

STATE OF MICHIGAN
COURT OF APPEALS

ERNESTINE RAY, Personal Representative of the
Estate of CLIFFORD BERNARD RAY, Deceased,

Plaintiff-Appellant,

v

STATE OF MICHIGAN,

Defendant-Appellee.

UNPUBLISHED
February 19, 2002

No. 227926
Court of Claims
LC No. 98-017034-CM

Before: Smolenski, P.J., and Doctoroff and Owens, JJ.

MEMORANDUM.

Plaintiff appeals as of right the judgment of no cause of action. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff's decedent was a prison inmate, who committed suicide at the Huron Valley Men's Facility. Plaintiff brought this action alleging that the cell was defective, and fell within the public building exception to governmental immunity. MCL 691.1406. However, in *Brown v Genesee Bd of Commr's*, 464 Mich 430, 440; 628 NW2d 471 (2001), our Supreme Court held that while jails are open for use by the members of the public, an inmate is not a member of the public as contemplated by our Legislature in enacting the public building exception. Thus, because plaintiff's decedent was a prisoner, he was not a member of the public, as necessary to rely on the public building exception to governmental immunity. *Id.* Consequently, plaintiff's action is barred by governmental immunity.¹

Affirmed.

/s/ Michael R. Smolenski
/s/ Martin D. Doctoroff
/s/ Donald S. Owens

¹ We may affirm where the trial court reaches the right result, but for the wrong reason. *People v Jory*, 443 Mich App 403, 425; 505 NW2d 228 (1993).