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FEATURED CASE

Eleventh Circuit Rules Officers Not Entitled to Qualified Immunity for Shooting Into Car and Seizing Vehicle

***Watkins v. Davis,* No. 23-13616 (11th Cir. Sept. 25, 2025)**

On January 16, 2021, at approximately 6:45 p.m., Henry County, Georgia, law enforcement received a dispatch call reporting that two people with flashlights were breaking into a black truck near 11 Bellamy Place, a cul-de-sac of commercial buildings. Officers Davis and Faulkner arrived about eight minutes later, after dark, in an area with no streetlights. They decided to approach the scene "stealthily," without using the lights on their cars or their flashlights, and as quietly as possible, hoping to catch the suspects in the act. Faulkner initially reported seeing movement near a yellow rig parked next to the black truck that matched the caller's description. However, their attention soon shifted when they noticed a hatchback vehicle parked across the cul-de-sac at 30 Bellamy Place. Surveillance footage later showed a lone woman, Tammy Watkins (Watkins), closing the hatchback, sitting in the driver's seat, and looking at her phone. Watkins, who worked delivering medical equipment during the COVID-19 pandemic, later testified that she was checking directions for her delivery of an oxygen concentrator and tanks when the officers arrived.

Faulkner and Davis proceeded down the driveway across the cul-de-sac from their original dispatch location, toward Watkins's car. It was dark, and the officers wore dark clothing that did not clearly identify them as police officers. They also did not clearly identify themselves as law enforcement or issue commands before firing their weapons. Approximately thirty-six seconds after Watkins sat in her car, Faulkner shined a gun-mounted flashlight into the passenger side of the vehicle. Around the same time, Watkins put her phone down and shifted into drive. Davis then moved toward the middle of the driveway as the vehicle approached. Faulkner shouted, "Freeze! … Hey, stop, freeze!" and Davis dropped his flashlight, drew his weapon, and began firing. Faulkner also fired shots. The vehicle was struck at least four times, resulting in severe damage that ultimately rendered it a total loss. Although

the bullets struck her car, Watkins was not physically hit or injured. Importantly, the record reflected that her vehicle never swerved or changed course in a way suggesting that it was directed at the officers.

After the shooting, Watkins's car traveled roughly fifty yards and came to a stop in under fifteen seconds, where it remained in the officers' view. Backup officers Yi and Harris approached, ordered Watkins out of the car with her hands raised, and placed her in handcuffs. She was detained in a police cruiser for three to four hours before being released. An ambulance crew examined her on scene and confirmed she had not been injured. Watkins was never charged with any crime.

Watkins filed suit under 42 U.S.C. § 1983 against Officers Davis and Faulkner. She alleged that she was unlawfully seized when she was detained after the shooting, that the officers used excessive force in firing at her vehicle, and that her car was unlawfully seized and destroyed. The officers asserted qualified immunity, which the district court denied.

Legal Questions:

1. Was Watkins considered seized under the Fourth Amendment when the officers fired bullets at her car? Was that seizure reasonable?
2. Were the officers entitled to qualified immunity even if Watkins' seizure and the destruction of her vehicle were violations of the Fourth Amendment?

Holdings:

The Eleventh Circuit held that Watkins presented sufficient evidence for a jury to find that the officers seized her and her vehicle in violation of the Fourth Amendment, so the officers were not entitled to qualified immunity on her § 1983 claims.

Analysis:

The court first examined whether Watkins was seized under the Fourth Amendment. It heavily relied on Torres v. Madrid, 592 U.S. 306 (2021), where the Supreme Court held that "the application of physical force to the body of a person with intent to restrain is a seizure even if the person does not submit and is not subdued." The court reasoned that although the bullets fired by Officers Davis and Faulkner did not strike Watkins herself, the bullets hitting the car amounted to a touching, and that the "common-law touchstone" referenced in Torres equated even the slightest physical contact with intent to restrain as a seizure, even though it was only Watkins' car that was hit. Therefore, the officers' firing into the car constituted a physical-force seizure. It also noted that courts that had reached the opposite conclusion regarding the shooting of a car amounting to a physical seizure had done so without the guidance of Torres.

The court also considered whether Watkins was seized through a show of authority. Citing *California v. Hodari* D., 499 U.S. 621 (1991), it explained that a seizure occurs when an individual submits to an officer's show of authority, as outlined in the "Mendenhall" test. Here, Watkins stopped her car within about 15 seconds of the officers' gunfire and remained within their view, which the court deemed sufficient submission to constitute a seizure.

Next, the panel examined whether the seizures were reasonable. During the investigatory stop, it was emphasized that, under Terry v. Ohio, 392 U.S. 1 (1968), officers must have at least reasonable suspicion, supported by articulable facts, that criminal activity is afoot. The dispatch call described two suspects with flashlights breaking into a black truck at 11 Bellamy, but when the officers shifted focus

to Watkins's vehicle across the cul-de-sac at 30 Bellamy, she did not match that description. Watkins was alone, using her phone, and not near the black truck. A jury could thus conclude that the officers lacked even arguable reasonable suspicion to initiate a stop.

On the excessive force claim, the court turned to *Tennessee v. Garner*, 471 U.S. 1 (1985) and *Graham v. Connor*, 490 U.S. 386 (1989), which set the standard that deadly force may only be used if the officer has probable cause to believe the suspect poses an immediate threat of serious harm. The panel noted that Watkins's car never swerved or appeared to target the officers, and the record did not compel the conclusion that her vehicle posed such an immediate threat. Because factual disputes remained, the court could not find the officers' use of deadly force objectively reasonable as a matter of law.

The court also considered Watkins's claim that her car was unlawfully seized and destroyed. The officers argued that it was not them but the Georgia Bureau of Investigation who seized the car. The court viewed the situation differently, finding that the officers separated Watkins from her car long enough for it to be considered seized, and that no special exception, such as exigent circumstances, applied.

This case is lengthy and well-written, and I highly recommend reading it if time allows, as I cannot cover every interesting aspect of it in a summary. It discusses a growing aspect of police liability, where many officers attempt to conceal their identities, whether through officers in plainclothes or vehicles that fail to display their law enforcement status. It highlights how these choices may lead to a growing communication issue, potentially resulting in more tragedies and liability for municipalities.

Watkins v. Davis

SHORT SUMMARIES:

3rd Circuit – Qualified Immunity – Malicious Prosecution

This case involves the disappearance of five teenage boys in 1978. The case remained unsolved for three decades until detectives coerced a confession from an alleged witness and charged Lee Evans with the boys' murders. Evans was later acquitted, as the only substantial evidence against him was the witness's confession. Evans then sued the detectives who interviewed the witness for malicious prosecution, claiming they coached the confession to implicate Evans in the murders.

The detectives moved for summary judgment, arguing they were entitled to qualified immunity. However, this was denied by the district court because it found that the detectives' failure to disclose that the confession was coerced could be the type of reckless behavior that a reasonable jury might find in favor of the plaintiff. The Court of Appeals affirmed the District Court's decision, holding that the doctrine of qualified immunity does not shield a malicious prosecution claim where evidence is allegedly manufactured.

Evans v. City of Newark

11th Circuit – First Amendment – Nude Dancing – Land Use

A nude dancing establishment set up in the unincorporated area of DeKalb county, Georgia and the county sought to address the issue. The county entered into an agreement to allow the business to operate, put some restrictions on the operation and exacted a significant licensing fee which the business agreed to both as to limitations and paying the fee. A few years later, the city of Chamblee annexed land that included the business. The city at first fearful of litigating the First Amendment claims of nude dancing (picture if you will Thomas Jefferson and James Madison debating how nude dancing should be protected by the First Amendment), decided to go along with the county agreement but noting that the county's agreement did not bind it. Times changed and it began to look like the SCT would handle claims about First Amendment freedoms differently when it came to adult businesses. The city apparently hired an exceptional First Amendment lawyer and began the process of amending its ordinances and following a sequence of enforcement to address its concerns over the nude dancing business. The business sued and lost at the lower court and in other challenges involving enforcement. On appeal the panel affirmed finding that the City's efforts complied with the First Amendment.

WBY, Inc. vs. Chamblee Georgia

4th Circuit – First Amendment - Public Access

North Carolina police officer Clarence Belton (Belton) was shot multiple times by fellow officer Heather Loveridge (Loveridge) during the execution of a search warrant, sustaining severe injuries; the incident was captured on video and body-camera footage. Belton sued Loveridge and the City of Charlotte, asserting federal Fourth Amendment and state tort claims. In the district court, Loveridge moved for summary judgment, and both she and Belton filed joint motions to seal the video exhibits related to the summary judgment. A magistrate judge granted the sealing motions, and the district court denied Loveridge's summary judgment motion. Meanwhile, a local broadcaster sought to intervene for the limited purpose of unsealing the video exhibits and appealed the sealing order. The district court denied the intervention motion, citing lack of jurisdiction due to the pending appeal, and refused to unseal, concluding that there was no right of access under the common law or First Amendment and that Loveridge's fair trial interests took precedence.

On appeal, the Fourth Circuit affirmed the district court's denial of the broadcaster's motion to intervene, agreeing that the district court lacked jurisdiction at that stage, but recast the sealing order issue as a petition for a writ of mandamus and found that the prior order sealing the video exhibits violated the First Amendment right of the public to access judicial records. The court reasoned that the district court's sealing order lacked sufficient findings to show (1) a compelling interest justifying closure beyond mere consent and (2) no workable alternatives to sealing. It also held that Loveridge's asserted fair trial interests were not demonstrated to outweigh the strong presumption in favor of public access to materials used in judicial proceedings. As a result, the Fourth Circuit vacated the sealing order and remanded the case with instructions for the district court to create an appropriate record and weigh competing interests in accordance with the First Amendment.

Gray Media Group, Inc. v. Loveridge