



until September 15, 2007, during which he contends he was unlawfully incarcerated.

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). The Claims Commission is a forum of limited jurisdiction and its authority to render damages against the State in contravention of its sovereign immunity is purely statutory. The categories of claims for which the State has waived its immunity and over which the Claims Commission has jurisdiction are outlined in Tenn. Code Ann. § 9-8-307(a). If a claim falls outside of the categories specified in § 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 (Tenn. 2000).

The Claims Commission act contains no language indicating the General's Assembly's intent to waive its immunity for parole decisions. The only vehicle for obtaining judicial review of the Board's decisions is a common-law writ of certiorari. *Thandiwe v. Traughber*, 909 S.W.2d 802, 803 (Tenn.Ct.App.1994). As reflected in his complaint, Mr. Franklin alleges that he sought and obtained relief by filing such a writ in the Davidson

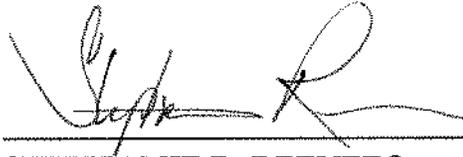
County Chancery Court, where he alleges that the decision to revoke his parole was reversed. According to Mr. Franklin, however, the Board has not complied with the Court's Order. The Commission has no authority to review either the Board's decision to revoke Mr. Franklin's parole or its execution of the Chancery Court's Orders reviewing that decision. Any remedy that Mr. Franklin has for the Board's violation of the Chancery Court's Order is with that Court and not the Commission.

Moreover to the extent to which Mr. Franklin seeks money damages for the period of time that he was incarcerated as a result of the Board's decision to revoke his parole, the Commission finds that the Board has quasi-judicial immunity for such decisions, which may be raised by the State pursuant to Tenn. Code Ann. 9-8-307(d). Like courts, which enjoy absolute judicial immunity relative to claims for acts taken while carrying out judicial functions, *see Pierson v. Ray*, 386 U.S. 547, 554, 87 S.Ct. 1213, 18 L.Ed.2d 288 (1967), members of official bodies that perform judicial functions are entitled to what is sometimes called quasi-judicial immunity. *See Mercer v. HCA Health Services of Tennessee, Inc.* 87 S.W.3d 500, 504 (Tenn.Ct.App. 2002). When parole board members decide whether to

deny, grant, or revoke parole, they perform a function that is essentially judicial in nature and for which, the Commission finds, they are absolutely immune.

The motion to dismiss is granted.

It is so **ORDERED** this the 11<sup>th</sup> day of July, 2009.



---

STEPHANIE R. REEVERS  
Claims Commissioner

**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:

PAM LORCH  
Attorney General's Office  
P.O. Box 20207  
Nashville, TN 37202-0207  
(615) 532-2549

DARRELL FRANKLIN  
2612 Heiman Street  
A-4  
Nashville, TN 37208

This 7 of July, 2009.



Marsha Richeson, Administrative Clerk  
Tennessee Claims Commission