

Bond Case Briefs

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Leon v. County of Riverside

Supreme Court of California - June 22, 2023 - P.3d - 2023 WL 4112144

Widow of victim who was fatally shot by his neighbor brought action against county, alleging negligent infliction of emotional distress based on failure of county sheriff's deputies to promptly cover victim's body, with genitals exposed, or remove the body from the scene while deputies investigated the shooting and searched for the shooter.

The Superior Court granted summary judgment in favor of county. Widow appealed. The Court of Appeal affirmed and widow appealed.

The Supreme Court of California holds that:

- Provision of Government Claims Act immunizing public employees from claims of injury caused by wrongful prosecution expands the scope of immunity to include any claim of injury caused by wrongful prosecution, even if prosecution is merely negligent;
- Provision of Government Claims Act protects public employees from liability only for initiation or prosecution of official proceeding; disapproving *Amylou R. v. County of Riverside*, 28 Cal.App.4th 1205, 34 Cal.Rptr.2d 319; *Citizens Capital Corp. v. Spohn*, 133 Cal.App.3d 887, 184 Cal.Rptr. 269; *Jenkins v. County of Orange*, 212 Cal.App.3d 278, 260 Cal.Rptr. 645; *Baughman v. State of California*, 38 Cal.App.4th 182, 45 Cal.Rptr.2d 82; *Strong v. State of California*, 201 Cal.App.4th 1439, 137 Cal.Rptr.3d 249; *Doe v. State of California*, 8 Cal.App.5th 832, 214 Cal.Rptr.3d 391; *County of Los Angeles v. Superior Court*, 181 Cal.App.4th 218, 104 Cal.Rptr.3d 230; *Richardson-Tunnell v. Schools Ins. Program for Employees (SIPE)*, 157 Cal.App.4th 1056, 69 Cal.Rptr.3d 176; *Gillan v. City of San Marino*, 147 Cal.App.4th 1033, 55 Cal.Rptr.3d 158; *Ingram v. Flippo*, 74 Cal.App.4th 1280, 89 Cal.Rptr.2d 60; *Paterson v. City of Los Angeles*, 174 Cal.App.4th 1393, 95 Cal.Rptr.3d 333; *Javor v. Taggart*, 98 Cal.App.4th 795, 120 Cal.Rptr.2d 174; and
- Provision of Government Claims Act did not apply and, thus, did not immunize county from widow's negligent infliction of emotional distress claim.