

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

**§ 16 – Assessment of Damages**

## Damage to our claims to 2232 Commercial Ave:

Whereas **record owners John and Cheryl Ross** performed an **implied waiver** of their claim to 2232 Commercial Ave. according to the **doctrine of presumed dereliction**,

Whereas Kevin and I exercised a **right of entry** onto the **abandoned property** on Aug. 31, 2015 (*page 6*) in order to obtain **title by prescription** in accordance with California law **2 CIV §§ 1000–1006**, standing case rulings, and **prescriptive right**,

Whereas John and Cheryl Ross never filed an a *Civil Action to Recover Real Property* in accordance with California law **2 CCP §§ 318–328.5**,

Therefore on 5–11–2016 when **five Sheriff's deputies** and a **code compliance officer trespassed** and performed a **forcible entry and detainer** on the property without lawful authority, our occupancy of 2232 Commercial Ave. were injuriously interrupted thereby causing loss or property without **due process**,

Furthermore officers **falsely imprisoned** us and **threatened** us not to return, thereby damaging our claims,

Whereas **Kern County Assessors** valued 2232 Commercial Ave at **\$38,136** (*see below graphic from Kern County Assessor's office*):

Whereas California home values have gone up 1.8% over the past year and Zillow predicts they will rise 3.2% within the next year.,<sup>1</sup>

Therefore damages to the claim itself total at least **\$40,000**.

Kern Property Profile			
<b>Property Information</b>			
Owner	ROSS JOHN J & CHERYL C		
Billing Addr.	2232 COMMERCIAL AV LAKE ISABELLA CA 93240-9658		
ATN	263-352-03-00-2	Status	Active
Parcel Num.	263-352-03-1	<a href="#">View Parcel Map</a>	<a href="#">GIS Map</a>
Site Addr.	2232 COMMERCIAL AV LAKE ISABELLA		
Legal	TRACT 2182 33		
Acres	0.00		
Use Code	0097 - MS & T ZONING WLIC MH		
Prior APN(s)	-		
Supervisory District	1 - Mick Gleason		
<b>Recorded Documents</b>			
	Document Number	Document Type	Date Recorded
	206179429	Deed	7/24/2006
	200152202	Deed - Quitclaim	11/29/2000
<b>Property Characteristics</b>			
Building #0			
<b>Assessment Information for Tax Year</b>		<b>2014-2015</b>	
		<b>Assessed Values</b>	
Land Value:			19,472
Mineral Value:			0
Improvement Value:			18,664
Other Improvements:			0
Personal Property Value:			0
Total:			38,136
Special Assessment Value:			0

<sup>1</sup> Zillow, “California Home Prices & Values”: <https://www.zillow.com/ca/home-values/>

## Loss of personal property – itemized list:

Prices based on estimates according to how much they'll cost to replace or how much they cost at time of purchase. All items were purchased by Kevin or given to us through work trade or as gifts.

**\$40** – “May Your Blessings...” and horse decorative blankets (*pages 37-39*)

**\$345** – 1 ladder (\$60), 3 shovels (\$80), 2 rakes (\$40), 1 ax (\$60), 1 hoe (\$25), 1 decorative lawn chair (\$40) (*page 57, bottom photo*)

**\$100** – 1 air conditioner (*page 58*)

**\$305** – 2 red lamps and 1 white lamp (\$30), bench (\$25) chair (\$80), tabletop (\$20), 2-drawer chest of drawers (\$30), coffee table (\$40), jar of kombucha and SCOBY (\$40), blanket (\$20), area rug (\$70), iron (\$15), 1 Epsom printer/scanner (\$200) (*page 61*)

**\$140** – 32” television (\$40), full size bed (\$100) (*page 64, bottom photo*) – television gifted by **neighbors Adam and Renee Forker**, bed from **neighbors Ginger and Angela**

**\$440** – 1 office desk (\$200), 2 recliners (\$240) (*page 65*)

**\$1500** – 3 entertainment centers (*page 65 bottom photo, page 70, and one shown partially on page 77*) – 2 were given on work trade from **neighbor Mark**, one gifted from neighbors Renee and Adam Forker

**\$240** – 9 ethnobotany and traditional wilderness survival skills books (*page 66*)

**\$1700** – 2 quality prints, 1 original painting by CM SCOTT (*pages 66–67*)

**\$60** – 18” paper cutter by Vantage (*page 68*)

**\$800** – 1 wheatgrass juicer (\$80), 3 Samsung CLP-365W printers (\$240 each) (*page 68-69*)

**\$480** – 1 new refrigerator (\$400), 1 table (\$80) (*page 69, top photo*) – refrigerator gifted from **community members Jennifer Colley and Raymond L'hareaux**

**\$455** – 2 outdoor cooking pots (\$40), 1 vintage tea kettle (\$15), 3 chest of drawers (\$240), 1 double burner electric stove (\$30), 1 First Need water purifier (\$90), pantry foods (\$40) (*page 71*)

**\$515** – 1 solar shower (\$30), 2 pairs of rollerblades (\$120), 2 pairs of shoes (\$160), bath and beauty products (\$80), nightstand (\$40), umbrella (\$25), tall shelf (\$60) (*page 72*)

**\$200** – 6' solar panel (*page 72*) – donated by *Adam and Renee's friend Heather*,

**\$40** – sprinkler and hose splitter (*page 73*)

**\$330** – picnic table (\$150), dishes (\$100), plastic tub (\$10), garden hose (\$30), several drip hoses (\$40) (*page 73*)

**\$250** – glass table (\$200), chairs (\$100), 2 hanging planters (\$40) (*page 75*) – glass table and outdoor chairs from neighbor Mark, hanging planters from Renee and Adam Forker

**\$120** – green decorative area rug (\$120) (*not shown, but located in room shown on page 77*) – work trade from neighbor Mark

**\$1525** – king size bed w/ wooden shelved headboard (\$500), 5 decorative blankets (\$125), 3 shelves (\$60), 2 decorative nightstands (\$160), green lazy boy chair (\$120), double burner stove (\$25), wok (\$20), decorative metal corner shelves (\$40), painting (\$400), mirror (\$25), hanging bar (\$60) (*page 77*)

**\$210** – tapestry (\$130), 5-bulb hanging light (\$80) (*page 78*)

**\$320** – hand-crafted workbench (\$200), large utility shelves (\$200), plastic shelf, 2 wooden wall shelves (\$40), grain mill (\$60), ~50 select quality UV protectant and variety jars (\$20) (*page 79*) – work bench personally hand-crafted by me

**\$20** – 10 1' plastic planters (*pages 84–84*)

**\$1430** – wooden chair (\$20), large wooden cable spool (\$80), 8 ceramic planters (\$80), 5 hand crafted raised beds (\$500), 3 truckloads of mulch (\$1500), 10 bags of soil/soil conditioner (\$50), decorative ceramic walkway liners (\$200) (*page 89*)

**\$60** – 2 decorative terracotta planters (*page 89 top photo*)

**\$600** – 8-foot taxidermy case converted into a greenhouse (*page 91*) – gifted by neighbors Renee and Adam Forker, repaired and modified by me

**\$200** – hand-crafted Cucumber Teepee (*page 100*)

**\$60** – 3 square planters (*page 111*) – work trade from Mark

Total = **\$12,485**

### **Recompense for labor (repairs, improvements):**

7 months of labor = 28 weeks of labor.

6 days of labor per week performed by 2 persons.

6 x 28 = 168 days of labor x 2 persons = 336 hours of labor

336 x 8 hours of labor per day = 2,688 hours of labor

2,688 x \$15 per hour of labor = **\$40,320**

## Damages to crops:

Documentation of cultivation of the following crops is found throughout § 6 beginning on page 81:

- kombucha (*page 68*)
- wheatgrass (*page 69*)
- 3 kinds of potatoes (*pages 82–85*)
- yams (*page 85*)
- purple and green asparagus varieties (*page 88*)
- variety carrots (*page 88*)
- variety herbs – dill, summer savory, oregano, cilantro, coriander, arugula (*page 89*)
- variety summer salad greens (*page 89*)
- 2 kinds of okra plants (*page 90*)
- variety bell peppers (*page 91*)
- 2 varieties of eggplants (*page 91*)
- variety tomatoes (*95*)
- sage (*96*)
- yucca (*96*)
- red and green amaranth (*96–97*)
- 3 kinds of cucumbers (*100–103*)
- Russian Mammoth sunflowers (*102–103*)
- 4 kinds of corn plants (*104–107*)
- 2 varieties of beans (*106*)
- 10 apricot trees (*108–111*)
- 10 peach trees (*108–111*)

Estimated hours of labor preparing, planting, and nurturing crops starting on 12–14–2015 (*page 82*) through 5–10–2015 (*page 143*): 4 hrs/day x 2 people x 30 days/mo x 5 months = 1200 hrs.

1200 hrs x \$15 = **\$18,000**

## **Personal injuries:**

### **Legal injuries:**

For legal injuries, **42 USC §1983** (Civil action for deprivation of rights) entitles “the party injured in an action at law, suit in equity, or other proper proceeding for redress...”<sup>2</sup> Rights violated are described below.

Organizations and individuals may also be fined under **18 USC § 242** (Deprivation of rights under color of law) and **18 USC §3571** (sentence of fine).

### **Fourth Amendment violations:**

**Kern County Sheriffs Department** violated **Rachel Smith**, Kevin Byrd, and my Fourth Amendment rights on 5–10–2016 (*read § 9 beginning on page 133*) and 5–11–2016 (*read § 9 beginning on page 143*).

#### **Transcript of Fourth Amendment:**

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

### **Fifth Amendment violations:**

**Kern County Sheriffs Department** violated **Rachel Smith**, Kevin Byrd, and my Fifth Amendment rights on 5–10–2016 (*read § 9 beginning on page 133*) and 5–11–2016 (*read § 9 beginning on page 143*)

**Rudy and Liz Hemmiger** violated Kevin and my Fifth Amendment rights on 6 8–2016, and neighbors **Steff Garrison, Tristan (?), and their son Andrew** on 6–25–2016 (*see § 13 beginning on page 157*).

**Kern County District Attorney's Office** commit an **abuse of process** resulting in a violation of Kevin and my **rights to due process**. (*see § 15 beginning on page 197*).

#### **Relevant section of Fifth Amendment:**

No person shall be... deprived of life, liberty, or property, without due process of law....

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2 U.S. Government Publishing Office, “Title 42 – THE PUBLIC HEALTH AND WELFARE, CHAPTER 21 – CIVIL RIGHTS, SUBCHAPTER I – GENERALLY, Sec. 1983 – Civil action for deprivation of rights”: [www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap21-subchapI-sec1983.htm](http://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-2010-title42-chap21-subchapI-sec1983.htm)

## **Ninth Amendment violations:**

**Kern County Sheriffs Department** violated **Rachel Smith**, Kevin Byrd, and my **prescriptive<sup>3</sup> rights of entry, rights of possession, and rights of property** on 5-10-2016 (*read § 9 beginning on page 133*) and 5-11-2016 (*read § 9 beginning on page 143*), all of which are **unenumerated rights** guaranteed by the Ninth Amendment.

### **Transcript of Fourth Amendment:**

**The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.**

### **Continuing<sup>4</sup> Legal Injuries:**

Kern County's **permanent trespass** onto our property coupled with threats not to return resulted in a continuing legal injury to the aforementioned rights, thereby justifying an award of **substantial damages** to injured parties.

In consideration of the following losses resulting from the previous rights violations and associated acts, we find the following amount sufficient to indemnify plaintiffs: **\$250,000** per plaintiff

### **Charges for false imprisonment:**

12 hours imprisonment: 720 minutes x \$1000/minute = **\$720,000** per plaintiff

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3 See **prescriptive right**

4 See **continuing injury**

## **Consequential damages:**

### **More than three years homeless:**

Kevin and I were not given notice regarding an *action to recover real property* as required by California law **2 CCP § 318** ( even though we were in **lawful possession** of 2232 Commercial Ave for approximately seven and a half months. Although Rachel only lived on the property for a short period,

According to the most recent data from **Zillow**, the average rent in **California** for January 2020 is \$2,800.<sup>5</sup> Due to the fact that Kevin and I had no home between May 2016 and February 2020 (33 months), just compensation for loss of home space is estimated **\$92,400**.

### **Pain and suffering:**

Kevin and I are currently receiving mental health treatment for both past and ongoing stress, anxiety, and related *mental and emotional pain and suffering* we've endured as a result of officers' actions and subsequent hardships endured as a result of being made homeless.

\$1000/day

3 years, 10 months = 1065 days

1065 x 500 = **\$1,065,000** per plaintiff

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5 **HomeSnacks**: “Average Rent in California for January 2020” by **Chris Kolmar**:  
<https://www.homesnacks.net/cities/average-rent-in-california/>

## Special Damages:

### Fed.R. Civ. P. 9 Pleading Special Matters

(g) *Special Damages*. If an item of special damage is claimed, it must be specifically stated.

Various special damages listed as follows:

### Recompense for labor required to build case:

**Legal assistance was unavailable:** From the time we were arrested (5-11-2016) through our initial filing of the claim with Kern County Risk Management (6-9-2016), I contacted as many local attorneys as I could find who might possibly help with our case. Most of them redirected me to contact Greater Bakersfield Legal Assistance, whose answering machine stated that they do intake within the first few days of every month. When I called at the beginning of June, I was told that they “cannot get involved with cases involving real estate” because they are “funded through HUD.” I also contacted Congressman Kevin McCarthy's office and Attorney General Kamala Harris's office. Congressman McCarthy did not respond and the AG's office again redirected me to contact Greater Legal Aid of Bakersfield. The ACLU stated they could only take a small number of cases, and that they were unable to take ours.

**Wrote and filed rough draft of case:** From the time Kevin and I were released from jail I spent ~2 months building a rough draft version of this case that was filed with Kern County Risk Management on June 9, 2016; this large document was filed alongside the claim shown on page 194. The rough draft was also posted onto [www.WildWillpower.org](http://www.WildWillpower.org), as indicated on the complaint I filed with Kern County Sheriffs' Internal Affairs as shown on page 189.

This initial draft required ~12 hours per day/7 days per week labor: 40 hours x 8 weeks = 320 hours at regular pay \$30/hour = **\$9600**

4 hours overtime per weekday x 5 days per workweek x 8 workweeks = 160 hours weekday overtime

Additional 12 hours overtime on weekends x 8 weekends = 96 hours of weekend overtime

160 hours weekday overtime + 96 hours weekend overtime = 256 hours overtime

256 hours overtime x \$45/hour = **\$11,520**

**\$\$11,520 + 9600 = \$21,120** to compensate for labor required to build the case from May 12 through June 9, 2016.

**Since June 9 2016** I've continued to build the case from its initial draft form into the format it is presented here since that time. To make this publication possible, I first had to transcribe hundreds of legal terms, statutes, and case rulings throughout [www.ReUniteTheStates.org](http://www.ReUniteTheStates.org) before extracting and expounding upon relevant ones to make the sister publication to this one entitled How to Legally Claim Abandoned Real Estate (available on [www.WildWillpower.org](http://www.WildWillpower.org)).

This book, a copy of How to Legally Claim Abandoned Real Estate, and a claim in the amount of \$ was sent to Kern County Risk Management on 2-24-2020. Although many weekends and overtime hours were spent working on the case, Kevin and I spent many day in basic survival mode trying to get back on our feet *and* moving the ball forward so we had time to work the case. To calculate the amount of work actually spent building the case following the completion of the initial draft, we're averaging everything as 40 hours per week, 5 days/week, for 3 years and 9 months:

40 hrs x \$30/hr = \$1200

\$1200 x 4 weeks/mo = \$4800

\$4800 x 45 months = **\$216,000** to compensate for labor required to build the case from June 10 through March 2016.

**Total case labor:** \$21,120 + \$216,000 = **\$237,120**

### **Damages to our organizations:**

Labor spent on casework would have been invested in continuing to develop organizations Kevin and I had been working on for years: Wild Willpower PAC ([www.WildWillpower.org](http://www.WildWillpower.org) ) and Kern River Wildharvesting Cooperative ([www.KernRiverCoop.com](http://www.KernRiverCoop.com)<sup>6</sup>). Not only was that amount of labor lost to the organizations (**\$237,120** in labor), additionally campaign contributions we would have had time to raise were also lost. I am estimating that amount at \$300,000 (**\$100,000/year**).

**Total estimated damages to organizations:** \$390,000 + \$237,120 = **\$627,120**

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<sup>6</sup> I took down [www.KernRiverCoop.com](http://www.KernRiverCoop.com) due to the fact that our organization was sabotaged by officials so I couldn't afford to pay for the site; content was relocated here: <https://wildwillpower.org/our-platform/civilian-restoration-co-a-plan-for-public-works/c-r-c-native-animal-habitat-restoration-projects/wildharvesting-cooperatives-across-america-inclusive-plan-fulfill-ecological-roles-meet-economic-needs/kern-river-wildharvesting-cooperative>

## Total damages:

### Property damages:

Damage to our claims to 2232 Commercial Ave: **\$40,000** (page 204)

Loss of personal property: **\$12,485** (page 205)

Recompense for labor (repairs, improvements): **\$40,320** (page 206)

Crop damage: **\$18,000** (page 207)

**Total property damages: \$110,805 (\$55,403 per plaintiff)**

### Personal injuries:

Legal injuries: **\$250,000** per plaintiff (page 204)

False imprisonment: **\$720,000** per plaintiff (page 205)

**Total personal injuries: \$970,000 per plaintiff**

### Consequential damages:

More than 3 years homeless: **\$92,000** per plaintiff (page 206)

Pain and suffering: **\$1,065,000** per plaintiff (page 206)

**Total consequential damages: \$1,157,000 per plaintiff**

### Sum:

$\$55,403$  (property damages) +  $\$970,000$  (personal injury damages) +  $\$1,157,000$  (consequential damages) =  **$\$2,182,403$**

### Treble damages:

**2 CIV § 3294** awards **treble damages** for cases involving *oppression, fraud, or malice* (see page 158).

$\$2,182,403 \times 3 = \mathbf{\$6,547,209}$  per plaintiff

**Damages to Wild Willpower PAC:**

**Special damages:**

**Recompense for labor required to build case: \$237,120** (page 207)

**Damages to our organizations: \$627,120** (page 208)

**\$237,120 + \$627,120 = \$864,240**

**Treble damages: \$864,240 x 3 = \$2,592,720**

**Total special damages: \$2,592,720** payable to Alexandra Wilson, Treasurer