

> From: Patrick Crosby <pfcrosby@yahoo.com>
> Subject: ADA Reasonable Accommodation Request
> To: "Council District 9 <District9@longbeach.gov> Council District 8
> <District8@longbeach.gov> Council District 7 <District7@longbeach.gov>
> Council District 6 <District6@longbeach.gov> Council District 5
> <District5@longbeach.gov> Council District 3 <District3@longbeach.gov>
> Council District 2 <District2@longbeach.gov> Council District 1"
> <District1@longbeach.gov>
> Cc: "Mayor <Mayor@longbeach.gov> CityAttorney"
> <CityAttorney@longbeach.gov>,
> Assemblymember.O'Donnell@outreach.assembly.ca.gov
> Date: Monday, June 1, 2015, 1:46 PM

> As a senior citizen aged 67, falling
> under the protections of California Penal Code Section 368, who
> suffers from high blood pressure I request as a reasonable
> accommodation under Title II of the Americans with Disabilities Act
> (42 U.S.C. 12101 et seq..), that the City of Long Beach and its
> employees, including but not limited to officers and civilian
> employees of its police department. employ the standards of CPC
> Section 368 (considering me to be "under their care" for purposes of
> this statute while being detained) in all future dealings with me (as
> it should all seniors aged 65 and older).
> Specifically I request that Officers of the Long Beach Police
> Department take no further actions to scare me at stop signs, making
> me think I am about to be run over and killed while riding a bicycle;
> no further measures to burn the palms of my hand by ordering me to
> place them on the hot hood of a police vehicle; no further
> unreasonable searches, as these are not merely demeaning but cause me
> extreme anxiety and raise my blood pressure to dangerous levels; and
> last by not least, no further denials of access to medication needed
> to control my blood pressure, and no further attempts to cause me to
> have a heart attack or stroke. while being detained on a Long Beach
> City Street by means of threats of more deliberately inflicted pain
> and otherwise deliberately causing me heightened anxiety which raises
> my blood pressure; and no further attempts to break my wrists. . A
> Long Beach Fire Department report, in the possession of the Mayor's
> Office, provides details of the last time this was done to me, nearly
> 2 months ago, near the intersection of Temple and Colorado (This is in
> Mrs. Lowenthal's district.
> Mrs. Lowenthal's office denied an earlier less developed version of
> this request made nearly 2 months ago).
> I further request that the council ask the Long Beach City
> Prosecutor to accept service of the attached and other supporting
> papers relating to a CPC 1385 Request for dismissal and to support
> this request when filed with the court (this cannot be done until the

> prosecutor has been served. The prosecutor's office last Friday
> refused to accept service of an earlier version of the attached
> document, plus the supporting requests for judicial notice and
> declaration. The Mayor's office has a copy of documents cited in the
> Request for Judicial Notice. The City Manager's office refused to
> accept copies of the same documents last Friday).

> A request similar to this has already been denied by the the City
> Manager's office and I hereby appeal that denial to the full Long
> Beach City Council. I ask that a vote be taken by the full council on
> this appeal.

> Please note: This is most emphatically not a police internal affairs
> matter, as Mrs. Lowenthal would have you believe.

> The Police department reports to the Council, not the other way
> around. The Proverbial tail does not wag the proverbial dog. To put it
> still another way, there are no bad police departments, only bad city
> councils. Mr. Arturo Sanchez is flat out wrong in maintaining that the
> police department can file a dismissal motion in this case. It cannot.

1 Patrick Francis Crosby
2 Specially Appearing Defendant in pro per
3 P.O. Box 111
4 San Clemente, Ca., 92674-0111
5 (562)999-4291

6
7 Superior Court of the State of California
8 County of Los Angeles
9

10 PEOPLE OF THE STATE OF
11 CALIFORNIA,
12 Plaintiff,
13 vs.
14 PATRICK FRANCIS CROSBY
15 Defendant in pro per.
16
17

Citation Number : B750359
SPECIALLY APPEARING
DEFENDANT'S REQUEST FOR
JUDICIAL NOTICE IN
SUPPORT OF DEFENDANT'S
REQUEST TO DISMISS IN THE
INTERESTS OF JUSTICE (CPC
1385)

18 Pursuant to California Evidence Code Sections 451, 452, and 453, and
19 California Rule of Court 3.1306© Defendant Patrick F. Crosby requests that
20 the Court take judicial notice of certain documents. These documents are
21 cited in Defendant's Motion to Dismiss, and the supporting Declaration of
22 Patrick F Crosby in support thereof. Said documents include: (a) Long
23 Beach Fire Department Incident Report (b) City of Long Beach Emergency
24 Transport Billing Statement The incident report give objective and
25 quantitative proof that Crosby was indeed in hypertensive crisis when the
26 paramedics arrived, and suffering extreme anxiety. The ambulance bill
27 shows that Crosby owes the City of Long Beach \$1853.83 for paramedic
28 services required as a result of physical abuse of the officers.

Dated this _____ day of June, 2015

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Patrick Francis Crosby, Defendant in pro per

Johnson, Johnson & Johnson
324 N Edgewater
Vernal, UT 84025

Motion to Dismiss

1 Patrick Francis Crosby,
2 Specially Appearing Defendant in Pro Per
3 P.O. Box 111
4 San Clemente, Ca., 92674-0111
5 (562)999-4291

6
7
8 Superior Court of the State of California
9 County of Los Angeles

10 PEOPLE OF THE STATE OF
11 CALIFORNIA,
12 Plaintiff,
13 vs.
14 PATRICK FRANCIS CROSBY
15 Defendant in pro per.
16
17

Citation Number : B750359
DEFENDANT'S REQUEST FOR
DISMISSAL IN THE INTEREST
OF JUSTICE (CPC 1385);
MEMORANDUM OF POINTS
AND AUTHORITIES IN
SUPPORT THEREOF.

18 Pursuant to California Penal Code Section 1385, Specially Appearing
19 Defendant Patrick F. Crosby requests that the Court on its own motion,
20 dismiss this case in the interest of Justice, but for a set of extraordinary
21 reasons markedly different from those usually associated with §1385
22 requests. While a Defendant, or specially appearing defendant, himself may
23 not directly make such a motion, case law provides that he may request the
24 Court to do so on its own motion. See *People v. Ritchie* (1971) 17
25 Cal.App.3rd. 1098, 1104. See also *People v. Bracey* (1994) 21 Cal.App.4th
26 1532, 26 Cal.Rptr.2d 730 and *People v. Konow* (2004) 32 Cal.4th 995 32
27 Cal.4th 995. Grounds for said request are stated in the subsections below.
28 Furthermore, and in addition to these, the Specially Appearing Defendant

1 requests that the court dismiss this action for lack of jurisdiction on the
2 grounds (a) that the promise to appear does not contain a valid signature (b)
3 that the court lacks jurisdiction to decide a federal question regarding
4 applicability of the Americans with Disabilities Act in the case at bar; (c) that
5 no offense was ever committed; (d) that the citation is self-contradictory and
6 therefore unintelligible and incoherent; and (e) that sufficient documentation
7 exists (see the Specially Appearing Defendant’s Request for Judicial Notice)
8 to show that the action herein arises, in addition to a civil violation of the
9 Americans with Disabilities Act (42 U.S.C. 12101 et seq.), a criminal
10 violation of California’s elder abuse Law (CPC 368). As such, this court has
11 no jurisdiction to proceed with this case, as the case itself (for a multitude of
12 reasons to be stated below) is utterly devoid of merit and therefore, to do so
13 would in itself constitute a further violation of the California Penal Code
14 Section 368 and the ADA commenced by the citing officers.

15 **Specially Appearing Defendant never legally signed the Promise to**
16 **Appear. Or if he did, he was illegally forced to do so. (Statute of**
17 **Frauds Defense)**

18 1. The specially appearing Defendant here raises a statute of frauds defense
19 as follows. A cursory examination will immediately reveal that the Promise
20 to Appear does not contain a recognizable signature by anybody. It certainly
21 does not match the signature of the specially appearing defendant herein,
22 either on his drivers license or any signed pleading herein. To the extent that
23 the mark in the normal space for such signature might be regarded as the
24 specially appearing defendant’s signature, or mark, the Declaration of Patrick
25 Francis Crosby reveals that said mark was made under threat of denial life
26 saving medical emergency treatment (that Crosby would go to the police
27 station rather than the hospital): “sign, or you get off that stretcher and into
28 the squad” were the alternatives presented to him by Cole and Davenport.

1 2. By the statute of frauds, the specially appearing defendant therefore cannot
2 be held to the said promise to appear, as said promise was never legally
3 signed and therefore no promise was ever made. The procedure described in
4 CPC 853.5 therefore was not followed to conclusion. To the extent CPC
5 853.5- 853.85 might be construed as allowing police officers to extort
6 signatures out of elderly citizens in hypertensive crisis by threatening to deny
7 life saving medical treatment, it must be viewed as unconstitutional, in
8 addition to flying into the face of a long standing legal tradition,
9 internationally recognized. It should also shock the conscience of this court.
10 Therefore the complaint herein should be taken as a legal nullity and this case
11 dismissed. For reasons to be further enumerated below, the Prosecution
12 should be given no opportunity to redraft and serve.

13 **Officers Should Have at a minimum Allowed Defendant to proceed**
14 **home immediately to get his medication, without citing or**
15 **otherwise detaining him, as a reasonable accommodation under the**
16 **Americans with Disabilities Act of 1990 (ADA) [42 U.S.C. 12101 et**
17 **seq..]**

18 3. At the time of being stopped, the defendant had just minutes before learned that
19 he was on the verge of a potentially life threatening situation requiring him to get
20 home to take corrective medication as soon as possible. Although technically a
21 violation of the California Vehicle Code, running a stop sign on a bicycle is a
22 common occurrence and is rarely prosecuted, as this does not pose the same risk
23 as an automobile or even an ambulance doing the same. When a person is in a
24 potentially life threatening situation, Defendant here argues that even if he did run
25 the stop sign (which he emphatically argues below *he did not*) a reasonable
26 accommodation should be made for an elder person in need of immediate
27 medication, under the Americans with Disabilities Act. Indeed, Defendant further
28 maintains that the officers should have done what they could to speed that process,

1 rather than deliberately act to delay it, and make a joke out of it. Since the
2 medication was only a mile away, they could have driven him there. Raising
3 money for the City of Long Beach, however, was a far greater priority. A Federal
4 question arises therefore as to whether, as a matter of right under the ADA, the
5 defendant should have been allowed to proceed, rather than detain him and
6 physically abuse him. Deciding such a question is beyond the legislature's
7 intended scope of jurisdiction of any traffic court owing to its scaled down
8 structure. Therefore again, this case should be dismissed both in the interest of
9 Justice and for lack of jurisdiction.

10 **This court should dismiss this action as a reasonable**
11 **accommodation under the U.S. Americans with Disabilities Act**
12 **(ADA)**

13 4. Specially Appearing Defendant Crosby has had his blood pressure control
14 problems exacerbated as a result of the physical and psychological trauma at the
15 hands of the two officers named herein, and the stress of dealing with this case. A
16 trial in this case, wherein Crosby need to meet and cross examine the same officers
17 would add further to that stress. Thus as a reasonable accommodation under the
18 ADA and in the interests of justice, the specially appearing defendant requests that
19 this case be dismissed. There is U.S. Supreme Court precedent for honoring such a
20 request, in such cases where "... it can be clearly predicted by reason of the
21 operation of a pervasive and explicit law that federal rights will inevitably be
22 denied by the very act of bringing the defendant to trial in the state court." *City of*
23 *Greenwood v. Peacock*, 384 U.S. 808 (1966). Thus too, the federal Courts have
24 original jurisdiction in the case at bar. This court should therefore, again, either
25 either dismiss this case or grant Crosby leave to move this case to U.S. District
26 Court under 28 U.S.C. § 1443(1). In the interest of justice however, and as a
27 reasonable accommodation under the ADA, Crosby requests that this court dismiss
28 this case.

1 **The Prosecution and the City of Long Beach should not be**
2 **allowed to profit from the misconduct of the officers as a**
3 **Maxim of Jurisprudence.**

4 5. The officers themselves clearly used excessive force in their handling of
5 the defendant by first nearly running him over (“playing a game of chicken”
6 with him, as it is sometime put), and then inflicting “painful compliance”
7 when Crosby became the “chicken.” There was no justification for them for
8 inflicting pain on Crosby whatsoever. Said misconduct therefore included,
9 but was not limited to, deliberately and intentionally causing Crosby physical
10 pain and emotional distress, thereby raising his already elevated blood
11 pressure even further, and therefore deliberately and shamelessly putting him
12 at substantial risk of heart attack or stroke— something both officers thought
13 was a big joke. This they did first by nearly running him over, and then by
14 deliberately trying to burn his hands for a half hour, threatening him, and
15 ridiculing him, thus deliberately trying to give him a heart attack or a stroke.
16 See Ambulance Report.

17 6. A Maxim of Jurisprudence, Civil Code § 3517 provides:

18 No one can take advantage of his own wrong.

19 In allowing the City of Long Beach and its prosecutor to proceed in
20 prosecuting this case, this honorable Court would be doing precisely that.
21 Hence this court lacks jurisdiction; and ought to dismiss this case both for
22 lack of jurisdiction and in the interest of justice.

23 **Defendant has already been punished to a degree constituting**
24 **cruel and unusual punishment under the 8th Amendment And**
25 **Article 1. Section 17.**

26 7. It is a basic maxim of jurisprudence, enshrined in both our federal and state
27 constitutions, that a punishment should fit a crime. In the case at bar, the
28 defendant has already both suffered both financial and corporal punishment

1 which not only violate the 8th Amendment of the US Constitution, but
2 California State Constitution Article 1 Sec. 17 which provides:

3 Cruel or unusual punishment may not be inflicted or excessive
4 fines imposed.

5 By most people's standards, the proposed \$638 fine for this offence,
6 for a mere bicycle ticket, is excessive. But the ambulance bill alone is nearly
7 three times that amount. And there are more bills on the way. To subject him
8 to further possible fines would merely add to the excessiveness of the
9 penalties already imposed, and further violate the federal and state
10 constitutions. Thus, in the interest of justice, and as a matter of constitutional
11 right, this case should be dismissed.

12 **The Defendant Never Actually Committed the Most Serious**
13 **of the Three Violations Cited. The other, if he violated it,**
14 **only did so because the citing officers, playing chicken with**
15 **Crosby, scared him onto the sidewalk.**

16 8. The defendant did nothing wrong in the first place. There are no "fender
17 bender" accidents involving bicycles. A bicyclist hit from the rear by a car is
18 more apt than not to suffer serious injury or death. A bicyclist therefore is
19 under no duty to stop at a stop sign if an automobile, even a police car, is
20 likely to hit him if he does. It is rather his duty and right to do what he can to
21 avoid injury or death. CVC 22450(a) reads:

22 22450. (a) The driver of any vehicle approaching a stop sign at
23 the entrance to, or within, an intersection shall stop at a limit line,
24 if marked, otherwise before entering the crosswalk on the near
25 side of the intersection.

26 9. In the case at bar the defendant never ran the stop sign at all. Instead, he
27 veered to the right, onto the broken curb before entering the sidewalk, about a
28 foot behind the painted white line crossing Colorado Ave. This was to avoid

1 being hit by what he reasonably thought was a drunk or crazy driver, or one
2 on meth. The sudden appearance of the headlights was so blinding that he
3 could make out no details as to the vehicle or the driver whatsoever. In any
4 case, having not crossed the painted white line, he did not violate CVC
5 22450(a).

6 10. The citation itself, on the surface of the complaint, by virtue of the
7 violations charged, are uncertain as to whether defendant was on the street or
8 on the sidewalk. The CVC 22450(a) charge makes the implicit claim that
9 defendant was riding his bike in the street. The charge of a Muni Code
10 section 10.48.090 implies otherwise:

11 Signaling Device Required (10.48.080) No person shall operate a
12 bicycle upon a sidewalk unless it is equipped with a bell, horn or
13 other device capable of giving a signal audible for a distance of at
14 least one hundred feet, except that a bicycle shall not be equipped
15 with, nor shall any person use upon a bicycle, any siren or
16 whistle. (Ord. C-6322 § 2, 1986).

17 If this be true, then the defendant could not possibly have violated CVC
18 22450(a), as a careful reading of the section reveals that it does not apply to
19 either a pedestrian or a bicyclist on the sidewalk. Thus the officer cannot
20 have it both ways. Cole's attempt to do such clearly shows animus toward the
21 defendant. Likewise his discriminatory refusal to make this a "fix-it" offense.
22 Therefore, not only should he not be allowed to have it both ways, he should
23 not be allowed to have it either way. Given such a choice, he would clearly
24 chose more serious offence. This ticket should therefore be dismissed in its
25 entirety for lack of evidence and in the interest of justice.

26 **The Officers made an unreasonable search, violating**
27 **Crosby's state and federal constitutional rights.**
28

1 11. In going through Crosby's pockets, removing all the contents, and then
2 searching his wallet, Cole unreasonably violated Crosby's state and federal
3 constitutional protections against unreasonable searches. In so doing, they
4 violated their oaths to serve and protect the laws of this state and this country.

5 **The Officers Violated Crosby's state constitutional right to**
6 **privacy.**

7 12. In going through Crosby's pockets, removing all the contents, and then
8 searching his wallet, Cole with the assistance of Davenport unreasonably
9 violated Crosby's state constitutional right to privacy guaranteed under
10 Article 1 Sec. 1 of the California State Constitution. In so doing, both not
11 only violated their oaths to serve and protect the laws of this state and this
12 country, but showed utter contempt for both the state constitution the rule of
13 law.

14 **Owing to the Age of the Defendant, Citing Officers Conduct**
15 **toward him constitutes a misdemeanor, if not a felony, under**
16 **California Law.**

17 13. Either way, a careful reading of the code reveals that the code does not
18 specifically require a bell or horn at the officer interpreted it. Rather it allows
19 for any "other device capable of giving a signal audible for a distance of 100
20 feet." In the case at bar, the Defendant's own voice is perfectly capable of
21 "devising" such a warning signal. Thus he did not violate the statute.

22 14. The officers' conduct in dealing with the defendant was itself criminal in
23 nature, California Penal Code section 368 provides in parts:

24 (b) (1) Any person who, under circumstances or conditions
25 likely to produce great bodily harm or death, willfully causes or
26 permits any elder or dependent adult, with knowledge that he or
27 she is an elder or a dependent adult, to suffer, or inflicts thereon
28 unjustifiable physical pain or mental suffering, or having the care

1 or custody of any elder or dependent adult, willfully causes or
2 permits the person or health of the elder or dependent adult to be
3 injured, or willfully causes or permits the elder or dependent
4 adult to be placed in a situation in which his or her person or
5 health is endangered, is punishable by imprisonment in a county
6 jail not exceeding one year, or in the state prison for two, three,
7 or four years.

8 (2)....

9 (c) Any person who, under circumstances or conditions other
10 than those likely to produce great bodily harm or death, willfully
11 causes or permits any elder or dependent adult, with knowledge
12 that he or she is an elder or a dependent adult, to suffer, or inflicts
13 thereon unjustifiable physical pain or mental suffering, or having
14 the care or custody of any elder or dependent adult, willfully
15 causes or permits the person or health of the elder or dependent
16 adult to be injured or willfully causes or permits the elder or
17 dependent adult to be placed in a situation in which his or her
18 person or health may be endangered, is guilty of a misdemeanor.

19 (f) Any person who commits the false imprisonment of an elder
20 or dependent adult by the use of violence, menace, fraud, or
21 deceit is punishable by imprisonment in the state prison for two,
22 three, or four years.

23 (g) As used in this section, "elder" means any person who is 65
24 years of age or older.

25 15. Whether the officers' crime (for which they are admittedly unlikely ever
26 to be prosecuted) of elder abuse was at the level of a misdemeanor or felony
27 need not be debated here, as this court lacks jurisdiction to decide it. In either
28 case, it was far more serious than any bicycle equipment violation, or even

1 running a stop sign. And the ambulance report shows, both by way of blood
2 pressure readings and the paramedic's own observations, there is ample
3 evidence that the officers did in fact cause the defendant serious anxiety,
4 raising his blood pressure to life threatening levels. Only Crosby, with his
5 maneuver of jumping the low curb onto the grass at the base of the stop sign
6 itself (albeit as a snap decision for the purpose of avoiding injury, not for
7 circumventing any requirement to stop), and then the sidewalk evaded the
8 trap, and Cole and Davenport were angry and frustrated. To proceed
9 therefore with this case would only serve the cause of perpetuating the
10 officers' elder abuse. In the interests of justice therefore, and for lack of
11 jurisdiction, the Court should dismiss this action against the defendant both
12 for lack of jurisdiction and in the interest of justice.

13 Dated: June 1, 2015

14 Respectfully Submitted,

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17 Patrick Francis Crosby,
18 Specially Appearing Defendant in pro per
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1 Patrick Crosby, specially appearing in pro per
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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES
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13 PEOPLE OF THE STATE OF
14 CALIFORNIA, Plaintiff
15 vs.
16 PATRICK FRANCIS CROSBY
17
18

) Citation Number : B750359
)
) DECLARATION OF DEFENDANT
) PATRICK CROSBY IN SUPPORT OF
) DEFENDANT'S REQUEST/MOTION
) TO DISMISS
)
)
)

19
20 **DECLARATION OF PATRICK FRANCIS CROSBY**

21 I, Patrick Francis Crosby, declare as follows. The following statements are
22 true of my own personal knowledge, except in cases where stated on belief,
23 believed by me to be true. If called upon, I could and would competently
24 testify to the following:

- 25 1. I am 67 years of age.
26 2. I have a bachelor's degree in Electrical Engineering from Illinois Institute
27 of Technology, and was for many years employed in that profession. For 6 of
28 those years I was employed at a NASA facility as a systems engineer. As

1 such, I am trained to design systems that are highly reliable, and which can
2 continue to function overall despite the failure of certain subsystems. I
3 mention this because in my later years I have applied the same general
4 principles of caution by design to my own personal life, particularly in regard
5 to bicycle riding safety. That is to say, I have a riding safety system.

6 2. For reason of being on a limited fix income, I do not own an automobile.
7 For my personal transportation, I rely on a combination of bicycle and public
8 transportation.

9 3. I ride my bicycle at night as little as possible for safety reasons. When I
10 do, my general practice is to ride on a residential street, and assume that I
11 will be completely invisible to all drivers. (This is based on a fundamental
12 unwritten law of all good engineering practice known as Murphy's Law: If
13 the worst can happen, it will). More than that, again as result of thinking
14 ingrained in me from years of employment as an engineer in the defense
15 industry, I view all headlights behind me as threats. By the time the car is
16 within 1/2 to 1/4 block of me, I pull in between two parked cars , and wait
17 until there are no headlights visible for at least one city block. By following
18 this policy, I have avoided being hit for at least 3 years. For this reason I have
19 full faith in the system I have devised.

20 4. I have for many years been treated for high blood pressure. For most of
21 those years my blood pressure seemed fairly well under control. Recently
22 however, I discovered that stress and pain can raise it, especially during the
23 evening hours. NSAID drugs which can reduce pain, themselves can have a
24 tendency to increase blood pressure, so this "obvious solution" backfires.
25 And during the last few months, I have been suffering an acute bout of hip
26 pain. Oddly enough, I feel little or no pain while riding a bicycle, but it hurts
27 considerably putting my leg over it to mount and dismount if I do not do this
28

1 slowly and carefully. It hurts even more to stand for more than 10 minutes.
2 But my doctor tells me this is not unusual.

3 5. On April 24, 2015, at approximately 7:45 PM I visited the Rite Aid
4 Pharmacy at Broadway and Cherry to check my blood pressure. It was
5 165/90, so I decided to quickly get back home to take a blood pressure pill.

6 6. On the way back, proceeding down 3rd, I turned left down Colorado Ave.
7 expecting less traffic, since it was already dark enough to cause me extra
8 safety concerns. Plus, people tend to speed on 3rd, typically 10 mph over the
9 limit according to posted radar signs. They of course slow down as soon as
10 they see the sign which shows them to be speeding. Having ridden this
11 section hundreds of times, I have never seen a speeder stopped by police.

12 7. Proceeding down Colorado, I saw no lights behind me all as I came upon
13 the bend a block down. Then, a few seconds after making the bend, there
14 suddenly appeared, no more than a few feet behind me, some bright
15 headlights. I was terrified. I thought I was about to be hit. At this point I was
16 perhaps 6 feet from the painted white line of the Colorado and Temple
17 intersection. But the curb was too high to go over right there.

18 8. To avoid being immediately hit, I veered right onto the curb at the closest
19 point where the curb was low enough not cause me to fall and be struck. This
20 was some 12-24 inches before the painted line. I specifically remember
21 wondering whether this might be a drunk driver or other sort of crazy person.
22 "Hey, watch out!" I shouted, or some other words to that effect. I remember
23 thinking also that this might be someone who wanted to steal my bike.

24 9. I then turned immediately to the left, pausing at the point where the
25 crosswalk crossing Temple begins, making certain that the threatening
26 vehicle was not about to turn into me. It had however stopped, so I proceeded
27 quickly. Within perhaps 30 seconds of my leaving the crosswalk, a Long
28 Beach Police car stopped beside me, opened the door, and demanded I stop. I

1 then realized this was the “crazy driver” that nearly ran me over less than a
2 minute before. The driver was officer R. Davenport #6289, best I can read the
3 ticket, and his partner who confronted me physically, and was soon to cause
4 me injury, was S. Cole #6169. Cole got out of the car, and I proceeded to
5 slowly get off my bicycle to minimize the pain. I explained to Cole that I had
6 serious sciatic hip pain and needed to move slowly. Evidently, my slow
7 movement of my leg off my bike angered Cole, and he immediately put his
8 arm around me, catching my wrist in such a way as to nearly break my wrist.
9 (The wrist was x-rayed by my doctor two days later. While traumatized to a
10 considerable degree and still swollen, it wasn’t broken. It still hurt like hell).

11 10. Cole also gave me what might be best described a an unwanted spine
12 adjustment which was in point of fact quite painful, and put a halt to an
13 easing trend. He told me I was receiving “painful compliance” (a phrase I
14 cannot remember ever having heard before) and that it would get much worse
15 if I did not fully cooperate. From this point on, I was in fear for my life.
16 From what I could tell, this man had no sense of moral decency about him
17 whatsoever. At the slightest provocation he might shoot.

18 11. I did nothing to deserve this kind of abuse. And as I read California Penal
19 Code Section 368 I believe his doing this to me would have constituted a
20 misdemeanor were I not under his control. Since I believe the case can be
21 clearly was under his care, for purposes of CPC 368, I believe the law says
22 this sort of behavior constitutes a felony. Stopping me in the first place in bad
23 faith (trying to avoid being hit by the police car), since I was not yet under
24 the officers’ control, I believe constitutes a misdemeanor— in itself a far
25 more serious offense than any of the 3 for which I was ultimately cited.

26 12. Under California law, it is my understanding that it is not permissible for
27 any peace officer to commit a misdemeanor or felony as a means of
28 prosecuting an infraction. That is to say, no officer may shoot a fleeing

1 bicyclist, or deliberately put him in a life threatening situation, merely
2 because he lacks a horn on his handle bar. I further believe that in
3 prosecuting this case, the Long Beach City Prosecutor will itself be an
4 accessory to, an a furtherance of Cole and Davenport's crime of elder abuse
5 against me.

6 13. Immediately after inflicting the "painful compliance" spine adjustment,
7 Cole accused me of being a drug dealer. Not only is this untrue, Cole had no
8 reason whatsoever to believe it was. I told him immediately that I had high
9 blood pressure. He dismissed this, and reprimanded my for raising his blood
10 pressure. He cited some condition which he had which I believe included the
11 word "diabetes" or "diabetic." He then demanded that I put the palms of
12 both hands on the hot hood of the squad car and began going through my
13 pockets. My hands remained there for the better part of a half hour.

14 14. He asked where I was coming from and I told him. I also told him that
15 my blood pressure was high at the Rite Aid, and that it was probably
16 dangerously high, after the trauma that he had caused me.

17 15. He also accused me of trying to evade him. I explained this was not true.

18 16. The next 25 or minutes or so were spent by Cole looking through his
19 code book to see what statutes he could cite me on. I asked if I was going to
20 jail. He would not answer. All this time I am bent over with hip pain, and the
21 palms of my hands on the hot hood.

22 17. I then asked, as a matter of right under the Federal Americans with
23 Disabilities act, to be released immediately so I could proceed home to get
24 the needed mediation immediately. Cole and Davenport both refused.

25 18. Beginning to feel dizzy and fearing that I might be on the verge of a heart
26 attack or a stroke, and with Cole and Davenport refusing to give me an
27 estimate of how long it would be before my ordeal with them might be over,
28 (or whether or not I was going to jail) I demanded paramedics.

1 19. The paramedics, arrived, put me on a stretcher, and took my blood
2 pressure. As I expected, it was much higher than it had been at Rite Aid an
3 hour or so before. They agreed I should go to the hospital.

4 20. Cole however was not quite finished writing his ticket, and said the
5 paramedics could not leave until he finished and I signed the promise to
6 appear. Initially I told him I did not feel well enough to sign. He said that
7 without a signature, I would go to the police station, and not the hospital. I
8 scribbled something as well, unable to even read what I was signing, just to
9 get out of there alive.

10 21. While I have received a bill from the City of Long Beach for Ambulance
11 service (\$1829.50, see attached document in Defendant's Request for Judicial
12 Notice) I have yet to receive one from St. Mary's Hospital or the physician
13 and medical center I visited two days later to treat the wrist injured by
14 Officer Cole in his "Painful Compliance." Best guess \$700. Again, Cole's
15 "spine adjustment" made my hip worse, not better. The pain from his
16 "painful compliance" continues, more than 5 weeks later.

17 22. I am 6 feet tall and 162 pounds. Cole is a man my junior I would guess by
18 at least 30 years, much heavier, and much stronger.

19
20 Executed June ___ 2015,
21 At Long Beach, California

22 _____
23 Patrick Francis Crosby, Declarant
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