

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

STATE OF WASHINGTON )

Respondent, )

v. )

FRANK A. WAIMULLER )

(your name) )

Appellant. )

No. 40186-0-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

FILED  
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SUPERIOR COURT  
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I, FRANK WAIMULLER, 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

APPELLANT DENIES AND CHALLENGES THE JURISDICTION OF THE TRIAL COURT OVER THE SUBJECT MATTER IN CASE NO. 08-f-00305-1, MASON COUNTY SUPERIOR COURT JUDGE AMBER L FINLAY PRESIDING. SEE: ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE: NOTICE TO DISMISS FOR LACK OF SUBJECT-MATTER JURISDICTION AND MEMORANDUM IN SUPPORT, filed August 9, 2010.

Additional Ground 2

\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date: August 27, 2010

Signature: Frank A. Waimuller

1 Frank A. Wallmuller  
2 #321793, B/B-30L  
3 Coyote Ridge Corrections Center  
4 Post Office Box # 769  
5 Connell, WA 99326

6 Appellant, In Pro-se.

7 IN THE STATE OF WASHINGTON

8 COURT OF APPEALS, DIVISION II

9 STATE OF WASHINGTON, )  
10 Respondent, ) No. 40186-0-II  
11 Vs. ) Sup. Ct. No. 08-1-00305-1  
12 FRANK A. WALLMULLER, ) NOTICE TO DISMISS FOR LACK  
13 Appellant ) OF SUBJECT-MATTER JURISDICTION  
14 ) AND MEMORANDUM OF LAW IN  
15 ) SUPPORT THEREOF  
16 )  
17 )

18 COMES NOW, Frank A. Wallmuller, Appellant, and the Accused  
19 denying and challenging the jurisdiction of the Mason County  
20 Superior Court over the subject-matter in the above-entitled  
21 cause, for the reasons explained in the following memorandum.

22 MEMORANDUM OF LAW

23 1. The Nature of Subject-Matter Jurisdiction.

24 The jurisdiction of a court over the subject matter has  
25 been said to be essential, necessary, indispensable and an  
26 elementary prerequisite to the exercise of judicial power.

27 21 C.J.S., "Courts", § 18, p. 25. A court cannot proceed with  
a trial or make a judgment without jurisdiction existing.

It is elementary that the jurisdiction of the court over  
subject matter of the action is the most critical aspect of  
the court's authority to act. Without it the court lacks any  
power to proceed; therefore, a defense based upon this lack

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STATE OF WASHINGTON

1 cannot be waived and may be asserted at any time. **Matter of**  
2 **Green**, 313 S.E. 2d 193 (N.C. App. 1984).

3 Subject-matter jurisdiction cannot be conferred by waiver  
4 or consent, and may be raised at any time. **Rodrigues v. State**,  
5 **441 So. 2d 1129** (Fla. App. 1983). The subject-matter jurisdiction  
6 of a criminal case is related to, the cause of action in general,  
7 and more specifically to the alleged crime or offense which  
8 creates the action.

9 The subject-matter of a criminal offense is the crime itself.  
10 Subject-matter in it's broadest sense means the cause; the  
11 object; the thing in dispute. **Stillwell v. Markham**, 10 P 2d 15,  
12 **16 135 Kan. 206** (1932).

13 An indictment or complaint in a criminal case is the main  
14 means by which a court obtains subject-matter jurisdiction, and  
15 is "the jurisdictional instrument upon which the accused stands  
16 trial." **State v. Chatmon**, 671 P. 2d. 531, 538 (Kan. 1983). The  
17 complaint is the foundation of the jurisdiction of the magistrate  
18 or court. Thus, if these charging instruments are invalid, there  
19 is a lack of subject-matter jurisdiction.

20 Without a formal and sufficient indictment or information,  
21 a court does not acquire subject matter jurisdiction and thus  
22 the accused may not be punished for a crime. **Honomichl v. State**,  
23 **333 N.W. 2d 797, 798** (S.D. 1983).

24 A formal accusation is essential for every trial of a crime.  
25 Without it the court acquires no jurisdiction to proceed, even  
26 with the consent of the parties, and where the indictment or  
27 information is invalid the court is without jurisdiction. **Ex Parte**  
**Carlson**, 186 N.W. 722, 725 Wis. 538 (1922).

1 Without a valid complaint any judgment or sentence rendered  
2 is "void ab initio" *Ralph v. Police Court of El Cerrito*, 190  
3 P. 2d 632, 634, 84 Cal. App. 2d 257 (1948).

4 Jurisdiction to try and punish for a crime cannot be  
5 acquired by the mere assertion of it, or invoked otherwise than  
6 in the mode prescribed by law, and if it is not so invoked any  
7 judgment is a nullity. 22 C.J.S., "Criminal Law," § 167, p. 202.

8 The charging instrument must not only be in the particular  
9 mode or form prescribed by the constitution and statute to be  
10 valid, but it also must contain reference to valid laws. Without  
11 a valid law, the charging instrument is insufficient and no subject  
12 matter jurisdiction exists for the matter to be tried.

13 Where an information charges no crime, the court lacks  
14 jurisdiction to try the accused. *People v. Hardiman*, 347 N.W. 2d  
15 460, 462, 132 Mich. App. 382 (1984).

16 Whether or not a complaint charges an offense is a  
17 jurisdictional matter. *Ex parte Carlson*, 186 N.W. 722, 725, 176  
18 Wis. 538 (1922).

19 An invalid law charged against one in a criminal matter also  
20 negates subject matter jurisdiction by the sheer fact that it  
21 fails to create a cause of action. "Subject matter is the thing  
22 in controversy." *Holmes v. Mason*, 115 N.W. 770, 80 Neb. 454,  
23 citing Black's Law Dictionary. Without a valid law, there is no  
24 issue or controversy for a court to decide upon. Thus, where a  
25 law does not exist or does not constitutionally exist, or where  
26 the law is invalid, void or unconstitutional, there is no subject  
27 matter jurisdiction to try one for an offense alleged under such

1. law.

2. If a criminal statute is unconstitutional, the court lacks  
3. subject matter jurisdiction and cannot proceed to try the  
4. case. 22 C.J.S. "Criminal Law," § 157, p. 189; citing *People v.*  
5. *Katrinak*, 185 Cal. Rptr. 869, 136 Cal. App. 3d. 145 (1982).

6. Where the offense charged does not exist, the trial court  
7. lacks jurisdiction. *State v. Christensen*, 329 N.W. 2d 382, 383,  
8. 110 Wis. 2d 538 (1983).

9. By Article 2 of the Constitution of Washington, all  
10. lawmaking authority for the State is vested in the Legislature  
11. of Washington. This Article also prescribes certain forms, modes  
12. and procedures that must be followed in order for a valid law  
13. to exist under the Constitution. It is fundamental that nothing  
14. can be a law that is not enacted by the Legislature prescribed  
15. in the Constitution, and which fails to conform to constitutional  
16. forms, prerequisites or prohibitions. These are the grounds for  
17. challenging the subject-matter jurisdiction of this court, since  
18. the validity of a law on a complaint or indictment goes to the  
19. jurisdiction of a court. The following explains in authoritative  
20. detail why the laws cited in the complaints against the Accused  
21. are not constitutionally valid laws.

22. **II. By Constitutional Mandate, all Laws Must Have an  
23. Enacting Clause.**

24. One of the forms that all laws are required to follow by  
25. The Washington State Constitution, is that they contain an  
26. enacting style or clause. This provision is stated as follows:

27. **Article 2, Sec. 18. The style of the laws of the State  
shall be: "Be it enacted by the Legislature of the State of  
Washington." And no laws shall be enacted except by bill.**

1       None of the laws cited in the complaints against the  
2 Accused, as found in the "Revised Code of Washington",  
3 contain any enacting clauses.

4       The constitutional provision which prescribes an enacting  
5 clause for all laws is not directory, but is mandatory.

6       This provision is to be strictly adhered to as asserted  
7 by the Supreme Court of Minnesota:

8       Upon principle and authority, we hold that **Article 4, § 13,**  
9 of our constitution, which provides that "the style of all laws  
10 of this state shall be, "Be it enacted by the legislature of  
11 the State of Minnesota," is mandatory, and that a statute  
12 without any enacting clause is void. **Sjoberg v. Security Savings**  
13 **& Loan Assn, 73 Minn. 203, 212 (1898).**

14           **III. What is the purpose of the Constitutional Provision**  
15           **for an Enacting Clause?**

16       To determine the validity of using laws without an exacting  
17 clause against citizens, we need to determine the purpose and  
18 function of an enacting clause; and also to see what problems  
19 or evils were intended to be avoided by including such a  
20 provision in our State Constitution. One object of the  
21 constitutional mandate for an enacting clause is to show that  
22 the law is one enacted by the legislative body which has been  
23 given the lawmaking authority under the Constitution.

24       The purpose of thus prescribing an enacting clause "The  
25 style of the laws..." is to establish it; to give it permanence,  
26 uniformity, and certainty; to identify the act of legislation  
27 as of the general assembly; to afford evidence of it's legislative  
statutory nature; and to secure uniformity of identification, and

1 thus prevent inadvertence, possibly mistake and fraud. State v.  
2 Patterson, 4 S.E. 350, 352, 98 N.C. 660 (1887); C.J.S.  
3 "Statutes, § 65, p. 104; Joiner v. State, 155 S.E. 2d 8, 10,  
4 223 Ga. 367 (1967).

5 What is the object of the style of a bill or enacting clause  
6 anyway? To show the authority by which the bill is enacted into  
7 law; to show that the act comes from a place pointed out by the  
8 Constitution as the source of legislation. Ferrill v. Keel, 151  
9 S.W. 269, 272, 105 Ark. 380 (1912).

10 To fulfill the purpose of identifying the lawmaking authority  
11 of a law, it has been repeatedly declared by the courts of the  
12 land that an enacting clause is to appear **on the face of every**  
13 **law** which the people are expected to follow and obey.

14 The almost unbroken custom of centuries has been to preface  
15 laws with a statement in some form declaring the enacting  
16 authority. The purpose of an enacting clause of a statute is to  
17 identify it as an act of legislation by expressing on it's face  
18 the authority behind the act. 73 Am. Jur. 2d, "Statutes," § 93,  
19 p. 319, 320; Preckel v. Byrne, 243 N.W. 823, 826, 62 N.D. 356  
20 (1932).

21 For an enacting clause to appear on the face of a law, it  
22 must be recorded or published with the law so that the public  
23 can readily identify the authority for that particular law which  
24 they are expected to follow. The "statutes" used in the complaints  
25 against the Accused have no enacting clauses. They thus cannot  
26 be identified as acts of legislation of the State of Washington  
27 pursuant to it's lawmaking authority under **Artlcle 2** of The

1 Washington State Constitution, since a law is mainly identified  
2 as a true and Constitutional law by way of it's enacting  
3 clause. The Supreme Court of Georgia asserted that a statute  
4 must have an enacting clause, even though their State  
5 Constitution had no provision for the measure. **The Court stated**  
6 **that an enacting clause establishes a law or statute as being**  
7 **a true and authentic law of the State:**

8 The enacting clause is that portion of a statute which  
9 gives it jurisdictional identity and constitutional authenticity.  
10 **Joiner v. State, 155 S.E. 2d 8, 10 (Ga. 1967).**

11 The failure of a law to display on it's face an enacting  
12 clause deprives it of essential legality, and renders a statute  
13 which omits such clause as "a nullity and of no force of law."  
14 **Joiner v. State, supra.**

15 The statutes cited in the complaints have no jurisdictional  
16 identity and are not authentic laws under the Washington State  
17 Constitution.

18 The Court of Appeals of Kentucky held that the constitutional  
19 provision requiring an enacting clause is a basic concept which  
20 has a direct affect upon the validity of a law. The Court, in  
21 dealing with a law that had contained no enacting clause, stated:

22 The alleged act or law in question is unnamed; it shows no  
23 sign of authority; it carries with it no evidence that the  
24 General Assembly or any other lawmaking power is responsible or  
25 answerable for it.\*\*\*By an enacting clause, the makers of the  
26 Constitution intended that the General Assembly should make it's  
27 impress or seal, as it were upon each enactment for the sake of

1 Identity, and to assume and show responsibility.\*\*\*While the  
2 Constitution makes this a necessity, it did not originate it.  
3 The custom is in use practically everywhere, and is as old as  
4 parliamentary government, as old as king's decrees, and even  
5 they borrowed it. "My decrees of Cyrus, King of Persia, which  
6 Holy Writ records, were not the first to be prefaced with a  
7 statement of authority. The law to Moses in the name of the  
8 Great I Am, and the prologue to the Great Commandments is no  
9 less majestic and impelling. But, whether these edicts and  
10 commands be promulgated by the Supreme Ruler or by petty kings,  
11 or by the sovereign people themselves, they have always begun  
12 with some such form as a evidence of power and authority.  
13 **Commonwealth v. Illinois Cent. R. Co., 170 S.W. 171, 172, 160**  
14 **Ky. 745 (1914).**

15 The "laws" used against the Accused are unnamed. They show  
16 no sign of authority on their face as recorded in the "The  
17 Revised Code of Washington." They carry with them no evidence  
18 that the legislature of Washington, pursuant to Article 2 of  
19 the Washington State Constitution, is responsible for these laws.  
20 Without an enacting clause the laws referenced to in the  
21 complaints have no official evidence that they are from an  
22 authority which I am subject to or required to obey.

23 When the question of the "objects intended to be secured  
24 by the enacting clause provision" was before the Supreme Court  
25 of Minnesota, the Court held such a clause was necessary to  
26 show the people who are to obey the law, the authority for their  
27 obedience. It was revealed that historically this was a main

1 use for an enacting clause, and thus it's use is a fundamental  
2 concept of law. The Court stated:

3 All written laws, in all times and in all countries, whether  
4 in the form of decrees issued by absolute monarchs, or statutes  
5 enacted by kings and council, or by a representative body, have,  
6 as a rule, expressed upon their face the authority by which they  
7 were promulgated or enacted. The almost unbroken custom of  
8 centuries has been to preface laws with a statement in some form  
9 declaring the enacting authority. If such an enacting clause is  
10 a mere matter of form, a relic of antiquity, serving no useful  
11 purpose, why should the constitutions of so many of our states  
12 require that all laws must have an enacting clause, and prescribe  
13 it's form. If an enacting clause is useful and important, if it  
14 is desirable that laws shall bear upon their face the authority  
15 by which they are enacted, so that the people who are to obey  
16 them need not search legislative and other records to ascertain  
17 the authority then it is not beneath the dignity of the framers  
18 of a constitution, or unworthy of such an instrument, to  
19 prescribe a uniform style for such enacting clause. The words  
20 of the constitution, that the style of all laws of this state  
21 shall be, "Be it enacted by the legislature of the State of  
22 Minnesota," imply that all laws must be so expressed or declared,  
23 to the end that they may express upon their face the authority  
24 by which they were enacted; and if they do not so declare, they  
25 are not laws of this state. **Sjoberg v. Security Savings & Loan**  
26 **Assn, 73 Minn. 203, 212-214 (1898).**

27 This case was initiated when it was discovered that the

1 law relating to "building, loan and savings associations,"  
2 had no enacting clause as it was printing in the statute book,  
3 "Laws 1897, c.250." The Court made it clear that a law existing  
4 in that manner is "void" Sjoberg, supra, p. 214.

5 The purported laws in the complaints, which the Accused  
6 is said to have violated, are referenced to various laws found  
7 printed in the "Revised Codes of Washington" book. I have looked  
8 up the laws charged against me in this book and found no enacting  
9 clause for any of these laws. A citizen is not expected or  
10 required to search through other records or books for the enacting  
11 authority. If such enacting authority is not "on the face" of  
12 the laws which are referenced in a complaint, then "they are not  
13 laws of this state" and thus are not laws to which I am subject.  
14 Since they are not laws of this State, the above-named Court has  
15 no subject-matter jurisdiction, as there can be no crime which  
16 can exist from failing to follow laws which do not constitutionally  
17 exist.

18 In speaking on the necessity and purpose that each law be  
19 prefaced with an enacting clause, the Supreme Court of Tennessee  
20 quoted the first portion of the Sjoberg case cited above, and then  
21 stated:

22 The purpose of provisions of this character is that all  
23 statutes may bear upon their face a declaration of sovereign  
24 authority by which they are enacted and declared to be law, and  
25 to promote and preserve uniformity in legislation. Such clauses  
26 also import a command of obedience and clothe the statute with  
27 a certain dignity, believed in all times to command respect and

1 aid in the enforcement of laws. *State v. Burrow*, 104 S.W. 526,  
2 529, 119 Tenn. 376 (1907).

3 The use of an enacting clause does not merely serve as a  
4 "flag" under which bills run the course through the legislative  
5 machinery. *Vaughn & Ragsdale Co. v. State Bd. of Eq.*, 96 P 2d  
6 644, 654 (Mont. 1958).

7 Any purported statute which has no enacting clause on it's  
8 face, is not legally binding and obligatory upon the people, as  
9 it is not constitutionally a law at all. The Supreme Court of  
10 Michigan, in citing numerous authorities said that an enacting  
11 clause was a requisite to a valid law since the enacting  
12 provision was mandatory:

13 It is necessary that every law should show on it's face  
14 the authority by which it is adopted and promulgated, and that  
15 it should clearly appear that it is intended by the legislative  
16 power that it enacts it that it should take effect as a law.  
17 *People v. Dettenthaler*, 77 N.W. 450, 451, 118 Mich. 595 (1898)  
18 citing *Swann v. Buck*, 40 Miss. 270.

19 The laws in the "Revised Code of Washington" do not show on  
20 their face the authority by which they are adopted and promulgated.  
21 There is nothing on their face which declares they should be law,  
22 or that they are of the proper legislative authority in the State.

23 These and other authorities then all hold that the enacting  
24 clause of a law is to be "on it's face." It must appear  
25 directly above the content or body of the law. To be on the face  
26 of the law does not and cannot mean that the enacting clause can  
27 be buried away in some other volume or some other book or records.

1.       **Face.** The surface of anything, especially the front, upper,  
2 or outer part or surface. That which particularly offers itself  
3 to the view of a spectator. That which is shown by the language  
4 employed, without any explanation, modification, or addition  
5 from extrinsic facts or evidence. **Black's Law Dictionary, 5th Ed.,**  
6 **p. 530.**

7       The enacting clause must be intrinsic to the law, and not  
8 "extrinsic" to it, that is, it cannot be hidden away in other  
9 records or books. Thus the enacting clause is regarded as part  
10 of the law, and has to appear directly with the law, on it's face,  
11 so that one charged with said law knows the authority by which  
12 it exists.

#### 13       **Iv. Laws Must be Published and Recorded with Enacting** 14 **Clauses.**

15       Since it has been repeatedly held that an enacting clause  
16 must appear "on the Face" of a law, such a requirement affects  
17 the printing and publishing of laws. The fact that the  
18 constitution requires "all laws" to have an enacting clause  
19 makes it a requirement on not just bills within the legislature,  
20 but on published laws as well. If the constitution said "all bills"  
21 shall have an enacting clause, it probably could be said that  
22 their use in publications would not be required. But the  
23 historical usage and application of an enacting clause has been  
24 for them to be printed and published along with the body of the  
25 law, thus appearing "on the face" of the law.

26       It is obvious, then, that the enacting clause must be  
27 readily visible on the face of a statute in the common mode in  
which it is published so that citizens don't have to search

1 through the legislative journals or other records and books to  
2 see the kind of clause used, or if any exists at all. Thus a  
3 law in a statute book without an enacting clause is not a valid  
4 publication of law. In regards to the validity of a law that  
5 was found in their statute books with a defective enacting  
6 clause, the Supreme Court of Nevada held: Our constitution  
7 expressly provided that the enacting clause of **every law** shall  
8 be, "The people of the State of Nevada, represented in senate  
9 and assembly, do enact as follows." This language is susceptible  
10 of but one interpretation. "There is no doubtful meaning as to  
11 the intention. It is, in our judgment, an imperative mandate of  
12 the people, in their sovereign capacity, to the legislature,  
13 requiring that all laws, to be binding upon them, shall, upon  
14 their face express the authority by which they were enacted;  
15 and, since this act comes to us without such authority appearing  
16 upon it's face it is not a law." *State of Nevada v. Rogers*, 10  
17 *Nev. 120, 261 (1875)*; approved in *Caine v. Robbins*, 131 P. 2d 516,  
18 518, 61 *Nev. 416 (1942)*; *Kefauver v. Spurling*, 290 S.W. 14, 15  
19 (*Tenn. 1926*).

20 The manner in which the law came to the court was by way  
21 it was found in the statute book, cited by the Court as "*Stat.*  
22 *1875. 66,*" and that is how they judge the validity of the law.  
23 Since they saw that the act, as it was printed in the statute  
24 book had an insufficient enacting clause on it's face, it was  
25 deemed to be "not a law." It is only by inspecting the publicly  
26 printed statute book that people can determine the source  
27 authority and constitutional authenticity of the law they

1 are expected to follow.

2 It should be noted that laws in the above cases were  
3 held to be void for having no enacting clauses despite the  
4 fact that they were published in an official statute book  
5 of the State, and were next to other laws which had the  
6 proper enacting clauses.

7 The preceding examples and declarations 'on the use  
8 and purpose of enacting clauses shows beyond doubt that  
9 nothing can be called or regarded as a law of this State  
10 which is published without an enacting clause on it's face.  
11 Nothing can exist as a State law except in the manner  
12 prescribed by the State Constitution. One of those provisions  
13 is that "STYLE OF LAWS" must bear on their face a specific  
14 enacting style---

15 The style of the laws shall be "Be it enacted by the  
16 legislature of the State of Washington." And all laws must  
17 be published with this clause in order to be valid laws, and  
18 since the "laws" in the Revised Code of Washington" are not  
19 so published, they are not valid laws of this State.

20 **V. The Laws Referenced to in the Complaints Contain No  
21 Titles.**

22 The laws listed in the complaints in question, as cited  
23 from the "Revised Code of Washington," contains no titles. All  
24 laws are to have titles indicating the subject-matter of the  
25 law, as required by the Washington State Constitution:

26 **Article 2, Sec. 19. BILL TO CONTAIN ONE SUBJECT. No bill  
27 expressed in the title.**

By this provision a title is required to be on all laws.

1 The title is another one of the forms of a law required by  
2 the Constitution. This type of constitutional provision  
3 "makes the title an essential part of every law," thus the  
4 title "is as much a part of the act as the body itself."  
5 **Leininger v. Alger, 26 N.W. 2d 348, 351, 316 Mich. 644 (1947).**

6 The title to a legislative act is a part thereof, and  
7 must clearly express the subject of legislation. **State v.**  
8 **Burlington & M.R.R. Co., 60 Neb. 741, 84 N.W. 254 (1900).**

9 Nearly all legal authorities have held that the title  
10 is part of the act, especially when a constitutional provision  
11 for a title exists. **37 A.L.R. Annotated, pp 948,949.** What  
12 then can be said of a law in which an essential part of it is  
13 missing, except that it is not a law under the State Constitution.

14 This provision of the State Constitution, providing that  
15 every law is to have a title expressing one subject, is  
16 mandatory, and is to be followed in all laws, as stated by the  
17 Supreme Court of Minnesota:

18 We pointed out that our constitutional debates indicated  
19 that the constitutional requirements relating to enactment  
20 of statutes were intended to be remedial and mandatory,—  
21 remedial, as guarding against recognized evils arising from  
22 loose and dangerous methods of conducting legislation, and  
23 mandatory, as requiring compliance by the legislature without  
24 discretion on it's part to protect the public interest against  
25 such recognized evils, and that the validity of statutes  
26 should depend on compliance with such requirements. **Bull v.**  
27 **King, 286 N.W. 311, 313 (Minn. 1939).**

1           The constitutional provisions for a title have been  
2 held in many other states to be mandatory in the highest  
3 sense. *State v. Beckman*, 185 S.W. 2d 810, 816 (Mo. 1945);  
4 *Leininger v. Alger*, 26 N.W. 2d 384, 316 Mich. 644; 82 C.J.S.  
5 "Statutes," § 64, p. 102. The provision for a title in the  
6 constitution "renders a title indispensable" 73 Am. Jur. 2d,  
7 "Statutes" § 99, p. 325, citing *People v. Monroe*, 349 Ill.  
8 270, 182 N.E. 439. Since such provisions regarding a title  
9 are mandatory and indispensable, the existence of a title is  
10 necessary to the validity of the act. If a title does not  
11 exist, then it is not a law pursuant to Art. 2 Section 19. In  
12 speaking of the constitutional provision requiring one subject  
13 to be embraced in the title of each law, the Supreme Court of  
14 Tennessee stated:

15           That requirement of the organic law is mandatory, and,  
16 unless obeyed in every instance, the legislation attempted is  
17 invalid and of no effect whatever. *State v. Yardley*, 32 S.W.  
18 481, 482, 95 Tenn. 546 (1895).

19           To further determine the validity of citing laws in a  
20 complaint which have no titles, we must also look at the  
21 purpose for this constitutional provision, and the evils and  
22 problems which it was intended to prevent or defeat.

23           One of the aims and purposes for a title or caption to  
24 an act is to convey to the people who are to obey it the  
25 legislative intent behind the law. The constitution has made  
26 the title the conclusive index to the legislative intent as to  
27 what shall have operation. *Megins v. City of Duluth*, 106 N.W.

1 89, 90, 97 Minn. 23 (1906); Hyman v. State, 9 S.W. 372, 373,  
2 87 Tenn. 109 (1888).

3 In ruling as to the precise meaning of the language  
4 employed in a statute, nothing, as we have said before, is  
5 more pertinent towards ascertaining the true intention of the  
6 legislative mind in the passage of the enactment than the  
7 legislature's own interpretation of the scope and purpose of  
8 the act, as contained in the caption. Wimberly v. Georgia S. &  
9 F.R. Co., 63 S.E. 29, 5 Ga. App. 263 (1908).

10 Under the constitutional provision\*\*\*requiring the subject  
11 of the legislation to be expressed in the title, that portion  
12 of an act is often the very window through which the legislative  
13 intent may be seen. State v. Clinton County, 76 N.E. 986, 166  
14 Ind. 162 (1906).

15 The title of an act is necessarily a part of it, and in  
16 construing the act the title should be taken into consideration.  
17 Glaser v. Rothschild, 120 S.W. 1, 221 Mo. 180 (1909).

18 Without the title the intent of the legislature is  
19 concealed or cloaked from public view. Yet a specific purpose  
20 or function of a title to a law is to "protect the people  
21 against covert legislation" Brown v. Clower, 166 S.E. 2d 363,  
22 365, 225 Ga. 165 (1969). A title will reveal or give notice  
23 to the public of the general character of the legislation.  
24 However, the nature and intent of the "laws" in the "Revised  
25 Code of Washington" have been concealed and made uncertain by  
26 it's nonuse of titles. The true nature of the subject matter  
27 of the laws therein is not made clear without titles. Thus

1. another purpose of the title is to apprise the people of  
2 the nature of legislation, thereby preventing fraud or  
3 deception in regard to the laws they are to follow.

4 The U.S. Supreme Court, in determining the purpose of such  
5 a provision in state constitutions, said:

6 The purpose of the constitutional provision is to prevent  
7 the inclusion of incongruous and unrelated matters in the same  
8 measure and to guard against inadvertence, stealth and fraud in  
9 legislation. \* \* \* Courts strictly enforce such provisions in  
10 cases that fall within the reasons on which they rest, \* \* \*  
11 and hold that, in order to warrant the setting aside of enactments  
12 for failure to comply with the rule, the violation must be  
13 substantial and plain. *Posados v. Warner, B. & Co.*, 279 U.S. 340,  
14 344 (1928); also *Internat. Shoe Co. v. Shartel*, 279 U.S. 429,  
15 434 (1928).

16 The complete omission of a title is about as substantial and  
17 plain a violation of this constitutional provision as can exist.  
The laws cited in the complaints against the

18 Accused are of that nature. They have no titles at all, and thus  
19 are not laws under our State Constitution.

20 The Supreme Court of Idaho, in construing the purpose for  
21 it's constitutional provision requiring a one-subject title on  
22 all laws, stated:

23 The object of the title is to give a general statement of  
24 the subject-matter, and such a general statement will be  
25 sufficient to include all provisions of the act having a reasonable  
26 connection with the subject-matter mentioned. \* \* \* The object or  
27 purpose of the clause in the Constitution \* \* \* is to prevent the  
perpetration of fraud upon the members of the legislature or the

1 citizens of the state in the enactment of laws. Ex parte Crane,  
2 151 Pac. 1006, 1010, 1011, 27 Idaho 671 (1915).

3 The Supreme Court of North Dakota, in speaking on it's  
4 constitutional provision requiring titles on laws, stated  
5 that, "This provision is intended \* \* \* to prevent all surprises  
6 or misapprehensions on the part of the public." State v. McEnroe,  
7 283 N.W. 57, 61 (N.D. 1938). The Supreme Court of Minnesota, in  
8 speaking on Article 4, § 27 of the State Constitution, said:

9 This section of the constitution is designed to prevent  
10 deception as to the nature or subject of legislative enactments.  
11 State v. Rigg, 109 N.W. 2d 310, 314, 260 Minn. 141 (1961); LeRoy  
12 v. Special Ind. Sch. Dist., 172 N.W. 2d 764, 768 (Minn. 1969).

13 [T]he purpose of the constitutional provision quoted is \* \* \*  
14 to prevent misleading or deceiving the public as to the nature  
15 of an act by the title given it. State v. Helmer, 211 N.W. 3,  
16 169 Minn. 221 (1926).

17 The purposes of the constitutional provision requiring a  
18 one-subject title, and the mischiefs which it was designed to  
19 prevent, are defeated by the lack of such title on the face of  
20 a law which a citizen is charged with violating. Upon looking  
21 at the laws charged in the complaint from the "Minnesota Statutes,"  
22 I am left asking, what is the subject and nature of the laws  
23 used in the complaints against me? What interests or rights are  
24 these laws intended to affect? Since the particular objects of  
25 the provision requiring a one-subject title are defeated by the  
26 publication of laws which are completely absent of a title,  
27 the use of such a publication to indict or charge citizens with

1. violating such laws is fraudulent and obnoxious to the  
2. Constitution.

3. It is to prevent surreptitious, inconsiderate, and  
4. misapprehended legislation, carelessly, inadvertently, or  
5. unintentionally enacted through stealth and fraud, and similar  
6. abuses, that the subject or object of a law is required to be  
7. stated in the title. 73 Am. Jur. 2d, "Statutes" § 100, p. 325,  
8. cases cited.

9. Judge Cooley says that the object of requiring a title is  
10. to "fairly apprise the people, through such publication of  
11. legislative proceedings as is usually made, of the subjects of  
12. legislation that are being considered." Cooley, **Const. Lim.**,  
13. p. 144. The State Constitution requires one-subject titles. The  
14. particular ends to be accomplished by requiring the title of a  
15. law are not fulfilled in the statutes referred to in the  
16. "Minnesota Statutes."

17. **VI. The Revised Code of Washington are of an Unknown and**  
18. **Uncertain Authority.**

19. The so called "laws" in the "Revised Code of Washington"  
20. are not only absent enacting clauses, but are surrounded by  
21. other issues and facts which make their authority unknown or  
22. questionable.

23. "The Code" 1.04.010 of the Revised Code of Washington"  
24. states that the "Said code is intended to embrace in a revised,  
25. consolidated, and codified form and arrangement all laws of  
26. the state in a general and permanent nature." It does not say  
27. that they are the official laws of the Legislature of Washington  
State. The official laws of this state has always been listed in  
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1 a separate manner and place.

2 The actual identity of the authors of these revised  
3 codes is uncertain as is the accuracy with which they have  
4 "revised" the real laws of the state.

5 Since the purpose and quality of the revision is unknown,  
6 the resulting code is itself uncertain.

7 **UNCERTAIN THINGS ARE HELD FOR NOTHING. MAXIM OF LAW.**

8 The law requires, not conjecture, but certanty. *Coffin v.*  
9 *Ogden*, 85 U.S. 120, 124.

10 Where the law is uncertain, there is no law. *Bouvier's Law*  
11 *Dictionary*, Vol. 2, "MAXIMS," 1880 edition.

12 The purported laws in the "revised Code of Washington" do  
13 not make it clear by what authority they exist. The statutes  
14 therein have no enacting authority on their face. In fact, there  
15 is only a hint that the Legislature of the State of Washington  
16 had anything at all to do with these so-called statute books.  
17 Thus the statutes used against the Accused are just idle words  
18 which carry no authority of any kind on their face.

19 **VII Established Rules of Constitutional Construction.**

20 The issue of subject matter jurisdiction for this case  
21 thus squarely rests upon certain provisions of The Washington  
22 State Constitution, to wit:

23 **Article 2, Sec. 18. STYLE OF LAWS.** The style of the laws  
24 of this State shall be: "Be it enacted by the Legislature of  
25 the State of Washington" and no laws shall be enacted except  
26 by bill.

27 **Article 2, Sec. 19. BILL TO CONTAIN ONE SUBJECT.** No bill

1 shall embrace more than one subject, and that shall be expressed  
2 in the title.

3 These provisions are not in the least ambiguous or  
4 susceptible to any other interpretation than their plain and  
5 apparent meaning. The Supreme Court of Montana, in construing  
6 such provisions, said that they were "so plainly and clearly  
7 expressed and are so entirely free from ambiguity," that "there  
8 is nothing for the court to construe" **Vaughn & Ragsdale Co. v.**  
9 **State Bd. of Eq., 96 P. 2d. 420, 423, 424.** The Supreme Court of  
10 Minnesota stated how these provisions, when it was considering  
11 the meaning of another provision under the legislative department  
12 (Art. 4, § 9):

13 In treating of constitutional provisions, we believe it is  
14 the general rule among courts to regard them as  
15 mandatory, and not to leave it to the will or pleasure of a  
16 legislature to obey or disregard them. Where the language of  
17 the constitution is Riga, we are not permitted to indulge in  
18 speculation concerning it's meaning, nor whether it is the  
19 embodiment of great wisdom. \* \* \* The rule with reference to  
20 constitutional construction is also well stated by Johnson, J.,  
21 in the case of **Newell v. People, 7 N.Y. 9, 97,** as  
22 follows: "If the words embody a definite meaning which involves  
23 no absurdity, and no contradiction between different parts of  
24 the same writing, then that meaning apparent upon the face of  
25 the instrument is the one which alone we are at liberty to say  
26 was intended to be conveyed. In such a case there is no room  
27 for construction. That which the words declare is the meaning

1 of the instrument; and neither courts nor legislatures have  
2 the right to add to or take away from that meaning \* \* \* It  
3 must be very plain,--nay, absolutely certain--that the people  
4 did not intend what the language they have employed in it's  
5 natural signification imports, before a court will feel itself  
6 at liberty to depart from the plain reading of a constitutional  
7 provision." *State ex rel. v. Sutton*, 63 Minn. 147, 149, 150,  
8 65 N.W. 262 (1895); affirmed, *State v. Holm*, 62 N.W. 2d 52, 55,  
9 56 (Minn. 1954); *Butler Taconite v. Roemer*, 282 N.W. 2d 867, 870,  
10 871 (Minn. 1979).

11 It is certain that the plain and apparent language of  
12 these Constitutional provisions are not followed in the  
13 publication known as the "Revised Code of Washington" which  
14 contain no titles and no enacting clauses, and thus is not and  
15 cannot be used as the law of this State under our **Constitution**.  
16 **No language could be plainer or clearer than that used in**  
17 **Art. 2 Sec. 18 and 19** of our Constitution. **THERE IS NO ROOM FOR**  
18 **CONSTRUCTION !** The contents of these provisions were written  
19 in ordinary language, making their meaning self-evident.

20 In the Supreme Court of Minnesota:

21 In construing a provision of our constitution, however,  
22 we are governed by certain well-established rules. Foremost  
23 among these is the rule that, where the language used is clear,  
24 explicit, and unambiguous, the language of the provision itself  
25 is the best evidence of the intention of the framers of the  
26 constitution. If the language is free from obscurity, the  
27 courts must give it the ordinary meaning of the words used. **State**

1 v. Holm, 62 N.W. 2d. 52, 55, (Minn. 1954).

2 No matter how much the courts of this State have relied  
3 upon and used the publication entitled: Revised Code of  
4 Washington" as being law, that use can never be regarded as  
5 an exception to the Constitution. To support this publication  
6 as law, it must be said that it is "absolutely certain" that  
7 the framers of the Constitution did not intend for titles  
8 and enacting clauses to be printed and published with all laws,  
9 but that they did intend for them to be stripped away and  
10 concealed from public view when a compilation of statutes is  
11 made. **Such an absurdity will gain the support or respect of**  
12 **no one.** Nor can it be speculated that a revised statute  
13 publication which dispenses with all titles and enacting clauses  
14 must be allowed under the Constitution as it is more practical  
15 and convenient than the publication of the real laws really  
16 passed. The use of such speculation or desired exceptions can  
17 never be used in construing such plain and unambiguous  
18 provisions.

19 [T]he general rule is, when a statute or Constitution is  
20 plain and unambiguous, the court is not permitted to indulge  
21 in speculation concerning it's meaning, nor whether it is the  
22 embodiment of great wisdom. A Constitution is intended to be  
23 framed in brief and precise language. \* \* \*It is not within the  
24 province of the court to read an exception in the Constitution  
25 which the framers thereof did not see fit to enact therein.

26 **Baskin v. State, 232 Pac. 388, 389, 107 Okla. 272 (1925).**

27 There is of course no need for construction or interpretation

1 of these provisions as they have been adjudicated upon,  
2 especially those dealing with the use of an enacting clause.  
3 The Supreme Court of Minnesota has made it clear that Art. 4,  
4 § 13 of their constitution "is mandatory, and that a statute  
5 without any enacting clause is void." Sjoberg v. Security  
6 Savings & Loan Assn. 73 Minn. 203, 212. Being that the statutes  
7 used against me are without enacting clauses and titles they  
8 are void, which means there is no offense, no valid complaints,  
9 and thus no subject-matter jurisdiction.

10 The provisions requiring an enacting clause and one-subject  
11 titles were adhered to with the publications prior to the  
12 Revised Codes. But because certain people in government thought  
13 that they could devise a more contrivance known as the "Revised  
14 Code of Washington," and then held it out to the public as  
15 being "law." This course was fraud, subversion, and a great  
16 deception upon the people of this State which is now revealed  
17 and exposed.

18 There is no justification for deviating from or violating  
19 a written constitution. The "Revised Code of Washington" cannot  
20 be used as law, like the real laws were once used, solely  
21 because the circumstances have changed and we now have more  
22 laws to deal with. It cannot be said that the use and need of  
23 revised statutes without titles and enacting clauses must be  
24 justified due to expediency. New circumstances or needs do not  
25 change the meaning of constitutions, as Judge Cooley expressed:

26 A constitution is not to be made to mean one thing at one  
27 time, and another at some subsequent time when the circumstances

1. may have so changed as perhaps to make a different rule in the  
2 case seem desirable. A principal share of the benefit expected  
3 from written constitutions would be lost if the rules they  
4 established were so flexible as to bend to circumstances or be  
5 modified by public opinion.\* \* \*[A] court or legislature which  
6 should allow a change in public sentiment to influence it in  
7 giving to a written constitution a construction not warranted  
8 by the intention of it's founders, would be justly chargeable  
9 with reckless disregard of official oath and public duty; and  
10 if it's course could become a precedent, these instruments  
11 would be of little avail.\* \* \*What a court is to do, therefore,  
12 is to **declare the law as written.** T.M. Cooley, A Treatise on the  
13 Constitutional Limitations, 5th edition, pp. 54,55.

14 There is great danger in looking beyond the constitution  
15 itself to ascertain it's meaning and the rule for government.  
16 Looking at the Constitution alone, it is not at all possible  
17 to find support for the idea that the publication called the  
18 "Revised Code of Washington" is valid law of this State. The  
19 original intent of **Article 2, § 18 and 19** of the Constitution  
20 cannot be stretched to cover their use as such. These  
21 provisions cannot now be regarded as antiquated, unnecessary  
22 or of little importance, since "no section of a constitution  
23 should be considered superfluous." **Butler Taconite v. Roemer,**  
24 **282 N.W. 2d. 867, 870, (Minn. 1979).** The Constitution was  
25 written for all times and circumstances, because it embodies  
26 fundamental principles which do not change with time.

27 Judges are not to consider the political or economic

1. impact that might ensue from upholding the Constitution as  
2. written. They are to uphold it no matter what may result, as  
3. that ancient maxim of law states: "THOUGH THE HEAVENS MAY FALL,  
4. LET JUSTICE BE DONE."

5. **Notice**

6. Based upon the above memorandum, the Accused makes notice  
7. that this action and cause be dismissed for lack of subject  
8. matter jurisdiction.

9. A court lacking jurisdiction cannot render judgment but  
10. must dismiss the cause at any stage of the proceedings in  
11. which it becomes apparent that jurisdiction is lacking. **United**  
12. **States v. Siviglia, 686 Fed. 2d. 832, 835 (1981),** cases cited.

13. Nothing can be regraded as a law in this State which fails  
14. to conform to the constitutional prerequisites which call for  
15. an enacting clause and title. There is nothing in the complaints  
16. which can constitutionally be regarded as laws, and thus there  
17. is nothing in them which I am answerable for or which can be  
18. charged against me. Since there are no valid or constitutional  
19. laws charged against me there are no crimes that exist,  
20. consequently there is no subject-matter jurisdiction by which  
21. I can be tried in the above-named court.

22. **CAVEAT**

23. I regard it just and necessary to give fair warning to  
24. this court of the consequences of it's failure to follow the  
25. Constitution of Washington and uphold it's oath and duty in this  
26. matter, being that it can result in this court committing acts  
27. of **treason, usurpation, and tyranny.** Such trespasses would be  
clearly evident to the public, especially in light of the clear

1 and unambiguous provisions of the Constitution that are involved  
2 here which leave no room for construction, and in light of the  
3 numerous adjudications upon them as herein stated. The possible  
4 breaches of law that may result by denying this motion are  
5 enumerated as follows:

6 1. The failure to uphold these clear and plain provision  
7 of our Constitution cannot be regarded as mere error in judgment,  
8 but deliberate **USURPATION**. "Usurpation is defined as unauthorized  
9 arbitrary assumption and exercise of power. **State ex rel.**  
10 **Danielson v. Village of Mound, 234 Minn. 531, 543, 48 N.W. 2d.**  
11 **855, 863 (1951)**. While error is only voidable, such usurpation  
12 is void.

13 The boundary between an error in judgment and the usurpation  
14 of judicial power is this: The former is reversable by an  
15 appellate court and is, therefore, only voidable, which the  
16 latter is a nullity. **State v. Mandehr, 209 N.W. 750, 752**  
17 **(Minn. 1926)**.

18 To take jurisdiction where it clearly does not exist is  
19 usurpation, and no one is bound to follow acts of usurpation,  
20 and in fact it is a duty of citizens to disregard and disobey  
21 them since they are void and unenforceable.

22 [N]o authority need be cited for the proposition that,  
23 when a court lacks jurisdiction, any judgment rendered by it  
24 void and unenforceable. **Hooker v. Boles, 346 Fed. 2d. 285, 286**  
25 **(1965)**.

26 Not all statutes create a criminal offense. Thus where a  
27 man was charged with "a statute which does not create a criminal

1. offense," such person was never legally charged with any crime  
2. or lawfully convicted because the trial court did not have  
3. "jurisdiction of the subject matter," *State ex rel. Hansen v.*  
4. *Rigg*, 258 Minn. 388, 104 N.W. 2d. 553 (1960). There must be a  
5. valid law in order for subject matter to exist.

6. In a case where a man was convicted of violating certain  
7. sections of some laws, he later claimed that the laws were  
8. unconstitutional which deprived the county court of jurisdiction  
9. to try him for those offenses. The Supreme Court of Oregon held:

10. If these sections are constitutional, the law is void  
11. and an offense created by them is not a crime and a conviction  
12. under them cannot be a legal cause of imprisonment, for no  
13. court can acquire jurisdiction to try a person for acts which  
14. are made criminal only by an unconstitutional law. *Kelly v.*  
15. *Meyers*, 263 Pac. 903, 905 (Ore. 1928).

16. Without a valid law there can be no crime charged under  
17. that law, and where there is no crime or offense there is no  
18. controversy or cause of action, and without a cause of action  
19. there can be no subject-matter jurisdiction to try a person  
20. accused of violating said law. The court then has no power or  
21. right to hear and decide a particular case involving such  
22. invalid or nonexistent laws.

23. These authorities and others make it clear that if there  
24. are no valid laws charged against a person, there is nothing  
25. that can be deemed a crime, and without a crime there is no  
26. subject-matter jurisdiction. Further, invalid or unlawful laws  
27. make the complaint fatally defective and insufficient, and

1 without a valid complaint there is a lack of subject-matter  
2 jurisdiction.

3 The Accused asserts that the laws charged against him are  
4 not valid, or do not constitutionally exist as they do not  
5 conform to certain constitutional prerequisites, and thus are  
6 no laws at all, which prevents subject-matter jurisdiction to  
7 the above-named court.

8 The complaints in question allege that the Accused has  
9 committed several crimes by the violation of certain laws which  
10 are listed in said complaints, to wit:

11 Count(s) I. thru V.: Rape of a child in the first degree  
12 (RCW 9A.44.073);

13 Count(s) VI., VII., VIII. and XII. Sexual exploitation  
14 of a minor (RCW 9.68A.070).

15 I have been informed that these "laws" or statutes used  
16 in the complaints against me are located in and derived from  
17 a collection of books entitled: "Revised Codes of Washington."  
18 Upon looking up these laws in this publication, I realized  
19 that they do not adhere to several constitutional provisions  
20 of the Washington State Constitution.

21 The fact that the "Revised Code of Washington" has been  
22 in use for over fifty years cannot be held as a justification  
23 to continue to usurp power and set aside the constitutional  
24 provisions which are contrary to such usurpation, as Judge  
25 Cooley stated:

26 Acquiescence for no length of time can legalize a clear  
27 usurpation of power, where the people have plainly expressed

1 their will in the Constitution. Cooley, Constitutional  
2 Limitations, p. 71.

3 2. To assume jurisdiction in this case would result  
4 in TREASON.

5 Chief Justice John Marshall once stated: We [judges]  
6 have no more right to decline the exercise of jurisdiction  
7 which is given, than to usurp that which is not given. The  
8 one or the other would be treason to the constitution. *Cohens*  
9 *v. Virginia*, 6 Wheat. 19 U.S. 264, 404 (1821).

10 The judge of this court took an oath to uphold and  
11 support the Constitution of Washington, and her blatant disregard  
12 of that obligation and allegiance can only result in an act  
13 of treason.

14 3. If this court departs from the clear meaning of the  
15 Constitution, it will be regarded as a blatant act of TYRANNY.  
16 Any exercise of power which is done without the support of law  
17 or beyond what the law allows is tyranny.

18 It has been said, with much truth, "WHERE THE LAW ENDS,  
19 TYRANNY BEGINS." *Merritt v. Welsh*, 104 U.S. 694, 702 (1881).

20 The law, the Constitution, does not allow laws to exist  
21 without titles or enacting clauses. To go beyond that and  
22 allow the "Revised Code of Washington" to exist as "law" is  
23 nothing but tyranny. Tyranny and despotism exist where the  
24 will and pleasure of those in government is followed rather  
25 than established law. It has been repeatedly said and affirmed  
26 as a most basic principle of our government that, "this is a  
27 government of laws and not of men; and that there is no  
arbitrary power located in any individual or body of individuals."

1. **Cotting v. Kansas City Stock Yards Co., 183 U.S. 79, 84 (1901).**  
2 The Constitution requires that all laws have enacting clauses  
3 or titles. If these clear and unambiguous provisions of the  
4 State Constitution can be disregarded, then we no longer have  
5 a constitution in this State, and we no longer live under a  
6 government of laws but, a government of men, i.e., a system  
7 that is governed by the arbitrary will of those in office.  
8 The creation of the "Revised Code of Washington" is a typical  
9 example of the arbitrary acts of government which have become  
10 all too prevalent in this century. It's use as law is a nullity  
11 under our Constitution.

12 DATED this 3<sup>Rd</sup> day of August, 2010.

13 Respectfully submitted,

14  
15  
16 Frank A. Wallmuller  
17 FRANK A. WALLMULLER  
18 DEFENDANT/ACCUSED  
19 IN PRO-SE.

20 CERTIFICATE OF SERVICE

21 I HEREBY CERTIFY that on the 4<sup>th</sup> day of August, 2010, I  
22 caused to be mailed a true and correct copy of the foregoing  
23 NOTICE TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION AND  
24 MEMORANDUM IN SUPPORT by placing the same into a postage  
25 prepaid envelope and placing said envelope into the U.S. Mails,  
26 addressed to the following person(s):

27 REBECCA L. JONES  
Deputy Prosecuting Attorney  
P.O. Box # 639  
Shelton, WA 98584

Frank Wallmuller