



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

PRESS RELEASE

7/8/20

NO CHARGES FILED IN MAY PROTEST INCIDENT

The videos embedded in this document contain explicit language

The Office of the Tulare County District Attorney received reports from the Visalia Police Department for filing considerations regarding an incident that occurred on May 30, 2020, near the intersection of Mooney Blvd. and Caldwell Ave. in Visalia. The reports listed the driver of the vehicle as Suspect #1 / Victim #2 and one adult female protestor as Victim #1 / Suspect #2. The incident involved an altercation between a large group of protestors and the driver and passengers of a vehicle approaching the intersection. The vehicle in question was a late model Jeep Wrangler with its top and side doors removed.

According to the information contained in the investigative reports, the vehicle was being operated lawfully upon a public roadway and was sitting in traffic facing southbound on Mooney Blvd. Multiple protestors entered the roadway on foot intentionally blocking the path of the vehicle. This conduct is in violation of the California Penal Code.¹ The vehicle was then prevented from moving forward in any manner without coming into contact with protestors.

Various cell phone videos² of the incident showed two separate protestors enter the roadway followed soon after by a third person. Other video footage when analyzed in slow motion shows several water bottles being thrown at the vehicle and its occupants by protestors from the front, sides, and the rear of the Jeep. One of the protestors who blocked the path of the vehicle is seen on the video throwing a bottle directly at the front of the vehicle before she crosses out of the traffic lane (Video 1). Her identity was never established in the investigation.



Video 1

As traffic cleared the intersection, the driver of the Jeep began to move the vehicle forward, making contact with an adult female protestor standing near the left front bumper. When the protestor refused to move, the driver of the Jeep turned his steering wheel to the left and moved the vehicle forward again. As he did so, a second protestor (a juvenile) crossed the roadway directly in front of the Jeep.

¹ PC 647c

² TCDA prosecutors reviewed 23 separate videos of the incident, some of which were overlapping or duplicative



Video 2

The driver applied his brakes and made contact with the second protestor. Once the second protestor moved out of the traffic lane, the driver accelerated through the intersection (Video 2). The driver immediately drove to the Visalia Police Department District Two Sub-Station and reported the incident to authorities. Neither of the two protestors involved in this incident were seriously injured. Contrary to rumors circulating on social media, there were no witness statements indicating the Jeep drove through the intersection more than one time, and no evidence that either protestor was literally “run over” as has been widely reported.

In order to prove that a crime was committed by the driver, the prosecution must prove beyond a reasonable doubt that the driver did not act out of necessity or in self-defense, or defense of others, when he acted. Based upon a thorough review of the video evidence in this case and interviews with the parties involved, no charges can be filed. This decision is based upon a

number of factors relating to self-defense and necessity. Specifically, the driver of the vehicle relayed he did in fact fear for his safety and the safety of his passengers, and it appears the driver fled the threat without inflicting serious injury to anyone. Upon exiting the area, he immediately responded to the police station to report the incident.

The occupants of the vehicle were consistent in their explanation of being afraid during the events at the intersection. The driver and passengers of the vehicle reported that objects thrown at the vehicle damaged the windshield. This was corroborated by the Visalia Police Department, which noted the windshield was in fact damaged (Photo 1). Additional factors in the evaluation include the legal ramifications resulting from the



Photo 1



Video 3

throwing of objects at a vehicle in the roadway, which is in itself, a felony offense.³ While the reports do not provide the identity of any individual responsible for throwing the objects at the vehicle, the aspect of the occupants in the vehicle being victims of that crime cannot be overlooked. Finally, the driver also told police he was in fear due to the crowd size which was closing in on the vehicle and growing in number. This is somewhat corroborated by video evidence which shows one unidentified male standing on the sidewalk who appeared to be waving the crowd to come closer to the vehicle (Video 3). Other video evidence does show the crowd walking towards the vehicle’s location (Video 2).

³ VC 23110

With regard to the adult protestor who was struck by the vehicle, the Office recognizes the lawful expression of her First Amendment rights. However, when free expression moves away from speech to action and the action is illegal, the protections of the First Amendment are no longer sacrosanct. According to current law, it is a misdemeanor offense to intentionally and maliciously impede traffic. Though her conduct is criminal in nature, given the totality of the circumstances no charges will be filed stemming from this incident.

The Office of the Tulare County District Attorney shall consider this matter closed.