

COURT OF APPEALS OF TEXAS, SECOND APPELLATE DISTRICT AT FORT WORTH

City of Fort Worth v. Horace Beasley

City of Fort Worth v. Beasley · No. 02-21-00448-CV · Decided May 19, 2022

SUMMARY

The Court of Appeals held that the City of Fort Worth established that its police officer was entitled to official immunity while pursuing a fleeing vehicle-theft suspect. Because the officer’s official immunity prevented personal liability, the Texas Tort Claims Act did not waive the City’s immunity. The court reversed the order denying the City’s plea to the jurisdiction and rendered judgment dismissing Beasley’s claims.

CASE DETAILS

COURT	Court of Appeals of Texas, Second Appellate District at Fort Worth
WRITING FOR THE COURT	Mike Wallach; Kerr; Womack; Wallach
JURISDICTION	Texas
DECIDED	May 19, 2022
DOCKET	02-21-00448-CV
DISPOSITION	reversed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of the City of Fort Worth's plea to the jurisdiction asserting governmental immunity.
STANDARD OF REVIEW	The court reviewed the denial of the plea to the jurisdiction de novo, considering the jurisdictional evidence when the jurisdictional facts were intertwined with the merits. Official immunity was evaluated under the objective good-faith need/risk test.
PRECEDENTIAL VALUE	Published memorandum opinion
PARTIES	City of Fort Worth v. Horace Beasley

TOPICS

- municipal liability
- subject matter jurisdiction
- interlocutory appeal
- appellate procedure
- negligence

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the City established that Officer Towns was entitled to official immunity, thereby defeating the Texas Tort Claims Act's motor-vehicle waiver of governmental immunity.
2. Whether the Texas Tort Claims Act's emergency exception applied.
3. Whether the City's evidence negated a causal nexus between Towns's operation of the vehicle and Beasley's injuries.

HOLDINGS

1. The City established that Towns was performing discretionary duties within the scope of his authority and acted in objective good faith because a reasonably prudent officer under the same or similar circumstances could have believed that the need to pursue the fleeing felony suspect outweighed the clear risk of harm to the public.
2. Evidence that Towns may have driven negligently did not negate his objective good faith for official-immunity purposes.
3. Because Towns was entitled to official immunity and therefore could not be personally liable, the Texas Tort Claims Act did not waive the City's immunity from Beasley's suit.

KEY QUOTATIONS

“Good faith is a test of objective legal reasonableness” (5-6)

“Thus, even if the videos show that Towns’s driving was negligent, they do not negate his good faith for official-immunity purposes.” (10-11)

FACTUAL BACKGROUND

Police Officer Andre Towns was pursuing a suspected vehicle thief who had fled another officer's attempted traffic stop. While driving through a residential neighborhood, Towns made a wide, fast right turn, lost control, crossed a vacant lot and street, and struck a resident's fence. Horace Beasley was standing near the fence, saw the vehicle approaching, and jumped out of the way; he alleged that he was injured by the fence. The City submitted Towns's affidavit, police reports, a sergeant's affidavit, and video evidence in support of its plea to the jurisdiction, while Beasley submitted no controverting evidence.

PROCEDURAL HISTORY

Horace Beasley sued the City of Fort Worth for injuries allegedly caused by the negligent operation of a police vehicle. The City filed a plea to the jurisdiction based on official immunity, the Texas Tort Claims Act emergency exception, and lack of causation. The County Court at Law No. 1 denied the plea, and the City brought an interlocutory appeal. The court of appeals sustained the City's official-immunity issue, reversed the trial court's order, and rendered judgment dismissing Beasley's claims.

DISPOSITION

reversed

CASES CITED

- Tex. Dep't of Pub. Safety v. Bonilla, 481 S.W.3d 640 (Tex. 2015)
- DeWitt v. Harris County, 904 S.W.2d 650 (Tex. 1995)
- State v. Lueck, 290 S.W.3d 876 (Tex. 2009)
- Wadewitz v. Montgomery, 951 S.W.2d 464 (Tex. 1997)
- Univ. of Houst. v. Clark, 38 S.W.3d 578 (Tex. 2000)

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