

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT LOUISVILLE

CIVIL ACTION NO. 3:14-CV-301-H

ZACHARY LAMB

PLAINTIFF

v.

JENNIFER OLDHAM, et al.

DEFENDANTS

MEMORANDUM OPINION AND ORDER

The remaining Defendants in this case, Department of Kentucky State Police (“KSP”) and KSP Trooper Brandon Brooks (“Brooks”) have each moved to dismiss the complaint on the grounds that they each possess immunity from lawsuit under the circumstances, and that the charges in the complaint are barred due to the finding of probable cause by the grand jury. Plaintiff’s response is that the various parties involved acted outside their official responsibilities and lied or otherwise conspired to cause his conviction on the charges. The Court has reviewed all the motions and the complaint and concludes that this matter can be resolved in a relatively straightforward fashion.

It is factually undisputed that on November 25, 2012, Brooks was on patrol in Hardin County when he stopped Plaintiff’s vehicle for speeding at 87 miles an hour, which is approximately 17 miles an hour over the speed limit. Brooks ultimately arrested Plaintiff and charged him with speeding, having an expired registration, an expired registration receipt, the failure to maintain required insurance, failure to have an operator’s license and display of an expired or fictitious operator’s license. On April 25, 2013, the Hardin County grand jury indicted Plaintiff on all the misdemeanor charges. The grand jury did return a “no true bill” for the criminal possession of a forged instrument. The matter was brought to trial in Hardin

District Court on October 16, 2013, and Plaintiff was found guilty on all charges. He subsequently appealed to Hardin Circuit Court where that judgment was affirmed. Thereafter, Plaintiff instituted this action. The Court has already dismissed Plaintiff's claims against two Hardin County judges.

There are a number of reasons why the remaining charges against KSP and Brooks must be dismissed. Primarily, all of the misdemeanor charges against Plaintiff were tried in Hardin District Court and Plaintiff was found guilty beyond a reasonable doubt. Consequently, he cannot now claim that these Defendants acted outside their official responsibilities or act in a way outside their authority. All of Plaintiff's current civil causes of action are barred due to the guilty verdicts in Hardin District Court. Plaintiff cannot now argue that his arrest or charges were without probable cause because a grand jury and a jury has determined the conclusive existence of probable cause. *See Higgason v. Stephens*, 288 F.3d 868, 877 (6th Cir. 2002).

For all of these reasons and others set forth in Defendants' motion for summary judgment and the Court being otherwise sufficiently advised,

IT IS HEREBY ORDERED that the motion of KSP and Brooks for summary judgment is SUSTAINED and the complaint against them is DISMISSED WITH PREJUDICE. No other claims or causes of action remain.

This is a final and appealable order.

July 7, 2014



John G. Heyburn II
Senior Judge, U.S. District Court

cc: Counsel of Record