

SUPREME COURT OF MISSISSIPPI

Hinds County, Mississippi, City of Jackson, Mississippi, Billy Jade (Jay) Albright in His Individual Capacity, and Mississippi Bureau of Narcotics v. Ronnie Burton

187 So. 3d 1016 (Miss. 2016) · No. No. 2014-CA-01004-SCT · Decided March 31, 2016

SUMMARY

The Mississippi Supreme Court held that Hinds County, the City of Jackson, the Mississippi Bureau of Narcotics, and Officer Billy Jade Albright were immune under the Mississippi Tort Claims Act. The court applied the police-protection exemption to claims arising from an officer’s use of deadly force while responding to gunfire and applied the inmate exemption to Burton’s false-imprisonment claims against Hinds County. The court reversed the circuit court’s judgment awarding Burton \$350,000 and rendered judgment for the defendants.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Lamar, Justice; Waller, Chief Justice; Dickinson, Presiding Justice; Randolph, Presiding Justice; Kitchens, Justice; Coleman, Justice; Maxwell, Justice; Beam, Justice; King, Justice
JURISDICTION	Mississippi
DECIDED	March 31, 2016
DOCKET	No. 2014-CA-01004-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Defendants appealed an adverse bench-trial judgment imposing liability under the Mississippi Tort Claims Act for Burton's personal-injury and related tort claims.
STANDARD OF REVIEW	A bench-trial finding is disturbed only when manifestly wrong and against the overwhelming weight of the evidence; legal issues, including application of the Mississippi Tort Claims Act, are reviewed de novo.
PRECEDENTIAL VALUE	Published Mississippi Supreme Court opinion; precedential
PARTIES	Hinds County, Mississippi, City of Jackson, Mississippi, Billy Jade (Jay) Albright, in his individual capacity, Mississippi Bureau of

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QUESTIONS PRESENTED

1. Whether Albright, the Mississippi Bureau of Narcotics, the City of Jackson, and Hinds County were immune under the police-protection exemption in Mississippi Code section 11-46-9(1)(c).
2. Whether Hinds County was immune under the inmate exemption in Mississippi Code section 11-46-9(1)(m) from Burton's false-imprisonment claims arising from his detention at the Raymond Detention Center.

HOLDINGS

1. The defendants were immune under Mississippi Code section 11-46-9(1)(c) because Burton failed to prove by a preponderance of the evidence that Albright acted in reckless disregard of Burton's safety while performing police-protection duties.
2. Hinds County was immune under Mississippi Code section 11-46-9(1)(m) because Burton was an inmate, including a pretrial detainee, when the false-imprisonment claims against the county arose at the Raymond Detention Center.

KEY QUOTATIONS

"Since Burton presented nothing which contradicts or casts into doubt the testimony of the officers, we take it as true." (187 So. 3d at 1021)

"Thus, considering the factors with which Albright was confronted—namely someone shooting at him and his fellow officers—and taking into account the fact that he had to make a split-second decision, we find that Albright's actions were objectively reasonable." (187 So. 3d at 1023)

"The City of Jackson, Hinds County, MBN, and Albright are immune under either the police-protection exemption or the inmate exemption found in the MTCA." (187 So. 3d at 1024)

FACTUAL BACKGROUND

A joint drug-enforcement task force arrived at a Jackson residence to execute a no-knock search warrant after controlled purchases of drugs. Individuals near the residence fired at the task-force vehicles, and Officer Billy Jade Albright returned fire at a person he identified as shooting at the officers. Ronnie Burton, who was present with armed companions, was shot in the shoulder but could not identify who fired the bullet, and the record contained no ballistic evidence linking Albright's weapon to his injury. Burton was arrested after fleeing and possessing a weapon, but the charges were remanded for lack of evidence and he was released shortly thereafter.

PROCEDURAL HISTORY

The Hinds County Circuit Court rejected the defendants' Mississippi Tort Claims Act immunity defenses, found the defendants liable on most of Burton's claims, and awarded Burton \$350,000. The court denied post-trial motions. The defendants appealed, and the Mississippi Supreme Court addressed the police-protection and inmate exemptions, reversing and rendering judgment for the defendants.

DISPOSITION

reversed_and_remanded

CASES CITED

- City of Jackson v. Powell, 917 So. 2d 59, 68 (Miss. 2005)
- City of Jackson v. Perry, 764 So. 2d 373, 376 (Miss. 2000)
- Bannister v. State, 731 So. 2d 583, 588 (Miss. 1999)
- Richardson v. Norfolk Southern Railway Co., 923 So. 2d 1002, 1009 (Miss. 2006)
- Melchiors v. Melchiors, 607 So. 2d 1237, 1239 (Miss. 1992)
- UHS-Qualicare v. Gulf Coast Community Hospital, 525 So. 2d 746, 755 (Miss. 1987)
- Hearin-Miller Transportation, Inc. v. Currie, 248 So. 2d 451, 454 (Miss. 1971)
- Ryals v. Douglas, 39 So. 2d 311, 317 (Miss. 1949)
- Titus v. Williams, 844 So. 2d 459, 468 (Miss. 2003)
- Simpson v. City of Pickens, 761 So. 2d 855, 859 (Miss. 2000)
- Collins v. Tallahatchie County, 876 So. 2d 284, 287 (Miss. 2004)
- Turner v. City of Ruleville, 735 So. 2d 226, 230 (Miss. 1999)
- City of Jackson v. Shavers, 97 So. 3d 686, 688 (Miss. 2012)
- Maye v. Pearl River County, 758 So. 2d 391, 394 (Miss. 1999)
- City of Laurel v. Williams, 21 So. 3d 1170, 1175 (Miss. 2009)
- Phillips v. Mississippi Department of Public Safety, 978 So. 2d 656, 661 (Miss. 2008)
- Graham v. Connor, 490 U.S. 386, 396 (1989)
- Elkins v. McKenzie, 865 So. 2d 1065, 1087-1088 (Miss. 2003)
- Stroik v. Ponseti, 35 F.3d 155, 156, 158-159 (5th Cir. 1994)
- City of Jackson v. Lewis, 153 So. 3d 689, 696 (Miss. 2014)
- Liggans v. Coahoma County Sheriff's Department, 823 So. 2d 1152, 1156 (Miss. 2002)
- Love v. Sunflower County Sheriff's Department, 860 So. 2d 797, 800 (Miss. 2003)
- State for Use of Powell v. Moore, 174 So. 2d 352, 355 (Miss. 1965)
- Phillips v. District of Columbia, 458 A.2d 722, 725 (D.C. App. 1983)
- Tennessee v. Garner, 471 U.S. 1, 11 (1985)

