

On the subject of...

The Loose Cannon Canon

By Viki Eggers Mason



THE TRUTH IN BLACK AND WHITE

The Aberdeen Advocate

I suppose I should begin with definitions. The American Heritage Dictionary defines the word *canon* as follows: "Canon, noun, A secular law, rule, or code of law. An established principle: *the canons of polite society*. A basis for judgment; a standard or criterion."

That same text explains the phrase "*loose cannon*" as follows: "Loose cannon: One who is uncontrolled and therefore a serious and unpredictable danger. For example, '**We can't trust her to talk to the press—she's a loose cannon.**' This metaphoric expression alludes to cannon mounted on the deck of a sailing ship, which if dislodged during combat or a

storm, could cause serious damage to both vessel and crew by sliding about. Its figurative use dates from the first half of the 1900s."

This week I've been studying the Mississippi Code of Judicial Conduct. In my research I pored over the five canons which make up the code. The canons are fairly straightforward and were created to make certain that judges who sit on the bench in the State of Mississippi retain and maintain the dignity, honor and integrity of their lofty position and who, by conducting themselves with decorum, inspire faith and confidence in our system of jus-

tice. Here's the short list:

Canon 1. A judge should uphold the integrity and independence of the judiciary. If people are to trust and abide by the judgments and rulings of the court, they must be continually made aware that the court is unfailingly fair and, well, just. This depends upon the judge's efforts to maintain high standards of conduct and demonstrate consistent and dutiful observance of both the spirit and the letter of the law.

Continued on Page 3

Aberdeen is our oyster and we have a pearl!

By Viki Eggers Mason

The other day some young men with whom I work reminded me of something about which I have been horribly remiss. Let me first apologize, Aberdeen.

I am always quick to point out the bad things in our community. I'm so busy finding fault (because there is so much of it to locate and point out) that I frequently forget to report the Easter Eggs I happen across. Please forgive me.

The two young men of whom I speak are busy, industrious fellows who somehow manage to balance full-time college schedules (and amazing GPA's) with jobs and a fairly rich social life, if the lovely ladies who visit them at work are any indication of their popularity. (Don't go all green-eyed on me girls. Daniel and Dillon have only the two of you as visitors.)

As wise, young students

must always be, the boys are very careful with their money. But social lives require cash and so they were excited to report they have recently discovered the best entertainment value in all of Northeast Mississippi (maybe even the best value to be found in all of the United States).

That discovery is our own Elkin Theatre.

Thanks to the non-profit group called the Friends of the Elkin Theatre, first-run movies can be seen right here in sleepy little Aberdeen at a cost even struggling students can afford.

Admission tickets, are only \$4.00 each and every concession is \$1.00. That means for \$12.00 my young friends can treat their ladies to a blockbuster movie, popcorn and a soft drink. And, best of all, they don't have to expend precious petroleum products to get them from Aberdeen to Tupelo

or Columbus and back again. All of this represents a sizeable savings. Lucky us!

I would venture to guess that at the price of movie admission and the cost of popcorn approaching five dollars in other theatres, it would pay movie-goers in surrounding communities to make the trip to Aberdeen! Eureka! Another tourism product to market!

This week, the Elkin is scheduled to debut the movie *Jumper*, a sci-fi thriller about a young man who learns he has the power to travel through space and time. (We are told that schedules are subject to change on a moment's notice due to the bargain-basement fees we pay. But the show does go on!)

The box office opens at 6:30, show time is 7 p.m. on Friday and Saturday nights.

Issues and Answers

This week's question: **We frequently hear that among the primary reasons for business failures in Aberdeen are employee theft and shoplifting. How will your administration help ensure that crimes such as these are dealt with effectively?**

Ed Rayfield—Candidate for Alderman, Ward 2:

It is the board of aldermen's responsibility to find a judge who has knowledge of laws affecting public and individual rights and obligations; court policies and procedures; city policies and procedures; legal terminology and court documents; public administration, public policy and ethical principles.

A judge must have good communication skills in order to glean relevant information and inform the public regarding Municipal Court procedures. He or she should have contacts with other departments to furnish and obtain information, as well as having interaction with other enforcement agencies. Such regular and frequent outside contacts requires tact and judgment to deal with people. He or she must have a well-developed sense of strategy and timing and must be in constant communication with the public regarding citations he or she has received. Regular networking with police officers, defense attorneys, program providers, other judges, court administrators and crime victims is also key.

A good judge must have the ability to collect and rapidly assimilate facts, organize, analyze and retain familiarity with large numbers of complex court cases. They must be able to research effectively and require and retain familiarity with sophisticated and rapidly changing principles of law and apply those principles to complex factual situations and have the ability to establish effective working relationships with employees, city officials and the general public.

If I am elected as Alderman, I will work with the other Aldermen to find such a person. I don't think this would be a difficult task to complete. For one thing I have found out as I am going door-to-door there are a lot of good people willing to stand up and help. It is up to the Mayor and the Aldermen to find the right person for the right job.

Issues and Answers

In our continuing effort to assist the voters of Aberdeen in their quest for a new and more effective city government, we offer to all candidates (who are not incumbents) space in this publication to address questions and offer solutions to Aberdeen's problems. Candidates, if you wish to play along, please provide a typewritten answer of 150 words or fewer to the following questions:

Historically, Aberdeen's aldermen have been guilty of interfering with the daily operation of the several city departments, most especially the Police Department. In your administration, what role, if any, will the aldermen play in supervising city employees and directing department heads?

Deliver your answers to 112 East Washington Street, Aberdeen, or email them to - advocate@vikimason.com

Deadline 12 Noon, Wednesday, February 13, 2008

Your Municipal Candidates

Mayor

- Cecil Belle (I)
- Jim Ballard
- Steve Lance—Independent

Chief of Police

- Walter Sykes (I)
- Henry Randle
- Quinell Shumpert

Ward 1

- Alonzo Sykes (I)
- Robert Devaull
- Donald Dahlem

Ward 2

- Cloyd Garth, Sr. (I)
- Ed Rayfield
- Wilchie Clay
- Curly Payne

Ward 3

- Roger Cooperwood
- David Ewing
- Jarrod Jones
- Dwight Stevens

Ward 4

- Brunson Odom (I)
- Randy Nichols
- Willie "Bug" Jackson, Jr.

Ward 5

- John Allen
- Stephen Bowen
- Henry Calvert, MD
- Tony Rogers



The Loose Cannon Canon

Continued from page 1

Canon 2. A judge should avoid impropriety and the appearance of impropriety in all his/her activities.

Here is an example of how this SHOULDN'T work. Imagine that the judge, who enjoys a close personal relationship with her Bailiff, attends the birthday party of the Bailiff's child. Imagine further that she is seen attending the party by someone who is docketed to appear in the judge's courtroom on a matter in which the Bailiff is the plaintiff and the observer is the defendant. Then, imagine that the judge, who is bound by the canon which clearly states that she must disqualify herself if *even one* reasonable person might think her involvement improper, only very reluctantly stands down after repeated, fervent requests by the attorney for the defense. (A lawyer doesn't get to demand things from a judge, you know.)

Ok, try this one. Imagine the son of the judge's good friend who is also rumored to be her campaign manager appears before the bench on charges including driving while intoxicated, obstructing a public roadway and having no automobile insurance. Imagine further that the defendant initially refused to submit to a field sobriety test (in itself a violation of the law), but then grudgingly blew into the breathalyzer (but just a baby breath) causing the machine to register "Insufficient Sample." Is it un-cool for the judge to reach outside the facts in evidence and declare the field-sobriety machine to have been "inoperative?" **Totally!**

"A judge must not independently investigate facts in a case and must consider ONLY the evidence presented." It should be said that even if our judge were an expert in field sobriety machinery, which I daresay she is not, she could not dismiss the case based on facts not in evidence. Nevertheless, our Robed Avenger did precisely that. Tsk. Tsk. Tsk.

Canon 3. A judge should perform the duties of his/her office impartially and diligently. This commentary is taken directly from the text:

"A judge who manifests bias on any basis in a proceeding impairs the fairness of the proceeding and brings the judiciary into disrepute. Facial expression and body language, in addition to oral communication can give to parties or lawyers in the proceeding, jurors, the media and others an appearance of judicial bias."

Generally, this means that the Court (meaning the person in the regal black robes) should refrain from shouting, cursing or otherwise berating the people in her courtroom including, but not limited to, Officer Quinell Shumpert. Neither should she dismiss cases in which the aforementioned officer is the arresting officer simply because she is cranky with him or she is having a bad hair day or because she is in the throes of PMS.

Here's another example which tugs at my heartstrings. Imagine that charges of animal abuse are brought against a man who allegedly leaves his dog chained outside without shelter of any sort regardless of the weather, nor is the animal given adequate food and water. Imagine the dog was emaciated—just skin and bones. (A fact which "every hunter knows" makes the dog a better hunting dog, according to the accused.) Imagine, if you can possibly do so, that the judge then dismisses the case on the following grounds: "I'm not an animal person either."

Canon 4. A judge may engage in activities to improve the law, the legal system and the administration of justice. Can you spell oxymoron?

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activities. This would be like using the City of Aberdeen's copy machine and clerk-power to make and fold the judge's own campaign materials or blocking the entrance to the polls impeding the voters.

After many hours of contemplation, I've determined that our Municipal Judge has a canon of her own and it bears little resemblance to the state's. We shall call it the Loose Cannon Canon and I present it here for your review.

Canon 1. Our judge shall do whatever she likes whenever she likes without regard to the facts in the cases before her. She shall, whenever possible, favor people who are black, attend a church she finds to be theologically agreeable, those who are her friends, children of her friends, and/or friends of her friend's children. In so do-

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ing, she will inspire fear in her enemies and great adoration among her friends causing the court to become a laughingstock and herself to be an enormously promising candidate for re-election.

Canon 2. A judge should never be judged by mere mortals, or expected to explain her personal shenanigans. She is the judge, after all, and is, therefore, beyond reproach.

Canon 3. See Canons 1 and 2.

Canon 4. A judge may engage in activities to improve her continued political success by contorting the law to suit her own agenda and, thereby making herself a Diva, a Judicial Goddess in her own right. She should also make it abundantly clear that her decisions are divinely anointed since "God's got her back."

Canon 5. Nonsense! A judge must do whatever a judge is forced to do to perpetuate her own importance including politicking whenever possible in public settings including church, the courtroom and in private if the opportunity presents itself.

The antics of Municipal Judge Adrian Haynes are shameful and degrading to the people of Aberdeen and to the people of the state of Mississippi. I am confident that she will be dismissed immediately upon the swearing in of our new, improved board of aldermen following the election in May. Nevertheless, she will still be seated on the bench of Monroe County's third judicial district.

Is this acceptable to you? Are you pleased with her performance? If you have personal knowledge of any breach of the Judicial Code of Conduct by Judge Haynes, I encourage you to contact the Commission on Judicial Performance: 601-359-1273.





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The Aberdeen Advocate is committed to the goal of improving the quality of life in Aberdeen and Monroe County by identifying and exposing waste and mismanagement in Government. To these ends we humbly offer our observations and opinions.

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“Remember, you will be judged by your actions, not your intentions. You may have a heart of gold, but so does a hardboiled egg.”

...Unknown