

## SUMMARY STATEMENT

*Mitchell v. State*, Docket No. 41882

The Idaho Supreme Court affirmed in part, reversed in part, and remanded the Bannock County district court's decision granting summary judgment to the State on Mitchell's negligence and victims' rights claims. This case arose out of events that occurred after the State of Idaho's Department of Health and Welfare (IDHW) discontinued mental health services for Gerald Durk Simpson. A few months after IDHW released Simpson from its care and custody, Simpson shot Ryan M. Mitchell in the back outside of a coffee shop in Pocatello. Mitchell filed suit in district court alleging, among other claims, that the State (1) violated his rights as a victim of a violent crime; and (2) was negligent when it released Simpson from its care and custody. The district court determined that the State was performing a discretionary function when it released Simpson from its care, which shielded the State from liability for the negligence claim. The district court also concluded that declaratory and injunctive relief is not available under the victims' rights laws. Consequently, the district court granted summary judgment to the State on both claims. Mitchell appealed to the Idaho Supreme Court.

On appeal, the Idaho Supreme Court held that the district court erred when it admitted certain evidence and that without that evidence, there were insufficient facts to establish whether IDHW's decision to close Simpson's file was discretionary or operational. Consequently, the Court reversed the district court's grant of summary judgment on Mitchell's negligence claim and remanded for further proceedings. However, the Court affirmed the district court's grant of summary judgment to the State on the victims' rights claim because it held the issue was moot. The Court did not award costs on appeal.