

Tuesday November 16, 2010

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## All charges dropped against pro-life pastor

By Thaddeus M. Baklinski

OAKLAND, California, November 16, 2010 ([LifeSiteNews.com](http://LifeSiteNews.com)) - The Appellate Division of the Alameda Superior Court has dismissed all criminal charges against Oakland pro-life witness Pastor Walter Hoye.



Rev. Walter Hoye

Hoye was arrested in May of 2008, charged, found guilty and imprisoned for peacefully counseling and picketing at a local abortion clinic.

He was charged under a 2008 City of Oakland bubble zone ordinance, which prohibits pro-life protesters outside abortion facilities from standing within 8 feet of women seeking abortions. His lawyers claimed the bubble zone ordinance was enacted for the sole purpose of keeping Hoye away from the Oakland abortuary and was an infringement on his constitutional right of free speech.

In January 2009, Hoye was found guilty of two counts of unlawfully approaching women entering an abortion facility, a misdemeanor

enshrined in city law the previous spring.

At the sentencing hearing, Judge Stuart Hing of the Alameda Superior Court stated that would not impose any fine or jail time on Rev. Hoye if he would agree to stay away from the abortion facility. Rev. Hoye refused these terms.

Judge Hing then imposed a 30-day jail sentence, a \$1130 fine, and also ordered him to stay one hundred yards away from the abortion facility for three years.

In August 2009, an appeal by Hoye to federal court failed when U.S. District Judge Charles R. Breyer ruled that Oakland's bubble zone ordinance was constitutional. He said the law protects access to health care, while also allowing protesters to express their opinion.

At the time, one of Hoye's lawyers, Michael Millen of the Life Legal Defense Foundation (LLDF), announced his intention to appeal the ruling to the Ninth Circuit appellate court, and commented on Judge Breyer's decision.

"It is now illegal to stand still on the sidewalk and extend your arm to hand out a piece of literature," he said. "I don't think the Ninth Circuit is going to buy it."

"Mark this day down," he continued. "On this day, a federal court judge ruled that it is constitutional to put someone in jail for a year for holding out a hand with a leaflet."

Three months ago, the appellate court overturned Pastor Hoye's criminal conviction for violating Oakland's law restricting sidewalk counseling. In its published verdict, the appellate court agreed with Hoye's attorneys that the trial court had erred, and granted Hoye a new trial.

The case was remitted back to the trial court on September 24. However, in the appellate court's decision, Hoye

was to have been brought to trial within thirty days of that date. When the time lapsed, attorney Millen asked the court to dismiss the case.

The Alameda County District Attorney's Office agreed with Millen's evaluation of the case and the court promptly ordered all charges against Hoye dismissed.

"We are pleased that Pastor Hoye is no longer under threat of further prosecution on these charges," said Katie Short, Legal Director of the Life Legal Defense Foundation, in a press release.

Short cautioned, however, that, "This is only one side of the battle. We now await the Ninth Circuit's decision on our constitutional challenge to the ordinance under which he was prosecuted."

A decision in the federal case is expected in the next few months.

Rev. Hoye told reporters that he is overjoyed at the decision and is looking forward to resuming his life-saving sidewalk witness at the Oakland abortuary.

See previous LSN coverage:

Oakland Abortion 'Bubble Zone' Ordinance Upheld by Federal Judge  
<http://www.lifesitenews.com/ldn/2009/aug/09080504.html>

Jailed Pastor Hoye Thanks Supporters Following Release and Vows Continued Pro-Life Witness  
<http://www.lifesitenews.com/ldn/2009/apr/09041411.html>

Pastor Jailed for Pro-Life Witness Gets Early Release  
<http://www.lifesitenews.com/ldn/2009/apr/09040908.html>

Pastor Jailed for Pro-Life Witness Writes Letter from Prison to "Men of the Cloth"  
<http://www.lifesitenews.com/ldn/2009/apr/09040304.html>

African American Pastor Sent to Jail for Offering Abortion Alternatives on Public Sidewalk  
<http://www.lifesitenews.com/ldn/2009/mar/09032305.html>

Pro-Life Pastor Faces 2 Years Jail and Fine for Peaceful Sidewalk Counseling  
<http://www.lifesitenews.com/ldn/2009/feb/09021707.html>

African American Pastor Sentenced to Jail for Counselling Women on Public Sidewalk  
<http://www.lifesitenews.com/ldn/2009/feb/09022002.html>

URL: <http://www.lifesitenews.com/ldn/2010/nov/10111609.html>

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