

bullet" that would prove the necessity defense, defense attorney Williamson entered into evidence a HSC form letter for defendant Jeppeson which read in part: "Jeff Jeppeson attempted to gain access to emergency housing from the HSC's Interfaith Satellite Shelter Program on August 2, 2001. Please be aware that with no other alternatives for emergency shelter, he has no choice but to camp out or sleep in a car. This situation is likely to continue all summer due to lack of space...." Cole agreed it was authentic.

The prosecution and judge both ignored the letter, even though it seemed to clearly show that Jeppeson had no recourse but to sleep outdoors.

Silver-haired and retired, Carl Wilson, a Felker St. neighbor and friend of Camp Paradise, summed up the change that happened a block from his house under Templeton's leadership: "From a garbage dump to a park!" he said, his testimony buttressing element three of the defense — that Camp Paradise had actually contributed positively to the neighborhood and not added to the emergency.

Templeton talked with a kind of horse sense that cut through bureaucratic verbalizations: Eager to please, but ready to fight, Templeton replied quickly to defense attorney Sanford's questions with a quizzical smile. In response to police claims that there were "open-air bathrooms," Sanford asked Templeton what happened to the toilets they had rented. "We rented a few and had them only two days when the City took them away. We rented them from D&G Sanitation." He testified they now "have 10 portable toilets."

Templeton's SSI income of \$648 per month wouldn't pay to rent a place, but Pousho was skeptical. "You have no other income? Don't you repair and sell bicycles?" "No," Templeton answered. "We give bikes away to any homeless person who needs one. We accept donations. We take old bikes that ain't no good, take the parts from one and put them together with parts from another."

"Have you ever lived in legal [campgrounds] in the County?"

"Yes. But with this new 30-days-maximum rule, it makes it real hard." Templeton was referring to a recent rule change, unique to Santa Cruz, that allows park users only 30 days per calendar year in state parks in Santa Cruz County.

Jeffrey "Squirrel" Jeppeson, a slight man who dresses very colorfully, was

"establishment of a campsite, relatively permanent in nature, is not a 'necessity-justified' response to the homeless condition in Santa Cruz... Santa Cruz is an expensive place to live... The failure of the legislative branch of local government to provide a remedy does not affect the task given the court."

Without specifying what they were, Joseph claimed "alternatives to Camp Paradise do exist." He ignored the unsafe situation of homeless people sleeping alone, and found all the defendants both guilty beyond a reasonable doubt and not entitled to the necessity defense. Then, acknowledging the glaring disabilities of Phillips and Jeppeson, he suspended their sentences. In conclusion, he declared that Templeton and Winchell had already served their community service through their many hours of work for the community.

"What alternatives is he talking about?" asked one journalist. "Suicide? Walking around all night? Leaving town?"

Following the verdict, Camp Paradise founder Templeton announced the four "campriminals" would return to their tents that night. "We have no other choice."

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place to go was... bodily harm. Sleep is a physiological need. We heard testimony that a homeless person is three to five times more likely to be victims of violent crime — that's 300 percent to 500 percent more likely to be raped, bludgeoned, or killed. The City Attorney has presented no evidence that they had legal options. The individuals have testified they had no other place to stay, no legal place. We heard testimony that we have over 1200 homeless people and less than 100 beds. None of the defendants were making more than \$800 per month. There are no legal campsites in the city. The City police are offering a place outside of Santa Cruz to go? Case law is clear. You cannot foist your homeless population on nearby localities."

In a stark appeal to prejudice, Pousho concluded for the prosecution, "What you are proposing, that if you don't have housing, you can set up camp wherever you want to... is a slippery slope in which, if you find the defendants not guilty by reasons of necessity, homeless people from all over the nation, well, all over the State of California will come and set up camp wherever they want..."

Pousho was singing the judge's tune. The Court's ruling five days later provoked exclamations of disbelief and disgust. Commissioner Joseph wrote that

Commissioner Joseph refused to grant defense motions that Kay and Squirrel be found not guilty immediately because of their medical conditions and the failure of the City to offer alternate shelter.

In his closing statement, Sanford eloquently refuted Commissioner Joseph's skepticism about how long an emergency can last. "An emergency can continue for four months," Sanford said. "If an emergency exists today and tomorrow nothing changes, then yes... We can't say to Jeffrey Jeppeson, 'I'm sorry, you've been HIV-positive for too long.'"

To Joseph's concern that some campers had been given prior notice and ought to have left, Sanford replied that prior notice was irrelevant to the necessity defense — that the dire economic situation doesn't change because a camper is given notice. "The City Attorney was unable to show any, not any likelihood, not any possibility [of another place to go]," he said. Simply informing them that their life-sustaining behavior was illegal was beside the point. Sanford's uncontested claim that the defendants had made reasonable and diligent efforts to find shelter and found none available was ignored by both judge and prosecution.

Sanford summed up for the defense: "The significant evil for those with no legal

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next. But his demeanor was very serious. For Squirrel is dying. His monthly income of \$787 per month ruled out regular housing on August 2.

"Any other possible legal places to sleep?" he was asked.

"As far as I knew, those places were full," he said.

Matt Williamson asked him, "Do you feel safer staying at Camp Paradise?"

Squirrel looked Williamson in the eye and replied, "Camp Paradise is the safest place I've ever been."

Pousho, in her closing arguments, insisted that the camping ordinances were constitutional, that the campers were in a sensitive river area (something about which she'd presented no evidence), and that there were serious health and safety hazards for campers during the winter again providing no alternative suggestions for them). She made little or no refutation of any of the necessity defense claims, other than simply asserting they weren't so.

It's hard to imagine anyone more distressed than a woman in a wheelchair with diabetes, arthritis, and asthma, or a man dying of HIV and hepatic failure. But