

ST. REGIS MOHAWK TRIBAL COURT
IN AND FOR THE ST. REGIS MOHAWK TRIBE

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| St. Regis Mohawk Tribe |) | |
| |) | |
| Plaintiff, |) | Case No.: 10-TRF-00016 |
| |) | |
| vs. |) | |
| |) | |
| Mr. Taylor Martin |) | |
| |) | |
| Defendant. |) | |
| |) | |
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DECISION AND ORDER

Pursuant to the St. Regis Mohawk Vehicle and Traffic Ordinance, passed on May 30, 2000, and the companion Tribal Council Resolution numbered **TCR 2001-25**, a hearing was conducted with respect to the above referenced matter.

For the reasons specified below the Court hereby affirms the summons violation of Section 24 (a) Failure To Obey A Traffic Control Device, of above mentioned ordinance, and accordingly sets a fine in the amount of \$60.00 with a surcharge in the amount of \$30.00, for a total of \$90.00.

On January 7, 2010 St. Regis Mohawk Police Officer Thompson issued a summons to Mr. Martin for Failure To Obey A Traffic Control Device, citing Mr. Martin as travelling 50 mph in a 35 mph speed zone. This summons was returnable to the Court on January 25, 2010. The case was delayed until March 3, 2010, with Mr. Martin entering a plea of not guilty to the summons and requesting a trial.

A trial was conducted on January 7, 2010, with the ticketing officer testifying that on at approximately 8:52 a.m. as the officer was traveling east bound on State Route 37 in the vicinity of Racquette Point; he observed a vehicle approaching from the west bound direction at a high rate of speed. The officer then proceeded to activate his radar, which confirmed that the said vehicle was indeed traveling at a speed of 50 mph in a 35 mph zone.

Officer Thompson yielded the vehicle and upon further investigation found Taylor Martin to be driving a 2008 blue Chrysler Town and Country van, validly registered in Quebec Canada, and to be in possession of a valid driver's license, also issued from Quebec Canada. Upon questioning defendant, Mr. Martin, was asked whether he knew why he was being stopped to which he replied in the negative. Mr. Martin was then asked if he knew how fast he was traveling to which he replied "40". Upon being informed that radar had registered his speed at 50 mph,

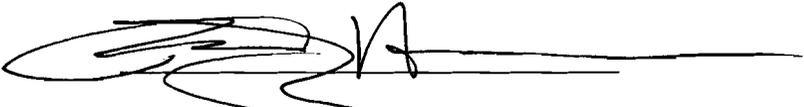
Mr. Martin replied "lies". Mr. Martin was issued a summons returnable to Tribal Court on January 25, 2010.

At Trial, in addition to the above, Officer Thompson also testified as to his training and certification operating radar equipment. Officer explained the use of radar in the circumstance where there may be two or more vehicles involved and the approximate distance a second vehicle must be following a lead vehicle in order for the radar to not to return an accurate or clear reading of the second vehicle. This distance, according to testimony, is 10 to 15 feet.

Mr. Martin contends that due to the proximity of the vehicle in front of him the radar did not give an accurate reading of his vehicles speed or in the alternative the leading car was speeding and he was not. At trial Officer Thompson was questioned as to the distance between Mr. Martin's vehicle and the vehicle that was directly in front of Mr. Martin. Officer Thompson's testimony reflects that there was sufficient distance between the two vehicles to ensure that the radar locked on to Mr. Martin's vehicle and accurately reflected Mr. Martin's speed, further officer Thompson was able to confirm through simple observation, which he was trained in, that the Martin vehicle was speeding.

Based upon those factors, and finding that Mr. Martin did not meet his burden, the Court finds that Mr. Martin was speeding and the Court does affirm the Summons numbered 12071, and hereby assesses a fine and surcharge in the amounts of \$100 and \$30 against Mr. Martin.

Entered by my hand on this the 30th day of March 2010



Peter J. Herne, Chief Judge,
St. Regis Mohawk Tribal Court SEAL

A copy of this decision and order shall be provided to Mr. Martin, Officer DaCota Thompson, and Mr. Dale White, General Counsel for the SRMT.