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Driver vs. bicyclist: 2 stories emerge

Nancy Isles Nation

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A San Anselmo bicyclist who claims his vision was impaired in an accident with the driver of a pickup truck was portrayed as a fabricator and risk-taker by the defense in court Friday.

Torrin Arnold, 26, testified in a preliminary hearing for defendant James Arrigoni, the San Anselmo man who was driving the green Silverado truck at the time of the incident, that he boasted and made up stories when he chatted online with fellow bicycle enthusiasts.

Defense attorney Jim Collins' first question to Arnold was about his middle name. He took Danger as his middle name in 2003 and used it in e-mails and chat rooms.

If Marin Superior Court Judge Terrence Boren decides there is enough evidence, Arrigoni could be ordered to stand trial on a felony hit-and-run charge.

Arrigoni is the son of Peter Arrigoni, a prominent Marin resident and former member of the board of supervisors.

The defendant had a star-studded support network present at the hearing, including former supervisor Gary Giacomini, current Supervisor Hal Brown, former county counsel Doug Maloney and construction magnate Mario Ghilotti.

Michael Mejia, then an officer with the San Anselmo Police Department, testified that he responded when he heard there had been a hit-and-run on Red Hill Avenue near the town hub at about 9 a.m. on Feb. 26, 2005. He said witnesses told him they had seen Arnold motion to the pickup driver to slow down as he tried to merge left toward the median. They said they saw Arnold make an obscene gesture toward the truck, and then saw the driver swerve toward Arnold.

Witnesses did not see the accident and could not say whether Arrigoni had run into Arnold or the cyclist had struck the truck, Mejia said.

They saw Arnold lose control of his bike and fall and two witnesses chased Arrigoni as he drove off. They caught up with him less than a mile away and yelled at him to return to the scene.

Arrigoni told police in a statement that he was pulling over to speak to the bicyclist after he had been given the obscene gesture and that Arnold struck his side mirror. Arrigoni said he pulled away because he did not want to get into a confrontation with Arnold but noticed him fall in his rear-view mirror. Arrigoni told the witnesses that he was going to the police station to report the incident and the two cars escorted him, according to his statement.

Arnold, who entered the courtroom with a seeing-eye dog, testified that his vision has improved since he first began to lose his sight shortly after the incident. He said he now can see shadows and some movement but has problems with contrast. He is a student at the College of Marin and said he takes online classes on a computer with audio instruction and uses braille.

He admitted to the rude gesture saying: "I felt that he had unnecessarily endangered my life." Arnold said he then heard the sound of an engine accelerating and saw a large green object approaching rapidly. He said he put his hand out to brace himself.

"I almost caught it but I couldn't keep control of the bike," Arnold said.

When he fell, Arnold said he landed on the back of his head and upper back.

He said emergency medical workers put a neck brace on him and loaded him into an ambulance on a backboard.

He was diagnosed at Marin General Hospital with a sprained neck, contusions and road rash - but began to notice spots in his vision the following day.

The condition worsened over time, Arnold said.

Collins read transcripts from several online postings Arnold said he may have written, bragging about run-ins with drivers and traffic police. One described an incident in a charity bicycle race in Lompoc, in which Arnold said he used a U-shaped bicycle lock to break off the side mirror of a Honda he claimed was trying to kill him.

"It was a work of fiction," Arnold said.

He said his postings about getting speeding tickets and riding without brakes were bravado.

"That is a place to vent your frustrations without hurting anyone," Arnold said, referring to the Internet.

Collins questioned Arnold about a number of accidents that he had been involved in and said that Arnold lied to doctors and refused testing to determine whether he was really visually impaired and why.

The hearing is set to continue Wednesday.

Road rage case dropped; bicyclist faked blindness

Nancy Isles Nation

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A felony hit-and-run case against a San Anselmo man was abruptly dismissed Thursday after a judge learned a doctor concluded the victim was feigning blindness.

The courtroom of Judge Terrence Boren burst into applause following the dramatic turn of events in the case against motorist James Arrigoni, accused of colliding with a bicyclist who claimed he went blind following the incident.

Arrigoni, 45, was charged in the criminal case following an incident on Feb. 26, 2005, when a bicyclist crossed lanes in front of him merging toward a median to make a left-hand turn on Red Hill Avenue in San Anselmo.

The bicyclist, Torrin Danger Arnold, 26, of San Anselmo, claimed Arrigoni swerved his truck to intentionally hit him in a state of road rage. Arnold testified he was struck by Arrigoni's pick-up truck, fell from his bicycle, hit his head on the pavement and later lost his vision.

Witnesses said they saw Arnold signal his move to the left and saw the cyclist "flip off" Arrigoni when he did not appear to slow down sufficiently. They said they saw Arrigoni's Silverado swerve toward Arnold but could not tell whether the truck struck the bicyclist.

But prosecutor Paul Haakenson told the judge the district attorney's office decided to drop the case based on information that came to light after Arnold was on the witness stand.

Haakenson said his office subpoenaed records from a University of California San Francisco Medical Center ophthalmologist who examined Arnold and concluded he was pretending to be blind.

Defense attorney Jim Collins, calling the turn of events unique in his 30 years practicing law, questioned Arnold in a February preliminary hearing about an examination by the UCSF doctor, who was not fully identified.

Arnold testified then that he had gone to the doctor but experienced a "psychotic" episode when he reached the office and could not proceed with the appointment.

But Collins subpoenaed the doctor's records and found he had indeed examined Arnold - and determined that he was faking blindness. The medical records indicated Arnold did not have the neurological symptoms associated with vision impairment, Collins said.

When Boren ruled in favor of the district attorney's motion to end the proceedings, Arrigoni's supporters - including his father, Peter, a former county supervisor - erupted with cheers and poured out of the courtroom to congratulate a jubilant Arrigoni.

"I'm extremely happy," James Arrigoni said, noting he still faces a civil suit filed by Arnold. "Hopefully the civil suit gets dropped and that's the next goal - after that we'll see what transpires."

Defense attorney Collins said prosecutors apparently had decided against proceeding with the case based just on felony hit-and-run charges because Arnold had not been truthful on the stand.

"The DA, acting professionally and ethically, realized he had lied," Collins said. "I think it's sad that Mr. Arnold in faking his blindness has not only gotten compensation from the state, but he also fooled the bicycle coalition, who supported him," Collins added.

"The most outrageous thing to me is there is a blind person out there without a guide dog," he added, noting Arnold received training and was given a dog by Guide Dogs for the Blind in San Rafael. Arnold also attended Braille school and other classes for the visually impaired.

Arnold, who did not attend the hearing, said later he was aware of the ruling. "The people around me know the truth and that's what's important to me," Arnold said.

District Attorney Ed Berberian said the evidence in the case turned out to be materially different than what his office expected. Berberian said prosecutors met with Arnold Wednesday to relay the news.

"At the end of the meeting he understood," Berberian said.

Berberian said he could not comment on the medical evidence on which his decision was made.

Eric Anderson of the Marin County Bicycle Coalition said the case is not typical.

"We hope that the outcome of this case doesn't distract from the real message that bicycles and cars need to share the road," Anderson said. "We also hope that people understand that no matter how much people provoke you, it's not OK to drive aggressively because people can be hurt or killed."

In May, bicycle activists sponsored a benefit for Arnold in Fairfax to raise money to help him pay medical bills. Arnold and friends established a Web site called "offtheback.org" to raise money for cyclists who were injured on the road.

Arnold's supporters gathered at the Marin County Civic Center in May to deliver letters to the district attorney, urging him to file criminal charges against Arrigoni. They believed the office was considering misdemeanor charges at the time.

Attorney Bill Weiss, who represents Arnold in the civil lawsuit against Arrigoni, said he intends to pursue it despite the dismissal of the criminal case. "It doesn't affect the civil case," Weiss said.

"There were two witnesses that chased him down," Weiss said. "He knocked him over."

"When people who are victims of crime get involved in the criminal system they find they are not protected," Weiss said. "He didn't do anything wrong."

Arnold has a history of angry conflicts with motorists, including a 2004 obscenity-laden run-in with a sanitary district truck in San Anselmo. Another incident in Fairfax that same year led to vandalism charges being filed against Arnold but later dropped in court.

Arnold boasted about his aggressive riding on the Internet and claimed to be riding "brakeless," but later said his writing had been fiction that he was quite proud of.

A jubilant Arrigoni left the courtroom with an entourage for a celebratory lunch at Le Chalet Basque after the hearing.