

Response to Phil Woodward's Allegations

1. DEMENTIA

I do not have dementia. The facts notwithstanding, Mr. Woodward is aggressively spreading the word that I have dementia. (You may confirm with Hon. Ray Broadrick, retired probate judge who encountered Mr. Woodward May 18, 2016) Mr. Woodward contends that because I have Multiple Sclerosis (MS) that I do not have the mental capacity to carry out the responsibilities of office properly. I was diagnosed with MS 16 years ago. The diagnosis was early and I started on medication (Avonex). By God's grace, I have not had clinical symptoms except mild fatigue if I do not get enough sleep. I routinely manage complex hearings and calendars without difficulty.

In a half page ad in the May 18, 2016 edition of the Daily Citizen News, Mr. Woodward made several accusations.

Similar accusation were made on the local television show, "Newsmakers," which originally aired April 14, 2016, Phil Woodward made a series of allegations against me with the central theme that I do not respect others. Most of his allegations are simply false. Below are the allegations and the factual response. Mr. Woodward was asked, "What would Phil Woodward do differently or what would he like to see changed? Or, what do you think would need to be done if you're elected?"

His response included the following:

2. GRAMMAR TESTS

Allegation: Newsmakers: "One thing I would want to do is, is respect the staff. I don't think it's necessary if, uh, to make them, to try to improve any grammar issues, communicationto make them take tests, make them take English tests at home, bring them in and be graded."

Response: I have never given anyone an English grammar test nor have I assigned anyone homework. I have told clerks they need to try to use good, basic English grammar. i.e. subject/verb agreement.

3. PLEA BARGAINS

Allegation: Newsmakers: "This Court [probate court] should not summarily refuse to listen to plea bargains."

Newspaper: "I will respect attorneys and parties by allowing plea bargains and

thus reduce cases that are being bound over to Superior Court.”

Response: This allegation is simply untrue. I take into consideration every plea bargain that is presented. Most of them I approve. What I will not do is to write a DUI down to reckless driving without a good reason. In many courts in our area, this is routinely done. In one court, not in Whitfield County, I am told that as a matter of course, a DUI will be written down to minor traffic violations if the defendant will pay \$2,000 in fines.

4. OFFICERS FORCED TO STAY ALL DAY

Allegation: Newsmakers: “The officers, if they’ve worked all night or if they have to go to bed because they’re going to work the night shift after that at the end of the day, they need to have their case heard early... [the judge should not have the attitude] if I’m here all day, they [police officers] have to be here.”

Newspaper: “I will respect Deputies and Troopers by allowing their cases to be heard early on the docket, especially if they are on duty, worked the night before or are scheduled to work that evening.”

Response: This is simply not the case. I do not call the calendar in my court, the solicitor does. So whether an officer’s case is heard early or heard late is really in the discretion of the solicitor. The solicitors in my court are very respectful of the officers and their needs. I have never told anyone, “I’m here all day, [officer’s] have to be here.” To my knowledge an officer has never had to spend the entire day in our court. The trial of a speeding ticket takes about 20 minutes; a DUI, 45 minutes to 2 hours. Trials are generally conducted from 2:00 PM - 5:00 PM on Wednesdays. Officers do not need to appear in the morning.

Some officers did complain early on because I dismiss tickets if an officer simply fails to show up for court. Even then, I give the solicitor an opportunity to go out and try to call the officer to ascertain if the officer was simply running late or an emergency has arisen. If an officer has a conflict or simply wants to take a day off, the officer can call the court any time before Noon the Friday before a case is to be heard on the following Wednesday. In such circumstances continuances are routinely granted. It is not fair for defendants and witnesses to be under subpoena and take off from work simply to have the officers no-show without a good reason. Good reasons include picking up a sick child from school or a law enforcement emergency that requires additional officers.

5. PROBATION REVENUE

Allegation: Newsmakers: “In the past two terms, the revenue collected by the probation company [Alternative Probation Services owned by Rick Eaton], this took a nose dive by about 70-75%.”

Response: I don’t know what the precise numbers are, but I am sure Alternative Probation Services’ revenue has been reduced since I have been in office. If I can help it, I do not put people on probation simply because they are too poor to pay a fine associated with a minor traffic violation. Instead, if the defendant intends to plead guilty at arraignment but can’t pay the fine I will often continue the case for a couple of weeks so the defendant can come to court with all the money. Also, if I have to put someone on probation because they can’t come up with the fine money within a month or so, I have the probation terminate when the fine is paid. I require probation on all DUIs and most other serious cases.

At the League of Women Voters Forum aired on WDNN on April 26, 2016, Mr. Woodward stated the following in his closing remarks to which I did not have an opportunity to respond.

6. POLICE OPERATIONS TRAINING

Allegation: “I want [probate] court to . . . respect officers. There are deputies who have offered their services to educate the court on the use of radar, laser, field sobriety tests and haven’t been able to do so.”

Response: The allegation is ironic since I take pains to educate myself on all types of technical testimony. The only time I can think of that I’ve ever declined to learn more about police field operations, including radar, laser and field sobriety tests was when several State Patrol officers and Whitfield County deputies invited me to observe a special detail designed to crack down on speeders on I-75 in Whitfield County. I declined because I cannot be both judge and witness in the same case. If I am shooting the laser (or looking over the officer’s shoulder who is shooting the laser) or listening to the radio traffic or observing officers and defendants on the side of the road, I obviously cannot hear those cases.

Because it is important for me to understand officers' testimony, I was the guest of the Georgia State Patrol in a traffic detail operated on I-75 in the Dalton city limits. I have also participated in an officer ride-along with Officer Jason Thompson of the Dalton City Police Department. Lastly, I went as an observer to the Whitfield County Sheriff’s Department when they did field sobriety training conducted by Lt. Gary Stephens. I could observe because the training did not entail actual cases.

7. FIRST TIME OFFENDERS

Allegation: Newspaper: “I will have compassion on first time defendants by allowing pretrial diversion programs that are aimed at rehabilitation without the stigma of a criminal record, pursuant to state statute.”

Response: I make routine use of first offender sentences in drug cases and driving school for first offenders on speeding tickets and other moving violations. On occasion, I have used pre-trial diversion when recommended by the solicitor.

8. EMPLOYEES CLOCKING IN

Allegation: Newsmakers: “I also think it’s, it’s uh, a little demeaning to have them [probate court staff] clock in and, write them up if they’re a minute late.”

Newspaper: “I will respect court staff by ending the practice of penalizing workers who are one minute late, especially when that policy does not apply to all workers equally.”

Response: Whitfield County policy establishes the workday beginning at 8:00 AM and tardy at 8:01 AM. Prior to my becoming judge, grace was being abused and there were excessive tardies. e.g. in 43 days there were 31 tardies. I instituted a firm attendance policy and the staff responded well. We no longer have a problem with tardies.