

***Wilson v. STATE OF IOWA and KIM REYNOLDS FOR IOWA***

**PART ONE: HARASSMENT, DISCRIMINATION, FRAUD, AND RIGHTS VIOLATIONS BY PUBLIC OFFICIALS IN STORY COUNTY CAUSED ME TO REMAIN HOMELESS FROM 2009 – 2018**

**§ 1 – May 22, 2006:**

**Ames Police Officer discriminated against me and arrested me under false pretenses; commenced a malicious prosecution**

19. I was playing guitar outside Kum & Go, when Officer Blake Marshall and Officer Rivera approached, asking for my name and ID. I told them my name, Alexandra Wilson, and gave them my social security number. After running my social security number, Officer Marshall asked why the name I gave him was different than the one that came up in my Iowa records. I told him I was transgender and receiving medical care in California, and that I was back in Iowa visiting friends and family. That is when his demeanor toward me changed from neutral to condescending and accusatory. Officer Marshall then arrested me. I was under the impression I was being arrested for trespassing. Officer Rivera told me, as he drove me to the Nevada jail, that they were just going to ask me to leave, and that they “never arrest people for playing guitar”. He said it was Officer Marshall's idea to arrest me, and it only had to do with me being transgender and ID mismatch.

20. While in jail, I was told that I was charged with trespassing and “interfering with official acts”. I was under the impression that the *interfering* charge had to do with my ID mismatch. I did not believe I was trespassing. I had played my guitar in front of many businesses in Ames, and did not know it was an issue. I plead not guilty to both charges via audio-video appearance from the Nevada jail.

21. Although I would not discover to the extent Officer Marshall had initiated a malicious

prosecution against me until November 2022, I knew arresting me was unnecessary and unfairly targeted. All they had to do was tell me to leave and I would have without issue. I plead not guilty because I was not in fact trespassing.

**§ 2 – July 21, 2006:**

**Same Officer falsely arrested me for trespassing into women's restroom; commenced second malicious prosecution against me**

22. On the day of my trial, after exiting the restroom and before heading into the courtroom, Officer Marshall performed another false arrest and malicious prosecution against me. This time he said it was for “trespassing” into the women's restroom. I now realized I was being targeted and harassed by Officer Marshall. There was never a trial for case #SMSM062317 due to extrinsic fraud I was unaware occurred behind the scenes between STORY COUNTY and a pro bono attorney. My right to a fair trial was violated; see § 19 for details.

**§ 3 – July 4, 2007:**

**Assisted by a pro bono Attorney, City of Ames issued me an apology letter and check; Attorney wrongly informed me that I had set a precedent**

23. After Officer Marshall arrested me for case # SMSM062530 (restroom trespassing charge), while in jail a private attorney offered to assist me pro bono. He told me that although I could not sue because this was unprecedented, the City of Ames was offering me \$1500 and a letter of apology. He told me this letter would set a precedent so the next person could sue. I accepted the offer. It was not until November 2022 that I discovered that this attorney had performed a type of fraud called extrinsic fraud from behind the scenes, and that the agreement was not what he had advertised it to be; see § 19 for details. I was a victim of extrinsic fraud; as a result my right to a fair trial was violated – I was deprived due process! The attorney who

defrauded me was enabled, through negligence, by the STATE OF IOWA's lax Rules of Professional Conduct. Again, see § 19.

**§ 4 – ~2007:**

**Ames Librarian warns me about local officials**

24. Some time after the trial, a librarian flagged me down inside the Ames Public Library and told me that after I was arrested, Ames officials had to take a class to learn about transgender people. She told me that several of the officials did not take the class seriously, and that she was “embarrassed” by what she heard some of the employees say at the class. She added that she was “so sorry” for what I had gone through. This is important, because her statement to me here corroborated what the Ames Police Officer would later tell me in the following entry:

**§ 5 – 2009:**

**Falsely charged with assaulting a woman whose own witness testified I didn't touch her; Ames Police Officer warned me to leave the state for my safety**

25. While visiting Iowa again in 2009, I was falsely accused of assaulting a woman in Ames inside the Culver's restaurant (case #SMSM06655).

26. What in fact happened was, I was petitioning in Ames so that animals inside factory farms would have enough room to turn around 360° in their cages. It was an animal welfare petition, which evoked either overwhelming support or disdain and mockery from people I presented it to. I was a young idealist who thought I could change the world with my music and advocacy. A woman I presented the petition to outside the Culver's restaurant in Ames was interested in signing, and we were conversing about it as we walked into Culver's. It was at that time that the man she was with turned around and started screaming at me, “Plants die all the time!!!” I told him we were not talking about plants, and he continued shouting me down.

Having my guitar strapped around me, I felt he needed a song, so I leaned back onto the empty table behind me, and began singing a song I wrote about this topic. Nearly immediately a Culver's Manager came and grabbed my guitar and told me to leave. I pulled back, and said, "Animals have no voice in this society. I'm going to give them three minutes, and then I'll leave." As I strummed the next chord, she grabbed the guitar again. I pulled away, stood up, and left. A block away an Ames Police car with flashing lights pulled over, and an officer approached me. He asked if I knew why I was being arrested, and I responded, "Trespassing?" He said, "No," and informed me I was accused of assaulting the Manager after she asked me to leave. I was in shock. *Absolutely not*. I was given the option to write a statement, which I did (see page 11 of [ATTACHMENT D – docket for case #SMSM06655](#)); the statement essentially says what I wrote here: the truth. Note that I was young, and would not do this activity knowing what I know today, however I never did assault the woman, and should have never been charged.

27. Unable to find legal assistance, I was put in a position where I had to defend myself in court. Having no experience having done so, I think I did a decent job. Here are are some key takeaways from the trial:

- I cross-examined the Manager, whose testimony completely contradicted her previous statement she gave to the Ames PD. I later pointed this out in my appeal, which is found on pages 4 and 5 within the docket.
- An eye witness the Manager called in to testify said that he "saw the whole thing" and that I "never touched her". *Her. Own. Witness. Said. I. Didn't. Touch. Her.*
- A friend of mine who used to hula-hoop dance with me while I would street perform as we hitchhiked the country testified as a character witness that I would absolutely never hit anyone – that the allegations were out of character for me. She also testified that she had seen people get upset with me due to some of the controversial topics I sang or petitioned about. *That* is exactly what happened in this case.

- Although the Manager testified that I was “completely out of control”, the officer who arrested me testified that I was calm, compliant, and concerned about the fabricated allegations at the time of my arrest.

28. Judge Van Marel found me guilty despite the fact that the State was not even close to meeting the burden of proof “beyond a reasonable doubt”. Judge Van Marel performed an abuse of power, “The misuse or improper exercise one’s authority; especially, the exercise of a statutorily or otherwise duly conferred authority in a way that is tortious, unlawful, or outside its proper scope” (Black's Law 10 Ed.). It would not be until November 2022 that I would discover that Judge Van Marel had been required to recuse himself for this case; see § 19.

29. Immediately following the trial, an Ames Police officer privately flagged me down in the hallway and told me he saw that the trial was unfair. He then warned me that – based on what he was hearing “behind the scenes” – that I should leave the state for my safety. He claimed that some local officials were upset about me getting arrested for using the women's restroom three years prior, and that they did not like the fact that I received an apology letter. They were upset that they were made to take a class to learn about transgender people. “Now that they have this violent crime attached to your record”, he told me, “I'm just telling you – if you heard what I am hearing – you would leave the state for your safety.” I have not included the officer's name here for his safety and to prevent witness tampering.

**§ 6 – May 18, 2007;**  
**My right to appeal was denied**

30. On May 18 I appealed the decision,<sup>1</sup> writing, “I am homeless and do not have the money to pay for this appeal, but in the name of justice please hear me out...” In my appeal I pointed out:

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<sup>1</sup> Pages 4 and 5 of **ATTACHMENT D – docket for case #SMSM06655**

- That the woman's own witness told the truth: I never touched her,
- That the woman lied about me attacking her in any way.
- What I suspected her motive was (disdain toward my song and petition).

31. According to Iowa R. App. P. 6.703, the filing fee was \$150, which I could not afford at the time, as I was homeless. I was never given the opportunity to file a court fee waiver, nor was I a law student, so I did not know such waivers existed. The Clerk of Court apparently allowed me to file the appeal without paying the requisite fee.

32. Regardless, the court responded, via District Associate Court Lawrence E. Jhan, who signed the document, “The defendants filed a letter which appears to be a notice of appeal. The defendant has not perfected the appeal by paying the requisite docketing fee. The appeal in this case, therefore, is dismissed.” I was denied my right to appeal by the STATE OF IOWA because I was homeless and could not afford to pay the fee.

**§ 7 – 2009 – 2018:**

**Remained homeless, afraid to return to my home state; in preparation for rights violations to come, compiled thousands of legal term definitions, case rulings, statutes, and information about how legal proceedings operate onto a publicly-available self-help website**

33. I heeded Officer Morton and the Librarian's warnings, remaining homeless for approximately 8 years. I was afraid to return to my home state until 2018. During this approximately 8 years of homelessness, I endured numerous instances of being attacked, sexually assaulted, robbed, and harassed. In law, the injury I sustained is what is known as a continuing injury, or "an injury still in the process of being committed" (Black's Law Dictionary 10<sup>th</sup> Ed.). The continuing injury, which persisted throughout the duration in which I remained homeless as a result of STATE OF IOWA employees' actions, is still ongoing, in that I am currently diagnosed with PTSD largely caused by the numerous acts of violence I endured

while homeless throughout these years, as well as the trauma I experience from recalling the tortious acts described throughout this petition which were performed by the Defendants.

34. I moved back to Iowa in 2018 in large part because I wanted to live closer to my parents as they get older. I hoped that enough time had passed that some of these past issues with involving local officials had blown over.

35. Due to numerous injustices I experienced over the years, and because I learned of several statutes which could have help protect me had I known about them sooner, I began studying law around 2011. I had experienced so many injustices both inside and outside the system, and so much discrimination and verbal abuse from strangers over the years, that I knew it was only a matter of time before someone would attempt to deliberately hurt me again on account of my being transgender. In my mind, it was not a matter of “if”, but “when”.

36, I transcribed thousands of legal terms definitions from law dictionaries which are recommended on several *self-help for pro se litigants* sections of various US Court and state courthouse websites, including Black's Law Dictionary and Ballantine's Law Dictionary. I attempted to use a minimum of three sources per legal term definition so that the use of otherwise copyrighted materials was done in accordance with the US Copyright Office's Fair Use Policy. I compiled legal research day in and day out not only for my own need, but kept it public so that the “next person in need” could have a head start compared to me. I have broadcast, continued to develop, and kept the website [www.ReUniteTheStates.org](http://www.ReUniteTheStates.org), available to the public ever since.

37. Returning to Iowa in 2018 was like being washed ashore from out to sea – exhausted, traumatized, unable to fit in, and broke. I was a financial burden to friends and family who had

some inkling about what I'd been through, but to no real extent. People did see me trying to get on my feet, however, and I am very grateful for all the help I have received. I briefly got a job at Kum & Go in Ames, however on day one after training, while in the cooler I had a panic attack and was let go. I immediately sought psychiatric care because I was having such a very difficult time readjusting to society after so many years living out of my backpack, street performing with my guitar, dumpster diving, and foraging wild plants to survive.

**§ 19 – November 2, 2022:**

**Ordered copies of the dockets from the 2006 and 2009 cases, learning that multiple injurious acts. Including fraud, were performed against me, by multiple individuals, without my knowledge at the time; my rights were violated**

65. Within approximately one week prior to experiencing discrimination from the Respondents with regard to the ICRC case, I had recounted my experiences from back in 2006 and 2009 to the PRESIDENT of the NONPROFIT I filed a complaint against. After they falsely accused me of “stalking, harassment, and racism” – as well as other extremely damaging lies – I had strong reason to suspect that the Respondents fully intended to lean into the assault charge that was on my record in the future – especially if I filed suit. Additionally, my boyfriend and I were denied getting an apartment after the landlord did a background check and saw numerous charges. Based on what the pro bono attorney had told me, I was left the impression that all the charges from both 2006 cases had been dropped, but after I found these charges on my record, I ordered copies of the dockets from the Story County Courthouse. I did not order dockets back in 2006 or 2009 because I did not know what a docket was; we were not taught anything about how to interact with Iowa courts within Nevada, Iowa's public school system. The state does not properly prepare Iowa's young people how to navigate the courts for when rights violations or



other injustices occur, thus recklessly endangering Iowans after we graduate from high school.

66. In the docket, I discovered Officer Marshall performed a malicious prosecution via writing false information into the affidavit he filed within the police report following the initial 2006 arrest. I was arrested under false pretenses. Officer Marshall wrote that I had been asked to leave and refused, but I was compliant. According to Ballantine's Law Dictionary Third Edition, a malicious prosecution is, "A criminal prosecution begun in malice, without probable cause to believe it can succeed, and finally ending in failure. 34 Am J1st Mal Pros § 2. According to Black's Law Dicitoinary 10<sup>th</sup> Edition, "The institution of a criminal or civil proceeding for an improper purpose and without probable cause. \* The tort requires proof of four elements:

- (1) the initiation or continuation of a lawsuit;
- (2) lack of probable cause for the lawsuit's initiation;
- (3) malice; and
- (4) favorable termination of the original lawsuit. Restatement (Second) of Torts §§ 674-81B (1977)."

Although there was no "favorable termination of the lawsuit", this only occurred because there was never a trial!

67. I also discovered that the pro bono attorney who assisted me had entered into a plea bargain on my behalf without my knowledge or consent. There was never any mention of changing my pleas for the above case from *not guilty* pleas to *guilty*! As a result, I had criminal charges entered onto my record without a trial. No record of the apology letter or the State's wrongdoing were entered into the record. No precedent was set. I would not have agreed to the plea agreement that attorney signed me into. Additionally, he misgendered me throughout his filings. He misinformed me about the case, and misrepresented my position. He commit extrinsic

fraud, "intentional misrepresentation or deception which deprives someone(s) of informed consent, full participation. or due process." I was denied my right to a fair trial and to due process due to extrinsic fraud against me I was not aware occurred under November 2022. I learned of this while I was trying to get help for the ICRC case, the surgeries that were being denied, and the Governor repeatedly performing multiple acts of defamation against transgender Iowans. I could not find help for any of these cases, and was completely overwhelmed while trying to manage all of this and keep up with school at DMACC. It was horrible stressful and caused intense emotional pain and suffering.

- I was defrauded. Fraud is “Anything calculated to deceive another to his prejudice and accomplishing the purpose, whether it be an act, a word, silence, the suppression of the truth, or other device contrary to the plain rules of common honesty. 23 Am J 2d Fraud § 2.”<sup>2</sup>
- Extrinsic fraud is “intentional misrepresentation or deceptive behavior outside the transaction itself (whether a contract or a lawsuit), depriving one party of informed consent or full participation” (Black's Law Dictionary 10<sup>th</sup> Ed.). For the purpose of a ground of equitable relief against a judgment, fraud which has prevented a party from having a trial, from presenting all his case to the court, or has so affected the manner in which the judgment was taken that there has not been a fair submission of the controversy of the court. *Farley v Davis*, 10 Wash 2d 62, 116 P2d 263, 155 ALR 1302. <sup>3</sup>

68. Although the City of Ames issued me \$1500 and an apology letter for case #SMSM062317, the State and/or City of Ames neglected to enter the letter or any acknowledgment of their wrongdoing into the docket. The attorney was untruthful with me; there was no precedent set. I was given a sheet of paper (apology letter) and lied to – told that I set a

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2 Ballantine's Law Dictionary with Pronunciations Third Edition by James A. Ballantine (James Arthur 1871-1949). Edited by William S. Anderson. © 1969 by THE LAWYER'S CO-OPERATIVE PUBLISHING COMPANY. Library of Congress Catalog Card No. 68-30931

3 Ballantine's Law Dictionary Legal Assistant Edition by Jack Ballantine (*James Arthur 1871-1949*). Doctored by Jack G. Handler, J.D. © 1994 Delmar by Thomson Learning. ISBN 0-8273-4874-6.

precedent when in fact the case was swept under the rug by the attorney and the state. I was left under the impression that all three charges (for both cases) was dropped, and that the letter apology letter was an acknowledgment of wrongdoing in relation thereto. The charges to my criminal record which ought not exist shows that the local County Attorney and pro bono attorney entered into an agreement I was not made aware of which left me suffering the collateral damage for their wrongdoing.

69. I discovered Judge Van Marel was required to recuse himself from the 2009 assault lawsuit, and that he in fact held bias against me. I did not know that Judge Steven Van Marel directed Officer Marshall of the Ames PD to arrest me for trespassing into the restroom, back in 2006, and that my the man representing me (it is hard to call him my attorney because he did not represent my position) did in fact file a motion for Judge Van Marel to recuse himself from that case. Based upon Judge Van Marel's abuse of power against me in the 2009 case, I now know that he was one of the "local officials" the Ames Police officer had warned me about in § 5 of this lawsuit. Even if the officer did not know Judge Van Marel was involved with malicious acts against me with regard to the warning he gave me, it is apparent that he was in fact a co-conspirator with regard to committing extrinsic fraud against me in a manner which violated my right to a fair trial. I filed a complaint with the Iowa Judicial Qualifications Commission against Judge Van Marel as soon as I found out, however the Commission took no disciplinary action. Despite the previous motion to recuse which I was never told about, and his role in case #SMSM062317 which I was never told about, Judge Van Marel did not recuse himself in 2009 during case #SMSM06655, as required by Iowa Code. Jud. Cond. Rule 51:2.11: "A judge shall disqualify himself or herself in any proceeding in which the judge's impartiality might

reasonably be questioned...." The Rule does not specify that a motion must be filed by a party involved in the action. It is expected of the Judge to honorably recuse on their own volition.

70. I filed a complaint with the Attorney Disciplinary Board after I discovered the attorney had defrauded me, however they took no action. See [ATTACHMENT Q – letter from Atty. Disciplinary Board](#).

71. The State recklessly endangers attorney clients, enabling misconduct to occur. The State of Iowa, within the Rules of Professional Conduct, does not require attorneys to obtain clients' signatures in order to change their pleas or file motions (attorneys aren't required to submit motions to their clients for review). In an email between myself and the attorney, he claimed that I verbally consented to allow him to do this, which I absolutely would not have. It is negligent on the part of the state – a failure of the law – to not require signatures of clients for major decisions such as entering into a plea deal. Requiring a signature on a contract is a basis for U.S. Law, and frankly just good practice the State of Iowa ought require. Attorneys especially should not be exempt from contract law with regard to changing pleas. Additionally, clients ought be required to review any and all paperwork filed on our behalf. We have a “right to review” which needs to be provided by statute within the Professional Rules of Conduct in order to prevent others from being harmed in the same and/or similar manner that I was. The State of Iowa does not require attorneys to offer clients the opportunity to review paperwork prior to submission. The state's negligence recklessly endangers lay persons who are not knowledgeable in the law, especially young people who are just out of high school, and who are not taught even the basics of law in Iowa's schools. The State's negligence and/or willful disregard enables attorneys to commit fraud, and leaves defrauded clients without recourse because it puts us into a

he-said/she-said situation. When such fraud occurs, it is likely other victims do not discover the wrongdoing until years later, if they discover it at all.

72. Iowa Code § 802.5 establishes an extension of the limitations period for fraud cases and cases of fiduciary breach "within one year after discovery of the offense by an aggrieved party". Also both the *discovery rule* and *doctrine of equitable tolling* extend limitations periods in cases wherein fraud was not detected until after the plaintiff discovered the evidence. I did not discover evidence that the attorney, Judge Van Marel, and Officer Marshall defrauded me until November 2, 2022, after ordering copies of the dockets in order to attempt to clear these unjust charges from my record. According to Black's Law Dictionary 10<sup>th</sup> Ed, the discovery rule sets forth, "[A] limitations period does not begin to run until the plaintiff discovers (or reasonably should have discovered) the injury giving rise to the claim. The discovery rule usually applies to injuries that are inherently difficult to detect." The doctrine of equitable tolling sets forth, "that the statute of limitations will not bar a claim if the plaintiff, despite diligent efforts, did not discover the injury until after the limitations period had expired, in which case the statute is upended or tolled until the plaintiff discovers the injury. Equitable tolling does not require misconduct such as concealment by the defendant. It has been held that equitable tolling applies principally if the plaintiff is actively misled by the defendant about the cause of action or is prevented in some extraordinary way from asserting his or her rights. However, it has also been held that the equitable tolling doctrine does not require wrongful conduct on the part of the defendant, such as fraud or misrepresentation." The limitations period for these cases began to run in November 2022, at which time I discovered I was defrauded. The limitations period ought also be further extended

due to the complex nature of this case, and the fact that numerous successive State actions on both the local and statewide levels have caused me multiple injuries, for which I have been unable to secure legal representation or advocacy due to financial reasons and due to the political culture we currently live in, which is generally hostile toward transgender people, and defensive of discriminatory practices by businesses and state actions. Inability to file a timely action was exacerbated by the years of homelessness I endured, and the complexity of the courts themselves.