



Published: 02.03.2007

Court rules for man arrested for swearing at meeting

THE ASSOCIATED PRESS

DETROIT — An officer who arrested a man for cursing in a public meeting violated the man's right to free speech, a federal appeals court ruled Friday.

The 6th U.S. Circuit Court of Appeals reversed a lower court's decision that Montrose Township police officer Stephen Robinson had probable cause to arrest Thomas Leonard in 2002 when Leonard cursed while addressing the township board.

"It cannot be seriously contended that any reasonable peace officer, or citizen, for that matter, would believe that mild profanity while peacefully advocating a political position could constitute a criminal act," the three-judge panel wrote in Friday's decision.

"All our client did was get up at a public meeting and express himself vigorously, and he was arrested for it," said Glen Lenhoff, Leonard's attorney.

At the time, Leonard's wife, Sarah, was suing the township over a towing contract. Thomas Leonard accused the board members in the meeting of cheating his family and saying, "That's why you're in a goddamn lawsuit."

Robinson arrested Leonard, charging him with disorderly conduct and using obscene language. He was held in jail for an hour, and the charges were dismissed a month later.

Leonard sued in 2003, claiming the arrest violated his Fourth Amendment right to freedom from unreasonable seizure and, in a later motion, his First Amendment right to free speech. He sought at least \$25,000 in damages.

Ralph Chapa, a partner in the law firm representing Robinson, said his firm is considering an appeal to the U.S. Supreme Court.

A U.S. District Court judge dropped the charges against Robinson in 2005, agreeing with the officer that he had probable cause to arrest Leonard. The case is to go back to the lower court, pending further appeals.

All content copyright © 1999-2006 AzStarNet, Arizona Daily Star and its wire services and suppliers and may not be republished without permission. All rights reserved. Any copying, redistribution, or retransmission of any of the contents of this service without the expressed written consent of Arizona Daily Star or AzStarNet is prohibited.