



## Mississippi Department of Public Safety

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July 22, 2019

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### COMMISSIONER FISHER'S RESPONSE TO LOGAN RULING

Judges are to use the law and facts when deciding whether police actions are constitutional, and Justice Court Judge Chuck Hopkins had neither the law nor the facts on his side when he dismissed the case against Tupelo City Attorney Ben Logan.

The Mississippi Highway Patrol followed the law when they noticed a vehicle attempt to avoid a safety checkpoint by unexplainably pulling into a private drive of a closed business after 10:00 p.m. That vehicle was driven by Ben Logan.

The Mississippi Highway Patrol followed the law when a Corporal, Staff Sergeant, and Master Sergeant were present conducting the safety checkpoint.

The Mississippi Highway Patrol followed the law when its officers observed a driver with red, glassy eyes and slurred speech blow into a portable breath test – after refusing the first time and responding with “Just lock me up.” That driver was Ben Logan.

The Mississippi Highway Patrol followed the law while the non-attorney Justice Court judge ignored it and then created his own requirements for a safety checkpoint.

Judge Hopkins was quoted as saying, “There has to be something from higher above saying it’s OK.” This is incorrect. No Mississippi Supreme Court case requires law enforcement have permission from their superior before conducting a safety checkpoint. But even if that permission was required, the troopers in this case had it. The Master Sergeant was present and even witnessed Ben Logan avoid the safety checkpoint. Judge Hopkins would know this had he followed the law and conducted a hearing where evidence could be presented by the parties. Instead, Judge Hopkins relied on briefs submitted by the attorneys instead of relying on sworn testimony from any of the available witnesses.

This case is nothing more than local politics getting the end result they wanted by blaming a state agency. When non-lawyer judges start making decisions on what is considered constitutional under the law, these types of mistakes will continue to happen. And when judges make public statements in an attempt to justify their rulings, the Mississippi Highway Patrol will continue to defend itself.

The Mississippi Highway Patrol remains committed to making the highways safe for **all residents of Mississippi**, including, but certainly not limited to, city attorneys and justice court judges.

Marshall Fisher  
Commissioner