

## Hung Jury

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police put Cosner in a painhold, batter Silva, and eject the entire assembly on orders of then-Mayor Rotkin.

Jury nullification can be an effective tool against malicious prosecutions undertaken to chill the free speech of protesters. It can overcome legal attempts to derail the human-rights struggles of homeless people. It takes only one or two jurors with guts to stand firm with a not guilty verdict — causing a mistrial.

This may be an essential element in the upcoming SleepCrime jury trials of Sandra Roth and Sean Alemi. Rotkin will reappear in the related protest trials of Pat Ring on April 21. These activists need their community to know that they and anyone else who sleeps outside twice within 48 hours in Santa Cruz faces up to 6 months in jail and \$1000 fines — a fact attorneys are forbidden from telling the jury. Large signs educating the public on that subject in front of the courthouse are a way to get past this judge-imposed gag rule.

Activists are contacting the Fully Informed Jury Association (FIJA), a nationwide group dedicated to informing the public of its jury rights. They will enlist FIJA support in tabling at the courthouse, educating the community, and using its contacts to expose the attack on homeless people in Santa Cruz.

# Sleepcrime Defendants Are Vindicated

### One juror's conscience proves more powerful than anti-homeless laws in Santa Cruz

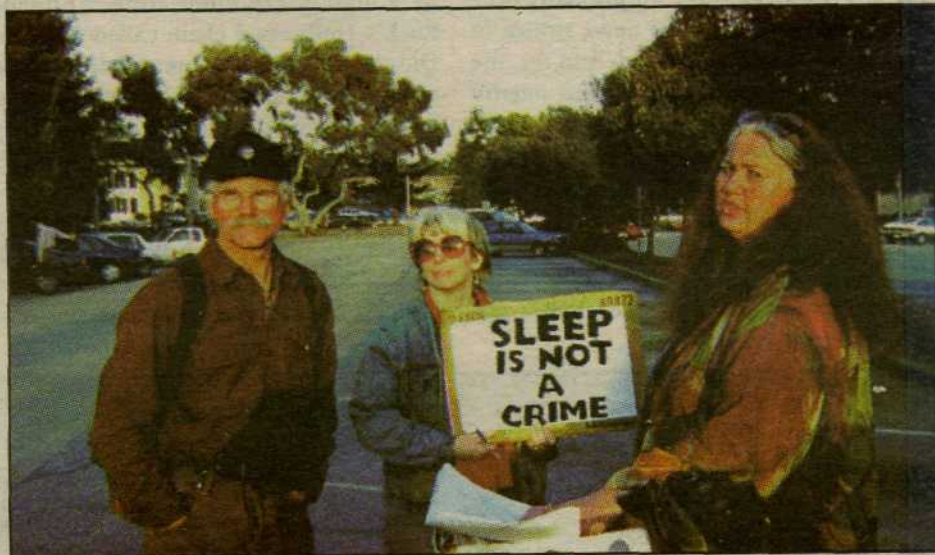
*"The social pressure inside the jury room was just incredible to convict them. Some people said: 'If we don't send a message, the community is going to think that it's okay for people to demonstrate and protest.' I said, 'Oh, you mean it's not okay for people to demonstrate and protest? Where are we? Is this downtown Albania?'"*

— Juror Jim Cohen

by Robert Norse

A six-day trial of homeless activists in Santa Cruz ended on March 17 with the jury deadlocked on 12 counts, freeing six defendants charged with disrupting a public assembly and trespassing on public property. The "Sleepcrime Chaingang Lockdown" defendants had been arrested at a protest of the Santa Cruz Sleeping Ban last September 10th after chaining and padlocking themselves to City Hall furniture and fixtures as supporters chanted "Homes Not Jails" and "We Demand the Right to Sleep at Night."

The televised demonstration provoked a hurried City Council recess and a police attack that sent protester Jim Cosner's 1800 petitions against the Sleeping Ban flying to the floor. A second assault by the



*"Sleep Is Not A Crime"* — from left, activists Dan Hopkins, Becky Johnson, and attorney Kate Wells at the Santa Cruz SleepCrime trials.

same police sergeant — Andy Crain — sent HIV-positive City Council candidate David Silva flying out the door into a stone pillar, minutes after Silva had retrieved and delivered the scattered petitions. The Lockdown protesters were then arrested and dragged through the courts in a six-month court vendetta which has not yet ended — in spite of the hung jury. The district attorney may attempt to retry the case, despite the \$20,000-plus cost, to discourage future "performance art" protests.

After a six-day trial involving four lawyers and six defendants, the hung jury revealed that its dissenting members could not find adequate "intent" to commit

either crime. Defendants argued that they came to the council meeting with the intention of making a visible statement and presenting petitions. Defense attorneys pointed out that then-Mayor Mike Rotkin had told protesters they could "chant for five minutes," then closed down Oral Communications a minute-and-a-half later and recessed the meeting. Subsequently, Rotkin gave orders to bar potential homeless sympathizers — even those not involved with the disruption — from the chambers when the council reconvened an hour later, and denied their right to participate in the public process.

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