



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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OCCUPY PROTESTER INTERFERES WITH POLICE; SENTENCED TO JAIL

San Diego, CA: An Occupy protester who interfered with the arrest of another protester last November has been sentenced to three months in jail. Under the sentence imposed by Superior Court Judge Richard Whitney last week, he will remain on probation for three years following his release from custody.

Andrew Fisher, 26, was convicted on two counts of resisting or delaying an officer, Penal Code section 148, on March 26, 2012, after a five-day trial. Jury deliberations lasted about a day.

San Diego police officers had cleared the grassy area near Civic Center Plaza on Nov. 16, 2011 when a woman crossed a perimeter set up by officers and was apprehended. Fisher broke through the perimeter and attempted to pull the protester away from officers. He refused to let go when ordered.

"While protesting is a cherished right, it is not a license to break criminal laws," said City Attorney Jan Goldsmith.

As with district attorney and city attorney offices across the nation, the San Diego City Attorney's office has established internal policies aimed at ensuring protest groups are treated the same no matter what their cause.

"We ensure protest groups are treated the same regardless of their message or cause," said Goldsmith.

"I think this case sends a clear message: If there is sufficient evidence that you have blocked traffic, buildings or offices, resisted or delayed peace officers or engaged in violence, there is a strong likelihood of prosecution and possibly jail time. Don't do it. Protest peacefully and legally."

The City Attorney's office issues criminal complaints only after receiving police reports that prosecutors believe contain sufficient evidence to prove the crime. The office has thus far issued criminal complaints on 44 Occupy protesters. Most have been resolved by way of plea agreement, revocation of probation, jury verdict or failure to appear. There are other cases beyond the 44 that remain under review.

Of the 44 cases issued, only one case has resulted in a not-guilty verdict.

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