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1 Troy Wilkes

2 [REDACTED]  
3 [REDACTED]  
4 [REDACTED]

Defendant in Pro Per

5 DMV LICENSING OPERATIONS DIVISION

6 SAN FRANCISCO

7 PLAINTIFF'S NAME,

Driver License No. [REDACTED]

8 DMV Driver Safety Branch,

9 vs.

HANDICAPSATER DRIVING  
10 DEFENDANT'S NAME,  
11 ACCOMMODATION

Troy Wilkes (The HANDICAPSATER)

12 OPENING STATEMENT

13 "In 1991, I began using inline skates to commute on CalTrain and instantly knew they greatly facilitated  
14 my movement and drastically decreased my disability pains. At the time CalTrain conductors required me to remove  
15 one skate, which was an implicit reasonable accommodation at the time. Shortly thereafter, they required both skates  
16 to be removed, which made it untenable for me to utilize Mass Transit. I was using skates as a mobility aid strictly  
17 for the reduction of pain, while maintaining mobility. At the time scientific knowledge and methods were unable to  
18 give any answers to my plight. So, I started riding a motorcycle, which mimics a Supported Child's Pose, a Yoga  
19 posture that limits the use of my sacroiliac joints as shock absorbers, which I fractured, because my arms take on  
20 that function." (see Exhibit 2 page 3 lines 4-12) (see Exhibit 31). I copyrighted my HandicapSkater.com website in  
21 2004 (see Exhibit 33), where it demonstrates and explains the biomechanics of my ballistic mobility impairment and  
22 the use of inline skates as a prosthesis (see Exhibit 32). In 2009, bone spurs were found on my left femoral head and  
23 were removed. Scientific knowledge had advanced where MRI resolution could observe the bone spurs (see Exhibit  
24 36) and the pelvic deformity. In this Doctors report, he references me riding my motorcycle with skates.

25 In 2007, after a six year court battle where no lawyers would help me, the US DOJ overruled the US DOT,  
26 see Exhibit 1, mandating that the US DOT/BART/CalTrain/SamTrans must provide Paratransit, since they refused  
27 access to me with my prosthetic device, inline skates. During this time, I also referred to my inline skates as a  
28 specialty wheelchair for two reasons: 1) Asking an entity for accommodation with my inline skates as a prosthesis  
HANDICAPSATER DRIVING ACCOMMODATION - 2

1 was perplexing for many, whereby asking for an accommodation with my inline skates as a specialty wheelchair  
2 was not and 2) I spoke with a woman who helped write the 1990 Specialty Wheelchair Law and she told me that  
3 their intention was meant to include mobility aids such as mine.

4 I have included my 2005 legal pleading *Discrimination of HANDICAPS KATER Accessibility* for case 904405  
5 as Exhibit 2, where I define my inline skates as a mobility aid for a ballistic mobility impairment. Per DMV  
6 guidance it is a proven court case dismissed in the interests of justice allowing my prosthesis in the court room,  
7 Exhibits 3, 4, 5. This pleading will address the following DMV Reexamination Report Issues:

- 8 1) Exhibit 18, Mr. Wilkes driving record shows 6 accidents since 2008.
- 9 2) Exhibit 18, Mr. Wilkes shows 2 accidents in 2018 while driving a motorcycle.
- 10 3) Exhibit 18, Mr. Wilkes shows 2 accidents in 2018 deemed his fault.
- 11 4) Exhibit 18 Determination of Issues: Based on the above including the driving record showing accidents at  
12 fault while on his motorcycle, cause exist to take action in that the ability to drive safely is affected by  
13 physical medical condition.
- 14 5) Exhibit 18 Decision: Cause exist to take action in that the ability to drive safely is affected by physical  
15 medical condition.
- 16 6) I am also addressing a larger issue here and that is systemic discrimination under ADA Titles I, II, III and  
17 V. The legal pleading in Exhibit 2 from 2005 established my mobility aid, this legal pleading will establish  
18 their use for driving and a future legal pleading will wrap all of them up demonstrating systemic  
19 discrimination.

20 FACTS

21 The first question is What is the physical medical condition in which my license was suspended?

- 22 **5) Exhibit 18 Decision: Cause exist to take action in that the ability to drive safely is affected by physical  
23 medical condition.**

24 The DMV investigation has taken my new Dr's words out of context: "This is my first visit with patient. He brought  
25 records in regarding his accident & documenting [h]is needs to use skates [prosthesis] to minimize pain when  
26 ambulating. I am unable to determine if its safe for him to drive/ride a motorcycle with skates. This is deferred to  
27 DMV specialists." (see Exhibit 39). Dr Uyen Le in no way says anything about my physical condition (i.e. ballistic  
28 mobility impairment), only her unable to determine mobility aid usage on a motorcycle. The empirical data for  
HANDICAPS KATER DRIVING ACCOMMODATION - 3

1 skating (see Exhibit 22) and riding (see Exhibit 23) proves that I am medically fit (see Exhibit 20). The transcript  
2 will show that I indicated my 20+ year physician, Dr Fullemann, retired in 2020 and I had to get my new Dr Uyen  
3 Le to comprehend my prosthesis in a 30 minute visit. Finally, I tried to discuss the investigator's preliminary  
4 conclusions to minimize miscommunication over the phone, but she insisted she needed 2 weeks to look it over. The  
5 investigator misconstrued medical evidence, where it obviously states skate use and not a physical ailment was the  
6 issue. Then signed a suspension on the day of the hearing, once again showing a haste in judgement.

7 As mentioned in Exhibit 2 on page 2 lines 22-24, "Through the scientific method, I will show that each  
8 generation must rethink its natural laws and values in light of broader scientific knowledge and heightened religious  
9 and ethical experiences. Science evolves into more rigorous methods that are refined to produce better solutions."  
10 Furthermore, in Exhibit 2 on page 5 Lines 15-18, "A cornerstone of the Scientific Method is empirical public  
11 observations, because they make science a self-correcting endeavor. Empirical scientific inquiry explores, describes,  
12 explains and predicts world occurrences through experimentation, systematic observation or introspection,  
13 interviews and examination of data." Lastly, in Exhibit 2 page 6 lines 12-13, "Sometimes when background  
14 assumptions are questioned and experimental variations are introduced, there are revolutionary discoveries that  
15 refute the generally accepted view." Therefore, I present Exhibits 6, 7, 8, 9, 10, 11, where a certificate and these  
16 photos demonstrate how I keep my prosthesis on the foot-pegs when riding a motorcycle doing a wheelie, cornering  
17 and the innovation to use them as landing gear that I have done safely for 15 years.

18 In this brief history, I will go over some memorable PD and CHP encounters riding my motorcycle with  
19 skates. The first instance that I recall is when I was splitting traffic southbound on 101 lane 1 in front of Palo Alto,  
20 when cars were merging too close and I slowed down; whereby a woman on a Ducati hit me from behind. We pulled  
21 over to the side, CHP came and didn't know how to handle me with my skates requesting a Supervisor. The CHP  
22 Supervisor came out and saw my medical notes stating "It's his mobility aid, let him go".

23 The second instance that I recall is merging from El Camino North onto Hillsdale West right before the  
24 train tracks. I went around and put my skate down while turning and a younger SMPD Officer pulled me over. He  
25 stated, "I pulled you over cause I was concerned about you putting your foot down." Where I stated, "I have skates  
26 on for my disability." He did not write a citation and let me go.

The next instance, was leaving the Walgreen's parking lot in downtown San Mateo, where two SMPD cops in a police car pulled in front of me and asked from their window, "How do you change gears?". Since, I had my helmet on I just changed the gears demonstrating it and they laughed and said "Thank You" as they left.

The next incident, I was merging onto 92 East from 101 South and a CHP officer pulled up behind and pulled me over. He wanted an explanation, which I gave to him, after a brief conversation his eyes glazed over and he let me go.

An incident at Draeger's on 11/18/2020, where a new manager refused to let me in with my prosthesis and called the police. The police showed up with 4 officers, one of the officers started chit-chatting with me about them talking about me at the police station riding with skates. I specifically asked for his name and the Sr Officer said it would be in the report (see Exhibit 37). This officer needs to be questioned to show that SMPD knew of my prosthesis use and should not have reported me to DMV. It turns out, I obtained permission in 2002 from one of the founding family members, John Draeger allowing access to his markets with my prosthesis (Exhibit 38).

Finally, I went to the San Mateo Police Headquarters shortly after this traffic incident was reported and spoke with Sgt Collum, badge S-61. He mentioned that he had pulled me over for an illegal u-turn about 10 years prior and I asked him about how he handled my prosthesis at that time. He said that he inquired about it, accepted it and let me proceed.

## ARGUMENT

From Exhibit 2 page 9 lines 7-12, "In 1998 after losing two consecutive jobs due to the cities of San Francisco, San Jose and [a company] Super Business Net requiring him [Troy Wilkes] to park and walk distances that were too far (Exhibit D) [Exhibit D is an attachment to Exhibit 2 in this document], he [Troy Wilkes] obtained a handicap plate for his motorcycle (Exhibit E-1) [from within Exhibit 2]. After the Defendant's motorcycle was stolen, he [Troy Wilkes] setup two motorcycles with handicap plates, one as a backup since Mass [Public] Transit was not a viable alternative [there was no Uber or Lyft] as a backup commuting method (Exhibit E-2) [from within Exhibit 2]." (see Exhibit 30). In 2007, I lost a job because my mental capacity was being compromised by hypothyroidism (see Exhibit 34). At this point I began riding my motorcycle with skates and was granted Paratransit access starting my Friday Night Skate (FNS), a 12-mile skate around San Francisco. These activities, along with certain Yoga Asanas, were vital in me controlling my hypothyroidism as shown overcoming it in 2008 (see Exhibit 35).

1       In ~2004, I lived in an apartment on 17<sup>th</sup> Avenue, where mold was found in the ceiling. I developed  
2 pancreatitis and my two cats also developed it, whereby one cat I had to euthanize less than a year later with  
3 pancreatic cancer. So, I had to move out of that apartment fast, because our health was in jeopardy. I rented a  
4 moving truck and proceeded to fill the truck with everything I could skating back and forth to my apartment with a  
5 rolling cart. The first couple of trips to 338 South Fremont St, my new apartment, I was taking my prosthesis off to  
6 drive back and forth. However, the pain of taking them off and putting them back on became too great. So, I started  
7 driving with the center of the skate (between wheels 2 and 3) as the focal point to hit the brake, while using the  
8 skates as a lever arm to control the gas. The distance was ~1.3 miles one way with a ~25 mph speed limit, where it  
9 was totally safe and the greatest innovator; necessity is the mother of invention became true. Over the next 15 years,  
10 I was safely able to drive my car with my prosthesis until an accident on 08/01/2018, which totaled my car. That  
11 accident was not my fault, because a woman driving the opposite way on El Camino Real crossed in front of me,  
12 when I slammed on the brakes saving their kid. There was no police report, although I did submit a declaration of  
13 the wreck and have attached my insurance carriers claim information (see Exhibit 12). I avoid driving a car very far  
14 and mainly used it to pick up groceries/big items, attend local Brazilian Jiu-Jitsu (BJJ) classes or to stay out of the  
15 rain on local errands. I no longer own a car and use my motorcycles exclusively.

16      **1) Exhibit 18, Mr. Wilkes driving record shows 6 accidents since 2008.**

17     In Exhibit 19 distributed with the reexamination report, the DMV record clearly shows 4 accidents since 2008  
18 rendering claim #1 of having 6 accidents, false.

19      **2) Exhibit 18, Mr. Wilkes shows 2 accidents in 2018 while driving a motorcycle.**

20     I clearly indicated in the first hearing that the 5/3/18 accident was on a motorcycle and the 8/1/18 accident was in a  
21 car, then to state "Also, one of the accidents in 2018 was in a car" rather than correcting the previous sentence shows  
22 haste in its writing. The transcript clearly indicates that the investigator stated it would take 2 weeks to go over the  
23 information, yet the suspension was signed on 03/23/2022. Further showing haste in the decision process.

24      **3) Exhibit 18, Mr. Wilkes shows 2 accidents in 2018 deemed his fault.**

25     This is factually false, because the 08/01/2018 car wreck was not my fault as described below. Furthermore, my  
26 driving record shows the DMV Investigation has 6 accidents since 2008 with 2 at faults since 2018, whereas the  
27 facts indicate 4 accidents since 2008 and 1 dubious at fault since 2018. Furthermore, I have given you my complete  
28 driving record with police reports to show my safe driving.

1       **3.1) 08/01/2018 Car Accident (see Exhibit 12)**

2       The 08/01/18 accident was not attributable to me as shown in Exhibit 12, where I hit the brakes slowing down  
3       enough to hit just behind the back door in the rear wheel well potentially saving the kids life in the back seat.

4       **3.2) 05/03/2018 Motorcycle Accident (see Exhibit 13)**

5       In Exhibit 13 picture, it shows where I was merging clearly giving me the right-of-way, however the car merging  
6       started drifting into me as I state in the Police Report. Exhibit 13 page 8 states “Statements are not verbatim and are  
7       written in summary form”, where the officer did not grasp the situation correctly. There was no right shoulder just a  
8       dirt rut, but since that accident construction has paved shoulders on that road. Contained in that dirt rut was a  
9       horizontally laying telephone pole, which I struck. Why was a telephone pole sitting next to the road, where the  
10      shoulder should be? I did not wakeup on the other side of the roadway as the officer states, I fell at the point of  
11      impact on the right shoulder and had a momentary lapse of consciousness. As I told the officer, the car pushed me  
12      off because he was drifting into me. The officer’s report is not clear on where I fell and woke up. However, the  
13      cause indicated by the report is erroneous, because the car was about to hit me as it was drifting towards me. So, this  
14      at fault accident is dubious at least.

15       **3.3) 07/19/1999 Motorcycle Accident (see Exhibit 14)**

16       In this accident, a car was spun in front of me having me stop from 65-70 mph to impact with the Crown Victoria.  
17       The emergency personnel at the scene asked where the body of the motorcyclist was, as I walked over to them there  
18       jaws dropped. It was a horrendous crash that I survived with minimal injuries, but beating the crap out of me. This  
19       was defined by the DMV as fault by the other driver.

20       **3.4) 11/20/2007 Motorcycle Accident (see Exhibit 15)**

21       In this accident, I was driving in lane #2, when a woman in lane #1 pulled out in front of me and I laid my bike  
22       down on its left side driving it into the ground trying to stop before hitting the car, because it was going to hurt. The  
23       officer did not do his due diligence, where obviously me laying my bike down to keep from hitting the car  
24       definitively shows that she was at fault. The ARC code of 2 on the DMV printout indicates a vehicle and fixed  
25       object, which I can only speculate that he was talking about me driving my bike into the freeway trying to stop,  
26       further demonstrating the other driver was at fault. The CHP Officer did not mention my prosthesis in his report  
27       under proper ADA guidance. I was not at fault.

28       **3.5) 04/17/2008 Motorcycle Accident (see Exhibit 16)**

1 In this accident, as it states I was passing on the right of stopped traffic and was doing so safely in my opinion. The  
2 driver of the car did not have his signal light on, but there were no other witnesses and the officer speculated that I  
3 was at fault. This could be called an at-fault accident, although my testimony, having the actual PD report and 18  
4 year experience shows doubt in it being my fault. The PD report, again does not mention my prosthesis in his report  
5 under proper ADA guidance.

6 **3.6) 08/18/2011 Motorcycle Accident (see Exhibit 17)**

7 There was no Police Report, but my insurance claim shows it not surchargeable rendering it not my fault.

8 **4) Exhibit 18 Determination of Issues: Based on the above including the driving record showing**  
9 **accidents at fault while on his motorcycle, cause exist to take action in that the ability to drive safely**  
10 **is affected by physical medical condition.**

11 Your investigator has falsely accused me of 2 at fault accidents in 2018 where at most there is 1 that is dubious.  
12 Since 2007, when I started riding with my prosthesis, there are 3 no fault accidents and 2 dubious at faults.  
13 Furthermore, I have given you all but 1 accident's Police Report or Insurance Claim to demonstrate that I am not  
14 only a safe driver, but that I have the actual evidence to prove it.

15 **6) Addressing a larger issue here and that is systemic discrimination under ADA Titles I, II, III and V.**  
16 **The legal pleading in Exhibit 2 *Discrimination of HANDICAPSKATER Accessibility from 2005***  
17 **established my mobility aid, this legal pleading will establish their use driving and a future legal**  
18 **pleading will address complaints for Titles I, II, III and V showing systemic discrimination.**

19 I will defer the systemic discrimination discussion, just note that this pleading and exhibits will be part of it just  
20 as my legal pleading of 2005 was part of this one.

21 SCIENTIFIC METHOD

22 I have used my prosthesis since 2007 as physical therapy resulting from the 2005 ruling (see Exhibit 3) and  
23 the DOJ ruling (see Exhibit 1). To bolster this claim, I have included Whoop empirical data showing my Friday and  
24 Saturday Night 12 mile skates for the past 2 years including during the Pandemic (see Exhibit 22). Also, I have been  
25 using my motorcycle riding as physical therapy as discussed in the Opening Statement and have provided Whoop  
26 empirical data showing that too (see Exhibit 23). Furthermore, I was awarded my Black Belt in Brazilian Jiu-Jitsu  
27 (BJJ) in 2020 showing that I am physically capable with my prosthesis. (see Exhibits 24, 25).

LEGAL PRECEDENTS

I am leveraging the US DOJ 2010 ADA Update: A Primer for State and Local Governments (see Exhibit 26) ([https://www.ada.govregs2010/titleII\\_2010/titleII\\_primer.pdf](https://www.ada.govregs2010/titleII_2010/titleII_primer.pdf)) for my Title II legal arguments. The principles should hold true without the specific statutes:

The following passages are directly from the aforementioned website, page 1 Who Has Responsibilities under the ADA? “Title II of the ADA applies to all State and local governments and all departments, agencies, special purpose districts, and other instrumentalities of State or local government (“public entities”).” Page 2, Basic Principles “Equal treatment is a fundamental purpose of the ADA. People with disabilities must not be treated in a different or inferior manner.” In the first hearing, my arguments and evidence were not considered as shown in the decision dated 03/23/2022, when I was told “you also understand that there's a lot of information that, uh, we talked about today. So I need time to review everything. And then, uh, I will send you a letter and let you know” from hearing #1 transcript. However the report shows that none of my presentation was entered into the record and a ruling was executed that day (see Exhibit 18). Page 3, “Rules that are necessary for safe operation of a program, service, or activity are allowed, but they must be based on a current, objective assessment of the **actual risk, not on assumption**, [emphasis added] stereotypes, or generalizations about people who have disabilities.” On Page 6 under Wheelchairs and Other Power-Driven Mobility Devices, “People with mobility, circulatory, or respiratory [I would add biomechanical on the basis of my ballistic mobility impairment] disabilities use a variety of devices for mobility”, hence skates as my mobility aid. “Public entities must allow people with disabilities who use these devices into all areas where the public is allowed to go. Advances in technology have given rise to new power-driven devices that are not necessarily designed specifically for people with disabilities, but are being used by some people with disabilities for mobility.” Case in point, my 2013 doctor’s note was originally written in 2005 (see Exhibit 27) where the DOT borrowed my standard, stating that a new device must have a doctor and biomechanics professional’s approval. “Public entities must allow individuals with disabilities who use these devices into all areas where the public is allowed to go, unless the entity can demonstrate that the particular type of device cannot be accommodated because of legitimate safety requirements. Such safety requirements must be based on **actual** [emphasis added] risks, not on speculation or stereotypes about a particular class of devices or how individuals will operate them.” Officer Julio Jolivette’s assumptions were faulty as the body camera footage shows.

On page 7 of the website, “Public entities **may not ask individuals using such devices** [emphasis added] about their disability but may ask for credible assurance that the device is required because of a disability. If the person presents a valid, State-issued disability parking placard or card or State-issued proof of disability [e.g. a handicap plate on a motorcycle], **that must be accepted as credible assurance** [emphasis added] on its face. If the person does not have this documentation, but states verbally that the device is being used because of a mobility disability, that also **must be accepted as credible assurance** [emphasis added], unless the person is observed doing something that contradicts the assurance.” This is precisely why I requested the body camera footage from Julio Jolivette, because I proffered my prosthesis with my disabled license plate and he admits that I stated it to him verbally (see Exhibit 28).

On page 15, “Public entities that have 50 or more employees are required to have a grievance procedure and to designate at least one responsible employee to coordinate ADA compliance.”

## CONCLUSION

It clearly shows, as I demonstrated in Exhibit 2, that these threads of truth are interwoven to create a fabric of truth demonstrating that I am physically able to ride my motorcycle with my prosthesis. The previous ruling was made in haste on the same day as the hearing, without giving me any notice before suspending my license or any collaboration for misunderstanding (e.g. invalid inference that my ballistic mobility impairment disqualifies me from driving).

How would you handle this motorcyclist, where this double amputee circumnavigated the world on his Harley by himself (see Exhibit 21) (<https://www.youtube.com/watch?v=KCKb57HaV8U>) showing the indomitable human spirit you are trying to crush in me.

Further, the DMV data has the wrong driver's license number on Exhibit 19 for the accident on 04/04/01. The DMV investigation has faulty information used to suspend my license, including misconstruing my new Dr's inability to quantify the safety of riding with skates, not my physical ability. Government entities are not exact and have dubious information that can result in improper decisions. And to be thorough we need to include the accident from 2007, because I was wearing my skates on my motorcycle in that accident too.

FABRIC OF TRUTH

Here are my threads of truth:

1. In 1991, I started using inline skates as a prosthesis with therapeutic uses too.

- 1       2. In 1991, Public Transit started discriminating against my prosthesis.
- 2       3. In 1991, I started riding a motorcycle to mimic a Supported Child's Pose, a therapeutic use.
- 3       4. In 2004, I copyrighted my HandicapSkater.com website educating about my ballistic mobility impairment and the use of inline skates as a biomechanics mobility aid.
- 4       5. In 2004, I drove a moving van with prosthesis, inline skates out of a lifesaving necessity.
- 5       6. In 2005, I boarded CalTrain with my prosthesis in Civil Disobedience, starting case 904405.
- 6       7. In 2005, I fought case 904405 boarding CalTrain with my prosthesis establishing them as a specialty wheelchair, where the charge was dismissed in the interests of justice.
- 7       8. In 2007, I fought BART to US DOT who said Paratransit was not granted, until I filed an ADA Title II complaint with the US DOJ. They granted Paratransit access and I have had access now for 15 years.
- 8       9. In 2007, after starting the fight to get to the FNS in 2001, BART/CalTrain/SamTrans gave me Paratranit access to get to the skate. Currently, I have scheduled rides on Friday and Saturday night, where I have to call and explicitly cancel them, otherwise they are supposed to show up to which they are often late and have several instances of not showing up at all. This empirical data of trips can be subpoenaed from Paratransit.
- 9       10. I lost 2 jobs, so I got a handicap plate on my motorcycle, then lost another job having developed hypothyroidism. It was too difficult to ride 30 mins down to Cisco Systems, then walk around all day while developing software. That is why I started to ride with inline skates, which has been successful for my disability.
- 10      11. In 2009, MRI imagery had advanced enough, where after 26 years they were able to identify my ballistic mobility impairment with Hip Impingement Syndrome.
- 11      12. In 2018, I was certified by SuperBike Coach as completing their Advanced Cornering Safety class wearing my prosthesis, inline skates.
- 12      13. I have empirical data between 2020 and 2022, demonstrating my physical adeptness skating 24 miles a week around SF and riding 3,500 miles with my prosthesis.
- 13      14. In 2020, I received my Black Belt in BJJ, another demonstration showing my prosthesis prowess.
- 14      15. In 2022, an ADA Title II violation by Officer Julio Jolivette started this driver's license suspension reexamination, where he berated and threatened my prosthesis, and falsified a Police Report. In an 18

1 minute conversation with Lt Matt Earnshaw, whom refused to talk with me for 5 months until I asked for  
2 their DEI officer, he said Officer Jolivette was just expressing his opinion that it was on the DMV to  
3 validate me. The Chief of Police has refused to meet with me despite saying they are open and transparent  
4 on their website.

5 16. I have included 3 PD reports, where they have no indication of my prosthesis under ADA guidance. This  
6 shows general acceptance by Law Enforcement. Furthermore, I elucidated several instances where Law  
7 Enforcement and I have had conversations about it and their general acceptance.

8 In conclusion, my empirical data through the Scientific Method proves that I am fit to drive/ride. Secondly,  
9 Officer Jolivette must testify why he marked “Not adequately controlling vehicle” on a traffic incident and why  
10 there was not a traffic infraction? The Officer’s body camera footage will show that he wanted to be a motorcycle  
11 rider claiming he was wearing motorcycle boots, while driving a SUV (see Exhibits 40, 41). His traffic incident  
12 report to the DMV for reexamination demonstrates he did not follow the ADA in adhering to legal standards when I  
13 told him it was my prosthesis and pointed to the handicap plate on my motorcycle (see Exhibit 28). Thirdly, I have  
14 shown empirical evidence of my passing sophisticated driving tests wearing my prosthesis, skates, and implicit  
15 acceptance from CHP and SMPD over the years in Police Report accidents and recalled stops. Fourth, the DMV is  
16 stating that I may need to take the motorcycle lollipop test again, which I passed in 1991 on a 1985 RZ350,  
17 weighing 370 lbs and a length of 83 in and wheelbase 54.5 in, where I am now riding a H2 SXSE and Hayabusa,  
18 either weighing 573 lbs and a length of 83 in and wheelbase 58.3 in with handicap plates. I will need reasonable  
19 accommodations and the license suspension has rendered my main vehicle H2 lithium battery dead after not being  
20 able to ride. Plus, it has been several weeks since I have been on a motorcycle and to make me pass such a test after  
21 not letting me ride because of my prosthesis or fabricated medical condition is discriminatory.

22 I have started documenting this discrimination by keeping track of every time I have to skate to get food,  
23 groceries or errands as wheelchair pushing (see Exhibit 29).

25 Dated this 11<sup>th</sup> of April, 2022.

27 \_\_\_\_\_  
28 Troy Wilkes, Defendant in Pro Per

## Table of Exhibits

- 2 Exhibit 1 –DOT FTA Title II providing Paratransit after DOJ letter mandates it, BART complies.

3 Exhibit 2 – 2005 Trial argument, establishing inline skates as a mobility aid.

4 Exhibit 3 – 2005 Trial ruling.

5 Exhibit 4 – Reasonable Accommodation for wheelchair in San Mateo Superior Court.

6 Exhibit 5 – Reasonable Accommodation for wheelchair in San Francisco Superior Court.

7 Exhibit 6 – SuperBike Coach 3 class safety cornering class, 3-day certification.

8 Exhibit 7 – Clearly showing my inline skates grasping the foot-peg between wheels 2 and 3.

9 Exhibit 8 – View from behind showing my skates grasping the foot-peg during a wheelie and my handicap plate.

10 Exhibit 9 – Front-view of a wheelie showing my skates grasping the foot-peg during a wheelie.

11 Exhibit 10 – Shows me cornering with my skates grasping the foot-peg.

12 Exhibit 11 – Innovation, where I can use my skates as landing gear; putting them down to handle a situation.

13 Exhibit 12 – 2018 Car wreck, where they crossed in front of me.

14 Exhibit 13 – 2018 Motorcycle Wreck, showing that I had the right of way merging when the other party was drifting into me pushing me off into the ditch hitting a downed telephone pole.

15 Exhibit 14 – 1999 Car Wreck, Police Report.

16 Exhibit 15 – 2007 Car Wreck, Police Report.

17 Exhibit 16 – 2008 Motorcycle wreck, where a man didn't use his signal light and turned into me.

18 Exhibit 17 – 2011 Motorcycle wreck, where a car hit me.

19 Exhibit 18 – DMV Hearing #1 - false allegations shown in your own document Exhibit 19.

20 Exhibit 19 – DMV Hearing #1 - indeterminate accidents attributed to me, which are disputable with Exhibits 12 thru

21 15, where your records have been shown to be false out of a rush to judgement rather than careful oversight.

22 Exhibit 20 – DMV Suspension on false grounds of being a physical medical condition.

23 Exhibit 21 - Double Amputee circumnavigating the world on his Harley by himself.

24 Exhibit 22 – Whoop data shows skating for the past 2 years.

25 Exhibit 23 – Whoop data showing motorcycle rides for the past 2 years.

26 Exhibit 24 – Winning Brown Belt BJJ tournament with prosthesis on the podium.

27 Exhibit 25 – Winning against an opponent outweighing me by ~100 lbs with my prosthesis on the podium.

- 1 Exhibit 26 – US DOJ 2010 ADA Update: A Primer for State and Local Governments website highlights.
- 2 Exhibit 27 – 2005 Doctors note collaborating with a biomechanics specialist setting the standard for the DOT.
- 3 Exhibit 28 – Officer Julio Jolivette admitting that I told him about my prosthesis.
- 4 Exhibit 29 – Whoop data showing my routes for discrimination purposes.
- 5 Exhibit 30 – 1997 CBR1100XX Motorcycle Stolen in Foster City.
- 6 Exhibit 31 – 1999 Dr prescription for inline skates as his prosthesis.
- 7 Exhibit 32 – Prosthetic definition.
- 8 Exhibit 33 – HandicapSkater website copyright.
- 9 Exhibit 34 – 2007 Thyroid result showing hypothyroidism.
- 10 Exhibit 35 – 2008 Thyroid result showing overcoming hypothyroidism.
- 11 Exhibit 36 – 2009 MRI result showing Hip Impingement Syndrome.
- 12 Exhibit 37 – 2020 SMPD Police Report, one of the officers' was discussing my riding with prosthesis.
- 13 Exhibit 38 – 2002 Reasonable Accommodation letter from Draeger's Markets' VP, John Draeger.
- 14 Exhibit 39 – 2022 DMV Medical Evaluation including Dr and Driver questionnaire.
- 15 Exhibit 40 – SMPD/City response to subpoena #1.
- 16 Exhibit 41 – SMPD/City response to subpoena #2.
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