

Bond Case Briefs

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NEGLIGENCE - VIRGINIA

Marlowe v. Southwest Virginia Regional Jail Authority

Court of Appeals of Virginia, Christiansburg - July 30, 2024 - S.E.2d - 2024 WL 3571803

Pre-trial detainee who was injured during transport to regional jail after being processed brought action against regional jail employee who drove transport van, alleging gross negligence.

The Wise Circuit Court sustained employee's demurrer, but denied employee's plea in bar asserting that prisoner's claims were barred by the statute of limitations. Parties cross-appealed.

The Court of Appeals held that:

- Deadline for claim was tolled pursuant to COVID-19 judicial emergency orders;
- Status as pre-trial detainee was immaterial; and
- Detainee was confined in a local correction facility when claim accrued.

Deadline for pre-trial detainee's two-year claim for personal injury was tolled pursuant to COVID-19 judicial emergency orders that applied to all case-related deadlines for 126-day period.

Status as pre-trial detainee was immaterial to determination of applicability of one-year statute of limitations period that applied to claims concerning conditions of confinement, in detainee's action alleging gross negligence in connection with conditions of confinement regarding manner in which detainee was restrained and transported from processing facility to regional jail.

Pre-trial detainee was confined in a local correction facility when detainee's claim against regional jail employee who drove transport van accrued, alleging gross negligence in connection with conditions of confinement regarding manner in which detainee was restrained and transported from processing facility to regional jail in van owned by regional jail, and thus one-year statute of limitations for conditions of confinement claims applied to detainee's gross negligence claim.