

Pastor Prosecuted for Reading Bible Out Loud in Public Goes to Trial

The case of two men arrested while reading the Bible—out loud and in public—went to trial on Monday, over a year after the events transpired.

The men were arrested when they went to their local DMV in Hemet, Calif., and read from the Bible aloud as people stood in line for the DMV to open. When the first California Highway Patrol (CHP) officer arrived on the scene, he grabbed the Bible away from the man reading it and said he could not “preach to a captive audience.”

There is no penal code that says such a thing, so the officer later cited them for violating California Penal Code Section 602.1(b), which provides:

“Any person who intentionally interferes with any lawful business carried on by the employees of a public agency open to the public, by obstructing or intimidating those attempting to carry on business, or those persons there to transact business with the public agency ... is guilty of a misdemeanor, punishable by imprisonment in a county jail for up to 90 days, or by a fine of up to four hundred dollars (\$400), or by both that imprisonment and fine.”

This penal code is meant to protect businesses from protesters who intimidate patrons and block entrances. In this case, the DMV was not yet open at the time the men were there, and they were standing approximately 40 feet away from the entrance of the building.

After Advocates for Faith and Freedom filed a federal lawsuit against the California Highway Patrol for unlawful arrest,

Riverside County district attorney Paul Zellerbach decided to charge the men with trespassing on state property, a misdemeanor offense under Title 13 of the California Administrative Code, Section 1860(a), which says, "No person shall hold or conduct any demonstration or gathering in or upon any state buildings or grounds unless a permit has been issued by the Department."

The trial began Monday at the Riverside County Superior Court in Murrieta, Calif., and is expected to last approximately four to five days. Criminal defense attorney Nic Cocis of Murrieta and Robert Tyler, general counsel of Advocates for Faith and Freedom, will be defending pastor Bret Coronado and Mark Mackey.

Tyler remarked, "These men were exercising their First Amendment right of free speech. They were simply sharing their faith on public property, and we will defend their constitutional right to do so. This prosecution amounts to nothing more than retaliation for our filing a federal lawsuit."

The defense contends that the regulation being enforced is unconstitutional because it violates the First Amendment right to free speech and is unconstitutionally vague and overbroad in violation of the Fourteenth Amendment's due process clause. Additionally, the defense contends that the permit requirement does not apply because the men were not engaged in a demonstration or gathering.