

Bond Case Briefs

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Texas Department of Criminal Justice v. Rangel

Supreme Court of Texas - February 7, 2020 - S.W.3d - 2020 WL 596876

Inmate brought suit against prison guard and Texas Department of Criminal Justice for injuries he sustained when prison guard used tear gas to disburse inmates who were threatening to fight and refused to return to bunks.

Department filed plea to the jurisdiction based on sovereign immunity under Texas Tort Claims Act (TTCA). The District Court denied plea, and Department took interlocutory appeal. The Court of Appeals affirmed. Department's petition for review was granted.

The Supreme Court held that:

- Department "used" tangible personal property within meaning of TTCA's immunity waiver by authorizing and instructing prison guard to use tear-gas gun and skat shell in prison dormitory to address inmates' refusal to "rack up";
- "Riot" within meaning of riot exception to sovereign immunity waiver under TTCA was disturbance of peace by assemblage of seven or more persons acting with common purpose in tumultuous manner that immediately threatened or terrorized public or institution;
- Riot exception applied to TTCA's immunity waiver.