

UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

Hazen v. Pasley

768 F.2d 226 (8th Cir. 1985) · Decided July 15, 1985

SUMMARY

The Eighth Circuit held that a transfer of property by a prisoner to a law enforcement officer in custody violates public policy, reversing the district court’s judgment on the wrongful-dominion diversity claim and remanding for further proceedings. The court also upheld the denial of discovery sanctions against an officer, finding no abuse of discretion. The opinion addresses unconstitutional jail conditions, alleged excessive force, and the validity of property transfers made by prisoners to custodial officials.

CASE DETAILS

COURT	United States Court of Appeals for the Eighth Circuit
WRITING FOR THE COURT	McMillian; Lay; Woods
JURISDICTION	Federal
DECIDED	July 15, 1985
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Appeal from a final judgment of the United States District Court for the Eastern District of Missouri in consolidated actions involving a diversity claim for wrongful dominion over personal property, § 1983 claims concerning jail conditions and excessive force, and a discovery-sanctions dispute.
STANDARD OF REVIEW	Questions of Missouri law in a diversity action are reviewed independently, although special weight is given to the district court's interpretation of state law. Discovery sanctions are reviewed for clear abuse of discretion.
PRECEDENTIAL VALUE	published precedential opinion
PARTIES	Charles Hazen, Gerald Hazen v. Ralph E. Hensley, Walter Aytes, Thomas Pasley

TOPICS

- prisoners rights
- torts
- discovery dispute
- civil procedure
- section 1983

PRACTICE AREAS

civil rights

constitutional law

torts

civil procedure

QUESTIONS PRESENTED

1. Whether, under Missouri law, a transfer of property by a prisoner in the custody of a law-enforcement officer to that officer violates public policy.
2. Whether the district court abused its discretion by refusing to impose discovery sanctions against Hensley for failure to comply with a discovery order.

HOLDINGS

1. Under Missouri law, a transfer of property by a prisoner in the custody of a law-enforcement officer to that officer violates public policy.
2. The district court did not abuse its discretion by denying sanctions against Hensley based on its finding of personal difficulties underlying his noncompliance with the discovery order.

KEY QUOTATIONS

“We believe that the Missouri Supreme Court, considering the evidence which was before the district court, would hold that transfers of property by a prisoner in the custody of a law enforcement officer to that law enforcement officer violate public policy.” (768 F.2d at 228-29)

“While all these reasons militate against allowing law enforcement officials to accept gifts from prisoners, we can think of no public good which would be served by permitting these officials to accept gifts.” (768 F.2d at 229)

FACTUAL BACKGROUND

Missouri law-enforcement officers arrested Charles and Gerald Hazen in January 1981, and the Hazens were held as pretrial detainees at the Phelps County Jail for approximately four months. While Charles remained detained, he signed a document transferring ownership of tools and other property to Phelps County Sheriff Thomas Pasley; Charles alleged that Pasley threatened that he would never see Gerald alive again unless he made the transfer. The property was later delivered to Pasley by Highway Patrol officer Walter Aytes. Missouri law-enforcement agencies had policies prohibiting officers from accepting gifts from prisoners.

PROCEDURAL HISTORY

The district court found unconstitutional conditions concerning food and clothing at the Phelps County Jail and awarded each Hazen \$100 against Pasley. It ruled for Pasley, Aytes, and Hensley on the diversity claim concerning Charles Hazen's transfer of property, ruled for Hensley on the excessive-force claim, and denied Gerald Hazen's motion for discovery sanctions. The Hazens appealed, challenging the voluntariness and public-policy validity of the property transfer and the denial of sanctions.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The diversity judgment is reversed and the case is remanded to the district court for further proceedings consistent with the opinion, including application of the public-policy rule to the property transfer.

CASES CITED

- *Stratioti v. Bick*, 704 F.2d 1052, 1054 (8th Cir. 1983)
- *Nelson by Wharton v. Missouri Department of Family Services*, 706 F.2d 276, 278 (8th Cir. 1983)
- *Red Lobster Inns of America, Inc. v. Lawyers Title Insurance Corp.*, 656 F.2d 381, 387 (8th Cir. 1981)
- *Phil Crowley Steel Corp. v. Macomber, Inc.*, 601 F.2d 342, 344 (8th Cir. 1979)
- *Voegeli v. Lewis*, 568 F.2d 89, 96 (8th Cir. 1977)
- *Fox v. Studebaker-Worthington, Inc.*, 516 F.2d 989, 993 (8th Cir. 1975)