

Name: Robert A. Gibbs #510503

Address: 40 Shasta County Jail

1655 West St.

Redding, CA. 96001

CDC or ID Number: #510503

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

<p><u>Robert A. Gibbs</u></p> <p>Petitioner</p> <p>vs.</p> <p>Entity Known as "<u>Shasta County</u>", Sheriff  <u>Tom Bosenko, Capt. Dave Kent, et al.</u></p> <p>Respondent</p>
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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 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 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): Systematic and deliberate abuse of prisoners

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 i 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").

Alleged 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: UNK.

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

f. Date sentenced: N/A

g. Length of sentence: N/A

h. When do you expect to be released? UNK.

i. Were you represented by counsel in the trial court?  Yes  No *If yes, state the attorney's name and address:*

Continuous ineffective assistance of Counsel.

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 Jail personnel regularly and deliberately abuse and neglect inmates by denying services and rights including denial of right to a meaningful grievance system, right to programming, right to respect and humane treatment, right to proper classification, right to be free from threats, verbal abuse and retaliation, right to be free from arbitrary actions by officers, right to fair disciplinary system, right to be informed of disciplinary hearing rights, right to be informed of right to remain silent in disciplinary actions, right to have access to supervisors to address concerns, right to have line deputies be adequately supervised by supervisors, right to be free from un-necessary restraints and administrative segregation, right to meaningful recreation etc.

## 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.)

The Shasta County Jail is an environment of abuse, neglect and inhumane treatment with daily examples of excessive use of force, abuse and unconscionable neglect of mentally ill inmates, lack of any supervision of line deputies whatsoever which encourages abuse and neglect, daily and constant denial of services and rights, incessant verbal abuse, retaliation and threats of retaliation, targetting of inmates for "special treatment" or malicious and arbitrary use of disciplinary system, denial of clothing, toilet paper, request forms, recreational and programming opportunities, etc. etc. There is a wide-spread and wholly un-necessary nastiness and adversarial tone in everything Jail staff does that rises to the level of abuse. Rules or situations are never interpreted in favor of inmates or fairly applied but are in fact almost always weaponized and used to show disdain and disrespect. There is a marked and easily demonstrable tendency to treat inmates as anything but human beings, an environment of tension, retribution, retaliation, unfair punishment etc. This surly, degrading and abusive attitude is fully sanctioned and encouraged by supervisors which leads to even more mistreatment. It is as though being in jail were not punishment enough but Jail staff must make it their goal to make the environment as punitive as possible. I believe very strongly that when inmates are mistreated in this way, they learn to harbor nothing but hatred and disrespect of police and that society has an interest to encourage good relations with police and not enmity or else, the very fabric of society is at risk. Even seemingly small incidents of abuse or unfairness, or even an atmosphere of indifference can cause immense resentment and this is not in the interest of justice or society. Policemen should be our friends, our protectors, our advocates and our role models, not our enemies, our detractors, our punishers. It does not matter to me (nor should it) whether or not my treatment at the jail is technically legal or whether I have sufficient proofs. I know how I feel, I know what I see, I know that even the law admits that there is a societal interest in improving our care of inmates, not simply being content with the bare minimum of standards. I am angry about the way I've been treated, I am angry about the way others are treated in this jail. I am angry that the sheriffs allow this constant environment of enmity and abuse, I am angry that the court does not better

b. Supporting cases, rules, or other authority (optional): Supervise and encourage higher standards. These (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.) Conditions are self-evident (interview inmates if you don't believe me - most of them will tell you the same thing) The courts are notorious for playing dumb and looking the other way and yet they act surprised when inmates are released and they have become incredibly recalcitrant and violent. The courts are responsible for assuring that jails and prisons are environments of recovery and rehabilitation, not cultures of hate and abuse. All your work is wasted if you do not rehabilitate people! Simple incarceration and punishment does not work! In fact, you are making things much worse! I am in jail because I was being abused by police, and I reacted violently and yet this court has allowed me to be abused by jail cops for 19 months? utter absurdity! There is no

## 7. Ground 2 or Ground (if applicable):

Excuse for the Court to not intervene to resolve my issues with police rather than to simply allow continued abuse. What this Court and Sheriff's dept. has done in my case is beyond dangerous and incompetent. You seem to ignore the fact that how I feel does matter (nevermind how anyone else feels). It is almost as if you want me to hate every policeman I see or you simply don't care. You never consider that it is precisely this indifference to my well-founded feelings that are what has and will continue to alienate me from police. I don't have enough proof of my mis-treatment? Who cares! I have not lied about a single thing, it is very hard to prove some things, but that does not mean they are not true. How do I prove that a policeman's action is based upon

a. Supporting facts: Legitimate and not invidious purpose. How do I prove that cops regularly lie and retaliate? Especially when you refuse to believe it or even investigate for yourself. Screw it! I can only go with what I know and how I feel and what I've seen. They are your cops, not mine and if you will not set and enforce meaningful rules for them, they will not follow any. This jail is a hell-hole and the cops that work it are bullies, liars, sociopaths and criminals with no regard for their professional responsibilities whatsoever. The only training they seem to receive is how to polish their badges to a high gloss and shoot someone with a taser. It is no wonder the jail deputies are redneck louts, they were all chosen and employed by Tom Bosenko, the grand poobah of all redneck louts. You need proof my god man if this is not ridiculously obvious to you, you are either dead or not paying attention. You are overly concerned by my lack of proof? I am overly concerned by your pathetic inability to recognize other people's entirely valid, points of view just because they don't jibe with yours or are inconvenient. Any judge worth his salt will recognize when it's time to step beyond the law and apply good old common sense. All you are teaching me by leaving me in this jail of bully cops is that I was right for hating the cops in the first place. Is this all you've got? Because it's pretty god-damn thin. How deplorable can one system be? How absolutely dysfunctional. My god man, you are presiding over a circus! You have allowed a corrupt county to destroy a man's life, bully him into a psychotic reaction and then subject him to the very thing that will guarantee that he will never trust another authority figure for so long as he lives. What do you think people will really think of this case when it is all over? A huge waste of money and resources. A huge, disgusting wart on the ass of the justice system? Proof of just how high bullshit can be stacked? Don't be surprised if this case turns out to be a major embarrassment to you professionally.

The bottom line with my case? It should have been pled out a long time ago but no-one can convince the D.A. to play fair. It's hard to negotiate when one side gets to stack the deck. In fact, if my cases had been handled fairly, then they would have been resolved a long time ago and there would have been no 9/11/2015. Don't see why my treatment by the D.A. led to 9/11? No, you probably wouldn't. Here's a hint: I never deserved what was happening to me, I just wanted what was fair and fair weren't nowhere to be found, like the man said: Sometimes the shit gets so high you need bat-wings to stay above it. Well, on 9/11/2015 my bat-wings were at the cleaners. Bottom line on this jail: Nuke it (with all the cops inside) they start over. It's an embarrassment to corrections. Want proof? Get your own proof. I don't do proof, I make keen observations and offer competent analysis. Proof is for people with a deplorable lack of faith or common sense, two things I do not lack. Besides, you can lead a horse to water but you can't make it drink.

- b. Supporting cases, rules, or other authority: 1<sup>st</sup> Amend. (right to redress of grievance) 8<sup>th</sup> Amend. (right to be free of cruel and unusual punishment) 14<sup>th</sup> Amend. (right to due process) California State law and Const. Americans with disabilities Act, rehabilitation act, Title 15, Correctional standards and common practices, common sense, Logic, intuition, gut feeling, my personal opinion (such as it were).

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"):

\_\_\_\_\_ N/A \_\_\_\_\_

b. Result: \_\_\_\_\_ c. Date of decision: \_\_\_\_\_

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

e. Issues raised: (1) \_\_\_\_\_

(2) \_\_\_\_\_ N/A \_\_\_\_\_

(3) \_\_\_\_\_

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

\_\_\_\_\_ N/A \_\_\_\_\_

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) \_\_\_\_\_ N/A \_\_\_\_\_

(3) \_\_\_\_\_

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:

More grievances than you can shake a stick at.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

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: \_\_\_\_\_

(2) Nature of proceeding (for example, "habeas corpus petition"): \_\_\_\_\_

(3) Issues raised: (a) NIA

(b) \_\_\_\_\_

(4) Result (attach order or explain why unavailable): \_\_\_\_\_

(5) Date of decision: \_\_\_\_\_

b. (1) Name of court: \_\_\_\_\_

(2) Nature of proceeding: NIA

(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:

NIA

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.)

NIA

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

Adam Ryan

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

habeas for denial of medical care.

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

\_\_\_\_\_

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 29<sup>th</sup>, 2017

Robert A. Gibbs  
(SIGNATURE OF PETITIONER)