

## SUPREME COURT OF TEXAS

### Texas Department of Public Safety v. Bonilla

481 S.W.3d 640 (Tex. 2015) · Decided December 4, 2015

#### SUMMARY

The Texas Supreme Court held that the court of appeals applied an incorrect standard in evaluating the good-faith element of the Texas Department of Public Safety trooper's official-immunity defense. It concluded that DPS's summary-judgment evidence adequately addressed the need-risk analysis, including alternative courses of action, and remanded for reconsideration. The court found no meritorious issue concerning the Tort Claims Act's emergency-response exception.

#### CASE DETAILS

|                    |                                                                                                                                                                                                                                                                                                                                    |
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| COURT              | Supreme Court of Texas                                                                                                                                                                                                                                                                                                             |
| JURISDICTION       | Texas                                                                                                                                                                                                                                                                                                                              |
| DECIDED            | December 4, 2015                                                                                                                                                                                                                                                                                                                   |
| DISPOSITION        | reversed_and_remanded                                                                                                                                                                                                                                                                                                              |
| PROCEDURAL POSTURE | The Texas Department of Public Safety pursued an interlocutory appeal from the denial of its combined motion for summary judgment and plea to the jurisdiction. The court of appeals affirmed, and the Texas Supreme Court granted review based on a conflict concerning the applicable good-faith standard for official immunity. |
| STANDARD OF REVIEW | Summary judgment and official-immunity good faith are evaluated under an objective legal-reasonableness standard analogous to abuse of discretion. Competent evidence of good faith is sufficient unless the plaintiff shows that no reasonable officer in the same position could have believed the conduct was justified.        |
| PRECEDENTIAL VALUE | Published and precedential decision of the Supreme Court of Texas.                                                                                                                                                                                                                                                                 |
| PARTIES            | Texas Department of Public Safety v. Merardo Bonilla                                                                                                                                                                                                                                                                               |

#### TOPICS

[summary judgment](#)[subject matter jurisdiction](#)[interlocutory appeal](#)[appellate procedure](#)[civil procedure](#)

#### PRACTICE AREAS

[Torts](#)[Civil procedure](#)[Governmental immunity](#)

## QUESTIONS PRESENTED

1. Whether DPS's summary-judgment evidence conclusively established the trooper's good faith for purposes of official immunity.
2. Whether the evidence was incompetent to establish good faith because it did not expressly state that the trooper considered alternative courses of action.
3. Whether the court of appeals correctly addressed DPS's plea to the jurisdiction under the Texas Tort Claims Act's emergency-response exception.

## HOLDINGS

1. The court of appeals applied an incorrect good-faith standard by treating evidence that a reasonably prudent officer could have made a different decision as sufficient to defeat DPS's evidence of good faith. The proper inquiry is whether any reasonably prudent officer possessing the same information could have believed the trooper's actions were justified.
2. DPS's summary-judgment evidence was competent to establish good faith even though the trooper did not expressly use the word alternatives or separately identify every alternative course of action. The evidence sufficiently showed that he assessed the need for immediate action and implicitly discounted alternatives based on the circumstances.
3. The court stated that DPS's second issue concerning the Texas Tort Claims Act's emergency-response exception presented no meritorious issue for review.

## KEY QUOTATIONS

*“Good faith is a test of objective legal reasonableness.” (643)*

*“The relevant test ... is not whether the officers assessed the needs and risks differently, but whether no reasonable prudent officer could have assessed the need and risks as the [law-enforcement officer] did in this case.” (644)*

*“It is “not equivalent to a general negligence test, which addresses what a reasonable person would have done”” (644)*

*“Magic words are not required to establish that a law-enforcement officer considered the need/risk balancing factors.” (646)*

## FACTUAL BACKGROUND

A DPS trooper observed a vehicle speeding and weaving through traffic and initially did not stop it because there was no improved shoulder and he believed a stop would be unsafe. After the vehicle failed to yield at a red light, the trooper pursued it through the intersection, asserting that the driver posed a danger to the public and that he lacked time to report the license plate. The trooper slowed, activated his overhead lights, and collided with Bonilla before activating his siren.

## PROCEDURAL HISTORY

Bonilla sued the Department of Public Safety under the Texas Tort Claims Act after a DPS trooper collided with him while pursuing an allegedly reckless driver. The trial court denied DPS's motion for summary judgment and plea to the jurisdiction. The court of appeals affirmed, concluding that DPS had not conclusively established the trooper's good faith and that its evidence was insufficient regarding alternative courses of action. The Texas Supreme Court reversed and remanded for reconsideration under the correct legal standard.

## DISPOSITION

reversed\_and\_remanded

## REMAND INSTRUCTIONS

The court of appeals was instructed to reconsider the case under the correct official-immunity good-faith standard and without treating evidence that another reasonable officer could have acted differently as sufficient to controvert good faith.

## CASES CITED

- University of Houston v. Clark, 38 S.W.3d 578 (Tex. 2000)
- City of San Antonio v. Ytuarte, 229 S.W.3d 318 (Tex. 2007)
- Wadewitz v. Montgomery, 951 S.W.2d 464 (Tex. 1997)
- City of Lancaster v. Chambers, 883 S.W.2d 650 (Tex. 1994)
- DeWitt v. Harris County, 904 S.W.2d 650 (Tex. 1995)
- Telthorster v. Tennell, 92 S.W.3d 457 (Tex. 2002)

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