

Bond Case Briefs

Municipal Finance Law Since 1971

IMMUNITY - GEORGIA

Beasley v. Georgia Department of Corrections

Court of Appeals of Georgia - June 22, 2021 - S.E.2d - 2021 WL 2548838

Citizen and his wife brought action against Georgia Department of Corrections (GDOC), which arose from an incident in which two inmates killed the two corrections officers who were transporting them, confronted citizen, who had stopped his vehicle behind halted prison bus, at gunpoint, and stole his vehicle, alleging that officers created a public nuisance by failing to abide by certain departmental policies in transporting inmates and seeking damages for emotional distress under the Georgia Tort Claims Act (GTCA).

The trial court granted GDOC's motion to dismiss on sovereign-immunity grounds. Plaintiffs appealed.

The Court of Appeals held that:

- Citizen's asserted damages were solely caused by assault and battery perpetrated by inmates, and thus action fell under assault-and-battery exception to GTCA's waiver of sovereign immunity, entitling GDOC to sovereign immunity;
- Citizen's asserted damages were personal injuries, as opposed to a taking of personal property via a public nuisance for which GDOC could be held liable, thus supporting GDOC's entitlement to sovereign immunity; and
- GDOC was entitled to sovereign immunity for its alleged creation of a public nuisance.