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Transcript of June 28, 1999, traffic stop and citation for an alleged violation of California's helmet law.

Q: = Richard Quigley

V: = Capitola Police Officer Van Horsen

E: = Capitola Police Corporal Matt Eller

(start)

Q: Oh, it's not okay to have that on (referring to the recording device)?

V: No, why don't you go ahead and turn that off?

Q: Really?

V: Yeah, go and turn it off. . . . May I see you driver's license, registration and proof of insurance please?

Q: I can't record this?

V: What do you want to record it for?

Q: So I can remember what happened . . . (garbled) it's no big deal, I'll just stick it up here (referring to my jacket pocket) . . . nothing, I assume.

V: Why don't you turn it off then?

Q: Cause if . . . if I'm not violating any law . . . I don't want to break no law by doin' it, but if it's okay with you . . .

V: License, registration and proof of insurance please.

Q: Yessir. (pause) Driver's license . . .

V: How come you're not wearing your helmet?

Q: I am wearing a helmet.

V: Where is it?

Q: It's on my head?

V: It looks like a baseball cap to me.

Q: Well, I don't know what a helmet's supposed to look like.

V: Oh.

Q: There's my license . . .

V: So what you're saying . . . **is that hat DOT approved?**

Q: DOT don't approve helmets.

V: Is it, **is it Snell approved?**

Q: Snell doesn't approve helmets.

V: Who does? (He's asking me?!?)

Q: The manufacturer . . . well, nobody *approves* helmets.

V: Oh. So is that a legally authorized helmet to wear?

Q: As far as I know, yessir.

V: Oh, okay.

Q: There's my proof of insurance, and I got the title on the motor for the registration, the paper got lost in my last exchange, but the things registered. That's all I got is the . . .

V: Would you consider that hat, that that thing that's on your head, a baseball hat?

Q: No. It's a helmet. It's my helmet.

V: You think that's your helmet?

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Q: That's my helmet. I wouldn't . . . I wouldn't be ridin' without it.

V: Okay. Okay. It says United States Freedom Fighter on it, is that correct?

Q: It may say that on the front, yeah.

V: Is that what it says? That's a yes or no.

Q: Yes sir.

V: Okay, take your hands out of your pockets. I don't want you . . . and don't smoke.

Q: Oh, okay.

V: Okay, thank you very much.

Q: No problem.

V: So you're sayin' your your baseball hat there, that says United States Freedom Fighter on it, you consider a helmet? Is that correct?

Q: What I'm wearing on my head is a helmet, sir.

V: Okay. Do you have a motorcycle endorsement?

Q: Yes. I gotta go back in my pocket to get it?

V: Okay, go ahead and get it.

Q: (talking to self, out loud) Now where did I put it. I just had it in this pocket. . . . (to officer) I believe that's the document you're lookin' for? If it's not, it's one that's in that stack.

V: Okay. Where do you live at, Richard.

Q: Right now I'm in-between places. I've been livin' down here at 2600 Fresno.

V: Okay, where do you get your mail at?

Q: Right now, 2600 Fresno.

V: Okay. (pause) Stay right there.

Q: Yes sir.

(long pause while officer went to his motorcycle)

V: Hey Richard, what address you want to use on this?

Q: 2600 Fresno Street will be where I would be most likely to get anything that would come in the mail.

V: That's in Santa Cruz?

Q: Yessir.

V: 9-5-0-6-0?

Q: 9-5-0-6-2.

V: So how you gonna get your bike outta here. You can't ride it with no helmet?

Q: Um . . . I don't know, what's your call?

V: Well, you can park it and walk. Or have someone with a helmet . . . bring you a helmet, a legal helmet down and ride it away. If you ride it away again, I'm giving you lawful order not to do it, then you could be arrested, so . . .

Q: I could be arrested for violating a lawful order if I ride away with this helmet?

V: That's correct. Why don't you think about that for a minute. I'll be right back. (he returned to his motorcycle)

(dead air)

V: (garbled) Quigley. **Here's a citation for driving a motorcycle while not wearing an approved helmet.** In order to take care of this, you need to contact the Municipal Court in Santa Cruz on Ocean Street . . . actually, it's the Superior Court now, within thirty days. Your signature in the red box (garbled) of guilt, a promise to appear in the (garbled) checked below. Your signature in the red box is a promise to appear. (pause) I'm advising you right now, do not ride the motorcycle again without a helmet . . . (pause) here's all your paperwork back.

Q: So who's going to approve this helmet?

V: It needs to be something see like I got (pointing to his Shoe) . . . it needs to be a helmet. **It can be a full helmet, a half helmet, as long as it's approved.**

Q: Well, I need to know who's gonna approve it because if I'm gonna get arrested for not wearin' an approved helmet, I need to know who approves helmets. We talked about this and I told you I did . . . I told you I don't know who approves 'em . . . the manufacturer does. As far as I know I got a legal helmet. I got stopped yesterday by a California Highway Patrolman.

V: Did he give you a ticket?

Q: The California Highway Patrolman wrote me a ticket.

V: Okay.

Q: The California Highway Patrolman said he didn't know of any way . . . I mean that it seemed silly to him that he didn't know of any way that he could do anything other than just uh send me on my way.

V: Well . . .

Q: So that was his opinion.

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V: Well, if you ride away again, I'm gonna stop you again and give you another ticket. So . . . and then, I'm tellin' you right now, you can't ride a motorcycle on the streets without a helmet.

Q: Well I'm wearing a helmet. If I weren't wearing a helmet I wouldn't be here. I got my papers in order. My papers are in order.

V: No, that's fine. Your paperwork's fine.

Q: Okay. Yeah, I know, my papers are in order. I'm obeying the law the way I understand . . . to the best of my ability I'm obeying the law.

V: Okay, Do do you want to read the way the section says . . . I'll let you read the penal (garbled) . . .

Q: I know what the penal code section says. I know . . .

V: It's the vehicle code. What does the Vehicle Code Section say?

Q: Mr. Van Horsen, I'm not going to sandbag you on this. My name is Richard Quigley. I happen to know . . . I probably know more about the helmet law in the State of California than any more than a handful of people.

V: Okay.

Q: And I am absolutely certain that according to the case of Easyriders v. Hannigan, Ninth Circuit Court of Appeals, what it says is that when you stop me, you are within your rights to stop me and question the validity of the certification of my helmet.

V: Uh huh.

Q: And that that's all . . . and that's not a violation of my constitutional rights.

V: That's correct.

Q: However the court continued that in order to issue a citation, that you have to have for evidence, you have to be able to show that I have actual

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knowledge that there's been a determination of noncompliance on my helmet . . . competent objective evidence from a testing laboratory. Now I don't believe that any such testing laboratory has ever . . . there's never been a test on my helmet. I don't believe that there's . . .

V: It's not a helmet. It's a baseball hat.

Q: Well . . . you know, we can call it anything you want to, but it's a helmet for the purposes that I'm using it here, it's a helmet. And I'm wearing this thing in good faith and I believe I'm complying with the law, and if I thought I wasn't complying with the law I'd have something else on my head.

V: Do you want me to read what this says to you here?

Q: What, 2-7-8-0-3 or 2-7-8-0-2?

V: 2-7-8-0-3-B, VC.

Q: 2-7-8-0-3-B-B-B . . .

V: Let me read it to ya.

Q: I know what it says. 2-7-8-0-3-B says I gotta wear a helmet that complies with 2-7-8-0-3-A. 2-7-8-0-3-A says I gotta wear a helmet that complies with 2-7-8-0-2.

V: (garbled) motor-driven cycle operated on a highway, **driver and passenger must wear approved helmet on his or her head**, fastened with a helmet strap, which you have no helmet strap, do you see a helmet strap there? Noooo. . . . correct size and to fit securely.

Q: What is that, what is that coming from, sir?

V: This is the vehicle code.

Q: No, that's not the vehicle code, the vehicle code is a big yellow book.

V: (reading the cover and pointing) Vehicle Code. Okay?

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Q: Sir, I promise you . . .

V: Go read this . . . read it to yourself. (he was standing there with a fellow who had arrived to take pictures of me and my motorcycle -- [thank you])

Q: Sir, I promise you that is not from the vehicle code. That is somebody's interpretation. That is somebody's interpretation. Could we? . . . This is a "Quick Code" put out by the California Police Officers Association.

(garbled conversation with his associate)

Q: You're being misled by this. This is not the vehicle code.

V: Oh really?

Q: It's somebody's interpretation of what the vehicle code says. That is not what the code says.

V: Well, I bet cha if you get the vehicle code, it'll say that in there.

Q: No sir, I promise you it does not.

V: Okay, well . . .

Q: I'm not, I'm not making this up. I've been, I've been involved in this for seven years.

V: Okay. Will I, will I expect to see you in court on this?

Q: Well, I don't know. It depends on what the court does.

V: Well, you need to contact the court within thirty days.

Q: Oh, it'll be, it'll be sooner than that. I have not . . . this is the first time I've been threatened with arrest relative to this so I was gonna let these cas . . . these tickets work their way through the through the system, but now.

V: If you drive away right now . . .

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Q: No, I'm . . . I understand the nature of the threat. I'm not sure what to do about it because . . .

V: What I would do . . .

Q: . . . I've got a couple more helmets, but I'm not sure I wanna get those out 'cause if you don't approve those, then I'm really screwed, and I don't know what else to do, so I'm gonna sit here and think about my dilemma and somewhere here soon you're going to allow me to have a cigarette.

V: (trying to say something, garbled)

Q: . . . and as soon as I'm allowed a cigarette, I'll smoke a cigarette and contemplate the situation.

V: Why don't you have a cigarette and contemplate it, but just remember, **if myself or any other of our officers see you today ridin' without an approved helmet . . .**

Q: There there is no such thing. I'm screwed. There is no such thing. I've tried to tell you, there is no such thing as an approved helmet. Who would approve the helmet? As close as it gets, officer, is a certified helmet, certified by the manufacturer as being in compliance with some F-M-V-S-S-218, you'll find that all in C-V-C-2-7-8-0-2, and this whole thing has been worked out in the courts. And it's it's like this front part of this stop, like I said, where you have concern and curiosity, yeah that makes sense.

V: Alright.

Q: But the citation is without legal foundation. And if you're working out of that book, that's your that's your trade association, isn't it?

V: (garbled) . . . trade association.

Q: You're not with the Police Officer's Association?

V: That book isn't printed by it.

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Q: That book is from the Police Officer's Association, sir. It's not a DMV book. The DMV book is a big . . . I think it's a gray one this year, and it's it's a Hell of a lot thicker than that and it says a whole more about this citation than this. I'm not in violation of any lawful statute. I have done nothing wrong. And the fact that, the fact that you can't figure that out from what's going on, means that the law's . . . like I, like everybody's been trying to tell the courts, vague. There's no reason for a good officer to be confused about a situation like this. In fact the Buhl court even said that the proposition that a consumer or enforcement officer would have to . . . that the statute would require the consumer or enforcement officer to make a determination of proper helmet fabrication, was absurd. That was Buhl v. Hannigan in 1993. Bianco v. CHP, 1994, said that . . . that you had to have competent objective evidence from a an independent testing laboratory that there'd been a determination of noncompliance on the helmet. That was upheld in a court order against the California Highway Patrol in Easyriders v. Hannigan in 1997 or 6. That's the state of the law as I understand it today. Absent a determination of noncompliance, there's absolutely no way for anybody to determine whether or not a helmet complies with the law.

V: (garbled) . . . what you need to do, if you don't think that citation's right, you need to contest it . . .

Q: Well no . . . I'm gonna do that . . . I'm not that stu . . . my only my only concern at this point is my ability to ride away from this spot without having to go to jail for disobeying a lawful order. And I just . . . I don't . . . that one just, that one just gets me. That one gets me.

V: I gave you a lawful order. Do it and . . .

Q: Well no I . . . uh, listen . . . I know what, I know what a warnin' is and I know what a threat is, and I believe I've received both. I don't think, I don't think you're going to approve this helmet. (I retrieved the Ill Eagle Teeny-Weenie-Baby-Beanie from my saddle bag) . . . you'd approve of this helmet, do ya?

V: (garbled)

Q: So this is the Ill Eagle Teeny-Weenie-Baby-Beanie, and I can't wear this?

V: Why would ah . . .

Q: It's got a strap on it . . .

V: I would call one of your buddies to bring you a helmet you're not going to get in trouble with.

Q: I don't know . . . I have no idea what that is, officer. I have no idea what that is.

V: With that helmet, you're on the right track.

Q: What do you mean I'm "on the right track"?

V: You're gettin' closer. A little more of that coverin' your head, with the straps, and you're on the right track. So . . . (he starts to leave)

Q: I got one . . . now now, hold on . . . wait a minute, man. Don't leave me here not knowing what to do, 'cause I'll still be standing here at one o'clock in the mornin'.

V: Then you need to make that decision, okay?

Q: Well I can't make it by myself. You're the one that's explain' to me what's goin' on. Now I'm not tryin' to be hostile, and I'm not trying to be negative. I'm trying to understand. So if you'll just bear with me. I haven't been on the road in a good number of years while this helmet law's been in effect. I've been on the sidelines watching. I hear what I hear and I ain't never had to deal with this before. So I need . . . I need to know.

V: (garbled) . . . I'm gonna give you another ticket.

Q: I can handle another ticket. I don't want to go to jail for disobeying a lawful order of a peace officer. I ain't gonna disobey a lawful order.

V: Then what you need to do is park your bike, call one of your buddies that has a helmet to bring it to you, because I'm tellin' you right now that if you drive away, you're disobeying a lawful order.

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Q: I understood that the first time you told me. I think that's what, a one-forty-eight?

V: No.

Q: One-eighty-five?

V: You're thinking penal code. We're talking vehicle code. So I told you what you need to do. What you do is your own . . .

Q: Now wait a minute. Don't . . . just . . .

V: No, I'm done Mr. Quigley. I'm done. I've told you what you need to do, and your options. What you do . . . you're a grown man. You made the choice not to wear . . .

Q: What the Hell are you talking about? I . . . I tell you what . . . I want you to hang out right here. I want you to get your supervisor here. You can't leave me here under that threat. I'm sorry, sir.

V: No, I'm tellin' you. You can park you bike and walk and go find something . . .

Q: Sir, I believe A, I've been real patient with you, but I believe A, you're out of your jurisdiction. I do not believe this is the city of Capitola. I do not believe this is a misdemeanor. And I believe you've exceeded your jurisdiction during this whole thing and I've been absolutely shut-up about it . . . I ain't said nothin'. But I think the city limits is over there somewhere.

V: No, I can be out here.

Q: I didn't say you couldn't be out here, but I don't believe that you can be doin' this to me for less than a misdemeanor. I don't believe so.

V: I can.

Q: I think I need you to get your supervisor here. I'm not going to leave this place until your supervisor comes. We're going to deal with this threat, sir. I'm going to deal with what I have to put on my head so I can go home.

V: Okay.

Q: So if you'll get your supervisor here, please.

(the officer notified dispatch that I had requested his supervisor)

Q: Now there's a please . . . I said please.

(We waited for the supervisor . . .)

Q: Just between you and me, officer, I'm over here to avoid Capitola so you guys wouldn't have to get in the middle of this.

V: Well, unfortunately you found me.

Q: Yeah, well unfortunately you're outside your jurisdiction.

V: Fortunately I do have jurisdiction here.

Q: Okay, we'll find that one out too. . . . We're not in the city limits.

V: Don't matter.

Q: Okay, as long as we're clear on we're not in the city limits.

V: You're right.

Q: Keep your hands outta my pockets, don't smoke . . . stand up.

V: You can smoke.

Q: I understand I'm smokin' . . . I mean uh, that was goin' in. I just had all these instructions, it's like whew!

(long wait for supervisor)

Q: Says here it's not correctable?

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V: No. It's not a fix-it ticket. A correctable violation would be a burnt out lamp, car registration, something to that effect.

Q: That's the information they gave you?

V: (garbled)

Q: That's the information they gave you?

V: Who gave me?

Q: Well whoever it was that teaches you guys how to do these things.

V: Yeah.

Q: Okay. No problem. I mean, you know . . . you're working with your information and I have no problem with you know a good-faith, good-faith law enforcement practices never bothered me.

V: Just doin' my job, sir.

Q: I understand that. They don't teach you very well and I'm and I'm . . . about some things. I hope we're not that remiss in all areas. (supervisor arrives)

V: Why don't stay right there. I wanna talk to my supervisor real quick.

Q: I don't mind.

(break)

E: (garbled) sir.

Q: Uh , Sarge I got a . . . Sergeant, right?

E: Corporal.

Q: Corporal, sorry.

E: Close enough.

Q: Okay . . . I've got a problem in that your officer here is tellin' me that if I go home, if I go home dressed like I am, it gonna be considered in violation of a lawful order and I'll be arrested.

E: Yes sir.

Q: I'll be arrested for violatin' a lawful order.

E: Yes sir.

Q: So, and I . . . he tells me that I've gotta get an approved helmet.

E: Yes sir.

Q: My experience is that there's no such critter, and I asked him if . . . he doesn't like the one that I'm wearing . . .

E: Okay.

Q: . . . and I asked him about this one (holding up the Ill Eagle Teeny-Weenie-Baby-Beanie) and he said that it's closer, but that it don't fly.

E: That's true. **It has to be D-O-T approved. Department of Transportation.**

Q: Corporal, with great respect, I, I will bet my life on the fact that D-O-T has never approved anything. Nothing, zero, zip, nothin'.

E: Okay.

Q: I promise you that that's an absolute fact.

E: Okay.

Q: So D-O-T don't approve nothin', and that's the problem with this law is that . . .that, that you guys are out here, and it seems reasonable that DOT approves 'em . . . they don't. It seems reasonable . . .

V: (picking up the TWBB) May I look at this?

Q: Sure.

E: Well, here here's the deal . . . I can't argue the law with you, I can only enforce the law, and he can enforce the law, as we know it. And if you have a dispute with the law then we'll have to go to court and let a higher authority than me make a decision. However, if he has in fact given you a lawful order, which he has, that you cannot drive this bike because you are not wearing an authorized helmet, okay, then that is true and correct.

Q: Okay, now . . . yes, not yesterday, Friday, a CHP officer stopped me. Cited me for this helmet. Same one.

E: Okay.

Q: And and we were scheduled to go talk in court about that one too.

E: Okay now . . .

Q: And he said he knew of no way, and it seemed silly to him but he knew of no way that he could he could do anything other allow me to ride away with my helmet on. And and that's a CHP officer. These are the guys that, this is what they do for a living is traffic.

E: Well, it's it's also it's also what he does for a living. It's also what I do for a living.

Q: Alright, I understand that. I'm not challenging either one of you. I'm just telling you that if I realized that this was going to be this kind of a problem, I'd have carried a couple more helmets. Now I do have one more larger, but if he don't like it either, then I'm really up a creek. I don't know what to do 'cause still have . . .

E: Where where where's your other helmet? Where's your other helmet?

Q: In my other saddlebag.

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E: Okay, let's see it. Have you seen it (directed to the citing officer).

V: No. That's the only one I've seen.

E: Well, let's see what else you've got here. Maybe we can come to a compromise.

Q: Ain't no sense in gettin the stocking-cap helmet out, because you probably would like that either, right?

V: Oh no.

E: That one wouldn't work.

Q: A Dixie cup and a shoestring helmet's not gonna work?

E: No.

Q: You guys limit my choices down badly. How 'bout that piece of junk? (A regular sized beanie helmet -- always a winner, before.)

E: Well it's gettin' closer.

Q: Well that's all I got.

E: Okay.

Q: 'Cause now I got an empty saddle bag.

E: Did you show that helmet to the CHP officer?

Q: He didn't ask to see any other helmets.

E: Okay.

Q: He didn't ask nothin'. He just wrote me the ticket and said ah it's between me and the court. I didn't argue with him either. I wasn't . . . I'm not lookin' to argue with nobody. I try to explain what the law says and you guys don't think that I know, so that's okay. That's reasonable.

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E: I'm not saying you don't know the law. I'm not tellin' you that. I know it . . . I know that you do know that we are ah off the Ca . . . we operate off the California vehicle code.

Q: I know. You all are actin', you believe you're actin' in good faith and I believe I'm actin' in good faith, and we're sittin' here, we're sittin here right now at an absolute impasse with everybody acting in good faith because this law's screwed up.

E: Well, well hah we don't make the laws.

Q: I know.

E: Now when the CHP officer gave you a ticket . . .

Q: Yessir.

E: . . . that shoulda been a clue to you that you're wearing the wrong kinda helmet and today you're we . . . you're not wearing the same helmet . . . you're wearing the same helmet . . .

Q: Identical, yeah. Sure.

E: And he told you that that helmet that you were wearing was not authorized?

Q: He told me that it was his belief that this wasn't a lawful helmet and so we were going to take care of it in the court. In the mean time, this is the safest helmet that I got.

E: Okay.

Q: So this is the one that I wear.

E: Well.

Q: This is the safest on that I got.

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E: Of all the ones you have, this one's the safest (pointing to the beanie) because it covers more of your head. Okay. Now the CHP officer giving you a ticket yesterday for the same helmet you're wearing today, should have been a clue.

Q: It was Friday, and it was a clue that he did not understand the law either, which is nothing against him, it's that this law is vague. Trust me when I tell you, the law isn't clear. In in in your mind it's clear. In my mind it's clear. But we're diametric in our understanding, so that means if you're bein' good-faith about what you're sayin' and I believe you are, and I'm bein' good-faith about what I'm sayin' and I believe I am; then there's got to be something in the law that would cause us to be diametric in our understanding. And that's something for the courts to take care of and I'm totally prepared for that to happen.

E: That's fine . . .

Q: What what I'm what I'm dealin' with here is how do I go home.

E: Well, that is not my problem. Okay. The problem is that you don't have an authorized helmet.

Q: There is . . . I don't know who authorizes 'em. If you'll tell me who authorizes 'em, I can get somebody to authorize one. Nobody authorizes helmets. Nobody approves helmets. The manufacturer certifies that it complies with some complex Federal standard.

E: That's right.

Q: And until there's been, until there's been a determination of noncompliance on that helmet, by an independent testing laboratory, and there's competent objective evidence of that failure of the helmet, then there is no basis to issue the citation. *Easyriders v. Hannigan*. That was written in the Ninth Circuit Court of Appeals about three years ago. And that's the state of the law.

E: That's fine. And that is for the courts to decide, not . . .

Q: I understand that. But the court's not here today, and I need to go home.

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E: That's right. You're gonna have to find some other way to go home or get a proper helmet that we think is authorized. Period.

Q: So nothing that I have will get me out of here?

E: Nope.

V: You can park it right there. Lock it up. It's a nice evening for a walk. Have a cigarette on the way home or go down to a pay phone and call your buddy.

E: I can't debate the issue of the law with you. Okay? You're obviously well educated. Okay? (garbled) . . . we are. (garbled) the CHP told you Friday that that wasn't a good helmet . . .

Q: Well, if his word's good about the helmet not bein' okay, why isn't his word good about there's nothing that anyone can do about it until the courts rule . . . that shuts me down. He found it ridiculous that he couldn't, but he made no attempt whatsoever to shut me down. He did not warn me that I would face this day. Nobody has told me that I would end up this far from home, with no way to get there. I mean . . . this is this is mind blowin' to me. I'm just . . . I'm . . . I'm . . . my mind is blown.

E: Well, okay.

Q: I don't even know, I don't even know to be honest with you sir, uh you know, I tried to mention to this gentleman here, I don't know what I'm doin' subjected to taking orders of this nature outside of his jurisdiction. We're not in Capitola. I came this direction to avoid Capitola. I know that there are officers in Capitola that do have a bad attitude. Now fortunately I didn't run into one today, but I have run into a situation in trying to avoid the community, I end up subject to it's police . . . it's police policies anyway.

E: Okay.

Q: The sheriff's office has cited me and not done anything like this. The the . . . I mean, I had no problem with them. I've had . . . I've got . . . this is the third citation, and I've had a dozen officers see me and say nothing. I've had

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two highway patrolmen that have stopped me and didn't cite me. Once I told them that my helmet was a helmet, they said "oh" . . . they understood there was no determination of noncompliance. And if there was, I was obviously unaware of it. And just, you know, "see ya later".

E: Okay, let me explain somethin' to ya . . . we are not at an impasse. There's a simple thing that gonna happen . . . **you can either leave here and ride without the authorized helmet, and be arrested for failing to obey . . . for a lawful for a lawful order, or you can park the bike and get an approved helmet, okay.** If you've been stopped three times for the same thing, that should have been a clue.

Q: Sir, a clue to what? A clue to what? That that there's three different officers that don't know the law? I mean, that that's the only clue that I'm getting here, you know, Corporal, and I'm again, I'm intending no disrespect . . .

E: No, you're not. You're you're argu . . . you think you have a valid point. I think I have a valid point. However, we're doin' our job and it's been explained to you what's gonna happen if you drive with that . . .

Q: On no, I understand. I understand exactly. And I'm goin' I'm goin' from here over to call my lawyer. That's the only thing I can do is call my lawyer.

E: That's fine.

Q: I know of nobody else to call. And then . . . and then, I don't know, I don't know how she's gonna determine whether or not this has been a lawful order. I know it's not a lawful order, but that's for the courts. In the meantime, I get hauled to jail. I get the motorcycle towed. I gotta deal with the storage fees. I gotta deal with all this shit, and on the back side, I gotta sue everybody. And all that shit sucks! I don't don't wanna do any of that.

E: I agree with you.

Q: I just wanna go home. I don't wanna sue nobody. I don't wanna, I don't care about goin' into court and fightin' this ticket. That's fine with me. But I believe that you've exceeded your jurisdiction twice. Once stoppin' me outside the city limits. Two, making a what you claim is a lawful order for

Exhibit "LL"

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me to put on a helmet that don't exist. And that is an "approved helmet" or an an an "authorized helmet" or whatever name you put on it.

E: Okay.

Q: This helmet has got all that's required. It's got a D-O-T sticker on the back of it. Buhl said . . . the Buhl court said . . .

E: Wait, wait, don't raise your voice. Okay.

Q: I'm sorry. I'm sorry. I'm gettin' a little frustrated and I I don't mean to raise my voice. I'm frustrated. This is, this is scary to me. It is uncomfortable to me. I've got to go find a pay phone.

E: Okay. You do not have to debate it with me. The place to debate this is in court.

Q: Twice. Twice. Don't you understand sir that I will I will this, I will win this issue. I will win this issue . . .

E: Not for (garbled) . . .

Q: Oh yes, oh yes. No no, I will win this issue. This threat of arrest is absolutely a violation of my constitutional rights and I will win this issue. And I will win it without having to go to jail. The problem is that that will be followed with litigation. I don't want another federal case! I am tired of draggin' you guys into court and suing you. I don't want to do that. You got a wife, you got a family, you don't need it. (Talking to the Corporal.) You got a wife, you got a family, you don't need it. (Talking to the citing officer.) I got a life. I don't need it! I would just as soon . . . I will either put on that big dangerous thing (pointing to the beanie) and ride outta here if you people would just leave me alone, and I'll stay the Hell outta your little town! I do that.

E: It's real simple . . . park the bike. Contact your lawyer. That's fine. Given what we feel is an authorized order . . . you can you debate the helmet issue . . .

Exhibit “LL”

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Q: No. That's okay. I, I . . . you know, you guys, you called it. You called it. I'm gonna push this thing across the street. See if they'll let me park it over there. Call my goddamned lawyer. How far do I have to get outta here before I get out of your jurisdiction? How far outta Capitola do I have to be before I'm outta your jurisdiction? I need to know that.

E: We're sworn by the State.

Q: I understand that. Now I'm gonna ask you again, how far outta Capitola do I have to get before I'm outta your jurisdiction.

E: Don't have to. You can either park the bike or go to jail. That's how simple it is.

Q: Yeah, and what about tomorrow? When I'm riding downtown Santa Cruz, can you arrest me down there? Can you arrest me out there on Soquel Avenue? How far do I have to stay away from Capitola to keep from bein' arrested for ridin' my motorcycle with a lawful helmet?

V: It's not lawful.

E: Try it and find out.

Q: That's a matter of opinion.

E: Let's go.

V: Alright sir, you can park your bike right down there and you'll be alright.

Q: I'm gonna I'm gonna move it right . . . I'm gonna leave it where it is for now. Ah Corporal, I need your last name please, I'm sorry. You got a card?

E: Yessir. (garbled) you have a good day now.

(end)