

OFFICE OF THE  
COUNTY COUNSEL



COUNTY OF SANTA CRUZ

GOVERNMENT CENTER  
(408)454-2040  
FAX(408)454-2115

701 OCEAN STREET, ROOM 505, SANTA CRUZ, CALIFORNIA 95060-4068

DWIGHT L. HERR  
COUNN COUNSEL

DEBORAH STEEN  
SAMUEL TORRES, JR.  
CHIEF ASSISTANTS

HARRY A. OBERHELMAN III  
MARIE COSTA  
JANE M. SCOTT  
RAHN GARCIA  
TAMYRA CODE  
PAMELA FYFE  
ELLEN LEWIS  
KIM BASKETT  
LEE GULLIVER  
DANA McRAE

ASSISTANTS

### GOVERNMENT TORT CLAIM

### RECOMMENDED ACTION

Agenda June 2, 1998

To: The Board of Supervisors

Re: Claim of Jonni Faircrest, No. 798-129

Original Document and associated materials are on file at the Clerk to the Board of Supervisors.

In regard to the above-referenced claim, this is to recommend that the Board take the following action:

X 1. Deny the claim of Jonni Faircrest, No. 798-129 and refer to County Counsel.

~~Deny~~ 2. Deny the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.

3. Grant the application to file a late claim on behalf of \_\_\_\_\_ and refer to County Counsel.

4. Approve the claim of \_\_\_\_\_ in the amount of \_\_\_\_\_ and reject it as to the balance, if any, and refer to County Counsel.

5. Reject the claim of \_\_\_\_\_ as insufficiently filed and refer to County Counsel.

cc: Art Danner, District Attorney

RISK MANAGEMENT

By Janet McKinley

COUNTY COUNSEL

By [Signature]

LTR9.WPT

PER 5107 Rev. 4/97

**COVER SHEET**

Date: April 24, 1998

Claimant: Jonni Faircrest

**Address:** c/o 309 Cedar St. #84, Santa Cruz, Ca. Republic [95065]

**Phone:** (800) 555-9205 ext. 4661

Submitted to: STATE BOARD OF CONTROL  
GOVERNMENT CLAIMS DIVISION  
P.O. BOX 3035  
SACRAMENTO, CALIFORNIA 95812-3035

Type of Claim: CLAIM AGAINST GOVERNMENT ENTITY, TORT CLAIM

RESPONDENTS:

1. CA. HIGHWAY PATROLMAN JOHN MURPHY, Badge #13855, CHP Headquarters, 10395 Soquel Dr., Aptos, Ca.; State Atty. General Dan Lundgren.
2. SANTA CRUZ COUNTY DEPUTY SHERIFF #1, NAME UNKNOWN, S.C. County Jail, 259 Water St., Santa Cruz, Ca.; S.C. County Sheriff Mark Tracey.
3. SANTA CRUZ COUNTY DEPUTY SHERIFF #2, NAME UNKNOWN, S.C. County Jail, 259 Water St., Santa Cruz, Ca.; S.C. County Sheriff Mark Tracey.
4. SANTA CRUZ COUNTY DEPUTY SHERIFF #3, NAME UNKNOWN, Badge #74, S.C. County Jail, 259 Water St., Santa Cruz, Ca.; S.C. County Sheriff Mark Tracey.
5. SANTA CRUZ COUNTY ASST. DIST. ATTY. BRUCE W. ANDERSON, P.O. Box 1159, Santa Cruz, Ca.; S.C. County District Attorney Art Danner.
6. SANTA CRUZ COUNTY ASST. DIST. ATTY. MARTHA CARILLO, P.O. Box 1159, Santa Cruz, Ca.; S.C. County District Attorney Art Danner.

Total Amount of Claim: \$2,040,000.00 (two million, forty thousand dollars, lawful money of account for the united States of America).

Location Where Damage(s) Occurred: Santa Cruz County, California

SEND OFFICIAL NOTICES, CORRESPONDENCE AND **ENDORSED COPY** OF CLAIM TO:

[Honorable] Rey Gordon  
Attorney-In-Fact  
c/o 2636 17th Avenue, Suite #83  
Santa Cruz, Calif. Republic [95065]

SUBMITTED BY: Rey Gordon  
Attorney-In-Fact for  
Jonni Faircrest  
Citizen In Party  
Title 4 u.S.C. 1



**CLAIM AGAINST GOVERNMENT ENTITY  
(CALIFORNIA STATE BOARD OF CONTROL)**

**SUBMIT TO:**

**BOARD OF CONTROL:**

STATE OF CALIF.  
TORT **CLAIM**

STATE BOARD OF CONTROL  
GOVERNMENT CLAIMS DIVISION  
P.O. BOX 3035  
SACRAMENTO, CA. 95812-3035

**1. NAME AND MAILING ADDRESS OF CLAIMANT:**

Jonni Faircrest  
c/o 309 Cedar St. #84  
Santa Cruz, California Republic 1950601

**2. TOTAL AMOUNT OF CLAIM AS A DIRECT RESULT OF INCIDENT:**

TWO MILLION & FORTY THOUSAND DOLLARS (\$2,040,000.00), lawful money of account, united States of America

**3. WHEN DID DAMAGE AND INJURY OCCUR:**

INJURY 1): INJURY 1 OCCURRED AT OR ABOUT **8:15** P.M. ON JULY 13, 1997 BY NEGLECT.  
 INJURY 2): INJURY 2 OCCURRED AT OR ABOUT **8:20 P.M.** ON JULY 13, 1997 BY NEGLECT.  
 INJURY 3): INJURY 3 OCCURRED **AT OR** ABOUT **8:45** P.M. ON JULY 13, 1997 BY NEGLECT.  
 INJURY 4): INJURY 4 OCCURRED AT **OR** ABOUT **8:48** P.M. ON JULY **13**, 1997 BY NEGLECT.  
 INJURY 5): INJURY **5 OCCURRED** AT OR ABOUT **9:05** P.M. ON JULY 13, 1997 **BY** NEGLECT.  
 INJURY 6): INJURY 6 OCCURRED AT OR ABOUT **9:15** P.M. ON JULY 13, 1997 BY NEGLECT.  
 INJURY 7): INJURY 7 OCCURRED AT *OR* ABOUT **9:20 P.M.** ON JULY 13, 1997 BY NEGLECT.  
 INJURY 8): INJURY **8** OCCURRED AT OR ABOUT **12:50 AM**, ON JULY 14, 1997 BY NEGLECT.  
 INJURY 9): INJURY 9 OCCURRED AT OR ABOUT **1:00 AM**. ON JULY **14**, 1997 BY NEGLECT.  
 INJURY 10): INJURY 10 OCCURRED AT **OR** ABOUT **8:30 AM**. ON JULY 21, 1997 BY NEGLECT.  
 INJURY 11): INJURY 11 OCCURRED AT OR ABOUT **1:00 PM** ON JULY 23, 1997 BY NEGLECT.  
 INJURY 12): INJURY 12 OCCURRED AT OR ABOUT **11:07 AM** ON JULY 24, 1997 BY NEGLECT.  
 INJURY 13): INJURY 13 OCCURRED AT OR ABOUT 3:00 PM **ON** JULY 25, 1997 BY NEGLECT.  
 INJURY 14): INJURY 14 OCCURRED AT OR ABOUT **9:30 AM ON** JULY 28, 1997 BY NEGLECT.  
 INJURY 15): INJURY 15 OCCURRED AT OR ABOUT **8:30 AM** ON JULY 29, 1997 BY NEGLECT.  
 INJURY 16): INJURY 16 OCCURRED AT OR ABOUT 4:00 PM ON AUG. 25, 1997 BY NEGLECT.  
 INJURY 17): INJURY 17 OCCURRED AT OR ABOUT **8:30 AM** ON **AUG.** 28, 1997 BY NEGLECT.  
 INJURY 18): INJURY 18 OCCURRED **AT OR** ABOUT **8:30 AM** ON SEPT. 2, 1997 BY NEGLECT.  
 INJURY 19): INJURY 19 OCCURRED **AT OR** ABOUT **8:30 AM** ON SEPT 19, 1997 BY NEGLECT.  
**INJURY 20): INJURY 20 OCCURRED** AT OR ABOUT **9:00 AM ON SEPT 19**, 1997 BY **NEGLECT.**  
 INJURY **21): INJURY 21** OCCURRED AT OR ABOUT 9:00 AM ON SEPT 19, 1997 BY NEGLECT.  
 INJURY 22): INJURY 22 OCCURRED **AT OR ABOUT 8:30 AM** ON SEPT 23, 1997 BY **NEGLECT.**

INJURY 23): INJURY 23 OCCURRED AT OR ABOUT 10.00 AM ON OCT. 9, 1997 BY NEGLECT.

INJURY 24): INJURY 24 OCCURRED AT OR ABOUT 8:30 AM ON OCT. 24, 1997 BY NEGLECT.

4. **WHERE** DID THE DAMAGE AND INJURY OCCUR? GIVE CITY COUNTY AND STREET ADDRESS:

INJURY 1): JULY 13, 1997, 8:15 P.M.: DAMAGE OCCURRED ON SIDEWALK IN FRONT OF STAFF OF LIFE MARKET, 1305 WATER ST. SANTA CRUZ, CALIFORNIA. COUNTY OF SANTA CRUZ.

INJURY 2): JULY 13, 1997, 8:40 P.M.: DAMAGE OCCURRED ON SIDEWALK IN FRONT OF STAFF OF LIFE MARKET, 1305 WATER ST., SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 3): JULY 13, 1997, 8:45 P.M., DAMAGE OCCURRED ON SIDEWALK IN FRONT OF STAFF OF LIFE MARKET. 1305 WATER ST., SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 4): JULY 13, 1997, 8:48 PM, DAMAGE OCCURRED IN AND ABOUT CA. HWY PATROL CAR PARKED AT 1305 WATER ST., SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 5): JULY 13, 1997, 9:05 PM, DAMAGE BY KIDNAPPING OCCURRED WHILE IMPRISONED INSIDE CHP PATROL CAR AND EN ROUTE BETWEEN 1305 WATER ST, SANTA CRUZ, CALIFORNIA, AND 259 WATER ST. SANTA CRUZ, CALIFORNIA, COUNTY OF SANTA CRUZ.

INJURY 6): JULY 13, 1997, 9:15 PM, DAMAGE OCCURRED IN THE PARKING LOT OF SANTA CRUZ COUNTY JAIL AT 259 WATER ST., SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 7): JULY 13, 1997, 9:20 PM, DAMAGE OCCURRED INSIDE SANTA CRUZ COUNTY JAIL AT 259 WATER ST., SANTA CRUZ, CALIFORNIA, COUNTY OF SANTA CRUZ.

INJURY 8): JULY 14, 1997, 12:50 AM. INJURY AND DAMAGE OCCURRED INSIDE SANTA CRUZ COUNTY JAIL AT 259 WATER ST., SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 9): JULY 14, 1997, 1:00 AM, INJURY OCCURRED AT THE PROCESSING WINDOW INSIDE THE COUNTY JAIL OF SANTA CRUZ AT 259 WATER ST., SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 10): JULY 21, 1997, 8:30 AM, CLAIMANT WAS INJURED BY NEGLECT OF RESPONDENTS HONORING RIGHTS OF CLAIMANT UNDER THE U.S.C.A. 4, 5, 6, 7, 8, 9, 11, 14 AT MUNICIPAL COURT CLERK OF SANTA CRUZ, ROOM 120. COUNTY GOVERNMENTAL CENTER. 701 OCEAN ST., SANTA CRUZ, CALIFORNIA, COUNTY OF SANTA CRUZ.

INJURY 11): JULY 23, 1997, CLAIMANT WAS INJURED BY NEGLECT OF RESPONDENTS AT SANTA CRUZ MUNICIPAL COURT, ROOM 120. COUNTY GOVT. CENTER, 701 OCEAN ST. SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 12): JULY 24, 1997, CLAIMANT WAS INJURED BY NEGLECT OF RESPONDENTS AT SANTA CRUZ MUNICIPAL COURT, ROOM 120, COUNTY GOVT. CENTER, 701 OCEAN ST., SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 13): JULY 25, 1997. CLAIMANT WAS INJURED BY NEGLECT OF REPENDENTS AT SANTA CRUZ MUNICIPAL COURT, ROOM 120, COUNTY GOVT. CENTER, 701 OCEAN ST. SANTA CRUZ, CALIF., COUNTY OF SANTA CRUZ.

INJURY 14): JULY 28, 1997, CLAIMANT **WAS** INJURED BY NEGLECT OF **RESPONDENTS** AT **SANTA CRUZ** MUNICIPAL COURT, ROOM 120. 701 **OCEAN ST.** SANTA CRUZ. **CALIF**, COUNTY OF **SANT** CRUZ.

INJURY 15): JULY 29. 1997 CLAIMANT WAS INJURED BY NEGLECT OF RESPONDENTS AT SANTA **CRUZ** MUNI**CIPAL** **COURT, ROOM 120, COUNTY** Govt. CENTER, 701 **OCEAN** St., SANTA **CRUZ**, CALIFORNIA, COUNTY OF SANTA CRUZ.

INJURY 16): **AUG** 25. 1997, CLAIMANT WAS INJURED BY NEGLECT OF RESPONDENTS AT 6240 SAN ANSELMO. **ATASCADERO, CALIFORNIA**, COUNTY OF SAN **LUIS** OBISPO.

INJURY 17): **AUG 28**, 1997 CLAIMANT WAS INJURED BY NEGLECT OF RESPONDENTS AT MUNICIPAL COURT **OF** SANTA CRUZ. DEPT 2. 701 OCEAN ST. SANTA **CRUZ**, CALIFORNIA, COUNTY **OF** SANTA CRUZ.

INJURY 18): **SEPT** 2. 1997, CLAIMANT WAS INJURED BY NEGLECT **OF** RESPONDENT 8 AT SANTA CRUZ MUNICIPAL COURT, DEPT 1. 701 **OCEAN** ST., SANTA CRUZ. CALIFORNIA, COUNTY **OF** SANTA CRUZ.

INJURY 19): SEPT 19. 1997. CLAIMANT WAS INJURED BY NEGLECT **OF** RESPONDENTS AT SANTA CRUZ MUNICIPAL COURT. DEPT. 1, 701 **OCEAN** ST. SANTA CRUZ, CALIFORNIA, COUNTY **OF** SANTA CRUZ.

INJURY 20): SEPT 19. 1997. **CLAIMANT** WAS INJURED BY NEGLECT OF RESPONDENTS AT SANTA CRUZ MUNICIPAL COURT, DEPT. 1, 701 OCEAN ST.. SANTA CRUZ, CALIFORNIA, COUNTY OF SANTA CRUZ.

INJURY 21): SEPT 19, 1997, CLAIMANT WAS INJURED BY NEGLECT **OF** RESPONDENTS AT SANTA CRUZ MUNICIPAL COURT, DEPT. 1, 701 OCEAN ST. SANTA CRUZ, CALIFORNIA, COUNTY **OF** SANTA CRUZ.

INJURY 22): **SEPT** 23, 1997. CLAIMANT WAS INJURED BY NEGLECT **OF** RESPONDENTS AT **SANTA** CRUZ MUNICIPAL COURT, **DEPT** 1. 701 **OCEAN** ST.. **SANTA CRUZ**, CALIFORNIA. COUNTY OF SANTA CRUZ.

INJURY 23): OCT. 9, 1997. CLAIMANT **WAS** INJURED BY NEGLECT OF RESPONDENTS AT SANTA CRUZ MUNICIPAL COURT, DEPT 1, 701 OCEAN ST., SANTA **CRUZ**, CALIFORNIA, COUNTY OF SANTA CRUZ.

INJURY 24,: **OCT. 24**, 1997, CLAIMANT WAS INJURED BY NEGLECT OF RESPONDENTS AT SANTA **CRUZ** MUNICIPAL COURT, DEPT **1**, 701 OCEAN ST. SANTA CRUZ, CALIFORNIA, **COUNTY\_**  
**OF** SANTA CRUZ.

**5. PLEASE EXPLAIN THE CIRCUMSTANCES THAT LCD INTO THE ALLEGED DAMAGE AND INJURY. STATE FACTS, INCLUDING WHY STATE IS RESPONSIBLE. IDENTIFY THE NAME OF STATE AGENCIES & STATE EMPLOYEES CAUSING DAMAGE AND INJURIES:**

INJURY 1): BY **NEGLECT** OF **u.S.C.A.** 1, **CLAIMANT** WAS DAMAGED BY **RXSPONDXT #1, CA.**  
**HIGHWAY PATROLWAN JOXN MURPHY, BADGX #13855,** BY FAILURE OF RESPONDENT MURPHY

HONORING **u.S.C.A. 1 RIGHTS OF CLAIMANT.**

INJURY 2): CLAIMANT **WAS** INJURED WHILE BEING DETAINED BY NEGLIGENCE OF RESPONDENT MURPHY IN HONORING RIGHTS **OF** CLAIMANT UNDER THE **u.S.C.A. 4, WARRANT.**

INJURY 3): CLAIMANT WAS INJURED BY NEGLIGENCE OF RESPONDENT MURPHY HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A. 4, 5, AND 14** BY PLACING CLAIMANT UNDER ARREST AND HANDCUFFING WRISTS OF CLAIMANT. CLAIMANT WAS INJURED BY NEGLIGENCE OF RESPONDENT MURPHY ACTING WITHOUT **4TH A.U.S.C.** WARRANT AND WITHOUT DUE PROCESS OF LAW UNDER THE **u.S.C.A. 5 AND 14.**

INJURY 4): CLAIMANT WAS INJURED BY BEING IMPRISONED WEARING HANDCUFFS IN BACK SEAT OF CHP PATROL CAR BEING USED BY NEGLIGENCE **OF** RESPONDENT MURPHY IN HONORING RIGHTS OF CLAIMANT BY DUX **PROCESS OF LAW** AND NOT HAVING CRUEL PUNISHMENT UNDER **THE u.S.C.A. 5, 8, 14.**

INJURY 5): CLAIMANT WAS INJURED BY BEING HELD PRISONER AND BY BEING KIDNAPPED UNDER COLOR **OF** LAW BY RESPONDENT MURPHY BY NEGLECTING DUE PROCESS OF LAW UNDER **THE u.S.C.A. 5 & 14,** AND BY NEGLIGENCE OF RESPONDENT MURPHY HONORING RIGHTS **OF** CLAIMANT UNDER **THE u.S.C.A. 8,** RIGHT BY NOT HAVING CRUEL PUNISHMENT.

INJURY 6): A PHOTOGRAPH. PROPERTY **OF** CLAIMANT WAS TAKEN WITHOUT CONSENT **OF** CLAIMANT BY RESPONDENT MURPHY. BY NEGLECTING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A. 4, 5. AND 14** CLAIMANT WAS INJURED AND DAMAGED BY RESPONDENT MURPHY.

INJURY 7): CLAIMANT WAS IMPRISONED IN COUNTY JAIL BY RESPONDENT #2, NEGLECTING DUE PROCESS OR LAW RIGHTS OF CLAIMANT UNDER THE **u.S.C.A. 5 AND 14.**

INJURY 8): PROPERTY OF CLAIMANT, PHOTOGRAPHS AND FINGERPRINTS. TAKEN AS RANSOM FOR RELEASING CLAIMANT FROM CAPTIVITY INJURED CLAIMANT BY NEGLIGENCE **OF** RESPONDENT #3, NAME UNKNOWN(S CRUZ COUNTY DEPUTY SHERIFF) HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A. 5 AND 14.**

INJURY 9): WITHOUT DUE PROCESS OF LAW FOR BEING RELEASED **FROM** CAPTIVITY, CLAIMANT WAS DAMAGED BY NEGLIGENCE **OF** RESPONDENT #4(SANTA CRUZ COUNTY JAIL DEPUTY SHERIFF, NAME UNKNOWN, BADGE #74) HONORING DUE **PROCESS OF LAW** RIGHTS OF CLAIMANT UNDER THE **u.S.C.A. 5 AND 14.** AND MIRANDA RIGHTS WERE NOT READ FOR CLAIMANT BY NEGLIGENCE **OF** RESPONDENT(S STATE OF CALIQ).

INJURY 10): CLAIMANT WAS INJURED AND DAMAGED BY NEGLIGENCE **OF** RESPONDENTS #1, 2, 3, 4, HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A. 4, 5, 6, 8, 9, 11, 14** BY MAKING SPECIAL **APPEARANCES AT** CLERK OF MUNICIPAL COURT WINDOW **AND** BEING FORCED BY ADDRESSING, **FACING AND** RESOLVING CHARGE AGAINST CLAIMANT ALLEGING CRIME.

INJURY 11): CLAIMANT WAS INJURED ON JULY 23, 1997 BY NEGLIGENCE **OF** **RESPONDENTS 1, 2, 3, 4** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A. 4. 5. 6. 7. 8, 9. 11. & 14, FORCING**

**APPEARANCE BY CLAIMANT FOR RESOLVING CHARGE AND ALLEGATION AGAINST CLAIMANT.**

INJURY 12): CLAIMANT WAS INJURED BY NEGLIGENCE OF RESPONDENTS **1,2,3,4** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 4. 5. 6. 7. 8, 9. 11, & 14, FORCING **APPEARANCE BY CLAIMANT FOR RESOLVING CHARGE AND ALLEGATION AGAINST CLAIMANT.**

INJURY 13): CLAIMANT WAS INJURED BY BEING **FORCED** INTO MAKING APPEARANCE FOR RESOLVING **CHARGE AND ALLEGATION AGAINST CLAIMANT BY NEGLIGENCE OF RESPONDENTS 1.2.3.4 HONORING RIGHTS OF CLAIMANT UNDER u.S.C.A.** 4. 5, 6, 8, 9, 11. & 14.

INJURY 14): CLAIMANT **WAS** INJURED BY NEGLIGENCE OF RESPONDENTS **1,2,3,4** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 5 & 14 BY DENYING CLAIMANT DUE PROCESS OF LAW, AND BY DENYING **OPPORTUNITY FOR CLAIMANT ANSWERING ALLEGATION AGAINST CLAIMANT.**

INJURY 15): CLAIMANT **WAS** INJURED BY NEGLIGENCE OF RESPONDENTS 1,2,3,4 HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5 & 14, FORCING ATTEMPTS BY CLAIMANT **FOR RESOLVING CHARGE AGAINST CLAIMANT AND HAVING NO CASE ON FILE IN MUNICIPAL COURT CORRESPONDING WITH CHARGE AGAINST CLAIMANT SCHEDULED FOR HEARING THIS DAY. JULY 29, 1997, 8:30 AM. (SEE EXHIBIT A)**

INJURY 16): CLAIMANT WAS INJURED **BY A LETTER** FROM THE OFFICE OF SANTA **CRUZ** DISTRICT ATTORNEY THREATENING ARREST OF CLAIMANT BY NOT APPEARING IN COURT ON AUG. 28, 1997, CAUSING F.R.C.P. **12(b)7,6,5,4,3,2,1.** BY BEING VIOLATED CAUSING A FRAUD F.R.C.P. **9(b)** BY NEGLIGENCE OF RESPONDENT **#5 (SANTA CRUZ COUNTY ASST. DIST. ATTORNEY BRUCE W. ANDERSON)** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 4, 5 **AND 14. AND UNDER TITLE 18, 5872 & F.R.C.P. 11(a).**

INJURY 17): CLAIMANT **WAS** INJURED BY NEGLIGENCE OF RESPONDENTS **1,2,3,4,5** HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5 & 14 FOR DUE PROCESS OF LAW AND **UNDER TITLE 42, 51986 FOR KNOWLEDGE OF THE LAW AND NEGLIGENCE OF THE LAW BY NOT STOPPING AND CORRECTING A WRONG AS AGAINST CLAIMANT.**

INJURY 18): CLAIMANT WAS INJURED BY NEGLIGENCE OF **RESPONDENTS 1,2,3,4,5,6** HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5 AND 14 FOR DUE **PROCESS OF LAW AND TITLE 42 SECTION 1986 FOR KNOWLEDGE OF THE LAW AND NEGLIGENCE OF THE LAW BY NOT STOPPING AND CORRECTING A WRONG AS AGAINST CLAIMANT.**

INJURY 19): CLAIMANT **WAS** INJURED **BY BEING ACCUSED** IN COURT ON SEPT 19. 1997. BY NEGLIGENCE OF RESPONDENTS **1,2,3,4,5,6** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 5. 14 FOR DUE **PROCESS OF LAW, AND TITLE 42, SECTION 1986 FOR KNOWLEDGE OF THE LAW AND NEGLIGENCE OF THE LAW BY NOT STOPPING AND CORRECTING A WRONG AGAINST CLAIMANT.**

INJURY 20): CLAIMANT WAS INJURED BY BEING DEPRIVED OF RIGHTS AND BEING DENIED DUE PROCESS OF LAW BY NEGLIGENCE OF RESPONDENTS **1,2,3,4,5,6** HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5 AND 14, AND TITLE 18 **§1512**, BY DENYING WITNESSES AND TESTIMONY INTO THE COURT RECORD, RESPONDENT #6, SANTA CRUZ COUNTY ASST. D.A.. MARTHA CARILLO) DISMISSED SUBPENAED WITNESS.

INJURY 21): CLAIMANT WAS INJURED ON SEPT 19. 1997 BY BEING ACCUSED IN COURT, BY APPEARING IN COURT ANSWERING CHARGE BY NEGLIGENCE OF RESPONDENT CHP PATROLMAN JONH MURPHY, BADGE #13855 (RESPONDENT #1) HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 5 AND 14 AND UNDER TITLE 18. 51512 BY BEING DENIED WITNESSES AND TESTIMONY INTO THE COURT RECORD, RESPONDENT MURPHY WAS SUBPENAED AND LEFT COURTROOM BEFORE CASE WAS CALLED, AND BEFORE HE COULD BE CALLED UPON AS A WITNESS.

INJURY 22): CLAIMANT WAS INJURED ON OCT. 9, 1997 BY BEING DENIED DUE PROCESS OF LAW BY APPEARING AND PROCEEDING IN COURT BY COERCION ANSWERING CHARGE BROUGHT AGAINST CLAIMANT BY NEGLIGENCE OF RESPONDENTS 1.2.3.4.5.6 HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 5. 14.

INJURY 23): CLAIMANT WAS INJURED ON OCT. 9. 1997 BY BEING DENIED DUE PROCESS OF LAW BY APPEARING AND PROCEEDING IN COURT BY COERCION ANSWERING CHARGE AGAINST CLAIMANT BY NEGLIGENCE OF RESPONDENTS **1,2,3,4,5,6** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 5 AND 14.

INJURY 24): CLAIMANT WAS INJURED ON OCT. 24, 1997 BY BEING COMPELLED. FORCED BY APPEARING AND PROCEEDING IN COURT BY NEGLIGENCE OF RESPONDENTS 1.2.3.4.5.6 HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 5 AND 14.

6. WHAT SPECIFIC DAMAGE OR INJURY RESULTED FROM THE ALLEGED ACTIONS?:  
RESPONDENTS:

1. CA. HIGHWAY PATROLMAN JOHN MURPHY, Badge #13855, CHP Headquarters. 10395 Soquel Dr.. Aptos. Ca.: State Atty. General Dan Lundgren.
2. SANTA CRUZ COUNTY DEPUTY SHERIFF #1, NAME UNKNOWN, S.C. County Jail, 259 Water St., Santa Cruz. Ca.: S.C. County Sheriff Mark Tracey
3. SANTA CRUZ COUNTY DEPUTY SHERIFF 82. NAME UNKNOWN. S.C. County Jail, 259 Water St. Santa Cruz, Cal.: S.C. County Sheriff Mark Tracey
4. SANTA CRUZ COUNTY DEPUTY SHERIFF #3, NAME UNKNOWN. S.C. County Jail. 259 Water St., Santa Cruz. Ca., S.C. County Sheriff Mark Tracey
5. SANTA CRUZ COUNTY ASST. DIST. ATTY. BRUCE W. ANDERSON, P.O. BOX 1159. Santa Cruz, Ca.: S.C. County District Attorney Art Danner
6. SANTA CRUZ COUNTY ASST. DIST. ATTY. MARTHA CARILLO, P.O. Box 1159, Santa Cruz, Ca.: S.C. County District Attorney Art Danner

INJURY 1): BY NEGLIGENCE OF RESPONDENT MURPHY CLAIMANT WAS DAMAGED AND INJURED UNDER THE **u.S.C.A.** 1 BY BEING DEPRIVED OF RIGHTS TO PEACABLY ASSEMBLE AND FOR KNOWLEDGE OF THE LAW UNDER TITLE 42 51986 BY NEGLIGENCE OF RESPONDENT MURPHY.



- INJURY 2): CLAIMANT WAS INJURED BY BEING DETAINED UNDER THREAT DURESS AND COERCION WITHOUT 4TH **A.u.S.C.** WARRANT BY NEGLIGENCE OF RESPONDENT MURPHY HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 4. 5.
- INJURY 3): CLAIMANT WAS INJURED BY RESPONDENT MURPHY BY BEING ARRESTED AND HAVING WRISTS HANDCUFFED BEHIND BACK BY NEGLIGENCE OF RESPONDENT MURPHY HONORING RIGHTS UNDER THE **u.S.C.A.** 4 WARRANT AND BY RESPONDENT MURPHY NEGLECTING DUE PROCESS OF LAW UNDER THE **u.S.C.A.** 5 & 14, CLAIMANT WAS DAMAGED.
- INJURY 4): CLAIMANT WAS INJURED BY BEING IMPRISONED BY NEGLIGENCE OF RESPONDENT MURPHY IN HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5 & 14 BY NEGLECTING DUE PROCESS OF LAW AND BY NEGLECTING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 8, BY HAVING CRUEL PUNISHMENT, CLAIMANT WAS INJURED BY RESPONDENT MURPHY.
- INJURY 5): CLAIMANT WAS INJURED BY NEGLIGENCE OF RESPONDENT MURPHY IN HONORING RIGHTS UNDER THE **u.S.C.A.** 5. 8 & 14. WITHOUT DUE PROCESS OF LAW AND BY NOT PREVENTING CRUEL PUNISHMENT BY NEGLECTING DUE PROCESS OF LAW FOR KIDNAPPING CLAIMANT. CLAIMANT WAS DAMAGED BY RESPONDENT MURPHY.
- INJURY 6): PHOTOGRAPH OF CLAIMANT WAS TAKEN BY RESPONDENT MURPHY NEGLECTING DUE PROCESS OF LAW RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 4. 5 , 14. AND TITLE 42 **§1986.**
- INJURY 7): CLAIMANT WAS INJURED BY BEING IMPRISONED IN COUNTY JAIL BY NEGLIGENCE OF RESPONDENT #2 HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 5 AND 14.
- INJURY 8): PROPERTY OF CLAIMANT: PHOTOGRAPHS AND FINGERPRINTS OF CLAIMANT, WERE TAKEN OVER OBJECTIONS OF CLAIMANT. BY NEGLIGENCE OF RESPONDENT #3 (COUNTY DEPUTY SHERIFF) HONORING DUE PROCESS OF LAW RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 4. 5. 14.
- INJURY 9): CLAIMANT WAS INJURED BY BEING COERCED INTO CONTRACT UNDER DURESS BY NEGLIGENCE OF RESPONDENT #4 (SANTA CRUZ COUNTY JAIL DEPUTY SHERIFF) HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5 AND 14, BY FORCING ON CLAIMANT AN AGREEMENT OF APPEARING AND FACING CHARGE MADE BY RESPONDENT (STATE OF CALIFORNIA) BY NEGLIGENCE OF DUE PROCESS RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5. 14 AND WITHOUT READING CLAIMANT COMMON LAW MIRANDA RIGHTS.
- INJURY 10): CLAIMANT WAS INJURED BY NEGLIGENCE OF RESPONDENTS 1, 2, 3, 4 HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 5, 14. WITHOUT THE 4TH **A.u.S.C.** WARRANT, CLAIMANT SUFFERS FROM LOSS OF STANDING IN THE COMMUNITY, CRUEL PUNISHMENT BY NEGLIGENCE OF RESPONDENTS HONORING RIGHTS OF CLAIMANT UNDER THE **u.S.C.A.** 4, 5, 6, 7, 8, 9, 11, 14.

**INJURY 11):** CLAIMANT WAS INJURED BY NEGLIGENCE OF RESPONDENTS **1,2,3,4** HONORING RIGHTS **CLAIMANT** UNDER **u.S.C.A.** 4, 5, 6, 8, 14 BY BEING ACCUSED OF A CRIME WITHOUT DUE PROCESS OF LAW, BY BEING HUMILIATED, AND BY SUFFERING LOSS OF STANDING IN THE COMMUNITY BY BEING FORCED INTO APPEARING AT CLERK OF THE COURT AND BEING DENIED DUE PROCESS FOR FILING PAPERWORK ANSWERING CHARGE.

**INJURY 12):** CLAIMANT WAS INJURED ON JULY 24, 1997, BY NEGLIGENCE OF RESPONDENTS 1.2.3.4 HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 4, 5, 6, 8, 11, 14, BY BEING ACCUSED OF A CRIME BY RESPONDENT, BY BEING FORCED INTO APPEARING AT CLERK OF MUNICIPAL COURT FOR FILING AN ANSWER. BEING DENIED DUE PROCESS AND SUFFERING **LOSS** OF STANDING IN **THE** COMMUNITY.

**INJURY 13):** CLAIMANT **WAS** INJURED ON JULY 25, 1997 BY BEING ACCUSED OF A CRIME BY RESPONDENTS BY NEGLIGENCE OF RESPONDENTS 1.2.3.4 HONORING RIGHTS OF **CLAIMANT** UNDER THE **u.S.C.A.** 4, 5, 6, 8, 11, 14, AND BY BEING FORCED INTO APPEARING AT CLERK OF MUNICIPAL COURT FOR ANSWERING ALLEGATION AGAINST CLAIMANT AND BY BEING DENIED ANY OPPORTUNITY OF ANSWERING, AND BY SUFFERING LOSS OF STANDING IN THE COMMUNITY.

**INJURY 14):** CLAIMANT WAS INJURED ON JULY 28, 1997 BY NEGLIGENCE OF RESPONDENTS **1,2,3,4** HONORING RIGHTS OF CLAIMANT UNDER **THE u.S.C.A.** 4, 5, 6, 8, **11**, 14. BY BEING FORCED INTO APPEARING AT CLERK OF MUNICIPAL COURT FOR ANSWERING ALLEGATION AGAINST CLAIMANT, BY BEING **DENIED ANY** OPPORTUNITY OF ANSWERING. AND BY SUFFERING LOSS OF STANDING IN THE COMMUNITY.

**INJURY 15):** CLAIMANT WAS INJURED ON JULY 29, 1997, BY BEING ACCUSED OF A CRIME BY RESPONDENT **1,2,3,4**, BY BEING FORCED INTO APPEARING BY AGREEMENT IN MUNICIPAL COURT, FOR FACING CHARGE AGAINST CLAIMANT, BY BEING DENIED ANY OPPORTUNITY OF ANSWERING IN FIFTEEN DAYS, AND BY SUFFERING LOSS OF STANDING IN THE COMMUNITY BY NEGLIGENCE OF **RESPONDENT (STATE OF CALIFORNIA)** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 4, 5, 6, 8, 11, 14.

**INJURY 16):** CLAIMANT WAS INJURED ON AUG. 25, 1997 BY A LETTER THREATENING ARREST OF CLAIMANT FORCING CLAIMANT BY UPROOTING AND MOVING CLAIMANT FROM HOME AND LIVELIHOOD FOR ANSWERING CHARGE AND APPEARING IN COURT AUG. 28, 1997, AND CLAIMANT **WAS** INJURED BY NEGLIGENCE OF RESPONDENT **#5** HONORING RIGHTS OF CLAIMANT UNDER **u.S.C.A.** 4, 5, **14**, AND UNDER TITLE 18, **\$872** EXTORTION OF RIGHTS AND **F.R.C.P. 11(a)** FRIVOLOUS FILING OF LAW SUIT.

**INJURY 17):** CLAIMANT **WAS** INJURED ON AUG. 28, 1997 BY **NEGLECT** OF RESPONDENTS **1,2,3,4,5** HONORING RIGHTS **OF CLAIMANT** UNDER **u.S.C.A.** 5, 14. **F.R.C.P. 11(a)** NAD BY CAUSING **F.R.C.P. 12(b)7,6,5,4,3,2,1**, BY BEING VIOLATED CAUSING A

FRAUD, F.R.C.P. 9 ( b ) .

INJURY 18): CLAIMANT WAS INJURED ON SEPT. 2.' 1997, BY NEGLIGENCE OF RESPONDENTS 1,2,3,4,5,6 HONORING RIGHTS OF CLAIMANT UNDER u.S.C.A. 5. 14. AND TITLE 42, SECTION 1986.

INJURY 19): CLAIMANT WAS INJURED ON SEPT. 19, 1997 BY NEGLIGENCE OF RESPONDENTS CALIFORNIA) HONORING RIGHTS OF CLAIMANT UNDER u.S.C.A. 5, 14, F.R.C.P. 11(A) AND TITLE 42, SECTION 1986.

INJURY 20): CLAIMANT WAS INJURED ON SEPT 19, 1997 BY BEING DENIED WITNESS AND TESTIMONY INTO THE COURT RECORD BY NEGLIGENCE OF RESPONDENTS 1,2,3,4,5,6 HONORING RIGHTS OF CLAIMANT UNDER u.S.C.A. 5 AND 14. AND TITLE 18. SECTION 1512.

INJURY 21): CLAIMANT WAS INJURED ON SEPT. 19,1997 BY BEING DENIED TESTIMONY AND WITNESS INTO THE COURT RECORD BY NEGLIGENCE OF RESPONDENTS 1, 2,3,4,5,6 HONORING RIGHTS OF CLAIMANT UNDER u.S.C.A. 5, 14 AND TITLE 18, SECTION 1512.

INJURY 22): CLAIMANT WAS INJURED ON SEPT 23. 1997 WHEN RIGHTS OF CLAIMANT WERE VIOLATED BY NEGLIGENCE OF RESPONDENT #6 HONORING CLAIMANT RIGHTS UNDER u.S.C.A. 5. 14. AND F.R.C.P. 11(a), AND TITLE 42. §1986.

INJURY 23): CLAIMANT WAS INJURED ON OCT. 9, 1997 BY BEING DEPRIVED OF RIGHTS BY NEGLIGENCE OF RESPONDENTS 1,2,3,4,5,6 HONORING RIGHTS OF CLAIMANT UNDER u.S.C.A. 5. 14: F.R.C.P.11(a); TITLE 42 51986.

INJURY 24): CLAIMANT WAS INJURED ON OCT. 24. 1997 BY NEGLIGENCE OF RESPONDENTS 1-6 HONORING RIGHTS OF CLAIMANT UNDER u.S.C.A. 5. 14. DUE PROCESS OF LAW. 7.HOW WAS THE AMOUNT ABOVE COMPUTED?:

TITLE 42, CHAPTER #21, SECTION 1985, NOTE 69: DAMAGES IN CLAIM FOR VIOLATION OF U.S. CONSTITUTIONAL GUARANTEED RIGHTS DAMAGES ARE RECOVERED, NORMAL DAMAGES MAY BE PRESUMED, AND NOMINAL DAMAGES MAY IN APPROPRIATE CIRCUMSTANCES SUPPORT AWARD OF EXEMPLARY DAMAGES.....

..\$75,000.00

TITLE 18, SECTION 242, DEPRIVATION ON RIGHTS DAMAGE...\$10,000.00

.....PER VIOLATION.....\$85,000.00

TWENTY-FOUR CONSTITUTIONAL VIOLATIONS @ \$85,000.00/PER VIOLATIONS =

24

x \$85,000.00 EQUALS TOTAL CLAIM OF= \$2,040,000.00

8. SEND OFFICIAL NOTICES AND OTHER CORRESPONDENCE TO:

[Honorable] Rey Gordon  
Attorney-In-Fact  
c/o 2636 17th Avenue Suite 83  
Santa Cruz, California Republic [95065]

SIGNATURE AND TELEPHONE NO. OF CLAIMANT OR ATTORNEY/REPRESENTATIVE:

9SIGNATURE: DATE Daytime Telephone Numbers:

Joni Faircrest, CLAIMANT:

Citizen In Party  
Joni Faircrest April 24, 1998 1 (800)555-9205 x4661

10. IF THE BOARD INVITES YOU APPEARING ON YOUR CLAIM AT A BOARD HEARING, PLEASE DESIGNATE PREFERENCE ON HEARING LOCATION:

SACRAMENTO LOS ANGELES x SAN FRANCISCO SAN DIEGO (OCTOBER ONLY)

please note by submitting claim, claimant is not waiving any rights pursuant UCC 1-103.6 UNDER **u.S.C.A.** 9 TITLE 4 **u.S.C** 1

EXHIBIT A

RELEASE AND PROMISE TO APPEAR FROM SANTA CRUZ DETENTION FACILITY  
(Penal Code Sections 849(3) & 853)

S# 181303

B# 268941

People of the State of California vs:

F. HIRCKEST, JOURNAL

Inconsideration of being released from custody, I her&y agree:

- 1. That I will appear at the: Municipal Court, 701 Ocean St.  
Santa Cruz, CA
- \_\_\_\_\_ Municipal Court, 1430 Freedom Blvd.  
Watsonville, CA
- County Jail Work Release Program  
259 Water St., Santa Cruz, CA
- \_\_\_\_\_ Other --

on 7-29-77 at 8:15, on the charge of violating  
Section/Case# 2900 P.V.C. of the  
California Penal/Vehicle Code.

2. I understand that any court or magistrate of competent jurisdiction may revoke this order of release and either return me to custody or require that I give bail or other assurance for my appearance.

3. I further understand that if I fail to appear when required to do so that I may be charged with the additional crime of a misdemeanor under Section 13 19.6 of the California Penal Code.

[Signature]  
OFFICER SIGNATURE

DATE: 7-14-77

[Signature]  
DEFENDANT SIGNATURE

white: Booking      Yellow: courts      Fink: District Attorney      Goldenrod: Defendant

DET-1048 3/96