

Men banished from Aptos center

Judges issue restraining order against alleged trouble makers

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CORRESPONDENT

APTOS — Officials from the Rancho Del Mar Shopping Center in Aptos spent a lot of time running between court rooms Thursday in Santa Cruz. After all the rhetoric had cleared, two different judges issued two separate restraining orders preventing two men from getting near the area between Gottschalks Department Store and the Safeway store in the middle of the center.

Each case involved allegations of harassment on the part of two people: Richard Quigley and Jerry Henry. Each man was told to stay away from specified areas of the center. Attorneys from both sides agreed the two men could not be barred from the full center because previ-

ous court decisions have declared parking and walking areas of shopping centers are like town squares, and are not private property.

Superior Court Judge Sam Stevens attempted to work out a program with Henry that would keep him away from Dan Eberhardt, the manager of the Aptos Coffee Roasting Company, without having a full hearing. At the end of a half-hour conference in the judge's chambers, Henry left the court and returned a short time later saying he wanted a hearing.

Much of the testimony came from young people who supported Henry. While the words were different, the message was basically the same — that Henry was their friend. One boy said he was a father figure. Henry said he has been a "street minister" for 20 years.

The judge said at the end of the hearing Henry could not go within 20 yards of the Aptos Coffee Roasting Company, which in effect bans him from the neighboring liquor store as well. Judge Stevens is scheduled to issue his order today, and the parties could be called back next Wednesday if Eberhardt and his attorneys feel they need more distance between Henry and the store.

Henry was aided by Santa Cruz Attorney, Kate Wells, who handles a number of homeless cases in Santa Cruz. She requested Stevens order payment for her time under the Americans with Disabilities Act, since Henry suffers from mental problems. The judge said he could not honor the request, but if Henry violates the restraining order, he will be arrested on a misdemeanor charge, and he could then legally obtain counsel with the county paying the bill.

Since the case involved a civil trial, attorney fees were not awarded. They can only be awarded to indigents in a criminal proceeding. Even though she was working pro bono (without pay), Wells continued to advise Henry during the process.

Meanwhile, Visiting Judge Gerald Reagon in a nearby court room agreed to issue a restraining order against Richard Quigley, who like Henry enjoys "hanging around" the

shopping center. He was ordered not to go into Gottschalks Department Store, and not to bother the manager, Claudia Easterby.

Easterby told the Court she became fearful of Quigley after he yelled at her and used "foul and abusive language" during a confrontation in front of the store. Easterby said she confronted him after customers said he was loud and abusive as he handed out leaflets near the front door. She said she ordered Quigley to stop sitting on a nearby wall, and leave the premises. "That's when he got abusive," she said.

Easterby called in former Sgt. Dave Deveral from the nearby sheriff's station, who instructed her on how to make a citizen's arrest. Deveral then took Quigley into custody. He has since been promoted to lieutenant, and currently works out of the central office in Santa Cruz.

Easterby told the court Quigley works on his car outside her store and told the judge, "yes, I feel very threatened (when he's there)." Following Easterby's testimony, Quigley, who acted as his own attorney, told the court, "I'm somewhat ashamed (for what I did), but I responded to what I heard... (I was) told to 'move on.'"

Quigley denied that he was abusive or overly aggressive. "I am very emotional," he told the judge, "but when it comes being violent, I am as light as a tick."

Deveral told the judge according to his files Quigley has flown into a rage three or four times over the past one-plus years. Quigley jumped out of his seat and denied the allegation. Much of the hearing time was taken up by Quigley demanding to be allowed to introduce witnesses who would tell the court what a great person he is, and "how Lt. Deveral was out to get me."

At one point, Judge Reagon interrupted Quigley and said "I've been very patient with you... Don't push me too far."

"You're making (me) out to be a dangerous guy... I'm not a dangerous guy," Quigley continued. "There is no justification for this." He claimed the incident will damage his chances to win the job of sheriff (from Mark Tracy) in June, and said as he left the courtroom he would appeal the decision. "This is a railroad job," he yelled, as he started down the hall.