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2 SUPREME COURT
3 STATE OF WASHINGTON
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5 BY SUSAN L. CARLSON
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7 WASHINGTON STATE SUPREME COURT

8 JOHN WORTHINGTON,

9 Plaintiff,

10 v.

11 WESTNET,

12 Defendants,

NO. 95330-9

PETITIONER'S REPLY IN
SUPPORT OF MOTION TO
SUPPLEMENT THE
RECORD, TAKE JUDICIAL
NOTICE, AND DISQUALIFY

13
14 **I. INTRODUCTION**

15 Comes now John Worthington to reply in support of his motion to supplement the record,
16 take judicial notice and disqualify. Worthington swears under penalty of perjury that the JIS
17 documents were obtained from Mason County Superior Court, after many attempts to obtain the
18 documents from one JIS source or another had failed. The email from Stephanie Happold¹
19 clearly states that as of January of 2017, the Data Dissemination Committee (DDC), had not yet
20 developed the policy for the dissemination of JIS financial data. It simply was not possible to
21 obtain the documents in time for the trial time period in 2011 or on remand in 2015. Nor was it
22 possible for the first appellate level, as the Data Dissemination Committee (DDC) had not
23 authorized the use of such financial data. Clearly Worthington tried to do so when it became
24

25 _____
26 ¹ The first document in Exhibit 1.

1 clear the JIS system was being used to monitor the payments the courts approved to WestNET in
2 the judgment and sentence documents. Those payments went to a payee known as WestNET,
3 drug fund.(Emphasis on WestNET Comma, drug fund)

4 There has been no real offers of proof that the Mason County WestNET process was a
5 Kitsap County process under the “Kitsap County umbrella.”² All the complete record now shows
6 is a State of Washington criminal case with restitution paid to WestNET an alleged non-entity.

7 **II. ARGUMENT IN REPLY**

8 **A. The Mason County JIS printouts are needed and are helpful to the court.**

9
10 Kitsap County responds for the non-entity WestNET³ and argues the JIS printouts from
11 Mason County is not new information and would not help guide the Supreme Court in this case.
12 Worthington respectfully disagrees because a complete financial trail of the court process for
13 WestNET activity conducted by other member entities such as Mason County is necessary and
14 vital to the Supreme Court Justices to fairly determine not only if WestNET is non-entity, but a
15 Kitsap County entity under a “Kitsap County umbrella.”
16

17 Without the supplemental JIS documents on the record, Kitsap County for WestNET will
18 continue to be able to make claims that the unseen court process at some point is a process
19 initiated or conducted by a member entity and not by the non-entity WestNET, or by a Kitsap
20 County entity and process.⁴
21
22

23 ² Kitsap County has always argued the WestNET processes, ie seizure forfeitures etc where all done in the
name of the member entity, not as WestNET.

24 ³ Kitsap County also simultaneously argued WestNET is a Kitsap County entity under a “Kitsap County
25 umbrella.” The trial court agreed.

26 ⁴ Kitsap has argued Worthington is collaterally estopped by a previous PRA case against Kitsap County.

1 What the JIS printouts do is make the process clear to the Washington State Supreme
2 Court that Mason County, did not function as Kitsap County or even Mason County when
3 functioning for WestNET. Mason County Prosecutors did not try and represent Kitsap County
4 they filed criminal cases for the State of Washington. In those criminal cases involving
5 WestNET in Mason County, as the full record with help from the JIS printouts would show, the
6 Mason County Prosecutors drafted briefs depicting the plaintiff as the State of Washington, and
7 then requested restitution be paid directly to WestNET, not the State of Washington, Mason
8 County or Kitsap County. Mason County requested money for a non-entity.⁵
9

10 If Kitsap County's argument that WestNET was a non-entity, or a Kitsap County entity
11 had any validity, the restitution would have been requested for Kitsap County, the State of
12 Washington, (the actual plaintiff) or in this case Mason County. Instead, Mason County opened
13 the criminal case under the State of Washington and then proceeded to ask for money for
14 WestNET.
15

16 The JIS printouts now complete the picture as far as Mason County is concerned.⁶ With
17 the JIS printouts, the Supreme Court now has the Mason County Superior Court judgment and
18 sentence documents, the JIS printouts showing the ongoing accounting for WestNET restitution,
19 and the checks sent from Mason County Superior court to Kitsap County. If Kitsap County did
20 not want to conduct financial activity in the name of a "non-entity," They should have returned
21 the check written to WestNET in 2001, and informed the Mason County prosecutor to stop
22 requesting restitution for a non-entity and instead request it for Kitsap County and a Kitsap
23 County process under a "Kitsap County umbrella."
24

25 ⁵ Mason County signed the interlocal agreement and agreed by contract to not be creating a legal entity.

26 ⁶ The only part missing are the payments made by the defendants.(Cash ? Check?)

1 **B. The Mason County JIS printouts could not have been obtained and presented as**
2 **evidence any sooner than they were.**

3 The AOC and Mason County Superior Court were not willing to provide the JIS printouts
4 because of ongoing policy debate which was centered around *Nast v. Michels*, 107 Wn.2d 300,
5 730 P.2d 54 (1986).⁷ The AOC refused to release any JIS financial data in January of 2017 as
6 shown below:

7 The AOC is **currently not authorized to release** JIS financial data until the
8 Judicial Information System Committee (JISC) finalizes a policy on its
9 dissemination. Therefore, all requests for financial data must go to the JISC
10 subcommittee, the Data Dissemination Committee (DDC) for approval.

11 (Document 1 Exhibit 1 Dec. of Worthington in support of motion.)

12 If the data was not releasable in January of 2017, then it would not have been available in
13 2011 or 2015. As shown above, there was good reason for not submitting these documents
14 earlier, the AOC would not allow its release, because a policy for doing so had not been
15 finalized.

16 **C. The JIS printouts are authentic.**

17 Kitsap County for the non-entity WestNET argues the JIS printouts are not certified and
18 otherwise are not authentic for this court to use. Aside from presenting the requests and the
19 envelope in which the printouts came, Worthington claims the documents are what they are
20 purported to be. As explained in *State v. Payne*, 117 Wn. App. 99, 110 (Div. 2, 2003), ER 901
21 simply requires that the proponent make a prima facie showing of authenticity and ER 901 is met
22 if the proponent shows enough proof for a reasonable fact-finder to find in favor of authenticity.
23 *Payne*, 117 Wn. App. at 108. ER 901 does not limit the type of evidence allowed to authenticate

24
25

⁷ Mason County Superior Court still cites *Nast* on its webpage. (Exhibit 1, Page 13 Dec. of Worthington in
26 support of motion.)

1 a document and merely requires some evidence which is sufficient to support a finding that the
2 evidence in question is what the proponent claims it to be *id* at 106. In doing so, "the trial court is
3 not restricted by the Rules of Evidence; rather ER 104(a) permits the trial court to consider even
4 inadmissible evidence, so long as it is reliable." *City of Bellevue v. Mociulski*, 51 Wn. App. 855,
5 860 (Div. 1, 1988). See also: *State v. Danielson*, 37 Wn. App. 469, 471472 (Div. 1, 1972)
6 (discussing how direct or circumstantial evidence may provide distinctive characteristics
7 sufficient to provide authentication). Once the prima facie showing is made, the evidence is
8 admissible. *Rice v. Offshores Systems. Inc.*, 167 Wn. App. 77, 86 (Div. 1, 2012).

9
10 Here, Worthington provided the email communications requesting the documents on the
11 same day the documents were shown to be printed. If that is not proof enough the Washington
12 State Supreme Court is in luck. They can access the JIS system themselves and see for
13 themselves just how the JIS is being used to collect money for an entity that has contractually
14 agreed not to legally exist. Perhaps the Supreme Court might find it peculiar that they may be on
15 the verge of upholding a ruling that WestNET is a non-entity, while a JIS system they were put
16 in charge of collects money for a legal non-entity, and has been doing so the last 17 years..

17
18 **D. Even if the Chief Justice has minimal involvement that is enough.**

19 At the time of this filing, Chief Justice Mary Fairhurst is the Chair of the Judicial
20 Information System Committee. (JISC)⁸ While Kitsap County downplays this role in the JISC,
21 the fact is the Chief Justice has financial power and control within the committee she chairs. That
22 committee makes financial decisions for the JIS system and clearly has an integrated County

23
24 ⁸2017:[http://www.courts.wa.gov/content/publicUpload/JISC%20Meetings/2017%2012%2001%20JISC%20MTG%20iMTP.pdf#search=Chief Justice JIS system](http://www.courts.wa.gov/content/publicUpload/JISC%20Meetings/2017%2012%2001%20JISC%20MTG%20iMTP.pdf#search=Chief%20Justice%20JIS%20system).

25 2011:<http://www.courts.wa.gov/content/publicUpload/JISC%20Meetings/2011%2012%2002%20JISC%20MTG%20iMTP.pdf#search=JISC>

1 court and AOC staff. In other words the JISC tells the County what to do and how to do it,
2 including collecting money for WestNET...or not!

3 The court should note the Kitsap County Superior Court Judge Hemstreet already recused
4 herself from a follow up WestNET case which awaits the outcome of this case, because she
5 recognized that Kitsap County Superior Court was collecting money for WestNET in a drug fund
6 f. (#17-2-03977-2, a King County Superior Court case asking WestNET affiliates to return the
7 money they collected as WestNET, if they are found not to legally exist by this court).

8 Apparently, Judge Hemstreet did not see a “convoluted pathway” when she chose to recuse
9 herself. She obviously saw a court she belonged to was collecting money for WestNET and
10 rightfully reasoned she and the court had a conflict of interest and granted recusal and change of
11 venue.
12

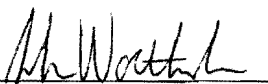
13 If Judge Hemstreet was uncomfortable allowing Kitsap County Superior Court to preside
14 over WestNET cases while the same court collects money for WestNET, then the Chief Justice
15 might also consider doing so. Particularly when you consider defendants may be writing checks
16 payable to WestNET to pay off restitutions and fees in an account set up by the AOC. How does
17 the JIS system handle check payable to a non-entity? What does the JISC think of that?
18

19 This situation is a mess. While Kitsap County, for WestNET, has been telling the courts
20 WestNET does not legally exist, they have been requesting money for WestNET in judgment
21 and sentence documents. Other counties have been too. The entire court system has been
22 intentionally misled to avoid a PRA request at a critical time. If recusal is not granted, then the
23 Chief Justice may be about to rule WestNET does not legally exist while the JIS system she has
24 authority over, has a 17 year trail of collecting money for the non- entity WestNET.
25
26

1 **III. CONCLUSION**

2 Based on the aforementioned arguments, Worthington respectfully requests the JIS
3 printouts be added to the record and that judicial notice be taken of them. Worthington also
4 respectfully requests that the Pierce County printouts also be allowed to prove WestNET was
5 tracked in the JIS system as a "person". Worthington also respectfully argues that given the
6 interwoven nature of the county courts, the AOC and the JISC Committee of which the Chief
7 Justice is chair that Justice Fairhurst recuse herself for the same reasons Judge Hemstreet did in
8 the Kitsap County Superior court case. (#17-2-03977-2)

9
10 Respectfully submitted, this 13TH day of March, 2018.

11
12 By: 
13 John Worthington
14 4500 SE 2ND PL.
15 Renton WA.98059
16 425-917-2235

1
2 Certificate of Service

3 I certify that on the date and time indicated below, I caused to be
4 served via email and personal service, a copy of the documents and
5 pleadings listed below upon the attorney of record for the defendants and
6 parties herein listed and indicated below.

- 7 1. REPLY IN SUPPORT OF MOTION TO SUPPLEMENT RECORD, TAKE JUDICIAL
8 NOTICE AND TO DISQUALIFY.

9 IONE GEORGE WESTNET
10 614 Division Street MS-3SA
11 Port Orchard, W A 98366

PAM LOGINSKY WAPA
206 10th Ave. SE
Olympia, WA 98501

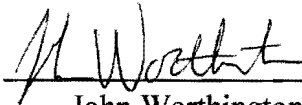
PETER B. GONICK
Deputy Solicitor General
1125 Washington Street SE

WASHINGTON STATE SUPREME COURT
415 12th Avenue SW,
Olympia, WA 98504-0929

12 I declare under penalty of perjury under the laws of the United States
13 that the foregoing is true and correct.

14 Executed on this 13th day of March, 2018.

15 BY



John Worthington
4500 SE 2ND PL.
Renton WA.98059

JOHN WORTHINGTON - FILING PRO SE

March 13, 2018 - 6:07 PM

Transmittal Information

Filed with Court: Supreme Court
Appellate Court Case Number: 95330-9
Appellate Court Case Title: John Worthington v. WestNet
Superior Court Case Number: 11-2-02698-3

The following documents have been uploaded:

- 953309_Answer_Reply_20180313180711SC003505_7340.pdf
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- igeorge@co.kitsap.wa.us
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- thelittlewho@hotmail.com

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