

**09-571 CONNICK V. THOMPSON**

DECISION BELOW: 578 F.3d 293

LOWER COURT CASE NUMBER: 07-30443

QUESTION PRESENTED:

Prosecutors in the Orleans Parish District Attorney's Office hid exculpatory evidence, violating John Thompson's rights under *Brady v. Maryland*, 373 U.S. 83 (1963). Despite no history of similar violations, the office was found liable under § 1983 for failing to train prosecutors. Inadequate training may give rise to municipal liability if it shows "deliberate indifference" and actually causes a violation. See *City of Canton v. Harris*, 489 U.S. 658, 389-91 (1978); *Bd. of County Comm'rs of Bryan County v. Brown*, 520 U.S. 397, 403-07 (1997). A pattern of violations is usually necessary to show culpability and causation, but in rare cases one violation may suffice. *Bryan County*, 520 U.S., at 409. The Court has hypothesized only one example justifying single-incident liability: a failure to train police officers on using deadly force. See *Canton*, 489 U.S., at 390 n.10.

1. Does imposing failure-to-train liability on a district attorney's office for a single *Brady* violation contravene the rigorous culpability and causation standards of *Canton* and *Bryan County*?
2. Does imposing failure-to-train liability on a district attorney's office for a single *Brady* violation undermine prosecutors' absolute immunity recognized in *Van de Kamp v. Goldstein*, 129 S. Ct. 855 (2009)?

LIMITED TO QUESTION 1 PRESENTED BY THE PETITION

CERT. GRANTED 3/22/2010