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AlBritton v. Commonwealth

Supreme Court of Virginia - February 4, 2021 - 853 S.E.2d 512

Inmate in a state penitentiary sued the Commonwealth of Virginia, alleging that he was injured when he fell down stairs which were allegedly negligently maintained by the Department of Corrections (DOC).

The Sussex Circuit Court granted the Commonwealth's plea in bar and entered summary judgment dismissing inmate's complaint, and he appealed.

The Supreme Court held that:

- On remand, circuit court was to determine whether inmate mailed grievance within the five-day deadline, and if so, was to deny the Commonwealth's plea in bar because inmate did all that he could have done to exhaust his administrative remedies pursuant to Tort Claims Act;
- Issues of fact as to whether prison rules prohibited inmate from using stairs and whether prison officials had actual or constructive knowledge of defective condition on stairs precluded grant of summary judgment to the Commonwealth; and
- Issues of fact as to whether inmate was in an unauthorized area taking shower and whether he was carrying his shower bag loosely near his legs when he was descending stairs precluded grant of summary judgment to Commonwealth on issue of inmate's contributory negligence.

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