

# Jurist on the Bench

## Jerry Martin Has Gained a Reputation as a Judge Who Is Tough but Fair, Associates Say

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JOURNAL SURRY COUNTY BUREAU

DOBSON

His office door on the third floor of the courthouse has a brass nameplate. Under the engraved name someone has scratched in an unprintable word.

That is an apt picture of the position reached by Jerry Cash Martin, a Chief District Court Judge. He

### SURRY PROFILE

has a successful career in law and politics, but that success puts him in a spot that draws the ire

of many of those who get an official invitation to meet him.

Martin has had worse than descriptive terms added to his name by those not fond of him. He receives his share of threats, both verbal and written, from people he sentences. Some are plain and simple death threats. Others are more creative, Martin said. They tell him what they will do to him before they kill him.

"But I've never really been afraid since I was a judge," he said. "For one thing, I guess I still have some of that youthful feeling of immortality." Martin is a healthy 41-year-old. He runs and bicycles to keep in shape.

"I have had threats I took seriously, but I never let it intimidate me. Of course if I was a judge in Colombia, it might be a little different," he said.

Martin said he has a theory that if he treats people with dignity and without malice — even when giving them a harsh sentence — they are more likely to forgive even if they do not forget.



JOURNAL PHOTO BY CHRISTOPHER QUINN

**JERRY CASH MARTIN:** "I guess I still have some of that youthful feeling of immortality."

"I haven't had any real problems so far, and I don't foresee any," he said. "But I feel I can handle it when it comes — either fight or flight, whatever seems appropriate at the time." He smiled and said, "That's why I am a trained runner."

Martin said he is not a serious athletic competitor, but he enjoys running, biking and hiking for the recreation and health it provides him. Last summer he biked from Jacksonville, Fla., to Mount Airy. He said he did to prove during his 40th year that he

was getting better, not older. He also tried rock climbing at Pilot Mountain for the first time earlier this summer.

"Group sports? I don't get a thrill out of that. But I do believe in athletics to promote your body to the best advantage," he said.

According to Stephen G. Royster, a Mount Airy attorney, Martin once had to use his body to its best advantage to help capture a sprinting defendant.

Royster said that the footrace happened when Rockingham County was still in Mar-

tin's judicial district. He said, "Only Martin and the bailiff and a defendant were in the room, and the defendant ran from the room. Martin chased him down."

Martin added detail to the affair. It was about 1980. An unusually big man was before Martin for failure to pay child support. The bailiff was a woman.

"After the session I stepped into my chamber and the guy ran," he said. "This female bailiff took off after him, and I was kind of concerned about her. Here was this big ol' guy and she was chasing him into the woods."

Martin and another bailiff joined in the chase for about one mile before finally catching the man. "I thought there was going to be some trouble with bringing him back, but he didn't offer any resistance. I think he was just tired and gave up," Martin said.

He said that the man probably ran because he was given an active sentence. Martin said two areas that he thought judges treated too lightly when he was first elected were failure to pay child support and driving while impaired.

"When I became an assistant D.A. those two things tore me out of frame," he said. "Society tended to treat both of those as minor offenses."

Martin did not and does not treat them as minor offenses. Associates said that he has a reputation in the legal, law-enforcement and private communities as a tough judge. He is fair during a trial. However once guilt has been proven, a defendant may feel as if

See MARTIN, Page S5



# MARTIN

Continued From Page S1

Martin's gavel were falling on the defendant's head.

Royster said, "I think he has the reputation as a hanging judge as far as the public, and certainly as far as the defendant is concerned. But I think among the public as well as the lawyers, he has a reputation also as a very fair judge."

Royster said he does not doubt Martin's ability to run a fair trial. "But he has his own feelings about which punishment must be imposed. That's where I sometimes disagree."

Thomas Anderson, an assistant district attorney, said, "I think the lawyers and the law-enforcement people consider him tough. But his tough sentences are based usually on an extensive record (of the defendant) or outrageous conduct. I think he tries to let the punishment fit the crime."

At the same time, Anderson said, Martin holds the state's "feet to the fire," making the state prove beyond doubt that the defendant is guilty. There have been cases where Martin has told a defendant that he believed the defendant was guilty but pronounced him innocent because there was a reasonable doubt of guilt," said Anderson.

Attorney Fredrick L. Johnson said, "I think Jerry comes as close to any judge I've met in applying the concept of reasonable doubt. He makes a real effort to apply that abstract standard."

**IF NO DOUBT** of guilt exists, however, Martin's judicial hand can be heavy. "Particularly in DWI cases," Johnson said. "There are times when his sentences are what many might consider draconian in approach."

Martin is tough, but not what he would consider a hanging judge, he said. But Johnson added that he did dread pleading an obviously guilty case in front of Martin.

Martin said that he does not relish his reputation as a tough judge.

"But I do think if you are going to be a judge, you should be a tough judge," he said. "You ought to enter judgments that make people — not fearful of the law, but respect it."

Crime is the least acceptable form of conduct in society, he said. It should be discouraged. If it is not discouraged by passing equitable sentences, he is not doing his job, Martin said.

Off the bench and in his professional associations, Martin has the reputation of being a friendly person with a good sense of humor. The courtroom is no place for humor, though, Martin said.

However, Royster said, Martin's

professional demeanor on the bench is sometimes tempered by a bit of humor leaking through.

During one trial in early September, Royster had a guilty client to defend. He was scheduled to appear in front of another judge, but Martin happened to finish his schedule early. Martin took Royster's case for judgment. He handed out a stiff sentence.

Royster said that on the way out of the courtroom he told Martin, "Judge, I didn't think I was going to see your smiling face in the courtroom today."

Martin replied, "And I knew your face wouldn't be smiling when you left it."

**MARTIN SAID THAT** a judgeship was the last thing on his mind when he first dreamed of being a lawyer. That dream took root many years ago, he said.

"I can remember before I went to (elementary) school playing Perry Mason with my grandmother. I was Perry and she would play the judge," he said.

That dream was nurtured by his father, even though the Martins were "dirt poor" and there seemed little way for him to go to college, he said. But that early dream pushed him on to success.

Martin graduated from the law school at Wake Forest University in 1972. He attended undergraduate and law school there on an academic scholarship.

"I was a good student," he said. "It was my way out of poverty — I couldn't sing and dance."

He landed an assistant district attorney's job in Lincolnton after graduating.

He stayed there one year before coming home to Surry County to practice as assistant district attorney.

He ran for and was elected as a district court judge in 1978. He was 29 years old.

"When I was an assistant D.A. I was in court about every day. I got to see a lot of judges and formed some pretty strong opinions about what justice was," he said. "I felt I could do the job and do it well."

He has been reelected every term since then.

He is now the chief district court judge, handling the administrative duties of the district as well as hearing cases.

He pushed for an additional judgeship for the district in 1989. The General Assembly voted in the 1989 session to include the judgeship. The position will be elected in 1990.

Martin said that at one time he had ambitions beyond judge. He thought about higher political office, but those desires have waned in recent years, he said. He said that he intends to stay where he is. He loves his work.