

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF NORTH CAROLINA

3 MISDEMEANOR COURT DOCKET

4 UNITED STATES OF AMERICA . CASE NO. 2:07-M-1075
5 V. . ELIZABETH CITY, NC
6 VASILE MATEI . JULY 16, 2007
7

8 TRANSCRIPT OF HEARING
9 BEFORE THE HONORABLE TERRENCE W. BOYLE
10 JUDGE, UNITED STATES DISTRICT COURT

11 APPEARANCES:

12 FOR THE UNITED STATES: BARBARA KOCHER, ESQUIRE
13 ASSISTANT U.S. ATTORNEY
14 800 FEDERAL BUILDING
15 310 NEW BERN AVENUE
16 RALEIGH, NC 27601-1461

17 FOR THE DEFENDANT: PRO SE
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25

1 THE COURT: Come forward. You're Mr. Matei?
THE COURT:

2 MR. MATEI: Yes, Your Honor.
MR. MATEI:

3 THE COURT: And you are charged with operating
THE COURT:
4 without due care. Are you going to plead guilty or not
5 guilty?

6 MR. MATEI: Your Honor, I don't understand this
MR. MATEI:
7 charge first of all. I don't know why I was charged and
8 why the officer brought me. Still I don't get the meaning
9 of this charge.

10 THE COURT: Do you want a lawyer, and can you
THE COURT:
11 afford a lawyer. You can hire a lawyer or have one
12 appointed for you if you don't, or you can be our own.

13 MR. MATEI: Your Honor, I prefer myself.
MR. MATEI:

14 THE COURT: You want to be your own lawyer?
THE COURT:

15 MR. MATEI: Yes.
MR. MATEI:

16 THE COURT: You are charged with operating a
THE COURT:
17 vehicle without due care. Do you understand that?

18 MR. MATEI: I understand this writing, whatever
MR. MATEI:
19 it was, unreasonable care. I mean, I was driving and I --

20 THE COURT: Well, don't tell me about it. Do
THE COURT:
21 you plead not guilty?

22 MR. MATEI: Not guilty, Your Honor.
MR. MATEI:

23 THE COURT: All right. Have a seat.
THE COURT:

24 MS. KOCHER: If I could advise the Defendant,
MS. KOCHER:
25 Your Honor, of the penalties he faces.

1 THE COURT: Yes.

THE COURT:

2 MS. KOCHER: It could be six months in prison, a

MS. KOCHER:

3 \$5,000 fine and up to five years probation.

4 THE COURT: Call your witness.

THE COURT:

5 MS. KOCHER: Thank you, Your Honor. The

MS. KOCHER:

6 Government calls Ranger Paul Stevens.

7 RANGER PAUL STEVENS, GOVERNMENT'S WITNESS, SWORN

RANGER PAUL STEVENS, GOVERNMENT'S WITNESS, SWORN

8 DIRECT EXAMINATION

9 BY MS. KOCHER:

BY MS. KOCHER:

10 Q. For the record, Ranger, if you would, tell The
11 Court what you do for a living.

12 A. Paul Stevens, United States Park Ranger
13 stationed at Cape Hatteras almost 19 years.

14 Q. And you were patrolling Cape Hatteras on May 27
15 of this year?

16 A. Correct, it was the same date, Sunday the 27th
17 of Memorial Day weekend.

18 Q. And you encountered an individual by the name of
19 Vasile Matei; is that correct?

20 A. That's correct.

21 Q. Tell the Court about that, please.

22 A. This was the busiest day we've ever had since
23 I've been working at the park. We had approximately
24 twelve hundred vehicles on Oregon Inlet Beach alone. We
25 did that count from an airplane. I was at the end of Ramp

1 4. When you go out Ramp 4 you can either go right to the
2 north or left to the south. And I was right at the end of
3 the ramp working. It was extremely busy. There was a lot
4 of traffic moving about on the beach. Then I noticed Mr.
5 Matei driving northbound on the beach in a serpentine
6 manner like this (indicating) throwing sand up each time
7 he turned. He was within about, oh, ten yards of parked
8 vehicles on the beach with a lot of kids that were
9 actually coming out in the travel lanes. I was trying to
10 catch up with him. Then he makes an abrupt U-turn, goes
11 up the sand dune into a closed area and turns and stops to
12 pick up his wife. And where he stopped I drove right up
13 in front of him so he couldn't go anywhere. Got out,
14 identified myself to him, advised him that we don't allow
15 people to drive like that on our beaches, and I issued him
16 the violation for unsafe operation.

17 MS. KOCHER: All right, sir. No further

18 MS. KOCHER:
19 questions, Your Honor.

20 THE COURT: Do you want to ask any questions?

21 THE COURT:

22 MR. MATEI: Yes, Your Honor.

23 MR. MATEI:

24 CROSS-EXAMINATION

25 BY MR. MATEI:

BY MR. MATEI:

26 Q. You have some electronic device to monitor me?

27 A. No, sir. It's 25 miles an hour maximum speed
28 limit out there, and under those conditions no more than

1 10 miles an hour. Anything over that was just unsafe for
2 those conditions with all that traffic and people that
3 were out there.

4 Q. And how much was my speed?

5 A. Based on what I saw with the sand coming up when
6 you were making your turns in the serpentine manner, you
7 were going at least 20, 25 miles an hour; and that was
8 unsafe in my mind.

9 Q. I own a vehicle and I put my vehicle in four low
10 motion. It is a Nissan 4 by 4. That four-wheel drive
11 front low motion give me permission to drive a maximum
12 speed of 10 mile per hour. Ten mile per hour. Not more
13 than 10.

14 So you are using just a visual assessment? You
15 are seeing me?

16 A. It was the way you were driving, yes.

17 Q. After that you called my driving license, right?

18 A. Excuse me.

19 Q. You asked me to give you my driving license?

20 THE COURT: Driver's license.

THE COURT:

21 A. Oh, yes.

22 Q. So you see me on the distance about two or three
23 hundred feet, and you don't see my driving license to see
24 my correct name. This is not my correct name, sir. I am
25 not Vasil. Driving license was in front of you about 30

1 inches. So this is -- I am coming here in respect of the
2 law, but this is not me. I not Vasil.

3 THE COURT: Who are you?

THE COURT:

4 MR. MATEI: I am Vasile.

MR. MATEI:

5 THE COURT: Who?

THE COURT:

6 MR. MATEI: V-A-S-I-L-E.

MR. MATEI:

7 THE COURT: Is there any doubt that you were the

THE COURT:

8 person on the beach that day?

9 A. I was there but is not the right spelling here.

10 THE COURT: Well, I'll conform the charges to

THE COURT:

11 the correct spelling then, so the record will reflect the
12 corrct spelling. Thank you. We've made up for that
13 problem.

14 MR. MATEI: So these were my questions for the

MR. MATEI:

15 officer.

16 THE COURT: Thank you. Then that's all. You

THE COURT:

17 can step down.

18 Any other evidence from the Government?

19 MS. KOCHER: No further evidence from the

MS. KOCHER:

20 Government.

21 THE COURT: Do you want to testify or give any

THE COURT:

22 evidence?

23 MR. MATEI: Yes, Your Honor.

MR. MATEI:

24 THE COURT: Come on up.

THE COURT:

25 VASILE MATEI, DEFENDANT, SWORN

VASILE MATEI,

26 DEFENDANT, SWORN

1 DIRECT EXAMINATION BY MR. VASILE

2 So on that day, 27th, I was renting a spot in
3 that camp very close to the ocean site, and I decide to go
4 to visit the ocean with my wife and two kids. My wife was
5 eight and a half month pregnant. At the time we arrived
6 on the dune over there, she cannot go. She was under
7 delivery pain. And I say, okay, stay here. I'm going to
8 pick up my truck, and I'm coming to pick you. So I was
9 back in the campground. I pick up my truck. I was going
10 on the entrance on the sand beach. I put my car in the
11 four low motion, and I drive to pick up my wife. Because
12 that mark of the character of the car, you know, is a lot
13 of waves over there. I cannot go to the line. I must go
14 perpendicular to the waves, the sand, the sand marks. So
15 I was going perpendicular to the marks, you know, and it
16 is very possible the officer can think, well, I'm driving
17 harzardous or something like that, somehow he's shaking
18 the car, you know. But my intention is not to bother
19 nobody. I mean -- I have two kids and, actually, I have
20 now three. And I take care of those people, and it is not
21 my meaning to drive hazardous, you know. I was driving
22 over a million miles, you know, and nobody charged me with
23 nothing. And, you know, to the best of my belief I don't
24 bother nobody. And coming in the, you know, spot over
25 there the officer stopped me and asked me about the

1 driving license, you know, and called me an idiot. You
2 know, in my system of value an officer is supposed to talk
3 polite and to give some care to the community. My wife
4 was in delivery pain over there, and in short time, in
5 about 30 hours she delivered a baby.

6 THE COURT: You were staying at the campground?

THE COURT:

7 MR. MATEI: I was staying -- I was planning to

MR. MATEI:

8 stay on -- I rent a night over there, yeah.

9 THE COURT: In the campground?

THE COURT:

10 MR. MATEI: In the campground.

MR. MATEI:

11 THE COURT: And where do you live regularly?

THE COURT:

12 MR. MATEI: In Chesapeake, Virginia.

MR. MATEI:

13 THE COURT: So your wife was eight and a half

THE COURT:

14 months pregnant.

15 MR. MATEI: Eight and a half.

MR. MATEI:

16 THE COURT: Within 30 hours of delivery, and you

THE COURT:

17 took her to a campground for the night and out on the
18 beach?

19 MR. MATEI: I bring her from there, and she

MR. MATEI:

20 experience the pain. And after that I drive home. I
21 drive her to the hospital to deliver the baby. And after
22 a lot of pain she deliver the baby. It was probably a
23 stressful situation for her, too.

24 THE COURT: Taking her to the beach and putting

THE COURT:

25 her out on the sand?

1 MR. MATEI: Yeah.
MR. MATEI:
2 THE COURT: Yeah.
THE COURT:
3 MR. MATEI: It was probably a stressful
MR. MATEI:
4 situation there.
5 THE COURT: I'm sure it's stressful.
THE COURT:
6 MR. MATEI: I asked officer, please look at my
MR. MATEI:
7 situation. My wife is in pain. I'm not a -- you know.
8 THE COURT: But you brought her there.
THE COURT:
9 MR. MATEI: We walk over there from the
MR. MATEI:
10 campground. And from there she cannot move. And I bring
11 her in the car.
12 THE COURT: Anything else?
THE COURT:
13 MR. MATEI: No, Your Honor.
MR. MATEI:
14 THE COURT: Do you want to ask any questions?
THE COURT:
15 MS. KOCHER: No, sir.
MS. KOCHER:
16 THE COURT: All right. Thank you.
THE COURT:
17 (The witness leaves the stand.)
18 THE COURT: Any other evidence, Mr. Matei?
THE COURT:
19 MR. MATEI: No, Your Honor.
MR. MATEI:
20 THE COURT: Let me ask, please, for Officer
THE COURT:
21 Stevens to come back up on the stand for inquiry by way of
22 further evidence in the case. The Government has rested,
23 and the Defendant has rested.
24 RANGER STEVENS WAS PREVIOUSLY SWORN
RANGER STEVENS WAS PREVIOUSLY SWORN
25 ON EXAMINATION CONDUCTED BY THE COURT: ON EXAMINATION
26 CONDUCTED BY THE COURT:

1 Q. Officer Stevens, you're in a supervisory
2 position, Ranger Stevens, with the Park Service, right?

3 A. That's correct.

4 Q. And you have a regular and constant
5 understanding of the laws and rules and regulations that
6 are involved on the Cape Hatteras Seashore?

7 A. Yes, sir.

8 Q. Is it not a legal truth and a fact that there is
9 no off-road vehicle operation plan in force for the Cape
10 Hatteras National Seashore?

11 A. That's correct. They're working on that through
12 negotiated rule making. The latest on that is --

13 Q. Well, I don't want to hear what the future may
14 hold. I'm talking about at the time of this offense.

15 A. No.

16 Q. And is it not a fact that the Department of
17 Interior regulations foreclose off-road vehicle beach
18 operation under normal circumstances without a vehicle
19 operation plan in force?

20 A. That's correct. Right now we are in violation
21 of the two Presidential Executive Orders as well as our
22 own regulation requiring the plan. They're working on the
23 plan at this time.

24 Q. Without regard to the future and what they're
25 working on, as of May 2007 and July 2007, there is no plan

1 in force that would satisfy that regulation, is there?

2 A. That is correct, sir.

3 THE COURT: Do you want to ask any questions

4 THE COURT:
about this?

5 MS. KOCHER: No, sir.

6 MS. KOCHER:

7 THE COURT: Do you want to ask any questions?

8 THE COURT:

9 MR. MATEI: No, Your Honor.

10 MR. MATEI:

11 THE COURT: All right, thank you.

12 THE COURT:

13 (Ranger Stevens is excused from the stand.)

14 THE COURT: Do you want to say anything about

15 THE COURT:
your case?

16 MR. MATEI: Your Honor, I am first time in this

17 MR. MATEI:

18 situation in 45 years.

19 THE COURT: Okay.

20 THE COURT:

21 MR. MATEI: The first time in court.

22 MR. MATEI:

23 THE COURT: Okay.

24 THE COURT:

25 MR. MATEI: I don't know how and which way I can

MR. MATEI:

drive in that particular situation more safe than I did.

19 THE COURT: Okay. All right, thank you. Does

20 THE COURT:

the Government want to say anything?

21 MS. KOCHER: No, sir.

22 MS. KOCHER:

23 THE COURT: Well, I find the Defendant guilty

24 THE COURT:

beyond a reasonable doubt, and find that it is unlawful as

25 a matter of law for the Defendant, or any other person, to

be operating a vehicle off road on the National Seashore

1 without legal permission to do so. And his operation
2 without due care was incident to that. And I'm going to
3 file a written order to that effect.

4 I will impose a fine of one hundred dollars and
5 a special assessment. But it's a matter of record now in
6 this Court that it's a violation of the law to operate a
7 motor vehicle off road, and I will publish that, on the
8 National Seashore.

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STATE OF NORTH CAROLINA)
) C-E-R-T-I-F-I-C-A-T-I-O-N
COUNTY OF PERQUIMANS)

I certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

Sandra A. Graham, CVR July 17, 2007
Court Reporter & Notary Public
Notary Public Number: 19940140086

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