 F.3d 22, 29 (2d Cir. 2004).

The legal consequence of the plaintiff's Alford plea is to preclude his claim of false arrest. An indispensable element of a claim for false arrest is that the underlying charges terminated in the plaintiff's favor. "A person who thinks there is not even probable cause to believe he committed the crime with which he is charged must pursue the criminal case to an acquittal or an unqualified dismissal, or else waive his section 1983 claim." Roesch v. Otarola, 980 F.2d 850, 853 (2d Cir. 1992). As the plaintiff was convicted for the underlying offense, his false arrest claim fails as a matter of law.

The defendants also argue that there is no disputed issue of material fact with respect to the plaintiff's invasion of privacy claim.

Plaintiff's constitutional invasion of privacy claim involves his substantive due process right in avoiding public disclosure of personal matters. Whalen v. Roe, 429 U.S. 589, 600, 97 S.Ct. 869, 51 L.Ed.2d 64 (1977). The first element of the claim requires the plaintiff to show that he had a privacy interest in the information allegedly disclosed. To make this showing, the plaintiff must demonstrate that he had a reasonable expectation of privacy. Sean R. v. Bd. of Educ. of Woodbridge, 794 F. Supp. 467, 469 (D.Conn. 1992).

