

A Message from The Author:

I finished writing *this case* on The Fourth of July, 2016, however it didn't turn out as originally planned! Kevin Byrd (*my partner*) & I began compiling documentation for this book *after* moving into 2232 Commercial Ave. in Lake Isabella, California¹ on August 31st, 2015- *after learning about & researching how* “a person can legally claim a physically abandoned & neglected property” via utilizing a legal process called “adverse possession”.

Adverse possession laws exists in all 50 States, as *adverse possession* is embedded into “Common Law” in The Constitution. Adverse possession laws in California are governed under the CODE OF CIVIL PROCEDURE sections 315-330 (*see pages 231-239*).

Whereas there are over 18 million physically abandoned & neglected properties throughout the U.S.², Kevin & I were documenting our “first attempt” at utilizing this legal procedure in order to present this “old forgotten law” *in context with* the fact that these homes *could* be fixed up by people who want to homestead using “permaculture techniques from around the world” (*see pages 118-160 & www.WildWillpower.org*) *because* if used in this manner society will *benefit greatly* instead of “having these homes scooped up by real estate industries & then rented back out to us” or “having perfectly good homes that could be fixed up simply bulldozed to the ground & replaced with a newly built commercial homes- a waste of perfectly good resources.



- 1 **2232 Commercial Ave. on Google Maps:** https://www.google.com/maps/place/2232+Commercial+Ave,+Lake+Isabella,+CA+93240/data=!4m2!3m1!1s0x80c1cfe3642ba39b:0xa86c232f0399e845?sa=X&sqi=2&ved=0ahUKewjj_aqxIMnNAhUPyGMKHb44D5AQ8gEIGzAA
- 2 **Article: “Empty Homes Outnumber The Homeless 6 To 1, So Why Not Give Them Homes?”**, *Mint Press News*: <http://www.mintpressnews.com/empty-homes-outnumber-the-homeless-6-to-1-so-why-not-give-them-homes/207194/>

Background:

We'd been developing Kern River Wildharvesting Cooperative³ (*see page 63*) , The Wild Living Skills Database & Smartphone App⁴ (*page 64*), & several publications⁵ (*pages 69-76*) to help convey, spread the word, & *make possible* the national plan⁶ we'd been putting together for years. We'd also been producing publications & the website for Richard Lonewolf Survival School⁷ (*page 68*) via documenting alongside Cherokee elder & former U.S. Army Ethnobotany & Wilderness Survival Expert Richard "Lonewolf" Legan⁸.

A series of unexpected setbacks including the deaths of some close loved ones & supporters had left us with nowhere to call home while carrying sensitive data on the computer in our backpacks- then we learned about the legal process of adverse possession (pages 231-243) from several local people, so we began researching & looking for a nearby property from where to create our "home base" to move the projects forward. After learning 2232 Commercial Ave. had been "sitting there" for ~7 years, & that the previous occupants had left it in very damaged conditions- we moved in & began documenting as we fixed up the property with plans to use the documentation to write this book.

How The Book Turned Out *Differently Than Planned:*

On 5-11-2016,- after over 7 months living at 2232 Commercial Ave. *without incident*, making daily improvements, performing community services (pages & gardening a very large food supply (*pages 118-160*)- approximately 5 Kern County Sheriff's Deputies⁹, *accompanied by a housing health inspector*, trespassed past the NO TRESPASSING sign we had displayed on our closed front gate, & *onto the property we had been in lawful possession of without a warrant or even a complaint from the title holder*; officers then proceeded to arrest us for "trespassing" after illegally confiscating Kevin's smartphone (*thus violating our First, Fourth, AND Fifth Amendment rights- see pages 247-268*), & then they threatened us with arrest if we returned home, *preventing us from gathering our property ("loss of property without due process"- again Fifth Amendment violation) & leaving us suddenly homeless with no phone & no access to our belongings.*

3 **Home page of Kern River Wildharvesting Cooperative:** <http://www.kernrivercoop.com/>

4 **The Wild Living Skills Database & Smartphone App *in-the-making:*** www.WildLivingSkills.org

5 **Publications by Wild Willpower PAC:** <http://www.wildwillpower.org/books>

6 **Home page for Wild Willpower:** www.WildWillpower.org

7 **Home page for Richard Lonewolf Survival School:** www.RichardLonewolf.com

8 **Credential Letters for Richard legan:** <http://www.richardlonewolf.com/about/view-his-credentials/>

9 **Home page of Kern County Sheriffs:**

<http://www.kernsheriff.com/AdminServices/HR/IA/Pages/default.aspx>

Kevin had filed with the State over 7 months earlier to begin our claim (*pages 42-47*), & we had just received the first property tax bill in the mail (*page 238*) & were about to secure our first payment, but officers refused to acknowledge our right to perform such claim- Officer Shin denied such legal process "could exist" (*page 187*); after directing me to "stop filming" (*page 197*), DEPUTY Hector Ruiz then took Kevin's smartphone- claiming he was taking it "as evidence" (*page 198*), thus violating CALIFORNIA STATE PENAL CODE 141 ("*taking digital footage from a civilian in order to fraudulently represent such footage as 'evidence' against them*"- see *page 258*) & our First Amendment Right to film public officials (*page 256*). Mr. Ruiz continually referred to me as "he"- calling me "Alexander" several times- *he also wrote "ALEXANDRA" as my name on the arrest paper, but referred to me as "he" throughout the paperwork as well* (*page 202*). Mr. Ruiz had run my I.D. in the past, & it was apparent from his demeanor that he was prejudice against transgender persons.

After arresting us, the housing inspector (*African American, possibly approximately 45 years old*) condemned our home (see *page 206*)- claiming we were "surfacing sewage" (*this is also what Hector Ruiz wrote on the ARIETIS arrest papers as to "reasons we were getting arrested"*- see *pages 201 & 202*)- which was an outright lie. We were told if we returned home we'd be arrested again, thus being prevented from gathering most of our belongings by way of *threat- we lost almost everything we owned*. We'd also invested over 7 months of labor into the property (*pages 33-117*) & lost all the survival crops we'd planted (*pages 118-160*), & were suddenly put out onto the streets & made homeless without our phone- robbed of nearly everything.

We went to the Sheriff's department to speak with Sergeant Enrique Bravo¹⁰ about what happened so we could return home, however the Secretaries at the office told us that he "didn't have time" to speak with us after going in back to ask him per our request (*page 209*).

After several instances of suspicious & threatening behavior by several officers following the event (*pages 208-213*), we fled the county for our safety (*page 215*), & **about a week later were informed by our neighbor that our other neighbors** (Rudy & Liz Hemminger¹¹) had "contacted the title holder & performed a title deed transfer, & **were currently hauling all our belongings off the property**" (thus violating sections 1983-1984 of the CODE OF CIVIL PROCEDURE- "Unlawful Removal of Property"- see *page 266*)! **I contacted the Sheriff's department to get them to stop**

¹⁰ **Sergeant Enrique Bravo on Transparent California:** <http://transparentcalifornia.com/salaries/2015/kern-county/enrique-l-bravo/>

¹¹ **Photo of Rudy Hemminger:** <https://plus.google.com/101999216399964967981/about?pid=5815006619206661170&oid=101999216399964967981>

the Hemmingers & to press charges, & the officer said he would “send someone over”, however the following morning when I called again so get a follow-up, the officer on the phone told me that what the Hemmingers took “wasn't our property” & that we “needed to find an attorney” (see pages 218- 228). I contacted *many* attorneys, but thus far have not found representation for our case, & I am convinced low-income persons in California are *not* currently receiving adequate representation & equal protections of the laws in California.



Photo of Rudy Hemminger.

About a week later, our *other neighbors- Tristan Valencia & Steff Garrison- who lived across the street at 2233 Commercial Ave. & were renting from the Hemmingers who live at 2301 Commercial Ave.-* contacted us- claiming that they had “left for 2 days to go to a funeral in Bakersfield to a funeral, & when they returned home they were locked out, & all their possessions were stolen & given away by the Hemmingers because “they were “two days late on rent” (see pages 229-230). In both instances, Kern Sheriffs sided with the Hemmingers, thus leaving our neighbors (*with their 4 year old son!*) and ourselves “homeless & robbed”.

This Book Is An Affidavit for a Citizen's Arrest:

We were never evicted; there was no complaint filed against us by the title holder, *nor were we doing anything against the law*. Since the day we got out of jail on May 12th (*for the fabricated trespassing & "surfacing sewage" charges which led to our false arrests*), I began writing this "Testimony & Affidavit"- *compiling all the evidence I could as part of a Citizen's Arrest* on the Officers *and* on the Hemmingers. We've filed a *Citizen's Arrest with the Internal Affairs Department of the Kern County Sheriff's Office and also a more than \$1.2 million Tort with the Kern County Board of Supervisors*. Thus far (8-15-2016) we have heard *nothing back from either of them*. No "Oath before an officer" has been taken *yet* to confirm this Affidavit, as I have not yet been given the opportunity.

According to Mbodji v. The State of Ohio:

"A citizen may file an affidavit charging the offense committed with a reviewing official for the purpose of review to determine if a complaint should be filed by the prosecuting attorney." A 'reviewing official' is a judge, a prosecuting attorney, or a magistrate."¹²

Definition of AFFIDAVIT:

A written or printed declaration or statement of facts, made voluntarily, and confirmed by the oath or affirmation of the party making it, taken before an officer having authority to administer such oath. Cox v. Stern, 170 111. 442, 48 N. E 900, 62 Am. St Rep. 3S5; Hays r. Loomis, S4 111. 18. An affidavit is a written declaration under oath, made without notice to the adverse party. Code Civ. Proc. Cal.¹³

"Citizen's Arrests" in California from the CODE OF CIVIL PROCEDURE:

837. A private person may arrest another:

1. For a public offense committed or attempted in his presence.

2. When the person arrested has committed a felony, although not in his presence.

3. When a felony has been in fact committed, and he has reasonable cause for believing the person arrested to have committed it.¹⁴

12 The Supreme Court of The Supreme Court of Ohio & The Ohio Judicial System:

<http://www.supremecourt.ohio.gov/SCO/justices/pfeifer/column/2012/jp012512.asp>

13 "Black's Law Dictionary", 2nd Edition, on "AFFIDAVIT": <http://thelawdictionary.org/affidavit/>

14 CODE OF CIVIL PROCEDURE regarding *Citizen's Arrests* on OFFICIAL CALIFORNIA

LEGISLATIVE INFORMATION website: <http://www.leginfo.ca.gov/cgi-bin/displaycode?file=833-851.90&group=00001-01000§ion=pen>

Statutes Violated By Officers:

Hector Ruiz¹⁵:

- **United States Code Title 18 Deprivation of Rights Under Color of Law¹⁶** (see page 267)
- **U.S. Code Title 42 Conspiracy to Interfere with Civil Rights¹⁷** (see page 268)
- **CALIFORNIA PENAL CODE 141(b)¹⁸** (pages 196-198 & 255-258)
- **CALIFORNIA PENAL CODE 146(a)(b)(c)¹⁹** (page 254)

Leonard Shin²⁰:

- **Deprivation of Rights Under Color of Law**
- **Conspiracy to Interfere with Civil Rights**

"GARCIA"²¹ (name as appeared on badge):

- **U.S.C. Title 42 Action for Neglect to Prevent²²**

15 **Hector Ruiz on Transparent California:** <http://transparentcalifornia.com/salaries/2015/kern-county/hector-jr-ruiz/>

16 **United States Code Title 18 Deprivation of Rights Under Color of Law on the Office of Law Revision Counsel, House of Representatives website:** <http://uscode.house.gov/view.xhtml?req=deprivation+of+rights+under+color+of+law&f=treesort&fq=true&num=1&hl=true&edition=prelim&granuleId=USC-prelim-title18-section242>

17 **United States Code Title 42 Conspiracy to Interfere with Civil Rights:** <http://uscode.house.gov/view.xhtml?req=conspiracy+to+interfere+with+civil+rights&f=treesort&fq=true&num=4&hl=true&edition=prelim&granuleId=USC-prelim-title42-section1985>

18 **CALIFORNIA PENAL CODE 141 from Official California Legislative Information website:** <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=132-141>

19 **CALIFORNIA PENAL CODE 146:** <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=pen&group=00001-01000&file=142-181>

20 **Leonard Shin on Transparent California:** <http://transparentcalifornia.com/salaries/2015/kern-county/leonard-shin/>

21 **Deputy "GARCIA" on Transparent California:** <http://transparentcalifornia.com/salaries/search/?a=kern-county&q=garcia+deputy&y=2015>

22 **United States Code "Action for Neglect to Prevent":** <https://www.law.cornell.edu/uscode/text/42/1986>

"SERGEANT" Enrique Bravo²³

- **United States Code Action for Neglect to Prevent**
- **Criminal Negligence**

Josh R. Cain²⁴:

- ***suspected for U.S.C. 2471.18 § 2 Aiding & Abetting²⁵- need to see case report to know what he put in his notes regarding "whether or not he wrote in his notes that we had gathered all our belongings, or if that was made up by the officer on the next day- see pages***

There were assisting officers whose faces can be seen on the footage Mr. Ruiz stole.

Among our Redress of Grievances (271-277) we're seeking:

- **new protocol for officers facing similar situations so that they provide "equal protection of the laws" (14th Amendment²⁶) to title holders and to persons seeking to perfect adverse possession claims.**
- **camcorders on officers in order to deter officers from performing civil rights violations & then 'taking camcorders from victims' in order to hide evidence" as happened to us.**
- **Increased penalties for Color of Law Crimes²⁷.**

23 **Sergeant Enrique Bravo on Transparent California:** <http://transparentcalifornia.com/salaries/2015/kern-county/enrique-l-bravo/>

24 **Josh Cain on Transparent California:** <http://transparentcalifornia.com/salaries/2015/kern-county/josh-r-cain/>

25 **United States Code "Aiding & Abetting":** <https://www.justice.gov/usam/criminal-resource-manual-2471-18-usc-2>

26 **Fourteenth Amendment on the Library of Congress website:** <https://www.loc.gov/rr/program/bib/ourdocs/14thamendment.html>

27 **"Color of Law Crimes" on the FBI website:** https://www.fbi.gov/about-us/investigate/civilrights/color_of_law

This AFFIDAVIT and TESTIMONY is *also for* a Citizen's Arrest of:

- **Rudy & Liz Hemminger** (2301 Commercial Ave.)
 - “Unlawful Eviction Procedures”, *violation of CIVIL CODE SECTIONS 789-790 (pages 249-250) & “Unlawful Removal of Property” CIVIL CODE SECTIONS 1983-1984*
- **18 U.S. Code § 1708 - Theft or receipt of stolen mail matter generally**²⁸

²⁸ Legal Information Institute, *Cornell University*: <https://www.law.cornell.edu/uscode/text/18/1708>