

# Lawyers: Beck case falls in gray area of DUI law



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Police video of state State Rep. Bill Beck's April DUI arrest has been released after DUI charges against the Nashville Democrat were dismissed on Tuesday. Warning: Video contains language that may be offensive to some. Posted July 29, 2015.



*(Photo: Metro police)*

A video that runs more than 90 minutes captures state Rep. Carson "Bill" Beck's DUI arrest, but a judge has ruled the crucial piece happens in the first seconds.

That's the time when, according to police and the video, Beck's pickup crosses partly into the center turn lane of Woodland Street in the early hours of April 17.

On Tuesday, Cheatham County Judge Phillip Maxey dismissed the case, finding that the single line-crossing was not enough for Metro Officer Bradley Nave to stop Beck. The judge did not consider whether Beck was drunk, but only whether the initial traffic stop was valid.

The issue at hand, whether the stop was legal, falls into an area of DUI law that is often contested in courtrooms, and one that the Tennessee Supreme Court will soon re-evaluate.

It is judges who decide in individual cases whether stops are valid, and DUI attorneys contacted by The Tennessean said judges can come down on both sides of the law depending on facts specific to each case.



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Watch: State Rep. Bill Beck's DUI arrest

Metro police released the dashcam video of Beck's arrest after his criminal case ended. In the video, Beck starts but does not complete sobriety tests and says he had nothing to drink.

Beck appears to sleep at times in the back of a patrol car when waiting for his wife to pick up his truck and on the way to jail. Beck, an attorney, could not be reached at his office Wednesday.

The Nashville Democrat also tells his wife, "Pam, call John Taylor and tell him I'm in his jail."

According to the Davidson County sheriff's website, Taylor is the chief warrant officer and an administrator. He also works as the agency's state legislative liaison.

Sheriff's spokeswoman Melinda McDowell said Taylor was not available for an interview.

"He and Rep. Beck know each other professionally, but he did not speak to anyone that night regarding the DUI arrest," McDowell said in an email.

Beck's statement could create public concern, said Kent Syler, a political science professor at Middle Tennessee State University and political strategist who was the chief of staff for former U.S. Rep. Bart Gordon.

"If you are an elected official, and you find yourself in that situation, one of the first things that you should remember is simply to say 'yes officer, no officer,' and certainly not imply you are willing to receive special treatment," he said. "Implying that you might receive preferential treatment is only going to make a bad situation worse, and the public is skeptical that elected officials are not treated like everyone else. What Rep. Beck said only added to that public skepticism."

That part of the video, however, was not important to the legal outcome of the case.



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### Judge dismisses Rep. Bill Beck's DUI case

Judge Maxey's decision was based on a seminal Tennessee Supreme Court case in 2000 called *State v. Binette*, said Beck's attorney, Bryan Lewis, who said he had cases in front of Maxey on average once a year.

The Supreme Court said a Chattanooga police officer did not have reason enough to stop Guy Binette for DUI after watching dashcam video, a ruling that created a fine line of how much evidence of erratic driving officers must observe to warrant a stop. It allows for judges to decide how much is enough.

Rob McKinney, a Nashville attorney who is known for defending DUI clients, said that case is still used when people are pulled over for things like crossing lines or following too close.

"Traffic stop is the No. 1 thing DUI lawyers look at first," McKinney said. McKinney practices in the same office as Lewis, but said he did not work on Beck's case.

He and Nashville defense attorney David Raybin each said they had won, and lost, requests to dismiss cases over whether there was enough evidence for a traffic stop. Raybin said the cases he'd won typically involved a short period of violation -- and thus less evidence -- before a stop.

The rules could soon change. The Tennessee Supreme Court is expected to soon hear a case that involves two drivers arrested for DUI after crossing fog lines a single time.

Lewis said he believed Beck was treated differently in this case because of his status and political position, but not to Beck's benefit.

"Rep. Beck was probably treated differently in one sense in that a case like this, if I was handling it with a regular citizen, given the facts in the case, this probably would have (not been prosecuted) or would have been dismissed, given the Binette issue or lack of sobriety tests," he said. "I think the district attorney's office went above and beyond."