

# Sleepcrime Trials in Santa Cruz

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the law is wrong, or the sentence would be too harsh, she or he has the power to "just say no" and vote not guilty, without explaining or justifying the verdict.

Prior to Roth's jury trials, activists hope to extensively flyer the community and the courthouse to inform potential jurors of their right to vote "no" against the sleeping ban through a not guilty verdict, whether he was asleep or not. Roth faces months in jail if found guilty; leafleters may be called jury tamperers.

Activists are encouraged by the successful outcome of the Pat Ring trial in early February. Ring, a high-profile homeless protester, has already won the first of the City Hall Sleepers' jury trials. Last spring, then-Mayor Rotkin got an injunction against the protest that quintupled the possible fine (up to \$1000) and added up to six months in jail for one act of sleeping. Ring and others challenged that injunction in a partially successful legal move that reined in police seizure of blankets and stopped Rotkin's drive to lock off City Hall at night to all protest.

In one hearing, Ring was harassed by Bailiff Jim Thurber. Ring told Thurber, a deputy notorious for harassing homeless people in court, "Fuck you." In response to this, Bailiff Thurber pursued Ring outside and assaulted him, then had him pepper-sprayed while in handcuffs. For good measure, Ring was charged with two counts of contempt of court, resisting arrest, and battery on a police officer.

In the trial that followed, public defender Anthony Boles put on extensive testimony about Thurber's abusive behavior in other cases. A key witness was Samuel Stephens, presiding judge in Thurber's court, who testified that finding someone in contempt was his job, not Thurber's. Ring was acquitted on all

three charges and the fourth was dismissed. He is now looking for an attorney to sue Thurber for damages.

Ring has two more jury trials slated involving councilmembers at the City Hall Sleepers Protest. In one, Councilmember Scott Kennedy teamed up with police to tear down a "Legalize Sleep" sign posted on a lamppost; Ring is charged with posting the "illegal" sign. In the second, Rotkin backed an anti-homeless bigot harassing protesters and earned a "fuck you" from protester Ring, who was then promptly hauled off to jail for five days for his harsh words. Ring now faces a possible six-months jail term on each charge.

Rotkin is also a key witness in the Sleepcrime case of "Dragonsheart" Daniel Hopkins, cofounder of the City Hall Sleepers' Protest. For the first time in any infraction trial, three City Councilmembers sat in the front row conferring and cheerleading the City Attorney as he squared off against Hopkins, a homeless juggler. Rotkin was subpoenaed to show his leading role in the campaign to crush the protest.

Legal support is limited, but the sheer spectacle of homeless people going to jail for innocent sleep may have an impact on the larger community. As the Winter Armory Shelter closes down and the City Council continues to ignore basic shelter needs for the poor in favor of a NIMBY developer-oriented policy, the sheer pressure of increased misery may provoke renewed protest.

HUFF (Homeless United for Friendship & Freedom) activists have declared that if there is no action on either a campground or the Sleeping Ban by March 1, they will organize renewed protests in downtown Santa Cruz.