

Bond Case Briefs

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Moton v. City of Clarksdale

Supreme Court of Mississippi - April 6, 2023 - So.3d - 2023 WL 2804785

Following his arrests at two city commissioners meetings, former city commissioner brought action against defendants including city, police captain, and executor of former mayor's estate, alleging violations of his rights under the Mississippi Constitution to free speech, due process, and equal protection, and also asserting claims for malicious prosecution, civil conspiracy, and intentional and negligent infliction of emotional distress.

Finding commissioner's claims time-barred, the Circuit Court granted defendants' motion to dismiss for failure to state a claim.

The Supreme Court held that:

- Commissioner's filing of suit did not toll one-year limitations period applicable to common law claims under the Mississippi Tort Claims Act;
- Three-year general statute of limitations applied to commissioner's constitutional claims; and
- Commissioner's claim for malicious prosecution accrued when charges against him were dismissed for failure to prosecute.

Former city commissioner's filing of suit against city, police captain, and former mayor's estate did not toll the one-year limitations period applicable to his common law claims against such defendants brought under the Mississippi Tort Claims Act, where the time providing for presuit notice and for filing suit had already run at the time the suit was filed, and commissioner had undisputedly not complied with the procedural requirements of the Act.

Mississippi's three-year general statute of limitations, rather than one-year limitations period under the Mississippi Tort Claims Act, applied to former city commissioner's constitutional claims against city, police captain, and former mayor's estate, alleging violations of his rights under the Mississippi Constitution to free speech, substantive due process, and equal protection, stemming from his arrests at city commissioners meetings.

Former city commissioner's claim for malicious prosecution accrued, and one-year limitations period began to run, when charges against commissioner were dismissed for failure to prosecute, for purposes of commissioner's suit against city, police captain, and former mayor's estate, stemming from his arrests at city commissioners meetings.