



County of Santa Cruz

OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 950604068
(831) 454-2040 FAX: (831) 454-2115

SAMUEL TORRES, JR., COUNTY COUNSEL

CHIEF ASSISTANTS
RAHN GARCIA
DANA McRAE

Assistants

Deborah Steen	Pamela Fyfe
Harry A. Oberhelman III	Ellen Aldridge
Marie Costa	Kim Baskett
Jane M. Scott	Lee Gulliver
Tamyra Rice	Kathleen Pacheco

GOVERNMENT TORT CLAIM

RECOMMENDED ACTION

Agenda October 3, 2000

To: Board of Supervisors

Re: Claim of David Turner, No. 001-025A

Original document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

- 1 . Reject the claim of David Turner, No. 001-025A and refer to County Counsel.
- ___ 2. Deny the application to file a late claim on behalf of _____ and refer to County Counsel.
- ___ 3. Grant the application to file a late claim on behalf of _____ and refer to County Counsel.
- ___ 4. Approve the claim. of _____ in the amount of _____ and reject the balance, if any, and refer to County Counsel.
- ___ 5. Reject the claim of _____ as insufficiently filed and refer to County Counsel.

cc: Mark Tracy, Sheriff-Coroner

RISK MANAGEMENT .

By Janet McKinley

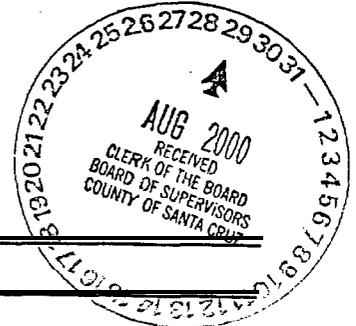
COUNTY COUNSEL

By Kim Elizabeth Baskett

TORT

CLAIM AGAINST THE COUNTY OF SANTA CRUZ
(Pursuant to Section 910 et Seq., Govt. Code)

TO: BOARD OF SUPERVISORS
COUNTY OF SANTA CRUZ
ATTN: Clerk of the Board
Governmental Center
701 Ocean Street, Santa Cruz, CA 95060



1. Claimant's Name: DAVID TURNER
Address: PO BOX 807
La Jolla CA 92038
Phone No: 619 893 2512
P.O. Box to which notices are to be sent: 807 ZIP: 92038

2. Occurrence: detainment - Requirement to produce ID.
Date: Aug 27 SUNDAY Place: 1401 Coast Rd, Santa Cruz 4-5 pm

3. Circumstances of occurrence or transaction giving rise to claim: County Ordinance prohibiting to wit: "It is illegal in Santa Cruz County to camp in, about, or under your vehicle. This is a warning please move or you may be cited"

4. General description of indebtedness, obligation, injury, damage or loss incurred so far as is now known: Title 42 § 1983, 1985, 1986 4th & 5th Amendment Violative Constitution U.S. and State of California specifically article IV section 2 of US Constitution

5. Name(s) of public employee(s) causing injury, damage or loss, if known: Deputy Sheriff S. Watson
Sheriff Mark Tracy

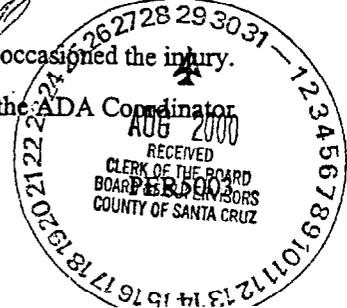
6. Amount claimed now Attorney fees Qui Tam Actions \$ 1,500,000.00
Estimated amount of future loss, if known future damages 200 unknown
TOTAL \$ 1,500,200.00

7. Basis for above computations: Roadside improvement state property use of dirt road unimproved, Fees in litigation, other

8. If the amount claimed is over \$10,000, indicate the court of jurisdiction: Federal District Court
Municipal Court San Francisco Superior Court

CLAIMANT'S SIGNATURE: David Turner
Exhibit A is incorporated into and apart of this document to wit: "Exhibit A"

Note: Claim must be presented to Clerk, Board of Supervisors, within six (6) months after the act which occasioned the injury.
Americans with Disabilities Act questions or requests for accommodations may be directed to the ADA Coordinator at 454-2962 (TDD 454-2123).



Violations at issue are Right to Travel and Freedom of Association. The ordinary First Amendment interests with right to travel as guaranteed under article IV, Section 2 of the United States Constitution and the right to freedom of association under the First Amendment. As discussed above the term "loitering" and "wandering" not only are vague they are also a trap for innocent acts such as recreational walking, strolling and hiking etc. Clearly, the elusive quality of the words "loitering" and "wandering" has a chilling effect upon people who may wish to engage in wholly innocent behavior. Not specifically mentioned in the constitution, they are nothing less constitutionally protected unwritten amendments. Specifically the Deputy Sheriff S. Watson restricted number of days by stating comment about frequent visitation. This statement restriction time, place, manner was a deliberate indifference to right of inhabitants such short coming thought of as County Policy, Custom, Ordinance.

Plaintiff has a standing (using that term broadly) to assert the challenge with respect to his conduct on trail accounting for his walks and then unlawful detainment within per view of ordinance conduct within protection of Wilderness Act, providing enjoyment of nature any time of week.

Attempting to protect a property interest County & State interference claimant can arguably assert that his conduct is not included within prohibitory terms of a vague ordinance.

For this reason "warning" of Deputy Sheriff claimant ought not have to await the finality of his constitutional rights to procedural due process. Require plaintiff to do so is an impermissible form of abstention.

IT IS ILLEGAL IN SANTA
CRUZ COUNTY TO CAMP
IN, ABOUT, OR UNDER YOUR
VEHICLE. THIS IS A
WARNING. PLEASE MOVE, OR
YOU MAY BE CITED.

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Sincerely
David Turner
David Turner