

Revised: December 20, 2009

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July 20, 1962 Date of Birthday

Attorney One: Hired only to sign bail, Kariuki (filing complaint to Kenya Government)

Attorney Two: Hired to try case and won (personal complaint he never got the police reports and his belief that I should be quit and have mannerism just like him). He had no interest in getting justice, which I found strange and I did tell him no bribes, however people say now my case went quickly so I really don't know. Asige

Attorney Three: Did nothing. Wetangula

Attorney Four: Hopefully gets justice

Judge – I would like to file complaint; however I am still not sure how to do this Attorney three told me I couldn't.

**Action Items: Obtain the police reports (I believe they are destroyed), can I write a complaint against the Judge, filing the case to Kenya High Court (can the case be tried in Nairobi), and lastly get the typed (I have the hand written ones) transcripts from Kwale (I paid 600 for the typed).**

**Personal:** Mention this section only because of strange things that occurred during court and my stay in Diani.

I currently do not work and have never been an employee of any government in the world, nor do I have immunity. I am an American, and that is the only passport I have ever had issued to me. I am single never married, and I am heterosexual. I have had sex once in the last three years (last time was Dec. 2006 and most recent in May 2009). I do not take or sell illegal drugs, currently I am taking Advil which is an ibuprofen and last week I took some antibiotics because I had spider or bug bites that were bad and hadn't healed. I have never sold or bought sex or drugs and I have never had any hospital stays outside of my many orthopedic leg surgeries (left knee, right tibia and right foot). Overall I have been healthy I have been having back problems which started when I was in Kenya after the arrest, but other than that I am ok except for stress. Lastly, I have never had any psychological problems or issues. Again I mention these things only because of some strange comments made by my attorney and throughout my stay in Kenya. I should also add that one report I quickly saw mentioned alcohol, this was a lie, I drink beer in the evening usually one or two since I usually had traveled long distance. I was not drinking and I am not an alcoholic, fact. I am also not wanted by the police nor have a police record, fact. One more item I am not a terrorist or associated with any political or another group, I am actually by myself and an outsider to the political, humanitarian, media and advocacy world.

### **History:**

Relocated to South Africa from San Francisco California – May 2003

Attended Wits University: 2007-2009 Masters in Development, I finished my research on Sept 6, 2008

Left South Africa on March 31, 2009 in search of development opportunities and the intent of finding a new African home. The following countries were visited from March 31, 2009 up till the date of incident (October 7, 2009).

Botswana (37) days  
Zambia (64) days  
Malawi (8) days  
Tanzania (17) days  
Uganda (14) days  
Rwanda (9) days  
Kenya (40) days

July 30, 2009 – August 6, 2009 (8 days)  
Bush Camp (Kajrado) 2 nights  
Eagles Rest (Navisha) 2 nights  
Kisumu Beach Resort (Kisumu) 2 nights  
Kenya Military (Busia) 2 nights  
Mr. Mariba Albanus  
Mr. Martin Njagi

September 5, 2009 – October 7, 2009 (32) days

Kenya Wildlife Services (Masai Mara) 3 nights

Theft: During the second day my tent was broken into by animals. My tent contained no food; furthermore I did not prepare any food the evening before or the morning of the break-in. The tent contained, a sleeping bag, a mat, two pillows and four sets of clothes (1 pair of dirty shorts with a tan/beige crocodile belt attached, one set of dirty pajama's, one clean green long skirt, one clean African skirt). Upon returning to the camp site at 3 pm the tent was torn open through the mesh entrance, the sleeping bag and mat were found outside the tent; inside the animal had left waste and dirtied the pillows. Missing from the tent was the African skirt and the dirty shorts were left; however, the crocodile belt that was attached to the shorts belt loops was gone.

I reported the animal break in and my concern with the two open trash pits. I strongly believed the animals entered the campsite due to the excessive waste in the pits, which had also been spread across the camp site. It is of my opinion that my concern was not investigated because the campsite remained in this condition till I left. Due to the security concerns of having an open tent and uncovered trash pits I chose to sleep across the front seat of my vehicle.

Kimana (Masai Mara) 1 night  
Crayfish (Naviaha) 3 nights  
Upperhill Camp Site (Nairobi) 4 nights (Car repairs)  
Mt Kenya Leisure Lodge (Naro Moro) 4 nights  
Catholic Church (Laisamis) 3 nights (Car problems)  
Sports Club (Nanyuki) 1 night (Car problems)

Ibis Hotel (Nanyuki) 4 nights (Car problems)  
Oreti Estate (Thika) 1 night  
Red Sands (Garissa) 1 night  
Kenya Dadbab Police – Francis Mweu Captain: guest (Dadbab) 1 night  
Government Guest House (Garissa) 2 nights  
Oasis Village (Malindi) 2 nights  
Paradise Beach Hotel (Kikambala / Mombasa) 1 night  
Diani Campsite (Diani) 1 night

#### Car Issues:

September 14, 2009 – I was having problems with the left rear shock absorber, after 20,000 km the repair shop in Mwanzi Tanzania had recommended that the shock be replaced; however they thought it was fine till Nairobi. Thus, they welded the cover to the shock which had broken. Upon leaving the Masai Mara the shock cover broke again. I tried to get it fixed in Navisha; however I was not satisfied with the skills of the workers, so I went to Nairobi.

In Nairobi I first went to a large repair shop that was rumored to be expensive, upon getting there all the men were standing around, when I started to talk about the shock absorbers they kept discussing the whole car and not listening to my problem. No one was listening to anything I said so I yelled and left. I went across the street to a large used car place and asked the women if they had a repair shop, she directed me to the repair shop in the back called Motorsland. They said the vehicle needed spacers because indirectly the shocks were not doing anything because of the vehicles weight. We discussed getting Toyota parts or new no name brand type parts, I said I didn't care about the cost it was the quality if they were as good as Toyota then fine but they had to be new. I left the shop and went to have coffee and lunch. Upon returning the vehicle was finished and I paid the 14,000. The exhaust was having problems and they gave me the name and address of a repair shop in downtown Nairobi. I also mentioned the battery was having problems since the connection was removed in Rwanda, they checked it and said it was fine.

In all likelihood the shocks I have now in the car (showing the officers) are the same original parts that were on the car the day it was brought into Motorsland, they were painted and re-welded. Furthermore the welding marks from Tanzania and my screwdriver marks which were made when trying to put tape on the shock covers to stop the rattle should be enough proof. I believe the spacers were the reason the car broke down in the end.

September 15, 2009 – I went to the repair place recommended by Motorsland and they fixed the exhaust, furthermore they were a battery store. The vehicle was lifted and I should have asked them to verify the shocks but I did not; however, a man from the repair place at Motorsland did come into the store while I was there. The cost for new exhaust pipe was 1,500.

September 19, 2009 – My car was parked at Mt Kenya Leisure Resort and it would not start, an employee was paid to take the battery to a charging station, this worked.

September 21, 2009 – On my way to Dadbab through Wajir I asked a women police officer in Isiolo which road I should take to Wajir, she directed me north. (which was wrong). I then asked 20 other people and they all said the same, continue straight. Upon reaching a road construction site I again asked and the people said yes continue straight, something told me

this was wrong, so I went into the site and after consultation with four guys one of them told me indeed this was the wrong way. I was furious for I was about 1 ½ hours north of the turn off, at this time I yelled and said I would just continue north.

About 35 minutes later the car broke down, I first heard the shock cover noise again and started crying, and then I smelt burning and heard a noise. The upper tire frame had bent and the tire was rubbing against the protective cover, I changed the tire three times thinking it was the tire; however, after evaluation I saw the inner tire frame was bent. I continued on to Laisamis where in the dark the tire had completely burnt through the inside, a large group of men came. Two groups of men in cars came and would not help including one that had the pastor in it (the young kids told me this); they only would help for money. It needs to be said the car was broken down at the bottom of the drive way to the church hospital, in the end I should have just driven up that short road and left the car there till the morning for security; however, no one gave any guidance and it was dark. Thus the young men showed me the other church entrance (the church and school). I knew it was too far to drive even though they wanted me to just drive, I knew I would ruin the frame, thus in the dark some young men helped me.

During this time two old men which were drunk or high on pot came and started interfering, I yelled at them to leave me alone, they in the end wanted me to pay them money for one man picked up my damage tire and put it on the spare nuts, I told him to stop, but he wouldn't. When I tried to start my car, the battery was dead again, thus the young adults helped to push, once again the old men said I owed them money, I told them, I did not ask for any help and to leave me alone.. The kids I gave a soccer ball avocados and a bunch of bananas. The old men I told them they were drunks and I never asked for their help and to get loss, they were getting nothing. I was furious that all anyone was interested in was money; the kids protected me and said some of these guys were thieves, who knows but we changed the tire and I drove to the church where I sleep till the next day.

The church has a repair shop and they fixed the frame for 1700. I drove 13 km and the car frame broke again, thus they came out to where I was and repaired the frame for I could not drive the car, otherwise I would destroy the tire for I no longer had a spare. Back at the church they said the shocks are gone, so the solution was to have the Bishop (I think) bring up the parts when he came up the next day. The mechanics also asked for money for lunch which I wasn't happy doing, thus I gave them 500. They also told me that the Priest took the other money from the morning and they didn't get any, I said this is not my problem, I gave 2200 and nothing had been fixed and they should have told me the shocks were the cause in the morning, before I drove 13 km and had the same thing happen again. For if the same thing happened again then the cause of the problem was the shocks.

During the day the government and police both stopped in numerous times and did not offer and guidance or help, except one had a friend that could for 50,000 put the car in a lorry. The kids that I gave the soccer ball also came and asked for another ball, because they had put too much air in it and blew it up, I said no this was a waste of money and they need to learn to care for gifts, furthermore I had no more soccer balls.

The next morning the Priest tells me that the bishop wasn't able to get them and I yelled at the Priest, for I was sick of this whole thing of no one wanting to help, furthermore police and government officials kept stopping for repairs but no one offered to help me, they just sat and talk with the Priest and had tea and soda. Furthermore I never saw them pay for anything.

After yelling at the Priest I went to the sister and told her I was leaving and would come back the next day. I went to the bus stop and some women said just sit inside, for it was very hot outside, the truck came after about 1 hour and the man said I could not come because I was a white person (musugo). No one did anything, everyone else got on the vehicle and I was left. A military guy just sat there and did nothing, so I started yelling and citing what was wrong with this, people just sat there doing nothing, no one wanting to help and then I said why do American's waste money on Africa when the money doesn't go to children and you won't help. Finally someone said we will help you get a ride and I went back to where the women sat. One man came in and said he would help me and 45 minutes later a humanitarian or government vehicle came and I road with them and gave them 450 for the ride to Isiolo. I then paid 200 for a taxi to Nanyuki.

The guy at Nanyuki Toyota told me they had the parts and the church had called but they didn't get them, why I do not know. I bought shock absorbers and a tire since I had no spare, 32,000. The guys recommended a place to stay for the night and the next morning I got the tire and shocks and caught a matatu to Isiolo. Interestingly the taxi was stopped and we had to change because the driver had something wrong. Before getting in the matatu the guy who dropped me off from the repair shop told them I needed to be dropped off at the police stop so I could catch a ride to Laisamis. Thus when we got to Isiolo the new driver didn't do this for me, so I had to carry the tire and shocks from downtown to the police stop, again no one would help unless I paid again, with the exception of a motorcycle - which would of been unsafe for the tire was heavy.

I sat for over 6 hours with the police. The captain of police came after I yelled and I told them why I was angry for I yelled at them for not caring about the directions they gave, furthermore it was not my accent I had a Kenya school map to ask for directions. Finally a World vision truck said they would give me a ride, they asked for no money and dropped me off in Laisamis. The priest was not there and one of the medical sisters took me to my room.

September 23, 2009 The next morning the guys fixed the shocks for 3500. After the guys left I couldn't start the vehicle and the battery was dead again, the girls helped push it to the main road but it didn't start. Once again the repairs were not complete I was stuck in the middle of the road, with one tire low and a dead battery, the kids tried to help me and only one guy of the three who repaired the car came to help me. He also said he told the guys that they should have checked it out before leaving for they knew I had a battery problem. One guy got a truck to stop and put air in the tire and the other guys pushed and got the vehicle started. I had decided to go back to Nanyuki to get the vehicle service even though others said just go north. Hard to believe but 80km later the car dies and the shocks were also leaking. A UNICEF and Safari truck stopped to help; the issue was there was no fluid in the battery and the Safari truck towed me for about 50km. We bought battery fluid, got a jump start and I yelled at a man who wouldn't leave me alone when I asked him nicely to please just let me be, he was saying he knew me and something about attending an alcohol rehab program. I had no idea what he was talking about or who he was talking about but he was drunk or high and it was not me. I left and got to Nanyuki that night. I paid the guy 1000 for towing and gave 200 for the jump start.

September 25-28 Toyota Nanyuki was nice to me and I thought they did a good job on repairing the vehicle for it has worked, whether the cost was appropriate I don't know, I stayed four days and the repairs cost 85,000. They also thought the shocks were not new

which started this whole thing. In the end they wanted to keep the spacers but they removed them and put new springs in, which appears to have been the issue.

October 2, 2009 – muffler or silencer fell off when coming back from Dadbab, the vehicle behind saw it but no one told me and when I finally heard the noise it was too late to go back. The UN convoy I got slotted into when driving back said they would radio someone to pick it up and to go to the police station. The police station was not helpful, unlike the police officers in the convey – they were nice and had helped. The police station gave me a name of a place to get a new muffler, which cost 6000.

That is the story of my car, which in the end frustrated me because of the cost and the lack of concern in solving the problems. Nanyuki Toyota did seem to care. The materials and labor were 150,000 and all the extra lodging adds up to 215,000 approx.

Edited Document 10/21/2009 should of noted that this was 165,000 not 215,000. 150,000 repairs and labor plus about 15,000 in expenses (lodging, food, gas).

## **The Arrest**

October 7, 2009

I had coffee at the Diani Campsite, I left approximately at 8:00, from there I went to Nakumatt however; the store was not open. I had a conversation with the security guard regarding what time the store might open he stated he did not know. Remembering there was another small supermarket, I went back to Diani beach road. The supermarket was open, however it did not have anything I wanted but I did buy the newspapers. Waiting for the Nakumatt to open I went to the Italian restaurant to use the toilet, then I saw they made fresh bread, and asked if they had any ready to be served. They told me they did, thus I ordered coffee and toast. I read the paper and waited some time for the toast. When the toast came it was barely toasted and the toast was cold, thus the butter did not melt. I paid my bill while only eating one half a slice of cold bread.

I stopped at the Nakumatt again and asked if the store was now open and the guard informed me that actually the store was still under construction, thus in an angry voice I questioned why in the world didn't he tell me this in the first time when I had inquired about what time the store would open. He just said he didn't know and I stated how does one not know a store is still under construction when one is a security guard, and this was a waste of my time and stupid.

The road to the border was uneventful, however; I did pass two road blocks and at both times I did not know if they wanted me to pull over for they stood on the inside of the road with their clipboards half way down to their waist, where typically the officer steps up to the road or is in the middle directing with a high hand to pull over. I only mention this because when I was in police custody, the officer who was driving my car (Oct 8) was directed by a police officer to pull over, when this happened the officer stated that he had seen me the other day and said I hadn't pulled over, I told him he was not clear on his orders and needed to have clearer signals. (Truth I always pull over when told and sometimes even when I am unclear, this time they were so casual and on the side of the road I did not think they wanted me to).

I arrived at the border approximately 10:15, I parked at the furthest point away from the Tanzania and Kenya borders, a gentleman had even told me I could move further up but I said this was ok, thus I parked next to and behind commercial trucks.

I went to immigration and the women stamped my passport and I said that I was unhappy with the expenses and thefts I had experienced and she stated 'just go'. I then asked where customs was and she directed me to the customs office.

Upon entering the customs office there were about three or four people, it appeared that two were customers and not officers. The gentleman sitting at the table took my paper work and said I was late. I said the only reason I was late was because of the police officer who gave me poor directions to Laisamis and the corruption and poor consumer regulations of Kenya and that I was not going to pay anymore. Furthermore I said I had more things stolen in Kenya than anywhere else and spent more money than any other country. They told me not to yell and at this time the two women who played a large part in the whole event came in. The man at the desk said in a male chauvinist way said "just go" and I said as I slammed my hand on the desk (not near any person the opposite side of the desk) "that it's funny how Kenya's listen to Obama when discussing corruption and when a white women says the same thing you don't listen", I told them they were racist and just like South Africa and in Zambia I hope that the US dollars being spent are stopped if I had anything to do with it. At this time there was a large group in the office and they asked the customers to leave if I recall, the large women grabbed my arm and told me to leave, I told her to take her hands off me and she would not so I put my nails into her arm to tell her to stop. Another officer came in and asked what was going on and I told him that I was angry over my experience and that the officer at the desk is condescending and a male chauvinist. They told me to leave and when walking out the door with my stamp, I told the two women that they should take the white paper attached to the Kenya stamp for that is what they made me do in Busia she said I was wrong and I said fine and walked to my vehicle, I was almost to the car when one of the two women stated "don't listen to her she is just a crazy white person".

I was furious and turned around and went face to face and said "don't you ever call me a crazy white person, I am not one who killed 1800 people" furthermore "even though I voted for Barrack Obama he should be embarrassed that this is where his ancestors are from". There were a good twenty people standing directly across from the customs office at this time, none of them approached they just were sitting or standing, all calm just watching. I headed back to the car and the nicer women, who up to this point had not put a finger on me, said what is wrong. I said what is wrong and went into my vehicle and put my purse inside and leaned over to get my receipts out of my briefcase. I told them I was tired of the corruption and how know one cares that things were stolen from my trip to the Masi Mara and that I also believe the press was a bunch of thieves on their story on Martin Luther King and Male circumcision. I went and opened the back of my vehicle and started to take out the damaged parts which I saved, I put the two shock absorbers on the ground and said this is what I am angry about. At this time the Moses officer came and told me to stop yelling and I went up to his face and said "I can fucking yell if I fucking want to". He said I cannot talk to him like this and the heavy women again started to grab my arm I told her to stop touching me. I told Moses in America we yell when we see injustices, do you think Barrack Obama just sits there nicely if he see's wrongs. I went on to say in South Africa the whites would always tell me don't talk so loud, keep down your voice, you are too emotional, this is colonialism and that's what you all have become a bunch of colonialist.

Edited Document 10/21/2009 – Should have added the mention of my knife being stolen and I also spoke of my hiking boots but said that they could have been stolen in Uganda, Rwanda or Tanzania.

The large women kept grabbing me and I kept telling her to get off me, then Moses ordered them to take me to the police station. They all grabbed me and said they were taking me to the police station, if I recall properly there was three women dragging and carrying me and I was yelling to stop you are hurting me and stop let go of me.

They took me into the police station and said they were now going to arrest me, for what I asked and they gave no reason. The large women again kept holding me and I said let go of me. Why are you doing this I asked? The nice women stood on the outer side of the desk and I told them that why can't I go with her to get my purse, passport and lock the car for my vehicle was left open. The only thing I had in my hands was my car keys, which has one key, a fuzzy fake rabbit's foot and the plastic alarm key for my car. They would not let me and then they told me they were going to put me in prison. At this time I was scared and shocked and I saw a group of people watching from outside so I jumped over the counter and said please call someone for help. They again tackled me and locked me in prison. A young boy stood there during this whole occurrence along with three women officers and two to three male officers. At this time Moses grabbed me and pulled my keys from me and they locked me up in a cell, nothing was in the cell.

I was placed in a prison cell and three other prisoners were in a open cell outside my closed cell, one man who had a girls voice (assuming was a man because he was with men), one older man, and one Rasta man who came in and out so not sure if he was a prisoner, however he told me to be calm and to ask them to let me call someone. The first 15 minutes I was really upset and wanted them to open the door of the other prisoners but they would not, I was very hot and in distress over what had happened. The other prisoners asked me what I did and that they said the officers said I would be in prison for three weeks. I stayed calm and the man that did the fingerprints later on came in with two pens (I think they were mine) and told me to write my name and I did on the cell door, the pen went dry at the end of spelling my name and he held up another pen and said do you need this and I shook the pen I had and finished spelling my name and then writing USA. I asked if I could call the UN or the US embassy.

I cannot recall if it was him or Moses that also asked if I worked for the embassy or if I knew anyone there. Not sure, but one of them did ask.

After the fingerprint guy left, Moses came in with another man, not sure who this guy was he was in plain clothes and stood to the side. I asked Moses if he could open the door to talk with me and he said no, that I was violent. I said why would he say such a thing, they were the ones that used excessive force for no reason, he said I could of known black belt (karate) like in the movies. I told him this was ridiculous and I was just explaining the poor service I had received in part due to the women police officer in Isiolo, I also told them that they scared me and I feared for my safety when I yelled for help.

He then proceeded to ask the following questions, who did I know in Kenya, (I think this is when he asked if I knew anyone at the US embassy and I stated no and asked if I could call them.) He asked if I was married, if I had children, if I had family and we discussed my dad and explained my mom had died. I then showed them the rabbits foot which I had saved



when Moses pulled my keys from me when taking me into the prison I wanted to keep my keys but he ripped them from my hands, however I saved my rabbits foot. This makes me recall there was another women there to, she was standing behind Moses and appeared to be upset. They checked out my rabbit's foot and gave it back to me. He asked me where I had been in Kenya and for how long. I explained that I had been in Kenya a month and 8 days in July, I went explained that the first time I did the Navisha and Kisumu area, then I went to Nairobi, Laisamis, Dadbab, Malindi, Mombasa and Diani for 30 days. Again I asked why I was in prison and he said I was violent and I asked again, what did I do that supports this besides yell. I also again said yelling does not equal violent. He said I thought you wanted to hit him me with a shock absorber and I said again what would make him think such a thing. He also mumbled something about good thing he didn't have a gun and I said the shock absorbers were on the ground, again why would you think something so harsh. He also asked what I did for a living when I was in America, who I knew in Kenya, if I knew anyone at the embassy. I asked to talk to someone and they left.

Edited Document 10/21/2009: Should have mentioned this woman who came into prison also stated that I had kicked her in the stomach; I asked how this is possible unless it happened when they picked me up. Again this was ridiculous that I did it intentional, if I did, for I do not recall kicking anyone unless it was when they were dragging me into prison or across the parking lot.

After he left I sat and waited about 30 minutes and I had to go to the bathroom, the guy with a women's voice went and asked the women officer to let me go and she came in and opened my cell and I went to the bathroom. It was about 1:30 now for after I went to the bathroom the food came for the prisoners. They let me at this time stand with them the food was pap and greens with three trays, the reggae guy was gone so I am not sure if the food was for me or he had been let go or was never a prisoner but an officer. They washed hand and it was almost two when the police came in and told me to come with them and I was taken to the end office which appeared to be Moses. They phone rang and they talked and said to take the paper work and add resisting arrest. I said excuse me but you never even told me why or what you were arresting me for and I jumped only after you said you were putting me in prison and I was scared.

They then told me this could all go away and I could go on to Tanzania and I said fine how, because I was not paying a bribe and I would take them to court. Then things changed and they got more calls and they took me into the fingerprint guy's office, where he asked me to take prints and told me to be at court at 8:00 am the next day. He was writing up the bail receipt when I think it was Moses who came in and said after getting off the phone that no bail had to be posted. When I left the police station it was almost three o'clock, I took my cell phone which I had not used for two months and had a Tanzania number and tried to call the US embassy phone number which was in my Brandt travel guide and it said it was not a working number. I then went to Diani and went into two of the largest hotels to see if there was any embassy vehicles, for it was 4 pm and I was nervous about getting help before 8:00 a.m.. I stopped in the golf club and they tried to help and offered me water and told me of an attorney that worked in the sewer and water or water and gas company and I went there. Upon asking staff they told me the attorney no longer worked at this location and had moved out 6 months before and they did not know where to reach them. I tried the US embassy number again and this time it went through, I was transferred three times until I got someone in the consulate security side. The phone went dead after about 10 minutes and I went to a store next to the gas place, they tried to help loading the airtime from safari.com onto my

Tanzanian Vodacom number and it did not work, so I finally just bought a Kenya phone number. I called the embassy and called the emergency phone line, for the embassy was now closed this is now just before 5 and a Marine answered the call, he said everyone was gone and I had to wait, I explained the issue and he told me to hold, and he transferred me to a woman it did not go through and she call me, sorry forget her name but this was her cell 0722515085. She told me that her department could not help but someone would call me later. After waiting awhile I called her back and inquired again this was about 8pm she told me a man would call me shortly, they had just got in contact with them. It was Brad Hopewell and he told me to just go without an attorney and he thought there would be no problem representing myself. I discussed what had transpired and we left it with the place that I would just go alone.

Edited Document 10/21/2009 Should of stated two additional items before I left we had to go back to immigration and have my stamp change for both customs and immigration had cleared me. While there the nice woman I asked if she would be in court and she stated that I thought you were going to settle this. Also during my drive back to Diani I did get pulled over and the officer wanted to see my insurance but I told him what happened and he said sorry.

October 8, 2009

That morning I got up early and I put together all the bills to see exactly how much I had spent on the shock absorbers and repairs in Kenya, the cost was 216,000 including travel expenses. I left at 7:00am or so after having some coffee at the Diani Campsite. I did not camp this night I spent 1500 for a room and 600 for food, I was nervous over security so I decided to stay in a room. I arrived at court just before 8 and woman discussed the case with me and she explained what would happen and then recommended that I go to the atm and get money. I drove and got 40,000.

As a note I think I had 7000 schillings when I went to the border plus 1000 USA dollars and other countries currency. (1500 room, 720 meal and beer, 2050 airtime, 200 breakfast, 300 water and chicken, 1000 cash). Took 40,000 out day of court date and another 20,000 (18,000) the day I left court. Attorney 20,000, bond 20,000 and 2000 airtime = 42,000 left Kwale with 18,000 and 1000 cash left over in my day timer which I had forgot I had put when in jail the night before)

My case was not read until 12:30, I said no to the charges and told the judge I could be in Tanzania now, I could be in Tanzania now, in other words they asked for a bribe. She told me to shut up. I said sure judge I respect you. Then she read the bond and when asked to question it she said no.

In court room one I sat with security guards, I called the embassy and tried to explain I need surety of 100,000 and an attorney. The clerk told me they did not know why the judge did not offer a cash bond and that an attorney would have to negotiate. After calling the embassy numerous times and trying to reach an attorney I was disappointed at what to do. Then at about 2:30 Mburu Kariuki came in like a fire and said he would help me and I said the embassy had given me an attorney's name. He in clear terms said "you just want a white lawyer", I was furious and told him to leave me alone, he was a racist and furthermore he knew nothing about me. He kept talking and I told him to leave again, the judge heard the noise and someone came in and told me to be quiet. Like the whole thing was my mistake. At

the end of the day the embassy was unable to help and said to ask them to talk to the judge again, again the clerks and officers said this is not possible. I was getting upset at why this was so difficult when I had money. Then the man who is the manager of the officer came in and said that I should have taken the other lawyers surety and I said no he said racist things. I told him that if the lawyer wants to do surety only then that's ok and he told me clearly to be there at 8:30 and the lawyer would be there to sign surety. They then said they would not put me in prison but take me to Diani police station. I did offer my watch and money as collateral if they would let me go and I could resolve the surety the next day, this they would not do but they compromised by sending me to Diani prison. Everyone kept telling me to forgive Mburu Kariuki and use him as an attorney. The embassy gave me Asige phone number for the numbers they gave me earlier did not work.

I slept in my tent, order and paid for chicken, and talked to various officers. One officer told me that someone from security in the embassy had called Diani police station and talked to him and apologized on my behalf. I questioned if this was true. He was the officer over the police officers, is what I was told. The tourism police woman took my name and birthdates and asked various questions. Many things could be said from this night but the two highlights were when two new officers came in around 8pm and started bullying me about where to sleep and wanting to take my car keys after the commanding officer said I could keep them. They told me that they "control me and that I do not control them". I went into one of the senior officer room and said I do not want to control you and I do not want you to control me and if the world behaved like this we would have peace. What these guys are doing it what happened at the border they are ganging up on me, tell them to stop I am going to bed. After that all was fine except for the loud noise of a University protest. I was able to go to the bathroom up to the time I went to bed, everyone was nice and helpful.

Edited Document 10/21/2009 should have noted that when they mentioned the control I asked if this was now China / Kenya.

October 9, 2009

However in the morning I asked for water and the bathroom but nothing happened, so after wanting for two hours I changed my cloths in the middle of the police parking lot and went to the bathroom in a bucket and I yelled. The commanding officer who took some of my cash and other financial credit cards returned them and we left for the court house.

We got the court room and they kept telling me not to let the judge see me for I should be in prison. When we arrived we got back into my car and they drove me to the OCPD of Kwale. He started asking questions about bail and I said I am greatly confused I thought that Mburu was coming this mooring to sign surety and I would be hiring an attorney from the embassy list. It was a little confusing and I told him that the charges are a lie and they wanted money, he said it's already in the court system and that he would launch an investigation.

We went to the court and I went inside to the manager's office and asked him where Mburu, had we not agreed he would be there in the morning and he said he would call him. He said he would be there at 11:00 -11:30.

They took me across the street and two of them ordered food and it was assumed I would pay. All day long the place was busy. I called Asige office and his reception said to call back

after 11am he was in court. I called Asige and asked him to be my attorney and I asked how much should I pay the other lawyer for the surety signing, he said 5000 and then probably 10,000. He told me to call him at 2:00 – 2:30 if I have a problem. The lawyer never came till 2:00 and he wanted 40,000 for a fee and he wanted to be my attorney, I said we discussed this yesterday and the manager told me you were clear that I just wanted you to sign surety. Now the shock of all matters, he says I can't sign surety, he does not have the power to do this, so what the cops, manager and everyone else said this man was to do he couldn't even do. I gave the phone to Asige and he talk with Mburu, I then talked with Asige and he told me to give him 15,000 and all would be worked out in the end. After I hung up I offered 15,000 and he said no 40,000. The police officers and various food staff told me to just give him the money I refused and yelled that he was taking advantage of me. They all put some guilt trip that he came twice and I was clear to tell them I never asked for him to come, and I did ask him to come this day to sign surety, which he was unable to do, and he was only going in to argue for a lesser bond, which is ridiculous for I asked to talk to the judge and had cash on me. However they kept telling me that I was supposed to be in prison so the only way to talk to the judge is through a lawyer. I called Asige numerous times for help in getting someone here.

At 2:30 they said they were taking me to prison, I asked to buy some bread and I went to the Kwale prison where the OCPD was located. Furthermore the worker at the diner and the police office told me to just give him 40,000 I would get it back, I said clearly I would not it's a fee for attorney services not bail. I will not be used or extorted of money for fear of prison. At the Kwale prison they made me go inside, I shared my bread with a child and then my officer Charles Nganga left. 30 minutes later Mburu came and told me he had talked to my lawyer and he said 20,000 would be fine, I said you promise me that since I came to this prison that you talked with my attorney and he said yes, he said, it was my only chance that my attorney couldn't get someone there in time and yes he had spoke with him.

We called Charles for an escort since I was still under arrest the lawyer was nervous so he told me to drive with him, so I left custody and drove to court house with no security. Two cars with white people were sitting next to me; each had a passenger in the car the drivers were in the court house. I repeated to the attorney you have talked with my attorney and he said yes, I had tried my attorney four times but the phone was dead. I gave him 20,000 cash and he came out in 10 minutes and said 20,000 bail. I only had 18,000 and asked him to give back 2000 so I could pay, he said we could go in with less and ask again, but I said why just give me 2000, for 15,000 was what my attorney had told me to pay you, so you get 18,000 instead of 20,000 (it would have been in the middle) At this time Charles had shown up and the other officers and the white people had left.

I called Asige and he told me that he had not told him it was ok, I told Mburu I was going to report him to the BAR (not sure your equivalent) he left me. The officers said I had to go to prison and there were 15 to 20 people watching this whole thing. I was so upset they were going to take me to prison after I had paid, finally the clerk from the court (the women who had along with the manager of the officer called this Mburu) came outside and another stranger told the officers I had paid the lawyer and they called him. I had 18,000 and Charles gave me 2000 and I said we would go to atm immediately after (which we did and military personal were standing watch). When I paid my bail I told them they should not interfere with lawyers like that it confused everything and she apologized. This women clerk during the day told me that no one can talk to the judge for they fear their jobs.

I also told them that the attorney was unethical he told me he talked to my attorney and he hadn't and he left without finalizing the transaction. That is not how one does law. The last thing Charles said was I have to go with the officers. He also said he was never going to get in the middle again and that Mburu was not a good man, where the past two days all anyone could say was how great he was.

I have more details of the days I spent with the officers but hopefully this is enough. My complaint about Mburu Kariuki and the clerks of the staff will need to be clearer I am sure to complain to the BAR (rulers of attorneys in Kenya), but let me know your advice.

## Court Process

7/10/2009: The Arrest  
8/10/2009: Reading of Charges  
9/10/2009: Prison and Negotiations of Bail  
22/10/2009: Announcement of Charges Again  
6/11/2009: Evidence Presented: My attorney doesn't show up till late because of the Mombasa Ferry and the charging officer and witnesses were not in attendance, so court was moved to 9/11/2009.  
9/11/2009: Evidence Presented by Prosecution  
13/11/2009: Evidence Presented by Defense  
16/11/2009: Judge's ruling  
17/11/2009: Photo Copies and another request for police statements

### **October 7, 2009: Pages 1 -12 Highlight The Arrest**

Major concern was the inability to retain counsel at such short notice. The Bond and Bail Receipt stated 8:00 a.m. however court did not even begin till after 10:00 am. This short period of time was the catalyst for having to be placed into Police Custody on October 8-9, 2009. Furthermore the inability to speak with the Judge caused extreme confusion and stress.

### **October 8-9, 2009: Pages 9-12 and Attorney Kariuki complaint letter**

Summary: On October 7, 2009 I was arrested and given a summons to appear in court on October 8, 2009 at 8:00 a.m. On October 8, 2009 I arrived at Kwale court between 7:00 a.m. – 7:30 a.m., I attended court without an attorney for I was only given 2 working hours to locate an attorney in Diani on October 7, 2009. Furthermore the U.S. Embassy also advised me that there was not an adequate amount of time to get an attorney in Kwale and to proceed without an attorney.

7:30 a.m. Upon arrival to the Kwale courts I asked the woman seated at the front desk to explain the process, she was a heavy set black African woman and she told me that I most likely would be asked to post a cash bond (bail) similar to the amount that would have been forfeited if I had not appeared in court. The amount posted on the Bond and Bail Bond receipt was 20,000 Kshs. This woman sat at the entrance to the court offices and was responsible for typing proceedings (Typist 1). With plenty of time still remaining before the 8:00 am time written on the Bond and Bail receipt, I went to the Kwale Ukunda ATM and withdrew 40,000 Kshs.

11:15 a.m. Honorable Obura presided over my case. The man that sits with his back to the judge and administers the daily case log called me to the stand and proceeded to read out the charges. This man is a very thin black African who wears glasses (Court Clerk). I stated the charges were not true and I told Justice Obura that I could have been in Tanzania (implying this case was only about corruption, for I refused to pay a bribe) she told me "to shut up" and proceeded to read out my bond requirements. I was to surrender my passport and to post a 100,000 Kshs surety bond.

11:26 a.m. Called Brad Hopewell at the U.S. Embassy (phone record billing, can be provided upon request) to inform them of what had transpired in court and the need for an attorney.

Furthermore we discussed the issue of a surety bond versus a cash bail. At this time a woman who works in the court offices behind Typist 1, became an active participant in the events that transpired relating to posting bail. This woman was heavy set but smaller than Typist 1, she appeared to be the most senior women clerk in the court office (Women 1).

Women 1, explained that a surety bond was not my personal cash; however, that someone else had to post 100,000 Kshs on my behalf, which could include such items as – cash, personal vehicles, a house, etc. This amount concerned me, because none of the defendants before my case were asked to post such a significant amount. Furthermore, I did not know anyone who could post such an amount for I was a visitor to the country. Women 1, also informed me that this was not standard and when confronted on why I had such a high surety bond and not the option of having a cash bail, she replied that it was the judge. Women 1, also said this is the first time she had witnessed this type of bond.

From 11:25 a.m. to 4:30 p.m. Because I was unable to post the surety bond I was placed under police guard and arrest in Kwale's Court room 1. There were three police officers who witnessed the day's events, their respective names can be provided by Police Officer, Charles Nganga for he was my primary guard and heard all conversations. It should be noted that Mr. Nganga and Women 1, both spoke to the U.S. Embassy at various times throughout the day.

The U.S. Embassy provided me with two attorneys names and phone numbers, however when trying to call their numbers my cell phone service said they were invalid numbers, thus I asked the U. S Embassy to try to contact these attorneys. The U.S. Embassy also tried to reason with the court regarding bail; they appeared as did I to be confused at why I was unable to get a cash bond and why I couldn't talk to the judge. Women 1, during this processes repeatedly told me that I was not allowed to talk to the judge, that I needed an attorney.

12:25 p.m. After the U.S. Embassy spoke with Women 1 they decided to have a follow-up call at 3:00 p.m. to discuss potential solutions.

1:30 p.m. At this time, a black African who appeared to be called the Executive Director of the court came in with Mburu Kariuki. The (Executive Director) was a tall thin man who sat in the first glass office from the main entrance of the court offices. At this time I recall that Women 1, was there along with my police guards. Women 1 was the individual that the U.S. Embassy was going to speak with at 3:00 p.m. after she had lunch and at a time when the judge might be free.

At this time Mr. Kariuki came up to me in Court 1 and stated he would be my attorney, I promptly replied that I did not ask for him to come and that I was going to use an attorney that the U.S. Embassy recommended and that they would be speaking with the court at 3:00 p.m. The Executive Director and Women 1 both told me that they had asked him to come all the way down there for me and that I should use him as my attorney. I again, I said that I did not tell you to call him on my behalf. Furthermore the U.S. Embassy had already provided me with two attorney names and they were currently trying to reach them, since the numbers they had given me did not work.

Upon hearing this news Mr. Kariuki in no uncertain terms said to me, "you just want a white" attorney. I was furious and told him that he was racist and to get away from me, I was in police custody and I did not want him there. It was loud and I guess the Judge heard us,

because the Court Clerk came in and told me to shut up. I promptly told everyone that this is not my fault I did not ask for this man to come and that he implied I was racist.

3:00 p.m. In the late afternoon the U.S. Embassy informed me that they had reached Asige Keverenge & Anyanzwa, however Asige was in court and could not help till the next day. He also asked if I had a check, I did not understand why this was needed or what it referred to, I said no. The U.S. Embassy again asked me inquiry to why I could not speak with the judge about changing the bond.

Closing: From 11:30 a.m. to 4:30 p.m. there was a continuous disturbing process of asking court employees, police officers and the U.S. Embassy questions on how to move forward. It was beyond my comprehension of how a person with money and assets on her was unable to be released when the police officer told me that my original charge had a 20,000 Kshs fine associated with it if I was guilty.

The Executive Director, Women 1 and the Police officers all told me that I should of taken Kariuki's help for he could of posted surety, and I said no I will not hire someone as my attorney that says racist comments. At 4:30 p.m. the court was closing and I was to be taken to prison, the Executive Director came in along with Women 1 to Court 1 to discuss my going to prison. The U.S. Embassy again told me to ask to speak with the Judge. Again this request was denied. I told the Executive Director that I could give them my Rolex watch, 40,000 Kshs and my 1,000 US dollars as collateral and everything could be settled in the morning. He said no, and he told me that Kariuki could help me the first thing in the morning. Again I stated with no clear ambiguity that he could call Kariuki to come and post a surety bond, only with the clear understanding that it was for bond, he would not be my attorney. The Executive Director left and came back stating that I need to be there first thing in the morning and Kariuki would post bond.

Furthermore, the Executive Director, Women 1, and the Police all stated that Mburu Kariuki was a really good attorney and that he must have been tired when he stated the racist comment.

4:30 p.m. Police officer Nganga drove my vehicle and took me to Diani prison, they said that they were doing me a favor by not putting me in the local women prison. It appeared that this was decided by the Executive Director and the Police. I then stayed at the Diani prison, and slept in my tent in the middle of the police offices, which was a good thing because the prison seemed crowded and it appeared by the smell that someone was sick.

Note, before I left the court house Women 1, told me to be sure to give all my money and valuables to the commanding office at the police station. I wasn't sure why for my vehicle was locked and the senior office said I could keep the keys. However, I did give the commanding officer the majority of the money I had, my passport and credit cards. We filled out a form and the next morning they returned it all to me, however they kept the receipt.

### **9/10/2009: Pages 9-12 and Attorney Kariuki complaint letter**

8:00 a.m.: At this time the commanding officer returned my money and belongings, and then Officer Nganga proceeded to drive my vehicle to the Kwale courts. Upon arriving at the court at approximately 9:00 a.m. I got out of the vehicle; however, I was then promptly told to get back in the car, we were going to visit the O.C.P.D Mwachia (?) (I cannot be confident who I



met on this date because I went to this same man's office on November 17, 2009 and it was a different man. The man I meet on October 9, 2009 was an older black African who was very thin and quiet in his manners).

During this meeting we discussed the issue of resolving my bail, I again was very confused and frustrated, the reason for going to court early was to meet Mburu Kariuki and to have him post bond. This conversation was very distressing and made little sense. At the close of the meeting I did tell him that these charges were outright lies and he should investigate my complaint of corruption, or it was all for not. He said he would investigate and Officer Nganga was present to this statement.

9:24 a.m. During the drive back to Kwale court I called attorney Asige, his reception said he was in court and to call him back at 11:00 a.m. Phone records.

9:30 a.m. Officer Nganga takes me back to court, where Women 1, takes me to the Executive Directors office. I asked him where was Kariuki and he said he would call him. At this time I could no longer rationally understand what was going on. The evening before the Executive Director had told me to be at the court offices early so my bond could be posted, it now appeared that he had totally forgotten our conversation. The Executive Director proceeded to call the attorney; he told me that he would come to the court at 11:00 a.m. I asked him again if he had told the attorney that he was coming to post bond only, I was going to hire Asige from Mombasa, the attorney the U.S. Embassy recommended. He said the attorney understood. I should state that once again the Executive Director used unjustified guilt, by stating that he was embarrassed for having to have the attorney return to post bail, since this man was a respected attorney and he had drove all the way down to the court as a favor to help me (fact he never could post bond this was a false statement, he could only ask the court to change my bond, which I could of asked if they had allowed me to talk to the judge). Once again I reminded him that I never instructed anyone to contact this man.

9:40 a.m. – 3:00 p.m. I sat with a police guard at the café /diner across from the court house, I was told by the officers that I had to stay quiet and that I could not go to the court offices for the judge was under the belief that I was in prison and if she found out we all would be in trouble. In the morning I ordered breakfast, as did the two officers, however when it was time to pay the women cashier she put their tab on my bill. I paid it but was not happy and told them.

11:18 a.m. I called Asige's Office, we discussed my case and I asked him about bond, he said to go ahead and have Kariuki post bond. I asked him how much I should pay, he said 5000 Kshs. At the end of the conversation I asked again and he said 10,000 Kshs. Asige then told me to call him at 2:00 p.m. and to let him know if there were any problems.

11:00 a.m. – 2:00 p.m. Kariuki does not show up and Women 1, tells me he will now be there around 2:00 p.m.. Women 1, then sits and tells me that she was sorry that she couldn't go to the judge but she needed to keep her job. She asked for my email address and I gave it to her. The police continue to tell me that Kariuki is a good guy.

1:00 p.m. No Kariuki, I call my attorney Asige and tell him that I may need help and does he know anyone in Diani that could post bond. My frustration at this time was extremely high; I could no longer rationally understand what was happening.

1:45 p.m. Kariuki shows up and says that he will be my attorney and that he can't post bond, that he can only request a change of the order to a cash bond. I was furious I told him that I had told the Executive Director that the only thing I wanted him to do was post bond, for I had already found an attorney. He was condescending to me and I said he was trying to capitalize off my situation. He walked out and said he wouldn't help me. I was so upset, this was torture no one was making sense.

Kariuki then came back after the police officers spoke with him, he said that he wanted to help and it was late on Friday and he didn't want me to spend the weekend in prison. Kariuki then informed me that he had looked into who I was and how he had found out that I was a good person, this bothered me greatly. I asked him how much for the fee of getting bond changed he said 40,000 Kshs. I told him my attorney said it should be 5000 Kshs or 10,000 Kshs.

For the next 40 minutes, I made 7 calls to Asige and he spoke to my attorney, each time they came up with a number for me to pay. Asige told me that I should pay him 15,000 Kshs and Kariuki agreed. Each time I got off the phone Kariuki would then revert back to 40,000 Kshs and say that Asige can't help me get out of prison and how I would have to spend the weekend in prison unless I paid 40,000 Kshs. I said I would not be extorted of money out of fear.

2:15 p.m. Before I left the diner the cashier and the toilet clerk told me that I was not listening and that I should just pay Kariuki 40,000 Kshs, because I would get the money back. I told them that they were confused the money was for attorney fees not a bond or bail.

2:40 p.m. I am told I have to go to prison; I call the U.S. Embassy and Asige. I ask the officer if I could buy some bread for I only had breakfast. I bought a loaf and they took me to Diani prison. Upon arrival they told me to go inside and I sat on the bench. My guard then left me and my vehicle. At this time there was a mom and a child sitting next to me, the child came to visit me and I gave her some bread. In a short time the officer told me I could go outside and to sit on the bench. While sitting outside the little girl came to visit me again, so I shared my bread with her again. At this time Mr. Kariuki approached me.

3:10 p.m. Mr. Kariuki tells me that he has spoken to my attorney and he advised me to pay him 20,000 Kshs. He asked me where Nganga had gone; I did not know so at 3:16 p.m. I called him on my cell and told him he needed to take me to court. Kariuki asked to speak with him but I had already hung up, he then called him on his own phone.

Kariuki was impatient waiting for Nganga, he told me to just get in his car and he would take me to court. I asked him inside the car, that on his word he spoke to my attorney since I had been taken to prison, he said yes. I tried calling my attorney 4 times to verify this statement, however he did not answer.

3:25 p.m. Kariuki drives into the court parking and for the first time since I had been there two cars with white people were parked outside the court. It should be noted that I saw one of these men during my court hearings, at which time I told Asige this observance. At the time I gave Kariuki 20,000 Kshs there were two passengers in the cars and approximately 15 people were standing outside the café. When Kariuki went inside, I finally reached my attorney Asige, he said he had not directed Kariuki to have me pay him 20,000 Kshs; however, it was fine because I was out of jail, irrespective of the unethical behaviour. While waiting for

Kariuki to come out of court, his phone rang, I did not pick it up or look at the number, however there was a call.

3:35 p.m. Kariuki comes out and I tell him he is a liar and I was going to report him to the bar, because he had not talked to my Attorney. He said that I had to pay 20,000 Kshs bail and I said I only had 18,000 Kshs, couldn't he give back 2000 Kshs, since my attorney did not approve this and originally we had all agreed on 15,000 Kshs. The police return at this time and appear upset that Kariuki took me without their supervision. Kariuki then got into his car and left without posting my bail.

4:00 p.m. The police now tell me I have to go to prison; I started to get really upset and could not understand what sick game they were playing. As they started to force me to leave, someone who was watching told them that I had paid the attorney 20,000 Kshs, they now appeared confused. At this time Women 1, came out to the parking lot, she told them I had to pay 20,000 Kshs bail, and Nganga gave me 2000 Kshs to cover the amount I was short (with the full expectation that I would pay him back when we went to the ATM for court was closing and we did not have time).

4:05 p.m. I paid the court clerks cash and told them that what that attorney just did was unethical and that he had not called my attorney. I also told them that they should not get involved in attorney / client issues for it was confusing and added to this very distressing process.

4:18 p.m. Nganga drives me to the ATM where I withdrew 20,000 Kshs and paid the officer his 2000 Kshs; this was witnessed by two military officers who were standing outside the ATM. He also stated that what the attorney did was not a good thing, and he was never going to get in the middle again.

4:19 p.m. I was then given my car keys back and was able to leave, upon which I called the U.S. Embassy to tell them I was released.

### **10/10/2009: Meeting of Attorney Asige**

I drove to Mombasa to meet the only attorney that was given to me by the U.S. Embassy (Asige), we met at approximately 11 a.m. Interestingly as I drove up to his office there was a car of women waiting and it appeared that they were staring at me so I waved, it just seemed a little out of place. I met with the attorney, and during this period he got a few calls and said I don't see it, and it appeared to be in relationship to me, I could be wrong. The daily paper was on his desk with an Obama headline and he placed it in front of me, again I had no idea what to decipher from this. We talked through the case and he told me to try this hotel on the north shore, however it was too expensive and I decided that I preferred to stay at a place not tied to my attorney. Furthermore, when I was driving up to the hotel my attorney recommended, a person on the street yelled out something about my attorney, I did not catch what they said even though my window was down - how this person knew who I was or that I had hired an attorney seemed strange, but it did happen.

There was a suitable campsite a couple km away so I stayed there for one night, I thought about staying longer but when I inquired about laundry fees, they were too high. That night the attorney wanted to meet for dinner to discuss the case further; however, strangely we never talked business so I am not sure what the purpose was actually.

On the way to Nairobi I called Asige and he told me I needed to bring 40,000 the next time I was in Mombasa and in the interim I needed to document the events that had transpired.

11/10/2009 I decided to go to the US embassy to see about getting another passport, for Brad Hopewell had suggested this, and I was feeling a little nervous so I headed to Nairobi. Asige had told me to go and stay at Hunters Lodge; however, when I got there the campsite was very far away from toilets and it didn't seem secure, so I left and headed north. Hunters Lodge told me there was a campsite owned by Italians in Sultan; however I could not find one, but the Italian place was nice and they allowed me to stay at a special price and they gave me a reasonable rate for washing clothes. (Note: after I was acquitted, I was driving to Nairobi and had to get petrol, the station had none, when I inquired about how much further it was to a gas station he said, don't you remember Hunters Lodge its 20km)

13/10/2009 Went to the US embassy which was also a little odd, but I got an application for an emergency passport, and quickly met Brad Hopewell. He told me that it might be difficult to use the new passport because there would be no stamps in it. I went and took a picture and got some money at the ATM next to the embassy. I did call Brad and told him I was concerned that I was being hung out to dry, in reference to the police saying the embassy called and had apologized on behalf of me, in addition I felt some discomfort at the passport window and when leaving the US embassy.

I should note that some music awards were going on so maybe they were just more occupied with their issues.

From October 13-16, 2009 I stayed in Nairobi and started to work on my history of events.

October 17 – 21: Stayed in Mombasa. I met with my attorney on October 18, 2009 for maybe 10-15 minutes, we discussed that I needed to finalize my document, which I dropped off on October 19, 2009. We meet one last time on the 21<sup>st</sup> and reviewed the case. During my stay in Mombasa I got very sick for two days, not sure it was the food or water; I was not feeling well after I had morning tea and coffee.

Note: when I left and went to Diani Beach the hotel called and said I had not paid for my stay, I told them this was not true and I had the four receipts to prove I paid.

### **22/10/2009: Announcement of Charges Again**

I met my attorney at the court and we waited for the judge, once my name was called my attorney asked for a quick trial, copies of the statements and the original charge sheet. There was some confusion on behalf of my attorney he thought the trial was starting on this date but it was announcing the case. My attorney transcribed the charge sheet by hand and the prosecution said it was ready to move forward with the case. The judge set a date of Nov 6, 2009. When I went to the car, my attorney went back into the court offices; I do not know what he did?

22/10/2009 – 6/11/2009: I personally did not know where to stay so I went to Diani Campsite where they were remodeling some of the rooms. It was not really a feasible solution to camp at this location for two weeks because they did not have adequate facilities; it really was a small backyard and lack security. Furthermore the construction and lack of water and

electricity made it difficult at this location. It was ok for a night or two but not long term, the rooms were 1500 but again it was a small place under construction, thus two weeks would have been hard. I drove up and down Diani and asked everyone about their rates, only two other places had a room for 1500, one was close to the road and I didn't feel secure and the other had too many baboons (I once was attacked by one so I did not like it at all – too many). After visiting at least 25 places I chose Alliance Safari Lodge for they gave me a rate that included breakfast, had air conditioning, hot water and a secure location.

I did call my attorney when I was looking for a place to ask what I was to do with the police because they appeared at times that didn't seem always ok or just coincidental. They made me nervous because I knew the truth that Moses was a police officer and he had asked for the bribe and the lack of support from the embassy just made me nervous. My attorney told me I didn't have to talk to them and just ignore them. Being by myself and not having anyone to trust just made it hard, and I had a growing unease about my own attorney's agenda.

Note: This is my first time in court with my attorney and he was sweating heavily from the heat it drew my attention. My attorney also made some comment about the peace charge being a criminal code, I am very unsure of what was the facts around my charge which caused me a lot of distress. I had thought it was a civil case with a 20,000 shilling fee if guilty. If this is true I do not know.

**6/11/2009: Evidence Presented: My attorney doesn't show up till late because of the Mombasa Ferry and the charging officer and witnesses were not in attendance, so court was moved to 9/11/2009.**

I arrived at court early as usual and waited for my attorney, I called him and he said he was on his way; however the phone sounded like he was in an office or home, because there was no static on the line. The prisoner vehicle arrived and a couple military officers walked by, I did not know what one said but he mumbled something as he walked by, also a man that looked like the clerk at the Jundan Hotel was there. Another funny thing was a woman that had a CIA bag came and sat in front of me, I could only laugh at this - I am sure this event was just coincidental. Also at this time the bathroom clerk said it was only a deposit (his ongoing comments were so out of context for bathroom conversation, which is why I mention this). The bathroom clerk seemed to know what was going on with my case before I did, the next time I came he said you will be back again, and he would mention amounts of money. Originally, he and the women clerk with the baby at the diner had both encouraged me to pay the 40,000, thus, I am not sure who he is connected to whom.

Women 1, also saw me and said you are going to trial (I think those were her words) however she did speak with me and witnessed that I was at court early that morning.

Children were also out this morning, some running down the street and others heading to school. Furthermore a couple of the kids said they didn't have money for the exam, I was a little confused at what they were getting at but they did approach me as I was sitting outside.

My attorney was late, and I was getting nervous so I went to look at my name on the court listing, and my name was listed number 15 on the case record, so I thought it would be ok. I asked a man who was next to the list if he was an attorney he said no and it appeared he had a case going in court room 1. Additionally the white man that I saw when my bail was being posted was his attorney or his friends. As the time went by it was getting late and I kept

calling my attorney. When my attorney arrived, he went in and asked for the warrant to be rescinded (for I guess the judge order one because I wasn't in court – this was frustrating to me because they all had seen me at court when they drove in and my attorney never told me to go into the court room, which he should of).

Asige addressed the court and asked for my warrant to be rescinded for I was on court premises when my name was called, and he was to blame because he was stuck on a Ferry and it went round and round. The prosecution then said he couldn't begin his case now because the charging officer and the witnesses had left already, I told my attorney this was not true, I never saw any of them. We left the court and then went back in. He told the court we should have a new hearing and that I was destitute (why he said this was beyond my thought process). The judge ordered a new trial date of 9/11/2009, when the Court Clerk wrote this down on my receipt I turned white, he had to tell me to leave the box and the man standing next to me waiting for his turn in the defendant box had on a Obama t-shirt (no joke, this happened, coincidental or not it made me very nervous). My attorney did state to the prosecution when they said it was my attorneys fault for the delay that the prosecution should remember the law states that no witness should be allowed to leave.

My attorney seemed very strange on this day and again he requested the police statements which the prosecution and police officers stated were not there, how the case file was not there when court was to begin on this day did not seem logical or true. Which I told my attorney and the prosecution, which pissed them off. My attorney at times would make comments that you are not well, or comments on my appearance, I had no idea what he was talking about or if he was talking to me, I can only say it made me think what are you trying to say?

My attorney at the end of court was talking to the prosecution in the outside parking lot which was strange because court was still in session and since then and before that I had never seen the prosecution go to the bathroom in the public stalls, and not those in the court offices. I was waiting for my attorney to return to me, thinking he was getting copies of the police statements but I saw out of the corner of my eye that he was in his car getting to leave. I surprised him and he stopped talking to the prosecution and he just said shortly call me later and he left.

Land Deed: Also on this day was the first time I noticed something strange and that was this women who came to my attorney's car and signed a land deed and I saw when I left the attorney had stopped at this office down the road from the court house. Then I do not know if the certificate was just misplaced or had any significance, but later on during court the deed was in my file and sometime when he would open my file, I could see the deed was with my documents.

Note: During the time I was in court the prosecution had on the table the Daily Nation Paper and he kept moving it so much that it drew my attention, for I had not seen the paper yet. The headlines read "The truth behind the wide Smiles" IMPUNITY. There was something behind this but I didn't understand.

Note: On this day there was a case of stolen goods and they were going through the claims, but it was disorganized so they stopped and said to resume later.

### **9/11/2009: Evidence Presented by Prosecution**

I was very nervous on this day, due to its significance of the date in the USA, and based on some of the strange things that had happened to heighten my discomfort. While waiting this time my attorney told me to go inside the court grounds, which I did.

As I was waiting for the trial to begin the court clerk kept going past where I was sitting and putting his tongue in his cheek. He did this two or three times, I was sitting by myself when he did it, thus I was not sure if it was directed at me or if there was someone in the window of Court Room 1, for it was located directly behind and above me.

Moses came up to me before court which was strange and shook my hand and asked how I was, he also said that it would be over today.

The court clerk had brought in evidence, two containers and a wheel barrow, then during my case he would take out each one of these items at different times, I thought it may be for a case in another court room; however the timing of taking each item out individually just drew my attention. He also went and got a suit coat and put it on when the room was excessively hot, but maybe he just wanted to hide the sweat.

While waiting I sat next to the man charging me and he used his cell phone non-stop in court, I do not know what he was doing but you were not suppose to have cell phones and no one stopped him. I was not sure if he was sending or receiving messages, or just reading messages, but it kept drawing my attention.

The court day began with the Judge dismissing about 10 cases for there were no witnesses or evidence, some of these prisoners had been in jail for almost a year. My case was then read, I was the first to have a hearing on that day all others were terminated or extended.

Before my case started my attorney sat there and read the police statements this was the first time they were ever seen. I did not like that I paid someone money to be an attorney and he is now reading the evidence that morning in court, however such is life. I also did not like that this was the only chance I had to look at it, which was about two minutes. My attorney asked me if my passport and permit had expired, I was confused because this had never been mentioned before, my passport and permits were indeed valid. I quickly read a few of the comments and was shocked at what I saw and it made me mad that I wouldn't have the time to read them before court started.

### **The charging officer**

His officer supported my comments that he was a male chauvinist and he had never been yelled at by a woman. He said some very mean things, however I did not say any of those statements and it was like he was talking about someone else's event, for it was very out of context. My attorney did do a good job of tying it back to his statements and they did not match. The biggest problem he presented was that I was arrested in his office and that I took the papers from him, which was untrue.

For he had actually told me to just go and he gave me the paperwork himself, furthermore I was arrested in his office, which was supported by the witnesses. Furthermore, the three officers each told a different story of how and where I was arrested. He also said I threatened to put a pen in his eye, which was another problem for I never threaten him at all, and the

person who said I was violent was Moses. Moses thought I was a karate expert or that I would hit him with a shock absorber, each was stupid and not true.

The other problem Mohammad had was that he stated that he had asked me for 25 dollars for the fee and he did not, he never had a chance to get the dollar value out of his mouth because I cut him off and said I will not pay you anything else. During my testimony it appeared that the prosecution and my attorney both wanted me to implicate this man for corruption, and I clearly said this man never asked for 25 dollars and he did not do anything corrupt on that date, it was the police. (Note: my attorney kept saying to me that it was customs not the police in his conversations, but it was the police and immigration, in my belief)

I was unclear if Mohammad was from Kenya, when he was asked it was confusing.

### **The women witness**

This woman played such a small part in the whole event, so I do not know how she got involved except to say she did it under pressure or influence from the men. She claimed racial things and again none of this ever happened, furthermore they said she was the arresting officer and she seemed to contradict this in her testimony. Furthermore, she clearly stated that it was a result or accident from when I jumped over the counter screaming for someone to call for help. This woman, whom I cannot be confident of her identification was also with Moses when he interrogated me in my cell, she tagged along side him the whole time. When she made racial comments the window of the court room slammed shut behind her, by accident or by someone else I do not know. She was very weak and her statements were inconsistent with Mohammad and Moses testimony.

### **Moses**

I should state that Moses was the ring leader of what happened in my opinion and I thought from the start he was the man bringing charges against me, since nothing of significance had happened in the customs office except some yelling. I wished that there a formal photo or time card identification system for confirmation of ID's for it was difficult to know if the customs officer or the women witness were who they stated they were.. The people that I know were involved were the two larger black women and Moses, the two larger women never came to court, but I believe they gave statements. The prosecution said they were at training.

It was stated that Moses was not on the arrest form, and he was helping out because someone else was missing (?). This did not make sense, again I thought from the start it was him that was bringing the charges forward. THIS IN LEGAL TERMS MAY BE KEY, THE CUSTOMS OFFICER WHO BROUGHT THE CHARGES FORWARD, WAS NEVER EVEN PRESENT WHEN THE ACTUAL ARREST HAPPENED. HOW THIS CASE WAS EVER BROUGHT FORWARD IS BEYOND MY LOGIC. FURTHERMORE ALL PAPER WORK WAS DONE IN THE POLICE STATION WITH MOSES AND ONCE I WALKED OUT OF THAT CUSTOMS OFFICE I NEVER SAW THAT MAN AGAIN, THUS I WAS SHOCKED THAT IT WAS HIM WHO MADE THE CHARGES.

On this day Moses was the only one who told anything close to the truth; he clearly stated that he came to my vehicle and the auto parts were on the ground, which was the truth. He also contradicted the others testimonies. Moses after court sat in the outside diner and asked



me if I wanted a soda I said I would pay for my own. He said he told the truth in court and as he was finishing his drink the two other officers drove up and they all three drove away together. I did say, I thought you said the case would conclude, and he seemed surprised.

## Conclusion

My attorney concluded by stating there was not enough evidence for me to take the stand and to acquit me on all charges. The prosecution objected and said I should take the stand. This was expected; however, the surprise was my attorney, he dramatically showed emotions through which he put his head into his hands, this made no sense.

Note: I did not like that all three stood outside the window while the others were giving their statements, it should have been more confidential. Also on this day only the windows of court were opened by the court clerk then closed by a police officer, and then the court clerk told him to open them again.

At the end of court my attorney told me that I had to pay another 30,000 for him to come down again, and that he may just send someone else, and to call him later in the week. I wasn't happy about this because the reason the last court date was postponed was my attorney was late. However, it made no sense to have another person come down, so I got the money and paid him the cash on November 13, 2009, again I requested the police statements and he said he would get them and he did not.

I asked Asige what would happen next and he said either the judge will just say there is not enough evidence or the case is adjourn or I will get the chance to tell my side. I was mad that the judge couldn't dismiss the case that day, because the evidence was so weak, again my attorney did not appreciate me being put out and said I should respect the judicial system. I really think he was inferring that I did not respect the judge, which I didn't, but he always seemed to be talking in double talk. I got the awful impression that my attorney did not think I was competent to stand trial, he said at the start no one would put you in prison, what this meant I had no idea.

## **13/11/2009: Evidence Presented by Defendant**

While waiting the prison vehicle arrived but this time instead of taking their normal straight approach to backing into the courts cell area, they took a very indirect route which included directing the vehicle straight at me (it was very out of the way to reverse). I assumed it was a joke to scare me but there was a child next to me so I moved to protect the young child and stared at the driver. I said nothing but my look said it all, you do not scare me.

I presented my side, which was uneventful, the only time the Judge and Prosecution showed any surprise was when I mentioned that I stayed with the Military in Busia. My testimony was based on fact and the firm assertion that this was a case of corruption. I told the truth.

I saw the weakness of the three testimonies, each contradicted each other regarding when the arrest occurred and the women clearly had stated that the kicking in the stomach was an accident in her testimony. Lastly I would not allow the prosecution to influence the fact that Moses and the Immigration clerk comments were without a doubt proof that a bribe was implied, and I said no.

Note: Another attorney sat in my defendant booth across from me during my testimony, strange and a little distracting.

Gave my attorney 30,000 in cash, he said he would bring a receipt.

### **16/11/2009: Judge's ruling**

I have provided a copy of the judgment, which was clear and forceful on my innocence. I was acquitted on all charges; however the Judge for some reason decided to show her disdain for me through the use of abusive power, which was insulting and unprofessional. It appeared that the Judge had forgotten that I was not guilty, the evidence was horrific and I was the victim. Her decision to somehow physiologically analyze that saying fuck was a reflection of my heart and soul was over the top. Furthermore her conclusion that in the end I had learned my lesson was baffling. I am still waiting for someone to explain from Kenya what lesson did I learn, is it that if you live in Kenya you're expected to pay bribes and accept corruption for it is a norm and accepted practice, and if you don't you will be thrown in prison.

I was furious at the end of her judgment it took every ounce of strength to not walk out on her and to not cry. I held my heart and almost cried. After everything I went through this was the ultimate abuse of power and authority. Furthermore, my attorney requested the court proceeding and police statements again, so I could have them as proof of my delay in leaving the country.

My attorney however told me that I should be happy I won the case that was all that mattered and I needed to learn to not yell, raise my voice or show my need to confront authority figures. In the end I do not know if my attorney paid a bribe or not, when I hired him I told him he was not allowed to if he was to be my attorney. Before my attorney left he said you will be thrown in prison, what this was about I have no idea or if he was talking to me. I told him what the judge said was slander and he told me that he didn't like that I raise my voice, because other attorney's may think negatively of him. He was more concern about image than justice, thus I did not call him regarding my case against the state. Before he left he had took me into the court offices and told them to give me my police statements and a copy of the proceedings which were in the final judge's ruling, but this was never done. I paid him 70,000 and he never got the police statements in my file.

I did make him write on the receipt that I had given him another 30,000 the date before for he had forgotten to bring a receipt.

He left the court and just left me as the other attorney did to finalize the details. The accountant told me I could pick up my 20,000, and copy of the proceedings the next day. I thought this also included the police statements for my attorney had gone into the office but it did not happen. These guys collectively did not want me to get the police records, what was in them I do not know and I believe they have been destroyed.

I paid the 600 for getting copies and was told to come back. I did come back a few hours later because I remembered they did not give me back my passport. They said they would give it all back to me on Tuesday. The court was nice and they said there was no problem in getting the statements and copies.

## **17/11/2009: Photo Copies and another request for police statements**

I spent seven stressful hours trying to get the court proceeding, everything that was said the day before was forgotten. The police records were now gone and the prosecution failed to get them back, he at first said they could be brought the next day and then changed his mind because it was a civil court day. I went to the OCDP and this different man than I met before was unhelpful and again forgot that I was the innocent one, he again gave the run around and avoided getting the police statements. In the end they told me I had to go to the border and I refused, I did not trust these people, they were putting me at risk. They just said the police do not have a problem with me, again they falsely charged me and they don't have a problem with me, I have a problem with them what they did was illegal and an abuse of my rights. I believe these police statements have been destroyed.

I told the accountants I had tape recorded the meeting yesterday (which I hadn't) but it was funny they didn't like to hear this and told me to leave. The ongoing abuse of lies and not repeating the same story was beyond any normal persons understanding. The executive director who had just returned for the first time since the original arraignment, helped solved the problem of which now the accountants were saying that I could not get a copy of the proceedings for a month even with a court order from the Judge the day before.

A young women clerk take me to a copy center and I paid for the copies, when we returned I had to wait for the Judge to sign the copies, thus I left my receipt in the envelope. When they came out of the Judge's chambers at 4pm they told me I had to pay for the copies, the receipt which was in the folder was now gone. I was beyond myself, I started to cry and I marched into the Judges office after knocking and started crying, saying that I had already paid for the copies and you all took the receipt. An accountant came in as witness and they started to back off and she signed the proceedings. The judge said goes in peace, I said this is not peace or something like that and I was not done with this.

During the wait for the judge the prosecution made me sit in his office with prisoners, after some time a police officer came in the office, but I thought it was strange they just left me with them. Also I wondered why these potential criminals were allowed to talk to a Judge without an attorney when I was not allowed to. They were playing some sick game and I do not know what it was all about. The prosecution told me I should learn to forgive, I said one should not expect forgiveness when they tell lies, people should tell the truth before expecting forgiveness.

The passport was given back as was the money, because a nice women and the executive director helped to solve the problem. I did call my attorney when this was all happening to tell him I still had not gotten any of the copies and it was part of his job and he said to call back later, I did not and I have never spoken to him since. In all honestly I believe that he didn't finish his job.