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Case dismissed

All charges against Pastor Walter Hoye dropped

OAKLAND, Nov. 15 /Christian Newswire/ -- All criminal charges against Pastor Walter Hoye have been dropped, the Life Legal Defense Foundation has announced. Just three months ago, an appellate court overturned Hoye's criminal conviction for violating Oakland's "Mother May I" law restricting pro-life sidewalk counseling.



Walter Hoye

In a jury trial in 2009, Hoye was found guilty of two counts of unlawfully approaching women seeking abortions at an Oakland abortion clinic. The judge sentenced Hoye to 30 days in jail and an \$1100 fine. Hoye served 18 days of his 30-day sentence at the Santa Rita Jail in Dublin. His sentence was reduced by 10 days for "good behavior," plus additional credit by the sentencing judge for the time Hoye spent confined in a patrol car after his arrest.

LLDF attorneys Katie Short and Allison Aranda, and volunteer attorney Michael Millen represented Hoye.

In its published opinion, the Appellate Division of the Alameda Superior Court agreed with Hoye's attorneys that the trial court had erred and granted Hoye a new trial. The case was sent back to the trial court on Sept. 24. The law requires that, if Hoye were to be re-tried, he had to be brought to trial within thirty days of that date.

When the time lapsed, Millen asked the court to dismiss the case. The Alameda County District Attorney's Office concurred 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 Short, Legal Director of the Life Legal Defense Foundation. "This is only one side of the battle, however. 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.

In the meantime, Hoye is overjoyed by this turn of events as he celebrates his freedom once again. Dr. Martin Luther King Jr. said it best in his letter from a Birmingham jail dated April 16, 1963, "Injustice anywhere is a threat to justice everywhere."

While the injustice of Hoye's arrest and imprisonment are now over, the fight to save the lives of innocent children is not. Hoye looks forward to this long-awaited opportunity to return to the public sidewalk outside the Oakland clinic to share his life-saving message.

Life Legal Defense Foundation is a non-profit organization composed of attorneys and other concerned citizens, committed to giving helpless and innocent human beings of any age, and their advocates, a trained and committed voice in the courtrooms of our nation.

(California Catholic Daily added some additional details to this story from Christian Newswire.)

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