

1 JAMES L. BUCHAL (SBN 258128)  
2 MURPHY & BUCHAL LLP  
3 3425 S.E Yamhill, Suite 100  
4 Portland, OR 97214  
5 Telephone: (503) 227-1011  
6 Facsimile: (503) 573-1939  
7 *Attorney for Plaintiffs*

8 IN THE SUPERIOR COURT OF CALIFORNIA  
9 FOR THE COUNTY OF SAN BERNARDINO

10 THE NEW 49'ERS, INC., a California  
11 corporation, DEREK D. EIMER; STEPHEN  
12 JONES; DAVID GUIDERO; MARVIN GARRY  
13 LAMPSHIRE II; and DYTON W. GILLILAND,

14 Plaintiffs and Petitioners,

15 v.

16 CALIFORNIA DEPARTMENT OF FISH AND  
17 WILDLIFE and CHARLTON H. BONHAM, in  
18 his capacity as Director of the California  
19 Department of Fish and Wildlife,

20 Defendants and Respondents.

Case No.

**DECLARATION OF STEPHEN JONES IN  
SUPPORT OF MOTION FOR A  
TEMPORARY RESTRAINING ORDER  
AND/OR PRELIMINARY INJUNCTION**

21 Stephen Jones declares:

- 22 1. I am presently residing in Happy Camp, Siskiyou County California.  
23 2. On or about May 1, 2015, myself and Dyton Gilliland were arrested for suction  
24 dredging on the Klamath River.  
25 3. When I was cited, the warden asked me to sign the citation promising to appear in  
26 Siskiyou County Superior Court on June 9. I was under the impression that if I did not sign, I

27 1  
28 DECLARATION OF STEPHEN JONES IN SUPPORT OF MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY  
INJUNCTION  
Case No.

James L. Buchal (SBN 258128)  
MURPHY & BUCHAL LLP  
3425 S.E. Yamhill, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939

1 would be entitled to a judicial hearing within 48 hours, where I could explain that my conduct was  
2 lawful because of this Court's ruling and other authority.

3 4. My livelihood entirely depends upon the gold I recover in my mining program. So I  
4 opted for my right to appear before an impartial judge immediately. Dyton Gilliland also opted for  
5 an immediate hearing.

6 5. When we refused to sign the citation, the warden arrested us, handcuffed us, and  
7 transported us to the Siskiyou County jail in Yreka, which was about 100 miles away. At the jail,  
8 the jail personnel told Dyton and I that because it was a Friday, there was no way to get in front of a  
9 judge until Monday; and that even if we got in front of a judge, the case would just be continued to  
10 a later date. The jail personnel presented us with release forms which included a promise to appear  
11 on 9 June. We signed them and were released. A true copy of my citation and jail form are attached  
12 hereto as Exhibit 1.

13 6. During the time I was being detained and taken to jail, California Fish & Wildlife  
14 (CFW) officials confiscated all of my personal dredging gear; the very gear which I use to make my  
15 living.

16 7. The entire reason I decided to be arrested in the first place was to expedite a hearing  
17 in front of an impartial judge and get the legal matter settled so that I could resume making a living.

18 8. On the morning of June 9, I traveled 80 miles to the Courthouse in Yreka and went  
19 to the Clerk's office. The Clerk had no record of anything in my name. So I showed her a copy of  
20 my Notice to Appear. After looking at it, the clerk said she would write me in on the docket. The  
21 Clerk also informed me that there was no judge available for the day's proceedings. Only an  
22 attorney acting as a judge pro tem would be present. We waited for the courtroom to open, went in  
23 and waited. When the Judge pro tem called my name, Dyton accompanied me, and we had a short  
24 verbal exchange with the judge pro tem.

25 9. Dyton told the judge pro tem that we had papers from our attorney that we would  
26 like to present to the Court. The Judge pro tem responded that no case had been filed, he could not

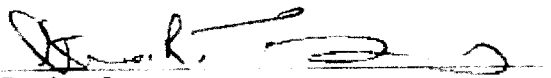
1 accept the papers, and that there was nothing he could do. Dyton attempted to explain that we are  
2 commercial miners, and that DFW had seized our production mining gear and have, more or less,  
3 put us out of business. We explained that we had no other due process available, and wanted a  
4 judicial resolution. The Judge advised us that he was sympathetic to our concerns, but that no case  
5 had been filed, and there was nothing he could do. He also advised us that the District Attorney had  
6 up to one year to file the case against us. The judge told us that we were basically in a state of  
7 limbo (his words) if and until any case was filed with the court.

8 10. Because of this Court's Order that the moratorium on suction dredging in California  
9 is unconstitutional and unenforceable, I believe that I have done nothing unlawful in attempting to  
10 make a living through suction dredging.

11 11. I had faith that this Court would also provide meaningful relief that would allow me  
12 to pursue my livelihood. Since that did not happen on June 23<sup>rd</sup>, I now appeal again to this Court to  
13 save me from the unconstitutional and unlawful conduct by the legislative and executive branches  
14 of state government. Specifically, I am asking the Court to order the the Department to stop  
15 harassing me while I am operating on mining claims owned or controlled by The New 49'ers and  
16 immediately return my belongings, and I in turn will abide by the new, overly restrictive 2012  
17 regulations until this matter is sorted out further in the courts.

18 I certify under penalty of perjury that the foregoing is true and correct.

19 Executed on June 29, 2015.

20  
21   
22 Stephen Jones

23  
24  
25  
26  
27 3  
28 DECLARATION OF STEPHEN JONES IN SUPPORT OF MOTION FOR A  
TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY  
INJUNCTION  
Case No.

James L. Buchal (SBN 258128)  
MURPHY & BUCHAL LLP  
3425 S.E. Yamhill, Suite 100  
Portland, OR 97214  
Tel: 503-227-1011  
Fax: 503-573-1939

DEPARTMENT OF FISH AND GAME

NOTICE TO APPEAR FG-500

MISDEMEANOR

Traffic Non-traffic

AD2079330

Date of Violation 5/11/15 Time 2:45 AM Day of Week FRI Case No.

Name (First, Middle, Last) STEPHEN ROBERT JONES Owner's Responsibility (Veh. Code § 40001)

Address ELK CREEK CAMPGROUND #13

City HAPPY CAMP State CA ZIP Code 96039 Phone Number 1 NONE

Driver Lic. No. State Class Commercial Age Birth Date

Sex M Hair BRN Eyes GRN Height 5-08 Weight 180 Race W Other Description

Veh. Lic. No. or VIN State

Yr. of Veh. Make Model Body Style Color

Evidence of Financial Responsibility Registered Owner or Lessee

Address

City State ZIP Code

Correctable Violation (Veh. Code, § 40610) Yes No Code and Section Description Booking Required Misdemeanor or Infraction (Grade)

- 5653(d) CA FISH & GAME CODE (M) 1
REFESSION OF A SUCTION DREDGE M 1
WITHIN 100 YARDS CLOSED WATER M 1

Speed Approx. P.F./Max Spd Veh. Lmt GPS Lat Long

Location of Violation(s) at ELK CREEK RIVER Siskiyou City/County of Occurrence Calif. Yes (10)

Evidence Seized

Violations not committed in my presence. Proceed on information and belief

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct

Signature of Citing Officer 927 Badge No

Date Name of Arresting Officer, if different from Citing Officer Badge No

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW. Signature FAILURE TO SIGN

WHEN ON OR BEFORE THIS DATE 06/09/2015 Time 9:00 AM PM

WHAT TO DO FOLLOW THE INSTRUCTIONS ON THE REVERSE Name of Court SISKIYOU SUPERIOR COURT

WHERE Section or Division, Room No YERKA Street Address 311 FOURTH ST, YERKA CA 96097

Phone Number 530-812-2182 Ext Court 47690

To be notified You may arrange with the clerk to appear at a night session of the court.

AD2070330

RESPONDENT COPY SEE REVERSE TR-130

Judicial Council of California Form Rev. 06-26-05 (Veh. Code §§ 40200(b), 40513(b), 40522, 40900 Pen. Code § 853.91)



Siskiyou County Jail  
Release of Arrested Person



Name: Jones, Stephen Robert	IID/BK No.: 22045/15-49266
Address: Elk Creek Camp Ground, # 13A Happy Camp, 96039	Arrest Date: 05-01-15
Arresting Agency: California Fish and Game	Agency Case # AD2079329
Charges: 5653.1(b)FG, 228(K)(1), 228(K)(1)	Warrant #

**I PROMISE TO APPEAR, IN:**

Court: Siskiyou County Superior Court	Division: Div 4
Court Address: 311 4 <sup>th</sup> Street Yreka, CA. 96097	Date/Time: 06-09-15 @ 0900
Court Docket #(s):	

And at all other times and places as ordered by the court.

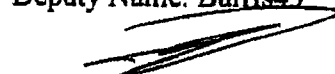
In signing this agreement and release on "Own Recognizance" I freely, voluntarily and knowingly make the following promises:

1. I will appear at all times and places as ordered by the Court, Judge, or magistrate, and as ordered by any Court in which, or any Judge or Magistrate before whom the above charge(s) is/are subsequently pending.
2. I will not leave or depart the State of California without first getting permission from the court
3. I hereby waive all extradition rights and if apprehended outside the State of California, agree to be extradited to Siskiyou County, California to answer to the above-referenced charges.
4. I will comply with the following conditions of my release that are marked with an "X".
  - I will not own, possess or consume any alcoholic beverage
  - I will not enter or remain in any business that has an on-sale liquor license.
  - I will not possess, consume or be under the influence of any controlled substance, narcotic or other drug, except upon a prescription issued to me by a licensed physician, providing a copy of the prescription to the court within 24 hours.
  - I will not own, possess, or have under my custody or control any firearm or ammunition.
  - I will not own, possess, or have under my custody or control any deadly or dangerous weapon.
  - I will submit my person, places, and things under my custody or control, or in which I have an interest, to search and seizure by any peace officer at any time of the day or night with or without probable cause, and with or without a warrant.
  - I will submit to the testing of my blood, breath or urine upon the request of any peace officer, and I will pay for all costs related to the collection and testing of the sample.
  - I will comply with the Criminal Emergency Protective Order.
  - I will not drive a motor vehicle unless properly licensed and insured.
  - I will not drive a motor vehicle after consuming any drug or alcoholic beverage.
  - Other:
  - Other:

I acknowledge that my failure to comply with any of these release conditions will constitute a violation of this agreement and I may be arrested by any peace officer. If I am arrested, the Court may deny me further release on my "own recognizance" and may require me to post bail in order to be released from custody.

Any failure to appear as ordered by the Court, or any Judge or Magistrate, is a crime. If I am released on a felony charge, or a combination of a felony charge and one or more misdemeanor or infraction charges, I can be charged with felony failure to appear that can be punished by up to three years in state prison. If I am released on a misdemeanor charge, or a combination of misdemeanor or infraction charges, I can be charged with misdemeanor failure to appear that can be punished by up to six months in the county jail.

  
Inmate Signature

Deputy Name: Burris45  
  
Deputy Signature