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IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

CITY OF ST. LOUIS,)	
)	
Plaintiff,)	
)	Circuit Cause No.
vs.)	0922CR-00080
)	
GANT BLOOM,)	Division No. 24
)	
Defendant.)	

BENCH TRIAL

Attorney for the City:	For Defendant:
Sharon Stone,	Gant Bloom
Assistant City Counselor	Pro Se

Joanne J. Martin #169
Official Court Reporter
22nd Judicial Circuit

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1 BENCH TRIAL

2 The Bench trial was held the 18th day of February,
3 2009 before the Honorable Elizabeth Hogan, Associate Judge
4 of the Circuit Court of the City of St. Louis, State of
5 Missouri, with Sharon Stone, Assistant City Counselor,
6 appearing on behalf of the City of St. Louis and Gant Bloom
7 appearing Pro Se.

8 THE COURT: Are both parties ready to
9 proceed?

10 MS. STONE: Yes, Your Honor.

11 MR. BLOOM: Yes, Your Honor.

12 THE COURT: Let the record reflect that we're
13 here in Cause No. 0922CR-00080, City of St. Louis vs.
14 Grant Bloom.

15 The record should further reflect that
16 Mr. Bloom is present in Court and is ready for trial
17 and that the City of St. Louis is present by
18 Mr. Hefner.

19 MR. HEFNER: Actually, Miss Stone is going to
20 be trying this one, Your Honor.

21 THE COURT: Miss Stone, if there is nothing
22 else preliminarily you may proceed with your opening
23 statement.

24 MS. STONE: Thank you, Your Honor.

25 Your Honor, the St. Louis City's automated

1 traffic enforcement system went into effect in May of
2 2007.

3 The main purpose of the system was to
4 increase detection and prosecution of people running
5 red lights.

6 The City's program is authorized under
7 Section 1707 of the St. Louis City's Revised Code and
8 it enforces 1708.130, which governs traffic at steady
9 red signals.

10 The City will present evidence today that the
11 defendant is the registered vehicle owner of a vehicle
12 that was detected violating a red light on August 10th
13 of '08 at approximately 11:21 a.m. at the intersection
14 of South Skinker Boulevard and Forsyth Boulevard.

15 The Court will see a video of the event as it
16 happened, which is a very reliable piece of evidence.
17 Eyewitness testimony can fade in time, but a video is
18 good all the time.

19 And after the City has shown evidence of the
20 violation, has connected the defendant with the vehicle
21 in question by the registered vehicle ownership of the
22 license plate captured by the film and has laid the
23 foundation with witnesses -- a police officer and an
24 officer from the American Traffic Solutions Company
25 that operates and maintains the system -- the City will

1 believe that it has met its burden in this case.

2 THE COURT: Thank you, Miss Stone.

3 Mr. Bloom, do you wish to make an opening
4 statement?

5 MR. BLOOM: Good morning, Your Honor.

6 I'm here today to defend myself against an
7 accusation that I ran a red light. I didn't receive a
8 ticket in the mail until about a month after it was
9 issued.

10 By this time I couldn't remember who was
11 driving my car at that place and time. Me and my
12 witness in good faith tried to remember, but we
13 couldn't remember who drove that day.

14 I decided it just wasn't just and fair for me
15 to admit guilt to something that I didn't even know if
16 I did or not.

17 The only physical evidence that the
18 prosecution is going to show you is that it was my car
19 running through a red light. That I don't deny.

20 I don't believe the City can satisfy this
21 Court that it was me who was driving and who committed
22 that crime.

23 And, furthermore, I intend to demonstrate
24 reasonable doubt that it was me driving that day.
25 Thank you.

1 THE COURT: Thank you, Mr. Bloom.

2 Call your first witness.

3 MS. STONE: The City calls Adam Tuton to the
4 stand.

5 THE COURT: Let the record reflect that
6 Mr. Tuton is still under oath.

7 ADAM TUTON,
8 being duly sworn, testified as follows:

9 DIRECT EXAMINATION

10 QUESTIONS BY MS. STONE:

11 Q Can you state your name for the Court please?

12 A Adam Tuton.

13 Q And are you employed, Mr. Tuton?

14 A Yes.

15 Q And who employs you?

16 A American Traffic Solutions.

17 Q And what does American Traffic Solutions do?

18 A We provide the red light cameras and services
19 for the City of St. Louis.

20 Q And what kind of automated traffic systems do
21 you provide them? Can you describe the system?

22 A Sure. Red light cameras that detect and
23 capture violations of vehicles.

24 Q Okay. And how long have you been in this
25 field?

1 A Since 1992.
2 Q Sixteen years?
3 A Yes.
4 Q Fifteen years?
5 A Yes.
6 Q And how long have you been with American
7 Traffic Solutions?

8 A Since 2003.

9 Q And where are your offices located?

10 A We have offices here and in Scottsdale and
11 six or seven other places around the Country.

12 Q All right. And your company installed the
13 camera system in the City of St. Louis?

14 A Yes, we did.

15 Q Pursuant to Section 1707 of the City's
16 ordinance when they enacted that?

17 A Yes.

18 Q To authorize it?

19 A Yes.

20 Q And can you describe in general how the
21 system works?

22 A Yes. A vehicle detection sensor is connected
23 to a set of still and video cameras at the
24 intersection.

25 When the light goes red and someone runs

1 through the intersection, the cameras capture the
2 violation and videos it.

3 Q Okay. Are there two separate camera systems
4 then?

5 A Yes.

6 Q A camera that takes still pictures?

7 A Yes, and a video camera.

8 Q Okay. And when the car does go through, you
9 say it gets detected by sensors, what happens next?

10 A Two pictures are captured from the still
11 camera from the rear of the vehicle and then a video
12 clip is also captured as well.

13 Q Okay. And what happens when the two pictures
14 are taken?

15 A They are automatically transferred to our
16 data processing center where they are reviewed. The
17 license plate is identified and cropped from one of the
18 images.

19 And then the motor vehicle database is
20 interrogated to match the vehicle in the picture with
21 the registered owner of the vehicle.

22 Once that is complete and verified, the
23 information is sent to a cue for the police who do a
24 final review and approval or a rejection of the
25 violation.

1 If it's approved, then we mail a ticket to
2 the registered owner.

3 Q Okay. Let me just stop you there and go back
4 a little bit.

5 So your company bundles the evidence together
6 but doesn't make a determination of a traffic law
7 violation?

8 A Right. The police make the determination.

9 Q Okay. So the police get, you said, all the
10 information bundled together. So you have the still
11 pictures, the video, and the license plate information?

12 A That's correct.

13 Q Okay. You provide that to the police
14 department and it's in a cue?

15 A Yes.

16 Q And then if the officer, if the reviewing
17 officer accepts that as a violation, what happens?

18 A It gets issued as a violation notice to the
19 registered owner.

20 Q And you said that your company installs and
21 operates this camera system?

22 A Yes.

23 Q Does it also maintain the system?

24 A We maintain it.

25 Q Okay. Can you describe some of the

1 maintenance?

2 A We do daily remote monitoring and self-tests
3 everyday on every camera and then at least once a month
4 we do preventive maintenance on-site.

5 Q Can you describe some of the preventive
6 maintenance?

7 A General cleaning, inspection, and on-site
8 self-tests of the camera.

9 Q Can any unauthorized person gain access to
10 your equipment?

11 A No.

12 Q Or the data?

13 A No.

14 Q How can you be sure?

15 A The devices are locked and the databases are
16 all secured.

17 Q Okay. Has there ever been any incident of
18 hacking involved in your system?

19 A There has been no breach of our database.

20 Q Okay. So you're secure that all the
21 information is tamper-proof?

22 A Yes.

23 Q Any reason to suspect that the camera system
24 at Skinker and Forsyth Boulevards was not in operating
25 order?

1 A No. They were all in operating order.

2 Q Okay. And when the system runs you said its

3 self-test, is any kind of document produced?

4 A A camera log.

5 MS. STONE: May I approach, Your Honor?

6 THE COURT: You may.

7 BY MS. STONE:

8 Q Mr. Tuton, I'm going to show you this. Can

9 you identify that document?

10 A This is the camera log report for the day in

11 which this violation occurred on 8/10/08 at 11:21.

12 Q Okay. And at what intersection?

13 A Skinker and Forsyth southbound.

14 Q Okay. And based on this document, are you

15 certain that the cameras were working on that day?

16 A They were.

17 Q Both before and after the violation occurred?

18 A They were operational.

19 Q And are you familiar with the intersection at

20 Skinker and Forsyth?

21 A Yes. I've been to that site.

22 Q So you personally visited that site?

23 A Yes.

24 Q And what is at that site?

25 A A red light camera that we installed.

1 Q I'm going to show you this, what the City is
2 going to mark as Exhibit 1A. Actually, I'm going to
3 backtrack just one second.

4 MS. STONE: May I approach again, Your Honor?

5 THE COURT: You may.

6 BY MS. STONE:

7 Q Mr. Tuton, I'm going to show you this
8 document. Do you recognize this document?

9 A Yes. It's a violation notice sent to the
10 registered owner for the violation on this day.

11 Q Okay. And your company generated this?

12 A Only after the police authorized the
13 violation.

14 Q And then I'm going to show you what the City
15 has marked Exhibit 1A. Do you recognize these
16 photographs?

17 A Those are blow-up images from the violation
18 notice.

19 Q From the violation notice?

20 A Yes.

21 Q Okay. And can you describe to us what this
22 information is that's in this black box above the
23 pictures?

24 A That's what's called the data-bar and it
25 contains the violation data for the violation in

1 question; the date and the time, the location, the time
2 into the red, and the lane number, and the A frame, and
3 the B frame.

4 Q So this would be the A frame here?

5 A Yes.

6 Q The first picture that is triggered when the
7 car --

8 A It's prior to the stop bar. The light is red
9 at 1.2 seconds. And the vehicle passed through the
10 intersection at two seconds when the second shot was
11 captured.

12 Q And this would be the B shot, the second
13 shot?

14 A That's the B frame.

15 Q Okay. And what is this a picture of?

16 A It's cropped to show the license plate from
17 one of the images of the back of the vehicle?

18 Q Okay. And can you read that license plate?

19 A Yes. It's KA2N4F from a BMW.

20 Q Okay. And based on your experience with this
21 system and your background in the automated traffic
22 system, do you believe that this was a valid violation,
23 that the pictures were accurate at the intersection,
24 they were taken accurately, they weren't tampered with,
25 and this violation was correct?

1 A That's absolutely correct.

2 MS. STONE: No further questions for this
3 witness, Your Honor. The City asks that Exhibits 1 and
4 2 be admitted into evidence.

5 THE COURT: Any objection to Exhibits 1 or 2?

6 MR. BLOOM: No objection, Your Honor.

7 THE COURT: Okay. 1 and 2 are admitted. Do
8 you have any questions for this witness?

9 MR. BLOOM: I do.

10 THE COURT: Proceed.

11 CROSS EXAMINATION

12 QUESTIONS BY MR. BLOOM:

13 Q Sir, is there anyway to tell who was driving
14 the car at the time of the violation?

15 A No, there isn't.

16 Q Thank you.

17 A It's not required.

18 MS. STONE: Just a short redirect, Your
19 Honor.

20 REDIRECT EXAMINATION

21 QUESTIONS BY MS. STONE:

22 Q So, Mr. Tuton, you don't install a third
23 camera system that takes pictures of the driver?

24 A No. The ordinance only requires to identify
25 the registered owner.

1 Q All right. So there's no law that says you
2 have to take a picture of the driver?

3 A Correct.

4 MS. STONE: Okay. Thank you.

5 THE COURT: Any further questions?

6 RE CROSS EXAMINATION

7 QUESTIONS BY MR. BLOOM:

8 Q You still didn't know who was driving the
9 car, is that correct?

10 A It's not required under the ordinance.

11 MR. BLOOM: Okay. Thank you.

12 THE COURT: Thank you. Call your next
13 witness.

14 MS. STONE: The City calls David Hundley.

15 THE COURT: He's still under oath.

16 DAVID HUNDLEY,
17 being duly sworn, testified as follows:

18 DIRECT EXAMINATION

19 QUESTIONS BY MS. STONE:

20 Q Can you state your name for the Court please?

21 A David Hundley.

22 Q Are you employed, Mr. Hundley?

23 A Yes, ma'am.

24 Q And who employs you?

25 A The City of St. Louis Police Department.

1 Q So you're a police officer?

2 A Yes, ma'am.

3 Q And how long have you been a police officer?

4 A Seventeen years.

5 Q What kind of special training have you
6 received to be a police officer?

7 A Academy training, continuing education
8 training, and specialized training as far as crime
9 scene investigation, accident reconstruction, and DWI
10 enforcement, radar training.

11 Q And does -- can you describe some of your
12 duties?

13 A Traffic safety and to review red light camera
14 violations.

15 Q Okay. And can you describe like when you
16 would sit down for a session to review red light camera
17 violations, can you kind of walk us through one of your
18 sessions?

19 A First and foremost you have to go through two
20 levels of security to get to the video. And the first
21 level is through the Aventel (Phonetic) photo system
22 which requires your ID and password.

23 The second level is through the ATS system
24 which also requires that same ID and password to access
25 the video, the red light camera violations.

1 Q And how often do you sit down and do a
2 session?

3 A I usually come in and I do thirty minutes,
4 thirty, thirty-five minutes on the front end of my
5 shift.

6 And then towards the end, on that back-end I
7 review another thirty to thirty-five minutes. That's
8 due to other responsibilities that I have.

9 Q So basically you do this on a regular daily
10 basis?

11 A Yes, ma'am.

12 Q And can you estimate about how many citations
13 you've reviewed since you started doing this?

14 A I would say between two and three hundred.

15 Q And about how many do you accept?

16 A About eighty-five percent of them.

17 Q So not one hundred percent?

18 A No.

19 Q And what would be some reasons why you might
20 reject potential violations?

21 A It may not be a violation in my opinion.

22 Others may be emergency vehicles coming up
23 from the rear of a vehicle already stopped at a red
24 light and that vehicle may proceed through the
25 intersection just getting out of the way of that

1 emergency vehicle.

2 Q So you have some discretion when you look at
3 these?

4 A Yes, ma'am.

5 Q And I'm going to show you, Officer, what's
6 been marked as City Exhibit 1A, which we already
7 described as a blow-up of the violation notice.

8 Do you recognize this intersection?

9 A Yes.

10 Q Okay. What intersection is that?

11 A Southbound Skinker at Forsyth.

12 Q And can you read the license plate on that
13 vehicle?

14 A Yes.

15 Q And what is the license plate number?

16 A KA2N4F.

17 Q Thank you.

18 A Missouri plate.

19 Q Officer, you identified this intersection as
20 Skinker Boulevard and Forsyth. Is that in the City of
21 St. Louis?

22 A Yes, ma'am.

23 Q In the State of Missouri?

24 A Yes.

25 Q Okay. And how do you know that?

1 A I worked in that area. I was a mounted
2 patrol officer so I'm very familiar with that
3 intersection.

4 MS. STONE: Permission to approach, Your
5 Honor?

6 THE COURT: Yes.

7 BY MS. STONE:

8 Q I'm going to show you this. Do you recognize
9 this, Officer?

10 A Yes.

11 Q And what would that be?

12 A A DVD. A burned copy of a violation that I
13 had in my possession.

14 Q Okay. Prior to trial today?

15 A Yes, ma'am.

16 Q And prior to handing this to me prior to
17 trial today, was this in your care, custody, and
18 control?

19 A Yes.

20 MS. STONE: Your Honor, can I get your
21 permission to have the witness step down a little bit
22 from the stand for a better view?

23 THE COURT: Yes.

24 BY MS. STONE:

25 Q Can you see this okay, Officer?

1 A Yes.

2 Q And do you recognize this intersection?

3 A Yes.

4 Q And what intersection is that?

5 A Southbound Skinker at Forsyth.

6 Q All right. So if a car was traveling this
7 way, what direction would it be going?

8 A You talking about straight up?

9 Q Right. Straight up.

10 A Southbound.

11 Q Southbound on Skinker?

12 A On Skinker.

13 MS. STONE: Can you go ahead and play it?
14 (At this time the videotape clip was played)

15 BY MS. STONE:

16 Q What did you observe on that video clip,
17 Officer?

18 A A dark colored sedan vehicle just violated
19 the red light.

20 Q And how do you mean violated the red light?

21 A Not stopping for the light.

22 Q And what other observations can you make?

23 A In my opinion, if I may express it, when I
24 pull people over due to these violations, what I
25 observe is, and I kind of tell them that whenever we go

1 to take that driver's examination, that written
2 examination and they ask us what yellow means, we get
3 it right one hundred percent of the time, caution, slow
4 down.

5 But for some reason when we get out on the
6 street we do just the opposite. We kind of speed up,
7 accelerate, and it causes us to violate that red light.

8 Q So in your opinion the driver of that dark
9 colored car which you identified here --

10 A Yes.

11 Q -- didn't do what he was supposed to do by
12 slowing down?

13 A Slowing down.

14 Q Instead he sped up to make the red light?

15 A Yes, ma'am.

16 Q And, in fact, violated the red light?

17 A Yes, ma'am.

18 Q Any other observations that you can make,
19 Officer?

20 A No.

21 Q Okay. So if you were on the street corner
22 here observing, would you have issued a citation?

23 A Yes.

24 Q For?

25 A Violation of the red electric signal.

1 Q Under Section 1708.130 of the St. Louis City
2 Revised Code?

3 A Yes.

4 Q Thank you, Officer.

5 MS. STONE: No further questions for this
6 witness, Your Honor.

7 THE COURT: Do you have questions for the
8 Officer?

9 MR. BLOOM: Yes.

10 CROSS EXAMINATION

11 QUESTIONS BY MR. BLOOM:

12 Q Hi, Officer.

13 A How are you doing, sir?

14 Q If you saw somebody running a red light like
15 this and you pulled them over and you couldn't identify
16 the driver, would you attempt to?

17 A Yes.

18 Q Why?

19 A You want to know who is driving the vehicle.

20 Q If you couldn't identify that person -- let's
21 say they had on a ski mask and they wouldn't take it
22 off -- would you still issue a citation to the
23 registered vehicle without identifying the driver?

24 I mean -- let me rephrase. If you simply
25 couldn't identify the driver, would you just say that's

1 okay, I'm just going to go ahead and issue a citation
2 for the car?

3 MS. STONE: Objection, Your Honor.
4 Speculative.

5 THE COURT: He can testify what he would do.

6 MR. BLOOM: Thank you.

7 THE WITNESS: Not in that hypothetical.

8 But normally 99.9 percent of the time you're
9 going to identify -- almost one hundred percent of the
10 time you're going to identify the driver.

11 BY MR. BLOOM:

12 Q Officer, that's not the question I'm asking
13 you.

14 What I'm asking you is if you couldn't
15 identify the driver of the car, would you feel
16 comfortable issuing a citation anyway on the car?

17 A No. If I couldn't identify the driver I
18 wouldn't issue a citation.

19 MR. BLOOM: Thank you. No further questions.

20 THE COURT: Redirect?

21 MS. STONE: Yes, Your Honor.

22 THE COURT: Proceed.

23 REDIRECT EXAMINATION

24 QUESTIONS BY MS. STONE:

25 Q Officer, you didn't issue a violation to a

1 car.

2 You issued the violation to a registered
3 vehicle owner who is a person who is connected to his
4 vehicle, is that correct?

5 A Yes.

6 Q So you didn't issue a citation to a 2008 BMW.
7 You issued it to a Gant Bloom, is that correct?

8 A Yes.

9 MS. STONE: Thank you.

10 THE COURT: Any recross?

11 MR. BLOOM: I object.

12 RECCROSS EXAMINATION

13 QUESTIONS BY MR. BLOOM:

14 Q I don't believe you issued a citation on this
15 matter, did you, Officer?

16 A No. Not on this one.

17 Q I'll ask you one more time. If you pulled a
18 car over and let's say that the --

19 MS. STONE: Your Honor, object. Asked and
20 answered if he's asking the same question.

21 MR. BLOOM: I'm asking a different question.

22 THE COURT: You didn't let him ask the
23 question.

24 MR. BLOOM: Thank you.
25

1 BY MR. BLOOM:

2 Q The question that I'm asking is, if you
3 pulled a car over and you found out it was a different
4 driver than who was the registered owner of the car,
5 would you issue the citation to the car, to the
6 register owner who is not driving or would you issue
7 the citation to whoever was driving the car?

8 A I would issue the citation to who is driving
9 the car.

10 MR. BLOOM: Thank you, Officer. No further
11 questions.

12 THE COURT: Thank you, Officer. You can step
13 down.

14 MS. STONE: The City asks that the video,
15 Exhibit 3, be entered into evidence.

16 THE COURT: Any objection?

17 MR. BLOOM: No objection.

18 THE COURT: Okay. That will be admitted.

19 MS. STONE: And, Mr. Bloom, this is a
20 certified copy of the ordinances and a certified copy
21 from the Department of Revenue identifying the
22 registered owner.

23 MR. BLOOM: Noted.

24 MS. STONE: And, Your Honor, the City asks
25 that the Court admit Exhibits 4 and 5, which are

1 certified copies of the City ordinances, and Exhibit 6,
2 which is a certified copy from the Department of
3 Revenue identifying Mr. Bloom as the registered vehicle
4 owner of the car.

5 THE COURT: Any objections?

6 MR. BLOOM: No objections, Your Honor.

7 THE COURT: 4, 5, and 6 are admitted.

8 MS. STONE: Thank you, Your Honor. May I
9 approach with all the evidence?

10 THE COURT: Yes.

11 Anything further on behalf of the City?

12 MS. STONE: The City rests, Your Honor.

13 THE COURT: Mr. Bloom?

14 MR. BLOOM: Your Honor, I'd like to declare a
15 mistrial.

16 It shows on the citation that I was issued
17 that an Officer Jennifer Oman (Phonetic) is the officer
18 that viewed the citation and decided that it was
19 prudent that this citation be issued and that a crime
20 be charged against me.

21 And since that officer is not here in the
22 courtroom today for me to cross examine, I feel that
23 this is unconstitutional.

24 I feel I have the right to cross examine the
25 officer that decided that this was a crime and issued

1 the citation.

2 THE COURT: Miss Stone, your response?

3 MS. STONE: Yes, Your Honor. This is a
4 Constitutional challenge and I would object on a
5 timeliness manner.

6 Constitutional issues should have been raised
7 prior to trial not at the end or in the middle of
8 trial.

9 And I'm citing State vs. Mackie, its prodigy
10 City vs. Grandview, vs. Winters, State vs. Danforth,
11 State vs. Wittikazer (Phonetic) and State vs. Bible
12 that the Constitutional arguments should have been
13 raised prior to trial.

14 The City would have answered the defendant's
15 motion should he have filed any.

16 And he was provided with discovery
17 information with the City's witnesses. The police
18 department has assigned one person to be the liaison on
19 these camera tickets.

20 And he could have objected to that prior to
21 trial. And this is a de novo review so the officer
22 did, in fact, review these prior to trial and at trial
23 and gave his opinion.

24 And certainly Mr. Bloom has not been denied
25 of any violation of right to confront because he could

1 cross examine ATS's expert on the camera system, on the
2 operation, installation, and maintenance as well as the
3 officer who does review them on a daily basis and, in
4 fact, personally reviewed his video himself today.

5 THE COURT: Where is your endorsement of
6 witnesses?

7 MS. STONE: I believe I filed the discovery
8 responses.

9 THE COURT: Mr. Hefner filed something, but
10 there are no responses in the file.

11 MS. STONE: I believe Debbie has it.

12 THE COURT: Do you have an endorsement of
13 witnesses that you filed?

14 MS. STONE: No, Your Honor.

15 THE COURT: So when was it that you put him
16 on notice that you were endorsing a witness that he
17 couldn't have discovered from the information that you
18 filed?

19 MS. STONE: The witness is on the information
20 that Mr. Bloom already has.

21 THE COURT: The witness is a different
22 officer than the one you brought in to testify,
23 correct?

24 MS. STONE: That's correct.

25 THE COURT: And so where is the endorsement

1 of witnesses that would have put any defendant on
2 notice as to who you intended to bring in to testify,
3 which I think you just said in your argument that you
4 put him on notice that you have Mr. Hundley testifying
5 in all the cases?

6 MS. STONE: We did send a list of witnesses,
7 Your Honor, but we failed to endorse him. A list of
8 witnesses was provided to Mr. Bloom.

9 The certificate of mailing should be in the
10 file. I filed that with the Court.

11 THE COURT: It just doesn't say what it is?

12 MS. STONE: (Shakes head).

13 THE COURT: Okay. Anything further regarding
14 that, Mr. Bloom?

15 MR. BLOOM: No, Your Honor.

16 THE COURT: All right. The Court will take
17 that under submission with the case. Did you wish to
18 present any evidence?

19 MR. BLOOM: No, Your Honor. Just a witness
20 to call.

21 THE COURT: Okay.

22 MR. BLOOM: I'd like to call Suzanne Scheve.
23 If I could help her to the Bench. She's got a back --

24 THE WITNESS: Yeah. I hurt my back the other
25 day so I'm going to be slow.

1 SUZANNE SCHEVE,

2 being duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 QUESTIONS BY MR. BLOOM:

5 Q Hi, Suzanne. What kind of car do you drive?

6 A A Cavalier.

7 Q What year is it?

8 A 1997.

9 Q Would you say it's pretty beat up?

10 A Yes. A beater.

11 Q What kind of car do I drive?

12 A A nicer one. A Beamer M3.

13 Q Okay. Do I let you drive my car?

14 A Yes, you do, fortunately.

15 Q How often would you say you drive my car
16 let's say on the weekends when you're over at my house?

17 A Whenever I want.

18 Q Okay. Would you say that on generally --
19 well, on Sundays do we generally get breakfast and does
20 somebody -- well, do we generally get breakfast on
21 Sundays?

22 A Yes.

23 Q Okay. And is it usually a toss-up, 50/50, on
24 who goes to get breakfast?

25 A Yes.

1 Q And would you say around eleven o'clock on
2 Sunday is a normal time that somebody would go out and
3 pick up breakfast?

4 A Yep.

5 Q Do you remember who was driving my car on
6 Sunday, August 10th at approximately 11:20 a.m? Do you
7 remember?

8 A No.

9 Q Would you say that it's possible that you
10 were driving?

11 A Yeah.

12 Q Would you say that it's possible that I was
13 driving?

14 A Yes.

15 Q When I told you about this red light ticket
16 that I received, did I discuss it with you?

17 A Yes.

18 Q Did we try to figure out who was driving my
19 car?

20 A Yes.

21 Q Could we figure out who drove my car that
22 day?

23 A Nope.

24 MR. BLOOM: No further questions, Your Honor.

25 THE COURT: Thank you. Cross examination.

1 MS. STONE: No, Your Honor.

2 THE COURT: Thank you.

3 THE WITNESS: Thank you.

4 THE COURT: Anything further on behalf of the
5 defendant?

6 MR. BLOOM: No. Nothing further.

7 THE COURT: Any closing argument by either
8 side?

9 MS. STONE: The City has a closing argument,
10 Your Honor.

11 THE COURT: Okay.

12 MS. STONE: Your Honor, as promised in its
13 opening statement, the City provided evidence to meet
14 its elements under 1707 of the St. Louis City Revised
15 Code.

16 The City presented video evidence and still
17 evidence that a motor vehicle was operated.

18 The City provided evidence through Police
19 Officer Hundley that he witnessed by reviewing the
20 video that a traffic law, 1708.130 which is enforced
21 under 1707, was violated by the car belonging to the
22 defendant.

23 The defendant himself admitted, yes, it's my
24 car. Yes, I do drive my car. He is often the driver
25 of his car.

1 And the City also presented the Department of
2 Revenue certified documents that he's the owner of the
3 car.

4 So we have provided evidence that a motor
5 vehicle was operated in violation of City traffic
6 ordinance and we have connected conclusively the
7 defendant to his vehicle on the date in question.

8 Just a hint or a possibility of another
9 driver is not enough evidence to rebut the presumption
10 that he was the driver of his car.

11 This is an expensive car. Certainly he has
12 taken good care of his car.

13 That he's going to loan his car out on a
14 regular basis to somebody else is just not enough, just
15 not enough testimony.

16 I mean, he's asking that the hint or a
17 possibility that somebody else drove the car is enough
18 to rebut the presumption.

19 The strength of a presumption is based on
20 logic, common sense, and reason, and strong probability
21 of the event happening.

22 Somebody that purchases a very expensive car
23 that is the sole registered vehicle owner of that car
24 and a regular driver, the strong probability is that he
25 was driving his car on that day.

1 He said some days he does drive for
2 breakfast. And case law even supports a strong
3 connection between a registered vehicle owner and his
4 car.

5 A person purchases it for driving on a
6 regular basis.

7 So in this case I don't believe that the
8 evidence, the hint of a possibility of somebody else
9 driving on this day is enough to rebut the presumption,
10 which is based in case law, logic, and common sense.

11 THE COURT: Are you now going to try to
12 connect the presumption of how expensive the car is?

13 MS. STONE: No, Your Honor.

14 THE COURT: So if someone is driving a nice
15 car, it's more difficult to overcome the presumption
16 because people that have nice cars don't let other
17 people drive them?

18 But people with -- what did you call your
19 car? A beater?

20 THE WITNESS: Yes.

21 THE COURT: They let anybody drive their
22 cars?

23 MS. STONE: I think the probability is that
24 people that have more expensive cars probably don't
25 allow other drivers in their car that often.

1 THE COURT: I just wanted to ask you a
2 question about that. Do you have a closing argument?

3 MR. BLOOM: I do.

4 THE COURT: Go ahead.

5 MR. BLOOM: First of all, I understand that
6 the ordinance, the way it's written is that all you
7 need to do is show a car violating the law to issue
8 that ticket.

9 But I don't believe without putting the
10 person in the car that it's fair to convict that person
11 even if that person can't demonstrate reasonable doubt.

12 I believe the burden of proving who was in
13 the car is on the City.

14 And I think it is unfair and unjust with no
15 evidence of who was driving that car to convict me of a
16 crime when it probably, it might not have been me.

17 I say it's a 50/50 chance. Now I understand
18 that this isn't the case of the century. But I still
19 trust our system and I don't believe that the City had
20 the evidence to convict me.

21 If this were a more serious case, if this
22 was, let's say, a burglary and the only evidence that
23 the City had was that my car was at the scene driving
24 away, I don't believe the City would meet their burden
25 of proof that it was me driving the car.

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Certificate

I, Joanne J. Martin, Certified Court Reporter, do hereby certify that I am an official court reporter for the Circuit Court of the City of St. Louis, State of Missouri, and that on February 18, 2009 I was present and reported all the proceedings had in the case of City of St. Louis vs. Gant Bloom, Cause No. 0922CR-00080.

I further certify that the foregoing pages contain a true and accurate reproduction of the proceedings.



Joanne J. Martin CCR #169

STATE OF MISSOURI)
) SS
CITY OF SAINT LOUIS)

FILED
FEB 23 2009

MISSOURI CIRCUIT COURT
TWENTY SECOND JUDICIAL CIRCUIT BY _____ DEPUTY
(City of Saint Louis)

City of St. Louis)
)
Plaintiff,) Cause No. 0922CR00080
)
v.)
) Division 24
Gant Bloom)
)
)
Defendant.)

ORDER

Cause called for trial. City of Saint Louis appears by City Counselor's office. Defendant appears pro se.

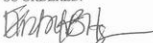
City calls witnesses to testify, each of whom the court finds credible. City offers admitted exhibits (1-6) which have been reviewed by the Court.

Defendant testifies as well as his girlfriend, each of whom drive defendant's car. Each witness testifies that they have made attempts to determine who was driving the vehicle on the date the picture was taken to no avail. The witnesses testify and the Court finds credible that they live in the area and drive the streets frequently.

The Court notes that ticket was not mailed to defendant until September 4, 2008, though the violation occurred August 10, 2008. The Court finds both witnesses credible based on the testimony as well as common sense.

Finding for Defendant.
Costs to City of Saint Louis.

SO ORDERED:



Elizabeth Byrne Hogan