

Bond Case Briefs

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Cooper v. Rodriguez

Court of Appeals of Maryland - July 24, 2015 - A.3d - 2015 WL 4497718

Parents of inmate murdered by fellow inmate on prison transport bus filed suit against State, individual correctional officers who staffed bus, and others, asserting wrongful death and other claims. Following jury trial, the Circuit Court granted correctional officers' motion for judgment notwithstanding the verdict (JNOV). Parents and State appealed. The Court of Special Appeals affirmed in part and vacated in part. Correctional officer, who was officer in charge, filed petition for writ of certiorari, which was granted.

The Court of Appeals held that:

- Evidence supported finding that corrections officer was grossly negligent and, thus, was not entitled to immunity under Maryland Tort Claims Act;
- Alleged special relationship between officer and inmates was not limitation on common law public official immunity; but
- As an issue of first impression, officer's gross negligence was exception to common law public official immunity.