

North Vancouver jaywalker wins in B.C. Supreme Court

Don Sipes said it's a matter of civil rights

BY JANE SEYD, NORTH SHORE NEWS JULY 25, 2012

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North Vancouver's Don Sipes had a conviction overturned for obstructing a police officer in connection with an alleged jaywalking incident.

Photograph by: Cindy Goodman, North Shore News

NORTH VANCOUVER -- A North Vancouver man who was accused of obstructing a police officer in connection with a jaywalking incident has had his conviction overturned in B.C. Supreme Court.

Don Sipes, 49, said he felt compelled to fight the conviction - even though it didn't leave him with a criminal record - because he believed he'd done nothing wrong.

"This (police officer) just saw me walk across the street," he said about the action that started the court fight.

Sipes said it's a matter of civil rights. "You don't have civil rights unless you have a court case that says you do," he said.

The North Vancouver man is no stranger to challenging authority in the courts.

In 2009, the West Vancouver Police Department was forced to pay Sipes damages after a provincial court judge ruled he had been illegally arrested as he was walking down the street in January 2006.

In her decision, the judge criticized the police, saying Sipes was arrested "without any grounds at all."

Sipes said at the time he had been repeatedly harassed by West Vancouver police because of his long hair.

Sipes said police officers have continued to target him since the incident.

That's what he said happened in the lower Lonsdale area last summer, when he was stopped for jaywalking.

Two police officers stopped Sipes on the afternoon of July 29 when they spotted him crossing Chesterfield near the 7-Eleven without going to a crosswalk.

Sipes and the police officers disagree about what happened after he gave them his name. The police said in court Sipes immediately became belligerent. Sipes said it was the officers who "flipped out" after learning who he was.

Sipes was arrested for obstruction after he refused to provide Cpl. Arne Johnk with his residential address.

Sipes lost his case in North Vancouver provincial court, where he was convicted of obstruction and handed a conditional discharge. But Sipes decided that wasn't good enough.

"I didn't jaywalk, and I wasn't willing to put up with it," he said.

Sipes decided to appeal his case to the B.C. Supreme Court.

Unlike the first case, Sipes didn't have a lawyer helping him this time.

He set about researching legal precedents online with help from people at the Pivot Legal Society. He went to the law libraries at the courts and the University of British Columbia's Faculty of Law, where the librarians helped him find the cases he needed to argue his case before the judge.

"I thought I was way over my head," he said.

Armed with the case law, Sipes represented himself in court, arguing that refusing to give his address didn't make him guilty of obstruction. His conviction was overturned.

Sipes said what he did didn't pay in terms of the time and money he put into the obstruction case - he paid more for toner cartridges for his printer than he would have just paying the jaywalking ticket he was originally stopped for - but he said the principle at stake is important.

Too often, he said, there's the threat of slipping into a world where, "If you don't confess immediately to the crime you were stopped for, you're guilty of the crime."

Sipes thinks the problem is worse in lower Lonsdale, where a police emphasis on stopping street-level drug dealing and open liquor violations has led to people being stopped who just happen to be in the area.

Earlier this year, a charge of assault was dropped against a former plain-clothes North Vancouver RCMP officer who took a woman to the ground he suspected of concealing alcohol on a dark street in June of 2010.

It turned out the woman was not doing anything illegal; she was trying to catch the SeaBus and was recovering from a broken arm.

"We're pedestrians, and we're vulnerable targets," said Sipes. "It's everybody who looks a little less valuable than they think you should be. Everyone who looks a little poor."

Sipes said he is still contesting the jaywalking ticket and has launched a civil lawsuit in small claims court against the North Vancouver RCMP.

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