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Courts Take Dim View of Motorists Charged With Traffic Law Violation

HIGHWAY traffic law violators have a better chance of escaping punishment on the road than they do in court. Relatively few speeders are caught, but those who are arrested must pay if they are guilty and must pay if they are not guilty.

This has generated criticism of certain courts and localities as being overly zealous, but apparently the situation is statewide. Chances of proving innocence are slim.

Under our Oklahoma system, a person who is given a ticket for highway traffic violation is ordered to appear for arraignment in district court. These have replaced the former justice of the peace courts and not everybody regards the change as much of an improvement in this type of case.

In court, the defendant is asked to plead either guilty or not guilty. If the plea is guilty, he may be fined or other disposition made of the case. It usually is settled.

If the defendant pleads not guilty, he or she is asked to post cash bond, generally in excess of amount of probable fine, pending trial to be held at some future date.

Since such arrests frequently occur while the defendant is on a trip, the court often is situated out of his home county. In the trial, if held, the district attorney's office will prosecute, with the case built upon arresting officers' statements.

To defend in such a case, ordinary citizens likely would need services of an attorney. The defendant not only would have to spend his own time and expenses, but also would be out costs for the attorney's time and

travel.

Perhaps not many of those charged are innocent, but in cases where the ticket is based upon opinion or judgment, there might be room for doubt, such as charges of excessive speed for road conditions or failure to yield right of way.

To prove extenuating circumstances in court would not be easy, and witnesses would be needed.

What does the defendant do? What can he do? Either he gives in and pays the fine, or posts bond and forfeits by non-appearance on trial date. These are cheapest ways out.

Alleged "speed traps," where special efforts are made to snare unwary motorists, obviously are no worse than these "court traps," where the only practical course is to plead guilty. This has led to inferences that traffic laws are enforced to raise money to pay judges' salaries or enhance the court fund.

Critics point out that traffic tickets yield revenue, while investigations of other crimes usually do not. The implied neglect of other law enforcement seldom is substantiated.

Traffic laws were not designed primarily to raise money. They were created for the safety and well-being of the public, just the same as laws against murder, robbery and burglary were.

While crimes of violence are running rampant and habitual criminals are being freed after short stays in prison, citizens may have difficulty in understanding why the highway patrol (and municipal police) continue to devote time to traffic law violators. The answer is that these laws are being broken, too.