

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

§ 9 – Rachel's neighbors told the Sheriff
we were “Trespassing”;
Deputies ignored our rights
and threatened us on 5–10–2016;
emboldened neighbors then trespassed onto
and vandalized our property

While installing fencing, **neighbors at 2229 Angler Ave.** told us they called the **Sheriffs** and that they were on their way to arrest us for **trespassing**:

While in Bakersfield on 5-9-2016 (see page 129), Kevin and **Will** pitched in to purchase five 15' x 6' panels of bamboo fencing from Lowe's as a *gift* for **Ms. Smith** to provide privacy between her and her new neighbors, and to add to the aesthetic value of the property. On 5-10-2016 we began putting up the fencing.



While pulling up more grasses and installing the fencing, we were approached by **three neighbors** from 2229 Angler Ave. (*one property west of 2233 Angler*) including two adult males and one adult female. The eldest of the two men yelled at us, “The Sheriffs are *on their way!* You're all a bunch of *squatters*. You're *squatting* on *this* property, and on that property!” *He pointed to our house.* “The Sheriffs are on their way and you're all going to be arrested for trespassing!”

I attempted to show them Rachel's **claim** papers (*pages 130–131*) and explain how we were on the property *legally*, but the man ignored and interrupted, reiterating that the Sheriffs were “on their way” and that we were “all going to be arrested for trespassing.” To prevent it from being damaged, we brought the fencing (and gardening tools) over to 2232 Commercial Ave. and waited for the Sheriffs so we could straighten out the situation.

Deputies arrive, ignore Rachel's claim and threaten arrest:

About a half hour later, while inside our house with Rachel and Will house, we heard a loud knock at the front door, followed by an officer's voice. Upon answering I met two officers, **Deputies Leonard Shin and Hector Ruiz**, on the front porch.

Deputy Shin directed me to the backyard. Deputy Ruiz, Rachel, and Will came to the came to the backyard shortly after. Kevin remained inside the house.

Deputy Shin gave an ultimatum, threatening that *if any of us returned to 2233 Angler Ave*, we'd be “arrested for trespassing.” He then went on to explain that a person can leave their property vacated for as long as they *and* that they are entitled to shoot anyone who comes onto the property. Deputy Shin's statement was an implied criminal threat against our safety in violation of **11.5 PEN § 422(a)** (*page 139*).

I explained to the deputies that Rachel (*Ms. Smith*) filed a Declaration of Claim on 2233 Angler Ave. with the **County Assessor** because she was in the process of claiming it via **adverse possession**. I went on to explain that it was **abandoned** and **dilapidated**, and that it was a fire hazard to the entire neighborhood before we did the weed abatement (*pages 113–127*). **Rachel Smith** was in **lawful possession** and an **equitable owner** of the property

Rachel attempted to show Deputy Shin her claim (*pages 130–131*), but he refused to look, stating that we “thought we found some *loophole* in the law.” Deputy Ruiz began viewing the papers.

I replied, "Its not a loophole. Adverse possession exists in all fifty states [and can be used] to claim abandoned properties.... We found evidence [2233 Angler Ave.] has been abandoned since well before March 2014. We're fixing the ceiling. We abated the entire backyard...."

Deputy Shin interrupted with a threat, again violating **11.5 PEN § 422(a)**, “if you go back onto that property, you will be arrested.”

Deputy Shin falsely accused us of defecating in the backyard:

Deputy Shin then noticed the clean, unused “incinerating toilet” we were building, and without knowing what it was *or* asking about it, he yelled: “*And you're shitting back here!?*”

I then informed him that it was an *incinerating toilet* and that we were building it to conserve water.

In reality, Deputy Shin was confused by our Incinerating Toilet:

By building an incinerating toilet, Kevin and I were doing our part to participate in water conservation efforts instituted and encouraged by Governor Jerry Brown based on the drought.¹ Furthermore, in 2011 the Bill and Melinda Gates Foundation launched the *Reinvent the Toilet Challenge*, and subsequently have funded research teams who are developing toilets based upon solid waste combustion.² Burning kills bacteria, protozoa, and other biological organisms which cause disease, and greatly decreases the volume of waste so that it may easily be disposed of without possibility of contamination.

How it works:

The movable toilet is placed overtop a metal burn barrel buried almost entirely underground (*shown below*). Dried grasses are placed into the burn barrel, and are placed on top of the excrement after each use. The toilet and any flammable items are moved prior to each burn.



1 **89.3 KCCP: “Gov. Brown orders permanent California water conservation due to drought”** by Sanden Totten (5–9–2016): <http://www.scpr.org/news/2016/05/09/60441/gov-brown-orders-permanent-california-water-conser/>

2 **Sustainable Sanitation Alliance, “Sustainable Sanitation Alliance members take a closer look at the Bill and Melinda Gates Foundation’s sanitation grants,”** Sustainable Sanitation Practice Journal, Issue 17, p. 4-10: <https://www.susana.org/en/404-error-page-not-found>

A work in progress on 5-10-2016:

When Deputy Shin falsely accused us of “shitting” in the backyard, we were only beginning to build the *outdoor restroom* and *incinerating toilet*. We only had a skeleton of the finished project installed at the time, while having immediately plans to build the structure using a fire-safe mixture of *cob* (*ovens* are built from cob).



Deputy Ruiz misunderstands adverse possession, Deputy Shin threatens us not to return to 2233 Angler Ave.

Deputy Ruiz, now finished viewing Rachel's **claim** papers (*page 135*), explained his perspective, “From my understanding *this house* (2232 Commercial) is behind in taxes, *while that one* (he indicated 2233 Angler) is *not*. *That* is why you are able to be *here*. If you go back on *that property* (he indicated 2233 Angler) property, you're going to be arrested.”

I responded, “**Adverse possession** has to do with *physical abandonment* and *neglect* of property – *not just whether or not the taxes have been paid*. The law is designed... to prevent perfectly good houses from *rotting* in the middle of neighborhoods. It literally *storms* into that living room (I indicated 2233 Angler) every time it rains (*page 119*).

Deputy Shin responded with a criminal threat, “If you go back on that property, you're going to be arrested.”

Both deputies turned and walked briskly toward their vehicles. As they walked, I asked, “Can I get each of your *cards*. ”

Deputy Shin replied, “We don't *have* cards.”

So I asked, “What are are your *names* and *badge numbers*?”

Deputy Ruiz responded as he walked away, “Ruiz 1236.”

Deputy Shin did the same, "Shin – 1260."

Deputy Shin and Deputy Ruiz violated 11.5 PEN § 422(a):

11.5 PEN § 422(a) (Criminal threat):

- (a) Any person who willfully threatens to commit a crime which will result in death or **great bodily injury** to another person, with the specific intent that the statement, made verbally..., is to be taken as a threat, even if there is no intent of actually carrying it out, which, on its face and under the circumstances in which it is made, is so unequivocal, unconditional, immediate, and specific as to convey to the person threatened, a gravity of purpose and an immediate prospect of execution of the threat, and thereby causes that person reasonably to be in sustained fear for his or her own safety..., shall be punished by imprisonment in the county jail not to exceed one year, or by imprisonment in the state prison.³

1 PEN § 16600, “... 'great bodily injury' means a significant or substantial **physical injury**.”⁴

physical injury –

1. Damage to a person’s body.
2. An injury that exists so a person cannot physically enjoy his property.⁵

3 **California Legislative Information, *Criminal Threats*:**
[http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?
lawCode=PEN&division=&title=11.5.&part=1.&chapter=&article=](http://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=PEN&division=&title=11.5.&part=1.&chapter=&article=)

4 **California Legislative Information, “*Great bodily injury*”:**
[http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?
lawCode=PEN§ionNum=16600.&highlight=true&keyword=%22great%20bodily%20injury%22](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN§ionNum=16600.&highlight=true&keyword=%22great%20bodily%20injury%22)

5 **Black’s Law Dictionary Deluxe Tenth Edition by Henry Campbell Black & Editor in Chief Bryan A. Garner. ISBN: 978-0-314-62130-6**

Neighbors of 2233 Angler Ave. trespass onto 2233 Angler, drill boards over our fence to prevent us from returning:

Shortly after the deputies left, we heard the sound of a power drill being used on the fence which divides 2233 Angler Ave. (*Rachel's property*) and 2232 Commercial Ave. (*our property*). I recorded the event Kevin's smartphone. It was the angry **neighbors who called the Sheriff's on us** earlier and accused of **trespassing** (*page 135*). They were now drilling *boards up over the opening in our fence which connected Rachel's property with ours*. I uploaded the video to YouTube shortly after the event:

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

Screenshots and transcript of the video:



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.

Neighbor: **muffled something about the officers**

Ms. Wilson: They were operating out of their jurisdiction because they didn't get a civil complaint from the actual owner.

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: *Well* the owner – *or previous owner* – didn't talk to the Sheriffs.

Neighbor: I talked to the owner and the Sheriffs. I'm going to be considered what they call *Caretaker of the Property* now. We're weed-eating the property and we're going to take care of the house too while he's in Vegas and 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 (18 USC § 242)*. This is against federal law – what you're doing to bypass what we're doing and we just got threatened illegally and unconstitutionally by [the deputies].

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

Ms. Wilson: [W]e were abating a fire hazard; [the previous owner] left a community hazard in our community – now you guys are trespassing.



**Besides violating 14 PEN § 602 (trespassing),
Neighbors violated 14 PEN § 594 (misdemeanor vandalism):**

- (a) Every person who maliciously commits any of the following acts with respect to any real or personal property not his or her own, in cases other than those specified by state law, is guilty of **vandalism**:
 - (2) Damages.
 - (3) Destroys.
- (b)
 - (2)
 - (A) If the amount of defacement, damage, or destruction is less than four hundred dollars (\$400), vandalism is punishable by imprisonment in a county jail not exceeding one year, or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment.
- (c) Upon conviction of any person under this section for acts of vandalism consisting of defacing property with graffiti or other inscribed materials, the court shall, when appropriate and feasible, in addition to any punishment imposed under subdivision (b), order the defendant to clean up, repair, or replace the damaged property himself or herself, or order the defendant... to keep the damaged property or another specified property in the community free of graffiti for up to one year.. If the court finds that graffiti cleanup is inappropriate, the court shall consider other types of community service, where feasible.
- (g) This section shall become operative on January 1, 2002. ⁶

⁶ California Legislative Information: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?sectionNum=594&lawCode=PEN

