



The Trespass Trap



Introduction

This is not provided as legal advice. Do NOT attempt to be free or negotiate with those representing authority.

Being Free requires a solid grasp of your constitutional rights which are being subject to unlawfully exercised based upon false narratives, or allegations of criminal violations through narrative or self-incrimination.

Key Subjects

- Introduction to Graham v Connor
- Pattern and practice of those in law enforcement
- Duty, obligation of a private individual
- How to avoid unlawful detainment, arrest and false charges

Cultural Contrarian

Your Name Goes Here

Resources

Don't offer steps or strategies for people to implement - just recommend a list of things they can buy to get the job done.

Before we get started, let's get a benchmark regarding how much you might know about the Trespass las.

Understanding the law regarding "criminal" trespassing might not be as clear cut at you think.

The challenge is that most enforcers of the law and the judges don't know the law themselves. How well do you know the law?

Next

Graham v Connor

The reasonableness standard

Trespass Trap

How this is a catch all designed to be dragged into court.

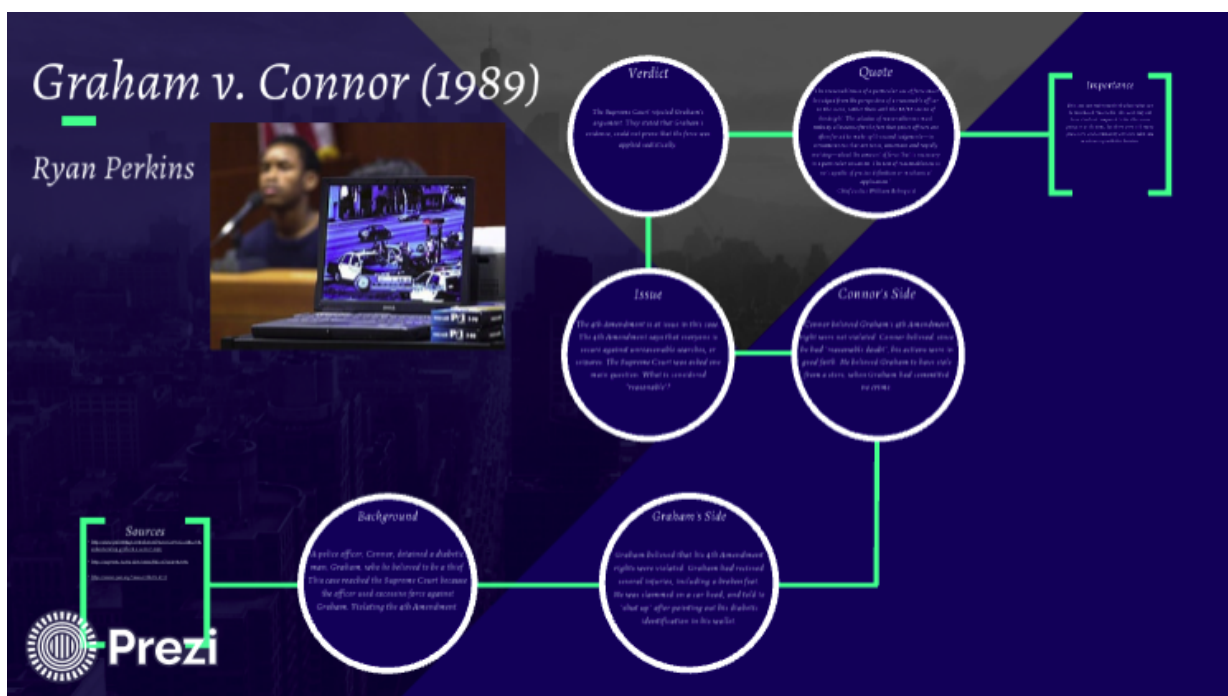
How to avoid or untangle.

Any thing you "SAY" can and will be used against you. (flip the script)

Graham v Connor

You will find that in our eBooks that this is a SCOTUS precedent that continues to be brought up. I strongly encourage that nobody believes my interpretation, summary or characterization. You can visit [Justia](https://www.justia.com/cases/federal-supreme-court/cases/volume-483/483-us-769-1987.html) and read the Case Text, opinions and legal arguments. It is important to note the relationship between Graham v Connor (GvC) and Qualified Immunity Doctrine (Not Law).

[Here is a great presentation online to get you started.](#)



The reasons I keep bringing this particular case up are to protect people from what they don't know. Assume that you did nothing wrong. Broke no law, statute or ordinance. But, you wound up getting a citation or worse, arrested. Now you either pay the fine or are drawn into court. The Court controls the process and has standards, case-law, that you will find are to the States advantage and to your disadvantage.

The interpretation and application of GvC by public officials goes like this:

- It is not "**REASONABLE**", that public officials can know all of the laws they must follow
- It is not "**REASONABLE**" that public officials must "correctly" represent or state the law.
- It is not "**REASONABLE**" that public officials "must know" all of the laws which they must follow.

Reasonable?

This word is frequently used in legislation, and common vernacular. We often overlook the subjective nature when hearing it used in any form of communication. But, this is an important point. The term when inside of a Court Room has some legal criteria and an unweighted balance.

Allow me to present the following:

I just shared the "reasonableness" standard for public servants, but what is the standard for **We The People**?

Ignorance of the Law, is not a defense in a court of law.



Bureaucratic privileges

- Qualified Immunity
- Plausible Deniability
- Departmental Isolation
- Not obligated to follow the law.
- Liberty to misrepresent (Frazier v Cupp)
- Policy, Procedure, Rules

Private individual burdens from SCOTUS

- Must know all laws, statutes, codes, ordinances.
- Follow SCOTUS direction on informing public servants.
- Must be "belligerent" to avoid perception of consent.
- and much more

Premise is public servants act in "good faith"

I have an intellectual obstacle with the presumption of "*Good Faith*" it requires how does someone define the word "Good". Personally, when any individual is in a position which has mountains of barriers to climb over, go around when seeking truth, when a lie is acceptable does not equate to being "Good". Unfortunately, that perception is a projection on how things "*should be*" and contradicts with the way things "*are*".

Admittedly, that conflict is a me problem and not a we or they problem.

Why is this important?

The issue relates to very few disagreements, or arguments regarding law, statute, code, ordinances enforceability, is resolved with public servants on the sidewalk. The matter is either brought by a public servant into a courtroom through a citation, warrant, fine, levy or lien. Or, by the victim in attempting to seek redress for an alleged wrong doing.

From the side of the chambers where the citizen is the victim of an alleged wrong doing by a public servant, the public servant (affiant, accusing party) is able to be questioned.

Questioning the Affiant:

The attorney's silently know the "reasonableness standard" established within *Graham v Connor* precedent, and their questions will either attempt to demonstrate the Affiant was unreasonable or acting in "Bad Faith". The linguistic tap dance between parties is singular in focus. That is to follow court procedures, that without regard to the end ruling (by judge or jury), that they have not provided any loop holes for an appeal.

If the Affiant appears to be pressured by counsel approaching "unreasonable" meaning possibly impeachable, the judge may remove the affiant and replace the affiant with an identical professional (ex. law enforcement officer) and assign that officer as "reasonable" and represent the questions to the new "reasonable" officer. This is rarely done by judges, and is often opposed by counsel when requested by defense counsel.

The trespass trap.

Based upon what we just went over let me ask a few questions regarding a public servant and the issue of trespass law.

Is is "reasonable":

that any public servant would be trained to know and properly represent trespass law? **(NO)**

that an officer would pause to confirm the law on trespassing? **(NO)**

that an officer would know the process to lawfully, issue a Criminal Trespass Warning? **(NO)**

that an officer knows the difference between public property, private property open for public use, private property, and the various forums? **(NO)**

that an officer will perform a proper investigation according to their department policy, state laws, and the Constitution? **(NO)**

that an officer would call for a supervisor when requested? **(NO)**

that an officer will provide a narrative based upon the truth of the events surrounding an encounter? **(NO)**

If you are disagreeing with these examples, you are not disagreeing with the author presenting this information. Your disagreement should be debated with the Supreme Court, our Justice System and the structure we have allowed to be build around us.



It's up to you to know the law, and correct false statements if possible.

Let's briefly go over the different types of property:

Public Property: These would be sidewalks, libraries, town halls, post office, local park, or property which is funded by taxpayers. So taxpayer buildings could be municipal parks, police departments, Social Security Administration, Department of Motor Vehicles, Public Schools.

Restrictions on Public Property: We are expected to know that our access or conduct on public property is subject to the following limitations (Time, Place, Manner). Public property can have additional restrictions beyond Time, Place and Manner which would be either restricted by security measures, barriers or clear signage with the statute validating the restriction.

Being Removed From Public Property: To be "lawfully" removed from public property requires several steps.

STEP 1: The owner, the responsible party over the property, or a law enforcement officer would have to have observed a crime in progress, a crime about to occur or a crime had been committed. (*Probable Cause*)

STEP 2: The reporting party would need to provide a sworn affidavit that articulates the events which support Probable Cause and sign the affidavit.

STEP 3: A law enforcement officer would present the offending party a document which would be a "Criminal Trespass Warning" along with the affidavit and afford the alleged offending party the opportunity to leave. The offending party does NOT need to provide any identification if the officer is not the "reporting party" and is asked to leave.

STEP 4: The law enforcement officer will provide the individual a copy of the "Criminal Trespass Warning" and inform the individual that if they return, they are subject to arrest for "Defiant Trespass After Warning"

But what normally happens?

Color of Law / Verbal Judo

Cultural Contrarian will have eBooks diving deeper on these two topics. Here is a quick summary.

Color of Law: The actions of Threats, Intimidation, Coercion, Duress, Conspiracy, Violence, Kidnapping based upon representing Lawful Authority "unlawfully". This gets into Federal Statutes 42 USC 1983, 18 USC 241& 242 and possibly other 18 Series crimes.

Verbal Judo: This specific training provided to law enforcement that guides them to use their authority to take command and control of every encounter. They have spent years and have rehearsed their Verbal Judo talents. Part of the art of Verbal Judo is emotional manipulation to affect a preferred response or action by people unfamiliar with verbal judo

Combine the tactics of Color of Law along with Verbal Judo, a law enforcement officer can very easily influence any law abiding citizen to move from any public space or move them from anywhere they desire. The reasons to the common person will sound "lawful" especially when stated as "I'm giving you a lawful order" and a citizen has no idea if that order was lawful or not.

The Result:

Private individuals for any reason what-so-ever could be recipients of Color of Law, Verbal Judo and unlawful statements, threatened with trespassing, be asked to leave and a person will quietly leave.

The Problem:

No record exists that a criminal trespassed is on any record and a person is in fear of ever returning to a property they are lawfully allowed to be. Absent of the record, a citizen has no standing to complain. Why? Because they "consented". Regardless of the unlawfulness of the interaction, no document, no evidence, nothing actually happened. This is called "No Due Process".

Private Property / Public Accommodation

These are probably the most easily recognizable properties. Examples would be convenience stores, gas station, restaurants, amusement parks, shopping malls, museums, movie theaters, dry cleaners, zoo's, etc.

Restrictions: We are expected to know that we are on someone else's property. We are at their property for whatever our business needs may be and must conduct ourselves "lawfully" with the same restrictions as public property (*Time, Place, Manner*). Public/Private property can have additional restrictions beyond Time, Place and Manner which would be either restricted by security measures, barriers or clear signage with the statute validating the restriction.

Being Removed From Private Property for public accommodation: To be "lawfully" removed from private property open to public accommodation requires the same steps as Public property. The only difference is that the "reporting party" must have authority from the "private business" to draft the affidavit to present to law enforcement.

RISKS TO PRIVATE PROPERTY OPEN TO PUBLIC ACCOMMODATION

RISK 1: The responsible party may not have the lawful elements of Probable Cause to remove an individual without being at risk of being personally liable for discriminatory actions. Calling law enforcement for non-criminal issues places citizens at risk and also could be a crime in abusing police for a civil matter.

RISK 2: Neither the property owner (overseer) nor law enforcement will likely know the limits of their authority and will not respond positively to being corrected on the law.

RISK 3: Using information which CC teaches, outside of broader context, attempting to stand free can create consequences beyond comprehension. Don't do it!

Private Property / Membership

Private property is generally visibly restricted with signage, security measures, barriers, security personnel and special cards to gain access. This would be entities like Costco, Sam's Club, YMCA, Planet Fitness, a country club, some casinos and I'm sure you can name off a few others.

Restrictions: Private businesses are free to create whatever restrictions, conditions, they see fit as long as they are equally applied and equally enforced. The private establishment runs a great risk if they venture into conditions which restriction constitutional rights and liberties. One can venture down the legal rabbit hole of private clubs on college campuses and how atheists must be afforded the ability to join Christian clubs. Or other issues that favor left ideologies and punish conservative ones.

RISKS TO PRIVATE PROPERTY

RISK 1: Pretty simple, don't go on Private Property unless you have the permission, membership or privilege to access Private Property and would be willing to present evidence to such when requested.



Limited Public Forums

A limited public forum is generally a public building, which has designated a portion of the building specific to a particular public business function. Great examples of this would be municipal, township, or school board public meetings. The meetings would be hosted in a public building,

Restrictions: This gets a little confusing. A limited public form is very similar to a traditional public forum. However, they may have established "rules" or "policies" to ensure the efficient and affective purpose of the public meeting to conduct public business. These rules can provide "limits" upon the public for when they can participate in the public's business. Generally, the "rules" afford (2) opportunities for the public to "participate or comment". These rules will be a further defining of Time, Place, Manner.

TIME

The public will normally be provided a period of time to speak on agenda items being discussed at the public forum. A second period would be afforded for a period to speak on non-agenda items or what is called "public comment". This rule can have further limitations of time, which specifies and controls the time in which an individual may speak (2, 3, 5 minutes)

PLACE

The limited public forum has generally 2 public restrictions on the place. These would be the area in which the public may sit, and a podium or table from which they may speak. They can be restricted from going into the dias or the board member area.

MANNER

The manner of speech is an often contested topic as Free Speech is afforded when in compliance with Time and Place. Limits on what can be said are very narrow (Incitement, Defamation, Fraud, Obscenity, Fighting Words, and Threats). Free Speech is a complex topic and will be covered specifically in a separate eBook. I want to point out the logical conflict that exists regarding the topic of sexually explicit books in public school libraries, being converted into a criminal act when presented at a public meeting.

How to avoid or untangle?

My first suggestion is that if you are ever approached by anyone in authority asking questions or making statements do the following:

- Be Polite
- Be Respectful
- Limit providing un-necessary details or explanation, but do so if it gets uncomfortable.
- When asked to leave, simply ask, "Is there a time period for how long I must stay away?" The answer doesn't really matter, to be safe, just leave the property.

But I am doing nothing wrong and shouldn't have to leave.

Unfortunately, it is not up to you to determine if you are doing something wrong or not, and that might be resolved by law enforcement and you talking increases the risk of you getting hemmed up.

How can I remain FREE?

That is a very personal decision and only you can determine what you are willing or not willing to do to stand free. I am willing to share one of the things I do to remain free. I shut my pie hole and have resources in hand with the anticipation that I encounter people who have no clue what is required to be free. I navigate life audio and video recording when necessary and have cards, screen images, and links in my memory to remain silent and gain distance. You do you, I do me.

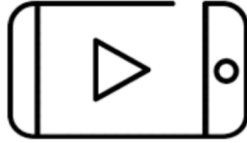
PLEASE REMAIN CALM
DO NOT CAUSE A DISTURBANCE

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