

CHP Officer Agredano Narrative

STATE OF CALIFORNIA NARRATIVE/SUPPLEMENTAL		PAGE 5 OF 12	
DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
01/23/2020	1128	9740	013984
			M-015-740-20

1 Summary:

2

3 I was on duty in a marked CHP patrol vehicle and was in full and distinct CHP uniform. At
4 approximately 1128 hours, I received a call from CHP dispatch of an individual walking two mules
5 eastbound in the westbound lane of Nacimiento Lake Drive from Chimney Rock Road. I
6 responded to the area from US 101 at San Marcos Road and arrived with the individual at
7 approximately 1155 hours. I could see a white male walking eastbound on the westbound
8 shoulder pulling two mules. Both mules were wearing packs and walking in the westbound lane
9 and were blocking approximately half of the traffic lane. I pulled alongside in the opposing lane
10 and rolled down my passenger side window to make my first contact. I greeted the individual and
11 engaged him in conversation. He didn't acknowledge me and kept on walking eastbound. I drove
12 forward, made a U-turn and was now parallel alongside him in the eastbound lane. I called out to
13 him for my second contact. I told him that he can't be blocking the traffic lane. He yelled back at
14 me saying, "How do you know I was in the lane? Do you have any god damn proof?!" I activated
15 my rear warning lights as traffic began to build up behind me. I informed him that passing
16 motorists have been calling him in as a traffic hazard and I told him to stay off the road. The
17 individual began using a tirade of insults. I could see that the mules were now on a wide, flat
18 shoulder and were out of harm's way. With traffic building up behind me, I advised him to stay out
19 of the lane and I left the scene.

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21 At 1222 hours, I received a second call from CHP dispatch of the same individual blocking the
22 traffic lane with two mules. I waited for CHP unit 9-1, Officer D. Abel, ID 16154 to assist me with
23 this incident. In the meantime, two witnesses came to my location and advised me of the
24 dangerous traffic hazard the mules were causing. Officer Abel and I drove out onto Nacimiento
25 Lake Drive and I made contact with the individual for a third time. I could see the subject walked
26 eastbound on the westbound shoulder with the two mules in the westbound lane.

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See Page 4 of this document for rebuttal on this statement. Reference the CHP Pedestrian Tip Card.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
DAVID G AGREDANO / OFFICER	013984	01-28-2020		

3 Mules Rebuttal to CHP Officer Agredano Narrative

I was not "pulling" the mules. I was leading the mules. They were walking behind me willingly at approximately the same speed at which I was walking. "Pulling" infers force. There was no force involved.

We weren't "blocking" the traffic lane. Blocking infers we were stationary with the intent of preventing forward motion of something in motion. We were not stationary. We were walking at approximately 2-3 miles per hour in a forward motion on the side of the road.

The reason I didn't acknowledge him was because he basically stopped in the middle of the road with his CHP cruiser, had no warning lights on, and tried to engage me in conversation with traffic in both directions unaware of the danger at which he could have been involved in. I was not going to subject myself and my mules to that danger by stopping and engaging the officer in a conversation.

Once again, he uses the word "blocking." Blocking infers setting up a stationary road block to prevent anybody from getting by. We were not doing that. We were walking from 2 to 3 miles per hour moving forward down the side of the road. And when he approached, we were off the road grazing as seen in his dashcam video.

This was the first time the officer used his warning lights to notify traffic of his stationary position on the highway (blocking traffic) and the reduction of their speed would be necessary.

The motorists are the traffic hazard for refusing to obey the law and share the road with myself and mules as we were walking on the side of the road. They were the ones who were the traffic hazard. They had an absolute choice: obey the law, slow down, and stop if necessary, so that we can all pass each other safely. Or, refuse to do that and pass us at high speed, swerve out into the other lane to get by as fast as possible before they hit another car coming in the opposite direction. They made that choice. Nobody forced them to make that choice. Certainly not the Mules.

And once again the CHP officer tells us to stay off the road. Telling myself and my mules to stay off the road was not a lawful order, but just the opposite. It was an unlawful order as we had the right to walk on Nacimiento Lake Road.

Well, I don't know if it was a tirade of insults but I wasn't very happy with the way the officer was handling the situation.

Whenever there is room we will always relent and go as far away from the lane of traffic as possible. That is a given. Many many times on these rural roads in California that option is not available. We have no choice but to walk in the lane of traffic. Walk on the road. We have the right to be doing so. The motorist must share that road. It does not belong exclusively to a high speed machine called the automobile.

Once again, he uses the word "blocking." We weren't blocking anybody. We were walking 2-3 mph on the side of the road heading south towards Paso Robles.

Those two motorists are extremely misinformed to believe that we were the traffic hazard. We were obeying the law. The motorists were not. The motorists were without a doubt the traffic hazard.

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1 The shoulder was wide enough that they all could have walked single file, posing less of a hazard,
2 had the subject made the choice to do so. I recognized this to be extremely dangerous and his
3 continued refusal to comply and walk he and the mules single file on the shoulder posed a
4 hazardous situation to the subject, the mules, and the motoring public.

5
6 I positioned my patrol vehicle blocking the narrow shoulder and exited to make contact. Officer
7 Abel positioned his patrol vehicle in the lane to the rear of mine with the overhead emergency
8 lights activated. He exited his vehicle and stood in the westbound lane to flag and warn oncoming
9 traffic. The subject was irate and agitated saying that this was a public thoroughfare and he had
10 the right to be there. I explained that I was concerned for his safety. He said that traffic needs to
11 slow down, if I was truly concerned about his safety. I told him that I witnessed his mules walking
12 two abreast in the lane. I told him I wanted to make this as easy as possible and I asked him for
13 identification. He said I knew who he was and to look at his website. He refused to give me any
14 form of identification. I tried to reason with him and asked for his ID. He went to his saddlebag
15 and produced a California ID card identifying him as John Cheney Sears, CA. ID Card
16 #P0119132. Mr. Sears went on to say that the speed limit should be 25 mph, people need to
17 share the road, and that the CHP has him on surveillance.

18
19 I asked him to work with me and stay out of the traffic lane. He stated that he would not do that. I
20 gave him a lawful order three times and told him that he may receive a ticket or worse, go to jail.
21 The legal order was based upon section 21954(a) VC, Pedestrians Outside a Crosswalk. Mr.
22 Sears stated that if that happened, I would be opening up a can of worms. I told him that I didn't
23 want to take it to the next level. He said, "What happens, happens."

24
25 Officer Abel and I positioned our patrol vehicles at the intersection of Nacimiento Lake Drive and
26 San Marcos Road. With the belief that the danger to the motoring public would most likely
27 continue, I drove out to Mr. Sears' location with the MVARs camera activated. Once again, I was
28 able to see Mr. Sears walking his mules in the eastbound traffic lane, rather than on the shoulder,
29 in defiance of my lawful order, a violation of California Vehicle Code section 2800(a).

3 Mules Rebuttal to CHP Officer Agredano Narrative

If I was to walk single file on that narrow road with very little room for the high speed automobile to get by us without side swiping us, it would be a big mistake. When I recognize the extreme danger of allowing a high speed automobile to what I call "thread the needle" going by us at break neck speeds, it is extremely dangerous for ourselves, the motorist, and the automobiles in the opposing lane. So when I find myself in this situation and I do many times, especially when crossing bridges, I literally get out in the lane of traffic because there is no place else to be and stop the motorist, jump up and down, wave my arms, and make sure the motorist knows that they must slow down. I literally have to force them to do so. They always get by us safely and nobody gets into a bloody wreck.

Of course I was agitated and irate. If a motorist was stopped by a CHP officer and told that he had no right to be in his car and driving down the road, what kind of behavior would you expect from that motorist?

Yes that's exactly what the officer should have been involved in is slowing traffic down for the safety of myself, the mules, and the ignorant motorists.

Once again it was impossible to stay out of the lane of traffic due to the lack of anywhere else to be.

Well of course I didn't do that, I couldn't do that.

Nacimiento Lake Road (G14) is a rural area. There are no cross walks any where. When you have to go across that road because of blind curves and get to the safer side for the safety of myself, the mules, and the ignorant motorist, that's what we do. And we have the right to do that. And there are no cross walks on that road.

The danger to the motoring public continues because of the wreckless driving of that public. They make the choice to drive wrecklessly at high speeds. We don't force them to do that. That is their choice.

The order was not lawful. We have the right to be on the road. We have the right to use it. And there was no place else to go. As I stated previously, if there was, we would be there. Anytime there is enough room for us to remove ourselves as far as possible from the high speed motorist, we do so. But in many cases, especially on that road, there isn't. The order was not lawful. You can't give an order that is impossible to comply with and call it lawful.

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NUMBER
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1 I made a U-turn and activated my red lights to warn approaching traffic. Six vehicles including a
2 Semi tractor pulling a low boy trailer with heavy equipment had to utilize the opposing lane to get
3 around Mr. Sears and his mules. Had Mr. Sears walked the mules single file as directed, there
4 would have been much less of a hazard presented. I returned to the San Marcos intersection and
5 waited for Mr. Sears to arrive.

6

7 Arrest:

8

9 This situation posed an extreme danger to Mr. Sears, the mules, and the motoring public.
10 Nacimiento Lake Drive is a winding roadway with ascending and descending elevations. The
11 shoulders are narrow offering little room for a horse and even less for a vehicle. Mr. Sears was
12 previously in an area of blind curves when CHP dispatch first received calls of him blocking the
13 eastbound traffic lane. Mr. Sears was now about to travel east of San Marcos Road where the
14 roadway is similarly dangerous.

15

16 At 1312 hours, I notified my supervisor, Sergeant Clint Rutter, ID 19628, and advised him of the
17 ongoing situation involving Mr. Sears, the mules in the lane, and the defiance of a lawful order. I
18 explained that if the dangerous situation continued, I may have no other choice but to arrest Mr.
19 Sears. Sergeant Rutter concurred with me.

20

21 Upon Mr. Sears' arrival, I exited my patrol vehicle and detained Mr. Sears. Officer Abel held the
22 mules and I placed Mr. Sears under arrest for disobeying a lawful order, without incident. I
23 advised Mr. Sears of his Miranda Rights which he invoked. Mr. Sears went on to yell that this was
24 an unlawful arrest, we had no right to do this, and we were "fucking cowards." His two mules were
25 turned over to San Luis Obispo County Animal Services for safe keeping. All of Mr. Sears'
26 property was taken to the Templeton CHP office for safe keeping. Mr. Sears was transported to
27 the San Luis Obispo County Jail and turned over to jail staff for booking.

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3 Mules Rebuttal to CHP Officer Agredano Narrative

Well why did he have to do that? Because the semi-tractor refused to slow down and stop if necessary so we could all safely pass each other. The semi-tractor was blatantly breaking the law in front of the CHP officer and the CHP officer did nothing to address that.

Far to the contrary, once again, there is extreme danger had we been walking single file. The semi-tractor would have side swiped us.

CHP officer did not offer any assistance in alternate routes, nor did the officer offer a trailer ride to get to Paso Robles. We had no cell reception to call anybody. In the CHP dashcam video, the officer states that he has no cell reception either yet he was able to call for a trailer to take us to jail in San Luis Obispo but not a trailer ride to Paso Robles. The only way for us to physically get out of the area was to continue walking as we could not sprout wings and fly away, which is what we told the officer as well. Agredano turned his back on us and walked away as seen in the dashcam video.

CHP Pedestrian Tip Card

<https://www.chp.ca.gov/ResearchAndPlanningSectionSite/Documents/English%20Ped%20Tip%20Card.pdf>

WHEN YOU ARE WALKING

Be predictable. Follow the rules of the road and obey signs and signals.

Walk on the sidewalk. If there is no sidewalk and you have to walk on the road, walk facing traffic. Always walk as far from traffic as possible.

Cross at the corner. Cross at crosswalks or intersections wherever possible. This is where drivers expect to see pedestrians.

Stop and look left-right-left. Before crossing the street, pause, then look left-right-then left again until no cars are coming.

Make eye contact. Never assume drivers see you. Make eye contact with drivers as they approach you and make sure you are seen.

Keep your eyes up, ears open, and off your phone. Don't talk/text or listen to music when crossing the street.

Be safe. Be seen. Wear bright clothing during the day. At night, wear reflective material or carry a light. This will caution drivers to be careful because they can see someone walking ahead.

WHEN YOU ARE DRIVING

Drive alert. Look for pedestrians – expect to see them at corners and marked crossings. Stop for them when they cross the street.

Slow down. The faster you're going, the longer it takes to react and brake. Slow down when you're in an area where pedestrians are likely to be.

Never pass a car stopped for pedestrians – it's against the law, and it's highly dangerous for those crossing the street. Never pass a vehicle stopped at a crosswalk. There may be people crossing that you can't see.

Be extra cautious when backing up – pedestrians can walk into your path.

Avoid distractions. The call/text/tweet can wait. Don't let your phone or anything else distract you from focusing on the road and those around you.

Here is the CHP Pedestrian Tip Card posted that pedestrians walk facing traffic when there is no sidewalk and you have to walk on the road.

The Mules when walking these rural roads that have posted speed limits that far exceed their ability to safely accommodate all legal users, find ourselves many times crossing back and forth on the road to get on the side that provides ourselves and the reckless distracted speeding motorists who seem to think that removing an equestrian (legal user) from the road rather than obeying the law and practicing responsible safety driving habits will somehow protect them from their irresponsible and reckless behavior which results in bloody accidents and death.

WHEN YOU ARE WALKING OR DRIVING-AVOID ALCOHOL AND DRUGS.
FOR YOUR SAFETY AND THE SAFETY OF OTHERS,
DON'T IMPAIR YOUR JUDGMENT.



California Pedestrian and Bicyclist Enforcement and Education Project III.
Visit <https://www.chp.ca.gov/bike-and-ped-safety> for more information.

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