



William Sullivan Justice Center, Beatty, Nye County, Nevada

Photo by Treat Cafferata.

ONLY IN BEATTY

Experiences as a Justice of the Peace

BY HON. GUS SULLIVAN

It's been five years since I became the justice of the peace of the Beatty Township. When I first applied for the position, I was just following the wishes of my father, who was then the justice of the peace. Just before he passed away he asked me to apply to the county commissioners for his seat. My father had stated that, as he had watched my career unfold in law enforcement, he had been proud of how I handled myself in a variety of situations. He'd said he noticed the way I kept my cool and handled people with dignity and compassion, and he'd felt that I would serve well as a judge. A few days later my father was gone, and I was faced with one of the biggest decisions of my life.

Was I to leave a career that seemed to be made for me – a position I knew like the back of my hand, with 27 years of experience – and move on to new one? The judiciary: I had been a part of it because cops go to court on fairly regular occasions. Then again, I really hadn't paid much attention to the inner workings of a court. Throughout my career in law enforcement I had been inside of many courtrooms with many judges, either as a witness, an evidence custodian or as a substitute for the bailiff. I looked back over my career, and thought to myself, "Why didn't you pay more attention to the court's procedures and the reasoning behind the defining decisions that were made in your presence?" I'd had one of the greatest opportunities right there in front of me and hadn't seen it. Who knew? If I'd only had that proverbial crystal ball with which to see into my future, I would have sat there and listened to all of those judges' dialogues so that I could have better understood the reasoning behind the way they conducted themselves. I had come to admire and respect all of them.

Because of the close relationship that I'd had with my father, I knew that if I had just sat down with him from time to time and questioned him on things like

court jurisdictions, evidence procedures and the different words I had heard while attending court hearings (such as *pro-tem*, *pro-se*, *forma pauperia*), I would have had a better understanding of courtroom procedures. You see, you need to understand that at this point I was just a cop and not a lawyer. I read the law often and did so when it pertained to particular situations that I was involved with at the time. But it is another thing altogether to understand the uses of certain words within the statutes and intent of the law itself. At this point, my head was spinning with so many questions.

After long consideration, I submitted my letter and, five days later, I was appointed to take my father's spot on the bench. On that Monday, I was sworn in by justice of the peace Joe Maslach in the Beatty Justice Court. As soon as we had shaken hands, one of the Beatty court clerks approached me and stated that Beatty still had a full calendar that day.

Judge Maslach turned to me and said, "There you go; I am going back to Tonopah. Need anything, give me a call."

So, there I was, and if it hadn't been for the help and the experience of the court clerks who had worked under my father, it could have gotten ugly. They showed me some of the guidelines and dialogues for the different types of hearings my father had set up – kind of a check list if you will. Attorneys frequenting the court, whom I had befriended over the years, came to my aid on several occasions.

I was eager to attend the Judicial College in Reno in order to gain as much insight as I could into my new role as a Judge of Limited Jurisdiction. However, until that opportunity came, I tried to educate myself by reading as much case law as I could; I reviewed any case law that was presented in court. I prepared for the cases that came before me by learning the statutes and any county or town ordinances.

At present, the Beatty Justice Court has the lowest volume of cases in Nye County, so I take the opportunity presented by this extra time to spend more time with defendants and litigants. At arraignments, I can spend time with defendants, making sure they understand their rights, enhanced penalties and the charge(s) alleged against them. The same goes for plea entering, misdemeanor trials and small claims cases; I can make sure that everyone truly gets his/her day in court.

The Beatty Justice Court shares its assistant district attorney and public defender with two other courts. Therefore, misdemeanor trials and preliminary hearings are held on Mondays, traffic court on Tuesdays; civil cases are heard on Wednesdays. On Thursdays, more misdemeanor trials and preliminary hearings are conducted. Throughout the week, in-custodies are seen as soon as possible and, on the first Monday and second Thursday of each month, I hold juvenile hearings as a Juvenile Court Master.

Keep in mind that Beatty is 75 to 100 miles away from anywhere. So, it is challenging and, at times, costly

to have attorneys, witnesses, expert witnesses, victims, court reporters and law enforcement assemble for court. One thing I haven't had to contend with in Beatty is the press, and I have even fewer spectators. The only security for the court is one clerk, with the duty of unlocking the court doors to allow people entry. There is no bailiff, unless I request that a sheriff's deputy attend a hearing. There are cameras set up to monitor and record activities inside the courtroom.

One day, shortly after my appointment to the bench, I noticed a case that was on my calendar for the following day. On a daily basis, I prepare myself for the upcoming cases, especially if there is something among them that is out of the norm. On this day, one caught my eye: it was a "barking dog" case, set for trial. I double-checked with the court staff to make sure it was labeled correctly and, sure enough, the court clerk said that the defendant had pled not guilty and the case was going to trial. Now, at almost the same time that I was beginning my new career, the district attorney's office had hired a new assistant district attorney to handle the cases for the Beatty, Goldfield and Tonopah courts.

The following day, I called the case and the new assistant district attorney stated that they were ready for trial and that the defendant was ready as well. The new attorney called his first witness: the deputy who had filed the case; for his second witness, he called the victim/reporting person in the case. This witness was an elderly woman, whom I had known for most of my life; she was also a long-time Beatty resident. She was small in stature, but a large in her determination, beliefs and sense of loyalty.

The young assistant district attorney's first statement to the elderly witness was, "Please state your name for the record."

The witness replied by holding her hand cupped around her ear and answered.

"Eh! What did you say?" loudly. Then she turned toward me and said, "Gus, I couldn't hear a word he said."

The young assistant district attorney attempted a few more questions, but it was obvious at this point he was going to have a tough time proving this case – maybe because of the laughter erupting through the courtroom. He took it well and then moved to dismiss the charge.

As I left the bench, I thought to myself, "When you think you've heard and seen it all...

...only in Beatty!" ■

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JUDGE GUS SULLIVAN retired from the Nye County Sheriff's Office after 27 years of service. He rose through the ranks to become Captain. In 2005, after serving as Captain for more than seven years, Sullivan retired. Since that time, he has served as justice of the peace in Beatty.