

05-1240 WALLACE V. CHICAGO POLICE OFFICERS

DECISION BELOW:440 F3d 421

LOWER COURT CASE NUMBER: 04-3949

QUESTIONS PRESENTED:

1. As framed by Judge Posner in his opinion dissenting from the denial of rehearing en banc in this case, The panel decision creates an intercircuit conflict on a recurrent issue: when does a claim for damages arising out of a false arrest or other search or seizure forbidden by the Fourth Amendment, or a coerced confession forbidden by the due process clause of the Fifth Amendment, accrue, when the fruits of the search or the confession were introduced in the claimant's criminal trial, and he was convicted?
2. When an arrest without probable cause results in eight years of incarceration before charges are dismissed after a final adjudication that a confession of dubious reliability was secured by exploiting the unlawful arrest and, as the tainted fruit of that arrest, is inadmissible under *Brown v. Illinois*, 422 U.S. 590 (1975): May damages be recovered in an action brought under 42 U.S.C. §1983 for the unlawful seizure that began at the time of arrest and continued to the time that charges were dismissed, or are damages limited to compensation for the brief period of time that elapsed from arrest to arraignment?

CERT. GRANTED 6/19/2006

LIMITED TO THE FOLLOWING QUESTION:

WHEN DOES A CLAIM FOR DAMAGES ARISING OUT OF A FALSE ARREST OR OTHER SEARCH OR SEIZURE FORBIDDEN BY THE FOURTH AMENDMENT ACCRUE WHEN THE FRUITS OF THE SEARCH WERE INTRODUCED IN THE CLAIMANT'S CRIMINAL TRIAL AND HE WAS CONVICTED?