

Notice: "Special Appearance," not a "General Appearance,"

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON,  
DIVISION ONE

REC'D

APR 11 2014

King County Prosecutor  
Appellate Unit

**Name:** MAHAMUD MOHAMMED HARO, AKA, N/A: C/O.  
**Title:** Mahamud Mohammed Haro.  
*As Authorized Representative, (Private,) (First-Class.)*  
**Mail:** 2721 SW Trenton St., P.O. Box 46542,  
Seattle, King county, Washington, [98146-0542].

**IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON**  
**DIVISION ONE**

BANK OF AMERICA, A WASHINGTON CORPORATION (N. A); TIMOTHY WHITESITT, IN HIS CAPACITY AS INDIVIDUAL, AGENT, OR EMPLOYEE OF BANK OF AMERICA AND HIS MARITAL COMMUNITY; THUY THI NGUYEN, AN INDIVIDUAL AND HER MARITAL COMMUNITY; COUNTY OF KING, A WASHINGTON MUNICIPAL CORPORATION; LAURA ALSACH, IN HER CAPACITY AS DETECTIVE FOR KING COUNTY SHERIFF'S OFFICE, AND THE MARITAL COMMUNITY COMPRISED THEREOF; DANIEL T. SATTERBERG, IN HIS CAPACITY AS KING COUNTY PROSECUTING ATTORNEY, AND HIS MARITAL COMMUNITY; CHRISTINE W. KEATING, IN HER CAPACITY AS DEPUTY PROSECUTING ATTORNEY, AND HER MARITAL COMMUNITY; PETER DAVID LEWICKI, IN HIS CAPACITY AS DEPUTY PROSECUTING ATTORNEY, AND THE MARITAL COMMUNITY COMPRISED THEREOF, & THE STATE OF WASHINGTON,

Plaintiff,

vs. or against.

MAHAMUD MOHAMMED HARO, AKA "N/A",  
AND DOES DEFENDANTS 1 - 100,  
Defendant(-in-error), Appellant, Respondent, Petitioner, Accused

Case No.: **70812-1-1**; K.C.S.C. No.: **12-1-04660-0 SEA**;  
K.C.D.C. No.: **512EX0207**; K.C. SHERIFF'S No.: **11-211427**; BANK  
OF AMERICA Case No.: **CSM-120582715**; BANK OF AMERICA  
Account No.: **XXXX8168**. AUG 29, 2011, Canceled, Rescinded, check  
number 2146. Deposited in Error - at WESTWOOD, BRANCH, SEA.

**STATEMENT OF ADDITIONAL GROUNDS FOR  
REVIEW** ("Not-General Appearance," "Under Protest," "Special  
Appearance,; under Duress, Threat, or Coercion," "In Good Faith,"  
"Without Recourse," "in Propria Persona," "with Clean Hands," "at  
Arm's Length," "Cancellation or Rescission; Grounds: Fraud, Mistake,  
Undue Influence, or Unconscionability.")

(CLERK'S ACTION REQUIRED)

**To: CLERK OF THE COURT; & PROSECUTING ATTORNEY; & COURT; & ALL  
ACCUSERS; & ALL COMPETENT OR INCOMPETENT WITNESSES, ACCUSERS;  
& ALL THIRD PARTIES; & ALL OTHER PARTIES OF INTEREST.**

I, (TITLE) Mahamud (SON OF,) Mohammed (SON OF,) Haro, a Man, acting *As Authorized Representative, & Only Authorized Signatory* for this Account Number XXXX8168 or this Controversy; **declare (certify, verify, or state) under penalty of perjury under the laws of the United States of America that the following STATEMENT OF FACTS, STATEMENT OF ADDITIONAL GROUNDS FOR REVIEW, Summarized below are true and correct to the best of My Ability, Knowledge, Information, and Belief, IN GOOD FAITH, UNDER PROTEST, IN PROPRIA PERSONA, IN FULL LIFE, WITH CLEAN HANDS, (SPECIAL APPEARANCE,). Additional Ground:**

1. In order rightly to comprehend a thing, enquire first into the names, for a right knowledge of things depends upon their names.
2. Equity remedies errors.
3. Equity is as it were equality.
4. Fraud is odious and not to be presumed.
5. In criminal cases, the proofs ought to be clearer than the light.
6. In doubt, the gentler course is to be followed.
7. In doubt, the safer course is to be adopted.
8. In law none is credited unless he is sworn. All the facts must when established, by witnesses, be under oath or affirmation.
9. In law the proximate, and not the remote cause, is to be looked to.
10. A wrong is not presumed.
11. It is a slander of him who a reproachful thing is said, or concerning whom an infamous song is made.
12. It is punishment enough for a judge that he is responsible to God.

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13. Justice is not to be denied nor delayed.
14. I Am: (Title,) Mahamud. I am not Mohammed, but I am his son. I am not Haro, for Haro is my Grand-Father. I am not "Artificial Person" or "Corporation", but a "Man". I was not born January 1, 1982 (AD-HOC). I am not "Black". I am "Private Person", not Public.
15. I am not "Civilliter Mortuus," but am "in Full Life," and am not making a "General Appearance,".
16. The **identity of names** may be some evidence of the identity of persons; but, standing alone, it is not enough. Every fact essential to the infliction of legal punishment upon a human being must be proven beyond a reasonable doubt.
17. **Corpus delicti** usually consists of **two elements**: (1) an **injury or loss** (e.g., death or missing property) and (2) someone's criminal act as the cause thereof. To sustain a conviction, there also must be proof that the defendant was the actor. Proof of the identity of the person who committed the crime is not part of the corpus delicti, which only requires proof that a crime was committed by someone.
18. It is axiomatic in criminal trials that the prosecution bears the burden of establishing beyond a reasonable doubt the identity of the accused as the person who committed the offense. Identity involves a question of fact for the jury and any relevant fact, either direct or circumstantial, which would convince or tend to convince a person of ordinary judgment, in carrying on his everyday affairs, of the identity of a person should be received and evaluated.
19. The State has the burden of proving identity through relevant evidence. To sustain this burden when criminal liability depends on the accused's being the person to whom a document pertains, being a felon in possession of an item that a felon may not lawfully have, lying under oath on a written application, and being an habitual criminal; the State must do more than authenticate and admit the document, it also must show beyond a reasonable doubt that the person named therein is the same person on trial. Because in many instances men bear identical names, the State cannot do this by showing identity of names alone. Rather, it must show, by evidence independent of the record, that the person named therein is the defendant in the present action.
20. The State can meet the burden of proving identity in a variety of specific ways. Depending on the circumstances, these may include otherwise-admissible booking photographs, booking fingerprints, eyewitness identification, or, arguably, distinctive personal information. But the State does not meet its burden merely because the defense opts not to present evidence; if the State presents insufficient evidence, the defendant's election not to rebut it does not suddenly cause it to become sufficient.
21. The confession of a person charged with the commission of a crime is not sufficient to establish the corpus delicti, but if there is independent proof thereof, such confession may then be considered in connection therewith and the corpus delicti established by a combination of the independent proof and the confession. The independent evidence need not be of such a character as would establish the corpus delicti beyond a reasonable doubt, or even by a preponderance of the proof. It is sufficient if it prima facie establishes the corpus delicti. This requirement of independent proof of the corpus delicti is equally applicable to a defendant's extrajudicial confessions and admissions.
22. The record of a former conviction is not sufficient alone to show that defendant in the present prosecution was formerly convicted. It must be shown by evidence independent of the record of the former conviction that the person whose former conviction is proved is the defendant in the present prosecution. The State has the burden of producing evidence to prove such identity.
23. If the parties do not raise the **question of lack of jurisdiction**, it is the duty of the court to determine the matter sua sponte. Therefore, lack of jurisdiction cannot be waived and jurisdiction cannot be conferred upon a court by consent, inaction or stipulation.
24. A court may dismiss a case for lack of jurisdiction at any stage of the proceeding.
25. Whenever it appears by suggestion of the parties or otherwise that the court lacks jurisdiction of the subject matter, the court shall dismiss the action. A court lacking jurisdiction cannot render judgment but must dismiss the cause at any stage of the proceedings in which it becomes apparent that jurisdiction is lacking. The party invoking the jurisdiction of the court has the duty to establish that jurisdiction does exist, but, since the courts of the United States are courts of limited jurisdiction, there

is a presumption against its existence. Thus, the party invoking the court's jurisdiction bears the burden of proof.

26. Where there is no factual dispute as to the location of the alleged crime, the question of the State's **jurisdiction** is a question of law. The appellate court reviews questions of law de novo.
27. While location determines venue, the location of a transaction or a controversy usually does not determine subject matter **jurisdiction**. Statutes which require actions to be brought in certain counties are generally regarded as specifying the proper venue and are ordinarily construed not to limit **jurisdiction** of the state courts to the courts of the counties thus designated.
28. Rules and regulations adopted by a department of government, unless expressly or impliedly authorized by statute, are without force or effect if they add to, change or modify existing statutes.
29. The mailbox rule provides that the proper and timely mailing of a document raises a rebuttable presumption that the document has been received by the addressee in the usual time. The presumption of receipt permitted under the common law mailbox rule is not invoked lightly. It requires proof of mailing, such as an independent proof of a postmark, a dated receipt, or evidence of mailing apart from a party's own self-serving testimony. The independent proof may also be in the form of business records establishing the mailing, evidence of a course of business regarding mailing, or third party testimony witnessing the mailing.
30. When an office handles such a large volume of business that no one could be expected to remember any particular notice or letter, proof of mailing may be made by showing (a) an office custom with respect to mailing and (b) compliance with the custom in the specific instance.
31. The existence of an unconscionable bargain is a question of law for the courts. To determine whether an arbitration agreement is substantively unconscionable, the court looks to see if the agreement is one-sided, overly harsh, shocking to the conscience, or exceedingly calloused.
32. I did *not* receive check(s) in the Mail. There is no Proof of Mailing or Proof of Receipt. See **Rule 406 (ER) Habit; routine practice**; *Scheeler v. Department of Employment Sec.*, 122 Wash. App. 484, 93 P.3d 965 (Div. 1 2004); *Matsko v. Dally*, 49 Wash. 2D 370, 301 P.2d 1074 (1956); **Illustrative Cases**: *Tassoni v. Department of Retirement Systems*, 108 Wash. App. 77, 29 P.3d 63 (Div. 2 2001); *Olson v. The Bon, Inc.*, 144 Wash. App. 627, 183 P.3d 359 (Div. 3 2008). **CORPUS DELICTI**. Evidence of the victim's habits is clearly relevant and admissible to show that the victim is deceased. *State v. Thompson*, 73 Wn. App. 654, 870 P.2d 1022, review denied, 125 Wn.2d. 1014, 889 P.2d 499 (1994).

**HABIT**. Evidence in vehicular homicide prosecution that defendant's passenger had on prior occasions interfered with other drivers' ability to control their vehicles by grabbing the steering wheel was not admissible as evidence of a pertinent trait of character or evidence of habit, but should have been admitted as relevant to the issue of the identity of the person responsible for the accident. *State v. Young*, 48 Wn. App. 406, 739 P.2d 1170 (1987).

**Caution** is essential in dealing with habit evidence because it verges on inadmissible evidence of character. *Norris v. State*, 46 Wn. App. 822, 733 P.2d 231 (1987).

**In negligence action** against the state arising from a motorcycle accident which occurred on a Saturday night, plaintiff's admission that he regularly visited and imbibed at certain taverns on Saturday nights was properly excluded at trial court's discretion as not evidence of habit under this rule. *Norris v. State*, 46 Wn. App. 822, 733 P.2d 231 (1987).

**Testimony** that murder defendant usually carried a knife and never left the house without it was admissible as evidence of habit and as probative on the issue of whether defendant could have inflicted the victim's stab wounds. *State v. Platz*, 33 Wn. App. 345, 655 P.2d 710 (1982), review denied, 99 Wn.2d. 1012 (1983).

**ROUTINE PRACTICE.** Trial court erred in not allowing defendant to rebut the State's evidence of the routine practices of the sheriff's department in registering sex offenders; since defendant's defense was that the sheriff's office lost his registration, the error was not harmless. *State v. Prestegard*, 2001 Wash. App. LEXIS 1874, 108 Wn. App. 14, 28 P.3d 817 (2001).

While a **routine business practice** may constitute a habit for the purposes of this rule, an insurance company was not permitted to offer evidence that it was their general practice to have insureds sign a certain document where there was no independent evidence that such an instrument ever existed. *Torgerson v. State Farm Mut. Auto. Ins. Co.*, 91 Wn. App. 952, 957 P.2d 1283 (1998).

Testimony about routine practice in double claim situations qualified as evidence of habit where, as an adjuster, she dealt with double claims on a repeated basis, she testified she "always" advised such claimants that she represents the policy of the at-fault party and that they can file for their medical expenses under their own policy. *Heigis v. Cepeda*, 71 Wn. App. 626, 862 P.2d 129 (1993).

33. I (do-not,) did *not* or have *not* (AB-INITIO,) "Voluntarily, Intelligently, or Knowingly," Waive(d) any of the following **Right/Rights: Perfect or Imperfect; In Personam or In Rem; Primary or Secondary; Preventative or Remedial; Judicial or Extrajudicial; Absolute or Qualified; Legal or Equitable; Constitutional, Statutory, Divine, Natural, Human, Civil, & or Political, "Personal Rights"; Life, Limb, Body, Health, Liberty, Privacy, and Good Reputation;**
34. I deny that the person who purported to be Thuy Thi Thu Nguyen when authorizing the check and the person who appeared as a witness are the same persons. They are not the same person.
35. I deny that the actual Thuy Thi Thu Nguyen is competent witness, for she is not the actual individual, person, who authorized this check and does not possess first hand knowledge.
36. I deny that Bank of America and or Thuy Thi Thu Nguyen's were not non-Negligent; their Negligence in Fact Contributed to this alleged Crime on the following grounds (Rev. Code Wash. (ARCW) § **62A.3-406** (2013)): (1) Not taking Notice of Change of Address by Nguyen in 2010; (2) Not Honoring Customer Nguyen's alleged order in July, 2011 to Mail checks to 12039 Roseburg Ave S. #126 Burien, WA; (3) Det. Laura Alspach, did not do thorough investigation, and is not a competent witness hence the reason the Officer of the Court (Prosecuting Attorney, Bar Members, Public Defender(s) effectively denied me questioning (cross-examination, confrontation) these accusers or witnesses.
37. NGUYEN, did not (therefore, Contributory Negligence) :
  1. Guard your checks as carefully as you guard your cash. Use only the checks that the bank has approved and issued to you.
  2. Notify the bank immediately if a check--or your entire checkbook--is lost or stolen.
  3. Use your checks in numerical order. Verify your bank statement promptly each month. Notify the bank immediately if there is any discrepancy or irregularity.
  4. Write your checks carefully, leaving no spaces where figures or words can be added.
  5. Whenever a change in your name, address, or account number occurs, destroy all old checks that contain obsolete information.
  6. Since forgers watch mail deliveries and often rob mail boxes to obtain specimens of signatures, promptly let the bank know if you do not receive your statement at the usual time.

7. Notify the bank immediately of any change of name or address.
8. Do not allow anyone else to use your checks. Even though they may scratch out your name and address and change the name of the bank, the magnetic ink imprinting on the bottom line will cause the check to be routed to your bank and your account. It will delay the check from being sorted properly and will require special handling in the banking system.
9. Examine each new order of printed checks, checking your name, account number and bank name carefully. If the order is not correctly printed, notify the bank immediately and the order will be promptly reprinted.
38. **Limitation on responsibility — Fault of shipper — Misdirection of shipment** The loss of the goods (or Negotiable Instrument,) arose entirely from the fault of the shipper in misdirecting the shipment to (allegedly) 11635 1<sup>st</sup> Ave. S.W. #D106 (I did not receive,) instead of to 12039 Roseburg Ave. S. #126, and that the carrier was without fault in the matter.
39. **Complaint, petition, or declaration — Allegation — Impostor induced issuance of instrument.** That the instrument held by plaintiff was made by defendant to \_\_\_\_\_ as payee; that, subsequent to plaintiff's receipt of the instrument by negotiation, he discovered that defendant had been induced to issue the instrument by an impostor, by \_\_\_\_\_ (*use of the mails or otherwise*) to \_\_\_\_\_ as payee; that, under such circumstances, defendant as maker is liable to plaintiff on the instrument; that plaintiff has demanded payment according to the tenor of the instrument, but that defendant has refused to make payment.
40. **Answer — Defense — Discharge by intentional destruction of instrument.** That on \_\_\_\_\_, 20\_\_ , plaintiff, on his own initiative and without any coercion or duress on the part of defendant, destroyed the original check number 2146(note), a copy of which is attached hereto, marked Exhibit " \_\_\_\_\_ ," and made a part hereof, which he now seeks to enforce; said destruction was done with the expressed intention on the part of plaintiff to discharge defendant from any liability whatever on the instrument.
41. I deny that the Accusers or Witnesses did not commit **Slander, Libel, and or Defamation** against me (See Court File, Record, Statements, Dated: Wednesday, June 19, 2013 (22200464 (P. 3 of 3))). Deny that they had me under TRUE LIGHT, but had me under FALSE LIGHT, they did not not commit **INTENTIONAL/NEGLIGENT INFLICTION OF EMOTINAL DISTRESS; ETC. SEE COURT FILE, RECORD, FILED BY ACCUSED.**
42. I deny that the Court has/had Personal Jurisdiction or Subject Matter Jurisdiction.
43. I deny that there was competent Plea Bargaining, and I did not Knowingly, Voluntarily, Intelligently, reject any offers for Plea Bargaining or any Compromise in District Court; nor did I ever make a "General Appearance".
44. I did not have assistance of counsel free from Conflict of Interest or Specific Conflict of Interest.
45. I deny that this case is free from: Mistakes, Unconscionably, Fraud, Frustration of Purpose; Malicious, Selective, or Vindictive prosecution, Contributory Negligence; Libel, Slander, Government Tort Liability; Human Rights Claim; Breach of Fiduciary Duties; Defective Service; & Unjust Enrichment.
46. I deny that this is not a Racket.
47. I deny that the Defendant is a Corporation for this purpose only, (Non-Existence of Defendant – Corporation).
48. I deny that the Accusers, Witnesses, have not Damaged me; deny that I did not, not make Rescission, Cancellation, of the check (\$198.39) in question.
49. The contract alleged in the complaint to have been made by defendant was made **without consideration.**

50. The contract on which plaintiff seeks recovery if it were established would be void because it is contrary to the established public policy of the State of Washington. For "**Fraud**," or "fraudulent," "**Mistake**," "**Undue Influence**," "**Rescission**," "**Cancellation**,"
51. The contract alleged in the complaint is **illegal** because it calls for the performance of an act, namely, **Fraud**, that is condemned statute of fraud, of the State of Washington.
52. I deny there was "**Informed consent**," "**Informed consent**" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably available alternatives to the proposed course of conduct. (**Wash. RPC 1.0(e)**).

Many of the Rules of Professional Conduct require the lawyer to obtain the informed consent of a client or other person (e.g., a former client or, under certain circumstances, a prospective client) before accepting or continuing representation or pursuing a course of conduct. See, e.g., **Rules 1.2(c)**, **1.6(a)** and **1.7(b)**. The communication necessary to obtain such consent will vary according to the Rule involved and the circumstances giving rise to the need to obtain informed consent. The lawyer must make reasonable efforts to ensure that the client or other person possesses information reasonably adequate to make an informed decision. Ordinarily, this will require communication that includes a disclosure of the facts and circumstances giving rise to the situation, any explanation reasonably necessary to inform the client or other person of the material advantages and disadvantages of the proposed course of conduct and a discussion of the client's or other person's options and alternatives. In some circumstances it may be appropriate for a lawyer to advise a client or other person to seek the advice of other counsel. A lawyer need not inform a client or other person of facts or implications already known to the client or other person; nevertheless, a lawyer who does not personally inform the client or other person assumes the risk that the client or other person is inadequately informed and the consent is invalid. In determining whether the information and explanation provided are reasonably adequate, relevant factors include whether the client or other person is experienced in legal matters generally and in making decisions of the type involved, and whether the client or other person is independently represented by other counsel in giving the consent. Normally, such persons need less information and explanation than others, and generally a client or other person who is independently represented by other counsel in giving the consent should be assumed to have given informed consent.

Obtaining informed consent will usually require an affirmative response by the client or other person. In general, a lawyer may not assume consent from a client's or other person's silence. Consent may be inferred, however, from the conduct of a client or other person who has reasonably adequate information about the matter. A number of Rules require that a person's consent be confirmed in writing. See **Rules 1.7(b)** and **1.9(a)**. For a definition of "writing" and "confirmed in writing," see paragraphs (n) and (b). Rule 1.8(a) requires that a client's consent be obtained in a writing signed by the client. See also Rule 1.5(c)(1) (requiring that a contingent fee agreement be "in a writing signed by the client"). For a definition of "signed," see paragraph (n).

53. I deny this "Case" or "Controversy is not free from "Fraud" or "fraudulent", see, **Wash. RPC 1.0(d)** "Fraud" or "fraudulent" denotes conduct that has a purpose to deceive and is fraudulent under the substantive or procedural law of the applicable jurisdiction, except that it is not necessary that anyone has suffered damages or relied on the misrepresentation or failure to inform.
54. Why now, why was this accused, charged at the time he did? The decision to charge is not free from Malicious, Vindictive, or Selective, Prosecution.
55. Under **42 U.S.C.S. § 1983**, state officers may be made to respond in damages not only for violations of rights conferred by federal equal civil rights laws, but for violations of other federal constitutional and statutory rights as well.

56. All individuals, whatever their position in government, are subject to state or federal law: no man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government are creatures of the law, and are bound to obey it. State or Federal officials who seek absolute exemption from personal liability for unconstitutional conduct must bear the burden of showing that public policy requires an exemption of that scope. This is not to say that considerations of public policy fail to support a limited immunity for executive officials. A court considers the need to protect officials who are required to exercise their discretion and the related public interest in encouraging the vigorous exercise of official authority. It is not unfair to hold liable the official who knows or should know he is acting outside the law, and that insisting on an awareness of clearly established constitutional limits will not unduly interfere with the exercise of official judgment.
57. Presuming waiver from a silent record is impermissible. The record must show, or there must be an allegation and evidence which show, that an accused was offered counsel but intelligently and understandingly rejected the offer. Anything less is not waiver.
58. Where the assistance of counsel is a constitutional requisite, the right to be furnished counsel does not depend on a request.
59. The imposition of the requirement for the request of counsel would discriminate against the defendant who does not know his rights. The defendant who does not ask for counsel is the very defendant who most needs counsel. A court cannot penalize a defendant who, not understanding his constitutional rights, does not make the formal request and by such failure demonstrates his helplessness. To require the request would be to favor the defendant whose sophistication or status had fortuitously prompted him to make it.
60. Without the protections flowing from adequate warnings and the rights of counsel, all the careful safeguards erected around the giving of testimony, whether by an accused or any other witness, would become empty formalities in a procedure where the most compelling possible evidence of guilt, a confession, would have already been obtained at the unsupervised pleasure of the police.
61. The defendant's constitutional rights have been violated if his conviction is based, in whole or in part, on an involuntary confession, regardless of its truth or falsity. This is so even if there is ample evidence aside from the confession to support the conviction. Both state and federal courts now adhere to trial procedures that seek to assure a reliable and clear-cut determination of the voluntariness of the confession offered at trial. Appellate review is exacting. Whether his conviction was in a federal or state court, the defendant may secure a post-conviction hearing based on the alleged involuntary character of his confession, provided he meets the procedural requirements.
62. The privilege against self-incrimination is applicable to the states, and the substantive standards underlying the privilege are applied with full force to state court proceedings. The voluntariness doctrine in the state cases encompasses all interrogation practices that are likely to exert such pressure upon an individual as to disable him from making a free and rational choice.
63. Much of the confusion which has resulted from the effort to deduce from the adjudged cases what would be a sufficient quantum of proof to show that a confession was or was not voluntary, has arisen from a misconception of the subject to which the proof must address itself. The rule is not that in order to render a statement admissible the proof must be adequate to establish that the particular communications contained in a statement were voluntarily made, but it must be sufficient to establish that the making of the statement was voluntary; that is to say, that from the causes, which the law treats as legally sufficient to engender in the mind of the accused hope or fear in respect to the crime charged, the accused was not involuntarily impelled to make a statement, when but for the improper influences he would have remained silent.
64. A constitution which guarantees a defendant the aid of counsel at trial could surely vouchsafe no less to an indicted defendant under interrogation by the police in a completely extrajudicial proceeding. Anything less might deny a defendant effective representation by counsel at the only stage when legal aid and advice would help him.

65. No meaningful distinction can be drawn between interrogation of an accused before and after formal indictment.
66. The fact that many confessions are obtained during the period between arrest and indictment points up its critical nature as a stage when legal aid and advice are surely needed. The right to counsel would indeed be hollow if it began at a period when few confessions were obtained. There is necessarily a direct relationship between the importance of a stage to the police in their quest for a confession and the criticalness of that stage to the accused in his need for legal advice. The United States Constitution, unlike some others, strikes the balance in favor of the right of the accused to be advised by his lawyer of his privilege against self-incrimination.
67. When the process shifts from investigatory to accusatory - when its focus is on the accused and its purpose is to elicit a confession - the adversary system begins to operate, and, under the circumstances, the accused must be permitted to consult with his lawyer.
68. The court concludes that certain fundamental rights, safeguarded by the first eight amendments against federal action, are also safeguarded against state action by the due process of law clause of the Fourteenth Amendment, and among them the fundamental right of the accused to the aid of counsel in a criminal prosecution. The assistance of counsel is one of the safeguards of the Sixth Amendment deemed necessary to insure fundamental human rights of life and liberty.
69. Any person haled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him.
70. The right to be heard would be, in many cases, of little avail if it did not comprehend the right to be heard by counsel. Even the intelligent and educated layman has small and sometimes no skill in the science of law. If charged with crime, he is incapable, generally, of determining for himself whether the indictment is good or bad. He is unfamiliar with the rules of evidence. Left without the aid of counsel he may be put on trial without a proper charge, and convicted upon incompetent evidence, or evidence irrelevant to the issue or otherwise inadmissible. He lacks both the skill and knowledge adequately to prepare his defense, even though he have a perfect one. He requires the guiding hand of counsel at every step in the proceedings against him. Without it, though he be not guilty, he faces the danger of conviction because he does not know how to establish his innocence.
71. Whenever a trial court improperly requires joint representation over timely objection reversal is automatic.
72. The assistance of counsel is among those constitutional rights so basic to a fair trial that their infraction can never be treated as harmless error. Accordingly, when a defendant is deprived of the presence and assistance of his attorney, either throughout the prosecution or during a critical stage in, at least, the prosecution of a capital offense, reversal is automatic.
73. The burden of proof is on the plaintiffs in an action on a judgment of a sister state, where the answer contains a general denial, which, under the local procedure, is sufficient to put plaintiffs upon proof of every fact essential in establishing the cause of action, to show by what authority the court of such other state could legally enter the judgment sued upon, which was one in personam against a corporation, which, according to the complaint itself, was a corporation of another state, and was not alleged to have appeared in person, or by an attorney of its own selection, or to have been personally served with process within the state.
74. The presumption that a court of superior authority whose judgment is attacked collaterally for the want of jurisdiction acted within its jurisdiction when proceeding within the general scope of its powers cannot be indulged when it affirmatively appears from the pleadings or evidence that jurisdiction was wanting.
75. The compulsory extortion of a man's own testimony, or of his private papers, to connect him with a crime or a forfeiture of his goods, is illegal, is compelling him to be a witness against himself, within the meaning of the Fifth Amendment, and is the equivalent of a search and seizure and an unreasonable search and seizure within the Fourth Amendment.
76. An officer of a corporation which is charged with a violation of a statute of the state of its creation, or of an act of Congress passed in the exercise of its constitutional powers, cannot refuse to produce the

books and papers of such corporation. The United States Supreme Court does not hold that a corporation is not entitled to immunity, under the Fourth Amendment, against unreasonable searches and seizures. A corporation is, after all, but an association of individuals under an assumed name and with a distinct legal entity. In organizing itself as a collective body it waives no constitutional immunities appropriate to such body. Its property cannot be taken without compensation. It can only be proceeded against by due process of law, and is protected, under the Fourteenth Amendment, against unlawful discrimination.

77. Forgery does not involve the making of false entries in an otherwise genuine document. It does involve the manufacture of a false or spurious document made to appear to be other than what it actually is. Though a forgery, like false pretenses, requires a lie, it must be a lie about the document itself: the lie must relate to the genuineness of the document.
78. Wash. Rev. Code § 19.86.090 provides that any person who is injured in his business or property by a violation of Wash. Rev. Code § 19.86.020 may bring a civil action in the superior court and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained: Provided, that such increased damage award for violation of Wash. Rev. Code § 19.86.020 may not exceed one thousand dollars.
79. In presenting a criminal case to the jury, it is incumbent upon a public prosecutor, as a quasi-judicial officer, to seek a verdict free of prejudice and based upon reason. The prosecutor, in the interest of justice, must act impartially, and his trial behavior must be worthy of the position he holds. Prosecutorial misconduct may deprive the defendant of a fair trial. And only a fair trial is a constitutional trial.
80. Prosecutorial misconduct will require reversal of a conviction even though no curative instruction was requested if the conduct is flagrant and ill intentioned and the error cannot be deemed to be harmless.
81. Error is not harmless if an appellate court cannot say from the record that it would not have affected the result of the trial.
82. The district attorney is a quasi judicial officer. He represents the commonwealth, and the commonwealth demands no victims. It seeks justice only, -- equal and impartial justice, -- and it is as much the duty of the district attorney to see that no innocent man suffers as it is to see that no guilty man escapes. Hence, he should act impartially. He should present the commonwealth's case fairly, and should not press upon the jury any deductions from the evidence that are not strictly legitimate.
83. The prosecuting officer represents the public interest, which can never be promoted by the conviction of the innocent. His object, like that of the court, should be simply justice; and he has no right to sacrifice this to any pride of professional success. And however strong may be his belief of the prisoner's guilt, he must remember that, though unfair means may happen to result in doing justice to the prisoner in the particular case, yet, justice so attained, is unjust and dangerous to the whole community.
84. The prosecuting attorney is an officer of the state, provided at the expense of the state, for the purpose of seeing that the criminal laws of the state are honestly and impartially administered, unprejudiced by any motives of private gain, and holding a position analogous to that of the judge who presides at the trial. Such is the view taken of the office of prosecuting attorney by the courts of the United States as well as England, and it is the true view of his position.
85. It is the duty of the prosecuting attorney to treat the accused with judicial fairness; to inflict injury at the expense of justice is no part of the purpose for which he is chosen. Unfortunately, however, cases are sometimes met with in which these officers appear to regard themselves as the counsel for the complaining party rather than the impartial representatives of public justice.
86. Prosecuting attorneys meet with many surprises and disappointments in the discharge of their official duties. They have to deal with all that is selfish and malicious, knavish and criminal, coarse and brutal in human life. But the safeguards which the wisdom of ages has thrown around persons accused of crime cannot be disregarded, and such officers are reminded that a fearless, impartial discharge of public duty, accompanied by a spirit of fairness toward the accused, is the highest commendation they

- can hope for. Their devotion to duty is not measured, like the prowess of the savage, by the number of their victims.
87. A law repugnant to the Constitution is void; the courts, as well as other departments, are bound by that instrument.
  88. The judicial power of the United States is extended to all cases arising under the Constitution.
  89. It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule. If two laws conflict with each other, the courts must decide on the operation of each. So if a law be in opposition to the Constitution; if both the law and the Constitution apply to a particular case, so that the court must either decide that case conformably to the law, disregarding the Constitution; or conformably to the Constitution, disregarding the law; the court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.
  90. Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be, that an act of the legislature, repugnant to the Constitution, is void.
  91. The Constitution of the United States establishes certain limits not to be transcended by the different departments of the government. The powers of the legislature are defined, and limited; and that those limits may not be mistaken, or forgotten, the Constitution is written. To what purpose are powers limited, and to what purpose is that limitation committed to writing, if these limits may, at any time, be passed by those intended to be restrained? The distinction, between a government with limited and unlimited powers, is abolished, if those limits do not confine the persons on whom they are imposed, and if acts prohibited and acts allowed, are of equal obligation. It is a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it; or, that the legislature may alter the Constitution by an ordinary act.
  92. When an instrument organizing fundamentally a judicial system, divides it into one supreme, and so many inferior courts as the legislature may ordain and establish; then enumerates its powers, and proceeds so far to distribute them, as to define the jurisdiction of the supreme court by declaring the cases in which it shall take original jurisdiction, and that in others it shall take appellate jurisdiction; the plain import of the words seems to be, that in one class of cases its jurisdiction is original, and not appellate; in the other it is appellate, and not original. If any other construction would render the clause inoperative, that is an additional reason for rejecting such other construction, and for adhering to their obvious meaning.
  93. If Congress remains at liberty to give the Supreme Court appellate jurisdiction, where the Constitution has declared their jurisdiction shall be original; and original jurisdiction where the Constitution has declared it shall be appellate; the distribution of jurisdiction, made in the Constitution, is form without substance.
  94. The Constitution vests the whole judicial power of the United States in one supreme court, and such inferior courts as Congress shall, from time to time, ordain and establish. This power is expressly extended to all cases arising under the laws of the United States; and consequently, in some form, may be exercised over the present case; because the right claimed is given by a law of the United States. In the distribution of this power it is declared that the supreme court shall have original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party. In all other cases, the supreme court shall have appellate jurisdiction.
  95. The province of the court is, solely, to decide on the rights of individuals, not to inquire how the executive, or executive officers, perform duties in which they have a discretion. Questions, in their nature political, or which are, by the Constitution and laws, submitted to the executive, can never be made in this court.
  96. The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it; The privilege of the writ of habeas corpus shall not be suspended, unless in case of rebellion or invasion the public safety requires it;

97. No Bill of Attainder or ex post facto Law shall be passed; No bill of attainder, ex post facto law, or law impairing the obligations of contracts shall ever be passed;
98. All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights;
99. The Constitution of the United States is the supreme law of the land;
100. No person shall be deprived of life, liberty, or property, without due process of law;
101. No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State;
102. No person shall be disturbed in his private affairs, or his home invaded, without authority of law;
103. No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attainder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility;
104. No law shall be passed granting to any citizen, class of citizens, or corporation other than municipal, privileges or immunities which upon the same terms shall not equally belong to all citizens, or corporations;
105. The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State;—between Citizens of different States;—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects;
106. In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make;
107. The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed;
108. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances;
109. A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed;
110. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized;
111. No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation;
112. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, 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 defence;
113. In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law;
114. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted;
115. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people;
116. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws;
117. No law granting irrevocably any privilege, franchise or immunity, shall be passed by the legislature;
118. No person shall be compelled in any criminal case to give evidence against himself, or be twice put in jeopardy for the same offense;
119. Justice in all cases shall be administered openly, and without unnecessary delay;
120. There shall be no imprisonment for debt, except in cases of absconding debtors;
121. The provisions of this Constitution are mandatory, unless by express words they are declared to be otherwise;
122. A frequent recurrence to fundamental principles is essential to the security of individual right and the perpetuity of free government;
123. The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.
124. A defendant who alleges improper conduct on the part of a prosecutor must first establish the prosecutor's improper conduct and, second, its prejudicial effect. Any allegedly improper statements should be viewed within the context of the prosecutor's entire argument, the issues in the case, the evidence discussed in the argument, and the jury instructions. Prejudice on the part of the prosecutor is established only where there is a substantial likelihood the instances of misconduct affected the jury's verdict. Where there is a failure to object to improper statements, it constitutes a waiver unless the statement is so flagrant and ill-intentioned that it causes an enduring and resulting prejudice that could not have been neutralized by a curative instruction to the jury. If the prejudice could have been cured by a jury instruction, but the defense did not request one, reversal is not required.
125. At trial, counsel are permitted latitude to argue the facts in evidence and reasonable inferences in their closing arguments. They may not, however, make prejudicial statements that are not sustained by the record. Nor are prosecutors permitted to state their personal beliefs about the defendant's guilt or innocence or the credibility of the witnesses.
126. At trial, counsel are permitted latitude to argue the facts in evidence and reasonable inferences in their closing arguments. They may not, however, make prejudicial statements that are not sustained by the record. Nor are prosecutors permitted to state their personal beliefs about the defendant's guilt or innocence or the credibility of the witnesses.
127. Common observance is not to be departed from.
128. A fact does not necessarily constitute a right.
129. No one is bound to do what is impossible.
130. From the words of the law there is no receding.
131. No injury is done by things long acquiesced in.
132. To accept anything as reward for doing justice, is not accepting but extorting.
133. No one is bound to accuse himself, except before God.

134. An accuser should not be heard after a reasonable time has expired, unless he can account satisfactorily for the delay.
135. The defendant is absolved if the plaintiff does not prove his case.
136. The burden of proof lies with the plaintiff.
137. An act done without my consent is not my act.
138. An act itself does not make one guilty, unless done with guilty intent.
139. A repugnant act cannot be brought into being.
140. The act of a servant in which he is usually employed, is considered the act of his master.
141. It is the duty of justices to administer justice to everyone seeking it from him.
142. Equity assists ignorance, but not carelessness.
143. Equity will not allow a double satisfaction to be given.
144. Equity assists when there is room for a compensation of a loss.
145. Equity does not regard the form and circumstance, but rather the substance of the act.
146. Equity desires the spoiled, the deceived, and the ruined, above all things, to have restitution.
147. What is just and right is the law of all laws.
148. A deception practiced upon one person does not give a cause of action to another.
149. He is guilty of barratry who for money barter justice.
150. Liberal construction is to be made of written instruments, on account of the simplicity of the laity, and with a view to carry out the intention of the parties; and the words should be made subject, not contrary, to the intention.
151. A possessor in good faith is only bound for that which he himself has obtained.
152. It is the duty of a good judge to prevent litigation; **vacate, set-aside**, judgment.
153. A good judge decides according to justice and right, and prefers equity to strict law.
154. The cause of a cause is the cause of the effect.
155. Commerce, by the law of nations, out to be common, and converted to monopoly and the private gain of a few.
156. No **A PRIORI**.
157. No **A POSTERIORI**.
158. This case or controversy is not free from "error," or "mistake,".
159. **Proximate cause** of this alleged case, or controversy is the **Contributory Negligence** of Nguyen and Bank of America and immediate cause is by the Imposter who purported to be the real Nguyen and I the guilt-free (innocent) party who did not act in bad faith but did act in good faith.
160. From the words of the law there must be no departure.
161. It is to the intention that all law applies.
162. No conclusive presumption in opposition to truth.
163. A contract founded on a base and unlawful consideration, or against good morals, is null.
164. A contract cannot arise out of an act radically wrong and illegal.
165. Out of fraud no action arises.
166. The fraud of a possessor does not prejudice the successor.
167. Every man's house is his castle.
168. The habitation of each one is an inviolable asylum for him.
169. No actions arises on a naked contract without a consideration.
170. It is for the public good that there be an end of litigation.
171. Let justice be done, though the heavens should fall
172. The law always gives a remedy.
173. That justice which justly prevents a crime, is better than that which severely punishes it.
174. A multitude of ignorant practitioners destroys a court.
175. No Social Security Number (\*\*-\*-\*\*269) was given to open this Account with Bank of America, but a T.I.N. Or Tax Identification Number (\*\*-\*-\*\*269) was used by this Authorized Representative. No Consent was given to use Mr. Haro's Social Security Number to open this checking Account.

Notice: "Special Appearance," not a "General Appearance."

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON,  
DIVISION ONE

Dated this 31<sup>st</sup> day of March, 2014.

MAHAMUD MOHAMMED HARO

Accused, Appellant, Respondent, Petitioner, Witness, Authorized R.

By: (Title)

© TM

Title: Mahamud Mohammed Haro, As Authorized Representative, (Private,) (First-Class),  
In Propria Persona, In Good Faith, In Full Life, With Clean Hands, Without Recourse,  
Under Protest, Without Assistance of Counsel, Without Effective Assistance of Counsel,  
Without Counsel Free of Conflict of Interest or Specific Conflict of Interest, Without  
Informed Consent, At Arm's Length, Special Appearance: (under Duress, Threat, or  
Coercion, (jailed or imprisonment)).