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8 **THE SUPERIOR COURT OF CALIFORNIA**
9 **IN AND FOR THE COUNTY OF SANTA CRUZ**

10
11 **People of the State of California,**) **CASE ##: 3WM018538,**
12) **4WM034081, 4WM021512**
13 **Plaintiff.**) **4WM023363, 4SM028271,**
14 **vs.**) **4SM021812, 4SM021512,**
15) **4SM023894, 4SM044470**
16 **Richard J. Quigley**) **&5SM085642**
17 **Defendant.**) **DEFENDANT'S DECLARATION**
18) **IN SUPPORT OF A**
19) **MOTION TO**
20) **DISMISS**

21 COMES NOW THE DEFENDANT, Richard Quigley, and makes this sworn
22 declaration in support of a motion to dismiss the citations in the above-captioned
23 case(s), and declares the following under penalty of perjury:

24 I first became aware of, and immediately involved in dealing with,
25 California's mandatory helmet use law upon being given a copy of an article
26 written by Bernard Bauer and published in the *San Jose Mercury News* (see Ex-
27 hibit "II") by a friend, Lyle Fleming (President and Founder of the Ghost Moun-
28 tain Riders Motorcycle Club) on or about April 1, 1991.

I had spent enough time working in and around the courts dealing with
issues of my right to use my vehicles, against the State's insistence that all such

1 use was a privilege not a right, that to read that the author of the helmet law could
2 so blatantly flaunt his disregard for truth in the process, got my attention. I set out
3 to see that the statute was not allowed to become, and remain, law on the basis that
4 fraud should NEVER underpin any legislation, particularly legislation having to
5 do with protecting a citizen from himself.

6 I did all the normal stuff – writing letters and telephoning my local legisla-
7 tors, the governor, checking out the various rights organizations that might be
8 concerned about the process, etc. – in an effort to apply some pressure against the
9 implementation of the helmet law statute based on its false foundation. Basically
10 what this effort revealed was the reason why people say that to appreciate either,
11 it’s best not to know how laws or sausages are made.

12 By June of 1992, I was beginning to accept the fact that the California
13 Legislature is corrupt (almost as if by design) – to the point that a little thing like
14 the author of a bill lying to achieve its passage, was not only not, not acceptable,
15 but quite ordinary, even expected¹ – when I received a telephone call from Steve
16 Bianco, a San Diego resident and truck driver who was doing some research on
17 the helmet law, and its implementation in California, for the E&R Helmet Com-
18 pany out of Washington State.²

19 Bianco, although somewhat annoyed by the fact of having received a cita-
20 tion for violating the helmet law *by wearing a helmet*, was also quite fascinated by
21 the elements underpinning the ticket.

22 As Bianco soon explained, the reason for the ticket was because the CHP
23 had disseminated a bulletin – *CHP Information Bulletin #34*, which made it un-
24 lawful to wear an E&R helmet in California – which he saw as superb evidence in
25 support of a challenge of the helmet law statutes for vagueness (lack of notice),

26 ¹ The California Legislature seems to be one of those places where truth has no standing, and the
27 first liar don’t stand a chance.

28 ² The E&R Helmet Company was the subject of CHP Information Bulletin #34 and of a wide-
spread smear campaign by the California Highway Patrol, from which they never financially
recovered.

1 which is why he called me. Apparently the E&R Helmet Company had been
2 following my efforts to have the statute taken out because of Floyd's lies that
3 brought it into being, and seemingly hoped that I could be encouraged to redirect
4 all that energy into taking another approach to the same end – getting rid of a bad
5 law by exposing its lack of an objective standard for compliance.

6 Reason dictated that I join Bianco. The Legislature was clearly beyond the
7 reach of anyone of principle, as was Governor Wilson – both of which lied, or
8 signed onto lies, to impose the mandatory helmet law on California motorcyclists.
9 In spite of the myriad of disappointments I had experienced in the courts in my
10 personal, decades-long fight to preserve some of the elements of Freedom pro-
11 vided to me by those who had gone before me, mostly due to the two or three
12 honorable jurists I had encountered along the way, my confidence in the courts
13 remained in tact³ – particularly when weighed against the other two branches.

14 By July, 1992, I was totally committed to gathering information, and re-
15 searching ways to present that information to the courts, to the ends of removing
16 the helmet law from the California statutes . . . to the ends of removing the most
17 oppressive, bigoted and dangerous legislation ever imposed on any sub-culture in
18 our society.

19 Bianco and I joined several other premier leaders in the motorcycling com-
20 munity and formed the Helmet Law Defense League, an organization intended to
21 attract Freedom Fighters especially interested in putting an end to helmet laws and
22 all other forms of discrimination against the class of people known as “bikers.”

23 One of our first projects came from a Boulder Creek resident who had been
24 convicted of violating the helmet law by wearing an “unapproved helmet.”

25
26
27 ³ At some point, if the story of my life is ever written, the most amazing aspect of my personal-
28 ity will have to be my absolute faith, each time I walked into court, that somehow justice would
be served – that those bearing the title “Honorable” would live up to the trust I had put in them
all of my life.

1 ***People v. Fletcher* — April 1993**

2 Fletcher was initially cited by a Livermore Police Officer on June 25, 1992,
3 for a violation of the helmet law because, according to the citing officer, he was
4 wearing an “unapproved helmet”.

5 Fletcher appeared in the Traffic Court in Livermore California on Novem-
6 ber 30, 1992, to attempt to defend himself against the allegation.

7 On the basis of testimony entered by the citing officer, drawn from *CHP*
8 *Bulletin #34*, Fletcher was found guilty by Commissioner Guy Gurney.

9 Gurney explained: “What it comes down to is whether I believe you or the
10 officer, and I believe the officer, and find you guilty.”

11 Fletcher asked Gurney if he would provide him with a list of helmets that
12 were “approved,” or at least not “unapproved,” to which Gurney responded by
13 directing him to the Appellate Court, sarcastically indicating that they would
14 provide him with such a list.

15 With what he calls “welcome help” from the Helmet Law Defense League
16 (Steve Bianco and myself, primarily), Fletcher filed his appeal on January 28,
17 1993. As if in response to the suggestion of Commissioner Gurney, Fletcher in-
18 cluded in his appeal brief a Prayer for Guidance. What Fletcher asked the court to
19 do was: (1) sustain the conviction and provide a list of helmets which do comply
20 with the law, (2) overturn the Traffic Court decision and certify his helmet as
21 complying with the law, or (3) issue an injunction prohibiting enforcement of the
22 helmet law “until such time as the Legislature, the CHP, the DOT, and/or the
23 Courts can agree on a standard or statute, or language to define a standard or
24 statute, with which a normally literate person can reasonably comply.”

25 The Alameda County District Attorney responded to the appeal by arguing
26 in support of the conviction, but ignored the elements of the Prayer for Guidance.

27 Fletcher rounded out his appeal with a Closing Brief which not only out-
28 argued but out-classed the pleadings of the District Attorney. This must be true,

1 because the Appellate Department of the Superior Court reversed the conviction of
2 the Traffic Court on April 16, 1993 (see Exhibit “P”, page 1), three votes to zip.
3 However, the Appellate Court did not respond to the Prayer for Guidance, either.

4 “They say I’m not guilty . . . so what? I knew that.” declared Fletcher.
5 “What I need is a way to stop this whole thing from starting all over again when
6 some traffic cop decides he doesn’t like my helmet and decides to write me an-
7 other bogus ticket.”

8 In order to correct this situation, Fletcher contacted the court, by phone,
9 pleading with them to complete the case by responding to his Prayer for Guidance.
10 I made several calls myself on his behalf. Finally, on July 12, 1993 (see Exhibit
11 “P”, page 2), the same three Judge Appellate Court issued a *Clarification of Court*
12 *Order* stating: “. . . the judgment of the trial court is reversed on the grounds that
13 the crime for which the defendant/appellant was convicted is unconstitutionally
14 vague.” (Since the citation was for wearing an “unapproved helmet,” its fair to
15 presume the finding of the court was made relative to how the statute had been
16 *enforced* against Fletcher.)

17 Together, Fletcher and I had managed to obtain a decision higher than that
18 of the trial court,, finding problems with enforcement of the statutes as had been
19 set out in eloquent detail in the trial court ruling in the People v. Woods case (see
20 Exhibit “O”) a year earlier.

21 Ironically, the decision would not hold up long; because, the *modified* deci-
22 sion in *Buhl v. Hannigan* (see Exhibit “D”) was published just days behind the
23 Fletcher clarification order – July 15, 1993 – AND the Alameda County District
24 Attorney had moved the Fletcher court to rescind its clarification order within a
25 week.

26 In response to a motion from the Alameda County District Attorney (no-
27 body knows on behalf of whom) to expunge the Clarification Order, the same
28 three judge panel submitted a third order on August 20, 1993 (see Exhibit “P”,

1 page 3), which said: “. . . the original order of reversal issued on April 16, 1993
2 stands. Clarification is withdraw(n) as improvidently issued in excess of jurisdic-
3 tion.”

4 There was no opportunity to point out to the Appellate Division of the Supe-
5 rior Court of Alameda County that the *Buhl* decision was NOT in conflict with
6 their finding in the Fletcher case, because *Buhl* only ruled on the statute(s) as
7 written, not as *enforced*.

8 **People v. Singleton – (concession brief) July 1993**

9 While the judges in Alameda County were stepping back from their finding
10 that the law was being applied in an unconstitutional manner (per Bulletin #34);
11 the Los Angeles District Attorney, Gill Garcetti, reacting to the initial (prior-to-
12 modification) decision of the *Buhl* court, wrote and filed a concession brief on or
13 about July 6th, 1993 (see Exhibit “Q”), in the appeal of Hal Singleton’s conviction
14 for wearing an “unapproved helmet”, in which Garcetti’s office clearly conceded
15 that the requirements of the statute itself, or the Appellate Court’s interpretation of
16 the statute(s), had little to do with how the statute was actually being enforced
17 following issuance of CHP Information Bulletin #34.

18 What’s most interesting about this particular brief is not that it was written,
19 which is clearly significant relative to this motion, but the manner in which Santa
20 Cruz County District Attorney Bob Lee dealt with the knowledge of its existence
21 in a discussion with me at a time I had over a half-dozen helmet tickets, issued in
22 violation of the *Buhl* doctrine, being prosecuted by his office. Lee said, “Maybe
23 I’m just a better lawyer than Gill Garcetti.”

24 My response was: “That may very well be, Bob. But not necessarily a better
25 District Attorney” – reminding him of his obligation, as District Attorney, to be
26 mindful of protecting my rights, in balance with prosecuting crimes . . . that it’s as
27 much his job to help me fix the problems with the enforcement of the helmet law
28 statute, as it is to prosecute me for violating it (if that can be shown to be the case).

1 **Bianco v. CHP – May 1994**

2 Motorcycle helmet owner (Steve Bianco) sought a writ of mandate chal-
3 lenging authority of California Highway Patrol (CHP) to determine which motor-
4 cycle helmets were approved and unapproved⁴ under the State’s mandatory helmet
5 law, and specifically that a bulletin issued by CHP that stated a “beanie” helmet he
6 owned failed to meet minimum standards as required by state law. The Superior
7 Court, San Diego County, No. N 57752, Thomas Murphy, J., denied petition.
8 Owner appealed. ... Affirmed. (headnotes – *Bianco v. California Highway Patrol*)

9 After the issuance of Bulletin No. 34, Bianco, while wearing the E & R
10 Fiberglass helmet, was cited twice by the CHP for violating section 27803 – beat-
11 ing both citations at trial.⁵ Because of his work with the Helmet Law Defense
12 League, Bianco knew that this cycle of citation, trial and who knew what outcome,
13 would continue forever if he did not find some way to break the cycle. Bianco
14 decided to file for a Writ of Mandamus, in an attempt to have the courts review the
15 issue, realize that he (and THOUSANDS of other motorcyclists) was being cited
16 for violating a CHP information bulletin, not the statute, and Order the CHP to
17 withdraw Bulletin #34 as issued in excess of jurisdiction.

18 As noted above, the Petition was denied by Judge Murphy of the Superior
19 Court, a decision upheld in total by the 4th Appellate Court in a published opinion.

20 A couple things about the *Bianco* decision are worth mentioning. 1. The
21 fact that the opinion was modified from its original version following receipt of a
22 letter from a San Diego Appeals Attorney, Rick Benes, writing as friend of the
23 court, pointing out serious flaws in their original opinion (the text of which was
24 incorporated into a Motion for Reconsideration by Bianco, and which is otherwise
25 attached as Exhibit “KK”). And 2, the content of the 10th numbered ruling of the

26 ⁴ Bianco had no idea at the time how significant
27 the words “approved” and “unapproved” would
28 prove to be. Nor did Bianco know anything about
the predecessors to Bulletin #34, and the use of the
language in those bulletins. Neither, apparently,
did the courts.

⁵ On April 4, 1993, Bianco received a third CHP
citation for violating the helmet law as alleged
in his verified “Cross-Complaint for Declara-
tory and Injunctive Relief” filed April 8, 1993.

1 Superior Court, which was pivotal to the court’s finding (upheld on appeal):

2 “10. Bulletin # 34 is neither a statute, nor regulation, nor does it claim to be.
3 Rather, it is an informational bulletin intended for statewide distribution to all
4 California Highway Patrol offices and allied agencies advising that the E & R
5 fiberglass beanie helmet may no longer be considered DOT approved and
6 advising⁽⁶⁾ that henceforth the California Highway Patrol would cite all
7 wearers of the E & R fiberglass beanie helmet for violation of CVC Section
8 27803.” *Bianco v. CHP* 1994

9 Right, insofar as Bulletin #34 is not a statute. Not sure if it could be consid-
10 ered part of all of the “reasonable regulations” authorized in CVC 27802; but true,
11 the bulletin *claimed* to be neither. How it functioned is quite another matter.

12 There is serious doubt, in light of its application, that the bulletin was
13 merely “an informational bulletin.”⁷ And it most certainly went further – particu-
14 larly in light of its predecessors, CHP Information Bulletin #29 (Exhibit “FF”) and
15 the December 16th Information Bulletin from the CHP (Exhibit “GG”) – than
16 merely explaining that E&R fiberglass beanie helmets were no longer to be con-
17 sidered “DOT approved.”⁸

18 With great respect, the *Bianco* court was wrong, virtually across the board.⁹
19 Their first opinion, filed May 3, 1994, was so wild that it prompted an amicus
20 letter from a private attorney, Richard Benes, the text of which is attached as

21 ⁶ Advising whom? Certainly not the consumer.
22 Or the Legislature. This bulletin was sent to the
23 police, and motorcyclists only found out about it
24 if they researched the reason they had received a
25 citation, and convicted; and even then little was
26 known of the original source. And the courts, of
27 course, were only *advised* when the citing of-
28 ficer presented the bulletin as evidence against a
defendant in court?

⁷ Exhibit “JJ” is a flyer we put out shortly after
discovering that the cartoon depicted in the flyer
was one that was being used as the opening slide
in CHP training sessions which accompanied
the release of CHP Information Bulletin #34.
This piece of evidence does show the attitude of
the department toward bikers which explains a
LOT about how they have chosen to enforce the
helmet law.

⁸ A phrase without meaning in fact or in law.

⁹ With one notable exception. Buried, as in
referenced in no other way, foundationing noth-
ing in their opinion, resides the following: “The
federal statutory scheme contemplates an honor
system in which manufacturers comply with
detailed federal performance standards for mo-
tor vehicle equipment through self-certifica-
tion. If a manufacturer determines that its hel-
met conforms to the federal standards and cer-
tifies that conformity by labeling the helmet
with a DOT self-certification sticker, it is legal
to sell that helmet under the federal law and it is
legal under California law to drive a motorcycle
while wearing that helmet until such time as that
helmet has been shown not to conform to the
federal standards.” In the years that followed,
thousands of citations were issued to motorcy-
clists wearing helmets that met every substan-
tial element of this statement, and convictions
had, in the name of *Buhl* and *Bianco*.

1 Exhibit “KK,” and is also the exact text borrowed and used by Bianco in a Motion
2 for Reconsideration. This court understands more about what it took for Benes to
3 send such a letter to the court than a pro se litigant could ever appreciate; but
4 needless to say it made a big difference in the final opinion of the *Bianco* court.
5 (NOTE: Neither Bianco nor myself could ever figure out why the opinion was
6 published in the first place, since Bianco is the ONLY person known to us to have
7 ever received the type of “actual knowledge” described by the *Bianco* court.)

8 Following the *Bianco* decision, Steven Bianco and myself talked about
9 what to do next. L. Louis Raring, a Southern California Attorney from Orange
10 County (who represented Singleton in the case which brought about the Garcetti
11 concession brief) convinced us to assist him in filing a Declaratory Relief action in
12 Federal Court, rather than appeal the *Bianco* decision to the Supreme Court. (In
13 hindsight, we have since decided that was a mistake.)

14 Steve Bianco and myself did in fact help Raring prepare the *Easyriders v.*
15 *Hannigan* case for the Federal District Court – from sitting in and helping with
16 depositions to helping prepare the briefs, we were deeply involved in with and for
17 Mr. Raing on the case.

18 Following the *Easyriders* decision from the District Court, the CHP made
19 some modifications in their enforcement policies; but nothing was done to set
20 aside the impact of all their “Information Bulletins” and other training spread
21 throughout the State. The evidence of the CHP’s failure to conform their training
22 and policies to the state of the law as written, interpreted by the State Courts, and
23 ordered/enjoined by the Federal Court is everywhere.

24 **Evidence of the long-term effect of CHP enforcement policies on the street.**

25 My first opportunity to personally challenge the statute *as enforced* did not
26 come about until 1999.

27 I selected a helmet style that met the minimal requirements of the helmet
28 law statutes, but which I was fairly confident would offend the enforcement poli-

1 cies established by the California Highway Patrol, as taught to the various agen-
2 cies throughout the State.

3 On June 28, 1999, I was stopped and cited by Capitola Police Officer Van
4 Horsen. A transcript I made of the audio tape recorded at the time of the traffic
5 stop is attached as Exhibit “LL”. Contained in this transcript is EVERYTHING I
6 figured I would need to show the courts that the enforcement of the statute was
7 based on standards clearly outside the four corners of the statute, which violated
8 the elements prohibited in the injunction issued by the Federal Court in
9 *Easyriders*, and otherwise indicative of the problems with enforcement of the
10 helmet law throughout the State of California.

11 Beyond the various references to “DOT approved” or “approved” helmets
12 (Exhibit “LL” page 2, page 7, page 8, page 9, page 15, and page 20), the Van
13 Horsen traffic stop revealed that officers were writing citations based on informa-
14 tion contained in the Qwik Code (Exhibit “EE”) – a condensed interpretation of
15 the statute published by a Southern California company, which contained the
16 requirement that in order to comply with the helmet law, riders and passengers
17 must wear an “approved” helmet.

18 Within days, on July 3, 1999, I was stopped again, this time by CHP Officer
19 Messing, and again cited for not wearing an “approved” helmet. The transcript of
20 that traffic stop reflects the same misconception, based on CHP training, that a
21 rider is required to wear an “approved” helmet (see Exhibit “MM”, page 3, page 8
22 and page 9) with some attendant discussion of helmet fabrication (on page 8).

23 On July 28, 1999, Santa Cruz Police Officer Escalante stopped and cited
24 me, also from the Qwik Code, also for not wearing an “approved” helmet (See
25 Exhibit “NN”, page 6).

26 Although there were many stops and some citations in between July 28,
27 1999, and July 7, 2001, the next traffic stop of note took place on my way to
28 Hollister. The deputy there also thought, initially, that I was required to wear a

1 “DOT approved helmet” (See Exhibit “OO”, page 1), but upon reading the actual
2 vehicle code, decided otherwise. Apparently this deputy had not been influenced
3 by CHP training materials and instructions, and upon simply reading and applying
4 the vehicle code, found no violation.

5 Then came the citation, on July 24, 2003, that started the rash of citations
6 which are the subject of these cases. Although I have no complaints about the
7 overall quality of the foregoing officers, there can be no argument that Watsonville
8 Police Officer Ridgeway is as fine an officer as one would want to encounter; and
9 even he was lured into writing a citation based on the belief that I was supposed to
10 be wearing a “DOT approved” helmet (See Exhibit “PP”, page 4 and page 8).

11 Right after I got the ticket from Officer Ridgeway, I contacted the publisher
12 of the Qwik-Code to explain how their misinterpretation of the statutes was caus-
13 ing me problems. Their response was both enlightening, and disheartening (See
14 Exhibit “QQ”) in that they did point out many of the other places I could find
15 other references to “approved helmets,” but ultimately failed to see how they had a
16 responsibility to change their text.

17 About the same time, I was dealing with an inquiry from a rider that had
18 received a citation in Fremont, CA. She sent a copy of an e-mail she had received
19 from the Fremont PD, which I wrote and asked them about. As the e-mails show
20 (See Exhibit “RR”), their belief in “DOT approved” helmets was the foundation of
21 their enforcement practices, and does to this day. They also sent along a copy of
22 their enforcement policy, which is attached as Exhibit “SS,” which clearly shows
23 that they maintain the belief that the consumer is to be held responsible for
24 whether or not their helmet actually meets the requires of FMVSS 218 – a conclu-
25 sion that can only be reached by deciding whether or not the helmet is properly
26 fabricated.

27 Along the way, I also managed to obtain a copy of the enforcement policy
28 for the Livermore Police Department (See Exhibit “TT”) which clearly contains

1 the requirement to wear “an approved helmet,” stating “[t]hese helmet are clearly
2 marked as approved by the Department of Transportation (DOT).”

3 It was about this same time that I contacted the people in charge of POST
4 (the Police Officer Standards and Training people, and challenged their use of the
5 phrase “approved helmet” when training officers as to how to enforce the helmet
6 law. (Did I mention I was unsuccessful in encouraging them to make the changes
7 necessary to bring newly trained officers understanding of the helmet law statutes
8 more in line with the language of the statutes instead?)

9 Although if time and circumstances allowed, the Defendant is confident that
10 he could produce evidence of THOUSANDS of citations and situations similar to
11 those presented above, it is sufficient for the purposes of this motion that the evi-
12 dence of the long-term effect of CHP enforcement policies, and training materials
13 distributed to law enforcement throughout the state, has been to bring about a
14 consistent methodology to helmet law enforcement that renders the statute uncon-
15 stitutional, or at the very least unworkable as enforced.

16 Finally, insofar as attempting to show the impossible situation CHP policies
17 and training have imposed on enforcement of the helmet law, is Exhibit “UU” – a
18 letter I wrote and sent to then Chief Michael Nivens (now Commissioner, I under-
19 stand) to help clarify the CHP’s in-house enforcement policy. Nivens was the
20 person in charge of the Office of Special Projects for the CHP during the period of
21 the issuance of all of their information bulletins and training materials at the onset
22 of implementation of the helmet law, and was the CHP’s designated expert witness
23 in the *Easyriders* case. Having received a copy of the CHP’s enforcement policy,
24 I wrote to him on January 20, 2004, and inquired about the content of their policy.
25 I never heard back. The exhibit speaks for itself. Although it does reflect some
26 changes in their policy, in fact it differs little from CHP Information Bulletin #29 –
27 the bulletin that has foundationed enforcement of the helmet law statewide for the
28 last 14 years.

1 So far, to my knowledge, nothing anyone has done in all these years has
2 managed to dissuade the California Highway Patrol from maintaining their initial
3 standards for compliance with the helmet law in any meaningful way.

4 I find it amazing that the CHP has completely ignored every attempt by the
5 courts to limit their behavior to only that which would not violate the constitution-
6 ally protected rights of motorcyclists. To my knowledge, they have not only ig-
7 nored an order from this court, but an injunction issued almost 10 years ago from
8 the Federal Courts. They seem to feel they are above the law?

9 “Decency, security and liberty alike demand that government
10 officials shall be subjected to the same rules of conduct that are
11 commands to the citizen. In a government of laws, existence of the
12 government will be imperiled if it fails to observe the law scrupu-
13 lously. Our Government is the potent, the omnipresent teacher. For
14 good or for ill, it teaches the whole people by its example.

15 “Crime is contagious. If the Government becomes a lawbreaker, it
16 breeds contempt for law; it invites every man to become a law unto
17 himself; it invites anarchy. To declare that, in the administration of
18 the criminal law, the end justifies the means...would bring terrible
19 retribution. Against that pernicious doctrine this Court should
20 resolutely set its face.” *Olmstead v. United States* (1928)

21 I have dealt with scores of police officers over enforcement of the helmet
22 law. Without exception, when the officer follows the law as written, no citation is
23 issued. When the officer enforces the statute in a manner consistent with CHP
24 information and training, the citation is issued.

25 Because of the information and training provided to police officers through-
26 out the state, the California helmet law is unconstitutionally vague *as enforced*.

27 And from all appearances, there is no way to fix the problem.

28 The prosecution would have already figured that out if they has just at least
attempted to answer the question put to District Attorney Bob Lee over three years
ago, on March 3, 2003 (Exhibit “W”), in which I added his name to the long list of
individuals and agencies I had asked the definitive question:

