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Collins v. Schantz

Court of Appeals of Georgia - September 26, 2023 - S.E.2d - 2023 WL 6223235

Motorcyclist, who had led police on high-speed chase, brought action against estate of county sheriff, who had shot buckshot at him, alleging battery, negligence, and violations of Georgia constitution.

The Superior Court denied estate's summary judgment motion. Estate applied for interlocutory appeal, which was granted.

The Court of Appeals held that:

- Genuine issue of material fact regarding whether sheriff was entitled to official immunity precluded summary judgment on battery and negligence claims, but
- Motorcyclist had no viable private cause of action against estate for alleged constitutional violations.

Genuine issue of material fact regarding whether county sheriff, who had shot motorcyclist with buckshot as motorcyclist led police on high-speed chase, intended to shoot motorcyclist intentionally and without justification, such that he acted solely with tortious intent to cause injury, or whether he shot motorcyclist in self-defense, and thus whether sheriff was entitled to official immunity, precluded summary judgment in action brought by motorcyclist against sheriff's estate, alleging battery and negligence.

Motorcyclist, who had been shot by county sheriff as motorcyclist led police on high-speed chase, had no viable private cause of action against sheriff's estate for violation of Georgia constitution's ban on unreasonable seizures and on abuse of person in being arrested, even assuming his assertions concerning sheriff's alleged violations of constitutional rights had merit; Georgia law contained no equivalent to § 1983, which gave claim against state officer individually for certain unconstitutional acts.