

Transcript (compiled by The Covington News) from the Jan. 22, 2014 Covington Municipal Court session:

Comments from the defendants appear in parenthesis in most cases. Sometimes, parenthetical comments will be from probation officer; in these cases, that will be noted. Some back-and-forth dialogue has been abbreviated and placed in parenthesis out of ease of transcription and reading.

Selected case #1 – young black man

(Notes about case: On probation since Oct. 2, 2103; failed to complete community service and make payments; received new charge for possession of marijuana Jan. 8, 2014)

Judge Steven Hathorn: You understand that you've admitted violating your probation and therefore I can sentence you to revoke some, all or none of or modify your other probationary sentence. Do you understand that? (Yes sir.)

(Probation officer recommendation to adjudicate guilty and sentence to regular probation with additional take alcohol and drug evaluation and treatments, complete 24 hours of remaining community service; back and forth with judge where judge requires man to complete all community service within 30 days and complete at least 4 hours of community service on days when the man is not working at his normal job)

Judge: The first time he fails to show up for community service when it's ordered, bring me a warrant and I'll sign it and he'll be arrested and he'll lose his job and his liberty. Do we understand one another? (Yes sir.)

They say 'frog' you jump. They say 'sit down', you don't even look for a chair.

I'm tired of this foolishness, do you understand? (Yes sir.) This should have been done.

You just threw away your opportunity to avoid a criminal record on a charge, just like that. (Sound effect) Just like talcum powder. You understand? (Yes.)

You got a high school degree, that's all you got. You're a young African-American male in this society, trying to at some point in your life be able to support yourself, support your dependents, take care of your children, which is what nuclear family does in this country. Do you understand that? (Yes sir.)

Having a criminal record hanging around your neck is just like having a big old (unsure of adjective used) chain dragging you down. Because when it comes down to who they're going to hire, who are they going to hire? They're going to hire a guy with a criminal record or a guy who don't have a criminal record?

Who would you hire? Put their hands in your cash register? (The guy without the criminal record.)

OK. Quit! Wise up, OK. (Yes sir.) Don't put yourself behind the 8-ball man. That's what you're doing.

Get that community service done now and go on with your life. OK? (Yes sir)

Following case, #2 - young black woman

(Notes about case: Been on probation in city of Covington since June 5, 2013; while on probation, on July 30, 2013 new charge in Morgan Co. for inmate possession of drugs/weapons/contraband across guard lines)

Judge: Were you visiting somebody down there? (No.) So, you came into the jail with something they didn't want you to have? (No.) Tell me what happened.

Defendant: It was like through the post office.

Judge: Uh oh.

(Explanation from court official: Cigarettes and tobacco in an envelope)

Judge: That's a crime.

You are admitting that you were arrested for that charge here today. Do you understand that? (Yes.)

By way of further information, I need to tell you something. When you're up here charged with a violation of probation, they only have to prove that you violated your probation by proving that new charge not beyond a reasonable doubt, but by a preponderance of the evidence. You remember when I started talking today I said a preponderance of evidence is just more likely than not? And that's all you get on a probation revocation.

Now, what you need to know is that although you still have a right to go to trial or do whatever you're going to do in Morgan County, if you stand up in my court today and say for purposes of this hearing only, yes I admit that I sent the stuff in the mail, the fact that you tell me today that I violated my probation by doing that cannot be used against you in any other court in Morgan County. Do you understand that? (Yes.)

Do you want to tell me if you admit it or deny sending the stuff in the mail for purposes of what I decide to do with you in this hearing?

(Yeah.)

Alright, so for purposes of this hearing, understand that if they brought the people up here from Morgan County, they don't have to prove it beyond a reasonable doubt, they have to prove it be a preponderance of the evidence. Do you want to go ahead and admit that?

(Yes sir.)

Alright, I find that you violated your probation by committing the technical charges you've already admitted and by committing a new offense of sending contraband in the mail to somebody in the jail, for purposes of this hearing only. Do you understand that? (Yes sir.)

Now, what are you all recommending?

(Court employee: This is a pre-trial case, recommending be adjudicated guilty, sentenced to probation, credit for (pay?) and community service completed.)

What was this pre-trial for? (Court employee: Shoplifting.)

How old are you ma'am? (19)

How far did you go in school? (I graduated high school.)

What kind of probationer has she been up to this point? (Up to this point she's been fine, everything is completed, she's working on her court fine, she got a little further behind, but since we discussed that and readjusted payments, she's been making payments just fine)

What does she got left to do? (Court employee: Just paying; that's it.)

Are you working ma'am? (Yes.)

Did you lose your job? Did they jail you or did you bond out pretty quickly in Morgan County? (I bonded out.)

How much time does she have left? (Court employee: As of today, 231 days left.)

How much fine does she have left? (\$456)

Ma'am, do you understand if I bang this gavel, I'll give you a criminal record that will follow you the rest of your life? (Yes sir)

Did you think about that? (Yes sir.)

I get so sick of giving young African Americans criminal histories, but it's because y'all get in trouble. Do you understand? And then we give you pre-trial diversions and you throw it away. And then you got this tag hanging around your neck the rest of your life that says criminal. You understand? (Yes sir.)

Did she do all her community service? (Yes sir.)

So, she's got to pay her fine, right? (Yes sir.)

And she's got how many days left? (Court employee: 231.)

How long do you think it would take you to pay the balance of your fine? (Umm, I can pay it off in a month.)

I'm going to continue this case. (Court employee: Your honor, this case was continued previously.)

Why? (Court employee: She was given time to see what would happen to the charge and it still was bound over to Superior Court and they don't have an indictment.)

Well, down in Morgan County they may take a year to get it into court. (Court employee: Little longer than that judge)

(Back and forth about Morgan Co.)

Judge: (Sighs) Go sit down and let me think about this. Let's move on. Thank you all for waiting. I'm going to have to think about this.

Following case, #3 – young black woman

(Notes from court: Another pre-trial case, failed to report to probation officer and make probation payments, was on pre-trial for shoplifting)

Judge: (Sigh) God (said softly under breath)

What was she on for? (Court employee: Shoplifting.)

Nobody learns. The learning curve around here, what are we missing? What are we not doing here? Do y'all just not understand that you're giving yourself a criminal record for the rest of your life? (I understand.)

.....

Judge: Whereas the previous case reported, she just caught a charge by sending tobacco to her five-minute boyfriend or somebody through the mail. Now, you're smiling (said to previous defendant), but I don't think it's funny. I mean, ain't no man worth going to prison for is there?

Ladies? Is any man worth going to prison for? (Various no responses in the audience)

(Comment about that's what women are doing when respond to men begging for stuff from jail)

This is pitiful.

Dean Tate used to say, working with someone that wouldn't try is like going hunting carrying a dog.

I can't keep carrying y'all's dog. We give you your chance and y'all throw it away.

(Followed recommendation of probation officer.)

You're guilty. (Sighs)

(Notes: Sentenced to 12 months probation; fine \$473, give credit for what's paid. Still banned from Walmart. Can get off probation as little as 6 months if get the rest of probation done.)

Revisiting case #2

Judge: Come back up here.

I don't know why (pauses. Don't we have court the first week of February? (Court employee: Yes sir.)

I'm going to give you one opportunity, but it ain't a whole lot, and you may not be able to do it, but everybody else up here today, bang, bang, bang, bang (sound of gavel), guilty. I'm going to give you 14 days, which is...Feb. 5...I'm going to give you until 1:30 p.m., Feb. 5 to pay off balance of fine and close your case and save me from adjudicating you guilty.

If you don't think you can make it, that's fine, but you have to come back that day anyway.

(Back and forth about not having to come to court if balance of probation is paid off.)

Defendant: I can do it (pay her remaining balance).

Judge: But if you ain't paid out and you ain't here on Feb. 5, I'm going to sign a warrant for your arrest.

Defendant: I can pay it.

Judge: I hope you do.

I catch all kind of cane from these probation officers...They'll say 'Why did you treat her differently?' I can't tell you why? I don't know why? I'm just tired of revoking everybody's probation. Quit sending cigarettes to your guy friend! Do you understand? (Yes sir.)

300 million people in this country and you got to pick one that's a jail bird. Alright?