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Journalist fighting court system on cop's crash

By Bruce Vielmetti of the Journal Sentinel

Aug. 26, 2012

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Some people who beat a ticket in Milwaukee Municipal Court might do a little victory dance.

Geoff Davidian appealed.

Davidian wanted his day in court to explore what he contends was a mishandling of a traffic accident involving a police officer and Davidian's attempts to report it. He wanted a trial, where the police officer would have to testify. Instead, a judge dismissed the case.

"What am I trying to accomplish?" Davidian said. "To have cops not stop a reporter with a camera, and to make this judge think before he does that kind of thing again."

It all started more than a year ago when Davidian was ticketed for resisting or obstructing, after he tried to videotape the arrest of a woman he says was wrongly struck by a Milwaukee police cruiser exiting an alley.

Unsuccessful in having the case reactivated, Davidian returned to Municipal Court last week with fliers about his experience, warning others headed inside to not let themselves be rushed or bullied.

Davidian says he discovered a whole lot of things he didn't like about the court during his foray through the system. He says [Judge Phillip Chavez](#) refused to allow him to record his own proceeding, wouldn't allow Davidian's chosen counsel to appear on his behalf, and didn't notify him when he denied Davidian's appeal.

His biggest surprise, he said, was having a substitute judge who's not even a lawyer appear one day to dismiss the case, while ordering no record be made.

Davidian is soliciting input from others who have similar experiences at an email address he created just for that purpose: stop-chavez-tyranny@milwaukeeepress.net.

Kristine Hinrichs, Municipal Court administrator, returned a call left for Chavez seeking a response. She said that, by policy, judges don't comment on particular cases.

"His case was dismissed. I'm not sure why that's a bad thing for him," Hinrichs said. "But he's got his First Amendment rights, I guess."

[Davidian](#), 68, is a former Milwaukee Journal reporter who now works as a freelance journalist and runs [Milwaukee Press](#), his own news site. He says he got a tip about a traffic crash April 5, 2011, involving a Milwaukee police officer and went to the scene near the main post office. He says a squad car came out of an alley without yielding the right of way and struck a passing car, but police ticketed the other driver for not having a license. While he was videotaping, he said, an officer came over and broke his camera, then gave him a \$189 ticket.

The case took many twists and turns as Davidian filed motions. At one point, Davidian was found guilty by default when he wasn't in court. He said he later had to rely on his own recording of a previous hearing to prove he had been told he needn't be present that day. That's when he was told he could no longer record hearings.

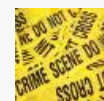
Along the way, he wrote about his own case, and that produced some extra police at his next hearing. Someone with the [Media Freedom Foundation](#), which closely follows police interference with photographers, had asked to record the trial. Chavez denied the request.

Last month, when the case was finally set for trial, Davidian showed up ready to do battle and finally, he says, take the testimony under oath of the police officers involved.

But instead of Chavez he found Patrick Moczynski, a reserve municipal judge from Racine County, who is not a lawyer. After the assistant city attorney said there was some problem and the police witnesses were not present, Moczynski dismissed the case without prejudice.

"For the last 10 years, I've been a battler for my own right to be a reporter," Davidian said. "I don't have a corporate attorney behind me. You don't always know how to go about it."

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"But I'm not going to go away. I intend to have my story public," even if it takes him passing out fliers outside Municipal Court. "It may seem stupid and sophomoric, but it's what I have."

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Terrence T. Holden

Wanted for felon in possession, leaves/store firearm near child



Black Male
 Date of Birth: October 6, 1975
 Height: 5' 09"
 Weight: 180
 Hair: Black
 Eyes: Brown
 Tattoos: R. arm—Chester Cheetah, L. arm—Praying hands

Last known address: 539 North 33rd Street

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