

1 File No. F-18-07043
2 **Stephanie A. Bridgett**
3 DISTRICT ATTORNEY
4 Shasta County
5 1353 West Street
6 Redding, CA 96001
7 (530) 245-6300
8 *shastada@co.shasta.ca.us*

9 Attorney for Plaintiff

FILED
OCT 12 2018
SHASTA COUNTY SUPERIOR COURT
REDDING BRANCH
BY ASHLEY RUMBLE

10 **IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF SHASTA**
11 **Redding Branch**

12 THE PEOPLE OF THE STATE OF CALIFORNIA
13 Plaintiff,

14 vs.

15 ROBERT ALAN GIBBS,
16 AKA: SCOTT MILLER
17 AKA: ROBERT ALLEN GIBBS

18 Defendant(s)

No. 18-07043

COMPLAINT-CRIMINAL
Felony

Next Court Date: 10/10/2017

19 DA # F-18-07043
20 SHASTA COUNTY SHERIFF'S DEPARTMENT 1734968

21 The District Attorney of Shasta County, by and through the undersigned Deputy District
22 Attorney, on information and belief, complains and accuses defendant(s) of having committed, in
23 the County of Shasta, State of California, the crime(s) of:

24 **COUNT 1**

25 **OBSTRUCT/RESIST EXECUTIVE OFFICER, in violation of Section 69 of the Penal Code, a
26 Felony.**

27 Defendant (s)

28 **ROBERT ALAN GIBBS,**
On or about the 28th day of September, 2017, did willfully and unlawfully attempt by means of
threats and violence to deter and prevent SHASTA COUNTY CORRECTIONAL OFFICER J.
WEBB, who was then and there an executive officer, from performing a duty imposed upon such
officer by law, and did knowingly resist by the use of force and violence said executive officer in
the performance of his/her duty.

COUNT 2

OBSTRUCT/RESIST EXECUTIVE OFFICER, in violation of Section 69 of the Penal Code, a Felony.

Defendant (s)

ROBERT ALAN GIBBS,

On or about the 28th day of September, 2017, did willfully and unlawfully attempt by means of threats and violence to deter and prevent SHASTA COUNTY CORRECTIONAL OFFICER C. BARNHART, who was then and there an executive officer, from performing a duty imposed upon such officer by law, and did knowingly resist by the use of force and violence said executive officer in the performance of his/her duty.

CODY JONES

Deputy District Attorney

Subscribed and sworn on October 10, 2018

Pursuant to Penal Code Section 1054.5(b), the People are hereby informally requesting that defense counsel provide discovery to the people as required by Penal Code Section 1054.3.

CJ/sg

RECEIVED

NOV 17 2017

November 14th, 2017

SHASTA COUNTY
DISTRICT ATTORNEY

Dear Cody;

I have no need to defend myself to you in regards to any reports generated by this jail. I am quite content to wait until you embarrass your office by bringing charges that no jury will believe and when I am acquitted I will have even more grounds to sue the crap out of this County. I do not need any witnesses. You can call every dishonest cop in this jail. It will make no difference. All I need to acquit myself is my word, the photos of my busted face and the cops own reports. Whether you believe it or not, I am only writing this for two reasons. First, to warn you that you will embarrass yourself if you believe the cops in this jail. Second, to encourage you to charge the guilty parties using the very evidence they have created against themselves in their pathetic attempt to cover their asses by lying on me. If you ask, the public defenders office will be happy to provide you with copies of the photos taken of my face. Then, you can ask yourself if a jury will believe Webb and Barnharts account (depending on which report you are reading) that my injury was caused by me raising up from my bunk in a sitting position and Webb raising his forearm to protect himself or from inadvertent contact when he claims he used his forearm to push me back on the bunk. First of all, these two versions are mutually exclusive. Its either one or the other, I either assaulted webbs forearm with my face (a very strange way to assault someone) or Webb "accidentally" assaulted me. More importantly, no jury in the world is going to believe that my injuries were caused inadvertently or by "facial assault". The photos are clear evidence they are lying. It takes considerable force to break someones nose and blacken both their eyes it takes a closed fist or an elbow used as a weapon. Just compare my photos to the numerous photos at your office where people were punched in the face. Exact match. Case Closed, but I'm ~~not~~ just getting started.

NOV 23 2017
H.C.

Forget for a second that I have Seven witnesses that Webb and Barnhart's claim that I was threatening them or acting the least bit aggressive is potently false. Forget for one second that all Seven witnesses saw or heard the same exact thing: Webb and I arguing over the way I'm being treated in the Jail, then Webb shouting "Shut up, shut the F up" then a loud smack like a punch and I am led out of my cell with blood pouring out of my nose immediately after. Assaulting an inmate for complaining about their treatment is retaliation under Federal law and a violation of my 1st Amend. right to free speech. To then cuff me up and remove me from my cell to cover up your assault is further a violation of my 4th Amend. right to be free from illegal seizure (see people vs. Brown). They can claim they were just "taking me for medical care", but I didn't need medical care until Webb broke my nose. Do you know how to catch a cop lying? Well, if it's a stupid cop he will usually tell on himself in his own report. The thing about lying is you can only fool people of your intelligence level. If you are arrogant and assume people will just believe you because you are a cop then you might say completely unbelievable things in your report like someone assaulted you with their face or you inadvertently broke someone's nose and blacked both their eyes with your forearm. You might be stupid enough to generate two conflicting reports (9/29 and 9/30) and let the person you are lying on get ahold of both of them. You might be stupid enough to change your story, to write your report in such a way that it is obvious you are getting your story straight with your fellow "witness" cop. You might be stupid enough to add or delete "witnesses" or "facts" or neglect to mention any "injuries" then show up to work two days later with a "Baseball sized bruise and small, one inch laceration" that you gave yourself in your garage. When one of your buddies at the Jail called you on Saturday morning to let you know that "Gibbs is walking around the Jail with a broken nose and blood all over his clothes demanding an investigation for assault." Maybe someone told you "Gibbs went to court on Friday the 29th all covered in blood screaming how Webb assault

NOV 28 2017 #

him." you need to consider why I would tell you all this Cody. I could make a lot of hay (not to mention some cold, hard cash) by just waiting until you charge me and let your cops embarrass themselves by lying. The only reasonable explanations are either I think you're a good person and I don't want you to be used like this or I want to give you the opportunity to do the right thing and charge the cops. Well, Cody it's both. And you should charge them for assault, violations of civil rights and filing a false report. In fact, you should call Barnhart weaselly ass over to your office and tell him that he has two choices, tell the truth about what Webb did or face charges right along with Webb. How much do you want to bet Barnhart spills his guts? How much do you want to bet that he corroborates everything I've said? At the very least, how much do you want to bet that if you ask him face to face, point blank he gets that "oh shit, I'm in deep shit" look? As far as all these threats I supposedly made to half the cops in the jail in medical, where are the videotapes? Medical and booking are on camera and you can bet that if I was making criminal threats to "kill all their kids" or whatever they would fall over themselves to produce a tape. Oh, the tape was recorded over? Funny how that always happens. If Webb and Barnhart will lie to cover up an assault in my cell, then you know damn well that other cops will line up to say I made threats in medical to back Webb and Barnhart's play. That's the problem with cops - it's always okay to lie for a brother cop even if the whole damn force gets caught with their pants down. The bottom line Cody is this: if your office is just a rubber stamp for whatever bullshit bad actors can make up then by all means charge me. But if your office cares about the truth and isn't just a tool for crooked cops then take their own report, their own unbelievable account of events, the evidence they have generated against themselves and use it to hang them. I bet it's the last time they try to use Cody Jones.

Sincerely, (and signed under penalty
of perjury)
Robert A. Gibbs NOV 28 2017 #3

Classification....: 105505 Facility Rule Violation Major
Date/Time Occurred: 9/28/2017 6:41 Facility: MJ
Date/Time Reported: 9/28/2017 6:41 Location: 3 C 12

INMATES INVOLVED:

	NAME	HOUSING	INMATE KEY#	CLASS	TYPE
01	GIBBS, ROBERT ALAN	3 C 12	510503	INM	SUS
02	POOLE, JOSHUA WALTER	2 A 17	505026	INM	WIT
03	CONANT, TRENTON CAMERON	2 A 17	498689	INM	WIT

STAFF INVOLVED:

NAME	ID	CLASS	TYPE
WEBB, J	J0607	DEP	RPT
BARNHART, C	J0603	DEP	WIT
PAGE, A.	J0544	DEP	WIT
MASON, W	J0622	DEP	WIT
OCHOA, R	J0587	DEP	WIT
SCOUDES, S.	J0514	DEP	WIT
DORSTAD, J	J0611	DEP	WIT
LITTLETON, BARBARA		OTH	OTH
KUHN,		OTH	OTH

SYNOPSIS: On 09/28/2016, inmate Robert Gibbs refused to return his breakfast tray and became combative with deputies. Gibbs made threats to Deputies and CFMG staff.

NARRATIVE: On 09/28/2017, I was working as a uniformed Correctional Deputy at the Shasta County Main Jail, assigned to the Level Three A/D position.

At 0637 hours, Correctional Deputy Barnhart and I were picking up breakfast trays in Housing Unit 3C. I was picking up the upper tier and Barnhart was picking the lower tier. I heard Barnhart instruct inmate Robert Gibbs, the sole occupant of cell 12, to return his tray. I heard Gibbs yelling at Barnhart and saying things like, "Come in and get it," and, "I'll beat your ass." I observed Barnhart finish picking up the rest of the trays on the lower tier. Gibbs stood at the cell door and continued yelling things like, "I am going to kill your kids," and, "When I get out of here, I am going to kill all the cops in Shasta County." Barnhart and I finished picking up the rest of the trays in the housing unit.

I instructed the interior workers Joshua Poole and Trenton Conant to exit the housing unit. Barnhart instructed Gibbs to sit on his bunk. Gibbs failed to follow the order and stood in a bladed stance in the center of the cell and stated, "Come and get it you

Webb #607
Reporting Employee #

South ore 9/29/17
Supervisor #

Facility Manager

ORIGINAL

NARRATIVE CONTINUED:

piece of shit." Barnhart instructed Gibbs three more times to sit on his bunk. Gibbs finally followed the order and sat on his bunk.

I keyed open the cell door and entered the cell to retrieve the breakfast tray from the desk. As I approached the tray, Gibbs yelled at me, saying he was going to kill me, I needed to listen to him or bad things were going to happen, I was the reason my kids were going to die, and he was going to sue me for not giving him the phone. Due to Gibbs' past and current threats, I did not take my eyes off him.

As I reached for the tray, Gibbs made a fist with both hands. I observed Gibbs driving his fists into his mat and pushing himself up. At the same time, Gibbs moved his feet back and began to come off his bunk toward me. When I brought my arms up to protect myself, my right forearm made contact with Gibbs' face. Gibbs fell back. Barnhart radioed for additional deputies to respond to Housing Unit 3C. Gibbs landed on his back. I grabbed Gibbs' left shoulder with both hands and forced him to turn over onto his stomach. Barnhart placed Gibbs' legs into a figure four leg lock. I instructed Gibbs to place his hands on the back of his head. Gibbs did not comply with my order. I repeated the order and again Gibbs failed to comply. I grabbed Gibbs' right wrist, forced it behind his back and placed it in handcuffs. Holding the handcuffs with my left hand, I reached across Gibbs' back and gained control of his left wrist and forced it behind his back, placing it in handcuffs as well. I checked the handcuffs for proper fit and double lock.

I observed a small pool of blood, approximately two to three inches in diameter, on the mat. Barnhart and I stood up and assisted Gibbs to his feet. I observed a small laceration, approximately half an inch, on Gibbs' nose. Correctional Deputy's Storms, Dorstad, Page, Mason and Scoubes entered the housing unit. Barnhart, Page, Dorstad, Mason, and Scoubes escorted Gibbs to Medical. I removed the tray and other contraband from the cell. This included three wrapped pens, leftover jail food, a fishing line and excessive trash.

In Medical, Gibbs was evaluated by CFMG LVN Littleton. The entire time Gibbs was in Medical he continued to yell and make threats toward Deputies and CFMG staff. Littleton cleaned Gibbs' nose. Littleton believed Gibbs' nose to be broken. Littleton scheduled Gibbs for an x-ray later in the day. X-rays later proved his nose was broken. CFMG Dr. Kuhn evaluated Gibbs after his x-ray and scheduled him for a following up in four to five days.

I am writing Gibbs up for the following: "You will have no contraband or dangerous weapons in your possession. You will obey all lawful orders from the jail staff. You will have in

Webb #607

Reporting Employee #

South #500 9/29/17

Supervisor #

Facility Manager

ORIGINAL

NARRATIVE CONTINUED:

your possession, only those items issued by the jail, purchased on commissary, or previously approved by custody staff. You will treat all officers, staff, and visitors with courtesy and respect. Disrespect to staff is a major violation. You will address Custody Staff as "Deputy" or "Officer". You will make no unnecessary noise. You will not be loud, boisterous or offensive. You will keep your sleeping area neat and clean at all times. You will not assault others, or aid/assist, in the assault of other inmates or staff. Jail property is not to be altered from its original state."

Due to Gibbs's behavior as of lately and refusing to return the breakfast tray Sergeant South is placing Gibbs on a foam tray for meals.

Case status: Pending disciplinary hearing.

TEMPORARY DISPOSITION:

<u>INM</u>	<u>ACTION</u>	<u>START DATE/TIME</u>	<u>END DATE/TIME</u>	<u>Duration Days</u>	<u>INACTIVE</u>
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Webb #607
Reporting Employee #

South *Sgt 9/29/17
Supervisor #

Facility Manager

Classification....: 091505 Assault on Peace Officer
Date/Time Occurred: 9/28/2017 6:41 Facility: MJ
Date/Time Reported: 9/28/2017 6:41 Location: 3 C 12

INMATES INVOLVED:

	<u>NAME</u>	<u>HOUSING</u>	<u>INMATE KEY#</u>	<u>CLASS</u>	<u>TYPE</u>
01	GIBBS, ROBERT ALAN	3 C 12	510503	INM	SUS

STAFF INVOLVED:

<u>NAME</u>	<u>ID</u>	<u>CLASS</u>	<u>TYPE</u>
BARNHART, C	J0603	DEP	RPT
WEBB, J	J0607	DEP	WIT
PAGE, A.	J0544	DEP	WIT
MASON, W	J0622	DEP	WIT
DORSTAD, J	J0611	DEP	WIT
OCHOA, R	J0587	DEP	WIT
SOUTH, R.	J0526	DEP	WIT
LITTLETON, BARBARA		OTH	OTH

SYNOPSIS: On 09/28/2016, inmate Robert Gibbs refused to return his breakfast tray and became combative with deputies. Gibbs made threats to Deputies and CFMG staff.

NARRATIVE:

On Thursday, September 28, 2017, I was working as a uniformed Correctional Deputy Sheriff, classified under P.C.830.1(c), assigned as the Level Three B/C prowler at the Shasta County Jail.

At 0637 hours, Correctional Deputy Webb and I were picking up breakfast trays in Housing Unit 3C. I was picking up the lower tier and Webb was picking the upper tier. I instructed inmate Robert Gibbs, the sole occupant of cell 12, to return his tray. Gibbs began yelling at me and said things like, "Come in and get it," and, "I'll beat your ass." I finished picking up the rest of the trays on the lower tier. Gibbs stood at the cell door and continued yelling things like, "I am going to kill your kids," and, "When I get out of here, I am going to kill all the cops in Shasta County." Webb and I finished picking up the rest of the trays in the housing unit.

Due to officer safety, homicidal threats, and fear of Gibbs making a weapon out of the breakfast tray, I instructed Gibbs to sit on his bunk. Gibbs failed to follow my order and stood in a bladed stance in the center of the cell and stated, "Come and get it you piece of shit." I instructed Gibbs three more times to sit on his bunk. Gibbs finally followed my order and sat on his bunk.

C. BARNHART #603

Reporting Employee #

South #316 9/30/17

Supervisor #



Facility Manager

NARRATIVE CONTINUED:

Webb keyed open the cell door and entered the cell to retrieve the breakfast tray from the desk. As Webb approached the tray, Gibbs yelled at Webb, saying he was going to kill Webb and needed to listen to him or bad things were going to happen. Gibbs said Webb was the reason my kids were going to die, and he was going to sue me for not giving him the phone.

Due to Gibbs' past and current threats, Webb stated he did not take his eyes off of Gibbs' hands. From my position of view I was unable to see exactly what Gibbs body language or threats he was giving. I could only see Gibbs left hand clinched into a fist on the bed. Webb said he reached for the tray, and saw Gibbs make a fist with both of his hands. Webb said he observed Gibbs driving his fists into his mat and pushing himself up. At the same time, Webb observed Gibbs moving his feet back and began to come off his bunk toward him. Webb said he brought his arms up to protect himself. Webb used his right arm to push Gibbs back down on his bunk. Webb landed on top of Gibbs. Webb's right forearm made contact with Gibbs' face.

I radioed for additional deputies to respond to Housing Unit 3C. Webb grabbed Gibbs' left shoulder with both hands and forced him to turn over onto his stomach. I placed Gibbs' legs into a figure four leg lock. Webb instructed Gibbs to place his hands on the back of his head. Gibbs did not comply with Webb's orders. Webb repeated the order and again Gibbs failed to comply. Webb grabbed Gibbs' right wrist, forced it behind his back and placed it in handcuffs. While Webb was holding the handcuffs with his left hand, Webb reached across Gibbs back and gained control of his left wrist and forced it behind his back, placing it in handcuffs as well. Webb checked the handcuffs for proper fit and double locked them.

Webb said he observed a small pool of blood, approximately two to three inches in diameter, on the mat. Webb and I stood up and assisted Gibbs to his feet. I observed a small laceration, approximately half an inch, on Gibbs' nose. Correctional Deputies Storms, Dorstad, Page, Mason and Ochoa entered the housing unit. The above listed Deputies and I escorted Gibbs to Medical. Gibbs' was bleeding from his nose and left a trail of blood from his cell down to medical.

In Medical, we feared Gibbs would split blood on Deputies or the nurses. Gibbs was placed on the floor due to him resisting Deputies. Gibbs continued to resist attempting to pull away from Deputies. Gibbs was evaluated by California Forensic Medical Group (CFMG) Licensed Vocational Nurse (LVN) Littleton. The entire time Gibbs was in Medical he continued to yell and make threats toward Deputies and CFMG staff.

Littleton applied pressure to Gibbs' nose so it would stop bleeding. Littleton asked for Gibbs to be placed in a chair for

C. BARNHART #603
Reporting Employee #

Smith #526 9/30/17
Supervisor #

Facility Manager

ORIGINAL



NARRATIVE CONTINUED:

further evaluation. Once the bleeding stopped, Littleton examined Gibbs' nose and believed it to be broken. Littleton scheduled Gibbs for an x-ray later in the day. Gibbs was medically cleared to return to his housing unit. Gibbs refused to have the blood cleaned off of his face and shirt. Gibbs also refused to change his shirt.

Webb removed the tray and other items of contraband from the cell. This included three wrapped pens, leftover jail food, a fishing line and excessive trash.

The above listed deputies escorted Gibbs back to his assigned housing unit. Once inside the cell Gibbs complied with all orders. The handcuffs were removed and the above listed Deputies exited the cell without further incident.

On 09/30/2017 at 0200 hours Deputies Dorstad, Storms, Cortez and I entered housing unit "3C" to interview Gibbs under his Miranda Rights about this incident. I approached cell twelve which is solely occupied by inmates Gibbs. I advised Gibbs I needed to ask him some questions and if he was willing to talk to me. Gibbs stated, "Yes." I ordered Gibbs to kneel on his bunk and place his hands behind his back. Gibbs complied with my orders. Storms keyed opened the door and the above listed deputies entered the

cell. As I was placing the belly chains onto Gibbs, Gibbs pulled his hands away from his head. I ordered Gibbs to place his hands back on his head. Gibbs complied and stated, "what is this about?" I advised Gibbs the questioning was for the incident involving Deputy Webb and I. Gibbs immediately pulled his hands away from his head again.

I ordered Gibbs to remain calm and place his hands on top of his head. Gibbs complied with my orders. Gibbs was attempting to invoke deputies into another altercation. Gibbs stated, "I do not want to talk to you about the incident. You can contact my attorney." I read Gibbs his Miranda Rights from my Shasta County District Attorney card. Gibbs acknowledged his Miranda Rights by stating, "Yes." I asked Gibbs if he still wished to talk to me regarding the incident. Gibbs stated, "No, you can talk to my attorney." This concluded my interview with Gibbs and the above listed deputies and I exited the cell without incident.

At 0325 hours, through the 2/3 panel intercom system, I keyed into Gibbs' cell. I asked Gibbs if I could take pictures of his injury's for evidence. Gibbs declined and stated, "No, I do not want pictures and you can contact my attorney."

Webb sustained a baseball sized bruise and small laceration about ½ inch long to his right forearm from the altercation. Photo's were taken of Webbs injuries and submitted into evidence.

C. BARNHART #603
Reporting Employee #

South SK 9/30/17
Supervisor #

Facility Manager

COPY

NARRATIVE CONTINUED:

I am charging inmate Gibbs with the following rule violations:
"You will have no contraband or dangerous weapons in your possession. You will obey all lawful orders from the jail staff. You will have in your possession, only those items issued by the jail, purchased on commissary, or previously approved by custody staff. You will treat all officers, staff, and visitors with courtesy and respect. Disrespect to staff is a major violation. You will address Custody Staff as "Deputy" or "Officer". You will make no unnecessary noise. You will not be loud, boisterous or offensive. You will keep your sleeping area neat and clean at all times. You will not assault others, or aid/assist, in the assault of other inmates or staff. Jail property is not to be altered from its original state."

Due to Gibbs's behavior as of lately and refusing to return the breakfast tray Sergeant South is placing Gibbs on a foam tray for meals.

Case status: Pending disciplinary hearing.

TEMPORARY DISPOSITION:

<u>INM</u>	<u>ACTION</u>	<u>START DATE/TIME</u>	<u>END DATE/TIME</u>	<u>Duration Days</u>	<u>INACTIVE</u>
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C. BARNHART #603
Reporting Employee #

Serth 526 9/30/17
Supervisor #



Facility Manager

I Joshua, Lyman, Moore will testify to the fact the officers / Most of them constantly harrasse Robert, Alan, Gibbs for there entertainment. Constantly provoking him then threaten to either retaliate with excessive force or by pressing criminal charges against him. I myself have been a victim of excessive force here not minor stuff either. The kind of stuff you see on face book where they beat up an inmate in a wheel chair for example. The kind of stuff you never believe is happing in your own local jail. I was taken to a holding cell in booking and punched in my ribs and my head slammed against the wall with cuffs on. I personally am scared to be near these officers anywhere with no camera. I have heard officer (Webb) brag about breaking Roberts nose. I will testify under penalty of perjury to this.

8425joshua@gmail.com

JK Moore

DECLARATION

I MIKE STEER HEREBY STATE I AM A WITNESS TO THE SERIOUS ASSAULT THAT HAPPENED TO ROBERT GIBBS ON 9/28/2017 AT APPROX. 6:30AM. I SAW AND HEARD OFFICER WEBB ASSAULT WITH A CLOSED FIST MR. GIBBS IN THE NOISE AND ELBOWED HIM IN THE FOREHEAD. AT THAT POINT I LOST EYE SET AND COULD NO LONGER SEE THE ASSAULTING. INMATE GIBBS AT NO POINT MOVED TOWARDS OR AWAY FROM OFFICER WEBB. MR. GIBBS FOLLOW ALL ORDERS BEFORE AND AFTER THE ASSAULT. I HAVE A PERFECT VIEW FROM MY CELL THATS WHY I AM ABLE TO SEE THIS INCIDENT.

MICHAEL STEER

UNDER PENALTY OF PERJURY
THIS 1ST DAY OF OCTOBER 2017



COPY

**SHASTA COUNTY
LAW OFFICES OF THE PUBLIC DEFENDER**

INVESTIGATION REPORT

Date: 2.23.18
To: Attorney Margaret Huscher
From: Doug Manning
Case Name: PEOPLE v. Gibbs
Case No. 17HB2399

Person Interviewed: Michael Todd Steele
DOB: WMA
Address: Shasta County Jail
Telephone: N/A

NARRATIVE:

On February 23, 2018, I contacted Steele.

I identified myself to Steele and explained that I am an investigator with the Shasta County Public Defender's office and presented him with a business card. I explained that I am working with attorney Margaret Huscher representing, Gibbs, in his current criminal court case. Steele agreed to speak with me.

I interviewed Steele in room 5 at the Shasta County Jail. Steel is an inmate. He is serving 2.5 years for a conviction of resisting arrest. He has a prior conviction from 2012, for assault with a deadly weapon with great bodily injury. Steele is not represented by counsel.

Steel said he witnessed the event which led to Gibbs suffering an injury to his nose. Steele said he made notes of what he heard and saw but he can't find them.

Steel said his cell is directly across from that of Gibbs. His cell door is approximately 20 feet from that of Gibbs. He was in his cell with the door closed when he heard yelling from outside his cell.

Steele has a window in the cell door which he can see out of. He said he saw the door to Gibbs cell was open. Webb was standing in front of Gibbs who was in a seated position on his bunk. He said Webb was "up in Gibbs face yelling at him". He could not fully hear what was being said. Steel said he knows Gibbs and is familiar with his behavior.

Steele said Gibbs was not physically reacting to whatever Webb was saying. Steele said Gibbs had his arms to his side. He could not see Gibbs hands. Webb was holding "the pipe" in what he believes was his right hand. Webb's hand was in a fist around this pipe. Steele said the "pipe" is like a baton officers use to make welfare checks with. The pipe is blue with silver ends. It has writing on it that says "pipe" It makes a beeping or buzzing sound when officers touch the button on the outside of the cells and it makes a log of when the checks are made.

Steele said while Gibbs was in the above position, Webb punched Gibbs in the face with his fist that was holding the "pipe". Gibbs fell backwards on his bunk and the officers got on top of him.

I read the officer's report to Steele. He agreed that Gibbs has a reputation for saying "stupid shit" and making threats. He "goes off all the time" He said Gibbs is always in "the hole".

Steel said the details in the report about Webb "used his right arm to push Gibbs back down on his bunk. Webb landed on top of Gibbs. Webb's right forearm made contact with Gibbs' face." is not what happened. Steel said Gibbs has been on a soft food tray forever.

Steele said Webb is former military. He has heard Webb speak of his military service. He has overheard other inmates say Webb may have PTS. He has had dealings with Webb on many occasions. Webb has never mistreated him, but he said you can tell that Webb is just "a little off".

Steele said he has witnessed unnecessary use of force by officers on many occasions. Steele said he understands Webb may be entitled to read his statement. He said he does not care, as it is the truth. Steele said, in fact, Webb said something to him recently about "knowing about subpoenas" and told him to just tell the truth.



**SHASTA COUNTY
LAW OFFICES OF THE PUBLIC DEFENDER**

INVESTIGATION REPORT

Date: 9/08/17

To: MARGARET HUSCHER, DEPUTY PUBLIC DEFENDER

From: CLIFF WEBB

Case Name: ROBERT GIBBS 17HB2399

Person Interviewed:

David Downs

Shasta County Jail

Inmate

I spoke with David at the Shasta County Jail on 09/05/17. I identified myself as an investigator with the Shasta County Public Defender's Office, informed him that our office represents Robert Gibbs with regard to a complaint of him being subject to taunting by correctional officers and gave him a business card.

David is currently being housed in a main line cell, 1B19. He was previously housed in 3C13; this is a medical housing unit. Robert was housed in 3C12 during the time frame David was in 3C13. David stated they were housed next to each other from the middle of June 2017 until the end of July, 2017.

David stated he did observe correctional officers taunting Robert at least once a week. Officer Amaya was the worst offender. Officer Espinoza would also taunt Robert. They would yell at Robert, "screaming at the top of their lungs, go ahead and kill yourself, do us all a favor". "You have been here for 2 years, get it over with."

This action would upset Robert causing him to react. The officer would then move him into a safety cell, located next to the office.

David did not hear Robert disrespect the officers. He did hear Robert request to speak to the Sergeant or someone in charge. He is not aware if they had spoken with him.

No further information, end of report.



**SHASTA COUNTY
LAW OFFICES OF THE PUBLIC DEFENDER**

INVESTIGATION REPORT

Date: 10/26/17

To: MARGARET HUSCHER, DEPUTY PUBLIC DEFENDER

From: CLIFF WEBB

Case Name: ROBERT GIBBS 17HB2399

Person Interviewed:

Steven Billups
Shasta County Correctional Facility
1655 West St.
Redding, CA

Steven is an inmate in the Shasta County Main Jail. I spoke with him on 10/24/17. I identified myself as an investigator with the Shasta County Public Defender's Office and informed him that our office represents Robert Gibbs with regard to him reporting that he had been assaulted by Correctional Officers. I informed him that I received information that he may have witnessed the incident. Steven said he did witness the incident.

Steven stated he was housed in a two man cell with Daniel Owens, on the date of the incident. They were being housed in cell #14. Gibbs was in cell #12. He was able to see the cell door to #12 and the nearby area. He could not see inside the cell.

He could see Officer Webb standing at Gibbs' cell. He was yelling at Gibbs and telling Gibbs to shut up. Officer Barnhart was standing in front of cell #11. Steven said he did not hear Gibbs say anything.

Officer Webb opened the door and entered Gibbs' cell. He could hear Officer Webb yell "shut up" at least one more time. Officer Barnhart did not enter Gibbs' cell. Steven said he could hear Gibbs getting beat up.

When Officer Webb brought Gibbs out of the cell he was very bloody; he was bleeding from his nose. Steven didn't know if Gibbs was hand cuffed or not. They removed Gibbs from the tier and was gone for about 1 hour. When they returned him to his cell he was still bloody.

Steven doesn't remember if this incident had occurred before or after feeding. He never heard Gibbs refuse to return his food tray.



**SHASTA COUNTY
LAW OFFICES OF THE PUBLIC DEFENDER**

INVESTIGATION REPORT

Date: 10/26/17

To: MARGARET HUSCHER, DEPUTY PUBLIC DEFENDER

From: CLIFF WEBB

Case Name: ROBERT GIBBS 17HB2399

Person Interviewed:

Daniel Owens

Shasta County Correctional Facility

1655 West St.

Redding, Ca

Daniel is an inmate in the Shasta County Jail; I spoke with him on 10/24/17. I identified myself as an investigator with the Shasta County Public Defender's Office and informed him that our office represents Robert Gibbs. I advised Daniel that Robert had reported he had been assaulted by correctional officers. It was my information that he may have witnessed the incident.

Daniel stated he was a witness to the assault of Robert Gibbs. He drew a sketch of the tier and the cell placements of the floor where they were being housed, on the date of incident. He and Steven Billups were cell #14(a two man cell). Robert was in #12, a single cell.

Daniel said he had a view the cell door to #12 and the area directly in front of it. He could not see inside the cell but he could hear what was said and what was going on. He stated "food is served around 6am and medication goes out around 5am". The assault took place after the medication was distributed and prior to the food trays "going out".

Daniel stated "he could hear Officer Webb bothering Robert all night". He was teasing Robert and accusing him of acting like a kid. Webb would mimic Robert's statements using a child-like voice.

Robert was complaining that he was not getting what he had coming. Officer Webb "lost his cool" and racked, (open the cell door) using his key. Officer Barnhart was on the tier standing near the entrance door. There is one cell located between Robert's cell and the entrance door. Officer Webb yelled at Robert to "shut the fuck up" and entered the cell. Officer Barnhart saw this and responded by following Officer Webb

into the cell.

Daniel could hear a scuffle and the sounds of someone being struck. He heard Officer Webb yelling at Robert. He yelled "I told you to shut the fuck up". They "pulled" Robert out of the cell. When Robert came out he was bleeding and hand cuffed. The officers removed Robert from the tier for about 10-15 minutes. When they returned they placed Robert back into his cell and served the meals.

When it was time to collect the food trays Robert refused to return his. He said he was not going to return the tray until after he was allowed to speak to his legal people. Officer Webb opened Robert's cell door to retrieve the tray. He did not enter the cell; he was able to reach the tray with his foot and pull it out of the cell.

I DAVID WAYNE DOWNS

ON JULY 23 2017 I WAS IN MY CELL 3-C-13 listening to my Radio when I noticed some yelling at the top of these inmates. (Kill yourself DO IT you keep talking ABOUT IT DO IT I DON'T GIVE A SHIT (You HAVE BEEN saying THAT FOR TWO YEARS NOW DO IT) I WENT TO CELL DOOR AND LOOKED TO MY RIGHT TO CELL 3-C-12 and SAW C/O - AMAYA AT DOOR OF CELL 3-C-12 yell at INMATE ROBERT GIBBS TO Kill HIMSELF and laughing. AT NO TIME DID I HEAR INMATE THREATEN or DISRESPECT C/O - AMAYA. THIS IS NOT THE FIRST TIME THIS HAS HAPPENED. IT SEEMS TO BE a ON going thing with some C/O's. I'VE BEEN IN 3-C-13 FOR a little OVER TWO months THIS THE 4TH TIME WITH INMATE ROBERT GIBBS in CELL 3-C-12 THIS IS WHAT I'VE SAW and HEAR BY STATE I WILL TESTIFY in a hearing or court TO SUE.

David Wayne Downs
July 24 2017

Phone: (Cell) 530-241-5100
(Office) 530-707-7170

Declaration

I, Jon Dale Hubert am a witness to the incident on 11-7-2017

Between Inmates Gibbs and Deputies page and Brax

I was standing in my cell door window listening to the conversation between the two parties. Mr. Gibbs stated He would find His family and tell His wife and kids He walked around treating inmates like crap all day like he had A redwood in his but Not once did he threatening physical violence too him or his family. I'm certain that both officer's fully heard what was stated if I could hear clearly all the way on the other side the pod behind a steel door.

Signed under penalty
and perjury
of Property

1025 Parkview Ave,
Redding CA 96001
530 440-2714

Jon D. Hubert

Declaration

I Steven Billups, am A Witness to the assault of Robert Gibbs by deputies Webb and Barnhart on 9-28-17. The incident happened around 6:30 am. At no time did I hear Robert Gibbs Get loud or threaten anyone. All I heard was Webb say "Shut up" "Shut the fuck up". Deputies Webb and Barnhart opened Gibbs cell door and went in and I could hear Webb yelling "Shut up" "Shut the fuck up" at Gibbs and then loud smacking sounds like an altercation. Webb had the louder voice and then Gibbs came out escorted by deputies and he was all bloody in the face and you could tell that Gibbs was assaulted very badly, Gibbs nose was broken and bleeding.

under Penalty of Perjury
This Statement is True
signed: Steven Billups

"to whom it may concern," on Nov. 26, 2017.
During a routine walk by a Sheriff's deputy's in
Shasta County Jail. I witnessed an instruct.
inmate Gibbs. To lock down in his cell #12. He was
out for his program for a half hr. Pod. 3/C. As
Gibbs who was cooperating walk into his cell #12
in view of my cell #8 just down stairs I watched.
run into cell #12 with inmate Gibbs
and shut the door behind them both locking them in together.
Soon I heard Gibbs saying and or yelling at Sheriff
Deputy, why do you gotta do me this way? I'm not
going to fight with you so stop. Looking to me
like police brutality. then heard a loud pounding
coming from cell #12 which sounded like a man and
or inmate getting hit very hard. I counted at
least four if not five really loud sounds of -

Gibbs getting assaulted. Myself and other inmates
in Pod 3/C grew quiet as it seemed we were all confused
about what we just witnessed. At least I was
confused. This looked to me like a classic case of Police
brutality I must add once more. I looked as though
was out of control then saw taking
Gibbs out of his cell after. Paige entered it
with and Gibbs. Gibbs was not resisting
but started to complain as he just stood there hand cuffed
that the officer didn't need to start hurting him
as it looked like was doing so by lifting inmate
Gibbs arm or possibly twisting it from its natural

resting place. Gibbs went on saying, why are you guys hurting me I'm not moving or resisting. complaining about the excessive force being applied to his arm and or arms as far as I could tell and see. The two officers then led Gibbs out of Pod 3/C through the cell the port and disappeared. And did not return. Gibbs for some time in which he came back complaining of his injuries. I personally feel as though this action was a vindictive way to get back at us all, through violently abusing. Gibbs for having just got done celebrating Thanksgiving. Ironically we did not already have a television to enjoy the sports channel like the rest of the jail. As many foot ball games were on. We couldnt hear see, or watch anything as we sat in 23 hrs lock down in this Pod and in this Pod only on behalf of a fellow inmate this is an eye witnesses account of myself watching a violent attack upon Gibbs resulting in Police brutality on 11-26-17 late afternoon possibly an hr. to two hrs. afterwards and or dinner time. This all took place at Shasta County Jail Redding California 1655 West St. 96001 signed and dated and printed. Frank A. Nall 11-26-17 Frank A. Nall 11-26-17 Return Copy requested. Thank You.

Declaration

I Daniel Owens am a witness to the assault against Robert Gibbs by Deputies Webb and Barnhart on 9-28-17 around 6:30 in the morning. I was looking out my cell window to see about asking Webb what time it was. I was awake all night and sleep all day. All night Webb had been torturing inmate Gibbs and harassing him. Knew it was mocking Gibbs in different voices, like childish sounds, because Gibbs had been asking to show him paper work. Webb was refusing to listen. Webb became visibly agitated and then after the rounds Webb popped open Gibbs door and went in there and I could hear him telling Gibbs to shut the fuck up and I heard scuffling and I could hear Webb louder saying Shut the Fuck up! and Barnhart was in there with Gibbs. I heard loud smacking and could hear muffled out punching noises. Gibbs was sounding hurt and I could tell he wasn't fighting back because he's a docile person. Barnhart and Webb both

pulled Gibbs, who was compliant out of the cell. When I could visibly see inmate Gibbs he had blood leaking out of his nose and mouth, his head was down and his hair was disarray. Webb was still very aggressive towards Gibbs and yelling out I could hear him say to Gibbs "I told you to shut the fuck up, didn't I." I'm in cell #14 and the incident occurred in cell #12. I could see blood all over the place and when I had my time out later that morning I looked in cell #12 where the incident happened and the mattress was stained and shoved against the corner of the cell with blood all over it and the cell was trashed and bloody. Blood on the window. The staff never ever took pictures or documents and they put him back in his cell later.

Daniel Owens

Daniel Owens's mother's phone:

(210) 482-9071

Josh Moore: 8425 Josh@gmail

Phone: 530-643-2062

under Penalty of Perjury
10-1-17

Declaration

I Benjamin Wallace am a witness to the incident that happened on 11-7-2017 Between Inmate Gibbs and Deputies Page & Brown

On 11-7-2017 me and my Cellmate Jon Hubert were listening to a conversation between Inmate Gibbs and Deputies Page & Brown that was in no way threatening to the Deputies or there family's. I'm sure of this because all that ~~Inmate~~ Gibbs said was "I'm going to find your family which I can do for \$100 and tell your wife and kids ~~how~~ how you walk around and treat the Inmates like crap all day and How you walk around like you have a redwood stuck up your Butt all day." I feel they should have had no problem hearing this due to the fact that I'm housed acrossed the Unit and Behind a steel door and heard it no problem.

5223 Audrey Ln
Anderson, CA, 96007
(530) 806-8033

Signed Under Penalty
and Perjury of Property
Bryam T Wallace

Class Action Claims California Jail Abuses Disabled Prisoners

PRESS RELEASE

05/25/2016

A major class action lawsuit filed today details horrific civil rights abuses in a California jail against people with disabilities, as well as cruel retaliation against detainees who make their concerns known.

The federal suit alleges that the Shasta County Jail, in Redding, routinely ignores and fails to comply with the Americans with Disabilities Act (ADA) and other federal and state laws. As of 2013, approximately 11,000 prisoners are processed through the jail each year. The jail's extensive violations restrict disabled prisoners ability to sleep, use the restroom, shower, worship, recreate, exercise, and move around the facility. The complaint alleges:

"People with mobility disabilities are denied accommodations, provided inadequate accommodations, inappropriately segregated from the general population, placed in 23 hour lock down, excluded from jail programs and services, and subjected to multiple and pervasive physical access barriers throughout the facilities. The result is a system that imposes some of the worst conditions on people with mobility disabilities while at the same time excluding them from the most beneficial programs within the jail. These conditions have dire mental and physical consequences and are in flagrant violation of the law."

Adding insult to injury, detainees regularly faced retribution for attempting to file a grievance or even to discuss the abuse with an attorney. Plaintiffs were denied needed cancer medication, told grievance forms were better used to "wipe their ass with," and served tainted food. Other punishments for speaking out include body cavity searches, being locked in solitary confinement, and having their canes taken away or destroyed.

"As an organization of currently and formerly incarcerated people, we are very concerned about the human rights violations against all people in jails and prisons. People do not shed their humanity at booking. We hope this litigation will result in Shasta County properly caring for the people in their custody." Dorsey Nunn, Executive Director, Legal Services for Prisoners with Children.

Disability Right Legal Center (DRLC) Attorney Kara Janssen explained, "detainees and prisoners with disabilities at the Shasta County Jail are held in truly abhorrent conditions that not only worsen their existing disabilities but also have devastating psychological effects."

"Everyone deserves dignity," said Taylor Gooch, co-counsel for the plaintiffs. "We're seeking to protect that dignity and restore the legally protected rights of persons incarcerated by Shasta County."

"Solitary confinement is an extreme punishment that can cause serious psychological damage," added co-counsel Jon Atabek, of Atabek & Associates "When I learned Shasta County Jail was putting disabled people into solitary confinement for being disabled—needing a cane, wheelchair, or walker—I was shocked, and felt compelled to do something. Once we started digging, it became apparent disabled people were an afterthought to the jail, and that discrimination and equal access had never entered the County's mind. This case can fix that, through injunctions that make sure the Jail follows the law. Law enforcement should follow the law."

The case is Jewett et. al. vs. Shasta County Sheriff's Department et. al., Case No. 2:13-cv-0882 in the US District Court, Eastern District of California. Plaintiffs' counsel is Keker & Van Nest LLP; Atabek & Associates, P.C.; and the Disability Rights Legal Center. A copy of the complaint is available at www.drlcenter.org.

Lawsuit Says Shasta Co. Jail Mistreats Disabled Inmates

ABC NEWS
05/26/2016

Four inmates have filed a class action suit against the Shasta County Jail.

The lawsuit alleges the jail abused inmates with disabilities and retaliated against inmates who tried to make their concerns known. The federal suit alleges the jail routinely fails to comply with the Americans with Disabilities Act (ADA) along with other federal and state laws.

The plaintiffs named in the lawsuit are Everett Jewett, Glen Harold Everett, Michael Don Ackley, Robert Marquette and Legal Services for Prisoners with Children. The defendants named in the lawsuit include Shasta County, the Shasta County Sheriff's Office, Sheriff Tom Bosenko and California Forensic Medical Group.

The lawsuit claims violations at the jail prevented disabled inmates from showering, sleeping and moving around. The lawsuit alleges some plaintiffs were put in solitary confinement or even denied cancer medication for speaking up about the problems.

Part of the lawsuit said: "People with mobility disabilities are denied accommodations, provided inadequate accommodations, inappropriately segregated from the general population, placed in 23 hour lockdown, excluded from jail programs and services, subjected to multiple and pervasive physical access barriers throughout the facilities. The result is a system that imposes some of the worst conditions on people with mobility disabilities while at the same time excluding them from the most beneficial programs within the jail. These conditions have dire mental and physical consequences and are in flagrant violation of the law."

Attorneys for the plaintiffs filed the lawsuit Wednesday in the U.S. District Court for the Eastern District of California in Sacramento. The plaintiffs' counsel includes attorneys from Keker & Van Nest LLP, Atabek & Associates, P.C.; and the Disability Rights Legal Center.

In a news release, the plaintiffs' attorneys explained the reason for the lawsuit.

"Everyone deserves dignity," said Taylor Gooch of Keker & Van Nest LLP, co-counsel for the plaintiffs. "We're seeking to protect that dignity and restore the legally protected rights of persons incarcerated by Shasta County."

"Solitary confinement is an extreme punishment that can cause serious psychological damage," added co-counsel Jon Atabek, of Atabek & Associates. "When I learned Shasta County Jail was putting disabled people into solitary confinement for being disabled-- needing a cane, wheelchair, or walker--I was shocked, and felt compelled to do something."

"Once we started digging, it became apparent disabled people were an afterthought to the jail, and that discrimination and equal access had never entered the County's mind. This case can fix that, through injunctions that make sure the jail follows the law. Law enforcement should follow the law," Atabek said.

Only one of the plaintiffs, Everett Jewett, is seeking monetary damages to pay for knee surgery as a result of two falls he suffered while in the jail. The others are suing only for conditions to be improved.

Kara Janssen with the Disability Rights Legal Center said the county has been on notice about these issues since Jewett's initial complaint was filed in 2013. Janssen said Jewett uses a cane and has problems with his balance.

Jewett fell two times while in custody at the Shasta County Jail, once while walking down the stairs, another time in the shower. Janssen said due to his mobility problems, Jewett was supposed to be housed on the lowest level of the jail so he would not have to navigate the stairs.

She added, Jewett fell again while in the shower because there were no "grab bars" in the shower.

Janssen said she conducted a site inspection and this was the "worst I've seen" in terms of accessibility. She said at the time of her inspection, there were no grab bars or accessible toilets in the entire building.

Janssen said conversations have been underway between the plaintiffs' legal counsel and the county's legal counsel for almost a year, in efforts to resolve the issues without litigation.

During that time, she said the only change she's observed has been the addition of a single "grab bar" in the shower. Negotiations are ongoing in hopes of resolving the concerns.

Sheriff Bosenko said in an email Wednesday afternoon, he "has not seen nor been served with the suit." He referred all questions to the county's legal counsel.

As of mid-day Thursday, Shasta County's legal counsel had not returned our calls.

KRCR News

Judge certifies Shasta County Jail lawsuit as 'class action'

Posted: Apr 13, 2017 08:47 AM PDT

REDDING, Calif. - A lawsuit against the Shasta County Jail has now reached class action status. That means more people could join the lawsuit which alleges civil rights abuses against people with disabilities.

The lawsuit, filed on May 25, 2016 in the U.S. District Court for the Eastern District of California, alleges that the Shasta County Jail routinely ignores and fails to comply with the Americans with Disabilities Act (ADA), Rehabilitation Act and other federal and state laws. In the complaint, plaintiffs detail the jail's systemic issues and violations:

"People with mobility disabilities are denied accommodations, provided inadequate accommodations, inappropriately segregated from the general population, placed in 23 hour lock down, excluded from jail programs and services, and subjected to multiple and pervasive physical access barriers throughout the facilities. The result is a system

that imposes some of the worst conditions on people with mobility disabilities while at the same time excluding them from the most beneficial programs within the jail. These conditions have dire mental and physical consequences and are in flagrant violation of the law."

The suit alleges violations prevented disabled inmates from showering, sleeping and moving around. One plaintiff is seeking monetary damages to pay for knee surgery as a result of mistreatment.

Shasta County Counsel Jim Ross said the county did not oppose the plaintiffs' efforts asking the judge to grant the class certification. The lawsuit said the class designation identifies a class of people who could be affected by the suit. Inmates with disabilities will be notified to see if they want join the lawsuit.

The attorney for the plaintiffs said the Shasta County Jail houses as many as 38 prisoners with mobility disabilities on a given day, and processes between 516 to 1,200 mobility disabled detainees in a given year.

"No one should have to endure the pervasive and dehumanizing abuse that disabled prisoners in Shasta County are subjected to," said Taylor Gooch of Keker, Van Nest & Peters, co-counsel for the plaintiffs. "This order marks an important step in our fight to restore these individuals' legally protected rights."

At the time the lawsuit was filed, Shasta County officials issued a news release which said they were actively working with disability rights groups to make improvements to the jail.

One part of the lawsuit claimed jail workers would put plaintiffs in solitary confinement or deny them cancer medication because they spoke up about the problems.

In a statement, Shasta County officials said: "to the extent the new complaint alleges any retaliatory conduct toward an individual inmate such as the allegations of denial of medication, or the presentation of tainted or inedible food directed at a disabled inmate or at any inmate, the Shasta County Sheriff's Office completely denies those allegations."

A settlement conference is scheduled for next month.