

Bond Case Briefs

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City of Atlanta v. Shavers

Court of Appeals of Georgia - March 11, 2014 - S.E.2d - 2014 WL 929183

Gas station patron filed suit against police officer, stating claims of false imprisonment and malicious prosecution, stemming from incident in which officer charged patron with felony larceny and transported him to jail for allegedly taking money orders from gas station. The trial court denied officer summary judgment. He appealed.

The Court of Appeals held that:

- Officer's appeal did not fall within collateral order doctrine, and
- Officer deliberately intended to do wrongful act, such that he was not immune from suit.

Police officer's appeal from trial court's denial of his summary judgment motion filed on basis of official immunity did not fall within collateral order doctrine, and thus was immediately appealable, since question of fact existed as to whether officer acted with actual malice, such that issue of official immunity was no longer purely legal question nor a conclusive determination that officer was not immune from suit.

Police officer deliberately intended to do wrongful act by arresting gas station patron for allegedly stealing from gas station, charging him with felony larceny, and transporting him to jail, such that officer acted with actual malice and thus would not qualify for official immunity from patron's suit for false imprisonment and malicious prosecution. Officer knew that patron did not steal any property from gas station prior to time that officer decided to arrest him.