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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CRUZ  
DEPARTMENT 12

COPY

BEFORE THE HONORABLE MICHAEL BARTON, JUDGE


FILED  
SUPERIOR COURT  
CO. OF SANTA CRUZ  
WATSONVILLE

2006 MAY 25 PM 4:00

THE PEOPLE OF THE  
STATE OF CALIFORNIA,  
Plaintiff,  
vs.  
RICHARD JAMES QUIGLEY,  
Defendant.

Case No.s  
3WM018538  
4SM011246  
4SM021812  
4SM023894  
4SM028271  
4SM044470  
4WM021512  
4WM023363  
4WM034801

TERESA SANCHEZ



REPORTER'S TRANSCRIPT OF PROCEEDINGS  
ARRAIGNMENT/MOTION TO DISMISS

May 1, 2006

APPEARANCES:

For the People: DAVID GENOCHIO,  
Deputy District Attorney

For the Defendant: IN PROPRIA PERSONA

Official Court Reporter: OSCAR A. MORENO,  
CSR 3441

1 Watsonville, California

May 1, 2006

2 P R O C E E D I N G S

3  
4 THE COURT: On the record in Mr. Quigley's matter.  
5 What occurred is Mr. Quigley asked to advance it all. And I  
6 indicated or we indicated through the clerk that your office  
7 needed to have notice so I agreed to put it on this morning so  
8 that you can know that and we'll pick a different date or deal  
9 with what's going on. That's why it's here. That's why  
10 Mr. Quigley is here and I just wasn't sure whether your  
11 office --

12 MR. GENOCHIO: What happened is Mr. Quigley called  
13 and left a message on Joyce Angell's phone.

14 THE COURT: Okay.

15 MR. GENOCHIO: Joyce was on vacation. She came in  
16 on Sunday and she forwarded it to me so I got it this morning.  
17 I subsequently talked to her.

18 THE COURT: All right.

19 So, Mr. Quigley --

20 THE DEFENDANT: Yes, Your Honor.

21 THE COURT: You want to advance your motion?

22 THE DEFENDANT: Well, no, sir.

23 THE COURT: So I misunderstood the other day.

24 THE DEFENDANT: I am well, yes, no, yes. Your  
25 Honor, I want to -- it's clear that at this point by the brief  
26 that I got from Ms. Angell that they don't want to play.

1 Sometimes the facts get so overwhelming they just don't want  
2 to deal with them at all so they just will choose to  
3 participate -- yeah, the Court should not expect that the  
4 District Attorney will choose to participate further in the  
5 above captioned infraction matters. I wish I had such an  
6 option also. So I just --

7 THE COURT: Me too.

8 THE DEFENDANT: I ain't going to play. But the --  
9 when I set this whole thing up if you remember, Your Honor,  
10 and asked for the motion for -- filed for this motion and  
11 everything, we said set a long time out for them to respond  
12 and I did that so they could spend that time getting a  
13 response to my pleadings. This is not responsive to my  
14 pleadings so we come in on June 2nd instead of May 1st to do  
15 what? We find out, they haven't responded to the pleadings  
16 and would ask them to have them respond to the pleadings and  
17 to be honest with you. I just as soon they went with the  
18 original scheduled we set up, respond to the pleadings so we  
19 can have a hearing on June 2nd. That's all I want, Your  
20 Honor. It's pretty silly to me that they would file this kind  
21 of thing at this stage of the proceedings, 30 some proceedings  
22 and they don't want to play anymore because of all of sudden  
23 it looks like they are getting their clocks cleaned.

24 For the Court, if you please, a correction of one of  
25 my documents and some additional evidence and additional  
26 declaration. I have a copy for the District Attorney. And so

1 I guess what I'm asking, Your Honor, could we today get some  
2 sort of an order from you to the District Attorney to respond  
3 to the pleadings, answer to stuff or maybe we could arrange a  
4 time, Your Honor, which I think would be extremely  
5 enlightening to the Court that to sit down at a table, you and  
6 me and these people from the DA's office and see if we can't  
7 settle on just a few things that by now they should have been  
8 willing to stipulate to. You know, they are not even willing  
9 to stipulate that the DOT doesn't approve helmets. I got 16  
10 letters where the DOT is explaining they don't approve helmets  
11 but the DA will not even stipulate that the DOT don't approve  
12 helmets. Nothing. And so if that would help move things  
13 along, you and I seem to be the only ones interested in fixing  
14 this. It ain't my job and you know these guys are tying your  
15 hands; they are not giving you any help at all.

16 THE COURT: And sometimes people wonder about mine,  
17 so I will do this: Obviously the District Attorney can choose  
18 to respond or not respond as they see fit. But if they don't  
19 respond I'm still having the hearing on the 2d and if I  
20 dismiss them I dismiss them.

21 THE DEFENDANT: Well, why don't we do this then,  
22 Your Honor, since they seem dedicated to not participating in  
23 infraction matters all of a sudden, why don't we convert this  
24 to a habeas corpus? I mentioned that last time I was here and  
25 I don't believe that they have the option to shine a habeas  
26 corpus, so how about I don't have a right -- you know, to have

1 the law applies equal to me out there on the street or in the  
2 courts as long as these guys are playing this game within the  
3 law and I would like my right to equal application of the law  
4 restored through habeas corpus on this issue through that  
5 direction.

6 THE COURT: I'll consider that on the 2d also and  
7 indicate that to the People that is 'what I'm considering.  
8 We'll argue those issues on the 2d. I'll see you back up  
9 there then.

10 THE DEFENDANT: We'll live with these pleadings on  
11 the 2d, Your Honor.

12 THE COURT: If they don't choose to respond then I  
13 treat it as a habeas motion, I can deny it or move it on that  
14 way. So they'll figure out what they are going to do and I'll  
15 figure out what I'm going to do with or without their  
16 response.

17 THE DEFENDANT: Can we set some sort of conference  
18 for now so we can get some sort of a feel for it, Your Honor?  
19 I don't have a lot of June 2ds left in me.

20 THE COURT: I understand. My concern is if <sup>THEY</sup> I choose  
21 not to play as you indicate then I have more of a  
22 responsibility to respond than if I order them and they don't  
23 do anything. They don't have to be here if I set up a  
24 conference. So I think I'd rather leave the 2d as is with the  
25 understanding that if in fact they don't participate, I'll  
26 treat it as a habeas and we'll deal with it that way.

1 THE DEFENDANT: And even you and I can do whatever  
2 we want and they can live with the results. Okay. That seems  
3 fair enough. Okay. Your Honor. Thank you very much for  
4 putting it on calendar this morning and again, we tried.

5 THE COURT: You are welcome.

6 THE DEFENDANT: And I'll see you on June 2d.

7 THE COURT: All right.

8 THE CLERK: So, we'll leave this on not guilty, time  
9 waived?

10 THE COURT: Yes.

11

12 (End of proceedings.)

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1 STATE OF CALIFORNIA )  
2 COUNTY OF SANTA CRUZ )

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4 I, OSCAR A. MORENO, Certified Shorthand Reporter, do  
5 hereby certify:

6 That I am the Reporter, duly appointed and sworn, who  
7 reported the above and foregoing proceedings at the time and  
8 place therein stated;

9 That I reported the said proceedings; and that the  
10 foregoing pages are a full, true, complete and correct  
11 transcript of my shorthand notes taken at said time and place  
12 to the best of my ability.

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17 DATE: \_\_\_\_\_

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19 Official Reporter, CSR No. 3441  
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