

AFFIDAVIT OF DANGER SMITH

Okay, here I am! My name's Danger Smith, and I'm 52 years old. I work at a groovy little coffee house called "Freedom Cup" on Unity Street in Southeast Rowe. I've been there about ten years, give or take, and it's totally far out.

Of course, nobody goes to Freedom Cup for the coffee, which, to be honest, tastes a little like diluted diesel fuel. Instead, it's our clientele that makes us so psychedelic. Every day, we serve writers, journalists, activists, and deep thinkers of just about every variety imaginable. It's a great vibe, you know? Some people congregate in groups on our old, worn-out couches and hatch plans to change the world; others just plant themselves alone at tables or on one of our bean-bag chairs and lose themselves in writing projects. There's been a rumor going around for years, actually, that Ken Kesey wrote part of *One Flew Over the Cuckoo's Nest* in our back corner. I'm pretty sure it isn't true, but it's a neat thought, isn't it?

Anyway, Jersey Jackson asked me to testify on Jersey's behalf, which I'm glad to do. Jersey is one of my regulars at Freedom Cup, actually. For a couple of years, Jersey has been dropping by every once in a while in the afternoons for a mug or two while Jersey writes. I've always gotten the sense that Jersey wants to be a bigger, more famous journalist than Jersey currently is. Why? Well, I can't point to anything specific, I guess, but Jersey often just seems sort of frustrated. One time about a year or two ago, on a day when Jersey seemed especially sullen, I asked Jersey, "Hey, what's up with the frown?" Jersey told me that Jersey was tired of working at a "rag." "I'm ready for the big-time," Jersey sighed, "and I really need a big scoop to get me there." I don't know that I'd consider Jersey a "friend," technically, but I like Jersey personally and hope that Jersey gets justice in this case.

It was Jersey, actually, who first told me about the shenanigans with the Digby's demolition. One day back in December, Jersey bolted into Freedom Cup and was so excited that Jersey could barely get the words of Jersey's order out. "Whoa! Slow down, there," I said, "what gives?" "It's the Digby!" Jersey blurted out. "You know the plan to demolish it?" I didn't, but the thought of such a beautiful, historic building being turned into rubble made me furious. "Well," Jersey said, "the inspection that's allowing that to happen is bogus. The inspector is a friend of the owner!" Jersey kept blabbing about something to do with the City Council, but that was all I needed to hear. For as long as I can remember, whenever I've seen an injustice in the world, I've protested it — publicly and usually very loudly. And this, I knew, would be a huge injustice. I had only ever been to the Digby to see the Grateful Dead a few times in the '80s, but I know that the theater has an even broader and more important place in Rowe's civic history and culture. "Well, what are we waiting for?" I asked Jersey. "Let's head down there and give the theater owner a piece of our minds!" Jersey told me that there was talk on social media of an organized protest

1 that would occur the next day, on December 20th. I cancelled my morning shift at Freedom Cup and made
2 plans to be there.

3 I got to the Digby a few minutes before 10:00 a.m., which, Jersey told me, was when the protest
4 was scheduled to begin. I saw a line of police by the chain-link fence that surrounded the Digby; I didn't
5 count them, but there must have been forty or fifty of them in all. A couple of dozen feet in front of them,
6 a group of about the same number of protesters was huddled and, I presumed, getting ready to begin
7 demonstrating. I walked over to the group, introduced myself, and asked what we'd all be chanting when
8 the protest started. Apparently, they had already landed on "Don't Demolish the Digby!" That, I thought,
9 was nicely alliterative but a little boring. I wanted to show the theater owner and the public that we meant
10 *business*, you know?

11 Anyway, at 10:00 a.m., the bulldozers that were parked in a lot next to the theater revved up, and
12 the protest began. The other protesters and I linked arms, formed a line between the bulldozers and the
13 Digby, and began chanting. A minute or two later, I saw Jersey making Jersey's way down the line of
14 protesters and toward me. Jersey seemed to be asking the protesters questions. Jersey caught my eye, and
15 I beckoned Jersey with a nod and a smile. Jersey walked right up to me and asked, "So, Danger, care to
16 provide a quote for my biggest story yet?" "Sure," I began, "Rowe's fat cats want to tear down an
17 irreplaceable piece of our —" At that moment, though, a face appeared behind Jersey that I recognized
18 and know well: Marlowe Navarro.

19 I've been arrested probably a half-dozen times over the years at protests — that sort of thing comes
20 with the territory, I suppose — and, most recently, it was Officer Navarro who arrested me. The arrest
21 happened back in 2017, during a protest outside a State Senator's office in Rowe's über-trendy "Topaz"
22 neighborhood. To be honest with you, I can't remember what we were protesting, exactly, but I *do*
23 remember that at one point a couple of us decided to lay down side-by-side in the street and block traffic.
24 Somebody called the cops, and Officer Navarro was one of the officers who responded. When we refused
25 to move, Officer Navarro arrested me. "C'mon," I complained as Officer Navarro was handcuffing me,
26 "why do you have to be such a buzzkill?" I thought that might annoy Officer Navarro, but Officer Navarro
27 was actually very nice about the whole thing, and chuckled when I said the word "buzzkill." I remember
28 Officer Navarro telling me politely that Officer Navarro actually agreed with the protesters. "But what
29 you're doing just isn't safe," Officer Navarro told me, "and it's my job to make sure that you and your
30 friends can protest without someone getting hurt."

31 That wasn't the Officer Navarro that I saw behind Jersey, though. This time, Officer Navarro
32 looked annoyed. Officer Navarro slapped Officer Navarro's hand down on Jersey's shoulder, and, looking
33 at me, said, "I hope I don't have to arrest you again, Danger. Just get out of the way and we won't have a

1 problem.” At that point, Jersey spun around and got right in Officer Navarro’s face. “What in the world
2 are you doing!” screamed Jersey, who then was about an inch away from Officer Navarro’s nose. “Danger
3 isn’t doing anything illegal! Just go away!” Officer Navarro seemed taken aback at first, but then Officer
4 Navarro collected themselves and responded: “Look, you’re blocking traffic, you’re blocking these
5 bulldozers, and now you’re interfering with my job as a police officer. Clear out now before I arrest you!”
6 Officer Navarro seemed really irritated, but Officer Navarro didn’t raise Officer Navarro’s voice. A
7 moment or two after that, the bulldozers powered down, in response to which the other protesters and I let
8 out a wild cheer. Our protest had saved the Digby! At that point, both Officer Navarro and Jersey walked
9 away, and that was the end of the whole thing.

10 Or so I thought. In early January 2020, I read on social media that the Digby’s owner was trying
11 again to demolish it, and that the City Council had okayed it. That made me furious! Fortunately, I also
12 learned via social media that another protest had been scheduled for January 15, 2020 in front of the
13 Digby, the day when the demolition was supposed to take place. Obviously, I had to be there. It seemed
14 like it’d just be a repeat of the last one, hopefully with the same result.

15 Was I ever wrong! When I arrived at the Digby on the 15th, things were already tenser than they
16 had been the last time. I got there at about 9:30 a.m., at which point a dozen or so protesters had positioned
17 themselves in a line against the chain-link fence surrounding the Digby. Naturally, I joined them. In
18 retrospect, I can’t say I’m proud of this, but, following the other protesters’ lead, I started taunting the
19 police officers. We were telling them — sometimes in language that I probably shouldn’t repeat in court
20 — to go home, to stop working for Rowe’s fat cats, things like that. The officers didn’t respond to us; in
21 fact, they didn’t even really seem to notice us. The officers were wearing riot gear that obscured their
22 faces, and I was too far away to see their badges or name-patches, but (because Officer Navarro arrested
23 Jersey a few minutes later) I assume that Officer Navarro was among them.

24 At about 10:00 a.m., a police officer by the bulldozers in the lot next to the Digby picked up a
25 megaphone and announced to the crowd of protesters: “You are trespassing on private property. Disperse
26 now or you will be subject to arrest!” A few of us, including me, laughed; we knew the drill, and we
27 weren’t going anywhere until we were sure the Digby was safe. A few seconds after that, the bulldozers
28 powered up, and the officers approached us and began telling us that we had to leave or that we’d be
29 arrested. A few of the protesters loudly refused to leave, and the police began arresting them. The other
30 protesters seemed to be committed to keeping things peaceful, and nobody resisted arrest. Like I said, we
31 knew the drill.

32 A minute or two later, I noticed Jersey, who was wearing a bright blue t-shirt with the word “Press”
33 printed in yellow on the front and back. Jersey was dodging between the protesters and the police with

Jersey's phone in Jersey's hand. (I assumed that, like last time, Jersey was trying to get a quote.) None of the police officers there seemed to care about or even notice Jersey, who seemed to be trying really hard to stay out of their way. As Jersey was approaching my spot on the line, though, I noticed a familiar face. Officer Navarro was walking briskly from the lot with the bulldozers toward Jersey. Officer Navarro wasn't running, but Officer Navarro also wasn't taking Officer Navarro's time. Jersey's back was to Officer Navarro, so I don't know for sure whether Officer Navarro recognized Jersey. Also, because Jersey was no more than 30 or 40 feet away from me, it's possible that Officer Navarro was really headed toward me, but I just can't be sure. Exhibit 4 is a true and accurate representation of Officer Navarro's location before Officer Navarro started heading toward me and Jersey. At the same time, three or four other protesters who had been on the line with us apparently had decided that an arrest wasn't worth it and started walking away from the theater. Officer Navarro walked right by them without saying a word.

At the same time, it was beginning to dawn on me that our protest in its current state wasn't going to save the Digby. I decided that we had no choice but to up the ante. In hindsight, this was a *really* dumb idea, but I thought we'd stand a better chance of deterring the bulldozers if there were real, live human beings inside the theater, and I yelled as much to the crowd. (That sort of thing worked for the Free Speech Movement at Berkeley the '60s, after all, right?) I knew I'd have to find a way to get inside the theater, though, so I picked up a rock and turned toward the Digby's front door, which is made of stained glass. Better to break a window, I thought at the time, than to destroy the entire building.

As I was turning, I felt a hand on my wrist. It was Jersey. "Danger, stop!" Jersey pleaded, and grabbed the rock out of my hand. I turned back toward Jersey, such that I was facing away from the theater and Jersey was facing toward it. I remember the next part clearly. "Danger," Jersey began to say, "I'm sorry, but breaking into the theater is a terrible —" Then, all of a sudden, Officer Navarro appeared behind Jersey, grabbed Jersey's hand, and forced Jersey to the ground. Jersey let out a surprised yell but didn't resist. "You again, huh?" said Officer Navarro when Jersey was on the ground. "I expect you'll say you were doing nothing illegal?" By that time, most of the protesters had moved away from the Digby's fence, but three or four of us remained. Officer Navarro had startled me, though, and I decided that it was probably time for me to leave. I walked away, and neither Officer Navarro nor any other officer tried to stop me. I was never arrested and never charged with any crime arising out of my attendance at the day's protest.

I hereby attest to having read the above statement and swear or affirm it to be my own. I also swear or affirm to the truthfulness of its content. Before giving this statement, I was told it should contain all relevant testimony, and I followed those instructions. I also understand that I can and must update this affidavit if anything new occurs to me until the moment before I testify in this case.

1
2
3
4
5
6
7
8
9
10

s/Down with the system!
Danger Smith
Dated: October 9, 2020.

Subscribed and sworn before me on October 9, 2020:

s/Roberta Bost
Roberta Bost