

The Ten Dollar Outrage

America — the land of the free. Where no matter what you may be accused of, you are innocent until proven guilty. Oh yeah? If you believe that, I have a bridge in Brooklyn I'd like to sell you! Let me tell you a little story about justice---no, not OJ— just about a typical American in a typical situation that quickly turns into a mess.

On the 25th of September we bought a used 1992 Toyota Previa minivan from a dealer in Encinitas, about 10 miles away from our home. We completed the negotiations, got a car loan, signed the papers and gave the dealer the bank check. He happily gave us our ownership papers and put the DMV sticker in the front windshield—we had our new car!

Barely a week later on a quiet Saturday morning (October 7th) , we went to get coffee before our son's soccer game. On the way back, a Sheriff's deputy stopped us. The reason? Expired registration. He said that according to the computer, we were not the registered owner. Showing him the paperwork and the DMV sticker in the windshield was simply not good enough for him — he issued a ticket!

Later that morning we returned to the dealership. The dealer was dumbfounded. He rechecked his paperwork and could not find anything wrong with it. We then went to the Encinitas Sheriff's station but found it closed (it was a Saturday). We flagged down a deputy leaving the parking lot to ask him his opinion. He looked perplexed but offered nothing. We then flagged down another deputy who turned out to be the one who had issued the ticket. He decided to discuss it with his supervisor, which he did. He returned to say that his hands were tied, that the DMV certificate in the window was nothing more than a receipt and was not a valid registration.

It took another week to get an appointment with the Vista office of the DMV (October 13th). To make the appointment, I had to take my lunch hour to drive the 10 miles or so to and from the office. Upon presentation of the paperwork and the ticket, the verdict was that the DMV sticker was good for 90 days from purchase date and that the officer should not have issued the ticket. This opinion came from the DMV representative, his immediate supervisor and the next higher up manager in the office. The DMV representative even gave me an additional 90 day temporary registration sticker to help prevent further such problems from deputies.

It took yet another week (now October 19th) to take time off from work to return back to the Encinitas Sheriff's station. When the Traffic Sergeant looked over the paperwork and the ticket, he immediately signed off the ticket on the back and said, "Back when I was giving tickets, if you didn't know, you didn't issue a ticket. Today, if you don't know, you issue one to protect your ___!".

Then came his bombshell! "That's the good news.", he said, "Here's the bad news: California has discovered gold in these tickets. You'll have to come back down here on a Tuesday and pay a \$10 fee to the court clerk to get the ticket canceled." I couldn't believe it! After two weeks of running around, taking time off work, burning gas to travel all over to prove my innocence, the State of California still wants \$10 — this time not a fine but a "fee".

According to the Sheriff's office, there is no way I can get the ticket off my record and avoid having a warrant issued without paying the state their \$10. I may be completely innocent and the ticket was issued in error, but no one can cancel this ticket without my \$10 "fee". The Sergeant can't do it, the issuing deputy can't do it, the DMV can't do it. Hey, I proved my innocence — even though I'm not supposed to have to. Apparently, the State of California simply can't deal with someone who turns out to be innocent!

So here we are. On the 15th of November I am supposed to appear in court, which I will do. Losing yet another day of work I'll plead innocent (because I am). Then the judge will have to set me up for a court date. Whenever that trial occurs, I'll show the judge my paperwork and the ticket. Then, you know what that judge is going to do? Throw out the ticket, have the ticket removed from my record and I'll go home "officially" innocent.

But what about the State of California? Because of a snakepit of regulations, arbitrary enforcement and a basic inability to correct a mistake, instead of collecting another small \$10 "fee", the state will have lost anywhere from \$500 to \$1,000 in court time, maybe even more. Here's a hard question: will anyone care? Well, I will.

As a final thought, considering the drug problems, the gang problems, the illegal immigration problems and traffic gridlock problems, why would any deputy have time to stop me simply for expired registration in the first place? Probably because it was quiet, I had a nice clean, shiny car and we looked like good upstanding citizens who could afford to pay a ticket, and probably would pay rather than deal with any inconvenience.

The worst part of this outrage is that there is no allowance for innocence. If a deputy stops you, you're going to be guilty and you're going to get a ticket. It's that simple: You're guilty whether you're innocent or not.

Can anything be done to prevent this from happening to anyone else? Let me have your comments!