

JANUARY 29, 2015

DAILY REPORT

A SMART READ FOR SMART READERS

An ALM Publication

Driver Cited for Eating Burger Orders Up a Lawyer



The driver cited for eating while driving has lawyered up.

KATHERYN HAYES TUCKER

Criminal defense attorney Lawrence Zimmerman said he is representing Madison Turner, the Alabama man

who appeared on television after he was ticketed under Georgia's distracted driving statute. Turner said the Cobb County officer reported that he had observed Turner driv-

ing for two miles while eating a McDonald's double quarter pounder with cheese.

"Maybe he deserves a break today," said Zimmerman, who plans to file a motion to

dismiss the case. “Driving while eating a hamburger [or, presumably a cheeseburger] on its own is not driving while distracted unless he was observed doing something else.”

The citation, which appeared on Internet news sites, says “eating while driving.”

Because the charge is under the distracted driving statute, it requires a mandatory court appearance. Turner lives in Alabama and was in Cobb County to visit his fiancé’s mother, Zimmerman said. He added Turner contacted him with concerns about points on his license and also whether his media exposure might make things harder for him in court.

“He’s worried they might make an example of him,” Zimmerman said. “I told him they can’t make an example of him if he was just eating a hamburger.”

The court appearance has been rescheduled for Feb. 10, Zimmerman said. Solicitor General Barry Morgan said the matter will be handled by Assistant Solicitor General Naeem Ramatally before Cobb State Court Judge Eric Brewton. Turner could face

a maximum penalty of a \$1,000 fine and a 12-month prison sentence—but only if the state can prove the burger affected his driving in an unsafe way, Morgan said last week.

Zimmerman said he may try to mount a constitutional challenge to the distracted driving statute, but he hasn’t decided yet.

is not illegal in Georgia, eating shouldn’t be either. The issue remains, as Morgan said, how the activity affected the driving.

The matter could become an issue for business and industry if Turner is convicted, Zimmerman said. “Why do we have drive-thrus and cup holders?”

Last week, Morgan himself



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—Lawrence Zimmerman

“I don’t disagree that sometimes eating can be a distraction,” Zimmerman said. For example, he said, he has discovered through trial and error that a traditional fried Chick-fil-A sandwich is safer to eat while driving than the grilled variety. The original comes in a foil pouch that is easy to handle, he said, while the grilled version comes in a more awkward-to-handle box.

But he added that since talking on a cellphone while driving

made a similar point: “I think everybody in the world has done this before.”