

## Quig's Fight

---

***Submitted by Quig***

### **A Fight to be proud of...**

Final trial... same conclusion.

On Friday afternoon, I appeared once again in front of Judge Barton, to deal with the last of 11 citations that have been at issue (*many for over two years*).

One citation, issued by a State Park Ranger, was for wearing nothing at all. When asked, the Ranger could not tell me what was required by the statute, but that he knew that wearing nothing most certainly violated a statute that required wearing a motorcycle safety helmet. The judge found that in the absence of a description of what the statute requires, rendered the law void for vagueness, and found me not guilty - NOT because I was wearing something, but because a void law cannot be violated.

The second citation was issued by a CHP Officer who said that what I was wearing (*what he described as a "disc" approximately 4 - 6 inches in diameter*) was "obviously" not a helmet. I asked him if he didn't feel that "obviously" wasn't just a little too subjective to serve as the basis for citing me, especially in a case where such determinations had been found to violate my constitutional rights (*and enjoined in the Easyriders case*), but relying on CHP policy, and his own opinion, he was satisfied he had done the right thing. Again, Judge Barton disagreed and found me not guilty of that violation on the grounds that the Officer's actions violated my constitutional rights.

So now, I've won 11 out of 11 cases on the same grounds, that the statute is unconstitutional, and the DA has opted NOT to appeal, but rather to disqualify Barton from hearing any future helmet law cases - thereby getting squarely behind the unconstitutional enforcement practices of the CHP and other agencies within the county.

Wendy Lascher, the attorney who worked the earlier case of Buhl v. Hannigan, is preparing an action for Declaratory and Injunctive relief (*to be entitled me vs. the CHP*) to give Barton the authority he needs to express his findings in the form of an injunction statewide against these continued violations of the constitutional rights of motorcyclists.

Mike Osborn is working to raise the money to pay Lascher, in the sure and certain hope that there are enough bikers interested in bringing this law to an end to cover the costs. Since the case will be a civil action between me, (us) and the CHP, the DA will not be responding, so he, at least, will not be attempting to disqualify Barton from ruling on the case.

This time, the attorneys that will be attempting to defend the CHP's indefensible behavior, is either the Attorney General or the CHP's general themselves. For now, until I get another (some more) ticket's, I've been reduced to sitting on the sidelines hoping against hope that the support for this effort will come from the greater motorcycling community. I've done my part. The issues are clearly raised, and we are on the winning side - so far.

Later,

Quig