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States Court of Appeals  
for the Third Circuit

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9-26-2019

## Crystal Langford v. Gloucester Township Police Dep

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**NOT PRECEDENTIAL**

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 18-3259

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CRYSTAL LANGFORD,  
Appellant

v.

GLOUCESTER TOWNSHIP POLICE DEPARTMENT; GLOUCESTER TOWNSHIP;  
PAUL FISHER, individually and in his official capacity as a police officer;  
THOMAS KNAPP, JR.; ANTHONY MASSI, individually and in his official  
capacity as Police Officer; JOHN DOE DEFENDANTS NOS. 1-10

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On Appeal from the United States District Court  
for the District of New Jersey  
(D.C. No. 1-16-cv-01023)  
District Judge: Honorable Robert B. Kugler

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Submitted Under Third Circuit L.A.R. 34.1(a)  
On September 13, 2019

Before: HARDIMAN, GREENAWAY, JR., and BIBAS, *Circuit Judges*.

(Filed: September 26, 2019)

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OPINION\*

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\* This disposition is not an opinion of the full Court and, under I.O.P. 5.7, is not binding precedent.

BIBAS, *Circuit Judge*.

An alibi riddled with holes is no alibi at all. Appellant Crystal Langford sued Appellees Gloucester Township and its police department after they arrested and prosecuted her for attacking another woman. Langford argues that they lacked probable cause because she had an alibi—shortly before the attack, she was in another police department’s custody. And because she had a contentious past with the victim, she claimed that the victim had a motive to frame her.

But Langford’s alibi was weak: the other police department had released her an hour before the attack. And the evidence against her was strong: both the victim and an eyewitness identified her. So the police had probable cause to arrest and prosecute her. Because probable cause is a complete defense to her claims, we will affirm.

## I. BACKGROUND

On appeal from this summary judgment, we view the facts in the light most favorable to Langford: Around 11:00 a.m. on April 29, 2014, police officers from Winslow Township, New Jersey pulled Langford over. When they found that her registration was expired, they impounded her car. Around 12:30 p.m., a Winslow police officer dropped her off at her home.

About an hour later, around 1:30 p.m., police officers from neighboring Gloucester Township responded to a 911 call to investigate an attack on Shermaine Lewis. The attack took place just over four miles from Langford’s home, roughly a ten-minute drive from there. The caller witnessed “Crystal” wearing “a hot pink hoodie” strike Lewis with a stick in Lewis’s home. App. 77a–79a. The witness also told police that the attacker “ha[d]

custody of [Lewis's] children” and that she saw a man drive the attacker away from the scene. App. 78a.

Gloucester police investigated the attack and questioned Lewis. She identified Langford as the attacker. Lewis also told the police that she and Langford had a checkered history: Langford had legal custody of Lewis's children, and, after past run-ins, Langford got a restraining order against Lewis. Still, both officers found Lewis's accusation credible.

Because Langford lived in Winslow Township, Gloucester police told Winslow police of the attack. Around 2:08 p.m., a Winslow police officer arrived at Langford's home and inspected her hands for signs of a fight. During that examination, the Winslow police officer who had given Langford a ride home earlier came back. According to her, it was unlikely, if not impossible, that Langford could have been the attacker because she had dropped Langford off around the time of the attack. So the officers left Langford's home.

Meanwhile, Gloucester police kept investigating the attack. After reviewing the 911 call and Lewis's statements, they got a warrant to arrest Langford.

That evening, Winslow police arrested Langford. In keeping with the witness's statement, Langford was wearing a pink jacket. She denied the charges, told the police that Lewis often made false reports about her, and explained that until an hour before the attack, she was with Winslow police.

Later, the police identified the 911 caller. The caller viewed a photo array but failed to identify Langford. Still, a grand jury indicted her on half a dozen charges. After a bench trial, a judge acquitted her of all charges.

Langford then sued the police officers involved, Gloucester Township, and the Gloucester Township Police Department for false arrest and malicious prosecution. She claimed that they intentionally disregarded exculpatory evidence. So, she argued, they lacked probable cause to arrest and prosecute her.

After discovery, the defendants moved for summary judgment, arguing that they had probable cause for their actions. The District Court agreed and granted their motion. Langford then appealed. The District Court had jurisdiction under 28 U.S.C. §1331, and we have jurisdiction under §1291. We review *de novo*. *Dempsey v. Bucknell Univ.*, 834 F.3d 457, 467 (3d Cir. 2016).

## **II. SUMMARY JUDGMENT WAS PROPER BECAUSE THE POLICE HAD PROBABLE CAUSE**

Probable cause is a complete defense to false-arrest and malicious-prosecution claims. *Goodwin v. Conway*, 836 F.3d 321, 327 (3d Cir. 2016). So Langford must show that a reasonable jury could find that the police lacked probable cause. *Dempsey*, 834 F.3d at 467–68. Probable cause exists where, in the “‘totality of the circumstances,’” there is “‘a fair probability that the person committed the crime.’” *District of Columbia v. Wesby*, 138 S. Ct. 577, 586 (2018) (quoting *Maryland v. Pringle*, 540 U.S. 366, 371 (2003)); *Dempsey*, 834 F.3d at 467 (quoting *Wilson v. Russo*, 212 F.3d 781, 789 (3d Cir. 2000)).

Langford argues that the police lacked probable cause because they neglected two pieces of supposedly exculpatory evidence: (A) her alibi that, just before the attack, she was with the Winslow police; and (B) her contentious history with Lewis. But the police acknowledged this evidence and had other compelling evidence too.

### **A. Langford's alibi was anything but**

Langford maintains that the Gloucester police knew that she could not have attacked Lewis because the Winslow police had just driven her home and impounded her car. So, she argues, she did not have time or the means to make the four-plus-mile trip to Lewis's home in time for the attack. The record belies both claims.

First, Langford had more than enough time after her release to get to Lewis's house. As Langford admitted in her statement of facts below, the Winslow police dropped her off at her house around 12:30 p.m. The attack happened about an hour later just over four miles away. A mere ten-minute drive separated the two women's homes. So Langford had more than enough time to get there and attack Lewis.

Second, Langford had the means to get there quickly. True, the Winslow police had impounded her car. But the 911 caller saw "Crystal" flee the scene in a car driven by a man. So Langford's questionable alibi does not undermine the other credible evidence against her.

### **B. The police did not ignore Langford and Lewis's checkered history**

Next, Langford argues that the police "deliberately ignored" her and Lewis's contentious past. Appellant's Br. 12. Again, the record belies her claim.

The two women shared a checkered history. Langford had legal custody over Lewis's children. And the two had had hostile run-ins that eventually led Langford to get a restraining order against Lewis. And, according to Langford, Lewis had repeatedly made false claims about her to the police. So, she argues, the police violated her rights by pressing charges despite this history.

But the police knew of this history. They knew of Langford’s restraining order, her custody of Lewis’s children, and their “long history of legal issues.” App. 61a. They also knew that Lewis had repeatedly sued Langford and filed criminal complaints against her. Lewis told all this to the police officers, who documented it in their police reports. Despite all this, they found Lewis’s accusation credible. And Langford’s argument about her past dealings with Lewis cuts both ways: though their history gave Lewis a motive to accuse Langford, it also gave Langford a motive to go after Lewis.

In any event, the women’s contentious past does not undercut the other compelling evidence. The 911 caller identified “Crystal” as the attacker, said that she had a custody dispute with Lewis, and described her as wearing clothes that matched what Langford was wearing when she was arrested. True, the caller could not later identify Langford from a photo array. But that does not undermine what she saw, heard, and told the police. That detailed “credible eyewitness” report alone amounts to probable cause. *Merkle v. Upper Dublin Sch. Dist.*, 211 F.3d 782, 790 (3d Cir. 2000). Thus, no reasonable jury could have found that the police lacked probable cause to arrest and prosecute Langford.

\* \* \* \* \*

Langford alleges that the police violated her rights by ignoring her alibi and history with Lewis. But Langford’s alibi was full of holes, and two people identified her as the attacker: the victim, whom the police found credible, and another eyewitness. That evidence gave the police probable cause. And probable cause is a complete defense to false arrest and malicious prosecution. So we will affirm.