

# Exhibit "PP"

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I was stopped at approximately 3:30 on Thursday, July 24, 2003, by Watsonville Police Officer Ridgway. The following is a transcript of the recording made at the time of the citation:

Officer Ridgway = "R"

Richard Quigley = "Q"

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R: How are ya?

Q: Pretty good. How you doin'?

R: Are you Mr. Quigley?

Q: Yes sir.

R: We've talked before.

Q: Yeah, I know you. How you doin'?

R: Still no helmet?

Q: What do you think. No. I've got a helmet on. You know that.

R: What kind of . . . what kind of a helmet is that?

Q: Does it have to have a name?

R: Well I don't know . . . who manufactures them?

Q: I'm not really sure.

R: Do you make it yourself?

Q: No. But if I could, if I did, I think that's okay.

R: Could I see you license, registration and insurance.

Q: Sure. (garbled) dig around in my pockets. You're not nervous about that, right?

R: Not at all.

Q: Okay. Good. All right, I'm going to do this in the order of importance. License first.

R: Nice ride. When did you get this?

Q: A week ago Saturday.

R: Super.

Q: Idn't it beautiful?

R: What year is it?

Q: Ninety-nine.

R: Beautiful bike.

Q: Yeah, thank you. I'm as happy as I can be with it. . . . Registration. They tell me that's in here (reaching in the cigarette pack holder on the tanks).

R: You know why I stopped you, right?

Q: I have no idea.

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R: Because you weren't wearing a helmet.

Q: Oh.

R: That's why I stopped you.

Q: I'm in good shape. This has been passin' for a long time. (referring to some paperwork) Is that the right thing?

R: What's going on with all that?

Q: What do you mean?

R: Everything's been taken care of? No issues? You're the only one in California that doesn't have to wear a helmet?

Q: I'm the only one in California . . . I don't know. You know, it's kinda interesting . . . uh, uh . . . the uh . . . you're the first police officer that has addressed the issue since September of 2001.

R: No kidding?

Q: Yeah, and uh . . . I'm tryin' to find that other piece of paper for ya here that I uh don't see right now. What are you short? You're short the proof of insurance thing.

R: (garbled) . . . proof of insurance.

Q: I have it somewhere . . . this is another registration . . . I have it . . . the guy that it's registered to is the one who has the insurance, but I just don't have it . . . oh, I saw that I just saw that . . .

R: (garbled, something about who the bike was registered to)

Q: No. It's gonna be mine shortly. I just picked it up. I'm just doin' some work on it to get it ready . . . if you notice, there's a couple little glitches on it.

R: It's a beautiful machine. (spoken like a real-deal motor officer)

Q: Idn't it though? I'm so proud of that thing, so proud of it.

R: You know, I didn't see a brake light. It may have worked. You're lights are actually on.

Q: (garbled) the brake works . . . I just fixed it the other . . . well wait a minute here.

R: . . . there's something. Does the back one work? Yeah, there's somethin' going on there.

Q: That's not very bright is it (talking about the foot brake pedal). But that one's working fine (talking about the hand brake). I gotta turn my switch on. Yeah, I just saw that insurance thing just a few minutes ago. I had it. . . . Oh!?! You're gonna give me a ticket?

R: Yeah I am.

Q: Wow. That's gonna be interesting.

R: Did you think I was kiddin'?

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Q: Oh no, I don't care. I've been wanting to see Judge Morse (The Honorable Heather Morse, Superior Court Judge) about this all along.

R: What happened? I knew you had a couple of others, but . . .

Q: Oh yeah. I'm nine for twenty. Nine. Eleven wins, nine losses, out of twenty tickets. The last one I got was from Deputy Thurber back in two thousand one . . . (found the insurance document) here we go, I knew I had it. Yeah, you can't wearing a helmet with this confusing a style . . . oh dude (I just noticed he was writing the ticket from the Qwik Code, a sort cut book put out by the California Police Officer's Association which requires wearing "an approved type helmet" and creates ALL kinds of problems)! If you're gonna write me the ticket, write me for violating the Qwik Code, will you? That's why you think I'm doin' something wrong.

R: If that why?

Q: Yeah. Yessir. Do you have a Vehicle Code?

R: uh . . . just the Qwik Code.

Q: You don't have the Vehicle Code with you?

R: Not on me. That's a problem?

Q: Yeah. The difference in the two is absolutely dramatic. (Like, for example, the Legislature wrote the language of the Vehicle Code . . . nobody knows, or will say, who wrote the Quick Code.) You look at the Vehicle Code and you'll figure out right away that ticket won't fly.

R: Okay, we'll give it a try. If I need to amend it, I will.

Q: Yeah . . . you'll find that what the law requires . . . the recorder's still running, it's just in my pocket now . . . what the law requires is that I wear a helmet bearing a certification of compliance . . . conspicuously labeled . . . that's the way the statute is written. But you know what it says in your Qwik Code?

R: What does it say?

Q: The same thing they taught you at POST . . . helmets must be of an approved type.

R: Is the twenty-eight sixty Porter still good?

Q: Yeah.

R: Is that a . . .?

Q: Mailbox.

R: So it's a post office?

Q: Uh huh. I live too far out in the woods to have a physical address. I live out on Fern Flat Road.

R: And no . . . I guess the reason here . . . it says it need to have helmet straps . . . fastened to the head.

Q: Uh. What happens when you pull a guy over in a nineteen fifty-five Chevrolet and he's not wearing a seatbelt?

R: They didn't have safety belts in nineteen fifty-five.

Q: There ya go. This helmet didn't come with a chin strap, and the law doesn't require a chin strap. It requires that if it has one, it's got to be securely fastened with it. . . . Well, you're ridin' a Harley?

R: Yeah.

Q: I thought all the, I thought all the cop bikes were kawis now, kawis and beamers. . . . So is that the evo?

R: No, it's the twin cam.

Q: Oh, okay.

R: Could I ask your age sir?

Q: I'm sixty. I'm fifty-nine . . . I'll be sixty next birthday. . . . (he was looking at his Qwik Code) what does the Qwik Code say?

R: (radio chatter . . . couldn't make it out, but all my information was okay) Well, it says (garbled) must wear a helmet as required in subdivision A . . .

Q: That's what the Qwik Code says?

R: And it says a motorcycle, motorized bicycle, or motor driven cycle operated on the highway, **the driver and any passenger shall wear a helmet . . . an approved safety helmet** to be on the head, fastened with helmet straps, fits securely with no excessive lateral or vertical movement, so you're certainly secure.

Q: Yeah. Secure.

R: But there are no straps.

Q: Yeah. Not required by any code, anywhere.

R: Okay.

Q: Now when you get the actual Vehicle Code, and you're not working from the Qwik Code, what it will tell you is that I gotta wear a helmet that complies with the provisions of section two-seven-eight-oh-two. Two-seven-eight-oh-two says that the department shall adopt reasonable regulations for specifications for what a helmet is, and a helmet is to be conspicuously labeled, and uh . . . and, anyway, the standard everybody goes by is F-M-V-S-S two eighteen. I just happen to know that.

R: What Model Harley is that?

Q: It's a nineteen ninety-nine F-X-S-T-B, as in boy.

R: F-X . . .

Q: S-T . . .

R: S-T . . .

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- Q: B . . . F-X stands for F-X, S-T for Softtail, and B for . . . black? . . . which is my favorite color for motorcycles.
- R: That's a good color.
- Q: Yeah. I went to great lengths to keep it that way.
- R: (garbled, but I think he said something favorable about the bike)
- Q: Thank you. . . . Now we only have one other area of disagreement that we're gonna get to.
- R: What's that?
- Q: Four oh three oh three point five, four oh six one oh, all that stuff. Four zero three zero three point five makes it a correctable equipment violation.
- R: Go ahead (talking to his radio) . . . there you go sir (handing me back my papers).
- Q: Papers . . . I'm tryin' to figure out why I'm carrying that insurance with me. I don't usually do that. It's usually kept in the bag on my other bike.
- R: As long as you have it. That's all that matters.
- Q: Yeah. . . . You can't fight other issues if you're not clean on the one you want to talk about. (I think this is where he decided to cite me for a brake light problem.)
- R: Oh, you can fight them count by count.
- Q: Well, the reason, the only reason I didn't start getting these tickets in nineteen ninety-two instead of nineteen ninety-nine was that I didn't have a driver's license until nineteen ninety-seven, ninety-eight, and uh I didn't want to be fighting that ticket while I was trying to get this helmet law straightened out.
- R: Can I look at your hat, or your helmet, or whatever you call it?
- Q: Well what do you want to do with it.
- R: I want to take some notes, so I can articulate what kind of helmet you were wearing.
- Q: Well, I'll bring it to court, does that help?
- R: Sure.
- Q: Okay.
- R: But it would help my memory, see I might not be able to remember it if ah . . . (garbled) . . . how 'bout a picture?
- Q: Whatever . . . whatever makes you happy. . . . I know I've been photographed before, but . . . do I get a copy?
- R: Well I would . . . could I get a picture of the back
- Q: Sure.
- R: . . . you've got that DOT back there. Can you look at me?

Q: Sure. Oh, you want me to hold still.

R: What about a side profile?

Q: Whatever you like.

R: I like to be complete, you know.

Q: Whatever suits you tickles me plumb to death.

R: All right, sir.

Q: Can I get those in color, or is it going to be black and white?

R: Black and white.

Q: Bummer. . . . did I hand you my wallet in the middle of this thing?

R: No, I don't believe so.

Q: Oh, there it is.

R: Okay. This is the ticket for the helmet. Everything else is fine. I'll warn you on the break light, unless you fight me on that too.

Q: It works.

R: The front one does, not the back one.

Q: No, it's not doing what I want it to, but it works. See the other thing (element of the light bulb) comes up?

R: Hit your right front break lever?

Q: Yeah, it does a different deal.

R: Yeah, that's not a brake light.

Q: Right, I don't know what this is. But it is coming on, just so you'll know. I do keep in mind that I need that extra bright. I just got this tail light on there yesterday, so . . .

R: I'll tell you what, I'll give you a fix-it for that.

Q: Well, this ticket's a fix-it ticket as well . . . as you aware of that?

R: I don't know. (being skeptical, not ignorant.)

Q: A helmet ticket? Four zero three zero three point five says . . . unless otherwise provided by law, any violation, any equipment violation in division 12 (of the Vehicle Code) unless one of the disqualifying conditions of four oh six one oh B apply.

R: Okay.

Q: And under disqualifying conditions they give you persistent fraud or neglect, no . . . persistent neglect, fraud, refuses to correct, or constitutes an immediate safety hazard, and one of those apply.

R: Well, you yourself said you had some citations and yet you continue to wear . . .

Q: But I have not broken the law.

R: (radio talk) Okay, Mr. Quigley. Just a fix-it ticket for the brake light. I'd just like to see . . .

Q: Yeah, I got no problem with that.

R: And then for the helmet.

Q: Yeah.

R: And you have until the twenty-ninth of August to go to the court on Freedom Blvd.

Q: Yeah. And you marked it as non-correctable.

R: I did.

Q: Okay.

R: And, if that's a mistake, I'll be happy to amend it.

Q: I think when you, I think when you read the actual Vehicle Code itself about this ticket, that you'll figure out it's a mistake. But that's okay, because Judge Morse is runnin' the court down there, right?

R: Currently I believe so. Judge Morse is down there.

Q: Yeah, Judge Morse is more likely to follow the law than the people I've been dealing with. It's gonna be great.

R: (garbled) It would be news to me, but . . .

Q: If I thought this was a bad-faith ticket, I'd already have my hands in the air and we'd be calling for the sergeant. I think you're acting in good faith. I've got no problem with any of that.

R: The court house in on Freedom Blvd and I circled the phone number.

Q: Yep.

R: . . . by the twenty-ninth.

Q: Yep.

R: Just put your signature in the red box.

Q: Okay.

R: It's not an admission of guilt, as you know, just a promise . . .

Q: A promise that I will absolutely . . . .

R: . . .to be at the court house.

Q: Yep. . . . And we're in agreement that you have seen the Vehicle Code on this? You worked outta, you worked outta your Qwik Code.

R: Yes. Well, I have read the Vehicle Code on it.

Q: Yeah, I know, but you're working out . . .

R: I can't repeat it verbatim, it's a pretty long section.

Q: Right, but you're citing me out of the Qwik Code.

R: Certainly.

Q: Yeah. That's all I wanted, to make sure, because I'm getting ready to sue POST (Police Officers Standards and Training, those guys who train cops.) believe it or not.

R: Oh good.

Q: They're training their officers to believe that helmets must be of an approved type. And the problem that they have is, to my knowledge, who would approve them? There's no approval system. The only person authorized to approve a helmet is the rider.

R: Oh, no kidding?

Q: Yeah.

R: All this time, I've been living in a . . . I've been living a lie.

Q: **Well my guess is that you believe D-O-T approves them.**

R: **When them . . . you would assume so. They generally approve anything vehicle related.**

Q: **No.**

R: **Safety belts and what have you.**

Q: **Nope. As a matter of fact, they approve nothing.**

R: Well . . .

Q: I'll go one better than that for you, Officer Ridgeway, on the way out . . . are you aware that the D-O-T on the back of your helmet does not stand for Department of Transportation?

R: Um . . . what's it stand for?

Q: This is a helmet.

R: Okay.

Q: I swear.

R: Allright.

Q: (laugh)

R: I believe you.

Q: No, it's, when we get done with the education on this, you're going to thank me for the experience. You'll know a lot more than you did about the Department of Transportation, and helmets.

R: I always look forward to being educated.

Q: What's that thing there? You writing on the back of the ticket?

R: Yeah.

Q: Oh, okay. And you're makin' notes. And . . .

R: This is what vehicle I had, how I stopped you . . .

Q: Okay.

R: . . . that you were on a motorcycle, that you had a good attitude.

Q: Yeah, and that I was doin' the speed limit?

R: Oh yeah.

Q: . . . plus or minus (garbled).

R: Oh yeah. Speed wasn't an issue.



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Q: It never is. If anything, if I ever get cited for speed, it will be for driving too damned slow.

R: Well that can be a problem too.

Q: I know. But if I ever get in trouble, that's what it will be for, because I'm never late.

R: So you promise me that you will bring your version of a helmet . . .

Q: Oh yeah.

R: Is there anything hard is that or is it just material?

Q: Well my head's fairly hard, what's . . .

R: Oh I know you head's hard.

Q: Hard? There's nothing hidden inside here.

R: So there's no hard fiberglass shell inside the material or anything?

Q: Not anything harder than you would imagine. No, it's . . . (I removed the helmet and showed him the inside -- I didn't have to, but I did . . . when you're innocent, you can do anything you want.)

R: Okay.

Q: Pretty straight-forward helmet.

R: Well alright.

Q: So we're good?

R: That's it sir. You're more than free to go on your merry way.