

THE COUNTY IS CHRISTIAN...AND THE JUDGE IS RUFF

**PRESENTED TO THE ATHENAEUM SOCIETY
NINETY-SECOND ANNUAL OPEN MEETING**

**by
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Mr. President, Mr. Secretary, Mr Guffey, Members of the Athenaeum Society and Honored Guests:

Betty met me in the kitchen as I got home from work one day last summer with a very impish smirk on her face. "I had a meeting with Mike Herndon today and I know something you don't know."

"So what else is new?" I said this to myself to avoid getting hit by a skillet or some other hard object. Husbands in the audience will identify with this phenomenon. Actually I said, "oh what's that," a gnawing feeling already rising because of her smirk.

"Guess when you have to give your Athenaeum paper this year?" she said. Now the gnawing flared into an instant ulcer attack, complete with the burning, cold sweat and a decided weakness in the knees. "I...I...(gulp) don't know, (heh, heh) when?" I replied rather weakly, a sense of impending doom overcoming me.

"Oh, **THE OPEN MEETING IN MAY**" she gleefully twittered. The room started spinning, it became suddenly dark as I was instantly thrown into the throes of a full-fledged panic attack. A cold glass of water thrown into one's face is an amazing cure for this malady as I discovered. Once I completely regained my senses (sort of) I said to her between clenched teeth and in a low guttural, "Betty, don't joke about such things. You have just shortened my life span at least two years. What are you trying to do, collect my life insurance and retirement and run off to some Caribbean island with some young turk about half our age?"

"Don't be silly" she said. "Besides, I'm not joking. Mike said the program committee met and they all agreed that you had dodged the bullet long enough." At this point my fear and panic was replaced by an entirely un-Christian, un-judicial and primeval sense of vengeance and retribution as found in the ancient Roman law code, *lex talionis*, which was after all, a restatement of the Mosiacal "an eye for an eye".

"Those *dirty rats!!!!*" I screamed. Well actually something *close* to that. "Let's see. How can I get them all into my court? It needs to be a misdemeanor, I don't want it to go to Edwin's court in Circuit. He's probably in on the conspiracy. Yeah, but it needs to be an A misdemeanor and they are all going to get a *year in the TRIPLE L HOTEL!!!!*" I shouted. (for the uninformed, our jailer is *Lewis Livingston Leavell, Jr.*, hence triple L)

About two days later I had calmed down and reality had set in. I had to do a paper for the Open Meeting. To the uninitiated in the audience this might not seem like a big deal. Understand it is one thing to make a fool of oneself in front of 39 members of the Society, it is quite another thing to make a fool of oneself in front of 150 of the most distinguished citizens and intelligentsia of Hopkinsville.

According to my good friend Billy Tom, in order to present the perfect Open Meeting paper it must have the following attributes: 1. It must be on some facet of local history, preferably on a local "character" (as opposed to a "personality"). 2. It must be "light". ("heavy" papers while generally informative tend to be less entertaining and carries the hazard of boring

the audience.) 3. Most importantly, the paper must be long enough to cover the subject but short enough that one does not run the risk of putting the audience to sleep. Lastly, and possibly most important, if the topic is on a subject that Billy Tom can utilize in his upcoming "History of Christian County" so much the better. (By now you *might* have guessed that Billy Tom is also known as William T. Turner)

As I began thinking about possible subjects, all the while keeping in mind Billy Tom's rules, I kept coming back to one local "character". I must pause here and explain the difference between a local character and a local personality. A personality is one who through their vocation or avocation has achieved some measure of public prominence and even fame. A character has achieved the same type of notoriety but through their other personality traits, good or bad, are widely known for their humor, saltiness, cussedness, pranks etc.

In the annals of recent recorded and unrecorded local history one such character stands out in my mind. Since I have had the privilege of knowing this character all of my life and have also worked closely with this person, I therefore am an actual eyewitness and even a participant in some of what I am about to tell you. The title of my paper this evening is *The County is Christian... and the Judge is Ruff*.

Reginald Grady Ruff (Yes, he does have a first name), when all is said and done will certainly be remembered as one of the true characters of this County. In his career he served as Hopkinsville City Judge, Christian County Judge, Commonwealth's Attorney and as my predecessor as Division I District Judge. He has the unique ability to remember funny, interesting and amazing things that have happened to him while on the bench. I have witnessed many of them myself. Pete Macdonald and I have often said that if we did or said some of the things that Grady did while on the bench, we would quickly be before the Judicial Removal and Retirement Commission on charges of Judicial Misconduct.

One of the first stories that I ever heard about Grady occurred while he was serving as City Judge. A black man with a large Afro hairdo which had been braided with beads and "corn-rolled" a la Stevie Wonder appeared before Grady. He was charged with a shop-lifting offense and plead guilty at arraignment. Grady asked him if his name was Joe Jones. The defendant said yes but twirled around using all kinds of wild gyrations and said, "But my friends call me NIGHT-TRAIN" Grady looked at the defendant and evenly said, "Well, Mr. Train, having plead guilty to the charge, it looks like I'm going to have to de-rail you for about 90 days!"

Another incident took place while Grady was serving as Commonwealth's Attorney. One brother had accused another brother with theft over \$100, which at that time was a felony. Steve Underwood, a local attorney, had been appointed by Circuit Judge Stephen P. White to represent the indigent defendant. (These were the days prior to the Public Defender's office, and local lawyers were appointed without pay.)

Judge White called the case and Grady indicated that the prosecution witness, who had been there just moments before had been called away on personal business. Judge White indicated that there were other Court matters that could be taken up and that the Court would wait until the witness returned.

Steve privately asked Grady what was going on and Grady told him to hold tight because he thought the charges against Steve's client would be dismissed. After about an hour Judge White recalled the case and the prosecution's witness had still not returned. Judge White asked Grady, "Just what was the witness's 'personal business'?" Grady said, "Well, your honor, he said that his shoes were dirty and he went to get some 'new shoes'." Judge White turned to Steve and said, "Does defense counsel have a motion to make?" Steve replied on cue, "Yes, your honor we move to dismiss the charges!" "SUSTAINED," bellowed Judge White, "that is undoubtedly one of the lamest excuses I have ever heard!"

What Grady later told Steve was that when the defendant was brought in, the defendant/brother gave the witness/brother the "evil eye" and it was shortly after that that the witness/brother told Grady that he was going to get some "new shoes." Grady has often referred to this as the "new shoes defense."

Then there was the time when Grady was arraigning the defendant that had allegedly shot and killed Jody Pepper. Jody Pepper was one of the more infamous persons to ever reside in Christian County. He had been the prime suspect in several rapes that had occurred here over the years, but had never been convicted. On top of that, while he was in jail awaiting trial on one of the rape charges, it was alleged that he had brutally sodomized a young male inmate.

The story went that the defendant had shot and killed Jody over a dispute over a card game. The investigation by the police revealed that Jody had made a "pocket move" toward the defendant. (To the uninitiated, in "street law", a "pocket move" or "pocket play" entitles the one against whom the move is made to shoot or stab the moveor in self-defense, the theory being that the moveor had a weapon, whether a weapon was actually seen or whether there actually was a weapon or not.)

The defendant was escorted to the bench, in front of Grady, in an orange jail jumpsuit and in leg-irons but not in hand-cuffs. Keep in mind that this was big news that Jody Pepper had been killed. The news media were all there, including TV-43 with cameras rolling.

As Grady began the arraignment, he intoned, "Is your name Sam Smith?" "Yes, your honor," the defendant said. "Is your date of birth 1-12-44?" Again the defendant said "yes." "Is your social security number 213-15-4576?" "Yes, your honor," was the reply. Finally, Grady asked, "And are you the man accused of shooting Jody Pepper?" The defendant replied, "yes, your honor." With that response, Grady, without saying a word, with TV cameras rolling, arose from the bench, reached out across the bench and shook the astonished defendant's hand! It was at that point that I had to leave the Courtroom to keep from bursting out laughing and being held in contempt.

Then I remembered the TV camera, and thought "oh lord, I hope they don't use that footage on the 6:00 news!" Thankfully, clearer heads prevailed that afternoon in the editing room of TV-43. However, I am told that the video is preserved for posterity in their files and also that it is shown at each Christmas party at TV-43.

In another instance, Grady was involved in the only case that I know of in the history of

Christian County in which a witness refused to swear or affirm to tell the truth. District Court in Christian County is unique because of the fact that Christian County is the home of Western State Hospital. As a result, most cases involving involuntary commitments to Western State are heard here. The alleged mentally ill person is brought to this county from their home county on the basis of a 72 hour emergency order signed by the District or Circuit Judge of that county. If the hospital decides that the patient needs to be involuntarily hospitalized, the petition is filed with our Court and jurisdiction is *graciously* transferred to this county by our other District Court Judges in Western Kentucky.

Needless to say this system, when it came into being in 1982, significantly increased our caseload. In fact, in recent years, we set up a courtroom at Western State and once a week, a judge, prosecutor, public defender and clerk travels to Western State to hold Court.

Prior to our establishing a courtroom at Western State, patients were brought to the Hall of Justice and we conducted the hearings in a regular courtroom. It was in this setting that I found myself presenting such a case on behalf of the Commonwealth as an assistant County Attorney in front of Grady.

Public defender Jim Carter, who at that time had been out of law school about six months and I announced to Grady that we were ready. I called as the Commonwealth's first and only witness, Dr. Karl Dick, who is a psychologist at Western State. I asked Karl about his opinions as to whether the respondent was mentally ill, presented a danger or threat of danger to self family or others, could reasonably benefit from treatment at Western State and whether hospitalization was the least restrictive mode of treatment presently available. Karl, in very short order, responded that the respondent carried a diagnoses of paranoid schizophrenia, was a danger to himself and others as a result of his delusional state, that the respondent would improve drastically if he would take his prescribed medications and that for now the only place for the respondent was in a mental hospital until they could get him stabilized on medication. Jim Carter asked Karl a few questions on cross-examination and I rested the Commonwealth's case.

By this time, Grady appeared to be about half asleep, it being after lunch and rather warm in the courtroom. It was at this time that Jim Carter growled in that deep, yet raspy voice of his, "Your honor, I *think* my client wants to testify." Grady, awakened somewhat, told the respondent to raise his right hand. Now, we do things rather informally in such proceedings and as a result the respondent was seated next to Jim at counsel table. This meant that he was facing Grady and I suppose in his mental state was not thinking entirely clearly. He raised his *left* hand in response to Grady's raised right hand. Grady purred, as was his wont in such circumstances, "Your other right hand, slick."

The respondent, murmured an apology and complied. Grady intoned the age-old oath, "Do you solemnly swear or affirm to tell the truth, the whole truth and nothing but the truth so help you God?" The respondent jumped up out of his chair and loudly proclaimed, NO, YOUR HONOR, WITH AN EXPLANATION!" It was one of the few times I ever saw Grady truly stunned. He sat there for a full minute, his half glasses perched on the end of his nose, peering over them at the respondent. He finally said "Well, let's hear this explanation as to why you don't want to tell the truth!"

The respondent began muttering something and Grady stopped him. "I can't hear what you saying, slick. Why don't you step up to the microphone in front of the bench so I can hear you." By this time both Jim Carter and I were looking straight down to keep from laughing. The respondent got up and proceeded to the microphone in front of the bench. "Now," said Grady "what is your explanation as to why you don't want to tell the truth?"

"Well, your honor," the respondent began, "I have been in court many times in my life and I have always sworn to tell the truth and I have always told the truth. Every time that I told the truth, some slick, silver-tongued lawyer has twisted my words around and I have either wound up in a mental hospital or in jail and I don't want to tell the truth this time!" By this time I was holding a legal pad in front of my face so the Judge and the other participants couldn't see me laughing. I peered over the edge of the pad to see Grady's reaction. This time, Grady was slowly shaking his head in wonderment as to what was transpiring in his court.

Finally, after a pregnant pause to collect his thoughts he said, "Now sir, Mr. Carter is your lawyer, he has been appointed to represent you and I can assure you he is not going to twist your words." He then turned toward me, and I again ducked behind the legal pad. "And Mr. Adams over here, I have known him since he was in diapers; he is a *fine young lawyer* and I'll promise you he will not twist your words, *WILL YOU MR. ADAMS!?*" I took the last phrase as a command, slowly looked over the legal pad and meekly replied, "No, your honor"

I could tell that Grady was satisfied with himself and thought that with his explanation that there would be no further problems with this man. He said to the respondent sweetly, "Now with that explanation don't you want to swear to tell the truth?" The respondent replied, "NO, YOUR HONOR, I DO NOT!!" At that all the color drained from Grady's face and he slowly shook his head for about another minute, wondering what he had ever done to deserve this. Finally, he growled in a low guttural voice that rose in volume as he continued to speak, "Well, go on and *LIE THEN; LET'S HEAR WHAT YOU'VE GOT TO SAY!!!*" Thus in the history of this County, only in Grady's court did anyone ever testify without being sworn to tell the truth! Oh, by the way, the respondent's theory didn't work; Grady committed him any way!

Tom Glover, who is another public defender in our local office, was one day defending another mentally ill patient. He asked Grady if he could speak to his client a moment before the hearing started. Grady agreed. Tom spent about five minutes with the respondent and came back to Grady's chambers where we were both waiting. I asked Tom if he was ready and he answered in the affirmative. Tom then stated to Grady and me that he was going to employ the "Almond Joy defense." I said, "Tom, what in the world is that!?" Tom smirked and said, "Sometimes you feel like a nut, sometimes you don't!"

Sometimes in Grady's court, other people got into the act. Arnold Lynch, who has been assistant county attorney for 13 years has an amazingly quick wit. I was in court for a pre-trial conference on a jury trial that was scheduled for the following week. Arnold was prosecuting and Grady was on the bench. The case before the court was one with which I was familiar, since I had prepared the search warrant in the case. A man had been suspected of having several dogs in his mobile home. Now this in and of itself was not illegal. However, an informant who had been in the trailer told the police that he was starving the dogs and was not providing them with

water either. After I prepared the search warrant, and the judge signed it, the police went to the home and entered it. The first officer in, immediately came back out and physically got sick at the sight inside. There were nine dogs, four of which were dead of malnutrition, five almost dead and the entire trailer reeked of death, feces and urine.

The man was immediately arrested for cruelty to animals and in the course of the pre-trial interview, it was discovered that the defendant was employed as a cook at G's Pancake House, then located on Ft. Campbell Blvd and since replaced by Cancun's Mexican Restaurant. Now, Arnold had discovered this fact and when the man pleaded guilty, Grady turned to Arnold and said, "Does the Commonwealth have a recommendation?" meaning a sentencing recommendation. Arnold replied, "Yes, your honor; the Commonwealth recommends that none of us eat at G's Pancake House again!" I once again had to leave the courtroom, and this time Grady was right behind me. Not only did every one in the courtroom explode with laughter, so did Grady! He had to call a recess to compose himself.

Another time when Arnold got the upper hand involved a Hispanic defendant who was a Cuban refugee and was charge with a burglary. Public defender Jim Carter (remember him?) was appointed to represent the defendant. The case was scheduled for a preliminary hearing, in which probable cause must be established that a felony offense has been committed and that the defendant is the one who committed the offense. If that determination is made, then the case is sent to the Grand Jury for possible indictment. Many times the defendant and his attorney will simply waive the case to the Grand Jury, thereby by-passing a hearing. The case was called and Jim said, "Your honor, my client speaks very little English and I'm having trouble making him understand these proceedings." Now Arnold had talked to the Pre-Trial Services officer, Jimmy Lee Wilkins and had learned that the defendant knew more English than he was letting on. So, Arnold turned to Jim in front of Grady and said, "Reckon do he want to El-Wavio?"

Grady ran a tight ship. He would not tolerate excessive noise from the audience. It was and is a common occurrence for a mother who is charged with a crime, for which they think they might be jailed, to bring their infant children with them. The theory being, that the judge will not throw the mother in jail with an infant in her arms. I have been in court several times with Grady when the proceedings would be interrupted by the screams and wails of an infant. Grady would stop and bellow over the crying of the child, "WHAT'S THAT CRYING BABY CHARGED WITH; BRING HIM ON UP!!"

One day a defendant appeared in Grady's court with a t-shirt on that was inscribed "SHIT HAPPENS." Grady went ballistic. He ordered the bailiff to escort the defendant home, and when he was more properly attired for court to bring him back in hand-cuffs. The defendant got several days in jail for contempt.

Grady's use of original and funny phrases in court was well known. I again was covering for Arnold one day when two black women were both in court and each had the other charged with 4th degree assault. Now, at the County Attorney's Office, we tried to avoid issuing "cross-warrants" because it put the prosector in the delicate position of having to represent and prosecute both sides at the same time.

In any event, these two women were clearly very upset with each other. I tried to avoid a hearing, to no avail; they each wanted the other to go to jail and were sure that Judge Ruff would find in their favor. The hearing began with neither party being represented by counsel (double nightmare from my perspective). Grady explained that we would hear both cases at the same time in the interest of judicial economy. He patiently explained to each woman that each would get a turn to speak and tell their side of the story and that he didn't want one to interrupt the other. As the first woman began testifying, Grady's last admonition about interruptions went completely by the wayside. In fact, just about the entire hearing was one continuous interruption, with each woman calling the other a liar out loud in court.

Finally, Grady's patience grew thin and he bellowed, "Alright, I think I've heard about enough. Having heard all the evidence, I'm going to have to find you both guilty by a preponderance of the perjury!!!"

One of Grady's favorite expressions was used when a defendant pled guilty and was sentenced to a fine and costs. Grady would tell them the total that they owed and then would say, "Did you want to pay that today or do you want the E-Z payment plan?" Of course, nine times out of ten the defendant would respond that they needed time to pay. To which Grady would respond, "Uh-Huh, that's what I thought."

One final war story about Grady. Just prior to his retiring from the bench, I was covering court as prosecutor for Grady's court. He was arraigning a very amply endowed young black woman who was wearing a sun dress about two sizes too small and which was cut very low, thus causing her to show a rather immodest amount of cleavage. Grady peered over his half glasses and asked her, "Ma'am, are you trying to get into or out of that dress?" To which she replied rather huffily, "Just what kind of question is that?" Grady replied, "Just a damn question lady, just a damn question."

For those of us who have had the honor of serving with and under Grady, I can truthfully say that the experiences will never be forgotten. There was never a dull moment because one never knew what he was going to say or do next. And I will report to you that he is not finished. Grady as a retired judge, often substitutes for Pete and me when we have to be out of the office for conferences or vacations. On those days that he substitutes I have been told by the clerks and attorneys that the County is *still* Christian and the Judge is *still* Ruff.

THANK YOU!