

**Robbed by Kern County Sheriff's Deputies  
Testimony by Alexandra Wilson**

**§ 10 – Five deputies and a building inspector  
trespassed onto our property and performed a  
forcible entry and detainer on 5–11–2016;**

- stole Kevin's phone,
- arrested and threatened us, then condemned the property under false pretenses,
- forced us to leave behind most of our property

**Following my request for the copy of the report from the previous day, five deputies and a building inspector performed a forcible entry:**

On the morning of 5-11-2016 I called the Kern County Sheriff's Department and left a message on their answering machine after being prompted to the "obtain a copy of a report" section of their answering service. I requested a copy of the report from the day before so we could challenge the deputies' actions (pages 133-139) and help Ms. Rachel Smith regain possession of 2233 Angler Ave. I never received a response (nonfeasance).

At approximately 2:00 p.m. five Kern County Sheriff's Deputies and an inspector from Kern County Code Compliance Division violated 14 PEN § 602(k) (trespassing) via opening our front gate and walking past the NO TRESPASSING sign (shown in below photo) onto Kevin's property. There was a loud knock at the door, accompanied by Deputy Ruiz's voice. He called several times, "Alexander!"



**Above:** Our NO TRESPASSING sign is on the front gate. This photo was taken on 5-24-2016 after we were arrested and removed from the property. Installing the NO TRESPASSING sign is one of the first activities we did after moving onto the property.

## **Deputy Ruiz illegally confiscated Kevin's smartphone, thus violating 7 PEN § 141(b) and 7 PEN § 146(b):**

I grabbed Kevin's smartphone and turned on the camcorder, then proceeded with the camcorder raised as I approached the deputies on the front porch. As I opened the door I announced, "I'm recording, officers."

Deputy Ruiz directed me to "stop recording". I cited my *First Amendment right to record public officials*. Deputy Ruiz replied, "Yes, *but you're under arrest....* for trespassing."

"Do you have a warrant?" I replied.

Deputy 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."

"No you didn't," I said.

"Yes we did," he stated. Feeling scared by the fact that Deputy Ruiz just lied to me *and* that the deputies were not *playing by the rules*, for my personal safety I shut off the camcorder to comply with his order. Deputy Ruiz led us to the backyard and ordered us to sit down (*at the glass table shown in the bottom photo on page 75*). We complied. He then ordered me to set down the smartphone. After I set the phone onto the table, he picked it up and stated, "Now we're taking this as evidence." Therefore Deputy Ruiz violated **7 PEN § 141(b) (intentional misrepresentation of digital evidence to falsify crime)** "A peace officer who knowingly, willfully, intentionally, and wrongfully... moves any physical matter, digital image, or video recording, with specific intent that the action will result in a person being charged with a crime or with the specific intent that the physical matter, digital image, or video recording will be concealed or destroyed, or fraudulently represented as the original evidence upon a trial, proceeding, or inquiry, is guilty of a felony punishable by two, three, or five years in the state prison." <sup>1</sup> Deputy Ruiz also violated **7 PEN § 146(b) (illegal seizure of property)** "Every public officer... who, under the pretense or color of any process or other legal authority, does any of the following, without a regular process or other lawful authority, is guilty of a misdemeanor:

(b) Seizes or levies upon any property." <sup>2</sup>

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1 **California Legislative Information: PENAL CODE (PEN) – PART 1. OF CRIMES AND PUNISHMENTS – TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE – CHAPTER 6. Falsifying Evidence, and Bribing, Influencing, Intimidating or Threatening Witnesses § 141:** [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=141.&lawCode=PEN](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=141.&lawCode=PEN)

2 **California Legislative information, "PENAL CODE – PART 1. OF CRIMES AND PUNISHMENTS – TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE – CHAPTER 7. Other Offenses Against Public Justice":** [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=146.&highlight=true&keyword=%22color%20of%20law%22](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=146.&highlight=true&keyword=%22color%20of%20law%22)

## Deputies ignored Kevin's **claim** while violating our corresponding rights:

I then told the **deputies** that Kevin had filed a claim with the State of California at the **County Assessor's Office** about 7 months earlier (*pages 41–45*), and that we'd been living there since **improving** and cultivating the property (*in accordance with 2 CCP § 323(1) possession and occupancy defined*) – just about to make the first property tax payment (*page 45*).

One deputy replied, "I'm sure the owner will appreciate that."

I asked if I could go inside the house to get our paperwork. A deputy answered, "No because you might go in and get weapons and try to use them on us."

### I informed the deputies they were violating our rights and corresponding federal laws:

At the time I began researching **adverse possession** (*see page 3*), I'd already been researching U.S. law for several years, which enabled me to state the following at this time, "We don't appear to be receiving *equal protection of the laws* like we're supposed to according to *the 14<sup>th</sup> Amendment*. I would like to point out that I reserve *all* my rights – *without prejudice* – under the Constitution of the United States. That said – *you (I indicated Deputy Ruiz)* appear to be violating United States Code *Perjury of Oath (18 U.S.C. § 1621)*. Also you're violating United States Code *Title 18 Deprivation of rights under color of law (18 U.S.C § 242)*. Because there are *two or more persons involved* (I looked around to indicate the other deputies), this is *also* a violation of *Title 42 Conspiracy to interfere with civil rights (42 U.S.C. § 1985)*." I then looked around at the other deputies and continued, "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 (42 U.S.C. § 1986)* – which is also under *Title 42*."

### 18 U.S.C. §1621. Perjury generally

Whoever-

- (1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will declare... is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States. <sup>3</sup>

<sup>3</sup> U.S. House of Representatives' *Office of Law Revision Counsel*, "Title 18-CRIMES AND CRIMINAL PROCEDURE – PART I-CRIMES – CHAPTER 79-PERJURY §1621. Perjury generally:  
<http://uscode.house.gov/view.xhtml?req=perjury&f=treesort&fq=true&num=49&hl=true&edition=prelim&granuleId=USC-prelim-title18-section1621>

**Kevin and I each suffered a false arrest;  
deputies thus violated 7 PEN § 141(a):**

Deputy Ruiz then ordered them to arrest me. I was handcuffed and escorted into a Sheriff's vehicle, then soon joined by Kevin. Deputies violated **7 PEN § 141 (false arrest)** “Every public officer... who, under the pretense or color of any process or other legal authority, does any of the following, without a regular process or other lawful authority, is guilty of a misdemeanor:

(a) Arrests any person or detains that person against his or her will.”<sup>4</sup>

**Kevin and I were threatened to *not return to Kevin's property*:**

Much as we were threatened by **Deputies Shin** and **Ruiz** the day before (*page 135*), on this day **deputies** threatened us to *not return to our home at 2232 Commercial Ave.* or would be “arrested for trespassing.” We told them this violated Kevin's **right to possession**, however officers stated that “this is a civil matter” that we need to “find an attorney. By threatening us, deputies violated **11.5 PEN § 422(a) (criminal threats)**.

**Kevin and I subsequently suffered a false imprisonment  
as a result of the deputies' actions:**

Kevin and I were soon transported to and incarcerated in the KERN COUNTY SHERIFF'S OFFICE CENTRAL RECEIVING FACILITY in Bakersfield.<sup>5</sup> Kevin suffered a false imprisonment for approximately *eleven and a half hours* and was released at approximately 12:01 a.m. on 5–12–2016, and I was falsely imprisoned for approximately thirteen and a half hours and was released around 2:30 a.m. as a result of the deputies' actions. We both received a copy of an *ARIETIS* prior to our release, as shown on the following three pages.

Deputies violated **8 PEN § 236 (false imprisonment)**.

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4 California Legislative information, “PENAL CODE – PART 1. OF CRIMES AND PUNISHMENTS – TITLE 7. OF CRIMES AGAINST PUBLIC JUSTICE – CHAPTER 7. Other Offenses Against Public Justice”: [http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=146.&highlight=true&keyword=%22color%20of%20law%22](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=146.&highlight=true&keyword=%22color%20of%20law%22)

5 KERN COUNTY SHERIFF'S OFFICE CENTRAL RECEIVING FACILITY::<http://www.kernsheriff.com/Detentions/CRF/Pages/default.aspx>



**Page 1 of 2 of the ARIETIS Deputy Ruiz submitted  
in regards to Ms. Alexandra Wilson for Agency Case # SR1812967:**

**KERN COUNTY - ARIETIS**

**Declaration**

Arietis Dec #: **55292**      Agency Case #: **SR1612967**      Type: **Adult PC Dec**      Status: **Submitted To Judge**  
 Entered Date/Time: **5/11/2016 2:20 PM**  
 Officer: **Hector Ruiz**  
**SO1236**  
**Kern County Sheriff**

**INMATE COPY**

**Officer Signature**

I declare under penalty of perjury that the foregoing is true and correct to the best of my information and belief.  
 Executed on **5/11/2016 2:22 PM** at Kern County, CA by **Hector Ruiz**.

**Magistrate Signature**

[not signed by magistrate]

**Subject**

Subject Name: **ALEXANDRA WILSON**      Birth Date: **1/26/1982**      Birth Place: **--**      Birth State: **--**  
 Gender: **Male**      Race: **White**      Height: **510**      Weight: **155**      Hair Color: **Blond**      Eye Color: **Brown**  
 SSN: **--**      DL Number: **D5786417**      DL State: **CA**      DL Exp Date: **--**  
 Address: **TRANSIENT**      Home Phone: **--**      Work Phone: **--**      Mobile Phone: **--**  
**LAKE ISABELLA, CA 93240**

**Arrest**

Offense Date/Time: **5/11/2016 11:30 AM**      Offense Location: **County**      Arrest Type: **Open**      Arrest Date/Time: **5/11/2016 12:50 PM**      Court Division: **--**  
 Location of Arrest: **2232 COMMERCIAL AVE**      In Traffic Accident: **--**      Physical Force Used: **--**      Carbid Hold Placed: **--**  
**LAKE ISABELLA, CA 93240**  
 Vehicle: **--**

**Narrative**

**WILSON ALEXANDRA** was located trespassing at 2232 Commercial Avenue. I contacted the owner of the property **JOHN RUSS** and he stated he did not allow **WILSON** on his property and requested to press charges against him. **WILSON** was also in violation of Uniform housing code 17.16.020 - surfacing sewage. **WILSON** was arrested and booked for the aforementioned charges.

**Offenses**

Code Section	Description	Severity	Count
PC 602(0)(1)	REFUSE GO:PO REQ PRIV PROP	Misdemeanor	1

**Deputy Ruiz maliciously issued a *Deny Release Request* on page 2 of each of our *ARIETIS* in order to extend the duration of our false imprisonment:**

Within “Request Deny Release” section Deputy Ruiz wrote: “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.”

**Page 2 of 2 of the *ARIETIS* were identical:**

PC Dec Print Page 2 of 2

PAS/BA: <b>No</b>	BAC: --	Presumptive Test: --	Narcotic Type: --
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**Victim**

Age: --	Gender: --	Relation To Subject: --
Injuries: --	Weapon: --	Property Loss Value: --

**Additional Hold Authorities**

Parole: <b>No</b>	Probation: <b>No</b>	Warrant: <b>No</b>	INS: <b>No</b>	Other: <b>No</b>
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**Request Deny Release**

It is likely the offense(s) will continue or resume, or the safety of persons or property will be imminently endangered by the release of the arrestee.

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**Our arraignments were scheduled for July 7<sup>th</sup>, 2016; Deputy Ruiz attempted to keep us incarcerated for approximately two months:**

Kevin's *notice to appear* and my *notice to appear* are shown on the following two pages. We received them at the time we were released from the Kern County Sheriff's jail.

We were later informed by **Rachel** that she was made to sign a citation *promising to appear in court on 7-7-2016* on false charges of **trespassing**. She was made to sign the citation at the time Kevin and I were arrested. She was not arrested on the condition that she sign the citation; therefore she signed it under **duress**.



**NOTICE TO APPEAR issued to Mr. Kevin Byrd upon his release from Kern County Sheriff's Jail, his arraignment 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  
LAKE ISABELLA, CA 93240  
BUSINESS ADDRESS:

DRIVERS LICENSE NO.: ST: DOB: 07/18/72  
SEX: M HAIR: BLN EYES: BLU HEIGHT: 5'11" WEIGHT: 161

OFFENSE  
(CODE, SECTION, DESCRIPTION)  
PC 602(O) 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. Alexandra Wilson upon her release from Kern County Sheriff's Jail, his arraignment scheduled for 7-7-2016:**

INMATE COPY

INMATE 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(O) 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 853.6

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.

**Deputies, by false pretenses, defrauded us of our property,  
amounting to grand theft:**

Deputies violated **18 PEN § 484(a) (theft by fraud)** “Every person who shall feloniously... knowingly and designedly, by any false or fraudulent representation or pretense, defraud any other person of... real or personal property... is guilty of theft. In determining the value of the property obtained, for the purposes of this section, the reasonable and fair market value shall be the test.... For the purposes of this section, any false or fraudulent representation or pretense made shall be treated as **continuing**, so as to cover any money, property or service received as a result thereof, and the complaint, information or indictment may charge that the crime was committed on any date during the particular period in question....”

**Note:** See pages 155–157 for information on how *fraud* and *false pretenses* were used.

Assisting deputies, the Sheriff, Kern County Sheriff's Department, COUNTY OF KERN, and/or advisor(s) are *principals* in the aforementioned crime according to **2 PEN § 31 (aiding and abetting)** “All persons concerned in the commission of a crime, whether it be felony or misdemeanor, and whether they directly commit the act constituting the offense, or aid and abet in its commission, or, not being present, have advised and encouraged its commission... to commit any crime... or who, by threats, menaces, command, or coercion, compel another to commit any crime, are principals in any crime so committed.”<sup>6</sup>

Aforementioned parties violated **13 PEN § 487 (grand theft, definition of)** and are therefore guilty of **grand theft**: “Grand theft is theft committed...: (a) When the... real or personal property taken is of a value exceeding nine hundred fifty dollars (\$950)....”

**13 PEN § 496 (concealment of knowledge of stolen property, penalty of)**

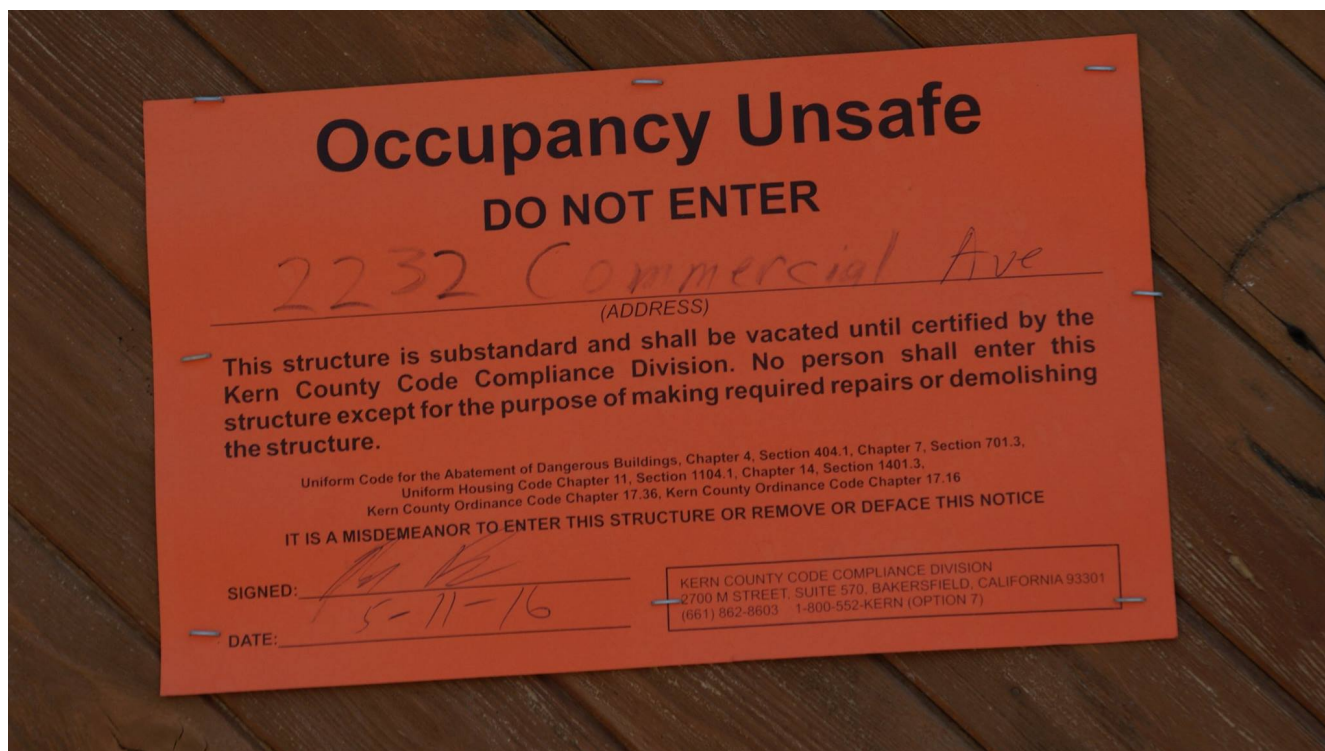
- (a) Every person who... withholds, or aids in withholding any property from the owner, knowing the property to be so stolen or obtained, shall be punished by imprisonment in a county jail for not more than one year, or imprisonment pursuant to **subdivision (h) of Section 1170**.... A principal in the actual theft of the property (*see 2 PEN § 31 above*) may be convicted pursuant to this section. However, no person may be convicted both pursuant to this section and of the theft of the same property.
- (c) Any person who has been injured by a violation of subdivision (a) or (b) may bring an action for three times the amount of actual damages, if any, sustained by the plaintiff, costs of suit, and reasonable attorney's fees.”

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<sup>6</sup> **California Legislative Information, Aiding and Abetting:**  
[http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=31&lawCode=PEN](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=31&lawCode=PEN)

**The building inspector from the Kern County Code Compliance Division trespassed and illegally condemned our property under false pretenses:**

After we were released from jail, we returned home, however we did not enter the property for fear we would again be arrested. On the front of our house we saw that the inspector who accompanied the deputies (*page 144*) had attached the following notice to the front of our house:



**Note:** We were unable to take a photo ourselves due to the fact that Deputy Ruiz and conspirators stole Kevin's smartphone (*page 145*). Upon request, a friend later emailed this photo to us.

Although the above notice cites sections of the Uniform Code for the Abatement of Dangerous Buildings, the **inspector** who **trespassed** onto our property alongside the **deputies** (*pages 143–144*) and presumably posted this notice violated section **201.3 Right of Entry**: “When... the building official or the building official’s authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be **occupied** that credentials be presented to the **occupant** and **entry** requested. If such building or

premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.”

The inspector violated **14 PEN § 602(k) (trespassing)**: “[E]very person who willfully commits a trespass by any of the following acts is guilty of a misdemeanor:

- (k) Entering any lands, whether unenclosed or enclosed by fence, for the purpose of injuring any property or property rights or with the intention of interfering with, obstructing, or injuring any lawful business or occupation carried on by the owner of the land, the owner’s agent, or the person in **lawful possession.**”

### **The property was deemed “unsafe” under false pretenses; officers used injurious words to slander our reputations:**

According to *both* ARIETIS' **Deputy Ruiz** filed (*pages 148–150*), Kevin and I were “in violation of **Uniform housing code 17.16.620-surfacing sewage.**”

There was no sewage “surfaced” or exposed anywhere on the property in any manner; the inspector and Deputy Ruiz appear to have been alluding to the restroom (with incinerating toilet) we were in the process of building – *as shown on pages 136–137*. The incinerating toilet does not produce *sewage*; what they were looking at was only a restroom that was still under construction. The “inspector” apparently did not *inspect* very thoroughly.

It appears to me that the reason officers decided to deem our property “unsafe” via fabricating a “surfacing sewage” charge was to create the *appearance* to persons in the neighborhood that Kevin and I were doing something both unsanitary and repulsive on the property. Furthermore, by barring **entry** onto the property under the false pretense that the entire property was “unsafe,” deputies fabricated the *appearance* of legal justification to deter our re-entry (by force, if necessary).

It also appears to me that the reason Deputy Ruiz incorrectly recorded that Kevin and my address was “TRANSIENT” on both ARIETIS' (*pages 148–149*) was to impute that Kevin had no **claim of right** or **right of possession** to 2232 Commercial Ave.; he intended to undermine Kevin's **claim** via fraudulently misrepresent the circumstances.

Kevin and I lost a large amount of personal property *and* we were made to become homeless as a result of the officers' fraudulent determinations and malicious, premeditated actions.

