# EVENT #9: After Being Approached By Neighbors With Hostility (pages 184 & 185), Then Returning To Mr. Byrd's Home To Wait For Officers, Deputy Shin & Deputy Ruiz Arrived:

- Entered onto property *without a warrant,* & without a complaint from the title holder of 2233 Angler Ave.
- Warned Ms. Smith, Mr. Byrd, Ms. Wilson, & Mr. Rosenberg "if they go back onto 2233 Angler Ave.", they will "be arrested".
- When shown Ms. Smith's "Declaration of Claim of Adverse Possession" papers & explained what part of the process they were in, Officer Shin refused to witness Ms. Smith's papers, then denied such law "could exist"- stated "Just because you think you found some loophole..."
- Officers threatened to arrest anyone who went back onto 2233 Angler Ave.

## **Two Deputies From The Kern Sheriffs Department Arrived:**

About a half hour *after* Mr. Byrd, Ms. Smith, Ms. Wilson, & Mr. Rosenberg went over to 2232 Commercial Ave. *to wait for officers to arrive* so they could *show them Ms*. *Smith's Claim paperwork* & explain *the procedure they were following*, there was a very loud knock at the front door, *followed by an officer's voice*. Ms. Wilson went to meet them on the front porch.

Officer Shin: "Wait right there,". (walks briskly toward Ms. Wilson) "Who else is here?"

Officer Shin then *escorted* Ms. Wilson to the backyard, then Officer Hector Ruiz, Ms. Smith, & Mr. Rosenberg came to the backyard as well. Mr. Byrd remained inside the house.

**Officer Shin:** "Let's get this straight- if *any* of you go back on *that* property *(he pointed to 2233 Angler Ave.)*, you're *going to be arrested for trespassing,"* he demanded.

**Ms. Wilson:** "Rachel (*Ms. Smith*) filed a *Declaration of Claim of Adverse Possession* with the State of California *on that property* because it was physically abandoned, dilapidated, & causing a hazard to its own premises *and* to the community- *including our wooden fence.*" *Ms. Wilson pointed to the red fence.* "*We've been over there performing weed abatement & clearing the deadwood.* No one has lived there *in years. Do you know about adverse possession laws?*"

#### Ms. Smith attempted to show Officer Shin the paperwork, but he refused to witness it. Officer Ruiz did proceed to look at the paperwork with her as Officer Shin proceeded to explain his opinion on the law:

**Officer Shin:** "I don't care about *some 'loophole'* you think you've found. If I buy a piece of property in the mountains, I can let it sit there & appreciate in value *as long as I want, & if anyone steps foot on that property* you don't WANT *to know* what's going to happen to them."

**Ms. Wilson:** "Its not a loophole- *its protected under Common Law.* Adverse Possession exists in *all 50 States*. Adverse possession is a process which enables people to claim abandoned properties by getting the taxes switched into your name, paying them for five years, & making improvements. We found *evidence* that property (2233 Angler) has been abandoned since *well before* March 2014. *We're fixing the ceiling. We abated the entire back yard..*"

## Officer Shin then noticed the clean, sturdy, water conserving "incinerating toilet" (a drought solution the couple was installing) the couple had installed, & without knowing or asking <u>anything</u> about it, he yelled:

# "And You're Shitting Back Here!?!?"

Ms. Wilson: Its an incinerating toilet. Its completely sanitary & conserves water.

(brief pause to explain)

## **What Is An Incinerating Toilet???**

The "incinerating toilet" conserves water via burning the waste among a small bed of dried grasses (the couple had stacked a <u>big</u> pile of grasses from when they pulled up the foxtails from the entire property, so small bits of grass were used from for each use). A small amount of dried grasses are placed into the bottom of a large metal trash buried mostly in the ground, as shown:



A simple design, "The Burn Toilet" is safe, affordable, & "a drought-wise solution".

### Simple Design:

The removable toilet frame built *overtop* the buried metal trash can is removed prior to igniting the small amount of grasses & excrement that is in the barrel every 2-4 days. The buried trash can keeps everything fire safe, & the "zero water design" makes it a smart idea during the drought when used in rural areas.



The lightweight wooden frame is removed prior to burning.



"The Burn Toilet" before the top lid was installed.

The couple had plans to build "Cob House" walls for the restroom, of which the wooden pallets in the above photo would serve as a *frame* for.

#### **Photo At Right:** A Cob House- *photo source-"The JB Bardot Archives":*

http://www.jbbardot.com/five-sustainable-ecobuilding-techniques-provide-natural-holistic-livingenvironments/



### The Incinerating Toilet; An Ecologically-Wise, Common Sense Idea

Why mix feces with fresh drinking water only to flush it down the toilet later? *Burning* kills the bacteria, protozoa, & other biological organisms which cause disease, & *ashes are easy to manage*. In 2011 the Bill & Melinda Gates Foundation launched the *Reinvent the Toilet Challenge* to promote safer, more effective ways to treat human excreta. Some research teams have received funding to work on developing toilets based entirely, or in-part, upon solid waste combustion <sup>1</sup> California Governor Jerry Brown *has* ordered *permanent water conservation* due to the extended drought we've been experiencing<sup>2</sup>. The couple felt they were *doing their part* in conserving water, & had *plans* to make a *lye leaching barrel* to deal with the ash *for use in soap making*:



#### A Wise Way To Manage Ashes:

"In some parts of the world, local people may burn dried animal feces (dung patties) for fuel to heat the house or cook food. This is a common practice that has endured for millennia. Burning dung patty smoke releases into the air various gases, dust particles, and some organic chemicals, similar to burning wood smoke."

-U.S. Department of Defense<sup>3</sup>

"Soap making in the woods can be almost automatic. Hardwood ashes are some of the best producers of lye. Add a bucket of rain water and some left-over cooking fat and you can easily brew up enough soap to clean everybody and everything. If you need a large quantity of lye, you may want to build a lye leaching barrel. "

- Mother Earth News<sup>4</sup>

- 1 Elisabeth von Muench, Dorothee Spuhler, Trevor Surridge, Nelson Ekane, Kim Andersson, Emine Goekce Fidan, Arno Rosemarin (2013)Sustainable Sanitation Alliance members take a closer look at the Bill & Melinda Gates Foundation's sanitation grants, Sustainable Sanitation Practice Journal, Issue 17, p. 4-10
- 2 Article: "Gov. Brown orders permanent California water conservation due to drought", *California Drought Portal* website: http://www.scpr.org/news/2016/05/09/60441/gov-brown-orders-permanent-california-waterconser/
- 3 "Fecal matter in the air- what do we know?", U.S. Department of Defense: https://phc.amedd.army.mil/PHC %20Resource%20Library/AIR%20QUALITY%20-%20FECAL%20MATTER%20FINAL%20Mar %2004.pdf
- 4 Drawing from MOTHER EARTH NEWS STAFF. Article: "How to Make Soap from Ashes": http://www.motherearthnews.com/homesteading-and-livestock/how-to-make-soap-from-asheszmaz72jfzfre.aspx

# *During this time* Officer Hector Ruiz was investigating Ms. Smith's Claim papers (see pages 177 & 178).

**Officer Ruiz:** "I already checked into this *some*, & from my understanding *this house* (2232 Commercial) is behind in *taxes*, whereas *that one (he indicated 2233 Angler)* is *not*, & *that* is why you are able to be *here*. If you go back on *that (he indicated 2233 Angler Ave.)* property, you're going to be arrested."

*Note:* Both officers had come onto the property about 6 months earlier following a complaint the couple had made regarding suspicious activity in the neighborhood.

**Ms. Wilson:** Adverse Possession has to do with <u>physical abandonment &</u> <u>neglect</u> of property– not just "whether or not the taxes are being paid". The law is designed that way to prevent perfectly good houses from rotting in the middle of neighborhoods. It literally storms into the living room every time it rains (see page 169 & 170).

**Officer Shin:** If you go back on that property- you're going to be arrested. Both officers turned & began walking toward their vehicles.

Ms. Wilson: "Can I get each of your cards."

Officer Shin: "We don't have cards."

Ms. Wilson: "What are are your *names* and *badge numbers?*"

**Officer Ruiz:** *"Ruiz 123" (he continued briskly walking to his vehicle as he spoke)* 

**Officer Shin:** "Shin, 1260" (he also continued walking briskly to the vehicle as he spoke).

Ms. Wilson *ran* inside to get a pen & paper, & came back out as Hector Ruiz was driving off, then asked Officer Shin *again* for his name & badge number *just as he was about to drive off*.

He said "Shin 1260", & then drove off.

## "Neighbors" of 2233 Angler Ave. Arrive, *Then Drill Boards Over The Couples' Fence:*

Soon after, Ms. Wilson heard the sound of a power drill being used on the fence which divides 2233 Angler Ave. & 2232 Commercial Ave.; *she picked up the camcorder* & *ran to record what was happening*. The two men who called the Sheriffs *who reside at 2229 Angler Ave*. were drilling boards up over the fence between 2232 Commercial Ave *(Kevin's property)* & 2233 Angler Ave. *(Rachel's property)*. Ms. Wilson uploaded the following video to YouTube *soon after the event:* 

#### https://www.youtube.com/watch?v=48jIPukGUx8



A screenshot of one of the neighbors from 2229 Angler while they drilling boards over the couples' doorway in the fence in order to barricade them in.

**Distance:** "We're still filing with the county."

**Neighbor:** "That's fine- we've already talked to the owner- he'll be here this week."

**Distance:** "Okay- great- we look forward to meeting him."

**Neighbor:** "So do I. Good luck- *you guys are going to jail too.*"

**Distance:** "Oh we're not going to jail. We were within the bounds of the law."

Neighbor: "You were trespassing."

**Ms. Wilson:** "No we have the paperwork. We're within the bounds of the law. We have the paperwork- we have the statutes. It all should be way good."

**Neighbor:** \*muffled something about officers\*

**Ms. Wilson:** Well they were operating out of their jurisdiction because they didn't get a civil

complaint from the actual owner- a verified compliant from a damaged party.

Neighbor: I think they did.

**Ms. Wilson:** No they didn't. *You guys* called the Sheriffs.

**Neighbor:** No I told the Sheriff to talk to the owner.

**Ms. Wilson:** *Yea-* you called the Sheriff & talked to the owner?

#### Neighbor: Yea.

**Ms. Wilson:** *Well* the owner- *or previous owner* didn't talk to the Sheriffs.

**Neighbor:** No, *I* talked to the owner & the Sheriffs. I'm going to be considered what they call *Caretaker of the Property* now. We're *weed-eating the property* & we're





going to take care of the house too while he's in Vegas & that's not against the law.

Ms. Wilson: We'll be challenging that.

Neighbor: Good luck.

**Ms. Wilson:** With the paperwork we have, *this is actually* a Deprivation of Rights Under Color of Law *United States Code*. This is against *federal law- what you're doing* to *bypass what we're doing* & we just got *threatened* illegally & unconstitutionally by *them (the officers),* but the officers didn't know that because they weren't properly trained on *this law.* 

Neighbor: (laughing, still boarding up the fence) If you say so.

**Ms. Wilson:** Our goal was to plant food & share food with you guys, & we were abating a fire hazard; they left a *community hazard in our community- now you guys are trespassing*.



(Ms. Wilson turns the camcorder off)

# **EVENT #10:** *The Following Day* 5 Kern Sheriffs Deputies arrived and:

- Came onto the property without a warrant.
- Demanded Ms. Wilson to stop filming.
- Performed an illegal search & seizure, *confiscating Mr. Byrd's Smartphone*.
- Refused to acknowledge Mr. Byrd's following of the CODE OF CIVIL PROCEDURE.
- Arrested the couple for "TRESPASSING".
- Fabricated evidence & performed & documented slanderous comments against the couple in order to *CONDEMN* the property using an Arbitrary & Capricious, unjust reason.

#### **Definition of UNJUST:**

"Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws."<sup>5</sup>

<sup>5</sup> Black's Law Dictionary", 2<sup>nd</sup> Edition on UNJUST: http://thelawdictionary.org/unjust/

## *Officers Arrive,* Ms. Wilson *Grabs The Smartphone To Film;* Officer Ruiz Directs Her To "Turn Off The Camcorder", & States That She's "Under Arrest":

On the morning of 5-11-2016, Ms. Wilson called the KERN COUNTY SUBSTATION & *left a message on their answering machine* after being prompted to the "*obtain a copy of a report*" section of their answering machine message. *In her message* she requested they *call her back* so she could obtain a copy of the report from the previous day.

Around 2:00 p.m., approximately 5 Kern County Sheriff's Deputies, as well as a man who appeared to be a housing inspector; came through the front gate & knocked on the front door. One officer (sounded like Ruiz) called "Alexander!" several times.

Ms. Wilson grabbed the smartphone & turned on the camcorder, then proceeded with the camcorder raised & came to greet the officers, then stated: "I'm recording, officers."

## Officer Ruiz directed her "to stop recording". Ms. Wilson cited her "First Amendment Right to Record Public Officials". Officer replied: "Yes, *but you're under arrest.":*

Ms. Wilson: "For what?"

Mr. Ruiz: "For trespassing."

Ms. Wilson: "Do you have a warrant?".

**Mr. Ruiz:** "We don't need a warrant. I talked to the owner. He said you don't have permission to be here- we told you that yesterday."

Ms. Wilson: "No you didn't."

Mr. Ruiz: "Yes we did."

Ms. Wilson felt shocked that the officer had just lied to her, & shut off the camcorder to comply with the officers as she saw they were not "playing by the rules".

### Ms. Wilson *Set Down* The Smartphone *As Directed To* By Officer Ruiz, Who Then *Took* The Smartphone & Stated: "Now we're *taking this* as *evidence*."

Officer Ruiz ordered Ms. Smith, Ms. Wilson, & Mr. Byrd to sit down (they sat in chairs around the glass table shown on page 104)

Ms. Wilson told the officers that Mr. Byrd had filed with the State of California at The County Assessor's Office about 7 months earlier, & that they had been living there since, *improving the property, & about to make their first property tax payment.* 

One officer replied: "I'm sure the owner will appreciate that."

Ms. Wilson asked the Officers if she could go in & get the paperwork, but **one Officer replied:** *"No, because you might go in & get weapons & try to use them on us."* 

Whereas Officers refused to view Mr. Byrd's paperwork which indicated *Civil* Procedure <u>was</u> being followed <u>by</u> the couple <u>and</u> Ms. Smith, <u>and</u> because all three Civilians were in the process of being falsely arrested by the Officers who were not indicating their will to provide "equal protection of the laws" (14th Amendment), Ms. *Wilson stated the following:* Because we don't appear to be receiving 'equal protection of the laws' at this time like we're supposed to under The 14h Amendment, I would just like to point out that I reserve ALL my Rights- without prejudice- under The Constitution of The United States. That said- because we don't appear to be receiving 'equal protection of the laws', you (she indicated Mr. Hector Ruiz) appear to be violating United States Code Perjury of Oath<sup>6</sup>. Also you're violating United States Code Title 18 Deprivation of Rights Under Color of Law<sup>7</sup>, & because there are 'two or more persons involved' (she looked at the other officers), this is *also* a violation of *Title 42* Conspiracy to Interfere With Civil Rights"<sup>8</sup>." Ms Wilson then pointed to the other officers, & continued: "And because you are all witnessing Conspiracy to Interfere With Civil Rights occurring, &\and you're not intervening to prevent us from continuing to have our Rights violated- you could all be tried with Action for Neglect to Prevent<sup>9</sup>, which is <u>also</u> under Title 42."

<sup>6</sup> House of Representatives' Office of Law Revision Counsel website on Title 18 §1621, "PERJURY OF OATH": https://www.justice.gov/usam/criminal-resource-manual-1743-perjury-overview-18-usc-1621-and-1623-violations

<sup>7</sup> The United States Department of Justice website on U.S. Code Title 18 § 242 "DEPRIVATION OF RIGHTS UNDER COLOR OF LAW": https://www.justice.gov/crt/deprivation-rights-under-color-law

<sup>8</sup> **House of Representatives'** *Office of Law Revision Counsel* website, *Title 42* §198: http://uscode.house.gov/view.xhtml?http://uscode.house.gov/view.xhtml?

req=conspiracy+to+interfere+with+civil+rights&f=treesort&fq=true&num=4&hl=true&edition=prelim&gran uleId=USC-prelim-title42-section1985

<sup>9</sup> Office of Law Revision Counsel (OLRC) website, statute United States Code Title 42 §1986: "Action for Neglect to Prevent": http://uscode.house.gov/view.xhtml?req=%22action+for+neglect+to+prevent %22&f=treesort&fq=true&num=1&hl=true&edition=prelim&granuleId=USC-prelim-title42-section1986

**Officer Ruiz:** "I'm sick of her mouth." *He indicated Ms. Wilson.* "Handcuff her & put her in the vehicle".

Ms. Wilson was then handcuffed & escorted to one of the Sheriff's vehicles, & was joined in approximately 20 minutes by Mr. Byrd, *who was also escorted to the vehicle in handcuffs*.

Both Ms. Smith *and* Mr. Byrd claim to have witnessed the *housing inspector* state that he was "condemning the property" due to the presence of the incinerating toilet. On the following ARIETIS reports (*pages 201-202*) Officer Ruiz stated "Uniform housing code 17.16.020- surfacing sewage".

Ms. Wilson was not read her Miranda Rights<sup>10</sup> during the event.

The couple was incarcerated in the KERN COUNTY SHERIFF'S OFFICE CENTRAL RECEIVING FACILITY<sup>11</sup> in *Bakersfield*. Mr. Byrd was held approximately *eleven and a half hours*, & released at approximately 12:00 midnight. on 5-12-2016. Ms. Wilson was held an additional approximately *two and a half hours* & was released around 2:30 a.m.. Both Mr. Byrd *and* Ms. Wilson received an "ARIETIS" ("*paperwork*" on pages 201-203) during the time they were incarcerated which stated they had been arrested on the following charge:

#### "602. Except as provided in subdivisions (u), (v), and (x), and

Section 602.8, every person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor: (0) Refusing or failing to leave land, real property, or

structures belonging to or lawfully occupied by another and not open to the general public, upon being requested to leave by (1) a peace officer at the request of the owner, the owner's agent, or the person in lawful possession, and upon being informed by the peace officer that he or she is acting at the request of the owner, the owner's agent, or the person in lawful possession<sup>12</sup>"

# Ms. Smith received a "Notice to Appear" citation with a court appearance scheduled for 7-7-2016 regarding the same charge.

The couple was told by Officers that "if they went back onto the property (2232 Commercial Ave.)", they would "be arrested for TRESPASSING". The couple *protested* due to their lawful right to be on the property in that they had resided there over seven months, however officers stated that "It was a civil matter" & that they needed to "find an attorney".

<sup>10 &</sup>quot;MirandaRights.org; Become Aware of Your Rights: http://www.mirandarights.org/

<sup>11</sup> KERN COUNTY SHERIFF'S OFFICE CENTRAL RECEIVING FACILITY

website::http://www.kernsheriff.com/Detentions/CRF/Pages/default.aspx 12 http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=594-625c

# The following pages contain copies of the *paperwork* that Mr. Byrd *and* Ms. Wilson were served while incarcerated at Kern Sheriff's Central Receiving Facility in Bakersfield.

# Page One of the ARIETIS Officer Hector Ruiz issued regarding this case (Agency Case # SR1812967); received by Mr. Byrd while incarcerated:

Declaration				-				
Anetis Dec #:	gency Case	#: Type:		Status				
55290 5	R1612967		PC Dec	Submit	ted To Judg 2016 2:12 P			
Officer: Hector Rulz SO1236 Kern County Sheri	5/11	ed Date/Time /2016 2:12	PM					
Officer Signature						_		
I declare under pena	ity of perjur	ry that the for	eooing is tr	ue and c	prect to the l	sest of my infor	mation and belief	
Executed on 5/11/2							Contract of the optimal of	
Magistrate Signat	ure							
(not signed by magis	trate]							
Subject						_		
	hth Date: /18/1972	Birth Plac	e: Birti	State:				
Gender: Race: White	Height:	Weight: 511	Hair Cold Blond		e Color: ue			
SSN: DL N 258537334	lumber;	DL State:	DL Exp D	ate:				
Address TRANSIENT LAKE ISABELLA, CA	93240	Home Phone	Work	Phone:	Mobile Pr	ione:		
Arrest							1	-
Offense Date/Time: 5/11/2016 11:30 Af	Offen Coun	se Location: ty	Arrest Open	lype:	Arrest Date 5/11/201	/Time: 6 12:50 PM	Court Division: Ridgecrest	
Location of Arrest 2232 COMERCIAL LKAE ISABELLA, CA		In Traffic Acc	Ndent:	Physical	Force Used:	Carotid Ĥol	d Placed:	
larrative								
KEVIN BYRD was loc. RUSS and he stated h also in violation of U aforementioned char	niform hou							
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# *Page One* of the ARIETIS Officer Hector Ruiz filed in regards to Ms. Wilson; *received by Ms. Wilson while incarcerated:*

Declaration				
	Agency Case #: Type: SR1612967 Adult PC Dec Entered Date/Time: 5/11/2016 2:20 PM	Status: Submitted To Judge 5/11/2016 2:22 PM	INMATE COPY	
Officer Signatur	e			
I declare under pe	nalty of perjury that the foregoing is	true and correct to the bes	t of my information and belief.	
Executed on 5/11	/2016 2:22 PM at Kern County, CA	by Hector Rulz.		
Magistrate Sign	ature			
(not signed by ma	igistrate]			
Subject	The second se			
Subject Name	Birth Date: Birth Plac LSON 1/26/1982	e: Birth State:		
Gender: Race	: Height: Weight: Hair.C			
Hale Whi SSN: DL Nor DS786- Address TRANSIENT LAKE ISABELLA.	DL State: DL Exp Date:	Brown rk Phone: Mobile Phon		
SSN: DL Num - D5786- Addresst TRANSIENT	DL State: DL Exp Date: 117 CA Home Phone: We	Lora ranco		
SSN: DL Num — D5786- Address: TRANSIENT LAKE ISABELLA,	ber: DL State: DL Exp Date: 17 CA Howe Phone: We CA 93240 Offense Location: Arre	st Type Arrest Date/1	ime: Court Division:	
SSN: DL Num – D5786- Address: TRANSIENT LAKE ISABELLA, Arrest Offerne Date/Time	DE State: DL Exp Date: HDWe Phone: We CA 93240 Offense Location: Arre DMense Location: Arre DMense Location: Arre DMense Location: Arre DMense Location: Arre	st Type Arrest Date/T n 5/11/2016	ime: Court Division:	
SSN: DL Num — D5786- Address: TRANSIENT LAKE ISABELLA, Arrest Offenne Date/Time S/11/2016 11:34 Leastion of Arrest: 2232 COMMERCI/ LAKE ISABELLA, O Vehicle: —	DE State: DL Exp Date: HDWe Phone: We CA 93240 Offense Location: Arre DMense Location: Arre DMense Location: Arre DMense Location: Arre DMense Location: Arre	st Type Arrest Date/T n 5/11/2016	Time: Court Division: 12:50 PM	
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Officer Ruiz issued a "Deny Release Request" so that Mr. Byrd and Ms. Wilson wouldn't be released until their first court appearance, scheduled on July 7<sup>th</sup>, 2016. Thus, Officer Ruiz sought to incarcerate the couple for approximately two months.

#### The information on PAGE TWO of the ARIETIS reports received by Mr. Byrd & Ms. Wilson are *identical*:

PAS/BA: No	BAC: Pr	esumptive Te	st: Na	arcotic Type:				
Victim								
Age:	Gender: Re	lation To Subj	ect:					
Injuries:	Weapon:	Property Los	ss Value:					
Addition	al Hold Auth	orities	1					
Parole: No	Probation: <b>No</b>	Warrant: No	INS: No	Other: No				
Request	Deny Releas	ie						
It is likely	the offense(s) the arrestee.	will continue o	resume,	, or the safety	of persons or p	property will b	e imminently endan	gered by the

Page two filed by Officer HECTOR RUIZ.

The "Request Deny Release" section *reads:* "It is likely the offense(s) will continue or resume, or the safety of the persons or property will be imminently endangered by release of the arrestee."

# NOTICE TO APPEAR *issued to Mr. Byrd upon his release from the downtown Bakersfield jail,* his appearance currently scheduled for 7-7-2016:

INMATE COPY KERN COUNTY SHERIFFS DEPARTMENT NOTICE TO APPEAR 05/11/16 08:43 PM WEDNESDAY ORG: SO BOOKING NO: 2147116 00 NAME: BYRD, KEVIN RESIDENCE ADDRESS: TRANSIENT BUSINESS ADDRESS : LAKE ISABELLA, CA 93240 DRIVERS LICENSE NO.: SEX: M HAIR: BLN EYES: BLU HEIGHT: 5'11" WEIGHT: 161 OFFENSE (CODE, SECTION, DESCRIPTION) PC 602(0) TRESPASS REFUSE TO LEAVE PROPERTY ARREST LOCATION 2232 COMERCIAL - LAKE ISABELLA ARRESTING OFFICER: RUIZ BADGE: 1236 DEPT: SO YOU ARE BEING RELEASED ON YOUR PROMISE TO APPEAR PURSUANT TO PC 853.6. RELEASING OFFICER (SIGNATURE AND BADGE NO.) BAKERSFIELD , CA WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR ON 07/07/16 AT 09:00 AM IN SUPERIOR COURT, EAST DIVISION, RIDGECREST BRANCH DEP/DIV: A 132 E COSO ST, RIDGECREST, CA 93555 760-384-5900 SIGNATURE X FAILURE TO APPEAR AS PROMISED IS A SEPARATE OFFENSE FOR WHICH YOU MAY RECEIVE 6 MONTHS IN JAIL AND/OR \$500.00 FINE.

#### NOTICE TO APPEAR issued to Ms. Wilson upon her release from the downtown Bakersfield jail, her appearance currently scheduled for 7-7-2016:

```
INMATE COPY
                                                        NMATE COPY
  KERN COUNTY SHERIFFS DEPARTMENT
 NOTICE TO APPEAR
 05/11/16 10:50 PM WEDNESDAY
 ORG: SO BOOKING NO: 2147113 00
 NAME: WILSON, ALEXANDRA
 RESIDENCE ADDRESS: TRANSIENT
LAKE ISABELLA, CA 93240
 BUSINESS ADDRESS:
DRIVERS LICENSE NO.: D5786417 ST: CA DOB: 01/26/82
SEX: M HAIR: BLN EYES: BLU HEIGHT: 5'10" WEIGHT: 155
OFFENSE
(CODE, SECTION, DESCRIPTION)
PC 602(0) TRESPASS: REFUSE TO LEAVE PROPERTY
  ARREST LOCATION
      2232 COMMERCIAL AVE LAKE ISABELLA CA
  ARRESTING OFFICER: RUIZ
                                  BADGE: 1236
                                                   DEPT: SO
 YOU ARE BEING RELEASED ON YOUR PROMISE TO APPEAR PURSUANT TO PC 853.
 RELEASING OFFICER (SIGNATURE AND BADGE NO.)
                                           BAKERSFIELD , CA
 WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR
 ON 07/07/16 AT 09:00 AM
IN SUPERIOR COURT, EAST DIVISION, RIDGECREST BRANCH DEP/DIV: A
   132 E COSO ST, RIDGECREST, CA 93555
  760-384-5900
 SIGNATURE
 X
FAILURE TO APPEAR AS PROMISED IS A SEPARATE OFFENSE FOR WHICH YOU M
RECEIVE 6 MONTHS IN JAIL AND/OR $500.00 FINE.
```

# On 5-11-2016, *This Notice* Was Placed On The Front of The Couples' Home:

Presumptively posted by the health inspector, this notice was present on their home when the couple returned to see the property. A friend of the couple later took this photograph of the notice & sent it to the couple via email, as the couple was without their smartphone & were unable to take photographs at the time as a result of Officer Ruiz performing the search & seizure (page 198).



A photograph of the NOTICE that was stapled to the front of the house.

#### Why Was The Property CONDEMNED?

According to *both* ARIETIS reports Officer Hector Ruiz filed (*pages* 201 & 202), both WILSON and BYRD were "in violation of Uniform housing code 17.16.620- surfacing sewage".

# **EVENT #11: Secretaries At Sheriff's Office Sent An Officer To The Property So The Couple Could Gather Belongings,** *however:*

- Couple was *not* informed *until they arrived* that the would "only be permitted to gather items which they had receipts for".
- Couples *couldn't* show *many* of their *online receipts* to the officer *because Officer Ruiz had* taken Mr. Byrd's smartphone.
- Officer Cain received a call on his radio shortly after he arrived on the property, & was told he had to "leave in 5 minutes", *thus ending the session early*.
- Couple was told by Officer Cain *and the* Secretary at Sheriff's Substation that they could "call the Sheriffs & gather more of their belongings later"; *as you will see on pages 209-211 this was not true.*
- The couple was only permitted to gather *some* of their belongings.

On Friday, 5-13-2016, Mr. Rosenberg drove Ms. Smith, Mr. Byrd, *and* Ms. Wilson to the Kern County Lake Isabella Substation; they sought to explain their situation & return home. The couple *told the secretaries* that their "Rights had been violated by the officers" & that they "were not lawfully evicted as required by law" & that "there was no complaint from the title holder" who "by law would be required to have to evict them".

After one Secretary (the one who generally sits to the right of the main desk window) went into the back to "speak with Sergeant Bravo", & then shortly after returned to the window & told Mr. Byrd, Ms. Wilson, Ms. Smith, & Mr. Rosenberg: "It sounded like something illegal happened to you- but you're tenacious- maybe you'll set a precedent". "You're going to need to find an attorney".

Ms. Wilson then asked to speak with Sergeant Bravo to explain the situation so they could return home. The Secretary went into the back *again*, & after returning, stated: "He doesn't have time."

Ms. Wilson stated: "He has time to send officers over to violate our rights but doesn't have time to speak with us about it?" She then *plead* to the Secretary to get on the property to gather some of their belongings, & *she said she would send an Officer*. The secretary assured the couple "If you need to gather any more belongings *later, just give us a call", & she handed them this card:* 



# Officer Cain Meets The Couple At The House To Gather Their Belongings, But The Meeting Was Stopped Early Due To Radio Call Officer Cain Received Directing him to "Leave within 5 minutes":

Officer Cain *met the couple in front of their property* at 2232 Commercial Ave., where he explained to them that they would "only be able to gather belongings which had *their names attached to them*", or "which they had receipts for".

*However, be*cause the couple was not informed *before arriving* they needed to "bring receipts", *and because the* couples' *smartphone was taken by Officer Ruiz & complicit accompanying Deputies (pages 197 & 198)*, the couple was unable to show Officer Cain any online receipts which would have been able to prove many of their belongings were in fact theirs.

Officer Cain received a message through his radio telling him that he was "needed" & had "to leave within 5 minutes", so the couple was rushed to gather the remaining items they could prove were theirs within a very short amount of time, however Officer Cain assured them before he left that "when they need to gather more things", simply "call the Sheriffs & an Officer will come meet them". However, the following day the couple would find out that this information was not true (see next page).

# EVENT #12: *The Next Day* Couple Contacts Kern Sheriff To Gather More Belongings; <u>Access</u> <u>Denied</u>

The following day, on Saturday 5-14-2016, the couple called the Sheriff's Department Substation using their neighbor's phone. Soon 3 Sheriff's vehicles Arrived At 2232 Commercial Ave., & one Officer stepped out. After Ms. Wilson explained they were told "To contact the Sheriffs when they needed to gather more belongings", the Officer responded: "Officer Cain wrote in his notes that you gathered all your belongings, so the State's position is that you have gathered all your belongings, and if you go back onto the property you will be arrested. Do you understand?"

Ms. Wilson proclaimed "No I don't understand that. We were told we could gather more of our belongings..."

The Officer repeated: "If you go back onto the property, *you will be arrested. Do you understand?"*.

Ms. Wilson responded: "No- *I don't understand, &* you're going to see a Civil Action."

The Officer responded: "You have that Right, but if you go back onto the property you're going to be arrested." He then turned, got back into the vehicle, & all three Sheriff's vehicles departed.

# **EVENT # 13:** *Two days later (Monday),* **The Couple Returned To The Sheriff's Substation To** *Explain What Happened (page 211)* & Seek *Re-Entry* **To Their Home**

On Monday, 5-16-2016, the couple went *back* to the Sheriff's Substation so explain *what happened*. One secretary went into the back "to speak with Sergeant Bravo", but upon returning to the front desk, told the couple *again* they "need to find a civil attorney".

The couple *also* requested "a copy of the case report for case #SR1612967", but the secretary told the couple that neither of them was "listed as the *victim*" & that "only the victim could receive a copy". Ms. Wilson then asked *who* is listed as the "victim", & the secretary responded: "Jon Ross".

After further pleading with the secretaries to gather more of their belongings, *the secretary again went "to speak with Sergeant Bravo"*. When she returned, she told them that an Officer would meet them at the property in an hour. The couple walked back & waited at their neighbor Ginger's (page 295) property.

# Officer Shin Arrives, Nightstick *in Hand*, Accusing Couple Of Having "Just Come Off The Property"

Soon after a Sheriff's vehicle came speeding toward the house down Commercial Ave. from Lake Isabella Blvd. The vehicle stopped in the street in front of the house, & Officer Shin stepped out with his nightstick in hand, *accusing the couple of having "just come off the property"*. Mr. Byrd & Ms. Wilson were *shocked* & *frightened at the false accusations,* & *told him that "they were <u>not</u> on the property"*. Officer Shin then stated that he "just saw them leave the property". *Again the couple told him they were <u>not</u>,* & *that they were at their neighbor's property the whole time*. Officer Shin then asked: *"Then why is the gate open?!"* Officer Shin, *just as in their previous interaction (pages 186-191)*, was behaving irately, irrationally, uncivil, & in a belligerent manner. Ms. Wilson responded: *"The gate has been open for <u>days</u>."* 

Officer Shin then put his nightstick away, & stated: "Alright, let's go get your things."

Ms. Wilson responded: "We're not going in there with you. *I'm <u>scared</u> of you," as she continued backing away to the other side of the street.* 

*"Fine,"* Officer Shin responded, then got in the vehicle & sped back toward Lake Isabella Blvd. & out of sight.

# EVENT #14: Two Days Later, On Wednesday 5-18-2016, The Couple Went *Back In* To The Kern Substation To Request A Copy Of The Report, *But Again Were Denied*

Ms. Wilson & Mr. Byrd *again* went to request a copy of the report, *but were denied*. The couple *then* told the secretaries that had the "right to have access to the information" as "The Fourteenth Amendment provides equal protection of the laws" & that they needed the information "to build their civil case". *Again* the couple was denied access to the report.

*Soon after* Ms. Smith came to the Sheriff's Substation & requested a copy of the report for the case, *but was also denied*. After citing "The 14<sup>th</sup> Amendment" & "equal protection of the laws" (as in, "*if the victim can pick up a copy than so can all parties*"), *the secretary again denied*.

## **Conversations With Neighbor Rudy Hemminger:**

When coming by the house to speak with their neighbors about their circumstances & to gather petition signatures (see pages 294 & 295)

## EVENT #15: The Couple *Picked Up A COPY* of Mr. Byrd's DECLARATION OF CLAIM OF ADVERSE POSSESSION paperwork from The KERN COUNTY ASSESSOR'S OFFICE for Use in *Building This Testimony.* (see pages 46 & 47)

On Thursday, 5-19-2016, The Supervisor on duty told the couple that "neither Jon nor Cheryl Ross had contacted the Assessor's Office regarding 2232 Commercial Ave." Mr. Byrd received the paperwork without incident.

# Ms. Wilson *Then* Went To The *DISTRICT ATTORNEY'S OFFICE* To Request *A Copy Of The Arrest Report:*

That same day, Ms Wilson was told by the office clerk at the D.A.'s office that she could "pick up a report from the KERN SHERIFF'S OFFICE", & that "the Sheriffs had <u>not</u> sent a report for Agency Case # SR1812967 to the D.A.'s office". The woman turned the screen to show Ms. Wilson that there was no case matching that number showing up in her computer. She asked if Ms. Wilson would like to speak with the Supervisor, who came out soon after & informed Ms. Wilson that "The Sheriffs aren't required to send arrest reports to the District Attorney's office for misdemeanors until up to one year after the arrest due to

the statute of limitations."

Ms. Wilson then *asked* the man: "That doesn't seem to protect people in our *postilion* who had their rights violated by officers? *What's to stop them from changing the arrest report to match their story & then backdating it?*"

The Supervisor did not have an answer which assured her that this could not happen. Ms. Wilson then asked for his card & he gave it to her (MICHAEL YRACEBURN), & then she asked the clerk for *her* card & name, but the clerk would not give her her name, but *did* give her the *generic* card at right.

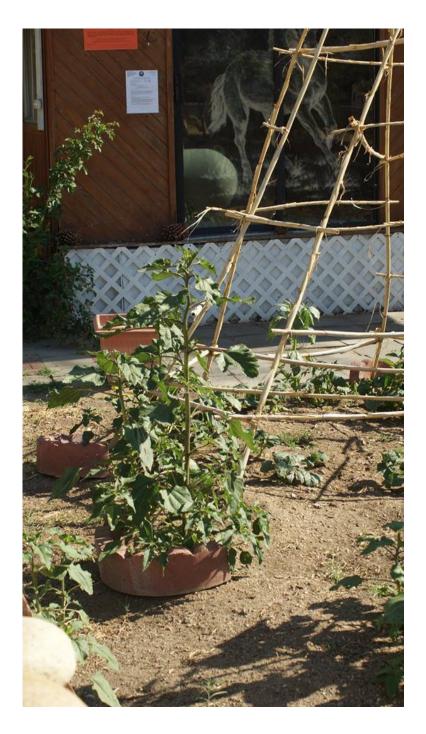


## EVENT #16: On *May 25<sup>th</sup>*, The Couple *Fled* To Northern California To Stay With Friends *In Order To Build This Testimony*.

Due to uncivil behavior & illegal actions performed by Kern Sheriffs Deputies *including* the civil rights violations, dishonesty & deception, & also threats Officer Shin spoke when accusing them of having been on the property, Mr. Byrd *and Ms. Wilson* feared for the safety of their lives.

Being suddenly *displaced & made homeless & without a phone, & in general unprepared for such illegal & traumatic experiences* made them feel *unsafe* walking on the streets. They were concerned that officers would *lie & falsely claim* the couple had "been on the property" in order to lock them up & prevent them from building a case regarding the civil rights violations, so they got Amtrak tickets & left COUNTY OF KERN on 2-13-2016.

EVENT #17: On May 28<sup>th</sup>, A Concerned Friend, *Ms. Laura Walters,* Sent The Following Photograph *To The Couple* To Make Them Aware that A White 30 DAY NOTICE & ORDER TO ABATE Had Been Posted *Next To* The Red One (see page 206):



### **Closeup Of The White NOTICE From Previous Photo:**

KERN COUNTY

CODE.COMPLIANCE DIVISION PUBLIC WORKS DEPARTMENT CRAIG M. POPE, P.E., DIRECTOR AMINISTRATION & ACCOUNTING OPERATIONS & MAINTENANCE BUILDING & DEVELOPMENT ENGINEERING



2700 "M" STREET BAKERSFIELD, CA 93301-2370

> Phone: (001) 852-8823 FAX: (001) 852-5149 TTV Relay: (800) 126-2929

#### KERN COUNTY CODE COMPLIANCE DIVISION

A Partnership to Promote Health and Safety and to Maintain Community Standards

ROSS JOHN J & CHERYL C C058466 2232 COMMERCIAL AV LAKE ISABELLA CA 932409658

DATE: 5/18/2016 CASE ID: C058466 APN: 263-352-031

SUBJECT: VIOLATION 2232 COMMERCIAL AV LAKE ISABELLA, CA

CONTACT OFFICER IS: RICK BRADLEY at 661-862-8737

rickeyb@co.kern.ca.us

#### 30 DAY NOTICE AND ORDER TO ABATE

DEAR ROSS JOHN J & CHERYL C

According to the records maintained by the Kern County Assessor's Office, you are the current owner and/or responsible party for the property located at the above location. As such, it is your responsibility to maintain this property free from any violations of the Kern County Ordinance Code. An inspection has been conducted and it has been determined that the following violation(s) of the Kern County Ordinance Code exist.

See Exhibit A

NOTICE IS HEREBY GIVEN THAT THE CONDITION OF YOUR PROPERTY CONSTITUTES A PUBLIC NUISANCE.

YOU ARE HEREBY NOTIFIED that you have the choice to repair or remove the public nuisance within thirty (30) days from the date of this notice. Should you fail to abate the nuisance, the County of Kern will abate or cause to be abated such public nuisance, and the cost of doing so will become your personal obligation and/or will be assessed against the property. Further, the abatement expense can be foreclosed upon or made a tax lien to be collected as a property tax.

If you have corrected the violations, complete the attached Sworn Statement. If you have any questions concerning this matter, contact the Officer upon receipt of this letter.

# **EVENT #18:** Less Than One Month After The Couple Was Unlawfully Removed From Their Home, Neighbors From Across The Street- *Without Permission- Hauled Their Belongings Off The Property:*

On 6-8-2016 ~ 3:00 pm, Neighbor *Mrs. Renee Forker posted the following* message on *Ms. Wilson's Facebook page*<sup>13</sup>:



Hey guys I came up to the house and found out that rudy and Liz are the ones that called the cops on you, they are currently emptying out the property, Liz and Rudy have also purchased the house from the original owner, and they have their new tenants moving in as I type this, ps they are taking all of your stuff to the dump right now



13 "Alexandra Distance Everheart Wilson" on Facebook: https://www.facebook.com/alexandra.d.wilson.5



**Close-Up Of Photo:** 

Red Notice (page 206) Still On Building; White Notice (pages 216 & 217) Removed:



# The "comments" section below Ms. Forker's post:

┢ Like	Comment A Share
- Participation	lexandra Distance Everheart Wilson !!!!!!!!! NOOOOOOOOooooooooO!!!!!!!!!!!!
Li	ke · Reply · 36 mins
	lexandra Distance Everheart Wilson This is so LLELEEEEEGGGAALLLLLLLLIIIIIII
Li	ke · Reply · 35 mins
	enee Forker U better get over here fast if you have n e thing valuable ke - Reply - 35 mins
	enee Forker And take lots of pictures ke · Reply · 35 mins
10000	lexandra Distance Everheart Wilson We're in The SF BAY!!!!!!! ke · Reply · 35 mins
30	Iexandra Distance Everheart Wilson We're coming down it hasn't even been 0 days & we're going to the court to file we've been preparing ke - Reply - 34 mins
da	lexandra Distance Everheart Wilson Please photograph what they're bing!!!!!
Li	ke · Reply · 34 mins
	lexandra Distance Everheart Wilson This is so wrong & he may have ought" it , but it didn't go through escrow & they're just bullying us out of there the whole thing shas been illegal
Li	ke - Reply - 33 mins
	enee Forker Dude u guys are fucked they are seriously Almost done ke - Reply - 33 mins
19945	Incorder Distance Freedom Wilson

# "Comments" section *continued*:

-	
	Like · Reply · 34 mins
	Alexandra Distance Everheart Wilson Please photograph them get evidence we need evidence please!!!! Like - Reply - 34 mins
3	Renee Forker I just spoke to Liz she said they bought the house and they have put your personal belongings in a safe place till you get back Like - Reply - 14 mins
	Write a reply
2	Renee Forker But I can't say what is going on Like - Reply - 13 mins
2	Renee Forker They also don't have to go thru escrow on a cash sell, from owner
	Like - Reply - 11 mins
2	Renee Forker It's a title transfer Like - Reply - 11 mins
	Alexandra Distance Everheart Wilson Thank you for that they shouldn't ever BE there we were never legally evicted & after 30 days you must be evicted so things like this don't happen we still have a claim on the property that the officers damaged & months of labor went in & many materials & this is not their place to "quickly come in & purchase it" no we were never evicted lawfully & are due more time & haven't found representation & I've been building the testimony & case ASAP because see how quickly I obviously have to move the officers did not treat us according to the LAW.
	Like - Reply - 10 mins
100	Alexandra Distance Everheart Wilson I don't have Rudy or Liz's number because the sheriffs took Kevin's phone!!!!
	Like - Reply - 9 mins

## At this time Ms. Wilson called the Kern Sheriff's & pleaded to them to stop their belongings from being taken, reminding them "It hadn't even been 30 days" since they'd been removed:

She was told by Officer on the phone that "no one was supposed to be on the property" because "it was red-tagged".

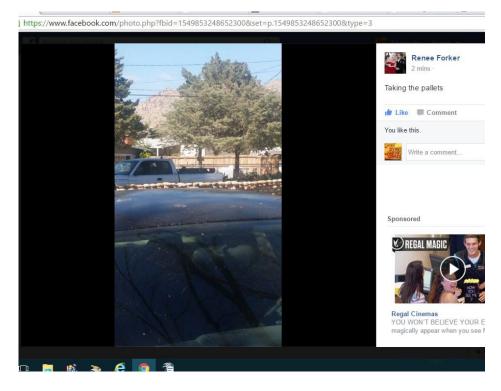
Ms. Wilson then explained to the Officer that "someone was <u>taking their</u> <u>belongings off the property right now</u>", & the Officer said they would "send an Officer to the property".

	Like · Reply · 14 mins	
21940 21900 21940 21900 21900 21900 21900 21900 21900 21900 21000 21000 20000 200000	Alexandra Distance Everheart Wilson Thank you I called the sheriffs. Like · Reply · 7 mins	
	Renee Forker This is the truck that is illegally moving your stuff	
	Unlike - Reply - 🖆 1 - Just now	
	Alexandra Distance Everheart Wilson THANK YOU!!!! Like · Just now	
	Write a reply 💿 🙂	
	Renee Forker Taking the pallets	

### Closeup Of Photo Of License Plate #32290T1 Sent By Mrs. Forker:



### **Closeup of Other Photo From Previous Page:**



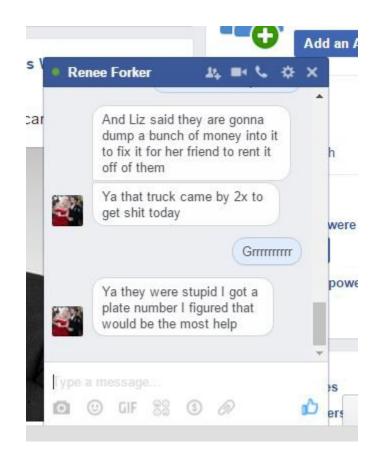






and the second	Alexandra Distance Everheart Wilson I'd like to point out it hasn't even days since this incident occurred. Like · Reply · June 9 at 10:57am	been	30
	Holly Jean Montoya Heartbreaking. I thought they were your friends. Unlike · Reply · 🖒 1 · June 9 at 10:58am		
-	Cherri Bollman Cmt No one seemed to care about that property until yo in. How tragic. At least let you have your stuff back. Unlike · Reply · 🖒 1 · June 9 at 1:56pm	u mo	ved
	Elta M. Benally Wow!!how awful can ppl be these daysas the sun! the Wind! Sky!is my witnessI call them to bring balance to this situation!! Unlike · Reply · 🖒 1 · June 9 at 4:47pm		aho!
NAME OF THE OWNER	Alexandra Distance Everheart Wilson Thank you fall for caring. Here's if you'd like to read through our full testimony we'll have PDFs available nearly finished the whole thing should be up by tomorrow got over 30 m pages up today I just gave birth to a book, & a judge gets to write the er hope they make it a righteous one our "Redress of Grievances" will be u tomorrow.	soon ew iding-	
	https://www.facebook.com/alexandra.d.wilson.5/media_set Like · Reply · 9 hrs · Edited		
5756 57567 100051	Write a comment	Ø	0

Soon After (6-8-2016), Mrs. Forker & Ms. Wilson Sent The Following *Chat Message* To Ms. Wilson After *Confirming* That "Liz & Rudy claimed to have bought the house" & were "moving the couples' belongings out" in order "to rent the place out":

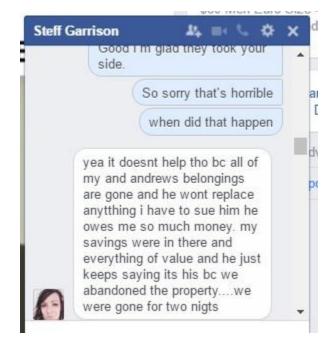


# **EVENT #18: The Next Morning, on 6-9-2016: Ms.** Wilson called the Sheriffs Substation: *Help Denied:*

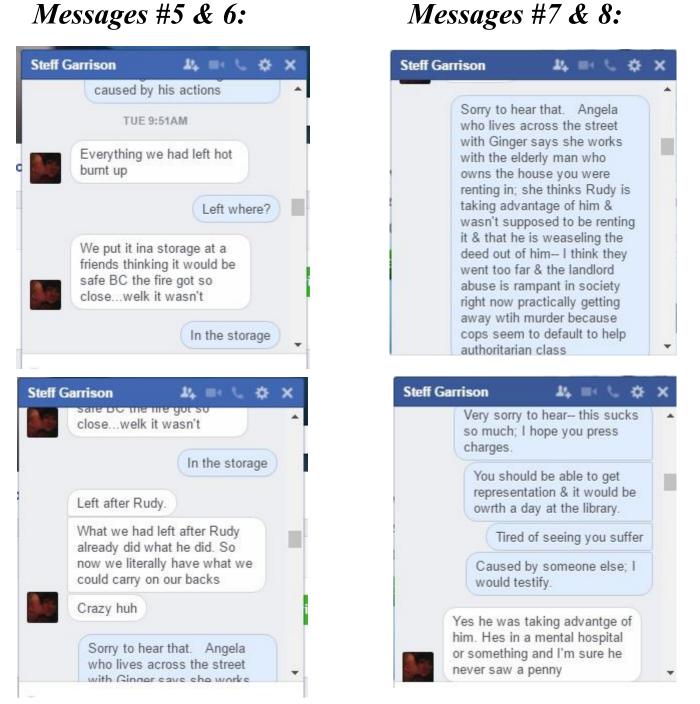
The Officer on the phone claimed that "Rudy & Liz had bought the property", & that the Sheriffs "have it in their notes" that the property "doesn't belong to the couple", & that "the Sheriffs won't send anyone there anymore" on the couples' behalf, & that the couple "needs to go to court".

EVENT #20: On 6-25-2016, the couples' neighbor, Steff Garrison(who rents from Rudy & Liz), contacted Ms. Wilson on Facebook &claimed that "Rudy & Liz (page 218-228) stole all their property":Message #1 & 2:Message #3 & 4





Steff G	arrison	14	<b>.</b>	٠	×
	When you premises at	vacated	the	,	•
	(Add premises)1	dress of		_	
0	i dont even kn about it and i o afford a lawyo	of course			
	http://www.l bin/displayce section=civ8	ode?	-	gi-	Ŧ



**Note:** See page 314 & 314 regarding "AFFIDAVIT for a Citizen's Arrest of Rudy & Liz" regarding these two instances of property theft & unlawful removal of property & investigation to see if Rudy & Liz were lawfully renting the property to Steff & Tristan.