
PASTOR ALERT!

Berkeley Pastor Sentenced to 30 Days in Jail

Yesterday, Rev. Walter Hoye II was sentenced to 30 days in the Alameda County Jail. His crime? Standing on the sidewalk in front of an Oakland California abortion clinic holding a sign that read, "Jesus loves you and your baby. Let us help."

Rev. Walter B. Hoye II, an African American pastor from Berkeley, was found guilty in Alameda County Superior Court of unlawfully approaching abortion clinic clients at an abortion clinic in Oakland. Ironically, he was found guilty on January 15, 2009, Martin Luther King's Birthday.

Rev. Hoye was taken from the court room in handcuffs to begin serving his 30 day jail sentence. Additionally, he was fined \$1,000 and ordered to stay more than 1,000 feet from the abortion clinic for 3 years.



**Larry Pegram
President**

Rev. Hoye is a mild mannered, soft spoken but direct man. He is the Executive Minister (Pastor) of the Progressive Missionary Baptist Church of Berkeley and is an assistant chaplain for the Golden State Warriors. He coaches children's sports. Walter's wife, Lori, has stood by him every step of this journey.

Walter is an African American pastor who feels a special calling to work for the end of the genocide-by-abortion that has been taking place in the African American community.

As part of his pro-life ministry, he stands in front of an abortion clinic in Oakland with information offering alternatives to abortion and carrying a sign reading, "Jesus loves you and your baby. Let us help." On May 13, 2008, he was arrested for allegedly violating the newly enacted "Access to Reproductive Health Care Facilities" ordinance in Oakland's Municipal Code.

During his trial, a video tape of his activities was played showing that he violated neither the spirit nor the letter of the ordinance. The jury, based on incomplete instructions from the judge, relied on the testimony of the abortion center director and convicted him of two counts of "prohibited harassment of individuals seeking access to *health care facilities*". (Italics added)

On February 19, 2009, Rev. Walter Hoye II was offered three years probation, 30 days in jail or 30 days participation in the Sheriff's Alternative Work Program (picking up papers, etc.) or 30 days Community Service and a fine of \$1,130.00. The judge then added the condition that Rev. Hoye could not come within 1000 feet of the abortion clinic.

Rev. Hoye was then asked by the Judge if he would accept the terms of probation. This is where things became complicated. Rev. Hoye answered in a firm, but barely audible voice, "No, your Honor."

The Judge then "refused to accept Rev. Hoye's refusal." Nobody, even the attorneys, understood this. It's apparently a novel legal approach: The Judge had asked Walter if he would promise to abide by the stay-away order and Walter said no.

The Judge, in frustration, then ordered the probation, and asked Walter if he would abide by the ruling. Walter again said no. But the ruling had been made and here is where the judge "refused to accept Walter's refusal."

The judge walked out of the courtroom. Walter left the courtroom with no resolution. A second sentencing hearing was ordered for March 20, 2009.

That brings us to yesterday. The judge listened as both the District Attorney and Walter's defense team argued that one can't be ordered to accept probation if the terms of the probation are unacceptable to the defendant. This legal argument didn't sway the judge. His mind was apparently made up. He ruled that Walter accept the terms of the probation.

He then asked Walter which alternative he wished to choose...incarceration, Sheriff's work program or community service. Walter chose incarceration. The judge was then asked by Walter's defense team to stay the execution of the sentence until all appeals had been heard. The judge, again overlooking standard precedent and practice, refused. Walter Hoye was taken from the courtroom to begin serving his sentence.

If I am ever placed in such a position, I only pray that I have the courage of my faith that was shown by Rev. Walter B. Hoye II yesterday in that Oakland courtroom.

While driving home from this dramatic courtroom scene, I became even more convicted that this is merely another early round in the battle to preserve freedom of speech for Christians and, in particular, Pastors.

Pastors, rather than retreat into our churches, now is the time to look with a very critical eye toward those men and women that make the laws that govern our lives. An elected City Council voted to pass the ordinance. An elected District Attorney made the decision to bring Walter to

trial. An elected Superior Court Judge listened to the evidence, gave instruction to the jury, and then determined Rev. Hoye's sentence.

I fear that without vigilance and a proactive stance in the public policy arena, so called "hate crimes" statues and attacks on our First Amendment Rights to freedom of speech and assembly will be broadened and become more pointed in their intolerance of Christians and the teachings of Jesus Christ.

I fear for the future of my country when a travesty such as this is foisted upon a pastor like Rev. Hoye. It is time for each of us to stand...or the next one they come for may be me...or you.

Please pray for Rev. Hoye as he spends the next month in the Oakland County Jail.

I urge you to forward this email to other Pastors. Tell them of the courage and the conviction of a man of faith...Rev. Walter Hoye.

For more information on the Values Advocacy Council, please visit our website at www.vac.org.

Excerpts from "Letters from a California Courtroom" by Walter B. Hoye II and article written by Fr. John Malloy, SDB

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Questions or comments?

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