

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2018 DEC -6 PH 1:15

STATE OF WASHINGTON )  
 )  
 Respondent, )  
 )  
 v. )  
 JAMIS S. O'Hagan )  
 (your name) )  
 )  
 Appellant. )

No. 51592-5-1 BY                      DEPUTY

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Jamis S. O'Hagan, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

PLEASE SEE ATTACHED SUPPLEMENTAL BRIEF

Additional Ground 2

If there are additional grounds, a brief summary is attached to this statement.

Date: 11/6/2018

Signature: 

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

---

STATE OF WASHINGTON,

Respondent

v.

JAMES J. O'HAGAN,

Appellant

---

ON APPEAL FROM THE SUPERIOUR COURT OF THE

STATE OF WASHINGTON FOR PACIFIC COUNTY

Michael Evans, Visiting Judge

---

SUPPLEMENTAL BRIEF OF APPELLANT

---

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Massachusetts Bonding & Ins. Co. v Knox, 220 NC 725, 18 SE 2d 436,138 ALR 1438. "A civil lawsuit satisfies the Notice of Lis Pendens action whereas it provides proof to the style number and objective of the action the title of the court in which it is pending and names of the individuals whose property is sought to be affected as the subject matter of property held in both litigations is held in custodial legis".	3-4, 9-12 16-19 28-29 33,37

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The doctrine was adopted by equity in one of Lord Bacon's ordnances " for the  
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some qualifications, considered to be "pending" within contemplation of the  
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Fisher v Shroshire, 147 US 133, 37 L Ed 109, 13 S Ct 201, Federal Land Bank v  
Ozark City Bank, 255 ALA 52, 142 So. 405 (stating the purpose of the Lis Pendens  
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The filing of the Notice of Lis Pendens requires the court to take notice of the  
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to compensate the appropriate damaged party from the subsequent litigation  
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Accordingly the common law is generally applied with respect to matters as to  
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Brown v Cohn 95 Wis 90, 69 NW 71

In Re: Mellen v Moline Malleable Iron Works, 131 US 352, 33 L ed 178, 9 S Ct 781,  
Miller v Sherry, 2 WallUS 237, 17 L Ed 827 The doctrine of Lis Pendens has under  
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setting aside a fraudulent conveyance. (159)

Albertson v Raboff, 46 Cal 2d 375, 295 P2d 405.

Bridger v Exchange Bank, 126 GA 821, 56 SE 97

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Presidio County v Noel- Young Bond & Stock Co. 212 US 58, 53 L Ed 402, 29 S Ct 237,

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Dupee v Salt lake Valley Loan & Trust Co. 20 Utah 103, 57 P 845,  
Fox v Reeder , 28 Ohio St 181

*Camara v. Municipal Court of the City & Cy. of San Francisco*, 1 387 U.S. 523, 528,  
87 S. Ct. 1727, 18 L. Ed. 2d 930 (1967).

*Schneckloth v. Bustamonte*, 412 U.S. 218, 227, 93 S. Ct. 2041, 36 L. Ed. 2d 854 (1973).  
U.S. Supreme Court GERSTEIN v. PUGH, 420 U.S. 103 (1975) 420 U.S. 103

Kinnamon v. Staitman and Snyder (App. 2 Dist. 1977) 136 Cal.Rptr. 321, 66  
Cal.App.3d 893 . Damages 57.25(1) Torts 436 Attorneys are not exempt from  
the principles of extortion in their professional conduct.

Kyles v. Whitley, 115 S.Ct. 1555, 1568 (1995). (1/17)

Kyles at 1568, quoting Burger v. United States, 295 U.S. 78, 88 (1935).

United States v. Smith, 77 F.3d 511 (D.C. Cir. 1996).

Brady v. Maryland, 373 U.S. 83 (1963)

Napue v. Illinois, 360 U.S. 264 (1959)

Giglio v. United States, 405 U.S. 150 (1963)

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113 US App. D.C. 100. (85)

*Epstein v. Corporacion Peruana de Vapores, D.C.N.Y.*, 325 F.Supp. 535, 537

Department of Ins. of Indiana v. Church Members Relief Ass'n., 217 Ind. 58,  
26 N.E.2d 51 (1940)

Ryder vs. United States, 115 S. Ct. 2031, 132 L. Ed. 2d 136, 515 U.S. 177(1995)  
the agent himself may have been unaware of the limitations upon his authority.

Federal Crop Insurance Corp. v. Merrill, 322 U.S. 380, at 384; 68 S. Ct. 1; 92  
L.Ed.10, (1947).

Continental Casualty Co. v. United States, 113 F.2d 284, 286 (5th Cir. 1940)

Lavin v. Marsh, 9th Cir., 1981, 644 F. 2d 1378, 1383

Burger v. United States, 295 U.S. 78 (1935)

the bill against a debtor creates a lien upon personal property as security for the performance of an act" Columbia Casualty Co. v. Sodini, 159 Kan 478, 156 P2d 524.

JACOBY, *supra* note 25, at 29; *see also* Leland E. Beck, *The Administrative Law of Criminal Prosecution: The Development of Prosecutorial Policy*, 27 AM. U. L. REV. 310, 317 (1978) [hereinafter Beck, *Administrative Law*]; *Prosecutorial Discretion*, 37 GEO. L.J. ANN. REV. CRIM. PROC. 209, 209-12 (2008).

("[S]overeignty is the exercise of power by the state.") 2009] *Delegation of the Criminal Prosecution Function* 431 criminal prosecution is not that it shall win a case, but that justice shall be done. Cal. Rptr. 457, 461-62 (Ct. App. 1977). , Berger v. United States, 295 U.S. 78, 88 (1935); *see also* People v. Kelley, 142

JACOBY, *supra* note 25, at xx ("The prosecution function is most effectively analyzed by viewing it as a highly discretionary decision-making system operating in a complex set of constraints."); Green & Zacharias, *supra* note 59, at 840. *See generally* Sarat & Clarke, *supra* note 1 (considering relationship of prosecutorial discretion to sovereignty)

*See* Fairfax, *supra* note 33, at 732-33. Attorney General (later Associate Justice) Robert Jackson famously remarked that "[t]he prosecutor has more control over life, liberty, and reputation than any other person in America." Robert H. Jackson, *The Federal Prosecutor*, 24 J. AM. JUDICATURE SOC'Y 18, 18 (1940). *See* James Vorenberg, *Decent Restraint of Prosecutorial Power*, 94 HARV. L. REV. 1521, 1536 (1981).

*See* Fairfax, *supra* note 33, at 734-36. As Professors Stephen Saltzburg and Daniel Capra have noted, "There are several theoretical checks on the prosecutor's decision not to prosecute."

**STEPHEN A. SALTZBURG & DANIEL J. CAPRA, AMERICAN CRIMINAL PROCEDURE 878 (2007). Among these, in some jurisdictions, are the grand jury's ability to act independently of the prosecutor, the ability of the state attorney general or the governor to appoint a special prosecutor to replace the original prosecutor in a given case, and the possibility of private prosecution. See id. (203)**

Kalina v. Fletcher U.S. Supreme Court no. 96-792 (overruling Ninth Cir.) 12/10/1997 prosecutors are only entitled to qualified immunity.

Beightol v. Kunowsky D.C. Pa. 1974 382 F. Supp. 98 (the Court held)  
"Absent highly unusual circumstances defenses of Executive Immunity and  
Good Faith by public officials in carrying out duties should be submitted to jury"

Trinsely v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647 Statements of counsel,  
in their briefs or their arguments are not sufficient for a motion to dismiss  
or for summary judgment,

Flatley v. Mauro (2006) 46 Cal.Rptr.3d 606, 39 Cal.4th 299, 139 P.3d 2 .  
Attorney And Client 32(12) Extortion 28

Appling v. State Farm Mutual Auto Ins. Co., 340 F. 3d 769, 780 (9<sup>th</sup> Cir. 2003)  
( quoting United States v. Beggerly, 524 U.S. 38, 46 (1998) ).

Civil conspiracy exists when two or more combine to accomplish an unlawful  
purpose or to accomplish a lawful purpose by unlawful means. Sound Mind  
and Body Inc. V. City of Seattle 122 Wn. 1074 (2004)

In Lantana v. Pelczynski 303 S. Ct. 2<sup>nd</sup> 326 The Supreme Court held the filing of  
charges on a candidate 7 days before Election Day constituted an election crime  
and violated the candidates first amendment

United States v. Williams 112 S CT. 1735, 504 U.S. 36 118 L.Ed. 352 (1992)

The claim and exercise of a Constitutional right cannot be converted to a crime.  
Miller v. U. S., 230 F 486 at 489

"Government may not prohibit or control the conduct of a person for reasons  
that infringe upon constitutionally guaranteed freedoms." Smith v. U.S. 502 F 2d  
512 CA Tex(1974)

Connally vs. General Construction Co. 296 U.S. 385, 391 (1926) "[ A] statute [or rule  
not in evidence], which either forbids or requires the doing of an act in terms so  
vague that men of common intelligence must necessarily guess at its meaning and  
differ as to its application, violates the first essential of due process of law".

Benny , 29 B.R. 754, 762 (N.D. Cal. 1983 "an unlawful or unauthorized exercise  
of power does not become legitimated or authorized by reason of habitude"

Please see J. Cook's 3<sup>rd</sup> Edition "Constitutional Rights of The Accused" Chapter 1 section  
(s) 1- 27 "Constitutional Limits On The Criminalization Of Behavior" The first amendment  
of the U.S. Constitution prohibits explicitly laws which impair specified individual  
liberties. Criminal statutes which facially impinge upon first amendment protected

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expression are unconstitutional and hence cannot form the basis for a criminal conviction. Statutes which are not factually unconstitutional may be unconstitutional as applied in a particular case. *Gitlow v. New York* 268 U.S. 652, 69 L. Ed. 1138, 45 S.Ct. 625 (1925), *Herndon v. Lowry*, 301 U.S. 242, 81 L. Ed. 1066, 57 S. Ct. 732, (1937), *Edwards v. S. Carolina*, 372 U.S. 229, 9 L. Ed. 2<sup>nd</sup> 697, 83 S. Ct. (1963)

Justice Scalia allowed that 'it may not even be necessary to identify any particular 'neutral' basis, so long as the nature of the content discrimination is such that there is no realistic possibility that official suppression of ideas is afoot. *R.A.V. v. St. Paul*, 505 U.S. 377, 120 L. Ed. 2<sup>nd</sup> 305, 112 S. Ct. 2538, 2547, 92 C.D.O.S. 5299, 92 Daily Journal D.A.R. 8395 (1992)

The (Supreme) Court held in determining whether a defendant's *Faretta* rights have been respected, the primary focus must be on whether the defendant had a chance to present his case in his own way" *McKaskle v. Wiggins*, 465 U.S. 168, 177, 79 L.ED. 2<sup>nd</sup> 122, 104 S. Ct. 944 (1984)

In Washington, a criminal defendant's right to testify is explicitly protected under our state constitution. This right is fundamental, and cannot be abrogated by defense counsel or by the court. *State v. Thomas*, 128 Wn.2d 553, 558, 910 P.2d 475 (1996) . Only the defendant has the authority to decide whether or not to testify.

*The Sixth Amendment to the United States Constitution provides: In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury ... , and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense .Implicit in the Sixth Amendment is the criminal defendant's right to control his defense. See *Faretta v. California*, 422 U.S. 806, 819, 95 S. Ct. 2525, 45 L. Ed. 2d 562 (1975) ("Although not stated in the [Sixth] Amendment in so many words, the right ... to make one's own defense personally[ ]is thus necessarily implied by the structure of the Amendment."); *State v. Jones*, 99 Wn.2d 735, 740, 664 P.2d 1216 (1983) ("*Faretta* embodies 'the conviction that a defendant has the right to decide, within limits, the type of defense he wishes to mount.'" (quoting *United States v. Laura*, 607 F.2d 52, 56 (3d Cir. 1979))). The defendant's right to control his defense is necessary "to further the truth-seeking aim of a criminal trial and to respect individual dignity and autonomy." *State v. Coristine*, 177 Wn.2d 370, 375, 300 P.3d 400 (2013).*

The second theory, a nonentrapment rationale, is based on a recent Ninth Circuit decision that reversed a conviction because a government investigator was so enmeshed in the criminal activity that the prosecution of the defendants was held to be repugnant

to the American criminal justice system. *Greene v. United States*, 454 F. 2d 783 (CA9 1971).

The court below held that these two rationales constitute the same defense, and that only the label distinguishes them. In any event, it held that "[b]oth theories are premised on fundamental concepts of due process and evince the reluctance of the judiciary to countenance `overzealous law enforcement.'" 459 F. 2d, at 674, quoting *Sherman v. United States*, 356 U. S. 369, 381 (1958) (Frank-furter, J., concurring in result) (227, 237)

Immunity fosters neglect and breeds irresponsibility, while liability promotes care And caution, which caution and care is owed by the government to its people. *Rabon v. Rowen Memorial Hosp., Inc.*, 269 NS 1, 13, 152 SE 1d 485, 493(1967)

*Roadway Express v. Pipe* 447 US 752 at 757 (1982) " Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices.... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law."

The circumstances are such that the likelihood that any lawyer could provide effective assistance is so small that a presumption of prejudice is appropriate without further inquiry (e.g., governmental interference with defendant's attorney-client relationship). See *In re Davis*, 152 Wn.2d 647, 675 (2004); see also *Boulas v. The Superior Court*, 233 Cal. Rptr. 487 (Cal. Ct. App. 1986) (governmental interference).

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Counsel is ineffective if;

- (1) a defendant is denied counsel (or private investigator) at a critical stage of his trial,
- (2) counsel entirely fails to subject the prosecution's case to meaningful adversarial testing,
- (3) counsel labors under an actual conflict of interest

A conviction obtained where the accused was denied counsel is treated as void for all purposes." *Burgett v. Texas*, 389, US 109 (1967)

"Lack of counsel of choice can be conceivably even worse than no counsel at all, or of having to accept counsel beholden to one's adversary." *Burgett v. Texas*, 389 US 109

A "Hobsons Choice" occurs when a person is offered what is equivalent of no choice at all. Cited in part at (31) *State v. Chen* 119 Wash. App. 1013 (Wash. App. Div. 2 13,

*Figuroa v. Clark* 810,F. Supp. 613 (E.D. Pa. 11/5/1992 A prosecutorial misconduct action in Federal court may lead to state court action, and eventually release of prisoner.

Actions by state officers and employees, even if unauthorized or in excess of authority, can be actions under 'color of law'." Stringer v. Dilger, CA 10 Colo 313 F 2d 536(1963)

A court is without power to render a judgment it lacks jurisdiction of the parties or of the subject matter...In such cases, the judgment is void, has no authority and may be impeached." O'Leary v. Waterbury Title Co., 117 Conn 39, 43, 166 A. 673

Actions by state officers and employees, even if unauthorized or in excess of authority, can be actions under 'color of law'." Stringer v. Dilger, CA 10 Colo 313 F 2d 536(1963)

Canseco vs U.S. 97 F3d 1224, 1226 36 Fed. R sev. 3d (LCP) 77 (9<sup>th</sup> Cir.1996 )

When the responsibilities of lawmaker, prosecutor, judge, jury and disciplinarian are thrust upon a judge he is obviously incapable of holding the scales of justice perfectly fair and true." Fisher v. Pace, 336 US 155 at 167

Appling v. State Farm Mutual Auto Ins. Co., 340 F. 3d 769, 780 (9<sup>th</sup> Cir. 2003) ( quoting United States v. Beggerly, 524 U.S. 38, 46 (1998) ). The ninth Circuit has adopted the definition of "fraud upon the court" provided by Professor Moore: " "Fraud upon the court" should , we believe, embrace only that species of fraud which does or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery cannot perform in the usual manner its impartial task of adjudging cases that are presented for adjudication. "

the jury...acts not only as a safeguard against judicial excesses, but also as a barrier to legislative and executive oppression. The Supreme Court...recognizes that the jury...is designed to protect Defendants against oppressive governmental practices." United States ex rel Toth v. Quarles, 350 US 11, 16 (1955) (85)

The common law right of the jury to determine the law as well as the facts remains unimpaired." State v. Croteau, 23 Vt 14, 54 AM DEC 90 (1849)

Judicial immunity is no defense to a judge acting in the clear absence of jurisdiction. Bradley v. Fisher, US 13 Wall 335 (1871)

"Disobedience or evasion of a Constitutional mandate may not be tolerated, even though such disobedience may...promote in some respects the best interests of the public." Slote v. Bd. of Examiners, 274 N.Y. 367; 2 NE 2d 12; 112 ALR 660. (See also Watson v. Memphis, 375 US 526; 10 L Ed 529; 83 S Ct 1314.)

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Bradley v. Fisher, US 13 Wall 335 (1871) "Judicial immunity is no defense to a judge acting in the clear absence of jurisdiction."

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Governmental immunity is not a defense under (42 USC 1983) making liable every person who under color of state law deprives another person of his civil rights." Westberry v. Fisher, DC Me. 309 F Sup 95(1970)

A judge is not immune from criminal sanctions under the civil rights act Virginia, 100 US 339(1879), (54 US v. Moylon 417 F 2d 1002, 1006(1969))

"A conviction under an unconstitutional law is...illegal and void and cannot be a legal cause of imprisonment; the courts must liberate a person imprisoned under it...one imprisoned...may be discharged by the writ of 'Habeas Corpus'." (16 Am Jur Sec 150)

"When any court violates the clean and unambiguous language of the Constitution, a fraud is perpetrated and no one is bound to obey it." State v. Sutton, 63 Minn. 147 65 NW 262 30 LRA630 AM ST 459 (229)

## CONSTITUTIONAL PROTECTIONS STATUTES AND OTHER PROTECTIONS

### **United States Constitutional trust agreement;**

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### **Washington State Constitutional trust agreement;**

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## Assignments of error

1. The prosecutors and judges involved in the trial court violated my protections assured to me in the preamble of our United States Constitutional trust agreement. CP (Clerk's Public Documents )#s 1-330
2. The prosecutors and judges involved in the trial court violated my protections assured to me in Article 1 sections 4, 6, 9, Article 3 sections 1, 2, 3, Article 4 sections 1, 2, 4, Article 6 , Amendments 1, 4, 5, 6 7, 8, 9, 10, 11 and 14 section 1,3 of our United States Constitutional trust agreement. CP #s 1-330
3. The prosecutors and judges involved in the trial court, the Appellate court, and the Washington State Supreme Court acted bias and capriciously and violated my protections assured to me in Article 1 section 9 of our United States Constitutional trust agreement. CP #s 45, 315, 324, 330
4. The prosecutors and judges involved in the trial court violated my protections assured to me in Article 1 sections 1, 2 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, Article 2 sections 8, 14, 28 (subsections 6, 9, 10, 12, & 17), 30, and Article 11 section 14 of our Washington State Constitutional trust agreement. CP #s 1-330
5. The prosecutors and judges involved in the trial court, the appellate court and the Washington State Supreme Court acted bias and capriciously and violated my protections assured to me in Article 1 section 10 of our Washington State Constitutional trust agreement. CP #s 45, 315, 324, 330
6. The prosecutors and judges involved in the trial court violated my protections assured to me in 18 USC sections 3, 4, 218, 241, 242, 371, 555, 641, 645, 1018, 1341, 1349,1512, 1513, 1951, 5 USC section 1502, 42 USC section 12203 CP #s 1-330
7. The prosecutor and judges involved in the trial court violated my protections of law assured to me in RCW 9.01.120 Civil Remedies Preserved, RCW 9.01.160 Application to existing civil rights, RCW 4.04.010 Extent to which common law prevails, RCW 60.70.020 Real property common law liens unenforceable—Personal property common law liens limited, RCW 60.70.040 No duty to disclose record of common law lien, RCW

9.45.060 Encumbered, leased, or rented personal property—Construction, RCW  
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 the first degree, RCW Chapter 9.04 Advertising crimes related to, RCW chapter 9.81  
 Subversive Activities, RCW chapter 9.82 Treason, RCW 10.27.030 Summoning Grand  
 Jury and RCW 9A.82.100 Remedies and procedures. CP #s 1-330

8. The prosecutors, lawyers and the judges of the trial court violated my protections  
 assured to me in the Washington Court Rules, Code of judicial Conduct (CJC) as  
 described in the preamble, terminology, application of the code of judicial conduct, CJC  
 1, 2, 3 (A, B, C, D), 5 (A,D) & 7, Rules of Professional Conduct (RPC) as described in

preamble, preliminary statement , terminology RPC Title 1, 1.1, 1.2, 1.3, 1.4, 1.7, 1.8, 1.9, 1.10, 1.15, 2.1, 2.2, 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, 3.5, 4.1, 4.4, 5.1, 5.2, 5.3, 5.4, 5.6, 6.2, 6.4, 7.1, 8.1, 8.2, 8.3, 8.4 & 8.5, Rules for enforcement of Lawyer Conduct (ELC), CrR Rule 2.2 (a) (2) Probable cause, Washington Rules of Evidence (ER) CP#s 1,- 330, HTs 11/18/2016, 12/2/2016, 12/16, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017, 4/19/2017, 4/19/2017, 4/25/2017, 5/25/2017, 2/16/2018

9. In order to keep me from getting elected to public office and improving the quality of justice the people have in Washington State, the 3 (or more) prosecutors, 18 (or more) judges and 3 (or more) public defenders involved all violated almost every due process rights I had available to me. CP#s 1, 2, 4, 5, 6, 7, 9, 10 11, 12, 13, 14, 15, 17, 18, 19 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 33, 34, 35, 189 191, HTs 11/18/2016, 12/2/2016, 12/16, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017, 4/19/2017, 4/19/2017, 4/25/2017, 5/25/2017, 2/16/2018
10. The public officers lacked jurisdiction to file criminal charges on me for running for political office and speaking out against the judicial branch, being involved in civil lawsuits and asserting my fourth amendment private property right. CP #s, 2, 4, 5, 6, 7 , 9, 10 11, 12, 13, 14, 15, 17, 18, 19 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 33, 34, 35, 189, 191,
11. The judges involved ignored and dismissed my defenses identified in my Notice of Lis Pendens action without any findings of facts or conclusions of law, and Prosecutor Massiello and Judge Evans threatened me with contempt and incarceration if I presented it to the jury. CP #s 2, 5, 6, 9, 10 11, 12, 13, 14, 15, 17, 26, 29, 30, 31, 49, 85, 99, 117, 159, 168, 169, 189, 191, 204, 210, 227, 228, 231, 233, 234, 237, 238, 240, 280
12. It is well documented throughout the case the entire situation started out as a witch-hunt by the prosecutors and on 2/16/2018 Judge Evans agreed the witch-hunt was continuing throughout the case. After Judge Evans agreed it was a witch- hunt he refused to allow me to present the bias and malice evidence of it to the jury, because he was a witness to it and would not allow me to call him to the witness stand. It was as

David Mistachkin eluded to, the third time rouge prosecutor Paul Massiello created a victim by filing a motion in this case. HT 2/16/2018 pages 17-23 CP 189,191,

13. I was subjected to improper service. CP 5, 7, 9, 14, HT 11/18
14. I was subjected to double jeopardy. CP 1, 2, 4, 5, 6, 15, 18, 19, 23, 33, 34, HT 11/18
15. On multiple occasions the judges involved tried to force me to appear before the court without counsel and filed criminal charges on me for refusing to appear before the court without counsel and for exercising my constitutional rights. CP#s 15, 29, 34, 35, 36, 37, 40, 48, 54, 55, 56, 57,61, 62,63,65, 66, 68, 69, 70,71,72 73,74,75,76, 78, 79, 80 & 81 HT's 11/18/2016, 12/16/2016, 1/13/2017
16. My 10 day revision challenges of court commissioners Nancy McAlister, Michael Turner and William Faubion were not properly addressed, because the court administrator could not find a superior court judge that was willing to take the case, as such my right to due process and a speedy trial were violated, because it was a political hot potato and a special case as my first public defender testified to. CP#s 9,10,11,12,13,14,15,17, 25, 26, 27, 28, 30, 31, 35, 37, 41, 47, 54, 59, 61 63, 66, 74, 191
17. After it was determined to be a special case, and the Grand Jury had been warded off, the finding it was a special case was dismissed, and the court made sure public defenders were appointed who had conflicts of interests and were beholden to my adversaries that would not call forth a Grand Jury as required by law. CP 130, 154

### **Issues Pertaining to Assignments of Error**

1. Why did anyone file these criminal charges on an individual involved in a civil lawsuit for asserting his 4<sup>th</sup> amendment private property right against the defendant in his civil lawsuit? CP (Clerk's Public Documents) #s 1, 2, 9,10,11,12,13,14,15,17,
2. Was Paul Massiello acting as a rouge agent when he filed these criminal charges against me, if not which elected prosecutor (identify him) authorized him to do so and was the (officer the appellate court identifies as the) authorizing officer reviewing his work? CP#s 1, 2, 9,10,11,12,13,14,15,17, 42, 47, 43, 45, 60,

3. How did the first judge (Nancy McAlister) determine the information and probable cause statement of Paul Massiello was sufficient to justify issuing a warrant to have me arrested as written? CP#s 1,2,4,5,6,7,8,9,10,11,12,13, 14, 15, 16, 17, 18... HT( Hearing Transcript) 11/18/2016
4. Why didn't the second judge (Michael Turner) throw the criminal charges that Mr. Massiello filed on me on 11/2/2016 out and call forth a Grand Jury investigation into the election crimes as required by law? CP#s 1,2,4,5,6,7,8,9,10,11,12,13, 14, 15, 16, 17, 18, 41, 42,45, 47,... HT( Hearing Transcript) 11/18/2016, 2/2/2016
5. Why didn't the third judge (William Faubion) throw the criminal charges that Mr. Massiello filed on me on 11/2/2016 out and call forth a Grand jury investigation into the election crimes as required by law? CP#s 1,2,4,5,6,7,8,9,10,11,12,13, 14, 15, 16, 17, 18,41,42, 45, 47, 56, 59,... HT( Hearing Transcript) 11/18/2016, 12/2/2016, 12/16/2016, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017,
6. Why didn't the fourth judge (James Dixon) throw the criminal charges that Mr. Massiello filed on me on 11/2/2016 out and call forth a Grand Jury investigation into the election crimes as required by law? CP#s 1,2,4,5,6,7,8,9,10,11,12,13, 14, 15, 16, 17, 18, 41,42,45,47,56, 59,... HT( Hearing Transcript) 11/18/2016, 12/2/2016, 12/16/2016, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017
7. Why didn't the fifth judge (Chris Lanse) throw the criminal charges that Mr. Massiello filed on me on 11/2/2016 out and call forth a Grand Jury investigation into the election crimes as required by law? CP#s 1,2,4,5,6,7,8,9,10,11,12,13, 14, 15, 16, 17, 18, 41, 42,45, 47,56,59,... HT( Hearing Transcript) 11/18/2016, 12/2/2016, 12/16/201, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017
8. Why didn't the sixth Judge (Steven Warning) throw the criminal charges that Mr. Massiello filed against me out and call forth a Grand Jury investigation into the election crimes as required by law. CP#s 1,2,4,5,6,7,8,9,10,11,12,13, 14, 15, 16, 17, 18,41, 42,45, 47,56,59... HT( Hearing Transcript) 11/18/2016, 12/2/2016, 12/16/2016, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017,4/19/2017

9. Why didn't the seventh judge (Michael Evans) throw the criminal charges that Mr. Massiello filed against me out and call forth a Grand Jury Investigation into the election crimes as required by law. CP#s 1,2,4,5,6,7,8,9,10,11,12,13, 14, 15, 16, 17, 18,41, 42,45, 47,56,59,74, 78, 80, 83, 85, 89, 99, 102, 105... HT( Hearing Transcript) 11/18/2016, 12/2/2016, 12/16/2016, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017, 4/19/2017, 4/25/2017, 5/25/2017, 2/16/2018
10. Are these Nazi Gestapo tactics and this vengeance, bias, malice and prejudice going to continue? CP #s 1,2,9,10,11,12,13,14,15,17,25,26,27,30,34,35,37,45,49,56,59,89, 143, 156,227 -330 HTs 11/18/2016, 12/2/2016, 12/16/2016, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017, 4/19/2017, 4/25/2017, 5/25/2017, 2/16/2018
11. Was I denied the protections of law described in: Preamble, USC sections Article 1 sections 4, 6, 9, Article 3 sections 1, 2, 3, Article 4 sections 1, 2, 4, Article 6 , Amendments 1, 4, 5, 6 7, 8, 9, 10, 11 and 14 section 1 and WSC Article 1 sections 1, 2 3, 4, 5, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 19, 21, 22, 23, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35, Article 2 sections 8, 14, 28 (subsections 6, 9, 10, 12, & 17), 30, and Article 11 section 14, during this communist fiasco. CP #S 1-330, HTs 11/18/2016, 12/2/2016, 12/16/2016, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017, 4/19/2017, 4/25/2017, 5/25/2017, 2/16/2018
12. Before the turn of the century my ancestors immigrated here to the Pacific Northwest from Nazi Germany, in an effort to escape the communism that was being forced on the people of Germany by the members of the judicial branch of Germany. When they left Germany lower class peasants were being taxed to death and were being prosecuted who spoke up about the communist takeover of their country. The criminal charges that were filed against me were filed against me because I ran for state representative, am a lower class peasant farmer that was victimized by the judicial fraud industry and is being taxed to death and was speaking up about how members of the judicial branches have violated the separation of powers, and infiltrated our legislative and executive branches in order to achieve absolute power and force communism onto our society. My ancestors

fought in 2 World Wars against communism and educated me on the difference between communism and our constitutional form of government and warned me about the possibility of a communist takeover. CP #s **9,10,11,12,13,14,15,17, 56, 59, 89, 156, 157, 158, 200, 210, 227-330** HTs 11/18/2016, & 12/06/2016

My Parents explained the difference between communism and our constitutional form of government to me as “ in communism there is the upper ruling class of people and a lower class of people that are the servants of the upper ruling class communist leaders, in communism the ruling class has “Nobility” and are above the laws of the servants”. Our constitutional form of government is just the opposite the government leaders are public servants of the people, there are no upper class leaders or lower class servants, all of the laws pertain to us equally and holding public office is a privilege not a progressive right, as such there are no special privileges and immunities provided to any public official and laws were established to protect every individual from the rulers.

My parents explain to me that in communism there are no equal opportunities, and the government decides for you what you can and cannot do. Right now because of the communist agenda of the Washington State Judicial Branch, and nothing else, I live and farm in the most restricted and expensive place to farm cranberries in the world, cranberry growers just across Willapa Bay from me in Long beach Washington farm in the same environment with the same practices, do not have the restrictions or costs associated with their farms, we do in Grayland Washington, as such there are no equal opportunities or protections of the law. It is an interference with commerce and communism at its best.

My parents explained to me that in Communism there is no private property. Now here in our country I pay as much for taxes annually that I paid annually to purchase my property, the state tells me what I can and cannot do with my private property, and with the filing of these criminal charges against me the state has told me that it is criminal for me to assert my 4<sup>th</sup> amendment private property right. Our forefathers who wrote our constitutions understood this well and based our constitutions to protect us from this type of communism.

So the moment the members of the judicial branch steps over the line drawn in law by our forefathers and provides special privileges and immunities to any public official, or holds them less accountable to our laws established to keep them in line, they violate their oath of office, commit treason and force their communist beliefs onto the people. The members of the judicial branches know they are engaging in treason and communism when they provide special privileges and immunities to fellow public officials and why they are doing it, as they know in communism they are above the law and have absolute power. The public officials that attacked me and my political supporters acted with knowledge and knew they were protecting and forcing their communist beliefs and agenda onto our society, by interfering with our electoral process, taking the Grand Jury investigation away and providing special privileges and immunities to the public officials involved. CP # **9,10,11,12,13,14,15,17, 56, 59, 89, 156, 157, 158, 200, 210, 227-330**, HTs 11/18/2016, & 12/06/2016

Believe me when I tell you that I am a lower class peasant farmer that has been economically suppressed by elite upper class judicial branch members that are obsessed, intoxicated and addicted to the absolute power and economic status they have achieved by allowing their fellow judicial branch members to violate the separation of powers. Special privileges and immunities have continually been provided to public officials and their fellow judicial branch members to protect their absolute power. Thus my family, political supporters and I are just more victims of the communist takeover the judicial branch has forced onto our society, exactly like in Nazi Germany pre World War I and is with their subversive activities against me, continuing to engage in treason and force communism onto our society. Please see RCW chapter 9.81 Subversive Activities, (specifically RCW 9.81.083) and RCW chapter 9.82 Treason, specifically the third sentence in RCW 9.82.020. CP # 31, 56, 59, 89,177, 227, HTs 11/18/2016, 12/2/2016, 12/16, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017, 4/19/2017, 4/19/2017, 4/25/2017, 5/25/2017, 2/16/2018

My political supporters and I understand that the standard operating procedures of the judicial branches fits communism far better than it fits our constitutional form of government. The mode of operation of the BAR Associations of selling injustice to the highest bidder creates

“nobility” fits communism perfectly, is a direct attack on our constitutional form of governments, and every time our judges provide preferential treatment and special privileges and immunities to each other, and other public officials, they are violating our constitutional trust agreements, engaging in treason and forcing communism onto our society. CP #s 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 45, 46, 47, 49, 50, 53, 54, 56, 57, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 72, 73, 74, 76, 77, 78, 80, 81, 82, 83, 84, 85, 87, 89, 90, 91, 92, 93, 94, 95, 96, 97, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 115, 115, 116, 125, 126, 127, 128, 129, 13, 131, 132, 136, 140, 141, 142, 143, 144, 145, 146, 148, 149, 150, 151, 152, 155, 156, 157, 158, 177, 227-330, HTs 11/18/2016, 12/2/2016, 12/16/2016, 1/3/2017, 1/9/2017, 1/13/2017, 2/27/2017, 3/1/2017, **4/19/2017**, 4/25/2017, 5/25/2017, 2/16/2018

### **13. Reply to Brief of Court Appointed Appellate Attorney Eric Nielsen**

Eric Nielsen and Christopher Gibson are communist beholden to my adversaries, whereas; they wrote their appellate brief in a precise manner to do everything they could to provide special privileges and immunities to their fellow judicial branch members, take away my and my political supporters right to have a Grand Jury investigate the election crimes we were subjected to, and concealed the true purpose behind the members of the judicial branch accusing me of criminal wrongdoing. CP#s 9, 10, 11, 12, 23, 14, 15, 17, 26, 30, 31, 35, 36, 56,59,89,156,157,158, 177,200,210, 227, HT 4/19/2017 Page42

In order to do this Christopher Gibson had to ignore the protections of law I am entitled to, that were established to hold public officials accountable for their criminal acts and make false and misleading statements, which is what he did on the very first page of his brief. The first sentence on page 1 under “Issues Pertaining to Error” is a lie that is intended to throw me under the bus and provide special privileges and immunities to all of the public officials involved in this communist subversive activity. The fact is Brian Couch, the owner of the subject property I was accused of stealing, testified under oath that he did not accuse me of stealing anything, and that I had an ongoing civil lawsuit against him, thus a common law lien was in place on

the property and until the civil lawsuit is determined, is still in place on the property that is the subject of this communist judicial fraud industry action, and in accordance with RCW 60.70.020 I had a lawful duty to hold onto the personal property, until the civil action was resolved. TT Brian Couch on cross

I properly filed a Notice of Lis Pendens that was ignored and dismissed without any findings of facts or conclusions of law. Mr. Gibson fails to point out that if in fact Mr. Couch did file a criminal complaint he may have been charged with the crimes described in RCW 9A.28.030 Criminal solicitation and RCW 9A.28.020 Criminal attempt. CP #s 2, 9,10,11,12, 12, 14,15,17,26,27, 30, 31, 34, 56, 59,60,78,80,83,85,89,99,116,143,151,156,158,159,172,179,204,

In the last sentence of page 1 and first sentence on page 2 of Christopher Gibson's brief he hints to the court that I had asserted my 4<sup>th</sup> amendment private property right, without saying so and ignores pointing out to the court that I cannot be charged with criminal charges for asserting my fourth amendment private property right. The only reason why Christopher Gibson would intentionally withhold the argument from the appellate court that the court lacked jurisdiction to file criminal charges on me for asserting my fourth amendment private property right is that he is throwing me under the bus to provide special privileges and immunities to all of the public officials involved, by keeping this argument within Washington State, trying to get it dismissed without the election crimes being investigated by a Grand Jury and limiting my federal defense arguments. CP #s 9,10,11,12,13,14,15,17, 26, 27, 30,34, 35, 53, 56, 78, 79, 83, 85, 89, 117, 142, 151,

The first paragraph on page 6 of Christopher Gibson's brief is false and misleading whereas I subpoenaed the sheriff's records and nowhere in the sheriff's records are there any record of Brian Couch contacting the sheriff's office until May 13, 2016. The charging document indicates the property was allegedly stolen between May 14, and June 10, 2016 while the civil lawsuit was ongoing. The court needs to take judicial notice on the fact that all times relevant to the criminal charges there was a civil lawsuit ongoing and a common law lien in place on the

subject property. CP#s 1, 2, 9,10,11,12,13,14,15,17, 26, 27, 30,34, 35, 53, 56, 78, 79, 83, 85, 89, 117, 142, 151,

Mr. Gibson's language shows his bias, whereas in the second paragraph of page 2 Mr. Gibson states "O'Hagan kicked him off the property" instead of stating "O'Hagan asserted his 4<sup>th</sup> amendment private property right and instructed Couch to obtain a court order to enter onto his property to retrieve his property".

The last 2 sentences on page 2 of Mr. Gibson's brief are also false and misleading, whereas I informed Deputy Weigardt I filed against Brian Couch, and I was asserting my 4<sup>th</sup> amendment private property right and Mr. Couch could and would need to obtain a court order to enter onto my private property. It is well documented that no one denied the fact that I had an ongoing civil lawsuit against Brian Couch and asserted my 4<sup>th</sup> amendment private property right, yet no judge nor Mr. Gibson questioned why the sheriff's office or the prosecutors would deviate from their standard operating procedures and join Mr. Couch and Prosecutor McClain's unlawful efforts to take an upper hand in a civil lawsuit when it is a criminal act for them to do so as described in Alabama G. S. R. Co. v. Thomas, 89 Ala 294, 7 So. 762; International Finance Corp. v. McKay, 93 Fla. 101, 111 So 531, De Pass v. Chitty, 90 Fla 77, 105 so 148, Davidson v Burke, 143 Ill 139, 32 NE 514, Rothschild v Kohn 93 Ky 107, 19 SW 180.

<sup>1</sup> Massachusetts Bonding & Ins. Co. v Knox, 220 NC 725, 18 SE 2d 436,138 ALR 1438.

<sup>1</sup> Oil Fields Corp v Dashko 173 ARK 533, 294 SW 25 cert den 275, Houston v Timmerman 17 OR 499 21 P. 1037 Green v Rick 121 PA 130, 15 A 497.

<sup>1</sup> Oil Fields Corp v Dashko 173 ARK 533, 294 SW 25 cert den 275, De Pass v. Chitty, 90 Fla 77, 105 so 148 Federal Land Bank v Ozark City Bank, 255 ALA 52, 142 So. 405, Houston v Timmerman 17 OR 499 21 P. 1037

<sup>1</sup> Secombe v Steele 20 How U.S. 94, 143 L Ed 833, Rothschild v Kohn 93 Ky 107, 19 SW 180.

<sup>1</sup> Mellen v Moline Malleable Iron Works, 131 US 352, 33 L ed 178, 9 S Ct 781, Miller v Sherry, 2 WallUS 237, 17 L Ed 827

<sup>1</sup> Fisher v Shroshire, 147 US 133, 37 L Ed 109, 13 S Ct 201, Federal Land Bank v Ozark City Bank, 255 ALA 52, 142 So. 405 (stating the purpose of the Lis Pendens statute is to substitute state law for the common law)

<sup>1</sup> Marchand v De Soto Mortg. Co FLA APP149 So 2d 357

<sup>1</sup> P.A. Stark Piano Co. v Fannin 212 Ky 640, 279 SW 1080,  
McVay v Tousley, 20 SD 258, 105 NW 932.

<sup>1</sup> P.A. Stark Piano Co. v Fannin 212 Ky 640, 279 SW 1080, Brown v Cohn 95 Wis 90, 69 NW 71

<sup>1</sup> Albertson v Raboff, 46 Cal 2d 375, 295 P2d 405.

Bridger v Exchange Bank, 126 GA 821, 56 SE 97

<sup>1</sup> Harris v Whittier Bldg. & L. Assoc. 18 Cal App 2d 260, 63 P2d 840,

De Pass v. Chitty, 90 Fla 77, 105 so 148

<sup>1</sup> Presidio County v Noel- Young Bond & Stock Co. 212 US 58, 53 L Ed 402, 29 S Ct 237,

Warren county v Marcy, 97 US 96, 24 L Ed 977.

<sup>1</sup> Dupee v Salt lake Valley Loan & Trust Co. 20 Utah 103, 57 P 845,

Fox v Reeder , 28 Ohio St 181

CP#s 9-17,26-34,56-60,78-89,99,116,117, 141-143,151,156,158,159,172,179,204,

The fact is nowhere in his brief did Christopher Gibson even mention the ramifications to the filing of criminal charges on top of an ongoing civil lawsuit. Why, because it is in violation of Amendment 11 Restriction of Judicial Powers of our U. S. Constitutional trust agreement and it amounts to the entire judicial branch becoming bias and prejudice and taking a side in a civil lawsuit, without knowing the facts or adjudicating the civil lawsuit. It is communism, treason (as described in the third sentence of RCW 9.82.020 Levying War) and the epitome of the judicial fraud industry that he makes money from. It created a Lis Pendance action and every person that participated in it becomes defendants in the civil action, RCW 9A.82.100 Remedies and procedures applies.

Eric Nielsen and his law partner Christopher Gibson (as are all of the prosecutors judges and attorneys involved in this action) are charged with knowing the law (at least as much as I do, a peasant farmer) and as such they were fully aware of the ramifications to addressing the

lis pendance argument and avoided it to provide special privileges and immunities to the judicial branch members involved. The problem is by evading the argument they acted in omission to all of the subversive activities, treasonous acts and fraud involved including the embezzlement of public funds that was used illegally to interfere with an election and prosecute me, so by throwing me under the bus, to provide special privileges and immunities to their fellow judicial branch members they have joined the criminal conspiracy as described in RCW 9A.28.040 Criminal conspiracy (1), (2 f) that Sheriff Johnson, Mark McClain Jonathan Meyer, Paul Massielo, Natalie St John and Nancy McAlister conjured up to cover-up their involvement and join in the criminal conspiracy that stole the Kenyon Kelley Grayland Cranberry Farm from my family, and embezzled public funds to do so. CP#s 9, -17, 26,30,31, 35,56,60,78,80,83,85,89,117,143,151,156, 157, 158, 159, 168, 169, 200,227, 280

Mr. Gibson failed to point out that in Washington State v Russell F. Stenger No. 54965-6, on 9/2/1988 the Supreme Court got it right, where they remanded and ordered the Clark Co. Superior Court to appoint a special prosecutor. In State v. Stenger the Justices ruled a conflict of interest is a disability, just exactly the opposite of Judge Evans decision. This case is the same situation and the Lewis County prosecutors were not properly appointed by Pacific County Prosecutor Mark McClain. McClain appointed Lewis County Prosecutors under the assumption they could prosecute in Pacific County Superior Court and that Lewis County Prosecutor Jonathan Meyer would be supervising his deputy's work, which the evidence shows he was not, and as such was unsupervised and acting as a rouge agent. If he was supervised it was by Mark McClain and his conflict of interest and disability remained intact, and drove the vindictiveness. CP 1, 15, 27, 31, 34, 53, 56, 78, 80, 83, 85, 89, 117, 143, 151, HT 4/19/2017 pages 17-23, 23-30, 32-33,

Mr. Gibson failed to address the fact that my 4, 10 day revision challenges regarding this issue were never properly addressed because the court administrator had extreme difficulties to locate a Superior Court Judge that was willing to accept the case. This left me with a Hobson choice to waive my speedy trial right because I knew a Grand Jury investigation was the proper procedure to take. A "Hobsons Choice" occurs when a person is offered what is equivalent of

**no choice at all. Cited in part at (31) State v. Chen 119 Wash. App. 1013 (Wash. App. Div. 2 11/13/2003) HT 4/19/2017 CP 177**

The honest truth is the only individual that accused me of stealing anything is rouge deputy prosecutor Paul Massiello via twice removed hearsay. I understand Eric Nielsen and his law partner Christopher H. Gibson are with their fraudulent brief, attempting to provide special privileges and immunities, to their fellow communist judicial branch members, involved in this communist criminal conspiracy that so far includes Mark McClain, Jonathan Meyers, Paul Massiello, Nancy McAllister, Michael Turner, William Faubion, James Dixon, Chris Lanse, Steven Warren, Michael Evans, Harold Karlsvick, Brian Birkenmier and David Mistachkin. CP#s 1-330

The fact is nowhere in their appellate brief did Eric Nielsen's law firm even mention the fact that: "6 days before Election Day while I was running for state representative to end the violations of the separation of powers that members of the judicial branch were engaging in members of the judicial branch accused me of these criminal charges" , and the fact that the supreme courts have determined the filing of criminal charges on political candidate 7 days before election day is a violation of our democratic election process<sup>1</sup>. CP#s1-8, 9-17,26,30,31, 35,42,43,45,46,47,49,56,59,60,74,78,80,83,85,89,99,117,143,151,156,157,158,159,177,200,280

Mr. Gibson failed to show that Judge Evans took every defense available to me away from me. In an effort to cover-up Judge Evans bias and malicious attitude Mr. Gibson points out to the appellate court that Judge Evans even took away the defense the legislature provided to me in RCW 9A.56.020 Theft—Definition, defense (2, a & b) ,but in doing so he pretends it was a mistake instead of exposing the magnitude of prejudice, bias and malice involved. CP#s 1-169-280-249-258-330, HT 4/19/2017 Pages 102- 103

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<sup>1</sup> **In Lantana v. Pelczynski 303 S. Ct. 2<sup>nd</sup> 326** The Supreme Court held the filing of charges on a candidate 7 days before Election Day constituted an election crime and violated the candidates first amendment rights.

I understood that the odds of me being assigned an appellate attorney that would be beholden to my adversaries that are involved in the communist takeover of our constitutional form of governments would be very high, which is why I wrote and submitted my two Habeas Corpus Petitions to the Washington State Supreme Court and Habeas Corpus Petition to the United States Supreme Court in advance of my assigned appellate attorneys' brief. My Habeas Corpus Petitions were intended to protect myself and place the members of the judicial branch involved in this "on notice" that I would be watching for them to attempt to provide special privileges and immunities to their fellow judicial branch members, in order to protect and preserve their communist takeover of our constitutional form of governments. It was a violation of Article 1 section 9 of our United States Constitutional trust agreement and Article 1 section 13 of our Washington State Constitutional trust agreement to ignore them and suspend them. CP #s 45, 315, 324, 330

As such I am requiring the appellate court justices to take judicial notice of my three Habeas Corpus Petitions identified in the court record as CP #s 45, 315, 324, 330 and requiring that they be included as part of my appellate brief in their entirety. As the court can see Eric Nielsen received copies of my Habeas Corpus Petitions, had knowledge of the defenses I asserted and ignored them entirely. By acting with knowledge, the communist members of the judicial branch cannot pretend they don't know that they are engaging in treason by violating our laws and engaging in subversive activities to overthrow our Constitutional Republican ( USC Article IV section 4) form of government and force communism onto our society. CP#s 9, 10, 11, 12, 13 ,14, 15, 17, 29, 31, 177, 200, 227,280 HT 4/19/2016 page 42

For the reasons cited above, and other reasons I cite herein that are related to providing special privileges and immunities to Mark McClain, Sheriff Johnson, Jonathan Meyer, Paul Massiello, Nancy McAlister, Michael Turner, William Faubion, Chris Wickham, Steven Warren, David Mistachkin and Michael Evans, the duties and laws described in RCW chapter 9.81 Subversive Activities and RCW chapter 9.82 Treason I **do not accept** the appointment of the law firm of Eric Nielsen as my appellate attorney as he and his law partner Christopher Gibson have shown me they are beholden to my communist adversaries and are supporting the

communist takeover of our constitutional form of government by the members of the judicial branch that I was campaigning to prevent. The stipulations I stipulated to in CP#s 29, 31, 32 were not contested timely and as such they are agreed to including but not limited to the last stipulation in CP# 31 that pertains to the appointment of counsel not beholden to my adversaries.

As I stipulated to in CP #s 29 & 31, I stipulate again that I am entitled to counsel that is not beholden to my adversary, and as such I will only accept counsel that has spoken out publically about ending the absolute power the judicial branch has achieved by allowing its members to violate the separation of powers and infiltrate our legislative and executive branches to force the communist movement of the judicial branch onto our society. Some of these very few individuals known to me are Dr. Richard Corderio, Professor David DeWoulf, Montana Supreme Court Clerk candidate Roger Roots and Chris Ann Hall. I am quite certain the communist members of the Washington State Judicial branch would rather deny me right to effective counsel than appoint me counsel that was not beholden to my communist adversaries. CP #s 9,10,11,12,13,14,15, 17, 23, 29, 31, 34, 35, 37, 41, 45, 54, 57, 72, 119, 130, 154,

14. Substantial issues Mr. Gibson failed to address, Election Crimes, 4<sup>th</sup> Amendment, Lis Pendens, Fair Hearings and Trial CP #s 1,2, 9, 10, 11, 12, 13, 14, 15, 17, 23,

14(a) Judge Evans interpretation of a Grand Jury is inconsistent with the U.S. Supreme Courts and RCW 2.36.010 Definitions (5) "Grand Jury". HT 4/19/2017 pages 34-36.

14(b) Judge Steven Warren and Judge Michael Evans presided over my civil lawsuit against the owner of the subject property Brian Couch and unlawfully sanction me in that case in an effort to exercise their power to protect and enhance the judicial fraud industry. As such both of them were witnesses I identified to call in my defense and were in direct violation of CJC Cannon 3 (D) (1) (a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; CJC Cannon 3 (D) (1) (b) the judge previously served as a lawyer or was a material witness in the matter in controversy ..., CJC 3

(D)(1)(d) the judge ...: (iii) is to the judge's knowledge likely to be a material witness in the proceeding. CP#s 102, 103, 104, 105, 11, 113,280 HT 4/19/2017 Pages 93-94

14(c) My civil lawsuit was the subject of my conversation with the investigating officer, and was what I based my actions on. My civil lawsuit was included in the investigating officer report. Reference to my civil lawsuit was included in the prosecutor's probable cause statement and used to make the determination to charge me with the crimes. When the prosecutor opened the door regarding my civil lawsuit the door was open and I could use it for my defense. As stated Judge Evans was the judge on my civil lawsuit and was not about to allow me to call him to the witness stand in my defense HT 4/19/2017 pages 93- 94, as such he had no choice but to prevent me from presenting my civil lawsuit and lis pendens defense to the jury. CP#s 2, 9-17, 105, 161, 210, 227, 253-256, 280, HT 4/19/2017 Pages 102-103, HT 2/16/2018 page 7-9 TT

14(d) From 11/18/2016 to 4/19/2017 nether Judge Turner nor Judge Faubion was properly before the court whereas neither of them had my written consent to proceed against me, as such the entire time between 11/18/2016 to 4/19/2017 was nothing but a hinder, delay and defraud tactic to take away my speedy trial rights and attempt to force me into submission without the lawful authority to do so. When Court commissioner Michael Turner stepped down District Court Judge Pro tem William Faubion took his place of the Pacific County Superior Court bench. So in essence I went for a Court Commissioner to District Court Judge in Superior court which is a step in the wrong direction. (HT 1/3/2017 Page 15) As district court judge, Judge William Faubion had no jurisdiction to act or rule in Superior court or over my 10 day revision challenges that were pending before the court. In the Clerks Public Documents (CP #s 62,63 & 64 it appears Superior Court Judge James Dixon issued a warrant to have me arrested for missing a trial date while I was asking the federal court to review this case., but when you read the statements District Court Judge William Faubion made on the record on 3/1/2017 it appears Judge James Dixon recused himself the moment he reviewed the record and did not sign the warrant. It is clear that Judge James Dixon did not sign the warrant and in fact Judge William Faubion forged Judge James Dixon's signature on the warrant. CP # 64. Please see HT 3/1/2017 Page 4. After I learned there was a warrant for my arrest for missing a hearing I filed a

motion to quash the warrant and asked for a court date to hear my motion to quash the warrant. On Monday the court administrator was unable to locate a judge to hear my motion to quash warrant, and she was also unable to locate a judge to hear my motion to quash the warrant. Please see CP # 74, HT 3/1/2017 pages 7, 10-11. Then after I was arrested 4 days later Judge William Faubion heard my motion to quash, and quashed the arrest warrant HT 3/1/2017 Page 11. After I appeared in court without counsel and Judge Faubion quashed the warrant for missing the hearing for excusable mistake Rouge Prosecutor Paul Massielo who was acting unsupervised amended the complaint to include bail jumping, and he and Judge Evans made sure none of this would be presented to the jury or included in the jury instructions. CP#s 26, 27, 28, 34, 53, 56, HT 11/18/2016 -1/13/2017, HT 1/3/2017 Page 15 States jury instructions CP 279, defendants proposed jury instructions CP 280.

14(e) The court administrators were unable to locate a Superior court judge that was willing to preside over this case in a timely manner and as such none of my 4, 10 day revision challenges were ruled on within 90 days as described in **RCW2.08.240 Limit of Time for decision** and **RCW 2.38.130 Proceeding not to fail for want of judge or session of court** and as such they were granted to me in default and evidence of the dilatory tactics to hinder, delay and defraud me of my right to a speedy trial and Grand Jury investigation regarding the election crimes I was subjected to. It was and is psychological torture of a victim, witness and informant of corruption involving the judicial branch. CP#s 27, 28, 34, 42?, 53, 56, 61, HT 4/19/2017 Pages 66-67, CP # 74, HT 3/1/2017 pages 7, 10-11

14(f) Judge Nancy McAlister, Judge Michael Turner, Judge William Faubion, Judge James Dixon, Judge Steven Warren and Judge Michael Evans all acted without jurisdiction and with the communist agenda of the Washington State Bar Association and violated **RCW 29A.84.720 Officers—Violations generally** and **RCW 2.36.010 Definitions (5)** in order to provide special privileges and immunities to the prosecutors and protect the absolute power the judicial branch has achieved by having and allowing its members to violate the separation of powers and infiltrate our legislative and executive branches, interfere with our election process and take the intent and purpose of Grand Jury investigations from us and lawfully they forfeited

their office the moment they did so. The taking of the right of the people to have a Grand Jury investigate corruption creates an upper ruling class of people that are above the laws and is a subversive, treasonous communist act. CP# 1- 330

14(g) So the first and foremost factual issue for the higher courts to have determined is; was this an election crime intended to influence voters to not vote for me as described in RCW 29A.84.630 "Influencing voter to withhold vote" and am I a political prisoner, witness, victim and informant to a communist takeover of our constitutional form of government by the judicial branch of Washington State, as such did all of the public officials involved in this action interfere with all of my constitutional rights, rise up in insurrection to our laws and obligations to speak up against this communist takeover of our constitutional form of government by the judicial branch of Washington State. I stipulate that this treasonous issue of fact is far too important to the people of Washington State, to allow members of the judicial branch to determine that have a serious conflict of interest involved, and is only proper for a Grand Jury to determine as described by law in RCW chapter 9.81 Subversive Activities, RCW 36.27.020 Duties (9), RCW 29A.84.720 Officers—Violations generally, RCW 2.36.010 (5) Grand Jury, RCW 4.44.090 Questions of fact for jury, RCW 4.44.095 Right to jury trial upon an issue of fact in an action at law, RCW 7.16.120 Questions involving merits to be determined (1, 2 & 3) and RCW 7.16.210 Questions of fact how determined. CP1-330

14(h) In order to determine the first and foremost issue the Grand Jury will have to determine if Sheriff Johnson or his deputies and Pacific County Prosecutor Mark McClain and / or Lewis County prosecutor Jonathan Meyers and / or his deputies, and /or Nancy McAlister, Michael Turner, William Faubion, James Dixon, and /or Michael Evans had jurisdiction to interfere with my civil lawsuits against Brian Couch and Mark McClain, or for asserting my 4<sup>th</sup> amendment private property right. The Grand Jury will also have to determine if Pacific County Prosecutor Mark McClain and Lewis County Prosecutor Jonathan Meyers forfeited their office by delegating their authority to Paul Massiello and violating their duties described in RCW 36.27.020 Duties (9) present all violations of election laws which may come to the prosecutors knowledge to the special consideration of the proper jury and RCW 29A.84.720

Officers –Violations generally, The grand Jury will also have to determine if Nancy McAllister, Michael Turner, William Faubion, James Dixon, and Michael Evans violated RCW 29A.84.720 Officers –Violations generally, and were required to forfeit their office the moment they did so, by law, and as such was there any public officials in the courtroom with the lawful authority to act as described in RCW 7.16.120 Questions of merit to be determined (1) whether the body or officer had jurisdiction of the subject matter under review, (2) whether the authority, conferred upon the body or officer in relation to the subject matter, has been pursued in the mode required by law, in order to authorize it or to make the determination and (3)Whether in making the determination, any rule of law affecting the rights of the parties thereto has been violated to the prejudice of the relator. In determining jurisdiction the Grand Jury will have to determine if Judge Michael Evans was disqualified to act as a judge in the case, as described in CJC Cannon 3 (D) (a) (b) & (d) (iii).

14(i) It is impossible for any court in Washington State to provide me a fair hearings or a fair trial without presenting the election crime argument to a Grand Jury, since I was striking at the heart of the communist movement of the judicial branch, by aggressively campaigning to end the absolute power the judicial branch has achieved and I was tried and convicted before charges were even filed against me in all of the newspapers in the 19<sup>th</sup> district. I stipulate that it is impossible, and a violation of my constitutional rights and protections of law to force me to go to trial with any judge that knows he is in violation of RCW 29A.84.720 Officers –Violations generally and he or she is preventing a grand jury investigation into the election crimes involved. I further stipulate RCW 29A.84.720 Officers –Violations generally applies to every appellate judge and Supreme Court Justice and they too will have engaged in subversive activities, treason and forfeited their office if they refuse to call forth a Grand Jury to investigate the election crimes involved, as Justice Scalia writing for the majority described in; United States v. Williams 112 S CT. 1735, 504 U.S. 36 118 L.Ed. 352 (1992) The Grand Jury is mentioned in the bill of rights, but not in the body of the Constitution. It has not been textually assigned therefore, to any of the branches described in the first three Articles. It “is a constitutional fixture in its own right. In fact the whole theory of its function is that it belongs to no branch of the institutional government, serving as a kind of buffer or referee

between the Government and the people.” The Grand Jury is an institution separate from the courts, over whose function the courts do not preside, we think it clear that, as a general matter at least, no such supervisory judicial authority exists. The “common law” of the fifth Amendment demands a traditional functioning grand jury.” The Grand Jury “can investigate merely on suspicion that the law is being violated, or even because it wants assurance that it is not”. It need not identify the offender it suspects, or even “the precise nature of the offense” it is investigating. The Grand Jury requires no authorization from its constituting court to initiate an investigation, nor does the prosecutor require leave of the court to seek a grand jury indictment. And in its day to day functioning the Grand Jury generally operates without the interference of a presiding judge. It swears in its own witnesses and deliberates in total secrecy. Although the Grand Jury normally operates, of course, in the courthouse and under judicial aspects, its institutional relationship with the judicial branch has traditionally been, so to speak, at arms length. The Judges direct involvement in the function of the Grand Jury has been confined to the constructive one of calling the Grand Jurors together and administering their oath of office. The Grand Jury functional independence from the judicial branch is evident both in the scope of its power to investigate criminal wrongdoing, and in the manner in which that power is executed. CP#s 9, 10, 11, 12, 13 ,14, 15, 17, 31,

B. Facts, Pertaining to Errors

1. Election Crime, Disability of Judge Evans and Bias of Others

1(a) On (HT) 4/19/2017 on pages 34-36 Judge Evans engages in trickery and deceit where implies he does not know the difference between a Grand Jury and a Petit jury as his interpretation of a Grand Jury is far different than the U.S. Supreme Courts and the definition of a Grand Jury in RCW 2.36.010 Definitions (5) “Grand Jury” means those twelve persons impaneled by a superior court to hear examine and investigate evidence concerning criminal activity and corruption whereas: Judge Evans alleges a Grand Jury is not an investigative body of its own at arm’s length from the courts and implies it is a civil or criminal fact finding jury (6 petit jury) overseen by a Superior Court Judge that decides what evidence, arguments and laws

are presented to it, which is just the opposite of the U.S. Supreme Court's interpretation of a Grand Jury and inconsistent with RCW 2.36.010 (5) whereas it disables the ability of a Grand Jury to "investigate" corruption. This was another instance where Judge Evans attacked me with off the wall questions he should've known better to ask. (a dilatory tactic).

1(b) Before he realized I understood the difference between a Grand Jury and a petit jury and the ramifications to the public officials involved, Judge Michael Evans ruled he believed election crimes were involved. 4/19/2017 Hearing Transcript (HT) on page 42, and determined I could use the election crime argument for my defense HT 4/19/2017 pages 102-103. As soon as Judge Michael Evans realized a Grand Jury investigation would have to be called to investigate the election crimes he reversed his decision and began taking aggressive actions to prosecute me from his bench in order to protect himself from the Grand Jury investigation, whereas he was disqualified to act as a judge in the case as described in RCW 2.28.030 Judicial Officer defined- When Disqualified and CJC Cannon 3 (D) (a) (b) & (d) (iii). The moment judge Evans realized the law required a Grand jury investigation into the election crime violations he became aggressively bias and prejudice towards me, and understood he had to convict me in order to conceal the fact he forfeited his office as described in RCW 29A.84.720 Officers – Violations generally. In the afternoon of April 19<sup>th</sup> 2017 Judge Michael Evans forfeited his office and engaged in subversive activities and treason when he refused to call forth a Grand Jury to investigate the election crimes he had knowledge of. From that moment on Judge Evans began taking aggressive actions to prosecute me from the bench, take away all of my defenses to provide special privileges and immunities to himself, Sheriff Johnson, the prosecutors and other judges involved without any authority to do so. CP#s 1,2 9,10,11,12,13,14,15, 17, 45, 80, 83, 85, 89, 99,105, 109, 110, 112,113,114,115,116, 117, 145, 143, 146, 156, 161, 162, 164, 167, 168, 169, 170, 172, 176, 177, 179, 200 208, 210, 212,213,214,215, 227, 228, 229, 237, 238, 280 jury instructions - HT 4/19/2017 pages 42, 102-103

1(c) Far before this case began I was treated with bias and with prejudice by State and Federal judicial officers and was continually deprived of equal protection of our laws and due process. Sheriff Scott Johnson and his deputies, Prosecutors Mark McClain, Jonathan Meyer,

Paul Massielo, Judge Nancy McAlister, Judge Michael Turner, Judge William Faubion, Judge Michael Evans all acted with bias and prejudice, refused to acknowledge their bias and prejudice involved and prevented me from presenting evidence to the bias and prejudice involved, by taking away all of my defenses that showed how bias and prejudice all of it is, was and is continuing to be. CP 1, 2, 9, 10, 11, 12, 13, 14, 15, 17, 28, 31, 143, 151, 156, 161, 162, 164, 167, 168, 169, 170, 172, 176, 177, 179, 200, 208, 210, 212, 213, 214, 215, 227, 228, 229, 237, 238, 280, HT 4/19/2017 Pages 102-103, HT 2/16/2018 pages 8-16

1(d) The entire case was a modern day witch-hunt from the start to the very end. Every criminal charge was fabricated by Paul Massielo exactly like Judge Evans explained on (HT) 2/16/2018 pages 17- 24. The real problem was that Judge Evans refused to allow me to present it to the jury to show the magnitude of prejudice, bias and malice involved, in order to cover-up the corruption involved in all of it. Judge Evans had to obtain his conviction of me to attempt to cover-up his criminal acts involving the election crimes and threatening, harassing and intimidating a victim, witness and informant of organized crime and corruption. 1, 2, 5, 9, 10, 11, 12, 13, 14, 15, 17, 25, 26, 27, 30, 31, 34, 35, 53, 56, 78, 80, 83, 85, 89, 117, 143, 151, 156, 157, 158, 161, 176, 177, 191, 200, 202, 203, 227, 280 HT 4/19/2017, HT 2/16/2018 Pages 17-24

## 2. Conspiracy to Commit Election Crimes

2(a) The fact is I was politically assassinated and convicted by Natalie St John's newspaper article before I was charged with any crimes. Natalie St John's newspaper article was published on November 2, 2016, where she stated clearly that I was arrested for these criminal charges, even though I was not yet charged<sup>2</sup>. On November 4, 2016 after all of the newspapers in the

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<sup>2</sup> **EC 7-13** The responsibility of a public prosecutor differs from that of the usual advocate; his duty is to seek justice, not merely to convict. This special duty exists because: (1) the prosecutor represents the sovereign and therefore should use restraint in the discretionary exercise of governmental powers, such as in the selection of cases to prosecute; (2) during trial the prosecutor is not only an advocate but he also may make decisions normally made by an individual client, and those affecting the public interest should be fair to all; and (3) in our system of criminal justice the accused is to be given the benefit of all reasonable doubts. With respect to evidence and witnesses, the prosecutor has responsibilities different from those of a lawyer in private practice: the prosecutor should make timely disclosure to the defense of available evidence, known to him, that tends to negate the guilt of the accused, mitigate the degree of the offense, or reduce the punishment. Further, a prosecutor should not intentionally avoid pursuit of evidence merely because he believes it will

area ran Natalie St John's news story Nancy McAlister rubber stamped rouge prosecutor Paul Massielo's information and probable cause statement without even reading them, to comply with Natalie St John's newspaper story. If Nancy McAlister had actually taken the time to read rouge prosecutor Paul Massielo's information and probable cause statement she would have been required to reject them by the law described in RCW 10.37.050 Indictment or information—Sufficiency, CrR Rule 2.2 (a) (2) Probable Cause and RCW 9A.72.085 and would've also realized Paul Massielo was acting as a rouge agent because his work was not supervised.<sup>3</sup> CP#s 1,2, 4,5,9, 10, 11, 12, 13 ,14, 15, 17, 18,19, 25, 26, 27, 28, 30, 31, 34, 45, 53, 56, 59, 60, 83, 84, 85, 87, 89, 112,113,114,115,116, 140, 142, 143,156 ,189, 191 200, 229, 280, HT 4/19/2017 pages 36- 42, pages 102-103 , HT 2/16/2018 Pages 17-24

2(b) After receiving a letter of instruction from me instructing him to call forth a Grand Jury to investigate the election crimes I was subjected to, as described in RCW 36.27.020 Duties(9), RCW 29A.84.720 Officers—Violations generally, RCW 10.27.030 Summoning Grand Jury, RCW 42.20.100 Failure of duty by public officer a misdemeanor my public defender Harold Karlsvick informed the court that this was a special case that required special consideration, that he could not defend on a public defenders salary. (CP #s 29, 35, 36, 37, 57) The court agreed with him and dismissed him from the case, then the court attempted to force me to represent myself, in an effort to ward off the possibility of another attorney calling forth a Grand jury investigation, into the elections crimes involved. (CP #s 29,37, 54) When that did not work for them they appointed me ineffective counsel and counsel with a direct conflict of interest. (CP#s 119, 130, 154) So the court went from it is a special case with special considerations and a 4 week jury trial to taking away effective counsel, the Grand Jury and all of my defenses to "Mr. O'Hagan we have already convicted you and you can't do anything about it, the jury trial is just a formality we have to go through to provide the appearance of fairness and due process". I am only going to allow you to present half truths to the jury, such as "that cat might be a dog", or "there might be malice involved" while truthful it is only fraud and forced perjury, because it is

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damage the prosecutor's case or aid the accused.

<sup>3</sup> A judicial officer may delegate the performance of ministerial duties to court employees. However, it is the judicial officer's ultimate responsibility to ensure they are performed in accordance with ARLJ 5(b)

not the “whole truth”. Judge Evans refused to enforce my subpoenas when I called Sheriff Johnson, Mark McClain and Rick Satcher to the witness stand to prove prejudice, bias and malice in my defense. CP#s 105, 143, 151, 167, 168, 169, 170, 204, 208 210, 229, 279,280, 285, 286, 287, HT 4/19/2017 Pages 36- 42, pages 102-103, HT 2/16/2018 Pages 17-24, pages 8-16, TT 2/16,17,18/ 2018

2(c) I am sure it is obvious to everyone involved why Judge Evans refused to allow me to call Natalie St John and Nancy McAlister to the witness stand, as it reeks of bias and malice. I know every member of the judicial branch that is involved in this situation is aware of the amount of criminal activity and corruption that took place with this action and all of them are deathly afraid of a Grand Jury investigation into this corruption. The problem the judiciary is facing is the Grand Jury places the people above the Government, and makes the Government accountable to the people, the taking of the Grand Jury from the people creates communism, takes our constitutional trust agreements from the people and places the government (in this case the judicial branch) above everyone. Without a Grand jury investigation the criminal activity and corrupt activities of the judicial branch to force us into communism will survive and thrive. CP #s 1, 2, 4, 5, 6, 7, 8, 9,10,11,12,13,14,15,17,18,19,45 HT 4/19/2017 Pages 36- 42, pages 102-103, HT 2/16/2018 Pages 17-24, pages 8-16

2(d) The information stated Paul Massielo was a Lewis county prosecutor and he stated the alleged the crimes occurred in Lewis County, from which Pacific county had no jurisdiction. The probable cause statement did not conform to CrR Rule 2.2 (a) (2) and RCW 9A.72.085 regarding probable cause statements, as it was not signed by either an investigating officer or a complaining witness. Nancy McAlister could’ve required Brain Couch to come before her to examine him when she saw there was no complaint signed by him under oath but she could not because McClain , Meyers and Massielo’s co-conspirator Natalie St John had already ran her news story claiming I was charged with the crimes.CP#s1,2,4,5,6,8,9,10,11,12,13,14,15,17,18, 19, 45

2(e) The information was insufficient as described in RCW 10.37.050 Indictment or information—Sufficiency whereas when one reads it one cannot decipher where the alleged crimes occurred. This raises the material question as to why Nancy McAlister accepted the information on the eve of Election Day and did not reject it. As an acting Judge Nancy McAlister is charged with knowing the law and as such she was aware by reading the information and probable cause statement that no one was reviewing Paul Massielo’s work as required by laws relating to the delegation of duties, and that as such he was acting as a rouge agent. Anyone that studies Paul Massielo’s information and probable cause statement, RCW 10.37.050 and laws related to the delegation of duties that is not bias and prejudice would come to the same conclusion, that they were insufficient to justify issuing the arrest warrant, and that the information and probable cause statement was not proof read or reviewed by any elected prosecutor, so Paul Massielo was acting as a rouge agent and the elected prosecutors involved violated their delegation of duties. The only reason Nancy McAlister rubber stamped the arrest warrant was that she knew it was a desperate situation on their part to hurry up and get it done at the precise moment that it would have the greatest effect of influencing voters to not vote for me on Election Day. CP #s1,2,4,5,6,8,9,10,11,12,13,14,15,17,18,19,45 HT 4/19/2017 page 42

2(f) Don’t anyone even try to imply that Natalie St John was not working with the prosecutors involved, and even possibly Nancy McAlister, because she readily admitted to it in her news story (CP #s 1, 2, 9, 10,11, 12, 13, 14, 45, exhibit 2 defendants exhibit list CP #283) and no one can convince me that she had time to write her news story and get it published and distributed at the precise moment that it would have the greatest effect to influence voters to not vote for me if she was not directly involved in the criminal conspiracy, with Mark McClain, Jonathan Meyer, Paul Massielo, Sheriff Johnson and others to conspire to influence voters to not vote for me. There was no statute of limitations pressing the prosecutors to file the criminal charges on me 6 days before Election Day. CP #s1,2,4,5,6,8,9,10,11,12,13,14,15,17,18,19,45 HT 4/19/2017 page 42

2(g) The stipulations I presented to the court in my Quo Warento Motion To Determine If Lewis County Prosecutors Are Lawfully Before The Court And Notice That Public Interest Is

Summoning A Grand Jury By Declaration of James O'Hagan (CP # 31) were not denied and as such they are an uncontested factual matter the court needs to take judicial notice of.

2(h) The moment Judge Michael Turner allowed Prosecutor Paul Massielo to resubmit his information and probable cause statement, I faced double jeopardy, and was charged twice for the same alleged crimes, which is a violation of USC Amendment V & WSC Article I section 9 and evidence as to how desperate they were to convict me. It is an uncontested fact that on 11/18/2016 I faced the charges that were filed against me and defeated them completely for insufficient information and lack of jurisdiction of the Lewis County Prosecutors. CP#s 1,2,4,5, 6, 7, 18, 19 HT 11/18/2016

2(i) In reality before being accused of possessing stolen property, the property would've had to be reported stolen or accused of being stolen by the owner of the property which it was not. I am requiring anyone and everyone that alleges it was stolen property to produce the criminal complaint that was signed under penalty of perjury by the owner of the subject property Brian Couch. The fact is Brian Couch would've been in violation of RCW 9A.68.010 Bribery, RCW9A.68.050 Trading in Special influence and RCW 9A.56.120 Extortion in the first degree if he filed a criminal complaint against me with the intent to gain an upper hand in a civil lawsuit and knowing I asserted my 4<sup>th</sup> amendment private property right.<sup>4</sup> CP 2

2(j) The honest truth is the deputy sheriff that investigated the situation testified that he did not file a probable cause statement to have me arrested, and that he was forced to investigate me without a criminal complaint filed against me by his superiors, which was against the standard operating procedures of the sheriff's office. The standard operating procedures of the Pacific County Sherriff's office is to obtain a written complaint signed under penalty of perjury before they investigate theft crimes. The standard operating procedures of the Pacific county

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<sup>4</sup> The basic purpose of the Fourth Amendment is "to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials." *Camara v. Municipal Court of the City & Cy. of San Francisco*, 1 387 U.S. 523, 528, 87 S. Ct. 1727, 18 L. Ed. 2d 930 (1967). It is enforceable against the States through the Fourteenth Amendment. *Id.*

Under the Fourth Amendment criminal cases, whether consent was voluntary "is a question of fact to be determined from the totality of all the circumstances." *Schneckloth v. Bustamonte*, 412 U.S. 218, 227, 93 S. Ct. 2041, 36 L. Ed. 2d 854 (1973).

sheriff's office is to promote civil law and not interfere with individuals involved in civil lawsuits. Don't try to defraud me or insinuate differently as I have filed many criminal complaints regarding the theft of the Kelley Grayland Cranberry farm with the Pacific County Sheriff's office and they have instructed me to file a criminal complaint under penalty of perjury and have given me the same answer over and over we do not get involved in civil lawsuits. CP#s 45, 151, 156, 157, 161, 200, 210, 227 TT Deputy Weigardt under cross.

2(k) Improper service; I was never arrested by a criminal investigator, nor was I served with a summons to appear in court by a process server, a summons was mailed to me via U.S. mail first class. Obviously when the sheriff's office was asked to arrest me, and/ or serve me and they refused to do so given the fact that they never arrested me or submitted a probable cause statement to have me arrested. CP #s 1, 2, 4, 5, 6, 7, 8 HT 11/18/2016

### 3. Prejudice, Malice and Bias

3(a) So why did the Pacific County Sheriff's Office deviate from its standard operating procedures in this case and threaten me with criminal charges for asserting my 4<sup>th</sup> amendment private property right and being involved in a civil lawsuit without a criminal complaint signed under penalty of perjury? I have stipulated that Sheriff Scot Johnson was directly involved in the criminal conspiracy to steal the Kenyon Kelley Grayland cranberry farm from me and he need the assistance of the Pacific County prosecutor's office to cover-up his criminal actions. I also had an ongoing civil lawsuit against Pacific County prosecutor Mark McClain for his involvement in the criminal conspiracy to steal the Kelley Grayland Cranberry farm from my family and attempting to influence voters to not vote for me. I listed Sherriff Scott Johnson and Prosecutor Mark McClain on my witness list and Judge Michael Evans would not allow me to call them to the witness stand in my defense. In doing so Judge Michael Evans provided special privileges and immunities to both Sheriff Scott Johnson and Prosecutor Mark McClain, and prevented me from showing the magnitude of bias and maliciousness involved. When Judge Michael Evans prohibited me from calling Sheriff Johnson and prosecutor McClain to the witness stand to show their bias and malice, he defeated my ability to show bias and malice and exercised his

own personal bias and malice. It was and is impossible for me to obtain a fair trial before Judge Michael Evans. CP#s 105, 116, 117, 151, 156, 157, 159, 161, 167, 168, 169, 204, 210, 211, 212, 213, 214, 215, 227, 228, 229, 279, 280, 285, 286, 287 HT 4/19/2017 pages 36- 42, pages 102-103 , HT 2/16/2018 Pages 17-24, HT 8/16/2017

3(b) Paul Massiello, a rouge deputy Lewis County prosecutor and member of the judicial branch I was politically trying to clean up, was the only person that determined the protections of law I was and am entitled to in RCW 9.01.120 Civil Remedies Preserved, RCW 9.01.160 Application to existing civil rights, RCW 4.04.010 Extent to which common law prevails, RCW 60.70.020 Real property common law liens unenforceable—Personal property common law liens limited, RCW 60.70.040 No duty to disclose record of common law lien, RCW 9.45.060 Encumbered, leased, or rented personal property—Construction, RCW 9.45.080 Fraudulent removal of property, RCW 9A.68.020 Requesting unlawful compensation, RCW 9A.68.050 Trading in special influence, RCW 9A.68.030 Receiving or granting unlawful compensation, RCW 9A.72.110 Intimidating a witness, RCW 9A.72.120 Tampering with a witness, RCW 9A.56.030 Theft in the first degree, RCW 10.58.040 Intent to defraud, RCW 9A.56.020 Theft—Definition, defense, and my common law lien on the subject property, while it was involved in civil litigation was irrelevant. Paul Massiello also determined that I had no right to assert my 4<sup>th</sup> amendment private property right and require Brian Couch to obtain a court order from the Judge Michael Evans who was the judge in my civil case, before entering onto my private property. CP#s 1,2, 4,5,9, 10, 11, 12, 13 ,14, 15, 17, 18,19, 25, 26, 27, 28, 30, 31, 34, 45, 53, 56, 59, 60, 83, 84, 85, 87, 89, 112,113,114,115,116, 140, 142, 143,156 ,189, 191 200, HT 4/19/2017 pages 36- 42, pages 102-103 , HT 2/16/2018 Pages 17-24

3(c) Either no elected prosecutor was reviewing any of Paul Massiello's determinations and work as required by the delegation of authority, and it was Paul Massiello by himself without the lawful authority to do so that made the determination that the property was stolen and accused me of possessing stolen property for asserting my 4th amendment private property right and common law lien or Jonathan Meyer and Mark McClain unlawfully authorized Paul Massiello to act as a rouge agent. The evidence shows the work Paul Massiello did on his

probable cause statement and information was not supervised by anyone as was required to be done by law. By proceeding without a probable cause statement filed by a law enforcement officer Paul Massielo was in violation of RPC Rule 3.8 (a). By concealing the fact no criminal complaint was filed against me by the owner of the subject property Paul Massielo was in violation of RPC Rule 3.8 (d). **RCW 9.62.020 Instituting suit in name of another**, applies whereas Brian Couch did not file a criminal complaint. This raises the factual issue did either Lewis County Prosecutor Jonathan Meyer or Pacific County Prosecutor Mark McClain review the work of Paul Massielo or did Jonathan Meyer and/ or Mark McClain authorize Paul Masielo to act as a rouge agent and did Judge Michael Evans provide him with special privileges and immunities for protecting the communist movement of the judicial fraud industry of Washington State. CP#s 1,2, 4,5,9, 10, 11, 12, 13 ,14, 15, 17, 18,19, 25, 26, 27, 28, 30, 31, 34, 45, 53, 56, 59, 60, 83, 84, 85, 87, 89, 112,113,114,115,116, 140, 142, 143,156 ,189, 191 200,279,280, HT 4/19/2017 pages 36- 42, pages 102-103 , HT 2/16/2018 Pages 17-24

3(d) The undisputed evidence provided to the trial court showed that Natalie St John a news reporter for the Chinook Observer instigated Pacific County Prosecutor Mark McClain and Lewis County Prosecutor Jonathan Meyers to file criminal charges on me at the precise moment they would have the most effect to influence voters to not vote for me, so she could obtain a sensational news story and also influence voters to not vote for me. These acts were in direct violation of RCW 29A.84.630 Influencing voter to withhold vote, RCW 29A.84.620 Hindering or bribing voter, RCW 29A.84.720 Officers—Violations generally, RCW 10.58.040 Intent to defraud, RCW 9.62.010 Malicious prosecution, RPC Rule 3.6 Trial Publicity, RPC Rule 3.8 Special Responsibilities of a Prosecutor (a, d & e) and prevented me from obtaining a fair and impartial trial in Pacific County, or the entire 19<sup>th</sup> district as Natalie St John’s news story was published in all of the newspapers in the 19<sup>th</sup> district. In order for me to receive a fair trial the trial will have to be moved to Eastern Washington, where my peers are experiencing and understand the communist takeover. CP # 204, 208, 210, 227,

3(e) On 11/18/2016 Judge Turner forced me to defend myself without counsel. Between 12/6/2016 and 3/7/2017 Judge Turner forced me to defend myself without counsel. Between

3/7/2017 and 3/30 2017 Judge William Faubion forced me to defend myself with ineffective counsel. Between 1/3/2017 and 5/3/ 2017 Judge William Faubion forced me to defend myself without counsel. Between 5/3/ 2017 and 2/8/2018 Judge Michael Evans forced me to defend myself with counsel that had a serious conflict of interest involved. At my sentencing hearing on 8/23/2018 Judge Michael Evans forced me to defend myself without counsel. These judges forced me to defend myself without counsel because they did not want to risk the possibility my counsel would demand a Grand Jury investigation into the election crimes involved, as identified in RCW 10.27.030 Summoning Grand Jury. CP#s 15, 19, 29, 31, 35, 36, 54, 57, 72, 88, 81, 95, 119, 130,

3(f) On 4/19/2017 Prosecutor Massielo filed additional criminal charges on me for not showing up to defend myself without assistance of counsel and for exercising my constitutional right to petition for quo warranto, writ of review, mandamus and prohibition.

3(g) Judge Michael Evans was the judge in both my civil action against Brian Couch and the judge in my criminal case and was a witness I identified to call to the witness stand and have him testify that he could've entered an order allowing Brian Couch to enter onto my property to retrieve his Suburban and air boat. Judge Michael Evans unlawfully sanction me in my civil lawsuit against Brian Couch, as such he was highly motivated to keep himself off of the witness stand and testifying, which made him disqualified to be a judge on the case this appeal is addressing as identified in RCW 2.28.030 Judicial Officer defined- When Disqualified and CJC Cannon 3 (D) (a) (b) & (d) (iii). In order to cover-up his unlawful sanction of me in my civil action against Brian Couch and his motivation to stay off of the witness stand Judge Michael Evans acted bias and prejudice in the criminal case that is the subject of this appeal, which was in violation of CJC (A) (6). CP#s 1,2, 4,5,9, 10, 11, 12, 13 ,14, 15, 17, 18,19, 25, 26, 27, 28, 30, 31, 34, 45, 53, 56, 59, 60, 83, 84, 85, 87, 89, 112,113,114,115,116, 140, 142, 143,156 ,189, 191 200, 229, HT 4/19/2017 pages 36- 42, pages 102-103 , HT 2/16/2018 Pages 17-24

3(h) My first court appointed attorney Harold Karlsvick pointed out to the court that this was a special case that required special considerations that he could not defend even as standby

counsel for the normal compensation of a public defender. By that time Harold Karlsvick was aware RCW 29A.84.720 Officers—Violations generally required him to call forth a Grand Jury as identified in RCW10.27.030 Summoning Grand Jury. Judge William Faubon was also aware of this and dismissed Harold Karlsvick and David Mistachkin was later appointed as my public defender who had a conflict of interest whereas his law firm was directly involved in stealing the Kenyon Kelley Grayland Cranberry farm from me and my family, as such David Mistachkin was beholden to my adversaries and in violation of RPC Rule 1.7 Conflict of Interest; General Rule, RPC Rule 1.8 Conflict of interest ; Prohibited Transactions : Current Client, RPC Rule 1.10 Imputed Disqualification ; General Rule, RPC Rule 3.1 meritorious Claims and Contentions, RPC Rule 3.3 Candor Toward Tribunal, RPC Rule 8.3 Reporting Professional Misconduct, RPC Rule 8.4 Misconduct. With the appointment of David Mistachkin as my public defender the prosecutors and every Judge involved could relax and continue to prosecute me without jurisdiction to do so as they were confident David Mistachkin would also violate the law described in RCW 29A.84.720 Officers—Violations generally and RCW 10.27.030 Summoning Grand Jury and not call forth a Grand Jury to investigate the election crimes involved. CP #s 29, 35, 37, 51, 54, 45, 154, 157, 158,159, 161, 227,

3(i) Sheriff Johnson and his deputies deviated from their standard operating procedures to assume jurisdiction to investigate me because he had animosity towards me for publically pointing out that he had joined the criminal conspiracy to steal the Kenyon Kelley Grayland Cranberry farm from me and my family as described in **RCW 9A.28.040 Criminal conspiracy (1), (2) (f)** , and was motivated to prevent me from getting elected to public office to cover-up his own personal criminal acts and intentions. His bias and prejudice against me is well documented, and when Judge Evans prevented me from calling him to the witness stand he joined the criminal conspiracy as described in **RCW 9A.28.040 Criminal conspiracy (1), (2) (f)** and exercised his own personal bias in the situation. CP #S 9,10,11,12,13,14,15, 17, 51, 54, 45, 154, 157, 158,159, 161, 210, 227,

3(j) When Deputy Weigardt entered onto my private property without a legal right to do so, he did not inform me I was not accused of any criminal act by anyone, he was violating my

constitutional rights described in our United States and Washington State constitutional trust agreements and cited above. Granted law enforcement officers have a duty to investigate crimes they see occurring, but the moment Deputy Weigardt was aware I had invoked my fourth amendment private property right against Brian Couch and I had an ongoing civil lawsuit against Brian Couch Deputy Weigardt was prohibited by law from proceeding with a criminal investigation, as he would be violating my constitutional rights to invoke my fourth amendment private property right, and to pursue a civil lawsuit without interference, and he would be violating RCW 9.01.120 Civil Remedies Preserved, RCW 9.01.160 Application to existing civil rights, RCW 4.04.010 Extent to which common law prevails, RCW 9A.68.050 Trading in special influence, RCW 9A.68.030 Receiving or granting unlawful compensation, RCW 9A.72.110 Intimidating a witness, RCW 9A.72.120 Tampering with a witness, RCW 9A.56.030 Theft in the first degree, RCW 9A.08.010 General requirements of culpability, RCW 9A.08.020 Liability for conduct of another—Complicity, RCW 9A.56.120 Extortion in the first degree and RCW 9A.28.040 Criminal conspiracy by interfering with my civil lawsuit. Deputy Weigardt was aware or should've been aware Brian Couch was requesting unlawful compensation as described in RCW 9A.68.020 Requesting unlawful compensation, by asking the Pacific County Sheriff's office to interfere with the civil lawsuit I had filed against him, and Deputy Weigardt should've informed him of his criminal intent. The moment Judge Evans prevented me from presenting these laws I relied on to justify my actions to the jury he showed his bias and prevented me from obtaining a fair trial. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 229, 231, 237, 238, 252, 258,259,260, 261,273,275,279, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(k) The moment the case was presented to the prosecutors involved, and they saw I had a civil lawsuit ongoing against the owner of the subject property they were prohibited by Amendment 11 Restriction of Judicial Powers of our U. S. Constitutional trust agreement and by the laws described in RCW 9.01.120 Civil Remedies Preserved, RCW 9.01.160 Application to

existing civil rights, RCW 4.04.010 Extent to which common law prevails, RCW 9A.68.050  
Trading in special influence, RCW 9A.68.030 Receiving or granting unlawful compensation, RCW  
9A.72.110 Intimidating a witness, RCW 9A.72.120 Tampering with a witness, RCW 9A.56.030  
Theft in the first degree, RCW 9A.08.010 General requirements of culpability, RCW 9A.08.020  
Liability for conduct of another—Complicity, RCW 9A.56.120 Extortion in the first degree and  
RCW 9A.28.040 Criminal conspiracy to assume they had the jurisdiction to file criminal charges  
on me. The moment Judge Evans prevented me from presenting these laws I relied on to justify  
my actions to the jury he showed his bias and prevented me from obtaining a fair trial. CP #s  
1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143,  
151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208,  
210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 280,281,284, 285,286,287,  
HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/  
8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(l) The moment the prosecutors presented the case to the judges involved, and they saw I  
had an ongoing civil lawsuit against the owner of the subject property they were prohibited by  
Amendment 11 Restriction of Judicial Powers of our U. S. Constitutional trust agreement and  
the laws described in RCW 9.01.120 Civil Remedies Preserved, RCW 9.01.160 Application to  
existing civil rights, RCW 4.04.010 Extent to which common law prevails, RCW 9A.68.050  
Trading in special influence, RCW 9A.68.030 Receiving or granting unlawful compensation, RCW  
9A.72.110 Intimidating a witness, RCW 9A.72.120 Tampering with a witness, RCW 9A.56.030  
Theft in the first degree, RCW 9A.08.010 General requirements of culpability, RCW 9A.08.020  
Liability for conduct of another—Complicity, RCW 9A.56.120 Extortion in the first degree and  
RCW 9A.28.040 Criminal conspiracy to assume they had jurisdiction to warrant the filling of the  
criminal charges on me. The moment Judge Michael Evans denied me the right to present the  
laws I was relying on to justify my actions to the jury he denied me a fair trial. These laws are  
identified in the court record above and herein. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54,  
56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165,  
167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252,  
258,259,260, 261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017,

5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017,  
12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(m) In order to protect the communist agenda of the Washington State Judicial branch, all members of the judicial branch involved in this communist fiasco, deviated from our constitutional trust agreements and violated their duty to call forth a Grand Jury to investigate the Election Crimes involved. Had Pacific County Prosecutor Mark McClain followed the law as described in **RCW 36.27.030 Disability of prosecuting attorney**, Superior Court Judge Douglas Golez may or may not have, (most likely would not have, given the owner of the property did not file a criminal complaint against me allediging the property was stolen) appointed a qualified individual to discharge the duties of the prosecutor. Instead Pacific County Prosecutor Mark McClain refused to take the risk that Judge Golez may call forth a Grand Jury as Judge Golez would've been required to do as described in **RCW 29A.84.720 Officers—Violations generally** so Mark McClain deviated from the purpose described in **RCW 36.27.030 Disability of prosecuting attorney** and appointed Lewis County Prosecutor Jonathan Meyer violating the intent described in **RCW 39.34.010 Declaration of purpose**. In deviating from the purpose of the laws cited here Mark McClain thwarted off a grand jury investigation by Judge Golez, protected himself from possible criminal charges, preserved the conflict of interest involved, and protected the judicial fraud industry and communist manifesto of the judicial branch of Washington State. The justices are probably considering giving him a medal for using his Nazi Gestapo tactics to protect their communist manifesto, instead of making him explain his actions to a Grand Jury. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 279, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(n) When presented with the choice of filing criminal charges against me at the precise moment to have the most effect to influence voters to not vote for me, or calling forth a Grand

Jury to determine if I should be indicted for criminal charges or if the people accusing me of criminal acts on the Eve of Election day to influence voters to not vote for me should be indicted for election crimes, Lewis County Prosecutor Jonathan Meyer made a choice to allow his deputy Paul Massiello to violate his duty as described in **RCW 36.27.020 Duties (9)** , **RCW 2.36.010 Definitions (5)**and **RCW 29A.84.720 Officers—Violations generally**. As such the moment Jonathan Meyer made his decision to violate **RCW 36.27.020 Duties (9)** , **RCW 2.36.010 Definitions (5)**and as described in **RCW 29A.84.720 Officers—Violations generally** he forfeited his office and he and his deputy Paul Massiello were acting as rouge agents without any authority to act. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(o) Had Lewis County Prosecutor Jonathan Meyer and his deputy prosecutor Paul Massiello not violated and forfeited his (their) office and acted lawful from the moment Pacific County Prosecutor Mark McClain and Natalie St John contacted him (them) and coursed him (them) to file criminal charges on me on the precise moment that would have the best effect to influence voters to not vote for me, and called forth a Grand Jury, as he (they) were lawfully obligated to do by the laws identified above, the Grand Jury would not have indicted me and would've indicted Pacific County Sheriff Scott Johnson on crimes identified in **RCW 9A.68.050 Trading in special influence**. **RCW 9A.72.110 Intimidating a witness**, **RCW 9A.72.120 Tampering with a witness**, **RCW 9A.56.120 Extortion in the first degree**, **RCW 9A.56.030 Theft in the first degree**, **RCW 9A.82.060 Leading organized crime**, **RCW 29A.84.630 Influencing voter to withhold vote**, **RCW 29A.84.620 Hindering or bribing voter**, **RCW 29A.84.720 Officers—Violations generally**, **RCW chapter 9.81 Subversive activities**, **RCW 9.62.020 Instituting suit in name of another**, **RCW 9A.60.040 Criminal impersonation in the first degree**, **RCW 9A.08.010 General requirements of culpability**, **RCW 9A.08.020 Liability for conduct of another—Complicity**, **RCW 9A.28.040 Criminal conspiracy**, **RCW 9.45.080 Fraudulent removal of property**, and **RCW**

**9A.04.110 Definitions** because I would've provided these laws, copies of our constitutional trust agreements and copies relating to the delegation of duties to the Grand Jury and provided copies of the civil lawsuits I had previously filed against Pacific County Prosecutor Mark McClain and Brian Couch and explained to them why I was running for State Representative and how these laws pertained to Sheriff Johnson's actions. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(p) The Grand Jury would've also indicted Pacific County prosecutor Mark McClain, on the crimes identified in **RCW 9A.68.020 Requesting unlawful compensation, RCW 9A.68.030 Receiving or granting unlawful compensation, RCW 9A.68.050 Trading in special influence. RCW 9A.72.110 Intimidating a witness, RCW 9A.72.120 Tampering with a witness, RCW 9A.56.120 Extortion in the first degree, RCW 9A.56.030 Theft in the first degree, RCW 9A.82.060 Leading organized crime, RCW 29A.84.630 Influencing voter to withhold vote, RCW 29A.84.620 Hindering or bribing voter, RCW 29A.84.720 Officers—Violations generally, RCW chapter 9.81 Subversive activities, RCW 9.62.020 Instituting suit in name of another, RCW 9A.60.040 Criminal impersonation in the first degree, RCW 9A.08.010 General requirements of culpability, RCW 9A.08.020 Liability for conduct of another—Complicity, RCW 9A.28.040 Criminal conspiracy, RCW 9.45.080 Fraudulent removal of property, and RCW 9A.04.110 Definitions. RCW 9A.56.120 Extortion in the first degree** because I would've provided these laws, copies of our constitutional trust agreements and copies relating to the delegation of duties to the Grand Jury and provided copies of the civil lawsuits I had previously filed against Pacific County Prosecutor Mark McClain and Brian Couch and explained to them why I was running for State Representative and how these laws pertained to Pacific County Prosecutor Mark McClain's actions. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 229, 231, 237, 238, 252, 258,259,260,

261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(q) The Grand Jury would've also indicted Brian Couch, on the crimes identified in **RCW 9A.68.020 Requesting unlawful compensation, RCW 9A.68.030 Receiving or granting unlawful compensation, RCW 9A.68.050 Trading in special influence, RCW 9A.72.110 Intimidating a witness, RCW 9A.72.120 Tampering with a witness, RCW 9A.56.120 Extortion in the first degree, RCW 9A.56.030 Theft in the first degree, RCW 9A.08.010 General requirements of culpability, RCW 9A.08.020 Liability for conduct of another—Complicity, RCW 9A.28.040 Criminal conspiracy, RCW 9.45.080 Fraudulent removal of property, and RCW 9A.04.110 Definitions** because I would've provided these laws, copies of our constitutional trust agreements and copies relating to the delegation of duties to the Grand Jury and provided copies of the civil lawsuits I had previously filed against Pacific County Prosecutor Mark McClain and Brian Couch and explained to them why I was running for State Representative and how these laws pertained to Pacific County Prosecutor Mark McClain's actions. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(r) The Grand Jury would've also indicted **Natalie St John**, on the crimes identified in **RCW 9A.68.020 Requesting unlawful compensation, RCW 9A.68.030 Receiving or granting unlawful compensation, RCW 9A.68.050 Trading in special influence. RCW 29A.84.630 Influencing voter to withhold vote, RCW 29A.84.620 Hindering or bribing voter, , RCW chapter 9.81 Subversive activities, RCW 9.62.020 Instituting suit in name of another, RCW 9A.72.110 Intimidating a witness, RCW 9A.72.120 Tampering with a witness, RCW 9A.56.120 Extortion in the first degree, RCW 9A.08.010 General requirements of culpability, RCW 9A.08.020 Liability for conduct of another—Complicity, RCW 9A.28.040 Criminal conspiracy, RCW 9A.56.030 Theft in**

the first degree, **RCW 9.45.080 Fraudulent removal of property, RCW Chapter 9.04 Advertising crimes related to and RCW 9A.04.110 Definitions** because I would've provided these laws, copies of our constitutional trust agreements and copies relating to the delegation of duties to the Grand Jury and provided copies of the civil lawsuits I had previously filed against Pacific County Prosecutor Mark McClain and Brian Couch and explained to them why I was running for State Representative and how these laws pertained to Pacific County Prosecutor Mark McClain's actions. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(s) All of the public officials and their accomplices that attacked me, my family and my political supporters are communist that engaged in the crimes identified in **RCW 9.81.010 Definitions, RCW 9.81.020 Subversive activities made felony – penalty RCW 9.81.030 Membership in subversive organization is felony – penalty, RCW 9.81.060 Public employment – subversive person ineligible and RCW 9.81.083 Communist party declared a subversive organization.** CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275,279, 280,281, 284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(t) All of the public officials that attacked me, my family and my political supporters engaged in treason as described in **RCW 9.82.010, RCW 9.82.020 Levying War and RCW 9.82.030 Misprision of treason. As described in the 3<sup>rd</sup> sentence of RCW 9.82.020 Levying War. "To constitute levying war against the state an actual act of war must be committed. To conspire to levy war is not enough. When persons arise in insurrection with intent to prevent,**

in general, by force and intimidation, the execution of a statute of this state, or to force its repeal, they shall be guilty of levying war. But an endeavor, although by numbers and force of arms, to resist the execution of a law in a single instance, and for private purposes, is not levying war." all of the public officials that attacked me, my family and my political supporters rose in insurrection with the intent to harass, threaten, intimidate and incarcerate me in order to protect their communist takeover and prevent me from reaching a Grand jury as described in RCW 36.27.020 Duties(9), RCW 29A.84.630 Influencing voter to withhold vote, RCW 29A.84.620 Hindering or bribing voter, RCW 29A.84.720 Officers—Violations generally and RCW 2.36.010 Definitions (5) "Grand Jury". CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(u) As described in RCW 29A.84.720 Officers—Violations generally, RCW 2.36.010 Definitions (5) "Grand Jury" and RCW 9.82.030 Misprision of treason. "Every Person having knowledge of the commission of treason, who conceals the same, and does not as soon as may be, disclose such treason to the governor, or a justice of the supreme court or a judge of either the court of appeals or the superior court, shall be guilty of misprision of treason and punished by a fine of not more than one thousand dollars, or by imprisonment in a state correctional facility for not more than five years or in a county jail for not more than one year" every person means I have a lawful duty to report the treason to the proper authorities. Since the treason involves a communist takeover by the judicial branches of Washington State and the United States I am obligated as described above and in accordance with 18 USC section 4 misprision of felony to report this treason to the United States Military and President Trump to investigate the communist activities of the Washington State Judicial branch and the communist activities of the United States judicial branch. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238,

252, 258,259,260, 261,273,275, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

3(w) I stipulate that the laws described RCW 29A.84.720 Officers—Violations generally, RCW 2.36.010 Definitions (5) “Grand Jury” and RCW 9.82.030 Misprision of treason means every appellate judge and Supreme Court Justice has a duty to report the treasonous activities of their fellow judicial branch members in the same manner or by omission are in violation of the foregoing laws and are active participants in the communist takeover. Denial of their obsession with and addiction to absolute power is not for any one of them to determine, it is for a Grand jury of the people to determine. Like every other addict that denies their addiction and ruins the family unit, these judges and justices that are denying their thirst for and addiction to absolute power is destroying our nation’s domestic tranquility. If an addict is happy with you, you are probably enabling them, on the other hand if an addict is mad at you, you are probably trying to save their life. So in reality I guess I expect the members of the judicial branch to be mad at me, but when I decided to run for state representative on the promise I would clean up the judicial branch I made a commitment to do the best I can to restore our domestic tranquility, even if it means committing to thousands of hours of slave labor and subjecting myself to the kind of harassment addicts lash out with. CP #s 1,2,9,10,11,12,13,14,15, 17, 45, 51, 54, 56, 59, 60, 61,78, 80, 83, 84, 85, 89, 99, 116, 117, 143, 151, 154, 156, 157, 158,159, 161, 165, 167, 168, 169, 170, 172, 176, 177, 178, 200, 204, 208, 210,-218, 224, 227, 231, 237, 238, 252, 258,259,260, 261,273,275, 279, 280,281,284, 285,286,287, HT 4/19/2017, 4/25/2017, 5/3/2017, 5/22/2017, 5/25/2017, 7/11/2017, 8/11/2017/ 8/18/2017, 8/28/2017, 11/20/2017, 12/08/2017, 1/29/2018, 2/16/2018, 2/26/2018-2/28/2018

#### CONCLUSION

1. In an effort to conceal their communist takeover members of the judicial branches, members of the Office of Special Counsel have intercepted the documents my political supporters and I sent to President Trump reporting their treasonous acts to violate our constitutions and force communism onto our society. It is for this reason my family,

political supporters and I are trying to muster as many troops as we can to forge ahead to the U.S. Postmaster and the Pentagon in Washington D.C. and approach the Joint Chiefs of Staff and ask them to send out a military liaison to President Trump to deliver him our accusations "That the members of the Judicial branches of Washington State and the United States, organized to acquired absolute power, by allowing and supporting their members to violate the separation of powers and infiltrate our legislative and executive branches of our state and federal governments, and engaged in subversive activities and treason to overthrow our election process, in order to provided special privileges and immunities to each other and their communist sympathizers, and continue to force communism onto our society in violation of our constitutional trust agreements". It is a matter of our National Security and we will be asking the Joint Chiefs of Staff to investigate and intervene if necessary.

2. Now is not the time to be thinking how you can use creative writing skills to provide special privileges and immunities to the public officials involved in this public corruption, now is the time to be thinking about your own responsibilities and duties, to our society and being consistent with the intent of the law, just in case I eventually reach a Grand Jury investigation. I know why the members of the judicial branch are terrorized by the thought of a Grand Jury investigation and it is not because they are confident they are acting lawful. When you are a justice in the position you are in, regarding these matters fear of the truth would seem to be a normal human reaction, with all of the sharks the judicial branch has created, and the feeding frenzy that may be unleashed by a Grand Jury Investigation, but you need to understand your fear comes from not knowing the truth, once you understand the truth, you can come to grips with it and figure out how you (or we) need to deal with it. I can guarantee you that it will be far better for our domestic tranquility if we allow the Grand Jury to run its investigation, take heed of their findings then work on fixing this situation together. I can guarantee you I am going to do everything in my power to make sure the people of our state, our nation and the world are watching us and I am not about to do anything arrogant, obnoxious or volatile I am at all times going to have compassion for my fellow man, and I will never let down

the economically depressed, as I understand for most it is a social problem more than a personal problem, and it is for these reasons I will continue to forge ahead in every manner I can to reach a Grand jury to investigate the Nazi Gestapo like public corruption I, my family and political supporters were subjected to. I am sorry if any of this offends any of you that may have played a small role in bringing all of this about, but you should not focus your frustration on me, instead you should allow your frustration to motivate you to do what you can to correct the problem.

3. I am sorry but I cannot break my promise to my political supporters and the 22,425 voters that voted for me to try to clean up the judicial branch, as such I cannot give my consent to allow any member of the judicial branch to determine whether or not the filing of this lawsuit against me was an election crime or not, that is not for me, you or the prosecutors involved to determine, that factual matter is for a Grand Jury to investigate and determine on its own, in its own right. You Should consider this if the Grand Jury is made up of 6 voters that voted for me and 6 voters that voted against me how would it affect our domestic tranquility if they were tossed in a room and required to investigate and deliberate amongst themselves, about the issues raised herein, I claim it would be enormously healthy for our society and nothing but good could come from it. It would be a way for all of us to measure or grade how good the government as a whole is doing, and bring the people together to help guide the government in the right direction, which is something we desperately need in these times of domestic turmoil. I can assure you it is my intent to improve our domestic tranquility, not damage it but I will not negotiate in a manner that places my personal interests or the personal interests of others before the interests of our domestic tranquility. I will stand strong against your (members of the judicial branch) Nazi Gestapo tactics, and keep showing the people who is forcing the communism onto their society.
4. As such I stipulate it is impossible for any judge or justice to proceed in this matter without first allowing the Grand Jury to conduct its investigation because any and all decisions made by any judge or justice will have the threat of RCW 29A.84.720

Officers—Violations generally, RCW 9.81.020 and RCW 9.82.020 and the conflicts of interests identified herein, hanging over you, and as such your decision making process will be tainted, which would only result in more appeals and expenses for the taxpayers to be forced to forfeit. No matter how much any member of the judicial branch dislikes it, the Grand Jury investigation is the only way to solve the problem that will be consistent with the law. I did not ask for any of this, your fellow members of the judicial branch brought it on themselves and you and now you are in it, possibly over your head.

5. Therefore I am requiring you in accordance with RCW 7.16.210 to remand this to the Pacific County Superior Court, and to the Attorney General's Office as described in RCW 10.27.010, RCW 10.27.020 (2), RCW 10.27.030 & RCW 10.27.050 with an order instructing the Attorney General to call forth a Grand Jury investigation, into the corruption described herein and if the Attorney General's Office or the Pacific County Judge refuses to call forth the Grand Jury investigation I am requiring that you instruct the Supreme Court Justices to remove them from office as described in RCW 29A.84.720 Officers—Violations generally, RCW 9.81.020 and RCW 9.82.020.
6. After and only after the Grand jury has completed its investigation, and provided a copy of their findings to this court, this court should make sure justice has been served properly.
7. For practical purposes you may be required to exercise your duty to inform Jonathan Meyer, and / or Mark McClain and Judge Michael Evans and the proper authorities that they have a disability to proceed in this matter, so they do not make another attempt to interfere with the Grand jury investigation.
8. Domestic turbulence is very profitable to the judicial fraud industry that is the standard operating procedures of the Washington State Judicial branch, that sells injustices to the highest bidders, and is communism where domestic tranquility described in our constitutions is not as profitable.
9. It is for these reasons that I am demanding each justice sends me a certified copy of their oath of office and a copy of their surety bond within 15 days, of the day they receive this document.

10. The criminal complaint filed against me by Paul Massiello was insufficient to justify the arrest warrant, and was a hurry up and get it filed thing that was intended to influence voters to not vote for me on Election Day to protect the absolute power the judiciary has acquired and their communist manifesto.
11. Paul Massiello was a rogue agent acting without jurisdiction and was unsupervised.
12. My right to counsel that is not beholden to my adversary was and is violated.
13. My right to fair trial and due process was violated, because of the communist arrogance, bias, malice and prejudice involved.
14. My Political supporters and I demanded a Grand Jury investigation into the election crimes that occurred, which was of social importance. Denying us the Grand Jury investigation was a communist act to continue to force communism onto our state. CP#s 9,0,11,12,13,14,15,16,17 HT 11/18/2016, 12/2/2016

ORAL ARGUMENT DEMAND

An oral argument is demanded.

Dated this 6 day of December, 2018

By 

James J. O'Hagan, Suri Juris All Rights & Protections Reserved

CERTIFICATE OF SERVICE

I James O'Hagan certify I caused true and correct copiers of this document to be mailed and or delivered to the following on the day identified below.

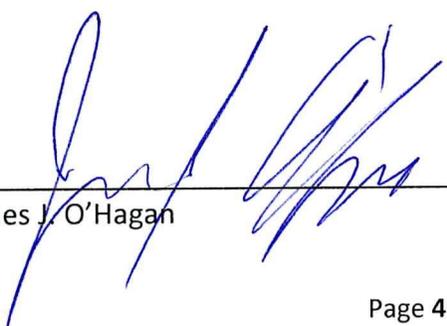
Rouge Agent Paul Massiello c/o  
 Lewis County Prosecutor Jonathan Meyer  
 345 West Main St.  
 Chehalis WA 98532

Eric Nielsen  
 1908 E. Madison St.  
 Seattle WA 98122

DEPUTY  
 STATE OF WASHINGTON  
 18 DEC -6 PM 1:16  
 COURT OF APPEALS  
 DIVISION II

District II Court of Appeals Clerk  
 905 Broadway Ste 300  
 Tacoma WA 98402-4454

Dated this 6 day of December, 2018,

By   
 James J. O'Hagan

AFFIDAVIT REGARDING  
PROBABLE CAUSE

JAMES JOHN OHAGAN,

Defendant.

IL AFFIDAVIT

STATE OF WASHINGTON

SS.

COUNTY OF LEWIS

The undersigned on oath states:

2.1 I am a Deputy Prosecuting Attorney for this county.

2.2 I am familiar with the investigative report in 16-2543 and the following information is contained in that report:

FACTS: The Pacific County Sheriff's Office received a report that James John O'Hagan, the defendant herein, had property belonging to Brian Couch at his residence within the boundaries of Pacific County, Washington. Further, the possession of the property was against the permission of Brian Couch. According to Mr. Couch, the defendant possessed a Chevrolet Suburban (motor vehicle) and an airboat belonging to Mr. Couch. Mr. Couch indicated he had, on prior occasions, attempted to obtain the property, but his attempts had been denied by the defendant. Mr. Couch also indicated the defendant did not have permission to keep the property.

1 The defendant was contacted on May 14, 2016. The defendant admitted to  
2 possessing the property, but indicated Mr. Couch owed him money and there was a civil  
3 suit between them (initiated by the defendant), and he refused to return the property  
4 until such time as he was paid what he claimed he was owed. The defendant refused,  
5 without a court order, to return the property.

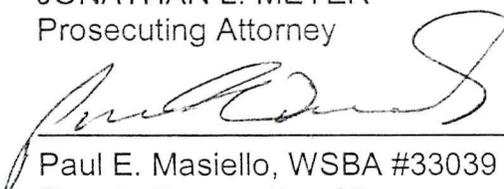
6 The defendant was again contacted on June 2, 2016. The defendant was told if  
7 the property was not returned, he would be charged with theft. The defendant indicated  
8 he understood, but continued to refuse to return the property. The defendant was again  
9 contacted on June 10, 2016. The defendant was again told if the property was not  
10 returned, he would be charged with theft. He again said he understood, but refused to  
11 return the property. Law enforcement was allowed to take photographs of Mr. Couch's  
12 property at the time. Mr. Couch estimates the value of the airboat at \$30,000.

13 The state requests the court determine the existence of probable cause and, if  
14 found, establish conditions of release pending trial in this matter.

15 Based on the above, the State requests that the suspect, James John Ohagan,  
16 be detained subject to conditions of release.

17 Dated this 1 day of NOVEMBER, 2016.

18 JONATHAN L. MEYER  
19 Prosecuting Attorney

20   
21 \_\_\_\_\_  
22 Paul E. Masiello, WSBA #33039  
23 Deputy Prosecuting Attorney

24 SUBSCRIBED and SWORN to before me October 31, 2016.

25 \_\_\_\_\_  
26 Tiffini Walker, NOTARY PUBLIC in  
27 And for the State of Washington,  
28 Residing at Centralia.  
29 My commission expires 08/12/2020.

2016 NOV -4 AM 8:51

IN THE SUPERIOR COURT OF WASHINGTON IN AND FOR PACIFIC COUNTY

STATE OF WASHINGTON,

Plaintiff,

vs.

JAMES JOHN OHAGAN,

Defendant.

No. 16-1-00207-1

ORDER DETERMINING EXISTENCE OF PROBABLE CAUSE AND DIRECTING ISSUANCE OF SUMMONS

I. BASIS

This court has considered a motion and affidavit for the determination of probable cause filed by the Deputy Prosecuting Attorney of this County.

II. FINDINGS

The court finds that probable cause exists for the detention of the defendant.

III. ORDER

IT IS ORDERED that:

3.1 The defendant be subject to conditions of release set out in ORDER SETTING CONDITIONS OF RELEASE.

3.2 Directing the Clerk of the Court to issue a summons directing the date and time the defendant to appear, in person, before the Superior Court of this county.

Dated: 11-4-16

Nancy R. McAllister SUPERIOR COURT JUDGE NANCY McALLISTER

Presented by:

JONATHAN L. MEYER Lewis County Prosecuting Attorney

Paul E. Masiello, WSBA #33039 Deputy Prosecuting Attorney

COURT COMMISSIONER OF PACIFIC COUNTY WASHINGTON

ORDER DETERMINING EXISTENCE OF PROBABLE CAUSE AND DIRECTING ISSUANCE OF SUMMONS

2016 NOV -4 AM 8:51

VISITORS CENTER  
PACIFIC COUNTY  
BY \_\_\_\_\_

IN THE SUPERIOR COURT OF WASHINGTON  
IN AND FOR PACIFIC COUNTY

STATE OF WASHINGTON,  
Plaintiff,

No. 16-1-00207-1

vs.

NOTICE AND SUMMONS/ORDER  
 FELONY CRIMINAL CHARGE  
 PETITION TO MODIFY SENTENCE

JAMES JOHN OHAGAN,  
Defendant.

THE STATE OF WASHINGTON TO: James John Ohagan  
2298 Cranberry Road  
Grayland, WA 98547

YOU ARE COMMANDED TO APPEAR AT THE BELOW NAMED SUPERIOR COURT ON THE INDICATED DATE AND TIME. CRIMINAL CHARGE(S) OR A PETITION TO MODIFY YOUR SENTENCE HAS BEEN FILED AGAINST YOU. A COPY OF THE INFORMATION/PETITION IS ATTACHED.

ALL COURT APPEARANCES ARE MANDATORY.

- Place: Pacific County Superior Court  
300 Memorial Drive  
South Bend, WA 98586
- Date and Time: November 18, 2016 at 01:30 PM

All defendants who are charged with crimes or face incarceration have the right to be represented by a retained lawyer of their choice. For those who cannot afford a lawyer, the court will appoint a lawyer at public expense.

**IF YOU FAIL TO APPEAR FOR THE SCHEDULED HEARING, THE COURT MAY ISSUE A WARRANT FOR YOUR ARREST.**

DATED: NOVEMBER 11, 2016

Virginia Leach  
Clerk of the Superior Court

By: Dawn Horton  
Deputy Clerk

Exhibit 2

## 9th Legislative District candidate charged with felonies

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Natalie St. John

Published on November 2, 2016 7:35PM by Chinook Observer

Jimi O'Hagan

Buy this photo

CHEHALIS — One week before the General Election, James “Jimi” O’Hagan, the litigious Grayland Republican who is challenging Rep. Brian Bake, D-Aberdeen for his 19th Legislative District House seat, has been charged with two felonies — possession of a stolen vehicle, and first-degree possession of stolen property. The charges constitute a new chapter in O’Hagan’s already long and colorful history of court proceedings and conflicts, which includes a current effort to sue a Pacific County elected official for as much as \$666,666,666,66.

### Court-dates for anti-court candidate

A cranberry grower by trade, O’Hagan has recently enjoyed a growing reputation in anti-government internet communities for his efforts to act as a self-described “sovereign” citizen and “legal intervener” during the 41-day standoff at Oregon’s Malheur National Wildlife Refuge.

His run for Blake’s 19th Legislative District House seat has also garnered some attention from citizens who take a special interest in matters of property rights and government interference in private affairs. Running on a platform that focuses almost exclusively on evicting attorneys from the state legislature, O’Hagan, who also advocates for disbarring all Washington attorneys and dismantling the state Commission on Judicial Conduct, took 39 percent of the vote district-wide in the Primary Election. However, in the small, deeply conservative part of Lewis County that falls within LD19, O’Hagan took 65 percent of the vote.

O’Hagan’s apparent popularity with Lewis county voters did not prevent Republican Lewis County Prosecutor Jonathan Meyer from filing the charges against O’Hagan on Oct. 31, and issuing a Nov. 1 summons for O’Hagan, 62, to appear in Pacific County Superior Court on Nov. 18.

According to documents obtained through a public disclosure request, the charges stem from an ongoing dispute between O’Hagan and Raymond commercial fisherman and environmental consultant Brian Couch, the subject of a Pacific County civil suit initiated by O’Hagan in March 2016.

A Chinook Observer reporter left voice messages requesting comment from Couch and O'Hagan on Nov. 2, and will update the story with their comments on Nov. 7, if they respond.

### Getting rid of lawyers, holding onto property

In spring 2016, O'Hagan, who claims that Couch owes him money, allegedly took Couch's Chevrolet Suburban, and his air boat, which has an estimated value of \$30,000. In a Nov. 2 phone interview, Meyer said O'Hagan initially borrowed the Suburban with Couch's permission, and offered to store Couch's boat for him. He took possession of both vehicles before deciding to file a civil suit against Couch.

"When they were requested back, he refused to provide them," Meyer explained. "All of a sudden, he refused to return the property."

Couch, 52, reportedly asked the Pacific County Sheriff's Office to start an investigation after his own attempts to retrieve the boat and SUV failed. PCSO deputies first contacted O'Hagan on May 14. According to the charging documents, O'Hagan "...admitted to possessing the property ... but refused to return the property until such time as he was paid what he claimed he was owed. The defendant refused, without a court order, to return the property."

Deputies spoke with O'Hagan again on June 2 and June 10, telling him on both occasions that if he didn't return the property, he would be charged with theft. During the June 10 visit, O'Hagan allowed the deputies to photograph the items belonging to Couch, but, according to the report, "He again said he understood, but refused to return the property."

### Sue, and sue alike

Meyer said that although it's a Pacific County case, Prosecutor Mark McClain referred it to the Lewis County Prosecutor's Office to prevent a conflict of interest, because O'Hagan has repeatedly accused McClain and numerous other Pacific County officials, including Sheriff Scott Johnson and Superior Court Judge Michael Sullivan, of corruption.

"There's some ongoing litigation that Mr. O'Hagan started against Pacific County," Meyer said. Indeed, according to McClain's 2016 motion to have O'Hagan designated as a "vexatious litigant," O'Hagan has also pursued legal action against a county court clerk's office employee, a local drainage district, South Bend attorney Joel Penoyar, the U.S. Department of Justice, state Attorney General Bob Ferguson, and the Washington State Bar Association, among many others.

A few years ago, O'Hagan's allegations of misconduct in Pacific County government led then deputy-prosecutor McClain to ask the Washington State Patrol to conduct an independent investigation. The WSP concluded that there was no substance to O'Hagan's claims, and the Washington Attorney General's Office ultimately decided not to press charges, according to public records obtained from WSP.

Meyer said he filed the charges only recently, because it took several months to gather and review all of the case information.

"Because it is a property crime, it's not going to be reviewed as quickly as other crimes. Homicides, assaults or sex crimes — those move to the top of the pile," Meyer said. "... I've been reviewing this one for a quite a while, and we just go ready to charge."

### 'Evil and the Devil's work'

In June, someone writing under the pseudonym "The Reluctant Activist," announced on the anonymously registered website [www.corruptwash.com](http://www.corruptwash.com), that O'Hagan had filed a defamation suit against McClain and his "accomplices" in local, state, and federal government. In his complaint, which is embedded in the blog post, O'Hagan alleged that McClain damaged his reputation by including his image in a small display of photographs on the wall of the prosecutor's office.

"Their actions were evil and the devil's work, and as such, the damages may exceed \$666,666,666.66 — Six hundred sixty six million, six hundred sixty six thousand, six hundred sixty six dollars and sixty six cents," O'Hagan wrote.

On Nov. 2, McClain said in a phone interview that the photographs were there to help his office staff identify individuals who potentially posed security concerns.

"With Mr. O'Hagan in particular, it involved the Washington State Bar and the Attorney General's office calling to alert us to his potential danger," McClain said. "They had concerns, and wanted to make sure we were aware of it."

### Alone in a legal wilderness

O'Hagan is no stranger to conflict. In the 1990s, he successfully sued a fellow cranberry farmer, Kenyon Kelly, over a water-rights dispute. However, Kelly, who is now deceased, subsequently made several attempts to file for bankruptcy, and O'Hagan never received the sizable judgment awarded to him. In the years since, O'Hagan's unsuccessful attempts to obtain the settlement have galvanized his anti-government convictions, and led to dozens of complex, cascading court proceedings, in which he has generally acted as his own attorney, with limited success.

In hundreds of pages of local, state and federal court filings, and social media posts and open letters to public officials, O'Hagan has made increasingly bold claims of corruption and criminal activity among Washington's attorneys, judges and government employees. Among other things, O'Hagan alleges that the State Department of Ecology in 1999 intentionally burned down its own building to cover up illegal activity, and that U.S. Marshals have attempted to intimidate and harass him.

In a 42-page document filed with the State Supreme Court in June 2015, O'Hagan accused Pacific County Superior Court Judge Michael Sullivan of "... using his official position to steal over \$360,000 from me, and providing it to the judgment debtor, so the judgment debtor could solicit a murder-for-hire plot to murder me..."

Thus far, no independent bodies have substantiated any of these allegations.

## Concerns about revolution

Fear that government corruption is paving the way for civil unrest — or even revolution — is a recurring theme in O'Hagan's more recent writings and interviews, including an October Chinook Observer interview, in which he expressed concerns about the inevitability of "some type of world-conflict."

Further on in the June 2015 document, O'Hagan said he believed collusion among the state's attorneys, "... has caused our domestic tranquility to be regularly attacked to the point where we have been forced to place armed guards at most of our courthouses and schools in my lifetime, and most of our cities are regularly under attack from the silent majority disguised as protesters."

In a separate, May 2015 filing with the state Court of Appeals, O'Hagan argued that "lawyer crime" posed an imminent threat to society.

"This type of organized crime and governmental oppression led to the Oklahoma City bombings, the mass murdering of millions of innocent individuals during the Hitler regime, and the deaths of millions of innocent individuals in the struggle for our country to rid itself of 'Nobility'. ... This type of domestic terrorism, if allowed to go without being addressed will lead to horrendous crimes in our society's future," O'Hagan wrote.

An April 2016 CorruptWA post titled, "Will O'Hagan be another Levoy Finnicum — murdered by those who swear to protect him?" included a 2016 document filed in Pacific County Superior Court, in which O'Hagan again hinted that he thought his long-running conflicts with government could ultimately boil down to physical confrontation.

"Like my ancestors did several centuries ago, I am going to arm myself with a pitchfork and scythe, and resist the exact same attitudes from individuals who believe they have achieved enough nobility over me to make decisions over me that will affect over my life, liberty and property for generations," O'Hagan wrote. "My ancestors resisted your 'Noble Attitude' to achieve a better life for their children, and so will I, so help me God."

# US~Observer *Demanding Accountability*

*Committed to excellence in investigative journalism - [www.usobserver.com](http://www.usobserver.com)*

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Fax: 541-472-0111

Rogue River Hwy. PMB #387

Grants Pass, Oregon 97527

Washington State Attorney General Jenny Durkan  
700 Stewart Street Suite 5220  
Seattle, Washington

**February 25, 2013**

Dear Attorney General Durkan,

My name is Edward Snook and I publish the US~Observer newspaper. We deal with cases regarding alleged abuse, false prosecutions, etc., which are outlined on our website – [www.usobserver.com](http://www.usobserver.com). We publish both on the web and in our hard-copy newspaper. When we publish on cases we make every attempt to resolve them before making the issue a public one. I am attempting to accomplish this by bringing the following issues to your attention, even though the issues themselves would garner the US~Observer some very sensational headlines. In short, I am far more concerned with justice than I am with “headlines...”

The US~Observer has been made aware of allegations of excessive fraud against James O’Hagan of Grayland, WA that have been allegedly committed by attorneys, judges, court appointed trustees, and other related persons associated with O’Hagan’s various cases concerning him and his cranberry farm. We have completed our preliminary investigation and find that his accusations are very well founded.

O’Hagan’s story begins in 1994 as a result of an allegedly illegal diversion of a stream called Deer Creek. In 2000, O’Hagan was awarded by Grays Harbor County Judge F. Mark McCauley, a judgment against Kenyon Kelley for \$213,014.37 plus future damages that at the time would have been approximately \$900,000.00, but has since far exceeded that amount due to interest and deprivations to O’Hagan and his farming enterprise by both Kelley and his accomplices in and out of the legal system from that time to the present. In May of 2011, Judge McCauley made this conclusion of law: “when I ordered this property [of Kelley’s] sold and then there was a lot of delay for – to my mind, unknown reasons. Still, nothing seems to get done down there... whatever efforts that have been made at farming down there I think is not in good faith to truly farm that land, it’s to avoid paying the debt to Mr. O’Hagan.”

When the debtor, Kenyon Kelley, allegedly tried to hide his considerable assets by filing bankruptcy in order to keep O’Hagan from collecting on his judgment, Federal Bankruptcy Judge Paul B. Snyder denied it on all counts and went on to say that Kelley “worked with

consultants and attorneys to judgment-proof his estate so that creditors could get little or no benefit from his assets." These assets amounted to approximately \$700,000.00.

This case is still open and O'Hagan has collected very little as a result of his judgment in 2000, because of obvious corruption. In fact the alleged fraud scheme has cost him dearly in additional legal costs.

The following individuals represent the primary culprits that have been instrumental in allegedly defrauding Mr. O'Hagan. The following allegations against them are well substantiated in my opinion.

Arnold Pertula – Former General Manager of Grayland Water District

For coercing County of Grays Harbor, WA water district commissioners to reject O'Hagan's bid to purchase an abandoned property in same county despite it exceeding the county's minimum bid and being the highest of all bids received. And for being instrumental in illegally diverting Deer Creek that watered O'Hagan's farm, of which O'Hagan had the rights to, and re-directing that stream to Pacific County Drainage District Commissioner Brian Hulbert's property, even though it was later proven in court that Hulbert possessed no water rights to the stream at all.

Grays Harbor Judge David Foscue

For dismissing O'Hagan's court case without ever allowing him to call forth witnesses that could testify that there was prejudice involved against him by the, then General Manager of Grayland Water District, Arnold Pertula. And for contending erroneously that Grayland Water District Commissioners were not required to act in good faith when deciding who could purchase land and that any public official could allow any public property to be sold to whoever they wanted and apparently for any price regardless of competing bid amounts.

Attorney Gregory Ursich – Contact info: Inslee Best and Dozier, 777 108th Ave., Ste. 1900 Bellevue, WA 98004.

For coercing Washington State Dept. of Ecology (WDOE) employees Vicky Windust-Cline and Joe Cason into tampering with official records to fraudulently show that Pacific County Drainage District Commissioner Brian Hulbert and Kenyon Kelley held rights to Deer Creek and that O'Hagan did not, which was later proven in court to be untrue. Ursich was one of Kelley's attorneys who has been implicated by Judge Snyder as being one of the attorneys involved in Kenyon Kelley's "judgment-proofing" scheme.

Pacific County Drainage District Commissioner Brian Hulbert

For aiding in the diversion of Deer Creek away from O'Hagan, who he must have known possessed the water rights, and instead accepted the diversion to benefit his own farm, for which he must have known he was not entitled to.

WDOE employees: Vicky Windust-Cline and Joe Cason

For illegally aiding attorney Gregory Ursich and tampering with official WDOE documents with the intent to purge Dixon Diversion Map from the public record that showed O'Hagan possessed the water rights to Deer Creek and that Hulbert and Kelley did not.

Division II Court of Appeals judges: J. Armstrong, J. Turner, and A.C.J. Houghton

For upholding Judge Foscue's ruling and for rejecting O'Hagan's contention that the fair bidding process "required bids to be rejected in good faith".

Risk Pool Manager Veril Hill (Cousin of Arnold Pertula)

For having Deer Creek diverted to Water District Commissioner Hulburt's and Kelley's farms even though he must have known that neither held the water rights and that O'Hagan did.

Pacific County Judge Joel Penoyor

For concealing evidence and or documents that were favorable to O'Hagan. A jury later allegedly determined that Judge Penoyor's rulings against O'Hagan were fraud.

U.S. Bankruptcy Court Trustee Russell Garrett

For hiring Kelley's attorney Gregory Ursich to help him manage Kelley's bankruptcy estate and assisting him in converting Kelley's assets into cash so they could be diverted away from O'Hagan and hidden from the court. One amount that has never been accounted for is a \$97,327.57 Grange Insurance payment received by Kelley's estate, that both attorney Ursich and trustee Garrett knew about. Total assets allegedly hidden by Garrett amounts to over \$690,000.00. As an interested party I am requesting you and or your agents to contact the U.S. Trustee's office and provide the money trail of the \$97,327.57 to the U.S. Observer as required by law.

Federal Judge Philip H. Brandt

For dismissing O'Hagan's "Adversary Complaint" that Kelly had been withholding earnings from the bankruptcy court and refusing O'Hagan's request to call witnesses and for basing his dismissal on the testimonies of Kelley's attorneys alone. Judge Brandt was also instrumental in concealing the bribing of Trustee Russell Garrett by attorney Ursich regarding the \$97,327.57.

Pacific County Judge Michael Sullivan

For covering up the illegal transfer of \$180,000.00 from American Equities, \$150,000.00 of which made it back to Kenyon Kelley. Judge Sullivan also ordered the court not to take any further action in O'Hagan's case. Judge Sullivan is also complicit in covering up the documents hidden by Judge Penoyor when they were discovered 7 years later. Sullivan has gone on to attack O'Hagan and attempt to discredit him on additional cases as well.

Federal Bankruptcy Judge Brian D. Lynch

For granting Kelley a discharge of debts in one of four additional bankruptcies despite the fact that Judge Snyder had already identified Kelley as an absconding debtor. Judge Lynch also refused to allow Russell Garrett to testify in his courtroom and provide documentation for the whereabouts of Kelley's assets, including the disappearance of the \$97,327.57 Gregory Ursich held in his trust account when trustee Russell Garrett hired him to work for the Kelley estate.

Attorney George Benson

For aiding and abetting attorney Gregory Ursich and U.S. Trustee Russell Garrett in judgment-proofing Kelley's assets.

Attorney Thomas Linde

For aiding and abetting attorney Gregory Ursich, and U.S. Trustees Russell Garrett and Brian Budsberg in judgment-proofing Kelley's assets.

Carsten von Borstel of Fields Unlimited and Northwest Farm Credit Services

For aiding and abetting Kelley's attorneys in judgment-proofing Kelley's assets.

It is the contention of Mr. O'Hagan that these and other injustices have been done to him by the above persons in order to embezzle or cover up the embezzlement of Kelley's assets and to cover for each other by concealing their various illegal activities.

It is obvious, Attorney General Durkan, that the above listed accusations are extremely serious and they have serious criminal implications. I don't write to Attorney Generals without having done my homework – I assure you that we have closely examined the legal documents and records in this case. I have concluded that is a state matter and that it falls within your jurisdiction and responsibility. If this is not the case please let me know...

Best Regards

Edward Snook  
US~Observer

Cc: State Rep. Brian Blake  
Cc: State Rep. Dean Takko  
Cc: Attorney David Lawyer

Exhibit 3

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IN THE SUPREME COURT OF THE STATE OF WASHINGTON

STATE OF WASHINGTON	)	
Plaintiff	)	Pacific County Cause no. 16-1-00207-1
Vs.	)	NOTICE OF WRIT OF HABEAS CORPUS
JAMES JOHN O'HAGAN	)	WITH WRITS OF CERTIORARI,
	)	PROHIBITION, QUO WARENTO AND
Accused	)	SUMMONING OF GRAND JURY
_____	)	BY DECLARATION OF JAMES O'HAGAN

COMES NOW THE ACCUSED James John O'Hagan, in the proper person and swears under the penalty of perjury the following is true and correct.

This NOTICE OF WRIT OF HABEAS CORPUS is brought in accordance with RCW chapter 7.36.010<sup>1</sup>.

The attached WRIT OF CERTIORARI is brought in accordance with RCW Chapter 7.16<sup>2</sup> and RCW 2.24.050<sup>3</sup>.

<sup>1</sup> RCW 7.36.010 Who may prosecute writ. Every person restrained of his or her liberty under any pretense whatever, may prosecute a writ of habeas corpus to inquire into the cause of the restraint, and shall be delivered therefrom when illegal.

<sup>2</sup> RCW 7.16.040 Grounds for granting writ. A writ of review shall be granted by any court, except a municipal or district court, when an inferior tribunal, board or officer, exercising judicial functions, has exceeded the jurisdiction of such tribunal, board or officer, or one acting illegally, or to correct any erroneous or void proceeding, or a proceeding not according to the course of the common law, and there is no appeal, nor in the judgment of the court, any plain, speedy and adequate remedy at law.

<sup>3</sup> RCW 2.24.050 Revision by court. All of the acts and proceedings of court commissioners hereunder shall be subject to revision by the superior court. Any party in interest may have such revision upon demand made by written motion, filed with the clerk of the superior court, within ten days after the entry of any order or judgment of the court commissioner. Such revision shall be upon the records of the case, and the findings of

1 The Attached WRIT OF PROBITION is brought in accordance with RCW Chapter 7.16.

2 The attached QUO WARRENTO action is brought in accordance with RCW Chapter 7.56.

3 These Writs are brought to document how high up in the judicial branch the corruption  
4 is established, and to expose to the people the level and magnitude of corruption. When the  
5 judicial branch controls the legislative and executive branches of government and controls law  
6 enforcement, the media and the public election process we are no longer free men and the  
7 people do not have any rights or protections of the laws, the people have become prey for the  
8 lawyer predators.

9 1. In accordance with RCW 7.36.010 I have been unlawfully restrained of my liberties, by  
10 illegal, fraudulent, malicious and vindictive criminal charges that have been filed against  
11 me, a copy of those charges with the information and hearsay affidavit of probable  
12 cause are attached hereto, because all of the actions are criminal acts of judicial  
13 members and illegal RCW 7.36.130 (3) does not apply, as it is intended for legitimate  
14 legal actions, not organized crimes of judicial members.

15 2. All of the judicial members involved violated their Oath on Admission as identified in  
16 RCW 2.48.210 as it was done with lucre and malice, from which the justices cannot  
17 lawfully ignore, and it is grounds for disbarment as identified in RCW 2.48.220.

18 3. The illegal, fraudulent, malicious and vindictive charges brought against me were  
19 brought in Pacific County Superior Court by Lewis County Prosecutors who had no lawful  
20 authority or jurisdiction in Pacific County Superior Court as identified in RCW 36.27.030.

21 4. The illegal, fraudulent, malicious and vindictive charges brought against me were  
22 intended to harass, threaten and intimidate me, a fraud victim, and interfere with civil  
23 actions I filed against Brian Couch and Pacific County prosecutor Mark McLain.

---

fact and conclusions of law entered by the court commissioner, and unless a demand for revision is made within ten days from the entry of the order or judgment of the court commissioner, the orders and judgments shall be and become the orders and judgments of the superior court, and appellate review thereof may be sought in the same fashion as review of like orders and judgments entered by the judge.



1 determine this extremely important and substantial factual argument. Most of the unfair  
2 evaluations of the evidence was motivated by the wrongful impression and fear that the  
3 liabilities involved would cause an enormous burden to innocent taxpayers, which is not true  
4 the burden of the liabilities lie on the attorneys engaging in and using their public office to  
5 execute their fraud crimes.

6 Pacific County Prosecutor Mark McLain and others assisted his fellow Washington State  
7 Bar Association members (the attorneys) who designed and executed the fraud schemes, by  
8 providing them pecuniary benefits, special privileges and immunities. This motivated Pacific  
9 County Prosecutor Mark McLain to act aggressively towards me and to initiate a witch hunt of  
10 criminal charges against me so he could redirect blame away from himself and onto me, and  
11 prevent me from getting elected to the legislature where I could end the reign of terror the  
12 judiciary is subjecting the people to.

13 In an effort to defend myself from Pacific County prosecutor Mark McLain I filed a civil  
14 action against Mr. McLain to expose his maliciousness and vindictiveness, and protect my life,  
15 my family, my political freedom and my political supporters.

16 Brian Couch understood how attorneys used the courts to defraud me and he  
17 understood how motivated prosecutor Mark McLain was to redirect blame of criminal acts  
18 away from himself (McLain) and onto me. Brian Couch made a decision to use the malice and  
19 vindictiveness of officers of the courts to his advantage and use it to execute his intent to  
20 defraud me, and filed the criminal complaint on me with the Pacific County sheriff's office.

21 A Pacific County Sheriff deputy investigated the situation between May 14, 2016 and  
22 June 2016 and was provided notice of the civil lawsuit I had pending against Brian Couch. In  
23 accordance with RCW 60.70.020 and RCW 60.70.050 I was lawfully holding Mr. Couch's  
24 personal property as collateral for the debt he owed me and to protect me from criminal  
25 fraudulent transfers that happened to me and was executed by officers of the courts.

26 All of the prosecutors and judges involved in this (including you) are charged with  
27 knowing that they would be interfering with due process, and engaging in the criminal acts of

1 harassing, threatening and intimidating a fraud victim, witness and informant and becoming an  
2 accomplice in an intent to defraud me and steal from me if they interfered with my ongoing  
3 civil litigation and my ability to get elected to public office. The moment county judicial  
4 members can get away with filing criminal charges against victims in civil litigation then all  
5 opportunities for an economically vulnerable person to achieve justice is lost and we have lost  
6 our constitutional form of government. The arrogant filing of the criminal charges against me is  
7 a form of treason and supporting a tyranny created and operating by attorneys for attorneys.

8 **Natalie St John, Pacific Co. Prosecutor Mark McLain and Lewis Co. Prosecutor Jonathan Meyer**

9 As my political campaign was rapidly gaining traction, and the people of the 19<sup>th</sup> District  
10 were beginning to understand how bad the judicial branch is in need of overhauling, Chinook  
11 Observer newspaper writer Natalie St John recognized opportunity for her to make fame for  
12 herself, by providing pecuniary benefits to Mark McLain and other members of the judiciary  
13 and solicit pecuniary benefits for herself from the judiciary. Ms. St John began instigating Pacific  
14 County Prosecutor Mark McLain and Lewis County Prosecutor Jonathan Meyer to file the  
15 criminal charges against me to prevent me from getting elected so he and other members of  
16 the judicial branch could continue to enjoy their organized crime syndicates beyond reproach,  
17 and in turn she would receive judicial immunity and fame.

18 Pacific County prosecutor Mark McLain ignored the legislative intent of **RCW 36.27.030**  
19 **Disability of prosecuting attorney**, and self appointed his accomplice Lewis County prosecutor  
20 Jonathan Meyer of his to file the bogus criminal charges against me, and execute their intent to  
21 influence my civil cases and prevent me from being elected to the legislature to end the  
22 violations of the separation of powers of members of the judiciary infiltrating the legislative and  
23 executive branches to obtain Nobility, pecuniary benefits, special privileges and immunities,  
24 and use public funds to fund their organized crimes against the people.

25 Upon the urging of Natalie St John and Mark McLain, Lewis County Prosecutor Jonathan  
26 Meyer and his deputy prosecutors also ignored the legislative intent of **RCW 36.27.030**,  
27 unlawfully assumed the position of a duly appointed Pacific County prosecutor and submitted  
28 the criminal charges to Pacific County Superior Court on November 2, 2016 the exact same day

1 Natalie St John's article was published in the Chinook Observer. Despite not obtaining any  
2 lawful authority to do so, Lewis County Prosecutor Jonathan Meyer ignored his duty to obtain  
3 an affidavit of probable cause from the investigating officer and had his deputy prosecutor fill  
4 out the affidavit of probable cause even though it was a violation of **Kalina vs. Fletcher** and filed  
5 the criminal charges in Pacific County Superior Court.

6 Impersonating a Pacific County prosecutor, instigating a Lis pendens action, threatening,  
7 intimidating and harassing a fraud victim, filing an affidavit of probable cause on an illegal  
8 action and using their official office to interfere with the election process is grounds for  
9 disbarment, sanctions, criminal and civil penalties on Mark McLain, Jonathan Meyer and deputy  
10 prosecutor Paul E. Masiello.

11 **Pacific County Judge Pro Tem's Nancy McAlister and Michael Turner**

12 Pacific County Judge Pro Tem's Nancy McAlister and Michael Turner are charged with  
13 knowing the law.

14 Upon receiving the information and affidavit of probable cause from Lewis County  
15 prosecutor Jonathan Meyer, Pacific County Court commissioner Nancy McAlister did not  
16 question the disability of Pacific County Prosecutor Mark McLain or the lawful appointment of  
17 Lewis County Prosecutor Jonathan Meyer. Instead of proceeding in a lawful manner she ignored  
18 the legislative intent involved in **RCW 36.27.030** and the fact that a prosecutor cannot be the  
19 complaining witness as mandated in **Kalina vs. Fletcher** and rubber stamped the finding of  
20 probable cause and summons on the 4<sup>th</sup> of November. No probable cause hearing was held, no  
21 Pacific County deputy sheriff filed an affidavit of probable cause and the documents were not  
22 even read because a grade school student would've failed with the quality of work that was  
23 done in the rush to file the charges just before the election. At all times Pacific County judge  
24 pro tem Nancy McAlister was acting to protect the liabilities of Pacific County and as such she  
25 had a disability to act as a judge as described in **RCW 2.28.030**, **RCW 2.48.210** and the judicial  
26 canons. Providing the unauthorized use of the people's courthouse to an imposter prosecutor,  
27 allowing a prosecutor to submit the affidavit of probable cause in a lis pendens action, and  
28 using her official position to interfering with an election is grounds for disbarment, sanctions

1 civil and criminal penalties on Court Commissioner Nancy McAlister as described in RCW  
2 **2.48.220.**

3 Upon receiving the subject summons in the regular mail I voluntarily showed up on  
4 November 18, 2016 and explained to Commissioner Michael Turner that the persons and  
5 subject matter involved in the criminal allegations were involved in ongoing civil litigation. I had  
6 with me a certified copy of the civil action I filed against Brian Couch on May 11, 2016, and  
7 Commissioner Michael Turner refused to take judicial notice of it, and assist in the prosecutor's  
8 lucre and malice.

9 At the start of the 11/18/2016 hearing I asked Commissioner Michael Turner if I could  
10 question him about some matters that I was concerned with and Commissioner Michael Turner  
11 refused to allow me to question his authority at all, and proceeded to violate numerous lawful  
12 rights and protections I had during the hearing. I intended to ask him about his obligation to  
13 inform me as a judge pro tem that he needed to obtain my consent to preside over the felony  
14 criminal matters as described in RCW 2.08.180 Judge pro tempore- Appointment Oath –  
15 Compensation. After violating numerous of my civil protections I have a public defender by the  
16 name of Harold Karlsvik interjected and informed Commissioner Turner that he was proceeding  
17 unlawfully and Commissioner Turner immediately postponed the hearing.

18 On November 22, 2016 I filed a Notice that I required a Superior Court Judge to review  
19 all of Commissioner Michael Turners actions as identified in **RCW 2.24.050**

20 When my campaign manager and I were filing the documents in the Pacific County  
21 Clerk's office on 11/22/2106 Pacific County Court Administrator Angie Gilbert's asked us to  
22 meet with her and discuss my contact information and her difficulty in locating a fair and  
23 impartial judge to preside over this case. At that time she informed me that she did not want to  
24 appoint Commissioner Turner to the case and that he was not going to be back on the case, but  
25 she was having difficulty locating a judge and she was going out on medical leave. I informed  
26 Ms. Gilbert at that time that I did not think Commissioner Turner had acted lawful or fair and I  
27 had filed for a Superior court judge to review all of his actions, as identified in **RCW 2.24.050.**

1 I again voluntarily showed up for court on December 2, 2016 to dispute the jurisdiction  
2 and authority of a unauthorized Lewis County Prosecutor bringing criminal charges in Pacific  
3 County Superior Court on a situation where civil litigation is ongoing. Much to my surprise  
4 Commissioner Michael Turner was back on the case, and when I asked him if he needed my  
5 consent to proceed he informed me that he did not and attempted to silence me by appointing  
6 public defender Harold Karlsvik to speak for me. Mr. Karlsvik informed Judge Turner that he  
7 could not do that and they got into a heated dispute because Mr. Karlsvik informed Judge  
8 Turner it was a high profile convoluted case and that it was not the type of case that fell within  
9 the normal public defender contract obligations.

10 After their argument subsided I went on the record and informed Commissioner Turner  
11 that I had ask for a judicial review of all of his actions as described in **RCW 2.24.050** And that I  
12 felt he had a disability to proceed. He ignored his disability to proceed and proceeded to assist  
13 with the unauthorized acts of the Lewis County prosecutors. I immediately informed  
14 Commissioner Turner that I filed a Notice of Lis pendens and attached my certified copy of my  
15 civil action against Brian Couch to it and argued the court lacked jurisdiction over the criminal  
16 matters and the notice of Lis pendens converted the criminal action to that of a common law  
17 action in which I was entitled to damages.

18 Commissioner Turner then informed me that he was not going to accept any of my  
19 jurisdiction arguments as that was not what they were there for they were there to only arraign  
20 me, and that was all he was going to do. I immediately informed him that Jurisdiction could be  
21 challenged at any time and I was challenging his jurisdiction now. It was clear to me that  
22 Commissioner Turner was unprepared for my Jurisdiction argument, my argument the  
23 prosecutors lacked authority and my Kalina vs Fletcher argument. Instead of pointing out to  
24 the court that many of these arguments were beyond his scope of powers as described in **RCW**  
25 **2.44.040 (15)** and that he lacked jurisdiction to determine these arguments and he would have  
26 to step down and allow an authorized Judge to determine these arguments, Commissioner  
27 Turner ignored his duty to error on the side of caution and made a choice to go forward  
28 without jurisdiction.

1 No public official involved in any of this had any rational thoughts about any of it nor  
2 spent any time to rationally think the situation through whereas. How are these actions of  
3 officers of the courts not assisting Brian Couch to use the courts to execute his intent to  
4 defraud me, and punish me for trying to prevent him and his accomplices from defrauding me. I  
5 stipulate it will be impossible for any prosecutor to obtain and jury verdict against me, unless  
6 another corrupt judge prevents me from calling forth witnesses and presenting evidence to the  
7 jury, (which is how their organized crime syndicate operates today) and all these criminal  
8 allegations amount to is determinations by public officials to use their official positions to  
9 hinder, delay and defraud my family and I.

10 In my political campaign to get elected I educated the people how members of the  
11 judiciary had violated the separation of powers and infiltrated the legislative and executive  
12 branches of our government to create special privileges and immunities and provide pecuniary  
13 benefits for themselves and their fellow judicial branch members. The violations of the  
14 separation of powers have created a situation for attorneys to obtain wages that Nobel men  
15 receive. This has in turn devastated the budgets of the counties where Judges and prosecutors  
16 are extorting an enormous amount of the county budgets from the taxpayers.

17 The fact that they are getting away with extorting all of this money from local budgets,  
18 have succeeded in violating the separation of powers and gained control of the legislative and  
19 executive branches of government, the election process and the media leads them to believe  
20 they have achieved nobility and they are completely above the law. This situation is extremely  
21 important to the people of Washington State as it exposes and addresses a scenario where now  
22 the judiciary has taken control over the legislative and executive branches, the people's courts,  
23 the entire election process and the media and leaves the people with no defense from the  
24 organized crimes of members of the judicial branch.

25 This case is a perfect example of what our courts have become nothing more than  
26 organized crime syndicates that are ran in each county. It is why I ran for public office and the  
27 type of public corruption I was trying to clean up. Unless the Supreme Court Justices want to  
28 hold complete control of their organized crime syndicate they should acknowledge the

1 members of the judiciary have a disability to proceed as identified in **RCW 2.28.030 (1)** and  
2 order this case to be referred to a Legislative Inquiry investigation, as described in **RCW chapter**  
3 **44.16** and point out that no member of the judiciary should be involved in determining the  
4 outcome of the case, as identified in **Article II section 28 Special Legislation and Article II**  
5 **section 30 Bribery and Corrupt Solicitation of our Washington State Constitution.**

6 Dated this 5<sup>th</sup> day of December, 2016

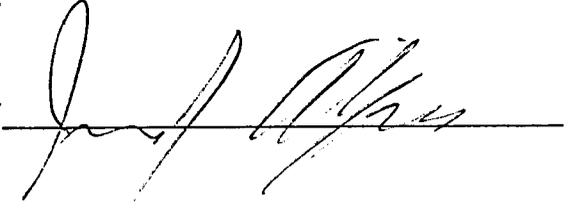
7 By 

8 James J. O'Hagan, pro se All Rights & Protections Reserved

9 CERTIFICATE OF SERVICE

10 I James O'Hagan certify I caused true and correct copiers of this document to be delivered to  
11 Lewis County prosecutor Jonathan Meyer and the Pacific County Superior Court Clerk in  
12 accordance with **RCW 7.36.010 Writ of Habeas Corpus, Who May Prosecute Writ to the**  
13 **Washington State Supreme Court.**

14 Dated this 5<sup>th</sup> day of December, 2016.

15 BY 

EXH. 3.44

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James J. O'Hagan  
2298 Cranberry Rd.  
Grayland WA 98547  
(360) 267-7911

IN THE UNITED STATES SUPREME COURT,  
THE OFFICE OF THE PRESIDENT AND THE PENTAGON

	)	U.S. SUPREME COURT cause no.
James J. O'Hagan	)	STATE SUPERIOUR COURT cause no. 16-1-00207-1
Petitioner	)	STATE DIVISION II APPALATE cause no. 52032-0-II
Vs	)	STATE SUPREME COURT cause no. 95987-1
STATE OF WASHINGTON	)	DEFENDANT'S HABEAS CORPUS PETITION FOR
Respondent	)	RELEASE FROM BONDAGE FOR LACK OF JURSDICTION
_____	)	"Clerk's actions required"

I James J. O'Hagan, swear under the penalty of perjury of the laws of the United States the following is true and correct.

**PACIFIC COUNTY SUPERIOUR COURT CLERK'S ACTION REQUIRED**

In accordance with RCW 7.36.060 an official copy of this Writ of Habeas Corpus is to be delivered to Sheriff Scott Johnson by the clerk of the Pacific County Superior Court and in accordance with RCW 7.36.070 Sheriff Scott Johnson is to deliver copies of the Writ of Habeas Corpus to the following, of which it is also directed to, Judge pro tem Nancy McAlister, Judge pro tem Michael Turner, Judge pro tem William Faubion, Judge Stephen Warning, Judge Michael Evans, Prosecutor Mark McClain, Prosecutor Jonathan Meyer, deputy prosecutor Paul Massielo, and David Mistachkin. Sheriff Johnson shall also investigate the criminal activity identified herein and serve a copy of this to the FBI, Homeland Security, the Commission on Judicial Conduct and the Board of the Washington State Bar Association as it serves as a formal criminal complaint on the Limited Practicing Officers identified above.

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**DIVISION II COURT OF APPEALS COURT CLERK**

In accordance with RCW 7.36.060 an official copy of this Writ of Habeas Corpus is to be delivered to Commissioner Schmidt and the Division II Court Justices, who are required to provide copies of the file of cause no. 52032-0-II to the United States Supreme Court Justices, President Donald Trump and General George Maddus at the Pentagon, and explain in a timely manner how they can stay a jurisdiction argument and allow the courts to proceed without jurisdiction. They are also required to explain where Washington State Judges derive their judicial power from, to file criminal charges on a victim involved in a civil lawsuit.

**WASHINGTON STATE SUPREME COURT CLERK**

In accordance with RCW 7.36.060 an official copy of this Writ of Habeas Corpus is to be delivered to the Washington State Supreme Court Justices, who are required to provide copies of the file of cause no. 95987-1 to the United States Supreme Court Justices, President Donald Trump and General George Maddus at the Pentagon, and explain in a timely manner how they can stay a jurisdiction argument and allow the courts to proceed without jurisdiction.

They are also required to explain where Washington State Judge pro tem Nancy McAlister, Judge pro tem Michael Turner, Judge pro tem William Faubion, Judge Stephen Warning, Judge Michael Evans, Prosecutor Mark McClain, Prosecutor Jonathan Meyer, prosecutor Paul Massielo, derived their judicial power from, to file criminal charges on a victim involved in a civil lawsuit.

They are also required to explain how an individual can have criminal charges filed against him for asserting his fourth amendment private property right.

They are also required to explain where members of the Washington State Judicial branch derived their power from to interfere with public elections, and our democratic constitutional election process, and explain to the United States Supreme Court Justices, President Donald Trump and General George Maddus how they have not violated RCW

1 29A.84.720 Officers—Violations generally<sup>1</sup> by refusing to appoint a Special Inquiry Judge and  
2 calling forth a Grand Jury to investigate the election crimes involved and are not required to  
3 vacate their public office, as required by law.

4 COMES NOW JUDICIAL FRAUD VICTIM AND POLITICAL PRISONER, JAMES J. O'HAGAN  
5 AND MOVES THE UNITED STATES SUPREME COURT JUSTICES, PRESIDENT DONALD TRUMP  
6 AND/ OR GENERAL GEORGE MADDUS AT THE PENTAGON AS FOLLOWS:

7 This petition for Habeas Corpus by me and my political supporters documents how by  
8 violating the separation of powers members of the judicial branches have engaged in felony  
9 subversive activities and treason that has resulted in overthrowing our constitutional form of  
10 governments. By members of the judicial branches violating the separation of powers and  
11 infiltrating our legislative and executive branches they have created Nobility for themselves and  
12 their colleagues and have created laws that have created arguments between individuals that  
13 have damaged our national security and attacked our domestic tranquility for them and their  
14 members' economic gains.

15 My political campaign was directed at ending members of the judicial branches violating  
16 the separation of powers, as described in USC Amendment XIV sec. 3 Persons Disqualified From  
17 Holding Office, and WSC Article II sec. 14 Same, Federal or Other Office, when I was attacked by  
18 members of the judicial branch, who without jurisdiction filed criminal charges against me six  
19 days before election day and worked with a local newspaper reporter to influence voters to not  
20 vote for me. Now the Washington State judicial branch have by felony subversive activities  
21 overthrown our legislative and executive branches and have overthrown our democratic  
22 process of elections and our Republican form of government, in order to protect their nobility,  
23 their judicial fraud industry and subversive activities. Much of what has happened to me is  
24 what happened to political opponents to Hitler's Regime in Nazi Germany, where members of

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<sup>1</sup> RCW 29A.84.720 Officers—Violations generally.

Every person charged with the performance of any duty under the provisions of any law of this state relating to elections, including primaries, or the provisions of any charter or ordinance of any city or town of this state relating to elections who willfully neglects or refuses to perform such duty, or who, in the performance of such duty, or in his or her official capacity, knowingly or fraudulently violates any of the provisions of law relating to such duty, is guilty of a class C felony punishable under RCW 9A.20.021 and shall forfeit his or her office.

1 his judicial branch threw all of his political opponents into jail or executed them. We should not  
2 be forced to relive his type of terror because members of the judicial branch choose to engage  
3 in political terrorism, in order to make and keep themselves above our laws.

4 **PRESIDENT DONALD TRUMP AND GENERAL GEORGE MADDUS'S DUTY TO INTERVENE**

5 **18 USC section 4 Misprision of Felony**<sup>2</sup> specifically requires President Donald Trump and  
6 /or the United States Military to intervene in this situation, if our Supreme Court Justices refuse  
7 to address the felony subversive activities exposed herein, that is unless they are active  
8 participants in the felony subservice activities intended to overthrow our constitutional forms  
9 of government. Members of the judicial branch violating the separations of powers is an  
10 extremely dangerous felony subservice activity as described in RCW Chapter 9.81 Subversive  
11 Activities, that is attacking our national security and our domestic tranquility.

12 If the United States Supreme Court Justices fail to act, or act in omission my political  
13 supporters and I are requiring President Donald Trump to instruct the United States Military to  
14 call a Military Tribunal and conduct a Grand Jury investigation into the corrupt felony  
15 subservice activities of the Judicial Branches of the United States as described in RCW 2.36.010  
16 Definitions and Article IV sec. 1 Faith and Credit Among States, that requires the Federal  
17 Government to accept the States laws when they are not inconsistent with our U.S.  
18 Constitution. The Grand Jury is the only avenue the people have to investigate corruption  
19 within the judicial branches of our State and Federal Governments.

20 As identified in RCW 7.36.230 Emergency Acts on Sunday Authorized, the Supreme  
21 Court Justices have a duty to prioritize and address this Writ of Habeas Corpus without delay  
22 because I am wrongfully held in bondage, and there is no other court in the United States that  
23 is willing to address the situation without bias and prejudice. In accordance with USC  
24 Amendment XIV the judicial branch of the State of Washington has denied me equal protection

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<sup>2</sup> 18 USC sec. 4 Misprision of Felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both.

1 of the laws, and has created and enforced laws on their own that has abridged the privileges  
2 and immunities of me a citizen of the United States and other citizens of the United States.

### 3 NOTICE OF CHANGE OF VENUE

4 Normally the United States District Court would address a Habeas Corpus motion, but  
5 under the circumstances I have explained above and am going to explain below, it would be a  
6 futile effort, a waste of taxpayer money and the courts time for me to present this Habeas  
7 Corpus petition to the U.S. District Court in Western Washington, therefore I am presenting it  
8 directly to the United States Supreme Court Justices, President Donald Trump and the military  
9 as authorized, in order to determine if the Supreme Court Justices are active participants in  
10 engaging in the subversive activities to overthrow our constitutional forms of governments, and  
11 for the military to act accordingly if they are.

12 On March 26, 2002 in Bankruptcy cause No A01-040431 the Honorable Paul B. Snyder  
13 exposed a criminal conspiracy (RICO) designed to defraud me of my judgment in Pacific County  
14 cause no. 94-2-00298-0. Please see exhibit 1. After the Honorable Paul B. Snyder exposed the  
15 criminal conspiracy (RICO) designed by Governor Jay Inslee's law partner Gregory Ursich, many  
16 state and federal Judges, prosecutors, trustees and attorneys joined the criminal conspiracy  
17 Judge Snyder exposed, in an effort to provide special privileges and immunities to the  
18 governor's law partner, and the governor himself by way of insurance liability protections. This  
19 evidence, documents the criminal activity that becomes routine in the peoples' courthouses  
20 when members of the judicial branches violate the separation of powers and hold offices in our  
21 legislative and executive branches. Criminal activity and corruption become common place.

22 Some of the Federal Judges in Western Washington who joined the criminal conspiracy  
23 Judge Snyder exposed are; Philip H. Brandt, Robert J. Bryon, Mary Jo Heston, Brian Lynch, and  
24 Benjamin H. Settle. After these Federal Judges joined the criminal conspiracy (RICO) Judge  
25 Snyder exposed, the Ninth Circuit Court of Appeals Judges also joined the criminal conspiracy  
26 (RICO) Judge Snyder exposed, and became accessories after the fact as described in **18 USC**  
27 **section 3 Accessory After the Fact.** Since all of these judges have a close working relationship,  
28 and history has shown that the Ninth Circuit Court of Appeals has been overturned over 86% of

1 the time by the United States Supreme Court, and how important it is to the members of the  
2 judicial branches to continue violating the separation of powers, that is felony subversive  
3 activities intended to overthrow our constitutional forms of governments, it is obvious that I  
4 will never get any fair hearings, trials or decisions in Washington State and as such I ask that  
5 Venue is moved to the United States Supreme Court or to a Military court investigation, as  
6 defined in **18 USC section 4 Misprision of Felony** and **18 USC section 3 Accessory after the fact.**

7 In Pacific County cause no. 16-1-00207-1 that this Habeas Corpus petition for redress of  
8 grievance is addressing, I was prosecuted by members of the judicial branch who were  
9 determined to maintain the violations to the separation of powers and stop my political efforts  
10 and political campaign to end members of the judicial branch violating the separation of  
11 powers and infiltrating our executive and legislative branches. Therefore I am asserting that I  
12 will never receive fair and unbiased treatment from any federal judge that was nominated by a  
13 member of the judicial branch who was violating the separation of powers and holding the  
14 executive position of President of the United States of America, and /or appointed by members  
15 of the House and / or Senate who were members of the judicial branch that were violating the  
16 separation of powers and holding seats in the house and senate that voted to affirm the  
17 Federal Judicial nominee.

18 Since I am a victim of the judicial fraud industry that has stolen justice from all  
19 economically vulnerable individuals, I understand how all judicial officers have sacrificed justice  
20 in order to cater to their judicial fraud industry. In order to protect our national security and  
21 repair our domestic tranquility the judicial fraud industry needs to be exposed and addressed.

22 The sheer magnitude of the effects the main issue we are addressing here are above the  
23 duties of District and Ninth Circuit Judges and are issues that are difficult even for the United  
24 States Supreme Court Justices to address, whereas they will end the violations of separations of  
25 powers and remove many state and federal representatives and senators from their  
26 comfortable seats and will forever prevent another judicial officer (attorney) from holding the  
27 power of Governor of a State and/ or the President of the United States, or a state and federal  
28 legislator. Although many of these individuals have sought and held their multiple positions out

1 of habitude, in re Benny , 29 B.R. 754, 762 (N.D. Cal. 1983 “an unlawful or unauthorized  
2 exercise of power does not become legitimated or authorized by reason of habitude” it was  
3 illegal and wrong for members of the judicial branch to violate the separation of powers and it  
4 is still illegal and wrong for them to do so.

5 It is important that we understand how illegal and wrong it is for members of the  
6 judicial branches to be violating the separation of powers. In my lifetime we went from open  
7 court houses to armed guards on all of our courthouses, because our national security and  
8 domestic tranquility has been attacked by the judicial fraud industry that is a product of  
9 members of the judicial branches violating the separation of powers.

10 With out me stating such, some of my political opponents accused me of wanting to  
11 disband the Bar Association in Washington State, and I must admit it seems the moral, ethical  
12 and reasonable thing to do, whereas: My political supporters and I understand that the  
13 abbreviation BAR stands for British Accredited Registry and we understand that when we have  
14 legislators and presidents that are BAR members, we have foreign agents holding high offices in  
15 our governments. We also understand that much of our common law including much of our  
16 Constitutional form of government originated from the Magna Carta, and the struggle between  
17 peasants and nobility, so it is understandable why attorneys would register with the British  
18 Accredited Registry. Therein, herein lies the constant struggle between nobility and peasants,  
19 and when members of the judicial branches violate the separation of powers it provides their  
20 members absolute power they were never intended to have, and since absolute power corrupts  
21 absolutely, and money drives individuals to act, immoral and unethically, economically  
22 vulnerable individuals are victimized again, and the struggle continues.

23 We do not need foreign agents practicing law here in the United States, we need  
24 constitutional judicial advocates that take their oath to uphold our constitutional form of  
25 governments seriously. If every attorney in the United States actually took their oath of office  
26 seriously then why haven't they brought the violations of the separations of powers argument  
27 to the people and the Supreme Court Justices dealt with it? More importantly why haven't the  
28 Supreme Court Justices brought an end to members of the judicial branches violating the

1 separation of powers on their own accord? The violations of the separations of powers by the  
2 judicial branch pollutes the entire judicial branch as described in the 1991 UCC Davis Law  
3 Review on moral, ethical and judicial pollution.

4 Violating the separation of powers creates power that in turn creates nobility and  
5 renews the struggle between nobility and peasants and we are back struggling with the  
6 monarchy or nobility our ancestors fought against. Violating the separation of powers is  
7 unhealthy for our society, our governments, and our national security and attacks our domestic  
8 tranquility. It causes so much moral, ethical and judicial pollution that every BAR Association  
9 member in the United States today is in violation of their oath of office to uphold our  
10 constitutional form of government, including but not limited to the United States Supreme  
11 Court Justices who have acted in omission and remain silent about the situation.

12 Every law professor in the United States who has not attempted to end the violations of  
13 the separation of powers members of the judicial branches are engaging in, are guilty of  
14 teaching felony subversive activities that are intended to overthrow our constitutional form of  
15 governments. The fact is there are law professors, such as Gonzaga Law Professor David  
16 Dewolf, who has publically spoken against members of the judicial branches violating the  
17 separation of powers, but their voice has been also silenced by their fellow Judicial branch  
18 members, who choose to violate their oath of office and engage in moral, ethical and judicial  
19 pollution, in order to protect the judicial fraud industry and their own personal agendas.

20 In accordance with RCW 7.36.030, RCW 7.36.040 and RCW 7.36.050 this petition for this  
21 Writ of Habeas Corpus is made to the United States Supreme Court Justices, President Donald  
22 Trump, the Pentagon, and directed to the Judge Pro Tem Nancy McAlister, Judge Pro Tem  
23 Michael Turner, Judge Pro Tem William Faubion, Judge Stephen Warning, Judge Michael Evans,  
24 Prosecutor Mark McClain, Prosecutor Jonathan Meyer, deputy prosecutor Paul Massielo, David  
25 Mistachkin and Sheriff Scott Johnson, who conspired to convict me of thefts, even though they  
26 all lacked jurisdiction. **The officers of the courts identified above and their accomplices have**  
27 **violated their oaths of office and their duties identified in our Constitutions, and to me and**  
28 **my political supporters who are beneficiaries of our constitutional trust agreements.**

1           These public officials and others within the State and Federal Judicial Branches of  
2 Washington State, conspired together to conduct a witch hunt on me to drum up criminal theft  
3 charges and wrongfully convict me of felony theft crimes in order to conceal their own criminal  
4 behavior by using the people's courts to steal millions of dollars and the Kenyon Kelly Grayland  
5 cranberry farm from me and my family, and use the same type of judicial fraud industry to rob  
6 and steal from other economically handicapped individuals, and protect their judicial fraud  
7 industry by continually violating the separation of powers.

8 **Olmstad v. United States, 277 U.S. 438 (1928) "Crime is contagious. If the Government**  
9 **becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto**  
10 **himself; it invites anarchy."**

11           When the Washington State Supreme Court Justices and their accomplices at the  
12 Division II Court of Appeals suspended my right to an Habeas Corpus petition and acted in  
13 omission to my jurisdictional statements, they joined the criminal conspiracy in order to  
14 provide special privileges and immunities to their fellow Bar Members that violated election  
15 laws by bringing criminal charges against me on the eve of Election Day when they had no  
16 jurisdiction to do so. Specifically all of them has violated their oath of office and violated  
17 **Amendment XI Restriction of Judicial Powers, violated RCW 29A.84.720 Officers—**  
18 **Violations generally** and trespassed on me, my family and my political supporters. Please see  
19 exhibit 2.

20 **Bates v. State 620 So. 2<sup>nd</sup> 745 (1992) Ala. Cr. App. "When the States does not respond to a**  
21 **petitioner's allegations, the unrefuted statement of facts must be taken as true. Chaverst v. State, 517**  
22 **So.2d 643, 644 (Ala.Cr.App.1987).... A petitioner is entitled to notice as to any grounds of preclusion,**  
23 **so as to enable him to formulate a response. Ex parte Rice, 565 So.2d 606, 608 (Ala.1990)."**

24  
25 **Bell v. City of Milwaukee, 746 F.2d 1205, 1255 (7th Cir. 1984); United States v. Andolschek, 142 F.2d**  
26 **503, 507 (2d Cir. 1944) (L. Hand, J.). Beyond this, attempts at definition will not help. JONES v. CITY OF**  
27 **CHICAGO•856 F.2d 985, 992 (7th Cir. 1988). To be liable as a conspirator you must be a voluntary**  
28 **participant in a common venture, although you need not have agreed on the details of the**  
29 **conspiratorial scheme or even know who the other conspirators are. It is enough if you understand**  
30 **the general objectives of the scheme, accept them, and agree, either explicitly or implicitly, to do**  
31 **your part to further them. See, e.g., id. at 383-85;**  
32

1 State v. Robinson, 72 ATL. 2d 260 (1950). "An illegal arrest is an assault and battery. The  
2 person so attempted to be restrained of his liberty has the same right to use force in  
3 defending himself as he would in repelling any other assault and battery."  
4

5 **FACTS RELATED TO LACK OF JURSDICTION**

- 6 1. Currently I am held in bondage by the fraudulent actions of the individuals identified  
7 above who at all times lacked jurisdiction to prosecute me, and engaged in an unlawful  
8 criminal conspiracy as described in RCW 9A.28.040<sup>3</sup> to do so.
- 9 2. The owner of the subject property "that I was accused of stealing" testified under  
10 penalty of perjury during the jury trial, that he did not file a criminal complaint against  
11 me, and as such there never was a criminal complaint signed under penalty of perjury by  
12 the owner of the subject property as required by law, as such I was never allowed to  
13 face my accusers who were the prosecutors.
- 14 3. The deputy sheriff who investigated the situation without a criminal complaint was  
15 aware that I had exercised my 4<sup>th</sup> amendment private property right and I informed the  
16 owner of the subject personal property that he needed a court order to enter onto my  
17 private property. The deputy sheriff did not arrest me nor did he file a probable cause  
18 statement to have me arrested.
- 19 4. Without a criminal complaint filed under penalty of perjury neither Sheriff Johnson nor  
20 his deputies had jurisdiction to investigate me for any criminal wrongdoing, the courts  
21 have held they do not posse the power to conduct witch hunts or conspire with others  
22 to conduct with hunts. The deputy sheriff and the prosecutors withheld the information  
23 that no criminal complaint was filed against me, and that they lacked jurisdiction to  
24 unlawfully assault me or trespass and invade my private property.

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<sup>3</sup> **RCW 9A.28.040 Criminal conspiracy.**

(1) A person is guilty of criminal conspiracy when, with intent that conduct constituting a crime be performed, he or she agrees with one or more persons to engage in or cause the performance of such conduct, and any one of them takes a substantial step in pursuance of such agreement.

(2) It shall not be a defense to criminal conspiracy that the person or persons with whom the accused is alleged to have conspired:

(f) Is a law enforcement officer or other government agent who did not intend that a crime be committed

- 1 5. The deputy sheriff investigating the situation, prosecutor Mark McClain, prosecutor  
2 Jonathan Meyer deputy prosecutor Paul Massielo, Judge pro tem Nancy McAllister,  
3 Judge pro tem Michael Turner, Judge pro tem William Faubion and Judge Michael Evans  
4 were all aware I was involved in a civil lawsuit with the owner of the subject property,  
5 that with the filing of the criminal charges against me created a Lis Pendens action that  
6 Judge Michael Evans refused to allow me the right to prosecute<sup>4</sup>. By bringing criminal  
7 charges on top of a civil lawsuit the prosecutors and judges involved were in violation of  
8 USC Amendment XI Restriction of Judicial Powers, and as such their oath of offices.
- 9 6. After invading my private property Sherriff Johnson's deputy threatened me with  
10 criminal prosecution for being involved in a civil lawsuit and exercising my fourth  
11 amendment private property right and informing the individual the proper actions he  
12 needed to take to enter onto my private property to retrieve his property. This raises  
13 the substantial federal question, do I have the right to deny an individual access to my  
14 private property and can I be criminally charged for explaining the proper procedures  
15 needed to enter onto my private property. It should be noted the federal courts have  
16 constantly held in my favor regarding this issue, involving my fourth amendment private  
17 property right, which raises the question; Why has Washington State brought criminal  
18 charges against me, and prosecuted me for asserting my fourth amendment private  
19 property right?
- 20 7. Prosecutors Mark McClain, Jonathan Meyer and Paul Massielo conspired together to  
21 fraudulently accuse me of the criminal charges<sup>5</sup>, as they were aware there was ongoing  
22 civil litigating between me and the owner of the subject property and civil litigation  
23 between me and prosecutor Mark McClain for assisting others to steal several millions

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<sup>4</sup> **Allen v. City of Portland, 73 F.3rd, 232 (9th Cir. 1995):** By definition, probable cause to arrest can only exist in relation to criminal conduct; civil disputes cannot give rise to probable cause contract dispute cannot give rise to probable cause to arrest. Cities or counties CANNOT butt in on any civil dispute between neighbors, or presume there is any criminal activity related to ownership of livestock, fowl or other property. Civil disputes go through the DISTRICT ATTORNEY. If the city gets involved, it commits domestic terrorism.

<sup>5</sup> **Donnelly v. Dechristoforo 416 US 637 (1974).** The prosecutor is not a witness and should not be permitted to add to the record either by subtle or gross improprieties. Those who have witnessed the full thrust of the power of government when leveled against them know that the only protection the citizen has is in the requirement for a fair trial.

1 of dollars and the Kenyon Kelly Grayland cranberry farm from me, as such all of them  
2 were involved in a criminal conspiracy to deprive me of my constitutional right to  
3 pursue a civil lawsuit without fear of being criminally prosecuted for doing so, which  
4 also raises the substantial federal question; Can I be charged criminally for pursuing  
5 civil litigation? I stipulate bringing criminal charges against a victim on top of ongoing  
6 civil litigation is a violation of Amendment XI Restriction of Judicial Powers.

7 8. The criminal charges that were brought against me on the eve of Election Day to  
8 prevent me from getting elected to public office were instigated by these individuals,  
9 Natalie St. John and the Chinook Observer which consisted of a civil conspiracy to  
10 defraud me of my right to be elected to hold public office. Which also raises the  
11 substantial federal question; Did these criminal charges amount to an interference  
12 with my first amendment right? I stipulate the filing of the criminal charges against me  
13 by members of the judicial branch without any jurisdiction to do so, when I was  
14 politically trying to improve the quality of justice, was felony subversive act of members  
15 of the Judicial branch of Washington State intended to subvert our democratic election  
16 process.

17 9. The court record shows that deputy prosecutor Paul Massielo's work was not being  
18 supervised and as such prosecutors Mark McClain and Jonathan Meyer violated their  
19 delegation of authority<sup>6</sup>.

20 10. The court record shows that the information was insufficient as described in "RCW  
21 10.37.050 Indictment or information—Sufficiency" to justify Judge pro tem Nancy  
22 McAllister issue a warrant to have me arrested on the eve of Election Day. The court  
23 record shows it was a hurry up and get me arrested so Natalie St John and the Chinook  
24 Observer could publish a sensational news story that would assassinate my character  
25 and influence voters to not vote for me on the eve of Election Day.

26 11. In a pretrial interview with Sheriff Scott Johnson he testified that he did not have the  
27 time to supervise his deputies work, of which is a violation of delegating his authority

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<sup>6</sup> *Luther v Borden* 48 US 1 12 Led 581 (1849) states in pertinent part: "governments are but trustees acting under derived authority and have no power to delegate what is not delegated to them. But the people as the original fountain might take away what they have delegated and entrust to whom they please."

1 and a violation of his office. The moment Judge Evans allowed the prosecutor to amend  
2 his information I faced double jeopardy, as the original information was insufficient as  
3 described in RCW 10.37.050 Indictment or information—Sufficiency.

4 12. All of the prosecutors involved lacked jurisdiction and engaged in fraud because they  
5 withheld the fact no criminal complaint was filed against me by the owner of the subject  
6 property alleged to be stolen by me<sup>7</sup>. The fact is I am the victim of the entire situation as  
7 described in my civil lawsuit complaint, and the judicial fraud industry was used against  
8 me to influence voters to not vote for me.

9 13. The intent of the entire situation was to discredit me and defame my character in order  
10 to influence voters to not vote for me and defraud me and my political supporters of my  
11 first amendment right to run for public office and bring about much needed changes in  
12 the manner our judicial branches conducts their business.

13 14. Judge Stephen Warning and Judge Michael Evans sat on the civil lawsuit I had ongoing  
14 with the owner of the subject property that I was accused of stealing, had conflicts of  
15 interests, and tag teamed me into using up the only affidavit of prejudice I was allowed  
16 to file in the situation as such they conspired together to defraud me of my right to file  
17 an affidavit of prejudice against Judge Michal Evans. Judge Michael Evans was a witness  
18 identified in my defense of the criminal accusations against me, denied his own witness  
19 subpoena, and denied my lis pendens arguments. Both of them were in violation of their  
20 oath of office and the judicial cannons. Please see exhibit 3.

21 15. As a former prosecutor Judge Michael Evans was fully aware a criminal complaint  
22 needed to be signed under penalty of perjury by the owner of the subject property, he  
23 was also aware of the civil litigation ongoing, as such Judge Michael Evans was aware  
24 that he lacked jurisdiction and judicial power to pursue the criminal charges, the

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<sup>7</sup> *Hammond v. City of Gadsden*, 493 So. 2d 1374 (Ala. 1986). "Misrepresentations of a material fact made willfully to deceive, or recklessly without knowledge, and acted on by the opposite party, or if made by mistake and innocently and acted on by the opposite party, constitute legal fraud." "Suppression of a material fact which the party is under an obligation to communicate constitutes legal fraud. The obligation to communicate may arise from the confidential relations of the parties or from the particular circumstances of the case."

1 moment he reviewed the deputy's investigation report in the court record. From then  
2 on he acted without jurisdiction or judicial power, engaged in legal fraud, trespassed on  
3 my life, liberty and property, became an accomplice in engaging in election crimes.  
4 Judge Michael Evans violated his oath of office and his duty to me, my family and my  
5 political supporters, who are beneficiaries of our constitutional trust agreements. Judge  
6 Evans aggressive malicious and bias attitude is reflected in his refusal to allow me to  
7 present the legal defense enacted by the Washington State legislators in accusation of  
8 theft charges as described **RCW 9A.56.020 Theft—Definition, defense<sup>8</sup>** to arguments  
9 to the jury and to the jury in the jury instructions.

10 16. Someone within the judicial branch of Pacific County appointed me David Mistachkin as  
11 counsel, and Mr. Mistachkin had a conflict of interest that he did not disclose to me, as  
12 he is a member of the law firm that is currently engaging in actions to conceal the theft  
13 of the Kenyon Kelley Grayland cranberry farm from my family, as such the counsel I was  
14 appointed was beholden to my adversary "the prosecutors" who are also accomplices  
15 engaged in the legal fraud to steal the Kenyon Kelley Grayland cranberry farm from my  
16 family, and engage in Election Crimes in order to conceal their judicial fraud industry  
17 crimes . My former court appointed attorney Harold Karlsvick was leaning towards  
18 requesting a Grand Jury investigation into the election crimes when he was removed  
19 and David Mistachkin was appointed in order to thwart off a Grand Jury investigation.

20 17. To conceal his lack of jurisdiction and involvement in the election crimes, Judge Michael  
21 Evans made sure no fair trial was provided to me and nor an unbiased jury pool was  
22 provided to me.

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<sup>8</sup> **RCW 9A.56.020 Theft—Definition, defense.**

(1) "Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him or her of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him or her of such property or services.

(2) In any prosecution for theft, it shall be a sufficient defense that:

(a) The property or service was appropriated openly and avowedly under a claim of title made in good faith, even though the claim be untenable; or

- 1 18. In order to obtain a conviction to protect himself from the criminal acts described in  
2 "RCW 29A.84.720 Officers—Violations generally" Judge Michael Evans acting without  
3 jurisdiction or judicial power, denied me my right to face my only accuser, (the  
4 prosecutors and judges involved), denied my right to address the lis pendence action,  
5 denied my right to call forth witnesses and present evidence in my defense<sup>9</sup>, and  
6 prevented me from presenting the legal defense the legislature has described in RCW  
7 9A.56.020 Theft—Definition, Defense, in arguments to the jury and in jury instructions.
- 8 19. Sheriff Scott Johnson, Prosecutor Mark McClain, Prosecutor Jonathan Meyer deputy  
9 prosecutor Paul Massiello, Judge Nancy McAllister, Judge Michael Turner, Judge William  
10 Faubion, Judge Stephen Warning, Judge Michael Evans and David Mistachin are all part  
11 of the criminal conspiracy involved and fraudster polluters of our society that are  
12 engaging in Moral, Ethical, Cultural and Judicial Pollution as described in the 1991 UCC  
13 Davis Law Review and will not stop polluting our society unless forced to do so.
- 14 20. The Washington State Supreme Court Justices refused to address a Writ of Habeas  
15 Corpus I submitted to them, because the fraudster Moral, Ethical, Cultural and Judicial  
16 polluters involved in prosecuting me without jurisdiction violated several of my Federal  
17 constitutional rights and protections of law that are described in detail in the authorities  
18 I cite below. The mode of operation for the members of the Washington State Judicial  
19 branch involved is; I will provide protection for you for your criminal activity, as long as  
20 you provide protection for me for mine.

21 **PETITION FOR SUPREME COURT JUSTICES TO ACT ACCORDING TO**  
22 **RCW 7.36.170 COMPELLING ATTENDANCE OF WITNESSES**

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<sup>9</sup> **LaLonde v. County of Riverside, 204 F.3d 947 (9th Cir. 2000):** If, however, there is a material dispute as to the facts regarding what the officer or the plaintiff actually did, the case must proceed to trial, before a jury if requested even when immunity from suit was an issue. Issues of credibility belong to the trier of fact. The Seventh Amendment to the Constitution so requires See also *Johnson v. Jones, 515 U.S. 304, 317-318 (1995)* (holding that the existence of genuine issues of material facts render not appealable a pre-trial denial of summary judgment on the issue of qualified immunity) Once the plaintiff established that material issues of fact existed, the court was required to submit the factual dispute to a jury. *Thomson v. Mahre, 110 F.3d 716, 719 (9th Cir. 1997)* ([W]here there is a genuine issue of fact on a substantive issue of qualified immunity, ordinarily the controlling principles of summary judgment and, if there is a jury demand and a material issue of fact, the Seventh Amendment, require submission to a jury.). It would be impossible for the County to prove any immunity, when, after receiving a Claim or civil RICO suit with additional charges of terrorism and sabotage, it automatically rejects it in order to play the odds that the Claimant would be too ignorant to follow up where these issues would be taken to trial. The rejected Claim would become Exhibit A.

1 I am asking the United States Supreme Court Justices to issue an order to the  
2 individuals to whom this Writ of Habeas Corpus is directed, to produce the criminal  
3 complaint of the owner of the subject property signed under penalty of perjury to them  
4 within ten days, I am also asking the Supreme Court Justices to instruct Judge Michael  
5 Evans to provide a copy of the sanction he subjected me to in the civil lawsuit I had  
6 ongoing against the owner of the subject property and provide the Justices with the  
7 evidence he has in his possession that shows no settlement conference was held in  
8 relation to the sanction he imposed onto me. Judge Michael Evans knows the judicial  
9 fraud industry well, as he is an active participant in it and is motivated to protect it, in  
10 order to conceal his personal involvement in it.

11 I am asking the Justices to set this matter for a hearing without delay and notify  
12 the individuals to whom it is directed and myself of the hearing date and time, so I am  
13 freed from the bondage that has threatened and is threatening to force me into  
14 forfeiting my estate, and has damaged me, my family and my political supporters<sup>10</sup>.

15 I am asking the Supreme Court Justices to issue an order to Judge pro tem Nancy  
16 McAlister, Judge pro tem Michael Turner, Judge pro tem William Faubion, Judge Chris  
17 Wickham, Judge Stephen Warning and Judge Michael Evans to stipulate to the court  
18 whether or not they questioned deputy prosecutor Paul Massello about who was  
19 supervising his work product after they reviewed it.

20 Currently my conviction is under appeal but the continual dilatory tactics of the  
21 judicial polluters have continually hindered, delayed and defrauded me and my political  
22 supporters. The continual delays defrauded me of not one election but two elections, as  
23 such this Writ of Habeas Corpus is made in addition to my appeal and to expedite and  
24 resolve central substantial issues that has the real potential to resolve the appeal and

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<sup>10</sup> **Downs v. Bidwell, 182 U.S. 244 (1901)** "It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgment in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution."

1 address the criminal conspiracy by members of the judicial branch of Washington State  
2 and others to use their judicial fraud industry to commit legal fraud and interfere with  
3 the election process. It should be noted that the Washington State Supreme Court  
4 Justices had a duty to release me from bondage when it was appropriate for them to do  
5 so, instead they acted in omission and participated in the moral, ethical, cultural and  
6 judicial pollution and criminal acts. Likewise the Washington State Supreme Court  
7 Justices acted in omission to the election crimes involved and by doing so they engaged  
8 in the criminal activity and conspiracy to defraud me, my family and my political  
9 supporters as described in RCW 29A.84.720 Officers—Violations generally. By  
10 disregarding the seriousness of engaging in election crimes and acting in omission and  
11 violating RCW 29A.84.720 all of the judges and prosecutors involved, including the  
12 Washington State Supreme Court Justices, are lawfully required to vacate their office. It  
13 is an extremely serious situation that neither the United States Supreme Court Justices  
14 nor the United States Military should ignore.

#### 15 16 AUTHORITY

#### 17 JURISDICTION:

18 McNutt v. GMAC 298 US 178. See Maxfield's Lessee v. Levy 4 US 308 THE 7 ELEMENTS OF  
19 JURISDICTION:

20 1. The accused must be properly identified; identified in such a fashion there is no room for  
21 mistaken identity. For stop and identify issues (4th Amendment) see Brown v. Texas, 443 US 47  
22 and Kolender v Lawson, 461 US 352.

23  
24 2. The statute of offense must be identified by its proper or common name. A number is  
25 insufficient. In other words, any charge must affirmatively negate any exception found in the  
26 law. Indictment or information is defective unless every fact, which is an element in a prima  
27 facie case of guilt, is stated. The assumption of an element is not lawful. Otherwise, the accused  
28 will not be thoroughly informed. It is the judge's job to assure that justice is accomplished.

29  
30 3. The acts of alleged offense must be described in non-prejudicial language and detail so as to  
31 enable a person of average intelligence to understand nature of charge (to enable preparation  
32 of defense); the actual act or acts constituting the offense complained of. The charge must not

1 be described by parroting the statute; not by the language of same. The naming of the acts of  
2 the offense describes a specific offense whereas the verbiage of a statute describes only a  
3 general class of offense. Facts must be stated. Conclusions cannot be considered in the  
4 determination of probable cause.

5  
6 **4. The accuser must be named. He may be an officer or a third party. Some positively**  
7 **identifiable person (human being) must accuse. Some certain person must take responsibility**  
8 **for the making of the accusation, not an agency or an institution. This is the only valid means**  
9 **by which a citizen may begin to face his accuser. Also, the injured party (corpus delicti) must**  
10 **make the accusation. Hearsay evidence may not be provided. Anyone else testifying that he**  
11 **heard that another party was injured does not qualify as direct evidence.**

12  
13 **5. The accusation must be made under penalty of perjury. If perjury cannot reach the accuser,**  
14 **there is no accusation. Otherwise, anyone may accuse another falsely without risk.**

15  
16 6. To comply with the five elements above, that is, for the accusation to be valid, the accused  
17 must be accorded due process. Accuser must have complied with law, procedure and form in  
18 bringing the charge. This includes court-determined probable cause, summons and notice  
19 procedure. If lawful process may be abrogated in placing a citizen in jeopardy, then any means  
20 may be utilized to deprive a man of his freedom. **All political dissent may be stifled by**  
21 **utilization of defective process.**

22  
23 **7. The court must be one of competent jurisdiction. To have valid process, the tribunal must**  
24 **be a creature of its constitution, in accord with the law of its creation, i.e. (Article III judge).**  
25 **Without the limiting factor of a court of competent jurisdiction, all citizens would be in**  
26 **jeopardy of loss of liberty being imposed at any bureaucrat's whim. It is conceivable that the**  
27 **procedure could devolve to one in which the accuser, the trier of facts, and the executioner**  
28 **would all be one and the same.**

29 **Basso v. Utah Power & Light Co., 495 F 2d 906, 910. "Jurisdiction can be challenged at any**  
30 **time." and "Jurisdiction, once challenged, cannot be assumed and must be decided."**

31 Burnham v. Superior Court "Judgment of a Court lacking jurisdiction is void." (Per Justice Scalia).

32 **Cannon v. Commission on Judicial Qualifications, (1975) 14 Cal. 3d 678, 694 Acts in excess of**  
33 **judicial authority constitutes misconduct, particularly where a judge deliberately disregards the**  
34 **requirements of fairness and due process.**

35 **Corby v. Dooley, 313 Ill, App. 509, 40 N.E. 2<sup>nd</sup> 581,584 Re: JURISDICTION: "It is the power**  
36 **conferred by the Constitution or by law."**

1 **Dillon v. Dillon, 187 P 27.** "Thus, where a judicial tribunal has no jurisdiction of the subject  
2 matter on which it assumes to act, its proceedings are absolutely void in the fullest sense of the  
3 term."

4 **Elliot v. Piersol, 1 Pet. 328, 340, 26 U.S. 328, 340 (1878)** Under Federal law which is applicable  
5 to all states, the U.S. Supreme Court stated that if a court is "without authority, its judgments  
6 and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to  
7 a recovery sought, even prior to a reversal in opposition to them. They constitute no  
8 justification; and all persons concerned in executing such judgments or sentences, are  
9 considered, in law, as trespassers".

10 **Gonzalez v. Commission on Judicial Performance, (1983) 33 Cal. 3d 359, 371, 374** Acts in  
11 excess of judicial authority constitutes misconduct, particularly where a judge deliberately  
12 disregards the requirements of fairness and due process.

13 **Hill Top Developers v. Holiday Pines Service Corp., 478 So. 2d. 368 (Fla 2nd DCA 1985)**  
14 "Defense of lack of jurisdiction over the subject matter may be raised at any time, even on  
15 appeal."

16 **Joyce v. US, 474 F2d 215.** "There is no discretion to ignore that lack of jurisdiction."

17 **Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.** "Court must prove on  
18 the record, all jurisdiction facts related to the jurisdiction asserted."

19 **Main v. Thiboutot, 100 S. Ct. 2502 (1980). "The law provides that once State and Federal**  
20 **Jurisdiction has been challenged, it must be proven."**

21 **Melo v. US, 505 F2d 1026. "Once jurisdiction is challenged, the court cannot proceed when it**  
22 **clearly appears that the court lacks jurisdiction, the court has no authority to reach merits,**  
23 **but, rather, should dismiss the action."**

24 **Merritt v. Hunter, C.A. Kansas 170 F2d 739.** "Where a court failed to observe safeguards, it  
25 amounts to denial of due process of law, court is deprived of juris.

26 **Norman v. Zieber, 3 Or at 202-03** In regard to courts of inferior jurisdiction, "if the record does  
27 not show upon its face the facts necessary to give jurisdiction, they will be presumed not to  
28 have existed."

29 **Norwood v. Renfield, 34 C 329; Ex parte Giambonini, 49 P. 732.** "A universal principle as old as  
30 the law is that proceedings of a court without jurisdiction are a nullity and its judgment therein  
31 without effect either on person or property."

32 **Pipeline v. Marathon 102 S. Ct. 3658?** Quoting *Crowell v. Benson* 883 US 22?

1 **Rescue Army v. Municipal Court of Los Angeles, 171 P2d 8; 331 US 549, 91 L. ed. 1666, 67 S.**  
2 **Ct. 1409.** "A court has no jurisdiction to determine its own jurisdiction, for a basic issue in any  
3 case before a tribunal is its power to act, and a court must have the authority to decide that  
4 question in the first instance."

5 **Rosemond v. Lambert, 469 F2d 416.** "The burden shifts to the court to prove jurisdiction."

6 **Ryan v. Commission on Judicial Performance, (1988) 45 Cal. 3d 518, 533** Before sending a  
7 person to jail for contempt or imposing a fine, judges are required to provide due process of  
8 law, including strict adherence to the procedural requirements contained in the Code of Civil  
9 Procedure. Ignorance of these procedures is not a mitigating but an aggravating factor.

10 **Sramek v. Sramek, 17 Kan. App. 2d 573, 576-77, 840 P.2d 553 (1992),** rev. denied 252 Kan.  
11 1093 (1993). A judgment rendered by a court without personal jurisdiction over the defendant  
12 is void. It is a nullity. A judgment shown to be void for lack of personal service on the defendant  
13 is a nullity.

14 **Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389.** "Once challenged, jurisdiction cannot  
15 be assumed, it must be proved to exist."

16 **U.S. v. Anderson, 60 F.Supp. 649 (D.C. Wash. 1945)** "Jurisdiction of court may be challenged at  
17 any stage of the proceeding, and also may be challenged after conviction and execution of  
18 judgment by way of writ of habeas corpus."  
19

20 **U.S. v. Gernie, 228 F.Supp. 329 (D.C.N.Y. 1964)** In a criminal proceeding lack of subject matter  
21 jurisdiction cannot be waived and may be asserted at any time by collateral attack.

22 **US v. Lopez and Hagans v. Levine** both void because of lack of jurisdiction. In Lopez the circuit  
23 court called it right, and in Hagans it had to go to the Supreme Court before it was called right,  
24 in both cases, void. Challenge jurisdiction and motion to dismiss, right off the bat. If you read  
25 the Supreme Court cases you will find that jurisdiction can be challenged at any time and in the  
26 case of Lopez it was a jury trial which was declared void for want of jurisdiction. If it  
27 [jurisdiction] doesn't exist, it can not justify conviction or judgment. without which power  
28 (jurisdiction) the state CANNOT be said to be "sovereign." At best, to proceed would be in  
29 "excess" of jurisdiction which is as well fatal to the State's/ USA's cause. Broom v. Douglas, 75  
30 Ala 268, 57 So 860 the same being Jurisdictional facts FATAL to the government's cause ( e.g.  
31 see In re FNB, 152 F 64).

32 **US v. Rogers 23 F. 658** **The question of jurisdiction in the court either over the person, the**  
33 **subject matter or the place where the crime was committed can be raised at any stage of the**

1 criminal proceeding; it is never presumed, but must always be proved; and it is never waived  
2 by the defendant.

3 Wuest v. Wuest, 127 P2d 934, 937. "A departure by a court from those recognized and  
4 established requirements of law, however close apparent adherence to mere form in method  
5 of procedure, which has the effect of depriving one of a constitutional right, is an excess of  
6 jurisdiction."

7 In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846. "Jurisdiction is fundamental and  
8 a judgment rendered by a court that does not have jurisdiction to hear is void ab initio."

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9 **Pierson v. Ray, 386 U.S. 547 at 567 (1967).** "When a judge acts intentionally and knowingly to  
10 deprive a person of his constitutional rights, he exercises no discretion or individual judgment;  
11 he acts no longer as a judge, but as a "minister" of his own prejudice."

12 **State v. Mastrian, 171 N.W.2d 695 (1969) ; Butler v. State, 212 So.2d 577 (Miss 1968)**  
13 (emphasis added ). "Any arrest made without a warrant, if challenged by the defendant, is  
14 presumptively invalid...the burden is upon the state " to justify it as authorized by statute, and  
15 as not violative of constitutional provisions.

16 **State v. Paulick, 277 Minn. 140, 151 N.W.2d 596 (1967).**  
17 No rubber-stamp "signature" "The United States Supreme Court ... stressed the need for  
18 'individualized review' to avoid the issuance of 'rubber stamp' warrants."

19  
20 **(State v. Sutton, 63 Minn. 147 65 NW 262 30 ALR 660.** Also see (Watson v. Memphis, 375 US  
21 526; 10 L Ed 529; 83 S.Ct. 1314). "When any court violates the clear and unambiguous language  
22 of the Constitution, a fraud is perpetrated and no one is bound to obey it.")

23 **See v. City of Seattle, 387 US 541 (1967).** [I]t was held that the Fourth Amendment forbids  
24 warrantless inspections of commercial structures as well as of private residences. The search of  
25 private commercial property, as well as the search of private houses, is presumptively  
26 unreasonable if conducted without a warrant. Again, if there is no victim, there is no crime.  
27 The county would be liable for violating the Fourth Amendment in allowing any of its agents or  
28 employees to conduct warrantless inspections to search for livestock and other property on  
29 residences.

30 **Rubinstein v. Collins, 20 F.3d 160, (1990).** "Knowing failure to disclose material information  
31 necessary to prevent statement from being misleading, or making representation despite

1 knowledge that it has no reasonable basis in fact, are actionable as fraud under law.”

2  
3 **(Monroe v. Papa, DC, Ill. 1963, 221 F Supp 685.** "The fact that the petitioner was released on a  
4 promise to appear before a magistrate for an arraignment, that fact is circumstance to be  
5 considered in determining whether in first instance there was a probable cause for the arrest.")

6 **McNally v. U.S., 483 U.S. 350 (1987). 371-372, Quoting U.S. v Holzer, 816 F.2d. 304, 307**  
7 **(1987).** Fraud in its elementary common law sense of deceit... includes the deliberate  
8 concealment of material information in a setting of fiduciary obligation. A public official is a  
9 fiduciary toward the public,... and if he deliberately conceals material information from them he  
10 is guilty of fraud.

11 **Miller v. United States 307 US 174 (1939).** The claim and exercise of a constitutional right shall  
12 not be converted into a crime.

13  
14 **Mills v. Alabama, 384 U.S. 214, 218 (1966),** this Court observed: "Whatever differences may  
15 exist about interpretations of the First Amendment, there is practically universal agreement  
16 that a major purpose of that Amendment was to protect the free discussion of governmental  
17 affairs." Although it is assumed that judges will ignore the public clamor or media reports and  
18 editorials in reaching their decisions and by tradition will not respond to public commentary,  
19 the law gives "[judges] as persons, or courts as institutions . . . no greater immunity from  
20 criticism than other persons or institutions." *Bridges v. California*, 314 U.S. 252, 289 (1941)  
21 (Frankfurter, J., dissenting). The operations of the courts and the judicial conduct of judges are  
22 matters of utmost public concern.

23  
24 **Mincey v. Arizona, 437 U.S. 385 (1978).** A warrant is a written order signed by a court  
25 authorizing a law-enforcement officer to conduct a search, seizure, or arrest. Searches,  
26 seizures, and arrests performed without a valid warrant are deemed presumptively invalid, and  
27 any evidence seized without a warrant will be suppressed unless a court finds that the search  
28 was reasonable under the circumstances.

29 An application for a warrant must be supported by a sworn, detailed statement made by a law  
30 enforcement officer appearing before a neutral judge or magistrate. The Supreme Court has  
31 said that probable cause exists when the facts and circumstances within the police officer's  
32 knowledge provide a reasonably trustworthy basis for a man of reasonable caution to believe  
33 that a criminal offense has been committed or is about to take place (see *Carroll v. United*  
34 *States*, 267 U.S. 132 (1925)). Probable cause can be established by out-of-court statements  
35 made by reliable police informants, even though those statements cannot be tested by the  
36 magistrate. However, probable cause will not lie where the only evidence of criminal activity is  
37 an officer's affirmation of suspicion or belief (see *Aguilar v. Texas*, 378 U.S. 108 [1964]). On the

1 other hand, an officer's subjective reason for making an arrest does not need to be the same  
2 criminal offense for which the facts indicate. (*Devenpeck v. Alford*, 543 U.S. 146 (2004). The  
3 magistrate before whom an officer applies for a warrant must be neutral and detached. This  
4 qualification means that the magistrate must be impartial and not a member of the  
5 "competitive enterprise" of law enforcement (see *California v. Acevedo*, 500 U.S. 565 (1991)).

6  
7 **Miranda v. Arizona 384 US 436 (1966).** Where rights secured or protected by the constitution  
8 there can be no rule or law making or legislation which would abrogate or abolish them.

9  
10 **Mobile v. Bolton, 446 US 55, 64 L Ed 2d 47, 100 S Ct 1490 (1979); see Shapiro v. Thompson,**  
11 **394 US 618, 634, 638, 22 L Ed 2d 600, 89 S Ct 1322; et al.** "It is of course true that a law which  
12 impinges upon a fundamental right explicitly or implicitly secured by the Constitution is  
13 presumptively unconstitutional."

14 **Geo. P. Reintjes Co. , Inc. v. Riley Stoker Corp., 71 F. 3d 44, 48 (1<sup>st</sup> Cir. 1995) "Fraud on the**  
15 **Court" is construed narrowly. It is "reserved for those cases of injustices which, in certain**  
16 **instances are sufficiently gross to demand a departure from rigid adherence to the doctrine**  
17 **of res Judicata. "**

18 **Appling v. State Farm Mutual Auto Ins. Co., 340 F. 3d 769, 780 (9<sup>th</sup> Cir. 2003) ( quoting United**  
19 **States v. Beggerly, 524 U.S. 38, 46 (1998) ). The ninth Circuit has adopted the definition of**  
20 **"fraud upon the court" provided by Professor Moore: " "Fraud upon the court" should , we**  
21 **believe, embrace only that species of fraud which does or attempts to, defile the court itself,**  
22 **or is a fraud perpetrated by officers of the court so that the judicial machinery cannot**  
23 **perform in the usual manner its impartial task of adjudging cases that are presented for**  
24 **adjudication. "**

25 **Alexander v. Robertson , 882 F. 2d 421, 424 (9<sup>th</sup> Cir. 1989) ( quoting 7 J. Moore & J. Lucas,**  
26 **Moore's Federal Practice 60.33 92d ed. 1978) ). It " includes both attempts to subvert the**  
27 **integrity of the court and fraud by an officer of the court. "**

28 **Elmore v. McCammon (1986) 640 F. Supp. 905 "... the right to file a lawsuit pro se is one of**  
29 **the most important rights under the constitution and laws."**

30 **Roadway Express v. Pipe 447 US 752 at 757 (1982) " Due to sloth, inattention or desire to seize**  
31 **tactical advantage, lawyers have long engaged in dilatory practices.... the glacial pace of much**  
32 **litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law."**

33 **Civil conspiracy exists when two or more combine to accomplish an unlawful purpose or to**  
34 **accomplish a lawful purpose by unlawful means. Sound Mind and Body Inc. V. City of**  
35 **Seattle 122 Wn. 1074 (2004)**

1 "Due process requires that when government adjudicated or make binding determinations  
2 which directly affect legal rights of individuals, they use procedures which have traditionally  
3 been associated with the judicial process." Amos Treat and Co. V. Securities & Exchange  
4 Commission 306 F2d 260 (1962), 113 US App. D.C. 100.

5 "Government may not prohibit or control the conduct of a person for reasons that infringe  
6 upon constitutionally guaranteed freedoms." Smith v. U.S. 502 F 2d 512 CA Tex(1974)

7  
8 "It is a duty as much as a right for all citizens to jealously and zealously protect their Fourth  
9 Amendment rights." U.S. Supreme Court, appeal of Chimel v. Calif. 89 S Ct 2034

10  
11 "Where rights secured by the Constitution are involved, there can be no rule in making or  
12 legislation which would abrogate them." Miranda v. Arizona, (U.S. Supreme Ct) 380 US  
13 436(1966)

14  
15 "There can be no sanction or penalty imposed upon one because of his exercise of  
16 Constitutional rights." Sherar v. Cullen, 481 F 2d 946(1973)

17  
18 "We find it intolerable that one Constitutional right should have to be surrendered in order to  
19 assert another." Simmons v. U. S., 390, US 389(1968)

20  
21 "The claim and exercise of a Constitutional right cannot be converted to a crime." Miller v.  
22 U. S., 230 F 486 at 489

23  
24 Literally, the expression "Lis Pendens" signifies pending litigation. The expression is  
25 concerned with the control the courts have, during the pendency of an action, over the  
26 property involved therein, and forms the basis of what is commonly designated as the  
27 doctrine of Lis Pendens. Alabama G. S. R. Co. v. Thomas, 89 Ala 294, 7 So. 762; International  
28 Finance Corp. v. McKay, 93 Fla. 101, 111 So 531, De Pass v. Chitty, 90 Fla 77, 105 so 148,  
29 Davidson v Burke, 143 Ill 139, 32 NE 514, Rothschild v Kohn 93 Ky 107, 19 SW 180.  
30 Massachusetts Bonding & Ins. Co. v Knox, 220 NC 725, 18 SE 2d 436,138 ALR 1438. "A civil  
31 lawsuit satisfies the Notice of Lis Pendens action whereas it provides proof to the style  
32 number and objective of the action the title of the court in which it is pending and names of  
33 the individuals whose property is sought to be affected as the subject matter of property  
34 held in both litigations is held in custodial legis".

1 In re; Oil Fields Corp v Dashko 173 ARK 533, 294 SW 25 cert den 275, Houston v Timmerman  
2 17 OR 499 21 P. 1037 Green v Rick 121 PA 130, 15 A 497 The doctrine of Lis Pendens  
3 originated in civil law, and formed a basis of common law by virtue of which a judgment in a  
4 subsequent action is regarded as overreaching to any alienation made against the defendant  
5 during its pendency.

6 The doctrine was adopted by equity in one of Lord Bacon's ordinances " for the better and  
7 more regular administration of justice in the court of chancery, Oil Fields Corp v Dashko 173  
8 ARK 533, 294 SW 25 cert den 275, De Pass v. Chitty, 90 Fla 77, 105 so 148

9  
10 "A conviction under an unconstitutional law is...illegal and void and cannot be a legal cause  
11 of imprisonment; the courts must liberate a person imprisoned under it...one imprisoned...may  
12 be discharged by the writ of 'Habeas Corpus'." (16 Am Jur Sec 150)

13  
14 In Lantana v. Pelczynski 303 S. Ct. 2<sup>nd</sup> 326 The Supreme Court held the filing of charges on a  
15 candidate 7 days before Election Day constituted an election crime and violated the candidates  
16 first amendment rights.

17 **Bose Corp. v. Consumers Union of United States, Inc., 466 U.S. 485, 499 (1984)**, (quoting New  
18 York Times Co. v. Sullivan, 376 U.S. 254, 284-286 (1964)). We have held that "in cases raising  
19 First Amendment issues . . . an appellate court has an obligation to 'make an independent  
20 examination of the whole record' in order to make sure that 'the judgment does not constitute  
21 a forbidden intrusion on the field of free expression.'" The Bar's whole case rests on the fact of  
22 the statement, the time it was made, and petitioner's own justifications. Full deference to these  
23 factual findings does not justify abdication of our responsibility to determine whether  
24 petitioner's statements can be punished consistent with First Amendment standards. Rather,  
25 this Court is "compelled to examine for [itself] the statements in issue and the circumstances  
26 under which they were made to see whether or not they do carry a threat of clear and present  
27 danger to the impartiality and good order of the courts or whether they are of a character  
28 which the principles of the First Amendment, as adopted by the Due Process Clause of the  
29 Fourteenth Amendment, protect." *Pennekamp v. Florida*, 328 U.S. 331, 335 (1946).

30  
31  
32 **LPORPC 1.9 LPO Duties and Authority are not Delegable**

33 The powers, duties and responsibilities of an LPO are personal to the LPO and may not be assigned or  
34 delegated to a person who is not an LPO. An LPO may be supported and assisted by one or more  
35 persons who are not LPOs if the LPO adequately supervises the assistants and retains sole and final  
36 responsibility for the work performed by the assistants. An LPO must take all steps reasonably necessary  
37 to insure that an assistant's activities do not violate APR 12 and regulations of the Limited Practice Board  
38 and are consistent with the LPO's duties under these rules. An LPO must review and approve the

1 assistant's activities and document preparation. An LPO should have no more assistants and support  
2 staff than the LPO can adequately directly supervise, to insure that the assistant activities conform to  
3 assigned LPO support tasks defined in writing. Nothing in this rule authorizes an LPO assistant to  
4 exercise the authority or perform the duties of an LPO independently.  
5

6 The state of Washington has determined I am entitled to proceed in forma pauperis  
7 because the fraudulent actions of the individuals to who this is directed and other members of  
8 the judicial branch of Washington State has forced me into a poverty situation to conceal the  
9 legal fraud they engaged in, and this action is a protection of law I am entitled to, to redress  
10 these matters. A copy of my financial statement should be forwarded to you with the file.

11 This Petition for the Writ of Habeas Corpus is not intended to interfere with my appeal  
12 or supplement my appeal that Erick J. Nielsen is preparing, it is brought under my constitutional  
13 right of a wrongfully convicted and sentenced person to present a petition for Writ of Habeas  
14 Corpus, challenging jurisdiction, and the Restriction of Judicial Powers to be released from  
15 bondage.  
16

#### 17 PRAYER FOR RELIEF

- 18 1. I ask the United States Supreme Court Justices to determine if the Washington State  
19 Supreme Court Justices could lawfully suspend my Habeas Corpus petition, and force  
20 me into incarceration without any lawful jurisdiction to do so.
- 21 2. In doing so I ask the United States Supreme Court Justices to answer the following  
22 federal questions; 1. Can the courts proceed once jurisdiction has been challenged  
23 without answering the jurisdiction challenge? 2. Did the state courts have jurisdiction to  
24 prosecute me for asserting my fourth amendment private property right? 3. Did the  
25 State courts have judicial power to prosecute me criminally for proceeding with a civil  
26 lawsuit? 4. Did the State courts have jurisdiction to prosecute me for theft, when the  
27 owner of the subject property did not accuse me of theft? 5. Did the State courts have  
28 jurisdiction to prosecute me for voicing my political opinion and running for public  
29 office? 6. Were the Washington State Courts engaging in subversive activities in order to

1 allow members of the judicial branch to continue to violate the separation of powers  
2 and hold offices in the legislative and executive branches?

3 3. I ask the Supreme Court Justices to determine these individuals engaged in actions to  
4 influence voters to not vote for me and engaged in the criminal acts described in RCW  
5 29A.84.720 Officers—Violations Generally.

6 4. I ask the Supreme Court Justices to release me from bondage and order their official  
7 bonds be forfeited to me and impose the maximum sanctions onto them.

8 5. I ask that their Washington State BAR licenses be removed for using them to execute  
9 fraud and engage in election crimes.

10 PRESIDENT DONALD TRUMP AND GENERAL GEORGE MADDUS

11 If the United States Supreme Court Justices refuse to answer these very significant  
12 questions, I am requesting that you, President Donald Trump in accordance with 18 USC  
13 sec. 4, instruct General George Maddus to call forth a Grand Jury to investigate the  
14 crimes of the judicial branch identified herein, and prosecute them under military  
15 authority for attacking our constitutional forms of government.

16 Dated this 18 day of September 2018,

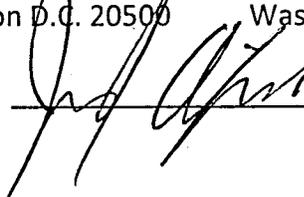
17 By  \_\_\_\_\_  
18 James J. O'Hagan pro se, All Rights and Protections Reserved

19 CERTIFICATE OF SERVICE

20 I James J. O'Hagan certify I mailed true and correct copies of this to the following;

21 Washington State Supreme Court	Division II court of Appeals	Eric Nielsen
22 P.O. Box 40929	950 Broadway Ste 300	1908 E. Madison St
23 Olympia WA 98504-0929	Tacoma WA 98402-4454	Seattle WA 98122
24		
25 Pacific County Superior Court	President Donald L. Trump	General Maddus c/o
26 P.O. Box 67	1600 Pennsylvania Ave, NW	9999 Joint Staff Pentagon
27 South Bend WA 98586	Washington D.C. 20500	Washington D.C. 20318-9999

28 On this 18 day of September 2018

 \_\_\_\_\_

Robert Hill

40



FILED  
LODGED  
RECEIVED

March 26, 2002

MARK L. HATCHER  
CLERK U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA  
DEPUTY

Case: 01-04031 DocType: DENY

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re:  
KENYON K. KELLEY,  
Debtor.  
  
JAMES J. O'HAGAN and REBECCA  
O'HAGAN, husband and wife; and  
SCOTT M. KILPATRICK, Chapter 7  
Trustee,  
  
Plaintiff,  
  
v.  
  
KENYON K. KELLEY,  
Defendant.

No. 00-35769

Adversary No. A01-4031

ORDER DENYING DISCHARGE,

Trial was held in this matter on March 18, 2002. The Court having considered the evidence, testimony, and arguments presented, and an oral decision having been given by the Court on March 21, 2002, containing the Court's findings of fact and conclusions of law pursuant and attached hereto incorporated pursuant to Fed. R. Bankr. P. 7052; now therefore, it is

ORDERED that the discharge of Kenyon C. Kelley is hereby revoked pursuant to 11 U.S.C. § 727(a)(2)(A), (3), (4) and (5).

DATED: March 26, 2002

Paul B. Snyder  
U.S. Bankruptcy Judge

CERTIFICATE OF DELIVERY: I CERTIFY I DELIVERED COPIES OF  
THE FOREGOING TO Robert Hill; Scott Kilpatrick; Larry Feinstein  
DATED: March 26, 2002;  
BY: Shawn Utmy

THIS IS TO CERTIFY that the foregoing is a true and correct copy of an instrument filed in our office.  
Dated this 21 day of Oct  
20 11

Bankruptcy Court  
By  
Deputy Clerk

ORDER DENYING DISCHARGE - 1

FILED

2002 MAR 26 AM 9:16 UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

In re: KENYON K. KELLEY

KENYON K. KELLEY,  
Debtor.

No. 00-35769

JAMES and REBECCA O'HAGAN,  
et al.,

Plaintiffs,

vs.

Adv. No. 01-04031

KENYON K. KELLEY,  
Defendant.

TRANSCRIPT OF THE RULING  
BY THE HONORABLE PAUL B. SNYDER  
THURSDAY, MARCH 21, 2002



Case: 01-04031 DocType: TRANRUL

Reported by: Robyn Oleson Fiedler  
CSR # FI-ED-LR-0353KH

AHEARN & ASSOCIATES, INCORPORATED  
CERTIFIED COURT REPORTERS  
(206) 405-3812

1 Kilpatrick, who is referred to as the trustee, and  
2 together they're referred to as the plaintiffs, in  
3 accordance with their complaint seek to deny the  
4 discharge of Kenyon Kelley, who I referred to as the  
5 debtor and sometimes as the defendant, in accordance  
6 with 11 U.S.C. Section 727(a) (2), (3), (4) and (5).

7 Based on the evidence, pleadings and  
8 testimony and arguments presented, the Court's findings  
9 of fact and conclusions of law are as follows.

10 FINDINGS OF FACT

11 The debtor, Kenyon Kelley, is a 65-year-old  
12 cranberry farmer from Grayland, Washington. He is a  
13 high school graduate with no college education.

14 The debtor and O'Hagan have neighboring  
15 cranberry farms in Grayland and have been involved in  
16 bitter and extensive litigation concerning water rights  
17 for several years.

18 On March 13th, 1998, the debtor was severely  
19 injured when he was struck by a pickup truck as a  
20 pedestrian in Spokane, Washington. The debtor  
21 sustained serious injuries including possible  
22 short-term memory loss. Subsequently, he received at  
23 least \$100,000 from his uninsured motorists insurance  
24 carrier. This money does not appear to have been  
25 deposited into any account, and the debtor has not

1 provided records of where the money was spent.

2 The best evidence suggests that on March  
3 29th, 2000, the debtor was seeking legal and financial  
4 advice to assist him with the downturn in the cranberry  
5 market, but primarily to protect him from a possible  
6 adverse judgment in the O'Hagan litigation.

7 Fields Unlimited purports to be in the  
8 business of reorganizing and assisting farms in  
9 financial need. The debtor subsequently entered into a  
10 consulting agreement with Fields Unlimited. Fields  
11 Unlimited arranged for the debtor to engage a  
12 bankruptcy attorney. At that time the debtor paid  
13 \$25,000 to Fields Unlimited, \$12,500 upon signing and  
14 the balance on April 10th of 2000.

15 On June 30th, 2000, the Pacific County  
16 Superior Court entered a net judgment in favor of  
17 O'Hagan in the amount of approximately \$207,751.59 plus  
18 fees, costs and interest. After the judgment but  
19 before filing bankruptcy, the debtor engaged in a  
20 number of transactions with Fields Unlimited that had  
21 the effect of judgment-proofing his assets. For  
22 example, the debtor sold a \$180,000 term promissory  
23 note for \$150,000 cash to Fields Unlimited. Some of  
24 the cash appears to have then been paid by the debtor  
25 to Fields Unlimited as a partial repayment for one or

1 that he was still unsure, as to the exact amount of  
2 loan proceeds received from Fields Unlimited, how much  
3 was repaid to Fields Unlimited or whether any further  
4 amounts were owed to Fields Unlimited.

5 These are not minor or insignificant amounts  
6 of money. His failure to keep and preserve basic  
7 records or otherwise explain the expenditure of this  
8 money, as well as his failure to make complete and  
9 accurate disclosures in his several schedules and the  
10 statement of affairs was not only unreasonable, but  
11 evidences a deliberate attempt to hinder and delay  
12 O'Hagan and the trustee in their efforts to investigate  
13 the debtor's financial condition.

14 The debtor has offered only an incomplete  
15 list of checks and partial bank statements as his total  
16 proof of his considerable income and expenses.  
17 However, this is not a consumer with only a few  
18 transactions a year, but a debtor engaged in a  
19 substantial farming operation who, immediately prior to  
20 filing bankruptcy and after the entry of an adverse  
21 judgment, worked with consultants and attorneys to  
22 judgment-proof his estate so that creditors could get  
23 little or no benefit from his assets.

24 It is not the duty of the plaintiffs to  
25 ferret out the debtor's financial position by reviewing

1 from property sales. Although the debtor argues that  
2 he has not intentionally concealed his financial  
3 condition, intent to conceal is not a prerequisite to a  
4 court concluding that the elements of 727(a)(3) have  
5 been met.

6 In this case the debtor failed to maintain or  
7 produce for the plaintiffs any records regarding prior  
8 loan proceeds received or paid to Fields Unlimited.  
9 The Court concludes that the debtor failed to maintain  
10 adequate financial records, and without such records,  
11 it is not possible for the plaintiffs to trace the  
12 debtor's financial history. Accordingly, in accordance  
13 with Section 727(a)(3), the debtor's discharge is  
14 denied.

15 Section 727(a)(5). The debtor admittedly  
16 received cash proceeds from the sale of the Brandon  
17 property in the amount of \$120,000, loans from Fields  
18 Unlimited in the amount of \$150,000, UIM insurance in  
19 the amount of at least \$100,000. The debtor also  
20 received considerable farm and Social Security income  
21 during the period prior to filing. A mere listing of  
22 his checks in defendant's Exhibit 13 does not  
23 adequately explain what became of these cash proceeds.

24 In his statements filed in the Chapter 13 on  
25 July 14th, 2000, the debtor showed unsecured priority

1 claims of \$7,126.66 and unsecured non-priority claims  
2 of approximately \$333,600. This includes a scheduled  
3 claim of plaintiff O'Hagan in the amount of \$220,000.

4 The sums the debtor received in the  
5 approximate two-year period prior to the filing of his  
6 bankruptcy are extraordinary and in addition to his  
7 farming income. Although suggested by his counsel that  
8 he can account for 90 to 95 percent of the cash  
9 proceeds, this statement is clearly contrary to the  
10 evidence presented at trial.

11 The Court concludes that the debtor's  
12 argument that the plaintiffs could and should have  
13 reconstructed his financial condition by viewing the  
14 debtor's financial transactions under some type of net  
15 worth theory is not tenable. The debtor must be able  
16 to account for his income and expenditures. To date,  
17 the debtor has failed to provide a satisfactory  
18 explanation regarding the loss or deficiency of these  
19 cash assets, which could and should have been used to  
20 meet the debtor's liabilities.

21 The debtor's discharge is denied under  
22 727(a)(5).

23 Plaintiffs also seek a denial of the debtor's  
24 discharge pursuant to 727(a)(4). This section provides  
25 that a court should grant a discharge to a debtor

1 creditors have been hindered or delayed in recovering  
2 any part of the judgment; and, (6) that the debtor  
3 received inadequate consideration for the transfer.  
4 That's in accordance with In Re Woodfield, 978 F2d 516  
5 pinpointed at 518. It's a Ninth Circuit 1992 decision.

6 A later decision supplemented this  
7 non-exclusive list with "retention by the debtor of the  
8 property involved in the putative transfer." It's In  
9 Re Acequia, 34 F3d 800 pinpointed at 806. It's a Ninth  
10 Circuit 1994 decision.

11 Most of the above factors are present in this  
12 case. The debtor liened almost all of his property in  
13 exchange for alleged cash loans, although it is  
14 recognized that it did not transfer the property out of  
15 his possession. The transactions took place between  
16 him and his financial advisor at the time, Fields  
17 Unlimited.

18 The debtor could have used these assets to  
19 fully pay his debts, but was unwilling to do so,  
20 notwithstanding a jury verdict to the contrary, as he  
21 was clearly determined that he was not going to pay  
22 Mr. O'Hagan. It is also significant that the transfers  
23 took place immediately after a judgment was rendered  
24 against him and prior to the filing of the bankruptcy.

25 The transfers with Fields Unlimited left him

1           unable to pay the judgment. He has been unable to  
2           establish with any credible evidence that he received  
3           adequate consideration for the grants of security or  
4           payment of proceeds of the note, discounted and sold.  
5           The Acequia factor is also present in this case, for  
6           the debtor continued to enjoy all of the attributes of  
7           ownership in his property after the transfers to Fields  
8           Unlimited.

9                       Based on the presence of the above factors  
10           and after careful consideration of the evidence and  
11           testimony presented in this case, including the  
12           weighing of the credibility of the debtor in this case,  
13           the Court concludes that the trustee and O'Hagan has  
14           established actual intent on the part of the debtor to  
15           hinder, delay or defraud his creditors. The trustee  
16           has established a basis for denial of the debtor's  
17           discharge pursuant to 727(a)(2)(A), (3), (4) and (5).

18                      That concludes my decision. It's my  
19           understanding that a transcript is being prepared. I'm  
20           going to ask Mr. Hill just to prepare an order denying  
21           the discharge under all of those sections. Since a  
22           transcript is being prepared, we'll just attach a copy  
23           of the transcript to the decision and incorporate it by  
24           reference.

25                      MR. HILL: Your Honor, may I ask a clarifying



Washington State Court of Appeals  
Division Two

Exhibit 2

950 Broadway, Suite 300, Tacoma, Washington 98402-4454

Derek Byrne, Clerk/Administrator (253) 593-2970 (253) 593-2806 (Fax)

General Orders, Calendar Dates, and General Information at <http://www.courts.wa.gov/courts> OFFICE HOURS: 9-12, 1-4.

July 17, 2018

James John O'Hagan  
2298 Cranberry Road  
Grayland, WA 98547

RE: CASE #: 52032-0-II: Personal Restraint Petition of James John O'Hagan

Counsel:

On the above date, this court entered the following notation ruling:

**A RULING BY COMMISSIONER SCHMIDT:**

The court, on its own initiative, stays this petition pending the decision in petitioner's direct appeal, State v James John O'Hagan, No. 51572-5-II. After the mandate is issued in the direct appeal, the court will determined whether a response to this petition is required.

Very truly yours,

Derek M. Byrne  
Court Clerk

Exhibit 3  
FILED  
SUPERIOR COURT  
DEC 01 2016  
COWLITZ COUNTY  
STACI MYNLEBUST

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF COWLITZ

JAMES O'HAGAN,  
Plaintiff,

Cause No. 16-2-00488-2

v.

BRIAN COUCH; WILLAPA RESEARCH  
SERVICES,  
Defendant.

ORDER DENYING  
PLAINTIFF'S MOTION FOR  
RECONSIDERATION OF \$500  
SANCTION

The Court has reviewed Plaintiff's Declaration of James O'Hagan re: Recap of 9/28/16 Hearing Documenting Fraud Schemes and Defendant's Response to Plaintiff's Motion to Reconsider and does hereby

DENIES Plaintiff's Motion for Reconsideration of the imposition of a \$500 sanction related to the improper motion for default brought by Plaintiff.

The Court makes no ruling related to Plaintiff's Motion to Compel Discovery Requests and Plaintiff's Requests for Subpoenas Duces Tecum. Any such Motion and Response needs to be noted on the appropriate docket for argument.

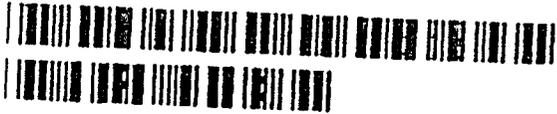
DATED this 30<sup>th</sup> day of November, 2016.

  
\_\_\_\_\_  
JUDGE

SUPERIOR COURT PACIFIC CO. WA  
16-1-00207-1  
DEFENSE  
# 186 Off# \_\_\_\_\_ Admit# \_\_\_\_\_  
STATE OF WA VS. JAMES O'HAGAN  
Date: \_\_\_\_\_

Exhibit 1

40



Case: 01-04031 DocType: DENY

FILED  
LODGED  
RECEIVED

March 26, 2002

MARK L. HATCHER  
CLERK U.S. BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA DEPUTY

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re:  
KENYON K. KELLEY,  
Debtor.  
  
JAMES J. O'HAGAN and REBECCA  
O'HAGAN, husband and wife; and  
SCOTT M. KILPATRICK, Chapter 7  
Trustee,  
  
Plaintiff,  
  
v.  
  
KENYON K. KELLEY,  
Defendant.

No. 00-35769

Adversary No. A01-4031

ORDER DENYING DISCHARGE,

Trial was held in this matter on March 18, 2002. The Court having considered the evidence, testimony, and arguments presented, and an oral decision having been given by the Court on March 21, 2002, containing the Court's findings of fact and conclusions of law pursuant and attached hereto incorporated pursuant to Fed. R. Bankr. P. 7052; now therefore, it is

ORDERED that the discharge of Kenyon C. Kelley is hereby revoked pursuant to 11 U.S.C. § 727(a)(2)(A), (3), (4) and (5).

DATED: March 26, 2002

Paul B. Snyder  
U.S. Bankruptcy Judge

CERTIFICATE OF DELIVERY: I CERTIFY I DELIVERED COPIES OF  
THE FOREGOING TO Robert Hill; Scott Kilpatrick; Larry Feinstein  
DATED: March 26, 2002;  
BY:

THIS IS TO CERTIFY that the foregoing is a true and correct copy of an instrument filed in our office.  
Dated this 21 day of Oct  
20 11

ORDER DENYING DISCHARGE - 1

Bankruptcy Court  
By  
Deputy Clerk

FILED

2002 MAR 26 AM 9:16 UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA

MAILED  
U.S. BANKRUPTCY COURT  
W.D. OF WA AT TACOMA

In re: [unclear]

KENYON K. KELLEY,  
Debtor.

No. 00-35769

JAMES and REBECCA O'HAGAN,  
et al.,

Plaintiffs,

vs.

Adv. No. 01-04031

KENYON K. KELLEY,  
Defendant.

TRANSCRIPT OF THE RULING  
BY THE HONORABLE PAUL B. SNYDER  
THURSDAY, MARCH 21, 2002



Case: 01-04031 DocType: TRANRUL

Reported by: Robyn Oleson Fiedler  
CSR # FI-ED-LR-0353KH

AHEARN & ASSOCIATES, INCORPORATED  
CERTIFIED COURT REPORTERS  
(206) 405-3812

1 Kilpatrick, who is referred to as the trustee, and  
2 together they're referred to as the plaintiffs, in  
3 accordance with their complaint seek to deny the  
4 discharge of Kenyon Kelley, who I referred to as the  
5 debtor and sometimes as the defendant, in accordance  
6 with 11 U.S.C. Section 727(a)(2), (3), (4) and (5).

7 Based on the evidence, pleadings and  
8 testimony and arguments presented, the Court's findings  
9 of fact and conclusions of law are as follows.

10 FINDINGS OF FACT

11 The debtor, Kenyon Kelley, is a 65-year-old  
12 cranberry farmer from Grayland, Washington. He is a  
13 high school graduate with no college education.

14 The debtor and O'Hagan have neighboring  
15 cranberry farms in Grayland and have been involved in  
16 bitter and extensive litigation concerning water rights  
17 for several years.

18 On March 13th, 1998, the debtor was severely  
19 injured when he was struck by a pickup truck as a  
20 pedestrian in Spokane, Washington. The debtor  
21 sustained serious injuries including possible  
22 short-term memory loss. Subsequently, he received at  
23 least \$100,000 from his uninsured motorists insurance  
24 carrier. This money does not appear to have been  
25 deposited into any account, and the debtor has not

1 that he was still unsure, as to the exact amount of  
2 loan proceeds received from Fields Unlimited, how much  
3 was repaid to Fields Unlimited or whether any further  
4 amounts were owed to Fields Unlimited.

5 These are not minor or insignificant amounts  
6 of money. His failure to keep and preserve basic  
7 records or otherwise explain the expenditure of this  
8 money, as well as his failure to make complete and  
9 accurate disclosures in his several schedules and the  
10 statement of affairs was not only unreasonable, but  
11 evidences a deliberate attempt to hinder and delay  
12 O'Hagan and the trustee in their efforts to investigate  
13 the debtor's financial condition.

14 The debtor has offered only an incomplete  
15 list of checks and partial bank statements as his total  
16 proof of his considerable income and expenses.  
17 However, this is not a consumer with only a few  
18 transactions a year, but a debtor engaged in a  
19 substantial farming operation who, immediately prior to  
20 filing bankruptcy and after the entry of an adverse  
21 judgment, worked with consultants and attorneys to  
22 judgment-proof his estate so that creditors could get  
23 little or no benefit from his assets.

24 It is not the duty of the plaintiffs to  
25 ferret out the debtor's financial position by reviewing

1 creditors have been hindered or delayed in recovering  
2 any part of the judgment; and, (6) that the debtor  
3 received inadequate consideration for the transfer.  
4 That's in accordance with In Re Woodfield, 978 F2d 516  
5 pinpointed at 518. It's a Ninth Circuit 1992 decision.

6 A later decision supplemented this  
7 non-exclusive list with "retention by the debtor of the  
8 property involved in the putative transfer." It's In  
9 Re Acequia, 34 F3d 800 pinpointed at 806. It's a Ninth  
10 Circuit 1994 decision.

11 Most of the above factors are present in this  
12 case. The debtor liened almost all of his property in  
13 exchange for alleged cash loans, although it is  
14 recognized that it did not transfer the property out of  
15 his possession. The transactions took place between  
16 him and his financial advisor at the time, Fields  
17 Unlimited.

18 The debtor could have used these assets to  
19 fully pay his debts, but was unwilling to do so,  
20 notwithstanding a jury verdict to the contrary, as he  
21 was clearly determined that he was not going to pay  
22 Mr. O'Hagan. It is also significant that the transfers  
23 took place immediately after a judgment was rendered  
24 against him and prior to the filing of the bankruptcy.

25 The transfers with Fields Unlimited left him

1           unable to pay the judgment. He has been unable to  
2           establish with any credible evidence that he received  
3           adequate consideration for the grants of security or  
4           payment of proceeds of the note, discounted and sold.  
5           The Acequia factor is also present in this case, for  
6           the debtor continued to enjoy all of the attributes of  
7           ownership in his property after the transfers to Fields  
8           Unlimited.

9                         Based on the presence of the above factors  
10           and after careful consideration of the evidence and  
11           testimony presented in this case, including the  
12           weighing of the credibility of the debtor in this case,  
13           the Court concludes that the trustee and O'Hagan has  
14           established actual intent on the part of the debtor to  
15           hinder, delay or defraud his creditors. The trustee  
16           has established a basis for denial of the debtor's  
17           discharge pursuant to 727(a)(2)(A), (3), (4) and (5).

18                         That concludes my decision. It's my  
19           understanding that a transcript is being prepared. I'm  
20           going to ask Mr. Hill just to prepare an order denying  
21           the discharge under all of those sections. Since a  
22           transcript is being prepared, we'll just attach a copy  
23           of the transcript to the decision and incorporate it by  
24           reference.

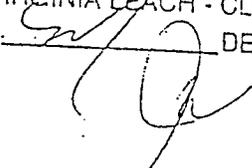
25                         MR. HILL: Your Honor, may I ask a clarifying

Exhibit 2

IN THE SUPERIOR COURT  
FOR PACIFIC COUNTY

FILED

JUN 30 2000

VIRGINIA LEACH - CLERK  
BY:  DEPUTY

SUPERIOR COURT OF WASHINGTON  
COUNTY OF PACIFIC

JAMES J. O'HAGAN and REBECCA  
LYNN O'HAGAN, husband and wife,  
Plaintiffs,

vs.

KENYON KELLEY and STELLA JEAN  
KELLEY, husband and wife; PACIFIC  
COUNTY, a political subdivision of the State  
of Washington; PACIFIC COUNTY  
DRAINAGE DISTRICT NO. 1, a political  
subdivision of the State of Washington; and  
BRYAN HULBERT and TERI HULBERT,  
husband and wife,  
Defendants.

NO. 94-2-00298-0

JUDGMENT FOR PLAINTIFF

00 9 00228 6

JUDGMENT SUMMARY

Judgment Creditor  
Judgment Debtor  
Principal Judgment Amount  
Interest to Date of Judgment  
Attorneys Fees  
Costs  
Other Recovery Amount  
Principal judgment shall bear interest  
at 12% per annum  
Attorneys fees, costs and other recovery  
amounts shall bear interest at 12% per annum  
Attorney for Judgment Creditor  
Attorney for Judgment Debtor

Rebecca and James O'Hagan ✓  
Kenyon and Stella Jean Kelley ✓  
\$207,751.79  
\$ 9,961.00  
\$ 125.00  
\$ 7,640.76  
\$

Robert M. Hill  
Lindsay Thompson

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II. JUDGMENT

This matter was tried by a jury of twelve before the Honorable Mark McCauley, a Grays Harbor Judge sitting in Pacific County, said trial ending on February 11, 2000. The plaintiffs, Rebecca and James O'Hagan appeared pro se and Defendants Kenyon and Stella Jean Kelley appeared by and through their attorney of record, Greg Ursich. The court and jury received the evidence and testimony offered by the parties and witnesses and having heard the arguments of counsel, the jury reached a verdict in favor of the plaintiffs as against the defendant in the amount of \$213,014.37, including a reduction in damages for contributory fault of the plaintiffs, for damages sustained by the plaintiffs up to the date of the trial.

The jury also reached a verdict in favor of Defendants Kelley for their counterclaims for negligence and nuisance in the amount of \$2,500.00 plus prejudgment interest in the amount of \$116.91 for the period of 2/11/00 - 6/30/00 for a total judgment amount of \$2,616.91. Additionally, prior to trial this Court awarded discovery sanctions in favor of Defendants Kelley as against plaintiffs in the amount of \$2,500.00. Prejudgment interest has accrued thereon in the amount of \$145.67 for the period 1/10/00 - 6/30/00. The total judgment amount for the discovery sanctions is \$2,645.67.

Based on the foregoing, the Court hereby enters judgment in favor of the plaintiffs against the defendants Kenyon and Stella Jean Kelley in the amount of \$207,751.79 which incorporates an offset as against plaintiffs' judgment an amount equal to Defendant Kelleys' judgments for negligence/nuisance and discovery sanctions plus prejudgment interest as set forth more fully above. Plaintiffs are awarded statutory attorney fees of \$125.00. Plaintiffs' costs, as indicated above in the judgment summary in the amount of \$7,640.76, are comprised of those costs specified in the heretofore previously filed Plaintiff's Amended Cost Statement. Pre-judgment interest at the rate of 12 per cent per annum in the amount of \$9,961.00 has accrued on the principal judgment amount rendered at the time of trial (\$213,014.37) for the period February 11, 2000 to June 30, 2000. Post-judgment Interest on said judgment, attorneys fees and costs is to accrue at the rate of 12 per cent per annum.

The issue of future damages is reserved for trial by jury.

SIGNED this 30<sup>th</sup> day of June, 2000.

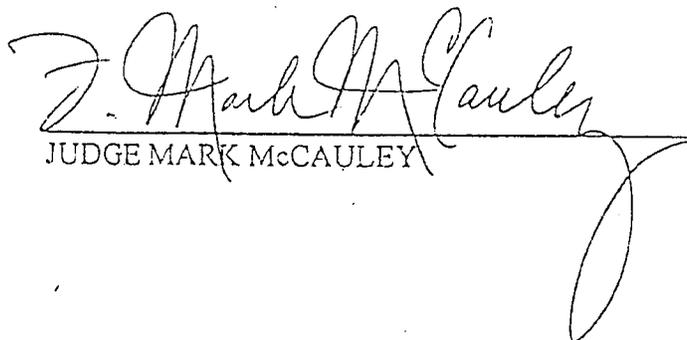
  
JUDGE MARK McCAULEY

Exhibit 3

## 9th Legislative District candidate charged with felonies

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Natalie St. John

Published on November 2, 2016 7:35PM

CHEHALIS — One week before the General Election, James “Jimi” O’Hagan, the litigious Grayland Republican who is challenging Rep. Brian Bake, D-Aberdeen for his 19th Legislative District House seat, has been charged with two felonies — possession of a stolen vehicle, and first-degree possession of stolen property. The charges constitute a new chapter in O’Hagan’s already long and colorful history of court proceedings and conflicts, which includes a current effort to sue a Pacific County elected official for as much as \$666,666,666,66.

### Court-dates for anti-court candidate

A cranberry grower by trade, O’Hagan has recently enjoyed a growing reputation in anti-government internet communities for his efforts to act as a self-described “sovereign” citizen and “legal intervener” during the 41-day standoff at Oregon’s Malheur National Wildlife Refuge.

His run for Blake’s 19th Legislative District House seat has also garnered some attention from citizens who take a special interest in matters of property rights and government interference in private affairs. Running on a platform that focuses almost exclusively on evicting attorneys from the state legislature, O’Hagan, who also advocates for disbarring all Washington attorneys and dismantling the state Commission on Judicial Conduct, took 39 percent of the vote district-wide in the Primary Election. However, in the small, deeply conservative part of Lewis County that falls within LD19, O’Hagan took 65 percent of the vote.

O’Hagan’s apparent popularity with Lewis county voters did not prevent Republican Lewis County Prosecutor Jonathan Meyer from filing the charges against O’Hagan on Oct. 31, and issuing a Nov. 1 summons for O’Hagan, 62, to appear in Pacific County Superior Court on Nov. 18.

According to documents obtained through a public disclosure request, the charges stem from an ongoing dispute between O’Hagan and Raymond commercial fisherman and environmental consultant Brian Couch, the subject of a Pacific County civil suit initiated by O’Hagan in March 2016.

A Chinook Observer reporter left voice messages requesting comment from Couch and O’Hagan on Nov. 2, and will update the story with their comments on Nov. 7, if they respond.

### Getting rid of lawyers, holding onto property

In spring 2016, O'Hagan, who claims that Couch owes him money, allegedly took Couch's Chevrolet Suburban, and his air boat, which has an estimated value of \$30,000. In a Nov. 2 phone interview, Meyer said O'Hagan initially borrowed the Suburban with Couch's permission, and offered to store Couch's boat for him. He took possession of both vehicles before deciding to file a civil suit against Couch.

"When they were requested back, he refused to provide them," Meyer explained. "All of a sudden, he refused to return the property."

Couch, 52, reportedly asked the Pacific County Sheriff's Office to start an investigation after his own attempts to retrieve the boat and SUV failed. PCSO deputies first contacted O'Hagan on May 14. According to the charging documents, O'Hagan "...admitted to possessing the property ... but refused to return the property until such time as he was paid what he claimed he was owed. The defendant refused, without a court order, to return the property."

Deputies spoke with O'Hagan again on June 2 and June 10, telling him on both occasions that if he didn't return the property, he would be charged with theft. During the June 10 visit, O'Hagan allowed the deputies to photograph the items belonging to Couch, but, according to the report, "He again said he understood, but refused to return the property."

### **Sue, and sue alike**

Meyer said that although it's a Pacific County case, Prosecutor Mark McClain referred it to the Lewis County Prosecutor's Office to prevent a conflict of interest, because O'Hagan has repeatedly accused McClain and numerous other Pacific County officials, including Sheriff Scott Johnson and Superior Court Judge Michael Sullivan, of corruption.

"There's some ongoing litigation that Mr. O'Hagan started against Pacific County," Meyer said. Indeed, according to McClain's 2016 motion to have O'Hagan designated as a "vexatious litigant." O'Hagan has also pursued legal action against a county court clerk's office employee, a local drainage district, South Bend attorney Joel Penoyar, the U.S. Department of Justice, state Attorney General Bob Ferguson, and the Washington State Bar Association, among many others.

A few years ago, O'Hagan's allegations of misconduct in Pacific County government led then deputy-prosecutor McClain to ask the Washington State Patrol to conduct an independent investigation. The WSP concluded that there was no substance to O'Hagan's claims, and the Washington Attorney General's Office ultimately decided not to press charges, according to public records obtained from WSP.

Meyer said he filed the charges only recently, because it took several months to gather and review all of the case information.

"Because it is a property crime, it's not going to be reviewed as quickly as other crimes. Homicides, assaults or sex crimes — those move to the top of the pile," Meyer said. "... I've been reviewing this one for a quite a while, and we just go ready to charge."

## **'Evil and the Devil's work'**

In June, someone writing under the pseudonym "The Reluctant Activist," announced on the anonymously registered website [www.corruptwash.com](http://www.corruptwash.com), that O'Hagan had filed a defamation suit against McClain and his "accomplices" in local, state, and federal government. In his complaint, which is embedded in the blog post, O'Hagan alleged that McClain damaged his reputation by including his image in a small display of photographs on the wall of the prosecutor's office.

"Their actions were evil and the devil's work, and as such, the damages may exceed \$666,666,666.66 — Six hundred sixty six million, six hundred sixty six thousand, six hundred sixty six dollars and sixty six cents," O'Hagan wrote.

On Nov. 2, McClain said in a phone interview that the photographs were there to help his office staff identify individuals who potentially posed security concerns.

"With Mr. O'Hagan in particular, it involved the Washington State Bar and the Attorney General's office calling to alert us to his potential danger," McClain said. "They had concerns, and wanted to make sure we were aware of it."

## **Alone in a legal wilderness**

O'Hagan is no stranger to conflict. In the 1990s, he successfully sued a fellow cranberry farmer, Kenyon Kelly, over a water-rights dispute. However, Kelly, who is now deceased, subsequently made several attempts to file for bankruptcy, and O'Hagan never received the sizable judgment awarded to him. In the years since, O'Hagan's unsuccessful attempts to obtain the settlement have galvanized his anti-government convictions, and led to dozens of complex, cascading court proceedings, in which he has generally acted as his own attorney, with limited success.

In hundreds of pages of local, state and federal court filings, and social media posts and open letters to public officials, O'Hagan has made increasingly bold claims of corruption and criminal activity among Washington's attorneys, judges and government employees. Among other things, O'Hagan alleges that the State Department of Ecology in 1999 intentionally burned down its own building to cover up illegal activity, and that U.S. Marshals have attempted to intimidate and harass him.

In a 42-page document filed with the State Supreme Court in June 2015, O'Hagan accused Pacific County Superior Court Judge Michael Sullivan of "... using his official position to steal over \$360,000 from me, and providing it to the judgment debtor, so the judgment debtor could solicit a murder-for-hire plot to murder me..."

Thus far, no independent bodies have substantiated any of these allegations.

## Concerns about revolution

Fear that government corruption is paving the way for civil unrest — or even revolution — is a recurring theme in O'Hagan's more recent writings and interviews, including an October Chinook Observer interview, in which he expressed concerns about the inevitability of "some type of world-conflict."

Further on in the June 2015 document, O'Hagan said he believed collusion among the state's attorneys, "... has caused our domestic tranquility to be regularly attacked to the point where we have been forced to place armed guards at most of our courthouses and schools in my lifetime, and most of our cities are regularly under attack from the silent majority disguised as protesters."

In a separate, May 2015 filing with the state Court of Appeals, O'Hagan argued that "lawyer crime" posed an imminent threat to society.

"This type of organized crime and governmental oppression led to the Oklahoma City bombings, the mass murdering of millions of innocent individuals during the Hitler regime, and the deaths of millions of innocent individuals in the struggle for our country to rid itself of 'Nobility'. ... This type of domestic terrorism, if allowed to go without being addressed will lead to horrendous crimes in our society's future," O'Hagan wrote.

An April 2016 CorruptWA post titled, "Will O'Hagan be another Levoy Finnicum — murdered by those who swear to protect him?" included a 2016 document filed in Pacific County Superior Court, in which O'Hagan again hinted that he thought his long-running conflicts with government could ultimately boil down to physical confrontation.

"Like my ancestors did several centuries ago, I am going to arm myself with a pitchfork and scythe, and resist the exact same attitudes from individuals who believe they have achieved enough nobility over me to make decisions over me that will affect over my life, liberty and property for generations," O'Hagan wrote. "My ancestors resisted your 'Noble Attitude' to achieve a better life for their children, and so will I, so help me God."

# Legislative District 19

Last updated on 11/30/2016 8:19 AM

## Legislative District 19 - State Senator County Results & Map

<u>Candidate</u>	<u>Vote</u>	<u>Vote %</u>
<u>Dean Takko</u> (Prefers Democratic Party)	30,850	55.17%
<u>Sue Kuehl Pederson</u> (Prefers Independent GOP Party)	25,064	44.83%
Total Votes (not including write-ins) 55,914		

## Legislative District 19 - State Representative Pos. 1 County Results & Map

<u>Candidate</u>	<u>Vote</u>	<u>Vote %</u>
<u>Jim Walsh</u> (Prefers Republican Party)	28,693	50.49%
<u>Teresa Purcell</u> (Prefers Democratic Party)	28,134	49.51%
Total Votes (not including write-ins) 56,827		

## Legislative District 19 - State Representative Pos. 2 County Results & Map

<u>Candidate</u>	<u>Vote</u>	<u>Vote %</u>
<u>Brian E. Blake</u> (Prefers Democratic Party)	33,629	59.91%
<u>Jimi O'Hagan</u> (Prefers Republican Party)	22,504	40.09%
Total Votes (not including write-ins) 56,133		

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Grants Pass, Oregon 97527

Washington State Attorney General Jenny Durkan  
700 Stewart Street Suite 5220  
Seattle, Washington

February 25, 2013

Dear Attorney General Durkan,

My name is Edward Snook and I publish the US~Observer newspaper. We deal with cases regarding alleged abuse, false prosecutions, etc., which are outlined on our website – [www.usobserver.com](http://www.usobserver.com). We publish both on the web and in our hard-copy newspaper. When we publish on cases we make every attempt to resolve them before making the issue a public one. I am attempting to accomplish this by bringing the following issues to your attention, even though the issues themselves would garner the US~Observer some very sensational headlines. In short, I am far more concerned with justice than I am with “headlines...”

The US~Observer has been made aware of allegations of excessive fraud against James O’Hagan of Grayland, WA that have been allegedly committed by attorneys, judges, court appointed trustees, and other related persons associated with O’Hagan’s various cases concerning him and his cranberry farm. We have completed our preliminary investigation and find that his accusations are very well founded.

O’Hagan’s story begins in 1994 as a result of an allegedly illegal diversion of a stream called Deer Creek. In 2000, O’Hagan was awarded by Grays Harbor County Judge F. Mark McCauley, a judgment against Kenyon Kelley for \$213,014.37 plus future damages that at the time would have been approximately \$900,000.00, but has since far exceeded that amount due to interest and deprivations to O’Hagan and his farming enterprise by both Kelley and his accomplices in and out of the legal system from that time to the present. In May of 2011, Judge McCauley made this conclusion of law: “when I ordered this property [of Kelley’s] sold and then there was a lot of delay for – to my mind, unknown reasons. Still, nothing seems to get done down there... whatever efforts that have been made at farming down there I think is not in good faith to truly farm that land, it’s to avoid paying the debt to Mr. O’Hagan.”

When the debtor, Kenyon Kelley, allegedly tried to hide his considerable assets by filing bankruptcy in order to keep O’Hagan from collecting on his judgment, Federal Bankruptcy Judge Paul B. Snyder denied it on all counts and went on to say that Kelley “worked with

consultants and attorneys to judgment-proof his estate so that creditors could get little or no benefit from his assets." These assets amounted to approximately \$700,000.00.

This case is still open and O'Hagan has collected very little as a result of his judgment in 2000, because of obvious corruption. In fact the alleged fraud scheme has cost him dearly in additional legal costs.

The following individuals represent the primary culprits that have been instrumental in allegedly defrauding Mr. O'Hagan. The following allegations against them are well substantiated in my opinion.

Arnold Pertula – Former General Manager of Grayland Water District

For coercing County of Grays Harbor, WA water district commissioners to reject O'Hagan's bid to purchase an abandoned property in same county despite it exceeding the county's minimum bid and being the highest of all bids received. And for being instrumental in illegally diverting Deer Creek that watered O'Hagan's farm, of which O'Hagan had the rights to, and re-directing that stream to Pacific County Drainage District Commissioner Brian Hulbert's property, even though it was later proven in court that Hulbert possessed no water rights to the stream at all.

Grays Harbor Judge David Foscue

For dismissing O'Hagan's court case without ever allowing him to call forth witnesses that could testify that there was prejudice involved against him by the, then General Manager of Grayland Water District, Arnold Pertula. And for contending erroneously that Grayland Water District Commissioners were not required to act in good faith when deciding who could purchase land and that any public official could allow any public property to be sold to whoever they wanted and apparently for any price regardless of competing bid amounts.

Attorney Gregory Ursich – Contact info: Inslee Best and Dozier. 777 108th Ave., Ste. 1900 Bellevue, WA 98004.

For coercing Washington State Dept. of Ecology (WDOE) employees Vicky Windust-Cline and Joe Cason into tampering with official records to fraudulently show that Pacific County Drainage District Commissioner Brian Hulbert and Kenyon Kelley held rights to Deer Creek and that O'Hagan did not, which was later proven in court to be untrue. Ursich was one of Kelley's attorneys who has been implicated by Judge Snyder as being one of the attorneys involved in Kenyon Kelley's "judgment-proofing" scheme.

Pacific County Drainage District Commissioner Brian Hulbert

For aiding in the diversion of Deer Creek away from O'Hagan, who he must have known possessed the water rights, and instead accepted the diversion to benefit his own farm, for which he must have known he was not entitled to.

WDOE employees: Vicky Windust-Cline and Joe Cason

For illegally aiding attorney Gregory Ursich and tampering with official WDOE documents with the intent to purge Dixon Diversion Map from the public record that showed O'Hagan possessed the water rights to Deer Creek and that Hulbert and Kelley did not.

Division II Court of Appeals judges: J. Armstrong, J. Turner, and A.C.J. Houghton

For upholding Judge Foscue's ruling and for rejecting O'Hagan's contention that the fair bidding process "required bids to be rejected in good faith".

Risk Pool Manager Veril Hill (Cousin of Arnold Pertula)

For having Deer Creek diverted to Water District Commissioner Hulburt's and Kelley's farms even though he must have known that neither held the water rights and that O'Hagan did.

Pacific County Judge Joel Penoyor

For concealing evidence and or documents that were favorable to O'Hagan. A jury later allegedly determined that Judge Penoyor's rulings against O'Hagan were fraud.

U.S. Bankruptcy Court Trustee Russell Garrett

For hiring Kelley's attorney Gregory Ursich to help him manage Kelley's bankruptcy estate and assisting him in converting Kelley's assets into cash so they could be diverted away from O'Hagan and hidden from the court. One amount that has never been accounted for is a \$97,327.57 Grange Insurance payment received by Kelley's estate, that both attorney Ursich and trustee Garrett knew about. Total assets allegedly hidden by Garrett amounts to over \$690,000.00. As an interested party I am requesting you and or your agents to contact the U.S. Trustee's office and provide the money trail of the \$97,327.57 to the U.S. Observer as required by law.

Federal Judge Philip H. Brandt

For dismissing O'Hagan's "Adversary Complaint" that Kelly had been withholding earnings from the bankruptcy court and refusing O'Hagan's request to call witnesses and for basing his dismissal on the testimonies of Kelley's attorneys alone. Judge Brandt was also instrumental in concealing the bribing of Trustee Russell Garrett by attorney Ursich regarding the \$97,327.57.

Pacific County Judge Michael Sullivan

For covering up the illegal transfer of \$180,000.00 from American Equities, \$150,000.00 of which made it back to Kenyon Kelley. Judge Sullivan also ordered the court not to take any further action in O'Hagan's case. Judge Sullivan is also complicit in covering up the documents hidden by Judge Penoyor when they were discovered 7 years later. Sullivan has gone on to attack O'Hagan and attempt to discredit him on additional cases as well.

Federal Bankruptcy Judge Brian D. Lynch

For granting Kelley a discharge of debts in one of four additional bankruptcies despite the fact that Judge Snyder had already identified Kelley as an absconding debtor. Judge Lynch also refused to allow Russell Garrett to testify in his courtroom and provide documentation for the whereabouts of Kelley's assets, including the disappearance of the \$97,327.57 Gregory Ursich held in his trust account when trustee Russell Garrett hired him to work for the Kelley estate.

Attorney George Benson

For aiding and abetting attorney Gregory Ursich and U.S. Trustee Russell Garrett in judgment-proofing Kelley's assets.

Attorney Thomas Linde

For aiding and abetting attorney Gregory Ursich, and U.S. Trustees Russell Garrett and Brian Budsberg in judgment-proofing Kelley's assets.

Carsten von Borstel of Fields Unlimited and Northwest Farm Credit Services  
For aiding and abetting Kelley's attorneys in judgment-proofing Kelley's assets.

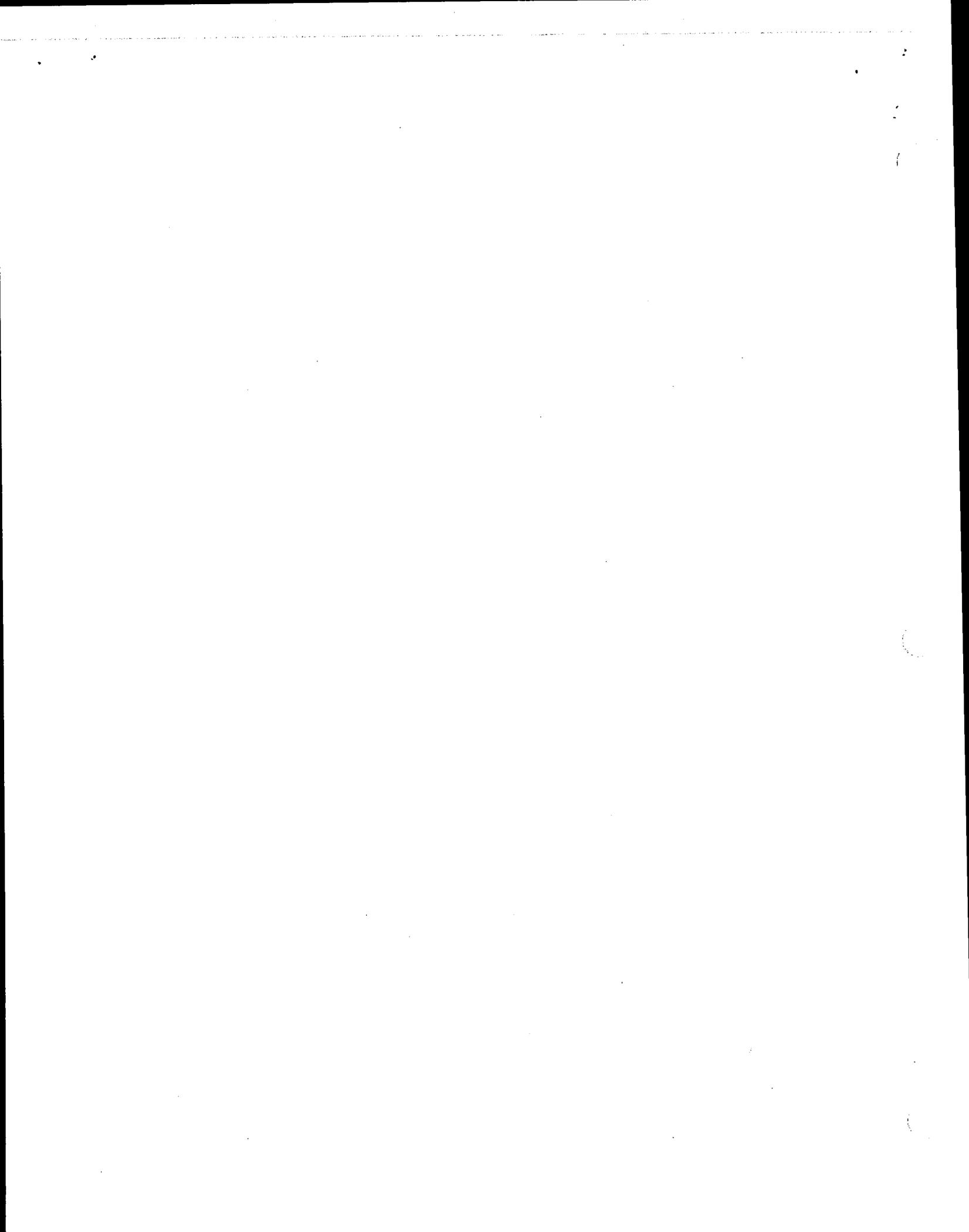
It is the contention of Mr. O'Hagan that these and other injustices have been done to him by the above persons in order to embezzle or cover up the embezzlement of Kelley's assets and to cover for each other by concealing their various illegal activities.

It is obvious, Attorney General Durkan, that the above listed accusations are extremely serious and they have serious criminal implications. I don't write to Attorney Generals without having done my homework – I assure you that we have closely examined the legal documents and records in this case. I have concluded that is a state matter and that it falls within your jurisdiction and responsibility. If this is not the case please let me know...

Best Regards

Edward Snook  
US-Observer

Cc: State Rep. Brian Blake  
Cc: State Rep. Dean Takko  
Cc: Attorney David Lawyer



LONG BEACH, Pacific County — A man convicted of shooting a Washington state trooper in 2010 is seeking a new trial, saying another man confessed and that the trooper deliberately misidentified him — something the wounded trooper, now a sheriff, adamantly denies.

Martin Jones, 53, is serving a 50-year sentence after being convicted of shooting Scott Johnson in the coastal tourist town of Long Beach. Johnson is now the county sheriff.

Jones' lawyer has filed a new appeal, including sworn declarations from local drug dealer Peter Boer that on the night of the shooting, his brother Nick, a repeat felon, "took credit" for it and sent Peter Boer to dispose of gun parts.

Peter Boer also alleged a motive, though no evidence has emerged to support it: Johnson had been shaking down his brother for money in lieu of arrest. Jones' lawyer, Lenell Nussbaum, said that explains why the trooper's statements differed from those of the only other witness — a tow-truck driver who was with Johnson when he was shot, and who said Jones wasn't the culprit.

"Johnson falsely identified Jones as the shooter to conceal his own corruption," Nussbaum wrote.

"That's ridiculous," Johnson told The Associated Press. "It's not true."

Nick Boer, who says he has been clean for six years, also denied it, calling his brother "exotic in his imagination." He and Johnson said they didn't even know each other.

"If that guy's in there innocent, I feel bad about that," he said. "But I don't want the story to be spun like I'm some kind of vigilante killer, or that there was some kind of corruption. Those officers, any I've ever had dealings with, they've done nothing but try to help me."

## **"That's not the guy"**

Johnson was helping the tow-truck driver impound a minivan a little before 1 a.m. on Feb. 13, 2010, when a man approached and asked what they were doing. The man walked off. Johnson would later describe him as appearing extremely angry, while the tow-truck driver, George Hill, testified that he was "real neutral, like no emotion at all."

Moments later, the man returned from behind and shot the trooper in the head. The .22-caliber bullet broke apart and remains lodged near the base of Johnson's skull.

Feeling "like a crowbar had hit me," Johnson later testified, he locked eyes with the man and shot back twice.

Hill, who had known the trooper for 27 years, described the attacker as white but somehow ethnic, possibly tan or olive-skinned.

Delivered bright and early weekday mornings, this email provides a quick overview of top stories and need-to-know news.

Suspicion fell on Jones, the minivan's owner. A tower-crane operator, he was home in bed when his wife, Susan Jones, was arrested for drunken driving in the vehicle. He says he stayed home all night.

The next morning he let investigators search his house, told them where to find his three rifles, and agreed to stand out front to see if a witness would identify him.

Police rolled slowly by in an unmarked car with Hill inside.

At Jones' 2011 trial, a State Patrol detective, Matthew Hughes, recalled the tow-truck driver's reaction: "No, that's not the guy. ... That's Marty."

Hill had given the Joneses estimates for auto-body work.

That afternoon, Hill worked with a sketch artist. Several people told police the drawing looked like Nick Boer.

Police found Boer and his brother at their mom's mobile home. Nick denied involvement.

Johnson, meanwhile, was in a hospital bed. He saw the sketch on the news and said it didn't look anything like the shooter. He repeatedly asked for a picture of the minivan's owner.

A corrections officer showed him Jones' driver's license photo, with Jones' name underneath it.

That's him. Johnson replied.

Johnson then worked with the artist on a new sketch, without mentioning he'd seen a picture of Jones. Jones was arrested that night, close to 48 hours after the shooting.

## **Someone else confesses?**

The state's theory was that Jones — a grandfather with no criminal history and with close relatives in law enforcement — got out of bed after receiving a text from his wife that she'd been pulled over. He walked 1.3 miles, or possibly drove part of that distance, to her van. He saw and spoke with a tow-truck driver whom he knew, and who could presumably identify him. He became enraged and shot the trooper with a handgun. The tow-truck driver couldn't identify Jones because he didn't get a good enough look.

Investigators found in Jones' house a box of .22-caliber ammunition. A state expert testified that microscopic markings on the shell found at the scene forensically matched the shells in the box — suggesting the bullet that shot the trooper came from the box in Jones' house.

But that type of analysis has been discredited and has no scientific foundation, William Tobin, a retired manager of forensic metallurgy at the FBI Laboratory in Washington, D.C., wrote last month after reviewing the case for Jones' lawyer.

At trial, Johnson, by then sheriff, identified Jones as the shooter. He told the AP he still has no doubt.

"I was just a couple feet from the shooter, and I looked him right in the eye," Johnson said.

Jones testified at length, protesting his innocence, but the jury convicted him.

The family eventually hired a private investigator, and the investigator learned that in 2012, a Pacific County fire commissioner named Greg McLeod tried to contact Jones' lawyers. McLeod's son, Mike, had come forward after the trial to say someone else confessed.

Nick Boer.

On the night of the shooting, Peter Boer came to his house with a backpack, Mike McLeod said. Peter told him his brother claimed to have shot an officer and asked him to get rid of some weapons.

The investigator interviewed Peter Boer under oath at a prison; he's now serving nearly five years for stolen property. Peter said he would talk partly because his mother, who wanted to protect Nick, had died.

In Peter Boer's telling, he was at his mother's trailer when Nick called from a house two blocks from the shooting. An officer was shot, Nick reported, and Peter should stay put.

Nick then arrived, looking at the floor when Peter asked if he'd shot the trooper. They went to a friend's house, getting high along the way, and Nick "took credit," Peter said.

"He was like, 'Yeah, I do — I shot him,'" Peter said. "So he asked me to go out to the car and grab a backpack and go dump off some gun parts we had."

Peter said he stopped by McLeod's house and tossed the gun parts in a spot where the tide comes in.

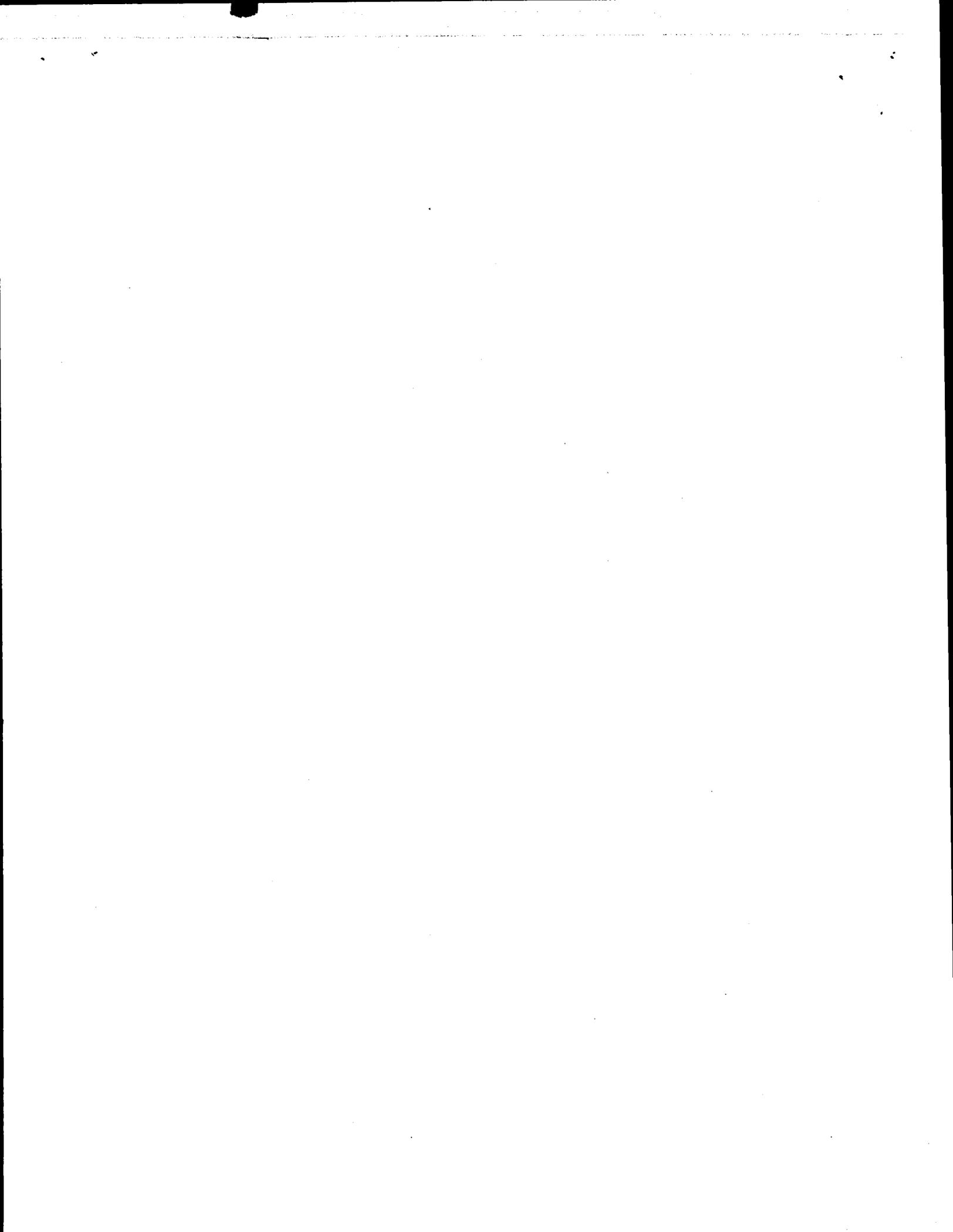
A friend who supposedly witnessed the confession told the investigator he doesn't remember that night. Nick Boer maintains he and his brother never left their mom's trailer, and says his brother may remain bitter over some family disputes.

Hill, the tow-truck driver, told the AP he couldn't identify the shooter at the trial, and he can't now.

From the state penitentiary in Walla Walla, Jones said he and his wife always supported law enforcement and even held a fundraiser for the wife of a trooper slain in 1999. He hopes the new information exonerates him.

"I'm not the kind of person who goes around committing any crimes, let alone shooting an officer of the law," he said.

GENE JOHNSON



STATE OF WASHINGTON } ss.  
COUNTY OF PACIFIC

I, Virginia A. Leach, County Clerk and Clerk of the Superior Court of Pacific County, Washington, DO HEREBY CERTIFY that this document, consisting of 2 page(s), is a true and correct copy of the original now on file and of record in my office and, as County Clerk, I am the legal custodian thereof.



*ell*

Signed and sealed at South Bend, Washington this 2-22-2018 day of February, 2018.

By [Signature]  
Virginia A. Leach, County Clerk

**PACIFIC COUNTY SUPERIOR COURT**  
**JUDGE MICHAEL J. SULLIVAN – CRIMINAL**  
**COURT COMMISSIONER MICHAEL TURNER, Presiding**  
**FRIDAY, DECEMBER 2, 2016**  
**V. LEACH, CLERK/A. GILBERT, ADMIN**

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16-1-00207-1

STATE OF WASHINGTON

SPECIAL DEPUTY PROSECUTOR  
PAUL MASIELLO

VS

O'HAGAN, JAMES JOHN

KARLSVIK, HAROLD

ARRAIGNMENT

Mr. O'Hagan present in court, represented by Counsel Mr. Karlsvik. Mr. Masiello, Special Deputy Prosecutor appearing on behalf of the State of Washington. Mr. Karlsvik addressed the court, cited defendant did not agree with Court Commissioner hearing the case, not being recognized as authoritative orders signed, defendant has a desire to represent himself. Court addressed statements. Mr. Karlsvik with argument. Mr. O'Hagan addressed the court, all rulings made by Court Commissioner need to be reviewed by Superior Court Judge. Court advises will be proceeding today. Mr. O'Hagan addressed the court. Court reviewed case file. Mr. O'Hagan argued needs to grant permission for Court Commissioner to hear this case. Court states permission is not required. Mr. O'Hagan addressed the court appearing. Court argued, not properly before the court. Mr. O'Hagan argued to the Court, challenging jurisdiction. Court addressed. Mr. O'Hagan again argued regarding Lewis County Prosecutor appearing, requesting ability to read law into the record. Court advises will proceed. Mr. O'Hagan objects. Court reads information to defendant. Court reads rights to defendant. Mr. O'Hagan cites documents filed, argument. Court advises will not be addressing issues, proceeding with arraignment. Mr. Masiello requests pretrial release conditions remain in effect. Mr. O'Hagan advises is here present in court. Court leaves conditions as set. Court inquires of defendant how pleading. Mr. O'Hagan states is innocent. Court enters plea of not guilty. Four days trial. Mr. O'Hagan states four weeks. **Trial Dates 2-15/16 and 3-1/2 2017 9:00am Pretrial 1-13-2017 1:30pm.** Mr. Karlsvik addressed the court, if on the case, states, has not been consulted, Court has been proceeding as if Mr. O'Hagan

SUPERIOR COURT PACIFIC CO. WA  
16-1-00207-1  
**DEFENSE**  
# 252 Off#      Admit#       
STATE OF WA VS. JAMES O'HAGAN  
Date:     

*33*

is proceeding pro-se. Court responded. Mr. Karlsvik advises is extraordinary case, was not consulted prior to appointment. Court states does not fall within that designation. Mr. Karlsvik advises will be seeking external advice regarding public defender contract. Court signed "Order Setting Date"