

Bond Case Briefs

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Ex parte Harris

Supreme Court of Alabama - July 29, 2016 - So.3d - 2016 WL 4204837

Community entertainment center owner brought action against town and town's police chief, in his individual capacity, asserting claims of malicious prosecution, false arrest, false imprisonment, harassment, intentional infliction of emotional distress, libel, and slander, after owner was arrested for allegedly selling alcohol without license.

The Circuit Court denied defendants' motion for summary judgment. Defendants separately petitioned for writ of mandamus directing trial court to enter summary judgment in their favor on basis of immunity. Petitions were consolidated.

The Supreme Court of Alabama held that:

- Chief carried burden, in seeking state-agent immunity, of showing that he was engaged in discretionary function for which such immunity would be available;
- Chief had at least arguable probable cause to arrest owner and, thus, exception to state-agent immunity applicable to willful, malicious, fraudulent, or bad faith actions did not apply;
- Chief was immune from malicious prosecution claim under doctrine of state-agent immunity; and
- Town was statutorily immune from suit as to all claims.