

IN THE CLAIMS COMMISSION OF THE STATE OF TENNESSEE
MIDDLE DIVISION

FILED

GEORGE T. HAYNIE, JR.,)
)
Claimant,)
)
vs.)
)
STATE OF TENNESSEE,)
)
Defendant.)

Claim No. T20081263

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Tennessee Claims Commission
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ORDER GRANTING MOTION TO DISMISS

Claimant, George T. Haynie, Jr., is an inmate in the custody of the Tennessee Department of Correction (TDOC). Mr. Haynie's complaint alleges that on March 20, 2007, he was stopped by the Lebanon Police Department for a traffic violation and was subsequently arrested on four outstanding warrants for probation violation. The following day, Mr. Haynie was placed in the custody of the Davidson County Sheriff's Department, where he remained until May 20, 2007, when he alleges he was released after it was determined that he had not been on probation. Mr. Haynie contends that he was wrongfully imprisoned and subjected to cruel and unusual punishment as a result of the negligent acts of Probation

Officer Sandra Sprazado, whose affidavits on the probation violation warrant he claims were false.

DISCUSSION

A motion to dismiss for failure to state a claim for relief under Tenn. R. Civ. P. 12.02(6) tests only the legal sufficiency of the complaint, not the strength of a plaintiff's proof. Such a motion admits the truth of all relevant and material averments contained in the complaint, but asserts that such facts do not constitute a cause of action. In considering a motion to dismiss, courts should construe the complaint liberally in favor of the plaintiff, taking all allegations of fact as true, and deny the motion unless it appears that the plaintiff can prove no set of facts in support of the claim that would entitle the plaintiff to relief. *Cook v. Spinnaker's of Rivergate, Inc.*, 878 S.W.2d 934, 938 (Tenn. 1994).

A motion to dismiss for lack of subject matter jurisdiction falls under Tennessee Rule of Civil Procedure 12.02(1). The concept of subject matter jurisdiction involves a court's lawful authority to adjudicate a controversy brought before it. Subject matter jurisdiction involves the nature of the cause of action and the relief sought, and can only be conferred on a court

by constitutional or legislative act. *Northland Ins. Co. v. State*, 33 S.W.3d 727, 729 (Tenn. 2000).

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).

This doctrine of sovereign immunity has been a part of the common law of Tennessee for more than a century and provides that suit may not be brought against a governmental entity unless that governmental entity has consented to be sued. *Id.*, 33 S.W.3d 785, 790.

As with any statute permitting suit against the state, the Claims Commission Act must be strictly construed, and jurisdiction cannot be enlarged by implication. *Beare Co. v. Olson*, 711 S.W.2d 603 (Tenn.1986); *Griffith Motors, Inc. v. King*, 641 S.W.2d 200 (Tenn.1982); *Stokes v. Univ. of Tenn.*, 737 S.W.2d 545 (Tenn.Ct.App.1987); *Yokley v. State*, 632 S.W.2d 123 (Tenn.Ct.App.1981). When deciding whether the Commission has jurisdiction to hear a claim under the statute, a liberal construction in favor of jurisdiction must be given, "but only so long as (1) the particular grant of jurisdiction is ambiguous and admits of several constructions, and (2) the 'most favorable view in support of the petitioner's claim' is not clearly

contrary to the statutory language used by the General Assembly. *Stewart v. State*, 33 S.W.3d 785, 791.

The categories of claims over which the Claims Commission has jurisdiction are set forth in Tenn. Code Ann. § 9-8-307. If a claim falls outside of the categories specified in section 9-8-307(a), then the state retains its immunity from suit, and a claimant may not seek relief from the state. *Stewart v. State*, 33 S.W.3d 785, 790.

Mr. Haynie claims that he was wrongfully incarcerated from March 20, 2007 through May 21, 2007, based on Ms. Spazado's erroneous affidavit. However, the Claims Commission does not have jurisdiction over false imprisonment claims or any other claims alleging intentional torts, including claims for deprivation of civil rights. *See Shell v. State*, 893 S.W.2d 416, 421 (Tenn.1995.) Moreover, to the extent that the complaint alleges that the negligent act causing him harm was the erroneous affidavit, his complaint is also barred based on the doctrine of quasi-judicial immunity. A probation officer performing duties to ensure a probationer was complying with the terms of probation is entitled to quasi-judicial immunity. *See Timson v. Wright*, 532 F.2d 552 (6th Cir.1976)

(holding quasi-judicial immunity shields chief probation officer from liability).

The Commission therefore finds that the motion should be granted.

It is so **ORDERED** this the ^{6th} day of May, 2009.



STEPHANIE R. REEVERS
Claims Commissioner

CERTIFICATE OF SERVICE

This is to certify that I have mailed a true and correct copy of the foregoing document to the following parties:

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This 7th of May, 2009.



Marsha Richeson, Administrative Clerk
Tennessee Claims Commission