

MOVING VIOLATIONS TO ILLEGAL PARKING Updated July 29, 2017

2016 Cases Amended from Moving Violations to Illegal Parking

Town and Country 483
Chesterfield 1,415
Des Peres 326
Creve Coeur 2,024
Ellisville 420
Clarkson Valley 314
Ballwin 1,202
Frontenac 685

The St. Louis County Associate Circuit and Municipal Court systems are no longer dispensing anything resembling justice at Traffic Court. The hard work of Missouri State Troopers and local police officers is thrown out the window by prosecutors and judges more interested in taking care of their fellow lawyers. In the case of municipal courts rather than justice the system has created large sums of money in fines, customers for defense lawyers and no real punishment for the offenders.

We have been tracking DWI, theft and drug arrests for the last four years from the time of arrest to the final disposition. What we have found is that few people actually get any conviction on their record. DWI defendants are given Suspended Imposition of Sentence Probation terms with nothing sent to the Drivers' License records people at the Missouri Department of Revenue. More often than not the moving violation that got the officer's attention to stop the drunk and make an arrest is reduced to Illegal Parking with a \$200-plus fine.

Almost all drug cases in municipal courts are never prosecuted. Instead they are reduced to "Littering." with a fine of several hundred dollars. The same goes for shoplifting cases if and only if a defense attorney is hired your case will suddenly be a littering offense with a \$200 fine.

In regular traffic tickets like speeding if an attorney is not hired, because the defendant can't afford the attorney or the \$225 Illegal Parking fine in place of the \$100 speeding ticket fine there is no break from the judges or prosecutors. Poor people are clearly badly discriminated against in traffic courts and municipal courts. This apparently does not bother rich people in West St. County.

Finally the municipal court judges and prosecutors are generating millions of dollars in fees for area defense attorneys for doing very little work.

In an attempt to find out how many traffic court cases that have points assessed which are amended to Illegal parking which carries no points and does not get forwarded to the Missouri Drivers' License files, we started making requests at municipal courts in an attempt to find out how many cases are amended to Illegal parking.

Here is the article from our March 27, 2017 Newsletter concerning the issues that we have updated as of July 29, 2017.

THE NUMBERS ARE IN TOWN AND COUNTRY MUNICIPAL COURT HAS THROWN JUSTICE OUT THE WINDOW: In 2016 the Police Department issued 15 PARKING TICKETS placing them on cars illegally parked.

2016 was the first year that Ed Sluys of the Curtis, Heinz, Garrett & O'Keefe law firm (Ferguson's law firm for years) served his first full year as Town and Country prosecuting attorney.



Ed Sluys



T&C Judge Dean Waldemer

In 2016 while the **police department issued 15 parking tickets, Sluys convicted 483 people of illegal parking.** None of them illegally parked, but were charged with much more serious violations, many of them in connection with Driving While Intoxicated arrests.

As we reported last week traffic, defense lawyers, many in the storefront operations, will take a moving violation, not connected with a DWI and for \$3 enter the citation number into a website lawsourcelive.com. The citation goes to the correct municipal prosecutor and the deal is made, usually with a plea to Illegal parking and a \$200-\$225 fine and at least \$100 to the attorney.

The system turns cities like Town and County, Ellisville, Ballwin Chesterfield and Clarkson Valley into the same as money greedy towns such as Pine Lawn, Wellston and Velda City.

Here is what the leaders of Town and Country and Chesterfield have allowed to happen. Dangerous, bad and inattentive drivers get no points on their driver's licenses. The good drivers, who don't get traffic citations, end up underwriting the car insurance for all the bad drivers. The bad drivers don't get points and don't see their insurance rates go up.

The group that could do something about this would be the Board of Aldermen. They can refuse to accept anyone nominated by Mayor Jon Dalton as judge and prosecutor until this process is stopped. Dalton used to be part of the problem. He was the prosecutor in Sunset Hills.

What is really sad is that Sluys is from England, where they don't put up with drunk drivers. You get convicted of Drunk Driving in the U.K. you don't drive for a year. That seems to get people's attention. However here in the U.S. Sluys is part of the problem of putting dangerous drivers back on the street.

CHESTERFIELD IS EVEN WORSE. CITY PROSECUTOR TIM ENGELMEYER AND JUDGE RICK BRUNK HOLD THE CHESTERFIELD POLICE AND RESIDENTS IN COMPLETE DISREGARD. The Chesterfield Police issued 258 Parking tickets in 2016.

However, Engelmeyer amended **1,415** mostly serious moving violations to No-Points and NO DOR record Illegal Parking Violations. This including Speeding in School Zone violations, Speeding in Construction Zone offenses, Careless Driving, even Leaving the Scene of Accidents. Of course Judge "Let Em Loose if they Hired an Attorney" Brunk signed off on all of these amended charges.



Engelmeyer



Brunk

Here are the cases they amended to Illegal Parking which invalidated the police officers' hard work and made the streets a little less safe.

Total Cases: (1415) Statute Description

678 S - Speeding
170 FEHC - Failure Exercise Highest Care
65 ILU - Improper Lane Use
59 SS - Stop Sign Violation
55 SL - Speeding Laser
54 NPI - No Proof of Insurance
51 ES - Electric Signal Violation
47 OCR - Operate on Closed Roadway
40 FTY - Failure to Yield Right of Way
32 DWS - Driving While Suspended
20 FTC - Following Too Closely
16 NOL - No Operators License
14 ILT - Illegal/Improper Left Turn
12 DWR - Driving While Revoked
12 IUT - Improper U Turn
10 LSA - Leaving Scene of Accident
9 EDL - Expired Drivers License
8 CRD- Careless and Reckless Driving
8 SCZ - Speeding Construction Zone
8 SSZ - Speeding School Zone
5 FTS - Failure to Signal
4 TWD - Texting While Driving
4 IB - Improper Backing
3 AGD - Aggressive Driving
2 FTYEV - Fail to Yield to Emergency Vehicle
2 FDL - Failure to Dim Lights
2 IPS - Improper Passing
2 DPA - Display Plates of Another
2 PDP- Possession Drug Paraphernalia
2 NH - No Headlights
2 ULAW - Using Lot to Avoid Right of Way
2 FC - Fail to Comply Officers Directions
1 FDS ' Fail to Drive in Single Lane
' OH - One Headlight
1 ELP- Expired License Plates
1 CI - Careless and Imprudent Driving
1 NHM - No Helmet
1 VILR- Violate Intermediate Licn.Restriction
1 CVP - Comm Vehicle Proh Area
1 OT - Obstructing Traffic
1 DVUS- Driving on Unpaved Surface
1 AEP - Attempt to Elude Police
1 CR- Child Restraint Violation

- 1 NMQ - Not Motorcycle Qualified
- 1 EA- Excessive Acceleration
- 1 ITL- Improper Tail Lights
- ' 1 MOSO-L MO Resident Out of State License

Basically Engelmeyer and Brunk have decided that Chesterfield's traffic laws are not worth enforcing. Giving business to lawyers is far more important to Brunk and Engelmeyer than the safety of Chesterfield residents.

ENGELMEYER PLAYS THE SAME GAME AT DES PERES: Tim Engelmeyer is the the prosecutor for the City of Des Peres.

In 2016 the officers for the Des Peres Department of Safety (Officers are police officers, paramedics and firefighters) issued 29 parking citations for the year. However Engelmeyer reduced 326 moving violation cases filed in Des Peres Municipal Court to "Illegal Parking."



ENGELMEYER AS JUDGE IN CREVE COEUR PLAYS THE SAME

GAME: In 2016 Tim Engelmeyer as Creve Coeur Judge **accepted 2,024** amended pleas from serious moving violations to Illegal Parking. Of course he could have issued SIS probation terms, but then there would be no \$225 Illegal Parking fines filling the coffers of the City of Creve Coeur. He also accepted 107 amend charges from other serious charges to littering. This is a racket accepted by elected officials across St. Louis County.

IN CHESTERFIELD FORGET ABOUT SPEED ENFORCEMENT FOR THE SAFETY OF THE PUBLIC. IT IS CLEARLY FOR UNDERWRITING AND BUSINESS DEVELOPMENT FOR TRAFFIC DEFENSIVE LAWYERS:

There were 1919 speeding citations issued in 2016. **694 of those citations were reduced to Illegal Parking by Engelmeyer or 36.1%. 16.5% of all traffic citations written in Chesterfield were reduced by Engelmeyer to Illegal Parking.**

In Chesterfield they don't need any signs that say "**SPEED STRICTLY ENFORCED.**" They need signs that say "**PARKING IS STRICTLY ENFORCED EVEN IF YOU NEVER PARK IN CHESTERFIELD!**"

CHIEF SPEAKS: "I can't justify it at all," said Police Chief Ray Johnson when asked about how over 1/3 of his officer's speeding tickets are turned into parking tickets.

However, Councilman Barry Flachsbart told me that Chief Johnson has only good things to say about Tim Engelmeyer.

LOOK AT THE MONEY! The Municipal court scam of reducing moving violations to Illegal Parking offenses not only raises huge amounts of money for the cities, but also lawyers.

People we have talked to, including lawyers say the fee for entering a moving violation into lawsourcelive.com and having a city prosecutor reduce a moving violation to a \$225 Illegal parking ticket is between \$75 and \$200. So let's say it is on average \$100 fee from the lawyer to the client. Here is the amount of money the cities have generated for lawyers who handle traffic cases in 2016 from the four cities we looked at:



\$141,500 was generated by Chesterfield municipal court for traffic lawyers by participating in online ticket reduction scam in 2016.



\$48,300 The 483 traffic citations reduced to Illegal parking by Town and Country Prosecutor Ed Sluys should represent about \$48,300 for defense attorneys who had a secretary enter a client's traffic ticket into lawsourcelive.com and did little more.



\$11,700 While in 2015 420 Ellisville moving violations were reduced to Illegal parking 420 times generating at least \$42,000 for area lawyers, in 2016 only 117 cases were reduced representing \$11,700.



\$31,400 In 2016 Clarkson Valley prosecuting attorney and Chesterfield City Attorney Chris Graville reduced 314 moving violations (mostly speeding tickets) to Illegal Parking represent \$31,400 for local lawyers. In 2015 he reduced 344 for \$34,400 to lawyers. There are only 5 police officers patrolling Clarkson Valley.



\$122,000 was generated for bottom feeding traffic defense attorneys by Ballwin allowing its prosecutor to amend moving violations of only those represented by lawyers to parking violations. In 2016 the Ballwin cops issued 219 parking tickets. However the City prosecutor Chris Graville, also the Clarkson Valley prosecutor and Chesterfield city attorney amended 1,202 moving violations to Illegal Parking offenses.

After looking at his record as the prosecutor in two nearby communities it quickly became clear to us that Chesterfield City Attorney Graville does not care at all about the safety of the residents of the communities that pay him.

We reported in an earlier newsletter how Chesterfield City Attorney Chris Graville had in 2016 amended 314 moving violations to expensive Illegal Parking offenses as proecuting attorney in tiny Clarkson Valley, policed by 5-officer of the County Police under contract.



Graville is also the prosecutor in Ballwin, Missouri with a population of over 30,000. We went to the Ballwin Municipal Court. The Ballwin police issued 219 parking tickets in 2016. However Graville managed to convict 1,202 people of Illegal Parking who the police never charged with a parking violation. Graville amended 1,202 moving violations with points to 1,202 Illegal Parking violations.

For the year 2016 Graville amended 1,516 moving violations to Illegal Parking. This means he never had any time to research the background of any of the defendants to see if they had received similar deals four and five times before. He didn't see if the defendants had DWI arrests in the past. He could not have researched all those defendants' background to determine which ones were dangerous drivers taking advantage of a corrupt legal system that creates jobs of traffic defense attorneys. He could not have seen all the moving violation citations issued by Highway Patrol troopers that were reduced to No-Point Excessive Noise violations by state prosecutors



With Tim Engelmeyer as the prosecuting attorney 326 moving violations with points were reduced to Illegal Parking by Engelmeyer. This means at least another \$32,600 went to traffic defense lawyers for little or no work.



City prosecutor Keith Chueng and Judge Andrea Niehoff amended and accepted 685 cases amended from moving violations to Illegal Parking in 2016. This should have generated at least \$68,500 in revenue for traffic defensive attorneys.



Niehoff



Chueng

These eight West County cities have generated at least \$484,000 for local bottom feeding traffic lawyers in 2016.

COMPLETELY DISCRIMINATORY: The defense lawyers and municipal courts have created a totally discriminatory system. The St. Louis County Circuit Court, Missouri Supreme Court, city councils and state legislature have all allowed it to continue.

This does not just affect Black motorists. A white person in West County on their own with limited funds might not be able to afford to pay a lawyer \$100 to make a computer entry after they got a speeding ticket. Let alone pay the \$225 Illegal Parking fine to hide the \$100 moving violation from their insurance company. You are penalized for being poor.

Courts are supposed to be fair to all and Lady Justice is blind, but not in municipalities' traffic court. If you don't show up with a lawyer you are treated by the judge and prosecutor as a second class citizen. If you don't have a lawyer there is no way a prosecutor or judge is going to reduce your speeding ticket to Illegal Parking.

Ironically in Frontenac and now in Town and Country the judge is a Federal EEOC hearing officer that is supposed to determine discrimination in the work place. However at night in Municipal Court she seems to have no problem continuing discrimination against people who come to court without a lawyer, often because they cannot afford one.

Alderspersons and councilpersons could stop this, but so far they seem to have no problem with making lawyers wealthy, force good drivers to subsidize dangerous drivers' insurance by keeping moving violations off their record and discriminate against poor people.

TRAVEL WARNINGS: In July of 2017 the NAACP issued a travel warning to people coming to Missouri concerning possible treatment by police. I feel the treatment by police is likely to be much better than the treatment of a number of municipal courts, if you cannot afford to hire an attorney.

I would issue the following **Travel Warnings due to unfair courts:**

- 1) Creve Coeur (Tim Engelmeyer Judge)
- 2) Chesterfield (Tim Engelmeyer prosecutor)
- 3) Ballwin (Chris Graville prosecutor)
- 4) Clarkson Valley (Chris Graville prosecutor)
- 5) Frontenac (Keith Chueng prosecutor, Andrea Niefhoff judge)
- 6) Town and Country (Ed Sluys prosecutor, Andrea Niefhoff judge)
- 7) Ellisville (George Restovich prosecutor, Donald Anderson judge)
- 8) Des Peres (Tim Engelmeyer prosecutor, Charles Billings, Jr. judge)