

County, Soquel Cinema Square Off In Court

~~Theater~~
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The county went to court today in an attempt to either shut down Soquel's adult theater immediately or have it phased out within a year.

The trial, which is expected to last only one day, began this morning in Superior Court and was continuing at presstime.

The county's representative, Assistant County Counsel Dwight Herr, was expected to argue this afternoon that the Soquel Cinema — which screens only adult movies — is a public nuisance and violates a county zoning ordinance because it is adjacent to a school and a residential area.

The theater operator's attorney, Joseph Rhine of San Francisco, is expected to argue First Amendment rights of free speech and challenge the county ordinance which prohibits adult movie theaters from being located within 500 feet of a school and 400 feet of a residential area.

The theater owners, who currently lease the building to Los Gatos real estate developer Wallace Von Medlin, are also seeking to have Von Medlin evicted.

That portion of the trial got under way this morning but was delayed in order to allow

attorneys to bring financial records into court, Judge Donald May ruled.

Herr, in opening statements, said he planned to submit the case based on the transcripts of a county Board of Supervisors meeting in which the theater was declared a public nuisance and its permit revoked due to a violation of the adult business spacing order.

He pointed out the theater is "immediately adjacent" to Soquel High School — a school that is attended by 2,000 students.

Herr also said a legal access to the school runs directly through the theater's property and that students pass in front of displays of sexually-explicit movies.

He also charged that there were "illegal entrances of students to see the movies."

In addition, Herr said, the theater is directly across the street from a residential area.

He asked that either the theater be shut down as a public nuisance or be given one year to close under removal of the use permit.

Rhine, who made no formal statement, objected to the inclusion of the board's transcripts as evidence and indicated he would bring up First Amendment objections and a challenge to the spacing ordinance.