

**What Would You Do Next?
Municipal Rulings from the Bench**

Questions

August 6, 2010



Presented by
Judge Jim Petersen

Tennessee Municipal Judges' Conference
2010 Annual Meeting
Franklin, Tennessee

WORK SHEET: What would you do next? Some Issues for Municipal Judges

Did you participate in this program last year in Knoxville?

1. Yes
2. No

Have you watched last year's program online?

1. Yes
2. No

Do you wear a robe in your courtroom?

1. Yes
2. No

What grand division is your court in?

1. East
2. Middle
3. West

Illegal Tint: Do your officers write citations for illegal tint?

1. Yes.
2. No.
3. Other (comment)

Illegal Tint: What Finding Would You Make On This Charge?

1. The Defendant Was Guilty When Charged, So I Find Him Guilty
2. Even Though The Defendant Was Guilty I Would Dismiss The Case On A Showing That The Car Had Been Repaired.
3. Other, Or Comment.

Illegal Tint: If You Found Him Guilty What Penalty Would You Place?

1. Fine And Costs – he was in violation
2. Dismiss all – it is corrected
3. Costs Only, Since He Repaired The Tint
4. Other, Or Comment

Illegal Tint-medical: What Finding Would You Make?

1. Guilty Of Driving With Illegal Tint.
2. Not Guilty Of Driving With Illegal Tint.
3. Allow Time To Get Medical Proof To Court.
4. Other, Or Comment.

Illegal Tint: Medical: If You Found The Defendant Guilty It Was Because:

1. The Defendant Had No Proof Of Medical Condition.
2. I Did Not Believe The Defendant's Testimony.
3. Other, Comment.

Illegal Tint: Medical: If You Found The Defendant Not Guilty Was It Because:

1. I Believed The Defendant And The Officer Had No Proof To The Contrary.
2. I Gave The Defendant The Benefit Of The Doubt.
3. Other, Comment.

Speeding in School Zone: Does Your Court Hear Citations For Speeding In School Zones?

1. Yes
2. No

Speeding in School Zone: How Do You Find?

1. Guilty
2. Not Guilty
3. Other (Comment)

Speeding in School Zone: Assume The Defendant Testified That The Flashing Light On The Eastern Approach Was Not Flashing When She Came Through. Would That Change Your Opinion?

1. Yes The Officer Never Saw That Light Flashing.
2. No. The Officer Testified The Two Were Set To Go Off At The Same Time.
3. Other (Comment)

Speeding in School Zone: If You Found Guilty What Penalty Would You Place?

1. Fine And Costs
2. Costs Only
3. Other

Officer Can't Remember: What Finding Would You Make?

1. Guilty Of Speeding
2. Not Guilty Of Speeding
3. Other (Comment)

Officer Can't Remember: Have You Ever Had Cases Where The Officer Admits In Court That He/ She Can Not Remember The Case?

1. Yes
2. No

Officer Can't Remember: If You Found The Defendant Guilty What Do You Base It On?

1. The Officer Would Have Not Written a Ticket Unless She Had Clocked The Defendant.
2. I Did Not Believe The Defendant's Testimony.
3. Other (Comment)

Squealing Tires: Does Your Jurisdiction Have An Excessive Noise Ordinance?

1. Yes
2. No
3. Don't Know
4. Other (Comment)

Squealing Tires: What Finding Would You Make?

1. Defendant Guilty Of Violating Noise Ordinance.
2. Defendant Not Guilty of Excessive Noise
3. Other (Comment)

Squealing Tires: If You Found The Defendant Not Guilty What Best Describes Your Reasoning?

1. The Ordinances Standard For Excessive Noise Is Too Vague?
2. I Found The Defendant To Be Believable.
3. I Did Not Believe The Officer.
4. I Did Not Think The Officer Could Fairly Observe The Scene.
5. Other (Comment)

Squealing Tires: If You Found The Defendant Guilty What Penalty Would You Place?

1. Fine And Costs.
2. Costs Only.
3. Dismiss With Warning.
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Heated Words: Are Frequently Exchanged Between An Officer And A Defendant That May Not Directly Bear On What The Officer Observed, Or Even The Guilt Or Innocence Of The Defendant. Do You Give Weight To Such Testimony Or Such Remarks?

1. Yes
2. No
3. Other, Comment

CDL: In The Following Case You Observe On The Citation That The Defendant Holds A Commercial Drivers License. When You Have A CDL In Your Court, Do You Treat It Differently?

1. I Treat CDLS The Same As All Other Citations.
2. I Require A Higher Level Of Proof. (I Give Defendants A Break If I Can Find A Reason.)
3. I'm More Strict On CDL Holders. (These Are Professionals And Should Be Held To A Higher Standard.)
4. Other (Comment)

CDL: How Do You Find In This Case?

1. Defendant Is Guilty Of Going 50 MPH In A 40 MPH Zone.
2. Defendant Is Not Guilty.
3. Other (Comment)