

# Threat of Criminal Trespass

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From RobertSmithPA@protonmail.com <RobertSmithPA@protonmail.com>

To Kochka, Kevin S <kkochka@pa.gov>

Date Thursday, September 15th, 2022 at 3:49 PM

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Trooper Kochka,

It has been some time since we have communicated. I initially thought I would call you, but since I was not informed that I was being recorded and when requesting to get the recording of our conversation I was denied, writing was a better memorialization of communication.

It has been verified through an open records response that no document exists regarding a "criminal trespass warning" for John Miller, to preclude access to Octorara School Property. The supporting document received June 7th is attached for your reference.

Acting in good faith, I never returned to Octorara School based upon legitimate fear of Pennsylvania State Troopers lack of knowledge on the law regarding Trespass from public property and previous experience/evidence of encountering unreasonable officers. The fear is directly related to, if I did return and encounter unreasonable officer's, that they would aggress, physically restrain me using pain compliance torture devices (commonly called handcuffs), and unlawfully arrest (that's called kidnapping) me for "Criminal Trespass after warning", regardless of no evidence of such a warning.

The common practice of law enforcement is not to discuss, or be reasonable on the sidewalk, and send a citizen to a dungeon (police like to call this a holding cell), bring them before a magistrate, and resolve the issue in a court of law.

It is not reasonable for a citizen to enter a plea in such court when they are the victims of unlawful acts.

I want a very short, and direct response to the following.

If I desire to return to Octorara School District school board meeting (appropriate time, place manner) and want to retain my 4th amendment right, to exercise my 1st. Is it true, that you would act in your own capacity and arrest me? Or, respond to a call for service and subsequently arrest me?

The previous encounter with you at the school board demonstrated dereliction of duty. You did not obtain any sworn affidavits that supported I was in the process of committing a crime, a crime had occurred or a crime was about to occur. You also failed to initiate an investigation into my first request to affect a citizens arrest, or investigate the veracity of my accusations to warrant a citizens arrest.

The afore mentioned actions, a reasonable person would assume that they are not actually encountering an officer which swore an oath to protect and defend the PA and US Constitution, but an individual acting in their private capacity under color of law.

My attempts to reason with unreasonable public officials is well documented, and I am following the process as the Supreme Court has directed me. This has never been my choice, nor preference (this is also well documented). I just wanted to memorialize and document for the court, my continued attempts to reason with those who represent authority supported by an oath.

Regards,

Mr. Miller

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224.78 KB 1 file attached

2022-1176\_Miller\_PSP\_FD.pdf 224.78 KB



## Automatic reply: [External] Advocate for Octorara Parents & Kids

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From Kochka, Kevin S <kkochka@pa.gov>

To RobertSmithPA@protonmail.com

Date Friday, April 15th, 2022 at 12:39 PM

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I will be out of the office from Thursday, 04/14/22 until Tuesday morning, 04/19/22.

If you need immediate assistance, please contact the front desk at PSP-Avondale, 610-268-2022. I will return any emails/calls when I return.

**Trooper Kevin S. Kochka -CSO**

Troop J -Public Information Officer

Pennsylvania State Police

2 Moxley Lane, Avondale, PA 19311

O: 610.268.2102

Email: [kkochka@pa.gov](mailto:kkochka@pa.gov)

Twitter: @PSPTroopJPIO

## Advocate for Ocrtorara Parents & Kids

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From RobertSmithPA@protonmail.com <RobertSmithPA@protonmail.com>

To Kochka, Kevin S<kkochka@pa.gov>

CC JPIPES@pa.gov

Date Friday, April 15th, 2022 at 12:39 PM

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Trooper Kochka,

I just want to confirm, that PSP is enforcing a Criminal Trespass Warning against myself, and that I would be arrested for Defiant Trespass if I returned to the school, even though no record exists of any affidavit which supports Probable Cause of a Crime. That you're claiming the authority to have revoked the implied license of a citizen to gain access to public property. The document presented by Dr. Orner has flagrantly violated (Murdock v Pennsylvania) by converting my attempt to speak for 3 minutes, and retain my 4th amendment right in order to express my 1st amendment liberty on behalf of my clients. Her term of "disruption" requires evidence that I committed a crime, that you investigated, to support a lawful criminal trespass. Effectively, I either have these supporting documents or it is clear both Orner and you are acting under Color of Law. I will await receipt of these documents, or confirmation that if I return, I will be arrested for Defiant Trespass.

I did not return to the school under the current threats of arrest for defiant trespass, which has caused significant harm. Because that threat of violence against me still exists, I will not return and any allegation that I would, would be false.

Regards,

Mr. Miller

## Just helping you if you attempt to investigate, it's on the internet.

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From RobertSmithPA@protonmail.com <RobertSmithPA@protonmail.com>

To Kochka, Kevin S <kkochka@pa.gov>

Date Wednesday, March 23rd, 2022 at 1:25 PM

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Trooper Kochka,

Ancient wisdom "When man find himself in hole, stop digging." A respected friend, law enforcement officer said, "it is often that the cover up of crimes, become more criminal than the initial crime itself." I believe that is some internal code when dealing with citizens who break the law. Just thought I would share his wisdom to me.

Here is [a link to video on youtube.](#)

A couple of things to observe.

Time stamp the allegation that I was asked to leave.

Notice who addressed whom first, and the nature of that address.

I hope that you receive this communication in the spirit it is intended. To speak truth in love so you make wise choices and correct statements. I have no power to stop anyone, just attempt to influence them in a way that honors God and I can put my head down on a pillow at night, and have evidence to the man I really am, and not the false claims people attempt to assert.

Respectfully,

Mr. Miller

## RE: [External] Official Trespass Notice

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From RobertSmithPA@protonmail.com <RobertSmithPA@protonmail.com>

To Kochka, Kevin S <kkochka@pa.gov>

Date Wednesday, March 23rd, 2022 at 11:25 AM

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Respectfully Trooper Kochka,

You are in a precarious position which is most unfortunate and I had attempted to reason with you regarding the law. While I am not obligated to inform you of your errors, mis-statements, mischaracterizations and creative narration. I will attempt to be reasonable one more time, and correctly present the law to you, advise you to interact with the District Attorney, and advise you to seek counsel with a supervisor. This is getting repetitive.

Every citizen, has an implied license to be on any public property even private property that is open for public accommodation (a retail mall). The only basis to revoke that license (from public property - which you did), was if you have the elements of probable cause that I committed a crime, a crime was in progress or a crime was about to occur. This is why I repeatedly asked "what crime had I committed?" Which I know I did not commit, no evidence would exist, other than a fabricated narrative. It is my understanding those elements are called "probable cause". Just like what you didn't have when you pulled me over. If you don't have those elements, you are an actor representing your authority, but not protected by qualified immunity, specifically when I have exhaustively warned everyone way in advance.

I respect that you had an urgency to respond for some reason. Your assertion that I was asked to leave by the school is either a mis-statement, misrepresentation, mischaracterization or fabrication, and is absent of any evidence. Even so, I am not obligated to comply with a request when I had not broken any law. Converting my standing on the constitutional right under the 4th amendment, to exercise my 1st has been violated by the school. You and the other officers used your authority to intimidate, and threaten me. You specifically, against my previous advice, used your authority to remove me, and violate both my 4th and 1st amendment rights.

I will require what ever document (if it isn't a probable cause affidavit) from you, that you did the investigation to have the lawful authority to remove me for criminal trespass, revoke my license from public property, and demand I leave. Unless, you are stating that the Certified Letter will include the elements of criminal activity that you were acting upon. (I will review this document as I may find that someone made a false report in a call for service)

I respectfully caution you that my warnings of 18 USC 241, 242 and 42 USC 1983 were documented, and that these actions violate, *Murdock v Pennsylvania* and *Marbury v Madison*. I have attempted to be reasonable, and always lawful. Unfortunately I have not met with the same from Octorara School Board, School Administrators, nor your department and possibly another department which I am not certain has jurisdiction at the school.

Please furnish the Criminal Trespass warning that substantiates your demand that I leave the building or be arrested as defiant trespass as you stated to me when outside. It is not reasonable that I interpret your actions other than you presented them to me, and defer responsibility to some "Certified Letter" after the fact.

I have never had ill will towards you, your fellow officers nor your profession when you act under your lawful authority. This is the second encounter with you that you exceeded that authority and acted in your personal capacity. I merely want to ensure that my rights are intact so I can advocate for the parents in Octorara School. I will take the necessary steps to ensure that I can do that with honor, respect and integrity, which I am not being provided in equal measure. Fortunately, you have the power to reprimand citizens when they transgress and the discretion to not reprimand. Citizens have the same power as well provided through the same process. I stressed repeatedly that I was attempting to be reasonable, unfortunately this will be decided by people beyond both of our pay grades.

I am going to notify you know that I am in the process of filing a public records request and this is a demand to preserve any records, communications, text messages (regardless if they are on a PSP device or personal device), video camera footage, and other relevant materials.

Respectfully,

Mr. Miller

----- Original Message -----

On Wednesday, March 23rd, 2022 at 10:47 AM, Kochka, Kevin S <kkochka@pa.gov> wrote:

Mr. Miller,

Thank you for reaching out to me in regard to this. I want to first explain that I do not have any ill will towards you or what you believe your mission is. I hope you understand that I have a job to do and that job includes enforcing the laws within the Pennsylvania Crimes Code.

You are not under arrest therefore an affidavit of probable cause is not warranted. That will be provided to you if charges are ever brought against you. The school has communicated to you that you no longer allowed on school property. They will be sending you a certified letter explaining that. In addition, at the direction of the school, I also advised you not to return to the property. With that communication, you now know you are not to be back on school grounds, so if you return you can be arrested for Defiant Trespass.

**Section 3503. Criminal trespass.**

**(b) Defiant trespasser. --**

(1) A person commits an offense if, knowing that he is not licensed or privileged to do so, he enters or remains in any place as to which notice against trespass is given by:

(i) actual communication to the actor;

(v) an actual communication to the actor to leave school grounds as communicated by a school, center or program official, employee or agent or a law enforcement officer

Respectfully,

Trooper Kochka

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**From:** RobertSmithPA <RobertSmithPA@protonmail.com>

**Sent:** Tuesday, March 22, 2022 5:29 PM

**To:** Kochka, Kevin S <kkochka@pa.gov>

**Subject:** [External] Official Trespass Notice

**ATTENTION:** *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to [CWOPA\\_SPAM@pa.gov](mailto:CWOPA_SPAM@pa.gov).*

Since you have alleged that I committed a crime to warrant a criminal trespass from public property, please send me a copy of the official trespass notice along with the probable cause affidavit which supports criminal trespass.

BTW, that was rather inappropriate to suggest that I had anything to do with taking you away from any memorial for the tragedy in Philadelphia. I was simply attempting to speak; when you arrived I was hoping that you would follow my request to perform the citizen's arrest upon the unlawful actors of the board. The investigative efforts were negligible and it was derelictions of your duties to not investigate and perform the arrest when you entered the building. Prior to your entrance, I had already announced that I was leaving to call the police and had placed the board under private person's arrest prior to your entrance.

It is all fine by me, because this is the 2nd time I informed you of deprivation of rights under color of law 42 USC 1983, 18 USC 241 and 18 USC 242. Unfortunately, the 241 piece is unquestionable based upon last night's encounter.

I continue to pray for the safety of all officers as I know you all have a difficult job. This is was probably a rare encounter and after it goes the way which the law affords, maybe we can break bread and share memories.

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# Official Trespass Notice

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From RobertSmithPA@protonmail.com <RobertSmithPA@protonmail.com>

To Kochka, Kevin S<kkochka@pa.gov>

Date Tuesday, March 22nd, 2022 at 5:28 PM

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