

SUPREME COURT OF MISSISSIPPI

City of Jackson, Mississippi v. Mary Gray, Chris Clausell, et al.

City of Jackson v. Gray · No. No. 2009-CA-01610-SCT · Decided September 8, 2009

SUMMARY

The Mississippi Supreme Court reviewed a bench-trial judgment apportioning twenty percent of personal-injury and wrongful-death damages to the City of Jackson arising from a police pursuit. The court held that the Jackson police officers did not act with reckless disregard under the Mississippi Tort Claims Act and reversed and rendered judgment in favor of the City of Jackson.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Carlson, Presiding Justice; Carlson, P.J.; Waller, C.J.; Dickinson, P.J.; Randolph, J.; Lamar, J.; Kitchens, J.; Chandler, J.; King, J.
JURISDICTION	Mississippi
DECIDED	September 8, 2009
DOCKET	No. 2009-CA-01610-SCT
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The City of Jackson appealed from a Hinds County Circuit Court bench-trial judgment finding the City twenty percent at fault under the Mississippi Tort Claims Act for injuries and death arising from a police pursuit.
STANDARD OF REVIEW	A circuit judge's findings in a bench trial receive the same deference as a chancellor's findings and will be upheld if supported by substantial, credible, and reasonable evidence. Findings will not be disturbed unless manifestly wrong, clearly erroneous, or based on an erroneous legal standard.
PRECEDENTIAL VALUE	published
PARTIES	City of Jackson, Mississippi v. Mary Gray, Chris Clausell, Peggy Pettaway, Kimberly Clausell, Lillian Byrd, Estate of Alice Clausell

TOPICS

- municipal liability
- negligence
- standard of review
- appellate procedure
- personal injury

PRACTICE AREAS

Mississippi Tort Claims Act

municipal liability

police pursuit liability

personal injury

wrongful death

QUESTIONS PRESENTED

1. Whether substantial evidence supported the circuit court's finding that City of Jackson police officers acted with reckless disregard for the safety and well-being of others under the Mississippi Tort Claims Act.
2. Whether the circuit court erred by apportioning twenty percent liability to the City of Jackson without determining proximate cause.

HOLDINGS

1. The Jackson police officers did not act with reckless disregard for the safety and well-being of others. Their conduct did not constitute an entire abandonment of care or heedless indifference to the consequences.
2. The court did not need to address proximate cause because the absence of reckless disregard was dispositive of the City's liability.
3. The judgment against the City of Jackson was reversed, and judgment was rendered in favor of the City.

KEY QUOTATIONS

“It is appropriate for trial courts to consider all ten factors, and to look at the totality of the circumstances when analyzing whether someone acted in reckless disregard.” (§ 17)

“The City of Jackson’s actions in today’s case do not evince “an entire abandonment of any care.”” (§ 34)

FACTUAL BACKGROUND

A City of Raymond officer pursued Alice Wilson after observing her drive erratically, fail to stop, nearly collide with a motorcycle, and continue toward Jackson. Jackson police officers blocked traffic, followed the pursuit for several miles, and were instructed by a supervisor to monitor and assist with traffic and officer safety. Wilson ultimately ran a red light at Capitol Street and Congress Street and collided with a vehicle carrying Alice Clausell, Kimberly Clausell, and Lillian Byrd; Alice died and the others were injured.

PROCEDURAL HISTORY

Plaintiffs filed negligence actions against the Cities of Jackson and Raymond and Alice Wilson; the actions were consolidated for trial. The City of Raymond settled. After a bench trial, the circuit court apportioned twenty percent of the damages to the City of Jackson, finding that its police officers acted with reckless disregard. The Mississippi Supreme Court reversed and rendered judgment in favor of the City of Jackson.

DISPOSITION

reversed_and_remanded

CASES CITED

- Berry v. Patten, 51 So. 3d 934, 937 (Miss. 2010)
- City of Ellisville v. Richardson, 913 So. 2d 973, 977-78 (Miss. 2005)
- City of Jackson v. Brister, 838 So. 2d 274, 276-78 (Miss. 2003)
- City of Jackson v. Perry, 764 So. 2d 373, 376 (Miss. 2000)
- Davis v. City of Clarksdale, 18 So. 3d 246, 249 (Miss. 2009)
- City of Jackson v. Presley, 40 So. 3d 520, 521, 523-24 (Miss. 2010)
- City of Jackson v. Lipsey, 834 So. 2d 687, 693 (Miss. 2003)
- City of Jackson v. Law, 2011 WL 1498368, at *9, *15 (Miss. Apr. 21, 2011)
- Johnson v. City of Cleveland, 846 So. 2d 1031, 1037 (Miss. 2003)
- McCoy v. City of Florence, 949 So. 2d 69, 73-74, 78-79 (Miss. Ct. App. 2006)

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