

SUPREME COURT OF GEORGIA

Castillo-Solis v. State

292 Ga. 755 (2013) · Decided March 25, 2013

SUMMARY

The Supreme Court of Georgia held that OCGA § 40-5-20(a) does not permit a person cited for driving without a valid license to avoid conviction by obtaining a Georgia license after the offense. The court rejected the appellant’s due process, equal protection, right-to-defend, and federal preemption challenges, concluding that the licensing statute and its safe-harbor provision were constitutional as applied. The judgment affirming the trial court was affirmed.

CASE DETAILS

COURT	Supreme Court of Georgia
WRITING FOR THE COURT	Nahmias, Justice; All Justices
JURISDICTION	Georgia
DECIDED	March 25, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Interlocutory appeal from the denial of a motion to quash a citation for driving without a valid driver's license and the trial court's ruling that OCGA § 40-5-20(a) was constitutional as applied to Castillo-Solis.
STANDARD OF REVIEW	Constitutional challenges and statutory interpretation were reviewed de novo. The due-process and equal-protection claims were evaluated under rational-basis review because there is no fundamental right to drive and undocumented immigrants are not a suspect class.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Georgia.
PARTIES	Fernando Castillo-Solis v. State

TOPICS

- statutory interpretation
- due process
- equal protection
- preemption
- appellate procedure

PRACTICE AREAS

- constitutional law
- criminal law
- statutory interpretation
- immigration
- federalism
- appellate procedure

QUESTIONS PRESENTED

1. Whether OCGA § 40-5-20(a) contains a safe-harbor provision permitting a person cited for driving without a valid license to avoid guilt by obtaining a Georgia driver's license after the citation but before trial.
2. Whether OCGA § 40-5-20(a), as construed and applied, violates due process or equal protection because undocumented immigrants cannot obtain a Georgia driver's license and therefore cannot use the statutory safe harbor.
3. Whether OCGA § 40-5-20(a) deprives a defendant of the constitutional right to defend himself in court.
4. Whether OCGA § 40-5-20(a) is preempted by federal immigration law.

HOLDINGS

1. The safe-harbor provision does not permit a person cited for driving without a valid Georgia driver's license to obtain a license after the citation and thereby avoid guilt. It permits production in court of a Georgia driver's license that was valid when the vehicle was driven or when the citation was issued.
2. OCGA § 40-5-20(a) and its safe-harbor classification do not violate due process or equal protection as applied to Castillo-Solis.
3. OCGA § 40-5-20(a) does not deprive Castillo-Solis of his constitutional right to defend himself in court.
4. Federal law does not preempt OCGA § 40-5-20(a).

KEY QUOTATIONS

“The safe harbor does not allow a person cited for driving without a valid Georgia driver’s license to escape guilt by obtaining such a license after the fact and presenting it at trial.” (292 Ga. at 759)

“In sum, it is generally illegal to drive in Georgia without having been issued a valid driver’s license, and it is generally illegal to drive in Georgia without having been issued a valid Georgia driver’s license where the driver has been a Georgia resident for at least 30 days.” (292 Ga. at 761)

“Thus, to prevail on his preemption claim, Appellant was required to show the “clear and manifest purpose of Congress” to preempt OCGA § 40-5-20 (a), yet he has cited not a single federal statute or regulation in support of his claim.” (292 Ga. at 763)

FACTUAL BACKGROUND

On January 14, 2010, a Gwinnett County police officer stopped the van Castillo-Solis was driving after determining that its registration had been suspended. Castillo-Solis could not produce a valid driver's license and was cited under OCGA § 40-5-20(a). The parties stipulated that he was an undocumented Mexican citizen who had lived in Georgia for at least ten years and could not obtain even a temporary Georgia driver's license under OCGA § 40-5-21.1.

PROCEDURAL HISTORY

A Gwinnett County police officer cited Castillo-Solis for violating OCGA § 40-5-20(a). Castillo-Solis moved to quash the citation on constitutional and federal-preemption grounds. The trial court denied the motion and issued a certificate of immediate review; the Supreme Court of Georgia granted interlocutory review and affirmed.

DISPOSITION

affirmed

CASES CITED

- Colotl v. State, 313 Ga. App. 42, 44-45, 720 S.E.2d 210 (2011)
- Horn v. Shepherd, 292 Ga. 14, 20-21, 732 S.E.2d 427 (2012)
- Clark v. Martinez, 543 U.S. 371, 381 (2005)
- Haley v. State, 289 Ga. 515, 521-522, 712 S.E.2d 838 (2011)
- Quitter v. Bowman, 262 Ga. 769, 771, 425 S.E.2d 641 (1993)
- Plyler v. Doe, 457 U.S. 202, 223 (1982)
- Favorito v. Handel, 285 Ga. 795, 796, 684 S.E.2d 257 (2009)
- Daniel v. Amicalola Electric Membership Corp., 289 Ga. 437, 441, 711 S.E.2d 709 (2011)
- Nelson v. State, 87 Ga. App. 644, 647, 75 S.E.2d 39 (1953)
- Smith v. Baptiste, 287 Ga. 23, 24, 694 S.E.2d 83 (2010)
- Hernandez v. State, 281 Ga. 559, 561, 639 S.E.2d 473 (2007)
- Arizona v. United States, 567 U.S. 387 (2012)
- Dennis v. State, 226 Ga. 341, 342, 175 S.E.2d 17 (1970)
- Diaz v. State, 245 Ga. App. 380, 383, 537 S.E.2d 784 (2000)
- John Doe No. 1 v. Georgia Department of Public Safety, 147 F. Supp. 2d 1369, 1372-1376 (N.D. Ga. 2001)
- Sandstrom v. Montana, 442 U.S. 510, 521-524 (1979)
- Napier v. State, 276 Ga. 769, 771, 583 S.E.2d 825 (2003)
- Pepper v. United States, 562 U.S. 476, 131 S. Ct. 1229, 179 L. Ed. 2d 196 (2011)