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MAGISTRATE WON'T SIT AT SOBRIETY CHECKPOINT

Jim Walsh, The Arizona Republic

An East Valley justice of the peace is willing to sign search warrants on the spot for blood samples from suspected drunken drivers at Mesa's annual Labor Day sobriety checkpoint.

But defense attorney **Craig Penrod** objected to South Mesa/Gilbert Judge Tom Freestone's plan to be on site, saying it would violate a judge's obligation to remain neutral.

Mesa Sgt. Bill Peters said Freestone's plan would be a "one-stop shop" for obtaining and returning warrants quickly, cutting overtime costs.

Presiding Maricopa County Superior Court Judge Colin Campbell disagreed with **Penrod's** objection but settled the legal debate by allowing police to call Freestone at the Mesa courthouse.

Freestone said he was trying to save officers from having to hunt down a judge to sign a warrant when a suspect refuses to voluntarily allow a blood draw.

"They call me anyway or come see me anyway. Why does the location make a difference?" Freestone said.

But **Penrod** said if Freestone was present at the checkpoint and signed search warrants, "that would blow all the cases" because state law requires officers to obtain warrants from "a neutral or detached magistrate."

Judges are supposed to serve as a barrier between the government and citizens to protect their rights, he said.

"It crosses the line. Judges aren't supposed to be crime fighters," **Penrod** said.

Campbell disagreed, saying, "the neutrality is in the magistrate himself, not the actual location."