Twitter Thread by maryrduan

maryrduan
@maryrduan

In court on the Aloha Coffee case, in which owner has refused to abide by mask rules, distancing rules. He's telling the judge his rights are being violated and so is the Constitution.

"I have the right, the constitutional right, and a constitutional right can't be converted to a crime. I do not consent to these hearings. I'm not going to be steamrolled." Says he's going to file a criminal case against the judge and DA.

He's going to file, he says, with everyone from local DA and sheriff and the US Attorney. Judge Lydia Villarreal is being remarkably patient with him.

The point of today's hearing is to decide whether a restraining order will become a preliminary injunction. He's been operating without a health certificate since it was pulled in December.

"There's no evidence of any wrongdoing on my part," he says. Did I mention the part about the judge being patient? She's being waaaay patient with him. He tried to disqualify her but doesn't have an attorney and doesn't know how to do it lawfully.

DA is speaking, he starts semi-yelling, "I object, I object." DA points out he has had many opps to hire a lawyer and has refused, says she was not properly served by him.

"These are codes, these are not laws," Aloha owner says. Judge: I understand you're not an attorney, but the way the system works is she provides her evidence and you provide yours ... "She has no evidence, ma'am."

Judge continues: I would just like you to tell me whatever it is you want me to know. Aloha owner says the DA is making up laws.

Owner argues the way he is operating his business doesn't endanger the public and all of the charges in the citation are based on heresay. "I've followed all the guidance," but says he won't force people to wear masks if they have a medical condition.

"I don't discriminate against disabilities," he says. "I've done everything I possibly can without breaking the law...I'm actually abiding by the law and I'm curious why there's no law mentioned here. I want the law, not a code."

“My evidence is clear: all their evidence and witnesses are blacked out. They have no evidence and they have no witnesses. This is all based on heresay.”

He again argues his Constitutional rights are being violated. He says the citation process brought by DA/Health Department is improper, they haven’t reached the level of permit revocation. “How is this evidence when I have zero citations.“ Says he issued his own citations...

Based on fact and says the DA is committing perjury. Judge: “Anything else you’d like me to consider?” Him: “That’s all at this time.” Revocation of his health permit was based on investigation and first hand observation of mask violations.

DA is striking her request to turn off the water because it’s shared line. Aloha has separate electricity it’s believed but PG&E won’t confirm it without the owner’s approval.

Judge is offering to file paperwork for him (again, remarkably patient considering...) She’s asking about an 11-page declaration he submitted as well as a motion to claim and exercise Constitutionally secured rights.

That motion is 4 pages, then there’s a motion to vacate judgment. Sir, you’re entitled to a trial on this matter, judge tells him. Would you like me to set that today?

Trial date is a year and a half out. She’s not sure he’s entitled to a jury trial in this matter, suggests he speak to an attorney.

“The court is not allowed to give you legal advice. You need to decide what’s best for you.”

Court orders parties back for case management conference on May 11, 2021 at 9am.