

Pastor sentenced for Oakland abortion protest

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A pastor at a Berkeley church was sentenced Thursday to three years' probation and fined \$1,000 after becoming the first person convicted under an Oakland ordinance barring protesters from coming within 8 feet of anyone entering an abortion clinic.

Walter Hoye could have faced up to two years in jail after a jury convicted him last month of two misdemeanor counts of unlawfully approaching patients at the Family Planning Specialists Medical Group at Second and Webster streets.

The case was an emotional one, and pro-choice and anti-abortion advocates jammed the Oakland courtroom for the sentencing hearing. Dozens of people unable to find seats filled the hallway outside.

Hoye, 52, of Union City appeared ready to accept a jail sentence, telling Judge Stuart Hing of Alameda County Superior Court, "I believe that an unjust law is no law at all."

Hing said Hoye was by all accounts a "decent person." But illegal conduct is not justifiable when there are legal ways of protesting, the judge said.

Hing asked if Hoye would abide by an order requiring him to stay 100 yards away from the Oakland clinic, and the pastor said no.

The judge then imposed the stay-away order anyway, fined Hoye and sentenced him to three years of probation and 30 days in jail. Hoye can serve his time in a sheriff's work detail or by volunteering.

The "medical safety zone" around abortion clinics was set by the Oakland City Council in 2007. Abortion protesters must stay at least 8 feet from women, staff or escorts entering the buildings.

The council passed the law in response to complaints of harassment at three abortion clinics in the city. Anti-abortion activists called it an intrusion on their freedom of speech.

Hoye, executive elder of the Progressive Missionary Baptist Church in south Berkeley, hands out anti-abortion literature outside abortion clinics. He was arrested May 13 at the Oakland clinic, carrying a sign that read, "Jesus loves you and your baby. Let us help you!"

A blue rectangular advertisement with white and yellow text. At the top, it says "See Your 3 Credit Scores – FREE!". Below that, in large yellow letters, it says "No cost. No Risk. No time to lose!". At the bottom, there is a red button with white text that says "See All 3 FREE!".

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As women approached the door, he asked them, "May I talk to you about alternatives to the clinic?"

"He never laid hands on anyone," Levon Yuille, a nondenominational minister from Michigan who flew in for the sentencing, told the judge. Yuille also heads the National Black Pro-Life Congress.

Prosecutor Robert Graff said the incident was not a standard free-speech case.

"It's not that benign. It's not that neutral," Graff said.

In a statement, Katrina Cantrell, associate executive director of Women's Health Specialists, said, "When anyone restricts access to reproductive health services, every woman affected is a living example of a colonized body."

Defense attorney Mike Millen said there had been a "conspicuous absence" of patients at the trial who said they felt threatened by Hoye.

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Go

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