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REWARDS OF PUBLIC SERVICE

By Paul K. Turner

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Some six or eight years ago Mr. Frank Yost and I appeared on a program together which I believe has been the only other time that we have appeared on the same program. It is generally the custom of Athenaeum members for the junior member to contact the senior member to find out his topic so that both speakers won't be speaking on the same subject. When we last appeared together, Mr. Yost gave a delightful paper on a bicycle trip that he and his sister made from Hopkinsville to Louisville. The subject of my paper that night was the seven dirty words that you could not use on radio or television. I didn't bother to check with Mr. Yost on that occasion nor did I tonight.

I have noticed that open meetings papers in the past have been presented by people like Jack Amis, George Boone and Dr. Sivley, members who have, in regular meetings, delivered well-researched, compelling and thoughtful papers but when they delivered a paper in an open meeting, it was either a travel log or a paper made up of personal experiences. I decided I might as well keep the tradition.

During the time I served in public offices, my wife urged me to keep notes so that I could do a book or paper to pass on to my children. Needless to say, I neglected to do that, so tonight I will relate some of those experiences, in order to preserve them and also in order to avoid any difficult research in composing a paper.

I had been a lawyer all of four months when I was summoned to the office of Circuit Judge Ira D. Smith and there was confronted by Judge Smith and the man who was to succeed him, the late Stephen White, and told I should become the new Friend of the Court. I was hardly in a position to refuse since, after all, the job paid about \$250.00 per month. I discovered that it was a job I literally could not leave. After a couple of years experience in the job, I told the Court I wished to resign and on each occasion, I was informed by the Judge I could not resign and had to continue the job because he needed me there. When you realize you are talking to a man who decides practically all of your cases and controls your livelihood, I didn't feel I was in a position to press the matter further. However, I decided that if I were to be elected to another office, then they would have to release me from the job as Friend of the Court and, therefore, I decided to run for City Judge which is a classic illustration of going from the frying pan into the fire. I probably complain about public officials as much as anyone and criticize waste in government and while I will reserve my right to continue to criticize public servants, I would not want their jobs.

Having accepted the Friend of the Court job on Friday, I was surprised when I got to my office on Monday morning, there was an irate gentleman waiting to see me and he proceeded to tell me that his son had paid his child support to his ex-daughter-in-law on Friday afternoon and on Saturday morning, his ex-daughter-in-law's father had bought a calf with the money. He wanted to know what I was going to do about it. That presented a problem that was probably the most

persistent problem in that job and that was the fact that many people perceived child support as being the actual dollars transmitted to the mother, in most cases, and that those dollars had to be traced right to direct support of the child. They would usually admit the child was being well cared for, well fed, groomed and housed and that it required a reasonable amount of money to do so but still insisted on trying to see where each one of their dollars were spent.

The first incident I will relay about Friend of the Court was an incident I referred to as the award winning baby case. Incidentally, throughout this paper, fictitious names will be used and if you think you know who I'm talking about, you probably don't; however, all of the incidents are true. During my job as Friend of the Court, a lady came in to see me about support and proceeded to tell me how she had come to be divorced from the particular husband from which she was seeking support. It seems that she was a native of this community and was wed to a soldier at Fort Campbell. Unbeknownst to her, her husband was having an affair with a lady from either Fort Campbell or Clarksville. As a result of this affair, her husband's girlfriend became pregnant. In order to do the right thing, the husband obtained a medical card in the name of his real wife that lived here and let his girlfriend receive treatment from the United States Army. This worked very well since his wife had roots in the community and preferred to shop and get her medical care in the community, she had no reason to know the impostor wife. Apparently the girlfriend's pregnancy went smoothly and without incident and without the knowledge of the wife and a healthy baby was born. The only hitch was the child was the

first baby born in Christian County in the calendar year and businessmen and newspapers showed up taking photographs and giving awards for the first baby of the year. Needless to say, the wife was very shocked to see in the paper that she had just had the first child of the year as were her friends and relatives in the community. As a result of that incident, the Kentucky New Era's rules and regulations relating to the first baby of the year were somewhat changed.

In another incident as Friend of the Court, I had a man who I will call Oscar, who was employed full-time and had several children by his ex-wife to support. He always intended to pay his support; however, after he would get paid on payday each week, he would go out and get drunk and by the time he finished partying, there was nothing left to pay for child support. His wife complained to me regularly, and can best be described as, a lady having a voice that is somewhat akin to the sound of fingernails scratching a blackboard. So, I made it my urgent business to try to remedy this problem. I called Oscar into my office and I told him I did not believe you understand how this thing works. It's just like when you buy a car, if you miss a payment, they can come and repossess your car. Now, if you miss any other payments, she's going to be able to come and repossess you. Oscar never missed another payment. On payday he would always go buy a Money Order and mail it to me, then go get drunk.

In January of 1970, I became City Judge for the City of Hopkinsville in what was known as the old Police Court. This type Court no longer exists and we have an integrated Court system that is much more efficient and much more expensive. The Police Court had

jurisdiction in cases of traffic violations, DUI's and misdemeanors and met three days a week in the City Courtroom of the police station. On Mondays you would often have as many as 80 to 100 cases but fortunately, many of them would simply put up their money and not appear. Things operated a little differently back then, I was clocked on one occasion and disposed of 80 cases in 60 minutes. It is for others to decide whether justice was fair in my Court, but I can assure you that justice was swift.

Any misdemeanor offense not witnessed by a police officer required a warrant to be issued as did any request to search property. During my entire four years as City Judge, I never issued a single search warrant except between the hours of midnight and 4:00 a.m. At that time there was no provision for a criminal complaint to be filed and a citation issued on a complaint. Instead, every charge had to be made on a warrant and the warrant had to be signed by the Judge. What was amazing was the number of people who showed up at all hours with a warrant in hand, while still bleeding profusely from their assaults. You would always encourage them to get medical attention first; however, it seemed they always felt it was more urgent to get the warrant for the person who assaulted them. I later found out that part of this motivation was the fact that, in most of these incidents, it was a real tavern fight and those folks had learned that the first one to get a warrant had a better chance of keeping the other side from getting a warrant against them. One Sunday afternoon, a couple of ladies showed up at my house, one with platinum blonde hair and the other with striking red hair. The blonde described how she needed a

warrant for her boyfriend who had beaten her up. The redhead had witnessed the beating. A warrant was duly issued and about three days later the case was heard in Court. The redhead proceeded to take the stand and tell how she was beaten up and the blonde was going to testify on her behalf. I finally stopped the proceedings and explained that I was thoroughly confused. The explanation was simple enough, they were taking turns wearing wigs.

By the time I was in office, it was rare that you had anyone arrested for having possession or selling moonshine since legal liquor was cheap enough, it was hardly worth the effort any more. However, there was one resident that the police knew was selling moonshine but by the time they got a warrant and searched the premises, they never could find any moonshine on the premises. However, after several fruitless searches, they discovered what was happening to the moonshine. The defendant lived in a poor section of town and had no indoor plumbing. Just inside of the back door, there was a chamber pot. In some communities, it's a slop jar, and apparently the moonshiner's girlfriend had exquisite kidney control and the moonshine was being kept in the pot. Any time the police hit the front door, the moonshiner's companion hit the pot and, needless to say, the police had very little interest in searching the contents of the container. Consequently, they had always missed the moonshine.

The Constitution of the United States forbids banishment as a form of punishment. However, we have enough troublemakers in this community without having to put up with those that are imported. Therefore, Judge Ruff, my predecessor, and I would often sentence

these offenders to jail but probate the sentence on the condition that the offender did not set foot in this County for a period of six months or some other period of time. Such was the case with an out of town flasher. This gentleman would behave pretty well for about six months and then suddenly be overcome with the urge to seek female companionship in our fair city. The only problem was he was always over anxious and in seeking to purchase services from ordinary housewives walking on Main Street, he would show them not only the money that he would pay them but he would invariably show them what else they would get. The first time I recall him coming to Court on such charge, he denied it; however, the episode took place in front of Ferrell's Restaurant and unfortunately, the presiding Judge at that time, Grady Ruff, was standing in Cayce-Yost looking out the window across the street. The last occasion I recall having this flasher was that he was doing basically the same thing down at the corner of Ninth and Main and going into stores also soliciting services of the customers and clerks. After I imposed the six-month banishment, his wife came to me and wanted me to lift the restrictions that I had placed on him entering this County. She explained that he was now in ill health and wanted to be buried in Christian County when he died. Realizing that mercy is an important element in justice, I amended the restriction on his re-entering this County within six months in order that he could return sooner, if he would die.

One of the longest trials that I had while Judge involved an elderly gentleman who was a fixture in most local Courts. As a matter of fact, one day I was visiting Judge Smith's office and he showed me a

tie that the gentleman had given him for a Christmas present. Judge Smith immediately put the tie away and said he was afraid to get it out because he was afraid that it might be recognized by the person from whom it was stolen. On this occasion, the complaint was made by this man against a local funeral director. It seems that he had pawned to the funeral director two suits he had; a gray one and a black one, for \$2.00 each to obtain some money to buy liquor for the weekend. When he later returned to redeem his pawned merchandise, it was revealed that two men had been buried in his suits. The funeral director claimed that he had purchased the suits because his clientele preferred to be buried in gray or black suits. I don't think we ever really learned what happened there.

Recently, there have been proposals to decriminalize public intoxication. When I was Judge, it was a standing \$10.00 or ten-day jail sentence for, what was best described by my bailiff, as reckless walking. It was not a humane system but it meant that these people who lived basically on the streets, at least got some nourishment and a little warmth before being put back on the streets and perhaps that would keep them alive. Some regulars would make it a point to try to do some offense that would give them a longer sentence when the weather got bad. One perennial character who spent more time in jail than out was only charged with public intoxication during the summer months. But, when the weather would start to get cold, you could depend on him to commit an offense when he could get about six months. One winter he started off by stealing an umbrella from a woman at the corner of Ninth and Main Streets while a squad car was

parked at the corner. On one other occasion, he stole a welcome mat from in front of the old Factory Outlet store just at the time the cruiser was going by. At no other times was he known to commit such offenses. As a matter of fact, on one occasion, after having sentenced him to a long sentence, he showed up at my office and was in tears and told me his problem was that Chief Walker just kicked him out of jail and he still had some time to serve. As it turned out, the jailer let him go outside and sit on the curb to get some fresh air and the Chief came along and didn't realize he was in jail and didn't want him loafing around the police station and ran him off. Of course, we were able to get him back in jail to serve his time. The unusual thing about these characters is that when you are the Judge, you would think a person you are sentencing would dislike you; however, they invariably run up to talk to you like a long lost buddy, any time they see you on the street. Of course, they would also ask for some money too. This is best demonstrated by the character I just described to you who later died in a Madisonville hospital. He was a black man who died alone. He listed his next of kin as Judge Grady Ruff who, having served three terms, had given him much more time than I.

Of course, this Court handled many DUI's which were at that time called DWI. I recall one incident where a policeman saw a car on South Virginia Street which appeared to be operated by an intoxicated driver but by the time the car had wrecked on River Drive, all the occupants were out of the car and all were intoxicated and no one could remember who was driving. The police made up for that when in a later incident, it was quite apparent that the female driver of the car

on South Virginia Street was intoxicated and she pulled over and before the police could get to her in the car, she exchanged drivers and the second female driver took over, who was also intoxicated thus obtaining two convictions on one vehicle to balance the books.

There were always many weapons confiscated. I had a policy of melting down the guns to prevent them getting back on the street. However, everybody that had a hook-bill knife was always in the process of putting down linoleum and you would see such items confiscated as motorcycle chains, whips and other objects. Occasionally there would be an unusual weapon such as the time a group got together for a cookout of barbecued chicken. Apparently the partying got out of hand and before time to cook the chicken, it developed into a brawl. As a result, one of the participants suffered a concussion and as it later turned out, the investigation later revealed that the object that caused the concussion was a frozen chicken that was slated to be the dinner.

On another occasion, a fight resulted in an accident on Fort Campbell Boulevard and brought an unusual charge. As a result of the accident, one of the cars had its tailpipe and muffler knocked off. In the ensuing fracas, one of the parties grabbed the muffler and hit the other one with it which was the only assault and muffler we handled.

The difficult thing to handle in Misdemeanor Court was where you had defendants defending themselves and witnesses accusing them of crimes without the benefit of an attorney and it is extremely hard to get them to understand that you put on a witness, the witness testifies

and they may question the witness but they are to save their comments until their turn to testify, at which time they can tell their side of the story. Regardless of how many times that was explained, they still could not wait to tell you their side of the story. This is best demonstrated by a case that I would label "Labor Dispute Among Various Ladies of the Union" who at the time were walking the streets around South Virginia Street and Seventh Street. Again, it was a situation where they showed up on my doorstep bleeding profusely from the punctures of spike heels and insisted on getting the warrant before going to the Emergency Room. At the trial, after the witness completed telling how the competitor had assaulted her and beaten her up, I explained to the accused that they would have an opportunity to tell her side later and at this point in time, I only wanted them to ask the witness any questions you may have. With that, the defendant stands up and announces to the entire Courtroom that "Judge, you can't believe her, she's a whore and I'm not, I ain't never charged anybody anything."

I have discovered on some occasions that it is better to plead guilty even if you are innocent than to face a trial. While I was Judge, the law was such that it was illegal to gamble for money even if it was simply a game among friends and no one was getting a cut. On one occasion after a group of local citizens had enjoyed a barbecue out and they decided to play poker and shoot craps. Unfortunately, a local police officer happened to drive by and observed the activity and thereafter conducted a raid wherein all the participants in the building were arrested and the money confiscated. Most of these people simply

put up their bond and did not appear in Court; however, one of the defendants hired an attorney who came to Court and asked me to dismiss the charges against his client, that he was innocent. I told him that if he was innocent, he could plead innocent and we would have a trial and I thought that if he was innocent that I would so find. Finally, after about an hour of agonizing with his client, he had his client plead guilty. I later discovered that the defendant probably was innocent of the charge of gambling but he was a married man and his alibi would have been that at the time of the raid he was otherwise engaged in other activities with a female and he wisely decided that a Police Court fine was much more economical than a divorce.

Once the wife of a local salesman who made his living by calling on prospective customers at their home received a call from the police that her husband had suffered what appeared to be a fatal heart attack and gave her the location of where he was which was a residence in another part of the city. She rushed to the scene assuming that his untimely death had occurred while he was working trying to sell a customer. After her arrival and after she began to get over the initial trauma, she noticed that the lady of the home was crying and taking on more than she was and inquired as to why she was so concerned, to which the other female replied, "I loved him." Apparently it was his girlfriend and a short scuffle ensued around the body but fortunately, it did not get to the Court.

One of the more troubling aspects of that job, and I'm sure it is in District Court today, is the number of domestic violence cases. Some are funny but most are sad. Usually it's a situation where the

wife wants to get rid of the offending spouse for the weekend or until he sobers up and then they come back to Court wanting the charges dropped because they need to have them back in the home and need their support to live. I've seen this occur even after extreme sexual abuse but the woman has no place to go or no one to take care of the children if she is not there. One that I do remember was the husband and wife got in a dispute over her cooking breakfast which she declined to do, so to get even, the husband kicked out the front of the TV so she couldn't watch the soap operas and then proceeded to fix himself a large bowl of cereal and milk which she promptly broke over his head. In some cases, justice is already meted out before you get into Court.

On another occasion I had a wife show up wanting a warrant for the husband and when I asked her why she wanted the warrant she said her husband was drunk and home, killing flies on the dining room wall which did not sound too serious until I was informed that he was killing them by shooting them with a twelve gauge shotgun and there was not a lot left of the wall.

Occasionally you would have a hot pursuit case where the offense was committed in the City and the police were in hot pursuit and they arrested the person and would bring him back and try him in the city. However, it was called to my attention that on one occasion this occurred and the defendant was promptly charged with the traffic offenses he committed in the city. However, I apparently convicted him of disorderly conduct that occurred in resisting arrest at the scene where he was caught near Pembroke and somewhat out of my jurisdiction.

Under the new system, the Courts do not have any part-time Judges any more which is probably good because in a city the size of Hopkinsville, if you had much legal practice, you would always be running into various conflicts of interest and there is a tendency on the part of part-time officials who are paid a fixed amount to devote time to their other endeavors at which they can possibly make money and perhaps neglecting to give the attention their position should require. The Court system has been improved and you can no longer jail people without them having an attorney, even if they are unable to afford one. There is now a system for paying those attorneys which did not exist when I was Judge. I'm sure the job is a lot harder now and as I said earlier, while I do not envy those whose duties require them to handle these position, I am certainly grateful that we do have capable people who are willing to handle them.