

# Man Drives Truck Onto Sidewalk 'Dangerously Close' to Black Lives Matter Protestors & Starbucks Customers on Fair Oaks

*Driver walked away without citations or charges for violations. SPPD has since reported this incident is under investigation. Demonstrators left feeling physically threatened & underrepresented in South Pasadena.*

By **Eric Fabbro** - October 9, 2020



SCREENCAP: BlackLivesMatterSouthPASadena | Protester Fahren James speaks to motorist Richard Cheney as he is parked on the sidewalk during a Saturday, October 3 incident in which protesters claim Cheney almost hit James and potentially other pedestrians

On Saturday, October 3, Black Lives Matter Protesters were confronted by a motorist, now identified as Richard Cheney, who obtrusively drove a RAM 1800 truck onto the sidewalk at the intersection of Fair Oaks Ave. and Mission St — [where organizers London Lang and Fahren James have held demonstrations for over 100 days.](#)

The ordeal was allegedly sparked by a banner that protesters had been displaying, one that has a photo of President Trump with a caption that says: "The face of racism, hatred and stupidity, should not be the face of America."

<  **Mike Ten** 2d · 🌐 ...

Hard to welcome a new business to town when they choose to divide their customer base



SCREENCAP:  
 BlackLivesMatterSouthPasadena |  
 Facebook posts made by former  
 Mayor Mike Ten over the Trump  
 banner

"(Cheney) was trying to silence me by attempting to run me over " said James, who has been subject to assault, insult, and harassment several times before for similar reasons, [the most notable of which](#) being when Joe Luis Richcreek, a repeat offender who has been charged with over 40 crimes — a considerable amount of them violent — spat on fellow protester/ BLM supporter Victoria Patterson and physically assaulted James. Both were separate incidents in only 2 day's time. This resulted in Richcreek's arrest and quick release, with a court date slated on October 9. [This has been the genesis of controversy and ensuing debate recently over local law enforcement's protocol while handling possible criminal offenses.](#)

"The driver reported to the officers on scene that he did not attempt to strike the protestor, but admitted to driving his truck onto the sidewalk to express his objections to the woman's attempt to post the political signs in the public right of way," states an updated October 6 South Pasadena Police Department press release about Saturday's incident.



SCREENCAP:  
 BlackLivesMatterSouthPasadena |  
 Protesters hang the disputed banner  
 over Cheney's truck, contrary to what  
 some believe, the banner was  
 suspended from traffic signals and on  
 public property, not on Starbucks'  
 private property

In a public statement made via the Black Lives Matter South Pasadena Instagram account, James alleges that Cheney only stopped "at the metal barrier of Starbucks, nearly hitting myself and other pedestrians." Video documentation does corroborate the vehicle was obstructing the sidewalk while refusing to move with both axles wholly off of the road.

This is a potential violation on the part of Cheney according to subsection (f) of section 22500 of the California Vehicle Code, which states "a vehicle may not be stopped, left standing or parked, whether attended or unattended, on any portion of a sidewalk or with the body of the vehicle extending over any portion of the sidewalk."

"You'd have to go to the corner (of Starbucks) and see for yourself just how small that area is," James tells the South Pasadenan. She insists that the existing footage gives the illusion that Cheney's truck — which she believes to be a commercial vehicle based on its license

plates — is a moderate distance from where she was stationed. Noting that when taking into account the size of the truck, the distance between the handicap ramp and the traffic signal she was propped against, James explains “ he was so close to the pole that he couldn’t even open his door,” estimating that when he first pulled up, he was no further than 1-2 feet away.

[In one of several recorded videos](#), James can be heard reprimanding Cheney, saying, “You are endangering the public because you don’t like a sign that I’m putting up! How righteous of you!” In the same video, others are seen assembling and confronting Cheney while chastising him for nearly “barreling” into pedestrians, they then proceed to hang the disputed banner as originally intended.

The South Pasadena Police were called by several people in and around the area.



SCREENCAP:  
BlackLivesMatterSouthPasadena |  
Richard Cheney films protester Fahren  
James

As can be seen in the video, when the first police car approaches Cheney backs out into the intersection, drives west down Mission Street and eventually pulls over; it is unclear if he was attempting to flee as [some in the video surmise](#) or if he was simply pulling over to a safe spot. The responding SPPD **officer Smith** asks Cheney why he was on the sidewalk but does not appear to follow the common procedure of asking for the driver’s license and registration. Additional footage later shows Cheney outside of his vehicle leaning against a pole with hands behind his back while speaking with three SPPD officers; **Wong, Valdez, and Smith**.

On the video, a person can be heard telling the police that Cheney attempted to lie to officers by saying that he was merely looking for a parking spot for Starbucks. The same person gave his account stating that as he turned the corner he saw Cheney “fly in” and ramp up onto the sidewalk, coming “dangerously close” to James as she stood on a ladder.

“I have video to substantiate everything that I’ve said here”, a rattled James contests to responding officers, imploring them not to release Cheney based solely on his story.

Cheney walked away without any citations or charges for violations committed that day.

The aforementioned SPPD press release does acknowledge that Cheney “illegally drove his truck onto the handicap ramp” however when asked on the scene on Saturday, [Officer Valdez told witnesses](#), “When Officer Smith saw him he was on the sidewalk, although there is video that he’s on the curb, we didn’t visually see him drive up on the sidewalk.”



SCREENCAP: [BlackLivesMatterSouthPasadena](#) | Watch Commander SPPD Sergeant Matt Ronnie speaks with London Lang and Fahren James

[This was reinforced by SPPD Watch Commander Sergeant Matt Ronnie](#) a day later when James, her brother London Lang, and several others paid an in-person visit to the department, demanding clarification. “The officers on the field didn’t have enough information to warrant an arrest,” Ronnie explained to the group, “It was the officer’s discretion... (they) must investigate the totality of everything... I don’t approve every citation.”

He added that, based on the statements given by 7 witnesses, James, and Cheney — which while Ronnie did confess “were all consistent with what James said” with (Cheney) coming at least “within 5 feet of (her)” — that “they were not consistent with what gravitated toward a felony.”

The operative technicality told to James by Sergeant Ronnie when pressed about the situation was “that he was parallel to you (James), not directly pointed at you,” to which she retorted, “He had to, otherwise he would’ve ran into the pole I was standing in front of, he’s not gonna run his truck into a pole.”

Ronnie persisted to expound his defense with “We have to witness the action of him driving, we did not witness that.”



SCREENCAP:

*BlackLivesMatterSouthPasadena |  
Richard Cheney pulls away as an SPPD  
patrol car approaches*

It should be noted that when Cheney left the corner his maneuver was to back up into traffic, drive into the southbound/oncoming traffic lane of Fair Oaks Ave, and perform a left turn, ignoring any traffic signals. Furthermore, he leaves when a patrol car arrives but of his own volition, not due to the responding officer's command to leave.

Baffled, Lang asks why Cheney was not apprehended for reckless driving. "Because the section of the vehicle code is driving on the sidewalk; we have two separate things going on here, we have a municipal code violation which is: placing signs on the traffic signal (James), then you have him (Cheney) driving on the sidewalk. You have two separate things that are independent of each other but are connected by the same event."

Again, James responds in kind with, "Me with the sign has nothing to do with the man driving up on the curb."

Exasperated, Ronnie throws up his hands, demurring that he doesn't know what else to say. "This does not mean that we're not going to bring this to the district attorney's office for prosecution." He refers to [Penal code section 245](#), which is filed under Assault and Battery, as the primary charge that could apply to Cheney's case. The subsection was not specified.

The SPPD Weekly Crime Summary, released on Wednesday, October 7 mentions the conflict and is filed under the "Assault" section.

When asked for the incident report by James, Sergeant Ronnie responds with "It's not gonna be ready."

On Monday, October 5, the South Pasadena Police Department, when inquired by the South Pasadenan News for access to the incident report, deferred to a Public Records Act request for which processing may take up to 11 days.

*SCREENCAP:  
BlackLivesMatterSouthPasadena | SPPD  
officer Catalina Valdez*

According to witnesses on the scene, Cheney was heard saying that he was calling SPPD Police Chief Joe Ortiz. He was parked on the sidewalk at that time. He can be seen speaking with someone on the phone, but what he is saying is inaudible and whether it was Ortiz he was speaking to has yet to be verified by sources as of Thursday.

According to James, Cheney announced to her that he was calling Ortiz, and was heard telling the receiving end "She's still putting the signs up."

Dueling narratives concerning police response to such instances continues. Local authorities' declination to more assertively handle certain potential dangerous perpetrators has raised some incredulity amongst many in the community, while others have jumped to the defense of the department saying that criminals like Joe Richcreek were handled appropriately by officers. James and supporters firmly believe that this is another example of police attempting to extenuate a serious matter through some form of implicit nepotism — in this specific case between Cheney and Chief Ortiz — and bias against protesters.

A pervasive theme in recent police reports concerning the local demonstrations seems to be the inclusion of stating that they are "anti-police", though this phrasing has been omitted in public press releases.

*SCREENCAP:  
BlackLivesMatterSouthPasadena |  
Facebook posts made about the  
BLM protests in South Pasadena*

This is a detail that local BLM supporters persistently deny, often citing the many times they have discouraged defamatory signage/language and exhibited efforts to communicate with law enforcement and city officials. This ideology has been comparatively affected however

due to recent events in which police appeared, in their opinion, to not exercise the same discretion as they normally would with other victims.

"This man has a clear connection with Chief Ortiz" James adamantly claims in regards to Cheney, is heard on video when she is expressing herself to officers on the scene.

Local advocacy groups South Pasadena Youth for Police Reform and Care First South Pasadena have both condemned the incident, the latter of which **has initiated a petition** calling for the "formal investigation from the City Council into the recent decision of the Chief of Police to approve and promote a public prayer event at city hall led by a local chapter of the American Society for the Defense of Tradition, Family, and Property, (a) self-described Catholic organization (that) actively promotes anti-Black and racist views as part of its counter-movement to Black Lives Matter and community calls for police reform."

Incidentally Richard Cheney was the subject of another confrontation with South Pasadena police back in 2019.

According to other reports, on December 6, 2019, Cheney and his wife were left "feeling disrespected by South Pasadena Police officers" after being detained when 911 was called by a neighbor to "investigate what appeared to be an attempt(sic) residential (hot-prowl) burglary during dark hours." It happened to be Cheney on his roof fixing a leak.

Reports note the Chenneys' "allegation of disrespectful conduct was found to be sustained and allegation of illegal detention was determined to be unfounded" by SPPD.

The South Pasadenan News has also requested to three documents pertaining to the case — the two update letters sent to the Chenneys from Chief Ortiz as well as the incident report — as of Monday, October 5.

*SCREENCAP:  
BlackLivesMatterSouthPasadena |  
Facebook posts made about the BLM  
protests in South Pasadena*

BLM South Pasadena has conjectured that the October 3 incident "appears to be a premeditated escalation", the presumption stemming from Cheney and his wife's public espousal and support of extreme right-wing views, invoking groups that have come to prominence such as the [Proud Boys](#) and Uncle Sam's Misguided Children, on social media.

According to Media Bias/fact Check, the two groups are rated as "extreme right" on the political spectrum. An [analysis of Uncle Sam's Misguided Children](#) labels it as a

"Questionable" source "based on Extreme Right bias, promotion of conspiracies and propaganda, lack of ownership transparency and numerous instances of publishing fake news as verified through several failed fact checks."

Following the trail of social media posts, some of which were made the day prior on Friday, October 2, the Cheney's and other accounts, including two from former South Pasadena Mayor Mike Ten, participate in arguably virulent discussions with one particular chain of comments having Richard Cheney making statements such as, "Military grade weapons! Where would one get some of those? Asking for a friend...". Put in context, this was in reference to a piece about [Benjamin Jong Ren Hung](#), a San Marino man who was "accused of intentionally driving a truck into a crowd of Black Lives Matter protesters in Pasadena in May" according to the Los Angeles Times.

*SCREENCAP:  
BlackLivesMatterSouthPasadena |  
Facebook posts made about the BLM  
protests in South Pasadena*

Hung was also "charged with one count of conspiracy to transport firearms across state lines and making a false statement in relation to the acquisition of firearms. According to an affidavit, Hung collected weapons and equipment from suppliers across the country and turned his family's vineyard in Lodi into a training camp 'to prepare to engage in civil disorders'" says the same LA Times article.

Though much speculation and parallels have been the fruit of many an online watchdog's investigative labor, detractors have contested that social media posts cannot always equate to real-world, harmful actions. There are many studies and laws that do say otherwise however, [as authorities and litigators have used information accessed on personal social media accounts in certain cases](#).

As it currently stands in regards to Saturday's incident, it "is the subject of an ongoing investigation. When the investigation is completed, the findings will be forwarded to the Los Angeles County District Attorney's Office for review and potential criminal filing," says an SPPD press release.

"The police have taken a hands-off approach and they have done nothing" said James, who hopes the police will handle this "with the utmost respect and regard that (they) would with anybody else." She is currently being assisted by Civil Rights Attorney James DeSimone on separate cases involving police misconduct and/or harassment.

Multiple attempts have made to reach Richard Cheney for comment by the South Pasadenan News, but there has been no response as of Thursday.

The South Pasadena Police Department has also stated, "Anyone with further information or video of the incident is encouraged to contact the South Pasadena Police Department at 626-403-7270."

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***This is a developing story, stay tuned for more updates.***

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### **Eric Fabbro**

*<http://nexusplex.com>*

Eric Fabbro is a South Pasadenan whose family goes back to the 1950's. He graduated SPHS 2008, and Art Center College of Design in 2014. His versatile skill-set includes illustration, digital media, graphic design & photography. Eric is the in-house illustrator for The South Pasadenan, and the creator of our South Pasadenan icon logo. His work has been shown in galleries throughout the Los Angeles area.

