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NEWS RELEASE

Ray Lutz Files Suit: False Arrest While Registering Voters

Case tests "Pruneyard" Supreme Court Decision when applied to public areas

SAN DIEGO, CA (September 14, 2012) – Ray Lutz filed suit on Sept. 13, 2012, for a false arrest which occurred on November 29, 2011, while Lutz was in the middle of registering voters in San Diego's Civic Center Plaza, well known as the town square of San Diego.

Case #37-2012-00103865-CU-CR-CTL was filed and assigned to Judge Denton. Attorney Bryan Pease is handling the case. No trial date has been set at this point. The suit named three defendants explicitly: a) the City of San Diego, b) Police officer Tony Lessa, who arrested Lutz, and c) CBRE, "CB Richard Ellis Group" that manages the Civic Center Plaza Office Building and that performed a citizen's arrest for trespassing. The suit also names 25 John Does to allow for additional defendants to be named as determined by discovery.

Complete information about the case can be found on this web page:
<http://www.copswiki.org/Common/VoterRegistrationArrestOfRayLutz>

And this document has Lutz's statement:
<http://www.copswiki.org/Common/M1210>

The video of the arrest is here:
<http://www.youtube.com/watch?v=zsHINR-nVR0>

The circumstances of this arrest are quite interesting. The Civic Center Plaza is the area where Occupy San Diego had set up their encampment starting on October 7, 2011. In the weeks prior to Lutz's arrest, the San Diego Police Department had conducted a number of purges of the public square, most frequently using the "encroachment law" (San Diego Municipal Code 54.0110) to prohibit the placement of any item on city property. But Lutz placed his registration table in an area of the square that was designated as private property open for public use. SDMC 52.80.01 limits trespass on private property, but it is explicitly exempted for "peaceful political activities" in areas that are normally open to the public. Certainly, registering voters must be considered peaceful political activity that is a sacred right in our democracy.

Lutz provided the police officers and the managers of the Civic Center Plaza Office Building a copy of Supreme Court Case known as the "Pruneyard" case (PRUNEYARD SHOPPING CENTER ET AL. v. ROBINS ET AL. No. 79-289, SUPREME COURT OF THE UNITED STATES, 447 U.S. 74; 100 S. Ct.

2035; 1980 U.S. LEXIS 129; 64 L. Ed.2d 741, March 18, 1980, Argued June 9, 1980, Decided), which clearly states that the public has the right to use privately owned malls for peaceful political activity, such as gathering signatures or handing out political literature, with time, place, and manner restrictions. Indeed, Lutz had set up voter registration tables many times in private malls and knew that he was protected not only by the Pruneyard case, but also the specific exemption in San Diego for peaceful political activities on private property open to the public.

Lutz had registered five voters and was in the middle of registering a woman who had just reached her 18th birthday and was registering for the first time, while three more citizens were waiting for their turn. At that point, the managers from the office building interrupted Lutz and requested that the police arrest him for trespassing, which they did, citing SDMC 52.80.01.

"The defendants in this case who forced me to shut down my voter registration table in the public square of the city violated every notion of propriety," Ray Lutz said. "The law in the City of San Diego explicitly exempts 'peaceful political activity' on private property that is open to the public, and the Pruneyard Supreme Court case also supports the right of citizens to register voters, not only in privately owned and operated malls, but also in the public town square. This is just one ugly example of how the City of San Diego misused the power of arrest during the the Occupy San Diego protests in the Civic Center Plaza."

Lutz went on to say how it is interesting that the Occupy protests that occurred in the plaza targeted Wall Street, and the Civic Center Plaza Office Building that invoked the citizens arrest is emblematic of Wall Street: owned by JP Morgan Chase and operated by CBRE, owned by the who's who of wall street, including Goldman Sachs, Blum Capitol Partners, and State Street Corporation, to name a few, and whose chair is Richard Blum, the husband of Senator Diane Feinstein. Many connections of this nature were described in the original complaint written by former San Diego City Attorney, Michael Aguirre, here: <http://www.copswiki.org/Common/M1209>

NOTE: the text of the suit filed on September 13, 2012 was not available to post on the website as of the date of this release but it should be available through the court document system and will be posted as soon as it is available.

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