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14 Email: jw-West@judicialwatch.org

15 Attorneys for Defendant,
16 Robert L. Rosebrock

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,
20 Plaintiff,
21 v.
22 ROBERT L. ROSEBROCK,
23 Defendant.

CVB Nos. 4920201, 4920202,
6593951, 6593729 / CC11

NOTICE OF MOTION AND MOTION TO
SUPPRESS STATEMENTS;
MEMORANDUM OF POINTS AND
AUTHORITIES

Hearing Date: March 7, 2017
Hearing Time: 8:30 a.m.
Courtroom 341 (Roybal)
Hon. Steve Kim

24 TO ALL INTERESTED PARTIES:

25 PLEASE TAKE NOTICE that on Tuesday, March 7, 2017, at 8:30 a.m., or as soon thereafter as
26 counsel may be heard, before Honorable Steve Kim, United States Magistrate Judge, in courtroom 341
27 of the Roybal Federal Building and U.S. Courthouse, located at 255 E. Temple St., Los Angeles, CA,
28 defendant ROBERT L. ROSEBROCK, by his attorneys, Robert Patrick Sticht and Sterling E. Norris,
will move, and does hereby move, under Rules 12(b)(2), (3) and 41(h) of the Federal Rules of Criminal
Procedure, and pursuant to the Fifth Amendment of the United States Constitution, for an Order

2017 FEB 24 PM 2:08
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
BY: _____

FILED

1 suppressing evidence of statements he purportedly made to a Veterans Affairs police officer on
2 Memorial Day, May 30, 2016, and all fruits thereof, on the ground that such statements were the product
3 of a custodial interrogation which was not preceded by any advisement or waiver of his rights as
4 required by *Miranda v. Arizona*, 384 U.S. 436 (1966).

5 This motion is based upon the accompanying memorandum of points and authorities, the files
6 and records in this case, and any oral argument and evidence that the Court may allow.

7 Dated: February 24, 2017

Respectfully submitted,

8 JUDICIAL WATCH, INC.
9 LAW OFFICES OF ROBERT PATRICK STICHT

10
11 By: 
12 ROBERT PATRICK STICHT

13 Attorneys for Defendant
14 Robert L. Rosebrock
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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **I. BACKGROUND**

3 Mr. Rosebrock has been charged with taking photographs on Memorial Day, May 30, 2016,
4 within the Veterans Administration Facility located at 11301 Wilshire Boulevard in Los Angeles,
5 California (“VA Facility”) in violation of 38 C.F.R. § 1.218(a)(10), and on the same day “displaying
6 placards or posting materials” by affixing two small (4” x 6”) American Flags to the exterior fence of
7 the VA Facility without authorization in violation of 38 C.F.R. § 1.218(a)(9). See Exhibit A (United
8 States District Court Violation Notice, Number 4920201 and Number 4920202); see also Government
9 Trial Memorandum, filed November 30, 2016 at 2. Mr. Rosebrock has been further charged with
10 recording video on June 12, 2016, with a Sony camcorder within the VA in violation of 38 C.F.R. §
11 1.218(a)(10). See Exhibit B (United States District Court Violation Notice Number 6593951);
12 Government Trial Memo at 3.

13 On Memorial Day, May 30, 2016, Mr. Rosebrock was interrogated by Veterans Affairs (“VA”)
14 Officer Ralph Garcia. See Exhibit A (Statement of Probable Cause).

15 **II. ARGUMENT**

16 The Fifth Amendment guarantees that “[n]o person . . . shall be compelled in any criminal case
17 to be a witness against himself . . .” U.S. CONST. amend. V.

18 It is well-settled that prior to subjecting a person to custodial interrogation, officers must advise
19 that person that he has, among other rights, the right to remain silent, and that anything he says can be
20 used against him in a court of law. See *Miranda v. Arizona*, 384 U.S. 436, 478-79 (1966). “[U]nless and
21 until such warnings and waiver are demonstrated by the prosecution at trial, no evidence obtained as a
22 result of interrogation can be used against him.” *Id.*; see also *Withrow v. Williams*, 507 U.S. 680, 690
23 (1993) (*Miranda* requires prosecution to “demonstrate the warnings and waivers as threshold matters . . .
24 .”).

25 On May 30, 2016, Mr. Rosebrock was subjected to custodial interrogation without receiving the
26 required Miranda warnings. Custodial interrogation consists of “questioning initiated by law
27 enforcement officers after a person has been taken into custody or otherwise deprived of his freedom of
28 action in any significant way.” *Miranda*, 384 U.S. at 444. Interrogation is “express questioning” or any

1 activity by law enforcement officers “reasonably likely to elicit an incriminating response.” *Rhode*
2 *Island v. Innis*, 446 U.S. 291, 301 (1980). VA Police Officer Ralph Garcia’s sworn statement recites
3 that Mr. Rosebrock was “told to sit on the wall of the fence,” and that he was “not free to leave.” *See*
4 Exhibit A. Further, Officer Garcia “stepped in front of Rosebrock” to prevent him from leaving. *Id.*
5 Officer Garcia, who was armed and in full uniform, even threatened to take Mr. Rosebrock, a 74-year
6 old Army Veteran, “physically into custody,” place him “in handcuffs,” and criminally charge him with
7 “resisting and delaying [arrest] under California Penal Code 148,” a crime punishable by up to a year in
8 county jail (*see* Cal. Penal Code § 148(a)(1)). Officer Garcia further told him, “[y]ou will be booked
9 into Los Angeles County jail and you will face the local district attorney to answer for the charge.” *See*
10 Exhibit A. Officer Garcia then questioned Mr. Rosebrock about his photographs of a small (4” x 6”)
11 American Flag “affixed” to the VA fence and trash on the grounds of the VA property, such as “what he
12 was going to do with the photographs.” *Id.* Officer Garcia further questioned Mr. Rosebrock about the
13 small Flag, asking him, “[a]re these flags yours?”, “did you place them on the fence?”, “why did you put
14 the flags on the fence?”, and “you do understand they are not affixed to a proper pole . . . ?” *Id.* Clearly
15 all such questions were reasonably likely to elicit incriminating responses from Mr. Rosebrock.
16 However, officer Garcia never advised or warned him of his Fifth Amendment rights. Therefore, the
17 statements Mr. Rosebrock purportedly made on Memorial Day, May 30, 2016, and all fruits thereof
18 must be suppressed.

19 **III. CONCLUSION**

20 For the foregoing reasons, the Court should suppress Mr. Rosebrock’s statements to the VA
21 police on May 30, 2016.
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1 **CERTIFICATE OF SERVICE**

2 I, Robert Patrick Sticht, declare:

3 I am a citizen of the United States and resident or employed in the County of Los Angeles,
4 California. My business address is Law Offices of Robert Patrick Sticht, P.O. Box 49457, Los Angeles,
5 CA 90049. I am over the age of eighteen years. I am not a party to the above-entitled action.

6 I manually filed (or caused to be manually filed) the foregoing NOTICE OF MOTION AND
7 MOTION TO SUPPRESS STATEMENTS; MEMORANDUM OF POINTS AND AUTHORITIES
8 with the Clerk of the Court for the United States District Court for the Central District of California. I
9 caused a copy of the same document to be placed in a sealed envelope and served by U.S. Mail, postage
10 prepaid, in the ordinary course of business, and/or hand-delivered, upon the following persons:

11 Robert L. Rosebrock, 575 S. Barrington Ave., #410, Los Angeles, CA 90049;

12 Sharon McCaslin and Adam Schleifer, Assistant United States Attorneys, 1300 U.S. Courthouse,
13 312 North Spring Street, Los Angeles, CA 90012.

14 Executed on February 24, 2017 at Los Angeles, California.

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

16 
17 ROBERT PATRICK STICHT

United States District Court CVB Location Code CC 11
Violation Notice

Violation Number 4920201 Officer Name (Print) Ruberga Officer No. 4958

YOU ARE CHARGED WITH THE FOLLOWING VIOLATION

Date and Time of Offense (mm/dd/yyyy) 05/30/2016 Offense Charged 38 SER. 1.213(C)(10) USC State Code 4920201

Place of Offense WLA - GREAT LANN GATE
11301 WILSHIRE BLVD
LOS ANGELES, CA 90073

Offense Description: TAKING PHOTOGRAPHS WITHOUT PERMISSION

HAZMAT

DEFENDANT INFORMATION Phone: () - () - ()

Last Name ROSEBROCK First Name Robert M L

Street Address [REDACTED]

City Los Angeles State CA Zip Code 90049 Date of Birth (mm/dd/yyyy) [REDACTED]

Drivers License No. [REDACTED] CDL D.L. State CA Social Security No. [REDACTED]

Height 6-2 Weight 255

Sex Male Female Other 6-2 Eyes BRN Hair BRN CMV

VEHICLE VIN: [REDACTED]

Tag No. [REDACTED] State [REDACTED] Year [REDACTED] Make/Model PASS Color [REDACTED]

PAY THIS AMOUNT

A IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).

B IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).

Forfeiture Amount \$ 50 Processing Fee \$ 25 Total Collateral Due \$ 75

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address [REDACTED] Date (mm/dd/yyyy) [REDACTED] Time (hh:mm) [REDACTED]

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place indicated or pay the total collateral due.

X Defendant Signature REFUSAR/1232

10F2

STATEMENT OF PROBABLE CAUSE
 (For issuance of an arrest warrant or summons)

I state that on May 30, 2016 while exercising my duties as a law enforcement officer in the Central District of California
SEE ATTACHED

N/G
Trial
12/01/2016

CVB SCAN JUL 18, 2016 13:14

The foregoing statement is based upon:
 my personal observation my personal investigation
 information supplied to me from my fellow officer's observation
 other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 05/30/2016 Date (mm/dd/yyyy) [Signature] Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: _____ Date (mm/dd/yyyy) _____ U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle; CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

United States District Court Violation Notice # 4920201

Statement of Probable Cause

(For issuance of an arrest warrant or summons)

I state that on May 30, 2016 while exercising my duties as a law enforcement officer in the Central District of California

On May 30, 2016, at approximately 1210 hours, I, Ralph Garcia, was on duty and in full uniform assigned to bicycle patrol checking the Great Lawn gate and speaking with visitors and Veterans in the area. While checking the great lawn gate I observed Robert Rosebrock on the great lawn taking photographs. I pulled up next to Rosebrock who I believe didn't recognize me at the time. Rosebrock was taking photographs of flags which he later admitted to posting on the fence as well as the grounds of the property. It was at this time I verbally identified myself to Rosebrock as VA Police. Rosebrock was advised the taking of photographs on VA property without authorization for media use is not authorized. Based on Rosebrock's past articles, I know the photos would be used for media purposes (see attached article). Understanding this, I asked Rosebrock what he was going to do with the photographs. Rosebrock stated, "Put them on a website and plaster you guys all over the net with news stories on you. It's called freedom of the press!" I advised Rosebrock if he continued to take photographs he would be cited as he did not have authorization. Rosebrock began stating he intends to take photos for his media blog once again and stated his freedom of the press a second time. He further explained that he will continue to take photos and videos to destroy VA Officers and the VA on his media website. I explained to Rosebrock he would be cited if the photographs continue. Rosebrock put his camera away and was told to sit on the wall of the fence while I continued to investigate. Rosebrock stated, "The grass is a mess, there's trash everywhere and you have done nothing to keep it clean! How dare you let it look like this! You need to clean it up right now!" I explained to Rosebrock I was a Federal Law Enforcement Officer for the US Department of Veterans Affairs and as such my duties do not include doing EMS duties or grounds. I advised him I since it was brought to our attention I would call grounds. He became upset stating, "Why cant you do something now like stop harassing me and go pick up trash!" I explained that cleaning trash on the floor is not one of my job duties and again explained I would contact grounds after speaking with him. I explained another suggestion which was if he wanted to volunteer his time to clean it up the VA and the Veterans would be very appreciative of his efforts, but Rosebrock declined! I observed (2) US Flags affixed to the fence using plastic zip ties. I asked Rosebrock the following:

(Garcia) (Q) Are these flags yours?

(Rosebrock) (A) Yes!

(Garcia) (Q) Did you place them on the fence?

(Rosebrock) (A) Yes I did about 20 minutes ago, I am not dealing with you, you have it out for me, you always have! Just like thanksgiving your McDonalds protégé! I'm leaving you can't stop me!

I advised Rosebrock he was not free to leave and was currently detained for unauthorized photography as well as displaying items on the fence. Rosebrock stated again he was leaving. I stepped in front of Rosebrock and stated, "Sir, if you attempt to walk away I will take you physically into custody, place you in handcuffs, and charge you with resisting and delaying under California Penal Code 148. You will be booked into Los Angeles County Jail and you will face the local district attorney to answer for the charge. The choice is now yours to make. I have explained the circumstances your facing and the consequence for your actions. Cooperate and stay as told or be arrested." Rosebrock stated, "Fine, I will stay!" Rosebrock sat on the wall while I asked additional questions:

(Garcia) (Q) Why did you put the flags on the fence?

(Rosebrock) (A) Because I can and I am doing this to force you guys to cite me.

(Garcia) (Q) Why are you doing that?

(Rosebrock) (A) Because you guys are jerks, you harassed me yesterday and you're harassing me today! You lost in court. They threw out all your citations because they see this as harassment. So I will keep posting flags on the fence regardless of whatever you guys say because I don't care. So arrest me for it.

(Garcia) (Q) The president ordered flags to be at half-staff, I noticed neither of those are at half-staff first and second you do understand they are not affixed to a proper pole to be flown in that manner? So now you are not flying flags correctly, not at half-staff, and you don't have permission to affix them on the fence in that manner.

(Rosebrock) (A) Well I am not taking them down you can cite me.

I asked Rosebrock to hand me his license. After receiving the license, Sgt. Joel Henderson arrived on scene. Rosebrock took out his camera and stated, "I am taking a picture of this!" I again instructed Rosebrock if he took a photograph he would be cited for the offense. Rosebrock stated, "Go ahead! They will drop it because they don't have time to deal with me!" Rosebrock began taking photographs. I advised Rosebrock he would now be receiving a citation for unauthorized photography and if he continued, his camera would be confiscated for use as evidence in court. Rosebrock began stating he was only planning on taking pictures of trash on VA property and was outraged that there was trash on the ground. I explained to Rosebrock he was going to receive a citation for 38 CFR 1.218(A) (9) Displaying Placards or posting Materials on Property Without Authorization and an additional citation for 38 CFR 1.218(A) (10) taking photographs without permission. Sergeant Henderson removed the flags and I confiscated them. I then issued Rosebrock a United States District Court Violation Notice (#4920202) for a violation of 38 CFR 1.218 (A) (9) displaying placards, materials, on bulletin boards or elsewhere, except as authorized and (#4920201) for violating 38 CFR 1.218(A) (10) taking photographs without permission. Rosebrock refused to sign the citation's but was handed both copies stating his refusal and the time he refused each. Rosebrock was then ordered to depart since he had no official business other than impeding officers by violating the law. I departed the area. I booked the two flags and 3 plastic zip ties into evidence. An evidence form 3524 was completed along with form 3524(s) Tag #1. Lt. Arreygoe and I booked it into temporary evidence locker #17, with no further incident. Case closed.

The foregoing statement is based upon:

- my personal observation
my personal investigation
information supplied to me from my fellow officer's observation
other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 05/30/2016
Date (mm/dd/yyyy)

Officer's Signature

Probable Cause has been stated for the issuance of a warrant.

Executed on:
Date (mm/dd/yyyy)

U.S. Magistrate Judge

United States District Court Violation Notice # 4920201
Statement of Probable Cause
(For issuance of an arrest warrant or summons)

I state that on May 30, 2016 while exercising my duties as a law enforcement officer in the Central District of California

On May 30, 2016, at approximately 1210 hours, I, Ralph Garcia, was on duty and in full uniform assigned to bicycle patrol checking the Great Lawn gate and speaking with visitors and Veterans in the area. While checking the great lawn gate I observed Robert Rosebrock on the great lawn taking photographs. I pulled up next to Rosebrock who I believe didn't recognize me at the time. Rosebrock was taking photographs of flags which he later admitted to posting on fence as well as the grounds of the property. It was at this time I verbally identified myself to Rosebrock as VA Police. Rosebrock was advised the taking of photographs on VA property without authorization for media use is not authorized. Based on Rosebrock's past articles, I know the photos would be used for media purposes (see attached article). Understanding this, I asked Rosebrock what he was going to do with the photographs. Rosebrock stated, "Put them on a website and plaster you guys all over the net with news stories on you. It's called freedom of the press!" I advised Rosebrock if he continued to take photographs he would be cited as he did not have authorization. Rosebrock began stating he intends to take photos for his media blog once again and stated its [sic] freedom of the press a second time. He further explained that he will continue to take photos and videos to destroy VA Officers and the VA on his media website. I explained to Rosebrock he would be cited if the photographs continue. Rosebrock put his camera away and was told to sit on the wall of the fence while I continue to investigate. Rosebrock stated, "The grass is a mess, there's trash everywhere and you have done nothing to keep it clean! How dare you let it look like this! You need to clean it up right now!" I explained to Rosebrock I was a Federal Law Enforcement Officer for the US Department of Veterans Affairs and as such my duties do not include doing EMS duties or grounds. I advised him since it was brought to our attention I would call grounds. He became upset stating, "Why cant [sic] you do something now like stop harassing me and go pick up trash!" I explained that cleaning trash on the floor is not one of my duties and again explained I would contact grounds after speaking with him. I explained another suggestion which was if he wanted to volunteer his time to clean it up the VA and the Veterans would be very appreciative of his efforts, but Rosebrock declined! I observed (2) US flags affixed to the fence using plastic zip ties. I asked Rosebrock the following:

(Garcia) (Q) Are these flags yours?

(Rosebrock) (A) Yes!

(Garcia) (Q) Did you place them on the fence?

(Rosebrock) (A) Yes I did about 20 minutes ago. I am not dealing with you, you have it out for me, you always have! Just like thanksgiving your McDonalds protege. I'm leaving you can't stop me!

I advised Rosebrock he was not free to leave and was currently detained for unauthorized photography as well as displaying items on the fence. Rosebrock stated again he was leaving. I stepped in front of Rosebrock and stated, "Sir, if you attempt to walk away I will take you physically into custody, place you in handcuffs, and charge you with resisting and delaying under California Penal Code 148. You will be booked into Los Angeles County Jail and you will face the local district attorney to answer for the charge. The choice is now yours to make. I have explained the circumstances your [sic] facing and the consequence for your actions. Cooperate and stay as told or be arrested." Rosebrock stated, "Fine, I will stay!" Rosebrock sat on the wall while I asked additional questions;

(Garcia) (Q) Why did you put the flags on the fence?

(Rosebrock) (A) Because I can and I am doing this to force you guys to cite me.

(Garcia) (Q) Why are you doing that?

(Rosebrock) (A) Because you guys are jerks, you harassed me yesterday and you're harassing me today!

You lost in court. They threw out all your citations because they see this as harassment. So I will keep posting flags on the fence regardless of whatever you guys say because I don't care. So arrest me for it. (Garcia) (Q) The president ordered flags to be at half staff, I noticed neither of those are at half-staff first and second you do understand they are not affixed to a proper pole to be flown in that manner? So now you are not flying flags correctly, not at half-staff, and you don't have permission to affix them on the fence in that manner.

(Rosebrock) (A) Well I am not taking them down you can cite me.

I asked Rosebrock to hand me his license. After receiving the license, Sgt. Joel Henderson arrived on scene. Rosebrock took out his camera and stated, "I am taking a picture of this!" I again instructed Rosebrock if he took a photograph he would be cited for the offense. Rosebrock stated, "Go ahead! They will drop it because they don't have time to deal with me!" Rosebrock began taking photographs. I advised Rosebrock he would now be receiving a citation for unauthorized photography and if he continued, his camera would be confiscated and used as evidence in court. Rosebrock began stating he was only planning on taking pictures of trash on VA property and was outraged that there was trash on the ground. I explained to Rosebrock he was going to receive a citation for 38 CFR 1.218(A)(9) Displaying Placards or posting Materials on Property Without Authorization and an additional citation for 38 CFR 1.218(A)(10) taking photographs without permission. Sergeant Henderson removed the flags and I confiscated them. I then issued Rosebrock a United States District Court Violation Notice (#4920202) for a violation of 38 CFR 1.218(A)(9) displaying placards, materials, on bulletin boards or elsewhere, except as authorized and (#4920201) for violating 38 CFR 1.218(A)(10) taking photographs without permission. Rosebrock refused to sign the citation's [sic] but was handed both copies stating his refusal and the time he refused each. Rosebrock was then ordered to depart since he had no official business other than impeding officers by violating the law. I departed the area. I booked the two flags and 3 plastic zip ties into evidence. An evidence form 3524 was completed along with form 3524(a) Tag #1. Lt. Arreygue and I booked it into temporary evidence locker #17 with no further incident. Case closed.

The foregoing statement is based upon:

my personal observation

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 05/30/2016 /s/ Ralph Garcia
Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: _____
Date (mm/dd/yyyy) U.S. Magistrate Judge

United States District Court
Violation Notice

CVB Location Code
CC11

Violation Number: 4920202
 Officer Name (Print): R. Garcia
 Officer No.: 9858
 YOU ARE CHARGED WITH THE FOLLOWING VIOLATION
 Date and Time of Offense (mm/dd/yyyy): 05/30/2016
 Offense Charged: 38 CER. I. 218(A) 9
 Place of Offense: WILSHIRE BLVD
 11301 WILSHIRE BLVD
 LOS ANGELES, CA 90073
 Offense Description: Facial Basis for Charge
 HAZMAT

Displaying
Materials.
Placards or Postings

DEFENDANT INFORMATION Phone: ()
 Last Name: ROSEBROCKS
 First Name: ROBERT
 M.I.: L
 City: Los Angeles
 State: CA
 Zip Code: 90049
 Date of Birth (mm/dd/yyyy):
 Drivers License No.:
 D.L. State: CA
 Social Security No.:
 Height: 6-2
 Weight: 135
 Eyes: BRN
 Hair: BRN
 Sex: Male Female
 Adult Juvenile
 VEHICLE VIN:
 Year:
 Make/Model:
 Color:
 State:
 PASS
 CMV

IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).
 IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).
 \$ 50 Forfeiture Amount
 + \$25 Processing Fee
 \$ 75 Total Collateral Due
 PAY THIS AMOUNT →
 YOUR COURT DATE
 (If no court appearance data is shown, you will be notified of your appearance date by mail.)
 Court Address:
 Date (mm/dd/yyyy):
 Time (hh:mm):

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place indicated or pay the total collateral due.
 Defendant Signature: REFUSED/1732

2 OF 2

STATEMENT OF PROBABLE CAUSE
(For issuance of an arrest warrant or summons)

I state that on MAY 30, 2016 while exercising my duties as a law enforcement officer in the CENTRAL District of CALIFORNIA.
 SEE ATTACHED

N/G
 Trial
 12/01/2016

The foregoing statement is based upon:
 my personal observation my personal investigation
 information supplied to me from my fellow officer's observation
 other (explain above)
 I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.
 Executed on: 05/30/2016 Date (mm/dd/yyyy)
[Signature] Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: _____ Date (mm/dd/yyyy) U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle;
 CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

CVB SCAN JUL 18, 2016 13:14

United States District Court Violation Notice # 4920202
Statement of Probable Cause

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(Rosebrock) (A) Because I can and I am doing this to force you guys to cite me.

(Garcia) (Q) Why are you doing that?

(Rosebrock) (A) Because you guys are jerks, you harassed me yesterday and you're harassing me today! You lost in court. They threw out all your citations because they see this as harassment. So I will keep posting flags on the fence regardless of whatever you guys say because I don't care. So arrest me for it.

(Garcia) (Q) The president ordered flags to be at half-staff, I noticed neither of those are at half-staff first and second you do understand they are not affixed to a proper pole to be flown in that manner? So now you are not flying flags correctly, not at half-staff, and you don't have permission to affix them on the fence in that manner.

(Rosebrock) (A) Well I am not taking them down you can cite me.

I asked Rosebrock to hand me his license. After receiving the license, Sgt. Joel Henderson arrived on scene. Rosebrock took out his camera and stated, "I am taking a picture of this!" I again instructed Rosebrock if he took a photograph he would be cited for the offense. Rosebrock stated, "Go ahead! They will drop it because they don't have time to deal with me!" Rosebrock began taking photographs. I advised Rosebrock he would now be receiving a citation for unauthorized photography and if he continued, his camera would be confiscated for use as evidence in court. Rosebrock began stating he was only planning on taking pictures of trash on VA property and was outraged that there was trash on the ground. I explained to Rosebrock he was going to receive a citation for 38 CFR 1.218(A) (9) Displaying Placards or posting Materials on Property Without Authorization and an additional citation for 38 CFR 1.218(A) (10) taking photographs without permission. Sergeant Henderson removed the flags and I confiscated them. I then issued Rosebrock a United States District Court Violation Notice (#4920202) for a violation of 38 CFR 1.218 (A) (9) displaying placards, materials, on bulletin boards or elsewhere, except as authorized and (#4920201) for violating 38 CFR 1.218(A) (10) taking photographs without permission. Rosebrock refused to sign the citation's but was handed both copies stating his refusal and the time he refused each. Rosebrock was then ordered to depart since he had no official business other than impeding officers by violating the law. I booked the two flags and 3 plastic zip ties into evidence. An evidence form 3524 was completed along with form 3524(a) Tag #1. Lt. Arreygus and I booked it into temporary evidence locker #7, with no further incident. Case closed.

The foregoing statement is based upon:

- my personal observation my personal investigation
 information supplied to me from my fellow officer's observation
 other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 05/30/2016

Date (mm/dd/yyyy)

[Signature]
Officer's Signature

Probable Cause has been stated for the issuance of a warrant.

Executed on: _____

Date (mm/dd/yyyy)

U.S. Magistrate Judge

United States District Court Violation Notice # 4920202
Statement of Probable Cause
(For issuance of an arrest warrant or summons)

I state that on May 30, 2016 while exercising my duties as a law enforcement officer in the Central District of California

On May 30, 2016, at approximately 1210 hours, I, Ralph Garcia, was on duty and in full uniform assigned to bicycle patrol checking the Great Lawn gate and speaking with visitors and Veterans in the area. While checking the great lawn gate I observed Robert Rosebrock on the great lawn taking photographs. I pulled up next to Rosebrock who I believe didn't recognize me at the time. Rosebrock was taking photographs of flags which he later admitted to posting on fence as well as the grounds of the property. It was at this time I verbally identified myself to Rosebrock as VA Police. Rosebrock was advised the taking of photographs on VA property without authorization for media use is not authorized. Based on Rosebrock's past articles, I know the photos would be used for media purposes (see attached article). Understanding this, I asked Rosebrock what he was going to do with the photographs. Rosebrock stated, "Put them on a website and plaster you guys all over the net with news stories on you. It's called freedom of the press!" I advised Rosebrock if he continued to take photographs he would be cited as he did not have authorization. Rosebrock began stating he intends to take photos for his media blog once again and stated its [sic] freedom of the press a second time. He further explained that he will continue to take photos and videos to destroy VA Officers and the VA on his media website. I explained to Rosebrock he would be cited if the photographs continue. Rosebrock put his camera away and was told to sit on the wall of the fence while I continue to investigate. Rosebrock stated, "The grass is a mess, there's trash everywhere and you have done nothing to keep it clean! How dare you let it look like this! You need to clean it up right now!" I explained to Rosebrock I was a Federal Law Enforcement Officer for the US Department of Veterans Affairs and as such my duties do not include doing EMS duties or grounds. I advised him since it was brought to our attention I would call grounds. He became upset stating, "Why cant [sic] you do something now like stop harassing me and go pick up trash!" I explained that cleaning trash on the floor is not one of my duties and again explained I would contact grounds after speaking with him. I explained another suggestion which was if he wanted to volunteer his time to clean it up the VA and the Veterans would be very appreciative of his efforts, but Rosebrock declined! I observed (2) US flags affixed to the fence using plastic zip ties. I asked Rosebrock the following:

(Garcia) (Q) Are these flags yours?

(Rosebrock) (A) Yes!

(Garcia) (Q) Did you place them on the fence?

(Rosebrock) (A) Yes I did about 20 minutes ago. I am not dealing with you, you have it out for me, you always have! Just like thanksgiving your McDonalds protege. I'm leaving you can't stop me!

I advised Rosebrock he was not free to leave and was currently detained for unauthorized photography as well as displaying items on the fence. Rosebrock stated again he was leaving. I stepped in front of Rosebrock and stated, "Sir, if you attempt to walk away I will take you physically into custody, place you in handcuffs, and charge you with resisting and delaying under California Penal Code 148. You will be booked into Los Angeles County Jail and you will face the local district attorney to answer for the charge. The choice is now yours to make. I have explained the circumstances your [sic] facing and the consequence for your actions. Cooperate and stay as told or be arrested." Rosebrock stated, "Fine, I will stay!" Rosebrock sat on the wall while I asked additional questions;

(Garcia) (Q) Why did you put the flags on the fence?

(Rosebrock) (A) Because I can and I am doing this to force you guys to cite me.

(Garcia) (Q) Why are you doing that?

(Rosebrock) (A) Because you guys are jerks, you harassed me yesterday and you're harassing me today!

You lost in court. They threw out all your citations because they see this as harassment. So I will keep posting flags on the fence regardless of whatever you guys say because I don't care. So arrest me for it. (Garcia) (Q) The president ordered flags to be at half staff, I noticed neither of those are at half-staff first and second you do understand they are not affixed to a proper pole to be flown in that manner? So now you are not flying flags correctly, not at half-staff, and you don't have permission to affix them on the fence in that manner.

(Rosebrock) (A) Well I am not taking them down you can cite me.

I asked Rosebrock to hand me his license. After receiving the license, Sgt. Joel Henderson arrived on scene. Rosebrock took out his camera and stated, "I am taking a picture of this!" I again instructed Rosebrock if he took a photograph he would be cited for the offense. Rosebrock stated, "Go ahead! They will drop it because they don't have time to deal with me!" Rosebrock began taking photographs. I advised Rosebrock he would now be receiving a citation for unauthorized photography and if he continued, his camera would be confiscated and used as evidence in court. Rosebrock began stating he was only planning on taking pictures of trash on VA property and was outraged that there was trash on the ground. I explained to Rosebrock he was going to receive a citation for 38 CFR 1.218(A)(9) Displaying Placards or posting Materials on Property Without Authorization and an additional citation for 38 CFR 1.218(A)(10) taking photographs without permission. Sergeant Henderson removed the flags and I confiscated them. I then issued Rosebrock a United States District Court Violation Notice (#4920202) for a violation of 38 CFR 1.218(A)(9) displaying placards, materials, on bulletin boards or elsewhere, except as authorized and (#4920201) for violating 38 CFR 1.218(A)(10) taking photographs without permission. Rosebrock refused to sign the citation's [sic] but was handed both copies stating his refusal and the time he refused each. Rosebrock was then ordered to depart since he had no official business other than impeding officers by violating the law. I departed the area. I booked the two flags and 3 plastic zip ties into evidence. An evidence form 3524 was completed along with form 3524(a) Tag #1. Lt. Arreygue and I booked it into temporary evidence locker #17 with no further incident. Case closed.

The foregoing statement is based upon:

my personal observation

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 05/30/2016 /s/ Ralph Garcia
Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: _____
Date (mm/dd/yyyy) U.S. Magistrate Judge

United States District Court
 Violation Notice

CVB Location Code: CC-11
 Violator Number: 6593951
 Officer Name (PHN): STEPH BARZD/40
 Officer No.: 6599

YOU ARE CHARGED WITH THE FOLLOWING VIOLATION
 Date and Type of Offense (mm/dd/yyyy): 06/12/2016
 Offense Charged: SR. CPTZ 1.215A.10
 Piece of Offense: 1
 6599

Offense Description: Factual Basis for Charge
 W/LA, VET'S PAWS FRANKLIN
 HAZMAT 0

TAKEEN BY VIDEO RECORDING
 PHOTOGRAPHS WITH OUT PERMISSION

DEFENDANT INFORMATION
 Last Name: ROSE, RAY
 First Name: ROBERT
 MI: 1

City: LOS ANGELES
 State: CA
 Zip Code: 90049
 Date of Birth (mm/dd/yyyy): [REDACTED]

Driver's License No.: [REDACTED]
 CDL: CA
 Social Security No.: [REDACTED]

Vehicle: [REDACTED]
 VIN: [REDACTED]
 Tag No.: [REDACTED]

A IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).
 B IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).
 PAY THIS AMOUNT: \$ 50
 YOUR COURT DATE: 08
 Total Collateral Due: \$ 80

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.
 Defendant Signature: REFUSED TO SIGN

STATEMENT OF PROBABLE CAUSE
 (For issuance of an arrest warrant or summons)

I state that on June 12, 2016 while exercising my duties as a law enforcement officer in the Central District of California with the Fullerton Police Department of VA Property I observed Robert Rosebride video recording VA Property and VA Police officers with their permission or authority.

N/E
 That
 12 01 2016

The foregoing statement is based upon:
 my personal observation
 my personal investigation
 information supplied to me from my fellow officer's observation
 other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the back of this violation notice is true and correct to the best of my knowledge.
 Executed on: 06/12/16
 Date (mm/dd/yyyy): 06/12/16
 Officer's Signature: [Signature]

Probable cause has been stated for the issuance of a warrant.
 Executed on: [REDACTED]
 Date (mm/dd/yyyy): [REDACTED]
 U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS 9 or more passenger vehicle; CO = Commercial driver's license; CMV = Commercial vehicle involved in incident