

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - ARIZONA

Fleming v. State Dept. of Public Safety

Supreme Court of Arizona - July 9, 2015 - P.3d - 2015 WL 4132665 - 716 Ariz. Adv. Rep. 17

Conservator for minor children of deceased arrestee brought action against Department of Public Safety (DPS), seeking to recover following arrestee's death, which occurred when police cruiser in which arrestee was seated was struck by another vehicle on shoulder of interstate highway. The Superior Court entered judgment on jury verdict in favor of DPS. Conservator appealed. The Court of Appeals affirmed. Conservator petitioned for review.

After granting review in part, the Supreme Court of Arizona held that as a matter of first impression, an injury to the "driver" of a motor vehicle, for which a public entity may have qualified immunity in certain circumstances, means an injury to a person who is driving or in actual physical control of a vehicle when she is injured.