

IN THE GENERAL SESSIONS COURT FOR BLOUNT COUNTY, TENNESSEE
AT MARYVILLE

STATE OF TENNESSEE,)
)
 Plaintiff,)
)
vs.) NO. T0028053
)
JOHN DAVIS LEE, II,)
)
 Defendant.)

APPEARANCES:

LARRY HOLDEN, ESQ.
Assistant District Attorney for the State

JOHN DAVIS LEE, II
Pro se Defendant

TRANSCRIPT OF PROCEEDINGS

March 13, 2006

ORIGINAL

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INDEX

1				
2	WITNESSES			PAGE
3	WITNESS FOR THE STATE			
4	DEPUTY JOSHUA ANTRIS			
5	Direct Examination by Mr. Holden			13
	Cross-examination by Mr. Lee			18
	Redirect Examination by Mr. Holden			32
7	THE STATE RESTS			33
8	WITNESS FOR THE DEFENDANT			
9	JOHN DAVIS LEE, II			
	Direct Testimony by Mr. Lee			34
11	CLOSING STATEMENT BY MR. HOLDEN			37
12	CLOSING STATEMENT BY MR. LEE			38
13	MOTION: Mr. Lee	38	Denied	38
14	MOTION: Mr. Lee	39	Denied	39
	MOTION: Mr. Lee	39	Denied	39
15	DEFENSE RESTS			39
16	OPINION OF THE COURT			41
17				
18			EXHIBIT	
19	NO.	DESCRIPTION		PAGE
20	1	- Map of Intersection		29
21				
22				
23	(NOTE: Unless provided to the court reporter, all names are			
24	spelled to the best phonetic approximation.)			
25				

1 This cause came on for hearing on the 13th day of
2 March, 2006, in the General Sessions Court for Blount County,
3 Tennessee, the Honorable William R. Brewer, Jr., presiding.

4 The following proceedings were had, to-wit:

5 THE COURT: This IS the State of Tennessee
6 versus John Davis Lee, III (sic.), Docket
7 No. T0028053. The charge is a stop sign violation
8 Class C misdemeanor.

9 Everyone that is testifying in this case,
10 stand up and raise your right hand, please.

11 Mr. Lee, are you going to testify?

12 Do each of you solemnly swear or affirm that
13 the testimony you give today will be the truth?

14 OFFICER ANTRIS: I do.

15 MR. LEE: I do.

16 THE COURT: All right. You can each have a
17 seat.

18 Preliminarily, off the record, prior to the
19 calling of the case earlier in court today, the Court
20 inquired of Mr. Lee with regard to his request for...
21 He made a request -- he filled out an affidavit and
22 asked... I inquired as to whether he wanted the
23 Attorney General's Office to represent him. He
24 advised at that time that he did not.

25 Is that correct, Mr. Lee?

1 MR. LEE: That is correct, Your Honor.

2 THE COURT: All right. There have been
3 several motions filed here by the defendant. I do
4 note that the State did file a Motion to Quash a
5 Subpoena, but I don't find that there is a subpoena in
6 the file.

7 MR. LEE: I have a copy, Your Honor.

8 THE COURT: I understand, Mr. Lee, what
9 occurred is that you appeared at the clerk's office
10 and requested a subpoena duces tecum issue; and that
11 you in fact, took the original and attempted to have
12 it served on various individuals; is that correct?

13 MR. LEE: Yes, Your Honor. There was --

14 THE COURT: Where is the original?

15 MR. LEE: May I approach the bench?

16 THE COURT: Do you have the original?

17 MR. LEE: I have a signed copy by the clerk.

18 THE COURT: I just need to know if the
19 original has been returned. And if so, where is it?

20 MR. LEE: There was no forms, Your Honor, with
21 the clerk, available to the public. I asked on
22 numerous occasions. That's the best I can do. I'm
23 not a licensed lawyer. I did the best I could to give
24 the Court what it needs.

25 And I did serve process. But I believe that

1 the clerk had wanted the name of the desk sergeant, I
2 believe, that I severed it on with the Blount County
3 Sheriff's Department.

4 THE COURT: This appears to be the original --
5 what the clerk did issue as the original.

6 Let me back up for just a moment to something
7 that you did say just a moment ago, Mr. Lee. And I
8 ask this question because filing this subpoena as well
9 as all of these various and sundry motions that you
10 have filed... You advise that you are not a licensed
11 attorney; is that correct, sir?

12 MR. LEE: That is correct, Your Honor.

13 THE COURT: But you have obviously had some
14 legal training, sir.

15 MR. LEE: Home schooled, Your Honor.

16 THE COURT: Pardon me?

17 MR. LEE: Home schooled. I've never been to a
18 classroom on legal procedure.

19 THE COURT: The reason the Court asked, sir,
20 as to whether or not the... Not that I'm going to
21 treat you any different than anyone else, but I have
22 to make that inquiry with regard to Rule 44, the Rules
23 of Criminal Procedure also; but also with regard to
24 criminal procedure rules as it applies to Rule 17 on
25 subpoenas.

1 The State has filed a Motion to Quash certain
2 items.

3 Mr. Lee, do you want to be heard on your
4 request -- your subpoena that you issued?

5 MR. LEE: Yes, Your Honor. I --

6 THE COURT: You've asked for a subpoena... You
7 wanted a DVD of the in-car digital video recorder.

8 MR. LEE: Yes, sir.

9 THE COURT: Recording, I suppose, on the day
10 of stop; is that correct?

11 MR. LEE: Yes, Your Honor.

12 THE COURT: And was the State aware of that?

13 MR. HOLDEN: I was not aware of it until
14 today, Your Honor. I am not making a statement for
15 anybody else in our office. I wasn't aware of this
16 case coming up until Your Honor contacted this office
17 this afternoon to inform us it was on the docket.

18 THE COURT: I note that someone other than you
19 filed the Motion to Quash.

20 MR. HOLDEN: That's correct, Your Honor.

21 THE COURT: Okay. I've look at it, and it
22 would appear that the only...

23 Well, I'll let you argue with Mr. Lee if you
24 like. But why do you think all of these other things,
25 other than this DVD recording and the officer's notes

1 and records of that date; why are they relevant?

2 MR. LEE: Are you asking me, Your Honor?

3 THE COURT: Yes.

4 MR. LEE: They apply to the incidents involved
5 and the credibility and motivation of the witness,
6 Your Honor.

7 THE COURT: How would, for instance, a copy of
8 the officer's paycheck stubs --

9 MR. LEE: I'm willing to waive that today,
10 Your Honor.

11 THE COURT: How would a copy of overtime pay
12 records --

13 MR. LEE: I'm willing to waive that today,
14 Your Honor.

15 THE COURT: Personnel files and personal
16 records?

17 MR. LEE: That goes to the credibility of the
18 witness. He may have ten reprimands on his file. He
19 may have ten automobile crashes in his file. I don't
20 know that. He may have a conviction of perjury. I
21 don't know that.

22 THE COURT: Does the State want to be heard on
23 any of this?

24 MR. HOLDEN: Well, Your Honor --

25 THE COURT: Have you seen this? Have you seen

1 this? I know you haven't seen it, but someone in your
2 office has.

3 MR. HOLDEN: Yes. I believe it was General
4 Young, Your Honor.

5 THE COURT: I've read it and I've looked over
6 it.

7 MR. HOLDEN: Well, as to part one, we would
8 not object to providing him the digital video
9 recorder. A copy of that has not, in fact, occurred.
10 I am not...

11 Deputy Antris has suggested he may have a
12 copy. I do not know, Your Honor. If he does not, we
13 would be happy to --

14 THE COURT: Do you have a copy? Have you
15 received a copy?

16 MR. LEE: I do have a copy, Your Honor. I was
17 hoping the prosecution witness could bring his own
18 copy so that there would be less of a problem entering
19 that into evidence.

20 THE COURT: So you got what you wanted?

21 MR. LEE: Yes, Your Honor.

22 THE COURT: Okay. What else?

23 MR. HOLDEN: The second one I see here, Your
24 Honor, is officer notes and records of the arrest.
25 Deputy Antris --

1 THE COURT: There wasn't an arrest --

2 MR. HOLDEN: It was a citation. The only
3 notice of that, Your Honor, is the citation itself and
4 the recording in question.

5 With regard to No. 3, the citation, we've
6 already turned that -- he has access to that, Your
7 Honor. We have a copy of the citation.

8 I'm not sure what he means by contact records
9 by Josh Antris for the year 2005.

10 MR. LEE: That's the number of citations he
11 wrote on that particular day. His number of citations
12 for the month --

13 THE COURT: How is that relevant to this case?

14 MR. LEE: It applies to motivation. Whether
15 he has an illegal quota, Your Honor.

16 THE COURT: A what?

17 MR. LEE: An illegal quota, Your Honor. If
18 there are four contacts per day. And if he does three
19 a day and he gets reprimanded or fired, that gives him
20 an incentive to look for -- to pull people over
21 without probable cause or reasonable suspicion. Undue
22 pressure --

23 MR. HOLDEN: Your Honor, with regard... I
24 don't know if the Court is aware, but the State is
25 moving forward in this matter as a preliminary

1 hearing, Your Honor. I thought we had made that clear
2 to Mr. Davis (sic.).

3 MR. LEE: I was not aware of that.

4 MR. HOLDEN: But that's what we're going to
5 do, Your Honor. So it would be irrelevant at this
6 point in the game anyway, Your Honor.

7 MR. LEE: I'm sorry, Your Honor. I meant to
8 ask. Is this a... I've done a motion for trial by
9 magistrate. And I was under the impression this was
10 trial by magistrate.

11 THE COURT: Apparently, sir, either side in
12 this case can ask for a preliminary hearing. The
13 State has exercised their right to do so. So this
14 case will proceed only as a preliminary hearing.

15 MR. HOLDEN: That's correct, Your Honor.

16 MR. LEE: Your Honor, I ask for a judicial
17 notice of law. Is this a small offense?

18 THE COURT: Pardon me?

19 MR. LEE: Is this a small --

20 THE COURT: Class C misdemeanor, sir.

21 MR. LEE: So it is not a small offense under
22 rule of the Rules of Criminal Procedure?

23 THE COURT: It's a class C misdemeanor in
24 which either side is entitled to a preliminary
25 hearing. The State has requested a preliminary

1 hearing. That cuts off your right to trial on the
2 merits.

3 MR. LEE: Okay, Your Honor. I'm asking for
4 judicial notice of law whether -- what is the
5 definition of a small offense? I could not find a
6 proper list in the Tennessee Code or Rules of
7 Procedure of what charges are, or are not, a small
8 offense.

9 THE COURT: How would that even be... I'm not
10 exactly sure what you're asking, sir.

11 MR. LEE: I spoke to numerous attorneys, one
12 of which is a candidate for Circuit Court Judge in
13 Blount County. They were under the impression this is
14 a small offense, Your Honor, with no possibility of
15 jail.

16 THE COURT: A Class C misdemeanor, sir,
17 carries up to thirty days in the jail and up to a
18 fifty-dollar fine.

19 MR. LEE: I'm just not sure what a small
20 offense is. Is that a discretionary thing, Your
21 Honor?

22 THE COURT: I can't give you legal advice,
23 sir. I'm not allowed to do that.

24 MR. LEE: I am asking for judicial notice of
25 law, Your Honor.

1 THE COURT: I don't even know what that means.

2 MR. LEE: That's in the Tennessee Rules of
3 Evidence. I believe that's... I request written
4 judicial notice of law on what is the definition of a
5 small offense.

6 THE COURT: The Court cannot give you legal
7 advice.

8 MR. LEE: I cannot defend myself if I -- if
9 the law is so void that I cannot comprehend what I'm
10 charged with.

11 THE COURT: You're charged with a Class C
12 misdemeanor. It's punishable by up to thirty days in
13 the jail and up to a fifty-dollar fine.

14 MR. LEE: I understand, Your Honor. Why...
15 Thank you.

16 THE COURT: All right. Is the State ready to
17 proceed?

18 MR. HOLDEN: We are, Your Honor.

19 THE COURT: All right. Call your first
20 witness.

21 MR. HOLDEN: We call Deputy Joshua Antris,
22 Your Honor.

23 MR. LEE: Your Honor, I object. I would like
24 to make a small opening statement, if I may? Or
25 reserve that according --

1 THE COURT: The Court normally doesn't allow
2 opening statements, sir.

3 MR. LEE: I'm just requesting. I realize this
4 a preliminary hearing. I am more geared to probably a
5 magistrate. Perhaps that is not allowed in a
6 preliminary hearing.

7 THE COURT: Normally the Court doesn't allow
8 it, sir.

9 MR. LEE: Thank you.

10 THE COURT: Go ahead.

11 MR. HOLDEN: Excuse me, Your Honor. If the
12 Court would bear with me today, I have a bit of a
13 cough.

14 OFFICER JOSHUA ANTRIS
15 the witness called on behalf of the
16 Plaintiff, having been first duly sworn,
17 was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MR. HOLDEN:

20 Q Would you please state your name, Deputy, for
21 the record?

22 A Joshua Antris.

23 Q What is your position, sir?

24 A I'm a patrolman with the Blount County
25 Sheriff's Department.

1 Q How long have you been in that position?

2 A Virtually, a year now.

3 Q Deputy, were you on duty on December 21, 2005?

4 A I was.

5 Q And were you on duty at approximately 2200
6 hours on that day?

7 A Yes.

8 Q Where were you on duty at approximately 2200
9 hours, Deputy?

10 A In the area of Rockford in Blount County,
11 Tennessee.

12 Q And what were you doing there, Deputy?

13 A I was observing an intersection at the
14 intersection of Williams Mill and South Singleton Station.

15 Q And where is that intersection located,
16 Deputy?

17 A In Rockford.

18 Q In Blount County --

19 A Yes, sir.

20 Q -- Tennessee?

21 A Yes, sir.

22 Q Did you have an occasion to come into contact
23 with the defendant on that particular date around 2200 hours?

24 A I did.

25 Q Could you explain to the Court how that

1 occurred?

2 A He ran the stop sign at the --

3 MR. LEE: Objection, Your Honor.

4 THE COURT: Sustained.

5 Q Did you come into contact with the defendant
6 on that particular day?

7 A I did, during a traffic stop.

8 Q Okay. How did that traffic stop occur?

9 A I observed the defendant illegally proceed
10 through the intersection of Williams Mill and South Singleton
11 Station.

12 Q And what did you observe particularly?

13 A There was a stop sign there at the
14 intersection that the defendant failed to stop at.

15 Q Did he stop at all, or did he just proceed
16 through the stop sign?

17 A He proceeded on through.

18 Q How did he approach the stop sign, and how did
19 he pass through it? If you'll just be a little more specific
20 for the Court.

21 A Well, as he approached the intersection, I
22 didn't notice any discernable slow down in his vehicle as he
23 turned right onto South Singleton Station.

24 Q Did he proceed through the intersection, or
25 did he make a turn after the stop sign?

1 A He made a turn after the stop sign.

2 Q And where were you in position when you
3 witnessed him run through the stop sign?

4 A I was approximately at a forty-five degree
5 angle. I was on Rockford Cedar Street across from the
6 intersection.

7 Q And after you observed him make the right turn
8 through the stop sign, what did you do next?

9 A I proceeded onto South Singleton Station
10 myself, and stopped Mr. Lee.

11 Q And did you initiate a stop with your blue
12 lights?

13 A Yes, I did.

14 Q Did Mr. Lee pull over?

15 A Yes, he did.

16 Q After he pulled over, then what did you do?

17 A I approached the vehicle. And after notifying
18 Mr. Lee of the reason I stopped him, I noticed he had a tape
19 recorder and was recording all I was saying.

20 I asked for license and registration and proof
21 of insurance, which he gave me.

22 Q Did you run his license and registration?

23 A I did.

24 Q Did you do that in your cruiser?

25 A Yes, I did.

1 Q After you ran his license and registration,
2 then what did you do?

3 A I wrote Mr. Lee a citation.

4 Q Did Mr. Lee sign the citation?

5 A He did.

6 Q And after he signed the citation, did anything
7 occur after that?

8 A Not that I remember.

9 Q Did you at that point --

10 A At that point, I cleared off the traffic stop.

11 Q And did Mr. Lee drive away?

12 A Yes.

13 Q Okay. And this all occurred in Blount County?

14 A Yes.

15 MR. HOLDEN: Nothing further, Your Honor.

16 THE COURT: Mr. Lee, you have the right to
17 cross-examine the witness and ask the witness
18 questions about his testimony. Restrict yourself to
19 questions only, if you have any.

20 MR. LEE: Your Honor, I move the Court to be
21 allowed to use water to drink. I have a kidney
22 problem and my throat tends to clog up. Or I can go
23 outside and take a quick drink.

24 THE COURT: Why don't you go get you a drink.
25 We don't have any water in the courtroom.

1 (Mr. Lee left the courtroom momentarily.)

2 THE COURT: All right. Go ahead, Mr. Lee.

3 MR. LEE: Your Honor, I would like to say one
4 thing. I --

5 THE COURT: No, sir, questions only. This is
6 your turn to cross-examine. That's all you get to do
7 at this point in this hearing. We will give you a
8 chance to testify in a moment if you choose to do so.
9 At this point, the only thing you are allowed to do is
10 cross-examine the witness to ask him questions.

11 CROSS-EXAMINATION

12 BY MR. LEE:

13 Q Please state your full name.

14 A Joshua Nolan Antris.

15 Q What is your date of birth?

16 A December the 12th, 1979 -- I'm sorry.

17 December the 8th, 1979.

18 Q What is home address?

19 MR. HOLDEN: Your Honor, the State would
20 object as to the reference of these questions.

21 THE COURT: Sustained. That's not relevant to
22 these proceedings, sir.

23 A What is your Tennessee Driver's License
24 number.

25 MR. HOLDEN: The same objection, Your Honor.

1 THE COURT: Sustained. It's not relevant,
2 Mr. Lee.

3 MR. LEE: It just goes to credibility, Your
4 Honor. To background --

5 THE COURT: It's not relevant, Mr. Lee.

6 Q Have you ever been involved in a traffic
7 accident?

8 A Yes.

9 Q What happened in that crash?

10 MR. HOLDEN: Your Honor, we would object to,
11 again, the relevance of it.

12 THE COURT: Sustained. It's not relevant,
13 Mr. Lee.

14 Q Have you ever been charged with a traffic
15 violation?

16 MR. HOLDEN: The same objection, Your Honor.
17 We would ask the Court to instruct him that he
18 can't --

19 THE COURT: It's not relevant. The only thing
20 before the Court is this incident, sir.

21 Q How many contacts and citations are you
22 expected to perform every day?

23 MR. HOLDEN: We even object to the relevance
24 of that, Your Honor.

25 THE COURT: Sustained.

1 Q At the intersection of Williams Mill Road and
2 Singleton Station Road, you testified you were parked at
3 Rockford Cedar Street?

4 A That's correct.

5 Q How far away from the intersection is that?

6 A I couldn't say for sure.

7 Q You have no idea? Half a mile away?

8 A Maybe thirty feet.

9 Q Thirty feet?

10 A That's just a guess.

11 Q You never measured it then?

12 A No.

13 Q You never ran your odometer on your vehicle,
14 or --

15 A No.

16 Q -- paced it, or anything?

17 A No.

18 Q Did you have a clear view of the intersection?

19 A I did.

20 Q Have you used that intersection a lot to write
21 tickets?

22 A I've observed that intersection quite often.
23 There are a lot of violators that come through there.

24 Q So you are aware of all the bushes and things
25 you have to see through in order to see?

1 A Correct.

2 Q So there are bushes in the way of the --

3 A Not at that particular angle, no.

4 Q And what were the conditions at the time?

5 A It was dark. I don't remember the
6 temperature.

7 Q Isn't it true that it's over two hundred feet
8 from a the intersection and you testified that it's thirty
9 feet?

10 A I couldn't say for sure.

11 Q So you have no idea what you're looking at
12 when you look at something?

13 A Yes, I know what I am looking at. But I don't
14 know the distance to that intersection.

15 Q So there are trees and bushes in the way. And
16 you were four or five times further away than you testified?

17 A No, sir. There's --

18 MR. HOLDEN: I object, Your Honor, to
19 Counsel's statement.

20 THE COURT: Sustained.

21 MR. LEE: Your Honor, I would like to question
22 the witness using the DVD --

23 THE COURT: Go right ahead.

24 MR. LEE: -- to review that.

25 THE COURT: Go ahead and ask your questions.

1 Pardon me?

2 MR. LEE: Is it possible to use his DVD for us
3 to review and just play that?

4 THE COURT: The State hasn't offered it into
5 evidence, sir.

6 MR. LEE: Well, I have moved to dismiss based
7 on the fact that I subpoenaed that --

8 THE COURT: Are you finished cross-examining
9 the witness?

10 MR. LEE: Not yet, Your Honor.

11 THE COURT: Okay. Well, then I will hear any
12 motions at the conclusion of hearing, sir.

13 MR. LEE: Thank you, sir.

14 THE COURT: Do you have other questions you
15 would like to ask?

16 MR. LEE: Yes, Your Honor.

17 THE COURT: Go ahead.

18 MR. LEE: I'm trying to speed through these.
19 I believe they fall in the same category of the
20 objection. I was under the impression this was a
21 trial by magistrate, so these questions are geared
22 toward that.

23 THE COURT: As I said, sir, this is a
24 preliminary hearing. The State has opted and asked
25 for it, and they're entitled to ask or a preliminary

1 hearing.

2 BY MR. LEE:

3 Q And you did not take any notes on your
4 citation?

5 A No, sir, I did not.

6 Q So you're testifying from your own
7 recollection?

8 A Yes.

9 Q How many vehicles did you observe passing
10 through that intersection while you were parked there?

11 A I have no way of knowing.

12 Q You have no memory of that night?

13 A Yes, I have a memory of that night.

14 Q But you don't remember anything, but me, of
15 that whole day?

16 A I would say that would be an accurate
17 statement.

18 Q So that means you may not even remember this
19 incident --

20 A No, sir. I remember it.

21 Q Were you under the influence of any
22 medication, drugs, or alcohol?

23 A No.

24 Q Do you know what a traffic engineering survey
25 is?

1 A No, sir, I do not.

2 Q Was there a crash involved in this incident?

3 A No.

4 Q Did any vehicles have to take avoiding action?

5 A No.

6 Q How many vehicles were involved going through
7 that intersection at the time I was going through it?

8 A Just yourself.

9 Q So there were no vehicles in front or behind?

10 A No.

11 Q Have you read the Manual on Uniform Control
12 Devices?

13 A I'm not familiar with that, per se.

14 Q Have you read Tennessee Code?

15 A Yes.

16 Q You've read the entire Tennessee Code?

17 A No.

18 Q What sections have you read?

19 MR. HOLDEN: Your Honor, objection.

20 THE COURT: Sustained.

21 Q Have you read the Tennessee Rules of Court?

22 MR. HOLDEN: Your Honor, again, I object.

23 THE COURT: Sustained.

24 Q Have you read the Tennessee Constitution?

25 MR. HOLDEN: Your Honor, I object again.

1 THE COURT: Mr. Lee, let's get back to the
2 incident if you have any questions relevant to that.

3 Q And did you have a video camera installed in
4 your vehicle on the day of this citation?

5 A Yes, I did.

6 Q And why did you not bring that?

7 A I have placed two requests with the
8 administrative lieutenant for copies of that video and have
9 still yet to receive it.

10 Q And what is his name?

11 A Lieutenant Jeff Clark.

12 Q And what is your supervisor's name?

13 A At this moment, it's Sergeant Charles Garner.

14 Q And what did that... On your review... Have
15 you reviewed the video at all?

16 A Yes, I have.

17 Q And what did it show?

18 MR. HOLDEN: Your Honor, we would object and
19 let the video speak for itself, Your Honor.

20 Q Isn't it true that the video did not show me
21 violating the law in any way?

22 MR. HOLDEN: Objection, Your Honor. We don't
23 even know if Deputy Antris has reviewed that video.

24 MR. LEE: He just testified that --

25 THE COURT: He testified that he did, but the

1 best evidence would be, of course the video. And as
2 far as whether he could conclude whether he violated
3 the law or not, sir, that's up to the Court; and not
4 this Court. It would up to another court to determine
5 because it's merely a preliminary hearing.

6 MR. LEE: Yes, sir.

7 BY MR. LEE:

8 Q And did that DVD record audio as well as
9 video?

10 A Yes.

11 Q You have a lapel mic and an in-car mic;
12 correct?

13 A I wear my microphone on my belt.

14 Q On your belt. And this video does record your
15 GPS tracking?

16 A Yeah, when the GPS is working.

17 Q And it records your speed as well?

18 A Well, to a fair degree of credibility.

19 Q Is there any idea how accurate that is?

20 A I've been going down the road and it will say
21 I'm doing four hundred miles an hour.

22 Q But it's accurate ninety-nine percent of time?

23 MR. HOLDEN: Your Honor, we object.

24 THE COURT: Sustained.

25 Q Are you allowed to break the law, as a police

1 officer?

2 MR. HOLDEN: We would object to that, Your
3 Honor.

4 THE COURT: Sustained.

5 MR. LEE: Your Honor, I have a map. I would
6 like to approach the witness and ask him to mark it.

7 THE COURT: Go ahead.

8 MR. LEE: May I?

9 MR. HOLDEN: The State would like to see that
10 map, if we may.

11 THE COURT: Absolutely. You can also
12 approach.

13 MR. LEE: What I'm going to do is ask him to
14 point where he was parked and where this sign was.

15 MR. HOLDEN: Your Honor, the State would
16 object to the authenticity of this map, and as to the
17 representation of this map to the actual location.
18 There's been nothing admitted to suggest this is a
19 fair and accurate representation of where
20 Officer Antris was located at the scene.

21 THE COURT: You've got to lay a foundation --
22 a proper foundation, sir.

23 MR. LEE: May I approach the witness and just
24 ask him to identify this as an approximate -- not to
25 scale. Allegedly, this is to scale. But I can ask

1 him if the names are correct.

2 THE COURT: You can ask him whatever questions
3 you would like to ask. It's up to the State to
4 object, sir.

5 BY MR. LEE:

6 Q Mr. Antris, is that a fair and accurate
7 description or depiction of the highway in question?

8 A It's a fair representation.

9 Q And those are the correct street names
10 involved?

11 A So far as I know, yes.

12 MR. LEE: May I approach the witness, Your
13 Honor, and ask him to mark?

14 THE COURT: Yes.

15 Q Will you mark on there where you were parked
16 and where the stop sign was, please?

17 A I was right about here. The stop sign being
18 right here.

19 Q Can you put on there "stop sign" and where you
20 were parked?

21 (Witness complies.)

22 Q Thank you. And where were the bushes? Can
23 you draw a picture of where the bushes were between you and the
24 stop sign?

25 A There's a bush here, offset. But other than

1 that, this is a cleared field here. And I have a good view of
2 the intersection.

3 BY MR. LEE:

4 Q Okay. Your Honor, I would like to enter this
5 into evidence. I believe, the witness has laid the foundation?

6 THE COURT: Exhibit 1.

7 (**Exhibit 1** - was marked and admitted.)

8 BY MR. LEE:

9 Q Who was the other officer that was present at
10 the scene?

11 A Deputy Blare, Josh Blare, showed up after the
12 initial stop.

13 Q He has the same name as you? He has the same
14 first name?

15 A First name.

16 Q So you called for back up?

17 A No.

18 Q Was he observing the event that day?

19 A Observing the event?

20 Q Was he parked beside you, behind you --

21 A No.

22 Q -- or did he witness... Was he an eyewitness
23 in this?

24 A No.

25 Q And when you pulled out of your hiding spot,

1 did you turn your head lights on when you pulled out of the
2 street?

3 A Of course my lights were on. It was dark.

4 Q And so you were parking with your... Was your
5 engine on when you were parked?

6 A Yes, it was.

7 Q And were your lights on when you were parked?

8 A I don't believe so.

9 Q And does your video camera record whether or
10 not your lights are on?

11 A Certainly. The screen would just be back
12 without them.

13 Q Well, I mean, is there an indication, like it
14 says GPS locations and speed; isn't there an indication on
15 there for whether or not your head lights are turned on,
16 whether or not your emergency lights, whether or not your siren
17 is on?

18 A It's, I believe, in our main, I guess,
19 database, you could say, here at the Sheriff's Department.
20 There is at least a marking for whether our emergency equipment
21 has been engaged or not. As far as head lights, I don't know.

22 Q And when you pulled out to attempt a traffic
23 stop, you turned your head lights on and you then turned your
24 emergency lights and siren on immediately?

25 A No.

1 Q So what was the speed limit through the area?

2 A On South Singleton Station, I don't know.

3 Q Approximately thirty miles an hour?

4 MR. HOLDEN: I object, Your Honor, to the
5 relevance of the speed limit.

6 THE COURT: Sustained.

7 Q So to catch a car going thirty miles an hour,
8 you have to go to sixty miles an hour; is that correct?

9 MR. HOLDEN: Objection, Your Honor.

10 THE COURT: Sustained.

11 Q And isn't it true you were driving sixty-one
12 miles an hour and crossing a double yellow line without your
13 emergency lights and siren on?

14 MR. HOLDEN: Object, Your Honor.

15 THE COURT: Sustained.

16 Q And isn't that required by law that you do
17 have your emergency lights and siren on when you do violate the
18 Traffic Code?

19 MR. HOLDEN: I object to the --

20 THE COURT: Sustained.

21 Q When you pulled over this defendant, myself,
22 you ran the driver's license; correct?

23 A Uh-huh. That's correct.

24 Q And isn't it true that you were asked what
25 happens to the driver if they refuse to sign the citation? Do

1 you have any recollection of that?

2 A I remember you asking me what would happen if
3 you refused to sign the citation, yes.

4 Q And what was your response?

5 A That the citation was in lieu of an arrest.
6 And if you refused to sign, I would have to take you into
7 custody.

8 Q So the signature then, is coerced out of
9 the --

10 MR. HOLDEN: I object, Your Honor. Asking for
11 a legal conclusion.

12 THE COURT: Sustained.

13 Q Have you ever arrested somebody for not
14 signing a ticket?

15 A I have not.

16 Q Do you know of anybody who has?

17 MR. HOLDEN: Objection, Your Honor.

18 THE COURT: Sustained.

19 MR. LEE: No further questions, Your Honor.

20 THE COURT: Redirect?

21 MR. HOLDEN: Very briefly, Your Honor.

22 REDIRECT EXAMINATION

23 BY MR. HOLDEN:

24 Q Deputy Antris, very quickly, after you pulled
25 over the defendant in the incident in this case, did you get a

1 good look at him?

2 A I did.

3 Q And is that defendant in the courtroom?

4 A He is.

5 Q And would you point him out, please, sir?

6 THE COURT: The record will reflect he is
7 pointing to the defendant.

8 MR. HOLDEN: That's all, Your Honor.

9 THE COURT: Any other recross, Mr. Lee?

10 MR. LEE: Can I take a minute, Your Honor?

11 THE COURT: Sure.

12 MR. LEE: No further questions.

13 THE COURT: All right. You can step down.
14 Call you next witness, General.

15 MR. HOLDEN: The State rests, Your Honor.

16 THE COURT: All right. Mr. Lee, do you have
17 any proof? Do you want to testify? Or do you have
18 any witnesses you want to put on the stand?

19 MR. LEE: I would like to... Do I need to
20 take the stand, Your Honor, to testify?

21 THE COURT: If you want to testify, yes, sir.
22 Have a seat up here, please.

23 JOHN DAVIS LEE, II,
24 the Defendant, having been first
25 duly sworn, testified as follows:

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DIRECT TESTIMONY

BY MR. LEE:

MR. LEE: I would like to state for the record that when I applied for a Tennessee Driver's License, I did sign that contract under duress.

MR. HOLDEN: Your Honor, we would object to the relevance of testimony of any contract with Tennessee Driver's Licenses.

THE COURT: What has that got to do with the case, Mr. Lee?

MR. LEE: I believe that is an essential element. Illegal aliens can't get traffic tickets because they don't have a driver's license. I believe the essential element is that --

THE COURT: Whoa, whoa, whoa. Illegal aliens cannot get traffic tickets because they don't have a driver's license?

MR. LEE: That's my understanding of the law --

THE COURT: That's absolutely incorrect, sir. How does whether or not you have a license, signing the -- what you call a contract for a driver's license, relevant to this case?

MR. LEE: I believe this is a breach of contract, Your Honor, where there is a statutory-type

1 contract rather than a common law situation.

2 And it's my understanding the essential
3 element is that someone has applied for a driver's
4 licensed and that the Tennessee Code Title 55, and
5 everything else does apply. That's my point. I went
6 into more detail in my brief.

7 THE COURT: You did what?

8 MR. LEE: I went into more detail in my
9 argument with the answer to the Complaint filed with
10 the Court, Your Honor.

11 I don't want to waste to Court's time going
12 back over that now.

13 THE COURT: Okay.

14 MR. LEE: And I'm disabled. I can't think as
15 sharp as I used to. I'm not trained as a lawyer. So
16 I apologize I can't verbalize all my arguments.

17 THE COURT: Well, Mr. Lee, based on everything
18 that you've filed, I'd have to disagree with that last
19 statement. So you need to go ahead. Do you have any
20 more testimony?

21 MR. LEE: I would like to say that I did sign
22 the traffic citation under duress. And I did sign
23 that beside my name on the citation. So I do believe
24 that is another essential element.

25 And I would emphasize this as a special

1 appearance to contest personal jurisdiction based on
2 that.

3 THE COURT: Sir, you're here before the Court.
4 Any kind of... I noticed you did file some kind of
5 motions -- something about you're objecting to your
6 person jurisdiction. But that hadn't been... That's
7 not before the Court. You should have...

8 If you had something to complain about there,
9 you should have done that prior to the hearing
10 starting. We're in the middle of the hearing.

11 MR. LEE: I understand, Your Honor. I believe
12 that the Tennessee Rules of Procedure do allow that to
13 be stated in the Answer to the Complaint, to preserve
14 that on appeal.

15 THE COURT: All right. Go ahead. You're
16 allowed, in the preliminary hearing, to present such
17 proof as you think is necessary to negate the State's
18 assertion of probable cause.

19 MR. LEE: That's all I wish to say at this
20 time under oath, Your Honor.

21 THE COURT: All right. General?

22 MR. HOLDEN: No cross-examination, Your Honor.

23 THE COURT: All right. Any other proof,
24 Mr. Lee? Anything else, Mr. Lee?

25 MR. LEE: Is this a semi-closing, or just --

1 THE COURT: No. I was just wondering if you
2 had any other proof.

3 MR. LEE: No other proof, Your Honor.

4 THE COURT: All right. Any rebuttal?

5 MR. HOLDEN: No, Your Honor.

6 THE COURT: Any argument?

7 MR. HOLDEN: Very briefly, Your Honor.

8 CLOSING STATEMENT

9 BY MR. HOLDEN:

10 The State would simply assert that Deputy Antris
11 has pointed out that he violated the statute in that he
12 approached the stop sign, did not stop at the stop sign, either
13 at the intersection where there is either a marked line, or
14 where he could see whether traffic was coming both ways. He
15 was pulled over, written a citation, which he signed, and
16 appeared in court.

17 I would say that the State has certainly proved
18 probable caused that the defendant has run a stop sign, Your
19 Honor.

20 THE COURT: All right. Mr. Lee, I'll hear any
21 closing arguments that you would like to make.

22 MR. LEE: I would like to move to dismiss,
23 Your Honor, as sanctioned, for the prosecution
24 refusing to comply with subpoena to bring a DVD, and
25 to testify in court regarding that DVD, as well as the

1 other evidence I did request.

2 MR. HOLDEN: Your Honor, the State would say
3 that this is a matter for a motion that should have
4 occurred before this. This is argument on preliminary
5 hearing and it's not well taken.

6 THE COURT: I'll sustain the objection.

7 MR. LEE: I would object, Your Honor. I was
8 not allowed an opening statement which may have been
9 in a pretrial motion hearing.

10 MR. HOLDEN: Again, Your Honor, this is not in
11 the nature of a closing argument, but rather an
12 objection to the Court's ruling that occurred before
13 this preliminary hearing started.

14 MR. LEE: Your Honor, I believe that Your
15 Honor has the discretion to allow a Motion to Dismiss
16 at any time.

17 THE COURT: I'm listening.

18 MR. LEE: I remake my Motion to Dismiss for
19 failure to comply with the subpoena.

20 THE COURT: Your motion is denied.

21 Do you want to make a closing statement?

22 CLOSING STATEMENT

23 BY MR. LEE:

24 I would like to say the witness is not credible
25 for the fact that he had an opportunity to show this crime

1 on -- this alleged crime on videotape. He chose not to because
2 the videotape doesn't support his allegation.

3 And I believe the reason for that is that on the
4 videotape it shows the prosecution witness committing at least
5 three criminal misdemeanors, and possibly five criminal
6 misdemeanors for which he could be arrested at any time. And
7 that is why he has not shown that videotape. It does not
8 show --

9 MR. HOLDEN: Your Honor, the State recognizes
10 that it's closing, but we would object to those
11 accusations, Your Honor.

12 THE COURT: I understand. I'm giving him some
13 leeway because he's pro se.

14 MR. HOLDEN: Think you, Your Honor.

15 THE COURT: Anything else, sir?

16 MR. LEE: Just the Motion to Dismiss for
17 incompetent witness, Your Honor.

18 THE COURT: Sir, that's not even in the nature
19 of a proper motion. So I'm going to deny it even
20 though it's not a proper motion.

21 MR. LEE: Or to strike his testimony, a Motion
22 to Strike witness testimony.

23 THE COURT: No, sir.

24 MR. LEE: I rest my defense, Your Honor.

25 THE COURT: Anything else?

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MR. HOLDEN: No, Your Honor.

(THE OPINION OF THE COURT IS FOUND ELSEWHERE IN THE
TRANSCRIPT.)

OPINION OF THE COURT

1
2 Based on the proof before the Court, the Court
3 finds there is probable cause to believe that the offense of
4 the stop sign violation of TCA 55-8-149 occurred in this county
5 and that the defendant was the person that committed the
6 offense.

7 Accordingly, the case will be bound over to the
8 grand jury for its determination of probable cause. In as much
9 as it's a citation, there is no bond.

10 Mr. Lee, you will be shown a document that will
11 advise you of when your initial appearance will occur in the
12 Circuit Court. And you will have to acknowledge that with your
13 signature.

14 I believe we will keep the exhibit in the file.

15 (END OF PROCEEDINGS.)
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REPORTER'S CERTIFICATE

STATE OF TENNESSEE)

COUNTY OF BLOUNT)

I, Dana Holloway, Court Reporter and Notary Public in and for the County of Blount, State of Tennessee at Large, do hereby certify:

That I reported stenographically the proceedings held in open court on the 13th day of March, 2006; that said proceedings in connection with the hearing were reduced to typewritten form by me; and that the foregoing transcript is a true and accurate record of said proceedings to the best of my knowledge, skills, and ability.

I further certify that I am not kin to any of the parties involved therein nor their counsel, and I have no financial or otherwise interest in the outcome of these proceedings whatsoever.

This the 17th day of March, 2006.

Dana Doyle Holloway
Dana Holloway AT LARGE
NOTARY PUBLIC
BLOUNT COUNTY, TENNESSEE

My Commission Expires: July 11, 2006

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