

DRUNKS AND THIEVES JUNE 2015 PART 3



By John Hoffmann

July 1, 2015

This is our third and final report for June on our random review of arrests and court outcomes of DWI and theft cases.

VERY DRUNK DRIVER CRASHING IN TO PARKING BARRIERS PAYS THE ENGELMEYER/BRUNK WAY WITH \$400 FOR ILLEGAL PARKING...NO CONVICTION RECORD FOR BAC LEVEL 4X THE

LEGAL LIMIT: This may be one of the worst cases of charge dropping I have seen so far this year. This case clearly shows just how dangerous Chesterfield City Prosecutor Tim Engelmeyer and Judge Rick Brunk really are.



David Jerome Ross

David Jerome Ross of O'Fallon, MO was 31 years old on Wednesday December 11, 2013 at 7:10 pm. He was also very drunk. Ross was driving or at least attempting to drive his black 1998 Mitsubishi Eclipse convertible. An employee of the Valvoline Oil Change business in the 17400 block of Chesterfield Airport Road called the police about a drunk driver driving between Valvoline and Wendy's restaurant next door striking curbs and running over parking barriers.

Several officers were dispatched including officers Jason Stumpf, Martin and Lantz. They found the car parked at Wendy's with the engine running and David Ross asleep behind the wheel.

They woke Ross and asked if he was alright. He stated he was, but said so in a muffled slurred voice. He was asked if he had been drinking or had a medical problem. He replied by saying "Maybe."

Ross stated he thought he "might be diabetic." An ambulance was called to the scene to check out Ross.

When the ambulance arrived officers told Ross to get out of the car and walk to the ambulance. When he exited the car he fell to one knee and once righted he had to place a hand on the side of the car to keep his balance. Officer Stumpf went to the ambulance and wrote in his report what he heard.

Officer Lantz and I also entered the back of the ambulance to witness Ross's responses. The paramedics asked Ross, how are you feeling. Ross replied "really drunk". The paramedics continued to assess Ross and determined that he was not having a diabetic episode and that all of his medical vitals were normal. I asked Ross if he had been drinking and he replied yes. I asked if he had any alcohol in his car or if he had been drinking while sitting on the parking lot, and Ross replied no. Ross stated he was drinking at home, and he consumed a pint of Southern Comfort. I asked Ross where he was coming from, he replied his home in Georgia, but now lives in ██████████ Missouri. Ross then spontaneously stated that he was sorry, that he never wanted to hurt anyone, and that he wants to go home, but shouldn't drive because he is too drunk.

Paramedics found no evidence of an insulin or diabetic problem.

Officer Stumpf attempted to do field sobriety tests by Ross was too drunk to stand and Officers Stumpf and Lantz had to help him to the police car.

He was arrested and taken to the Chesterfield Police Station. At the station during an interview Ross denied driving a car at the time of his arrest, but said he was watching TV. He said he started drinking at 12 or 1 o'clock and stopped "when you guys got me."

Meanwhile back at the scene on Chesterfield Airport Road Officer Lantz was obtaining statements from three eye witnesses at the Valvoline shop. Here is what they had to say:

Officer Lantz then contacted the witnesses at Valvoline for statements. Witnesses A██████, W██████, and N██████ provided verbal and written statements to the events that occurred. All three statements were consistence to each other. Witnesses stated that the black Mitsubishi first pulled onto the lot of Valvoline and struck two curbs, but then stopped in front of the bay doors as if the driver was requesting entry for service. At that time the witnesses noticed that the Mitsubishi's headlights were not on. When the witnesses opened the bay doors for the Mitsubishi to pull in for service, it stayed stationary on the lot. Witness A██████ then walked up to the driver's door and noticed that the driver appeared to be passed out in the driver's seat. As A██████ woke the driver, he put the vehicle in reverse and backed away, again striking another curb and up onto the grass. The Mitsubishi then drove one parking lot over and parked in the Wendy's parking lot. The Mitsubishi remained parked in the space of Wendy's restaurant until Police arrived. The original written statements were placed into Chesterfield Police Evidence by Officer Lantz.

Back at the police station Ross agreed to take a breath test. The results of the test showed his BAC level was at a .346% or MORE THAN 4 TIMES THE LEGAL LIMIT!

Due to the high level of alcohol Officer Stumpf transported him to St. Luke's Hospital for treatment and a "fit for commitment" in the city holdover.

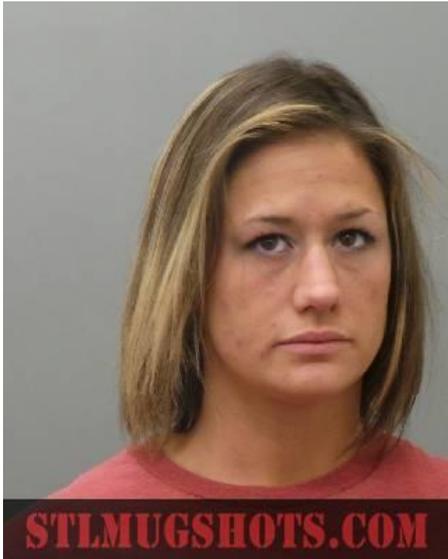
OUTCOME: Keep in mind this guy was FOUR TIMES THE LEGAL LIMIT, but yes he left the court room with NO POINTS ON HIS DRIVER'S LICENSE.

On August 6, 2014 a deal was made with City Prosecutor Tim Engelmeyer and accepted by Judge Rick Brunk. Ross pled guilty to DWI and was given a 2-year SIS "no-record" probation term. The Careless and Impudent Driving charge where he was wildly driving across parking barriers at two popular local businesses was reduced to "Illegal Parking" and Ross was fined \$400. He was also fined for the Driving at Night Without Headlights, another no-points violation. Chesterfield Mayor Bob Nation and the entire city council should be ashamed of verdicts like this one.



SAME PERSON ARRESTED FOR DWI AND THEFT IN LESS THAN 10

HOURS: It would be bad enough that 26-year-old Catherine Austermann of Clarkson Court in Ellisville was both drunk and under the influence of drugs when she caused a injury collision at Manchester Road and Reinke Road. But in 10 hours the Ellisville Police had to arrest her again, this time for stealing beer in a most unusual way.



A mug shot after a later drug arrest.

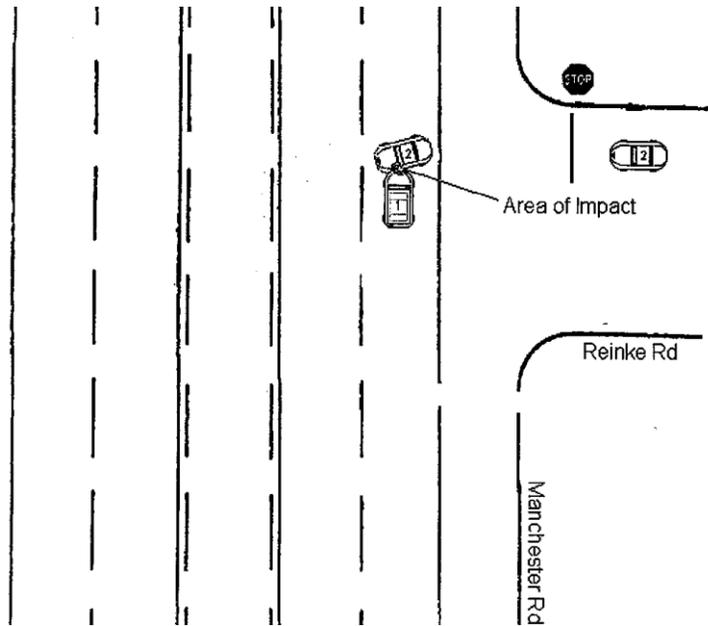
DWI ACCIDENT WITH NO INSURANCE RESULTS IN NO POINTS ON HER

RECORD: Catherine Austermann has had a troubled six years. On October 11, 2009 she was arrested for felony possession of drugs. She pled guilty to that charge on September 24, 2010. She was given a probation term, but had to do drug treatment and drug testing. Her probation was revoked on March 17, 2011 with a warrant issued for her arrest. On April 14, 2011 she was sentenced to three years in the Department of Corrections. As in most cases she did not served her full term and was released on parole.

Ellisville Case #1: On Thursday January 23, 2014 at 1:55 in the afternoon while on Reinke Road in her 2006 Chevrolet Cobalt, Austermann pulled onto Manchester Road in front of a SUV causing an injury accident/collision. Both Austerman and the other driver were taken to the hospital.

Both cars received extensive damage and it appeared as if Austermann's Chevrolet may be totaled as it received extensive side, front and even roof damage.

Fire department paramedics were on the scene and the police reported that Austermann was "emotional and uncooperative" with the paramedics.



At the Mercy hospital Austerman had already admitted to staff that she had been drinking. Ellisville Police Officer Adams asked her and she stated that she had "maybe three shots" between 10am and 10:30am. She refused to agree to have a blood draw for Officer Adams, but the hospital had already done a blood draw.

Four days later a subpoena was issued and the hospital blood tests were obtained. They showed that Austermann's BAC was .186 and her blood also contained opiates. Austermann was more than twice the legal limit of alcohol and had also been driving while drugged.

She was cited for DWI, Fail to Yield Right of Way (causing an accident) No Proof of Insurance and Failure to Wear a Seat Belt. She was left at the hospital and was not booked, photographed or fingerprinted.

Ellisville Case #2 Later that day at 11 pm the Ellisville Police were called to Austermann's mother house at 1252 Clarkston Court, which also has been the address of Austermann, for a peace disturbance. Her mother told the police she did not want Austermann at the house while she was on drugs and drunk. However, Austermann had left the scene prior to the police officers' arrival.

Thirty minutes later officers made their way to the BP Station and Convenience Store at 28 Clarkson Road. Here from the police report is what the clerk, Victoria Young told the police:

Young advised just as Austermann entered the business, she tried to purchase a bottle of Vodka. Due to regulations, Young asked to see Austermann's photo ID for the purchase. Young advised Austermann did not have any identification. Young then observed Austermann walk to the refrigerator and pull out a 6 pack of Michelob Ultra 12oz. bottles and proceed to the rear of the store near the bathrooms. Young advised Austermann went into the restroom with the beer and thought she was stealing it. Officer Schneider then made contact with Austermann in the restroom and observed a bottle of empty Michelob Ultra sitting in the bathroom garbage can. Officer Schneider advised the bottle was cold to the touch. Young then indicated there was a six pack in the refrigerator with one beer bottle missing from the pack.

Austermann was arrested for stealing and taken to the Ellisville Police Station. Officer J. Nickles reported that Austermann was so intoxicated that he took her for a second time that day to Mercy Hospital, this time for a "Fit for Commitment" form. She was then taken to the County Jail in Clayton where she was held pending the posting of a \$300 bond.

Here is what happened to Austermann before she pled guilty to the Ellisville charges and received no points.

On April 28, 2014 Austermann was charged by the St. Charles Police department with two counts of felony drug possession and one count of Possession of Drug Paraphernalia. On April 1, 2015 Austermann failed to appear in St. Charles Circuit Court. A warrant was issued for her arrest and a bond was \$20,000 cash only.

On October 3, 2014 Austermann was arrested by the Ellisville PD for Felony Possession of Controlled Substances. This charge is pending.

On April 28, 2105 Austermann was arrested and charged with felony drug possession in Columbia, Missouri. On June 1 she was still being held in the Boone County Jail.

OUTCOME: Ellisville Judge Donald Anderson on March 12, 2015, 14 months after the accident, placed Austermann on a two-year "no-record" probation term for the DWI accident. This despite the fact that she is a convicted felon and has two felony charges pending against her at the time she pled guilty. The failure to Yield Right of Way which is a moving violation and carries points was reduced to "Illegal Parking" and she was fined \$250. The "No Insurance" citation was also reduced to Illegal Parking with a \$250. She left court with no points on her record.

On the theft of the beer charge Austermann pled guilty and was not fined but placed on a 2-year "no-record" probation term.

Was this justice to the woman injured in the car accident and had her SUV badly damaged? Was it justice for the public at large? No, but it was apparently Ellisville Judge Anderson justice.



Judge Donald K. Anderson

96 MPH ON WB I-64 AT MASON ROAD AT 7:37 IN THE MORNING...GETS NO FINE AND NO POINTS: Brett Grasle, 24 of Jerseyville, Illinois was driving a large black 2010 Chevrolet pickup truck when he got Town and Country Police Officer Messmer's attention. Grasle's truck was just clocked at 96 MPH. On Saturday morning November 8, 2014 Sgt. Defoe was clocking vehicles with a laser gun and Messmer was stopping them and writing citations.

"Where is a cop when you need one?" is the cry we have all made when some jerk blows our doors off doing almost 100 mph. In this case the cops were right there.

The case was sent to the Associate Circuit Court in Clayton when Grasle's attorney requested a "jury trial" that was never going to happen.

OUTCOME: On April 9, 2015 Grasle pled guilty to speeding 96 mph in a 60. Instead of being fined Judge Joseph Dueker sentenced Grasle to a one year SIS "no-record" probation term. He had no fine to pay and no points went on his license or Missouri Driving record.

Uniform Citation

Violator's Copy

ORI NO. MO 0957200 TOWN AND COUNTRY POLICE
STATE OF MISSOURI
DIVISION OF 21st CIRCUIT COURT

140060379

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| STATE OF MISSOURI | | DIVISION | |
| IN THE CIRCUIT COURT OF TOWN AND COUNTRY MUNICIPAL | | 1 | |
| COURT ADDRESS (Street, City, Zip) 1011 MUNICIPAL CENTER DRIVE DR, TOWN AND COUNTRY, MO, 63131 | | | |
| COURT DATE | COURT TIME | COURT PHONE NO. | |
| 12/18/2014 | 7:00 <input checked="" type="checkbox"/> AM <input checked="" type="checkbox"/> PM | (314) 432-1420 | |
| I, KNOWING THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE BY LAW, STATE THAT I HAVE PROBABLE CAUSE TO BELIEVE THAT: | | | |
| ONABOUT (Date) | AT TIME | UPON / AT OR NEAR (LOCATION) | |
| 11/08/2014 | 0737 | WB IS 64 BE CRD MASON RD | |
| WITHIN CITY / COUNTY AND STATE AFORESAID, NAME (LAST, FIRST, MIDDLE) GRASLE, BRETT, W | | | |
| STREET ADDRESS 609 2ND ST | | | |
| CITY | STATE | ZIP CODE | |
| JERSEYVILLE | IL | 62052 | |
| DATE OF BIRTH | AGE | RACE | SEX |
| 11/10/1989 | 24 | W | M |
| DRIVER'S LIC. NO. | CDL: | HEIGHT | WEIGHT |
| G62407989320 | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | 510 | 185 |
| LEAVE THIS LINE BLANK | | | |
| EMPLOYER | | | |
| ADDRESS (Street, City, State, Zip) | | | |
| DID UNLAWFULLY <input checked="" type="checkbox"/> OPERATE/DRIVE <input type="checkbox"/> PARK | | <input type="checkbox"/> C.M.V. <input type="checkbox"/> WITH HAZ. MAT | |
| YEAR | MAKE | MODEL | COLOR |
| 2010 | CHEVROLET | SILVERADO | PK |
| REGISTERED WEIGHT | L I C | NUMBER | STATE |
| | | 93774V | IL |
| | | | YEAR |
| | | | 2015 |
| DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE. THE FACTS SUPPORTING THIS BELIEF ARE AS FOLLOWS: | | | |
| EXCEEDING SPEED LIMIT 60 MPH ZONE | | | |
| FASTLANE 96 MPH @ 2054.6 FEET PATROL LASER #1 SGT. DEFOE | | | |
| <input type="checkbox"/> Subject taken into custody. (Complete "For Issuance of a Warrant" section on reverse side.) | | | |
| DRIVING | POSTED SPEED LIMIT | DETECTION METHOD | |
| 96 MPH | 60 MPH | <input type="checkbox"/> STATIONARY RADAR <input type="checkbox"/> WATCH (AIR) <input type="checkbox"/> PACE <input type="checkbox"/> OTHER | |
| IN VIOLATION OF: | | <input type="checkbox"/> MOVING RADAR <input type="checkbox"/> WATCH (GROUND) <input checked="" type="checkbox"/> LASER | |
| 320.010 | <input type="checkbox"/> RSMo. <input checked="" type="checkbox"/> ORD. | CHARGE CODE: | |
| | | 90000050 | |
| <input type="checkbox"/> SEAT BELT VIOLATION <input type="checkbox"/> SPECIAL ENFORCEMENT ZONE | | <input type="checkbox"/> IN FATAL ACCIDENT | |
| <input type="checkbox"/> NO PROOF OF INSURANCE | | <input type="checkbox"/> IN ACCIDENT | |
| | | <input type="checkbox"/> DWI / BAC . | |
| OFFICER | BADGE | TRP / ZONE | DATE |
| /s/ P.O. Messmer | 00097 | | 11/08/2014 |
| ON INFORMATION, UNDERSIGNED PROSECUTOR CHARGES THE DEFENDANT AND INFORMS THE COURT THAT ABOVE FACTS ARE TRUE AND PUNISHABLE BY: | | | <input type="checkbox"/> RSMo <input checked="" type="checkbox"/> ORD. See 100.15 |
| PROSECUTOR'S SIGNATURE | | DATE | |
| | | | |
| I promise to dispose of the charges of which I am accused through court appearance or prepayment of fine and court costs. | | | DR. LIC. POSTED |
| SIGNATURE X _____ | | | <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO |



Grasle in a bad "selfie" on his facebook page.

HOW NOT TO THROW AN UNDER 21 BOOZE AND MARIJUANA PARTY: Martin Schmitz, 19 of Ballwin, Anthony Horrell, 18 of Chesterfield, Mercedes Gates 18 and Justin Edmunds, 20 of Kirkwood were all arrested by the Chesterfield Police at 1:54 am on Wednesday night/Thursday morning April 10, 2014 at the Comfort Inn and Suites on 18375 Chesterfield Airport Road. They were charged with possession of drugs and being minors in possession of booze.

Hopefully here are a few things they learned.

- 1) If you are going to have a loud party in a hotel room, don't do it on a midweek night. Chances are the people in the other rooms have appointments related to their occupations in the morning and are not ready to party. In fact they are ready to call the desk and complain.
- 2) Don't you and your guests smoke so much marijuana in your "no smoking" room that the marijuana smoke can be smelled throughout the hallway.
- 3) Don't ignore a knock on the door by hotel staff telling you to be quiet or the police would be called.

On Thursday morning April 10, 2014 three Chesterfield police officers were dispatched to the Comfort Inn Hotel in Chesterfield Valley on a peace disturbance call.

Hotel staff told officers that hotel guests had been complaining about the noise coming from room 304 for over an hour and the people in room were warned if the noise continued the police would be called to have them removed.

Officer Thompson who wrote the report does not get a "gold star" for report writing on this one. He wrote,

"Upon exiting the elevator, I observed a strong smell that is consistent with marijuana." Officer Thompson apparently has very good multi sensing eyes that both see and smell.

Officers found Anthony Horrell outside of room 304 and he admitted having come from the room. The officers and Horrell then went into the room where they found Schmitz, Gates and Edmunds.



A facebook photo of Horrell

In the room officers observed eight cans of Natural Light Beer and 20 bottles of Bud Select deer "scattered around the room." All four admitted they were under the age of 21.

The room also reeked of the smell of burnt marijuana. Horrell admitted that they had smoked marijuana, but they had smoked it all and there was no more marijuana in the room.

A pat down of Horrell showed that he forgot to the smoke the marijuana in a plastic Zip Lock bag in his front right blue jean's pocket.

Before the cops could get around to searching Schmitz, he pulled a baggie of marijuana from his pants and surrendered it.



A mug shot of a very wasted Martin Schmitz

Search showed no marijuana on Edmund or Mercendez Gates. However a search of the room revealed a box with nine marijuana buds hidden on the top of a set of window curtains. Edmund admitted ownership of the box and the pot.



Justin Edmunds of Kirkwood

They were all arrested for Peace Disturbance, Possession of Alcoholic Beverages by a Minor and with the exception of Miss Gates, Possession of Marijuana.

OUTCOME: **Martin Schmitz** despite being only 19 at the time of his arrest was no stranger to municipal and county courtrooms.



On 03/12/12 Schmitz received two traffic tickets from the County Police and was arrested for Driving on a Revoked/Suspended License. The cases ended up before Judge Judy Draper and then Judge Dennis Smith of the Associate Circuit Court. On 9/26/12 Schmitz had failed to appear in court. A warrant was issued for his arrest. On 01/02/13 he pled guilty and was fined \$19 on each minor charge. He was fined \$250 for driving on the revoked license.

On 08/30/12 Schmitz was fined \$300 of a 12/23/2011 ticket from the Ellisville Police that was apparently reduced to a license violation. He didn't pay the fine or appear in court and a warrant was issued for his arrest. On March 19, 2013 he was arrested and then paid all fines and court costs.

On 03/19/13 he was arrested on similar charges to those in Chesterfield by the Manchester Police. His lawyer had the case sent to Clayton on a jury demand, with no intention of trying the case. On 10/24/13 Manchester Prosecutor Mark Levitt dropped the charges to 2-counts of Littering. Schmitz was fined by Judge Mary Schrader \$500 on one case and \$250 on the other. He was given time to pay the fines. He did not pay the fines and an arrest warrant was issued on 02/03/14. Judge Schrader recalled the warrant and sent the matter to a collection agency on May 15, 2014.

Schmitz is another Theodore "T-Fed" in the making. He has no concern about the law and what might happen to him. Chesterfield prosecutor Tim Engelmeyer either did not check Schmitz's history (a likely event) or did not care (just as likely). Schmitz was represented by attorney Jeffrey Goldfarb, who had the case sent to Clayton. Here is the deal Engelmeyer gave them.

- 1) Englemeyer dismissed the Pease Disturbance Case.
- 2) Reduced the Possession of Marijuana to ILLEGAL PARKING with a \$275.
- 3) Reduced Minor in Possession to ILLEGAL PARKING with a \$250 fine.

Leave it to Engelmeyer to reduce charges filed in connection to crimes in a hotel room to motor vehicle/traffic offenses! Engelmeyer should be forced to write down the vehicle description and license number on a charging document when he reduces something to "ILLEGAL PARKING." Not even a Smart Car can fit into a third floor hotel room at the Comfort Suites.

The City of Chesterfield and Tim Engelmeyer have reinforced to Schmitz that he can do about anything and just end up with an expensive parking violation.

Justin Edmunds: At the time of his arrest by Chesterfield officers, Edmunds had warrants pending from Webster Groves and Kirkwood.



Stoned Justin Edmunds

On 09/16/14 Edmunds appeared before the Chesterfield Municipal Judge Rick Brunk. Englemeyer had dismissed the Minor in Possession charge. Edmunds pled guilty to Peace Disturbance and Possession of Marijuana. For both charges Brunk placed him on 2-year no-record SIS probation terms with no fines. Apparently his past records did not interest Engelmeyer or Brunk.

Despite getting a great deal, Edmunds didn't pay the \$26 court costs on each charge. A Failure to Appear warrant was issued. He was arrested at the multi jurisdictional holdover/jail at Richmond Heights on April 19, 2015 by Chesterfield Police. ON April 28, 2015 he pled guilty for failing to appear in court to explain why the court costs had not been paid. He was fined \$75. He then also paid courts of \$78 for all three cases.

Mercedes Gates: The lone female from the party room appeared before Judge Brunk on 06/17/14. She pled guilty to Minor in Possession and was fined \$100. She also pled guilty to the Peace Disturbance and was placed on a One-Year "no-record" SIS probation term.



A very very wasted Mercedes Gates

Anthony Horrell: Horrell apparently did not have a lawyer as he got hammered by Brunk, something that never happens if someone has an attorney. On 02/24/15 Horrell Pled Guilty to all charges. He was fined \$100 for Minor in Possession, \$300 for Possession of Marijuana and \$150 for Peace Disturbance.



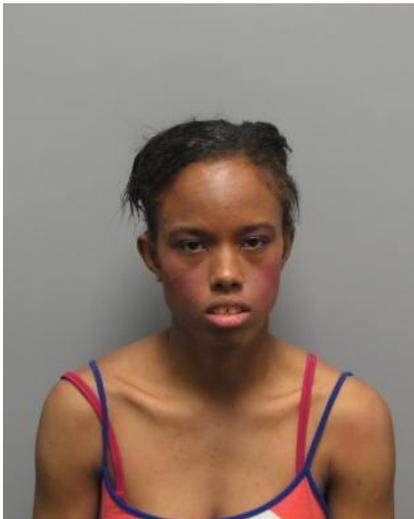
Horrell had no record that we could find and received a much harsher sentence and fine from Engelmeyer and Brunk than did Schmitz, who had an extensive record. This

appears to be another case of Chesterfield Justice...you show up with a lawyer and you get a better sentence on the same charges than the guy, a black who is without a lawyer.

Another lesson not learned: You might think that Horrell would be cooling it with facebook posts of being a partier after his arrest. But below are more party photos that Horrell posted after his arrest. Beside Horrell there is another familiar face.



SHOPLIFTING CALL GETS INTERESTING: On Friday April 5, 2013 at 3:35 Officer Ghassemi and Sgt. Vogelpohl responded to a call of a black female shoplifting from the Body Shop store inside Chesterfield Mall. When officers arrived the suspect, Lashina Harris was in the Sephora store. Employees of the store told officers that Harris had not purchased anything.



The officers stopped her outside of the store and did not find perfume she was reported to have shoplifted from the Body Shop, but did find nail polish and a mirror she had just stolen from Sephora. She eventually admitted stealing the two items. The manager at the Sephora declined to prosecute her once the items were returned.

However, upon checking Harris, 30, from Overland, MO, for wanted alerts and warrants the officers learned that she had three outstanding arrest warrants. There was also a notation that she had a possible mental condition.

While attempting to arrest Harris on the outstanding warrants, Harris began to struggle violently, including trying to bite the officers. The officers were unable to get her hands behind her back to be handcuffed. A taser gun was eventually used. The first stun had little effect on Harris and she continued to fight.

After a second stun from the taser in her back Harris stopped fighting, was handcuffed and placed in Officer Ghassemi police car with a seat belt applied. Officer Ghassemi reported that while driving to the police station Harris had unbuckled the seatbelt. The officer also observed that Harris had slipped one hand free from the handcuffs. This in effect left Harris with a metal weapon she could swing at officers.

Two other officers were waiting at the police station. After some discussion Harris was convinced to stick her arms out of the police car window so she could be re-handcuffed.

Harris was not injured. She was issued a summons returnable in city court for "Resisting Arrest." She was not held pending the posting of bond, since trouble was written all over her. Instead she was released to one of the departments with outstanding warrants.

Meanwhile Officer Ghassemi went to St. Luke's Hospital and treated for an injury to the left wrist.

OUTCOME: Harris never showed in court and a warrant was issued for her arrest. The University City Police arrested her on September 3, 2013 as a fugitive of Chesterfield PD. This time Harris was held until she posted a \$500 bond. She was then released to yet another police agency that held warrants on her.

She hired a lawyer and her case was "jury demanded" to the Associate Circuit Court in Clayton. On February 26, 2015 Harris pled guilty to a reduced charge of "Peace Disturbance." She was fined \$300.

DRUNK DRIVER, WHO HAD ALSO SMOKED SOME GRASS SPEEDS PAST MARKED POLICE. THANKS TO TOWN AND COUNTRY PROSECUTOR SHE LEAVES COURTHOUSE WITH NO POINTS ON HER DRIVING RECORD. You are failing the first part of a field sobriety test when you speed past a marked police car. That was the case for 26-year-old Emily Mady of Fenton when she past Cpl. Chris

Moore who was driving a marked black and white police car on Saturday night/Sunday morning November 3, 2013 at 3:25 am.

Moore was able to clock Mady on WB I-64 at at I-270 at 71 mph in a 60 mph zone. He then watched her swerve her 1996 Saturn across three lanes of traffic and increase her speed to 80-MPH as she exited at Mason Road and then continued onto North Forty Outer Road where Cpl. Moore was able to stop her.

Moore found Mady to be in a typical condition associated with drunk drivers, bloodshot eyes, confused speech, a strong odor of intoxicants on her breath and she was swaying when she tried to stand still. Moore reported that Mady was wearing a bridal party gown and flats. She said she had left Genesis (Wedding Banquet Center South St. Louis County) but she had started drinking at noon at her aunt's house.

Despite having the 15 hour time span for drinking Mady claimed to have only had 3 beers and a shot of vodka.



Does this look to be the face of someone who had just 3 beers and a shot over 15 hours?

Cpl. Moore reported that Mady was polite and cooperative. She was also honest. After failing field sobriety tests and being placed under arrest, she volunteered the following as documented in Moore's report:

Mady informed me that she had marijuana in her purse and a one hitter pipe. A standard pill bottle was inside Mady's purse and contained green leafy vegetation that I recognized as marijuana. The pill bottle was approximately 1/32nd full. The pill bottle and green leafy vegetation were seized and submitted as evidence. The one hitter pipe was never located.

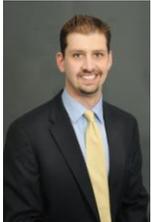
She added in a post arrest interview that she smoked marijuana twice while at the wedding banquet hall.

At the police station a breath test showed her BAC level to be .141%.

OUTCOME: Her attorney had moved the case to the Associate Circuit Court in Clayton. On April 4, 2015, a year and a half after her arrest, Mady pled guilty to DWI and was given 2-year No-record SIS probation term by Judge Joseph Dueker.

The charge for lane weaving across three lanes of I-64 while speeding was reduced by Town and County prosecutor Brian Malone to "Illegal Parking." She was fined \$100.

The charge for doing 80 mph in a 60 mph zone (while drunk) was also reduced by Malone to "Illegal Parking." She was fined another \$100.



Malone



Dueker

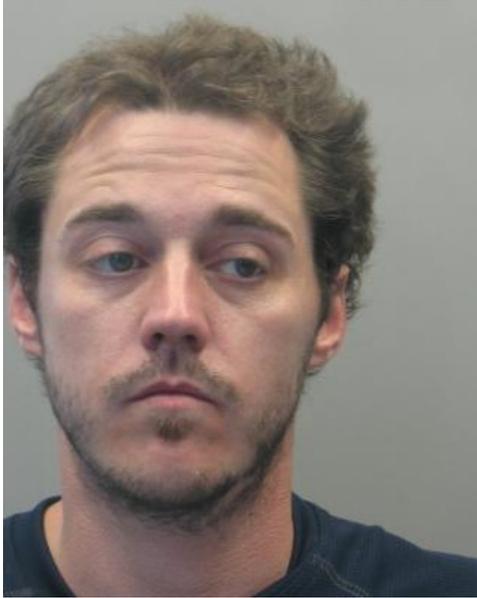
The Possession of Marijuana charge was reduced to Malone to "Littering." She pled guilty to a third offense she did not commit and was fine \$200 more.

But Malone and Dueker were not looking out for the public's interest at all, by allowing a speeding, lane weaving drunk and drugged driver to leave the courthouse without even a 2-point speeding ticket on her driving record.

WILDWOOD MAN WITH THREE PRIOR DWI CONVICTIONS FOUND DRUNK IN CAR OFF OF CLAYTON ROAD. 31-year-old man was found drunk in running parked car a couple of blocks off of Clayton Road on Cabernet near Mersault. Yes he was in a Town and Country subdivision that you could call "Wine Country" but he had an open bottle of Seagrams 7.

Officers working Day Watch don't get to make that many DWI arrests, since most occur at night and in the overnight hours. That would not be the case for Town and Country Officer Palmer on Thursday June 6, 2013. Palmer had two more hours before his shift would end when he got the call of a suspicious white 1998 Mercury SUV occupied on Cabernet in the middle of the street near Clayton Road and Weidman Road.

When Officer Palmer arrived he found the Mercury SUV to be running in the street, several feet away from the curb, with one person, the owner Thomas M. Grate of 16567 Clayton Road in the rear seat behind the driver's seat.



Palmer reported that Grate had a strong smell of intoxicants on his breath, his eyes were watery and bloodshot, he was swaying when he stood or walked, and his speech was a quadruple threat. His speech was confused, slurred, incoherent and he was mumbling.

Palmer did get Grate to admit that he drove the car there and was the only person with the car.

When asked how much he had to drink Grate repeated said "Not much." Officer Palmer found a partially consumed bottle of Seagrams 7 in a black bag near Grate.

Later at the police station Grate denied having anything to drink or having driven his car.

Grate apparently began to believe his statements about not having anything to drink and agreed to take a breath test. The results of that breath test showed his BAC level to .263% or more than THREE TIMES ABOVE THE LEGAL LIMIT!

After checking Grate's driving record Officer Palmer learned that this was at least his fourth DWI arrest. Our internet search also found an arrest in South Carolina.

Here is what Officer Palmer put in his report:

A computer record check of Grate revealed he had three prior alcohol related arrests:

On 10/05/2001, the St. Louis County Police Department arrested Grate for DWI which resulted in a SIS and 730 days probation on 01/29/02.

On 10/16/2002, Ballwin Police Department arrested Grate for DWI which resulted in a SIS and two years probation on 02/11/03.

On 06/07/05, Ballwin Police Department arrested Grate for DWI, which resulted a conviction on 04/14/08 with 180 days confinement.

A warrant was later issued by the County prosecutor against Grate for DWI, Aggravated Offender. He was then later indicted by a Grand Jury for the offense.

OUTCOME: Grate was represented by Ladue Municipal Judge and former Town and Country prosecutor Keith Cheung. 22 months after his arrest, Grate pled guilty to the Felony DWI charge.

He was sentenced by Circuit Court Judge Gloria Reno to four years in the Department of Corrections, but then immediately placed on a 5-year SES probation term. While his first two DWI arrests resulted in "no-record" probation terms, his 2005 arrest that resulted in a 2008 conviction was a public record and went onto Grate's Missouri driving record, as did this case.

PROBLEM AND SOLUTION: There are so many municipal court prosecutors and judges who are also defense attorneys, that it is almost impossible to actually convict anyone of a serious offense that has not been reduced to "Illegal Parking" or "Littering" or where a secret probation term is not granted. The judges and prosecutors have to sell out justice and give these deals or they won't get them when they are defense attorneys in nearby courts.

First Step is With Police Chiefs: Police chiefs have to write policy that anyone with a prior DWI record will not be cited into municipal court, but the case will be filed with the St. Louis County prosecutor. This will take more of officers' time but it will be a victory for justice.

The County Police under contract to patrol Wildwood already do this. Second time DWIs do not go before the Wildwood judge but go the Associate Circuit Court in Clayton. There is a damn good reason for this. The Wildwood judge in Rick Brunk. If the city leaders in Chesterfield and Wildwood are stupid enough to have Brunk as a judge, at

least the cops in Wildwood have found a way to avoid him. It would be excellent if Chesterfield Police Chief Ray Johnson would follow suit with a similar policy.

We wrote this in July of 2013. It is worth a revisit:

WEST COUNTY PRESISTENT DWI OFFENDERS HAVE A COMMON BOND...MUNICIPAL JUDGES AS THEIR DEFENSE ATTORNEY: Do you think there might be a problem with the system if one night a person is supposed to protect the public from serious traffic offenders, especially drunk drivers. They are part of the system in place to identify dangerous and irresponsible drivers to protect us.

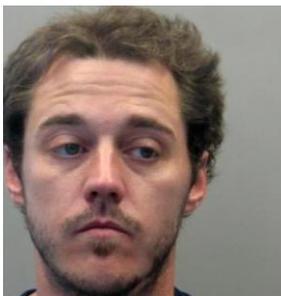
However the next day they are doing their best as a criminal defense attorneys to get the people they are suppose to identify and punish off of felony drunk driving charges.

The problem is judges who need to get breaks from other local prosecutors and judges as defense attorneys will have a tendency to give them as judges.



Roy Garozzo

Paul J. D'Agrosa



Thomas Grate

Keith Cheung

Kattie Huggard

Tim Engelmeyer

Roy Garozzo & Paul J. D'Agrosa: Roy Garozzo, 53, who lives at 1080 Westmeade Drive in Chesterfield and works on Woods Mill Road in Town and Country has been arrested eight times for DWI from Kansas City to St. Louis County. His latest DWI arrest by the County Police was on March 23, 2013. He was indicted by a Grand Jury on June 5 as a felony Persistent DWI Offender.

His defense attorney of record is Paul J. D'Agrosa, the municipal judge in Olivette and the municipal prosecutor in Arnold, Missouri. He is a guy who is sworn to prosecute drunk drivers and is sworn to judge drunk drivers but at the same time is using every trick in the book to get drunk drivers off. Do you see a conflict of interest or at least a collision of ethics?

Thomas M. Grate & Keith Cheung: Thomas Grate, 31, of 16567 Clayton Road in Wildwood has been convicted of DWI three times and was recently arrested for a fourth DWI in Town and Country. Grate was arrested passed out behind the wheel of his running automobile in Town and Country wine country, the subdivision off of Clayton where the streets all have wine names. He was arrested on Cabernet Drive at 4:09 in the afternoon on June 6. He was charged as a felony Persistent DWI offender on June 28.

Grate's attorney is Keith Cheung the former prosecutor in Town and Country, whose firm Curtis, Heinz, Garrett and O'Keefe still provides Town and Country with a City Attorney, Planning and Zoning Attorney and prosecutor. Cheung is also the current municipal judge in Ladue, Missouri. You likely also have been reading Cheung's name in this newsletter or the Post-Dispatch as he was the prosecutor in the ill-fated impeachment of Ellisville Mayor Adam Paul.

Kathleen A. Huggard and Timothy Engelmeyer: I have been writing about Ms. Huggard of Wildwood since she started writing me and then calling my house at 2:30 in the morning. She had two prior DWI convictions, one in St. Charles and one in Wildwood after her arrest by the St. Louis County Police. Then in May she was arrested again for DWI, this time in Ellisville. On July 1 she was charged as a felony Persistent DWI Offender.

Huggard's attorney, like D'Argosa is both a municipal prosecutor and a judge. Tim Engelmeyer is the city prosecutor in Chesterfield, Des Peres and Valley Park. He is the municipal judge in Creve Coeur. While claiming he can judge and prosecute DWIs, Engelmeyer actively advertises to defend them.

SECOND STEP IS WITH CITY LEADERS: Chesterfield and Town and Country leaders like to claim how they are first in different things, like per capita income, parks, no city property taxes, low crime rates and more.

Here is the new city slogan I dare one of our West County cities to embrace:

FIRST IN MUNICIPAL COURT REFORM!

Third Step: It is up to city councils and boards of aldermen to buck the closeness often between judges and prosecutors with the mayors and pass ordinances that will prohibit some of the outrageous deal making that is going on. Ordinances need to be passed that will prohibit judges and prosecutors from reducing charges to illegal parking and littering that did not involve parking violations and littering.

Cities need to stop hiring judges and prosecutors who are also defense lawyers handling similar cases. Passing an ordinance prohibiting this would be an excellent move and making a policy that prohibits it would be a step in the right direction.

Chesterfield prosecutor and Creve Coeur Judge Tim Engelmeyer is clearly the worst. Here is a guy who helped devise a system so defense attorneys can get computer printouts of people who received traffic tickets so they can solicit them, but tries to keep what goes on in court a big secret.

It has been amazing the citizens, reporters, county prosecutors, the Missouri Supreme Court can all see problems with municipal courts like Chesterfield and Town and Country courts, but the elected officials apparently can't.