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10 *Attorney for Plaintiffs The New 49'ers Inc. et al.*
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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SAN BERNARDINO
14

15 Coordination Proceeding
Special Title (Rule 1550(b))

Judicial Council Proceeding No. JCPDS 4720

16 **SUCTION DREDGE MINING CASES**

17 **DECLARATION OF STEPHEN JONES**
18 **IN SUPPORT OF MINERS' JOINT**
19 **MOTION FOR INJUNCTION AGAINST**
20 **DEFENDANTS**

Judge: Hon. Gilbert G. Ochoa
21 Dept.: S36
Date: June 23, 2015
22 Time: 8:30 a.m.
23

24 **Related Actions:**

25 *Karuk Tribe of California, et al. v. California*
26 *Department of Fish and Game*

RG 05211597 – Alameda County

27 *Hillman, et al. v. California Department of*
28 *Fish and Game*

RG 09434444 – Alameda County

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2 *Karuk Tribe of California, et al. v. California*
3 *Department of Fish and Game*

RG 1263796 – Alameda County

4 *Kimble, et al. v. Kamala Harris, Attorney*
5 *General of California, et al.*

CIVDS 1012922 – San Bernardino County

6 *Public Lands for the People, et al. v.*
7 *California Department of Fish & Game, et al.*

CIVDS 1203849 – San Bernardino County

8 *The New 49'ers, et al. v. State of California;*
9 *California Department of Fish and Game, et*
10 *al.*

SCCVCV 120048 – Siskiyou County

11 *Foley, et al. v. State of California; California*
12 *Department of Fish and Wildlife, et al.*

SCSCCV 13-00804 – Siskiyou County

13 *Walker v. Harris, et al.*

34-2013-80001439 – Sacramento County

14 Stephen Jones declares:

15 1. I am presently residing in Happy Camp, Siskiyou County, California.

16 2. On or about May 1, 2015, Dyton Gilliland and I were arrested for suction
17 dredging on the Klamath River.

18 3. When I was cited, the warden asked me to sign the citation promising to appear in
19 Siskiyou County Superior Court on June 9th. I was under the impression that if I did not sign, I
20 would be entitled to a judicial hearing within 48 hours, where I could explain that my conduct
21 was lawful because of this Court's ruling and other authority.

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

25 5. When we refused to sign the citation, the warden arrested us, handcuffed us, and
26 transported us to the Siskiyou County jail in Yreka, which was about 100 miles away. At the
27 jail, jail personnel told Dyton and I that because it was a Friday, there was no way to get in front
28 of a judge until Monday; and that even if we got in front of a judge, the case would just be

1 continued to a later date. Jail personnel presented us with release forms which included a
2 promise to appear on June 9th. We signed them and were released. A true copy of my citation
3 and jail form are attached hereto as Exhibit 1.

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

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

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

17 9. Dyton told the judge pro tem that we had papers from our attorney that we would
18 like to present to the Court. The Judge pro tem responded that no case had been filed, he could
19 not accept the papers, and that there was nothing he could do. Dyton attempted to explain that
20 we are commercial miners, and that DFW had seized our production mining gear and have, more
21 or less, put us out of business. We explained that we had no other due process available, and
22 wanted a judicial resolution. The Judge advised us that he was sympathetic to our concerns, but
23 that no case had been filed, and there was nothing he could do. He also advised us that the
24 District Attorney had up to one year to file the case against us. The judge told us that we were
25 basically in a state of limbo (his words) if and until any case was filed with the court.

26 10. I believe, in reliance upon this Court's ruling and other authority, that I have done
27 nothing unlawful in attempting to make a living through suction dredging, and ask this Court to
28 order the Department to stop harassing me and immediately return my belongings.

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

Executed on June 12, 2015.



Stephen Jones

DEPARTMENT OF FISH AND GAME

MISDEMEANOR
Traffic Non-Traffic

AD2079330

NOTICE TO APPEAR FG-500

Date of Violation 5/11/15 Time 2:45 AM PM 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 DUNE

Driver Lic. No. --- State --- Class --- Commercial Yes No Age 43 Birth Date 5/27/1971

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

Veh. Lic. No. or VIN --- State --- COMMERCIAL VEHICLE (Veh Code § 4210(b))

Yr. of Veh. --- Make --- Model --- Body Style --- Color --- HAZARDOUS MATERIAL (Veh Code § 353)

Evidence of Financial Responsibility ---

Registered Owner or Lessee --- Same as Driver

Address --- Same as Driver

City --- State --- ZIP Code ---

Correctable Violation (Veh. Code, § 40610) Booking Required Misdemeanor or Infraction (Circle)

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

Speed Approx. --- P.F./M.J. Spd. --- Veh. Lmt. --- GPS Lat. --- Long. ---

Location of Violation(s) at Klamath River Siskiyou City/County of Occurrence --- CalTIP Yes No

Evidence Seized 0

Violations not committed in my presence. Based 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] Citing Officer Badge No. 927

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.

X 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. VIKKA Street Address 311 FERRARI ST. VIKKA CA 96097 Phone Number 530-812-2182 Ext. --- Court 47690

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

AD2079330

RESPONDENT COPY
SEE REVERSE TR-130

Judicial Council of California Form Rev. 09-20-05 (Veh. Code §§ 42000-42009, 40513.5, 40522, 40600, Pim. Code § 853.9)



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 th 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.

Deputy Name: Burris45


Inmate Signature

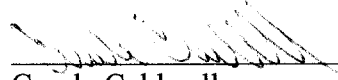

Deputy Signature

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Carole Caldwell
Declarant