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## Five more Amish convicted in emblem case

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Five Amish men convicted in bench trials Monday for failure to display a slow-moving vehicle emblem on their horse-drawn buggies say they have no intention of paying their fines and court costs. Meanwhile, a legislative remedy to prevent future cases of the same type is possible.

Monday marked the third round of bench trials for Amish in Graves District Court in three months. The trials had previously been on hold while the Kentucky Court of Appeals decided the constitutionality of whether the Amish must use the red and orange fluorescent triangle emblems. A three-judge panel of the court unanimously decided in June that the emblems were necessary to protect the traveling public.



Members of the Old Order Swartzentruber sect of the Amish have said they will not use the emblem because in their minds it could be misconstrued to mean that they support the idea of the trinity, which they do not believe in, and because the emblems are worldly. The men say their religion also prohibits trusting their safety to a symbol instead of to God.

The American Civil Liberties Union, representing some of the Amish, asked the Kentucky Supreme Court for a discretionary review of the case June 28. The Old Order Swartzentruber have warned they could leave the state if the issue is not ultimately decided in their favor.

“It could take anywhere from several weeks to several months for the court to issue a ruling,” said William Sharp, the

ACLU attorney representing the men, adding that he had no indication from the court about when a ruling might be expected.

Sharp said he is also working with legislators to see about amending the slow-moving vehicle law in a way that would bring Kentucky's law into line with that of about a dozen other states that allow reflective tape and lanterns to be used on horse-drawn buggies instead of the SMV triangle and flashing electric lights.

"We're not trying to have a specific religious accommodation inserted into the statute but a general alternative measure that, in fact, is acceptable to our clients and strikes the proper balance with public safety."

Rep. Ron Crimm, R-Louisville, has pre-filed a bill, BR 481, that addresses the topic. Instead of the SMV triangle, the bill allows at least 100 square inches of 1-inch white or silver reflective tape to be used on motorless slow-moving vehicles. The tape must, at a minimum, outline the rear of the vehicle. At night, the bill allows the use of two lanterns, one on either side of the rear of a slow-moving vehicle, that shine white in front and red from the rear. They must be visible from 500 feet away. Previously, state law required flashing lights to be used at night.

BR stands for Bill Request. It is the way bills are categorized when they are filed before the start of the legislative session.

"I guess I did it because I'm thinking to myself, don't we have better space in our prisons than for these people?" Crimm said about pre-filing the bill.

The issue is particularly important to him because he was born and raised in Pennsylvania Dutch country, he said.

"They're willing to compromise," Crimm said of the Old Order Swartzentruber. "That triangle gives them a problem. I think it's a reasonable compromise, and I wanted to get it out there and see how people reacted."

Even if an amendment to the law is adopted, the Amish men already convicted would be responsible for paying fines and court costs or going to jail if they do not win an appeal.

Graves District Judge Deborah Crooks asked each of the men she found guilty Monday how long they would need to pay fines and court costs. Each man answered he had no intention of paying, according to the Graves District Clerk's office. Crooks gave them until Jan. 12 to pay their fines and court costs or to have someone pay them for them, as has happened previously in some past cases.

Two Amish men convicted in bench trials Oct. 11 and two more convicted Nov. 14 also have until Jan. 12 to pay or face the possibility of jail time for contempt of court for failure to pay. They have also indicated they are unwilling to pay.

Jacob Gingerich owed the most of any of those convicted Monday. According to the clerk's office, he owes \$627 in fines and costs stemming from four cases. A

fifth case was dismissed because state police Trooper Joe Gregory could not positively identify Gingerich as the owner of a horse-drawn buggy without the triangular emblem June 20, 2008. Too much time had passed for Gregory to be certain Gingerich was the driver that day, he told the court.

Menno Zook owes \$371 in fines and court costs stemming from two cases.

Nevin Byler owes \$153 in fines and court costs for convictions in two cases. Two other cases were dismissed because Trooper Eric Fields could not identify Byler as the driver in incidents Jan. 27, 2009, and July 25, 2009, according to the clerk's office. A fifth case was continued until Jan. 9 because the investigating officer, Trooper Kyle Nall, was in training in Frankfort on Monday.

Ben Gingerich owes \$153 in fines and court costs for one case. Crooks dismissed another case when Gregory could not identify him as the driver Feb. 29, 2009.

Jacob Byler owes \$153 in fines and court costs from one case.

David Zook and Danny Byler were also scheduled for bench trials Monday. Crooks continued David Zook's trial until Jan. 9 because the investigating officer, Nall, was in training in Frankfort on Monday. Crooks dismissed Danny Byler's case because the officer who investigated the case did not appear in court Monday.

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