

A DUI a day dodges city traffic court

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STAFF WRITERS

Atlanta's traffic court has allowed thousands of drunken-driving cases to go unprosecuted during the last 15 years, the equivalent of allowing one driver per day to escape judgment.

Since its creation in 1982, the court has sat on 6,096 DUI cases, according to records obtained by The Atlanta Journal-Constitution under a months-long request through the state's Open Records Act. And those cases are a small percentage of the 232,365 traffic tickets that, until this year, were ignored by the court.

The forgotten tickets have allowed thousands of drivers to go unpunished. A computerized search of the shelved tickets turned up 49 drivers who have been cited twice for DUI, on different days, only to go unprosecuted.

"It's safe to say that some of these people will get off," said court director Bob Bray. "Our ability to prosecute diminishes the older the ticket gets."

The tickets also represent millions of dollars in lost income for the city of Atlanta. Traffic court officials have snared \$4 million from delinquent cases since May as part of a fresh effort to work through the backlog and generate revenue for police pay raises. Mayor Bill Campbell wanted \$11 million from the old cases, but court officials now expect no more than \$7 million. Budget officials will have to find the rest somewhere else.

The priority given to revival of the old DUI cases is not clear. Court administrators say the new collection efforts are not focusing on DUIs or any other offense in particular. The efforts have resulted in 5,500 bench warrants, and Bray said he didn't know how many involved DUI charges.

Acting traffic court solicitor June Green said her office is especially interested in DUI cases. "It's important," Green said. "If I had to choose between someone who ran a red light and a

DUI, because of the public safety factor, I'd use my resources to go after the DUIs."

DUI cases also generate the most revenue, with fines that range from \$750 to \$2,500.

Once a driver is handed a ticket, there is no time limit for prosecuting a DUI offense. But prosecuting old cases gets more difficult with each passing year, as arresting officers leave the force, defendants move, memories fade and records are lost. Atlanta police have no central storage area for DUI evidence, such as blood-alcohol records, although officers' notes become part of a permanent file, police spokesman John Oatley said.

Many of the DUI offenders — who "come to Atlanta to have a good time," Bray said — live outside the court's jurisdiction, which can make collection difficult. But of the 49 drivers cited for DUI at least twice but not prosecuted, 43 had Atlanta addresses when they were ticketed, records show.

The court's problems with DUI are well-known. A former investigator, Carter Summerlin, was convicted last year of extorting money from an accused drunken driver in return for help in fixing DUI tickets.

And Eddie Castleberry, an Atlanta defense lawyer, was sentenced to 40 months in prison for bribing former Traffic Court Assistant Solicitor Kenneth London to dispose of DUI tickets. London killed himself in 1993.

The Atlanta traffic court processes about 5,000 DUI cases a year. The number of cases that have slipped through the cracks does not shock court watchers like Mothers Against Drunk Driving, said Sheryl Powell, state executive director.

"If you say, is it acceptable? — Certainly not," Powell said. "Is it part of the animal? Probably. When you're talking about that kind of volume, it's going to be teneck at some point."

City loses untold millions

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