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Judge Levels Abuse Charges Against DUI “Top Cop”

By Michael Raeker

Claiming Marshall City’s “Top DUI Cop” Pat Davis is a “ticket writing machine,” County Judge Chris Dunkirk has filed a far-ranging complaint with the Police Review Board alleging that up to two-thirds of Davis’ traffic citations are bogus.

Moreover, Judge Dunkirk says that a recent DUI complaint against the judge was based on nothing more than the “whimsical malice of an ambitious and cynical police officer.”

Davis, recipient of five straight annual Marshall City “Top Cop” awards from 2003 to 2007, has written almost 1,300 DUI tickets in the past six years -- the largest number of DUI arrests (averaging over 200 per year) in Marshall City history.

The judges and prosecutors all know Officer Davis is a “ticket writing machine.” They also know that most of Davis’ tickets end up as not guilty or dismissed for want of prosecution.

In Officer Davis’ cases, over 60% were dismissed because Officer Davis failed to show up in court to prosecute the ticket.

“The evil is that the Marshall City Police Department emphasizes getting guns, drugs, and drunks off the street, and does not care whether the officer is doing so unlawfully or unconstitutionally,” Judge Dunkirk told the Marshall City Sun in an exclusive interview.

“Many of those DUI arrests were either baseless or in violation of the driver’s legal rights. Something is wrong when so many arrests end up being thrown out in court.

“The prosecutors are just as much as fault,” Judge Dunkirk continued. “They

refuse to screen out bad cases, and take everything to the judge. Their motto is, ‘Let the judge take the heat’.”

A spokesperson for the Thompson County State’s Attorney’s Office responded to Judge Dunkirk’s charges: “The [State’s Attorney’s] Office has a policy of carefully reviewing all criminal charges before proceeding to trial. On the other hand, if the complaining witness or officer does not show up in court in a non-felony case, the prosecutor may have difficulty getting a continuance, and will drop the case.

The Marshall City Police Department spokesman noted that judge Dunkirk leveled these accusations only after being arrested for violating a statute making it a crime to operate a motor vehicle while under the influence of drugs or alcohol.

“If the judge was so concerned about false arrests, why wait until being arrested?”

Judge Dunkirk was elected to the bench in 2006, and is one of the youngest judges in Thompson County history. Judge Dunkirk’s father was the late Charles Filmore Dunkirk, long-time political powerhouse of the Thompson County Republican Party. He died in 2007, leaving no other children. Dubbed “Busy Busy” by news reporters and fellow lawyers, Charles Dunkirk was a 1975 graduate of the Spiro Agnew Law School in Buford City, Marshall. That law school was absorbed by the Marshall State University Law Center a few years later.

Judge Dunkirk is divorced and has no children.