

Aptos shopping center dispute continues

Man embroiled in Rancho Del Mar litigation seeks sheriff's post

By MICHAEL MERRILL

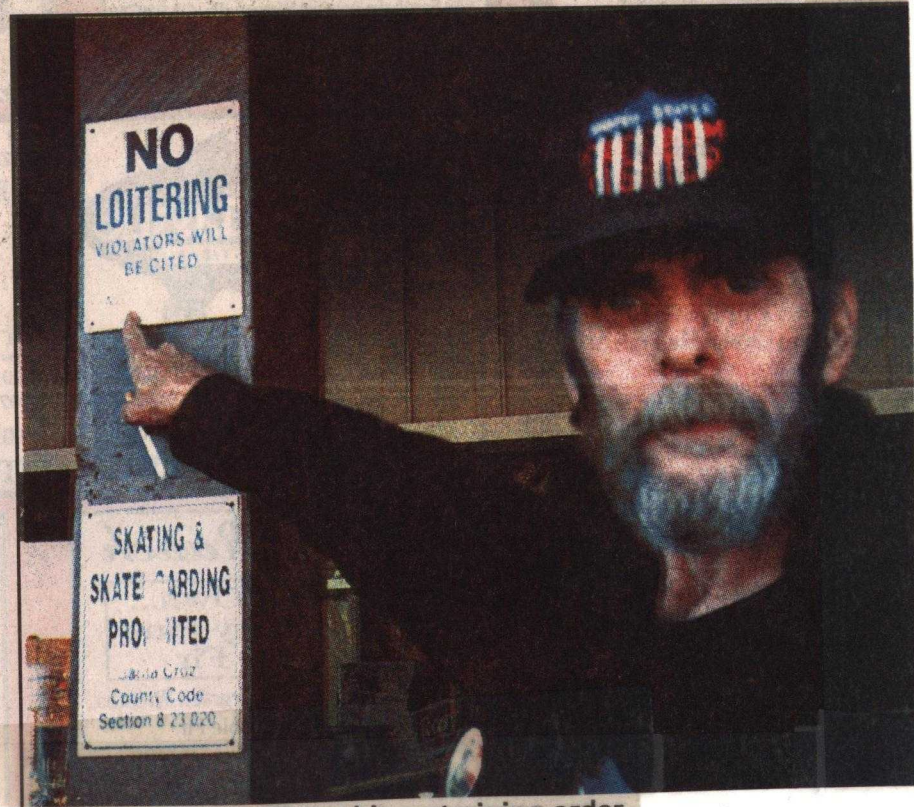
STAFF WRITER

APTOS — An Aptos man with an ongoing dispute with both the Santa Cruz County Sheriff's Department and a local department store says he was arrested and banned from the store because he is running for sheriff and because he is working for social justice.

On Oct. 14, Richard Quigley was arrested for trespassing at the Gottschalks department store in the Rancho Del Mar shopping center in Aptos. The following month, on Nov. 20, visiting Judge Gerald Reagan sided with Gottschalks' manager, Claudia Easterby, who said she felt threatened by him, and issued a restraining order against Quigley and ordered him not to go near the store or bother Easterby.

Quigley returned to the area Monday afternoon to test the order, but he was not arrested. "Basically I wanted to test their resolve to enforce a bogus order," Quigley said. "They know that judgment was illegally obtained, unfortunately the only way you can deal with things like that is to go in there and put your head on the block."

Easterby told the court that on Oct. 14, "several customers approached me and complained that they had been confronted by an individual in front of the Gottschalks store who was passing out flyers and acting rudely."



Richard Quigley violates his restraining order.

Quigley says he never harassed Easterby, he never passed out flyers and in fact he was the one who was harassed — singled out for either his appearance, which was admittedly unkempt, or for more sinister reasons. "There was nothing I was doing that violated a law. In fact, I was exercising my constitutionally protected rights," Quigley said. "I was arrested and taken to jail because of my political views."

In response to his arrest, Quigley filed a cross-complaint charging both Gottschalks and Easterby with slander and defamation of character, false arrest and false imprisonment, for presenting false evidence to the police and the courts and for emotional distress. Quigley is asking for \$1.5 million in damages.

Easterby tells a different story. She testified that when she asked him to leave he became confrontational. Easterby stated she felt she was at risk of serious bodily injury. She then reported the confrontation to Santa Cruz County Sheriff's Deputy Sgt. David Deverell at the nearby Sheriff's Community Center office, who subsequently arrested Quigley.

Quigley said he believes the sheriff's office somehow encouraged Easterby to charge him with harassment because he plans to run for sheriff in the upcoming elections, and because he has had a long-running dispute with the sheriff's office which started with a parking place.

"I don't have any dealings with the sheriff's office and I know nothing of his political aspirations," Easterby said. "It was clear that he was sitting on the building and customers were complaining. All I did was ask him to move."

Santa Cruz County Sheriff Mark Tracy agreed with Easterby and said Quigley's political aspirations had nothing to do with his arrest or the restraining order and the only role the sheriff's department has in this matter is upholding the law. "The restraining order was obtained by a private shopping center and their legal representatives," Tracy said. "We are very busy running the sheriff's office for an entire county. The antics of one individual take deputies away from more important issues."

Quigley said the dispute started last year when Deverell paint-

ed the curb in front of the sheriff's substation red so he would have a place to park. "One, only the fire department has the right to paint a curb red and two, it is rude," Quigley said. "I launched a protest against it and then I parked there to prove they couldn't do it."

He said by painting the curb, the sheriff's deputy was in effect "tagging" his territory, in much the same way as gang members.

The area near Gottschalks is a gathering place for young people, which has been labeled a problem by some of the local businesses. Quigley said that is because there is nowhere else for them to go and for the stores to try and regulate who meets there is a violation of the people's constitutional right to assemble.

"These retail stores come here and create what is in effect a de facto town square," Quigley said. "Now they want to use the sheriff's department as their own private police force to control the area around their store."

"I think Gottschalks has quite enough to do without regulating what happens on the sidewalk," Easterby said. "But to some degree we are responsible for what is going on in front of our doors."

Quigley said he is running for sheriff because, "I see some problems with the sheriff's department. I see them coming at the people more than working for the people."

"Law enforcement is paid for by tax payers but the police take special interest money and then selectively enforce the laws," Quigley said. "These special interests are taking the police we are paying for and subleasing them. I see us running headlong into a police state."

"Generally I am going to create an environment that will encourage good cops and run off bad cops. There is no reason we cannot have the best sheriff's department in the country," Quigley said.

Quigley said instead of just sitting around and complaining, he decided to do something about it. "By and large, most of the department is manned by good cops. There are a few though who should be weeded out," Quigley said. "If elected sheriff, I'm going to fire all the bad cops."

This will be Quigley's second campaign. He ran unsuccessfully as a write-in candidate in 1994. This time, he is determined to be placed on the ballot and he will begin gathering signatures in February.