

CHARLES WILEY, )  
 )  
 Petitioner/Appellant, )  
 )  
 VS. )  
 )  
 STATE OF TENNESSEE, )  
 )  
 Respondent/Appellee. )

Appeal No.  
01-A-01-9605-CH-00241

Davidson Chancery  
No. 95-3064-III

**FILED**

September 18, 1996

**Cecil W. Crowson**  
Appellate Court Clerk

COURT OF APPEALS OF TENNESSEE  
MIDDLE SECTION AT NASHVILLE

APPEALED FROM THE CHANCERY COURT OF DAVIDSON COUNTY  
AT NASHVILLE, TENNESSEE

THE HONORABLE ROBERT S. BRANDT, CHANCELLOR

CHARLES WILEY  
North East Correctional Center  
P. O. Box 5000  
Mountain City, Tennessee 37683-5000  
Pro Se/Petitioner/Appellant

CHARLES W. BURSON  
Attorney General and Reporter

CAROLINE R. KRIVACKA  
Assistant Attorney General  
404 James Robertson Parkway  
Nashville, Tennessee 37243-0488  
Attorney for Respondent/Appellee

AFFIRMED AND REMANDED

BEN H. CANTRELL, JUDGE

CONCUR:  
TODD, P.J., M.S.  
KOCH, J.

## OPINION

The appellant filed a claim for the value of personal property allegedly lost through the negligence of state employees. The Tennessee Claims Commission dismissed his claim, and he appealed the dismissal. The Commissioner assigned to the case did not respond to his appeal, and the appellant filed a Petition for Declaratory Judgment with the Chancery Court of Davidson County. This appeal followed the chancery court's dismissal of the petition for lack of jurisdiction. We affirm the chancery court.

### I.

Charles Wiley was a trustee in the annex at Northeast Correctional Center in Mountain City, Tennessee. By his own account, he walked off from the facility on November 30, 1992, but turned himself in voluntarily fifteen hours later. When he returned to his cell, he found that an electric fan, a television set and other items of his personal property were missing.

Mr. Wiley filed a grievance with the institution. Relief was denied, and the correctional officer who dismissed the grievance suggested that if Mr. Wiley wanted to pursue the matter further, he had to file a claim with the State. On December 22, 1992, Mr. Wiley filed his claim with the Board of Claims, seeking damages of \$400. The Tennessee Claims Commission, which hears and determines cases referred to it by the Board of Claims, denied his claim, and on April 30, 1993, Mr. Wiley filed a notice with the Commission, appealing that denial. Mr. Wiley's appeal was supported by the affidavit of his cellmate, to the effect that prison officers had admitted packing up and removing the appellant's property while the cellmate was being questioned elsewhere about Mr. Wiley's escape.

Apparently no action was taken on Mr. Wiley's appeal, and on October 4, 1995 he filed his Petition (which was captioned "Complaint for Declaratory Judgment") in Chancery Court. He named as defendants the Department of Correction, Warden Howard Carlton, and the Claims Commissioner to whom his appeal had been assigned, Mr. Michael S. Lacy. On November 3, 1995, the Chancery Court dismissed the case for lack of jurisdiction. This appeal followed.

## II.

Although individual defendants are named in Mr. Wiley's petition, they are immune from personal liability under the circumstances of this suit. Tenn. Code Ann. § 9-8-307(h). The action must be construed as one directed against the State, for the acts or omissions of its employees and agents.

The common law rule of sovereign immunity prohibited all suits against the State. The Tennessee Constitution modified the common law rule by stating that "[s]uits may be brought against the State in such manner and in such courts as the Legislature may by law direct," Article I, § 17. *Kirby v. Macon County*, 892 S.W.2d 403, 406 (Tenn. 1995). *Cox v. State*, 399 S.W.2d 776 (Tenn. 1965). Thus the State may be held liable for damages caused by the tortious acts of its agents, but only under conditions established by the legislature.

The present case is controlled by legislative enactments codified at Tenn. Code Ann. § 9-8-301 et seq., which establish the jurisdiction of the Tennessee Claims Commission, and dictate the procedures it is to follow. Tenn. Code Ann. § 9-8-307 reads in relevant part:

(a)(1) The commission or each commissioner sitting individually has exclusive jurisdiction to determine all monetary claims against the state falling within one (1) or more of the following categories:

(A) . . .

. . .

(F) Negligent care, custody or control of personal property.

Tenn. Code Ann. § 9-8-403(a) requires the commission to maintain two separate dockets for claims, “[a] regular docket similar to those maintained by courts of record,” and “[a] small claims docket consisting of claims satisfying the monetary limit applicable to the general sessions court of Davidson County.” Appeal from a decision of the commission regarding a claim on the regular docket is to the Court of Appeals, pursuant to the Rules of Appellate Procedure. However, Tenn. Code Ann. § 9-8-403(a)(2) specifically states that “[n]o appeal may be taken from a commissioner’s decision regarding claims appearing on the small claims docket.” We accordingly find that the Chancery Court was correct in ruling that it did not have jurisdiction to consider Mr. Wiley’s petition.<sup>1</sup>

The monetary limit currently applicable to the general sessions court of Davidson County is \$10,000. Tenn. Code Ann. § 16-15-501(d)(1). Mr. Wiley’s claim was for \$400. We do not believe that the \$50,000 claim for “mental anguish” that he has included in his petition would have altered the placement of Mr. Wiley’s claim on the small claims docket, as the Commission is not authorized to hear such claims. We therefore also hold that it would not have been appropriate for the Chancery Court to transfer this case to the Court of Appeals, for our jurisdiction over appeals from the Claims Commission only extends to those claims which can be heard on the regular docket, not those properly on the small claims docket.

---

<sup>1</sup>In *Yokley v. State*, 632 S.W.2d 123 (Tenn. App. 1981), we addressed the question of whether decisions of the Board of Claims, the predecessor to the Claims Commission, could be reviewed by the common law writ of certiorari despite a statutory provision that made the Board’s decision final. In *Yokley* we assumed that the Board’s decisions could be reviewed in that manner, but because of the narrow scope of the common law writ, we decided that the pleadings in that case did not state a claim for issuance of the writ. Testing Mr. Wiley’s petition in the Chancery Court by the same standards, we find that it also fails to allege that the Claims Commission acted arbitrarily, capriciously, or in excess of its jurisdiction. Therefore, assuming that the decisions of the Claims Commission on its small claims docket could be reviewed by common law certiorari, the petition in this case does not state facts relevant to that type of review.

**III.**

The order of the trial court is affirmed. Remand this cause to the Chancery Court of Davidson County for further proceedings consistent with this opinion. Tax the costs on appeal to the appellant.

---

BEN H. CANTRELL, JUDGE

CONCUR:

---

HENRY F. TODD, PRESIDING JUDGE  
MIDDLE SECTION

---

WILLIAM C. KOCH, JR., JUDGE

