

**FEDERAL CASE LAW UPDATE**  
***TEAGAN v. CITY OF McDONOUGH AND***  
***BRUCKER v. CITY OF DORAVILLE***

**BY DAVID C. WILL, JUDGE, CITY OF CLARKSTON**



The Municipal Court Judges' Community was alerted to the case of *Teagan v. City of McDonough* by a Municipal Court Judge in Chatham County. At that time, the Eleventh Circuit Court of Appeals had just released its published opinion in the case, which can be found at 949 F.3d. 670 (11th Cir. 2020).<sup>1</sup> In sharing it, he said he found it "interesting." He was right, if not understated in his assessment. The Opinion generated a lot of discussion among Municipal Court Judges, and we will talk about it here today.



The genesis of her claim arises from a traffic stop. Ms. Teagan was cited for driving without insurance. At her arraignment, in the Municipal Court for the City of McDonough, she entered a plea of not guilty and requested a bench trial. She also requested a continuance so

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<sup>1</sup> A copy is attached in the Appendix

that she could retain an attorney to represent her. She showed up on the trial day without an attorney and signed a “Jury Trial Waiver” form that was presented to her. The Opinion recites that she represented herself at trial, cross-examined the police officer who wrote the citation and during her own testimony, conceded that she had been driving without insurance.

In light of her admission, to no one's surprise, she was found guilty. She was fined \$745. The Judge also added a \$50.00 penalty for her being late to court. While not reflected in the opinion, Ms. Teagan declined the Judge's offer of community service, and told him that while she could not pay the fine in its entirety that day, she could and would pay it by the end of the next week. The Judge then sentenced her to 60 days in jail, suspended on the condition that she pay the total of \$795.00 by the following week.



She apparently attempted an appeal, by filing a "Motion to Stay Pending Appeal," but despite her assurance that she would pay, did not pay anything towards the fine prior to its due date. When the time for her to have made the payment passed, the Clerk prepared an arrest warrant, which the Judge signed. Ms. Teagan was subsequently arrested and brought before the Court, having first spent 10 days in

jail "housed in a two-person cell, with other inmates including some awaiting trial on felony charges."<sup>2</sup>



For reasons not clear, she was then brought back before the Judge who explained to her why she had been arrested and ordered her to be returned to jail to serve the balance of the 60-day sentence. The Opinion recites that the judge "did not inquire as to why she had not paid the fine or whether she had the ability to pay it."

She was released from jail the next day after her brother paid the fine in full in addition to a \$100 contempt fine that had been levied on her. The Court noted that to do so, her brother had used his government benefit payments, Ms. Teagan's daughter's government benefit payments and their rent money.

Ms. Teagan then filed suit in federal court, alleging that "the Municipal Court violated her Due Process and Equal Protection rights by imprisoning her without determining the willfulness of her failure to pay or her ability to pay; ran afoul of the Sixth Amendment by failing to secure a proper, individual waiver of counsel from her and by failing to appoint counsel; violated the Fourth Amendment by executing and issuing an invalid arrest warrant unsupported by probable cause; failed to conduct a preliminary revocation hearing to determine

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<sup>2</sup> Not an uncommon practice in jails

whether she had failed to comply with a condition of her suspended sentence; failed to bring her before a judicial officer within 72 hours of her arrest and incarceration, as required by Georgia law; and falsely imprisoned her in violation of Georgia Code §51-7-20.”



After discovery, including the deposition of the Judge, the District Court granted summary judgment to the City. The appeal to the Eleventh Circuit followed. Oral argument was described as "bizarre," "acrimonious" and "contentious" in both the colloquy with, and questioning of, counsel during which it was made clear that several of the panel members were troubled with the facts of the case. The Court affirmed the grant of summary judgment to the City on the Plaintiff's §1983 claims but remanded the case to the District Court for further consideration of the state law false imprisonment claim. While the holding itself as to the dismissal of the §1983 against the City did not create new law, it is some of the comments contained in the Opinion and in one of the two concurring opinions that cause concern.

"We are deeply troubled by what happened to Ms. Teagan in the McDonough municipal court. She, like all citizens of that City, deserved better" is how the Court concluded its inquiry.

Judge Alberto Jordan, in his concurring opinion, wrote to primarily express concern that "the McDonough municipal court acted unconstitutionally by jailing Ms. Teagan, without determining whether her failure to pay was willful. **This practice, which does not appear to be isolated throughout municipal courts in Georgia, flouts the venerable and long-standing principle that debtor's prisons are unconstitutional.**" (emphasis added).



Adding a reminder that "[a] defendant's probation may not be revoked or withheld because of his failure to pay the fine without a showing of willfulness on his part or inadequacy of alternative punishments" *Massey v. Meadows*, 253 Ga. 389, 321 S.E.2d 703,704 (1984), he also added that the United States Supreme Court in *Tate v. Short*, 401 U.S. 395 (1971), had expressly prohibited "imposing a fine as a sentence, and then converting it into a jail term solely because the defendant is indigent and cannot forthwith pay the fine in full." Sentencing Ms. Teagan to jail after the judge was only going to impose a fine "...serves no penological purpose and, "...it seems more likely, that the suspended jail term was imposed to coerce payment and raise City revenues, as the City profits from the collection of fines."

Judge Jordan noted that the Plaintiff had presented evidence that the fines imposed by the Municipal Court had averaged 10% of the City's general fund revenue. He wondered "how much was collected by unconstitutional means," and

later continued with this theme to call it a "broader problem" as McDonough was not the only Georgia city to raise significant portions of revenue by collecting fines in municipal courts."

On remand, the remaining claim was dismissed, and the federal case is now concluded, although Ms. Teagan is continuing with her case in McDonough where it remains pending.



The theme espoused by Judge Jordan in his concurring opinion is the gist of the case of *Brucker v. City of Doraville*, USDC, NDGA, Case No.

1:CV18-02375-RWS. The case made the newspaper when the Court denied the Motion to Dismiss filed by the City. The City's Motion to Reconsider the Denial of its Motion to Dismiss is reported at 391 F.Supp.3d 1207 (2019).<sup>3</sup>



The *Brucker* case was brought on behalf of Hilda Brucker, who was fined \$100 for cracks in her driveway, Jeff Thorton, who was fined \$1,000 for having a "disorganized pile of wood" in his backyard, and Janice Craig, who received a \$215 fine for an unsafe lane change. The Plaintiffs are represented by the Institute for Justice and other local lawyers. They have attacked the City of Doraville and its municipal court as an unconstitutional "revenue generating machine."

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<sup>3</sup> Both the Order denying the Motion to Dismiss and the Order denying the Motion for Reconsideration of its denial are attached in the Appendix

With the City's Motion to Dismiss and Motion to Reconsider both having been denied, the case remains pending. The case is assigned to District Court Judge Richard Story. In the latest ruling, the Court considered the Plaintiffs' argument that the City's Municipal court structure was inherently flawed with conflicts of interest on the part of the Court's judges, as well as prosecutors and police. Judge Story concluded that the Plaintiff could make out a case for conflicts on the part of the City's judges because the City's control over the appointment of



judges "calls into question the judges' autonomy," are "not well insulated from the pressures of their partisan superiors or the burden of funding the municipality.

The Court found that "the City and its municipal court depend heavily on fines and fees revenue, and Doraville municipal court judges have a strong enough motive to maximize those revenues to warrant a reasonable fear of partisan influence in decisions related to ordinance violations and the assessing of criminal penalties." While he said that he could not find at this stage whether the prosecutors and police had their judgments potentially "distorted" because of the city's need to rely on the fines and fees, the claim was "plausible", concluding that he was both "unable" and "unwilling" to dismiss the case.

\*With the assistance of Judge Margaret Washburn