

IN THE SUPREME COURT OF THE STATE OF MISSISSIPPI

NO. 2010-CA-00850

**SHANNON JOHNSON and
SASHAYE JOHNSON**

APPELLANTS

VS.

**CITY OF QUITMAN, MISSISSIPPI,
HANK GANDY, in his official capacity of
QUITMAN POLICE OFFICER and individually,
CATHY CAMERON, in her official capacity of
QUITMAN POLICE OFFICER and individually**

APPELLEES

Appeal from the Circuit Court of Clark County, Mississippi

BRIEF OF APPELLEES

ORAL ARGUMENT NOT REQUESTED

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CERTIFICATE OF INTERESTED PERSONS

The undersigned counsel of record certifies that the following listed persons and/or entities have an interest in the outcome of this case. These representations are made in order that the justices of the Supreme Court and/or the Judges of the Court of Appeals may evaluate possible disqualification or recusal.

1. Shannon Johnson, Appellant;
2. Sashaye Johnson, Appellant;
3. City of Quitman, Mississippi, Appellee;
4. Cathy Cameron, City of Quitman Police Officer, Appellee;
5. Hank Gandy, City of Quitman Police Officer, Appellee;
6. Linda A. Hampton, Esquire, Attorney of Record for Appellant;
7. Michael Wolf, Esquire, Attorney of Record for Appellees; and
8. Honorable Robert Bailey

RESPECTFULLY SUBMITTED, this the 13th day of January, 2011.

BY: 

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STATEMENT REGARDING ORAL ARGUMENT

The Appellee, City of Quitman, believes that oral argument is unnecessary. There are no novel issues on appeal. Mississippi law governs the points on appeal and is well settled on those points. It is therefore, respectfully submitted, that the issues on appeal can be adequately dispensed with by this Court without the need for any oral argument.

STATEMENT OF ISSUES

Plaintiffs submit three (3) issues on appeal: “(1) Whether the trial court erred in granting immunity to Defendants; (2) Whether the trial court erred when it required Plaintiffs to prove bad faith as to Defendants; (3) Whether the trial court erred in ruling as a matter of law that Plaintiffs did not present substantial, credible and reasonable evidence that Defendants acted with reckless disregard for Plaintiffs’ safety and well being when they did not arrest Daniel Nicholson on February 17, 2008.” *See* Appellant’s Brief, pg. 1.

Plaintiffs misstate the court’s findings as to the issues numbered one and two within the context of the case. Actually Defendants, are entitled to yet another source of immunity, through Miss. Code Ann. § 11-46-9(1)(f) which provides immunity for a governmental entity “which is limited or barred by the provisions of any other law”. Miss Code Ann. § 99-3-7(3) provides officers with immunity from civil suit for the arrest or failure to arrest arising from incidents of domestic violence, when done in good faith. The trial concluded that there was sufficient evidence in the record to conclude that Defendant’s failure to arrest Nicholson was in good faith and that Plaintiffs failed to present any evidence to the contrary. (R.E. at Tab 8)(R.E. 191-192). As is further discussed herein, the trial court did not find that Plaintiffs failed to present substantial, credible and reasonable evidence but that Plaintiffs presented “no evidence” demonstrating that Officer Gandy and Officer Cameron, in failing to arrest Nicholson, acted in reckless disregard of Plaintiffs’ safety and well-being. (R.E. at Tab 8)(R.E. 191). Accordingly, Defendant submits that the only real issue on appeal is whether the trial court erred in finding that the City of Quitman is entitled to immunity under the Mississippi Tort Claims Act (MTCA), Miss. Code Ann. § § 11-46-1-et seq. (Supp. 1999).

STATEMENT OF THE CASE

A. Nature of the Case

Shannon Johnson and Sashaye Johnson (hereinafter referred to collectively as the “Plaintiffs”) are appealing a grant of summary judgment from the Clark County Circuit Court in favor of the City of Quitman, Mississippi (“hereinafter referred to as “Defendant”). Plaintiffs filed this lawsuit against the City of Quitman and Officers Hank Gandy and Cathy Cameron individually and in their official capacity as police officers for the Quitman County Police Department asserting liability for alleged injuries sustained from an assault by Daniel Nicholson, the ex-husband of Shannon Johnson as a result of Defendants’ failure to arrest him. The court entered an order dismissing Officers Hank Gandy and Cathy from this action. Plaintiffs are not appealing the court’s dismissal of the officers. Subsequently, the City of Quitman filed a Motion for Summary Judgment. The court granted Defendant’s motion.

B. Course of Proceedings and Disposition in Court Below

On February 6, 2009, Plaintiffs filed suit against the City of Quitman and Officers Hank Gandy and Cathy Cameron individually and in their official capacity as police officers for the Quitman County Police Department. (R.E. at Tab 3)(R. 43). On March 4, 2009, Defendants City of Quitman, Hank Gandy, and Cathy Cameron filed a Motion for Judgment of Dismissal arguing that Plaintiffs failed to allege any facts that would subject the officers to personal liability (R. 5-11). Plaintiffs filed their Response. (R. 12-19). The court granted Defendants’ motion and dismissed Officers Hank Gandy and Cathy Cameron from this action. (R.E. at Tab 3)(R. 43- 48). Plaintiffs are not appealing the dismissal of Officers Hank Gandy and Cathy Cameron.

On November 2, 2009, the City of Quitman, the only remaining Defendant filed a Motion for Summary Judgment arguing that it is entitled to immunity and that the Plaintiffs’ claims are barred under the Mississippi Tort Claims Act. (R.E. at Tab 4)(R. 74-103). Defendant filed a

supplement to its Motion. (R.E. at Tab 5)(R. 104-118). Plaintiffs filed their Response arguing that Defendant is not entitled to immunity because Officers Hank Gandy and Cathy Cameron acted in reckless disregard for Plaintiffs' safety by failing to arrest Nicholson. (R.E. at Tab 6)(R. 119-177). Defendant filed its Reply. (R.E. at Tab 7)(R. 178-185). There was a hearing on the Motion for Summary Judgment on February 25, 2010. (T.T. 1-19). On April 1, 2009, the trial court found that the City of Quitman is entitled to sovereign immunity and that no waiver of immunity exists and granted summary judgment as a matter of law in Defendant's favor. (R.E. at Tab 8)(R. 186-194). On April 29, 2010 Plaintiffs filed their Notice of Appeal. (R.E. at Tab 2)(R. 195).

C. Statement of Facts

Shannon Johnson was married to Daniel Nicolson. They divorced in May 2005. (R.E. at Tab 3)(R. 74). Plaintiffs allege that the divorce decree contained an order permanently enjoining Nicholson from contacting, injuring, harming, following, harassing or threatening her. (R.E. at Tab 7)(R.186). On or about February 17, 2008, Officer Hank Gandy and Officer Cathy Cameron of the Quitman Police Department responded to a disturbance call at Plaintiffs' house.¹ Nicholson was in front of the house repeatedly threatening to harm and kill Plaintiffs' family. Although the officers did not arrest Nicholson they remained at Plaintiffs' house until he left the premises. (R.E. at Tab 8)(R. 192).

Plaintiffs allege that Nicholson continued to threaten their family from February 17, 2008 through February 20, 2008. *Id.* On February 20, 2008, Nicholson returned to Plaintiffs' home and attacked and stabbed Plaintiff, Shannon Johnson. *Id.* at 187. Nicholson also stabbed Shannon's minor child, Plaintiff Sashaye Johnson. *Id.*

¹ There is a disagreement as to what date Nicholson came to Johnson's home threatening to harm her and her family. However, the trial court properly determined that the date discrepancy is immaterial. (R.E. at Tab 8)(R. 193).

SUMMARY OF ARUGMENT

This Court should affirm the trial court's Order granting the City of Quitman's Motion for Summary Judgment. The trial court properly determined that Defendant is entitled to immunity based on exemptions in the Mississippi Tort Claims Act. The trial court determined that Defendant was engaged in police functions and, therefore; is entitled to immunity under Miss. Code. Ann. §11-46-9(1)(c). The trial court also determined that under Miss. Code Ann. § 99-3-7(7) and Miss. Code Ann. § 93-21-27 Defendant is entitled to immunity for its failure to arrest Nicholson arising from the incident of domestic violence.

On appeal, Plaintiffs have not argued where a potential of fact could exist but instead argue that the trial court was simply wrong. Throughout their brief, Plaintiffs assert that although officers Gandy and Cameron were engaged in police functions, Defendant is not entitled to immunity under Miss. Code Ann. § 11-46-9(1)(c). Plaintiffs argue that the trial court erred in finding that Plaintiffs did not present substantial, credible and reasonable evidence that the officers acted in reckless disregard of Plaintiffs' safety and well-being by failing to arrest Nicholson prior to the alleged assault. Plaintiffs maintain that under the law set forth in *Mississippi Department of Public Safety v. Durn*, 861 So.2d 990, 995 (Miss. 2003) and *City of Laurel v. Williams*, 21 So.3d 1170 (Miss. 2009) they should succeed on their claims.

Plaintiffs' arguments are patently untrue and a misapplication of the law. The four factors cited by Plaintiffs as the standard for proving reckless disregard are not presented as a decisive test in *Williams* or *Durn*. Both cases quote *Maye v. Pearl River County*, stating that reckless disregard "usually is accompanied by a conscious indifference to consequences, amounting almost to a willingness that harm should follow." *Id.*, 758 So.2d 391, 394 (Miss. 1999). To invoke the reckless disregard exception to the Mississippi Tort Claims Act affording immunity for any act or omission of a governmental employee engaged in police protection

activities, the plaintiff has the burden of proving reckless disregard by a preponderance of the evidence. *Willing v. Estate of Benz*, 958 So.2d 1240 (Miss. Ct. App. 2007). As is further discussed herein, the trial court did not find that Plaintiffs failed to present substantial, credible and reasonable evidence but that Plaintiffs presented “no evidence” demonstrating that Officer Gandy and Officer Cameron, in failing to arrest Nicholson, acted in reckless disregard of Plaintiffs’ safety and well-being. (R.E. Tab at 8)(R. 191) Therefore, Defendant is entitled to immunity under the police and protection exemption provided by the Mississippi Tort Claims Act.

Plaintiffs argue that the trial court erred in requiring them to prove bad faith as to Defendant. With respect to the question of bad faith, Plaintiffs misstate its meaning and the court’s findings within the context of this case. Actually Defendant is entitled to yet another source of immunity, through Miss. Code Ann. § 11-46-9(1)(f) which provides immunity for a governmental entity “which is limited or barred by the provisions of any other law”. Miss Code Ann. § 99-3-7(3) provides officers with immunity from civil suit for the arrest or failure to arrest arising from incidents of domestic violence, when done in good faith.

The trial court properly determined that there was sufficient evidence in the record to establish that the officers’ failure to arrest Nicholson was in good faith. The record demonstrates that the officers responded to the disturbance call, instructed Nicholson to leave, and waited for the situation to diffuse; making sure that Nicholson actually left the area before leaving the Plaintiff’s home. (R.E. at Tab 8)(R. 192). The court also recognized that Plaintiffs offered no evidence to the contrary to support its concocted allegation of bad faith that the City of Quitman Police Department falsified its records because there is a discrepancy in the dates reflected on the police logs and Plaintiff’s deposition testimony. On appeal, Plaintiffs have presented these same arguments that were rejected by the trial court, without any evidence or authority in support of

their claims. Accordingly, Defendant submits that there is sufficient evidence in the record to support the trial court's finding that Plaintiffs' claims are without merit and recovery against the City of Quitman is barred.

STANDARD OF REVIEW

The Mississippi Tort Claims Act (“MTCA”), with certain exemptions, makes governmental entities immune from liability for tortuous acts and omissions committed by employees, acting within the course and scope of their employment. Miss. Code Ann. § 11-46-9. The exemption, like that of qualified or absolute immunity, is an entitlement not to stand trial rather than a mere defense to liability and, therefore, should be resolved at the earliest possible stage of litigation.” *Mitchell v. City of Greenville*, 846 So.2d 1028, 1029 (Miss. 2003). Therefore, immunity is a question of law and is a proper matter for the grant of summary judgment. *Id. See also Williams*, 21 So.3d at 1174.

Plaintiffs incorrectly state the standard of review regarding the court’s grant of summary judgment finding that Defendant is entitled to immunity. Plaintiffs allege that the trial court findings will not be reversed on appeal where they are supported by substantial, credible, and reasonable evidence. This Court reviews a judgment from a bench trial under this standard. A trial court’s grant of summary judgment and errors of law including the proper application of the Mississippi Tort Claims Act are reviewed, de novo. *Id.* (citing *Phillips v. Miss. Dep’t of Pub. Safety*, 978 So.2d 656, 660 (Miss. 2008)).

Summary judgment is appropriate if the record discloses that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Defendant respectfully submits there is no genuine issue of material fact as to any of the Plaintiffs’ claims, and the record is sufficient to show that Defendant is entitled to judgment as a matter of law.

ARGUMENT

A. The Trial Court Properly Ruled that the City of Quitman is Entitled to Sovereign Immunity.

The Mississippi Tort Claims Act is the exclusive remedy for filing a lawsuit against governmental entities. Miss. Code Ann. § 11-46-7(1). “Although the Mississippi Tort Claims Act waives sovereign immunity for tort actions, it also prescribes exemptions from this statutory waiver under which a governmental entity retains its sovereign immunity.” *Durn*, 861 So.2d at 994. Specifically, the following provisions of the Mississippi Tort Claims Act apply in the present situation to shield the City of Quitman from liability for Plaintiffs’ claims. Miss. Code Ann. § 11-46-9(1) provides in pertinent part:

- (c) Arising out of any act or omission of an employee of a governmental entity engaged in the performance or execution of duties or activities relating to police or fire protection unless the employee acted in reckless disregard of the safety and well-being of any person not engaged in criminal activity at the time of injury; and/or
- (d) Based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a governmental entity or employee thereof, whether or not the discretion be abused; and/or
- (f) Which [are] limited or barred by the provisions of any other law.

The Mississippi Tort Claims Act is written in the disjunctive and subpart “should be read as alternatives separate and apart from one another.” *Fair v. Town of Friars Point*, 930 So.2d 467, 471 (Miss. App. 2006). “If any [subpart] applies, immunity exists.” *Id.*

The Court in *Fair* determined that even though the Town had breached a duty under § 11-46-9(1)(b), it was still shielded from liability by the immunity provision found in § 11-46-9(1)(c). *Id.*, at 471-72. In *Liggins v. Coahoma County Sheriff’s Dept.*, the Mississippi Supreme Court held that where immunity existed under 11-46-9(1)(m) because Liggins was an inmate, Liggins was barred from recovering under 11-46-9(1)(c) despite her allegations of

reckless disregard. *Id.*, 823 So.2d 1152, 1155-56 (Miss. 2003). See also *Love v. Sunflower County Sheriff's Dep't*, 860 So.2d 797, 801 (Miss. 2003) (in which the Mississippi Supreme Court ruled that recovery based upon reckless disregard under §11-46-9(1)(c) is not possible where another part of §11-46-9(1) provides for governmental immunity). Most recently, the Mississippi Court of Appeals upheld *Willing v. Estate of Benz*, for the proposition that “where any of the immunities enumerated in section 11-49-9(1) apply, the government is completely immune from the claims arising from the act or omission complained of. *Knight v. Miss. Transportation Commission*, 10 So.3d 962, 971 (Miss. App. 2009) (quoting *Willing*, 958 So.2d 1240, 1247 (Miss. App. 2007)). Specifically, the Court of Appeals determined that where governmental immunity existed under 11-46-91(1)(d), there was no need to analyze the plaintiffs’ claims regarding 11-46-9(1)(v). *Knight, supra*.

Plaintiffs rely on Miss. Code Ann. § 11-46-9(1)(c) to support their position that Defendant is not entitled to immunity. The mere fact that Plaintiffs make claims which, if true, would strip the City of Quitman of immunity under Miss. Code Ann. § 11-46-9(1)(c) is, in and of itself, not a complete inquiry in this instance. Even if, for some reason, § 11-46-9(1)(c) is not found to shield the City of Quitman from Plaintiffs’ claims, pursuant to 11-46-9(1)(f) Defendant is still immune from liability.

B. The City of Quitman is Entitled to Immunity Based on Miss. Code. § 11-46-9(1)(c), the Police Protection Exemption

Plaintiffs argue that although Miss. Code. Ann. §11-46-9(1)(c) affords immunity for the acts or omissions of police officers while performing police-related activities, the City of Quitman is not entitled to immunity because Officers Gandy and Cameron acted in reckless disregard of Plaintiffs’ safety and well-being by failing to arrest Nicholson prior to the alleged assault. Plaintiffs incorrectly cite *Mississippi Department of Public Safety v. Durn*, 861 So.2d

990, 995 (Miss. 2003) and *City of Laurel v. Williams*, 21 So.3d 1170 (Miss. 2009) for the proposition that they provide a four factor standard for proving reckless disregard. However, *Williams* or *Durn* do not present a decisive test for proving reckless disregard. Both cases quote *Maye v. Pearl River County*, stating that reckless disregard “usually is accompanied by a conscious indifference to consequences, amounting almost to a willingness that harm should follow.” *Id.*, 758 So.2d 391, 394 (Miss. 1999). *Williams* states that a finding of willful or wanton conduct must be made before reckless disregard can be established. *Williams*, 21 So.3d at 1175.

In *Williams*, the court held that the police officers’ failure to arrest the victim’s boyfriend after responding to prior domestic disturbances, did not constitute reckless disregard of the safety and well-being of the victim. *Id.* at 1176. The court in *Williams* concluded that the officers went to the victim’s house following a call to 911 and interviewed all the parties present. Nothing in the record indicated that the parties expressed a desire to press charges against each other. After conducting an investigation, the officers made an informed decision regarding the appropriate measures to take. The court concluded further that there was nothing in the record to indicate that the officers’ actions amounted to willful or wanton conduct, that the officers intended for harm to follow their decision not to arrest, or that the officers had a conscious indifference to the consequences of their actions. *Id.* at 1175, 76.

The court in *Williams* relied upon its prior precedent in *Collins v. Tallahatchie County*, 876 So.2d 284, 286 (Miss. 2004). In *Collins* the court held that even if negligent, the county sheriff department’s failure to arrest a person suspected of domestic violence did not rise to the level of reckless disregard. In *Collins*, plaintiff’s estranged husband telephoned her and threatened to kill her. The plaintiff reported the call to Tallahatchie County Sheriff’s Department and sought the arrest of her estranged husband. Plaintiff signed the criminal affidavit against the

husband. The judge signed the warrant which called for arrest based on domestic violence. The warrant was never delivered to sheriff's department. *Id.*

On appeal, Plaintiffs have not provided any additional authorities or evidence in support of their claims. Plaintiffs' simply assert that the trial court is wrong and that the officers acted in reckless disregard for Plaintiffs' safety and well-being. The trial court correctly found that Plaintiffs presented no evidence suggesting that Officer Gandy and Officer Cameron, in failing to arrest Nicholson, acted in reckless disregard of their safety and well-being. There is no evidence in the record to establish that the officers intended for harm to come to the Plaintiffs or that the officers acted with a conscious indifference to the consequences of their actions amounting almost to a willingness for harm to follow. Therefore, Defendant is ~~not~~ entitled to immunity. Without sufficient credible evidence to demonstrate that the officers acted in reckless disregard for Plaintiffs' safety and well-being, Plaintiffs' conclusory allegations of such are unsupported and in applying *Williams* and *Collins*, without merit.

C. Plaintiffs Misstate the Trial Court's Findings as to Bad Faith Pursuant to Miss. Code. § 11-46-9(1)(f), Immunity by Application of Other Provision of Law

Plaintiffs argue that the trial court erred in requiring them to prove bad faith as to Defendants. With respect to the question of bad faith, as discussed below, Plaintiffs misstate its meaning and the court's findings within the context of this case. Actually Defendants, are entitled to yet another source of immunity, through Miss. Code Ann. § 11-46-9(1)(f) which provides immunity for a governmental entity "which is limited or barred by the provisions of any other law". Miss. Code Ann. §§ 93-21-27 and 99-3-7(7) provide officers with immunity from civil suit for the arrest or failure to arrest arising from incidents of domestic violence, when done in good faith.

Miss. Code Ann. § 99-3-7(7) states that:

(7) A law enforcement officer shall not be held liable in any civil action for an arrest based on probable cause and in good faith pursuant to subsection (3) of this section, or failure, in good faith, to make an arrest pursuant to subsection (3) of this section.

Plaintiffs' only specific allegation of bad faith is that Defendant violated § 99-3-7(3). Clearly, under § 99-3-7(7) there can be no doubt that the duty to arrest pursuant to § 99-3-7(3) does not carry civil liability for the failure to make such an arrest.

Immunity for law enforcement officers is also provided for in Miss. Code Ann. §93-21-27, which pertains to arrests arising from incidents of domestic violence.

A law enforcement officer shall not be held liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged domestic violence incident brought by any authorized party, or an arrest made in good faith pursuant to Section 99-3-7(3), or failure, in good faith, to make an arrest pursuant to Section 99-3-7(3).

(emphasis added).

In *Fair v. Town of Friars Point*, 930 So.2d 467,469 (Miss. Ct. App. 2006), the court held that police officers are immune from civil liability under Miss. Code Ann. §93-21-27 for failure to make an arrest for domestic violence under Miss. Code Ann. § 99-3-7(3)(a). In *Fair*, the victim Jones, began a dating relationship with an assailant in 2001. The victim and assailant had a physical altercation in which he pushed her through a glass coffee table. *Id.* Officers arrived at the scene, apprehended the attacker, and charged him with simple assault and malicious mischief. *Id.* He was released the next day after posting bond; subsequently, he stabbed the victim to death. *Id.* The Administratrix of the estate filed suit alleging that the Town of Friars Point and its chief of police acted with reckless disregard in handling the arrest and by allowing him to go free and later murder Jones. *Id.*

The Court in *Fair* highlighted Miss. Code Ann. § 93-21-27 as providing immunity.

Concluding, “even if the officers owed a duty to Jones under Mississippi Code Annotated § 99-3-7(3)(a), Mississippi Code Annotated § 93-21-27 specifically provides immunity to the officers.” *Id.* at 471. The officers were granted immunity under Mississippi Code Annotated § 93-21-27 despite the fact that they did not arrest the aggressor for domestic violence. *Id.*

In this case, the trial court properly determined that there was sufficient evidence in the record to establish that the officers’ failure to arrest Nicholson was in good faith. The record demonstrates that the officers responded to the disturbance call, instructed Nicholson to leave, and waited for the situation to diffuse; making sure that Nicholson actually left the area before leaving the Plaintiff’s home. (R.E. at Tab 8)(R. 192). The court also recognized that Plaintiffs offered no evidence to the contrary to support its concocted allegation of bad faith that the City of Quitman Police Department falsified its records because there is a discrepancy in the dates reflected on the police logs and Plaintiff’s deposition testimony. Defendant concedes there is a disagreement as to what date Nicholson came to Plaintiffs’ home threatening to harm Shannon and her family. The court determined that the date discrepancy alone is immaterial and is insufficient to support a claim of bad faith on the part of the officers. (R.E. at Tab 8)(R. 193). On appeal, Plaintiffs have presented the same arguments that were rejected by the trial court, without any evidence or authority in support of their bad faith claims. There is sufficient evidence in the record to demonstrate that the officers acted in good faith in failing to arrest Nicholson. Therefore, Defendant respectfully requests that the Court affirm the trial court’s decision.

CONCLUSION

As a matter of law, Defendant is entitled to sovereign immunity based upon the exemptions provided for in the Mississippi Tort Claims Act. First, it undisputed that Officers Gandy and Cameron were performing police-related activities. Secondly, Plaintiffs have presented no evidence that the officers acted in reckless disregard of the Plaintiffs' safety. Therefore, Defendant is entitled to immunity under the police protection exemption of the Mississippi Tort Claims Act. Lastly, Defendant is immune from liability under the Mississippi Tort Claims Act provision that bars or limits liability based on other laws. Miss. Code Ann. §§ 93-21-27 and 99-3-7(7) provide that Defendant may not be held liable for making, or failing to make an arrest in good faith. There is sufficient evidence in the record to demonstrate that the officers' failure to arrest Nicholson was in good faith.

Plaintiffs have failed to present any authority or evidence to the contrary establishing that Defendant is not entitled to sovereign immunity based upon the exemptions provided for in the Mississippi Tort Claims Act. Accordingly, Defendant respectfully submits that the trial court did not err in granting summary judgment in favor of the City of Quitman.

RESPECTFULLY SUBMITTED, this, the 13th day of January, 2011.

CITY OF QUITMAN, MISSISSIPPI,
DEFENDANT


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CERTIFICATE OF SERVICE

I, MICHAEL J. WOLF, do hereby certify that I have this day forwarded via United States mail, postage pre-paid, a true and correct copy of the above foregoing Brief of Appellees to:

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This, the 13th day of January, 2011.



Michael J. Wolf