

Tort Claim

Joseph William Baker
C/O Marc Rassbach Notary Public
P.O. Box 39
Milwaukee, Wisconsin 53201-0039

Tort Actors Charged

Ralph Korn, CPCU, Risk Manager
City of Bakersfield Risk Management Division
City Hall
1600 Truxtun Avenue
Bakersfield, Ca 93301
661- 326-3096

Kathleen Krause
Kern County Clerk of the Board
1115 Truxtun Avenue
5th Floor
Bakersfield, 93301

Kern Medical Center
1700 Mount Vernon Avenue
Bakersfield 93306
661 326 2000

Barnett's Towing
3531 Edison Highway
Bakersfield, CA 93307-2327
(661) 871-8423

Sunday, September 25th, 2011

This tort claim is for more than \$10,000.

This tort claim covers violation of civil rights, property damage, personal injury damage which began at or about 3:00 am on Monday, September 28th 2009.

This claim is timely filed in accord with 945.4 of the governing code as the related acts of violence continue and my property remains outside of my possession. Exigent circumstances include lingering mental trauma and having my live continuously under threat of death.

My postal address is:

Joseph William Baker
c/o 372 Lewis Street
[near] Burlington, Wisconsin [53105]

Notices and payments are to be sent to:

Joseph William Baker
c/o Marc Rassbach Notary Public
P.O. Box 39
Milwaukee, Wisconsin 53201-0039

RECEIVED

SEP 26 2011

**Kern Medical Center
Administration Office**

Also notices must be sent via electronic email to joebaker@dcresearch.com to allow for timely notification. Without such electronic notification I require 90 days to respond to mail sent via the post office.

The jurisdiction of this claim shall be the United States District Court Eastern District of California. On September 28th, 2011 at or about 3:00am I was falsely arrested in my car in the alleyway behind apartments located at or about 4300 West California Avenue without cause under color of law, tackled, beaten wildly with billy clubs, detained, tortured, traumatized, wrongfully punished due to the Bakersfield Police Department's and Kern County Sheriff's department's failure to train, deliberate indifference to the rights of others, and insensitivities to political and religious beliefs different than their own. I was denied access to competent legal representation prior to arraignment.

I Joseph William Baker have suffered many harms stemming from the actions of the Bakersfield Police Department in violation of civil rights, in violation of human rights, in violation of the due process clause of the US Constitution's 14th amendment, in violation of Federal laws concerning the right to appeal legal determinations of officers and their superiors, in violation of a human rite to travel, in violation of right to assemble peaceably, in violation of my inalienable right to life, violations of the right to resist false arrest, violation of the right to be free from unreasonable search and seizure, theft of my personal property, grand theft auto of my car by the police and their agent Barnetts Towing of Bakersfield, violation of my right to earn a living, violation of my right to serve a notice and demand during an alleged hearing about my "impounded" vehicle, violation of my right to secure scheduling services for an impound hearing requiring over 100 telephone calls (recorded calls are logged with timestamps). My right to access my laptop computer was violated for nearly two weeks.

I suffered wounds from billy clubs which nearly two years later have indentations, scabs that have not yet healed and which may be proceeding to a form of skin cancer and I have no way to access medical care as I am in fear for my life if I enter a public hospital where my identity may be disclosed to law enforcement checking for warrants.

My head and neck were stomped on three times by officer Richard S. Davis an action which is taught to delta force military troops as a way to kill a person.

I suffered wounds of a broken cheek bone for which I was scheduled for cosmetic surgery at Kern Medical Center. I suffered bodily and emotional trauma from a blow to the lower back of my skull and neck and possible Traumatic Brain Injury. I believe this act was attempted murder by officer Davis in retribution for my resistance of being falsely arrested. The US Supreme court clearly makes it everyone's right to resist false arrest in *Bad Elk vs US 1900*. Apparently officer Davis was not trained to understand that one may resist false arrest. Officer Davis may have had an ulterior, personal motive or vendetta for inflicting police brutality tactics and detaining me under color of law relating to my interaction hours earlier with another man named Davis as well.

I was harmed by being denied an appeal of the supervising officer's legal determinations as there was no judge on call or on duty as I was told by the supervising officer when he asked me if they could take me to the hospital. I was harmed by not being released after the 48 hour holding period when the complaint had expired while other inmates were released because their 48 hour waiting period had expired without being taken to an arraignment – a violation of the equal protection clause of the US Constitution as other inmates were released before the arraignment because 48 hours had elapsed before they were brought before a judge. At the alleged arraignment wherein I was harmed by being denied

access to the court by being forced out of the courtroom and slammed against the wall in the presence of witnesses with Judge Larry A Errea condoning the continued police brutality by smiling from the bench. Judge Errea harmed me by entering a not-guilty plea on my behalf over my objections, appointed a public defender over my objections, allowed the sheriffs to drag me out of the courtroom violently when I raised certain questions about clarifying the name on the case that were questions still unanswered by the appeals I made to the officers.

An alleged bench warrant seems to be illusive for officers to produce even during the unlawful break-in of Star:Hills' home in 2010 – the warrant seems illusive for even seasoned reporters to find. This alleged bench warrant continues to harm me causing fear, anxiety from the thought that headhunters might find me if I secure a job somewhere. My fee for bench warrants for my arrest is \$1,000,000 per day or whatever a jury will deem reasonable.

Detainment: My fee for being detained against my will is \$85,000,000 per hour or whatever a jury will deem reasonable. I consider myself being detained when a bench warrant is alleged to be in effect even through poor record keeping.

The Bakersfield Police Department's **continued actions may be retaliatory** in nature based upon my affidavits in which **I detail misdeeds of numerous court officials and law enforcement agents and public defender's office.** If this hypothesis is correct, these are further acts under color of law, raises the question of whether these actors may be guilty of witness tampering charges as a pattern and practice custom and habit.

Even the general overview of numerous torts cascading down upon me starting September 28th, 2009 are difficult to innumerate due to the emotional and mental trauma suffered from the willing intentional acts of malicious murder by Richard S. Davis on September 28th, 2009 and his fellow accomplices Officer Patrick Leftler and many other officers who appeared at the scene before Davis' blows to my neck who failed to intervene on the second and third stomps of my head. Exhaustive efforts to secure a competent legal representation have been unfruitful except that Attorney Daniel Rodregez's law firm indicated that "...the case does have merit..." "...but that there were a lot of issues and that the firm is not physically able to deal with the case at this time."

An established and documented¹ pattern and practice of life threatening intimidation and of those associated with targets of the Kern County District attorney's office has forced both Joseph Baker and Joseph's companion Roxann Powers to live life outside of Kern County against our will at a detriment to Roxann's career as a school teacher and away from the comforts of a hometown causing great distress, trauma.

Unlawful concerted efforts both in Wisconsin and California of bail enforcement officers, sheriff's personnel, private head hunters to locate my whereabouts, intimidate/isolate me from my friends and family are published by my friends in their reports on YouTube revealing threats against my life – even a sheriff's deputy indicating he gets to kill me because of "special skills that I possess."

I was harmed by a violation of doctor/patient privacy by not allowing me to have privacy with the emergency room doctors or the intake staff without being accompanied by an officer of the Bakersfield

¹ "Mean Justice; A Town's Terror, A Prosecutor's Power, a Betrayal of Innocence" by Edward Humes Published by Simon & Shuester; New York January 1st, 2003.

"Lords of Bakersfield" by Sean Penn circa 2009
"Witchhunt"

Police Department resulting in limited exchanges with the doctor concerning my health, background, identity, need for protection from the police.

I was denied access to water for approximately five hours after being beaten. I was intentionally punished by the Kern Medical Center by not being given access to water when in a state of exhaustion, shock and dehydration after 35 requests for water – one who appeared to be the shift supervisor at the emergency intake desk said “well if you hadn't knocked over a police officer...”. This indicates that the Kern Medical Center was acting in concert with the Bakersfield Police, the Kern County Sheriff's department and Barnett's towing to inflict further pain and suffering as a form of retaliatory acts under color of law without judicial oversight. This was also why I was not given a cot to lie down on for hours. Later at the police station I would be kept in a 2 foot by 2 foot cell for hours with crippling pain without a chair and without enough space to sit comfortably. My outcries for a chair were addressed by the man who took my picture... “If you won't cooperate with us we won't help you” a retribution for my not telling him information about myself such as address, social security number... wherein I was harmed by a violation of Federal Law

Sec. 7. [5 U.S.C. 552a note] (a)(1)

It shall be unlawful for any Federal, State or local government agency to deny to any individual any right, benefit, or privilege provided by law because of such individual's refusal to disclose his social security account number.

(2) the [181] provisions of paragraph (1) of this subsection shall not apply with respect to—

(A) any disclosure which is required by Federal statute, or

(B) the disclosure of a social security number to any Federal, State, or local agency maintaining a system of records in existence and operating before January 1, 1975, if such disclosure was required under statute or regulation adopted prior to such date to verify the identity of an individual.

So by punishing me for giving a social security number, and continuing to punish me without accommodations for my disabilities of not being able to function my legs properly I was denied my right to withhold a social security number and I was denied accommodations as a disabled person and I was denied access to water for not providing personal identification details including a social security number. This 2x2 foot cell afforded me NO ACCESS TO WATER which was necessary to the healing and functioning of my body.

Later, the water I was given was poisoned with fluoride as was the custom of the City of Bakersfield to fluoridate the drinking water for the entire city with an intent to dumb down the population and to make the population less aggressive under the false pretext that it helps prevent cavities (when in fact it promotes tooth and bone disease). As a result of this pattern and practice, custom and habit of fluoridating water my mental capacity was less than it would have been.

I reserve the right to edit and amend this document.

I affirm that the foregoing is true and correct to the best of my belief and knowledge.

Baker Baker 9/26/2011
Joseph William Baker, Authorized Agent date
Under Threat, Duress, and Coercion and undue influence
of systems of governance which I do not consent to.

State of California

County of Kern

Subscribed and sworn to (or affirmed) before me on this 26th day of September, 2011 by Joseph William Baker, proved to me on the basis of satisfactory evidence to be the person who appeared before me.

(Seal)

Signature

Kristin M. Nahama

