

**SUPREME COURT OF THE STATE OF WASHINGTON**

JAMES-BENJAMIN; BARSTAD,  
  
Appellant,

v.

STATE OF WASHINGTON,  
  
Appellee.

ANSWER TO PETITION  
FOR REVIEW

The Appellee, STATE OF WASHINGTON, respectfully requests this Court to deny discretionary review of this case.

**I. INTRODUCTION**

Petitioner originally brought this case in Superior Court seeking \$46,980,000.00 for the loss of the privilege to use his JPay player (essentially an MP3 player) for 30 days. The trial court dismissed the case and entered a frivolous finding. The case was appealed and, in an unpublished decision, the Court of Appeals affirmed and specifically found the appeal was frivolous. Barstad now seeks review by this Court.

**II. DISCUSSION**

Barstad brings this Petition on seemingly different grounds than argued in the trial court below and somewhat different from his argument in the Court of Appeals below. The Court of Appeals determined that: “Mr. Barstad makes many incoherent statements and claims in his opening

and reply briefs. To the extent these statements or claims raise nonconstitutional or nonjurisdictional issues, they were not raised in the trial court, and we decline to review them. See RAP 2.5(a) (appellate court generally will decline to review arguments not raised in the trial court). To the extent the statement or claims raise constitutional issues, the arguments are incoherent, and we decline to address them.” Unpublished Opinion 35809-7-III at pp.4-5.

In this Court it appears that his additional argument is based on the lower courts not having jurisdiction because he is a sovereign citizen and because of the Uniform Commercial Code, in addition to other grounds.

Barstad does not address the considerations for review outlined in RAP 13.4(b). These are:

(1) If the decision of the Court of Appeals is in conflict with a decision of the Supreme Court; or

(2) If the decision of the Court of Appeals is in conflict with a published decision of the Court of Appeals; or

(3) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(4) If the petition involves an issue of substantial public interest that should be determined by the Supreme Court.

None of these considerations apply to Barstad’s case.

CONCLUSION

The State of Washington respectfully requests this Court to deny this Petition.

RESPECTFULLY SUBMITTED this 16<sup>th</sup> day of May, 2019.

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**CERTIFICATE OF SERVICE**

I hereby certify that I caused the foregoing Answer to Petition for Review to be filed with the Clerk of the Court, and I certify that I served all parties, or their counsel of record, a true and correct copy of this document by United States Mail, postage prepaid, at the following addresses:

JAMES BENJAMIN BARSTAD, DOC #759730  
COYOTE RIDGE CORRECTIONS CENTER  
PO BOX 769  
CONNELL, WA 99326

I certify under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 16<sup>th</sup> day of May, 2019, at Spokane, Washington.

s/ Patty Willoughby  
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**CORRECTIONS DIVISION ATTORNEY GENERAL'S OFFICE**

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