

The Verdict Versus The Victory

Author: Walter B. Hoye II - Date: Thursday, January 15th, 2009

The verdict came exactly one (1) year to the day (Tuesday, January 15th of 2008) since the Oakland City Counsel passed "Title 8 Health and Safety Chapter 8.52: Access to Reproductive Health Care Facilities" of Oakland's Municipal Code.

It was around 1:55 P.M. on Thursday, January 15th of 2009, a beautiful day in downtown Oakland, California. I was sitting outside enjoying lunch at Ratto's, a sidewalk deli and grocery that I highly recommend. The company was perfect as my wife (Lori) and my lawyer (Allison Aranda, Esq.), shared stories about growing up in their respective families that shaped their commitment to Christ today. I had almost forgot why I was in Oakland that afternoon when Allison received a call from Department 109 on the fifth (5th) floor of the Wiley W. Manuel Courthouse, 661 Washington Street, Oakland, California 94607-3922, where the Honorable Stuart Hing is presiding. It was time. The Jury had reached a decision regarding my trial. It was time to report back to court and receive the verdict.

Please, allow me to share a little background to these events for those who are new to my story.

My name is Walter B. Hoye II and on **Tuesday, May 13th of 2008** I was arrested for allegedly violating "Title 8 Health and Safety Chapter 8.52: Access to Reproductive Health Care Facilities" of Oakland's Municipal Code on both **Tuesday April 29th of 2008** and **Tuesday, May 13th of 2008**.

Please use the link below read the City of Oakland, California's new ordinance:

- http://bpc.iserver.net/codes/oakland/_DATA/TITLE08/index.html or

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- http://bpc.iserver.net/codes/oakland/_DATA/TITLE08/Chapter_8_52_ACCESS_TO_REPRODU.html

Soon after my arrest the Alameda County Deputy District Attorney, Robert Graff, then expanded the above two (2) counts to four (4) counts. Two (2) for violating the above ordinance and two (2) for allegedly using “force, threat of force, or physical obstruction” against two (2) of the abortion clinic escorts. The penalty for each count is one year in jail and/or a \$2,000.00 fine. So when my trial started I was facing four (4) years in jail and/or an \$8,000.00 fine.

Right after my arraignment on **Wednesday, June 11th of 2008**, we filed a demurrer to the complaint, on the grounds that the complaint against me should have to name, or at least describe with sufficient specificity, the particular "victim" of the approach. The demurrer was overruled which means the Court did not accept our argument.

At a pre-trial hearing **on Friday, July 18th of 2008**, both of the abortion clinic escorts were cross-examined. Under oath and the penalty of perjury, both escorts admitted that I never used force against them, threatened them, or blocked them in any way. They proudly testified that they routinely block my person, my sign, (“**Jesus loves you and your baby. Let us help you!**”) and my plea (“**May I talk to you about alternatives to the clinic?**”) to prevent clinic patients from talking with me. One escort even went as far as to testify that **I was “nice” in a sort of passive aggressive way**. Still, that day, neither the presiding Judge, nor the Deputy District Attorney would dismiss the charges.

I praised God when during my **thirteen (13) day trial (December 22nd, 23rd, 29th, 30th of 2008; January 5th – 9th; 12th – 15th of 2009)**, Judge Hing, after hearing the testimony

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of the abortion clinic escorts, dismissed one (1) count of harassing an abortion clinic escort. Now I am facing three (3) years in jail and/or a \$6,000.00 fine. At this point in the trial, I was thinking I would eventually be exonerated.

Thank you for your patience. Now back to our story:

At around 2:15 P.M. the three (3) of us were standing just outside the door of the courtroom as the door was locked. Soon the Bailiff would open the door and I would walk into the courtroom and sit in the defendant's chair once again. The defendant's chair is located right in front of the Bailiff's desk and chair and while comfortable it is purposely a chair without wheels so as to limit the defendant's ability to move suddenly. The Bailiff's armed presence was a constant reminder that I was not free.

The courtroom was almost empty as people began to enter. Jack Sullivan, a very good friend of mine and my wife sat on the side of the courtroom where I was while those who curse me and hate me sat behind the Prosecutor. I could hear each side casually chatting, trying to guess the Jury's decision. Each side believed the facts of the case supported their suppositions.

Soon the Judge asked the Bailiff to escort the Jury into the courtroom and while the men and women of the Jury walked into the courtroom you could feel a silence descend upon all conversation.

The Judge is sitting on the bench, the Prosecutor is on my right, the Bailiff is right behind me and my chair feels like it is

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stuck to the floor, effectively locking me into the table where I am sitting. Time has really slowed down now.

I can hear the Judge ask the Jury: “Have you reached a verdict?”

I can hear the Jury Foreman say: “We have, your Honor.”

At this point, suffering for Christ sake is no longer an academic exercise. At this point being persecuted for the sake of the Gospel is no longer a “righteous risk” taken by “them”, “they”, “these” and “those” in a Bible story. At this point, it is not about Moses and Aaron or Elijah and Elisha or Paul and Silas or any other Biblical character or courageous Saint for that matter. At this point, it is about me, my wife, my family, my life, my cross, my faith, my Christ.

All of a sudden my mind is flooded with questions:

What am I going to do? Where will my faith in God lead me? Is my confidence in Christ real enough to pass this test? Will I practice what I preach? Will my walk match my talk? Will the Son of God be revealed in me to the glory of God or will I falter along the way and publicly fail my Lord and Saviour?

So quickly and forcefully are the questions coming now that I almost audibly, in a loud voice, in the middle of the courtroom, in front of the Judge and the Jury, in front of the Bailiff, right next to both the Defense and the Prosecution and before all in attendance, begin to question my motives?

Don't I get it?

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My obedience to Christ will cost other people.

What about my wife and family?

What about the safety and comfort of those who love me?

What about the hopes and dreams those who are praying for me?

Must they all suffer as a direct result of my convictions?

Am I really going to make every effort to remain loyal to Christ at the expense of His precious Saints?

Do I really believe God will look after those who will be hurt as a result of my obedience to Him?

Am I really willing to obey and leave all consequences with my Lord?

Is having a “right relationship” with Christ really more precious to me than life itself?

Am I really willing to sacrifice my safety and comfort for the lives of those that would not, have not and will not ever do the same for me?

Am I really willing to give up a life I cannot keep for a life I cannot lose?

Am I really willing to be wounded by some and rejected by others to save the life of an unborn child?

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Am I really willing to live by faith and then die having never received the promise?

Am I really willing to be discarded, disgraced, dismissed, discredited, discharged, disfavored and fall into disrepute among my own people for the sake of Christ?

At this point the reality of my circumstances weighs heavily upon my heart and hits me hard right between the eyes.

However, at this point, **Job 13:15**: “**Though he slay me, yet will I trust in him: but I will maintain mine own ways before him.**” is sinking deep into my thoughts.

At this point, I realize I have not hurried out of harm's way or collapsed under the pressure.

At this point, I realize I am facing the future with a faith I never had before.

At this point, it only appears I am sitting alone in the defendant's chair on the outside, when in fact I am standing with Christ, my advocate, on the inside.

At this point I have the strength to smile and sit still knowing my Lord is God!

At this point, I can feel the power behind **Psalms 115:3**: “**But our God is in the heavens: He hath done whatsoever He hath pleased.**”

You can hear a pin drop in the courtroom as the Judge asks for the verdict from the Jury. The foreman hands the 8.5 by

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11 inch manila envelope over to the Bailiff who walks it over to the Judge. It felt like I was counting every step the Bailiff took.

The Judge opens the envelope and slowly reads the verdict without any facial expressions. I tried to read the words of the verdict reflected in the eyes of the Judge in a vain attempt to discern the Jury's verdict in hopes of readying myself for a severe blow. I desperately wanted to know the verdict and at the same time I was very afraid to know the Jury's decision. The Judge stopped reading and I swallowed hard thinking the Judge was about to read the verdict.

I was thinking ...

This is it!

But it wasn't.

The Judge then handed the Jury's verdict over to the Court Clerk who took her time reading and organizing the papers in her hands ... one page right after the other.

Finally, the Court Clerk cleared her throat and began to read the contents of those pages, that is to say the Jury's verdict.

I am yelling within myself ...

This is it! The verdict is on those pages and I can feel it.

No more waiting. No more guessing. No more praying. No more meetings. No more strategizing. No more sermons. No more Bible study. No more dinners alone with Lori.

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This is it! The verdict is on those pages and I can feel it.

My heart almost stops beating as I realize this is not a drill. This is not practice. This is not a “dry run” where I would have a chance to experience the magnitude of this moment without its corresponding consequences.

This is it! The verdict is on those pages and I can feel it.

This is the very moment of truth I have dreamed of. This is where I face the harsh reality of man’s law wearing the whole armour of God.

It was at this moment, not knowing exactly what to do, I instinctively lifted my shield of faith, held it over my chest and looked into the eyes of the Court Clerk.

Finally the Court Clerk read the Jury’s verdict out loud:

“Regarding Count #1 we find the defendant **GUILTY!**”

I am physically stunned!

The word “**GUILTY**” hits me like a fiery dart from a high-speed rifle.

“Regarding Count #3, we find the defendant **GUILTY!**”

Again, the word “**GUILTY**” hits me like a fiery dart only this time it feels like I was fired upon from point blank range.

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I am stunned but I noticed, on the inside, I am still standing with Christ.

I am stunned, but on the inside I am calm, collected and composed.

“Regarding Court #4, we find the defendant **NOT GUILTY!**”

I am stunned, but I can hear the words “**NOT GUILTY.**”

I am stunned and while I understand the meaning and the significance of the words “**NOT GUILTY,**” understanding the words “**NOT GUILTY**” only serves to reinforce my understanding of the word “**GUILTY**” and it feels like I have been hit with a fiery dart for yet a third time.

While the Court Clerk sits down, I notice, almost involuntary, that my shield of faith is still up and realize the onslaught is not over.

As my mind races to comprehend my new reality, another wave of attack begins and suddenly I can hear the “Accuser of the Brethren” whisper in my ear:

“He saved others but He did NOT save you!”

“He did NOT save Himself, why would He save you!”

“God does NOT love you enough to deliver you out of my hands.”

“See, you were WRONG!”

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“Your SINS have found you out!”

“God CANNOT use you!”

“WHO do you think you are?”

“Your LIFE is over now!”

“Fighting abortion is the biggest MISTAKE you have ever made.”

“There is no **VICTORY** for you, only a **VERDICT**.”

“You have NEVER won and you will NEVER win!”

“You are all ALONE now!”

“NOBODY cares.”

“NOBODY can help you.”

“This what you get for taking a BIBLICAL stand!”

By the grace of God, my shield of faith is still up.

The Judge thanks the Jury and excuses them.

After the Jury has left the courtroom, the Judge shares with counsel on both sides he is considering taking me into custody now with the plan of sentencing me the next day.

Still, my shield of faith is up.

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The Prosecutor does not object, however, the Christ in my lawyer (Allison Aranda, Esq.), fights for me and the Judge reconsiders remanding me into custody if I will agree to stay 100 yards away from the abortion clinic on 200 Webster Street in Oakland, California and stay eight (8) feet away from the persons identified in my case until I am sentenced.

The Judge looks me in the eye and in a soft voice asked me if I am willing to obey his order.

I take a moment to talk with Allison and discuss my options.

At this point, I am looking for the quickest way to pay my newly acquired “debt to the people” and be free. However, Allison explains to me that none of the options available to me will accomplish my goal. The Jury has found me GUILTY of two (2) violations of section (b) of the ordinance (i.e., **Section 8.52.030: “Prohibited harassment of individuals seeking access to health care facilities”**), the “no approach without consent” provision. They are both misdemeanors, NOT felonies. Each count carries a year in jail and/or a \$2,000.00 fine.

With so much ministry already scheduled and left to accomplish this month, my freedom at this point is critical. I am advised to agree to the Judge’s order.

I pause for a moment, wondering if I have overlooked something.

I pause just for a moment, waiting for God to give me an idea we failed to consider, a thought we failed to notice or a

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strategy we “missed in the midst” of the trial that would redeem the day.

Nothing comes and the moment passes.

Finally, I look at the Judge say: “Yes your Honor!”

The Judge is now satisfied and grants me my freedom until 1:30 P.M., **Thursday, February 19th, of 2009** where I will report to Department 109 on the fifth (5th) floor of the Wiley W. Manuel Courthouse, 661 Washington Street, Oakland, California 94607-3922, where the Honorable Stuart Hing is presiding to be sentenced.

Still, my shield of faith is up.

Providentially, my wife (Lori) had stepped outside the courtroom to see if the Jury had gone home and heard my adversaries discuss plans to use the Judges order like a sword against me. Their plan was to come to my church in Berkeley, and to our events in Oakland with the idea of using the Judge’s order to chase me out of the pulpit and force me to leave from leading our events in Oakland.

Still, my shield of faith is up.

Lori shares this information with Allison and again, the spirit of Christ in Allison is stirred. Allison valiantly fights for me. Over the course of my trial, Allison has poured out her heart and soul for me. I am grateful and blessed beyond measure to have the **Life Legal Defense Foundation (LLDF)** representing me. At times during the trial I was being defended by three (3) divinely gifted and inspired lawyers

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(Mike Millen, Esq., Katie Short, Esq. and Allison Aranda, Esq.). I consider myself to be in their debt. God used the LLDF to protect me and encourage me in my darkest hours. Without LLDF my fate would have been much worst.

I am deeply grateful for their love and uncompromising support. In my opinion, LLDF is worthy of your financial gifts. If you were considering giving to ease the cost of my legal representation, then please give to LLDF.

When Allison rested the heart of the Judge was moved to modify the stay away order. The new order only requires me to stay 100 yards away from the abortion clinic on 200 Webster Street in Oakland, California and from contacting any of the persons identified in my case.

This modification effectively allows me to continue to preach in my church and give leadership to our events in Oakland without being legally chased away by my adversaries.

While I cannot return to the abortion clinic on 200 Webster Street and while this horribly unjust law aimed at Christians stays in effect, I will continue to work towards the defeat of what I call Oakland's "No Christ" zone by other means within the legal freedoms that are still available to me.

It's almost 4:30 P.M. on Thursday, January 15th of 2009.

It's Martin Luther King, Jr.'s birthday again and I can still hear his words in my heart:

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"The Negro cannot win as long as he is willing to sacrifice the lives of his children for comfort and safety." – Martin Luther King, Jr.

This is not the end of my story.

My life is not over yet.

"The Verdict Versus The Victory" Will Continue.

My shield of faith is still up.

I believe we will win!

May God get the Glory!

May God's Will be done!

May God's Son be Revealed in me!

Thank you for your love, your prayers and your support.

May God bless you all!

Walter B. Hoye II

Founder & President of the Issues4Life Foundation