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## The War of Attrition to Regain Our Liberties: Fighting NC's Helmet Law

Written by FastFred Ruddock, April 2, 2007

Sometimes it is more important to stand up and fight for your rights than if you win or lose individual battles. Old timers in the battle against North Carolina's helmet law told me they were impressed I was even able to get as far as I did in bringing my case through the court system. They also admonished me that I may never get the chance again and should savor this experience. Apparently they feel the state keeps a list of "trouble makers" in their database so when a tag number is entered in a computer the police officer knows whether or not to issue a helmet ticket. I can neither confirm nor deny this theory at this time. However when I ride in North Carolina I still decide and plenty of police officers have seen me do so yet none have made any effort to issue me another helmet ticket. **CLICK read more..**

To keep everything in perspective that it is the law rather than the device I oppose: I wore my full face DOT helmet through the full length of I-26 in South Carolina. However I removed that helmet for my 100 plus mile ride from the state line of North Carolina to Bryson City deep in the Smoky Mountains. I passed many state troopers and local police officers along my freedom ride to court. However none of these law enforcement officers made any effort to deter or stop me let alone issue another ticket for violating NC G.S. 20-140.4. I arrived in Bryson City and settled in before dark. I was required to be present in court prior to 9 AM to oppose my helmet ticket. I rode past the Bryson City Police Department as they changed shifts on my way to court; many police officers were in the parking lot by their cars as I rode by without a helmet and they all stopped and stared hard yet none made an effort to pursue.

I arrived early to court to a nearly empty courtroom. The bailiff at the metal detector smiled and told me I looked well prepared with my huge stack of paperwork. I took a seat near the front of the courtroom for what would prove to be a long and educational day. By 9:00 AM the courtroom was packed to standing room only. When roll was called I got a sneaky suspicion the District Attorney or DA knew who I was as he looked right at me when he called my name; I confirmed I was pleading not guilty and representing myself. Most present in the courtroom were content to merely surrender to the DA without a fight and pay fines of \$100 or more dollars and court cost ranging upwards to \$300 or more. The greatest majority of folks were processed in far under 5 minutes as they paid the state fines without a fight. While I did not count the number present I suggest it would be reasonable to

say the number processed easily exceeded 100.

As the day wore on it became clear they intended to empty the courtroom prior to hearing my case. I suspect they were afraid of educating the masses present about their rights and ability to do more than just surrender and pay. Keep in mind putting up a fight in no way increases the fines or court costs you pay following these methods. Finally there were only four of us in the courtroom and the DA asked my companions why they were present and if they had business; FU let them know he was present in my support. I was then called forward. When I took my seat at the defense table two opposing lawyers took their places at the prosecution's table. This really tickled me that they were so worried about this case they were willing to pay two lawyers to oppose one longhaired hillbilly biker with no lawyer. I smiled to myself confident they had already wasted far more money than the maximum fine and court costs I could be ordered to pay.

Then things really got interesting and it all seemed like a well choreographed production. The female lawyer began asking the state trooper various simple questions about who he was and what he did for a living as if we did not know based upon his uniform. The most interesting tidbit of information was he had been a trooper for six years. Then she asked him to relate what happened before and during the stop. At this point the trooper lied on the stand before changing his testimony to that he could not remember or recall if I was wearing anything upon my head. I am relatively sure this was a planned maneuver to \*\*\*\*\* me into taking the stand when my case was in reality based solely upon points of law. On the other hand the DA grilled the trooper about the fact he never determined if I even had a helmet that met with his approval.

One of the more interesting or rather entertaining moments was when the DA introduced into evidence an article from the Full Throttle of the Carolinas magazine I had written. It was at this moment I both felt foolish and at the same time the desire to laugh. I wondered just how long it took these two nerdy looking lawyers to dig up that piece of evidence. Then the thought of how many hours and resources the state had been invested into my case before I even arrived at the courthouse entered my mind. At that moment I realized regardless how the case turned out I had indeed won a moral victory. The female lawyer read from my article and it was all I could do not to laugh or smirk. I have a strong feeling I was not the only one trying to keep a straight face. At this point as my assistants taking notes in the audience lost concentration and omitted a few items. She relished reading about how I rode away from the stop without a helmet and how many lidless miles I enjoyed that day.

The final quote she read from the article seemed to really fire up the state: "The lidless rides will continue and you are invited to join in the fun."

Another important thing to remember when going to court and taking part in civil disobedience is that psychology will be used against you. Police officers and DAs are trained to use psychology to manipulate citizens and defendants. When I attempted to enter into evidence letters and statements from NCDOT and NHSTA the DA told a lie or rather used a blanket statement in an attempt to summarily dismiss my entire stash of evidence. The trick worked initially. However when I began my final arguments the judge told me I must use points of law to backup my case. I responded and told him that my points of law and brief along with all my exhibits had been refused by the DA as hearsay. The judge raised an eyebrow and made the DA re-examine my court brief. She did not look happy but had to relent and allow the brief to be submitted to the judge. I now suppose much of my materials could have been entered into evidence had I known more about the rules of evidence.

The judge spent a great deal of time reading my brief of case complete with many points of law supporting my case. He took copious notes and appeared to be quite engaged with the reading. After studying the materials for nearly 15 minutes he looked up and said, "Mr. Ruddock I am very impressed with your brief." (Statement of Case brief 1.04 MB PDF) However I failed to gain standing to make a constitutional challenge because I misspoke at the traffic stop, in print, and in court. My mistake was referring to my chosen "safety helmet" with any words other than "safety helmet" such as "head cover" or hat. As a result the judge found me responsible and I was fined \$25 and charged \$75 in court costs.

The judge seemed to really enjoy the case and looked as if he might laugh as he read out the minimal fine and court costs that are mandated by the Legislature for this infraction. The bailiffs patted me on the back as I left and told me I did one fine job representing myself. One of the bailiffs also has a bike similar to mine it turns out. My friend FU asked the state trooper who ticketed me if he would be willing to take a photo with us by the bike. Trooper Crisp respectfully declined due to an official policy.

While I may have paid \$100 please keep in mind the state had to pay two lawyers, one judge, two bailiffs, two state troopers, and at least two clerks. Additionally the courthouse stayed open beyond normal hours to complete my case and other clerks were working in the clerk's office. How much was spent prior to court in research, planning, and rehearsals is anyone's guess but I bet it was a lot more than \$100. Prior to my case being heard the troopers last case was hours before mine. I take some solace in knowing I kept two state troopers off the highway all day long. Additionally FU pointed out to me the trooper seemed in a hurry as he left; FU supposed the trooper did not want to see me ride off yet again with no lid.

Considering it took the state over an hour to deal with me and with simple math you realize that as few as seven bikers could tie up a

court room for a full day. When you realize there are over 160,000 bikers in North Carolina the lag becomes 23,000 days. Considering NC has 100 counties and there are 365 days in a year the actual delay works out to one year for the entire system if court was held every single workday in every single courtroom in the state. This would prove to cost society far more in enforcing this law than any imagined social burden our enemies speak of with forked tongues before the legislature. Now imagine if every biker simply went out and got just a single ticket and fought that ticket in court much as I have done. Either the law would be repealed or enforcement would end but either way we would win!

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