**From:** super nova
**To:** raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; galaxy_454@yahoo.com; 1guitard.as@gmail.com
**Subject:** KNOW JUSTICE; KNOW PEACE #5
**Date:** Friday, May 22, 2020 2:09:04 PM

---

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---

BTW: I'm starting a new thread that last one was getting too large to open easily...

Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist



Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist

The Washington Times http://www.washingtontimes.com

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===

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QUANTUM ENTANGLEMENT THEORY



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" Quantum entanglement is a physical phenomenon that occurs when pairs or groups of particles are generated or ...

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Flooding in Minnesota





**Flooding in Minnesota**

US Department of Commerce, NOAA, National Weather Service

[Farmers overrun with dead livestock during coronavirus pandemic aren’t sure what to do]



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Sophie Kevany

US government vets said to be ready to assist with culls, or

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**Subject:** Re: KNOW JUSTICE; KNOW PEACE #5
**Date:** Friday, May 22, 2020 2:25:26 PM

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

And if you think that'smind blowing check this out:
2004 TSUNAMI/GAMMA RAY BURST CONNECTION?



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Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

TERRORIST SEAGRAVE ~ X-13

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**Millions of farm animals culled as US food**

**supply chain chokes up**

Sophie Kevany

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| | |
|---|---|
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| **To:** | raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova |
| **Subject:** | Re: KNOW JUSTICE; KNOW PEACE #5 |
| **Date:** | Friday, May 22, 2020 2:28:35 PM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

"I am not prefect" haha Yes I need to proof read a little more; but I am in a bit of a hurry today...

On Friday, May 22, 2020, 2:25:20 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

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[redacted]

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Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

**From:** Jill Asher
**To:** Council, City; Human Relations Commission; board@pausd.org
**Subject:** Please continue to keep the Think Fund active
**Date:** Friday, May 22, 2020 5:11:53 PM

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

Dear Palo Alto City Council, Palo Alto Human Relations Commissioners, and Palo Alto School Board,

We are writing to you on behalf of the Magical Bridge Foundation to plead with city leadership to reconsider cuts to vital services during this unprecedented time. While we understand and appreciate that many cuts to the budget need to happen, we want to underscore the urgent need of our most vulnerable living in Palo Alto and highlight the ways in which our disabled community in Palo Alto is not being served.

Even prior to the pandemic, children and adults living with visible and invisible disabilities have been receiving virtually no programs and inadequate support from our city. Children and teens with significant disabilities have not had any thoughtful educational options provided to them since the stay-home ordinance took place. And, regarding community options, Palo Alto's ENJOY catalog has yet to offer any meaningful recreational options for those living in our town with disabilities. As a result, families with children and teens who pay property taxes to live in a community that views "inclusion" are actually living in the reality of being excluded.

After the Magical Bridge playground opened in 2015, Magical Bridge Foundation was formed in 2016 so that families had a place that welcomed their whole family, especially if that included a disabled child. Thanks to generous donors, we are proud to have been able to serve every "body" through our on-site play space, intergenerational programming teen activities. With the ongoing media interest and generous coverage about our playground and companion programs, the City of Palo Alto has enjoyed recognition as a city that values all its families. While we want to continue shining a light on Palo Alto's spirit of generosity, we need the City to join our efforts to finance and provide recreational programming to include the various abilities that make up our community.

Inclusion and innovation is part of our organizational DNA, and our response to COVID-19 has been no different. Since the pandemic erupted mid-March, Magical Bridge Foundation immediately responded by offering a consistent activity that our community desperately needed. Since March 21st, Magical Bridge has been hosting daily FREE, family-friendly, sensory-friendly virtual concerts on our Facebook Page. This has been happening every single day, and most virtual concerts average 500+ views (some have even reached over 4k viewers). With no funding or support from the city *(we were declined from the Emerging Needs Fund),* we identified a private donor who sponsored the concerts through May 31,

2020. Sadly, these concerts are coming to an end because we can no longer pay our performers, who have also lost their livelihood due to the pandemic. We were proud to have been able to offer these intergenerational concerts, and financial compensation to our local performers, every day, for almost 3 months.

Earlier in the year, several city staff members who appreciated the impact of our Teen Kindness Ambassador program encouraged our many teens to apply for the Think Fund grant. We mobilized quickly, partnered with key Palo Alto nonprofits on the front line during the pandemic -- and thoughtfully applied for grants that would profoundly benefit those in most need. These grants would empower our Palo Alto teens and future leaders to mobilize the community and help local nonprofits during these challenging times.

We supported these applications with the encouragement of city leaders, and asked our teens to create and identify projects, and complete the application, which they did. Despite this early encouragement, we have no idea where these projects stand. Our teen volunteers are now left in limbo with little to no communication from the Think Fund grant -- and the inability to move their leadership projects forward without the small funding needed. Our Kindness Ambassadors include over 50 middle school and high school local students (most, from Palo Alto) who come together in a collaborative way to connect and serve this community. Many of our teen volunteers have disabilities and being in a place where they truly belong as valued members of *this community* is real "magic."

Specifically, our Palo Alto teens applied for a grant to:

- **Support Life Moves.** Our teens would collect toiletries from neighbors and the community, which would be used at the homeless shelter (showers) at the Opportunity Center. This would include shampoo, soap, wipes, toothpaste and essential items needed by our homeless population

- **Support Palo Alto Jewish and Family and Children's Services (JFCS) Food Pantry**. Our teens would be working to collect canned food that would be delivered to Seniors in need of these essential items.

- **Support Palo Alto's Abilities United/Gatepath disabled artists and preschool students.** Our teens would work to collect paints, brushes, canvases for the disabled artists who are no longer able to use the studio --- and collect books and toys for low income, disabled preschool families who are falling further behind because they are not in school.

- **Train Kindness Ambassadors in an innovative new learning program, called "Active Learning"** as a way to serve the most marginalized population in our

community. Since never PAUSD nor the City of Palo Alto have provided thoughtful solutions for Palo Alto teens on the lowest developmental levels, several state-certified therapists prepared a specific program for our teens to understand the principles of Active Learning so that once safe, these teens will apply their training to work with several families who are eager to work with us.

We understand that these are unprecedented times that require difficult and sometimes painful decisions for every city government. We also know you value protecting our most vulnerable citizens. We sincerely hope that at the very minimum, you will continue to fund Think Fund grant and our four projects, which will make a positive impact on those who are in need in our beloved community.

Warm regards,

Magical Bridge Foundation
Jill Asher, Olenka Villarreal, Maria Hassid

--
Jill Asher
Executive Director
650-520-8512



--
*My TEDx Talk about Magical Bridge*
**Connect with Magical Bridge on:**
*Facebook: https://www.facebook.com/magicalbridge*
*Twitter: https://twitter.com/magicalbridge*

| | |
|---|---|
| **From:** | Susanne Bentley |
| **To:** | sixth.district@jud.ca.gov; supreme.court@jud.ca.gov; hotline@hudoig.gov; heidi.yauman@heidiyauman.com; housing@sanjoseca.gov |
| **Cc:** | cindy.chavez@bos.sccgov.org; mccomas.b.c@gmail.com; bill@sdap.org; galaxy_454@yahoo.com; Markham Plaza Tenant Association; Cary Andrew Crittenden |
| **Subject:** | Murder concealed from Civil Grand Jury investigation |
| **Date:** | Saturday, May 23, 2020 10:43:06 AM |
| **Attachments:** | crittenden_interview-robert-ridgeway.wav<br>Grand-Jury-Investigation-Public-Guardian-Santa-Clara-County.pdf<br>Habeas Corpus Cary Andrew Crittenden Civil Grand Jury Public Guardian.pdf<br>Perjury_and_false_police_report_detective_david_carroll.pdf<br>Reasonable Acco LETTER - Copy.pdf<br>RICKY STEWART.docx<br>WORLD-EMAIL-DISTRIBUTION-LIST.pdf |

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So Jason Smith was not allowed to testify was he? He was harassed, threatened and attacked like the others!!

Judge Manoukian's bailifs stood outside Judge Chatman's court rooom to prevent the public from entering the court room.

In December of l2019, another Markham Plaza resident who had participated in the public safety initiative was driven to suicide with the help of Brian McComas. ( He left behind suicide note *(s)* )

He had been been in contact with several coaition organizattions via email through his bootmootin email regarding the Markham Plsza attacks and docuented the events leading up to his suicide.

> **Sent:** Saturday, May 09, 2020 at 5:42 PM
> **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **To:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, security@heidiyauman.com
> **Cc:** sixth.district@jud.ca.gov, jeremy.pruitt@activist.com, mccomas.b.c@gmail.com, hotline@hudoig.gov, caryandrewcrittenden@icloud.com, sylvia.mcdonald@ido.sccgov.org, heidi.yauman@heidiyauman.com, scott.largent@heidiyauman.com, news.room@sanjosebusiness.news, moneal@pdo.sccgov.org, fairhousing@usdoj.gov
> **Subject:** Question for Jason Smith - ( Re: Court Testimony )
>
> Jason,
>
> Thank you for confirming that the Markham Plaza Tenant association was created on January 1st, 2016, 6 days after Mr. Crittenden was arrested, which was 12/25/15.
>
> When you testified in Mr. Crittenden's trial, did you at any time state on the record that the Markham Plaza Tenant association was formed on 01/01/16
>
> Mr. Brian McComas is claiming that the date is different. Do you believe that the court transcripts may have been altered to change the date on the trial court records?
>
> Did the correctional officers at the San Jose Main Jail have an issue with the Markham Plaza Tenant association meeting at Elmwood?
>
> Has anyone accused you of commiting perjury or forgery?
>
> https://www.cityofpaloalto.org/civicax/filebank/documents/68966
>
> https://www.cityofpaloalto.org/civicax/filebank/documents/67161
>
> https://www.youtube.com/watch?v=gCIErv3kS2w

https://www.youtube.com/watch?v=jVF62zekVwM

https://www.youtube.com/watch?v=f5R57jWPb54

Susanne

**Sent:** Saturday, May 09, 2020 at 3:49 PM
**From:** "Susanne Bentley" <senior.affairs@groupmail.com>
**To:** mccomas.b.c@gmail.com, socialmedia1953@gmail.com
**Cc:** bill@sdap.org, "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, mastermind.it.jason@gmail.com, sylvia.mcdonald@ido.sccgov.org, celliot087@gmail.com, james.williams@cco.sccgov.org, william.bennett@scscourt.org, sam.liccardo@sanjoseca.gov, sixth.district@jud.ca.gov, schatman@scscourt.org, heidi.yauman@icloud.com, hud-pihrc@tngusa.net
**Subject:** Jason Smith's Court testimony prior to August 8th attack?

Mr. McComas,

You falsified the record on appeal as tho when the Markham Plaza tenant associoation was formed and you also claimed that the Markham Plaza Tenant association was blame for Mr. Crittenden being accused of violating OR.

**When Jason Smith testifed in Mr. Crittenden's trial, did he state on the record that Mr. Criitenden had been assigned to lead the lioson team to U.C. Berkeley Law School?** When was this assignment given and who was the investigator from the Pruit-Nassie team who Crittenden was assgned to coordinate with on this project? Did this investigator also coordinate with Team Reyes? If so, to what scope and capacity and what have you done with the investigative reports?

Did you discuss this issue on January 9th, 2018 with Judge Sharon Chatman?

https://www.cityofpaloalto.org/civicax/filebank/documents/68966

https://www.cityofpaloalto.org/civicax/filebank/documents/67161

What happened to the discovery package in case c149322? Why is it still missing?

Susanne

**Sent:** Tuesday, March 24, 2020 at 11:08 PM
**From:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
**To:** "Susanne Bentley" <senior.affairs@groupmail.com>
**Subject:** Re: Attorney Brian McComas falsifying records about Markham Plaza Tenant Association & EAH Housing murders

The Markham Plaza Tenant Association was created 1-1-2016 with my first Fair Housing Advocate work helping a tenant with a reasonable accommodation request to not be evicted during for more time to find housing which I submitted to EAH Inc's Housing Attorney Todd Rothbard on March 30, 2016 by email on her behalf and which

was my best success as Todd Rothbard did approve the Reasonable Accommodation Request in full.

He should since he wrote the Reasonable Accommodation template that I asked for and got from his secretary.

After that it got more difficult as management would either not send it to the attorney or they would harass the tenants and  even forge a tenants Request for verification of Reasonable Accommodation by writing in 6 weeks instead of 6 months and then saying it was The Who wrote that in but she came to me right after and I made copies and told her to have both the modified date by Shelsy Bass and the Blank one Verification form signed by the health professional. I have samples of both of their hand writings and it's not even close it's definitely Shelsy Bass's hand writing.

The details are mostly chronicled in the letter from John A. List titled Letter to Smith attached. Take a look on page 8 where Mr. List claims that they can't shut off the alarms do to the Fire Code and The Building Plans. The 80 Decibel alarm of 4 quick blasts that went of 20 to 80 times a day then shut off, offering no identification of a threat to safety.

Then on page 9 he writes that he has just been informed by EAH staff that they did turn off the alarms do to my and other residents complaints. Which is bull it's because my grievance said that the alarms did nothing to help protect the tenants but did interrupt their right to quiet peaceful enjoyment of their home and that it kept tenants from getting uninterrupted sleep and that thiruas type of alarms were used in third world countries to break down prisoners of wars wills and to brain wash them.

John A list either perjured himself or he was finking on his client EAH Inc that was violating the Fire Code and putting the building and the tenants in jeopardy.

Sometimes they approve a Reasonable Accommodation Request for an apartment change like the one in file 7-27-2016 - cost 500 dollars... but the approval comes with a tenant cost of $500 this is what happened to Rhonda Engle who came to me because she could not afford the $500 and shortly after died on 4-24-2018 because Lester the property supervisor called and offsite meeting and took all staff and 911 was called at 9 am for Rhonda and the EMT's and Police showed up shortly after but there being no staff on site they looked and waited over an hour before a maintenance guy was sent back and he gave them the key but when they opened her apartment it was too later Rhonda Engle was dead due to gross negligence by Lester Fontecha the property supervisor and though I complained to HUD, San Jose Housing Department and DFEH nothing was ever done and Lester still supervises the 19 properties in San Jose owner by Core Developments and managed by EAH Inc.

I have on good authority that Robert Moss's Reasonable Accommodation to move to the first floor for health reasons was approved just like Rhonda Engle that is approved but at a Tenant cost of $500 shortly before he died in apartment #409 right before Rhonda Engle moves into apartment #409 and the same thing happens to her.

Yes they violate every possible law and regulation and the City of San Jose and the County of Santa Clara deny the tenants their 14th amendment right to equal access under the law by not enforcing any law or protection for the tenants including the San Jose Tenant Protection Ordinance and HUD regulations or state affordable housing laws.

Markham plaza is not affordable at a flat rent price of $729 and has never been affordable as the original rent in 2003 was a flat $500 this is corruption and this project was founded on corruption the law states that it is all a false claim from day one and al subsidies are to be paid back in full.



7-27-2016 - cost 500 dollars…

Letter to Smith - 10.4.17 (00…

On Tue, Mar 24, 2020 at 10:51 AM Susanne Bentley <senior.affairs@groupmail.com> wrote:

> Jason,
>
> Attorney Bran McComas claims that you are lying about the date the Markham Plaza Tenant association wasw formed. Her is falsifying court records saying thatb you had aleady established the Markham Plaza Tenant association way bac in 2012 when Robert Moss was murdered!!!
>
> Please confirm when Markham Plaza Tenant association was created
>
> > **Sent:** Tuesday, March 24, 2020 at 5:22 PM
> > **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> > **To:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
> > **Cc:** "kenneth ditkowsky" <kenditkowsky@yahoo.com>, "Jason Smith" <mastermind.it.jason@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.ru>, "Cindy Alvarez" <cindy.alvarez@mail.com>, "Andrea Nunn" <andrea@creatv.media>, Citylab <pitches@citylab.com>, "Linda Kincaid" <cedarcalifornia@gmail.com>, compliancereview@hcd.ca.gov, "Joanne Denison" <joanne@denisonlaw.com>, "Maya Esparza" <district7@sanjoseca.gov>, "emma loop" <emma.loop@buzzfeed.com>, Fairhousing <fairhousing@usdoj.gov>, "Madeline Howard" <mhoward@wclp.org>, hotline@hudoig.gov, housingservices@healthtrust.org, "Justice In Aging" <info@justiceinaging.org>, jeremy4justice@activist.com, "Joe Litigant" <rua@uglyjudge.com>, "Jennifer Wadsworth" <jenniferw@metronews.com>, "Kate Walz" <katewalz@povertylaw.org>, "Scott Largent" <scottlargent38@gmail.com>, "Maura Malone" <whistleblower@hudoig.gov>, hud-pihrc@tngusa.net, rsalonga@bayareanewsgroup.com, "Stivers, Mark" <mark.stivers@treasurer.ca.gov>, "Jason Smith" <markhamplazarc@gmail.com>
> > **Subject:** Re: DRE CASE NO. 519-1119-001 EAH Inc.
> >
> > > **Sent:** Tuesday, February 25, 2020 at 6:49 PM
> > > **From:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
> > > **To:** "kenneth ditkowsky" <kenditkowsky@yahoo.com>
> > > **Cc:** "Jason Smith" <mastermind.it.jason@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.ru>, "Cindy Alvarez" <cindy.alvarez@mail.com>, "Andrea Nunn" <andrea@creatv.media>, Citylab <pitches@citylab.com>, "Linda Kincaid" <cedarcalifornia@gmail.com>, compliancereview@hcd.ca.gov, "Joanne Denison" <joanne@denisonlaw.com>, "Maya Esparza"

<district7@sanjoseca.gov>, "emma loop" <emma.loop@buzzfeed.com>, Fairhousing <fairhousing@usdoj.gov>, "Madeline Howard" <mhoward@wclp.org>, hotline@hudoig.gov, housingservices@healthtrust.org, "Justice In Aging" <info@justiceinaging.org>, jeremy4justice@activist.com, "Joe Litigant" <rua@uglyjudge.com>, "Jennifer Wadsworth" <jenniferw@metronews.com>, "Kate Walz" <katewalz@povertylaw.org>, "Scott Largent" <scottlargent38@gmail.com>, "Maura Malone" <whistleblower@hudoig.gov>, hud-pihrc@tngusa.net, rsalonga@bayareanewsgroup.com, "Stivers, Mark" <mark.stivers@treasurer.ca.gov>, Susanne <senior.affairs@groupmail.com>, "Jason Smith" <markhamplazarc@gmail.com>
**Subject:** Re: DRE CASE NO. 519-1119-001 EAH Inc.

Thank you Ken,

The complaint # CASE NO. 519-1119-001 EAH Inc. is that EAH is an Illegal Property Mangaement company as the original DRE complaint # H-11882 SF accused and of 4 properties in San Jose managed by EAH, I complained that the same was being done at Markham Plaza and then amended all properties that EAH Manages.

The EAH illegal Prop Mgmt as no DBA for Sierra PM which shutdown cause DRE reopen PUPM(3).PDF shows the details of the illegal Sierra Property Management which DRE complaint # H-11882 SF required them to shut down and how it was just reopened as Pacific Union Property Management with same staff and more agents shows a lack concern or of California DRE's legal authority.  The illegal property management is to subvert income taxes and regulatory authority.

This document is highlighted showing the relevant data.

Any further questions do not hesitate to ask.

Jason Smith
Markham Plaza Tenant Association
669-244-3169

https://www.facebook.com/markhamplazata/F

On Tue, Feb 25, 2020 at 7:43 AM kenneth ditkowsky <kenditkowsky@yahoo.com> wrote:

> I cannot ascertain from the e-mail exactly what the complaint is concerning the Real Estate firm; however, most corporations that deal in Real Estate - i.e. sell, service, finance, et al have to comply with various State statutes to be licensed. In addition many of the operators of the corporations also have to be licensed.
>
> In most states, the licensing bureau has a complaint section. If you have a grievance, a short concise and accurate statement of the grievance is enough to obtain a meeting with an officer of the complaint section to determine if a violation of the licensing statute exists. If it does, then an administrative hearing follows to determine if the license of the offending corporation (and its operators) should be continued.
>
> Further, most states take great care to protect consumers from being defrauded. The consumer fraud section is usually associated with the Attorney General's office. Here again the process starts with a short, clear, concise and accurate letter of complaint. - Always remember the person reading your complaint usually has zero knowledge of the facts, no imagination, and zero tolerance for strings of unsubstantiated allegations. Thus, you have to cite facts =without self serving conclusions - that manifest themselves in a violation of law.
>
> *Ken Ditkowsky*
>
> *www.ditkowskylawoffice.com*
>
> On Tuesday, February 25, 2020, 08:38:21 AM CST, Jason Smith <markhamplazarc@gmail.com> wrote:
>
> MPTA complaint to DRE about EAH being an Illegal property management firm

--
Jason Smith
Markham Plaza Tenant Association

Fair and Healthy Housing for all
markhamplazata@gmail.com
408-706-1889

**RICKY L. STEWART et al., Plaintiffs and Appellants,**
**v.**
**COUNTY OF SANTA CLARA et al., Defendants and Respondents.**

No. H043765.

**Court of Appeals of California, Sixth District.**

Filed December 13, 2018.

Appeal from the Santa Clara County, Superior Court No. 1-13-CV257821.

# NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

BAMATTRE-MANOUKIAN, J.

This case arises out of the March 2013 eviction of the former owner and three sets of tenants from their homes. Fred F. Farahani, had lost title to 1650 Pomona Avenue, San Jose (the property) through foreclosure in January 2013. Farahani's tenants were Ricky L. Stewart, Julie A. Stewart, and Seth D. Stewart (collectively the Stewarts); Paulette S. Whelan; and Alex B. Ablitz.

After the foreclosure, the new owner, Ronald A. Floria, obtained an unlawful detainer judgment against Farahani. Farahani's tenants were not named in the suit or in the judgment, and they asserted they had no knowledge of either. The Sheriff of Santa Clara County (Sheriff) thereafter evicted Farahani and his tenants.

Farahani's tenants (collectively plaintiffs) filed suit against Floria, the Sheriff, and the County of Santa Clara (County). The Sheriff and the County (collectively defendants) filed a motion for summary judgment, or in the alternative, a motion for summary adjudication of claims. The court granted defendants' motion for summary judgment, finding that (1) the Sheriff had acted properly under the law in serving the eviction notice and thereafter enforcing the writ of execution to evict the property's occupants, and (2) defendants were in any event statutorily immune from liability. Plaintiffs appeal from the judgment entered on that order.

Plaintiffs argue on appeal that the trial court erred. They assert that their respective occupancies of the property were protected by state and federal law. They contend that although a sheriff or other ministerial officer is empowered under Code of Civil Procedure section 262.1[1] to execute writs that are "regular on their face," any such regularity here was belied by the fact that when the Sheriff proceeded to evict the occupants of the Property, the Sheriff became aware there were occupants of separate rental units, whose

identities and units were not described in the writ of possession. Plaintiffs contend they had resided in separate "premises" from those occupied by Farahani, and because the writ of possession did not expressly include plaintiffs' rental living units, eviction against plaintiffs was improper.

Based upon our de novo review of the trial court's summary judgment order, we conclude there was no error. We will therefore affirm the judgment entered in favor of defendants.

# I. FACTUAL BACKGROUND

The underlying facts in this case, as developed in the papers filed below in support of and in opposition to defendants' motion for summary judgment, are largely undisputed and are presented below.

## A. Property and Parties

The property consists of a parcel with a single street address that is approximately three-quarters of an acre in size with a large Victorian home on the parcel. Farahani formerly owned the property. In 2007, he encumbered it with a mortgage in favor of Floria. Farahani defaulted on his loan from Floria, and in January 2013, Floria acquired title to the property at a trustee's sale following nonjudicial foreclosure.

The Stewarts had resided on the second floor of the Victorian home for approximately five and one-half years and had a separate, lockable entrance. The Stewarts accessed their living areas by a common staircase.

Ablitz and his niece had also lived on the second floor of the Victorian home in two rooms with separate, lockable entrances. Ablitz's niece accessed her room by a common staircase also used by the Stewarts, and Ablitz accessed his room by a separate staircase in the back of the house. They had lived there for approximately five years.

Whelan lived in her travel trailer which was stationed behind the Victorian home. She had access to a bathroom and kitchen area inside the house. She had lived there for approximately six years.

Plaintiffs paid rent to Farahani pursuant to their respective living arrangements on the property.

## B. Unlawful Detainer

Farahani continued to remain in possession of the property after Floria acquired it through foreclosure in January 2013.[2] Floria accordingly caused to be served upon Farahani on or about January 31 a three-day notice to quit and deliver possession of the property. On February 5, Floria filed a complaint for unlawful detainer, naming Farahani as defendant. The trial court thereafter on or about March 13 entered judgment in favor of Floria, awarding him possession of the property.

## C. Eviction — March 27, 2013

On March 13, the court issued a writ of possession to enforce the unlawful detainer judgment, naming Farahani as judgment debtor. It was received by the Sheriff on March 14. The Sheriff then prepared for service two forms, namely, a five-day notice of eviction form and a claim of right to possession form.

On March 14, Robert Vrscaj, a legal process officer employed by the Sheriff, traveled to the property to serve the two forms. Deputy Vrscaj observed that the property was surrounded by four walls and the front entrance was enclosed by a seven- to eight-foot tall solid gate. The home was not visible from the sidewalk. The property had one mailbox. From Deputy Vrscaj's observation of the mailbox, it did not appear there were separate residences existing on the property. Deputy Vrscaj was not able to gain access to the property, and no one responded at the gate to permit his entry.[3] He therefore posted the notice of eviction and the blank claim of right to possession forms on the front gate "by taping [them] firmly to the gate in plain view of anyone who would subsequently enter or exit the property." After returning to the office, Deputy Vrscaj mailed copies of the notice of eviction and blank claim of right to possession forms to Farahani at the property address.

On March 19, the Sheriff received a claim of right to possession filed by Farahani, as conservator, on behalf of his adult disabled son, David Farahani (David), alleging that David was not a tenant but had resided on the property with his parents since 2009. There were no such claims filed by anyone else asserting a right to possession of the property.

On March 27, the Sheriff received a certified copy of the minutes reflecting the court's denial of David's claim of right to possession and ordering the immediate enforcement of the writ of possession. The Sheriff proceeded to evict all occupants of the property on March 27. At the time the eviction was carried out, the Sheriff was presented with no written claims of right to possession.

## D. Plaintiffs' Involvement in Eviction

As recited in their opposition filed below, plaintiffs had no knowledge of the unlawful detainer proceeding involving their landlord, Farahani, at any time prior to their eviction. They claimed that Floria had been fully aware that plaintiffs were tenants residing in separate units of the property at the time he commenced unlawful detainer proceedings against Farahani. Plaintiffs were never served by Floria with any notices, such as notices to quit or termination of the tenancies for the property. Likewise, they did not observe any notice of eviction posted on the property, nor were they otherwise aware of such posting.

Plaintiffs first became aware of the eviction proceedings on March 27, when the Sheriff entered the property and advised them that they would have to leave their homes. At the time, each of the plaintiffs protested that they were living at the property under their respective rental arrangements with Farahani.

# II. PROCEDURAL BACKGROUND

# A. Complaint

Plaintiffs filed suit against Floria,[4] the Sheriff, and the County on December 16, alleging six causes of action: (1) wrongful eviction; (2) intentional infliction of emotional distress; (3) negligent infliction of emotional distress; (4) abuse of process; (5) wrongful death of Julie A. Stewart; and (6) conversion.

Plaintiffs allege that the claims asserted in the complaint arose out of the intentional and negligent acts of defendants in evicting plaintiffs from their separate residential living units on the property without prior notice or due process of law. Plaintiffs lived for a period of years in separate rental housing units on the property, with the Stewarts and Ablitz living in the large Victorian home and Whelan living in her travel trailer.

In January, Floria concluded foreclosure proceedings through a trustee's sale, thereby becoming the owner of the property. On or about February 1, Floria caused a Three-Day Notice to Quit to be served upon the former owner of the property, Farahani. Floria did not serve any such notice on plaintiffs. He then brought an unlawful detainer suit against Farahani. Plaintiffs allege that, at the time, Floria was aware there were tenants residing on the property but "completely disregarded" them.

Floria obtained a judgment in the unlawful detainer action in March. He then procured from the court a writ of execution. The Sheriff posted a Five-Day Notice to Quit on the perimeter of the property, but plaintiffs were unaware of the posting prior to their evictions. After that posting, Farahani, on behalf of his disabled son, David, presented a claim of right to possession; the court denied that claim. On March 27, Floria induced the Sheriff to evict all persons located on the property regardless of their status as tenants residing in separate units on the property and "without regard to [plaintiffs'] vociferous protests and assertion of their rights to possession."

In the first cause of action for wrongful eviction, plaintiffs alleged that Floria failed to provide them with any notices whatsoever before they were evicted, in violation of state and federal law. Floria was aware at all times when he was seeking possession that Farahani had tenants living in separate units on the property, but Floria ignored plaintiffs' presence. Floria's acts in violation of various statutes resulted in plaintiffs' being wrongfully evicted from their homes, causing them damage. Plaintiffs allege that the Sheriff and the County were precluded from removing anyone who claimed a right to possession before the unlawful detainer action was commenced if they had not been served with a summons, complaint and prejudgment claim of right to possession forms as required by law. There was no service upon anyone of any prejudgment claim of right to possession forms in the unlawful detainer action, and the Sheriff was aware of this fact at the time of the eviction. Plaintiffs protested to the Sheriff at the time of the eviction that they had no awareness of the unlawful detainer action and had been served with no notices concerning it. Plaintiffs allege that the Sheriff ignored statutory requirements and summarily removed plaintiffs.

# B. Summary Judgment

In August 2015, the Sheriff and the County moved for summary judgment, or, in the alternative for summary adjudication (summary judgment motion, or motion). Defendants contended there was no triable issue of fact supporting plaintiffs' claims because the Sheriff had complied with the statutory procedures for enforcing judgments of eviction and the Sheriff was in any event immune from liability. Plaintiffs opposed the motion.

The court granted summary judgment on October 30, 2015, concluding there were no triable issues of material fact and defendants were entitled to judgment. The court found that (1) the Sheriff had properly performed its statutory duties in serving the eviction notice and form claim of right to possession and had thereafter properly enforced the writ of possession after having received no executed claims of right to possession (other than David's, which had been denied), and (2) the Sheriff and County were immune from liability by statute, the order of the superior court (the writ of possession) appearing to have been regular and valid on its face.[5] A judgment was entered in favor of defendants on the summary judgment order on March 7, 2016. Plaintiffs filed a timely notice of appeal.

# III. DISCUSSION

## A. Summary Judgment and Standard of Review

"The purpose of the law of summary judgment is to provide courts with a mechanism to cut through the parties' pleadings in order to determine whether, despite their allegations, trial is in fact necessary to resolve their dispute." (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843 (*Aguilar*).) As such, the summary judgment statute, section 437c, "provides a particularly suitable means to test the sufficiency of the plaintiff's prima facie case and/or of the defendant's [defense]." (*Caldwell v. Paramount Unified School Dist.* (1995) 41 Cal.App.4th 189, 203, fn. omitted.)

The moving party "bears the burden of persuasion that there is no triable issue of material fact and that he is entitled to judgment as a matter of law." (*Aguilar, supra,*25 Cal.4th at p. 850, fn. omitted.) A defendant moving for summary judgment must "`show[ ] that one or more elements of the cause of action . . . cannot be established' by the plaintiff." (*Id.* at p. 853, quoting § 437c, subd. (o)(2).) A defendant meets its burden by conclusively negating an essential element of the plaintiff's claim. (*Guz v. Bechtel National, Inc.* (2000) 24 Cal.4th 317, 334.) Alternatively, a defendant meets its burden by submitting evidence "that the plaintiff does not possess, and cannot reasonably obtain, needed evidence" supporting an essential element of its claim. (*Aguilar, supra,* at p. 855; see also *Saelzler v. Advanced Group 400* (2001) 25 Cal.4th 763, 780.)

Since summary judgment motions involve pure questions of law, we review independently the granting of summary judgment to ascertain whether there is a triable issue of material fact justifying the reinstatement of the action. (*Wiener v. Southcoast Childcare Centers, Inc.* (2004) 32 Cal.4th 1138, 1142.) In doing so, we "consider[] all of the evidence the parties offered in connection with the motion (except that which the court properly excluded) and the uncontradicted inferences the evidence reasonably supports. [Citation.]" (*Merrill v. Navegar, Inc.* (2001) 26 Cal.4th 465, 476.) We need not defer to the trial court and are not

bound by the reasons in its summary judgment ruling; we review the ruling of the trial court, not its rationale. (*Kids' Universe v. In2Labs* (2002) 95 Cal.App.4th 870, 878.)

# B. Summary Adjudication of Wrongful Eviction Claim

## *1. Applicable Law*

Evaluating the merits of plaintiffs' wrongful eviction claim against defendants requires a review of (1) the statutory procedures for eviction proceedings, (2) statutes governing service of process associated with eviction proceedings, and (3) principles of statutory immunity applicable to officials serving process in connection with such proceedings.

The summary proceeding of unlawful detainer is defined in section 1161 et seq. The essential defendants in the unlawful detainer action are "the tenant of the premises and subtenant, if there be one, in the actual occupation of the premises when the complaint is filed." (§ 1164.) After a trial, if the jury (or the court, if tried without a jury) determines the cause in the plaintiff's favor, he or she shall receive judgment for possession of the premises. (§ 1174, subd. (a).) The judgment awarding possession to the plaintiff, however, does not automatically oust the tenant from the premises; the plaintiff must execute on the judgment through writ of possession procedures. (Friedman et al., Cal. Practice Guide: Landlord-Tenant (The Rutter Group 2017) ¶ 9:308; see also *Bedi v. McMullan* (1984) 160 Cal.App.3d 272, 276 ["judgment only establishes [the plaintiff's] entitlement to possession"; legal process through writ of possession is the means by which the plaintiff obtains actual possession].)

If the plaintiff prevails in an unlawful detainer action and receives judgment for possession, upon the plaintiff's request, "a writ of execution [writ of possession] shall be issued *immediately* by the court." (§ 1170.5, subd. (a), italics added.) After entry of such judgment and upon such application, the clerk of the court is required to issue a writ of possession which "shall be directed to the levying officer in the county where the judgment is to be enforced." (§ 712.010.) The unlawful detainer writ of possession must include, inter alia, a description of the property, and a statement that if the premises are not vacated within five days of service of the writ upon the occupant — or if it is posted, within five days of service upon the judgment debtor — the levying officer will proceed forthwith to remove the occupants and place the plaintiff in possession. (§ 715.010, subd. (b)(1),(2).)

Once the writ of possession is issued by the clerk and delivered to the levying officer, that "levying officer *shall* execute the writ in the manner prescribed by law." (§ 712.030, subd. (a), italics added; see also *Lyons v. Santa Barbara County Sheriff's Office* (2014) 231 Cal.App.4th 1499, 1503 (*Lyons*) [after issuance of writ, "the sheriff is statutorily required to levy on it"].) The levying officer (i.e., sheriff) is required to serve the writ on one occupant of the property. (§ 715.020, subd. (a).) If the sheriff is unable to effect personal service on the occupant, he or she is required to post a copy of the writ in a conspicuous place on the property and serve a copy (either personally or by mail) upon the judgment debtor. (*Id.,* subd. (b).) When the sheriff serves or posts the writ of possession, he or she is, in general, required to serve or post a form for a postjudgment claim of right to possession. (§ 715.010, subd. (c).)[6]

Occupants of the property not named in the writ of possession who claim a right to possession that accrued on or before the date of the commencement of the unlawful detainer action may formally challenge enforcement of the judgment (i.e., the eviction) by filing a postjudgment claim of right to possession. (§ 1174.3, subd. (a)(1);[7] see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) This is the statutory means by which an occupant not named in the unlawful detainer suit or judgment may assert his or her rights to prevent that occupant's eviction. (See *Cardenas v. Noren* (1991) 235 Cal.App.3d 1344, 1350 (*Cardenas*) [unnamed occupant, "before eviction . . . could have protected himself by presenting a claim of right to possession" under § 1174.3].)

A sheriff has statutory immunity for actions taken in execution of "process and orders regular on their face," even if there was a defect in the underlying proceedings. (§ 262.1;[8] see also Gov. Code, § 820.4 [no liability for public employee's "act or omission, exercising due care, in the execution or enforcement of any law"].) As the California Supreme Court has explained: "It is [the sheriff's] duty to execute the orders of the court unless they are patently irregular and void. [¶] In determining whether process and orders are `regular on their face' so far as the liability of such an officer is concerned, the following statement . . . is pertinent: `When we speak of process "valid on its face," in considering whether it is sufficient to protect an officer, we do not mean that its validity is to be determined upon the basis of scrutiny by a trained legal mind; nor is it to be judged in the light of facts outside its provisions which the officer may know. [Citations.] Unless there is a clear absence of jurisdiction on the part of the court or magistrate issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinarily intelligent and informed layman. To hold otherwise would mean that an officer must often act at his [or her] peril or delay until he [or she] has had an opportunity to search out legal niceties of procedure. . . . "A result subjecting [the officer] to constant danger of liability would be an intolerable hardship to him [or her], and inevitably detract from the prompt and efficient performance of his [or her] public duty."'" (*Vallindras v. Massachusetts Bonding & Ins. Co.* (1954) 42 Cal.2d 149, 154 (*Vallindras*).)

Thus, for instance, a sheriff executing process regular on its face issued by the bankruptcy court was found under section 262.1 to have been immune from liability for wrongful eviction in a suit brought by relatives of the debtors/tenants. (*George v. County of San Luis Obispo* (2000) 78 Cal.App.4th 1048, 1051, 1054 (*George*).) After the sheriff served the writ of possession issued by the bankruptcy court — the writ having not named the plaintiffs but only the debtors — the plaintiffs presented state-law claims of right to possession which the sheriff attempted to file with the bankruptcy court, which the court rejected. (*Id.* at p. 1050.) The appellate court concluded that "[s]tate unlawful detainer law [did] not apply, and the state must defer to the federal order of the bankruptcy court directing immediate surrender of the premises." (*Id.* at p. 1051.) But the *George* court found that, under section 262.1, the writ and the accompanying bankruptcy court order requiring that the debtors and those claiming possession through them immediately surrender possession of the premises were regular on their face, the sheriff properly deferred to the bankruptcy court that issued them, and "the [s]heriff had no authority to do otherwise and was justified in completing the execution of the [o]rder and writ of possession." (*George, supra,* at p. 1054; see also *Hayward Lumber & Inv. Co. v. Biscailuz* (1957) 47 Cal.2d 716, 722-724 [levying sheriff relying on certificate of court clerk, appearing to be regular on its face, that attachment had been partially dissolved, immune from liability].)

## 2. Propriety of Sheriff's Eviction of Plaintiffs

After judgment was entered in Floria's favor awarding him possession of the property, the court issued a writ of possession naming Farahani as the judgment debtor. The Sheriff received the writ on March 14, and the Sheriff was then, under section 712.030, subdivision (a), "statutorily required to levy on it." (*Lyons, supra,*231 Cal.App.4th at p. 1503.) The Sheriff then served the writ of possession in the manner prescribed by law — after finding no occupant upon whom personal service could be effected — by posting a copy of it along with a blank form claim of right to possession and mail-serving the judgment debtor, Farahani. (§ 715.010, subd. (b).) There was only one claim of right of possession thereafter filed — by Farahani, on behalf of his son, David — and it was denied by the court on March 27. And in the order denying David's claim, the court concluded: "IT IS HEREBY ORDERED that the Sheriff of Santa Clara County shall immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in this action." This order was consistent with section 1174.3, subdivision (g), which provides that, if a claim of right to possession is denied, "the court *shall* order the levying officer to proceed with enforcement of the original writ of possession . . . which shall be effected within a reasonable time not to exceed five days." (Italics added.) In compliance with the court's order, the Sheriff enforced the writ by evicting all occupants of the property on March 27.

The Sheriff acted in accordance with the law in enforcing the writ of possession. Indeed, it was legally obligated to perform its ministerial duties to enforce the facially valid orders of the court having jurisdiction over the matter. (See §§ 712.020, subd. (a), 712.030, subd. (a), 715.010, subd. (b)(1),(2), 1174.3, subd. (g).) Plaintiffs' arguments to the contrary are unavailing.

Plaintiffs contend that the writ of possession was not "regular on its face" as provided in section 262.1. Plaintiffs concede that "the writ may have appeared `regular on its face' to the Sheriff's employees when it was first received at the Sheriff's office." But plaintiffs assert that the regular process was transformed into an irregular one when the Sheriff carried out the eviction of the property's occupants on March 27, learning at that time there were persons not named in the judgment who occupied separate rental living areas. Plaintiffs cite no apposite authority to support this argument.

As a ministerial officer, "[a] sheriff . . . is justified in the execution of, and shall execute, all process and orders regular on their face" (§ 262.1), and "`[u]nless there is a clear absence of jurisdiction on the part of the court . . . issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinary intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) Here, there was no jurisdictional issue presented on the face of the writ of possession. Nor was there anything apparent from the writ that would lead an ordinary and intelligent layman to question its validity. Moreover, plaintiff's argument that the facially regular writ became irregular once the Sheriff enforced it and determined there were occupants not named in the judgment is contrary to the following principles enunciated by the Supreme Court: "The function of the marshal [sheriff] in an unlawful detainer proceeding is very limited — at no point does it include a determination of the merits of the underlying action. . . . [W]hen the marshal [sheriff] discovers an individual who is not named in the writ of possession of the premises under a claim of right, he [or she] is

not empowered, nor would he [or she] be equipped, to determine whether that person is bound by the previous judgment or had a facially valid claim to possession. . . . These determinations are properly the role of the courts." (*Arrieta v. Mahon* (1982) 31 Cal.3d 381, 392-393 (*Arrieta*).)

Plaintiffs' contention that the writ was irregular on its face also disregards the statutory scheme involving a challenge to a proposed eviction through the filing of a postjudgment claim of right to possession. The levying officer is required to serve a postjudgment claim of right to possession form at the time of service of the writ of possession. (§ 715.010, subd. (c).) This is the statutory method by which occupants unnamed in the unlawful detainer judgment or writ of possession are notified of the impending eviction and provided the opportunity to formally challenge it. (§ 1174.3, subd. (a)(1); see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) The unnamed occupant's failure to file a postjudgment claim of right to possession forfeits his or her challenge to the sheriff's enforcement of the writ of possession that is regular on its face. (*Cardenas, supra,* 235 Cal.App.3d at pp. 1349-1350.) Were plaintiffs' position correct, if a sheriff, attempting to perform its ministerial duties of enforcing a writ of possession, encounters an occupant unnamed in the judgment or writ, the sheriff would be required to suspend execution efforts in all instances, regardless of whether the occupant had filed timely a postjudgment claim of right to possession before eviction. (See § 1174.3, subd. (a)(1).) This would render the postjudgment claim of possession procedures meaningless.

It is further contended by plaintiffs that their eviction by the Sheriff was wrongful because the description of the property in the writ of possession was inadequate. They assert that the court erred in finding the description of the property in the writ "was sufficient to authorize the Sheriff to evict everyone who could be found upon the parcel address, regardless of whether some of the persons being evicted were residing in separate rental living units located on that parcel, and regardless of whether the occupants of such units had had any involvement in the underlying unlawful detainer proceedings against their foreclosed-upon landlord, or whether they or their units had been named in the writ — as they were not." We disagree with plaintiffs' assertion that the writ of possession inadequately described the property and that the Sheriff's enforcement of it was on this basis wrongful.

The writ of possession described the property by its street address, "1650 Pomona Avenue [¶] San Jose, CA 95110." (Capitalization omitted.) This was a sufficient description of the property subject to the writ of possession as required under section § 715.010, subdivision (b)(1). (Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:492 [description of premises need not be formal legal description; "a full and correct street address (including appropriate apartment/suite number) suffices"]; see also Cal. Landlord-Tenant Practice (Cont.Ed.Bar 2d ed. 2015) § 9.37 [allegation containing street address of premises in unlawful detainer complaint sufficient].) Plaintiffs' argument that the writ of possession was required to describe each rental unit located on the property (e.g., Farahani's residence on the first floor of the house, the Stewarts' and Ablitz's respective residences on the second floor, and Whelan's residence in her travel trailer on the property), is without legal support and would be impracticable.

Plaintiffs cite *Cardenas, supra,* 235 Cal.App.3d 1344 and *Nativi v. Deutsche Bank National Trust Co.* (2014) 223 Cal.App.4th 261 (*Nativi*) in support of their contention that the property was not adequately described in the writ of possession. They argue that in *Cardenas,* the appellate court used the term "premises" to refer to the plaintiffs' living unit, even though it was the front house rather than the entirety of the property. But *Cardenas* did not concern a landlord's efforts to evict all occupants of a piece of property; instead, the landlord brought eviction proceedings against occupants of one building, the "front house," located on the property. (*Cardenas, supra,* at p. 1346.)[9] A panel of this court rejected the challenge of the appellants/occupants to the lawfulness of the eviction on the basis that they failed to file a postjudgment claim of right to possession. (*Id.* at pp. 1349-1350.)

*Nativi* did not involve a challenge to the validity of a marshal's actions in evicting an occupant; rather, it was a suit for wrongful eviction and other claims by tenants against a foreclosing lender and its loan servicer. (*Nativi, supra,* 223 Cal.App.4th at pp. 270, 294.) Further, although plaintiffs in this case emphasize that a panel of this court in *Nativi* used the word "premises" to refer to the *Nativi* appellants' converted garage, the foreclosed property consisted of a single family dwelling and the converted garage that had been rented by the appellants. (*Id.* at p. 294.) This is analogous to the circumstances here, where the foreclosed property consisted of the entirety of the approximate three-quarter-acre parcel located at 1650 Pomona Avenue in San Jose — including the entirety of the two-story Victorian house and the land upon which Whelan's travel trailer was located. Neither *Cardenas* nor *Nativi* supports plaintiffs' argument.

Plaintiffs argue further that the postjudgment claim of right to possession procedure for nonparty occupants as specified in section 1174.3 is inapplicable to them under the circumstances of this case. Their position is that the procedure deals with "the rights of persons who occupy the same living unit that is the subject of the unlawful detainer action — not to the rights of persons occupying other living units that were not included in the unlawful detainer action, even if such separate living units happen to be located in the same building or on the same parcel of land." Plaintiffs contend that the property that was the subject of the unlawful detainer action was Farahani's living unit on the property, i.e., the first floor of the Victorian house, and plaintiffs' separate rental "living units had absolutely nothing to do with Ronald Floria's unlawful detainer against Fred Farahani." Plaintiffs offer no persuasive authority to support their position.

Plaintiffs' argument is directly related to their contention — which we have found, *ante,* to be without merit — that the writ of possession was defective because the "description of the real property, possession of which is to be delivered to the judgment creator in satisfaction of the judgment" (§ 715.010, subd. (b)(1)) was inadequate because it did not include plaintiffs' separate living units. The unlawful detainer complaint filed against Farahani identified the property of which possession was sought as "1650 Pomona Avenue, San Jose, Santa Clara County, California 95110." (See § 455 [plaintiff bringing an action to recover real property must describe the property "in the complaint with such certainty as to enable an officer, upon execution, to identify it"].) The writ of possession, as we have discussed, properly described the property by reference to its street address. The procedure specified under section 1174.3 applied to plaintiffs, as nonparty occupants, of the property identified in the writ. (See § 1174.3, subd. (a)(1),(2).) The fact that plaintiffs allege they were unaware of the unlawful detainer proceedings and judgment prior to March 27

when the Sheriff enforced the writ does not render the procedure for filing a postjudgment claim of right to possession inapplicable to them.

The Sheriff properly carried out its ministerial duties in enforcing the unlawful detainer judgment. Accordingly, summary judgment was proper.

## *3. Statutory Immunity Applied to Sheriff's Actions*

The trial court as an additional basis for granting defendants' motion concluded that the court orders provided the Sheriff in connection with the unlawful detainer action (i.e., the writ of possession and the order denying David's claim of right to possession) were "regular and valid on [their] face." It therefore concluded that defendants were immune from suit pursuant to section 262.1. We agree with the trial court that the Sheriff's statutory immunity furnishes an additional basis for granting defendants' motion for summary judgment.

As a ministerial officer, the Sheriff, upon delivery of the writ of possession issued by the clerk of the court is *required* to "execute the writ in the manner prescribed by law." (§ 712.030, subd. (a).) The Sheriff is duty bound to "execute, all process and orders regular on their face and issued by competent authority," irrespective of any "defect in the proceedings upon which they were issued." (§ 262.1.) The Sheriff therefore has a "duty to execute the orders of the court unless they are patently irregular and void." (*Vallindras, supra,* 42 Cal.2d at p. 154.)

The writ of possession and order denying David's claim here were regular on their face, and there is no assertion that the court lacked authority to issue them. The order directed the Sheriff to "immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in [the unlawful detainer] action." The writ and the order are such that they "`appear[] to be valid in the judgment of an ordinarily intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) As we have discussed, *ante,* there is no merit to plaintiffs' claim that the documents were not regular on their face because, when the Sheriff proceeded to levy on them, the Sheriff encountered several nonparty occupants who claimed orally a right to possess their individual rented units within the property. Such circumstances were, if anything, "defect[s] in the proceedings upon which they were issued" (§ 262.1), which did not furnish a basis for nullifying the Sheriff's statutory immunity. As a ministerial officer, it was beyond the Sheriff's function to make a determination of the merits of such oral claims. (*Arrieta, supra,*31 Cal.3d at p. 392.) Such "determinations are properly the role of the courts." (*Id.*at p. 393; see also *George, supra,* 78 Cal.App.4th at p. 1054 [sheriff properly deferred to bankruptcy court that issued order and writ of possession regular on their face, and "[s]heriff had no authority to do otherwise"].)

Plaintiffs contend they were entitled under state and federal law to 90 days' written notice to quit from the landowner before they could be evicted. They cite, inter alia, section 1161b, subdivision (a), as well as *Nativi.* (See *Nativi, supra,* 223 Cal.App.4th at p. 283 ["the PTFA [Protecting Tenants at Foreclosure Act of 2009] mandates that, at a minimum, an immediate successor in interest in foreclosed property [must] give 90 days' notice to vacate to bona fide tenants of residential property"].) Irrespective of plaintiffs' entitlement under state or federal law to notice to quit from the landowner, the absence of such notice here does not

negate the Sheriff's immunity under section 262.1. Any notice defect here would have been a "defect in the proceedings" having no effect upon the Sheriff's actions of enforcing the writ and order denying David's claim that were "regular on their face and issued by competent authority." (*Ibid.*)

The trial court properly granted defendants' summary judgment motion on the independent ground that defendants were immune from liability.[10]

# IV. DISPOSITION

The judgment entered on the order granting summary judgment in favor of defendants Sheriff of Santa Clara County and the County of Santa Clara is affirmed.

ELIA, ACTING P.J. and MIHARA, J., concurs.

[1] All further statutory references are to the Code of Civil Procedure unless otherwise stated.

[2] All dates stated hereafter are 2013 unless otherwise specified.

[3] In opposition to summary judgment, Ablitz declared that "[t]here was normally no access to inside the fenced[-]in area without knowing the security code on the gate."

[4] The record reflects that in February 2014, after the complaint was filed, Floria passed away. Plaintiffs filed a supplemental complaint substituting Jennifer Leland, as personal representative of Floria's estate, as defendant. For simplicity, we will refer to the party defendant as the decedent, Floria.

[5] Floria filed a separate motion for summary judgment, or, in the alternative, motion for summary adjudication. Floria's motion was heard in conjunction with defendants' motion. The court (1) denied summary judgment, (2) granted summary adjudication as to the second through sixth causes of action against Floria, and (3) denied Floria's motion for summary adjudication of the first cause of action of the complaint. Although not reflected in the record, defendants represented in respondents' brief that plaintiffs have settled their claims against Floria.

[6] This procedure is not required where the occupants of the property were served in the unlawful detainer case with a summons, complaint, and prejudgment claim of right to possession as provided in section 415.46. (§ 715.010, subd. (c).) No such service upon the occupants (plaintiffs) occurred in this case.

[7] "Except as provided in paragraph (2), unless a prejudgment claim of right to possession has been served upon occupants in accordance with Section 415.46, any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant by filing a claim of right to possession as prescribed in this section. A claim of right to possession may be filed at any time after service or posting of the writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and including the time at which the levying officer returns to effect the eviction of those named in the judgment of possession. . . . An occupant or tenant who is named in the action shall not be required to file a claim of right to possession to protect that occupant's right to possession of the premises." (§ 1174.3, subd. (a)(1).) Subdivision (a)(2) of section 1174.3 provides that in an unlawful detainer proceeding described in section 415.46 subdivision (e)(2) — one resulting from a foreclosure sale, as is the case here — the occupant may serve the postjudgment claim of right to possession irrespective of whether he or she was served with a prejudgment claim of right to possession. As noted (see fn. 6, *ante*), no such prejudgment claim was served in this case.

[8] "A sheriff or other ministerial officer is justified in the execution of, and shall execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued." (§ 262.1.)

[9] In the opinion, the "premises" were described as "30 Hawthorne Avenue (front house) in Watsonville in Santa Cruz County." (*Cardenas, supra,* 235 Cal.App.3d at p. 1346.) This suggests that there were multiple buildings with multiple addresses on the property owned by the landlord.

[10] Plaintiffs' brief focuses on the first cause of action for wrongful eviction. Plaintiffs do not specifically address the remaining five causes of action alleged in their complaint. Because plaintiffs have not argued the matter, we need not separately address the summary judgment order insofar as it pertains to the claims other than wrongful eviction. (*Reyes v. Kosha* (1998) 65 Cal.App.4th 451, 466, fn. 6[although review of summary judgment is de novo, appellate court will not address issues that have not been adequately raised and addressed in appellant's brief].) In any event, these other claims are clearly derivative of, and dependent upon, the wrongful eviction claim. Since that cause of action fails, the derivative claims fail as well. (See *Price v. Starbucks Corp.* (2011) 192 Cal.App.4th 1136, 1147.)

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**Detective**
**David Carroll**



**County Prosecutor**
**Barbara Ann Cathcart**
Santa Clara County DA's Office
70 W. Hedding Street
San Jose, CA 95110





**Detective**
**Samy Tarazi**

## PROSECUTOR MANIPULATED THE FACTS

MARKHAM PLAZA TENANT ASSOCIATION

SCOTT THE PROTESTER

MET SOUTH SOLIDARITY

# WARNING

# PERJURY KILLS

**MARKHAM PLAZA RESIDENT ROBERT MOSS'S DEATH CAUSED BY PERJURY IN COURT RECORDS IN CASES 1-12-CV226958, 1-94-PR-133513**

**PERJURY BY ROBERT RIDGEWAY AND DEPUTY PUBLIC GUARDIAN REBECCA PIZANO-TORRES**

**PUBLIC DEFENDER'S OFFICE HELPED DISTRICT ATTORNEY RAILROAD WHISTLE BLOWER C1493022**



**PUBLIC DEFENDER FAILED TO DECLARE CONFLICT OF INTEREST**

Deputy Public Defender George Abel involved in 1-94-PR-133513 and Markham Plaza HOMICIDE



**DEPUTY PUBLIC DEFENDER GARY GOODMAN AIDED MALICIOUS PROSECUTION OF WHISTLE BLOWER CASES: C1493022, C1527283, C1642778**

**RICKY L. STEWART et al., Plaintiffs and Appellants,**
**v.**
**COUNTY OF SANTA CLARA et al., Defendants and Respondents.**

No. H043765.

**Court of Appeals of California, Sixth District.**

Filed December 13, 2018.

Appeal from the Santa Clara County, Superior Court No. 1-13-CV257821.

# NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

BAMATTRE-MANOUKIAN, J.

This case arises out of the March 2013 eviction of the former owner and three sets of tenants from their homes. Fred F. Farahani, had lost title to 1650 Pomona Avenue, San Jose (the property) through foreclosure in January 2013. Farahani's tenants were Ricky L. Stewart, Julie A. Stewart, and Seth D. Stewart (collectively the Stewarts); Paulette S. Whelan; and Alex B. Ablitz.

After the foreclosure, the new owner, Ronald A. Floria, obtained an unlawful detainer judgment against Farahani. Farahani's tenants were not named in the suit or in the judgment, and they asserted they had no knowledge of either. The Sheriff of Santa Clara County (Sheriff) thereafter evicted Farahani and his tenants.

Farahani's tenants (collectively plaintiffs) filed suit against Floria, the Sheriff, and the County of Santa Clara (County). The Sheriff and the County (collectively defendants) filed a motion for summary judgment, or in the alternative, a motion for summary adjudication of claims. The court granted defendants' motion for summary judgment, finding that (1) the Sheriff had acted properly under the law in serving the eviction notice and thereafter enforcing the writ of execution to evict the property's occupants, and (2) defendants were in any event statutorily immune from liability. Plaintiffs appeal from the judgment entered on that order.

Plaintiffs argue on appeal that the trial court erred. They assert that their respective occupancies of the property were protected by state and federal law. They contend that although a sheriff or other ministerial officer is empowered under Code of Civil Procedure section 262.1[1] to execute writs that are "regular on their face," any such regularity here was belied by the fact that when the Sheriff proceeded to evict the occupants of the Property, the Sheriff became aware there were occupants of separate rental units, whose

identities and units were not described in the writ of possession. Plaintiffs contend they had resided in separate "premises" from those occupied by Farahani, and because the writ of possession did not expressly include plaintiffs' rental living units, eviction against plaintiffs was improper.

Based upon our de novo review of the trial court's summary judgment order, we conclude there was no error. We will therefore affirm the judgment entered in favor of defendants.

# I. FACTUAL BACKGROUND

The underlying facts in this case, as developed in the papers filed below in support of and in opposition to defendants' motion for summary judgment, are largely undisputed and are presented below.

## A. Property and Parties

The property consists of a parcel with a single street address that is approximately three-quarters of an acre in size with a large Victorian home on the parcel. Farahani formerly owned the property. In 2007, he encumbered it with a mortgage in favor of Floria. Farahani defaulted on his loan from Floria, and in January 2013, Floria acquired title to the property at a trustee's sale following nonjudicial foreclosure.

The Stewarts had resided on the second floor of the Victorian home for approximately five and one-half years and had a separate, lockable entrance. The Stewarts accessed their living areas by a common staircase.

Ablitz and his niece had also lived on the second floor of the Victorian home in two rooms with separate, lockable entrances. Ablitz's niece accessed her room by a common staircase also used by the Stewarts, and Ablitz accessed his room by a separate staircase in the back of the house. They had lived there for approximately five years.

Whelan lived in her travel trailer which was stationed behind the Victorian home. She had access to a bathroom and kitchen area inside the house. She had lived there for approximately six years.

Plaintiffs paid rent to Farahani pursuant to their respective living arrangements on the property.

## B. Unlawful Detainer

Farahani continued to remain in possession of the property after Floria acquired it through foreclosure in January 2013.[2] Floria accordingly caused to be served upon Farahani on or about January 31 a three-day notice to quit and deliver possession of the property. On February 5, Floria filed a complaint for unlawful detainer, naming Farahani as defendant. The trial court thereafter on or about March 13 entered judgment in favor of Floria, awarding him possession of the property.

## C. Eviction — March 27, 2013

On March 13, the court issued a writ of possession to enforce the unlawful detainer judgment, naming Farahani as judgment debtor. It was received by the Sheriff on March 14. The Sheriff then prepared for service two forms, namely, a five-day notice of eviction form and a claim of right to possession form.

On March 14, Robert Vrscaj, a legal process officer employed by the Sheriff, traveled to the property to serve the two forms. Deputy Vrscaj observed that the property was surrounded by four walls and the front entrance was enclosed by a seven- to eight-foot tall solid gate. The home was not visible from the sidewalk. The property had one mailbox. From Deputy Vrscaj's observation of the mailbox, it did not appear there were separate residences existing on the property. Deputy Vrscaj was not able to gain access to the property, and no one responded at the gate to permit his entry.[3] He therefore posted the notice of eviction and the blank claim of right to possession forms on the front gate "by taping [them] firmly to the gate in plain view of anyone who would subsequently enter or exit the property." After returning to the office, Deputy Vrscaj mailed copies of the notice of eviction and blank claim of right to possession forms to Farahani at the property address.

On March 19, the Sheriff received a claim of right to possession filed by Farahani, as conservator, on behalf of his adult disabled son, David Farahani (David), alleging that David was not a tenant but had resided on the property with his parents since 2009. There were no such claims filed by anyone else asserting a right to possession of the property.

On March 27, the Sheriff received a certified copy of the minutes reflecting the court's denial of David's claim of right to possession and ordering the immediate enforcement of the writ of possession. The Sheriff proceeded to evict all occupants of the property on March 27. At the time the eviction was carried out, the Sheriff was presented with no written claims of right to possession.

## D. Plaintiffs' Involvement in Eviction

As recited in their opposition filed below, plaintiffs had no knowledge of the unlawful detainer proceeding involving their landlord, Farahani, at any time prior to their eviction. They claimed that Floria had been fully aware that plaintiffs were tenants residing in separate units of the property at the time he commenced unlawful detainer proceedings against Farahani. Plaintiffs were never served by Floria with any notices, such as notices to quit or termination of the tenancies for the property. Likewise, they did not observe any notice of eviction posted on the property, nor were they otherwise aware of such posting.

Plaintiffs first became aware of the eviction proceedings on March 27, when the Sheriff entered the property and advised them that they would have to leave their homes. At the time, each of the plaintiffs protested that they were living at the property under their respective rental arrangements with Farahani.

# II. PROCEDURAL BACKGROUND

# A. Complaint

Plaintiffs filed suit against Floria,[4] the Sheriff, and the County on December 16, alleging six causes of action: (1) wrongful eviction; (2) intentional infliction of emotional distress; (3) negligent infliction of emotional distress; (4) abuse of process; (5) wrongful death of Julie A. Stewart; and (6) conversion.

Plaintiffs allege that the claims asserted in the complaint arose out of the intentional and negligent acts of defendants in evicting plaintiffs from their separate residential living units on the property without prior notice or due process of law. Plaintiffs lived for a period of years in separate rental housing units on the property, with the Stewarts and Ablitz living in the large Victorian home and Whelan living in her travel trailer.

In January, Floria concluded foreclosure proceedings through a trustee's sale, thereby becoming the owner of the property. On or about February 1, Floria caused a Three-Day Notice to Quit to be served upon the former owner of the property, Farahani. Floria did not serve any such notice on plaintiffs. He then brought an unlawful detainer suit against Farahani. Plaintiffs allege that, at the time, Floria was aware there were tenants residing on the property but "completely disregarded" them.

Floria obtained a judgment in the unlawful detainer action in March. He then procured from the court a writ of execution. The Sheriff posted a Five-Day Notice to Quit on the perimeter of the property, but plaintiffs were unaware of the posting prior to their evictions. After that posting, Farahani, on behalf of his disabled son, David, presented a claim of right to possession; the court denied that claim. On March 27, Floria induced the Sheriff to evict all persons located on the property regardless of their status as tenants residing in separate units on the property and "without regard to [plaintiffs'] vociferous protests and assertion of their rights to possession."

In the first cause of action for wrongful eviction, plaintiffs alleged that Floria failed to provide them with any notices whatsoever before they were evicted, in violation of state and federal law. Floria was aware at all times when he was seeking possession that Farahani had tenants living in separate units on the property, but Floria ignored plaintiffs' presence. Floria's acts in violation of various statutes resulted in plaintiffs' being wrongfully evicted from their homes, causing them damage. Plaintiffs allege that the Sheriff and the County were precluded from removing anyone who claimed a right to possession before the unlawful detainer action was commenced if they had not been served with a summons, complaint and prejudgment claim of right to possession forms as required by law. There was no service upon anyone of any prejudgment claim of right to possession forms in the unlawful detainer action, and the Sheriff was aware of this fact at the time of the eviction. Plaintiffs protested to the Sheriff at the time of the eviction that they had no awareness of the unlawful detainer action and had been served with no notices concerning it. Plaintiffs allege that the Sheriff ignored statutory requirements and summarily removed plaintiffs.

# B. Summary Judgment

In August 2015, the Sheriff and the County moved for summary judgment, or, in the alternative for summary adjudication (summary judgment motion, or motion). Defendants contended there was no triable issue of fact supporting plaintiffs' claims because the Sheriff had complied with the statutory procedures for enforcing judgments of eviction and the Sheriff was in any event immune from liability. Plaintiffs opposed the motion.

The court granted summary judgment on October 30, 2015, concluding there were no triable issues of material fact and defendants were entitled to judgment. The court found that (1) the Sheriff had properly performed its statutory duties in serving the eviction notice and form claim of right to possession and had thereafter properly enforced the writ of possession after having received no executed claims of right to possession (other than David's, which had been denied), and (2) the Sheriff and County were immune from liability by statute, the order of the superior court (the writ of possession) appearing to have been regular and valid on its face.[5] A judgment was entered in favor of defendants on the summary judgment order on March 7, 2016. Plaintiffs filed a timely notice of appeal.

# III. DISCUSSION

## A. Summary Judgment and Standard of Review

"The purpose of the law of summary judgment is to provide courts with a mechanism to cut through the parties' pleadings in order to determine whether, despite their allegations, trial is in fact necessary to resolve their dispute." (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843 (*Aguilar*).) As such, the summary judgment statute, section 437c, "provides a particularly suitable means to test the sufficiency of the plaintiff's prima facie case and/or of the defendant's [defense]." (*Caldwell v. Paramount Unified School Dist.* (1995) 41 Cal.App.4th 189, 203, fn. omitted.)

The moving party "bears the burden of persuasion that there is no triable issue of material fact and that he is entitled to judgment as a matter of law." (*Aguilar, supra,*25 Cal.4th at p. 850, fn. omitted.) A defendant moving for summary judgment must "`show[ ] that one or more elements of the cause of action . . . cannot be established' by the plaintiff." (*Id.* at p. 853, quoting § 437c, subd. (o)(2).) A defendant meets its burden by conclusively negating an essential element of the plaintiff's claim. (*Guz v. Bechtel National, Inc.* (2000) 24 Cal.4th 317, 334.) Alternatively, a defendant meets its burden by submitting evidence "that the plaintiff does not possess, and cannot reasonably obtain, needed evidence" supporting an essential element of its claim. (*Aguilar, supra,* at p. 855; see also *Saelzler v. Advanced Group 400* (2001) 25 Cal.4th 763, 780.)

Since summary judgment motions involve pure questions of law, we review independently the granting of summary judgment to ascertain whether there is a triable issue of material fact justifying the reinstatement of the action. (*Wiener v. Southcoast Childcare Centers, Inc.* (2004) 32 Cal.4th 1138, 1142.) In doing so, we "consider[] all of the evidence the parties offered in connection with the motion (except that which the court properly excluded) and the uncontradicted inferences the evidence reasonably supports. [Citation.]" (*Merrill v. Navegar, Inc.* (2001) 26 Cal.4th 465, 476.) We need not defer to the trial court and are not

bound by the reasons in its summary judgment ruling; we review the ruling of the trial court, not its rationale. (*Kids' Universe v. In2Labs* (2002) 95 Cal.App.4th 870, 878.)

# B. Summary Adjudication of Wrongful Eviction Claim

## *1. Applicable Law*

Evaluating the merits of plaintiffs' wrongful eviction claim against defendants requires a review of (1) the statutory procedures for eviction proceedings, (2) statutes governing service of process associated with eviction proceedings, and (3) principles of statutory immunity applicable to officials serving process in connection with such proceedings.

The summary proceeding of unlawful detainer is defined in section 1161 et seq. The essential defendants in the unlawful detainer action are "the tenant of the premises and subtenant, if there be one, in the actual occupation of the premises when the complaint is filed." (§ 1164.) After a trial, if the jury (or the court, if tried without a jury) determines the cause in the plaintiff's favor, he or she shall receive judgment for possession of the premises. (§ 1174, subd. (a).) The judgment awarding possession to the plaintiff, however, does not automatically oust the tenant from the premises; the plaintiff must execute on the judgment through writ of possession procedures. (Friedman et al., Cal. Practice Guide: Landlord-Tenant (The Rutter Group 2017) ¶ 9:308; see also *Bedi v. McMullan* (1984) 160 Cal.App.3d 272, 276 ["judgment only establishes [the plaintiff's] entitlement to possession"; legal process through writ of possession is the means by which the plaintiff obtains actual possession].)

If the plaintiff prevails in an unlawful detainer action and receives judgment for possession, upon the plaintiff's request, "a writ of execution [writ of possession] shall be issued *immediately* by the court." (§ 1170.5, subd. (a), italics added.) After entry of such judgment and upon such application, the clerk of the court is required to issue a writ of possession which "shall be directed to the levying officer in the county where the judgment is to be enforced." (§ 712.010.) The unlawful detainer writ of possession must include, inter alia, a description of the property, and a statement that if the premises are not vacated within five days of service of the writ upon the occupant — or if it is posted, within five days of service upon the judgment debtor — the levying officer will proceed forthwith to remove the occupants and place the plaintiff in possession. (§ 715.010, subd. (b)(1),(2).)

Once the writ of possession is issued by the clerk and delivered to the levying officer, that "levying officer *shall* execute the writ in the manner prescribed by law." (§ 712.030, subd. (a), italics added; see also *Lyons v. Santa Barbara County Sheriff's Office* (2014) 231 Cal.App.4th 1499, 1503 (*Lyons*) [after issuance of writ, "the sheriff is statutorily required to levy on it"].) The levying officer (i.e., sheriff) is required to serve the writ on one occupant of the property. (§ 715.020, subd. (a).) If the sheriff is unable to effect personal service on the occupant, he or she is required to post a copy of the writ in a conspicuous place on the property and serve a copy (either personally or by mail) upon the judgment debtor. (*Id.,* subd. (b).) When the sheriff serves or posts the writ of possession, he or she is, in general, required to serve or post a form for a postjudgment claim of right to possession. (§ 715.010, subd. (c).)[6]

Occupants of the property not named in the writ of possession who claim a right to possession that accrued on or before the date of the commencement of the unlawful detainer action may formally challenge enforcement of the judgment (i.e., the eviction) by filing a postjudgment claim of right to possession. (§ 1174.3, subd. (a)(1);[7] see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) This is the statutory means by which an occupant not named in the unlawful detainer suit or judgment may assert his or her rights to prevent that occupant's eviction. (See *Cardenas v. Noren* (1991) 235 Cal.App.3d 1344, 1350 (*Cardenas*) [unnamed occupant, "before eviction . . . could have protected himself by presenting a claim of right to possession" under § 1174.3].)

A sheriff has statutory immunity for actions taken in execution of "process and orders regular on their face," even if there was a defect in the underlying proceedings. (§ 262.1;[8] see also Gov. Code, § 820.4 [no liability for public employee's "act or omission, exercising due care, in the execution or enforcement of any law"].) As the California Supreme Court has explained: "It is [the sheriff's] duty to execute the orders of the court unless they are patently irregular and void. [¶] In determining whether process and orders are `regular on their face' so far as the liability of such an officer is concerned, the following statement . . . is pertinent: `When we speak of process "valid on its face," in considering whether it is sufficient to protect an officer, we do not mean that its validity is to be determined upon the basis of scrutiny by a trained legal mind; nor is it to be judged in the light of facts outside its provisions which the officer may know. [Citations.] Unless there is a clear absence of jurisdiction on the part of the court or magistrate issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinarily intelligent and informed layman. To hold otherwise would mean that an officer must often act at his [or her] peril or delay until he [or she] has had an opportunity to search out legal niceties of procedure. . . . "A result subjecting [the officer] to constant danger of liability would be an intolerable hardship to him [or her], and inevitably detract from the prompt and efficient performance of his [or her] public duty."'" (*Vallindras v. Massachusetts Bonding & Ins. Co.* (1954) 42 Cal.2d 149, 154 (*Vallindras*).)

Thus, for instance, a sheriff executing process regular on its face issued by the bankruptcy court was found under section 262.1 to have been immune from liability for wrongful eviction in a suit brought by relatives of the debtors/tenants. (*George v. County of San Luis Obispo* (2000) 78 Cal.App.4th 1048, 1051, 1054 (*George*).) After the sheriff served the writ of possession issued by the bankruptcy court — the writ having not named the plaintiffs but only the debtors — the plaintiffs presented state-law claims of right to possession which the sheriff attempted to file with the bankruptcy court, which the court rejected. (*Id.* at p. 1050.) The appellate court concluded that "[s]tate unlawful detainer law [did] not apply, and the state must defer to the federal order of the bankruptcy court directing immediate surrender of the premises." (*Id.* at p. 1051.) But the *George* court found that, under section 262.1, the writ and the accompanying bankruptcy court order requiring that the debtors and those claiming possession through them immediately surrender possession of the premises were regular on their face, the sheriff properly deferred to the bankruptcy court that issued them, and "the [s]heriff had no authority to do otherwise and was justified in completing the execution of the [o]rder and writ of possession." (*George, supra,* at p. 1054; see also *Hayward Lumber & Inv. Co. v. Biscailuz* (1957) 47 Cal.2d 716, 722-724 [levying sheriff relying on certificate of court clerk, appearing to be regular on its face, that attachment had been partially dissolved, immune from liability].)

## 2. Propriety of Sheriff's Eviction of Plaintiffs

After judgment was entered in Floria's favor awarding him possession of the property, the court issued a writ of possession naming Farahani as the judgment debtor. The Sheriff received the writ on March 14, and the Sheriff was then, under section 712.030, subdivision (a), "statutorily required to levy on it." (*Lyons, supra,*231 Cal.App.4th at p. 1503.) The Sheriff then served the writ of possession in the manner prescribed by law — after finding no occupant upon whom personal service could be effected — by posting a copy of it along with a blank form claim of right to possession and mail-serving the judgment debtor, Farahani. (§ 715.010, subd. (b).) There was only one claim of right of possession thereafter filed — by Farahani, on behalf of his son, David — and it was denied by the court on March 27. And in the order denying David's claim, the court concluded: "IT IS HEREBY ORDERED that the Sheriff of Santa Clara County shall immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in this action." This order was consistent with section 1174.3, subdivision (g), which provides that, if a claim of right to possession is denied, "the court *shall* order the levying officer to proceed with enforcement of the original writ of possession . . . which shall be effected within a reasonable time not to exceed five days." (Italics added.) In compliance with the court's order, the Sheriff enforced the writ by evicting all occupants of the property on March 27.

The Sheriff acted in accordance with the law in enforcing the writ of possession. Indeed, it was legally obligated to perform its ministerial duties to enforce the facially valid orders of the court having jurisdiction over the matter. (See §§ 712.020, subd. (a), 712.030, subd. (a), 715.010, subd. (b)(1),(2), 1174.3, subd. (g).) Plaintiffs' arguments to the contrary are unavailing.

Plaintiffs contend that the writ of possession was not "regular on its face" as provided in section 262.1. Plaintiffs concede that "the writ may have appeared `regular on its face' to the Sheriff's employees when it was first received at the Sheriff's office." But plaintiffs assert that the regular process was transformed into an irregular one when the Sheriff carried out the eviction of the property's occupants on March 27, learning at that time there were persons not named in the judgment who occupied separate rental living areas. Plaintiffs cite no apposite authority to support this argument.

As a ministerial officer, "[a] sheriff . . . is justified in the execution of, and shall execute, all process and orders regular on their face" (§ 262.1), and "`[u]nless there is a clear absence of jurisdiction on the part of the court . . . issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinary intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) Here, there was no jurisdictional issue presented on the face of the writ of possession. Nor was there anything apparent from the writ that would lead an ordinary and intelligent layman to question its validity. Moreover, plaintiff's argument that the facially regular writ became irregular once the Sheriff enforced it and determined there were occupants not named in the judgment is contrary to the following principles enunciated by the Supreme Court: "The function of the marshal [sheriff] in an unlawful detainer proceeding is very limited — at no point does it include a determination of the merits of the underlying action. . . . [W]hen the marshal [sheriff] discovers an individual who is not named in the writ of possession of the premises under a claim of right, he [or she] is

not empowered, nor would he [or she] be equipped, to determine whether that person is bound by the previous judgment or had a facially valid claim to possession. . . . These determinations are properly the role of the courts." (*Arrieta v. Mahon* (1982) 31 Cal.3d 381, 392-393 (*Arrieta*).)

Plaintiffs' contention that the writ was irregular on its face also disregards the statutory scheme involving a challenge to a proposed eviction through the filing of a postjudgment claim of right to possession. The levying officer is required to serve a postjudgment claim of right to possession form at the time of service of the writ of possession. (§ 715.010, subd. (c).) This is the statutory method by which occupants unnamed in the unlawful detainer judgment or writ of possession are notified of the impending eviction and provided the opportunity to formally challenge it. (§ 1174.3, subd. (a)(1); see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) The unnamed occupant's failure to file a postjudgment claim of right to possession forfeits his or her challenge to the sheriff's enforcement of the writ of possession that is regular on its face. (*Cardenas, supra,* 235 Cal.App.3d at pp. 1349-1350.) Were plaintiffs' position correct, if a sheriff, attempting to perform its ministerial duties of enforcing a writ of possession, encounters an occupant unnamed in the judgment or writ, the sheriff would be required to suspend execution efforts in all instances, regardless of whether the occupant had filed timely a postjudgment claim of right to possession before eviction. (See § 1174.3, subd. (a)(1).) This would render the postjudgment claim of possession procedures meaningless.

It is further contended by plaintiffs that their eviction by the Sheriff was wrongful because the description of the property in the writ of possession was inadequate. They assert that the court erred in finding the description of the property in the writ "was sufficient to authorize the Sheriff to evict everyone who could be found upon the parcel address, regardless of whether some of the persons being evicted were residing in separate rental living units located on that parcel, and regardless of whether the occupants of such units had had any involvement in the underlying unlawful detainer proceedings against their foreclosed-upon landlord, or whether they or their units had been named in the writ — as they were not." We disagree with plaintiffs' assertion that the writ of possession inadequately described the property and that the Sheriff's enforcement of it was on this basis wrongful.

The writ of possession described the property by its street address, "1650 Pomona Avenue [¶] San Jose, CA 95110." (Capitalization omitted.) This was a sufficient description of the property subject to the writ of possession as required under section § 715.010, subdivision (b)(1). (Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:492 [description of premises need not be formal legal description; "a full and correct street address (including appropriate apartment/suite number) suffices"]; see also Cal. Landlord-Tenant Practice (Cont.Ed.Bar 2d ed. 2015) § 9.37 [allegation containing street address of premises in unlawful detainer complaint sufficient].) Plaintiffs' argument that the writ of possession was required to describe each rental unit located on the property (e.g., Farahani's residence on the first floor of the house, the Stewarts' and Ablitz's respective residences on the second floor, and Whelan's residence in her travel trailer on the property), is without legal support and would be impracticable.

Plaintiffs cite *Cardenas, supra,* 235 Cal.App.3d 1344 and *Nativi v. Deutsche Bank National Trust Co.* (2014) 223 Cal.App.4th 261 (*Nativi*) in support of their contention that the property was not adequately described in the writ of possession. They argue that in *Cardenas,* the appellate court used the term "premises" to refer to the plaintiffs' living unit, even though it was the front house rather than the entirety of the property. But *Cardenas* did not concern a landlord's efforts to evict all occupants of a piece of property; instead, the landlord brought eviction proceedings against occupants of one building, the "front house," located on the property. (*Cardenas, supra,* at p. 1346.)[9] A panel of this court rejected the challenge of the appellants/occupants to the lawfulness of the eviction on the basis that they failed to file a postjudgment claim of right to possession. (*Id.* at pp. 1349-1350.)

*Nativi* did not involve a challenge to the validity of a marshal's actions in evicting an occupant; rather, it was a suit for wrongful eviction and other claims by tenants against a foreclosing lender and its loan servicer. (*Nativi, supra,* 223 Cal.App.4th at pp. 270, 294.) Further, although plaintiffs in this case emphasize that a panel of this court in *Nativi* used the word "premises" to refer to the *Nativi* appellants' converted garage, the foreclosed property consisted of a single family dwelling and the converted garage that had been rented by the appellants. (*Id.* at p. 294.) This is analogous to the circumstances here, where the foreclosed property consisted of the entirety of the approximate three-quarter-acre parcel located at 1650 Pomona Avenue in San Jose — including the entirety of the two-story Victorian house and the land upon which Whelan's travel trailer was located. Neither *Cardenas* nor *Nativi* supports plaintiffs' argument.

Plaintiffs argue further that the postjudgment claim of right to possession procedure for nonparty occupants as specified in section 1174.3 is inapplicable to them under the circumstances of this case. Their position is that the procedure deals with "the rights of persons who occupy the same living unit that is the subject of the unlawful detainer action — not to the rights of persons occupying other living units that were not included in the unlawful detainer action, even if such separate living units happen to be located in the same building or on the same parcel of land." Plaintiffs contend that the property that was the subject of the unlawful detainer action was Farahani's living unit on the property, i.e., the first floor of the Victorian house, and plaintiffs' separate rental "living units had absolutely nothing to do with Ronald Floria's unlawful detainer against Fred Farahani." Plaintiffs offer no persuasive authority to support their position.

Plaintiffs' argument is directly related to their contention — which we have found, *ante,* to be without merit — that the writ of possession was defective because the "description of the real property, possession of which is to be delivered to the judgment creator in satisfaction of the judgment" (§ 715.010, subd. (b)(1)) was inadequate because it did not include plaintiffs' separate living units. The unlawful detainer complaint filed against Farahani identified the property of which possession was sought as "1650 Pomona Avenue, San Jose, Santa Clara County, California 95110." (See § 455 [plaintiff bringing an action to recover real property must describe the property "in the complaint with such certainty as to enable an officer, upon execution, to identify it"].) The writ of possession, as we have discussed, properly described the property by reference to its street address. The procedure specified under section 1174.3 applied to plaintiffs, as nonparty occupants, of the property identified in the writ. (See § 1174.3, subd. (a)(1),(2).) The fact that plaintiffs allege they were unaware of the unlawful detainer proceedings and judgment prior to March 27

when the Sheriff enforced the writ does not render the procedure for filing a postjudgment claim of right to possession inapplicable to them.

The Sheriff properly carried out its ministerial duties in enforcing the unlawful detainer judgment. Accordingly, summary judgment was proper.

## *3. Statutory Immunity Applied to Sheriff's Actions*

The trial court as an additional basis for granting defendants' motion concluded that the court orders provided the Sheriff in connection with the unlawful detainer action (i.e., the writ of possession and the order denying David's claim of right to possession) were "regular and valid on [their] face." It therefore concluded that defendants were immune from suit pursuant to section 262.1. We agree with the trial court that the Sheriff's statutory immunity furnishes an additional basis for granting defendants' motion for summary judgment.

As a ministerial officer, the Sheriff, upon delivery of the writ of possession issued by the clerk of the court is *required* to "execute the writ in the manner prescribed by law." (§ 712.030, subd. (a).) The Sheriff is duty bound to "execute, all process and orders regular on their face and issued by competent authority," irrespective of any "defect in the proceedings upon which they were issued." (§ 262.1.) The Sheriff therefore has a "duty to execute the orders of the court unless they are patently irregular and void." (*Vallindras, supra,* 42 Cal.2d at p. 154.)

The writ of possession and order denying David's claim here were regular on their face, and there is no assertion that the court lacked authority to issue them. The order directed the Sheriff to "immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in [the unlawful detainer] action." The writ and the order are such that they "`appear[] to be valid in the judgment of an ordinarily intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) As we have discussed, *ante,* there is no merit to plaintiffs' claim that the documents were not regular on their face because, when the Sheriff proceeded to levy on them, the Sheriff encountered several nonparty occupants who claimed orally a right to possess their individual rented units within the property. Such circumstances were, if anything, "defect[s] in the proceedings upon which they were issued" (§ 262.1), which did not furnish a basis for nullifying the Sheriff's statutory immunity. As a ministerial officer, it was beyond the Sheriff's function to make a determination of the merits of such oral claims. (*Arrieta, supra,*31 Cal.3d at p. 392.) Such "determinations are properly the role of the courts." (*Id.*at p. 393; see also *George, supra,* 78 Cal.App.4th at p. 1054 [sheriff properly deferred to bankruptcy court that issued order and writ of possession regular on their face, and "[s]heriff had no authority to do otherwise"].)

Plaintiffs contend they were entitled under state and federal law to 90 days' written notice to quit from the landowner before they could be evicted. They cite, inter alia, section 1161b, subdivision (a), as well as *Nativi.* (See *Nativi, supra,* 223 Cal.App.4th at p. 283 ["the PTFA [Protecting Tenants at Foreclosure Act of 2009] mandates that, at a minimum, an immediate successor in interest in foreclosed property [must] give 90 days' notice to vacate to bona fide tenants of residential property"].) Irrespective of plaintiffs' entitlement under state or federal law to notice to quit from the landowner, the absence of such notice here does not

negate the Sheriff's immunity under section 262.1. Any notice defect here would have been a "defect in the proceedings" having no effect upon the Sheriff's actions of enforcing the writ and order denying David's claim that were "regular on their face and issued by competent authority." (*Ibid.*)

The trial court properly granted defendants' summary judgment motion on the independent ground that defendants were immune from liability.[10]

# IV. DISPOSITION

The judgment entered on the order granting summary judgment in favor of defendants Sheriff of Santa Clara County and the County of Santa Clara is affirmed.

ELIA, ACTING P.J. and MIHARA, J., concurs.

[1] All further statutory references are to the Code of Civil Procedure unless otherwise stated.

[2] All dates stated hereafter are 2013 unless otherwise specified.

[3] In opposition to summary judgment, Ablitz declared that "[t]here was normally no access to inside the fenced[-]in area without knowing the security code on the gate."

[4] The record reflects that in February 2014, after the complaint was filed, Floria passed away. Plaintiffs filed a supplemental complaint substituting Jennifer Leland, as personal representative of Floria's estate, as defendant. For simplicity, we will refer to the party defendant as the decedent, Floria.

[5] Floria filed a separate motion for summary judgment, or, in the alternative, motion for summary adjudication. Floria's motion was heard in conjunction with defendants' motion. The court (1) denied summary judgment, (2) granted summary adjudication as to the second through sixth causes of action against Floria, and (3) denied Floria's motion for summary adjudication of the first cause of action of the complaint. Although not reflected in the record, defendants represented in respondents' brief that plaintiffs have settled their claims against Floria.

[6] This procedure is not required where the occupants of the property were served in the unlawful detainer case with a summons, complaint, and prejudgment claim of right to possession as provided in section 415.46. (§ 715.010, subd. (c).) No such service upon the occupants (plaintiffs) occurred in this case.

[7] "Except as provided in paragraph (2), unless a prejudgment claim of right to possession has been served upon occupants in accordance with Section 415.46, any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant by filing a claim of right to possession as prescribed in this section. A claim of right to possession may be filed at any time after service or posting of the writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and including the time at which the levying officer returns to effect the eviction of those named in the judgment of possession. . . . An occupant or tenant who is named in the action shall not be required to file a claim of right to possession to protect that occupant's right to possession of the premises." (§ 1174.3, subd. (a)(1).) Subdivision (a)(2) of section 1174.3 provides that in an unlawful detainer proceeding described in section 415.46 subdivision (e)(2) — one resulting from a foreclosure sale, as is the case here — the occupant may serve the postjudgment claim of right to possession irrespective of whether he or she was served with a prejudgment claim of right to possession. As noted (see fn. 6, *ante*), no such prejudgment claim was served in this case.

[8] "A sheriff or other ministerial officer is justified in the execution of, and shall execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued." (§ 262.1.)

[9] In the opinion, the "premises" were described as "30 Hawthorne Avenue (front house) in Watsonville in Santa Cruz County." (*Cardenas, supra,* 235 Cal.App.3d at p. 1346.) This suggests that there were multiple buildings with multiple addresses on the property owned by the landlord.

[10] Plaintiffs' brief focuses on the first cause of action for wrongful eviction. Plaintiffs do not specifically address the remaining five causes of action alleged in their complaint. Because plaintiffs have not argued the matter, we need not separately address the summary judgment order insofar as it pertains to the claims other than wrongful eviction. (*Reyes v. Kosha* (1998) 65 Cal.App.4th 451, 466, fn. 6[although review of summary judgment is de novo, appellate court will not address issues that have not been adequately raised and addressed in appellant's brief].) In any event, these other claims are clearly derivative of, and dependent upon, the wrongful eviction claim. Since that cause of action fails, the derivative claims fail as well. (See *Price v. Starbucks Corp.* (2011) 192 Cal.App.4th 1136, 1147.)

IN PROPRIA PERSONA

SIXTH DISTRICT COURT OF APPEALSE

STATE OF CALIFORNIA

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| CARY ANDREW CRITTENDEN,<br><br>Petitioner,,<br><br>vs.<br><br>SANTA CLARA COUNTY PROBATION DEPARTMENT AND ,SUPERIOR COURT, COUNTY OF SANTA CLARA<br><br>RESPONDANT | Case H045195<br><br>Trial court: C1642778:<br><br>DECLARATION OF FACTS IN SUPPORT OF PETITION FOR HABEAS CORPUS RELIEF |

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IN PROPRIA PERSONA

Petitioner, Rev. Cary Andrew Crittenden is a well-established and nationally recognized social activist, which includes political activism and tenant rights advocacy at Markham Plaza Apartments, a HUD subsidized apartment complex located at 2000 / 2010 Monterey Road in San Jose, California. The concerns brought to my attention by Markham Plaza residents included violence, harassment and hostile living environment by Markham Plaza Property Management. Previously, Markham Plaza had a contract through San Jose Police Departments secondary employment unit and hired San Jose Police officers to work off duty, in San Jose Police uniform as security guards, which raised serious conflict of interest issues. Off duty officers were often assisting in HUD violations, Fair Housing Act and section C-1503 of the

San Jose Police Duty Manuel which required that they only enforce laws - not the policies of their employers.

In 2008, a complaint was filed by fellow Markham Plaza tenant rights activist, Dr. Christopher Ehrentraut with several law enforcement agencies including the U.S. Department of Housing and Urban Development, The U.S. Postal Service, The San Jose Police Department, The Santa Clara County District Attorney's office and the California Attorney General's office. I had been advocating for Markham Plaza resident Heidi Yauman, who I had a very close relationship with. Heidi Yauman is disabled and was conserved through the Santa Clara County Public Guardian in probate court case ( 1994-1-PR-133513 / 1990-1-PR-124467 ) The Public Guardian also has history of facilitating illegal evictions and committing HUD violations, some of which were exposed by ABC News I-Team (Dan Noyes & Jim O'Donnell) The ABC News Story, Investigating the Public Guardian, is featured at the following youtube URL: https://www.youtube.com/watch?v=y809jIIev5w

There was an incident involving San Jose Police Sergeant Michael Leininger and Heidi Yauman, where Heidi was in outside seating area outside her residence. Heidi Yauman was not violating any laws or lease conditions but was approached by Sergeant Michael Leininger and told to go to her apartment and not come out or she would be arrested. I went over Heidi Yauman's lease with her and the Markham Plaza House Rules and pointed out a section specifying that she, as a tenant was entitled to full enjoyment of all common areas of the complex, including the outside seating area where she was sitting when approached by Sergeant Michael Leininger. Heidi Yauman and I then returned to the outdoor seating area with copy of the house rules and lease where we were approached again by Sergeant Leininger, who said to Heidi Yauman "I thought I told you to go to your room!" I then attempted to show Sergeant

Leininger the lease and house rules. In response to my advocating for Heidi Yauman's fair housing rights, a federally protected activity, Sergeant Leininger commanded me to leave the property and not return or I would be arrested for trespassing. Sergeant Leininger and SEU reserve officer: Robert My name was then unlawfully entered into San Jose Police Department's STOP program database. Heidi Yauman and I were both maliciously targeted and harassed by Sergeant Michael Leininger and reserve officer Robert Alan Ridgeway, who worked under Leininger's supervision. Neighborhood residents approached me and complained that Leininger and his officers were also illegally targeting low income residents, and illegally banning them from "The Plant" shopping center, located across the street from Markham Plaza at the corner of Monterey Road and Curtner Avenue. These included residents of Markham Plaza Apartments, Markham Terrace Apartments, Peppertree Estates Mobile Home Park, and the Boccardo Reception Center, a neighborhood homeless shelter. What Sergeant Micheal Leininger and his officers were doing was very similar to the illegal practice of "red lining".

In 2008, Heidi Yauman submitted a complaint letter to Markham Plaza Property Management, Theresa Coons detailing the harassment and by Sergeant Michael Leininger. Chapter 4 of the HUD management agent handbook describes managements responsibility to be responsive to resident concerns. More info can be found at:

https://www.hud.gov/sites/documents/43815C4HSGH.PDF

Sergeant Leininger approached me at my place of employment and told me that because of Heidi Yauman's letter complaining about him, she was going to be evicted. Sergeant Michael Leininger also stated that I had been living at Markham Plaza and that he had video of me there. On the contrary, I had not been on the property for many months and had been residing in Palo Alto since June, 2007.

This matter was brought to the attention of deputy Santa Clara County Public Guardian Kanta Jindal, who at the time was Heidi Yauman's conservator. It was Jindal's responsibility to advocate for Heidi Yauman and to stop what was obviously very illegal abuse against her. Not only were Heidi Yauman's fair housing rights being violated, and she was being denied the extra care needed because of her disability, but the abuse by property management and sergeant Leininger also violated laws protecting dependent adults and seniors. Deputy Jindal demanded that I stay away from Heidi Yauman and stop advocating for her. Shortly thereafter, Heidi Yauman received a letter from supervising public guardian Dennis Silva alleging false unsubstantiated allegations, including there being video showing I was residing at Markham Plaza Apartments. The letter from Dennis Silver to Heidi Yauman told her she should expect an eviction notice in the near future. Neither Kanta Jindal, or her supervisor, Dennis Silva did sufficient research or follow up on the crisis at Markham Plaza Apartments and were not aware of the widespread abuses taking place, the tenant organizing efforts underway by myself and Dr. Christopher Ehrentraut, and the criminal complaint recently filed against Markham Plaza by Dr. Christopher Ehrentraut. (approximately April, 2008)

In a state of panic, Heidi Yauman wrote up a letter about what was happening regarding Markham Plaza and the public guardian. This letter, which contained a few errors, detailed abuses going back to approximately 2003 with the public guardian including another fraudulent eviction following a 25-month period in which Heidi Yauman was denied services by the public guardian. This letter also referenced abuses by deputy public guardian Rhondi Opheim and two San Jose Police officers : Gabriel Cuenca (Badge 3915) and Tom Tortorici (Badge 2635) This incident, which occurred on January 26th, 2006 is documented here:

https://www.youtube.com/watch?v=y5-Khy4bpH4 (Both of these officers were under the supervision of San Jose Police Sergeant Michael Leininger (Badge 2245)

**Copies of Heidi Yauman's letter was distributed to multiple social services agencies, law enforcement agencies, left under windshield wipers of police cars, and distributed to several court facilities in Santa Clara County. Heidi Yauman received a follow up letter from Santa Clara County Superior Court Judge Mary Anne Grilli, and an investigation was initiated by Santa Clara County District Attorney Elder Fraud Investigator: Detective Dennis Brookins, who was under the supervision of deputy district attorney Cheryl Bourlard (California State Bar ID #132044) We also met with San Jose City Council Member: Sam Liccardo, who confirmed that he would pass along a copy of Heidi Yauman's letter to the Santa Clara County Board of Supervisors. Council Member Sam Liccardo and I discussed the retaliatory incident involving Sergeant Michael Leininger, and I sent a follow up letter to Council Member Sam Liccardo , who then forwarded the concerns over to the San Jose Police Department's Internal Affairs Unit.**

**Heidi Yauman and I both met with San Jose's Independent Police Auditor office (Suzanne Stauffer & Shivaun Nurr) and Heidi Yauman obtained pro bono legal counsel from the Law Foundation of Silicon Valley (Melissa Antoinette Morris – California State Bar ID# 233393 )**

**Copies of documents were made available to Dr. Christopher Ehrentraut to supplement the existing criminal complaint which included violations of the Unruh Civil Rights Act. I called Supervising Public Guardian Dennis Silva to confront him on the letter he sent to Heidi Yauman and challenged him to verify or prove a single allegation stated on the letter. Dr. Christopher Ehrentraut also called Dennis Silva to brief him on the crisis at Markham Plaza, and the widespread abuse that had been occurring and pleaded with Mr. Silva to not participate in the attacks against Heidi Yauman and the other residents. Dennis Silva called me back and conceded that he was unable to prove or verify any of the allegations and stated that Heidi Yauman was not going to be evicted from Markham Plaza Apartments.**

**That same day, Markham Plaza Property Manager: Theresa Coons was terminated from her position. Deputy Public Guardian Kanta Jindal was also abruptly removed as Heidi Yauman's case. Theresa Coons was replaced by Markham Plaza Property Manager Katrina Poitras, and Deputy Public Guardian Kanta Jindal was replaced by deputy public guardian Rebecca Pizano-Torres.**

During the same time period in 2008, San Jose Police Officer Robert Ridgeway was arrested and convicted for domestic violence against his wife, Minette Valdes in Santa Clara County Superior Court Case CC891592. Following his arrest, and the complaint by Dr. Christopher Ehrentraut, Robert Ridgeway was no longer a San Jose Police officer. On October 22nd, 2008, Robert Ridgeway started a corporation called WifiSwat (Entity number: C3166900 ), Robert Ridgeway resumed working through contracts with Markham Plaza Apartments, and "The Plant" shopping center as a surveillance camera technician DBA: WifiSwat. Robert Ridgeway's supervisor, Sergeant Michael Leininger (badge no. 2245) retired from the San Jose Police Department and started his own security company: Safety First Security LTD (PI 27360 PPO 16683) Michael Leininger also continued to working with Markham Plaza Apartments and "The Plant" shopping center DBA "Safety First Security." Through his private company, he employed uniformed off-duty San Jose Police officers as security guards at both locations.

I continued to work with local and neighborhood residents and other community leaders in addressing neighborhood safety and redevelopment concerns and police misconduct related issues in the neighborhood and throughout the city. I also networked with activists and organizations from around the country to bring about public awareness to abusive conservatorships and to advocate for better laws protecting dependent adult / seniors and disabled. I worked very closely with San Jose City Council Member Madison Nguyen who set up an office at "The Plant" shopping center. Councilmember Nguyen and I to set up meetings with the residents at Markham Plaza Apartments, who asked us to help start a Neighborhood Watch Program. There were also discussions about starting a neighborhood association or joining forces with the nearby Tully / Senter Neighborhood Association. When the hostile living

environment at Markham Plaza Apartments became too overwhelming for Heidi Yauman to withstand, she would often hang out with Councilmember Madison Nguyen at her "Plant Shopping Center" campaign office.

I also worked closely with many others including San Jose Independent Police Auditor: Judge Ladoris Cordell (ret), San Jose Police Chief Christopher Moore, San Jose Police Internal Affairs Commander: Lieutenant Richard Weger and Jose Salcido, a retired sheriff department lieutenant and Public Safety advisor for Mayor Chuck Reed. In 2010, a police misconduct news story regarding initiated by me made international news and was featured on the television show: Good Morning America and in 2011, I received an invitation to meet with U.S. President Barack Obama. I been a professional activist for many years and have been invited as guest speaker at Stanford University and my video presentations have been used to teach law school students.

In April 2012, The San Jose Police Department's secondary employment unit was subject of scathing audit by the San Jose City Auditor's office under supervision of Sharon Erickson. San Jose Police chief Christopher Moore acted upon my recommendations to better supervise the Secondary Employment unit after my recommendations were echoed by auditor Sharon Erickson. Changes were made to San Jose Police departments organizational structure and the secondary employment unit was moved out of the bureau of administration and relocated to the office of the chief of police. Michael Leininger's security company (Safety First) lost it's contact with "The Plant" shopping center and San Jose Police Lieutenant Anthony Mata was assigned to oversee SJPD officers working SEU paid jobs at "The Plant" shopping center. San

Jose Police Chief Christopher Moore requested that Lieutenant Anthony Mata and I work together in resolving with the problems with the officers at "The Plant" shopping center.

Also, In April of 2012, Heidi Yauman was visited at her home by probate court investigator Yara Ruiz to review matters relating to her conservatorship. I attended this meeting as Heidi Yauman's advocate and at the meeting, I learned from court investigator Yara Ruiz that the public guardian had falsified documentation in Heidi Yauman's probate court file which falsely claimed that I was living at Markham Plaza in 2008 and that the public guardian had intervened to stop the eviction. I followed up in writing with the Public Guardian, probate court investigator Yara Ruiz and other government agencies, including the California Judicial Council and U.S. Department of Housing and Urban Development regarding this fraud and mentioned that I would be assisting Heidi Yauman in preparing a declaration contesting the fraudulent probate court records. Deputy Public Guardian Rebecca Pizano Torres began calling Heidi Yauman and showing up at Markham Plaza Apartments trying to persuade Heidi Yauman not to file a declaration contesting the false records and an emergency meeting was called by her supervisor: Carlotta Royal. Heidi Yauman was then contacted by probate court investigator: Yara Ruiz and told that deputy public defender George Abel was assigned to her case to assist her with the declaration contesting the false probate court records. Deputy Public Guardian Rebecca Pizano Torres told Heidi Yauman that I could not help her with her declaration because she now had an attorney (George Abel) assigned to handle it for her. I followed up with the public defender's office in writing regarding these issues and included public defender Molly O'Neal in the correspondences in hopes that she would hold those under her supervision

accountable. Deputy Public Defender George Abel did not assist Heidi Yauman with her declaration contesting the fraudulent probate court records.

Additionally, in April of 2012, another public guardian conservatorship: the conservatorship of Gisela Riordan – Probate court case 1-10-PR-166693 had been generating attention from activists and organizations from across the country for the isolation and poor living conditions at Villa Fontana retirement community in San Jose. These activists included Linda Kincaid, Janet Phelan, Marti Oakley, Latifa Ring, and Ken Ditkowski and other attorneys and organizations working to reform conservatorship laws, including active and retired law enforcement officers. The probate court judge was Thomas Cain, but Judge Socrates Peter Manoukian had presided over the eviction of Gisela Riordan's son, Marcus Riordan from her home in what many believed was to assist the public guardian in seizing her house and other property - Case -10-CV-190522. Deputy Public Guardian Rebecca Pizano-Torres was very involved in this issue as was probate court investigator: Yara Ruiz and others who were also involved in the matter involving the fraudulent probate court records in Heidi Yauman's probate court file. Linda Kincaid and others had contacted me after hearing of problems Heidi Yauman had with the public guardian leading up to the recent issue pertaining to the discovery fraudulent probate court records, and roadblocks we had encountered in attempt to address these issues. NBC News (Kevin Nios) and ABC News I-Team (Jim O'Donnell & Dan Noyes) had both began investigating the public guardian and conducting interviews with conservatees, their advocates, friends and family.

On May 7th, 2012 a homeless man was shot and killed at Curtner Avenue & Almaden Road, a short distance from Markham Plaza Apartments. Myself, Council members Madison Nguyen, Pierluigi Oliviero and other community leaders organized a neighborhood meeting on May 14th, 2012 which took place at "The Plant" shopping center across the street from Markham Plaza to address homeless related concerns. Though I worked closely with vice mayor / council member Madison Nguyen, I disagreed with her on her handling of the issue which I believed was being construed and framed as a homeless issue and being used to get federal funding from the U.S. Department of Housing and Urban Development to fund the San Jose Police Department. I believed officials were skewing data to obtain grant money and that once obtained, much of this money would be spent inappropriately. I suggested that instead of funding the San Jose Police Department, federal grant money should be directed to getting homeless people housed at Markham Plaza Apartments and helping to empower those who already lived there with better jobs and housing. Another idea was to provide a reseme workshop for the Markham Plaza residents, perhaps by expanding an existing program provided by the nearby Cathedral of Faith Church. I had difficulty getting neighborhood residents to attend the meeting because the San Jose Police officers working at "The Plant" shopping center had issued illegal "Stop orders: preventing neighborhood residents from being at "The Plant" shopping center. I brought suggestions and concerns of residents with me. Some residents were concerned that Robert Ridgeway was distributing guns at Markham Plaza & thought a neighborhood gun buyback program would be a good idea. Residents thanked me for their advocacy and support, and some warned me that Michael Leininger may try to retaliate against me for the audit that had taken place and him losing his business contract with "The Plant" Shopping center and causing 8 of his officers to be fired. San Jose Police Lieutenant Anthony Ciaburro was present at the May

14th, 2012 meeting and had been supervisor to Sergeant Michael Leininger who was supervisor to Robert Ridgeway, who was allegedly distributing guns. At the time, former SJPD officer Robert Ridgeway was also in charge of maintaining security cameras at "The Plant" shopping center where the meeting was held. Deputy Santa Clara County Public Guardian Rebecca Pizano-Torres continued to cause problems for Heidi Yauman, who was experiencing an increased level of harassment by Markham Plaza property manager Elaine Bouchard and other EAH Housing staff. Despite written follow up attempts, Deputy public defender George Abel was completely unresponsive and did not assist Heidi Yauman in her declaration contesting the fraudulent probate court records regarding Markham Plaza. Meanwhile, the public guardian did not intervene to stop the harassment against Heidi Yauman which placed me in the position where I would have to interne on Heidi Yauman's behalf. Markham Plaza property manager Elaine Bouchard would respond that she would work exclusively with the Public Guardian. We were caught in loop because public guardian would repeatedly fail to intervene, breaching their fiduciary duty. I would therefore repeatedly be forced to intervene to stop the perpetual abuse and harassment and the "script was flipped" to make it appear as it I was harassing them.

On June 10th, 2012, Linda Kincaid and I interviewed on national radio show (Truth Talk Radio, hosted by Marti Oakley) regarding the Public Guardian's office and

On June 15th, 2012 Heidi Yauman was served with "Notice of termination of tenancy" papers from the Law office of Todd Rothbard, which suspiciously accused her of having a person named "Andrew Crittenden" residing with her without authorization from management. "Andrew Crittenden" was named as co-defendant in Santa Clara County Superior Court case 1-12-CV226958. This attracted the attention of organizations from across the country

who were monitoring the public guardian's office and the developments at Villa Fontana retirement community. The name "Andrew Crittenden" appeared to be fictitious representation of myself, with attempt to create an illusion of consistency with the fraudulent probate court records created by the public guardian that deputy public defender: George Abel. In addition to organizations and activists from across the country focusing on the public guardian, and local efforts to obtain and allocate federal grant money from the U.S. Department of Housing and Urban Development, other organizations that dealt with housing rights and advocacy also became involved. These included the Affordable Housing Network and the National Alliance of HUD Tenants, who I had been working with in attempt to establish a Markham Plaza Tenant Association. I assisted Heidi Yauman in preparing an "answer to unlawful detainer" but there was no answer to unlawful detainer prepared for "Andrew Crittenden" since that was not my name and I was not living at Markham Plaza. Heidi Yauman's Answer to unlawful detainer to case 1-12-CV226958 referenced to a code enforcement complaint filed on June 4th, 2012, which should have afforded Heidi Yauman protections against eviction pursuant to the Fair Employment and Housing Act. Deputy Public Guardian Rebecca Pizano-Torres was replaced by Bruce Thurman for a very brief time period, then replaced by deputy public guardian: Arlene Peterson (AKA: Arlene Claude)

**After Heidi Yauman's answer to unlawful detainer was filed with the court, deputy Santa Clara County Counsel, Larry Kubo (State Bar ID 99873), acting as legal counsel for the Public Guardian, supposedly acting in Heidi Yauman's behalf. The Answer to unlawful detainer filed by Larry Kubo, which was accepted by Judge Socrates Peter Monoukian overrode the original answer to Unlawful detainer, created the illusion of consistency with the fraudulent records deputy public defender George Abel was supposed to help Heidi Yauman challenge 2 months earlier. It also made no mention of the June 4th, 2012 code enforcement complaint, effectively stripping Heidi Yauman of her retaliatory eviction protections established in the Fair Employment and Housing Act. (FEHA). It is important to emphasize that deputy county counsel Larry Kubo and Judge Socrates Peter Manoukian were both intimately involved in the public guardian's escalating crisis at Villa Fontana retirement which was subject to attention from all over the country, publicity and attention which would soon engulf Markham Plaza Apartments. Deputy County Counsel Larry Kubo was under the supervision of Santa Clara County County Counsel Lori Pegg (State Bar ID 129073), who, according to rule 3-110 (California Rules of professional conduct), was ultimately responsible for the conduct of all attorneys under her supervision and obligated by law to take corrective action in the event that any of them should fail to act competently.**

**I appeared in court with Heidi Yauman on case 1-12-CV226958 in department 19 (Judge Socrates Peter Manoukian) Deputy Public Guardian Arlene Peterson arrived accompanied by county counsel Larry Kubo. Markham Plaza was "represented" by attorney Ryan Mayberry, from the Law office of Todd Rothbard. Judge Socrates Peter Manoukian made a statement that the case was originally assigned to Judge Mary Greenwood, but that Judge Mary Greenwood recused herself for being personal acquaintance with "Andrew Crittenden" Judge Socrates Peter Manoukian accepted motion by deputy county counsel Larry Kubo to override the answer to unlawful detainer I had helped Heidi Yauman with, replacing it with a different answer unlawful detainer prepared for himself.**

**Deputy County Counsel Larry Kubo presented a "stipulation order" prepared by attorney Ryan Mayberry to deputy public guardian Arlene Peterson and myself. The language contained within the stipulation order was very confusing and contradictory and was not easy to fully understand. It was even more so difficult for Heidi Yauman, a traumatic brain injury survivor. This stipulation order contained language like "tenant must follow all rules that are or maybe in affect at any or all times) with many variables, (Is specific rule in effect or is it not) , etc. Deputy County Counsel Larry Kubo conned me into signing it, assuring that it would likely help to de escalate the situation. I was told me that it would be unenforceable on me because I was not a resident my true name was not the same as named on the order. I reluctantly signed the stipulation order after taking into consideration the following legal factors: Section 12 of the Markham Plaza house rules clearly stated that HUD laws supersede all rules and lease conditions, another section made clear that all new rules must be approved by HUD (Rendering matter outside jurisdiction of Judge Manoukian's court) also rules be equally enforced for all residents and may not be enforced arbitrarily.**

**Heidi Yauman did not sign the stipulation order, but deputy public guardian Arlene Peterson signed it on her behalf which I thought was a big mistake because the confusing and contradictory language contained within the stipulation order appeared to be in violation of California Welfare and institutions code §15656 prohibiting causing confusion or mental anguish on an elder or dependent adult.**

**That day, while returning home to Markham Plaza Apartments, I accompanied Heidi Yauman for her own safety. Immediately, upon entering the lobby to her own apartment building, Heidi Yauman was in "technically" in violation of the stipulation order because of a rule requiring all guests to "register" at the office. Markham Plaza however, did not have a registration process available and when we asked at the office, the staff had no forms or procedure to do with registration. Another thing that was unclear was the difference between "guest", and "visitor", and adding further to the confusion, the stipulation order defined me (or) "fictitious name: Andrew Crittenden" as resident, making me neither: visitor or guest.**

**The stipulation order was used as a weapon by Markham Plaza Property Management to harass, abuse and terrorize Heidi Yauman and the public guardian refused to intervene to stop the harassment. As before, I was put in position where I had to intervene and hit a wall when told by Markham Plaza Property Management that they deal exclusively with the public guardian. We were caught in the same loop as before, but the harassment and abuse had escalated dramatically, and despite constant pleadings to supervisors of various county agencies, nobody would lift a finger to help. Activists and organizations from across the country continued to monitor the Markham Plaza abuse crisis and ABC News continued to gather information on their investigative series: "Investigating the Public Guardian"**

**In early July, 2012, I assisted Heidi Yauman in filing 2 requests to property management requesting clarification on the confusing language in the stipulation order. This was proper way to go pursuant to the American's with Disabilities Act in regards to Heidi Yauman's traumatic brain injury, and also Chapter 4 of the HUD Management Agent Handbook. Markham Plaza Property Manager Elaine Bouchard ignored Heidi Yauman's ADA request for clarification, laughed in Heidi's face and told Heidi Yauman she loved to make her suffer.**

**I was also advocating for other residents,and caring for another disabled Markham Plaza resident: Robert Moss, in apartment 409. Robert Moss was in severe pain and could barely walk. He needed my assistance with basic house cleaning and errands to get groceries and other items, including getting his mail which included his medication. He was taking pain killers for condition with his feet, & I believe he also on antibiotics. One very hot day in July, 2012, Heidi Yauman was nowhere around. She was visiting with her mother who lives in Sunnyvale. I was attempting to deliver groceries to Robert Moss, and was confronted by Rudy, the Markham Plaza Property Manager at the front door and told that according to the stipulation order, I was not allowed to deliver the groceries to Robert Moss without Heidi being present. Robert Moss was of course unable to come downstairs to get his groceries and I was forced to sit outside in front of the building on hot day with perishable goods, including melting ice cream. Finaly I gave in and walked into the building and took the elevator up to the 4th floor to deliver the groceries and Robert Moss told me he was dizzy and about to pass out because the widow was closed and it was too hot for him. He was unable to walk to the window because of the condition on his feet and also because there was big pile of trash between him and the window. I could not help him with this issue because it was so difficult to get access to him. I brought this matter to the attention of public guardian Arlene Peterson who told me she was not Robert Moss's advocate and I would need to take the matter up with management, who told me that they deal exclusively with the public guardian.**

**Markham Plaza and the public guardian both interfered with me from helping Heidi Yauman clean her apartment and remove excess clutter. (they flipped the script and accused me of trying to move my belongings in – this had been going on for years) In the end, Heidi Yauman was charged for cleaning fees authorized by the public guardian who had control of her finances.**

**I was working at a nearby apartment complex / storage facility at 1650 Pomona Avenue, helping the elderly property owner with a federal lawsuit involving reverse foreclosure and bankruptcy. Markham Plaza Property Management would continue to create problems for Heidi Yauman. And I would have to repeatedly leave work to respond to the crisis and try to de-escalate the conflict. Several times I was assaulted trying to render aid to Heidi Yauman and Robert Moss. I was reluctant to defend myself for fear that I would be portrayed as the aggressor. This was documented to make it appear like I was coming to cause problems. Whenever possible, I would check in with Heidi in the evening after staff would leave to avoid conflict of having to interact with them. I was unable to perform my duties at work and the property owner lost his property, residential tenants had to move out and storage clients lost their personal belongings. On one occasion when I was unable to respond quickly to Heidi Yauman's cries for help, she tried to climb out her forth floor window and down the scaffolding equipment set up for painting the building. People outside and at nearby businesses ran up and urged Heidi Yauman to climb back in her window. They were confronted by Markham Plaza staff and told to mind their own business and that their was court order in effect.**

**On August 10th, 2012, Judge Socrates Manoukian's son Matt Manoukian who was marine was killed in combat in Afghanistan.**

**I wrote to Markham Plaza Property management pleading with them to not proceed with the attacks. I and requested a meeting to discuss ways to resolve the issues and my concerns about their collusion with the public guardian and being afraid that someone getting hurt. I wanted them to know about investigations going on and that the public guardian was being watched from all over the country for Villa Fontana, etc & that the same individuals in the middle of the spotlight were the ones they were in collusion with, and that Markham Plaza, like Villa Fontana was also being watched from all over the country, and I figured it would be in their best interest and the interest of everyone involved that they stay out of the spotlight and avoid the negative publicity. I thought it made perfect sense to sit down with them and discuss ways to coexist in peace and to collaborate on something some thing constructive, like directing some of the HUD funding discussed at May 2012 meeting in a way to benefit the residents, perhaps being channeled through non profits and churches such as Catherdral of Faith, Sacred Heart, Catholic Charities etc. The federal grant money was already available and all that needed to be done was designate proper use for it. It seamed so much more practical to direct energy in a constructive manner rather than destructive and to help people instead of hurting them. This was offer I thought they could not refuse especially since it would benefit EAH Housing as an organization to which they would also gain positive publicity instead of negative publicity. I included email with link to video exposing the isolation of Gisela Riordan at Villa Fontana which sparked the ABC News story. I wanted to put things in proper perspective by showing Markham Plaza that their isolation of Robert Moss and Heidi Yauman was very similar to the isolation of Gisela Riordan. Attorney Ryan Mayberry altered these documents and submitted them as exhibits to the court (Judge**

**Socrates Peter Manoukian) , these were accompanied by fraudulent, unsigned declarations from individuals including Robert Ridgeway, who alleged that he had video evidence and was able to testify that I was living at Markham Plaza and stayed overnight several nights. This was untrue. Since the original papers were served in June of 2012, I had only spent one night at Markham Plaza, which was the night before in order to ensure that myself and Heidi Yauman were able to get to court on time. On the bottom of one of the exhibits, there are the words: "See Youtube video: and the link to the video of Villa Fontana is showing, proving that the document was altered and demonstrating my intent in informing them of the isolation of Gisela Riordan.**

**When I tried to cross examine attorney Ryan Mayberry about the fraud concerning the altered documents, and how he knew they were from me (since my name was on the bottom was also cut off below the youtube link), Judge Socrates Peter Manoukian interrupted and diverted the conversation. Judge Socrates Peter Manoukian began interrogating me in court about Villa Fontana and my knowledge and involvement in FBI investigations into to the court system. I stated on the record that the documents had been altered, Judge Manoukian evicted Heidi Yauman on the alleged basis that the organizations and groups from around the county, members of the news media and those present at the May 14th meeting were conspiring together to attack Markham Plaza Apartments, a vast nationwide conspiracy supposedly being orchestrated by "Andrew Crittenden" and funded by the U.S. Department of Housing and Urban Development. I was denied my right to be heard in court and all the witnesses immediately rushed out of the court room. None of them signed their declarations or testified and I was not allowed to cross examine any of them. The only people who spoke were myself, and attorneys Larry Kubo and Ryan Mayberry, The proceedings were being monitored from all over the country and Markham Plaza Apartments plunged themselves headfirst into the spotlight.**

**The eviction proceedings occurred on October 3rd, 2012, only 53 days after the August 10th death of Judge Manoukian's son Matt Manoukian, who died fighting alleged "terrorists" When googling Judge Socrates Peter Manoukian, a lot of information comes up, but the two main incidents that stand out the most are the death of Judge Manoukian's son Matt Manoukian, and the fraudulent eviction of Heidi Yauman. It appears highly suspicious appears more than coincidental that that these major two events occurred only 53 days apart. One has to wonder if in addition to the fraud and perjury, there may be sanity issues at with Judge Manoukian and the vast number of people and organizations accused of conspiring to attack Markham Plaza Apartments without motive. The Cathedral of Faith church alone has an estimated 12,000 congregation members.**

**That same evening of October 3rd, 2012, Jim O'Donnell met with victims and their families and advocates at a Denny's restaurant, a few blocks away from Markham Plaza Apartments. National advocate Linda Kincaid, from the National Association Against Guardian abuse was present at the meeting and she announced she had pulled records from the court website regarding case 1-12-CV-226958. These records indicated that "Andrew Crittenden" had been evited twice from Markham Plaza Apartments. First by default for failing to file answer to unlawful detainer, When deputy public guardian Arlene Peterson's name was mentioned, Anthony Alaimo: mentioned that he two had dealt with Arlene Peterson and that she had shown up at his mothers home with forged eviction papers in what also involved corresponding court cases between department 19 (Judge Socrates Peter Manoukian /- 2008-1-CH-002010 ) and department 3 (Judge Thomas Cain / 1-10-PR-166693) After many people came forward bringing attention to the fraud and abuse, online records referencing docket no. 1-12-CV226958 vanished and no longer be found, other court cases in same court department during same time period were still searchable and accessible.**

**After Heidi Yauman's eviction, she was moved by the public guardian to Gainsville Road in San Jose and I had trouble accessing Robert Moss because of the harassment and being assaulted trying to enter Markham Plaza, and my cell phone had fallen from a ceiling wall outlet and had broken. I too was feeling broken and truly exhausted from this terrifying horrific ordeal. I followed up with Mr. (Duncan) Lee Pullen, director of Aging and Adult services on welfare check for Robert Moss and the money embezzled from Heidi Yauman by attorney Ryan Mayberry. Ryan Mayberry and Lee Pullen were neighbors, living a few short blocks from each other in San Rafael, where EAH Housing was headquartered. Lee Pullen authorized the public guardian to pay his neighbor Ryan Mayberry to commit fraud against Heidi Yauman (called attorney fees) payed for with Heidi Yauman's with Heidi Yauman's finances which the public guardian controlled. Lee Pullen was irresponsive to my requests for welfare check on Robert Moss and in early November of 2012, I learned that Robert Moss was discovered dead after Judge Manookian facilitated fraud (fabricated threats) and fake court declarations which Markham Plaza then used to deny Robert Moss accommodations pursuant to the American's with disabilities act. by isolating him like what had happened to Gisela Riordan.**

**In approximately, December 2012, Deputy Public Guardian Arlene Peterson terminated Heidi Yauman's tenancy on Gainsville Road in San Jose and threw her out on the street in the middle of winter. I then allowed Heidi to stay with me at 2700 Ash Street in Palo Alto where I had been illegally subletting since 2007. Since I did not have permission to allow Heidi Yauman to live with me, I also lost my housing on January 26th, 2013. Heidi Yauman and I moved across the street to 5 abandoned houses on Page Mill Road. Deputy Public Guardian also announced plans to terminate Heidi Yauman's conservatorship – closing any doors for opportunity to contest fraudulent documents which public defender George Abel was supposed to assist her with, tossing the ball to Robert Ridgeway who filed fake declaration to creating illusion of consistency with fake probate court records traceable to the earlier eviction attempt scandal from 2008 involving Markham Plaza Apartments, the Public Guardian and San Jose Police Department's Secondary Employment Unit.**

**I filed a complaint on behalf of Heidi Yauman with the U.S. Department of Housing and Urban Development (HUD Inquiry 345092) which was picked up by Jane C. Shandler at the San Francisco HUD office. Heidi Yauman authorized to act on her behalf pursuant to the American's with disabilities act. After short while, the investigation mysteriously grinded to a halt and HUD stopped responding. I emailed the San Francisco Police Department and told them that Heidi Yauman and I might need a Civil Standby at the San Francisco HUD office because HUD was refusing Heidi Yauman's complaint. I copied the email to the HUD Inspector General's office in Washington D.C. and a short time later, the HUD complaint was reinstated but no explanation was given as to why it had stopped. Soon after that, I was notified that the Public Guardian had intervened and had used their power of attorney to shut down Heidi Yauman's HUD complaint. I followed up meticulously via email with several county officials from across the board to reinstate the HUD complaint and included deputy public defender George Able, who was assigned to represent Heidi Yauman. I copied Public Defender Martha "Molly" O'Neal who, pursuant to rule 3-110 of the California Rules of Professional is ultimately responsible for taking corrective action for the incompetence of all attorneys under her supervision. Martha "Molly" O'Neal did nothing to assist with reinstatement of the HUD complaint, nor did she assist with the declaration to contest the fake probate court files, instead, she held the door open for the false declaration by Robert Ridgeway bringing about the illusion of consistency in the fake court records.**

**I also filed a whistleblower complaint against deputy county counsel Larry Kubo regarding him over riding the original "answer to unlawful detainer" and stripping out her protections in the Fair Employment and Housing act, basically setting up Heidi Yauman to lose her eviction case (1-12-CV226958). The Whistleblower blower complaint was received and handled by office of County Counsel, under supervision of Lori Pegg, who herself violated rule 3-110 in regards to the misconduct of subordinate attorney, deputy county counsel, Larry Kubo. I furnished the County Counsel Whistleblower program with solid proof supporting my allegations, including copy of the San Jose code enforcement complaint against Markham Plaza with case number, date it was filed and name of the investigator assigned.**

**County Counsel stonewalled the complaint and told me they could not give information on investigations. I then filed a public records act request on their policies and procedures which are public record. I used these policies and procedures to reverse engineer the whistleblower investigation and determined that they had violated a policy requiring that if a county counsel attorney is subject of whistleblower complaint, then it must be referred upward in the chain of command to the County Executive's office.**

**I brought the whistleblower complaint to the County Executive's office like I was supposed to do and presented them with the same proof given to county counsel. The county executive would either ignore the complaint or direct it back to county counsel and I would continue to send it back to the County Executive citing the policies requiring them to receive the whistleblower complaint. I also continued to follow up on reinstatement of the HUD complaint and was continually given the runaround.**

**Hundreds of people, myself included documented these improprieties and published them on the internet. These included web banners depicting Judge Socrates Peter Manoukian, (Duncan) Lee Pullen – head of Aging and Adult services who and his neighbor, Ryan Mayberry, the attorney for Markham Plaza Apartments. The ABC News story: Investigating the Public Guardian was also aired and Dan Noyes from ABC News interviewed (Duncan) Lee Pullen about the public guardian's practices of violating laws enforced by the U.S. Department of Housing and Urban Development.**

**Myself and others began receiving harassing and threatening phone calls from Santa Clara County Sheriff Detective David Carroll, who demanded that I stop pursuing the whistleblower complaint, and the HUD complaint (inquiry 345092) Detective David Carroll demanded that I stop advocating for Heidi Yauman, which included assisting her with medical attention. Detective David Carroll specifically told me not to put anything in writing regarding the EAH Housing Scandal, the abuse of Heidi Yauman and the circumstances surrounding Robert Moss's Death. Detective David Carroll also contacted documentary film producer William Windsor of the "Lawless America" project who was working an documentary film on government corruption which would feature Judge Socrates Peter Manoukian. The Sheriff department accused William Windsor of publishing pictures of himself with guns on social media and threatening judges, though there was never any evidence of this and no arrest was ever made regarding these claims. Web Banners and Information on Judge Socrates Peter Manoukian and detective Detective David Carroll were published on Lawless America sites and were distributed to thousand of people, including organizations that deal with police misconduct and police accountability related issues. Despite claims by Santa Clara County Sheriff deputy Robert Eng, the Lawless America project did not become involved because they were contacted by me, They had signed onto the project much earlier, 2010 or 2011 through the Public Guardian's Gisela Riordan's conservatorship case which had also sparked the ABC News story. Lawless America had been following the developments ever since, including when Markham Plaza Apartments plunged themselves into the middle of the scandal.**

**In 2014, focus began to shift to Robert Ridgeway, who filed a fake court declaration in case 1-12-CV226958. Like all the other witnesses in case 1-12-CV226958, Robert Ridgeway's declaration was unsigned, he never testified, and I never got the opportunity to cross examine him. Hundreds of people, including myself decided to "put him on the stand" and confront him on his statements, ask him to show the video evidence proving that "Andrew Crittenden" had been living at Markham Plaza and ask him to site the specific nights "Andrew Crittenden" had stayed overnight, etc. Banners were published along with descriptive text with Robert Ridgeway and his new wife, Santa Clara County Sheriff Deputy Aleksandra Ridgeway. The sole focus was to address the false statements in his declaration which he refused to sign and testify to. Robert Ridgeway was offered the opportunity to simply deny making the unsigned allegations contained within his false declaration. Robert Ridgeway was no longer a police officer and the declaration had nothing to do with his duties as police officer and his wife, deputy Aleksandra Ridgeway was not a party or witness to case 1-12-CV226958, and no involvement whatsoever. Affiliated organizations addressing police accountability issues had combined distribution channel capacity to distribute the banner to over 1,000,000 people if designed according to their policies, which would be a "police accountability theme", Robert Ridgeway was therefore depicted with his wife, deputy Aleksandra Ridgeway suggesting that perhaps, he was able to avoid prosecution for the fake declaration in part, because he was married to a law enforcement officer.**

**On September 16th, 2014, I was arrested by the Palo Alto Police Department on a $5000.00 warrant issued by the Santa Clara County Sheriff department. (California penal code § 653(2)a. The prosecutor was deputy district attorney James Leonard, who was a homicide prosecutor 2 years earlier when Markham Plaza Resident Robert Moss died. The public defender assigned to the case was Jeffrey Dunn and the judge was Rodney Jay Stafford. Jeffrey Dunn lied to me about the required elements to the charge and told me I was being charged with "publishing someone's personal information in a manner which could potentially make them feel harassed" which while I pled, an additional "victim" was added, that being deputy Aleksandra Ridgeway. I was also lied to about the terms and conditions of probation and was not allowed to see the police report, read the actual statute or the terms of my probation. The Santa Clara County Superior Court Docket number was C1493022. Also, Santa Clara County Sheriff department bailiff's seized from me the phone number for outside attorney: Aram Byron James.**

**I was not aware at the time that deputy district attorney James Leonard was homicide prosecutor when Robert Moss died, and it had not yet occurred to me the significance of deputy public defender George Abel's failure to assist Heidi Yauman with her probate court declaration, and the possible collusion involving the civil court declaration by Robert Ridgeway, and that George Abel's failure to assist with probate court declaration may have actually been a contributing factor to causing Robert Moss's death. (The district attorney's office covering up public defender's involvement in homicide) The public defender's office should have immediately declared a conflict of interest and recused. There is also the important question regarding proper as to whether the court system in Santa Clara County may be covering up for their own liability by allowing Judge Socrates Peter Manookian to preside over court cases so soon after his son Matt Manookian was shot and killed.**

**When I finally received a copy of the criminal complaint and the police report, signed by Santa Clara County Sherriff detective David Carroll under penalty of perjury, I noticed another problem besides the false and fabricated statements in the report. County Counsel Lori Pegg, who supervised the fraud by Deputy County Counsel Larry Kubo, and also the mishandled whistleblower complaint regarding Larry Kubo, and had failed to take corrective action pursuant to CRPC 3-110 had since become a Superior Court Judge. Judge Lori Pegg had handled search warrants into my face book account to illegally gather "evidence" in a situation she had been directly involved in when she was on County Counsel – A conflict of interest matter requiring her to recuse pursuant to California Code of Civil Procedure § 170.**

**Detective David Carroll's falsified police report contained many untrue, misleading and fabricated statements. Some of them are as followed:**

- **The police report had falsely claimed that Robert Ridgeway had testified at 1-12-CV226958. Which is untrue.**
- **The police report claimed that I was evicted in case 1-12-CV226958, which is untrue.**
- **The police report implied that I had created a crime spike in the area of Robert Ridgeway's residence (Yellow-5) and covered up crime at Markham Plaza apartments (Lincoln-4) .Records obtained from San Jose Police Department's bureau of technical services showed no measurable crime spike in (Yellow-5) and confirmed the crime at Markham Plaza (Lincoln-4) Furthermore, interviews conducted with Robert Ridgeway's neighbor's revealed that none of them were aware of any crime spike or suspicious activity. Markham Plaza residents reported that many young adults and teen agers were carrying guns.**
- **The police report claimed that I (or the banners) accused Robert Ridgeway and his wife (they) of committing fraud against a brain damaged woman. That is also untrue. The accusation was directed exclusively at Robert Ridgeway (not his wife)**
- **The police reports claimed that the web banners spoke negatively about their duties (Robert and Aleksandra Ridgeway) as police officers. This is untrue. The banners were directed specifically at the false declaration Robert Ridgeway had filed. This was long after his arrest and he was not a police officer. Aleksandra Ridgeway had nothing to do with the declaration and the declaration had nothing to do with her duties as police officer. Only her husband's criminal activity. Adding further to the irony is that through my work reforming the San Jose Police Department's Secondary Employment Unit, I was the one who defined the parameters of Robert Ridgeway's duties were, and were not and because of that fact, I would know better than anyone, including Robert Ridgeway himself, what his duties were.**
- **The false police report also fabricated a statement I made in response to a congressional investigation into Lodi Police Department and the chief of police Mark Helms (Crapping in his panties about the congressional investigation) Instead, the police report misrepresented this statement as if I were trying to instill fear into Lodi Chief of Police Mark Helms.**
- **The police report implied I have antigovernment ideology and claimed I had been "videoed 'attending antigovernment protests. This is also untrue. I am neither anti-government or anti-police and have never attended to an anti-government protest, nor have I ever been videoed at one.**
- **Though not directly stated, fabricated statements contained within the police report implied that the campaign was controlled and directed by me alone and that I were somehow controlling all the different churches, investigators, organization, s law firms, designers, etc. and that none of them communicated or collaborated with one another and everything came from me and was directed by me and that all communications between the various players passed through my hands. The report portrayed me as a master puppeteer controlling what people did. Or master**

**ventriloquist telling everyone what to say. (I was only a spoke in the wheel – not the axil) and though I may have asked some people to share information (protected under first amendment) hundreds of other people had asked thousands of others to do the same and some of the lead project directors had pages with millions of followers. People were not so much responding to me as they were to Robert Ridgeway simply to get him to answer for his statements. If he did not want to answer for his statements and was not prepared to, then he should never filed the false declaration in 1-12-CV-226958 – Robert Ridgeway was obligated**

- **The false police report misrepresented sequences of events and rearranged timeframes in which events occurred and circumstances relating to those events.**
- **The false police report portrayed me with false persona.**

**In addition to numerous other fraudulent, false and fabricated statements detective David Carroll's police report, proper report writing procedure was not adhered to nor was proper investigative procedure adhered to. Detective David Carroll's investigation was illegal and abusive – not supported by probable cause and outside the scope of his duties as a law enforcement officer.**

**Another issue I found was that of "front line supervision" detective David Carroll was a "front line" deputy, a rookie detective on his very first investigative assignment. Similiar to the obligations for attorneys in California rules of professional conduct - rule 3-110 for attorneys, Police Sergeants have specific responsibilities for supervising the front-line officers to ensure, among other things that all proper procedures are followed. If the sergeant fails to do so, the sergeant is accountable to his supervising lieutenant for failing to supervise the officers on the front line. Likewise, the lieutenant is accountable to his captain and so forth , so on through the chain of command all the way up to the Sheriff (or police chief, or commissioner – depending on the department) This is an essential vital function in any department to ensure proper policies and procedures are adhered to and also harmonic coordination throughout the rank and file.**

**In my professional experience, it is would be highly unusual for a police report as bad as this to slip through the cracks and make it past the level of sergeant. If this were to ever happen, the sergeant would be harshly disciplined, possibly suspended or demoted to a lower rank. While examining the report, I noticed it had been reviewed by supervisor: "Riccardo Urena", who I assumed to be a sergeant. After following up I discovered that sergeant Urena was a high-ranking division captain, and head of the court security division. If a report like this were unusual to make past the rank of sergeant, it is virtually unheard of for it to get to or past the rank of captain. If the court security unit were instead a patrol division, like the West Valley division for example, the division captain is equivalent to the police chief for that specific municipality and would report to the city manager, and also be accountable to the chain of command up to sheriff.**

**The court security division, however, is through contact with the courts as opposed to individual cities so therefore the division commander, Captain Riccardo Urena would likely answer to court officials and the orders passed down through chain of command would be coming from the court officials rather than higher ranking brass such as undersheriff, assistant sheriff or sheriff.**

**Since Santa Clara County Sheriff Captain Ricardo Urena appears to have been reporting to court officials on the matter, and the orders passed downward through the chain of command appear to have come from court officials to Captain Riccardo Urena, this is another indication that the detective David Carroll's falsified report and my arrest and conviction were to cover up liability of the courts for Robert Moss's death. Furthermore, another very significant irregularity I noticed is that since Captain Riccardo Urena's responsibility is specifically and exclusively limited to matters involving the court, then what business had he involving himself with a case that was:**

1) **Within the limits of the city of San Jose under the jurisdiction of the San Jose Police Department / Bureau of field operations / Southern Patrol Division / District Yellow / Beat 5 (Yellow-5)**
2) **Involving a sheriff deputy (Aleksandra Ridgeway) who was at the time, not a court security officer (I believe she was patrol officer in Burbank, unincorporated Santa Clara County.**
3) **Assigned to detective David Carroll, who was not even assigned to the court security division or in the same chain of command as Captain Riccardo Urena. Detective David Carroll was assigned to the investigative division. Why then was he receiving orders from a captain from a different division who was receiving his orders from court officials? The Ridgeway residence where the fabricated crime spike did not occur was not a court facility, had nothing to do with the courts.**

**These inconsistencies and irregularities and Captain Riccardo Urena's involvement indicates that the issues fabricated and presented within the reports were no as they appeared or claimed to be. They had nothing to do with crimes committed against Robert Ridgeway or his wife, deputy Aleksandra Ridgeway. They were in fact court related issues. They would have had to be otherwise they would not have been supervised and directed by Court Security Division commander who reports to court officials.**

**There also appears to be breach of contact issues (Sheriff court security contact between the courts and county of Santa Clara) and issues that may be of interest to the State Controller office in that these county sheriffs being supported by state funds, and these state funds appear to be financing federal crimes such as witness intimidation, USC Title 18 Section 4, USC Title 42 Section 3631, USC Title 18 section 241 & 242, etc.**

**In October of 2014, I worked on preparing a Marsden Motion and motion to withdraw plea of no contest. I had been following up with deputy public defender Jeffrey Dunn and others including Public Defender Molly O'Neal, who, pursuant to CRPC 3-110, was responsible for the taking corrective action for all attorneys under her supervision including Jeffrey Dunn and George Abel and these emails cross referenced cases C1493022 and 1-12-CV226958. Molly O'Neal did not take corrective action as required, further violating my due process rights. I followed regarding the way Deputy Public Defender Jeffrey Dunn misled me, the falsified reports and the events leading up to them, and the court security bailiff seizing the phone number to outside attorney Aram James, making it so that I could not consult with him on the true meaning of the statute, etc. Deputy Public Defender Jeffrey Dunn assured me that the court security videos would be secured, and that an investigation would be conducted into the theft of the phone number for attorney Aram James. I was stonewalled and given the runaround on other issues such as being conned and coerced into false plea, the falsified police reports, and the stalking, harassment, and threats by Santa Clara County Sheriff Detective David Carroll, who through this falsified report, created an illusion of consistency between fake court cases: 1-12-CV226958 & C1493022**

**I also published a news article about the facts of the case and how I had been railroaded by the public defender's office and district attorney James Leonard, who was homicide prosecutor in 2012 when Markham Plaza resident Robert Moss was discovered dead after Jeffrey Dunn's colleague refused to assist with declaration contesting fake probate court records.**

**On October 16th, 2014, I arrived at the Santa Clara County Superior Court Hall of justice for my Marsden Motion & Motion to Withdraw plea with my paperwork in hand showing the email correspondences with Jeffrey Dunn and others since being released. I was met by deputy public defender Jeffrey Dunn and others. As soon as I walked into the court room, deputies seized my paperwork and I was placed in hand cuffs and arrested. Deputy District attorney James Leonard smirked and Judge Rodney Stafford Laughed and declared: "Let the record reflect that the defendant is now in custody" I lost my composure while attempting to argue my motion, which was denied by Judge Rodney Stafford. I did not get to submit my paperwork on the court record because it had seized by sheriff deputies. Deputy District Attorney James Leonard whispered into the ear of one of the bailiffs, and I was then led from the court room where I was tortured in a holding cell. Another alleged victim of Judge Manookian, Mr. Tedd Scarlett claims he was also tortured by sheriff deputies in holding cell which resulted in him suffering a heart attack. Ted Scarlett has medical records and other documents supporting his claims.**

**I still had not received the terms and conditions of my probation, but 20 days later, while returning to court for alleged violation of probation hearing in department 42. While waiting in court holding cell, a deputy outside the cell told me was calling out what sounded like my last name: Crittenden, only pronouncing it QUITTenden! QUITTenden! With emphasis on the word/syllable "QUIT" & saying Heidi needs you out there to protect her. You need to ger out of custody as quickly as possible or she is going to get raped, beaten up and killed.**

**I appeared in department 42 before Judge Rodney Stafford and was represented by deputy public defender Thompson Sharkey who employed similar tactics like Jeffrey Dunn had. Thompson Sharkey told me that by accepting the terms of probation, I had forfeited my first amendment right to freedom of speech regarding criticizing public officials established by the supreme court decision: New York Times vs. Sullivan and that by publishing information online about facts the case including the article about James Leonard and Jeffrey Dunn, I had violated probation and to be released from jail, I would have to accept a fake CR-161 criminal protective order naming deputy district attorney James Leonard (Who was homicide prosecutor when Markham Plaza resident Robert Moss was found dead after fraud was used to deny him accommodations pursuant to the American's with disabilities act. I asked deputy public defender Thompson Sharkey what the purpose of the fake criminal protective order was. Thompson Sharkey replied "To get out of jail" The fake criminal protective order issued also prevented me from publishing information about Deputy District Attorney James Leonard on the internet. Thompson Sharkey told me to admit to publishing the news article and "the other stuff" and be released in a few days.**

**After I was released, I discovered that while in custody, someone had published detective David Carroll's falsified police report online using my name. It could not have been me because I was in custody. Over the course of time, several hundred people, many whom I did not know and never heard of came forward as witnesses that the police report was falsified. These included individual activists and members of various organization who had signed onto the project, people who were not signed onto the project, but were neighbors and friends from Palo Alto that knew I was had been living there and people who knew me and disagreed with the way I was portrayed in the fake police report, knowing that I do not behave as described, etc. It has generally been the case that when court or police records are published online, they are quickly refuted and discredited by the public, but to this date, to the best of my knowledge, no one has been able to refute or discredit a single coalition web banner has been published and put into circulation regarding this issue and although the internet is flooded with conspiracy theories, in my professional experience and extensive research, I know of no other situation where such extreme measures were taken to censor the free flow of information. If the coalition web banners were in fact without merit, and not supported by factual evidence, then logic would dictate that it would be left alone and the coalition web banners would discredit themselves.**

**After being released I also checked in with probation officer Douglas Davis, at the probation office inside the Palo Alto Court house. Officer Douglas Davis gave me a copy of the terms and conditions of my probation which showed I had given up my second and fourth amendment constitutional rights, I did not give up my first amendment rights, and in no way, shape or form did I violate probation by publishing facts about the cases online. Again, I was denied my right to due process and there is now I now have a fake probation record which falsely claims I had violated probation which I had not. Attorney Thompson Sharkey has since been caught railroading and defrauding another defendant: Mr. Victor Meras in Santa Clara County Superior Court Case C1769315. Attorney Thompson Sharkey has also, on at least 3 occasions been sued for professional negligence. Santa Clara County Superior Court docket numbers are 1994-1-CV-739331, 1995-1-CV-754610, 2006-1-CV-066347.**

**In January of 2019, I contacted the Santa County Sheriff Department's Internal Affairs Unit to file a formal misconduct complaint against Detective David Carroll, deputy Aleksandra Ridgeway and Captain Riccardo Urena. I spoke with internal affairs sergeant Alfredo Alanis, who issued me Internal Affairs Case number 2015-09. Sergeant Alfredo Alanis immediately lied to me and told me that internal affairs had one year to investigate the complaint. I corrected Sergeant Alfredo Alanis by explaining to him that pursuant to California Government Code § 3304, the one year he was referring to applied to allegations, not complaints and that an allegation was an individual component to a complaint.**

**During the time I worked with the San Jose Independent Police Auditor's office, I developed a formula to ensure that internal affairs investigations were properly processed. Generally, I would submit each allegation separately to ensure that they were handled separately, and I would usually submit each allegation a few days or 1 week apart but not until I had first tried and tested the evidence. If inadequate findings are returned, then it is more efficient to trouble shoot the investigation for procedural flaws etc. I could also better identify when a procedural mishap occurred by specific timeframes. By having copies of the investitive procedure on hand, investigations can be reverse engineered much like computer programs.**

**Each allegation would then be forwarded to the public defender investigative unit, along with Internal Affairs Case number, officer name and badge number, etc. IA and PDO would both be provided with witness information, evidence, etc. This measure is taken so that in the event that a pitches motion is ever filed against the same officer, the public defender is better equipped to track whether documents are missing from officer's personnel files or if the records do not match.**

**Before I could barely begin the process with internal affairs, received a from lieutenant Neil Valenzuela claiming that "the matter" was determined unfounded. Evidence and witnesses were ignored, etc. There was no investigation. It was a sham.**

**I received an email from lieutenant Neil Valenzuela saying the that the investigation was done by himself and Sergeant Albedo Alanis. This was a confession to botched investigation because Captain Ricardo Urena was named in the complaint for either failure to supervise or handing down unlawful orders. A sergeant or lieutenant may not investigate a captain because a captain outranks them both. It is common knowledge that the allegations against Captain Ricardo Urena would have to be investigated by undersheriff, assistant sheriff or sheriff.**

**The Santa Clara County Public Defender's office is very well resourced, having a team of about 30 investigators. A higher than average attorney/investigator ratio than you would normally find. It is the responsibility and obligation of these investigators to scrutinize every jot & tittle of police report and verify whether or not the information contained therein is accurate, and whether proper procedures were followed. This is like the obligation of a police sergeant to supervise front line officers in filing reports. The Sergeant would generally know that he would have to catch these things because if not, the public defender would, their credibility would be shattered, and the sergeant's ass would be on the line.**

**Each and every time and allegation were systematically passed to the public defender to be handled accordingly and each and every time they dropped the ball and ignored it. I literally had to beg and plead to investigate what myself, and hundreds of others claimed were false and fabricated reports. They were presented with before and after versions of altered Facebook transcripts, shown where exculpatory statements were stricken from police reports. Etc. I was being prosecuted by the public defender's office and the district attorney's office, playing "good cop / bad cop" I did everything I could think of to defend myself, emailed top supervisors in regards to (CRPC RULE 3-110) Judges regarding (Canon 3D) and even emailing district attorney with evidence that the public defender was acting incompetently and maliciously thinking that perhaps this would be exculpatory evidence that could be withheld. I was terrified of thought of filing a Marsden motion because when I tried that previously, I was arrested, tortured and re-railroaded by attorney Thompson Sharkey on fake probation violation.**

**By refusing to investigate the false reports and to their job, The public defender denied me these public services that I am automatically entitled to, and repeatedly my due process rights were violated. The public defender bent over backwards to not defend me and to preserve the false narrative created by the district attorney's office and sheriff department. With unbridled discretion, the incompetent and dangerous officers continued to hammer out false reports and no agency or official lifted a finger to stop them.**

**Approximately March 20th, 2015, Attorney Thompson Sharkey payed me a visit in Palo Alto and offered to pay me money to violate fake CR-161 criminal protective order naming deputy DA James Leonard. I recorded the conversation. District Attorney investigator James Leonard. I also received a call from detective Dennis Brookins asking me to please testify in court for him that his mishaps from 2008 investigation were accidental, not intentional. I have recordings voicemail messages from detective Dennis Brookins.**

**On March 24th, 2015, A San Jose Patrol officer by the name of Michael Johnson was shot and killed in the line on duty. I was very saddened by the news, and yet concerned because this occurred in patrol district Lincoln, very close proximity to Markham Plaza Apartments, and the gun issue I tried to address there 3 years earlier. I tried brushing it off as coincidence. The very next day, on March 25th, 2015 I was on the phone with a friend of mine who is retired Los Angeles Police officer, when Santa Clara County Sheriff detective Samy Tarazi and Lieutenant Elbert Rivera came to arrest me on more bogus trumped up probation charges because an organization called "Copblock" published a web banner on line with deputy Aleksandra Ridgeway's picture saying that she falsified a report covering up a murder committed by her husband. This kind of thing is to be expected with such a high-profile case that has generated a lot of public attention. There was no evidence linking this web banner to me. The publisher's contact information and court case information were published along with the banner, but I sat in jail for 40 days and neither the public defender or sheriff department made any effort to contact the publisher.**

**Deputy District Attorney Amanda Parks tried to railroad me in another fake probation violation by refusing to let any exculpatory evidence into record. Would not contact witnesses who were in ABC news story: Investigating Public Guardian, Alleged victims of Judge Manookian, others who claimed to have been targeted by sheriff detective David Carroll, etc. She even filed a motion to disqualify district attorney making false statements in "declaration of facts', preserving the false narrative that had been created. The Judge was Michele McKay-McCoy, who was also a homicide prosecutor when Robert Moss was found dead. I finally got the charges dismissed after having to email board of supervisors, state bar, everyone I could think of begging to PLEASE assign investigators and interview witnesses and allow me to present evidence.**

**I met deputy public defender Amanda Parks outside department 42 (Judge David Cena) Amanda Parks announced that the charges were dismissed, and my case was being moved to Palo Alto court. She was in tears that I had emailed so many people and supposedly embarrassed her (trying to get her to do her job) begging and pleading to be allowed to have evidence and witnesses. I said quietly, "Amanda I could bring this to the state bar" at which she shrieked out and screamed in front of witnesses: "Don't you dare threaten me!", and she then rushed into an elevator after deputy district attorney James Leonard.**

**Deputy Public Defender Gary Goodman was assigned to misrepresent me, and Deputy District Attorney Barbara Cathcart was assigned as new prosecuting attorney. The judge was Aaron Persky.**

**Deputy Public Defender Gary Goodman did nothing to address the false police reports and Public Defender Martha "Molly" O'Neal did not take corrective action pursuant to California Rules of Professional conduct 3-110. The top of an organizational chart is "The People" and going above the public defender to the county executive and board of supervisors did not help. The only resort remaining was to make the matter public and expose it online to as many people as possible. The fact that such extensive effort was made to censor the information was indication that it must be working. If it was not having some sort of positive effect, then officials would not be so bothered by it. This taken as encouragement to publish as much as possible. There was accurate record of events online to offset the false police reports and court records.**

**Publishing on the internet about the facts of the case was protected by the first amendment to the U.S. Constitution, used for protection, and to redress legitimate grievances. The falsified police reports and fake court records were criminal acts of fraud and perjury used as weapons to harass and attack. It was ironic how so much effort was being made to censor free speech, but nobody was taking effort to censor the fraud and perjury in the false police reports, and this is the point I was trying to make in the email sent to detective David Carroll which led to my arrest on December 25th, 2015 on felony stalking charge and 4 misdemeanors (I do not have original docket, but refiled as Docket C162778 and appellate case number is H045195 )**

**Nothing was intended as a threat and I have not ever attempted to incite violence against anyone ever. I was upset about and frustrated and terrified by these false reports and helpless to stop them. I was emotional about the holidays and the anniversary of the death of my sister Connie who died at the age of 44. If not upset and frustrated, I would have given more forethought and would not have sent the email. Not because detective Carroll would interpret it as a threat, but if I given it forethought, I would have known that the District Attorney's office could easily spin it to make it appear as a threat to validate their false narrative.**

**One of the things mentioned in the report about my felony arrest was the repeated emails I had sent to detective David Carroll. This was worded in a way to make me look bad but in my opinion, this is his Detective David Carroll's fault not mine. Detective David Carroll falsified reports about me and said things he knew were not true. Emailing him repeatedly should not have been necessary. I should not have had to ask him more than one time to correct the false reports. It is my first amendment right to redress grievances and that's exactly what I was doing, yet sergeant Samy Tarazi acted as if this were a crime.**

**When I brought this to the attention of deputy public defender Gary Goodman and mentioned the fictitious names such as "Andrew Crittenden" and the swapping of names and roles that took place, and the public defender not following up as required, and investigating the reports, he called "a doubt" (penal code 1368) alleging "Andrew Crittenden" and "Cary Crittenden" may be multiple personalities. I had made a joke with him once about how the reports placed me in 3 locations simultaneously making me 3 people so therefore, I should have 3 attorneys. Obviously, this was in jest, but Gary Goodman suspended the proceedings for mental health evaluation. Never did he address Judge Manookian's mental state when Judge Manookian accused hundreds of people of plotting terrorist attack against Markham Plaza Apartments, a HUD subsidized apartment complex (53 days after his son Matthew Manookian was killed in combat.**

**Gary Goodman also never addressed the mental state of Santa Clara County Sheriff Deputy Aleksandra Ridgeway who claimed to see prowlers and suspicious characters pacing back and forth and creeping around her house, yet she was the only person who could see these "imaginary people." Gary Goodman himself is notorious for making bizarre statements even on record, with his office in Palo Alto, Gary Goodman makes statements on the record referring to the San Jose Public Defender's office as "The Mothership" that will "Beam the discovery papers to him", yet Gary Goodman is not locked up for speaking with aliens & everyone knows he is joking and using metaphor.**

**I was denied my due process rights, and speedy trial because my own attorney, deputy public defender Gary Goodman deliberately chose to twist my words around just like a district attorney prosecutor.**

**Deputy Public Defender Jenifer Bedola submitted a false evaluation report saying that Doctor David Berke had determined I was incompetent to stand trial. No evaluation was ever done of me by Doctor David Berke, and the evaluation report was also fabricated evidence. This is like extracting my fingerprints from an item that I had never touched. I met with another doctor afterward who determined I was competent.**

**I took medication while in custody: "Risperdal" Not for mental illness, but to deal with the stress of incarceration and being powerless and helpless. I had taken some another inmate had given me, then asked for doctor prescription. It helped me to sleep while in jail but had nothing to do with my behavior. Only dealing with the situation. When I was released on O.R. however, one of the terms was to take the medication. Even though it no relevance to the charges against me, etc. When I went to trial, I was not able to adequately testify because of being too "doped up" on the medication. My response time was slow in contemplating what to say and how to answer during cross examination and direct examination.**

**Deputy District Attorney lied to the court during prelim and lied to the jury during trial presenting the false narrative, which defense attorney William Bennet did not object to and did not strike. Deputy District Attorney Barbara Cathcart also lied to the jury about the false police reports which William Bennett did not object to. Nor was their motion to strike,**

**Attorney William R. Bennett did excellent job defending my first amendment right to redress grievance and make public my allegations about fraud, falsified reports and corruption, but he failed to directly address the fraud and false police reports in that he did not investigate the falsified reports, procedural violations, etc, nor did he effectively cross examine Detective David Carroll about the false police reports. He did not address other due process violations about the earlier cases – not for purpose of relitigating past issues, but rather to validate that their were indeed legitimate issues that I did have first amendment right to redress.**

**Attorney William Bennet failing to object to statements by Barbara Cathcart claiming that the police reports were not falsified, and that I was living at Markham Plaza when I was not, and this helped Barbara Cathcart sustain her narrative and convince the jury that I had lied and made things up, and falsely prove the element of "no legitimate purpose" and then go on to make the argument that I had no constitutional right to lie about detective David Carroll, - thus subject matter jurisdiction was fraudulently procured over constitutionally protected activity, and I was denied right to fair trial. The court acted in excess of jurisdiction, and though I do not recall ther specific case law, the supreme court has ruled that their can be no punishment for exercising a constitutional right.**

**One of the exhibits pertained to Family Court Case JD20223/JD20224 in which I advocated for parents Ashley Stevens and Scotty Harris regarding their daughter Ashley Harris. Ashley had interviewed in a video series in which she alleged abuse under the care of Santa County Child Protective Services. In at least one video, Ashley Harris alleged she may be victim of sexual abuse. Soon after the videos were published online, Ashley Harris disappeared, and her social worker Anthony Okere filed a missing persons report.**

**Santa Clara County Detective David Carroll had been transferred to juvenile missing persons unit which I found highly suspicious. I was familiar with detective David Carroll and his history of covering for department of social services because of what happened with Heidi Yauman and what he did to me for trying to advocate for Heidi Yauman. For these reasons, I suspected that Detective David Carroll may be involved in Ashley Harris's disappearance bit I did not him. In advocating for the family, I was involved in creation of a web banner suggesting detective David Carroll may be involved which I believed was highly likely. It turned out that Ashley Harris had run away and she eventually turned up.**

**My actions were not out of malice, but out of legitimate fear for Ashley's safety, When asked if I believed all allegations I made, I said "I don't know' or "I;m not sure" I was presented with web banner relating to JD20223/JD20224 and asked if I believed Detective Carroll abused her & I said no. Had Ashley Stevens and Scotty Harris been allowed to testify, then the history would have been clear. Francine Stevens had even told be she had seen a man she believed to be detective David Carroll observing her at the Martin Luther King Library in downtown San Jose and thought he had been following her. Barbara Cathcart was able to use this to persuade the jury that I had lied about, and that "lying" was not constitutionally protected activity, thus fraudulent jurisdiction was procured over my constitutional rights – and I was further denied my right to due process.**

**I had stated in an email that Detective David Carroll was violent. I stand by that statement as the supreme court has ruled that color of law abuse is violence and he committed these abuses against Heidi Yauman, and me also for advocating for her. Heidi Yauman was a dependent adult and very vulnerable and his abuses against her, though not by direct contact caused her injury and great suffering. Few would argue that Charles Manson and Adolf Hitler were violent, even if they did not have direct contact with their victims. The legal dictionary may not consider this violence but I do and legal dictionary is different from Websters and others. Deputy District attorney Barbara Cathcart had convinced the jury that had lied about detective Carroll being violent and in her closing argument was that I must have lied about everything, and therefore that non statements were constitutionally protected. William Bennett should have cross examined Detective David Carroll in this manner about the false statements in his reports. It was not me who maliciously lied about detective David Carroll, It was Detective David Carroll and attorney Barbara Cathcart who lied about me.**

**Barbara Cathcart lied about the perjury in detective David Carroll's report, claiming he was "doing his job" and fraudulently procured jurisdiction over my first amendment rights to speak out the perjury and fraud, and redress my grievances.**

SINGED INDER PENALTY OF PERJURY

CARY ANDREW CRITTENDEN: _____

**2013-2014 SANTA CLARA COUNTY**
**CIVIL GRAND JURY REPORT**

# PROBATE CONSERVATORSHIP: A SAFETY NET IN NEED OF REPAIR

## SUMMARY

The 2013-2014 Santa Clara County Civil Grand Jury (Grand Jury) received a complaint alleging the "mishandling" of a client's case referred to the Office of the Public Administrator/ Guardian/Conservator (PAGC). Adult Protective Services (APS) had referred the client to PAGC. The individual's medical condition deteriorated significantly over five months, and the client died before being conserved. The Grand Jury sought to examine the actions or inactions of the PAGC in the matter. The Grand Jury's inquiry into this case led to a broader examination of the safety net provided by Santa Clara County for seniors who are not able to advocate for themselves, have no one else to advocate for them, and whose cognitive abilities are severely compromised.

The Grand Jury explored the process of conservatorship for seniors, age 65 or older, from Adult Protective Services (APS) through PAGC to Probate Court. The management of the client's needs during this prolonged time and the efficiency of handling the referrals to a final legal judgment of conservatorship by the Probate Court were investigated. The specific areas within APS and PAGC upon which the Grand Jury focused its attention are the following:

- The procedure of assigning an account/case number at the initial contact,
- Decisions prior to the acceptance of referrals to PAGC,
- Incomplete or insufficient information sharing between APS and PAGC,
- The Capacity Declaration,
- Training for new and current deputy public guardians,
- Updated Policies and Procedures Manual for PAGC not reflecting current practices,
- Background checks for APS workers and deputy public guardians, and
- Lack of PAGC statistics for case management.

## BACKGROUND

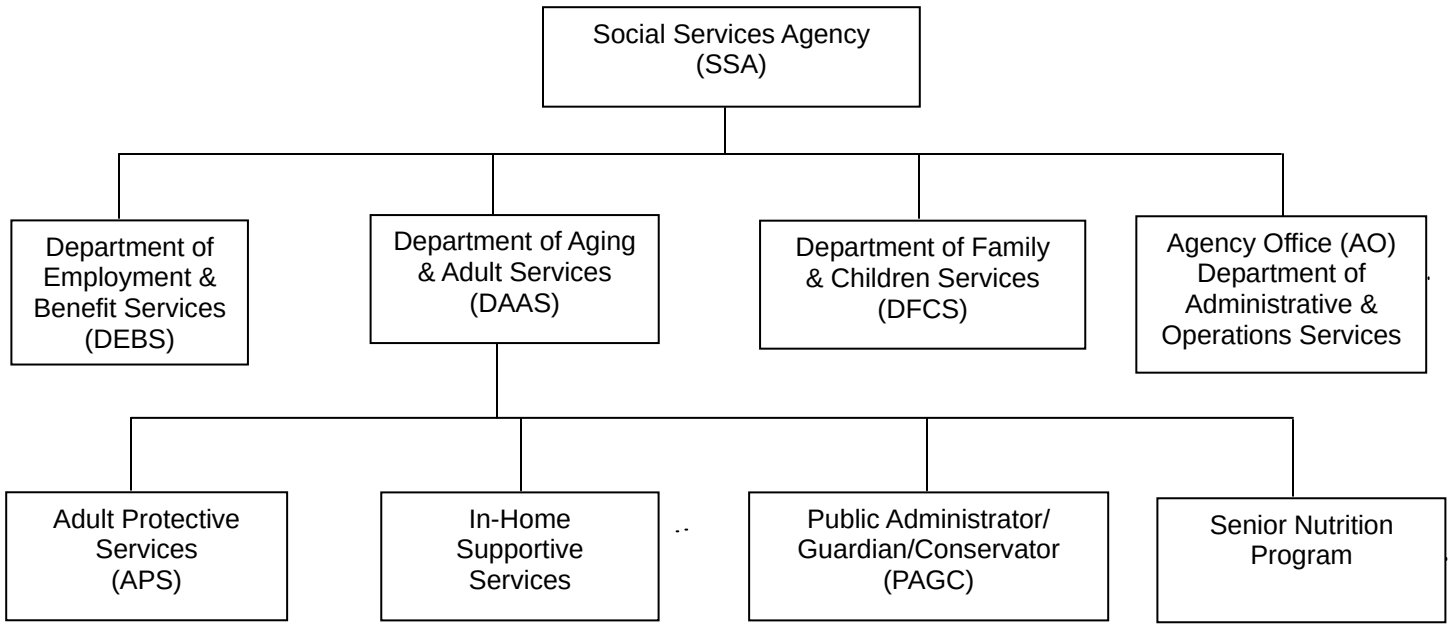
Santa Clara County is home to a population of approximately 1.8 million residents (2012 United States census estimate), of which 11.7 % are identified as over the age of 65, about 213,000 individuals.[1] Most of these elderly citizens will eventually require some level of support and assistance as they advance toward the end of their lives. A few will have limited

[1] http://quickfacts.census.gov/qfd/states/06/06085.html.

or no support system available within their family circle to execute their affairs.

The Department of Aging and Adult Services (DAAS), a division of the Santa Clara County Social Services Agency (SSA), was formed in 1997. DAAS consolidated several separate and distinct divisions to improve coordination among In-Home Supportive Services, the Senior Nutrition Program, the Office of the Public Administrator/Guardian/Conservator (PAGC), and Adult Protective Services (APS). The stated goals include coordinating and enhancing services for seniors that are delivered under county programs and strengthening partnerships in the community and among these departments.[2]

SSA Organization Chart (Abbreviated)




The Grand Jury examined the roles of APS, PAGC, and Office of the County Counsel (County Counsel).

**ADULT PROTECTIVE SERVICES (APS)**

APS is a department whose activities are defined by the California Welfare & Institutions Code. APS serves two population groups: elders (age 65+) and dependent adults (age 18-64) who are suspected of being abused and neglected. Types of abuse that are investigated include physical, sexual, financial, neglect or self-neglect, and isolation. Reports of abuse are taken on a 24/7 basis.[3] The mission of APS is to provide preventative and remedial interventions, such as investigation, assessment, counseling, development of a service plan, case management on a time-limited basis, and referrals to community resources. The law mandates the availability of these services through APS, but since the client is not conserved, acceptance of the services is voluntary.

[2] Adult Protective Services Handbook of Santa Clara County, n.d., 2-2.
[3] Welfare and Institutions Code section 15763.

The primary goal is to maintain the client in his/her home, while securing his/her ongoing health and safety as much as possible, using existing community-based services.[4] When the client is no longer able to make personal, health, or financial decisions without great risk to his/her well-being, or is in danger of being abused by others, and when other family members or other individuals are not willing, able, or appropriate to step into a formal caregiver role, APS makes a referral to PAGC for further investigation. The outcome of this investigation could lead to a permanent conservatorship.[5]

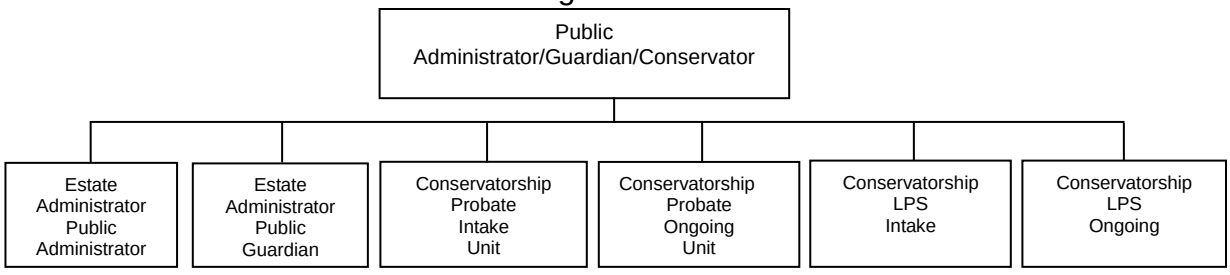
APS together with PAGC, the District Attorney, County Counsel, and other law enforcement entities staff the rapid response Financial Abuse Specialist Team (FAST). The team, established in 1999 by DAAS, allows a multi-disciplinary approach to take quick action and intervene in situations where the elderly person is in imminent risk of financial abuse. The team then also addresses the client's broader issues.[6] Non-FAST cases (clients not at imminent financial risk) do not have the same level of information sharing and cooperation among the departments.

**OFFICE OF THE PUBLIC ADMINISTRATOR/GUARDIAN/CONSERVATOR (PAGC)**

"The Office of the Public Guardian insures the physical and financial safety of persons unable to do so on their own, and when there are no viable alternatives to a public conservatorship. The Superior Court determines whether a conservatorship should be established. The court process includes petitioning the court and notifying the proposed conservatee and his/her family of the proceedings. A conservatorship is established only as a last resort through a formal hearing. The Superior Court can appoint the Public Guardian as a conservator of the person only, estate only (for probate), or both person and estate."[7]

The PAGC serves several groups of clients: elderly and dependent adults (probate conservatorships) and the severely mentally ill under the State of California Lanterman-Petris-Short Act of 1967 (LPS conservatorships – CA Welfare &Institutions Code §5000 et seq.). Probate and LPS conservatorships have separate divisions within PAGC, and each operates its own intake and ongoing units. The intake unit case manages the client who is awaiting conservatorship; the ongoing unit assumes management after the granting of conservatorship. The Public Administrator handles the closing of estates of the deceased, when no other alternatives such as wills and trusts exist.

PAGC Organization Chart




[4] *Id*. at 15750 et. seq.
[5] Adult Protective Services Handbook of Santa Clara County, n.d., 9-5
[6] "Financial Abuse Specialist Team Practice Guide Santa Clara County," Version 1.0, 12/2010, 3
[7] http://www.sccgov.org/sites/ssa/Department%20of%20Aging%20-20%Adults%...Services/Public%20Guardian/Pages/Office-of-the-Public-Guardian.aspx.

The Probate Intake Unit receives referrals from APS, skilled nursing facilities, hospitals, the court, and the community when there is concern about the cognitive and/or physical ability of the elderly person to function competently on his/her own, or for protection from outside abuse (financial, physical, emotional), and long-term intervention appears to be warranted. (See Appendix A.) Following an extensive investigation, the Public Guardian (PG) may decide to petition the Probate Court to request appointment of the PG as the legal conservator of record. This occurs only after extensive exploration for less restrictive alternatives such as willing and available family members or friends, and no one is found.

The individual can be conserved in the following ways, as determined in Probate Court:

> **Conservatorship of the person:** The conservator assures that all personal care, medical care, and services needed to maintain a safe and comfortable living environment are provided for the conservatee.
>
> **Conservatorship of the estate:** The conservator bears the responsibility for locating, managing, and protecting all assets of the conservatee's estate. She/he also applies for all income and benefits to which the conservatee is entitled, pays all just debts, and keeps separate records of all the funds received and disbursed on the conservatee's behalf.

An individual may have both his/her person and estate conserved, based on the judgment of the court after careful consideration of all of the facts in the case.

There are two types of probate conservatorship, permanent and temporary. The first step for both is to determine if the client is a candidate for referral for conservatorship. According to the Policies and Procedures Manual of the PAGC (Procedure 704.0), PAGC has 30 days to respond to the referring party; e.g., APS, hospital, or nursing home about accepting the referral. Once the referral is accepted, the deputy public guardian investigates the need for conservatorship and assembles a packet of documents including the Capacity Declaration, a physician's evaluation of a person's ability to handle his/her well-being and affairs. (See Appendix B.) A completed Capacity Declaration is mandatory to obtain a conservatorship. Then the deputy public guardian sends the packet to County Counsel. If the packet is complete, County Counsel prepares the petition for conservatorship, and a court date is initially calendared for 10 weeks in the future. After the Probate Court receives the petition, the Superior Court investigator independently reviews the documents and further investigates so that she/he can make a recommendation to the judge on conservatorship.

If time is of the essence, a temporary conservatorship can be sought. The temporary conservatorship has a limited term of one month. PAGC may petition the Probate Court to extend the temporary conservatorship, if needed.[8] This conservatorship has limited powers necessary to ensure the health, safety, and support of the proposed conservatee and protection of his/her property. It protects the client in the moment (a medical or financial emergency) before going forward with a permanent conservatorship.[9] A permanent

[8] Probate Code section 2257
[9] Probate Code section 2252

conservatorship is petitioned at the same time as the temporary conservatorship with the client being charged a fee for both petitions. Temporary conservatorships are filed with the court for a hearing date within three weeks. Unlike the permanent conservatorship, the temporary conservatorship does not allow decisions concerning the conservatee's real estate, routine medical care, or financial matters, unless urgent.

For purposes of this investigation, the Grand Jury chose to focus only on the portion of PAGC that deals with non-LPS probate conservatorships for the elderly from the point of referral to the Probate Court naming the Public Guardian as legal conservator. The process of moving a client through conservatorship is complicated and prolonged.

In the process of probate conservatorship, clients can spend as much as four to six months in a holding pattern, between PAGC'S acceptance of a case and the Probate Court's formal granting of temporary and/or permanent conservatorship. During this period, the client has already been deemed to lack the capacity to make good decisions for him/herself, as established by a physician via the Capacity Declaration. Further, the deputy public guardian assigned to the client has not been granted any legal authority to conduct business on behalf of the client.

Until permanent conservatorship is completed, the deputy public guardian must confront the clients' day-to-day issues without having the legal capacity to make decisions for the clients. The Grand Jury found that deputy public guardians, by necessity, bring their own personal skills and creativity into play to respond to clients' inability to care for their own needs under these precarious circumstances.

A temporary conservatorship may be sought to alleviate a crisis and is only a stopgap solution. It is limited in time, thirty days, and scope, a medical or financial emergency. Once the permanent conservatorship is in place, PAGC officially assumes the ongoing legal and physical responsibility for attending to all business and personal decisions surrounding the clients, and they will be case-managed accordingly.

The Grand Jury concludes that this legal limbo in which the deputy public guardians find themselves underscores the need to eliminate any delays within the conservatorship process that are easily correctable.

## OFFICE OF THE COUNTY COUNSEL

The Office of County Counsel (County Counsel) is the legal advisor to the County of Santa Clara. Within this department are attorneys representing various practice areas, and according to County Counsel, the "Probate Section represents and advises the PAGC in almost 1,000 conservatorship, decedent estate and trust proceedings each year."[10] The deputy county counsel assigned to probate prepares the petition for conservatorship, based on documents received from PAGC. The County Counsel staff calendars the case for a Probate Court hearing. Prior to the hearing in Probate Court, a court-appointed individual, the court investigator, does an additional independent examination of the facts. The investigator independently evaluates the need for conservatorship and recommends whether the court

[10] http://www.sccgov.org/sites/cco/Pages/Offfice-of-County-Counsel.aspx.

should grant a conservatorship.

## METHODOLOGY

In preparing this report, the Grand Jury conducted 17 interviews, received email responses to questions, did web searches, attended a demonstration of the PAGC Panoramic Case Management System (PANO) and examined various documents. The Grand Jury subpoenaed and reviewed financial, medical, and case management records of the deceased client mentioned in the complaint.

Interviewed employees from the following:

- Adult Protective Services (APS),
- Office of the Public Administrator/Guardian/Conservator (PAGC),
- Office of the County Counsel, and
- Superior Court of California.

Emailed communications with the following departments of Santa Clara County:

- Social Services Agency (SSA) which includes the Department of Aging and Adult Services (DAAS), APS, and PAGC,
- Office of County Counsel,
- Employee Services Agency (ESA), and
- Superior Court of California.

Web searches (See Appendix C.1.)

Manuals and codes (See Appendix C.2.)

Statistics for APS, PAGC, and Superior Court of California (See Appendix C.3.)

Forms and documents not included in the above (See Appendix C.4.)

## DISCUSSION

The Grand Jury began its investigation in response to a complaint that PAGC delayed establishing a conservatorship over a client who was referred to PAGC by APS. The client's medical condition deteriorated over five months with the client dying without a conservatorship in place. The Grand Jury reviewed this specific case and did not conclude that there was mishandling. Nevertheless, this case directed the Grand Jury's efforts to review and to evaluate the processes involved in determining conservatorship for the elderly.

The following sections outline what legal, procedural, and communication processes/factors

contribute to such a lengthy process for conservatorship. The Grand Jury also notes deficiencies and obstacles, which must be addressed in order to better the process.

**Process for Receiving, Formally Recording, and Accepting Referrals**

The Grand Jury found that when a referral is taken from a referring party, there are inconsistencies as to when the information is logged into the Panoramic Case Management System (PANO) and assigned an account/case number. The Grand Jury learned of instances where the inputting of data had been delayed, and therefore the client was not being tracked in the system, essentially lost and not receiving services. In those cases, the issue was brought to light when the referring party made inquiry as to the status of the client, and hard copies of the documents had to be hunted down. Procedure 709.1, updated January 21, 2014, requires that client data be entered when the referral is received, and this process is not followed in each and every case. As a result, the Grand Jury also learned that because of these past issues, a new PANO screen dedicated to the entry of referral data was going to be developed, along with clearer guidelines as to when and who would input data and assign an account number. The new screen, along with a new PAGC Procedure 709.2, dated May 20, 2014, is to be implemented.

Regarding the PAGC determination process for accepting or rejecting a client for conservatorship, which involves the removal of civil rights, the Grand Jury learned that a formal change is planned for the near future that will restructure how incoming referrals are reviewed. Currently, recommendations for acceptance or rejection of a client are at the discretion of one employee, and that decision is passed on to the Public Guardian for concurrence. The proposed new process will create a three-person panel to discuss and evaluate the merits of each case prior to the decision to accept or reject. It is intended to allow differing staff perspectives to be presented and considered collaboratively. This panel will convene bi-weekly. This one-year trial project was given a March 1, 2014 start date, but had not been implemented as of May 1, 2014.

**Communication between APS and PAGC/Incomplete Information Sharing**

The Grand Jury's investigation revealed that information sharing between APS and PAGC is critical for evaluating a client for possible conservatorship and for knowing when the conservatorship is completed. Complicating the situation, APS and PAGC have different computer systems that can be accessed only by the respective employees of each division. The investigation revealed that information sharing between APS and PAGC needs improvement.

APS completes and sends an interdepartmental form to PAGC entitled Request to Establish a Probate Conservatorship (SC-1). This form provides only basic client information including contacts, income, physician, and reason for conservatorship. PAGC cited a need for more information in SC-1 including relevant details contained in previous referrals to APS and potentially dangerous situations (aggressive dog, gun in the home, or resistant individuals). The lack of information results in the deputy public guardian having to discover the details on his/her own versus just reconfirming the veracity of the facts. If a situation is known to be potentially dangerous, the deputy public guardian would obtain appropriate backup when visiting the client in the home. As a result, with information that is more detailed, the deputy

public guardian would be able to proceed more safely, effectively, and with a clearer understanding of the client's situation.

After receiving a referral for evaluation of conservatorship from APS, the deputy public guardian is required within thirty days per PAGC Procedure 704.0 to contact APS as to the acceptance of the referral for conservatorship investigation. This notification is important to assist the APS worker in his/her further case planning for the referred client. The Grand Jury found that once PAGC acknowledges the referral and undertakes further evaluation of the client, little or no additional information about the client is shared. Since not all referred clients are conserved, it is important for the APS worker to be kept in the loop so that they will know if the client is still being actively evaluated and is receiving services from PAGC. This information influences the APS worker's decision when to close the case.

The Grand Jury was told that the lack of two-way communication between the departments is an issue. Clearly, a more collaborative approach between APS and PAGC would greatly benefit their shared clients.

**Capacity Declaration**

In every request for a formal conservatorship through the Probate Court, the client's physician must complete a Judicial Council of California Form GC-335, the Capacity Declaration. (See Appendix B.) The physician renders his/her professional opinion about the cognitive capacity of the individual to manage his/her own affairs and to perform activities of daily living. An additional attachment to the Capacity Declaration for dementia evaluation allows placement in a secured facility and the use of psychotropic medication (Probate Code §2356.5). The APS social worker, during the initial investigation, or the PAGC deputy assigned to manage the case is responsible for coordinating with the physician to complete this form. It is the responsibility of the PAGC deputy to ensure that the form is complete when sending the referral to County Counsel to petition the court for conservatorship. Since the Capacity Declaration is the basis for a formal judgment to conserve and legal proof of the need for a conservatorship, incomplete forms are returned to the PAGC deputy who then has to contact the physician again. Without a completed Capacity Declaration, a court hearing cannot be set, and the case is unable to advance through the Probate Court system. This results in a delay in the conservatorship process.

**Staff Training**

The 2012-2013 Santa Clara County Civil Grand Jury identified that the PAGC lacked a formal training plan for new employees and interoffice transfers.[11] As of March 1, 2014, the PAGC has made only minimal progress towards resolving this problem. There continues to be no formal written training manual or program to address this problem; the preferred method seems to be shadowing more experienced employees and obtaining information from a supervisor. It is important that PAGC address this, particularly since staff turnover in the PAGC Probate Intake Unit has been greater than 50 percent in the past two years.

A specific example of lack of training is in the use of a computerized case management

[11] 2012-2013 Santa Clara County Civil Grand Jury, *Improvements Are Needed in the Office of the Public Administrator/Guardian/Conservator.*

system. In 2009, PAGC implemented a new computerized system, Panoramic Case Management System (PANO), for managing its work. The PANO vendor describes it as a case management system designed to handle cases from investigation and opening to case closure. PANO tracks clients, their assets, heirs, and maintains case notes.[12] The 2012-2013 Grand Jury found that PAGC personnel were not utilizing PANO consistently, and PAGC had no clearly delineated personnel responsible for problem solving, maintenance, and training for the software system.[13] The 2013-2014 Grand Jury investigation has revealed that PAGC staff training on PANO consists of informal training with a supervisor and peers. The Grand Jury was told that PAGC has hired an employee to receive training from the PANO vendor with the intent that this person will then instruct the employees of PAGC how to use PANO. While this may appear to be progress, it has been five years since PANO was implemented, and the lack of formal training continues to prevent it from being utilized to its fullest capacity.

A formal job training program including the use of PANO results in a consistent, competent, and accountable staff, ultimately benefitting the client.

**Policies and Procedures for PAGC**

The basic guide to the day-to-day operations of PAGC is its Policies and Procedures Manual (P&Ps) that directs employees through the various processes required to serve their clients and provides step-by-step details for each task.

The 2012-2013 Santa Clara County Civil Grand Jury reviewed the PAGC's P&Ps and found that as of August 2012 nearly two-thirds of the policies and procedures had not been reviewed or updated for five years or more.[14] As a result, an effort has been undertaken over recent months to have the manual reformatted, updated, and made available to staff on the PAGC intranet. The Grand Jury was informed that the process has now been completed for the entire manual, and the P&Ps are now up to date.

The Grand Jury learned that the content of many of the P&Ps was not updated; only the dates on the pages were changed. For instance, old job titles and references to a former computer case management program have not been removed raising concern as to how much attention was given to the updates of the procedures themselves.

This leaves the Grand Jury to wonder how effective the P&Ps are in guiding new staff, or serving as a reference for all staff in conducting the work of the department. The Grand Jury determines that there is still much work to be done in this area including updating current job titles and responsibilities.

**Background Checks**

The employees of APS and PAGC have access to frail and cognitively impaired clients' homes and frequently handle personal property, financial assets, and household goods. According to the Annual Report of PAGC on August 8, 2013, PAGC manages a financial

[12] http://www.panosoft.com.
[13] 2012-2013 Santa Clara County Civil Grand Jury, *Improvements Are Needed in the Office of the Public Administrator/Guardian/Conservator.*
[14] *ibid.*

inventory of clients' assets totaling $62,787,998.25.[15] Additionally, personal property and valuables are kept in storage at a warehouse and a locked property room, accessed by select PAGC employees.

The Grand Jury found that employees of APS and PAGC are not fingerprinted. The current background check for a potential new hire searches only the last seven years for felonies and misdemeanors. It does not include Live Scan, a computerized fingerprinting system that searches nationally for criminal activity from 18 years of age to the present. Live Scan is no more expensive than the more limited background check presently done for prospective APS or PAGC hires. The increase in the level of background checks to include Live Scan review requires the concurrence of county management and county labor bargaining units. The Grand Jury contends that these new personnel should be subjected to fingerprinting and additional scrutiny from age 18 forward to current age when hired by the county to safeguard and minimize the risk to this vulnerable population and their assets.

**Inadequate Statistics**

The Social Services Agency (SSA) publishes statistics both quarterly and annually. The quarterly document is called the Vital Signs Report,[16] and the annual report is presented to the Board of Supervisors (BOS) Children, Seniors and Families Committee of Santa Clara County.[17]

In the preface of the Vital Signs Report, the importance of statistics is well stated: "Performance Management in the SSA is an interactive process that includes setting and clarifying goals; developing targets and measures to assess progress; meet reporting requirements, monitor program outcomes, evaluate program and management effectiveness; and to increase the use of performance indicators to [produce] informed [ed] programmatic decisions."[18]

However, looking at the quarterly Vital Signs Report, the Grand Jury was unable to evaluate the magnitude of the workload of the Probate Intake Unit because the following statistics were combined with the LPS unit:

- number of PAGC cases managed monthly (Appendix D.1 and D.2),
- initial evaluation completed by PAGC within seven days (Appendix D.1 and D.2), and
- percentage of face-to-face contacts with all conservatees within 90 days (Appendix D.2).

[15] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services, 11.
[16] Vital Signs Report-A Review of Key Performance Indicators; quarterly, published by Santa Clara County Social Services Agency Division of Data Analysis, Program Integrity and Research-Office of Research and Evaluation, July-September. 2013.
[17] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services.
[18] Vital Signs Report-A Review of Key Performance Indicators; quarterly, published by Santa Clara County Social Services Agency Division of Data Analysis, Program Integrity and Research-Office of Research and Evaluation, July-September. 2013, i.

In addition, the accuracy of the combined statistics is in question because the Probate Intake Unit does not track initial referrals in a consistent manner according to their own procedures. Combined with the lack of formal training on PANO and the resultant lack of uniformity in recording the case data, the Grand Jury questions the validity of all the PAGC combined statistics.

Also in the quarterly Vital Signs Reports, there are two categories of data that are listed without numbers because the "data [is] unavailable."[19] This data has not been available for several past quarterly reports. The categories are:

- file conservatorship inventories with the court within 90 days (Appendix D.2), and
- complete annual LPS reappointments within court time guidelines (Appendix D.2).

In the latest Vital Signs Report (October 2013 through December 2013), these categories are deleted.

When the Grand Jury asked for further statistics for the Probate Intake Unit such as source of referral and number of referrals accepted and rejected, a report was produced that showed the number of referrals in 2012 was 73 and in 2013 was 89. (See Appendix A.) However, the number of referrals to the Probate Intake Unit provided by PAGC in their annual report to the Children, Seniors and Families Committee of the BOS averaged 200 per year."[20] PAGC admitted that the information provided to the BOS committee was incorrect, overstated by more than 100%. In summary, the Probate Intake Unit does not actively track their referrals as to number or source although PANO, their computerized system, has that capability.

The Grand Jury concurs with the SSA's Vital Signs Report that performance measurement statistics would facilitate effective management of PAGC including staffing and budgeting. However, the statistics need to be accurate, meaningful, and complete.

## CONCLUSIONS

The Grand Jury investigated Adult Protective Services (APS) and the Office of the Public Administrator/Guardian/Conservator (PAGC) from the point of conservatorship intake referral to PAGC to completion of the conservatorship process in Probate Court. The Grand Jury conducted interviews and reviewed documents.

Over the past several years in spite of ongoing scrutiny from various sources including an internal audit manager, Santa Clara County Board of Supervisors, and the 2012-2013 Grand Jury, many issues remain unresolved within PAGC. The Grand Jury learned that PAGC has an understanding of several existing problems, and PAGC has offered reasonable solutions for them, but is failing to meet their own deadlines.

PAGC does not consistently follow the procedure as outlined in their Policies and Procedures

[19] Ibid, 21.
[20] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services, 4.

Manual that requires the Probate Intake Unit to record all referrals (APS and community) by giving each an account/case number. This makes the referral nearly impossible to track prior to acceptance because there is no account/case number assigned. This is an area where a proposal for improvement--a new intake screen in the Panoramic Case Management System (PANO) dedicated to entering and tracking incoming referrals--is in the process of being implemented.

The decision to accept or reject each new referral presently is at the discretion of one employee; a three-person panel will replace this process. The purpose of the panel is to review the merits of each incoming referral, determine whether the client will be accepted by PAGC for continuing investigation, and create an open forum for the decision-making process that does not currently exist. The Grand Jury learned that this proposal for improvement has recently been initiated.

Two-way communication between APS and PAGC needs to be improved. Both entities are under the auspices of the Social Services Agency's Department of Aging and Adult Services. This department was formed in 1997 in order to facilitate interaction among staff of various units serving seniors and thereby improving the flow of services for these clients. The Grand Jury found that APS and PAGC work cooperatively on urgent cases involving financial risk to the elder (called the FAST team). However, in non-FAST cases, they sometimes provide less than complete information to each other that could make their work more efficient and effective as they serve this very vulnerable and isolated population.

No court hearing date can ever be set without a complete Capacity Declaration. This form, filled out by the client's physician, is used to justify the reasons for seeking conservatorship (lack of physical/mental capacity for managing the client's own affairs). It is the responsibility of the PAGC Probate Intake Unit to ensure this form is complete and accurate. However, the Grand Jury identified it as a document that is not consistently filled out properly or is incomplete and must be returned to the physician causing delays in the conservatorship process. Reviewing the form for accuracy and completeness, prior to sending it to County Counsel, would greatly benefit the client by reducing the time to conservatorship.

The 2012-2013 Grand Jury identified the lack of PAGC training, including the use of PANO, as an issue. It is an ongoing problem. There is a high staff turnover rate within the Probate Intake Unit, and as of March 1, 2014, there was no formalized training plan in place to train replacement staff. Additionally, the Policies and Procedures Manual of PAGC still has incorrect information and therefore is a questionable training and reference tool.

Also of concern to the Grand Jury is the way new hires to APS and PAGC are screened by the Employee Services Agency (Human Resources). The employees of APS and PAGC have access to the homes and property of frail and possibly cognitively impaired individuals, exposing these clients to potential outside abuse. The Grand Jury concludes that all new employees of both departments should receive a higher level of screening, including Live Scan fingerprinting**.**

Very few statistics are routinely kept and reported by PAGC's Probate Intake Unit. In response to the Grand Jury's request, PAGC had difficulty, but did provide basic statistics (number and sources of referrals, acceptance and rejection rates) for their Probate Intake

Unit. The Grand Jury has noted discrepancies in the number of referrals provided to them by PAGC compared to the number of referrals PAGC referenced in the Office of the PAGC 2013 Annual Report. There is a concern that without correct client counts, well-informed decisions regarding staffing and funding cannot be reasonably made.

The Grand Jury concludes that there are many hardworking, dedicated employees in PAGC who put forth their best efforts on behalf of their clients. However, they are working at a distinct disadvantage because of the operational deficiencies described in this report.

Some of the concerns noted in this report are currently being addressed as a result of the Grand Jury's investigations. The Grand Jury strongly suggests that the County continue to focus on improving the conservatorship process. Thus, for some of the county's most vulnerable citizens, the current path to conservatorship may eventually become streamlined to maximum efficiency.

## FINDINGS AND RECOMMENDATIONS:

### FINDING 1

By not assigning account/case numbers immediately upon receipt of referrals, PAGC does not follow Procedure 709.1 updated January 21, 2014, "Screening of Referrals," of the PAGC's Policies and Procedures Manual.

### RECOMMENDATION 1

The County should require PAGC to follow its new Procedure 709.2 dated May 20, 2014, "Probate Unit Referral Process," in PAGC's Policies and Procedures Manual.

### FINDING 2

Acceptance of referrals to PAGC for evaluation for conservatorship, which removes a person's civil liberties, is decided by one person with the concurrence of upper management.

### RECOMMENDATION 2

The County should implement the proposed pilot project of a three-person panel for evaluation of conservatorship referrals in accordance with the new Procedure 709.2 dated May 20, 2014.

### FINDING 3

Poor communication and incomplete information sharing from APS to PAGC in non-FAST cases result in inefficiencies and duplication of work.

### RECOMMENDATION 3

The County should require APS and the PAGC to develop efficient and effective methods of communication and information sharing.

**FINDING 4**

In non-FAST cases, PAGC does not always inform APS about the status of the referral after acceptance of the referral for conservatorship investigation.

**RECOMMENDATION 4**

The County should require PAGC to inform APS of any pertinent changes in the client's status and when conservatorship is granted.

**FINDING 5**

The Capacity Declaration, a mandatory Judicial Council of California form, is not always completed correctly by the attending physician, resulting in the delay of the conservatorship process.

**RECOMMENDATION 5**

The County should devise a process to improve identification of errors and omissions on the Capacity Declaration prior to the acceptance of it.

**FINDING 6**

As of March 1, 2014, there are no formalized written training programs for new and current PAGC staff.

**RECOMMENDATION 6a**

The County should develop and implement a formal written case management training program for new and current PAGC staff.

**RECOMMENDATION 6b**

The County should develop and implement a formal written training program for the use of PANO for new and current PAGC staff.

**FINDING 7**

The current PAGC Policies and Procedures Manual does not reflect current job titles and responsibilities.

**RECOMMENDATION 7**

The County should require PAGC to correct its Policies and Procedures Manual to reflect current job titles and responsibilities.

**FINDING 8**

Background checks of prospective APS personnel, prior to the time of hire into the department, do not include Live Scan screening.

**RECOMMENDATION 8**

The County should require all prospective personnel of APS to receive Live Scan screening prior to the time of hire into the department.

**FINDING 9**

Background checks of prospective PAGC personnel, prior to the time of hire into the department, do not include Live Scan screening.

**RECOMMENDATION 9**

The County should require all prospective personnel of PAGC to receive Live Scan screening prior to the time of hire into the department.

**FINDING 10**

PAGC case management statistics are often incomplete, limited in scope, and inaccurate, leading to SSA management's inability to make effective management and budget decisions.

**RECOMMENDATION 10**

The County should require PAGC to research, identify, and report complete, comprehensive, and accurate case management statistics.

# Appendix A

## PROBATE REFERRALS RECEIVED, CY 2011 - 2013

| Sources | 1st 6 Mo | 2nd 6Mo | 2011 |
|---|---|---|---|
| HOSP/SNF | 26 | 12 | 38 |
| COURT | 4 | 2 | 6 |
| PGO | 0 | | 0 |
| APS NF | 2 | 2 | 4 |
| JAIL | 2 | | 2 |
| APS | 50 | 25 | 75 |
| OTHER | 1 | 1 | 2 |
| **Totals** | **85** | **42** | **127** |

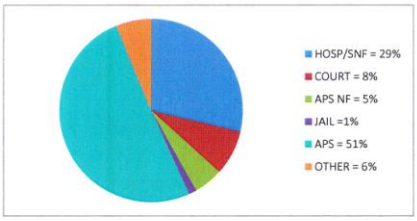
| Sources | 1st 6 Mo | 2nd 6Mo | 2012 |
|---|---|---|---|
| HOSP/SNF | 14 | 3 | 17 |
| COURT | 3 | 5 | 8 |
| PGO | 0 | | 0 |
| APS NF | 4 | 2 | 6 |
| JAIL | | | 0 |
| APS | 29 | 7 | 36 |
| OTHER | 5 | 1 | 6 |
| **Totals** | **55** | **18** | **73** |

| Sources | 1st 6 Mo | 2nd 6Mo | 2013 |
|---|---|---|---|
| HOSP/SNF | 15 | 13 | 28 |
| COURT | 4 | 5 | 9 |
| PGO | 0 | | 0 |
| APS NF | 3 | 2 | 5 |
| JAIL | 0 | 2 | 2 |
| APS | 18 | 17 | 35 |
| OTHER | 2 | 8 | 10 |
| **Totals** | **42** | **47** | **89** |

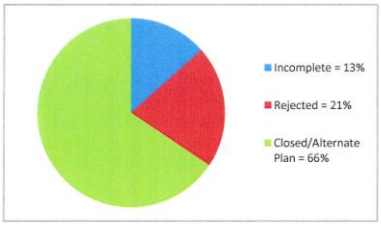
| Rejected | 2011 | 2012 | 2013 | Totals |
|---|---|---|---|---|
| Incomplete | 0 | 3 | 6 | 9 |
| Rejected | 1 | 6 | 7 | 14 |
| Closed/Alternate Plan | 11 | 10 | 23 | 44 |
| **Total** | **12** | **19** | **36** | **67** |

| | |
|---|---|
| **Total Accepted** | **222** |
| **Total Rejected** | 67 |
| **Total Referrals** | **289** |

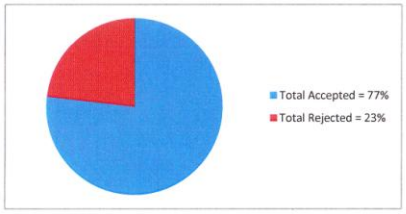
**Source of Probate Referrals, CY 2011 - 2013**




**Rejected Referrals, CY 2011 - 2013**




**Accepted and Rejected, CY 2011-2013**




**Deaths prior to completion of conservationrhip process and number forwarded to County Counsel will require a case by case analysis during the three year period.**

# Appendix B

GC-335

| ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):* | *FOR COURT USE ONLY* |
|---|---|
| TELEPHONE NO.: FAX NO. *(Optional):*<br>E-MAIL ADDRESS *(Optional):*<br>ATTORNEY FOR *(Name):* | |
| **SUPERIOR COURT OF CALIFORNIA, COUNTY OF**<br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME: | |
| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*:<br>☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | |
| **CAPACITY DECLARATION—CONSERVATORSHIP** | CASE NUMBER |

**TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER**

The purpose of this form is to enable the court to determine whether the (proposed) conservatee *(check all that apply):*

A. ☐ is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for *(date):* ☐ . *(Complete item 5, sign, and file page 1 of this form.)*

B. ☐ has the capacity to give informed consent to medical treatment. *(Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.)*

C. ☐ has dementia and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from dementia medications. *(Complete items 6 and 8 of this form and form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and form GC-335A.)*

*(If more than one item is checked above, sign the last applicable page of this form or form GC-335A if item C is checked. File page 1 through the last applicable page of this form; also file form GC-335A if item C is checked.)*

**COMPLETE ITEMS 1–4 OF THIS FORM IN ALL CASES.**

**GENERAL INFORMATION**

1. *(Name):*
2. *(Office address and telephone number):*
3. I am
   a. ☐ a California licensed ☐ physician ☐ psychologist acting within the scope of my licensure ☐ with at least two years' experience in diagnosing dementia.
   b. ☐ an accredited practitioner of a religion whose tenets and practices call for reliance on prayer alone for healing, which religion is adhered to by the (proposed) conservatee. The (proposed) conservatee is under my treatment. *(Religious practitioner may make the determination under item 5 ONLY.)*
4. (Proposed) conservatee *(name):*
   a. I last saw the (proposed) conservatee on *(date):*
   b. The (proposed) conservatee ☐ is ☐ is NOT a patient under my continuing treatment.

**ABILITY TO ATTEND COURT HEARING**

5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. *(Complete a or b.)*
   a. ☐ The proposed conservatee is able to attend the court hearing.
   b. ☐ Because of medical inability, the proposed conservatee is NOT able to attend the court hearing *(check all items below that apply)*
      (1) ☐ on the date set *(see date in box in item A above).*
      (2) ☐ for the foreseeable future.
      (3) ☐ until *(date):*
      (4) **Supporting facts** *(State facts in the space below or check this box* ☐ *and state the facts in Attachment 5):*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)



Form Adopted for Mandatory Use
Judicial Council of California
GC-335 [Rev. January 1, 2004]

CAPACITY DECLARATION—CONSERVATORSHIP

Probate Code, §§ 811, 813, 1801, 1825, 1881, 1910, 2356.5

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

6. **EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS**

**Note to practitioner:** This form is ***not*** a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

***(Instructions for items 6A–6C):*** *Check the appropriate designation as follows:* ***a*** *= no apparent impairment;* ***b*** *= moderate impairment;* ***c*** *= major impairment;* ***d*** *= so impaired as to be incapable of being assessed;* ***e*** *= I have no opinion.)*

A. **Alertness and attention**

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)
a ☐ b ☐ c ☐ d ☐ e ☐

(2) Orientation (types of orientation impaired)
a ☐ b ☐ c ☐ d ☐ e ☐ Person
a ☐ b ☐ c ☐ d ☐ e ☐ Time (day, date, month, season, year)
a ☐ b ☐ c ☐ d ☐ e ☐ Place (address, town, state)
a ☐ b ☐ c ☐ d ☐ e ☐ Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)
a ☐ b ☐ c ☐ d ☐ e ☐

B. **Information processing.** Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)
i. Short-term memory a ☐ b ☐ c ☐ d ☐ e ☐
ii Long-term memory a ☐ b ☐ c ☐ d ☐ e ☐
iii Immediate recall a ☐ b ☐ c ☐ d ☐ e ☐

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)
a ☐ b ☐ c ☐ d ☐ e ☐

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)
a ☐ b ☐ c ☐ d ☐ e ☐

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)
a ☐ b ☐ c ☐ d ☐ e ☐

(5) Reason using abstract concepts. (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)
a ☐ b ☐ c ☐ d ☐ e ☐

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)
a ☐ b ☐ c ☐ d ☐ e ☐

(7) Reason logically.
a ☐ b ☐ c ☐ d ☐ e ☐

C. **Thought disorders**

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)
a ☐ b ☐ c ☐ d ☐ e ☐

(2) Hallucinations (auditory, visual, olfactory)
a ☐ b ☐ c ☐ d ☐ e ☐

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)
a ☐ b ☐ c ☐ d ☐ e ☐

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior).
a ☐ b ☐ c ☐ d ☐ e ☐

(Continued on next page)

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

6. *(continued)*

D. **Ability to modulate mood and affect.** The (proposed) conservatee ☐ has ☐ does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. *(If so, complete remainder of item 6D.)* ☐ I have no opinion.

***(Instructions for item 6D:*** *Check the degree of impairment of each inappropriate mood state (if any) as follows:* ***a*** *= mildly inappropriate;* ***b*** *= moderately inappropriate;* ***c*** *= severely inappropriate.)*

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Anger | a ☐ | b ☐ | c ☐ | Euphoria | a ☐ | b ☐ | c ☐ | Helplessness | a ☐ | b ☐ | c ☐ |
| Anxiety | a ☐ | b ☐ | c ☐ | Depression | a ☐ | b ☐ | c ☐ | Apathy | a ☐ | b ☐ | c ☐ |
| Fear | a ☐ | b ☐ | c ☐ | Hopelessness | a ☐ | b ☐ | c ☐ | Indifference | a ☐ | b ☐ | c ☐ |
| Panic | a ☐ | b ☐ | c ☐ | Despair | a ☐ | b ☐ | c ☐ | | | | |

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A–6D

(1) ☐ do NOT vary substantially in frequency, severity, or duration.

(2) ☐ do vary substantially in frequency, severity, or duration *(explain; continue on Attachment 6E if necessary):*

F. ☐ *(Optional)* Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is ☐ stated below ☐ stated in Attachment 6F.

## ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee

a. ☐ has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.

b. ☐ lacks the capacity to give informed consent to any form of medical treatment because he or she is ***either*** (1) unable to respond knowingly and intelligently regarding medical treatment ***or*** (2) unable to participate in a treatment decision by means of a rational thought process, ***or both***. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

***(Declarant must initial here if item 7b applies: _____.)***

8. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

**ATTACHMENT PB-4015**

| Conservatorship of the ☐ Person ☐ Estate of *(Name)* ☐ Conservatee ☐ Proposed Conservatee | Case Number |
|---|---|

# PROFESSIONAL DECLARANT'S ATTACHMENT TO FORM GC-335

☐ **ABILITY TO ENTER INTO FINANCIAL TRANSACTIONS**

1. Based on the information on pages 1-3 of this declaration, it is my opinion that the (proposed) conservatee
   a. ☐ has the capacity to enter into financial transactions and should not have his or her right to enter into contracts terminated by the Court.
   b. ☐ lacks the capacity to enter into financial transactions because the mental deficits indicated above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions such that the (proposed) conservatee lacks the capacity to understand and/or enter into any contracts or agreements regarding property. ***(If this paragraph applies, declarant shall initial here:*** _____.)

2. Additional Comments:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... ▸ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

**ATTACHMENT TO FORM GC-335, *CAPACITY DECLARATION—CONSERVATORSHIP,* ONLY FOR (PROPOSED) CONSERVATEE WITH DEMENTIA**

9. It is my opinion that the (proposed) conservatee ☐ HAS ☐ does NOT have dementia as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders.*

   a. ☐ **Placement of (proposed) conservatee.** *(If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)–9a(5).)*

      (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because *(state reasons; continue on Attachment 9a(1) if necessary):*

      (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include *(describe; continue on Attachment 9a(2) if necessary):*

      (3) ☐ The (proposed) conservatee HAS capacity to give informed consent to this placement.

      (4) ☐ The (proposed) conservatee does NOT have capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions with regard to giving informed consent to placement in a restricted and secure environment.

      (5) A locked or secured-perimeter facility ☐ is ☐ is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.

   b. ☐ **Administration of dementia medications**. *(If the (proposed) conservatee requires administration of psychotropic medications appropriate to the care of dementia, please complete items 9b(1)–9b(5).)*

      (1) The (proposed) conservatee needs or would benefit from the following psychotropic medications appropriate to the care of dementia, for the reasons stated in item 9b(5) *(list medications; continue on Attachment 9b(1) if necessary):*

      (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include *(describe; continue on Attachment 9b(2) if necessary):*

      (3) ☐ The (proposed) conservatee HAS capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia.

      (4) ☐ The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate his or her actions with regard to giving informed consent to the administration of psychotropic medications for the treatment of dementia.

      (5) The (proposed) conservatee needs or would benefit from the administration of the psychotropic medications listed in item 9b(1) because *(state reasons; continue on Attachment 9b(5) if necessary):*

10. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)



Form Adopted for Mandatory Use
Judicial Council of California
GC–335A [New January 1, 2004]

**DEMENTIA ATTACHMENT TO CAPACITY DECLARATION—CONSERVATORSHIP**

Probate Code, § 2356.5

# Appendix C
# Documents Reviewed

C.1 Web Searches

- Prior Santa Clara County Grand Jury report of PAGC from 2012-2013
- Grand Jury reports from other counties dealing with concerns about PAGC
- California Advocates for Nursing Home Reform (CANHR) probate conservatorships in CA
- Live Scan fingerprint service
- Official website for the county government of Santa Clara County for the departments of APS, PAGC, and County Counsel
- Hiring flow sheet for Santa Clara County
- United States Department of Census Bureau – January 6, 2014

C.2 Manuals and Codes

- APS Procedures Manual from the state of California (CA) – no publication date
- Adult Protective Services Handbook of Santa Clara County – no publication date
- Financial Abuse Specialist Team Practice Guide, Santa Clara County – December 2010
- Policies and Procedures Manual of the PAGC – 2013-2014
- County of Santa Clara Superior Court of CA Probate Division Procedures Manual – June 2012
- Superior Court Investigator Training Manual from 2006 prepared by CA Association of Superior Court Investigators
- County of Santa Clara Human Resources Practices Manual – updated January 14, 2009
- California Welfare & Institutions Code Sections (W&I) related to the process of conservatorship
- California Probate Code related to probate conservatorship

C.3 Statistics

- APS and County Services Block Grant Monthly Statistical Report SOC 242 from October 2013
- Internal Audit Report of PAGC, Santa Clara County – August 5, 2010, with follow up audit done August 28, 2013
- Office of the PAGC 2012 Annual Report to Children, Seniors, and Families Committee – November 21, 2012
- Office of the PAGC 2013 Annual Report to Children, Seniors, and Families Committee

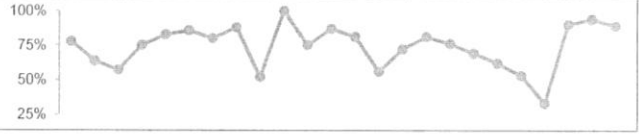
- Vital Signs Report, A Review of Key Performance Indicators for April – June 2013
- Vital Signs Report, A Review of Key Performance Indicators for July – September 2013
- Vital Signs Report, A Review of Key Performance Indicators for October – December 2013
- Probate Intake Tracking Log with the names redacted for 2013 – received by the Grand Jury January 2014
- Probate Referrals received for the calendar years 2011-2013 provided at the request of the Grand Jury – received by the Grand Jury January 2014
- Temporary and Permanent Probate Conservatorship Petitions filed from 2011- 2013 provided at the request of the Grand Jury – received by the Grand Jury April 2014

C.4 Forms

- Forms used in the conservatorship process
    - Capacity Declaration GC335 – January 1, 2004
    - Request to Establish Probate Conservatorship SC-1 – no date
    - Probate/LPS Referral Disposition Request – no date
    - Confidential Supplemental Form (Probate Conservatorship) GC312 – January 1, 2001
    - Conservatorship Evaluation Report /Recommendation – no date
    - Referral for Court Investigator – Conservatorship – January 2008

- Other forms and documents
    - APS organizational work chart – August 7, 2012
    - PAGC organizational work charts – August 7, 2012 and January 23, 2014
    - PAGC training update letter – January 23, 2014
    - Graphics for conservatorship process – no date
    - ESA updated January 14, 2009

# Appendix D.1

| Performance Indicator | Fiscal Year Change[1] | | | Quarter Change[1] | | Sep 13 (End Point) | 24-month Trend (October 2011 – September 2013) |
|---|---|---|---|---|---|---|---|
| | FY 13 | FY 14 | % Change from Last FY | Current Qtr | % Change from Last Qtr | | 10 11 12 1 2 3 4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7 8 9 |
| #31- Assessments completed within 21 days of initial face-to-face with clients | 172 | 188 | 9% | 188 | 1% | 167 |   |
| #41- Number of PAGC Cases Managed Monthly | 1,075 | 1,007 | -6% | 1,007 | -3% | 1,017 |   |
| #37- PAGC Initial Evaluations within 7 Days | 70.4% | 91.0% | **21%** | 91.0% | **42%** | 89.0% |   |

[1] Change is based on monthly average.
Note: Blue shaded areas denote notable changes (+/- Ten percent).

# Appendix D.2

Data Matrices: Department of Aging and Adult Services — Vital Signs Report

| DAAS Indicator ID | Indicator Type | Indicator Name | FY13 Monthly Average | Quarterly Reporting | | | | % Change from Last Qtr | FY14 Monthly Average | % Change from Last FY | Monthly Reporting | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Oct- Dec 2012 Monthly Average | Jan- Mar 2013 Monthly Average | Apr-Jun 20123 Monthly Average | Jul- Sep 2013 Monthly Average | | | | Jul-13 | Aug-13 | Sep-13 |
| 33 | SSA | Number of service plans completed 30 days from initial in-person contact with the clients | **185** | 194 | 190 | 194 | 193 | -1% | **193** | 4% | 204 | 198 | 177 |
| 34 | SSA | Number of in-person client visits conducted once every 30 days | **199** | 196 | 210 | 204 | 207 | 1% | **207** | 4% | 200 | 213 | 207 |
| 35 | SSA | Number of reports evaluated without initial face-to-face investigation (NIFFI's) | **40** | 26 | 26 | 47 | 62 | **32%** | **62** | **55%** | 53 | 70 | 63 |
| **Adult Protective Services & Public Administrator Guardian / Conservator Indicator** | | | | | | | | | | | | | |
| 36 | SSA | Losses Prevented and/or Monies Recovered by the Financial Abuse Specialist Team (Accumulative total since 2000. In millions) | $220.41M (through Jun 2013) | $220.79M | $220.79M | $220.41M | $221.32M | 0.4% | $220.32M (through Sep 2013) | NA | $221.32M (through Sept 2013) | | |
| **Public Administrator Guardian / Conservator** | | | | | | | | | | | | | |
| 37 | SSA | Conduct initial evaluations within 7 days | **70.4%** | 69.7% | 75.3% | 49.3% | 91.0% | **41.7%** | **91.0%** | **21%** | 90.0% | 94.0% | 89.0% |
| 38 | SSA | File conservatorship inventories with the court within 90 days. | NA | Data unavailable | | | NA | NA | NA | NA | Data unavailable | | |
| 39 | SSA | Conduct face-to-face contacts with all conservatees in 90 days | **93.7%** | 90.7% | 95.7% | 97.0% | 96.7% | -0.3% | **96.7%** | 3% | 96.0% | 98.0% | 96.0% |
| 40 | SSA | Complete annual LPS reappointments within court time guidelines | NA | Data unavailable | | | NA | NA | NA | NA | Data unavailable | | |
| 41 | SSA | Number of Public Administration/Guardian cases managed monthly. | | | | | | | | | | | |
| | | Combo (LPS & Probate conservatorship) | **24** | 24 | 22 | 23 | 22 | -4% | **22** | -6% | 22 | 22 | 22 |
| | | LPS | **473** | 465 | 472 | 476 | 472 | -1% | **472** | 0% | 469 | 471 | 476 |
| | | PA | **254** | 260 | 251 | 232 | 222 | -4% | **222** | **-13%** | 222 | 217 | 226 |
| | | Probate | **330** | 333 | 334 | 326 | 313 | -4% | **313** | -5% | 312 | 312 | 315 |
| | | Total | **1,075** | 1,082 | 1,079 | 1,034 | 1,007 | -3% | **1,007** | -6% | 1,003 | 1,000 | 1,017 |
| | | Trust | **93** | 92 | 94 | 93 | 93 | 1% | **93** | 0% | 94 | 93 | 93 |
| | | Trust-Outside | **17** | 17 | 17 | 17 | 18 | 4% | **18** | 4% | 18 | 18 | 18 |

* Monthly average unless otherwise noted in comments.

This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 11th day of June, 2014.

Bob E. Johnson
Foreperson

Michael M. López
Foreperson pro tem

Anita A. Robles
Secretary

Wilma Faye Underwood
Secretary

# PARTNERS IN CRIME



INCOMPETENT ATTORNEYS REFUSED TO ADDRESS FALSIFIED POLICE REPORTS

GOOGLE: "EAH HOUSING FRAUD"



**GARY GOODMAN**
SANTA CLARA COUNTY PUBLIC DEFENDER

**WILLIAM ROBINSON**
SIXTH DISTRICT APPELLATE PROGRAM

MARKHAM PLAZA MURDER CONCEALED FROM GRAND JURY INVESTIGATION INTO PUBLIC GUARDIAN

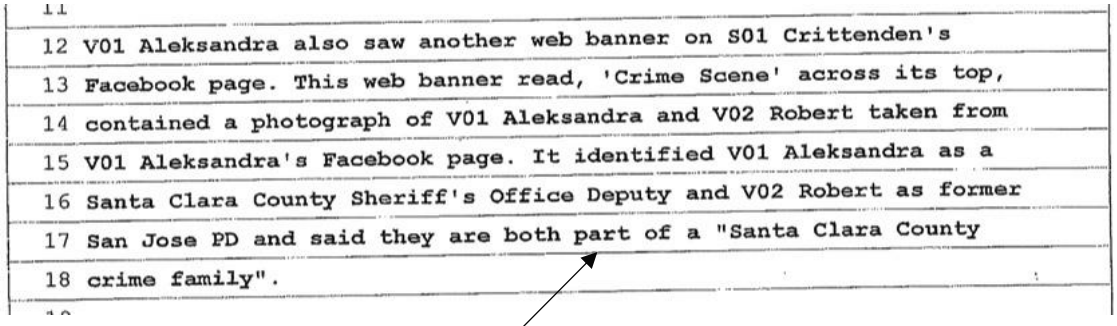
UGLYJUDGE.COM
CJP NEWS CJPNEWS.BLOGSPOT.COM
COURT VICTIMS UNITED JOIN THE MASSES IN PROTEST
CENTER FOR JUDICIAL EXCELLENCE.ORG
Citizens for Criminal JUSTICE

# Perjury - False Police Report by Santa Clara County Sheriff Detective David Carroll -14-182-0167B

## Homicide of Markham Plaza Resident Robert Moss concealed from civil grand jury investigation into Santa Clara County Public Guardian

**California Penal Code 118.1** states that "every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years."

Example 1: **FALSE / FABRICATED STATEMENT – MISREPRESENTATION OF FACTS AND EVIDENCE**



V01 Aleksandra also saw another web banner on S01 Crittenden's Facebook page. This web banner read, 'Crime Scene' across its top, contained a photograph of V01 Aleksandra and V02 Robert taken from V01 Aleksandra's Facebook page. It identified V01 Aleksandra as a Santa Clara County Sheriff's Office Deputy and V02 Robert as former San Jose PD and said they are both part of a "Santa Clara County crime family".

**There was never any web banner stating that "<u>They are both part of Santa Clara County Crime Family</u>" and no claims of misconduct were made whatsoever against Deputy Aleksandra Ridgeway until AFTER SHE FALSFIED REPORT 14-182-0167B**

**Deputy Aleksandra Ridgeway was not a witness or party to case 1-12-CV226958**

**There was however a series of web banners from several coalition organizations with title "<u>Santa Clara County Crime Family</u>"**

Example 2: Santa Clara County Sheriff Detective David Carroll misrepresented '**authorship of web banner**" – person who published post is assigned "**face book author ID**" this has "**nothing to do with who created web banner**"

6 On 6/12/2014, at approximately 0322 hours, S02 Peter uploaded a web
7 banner which included V02 Robert's name, identified him as a former
8 San Jose Police Officer, included his home phone number and address,
9 and included the message, "Robert Ridgeway, Ex San Jose Police
10 officer needs lots of attention. He is married to a Santa Clara
11 County Sheriff Deputy (Aleksandra Ridgeway -
1[redacted]Please share & do lots of
13 phone calls and emails." The "author" of this web banner read, "Cary
14 Andrew Crittenden".
15
16 S02 Peter uploaded this web banner to the Facebook page
17 "CopsRCowards"..

**Detective David Carroll made deliberate effort to frame me as author / creator of the web banner, yet he deliberately omitted the fact that when Andreas Peter uploaded the same web banner to "CopsRCowards" – Andreas Peter's Facebook creator ID was in the URL which identified Andraes Peter as "Author of the post""**

27 [redacted]
28
29 Posted below this message was a 'Creator Id' of 100000245077840. From
30 S01 Crittenden's Facebook page, I confirmed this Facebook creator ID

| OFFICER'S NAME | ID NUMBER | DATE | SHIFT/DAYS OFF | SUPERVISORS REVIEW | ID NUMBER | DATE | PAGE | OF |
|---|---|---|---|---|---|---|---|---|
| Carroll, David | 2022 | 07/01/14 1206 | II FSS | Urena, Ricardo | 1815 | 08/25/14 1324 | 18 | 29 |

09/12/2014 000000018

**Image metadata** ( Exif Data ) is text information pertaining to an **image** file that is embedded into the file or contained in a separate file that is associated with it. **Image metadata** includes details relevant to the **image** itself as well as information about its production. ... **Metadata** can also be added directly on some digital cameras.

Micha Bonillo
2000 Monterey Highway, #128
San Jose, CA 95112

March 30, 2016

Todd Rothbard
The Law Offices of Todd Rothbard
100 Saratoga Avenue Suite 200
Santa Clara CA 95051
Tel: 408-244-4200
Fax: 408-244-4267

**BY EMAIL**

RE: Markham Plaza I. v. Micha Bonillo
Tenancy of Micha Bonillo
2000 Monterey Road, Apartment #128, San Jose, CA 95112

Mr. Rothbard:

I am Micha Bonillo and I am writing in relation to my tenancy at 2000 Monterey Highway, Apartment #128 (hereinafter "Premises"). I am requesting the following as a reasonable accommodation of my disabilities under the Fair Housing Amendments Act:

(1) Six more months at the premises in order to secure housing.
(2) That I may terminate the lease sooner with 14 days notice if I find new housing prior to the end of the six month term
(3) Markham Plaza I. and all of its agents and trustees will provide me and all prospective landlords a written neutral reference.

I suffer from Persistent Depressive Disorder. Also, I have been diagnosed as morbidly obese which severely interferes with my ability to walk, move, take care of myself, and other physical impairments. My disabilities interfere with the full enjoyment of my home, and have severely limited my ability to maintain a housing search. My disability has been greatly exacerbated by the stress caused by the eviction notice. My mental health has been harmed a great deal because of the depression. The depression has hampered my ability to complete a housing search. If I were rendered homeless, I would suffer great medical, psychological, and physical harm. My disabilities require that she remain at the Premises so that she can manage her disabilities and continue her housing search.

The Act defines a person with a disability to include (1) individuals with a physical or mental impairment that substantially limits one or more major life activities; (2) individuals who are regarded as having such impairment; or (3) individuals with a record of such impairment. See Fair Housing Amendment Act of 1988 (42 U.S.C.S. 3602(h)(1)). Major life activities are "of central importance to daily life" and include "seeing, hearing, walking, breathing, performing manual tasks, caring for one's self, learning and speaking." See e.g. *Bragdon v. Abbott*, 524 U.S. 624, 638-39 (1998). California law protects a broader range of disabilities, requiring that a disability only "limit" major life activities,

rather than "substantially limit" them. California Fair Employment and Housing Act (FEHA), Cal Gov. Code § 12926.1(c).

Mr. Saunders was not my guest at the time of the January 1, 2016 incident in the Ninety Day Notice. Much of my contact with Mr. Saunders related to my disability as he would often assist me with laundry, dishes, trash, and other household chores that I cannot do due to my disabilities. I am trying to get myself an In-home Health Supportive Services worker to assist me with my disabilities and care. However, my disabilities have been an obstacle in my getting that assistance as well. **I continue to need assistance, however to ensure that I can reside here during a reasonable accommodation period, I will not seek the assistance of Nick Saunders for my care related to my disabilities.**

Reasonable accommodations must be provided even during the termination of a rental agreement. See *Samuelson v. Mid-Atl. Realty Co., Inc.,* 947 F. Supp. 756, 761 (D. Del. 1996). A landlord's failure to provide a qualified tenant with a reasonable accommodation, in violation of federal fair housing laws, can preclude eviction. See *Sinisgallo v. Town of Islip Hous. Auth.,* 865 F. Supp. 2d 307, 323; *Gonzalez v. Recht Family P'ship*, 51 F. Supp. 3d 989, 993 (enjoining landlord from evicting tenant because tenant made a prima facie case for failure to reasonably accommodate); *Douglas v. Kriegsfeld Corp*., (2005) 884 A.2d 1109. 1127 (reasonable accommodation includes a continuance of the eviction proceedings). A reasonable accommodation request can be made at any time up until and during eviction proceedings. See *Radecki v. Joura*, 114 F.3d 115 (8th Cir. 1997); See *McAlister v. Essex Property Trust, et al.,* (Sup. Ct. of Cal. Ventura Cty. Feb. 14, 2007) Case No. 2:2007cv00240 (finding in favor of tenant denied reasonable accommodation request to rescind termination notice due to son's autism).

I need extra time to relocate because of my limited ability to search for other housing. My disabilities require that I remain at the Premises so that I may continue my housing search. If you do not believe that you can grant this accommodation as requested, it is your obligation to explain why it would result in an undue burden and to propose an alternative accommodation.

The Fair Housing Amendments Act (FHAA) also requires affected parties to work jointly, in good faith, to develop solutions to reasonable accommodation requests. *Essex Mgmt. Corp. v. McAlister*, No. Civ 245572, 2007 WL 811093 (Cal. Super. Ct. Feb. 15, 2007). After a reasonable accommodation has been requested, a housing provider must engage in a dialogue with the tenant before denying the accommodation. See *United States v. Hialeah Housing Auth.*, 418 F. App'x 872, 877 (11th Cir. 2011), Jankowski Lee & Assoc. v. Cisneros, 91 F.3d 891, 895 (7th Cir. 1996).

As you are likely aware, failure to adequately address a reasonable accommodation request may subject housing providers to legal action and liability for monetary damages as well as court costs and attorney's fees. **Please respond to my request by email at michabonillo2277@gmail.com, or telephone at (408) 876-9709 no later than Monday, April 4, 2016.** Thank you for your attention to this matter.

Sincerely,

Micha Bonillo

| | |
|---|---|
| **From:** | Susanne Bentley |
| **To:** | galaxy_454@yahoo.com; Markham Plaza Tenant Association; sixth.district@jud.ca.gov; Cary Andrew Crittenden; supreme.court@jud.ca.gov; bill@sdap.org; mccomas.b.c@gmail.com; heidi.yauman@icloud.com; hotline@hudoig.gov |
| **Cc:** | nformationDesk@icc-cpi.int; jelena.vukasinovic@icc-cpi.int; otp.informationdesk@icc-cpi.int |
| **Subject:** | Ted Scarlett |
| **Date:** | Saturday, May 23, 2020 12:08:21 PM |
| **Attachments:** | crittenden_interview-robert-ridgeway.wav<br>Grand-Jury-Investigation-Public-Guardian-Santa-Clara-County.pdf<br>Habeas Corpus Cary Andrew Crittenden Civil Grand Jury Public Guardian.pdf<br>Perjury_and_false_police_report_detective_david_carroll.pdf<br>Reasonable Acco LETTER - Copy.pdf<br>RICKY STEWART.docx<br>WORLD-EMAIL-DISTRIBUTION-LIST.pdf |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

MR. TED SCARLETT WAS NOT ALLOWED TO TESTIFY! INSTEAD, HE WAS STALKED, HARASSED AND THREATENED BY SANTA CLARA COUNTY SHERIFF DEPUTIES JUST LIKE THE OTHERS!

Ted Scarlett suffered heart attack after Manoukian's deputies had him tortured in a holding cell.

https://www.youtube.com/watch?v=f5R57jWPb54&t=200s

https://heidiyauman.com/heidi-yauman-before-and-after/

http://addendumblog2.blogspot.com/2016/11/the-honorable-socrates-manoukian.html

https://moneylaunderingweb.wordpress.com/2017/05/30/bribery-judge-socrates-peter-manoukian-santa-clara-county-california/

> **Sent:** Saturday, May 23, 2020 at 6:32 PM
> **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **To:** markhamplazata@gmail.com, sixth.district@jud.ca.gov, aleksandra.ridgeway@sheriff.sccgov.org, bill@sdap.org, mccomas.b.c@gmail.com, heidi.yauman@heidiyauman.com, galaxy_454@yahoo.com
> **Cc:** "Cary Andrew Crittenden" <caryandrewcrittenden@icloud.com>, mastermind.it.jason@gmail.com, rua@uglyjudge.com
> **Subject:** Markham Plaaza Murder concealed from Civil Grand Jury investigation into Pubic Guardian
>
> Here is rappers doing song about guns at Markham Plaza supplied by Robert Ridgeway.
>
> https://www.youtube.com/watch?v=VX06c62xlMI&t=44s
>
> More links asbout Ridgeway and his banshee wife:
>
> http://sanjosebankofthewest.blogspot.com/2018/07/san-jose-bank-of-west-estate-planning.html
>
> https://thefraudcouple.wordpress.com/
>
> https://manslaughtercoverup.wordpress.com/2017/02/01/the-fraud-couple-robert-ridgeway-and-his-wife-sheriff-deputy-aleksandra-ridgeway/
>
> > **Sent:** Saturday, May 23, 2020 at 5:37 PM
> > **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> > **To:** sixth.district@jud.ca.gov, supreme.court@jud.ca.gov, hotline@hudoig.gov, heidi.yauman@heidiyauman.com, housing@sanjoseca.gov
> > **Cc:** cindy.chavez@bos.sccgov.org, mccomas.b.c@gmail.com, bill@sdap.org, galaxy_454@yahoo.com, "Markham Plaza Tenant Association"

<markhamplazata@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@icloud.com>
**Subject:** Murder concealed from Civil Grand Jury investigation

So Jason Smith was not allowed to testify was he? He was harassed, threatened and attacked like the others!!

Judge Manoukian's bailifs stood outside Judge Chatman's court rooom to prevent the public from entering the court room.

In December of l2019, another Markham Plaza resident who had participated in the public safety initiative was driven to suicide with the help of Brian McComas. ( He left behind suicide note *(s)* )

He had been been in contact with several coaition organizattions via email through his bootmootin email regarding the Markham Plsza attacks and docuented the events leading up to his suicide.

> **Sent:** Saturday, May 09, 2020 at 5:42 PM
> **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **To:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, security@heidiyauman.com
> **Cc:** sixth.district@jud.ca.gov, jeremy.pruitt@activist.com, mccomas.b.c@gmail.com, hotline@hudoig.gov, caryandrewcrittenden@icloud.com, sylvia.mcdonald@ido.sccgov.org, heidi.yauman@heidiyauman.com, scott.largent@heidiyauman.com, news.room@sanjosebusiness.news, moneal@pdo.sccgov.org, fairhousing@usdoj.gov
> **Subject:** Question for Jason Smith - ( Re: Court Testimony )
>
> Jason,
>
> Thank you for confirming that the Markham Plaza Tenant association was created on January 1st, 2016, 6 days after Mr. Crittenden was arrested, which was 12/25/15.
>
> When you testified in Mr. Crittenden's trial, did you at any time state on the record that the Markham Plaza Tenant association was formed on 01/01/16
>
> Mr. Brian McComas is claiming that the date is different. Do you believe that the court transcripts may have been altered to change the date on the trial court records?
>
> Did the correctional officers at the San Jose Main Jail have an issue with the Markham Plaza Tenant association meeting at Elmwood?
>
> Has anyone accused you of commiting perjury or forgery?
>
> https://www.cityofpaloalto.org/civicax/filebank/documents/68966
>
> https://www.cityofpaloalto.org/civicax/filebank/documents/67161
>
> https://www.youtube.com/watch?v=gCIErv3kS2w
>
> https://www.youtube.com/watch?v=jVF62zekVwM
>
> https://www.youtube.com/watch?v=f5R57jWPb54
>
> Susanne

**Sent:** Saturday, May 09, 2020 at 3:49 PM
**From:** "Susanne Bentley" <senior.affairs@groupmail.com>
**To:** mccomas.b.c@gmail.com, socialmedia1953@gmail.com
**Cc:** bill@sdap.org, "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, mastermind.it.jason@gmail.com, sylvia.mcdonald@ido.sccgov.org, celliot087@gmail.com, james.williams@cco.sccgov.org, william.bennett@scscourt.org, sam.liccardo@sanjoseca.gov, sixth.district@jud.ca.gov, schatman@scscourt.org, heidi.yauman@icloud.com, hud-pihrc@tngusa.net
**Subject:** Jason Smith's Court testimony prior to August 8th attack?

Mr. McComas,

You falsified the record on appeal as tho when the Markham Plaza tenant associoation was formed and you also claimed that the Markham Plaza Tenant association was blame for Mr. Crittenden being accused of violating OR.

**When Jason Smith testifed in Mr. Crittenden's trial, did he state on the record that Mr. Criitenden had been assigned to lead the lioson team to U.C. Berkeley Law School?** When was this assignment given and who was the investigator from the Pruit-Nassie team who Crittenden was assgned to coordinate with on this project? Did this investigator also coordinate with Team Reyes? If so, to what scope and capacity and what have you done with the investigative reports?

Did you discuss this issue on January 9th, 2018 with Judge Sharon Chatman?

https://www.cityofpaloalto.org/civicax/filebank/documents/68966

https://www.cityofpaloalto.org/civicax/filebank/documents/67161

What happened to the discovery package in case c149322? Why is it still missing?

Susanne

> **Sent:** Tuesday, March 24, 2020 at 11:08 PM
> **From:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
> **To:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **Subject:** Re: Attorney Brian McComas falsifying records about Markham Plaza Tenant Association & EAH Housing murders
>
> The Markham Plaza Tenant Association was created 1-1-2016 with my first Fair Housing Advocate work helping a tenant with a reasonable accommodation request to not be evicted during for more time to find housing which I submitted to EAH Inc's Housing Attorney Todd Rothbard on March 30, 2016 by email on her behalf and which was my best success as Todd Rothbard did approve the Reasonable Accommodation Request in full.
>
> He should since he wrote the Reasonable Accommodation template that I asked for and got from his secretary.
>
> After that it got more difficult as management would either not send it to the attorney or they would harass the tenants and even forge a tenants Request for verification of Reasonable Accommodation by writing in 6 weeks instead

of 6 months and then saying it was The Who wrote that in but she came to me right after and I made copies and told her to have both the modified date by Shelsy Bass and the Blank one Verification form signed by the health professional. I have samples of both of their hand writings and it's not even close it's definitely Shelsy Bass's hand writing.

The details are mostly chronicled in the letter from John A. List titled Letter to Smith attached. Take a look on page 8 where Mr. List claims that they can't shut off the alarms do to the Fire Code and The Building Plans. The 80 Decibel alarm of 4 quick blasts that went of 20 to 80 times a day then shut off, offering no identification of a threat to safety.

Then on page 9 he writes that he has just been informed by EAH staff that they did turn off the alarms do to my and other residents complaints. Which is bull it's because my grievance said that the alarms did nothing to help protect the tenants but did interrupt their right to quiet peaceful enjoyment of their home and that it kept tenants from getting uninterrupted sleep and that thiruas type of alarms were used in third world countries to break down prisoners of wars wills and to brain wash them.

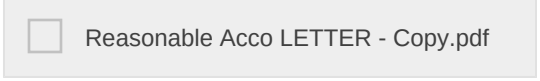
John A list either perjured himself or he was finking on his client EAH Inc that was violating the Fire Code and putting the building and the tenants in jeopardy.

Sometimes they approve a Reasonable Accommodation Request for an apartment change like the one in file 7-27-2016 - cost 500 dollars... but the approval comes with a tenant cost of $500 this is what happened to Rhonda Engle who came to me because she could not afford the $500 and shortly after died on 4-24-2018 because Lester the property supervisor called and offsite meeting and took all staff and 911 was called at 9 am for Rhonda and the EMT's and Police showed up shortly after but there being no staff on site they looked and waited over an hour before a maintenance guy was sent back and he gave them the key but when they opened her apartment it was too later Rhonda Engle was dead due to gross negligence by Lester Fontecha the property supervisor and though I complained to HUD, San Jose Housing Department and DFEH nothing was ever done and Lester still supervises the 19 properties in San Jose owner by Core Developments and managed by EAH Inc.

I have on good authority that Robert Moss's Reasonable Accommodation to move to the first floor for health reasons was approved just like Rhonda Engle that is approved but at a Tenant cost of $500 shortly before he died in apartment #409 right before Rhonda Engle moves into apartment #409 and the same thing happens to her.

Yes they violate every possible law and regulation and the City of San Jose and the County of Santa Clara deny the tenants their 14th amendment right to equal access under the law by not enforcing any law or protection for the tenants including the San Jose Tenant Protection Ordinance and HUD regulations or state affordable housing laws.

Markham plaza is not affordable at a flat rent price of $729 and has never been affordable as the original rent in 2003 was a flat $500 this is corruption and this project was founded on corruption the law states that it is all a false claim from day one and al subsidies are to be paid back in full.



7-27-2016 - cost 500 dollars...

Letter to Smith - 10.4.17 (00...

On Tue, Mar 24, 2020 at 10:51 AM Susanne Bentley <senior.affairs@groupmail.com> wrote:

Jason,

Attorney Bran McComas claims that you are lying about the date the Markham Plaza Tenant association wasw formed. Her is falsifying court records saying thatb you had aleady established the Markham Plaza Tenant association way bac in 2012 when Robert Moss was murdered!!!

Please confirm when Markham Plaza Tenant association was created

> **Sent:** Tuesday, March 24, 2020 at 5:22 PM
> **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **To:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
> **Cc:** "kenneth ditkowsky" <kenditkowsky@yahoo.com>, "Jason Smith" <mastermind.it.jason@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.ru>, "Cindy Alvarez" <cindy.alvarez@mail.com>, "Andrea Nunn" <andrea@creatv.media>, Citylab <pitches@citylab.com>, "Linda Kincaid" <cedarcalifornia@gmail.com>, compliancereview@hcd.ca.gov, "Joanne Denison" <joanne@denisonlaw.com>, "Maya Esparza" <district7@sanjoseca.gov>, "emma loop" <emma.loop@buzzfeed.com>, Fairhousing <fairhousing@usdoj.gov>, "Madeline Howard" <mhoward@wclp.org>, hotline@hudoig.gov, housingservices@healthtrust.org, "Justice In Aging" <info@justiceinaging.org>, jeremy4justice@activist.com, "Joe Litigant" <rua@uglyjudge.com>, "Jennifer Wadsworth" <jenniferw@metronews.com>, "Kate Walz" <katewalz@povertylaw.org>, "Scott Largent" <scottlargent38@gmail.com>, "Maura Malone" <whistleblower@hudoig.gov>, hud-pihrc@tngusa.net, rsalonga@bayareanewsgroup.com, "Stivers, Mark" <mark.stivers@treasurer.ca.gov>, "Jason Smith" <markhamplazarc@gmail.com>
> **Subject:** Re: DRE CASE NO. 519-1119-001 EAH Inc.
>
> > **Sent:** Tuesday, February 25, 2020 at 6:49 PM
> > **From:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
> > **To:** "kenneth ditkowsky" <kenditkowsky@yahoo.com>
> > **Cc:** "Jason Smith" <mastermind.it.jason@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.ru>, "Cindy Alvarez" <cindy.alvarez@mail.com>, "Andrea Nunn" <andrea@creatv.media>, Citylab <pitches@citylab.com>, "Linda Kincaid" <cedarcalifornia@gmail.com>,

compliancereview@hcd.ca.gov, "Joanne Denison" <joanne@denisonlaw.com>, "Maya Esparza" <district7@sanjoseca.gov>, "emma loop" <emma.loop@buzzfeed.com>, Fairhousing <fairhousing@usdoj.gov>, "Madeline Howard" <mhoward@wclp.org>, hotline@hudoig.gov, housingservices@healthtrust.org, "Justice In Aging" <info@justiceinaging.org>, jeremy4justice@activist.com, "Joe Litigant" <rua@uglyjudge.com>, "Jennifer Wadsworth" <jenniferw@metronews.com>, "Kate Walz" <katewalz@povertylaw.org>, "Scott Largent" <scottlargent38@gmail.com>, "Maura Malone" <whistleblower@hudoig.gov>, hud-pihrc@tngusa.net, rsalonga@bayareanewsgroup.com, "Stivers, Mark" <mark.stivers@treasurer.ca.gov>, Susanne <senior.affairs@groupmail.com>, "Jason Smith" <markhamplazarc@gmail.com>
**Subject:** Re: DRE CASE NO. 519-1119-001 EAH Inc.

Thank you Ken,

The complaint # CASE NO. 519-1119-001 EAH Inc. is that EAH is an Illegal Property Mangaement company as the original DRE complaint # H-11882 SF accused and of 4 properties in San Jose managed by EAH, I complained that the same was being done at Markham Plaza and then amended all properties that EAH Manages.

The EAH illegal Prop Mgmt as no DBA for Sierra PM which shutdown cause DRE reopen PUPM(3).PDF shows the details of the illegal Sierra Property Management which DRE complaint # H-11882 SF required them to shut down and how it was just reopened as Pacific Union Property Management with same staff and more agents shows a lack concern or of California DRE's legal authority. The illegal property management is to subvert income taxes and regulatory authority.

This document is highlighted showing the relevant data.

Any further questions do not hesitate to ask.

Jason Smith
Markham Plaza Tenant Association
669-244-3169
https://www.facebook.com/markhamplazata/F

On Tue, Feb 25, 2020 at 7:43 AM kenneth ditkowsky <kenditkowsky@yahoo.com> wrote:

> I cannot ascertain from the e-mail exactly what the complaint is concerning the Real Estate firm; however, most corporations that deal in Real Estate - i.e. sell, service, finance, et al have to comply with various State statutes to be licensed. In addition many of the operators of the corporations also have to be licensed.
>
> In most states, the licensing bureau has a complaint section. If you have a grievance, a short concise and accurate statement of the grievance is enough to obtain a meeting with an officer of the complaint section to determine if a violation of the licensing statute exists. If it does, then an administrative hearing follows to determine if the license of the offending corporation (and its operators) should be continued.
>
> Further, most states take great care to protect consumers from being defrauded. The consumer fraud section is usually associated with the Attorney General's office. Here again the process starts with a short, clear, concise and accurate letter of complaint. - Always remember the person reading your complaint usually has zero knowledge of the facts, no imagination, and zero tolerance for strings of unsubstantiated allegations. Thus, you have to cite facts =without self serving conclusions - that manifest themselves in a violation of law.

*Ken Ditkowsky*

*www.ditkowskylawoffice.com*

> On Tuesday, February 25, 2020, 08:38:21 AM CST, Jason Smith <markhamplazarc@gmail.com> wrote:
>
> MPTA complaint to DRE about EAH being an Illegal property management firm

--
Jason Smith
Markham Plaza Tenant Association
Fair and Healthy Housing for all
markhamplazata@gmail.com
408-706-1889

| | |
|---|---|
| **From:** | super nova |
| **To:** | raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova |
| **Subject:** | Re: KNOW JUSTICE; KNOW PEACE #5 |
| **Date:** | Saturday, May 23, 2020 7:59:37 PM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

So whether it is mass death and biomass emanating energy; or 'quantumly entangled' energy over light years of space and time between a tsunami and a gamma ray burst; it is all explainable with physics and/or quantum physics and/or quantum entanglement...And it really doesn't matter what you call it: God or whatever...

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Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

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===

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| | |
|---|---|
| **From:** | super nova |
| **To:** | raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova |
| **Subject:** | Re: KNOW JUSTICE; KNOW PEACE #5 |
| **Date:** | Saturday, May 23, 2020 8:05:56 PM |

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Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of God...Or whatever you want to call it...Same thing...

On Saturday, May 23, 2020, 8:01:41 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Humans had to come up with some official word for all of this;
thus the word God and/or Allah and/or etc etc etc...Same thing...

On Saturday, May 23, 2020, 7:59:30 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

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**WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS?**

SEE ALSO: https://www.icr.org/article/big-bang-hubble-contradiction
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# QUANTUM ENTANGLEMENT THEORY



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| | |
|---|---|
| **From:** | Chris Robell |
| **To:** | Human Relations Commission |
| **Subject:** | Fwd: Disturbing situation at Channing House |
| **Date:** | Tuesday, May 26, 2020 12:12:40 PM |
| **Attachments:** | timeline summary 052520.docx |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

Dear Human Relations Commissioners,

I should have copied you on this note to City Council regarding this potential health concern at Channing House. I welcome any thoughts or ideas you have.

Best regards,
Chris Robell
Old Palo Alto resident
Cell/text: 650-245-7395

Begin forwarded message:

**From:** Chris Robell <chris_robell@yahoo.com>
**Subject: Disturbing situation at Channing House**
**Date:** May 26, 2020 at 12:00:14 PM PDT
**To:** city.council@cityofpaloalto.org
**Cc:** "Lait, Jonathan" <Jonathan.Lait@CityofPaloAlto.org>

Dear City Council,

I want to make you all aware of a very troubling situation at Channing House where a macro cell tower has been operating since 2007 without disclosure to residents or employees until just this past week.

Please see the letter below that I sent to Dr. Cody, our county public health official, regarding the backgound. I know this cell tower is on a senior facility that is private property, but it is nonetheless something that will be garnering significant attention so thought you should be aware of it given it is part of our community.

If you would like to see the correspondence that Channing House management sent to residents, please let me know and I will share with you.

I feel strongly the seniors deserve the same protections (e.g., setbacks) as the rest of us. Please let me know if you have any ideas on how to remedy this situation.

Best regards,
Chris Robell
Old Palo Alto resident

Begin forwarded message:

**From:** Chris Robell <chris_robell@yahoo.com>
**Subject: Potential Danger to Seniors**
**Date:** May 25, 2020 at 5:34:25 PM PDT
**To:** sara.cody@hhs.co.santa-clara.ca.us
**Cc:** Chris Robell <chris_robell@yahoo.com>

Dear Dr. Cody,

First, thank you for all your efforts with Covid-19. I'm sure you are swamped but nonetheless am hoping to get your help with a safety concern regarding Channing House, a senior residence facility in Palo Alto. There is a macro cell tower installed on the roof at Channing House, a senior resident facility in Palo Alto, just above the heads of over 200 residents who live there, including my parents. Placement atop Channing House is unique in that there are no known cell towers permitted on the premises of any other senior residences, schools, or hospitals in the area.

Channing House sought permission from the City and entered into a lease agreement with T-Mobile in 2007 whereby they allowed a macro cell tower to be installed on their roof for which they receive monthly lease payments from T-Mobile. Channing House has not disclosed the existence of this macro cell tower to its occupants or prospective occupants until this week. I serendipitously learned of the existence of the macro cell tower (through the city) in March 2019 and immediately expressed concerns to Channing House management regarding the lack of disclosure and potential health impacts to residents. Of note, there have been several troubling resident deaths (brain cancers, lymphoma, suicide), specifically from Channing House residents living on higher floors near the macro cell tower just in the couple years. My dad has suffered from a neurological condition, and his doctor (Dr. Amy Adams at Palo Alto Medical Foundation) has not ruled out the macro cell tower as a cause of his prolonged issue.

Several folks, including my mother and I, have been attempting to get the equipment removed to no avail. Channing House management says they are unable to terminate the T-Mobile lease that lasts until 2032.

As you know, there is widespread concern regarding possible health impacts of cell towers placed in close proximity to residence, schools, and hospitals. Hundreds of residents in Palo Alto have banded together to express concerns regarding potential health impacts and placement of proposed 5G "small cell nodes" (which emit much less power than a macro cell tower). And, despite legal challenges regarding placement on public right-of-way, the City of Palo Alto has agreed to impose some setbacks for residences, schools and hospitals.

I hope you agree that setbacks are appropriate for seniors as well.

Senator Richard Blumenthal has said we are flying blind with respect to health and safety of 5G, and wireless equipment needs to be proven to be safe (not the other way around). He and Congresswoman Anna Eshoo have proposed legislation to ensure safety of 5G, but that can take awhile.

The attached timetable gives an overview of the sequence of events. And I obviously have many more details and findings regarding potential health concerns shared with Channing House if interested.

Given lack of safety assurances by anyone, it would seem appropriate that this equipment be removed or at least relocated to the same distance away as is in effect for schools, hospitals and non-senior residences. Seniors deserve the same respect and treatment.

Is this something you can help with? I look forward to hearing from you.

Thank you,
Chris Robell
Cell: 650-245-7395

Begin forwarded message:

**From:** Chris Robell <chris_robell@yahoo.com>
**Subject: Potential Danger to Seniors**
**Date:** May 25, 2020 at 5:34:25 PM PDT
**To:** sara.cody@hhs.co.santa-clara.ca.us
**Cc:** Chris Robell <chris_robell@yahoo.com>

Dear Dr. Cody,

First, thank you for all your efforts with Covid-19. I'm sure you are swamped but nonetheless am hoping to get your help with a safety concern regarding Channing House, a senior residence facility in Palo Alto. There is a macro cell tower installed on the roof at Channing House, a senior resident facility in Palo Alto, just above the heads of over 200 residents who live there, including my parents. Placement atop Channing House is unique in that there are no known cell towers permitted on the premises of any other senior residences, schools, or hospitals in the area.

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the existence of the macro cell tower (through the city) in March 2019 and immediately expressed concerns to Channing House management regarding the lack of disclosure and potential health impacts to residents. Of note, there have been several troubling resident deaths (brain cancers, lymphoma, suicide), specifically from Channing House residents living on higher floors near the macro cell tower just in the couple years. My dad has suffered from a neurological condition, and his doctor (Dr. Amy Adams at Palo Alto Medical Foundation) has not ruled out the macro cell tower as a cause of his prolonged issue.

Several folks, including my mother and I, have been attempting to get the equipment removed to no avail. Channing House management says they are unable to terminate the T-Mobile lease that lasts until 2032.

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Given lack of safety assurances by anyone, it would seem appropriate that this equipment be removed or at least relocated to the same distance away as is in effect for schools, hospitals and non-senior residences. Seniors deserve the same respect and treatment.

Is this something you can help with? I look forward to hearing from you.

Thank you,
Chris Robell
Cell: 650-245-7395

Channing House Macro Cell Tower
Timeline and Summary

May 24, 2020

2007 – Channing House (CH) signs contract with T-Mobile permitting macro cell tower on roof of building housing approximately 200 seniors. There was no disclosure to the CH residents of the existence of antennae.

2018 - present – Hundreds of Palo Alto residents express concern to Palo Alto City Council of danger of emissions radiating from small cell nodes throughout neighborhoods. City Council imposes restrictions on telecom companies specifying distances away from schools, homes and hospitals.

March 2019 – CH resident discovered that we have a far more potent installation on the top of our building where seniors live 24/7 and a staff of about 100 is employed.

March 2019 – October 2019: Concerned residents began forwarding information to Channing House Administration outlining research showing potential adverse health effects from exposure to emission. That includes cancer, autism, depression, sleep disorder, immune dysfunction, and fertility issues. Other studies sent show the FCC permits far higher radiation exposure than most of the rest of the world.

August, 2019 – CH Administration informed concerned residents that "The lease was executed in 2007 with automatic 5-year renewals. The current renewal period expires in 2022 with no opportunity for early termination."

November 21, 2019 – CH residents presented their case to Board of Trustees requesting building antennae be disconnected ASAP, but no later than the renewal date in 2022. Concerned resident requested disclosure of existence of cell towers to all residents, prospective residents and employees of CH.

January 16, 2020 – T-Mobile made presentation to the CH Board of Trustees.

May 22, 2020 - CH Executive Director and CEO announced to all CH residents the decision CH Board had taken. The termination date for the lease was now cited as March 2032 - **(**not 2022) which would be the earliest date when CH could terminate the lease**.** CH management informed all residents that T-Mobile is permitted to terminate the lease every five years, but CH has no such termination right.

Further, the Board hired a wireless communication industry consultant (Hammett and Edison) who assured CH Administration and the Board of Trustees that the emissions are well within the guidelines set by the FCC. However, these guidelines were set in 1996 and have not been updated.

In February 2019 at a Senate Commerce hearing, Senator Blumenthal raised concerns on 5G wireless technology potential health risks, saying “So there really is no research ongoing. We are kind of flying blind here as far as heath and safety are concerned here.” Rep. Anna Eshoo and Senator Richard Blumenthal are working to update and review these restrictions.

| | |
|---|---|
| **From:** | Cary Andrew Crittenden |
| **To:** | blll@sdap.org; david.rose@doj.ca.gov; gerald.engler@doj.ca.gov; mary.greenwood@jud.ca.gov; christopher.wray@ic.fbi.gov; patrick@sdap.org; littlehoover@lhc.ca.gov |
| **Cc:** | sixth.district@jud.ca.gov; supreme.court@jud.ca.gov; john.bennett@ic.fbi.gov; david.anderson@usdoj.gov; san.francisco@ic.fbi.gov; hotline@hudoig.gov; fairhousing@usdoj.gov; Andrew.Hughes@hud.gov |
| **Subject:** | CRPC RULE# 1.4(A) - ( Robinson & McComas ) |
| **Date:** | Wednesday, May 27, 2020 11:22:32 AM |
| **Attachments:** | motion_for_oral_argument.pdf<br>Habeas Corpus Cary Andrew Crittenden Civil Grand Jury Public Guardian.pdf<br>Grand-Jury-Investigation-Public-Guardian-Santa-Clara-County.pdf<br>death_of_julie_stewart_san_jose.pdf<br>crittenden_interview-robert-ridgeway.wav |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

Mr. Robinson.

I a waiting for a response regarding the fabricated statements presentee below. Show me where it says " **They are both part of a**".

You also need to give answer to as to the missing discovery package to case **C1493022.**

California Rules of Professional Conduct - Rule 1..4(a)

A lawyer shall keep the client reasonably* informed about significant developments relating to the representation, including **promptly complying with reasonable* requests for information** and copies of significant documents when necessary to keep the client so informed

https://www.youtube.com/watch?v=iDnq059_sb4




Begin forwarded message:

**From:** Cary Andrew Crittenden <caryandrewcrittenden@icloud.com>
**Subject: GRAND JURY TAMPERING / FAISIFIED POLICE REPORT BY SANTA CLARA COUNTY SHERIFF DETECTIVE DAVID CARROLL**
**Date:** May 27, 2020 at 2:19:44 AM PDT
**To:** Bill Robinson <bill@sdap.org>, hotline@hudoig.gov, fairhousing@usdoj.gov, gerald.engler@doj.ca.gov
**Cc:** Brian McComas <mccomas.b.c@gmail.com>, sixth.district@jud.ca.gov, supreme.court@jud.ca.gov, san.francisco@ic.fbi.gov, david.anderson@usdoj.gov, david.rose@doj.ca.gov, servesdap@sdap.org, john.bennett@ic.fbi.gov

Mr. Robinson,

Show me the web banner that states “They are both part of a Santa Cara County Crime Family"

You can not show it, because this banner DOES NOT EXIST.. ( Just like there is no video evidence showing I was residing at Markham Plaza ,as Ridgeway had stated in his case declaration in case 1-12-CV226958.

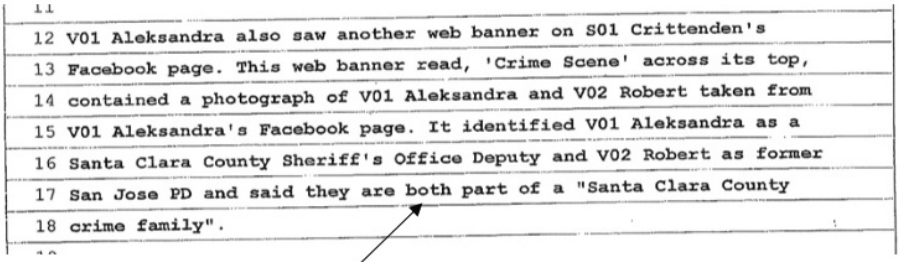
THAT IS FABRICATED STATEMENT !

Notice in report, why is it that only the words “ **SANTA CLARA COUNTY CRIME FAMILY**” are in quotation marks. There is no "**They are both part of a**”

You need to take corrective action sir, and you need to do it soon.

Remember, this is not the only case from your office that is under investigation.

Example 1: **FALSE / FABRICATED STATEMENT – MISREPRESENTATION OF FACTS AND EVIDENCE**



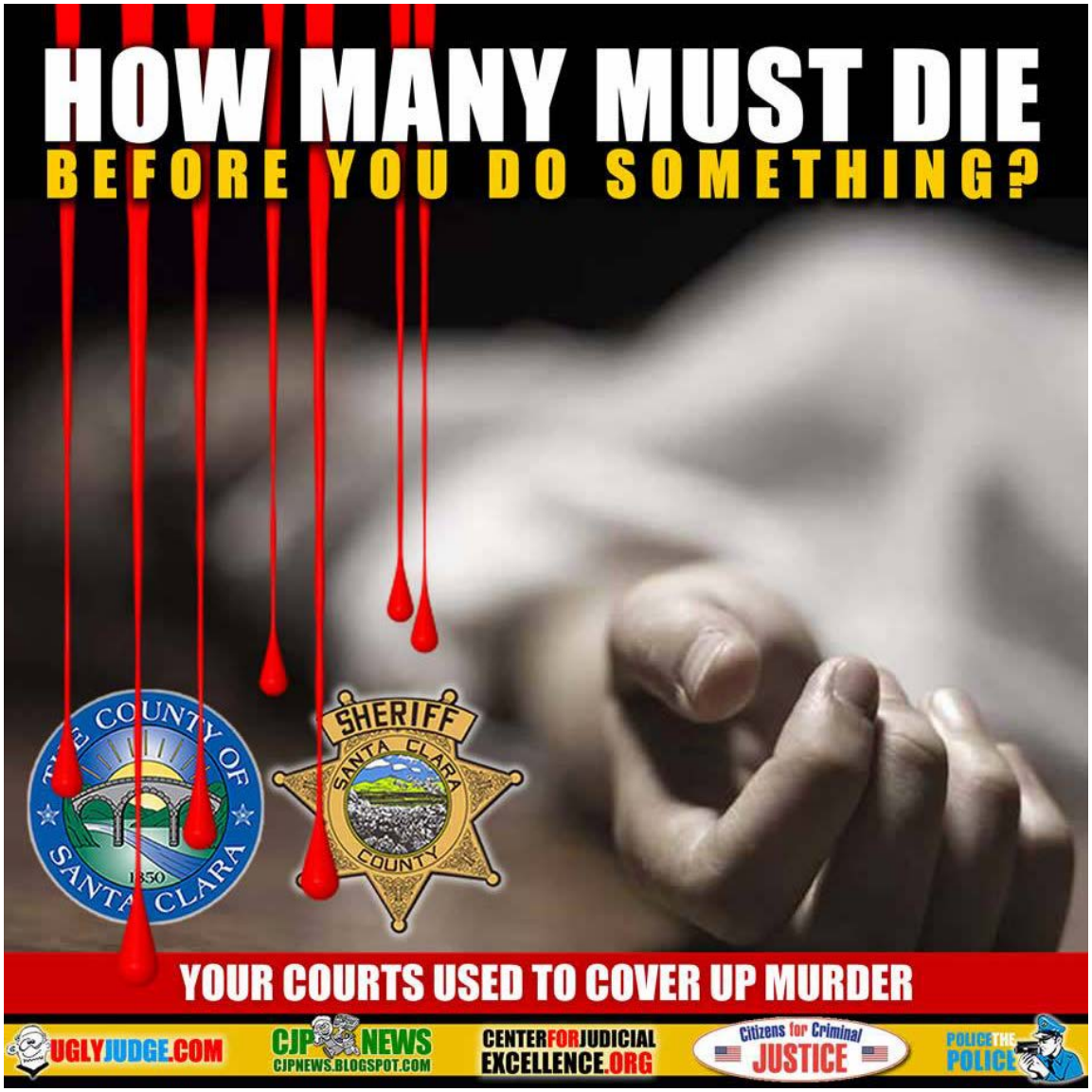
12 V01 Aleksandra also saw another web banner on S01 Crittenden's
13 Facebook page. This web banner read, 'Crime Scene' across its top,
14 contained a photograph of V01 Aleksandra and V02 Robert taken from
15 V01 Aleksandra's Facebook page. It identified V01 Aleksandra as a
16 Santa Clara County Sheriff's Office Deputy and V02 Robert as former
17 San Jose PD and said they are both part of a "Santa Clara County
18 crime family".

**There was never any web banner stating that "<u>They are both part of a Santa Clara County Crime Family</u>" and no allegations of misconduct or wrongdoing were made whatsoever against Deputy Aleksandra Ridgeway until**
**AFTER SHE FALSFIED REPORT 14-182-0167B which was to cover up the criminal activity by her husband: Robert Ridgeway. (Robert Ridgeway's criminal activity and falsifying the police report covering up this criminal activity had nothing to do with her "duties as law enforcement officer"**

**Deputy Aleksandra Ridgeway was not a witness or party to case 1-12-CV226958**

FALSISIED POLICE REPORT # **14-182-0167B**

Homicide of Markham Plaza Resident Robert Moss Concealed from 2013 / 2014 Civil Grand Jury investigation into The Santa Clara County Public Guardian:


HOW MANY MUST DIE
BEFORE YOU DO SOMETHING?
COUNTY OF SANTA CLARA
1850
SHERIFF
SANTA CLARA COUNTY
YOUR COURTS USED TO COVER UP MURDER
UGLYJUDGE.COM
CJP NEWS
CJPNEWS.BLOGSPOT.COM
CENTERFORJUDICIAL EXCELLENCE.ORG
Citizens for Criminal JUSTICE
POLICE THE POLICE

Cary Andrew Crittenden
In Propria Persona
P.O. Box 213,
Palo Alto, Ca. 94302
Caryandrewcrittenden@icloud.com

SIXTH DISTRICT COURT OF APPEAL

STATE OF CALIFORNIA

| | |
|---|---|
| REV. CARY ANDREW CRITTENDEN,<br><br>Appellant,<br><br>vs.<br><br>PEOPLE OF STATE OF CALIFORNIA,<br><br>Respondent | CASE NO.: H045195<br><br>MOTION FOR ORAL ARGUMENT BY COMPENTENT ATTORNEY |

I, Cary Andrew Crittenden, appellate / defendant in case H045195 hereby request oral argument by competent attorney.

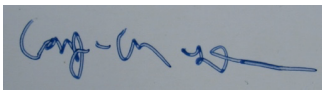
Per the reasoning of the U S Supreme Court in McCoy v Louisiana 584 U.S 2018 a defendant has a right to determine major substantive issues re the defense of his case. In the current matter appellant, Cary Andrew Crittenden has repeatedly instructed his court appointed attorney: Brian Curtis McComas to NOT waive oral argument on his appeal. Appellant's attorney Brian Curtis McComas has repeatedly refused to agree to argue what appellant believes are critical legal points / arguments key to his successful appeal and dismissal of charges. Appellant, Cary Andrew Crittenden believes that by failing to raise appellant's key legal arguments at oral argument is the equivalent of his attorney affirmatively arguing to the court, conceding, that appellant's case lacks merit and should thereby be denied. To say this is legal incompetence by attorney Brian Curtis McComas is an understatement of grand proportions.

Not only has Mr. McComas has failed to address the key underlying issues in this case, such as the acts of fraud, Mr. McComas has perpetuated the fraud leading to the malicious prosecution against me by making false statements in opening brief presenting false historic narrative, added nonexistent mental health condition and implied policy changes on behalf of my ministry, and coalition organizations which have never occurred.

McComas's statements in opening brief lack merit and foundation, are the result of fabricated and mis-stated evidence are unacceptable and will not be allowed. Mr. Brian McComas has repeatedly refused to correct these false and fraudulent statements. I do not consent to these statements being argued.

I am not and will not be appealing matters pertaining to fines and fees. Instead, I will completely disregard the 'fines & fees" as these are result void judgement. A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include Kalb v. Feuerstein (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; *Ex parte Rowland* (1882) 104 U.S. 604, 26 L.Ed. 861:

April 30th, 2020.



Cary Andrew Crittenden
In Propria Persona

**RICKY L. STEWART et al., Plaintiffs and Appellants,**
**v.**
**COUNTY OF SANTA CLARA et al., Defendants and Respondents.**

No. H043765.

**Court of Appeals of California, Sixth District.**

Filed December 13, 2018.

Appeal from the Santa Clara County, Superior Court No. 1-13-CV257821.

# NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

BAMATTRE-MANOUKIAN, J.

This case arises out of the March 2013 eviction of the former owner and three sets of tenants from their homes. Fred F. Farahani, had lost title to 1650 Pomona Avenue, San Jose (the property) through foreclosure in January 2013. Farahani's tenants were Ricky L. Stewart, Julie A. Stewart, and Seth D. Stewart (collectively the Stewarts); Paulette S. Whelan; and Alex B. Ablitz.

After the foreclosure, the new owner, Ronald A. Floria, obtained an unlawful detainer judgment against Farahani. Farahani's tenants were not named in the suit or in the judgment, and they asserted they had no knowledge of either. The Sheriff of Santa Clara County (Sheriff) thereafter evicted Farahani and his tenants.

Farahani's tenants (collectively plaintiffs) filed suit against Floria, the Sheriff, and the County of Santa Clara (County). The Sheriff and the County (collectively defendants) filed a motion for summary judgment, or in the alternative, a motion for summary adjudication of claims. The court granted defendants' motion for summary judgment, finding that (1) the Sheriff had acted properly under the law in serving the eviction notice and thereafter enforcing the writ of execution to evict the property's occupants, and (2) defendants were in any event statutorily immune from liability. Plaintiffs appeal from the judgment entered on that order.

Plaintiffs argue on appeal that the trial court erred. They assert that their respective occupancies of the property were protected by state and federal law. They contend that although a sheriff or other ministerial officer is empowered under Code of Civil Procedure section 262.1[1] to execute writs that are "regular on their face," any such regularity here was belied by the fact that when the Sheriff proceeded to evict the occupants of the

Property, the Sheriff became aware there were occupants of separate rental units, whose identities and units were not described in the writ of possession. Plaintiffs contend they had resided in separate "premises" from those occupied by Farahani, and because the writ of possession did not expressly include plaintiffs' rental living units, eviction against plaintiffs was improper.

Based upon our de novo review of the trial court's summary judgment order, we conclude there was no error. We will therefore affirm the judgment entered in favor of defendants.

# I. FACTUAL BACKGROUND

The underlying facts in this case, as developed in the papers filed below in support of and in opposition to defendants' motion for summary judgment, are largely undisputed and are presented below.

## A. Property and Parties

The property consists of a parcel with a single street address that is approximately three-quarters of an acre in size with a large Victorian home on the parcel. Farahani formerly owned the property. In 2007, he encumbered it with a mortgage in favor of Floria. Farahani defaulted on his loan from Floria, and in January 2013, Floria acquired title to the property at a trustee's sale following nonjudicial foreclosure.

The Stewarts had resided on the second floor of the Victorian home for approximately five and one-half years and had a separate, lockable entrance. The Stewarts accessed their living areas by a common staircase.

Ablitz and his niece had also lived on the second floor of the Victorian home in two rooms with separate, lockable entrances. Ablitz's niece accessed her room by a common staircase also used by the Stewarts, and Ablitz accessed his room by a separate staircase in the back of the house. They had lived there for approximately five years.

Whelan lived in her travel trailer which was stationed behind the Victorian home. She had access to a bathroom and kitchen area inside the house. She had lived there for approximately six years.

Plaintiffs paid rent to Farahani pursuant to their respective living arrangements on the property.

## B. Unlawful Detainer

Farahani continued to remain in possession of the property after Floria acquired it through foreclosure in January 2013.[2] Floria accordingly caused to be served upon Farahani on or about January 31 a three-day notice to quit and deliver possession of the property. On February 5, Floria filed a complaint for unlawful detainer, naming Farahani as defendant.

The trial court thereafter on or about March 13 entered judgment in favor of Floria, awarding him possession of the property.

## C. Eviction — March 27, 2013

On March 13, the court issued a writ of possession to enforce the unlawful detainer judgment, naming Farahani as judgment debtor. It was received by the Sheriff on March 14. The Sheriff then prepared for service two forms, namely, a five-day notice of eviction form and a claim of right to possession form.

On March 14, Robert Vrscaj, a legal process officer employed by the Sheriff, traveled to the property to serve the two forms. Deputy Vrscaj observed that the property was surrounded by four walls and the front entrance was enclosed by a seven- to eight-foot tall solid gate. The home was not visible from the sidewalk. The property had one mailbox. From Deputy Vrscaj's observation of the mailbox, it did not appear there were separate residences existing on the property. Deputy Vrscaj was not able to gain access to the property, and no one responded at the gate to permit his entry.[3] He therefore posted the notice of eviction and the blank claim of right to possession forms on the front gate "by taping [them] firmly to the gate in plain view of anyone who would subsequently enter or exit the property." After returning to the office, Deputy Vrscaj mailed copies of the notice of eviction and blank claim of right to possession forms to Farahani at the property address.

On March 19, the Sheriff received a claim of right to possession filed by Farahani, as conservator, on behalf of his adult disabled son, David Farahani (David), alleging that David was not a tenant but had resided on the property with his parents since 2009. There were no such claims filed by anyone else asserting a right to possession of the property.

On March 27, the Sheriff received a certified copy of the minutes reflecting the court's denial of David's claim of right to possession and ordering the immediate enforcement of the writ of possession. The Sheriff proceeded to evict all occupants of the property on March 27. At the time the eviction was carried out, the Sheriff was presented with no written claims of right to possession.

## D. Plaintiffs' Involvement in Eviction

As recited in their opposition filed below, plaintiffs had no knowledge of the unlawful detainer proceeding involving their landlord, Farahani, at any time prior to their eviction. They claimed that Floria had been fully aware that plaintiffs were tenants residing in separate units of the property at the time he commenced unlawful detainer proceedings against Farahani. Plaintiffs were never served by Floria with any notices, such as notices to quit or termination of the tenancies for the property. Likewise, they did not observe any notice of eviction posted on the property, nor were they otherwise aware of such posting.

Plaintiffs first became aware of the eviction proceedings on March 27, when the Sheriff entered the property and advised them that they would have to leave their homes. At the

time, each of the plaintiffs protested that they were living at the property under their respective rental arrangements with Farahani.

# II. PROCEDURAL BACKGROUND

## A. Complaint

Plaintiffs filed suit against Floria,[4] the Sheriff, and the County on December 16, alleging six causes of action: (1) wrongful eviction; (2) intentional infliction of emotional distress; (3) negligent infliction of emotional distress; (4) abuse of process; (5) wrongful death of Julie A. Stewart; and (6) conversion.

Plaintiffs allege that the claims asserted in the complaint arose out of the intentional and negligent acts of defendants in evicting plaintiffs from their separate residential living units on the property without prior notice or due process of law. Plaintiffs lived for a period of years in separate rental housing units on the property, with the Stewarts and Ablitz living in the large Victorian home and Whelan living in her travel trailer.

In January, Floria concluded foreclosure proceedings through a trustee's sale, thereby becoming the owner of the property. On or about February 1, Floria caused a Three-Day Notice to Quit to be served upon the former owner of the property, Farahani. Floria did not serve any such notice on plaintiffs. He then brought an unlawful detainer suit against Farahani. Plaintiffs allege that, at the time, Floria was aware there were tenants residing on the property but "completely disregarded" them.

Floria obtained a judgment in the unlawful detainer action in March. He then procured from the court a writ of execution. The Sheriff posted a Five-Day Notice to Quit on the perimeter of the property, but plaintiffs were unaware of the posting prior to their evictions. After that posting, Farahani, on behalf of his disabled son, David, presented a claim of right to possession; the court denied that claim. On March 27, Floria induced the Sheriff to evict all persons located on the property regardless of their status as tenants residing in separate units on the property and "without regard to [plaintiffs'] vociferous protests and assertion of their rights to possession."

In the first cause of action for wrongful eviction, plaintiffs alleged that Floria failed to provide them with any notices whatsoever before they were evicted, in violation of state and federal law. Floria was aware at all times when he was seeking possession that Farahani had tenants living in separate units on the property, but Floria ignored plaintiffs' presence. Floria's acts in violation of various statutes resulted in plaintiffs' being wrongfully evicted from their homes, causing them damage. Plaintiffs allege that the Sheriff and the County were precluded from removing anyone who claimed a right to possession before the unlawful detainer action was commenced if they had not been served with a summons, complaint and prejudgment claim of right to possession forms as required by law. There was no service upon anyone of any prejudgment claim of right to possession forms in the unlawful detainer action, and the Sheriff was aware of this fact at the time of the eviction. Plaintiffs protested to the Sheriff at the time of the eviction that they had no awareness of

the unlawful detainer action and had been served with no notices concerning it. Plaintiffs allege that the Sheriff ignored statutory requirements and summarily removed plaintiffs.

## B. Summary Judgment

In August 2015, the Sheriff and the County moved for summary judgment, or, in the alternative for summary adjudication (summary judgment motion, or motion). Defendants contended there was no triable issue of fact supporting plaintiffs' claims because the Sheriff had complied with the statutory procedures for enforcing judgments of eviction and the Sheriff was in any event immune from liability. Plaintiffs opposed the motion.

The court granted summary judgment on October 30, 2015, concluding there were no triable issues of material fact and defendants were entitled to judgment. The court found that (1) the Sheriff had properly performed its statutory duties in serving the eviction notice and form claim of right to possession and had thereafter properly enforced the writ of possession after having received no executed claims of right to possession (other than David's, which had been denied), and (2) the Sheriff and County were immune from liability by statute, the order of the superior court (the writ of possession) appearing to have been regular and valid on its face.[5] A judgment was entered in favor of defendants on the summary judgment order on March 7, 2016. Plaintiffs filed a timely notice of appeal.

# III. DISCUSSION

## A. Summary Judgment and Standard of Review

"The purpose of the law of summary judgment is to provide courts with a mechanism to cut through the parties' pleadings in order to determine whether, despite their allegations, trial is in fact necessary to resolve their dispute." (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843 (*Aguilar*).) As such, the summary judgment statute, section 437c, "provides a particularly suitable means to test the sufficiency of the plaintiff's prima facie case and/or of the defendant's [defense]." (*Caldwell v. Paramount Unified School Dist.* (1995) 41 Cal.App.4th 189, 203, fn. omitted.)

The moving party "bears the burden of persuasion that there is no triable issue of material fact and that he is entitled to judgment as a matter of law." (*Aguilar, supra*,25 Cal.4th at p. 850, fn. omitted.) A defendant moving for summary judgment must "`show[ ] that one or more elements of the cause of action . . . cannot be established' by the plaintiff." (*Id.* at p. 853, quoting § 437c, subd. (o)(2).) A defendant meets its burden by conclusively negating an essential element of the plaintiff's claim. (*Guz v. Bechtel National, Inc.* (2000) 24 Cal.4th 317, 334.) Alternatively, a defendant meets its burden by submitting evidence "that the plaintiff does not possess, and cannot reasonably obtain, needed evidence" supporting an essential element of its claim. (*Aguilar, supra,* at p. 855; see also *Saelzler v. Advanced Group 400* (2001) 25 Cal.4th 763, 780.)

Since summary judgment motions involve pure questions of law, we review independently the granting of summary judgment to ascertain whether there is a triable issue of material fact justifying the reinstatement of the action. (*Wiener v. Southcoast Childcare Centers, Inc.* (2004) 32 Cal.4th 1138, 1142.) In doing so, we "consider[] all of the evidence the parties offered in connection with the motion (except that which the court properly excluded) and the uncontradicted inferences the evidence reasonably supports. [Citation.]" (*Merrill v. Navegar, Inc.* (2001) 26 Cal.4th 465, 476.) We need not defer to the trial court and are not bound by the reasons in its summary judgment ruling; we review the ruling of the trial court, not its rationale. (*Kids' Universe v. In2Labs* (2002) 95 Cal.App.4th 870, 878.)

# B. Summary Adjudication of Wrongful Eviction Claim

## *1. Applicable Law*

Evaluating the merits of plaintiffs' wrongful eviction claim against defendants requires a review of (1) the statutory procedures for eviction proceedings, (2) statutes governing service of process associated with eviction proceedings, and (3) principles of statutory immunity applicable to officials serving process in connection with such proceedings.

The summary proceeding of unlawful detainer is defined in section 1161 et seq. The essential defendants in the unlawful detainer action are "the tenant of the premises and subtenant, if there be one, in the actual occupation of the premises when the complaint is filed." (§ 1164.) After a trial, if the jury (or the court, if tried without a jury) determines the cause in the plaintiff's favor, he or she shall receive judgment for possession of the premises. (§ 1174, subd. (a).) The judgment awarding possession to the plaintiff, however, does not automatically oust the tenant from the premises; the plaintiff must execute on the judgment through writ of possession procedures. (Friedman et al., Cal. Practice Guide: Landlord-Tenant (The Rutter Group 2017) ¶ 9:308; see also *Bedi v. McMullan* (1984) 160 Cal.App.3d 272, 276 ["judgment only establishes [the plaintiff's] entitlement to possession"; legal process through writ of possession is the means by which the plaintiff obtains actual possession].)

If the plaintiff prevails in an unlawful detainer action and receives judgment for possession, upon the plaintiff's request, "a writ of execution [writ of possession] shall be issued *immediately* by the court." (§ 1170.5, subd. (a), italics added.) After entry of such judgment and upon such application, the clerk of the court is required to issue a writ of possession which "shall be directed to the levying officer in the county where the judgment is to be enforced." (§ 712.010.) The unlawful detainer writ of possession must include, inter alia, a description of the property, and a statement that if the premises are not vacated within five days of service of the writ upon the occupant — or if it is posted, within five days of service upon the judgment debtor — the levying officer will proceed forthwith to remove the occupants and place the plaintiff in possession. (§ 715.010, subd. (b)(1),(2).)

Once the writ of possession is issued by the clerk and delivered to the levying officer, that "levying officer *shall* execute the writ in the manner prescribed by law." (§ 712.030, subd. (a), italics added; see also *Lyons v. Santa Barbara County Sheriff's Office* (2014) 231

Cal.App.4th 1499, 1503 (*Lyons*) [after issuance of writ, "the sheriff is statutorily required to levy on it"].) The levying officer (i.e., sheriff) is required to serve the writ on one occupant of the property. (§ 715.020, subd. (a).) If the sheriff is unable to effect personal service on the occupant, he or she is required to post a copy of the writ in a conspicuous place on the property and serve a copy (either personally or by mail) upon the judgment debtor. (*Id.,* subd. (b).) When the sheriff serves or posts the writ of possession, he or she is, in general, required to serve or post a form for a postjudgment claim of right to possession. (§ 715.010, subd. (c).)[6]

Occupants of the property not named in the writ of possession who claim a right to possession that accrued on or before the date of the commencement of the unlawful detainer action may formally challenge enforcement of the judgment (i.e., the eviction) by filing a postjudgment claim of right to possession. (§ 1174.3, subd. (a)(1);[7] see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) This is the statutory means by which an occupant not named in the unlawful detainer suit or judgment may assert his or her rights to prevent that occupant's eviction. (See *Cardenas v. Noren* (1991) 235 Cal.App.3d 1344, 1350 (*Cardenas*) [unnamed occupant, "before eviction . . . could have protected himself by presenting a claim of right to possession" under § 1174.3].)

A sheriff has statutory immunity for actions taken in execution of "process and orders regular on their face," even if there was a defect in the underlying proceedings. (§ 262.1;[8] see also Gov. Code, § 820.4 [no liability for public employee's "act or omission, exercising due care, in the execution or enforcement of any law"].) As the California Supreme Court has explained: "It is [the sheriff's] duty to execute the orders of the court unless they are patently irregular and void. [¶] In determining whether process and orders are `regular on their face' so far as the liability of such an officer is concerned, the following statement . . . is pertinent: `When we speak of process "valid on its face," in considering whether it is sufficient to protect an officer, we do not mean that its validity is to be determined upon the basis of scrutiny by a trained legal mind; nor is it to be judged in the light of facts outside its provisions which the officer may know. [Citations.] Unless there is a clear absence of jurisdiction on the part of the court or magistrate issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinarily intelligent and informed layman. To hold otherwise would mean that an officer must often act at his [or her] peril or delay until he [or she] has had an opportunity to search out legal niceties of procedure. . . . "A result subjecting [the officer] to constant danger of liability would be an intolerable hardship to him [or her], and inevitably detract from the prompt and efficient performance of his [or her] public duty."'" (*Vallindras v. Massachusetts Bonding & Ins. Co.* (1954) 42 Cal.2d 149, 154 (*Vallindras*).)

Thus, for instance, a sheriff executing process regular on its face issued by the bankruptcy court was found under section 262.1 to have been immune from liability for wrongful eviction in a suit brought by relatives of the debtors/tenants. (*George v. County of San Luis Obispo* (2000) 78 Cal.App.4th 1048, 1051, 1054 (*George*).) After the sheriff served the writ of possession issued by the bankruptcy court — the writ having not named the plaintiffs but only the debtors — the plaintiffs presented state-law claims of right to possession which the sheriff attempted to file with the bankruptcy court, which the court rejected. (*Id.* at p. 1050.) The appellate court concluded that "[s]tate unlawful detainer law [did] not apply, and the

state must defer to the federal order of the bankruptcy court directing immediate surrender of the premises." (*Id.* at p. 1051.) But the *George*court found that, under section 262.1, the writ and the accompanying bankruptcy court order requiring that the debtors and those claiming possession through them immediately surrender possession of the premises were regular on their face, the sheriff properly deferred to the bankruptcy court that issued them, and "the [s]heriff had no authority to do otherwise and was justified in completing the execution of the [o]rder and writ of possession." (*George, supra,* at p. 1054; see also *Hayward Lumber & Inv. Co. v. Biscailuz* (1957) 47 Cal.2d 716, 722-724 [levying sheriff relying on certificate of court clerk, appearing to be regular on its face, that attachment had been partially dissolved, immune from liability].)

## *2. Propriety of Sheriff's Eviction of Plaintiffs*

After judgment was entered in Floria's favor awarding him possession of the property, the court issued a writ of possession naming Farahani as the judgment debtor. The Sheriff received the writ on March 14, and the Sheriff was then, under section 712.030, subdivision (a), "statutorily required to levy on it." (*Lyons, supra,*231 Cal.App.4th at p. 1503.) The Sheriff then served the writ of possession in the manner prescribed by law — after finding no occupant upon whom personal service could be effected — by posting a copy of it along with a blank form claim of right to possession and mail-serving the judgment debtor, Farahani. (§ 715.010, subd. (b).) There was only one claim of right of possession thereafter filed — by Farahani, on behalf of his son, David — and it was denied by the court on March 27. And in the order denying David's claim, the court concluded: "IT IS HEREBY ORDERED that the Sheriff of Santa Clara County shall immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in this action." This order was consistent with section 1174.3, subdivision (g), which provides that, if a claim of right to possession is denied, "the court *shall* order the levying officer to proceed with enforcement of the original writ of possession . . . which shall be effected within a reasonable time not to exceed five days." (Italics added.) In compliance with the court's order, the Sheriff enforced the writ by evicting all occupants of the property on March 27.

The Sheriff acted in accordance with the law in enforcing the writ of possession. Indeed, it was legally obligated to perform its ministerial duties to enforce the facially valid orders of the court having jurisdiction over the matter. (See §§ 712.020, subd. (a), 712.030, subd. (a), 715.010, subd. (b)(1),(2), 1174.3, subd. (g).) Plaintiffs' arguments to the contrary are unavailing.

Plaintiffs contend that the writ of possession was not "regular on its face" as provided in section 262.1. Plaintiffs concede that "the writ may have appeared `regular on its face' to the Sheriff's employees when it was first received at the Sheriff's office." But plaintiffs assert that the regular process was transformed into an irregular one when the Sheriff carried out the eviction of the property's occupants on March 27, learning at that time there were persons not named in the judgment who occupied separate rental living areas. Plaintiffs cite no apposite authority to support this argument.

As a ministerial officer, "[a] sheriff . . . is justified in the execution of, and shall execute, all process and orders regular on their face" (§ 262.1), and "`[u]nless there is a clear absence of jurisdiction on the part of the court . . . issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinary intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) Here, there was no jurisdictional issue presented on the face of the writ of possession. Nor was there anything apparent from the writ that would lead an ordinary and intelligent layman to question its validity. Moreover, plaintiff's argument that the facially regular writ became irregular once the Sheriff enforced it and determined there were occupants not named in the judgment is contrary to the following principles enunciated by the Supreme Court: "The function of the marshal [sheriff] in an unlawful detainer proceeding is very limited — at no point does it include a determination of the merits of the underlying action. . . . [W]hen the marshal [sheriff] discovers an individual who is not named in the writ of possession of the premises under a claim of right, he [or she] is not empowered, nor would he [or she] be equipped, to determine whether that person is bound by the previous judgment or had a facially valid claim to possession. . . . These determinations are properly the role of the courts." (*Arrieta v. Mahon* (1982) 31 Cal.3d 381, 392-393 (*Arrieta*).)

Plaintiffs' contention that the writ was irregular on its face also disregards the statutory scheme involving a challenge to a proposed eviction through the filing of a postjudgment claim of right to possession. The levying officer is required to serve a postjudgment claim of right to possession form at the time of service of the writ of possession. (§ 715.010, subd. (c).) This is the statutory method by which occupants unnamed in the unlawful detainer judgment or writ of possession are notified of the impending eviction and provided the opportunity to formally challenge it. (§ 1174.3, subd. (a)(1); see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) The unnamed occupant's failure to file a postjudgment claim of right to possession forfeits his or her challenge to the sheriff's enforcement of the writ of possession that is regular on its face. (*Cardenas, supra,* 235 Cal.App.3d at pp. 1349-1350.) Were plaintiffs' position correct, if a sheriff, attempting to perform its ministerial duties of enforcing a writ of possession, encounters an occupant unnamed in the judgment or writ, the sheriff would be required to suspend execution efforts in all instances, regardless of whether the occupant had filed timely a postjudgment claim of right to possession before eviction. (See § 1174.3, subd. (a)(1).) This would render the postjudgment claim of possession procedures meaningless.

It is further contended by plaintiffs that their eviction by the Sheriff was wrongful because the description of the property in the writ of possession was inadequate. They assert that the court erred in finding the description of the property in the writ "was sufficient to authorize the Sheriff to evict everyone who could be found upon the parcel address, regardless of whether some of the persons being evicted were residing in separate rental living units located on that parcel, and regardless of whether the occupants of such units had had any involvement in the underlying unlawful detainer proceedings against their foreclosed-upon landlord, or whether they or their units had been named in the writ — as they were not." We disagree with plaintiffs' assertion that the writ of possession inadequately described the property and that the Sheriff's enforcement of it was on this basis wrongful.

The writ of possession described the property by its street address, "1650 Pomona Avenue [¶] San Jose, CA 95110." (Capitalization omitted.) This was a sufficient description of the property subject to the writ of possession as required under section § 715.010, subdivision (b)(1). (Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:492 [description of premises need not be formal legal description; "a full and correct street address (including appropriate apartment/suite number) suffices"]; see also Cal. Landlord-Tenant Practice (Cont.Ed.Bar 2d ed. 2015) § 9.37 [allegation containing street address of premises in unlawful detainer complaint sufficient].) Plaintiffs' argument that the writ of possession was required to describe each rental unit located on the property (e.g., Farahani's residence on the first floor of the house, the Stewarts' and Ablitz's respective residences on the second floor, and Whelan's residence in her travel trailer on the property), is without legal support and would be impracticable.

Plaintiffs cite *Cardenas, supra,* 235 Cal.App.3d 1344 and *Nativi v. Deutsche Bank National Trust Co.* (2014) 223 Cal.App.4th 261 (*Nativi*) in support of their contention that the property was not adequately described in the writ of possession. They argue that in *Cardenas,* the appellate court used the term "premises" to refer to the plaintiffs' living unit, even though it was the front house rather than the entirety of the property. But *Cardenas* did not concern a landlord's efforts to evict all occupants of a piece of property; instead, the landlord brought eviction proceedings against occupants of one building, the "front house," located on the property. (*Cardenas, supra,* at p. 1346.)[9] A panel of this court rejected the challenge of the appellants/occupants to the lawfulness of the eviction on the basis that they failed to file a postjudgment claim of right to possession. (*Id.* at pp. 1349-1350.)

*Nativi* did not involve a challenge to the validity of a marshal's actions in evicting an occupant; rather, it was a suit for wrongful eviction and other claims by tenants against a foreclosing lender and its loan servicer. (*Nativi, supra,* 223 Cal.App.4th at pp. 270, 294.) Further, although plaintiffs in this case emphasize that a panel of this court in *Nativi* used the word "premises" to refer to the *Nativi* appellants' converted garage, the foreclosed property consisted of a single family dwelling and the converted garage that had been rented by the appellants. (*Id.* at p. 294.) This is analogous to the circumstances here, where the foreclosed property consisted of the entirety of the approximate three-quarter-acre parcel located at 1650 Pomona Avenue in San Jose — including the entirety of the two-story Victorian house and the land upon which Whelan's travel trailer was located. Neither *Cardenas* nor *Nativi* supports plaintiffs' argument.

Plaintiffs argue further that the postjudgment claim of right to possession procedure for nonparty occupants as specified in section 1174.3 is inapplicable to them under the circumstances of this case. Their position is that the procedure deals with "the rights of persons who occupy the same living unit that is the subject of the unlawful detainer action — not to the rights of persons occupying other living units that were not included in the unlawful detainer action, even if such separate living units happen to be located in the same building or on the same parcel of land." Plaintiffs contend that the property that was the subject of the unlawful detainer action was Farahani's living unit on the property, i.e., the first floor of the Victorian house, and plaintiffs' separate rental "living units had absolutely nothing to do with Ronald Floria's unlawful detainer against Fred Farahani." Plaintiffs offer no persuasive authority to support their position.

Plaintiffs' argument is directly related to their contention — which we have found, *ante,* to be without merit — that the writ of possession was defective because the "description of the real property, possession of which is to be delivered to the judgment creator in satisfaction of the judgment" (§ 715.010, subd. (b)(1)) was inadequate because it did not include plaintiffs' separate living units. The unlawful detainer complaint filed against Farahani identified the property of which possession was sought as "1650 Pomona Avenue, San Jose, Santa Clara County, California 95110." (See § 455 [plaintiff bringing an action to recover real property must describe the property "in the complaint with such certainty as to enable an officer, upon execution, to identify it"].) The writ of possession, as we have discussed, properly described the property by reference to its street address. The procedure specified under section 1174.3 applied to plaintiffs, as nonparty occupants, of the property identified in the writ. (See § 1174.3, subd. (a)(1),(2).) The fact that plaintiffs allege they were unaware of the unlawful detainer proceedings and judgment prior to March 27 when the Sheriff enforced the writ does not render the procedure for filing a postjudgment claim of right to possession inapplicable to them.

The Sheriff properly carried out its ministerial duties in enforcing the unlawful detainer judgment. Accordingly, summary judgment was proper.

## *3. Statutory Immunity Applied to Sheriff's Actions*

The trial court as an additional basis for granting defendants' motion concluded that the court orders provided the Sheriff in connection with the unlawful detainer action (i.e., the writ of possession and the order denying David's claim of right to possession) were "regular and valid on [their] face." It therefore concluded that defendants were immune from suit pursuant to section 262.1. We agree with the trial court that the Sheriff's statutory immunity furnishes an additional basis for granting defendants' motion for summary judgment.

As a ministerial officer, the Sheriff, upon delivery of the writ of possession issued by the clerk of the court is *required* to "execute the writ in the manner prescribed by law." (§ 712.030, subd. (a).) The Sheriff is duty bound to "execute, all process and orders regular on their face and issued by competent authority," irrespective of any "defect in the proceedings upon which they were issued." (§ 262.1.) The Sheriff therefore has a "duty to execute the orders of the court unless they are patently irregular and void." (*Vallindras, supra,* 42 Cal.2d at p. 154.)

The writ of possession and order denying David's claim here were regular on their face, and there is no assertion that the court lacked authority to issue them. The order directed the Sheriff to "immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in [the unlawful detainer] action." The writ and the order are such that they "`appear[] to be valid in the judgment of an ordinarily intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) As we have discussed, *ante,* there is no merit to plaintiffs' claim that the documents were not regular on their face because, when the Sheriff proceeded to levy on them, the Sheriff encountered several nonparty occupants who claimed orally a right to possess their individual rented units within the property. Such circumstances were, if

anything, "defect[s] in the proceedings upon which they were issued" (§ 262.1), which did not furnish a basis for nullifying the Sheriff's statutory immunity. As a ministerial officer, it was beyond the Sheriff's function to make a determination of the merits of such oral claims. (*Arrieta, supra*,31 Cal.3d at p. 392.) Such "determinations are properly the role of the courts." (*Id.*at p. 393; see also *George, supra,* 78 Cal.App.4th at p. 1054 [sheriff properly deferred to bankruptcy court that issued order and writ of possession regular on their face, and "[s]heriff had no authority to do otherwise"].)

Plaintiffs contend they were entitled under state and federal law to 90 days' written notice to quit from the landowner before they could be evicted. They cite, inter alia, section 1161b, subdivision (a), as well as *Nativi.* (See *Nativi, supra,* 223 Cal.App.4th at p. 283 ["the PTFA [Protecting Tenants at Foreclosure Act of 2009] mandates that, at a minimum, an immediate successor in interest in foreclosed property [must] give 90 days' notice to vacate to bona fide tenants of residential property"].) Irrespective of plaintiffs' entitlement under state or federal law to notice to quit from the landowner, the absence of such notice here does not negate the Sheriff's immunity under section 262.1. Any notice defect here would have been a "defect in the proceedings" having no effect upon the Sheriff's actions of enforcing the writ and order denying David's claim that were "regular on their face and issued by competent authority." (*Ibid.*)

The trial court properly granted defendants' summary judgment motion on the independent ground that defendants were immune from liability.[10]

# IV. DISPOSITION

The judgment entered on the order granting summary judgment in favor of defendants Sheriff of Santa Clara County and the County of Santa Clara is affirmed.

ELIA, ACTING P.J. and MIHARA, J., concurs.

[1] All further statutory references are to the Code of Civil Procedure unless otherwise stated.

[2] All dates stated hereafter are 2013 unless otherwise specified.

[3] In opposition to summary judgment, Ablitz declared that "[t]here was normally no access to inside the fenced[-]in area without knowing the security code on the gate."

[4] The record reflects that in February 2014, after the complaint was filed, Floria passed away. Plaintiffs filed a supplemental complaint substituting Jennifer Leland, as personal representative of Floria's estate, as defendant. For simplicity, we will refer to the party defendant as the decedent, Floria.

[5] Floria filed a separate motion for summary judgment, or, in the alternative, motion for summary adjudication. Floria's motion was heard in conjunction with defendants' motion. The court (1) denied summary judgment, (2) granted summary adjudication as to the second through sixth causes of action against Floria, and (3) denied Floria's motion for summary adjudication of the first cause of action of the complaint. Although not reflected in the record, defendants represented in respondents' brief that plaintiffs have settled their claims against Floria.

[6] This procedure is not required where the occupants of the property were served in the unlawful detainer case with a summons, complaint, and prejudgment claim of right to possession as provided in section 415.46. (§ 715.010, subd. (c).) No such service upon the occupants (plaintiffs) occurred in this case.

[7] "Except as provided in paragraph (2), unless a prejudgment claim of right to possession has been served upon occupants in accordance with Section 415.46, any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant by filing a claim of right to possession as prescribed in this section. A claim of right to possession may be filed at any time after service or posting of the writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and including the time at which the levying officer returns to effect the eviction of those named in the judgment of possession. . . . An occupant or tenant who is named in the action shall not be required to file a claim of right to possession to protect that occupant's right to possession of the premises." (§ 1174.3, subd. (a)(1).) Subdivision (a)(2) of section 1174.3 provides that in an unlawful detainer proceeding described in section 415.46 subdivision (e)(2) — one resulting from a foreclosure sale, as is the case here — the occupant may serve the postjudgment claim of right to possession irrespective of whether he or she was served with a prejudgment claim of right to possession. As noted (see fn. 6, *ante*), no such prejudgment claim was served in this case.

[8] "A sheriff or other ministerial officer is justified in the execution of, and shall execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued." (§ 262.1.)

[9] In the opinion, the "premises" were described as "30 Hawthorne Avenue (front house) in Watsonville in Santa Cruz County." (*Cardenas, supra,* 235 Cal.App.3d at p. 1346.) This suggests that there were multiple buildings with multiple addresses on the property owned by the landlord.

[10] Plaintiffs' brief focuses on the first cause of action for wrongful eviction. Plaintiffs do not specifically address the remaining five causes of action alleged in their complaint. Because plaintiffs have not argued the matter, we need not separately address the summary judgment order insofar as it pertains to the claims other than wrongful eviction. (*Reyes v. Kosha* (1998) 65 Cal.App.4th 451, 466, fn. 6[although review of summary judgment is de novo, appellate court will not address issues that have not been adequately raised and addressed in appellant's brief].) In any event, these other claims are clearly derivative of, and dependent upon, the wrongful eviction claim. Since that cause of action fails, the derivative claims fail as well. (See *Price v. Starbucks Corp.* (2011) 192 Cal.App.4th 1136, 1147.)

IN PROPRIA PERSONA

SIXTH DISTRICT COURT OF APPEALSE

STATE OF CALIFORNIA

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| CARY ANDREW CRITTENDEN,<br><br>Petitioner,,<br><br>vs.<br><br>SANTA CLARA COUNTY PROBATION DEPARTMENT AND ,SUPERIOR COURT, COUNTY OF SANTA CLARA<br><br>RESPONDANT | Case H045195<br><br>Trial court: C1642778:<br><br>DECLARATION OF FACTS IN SUPPORT OF PETITION FOR HABEAS CORPUS RELIEF |

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IN PROPRIA PERSONA

Petitioner, Rev. Cary Andrew Crittenden is a well-established and nationally recognized social activist, which includes political activism and tenant rights advocacy at Markham Plaza Apartments, a HUD subsidized apartment complex located at 2000 / 2010 Monterey Road in San Jose, California. The concerns brought to my attention by Markham Plaza residents included violence, harassment and hostile living environment by Markham Plaza Property Management. Previously, Markham Plaza had a contract through San Jose Police Departments secondary employment unit and hired San Jose Police officers to work off duty, in San Jose Police uniform as security guards, which raised serious conflict of interest issues. Off duty officers were often assisting in HUD violations, Fair Housing Act and section C-1503 of the

San Jose Police Duty Manuel which required that they only enforce laws - not the policies of their employers.

In 2008, a complaint was filed by fellow Markham Plaza tenant rights activist, Dr. Christopher Ehrentraut with several law enforcement agencies including the U.S. Department of Housing and Urban Development, The U.S. Postal Service, The San Jose Police Department, The Santa Clara County District Attorney's office and the California Attorney General's office. I had been advocating for Markham Plaza resident Heidi Yauman, who I had a very close relationship with. Heidi Yauman is disabled and was conserved through the Santa Clara County Public Guardian in probate court case ( 1994-1-PR-133513 / 1990-1-PR-124467 ) The Public Guardian also has history of facilitating illegal evictions and committing HUD violations, some of which were exposed by ABC News I-Team (Dan Noyes & Jim O'Donnell) The ABC News Story, Investigating the Public Guardian, is featured at the following youtube URL: https://www.youtube.com/watch?v=y809jIIev5w

There was an incident involving San Jose Police Sergeant Michael Leininger and Heidi Yauman, where Heidi was in outside seating area outside her residence. Heidi Yauman was not violating any laws or lease conditions but was approached by Sergeant Michael Leininger and told to go to her apartment and not come out or she would be arrested. I went over Heidi Yauman's lease with her and the Markham Plaza House Rules and pointed out a section specifying that she, as a tenant was entitled to full enjoyment of all common areas of the complex, including the outside seating area where she was sitting when approached by Sergeant Michael Leininger. Heidi Yauman and I then returned to the outdoor seating area with copy of the house rules and lease where we were approached again by Sergeant Leininger, who said to Heidi Yauman "I thought I told you to go to your room!" I then attempted to show Sergeant

Leininger the lease and house rules. In response to my advocating for Heidi Yauman's fair housing rights, a federally protected activity, Sergeant Leininger commanded me to leave the property and not return or I would be arrested for trespassing. Sergeant Leininger and SEU reserve officer: Robert My name was then unlawfully entered into San Jose Police Department's STOP program database. Heidi Yauman and I were both maliciously targeted and harassed by Sergeant Michael Leininger and reserve officer Robert Alan Ridgeway, who worked under Leininger's supervision. Neighborhood residents approached me and complained that Leininger and his officers were also illegally targeting low income residents, and illegally banning them from "The Plant" shopping center, located across the street from Markham Plaza at the corner of Monterey Road and Curtner Avenue. These included residents of Markham Plaza Apartments, Markham Terrace Apartments, Peppertree Estates Mobile Home Park, and the Boccardo Reception Center, a neighborhood homeless shelter. What Sergeant Micheal Leininger and his officers were doing was very similar to the illegal practice of "red lining".

In 2008, Heidi Yauman submitted a complaint letter to Markham Plaza Property Management, Theresa Coons detailing the harassment and by Sergeant Michael Leininger. Chapter 4 of the HUD management agent handbook describes managements responsibility to be responsive to resident concerns. More info can be found at:

https://www.hud.gov/sites/documents/43815C4HSGH.PDF

Sergeant Leininger approached me at my place of employment and told me that because of Heidi Yauman's letter complaining about him, she was going to be evicted. Sergeant Michael Leininger also stated that I had been living at Markham Plaza and that he had video of me there. On the contrary, I had not been on the property for many months and had been residing in Palo Alto since June, 2007.

This matter was brought to the attention of deputy Santa Clara County Public Guardian Kanta Jindal, who at the time was Heidi Yauman's conservator. It was Jindal's responsibility to advocate for Heidi Yauman and to stop what was obviously very illegal abuse against her. Not only were Heidi Yauman's fair housing rights being violated, and she was being denied the extra care needed because of her disability, but the abuse by property management and sergeant Leininger also violated laws protecting dependent adults and seniors. Deputy Jindal demanded that I stay away from Heidi Yauman and stop advocating for her. Shortly thereafter, Heidi Yauman received a letter from supervising public guardian Dennis Silva alleging false unsubstantiated allegations, including there being video showing I was residing at Markham Plaza Apartments. The letter from Dennis Silver to Heidi Yauman told her she should expect an eviction notice in the near future. Neither Kanta Jindal, or her supervisor, Dennis Silva did sufficient research or follow up on the crisis at Markham Plaza Apartments and were not aware of the widespread abuses taking place, the tenant organizing efforts underway by myself and Dr. Christopher Ehrentraut, and the criminal complaint recently filed against Markham Plaza by Dr. Christopher Ehrentraut. (approximately April, 2008)

In a state of panic, Heidi Yauman wrote up a letter about what was happening regarding Markham Plaza and the public guardian. This letter, which contained a few errors, detailed abuses going back to approximately 2003 with the public guardian including another fraudulent eviction following a 25-month period in which Heidi Yauman was denied services by the public guardian. This letter also referenced abuses by deputy public guardian Rhondi Opheim and two San Jose Police officers : Gabriel Cuenca (Badge 3915) and Tom Tortorici (Badge 2635) This incident, which occurred on January 26th, 2006 is documented here:

https://www.youtube.com/watch?v=y5-Khy4bpH4 (Both of these officers were under the supervision of San Jose Police Sergeant Michael Leininger (Badge 2245)

**Copies of Heidi Yauman's letter was distributed to multiple social services agencies, law enforcement agencies, left under windshield wipers of police cars, and distributed to several court facilities in Santa Clara County. Heidi Yauman received a follow up letter from Santa Clara County Superior Court Judge Mary Anne Grilli, and an investigation was initiated by Santa Clara County District Attorney Elder Fraud Investigator: Detective Dennis Brookins, who was under the supervision of deputy district attorney Cheryl Bourlard (California State Bar ID #132044) We also met with San Jose City Council Member: Sam Liccardo, who confirmed that he would pass along a copy of Heidi Yauman's letter to the Santa Clara County Board of Supervisors. Council Member Sam Liccardo and I discussed the retaliatory incident involving Sergeant Michael Leininger, and I sent a follow up letter to Council Member Sam Liccardo , who then forwarded the concerns over to the San Jose Police Department's Internal Affairs Unit.**

**Heidi Yauman and I both met with San Jose's Independent Police Auditor office (Suzanne Stauffer & Shivaun Nurr) and Heidi Yauman obtained pro bono legal counsel from the Law Foundation of Silicon Valley (Melissa Antoinette Morris – California State Bar ID# 233393 )**

**Copies of documents were made available to Dr. Christopher Ehrentraut to supplement the existing criminal complaint which included violations of the Unruh Civil Rights Act. I called Supervising Public Guardian Dennis Silva to confront him on the letter he sent to Heidi Yauman and challenged him to verify or prove a single allegation stated on the letter. Dr. Christopher Ehrentraut also called Dennis Silva to brief him on the crisis at Markham Plaza, and the widespread abuse that had been occurring and pleaded with Mr. Silva to not participate in the attacks against Heidi Yauman and the other residents. Dennis Silva called me back and conceded that he was unable to prove or verify any of the allegations and stated that Heidi Yauman was not going to be evicted from Markham Plaza Apartments.**

**That same day, Markham Plaza Property Manager: Theresa Coons was terminated from her position. Deputy Public Guardian Kanta Jindal was also abruptly removed as Heidi Yauman's case. Theresa Coons was replaced by Markham Plaza Property Manager Katrina Poitras, and Deputy Public Guardian Kanta Jindal was replaced by deputy public guardian Rebecca Pizano-Torres.**

During the same time period in 2008, San Jose Police Officer Robert Ridgeway was arrested and convicted for domestic violence against his wife, Minette Valdes in Santa Clara County Superior Court Case CC891592. Following his arrest, and the complaint by Dr. Christopher Ehrentraut, Robert Ridgeway was no longer a San Jose Police officer. On October 22nd, 2008, Robert Ridgeway started a corporation called WifiSwat (Entity number: C3166900 ), Robert Ridgeway resumed working through contracts with Markham Plaza Apartments, and "The Plant" shopping center as a surveillance camera technician DBA: WifiSwat. Robert Ridgeway's supervisor, Sergeant Michael Leininger (badge no. 2245) retired from the San Jose Police Department and started his own security company: Safety First Security LTD (PI 27360 PPO 16683) Michael Leininger also continued to working with Markham Plaza Apartments and "The Plant" shopping center DBA "Safety First Security." Through his private company, he employed uniformed off-duty San Jose Police officers as security guards at both locations.

I continued to work with local and neighborhood residents and other community leaders in addressing neighborhood safety and redevelopment concerns and police misconduct related issues in the neighborhood and throughout the city. I also networked with activists and organizations from around the country to bring about public awareness to abusive conservatorships and to advocate for better laws protecting dependent adult / seniors and disabled. I worked very closely with San Jose City Council Member Madison Nguyen who set up an office at "The Plant" shopping center. Councilmember Nguyen and I to set up meetings with the residents at Markham Plaza Apartments, who asked us to help start a Neighborhood Watch Program. There were also discussions about starting a neighborhood association or joining forces with the nearby Tully / Senter Neighborhood Association. When the hostile living

environment at Markham Plaza Apartments became too overwhelming for Heidi Yauman to withstand, she would often hang out with Councilmember Madison Nguyen at her "Plant Shopping Center" campaign office.

I also worked closely with many others including San Jose Independent Police Auditor: Judge Ladoris Cordell (ret), San Jose Police Chief Christopher Moore, San Jose Police Internal Affairs Commander: Lieutenant Richard Weger and Jose Salcido, a retired sheriff department lieutenant and Public Safety advisor for Mayor Chuck Reed. In 2010, a police misconduct news story regarding initiated by me made international news and was featured on the television show: Good Morning America and in 2011, I received an invitation to meet with U.S. President Barack Obama. I been a professional activist for many years and have been invited as guest speaker at Stanford University and my video presentations have been used to teach law school students.

In April 2012, The San Jose Police Department's secondary employment unit was subject of scathing audit by the San Jose City Auditor's office under supervision of Sharon Erickson. San Jose Police chief Christopher Moore acted upon my recommendations to better supervise the Secondary Employment unit after my recommendations were echoed by auditor Sharon Erickson. Changes were made to San Jose Police departments organizational structure and the secondary employment unit was moved out of the bureau of administration and relocated to the office of the chief of police. Michael Leininger's security company (Safety First) lost it's contact with "The Plant" shopping center and San Jose Police Lieutenant Anthony Mata was assigned to oversee SJPD officers working SEU paid jobs at "The Plant" shopping center. San

Jose Police Chief Christopher Moore requested that Lieutenant Anthony Mata and I work together in resolving with the problems with the officers at "The Plant" shopping center.

Also, In April of 2012, Heidi Yauman was visited at her home by probate court investigator Yara Ruiz to review matters relating to her conservatorship. I attended this meeting as Heidi Yauman's advocate and at the meeting, I learned from court investigator Yara Ruiz that the public guardian had falsified documentation in Heidi Yauman's probate court file which falsely claimed that I was living at Markham Plaza in 2008 and that the public guardian had intervened to stop the eviction. I followed up in writing with the Public Guardian, probate court investigator Yara Ruiz and other government agencies, including the California Judicial Council and U.S. Department of Housing and Urban Development regarding this fraud and mentioned that I would be assisting Heidi Yauman in preparing a declaration contesting the fraudulent probate court records. Deputy Public Guardian Rebecca Pizano Torres began calling Heidi Yauman and showing up at Markham Plaza Apartments trying to persuade Heidi Yauman not to file a declaration contesting the false records and an emergency meeting was called by her supervisor: Carlotta Royal. Heidi Yauman was then contacted by probate court investigator: Yara Ruiz and told that deputy public defender George Abel was assigned to her case to assist her with the declaration contesting the false probate court records. Deputy Public Guardian Rebecca Pizano Torres told Heidi Yauman that I could not help her with her declaration because she now had an attorney (George Abel) assigned to handle it for her. I followed up with the public defender's office in writing regarding these issues and included public defender Molly O'Neal in the correspondences in hopes that she would hold those under her supervision

accountable. Deputy Public Defender George Abel did not assist Heidi Yauman with her declaration contesting the fraudulent probate court records.

Additionally, in April of 2012, another public guardian conservatorship: the conservatorship of Gisela Riordan – Probate court case 1-10-PR-166693 had been generating attention from activists and organizations from across the country for the isolation and poor living conditions at Villa Fontana retirement community in San Jose. These activists included Linda Kincaid, Janet Phelan, Marti Oakley, Latifa Ring, and Ken Ditkowski and other attorneys and organizations working to reform conservatorship laws, including active and retired law enforcement officers. The probate court judge was Thomas Cain, but Judge Socrates Peter Manoukian had presided over the eviction of Gisela Riordan's son, Marcus Riordan from her home in what many believed was to assist the public guardian in seizing her house and other property - Case -10-CV-190522. Deputy Public Guardian Rebecca Pizano-Torres was very involved in this issue as was probate court investigator: Yara Ruiz and others who were also involved in the matter involving the fraudulent probate court records in Heidi Yauman's probate court file. Linda Kincaid and others had contacted me after hearing of problems Heidi Yauman had with the public guardian leading up to the recent issue pertaining to the discovery fraudulent probate court records, and roadblocks we had encountered in attempt to address these issues. NBC News (Kevin Nios) and ABC News I-Team (Jim O'Donnell & Dan Noyes) had both began investigating the public guardian and conducting interviews with conservatees, their advocates, friends and family.

On May 7th, 2012 a homeless man was shot and killed at Curtner Avenue & Almaden Road, a short distance from Markham Plaza Apartments. Myself, Council members Madison Nguyen, Pierluigi Oliviero and other community leaders organized a neighborhood meeting on May 14th, 2012 which took place at "The Plant" shopping center across the street from Markham Plaza to address homeless related concerns. Though I worked closely with vice mayor / council member Madison Nguyen, I disagreed with her on her handling of the issue which I believed was being construed and framed as a homeless issue and being used to get federal funding from the U.S. Department of Housing and Urban Development to fund the San Jose Police Department. I believed officials were skewing data to obtain grant money and that once obtained, much of this money would be spent inappropriately. I suggested that instead of funding the San Jose Police Department, federal grant money should be directed to getting homeless people housed at Markham Plaza Apartments and helping to empower those who already lived there with better jobs and housing. Another idea was to provide a reseme workshop for the Markham Plaza residents, perhaps by expanding an existing program provided by the nearby Cathedral of Faith Church. I had difficulty getting neighborhood residents to attend the meeting because the San Jose Police officers working at "The Plant" shopping center had issued illegal "Stop orders: preventing neighborhood residents from being at "The Plant" shopping center. I brought suggestions and concerns of residents with me. Some residents were concerned that Robert Ridgeway was distributing guns at Markham Plaza & thought a neighborhood gun buyback program would be a good idea. Residents thanked me for their advocacy and support, and some warned me that Michael Leininger may try to retaliate against me for the audit that had taken place and him losing his business contract with "The Plant" Shopping center and causing 8 of his officers to be fired. San Jose Police Lieutenant Anthony Ciaburro was present at the May

14th, 2012 meeting and had been supervisor to Sergeant Michael Leininger who was supervisor to Robert Ridgeway, who was allegedly distributing guns. At the time, former SJPD officer Robert Ridgeway was also in charge of maintaining security cameras at "The Plant" shopping center where the meeting was held. Deputy Santa Clara County Public Guardian Rebecca Pizano-Torres continued to cause problems for Heidi Yauman, who was experiencing an increased level of harassment by Markham Plaza property manager Elaine Bouchard and other EAH Housing staff. Despite written follow up attempts, Deputy public defender George Abel was completely unresponsive and did not assist Heidi Yauman in her declaration contesting the fraudulent probate court records regarding Markham Plaza. Meanwhile, the public guardian did not intervene to stop the harassment against Heidi Yauman which placed me in the position where I would have to interne on Heidi Yauman's behalf. Markham Plaza property manager Elaine Bouchard would respond that she would work exclusively with the Public Guardian. We were caught in loop because public guardian would repeatedly fail to intervene, breaching their fiduciary duty. I would therefore repeatedly be forced to intervene to stop the perpetual abuse and harassment and the "script was flipped" to make it appear as it I was harassing them.

On June 10th, 2012, Linda Kincaid and I interviewed on national radio show (Truth Talk Radio, hosted by Marti Oakley) regarding the Public Guardian's office and

On June 15th, 2012 Heidi Yauman was served with "Notice of termination of tenancy" papers from the Law office of Todd Rothbard, which suspiciously accused her of having a person named "Andrew Crittenden" residing with her without authorization from management. "Andrew Crittenden" was named as co-defendant in Santa Clara County Superior Court case 1-12-CV226958. This attracted the attention of organizations from across the country

who were monitoring the public guardian's office and the developments at Villa Fontana retirement community. The name "Andrew Crittenden" appeared to be fictitious representation of myself, with attempt to create an illusion of consistency with the fraudulent probate court records created by the public guardian that deputy public defender: George Abel. In addition to organizations and activists from across the country focusing on the public guardian, and local efforts to obtain and allocate federal grant money from the U.S. Department of Housing and Urban Development, other organizations that dealt with housing rights and advocacy also became involved. These included the Affordable Housing Network and the National Alliance of HUD Tenants, who I had been working with in attempt to establish a Markham Plaza Tenant Association. I assisted Heidi Yauman in preparing an "answer to unlawful detainer" but there was no answer to unlawful detainer prepared for "Andrew Crittenden" since that was not my name and I was not living at Markham Plaza. Heidi Yauman's Answer to unlawful detainer to case 1-12-CV226958 referenced to a code enforcement complaint filed on June 4th, 2012, which should have afforded Heidi Yauman protections against eviction pursuant to the Fair Employment and Housing Act. Deputy Public Guardian Rebecca Pizano-Torres was replaced by Bruce Thurman for a very brief time period, then replaced by deputy public guardian: Arlene Peterson (AKA: Arlene Claude)

**After Heidi Yauman's answer to unlawful detainer was filed with the court, deputy Santa Clara County Counsel, Larry Kubo (State Bar ID 99873), acting as legal counsel for the Public Guardian, supposedly acting in Heidi Yauman's behalf. The Answer to unlawful detainer filed by Larry Kubo, which was accepted by Judge Socrates Peter Monoukian overrode the original answer to Unlawful detainer, created the illusion of consistency with the fraudulent records deputy public defender George Abel was supposed to help Heidi Yauman challenge 2 months earlier. It also made no mention of the June 4th, 2012 code enforcement complaint, effectively stripping Heidi Yauman of her retaliatory eviction protections established in the Fair Employment and Housing Act. (FEHA). It is important to emphasize that deputy county counsel Larry Kubo and Judge Socrates Peter Manoukian were both intimately involved in the public guardian's escalating crisis at Villa Fontana retirement which was subject to attention from all over the country, publicity and attention which would soon engulf Markham Plaza Apartments. Deputy County Counsel Larry Kubo was under the supervision of Santa Clara County County Counsel Lori Pegg (State Bar ID 129073), who, according to rule 3-110 (California Rules of professional conduct), was ultimately responsible for the conduct of all attorneys under her supervision and obligated by law to take corrective action in the event that any of them should fail to act competently.**

**I appeared in court with Heidi Yauman on case 1-12-CV226958 in department 19 (Judge Socrates Peter Manoukian) Deputy Public Guardian Arlene Peterson arrived accompanied by county counsel Larry Kubo. Markham Plaza was "represented" by attorney Ryan Mayberry, from the Law office of Todd Rothbard. Judge Socrates Peter Manoukian made a statement that the case was originally assigned to Judge Mary Greenwood, but that Judge Mary Greenwood recused herself for being personal acquaintance with "Andrew Crittenden" Judge Socrates Peter Manoukian accepted motion by deputy county counsel Larry Kubo to override the answer to unlawful detainer I had helped Heidi Yauman with, replacing it with a different answer unlawful detainer prepared for himself.**

**Deputy County Counsel Larry Kubo presented a "stipulation order" prepared by attorney Ryan Mayberry to deputy public guardian Arlene Peterson and myself. The language contained within the stipulation order was very confusing and contradictory and was not easy to fully understand. It was even more so difficult for Heidi Yauman, a traumatic brain injury survivor. This stipulation order contained language like "tenant must follow all rules that are or maybe in affect at any or all times) with many variables, (Is specific rule in effect or is it not) , etc. Deputy County Counsel Larry Kubo conned me into signing it, assuring that it would likely help to de escalate the situation. I was told me that it would be unenforceable on me because I was not a resident my true name was not the same as named on the order. I reluctantly signed the stipulation order after taking into consideration the following legal factors: Section 12 of the Markham Plaza house rules clearly stated that HUD laws supersede all rules and lease conditions, another section made clear that all new rules must be approved by HUD (Rendering matter outside jurisdiction of Judge Manoukian's court) also rules be equally enforced for all residents and may not be enforced arbitrarily.**

**Heidi Yauman did not sign the stipulation order, but deputy public guardian Arlene Peterson signed it on her behalf which I thought was a big mistake because the confusing and contradictory language contained within the stipulation order appeared to be in violation of California Welfare and institutions code §15656 prohibiting causing confusion or mental anguish on an elder or dependent adult.**

**That day, while returning home to Markham Plaza Apartments, I accompanied Heidi Yauman for her own safety. Immediately, upon entering the lobby to her own apartment building, Heidi Yauman was in "technically" in violation of the stipulation order because of a rule requiring all guests to "register" at the office. Markham Plaza however, did not have a registration process available and when we asked at the office, the staff had no forms or procedure to do with registration. Another thing that was unclear was the difference between "guest", and "visitor", and adding further to the confusion, the stipulation order defined me (or) "fictitious name: Andrew Crittenden" as resident, making me neither: visitor or guest.**

**The stipulation order was used as a weapon by Markham Plaza Property Management to harass, abuse and terrorize Heidi Yauman and the public guardian refused to intervene to stop the harassment. As before, I was put in position where I had to intervene and hit a wall when told by Markham Plaza Property Management that they deal exclusively with the public guardian. We were caught in the same loop as before, but the harassment and abuse had escalated dramatically, and despite constant pleadings to supervisors of various county agencies, nobody would lift a finger to help. Activists and organizations from across the country continued to monitor the Markham Plaza abuse crisis and ABC News continued to gather information on their investigative series: "Investigating the Public Guardian"**

**In early July, 2012, I assisted Heidi Yauman in filing 2 requests to property management requesting clarification on the confusing language in the stipulation order. This was proper way to go pursuant to the American's with Disabilities Act in regards to Heidi Yauman's traumatic brain injury, and also Chapter 4 of the HUD Management Agent Handbook. Markham Plaza Property Manager Elaine Bouchard ignored Heidi Yauman's ADA request for clarification, laughed in Heidi's face and told Heidi Yauman she loved to make her suffer.**

**I was also advocating for other residents,and caring for another disabled Markham Plaza resident: Robert Moss, in apartment 409. Robert Moss was in severe pain and could barely walk. He needed my assistance with basic house cleaning and errands to get groceries and other items, including getting his mail which included his medication. He was taking pain killers for condition with his feet, & I believe he also on antibiotics. One very hot day in July, 2012, Heidi Yauman was nowhere around. She was visiting with her mother who lives in Sunnyvale. I was attempting to deliver groceries to Robert Moss, and was confronted by Rudy, the Markham Plaza Property Manager at the front door and told that according to the stipulation order, I was not allowed to deliver the groceries to Robert Moss without Heidi being present. Robert Moss was of course unable to come downstairs to get his groceries and I was forced to sit outside in front of the building on hot day with perishable goods, including melting ice cream. Finaly I gave in and walked into the building and took the elevator up to the 4th floor to deliver the groceries and Robert Moss told me he was dizzy and about to pass out because the widow was closed and it was too hot for him. He was unable to walk to the window because of the condition on his feet and also because there was big pile of trash between him and the window. I could not help him with this issue because it was so difficult to get access to him. I brought this matter to the attention of public guardian Arlene Peterson who told me she was not Robert Moss's advocate and I would need to take the matter up with management, who told me that they deal exclusively with the public guardian.**

**Markham Plaza and the public guardian both interfered with me from helping Heidi Yauman clean her apartment and remove excess clutter. (they flipped the script and accused me of trying to move my belongings in – this had been going on for years) In the end, Heidi Yauman was charged for cleaning fees authorized by the public guardian who had control of her finances.**

**I was working at a nearby apartment complex / storage facility at 1650 Pomona Avenue, helping the elderly property owner with a federal lawsuit involving reverse foreclosure and bankruptcy. Markham Plaza Property Management would continue to create problems for Heidi Yauman. And I would have to repeatedly leave work to respond to the crisis and try to de-escalate the conflict. Several times I was assaulted trying to render aid to Heidi Yauman and Robert Moss. I was reluctant to defend myself for fear that I would be portrayed as the aggressor. This was documented to make it appear like I was coming to cause problems. Whenever possible, I would check in with Heidi in the evening after staff would leave to avoid conflict of having to interact with them. I was unable to perform my duties at work and the property owner lost his property, residential tenants had to move out and storage clients lost their personal belongings. On one occasion when I was unable to respond quickly to Heidi Yauman's cries for help, she tried to climb out her forth floor window and down the scaffolding equipment set up for painting the building. People outside and at nearby businesses ran up and urged Heidi Yauman to climb back in her window. They were confronted by Markham Plaza staff and told to mind their own business and that their was court order in effect.**

**On August 10th, 2012, Judge Socrates Manoukian's son Matt Manoukian who was marine was killed in combat in Afghanistan.**

**I wrote to Markham Plaza Property management pleading with them to not proceed with the attacks. I and requested a meeting to discuss ways to resolve the issues and my concerns about their collusion with the public guardian and being afraid that someone getting hurt. I wanted them to know about investigations going on and that the public guardian was being watched from all over the country for Villa Fontana, etc & that the same individuals in the middle of the spotlight were the ones they were in collusion with, and that Markham Plaza, like Villa Fontana was also being watched from all over the country, and I figured it would be in their best interest and the interest of everyone involved that they stay out of the spotlight and avoid the negative publicity. I thought it made perfect sense to sit down with them and discuss ways to coexist in peace and to collaborate on something some thing constructive, like directing some of the HUD funding discussed at May 2012 meeting in a way to benefit the residents, perhaps being channeled through non profits and churches such as Catherdral of Faith, Sacred Heart, Catholic Charities etc. The federal grant money was already available and all that needed to be done was designate proper use for it. It seamed so much more practical to direct energy in a constructive manner rather than destructive and to help people instead of hurting them. This was offer I thought they could not refuse especially since it would benefit EAH Housing as an organization to which they would also gain positive publicity instead of negative publicity. I included email with link to video exposing the isolation of Gisela Riordan at Villa Fontana which sparked the ABC News story. I wanted to put things in proper perspective by showing Markham Plaza that their isolation of Robert Moss and Heidi Yauman was very similar to the isolation of Gisela Riordan. Attorney Ryan Mayberry altered these documents and submitted them as exhibits to the court (Judge**

**Socrates Peter Manoukian) , these were accompanied by fraudulent, unsigned declarations from individuals including Robert Ridgeway, who alleged that he had video evidence and was able to testify that I was living at Markham Plaza and stayed overnight several nights. This was untrue. Since the original papers were served in June of 2012, I had only spent one night at Markham Plaza, which was the night before in order to ensure that myself and Heidi Yauman were able to get to court on time. On the bottom of one of the exhibits, there are the words: "See Youtube video: and the link to the video of Villa Fontana is showing, proving that the document was altered and demonstrating my intent in informing them of the isolation of Gisela Riordan.**

**When I tried to cross examine attorney Ryan Mayberry about the fraud concerning the altered documents, and how he knew they were from me (since my name was on the bottom was also cut off below the youtube link), Judge Socrates Peter Manoukian interrupted and diverted the conversation. Judge Socrates Peter Manoukian began interrogating me in court about Villa Fontana and my knowledge and involvement in FBI investigations into to the court system. I stated on the record that the documents had been altered, Judge Manoukian evicted Heidi Yauman on the alleged basis that the organizations and groups from around the county, members of the news media and those present at the May 14th meeting were conspiring together to attack Markham Plaza Apartments, a vast nationwide conspiracy supposedly being orchestrated by "Andrew Crittenden" and funded by the U.S. Department of Housing and Urban Development. I was denied my right to be heard in court and all the witnesses immediately rushed out of the court room. None of them signed their declarations or testified and I was not allowed to cross examine any of them. The only people who spoke were myself, and attorneys Larry Kubo and Ryan Mayberry, The proceedings were being monitored from all over the country and Markham Plaza Apartments plunged themselves headfirst into the spotlight.**

**The eviction proceedings occurred on October 3rd, 2012, only 53 days after the August 10th death of Judge Manoukian's son Matt Manoukian, who died fighting alleged "terrorists" When googling Judge Socrates Peter Manoukian, a lot of information comes up, but the two main incidents that stand out the most are the death of Judge Manoukian's son Matt Manoukian, and the fraudulent eviction of Heidi Yauman. It appears highly suspicious appears more than coincidental that that these major two events occurred only 53 days apart. One has to wonder if in addition to the fraud and perjury, there may be sanity issues at with Judge Manoukian and the vast number of people and organizations accused of conspiring to attack Markham Plaza Apartments without motive. The Cathedral of Faith church alone has an estimated 12,000 congregation members.**

**That same evening of October 3rd, 2012, Jim O'Donnell met with victims and their families and advocates at a Denny's restaurant, a few blocks away from Markham Plaza Apartments. National advocate Linda Kincaid, from the National Association Against Guardian abuse was present at the meeting and she announced she had pulled records from the court website regarding case 1-12-CV-226958. These records indicated that "Andrew Crittenden" had been evited twice from Markham Plaza Apartments. First by default for failing to file answer to unlawful detainer, When deputy public guardian Arlene Peterson's name was mentioned, Anthony Alaimo: mentioned that he two had dealt with Arlene Peterson and that she had shown up at his mothers home with forged eviction papers in what also involved corresponding court cases between department 19 (Judge Socrates Peter Manoukian /- 2008-1-CH-002010 ) and department 3 (Judge Thomas Cain / 1-10-PR-166693) After many people came forward bringing attention to the fraud and abuse, online records referencing docket no. 1-12-CV226958 vanished and no longer be found, other court cases in same court department during same time period were still searchable and accessible.**

**After Heidi Yauman's eviction, she was moved by the public guardian to Gainsville Road in San Jose and I had trouble accessing Robert Moss because of the harassment and being assaulted trying to enter Markham Plaza, and my cell phone had fallen from a ceiling wall outlet and had broken. I too was feeling broken and truly exhausted from this terrifying horrific ordeal. I followed up with Mr. (Duncan) Lee Pullen, director of Aging and Adult services on welfare check for Robert Moss and the money embezzled from Heidi Yauman by attorney Ryan Mayberry. Ryan Mayberry and Lee Pullen were neighbors, living a few short blocks from each other in San Rafael, where EAH Housing was headquartered. Lee Pullen authorized the public guardian to pay his neighbor Ryan Mayberry to commit fraud against Heidi Yauman (called attorney fees) payed for with Heidi Yauman's with Heidi Yauman's finances which the public guardian controlled. Lee Pullen was irresponsive to my requests for welfare check on Robert Moss and in early November of 2012, I learned that Robert Moss was discovered dead after Judge Manookian facilitated fraud (fabricated threats) and fake court declarations which Markham Plaza then used to deny Robert Moss accommodations pursuant to the American's with disabilities act. by isolating him like what had happened to Gisela Riordan.**

**In approximately, December 2012, Deputy Public Guardian Arlene Peterson terminated Heidi Yauman's tenancy on Gainsville Road in San Jose and threw her out on the street in the middle of winter. I then allowed Heidi to stay with me at 2700 Ash Street in Palo Alto where I had been illegally subletting since 2007. Since I did not have permission to allow Heidi Yauman to live with me, I also lost my housing on January 26th, 2013. Heidi Yauman and I moved across the street to 5 abandoned houses on Page Mill Road. Deputy Public Guardian also announced plans to terminate Heidi Yauman's conservatorship – closing any doors for opportunity to contest fraudulent documents which public defender George Abel was supposed to assist her with, tossing the ball to Robert Ridgeway who filed fake declaration to creating illusion of consistency with fake probate court records traceable to the earlier eviction attempt scandal from 2008 involving Markham Plaza Apartments, the Public Guardian and San Jose Police Department's Secondary Employment Unit.**

**I filed a complaint on behalf of Heidi Yauman with the U.S. Department of Housing and Urban Development (HUD Inquiry 345092) which was picked up by Jane C. Shandler at the San Francisco HUD office. Heidi Yauman authorized to act on her behalf pursuant to the American's with disabilities act. After short while, the investigation mysteriously grinded to a halt and HUD stopped responding. I emailed the San Francisco Police Department and told them that Heidi Yauman and I might need a Civil Standby at the San Francisco HUD office because HUD was refusing Heidi Yauman's complaint. I copied the email to the HUD Inspector General's office in Washington D.C. and a short time later, the HUD complaint was reinstated but no explanation was given as to why it had stopped. Soon after that, I was notified that the Public Guardian had intervened and had used their power of attorney to shut down Heidi Yauman's HUD complaint. I followed up meticulously via email with several county officials from across the board to reinstate the HUD complaint and included deputy public defender George Able, who was assigned to represent Heidi Yauman. I copied Public Defender Martha "Molly" O'Neal who, pursuant to rule 3-110 of the California Rules of Professional is ultimately responsible for taking corrective action for the incompetence of all attorneys under her supervision. Martha "Molly" O'Neal did nothing to assist with reinstatement of the HUD complaint, nor did she assist with the declaration to contest the fake probate court files, instead, she held the door open for the false declaration by Robert Ridgeway bringing about the illusion of consistency in the fake court records.**

**I also filed a whistleblower complaint against deputy county counsel Larry Kubo regarding him over riding the original "answer to unlawful detainer" and stripping out her protections in the Fair Employment and Housing act, basically setting up Heidi Yauman to lose her eviction case (1-12-CV226958). The Whistleblower blower complaint was received and handled by office of County Counsel, under supervision of Lori Pegg, who herself violated rule 3-110 in regards to the misconduct of subordinate attorney, deputy county counsel, Larry Kubo. I furnished the County Counsel Whistleblower program with solid proof supporting my allegations, including copy of the San Jose code enforcement complaint against Markham Plaza with case number, date it was filed and name of the investigator assigned.**

**County Counsel stonewalled the complaint and told me they could not give information on investigations. I then filed a public records act request on their policies and procedures which are public record. I used these policies and procedures to reverse engineer the whistleblower investigation and determined that they had violated a policy requiring that if a county counsel attorney is subject of whistleblower complaint, then it must be referred upward in the chain of command to the County Executive's office.**

**I brought the whistleblower complaint to the County Executive's office like I was supposed to do and presented them with the same proof given to county counsel. The county executive would either ignore the complaint or direct it back to county counsel and I would continue to send it back to the County Executive citing the policies requiring them to receive the whistleblower complaint. I also continued to follow up on reinstatement of the HUD complaint and was continually given the runaround.**

**Hundreds of people, myself included documented these improprieties and published them on the internet. These included web banners depicting Judge Socrates Peter Manoukian, (Duncan) Lee Pullen – head of Aging and Adult services who and his neighbor, Ryan Mayberry, the attorney for Markham Plaza Apartments. The ABC News story: Investigating the Public Guardian was also aired and Dan Noyes from ABC News interviewed (Duncan) Lee Pullen about the public guardian's practices of violating laws enforced by the U.S. Department of Housing and Urban Development.**

**Myself and others began receiving harassing and threatening phone calls from Santa Clara County Sheriff Detective David Carroll, who demanded that I stop pursuing the whistleblower complaint, and the HUD complaint (inquiry 345092) Detective David Carroll demanded that I stop advocating for Heidi Yauman, which included assisting her with medical attention. Detective David Carroll specifically told me not to put anything in writing regarding the EAH Housing Scandal, the abuse of Heidi Yauman and the circumstances surrounding Robert Moss's Death. Detective David Carroll also contacted documentary film producer William Windsor of the "Lawless America" project who was working an documentary film on government corruption which would feature Judge Socrates Peter Manoukian. The Sheriff department accused William Windsor of publishing pictures of himself with guns on social media and threatening judges, though there was never any evidence of this and no arrest was ever made regarding these claims. Web Banners and Information on Judge Socrates Peter Manoukian and detective Detective David Carroll were published on Lawless America sites and were distributed to thousand of people, including organizations that deal with police misconduct and police accountability related issues. Despite claims by Santa Clara County Sheriff deputy Robert Eng, the Lawless America project did not become involved because they were contacted by me, They had signed onto the project much earlier, 2010 or 2011 through the Public Guardian's Gisela Riordan's conservatorship case which had also sparked the ABC News story. Lawless America had been following the developments ever since, including when Markham Plaza Apartments plunged themselves into the middle of the scandal.**

**In 2014, focus began to shift to Robert Ridgeway, who filed a fake court declaration in case 1-12-CV226958. Like all the other witnesses in case 1-12-CV226958, Robert Ridgeway's declaration was unsigned, he never testified, and I never got the opportunity to cross examine him. Hundreds of people, including myself decided to "put him on the stand" and confront him on his statements, ask him to show the video evidence proving that "Andrew Crittenden" had been living at Markham Plaza and ask him to site the specific nights "Andrew Crittenden" had stayed overnight, etc. Banners were published along with descriptive text with Robert Ridgeway and his new wife, Santa Clara County Sheriff Deputy Aleksandra Ridgeway. The sole focus was to address the false statements in his declaration which he refused to sign and testify to. Robert Ridgeway was offered the opportunity to simply deny making the unsigned allegations contained within his false declaration. Robert Ridgeway was no longer a police officer and the declaration had nothing to do with his duties as police officer and his wife, deputy Aleksandra Ridgeway was not a party or witness to case 1-12-CV226958, and no involvement whatsoever. Affiliated organizations addressing police accountability issues had combined distribution channel capacity to distribute the banner to over 1,000,000 people if designed according to their policies, which would be a "police accountability theme", Robert Ridgeway was therefore depicted with his wife, deputy Aleksandra Ridgeway suggesting that perhaps, he was able to avoid prosecution for the fake declaration in part, because he was married to a law enforcement officer.**

**On September 16th, 2014, I was arrested by the Palo Alto Police Department on a $5000.00 warrant issued by the Santa Clara County Sheriff department. (California penal code § 653(2)a. The prosecutor was deputy district attorney James Leonard, who was a homicide prosecutor 2 years earlier when Markham Plaza Resident Robert Moss died. The public defender assigned to the case was Jeffrey Dunn and the judge was Rodney Jay Stafford. Jeffrey Dunn lied to me about the required elements to the charge and told me I was being charged with "publishing someone's personal information in a manner which could potentially make them feel harassed" which while I pled, an additional "victim" was added, that being deputy Aleksandra Ridgeway. I was also lied to about the terms and conditions of probation and was not allowed to see the police report, read the actual statute or the terms of my probation. The Santa Clara County Superior Court Docket number was C1493022. Also, Santa Clara County Sheriff department bailiff's seized from me the phone number for outside attorney: Aram Byron James.**

**I was not aware at the time that deputy district attorney James Leonard was homicide prosecutor when Robert Moss died, and it had not yet occurred to me the significance of deputy public defender George Abel's failure to assist Heidi Yauman with her probate court declaration, and the possible collusion involving the civil court declaration by Robert Ridgeway, and that George Abel's failure to assist with probate court declaration may have actually been a contributing factor to causing Robert Moss's death. (The district attorney's office covering up public defender's involvement in homicide) The public defender's office should have immediately declared a conflict of interest and recused. There is also the important question regarding proper as to whether the court system in Santa Clara County may be covering up for their own liability by allowing Judge Socrates Peter Manookian to preside over court cases so soon after his son Matt Manookian was shot and killed.**

**When I finally received a copy of the criminal complaint and the police report, signed by Santa Clara County Sherriff detective David Carroll under penalty of perjury, I noticed another problem besides the false and fabricated statements in the report. County Counsel Lori Pegg, who supervised the fraud by Deputy County Counsel Larry Kubo, and also the mishandled whistleblower complaint regarding Larry Kubo, and had failed to take corrective action pursuant to CRPC 3-110 had since become a Superior Court Judge. Judge Lori Pegg had handled search warrants into my face book account to illegally gather "evidence" in a situation she had been directly involved in when she was on County Counsel – A conflict of interest matter requiring her to recuse pursuant to California Code of Civil Procedure § 170.**

**Detective David Carroll's falsified police report contained many untrue, misleading and fabricated statements. Some of them are as followed:**

- **The police report had falsely claimed that Robert Ridgeway had testified at 1-12-CV226958. Which is untrue.**
- **The police report claimed that I was evicted in case 1-12-CV226958, which is untrue.**
- **The police report implied that I had created a crime spike in the area of Robert Ridgeway's residence (Yellow-5) and covered up crime at Markham Plaza apartments (Lincoln-4) .Records obtained from San Jose Police Department's bureau of technical services showed no measurable crime spike in (Yellow-5) and confirmed the crime at Markham Plaza (Lincoln-4) Furthermore, interviews conducted with Robert Ridgeway's neighbor's revealed that none of them were aware of any crime spike or suspicious activity. Markham Plaza residents reported that many young adults and teen agers were carrying guns.**
- **The police report claimed that I (or the banners) accused Robert Ridgeway and his wife (they) of committing fraud against a brain damaged woman. That is also untrue. The accusation was directed exclusively at Robert Ridgeway (not his wife)**
- **The police reports claimed that the web banners spoke negatively about their duties (Robert and Aleksandra Ridgeway) as police officers. This is untrue. The banners were directed specifically at the false declaration Robert Ridgeway had filed. This was long after his arrest and he was not a police officer. Aleksandra Ridgeway had nothing to do with the declaration and the declaration had nothing to do with her duties as police officer. Only her husband's criminal activity. Adding further to the irony is that through my work reforming the San Jose Police Department's Secondary Employment Unit, I was the one who defined the parameters of Robert Ridgeway's duties were, and were not and because of that fact, I would know better than anyone, including Robert Ridgeway himself, what his duties were.**
- **The false police report also fabricated a statement I made in response to a congressional investigation into Lodi Police Department and the chief of police Mark Helms (Crapping in his panties about the congressional investigation) Instead, the police report misrepresented this statement as if I were trying to instill fear into Lodi Chief of Police Mark Helms.**
- **The police report implied I have antigovernment ideology and claimed I had been "videoed 'attending antigovernment protests. This is also untrue. I am neither anti-government or anti-police and have never attended to an anti-government protest, nor have I ever been videoed at one.**
- **Though not directly stated, fabricated statements contained within the police report implied that the campaign was controlled and directed by me alone and that I were somehow controlling all the different churches, investigators, organization, s law firms, designers, etc. and that none of them communicated or collaborated with one another and everything came from me and was directed by me and that all communications between the various players passed through my hands. The report portrayed me as a master puppeteer controlling what people did. Or master**

**ventriloquist telling everyone what to say. (I was only a spoke in the wheel – not the axil) and though I may have asked some people to share information (protected under first amendment) hundreds of other people had asked thousands of others to do the same and some of the lead project directors had pages with millions of followers. People were not so much responding to me as they were to Robert Ridgeway simply to get him to answer for his statements. If he did not want to answer for his statements and was not prepared to, then he should never filed the false declaration in 1-12-CV-226958 – Robert Ridgeway was obligated**

- **The false police report misrepresented sequences of events and rearranged timeframes in which events occurred and circumstances relating to those events.**
- **The false police report portrayed me with false persona.**

**In addition to numerous other fraudulent, false and fabricated statements detective David Carroll's police report, proper report writing procedure was not adhered to nor was proper investigative procedure adhered to. Detective David Carroll's investigation was illegal and abusive – not supported by probable cause and outside the scope of his duties as a law enforcement officer.**

**Another issue I found was that of "front line supervision" detective David Carroll was a "front line" deputy, a rookie detective on his very first investigative assignment. Similiar to the obligations for attorneys in California rules of professional conduct - rule 3-110 for attorneys, Police Sergeants have specific responsibilities for supervising the front-line officers to ensure, among other things that all proper procedures are followed. If the sergeant fails to do so, the sergeant is accountable to his supervising lieutenant for failing to supervise the officers on the front line. Likewise, the lieutenant is accountable to his captain and so forth , so on through the chain of command all the way up to the Sheriff (or police chief, or commissioner – depending on the department) This is an essential vital function in any department to ensure proper policies and procedures are adhered to and also harmonic coordination throughout the rank and file.**

**In my professional experience, it is would be highly unusual for a police report as bad as this to slip through the cracks and make it past the level of sergeant. If this were to ever happen, the sergeant would be harshly disciplined, possibly suspended or demoted to a lower rank. While examining the report, I noticed it had been reviewed by supervisor: "Riccardo Urena", who I assumed to be a sergeant. After following up I discovered that sergeant Urena was a high-ranking division captain, and head of the court security division. If a report like this were unusual to make past the rank of sergeant, it is virtually unheard of for it to get to or past the rank of captain. If the court security unit were instead a patrol division, like the West Valley division for example, the division captain is equivalent to the police chief for that specific municipality and would report to the city manager, and also be accountable to the chain of command up to sheriff.**

**The court security division, however, is through contact with the courts as opposed to individual cities so therefore the division commander, Captain Riccardo Urena would likely answer to court officials and the orders passed down through chain of command would be coming from the court officials rather than higher ranking brass such as undersheriff, assistant sheriff or sheriff.**

**Since Santa Clara County Sheriff Captain Ricardo Urena appears to have been reporting to court officials on the matter, and the orders passed downward through the chain of command appear to have come from court officials to Captain Riccardo Urena, this is another indication that the detective David Carroll's falsified report and my arrest and conviction were to cover up liability of the courts for Robert Moss's death. Furthermore, another very significant irregularity I noticed is that since Captain Riccardo Urena's responsibility is specifically and exclusively limited to matters involving the court, then what business had he involving himself with a case that was:**

1) **Within the limits of the city of San Jose under the jurisdiction of the San Jose Police Department / Bureau of field operations / Southern Patrol Division / District Yellow / Beat 5 (Yellow-5)**
2) **Involving a sheriff deputy (Aleksandra Ridgeway) who was at the time, not a court security officer (I believe she was patrol officer in Burbank, unincorporated Santa Clara County.**
3) **Assigned to detective David Carroll, who was not even assigned to the court security division or in the same chain of command as Captain Riccardo Urena. Detective David Carroll was assigned to the investigative division. Why then was he receiving orders from a captain from a different division who was receiving his orders from court officials? The Ridgeway residence where the fabricated crime spike did not occur was not a court facility, had nothing to do with the courts.**

**These inconsistencies and irregularities and Captain Riccardo Urena's involvement indicates that the issues fabricated and presented within the reports were no as they appeared or claimed to be. They had nothing to do with crimes committed against Robert Ridgeway or his wife, deputy Aleksandra Ridgeway. They were in fact court related issues. They would have had to be otherwise they would not have been supervised and directed by Court Security Division commander who reports to court officials.**

**There also appears to be breach of contact issues (Sheriff court security contact between the courts and county of Santa Clara) and issues that may be of interest to the State Controller office in that these county sheriffs being supported by state funds, and these state funds appear to be financing federal crimes such as witness intimidation, USC Title 18 Section 4, USC Title 42 Section 3631, USC Title 18 section 241 & 242, etc.**

**In October of 2014, I worked on preparing a Marsden Motion and motion to withdraw plea of no contest. I had been following up with deputy public defender Jeffrey Dunn and others including Public Defender Molly O'Neal, who, pursuant to CRPC 3-110, was responsible for the taking corrective action for all attorneys under her supervision including Jeffrey Dunn and George Abel and these emails cross referenced cases C1493022 and 1-12-CV226958. Molly O'Neal did not take corrective action as required, further violating my due process rights. I followed regarding the way Deputy Public Defender Jeffrey Dunn misled me, the falsified reports and the events leading up to them, and the court security bailiff seizing the phone number to outside attorney Aram James, making it so that I could not consult with him on the true meaning of the statute, etc. Deputy Public Defender Jeffrey Dunn assured me that the court security videos would be secured, and that an investigation would be conducted into the theft of the phone number for attorney Aram James. I was stonewalled and given the runaround on other issues such as being conned and coerced into false plea, the falsified police reports, and the stalking, harassment, and threats by Santa Clara County Sheriff Detective David Carroll, who through this falsified report, created an illusion of consistency between fake court cases: 1-12-CV226958 & C1493022**

**I also published a news article about the facts of the case and how I had been railroaded by the public defender's office and district attorney James Leonard, who was homicide prosecutor in 2012 when Markham Plaza resident Robert Moss was discovered dead after Jeffrey Dunn's colleague refused to assist with declaration contesting fake probate court records.**

**On October 16th, 2014, I arrived at the Santa Clara County Superior Court Hall of justice for my Marsden Motion & Motion to Withdraw plea with my paperwork in hand showing the email correspondences with Jeffrey Dunn and others since being released. I was met by deputy public defender Jeffrey Dunn and others. As soon as I walked into the court room, deputies seized my paperwork and I was placed in hand cuffs and arrested. Deputy District attorney James Leonard smirked and Judge Rodney Stafford Laughed and declared: "Let the record reflect that the defendant is now in custody" I lost my composure while attempting to argue my motion, which was denied by Judge Rodney Stafford. I did not get to submit my paperwork on the court record because it had seized by sheriff deputies. Deputy District Attorney James Leonard whispered into the ear of one of the bailiffs, and I was then led from the court room where I was tortured in a holding cell. Another alleged victim of Judge Manookian, Mr. Tedd Scarlett claims he was also tortured by sheriff deputies in holding cell which resulted in him suffering a heart attack. Ted Scarlett has medical records and other documents supporting his claims.**

**I still had not received the terms and conditions of my probation, but 20 days later, while returning to court for alleged violation of probation hearing in department 42. While waiting in court holding cell, a deputy outside the cell told me was calling out what sounded like my last name: Crittenden, only pronouncing it QUITTenden! QUITTenden! With emphasis on the word/syllable "QUIT" & saying Heidi needs you out there to protect her. You need to ger out of custody as quickly as possible or she is going to get raped, beaten up and killed.**

**I appeared in department 42 before Judge Rodney Stafford and was represented by deputy public defender Thompson Sharkey who employed similar tactics like Jeffrey Dunn had. Thompson Sharkey told me that by accepting the terms of probation, I had forfeited my first amendment right to freedom of speech regarding criticizing public officials established by the supreme court decision: New York Times vs. Sullivan and that by publishing information online about facts the case including the article about James Leonard and Jeffrey Dunn, I had violated probation and to be released from jail, I would have to accept a fake CR-161 criminal protective order naming deputy district attorney James Leonard (Who was homicide prosecutor when Markham Plaza resident Robert Moss was found dead after fraud was used to deny him accommodations pursuant to the American's with disabilities act. I asked deputy public defender Thompson Sharkey what the purpose of the fake criminal protective order was. Thompson Sharkey replied "To get out of jail" The fake criminal protective order issued also prevented me from publishing information about Deputy District Attorney James Leonard on the internet. Thompson Sharkey told me to admit to publishing the news article and "the other stuff" and be released in a few days.**

**After I was released, I discovered that while in custody, someone had published detective David Carroll's falsified police report online using my name. It could not have been me because I was in custody. Over the course of time, several hundred people, many whom I did not know and never heard of came forward as witnesses that the police report was falsified. These included individual activists and members of various organization who had signed onto the project, people who were not signed onto the project, but were neighbors and friends from Palo Alto that knew I was had been living there and people who knew me and disagreed with the way I was portrayed in the fake police report, knowing that I do not behave as described, etc. It has generally been the case that when court or police records are published online, they are quickly refuted and discredited by the public, but to this date, to the best of my knowledge, no one has been able to refute or discredit a single coalition web banner has been published and put into circulation regarding this issue and although the internet is flooded with conspiracy theories, in my professional experience and extensive research, I know of no other situation where such extreme measures were taken to censor the free flow of information. If the coalition web banners were in fact without merit, and not supported by factual evidence, then logic would dictate that it would be left alone and the coalition web banners would discredit themselves.**

**After being released I also checked in with probation officer Douglas Davis, at the probation office inside the Palo Alto Court house. Officer Douglas Davis gave me a copy of the terms and conditions of my probation which showed I had given up my second and fourth amendment constitutional rights, I did not give up my first amendment rights, and in no way, shape or form did I violate probation by publishing facts about the cases online. Again, I was denied my right to due process and there is now I now have a fake probation record which falsely claims I had violated probation which I had not. Attorney Thompson Sharkey has since been caught railroading and defrauding another defendant: Mr. Victor Meras in Santa Clara County Superior Court Case C1769315. Attorney Thompson Sharkey has also, on at least 3 occasions been sued for professional negligence. Santa Clara County Superior Court docket numbers are 1994-1-CV-739331, 1995-1-CV-754610, 2006-1-CV-066347.**

**In January of 2019, I contacted the Santa County Sheriff Department's Internal Affairs Unit to file a formal misconduct complaint against Detective David Carroll, deputy Aleksandra Ridgeway and Captain Riccardo Urena. I spoke with internal affairs sergeant Alfredo Alanis, who issued me Internal Affairs Case number 2015-09. Sergeant Alfredo Alanis immediately lied to me and told me that internal affairs had one year to investigate the complaint. I corrected Sergeant Alfredo Alanis by explaining to him that pursuant to California Government Code § 3304, the one year he was referring to applied to allegations, not complaints and that an allegation was an individual component to a complaint.**

**During the time I worked with the San Jose Independent Police Auditor's office, I developed a formula to ensure that internal affairs investigations were properly processed. Generally, I would submit each allegation separately to ensure that they were handled separately, and I would usually submit each allegation a few days or 1 week apart but not until I had first tried and tested the evidence. If inadequate findings are returned, then it is more efficient to trouble shoot the investigation for procedural flaws etc. I could also better identify when a procedural mishap occurred by specific timeframes. By having copies of the investitive procedure on hand, investigations can be reverse engineered much like computer programs.**

**Each allegation would then be forwarded to the public defender investigative unit, along with Internal Affairs Case number, officer name and badge number, etc. IA and PDO would both be provided with witness information, evidence, etc. This measure is taken so that in the event that a pitches motion is ever filed against the same officer, the public defender is better equipped to track whether documents are missing from officer's personnel files or if the records do not match.**

**Before I could barely begin the process with internal affairs, received a from lieutenant Neil Valenzuela claiming that "the matter" was determined unfounded. Evidence and witnesses were ignored, etc. There was no investigation. It was a sham.**

**I received an email from lieutenant Neil Valenzuela saying the that the investigation was done by himself and Sergeant Albedo Alanis. This was a confession to botched investigation because Captain Ricardo Urena was named in the complaint for either failure to supervise or handing down unlawful orders. A sergeant or lieutenant may not investigate a captain because a captain outranks them both. It is common knowledge that the allegations against Captain Ricardo Urena would have to be investigated by undersheriff, assistant sheriff or sheriff.**

**The Santa Clara County Public Defender's office is very well resourced, having a team of about 30 investigators. A higher than average attorney/investigator ratio than you would normally find. It is the responsibility and obligation of these investigators to scrutinize every jot & tittle of police report and verify whether or not the information contained therein is accurate, and whether proper procedures were followed. This is like the obligation of a police sergeant to supervise front line officers in filing reports. The Sergeant would generally know that he would have to catch these things because if not, the public defender would, their credibility would be shattered, and the sergeant's ass would be on the line.**

**Each and every time and allegation were systematically passed to the public defender to be handled accordingly and each and every time they dropped the ball and ignored it. I literally had to beg and plead to investigate what myself, and hundreds of others claimed were false and fabricated reports. They were presented with before and after versions of altered Facebook transcripts, shown where exculpatory statements were stricken from police reports. Etc. I was being prosecuted by the public defender's office and the district attorney's office, playing "good cop / bad cop" I did everything I could think of to defend myself, emailed top supervisors in regards to (CRPC RULE 3-110) Judges regarding (Canon 3D) and even emailing district attorney with evidence that the public defender was acting incompetently and maliciously thinking that perhaps this would be exculpatory evidence that could be withheld. I was terrified of thought of filing a Marsden motion because when I tried that previously, I was arrested, tortured and re-railroaded by attorney Thompson Sharkey on fake probation violation.**

**By refusing to investigate the false reports and to their job, The public defender denied me these public services that I am automatically entitled to, and repeatedly my due process rights were violated. The public defender bent over backwards to not defend me and to preserve the false narrative created by the district attorney's office and sheriff department. With unbridled discretion, the incompetent and dangerous officers continued to hammer out false reports and no agency or official lifted a finger to stop them.**

**Approximately March 20th, 2015, Attorney Thompson Sharkey payed me a visit in Palo Alto and offered to pay me money to violate fake CR-161 criminal protective order naming deputy DA James Leonard. I recorded the conversation. District Attorney investigator James Leonard. I also received a call from detective Dennis Brookins asking me to please testify in court for him that his mishaps from 2008 investigation were accidental, not intentional. I have recordings voicemail messages from detective Dennis Brookins.**

**On March 24th, 2015, A San Jose Patrol officer by the name of Michael Johnson was shot and killed in the line on duty. I was very saddened by the news, and yet concerned because this occurred in patrol district Lincoln, very close proximity to Markham Plaza Apartments, and the gun issue I tried to address there 3 years earlier. I tried brushing it off as coincidence. The very next day, on March 25th, 2015 I was on the phone with a friend of mine who is retired Los Angeles Police officer, when Santa Clara County Sheriff detective Samy Tarazi and Lieutenant Elbert Rivera came to arrest me on more bogus trumped up probation charges because an organization called "Copblock" published a web banner on line with deputy Aleksandra Ridgeway's picture saying that she falsified a report covering up a murder committed by her husband. This kind of thing is to be expected with such a high-profile case that has generated a lot of public attention. There was no evidence linking this web banner to me. The publisher's contact information and court case information were published along with the banner, but I sat in jail for 40 days and neither the public defender or sheriff department made any effort to contact the publisher.**

**Deputy District Attorney Amanda Parks tried to railroad me in another fake probation violation by refusing to let any exculpatory evidence into record. Would not contact witnesses who were in ABC news story: Investigating Public Guardian, Alleged victims of Judge Manookian, others who claimed to have been targeted by sheriff detective David Carroll, etc. She even filed a motion to disqualify district attorney making false statements in "declaration of facts', preserving the false narrative that had been created. The Judge was Michele McKay-McCoy, who was also a homicide prosecutor when Robert Moss was found dead. I finally got the charges dismissed after having to email board of supervisors, state bar, everyone I could think of begging to PLEASE assign investigators and interview witnesses and allow me to present evidence.**

**I met deputy public defender Amanda Parks outside department 42 (Judge David Cena) Amanda Parks announced that the charges were dismissed, and my case was being moved to Palo Alto court. She was in tears that I had emailed so many people and supposedly embarrassed her (trying to get her to do her job) begging and pleading to be allowed to have evidence and witnesses. I said quietly, "Amanda I could bring this to the state bar" at which she shrieked out and screamed in front of witnesses: "Don't you dare threaten me!", and she then rushed into an elevator after deputy district attorney James Leonard.**

**Deputy Public Defender Gary Goodman was assigned to misrepresent me, and Deputy District Attorney Barbara Cathcart was assigned as new prosecuting attorney. The judge was Aaron Persky.**

**Deputy Public Defender Gary Goodman did nothing to address the false police reports and Public Defender Martha "Molly" O'Neal did not take corrective action pursuant to California Rules of Professional conduct 3-110. The top of an organizational chart is "The People" and going above the public defender to the county executive and board of supervisors did not help. The only resort remaining was to make the matter public and expose it online to as many people as possible. The fact that such extensive effort was made to censor the information was indication that it must be working. If it was not having some sort of positive effect, then officials would not be so bothered by it. This taken as encouragement to publish as much as possible. There was accurate record of events online to offset the false police reports and court records.**

**Publishing on the internet about the facts of the case was protected by the first amendment to the U.S. Constitution, used for protection, and to redress legitimate grievances. The falsified police reports and fake court records were criminal acts of fraud and perjury used as weapons to harass and attack. It was ironic how so much effort was being made to censor free speech, but nobody was taking effort to censor the fraud and perjury in the false police reports, and this is the point I was trying to make in the email sent to detective David Carroll which led to my arrest on December 25th, 2015 on felony stalking charge and 4 misdemeanors (I do not have original docket, but refiled as Docket C162778 and appellate case number is H045195 )**

**Nothing was intended as a threat and I have not ever attempted to incite violence against anyone ever. I was upset about and frustrated and terrified by these false reports and helpless to stop them. I was emotional about the holidays and the anniversary of the death of my sister Connie who died at the age of 44. If not upset and frustrated, I would have given more forethought and would not have sent the email. Not because detective Carroll would interpret it as a threat, but if I given it forethought, I would have known that the District Attorney's office could easily spin it to make it appear as a threat to validate their false narrative.**

**One of the things mentioned in the report about my felony arrest was the repeated emails I had sent to detective David Carroll. This was worded in a way to make me look bad but in my opinion, this is his Detective David Carroll's fault not mine. Detective David Carroll falsified reports about me and said things he knew were not true. Emailing him repeatedly should not have been necessary. I should not have had to ask him more than one time to correct the false reports. It is my first amendment right to redress grievances and that's exactly what I was doing, yet sergeant Samy Tarazi acted as if this were a crime.**

**When I brought this to the attention of deputy public defender Gary Goodman and mentioned the fictitious names such as "Andrew Crittenden" and the swapping of names and roles that took place, and the public defender not following up as required, and investigating the reports, he called "a doubt" (penal code 1368) alleging "Andrew Crittenden" and "Cary Crittenden" may be multiple personalities. I had made a joke with him once about how the reports placed me in 3 locations simultaneously making me 3 people so therefore, I should have 3 attorneys. Obviously, this was in jest, but Gary Goodman suspended the proceedings for mental health evaluation. Never did he address Judge Manookian's mental state when Judge Manookian accused hundreds of people of plotting terrorist attack against Markham Plaza Apartments, a HUD subsidized apartment complex (53 days after his son Matthew Manookian was killed in combat.**

**Gary Goodman also never addressed the mental state of Santa Clara County Sheriff Deputy Aleksandra Ridgeway who claimed to see prowlers and suspicious characters pacing back and forth and creeping around her house, yet she was the only person who could see these "imaginary people." Gary Goodman himself is notorious for making bizarre statements even on record, with his office in Palo Alto, Gary Goodman makes statements on the record referring to the San Jose Public Defender's office as "The Mothership" that will "Beam the discovery papers to him", yet Gary Goodman is not locked up for speaking with aliens & everyone knows he is joking and using metaphor.**

**I was denied my due process rights, and speedy trial because my own attorney, deputy public defender Gary Goodman deliberately chose to twist my words around just like a district attorney prosecutor.**

**Deputy Public Defender Jenifer Bedola submitted a false evaluation report saying that Doctor David Berke had determined I was incompetent to stand trial. No evaluation was ever done of me by Doctor David Berke, and the evaluation report was also fabricated evidence. This is like extracting my fingerprints from an item that I had never touched. I met with another doctor afterward who determined I was competent.**

**I took medication while in custody: "Risperdal" Not for mental illness, but to deal with the stress of incarceration and being powerless and helpless. I had taken some another inmate had given me, then asked for doctor prescription. It helped me to sleep while in jail but had nothing to do with my behavior. Only dealing with the situation. When I was released on O.R. however, one of the terms was to take the medication. Even though it no relevance to the charges against me, etc. When I went to trial, I was not able to adequately testify because of being too "doped up" on the medication. My response time was slow in contemplating what to say and how to answer during cross examination and direct examination.**

**Deputy District Attorney lied to the court during prelim and lied to the jury during trial presenting the false narrative, which defense attorney William Bennet did not object to and did not strike. Deputy District Attorney Barbara Cathcart also lied to the jury about the false police reports which William Bennett did not object to. Nor was their motion to strike,**

**Attorney William R. Bennett did excellent job defending my first amendment right to redress grievance and make public my allegations about fraud, falsified reports and corruption, but he failed to directly address the fraud and false police reports in that he did not investigate the falsified reports, procedural violations, etc, nor did he effectively cross examine Detective David Carroll about the false police reports. He did not address other due process violations about the earlier cases – not for purpose of relitigating past issues, but rather to validate that their were indeed legitimate issues that I did have first amendment right to redress.**

**Attorney William Bennet failing to object to statements by Barbara Cathcart claiming that the police reports were not falsified, and that I was living at Markham Plaza when I was not, and this helped Barbara Cathcart sustain her narrative and convince the jury that I had lied and made things up, and falsely prove the element of "no legitimate purpose" and then go on to make the argument that I had no constitutional right to lie about detective David Carroll, - thus subject matter jurisdiction was fraudulently procured over constitutionally protected activity, and I was denied right to fair trial. The court acted in excess of jurisdiction, and though I do not recall ther specific case law, the supreme court has ruled that their can be no punishment for exercising a constitutional right.**

**One of the exhibits pertained to Family Court Case JD20223/JD20224 in which I advocated for parents Ashley Stevens and Scotty Harris regarding their daughter Ashley Harris. Ashley had interviewed in a video series in which she alleged abuse under the care of Santa County Child Protective Services. In at least one video, Ashley Harris alleged she may be victim of sexual abuse. Soon after the videos were published online, Ashley Harris disappeared, and her social worker Anthony Okere filed a missing persons report.**

**Santa Clara County Detective David Carroll had been transferred to juvenile missing persons unit which I found highly suspicious. I was familiar with detective David Carroll and his history of covering for department of social services because of what happened with Heidi Yauman and what he did to me for trying to advocate for Heidi Yauman. For these reasons, I suspected that Detective David Carroll may be involved in Ashley Harris's disappearance bit I did not him. In advocating for the family, I was involved in creation of a web banner suggesting detective David Carroll may be involved which I believed was highly likely. It turned out that Ashley Harris had run away and she eventually turned up.**

**My actions were not out of malice, but out of legitimate fear for Ashley's safety, When asked if I believed all allegations I made, I said "I don't know' or "I;m not sure" I was presented with web banner relating to JD20223/JD20224 and asked if I believed Detective Carroll abused her & I said no. Had Ashley Stevens and Scotty Harris been allowed to testify, then the history would have been clear. Francine Stevens had even told be she had seen a man she believed to be detective David Carroll observing her at the Martin Luther King Library in downtown San Jose and thought he had been following her. Barbara Cathcart was able to use this to persuade the jury that I had lied about, and that "lying" was not constitutionally protected activity, thus fraudulent jurisdiction was procured over my constitutional rights – and I was further denied my right to due process.**

**I had stated in an email that Detective David Carroll was violent. I stand by that statement as the supreme court has ruled that color of law abuse is violence and he committed these abuses against Heidi Yauman, and me also for advocating for her. Heidi Yauman was a dependent adult and very vulnerable and his abuses against her, though not by direct contact caused her injury and great suffering. Few would argue that Charles Manson and Adolf Hitler were violent, even if they did not have direct contact with their victims. The legal dictionary may not consider this violence but I do and legal dictionary is different from Websters and others. Deputy District attorney Barbara Cathcart had convinced the jury that had lied about detective Carroll being violent and in her closing argument was that I must have lied about everything, and therefore that non statements were constitutionally protected. William Bennett should have cross examined Detective David Carroll in this manner about the false statements in his reports. It was not me who maliciously lied about detective David Carroll, It was Detective David Carroll and attorney Barbara Cathcart who lied about me.**

**Barbara Cathcart lied about the perjury in detective David Carroll's report, claiming he was "doing his job" and fraudulently procured jurisdiction over my first amendment rights to speak out the perjury and fraud, and redress my grievances.**

SINGED INDER PENALTY OF PERJURY

CARY ANDREW CRITTENDEN: _____

**2013-2014 SANTA CLARA COUNTY**
**CIVIL GRAND JURY REPORT**

# PROBATE CONSERVATORSHIP: A SAFETY NET IN NEED OF REPAIR

## SUMMARY

The 2013-2014 Santa Clara County Civil Grand Jury (Grand Jury) received a complaint alleging the "mishandling" of a client's case referred to the Office of the Public Administrator/ Guardian/Conservator (PAGC). Adult Protective Services (APS) had referred the client to PAGC. The individual's medical condition deteriorated significantly over five months, and the client died before being conserved. The Grand Jury sought to examine the actions or inactions of the PAGC in the matter. The Grand Jury's inquiry into this case led to a broader examination of the safety net provided by Santa Clara County for seniors who are not able to advocate for themselves, have no one else to advocate for them, and whose cognitive abilities are severely compromised.

The Grand Jury explored the process of conservatorship for seniors, age 65 or older, from Adult Protective Services (APS) through PAGC to Probate Court. The management of the client's needs during this prolonged time and the efficiency of handling the referrals to a final legal judgment of conservatorship by the Probate Court were investigated. The specific areas within APS and PAGC upon which the Grand Jury focused its attention are the following:

- The procedure of assigning an account/case number at the initial contact,
- Decisions prior to the acceptance of referrals to PAGC,
- Incomplete or insufficient information sharing between APS and PAGC,
- The Capacity Declaration,
- Training for new and current deputy public guardians,
- Updated Policies and Procedures Manual for PAGC not reflecting current practices,
- Background checks for APS workers and deputy public guardians, and
- Lack of PAGC statistics for case management.

## BACKGROUND

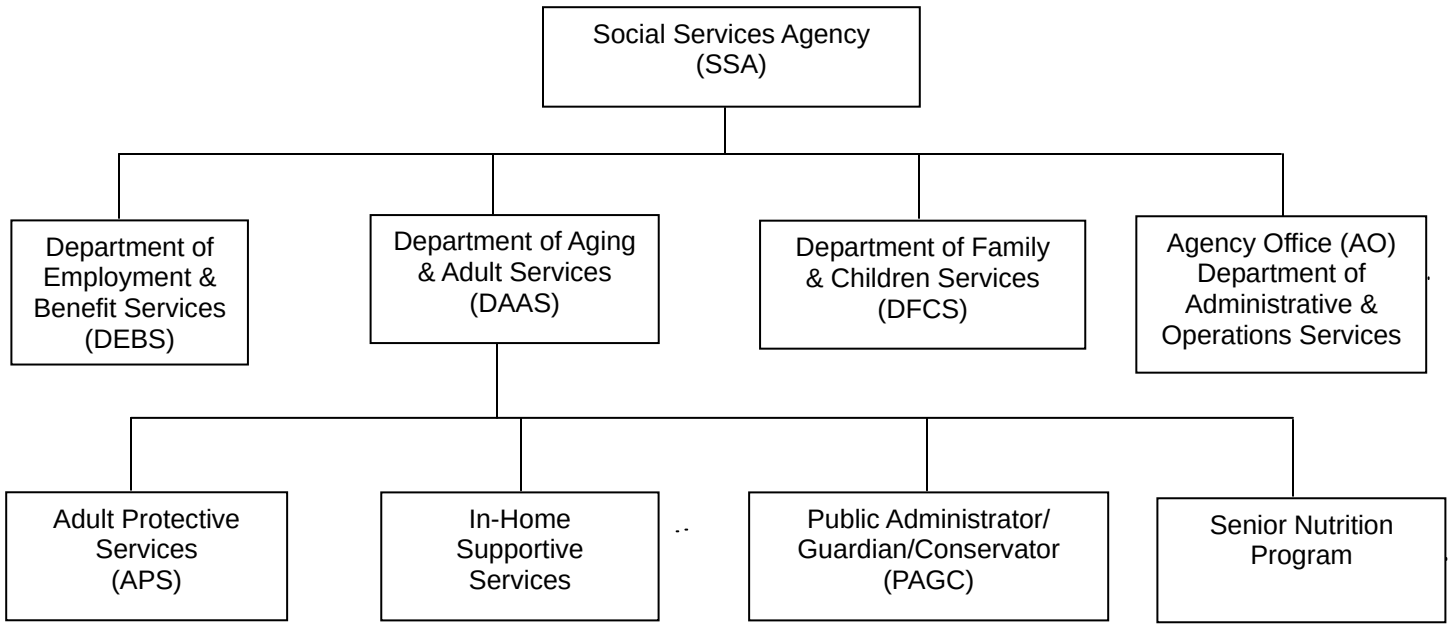
Santa Clara County is home to a population of approximately 1.8 million residents (2012 United States census estimate), of which 11.7 % are identified as over the age of 65, about 213,000 individuals.[1] Most of these elderly citizens will eventually require some level of support and assistance as they advance toward the end of their lives. A few will have limited

[1] http://quickfacts.census.gov/qfd/states/06/06085.html.

or no support system available within their family circle to execute their affairs.

The Department of Aging and Adult Services (DAAS), a division of the Santa Clara County Social Services Agency (SSA), was formed in 1997. DAAS consolidated several separate and distinct divisions to improve coordination among In-Home Supportive Services, the Senior Nutrition Program, the Office of the Public Administrator/Guardian/Conservator (PAGC), and Adult Protective Services (APS). The stated goals include coordinating and enhancing services for seniors that are delivered under county programs and strengthening partnerships in the community and among these departments.[2]

SSA Organization Chart (Abbreviated)




The Grand Jury examined the roles of APS, PAGC, and Office of the County Counsel (County Counsel).

**ADULT PROTECTIVE SERVICES (APS)**

APS is a department whose activities are defined by the California Welfare & Institutions Code. APS serves two population groups: elders (age 65+) and dependent adults (age 18-64) who are suspected of being abused and neglected. Types of abuse that are investigated include physical, sexual, financial, neglect or self-neglect, and isolation. Reports of abuse are taken on a 24/7 basis.[3] The mission of APS is to provide preventative and remedial interventions, such as investigation, assessment, counseling, development of a service plan, case management on a time-limited basis, and referrals to community resources. The law mandates the availability of these services through APS, but since the client is not conserved, acceptance of the services is voluntary.

[2] Adult Protective Services Handbook of Santa Clara County, n.d., 2-2.
[3] Welfare and Institutions Code section 15763.

The primary goal is to maintain the client in his/her home, while securing his/her ongoing health and safety as much as possible, using existing community-based services.[4] When the client is no longer able to make personal, health, or financial decisions without great risk to his/her well-being, or is in danger of being abused by others, and when other family members or other individuals are not willing, able, or appropriate to step into a formal caregiver role, APS makes a referral to PAGC for further investigation. The outcome of this investigation could lead to a permanent conservatorship.[5]

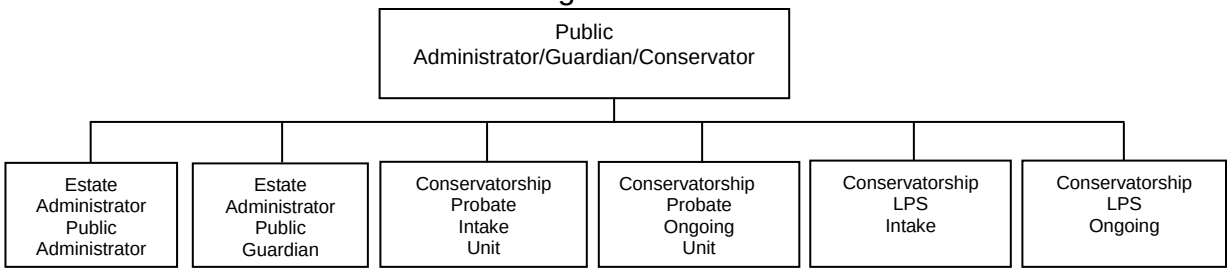
APS together with PAGC, the District Attorney, County Counsel, and other law enforcement entities staff the rapid response Financial Abuse Specialist Team (FAST). The team, established in 1999 by DAAS, allows a multi-disciplinary approach to take quick action and intervene in situations where the elderly person is in imminent risk of financial abuse. The team then also addresses the client's broader issues.[6] Non-FAST cases (clients not at imminent financial risk) do not have the same level of information sharing and cooperation among the departments.

**OFFICE OF THE PUBLIC ADMINISTRATOR/GUARDIAN/CONSERVATOR (PAGC)**

"The Office of the Public Guardian insures the physical and financial safety of persons unable to do so on their own, and when there are no viable alternatives to a public conservatorship. The Superior Court determines whether a conservatorship should be established. The court process includes petitioning the court and notifying the proposed conservatee and his/her family of the proceedings. A conservatorship is established only as a last resort through a formal hearing. The Superior Court can appoint the Public Guardian as a conservator of the person only, estate only (for probate), or both person and estate."[7]

The PAGC serves several groups of clients: elderly and dependent adults (probate conservatorships) and the severely mentally ill under the State of California Lanterman-Petris-Short Act of 1967 (LPS conservatorships – CA Welfare &Institutions Code §5000 et seq.). Probate and LPS conservatorships have separate divisions within PAGC, and each operates its own intake and ongoing units. The intake unit case manages the client who is awaiting conservatorship; the ongoing unit assumes management after the granting of conservatorship. The Public Administrator handles the closing of estates of the deceased, when no other alternatives such as wills and trusts exist.

PAGC Organization Chart




[4] *Id*. at 15750 et. seq.
[5] Adult Protective Services Handbook of Santa Clara County, n.d., 9-5
[6] "Financial Abuse Specialist Team Practice Guide Santa Clara County," Version 1.0, 12/2010, 3
[7] http://www.sccgov.org/sites/ssa/Department%20of%20Aging%20-20%Adults%...Services/Public%20Guardian/Pages/Office-of-the-Public-Guardian.aspx.

The Probate Intake Unit receives referrals from APS, skilled nursing facilities, hospitals, the court, and the community when there is concern about the cognitive and/or physical ability of the elderly person to function competently on his/her own, or for protection from outside abuse (financial, physical, emotional), and long-term intervention appears to be warranted. (See Appendix A.) Following an extensive investigation, the Public Guardian (PG) may decide to petition the Probate Court to request appointment of the PG as the legal conservator of record. This occurs only after extensive exploration for less restrictive alternatives such as willing and available family members or friends, and no one is found.

The individual can be conserved in the following ways, as determined in Probate Court:

> **Conservatorship of the person:** The conservator assures that all personal care, medical care, and services needed to maintain a safe and comfortable living environment are provided for the conservatee.
>
> **Conservatorship of the estate:** The conservator bears the responsibility for locating, managing, and protecting all assets of the conservatee's estate. She/he also applies for all income and benefits to which the conservatee is entitled, pays all just debts, and keeps separate records of all the funds received and disbursed on the conservatee's behalf.

An individual may have both his/her person and estate conserved, based on the judgment of the court after careful consideration of all of the facts in the case.

There are two types of probate conservatorship, permanent and temporary. The first step for both is to determine if the client is a candidate for referral for conservatorship. According to the Policies and Procedures Manual of the PAGC (Procedure 704.0), PAGC has 30 days to respond to the referring party; e.g., APS, hospital, or nursing home about accepting the referral. Once the referral is accepted, the deputy public guardian investigates the need for conservatorship and assembles a packet of documents including the Capacity Declaration, a physician's evaluation of a person's ability to handle his/her well-being and affairs. (See Appendix B.) A completed Capacity Declaration is mandatory to obtain a conservatorship. Then the deputy public guardian sends the packet to County Counsel. If the packet is complete, County Counsel prepares the petition for conservatorship, and a court date is initially calendared for 10 weeks in the future. After the Probate Court receives the petition, the Superior Court investigator independently reviews the documents and further investigates so that she/he can make a recommendation to the judge on conservatorship.

If time is of the essence, a temporary conservatorship can be sought. The temporary conservatorship has a limited term of one month. PAGC may petition the Probate Court to extend the temporary conservatorship, if needed.[8] This conservatorship has limited powers necessary to ensure the health, safety, and support of the proposed conservatee and protection of his/her property. It protects the client in the moment (a medical or financial emergency) before going forward with a permanent conservatorship.[9] A permanent

[8] Probate Code section 2257
[9] Probate Code section 2252

conservatorship is petitioned at the same time as the temporary conservatorship with the client being charged a fee for both petitions. Temporary conservatorships are filed with the court for a hearing date within three weeks. Unlike the permanent conservatorship, the temporary conservatorship does not allow decisions concerning the conservatee's real estate, routine medical care, or financial matters, unless urgent.

For purposes of this investigation, the Grand Jury chose to focus only on the portion of PAGC that deals with non-LPS probate conservatorships for the elderly from the point of referral to the Probate Court naming the Public Guardian as legal conservator. The process of moving a client through conservatorship is complicated and prolonged.

In the process of probate conservatorship, clients can spend as much as four to six months in a holding pattern, between PAGC'S acceptance of a case and the Probate Court's formal granting of temporary and/or permanent conservatorship. During this period, the client has already been deemed to lack the capacity to make good decisions for him/herself, as established by a physician via the Capacity Declaration. Further, the deputy public guardian assigned to the client has not been granted any legal authority to conduct business on behalf of the client.

Until permanent conservatorship is completed, the deputy public guardian must confront the clients' day-to-day issues without having the legal capacity to make decisions for the clients. The Grand Jury found that deputy public guardians, by necessity, bring their own personal skills and creativity into play to respond to clients' inability to care for their own needs under these precarious circumstances.

A temporary conservatorship may be sought to alleviate a crisis and is only a stopgap solution. It is limited in time, thirty days, and scope, a medical or financial emergency. Once the permanent conservatorship is in place, PAGC officially assumes the ongoing legal and physical responsibility for attending to all business and personal decisions surrounding the clients, and they will be case-managed accordingly.

The Grand Jury concludes that this legal limbo in which the deputy public guardians find themselves underscores the need to eliminate any delays within the conservatorship process that are easily correctable.

## OFFICE OF THE COUNTY COUNSEL

The Office of County Counsel (County Counsel) is the legal advisor to the County of Santa Clara. Within this department are attorneys representing various practice areas, and according to County Counsel, the "Probate Section represents and advises the PAGC in almost 1,000 conservatorship, decedent estate and trust proceedings each year."[10] The deputy county counsel assigned to probate prepares the petition for conservatorship, based on documents received from PAGC. The County Counsel staff calendars the case for a Probate Court hearing. Prior to the hearing in Probate Court, a court-appointed individual, the court investigator, does an additional independent examination of the facts. The investigator independently evaluates the need for conservatorship and recommends whether the court

[10] http://www.sccgov.org/sites/cco/Pages/Offfice-of-County-Counsel.aspx.

should grant a conservatorship.

## METHODOLOGY

In preparing this report, the Grand Jury conducted 17 interviews, received email responses to questions, did web searches, attended a demonstration of the PAGC Panoramic Case Management System (PANO) and examined various documents. The Grand Jury subpoenaed and reviewed financial, medical, and case management records of the deceased client mentioned in the complaint.

Interviewed employees from the following:

- Adult Protective Services (APS),
- Office of the Public Administrator/Guardian/Conservator (PAGC),
- Office of the County Counsel, and
- Superior Court of California.

Emailed communications with the following departments of Santa Clara County:

- Social Services Agency (SSA) which includes the Department of Aging and Adult Services (DAAS), APS, and PAGC,
- Office of County Counsel,
- Employee Services Agency (ESA), and
- Superior Court of California.

Web searches (See Appendix C.1.)

Manuals and codes (See Appendix C.2.)

Statistics for APS, PAGC, and Superior Court of California (See Appendix C.3.)

Forms and documents not included in the above (See Appendix C.4.)

## DISCUSSION

The Grand Jury began its investigation in response to a complaint that PAGC delayed establishing a conservatorship over a client who was referred to PAGC by APS. The client's medical condition deteriorated over five months with the client dying without a conservatorship in place. The Grand Jury reviewed this specific case and did not conclude that there was mishandling. Nevertheless, this case directed the Grand Jury's efforts to review and to evaluate the processes involved in determining conservatorship for the elderly.

The following sections outline what legal, procedural, and communication processes/factors

contribute to such a lengthy process for conservatorship. The Grand Jury also notes deficiencies and obstacles, which must be addressed in order to better the process.

**Process for Receiving, Formally Recording, and Accepting Referrals**

The Grand Jury found that when a referral is taken from a referring party, there are inconsistencies as to when the information is logged into the Panoramic Case Management System (PANO) and assigned an account/case number. The Grand Jury learned of instances where the inputting of data had been delayed, and therefore the client was not being tracked in the system, essentially lost and not receiving services. In those cases, the issue was brought to light when the referring party made inquiry as to the status of the client, and hard copies of the documents had to be hunted down. Procedure 709.1, updated January 21, 2014, requires that client data be entered when the referral is received, and this process is not followed in each and every case. As a result, the Grand Jury also learned that because of these past issues, a new PANO screen dedicated to the entry of referral data was going to be developed, along with clearer guidelines as to when and who would input data and assign an account number. The new screen, along with a new PAGC Procedure 709.2, dated May 20, 2014, is to be implemented.

Regarding the PAGC determination process for accepting or rejecting a client for conservatorship, which involves the removal of civil rights, the Grand Jury learned that a formal change is planned for the near future that will restructure how incoming referrals are reviewed. Currently, recommendations for acceptance or rejection of a client are at the discretion of one employee, and that decision is passed on to the Public Guardian for concurrence. The proposed new process will create a three-person panel to discuss and evaluate the merits of each case prior to the decision to accept or reject. It is intended to allow differing staff perspectives to be presented and considered collaboratively. This panel will convene bi-weekly. This one-year trial project was given a March 1, 2014 start date, but had not been implemented as of May 1, 2014.

**Communication between APS and PAGC/Incomplete Information Sharing**

The Grand Jury's investigation revealed that information sharing between APS and PAGC is critical for evaluating a client for possible conservatorship and for knowing when the conservatorship is completed. Complicating the situation, APS and PAGC have different computer systems that can be accessed only by the respective employees of each division. The investigation revealed that information sharing between APS and PAGC needs improvement.

APS completes and sends an interdepartmental form to PAGC entitled Request to Establish a Probate Conservatorship (SC-1). This form provides only basic client information including contacts, income, physician, and reason for conservatorship. PAGC cited a need for more information in SC-1 including relevant details contained in previous referrals to APS and potentially dangerous situations (aggressive dog, gun in the home, or resistant individuals). The lack of information results in the deputy public guardian having to discover the details on his/her own versus just reconfirming the veracity of the facts. If a situation is known to be potentially dangerous, the deputy public guardian would obtain appropriate backup when visiting the client in the home. As a result, with information that is more detailed, the deputy

public guardian would be able to proceed more safely, effectively, and with a clearer understanding of the client's situation.

After receiving a referral for evaluation of conservatorship from APS, the deputy public guardian is required within thirty days per PAGC Procedure 704.0 to contact APS as to the acceptance of the referral for conservatorship investigation. This notification is important to assist the APS worker in his/her further case planning for the referred client. The Grand Jury found that once PAGC acknowledges the referral and undertakes further evaluation of the client, little or no additional information about the client is shared. Since not all referred clients are conserved, it is important for the APS worker to be kept in the loop so that they will know if the client is still being actively evaluated and is receiving services from PAGC. This information influences the APS worker's decision when to close the case.

The Grand Jury was told that the lack of two-way communication between the departments is an issue. Clearly, a more collaborative approach between APS and PAGC would greatly benefit their shared clients.

**Capacity Declaration**

In every request for a formal conservatorship through the Probate Court, the client's physician must complete a Judicial Council of California Form GC-335, the Capacity Declaration. (See Appendix B.) The physician renders his/her professional opinion about the cognitive capacity of the individual to manage his/her own affairs and to perform activities of daily living. An additional attachment to the Capacity Declaration for dementia evaluation allows placement in a secured facility and the use of psychotropic medication (Probate Code §2356.5). The APS social worker, during the initial investigation, or the PAGC deputy assigned to manage the case is responsible for coordinating with the physician to complete this form. It is the responsibility of the PAGC deputy to ensure that the form is complete when sending the referral to County Counsel to petition the court for conservatorship. Since the Capacity Declaration is the basis for a formal judgment to conserve and legal proof of the need for a conservatorship, incomplete forms are returned to the PAGC deputy who then has to contact the physician again. Without a completed Capacity Declaration, a court hearing cannot be set, and the case is unable to advance through the Probate Court system. This results in a delay in the conservatorship process.

**Staff Training**

The 2012-2013 Santa Clara County Civil Grand Jury identified that the PAGC lacked a formal training plan for new employees and interoffice transfers.[11] As of March 1, 2014, the PAGC has made only minimal progress towards resolving this problem. There continues to be no formal written training manual or program to address this problem; the preferred method seems to be shadowing more experienced employees and obtaining information from a supervisor. It is important that PAGC address this, particularly since staff turnover in the PAGC Probate Intake Unit has been greater than 50 percent in the past two years.

A specific example of lack of training is in the use of a computerized case management

[11] 2012-2013 Santa Clara County Civil Grand Jury, *Improvements Are Needed in the Office of the Public Administrator/Guardian/Conservator.*

system. In 2009, PAGC implemented a new computerized system, Panoramic Case Management System (PANO), for managing its work. The PANO vendor describes it as a case management system designed to handle cases from investigation and opening to case closure. PANO tracks clients, their assets, heirs, and maintains case notes.[12] The 2012-2013 Grand Jury found that PAGC personnel were not utilizing PANO consistently, and PAGC had no clearly delineated personnel responsible for problem solving, maintenance, and training for the software system.[13] The 2013-2014 Grand Jury investigation has revealed that PAGC staff training on PANO consists of informal training with a supervisor and peers. The Grand Jury was told that PAGC has hired an employee to receive training from the PANO vendor with the intent that this person will then instruct the employees of PAGC how to use PANO. While this may appear to be progress, it has been five years since PANO was implemented, and the lack of formal training continues to prevent it from being utilized to its fullest capacity.

A formal job training program including the use of PANO results in a consistent, competent, and accountable staff, ultimately benefitting the client.

**Policies and Procedures for PAGC**

The basic guide to the day-to-day operations of PAGC is its Policies and Procedures Manual (P&Ps) that directs employees through the various processes required to serve their clients and provides step-by-step details for each task.

The 2012-2013 Santa Clara County Civil Grand Jury reviewed the PAGC's P&Ps and found that as of August 2012 nearly two-thirds of the policies and procedures had not been reviewed or updated for five years or more.[14] As a result, an effort has been undertaken over recent months to have the manual reformatted, updated, and made available to staff on the PAGC intranet. The Grand Jury was informed that the process has now been completed for the entire manual, and the P&Ps are now up to date.

The Grand Jury learned that the content of many of the P&Ps was not updated; only the dates on the pages were changed. For instance, old job titles and references to a former computer case management program have not been removed raising concern as to how much attention was given to the updates of the procedures themselves.

This leaves the Grand Jury to wonder how effective the P&Ps are in guiding new staff, or serving as a reference for all staff in conducting the work of the department. The Grand Jury determines that there is still much work to be done in this area including updating current job titles and responsibilities.

**Background Checks**

The employees of APS and PAGC have access to frail and cognitively impaired clients' homes and frequently handle personal property, financial assets, and household goods. According to the Annual Report of PAGC on August 8, 2013, PAGC manages a financial

[12] http://www.panosoft.com.
[13] 2012-2013 Santa Clara County Civil Grand Jury, *Improvements Are Needed in the Office of the Public Administrator/Guardian/Conservator.*
[14] *ibid.*

inventory of clients' assets totaling $62,787,998.25.[15] Additionally, personal property and valuables are kept in storage at a warehouse and a locked property room, accessed by select PAGC employees.

The Grand Jury found that employees of APS and PAGC are not fingerprinted. The current background check for a potential new hire searches only the last seven years for felonies and misdemeanors. It does not include Live Scan, a computerized fingerprinting system that searches nationally for criminal activity from 18 years of age to the present. Live Scan is no more expensive than the more limited background check presently done for prospective APS or PAGC hires. The increase in the level of background checks to include Live Scan review requires the concurrence of county management and county labor bargaining units. The Grand Jury contends that these new personnel should be subjected to fingerprinting and additional scrutiny from age 18 forward to current age when hired by the county to safeguard and minimize the risk to this vulnerable population and their assets.

**Inadequate Statistics**

The Social Services Agency (SSA) publishes statistics both quarterly and annually. The quarterly document is called the Vital Signs Report,[16] and the annual report is presented to the Board of Supervisors (BOS) Children, Seniors and Families Committee of Santa Clara County.[17]

In the preface of the Vital Signs Report, the importance of statistics is well stated: "Performance Management in the SSA is an interactive process that includes setting and clarifying goals; developing targets and measures to assess progress; meet reporting requirements, monitor program outcomes, evaluate program and management effectiveness; and to increase the use of performance indicators to [produce] informed [ed] programmatic decisions."[18]

However, looking at the quarterly Vital Signs Report, the Grand Jury was unable to evaluate the magnitude of the workload of the Probate Intake Unit because the following statistics were combined with the LPS unit:

- number of PAGC cases managed monthly (Appendix D.1 and D.2),
- initial evaluation completed by PAGC within seven days (Appendix D.1 and D.2), and
- percentage of face-to-face contacts with all conservatees within 90 days (Appendix D.2).

[15] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services, 11.
[16] Vital Signs Report-A Review of Key Performance Indicators; quarterly, published by Santa Clara County Social Services Agency Division of Data Analysis, Program Integrity and Research-Office of Research and Evaluation, July-September. 2013.
[17] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services.
[18] Vital Signs Report-A Review of Key Performance Indicators; quarterly, published by Santa Clara County Social Services Agency Division of Data Analysis, Program Integrity and Research-Office of Research and Evaluation, July-September. 2013, i.

In addition, the accuracy of the combined statistics is in question because the Probate Intake Unit does not track initial referrals in a consistent manner according to their own procedures. Combined with the lack of formal training on PANO and the resultant lack of uniformity in recording the case data, the Grand Jury questions the validity of all the PAGC combined statistics.

Also in the quarterly Vital Signs Reports, there are two categories of data that are listed without numbers because the "data [is] unavailable."[19] This data has not been available for several past quarterly reports. The categories are:

- file conservatorship inventories with the court within 90 days (Appendix D.2), and
- complete annual LPS reappointments within court time guidelines (Appendix D.2).

In the latest Vital Signs Report (October 2013 through December 2013), these categories are deleted.

When the Grand Jury asked for further statistics for the Probate Intake Unit such as source of referral and number of referrals accepted and rejected, a report was produced that showed the number of referrals in 2012 was 73 and in 2013 was 89. (See Appendix A.) However, the number of referrals to the Probate Intake Unit provided by PAGC in their annual report to the Children, Seniors and Families Committee of the BOS averaged 200 per year."[20] PAGC admitted that the information provided to the BOS committee was incorrect, overstated by more than 100%. In summary, the Probate Intake Unit does not actively track their referrals as to number or source although PANO, their computerized system, has that capability.

The Grand Jury concurs with the SSA's Vital Signs Report that performance measurement statistics would facilitate effective management of PAGC including staffing and budgeting. However, the statistics need to be accurate, meaningful, and complete.

## CONCLUSIONS

The Grand Jury investigated Adult Protective Services (APS) and the Office of the Public Administrator/Guardian/Conservator (PAGC) from the point of conservatorship intake referral to PAGC to completion of the conservatorship process in Probate Court. The Grand Jury conducted interviews and reviewed documents.

Over the past several years in spite of ongoing scrutiny from various sources including an internal audit manager, Santa Clara County Board of Supervisors, and the 2012-2013 Grand Jury, many issues remain unresolved within PAGC. The Grand Jury learned that PAGC has an understanding of several existing problems, and PAGC has offered reasonable solutions for them, but is failing to meet their own deadlines.

PAGC does not consistently follow the procedure as outlined in their Policies and Procedures

[19] Ibid, 21.
[20] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services, 4.

Manual that requires the Probate Intake Unit to record all referrals (APS and community) by giving each an account/case number. This makes the referral nearly impossible to track prior to acceptance because there is no account/case number assigned. This is an area where a proposal for improvement--a new intake screen in the Panoramic Case Management System (PANO) dedicated to entering and tracking incoming referrals--is in the process of being implemented.

The decision to accept or reject each new referral presently is at the discretion of one employee; a three-person panel will replace this process. The purpose of the panel is to review the merits of each incoming referral, determine whether the client will be accepted by PAGC for continuing investigation, and create an open forum for the decision-making process that does not currently exist. The Grand Jury learned that this proposal for improvement has recently been initiated.

Two-way communication between APS and PAGC needs to be improved. Both entities are under the auspices of the Social Services Agency's Department of Aging and Adult Services. This department was formed in 1997 in order to facilitate interaction among staff of various units serving seniors and thereby improving the flow of services for these clients. The Grand Jury found that APS and PAGC work cooperatively on urgent cases involving financial risk to the elder (called the FAST team). However, in non-FAST cases, they sometimes provide less than complete information to each other that could make their work more efficient and effective as they serve this very vulnerable and isolated population.

No court hearing date can ever be set without a complete Capacity Declaration. This form, filled out by the client's physician, is used to justify the reasons for seeking conservatorship (lack of physical/mental capacity for managing the client's own affairs). It is the responsibility of the PAGC Probate Intake Unit to ensure this form is complete and accurate. However, the Grand Jury identified it as a document that is not consistently filled out properly or is incomplete and must be returned to the physician causing delays in the conservatorship process. Reviewing the form for accuracy and completeness, prior to sending it to County Counsel, would greatly benefit the client by reducing the time to conservatorship.

The 2012-2013 Grand Jury identified the lack of PAGC training, including the use of PANO, as an issue. It is an ongoing problem. There is a high staff turnover rate within the Probate Intake Unit, and as of March 1, 2014, there was no formalized training plan in place to train replacement staff. Additionally, the Policies and Procedures Manual of PAGC still has incorrect information and therefore is a questionable training and reference tool.

Also of concern to the Grand Jury is the way new hires to APS and PAGC are screened by the Employee Services Agency (Human Resources). The employees of APS and PAGC have access to the homes and property of frail and possibly cognitively impaired individuals, exposing these clients to potential outside abuse. The Grand Jury concludes that all new employees of both departments should receive a higher level of screening, including Live Scan fingerprinting**.**

Very few statistics are routinely kept and reported by PAGC's Probate Intake Unit. In response to the Grand Jury's request, PAGC had difficulty, but did provide basic statistics (number and sources of referrals, acceptance and rejection rates) for their Probate Intake

Unit. The Grand Jury has noted discrepancies in the number of referrals provided to them by PAGC compared to the number of referrals PAGC referenced in the Office of the PAGC 2013 Annual Report. There is a concern that without correct client counts, well-informed decisions regarding staffing and funding cannot be reasonably made.

The Grand Jury concludes that there are many hardworking, dedicated employees in PAGC who put forth their best efforts on behalf of their clients. However, they are working at a distinct disadvantage because of the operational deficiencies described in this report.

Some of the concerns noted in this report are currently being addressed as a result of the Grand Jury's investigations. The Grand Jury strongly suggests that the County continue to focus on improving the conservatorship process. Thus, for some of the county's most vulnerable citizens, the current path to conservatorship may eventually become streamlined to maximum efficiency.

## FINDINGS AND RECOMMENDATIONS:

### FINDING 1

By not assigning account/case numbers immediately upon receipt of referrals, PAGC does not follow Procedure 709.1 updated January 21, 2014, "Screening of Referrals," of the PAGC's Policies and Procedures Manual.

### RECOMMENDATION 1

The County should require PAGC to follow its new Procedure 709.2 dated May 20, 2014, "Probate Unit Referral Process," in PAGC's Policies and Procedures Manual.

### FINDING 2

Acceptance of referrals to PAGC for evaluation for conservatorship, which removes a person's civil liberties, is decided by one person with the concurrence of upper management.

### RECOMMENDATION 2

The County should implement the proposed pilot project of a three-person panel for evaluation of conservatorship referrals in accordance with the new Procedure 709.2 dated May 20, 2014.

### FINDING 3

Poor communication and incomplete information sharing from APS to PAGC in non-FAST cases result in inefficiencies and duplication of work.

### RECOMMENDATION 3

The County should require APS and the PAGC to develop efficient and effective methods of communication and information sharing.

**FINDING 4**

In non-FAST cases, PAGC does not always inform APS about the status of the referral after acceptance of the referral for conservatorship investigation.

**RECOMMENDATION 4**

The County should require PAGC to inform APS of any pertinent changes in the client's status and when conservatorship is granted.

**FINDING 5**

The Capacity Declaration, a mandatory Judicial Council of California form, is not always completed correctly by the attending physician, resulting in the delay of the conservatorship process.

**RECOMMENDATION 5**

The County should devise a process to improve identification of errors and omissions on the Capacity Declaration prior to the acceptance of it.

**FINDING 6**

As of March 1, 2014, there are no formalized written training programs for new and current PAGC staff.

**RECOMMENDATION 6a**

The County should develop and implement a formal written case management training program for new and current PAGC staff.

**RECOMMENDATION 6b**

The County should develop and implement a formal written training program for the use of PANO for new and current PAGC staff.

**FINDING 7**

The current PAGC Policies and Procedures Manual does not reflect current job titles and responsibilities.

**RECOMMENDATION 7**

The County should require PAGC to correct its Policies and Procedures Manual to reflect current job titles and responsibilities.

**FINDING 8**

Background checks of prospective APS personnel, prior to the time of hire into the department, do not include Live Scan screening.

**RECOMMENDATION 8**

The County should require all prospective personnel of APS to receive Live Scan screening prior to the time of hire into the department.

**FINDING 9**

Background checks of prospective PAGC personnel, prior to the time of hire into the department, do not include Live Scan screening.

**RECOMMENDATION 9**

The County should require all prospective personnel of PAGC to receive Live Scan screening prior to the time of hire into the department.

**FINDING 10**

PAGC case management statistics are often incomplete, limited in scope, and inaccurate, leading to SSA management's inability to make effective management and budget decisions.

**RECOMMENDATION 10**

The County should require PAGC to research, identify, and report complete, comprehensive, and accurate case management statistics.

# Appendix A

## PROBATE REFERRALS RECEIVED, CY 2011 - 2013

| Sources | 1st 6 Mo | 2nd 6Mo | 2011 |
|---|---|---|---|
| HOSP/SNF | 26 | 12 | 38 |
| COURT | 4 | 2 | 6 |
| PGO | 0 | | 0 |
| APS NF | 2 | 2 | 4 |
| JAIL | 2 | | 2 |
| APS | 50 | 25 | 75 |
| OTHER | 1 | 1 | 2 |
| **Totals** | **85** | **42** | **127** |

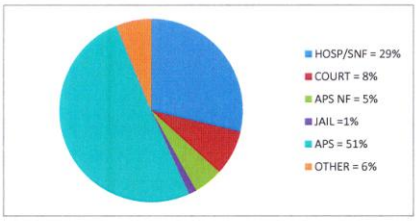
| Sources | 1st 6 Mo | 2nd 6Mo | 2012 |
|---|---|---|---|
| HOSP/SNF | 14 | 3 | 17 |
| COURT | 3 | 5 | 8 |
| PGO | 0 | | 0 |
| APS NF | 4 | 2 | 6 |
| JAIL | | | 0 |
| APS | 29 | 7 | 36 |
| OTHER | 5 | 1 | 6 |
| **Totals** | **55** | **18** | **73** |

| Sources | 1st 6 Mo | 2nd 6Mo | 2013 |
|---|---|---|---|
| HOSP/SNF | 15 | 13 | 28 |
| COURT | 4 | 5 | 9 |
| PGO | 0 | | 0 |
| APS NF | 3 | 2 | 5 |
| JAIL | 0 | 2 | 2 |
| APS | 18 | 17 | 35 |
| OTHER | 2 | 8 | 10 |
| **Totals** | **42** | **47** | **89** |

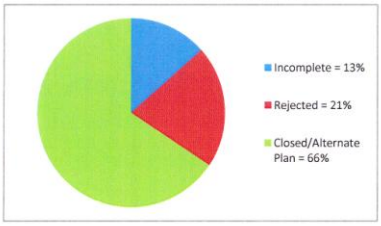
| Rejected | 2011 | 2012 | 2013 | Totals |
|---|---|---|---|---|
| Incomplete | 0 | 3 | 6 | 9 |
| Rejected | 1 | 6 | 7 | 14 |
| Closed/Alternate Plan | 11 | 10 | 23 | 44 |
| **Total** | **12** | **19** | **36** | **67** |

| | |
|---|---|
| **Total Accepted** | **222** |
| **Total Rejected** | 67 |
| **Total Referrals** | **289** |

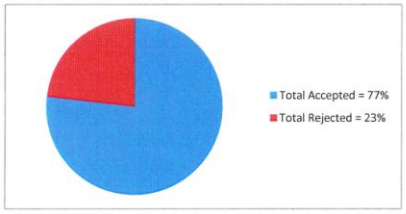
**Source of Probate Referrals, CY 2011 - 2013**




**Rejected Referrals, CY 2011 - 2013**




**Accepted and Rejected, CY 2011-2013**




**Deaths prior to completion of conservationrhip process and number forwarded to County Counsel will require a case by case analysis during the three year period.**

# Appendix B

GC-335

| ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):* | *FOR COURT USE ONLY* |
|---|---|
| TELEPHONE NO.: FAX NO. *(Optional):*<br>E-MAIL ADDRESS *(Optional):*<br>ATTORNEY FOR *(Name):* | |
| **SUPERIOR COURT OF CALIFORNIA, COUNTY OF**<br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME: | |
| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*:<br>☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | |
| **CAPACITY DECLARATION—CONSERVATORSHIP** | CASE NUMBER |

**TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER**

The purpose of this form is to enable the court to determine whether the (proposed) conservatee *(check all that apply):*

A. ☐ is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for *(date):* ☐ . *(Complete item 5, sign, and file page 1 of this form.)*

B. ☐ has the capacity to give informed consent to medical treatment. *(Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.)*

C. ☐ has dementia and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from dementia medications. *(Complete items 6 and 8 of this form and form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and form GC-335A.)*

*(If more than one item is checked above, sign the last applicable page of this form or form GC-335A if item C is checked. File page 1 through the last applicable page of this form; also file form GC-335A if item C is checked.)*

**COMPLETE ITEMS 1–4 OF THIS FORM IN ALL CASES.**

**GENERAL INFORMATION**

1. *(Name):*
2. *(Office address and telephone number):*
3. I am
   a. ☐ a California licensed ☐ physician ☐ psychologist acting within the scope of my licensure ☐ with at least two years' experience in diagnosing dementia.
   b. ☐ an accredited practitioner of a religion whose tenets and practices call for reliance on prayer alone for healing, which religion is adhered to by the (proposed) conservatee. The (proposed) conservatee is under my treatment. *(Religious practitioner may make the determination under item 5 ONLY.)*
4. (Proposed) conservatee *(name):*
   a. I last saw the (proposed) conservatee on *(date):*
   b. The (proposed) conservatee ☐ is ☐ is NOT a patient under my continuing treatment.

**ABILITY TO ATTEND COURT HEARING**

5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. *(Complete a or b.)*
   a. ☐ The proposed conservatee is able to attend the court hearing.
   b. ☐ Because of medical inability, the proposed conservatee is NOT able to attend the court hearing *(check all items below that apply)*
      (1) ☐ on the date set *(see date in box in item A above).*
      (2) ☐ for the foreseeable future.
      (3) ☐ until *(date):*
      (4) **Supporting facts** *(State facts in the space below or check this box* ☐ *and state the facts in Attachment 5):*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)



Form Adopted for Mandatory Use
Judicial Council of California
GC-335 [Rev. January 1, 2004]

CAPACITY DECLARATION—CONSERVATORSHIP

Probate Code, §§ 811, 813, 1801, 1825, 1881, 1910, 2356.5

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

6. **EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS**

**Note to practitioner:** This form is ***not*** a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

***(Instructions for items 6A–6C):*** *Check the appropriate designation as follows:* ***a*** *= no apparent impairment;* ***b*** *= moderate impairment;* ***c*** *= major impairment;* ***d*** *= so impaired as to be incapable of being assessed;* ***e*** *= I have no opinion.)*

A. **Alertness and attention**

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)
a ☐ b ☐ c ☐ d ☐ e ☐

(2) Orientation (types of orientation impaired)
a ☐ b ☐ c ☐ d ☐ e ☐ Person
a ☐ b ☐ c ☐ d ☐ e ☐ Time (day, date, month, season, year)
a ☐ b ☐ c ☐ d ☐ e ☐ Place (address, town, state)
a ☐ b ☐ c ☐ d ☐ e ☐ Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)
a ☐ b ☐ c ☐ d ☐ e ☐

B. **Information processing.** Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)
i. Short-term memory a ☐ b ☐ c ☐ d ☐ e ☐
ii Long-term memory a ☐ b ☐ c ☐ d ☐ e ☐
iii Immediate recall a ☐ b ☐ c ☐ d ☐ e ☐

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)
a ☐ b ☐ c ☐ d ☐ e ☐

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)
a ☐ b ☐ c ☐ d ☐ e ☐

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)
a ☐ b ☐ c ☐ d ☐ e ☐

(5) Reason using abstract concepts. (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)
a ☐ b ☐ c ☐ d ☐ e ☐

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)
a ☐ b ☐ c ☐ d ☐ e ☐

(7) Reason logically.
a ☐ b ☐ c ☐ d ☐ e ☐

C. **Thought disorders**

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)
a ☐ b ☐ c ☐ d ☐ e ☐

(2) Hallucinations (auditory, visual, olfactory)
a ☐ b ☐ c ☐ d ☐ e ☐

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)
a ☐ b ☐ c ☐ d ☐ e ☐

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior).
a ☐ b ☐ c ☐ d ☐ e ☐

(Continued on next page)

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

6. *(continued)*

D. **Ability to modulate mood and affect.** The (proposed) conservatee ☐ has ☐ does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. *(If so, complete remainder of item 6D.)* ☐ I have no opinion.

***(Instructions for item 6D:*** *Check the degree of impairment of each inappropriate mood state (if any) as follows:* ***a*** *= mildly inappropriate;* ***b*** *= moderately inappropriate;* ***c*** *= severely inappropriate.)*

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Anger | a ☐ | b ☐ | c ☐ | Euphoria | a ☐ | b ☐ | c ☐ | Helplessness | a ☐ | b ☐ | c ☐ |
| Anxiety | a ☐ | b ☐ | c ☐ | Depression | a ☐ | b ☐ | c ☐ | Apathy | a ☐ | b ☐ | c ☐ |
| Fear | a ☐ | b ☐ | c ☐ | Hopelessness | a ☐ | b ☐ | c ☐ | Indifference | a ☐ | b ☐ | c ☐ |
| Panic | a ☐ | b ☐ | c ☐ | Despair | a ☐ | b ☐ | c ☐ | | | | |

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A–6D

(1) ☐ do NOT vary substantially in frequency, severity, or duration.

(2) ☐ do vary substantially in frequency, severity, or duration *(explain; continue on Attachment 6E if necessary):*

F. ☐ *(Optional)* Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is ☐ stated below ☐ stated in Attachment 6F.

## ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee

a. ☐ has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.

b. ☐ lacks the capacity to give informed consent to any form of medical treatment because he or she is ***either*** (1) unable to respond knowingly and intelligently regarding medical treatment ***or*** (2) unable to participate in a treatment decision by means of a rational thought process, ***or both***. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

***(Declarant must initial here if item 7b applies: _____.)***

8. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

**ATTACHMENT PB-4015**

| Conservatorship of the ☐ Person ☐ Estate of *(Name)* ☐ Conservatee ☐ Proposed Conservatee | Case Number |
|---|---|

# PROFESSIONAL DECLARANT'S ATTACHMENT TO FORM GC-335

☐ **ABILITY TO ENTER INTO FINANCIAL TRANSACTIONS**

1. Based on the information on pages 1-3 of this declaration, it is my opinion that the (proposed) conservatee
   a. ☐ has the capacity to enter into financial transactions and should not have his or her right to enter into contracts terminated by the Court.
   b. ☐ lacks the capacity to enter into financial transactions because the mental deficits indicated above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions such that the (proposed) conservatee lacks the capacity to understand and/or enter into any contracts or agreements regarding property. ***(If this paragraph applies, declarant shall initial here:*** _____.)

2. Additional Comments:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... ▸ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

**ATTACHMENT TO FORM GC-335, *CAPACITY DECLARATION—CONSERVATORSHIP,* ONLY FOR (PROPOSED) CONSERVATEE WITH DEMENTIA**

9. It is my opinion that the (proposed) conservatee ☐ HAS ☐ does NOT have dementia as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders.*

   a. ☐ **Placement of (proposed) conservatee.** *(If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)–9a(5).)*

      (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because *(state reasons; continue on Attachment 9a(1) if necessary):*

      (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include *(describe; continue on Attachment 9a(2) if necessary):*

      (3) ☐ The (proposed) conservatee HAS capacity to give informed consent to this placement.

      (4) ☐ The (proposed) conservatee does NOT have capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions with regard to giving informed consent to placement in a restricted and secure environment.

      (5) A locked or secured-perimeter facility ☐ is ☐ is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.

   b. ☐ **Administration of dementia medications**. *(If the (proposed) conservatee requires administration of psychotropic medications appropriate to the care of dementia, please complete items 9b(1)–9b(5).)*

      (1) The (proposed) conservatee needs or would benefit from the following psychotropic medications appropriate to the care of dementia, for the reasons stated in item 9b(5) *(list medications; continue on Attachment 9b(1) if necessary):*

      (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include *(describe; continue on Attachment 9b(2) if necessary):*

      (3) ☐ The (proposed) conservatee HAS capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia.

      (4) ☐ The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate his or her actions with regard to giving informed consent to the administration of psychotropic medications for the treatment of dementia.

      (5) The (proposed) conservatee needs or would benefit from the administration of the psychotropic medications listed in item 9b(1) because *(state reasons; continue on Attachment 9b(5) if necessary):*

10. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)



Form Adopted for Mandatory Use
Judicial Council of California
GC–335A [New January 1, 2004]

**DEMENTIA ATTACHMENT TO CAPACITY DECLARATION—CONSERVATORSHIP**

Probate Code, § 2356.5

# Appendix C
# Documents Reviewed

C.1 Web Searches

- Prior Santa Clara County Grand Jury report of PAGC from 2012-2013
- Grand Jury reports from other counties dealing with concerns about PAGC
- California Advocates for Nursing Home Reform (CANHR) probate conservatorships in CA
- Live Scan fingerprint service
- Official website for the county government of Santa Clara County for the departments of APS, PAGC, and County Counsel
- Hiring flow sheet for Santa Clara County
- United States Department of Census Bureau – January 6, 2014

C.2 Manuals and Codes

- APS Procedures Manual from the state of California (CA) – no publication date
- Adult Protective Services Handbook of Santa Clara County – no publication date
- Financial Abuse Specialist Team Practice Guide, Santa Clara County – December 2010
- Policies and Procedures Manual of the PAGC – 2013-2014
- County of Santa Clara Superior Court of CA Probate Division Procedures Manual – June 2012
- Superior Court Investigator Training Manual from 2006 prepared by CA Association of Superior Court Investigators
- County of Santa Clara Human Resources Practices Manual – updated January 14, 2009
- California Welfare & Institutions Code Sections (W&I) related to the process of conservatorship
- California Probate Code related to probate conservatorship

C.3 Statistics

- APS and County Services Block Grant Monthly Statistical Report SOC 242 from October 2013
- Internal Audit Report of PAGC, Santa Clara County – August 5, 2010, with follow up audit done August 28, 2013
- Office of the PAGC 2012 Annual Report to Children, Seniors, and Families Committee – November 21, 2012
- Office of the PAGC 2013 Annual Report to Children, Seniors, and Families Committee

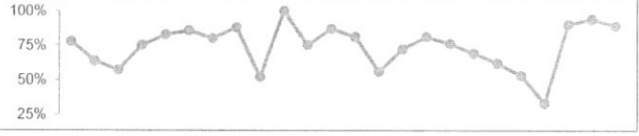
- Vital Signs Report, A Review of Key Performance Indicators for April – June 2013
- Vital Signs Report, A Review of Key Performance Indicators for July – September 2013
- Vital Signs Report, A Review of Key Performance Indicators for October – December 2013
- Probate Intake Tracking Log with the names redacted for 2013 – received by the Grand Jury January 2014
- Probate Referrals received for the calendar years 2011-2013 provided at the request of the Grand Jury – received by the Grand Jury January 2014
- Temporary and Permanent Probate Conservatorship Petitions filed from 2011- 2013 provided at the request of the Grand Jury – received by the Grand Jury April 2014

C.4 Forms

- Forms used in the conservatorship process
    - Capacity Declaration GC335 – January 1, 2004
    - Request to Establish Probate Conservatorship SC-1 – no date
    - Probate/LPS Referral Disposition Request – no date
    - Confidential Supplemental Form (Probate Conservatorship) GC312 – January 1, 2001
    - Conservatorship Evaluation Report /Recommendation – no date
    - Referral for Court Investigator – Conservatorship – January 2008

- Other forms and documents
    - APS organizational work chart – August 7, 2012
    - PAGC organizational work charts – August 7, 2012 and January 23, 2014
    - PAGC training update letter – January 23, 2014
    - Graphics for conservatorship process – no date
    - ESA updated January 14, 2009

# Appendix D.1

| Performance Indicator | Fiscal Year Change[1] | | | Quarter Change[1] | | Sep 13 (End Point) | 24-month Trend (October 2011 – September 2013) |
|---|---|---|---|---|---|---|---|
| | FY 13 | FY 14 | % Change from Last FY | Current Qtr | % Change from Last Qtr | | 10 11 12 1 2 3 4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7 8 9 |
| #31- Assessments completed within 21 days of initial face-to-face with clients | 172 | 188 | 9% | 188 | 1% | 167 |   |
| #41- Number of PAGC Cases Managed Monthly | 1,075 | 1,007 | -6% | 1,007 | -3% | 1,017 |   |
| #37- PAGC Initial Evaluations within 7 Days | 70.4% | 91.0% | **21%** | 91.0% | **42%** | 89.0% |   |

[1] Change is based on monthly average.
Note: Blue shaded areas denote notable changes (+/- Ten percent).

# Appendix D.2

Data Matrices: Department of Aging and Adult Services — Vital Signs Report

| DAAS Indicator ID | Indicator Type | Indicator Name | FY13 Monthly Average | Quarterly Reporting | | | | % Change from Last Qtr | FY14 Monthly Average | % Change from Last FY | Monthly Reporting | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Oct- Dec 2012 Monthly Average | Jan- Mar 2013 Monthly Average | Apr-Jun 20123 Monthly Average | Jul- Sep 2013 Monthly Average | | | | Jul-13 | Aug-13 | Sep-13 |
| 33 | SSA | Number of service plans completed 30 days from initial in-person contact with the clients | **185** | 194 | 190 | 194 | 193 | -1% | **193** | 4% | 204 | 198 | 177 |
| 34 | SSA | Number of in-person client visits conducted once every 30 days | **199** | 196 | 210 | 204 | 207 | 1% | **207** | 4% | 200 | 213 | 207 |
| 35 | SSA | Number of reports evaluated without initial face-to-face investigation (NIFFI's) | **40** | 26 | 26 | 47 | 62 | **32%** | **62** | **55%** | 53 | 70 | 63 |
| **Adult Protective Services & Public Administrator Guardian / Conservator Indicator** | | | | | | | | | | | | | |
| 36 | SSA | Losses Prevented and/or Monies Recovered by the Financial Abuse Specialist Team (Accumulative total since 2000. In millions) | $220.41M (through Jun 2013) | $220.79M | $220.79M | $220.41M | $221.32M | 0.4% | $220.32M (through Sep 2013) | NA | $221.32M (through Sept 2013) | | |
| **Public Administrator Guardian / Conservator** | | | | | | | | | | | | | |
| 37 | SSA | Conduct initial evaluations within 7 days | **70.4%** | 69.7% | 75.3% | 49.3% | 91.0% | **41.7%** | **91.0%** | **21%** | 90.0% | 94.0% | 89.0% |
| 38 | SSA | File conservatorship inventories with the court within 90 days. | NA | Data unavailable | | | NA | NA | NA | NA | Data unavailable | | |
| 39 | SSA | Conduct face-to-face contacts with all conservatees in 90 days | **93.7%** | 90.7% | 95.7% | 97.0% | 96.7% | -0.3% | **96.7%** | 3% | 96.0% | 98.0% | 96.0% |
| 40 | SSA | Complete annual LPS reappointments within court time guidelines | NA | Data unavailable | | | NA | NA | NA | NA | Data unavailable | | |
| 41 | SSA | Number of Public Administration/Guardian cases managed monthly. | | | | | | | | | | | |
| | | Combo (LPS & Probate conservatorship) | **24** | 24 | 22 | 23 | 22 | -4% | **22** | -6% | 22 | 22 | 22 |
| | | LPS | **473** | 465 | 472 | 476 | 472 | -1% | **472** | 0% | 469 | 471 | 476 |
| | | PA | **254** | 260 | 251 | 232 | 222 | -4% | **222** | **-13%** | 222 | 217 | 226 |
| | | Probate | **330** | 333 | 334 | 326 | 313 | -4% | **313** | -5% | 312 | 312 | 315 |
| | | Total | **1,075** | 1,082 | 1,079 | 1,034 | 1,007 | -3% | **1,007** | -6% | 1,003 | 1,000 | 1,017 |
| | | Trust | **93** | 92 | 94 | 93 | 93 | 1% | **93** | 0% | 94 | 93 | 93 |
| | | Trust-Outside | **17** | 17 | 17 | 17 | 18 | 4% | **18** | 4% | 18 | 18 | 18 |

* Monthly average unless otherwise noted in comments.

This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 11th day of June, 2014.

Bob E. Johnson
Foreperson

Michael M. López
Foreperson pro tem

Anita A. Robles
Secretary

Wilma Faye Underwood
Secretary

**From:** super nova

**To:** raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; paulette.altmaier@gmail.com; super nova; hotline@hudoig.gov; gerald.engler@doj.ca.gov; supreme.court@jud.ca.gov; san.francisco@ic.fbi.gov; david.anderson@usdoj.gov; david.rose@doj.ca.gov; servesdap@sdap.org; john.bennett@ic.fbi.gov; bill@sdap.gov

**Subject:** Re: KNOW JUSTICE; KNOW PEACE #5

**Date:** Wednesday, May 27, 2020 2:18:41 PM

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**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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This took alot of work! I'm totally exhausted! Whew!

https://lreblogger.blogspot.com/2020/05/amended-claim-submitted-to-ghc-25-may.html

TABLE OF CONTENTS / ATTACHMENTS FOR 25 MAY 2020 CITY OF SUNNYVALE-GHC SUBMISSION:

**TABLE OF CONTENTS / ATTACHMENTS FOR 25 MAY 2020 CITY OF SUNNYVALE-GHC SU...**

Cause of loss injury or damage: Police misconduct based upon ignoring exculpatory evidence leading to obstructio...

THE DEATH OF FRANK CARPENTINO (PART 2)



**THE DEATH OF FRANK CARPENTINO (PART 2)**

THE DEATH OF CAMPBELL CALIFORNIA RESIDENT FRANCIS

CARPENITO MAY NOT HAVE BEEN AN ACCIDENT. BEFORE HE DIED, HE TO...

## THE 'HONORABLE' SOCRATES MANOUKIAN?



### THE 'HONORABLE' SOCRATES MANOUKIAN?

"Countless individuals have been victims of Judge Manoukian's loosely run court room; ignoring exculpatory evide...

## MESSAGE TO CALIFORNIA GOVERNOR GAVIN NEWSOM ABOUT 'DENIAL OF SERVICE' LAW



### MESSAGE TO CALIFORNIA GOVERNOR GAVIN NEWSOM ABOUT 'DENIAL OF SERVICE' LAW

"With all of the bars and nightclubs now closed here in the State of California; there is a unique opportunity t...

## MESSAGE TO CALIFORNIA GOVERNOR NEWSOM:





**MESSAGE TO CALIFORNIA GOVERNOR NEWSOM:**

UPDATE / 27 APR 2020: "Hey Rosanna I noticed you were a "Former Tax Compliance Specialist at California State Bo...

Have a nice day everyone! :D

On Monday, May 25, 2020, 5:25:54 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

ATTENTION! GEORGE HILLS COMPANY:
AMENDED CLAIM SUBMITTED TO GHC 25 MAY 2020:



**AMENDED CLAIM SUBMITTED TO GHC 25 MAY 2020:**

I POSTED THIS BACK IN 2017! -- THEREFORE IT'S HIGH TIME TO OVERCOME YOUR SEVERE CRANIAL POSTERIOR SYNDROMES CITY...

On Monday, May 25, 2020, 2:05:54 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; any lawyers out there who care to help me push my case through the system are welcome to help me out; today is the 6 month cutoff date; so I am submitting an amended complaint in a new claim form bringing up this questionable prosecutorial misconduct...

In a nutshell; Sunnyvale POS/DPS/SCPD refused to do anything about several active threats that existed outside my residence for many years (some of them police-sponsored active threats) then after submitting a claim form for the illegal ejection from a private business of public accommodations that Sunnyvale POS/DPS refused to take action on (The Oasis Nightclub which is now closed) the City of Sunnyvale retaliated with a non-issue by targeting my 94-year old Father for more prosecutorial harassment; this time threatening prosecution for a government-sanctioned green garbage can with a 19 MPH sign painted on it that I got permission from the City of Sunnyvale for many years ago; and the City of Santa Clara; as all of the signage on my street is there due to my valiant efforts...Adding to this; a safety cone that helps remind people to slow down on our street and protects my cats from getting run over easily was sighted as being a problem by Sunnyvale Public Works after me suggesting to other Public Works employees about making the street safer...

This Public Works employee wrote a letter telling me he can steal my safety cones any time he wants...

In other words; the usual: tying my hands and leaving a festering problem in a grossly negligent manner; as a bicyclist had been run over and killed on Dunford Way last summer (which brought a million cop cars yet no obligatory obsessive media coverage -- why did the local TV nes media ignore this story; helping to cover it up?) therefore attempting to get me to move the safety cone (as small and insignificant as it seems to some who view themselves as being 'in control' of this Silicon Valley mess) was actually a HUGE deal...

Not only due to the various aforementioned reasons; but also due to the fact that the City of Sunnyvale has a history of messing with the elderly to get their way...For instance; one of the two brothers who used to own the Corn Palace parcel said that the City of Sunnyvale was so intent on developing his land (which they are finally developing right as the demand for housing is decreasing exponentially) that the City of Sunnyvale allegedly gave him a heart attack (or almost did; I cannot remember exactly) the main point being the City of Sunnyvale has no respect for their elderly population; willing to abuse their prosecutorial harassment on frail stroke victims like my 94-year old Dad just to retaliate against me...

And the Sunnyvale Department of Public Safety went against their core mission of "public safety" by telling me to remove a government-sanctioned green garbage can with 19 MPH written on the side of it (when Dunford Way is actually Santa Clara jurisdiction) and POS/DPS standing behind Sunnyvale Public Works didn't help things...And these actions caused an immense amount of emotional distress for the entire family at the time...So all it did was make things worse...But government in general is an 'Emotional Distress Machine' (EDM) of sorts; so good luck getting government to care about the turmoil they cause within people's lives without the help of a good lawyer who knows how to twist their insurance companies' arm the right way...

Like I said before; for many years police took zero action for active threats existing

outside my residence (causing my financial fall) and sometimes government/police-sponsored active threats ~ then turned around and wanted to talk about a safety cone and a green garbage can reminding people to slow down to 19 MPH after many late-1990s meetings with the the City of Santa Clara's Traffic Engineering Department...

NEIGHBORHOOD COPWATCH / LIST OF STALKERS



**NEIGHBORHOOD COPWATCH / LIST OF STALKERS**

This is a semi-complete list of stalkers and harassers who violently attacked and menaced and vandalized my resi...

I am getting pretty good at this legal game after a decade of self-study; but since there is so much government-sanctioned class-based discrimination they treat me like I do not exist...Instead defaming and slandering me; calling me crazy and ruining my good reputation to get me to "just go away"...

But that's not gonna happen any time soon and that should be obvious by now...

OFFICIAL REJECTION OF GHC CLAIM REJECTION:

**OFFICIAL REJECTION OF GHC CLAIM REJECTION:**

RE: George Hills Company (GHC) 7 MAY 2020 Date of loss: 19 May 2019 City Claims Number: 19-20-046 George Hill...

On Monday, May 25, 2020, 1:20:12 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; it occurred to me over the weekend that the situation with the angry clerk at Grocery Outlet applies directly over to my claims against the Cities of Sunnyvale and Santa Clara; government employees like police officers should be held to a higher standard of behavior than even distribution drivers like me who have been polite and courteous for so long; allowing me to keep the same job for 35+ years now...

How many cops out there reading this have kept their jobs for even half of that time? So yeah; I am a wise old soul that you need to listen up to because I know a thing or two about a thing or two...The only thing that is necessary in life is to be kind and helpful to others; as there is no other higher calling for humanity...

In other words; this aint my first rodeo...And remember; inhumanity does not give a shit about any of this...Inhumanity thinks I am full of shit...But what else is inhumanity gonna think? I mean really? Come on!

On Monday, May 25, 2020, 1:11:16 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

I added Paullete Altmaier to this email list because I saw her very well-written open letter to Doctor Cody as an op ed advertisement in the San Jose Mercury News; and I wanted to suggest maybe putting up an online version as well to get it out to more people and give it more life...I actually wanted to point to your article as an example of a pattern and practice of negligent behavior on the part of local officials who have been allowing an out of control homeless situation that is turning out to be not unlike the situation with Gyspies in Europe etc...A seemingly unsolvable problem that thrusts countless poor souls into a life of desperation and poverty...

This was already going on; as the liberal democrats who generally run this region seem to think they can endlessly cram more and more people into this overcrowded region to the point where almost everyone is struggling; and especially those with increasingly expensive rental housing that steals their pensions...

So this has already been the desperate trend in this region; to get too many tops spinning at once in an unsustainable fashion to the point where they eventually all crash -- causing us all to start over...

It happened after the dot com bust in the late 1990s; which lasted until roughly 2008 when the region was revved up again; only to crash once again after the Covid-19 situation...And the long-term effects of the pre-2008 era are the regions' homeless population...So if that is what is left over from 2008; imagine what we are facing now with so many people losing their businesses as Gavin Newsom keeps his winery open?

In other words; Covid-19 just added countless more individuals to that list of desperate individuals...But it's looking like at least some of the Covid-19 data was incorrect; so we may have done all of this for nothing -- destroying countless lives in the process and making the State of California (CA) etc liable for the losses...

(Ultimately China is actually responsible for the losses; but the actions of CA made it worse...)

We all probably need to be more careful during cold and flu season for our own health and the health of others -- for the sake of the elderly and those who are vulnerable; and especially me because I take care of my 94 year old Dad who had a stroke

recently...I was doing that anyway before all of this...

But I am afraid that most of us went a bit too far this year with our reaction; mainly out of fear and ignorance regarding the true danger of the situation...And there is gonna be Hell to pay for this big mess; but the US is out of money and has been for awhile now; and Hell doesn't take credit cards...And China now owns our credit card debt along with many other things so right now China is winning the this game of international chess...

https://www.yahoo.com/news/im-looking-truth-states-face-100035918.html
On Saturday, May 23, 2020, 10:03:39 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: Changing the subject; I went to Grocery Outlet in Santa Clara yesterday and a tall cashier named Amanda (who I'm pretty sure is transsexual) was at a closed register right after the boss had left when there was 3's a crowd in line (there was actually about 15 people in line) I had come in earlier for some items and mentioned to the manager that some plants by the front door were wilting and needed watering; so maybe add a little B1 to some water to de-stress them...

Then when I came back a few hours later for some Valerian Root to help me sleep; like I said there was a long line and Amanda was at a closed register...I suggested that Amanda open the line; making her angry -- asking the first person in the long line to be served first; which is actually what I wanted because she was trying to make me look selfish...Then the first person in line saw that I only had one item and let me go first; angering Amanda even further...Amanda then said very loudly for all to hear: "Get out of my face" and went on for about a minute later with more verbally abusive comments...

So I figured I would go back soon and tell the manager; so today I returned and instead spoke to someone who had always been very nice; telling her essentially that I have had the same job for 35+ years at least partially because I am courteous to all people along the way no matter whether I like them or not; and/or whether they are being mean to me or not...I am a wise elder who you need to listen to because I know all about life is what I told her; because I am...I have dealt with enough mean-spirited people in my life and been all over the world with a rock band so I know how to snap back at idiots to shut them down...

I just wait until I am on my blog to snap back at corrupt  cops due to the inherent duress involved...I am not necessarily afraid; I am just not stupid and this is my way of outsmarting their shit...

ACLU apps take this all one step further; I should have used that app when dealing with Ochoa and Smith and many other crooked cops I have dealt with along the way...

Anyway; I told the clerk maybe her and the girls at the other registers who heard these abusive languages should sit her down and have a little talk with Amanda to set

her straight (you now what I mean)...

Just then; Nia and African-American lady from Big Lots walked up and said hello to me...She obviously overheard our conversation and intervened with her usual beautiful self...She was always very gracious when she worked at Big Lots; and I even gave her a Roberta Flack CD when I was on a big Robert Flack kick awhile back...And I mentioned how gracious Nia always was when working at Big Lots to the clerk I was speaking to...

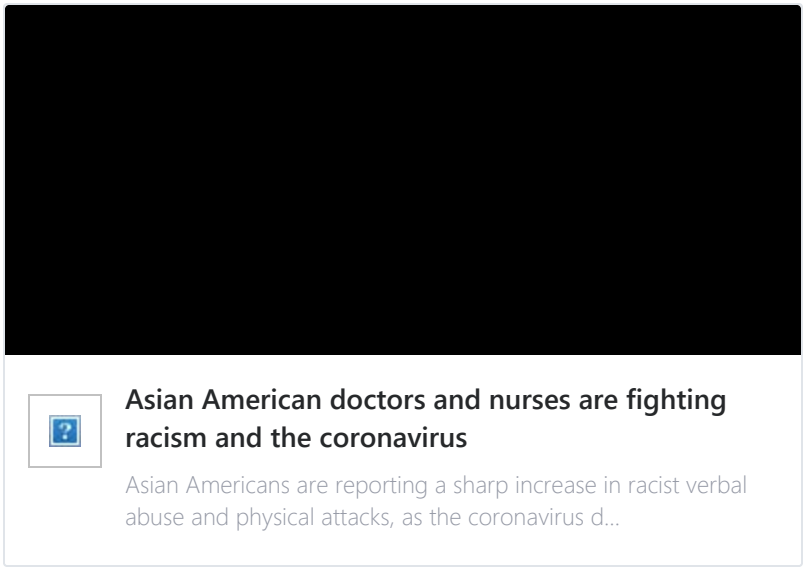
Nia and I exchanged a few more kind words; showing the clerk I had spoken to through example the "way to be"; and we went our separate ways...And it's like Nia was there at that moment for a reason...Like she is some kind of protector spirit or something with the positive energy that was needed to defuse the situation...

But if the abuse continues; I will record with it with my ACLU app on witness mode and take it from there...Or maybe talk to her boss...We'll see...And the state of California attempting to stop people from video recording their abuse is yet another form of abuse which essentially obstructs justice in the process -- as those who are violating your rights effectively nullify their owns rights in the process...

Either way something must be done because the mainstream media's usual half-truthed perspective is either ignoring my other side of this reality; or perhaps they are even causing it and exacerbating it as well...

A bit of both actually...So let's start treating all people equally -- no matter what...Is that a deal?

Asian American doctors and nurses are fighting racism and the coronavirus



**Asian American doctors and nurses are fighting racism and the coronavirus**

Asian Americans are reporting a sharp increase in racist verbal abuse and physical attacks, as the coronavirus d...

On Saturday, May 23, 2020, 8:12:24 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"God is everything or it is nothing..." -- Mark Chapman

(BTW: Mark Chapman told me this one day...Mark was the guitar player in one of my first rock bands in high school -- he went to Archbishop Mitty High School and loved Black Sabbath; and we played many songs by them...And believe it or not right after John Lennon died I was going on about my old friend Mark Chapman to my Dad right after that band had broken up; and right at this same moment as I was talking to my Dad about Mark; my brother came into the room crying saying John Lennon had been killed by a man named Mark Chapman...No shit...True story...I still think it's kinda freaky that I am psychic...I have no control over it...)

On Saturday, May 23, 2020, 8:05:40 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of God...Or whatever you want to call it...Same thing...

On Saturday, May 23, 2020, 8:01:41 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Humans had to come up with some official word for all of this;
thus the word God and/or Allah and/or etc etc etc...Same thing...

On Saturday, May 23, 2020, 7:59:30 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

So whether it is mass death and biomass emanating energy; or 'quantumly entangled' energy over light years of space and time between a tsunami and a gamma ray burst; it is all explainable with physics and/or quantum physics and/or quantum entanglement...And it really doesn't matter what you call it: God or whatever...

It's still the exact same thing...

"...if everything that is has always been; when did it all start and where did it all come from? that was the basic idea behind this blog post > WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS? > the concept of endless; infinite space and/or time and/or energy and/or mass and/or matter is almost totally incomprehensible...and the starting point for the initial inception of endless energy and/or mass and/or matter in a universe of infinite potentiality remains elusive as well...but assuming basic elementary particles such as atoms etc have always existed along with the photons within them which we know are timeless; perhaps within these massively abundant elementary particles lies the potentiality for all life in the universe; occasionally unleashing unlimited and compacted energy and/or matter into the universe of potentiality like a quadrillion tiny nuclear big bang explosions based upon external stimulus causing these events to occur...or something?...but the question remains: how could something have always existed? therein lies the 'god' element...as the concept of 'god' is not just a question; but also an unheard answer as well that holds

all truths that will never be told..."



**WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS?**

SEE ALSO: https://www.icr.org/article/big-bang-hubble-contradiction
It occurred to me recently that no o...

"UPDATE / 31 MARCH 2019: Why would anyone think there was no matter and/or energy in the known universe at one point in 'time' before space time even existed within this dimensional realm or elsewhere? That is a ridiculous notion. As in the justice system; evidence must first be discovered and presented for any allegation to become a reality -- and the same goes for theoretical scientific observation. Maybe our obsession with numbers and mile-long mathematical calculations to find answers is part of this multi-dimensional problem -- perhaps wrongfully assuming there needs to be a zero starting point for everything. But zero can also express the circle of infinity and/or limitless, infinite, innumerable space as expressed in my simple Algebraic equation: x + y = 0.

In other words; the center of the spatial universe is everywhere...

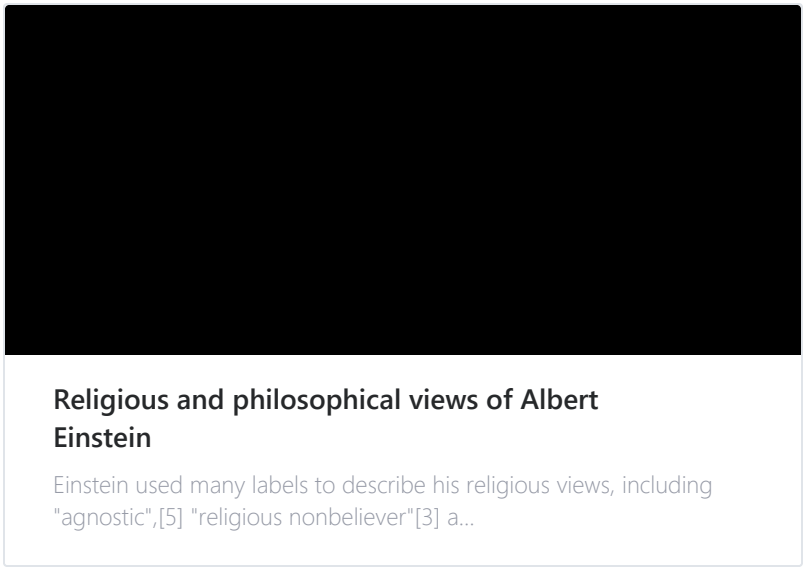
**In light of this; it should seem obvious that the terms macro and micro are entirely relative and based upon our own particular limited human perspectives and/or relative size as humans. Therefore the macroscopic reality of Quantum Entanglement merged with the microscopic reality of Quantum Mechanics can finally be unified and/or consolidated as everything is just a scale model of everything else.** (explaining why 100 light years is really like and inch or less depending due to the sheer innumerable and/or limitless size of endless space)

If an elementary particle can be endlessly halved without disappearing ~ then conversely perhaps entire universes can emanate from seemingly invisible elementary particles and/or 'nothing'...

Perhaps explaining the theoretical 'nothingness' the universe came from to begin with. Quantum gravity has a tendency to compact matter and/or energy into black holes (much like a trash compactor and/or an highly compacted 'unzipped' computer file) while supernovas alternately release highly condensed energy and/or matter. And like a star that goes supernova; a big bang event is perhaps just a very large macro level supernova star emanation event. Perhaps there are giant distant stars that are out of our observational realm that go supernova and create entire universes. In retrospect; to fully understand and/or truly appreciate all of the mystery; grandeur and illogical nature of our known universe -- I suppose you have to believe in magic..."

"Science and religion are not necessarily unconnected...Religion does not necessarily

explain sciecne; but science can definitely help to explain religion...Albert Einstein once rejected a conflict between **science** and **religion**, and held that cosmic **religion** was necessary for **science**. For **Einstein**, "**science** without **religion** is lame, **religion** without **science** is blind." He told William Hermanns in an interview that "God" is a mystery..."
Religious and philosophical views of Albert Einstein



**Religious and philosophical views of Albert Einstein**

Einstein used many labels to describe his religious views, including "agnostic",[5] "religious nonbeliever"[3] a...

Can Science Explain Religion?



**Can Science Explain Religion?**

Robert Wright's "The Evolution of God" both surveys the history of religion and offers a new theory to explain w...

On Friday, May 22, 2020, 2:28:29 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"I am not prefect" haha Yes I need to proof read a little more; but I am in a bit of a hurry today...

On Friday, May 22, 2020, 2:25:20 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

And if you think that'smind blowing check this out:
[2004 TSUNAMI/GAMMA RAY BURST CONNECTION?]



**2004 TSUNAMI/GAMMA RAY BURST CONNECTION?**

GAMMA RAYS BURSTS are likely relatively common events in the universe; but the burst that occurred the day afte...

I added a post in my website back in 2004 noticing the largest gamma ray burst happened the day after the 2004 tsunami occurred (which is 'simple' cause and effect) then my DoD buddy who shall remain anonymous told me not only did that occur; but the gamma ray burst also blew back a field energy that busted a hole in the earths' ozone layer!?! UC Officer Gary Perez then chimed in that the ozone layer had closed over since then and essentially healed itself (Gary has classified clearance and often went to Vandenburg AFB after being at the Oasis Nightclub...And DoD also told me that I was not crazy like the police were suggesting; instead I am very intelligent and onto something...

Bringing us back on point; first off I am not prefect but I am a really intelligent person who was (for instance) separated from his elementary school class for independent study due to the less intelligent students in the class holding me back...And I could have easily graduated early from high school but wanted to play drums...

Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

TERRORIST SEAGRAVE ~ X-13

**TERRORIST SEAGRAVE ~ X-13**

this is an excerpt from an email i recently received from another individual who has been harassed and terrorize...

On Friday, May 22, 2020, 2:08:51 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: I'm starting a new thread that last one was getting too large to open easily...

Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist



**Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist**

The Washington Times http://www.washingtontimes.com

Sen. Kamala Harris wants this on the record — the term “Chinese Virus” is hate speech fueling attacks against As...

**STAYING ON POINT**:
What democrats really seem to want to do is lock us all down with forced health care and tell us what to say and think...I understand her concern; but I am also very concerned about the largely undemocratic half-truthed "white entitlement " argument as being racist and fomenting hatred against whites and therefore causing me and many others to be openly discriminated against due to this extremely divisive narrative...

===

**GOING OFF ON A TANGENT**:
I also wanted to change the subject for one minute to comment that you cannot kill this many animals all at once without some kind of weather-related response like the massive flooding in Minnesota...It is a large amount of displaced energy that does not just "go away"...During winter it would turn to ice and snow due to the lower atmospheric temperatures and/or the slightly lowered temperature of the mass of disembodied spirits; which have a direct effect upon the atmosphere...And I highly suspect it is quantum entanglement-related...

QUANTUM ENTANGLEMENT THEORY





## QUANTUM ENTANGLEMENT THEORY

" Quantum entanglement is a physical phenomenon that occurs when pairs or groups of particles are generated or ...

BLACK PLAGUE / LITTLE ICE AGE CONNECTION?



**BLACK PLAGUE / LITTLE ICE AGE CONNECTION?**

WAS THERE A CONNECTION BETWEEN THE BLACK PLAGUE; AND THE LITTLE ICE AGE? -- Just like how Germany experienced th...

Flooding in Minnesota



**Flooding in Minnesota**

US Department of Commerce, NOAA, National Weather Service

Farmers overrun with dead livestock during coronavirus pandemic aren’t sure what to do



**Farmers overrun with dead livestock during coronavirus pandemic aren’t s...**

As slaughterhouses and processing plants close, farmers are stuck with a surplus of dead animals.

[Millions of farm animals culled as US food supply chain chokes up]



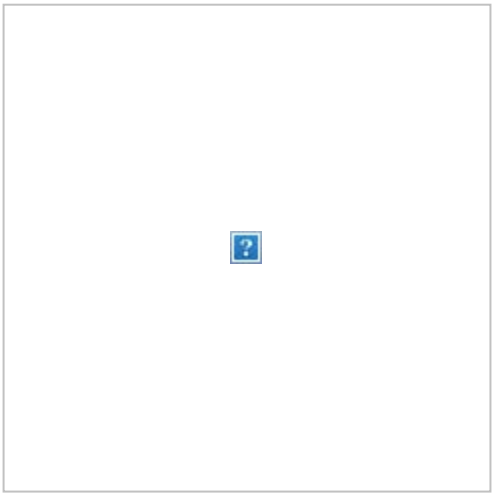
**Millions of farm animals culled as US food supply chain chokes up**

Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

**From:** Ultimate Image Printing
**To:** Human Relations Commission
**Subject:** need campaign yard signs?
**Date:** Wednesday, June 3, 2020 9:59:59 AM

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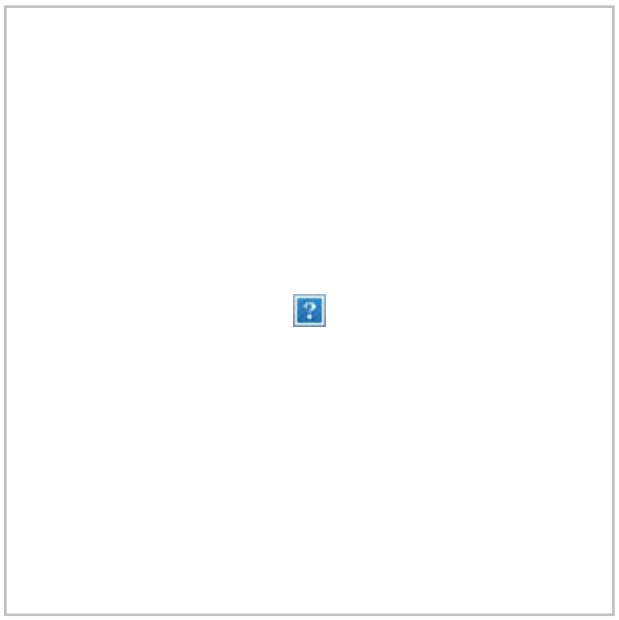
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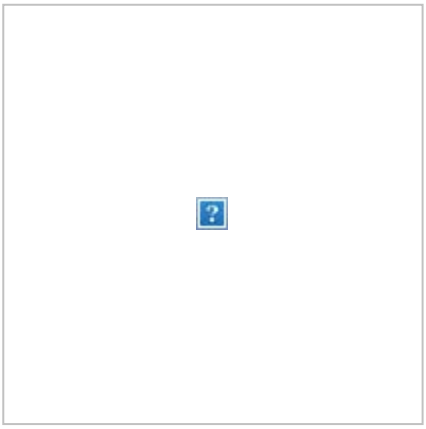
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| | |
|---|---|
| **From:** | Susanne Bentley |
| **To:** | caryandrwcrittenden@yandex.com; Cary Andrew Crittenden |
| **Cc:** | sixth.district@jud.ca.gov; supreme.court@jud.ca.gov; galaxy_454@yahoo.com; mccomas.b.c@gmail.com; bill@sdap.org; Markham Plaza Tenant Association; news.room@bayareabusiness.news; patrick@sdap.org |
| **Subject:** | Baychester Shopping Center |
| **Date:** | Wednesday, June 3, 2020 12:02:15 PM |
| **Attachments:** | death_of_julie_stewart_san_jose.pdf<br>Grand-Jury-Investigation-Public-Guardian-Santa-Clara-County.pdf<br>Habeas Corpus Cary Andrew Crittenden Civil Grand Jury Public Guardian.pdf<br>Perjury_and_false_police_report_detective_david_carroll.pdf |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

Dear Mr. Crittendon,

I just recieved a phhone call informing me that Brian McComas's landlord owned  Baychester Shopping Center in New York city and are closely tied to Donald Trump, Rudolf Guliani and had ties to Lauri Pegg's father, who was involved in tampering with investigation into the world trade center.

There is reason to believe that Lauri Pegg's father is associated with Thompson Sharkey's brother.: Ronald Kesser and they are all friends.

McComas's landlord is also involed in Norcal Ventures & Norcal Holdings, which appear to be tied to Manoukian and EAH Housing & have done business with Todd Rorthbard.

Regards,
Susanne

> **Sent:** Wednesday, June 03, 2020 at 6:15 AM
> **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **To:** mccomas.b.c@gmail.com
> **Cc:** jeremy4justice@activist.com, celliot087@gmail.com, joannne@dennisonlaw.com
> **Subject:** Lien on McComas home
>
> Tell me about the notice of lien that was placed on your home on Febuary 20th of this year. What is that all about?
>
> > **Sent:** Sunday, May 24, 2020 at 4:29 PM
> > **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> > **To:** Nora.MacDonald@countyofnapa.org
> > **Subject:** Fw: Brian McComas attorney
> >
> > Sending this to you because EAH Housing does business in Naoa County.
> >
> > > **Sent:** Sunday, May 24, 2020 at 4:26 PM
> > > **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> > > **To:** mccomas.b.c@gmail.com
> > > **Cc:** bill@sdap.org, galaxy_454@yahoo.com, aleksandra.ridgeway@sheriff.sccgov.org, hotline@hudoig.gov, fairhousing@usdoj.gov, housing@sanjoseca.gov, hud-pihrc@tngusa.net, schatman@scscourt.org, cindy.chavez@bos.sccgov.org,

celliot087@gmail.com, joanne@denisonlaw.com, emma.loop@buzzfeed.com
**Subject:** Brian McComas attorney

Your attacks upon the public will not be tolerarted!

https://lreblogger.blogspot.com/2020/03/the-suspicious-death-of-frank-carpentino.html

https://publicguardian.wordpress.com/2013/09/19/common-denominators-to-villa-fontana-and-markham-plaza-abuse-scandals/

It is obvious that this video is about the guns that Robert Ridgeway brought to Markham Plaza, a primary focus of PSI12

https://www.youtube.com/watch?v=VX06c62xlMI

> **Sent:** Sunday, May 24, 2020 at 7:57 AM
> **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **To:** mccomas.b.c@gmail.com, sixth.district@jud.ca.gov, bill@sdap.org, "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, galaxy_454@yahoo.com, aleksandra.ridgeway@sheriff.sccgov.org, supreme.court@jud.ca.gov
> **Cc:** first.district@jud.ca.gov, second.district@jud.ca.gov, third.district@jud.ca.gov, fourth.district@jud.ca.gov, fifth.district@jud.ca.gov, hotline@hudoig.gov, fairhousing@usdoj.gov, housing@sanjoseca.gov
> **Subject:** Robert Ridgeway is a Murderer
>
> Robert Ridgeway is a murderer ! He murded Markham Plaza resident Robert Moss though perjury in a fraudulent eviction court case in collusion with the Santa Clara County Public Guardian!! Case 12cv226958 which was concealed from civi grand jury investigation into the Santa Clara County Public Guardian! Robert Ridgeway also contributed to the death of Julie Stewart!
>
> Please give answer to how thiis could possibly relate to his duties as law enforcement officer when he was not even a cop at the time ? He had been arrested and lost his job 5 years earlier? ( Case # CC891592 ) Should that not have been included in discovery package to C1493022
>
> https://publicguardian.wordpress.com/2013/09/19/common-denominators-to-villa-fontana-and-markham-plaza-abuse-scandals/
>
> Susanne
>
> > **Sent:** Sunday, May 24, 2020 at 3:18 AM
> > **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> > **To:** supreme.court@jud.ca.gov
> > **Cc:** info@whistleblower.org
> > **Subject:** Fw: Homicide & Grand Jury Tampering - Witnesses Stalked, Harassed ad Threatened by Santa Clara County Sheriff Department
> >
> > > **Sent:** Sunday, May 24, 2020 at 3:02 AM
> > > **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> > > **To:** mccomas.b.c@gmail.com, "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, info@whistlebloweres.org, galaxy_454@yahoo.com, cindy.chavez@bos.sccgov.org, district7@sanjoseca.gov

**Cc:** bill@sdap.org, sixth.district@jud.ca.gov, "Cary Andrew Crittenden" <caryandrewcrittenden@icloud.com>, supreme.court@jud.ca.gov
**Subject:** Hmicide & Grand Jury Tampering - Witnesses Stalked, Harassed ad Threatened by Santa Clara County Sheriff Department

That is a denial of substantial rights!  Why was Mr. Smith not allowed to testiify?

Why was not ANYONE ALOWED TO TESTIFY and wshy was no investigator assigned by the public defender of IDO Sylvia Perez McDonald?

Where the hell is the discovery material to C1493022 which should reference the whistleblowe compaint and civil grad jury investigation into the Santa Clara County Public Guardian?

https://www.youtube.com/watch?v=f5R57jWPb54

Susanne

> **Sent:** Saturday, May 23, 2020 at 10:49 PM
> **From:** "Jason Smith" <mastermind.it.jason@gmail.com>
> **To:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **Subject:** Re: Markham Plaaza Murder concealed from Civil Grand Jury investigation into Pubic Guardian
>
> Thank you for the correction as I never testified for Cary Andrew Crittenden in court because I was assaulted by Shaun Jackson, falsely imprisoned for 21 days, threatened with eviction if I inquired about the funding of the solar panels and why no Tenant received a dime from all the power generated from them. I was denied my civil rights and another tenants rights to exercise our rights to Fair Housing.
>
> The court also put Cary Andrew Crittenden probation restrictions that he could not use the internet making it extremely difficult for Cary and I to assist each other in exercising our right to advocate for the civil rights of tenants of Markham Plaza.
>
> I would have testified on behalf of Cary Andrew Crittenden on his honesty, character and knowledge of Fair Housing laws and regulations.
>
> On Sat, May 23, 2020, 11:34 AM Susanne Bentley <senior.affairs@groupmail.com> wrote:
>
> > Here is rappers doing song about guns at Markham Plaza supplied by Robert Ridgeway.
> >
> > https://www.youtube.com/watch?v=VX06c62xlMI&t=44s
> >
> > More links asbout Ridgeway and his banshee wife:
> >
> > http://sanjosebankofthewest.blogspot.com/2018/07/san-jose-bank-of-west-estate-planning.html
> >
> > https://thefraudcouple.wordpress.com/
> >
> > https://manslaughtercoverup.wordpress.com/2017/02/01/the-

fraud-couple-robert-ridgeway-and-his-wife-sheriff-deputy-aleksandra-ridgeway/

**Sent:** Saturday, May 23, 2020 at 5:37 PM
**From:** "Susanne Bentley" <senior.affairs@groupmail.com>
**To:** sixth.district@jud.ca.gov, supreme.court@jud.ca.gov, hotline@hudoig.gov, heidi.yauman@heidiyauman.com, housing@sanjoseca.gov
**Cc:** cindy.chavez@bos.sccgov.org, mccomas.b.c@gmail.com, bill@sdap.org, galaxy_454@yahoo.com, "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@icloud.com>
**Subject:** Murder concealed from Civil Grand Jury investigation

So Jason Smith was not allowed to testify was he? He was harassed, threatened and attacked like the others!!

Judge Manoukian's bailifs stood outside Judge Chatman's court rooom to prevent the public from entering the court room.

In December of l2019, another Markham Plaza resident who had participated in the public safety initiative was driven to suicide with the help of Brian McComas. ( He left behind suicide note *(s)* )

He had been been in contact with several coaition organizattions via email through his bootmootin email regarding the Markham Plsza attacks and docuented the events leading up to his suicide.

**Sent:** Saturday, May 09, 2020 at 5:42 PM
**From:** "Susanne Bentley" <senior.affairs@groupmail.com>
**To:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, security@heidiyauman.com
**Cc:** sixth.district@jud.ca.gov, jeremy.pruitt@activist.com, mccomas.b.c@gmail.com, hotline@hudoig.gov, caryandrewcrittenden@icloud.com, sylvia.mcdonald@ido.sccgov.org, heidi.yauman@heidiyauman.com, scott.largent@heidiyauman.com, news.room@sanjosebusiness.news, moneal@pdo.sccgov.org, fairhousing@usdoj.gov
**Subject:** Question for Jason Smith - ( Re: Court Testimony )

Jason,

Thank you for confirming that the Markham Plaza Tenant association was created on January 1st, 2016, 6 days after Mr. Crittenden was arrested, which was 12/25/15.

When you testified in Mr. Crittenden's trial, did you at any time state on the record that the Markham Plaza Tenant association was formed on 01/01/16

Mr. Brian McComas is claiming that the date is different. Do you believe that the court transcripts may have been altered to change the date on the trial court records?

Did the correctional officers at the San Jose Main Jail have an issue with the Markham Plaza Tenant association meeting at Elmwood?

Has anyone accused you of commiting perjury or forgery?

https://www.cityofpaloalto.org/civicax/filebank/documents/68966

https://www.cityofpaloalto.org/civicax/filebank/documents/67161

https://www.youtube.com/watch?v=gCIErv3kS2w

https://www.youtube.com/watch?v=jVF62zekVwM

https://www.youtube.com/watch?v=f5R57jWPb54

Susanne

> **Sent:** Saturday, May 09, 2020 at 3:49 PM
> **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> **To:** mccomas.b.c@gmail.com, socialmedia1953@gmail.com
> **Cc:** bill@sdap.org, "Markham Plaza Tenant Association" <markhamplazata@gmail.com>, mastermind.it.jason@gmail.com, sylvia.mcdonald@ido.sccgov.org, celliot087@gmail.com, james.williams@cco.sccgov.org, william.bennett@scscourt.org, sam.liccardo@sanjoseca.gov, sixth.district@jud.ca.gov, schatman@scscourt.org, heidi.yauman@icloud.com, hud-pihrc@tngusa.net
> **Subject:** Jason Smith's Court testimony prior to August 8th attack?
>
> Mr. McComas,
>
> You falsified the record on appeal as tho when the Markham Plaza tenant associoation was formed and you also claimed that the Markham Plaza Tenant association was blame for Mr. Crittenden being accused of violating OR.
>
> **When Jason Smith testifed in Mr. Crittenden's trial, did he state on the record that Mr. Criitenden had been assigned to lead the lioson team to U.C. Berkeley Law School?** When was this assignment given and who was the investigator from the Pruit-Nassie team who Crittenden was assgned to coordinate with on this project? Did this investigator also coordinate with Team Reyes? If so, to what scope and capacity and what have you done with the investigative reports?
>
> Did you discuss this issue on January 9th, 2018 with Judge Sharon Chatman?

https://www.cityofpaloalto.org/civicax/filebank/documents/68966

https://www.cityofpaloalto.org/civicax/filebank/documents/67161

What happened to the discovery package in case c149322? Why is it still missing?

Susanne

**Sent:** Tuesday, March 24, 2020 at 11:08 PM
**From:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
**To:** "Susanne Bentley" <senior.affairs@groupmail.com>
**Subject:** Re: Attorney Brian McComas falsifying records about Markham Plaza Tenant Association & EAH Housing murders

The Markham Plaza Tenant Association was created 1-1-2016 with my first Fair Housing Advocate work helping a tenant with a reasonable accommodation request to not be evicted during for more time to find housing which I submitted to EAH Inc's Housing Attorney Todd Rothbard on March 30, 2016 by email on her behalf and which was my best success as Todd Rothbard did approve the Reasonable Accommodation Request in full.

He should since he wrote the Reasonable Accommodation template that I asked for and got from his secretary.

After that it got more difficult as management would either not send it to the attorney or they would harass the tenants and even forge a tenants Request for verification of Reasonable Accommodation by writing in 6 weeks instead of 6 months and then saying it was The Who wrote that in but she came to me right after and I made copies and told her to have both the modified date by Shelsy Bass and the Blank one Verification form signed by the health professional. I have samples of both of their hand writings and it's not even close it's definitely Shelsy Bass's hand writing.

The details are mostly chronicled in the letter from John A. List titled Letter to Smith attached. Take a look on page 8 where Mr. List claims that they can't shut off the alarms do to the Fire Code and The Building Plans. The 80 Decibel alarm of 4 quick blasts that went of 20 to 80 times a day

then shut off, offering no identification of a threat to safety.

Then on page 9 he writes that he has just been informed by EAH staff that they did turn off the alarms do to my and other residents complaints. Which is bull it's because my grievance said that the alarms did nothing to help protect the tenants but did interrupt their right to quiet peaceful enjoyment of their home and that it kept tenants from getting uninterrupted sleep and that thiruas type of alarms were used in third world countries to break down prisoners of wars wills and to brain wash them.

John A list either perjured himself or he was finking on his client EAH Inc that was violating the Fire Code and putting the building and the tenants in jeopardy.

Sometimes they approve a Reasonable Accommodation Request for an apartment change like the one in file 7-27-2016 - cost 500 dollars... but the approval comes with a tenant cost of $500 this is what happened to Rhonda Engle who came to me because she could not afford the $500 and shortly after died on 4-24-2018 because Lester the property supervisor called and offsite meeting and took all staff and 911 was called at 9 am for Rhonda and the EMT's and Police showed up shortly after but there being no staff on site they looked and waited over an hour before a maintenance guy was sent back and he gave them the key but when they opened her apartment it was too later Rhonda Engle was dead due to gross negligence by Lester Fontecha the property supervisor and though I complained to HUD, San Jose Housing Department and DFEH nothing was ever done and Lester still supervises the 19 properties in San Jose owner by Core Developments and managed by EAH Inc.

I have on good authority that Robert Moss's Reasonable Accommodation to move to the first floor for health reasons was approved just like Rhonda Engle that is approved but at a Tenant cost of $500 shortly before he died in apartment #409 right before Rhonda Engle moves into apartment #409 and the same thing happens to her.

Yes they violate every possible law and regulation and the City of San Jose and the County of Santa Clara deny the tenants their 14th amendment right to equal access under the law by not enforcing any law or protection for the tenants including the San Jose Tenant Protection Ordinance and HUD regulations or state affordable housing laws.

Markham plaza is not affordable at a flat rent price of $729 and has never been affordable as the original rent in 2003 was a flat $500 this is corruption and this project was founded on

corruption the law states that it is all a false claim from day one and al subsidies are to be paid back in full.

Reasonable Acco LETTER - Copy.pdf

7-27-2016 - cost 500 dollars…

Letter to Smith - 10.4.17 (00…

On Tue, Mar 24, 2020 at 10:51 AM Susanne Bentley <senior.affairs@groupmail.com> wrote:

> Jason,
>
> Attorney Bran McComas claims that you are lying about the date the Markham Plaza Tenant association wasw formed. Her is falsifying court records saying thatb you had aleady established the Markham Plaza Tenant association way bac in 2012 when Robert Moss was murdered!!!
>
> Please confirm when Markham Plaza Tenant association was created
>
> > **Sent:** Tuesday, March 24, 2020 at 5:22 PM
> > **From:** "Susanne Bentley" <senior.affairs@groupmail.com>
> > **To:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
> > **Cc:** "kenneth ditkowsky" <kenditkowsky@yahoo.com>, "Jason Smith" <mastermind.it.jason@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.ru>, "Cindy Alvarez" <cindy.alvarez@mail.com>, "Andrea Nunn" <andrea@creatv.media>, Citylab <pitches@citylab.com>, "Linda Kincaid" <cedarcalifornia@gmail.com>, compliancereview@hcd.ca.gov, "Joanne Denison" <joanne@denisonlaw.com>, "Maya Esparza" <district7@sanjoseca.gov>, "emma loop" <emma.loop@buzzfeed.com>, Fairhousing

<fairhousing@usdoj.gov>, "Madeline Howard" <mhoward@wclp.org>, hotline@hudoig.gov, housingservices@healthtrust.org, "Justice In Aging" <info@justiceinaging.org>, jeremy4justice@activist.com, "Joe Litigant" <rua@uglyjudge.com>, "Jennifer Wadsworth" <jenniferw@metronews.com>, "Kate Walz" <katewalz@povertylaw.org>, "Scott Largent" <scottlargent38@gmail.com>, "Maura Malone" <whistleblower@hudoig.gov>, hud-pihrc@tngusa.net, rsalonga@bayareanewsgroup.com, "Stivers, Mark" <mark.stivers@treasurer.ca.gov>, "Jason Smith" <markhamplazarc@gmail.com>
**Subject:** Re: DRE CASE NO. 519-1119-001 EAH Inc.

**Sent:** Tuesday, February 25, 2020 at 6:49 PM
**From:** "Markham Plaza Tenant Association" <markhamplazata@gmail.com>
**To:** "kenneth ditkowsky" <kenditkowsky@yahoo.com>
**Cc:** "Jason Smith" <mastermind.it.jason@gmail.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.com>, "Cary Andrew Crittenden" <caryandrewcrittenden@yandex.ru>, "Cindy Alvarez" <cindy.alvarez@mail.com>, "Andrea Nunn" <andrea@creatv.media>, Citylab <pitches@citylab.com>, "Linda Kincaid" <cedarcalifornia@gmail.com>, compliancereview@hcd.ca.gov, "Joanne Denison" <joanne@denisonlaw.com>, "Maya Esparza" <district7@sanjoseca.gov>, "emma loop" <emma.loop@buzzfeed.com>, Fairhousing <fairhousing@usdoj.gov>, "Madeline Howard" <mhoward@wclp.org>, hotline@hudoig.gov, housingservices@healthtrust.org, "Justice In Aging" <info@justiceinaging.org>, jeremy4justice@activist.com, "Joe Litigant" <rua@uglyjudge.com>, "Jennifer Wadsworth" <jenniferw@metronews.com>, "Kate Walz" <katewalz@povertylaw.org>, "Scott Largent" <scottlargent38@gmail.com>, "Maura Malone"

<whistleblower@hudoig.gov>, hud-pihrc@tngusa.net, rsalonga@bayareanewsgroup.com, "Stivers, Mark" <mark.stivers@treasurer.ca.gov>, Susanne <senior.affairs@groupmail.com>, "Jason Smith" <markhamplazarc@gmail.com>
**Subject:** Re: DRE CASE NO. 519-1119-001 EAH Inc.

Thank you Ken,

The complaint # CASE NO. 519-1119-001 EAH Inc. is that EAH is an Illegal Property Mangaement company as the original DRE complaint # H-11882 SF accused and of 4 properties in San Jose managed by EAH, I complained that the same was being done at Markham Plaza and then amended all properties that EAH Manages.

The EAH illegal Prop Mgmt as no DBA for Sierra PM which shutdown cause DRE reopen PUPM(3).PDF shows the details of the illegal Sierra Property Management which DRE complaint # H-11882 SF required them to shut down and how it was just reopened as Pacific Union Property Management with same staff and more agents shows a lack

concern or of California DRE's legal authority. The illegal property management is to subvert income taxes and regulatory authority.

This document is highlighted showing the relevant data.

Any further questions do not hesitate to ask.

Jason Smith
Markham Plaza Tenant Association
669-244-3169
https://www.facebook.com/markhamplazata/F

On Tue, Feb 25, 2020 at 7:43 AM kenneth ditkowsky <kenditkowsky@yahoo.com> wrote:

> I cannot ascertain from the e-mail exactly what the complaint is concerning the Real Estate firm; however, most corporations that deal in Real Estate - i.e. sell, service, finance, et al have to comply with various State statutes to be licensed. In addition many of the operators of the corporations also have to be licensed.
>
> In most states, the licensing bureau has a complaint section. If you have a

grievance, a short concise and accurate statement of the grievance is enough to obtain a meeting with an officer of the complaint section to determine if a violation of the licensing statute exists. If it does, then an administrative hearing follows to determine if the license of the offending corporation (and its operators) should be continued.

Further, most states take great care to protect consumers from being defrauded. The consumer fraud section is usually associated with the Attorney General's office. Here again the process starts with a short, clear, concise and accurate letter of complaint. - Always remember the person reading your complaint usually has zero knowledge of the facts, no imagination, and zero tolerance for strings of unsubstantiated allegations. Thus, you have to cite facts =without self serving conclusions - that manifest themselves in a violation of law.

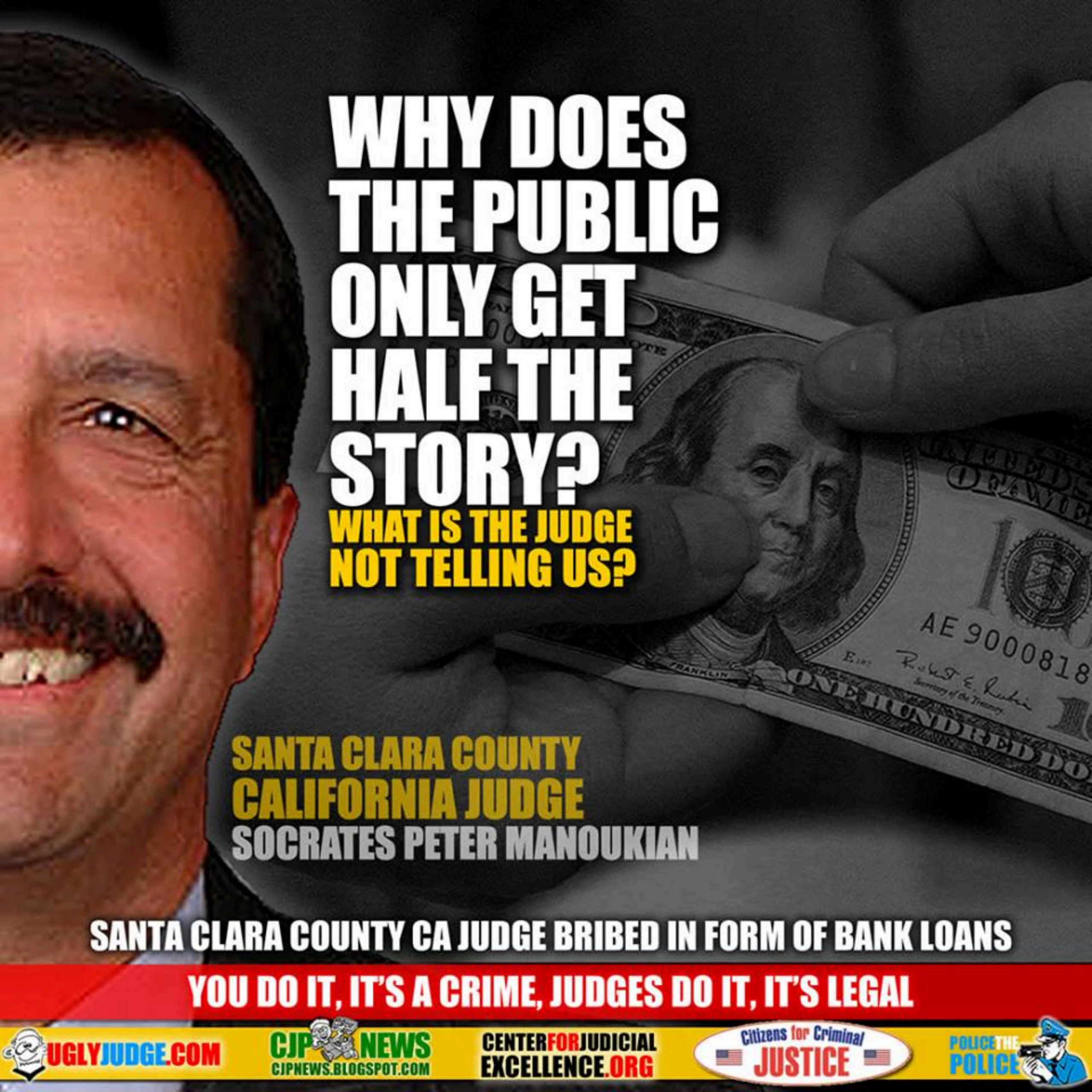
*Ken Ditkowsky*

*www.ditkowskylawoffice.com*

On Tuesday, February 25, 2020, 08:38:21 AM CST, Jason Smith <markhamplazarc@gmail.com> wrote:

MPTA complaint to DRE about EAH being an Illegal property management firm

--
Jason Smith
Markham Plaza Tenant Association
Fair and Healthy Housing for all
markhamplazata@gmail.com
408-706-1889


WHY DOES THE PUBLIC ONLY GET HALF THE STORY?
WHAT IS THE JUDGE NOT TELLING US?
SANTA CLARA COUNTY
CALIFORNIA JUDGE
SOCRATES PETER MANOUKIAN
SANTA CLARA COUNTY CA JUDGE BRIBED IN FORM OF BANK LOANS
YOU DO IT, IT'S A CRIME, JUDGES DO IT, IT'S LEGAL
UGLYJUDGE.COM
CJP NEWS
CJPNEWS.BLOGSPOT.COM
CENTERFORJUDICIAL EXCELLENCE.ORG
Citizens for Criminal JUSTICE
POLICE THE POLICE

**RICKY L. STEWART et al., Plaintiffs and Appellants,**
**v.**
**COUNTY OF SANTA CLARA et al., Defendants and Respondents.**

No. H043765.

**Court of Appeals of California, Sixth District.**

Filed December 13, 2018.

Appeal from the Santa Clara County, Superior Court No. 1-13-CV257821.

# NOT TO BE PUBLISHED IN OFFICIAL REPORTS

California Rules of Court, rule 8.1115(a), prohibits courts and parties from citing or relying on opinions not certified for publication or ordered published, except as specified by rule 8.1115(b). This opinion has not been certified for publication or ordered published for purposes of rule 8.1115.

BAMATTRE-MANOUKIAN, J.

This case arises out of the March 2013 eviction of the former owner and three sets of tenants from their homes. Fred F. Farahani, had lost title to 1650 Pomona Avenue, San Jose (the property) through foreclosure in January 2013. Farahani's tenants were Ricky L. Stewart, Julie A. Stewart, and Seth D. Stewart (collectively the Stewarts); Paulette S. Whelan; and Alex B. Ablitz.

After the foreclosure, the new owner, Ronald A. Floria, obtained an unlawful detainer judgment against Farahani. Farahani's tenants were not named in the suit or in the judgment, and they asserted they had no knowledge of either. The Sheriff of Santa Clara County (Sheriff) thereafter evicted Farahani and his tenants.

Farahani's tenants (collectively plaintiffs) filed suit against Floria, the Sheriff, and the County of Santa Clara (County). The Sheriff and the County (collectively defendants) filed a motion for summary judgment, or in the alternative, a motion for summary adjudication of claims. The court granted defendants' motion for summary judgment, finding that (1) the Sheriff had acted properly under the law in serving the eviction notice and thereafter enforcing the writ of execution to evict the property's occupants, and (2) defendants were in any event statutorily immune from liability. Plaintiffs appeal from the judgment entered on that order.

Plaintiffs argue on appeal that the trial court erred. They assert that their respective occupancies of the property were protected by state and federal law. They contend that although a sheriff or other ministerial officer is empowered under Code of Civil Procedure section 262.1[1] to execute writs that are "regular on their face," any such regularity here was belied by the fact that when the Sheriff proceeded to evict the occupants of the

Property, the Sheriff became aware there were occupants of separate rental units, whose identities and units were not described in the writ of possession. Plaintiffs contend they had resided in separate "premises" from those occupied by Farahani, and because the writ of possession did not expressly include plaintiffs' rental living units, eviction against plaintiffs was improper.

Based upon our de novo review of the trial court's summary judgment order, we conclude there was no error. We will therefore affirm the judgment entered in favor of defendants.

# I. FACTUAL BACKGROUND

The underlying facts in this case, as developed in the papers filed below in support of and in opposition to defendants' motion for summary judgment, are largely undisputed and are presented below.

## A. Property and Parties

The property consists of a parcel with a single street address that is approximately three-quarters of an acre in size with a large Victorian home on the parcel. Farahani formerly owned the property. In 2007, he encumbered it with a mortgage in favor of Floria. Farahani defaulted on his loan from Floria, and in January 2013, Floria acquired title to the property at a trustee's sale following nonjudicial foreclosure.

The Stewarts had resided on the second floor of the Victorian home for approximately five and one-half years and had a separate, lockable entrance. The Stewarts accessed their living areas by a common staircase.

Ablitz and his niece had also lived on the second floor of the Victorian home in two rooms with separate, lockable entrances. Ablitz's niece accessed her room by a common staircase also used by the Stewarts, and Ablitz accessed his room by a separate staircase in the back of the house. They had lived there for approximately five years.

Whelan lived in her travel trailer which was stationed behind the Victorian home. She had access to a bathroom and kitchen area inside the house. She had lived there for approximately six years.

Plaintiffs paid rent to Farahani pursuant to their respective living arrangements on the property.

## B. Unlawful Detainer

Farahani continued to remain in possession of the property after Floria acquired it through foreclosure in January 2013.[2] Floria accordingly caused to be served upon Farahani on or about January 31 a three-day notice to quit and deliver possession of the property. On February 5, Floria filed a complaint for unlawful detainer, naming Farahani as defendant.

The trial court thereafter on or about March 13 entered judgment in favor of Floria, awarding him possession of the property.

## C. Eviction — March 27, 2013

On March 13, the court issued a writ of possession to enforce the unlawful detainer judgment, naming Farahani as judgment debtor. It was received by the Sheriff on March 14. The Sheriff then prepared for service two forms, namely, a five-day notice of eviction form and a claim of right to possession form.

On March 14, Robert Vrscaj, a legal process officer employed by the Sheriff, traveled to the property to serve the two forms. Deputy Vrscaj observed that the property was surrounded by four walls and the front entrance was enclosed by a seven- to eight-foot tall solid gate. The home was not visible from the sidewalk. The property had one mailbox. From Deputy Vrscaj's observation of the mailbox, it did not appear there were separate residences existing on the property. Deputy Vrscaj was not able to gain access to the property, and no one responded at the gate to permit his entry.[3] He therefore posted the notice of eviction and the blank claim of right to possession forms on the front gate "by taping [them] firmly to the gate in plain view of anyone who would subsequently enter or exit the property." After returning to the office, Deputy Vrscaj mailed copies of the notice of eviction and blank claim of right to possession forms to Farahani at the property address.

On March 19, the Sheriff received a claim of right to possession filed by Farahani, as conservator, on behalf of his adult disabled son, David Farahani (David), alleging that David was not a tenant but had resided on the property with his parents since 2009. There were no such claims filed by anyone else asserting a right to possession of the property.

On March 27, the Sheriff received a certified copy of the minutes reflecting the court's denial of David's claim of right to possession and ordering the immediate enforcement of the writ of possession. The Sheriff proceeded to evict all occupants of the property on March 27. At the time the eviction was carried out, the Sheriff was presented with no written claims of right to possession.

## D. Plaintiffs' Involvement in Eviction

As recited in their opposition filed below, plaintiffs had no knowledge of the unlawful detainer proceeding involving their landlord, Farahani, at any time prior to their eviction. They claimed that Floria had been fully aware that plaintiffs were tenants residing in separate units of the property at the time he commenced unlawful detainer proceedings against Farahani. Plaintiffs were never served by Floria with any notices, such as notices to quit or termination of the tenancies for the property. Likewise, they did not observe any notice of eviction posted on the property, nor were they otherwise aware of such posting.

Plaintiffs first became aware of the eviction proceedings on March 27, when the Sheriff entered the property and advised them that they would have to leave their homes. At the

time, each of the plaintiffs protested that they were living at the property under their respective rental arrangements with Farahani.

# II. PROCEDURAL BACKGROUND

## A. Complaint

Plaintiffs filed suit against Floria,[4] the Sheriff, and the County on December 16, alleging six causes of action: (1) wrongful eviction; (2) intentional infliction of emotional distress; (3) negligent infliction of emotional distress; (4) abuse of process; (5) wrongful death of Julie A. Stewart; and (6) conversion.

Plaintiffs allege that the claims asserted in the complaint arose out of the intentional and negligent acts of defendants in evicting plaintiffs from their separate residential living units on the property without prior notice or due process of law. Plaintiffs lived for a period of years in separate rental housing units on the property, with the Stewarts and Ablitz living in the large Victorian home and Whelan living in her travel trailer.

In January, Floria concluded foreclosure proceedings through a trustee's sale, thereby becoming the owner of the property. On or about February 1, Floria caused a Three-Day Notice to Quit to be served upon the former owner of the property, Farahani. Floria did not serve any such notice on plaintiffs. He then brought an unlawful detainer suit against Farahani. Plaintiffs allege that, at the time, Floria was aware there were tenants residing on the property but "completely disregarded" them.

Floria obtained a judgment in the unlawful detainer action in March. He then procured from the court a writ of execution. The Sheriff posted a Five-Day Notice to Quit on the perimeter of the property, but plaintiffs were unaware of the posting prior to their evictions. After that posting, Farahani, on behalf of his disabled son, David, presented a claim of right to possession; the court denied that claim. On March 27, Floria induced the Sheriff to evict all persons located on the property regardless of their status as tenants residing in separate units on the property and "without regard to [plaintiffs'] vociferous protests and assertion of their rights to possession."

In the first cause of action for wrongful eviction, plaintiffs alleged that Floria failed to provide them with any notices whatsoever before they were evicted, in violation of state and federal law. Floria was aware at all times when he was seeking possession that Farahani had tenants living in separate units on the property, but Floria ignored plaintiffs' presence. Floria's acts in violation of various statutes resulted in plaintiffs' being wrongfully evicted from their homes, causing them damage. Plaintiffs allege that the Sheriff and the County were precluded from removing anyone who claimed a right to possession before the unlawful detainer action was commenced if they had not been served with a summons, complaint and prejudgment claim of right to possession forms as required by law. There was no service upon anyone of any prejudgment claim of right to possession forms in the unlawful detainer action, and the Sheriff was aware of this fact at the time of the eviction. Plaintiffs protested to the Sheriff at the time of the eviction that they had no awareness of

the unlawful detainer action and had been served with no notices concerning it. Plaintiffs allege that the Sheriff ignored statutory requirements and summarily removed plaintiffs.

## B. Summary Judgment

In August 2015, the Sheriff and the County moved for summary judgment, or, in the alternative for summary adjudication (summary judgment motion, or motion). Defendants contended there was no triable issue of fact supporting plaintiffs' claims because the Sheriff had complied with the statutory procedures for enforcing judgments of eviction and the Sheriff was in any event immune from liability. Plaintiffs opposed the motion.

The court granted summary judgment on October 30, 2015, concluding there were no triable issues of material fact and defendants were entitled to judgment. The court found that (1) the Sheriff had properly performed its statutory duties in serving the eviction notice and form claim of right to possession and had thereafter properly enforced the writ of possession after having received no executed claims of right to possession (other than David's, which had been denied), and (2) the Sheriff and County were immune from liability by statute, the order of the superior court (the writ of possession) appearing to have been regular and valid on its face.[5] A judgment was entered in favor of defendants on the summary judgment order on March 7, 2016. Plaintiffs filed a timely notice of appeal.

# III. DISCUSSION

## A. Summary Judgment and Standard of Review

"The purpose of the law of summary judgment is to provide courts with a mechanism to cut through the parties' pleadings in order to determine whether, despite their allegations, trial is in fact necessary to resolve their dispute." (*Aguilar v. Atlantic Richfield Co.* (2001) 25 Cal.4th 826, 843 (*Aguilar*).) As such, the summary judgment statute, section 437c, "provides a particularly suitable means to test the sufficiency of the plaintiff's prima facie case and/or of the defendant's [defense]." (*Caldwell v. Paramount Unified School Dist.* (1995) 41 Cal.App.4th 189, 203, fn. omitted.)

The moving party "bears the burden of persuasion that there is no triable issue of material fact and that he is entitled to judgment as a matter of law." (*Aguilar, supra*,25 Cal.4th at p. 850, fn. omitted.) A defendant moving for summary judgment must "`show[ ] that one or more elements of the cause of action . . . cannot be established' by the plaintiff." (*Id.* at p. 853, quoting § 437c, subd. (o)(2).) A defendant meets its burden by conclusively negating an essential element of the plaintiff's claim. (*Guz v. Bechtel National, Inc.* (2000) 24 Cal.4th 317, 334.) Alternatively, a defendant meets its burden by submitting evidence "that the plaintiff does not possess, and cannot reasonably obtain, needed evidence" supporting an essential element of its claim. (*Aguilar, supra,* at p. 855; see also *Saelzler v. Advanced Group 400* (2001) 25 Cal.4th 763, 780.)

Since summary judgment motions involve pure questions of law, we review independently the granting of summary judgment to ascertain whether there is a triable issue of material fact justifying the reinstatement of the action. (*Wiener v. Southcoast Childcare Centers, Inc.* (2004) 32 Cal.4th 1138, 1142.) In doing so, we "consider[] all of the evidence the parties offered in connection with the motion (except that which the court properly excluded) and the uncontradicted inferences the evidence reasonably supports. [Citation.]" (*Merrill v. Navegar, Inc.* (2001) 26 Cal.4th 465, 476.) We need not defer to the trial court and are not bound by the reasons in its summary judgment ruling; we review the ruling of the trial court, not its rationale. (*Kids' Universe v. In2Labs* (2002) 95 Cal.App.4th 870, 878.)

# B. Summary Adjudication of Wrongful Eviction Claim

## *1. Applicable Law*

Evaluating the merits of plaintiffs' wrongful eviction claim against defendants requires a review of (1) the statutory procedures for eviction proceedings, (2) statutes governing service of process associated with eviction proceedings, and (3) principles of statutory immunity applicable to officials serving process in connection with such proceedings.

The summary proceeding of unlawful detainer is defined in section 1161 et seq. The essential defendants in the unlawful detainer action are "the tenant of the premises and subtenant, if there be one, in the actual occupation of the premises when the complaint is filed." (§ 1164.) After a trial, if the jury (or the court, if tried without a jury) determines the cause in the plaintiff's favor, he or she shall receive judgment for possession of the premises. (§ 1174, subd. (a).) The judgment awarding possession to the plaintiff, however, does not automatically oust the tenant from the premises; the plaintiff must execute on the judgment through writ of possession procedures. (Friedman et al., Cal. Practice Guide: Landlord-Tenant (The Rutter Group 2017) ¶ 9:308; see also *Bedi v. McMullan* (1984) 160 Cal.App.3d 272, 276 ["judgment only establishes [the plaintiff's] entitlement to possession"; legal process through writ of possession is the means by which the plaintiff obtains actual possession].)

If the plaintiff prevails in an unlawful detainer action and receives judgment for possession, upon the plaintiff's request, "a writ of execution [writ of possession] shall be issued *immediately* by the court." (§ 1170.5, subd. (a), italics added.) After entry of such judgment and upon such application, the clerk of the court is required to issue a writ of possession which "shall be directed to the levying officer in the county where the judgment is to be enforced." (§ 712.010.) The unlawful detainer writ of possession must include, inter alia, a description of the property, and a statement that if the premises are not vacated within five days of service of the writ upon the occupant — or if it is posted, within five days of service upon the judgment debtor — the levying officer will proceed forthwith to remove the occupants and place the plaintiff in possession. (§ 715.010, subd. (b)(1),(2).)

Once the writ of possession is issued by the clerk and delivered to the levying officer, that "levying officer *shall* execute the writ in the manner prescribed by law." (§ 712.030, subd. (a), italics added; see also *Lyons v. Santa Barbara County Sheriff's Office* (2014) 231

Cal.App.4th 1499, 1503 (*Lyons*) [after issuance of writ, "the sheriff is statutorily required to levy on it"].) The levying officer (i.e., sheriff) is required to serve the writ on one occupant of the property. (§ 715.020, subd. (a).) If the sheriff is unable to effect personal service on the occupant, he or she is required to post a copy of the writ in a conspicuous place on the property and serve a copy (either personally or by mail) upon the judgment debtor. (*Id.,* subd. (b).) When the sheriff serves or posts the writ of possession, he or she is, in general, required to serve or post a form for a postjudgment claim of right to possession. (§ 715.010, subd. (c).)[6]

Occupants of the property not named in the writ of possession who claim a right to possession that accrued on or before the date of the commencement of the unlawful detainer action may formally challenge enforcement of the judgment (i.e., the eviction) by filing a postjudgment claim of right to possession. (§ 1174.3, subd. (a)(1);[7] see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) This is the statutory means by which an occupant not named in the unlawful detainer suit or judgment may assert his or her rights to prevent that occupant's eviction. (See *Cardenas v. Noren* (1991) 235 Cal.App.3d 1344, 1350 (*Cardenas*) [unnamed occupant, "before eviction . . . could have protected himself by presenting a claim of right to possession" under § 1174.3].)

A sheriff has statutory immunity for actions taken in execution of "process and orders regular on their face," even if there was a defect in the underlying proceedings. (§ 262.1;[8] see also Gov. Code, § 820.4 [no liability for public employee's "act or omission, exercising due care, in the execution or enforcement of any law"].) As the California Supreme Court has explained: "It is [the sheriff's] duty to execute the orders of the court unless they are patently irregular and void. [¶] In determining whether process and orders are `regular on their face' so far as the liability of such an officer is concerned, the following statement . . . is pertinent: `When we speak of process "valid on its face," in considering whether it is sufficient to protect an officer, we do not mean that its validity is to be determined upon the basis of scrutiny by a trained legal mind; nor is it to be judged in the light of facts outside its provisions which the officer may know. [Citations.] Unless there is a clear absence of jurisdiction on the part of the court or magistrate issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinarily intelligent and informed layman. To hold otherwise would mean that an officer must often act at his [or her] peril or delay until he [or she] has had an opportunity to search out legal niceties of procedure. . . . "A result subjecting [the officer] to constant danger of liability would be an intolerable hardship to him [or her], and inevitably detract from the prompt and efficient performance of his [or her] public duty."'" (*Vallindras v. Massachusetts Bonding & Ins. Co.* (1954) 42 Cal.2d 149, 154 (*Vallindras*).)

Thus, for instance, a sheriff executing process regular on its face issued by the bankruptcy court was found under section 262.1 to have been immune from liability for wrongful eviction in a suit brought by relatives of the debtors/tenants. (*George v. County of San Luis Obispo* (2000) 78 Cal.App.4th 1048, 1051, 1054 (*George*).) After the sheriff served the writ of possession issued by the bankruptcy court — the writ having not named the plaintiffs but only the debtors — the plaintiffs presented state-law claims of right to possession which the sheriff attempted to file with the bankruptcy court, which the court rejected. (*Id.* at p. 1050.) The appellate court concluded that "[s]tate unlawful detainer law [did] not apply, and the

state must defer to the federal order of the bankruptcy court directing immediate surrender of the premises." (*Id.* at p. 1051.) But the *George*court found that, under section 262.1, the writ and the accompanying bankruptcy court order requiring that the debtors and those claiming possession through them immediately surrender possession of the premises were regular on their face, the sheriff properly deferred to the bankruptcy court that issued them, and "the [s]heriff had no authority to do otherwise and was justified in completing the execution of the [o]rder and writ of possession." (*George, supra,* at p. 1054; see also *Hayward Lumber & Inv. Co. v. Biscailuz* (1957) 47 Cal.2d 716, 722-724 [levying sheriff relying on certificate of court clerk, appearing to be regular on its face, that attachment had been partially dissolved, immune from liability].)

## *2. Propriety of Sheriff's Eviction of Plaintiffs*

After judgment was entered in Floria's favor awarding him possession of the property, the court issued a writ of possession naming Farahani as the judgment debtor. The Sheriff received the writ on March 14, and the Sheriff was then, under section 712.030, subdivision (a), "statutorily required to levy on it." (*Lyons, supra,*231 Cal.App.4th at p. 1503.) The Sheriff then served the writ of possession in the manner prescribed by law — after finding no occupant upon whom personal service could be effected — by posting a copy of it along with a blank form claim of right to possession and mail-serving the judgment debtor, Farahani. (§ 715.010, subd. (b).) There was only one claim of right of possession thereafter filed — by Farahani, on behalf of his son, David — and it was denied by the court on March 27. And in the order denying David's claim, the court concluded: "IT IS HEREBY ORDERED that the Sheriff of Santa Clara County shall immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in this action." This order was consistent with section 1174.3, subdivision (g), which provides that, if a claim of right to possession is denied, "the court *shall* order the levying officer to proceed with enforcement of the original writ of possession . . . which shall be effected within a reasonable time not to exceed five days." (Italics added.) In compliance with the court's order, the Sheriff enforced the writ by evicting all occupants of the property on March 27.

The Sheriff acted in accordance with the law in enforcing the writ of possession. Indeed, it was legally obligated to perform its ministerial duties to enforce the facially valid orders of the court having jurisdiction over the matter. (See §§ 712.020, subd. (a), 712.030, subd. (a), 715.010, subd. (b)(1),(2), 1174.3, subd. (g).) Plaintiffs' arguments to the contrary are unavailing.

Plaintiffs contend that the writ of possession was not "regular on its face" as provided in section 262.1. Plaintiffs concede that "the writ may have appeared `regular on its face' to the Sheriff's employees when it was first received at the Sheriff's office." But plaintiffs assert that the regular process was transformed into an irregular one when the Sheriff carried out the eviction of the property's occupants on March 27, learning at that time there were persons not named in the judgment who occupied separate rental living areas. Plaintiffs cite no apposite authority to support this argument.

As a ministerial officer, "[a] sheriff . . . is justified in the execution of, and shall execute, all process and orders regular on their face" (§ 262.1), and "`[u]nless there is a clear absence of jurisdiction on the part of the court . . . issuing the process, it is sufficient if upon its face it appears to be valid in the judgment of an ordinary intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) Here, there was no jurisdictional issue presented on the face of the writ of possession. Nor was there anything apparent from the writ that would lead an ordinary and intelligent layman to question its validity. Moreover, plaintiff's argument that the facially regular writ became irregular once the Sheriff enforced it and determined there were occupants not named in the judgment is contrary to the following principles enunciated by the Supreme Court: "The function of the marshal [sheriff] in an unlawful detainer proceeding is very limited — at no point does it include a determination of the merits of the underlying action. . . . [W]hen the marshal [sheriff] discovers an individual who is not named in the writ of possession of the premises under a claim of right, he [or she] is not empowered, nor would he [or she] be equipped, to determine whether that person is bound by the previous judgment or had a facially valid claim to possession. . . . These determinations are properly the role of the courts." (*Arrieta v. Mahon* (1982) 31 Cal.3d 381, 392-393 (*Arrieta*).)

Plaintiffs' contention that the writ was irregular on its face also disregards the statutory scheme involving a challenge to a proposed eviction through the filing of a postjudgment claim of right to possession. The levying officer is required to serve a postjudgment claim of right to possession form at the time of service of the writ of possession. (§ 715.010, subd. (c).) This is the statutory method by which occupants unnamed in the unlawful detainer judgment or writ of possession are notified of the impending eviction and provided the opportunity to formally challenge it. (§ 1174.3, subd. (a)(1); see also Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:521.) The unnamed occupant's failure to file a postjudgment claim of right to possession forfeits his or her challenge to the sheriff's enforcement of the writ of possession that is regular on its face. (*Cardenas, supra,* 235 Cal.App.3d at pp. 1349-1350.) Were plaintiffs' position correct, if a sheriff, attempting to perform its ministerial duties of enforcing a writ of possession, encounters an occupant unnamed in the judgment or writ, the sheriff would be required to suspend execution efforts in all instances, regardless of whether the occupant had filed timely a postjudgment claim of right to possession before eviction. (See § 1174.3, subd. (a)(1).) This would render the postjudgment claim of possession procedures meaningless.

It is further contended by plaintiffs that their eviction by the Sheriff was wrongful because the description of the property in the writ of possession was inadequate. They assert that the court erred in finding the description of the property in the writ "was sufficient to authorize the Sheriff to evict everyone who could be found upon the parcel address, regardless of whether some of the persons being evicted were residing in separate rental living units located on that parcel, and regardless of whether the occupants of such units had had any involvement in the underlying unlawful detainer proceedings against their foreclosed-upon landlord, or whether they or their units had been named in the writ — as they were not." We disagree with plaintiffs' assertion that the writ of possession inadequately described the property and that the Sheriff's enforcement of it was on this basis wrongful.

The writ of possession described the property by its street address, "1650 Pomona Avenue [¶] San Jose, CA 95110." (Capitalization omitted.) This was a sufficient description of the property subject to the writ of possession as required under section § 715.010, subdivision (b)(1). (Friedman et al., Cal. Practice Guide: Landlord-Tenant, *supra,* ¶ 9:492 [description of premises need not be formal legal description; "a full and correct street address (including appropriate apartment/suite number) suffices"]; see also Cal. Landlord-Tenant Practice (Cont.Ed.Bar 2d ed. 2015) § 9.37 [allegation containing street address of premises in unlawful detainer complaint sufficient].) Plaintiffs' argument that the writ of possession was required to describe each rental unit located on the property (e.g., Farahani's residence on the first floor of the house, the Stewarts' and Ablitz's respective residences on the second floor, and Whelan's residence in her travel trailer on the property), is without legal support and would be impracticable.

Plaintiffs cite *Cardenas, supra,* 235 Cal.App.3d 1344 and *Nativi v. Deutsche Bank National Trust Co.* (2014) 223 Cal.App.4th 261 (*Nativi*) in support of their contention that the property was not adequately described in the writ of possession. They argue that in *Cardenas,* the appellate court used the term "premises" to refer to the plaintiffs' living unit, even though it was the front house rather than the entirety of the property. But *Cardenas* did not concern a landlord's efforts to evict all occupants of a piece of property; instead, the landlord brought eviction proceedings against occupants of one building, the "front house," located on the property. (*Cardenas, supra,* at p. 1346.)[9] A panel of this court rejected the challenge of the appellants/occupants to the lawfulness of the eviction on the basis that they failed to file a postjudgment claim of right to possession. (*Id.* at pp. 1349-1350.)

*Nativi* did not involve a challenge to the validity of a marshal's actions in evicting an occupant; rather, it was a suit for wrongful eviction and other claims by tenants against a foreclosing lender and its loan servicer. (*Nativi, supra,* 223 Cal.App.4th at pp. 270, 294.) Further, although plaintiffs in this case emphasize that a panel of this court in *Nativi* used the word "premises" to refer to the *Nativi* appellants' converted garage, the foreclosed property consisted of a single family dwelling and the converted garage that had been rented by the appellants. (*Id.* at p. 294.) This is analogous to the circumstances here, where the foreclosed property consisted of the entirety of the approximate three-quarter-acre parcel located at 1650 Pomona Avenue in San Jose — including the entirety of the two-story Victorian house and the land upon which Whelan's travel trailer was located. Neither *Cardenas* nor *Nativi* supports plaintiffs' argument.

Plaintiffs argue further that the postjudgment claim of right to possession procedure for nonparty occupants as specified in section 1174.3 is inapplicable to them under the circumstances of this case. Their position is that the procedure deals with "the rights of persons who occupy the same living unit that is the subject of the unlawful detainer action — not to the rights of persons occupying other living units that were not included in the unlawful detainer action, even if such separate living units happen to be located in the same building or on the same parcel of land." Plaintiffs contend that the property that was the subject of the unlawful detainer action was Farahani's living unit on the property, i.e., the first floor of the Victorian house, and plaintiffs' separate rental "living units had absolutely nothing to do with Ronald Floria's unlawful detainer against Fred Farahani." Plaintiffs offer no persuasive authority to support their position.

Plaintiffs' argument is directly related to their contention — which we have found, *ante,* to be without merit — that the writ of possession was defective because the "description of the real property, possession of which is to be delivered to the judgment creator in satisfaction of the judgment" (§ 715.010, subd. (b)(1)) was inadequate because it did not include plaintiffs' separate living units. The unlawful detainer complaint filed against Farahani identified the property of which possession was sought as "1650 Pomona Avenue, San Jose, Santa Clara County, California 95110." (See § 455 [plaintiff bringing an action to recover real property must describe the property "in the complaint with such certainty as to enable an officer, upon execution, to identify it"].) The writ of possession, as we have discussed, properly described the property by reference to its street address. The procedure specified under section 1174.3 applied to plaintiffs, as nonparty occupants, of the property identified in the writ. (See § 1174.3, subd. (a)(1),(2).) The fact that plaintiffs allege they were unaware of the unlawful detainer proceedings and judgment prior to March 27 when the Sheriff enforced the writ does not render the procedure for filing a postjudgment claim of right to possession inapplicable to them.

The Sheriff properly carried out its ministerial duties in enforcing the unlawful detainer judgment. Accordingly, summary judgment was proper.

## *3. Statutory Immunity Applied to Sheriff's Actions*

The trial court as an additional basis for granting defendants' motion concluded that the court orders provided the Sheriff in connection with the unlawful detainer action (i.e., the writ of possession and the order denying David's claim of right to possession) were "regular and valid on [their] face." It therefore concluded that defendants were immune from suit pursuant to section 262.1. We agree with the trial court that the Sheriff's statutory immunity furnishes an additional basis for granting defendants' motion for summary judgment.

As a ministerial officer, the Sheriff, upon delivery of the writ of possession issued by the clerk of the court is *required* to "execute the writ in the manner prescribed by law." (§ 712.030, subd. (a).) The Sheriff is duty bound to "execute, all process and orders regular on their face and issued by competent authority," irrespective of any "defect in the proceedings upon which they were issued." (§ 262.1.) The Sheriff therefore has a "duty to execute the orders of the court unless they are patently irregular and void." (*Vallindras, supra,* 42 Cal.2d at p. 154.)

The writ of possession and order denying David's claim here were regular on their face, and there is no assertion that the court lacked authority to issue them. The order directed the Sheriff to "immediately enforce the writ and complete the eviction of all occupants from the subject premises pursuant to the writ of execution (possession of real property) previously issued in [the unlawful detainer] action." The writ and the order are such that they "`appear[] to be valid in the judgment of an ordinarily intelligent and informed layman.'" (*Vallindras, supra,* 42 Cal.2d at p. 154.) As we have discussed, *ante,* there is no merit to plaintiffs' claim that the documents were not regular on their face because, when the Sheriff proceeded to levy on them, the Sheriff encountered several nonparty occupants who claimed orally a right to possess their individual rented units within the property. Such circumstances were, if

anything, "defect[s] in the proceedings upon which they were issued" (§ 262.1), which did not furnish a basis for nullifying the Sheriff's statutory immunity. As a ministerial officer, it was beyond the Sheriff's function to make a determination of the merits of such oral claims. (*Arrieta, supra*,31 Cal.3d at p. 392.) Such "determinations are properly the role of the courts." (*Id.*at p. 393; see also *George, supra,* 78 Cal.App.4th at p. 1054 [sheriff properly deferred to bankruptcy court that issued order and writ of possession regular on their face, and "[s]heriff had no authority to do otherwise"].)

Plaintiffs contend they were entitled under state and federal law to 90 days' written notice to quit from the landowner before they could be evicted. They cite, inter alia, section 1161b, subdivision (a), as well as *Nativi.* (See *Nativi, supra,* 223 Cal.App.4th at p. 283 ["the PTFA [Protecting Tenants at Foreclosure Act of 2009] mandates that, at a minimum, an immediate successor in interest in foreclosed property [must] give 90 days' notice to vacate to bona fide tenants of residential property"].) Irrespective of plaintiffs' entitlement under state or federal law to notice to quit from the landowner, the absence of such notice here does not negate the Sheriff's immunity under section 262.1. Any notice defect here would have been a "defect in the proceedings" having no effect upon the Sheriff's actions of enforcing the writ and order denying David's claim that were "regular on their face and issued by competent authority." (*Ibid.*)

The trial court properly granted defendants' summary judgment motion on the independent ground that defendants were immune from liability.[10]

# IV. DISPOSITION

The judgment entered on the order granting summary judgment in favor of defendants Sheriff of Santa Clara County and the County of Santa Clara is affirmed.

ELIA, ACTING P.J. and MIHARA, J., concurs.

[1] All further statutory references are to the Code of Civil Procedure unless otherwise stated.

[2] All dates stated hereafter are 2013 unless otherwise specified.

[3] In opposition to summary judgment, Ablitz declared that "[t]here was normally no access to inside the fenced[-]in area without knowing the security code on the gate."

[4] The record reflects that in February 2014, after the complaint was filed, Floria passed away. Plaintiffs filed a supplemental complaint substituting Jennifer Leland, as personal representative of Floria's estate, as defendant. For simplicity, we will refer to the party defendant as the decedent, Floria.

[5] Floria filed a separate motion for summary judgment, or, in the alternative, motion for summary adjudication. Floria's motion was heard in conjunction with defendants' motion. The court (1) denied summary judgment, (2) granted summary adjudication as to the second through sixth causes of action against Floria, and (3) denied Floria's motion for summary adjudication of the first cause of action of the complaint. Although not reflected in the record, defendants represented in respondents' brief that plaintiffs have settled their claims against Floria.

[6] This procedure is not required where the occupants of the property were served in the unlawful detainer case with a summons, complaint, and prejudgment claim of right to possession as provided in section 415.46. (§ 715.010, subd. (c).) No such service upon the occupants (plaintiffs) occurred in this case.

[7] "Except as provided in paragraph (2), unless a prejudgment claim of right to possession has been served upon occupants in accordance with Section 415.46, any occupant not named in the judgment for possession who occupied the premises on the date of the filing of the action may object to enforcement of the judgment against that occupant by filing a claim of right to possession as prescribed in this section. A claim of right to possession may be filed at any time after service or posting of the writ of possession pursuant to subdivision (a) or (b) of Section 715.020, up to and including the time at which the levying officer returns to effect the eviction of those named in the judgment of possession. . . . An occupant or tenant who is named in the action shall not be required to file a claim of right to possession to protect that occupant's right to possession of the premises." (§ 1174.3, subd. (a)(1).) Subdivision (a)(2) of section 1174.3 provides that in an unlawful detainer proceeding described in section 415.46 subdivision (e)(2) — one resulting from a foreclosure sale, as is the case here — the occupant may serve the postjudgment claim of right to possession irrespective of whether he or she was served with a prejudgment claim of right to possession. As noted (see fn. 6, *ante*), no such prejudgment claim was served in this case.

[8] "A sheriff or other ministerial officer is justified in the execution of, and shall execute, all process and orders regular on their face and issued by competent authority, whatever may be the defect in the proceedings upon which they were issued." (§ 262.1.)

[9] In the opinion, the "premises" were described as "30 Hawthorne Avenue (front house) in Watsonville in Santa Cruz County." (*Cardenas, supra,* 235 Cal.App.3d at p. 1346.) This suggests that there were multiple buildings with multiple addresses on the property owned by the landlord.

[10] Plaintiffs' brief focuses on the first cause of action for wrongful eviction. Plaintiffs do not specifically address the remaining five causes of action alleged in their complaint. Because plaintiffs have not argued the matter, we need not separately address the summary judgment order insofar as it pertains to the claims other than wrongful eviction. (*Reyes v. Kosha* (1998) 65 Cal.App.4th 451, 466, fn. 6[although review of summary judgment is de novo, appellate court will not address issues that have not been adequately raised and addressed in appellant's brief].) In any event, these other claims are clearly derivative of, and dependent upon, the wrongful eviction claim. Since that cause of action fails, the derivative claims fail as well. (See *Price v. Starbucks Corp.* (2011) 192 Cal.App.4th 1136, 1147.)

**2013-2014 SANTA CLARA COUNTY**
**CIVIL GRAND JURY REPORT**

# PROBATE CONSERVATORSHIP: A SAFETY NET IN NEED OF REPAIR

## SUMMARY

The 2013-2014 Santa Clara County Civil Grand Jury (Grand Jury) received a complaint alleging the "mishandling" of a client's case referred to the Office of the Public Administrator/ Guardian/Conservator (PAGC). Adult Protective Services (APS) had referred the client to PAGC. The individual's medical condition deteriorated significantly over five months, and the client died before being conserved. The Grand Jury sought to examine the actions or inactions of the PAGC in the matter. The Grand Jury's inquiry into this case led to a broader examination of the safety net provided by Santa Clara County for seniors who are not able to advocate for themselves, have no one else to advocate for them, and whose cognitive abilities are severely compromised.

The Grand Jury explored the process of conservatorship for seniors, age 65 or older, from Adult Protective Services (APS) through PAGC to Probate Court. The management of the client's needs during this prolonged time and the efficiency of handling the referrals to a final legal judgment of conservatorship by the Probate Court were investigated. The specific areas within APS and PAGC upon which the Grand Jury focused its attention are the following:

- The procedure of assigning an account/case number at the initial contact,
- Decisions prior to the acceptance of referrals to PAGC,
- Incomplete or insufficient information sharing between APS and PAGC,
- The Capacity Declaration,
- Training for new and current deputy public guardians,
- Updated Policies and Procedures Manual for PAGC not reflecting current practices,
- Background checks for APS workers and deputy public guardians, and
- Lack of PAGC statistics for case management.

## BACKGROUND

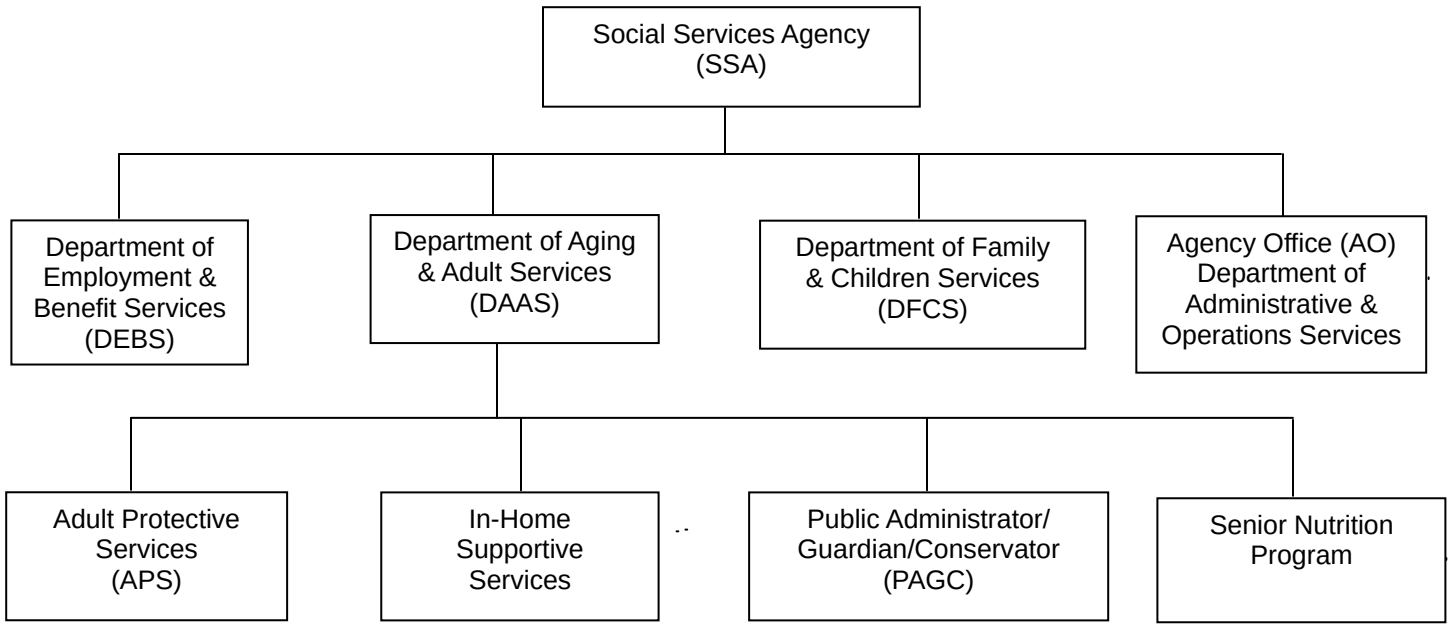
Santa Clara County is home to a population of approximately 1.8 million residents (2012 United States census estimate), of which 11.7 % are identified as over the age of 65, about 213,000 individuals.[1] Most of these elderly citizens will eventually require some level of support and assistance as they advance toward the end of their lives. A few will have limited

[1] http://quickfacts.census.gov/qfd/states/06/06085.html.

or no support system available within their family circle to execute their affairs.

The Department of Aging and Adult Services (DAAS), a division of the Santa Clara County Social Services Agency (SSA), was formed in 1997. DAAS consolidated several separate and distinct divisions to improve coordination among In-Home Supportive Services, the Senior Nutrition Program, the Office of the Public Administrator/Guardian/Conservator (PAGC), and Adult Protective Services (APS). The stated goals include coordinating and enhancing services for seniors that are delivered under county programs and strengthening partnerships in the community and among these departments.[2]

SSA Organization Chart (Abbreviated)




The Grand Jury examined the roles of APS, PAGC, and Office of the County Counsel (County Counsel).

**ADULT PROTECTIVE SERVICES (APS)**

APS is a department whose activities are defined by the California Welfare & Institutions Code. APS serves two population groups: elders (age 65+) and dependent adults (age 18-64) who are suspected of being abused and neglected. Types of abuse that are investigated include physical, sexual, financial, neglect or self-neglect, and isolation. Reports of abuse are taken on a 24/7 basis.[3] The mission of APS is to provide preventative and remedial interventions, such as investigation, assessment, counseling, development of a service plan, case management on a time-limited basis, and referrals to community resources. The law mandates the availability of these services through APS, but since the client is not conserved, acceptance of the services is voluntary.

[2] Adult Protective Services Handbook of Santa Clara County, n.d., 2-2.
[3] Welfare and Institutions Code section 15763.

The primary goal is to maintain the client in his/her home, while securing his/her ongoing health and safety as much as possible, using existing community-based services.[4] When the client is no longer able to make personal, health, or financial decisions without great risk to his/her well-being, or is in danger of being abused by others, and when other family members or other individuals are not willing, able, or appropriate to step into a formal caregiver role, APS makes a referral to PAGC for further investigation. The outcome of this investigation could lead to a permanent conservatorship.[5]

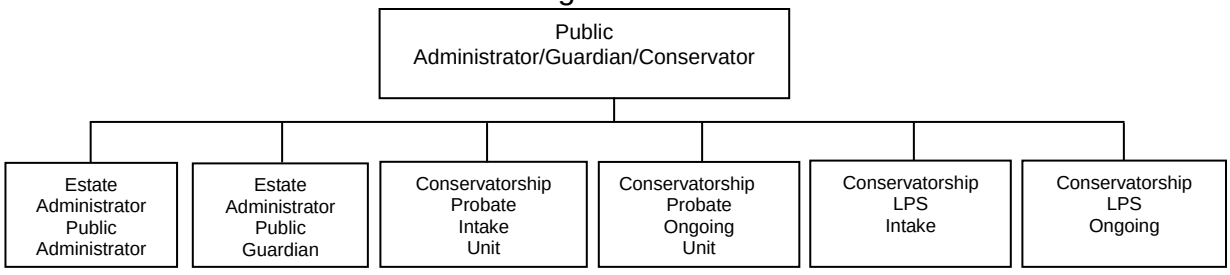
APS together with PAGC, the District Attorney, County Counsel, and other law enforcement entities staff the rapid response Financial Abuse Specialist Team (FAST). The team, established in 1999 by DAAS, allows a multi-disciplinary approach to take quick action and intervene in situations where the elderly person is in imminent risk of financial abuse. The team then also addresses the client's broader issues.[6] Non-FAST cases (clients not at imminent financial risk) do not have the same level of information sharing and cooperation among the departments.

**OFFICE OF THE PUBLIC ADMINISTRATOR/GUARDIAN/CONSERVATOR (PAGC)**

"The Office of the Public Guardian insures the physical and financial safety of persons unable to do so on their own, and when there are no viable alternatives to a public conservatorship. The Superior Court determines whether a conservatorship should be established. The court process includes petitioning the court and notifying the proposed conservatee and his/her family of the proceedings. A conservatorship is established only as a last resort through a formal hearing. The Superior Court can appoint the Public Guardian as a conservator of the person only, estate only (for probate), or both person and estate."[7]

The PAGC serves several groups of clients: elderly and dependent adults (probate conservatorships) and the severely mentally ill under the State of California Lanterman-Petris-Short Act of 1967 (LPS conservatorships – CA Welfare &Institutions Code §5000 et seq.). Probate and LPS conservatorships have separate divisions within PAGC, and each operates its own intake and ongoing units. The intake unit case manages the client who is awaiting conservatorship; the ongoing unit assumes management after the granting of conservatorship. The Public Administrator handles the closing of estates of the deceased, when no other alternatives such as wills and trusts exist.

PAGC Organization Chart




[4] *Id*. at 15750 et. seq.
[5] Adult Protective Services Handbook of Santa Clara County, n.d., 9-5
[6] "Financial Abuse Specialist Team Practice Guide Santa Clara County," Version 1.0, 12/2010, 3
[7] http://www.sccgov.org/sites/ssa/Department%20of%20Aging%20-20%Adults%...Services/Public%20Guardian/Pages/Office-of-the-Public-Guardian.aspx.

The Probate Intake Unit receives referrals from APS, skilled nursing facilities, hospitals, the court, and the community when there is concern about the cognitive and/or physical ability of the elderly person to function competently on his/her own, or for protection from outside abuse (financial, physical, emotional), and long-term intervention appears to be warranted. (See Appendix A.) Following an extensive investigation, the Public Guardian (PG) may decide to petition the Probate Court to request appointment of the PG as the legal conservator of record. This occurs only after extensive exploration for less restrictive alternatives such as willing and available family members or friends, and no one is found.

The individual can be conserved in the following ways, as determined in Probate Court:

> **Conservatorship of the person:** The conservator assures that all personal care, medical care, and services needed to maintain a safe and comfortable living environment are provided for the conservatee.
>
> **Conservatorship of the estate:** The conservator bears the responsibility for locating, managing, and protecting all assets of the conservatee's estate. She/he also applies for all income and benefits to which the conservatee is entitled, pays all just debts, and keeps separate records of all the funds received and disbursed on the conservatee's behalf.

An individual may have both his/her person and estate conserved, based on the judgment of the court after careful consideration of all of the facts in the case.

There are two types of probate conservatorship, permanent and temporary. The first step for both is to determine if the client is a candidate for referral for conservatorship. According to the Policies and Procedures Manual of the PAGC (Procedure 704.0), PAGC has 30 days to respond to the referring party; e.g., APS, hospital, or nursing home about accepting the referral. Once the referral is accepted, the deputy public guardian investigates the need for conservatorship and assembles a packet of documents including the Capacity Declaration, a physician's evaluation of a person's ability to handle his/her well-being and affairs. (See Appendix B.) A completed Capacity Declaration is mandatory to obtain a conservatorship. Then the deputy public guardian sends the packet to County Counsel. If the packet is complete, County Counsel prepares the petition for conservatorship, and a court date is initially calendared for 10 weeks in the future. After the Probate Court receives the petition, the Superior Court investigator independently reviews the documents and further investigates so that she/he can make a recommendation to the judge on conservatorship.

If time is of the essence, a temporary conservatorship can be sought. The temporary conservatorship has a limited term of one month. PAGC may petition the Probate Court to extend the temporary conservatorship, if needed.[8] This conservatorship has limited powers necessary to ensure the health, safety, and support of the proposed conservatee and protection of his/her property. It protects the client in the moment (a medical or financial emergency) before going forward with a permanent conservatorship.[9] A permanent

[8] Probate Code section 2257
[9] Probate Code section 2252

conservatorship is petitioned at the same time as the temporary conservatorship with the client being charged a fee for both petitions. Temporary conservatorships are filed with the court for a hearing date within three weeks. Unlike the permanent conservatorship, the temporary conservatorship does not allow decisions concerning the conservatee's real estate, routine medical care, or financial matters, unless urgent.

For purposes of this investigation, the Grand Jury chose to focus only on the portion of PAGC that deals with non-LPS probate conservatorships for the elderly from the point of referral to the Probate Court naming the Public Guardian as legal conservator. The process of moving a client through conservatorship is complicated and prolonged.

In the process of probate conservatorship, clients can spend as much as four to six months in a holding pattern, between PAGC'S acceptance of a case and the Probate Court's formal granting of temporary and/or permanent conservatorship. During this period, the client has already been deemed to lack the capacity to make good decisions for him/herself, as established by a physician via the Capacity Declaration. Further, the deputy public guardian assigned to the client has not been granted any legal authority to conduct business on behalf of the client.

Until permanent conservatorship is completed, the deputy public guardian must confront the clients' day-to-day issues without having the legal capacity to make decisions for the clients. The Grand Jury found that deputy public guardians, by necessity, bring their own personal skills and creativity into play to respond to clients' inability to care for their own needs under these precarious circumstances.

A temporary conservatorship may be sought to alleviate a crisis and is only a stopgap solution. It is limited in time, thirty days, and scope, a medical or financial emergency. Once the permanent conservatorship is in place, PAGC officially assumes the ongoing legal and physical responsibility for attending to all business and personal decisions surrounding the clients, and they will be case-managed accordingly.

The Grand Jury concludes that this legal limbo in which the deputy public guardians find themselves underscores the need to eliminate any delays within the conservatorship process that are easily correctable.

## OFFICE OF THE COUNTY COUNSEL

The Office of County Counsel (County Counsel) is the legal advisor to the County of Santa Clara. Within this department are attorneys representing various practice areas, and according to County Counsel, the "Probate Section represents and advises the PAGC in almost 1,000 conservatorship, decedent estate and trust proceedings each year."[10] The deputy county counsel assigned to probate prepares the petition for conservatorship, based on documents received from PAGC. The County Counsel staff calendars the case for a Probate Court hearing. Prior to the hearing in Probate Court, a court-appointed individual, the court investigator, does an additional independent examination of the facts. The investigator independently evaluates the need for conservatorship and recommends whether the court

[10] http://www.sccgov.org/sites/cco/Pages/Offfice-of-County-Counsel.aspx.

should grant a conservatorship.

## METHODOLOGY

In preparing this report, the Grand Jury conducted 17 interviews, received email responses to questions, did web searches, attended a demonstration of the PAGC Panoramic Case Management System (PANO) and examined various documents. The Grand Jury subpoenaed and reviewed financial, medical, and case management records of the deceased client mentioned in the complaint.

Interviewed employees from the following:

- Adult Protective Services (APS),
- Office of the Public Administrator/Guardian/Conservator (PAGC),
- Office of the County Counsel, and
- Superior Court of California.

Emailed communications with the following departments of Santa Clara County:

- Social Services Agency (SSA) which includes the Department of Aging and Adult Services (DAAS), APS, and PAGC,
- Office of County Counsel,
- Employee Services Agency (ESA), and
- Superior Court of California.

Web searches (See Appendix C.1.)

Manuals and codes (See Appendix C.2.)

Statistics for APS, PAGC, and Superior Court of California (See Appendix C.3.)

Forms and documents not included in the above (See Appendix C.4.)

## DISCUSSION

The Grand Jury began its investigation in response to a complaint that PAGC delayed establishing a conservatorship over a client who was referred to PAGC by APS. The client's medical condition deteriorated over five months with the client dying without a conservatorship in place. The Grand Jury reviewed this specific case and did not conclude that there was mishandling. Nevertheless, this case directed the Grand Jury's efforts to review and to evaluate the processes involved in determining conservatorship for the elderly.

The following sections outline what legal, procedural, and communication processes/factors

contribute to such a lengthy process for conservatorship. The Grand Jury also notes deficiencies and obstacles, which must be addressed in order to better the process.

**Process for Receiving, Formally Recording, and Accepting Referrals**

The Grand Jury found that when a referral is taken from a referring party, there are inconsistencies as to when the information is logged into the Panoramic Case Management System (PANO) and assigned an account/case number. The Grand Jury learned of instances where the inputting of data had been delayed, and therefore the client was not being tracked in the system, essentially lost and not receiving services. In those cases, the issue was brought to light when the referring party made inquiry as to the status of the client, and hard copies of the documents had to be hunted down. Procedure 709.1, updated January 21, 2014, requires that client data be entered when the referral is received, and this process is not followed in each and every case. As a result, the Grand Jury also learned that because of these past issues, a new PANO screen dedicated to the entry of referral data was going to be developed, along with clearer guidelines as to when and who would input data and assign an account number. The new screen, along with a new PAGC Procedure 709.2, dated May 20, 2014, is to be implemented.

Regarding the PAGC determination process for accepting or rejecting a client for conservatorship, which involves the removal of civil rights, the Grand Jury learned that a formal change is planned for the near future that will restructure how incoming referrals are reviewed. Currently, recommendations for acceptance or rejection of a client are at the discretion of one employee, and that decision is passed on to the Public Guardian for concurrence. The proposed new process will create a three-person panel to discuss and evaluate the merits of each case prior to the decision to accept or reject. It is intended to allow differing staff perspectives to be presented and considered collaboratively. This panel will convene bi-weekly. This one-year trial project was given a March 1, 2014 start date, but had not been implemented as of May 1, 2014.

**Communication between APS and PAGC/Incomplete Information Sharing**

The Grand Jury's investigation revealed that information sharing between APS and PAGC is critical for evaluating a client for possible conservatorship and for knowing when the conservatorship is completed. Complicating the situation, APS and PAGC have different computer systems that can be accessed only by the respective employees of each division. The investigation revealed that information sharing between APS and PAGC needs improvement.

APS completes and sends an interdepartmental form to PAGC entitled Request to Establish a Probate Conservatorship (SC-1). This form provides only basic client information including contacts, income, physician, and reason for conservatorship. PAGC cited a need for more information in SC-1 including relevant details contained in previous referrals to APS and potentially dangerous situations (aggressive dog, gun in the home, or resistant individuals). The lack of information results in the deputy public guardian having to discover the details on his/her own versus just reconfirming the veracity of the facts. If a situation is known to be potentially dangerous, the deputy public guardian would obtain appropriate backup when visiting the client in the home. As a result, with information that is more detailed, the deputy

public guardian would be able to proceed more safely, effectively, and with a clearer understanding of the client's situation.

After receiving a referral for evaluation of conservatorship from APS, the deputy public guardian is required within thirty days per PAGC Procedure 704.0 to contact APS as to the acceptance of the referral for conservatorship investigation. This notification is important to assist the APS worker in his/her further case planning for the referred client. The Grand Jury found that once PAGC acknowledges the referral and undertakes further evaluation of the client, little or no additional information about the client is shared. Since not all referred clients are conserved, it is important for the APS worker to be kept in the loop so that they will know if the client is still being actively evaluated and is receiving services from PAGC. This information influences the APS worker's decision when to close the case.

The Grand Jury was told that the lack of two-way communication between the departments is an issue. Clearly, a more collaborative approach between APS and PAGC would greatly benefit their shared clients.

**Capacity Declaration**

In every request for a formal conservatorship through the Probate Court, the client's physician must complete a Judicial Council of California Form GC-335, the Capacity Declaration. (See Appendix B.) The physician renders his/her professional opinion about the cognitive capacity of the individual to manage his/her own affairs and to perform activities of daily living. An additional attachment to the Capacity Declaration for dementia evaluation allows placement in a secured facility and the use of psychotropic medication (Probate Code §2356.5). The APS social worker, during the initial investigation, or the PAGC deputy assigned to manage the case is responsible for coordinating with the physician to complete this form. It is the responsibility of the PAGC deputy to ensure that the form is complete when sending the referral to County Counsel to petition the court for conservatorship. Since the Capacity Declaration is the basis for a formal judgment to conserve and legal proof of the need for a conservatorship, incomplete forms are returned to the PAGC deputy who then has to contact the physician again. Without a completed Capacity Declaration, a court hearing cannot be set, and the case is unable to advance through the Probate Court system. This results in a delay in the conservatorship process.

**Staff Training**

The 2012-2013 Santa Clara County Civil Grand Jury identified that the PAGC lacked a formal training plan for new employees and interoffice transfers.[11] As of March 1, 2014, the PAGC has made only minimal progress towards resolving this problem. There continues to be no formal written training manual or program to address this problem; the preferred method seems to be shadowing more experienced employees and obtaining information from a supervisor. It is important that PAGC address this, particularly since staff turnover in the PAGC Probate Intake Unit has been greater than 50 percent in the past two years.

A specific example of lack of training is in the use of a computerized case management

[11] 2012-2013 Santa Clara County Civil Grand Jury, *Improvements Are Needed in the Office of the Public Administrator/Guardian/Conservator.*

system. In 2009, PAGC implemented a new computerized system, Panoramic Case Management System (PANO), for managing its work. The PANO vendor describes it as a case management system designed to handle cases from investigation and opening to case closure. PANO tracks clients, their assets, heirs, and maintains case notes.[12] The 2012-2013 Grand Jury found that PAGC personnel were not utilizing PANO consistently, and PAGC had no clearly delineated personnel responsible for problem solving, maintenance, and training for the software system.[13] The 2013-2014 Grand Jury investigation has revealed that PAGC staff training on PANO consists of informal training with a supervisor and peers. The Grand Jury was told that PAGC has hired an employee to receive training from the PANO vendor with the intent that this person will then instruct the employees of PAGC how to use PANO. While this may appear to be progress, it has been five years since PANO was implemented, and the lack of formal training continues to prevent it from being utilized to its fullest capacity.

A formal job training program including the use of PANO results in a consistent, competent, and accountable staff, ultimately benefitting the client.

**Policies and Procedures for PAGC**

The basic guide to the day-to-day operations of PAGC is its Policies and Procedures Manual (P&Ps) that directs employees through the various processes required to serve their clients and provides step-by-step details for each task.

The 2012-2013 Santa Clara County Civil Grand Jury reviewed the PAGC's P&Ps and found that as of August 2012 nearly two-thirds of the policies and procedures had not been reviewed or updated for five years or more.[14] As a result, an effort has been undertaken over recent months to have the manual reformatted, updated, and made available to staff on the PAGC intranet. The Grand Jury was informed that the process has now been completed for the entire manual, and the P&Ps are now up to date.

The Grand Jury learned that the content of many of the P&Ps was not updated; only the dates on the pages were changed. For instance, old job titles and references to a former computer case management program have not been removed raising concern as to how much attention was given to the updates of the procedures themselves.

This leaves the Grand Jury to wonder how effective the P&Ps are in guiding new staff, or serving as a reference for all staff in conducting the work of the department. The Grand Jury determines that there is still much work to be done in this area including updating current job titles and responsibilities.

**Background Checks**

The employees of APS and PAGC have access to frail and cognitively impaired clients' homes and frequently handle personal property, financial assets, and household goods. According to the Annual Report of PAGC on August 8, 2013, PAGC manages a financial

[12] http://www.panosoft.com.
[13] 2012-2013 Santa Clara County Civil Grand Jury, *Improvements Are Needed in the Office of the Public Administrator/Guardian/Conservator.*
[14] *ibid.*

inventory of clients' assets totaling $62,787,998.25.[15] Additionally, personal property and valuables are kept in storage at a warehouse and a locked property room, accessed by select PAGC employees.

The Grand Jury found that employees of APS and PAGC are not fingerprinted. The current background check for a potential new hire searches only the last seven years for felonies and misdemeanors. It does not include Live Scan, a computerized fingerprinting system that searches nationally for criminal activity from 18 years of age to the present. Live Scan is no more expensive than the more limited background check presently done for prospective APS or PAGC hires. The increase in the level of background checks to include Live Scan review requires the concurrence of county management and county labor bargaining units. The Grand Jury contends that these new personnel should be subjected to fingerprinting and additional scrutiny from age 18 forward to current age when hired by the county to safeguard and minimize the risk to this vulnerable population and their assets.

**Inadequate Statistics**

The Social Services Agency (SSA) publishes statistics both quarterly and annually. The quarterly document is called the Vital Signs Report,[16] and the annual report is presented to the Board of Supervisors (BOS) Children, Seniors and Families Committee of Santa Clara County.[17]

In the preface of the Vital Signs Report, the importance of statistics is well stated: "Performance Management in the SSA is an interactive process that includes setting and clarifying goals; developing targets and measures to assess progress; meet reporting requirements, monitor program outcomes, evaluate program and management effectiveness; and to increase the use of performance indicators to [produce] informed [ed] programmatic decisions."[18]

However, looking at the quarterly Vital Signs Report, the Grand Jury was unable to evaluate the magnitude of the workload of the Probate Intake Unit because the following statistics were combined with the LPS unit:

- number of PAGC cases managed monthly (Appendix D.1 and D.2),
- initial evaluation completed by PAGC within seven days (Appendix D.1 and D.2), and
- percentage of face-to-face contacts with all conservatees within 90 days (Appendix D.2).

[15] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services, 11.
[16] Vital Signs Report-A Review of Key Performance Indicators; quarterly, published by Santa Clara County Social Services Agency Division of Data Analysis, Program Integrity and Research-Office of Research and Evaluation, July-September. 2013.
[17] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services.
[18] Vital Signs Report-A Review of Key Performance Indicators; quarterly, published by Santa Clara County Social Services Agency Division of Data Analysis, Program Integrity and Research-Office of Research and Evaluation, July-September. 2013, i.

In addition, the accuracy of the combined statistics is in question because the Probate Intake Unit does not track initial referrals in a consistent manner according to their own procedures. Combined with the lack of formal training on PANO and the resultant lack of uniformity in recording the case data, the Grand Jury questions the validity of all the PAGC combined statistics.

Also in the quarterly Vital Signs Reports, there are two categories of data that are listed without numbers because the "data [is] unavailable."[19] This data has not been available for several past quarterly reports. The categories are:

- file conservatorship inventories with the court within 90 days (Appendix D.2), and
- complete annual LPS reappointments within court time guidelines (Appendix D.2).

In the latest Vital Signs Report (October 2013 through December 2013), these categories are deleted.

When the Grand Jury asked for further statistics for the Probate Intake Unit such as source of referral and number of referrals accepted and rejected, a report was produced that showed the number of referrals in 2012 was 73 and in 2013 was 89. (See Appendix A.) However, the number of referrals to the Probate Intake Unit provided by PAGC in their annual report to the Children, Seniors and Families Committee of the BOS averaged 200 per year."[20] PAGC admitted that the information provided to the BOS committee was incorrect, overstated by more than 100%. In summary, the Probate Intake Unit does not actively track their referrals as to number or source although PANO, their computerized system, has that capability.

The Grand Jury concurs with the SSA's Vital Signs Report that performance measurement statistics would facilitate effective management of PAGC including staffing and budgeting. However, the statistics need to be accurate, meaningful, and complete.

## CONCLUSIONS

The Grand Jury investigated Adult Protective Services (APS) and the Office of the Public Administrator/Guardian/Conservator (PAGC) from the point of conservatorship intake referral to PAGC to completion of the conservatorship process in Probate Court. The Grand Jury conducted interviews and reviewed documents.

Over the past several years in spite of ongoing scrutiny from various sources including an internal audit manager, Santa Clara County Board of Supervisors, and the 2012-2013 Grand Jury, many issues remain unresolved within PAGC. The Grand Jury learned that PAGC has an understanding of several existing problems, and PAGC has offered reasonable solutions for them, but is failing to meet their own deadlines.

PAGC does not consistently follow the procedure as outlined in their Policies and Procedures

[19] Ibid, 21.
[20] Office of the Public Administrator Guardian/Conservator 2013 Annual Report, Social Services Agency Department of Aging and Adult Services, 4.

Manual that requires the Probate Intake Unit to record all referrals (APS and community) by giving each an account/case number. This makes the referral nearly impossible to track prior to acceptance because there is no account/case number assigned. This is an area where a proposal for improvement--a new intake screen in the Panoramic Case Management System (PANO) dedicated to entering and tracking incoming referrals--is in the process of being implemented.

The decision to accept or reject each new referral presently is at the discretion of one employee; a three-person panel will replace this process. The purpose of the panel is to review the merits of each incoming referral, determine whether the client will be accepted by PAGC for continuing investigation, and create an open forum for the decision-making process that does not currently exist. The Grand Jury learned that this proposal for improvement has recently been initiated.

Two-way communication between APS and PAGC needs to be improved. Both entities are under the auspices of the Social Services Agency's Department of Aging and Adult Services. This department was formed in 1997 in order to facilitate interaction among staff of various units serving seniors and thereby improving the flow of services for these clients. The Grand Jury found that APS and PAGC work cooperatively on urgent cases involving financial risk to the elder (called the FAST team). However, in non-FAST cases, they sometimes provide less than complete information to each other that could make their work more efficient and effective as they serve this very vulnerable and isolated population.

No court hearing date can ever be set without a complete Capacity Declaration. This form, filled out by the client's physician, is used to justify the reasons for seeking conservatorship (lack of physical/mental capacity for managing the client's own affairs). It is the responsibility of the PAGC Probate Intake Unit to ensure this form is complete and accurate. However, the Grand Jury identified it as a document that is not consistently filled out properly or is incomplete and must be returned to the physician causing delays in the conservatorship process. Reviewing the form for accuracy and completeness, prior to sending it to County Counsel, would greatly benefit the client by reducing the time to conservatorship.

The 2012-2013 Grand Jury identified the lack of PAGC training, including the use of PANO, as an issue. It is an ongoing problem. There is a high staff turnover rate within the Probate Intake Unit, and as of March 1, 2014, there was no formalized training plan in place to train replacement staff. Additionally, the Policies and Procedures Manual of PAGC still has incorrect information and therefore is a questionable training and reference tool.

Also of concern to the Grand Jury is the way new hires to APS and PAGC are screened by the Employee Services Agency (Human Resources). The employees of APS and PAGC have access to the homes and property of frail and possibly cognitively impaired individuals, exposing these clients to potential outside abuse. The Grand Jury concludes that all new employees of both departments should receive a higher level of screening, including Live Scan fingerprinting**.**

Very few statistics are routinely kept and reported by PAGC's Probate Intake Unit. In response to the Grand Jury's request, PAGC had difficulty, but did provide basic statistics (number and sources of referrals, acceptance and rejection rates) for their Probate Intake

Unit. The Grand Jury has noted discrepancies in the number of referrals provided to them by PAGC compared to the number of referrals PAGC referenced in the Office of the PAGC 2013 Annual Report. There is a concern that without correct client counts, well-informed decisions regarding staffing and funding cannot be reasonably made.

The Grand Jury concludes that there are many hardworking, dedicated employees in PAGC who put forth their best efforts on behalf of their clients. However, they are working at a distinct disadvantage because of the operational deficiencies described in this report.

Some of the concerns noted in this report are currently being addressed as a result of the Grand Jury's investigations. The Grand Jury strongly suggests that the County continue to focus on improving the conservatorship process. Thus, for some of the county's most vulnerable citizens, the current path to conservatorship may eventually become streamlined to maximum efficiency.

## FINDINGS AND RECOMMENDATIONS:

### FINDING 1

By not assigning account/case numbers immediately upon receipt of referrals, PAGC does not follow Procedure 709.1 updated January 21, 2014, "Screening of Referrals," of the PAGC's Policies and Procedures Manual.

### RECOMMENDATION 1

The County should require PAGC to follow its new Procedure 709.2 dated May 20, 2014, "Probate Unit Referral Process," in PAGC's Policies and Procedures Manual.

### FINDING 2

Acceptance of referrals to PAGC for evaluation for conservatorship, which removes a person's civil liberties, is decided by one person with the concurrence of upper management.

### RECOMMENDATION 2

The County should implement the proposed pilot project of a three-person panel for evaluation of conservatorship referrals in accordance with the new Procedure 709.2 dated May 20, 2014.

### FINDING 3

Poor communication and incomplete information sharing from APS to PAGC in non-FAST cases result in inefficiencies and duplication of work.

### RECOMMENDATION 3

The County should require APS and the PAGC to develop efficient and effective methods of communication and information sharing.

**FINDING 4**

In non-FAST cases, PAGC does not always inform APS about the status of the referral after acceptance of the referral for conservatorship investigation.

**RECOMMENDATION 4**

The County should require PAGC to inform APS of any pertinent changes in the client's status and when conservatorship is granted.

**FINDING 5**

The Capacity Declaration, a mandatory Judicial Council of California form, is not always completed correctly by the attending physician, resulting in the delay of the conservatorship process.

**RECOMMENDATION 5**

The County should devise a process to improve identification of errors and omissions on the Capacity Declaration prior to the acceptance of it.

**FINDING 6**

As of March 1, 2014, there are no formalized written training programs for new and current PAGC staff.

**RECOMMENDATION 6a**

The County should develop and implement a formal written case management training program for new and current PAGC staff.

**RECOMMENDATION 6b**

The County should develop and implement a formal written training program for the use of PANO for new and current PAGC staff.

**FINDING 7**

The current PAGC Policies and Procedures Manual does not reflect current job titles and responsibilities.

**RECOMMENDATION 7**

The County should require PAGC to correct its Policies and Procedures Manual to reflect current job titles and responsibilities.

**FINDING 8**

Background checks of prospective APS personnel, prior to the time of hire into the department, do not include Live Scan screening.

**RECOMMENDATION 8**

The County should require all prospective personnel of APS to receive Live Scan screening prior to the time of hire into the department.

**FINDING 9**

Background checks of prospective PAGC personnel, prior to the time of hire into the department, do not include Live Scan screening.

**RECOMMENDATION 9**

The County should require all prospective personnel of PAGC to receive Live Scan screening prior to the time of hire into the department.

**FINDING 10**

PAGC case management statistics are often incomplete, limited in scope, and inaccurate, leading to SSA management's inability to make effective management and budget decisions.

**RECOMMENDATION 10**

The County should require PAGC to research, identify, and report complete, comprehensive, and accurate case management statistics.

# Appendix A

## PROBATE REFERRALS RECEIVED, CY 2011 - 2013

| Sources | 1st 6 Mo | 2nd 6Mo | 2011 |
|---|---|---|---|
| HOSP/SNF | 26 | 12 | 38 |
| COURT | 4 | 2 | 6 |
| PGO | 0 | | 0 |
| APS NF | 2 | 2 | 4 |
| JAIL | 2 | | 2 |
| APS | 50 | 25 | 75 |
| OTHER | 1 | 1 | 2 |
| **Totals** | **85** | **42** | **127** |

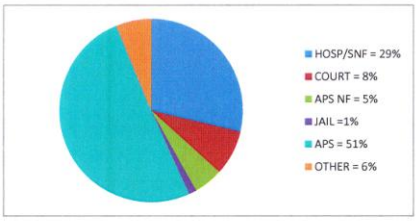
| Sources | 1st 6 Mo | 2nd 6Mo | 2012 |
|---|---|---|---|
| HOSP/SNF | 14 | 3 | 17 |
| COURT | 3 | 5 | 8 |
| PGO | 0 | | 0 |
| APS NF | 4 | 2 | 6 |
| JAIL | | | 0 |
| APS | 29 | 7 | 36 |
| OTHER | 5 | 1 | 6 |
| **Totals** | **55** | **18** | **73** |

| Sources | 1st 6 Mo | 2nd 6Mo | 2013 |
|---|---|---|---|
| HOSP/SNF | 15 | 13 | 28 |
| COURT | 4 | 5 | 9 |
| PGO | 0 | | 0 |
| APS NF | 3 | 2 | 5 |
| JAIL | 0 | 2 | 2 |
| APS | 18 | 17 | 35 |
| OTHER | 2 | 8 | 10 |
| **Totals** | **42** | **47** | **89** |

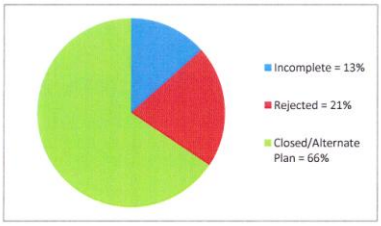
| Rejected | 2011 | 2012 | 2013 | Totals |
|---|---|---|---|---|
| Incomplete | 0 | 3 | 6 | 9 |
| Rejected | 1 | 6 | 7 | 14 |
| Closed/Alternate Plan | 11 | 10 | 23 | 44 |
| **Total** | **12** | **19** | **36** | **67** |

| | |
|---|---|
| **Total Accepted** | **222** |
| **Total Rejected** | 67 |
| **Total Referrals** | **289** |

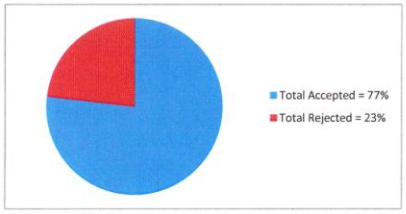
**Source of Probate Referrals, CY 2011 - 2013**




**Rejected Referrals, CY 2011 - 2013**




**Accepted and Rejected, CY 2011-2013**




**Deaths prior to completion of conservationrhip process and number forwarded to County Counsel will require a case by case analysis during the three year period.**

# Appendix B

GC-335

| ATTORNEY OR PARTY WITHOUT ATTORNEY *(Name, State Bar number, and address):* | *FOR COURT USE ONLY* |
|---|---|
| TELEPHONE NO.: FAX NO. *(Optional):*<br>E-MAIL ADDRESS *(Optional):*<br>ATTORNEY FOR *(Name):* | |
| **SUPERIOR COURT OF CALIFORNIA, COUNTY OF**<br>STREET ADDRESS:<br>MAILING ADDRESS:<br>CITY AND ZIP CODE:<br>BRANCH NAME: | |
| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*:<br>☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | |
| **CAPACITY DECLARATION—CONSERVATORSHIP** | CASE NUMBER |

**TO PHYSICIAN, PSYCHOLOGIST, OR RELIGIOUS HEALING PRACTITIONER**

The purpose of this form is to enable the court to determine whether the (proposed) conservatee *(check all that apply):*

A. ☐ is able to attend a court hearing to determine whether a conservator should be appointed to care for him or her. The court hearing is set for *(date):* ☐ . *(Complete item 5, sign, and file page 1 of this form.)*

B. ☐ has the capacity to give informed consent to medical treatment. *(Complete items 6 through 8, sign page 3, and file pages 1 through 3 of this form.)*

C. ☐ has dementia and, if so, (1) whether he or she needs to be placed in a secured-perimeter residential care facility for the elderly, and (2) whether he or she needs or would benefit from dementia medications. *(Complete items 6 and 8 of this form and form GC-335A; sign and attach form GC-335A. File pages 1 through 3 of this form and form GC-335A.)*

*(If more than one item is checked above, sign the last applicable page of this form or form GC-335A if item C is checked. File page 1 through the last applicable page of this form; also file form GC-335A if item C is checked.)*

**COMPLETE ITEMS 1–4 OF THIS FORM IN ALL CASES.**

**GENERAL INFORMATION**

1. *(Name):*
2. *(Office address and telephone number):*
3. I am
   a. ☐ a California licensed ☐ physician ☐ psychologist acting within the scope of my licensure ☐ with at least two years' experience in diagnosing dementia.
   b. ☐ an accredited practitioner of a religion whose tenets and practices call for reliance on prayer alone for healing, which religion is adhered to by the (proposed) conservatee. The (proposed) conservatee is under my treatment. *(Religious practitioner may make the determination under item 5 ONLY.)*
4. (Proposed) conservatee *(name):*
   a. I last saw the (proposed) conservatee on *(date):*
   b. The (proposed) conservatee ☐ is ☐ is NOT a patient under my continuing treatment.

**ABILITY TO ATTEND COURT HEARING**

5. A court hearing on the petition for appointment of a conservator is set for the date indicated in item A above. *(Complete a or b.)*
   a. ☐ The proposed conservatee is able to attend the court hearing.
   b. ☐ Because of medical inability, the proposed conservatee is NOT able to attend the court hearing *(check all items below that apply)*
      (1) ☐ on the date set *(see date in box in item A above).*
      (2) ☐ for the foreseeable future.
      (3) ☐ until *(date):*
      (4) **Supporting facts** *(State facts in the space below or check this box* ☐ *and state the facts in Attachment 5):*

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Date:

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)



Form Adopted for Mandatory Use
Judicial Council of California
GC-335 [Rev. January 1, 2004]

CAPACITY DECLARATION—CONSERVATORSHIP

Probate Code, §§ 811, 813, 1801, 1825, 1881, 1910, 2356.5

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

6. **EVALUATION OF (PROPOSED) CONSERVATEE'S MENTAL FUNCTIONS**

**Note to practitioner:** This form is ***not*** a rating scale. It is intended to assist you in recording your *impressions* of the (proposed) conservatee's mental abilities. Where appropriate, you may refer to scores on standardized rating instruments.

***(Instructions for items 6A–6C):*** *Check the appropriate designation as follows:* ***a*** *= no apparent impairment;* ***b*** *= moderate impairment;* ***c*** *= major impairment;* ***d*** *= so impaired as to be incapable of being assessed;* ***e*** *= I have no opinion.)*

A. **Alertness and attention**

(1) Levels of arousal (lethargic, responds only to vigorous and persistent stimulation, stupor)
a ☐ b ☐ c ☐ d ☐ e ☐

(2) Orientation (types of orientation impaired)
a ☐ b ☐ c ☐ d ☐ e ☐ Person
a ☐ b ☐ c ☐ d ☐ e ☐ Time (day, date, month, season, year)
a ☐ b ☐ c ☐ d ☐ e ☐ Place (address, town, state)
a ☐ b ☐ c ☐ d ☐ e ☐ Situation ("Why am I here?")

(3) Ability to attend and concentrate (give detailed answers from memory, mental ability required to thread a needle)
a ☐ b ☐ c ☐ d ☐ e ☐

B. **Information processing.** Ability to:

(1) Remember (ability to remember a question before answering; to recall names, relatives, past presidents, and events of the past 24 hours)
i. Short-term memory a ☐ b ☐ c ☐ d ☐ e ☐
ii Long-term memory a ☐ b ☐ c ☐ d ☐ e ☐
iii Immediate recall a ☐ b ☐ c ☐ d ☐ e ☐

(2) Understand and communicate either verbally or otherwise (deficits reflected by inability to comprehend questions, follow instructions, use words correctly, or name objects; use of nonsense words)
a ☐ b ☐ c ☐ d ☐ e ☐

(3) Recognize familiar objects and persons (deficits reflected by inability to recognize familiar faces, objects, etc.)
a ☐ b ☐ c ☐ d ☐ e ☐

(4) Understand and appreciate quantities (deficits reflected by inability to perform simple calculations)
a ☐ b ☐ c ☐ d ☐ e ☐

(5) Reason using abstract concepts. (deficits reflected by inability to grasp abstract aspects of his or her situation or to interpret idiomatic expressions or proverbs)
a ☐ b ☐ c ☐ d ☐ e ☐

(6) Plan, organize, and carry out actions (assuming physical ability) in one's own rational self-interest (deficits reflected by inability to break complex tasks down into simple steps and carry them out)
a ☐ b ☐ c ☐ d ☐ e ☐

(7) Reason logically.
a ☐ b ☐ c ☐ d ☐ e ☐

C. **Thought disorders**

(1) Severely disorganized thinking (rambling thoughts; nonsensical, incoherent, or nonlinear thinking)
a ☐ b ☐ c ☐ d ☐ e ☐

(2) Hallucinations (auditory, visual, olfactory)
a ☐ b ☐ c ☐ d ☐ e ☐

(3) Delusions (demonstrably false belief maintained without or against reason or evidence)
a ☐ b ☐ c ☐ d ☐ e ☐

(4) Uncontrollable or intrusive thoughts (unwanted compulsive thoughts, compulsive behavior).
a ☐ b ☐ c ☐ d ☐ e ☐

(Continued on next page)

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

6. *(continued)*

D. **Ability to modulate mood and affect.** The (proposed) conservatee ☐ has ☐ does NOT have a pervasive and persistent or recurrent emotional state that appears inappropriate in degree to his or her circumstances. *(If so, complete remainder of item 6D.)* ☐ I have no opinion.

***(Instructions for item 6D:*** *Check the degree of impairment of each inappropriate mood state (if any) as follows:* ***a*** *= mildly inappropriate;* ***b*** *= moderately inappropriate;* ***c*** *= severely inappropriate.)*

| | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Anger | a ☐ | b ☐ | c ☐ | Euphoria | a ☐ | b ☐ | c ☐ | Helplessness | a ☐ | b ☐ | c ☐ |
| Anxiety | a ☐ | b ☐ | c ☐ | Depression | a ☐ | b ☐ | c ☐ | Apathy | a ☐ | b ☐ | c ☐ |
| Fear | a ☐ | b ☐ | c ☐ | Hopelessness | a ☐ | b ☐ | c ☐ | Indifference | a ☐ | b ☐ | c ☐ |
| Panic | a ☐ | b ☐ | c ☐ | Despair | a ☐ | b ☐ | c ☐ | | | | |

E. The (proposed) conservatee's periods of impairment from the deficits indicated in items 6A–6D

(1) ☐ do NOT vary substantially in frequency, severity, or duration.

(2) ☐ do vary substantially in frequency, severity, or duration *(explain; continue on Attachment 6E if necessary):*

F. ☐ *(Optional)* Other information regarding my evaluation of the (proposed) conservatee's mental function (e.g., diagnosis, symptomatology, and other impressions) is ☐ stated below ☐ stated in Attachment 6F.

## ABILITY TO CONSENT TO MEDICAL TREATMENT

7. Based on the information above, it is my opinion that the (proposed) conservatee

a. ☐ has the capacity to give informed consent to any form of medical treatment. This opinion is limited to medical consent capacity.

b. ☐ lacks the capacity to give informed consent to any form of medical treatment because he or she is ***either*** (1) unable to respond knowingly and intelligently regarding medical treatment ***or*** (2) unable to participate in a treatment decision by means of a rational thought process, ***or both***. The deficits in the mental functions described in item 6 above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of medical decisions. This opinion is limited to medical consent capacity.

***(Declarant must initial here if item 7b applies: _____.)***

8. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

**ATTACHMENT PB-4015**

| Conservatorship of the ☐ Person ☐ Estate of *(Name)* ☐ Conservatee ☐ Proposed Conservatee | Case Number |
|---|---|

# PROFESSIONAL DECLARANT'S ATTACHMENT TO FORM GC-335

☐ **ABILITY TO ENTER INTO FINANCIAL TRANSACTIONS**

1. Based on the information on pages 1-3 of this declaration, it is my opinion that the (proposed) conservatee
   a. ☐ has the capacity to enter into financial transactions and should not have his or her right to enter into contracts terminated by the Court.
   b. ☐ lacks the capacity to enter into financial transactions because the mental deficits indicated above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions such that the (proposed) conservatee lacks the capacity to understand and/or enter into any contracts or agreements regarding property. ***(If this paragraph applies, declarant shall initial here:*** _____.)

2. Additional Comments:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... ▸ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)

| CONSERVATORSHIP OF THE ☐ PERSON ☐ ESTATE OF *(Name)*: ☐ CONSERVATEE ☐ PROPOSED CONSERVATEE | CASE NUMBER: |
|---|---|

**ATTACHMENT TO FORM GC-335, *CAPACITY DECLARATION—CONSERVATORSHIP,* ONLY FOR (PROPOSED) CONSERVATEE WITH DEMENTIA**

9. It is my opinion that the (proposed) conservatee ☐ HAS ☐ does NOT have dementia as defined in the current edition of *Diagnostic and Statistical Manual of Mental Disorders.*

   a. ☐ **Placement of (proposed) conservatee.** *(If the (proposed) conservatee requires placement in a secured-perimeter residential care facility for the elderly, please complete items 9a(1)–9a(5).)*

      (1) The (proposed) conservatee needs or would benefit from placement in a restricted and secure facility because *(state reasons; continue on Attachment 9a(1) if necessary):*

      (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include *(describe; continue on Attachment 9a(2) if necessary):*

      (3) ☐ The (proposed) conservatee HAS capacity to give informed consent to this placement.

      (4) ☐ The (proposed) conservatee does NOT have capacity to give informed consent to this placement. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9a(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate the consequences of his or her actions with regard to giving informed consent to placement in a restricted and secure environment.

      (5) A locked or secured-perimeter facility ☐ is ☐ is NOT the least restrictive environment appropriate to the needs of the (proposed) conservatee.

   b. ☐ **Administration of dementia medications**. *(If the (proposed) conservatee requires administration of psychotropic medications appropriate to the care of dementia, please complete items 9b(1)–9b(5).)*

      (1) The (proposed) conservatee needs or would benefit from the following psychotropic medications appropriate to the care of dementia, for the reasons stated in item 9b(5) *(list medications; continue on Attachment 9b(1) if necessary):*

      (2) The (proposed) conservatee's mental function deficits, based on my assessment in item 6 of form GC-335, include *(describe; continue on Attachment 9b(2) if necessary):*

      (3) ☐ The (proposed) conservatee HAS capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia.

      (4) ☐ The (proposed) conservatee does NOT have the capacity to give informed consent to the administration of psychotropic medications appropriate to the care of dementia. The deficits in mental function assessed in item 6 of form GC-335 and described in item 9b(2) above significantly impair the (proposed) conservatee's ability to understand and appreciate his or her actions with regard to giving informed consent to the administration of psychotropic medications for the treatment of dementia.

      (5) The (proposed) conservatee needs or would benefit from the administration of the psychotropic medications listed in item 9b(1) because *(state reasons; continue on Attachment 9b(5) if necessary):*

10. Number of pages attached: _____

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

_____ ▶ _____

(TYPE OR PRINT NAME) (SIGNATURE OF DECLARANT)



Form Adopted for Mandatory Use
Judicial Council of California
GC–335A [New January 1, 2004]

**DEMENTIA ATTACHMENT TO CAPACITY DECLARATION—CONSERVATORSHIP**

Probate Code, § 2356.5

# Appendix C
# Documents Reviewed

C.1 Web Searches

- Prior Santa Clara County Grand Jury report of PAGC from 2012-2013
- Grand Jury reports from other counties dealing with concerns about PAGC
- California Advocates for Nursing Home Reform (CANHR) probate conservatorships in CA
- Live Scan fingerprint service
- Official website for the county government of Santa Clara County for the departments of APS, PAGC, and County Counsel
- Hiring flow sheet for Santa Clara County
- United States Department of Census Bureau – January 6, 2014

C.2 Manuals and Codes

- APS Procedures Manual from the state of California (CA) – no publication date
- Adult Protective Services Handbook of Santa Clara County – no publication date
- Financial Abuse Specialist Team Practice Guide, Santa Clara County – December 2010
- Policies and Procedures Manual of the PAGC – 2013-2014
- County of Santa Clara Superior Court of CA Probate Division Procedures Manual – June 2012
- Superior Court Investigator Training Manual from 2006 prepared by CA Association of Superior Court Investigators
- County of Santa Clara Human Resources Practices Manual – updated January 14, 2009
- California Welfare & Institutions Code Sections (W&I) related to the process of conservatorship
- California Probate Code related to probate conservatorship

C.3 Statistics

- APS and County Services Block Grant Monthly Statistical Report SOC 242 from October 2013
- Internal Audit Report of PAGC, Santa Clara County – August 5, 2010, with follow up audit done August 28, 2013
- Office of the PAGC 2012 Annual Report to Children, Seniors, and Families Committee – November 21, 2012
- Office of the PAGC 2013 Annual Report to Children, Seniors, and Families Committee

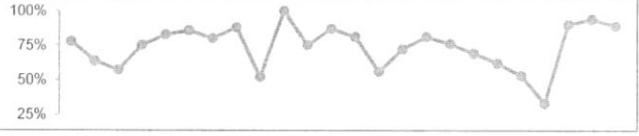
- Vital Signs Report, A Review of Key Performance Indicators for April – June 2013
- Vital Signs Report, A Review of Key Performance Indicators for July – September 2013
- Vital Signs Report, A Review of Key Performance Indicators for October – December 2013
- Probate Intake Tracking Log with the names redacted for 2013 – received by the Grand Jury January 2014
- Probate Referrals received for the calendar years 2011-2013 provided at the request of the Grand Jury – received by the Grand Jury January 2014
- Temporary and Permanent Probate Conservatorship Petitions filed from 2011- 2013 provided at the request of the Grand Jury – received by the Grand Jury April 2014

C.4 Forms

- Forms used in the conservatorship process
    - Capacity Declaration GC335 – January 1, 2004
    - Request to Establish Probate Conservatorship SC-1 – no date
    - Probate/LPS Referral Disposition Request – no date
    - Confidential Supplemental Form (Probate Conservatorship) GC312 – January 1, 2001
    - Conservatorship Evaluation Report /Recommendation – no date
    - Referral for Court Investigator – Conservatorship – January 2008

- Other forms and documents
    - APS organizational work chart – August 7, 2012
    - PAGC organizational work charts – August 7, 2012 and January 23, 2014
    - PAGC training update letter – January 23, 2014
    - Graphics for conservatorship process – no date
    - ESA updated January 14, 2009

# Appendix D.1

| Performance Indicator | Fiscal Year Change[1] | | | Quarter Change[1] | | Sep 13 (End Point) | 24-month Trend (October 2011 – September 2013) |
|---|---|---|---|---|---|---|---|
| | FY 13 | FY 14 | % Change from Last FY | Current Qtr | % Change from Last Qtr | | 10 11 12 1 2 3 4 5 6 7 8 9 10 11 12 1 2 3 4 5 6 7 8 9 |
| #31- Assessments completed within 21 days of initial face-to-face with clients | 172 | 188 | 9% | 188 | 1% | 167 |   |
| #41- Number of PAGC Cases Managed Monthly | 1,075 | 1,007 | -6% | 1,007 | -3% | 1,017 |   |
| #37- PAGC Initial Evaluations within 7 Days | 70.4% | 91.0% | **21%** | 91.0% | **42%** | 89.0% |   |

[1] Change is based on monthly average.
Note: Blue shaded areas denote notable changes (+/- Ten percent).

# Appendix D.2

Data Matrices: Department of Aging and Adult Services — Vital Signs Report

| DAAS Indicator ID | Indicator Type | Indicator Name | FY13 Monthly Average | Quarterly Reporting | | | | % Change from Last Qtr | FY14 Monthly Average | % Change from Last FY | Monthly Reporting | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Oct- Dec 2012 Monthly Average | Jan- Mar 2013 Monthly Average | Apr-Jun 20123 Monthly Average | Jul- Sep 2013 Monthly Average | | | | Jul-13 | Aug-13 | Sep-13 |
| 33 | SSA | Number of service plans completed 30 days from initial in-person contact with the clients | **185** | 194 | 190 | 194 | 193 | -1% | **193** | 4% | 204 | 198 | 177 |
| 34 | SSA | Number of in-person client visits conducted once every 30 days | **199** | 196 | 210 | 204 | 207 | 1% | **207** | 4% | 200 | 213 | 207 |
| 35 | SSA | Number of reports evaluated without initial face-to-face investigation (NIFFI's) | **40** | 26 | 26 | 47 | 62 | **32%** | **62** | **55%** | 53 | 70 | 63 |
| **Adult Protective Services & Public Administrator Guardian / Conservator Indicator** | | | | | | | | | | | | | |
| 36 | SSA | Losses Prevented and/or Monies Recovered by the Financial Abuse Specialist Team (Accumulative total since 2000. In millions) | $220.41M (through Jun 2013) | $220.79M | $220.79M | $220.41M | $221.32M | 0.4% | $220.32M (through Sep 2013) | NA | $221.32M (through Sept 2013) | | |
| **Public Administrator Guardian / Conservator** | | | | | | | | | | | | | |
| 37 | SSA | Conduct initial evaluations within 7 days | **70.4%** | 69.7% | 75.3% | 49.3% | 91.0% | **41.7%** | **91.0%** | **21%** | 90.0% | 94.0% | 89.0% |
| 38 | SSA | File conservatorship inventories with the court within 90 days. | NA | Data unavailable | | | NA | NA | NA | NA | Data unavailable | | |
| 39 | SSA | Conduct face-to-face contacts with all conservatees in 90 days | **93.7%** | 90.7% | 95.7% | 97.0% | 96.7% | -0.3% | **96.7%** | 3% | 96.0% | 98.0% | 96.0% |
| 40 | SSA | Complete annual LPS reappointments within court time guidelines | NA | Data unavailable | | | NA | NA | NA | NA | Data unavailable | | |
| 41 | SSA | Number of Public Administration/Guardian cases managed monthly. | | | | | | | | | | | |
| | | Combo (LPS & Probate conservatorship) | **24** | 24 | 22 | 23 | 22 | -4% | **22** | -6% | 22 | 22 | 22 |
| | | LPS | **473** | 465 | 472 | 476 | 472 | -1% | **472** | 0% | 469 | 471 | 476 |
| | | PA | **254** | 260 | 251 | 232 | 222 | -4% | **222** | **-13%** | 222 | 217 | 226 |
| | | Probate | **330** | 333 | 334 | 326 | 313 | -4% | **313** | -5% | 312 | 312 | 315 |
| | | Total | **1,075** | 1,082 | 1,079 | 1,034 | 1,007 | -3% | **1,007** | -6% | 1,003 | 1,000 | 1,017 |
| | | Trust | **93** | 92 | 94 | 93 | 93 | 1% | **93** | 0% | 94 | 93 | 93 |
| | | Trust-Outside | **17** | 17 | 17 | 17 | 18 | 4% | **18** | 4% | 18 | 18 | 18 |

* Monthly average unless otherwise noted in comments.

This report was **PASSED** and **ADOPTED** with a concurrence of at least 12 grand jurors on this 11th day of June, 2014.

Bob E. Johnson
Foreperson

Michael M. López
Foreperson pro tem

Anita A. Robles
Secretary

Wilma Faye Underwood
Secretary

IN PROPRIA PERSONA

SIXTH DISTRICT COURT OF APPEALSE

STATE OF CALIFORNIA

| | |
|---|---|
| CARY ANDREW CRITTENDEN,<br><br>Petitioner,,<br><br>vs.<br><br>SANTA CLARA COUNTY PROBATION DEPARTMENT AND ,SUPERIOR COURT, COUNTY OF SANTA CLARA<br><br>RESPONDANT | Case H045195<br><br>Trial court: C1642778:<br><br>DECLARATION OF FACTS IN SUPPORT OF PETITION FOR HABEAS CORPUS RELIEF |

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IN PROPRIA PERSONA

Petitioner, Rev. Cary Andrew Crittenden is a well-established and nationally recognized social activist, which includes political activism and tenant rights advocacy at Markham Plaza Apartments, a HUD subsidized apartment complex located at 2000 / 2010 Monterey Road in San Jose, California. The concerns brought to my attention by Markham Plaza residents included violence, harassment and hostile living environment by Markham Plaza Property Management. Previously, Markham Plaza had a contract through San Jose Police Departments secondary employment unit and hired San Jose Police officers to work off duty, in San Jose Police uniform as security guards, which raised serious conflict of interest issues. Off duty officers were often assisting in HUD violations, Fair Housing Act and section C-1503 of the

San Jose Police Duty Manuel which required that they only enforce laws - not the policies of their employers.

In 2008, a complaint was filed by fellow Markham Plaza tenant rights activist, Dr. Christopher Ehrentraut with several law enforcement agencies including the U.S. Department of Housing and Urban Development, The U.S. Postal Service, The San Jose Police Department, The Santa Clara County District Attorney's office and the California Attorney General's office. I had been advocating for Markham Plaza resident Heidi Yauman, who I had a very close relationship with. Heidi Yauman is disabled and was conserved through the Santa Clara County Public Guardian in probate court case ( 1994-1-PR-133513 / 1990-1-PR-124467 ) The Public Guardian also has history of facilitating illegal evictions and committing HUD violations, some of which were exposed by ABC News I-Team (Dan Noyes & Jim O'Donnell) The ABC News Story, Investigating the Public Guardian, is featured at the following youtube URL: https://www.youtube.com/watch?v=y809jIIev5w

There was an incident involving San Jose Police Sergeant Michael Leininger and Heidi Yauman, where Heidi was in outside seating area outside her residence. Heidi Yauman was not violating any laws or lease conditions but was approached by Sergeant Michael Leininger and told to go to her apartment and not come out or she would be arrested. I went over Heidi Yauman's lease with her and the Markham Plaza House Rules and pointed out a section specifying that she, as a tenant was entitled to full enjoyment of all common areas of the complex, including the outside seating area where she was sitting when approached by Sergeant Michael Leininger. Heidi Yauman and I then returned to the outdoor seating area with copy of the house rules and lease where we were approached again by Sergeant Leininger, who said to Heidi Yauman "I thought I told you to go to your room!" I then attempted to show Sergeant

Leininger the lease and house rules. In response to my advocating for Heidi Yauman's fair housing rights, a federally protected activity, Sergeant Leininger commanded me to leave the property and not return or I would be arrested for trespassing. Sergeant Leininger and SEU reserve officer: Robert My name was then unlawfully entered into San Jose Police Department's STOP program database. Heidi Yauman and I were both maliciously targeted and harassed by Sergeant Michael Leininger and reserve officer Robert Alan Ridgeway, who worked under Leininger's supervision. Neighborhood residents approached me and complained that Leininger and his officers were also illegally targeting low income residents, and illegally banning them from "The Plant" shopping center, located across the street from Markham Plaza at the corner of Monterey Road and Curtner Avenue. These included residents of Markham Plaza Apartments, Markham Terrace Apartments, Peppertree Estates Mobile Home Park, and the Boccardo Reception Center, a neighborhood homeless shelter. What Sergeant Micheal Leininger and his officers were doing was very similar to the illegal practice of "red lining".

In 2008, Heidi Yauman submitted a complaint letter to Markham Plaza Property Management, Theresa Coons detailing the harassment and by Sergeant Michael Leininger. Chapter 4 of the HUD management agent handbook describes managements responsibility to be responsive to resident concerns. More info can be found at:

https://www.hud.gov/sites/documents/43815C4HSGH.PDF

Sergeant Leininger approached me at my place of employment and told me that because of Heidi Yauman's letter complaining about him, she was going to be evicted. Sergeant Michael Leininger also stated that I had been living at Markham Plaza and that he had video of me there. On the contrary, I had not been on the property for many months and had been residing in Palo Alto since June, 2007.

This matter was brought to the attention of deputy Santa Clara County Public Guardian Kanta Jindal, who at the time was Heidi Yauman's conservator. It was Jindal's responsibility to advocate for Heidi Yauman and to stop what was obviously very illegal abuse against her. Not only were Heidi Yauman's fair housing rights being violated, and she was being denied the extra care needed because of her disability, but the abuse by property management and sergeant Leininger also violated laws protecting dependent adults and seniors. Deputy Jindal demanded that I stay away from Heidi Yauman and stop advocating for her. Shortly thereafter, Heidi Yauman received a letter from supervising public guardian Dennis Silva alleging false unsubstantiated allegations, including there being video showing I was residing at Markham Plaza Apartments. The letter from Dennis Silver to Heidi Yauman told her she should expect an eviction notice in the near future. Neither Kanta Jindal, or her supervisor, Dennis Silva did sufficient research or follow up on the crisis at Markham Plaza Apartments and were not aware of the widespread abuses taking place, the tenant organizing efforts underway by myself and Dr. Christopher Ehrentraut, and the criminal complaint recently filed against Markham Plaza by Dr. Christopher Ehrentraut. (approximately April, 2008)

In a state of panic, Heidi Yauman wrote up a letter about what was happening regarding Markham Plaza and the public guardian. This letter, which contained a few errors, detailed abuses going back to approximately 2003 with the public guardian including another fraudulent eviction following a 25-month period in which Heidi Yauman was denied services by the public guardian. This letter also referenced abuses by deputy public guardian Rhondi Opheim and two San Jose Police officers : Gabriel Cuenca (Badge 3915) and Tom Tortorici (Badge 2635) This incident, which occurred on January 26th, 2006 is documented here:

https://www.youtube.com/watch?v=y5-Khy4bpH4 (Both of these officers were under the supervision of San Jose Police Sergeant Michael Leininger (Badge 2245)

**Copies of Heidi Yauman's letter was distributed to multiple social services agencies, law enforcement agencies, left under windshield wipers of police cars, and distributed to several court facilities in Santa Clara County. Heidi Yauman received a follow up letter from Santa Clara County Superior Court Judge Mary Anne Grilli, and an investigation was initiated by Santa Clara County District Attorney Elder Fraud Investigator: Detective Dennis Brookins, who was under the supervision of deputy district attorney Cheryl Bourlard (California State Bar ID #132044) We also met with San Jose City Council Member: Sam Liccardo, who confirmed that he would pass along a copy of Heidi Yauman's letter to the Santa Clara County Board of Supervisors. Council Member Sam Liccardo and I discussed the retaliatory incident involving Sergeant Michael Leininger, and I sent a follow up letter to Council Member Sam Liccardo , who then forwarded the concerns over to the San Jose Police Department's Internal Affairs Unit.**

**Heidi Yauman and I both met with San Jose's Independent Police Auditor office (Suzanne Stauffer & Shivaun Nurr) and Heidi Yauman obtained pro bono legal counsel from the Law Foundation of Silicon Valley (Melissa Antoinette Morris – California State Bar ID# 233393 )**

**Copies of documents were made available to Dr. Christopher Ehrentraut to supplement the existing criminal complaint which included violations of the Unruh Civil Rights Act. I called Supervising Public Guardian Dennis Silva to confront him on the letter he sent to Heidi Yauman and challenged him to verify or prove a single allegation stated on the letter. Dr. Christopher Ehrentraut also called Dennis Silva to brief him on the crisis at Markham Plaza, and the widespread abuse that had been occurring and pleaded with Mr. Silva to not participate in the attacks against Heidi Yauman and the other residents. Dennis Silva called me back and conceded that he was unable to prove or verify any of the allegations and stated that Heidi Yauman was not going to be evicted from Markham Plaza Apartments.**

**That same day, Markham Plaza Property Manager: Theresa Coons was terminated from her position. Deputy Public Guardian Kanta Jindal was also abruptly removed as Heidi Yauman's case. Theresa Coons was replaced by Markham Plaza Property Manager Katrina Poitras, and Deputy Public Guardian Kanta Jindal was replaced by deputy public guardian Rebecca Pizano-Torres.**

During the same time period in 2008, San Jose Police Officer Robert Ridgeway was arrested and convicted for domestic violence against his wife, Minette Valdes in Santa Clara County Superior Court Case CC891592. Following his arrest, and the complaint by Dr. Christopher Ehrentraut, Robert Ridgeway was no longer a San Jose Police officer. On October 22nd, 2008, Robert Ridgeway started a corporation called WifiSwat (Entity number: C3166900 ), Robert Ridgeway resumed working through contracts with Markham Plaza Apartments, and "The Plant" shopping center as a surveillance camera technician DBA: WifiSwat. Robert Ridgeway's supervisor, Sergeant Michael Leininger (badge no. 2245) retired from the San Jose Police Department and started his own security company: Safety First Security LTD (PI 27360 PPO 16683) Michael Leininger also continued to working with Markham Plaza Apartments and "The Plant" shopping center DBA "Safety First Security." Through his private company, he employed uniformed off-duty San Jose Police officers as security guards at both locations.

I continued to work with local and neighborhood residents and other community leaders in addressing neighborhood safety and redevelopment concerns and police misconduct related issues in the neighborhood and throughout the city. I also networked with activists and organizations from around the country to bring about public awareness to abusive conservatorships and to advocate for better laws protecting dependent adult / seniors and disabled. I worked very closely with San Jose City Council Member Madison Nguyen who set up an office at "The Plant" shopping center. Councilmember Nguyen and I to set up meetings with the residents at Markham Plaza Apartments, who asked us to help start a Neighborhood Watch Program. There were also discussions about starting a neighborhood association or joining forces with the nearby Tully / Senter Neighborhood Association. When the hostile living

environment at Markham Plaza Apartments became too overwhelming for Heidi Yauman to withstand, she would often hang out with Councilmember Madison Nguyen at her "Plant Shopping Center" campaign office.

I also worked closely with many others including San Jose Independent Police Auditor: Judge Ladoris Cordell (ret), San Jose Police Chief Christopher Moore, San Jose Police Internal Affairs Commander: Lieutenant Richard Weger and Jose Salcido, a retired sheriff department lieutenant and Public Safety advisor for Mayor Chuck Reed. In 2010, a police misconduct news story regarding initiated by me made international news and was featured on the television show: Good Morning America and in 2011, I received an invitation to meet with U.S. President Barack Obama. I been a professional activist for many years and have been invited as guest speaker at Stanford University and my video presentations have been used to teach law school students.

In April 2012, The San Jose Police Department's secondary employment unit was subject of scathing audit by the San Jose City Auditor's office under supervision of Sharon Erickson. San Jose Police chief Christopher Moore acted upon my recommendations to better supervise the Secondary Employment unit after my recommendations were echoed by auditor Sharon Erickson. Changes were made to San Jose Police departments organizational structure and the secondary employment unit was moved out of the bureau of administration and relocated to the office of the chief of police. Michael Leininger's security company (Safety First) lost it's contact with "The Plant" shopping center and San Jose Police Lieutenant Anthony Mata was assigned to oversee SJPD officers working SEU paid jobs at "The Plant" shopping center. San

Jose Police Chief Christopher Moore requested that Lieutenant Anthony Mata and I work together in resolving with the problems with the officers at "The Plant" shopping center.

Also, In April of 2012, Heidi Yauman was visited at her home by probate court investigator Yara Ruiz to review matters relating to her conservatorship. I attended this meeting as Heidi Yauman's advocate and at the meeting, I learned from court investigator Yara Ruiz that the public guardian had falsified documentation in Heidi Yauman's probate court file which falsely claimed that I was living at Markham Plaza in 2008 and that the public guardian had intervened to stop the eviction. I followed up in writing with the Public Guardian, probate court investigator Yara Ruiz and other government agencies, including the California Judicial Council and U.S. Department of Housing and Urban Development regarding this fraud and mentioned that I would be assisting Heidi Yauman in preparing a declaration contesting the fraudulent probate court records. Deputy Public Guardian Rebecca Pizano Torres began calling Heidi Yauman and showing up at Markham Plaza Apartments trying to persuade Heidi Yauman not to file a declaration contesting the false records and an emergency meeting was called by her supervisor: Carlotta Royal. Heidi Yauman was then contacted by probate court investigator: Yara Ruiz and told that deputy public defender George Abel was assigned to her case to assist her with the declaration contesting the false probate court records. Deputy Public Guardian Rebecca Pizano Torres told Heidi Yauman that I could not help her with her declaration because she now had an attorney (George Abel) assigned to handle it for her. I followed up with the public defender's office in writing regarding these issues and included public defender Molly O'Neal in the correspondences in hopes that she would hold those under her supervision

accountable. Deputy Public Defender George Abel did not assist Heidi Yauman with her declaration contesting the fraudulent probate court records.

Additionally, in April of 2012, another public guardian conservatorship: the conservatorship of Gisela Riordan – Probate court case 1-10-PR-166693 had been generating attention from activists and organizations from across the country for the isolation and poor living conditions at Villa Fontana retirement community in San Jose. These activists included Linda Kincaid, Janet Phelan, Marti Oakley, Latifa Ring, and Ken Ditkowski and other attorneys and organizations working to reform conservatorship laws, including active and retired law enforcement officers. The probate court judge was Thomas Cain, but Judge Socrates Peter Manoukian had presided over the eviction of Gisela Riordan's son, Marcus Riordan from her home in what many believed was to assist the public guardian in seizing her house and other property - Case -10-CV-190522. Deputy Public Guardian Rebecca Pizano-Torres was very involved in this issue as was probate court investigator: Yara Ruiz and others who were also involved in the matter involving the fraudulent probate court records in Heidi Yauman's probate court file. Linda Kincaid and others had contacted me after hearing of problems Heidi Yauman had with the public guardian leading up to the recent issue pertaining to the discovery fraudulent probate court records, and roadblocks we had encountered in attempt to address these issues. NBC News (Kevin Nios) and ABC News I-Team (Jim O'Donnell & Dan Noyes) had both began investigating the public guardian and conducting interviews with conservatees, their advocates, friends and family.

On May 7th, 2012 a homeless man was shot and killed at Curtner Avenue & Almaden Road, a short distance from Markham Plaza Apartments. Myself, Council members Madison Nguyen, Pierluigi Oliviero and other community leaders organized a neighborhood meeting on May 14th, 2012 which took place at "The Plant" shopping center across the street from Markham Plaza to address homeless related concerns. Though I worked closely with vice mayor / council member Madison Nguyen, I disagreed with her on her handling of the issue which I believed was being construed and framed as a homeless issue and being used to get federal funding from the U.S. Department of Housing and Urban Development to fund the San Jose Police Department. I believed officials were skewing data to obtain grant money and that once obtained, much of this money would be spent inappropriately. I suggested that instead of funding the San Jose Police Department, federal grant money should be directed to getting homeless people housed at Markham Plaza Apartments and helping to empower those who already lived there with better jobs and housing. Another idea was to provide a reseme workshop for the Markham Plaza residents, perhaps by expanding an existing program provided by the nearby Cathedral of Faith Church. I had difficulty getting neighborhood residents to attend the meeting because the San Jose Police officers working at "The Plant" shopping center had issued illegal "Stop orders: preventing neighborhood residents from being at "The Plant" shopping center. I brought suggestions and concerns of residents with me. Some residents were concerned that Robert Ridgeway was distributing guns at Markham Plaza & thought a neighborhood gun buyback program would be a good idea. Residents thanked me for their advocacy and support, and some warned me that Michael Leininger may try to retaliate against me for the audit that had taken place and him losing his business contract with "The Plant" Shopping center and causing 8 of his officers to be fired. San Jose Police Lieutenant Anthony Ciaburro was present at the May

14th, 2012 meeting and had been supervisor to Sergeant Michael Leininger who was supervisor to Robert Ridgeway, who was allegedly distributing guns. At the time, former SJPD officer Robert Ridgeway was also in charge of maintaining security cameras at "The Plant" shopping center where the meeting was held. Deputy Santa Clara County Public Guardian Rebecca Pizano-Torres continued to cause problems for Heidi Yauman, who was experiencing an increased level of harassment by Markham Plaza property manager Elaine Bouchard and other EAH Housing staff. Despite written follow up attempts, Deputy public defender George Abel was completely unresponsive and did not assist Heidi Yauman in her declaration contesting the fraudulent probate court records regarding Markham Plaza. Meanwhile, the public guardian did not intervene to stop the harassment against Heidi Yauman which placed me in the position where I would have to interne on Heidi Yauman's behalf. Markham Plaza property manager Elaine Bouchard would respond that she would work exclusively with the Public Guardian. We were caught in loop because public guardian would repeatedly fail to intervene, breaching their fiduciary duty. I would therefore repeatedly be forced to intervene to stop the perpetual abuse and harassment and the "script was flipped" to make it appear as it I was harassing them.

On June 10th, 2012, Linda Kincaid and I interviewed on national radio show (Truth Talk Radio, hosted by Marti Oakley) regarding the Public Guardian's office and

On June 15th, 2012 Heidi Yauman was served with "Notice of termination of tenancy" papers from the Law office of Todd Rothbard, which suspiciously accused her of having a person named "Andrew Crittenden" residing with her without authorization from management. "Andrew Crittenden" was named as co-defendant in Santa Clara County Superior Court case 1-12-CV226958. This attracted the attention of organizations from across the country

who were monitoring the public guardian's office and the developments at Villa Fontana retirement community. The name "Andrew Crittenden" appeared to be fictitious representation of myself, with attempt to create an illusion of consistency with the fraudulent probate court records created by the public guardian that deputy public defender: George Abel. In addition to organizations and activists from across the country focusing on the public guardian, and local efforts to obtain and allocate federal grant money from the U.S. Department of Housing and Urban Development, other organizations that dealt with housing rights and advocacy also became involved. These included the Affordable Housing Network and the National Alliance of HUD Tenants, who I had been working with in attempt to establish a Markham Plaza Tenant Association. I assisted Heidi Yauman in preparing an "answer to unlawful detainer" but there was no answer to unlawful detainer prepared for "Andrew Crittenden" since that was not my name and I was not living at Markham Plaza. Heidi Yauman's Answer to unlawful detainer to case 1-12-CV226958 referenced to a code enforcement complaint filed on June 4th, 2012, which should have afforded Heidi Yauman protections against eviction pursuant to the Fair Employment and Housing Act. Deputy Public Guardian Rebecca Pizano-Torres was replaced by Bruce Thurman for a very brief time period, then replaced by deputy public guardian: Arlene Peterson (AKA: Arlene Claude)

**After Heidi Yauman's answer to unlawful detainer was filed with the court, deputy Santa Clara County Counsel, Larry Kubo (State Bar ID 99873), acting as legal counsel for the Public Guardian, supposedly acting in Heidi Yauman's behalf. The Answer to unlawful detainer filed by Larry Kubo, which was accepted by Judge Socrates Peter Monoukian overrode the original answer to Unlawful detainer, created the illusion of consistency with the fraudulent records deputy public defender George Abel was supposed to help Heidi Yauman challenge 2 months earlier. It also made no mention of the June 4th, 2012 code enforcement complaint, effectively stripping Heidi Yauman of her retaliatory eviction protections established in the Fair Employment and Housing Act. (FEHA). It is important to emphasize that deputy county counsel Larry Kubo and Judge Socrates Peter Manoukian were both intimately involved in the public guardian's escalating crisis at Villa Fontana retirement which was subject to attention from all over the country, publicity and attention which would soon engulf Markham Plaza Apartments. Deputy County Counsel Larry Kubo was under the supervision of Santa Clara County County Counsel Lori Pegg (State Bar ID 129073), who, according to rule 3-110 (California Rules of professional conduct), was ultimately responsible for the conduct of all attorneys under her supervision and obligated by law to take corrective action in the event that any of them should fail to act competently.**

**I appeared in court with Heidi Yauman on case 1-12-CV226958 in department 19 (Judge Socrates Peter Manoukian) Deputy Public Guardian Arlene Peterson arrived accompanied by county counsel Larry Kubo. Markham Plaza was "represented" by attorney Ryan Mayberry, from the Law office of Todd Rothbard. Judge Socrates Peter Manoukian made a statement that the case was originally assigned to Judge Mary Greenwood, but that Judge Mary Greenwood recused herself for being personal acquaintance with "Andrew Crittenden" Judge Socrates Peter Manoukian accepted motion by deputy county counsel Larry Kubo to override the answer to unlawful detainer I had helped Heidi Yauman with, replacing it with a different answer unlawful detainer prepared for himself.**

**Deputy County Counsel Larry Kubo presented a "stipulation order" prepared by attorney Ryan Mayberry to deputy public guardian Arlene Peterson and myself. The language contained within the stipulation order was very confusing and contradictory and was not easy to fully understand. It was even more so difficult for Heidi Yauman, a traumatic brain injury survivor. This stipulation order contained language like "tenant must follow all rules that are or maybe in affect at any or all times) with many variables, (Is specific rule in effect or is it not) , etc. Deputy County Counsel Larry Kubo conned me into signing it, assuring that it would likely help to de escalate the situation. I was told me that it would be unenforceable on me because I was not a resident my true name was not the same as named on the order. I reluctantly signed the stipulation order after taking into consideration the following legal factors: Section 12 of the Markham Plaza house rules clearly stated that HUD laws supersede all rules and lease conditions, another section made clear that all new rules must be approved by HUD (Rendering matter outside jurisdiction of Judge Manoukian's court) also rules be equally enforced for all residents and may not be enforced arbitrarily.**

**Heidi Yauman did not sign the stipulation order, but deputy public guardian Arlene Peterson signed it on her behalf which I thought was a big mistake because the confusing and contradictory language contained within the stipulation order appeared to be in violation of California Welfare and institutions code §15656 prohibiting causing confusion or mental anguish on an elder or dependent adult.**

**That day, while returning home to Markham Plaza Apartments, I accompanied Heidi Yauman for her own safety. Immediately, upon entering the lobby to her own apartment building, Heidi Yauman was in "technically" in violation of the stipulation order because of a rule requiring all guests to "register" at the office. Markham Plaza however, did not have a registration process available and when we asked at the office, the staff had no forms or procedure to do with registration. Another thing that was unclear was the difference between "guest", and "visitor", and adding further to the confusion, the stipulation order defined me (or) "fictitious name: Andrew Crittenden" as resident, making me neither: visitor or guest.**

**The stipulation order was used as a weapon by Markham Plaza Property Management to harass, abuse and terrorize Heidi Yauman and the public guardian refused to intervene to stop the harassment. As before, I was put in position where I had to intervene and hit a wall when told by Markham Plaza Property Management that they deal exclusively with the public guardian. We were caught in the same loop as before, but the harassment and abuse had escalated dramatically, and despite constant pleadings to supervisors of various county agencies, nobody would lift a finger to help. Activists and organizations from across the country continued to monitor the Markham Plaza abuse crisis and ABC News continued to gather information on their investigative series: "Investigating the Public Guardian"**

**In early July, 2012, I assisted Heidi Yauman in filing 2 requests to property management requesting clarification on the confusing language in the stipulation order. This was proper way to go pursuant to the American's with Disabilities Act in regards to Heidi Yauman's traumatic brain injury, and also Chapter 4 of the HUD Management Agent Handbook. Markham Plaza Property Manager Elaine Bouchard ignored Heidi Yauman's ADA request for clarification, laughed in Heidi's face and told Heidi Yauman she loved to make her suffer.**

**I was also advocating for other residents,and caring for another disabled Markham Plaza resident: Robert Moss, in apartment 409. Robert Moss was in severe pain and could barely walk. He needed my assistance with basic house cleaning and errands to get groceries and other items, including getting his mail which included his medication. He was taking pain killers for condition with his feet, & I believe he also on antibiotics. One very hot day in July, 2012, Heidi Yauman was nowhere around. She was visiting with her mother who lives in Sunnyvale. I was attempting to deliver groceries to Robert Moss, and was confronted by Rudy, the Markham Plaza Property Manager at the front door and told that according to the stipulation order, I was not allowed to deliver the groceries to Robert Moss without Heidi being present. Robert Moss was of course unable to come downstairs to get his groceries and I was forced to sit outside in front of the building on hot day with perishable goods, including melting ice cream. Finaly I gave in and walked into the building and took the elevator up to the 4th floor to deliver the groceries and Robert Moss told me he was dizzy and about to pass out because the widow was closed and it was too hot for him. He was unable to walk to the window because of the condition on his feet and also because there was big pile of trash between him and the window. I could not help him with this issue because it was so difficult to get access to him. I brought this matter to the attention of public guardian Arlene Peterson who told me she was not Robert Moss's advocate and I would need to take the matter up with management, who told me that they deal exclusively with the public guardian.**

**Markham Plaza and the public guardian both interfered with me from helping Heidi Yauman clean her apartment and remove excess clutter. (they flipped the script and accused me of trying to move my belongings in – this had been going on for years) In the end, Heidi Yauman was charged for cleaning fees authorized by the public guardian who had control of her finances.**

**I was working at a nearby apartment complex / storage facility at 1650 Pomona Avenue, helping the elderly property owner with a federal lawsuit involving reverse foreclosure and bankruptcy. Markham Plaza Property Management would continue to create problems for Heidi Yauman. And I would have to repeatedly leave work to respond to the crisis and try to de-escalate the conflict. Several times I was assaulted trying to render aid to Heidi Yauman and Robert Moss. I was reluctant to defend myself for fear that I would be portrayed as the aggressor. This was documented to make it appear like I was coming to cause problems. Whenever possible, I would check in with Heidi in the evening after staff would leave to avoid conflict of having to interact with them. I was unable to perform my duties at work and the property owner lost his property, residential tenants had to move out and storage clients lost their personal belongings. On one occasion when I was unable to respond quickly to Heidi Yauman's cries for help, she tried to climb out her forth floor window and down the scaffolding equipment set up for painting the building. People outside and at nearby businesses ran up and urged Heidi Yauman to climb back in her window. They were confronted by Markham Plaza staff and told to mind their own business and that their was court order in effect.**

**On August 10th, 2012, Judge Socrates Manoukian's son Matt Manoukian who was marine was killed in combat in Afghanistan.**

**I wrote to Markham Plaza Property management pleading with them to not proceed with the attacks. I and requested a meeting to discuss ways to resolve the issues and my concerns about their collusion with the public guardian and being afraid that someone getting hurt. I wanted them to know about investigations going on and that the public guardian was being watched from all over the country for Villa Fontana, etc & that the same individuals in the middle of the spotlight were the ones they were in collusion with, and that Markham Plaza, like Villa Fontana was also being watched from all over the country, and I figured it would be in their best interest and the interest of everyone involved that they stay out of the spotlight and avoid the negative publicity. I thought it made perfect sense to sit down with them and discuss ways to coexist in peace and to collaborate on something some thing constructive, like directing some of the HUD funding discussed at May 2012 meeting in a way to benefit the residents, perhaps being channeled through non profits and churches such as Catherdral of Faith, Sacred Heart, Catholic Charities etc. The federal grant money was already available and all that needed to be done was designate proper use for it. It seamed so much more practical to direct energy in a constructive manner rather than destructive and to help people instead of hurting them. This was offer I thought they could not refuse especially since it would benefit EAH Housing as an organization to which they would also gain positive publicity instead of negative publicity. I included email with link to video exposing the isolation of Gisela Riordan at Villa Fontana which sparked the ABC News story. I wanted to put things in proper perspective by showing Markham Plaza that their isolation of Robert Moss and Heidi Yauman was very similar to the isolation of Gisela Riordan. Attorney Ryan Mayberry altered these documents and submitted them as exhibits to the court (Judge**

**Socrates Peter Manoukian) , these were accompanied by fraudulent, unsigned declarations from individuals including Robert Ridgeway, who alleged that he had video evidence and was able to testify that I was living at Markham Plaza and stayed overnight several nights. This was untrue. Since the original papers were served in June of 2012, I had only spent one night at Markham Plaza, which was the night before in order to ensure that myself and Heidi Yauman were able to get to court on time. On the bottom of one of the exhibits, there are the words: "See Youtube video: and the link to the video of Villa Fontana is showing, proving that the document was altered and demonstrating my intent in informing them of the isolation of Gisela Riordan.**

**When I tried to cross examine attorney Ryan Mayberry about the fraud concerning the altered documents, and how he knew they were from me (since my name was on the bottom was also cut off below the youtube link), Judge Socrates Peter Manoukian interrupted and diverted the conversation. Judge Socrates Peter Manoukian began interrogating me in court about Villa Fontana and my knowledge and involvement in FBI investigations into to the court system. I stated on the record that the documents had been altered, Judge Manoukian evicted Heidi Yauman on the alleged basis that the organizations and groups from around the county, members of the news media and those present at the May 14th meeting were conspiring together to attack Markham Plaza Apartments, a vast nationwide conspiracy supposedly being orchestrated by "Andrew Crittenden" and funded by the U.S. Department of Housing and Urban Development. I was denied my right to be heard in court and all the witnesses immediately rushed out of the court room. None of them signed their declarations or testified and I was not allowed to cross examine any of them. The only people who spoke were myself, and attorneys Larry Kubo and Ryan Mayberry, The proceedings were being monitored from all over the country and Markham Plaza Apartments plunged themselves headfirst into the spotlight.**

**The eviction proceedings occurred on October 3rd, 2012, only 53 days after the August 10th death of Judge Manoukian's son Matt Manoukian, who died fighting alleged "terrorists" When googling Judge Socrates Peter Manoukian, a lot of information comes up, but the two main incidents that stand out the most are the death of Judge Manoukian's son Matt Manoukian, and the fraudulent eviction of Heidi Yauman. It appears highly suspicious appears more than coincidental that that these major two events occurred only 53 days apart. One has to wonder if in addition to the fraud and perjury, there may be sanity issues at with Judge Manoukian and the vast number of people and organizations accused of conspiring to attack Markham Plaza Apartments without motive. The Cathedral of Faith church alone has an estimated 12,000 congregation members.**

**That same evening of October 3rd, 2012, Jim O'Donnell met with victims and their families and advocates at a Denny's restaurant, a few blocks away from Markham Plaza Apartments. National advocate Linda Kincaid, from the National Association Against Guardian abuse was present at the meeting and she announced she had pulled records from the court website regarding case 1-12-CV-226958. These records indicated that "Andrew Crittenden" had been evited twice from Markham Plaza Apartments. First by default for failing to file answer to unlawful detainer, When deputy public guardian Arlene Peterson's name was mentioned, Anthony Alaimo: mentioned that he two had dealt with Arlene Peterson and that she had shown up at his mothers home with forged eviction papers in what also involved corresponding court cases between department 19 (Judge Socrates Peter Manoukian /- 2008-1-CH-002010 ) and department 3 (Judge Thomas Cain / 1-10-PR-166693) After many people came forward bringing attention to the fraud and abuse, online records referencing docket no. 1-12-CV226958 vanished and no longer be found, other court cases in same court department during same time period were still searchable and accessible.**

**After Heidi Yauman's eviction, she was moved by the public guardian to Gainsville Road in San Jose and I had trouble accessing Robert Moss because of the harassment and being assaulted trying to enter Markham Plaza, and my cell phone had fallen from a ceiling wall outlet and had broken. I too was feeling broken and truly exhausted from this terrifying horrific ordeal. I followed up with Mr. (Duncan) Lee Pullen, director of Aging and Adult services on welfare check for Robert Moss and the money embezzled from Heidi Yauman by attorney Ryan Mayberry. Ryan Mayberry and Lee Pullen were neighbors, living a few short blocks from each other in San Rafael, where EAH Housing was headquartered. Lee Pullen authorized the public guardian to pay his neighbor Ryan Mayberry to commit fraud against Heidi Yauman (called attorney fees) payed for with Heidi Yauman's with Heidi Yauman's finances which the public guardian controlled. Lee Pullen was irresponsive to my requests for welfare check on Robert Moss and in early November of 2012, I learned that Robert Moss was discovered dead after Judge Manookian facilitated fraud (fabricated threats) and fake court declarations which Markham Plaza then used to deny Robert Moss accommodations pursuant to the American's with disabilities act. by isolating him like what had happened to Gisela Riordan.**

**In approximately, December 2012, Deputy Public Guardian Arlene Peterson terminated Heidi Yauman's tenancy on Gainsville Road in San Jose and threw her out on the street in the middle of winter. I then allowed Heidi to stay with me at 2700 Ash Street in Palo Alto where I had been illegally subletting since 2007. Since I did not have permission to allow Heidi Yauman to live with me, I also lost my housing on January 26th, 2013. Heidi Yauman and I moved across the street to 5 abandoned houses on Page Mill Road. Deputy Public Guardian also announced plans to terminate Heidi Yauman's conservatorship – closing any doors for opportunity to contest fraudulent documents which public defender George Abel was supposed to assist her with, tossing the ball to Robert Ridgeway who filed fake declaration to creating illusion of consistency with fake probate court records traceable to the earlier eviction attempt scandal from 2008 involving Markham Plaza Apartments, the Public Guardian and San Jose Police Department's Secondary Employment Unit.**

**I filed a complaint on behalf of Heidi Yauman with the U.S. Department of Housing and Urban Development (HUD Inquiry 345092) which was picked up by Jane C. Shandler at the San Francisco HUD office. Heidi Yauman authorized to act on her behalf pursuant to the American's with disabilities act. After short while, the investigation mysteriously grinded to a halt and HUD stopped responding. I emailed the San Francisco Police Department and told them that Heidi Yauman and I might need a Civil Standby at the San Francisco HUD office because HUD was refusing Heidi Yauman's complaint. I copied the email to the HUD Inspector General's office in Washington D.C. and a short time later, the HUD complaint was reinstated but no explanation was given as to why it had stopped. Soon after that, I was notified that the Public Guardian had intervened and had used their power of attorney to shut down Heidi Yauman's HUD complaint. I followed up meticulously via email with several county officials from across the board to reinstate the HUD complaint and included deputy public defender George Able, who was assigned to represent Heidi Yauman. I copied Public Defender Martha "Molly" O'Neal who, pursuant to rule 3-110 of the California Rules of Professional is ultimately responsible for taking corrective action for the incompetence of all attorneys under her supervision. Martha "Molly" O'Neal did nothing to assist with reinstatement of the HUD complaint, nor did she assist with the declaration to contest the fake probate court files, instead, she held the door open for the false declaration by Robert Ridgeway bringing about the illusion of consistency in the fake court records.**

**I also filed a whistleblower complaint against deputy county counsel Larry Kubo regarding him over riding the original "answer to unlawful detainer" and stripping out her protections in the Fair Employment and Housing act, basically setting up Heidi Yauman to lose her eviction case (1-12-CV226958). The Whistleblower blower complaint was received and handled by office of County Counsel, under supervision of Lori Pegg, who herself violated rule 3-110 in regards to the misconduct of subordinate attorney, deputy county counsel, Larry Kubo. I furnished the County Counsel Whistleblower program with solid proof supporting my allegations, including copy of the San Jose code enforcement complaint against Markham Plaza with case number, date it was filed and name of the investigator assigned.**

**County Counsel stonewalled the complaint and told me they could not give information on investigations. I then filed a public records act request on their policies and procedures which are public record. I used these policies and procedures to reverse engineer the whistleblower investigation and determined that they had violated a policy requiring that if a county counsel attorney is subject of whistleblower complaint, then it must be referred upward in the chain of command to the County Executive's office.**

**I brought the whistleblower complaint to the County Executive's office like I was supposed to do and presented them with the same proof given to county counsel. The county executive would either ignore the complaint or direct it back to county counsel and I would continue to send it back to the County Executive citing the policies requiring them to receive the whistleblower complaint. I also continued to follow up on reinstatement of the HUD complaint and was continually given the runaround.**

**Hundreds of people, myself included documented these improprieties and published them on the internet. These included web banners depicting Judge Socrates Peter Manoukian, (Duncan) Lee Pullen – head of Aging and Adult services who and his neighbor, Ryan Mayberry, the attorney for Markham Plaza Apartments. The ABC News story: Investigating the Public Guardian was also aired and Dan Noyes from ABC News interviewed (Duncan) Lee Pullen about the public guardian's practices of violating laws enforced by the U.S. Department of Housing and Urban Development.**

**Myself and others began receiving harassing and threatening phone calls from Santa Clara County Sheriff Detective David Carroll, who demanded that I stop pursuing the whistleblower complaint, and the HUD complaint (inquiry 345092) Detective David Carroll demanded that I stop advocating for Heidi Yauman, which included assisting her with medical attention. Detective David Carroll specifically told me not to put anything in writing regarding the EAH Housing Scandal, the abuse of Heidi Yauman and the circumstances surrounding Robert Moss's Death. Detective David Carroll also contacted documentary film producer William Windsor of the "Lawless America" project who was working an documentary film on government corruption which would feature Judge Socrates Peter Manoukian. The Sheriff department accused William Windsor of publishing pictures of himself with guns on social media and threatening judges, though there was never any evidence of this and no arrest was ever made regarding these claims. Web Banners and Information on Judge Socrates Peter Manoukian and detective Detective David Carroll were published on Lawless America sites and were distributed to thousand of people, including organizations that deal with police misconduct and police accountability related issues. Despite claims by Santa Clara County Sheriff deputy Robert Eng, the Lawless America project did not become involved because they were contacted by me, They had signed onto the project much earlier, 2010 or 2011 through the Public Guardian's Gisela Riordan's conservatorship case which had also sparked the ABC News story. Lawless America had been following the developments ever since, including when Markham Plaza Apartments plunged themselves into the middle of the scandal.**

**In 2014, focus began to shift to Robert Ridgeway, who filed a fake court declaration in case 1-12-CV226958. Like all the other witnesses in case 1-12-CV226958, Robert Ridgeway's declaration was unsigned, he never testified, and I never got the opportunity to cross examine him. Hundreds of people, including myself decided to "put him on the stand" and confront him on his statements, ask him to show the video evidence proving that "Andrew Crittenden" had been living at Markham Plaza and ask him to site the specific nights "Andrew Crittenden" had stayed overnight, etc. Banners were published along with descriptive text with Robert Ridgeway and his new wife, Santa Clara County Sheriff Deputy Aleksandra Ridgeway. The sole focus was to address the false statements in his declaration which he refused to sign and testify to. Robert Ridgeway was offered the opportunity to simply deny making the unsigned allegations contained within his false declaration. Robert Ridgeway was no longer a police officer and the declaration had nothing to do with his duties as police officer and his wife, deputy Aleksandra Ridgeway was not a party or witness to case 1-12-CV226958, and no involvement whatsoever. Affiliated organizations addressing police accountability issues had combined distribution channel capacity to distribute the banner to over 1,000,000 people if designed according to their policies, which would be a "police accountability theme", Robert Ridgeway was therefore depicted with his wife, deputy Aleksandra Ridgeway suggesting that perhaps, he was able to avoid prosecution for the fake declaration in part, because he was married to a law enforcement officer.**

**On September 16th, 2014, I was arrested by the Palo Alto Police Department on a $5000.00 warrant issued by the Santa Clara County Sheriff department. (California penal code § 653(2)a. The prosecutor was deputy district attorney James Leonard, who was a homicide prosecutor 2 years earlier when Markham Plaza Resident Robert Moss died. The public defender assigned to the case was Jeffrey Dunn and the judge was Rodney Jay Stafford. Jeffrey Dunn lied to me about the required elements to the charge and told me I was being charged with "publishing someone's personal information in a manner which could potentially make them feel harassed" which while I pled, an additional "victim" was added, that being deputy Aleksandra Ridgeway. I was also lied to about the terms and conditions of probation and was not allowed to see the police report, read the actual statute or the terms of my probation. The Santa Clara County Superior Court Docket number was C1493022. Also, Santa Clara County Sheriff department bailiff's seized from me the phone number for outside attorney: Aram Byron James.**

**I was not aware at the time that deputy district attorney James Leonard was homicide prosecutor when Robert Moss died, and it had not yet occurred to me the significance of deputy public defender George Abel's failure to assist Heidi Yauman with her probate court declaration, and the possible collusion involving the civil court declaration by Robert Ridgeway, and that George Abel's failure to assist with probate court declaration may have actually been a contributing factor to causing Robert Moss's death. (The district attorney's office covering up public defender's involvement in homicide) The public defender's office should have immediately declared a conflict of interest and recused. There is also the important question regarding proper as to whether the court system in Santa Clara County may be covering up for their own liability by allowing Judge Socrates Peter Manookian to preside over court cases so soon after his son Matt Manookian was shot and killed.**

**When I finally received a copy of the criminal complaint and the police report, signed by Santa Clara County Sherriff detective David Carroll under penalty of perjury, I noticed another problem besides the false and fabricated statements in the report. County Counsel Lori Pegg, who supervised the fraud by Deputy County Counsel Larry Kubo, and also the mishandled whistleblower complaint regarding Larry Kubo, and had failed to take corrective action pursuant to CRPC 3-110 had since become a Superior Court Judge. Judge Lori Pegg had handled search warrants into my face book account to illegally gather "evidence" in a situation she had been directly involved in when she was on County Counsel – A conflict of interest matter requiring her to recuse pursuant to California Code of Civil Procedure § 170.**

**Detective David Carroll's falsified police report contained many untrue, misleading and fabricated statements. Some of them are as followed:**

- **The police report had falsely claimed that Robert Ridgeway had testified at 1-12-CV226958. Which is untrue.**
- **The police report claimed that I was evicted in case 1-12-CV226958, which is untrue.**
- **The police report implied that I had created a crime spike in the area of Robert Ridgeway's residence (Yellow-5) and covered up crime at Markham Plaza apartments (Lincoln-4) .Records obtained from San Jose Police Department's bureau of technical services showed no measurable crime spike in (Yellow-5) and confirmed the crime at Markham Plaza (Lincoln-4) Furthermore, interviews conducted with Robert Ridgeway's neighbor's revealed that none of them were aware of any crime spike or suspicious activity. Markham Plaza residents reported that many young adults and teen agers were carrying guns.**
- **The police report claimed that I (or the banners) accused Robert Ridgeway and his wife (they) of committing fraud against a brain damaged woman. That is also untrue. The accusation was directed exclusively at Robert Ridgeway (not his wife)**
- **The police reports claimed that the web banners spoke negatively about their duties (Robert and Aleksandra Ridgeway) as police officers. This is untrue. The banners were directed specifically at the false declaration Robert Ridgeway had filed. This was long after his arrest and he was not a police officer. Aleksandra Ridgeway had nothing to do with the declaration and the declaration had nothing to do with her duties as police officer. Only her husband's criminal activity. Adding further to the irony is that through my work reforming the San Jose Police Department's Secondary Employment Unit, I was the one who defined the parameters of Robert Ridgeway's duties were, and were not and because of that fact, I would know better than anyone, including Robert Ridgeway himself, what his duties were.**
- **The false police report also fabricated a statement I made in response to a congressional investigation into Lodi Police Department and the chief of police Mark Helms (Crapping in his panties about the congressional investigation) Instead, the police report misrepresented this statement as if I were trying to instill fear into Lodi Chief of Police Mark Helms.**
- **The police report implied I have antigovernment ideology and claimed I had been "videoed 'attending antigovernment protests. This is also untrue. I am neither anti-government or anti-police and have never attended to an anti-government protest, nor have I ever been videoed at one.**
- **Though not directly stated, fabricated statements contained within the police report implied that the campaign was controlled and directed by me alone and that I were somehow controlling all the different churches, investigators, organization, s law firms, designers, etc. and that none of them communicated or collaborated with one another and everything came from me and was directed by me and that all communications between the various players passed through my hands. The report portrayed me as a master puppeteer controlling what people did. Or master**

**ventriloquist telling everyone what to say. (I was only a spoke in the wheel – not the axil) and though I may have asked some people to share information (protected under first amendment) hundreds of other people had asked thousands of others to do the same and some of the lead project directors had pages with millions of followers. People were not so much responding to me as they were to Robert Ridgeway simply to get him to answer for his statements. If he did not want to answer for his statements and was not prepared to, then he should never filed the false declaration in 1-12-CV-226958 – Robert Ridgeway was obligated**

- **The false police report misrepresented sequences of events and rearranged timeframes in which events occurred and circumstances relating to those events.**
- **The false police report portrayed me with false persona.**

**In addition to numerous other fraudulent, false and fabricated statements detective David Carroll's police report, proper report writing procedure was not adhered to nor was proper investigative procedure adhered to. Detective David Carroll's investigation was illegal and abusive – not supported by probable cause and outside the scope of his duties as a law enforcement officer.**

**Another issue I found was that of "front line supervision" detective David Carroll was a "front line" deputy, a rookie detective on his very first investigative assignment. Similiar to the obligations for attorneys in California rules of professional conduct - rule 3-110 for attorneys, Police Sergeants have specific responsibilities for supervising the front-line officers to ensure, among other things that all proper procedures are followed. If the sergeant fails to do so, the sergeant is accountable to his supervising lieutenant for failing to supervise the officers on the front line. Likewise, the lieutenant is accountable to his captain and so forth , so on through the chain of command all the way up to the Sheriff (or police chief, or commissioner – depending on the department) This is an essential vital function in any department to ensure proper policies and procedures are adhered to and also harmonic coordination throughout the rank and file.**

**In my professional experience, it is would be highly unusual for a police report as bad as this to slip through the cracks and make it past the level of sergeant. If this were to ever happen, the sergeant would be harshly disciplined, possibly suspended or demoted to a lower rank. While examining the report, I noticed it had been reviewed by supervisor: "Riccardo Urena", who I assumed to be a sergeant. After following up I discovered that sergeant Urena was a high-ranking division captain, and head of the court security division. If a report like this were unusual to make past the rank of sergeant, it is virtually unheard of for it to get to or past the rank of captain. If the court security unit were instead a patrol division, like the West Valley division for example, the division captain is equivalent to the police chief for that specific municipality and would report to the city manager, and also be accountable to the chain of command up to sheriff.**

**The court security division, however, is through contact with the courts as opposed to individual cities so therefore the division commander, Captain Riccardo Urena would likely answer to court officials and the orders passed down through chain of command would be coming from the court officials rather than higher ranking brass such as undersheriff, assistant sheriff or sheriff.**

**Since Santa Clara County Sheriff Captain Ricardo Urena appears to have been reporting to court officials on the matter, and the orders passed downward through the chain of command appear to have come from court officials to Captain Riccardo Urena, this is another indication that the detective David Carroll's falsified report and my arrest and conviction were to cover up liability of the courts for Robert Moss's death. Furthermore, another very significant irregularity I noticed is that since Captain Riccardo Urena's responsibility is specifically and exclusively limited to matters involving the court, then what business had he involving himself with a case that was:**

1) **Within the limits of the city of San Jose under the jurisdiction of the San Jose Police Department / Bureau of field operations / Southern Patrol Division / District Yellow / Beat 5 (Yellow-5)**
2) **Involving a sheriff deputy (Aleksandra Ridgeway) who was at the time, not a court security officer (I believe she was patrol officer in Burbank, unincorporated Santa Clara County.**
3) **Assigned to detective David Carroll, who was not even assigned to the court security division or in the same chain of command as Captain Riccardo Urena. Detective David Carroll was assigned to the investigative division. Why then was he receiving orders from a captain from a different division who was receiving his orders from court officials? The Ridgeway residence where the fabricated crime spike did not occur was not a court facility, had nothing to do with the courts.**

**These inconsistencies and irregularities and Captain Riccardo Urena's involvement indicates that the issues fabricated and presented within the reports were no as they appeared or claimed to be. They had nothing to do with crimes committed against Robert Ridgeway or his wife, deputy Aleksandra Ridgeway. They were in fact court related issues. They would have had to be otherwise they would not have been supervised and directed by Court Security Division commander who reports to court officials.**

**There also appears to be breach of contact issues (Sheriff court security contact between the courts and county of Santa Clara) and issues that may be of interest to the State Controller office in that these county sheriffs being supported by state funds, and these state funds appear to be financing federal crimes such as witness intimidation, USC Title 18 Section 4, USC Title 42 Section 3631, USC Title 18 section 241 & 242, etc.**

**In October of 2014, I worked on preparing a Marsden Motion and motion to withdraw plea of no contest. I had been following up with deputy public defender Jeffrey Dunn and others including Public Defender Molly O'Neal, who, pursuant to CRPC 3-110, was responsible for the taking corrective action for all attorneys under her supervision including Jeffrey Dunn and George Abel and these emails cross referenced cases C1493022 and 1-12-CV226958. Molly O'Neal did not take corrective action as required, further violating my due process rights. I followed regarding the way Deputy Public Defender Jeffrey Dunn misled me, the falsified reports and the events leading up to them, and the court security bailiff seizing the phone number to outside attorney Aram James, making it so that I could not consult with him on the true meaning of the statute, etc. Deputy Public Defender Jeffrey Dunn assured me that the court security videos would be secured, and that an investigation would be conducted into the theft of the phone number for attorney Aram James. I was stonewalled and given the runaround on other issues such as being conned and coerced into false plea, the falsified police reports, and the stalking, harassment, and threats by Santa Clara County Sheriff Detective David Carroll, who through this falsified report, created an illusion of consistency between fake court cases: 1-12-CV226958 & C1493022**

**I also published a news article about the facts of the case and how I had been railroaded by the public defender's office and district attorney James Leonard, who was homicide prosecutor in 2012 when Markham Plaza resident Robert Moss was discovered dead after Jeffrey Dunn's colleague refused to assist with declaration contesting fake probate court records.**

**On October 16th, 2014, I arrived at the Santa Clara County Superior Court Hall of justice for my Marsden Motion & Motion to Withdraw plea with my paperwork in hand showing the email correspondences with Jeffrey Dunn and others since being released. I was met by deputy public defender Jeffrey Dunn and others. As soon as I walked into the court room, deputies seized my paperwork and I was placed in hand cuffs and arrested. Deputy District attorney James Leonard smirked and Judge Rodney Stafford Laughed and declared: "Let the record reflect that the defendant is now in custody" I lost my composure while attempting to argue my motion, which was denied by Judge Rodney Stafford. I did not get to submit my paperwork on the court record because it had seized by sheriff deputies. Deputy District Attorney James Leonard whispered into the ear of one of the bailiffs, and I was then led from the court room where I was tortured in a holding cell. Another alleged victim of Judge Manookian, Mr. Tedd Scarlett claims he was also tortured by sheriff deputies in holding cell which resulted in him suffering a heart attack. Ted Scarlett has medical records and other documents supporting his claims.**

**I still had not received the terms and conditions of my probation, but 20 days later, while returning to court for alleged violation of probation hearing in department 42. While waiting in court holding cell, a deputy outside the cell told me was calling out what sounded like my last name: Crittenden, only pronouncing it QUITTenden! QUITTenden! With emphasis on the word/syllable "QUIT" & saying Heidi needs you out there to protect her. You need to ger out of custody as quickly as possible or she is going to get raped, beaten up and killed.**

**I appeared in department 42 before Judge Rodney Stafford and was represented by deputy public defender Thompson Sharkey who employed similar tactics like Jeffrey Dunn had. Thompson Sharkey told me that by accepting the terms of probation, I had forfeited my first amendment right to freedom of speech regarding criticizing public officials established by the supreme court decision: New York Times vs. Sullivan and that by publishing information online about facts the case including the article about James Leonard and Jeffrey Dunn, I had violated probation and to be released from jail, I would have to accept a fake CR-161 criminal protective order naming deputy district attorney James Leonard (Who was homicide prosecutor when Markham Plaza resident Robert Moss was found dead after fraud was used to deny him accommodations pursuant to the American's with disabilities act. I asked deputy public defender Thompson Sharkey what the purpose of the fake criminal protective order was. Thompson Sharkey replied "To get out of jail" The fake criminal protective order issued also prevented me from publishing information about Deputy District Attorney James Leonard on the internet. Thompson Sharkey told me to admit to publishing the news article and "the other stuff" and be released in a few days.**

**After I was released, I discovered that while in custody, someone had published detective David Carroll's falsified police report online using my name. It could not have been me because I was in custody. Over the course of time, several hundred people, many whom I did not know and never heard of came forward as witnesses that the police report was falsified. These included individual activists and members of various organization who had signed onto the project, people who were not signed onto the project, but were neighbors and friends from Palo Alto that knew I was had been living there and people who knew me and disagreed with the way I was portrayed in the fake police report, knowing that I do not behave as described, etc. It has generally been the case that when court or police records are published online, they are quickly refuted and discredited by the public, but to this date, to the best of my knowledge, no one has been able to refute or discredit a single coalition web banner has been published and put into circulation regarding this issue and although the internet is flooded with conspiracy theories, in my professional experience and extensive research, I know of no other situation where such extreme measures were taken to censor the free flow of information. If the coalition web banners were in fact without merit, and not supported by factual evidence, then logic would dictate that it would be left alone and the coalition web banners would discredit themselves.**

**After being released I also checked in with probation officer Douglas Davis, at the probation office inside the Palo Alto Court house. Officer Douglas Davis gave me a copy of the terms and conditions of my probation which showed I had given up my second and fourth amendment constitutional rights, I did not give up my first amendment rights, and in no way, shape or form did I violate probation by publishing facts about the cases online. Again, I was denied my right to due process and there is now I now have a fake probation record which falsely claims I had violated probation which I had not. Attorney Thompson Sharkey has since been caught railroading and defrauding another defendant: Mr. Victor Meras in Santa Clara County Superior Court Case C1769315. Attorney Thompson Sharkey has also, on at least 3 occasions been sued for professional negligence. Santa Clara County Superior Court docket numbers are 1994-1-CV-739331, 1995-1-CV-754610, 2006-1-CV-066347.**

**In January of 2019, I contacted the Santa County Sheriff Department's Internal Affairs Unit to file a formal misconduct complaint against Detective David Carroll, deputy Aleksandra Ridgeway and Captain Riccardo Urena. I spoke with internal affairs sergeant Alfredo Alanis, who issued me Internal Affairs Case number 2015-09. Sergeant Alfredo Alanis immediately lied to me and told me that internal affairs had one year to investigate the complaint. I corrected Sergeant Alfredo Alanis by explaining to him that pursuant to California Government Code § 3304, the one year he was referring to applied to allegations, not complaints and that an allegation was an individual component to a complaint.**

**During the time I worked with the San Jose Independent Police Auditor's office, I developed a formula to ensure that internal affairs investigations were properly processed. Generally, I would submit each allegation separately to ensure that they were handled separately, and I would usually submit each allegation a few days or 1 week apart but not until I had first tried and tested the evidence. If inadequate findings are returned, then it is more efficient to trouble shoot the investigation for procedural flaws etc. I could also better identify when a procedural mishap occurred by specific timeframes. By having copies of the investitive procedure on hand, investigations can be reverse engineered much like computer programs.**

**Each allegation would then be forwarded to the public defender investigative unit, along with Internal Affairs Case number, officer name and badge number, etc. IA and PDO would both be provided with witness information, evidence, etc. This measure is taken so that in the event that a pitches motion is ever filed against the same officer, the public defender is better equipped to track whether documents are missing from officer's personnel files or if the records do not match.**

**Before I could barely begin the process with internal affairs, received a from lieutenant Neil Valenzuela claiming that "the matter" was determined unfounded. Evidence and witnesses were ignored, etc. There was no investigation. It was a sham.**

**I received an email from lieutenant Neil Valenzuela saying the that the investigation was done by himself and Sergeant Albedo Alanis. This was a confession to botched investigation because Captain Ricardo Urena was named in the complaint for either failure to supervise or handing down unlawful orders. A sergeant or lieutenant may not investigate a captain because a captain outranks them both. It is common knowledge that the allegations against Captain Ricardo Urena would have to be investigated by undersheriff, assistant sheriff or sheriff.**

**The Santa Clara County Public Defender's office is very well resourced, having a team of about 30 investigators. A higher than average attorney/investigator ratio than you would normally find. It is the responsibility and obligation of these investigators to scrutinize every jot & tittle of police report and verify whether or not the information contained therein is accurate, and whether proper procedures were followed. This is like the obligation of a police sergeant to supervise front line officers in filing reports. The Sergeant would generally know that he would have to catch these things because if not, the public defender would, their credibility would be shattered, and the sergeant's ass would be on the line.**

**Each and every time and allegation were systematically passed to the public defender to be handled accordingly and each and every time they dropped the ball and ignored it. I literally had to beg and plead to investigate what myself, and hundreds of others claimed were false and fabricated reports. They were presented with before and after versions of altered Facebook transcripts, shown where exculpatory statements were stricken from police reports. Etc. I was being prosecuted by the public defender's office and the district attorney's office, playing "good cop / bad cop" I did everything I could think of to defend myself, emailed top supervisors in regards to (CRPC RULE 3-110) Judges regarding (Canon 3D) and even emailing district attorney with evidence that the public defender was acting incompetently and maliciously thinking that perhaps this would be exculpatory evidence that could be withheld. I was terrified of thought of filing a Marsden motion because when I tried that previously, I was arrested, tortured and re-railroaded by attorney Thompson Sharkey on fake probation violation.**

**By refusing to investigate the false reports and to their job, The public defender denied me these public services that I am automatically entitled to, and repeatedly my due process rights were violated. The public defender bent over backwards to not defend me and to preserve the false narrative created by the district attorney's office and sheriff department. With unbridled discretion, the incompetent and dangerous officers continued to hammer out false reports and no agency or official lifted a finger to stop them.**

**Approximately March 20th, 2015, Attorney Thompson Sharkey payed me a visit in Palo Alto and offered to pay me money to violate fake CR-161 criminal protective order naming deputy DA James Leonard. I recorded the conversation. District Attorney investigator James Leonard. I also received a call from detective Dennis Brookins asking me to please testify in court for him that his mishaps from 2008 investigation were accidental, not intentional. I have recordings voicemail messages from detective Dennis Brookins.**

**On March 24th, 2015, A San Jose Patrol officer by the name of Michael Johnson was shot and killed in the line on duty. I was very saddened by the news, and yet concerned because this occurred in patrol district Lincoln, very close proximity to Markham Plaza Apartments, and the gun issue I tried to address there 3 years earlier. I tried brushing it off as coincidence. The very next day, on March 25th, 2015 I was on the phone with a friend of mine who is retired Los Angeles Police officer, when Santa Clara County Sheriff detective Samy Tarazi and Lieutenant Elbert Rivera came to arrest me on more bogus trumped up probation charges because an organization called "Copblock" published a web banner on line with deputy Aleksandra Ridgeway's picture saying that she falsified a report covering up a murder committed by her husband. This kind of thing is to be expected with such a high-profile case that has generated a lot of public attention. There was no evidence linking this web banner to me. The publisher's contact information and court case information were published along with the banner, but I sat in jail for 40 days and neither the public defender or sheriff department made any effort to contact the publisher.**

**Deputy District Attorney Amanda Parks tried to railroad me in another fake probation violation by refusing to let any exculpatory evidence into record. Would not contact witnesses who were in ABC news story: Investigating Public Guardian, Alleged victims of Judge Manookian, others who claimed to have been targeted by sheriff detective David Carroll, etc. She even filed a motion to disqualify district attorney making false statements in "declaration of facts', preserving the false narrative that had been created. The Judge was Michele McKay-McCoy, who was also a homicide prosecutor when Robert Moss was found dead. I finally got the charges dismissed after having to email board of supervisors, state bar, everyone I could think of begging to PLEASE assign investigators and interview witnesses and allow me to present evidence.**

**I met deputy public defender Amanda Parks outside department 42 (Judge David Cena) Amanda Parks announced that the charges were dismissed, and my case was being moved to Palo Alto court. She was in tears that I had emailed so many people and supposedly embarrassed her (trying to get her to do her job) begging and pleading to be allowed to have evidence and witnesses. I said quietly, "Amanda I could bring this to the state bar" at which she shrieked out and screamed in front of witnesses: "Don't you dare threaten me!", and she then rushed into an elevator after deputy district attorney James Leonard.**

**Deputy Public Defender Gary Goodman was assigned to misrepresent me, and Deputy District Attorney Barbara Cathcart was assigned as new prosecuting attorney. The judge was Aaron Persky.**

**Deputy Public Defender Gary Goodman did nothing to address the false police reports and Public Defender Martha "Molly" O'Neal did not take corrective action pursuant to California Rules of Professional conduct 3-110. The top of an organizational chart is "The People" and going above the public defender to the county executive and board of supervisors did not help. The only resort remaining was to make the matter public and expose it online to as many people as possible. The fact that such extensive effort was made to censor the information was indication that it must be working. If it was not having some sort of positive effect, then officials would not be so bothered by it. This taken as encouragement to publish as much as possible. There was accurate record of events online to offset the false police reports and court records.**

**Publishing on the internet about the facts of the case was protected by the first amendment to the U.S. Constitution, used for protection, and to redress legitimate grievances. The falsified police reports and fake court records were criminal acts of fraud and perjury used as weapons to harass and attack. It was ironic how so much effort was being made to censor free speech, but nobody was taking effort to censor the fraud and perjury in the false police reports, and this is the point I was trying to make in the email sent to detective David Carroll which led to my arrest on December 25th, 2015 on felony stalking charge and 4 misdemeanors (I do not have original docket, but refiled as Docket C162778 and appellate case number is H045195 )**

**Nothing was intended as a threat and I have not ever attempted to incite violence against anyone ever. I was upset about and frustrated and terrified by these false reports and helpless to stop them. I was emotional about the holidays and the anniversary of the death of my sister Connie who died at the age of 44. If not upset and frustrated, I would have given more forethought and would not have sent the email. Not because detective Carroll would interpret it as a threat, but if I given it forethought, I would have known that the District Attorney's office could easily spin it to make it appear as a threat to validate their false narrative.**

**One of the things mentioned in the report about my felony arrest was the repeated emails I had sent to detective David Carroll. This was worded in a way to make me look bad but in my opinion, this is his Detective David Carroll's fault not mine. Detective David Carroll falsified reports about me and said things he knew were not true. Emailing him repeatedly should not have been necessary. I should not have had to ask him more than one time to correct the false reports. It is my first amendment right to redress grievances and that's exactly what I was doing, yet sergeant Samy Tarazi acted as if this were a crime.**

**When I brought this to the attention of deputy public defender Gary Goodman and mentioned the fictitious names such as "Andrew Crittenden" and the swapping of names and roles that took place, and the public defender not following up as required, and investigating the reports, he called "a doubt" (penal code 1368) alleging "Andrew Crittenden" and "Cary Crittenden" may be multiple personalities. I had made a joke with him once about how the reports placed me in 3 locations simultaneously making me 3 people so therefore, I should have 3 attorneys. Obviously, this was in jest, but Gary Goodman suspended the proceedings for mental health evaluation. Never did he address Judge Manookian's mental state when Judge Manookian accused hundreds of people of plotting terrorist attack against Markham Plaza Apartments, a HUD subsidized apartment complex (53 days after his son Matthew Manookian was killed in combat.**

**Gary Goodman also never addressed the mental state of Santa Clara County Sheriff Deputy Aleksandra Ridgeway who claimed to see prowlers and suspicious characters pacing back and forth and creeping around her house, yet she was the only person who could see these "imaginary people." Gary Goodman himself is notorious for making bizarre statements even on record, with his office in Palo Alto, Gary Goodman makes statements on the record referring to the San Jose Public Defender's office as "The Mothership" that will "Beam the discovery papers to him", yet Gary Goodman is not locked up for speaking with aliens & everyone knows he is joking and using metaphor.**

**I was denied my due process rights, and speedy trial because my own attorney, deputy public defender Gary Goodman deliberately chose to twist my words around just like a district attorney prosecutor.**

**Deputy Public Defender Jenifer Bedola submitted a false evaluation report saying that Doctor David Berke had determined I was incompetent to stand trial. No evaluation was ever done of me by Doctor David Berke, and the evaluation report was also fabricated evidence. This is like extracting my fingerprints from an item that I had never touched. I met with another doctor afterward who determined I was competent.**

**I took medication while in custody: "Risperdal" Not for mental illness, but to deal with the stress of incarceration and being powerless and helpless. I had taken some another inmate had given me, then asked for doctor prescription. It helped me to sleep while in jail but had nothing to do with my behavior. Only dealing with the situation. When I was released on O.R. however, one of the terms was to take the medication. Even though it no relevance to the charges against me, etc. When I went to trial, I was not able to adequately testify because of being too "doped up" on the medication. My response time was slow in contemplating what to say and how to answer during cross examination and direct examination.**

**Deputy District Attorney lied to the court during prelim and lied to the jury during trial presenting the false narrative, which defense attorney William Bennet did not object to and did not strike. Deputy District Attorney Barbara Cathcart also lied to the jury about the false police reports which William Bennett did not object to. Nor was their motion to strike,**

**Attorney William R. Bennett did excellent job defending my first amendment right to redress grievance and make public my allegations about fraud, falsified reports and corruption, but he failed to directly address the fraud and false police reports in that he did not investigate the falsified reports, procedural violations, etc, nor did he effectively cross examine Detective David Carroll about the false police reports. He did not address other due process violations about the earlier cases – not for purpose of relitigating past issues, but rather to validate that their were indeed legitimate issues that I did have first amendment right to redress.**

**Attorney William Bennet failing to object to statements by Barbara Cathcart claiming that the police reports were not falsified, and that I was living at Markham Plaza when I was not, and this helped Barbara Cathcart sustain her narrative and convince the jury that I had lied and made things up, and falsely prove the element of "no legitimate purpose" and then go on to make the argument that I had no constitutional right to lie about detective David Carroll, - thus subject matter jurisdiction was fraudulently procured over constitutionally protected activity, and I was denied right to fair trial. The court acted in excess of jurisdiction, and though I do not recall ther specific case law, the supreme court has ruled that their can be no punishment for exercising a constitutional right.**

**One of the exhibits pertained to Family Court Case JD20223/JD20224 in which I advocated for parents Ashley Stevens and Scotty Harris regarding their daughter Ashley Harris. Ashley had interviewed in a video series in which she alleged abuse under the care of Santa County Child Protective Services. In at least one video, Ashley Harris alleged she may be victim of sexual abuse. Soon after the videos were published online, Ashley Harris disappeared, and her social worker Anthony Okere filed a missing persons report.**

**Santa Clara County Detective David Carroll had been transferred to juvenile missing persons unit which I found highly suspicious. I was familiar with detective David Carroll and his history of covering for department of social services because of what happened with Heidi Yauman and what he did to me for trying to advocate for Heidi Yauman. For these reasons, I suspected that Detective David Carroll may be involved in Ashley Harris's disappearance bit I did not him. In advocating for the family, I was involved in creation of a web banner suggesting detective David Carroll may be involved which I believed was highly likely. It turned out that Ashley Harris had run away and she eventually turned up.**

**My actions were not out of malice, but out of legitimate fear for Ashley's safety, When asked if I believed all allegations I made, I said "I don't know' or "I;m not sure" I was presented with web banner relating to JD20223/JD20224 and asked if I believed Detective Carroll abused her & I said no. Had Ashley Stevens and Scotty Harris been allowed to testify, then the history would have been clear. Francine Stevens had even told be she had seen a man she believed to be detective David Carroll observing her at the Martin Luther King Library in downtown San Jose and thought he had been following her. Barbara Cathcart was able to use this to persuade the jury that I had lied about, and that "lying" was not constitutionally protected activity, thus fraudulent jurisdiction was procured over my constitutional rights – and I was further denied my right to due process.**

**I had stated in an email that Detective David Carroll was violent. I stand by that statement as the supreme court has ruled that color of law abuse is violence and he committed these abuses against Heidi Yauman, and me also for advocating for her. Heidi Yauman was a dependent adult and very vulnerable and his abuses against her, though not by direct contact caused her injury and great suffering. Few would argue that Charles Manson and Adolf Hitler were violent, even if they did not have direct contact with their victims. The legal dictionary may not consider this violence but I do and legal dictionary is different from Websters and others. Deputy District attorney Barbara Cathcart had convinced the jury that had lied about detective Carroll being violent and in her closing argument was that I must have lied about everything, and therefore that non statements were constitutionally protected. William Bennett should have cross examined Detective David Carroll in this manner about the false statements in his reports. It was not me who maliciously lied about detective David Carroll, It was Detective David Carroll and attorney Barbara Cathcart who lied about me.**

**Barbara Cathcart lied about the perjury in detective David Carroll's report, claiming he was "doing his job" and fraudulently procured jurisdiction over my first amendment rights to speak out the perjury and fraud, and redress my grievances.**

SINGED INDER PENALTY OF PERJURY

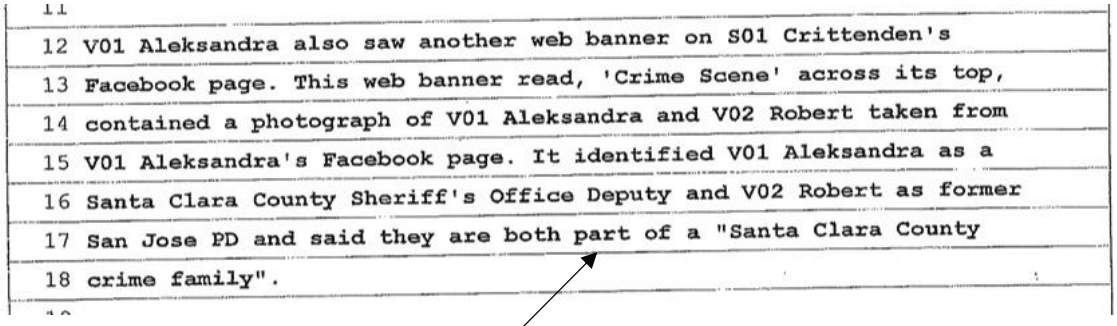
CARY ANDREW CRITTENDEN: _____

# Perjury - False Police Report by Santa Clara County Sheriff Detective David Carroll -14-182-0167B

## Homicide of Markham Plaza Resident Robert Moss concealed from civil grand jury investigation into Santa Clara County Public Guardian

**California Penal Code 118.1** states that "every peace officer who files any report with the agency which employs him or her regarding the commission of any crime or any investigation of any crime, if he or she knowingly and intentionally makes any statement regarding any material matter in the report which the officer knows to be false, whether or not the statement is certified or otherwise expressly reported as true, is guilty of filing a false report punishable by imprisonment in the county jail for up to one year, or in the state prison for one, two, or three years."

Example 1: **FALSE / FABRICATED STATEMENT – MISREPRESENTATION OF FACTS AND EVIDENCE**



V01 Aleksandra also saw another web banner on S01 Crittenden's Facebook page. This web banner read, 'Crime Scene' across its top, contained a photograph of V01 Aleksandra and V02 Robert taken from V01 Aleksandra's Facebook page. It identified V01 Aleksandra as a Santa Clara County Sheriff's Office Deputy and V02 Robert as former San Jose PD and said they are both part of a "Santa Clara County crime family".

**There was never any web banner stating that "<u>They are both part of Santa Clara County Crime Family</u>" and no claims of misconduct were made whatsoever against Deputy Aleksandra Ridgeway until AFTER SHE FALSFIED REPORT 14-182-0167B**

**Deputy Aleksandra Ridgeway was not a witness or party to case 1-12-CV226958**

**There was however a series of web banners from several coalition organizations with title "<u>Santa Clara County Crime Family</u>"**

Example 2: Santa Clara County Sheriff Detective David Carroll misrepresented '**authorship of web banner**" – person who published post is assigned "**face book author ID**" this has "**nothing to do with who created web banner**"

6 On 6/12/2014, at approximately 0322 hours, S02 Peter uploaded a web
7 banner which included V02 Robert's name, identified him as a former
8 San Jose Police Officer, included his home phone number and address,
9 and included the message, "Robert Ridgeway, Ex San Jose Police
10 officer needs lots of attention. He is married to a Santa Clara
11 County Sheriff Deputy (Aleksandra Ridgeway -
1[redacted]Please share & do lots of
13 phone calls and emails." The "author" of this web banner read, "Cary
14 Andrew Crittenden".
15
16 S02 Peter uploaded this web banner to the Facebook page
17 "CopsRCowards"..

**Detective David Carroll made deliberate effort to frame me as author / creator of the web banner, yet he deliberately omitted the fact that when Andreas Peter uploaded the same web banner to "CopsRCowards" – Andreas Peter's Facebook creator ID was in the URL which identified Andraes Peter as "Author of the post""**

27 [redacted]
28
29 Posted below this message was a 'Creator Id' of 100000245077840. From
30 S01 Crittenden's Facebook page, I confirmed this Facebook creator ID

| OFFICER'S NAME | ID NUMBER | DATE | SHIFT/DAYS OFF | SUPERVISORS REVIEW | ID NUMBER | DATE | PAGE | OF |
|---|---|---|---|---|---|---|---|---|
| Carroll, David | 2022 | 07/01/14 1206 | II FSS | Urena, Ricardo | 1815 | 08/25/14 1324 | 18 | 29 |

09/12/2014 000000018

**Image metadata** ( Exif Data ) is text information pertaining to an **image** file that is embedded into the file or contained in a separate file that is associated with it. **Image metadata** includes details relevant to the **image** itself as well as information about its production. ... **Metadata** can also be added directly on some digital cameras.

# HOW MANY MUST DIE

## BEFORE YOU DO SOMETHING?




## YOUR COURTS USED TO COVER UP MURDER

UGLYJUDGE.COM

CJP NEWS
CJPNEWS.BLOGSPOT.COM

CENTERFORJUDICIAL
EXCELLENCE.ORG

Citizens for Criminal
JUSTICE

POLICE THE
POLICE

| | |
|---|---|
| **From:** | Jill Asher |
| **To:** | Council, City; Human Relations Commission; board@pausd.org |
| **Subject:** | Re: Please continue to keep the Think Fund active |
| **Date:** | Wednesday, June 3, 2020 12:29:58 PM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

Dear Palo Alto City Council Members, Human Relations Commissioners and PAUSD School Board Members,

Many of my Magical Bridge Teen Kindness Ambassadors received a "form letter" from the city letting them know their volunteer projects will not be funded. I understand that we are living in extraordinary times and hard decisions need to be made. With that said, these teens were encouraged to apply for the grant by city leaders and would have supported MANY local nonprofits that have been negatively affected and hurt during Covid. It would have been a win-win for our teens, (3) Palo Alto nonprofits, and our entire community.

Magical Bridge Foundation and our teens spent over 100 hours researching nonprofits, coming up with impactful ways to help, writing grant applications, submitting grant applications, and having interviews with the Thinkfund team.

**The total amount they were looking for was $3K from Thinkfund.**

I am saddened and disheartened that the Thinkfund is not being funded -- especially when this would have helped SO MANY.

I hope you will reconsider this decision, and fund the Thinkfund Grant -- and let our Palo Alto teens do their MAGICAL work!

With gratitude,
Jill Asher and Team Magical Bridge

***

On Fri, May 22, 2020 at 5:11 PM Jill Asher <jill@magicalbridge.org> wrote:

> Dear Palo Alto City Council, Palo Alto Human Relations Commissioners, and Palo Alto School Board,
>
> We are writing to you on behalf of the Magical Bridge Foundation to plead with city leadership to reconsider cuts to vital services during this unprecedented time. While we understand and appreciate that many cuts to the budget need to happen, we want to underscore the urgent need of our most vulnerable living in Palo Alto and highlight the ways in which our disabled community in Palo Alto is not being served.
>
> Even prior to the pandemic, children and adults living with visible and invisible disabilities have been receiving virtually no programs and inadequate support from our city. Children and teens with significant disabilities have not had any thoughtful educational options provided to them since the stay-home ordinance took place. And, regarding community

options, Palo Alto's ENJOY catalog has yet to offer any meaningful recreational options for those living in our town with disabilities. As a result, families with children and teens who pay property taxes to live in a community that views "inclusion" are actually living in the reality of being excluded.

After the Magical Bridge playground opened in 2015, Magical Bridge Foundation was formed in 2016 so that families had a place that welcomed their whole family, especially if that included a disabled child. Thanks to generous donors, we are proud to have been able to serve every "body" through our on-site play space, intergenerational programming teen activities. With the ongoing media interest and generous coverage about our playground and companion programs, the City of Palo Alto has enjoyed recognition as a city that values all its families. While we want to continue shining a light on Palo Alto's spirit of generosity, we need the City to join our efforts to finance and provide recreational programming to include the various abilities that make up our community.

Inclusion and innovation is part of our organizational DNA, and our response to COVID-19 has been no different. Since the pandemic erupted mid-March, Magical Bridge Foundation immediately responded by offering a consistent activity that our community desperately needed. Since March 21st, Magical Bridge has been hosting daily FREE, family-friendly, sensory-friendly virtual concerts on our Facebook Page. This has been happening every single day, and most virtual concerts average 500+ views (some have even reached over 4k viewers). With no funding or support from the city *(we were declined from the Emerging Needs Fund),* we identified a private donor who sponsored the concerts through May 31, 2020. Sadly, these concerts are coming to an end because we can no longer pay our performers, who have also lost their livelihood due to the pandemic. We were proud to have been able to offer these intergenerational concerts, and financial compensation to our local performers, every day, for almost 3 months.

Earlier in the year, several city staff members who appreciated the impact of our Teen Kindness Ambassador program encouraged our many teens to apply for the Think Fund grant. We mobilized quickly, partnered with key Palo Alto nonprofits on the front line during the pandemic -- and thoughtfully applied for grants that would profoundly benefit those in most need. These grants would empower our Palo Alto teens and future leaders to mobilize the community and help local nonprofits during these challenging times.

We supported these applications with the encouragement of city leaders, and asked our teens to create and identify projects, and complete the application, which they did. Despite this early encouragement, we have no idea where these projects stand. Our teen volunteers are now left in limbo with little to no communication from the Think Fund grant -- and the inability to move their leadership projects forward without the small funding needed. Our Kindness Ambassadors include over 50 middle school and high school local students (most, from Palo Alto) who come together in a collaborative way to connect and

serve this community. Many of our teen volunteers have disabilities and being in a place where they truly belong as valued members of *this community* is real “magic.”

Specifically, our Palo Alto teens applied for a grant to:

- **Support Life Moves.** Our teens would collect toiletries from neighbors and the community, which would be used at the homeless shelter (showers) at the Opportunity Center. This would include shampoo, soap, wipes, toothpaste and essential items needed by our homeless population

- **Support Palo Alto Jewish and Family and Children’s Services (JFCS) Food Pantry**. Our teens would be working to collect canned food that would be delivered to Seniors in need of these essential items.

- **Support Palo Alto’s Abilities United/Gatepath disabled artists and preschool students.** Our teens would work to collect paints, brushes, canvases for the disabled artists who are no longer able to use the studio --- and collect books and toys for low income, disabled preschool families who are falling further behind because they are not in school.

- **Train Kindness Ambassadors in an innovative new learning program, called “Active Learning”** as a way to serve the most marginalized population in our community. Since never PAUSD nor the City of Palo Alto have provided thoughtful solutions for Palo Alto teens on the lowest developmental levels, several state-certified therapists prepared a specific program for our teens to understand the principles of Active Learning so that once safe, these teens will apply their training to work with several families who are eager to work with us.

We understand that these are unprecedented times that require difficult and sometimes painful decisions for every city government. We also know you value protecting our most vulnerable citizens. We sincerely hope that at the very minimum, you will continue to fund Think Fund grant and our four projects, which will make a positive impact on those who are in need in our beloved community.

Warm regards,

Magical Bridge Foundation
Jill Asher, Olenka Villarreal, Maria Hassid

--
Jill Asher
Executive Director
650-520-8512



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*My TEDx Talk about Magical Bridge*
**Connect with Magical Bridge on:**
*Facebook: https://www.facebook.com/magicalbridge*
*Twitter: https://twitter.com/magicalbridge*


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**Connect with Magical Bridge on:**
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*Twitter: https://twitter.com/magicalbridge*

| | |
|---|---|
| **From:** | Simon Firth |
| **To:** | Council, City; Human Relations Commission; board |
| **Cc:** | Jill Asher |
| **Subject:** | Please continue to keep the Think Fund active |
| **Date:** | Thursday, June 4, 2020 10:47:00 AM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

Dear Council Members, Commissioners, and Board Members,

I'm writing to add my voice to those asking you to reconsider your withdrawal of support for the Think Fund. Our teens are hurting right now and we should bedoing everything we can to support them. I know you have hard decisions to make about financing, but I hope you can find a way to keep this specific finding in place. I'm not sure you have a better way to secure such positive return to the community on such a small investment.

Sincerely,

Simon

Simon Firth
2131 Harvard St.

---------- Forwarded message ---------
From: **Jill Asher** <jill@magicalbridge.org>
Date: Wed, Jun 3, 2020 at 12:28 PM
Subject: Re: Please continue to keep the Think Fund active
To: <city.council@cityofpaloalto.org>, <hrc@cityofpaloalto.org>, <board@pausd.org>

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- **Train Kindness Ambassadors in an innovative new learning program, called "Active Learning"** as a way to serve the most marginalized population in our community. Since never PAUSD nor the City of Palo Alto have provided thoughtful solutions for Palo Alto teens on the lowest developmental levels, several state-certified therapists prepared a specific program for our teens to understand the principles of Active Learning so that once safe, these teens will apply their training to work with several families who are eager to work with us.

We understand that these are unprecedented times that require difficult and sometimes painful decisions for every city government. We also know you value protecting our most vulnerable citizens. We sincerely hope that at the very minimum, you will continue to fund Think Fund grant and our four projects, which will make a positive impact on those who are in need in our beloved community.

Warm regards,

Magical Bridge Foundation
Jill Asher, Olenka Villarreal, Maria Hassid

--
Jill Asher
Executive Director
650-520-8512



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*My TEDx Talk about Magical Bridge*
**Connect with Magical Bridge on:**
*Facebook: https://www.facebook.com/magicalbridge*
*Twitter: https://twitter.com/magicalbridge*


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*Twitter: https://twitter.com/magicalbridge*

**From:** Vivian Yan-Gonzalez
**To:** Human Relations Commission
**Subject:** Adopt ALL Campaign Zero #8cantwait Policies
**Date:** Thursday, June 4, 2020 3:40:30 PM
**Attachments:** image.png

---

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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Dear Palo Alto Human Rights Commission,

I am a PhD candidate at Stanford University, and I am writing to urge Palo Alto to end police brutality by adopting all of the policies outlined at 8cantwait.org by election day, 2020. I support Steven Lee, Palo Alto Human Relations Commissioner, and his work to ensure that Palo Alto does its part to make sure that all Black Lives Matter.

Thank you,
Vivian Yan-Gonzalez




--
Vivian Yan-Gonzalez
PhD Candidate, History
Stanford University

**From:** Heather Collins
**To:** Human Relations Commission
**Subject:** End Police Brutality
**Date:** Thursday, June 4, 2020 4:34:28 PM

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**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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Hello Human Relations Commission,

I, along with many of my friends and family (Palo Alto residents), want these police policies put in place in Palo Alto.

- Ban chokeholds and strangleholds
- Require de-escalation
- Exhaust all alternatives before shooting
- Ban shooting at moving vehicles
- Establish use of force continuum
- Require all force to be reported

For more information and solutions, please visit 8cantwait(dot)org or joincampaignzero(dot)org.

Heather Collins

3433 Kenneth Drive
Palo Alto, CA 94303

**From:** Elan Music
**To:** robert.jonson@cityofpaloalto.org
**Subject:** 8 can"t wait
**Date:** Thursday, June 4, 2020 6:30:04 PM

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I am a resident of Barron Park and I support 8 can't wait. Also create institutions other than the police to handle nonviolent criminal activity!! The police are deadly. Shift money from policing to housing! As a city, you must state that black lives matter. #defundthepolice #blacklivesmatter

| | |
|---|---|
| **From:** | Annette Puskarich |
| **To:** | Human Relations Commission |
| **Subject:** | No Palo Alto Police Department Statement re: George Floyd? The Silence is Deafening |
| **Date:** | Sunday, May 31, 2020 10:54:15 PM |
| **Attachments:** | Screen Shot 2020-05-31 at 3.49.49 PM.png<br>Screen Shot 2020-05-31 at 12.48.39 PM.png |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

----- Forwarded Message -----
**From:** Annette Puskarich <annettepuskarich@yahoo.com>
**To:** city.council@cityofpaloalto.org <city.council@cityofpaloalto.org>; CityMgr@cityofpaloalto.org <citymgr@cityofpaloalto.org>; pd@cityofpaloalto.org <pd@cityofpaloalto.org>
**Cc:** gsheyner@gmail.com <gsheyner@gmail.com>; local@bayareanewsgroup.com <local@bayareanewsgroup.com>
**Sent:** Sunday, May 31, 2020, 05:05:30 PM PDT
**Subject:** No Palo Alto Police Department Statement re: George Floyd? The Silence is Deafening

## It is May 31 and still NO Statement from the City of Palo Alto Police? Where is the statement that should have been published immediately denouncing George Floyd's murder- did PAPD miss that murder video? Other Police Chiefs are making sincere statements condemning that conduct and taking a position to rebuild community trust. PAPD has not been immune to having dirty cops in their ranks.

May 25 George Floyd murdered by police officer in MN

May 26- Palo Alto Police (PAPD) tweet & FB post about restaurant pick up, national bike month
May 26- No PAPD Press Release
May 27- PAPD tweet & FB post about keeping cool and building permits

May 27- No PAPD Press Release
May 28- PAPD tweet about where to park before taking a hike

May 28- No PAPD Press Release
May 29- PAPD tweet about the farmers market, budget, and foodie friday

May 29- No PAPD Press Release
May 30- PAPD - no social media post

May 30- No PAPD Press Release
May 31- PAPD- no social media post
May 31- No PAPD Press Release

The lack of acknowledgement on the part of the City/PAPD disgusts me.
Annette Puskarich, Kendall Ave, Palo Alto





**Police chief says use of force is 'very rare.' Critics are not convinced.**

Facing numerous allegations of excessive force by local police officers, Palo Alto police Chief Robert Jonsen as...



**No person is above the law, including police officers.**

No man is above the law. We've heard that phrase repeatedly in rec...

https://www.ksbw.com/article/central-coast-police-chiefs-speak-out-against-the-death-of-george-floyd/32720419 'Do Not Tarnish Our Badge' SJ Police Chief Makes Passionate Statement to Cadets About the Death of George Floyd





### ‘Do Not Tarnish Our Badge’ SJ Police Chief Makes Passionate Statement to...

San Jose Police Chief Eddie Garcia visited cadets Friday with a direct lesson for the soon-to-be SJPD officers a...

**From:** super nova

**To:** raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova

**Subject:** Re: KNOW JUSTICE; KNOW PEACE #5

**Date:** Saturday, May 23, 2020 8:12:32 PM

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(BTW: Mark Chapman told me this one day...Mark was the guitar player in one of my first rock bands in high school -- he went to Archbishop Mitty High School and loved Black Sabbath; and we played many songs by them...And believe it or not right after John Lennon died I was going on about my old friend Mark Chapman to my Dad right after that band had broken up; and right at this same moment as I was talking to my Dad about Mark; my brother came into the room crying saying John Lennon had been killed by a man named Mark Chapman...No shit...True story...I still think it's kinda freaky that I am psychic...I have no control over it...)

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Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of God...Or whatever you want to call it...Same thing...

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So whether it is mass death and biomass emanating energy; or 'quantumly entangled' energy over light years of space and time between a tsunami and a gamma ray burst; it is all explainable with physics and/or quantum physics and/or quantum entanglement...And it really doesn't matter what you call it: God or whatever...

It's still the exact same thing...

"...if everything that is has always been; when did it all start and where did it all come from? that was the basic idea behind this blog post > WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS? > the concept of endless; infinite space and/or time and/or energy and/or mass and/or matter is almost totally incomprehensible...and the starting point for the initial inception of endless energy and/or mass and/or matter in a universe of infinite potentiality remains elusive as well...but assuming basic elementary particles such as atoms etc have always existed along with the photons within them which we know are timeless; perhaps within these massively abundant elementary particles lies the potentiality for all life in the universe; occasionally unleashing unlimited and compacted energy and/or matter into the universe of potentiality like a quadrillion tiny nuclear big bang explosions based upon external stimulus causing these events to occur...or something?...but the question remains: how could something have always existed? therein lies the 'god' element...as the concept of 'god' is not just a question; but also an unheard answer as well that holds all truths that will never be told..."



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SEE ALSO: https://www.icr.org/article/big-bang-hubble-contradiction
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In other words; the center of the spatial universe is everywhere...

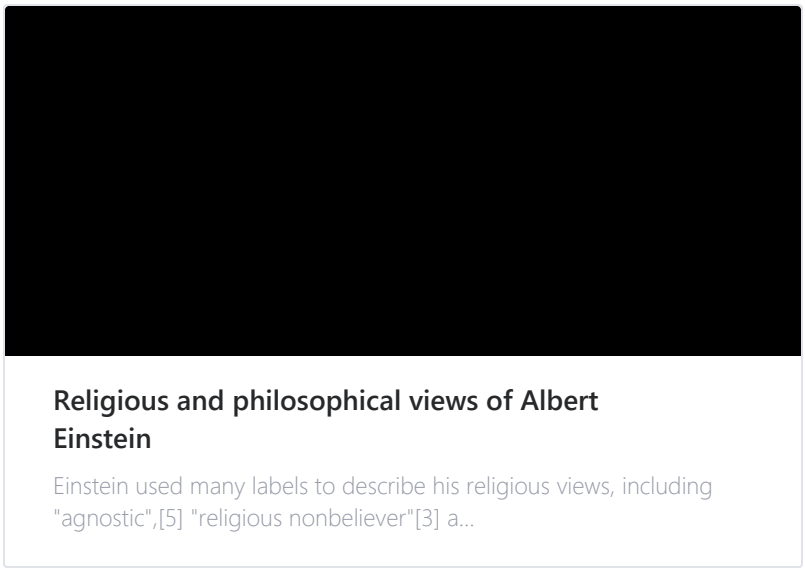
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If an elementary particle can be endlessly halved without disappearing ~ then conversely perhaps entire universes can emanate from seemingly invisible elementary particles and/or 'nothing'...

Perhaps explaining the theoretical 'nothingness' the universe came from to begin with. Quantum gravity has a tendency to compact matter and/or energy into black holes (much like a trash compactor and/or an highly compacted 'unzipped' computer file) while supernovas alternately release highly condensed energy and/or matter. And like a star that goes supernova; a big bang event is perhaps just a very large macro level supernova star emanation event. Perhaps there are giant distant stars that are out of our observational realm that go supernova and create entire universes. In retrospect; to fully understand and/or truly appreciate all of the mystery; grandeur and illogical nature of our known universe -- I suppose you have to believe in magic..."

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Bringing us back on point; first off I am not prefect but I am a really intelligent person who was (for instance) separated from his elementary school class for independent study due to the less intelligent students in the class holding me back...And I could

have easily graduated early from high school but wanted to play drums...

Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

TERRORIST SEAGRAVE ~ X-13

**TERRORIST SEAGRAVE ~ X-13**

this is an excerpt from an email i recently received from another individual who has been harassed and terrorize...

On Friday, May 22, 2020, 2:08:51 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: I'm starting a new thread that last one was getting too large to open easily...

Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist



**Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist**

The Washington Times http://www.washingtontimes.com

Sen. Kamala Harris wants this on the record — the term “Chinese Virus” is hate speech fueling attacks against As...

**STAYING ON POINT**:
What democrats really seem to want to do is lock us all down with forced health care and tell us what to say and think...I understand her concern; but I am also very concerned about the largely undemocratic half-truthed "white entitlement " argument as being racist and fomenting hatred against whites and therefore causing me and many others to be openly discriminated against due to this extremely divisive narrative...

===

**GOING OFF ON A TANGENT**:
I also wanted to change the subject for one minute to comment that you cannot kill this many animals all at once without some kind of weather-related response like the massive flooding in Minnesota...It is a large amount of displaced energy that does not just "go away"...During winter it would turn to ice and snow due to the lower atmospheric temperatures and/or the slightly lowered temperature of the mass of disembodied spirits; which have a direct effect upon the atmosphere...And I highly suspect it is quantum entanglement-related...

QUANTUM ENTANGLEMENT THEORY



**QUANTUM ENTANGLEMENT THEORY**

" Quantum entanglement is a physical phenomenon that occurs when pairs or groups of particles are generated or ...

BLACK PLAGUE / LITTLE ICE AGE CONNECTION?



**BLACK PLAGUE / LITTLE ICE AGE CONNECTION?**

WAS THERE A CONNECTION BETWEEN THE BLACK PLAGUE; AND THE LITTLE ICE AGE? -- Just like how Germany experienced th...

Flooding in Minnesota



**Flooding in Minnesota**

US Department of Commerce, NOAA, National Weather Service

[Farmers overrun with dead livestock during coronavirus pandemic aren’t sure what to do]



**Farmers overrun with dead livestock during coronavirus pandemic aren’t s...**

As slaughterhouses and processing plants close, farmers are stuck with a surplus of dead animals.

Millions of farm animals culled as US food supply chain chokes up



**Millions of farm animals culled as US food supply chain chokes up**

Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

**From:** super nova

**To:** raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova

**Subject:** Re: KNOW JUSTICE; KNOW PEACE #5

**Date:** Saturday, May 23, 2020 8:12:32 PM

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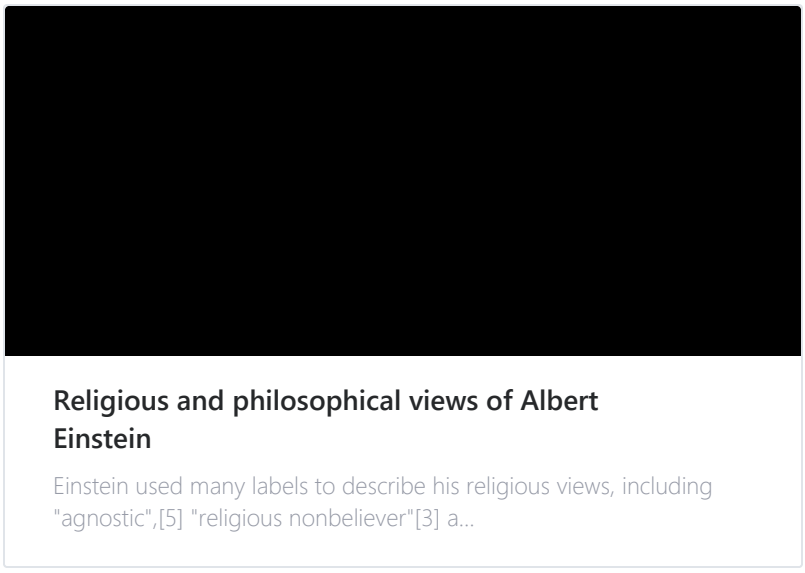
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The Washington Times http://www.washingtontimes.com

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Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

**From:** super nova

**To:** raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova

**Subject:** Re: KNOW JUSTICE; KNOW PEACE #5

**Date:** Saturday, May 23, 2020 8:12:32 PM

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**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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"God is everything or it is nothing..." -- Mark Chapman

(BTW: Mark Chapman told me this one day...Mark was the guitar player in one of my first rock bands in high school -- he went to Archbishop Mitty High School and loved Black Sabbath; and we played many songs by them...And believe it or not right after John Lennon died I was going on about my old friend Mark Chapman to my Dad right after that band had broken up; and right at this same moment as I was talking to my Dad about Mark; my brother came into the room crying saying John Lennon had been killed by a man named Mark Chapman...No shit...True story...I still think it's kinda freaky that I am psychic...I have no control over it...)

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Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of God...Or whatever you want to call it...Same thing...

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So whether it is mass death and biomass emanating energy; or 'quantumly entangled' energy over light years of space and time between a tsunami and a gamma ray burst; it is all explainable with physics and/or quantum physics and/or quantum entanglement...And it really doesn't matter what you call it: God or whatever...

It's still the exact same thing...

"...if everything that is has always been; when did it all start and where did it all come from? that was the basic idea behind this blog post > WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS? > the concept of endless; infinite space and/or time and/or energy and/or mass and/or matter is almost totally incomprehensible...and the starting point for the initial inception of endless energy and/or mass and/or matter in a universe of infinite potentiality remains elusive as well...but assuming basic elementary particles such as atoms etc have always existed along with the photons within them which we know are timeless; perhaps within these massively abundant elementary particles lies the potentiality for all life in the universe; occasionally unleashing unlimited and compacted energy and/or matter into the universe of potentiality like a quadrillion tiny nuclear big bang explosions based upon external stimulus causing these events to occur...or something?...but the question remains: how could something have always existed? therein lies the 'god' element...as the concept of 'god' is not just a question; but also an unheard answer as well that holds all truths that will never be told..."



WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS?

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"UPDATE / 31 MARCH 2019: Why would anyone think there was no matter and/or energy in the known universe at one point in 'time' before space time even existed within this dimensional realm or elsewhere? That is a ridiculous notion. As in the justice system; evidence must first be discovered and presented for any allegation to become a reality -- and the same goes for theoretical scientific observation. Maybe our obsession with numbers and mile-long mathematical calculations to find answers is part of this multi-dimensional problem -- perhaps wrongfully assuming there needs to be a zero starting point for everything. But zero can also express the circle of infinity and/or limitless, infinite, innumerable space as expressed in my simple Algebraic equation: x + y = 0.

In other words; the center of the spatial universe is everywhere...

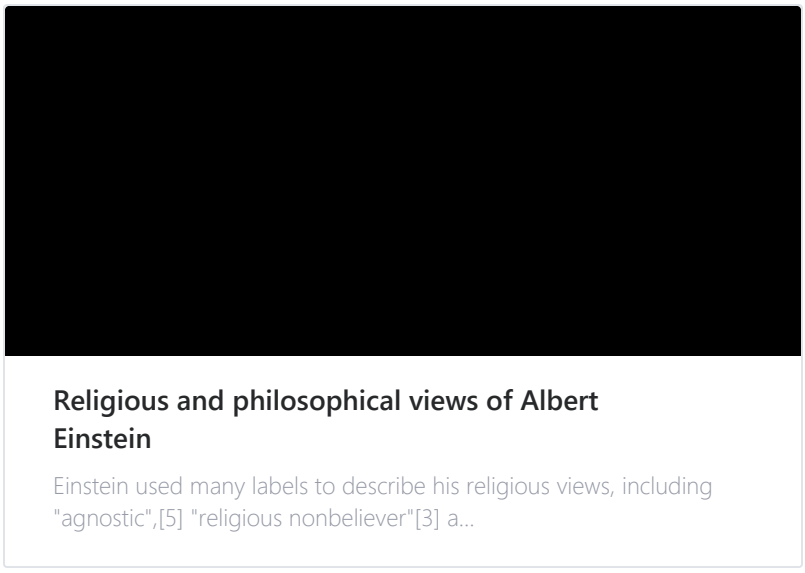
**In light of this; it should seem obvious that the terms macro and micro are entirely relative and based upon our own particular limited human perspectives and/or relative size as humans. Therefore the macroscopic reality of Quantum Entanglement merged with the microscopic reality of Quantum Mechanics can**

**finally be unified and/or consolidated as everything is just a scale model of everything else.** (explaining why 100 light years is really like and inch or less depending due to the sheer innumerable and/or limitless size of endless space)

If an elementary particle can be endlessly halved without disappearing ~ then conversely perhaps entire universes can emanate from seemingly invisible elementary particles and/or 'nothing'...

Perhaps explaining the theoretical 'nothingness' the universe came from to begin with. Quantum gravity has a tendency to compact matter and/or energy into black holes (much like a trash compactor and/or an highly compacted 'unzipped' computer file) while supernovas alternately release highly condensed energy and/or matter. And like a star that goes supernova; a big bang event is perhaps just a very large macro level supernova star emanation event. Perhaps there are giant distant stars that are out of our observational realm that go supernova and create entire universes. In retrospect; to fully understand and/or truly appreciate all of the mystery; grandeur and illogical nature of our known universe -- I suppose you have to believe in magic..."

"Science and religion are not necessarily unconnected...Religion does not necessarily explain sciecne; but science can definitely help to explain religion...Albert Einstein once rejected a conflict between **science** and **religion**, and held that cosmic **religion** was necessary for **science**. For **Einstein**, "**science** without **religion** is lame, **religion** without **science** is blind." He told William Hermanns in an interview that "God" is a mystery..."
Religious and philosophical views of Albert Einstein



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Einstein used many labels to describe his religious views, including "agnostic",[5] "religious nonbeliever"[3] a...

Can Science Explain Religion?



## Can Science Explain Religion?

Robert Wright's "The Evolution of God" both surveys the history of religion and offers a new theory to explain w...

On Friday, May 22, 2020, 2:28:29 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"I am not prefect" haha Yes I need to proof read a little more; but I am in a bit of a hurry today...

On Friday, May 22, 2020, 2:25:20 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

And if you think that'smind blowing check this out:
2004 TSUNAMI/GAMMA RAY BURST CONNECTION?



**2004 TSUNAMI/GAMMA RAY BURST CONNECTION?**

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Sophie Kevany

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| | |
|---|---|
| **From:** | super nova |
| **To:** | raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova; paulette.altmaier@gmail.com |
| **Subject:** | Re: KNOW JUSTICE; KNOW PEACE #5 |
| **Date:** | Monday, May 25, 2020 1:11:33 PM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

I added Paullete Altmaier to this email list because I saw her very well-written open letter to Doctor Cody as an op ed advertisement in the San Jose Mercury News; and I wanted to suggest maybe putting up an online version as well to get it out to more people and give it more life...I actually wanted to point to your article as an example of a pattern and practice of negligent behavior on the part of local officials who have been allowing an out of control homeless situation that is turning out to be not unlike the situation with Gyspies in Europe etc...A seemingly unsolvable problem that thrusts countless poor souls into a life of desperation and poverty...

This was already going on; as the liberal democrats who generally run this region seem to think they can endlessly cram more and more people into this overcrowded region to the point where almost everyone is struggling; and especially those with increasingly expensive rental housing that steals their pensions...

So this has already been the desperate trend in this region; to get too many tops spinning at once in an unsustainable fashion to the point where they eventually all crash -- causing us all to start over...

It happened after the dot com bust in the late 1990s; which lasted until roughly 2008 when the region was revved up again; only to crash once again after the Covid-19 situation...And the long-term effects of the pre-2008 era are the regions' homeless population...So if that is what is left over from 2008; imagine what we are facing now with so many people losing their businesses as Gavin Newsom keeps his winery open?

In other words; Covid-19 just added countless more individuals to that list of desperate individuals...But it's looking like at least some of the Covid-19 data was incorrect; so we may have done all of this for nothing -- destroying countless lives in the process and making the State of California (CA) etc liable for the losses...

(Ultimately China is actually responsible for the losses; but the actions of CA made it worse...)

We all probably need to be more careful during cold and flu season for our own health and the health of others -- for the sake of the elderly and those who are vulnerable; and especially me because I take care of my 94 year old Dad who had a stroke recently...I was doing that anyway before all of this...

But I am afraid that most of us went a bit too far this year with our reaction; mainly out of fear and ignorance regarding the true danger of the situation...And there is gonna be Hell to pay for this big mess; but the US is out of money and has been for awhile now; and Hell doesn't take credit cards...And China now owns our credit card debt along with many other things so right now China is winning the this game of international chess...

https://www.yahoo.com/news/im-looking-truth-states-face-100035918.html
On Saturday, May 23, 2020, 10:03:39 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: Changing the subject; I went to Grocery Outlet in Santa Clara yesterday and a tall cashier named Amanda (who I'm pretty sure is transsexual) was at a closed register right after the boss had left when there was 3's a crowd in line (there was actually about 15 people in line) I had come in earlier for some items and mentioned to the manager that some plants by the front door were wilting and needed watering; so maybe add a little B1 to some water to de-stress them...

Then when I came back a few hours later for some Valerian Root to help me sleep; like I said there was a long line and Amanda was at a closed register...I suggested that Amanda open the line; making her angry -- asking the first person in the long line to be served first; which is actually what I wanted because she was trying to make me look selfish...Then the first person in line saw that I only had one item and let me go first; angering Amanda even further...Amanda then said very loudly for all to hear: "Get out of my face" and went on for about a minute later with more verbally abusive comments...

So I figured I would go back soon and tell the manager; so today I returned and instead spoke to someone who had always been very nice; telling her essentially that I have had the same job for 35+ years at least partially because I am courteous to all people along the way no matter whether I like them or not; and/or whether they are being mean to me or not...I am a wise elder who you need to listen to because I know all about life is what I told her; because I am...I have dealt with enough mean-spirited people in my life and been all over the world with a rock band so I know how to snap back at idiots to shut them down...

I just wait until I am on my blog to snap back at corrupt  cops due to the inherent duress involved...I am not necessarily afraid; I am just not stupid and this is my way of outsmarting their shit...

ACLU apps take this all one step further; I should have used that app when dealing with Ochoa and Smith and many other crooked cops I have dealt with along the way...

Anyway; I told the clerk maybe her and the girls at the other registers who heard these abusive languages should sit her down and have a little talk with Amanda to set her straight (you now what I mean)...

Just then; Nia and African-American lady from Big Lots walked up and said hello to me...She obviously overheard our conversation and intervened with her usual beautiful self...She was always very gracious when she worked at Big Lots; and I even gave her a Roberta Flack CD when I was on a big Robert Flack kick awhile back...And I mentioned how gracious Nia always was when working at Big Lots to the clerk I was speaking to...

Nia and I exchanged a few more kind words; showing the clerk I had spoken to through example the "way to be"; and we went our separate ways...And it's like Nia was there at that moment for a reason...Like she is some kind of protector spirit or something with the positive energy that was needed to defuse the situation...

But if the abuse continues; I will record with it with my ACLU app on witness mode and take it from there...Or maybe talk to her boss...We'll see...And the state of California attempting to stop people from video recording their abuse is yet another form of abuse which essentially obstructs justice in the process -- as those who are violating your rights effectively nullify their owns rights in the process...

Either way something must be done because the mainstream media's usual half-truthed perspective is either ignoring my other side of this reality; or perhaps they are even causing it and exacerbating it as well...

A bit of both actually...So let's start treating all people equally -- no matter what...Is that a deal?

Asian American doctors and nurses are fighting racism and the coronavirus



Asian American doctors and nurses are fighting racism and the coronavirus

Asian Americans are reporting a sharp increase in racist verbal abuse and physical attacks, as the coronavirus d...

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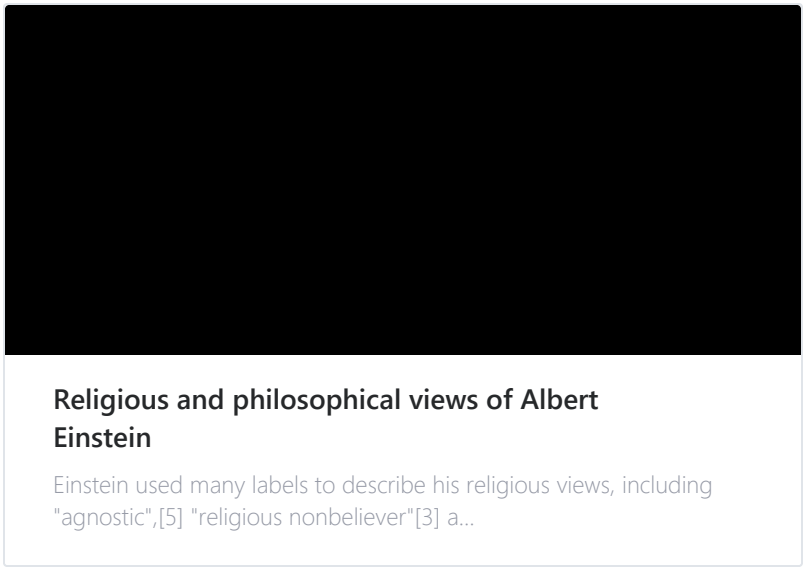
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| | |
|---|---|
| **From:** | super nova |
| **To:** | raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; paulette.altmaier@gmail.com; super nova |
| **Subject:** | Re: KNOW JUSTICE; KNOW PEACE #5 |
| **Date:** | Monday, May 25, 2020 2:06:07 PM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

Other than that; any lawyers out there who care to help me push my case through the system are welcome to help me out; today is the 6 month cutoff date; so I am submitting an amended complaint in a new claim form bringing up this questionable prosecutorial misconduct...

In a nutshell; Sunnyvale POS/DPS/SCPD refused to do anything about several active threats that existed outside my residence for many years (some of them police-sponsored active threats) then after submitting a claim form for the illegal ejection from a private business of public accommodations that Sunnyvale POS/DPS refused to take action on (The Oasis Nightclub which is now closed) the City of Sunnyvale retaliated with a non-issue by targeting my 94-year old Father for more prosecutorial harassment; this time threatening prosecution for a government-sanctioned green garbage can with a 19 MPH sign painted on it that I got permission from the City of Sunnyvale for many years ago; and the City of Santa Clara; as all of the signage on my street is there due to my valiant efforts...Adding to this; a safety cone that helps remind people to slow down on our street and protects my cats from getting run over easily was sighted as being a problem by Sunnyvale Public Works after me suggesting to other Public Works employees about making the street safer...

This Public Works employee wrote a letter telling me he can steal my safety cones any time he wants...

In other words; the usual: tying my hands and leaving a festering problem in a grossly negligent manner; as a bicyclist had been run over and killed on Dunford Way last summer (which brought a million cop cars yet no obligatory obsessive media coverage -- why did the local TV nes media ignore this story; helping to cover it up?) therefore attempting to get me to move the safety cone (as small and insignificant as it seems to some who view themselves as being 'in control' of this Silicon Valley mess) was actually a HUGE deal...

Not only due to the various aforementioned reasons; but also due to the fact that the City of Sunnyvale has a history of messing with the elderly to get their way...For instance; one of the two brothers who used to own the Corn Palace parcel said that the City of Sunnyvale was so intent on developing his land (which they are finally developing right as the demand for housing is decreasing exponentially) that the City of Sunnyvale allegedly gave him a heart attack (or almost did; I cannot remember exactly) the main point being the City of Sunnyvale has no respect for their elderly population; willing to abuse their prosecutorial harassment on frail stroke victims like my 94-year old Dad just to retaliate against me...

And the Sunnyvale Department of Public Safety went against their core mission of "public safety" by telling me to remove a government-sanctioned green garbage can with 19 MPH written on the side of it (when Dunford Way is actually Santa Clara jurisdiction) and POS/DPS standing behind Sunnyvale Public Works didn't help things...And these actions caused an immense amount of emotional distress for the entire family at the time...So all it did was make things worse...But government in general is an 'Emotional Distress Machine' (EDM) of sorts; so good luck getting government to care about the turmoil they cause within people's lives without the help of a good lawyer who knows how to twist their insurance companies' arm the right way...

Like I said before; for many years police took zero action for active threats existing outside my residence (causing my financial fall) and sometimes government/police-sponsored active threats ~ then turned around and wanted to talk about a safety cone and a green garbage can reminding people to slow down to 19 MPH after many late-1990s meetings with the the City of Santa Clara's Traffic Engineering Department...

NEIGHBORHOOD COPWATCH / LIST OF STALKERS



**NEIGHBORHOOD COPWATCH / LIST OF STALKERS**

This is a semi-complete list of stalkers and harassers who violently attacked and menaced and vandalized my resi...

I am getting pretty good at this legal game after a decade of self-study; but since there is so much government-sanctioned class-based discrimination they treat me like I do not exist...Instead defaming and slandering me; calling me crazy and ruining my

good reputation to get me to "just go away"...

But that's not gonna happen any time soon and that should be obvious by now...

OFFICIAL REJECTION OF GHC CLAIM REJECTION:

**OFFICIAL REJECTION OF GHC CLAIM REJECTION:**

RE: George Hills Company (GHC) 7 MAY 2020 Date of loss: 19 May 2019 City Claims Number: 19-20-046 George Hill...

On Monday, May 25, 2020, 1:20:12 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; it occurred to me over the weekend that the situation with the angry clerk at Grocery Outlet applies directly over to my claims against the Cities of Sunnyvale and Santa Clara; government employees like police officers should be held to a higher standard of behavior than even distribution drivers like me who have been polite and courteous for so long; allowing me to keep the same job for 35+ years now...

How many cops out there reading this have kept their jobs for even half of that time? So yeah; I am a wise old soul that you need to listen up to because I know a thing or two about a thing or two...The only thing that is necessary in life is to be kind and helpful to others; as there is no other higher calling for humanity...

In other words; this aint my first rodeo...And remember; inhumanity does not give a shit about any of this...Inhumanity thinks I am full of shit...But what else is inhumanity gonna think? I mean really? Come on!

On Monday, May 25, 2020, 1:11:16 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

I added Paullete Altmaier to this email list because I saw her very well-written open letter to Doctor Cody as an op ed advertisement in the San Jose Mercury News; and I wanted to suggest maybe putting up an online version as well to get it out to more people and give it more life...I actually wanted to point to your article as an example of a pattern and practice of negligent behavior on the part of local officials who have been allowing an out of control homeless situation that is turning out to be not unlike the situation with Gyspies in Europe etc...A seemingly unsolvable problem that thrusts countless poor souls into a life of desperation and poverty...

This was already going on; as the liberal democrats who generally run this region seem to think they can endlessly cram more and more people into this overcrowded region to the point where almost everyone is struggling; and especially those with increasingly expensive rental housing that steals their pensions...

So this has already been the desperate trend in this region; to get too many tops spinning at once in an unsustainable fashion to the point where they eventually all crash -- causing us all to start over...

It happened after the dot com bust in the late 1990s; which lasted until roughly 2008 when the region was revved up again; only to crash once again after the Covid-19 situation...And the long-term effects of the pre-2008 era are the regions' homeless population...So if that is what is left over from 2008; imagine what we are facing now with so many people losing their businesses as Gavin Newsom keeps his winery open?

In other words; Covid-19 just added countless more individuals to that list of desperate individuals...But it's looking like at least some of the Covid-19 data was incorrect; so we may have done all of this for nothing -- destroying countless lives in the process and making the State of California (CA) etc liable for the losses...

(Ultimately China is actually responsible for the losses; but the actions of CA made it worse...)

We all probably need to be more careful during cold and flu season for our own health and the health of others -- for the sake of the elderly and those who are vulnerable; and especially me because I take care of my 94 year old Dad who had a stroke recently...I was doing that anyway before all of this...

But I am afraid that most of us went a bit too far this year with our reaction; mainly out of fear and ignorance regarding the true danger of the situation...And there is gonna be Hell to pay for this big mess; but the US is out of money and has been for awhile now; and Hell doesn't take credit cards...And China now owns our credit card debt along with many other things so right now China is winning the this game of international chess...

https://www.yahoo.com/news/im-looking-truth-states-face-100035918.html

On Saturday, May 23, 2020, 10:03:39 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: Changing the subject; I went to Grocery Outlet in Santa Clara yesterday and a tall cashier named Amanda (who I'm pretty sure is transsexual) was at a closed register right after the boss had left when there was 3's a crowd in line (there was actually about 15 people in line) I had come in earlier for some items and mentioned to the manager that some plants by the front door were wilting and needed watering; so maybe add a little B1 to some water to de-stress them...

Then when I came back a few hours later for some Valerian Root to help me sleep; like I said there was a long line and Amanda was at a closed register...I suggested that Amanda open the line; making her angry -- asking the first person in the long line to be served first; which is actually what I wanted because she was trying to make me look selfish...Then the first person in line saw that I only had one item and let me go

first; angering Amanda even further...Amanda then said very loudly for all to hear: "Get out of my face" and went on for about a minute later with more verbally abusive comments...

So I figured I would go back soon and tell the manager; so today I returned and instead spoke to someone who had always been very nice; telling her essentially that I have had the same job for 35+ years at least partially because I am courteous to all people along the way no matter whether I like them or not; and/or whether they are being mean to me or not...I am a wise elder who you need to listen to because I know all about life is what I told her; because I am...I have dealt with enough mean-spirited people in my life and been all over the world with a rock band so I know how to snap back at idiots to shut them down...

I just wait until I am on my blog to snap back at corrupt  cops due to the inherent duress involved...I am not necessarily afraid; I am just not stupid and this is my way of outsmarting their shit...

ACLU apps take this all one step further; I should have used that app when dealing with Ochoa and Smith and many other crooked cops I have dealt with along the way...

Anyway; I told the clerk maybe her and the girls at the other registers who heard these abusive languages should sit her down and have a little talk with Amanda to set her straight (you now what I mean)...

Just then; Nia and African-American lady from Big Lots walked up and said hello to me...She obviously overheard our conversation and intervened with her usual beautiful self...She was always very gracious when she worked at Big Lots; and I even gave her a Roberta Flack CD when I was on a big Robert Flack kick awhile back...And I mentioned how gracious Nia always was when working at Big Lots to the clerk I was speaking to...

Nia and I exchanged a few more kind words; showing the clerk I had spoken to through example the "way to be"; and we went our separate ways...And it's like Nia was there at that moment for a reason...Like she is some kind of protector spirit or something with the positive energy that was needed to defuse the situation...

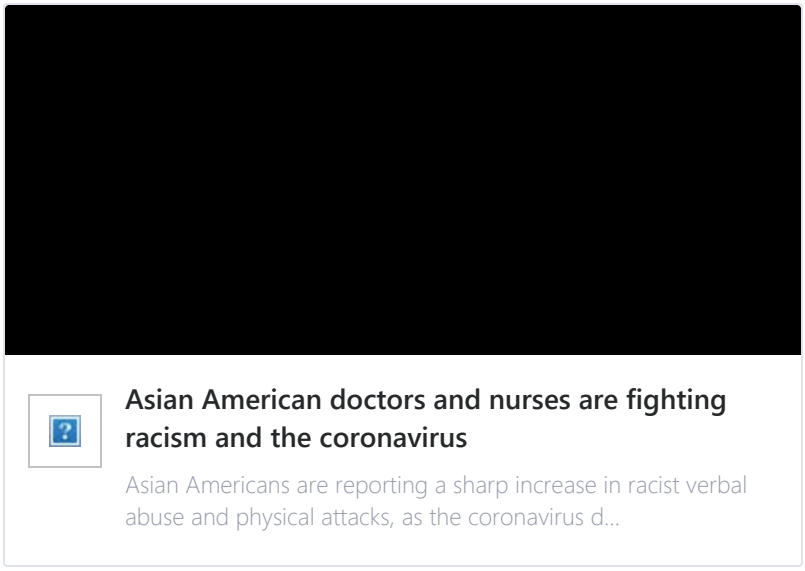
But if the abuse continues; I will record with it with my ACLU app on witness mode and take it from there...Or maybe talk to her boss...We'll see...And the state of California attempting to stop people from video recording their abuse is yet another form of abuse which essentially obstructs justice in the process -- as those who are violating your rights effectively nullify their owns rights in the process...

Either way something must be done because the mainstream media's usual half-truthed perspective is either ignoring my other side of this reality; or perhaps they are even causing it and exacerbating it as well...

A bit of both actually...So let's start treating all people equally -- no matter what...Is

that a deal?

[Asian American doctors and nurses are fighting racism and the coronavirus]




On Saturday, May 23, 2020, 8:12:24 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"God is everything or it is nothing..." -- Mark Chapman

(BTW: Mark Chapman told me this one day...Mark was the guitar player in one of my first rock bands in high school -- he went to Archbishop Mitty High School and loved Black Sabbath; and we played many songs by them...And believe it or not right after John Lennon died I was going on about my old friend Mark Chapman to my Dad right after that band had broken up; and right at this same moment as I was talking to my Dad about Mark; my brother came into the room crying saying John Lennon had been killed by a man named Mark Chapman...No shit...True story...I still think it's kinda freaky that I am psychic...I have no control over it...)
On Saturday, May 23, 2020, 8:05:40 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of God...Or whatever you want to call it...Same thing...

On Saturday, May 23, 2020, 8:01:41 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Humans had to come up with some official word for all of this;
thus the word God and/or Allah and/or etc etc etc...Same thing...

On Saturday, May 23, 2020, 7:59:30 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

So whether it is mass death and biomass emanating energy; or 'quantumly entangled' energy over light years of space and time between a tsunami and a gamma ray burst; it is all explainable with physics and/or quantum physics and/or quantum entanglement...And it really doesn't matter what you call it: God or whatever...

It's still the exact same thing...

"...if everything that is has always been; when did it all start and where did it all come from? that was the basic idea behind this blog post > WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS? > the concept of endless; infinite space and/or time and/or energy and/or mass and/or matter is almost totally incomprehensible...and the starting point for the initial inception of endless energy and/or mass and/or matter in a universe of infinite potentiality remains elusive as well...but assuming basic elementary particles such as atoms etc have always existed along with the photons within them which we know are timeless; perhaps within these massively abundant elementary particles lies the potentiality for all life in the universe; occasionally unleashing unlimited and compacted energy and/or matter into the universe of potentiality like a quadrillion tiny nuclear big bang explosions based upon external stimulus causing these events to occur...or something?...but the question remains: how could something have always existed? therein lies the 'god' element...as the concept of 'god' is not just a question; but also an unheard answer as well that holds all truths that will never be told..."



**WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS?**

SEE ALSO: https://www.icr.org/article/big-bang-hubble-contradiction It occurred to me recently that no o...

"UPDATE / 31 MARCH 2019: Why would anyone think there was no matter and/or energy in the known universe at one point in 'time' before space time even existed within this dimensional realm or elsewhere? That is a ridiculous notion. As in the justice system; evidence must first be discovered and presented for any allegation to become a reality -- and the same goes for theoretical scientific observation. Maybe our obsession with numbers and mile-long mathematical calculations to find answers is part of this multi-dimensional problem -- perhaps wrongfully assuming there needs to be a zero starting point for

everything. But zero can also express the circle of infinity and/or limitless, infinite, innumerable space as expressed in my simple Algebraic equation: x + y = 0.

In other words; the center of the spatial universe is everywhere...

**In light of this; it should seem obvious that the terms macro and micro are entirely relative and based upon our own particular limited human perspectives and/or relative size as humans. Therefore the macroscopic reality of Quantum Entanglement merged with the microscopic reality of Quantum Mechanics can finally be unified and/or consolidated as everything is just a scale model of everything else.** (explaining why 100 light years is really like and inch or less depending due to the sheer innumerable and/or limitless size of endless space)

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Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

**From:** super nova
**To:** raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; paulette.altmaier@gmail.com; super nova
**Subject:** Re: KNOW JUSTICE; KNOW PEACE #5
**Date:** Monday, May 25, 2020 5:26:05 PM

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

ATTENTION! GEORGE HILLS COMPANY:
AMENDED CLAIM SUBMITTED TO GHC 25 MAY 2020:



AMENDED CLAIM SUBMITTED TO GHC 25 MAY 2020:

I POSTED THIS BACK IN 2017! -- THEREFORE IT'S HIGH TIME TO OVERCOME YOUR SEVERE CRANIAL POSTERIOR SYNDROMES CITY...

On Monday, May 25, 2020, 2:05:54 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; any lawyers out there who care to help me push my case through the system are welcome to help me out; today is the 6 month cutoff date; so I am submitting an amended complaint in a new claim form bringing up this questionable prosecutorial misconduct...

In a nutshell; Sunnyvale POS/DPS/SCPD refused to do anything about several active

threats that existed outside my residence for many years (some of them police-sponsored active threats) then after submitting a claim form for the illegal ejection from a private business of public accommodations that Sunnyvale POS/DPS refused to take action on (The Oasis Nightclub which is now closed) the City of Sunnyvale retaliated with a non-issue by targeting my 94-year old Father for more prosecutorial harassment; this time threatening prosecution for a government-sanctioned green garbage can with a 19 MPH sign painted on it that I got permission from the City of Sunnyvale for many years ago; and the City of Santa Clara; as all of the signage on my street is there due to my valiant efforts...Adding to this; a safety cone that helps remind people to slow down on our street and protects my cats from getting run over easily was sighted as being a problem by Sunnyvale Public Works after me suggesting to other Public Works employees about making the street safer...

This Public Works employee wrote a letter telling me he can steal my safety cones any time he wants...

In other words; the usual: tying my hands and leaving a festering problem in a grossly negligent manner; as a bicyclist had been run over and killed on Dunford Way last summer (which brought a million cop cars yet no obligatory obsessive media coverage -- why did the local TV nes media ignore this story; helping to cover it up?) therefore attempting to get me to move the safety cone (as small and insignificant as it seems to some who view themselves as being 'in control' of this Silicon Valley mess) was actually a HUGE deal...

Not only due to the various aforementioned reasons; but also due to the fact that the City of Sunnyvale has a history of messing with the elderly to get their way...For instance; one of the two brothers who used to own the Corn Palace parcel said that the City of Sunnyvale was so intent on developing his land (which they are finally developing right as the demand for housing is decreasing exponentially) that the City of Sunnyvale allegedly gave him a heart attack (or almost did; I cannot remember exactly) the main point being the City of Sunnyvale has no respect for their elderly population; willing to abuse their prosecutorial harassment on frail stroke victims like my 94-year old Dad just to retaliate against me...

And the Sunnyvale Department of Public Safety went against their core mission of "public safety" by telling me to remove a government-sanctioned green garbage can with 19 MPH written on the side of it (when Dunford Way is actually Santa Clara jurisdiction) and POS/DPS standing behind Sunnyvale Public Works didn't help things...And these actions caused an immense amount of emotional distress for the entire family at the time...So all it did was make things worse...But government in general is an 'Emotional Distress Machine' (EDM) of sorts; so good luck getting government to care about the turmoil they cause within people's lives without the help of a good lawyer who knows how to twist their insurance companies' arm the right way...

Like I said before; for many years police took zero action for active threats existing outside my residence (causing my financial fall) and sometimes government/police-sponsored active threats ~ then turned around and wanted to talk about a safety cone

and a green garbage can reminding people to slow down to 19 MPH after many late-1990s meetings with the the City of Santa Clara's Traffic Engineering Department...

NEIGHBORHOOD COPWATCH / LIST OF STALKERS



**NEIGHBORHOOD COPWATCH / LIST OF STALKERS**

This is a semi-complete list of stalkers and harassers who violently attacked and menaced and vandalized my resi...

I am getting pretty good at this legal game after a decade of self-study; but since there is so much government-sanctioned class-based discrimination they treat me like I do not exist...Instead defaming and slandering me; calling me crazy and ruining my good reputation to get me to "just go away"...

But that's not gonna happen any time soon and that should be obvious by now...

OFFICIAL REJECTION OF GHC CLAIM REJECTION:

**OFFICIAL REJECTION OF GHC CLAIM REJECTION:**

RE: George Hills Company (GHC) 7 MAY 2020 Date of loss: 19 May 2019 City Claims Number: 19-20-046 George Hill...

On Monday, May 25, 2020, 1:20:12 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; it occurred to me over the weekend that the situation with the angry clerk at Grocery Outlet applies directly over to my claims against the Cities of Sunnyvale and Santa Clara; government employees like police officers should be held to a higher standard of behavior than even distribution drivers like me who have been polite and courteous for so long; allowing me to keep the same job for 35+ years now...

How many cops out there reading this have kept their jobs for even half of that time?

So yeah; I am a wise old soul that you need to listen up to because I know a thing or two about a thing or two...The only thing that is necessary in life is to be kind and helpful to others; as there is no other higher calling for humanity...

In other words; this aint my first rodeo...And remember; inhumanity does not give a shit about any of this...Inhumanity thinks I am full of shit...But what else is inhumanity gonna think? I mean really? Come on!

On Monday, May 25, 2020, 1:11:16 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

I added Paullete Altmaier to this email list because I saw her very well-written open letter to Doctor Cody as an op ed advertisement in the San Jose Mercury News; and I wanted to suggest maybe putting up an online version as well to get it out to more people and give it more life...I actually wanted to point to your article as an example of a pattern and practice of negligent behavior on the part of local officials who have been allowing an out of control homeless situation that is turning out to be not unlike the situation with Gyspies in Europe etc...A seemingly unsolvable problem that thrusts countless poor souls into a life of desperation and poverty...

This was already going on; as the liberal democrats who generally run this region seem to think they can endlessly cram more and more people into this overcrowded region to the point where almost everyone is struggling; and especially those with increasingly expensive rental housing that steals their pensions...

So this has already been the desperate trend in this region; to get too many tops spinning at once in an unsustainable fashion to the point where they eventually all crash -- causing us all to start over...

It happened after the dot com bust in the late 1990s; which lasted until roughly 2008 when the region was revved up again; only to crash once again after the Covid-19 situation...And the long-term effects of the pre-2008 era are the regions' homeless population...So if that is what is left over from 2008; imagine what we are facing now with so many people losing their businesses as Gavin Newsom keeps his winery open?

In other words; Covid-19 just added countless more individuals to that list of desperate individuals...But it's looking like at least some of the Covid-19 data was incorrect; so we may have done all of this for nothing -- destroying countless lives in the process and making the State of California (CA) etc liable for the losses...

(Ultimately China is actually responsible for the losses; but the actions of CA made it worse...)

We all probably need to be more careful during cold and flu season for our own health and the health of others -- for the sake of the elderly and those who are vulnerable; and especially me because I take care of my 94 year old Dad who had a stroke recently...I was doing that anyway before all of this...

But I am afraid that most of us went a bit too far this year with our reaction; mainly out of fear and ignorance regarding the true danger of the situation...And there is gonna be Hell to pay for this big mess; but the US is out of money and has been for awhile now; and Hell doesn't take credit cards...And China now owns our credit card debt along with many other things so right now China is winning the this game of international chess...

https://www.yahoo.com/news/im-looking-truth-states-face-100035918.html
On Saturday, May 23, 2020, 10:03:39 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: Changing the subject; I went to Grocery Outlet in Santa Clara yesterday and a tall cashier named Amanda (who I'm pretty sure is transsexual) was at a closed register right after the boss had left when there was 3's a crowd in line (there was actually about 15 people in line) I had come in earlier for some items and mentioned to the manager that some plants by the front door were wilting and needed watering; so maybe add a little B1 to some water to de-stress them...

Then when I came back a few hours later for some Valerian Root to help me sleep; like I said there was a long line and Amanda was at a closed register...I suggested that Amanda open the line; making her angry -- asking the first person in the long line to be served first; which is actually what I wanted because she was trying to make me look selfish...Then the first person in line saw that I only had one item and let me go first; angering Amanda even further...Amanda then said very loudly for all to hear: "Get out of my face" and went on for about a minute later with more verbally abusive comments...

So I figured I would go back soon and tell the manager; so today I returned and instead spoke to someone who had always been very nice; telling her essentially that I have had the same job for 35+ years at least partially because I am courteous to all people along the way no matter whether I like them or not; and/or whether they are being mean to me or not...I am a wise elder who you need to listen to because I know all about life is what I told her; because I am...I have dealt with enough mean-spirited people in my life and been all over the world with a rock band so I know how to snap back at idiots to shut them down...

I just wait until I am on my blog to snap back at corrupt  cops due to the inherent duress involved...I am not necessarily afraid; I am just not stupid and this is my way of outsmarting their shit...

ACLU apps take this all one step further; I should have used that app when dealing with Ochoa and Smith and many other crooked cops I have dealt with along the way...

Anyway; I told the clerk maybe her and the girls at the other registers who heard these abusive languages should sit her down and have a little talk with Amanda to set her straight (you now what I mean)...

Just then; Nia and African-American lady from Big Lots walked up and said hello to me...She obviously overheard our conversation and intervened with her usual beautiful self...She was always very gracious when she worked at Big Lots; and I even gave her a Roberta Flack CD when I was on a big Robert Flack kick awhile back...And I mentioned how gracious Nia always was when working at Big Lots to the clerk I was speaking to...

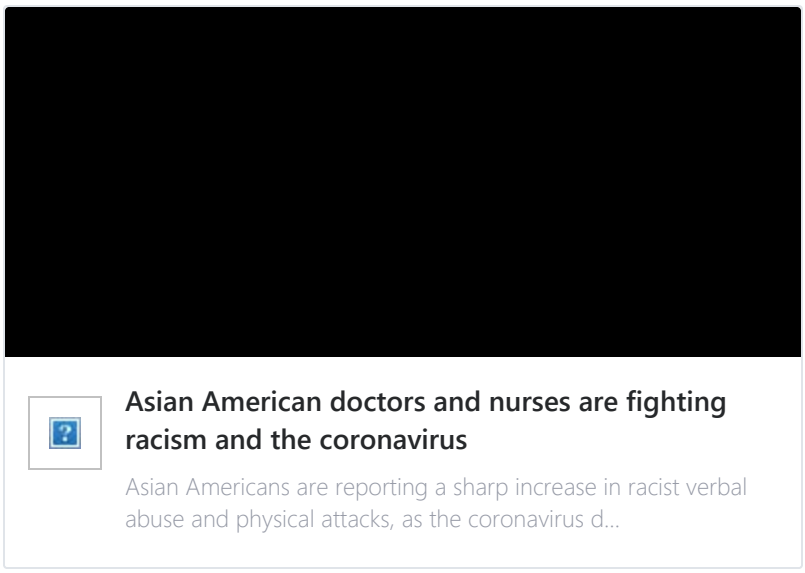
Nia and I exchanged a few more kind words; showing the clerk I had spoken to through example the "way to be"; and we went our separate ways...And it's like Nia was there at that moment for a reason...Like she is some kind of protector spirit or something with the positive energy that was needed to defuse the situation...

But if the abuse continues; I will record with it with my ACLU app on witness mode and take it from there...Or maybe talk to her boss...We'll see...And the state of California attempting to stop people from video recording their abuse is yet another form of abuse which essentially obstructs justice in the process -- as those who are violating your rights effectively nullify their owns rights in the process...

Either way something must be done because the mainstream media's usual half-truthed perspective is either ignoring my other side of this reality; or perhaps they are even causing it and exacerbating it as well...

A bit of both actually...So let's start treating all people equally -- no matter what...Is that a deal?

Asian American doctors and nurses are fighting racism and the coronavirus



**Asian American doctors and nurses are fighting racism and the coronavirus**

Asian Americans are reporting a sharp increase in racist verbal abuse and physical attacks, as the coronavirus d...

On Saturday, May 23, 2020, 8:12:24 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"God is everything or it is nothing..." -- Mark Chapman

(BTW: Mark Chapman told me this one day...Mark was the guitar player in one of my first rock bands in high school -- he went to Archbishop Mitty High School and loved Black Sabbath; and we played many songs by them...And believe it or not right after John Lennon died I was going on about my old friend Mark Chapman to my Dad right after that band had broken up; and right at this same moment as I was talking to my Dad about Mark; my brother came into the room crying saying John Lennon had been killed by a man named Mark Chapman...No shit...True story...I still think it's kinda freaky that I am psychic...I have no control over it...)

On Saturday, May 23, 2020, 8:05:40 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of God...Or whatever you want to call it...Same thing...

On Saturday, May 23, 2020, 8:01:41 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Humans had to come up with some official word for all of this;
thus the word God and/or Allah and/or etc etc etc...Same thing...

On Saturday, May 23, 2020, 7:59:30 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

So whether it is mass death and biomass emanating energy; or 'quantumly entangled' energy over light years of space and time between a tsunami and a gamma ray burst; it is all explainable with physics and/or quantum physics and/or quantum entanglement...And it really doesn't matter what you call it: God or whatever...

It's still the exact same thing...

"...if everything that is has always been; when did it all start and where did it all come from? that was the basic idea behind this blog post > WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS? > the concept of endless; infinite space and/or time and/or energy and/or mass and/or matter is almost totally incomprehensible...and the starting point for the initial inception of endless energy and/or mass and/or matter in a universe of infinite potentiality remains elusive as well...but assuming basic elementary particles such as atoms etc have always existed along with the photons within them which we know are timeless; perhaps within these massively abundant elementary particles lies the potentiality for all life in the universe; occasionally unleashing unlimited and compacted energy and/or matter into the universe of potentiality like a quadrillion tiny nuclear big bang explosions based upon external stimulus causing these events to occur...or something?...but the question remains: how could something have always existed? therein lies the 'god' element...as the concept of 'god' is not just a question; but also an unheard answer as well that holds all truths that will never be told..."



## WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS?

SEE ALSO: https://www.icr.org/article/big-bang-hubble-contradiction
It occurred to me recently that no o...

"UPDATE / 31 MARCH 2019: Why would anyone think there was no matter and/or energy in the known universe at one point in 'time' before space time even existed within this dimensional realm or elsewhere? That is a ridiculous notion. As in the justice system; evidence must first be discovered and presented for any allegation to become a reality -- and the same goes for theoretical scientific observation. Maybe our obsession with numbers and mile-long mathematical calculations to find answers is part of this multi-dimensional problem -- perhaps wrongfully assuming there needs to be a zero starting point for everything. But zero can also express the circle of infinity and/or limitless, infinite, innumerable space as expressed in my simple Algebraic equation: x + y = 0.

In other words; the center of the spatial universe is everywhere...

**In light of this; it should seem obvious that the terms macro and micro are entirely relative and based upon our own particular limited human perspectives and/or relative size as humans. Therefore the macroscopic reality of Quantum Entanglement merged with the microscopic reality of Quantum Mechanics can finally be unified and/or consolidated as everything is just a scale model of everything else.** (explaining why 100 light years is really like and inch or less depending due to the sheer innumerable and/or limitless size of endless space)

If an elementary particle can be endlessly halved without disappearing ~ then conversely perhaps entire universes can emanate from seemingly invisible elementary particles and/or 'nothing'...

Perhaps explaining the theoretical 'nothingness' the universe came from to begin with. Quantum gravity has a tendency to compact matter and/or energy into black holes (much like a trash compactor and/or an highly compacted 'unzipped' computer file) while supernovas alternately release highly condensed energy and/or matter. And like a star that goes supernova; a big bang event is perhaps just a very large macro level supernova star emanation event. Perhaps there are giant distant stars that are out of our observational realm that go supernova and create entire universes. In retrospect; to fully understand and/or truly appreciate all of the mystery; grandeur and illogical nature of our known universe -- I suppose you have to believe in magic..."

"Science and religion are not necessarily unconnected...Religion does not necessarily explain sciecne; but science can definitely help to explain religion...Albert Einstein once rejected a conflict between **science** and **religion**, and held that cosmic **religion**

was necessary for **science**. For **Einstein**, "**science** without **religion** is lame, **religion** without **science** is blind." He told William Hermanns in an interview that "God" is a mystery..."
Religious and philosophical views of Albert Einstein



**Religious and philosophical views of Albert Einstein**

Einstein used many labels to describe his religious views, including "agnostic",[5] "religious nonbeliever"[3] a...

Can Science Explain Religion?



**Can Science Explain Religion?**

Robert Wright's "The Evolution of God" both surveys the history of religion and offers a new theory to explain w...

On Friday, May 22, 2020, 2:28:29 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"I am not prefect" haha Yes I need to proof read a little more; but I am in a bit of a hurry today...

On Friday, May 22, 2020, 2:25:20 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

And if you think that'smind blowing check this out:

# 2004 TSUNAMI/GAMMA RAY BURST CONNECTION?



## 2004 TSUNAMI/GAMMA RAY BURST CONNECTION?

GAMMA RAYS BURSTS are likely relatively common events in the universe; but the burst that occurred the day afte...

I added a post in my website back in 2004 noticing the largest gamma ray burst happened the day after the 2004 tsunami occurred (which is 'simple' cause and effect) then my DoD buddy who shall remain anonymous told me not only did that occur; but the gamma ray burst also blew back a field energy that busted a hole in the earths' ozone layer!?! UC Officer Gary Perez then chimed in that the ozone layer had closed over since then and essentially healed itself (Gary has classified clearance and often went to Vandenburg AFB after being at the Oasis Nightclub...And DoD also told me that I was not crazy like the police were suggesting; instead I am very intelligent and onto something...

Bringing us back on point; first off I am not prefect but I am a really intelligent person who was (for instance) separated from his elementary school class for independent study due to the less intelligent students in the class holding me back...And I could have easily graduated early from high school but wanted to play drums...

Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

TERRORIST SEAGRAVE ~ X-13

**TERRORIST SEAGRAVE ~ X-13**

this is an excerpt from an email i recently received from another individual who has been harassed and terrorize...

On Friday, May 22, 2020, 2:08:51 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: I'm starting a new thread that last one was getting too large to open easily...

Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist



**Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist**

The Washington Times http://www.washingtontimes.com

Sen. Kamala Harris wants this on the record — the term “Chinese Virus” is hate speech fueling attacks against As...

**STAYING ON POINT**:
What democrats really seem to want to do is lock us all down with forced health care and tell us what to say and think...I understand her concern; but I am also very concerned about the largely undemocratic half-truthed "white entitlement " argument as being racist and fomenting hatred against whites and therefore causing me and many others to be openly discriminated against due to this extremely divisive narrative...

===

**GOING OFF ON A TANGENT**:
I also wanted to change the subject for one minute to comment that you cannot kill this many animals all at once without some kind of weather-related response like the massive flooding in Minnesota...It is a large amount of displaced energy that does not just "go away"...During winter it would turn to ice and snow due to the lower atmospheric temperatures and/or the slightly lowered temperature of the mass of disembodied spirits; which have a direct effect upon the atmosphere...And I highly suspect it is quantum entanglement-related...

QUANTUM ENTANGLEMENT THEORY





## QUANTUM ENTANGLEMENT THEORY

" Quantum entanglement is a physical phenomenon that occurs when pairs or groups of particles are generated or ...

BLACK PLAGUE / LITTLE ICE AGE CONNECTION?



**BLACK PLAGUE / LITTLE ICE AGE CONNECTION?**

WAS THERE A CONNECTION BETWEEN THE BLACK PLAGUE; AND THE LITTLE ICE AGE? -- Just like how Germany experienced th...

Flooding in Minnesota



**Flooding in Minnesota**

US Department of Commerce, NOAA, National Weather Service

[Farmers overrun with dead livestock during coronavirus pandemic aren’t sure what to do]





**Farmers overrun with dead livestock during coronavirus pandemic aren’t s...**

As slaughterhouses and processing plants close, farmers are stuck with a surplus of dead animals.

[Millions of farm animals culled as US food supply chain chokes up]



**Millions of farm animals culled as US food supply chain chokes up**

Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

**From:** super nova

**To:** raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; paulette.altmaier@gmail.com; hotline@hudoig.gov; gerald.engler@doj.ca.gov; supreme.court@jud.ca.gov; san.francisco@ic.fbi.gov; david.anderson@usdoj.gov; david.rose@doj.ca.gov; servesdap@sdap.org; john.bennett@ic.fbi.gov; bill@sdap.gov; super nova

**Subject:** Re: KNOW JUSTICE; KNOW PEACE #5

**Date:** Wednesday, May 27, 2020 3:28:22 PM

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**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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One other thing...I already posted this RFK text; but I just dedicated it to my blog because it obviously needs more attention...RFK knows what he is talking about; so it is high time to listen up...Therefore; I will not be force-vaccinated any time soon along with so many others...

RFK ON BILL GATES AND VACCINE DANGERS ETC

RFK ON BILL GATES AND VACCINE DANGERS ETC

Robert F Kennedy Junior on Bill Gates : "Vaccines, for Bill Gates, are a strategic philanthropy that feed his...

I want to hear your lousy excuses as to why RFK has zero veracity to his claims...

EPOCH TIMES – CCP VIRUS: How the Chinese Communist Party's coverup led to a global pandemic



**EPOCH TIMES – CCP VIRUS: How the Chinese Communist Party's coverup led t...**

Daily life in the United States has been upended, as governments seek to stop the spread of the CCP virus (see "...

Here it is; the smoking gun evidence that the Covid-19 virus was lab-created...The most telling aspect is that this story got taken out of the Google search results shortly after being published...To me this shows that Epoch Times' story so strayed from the popular narrative; and got so close to the truth at the same time -- that it was quickly de-legitimized and removed from search results...There are some people out there who will not change their views no matter how much hard scientific evidence is presented to them...

So it is really more about cognitive dissonance than anything else at this point; as many have been brainwashed by the mainstream media that is at least partially owned by health care interests...NBC in particular I tend to think...Bottom line: Covid-19 is one part AIDS; one part SARS; and another part consisting of bat corona virus spike proteins...And we even have a female scientist talking about this on the documentary! A FEMALE SCIENTIST! WHAT MORE DO YOU NEED LIBERAL MEDIA! (just kidding?)...

So the CCP is busted...Along with the US as well I suppose...Same shit ~ next day...

+ SEE ALSO: THE SYNTHETIC BIOLOGICAL AGENT 'AIDS" @ http://www.likroper.com/AIDS.html

On Wednesday, May 27, 2020, 2:18:30 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

This took alot of work! I'm totally exhausted! Whew!

https://lreblogger.blogspot.com/2020/05/amended-claim-submitted-to-ghc-25-may.html

TABLE OF CONTENTS / ATTACHMENTS FOR 25 MAY 2020 CITY OF SUNNYVALE-GHC SUBMISSION:

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THE DEATH OF FRANK CARPENTINO (PART 2)





## THE DEATH OF FRANK CARPENTINO (PART 2)

THE DEATH OF CAMPBELL CALIFORNIA RESIDENT FRANCIS CARPENITO MAY NOT HAVE BEEN AN ACCIDENT. BEFORE HE DIED, HE TO...

THE 'HONORABLE' SOCRATES MANOUKIAN?



**THE 'HONORABLE' SOCRATES MANOUKIAN?**

"Countless individuals have been victims of Judge Manoukian's loosely run court room; ignoring exculpatory evide...

MESSAGE TO CALIFORNIA GOVERNOR GAVIN NEWSOM ABOUT 'DENIAL OF SERVICE' LAW



**MESSAGE TO CALIFORNIA GOVERNOR GAVIN NEWSOM ABOUT 'DENIAL OF SERVICE' LAW**

"With all of the bars and nightclubs now closed here in the State of California; there is a unique opportunity t...

MESSAGE TO CALIFORNIA GOVERNOR NEWSOM:



**MESSAGE TO CALIFORNIA GOVERNOR NEWSOM:**

UPDATE / 27 APR 2020: "Hey Rosanna I noticed you were a "Former Tax Compliance Specialist at California State Bo...

Have a nice day everyone! :D

On Monday, May 25, 2020, 5:25:54 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

ATTENTION! GEORGE HILLS COMPANY:
AMENDED CLAIM SUBMITTED TO GHC 25 MAY 2020:



**AMENDED CLAIM SUBMITTED TO GHC 25 MAY 2020:**

I POSTED THIS BACK IN 2017! -- THEREFORE IT'S HIGH TIME TO OVERCOME YOUR SEVERE CRANIAL POSTERIOR SYNDROMES CITY...

On Monday, May 25, 2020, 2:05:54 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; any lawyers out there who care to help me push my case through the system are welcome to help me out; today is the 6 month cutoff date; so I am submitting an amended complaint in a new claim form bringing up this questionable prosecutorial misconduct...

In a nutshell; Sunnyvale POS/DPS/SCPD refused to do anything about several active threats that existed outside my residence for many years (some of them police-sponsored active threats) then after submitting a claim form for the illegal ejection from a private business of public accommodations that Sunnyvale POS/DPS refused to take action on (The Oasis Nightclub which is now closed) the City of Sunnyvale retaliated with a non-issue by targeting my 94-year old Father for more prosecutorial harassment; this time threatening prosecution for a government-sanctioned green garbage can with a 19 MPH sign painted on it that I got permission from the City of Sunnyvale for many years ago; and the City of Santa Clara; as all of the signage on my street is there due to my valiant efforts...Adding to this; a safety cone that helps remind people to slow down on our street and protects my cats from getting run over easily was sighted as being a problem by Sunnyvale Public Works after me suggesting to other Public Works employees about making the street safer...

This Public Works employee wrote a letter telling me he can steal my safety cones any time he wants...

In other words; the usual: tying my hands and leaving a festering problem in a grossly negligent manner; as a bicyclist had been run over and killed on Dunford Way last summer (which brought a million cop cars yet no obligatory obsessive media coverage -- why did the local TV nes media ignore this story; helping to cover it up?) therefore attempting to get me to move the safety cone (as small and insignificant as it seems to some who view themselves as being 'in control' of this Silicon Valley mess) was actually a HUGE deal...

Not only due to the various aforementioned reasons; but also due to the fact that the City of Sunnyvale has a history of messing with the elderly to get their way...For instance; one of the two brothers who used to own the Corn Palace parcel said that the City of Sunnyvale was so intent on developing his land (which they are finally developing right as the demand for housing is decreasing exponentially) that the City of Sunnyvale allegedly gave him a heart attack (or almost did; I cannot remember exactly) the main point being the City of Sunnyvale has no respect for their elderly population; willing to abuse their prosecutorial harassment on frail stroke victims like my 94-year old Dad just to retaliate against me...

And the Sunnyvale Department of Public Safety went against their core mission of "public safety" by telling me to remove a government-sanctioned green garbage can with 19 MPH written on the side of it (when Dunford Way is actually Santa Clara

jurisdiction) and POS/DPS standing behind Sunnyvale Public Works didn't help things...And these actions caused an immense amount of emotional distress for the entire family at the time...So all it did was make things worse...But government in general is an 'Emotional Distress Machine' (EDM) of sorts; so good luck getting government to care about the turmoil they cause within people's lives without the help of a good lawyer who knows how to twist their insurance companies' arm the right way...

Like I said before; for many years police took zero action for active threats existing outside my residence (causing my financial fall) and sometimes government/police-sponsored active threats ~ then turned around and wanted to talk about a safety cone and a green garbage can reminding people to slow down to 19 MPH after many late-1990s meetings with the the City of Santa Clara's Traffic Engineering Department...

NEIGHBORHOOD COPWATCH / LIST OF STALKERS



**NEIGHBORHOOD COPWATCH / LIST OF STALKERS**

This is a semi-complete list of stalkers and harassers who violently attacked and menaced and vandalized my resi...

I am getting pretty good at this legal game after a decade of self-study; but since there is so much government-sanctioned class-based discrimination they treat me like I do not exist...Instead defaming and slandering me; calling me crazy and ruining my good reputation to get me to "just go away"...

But that's not gonna happen any time soon and that should be obvious by now...

OFFICIAL REJECTION OF GHC CLAIM REJECTION:

**OFFICIAL REJECTION OF GHC CLAIM REJECTION:**

RE: George Hills Company (GHC) 7 MAY 2020 Date of loss: 19 May 2019 City Claims Number: 19-20-046 George Hill...

On Monday, May 25, 2020, 1:20:12 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; it occurred to me over the weekend that the situation with the angry clerk at Grocery Outlet applies directly over to my claims against the Cities of Sunnyvale and Santa Clara; government employees like police officers should be held to a higher standard of behavior than even distribution drivers like me who have been polite and courteous for so long; allowing me to keep the same job for 35+ years now...

How many cops out there reading this have kept their jobs for even half of that time? So yeah; I am a wise old soul that you need to listen up to because I know a thing or two about a thing or two...The only thing that is necessary in life is to be kind and helpful to others; as there is no other higher calling for humanity...

In other words; this aint my first rodeo...And remember; inhumanity does not give a shit about any of this...Inhumanity thinks I am full of shit...But what else is inhumanity gonna think? I mean really? Come on!

On Monday, May 25, 2020, 1:11:16 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

I added Paullete Altmaier to this email list because I saw her very well-written open letter to Doctor Cody as an op ed advertisement in the San Jose Mercury News; and I wanted to suggest maybe putting up an online version as well to get it out to more people and give it more life...I actually wanted to point to your article as an example of a pattern and practice of negligent behavior on the part of local officials who have been allowing an out of control homeless situation that is turning out to be not unlike the situation with Gyspies in Europe etc...A seemingly unsolvable problem that thrusts countless poor souls into a life of desperation and poverty...

This was already going on; as the liberal democrats who generally run this region seem to think they can endlessly cram more and more people into this overcrowded region to the point where almost everyone is struggling; and especially those with increasingly expensive rental housing that steals their pensions...

So this has already been the desperate trend in this region; to get too many tops spinning at once in an unsustainable fashion to the point where they eventually all crash -- causing us all to start over...

It happened after the dot com bust in the late 1990s; which lasted until roughly 2008 when the region was revved up again; only to crash once again after the Covid-19 situation...And the long-term effects of the pre-2008 era are the regions' homeless population...So if that is what is left over from 2008; imagine what we are facing now with so many people losing their businesses as Gavin Newsom keeps his winery open?

In other words; Covid-19 just added countless more individuals to that list of desperate individuals...But it's looking like at least some of the Covid-19 data was

incorrect; so we may have done all of this for nothing -- destroying countless lives in the process and making the State of California (CA) etc liable for the losses...

(Ultimately China is actually responsible for the losses; but the actions of CA made it worse...)

We all probably need to be more careful during cold and flu season for our own health and the health of others -- for the sake of the elderly and those who are vulnerable; and especially me because I take care of my 94 year old Dad who had a stroke recently...I was doing that anyway before all of this...

But I am afraid that most of us went a bit too far this year with our reaction; mainly out of fear and ignorance regarding the true danger of the situation...And there is gonna be Hell to pay for this big mess; but the US is out of money and has been for awhile now; and Hell doesn't take credit cards...And China now owns our credit card debt along with many other things so right now China is winning the this game of international chess...

https://www.yahoo.com/news/im-looking-truth-states-face-100035918.html
On Saturday, May 23, 2020, 10:03:39 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: Changing the subject; I went to Grocery Outlet in Santa Clara yesterday and a tall cashier named Amanda (who I'm pretty sure is transsexual) was at a closed register right after the boss had left when there was 3's a crowd in line (there was actually about 15 people in line) I had come in earlier for some items and mentioned to the manager that some plants by the front door were wilting and needed watering; so maybe add a little B1 to some water to de-stress them...

Then when I came back a few hours later for some Valerian Root to help me sleep; like I said there was a long line and Amanda was at a closed register...I suggested that Amanda open the line; making her angry -- asking the first person in the long line to be served first; which is actually what I wanted because she was trying to make me look selfish...Then the first person in line saw that I only had one item and let me go first; angering Amanda even further...Amanda then said very loudly for all to hear: "Get out of my face" and went on for about a minute later with more verbally abusive comments...

So I figured I would go back soon and tell the manager; so today I returned and instead spoke to someone who had always been very nice; telling her essentially that I have had the same job for 35+ years at least partially because I am courteous to all people along the way no matter whether I like them or not; and/or whether they are being mean to me or not...I am a wise elder who you need to listen to because I know all about life is what I told her; because I am...I have dealt with enough mean-spirited people in my life and been all over the world with a rock band so I know how to snap back at idiots to shut them down...

I just wait until I am on my blog to snap back at corrupt  cops due to the inherent

duress involved...I am not necessarily afraid; I am just not stupid and this is my way of outsmarting their shit...

ACLU apps take this all one step further; I should have used that app when dealing with Ochoa and Smith and many other crooked cops I have dealt with along the way...

Anyway; I told the clerk maybe her and the girls at the other registers who heard these abusive languages should sit her down and have a little talk with Amanda to set her straight (you now what I mean)...

Just then; Nia and African-American lady from Big Lots walked up and said hello to me...She obviously overheard our conversation and intervened with her usual beautiful self...She was always very gracious when she worked at Big Lots; and I even gave her a Roberta Flack CD when I was on a big Robert Flack kick awhile back...And I mentioned how gracious Nia always was when working at Big Lots to the clerk I was speaking to...

Nia and I exchanged a few more kind words; showing the clerk I had spoken to through example the "way to be"; and we went our separate ways...And it's like Nia was there at that moment for a reason...Like she is some kind of protector spirit or something with the positive energy that was needed to defuse the situation...

But if the abuse continues; I will record with it with my ACLU app on witness mode and take it from there...Or maybe talk to her boss...We'll see...And the state of California attempting to stop people from video recording their abuse is yet another form of abuse which essentially obstructs justice in the process -- as those who are violating your rights effectively nullify their owns rights in the process...

Either way something must be done because the mainstream media's usual half-truthed perspective is either ignoring my other side of this reality; or perhaps they are even causing it and exacerbating it as well...

A bit of both actually...So let's start treating all people equally -- no matter what...Is that a deal?

Asian American doctors and nurses are fighting racism and the coronavirus






On Saturday, May 23, 2020, 8:12:24 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"God is everything or it is nothing..." -- Mark Chapman

(BTW: Mark Chapman told me this one day...Mark was the guitar player in one of my first rock bands in high school -- he went to Archbishop Mitty High School and loved Black Sabbath; and we played many songs by them...And believe it or not right after John Lennon died I was going on about my old friend Mark Chapman to my Dad right after that band had broken up; and right at this same moment as I was talking to my Dad about Mark; my brother came into the room crying saying John Lennon had been killed by a man named Mark Chapman...No shit...True story...I still think it's kinda freaky that I am psychic...I have no control over it...)
On Saturday, May 23, 2020, 8:05:40 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of God...Or whatever you want to call it...Same thing...

On Saturday, May 23, 2020, 8:01:41 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Humans had to come up with some official word for all of this;
thus the word God and/or Allah and/or etc etc etc...Same thing...

On Saturday, May 23, 2020, 7:59:30 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

So whether it is mass death and biomass emanating energy; or 'quantumly entangled' energy over light years of space and time between a tsunami and a gamma ray burst; it is all explainable with physics and/or quantum physics and/or quantum entanglement...And it really doesn't matter what you call it: God or whatever...

It's still the exact same thing...

"...if everything that is has always been; when did it all start and where did it all come from? that was the basic idea behind this blog post > WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS? > the concept of endless; infinite space and/or time and/or energy and/or mass and/or matter is almost totally incomprehensible...and the starting point for the initial inception of endless energy and/or mass and/or matter in a

universe of infinite potentiality remains elusive as well...but assuming basic elementary particles such as atoms etc have always existed along with the photons within them which we know are timeless; perhaps within these massively abundant elementary particles lies the potentiality for all life in the universe; occasionally unleashing unlimited and compacted energy and/or matter into the universe of potentiality like a quadrillion tiny nuclear big bang explosions based upon external stimulus causing these events to occur...or something?...but the question remains: how could something have always existed? therein lies the 'god' element...as the concept of 'god' is not just a question; but also an unheard answer as well that holds all truths that will never be told..."



**WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS?**

SEE ALSO: https://www.icr.org/article/big-bang-hubble-contradiction
It occurred to me recently that no o...

"UPDATE / 31 MARCH 2019: Why would anyone think there was no matter and/or energy in the known universe at one point in 'time' before space time even existed within this dimensional realm or elsewhere? That is a ridiculous notion. As in the justice system; evidence must first be discovered and presented for any allegation to become a reality -- and the same goes for theoretical scientific observation. Maybe our obsession with numbers and mile-long mathematical calculations to find answers is part of this multi-dimensional problem -- perhaps wrongfully assuming there needs to be a zero starting point for everything. But zero can also express the circle of infinity and/or limitless, infinite, innumerable space as expressed in my simple Algebraic equation: x + y = 0.

In other words; the center of the spatial universe is everywhere...

**In light of this; it should seem obvious that the terms macro and micro are entirely relative and based upon our own particular limited human perspectives and/or relative size as humans. Therefore the macroscopic reality of Quantum Entanglement merged with the microscopic reality of Quantum Mechanics can finally be unified and/or consolidated as everything is just a scale model of everything else.** (explaining why 100 light years is really like and inch or less depending due to the sheer innumerable and/or limitless size of endless space)

If an elementary particle can be endlessly halved without disappearing ~ then conversely perhaps entire universes can emanate from seemingly invisible elementary particles and/or 'nothing'...

Perhaps explaining the theoretical 'nothingness' the universe came from to begin with.

Quantum gravity has a tendency to compact matter and/or energy into black holes (much like a trash compactor and/or an highly compacted 'unzipped' computer file) while supernovas alternately release highly condensed energy and/or matter. And like a star that goes supernova; a big bang event is perhaps just a very large macro level supernova star emanation event. Perhaps there are giant distant stars that are out of our observational realm that go supernova and create entire universes. In retrospect; to fully understand and/or truly appreciate all of the mystery; grandeur and illogical nature of our known universe -- I suppose you have to believe in magic..."

"Science and religion are not necessarily unconnected...Religion does not necessarily explain sciecne; but science can definitely help to explain religion...Albert Einstein once rejected a conflict between **science** and **religion**, and held that cosmic **religion** was necessary for **science**. For **Einstein**, "**science** without **religion** is lame, **religion** without **science** is blind." He told William Hermanns in an interview that "God" is a mystery..."
Religious and philosophical views of Albert Einstein



**Religious and philosophical views of Albert Einstein**

Einstein used many labels to describe his religious views, including "agnostic",[5] "religious nonbeliever"[3] a...

Can Science Explain Religion?



**Can Science Explain Religion?**

Robert Wright's "The Evolution of God" both surveys the history of religion and offers a new theory to explain w...

On Friday, May 22, 2020, 2:28:29 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"I am not prefect" haha Yes I need to proof read a little more; but I am in a bit of a hurry today...

On Friday, May 22, 2020, 2:25:20 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

And if you think that'smind blowing check this out:
2004 TSUNAMI/GAMMA RAY BURST CONNECTION?



**2004 TSUNAMI/GAMMA RAY BURST CONNECTION?**

GAMMA RAYS BURSTS are likely relatively common events in the universe; but the burst that occurred the day afte...

I added a post in my website back in 2004 noticing the largest gamma ray burst happened the day after the 2004 tsunami occurred (which is 'simple' cause and effect) then my DoD buddy who shall remain anonymous told me not only did that occur; but the gamma ray burst also blew back a field energy that busted a hole in the earths' ozone layer!?! UC Officer Gary Perez then chimed in that the ozone layer had closed over since then and essentially healed itself (Gary has classified clearance and often went to Vandenburg AFB after being at the Oasis Nightclub...And DoD also told me that I was not crazy like the police were suggesting; instead I am very intelligent and onto something...

Bringing us back on point; first off I am not prefect but I am a really intelligent person who was (for instance) separated from his elementary school class for independent study due to the less intelligent students in the class holding me back...And I could have easily graduated early from high school but wanted to play drums...

Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

TERRORIST SEAGRAVE ~ X-13

**TERRORIST SEAGRAVE ~ X-13**

this is an excerpt from an email i recently received from another individual who has been harassed and terrorize...

On Friday, May 22, 2020, 2:08:51 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: I'm starting a new thread that last one was getting too large to open easily...

Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist



**Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist**

The Washington Times http://www.washingtontimes.com

Sen. Kamala Harris wants this on the record — the term “Chinese Virus” is hate speech fueling attacks against As...

**STAYING ON POINT**:
What democrats really seem to want to do is lock us all down with forced health care and tell us what to say and think...I understand her concern; but I am also very concerned about the largely undemocratic half-truthed "white entitlement " argument as being racist and fomenting hatred against whites and therefore causing me and many others to be openly discriminated against due to this extremely divisive narrative...

===

**GOING OFF ON A TANGENT**:
I also wanted to change the subject for one minute to comment that you cannot kill this many animals all at once without some kind of weather-related response like the massive flooding in Minnesota...It is a large amount of displaced energy that does not just "go away"...During winter it would turn to ice and snow due to the lower

atmospheric temperatures and/or the slightly lowered temperature of the mass of disembodied spirits; which have a direct effect upon the atmosphere...And I highly suspect it is quantum entanglement-related...

QUANTUM ENTANGLEMENT THEORY



**QUANTUM ENTANGLEMENT THEORY**

" Quantum entanglement is a physical phenomenon that occurs when pairs or groups of particles are generated or ...

BLACK PLAGUE / LITTLE ICE AGE CONNECTION?



**BLACK PLAGUE / LITTLE ICE AGE CONNECTION?**

WAS THERE A CONNECTION BETWEEN THE BLACK PLAGUE; AND THE LITTLE ICE AGE? -- Just like how Germany experienced th...

Flooding in Minnesota





**Flooding in Minnesota**

US Department of Commerce, NOAA, National Weather Service

[Farmers overrun with dead livestock during coronavirus pandemic aren’t sure what to do]



**Farmers overrun with dead livestock during coronavirus pandemic aren’t s...**

As slaughterhouses and processing plants close, farmers are stuck with a surplus of dead animals.

[Millions of farm animals culled as US food supply chain chokes up]



**Millions of farm animals culled as US food supply chain chokes up**

Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

| | |
|---|---|
| **From:** | super nova |
| **To:** | raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; paulette.altmaier@gmail.com; hotline@hudoig.gov; gerald.engler@doj.ca.gov; supreme.court@jud.ca.gov; san.francisco@ic.fbi.gov; david.anderson@usdoj.gov; david.rose@doj.ca.gov; servesdap@sdap.org; john.bennett@ic.fbi.gov; bill@sdap.gov; super nova |
| **Subject:** | Re: KNOW JUSTICE; KNOW PEACE #5 |
| **Date:** | Wednesday, May 27, 2020 3:29:13 PM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

[The Influence of the Mass Media on Health Policy | Health Affairs]



**The Influence of the Mass Media on Health Policy | Health Affairs**

Alan L. Otten

Article Commentary Health Affairs Vol.11 No.4 The Influence of the Mass Media on Health Policy

On Wednesday, May 27, 2020, 3:28:07 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

One other thing...I already posted this RFK text; but I just dedicated it to my blog because it obviously needs more attention...RFK knows what he is talking about; so it is high time to listen up...Therefore; I will not be force-vaccinated any time soon along with so many others...

RFK ON BILL GATES AND VACCINE DANGERS ETC

**RFK ON BILL GATES AND VACCINE DANGERS ETC**

Robert F Kennedy Junior on Bill Gates : "Vaccines, for Bill Gates, are a strategic philanthropy that feed his...

I want to hear your lousy excuses as to why RFK has zero veracity to his claims...

[EPOCH TIMES – CCP VIRUS: How the Chinese Communist Party's coverup led to a global pandemic]



**EPOCH TIMES – CCP VIRUS: How the Chinese Communist Party's coverup led t...**

Daily life in the United States has been upended, as governments seek to stop the spread of the CCP virus (see "...

Here it is; the smoking gun evidence that the Covid-19 virus was lab-created...The most telling aspect is that this story got taken out of the Google search results shortly after being published...To me this shows that Epoch Times' story so strayed from the popular narrative; and got so close to the truth at the same time -- that it was quickly de-legitimized and removed from search results...There are some people out there who will not change their views no matter how much hard scientific evidence is presented to them...

So it is really more about cognitive dissonance than anything else at this point; as many have been brainwashed by the mainstream media that is at least partially owned by health care interests...NBC in particular I tend to think...Bottom line: Covid-19 is one part AIDS; one part SARS; and another part consisting of bat corona virus spike proteins...And we even have a female scientist talking about this on the documentary! A FEMALE SCIENTIST! WHAT MORE DO YOU NEED LIBERAL MEDIA! (just kidding?)...

So the CCP is busted...Along with the US as well I suppose...Same shit ~ next day...

+ SEE ALSO: THE SYNTHETIC BIOLOGICAL AGENT 'AIDS" @ http://www.likroper.com/AIDS.html

On Wednesday, May 27, 2020, 2:18:30 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

This took alot of work! I'm totally exhausted! Whew!

https://lreblogger.blogspot.com/2020/05/amended-claim-submitted-to-ghc-25-may.html

TABLE OF CONTENTS / ATTACHMENTS FOR 25 MAY 2020 CITY OF SUNNYVALE-GHC SUBMISSION:

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Other than that; any lawyers out there who care to help me push my case through the system are welcome to help me out; today is the 6 month cutoff date; so I am submitting an amended complaint in a new claim form bringing up this questionable prosecutorial misconduct...

In a nutshell; Sunnyvale POS/DPS/SCPD refused to do anything about several active threats that existed outside my residence for many years (some of them police-sponsored active threats) then after submitting a claim form for the illegal ejection from a private business of public accommodations that Sunnyvale POS/DPS refused to take action on (The Oasis Nightclub which is now closed) the City of Sunnyvale retaliated with a non-issue by targeting my 94-year old Father for more prosecutorial harassment; this time threatening prosecution for a government-sanctioned green garbage can with a 19 MPH sign painted on it that I got permission from the City of Sunnyvale for many years ago; and the City of Santa Clara; as all of the signage on my street is there due to my valiant efforts...Adding to this; a safety cone that helps remind people to slow down on our street and protects my cats from getting run over easily was sighted as being a problem by Sunnyvale Public Works after me suggesting to other Public Works employees about making the street safer...

This Public Works employee wrote a letter telling me he can steal my safety cones any time he wants...

In other words; the usual: tying my hands and leaving a festering problem in a grossly negligent manner; as a bicyclist had been run over and killed on Dunford Way last summer (which brought a million cop cars yet no obligatory obsessive media coverage -- why did the local TV nes media ignore this story; helping to cover it up?) therefore attempting to get me to move the safety cone (as small and insignificant as it seems to some who view themselves as being 'in control' of this Silicon Valley mess) was actually a HUGE deal...

Not only due to the various aforementioned reasons; but also due to the fact that the City of Sunnyvale has a history of messing with the elderly to get their way...For instance; one of the two brothers who used to own the Corn Palace parcel said that the City of Sunnyvale was so intent on developing his land (which they are finally developing right as the demand for housing is decreasing exponentially) that the City of Sunnyvale allegedly gave him a heart attack (or almost did; I cannot remember exactly) the main point being the City of Sunnyvale has no respect for their elderly population; willing to abuse their prosecutorial harassment on frail stroke victims like my 94-year old Dad just to retaliate against me...

And the Sunnyvale Department of Public Safety went against their core mission of "public safety" by telling me to remove a government-sanctioned green garbage can with 19 MPH written on the side of it (when Dunford Way is actually Santa Clara jurisdiction) and POS/DPS standing behind Sunnyvale Public Works didn't help things...And these actions caused an immense amount of emotional distress for the entire family at the time...So all it did was make things worse...But government in general is an 'Emotional Distress Machine' (EDM) of sorts; so good luck getting government to care about the turmoil they cause within people's lives without the help of a good lawyer who knows how to twist their insurance companies' arm the right way...

Like I said before; for many years police took zero action for active threats existing outside my residence (causing my financial fall) and sometimes government/police-sponsored active threats ~ then turned around and wanted to talk about a safety cone and a green garbage can reminding people to slow down to 19 MPH after many late-1990s meetings with the the City of Santa Clara's Traffic Engineering Department...

NEIGHBORHOOD COPWATCH / LIST OF STALKERS



**NEIGHBORHOOD COPWATCH / LIST OF STALKERS**

This is a semi-complete list of stalkers and harassers who violently attacked and menaced and vandalized my resi...

I am getting pretty good at this legal game after a decade of self-study; but since there is so much government-sanctioned class-based discrimination they treat me like I do not exist...Instead defaming and slandering me; calling me crazy and ruining my good reputation to get me to "just go away"...

But that's not gonna happen any time soon and that should be obvious by now...

OFFICIAL REJECTION OF GHC CLAIM REJECTION:

**OFFICIAL REJECTION OF GHC CLAIM REJECTION:**

RE: George Hills Company (GHC) 7 MAY 2020 Date of loss: 19 May 2019 City Claims Number: 19-20-046 George Hill...

On Monday, May 25, 2020, 1:20:12 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

Other than that; it occurred to me over the weekend that the situation with the angry clerk at Grocery Outlet applies directly over to my claims against the Cities of Sunnyvale and Santa Clara; government employees like police officers should be held to a higher standard of behavior than even distribution drivers like me who have been polite and courteous for so long; allowing me to keep the same job for 35+ years now...

How many cops out there reading this have kept their jobs for even half of that time? So yeah; I am a wise old soul that you need to listen up to because I know a thing or two about a thing or two...The only thing that is necessary in life is to be kind and helpful to others; as there is no other higher calling for humanity...

In other words; this aint my first rodeo...And remember; inhumanity does not give a shit about any of this...Inhumanity thinks I am full of shit...But what else is inhumanity gonna think? I mean really? Come on!

On Monday, May 25, 2020, 1:11:16 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

I added Paullete Altmaier to this email list because I saw her very well-written open letter to Doctor Cody as an op ed advertisement in the San Jose Mercury News; and I wanted to suggest maybe putting up an online version as well to get it out to more people and give it more life...I actually wanted to point to your article as an example of a pattern and practice of negligent behavior on the part of local officials who have

been allowing an out of control homeless situation that is turning out to be not unlike the situation with Gyspies in Europe etc...A seemingly unsolvable problem that thrusts countless poor souls into a life of desperation and poverty...

This was already going on; as the liberal democrats who generally run this region seem to think they can endlessly cram more and more people into this overcrowded region to the point where almost everyone is struggling; and especially those with increasingly expensive rental housing that steals their pensions...

So this has already been the desperate trend in this region; to get too many tops spinning at once in an unsustainable fashion to the point where they eventually all crash -- causing us all to start over...

It happened after the dot com bust in the late 1990s; which lasted until roughly 2008 when the region was revved up again; only to crash once again after the Covid-19 situation...And the long-term effects of the pre-2008 era are the regions' homeless population...So if that is what is left over from 2008; imagine what we are facing now with so many people losing their businesses as Gavin Newsom keeps his winery open?

In other words; Covid-19 just added countless more individuals to that list of desperate individuals...But it's looking like at least some of the Covid-19 data was incorrect; so we may have done all of this for nothing -- destroying countless lives in the process and making the State of California (CA) etc liable for the losses...

(Ultimately China is actually responsible for the losses; but the actions of CA made it worse...)

We all probably need to be more careful during cold and flu season for our own health and the health of others -- for the sake of the elderly and those who are vulnerable; and especially me because I take care of my 94 year old Dad who had a stroke recently...I was doing that anyway before all of this...

But I am afraid that most of us went a bit too far this year with our reaction; mainly out of fear and ignorance regarding the true danger of the situation...And there is gonna be Hell to pay for this big mess; but the US is out of money and has been for awhile now; and Hell doesn't take credit cards...And China now owns our credit card debt along with many other things so right now China is winning the this game of international chess...

https://www.yahoo.com/news/im-looking-truth-states-face-100035918.html
On Saturday, May 23, 2020, 10:03:39 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

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to the manager that some plants by the front door were wilting and needed watering; so maybe add a little B1 to some water to de-stress them...

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form of abuse which essentially obstructs justice in the process -- as those who are violating your rights effectively nullify their owns rights in the process...

Either way something must be done because the mainstream media's usual half-truthed perspective is either ignoring my other side of this reality; or perhaps they are even causing it and exacerbating it as well...

A bit of both actually...So let's start treating all people equally -- no matter what...Is that a deal?

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Call us what you want: but we all still are what we are ~ which is essentially recycled star matter...Star matter and/or God and/or the Universe and/or Allah and/or etc etc etc is everything -- and we are all part of that everything; therefore we are all part of

God...Or whatever you want to call it...Same thing...

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**WHAT IS THE CAUSAL DETERMINISM OF BIG BANGS?**

SEE ALSO: https://www.icr.org/article/big-bang-hubble-contradiction
It occurred to me recently that no o...

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In other words; the center of the spatial universe is everywhere...

**In light of this; it should seem obvious that the terms macro and micro are entirely relative and based upon our own particular limited human perspectives and/or relative size as humans. Therefore the macroscopic reality of Quantum Entanglement merged with the microscopic reality of Quantum Mechanics can finally be unified and/or consolidated as everything is just a scale model of everything else.** (explaining why 100 light years is really like and inch or less depending due to the sheer innumerable and/or limitless size of endless space)

If an elementary particle can be endlessly halved without disappearing ~ then conversely perhaps entire universes can emanate from seemingly invisible elementary particles and/or 'nothing'...

Perhaps explaining the theoretical 'nothingness' the universe came from to begin with. Quantum gravity has a tendency to compact matter and/or energy into black holes (much like a trash compactor and/or an highly compacted 'unzipped' computer file) while supernovas alternately release highly condensed energy and/or matter. And like a star that goes supernova; a big bang event is perhaps just a very large macro level supernova star emanation event. Perhaps there are giant distant stars that are out of our observational realm that go supernova and create entire universes. In retrospect; to fully understand and/or truly appreciate all of the mystery; grandeur and illogical nature of our known universe -- I suppose you have to believe in magic..."

"Science and religion are not necessarily unconnected...Religion does not necessarily explain sciecne; but science can definitely help to explain religion...Albert Einstein once rejected a conflict between **science** and **religion**, and held that cosmic **religion** was necessary for **science**. For **Einstein**, "**science** without **religion** is lame, **religion** without **science** is blind." He told William Hermanns in an interview that "God" is a mystery..."
Religious and philosophical views of Albert Einstein



### Religious and philosophical views of Albert Einstein

Einstein used many labels to describe his religious views, including "agnostic",[5] "religious nonbeliever"[3] a...

## Can Science Explain Religion?



### Can Science Explain Religion?

Robert Wright's "The Evolution of God" both surveys the history of religion and offers a new theory to explain w...

On Friday, May 22, 2020, 2:28:29 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"I am not prefect" haha Yes I need to proof read a little more; but I am in a bit of a hurry today...

On Friday, May 22, 2020, 2:25:20 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

And if you think that'smind blowing check this out:
2004 TSUNAMI/GAMMA RAY BURST CONNECTION?



**2004 TSUNAMI/GAMMA RAY BURST CONNECTION?**

GAMMA RAYS BURSTS are likely relatively common events in the

universe; but the burst that occurred the day afte...

I added a post in my website back in 2004 noticing the largest gamma ray burst happened the day after the 2004 tsunami occurred (which is 'simple' cause and effect) then my DoD buddy who shall remain anonymous told me not only did that occur; but the gamma ray burst also blew back a field energy that busted a hole in the earths' ozone layer!?! UC Officer Gary Perez then chimed in that the ozone layer had closed over since then and essentially healed itself (Gary has classified clearance and often went to Vandenburg AFB after being at the Oasis Nightclub...And DoD also told me that I was not crazy like the police were suggesting; instead I am very intelligent and onto something...

Bringing us back on point; first off I am not prefect but I am a really intelligent person who was (for instance) separated from his elementary school class for independent study due to the less intelligent students in the class holding me back...And I could have easily graduated early from high school but wanted to play drums...

Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

TERRORIST SEAGRAVE ~ X-13

**TERRORIST SEAGRAVE ~ X-13**

this is an excerpt from an email i recently received from another individual who has been harassed and terrorize...

On Friday, May 22, 2020, 2:08:51 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: I'm starting a new thread that last one was getting too large to open easily...

Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist



## Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist

The Washington Times http://www.washingtontimes.com

Sen. Kamala Harris wants this on the record — the term “Chinese Virus” is hate speech fueling attacks against As...

**STAYING ON POINT**:
What democrats really seem to want to do is lock us all down with forced health care and tell us what to say and think...I understand her concern; but I am also very concerned about the largely undemocratic half-truthed "white entitlement " argument as being racist and fomenting hatred against whites and therefore causing me and many others to be openly discriminated against due to this extremely divisive narrative...

===

**GOING OFF ON A TANGENT**:
I also wanted to change the subject for one minute to comment that you cannot kill this many animals all at once without some kind of weather-related response like the massive flooding in Minnesota...It is a large amount of displaced energy that does not just "go away"...During winter it would turn to ice and snow due to the lower atmospheric temperatures and/or the slightly lowered temperature of the mass of disembodied spirits; which have a direct effect upon the atmosphere...And I highly suspect it is quantum entanglement-related...

QUANTUM ENTANGLEMENT THEORY



**QUANTUM ENTANGLEMENT THEORY**

" Quantum entanglement is a physical phenomenon that occurs when pairs or groups of particles are generated or ...

BLACK PLAGUE / LITTLE ICE AGE CONNECTION?





**BLACK PLAGUE / LITTLE ICE AGE CONNECTION?**

WAS THERE A CONNECTION BETWEEN THE BLACK PLAGUE; AND THE LITTLE ICE AGE? -- Just like how Germany experienced th...

[Flooding in Minnesota]



**Flooding in Minnesota**

US Department of Commerce, NOAA, National Weather Service

[Farmers overrun with dead livestock during coronavirus pandemic aren’t sure what to do]



**Farmers overrun with dead livestock during coronavirus pandemic aren’t s...**

As slaughterhouses and processing plants close, farmers are stuck with a surplus of dead animals.

# Millions of farm animals culled as US food supply chain chokes up



**Millions of farm animals culled as US food supply chain chokes up**

Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...

| | |
|---|---|
| **From:** | super nova |
| **To:** | raymond.hulser@usdoj.gov; cityattorney@santaclaraca.gov; bcc@dca.ca.gov; mc03100-11@yahoo.com; mcuban@axs.tv; admissions@calbar.ca.gov; dsun@cupertino.org; susan.lee@doj.ca.gov; srubenstein@sfchronicle.com; otaylor@sfchronicle.com; johanna.luerra@shf.sccgov.org; angelo.tom@hud.gov; district7@sanjoseca.gov; markhamplazata@gmail.com; moneal@pdo.sccgov.org; schatman@scscourt.org; donald.rocha@sanjoseca.gov; dave.cortese@bos.sccgov.org; sylvia.macdonald@ido.sccgov.org; mary.murtagh@eahhousing.org; gary.goodman@pdo.sccgov.org; hwilliams@scscourt.org; Human Relations Commission; aleksandra.ridgeway@sheriff.sccgov.org; wbrown@sfchronicle.com; mturpin@bayareanewsgroup.com; publisher@bayareanewsgroup.com; editor@bayareanewsgroup.com; editor@siliconvalleyfreepress.com; eclendaniel@bayareanewsgroup.com; jharper@vanlevylaw.com; rkeith@bayareanewsgroup.com; sdussault@bayareanewsgroup.com; helbraun@helbraunlaw.com; jcanova@scusd.net; csanfilippo@scusd.net; asgonzalez@scusd.net; askamy@amydickinson.com; jmuirhead@scusd.net; vjfairchild@scusd.net; aratermann@scusd.net; mrichardson@scusd.net; mryan@scusd.net; pubworks@sunnyvale.ca.gov; joebravo@bravolaw.com; joe@piastalaw.biz; districtattorney@sfgov.org; 6th.district@jud.ca.gov; scottlargent38@gmail.com; will@crim-defense.com; anna@annaeshoo4congress.com; guardians@aclu.org; fdngift@aclu.org; chartley@sunnyvale.ca.gov; pubdef-mediarelations@sfgov.org; Council, City; bill@sdap.org; patrick@sdpap.org; ukoffice@chinaculture.org; parmit.randhawa@gerogehills.com; corrupt@brianmccomas.attorney; jdiaz@sfchronicle.com; 1guitard.as@gmail.com; super nova |
| **Subject:** | Re: KNOW JUSTICE; KNOW PEACE #5 |
| **Date:** | Saturday, May 23, 2020 10:03:49 PM |

**CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.**

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It occurred to me recently that no o...

"UPDATE / 31 MARCH 2019: Why would anyone think there was no matter and/or energy in the known universe at one point in 'time' before space time even existed within this dimensional realm or elsewhere? That is a ridiculous notion. As in the justice system; evidence must first be discovered and presented for any allegation to become a reality -- and the same goes for theoretical scientific observation. Maybe our obsession with numbers and mile-long mathematical calculations to find answers is part of this multi-dimensional problem -- perhaps wrongfully assuming there needs to be a zero starting point for everything. But zero can also express the circle of infinity and/or limitless, infinite, innumerable space as expressed in my simple Algebraic equation: x + y = 0.

In other words; the center of the spatial universe is everywhere...

**In light of this; it should seem obvious that the terms macro and micro are entirely relative and based upon our own particular limited human perspectives and/or relative size as humans. Therefore the macroscopic reality of Quantum Entanglement merged with the microscopic reality of Quantum Mechanics can finally be unified and/or consolidated as everything is just a scale model of everything else.** (explaining why 100 light years is really like and inch or less depending due to the sheer innumerable and/or limitless size of endless space)

If an elementary particle can be endlessly halved without disappearing ~ then conversely perhaps entire universes can emanate from seemingly invisible elementary particles and/or 'nothing'...

Perhaps explaining the theoretical 'nothingness' the universe came from to begin with. Quantum gravity has a tendency to compact matter and/or energy into black holes (much like a trash compactor and/or an highly compacted 'unzipped' computer file) while supernovas alternately release highly condensed energy and/or matter. And like a star that goes supernova; a big bang event is perhaps just a very large macro level supernova star emanation event. Perhaps there are giant distant stars that are out of our observational

realm that go supernova and create entire universes. In retrospect; to fully understand and/or truly appreciate all of the mystery; grandeur and illogical nature of our known universe -- I suppose you have to believe in magic..."

"Science and religion are not necessarily unconnected...Religion does not necessarily explain sciecne; but science can definitely help to explain religion...Albert Einstein once rejected a conflict between **science** and **religion**, and held that cosmic **religion** was necessary for **science**. For **Einstein**, "**science** without **religion** is lame, **religion** without **science** is blind." He told William Hermanns in an interview that "God" is a mystery..."
Religious and philosophical views of Albert Einstein



**Religious and philosophical views of Albert Einstein**

Einstein used many labels to describe his religious views, including "agnostic",[5] "religious nonbeliever"[3] a...

Can Science Explain Religion?



**Can Science Explain Religion?**

Robert Wright's "The Evolution of God" both surveys the history of religion and offers a new theory to explain w...

On Friday, May 22, 2020, 2:28:29 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

"I am not prefect" haha Yes I need to proof read a little more; but I am in a bit of a hurry today...

On Friday, May 22, 2020, 2:25:20 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

And if you think that'smind blowing check this out:
2004 TSUNAMI/GAMMA RAY BURST CONNECTION?



**2004 TSUNAMI/GAMMA RAY BURST CONNECTION?**

GAMMA RAYS BURSTS are likely relatively common events in the universe; but the burst that occurred the day afte...

I added a post in my website back in 2004 noticing the largest gamma ray burst happened the day after the 2004 tsunami occurred (which is 'simple' cause and effect) then my DoD buddy who shall remain anonymous told me not only did that occur; but the gamma ray burst also blew back a field energy that busted a hole in the earths' ozone layer!?! UC Officer Gary Perez then chimed in that the ozone layer had closed over since then and essentially healed itself (Gary has classified clearance and often went to Vandenburg AFB after being at the Oasis Nightclub...And DoD also told me that I was not crazy like the police were suggesting; instead I am very intelligent and onto something...

Bringing us back on point; first off I am not prefect but I am a really intelligent person who was (for instance) separated from his elementary school class for independent study due to the less intelligent students in the class holding me back...And I could have easily graduated early from high school but wanted to play drums...

Therefore; the slanderous and defamatory "mental illness" claims by law enforcement were/are way out of bounds and absolutely baseless...Adding to all of this; it is against federal law to discriminate against those with disabilities; even if those said disabilities are clearly imagined by malicious external sources like federal X-Officer Seagrave (etc) who has been called a terrorist by her own co-workers...

TERRORIST SEAGRAVE ~ X-13

**TERRORIST SEAGRAVE ~ X-13**

this is an excerpt from an email i recently received from another individual who has been harassed and terrorize...

On Friday, May 22, 2020, 2:08:51 PM PDT, super nova <galaxy_454@yahoo.com> wrote:

BTW: I'm starting a new thread that last one was getting too large to open easily...

Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist



**Kamala Harris introduces resolution condemning ‘Chinese Virus’ as racist**

The Washington Times http://www.washingtontimes.com

Sen. Kamala Harris wants this on the record — the term “Chinese Virus” is hate speech fueling attacks against As...

**STAYING ON POINT**:
What democrats really seem to want to do is lock us all down with forced health care and tell us what to say and think...I understand her concern; but I am also very concerned about the largely undemocratic half-truthed "white entitlement " argument as being racist and fomenting hatred against whites and therefore causing me and many others to be openly discriminated against due to this extremely divisive narrative...

===

**GOING OFF ON A TANGENT**:
I also wanted to change the subject for one minute to comment that you cannot kill this many animals all at once without some kind of weather-related response like the massive flooding in Minnesota...It is a large amount of displaced energy that does not just "go away"...During winter it would turn to ice and snow due to the lower atmospheric temperatures and/or the slightly lowered temperature of the mass of disembodied spirits; which have a direct effect upon the atmosphere...And I highly suspect it is quantum entanglement-related...

QUANTUM ENTANGLEMENT THEORY



**QUANTUM ENTANGLEMENT THEORY**

" Quantum entanglement is a physical phenomenon that occurs when pairs or groups of particles are generated or ...

BLACK PLAGUE / LITTLE ICE AGE CONNECTION?



**BLACK PLAGUE / LITTLE ICE AGE CONNECTION?**

WAS THERE A CONNECTION BETWEEN THE BLACK PLAGUE; AND THE LITTLE ICE AGE? -- Just like how Germany experienced th...

Flooding in Minnesota



**Flooding in Minnesota**

US Department of Commerce, NOAA, National Weather Service

[Farmers overrun with dead livestock during coronavirus pandemic aren’t sure what to do]



**Farmers overrun with dead livestock during coronavirus pandemic aren’t s...**

As slaughterhouses and processing plants close, farmers are stuck with a surplus of dead animals.

[Millions of farm animals culled as US food supply chain chokes up]



**Millions of farm animals culled as US food supply chain chokes up**

Sophie Kevany

US government vets said to be ready to assist with culls, or ‘depopulation’ of pigs, chickens and cattle because...