

Adult Bookstore + Moving Picture Theater

# X-theater back in operation again

Cinema Soquel, Santa Cruz County's only adult movie of X-rated adult movies Tuesday after the California Supreme Court temporarily set aside a decision by Santa Cruz Superior Court Judge Donald May.

Chief Deputy County Counsel Dwight Herr confirmed Tuesday that the Supreme Court had reacted to an appeal filed by Joseph Rhine, attorney for theater operator Jerry Von Medlin, by issuing a stay of May's order to cease showing the adult movies.

The stay will remain in ef-

fect at least until a hearing before the court in San Francisco on Aug. 13, Herr said.

Von Medlin shut the theater down last week after the state appeals court in San Francisco refused to consider Rhine's appeal.

Von Medlin was jubilant during a press conference at the theater, and argued that the county's ordinance (banning the continued operation of the adult movie theater in close proximity to Soquel High School) was a violation of his and the public's First Amendment rights of free speech, and was also an illegal at-

tempt to shut him down because it did not recognize that he had a pre-existing business at the time the county ordinance became effective.

"When they passed the ordinance, they did not put in a grandfather clause," Von Medlin said.

"I object to the retroactive way the ordinance was enforced; I was in business before it went into effect." "This is the only adult theater in a county of 175,000 people and people have the right to see these films just the way

they will see a Disney movie," Von Medlin said.

"This was only a case of attempted censorship," the theater operator added, "taking away the people's right to see adult movies.

He also charged that County Supervisor Dan Forbus turned the case into a political issue.

"It's an issue Dan Forbus picked to get himself re-elected," Von Medlin charged.

Von Medlin said he's committed to fighting the case, and will take it to the U.S. Supreme Court, if the state's high court rules against him.

"I'm committed," he said.

I'll go all the way; I can't stop in midstream on this.

"This is the first case and there are numerous communities — 25 to 30 — looking to see if it will stand up in court."

Von Medlin disputes the county's contention that the theater's adult operation has a deleterious effect on Soquel High School students, many of whom walk past the theater twice daily on their way to and from the campus.

Von Medlin operates three theaters, the one in Soquel, plus adult theaters in Salinas and Sunnyvale.