

Name: Robert A. Gibbs  
Address: P.O. Box 686  
Shasta CA. 96087  
c/o Shasta County Jail #510503  
Shasta County Jail  
1655 West St.  
Redding, CA. 96001  
CDC or ID Number:  
Shasta Key #510503

In and for the Superior Court of California, Shasta County.  
1500 Court St. Redding, CA. 96001  
(Court)

Robert A. Gibbs
Petitioner
vs.
Shasta County Sheriffs Dept.
Respondent

PETITION FOR WRIT OF HABEAS CORPUS

No.

(To be supplied by the Clerk of the Court)

INSTRUCTIONS—READ CAREFULLY

- If you are challenging an order of commitment or a criminal conviction and are filing this petition in the Superior Court, you should file it in the county that made the order.
- If you are challenging the conditions of your confinement and are filing this petition in the Superior Court, you should file it in the county in which you are confined.

- Read the entire form *before* answering any questions.
- This petition must be clearly handwritten in ink or typed. You should exercise care to make sure all answers are true and correct. Because the petition includes a verification, the making of a statement that you know is false may result in a conviction for perjury.
- Answer all applicable questions in the proper spaces. If you need additional space, add an extra page and indicate that your answer is "continued on additional page."
- If you are filing this petition in the superior court, you only need to file the original unless local rules require additional copies. Many courts require more copies.
- If you are filing this petition in the Court of Appeal in paper form and you are an attorney, file the original and 4 copies of the petition and, if separately bound, 1 set of any supporting documents (unless the court orders otherwise by local rule or in a specific case). If you are filing this petition in the Court of Appeal electronically and you are an attorney, follow the requirements of the local rules of court for electronically filed documents. If you are filing this petition in the Court of Appeal and you are *not* represented by an attorney, file the original and one set of any supporting documents.
- If you are filing this petition in the California Supreme Court, file the original and 10 copies of the petition and, if separately bound, an original and 2 copies of any supporting documents.
- Notify the Clerk of the Court in writing if you change your address after filing your petition.

Approved by the Judicial Council of California for use under rule 8.380 of the California Rules of Court (as amended effective January 1, 2007). Subsequent amendments to rule 8.380 may change the number of copies to be furnished to the Supreme Court and Court of Appeal.

This petition concerns:

- A conviction
- Parole
- A sentence
- Credits
- Jail or prison conditions
- Prison discipline
- Other (specify): Right to defend property

1. Your name: Robert A. Gibbs
2. Where are you incarcerated? Shasta County Jail
3. Why are you in custody?  Criminal conviction  Civil commitment  pre-trial

Answer items a through l to the best of your ability.

a. State reason for civil commitment or, if criminal conviction, state nature of offense and enhancements (for example, "robbery with use of a deadly weapon").

pre-trial for criminal threats

b. Penal or other code sections: 422 p.c.

c. Name and location of sentencing or committing court:

Shasta County Superior Court  
1500 Court St. Redding, CA. 96001

d. Case number: 15F5736 et al.

e. Date convicted or committed: arrest date: 9/11/2015

f. Date sentenced: N/A

g. Length of sentence: N/A

h. When do you expect to be released? unknown

i. Were you represented by counsel in the trial court?  Yes  No

If yes, state the attorney's name and address:

Mr. Ted Somers  
1714 West St. Suite C  
Redding, CA. 96001

Habeas Corpus Attorney:  
Margaret Huscher  
c/o Shasta Co. Public Defender  
1815 Yuba St.  
Redding, CA. 96001

4. What was the LAST plea you entered? (Check one):

- Not guilty
- Guilty
- Nolo contendere
- Other:

5. If you pleaded not guilty, what kind of trial did you have?

- Jury
- Judge without a jury
- Submitted on transcript
- Awaiting trial

## 6. GROUNDS FOR RELIEF

**Ground 1:** State briefly the ground on which you base your claim for relief. For example, "The trial court imposed an illegal enhancement." (If you have additional grounds for relief, use a separate page for each ground. State ground 2 on page 4. For additional grounds, make copies of page 4 and number the additional grounds in order.)

Shasta County has falsely arrested me four times, the last time leading to incarceration pre-trial for over 2 1/2 years. At the time of arrest, all of my personal property, including vehicles (3), numerous tools, my home, clothes, personal items etc. were left unattended and have been subjected to theft, embezzlement, vandalism, unauthorised use and neglect. I have no family or contacts to defend or dispose of store property and a report to Sheriff's dept. was ignored. I have not been allowed any options to defend or dispose of property.

## a. Supporting facts:

Tell your story briefly without citing cases or law. If you are challenging the legality of your conviction, describe the facts on which your conviction is based. If necessary, attach additional pages. CAUTION: You must state facts, not conclusions. For example, if you are claiming incompetence of counsel, you must state facts specifically setting forth what your attorney did or failed to do and how that affected your trial. Failure to allege sufficient facts will result in the denial of your petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.) A rule of thumb to follow is, who did exactly what to violate your rights at what time (when) or place (where). (If available, attach declarations, relevant records, transcripts, or other documents supporting your claim.)

On 9/11/2015, I was falsely arrested by Shasta County Sheriff's dept. At that time, all of my personal property (2004 Toyota Tacoma, 2011 Kawasaki KLR650, 2000 Suzuki 4x4 Quad, numerous tools, family pictures and heirlooms, my home, clothes, identification and papers etc. etc. Value in excess of \$65,000~~000~~) was left virtually abandoned (originally left in control of "caretaker" who immediately began embezzling, then goods were stolen by ex-girlfriend and her boyfriend then left in care of "friend" who has also embezzled and stolen vehicle(s)) at one point, I made a report with Detective Benton at the Sheriff's dept. Detective Benton took no action and did no follow up. I am disabled, low-income and absolutely dependant upon my vehicles and property for survival. I have no family or contacts to help me to recover and/or dispose/store property. My home is only accessible by four wheel drive vehicle. Vehicles are non-functioning and require recovery by wrecker. Much of property is already stolen by John Moreaux, Elenor Moreaux, Cheri A. Dubuque, Mark Barbela, Ronald Naylor, Tom Silva, Steven Locke, Andrew Hignell. The Courts and Civilised Society have a vested interest in assuring that disabled and low income individuals can maintain the de minimus levels of necessary personal property and transportation to facilitate independent living and to guard against those individuals un-necessarily becoming dependant upon the greater society for basic necessities.

## b. Supporting cases, rules, or other authority (optional):

(Briefly discuss, or list by name and citation, the cases or other authorities that you think are relevant to your claim. If necessary, attach an extra page.)

"Few liberties in America have been more zealously guarded than the right to protect one's property in a Court of law. This Nation has long realised that none of our freedoms would be secure if any person could be deprived of his possessions without an opportunity to defend them at a meaningful time and in a meaningful manner"

— Fuentes v. Shevin (1972) 407 U.S. 67, 80, 92 S.Ct.

See also: 5<sup>th</sup> and 10<sup>th</sup> Amendments to U.S. Const. right to property.

1983, 1994, 32 L.Ed. 2d 556

8. Did you appeal from the conviction, sentence, or commitment?  Yes  No If yes, give the following information:

a. Name of court ("Court of Appeal" or "Appellate Division of Superior Court");

b. Result:

c. Date of decision:

d. Case number or citation of opinion, if known:

e. Issues raised: (1)

(2)

(3)

N/A

f. Were you represented by counsel on appeal?  Yes  No If yes, state the attorney's name and address, if known:

9. Did you seek review in the California Supreme Court?  Yes  No If yes, give the following information:

a. Result:

b. Date of decision:

c. Case number or citation of opinion, if known:

d. Issues raised: (1)

(2)

(3)

N/A

10. If your petition makes a claim regarding your conviction, sentence, or commitment that you or your attorney did not make on appeal, explain why the claim was not made on appeal:

11. Administrative review:

a. If your petition concerns conditions of confinement or other claims for which there are administrative remedies, failure to exhaust administrative remedies may result in the denial of your petition, even if it is otherwise meritorious. (See *In re Muszalski* (1975) 52 Cal.App.3d 500.) Explain what administrative review you sought or explain why you did not seek such review:

N/A

b. Did you seek the highest level of administrative review available?  Yes  No

*Attach documents that show you have exhausted your administrative remedies.*

12. Other than direct appeal, have you filed any other petitions, applications, or motions with respect to this conviction, commitment, or issue in any court?  Yes If yes, continue with number 13.  No If no, skip to number 15.

13 a. (1) Name of court: Shasta County Superior Court  
(2) Nature of proceeding (for example, "habeas corpus petition"): Habeas Corpus  
(3) Issues raised: (a) Denial of mental health care  
(b) Excessive force  
(4) Result (attach order or explain why unavailable):  
(5) Date of decision: Pending

b. (1) Name of court:  
(2) Nature of proceeding:  
(3) Issues raised: (a)  
(b)  
(4) Result (attach order or explain why unavailable):  
(5) Date of decision:

c. For additional prior petitions, applications, or motions, provide the same information on a separate page.

14. If any of the courts listed in number 13 held a hearing, state name of court, date of hearing, nature of hearing, and result:

N/A

15. Explain any delay in the discovery of the claimed grounds for relief and in raising the claims in this petition. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

N/A

16. Are you presently represented by counsel?  Yes  No If yes, state the attorney's name and address, if known:

Mr. Ted Somers  
1714 West St. Suite C  
Redding, CA. 96001

Habeas Corpus Attorney: Margaret Huscher  
% Shasta Co Public Defender  
1815 Yuba St  
Redding, CA. 96001

17. Do you have any petition, appeal, or other matter pending in any court?  Yes  No

Pending Habeas in Shasta Co. Sup. Court, District Court of Calif. (Eastern Dist)  
3rd Dist. Court of Appeals.

18. If this petition might lawfully have been made to a lower court, state the circumstances justifying an application to this court:

N/A.

I, the undersigned, say: I am the petitioner in this action. I declare under penalty of perjury under the laws of the State of California that the foregoing allegations and statements are true and correct, except as to matters that are stated on my information and belief, and as to those matters, I believe them to be true.

Date:

April 2nd, 2018

Robert A. Gibbs

(SIGNATURE OF PETITIONER)

