

NOT FOR PUBLICATION

In the
United States Court of Appeals
For the Eleventh Circuit

No. 26-10553
Non-Argument Calendar

SEDRICK MOORE,

Plaintiff-Appellee,

versus

JASON BRADLEY PEARSON,

Defendant-Appellant,

JAMES MICHAEL HARSHBARGER,

The Estate of James Michael Harshbarger, et al.,

Defendants.

Appeal from the United States District Court
for the Middle District of Georgia
D.C. Docket No. 7:25-cv-00133-WLS

Before ROSENBAUM, GRANT, and LUCK, Circuit Judges.

PER CURIAM:

Jason Pearson, a DNA analyst for the state of Georgia, testified against Sedrick Moore at Moore’s criminal trial. After Moore was convicted, new DNA evidence excluded him as a suspect. Moore then sued Pearson for violating his constitutional right to a fair trial. Pearson moved to dismiss, asserting absolute immunity as a defense because Moore’s claim was based on Pearson’s trial testimony. The district court partly denied the motion because not all of Moore’s allegations against Pearson were based on the trial testimony. Pearson appeals the part denial of his absolute immunity. After careful review, we reverse and remand for the district court to grant Pearson’s dismissal motion.

FACTUAL BACKGROUND

In 1993, three men broke into a Moultrie, Georgia, home and raped the owner. The victim identified Tyrone White as one of the three perpetrators. In exchange for a plea deal, White named Sedrick Moore and Kerry Robinson as his accomplices.

The Moultrie Police Department led the investigation and collected evidence, including vaginal cervical swabs from the victim, to analyze for DNA. The swabs contained multiple alleles—unique genetic material—matching White’s DNA. As for the remaining alleles, the state DNA analyst, Pearson, determined they were “inconclusive” for Moore.

State policy directed agents to use “suspect-centric” language, which meant inconclusive results did not necessarily mean a suspect’s exclusion. Analysts could testify that these inconclusive suspects were within the potential DNA pool even if they were not

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a match. That meant, despite the scientific difference, state DNA analysts like Pearson could use “non-excluded” and “matched” interchangeably when testifying about their results.

Moore went to trial for the rape, and Pearson testified. During his testimony, the state asked Pearson, “Did you also find alleles that were present that matched Sedrick Moore and Kerry Robinson?” Pearson responded, “Yes, sir. Additional alleles that were present in the vaginal cervical swabs matched them as well.” White also testified against Moore, describing Moore’s role in the break-in and rape. The jury convicted Moore, and he was sentenced to 75 years’ imprisonment.

Twenty-three years into his sentence, a state court granted Moore’s request for a new trial. A post-conviction DNA test, the state court found, excluded Moore as a match and cast doubt on Moore’s guilty verdict. The state court also found White lied throughout the Moultrie Police Department’s investigation. The state dropped the charges against Moore, and he was freed.

PROCEDURAL HISTORY

Moore sued Pearson in state court, asserting a Fourteenth Amendment due-process claim under 42 U.S.C. section 1983. Moore’s suit was removed to federal court, where he filed an amended complaint.

In his amended complaint, Moore alleged Pearson violated his Fourteenth Amendment due-process right to a fair trial. Alt-

though Pearson's analysis determined the DNA results were "inconclusive," he "presented false evidence to the jury regarding the meaning of the DNA analysis." Pearson's testimony confirming a match "was an intentional falsehood" that led to Moore's conviction. And the state's policy "allowed" Pearson to "testify . . . [that] Moore's DNA matched the victim's" swab, when it was actually inconclusive, "thereby intentionally misrepresenting evidence to the jury and denying" Moore "his constitutional rights." Pearson "fabricated, misrepresented and elicited false testimony in front of the jury," and used false evidence against Moore "in his prosecution and at trial."

Pearson moved to dismiss, asserting that he had absolute immunity. He argued that Moore's section 1983 claim against him was based on trial testimony that tied the swab to Moore. And because witnesses are entitled to absolute immunity for their testimony, Pearson said he was immune from suit. In response, Moore argued that Pearson "ignore[d] the additional allegations" against him. Pearson didn't address the allegation that he fabricated DNA evidence, Moore said. He also pointed to the state's "suspect-centric" language policy, under which Pearson "mischaracterized" the DNA results.

The district court partly denied Pearson's motion. It agreed that Pearson had absolute immunity for his trial testimony but concluded that Moore had alleged wrongdoing beyond the courtroom for which Pearson was not entitled to absolute immunity. Moore, the district court explained, alleged Pearson fabricated evidence,

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and he “describe[d] in detail” the state policy that led Pearson to do so before trial. Thus, the district court granted Pearson’s motion to dismiss Moore’s claims “as [they related] to Pearson’s trial testimony,” but denied it as to “the rest.”

STANDARD OF REVIEW

“[D]enials of immunity from suit” are “immediately appealable.” *Diverse Power, Inc. v. City of LaGrange*, 934 F.3d 1270, 1272 n.1 (11th Cir. 2019); *Jones v. Cannon*, 174 F.3d 1271, 1280–81 (11th Cir. 1999) (noting denial of absolute immunity “in a [section] 1983 claim is an appealable interlocutory order” and reviewing on interlocutory basis denial of trial testimony immunity). We review them de novo. *Mikko v. City of Atlanta*, 857 F.3d 1136, 1142 (11th Cir. 2017) (citing *Rich v. Dollar*, 841 F.2d 1558, 1561 (11th Cir. 1988)).

DISCUSSION

Trial witnesses enjoy absolute immunity for their testimony, even if it is knowingly false. *Jones*, 174 F.3d at 1281, 1286 (citing *Briscoe v. LaHue*, 460 U.S. 325, 341–45 (1983)). The penalty for knowingly false testimony is prosecution for perjury—not a suit for civil liability. *Id.* at 1281, 1286 n.9. Permitting civil liability “would disserve the broader public interest” by subjecting witnesses to the “constant dread of retaliation.” *Briscoe*, 460 U.S. at 345 (citation modified).

A court may grant absolute immunity at the motion to dismiss stage if the defense is apparent on the face of the complaint. *Fortner v. Thomas*, 983 F.2d 1024, 1028 (11th Cir. 1993); *see also Jones*,

174 F.3d at 1282 (“The official seeking absolute immunity bears the burden of showing such immunity is justified.”). In assessing Moore’s amended complaint, we are constrained by what he alleged. *GJR Invs., Inc. v. County of Escambia*, 132 F.3d 1359, 1369 (11th Cir. 1998). This is especially true for claims of immunity: immunity defenses “become[] useless if an official’s motion to dismiss covers all of the claims reasonably apparent from a plaintiff’s complaint,” but a reviewing court “divines another claim” defeating it. *Id.*

Pearson was entitled to absolute immunity because his trial testimony was the wrongdoing over which Moore brought his due-process claim. In the amended complaint’s telling, Pearson determined the DNA results “were ‘inconclusive.’” Moore alleged no issue with that determination or the way Pearson arrived at it. The problem instead was that “Pearson testified at trial in front of the jury that [] Moore’s DNA matched that found in the” swab. Pearson’s “intentional falsehoods” about the meaning of those results, Moore alleged, resulted in the erroneous guilty verdict. And the state’s “suspect-centric” language policy “allowed” him “to testify [that] Moore’s DNA matched the victim’s” swab. Thus, Moore contended, his right to a fair trial was impaired when Pearson “knowingly presented false evidence to the jury regarding the meaning of the DNA analysis.” These allegations confirm Moore sued Pearson over his “false testimony.”

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In response, Moore points to the allegation in the amended complaint that Pearson engaged in pretrial, investigatory misconduct. The amended complaint alleged that “all of the evidence against [Moore] was fabricated by the [l]aw [e]nforcement [d]efendants, [the state], and [] Pearson.”

But this allegation, standing alone, offered no plausible facts to demonstrate pretrial or investigatory misconduct on Pearson’s part. And, in context, the amended complaint’s allegations of investigatory missteps concerned officers within the Moultrie Police Department (the law enforcement defendants), not Pearson.

Moore alleged that the Moultrie Police Department officers fabricated witness statements, suborned White’s false testimony, and refused to investigate credible leads. As for Pearson, there were no pretrial or investigatory misconduct allegations to be found. His “false evidence” was his testimony concerning “the meaning of the DNA analysis.” And although state policy wrongly permitted him to mischaracterize the results, Moore alleged that Pearson’s mischaracterization came through his testimony, not before it.

Moore’s allegations are thus unlike the ones in *Aguirre v. Seminole County*, 158 F.4th 1276 (11th Cir. 2025), where the plaintiff alleged missteps in “the forensic process” occurring before the examiner’s “inculpatory positive identification” or trial testimony. *Id.* at 1298–1300. Here, Pearson’s wrongdoing began when he got on the stand and testified falsely as to the inconclusive DNA results. Because that was the only wrongdoing over which Moore brought his due-process claim, Pearson was entitled to absolute immunity.

The district court's order partly denying absolute immunity is **REVERSED** and the case **REMANDED** for the district court to grant Pearson's dismissal motion.