

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED
DEC 02 2009

Tennessee Claims Commission
CLERK'S OFFICE

CHRISTOPHER BROWN,)
)
Claimant,)
)
vs.)
)
STATE OF TENNESSEE,)
)
Defendant.)

Claim No. T20091321
Regular Docket

COMPUTER _____ ✓
DOCKETED _____
C/B=COMM _____
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AG _____
ALJ _____
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ORDER OF DISMISSAL

Currently pending before the Commission is the State's motion to dismiss this claim for lack of subject matter jurisdiction and failure to state a claim for relief. The claimant, Christopher Brown, has not responded to the motion.

Mr. Brown alleges that on January 1, 2009, while he was incarcerated at the Metro-Davidson County Detention Center Facility, he witnessed another inmate being beaten by ten to fifteen other inmates. As a result of this incident, he now fears for his safety. Brown seeks money damages of \$250,000.

The State argues that the Commission lacks subject matter jurisdiction to consider claims based upon the act or omission of persons who are not "state employees" and that the claimant fails to state a claim for relief against the State based upon the actions of employees of the Metropolitan Government of Nashville and Davidson County and Corrections Corporation of America (CCA).

Discussion

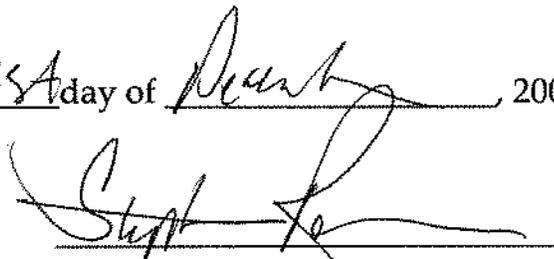
The State of Tennessee, as a sovereign, is immune from suit except as it consents to be sued. *Stewart v. State*, 33 S.W.3d 785, 790 (Tenn. 2000). In abrogation of its sovereign immunity, the State has conferred the Claims Commission with "exclusive jurisdiction to determine all monetary claims against the state based on the acts or omissions of "state employees," as such term is defined in § 8-42-101(3)...." Tenn. Code Ann. § 9-8-307(a)(1).

The definition of "state employee" includes "any person who is employed in the service of the state and whose compensation is payable by the state." Tenn. Code Ann. § 8-42-101(3)(A). Employees of the Metro-Davidson County Detention Center Facility and CCA are not employees of the State and the State has not waived its sovereign immunity for their acts

or omissions under Tenn. Code Ann. § 9-8-307(a)(1). See *Campbell v. Corrections Corp. of America*, No. M1999-01082-COA-R3-CV, 2001 WL 921888 at 5 (Tenn.Ct.App. Aug. 7, 2001); *Martin v. State of Tennessee*, No. M1999-01642-COA-R3- CV, 2001 WL 747640 at 3 (Tenn.Ct.App. July 5, 2001); *Greer v. Corrections Corp. of America*, No. 01A01-9604-CH-00150, 1996 WL 697942 at 2 (Tenn.Ct.App. Dec. 6, 1996).

The Claims Commission has no authority to hear claims arising from the acts of non-state employees, including CCA employees and employees of the Metro Detention Center Facility. Because the Commission finds that Mr. Brown has not alleged that he was injured due to acts or omissions of state employees, his claim for damages falls outside of the Claims Commission's subject matter jurisdiction and the State's motion must be granted.¹

It is so **ORDERED** this the 15th day of December, 2009.


STEPHANIE R. REEVERS
Claims Commissioner

¹ Mr. Brown has not actually alleged any physical injury whatsoever.

CERTIFICATE OF SERVICE

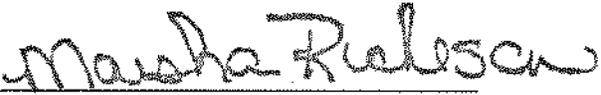
I hereby certify that a true and exact copy of the foregoing document has been served upon the following parties of record:

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This 2 day of December, 2009.


Marsha Richeson, Administrative Clerk
Tennessee Claims Commission