

81-year-old heeds call of nature, faces trial

By **ROBERT McCLENDON**
Press-Register

An 81-year-old woman with a self-described incontinence problem awaits trial on a charge of public lewdness after Mobile police arrested her for urinating in the bushes in Bienville Square.

Police said that they've been tightening enforcement in the downtown square in response to complaints, but Lula Mae Battle's lawyer said his client's arrest was an overreaction.

Battle, who will be 82 by the time her case goes to trial Sept. 15, said she was having a bladder emergency the morning of June 3 while at her bank, which is adjacent to the park, but was told that the branch didn't have a restroom available to the public.

She headed for the restrooms on the far side of the park, she said, but was unable to make it and began to urinate, so she sought cover in the bushes surrounding a small building.

The small building turned out to be a Mobile police substation manned by a cadet who called for an officer and had her arrested.

Battle said she pleaded with the officer not to take her to jail, but the officer deferred to the cadet because he had witnessed the act.

Jay Casey, Battle's lawyer, called the decision to arrest an elderly woman with a bladder problem "ridiculously silly." She was booked into Mobile County Metro Jail, her mug shot taken, and released on \$500 bail.

"This is something that should have caused pity, not anger," he said. "Another officer might have said, 'I'm sorry, ma'am, can I get you a towel?'"

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Jay Casey, Lula Mae Battle's lawyer

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Battle's arrest shouldn't be viewed in isolation, said police Maj. Mike Barton. Public urination in the square is an ongoing problem, he said, and the frequent cause of complaints by the public.

In fact, the substation was built in 2006 specifically to help deal with some of the problems in the area — from panhandling to public urination to bathing in the fountain and restrooms, said Deputy Chief James Barber.

Officers have some discretion on whether to arrest someone, Barton said, but sometimes, particularly in response to repeated complaints, "we have to take action and let a judge decide."

Public lewdness is not a charge for which officers can simply write a ticket, Barber said.

Barton pointed out that another man was arrested that same day for allegedly urinating in public. Andrece Leon Knight, 59, also was charged with public lewdness.

Knight's criminal record includes convictions for third-degree burglary and criminal mischief as well as several other arrests on charges that were eventually dropped, according to on-line Alabama court records.

Battle's record shows no prior arrests.

She said she's not angry with the police. She just wishes they could have understood that she wasn't trying to be rude; she just didn't have a choice.

"If you got to go," she said, "you got to go."