

25-1386
No. _____

In the Supreme Court of the United States

JAMILA HAMBRICK, ADMINISTRATOR OF THE ESTATE OF
DERRICK KHALID HAMBRICK,

Petitioner,

v.

WELLS FARGO BANK, N.A.,

Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

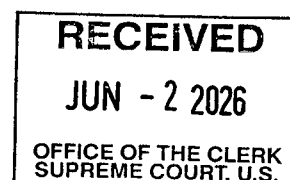
PETITION FOR WRIT OF CERTIORARI

Jamila Hambrick
5805 State Bridge Rd
Ste G349
Johns Creek, GA 30097
(760) 388-6362
Uriah.taylor623@gmail.com

Pro Se Petitioner

MAY MMXXVI

United States Commercial Printing Company • www.uscpc.us • (202) 866-8558



QUESTIONS PRESENTED

1. Whether the Eleventh Circuit's categorical rule excluding all third-party statements recorded in police reports from the hearsay exceptions under Federal Rules of Evidence 803(8), 804(b)(3), and 807, regardless of the circumstances of the statement's making conflicts with this Court's broad, flexible approach to the Federal Rules of Evidence as articulated in *Beech Aircraft Corp. v. Rainey*, 488 U.S. 153 (1988), and with the approaches of other circuits that evaluate such statements under a totality-of-the-circumstances analysis.

2. Whether a court violates the Seventh Amendment's guarantee of the right to trial by jury and this Court's summary judgment precedents in *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), and *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), when it excludes a plaintiff's key evidence on hearsay grounds and then grants summary judgment on the basis that the plaintiff lacks sufficient evidence to create a genuine dispute of material fact.

PARTIES TO THE PROCEEDINGS

Petitioner, and plaintiff-appellant below is Jamila Hambrick, as Administrator of the Estate of Derrick Khalid Hambrick.

Respondent, and defendant-appellee below is Wells Fargo Bank, N.A.

Maurice B. Watson, defendant below, was not an appellee before the Eleventh Circuit nor is a respondent to this petition for writ of certiorari.

RELATED PROCEEDINGS

United States District Court (NDGA):

Jamila A. Hambrick, as administrator of the estate of Derrick Khalid Hambrick v. Wells Fargo Bank, N. A. Inc., No. 1:22-cv-03509-MLB (Sep. 5, 2024) (judgment entered)

United States Court of Appeals (CA11):

Jamila A. Hambrick, as administrator of the estate of Derrick Khalid Hambrick v. Wells Fargo Bank, N. A. Inc., No. 24-13279 (Nov. 7, 2025) (district court affirmed)

Jamila A. Hambrick, as administrator of the estate of Derrick Khalid Hambrick v. Wells Fargo Bank, N. A. Inc., No. 1:22-cv-03509-MLB (Dec. 12, 2025) (rehearing denied)

TABLE OF CONTENTS

Questions Presented	i
Parties to the Proceedings	ii
Related Proceedings	ii
Table of Authorities.....	vi
Opinions Below	1
Jurisdiction	1
Constitutional and Statutory Provisions Involved	1
Statement of the Case	4
A. Factual Background	4
B. Proceedings Below	6
1. District Court Proceedings	6
2. Eleventh Circuit Proceedings	7
Reasons for Granting the Petition	8
I. The Eleventh Circuit's Categorical Exclusion of Third-Party Statements in police Reports Conflicts with this Court's Precedent and the Approaches of Other Circuit	9
A. The Decision Below Applies a Rigid, Categorical Rule that Conflict with this Court's Flexible Approach to Rule 803(8) 9	
B. Other Circuits Apply a More Flexible, Circumstance-Specific Approach	10
C. The Eleventh Circuit's Treatment of Rules 804(b)(3) and 807 Compounds the Conflict	12

II. The Decision Below Creates an Untenable Evidentiary Catch-22 That Denies Plaintiffs Their Seventh Amendment Right to a Jury Trial	15
A. The Summary Judgment Standard Requires That All Evidence Be Viewed in the Light Most Favorable to the Nonmovant	15
B. The Evidentiary Catch-22 in This Case ..	16
C. The Interaction Between Evidence Exclusion and Summary Judgment Raises a Recurring Question of National Importance	17
III. This Case Presents an Ideal Vehicle for Resolving These Important and Recurring Questions	19
Conclusion	21
Appendix	
Appendix A	
Opinion [district court's granting of summary judgment affirmed], United States Court of Appeals for the Eleventh Circuit, <i>Jamila Hambrick, as administrator of the estate of Derrick Khalid Hambrick, v. Wells Fargo Bank, N.A. Inc. [Defendant-Appellee], Maurice B. Watson [Defendant]</i> , No. 24-13279 (Nov. 7, 2025)	App-1

Appendix B

Order [defendant's motion for summary judgment granted], United States District Court for the Northern District of Georgia, Atlanta Division, *Jamila Hambrick, as administrator of the estate of Derrick Khalid Hambrick v. Wells Fargo Bank, N.A. Inc.*,
 No. 1:22-cv-3509-MLB (Sep. 5, 2024) App-12

Appendix C

Judgment [case dismissed], United States District Court for the Northern District of Georgia, Atlanta Division, *Jamila Hambrick v. Wells Fargo Bank, N.A. Inc.*,
 No. 1:22-cv-3509-MLB (Sep. 6, 2024) App-30

Appendix D

Order, United States District Court for the Northern District of Georgia, Atlanta Division, *Jamila Hambrick, as administrator of the estate of Derrick Khalid Hambrick v. Wells Fargo Bank, N.A. Inc.*,
 No. 1:22-cv-3509-MLB (Jun. 25, 2025) App-32

Appendix E

Order [petition for rehearing denied], United States Court of Appeals for the Eleventh Circuit, *Jamila Hambrick, as administrator of the estate of Derrick Khalid Hambrick, v. Wells Fargo Bank, N.A. Inc. [Defendant-Appellee], Maurice B. Watson [Defendant]*,
 No. 24-13279 (Dec. 12, 2025) App-36

TABLE OF AUTHORITIES

Cases

<i>Adickes v. S. H. Kress & Co.</i> 398 U. S. 144 (1970).....	15
<i>Anderson v. Liberty Lobby, Inc.</i> 477 U. S. 242 (1986).....	15-16, 19
<i>Baker v. Elcona Homes Corp.</i> 588 F. 2d 551 (CA6 1978)	11, 20
<i>Beech Aircraft Corp. v. Rainey</i> 488 U. S. 153 (1988).....	9-10, 21
<i>Celotex Corp. v. Catrett</i> 477 U. S. 317 (1986).....	15
<i>Dallas County v. Commercial Union Assurance Co.</i> 286 F. 2d 388 (CA5 1961)	11-12
<i>Idaho v. Wright</i> 497 U. S. 805 (1990).....	14
<i>Jones v. UPS Ground Freight</i> 683 F. 3d 1283 (CA11 2012)	18
<i>Kappa Sigma Int'l Fraternity v. Tootle</i> 473 S. E. 2d 213 (Ga. Ct. App. 1996).....	6
<i>Lamonica v. Safe Hurricane Shutters, Inc.</i> 711 F. 3d 1299 (CA11 2013)	8
<i>Matsushita Electric Industrial Co. v. Zenith Radio Corp.</i> 475 U. S. 574 (1986).....	15
<i>Rivers v. United States</i> 777 F. 3d 1306 (CA11 2015)	8

United Technologies Corp. v. Mazer

556 F. 3d 1260 (CA11 2009) 7, 10

Williamson v. United States

512 U. S. 594 (1994)..... 13

Constitutional Provisions, Statutes, and Rules

U. S. Const., Amdt. VII 1, 9, 15, 17-18

28 U. S. C. § 1254 1

28 U. S. C. § 1332 6

O.C.G.A. § 51-1-40 3, 5

S. Ct. R. 10..... 19-20

Fed. R. Civ. P. 56..... 15

Fed. R. Evid. 803 2-3, 6-7, 9-12, 20

Fed. R. Evid. 804 2, 6-8, 12-14, 20

Fed. R. Evid. 807 3, 6-8, 12, 14-15, 20

OPINIONS BELOW

The Eleventh Circuit's opinion is reproduced in the Appendix at App. 1-11. The Northern District of Georgia's decisions are reproduced in the Appendix at App. 12-35.

JURISDICTION

The Eleventh Circuit's decision was entered on November 7, 2025. The Eleventh Circuit denied rehearing on December 12, 2025. This Court has jurisdiction under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U. S. Const., Amdt. VII:

In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

28 U. S. C. § 1254(1):

Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of any party to any civil or criminal case, before or after rendition of judgment or decree.

Fed. R. Evid. 803(8) (Public Records):

The following are not excluded by the rule against hearsay, regardless of whether the declarant is available as a witness: ... (8) Public Records. A record or statement of a public office if: (A) it sets out: (i) the office's activities; (ii) a matter observed while under a legal duty to report, but not including, in a criminal case, a matter observed by law-enforcement personnel; or (iii) in a civil case or against the government in a criminal case, factual findings from a legally authorized investigation; and (B) the opponent does not show that the source of information or other circumstances indicate a lack of trustworthiness.

Fed. R. Evid. 804(a)(3) and 804(b)(3):

(a) Criteria for Being Unavailable. A declarant is considered to be unavailable as a witness if the declarant: ... (3) testifies to a lack of memory of the subject matter of the declarant's statement; ...
(b) The Exceptions. The following are not excluded by the rule against hearsay if the declarant is unavailable as a witness: ... (3) Statement Against Interest. A statement that: (A) a reasonable person in the declarant's position would have made only if the person believed it to be true because, when made, the statement ... was so contrary to the declarant's proprietary or pecuniary interest ...

that a reasonable person in the declarant's position would not have made the statement unless believing it to be true ...

Fed. R. Evid. 807 (Residual Exception):

(a) In General. Under the following conditions, a hearsay statement is not excluded by the rule against hearsay even if the statement is not admissible under a hearsay exception in Rule 803 or 804: (1) the statement is supported by sufficient guarantees of trustworthiness — after considering the totality of circumstances under which it was made and evidence, if any, corroborating the statement; and (2) it is more probative on the point for which it is offered than any other evidence that the proponent can reasonably obtain.

O.C.G.A. § 51-1-40(b) (Georgia Dram Shop Act):

A person who sells, furnishes, or serves alcoholic beverages to a person of lawful drinking age shall not thereby become liable for injury or damage caused by or resulting from the intoxication of such person unless such sale, furnishing, or serving is in willful, knowing, or reckless disregard of such person's level of intoxication.

STATEMENT OF THE CASE

A. Factual Background

On the night of August 3, 2019, Maurice Watson, a Wells Fargo Bank employee whose job title was "beverage financing relationship manager", drove his vehicle at high speed into the rear of a car operated by Derrick Khalid Hambrick on Interstate 285 in Atlanta, Georgia. App. 2. The collision occurred at approximately 11:45 p.m., Mr. Hambrick died from injuries sustained in the crash. Watson survived and was subsequently arrested at the scene.

In the immediate aftermath of the collision, while still at the scene, Watson made a spontaneous statement to the investigating law enforcement officers. According to the police report prepared by the officers who responded to the crash, Watson told them that he was returning from "a work function" where he had consumed "two whiskies." App. 2. This statement was recorded in the police report contemporaneously with the investigation.

Watson's blood was drawn approximately three and a half hours after the crash. The toxicology results revealed a blood alcohol concentration of .174, more than twice the legal limit of .08 in Georgia, and the equivalent of approximately 8.7 standard alcoholic drinks. Given the passage of time between the crash and the blood draw, Watson's BAC at the time of the collision would have been even higher. Watson was subsequently charged with driving under the influence, vehicular homicide, and failure to maintain his lane.

Watson's employment at Wells Fargo is undisputed. His role as a "beverage financing relationship

manager” involved networking with clients in the alcoholic beverage industry, a position that, by its nature, entailed attendance at social and professional events where alcohol was served. Discovery revealed that Wells Fargo regularly hosted events in the Atlanta area during 2019 at which alcohol was served “with no set limit on consumption.” Wells Fargo’s own corporate representative, Howard Kim, testified at a Rule 30(b)(6) deposition that the company hosted such events, though he could not confirm or deny whether any event took place on the specific night of August 3, 2019.

When Watson was later deposed in this litigation, he provided a strikingly different account. He claimed that the officers had “misheard” him due to his slurred speech, and that he had actually said he was coming from “networking” not “a work function.” Watson testified that he could not remember where he had been that evening, who he had been with, or what he had been doing before the crash. He could not provide any alternative explanation for his whereabouts or for his extreme level of intoxication. He did, however, recall his encounter with the police officers and disputed the content of the statement attributed to him in the police report.

Petitioner Jamila Hambrick is the mother of Derrick Khalid Hambrick and the administrator of his estate. She brought this action to hold Wells Fargo accountable under Georgia’s dram shop statute, O.C.G.A. § 51-1-40(b), which imposes liability on a person or entity that “sells, furnishes, or serves” alcohol to a person of lawful drinking age in “willful, knowing, or reckless disregard” of that person’s level

of intoxication. See *Kappa Sigma Int'l Fraternity v. Tootle*, 473 S. E. 2d 213, 215 (Ga. Ct. App. 1996).

B. Proceedings Below

1. District Court Proceedings

Petitioner filed this action in the United States District Court for the Northern District of Georgia on August 30, 2022, invoking the court's diversity jurisdiction under 28 U. S. C. § 1332. The case was assigned to the Honorable Michael L. Brown.

The central evidentiary dispute throughout the litigation was the admissibility of Watson's statement to the police officers that he was returning from "a work function" as recorded in the police report. This statement was the primary evidence connecting Wells Fargo to the furnishing of alcohol to Watson on the night of the fatal crash.

Respondent moved for summary judgment, arguing that without Watson's statement, Petitioner had no admissible evidence that Wells Fargo had "sold, furnished, or served" alcohol to Watson on the night in question. The district court agreed. In its order entered September 5, 2024, the court excluded Watson's statement under all three hearsay exceptions advanced by Petitioner – Federal Rules of Evidence 803(8), 804(b)(3), and 807, and granted summary judgment in favor of Wells Fargo. App. 12.

The district court reasoned that Watson's statement was not admissible under Rule 803(8) because it was a third-party statement embedded in a police report, not the officer's own observation. The court further held that Watson was not "unavailable" under Rule 804(a) because he appeared for his deposition and testified, thereby precluding admission under Rule

804(b)(3). Finally, the court found that the statement lacked sufficient guarantees of trustworthiness for admission under Rule 807, citing Watson's intoxicated state at the time of the statement.

Having excluded the statement, the district court found that Petitioner had no admissible evidence to establish that Wells Fargo furnished alcohol to Watson, and granted summary judgment on all claims.

2. Eleventh Circuit Proceedings

Petitioner timely appealed to the United States Court of Appeals for the Eleventh Circuit. On February 20, 2025, the Eleventh Circuit remanded the case to the district court for a limited determination regarding the citizenship of the parties for diversity jurisdiction purposes. The district court confirmed complete diversity on June 25, 2025, and the appeal proceeded.

On November 7, 2025, a panel of the Eleventh Circuit—Judges Rosenbaum, Grant, and Wilson, issued an unpublished, per curiam opinion affirming the district court's judgment in all respects. App. 1–11.

On the Rule 803(8) issue, the panel applied the Eleventh Circuit's bright-line rule from *United Technologies Corp. v. Mazer*, 556 F. 3d 1260, 1278 (CA11 2009), holding that "entries in a police report which result from the officer's own observations and knowledge may be admitted but that statements made by third persons under no business duty to report may not." App. 6. The panel held that Watson's statement fell squarely within this categorical exclusion.

On the Rule 804(b)(3) issue, the panel held that Watson was not "unavailable" under Rule 804(a)(3)

because he “recalls his conversation with the officers, and disputes that he was at a work function.” App. 8. The panel relied on *Lamonica v. Safe Hurricane Shutters, Inc.*, 711 F. 3d 1299, 1317 (CA11 2013), reasoning that Watson’s ability to recall some details of the evening, specifically his encounter with the police, meant he did not “lack memory of the subject matter” of his statement.

On the Rule 807 issue, the panel held that Watson’s statement lacked sufficient guarantees of trustworthiness because Watson was “visibly intoxicated” at the time he made the statement, exhibiting “slurred speech” and “unsteadiness.” App. 8–9. The panel applied the factors from *Rivers v. United States*, 777 F. 3d 1306, 1315 (CA11 2015), and concluded that Watson’s intoxicated condition undermined the reliability of his statement. The panel further found that the statement was not “more probative on the point for which it is offered than any other evidence that the proponent can reasonably obtain,” noting the absence of corroborating evidence such as corporate event records or witness testimony. App. 8.

Petitioner filed a timely petition for panel rehearing, which the Eleventh Circuit denied on December 12, 2025. App. 36.

REASONS FOR GRANTING THE PETITION

This Court should grant certiorari for two independent but interrelated reasons. First, the Eleventh Circuit’s categorical approach to excluding third-party statements recorded in police reports conflicts with this Court’s precedent and with the approaches of other federal circuits, creating uncertainty in the application of the Federal Rules of Evidence across the

nation. Second, the decision below creates an untenable evidentiary "Catch-22", excluding a plaintiff's key evidence on hearsay grounds and then granting summary judgment for lack of evidence, that effectively denies civil plaintiffs their Seventh Amendment right to a jury trial. Together, these errors raise important and recurring questions of federal law that warrant this Court's review.

I. The Eleventh Circuit's Categorical Exclusion of Third-Party Statements in police Reports Conflicts with this Court's Precedent and the Approaches of Other Circuit

A. The Decision Below Applies a Rigid, Categorical Rule that Conflict with this Court's Flexible Approach to Rule 803(8)

In *Beech Aircraft Corp. v. Rainey*, 488 U. S. 153 (1988), this Court resolved a longstanding circuit split over the scope of the public records exception in Federal Rule of Evidence 803(8)(C). The Court held that "factual findings" in investigative reports are not limited to narrow, first-hand observations but encompass opinions and conclusions as well, so long as the report satisfies the Rule's trustworthiness requirement. *Id.* at 170. The Court emphasized that the Federal Rules of Evidence should be interpreted broadly and flexibly, consistent with "the liberal thrust of the Federal Rules and their 'general approach of relaxing the traditional barriers to opinion testimony.'" *Id.* at 169.

The Eleventh Circuit's approach in this case stands in direct tension with *Beech Aircraft's* mandate of flexibility. Under the bright-line rule of *United*

Technologies Corp. v. Mazer, 556 F. 3d 1260, 1278 (CA11 2009), the Eleventh Circuit categorically excludes all third-party statements recorded in police reports from the public records exception, regardless of the circumstances under which the statements were made, the reliability of the recording process, or the relationship between the statement and the officer's investigative findings. The panel below applied this rule mechanically, holding that Watson's statement was inadmissible simply because it was "a third-party assertion embedded in a police report." App. 6.

This categorical approach is irreconcilable with *Beech Aircraft's* instruction that admissibility under Rule 803(8) should turn on the trustworthiness of the particular evidence at issue, not on rigid categorical rules. As this Court explained, the Rule "assumes admissibility in the first instance" and places the burden on the opponent to demonstrate that "the source of information or other circumstances indicate a lack of trustworthiness." *Beech Aircraft*, 488 U. S. at 167. The Eleventh Circuit's bright-line exclusion inverts this framework by presuming inadmissibility for an entire category of evidence without any inquiry into trustworthiness.

B. Other Circuits Apply a More Flexible, Circumstance-Specific Approach

The Eleventh Circuit's categorical rule conflicts with the approaches of other federal circuits, which evaluate the admissibility of information contained in police reports and government investigative reports under a more flexible, totality-of-the-circumstances analysis.

The Sixth Circuit, in *Baker v. Elcona Homes Corp.*, 588 F. 2d 551 (CA6 1978), adopted a broad interpretation of Rule 803(8)(C) in the context of a police accident report. The court held that the investigating officer's factual findings, including his determination of which vehicle ran a red light, a conclusion that necessarily relied in part on third-party information gathered during the investigation, were admissible as "factual findings resulting from an investigation made pursuant to authority granted by law." *Id.* at 557-58. The Sixth Circuit applied the four-factor trustworthiness test from the Advisory Committee Notes—timeliness, special skill of the official, whether a hearing was held, and possible motivational problems and concluded that the report was trustworthy and admissible. *Id.* at 559-60. Critically, the Sixth Circuit did not apply a categorical exclusion of all information derived from third-party sources; instead, it evaluated the report as a whole under the trustworthiness framework.

This approach reflects the reality of law enforcement investigations: officers routinely incorporate information from witnesses, participants, and other third parties into their reports, and the factual findings they reach are necessarily informed by that information. A rule that categorically strips police reports of all third-party content renders the public records exception a hollow formality in the very context, accident investigations, where it is most frequently invoked.

The Fifth Circuit's foundational decision in *Dallas County v. Commercial Union Assurance Co.*, 286 F. 2d 388 (CA5 1961), which predated and helped inspire the residual hearsay exception, similarly reflects a

flexible, pragmatic approach to hearsay evidence. In *Dallas County*, the court admitted a decades-old newspaper article to prove that a courthouse had been struck by lightning, reasoning that rigid adherence to categorical hearsay rules should not exclude evidence that bears strong indicia of reliability. *Id.* at 397-98. The court emphasized that the hearsay rules must be applied with sensitivity to the practical realities of proof, not as mechanical barriers to the truth-seeking function of the courts.

The contrast with the Eleventh Circuit's approach is stark. Where other circuits ask whether the evidence is *trustworthy*, the Eleventh Circuit asks only whether the evidence falls within a *category* and if it is a third-party statement in a police report, it is excluded without further analysis. This categorical approach produces arbitrary results: an officer's written conclusion that a driver was intoxicated (based on the officer's own observation) would be admissible, but the driver's own contemporaneous admission of intoxication recorded by the same officer in the same report would not be.

C. The Eleventh Circuit's Treatment of Rules 804(b)(3) and 807 Compounds the Conflict

The decision below does not merely exclude Watson's statement under Rule 803(8). It excludes the statement under *every* hearsay exception advanced by Petitioner, applying an approach to Rules 804(b)(3) and 807 that is equally rigid and that further deepens the conflict with the approaches of other circuits and with this Court's precedent.

Rule 804(b)(3) - Statement Against Interest. The panel held that Watson was not "unavailable" under Rule 804(a)(3) because he "recalls his conversation with the officers, and disputes that he was at a work function." App. 8. This reasoning conflates two distinct concepts: Watson's ability to recall *some events* of the evening (his encounter with the police) with his ability to testify about the *subject matter* of his statement (where he had been before the crash). Rule 804(a)(3) provides that a declarant is unavailable if the declarant "testifies to a lack of memory of the subject matter of the declarant's statement." The subject matter of Watson's statement was his attendance at a work function. Watson testified unequivocally that he *cannot remember* where he was that evening, who he was with, or what he was doing before the crash. He offered no alternative account of his whereabouts. The fact that he can recall speaking with the police officers does not mean he can testify about the subject matter of what he told them.

This Court's decision in *Williamson v. United States*, 512 U. S. 594 (1994), instructs that the statement-against-interest exception must be applied with attention to the specific content and context of each statement. Watson's statement that he was returning from "a work function" where he consumed alcohol was directly contrary to his pecuniary and proprietary interests: it exposed him to civil liability for vehicular homicide while intoxicated and exposed his employer to dram shop liability. A reasonable person in Watson's position would not have made such a statement unless he believed it to be true. The Eleventh Circuit's refusal to recognize Watson's obvious testimonial unavailability on the subject matter of his statement, his

pre-crash whereabouts, effectively reads Rule 804(a)(3) out of the Federal Rules of Evidence.

Rule 807 — Residual Exception. The panel's treatment of the residual exception is perhaps the most troubling aspect of the decision. The panel held that Watson's statement lacked sufficient "guarantees of trustworthiness" because Watson was intoxicated at the time he made it. App. 8. But this reasoning is fundamentally circular in the context of a dram shop case: the very purpose of the statement is to prove that Watson was served alcohol to the point of intoxication. Using Watson's intoxication to *exclude* the evidence of that intoxication creates a logical impossibility: the more intoxicated the declarant, the less likely his statement about the source of that intoxication will be admitted, and the less likely the dram shop claim will succeed.

Moreover, the panel's reasoning defies common experience. Intoxication does not make a person *more* likely to fabricate a statement about where he has been; if anything, it makes fabrication *less* likely. Watson's statement was spontaneous, made to law enforcement officers at the scene of a fatal crash, before any motive to protect his employer had arisen, and at a time when his cognitive capacity for strategic deception was severely impaired by his extreme intoxication. These are precisely the "circumstantial guarantees of trustworthiness" that Rule 807 is designed to evaluate. See *Idaho v. Wright*, 497 U. S. 805, 819 (1990) (trustworthiness must be assessed based on the "totality of the circumstances" surrounding the making of the statement).

The panel's approach to Rule 807 also conflicts with the 2019 amendment to the Rule, which instructs

courts to consider "the totality of circumstances under which [the statement] was made and evidence, if any, corroborating the statement." Fed. R. Evid. 807(a)(1). The amendment was specifically designed to liberalize the residual exception and to encourage courts to consider the full range of circumstances bearing on trustworthiness, rather than applying rigid categorical rules. The Eleventh Circuit's decision moves in precisely the opposite direction.

II. The Decision Below Creates an Untenable Evidentiary Catch-22 That Denies Plaintiffs Their Seventh Amendment Right to a Jury Trial

A. The Summary Judgment Standard Requires That All Evidence Be Viewed in the Light Most Favorable to the Nonmovant

This Court's summary judgment trilogy—*Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U. S. 574 (1986); *Anderson v. Liberty Lobby, Inc.*, 477 U. S. 242 (1986); and *Celotex Corp. v. Catrett*, 477 U. S. 317 (1986) establishes that summary judgment is appropriate only when "there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law." Fed. R. Civ. P. 56(a). In applying this standard, the court must "view the evidence and draw all reasonable inferences in the light most favorable to the party opposing the motion." *Anderson*, 477 U. S. at 255 (citing *Adickes v. S.H. Kress & Co.*, 398 U.S. 144, 158-59 (1970)).

The summary judgment standard serves as a constitutional function: it protects the Seventh Amendment right to a jury trial by ensuring that cases

involving genuine disputes of material fact are resolved by a jury, not by a judge. As this Court has emphasized, "credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge." *Anderson*, 477 U. S. at 255.

B. The Evidentiary Catch-22 in This Case

The proceedings below illustrate a deeply troubling pattern that recurs across federal litigation: a court excludes the plaintiff's key evidence on hearsay grounds, and then grants summary judgment on the basis that the plaintiff has failed to present sufficient evidence to create a genuine dispute of material fact. The result is a procedural Catch-22 in which the plaintiff is denied access to a jury not because the evidence is insufficient, but because the court has removed it from consideration.

In this case, Petitioner presented substantial evidence to support her dram shop claim against Wells Fargo. Watson's own contemporaneous statement to law enforcement that he was returning from "a work function" where he consumed alcohol, as the most direct and probative evidence that Wells Fargo had furnished alcohol to Watson on the night of the fatal crash. This statement was corroborated by a constellation of circumstantial evidence: Watson was employed by Wells Fargo as a "beverage financing relationship manager," a position that by its nature involved attendance at events where alcohol was served. Wells Fargo regularly hosted events in the Atlanta area during 2019 at which alcohol was served with no set limit on consumption. Watson's blood alcohol concentration of .174, the equivalent of approximately 8.7

drinks, indicated prolonged, heavy drinking, inconsistent with a casual stop at a bar and more consistent with attendance at a social event with unlimited alcohol. The collision occurred at approximately 11:45 p.m., a time consistent with departure from an evening corporate event. And Watson himself could offer no alternative explanation for his whereabouts or his extreme intoxication that evening.

Viewed in the light most favorable to Petitioner as the summary judgment standard requires, this evidence was more than sufficient to permit a reasonable jury to conclude that Watson attended a Wells Fargo event where he was furnished alcohol in reckless disregard of his level of intoxication. The district court and the Eleventh Circuit, however, did not reach this analysis. By excluding Watson's statement under all three hearsay exceptions, the courts below eliminated the evidentiary foundation of Petitioner's case and then concluded unsurprisingly that no genuine dispute of material fact remained.

**C. The Interaction Between Evidence
Exclusion and Summary Judgment
Raises a Recurring Question of
National Importance**

The evidentiary Catch-22 illustrated by this case is not unique to dram shop litigation. It arises whenever a plaintiff's case depends on evidence that is excluded on hearsay or other evidentiary grounds at the summary judgment stage. The question of how courts should handle the intersection of evidence exclusion and summary judgment and, in particular, whether the Seventh Amendment imposes any constraint on a court's ability to exclude evidence and then grant

summary judgment for lack of evidence, is an important and recurring question of federal law that this Court has not directly addressed.

The Eleventh Circuit's rule in *Jones v. UPS Ground Freight*, 683 F. 3d 1283, 1293 (CA11 2012), provides that hearsay evidence may be considered at summary judgment "only if it can be reduced to admissible form at trial." But this rule, as applied in this case, creates a paradox: the court excluded the evidence on the ground that it could not be admitted at trial under any hearsay exception, and then granted summary judgment because no admissible evidence remained. The plaintiff was never given the opportunity to present the evidence to a jury, which could have assessed Watson's credibility, weighed the circumstantial evidence, and drawn its own conclusions about where Watson had been that evening.

This result is fundamentally at odds with the Seventh Amendment's guarantee of the right to trial by jury. The Amendment "preserves" the right to a jury trial; it does not merely tolerate it. When a court's evidentiary rulings systematically strip a plaintiff of the ability to present her case to a jury, the constitutional guarantee is rendered meaningless.

The problem is compounded in this case by the fact that the Eleventh Circuit's evidentiary rulings involved credibility determinations that are properly reserved for the jury. The panel effectively credited Watson's self-serving deposition testimony in which he claimed the officers "misheard" him over his own contemporaneous, spontaneous statement to law enforcement. Whether Watson actually said "work function" or "networking," and whether the officers accurately recorded his statement, are quintessential

questions of fact that should be resolved by a jury, not by a court on summary judgment. See *Anderson*, 477 U. S. at 255 ("Credibility determinations, the weighing of the evidence, and the drawing of legitimate inferences from the facts are jury functions, not those of a judge.").

III. This Case Presents an Ideal Vehicle for Resolving These Important and Recurring Questions

This case is an ideal vehicle for this Court's review for several reasons.

First, the questions presented are squarely raised and dispositive. The admissibility of Watson's statement was the sole issue on which summary judgment turned. If the statement is admissible under any hearsay exception, summary judgment was improper, and the case must be remanded for trial. There are no alternative grounds on which the judgment below could be sustained.

Second, the questions presented are important and recurring. Police reports are among the most commonly encountered forms of hearsay evidence in civil litigation, particularly in personal injury, wrongful death, and dram shop cases. The question of how federal courts should treat third-party statements recorded in police reports arises in thousands of cases each year across the federal system. The Eleventh Circuit's categorical rule of exclusion affects every civil litigant in Alabama, Florida, and Georgia who seeks to rely on a statement recorded in a police report.

Third, the questions presented satisfy the criteria of S. Ct. R. 10. Rule 10(a) provides that certiorari is warranted when "a United States court of appeals has

entered a decision in conflict with the decision of another United States court of appeals on the same important matter." The Eleventh Circuit's categorical exclusion of third-party statements in police reports under Rule 803(8) conflicts with the more flexible approaches of other circuits, including the Sixth Circuit's decision in *Baker v. Elcona Homes Corp.*, 588 F.2d 551 (CA6 1978). Rule 10(c) provides that certiorari is warranted when "a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court." This Court has never addressed the specific question of whether third-party statements recorded in police reports may be admitted under Rule 803(8), Rule 804(b)(3), or Rule 807, and the lower courts are deeply divided on the proper approach.

Fourth, the case presents compelling facts that illuminate the practical consequences of the legal questions at issue. Derrick Khalid Hambrick was killed by an intoxicated driver who, in the immediate aftermath of the crash, told police he was returning from a work function. His mother has been denied the opportunity to present this evidence to a jury — not because the evidence is unreliable, but because it falls within a categorical exclusion that the Eleventh Circuit applies without regard to the circumstances of the statement's making. The human cost of the legal error is immediate and irreversible.

Fifth, the unpublished nature of the Eleventh Circuit's opinion does not diminish the importance of the questions presented. To the contrary, the fact that the panel disposed of these significant evidentiary questions in an unpublished, per curiam opinion — without oral argument — suggests that the Eleventh

Circuit views its categorical approach as settled law that requires no further analysis. This Court's intervention is necessary to ensure that the Federal Rules of Evidence are applied with flexibility and attention to trustworthiness that this Court mandated in *Beech Aircraft Corp. v. Rainey*.

CONCLUSION

This Court should grant certiorari.

Jamila Hambrick
5805 State Bridge Rd
Ste G349
Johns Creek, GA 30097
(760) 388-6362
Uriah.taylor623@gmail.com

MAY 2026

Pro Se Petitioner