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THE SUPREME COURT OF THE STATE OF WASHINGTON

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JAMES J. O'HAGAN

PETITIONER

VS.

JOSEPH FIELD & FIELD JERGER LLP

RESPNDENT(S),

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Received  
Washington State Supreme Court *E*

MAY 23 2014

Ronald R. Carpenter  
Clerk *Rh*

PETITIONER'S FIRST SUPPLEMENTAL OPENING BRIEF  
*(Appellant's Opening Brief)*

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 ORIGINAL

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A. ASSIGNMENT OF ERRORS

1. Judge Gordon Godfrey erred in ignoring his lack of jurisdiction as described in RCW 4.12.010, RCW 4.12.020, RCW 4.12.025, 15 USC section 1692 (a), 29 USC section 206.
2. Judge Gordon Godfrey erred when he denied me the protections provided to me and my other creditors as described in RCW 6.27.150 (a & b).
3. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion by denying Special Proceedings as described in RCW 6.32.030, 6.32.120, 6.32.200, and 6.32.270
4. Judge Gordon Godfrey erred in ignoring his lack of jurisdiction, ignoring the evidence I submitted, assisting Joseph Field's criminal acts of theft, fraud and extortion and denied me the protections described in USC Amendment VII, WSC Article 1 section 21 Trial by Jury, WSC Article 1 sections 1,2,3, 10, 29 & 32, USC Amendment VII Trial by Jury in Civil Cases, USC Article IV section 1 Faith and Credit Among States, USC Amendment XIV section 1 Citizenship Rights Not to be Abridged by States, RCW 4.04.060 Trial of Certain Issues of Fact Jury, RCW 4.44.090, RCW 7.16.210, RCW 6.32.270, RCW 9.91.010 Denying civil rights, By knowingly taking an individual's life, liberty and property without the involvement of a jury.
5. Judge Gordon Godfrey erred in ignoring the evidence of crimes Mr. Field engaged in and acted in RCW Omission 9A.04.110 (14), 18 USC section 3 malfeasance of office.
6. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.83.010 (5) Money Laundering, Proceeds derived from or through act of omission.

7. Judge Gordon Godfrey erred in assisting Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.08.010 General requirements of Culpability.
8. Judge Gordon Godfrey erred in assisting Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.28.040 Criminal Conspiracy (1), (2, f)
9. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.08.020 Liability for conduct for another – Complicity
10. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.82.060 Leading organized crime, RCW 9A.82.080, Use of proceeds of criminal profiteering –Controlling enterprise or reality – Conspiracy or attempt, RCW 9A.82.100 Remedies and procedures
11. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.56 Theft and Robbery
12. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.60 Fraud
13. Judge Gordon Godfrey erred when he acted with the intent described in RCW 10.58.040 and assisted Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9.45.080, RCW 9.45.090, RCW 9.45.100 and RCW 10.58.040 Intent to defraud.
14. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion by denying me the protections of the laws identified above and acting in a manner described in 18 USC section 1951 Interference with commerce, RCW 9.05.060 Assemblages of saboteurs, RCW 9.05.060 Criminal Sabotage

15. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion, and denied my motion to address Joseph Field's Violation to fair debt reporting act.
16. Judge Gordon Godfrey erred in providing Special Privileges and Immunities to fellow state bar member Joseph Field as described in WSC Article I section 12.
17. Judge Gordon Godfrey erred when he assisted Joseph Field's criminal acts of theft, fraud and extortion by denying me the protections of the laws identified above and acting in a manner described in RCW 9A.72.110 Intimidating a witness RCW 9A.72.120 Tampering with a witness 18 USC sections 1512 & 1513
18. The court erred in continually seizing 100% of my funds and violating the protections provided to me in RCW 7.16.210 Automatic Stay
19. The courts erred in allowing the Violation of the Separation of Powers, by the industry of the Washington State Bar Association and WSC Article II section 30.

#### B. ISSUES PERTAINING TO ASSIGNMENT OF ERRORS

1. Did Judge Gordon Godfrey have any lawful jurisdiction over me in Joseph Field's action for recovery of money? Assignment of error No. 1
2. Did Judge Gordon Godfrey error when he ignored the protections provided to me in RCW 6.27.150 when he seized 100% of my earnings and gave them to Mr. Field? Assignment of error No. 2
3. Did Judge Gordon Godfrey error in denying me my requests for Special Proceedings, as described in RCW 6.32.030, RCW 6.32.120, RCW 6.32.200, RCW 6.32.260 and RCW 6.32.270. Assignment of error No. 3.
4. Did Judge Gordon Godfrey erred when he ignored his lack of jurisdiction, ignored the evidence I submitted and assisted Joseph Field's criminal acts of theft, fraud and extortion and denied me the protections described in USC Amendment VII, WSC Article 1 section 21 Trial by Jury,

WSC Article 1 sections 1,2,3, 10, 29 & 32, USC Amendment VII Trial by Jury in Civil Cases, USC Article IV section 1 Faith and Credit Among States, USC Amendment XIV section 1 Citizenship rights not to be abridged by states, RCW 4.04.060 Trial of Certain Issues of Fact Jury, RCW 4.44.090, RCW 7.16.210, RCW 6.32.270, RCW 9.91.010 Denying civil rights, when he knowingly took my life, liberty and property without the involvement of any jury. Assignment of error no. 4.

5. In accordance with omission and malfeasance of office did Judge Gordon Godfrey have a duty to address the criminal acts described in Judge Paul B. Snyder's conclusion of law, and the fraud of Joseph Field that was presented to him in the pleading and evidence? Assignment of error No. 5.

6. Did Judge Gordon Godfrey assist in criminal acts in concealing Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9A.83.010 (5) Money Laundering, Proceeds derived from or through act of omission. Assignment of error no. 6.

7. Did Judge Gordon Godfrey engage in the actions described in RCW 9A.08.010 General requirements of Culpability when he decided to assume jurisdiction, seize 100% of my earnings and conceal Joseph Field's criminal acts of theft, fraud and extortion, to make them successful criminal acts? Assignment of error No. 7.

8. Did Judge Gordon Godfrey engage in RCW 9A.28.040 Criminal Conspiracy (1), (2, f) when he decided to assume jurisdiction, seize 100% of my earnings and assist Joseph Field's criminal acts of theft, fraud and extortion, by concealing the crimes? Assignment of error No. 8.

9. Did Judge Gordon Godfrey engage in the actions described in RCW 9A.08.020 Complicity when he decided to assume jurisdiction seize 100% of my earnings and conceal Joseph Field's criminal acts of theft, fraud and

extortion to make them successful criminal acts? Assignment of error No. 9.

10. Did Judge Gordon Godfrey engage in the criminal activity identified in RCW 9A.82.060 Leading organized crime, RCW 9A.82.080, Use of proceeds of criminal profiteering, Controlling enterprise or reality, Conspiracy or attempt, by attempting to conceal Joseph Field's criminal acts of theft, fraud, extortion, and criminal sabotage and seizing 100% of my earnings? Assignment of error No. 10.

11. Did Judge Gordon Godfrey assist or engage in the criminal activity described in RCW 9A.56 Theft and Robbery when he assisted Joseph Field's criminal acts of theft, fraud and extortion by concealing them by denying me special proceedings and seizing 100% of my funds? Assignment of error No. 11.

12. Did Judge Gordon Godfrey engage in the criminal activity RCW 9A.60 Fraud when he decided to attempt to conceal Joseph Field's criminal acts of theft, fraud and extortion by denying me special proceedings and seizing 100% of my earnings? Assignment of error No. 12.

13. Did Judge Gordon Godfrey engage in the criminal activity described in RCW 10.58.040 Intent to defraud when he decided to assist Joseph Field's criminal acts of theft, fraud and extortion as described in RCW 9.45.080, RCW 9.45.090, RCW 9.45.100 and acted without jurisdiction, denied my special proceedings requests, violated RCW 6.27.150 and seized 100% of my earnings? Assignment of error No. 13.

14. Did Judge Gordon Godfrey participate in an Assembly of saboteurs as described in RCW 9.05.060 and engage in RCW 9.05.060 Criminal Sabotage and 18 USC section 1951 Interference with commerce when he assisted in concealing Joseph Field's criminal acts of theft, fraud and extortion, ignored his lack of jurisdiction, denied me special proceedings,

and ignored the protections provided to me in RCW 6.27.150 and seized 100% of my earnings? Assignment of error No. 14.

15. Did Judge Gordon Godfrey assist Joseph Field's criminal acts of theft, fraud, extortion, and intent to defraud me when he denied my motion to conduct special proceedings to address Joseph Field's Violation to fair debt reporting act. Assignment of error No. 15.

16. Did Judge Gordon Godfrey provided Special Privileges and Immunities as described in WSC Article I section 12 to fellow State Bar member Joseph Field, when he ignored his lack of jurisdiction, ignored the evidence I submitted to him and concealed my fraud, theft and extortion allegations by denying my requests for special proceedings, denied me the protections provided in RCW 6.27.150 and seized 100% of my earnings, and denied my request to address Joseph Field's violation to the fair debt reporting act. Assignment of error No. 16.

17. Did Judge Gordon Godfrey engage in the criminal acts of RCW 9A.72.110 Intimidating a witness RCW 9A.72.120 Tampering with a witness 18 USC sections 1512 & 1513 when he ignored his lack of jurisdiction, ignored the evidence I submitted to him and concealed my fraud, theft and extortion allegations by denying my requests for special proceedings, denying me the protections provided in RCW 6.27.150 and seizing 100% of my earnings, denying my request to address Joseph Field's violation to the fair debt reporting act and provided Special Privileges and Immunities to Joseph Field's and others criminal acts of theft, fraud and extortion. Assignment of error No. 17.

18. Did the court error in denying me the protections provided to me in RCW 7.16.210 Automatic Stay and continue to allow 100% of my funds to be seized and given to Joseph Field? Assignment of error No. 18.

19. Has the Washington State Bar Association infiltrated the executive and legislative branches of our government and ignored the restrictions

involved in WSC Article II section 30 Bribery or Corrupt Solicitation and allowed their members voted to enact laws that condone, conceal, encourage, and promote criminal activity and corruption, to obtain economical and pecuniary benefits for their industry. Assignment of error No. 19

C. STATEMENT OF THE CASE

This case is because of a jury verdict in Pacific County case no. 94-2-00298-0 in my family's favor and is directly tied to it by the Honorable Paul B. Snyder's conclusion of law. CP Doc. #6, EX 1. In Pacific County case No. 94-2-00298-0, after paying several attorneys and appellate attorneys, to defend our water rights from illegal takings and learning the hard lesson that the State Bar Association has evolved into an industry that profits from causing domestic turbulence and taking individuals rights, I represented our family farm in the takings of our water rights in a three week jury trial and prevailed. CP, Doc. # 37 Exhibit 3. The last sentence in our judgment allows me to present the actions in this case to a jury in Pacific County therefore your decision should stand up the scrutiny of a jury.

Gregory Ursich the losing attorney in Pacific County cause No. 94-2-00298-0 represented the judgment debtor and public officials and entities in a conflict of interest, CP Doc# 10 with exhibits. Gregory Ursich could not allow the judgment debtor's farm insurance attorneys to address his conflict of interest, so he convinced the Judgment debtor, Kenyon Kelley to engage in bankruptcy fraud schemes, and he engineered and executed schemes to judgment proof Kenyon Kelley's assets. CP Doc# 6 (10 pages with exhibits), Exhibit 1 Order Denying Discharge, EX1 page 4-5 **Subsequently, he received at least \$100,000.00 from his uninsured motorist carrier. This money does not appear to have been deposited into any account, and the debtor has not provided**

records where the money was spent. The best evidence suggests that on March 29<sup>th</sup> 2000, the debtor was seeking legal and financial advice to assist him with the downturn in the cranberry market, but primarily to protect him from a possible adverse judgment in the O'Hagan litigation. The \$100,000.00 Judge Snyder refers to here is referenced in the letter the debtor, Kenyon Kelley's attorney Gregory Ursich sent to Mr. Kelley's bankruptcy trustee Russell Garrett in CP Doc# 6 exhibit 2. In CP, Doc. #6 Exhibit 2 Gregory Ursich indicates to trustee Russell Garrett that he has the remains of the \$100,000.00, \$97,327.57 in his client trust account with Mr. Kelley and asks Trustee Russell Garret what he should do with the \$97,327.57. This \$97,327.57 was embezzled out of Mr. Kelley's bankruptcy estate by Gregory Ursich and Russell Garrett and used to bribe trustee Russell Garrett into sabotaging all efforts to recover any of Kenyon Kelley's bankruptcy assets.

In CP, Doc.#6 Exhibit 1 In his conclusion of law the Honorable Paul B. Snyder documents the conspiracy of Washington State Bar members intent to defraud me and my family on page 9 at lines 17-23: **However, this is not a consumer with only a few transactions a year, but a debtor engaged in a substantial farming operation who, immediately prior to filing bankruptcy and after entry of an adverse judgment, worked with consultants and attorneys to judgment proof his estate so that creditors could get little or no benefit from his assets.** This conspiracy to defraud me, designed and executed by Washington State Bar members made me a victim of the following criminal codes: RCW 9A.82.060 Leading organized crime, RCW 9A.82.080, Use of proceeds of criminal profiteering –Controlling enterprise or reality – Conspiracy or attempt, RCW 9A.82.100 Remedies and procedures, RCW 9.45.080 Fraudulent Removal of Property, RCW 9.45.090 Knowingly receiving a fraudulent conveyance, RCW 9.45.100 Fraud in Assignment for benefit of creditors, RCW

10.58.040 Intent to Defraud, RCW 9A.56 Theft and Robbery, RCW 9A.60 Fraud, RCW 9A.08.010 General requirements of Culpability, RCW 9A.08.020 Liability for conduct for another – Complicity, RCW 9A.28.040 Criminal Conspiracy (1), (2, f),. CP Doc.6, Exhibit 1 is a conclusion of law that is a public record of which I am requiring this court to take judicial notice of and act appropriately on.

**Civil conspiracy exists when two or more combine to accomplish an unlawful purpose or to accomplish a lawful purpose by unlawful means. Sound Mind and Body Inc. V. City of Seattle122 Wn. 1074 (2004)**

Shortly after the Honorable Paul B. Snyder ruled that Kenyon Kelley worked with his attorneys and financial advisor Fields Unlimited Inc. to judgment proof his assets, (CP, Doc. #6 EX.1 page 5 Lines 18-23) the owner and operator of Fields Unlimited (Carsten von Borstel) filed his own bankruptcy to avoid a forthcoming judgment. Carsten created Fields Unlimited Inc. because he discovered how lucrative and profitable bankruptcy fraud was to state bar members and desired to capitalize on their fraud industry. I worked **without** legal assistance to get Carsten's bankruptcy denied and cease and desist orders on his bankruptcy fraud company Fields Unlimited Inc. Carsten a Grass Valley Oregon resident came here to Washington State with his army of State Bar Association members to attack me personally and take my life, liberty and property.

Through asset protection actions and bankruptcy fraud Carsten and his brother Ted who were 50% partners in DvB & Sons, amassed an estate worth over ten million dollars, comprising of about 13 thousand acres of land. (CP Doc. # 26 including exhibits) When Carsten's bankruptcy trustee tried to sell Carsten's assets to his brother Ted for \$2,000.00 I objected and purchased Carsten's bankruptcy assets. On recommendation of Carsten's trustee I hired Joseph Field to assist me in

recovering Carsten's bankruptcy assets. (CP Doc # 15 pages 6-7, & CP Doc 19 with exhibits 1-8).

In an effort to keep the bankruptcy fraud industry a viable business for bankruptcy attorneys, Joseph Field could not expose the magnitude of fraud occurring within the bankruptcy industry, that is being condoned and executed by bankruptcy trustees and judges. (CP Doc. # 15 page 4) After a while Joseph Field began sabotaging my efforts to recover Carsten's assets to assist in concealing and protecting top ranking officials of the bankruptcy courts from their personal involvement in the bankruptcy fraud industry. To protect each other and the bankruptcy fraud industry, federal and state prosecutors needed the assistance of Joseph Field to sabotage my asset recovery efforts and defraud me, and Joseph Field needed the assistance of state and federal prosecutors to succeed in stealing from me and defrauding me. Joseph Field practices law in the bankruptcy courts and indicated to me in emails that trustee Russell Garrett is his personal friend and he would not do anything that damages him or his creditability. Joseph Field was motivated to conceal the bribing of his friend, bankruptcy trustee Russell Garrett, to keep the bankruptcy fraud business a viable business enterprise for their criminal fraud industry. CP #15 pages 2 - 6 and 6/22/13 RP page 5 lines 3-12.

Joseph Field sized me and the situation up and determined I was a vulnerable individual without the financial means to defend myself from him and his state bar member criminal accomplices and sabotaged my efforts to recover Carsten's assets. Joseph Field entered into agreements with other attorneys and recovered about \$360,000.00 of Carsten's five million dollars of assets. From this \$360,000.00 Joseph Field kept over \$227,000.00, and only after being threatened with the consumer protection agency he finally paid me \$132,838.34. (CP Doc. # 15 page 8).

I then argued that Mr. Field sabotaged my asset recovery efforts and engaged in legal malpractice. Mr. Field made arraignments to present my argument to an arbitration panel with the Oregon State Bar Association of which I adamantly objected to and I demanded a jury's involvement in deciding the facts involved. No jury was ever involved in determining if Joseph Field engaged in actions with other state bar members to steal the million dollars of assets I purchased from Carsten von Borstel's bankruptcy trustee. No jury was ever involved in determining any of the facts involved in the judgment Joseph Field obtained against me. CP No. 15 page 9 lines 14, 15 &16 and 6/22/13 RP page 30 lines 1-7.

Without a doubt I showed Judge Gordon Godfrey that my interest in DVB & Sons Dead Dog Ranch (Larcell property) was sold for \$825,000.00 just days before Carsten filed bankruptcy, and was appraised a few years later for over 3 million dollars.. This was a fraudulent transfer that was designed to execute fraud, theft and embezzlement. CP Doc. Nos. 19, 24, & 26 with exhibits. **Without a doubt I showed Judge Gordon Godfrey that I paid for an appraisal on the Dead Dog Ranch to provide the necessary evidence to the court to factually determine the exact value of the property and neither the arbitration panel nor Judge O. Meredith Wilson who entered Joseph Field's judgment against me nor Judge Gordon Godfrey had any concern what so ever to ascertain the truth and none of them required Marlow Dill to conduct the appraisal 6/22/13 RP Pages 4-10. The appraisal I paid Marlow Dill for was never produced and Marlow Dill was never required to testify because her testimony and the appraisal would have proved the Dead Dog Ranch transferred for far less than fair market value and attorney, Lewis B. Hampton's criminal activity in the fraud and thefts of the fraudulent**

transfer would have been exposed. CP Doc. # 24 and 6/22/13 RP pages 4-10.

In an effort to present the truth to Judge Godfrey I supplied him with the necessary evidence to document the fraudulent transfer and asked him for Special Proceedings. 6/22/13 RP pages 4-10 and 26-28. This court needs to aware of the fact that when I was before Judge McCauley and Judge Godfrey addressing this action I had Volume 1 of our RCW's with me with the pages I intended to address the court with flagged. I also provided all of the judges in both Pacific County and Grays Harbor County a copy of my **"Legislative Inquiry Action And Petition for Grand Jury Investigation Into Corrupt Activities"** and refer to it on pages 10-13, 6/22/13 RP. In reviewing the clerk's record last week it does not appear to be in the court record of this case. Also in reviewing Ronald Carpenter's letter dated 4/21/2014 it appears to me that it is an attempt to conceal the document and remove it from the record in this case, of which I object to. That documented I would like my original Opening Brief supplemented to this brief in its entirety as a Supplemental Brief AP Exhibit 1 and considered it in a manner that does substantial justice.

If the court reviews the 6/22/13 RP in its entirety the court cannot come up with any instance where Judge Gordon Godfrey shows any concern what so ever with ascertaining the truth. The only comments he directs to me are short curt comments intended to harass, intimidate and threaten me into submission and silence, 6/22/13 RP page 5 & lines 23-25 page 34. **Despite Judge Godfrey stating clearly he is fully informed about the case, he states clearly that "Mr. Field owes me instead of me owing Mr. Field", 6/22/13 RP page 32 lines 18-23. Judge Godfrey could not be more confused, cannot comprehend why in evaluating the evidence I do not have a judgment against Mr. Field and he clearly did not have a rational handle on the situation.**

The entire action in which Joseph Field obtained his judgment against me was State Bar members providing special privileges and immunities to State Bar members, no jury was involved in any of it ever. 6/22/13 RP page 24 lines 13-24. All of it is Oregonians coming here to Washington State and embezzling millions of dollars out of the economic machinery of Twin Harbors then extorting more money from the economic machinery of Twin Harbors, of which I asked the court to require Joseph Field to be present so our Sherriff had criminal jurisdiction over him, 6/22/13 RP page 27 lines 17-22.

I explained to Judge Godfrey that his court had criminal jurisdiction over Joseph Field's criminal actions but he did not have jurisdiction over Joseph Field's action to recover money, 6/22/13 RP. Judge Godfrey completely ignores addressing any of the criminal activity and completely evades addressing anything related to my question of how he has any jurisdiction over the action 6/22/13 RP. On page 35 (6/22/13 RP) Judge Godfrey acknowledges I am a Pacific County resident but completely evades even trying to explain where he would get any jurisdiction over me at all. **On page 35 at lines 7 -18 in 6/22/13 RP Judge Gordon Godfrey documents the fact all of the parties before him are out of his jurisdiction.**

This entire action and Joseph Field's judgment comes from judges willing to ignore the law and provide state bar members special privileges and immunities, 6/22/13 RP page 25 & CP Doc # 10 with exhibits. Joseph Field hung up the phone during the hearing with the Honorable F. Mark McCauley because he was disgusted that he could not get preferential treatment before the Honorable F. Mark McCauley, 5/8/13 RP Page 8 line 14, 6/22/13 RP page 25 lines 14-25. After Joseph Field hung up the phone I approached Judge McCauley because I believed I should have an opportunity to be heard, and argued Jurisdiction 5/8/13 RP pages 8-10. In

5/8 /13 RP Judge McCauley started to comment on jurisdiction on page 9 at lines 23 & 24 but stopped short, then intentionally reserved all of my arguments, 5/8/13 RP page 10.

In 6/22/13 RP on pages 16, 28 & 29 I assert RCW 6.27.150 and inform Judge Godfrey that a court with lawful jurisdiction can only seize 25% of my earnings. It is a fact that Judge Godfrey Provided Special Privileges and immunities to Joseph Field when he completely ignored the protections not only provided to me but to all of my other creditors and gave 100% of my earnings to Joseph Field as documented by his omission anywhere in the court record to address the protections provided not only to me but to my other creditors in RCW 6.27.150. When Judge Gordon Godfrey refusal to not only provide me but refused to provide my other creditors the protections identified in RCW 6.27.150 he placed Joseph Field's interests before all other individuals and entities, and that is a documented act of a state bar member providing special privileges and immunities to another state bar member. Judge Godfrey's refusal to even address my assertion of RCW 6.27.150 is one state bar member providing preferential treatment to another state bar member.

In CP Doc. No. 19 ex.2 I provide judge Gordon Godfrey a copy of my credit report that showed Joseph Field fraudulently reported the amount of his judgment and exaggerated the amount of his judgment by \$100,000.00 which is a violation of the fair debt reporting act. I addressed this violation of the fair debt credit reporting act to Judge Gordon Godfrey in 6/22/13 RP pages 15-17 , and judge Gordon Godfrey ignores the evidence and protections provided to me in the laws and again provides Joseph Field special privileges and immunities.

I informed Judge Gordon Godfrey that I was a cranberry farmer and assisting Joseph Field with his course of conduct and criminal actions was criminal sabotage as identified in RCW 9.05.060, 6/22/13 RP pages

28-31. When Judge Gordon Godfrey ignored his lawful jurisdiction and understood I was a Pacific County cranberry farmer and he refused me the protections provided to me in RCW 6.27.150, RCW 6.32.030, RCW 6.32.200 & RCW 6.32.270, ( 6/22/13 RP he engaged in criminal sabotage as described in RCW 9.05.060 with Joseph Field as described in RCW 9.05.030. Since this criminal sabotage involves extortion of property and earnings of mine protected by federal laws Judge Gordon Godfrey and Joseph Field's actions amount to an Interference with Commerce as identified in 18 USC section 1951.

In 6/22/13 RP on pages 9, 10, 11 & 17 and in CP#s 6, 10, 15, 16, 19, 26, 28, 34, 36, & 37, I identified some of the criminal codes that were being violated.

D. ARGUMENT

1. ARGUMENT RELATED TO JURSDICTION

RCW Chapter 4.12 VENUE – JURSDICTION

RCW 4.12.010, RCW 4.12.020, RCW 4.12.025, 15 USC section 1692 (a) and 29 USC section 206 all make it clear that the action was only lawful if filed in the county in which I reside which is Pacific County. In 6/22/ 13 RP on page 11 line 15 I question how Judge Gordon Godfrey has jurisdiction over me, and on page 35 at line 13 Judge Gordon Godfrey acknowledges I am a Pacific County resident but totally ignores his lack of jurisdiction over me. In CP, Doc # 29c I supplied a copy of my income tax records which shows that I reside in Pacific County. It is clear in both RP's I stated to both the Honorable F. Mark McCauley and Judge Gordon Godfrey that I was a Pacific County resident and questioned how they had jurisdiction over me. Judge McCauley reserved my jurisdiction argument and Judge Godfrey ignored it completely.

Grays Harbor County did not have jurisdiction over me in Joseph Field's action for recovery of money (RCW 4.40.060) and it needed to be

lawfully filed in Pacific County where a judge who has not engaged in criminal conduct towards my family could lawfully proceed with the action, CP Doc # 10 with exhibits. The moment Judge Gordon Godfrey ignored his unlawful jurisdiction and proceeded to take my life, liberty and property, without authority to do so his actions became criminal in nature and the crimes occurred in Grays Harbor Superior Courthouse where the people of Grays Harbor in the form of a jury have a right to know if their elected Judges are acting within the authority of the law or acting criminally.

Jurisdiction cannot be ignored and judges cannot assume jurisdiction over an individual merely because he or she is instigated by another individual to do so or has a desire to do so. The Judge has to have the legal authority over the person to act lawfully. In accordance with **U.S. Supreme Court case no. 96-792 Kalina vs. Fletcher on Writ of Certiorari from the 9<sup>th</sup> Circuit 12/10/1997** Judge Gordon Godfrey's actions to ignore his lack of jurisdiction over me was an act of treason against our state and federal constitutions which he is civilly and criminally liable for.

Legally Grays Harbor County had no jurisdiction over me in the debt collection action Joseph Field instigated against me, but Grays Harbor County has lawful jurisdiction over my assertions of extortion, embezzlement, thefts, fraud, criminal sabotage, interference with my ability to engage in commerce in the area by extortion and violations to the fair debt collection act I raised in Grays Harbor Superior Court, before Judge Gordon Godfrey.

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

The only matter that stands in the way of Judge Gordon Godfrey being held civilly and /or criminally liable for acting to engage in criminal sabotage and interfering with my right to engage in commerce in the area is his relationship with Washington State Bar Association members, the Supreme Court Justices relationships with Washington State Bar Association members, and their violations to the separations of powers, that prevents victims like me from accessing a Grand Jury. A Grand Jury would indict Joseph Field and Judge Gordon Godfrey on the criminal codes identified in RCW 9.05.030, RCW 9.05.060, 18 USC section 1951 and violations to the fair debt collection act identified in 15 USC section 1692 and 29 USC section 206.

Since Joseph Field used Grays Harbor Superior Court to engage in the criminal activity I documented herein and presented to Judge Gordon Godfrey, Grays Harbor Superior Court has lawful jurisdiction over a Grand Jury trial related to their criminal actions and violations of the fair debt collection act. In accordance with the RCW 2.28.150 Implied Powers our Supreme court justices have the power to combine it with the other legal abuses I have suffered because of criminally organized efforts of Washington State Bar members to use our courts to engage in dilatory tactics to defraud me, victimize me and threaten, harass, intimidate and extort life, liberty and property from me, and cause domestic turbulence, CP Doc # 10 with exhibits.

When I argued Judge Gordon Godfrey did not have proper jurisdiction over Joseph Field's action to recover money from me, Joseph Field attempted to circumvent my jurisdiction argument and my arguments regarding his criminal actions and argues Washington State Courts do not have any jurisdiction over Oregonian's, 6/22/13 RP page 21 16- 22-3. The problem with Mr. Field's assertion is, I am not an Oregonian nor have I ever been one, I am a lifelong resident of Washington State.

When evaluating all of the actions involved in all of this litigation both in Oregon and Washington with the constitutional protections in our U.S. and Washington State Constitution, with the fact that a jury has never been involved in these actions, Joseph Field's assertion fails our constitutional tests. Our Washington State Justices have an absolute constitutional duty to Washington State residents, and a duty to protect them from criminal activities of all individuals, no matter where they reside and how prestigious they are, if and when an Oregonian or Oregonians come into Washington State and victimize a Washington state resident with their criminal activities.

If Washington State courts do not have jurisdiction over violations to our criminal codes I assert in my issues, occurring in Washington State then who does. I am a Washington State cranberry grower who has employees and my employees, my creditors and I have been subjected to the criminal activity identified in RCW 9.05.030 and RCW 9.05. 060 Criminal Sabotage and 18 USC section 1951 Interference with Commerce by Joseph Field, who came here into Washington State and solicited corrupt assistance and preferential treatment from Judge Gordon Godfrey and others. Many of my employees have not been paid because of these individuals criminal actions, and if not for my family and friends Joseph Field and Judge Gordon Godfrey would have succeeded in sending me into bankruptcy where his corrupt colleagues are eager to execute their personal vendettas on me and take all of my life's achievements for attempting to expose their criminal bankruptcy fraud industry.

If Joseph Field had not come here to Washington State to execute his extortion, fraud, thefts, embezzlement, criminal sabotage and interference with commerce he would have most likely prevailed with obtaining Special Privileges and Immunities, with his thefts and defrauding me, now Washington State has jurisdiction over his criminal

acts of extortion, fraud, theft, embezzlement, criminal sabotage and interference with commerce and a lawful duty address it. It is the utmost importance for our Justices to determine if a Washington State Bar Association member is using our courts for his personal criminal activities. WSC Article II Section 30 Bribery or Corrupt Solicitation

This case documents how Washington State Bar Association members have violated the Separation of Powers and have infiltrated the other two branches of our governments, the legislative and executive to instigate and enact unconstitutional laws that are designed to cause domestic turbulence, conceal criminal activities of their members and use our courts for their members criminal activities of praying of innocent vulnerable individual's rights to benefit the economics of their industry. This violation of the separation of powers is a form of Corrupt Solicitation that is prevented by Article II section 30 Bribery or Corrupt Solicitation, of our Washington State constitution.

The violation of the separation of powers by the industry of the State Bar Association has encouraged domestic turbulence and public corruption by making it a profitable business enterprise for their membership. Turning domestic turbulence and public corruption into a viable business enterprise has instigated, encouraged and condoned public corruption at all levels of government. This case documents the damage Washington State Bar members has caused to our domestic tranquility because of the lack of oversight of the Washington State Bar Association. Apparently the court clerk did not like my opening brief or these arguments and rejected it. I incorporate all of it with this brief and question how the court can accomplish this when it contemplates the following case law.

**Haines v. Kerner , 404 US 519 (1972) “ Allegations such as those asserted by petitioner, however in artfully pleaded, are sufficient” .... “**

which we hold to less stringent standards than formal pleadings drafted by lawyers.”

**Jenkins v. McKeithen, 395 US 411, 421 (1959): “Pro se pleadings are to be considered without regard to technicality; pro se litigants’ pleadings are not to be held to same standards of perfection as lawyers.”**

**Marty v. Grasselli Chemical Co. 303 US 197 (1938) “ Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment” .**

Absolute immunity and power corrupts absolutely. This case involves millions of dollars of fraud, thefts and extortion by State Bar Members including Joseph Field and others. It documents an organized criminal effort by State Bar members to use our courts to conduct their personal racketeering schemes, and Interfere With the Commerce of the Twin Harbors area, as identified in 18 USC section 1951. This case documents an assembly of saboteurs, mostly Washington State Bar members, who used our courts for their predatory criminal activity including fraud, embezzlement and criminal sabotage. In order to repair the interference with commerce and protect the domestic tranquility to the entire area it will require and equitable and just resolution, as described in RCW 4.04.010 Extent to which Common Law prevails and RCW 2.36.020 (5) Grand Jury “ means those 12 persons impaneled by a superior court to hear, examine, and investigate evidence concerning criminal activity and corruption.

The real problem is Washington State Bar Association members are determined to prevent me from presenting my criminal allegations and evidence to a Grand Jury because I will expose the magnitude of

criminal activity Washington State Bar members are using our courts for, to the Grand Jury, and it will be detrimental to Washington State Bar Association's industry. According to Washington State Bar Association members I have to have their permission to present the criminal activity of their members to a jury. This unconstitutional conflict of interest is the main ingredient in the recipe for causing domestic turbulence, making public corruption a profitable business enterprise and instigating, supporting and concealing public corruption. This conflict of interest is a direct attack on our constitutions that has interfered with our domestic tranquility and transformed our government from that of a free society to that of one with hand selected nobles (state bar members) completely running our society, and using predatory activities to prey off vulnerable individuals and small business. Our society can never achieve domestic tranquility when domestic turbulence is an industry and our courts are used for criminal activities of the industry members who profit off of causing domestic turbulence.

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

#### WSC ARTICLE 1 SECTION 12 SPECIAL PRIVILEGES AND IMMUNITIES PROHIBITED

Ethics and our Washington State Constitution Article I section 12 Special Privileges and Immunities Prohibited place an official duty on our Supreme Court Justices to investigate and address all criminal activities of all Washington State Bar Association members using our courts for their personal criminal activities.

The matters before the court are very serious in nature and amount to the takings of individuals life, liberty and property as described in our United States Constitution (USC) Amendment VII Trial by

Jury in Civil Cases and our Washington State Constitution (WSC) Article I section 21 Trial by Jury because Joseph Field intentionally engaged in actions in this lawsuit to take all of my earnings to force me into bankruptcy and ruin my life's achievements, and I am asserting Joseph Field and his accomplices engaged in criminal activity that defrauded me of over 5 million dollars, which when presented to a jury would ruin Joseph Field and his accomplice's life achievements.

Our constitutions prevent our oppressive government officials including officers of our courts from taking anyone's life, liberty and property without the involvement of a jury, and that includes both Joseph Field's **and mine**. Joseph Field and his accomplices have as much right to a jury as I have, to protect their life, liberty and property. The problem is Joseph Field and most of his criminal accomplices are members of the Judicial branches of our government and they do not want to go before any jury and are determined to make sure that their criminal actions are never presented to a jury, 6/22/13 RP page 23 at lines 1-6.

Our constitutional protections making a jury inviolate is the only hope for a victim of criminal activity of a state bar member or state bar members' criminal activities. When the determination to allow a jury to decide the criminal activities of state bar members is left to a state bar member, the separation of powers and conflict of interest is not severed and domestic tranquility is tested. The real test of our Supreme Court Justices oath to uphold our constitutions and protect domestic tranquility is presented to them in this action. Please do not pretend these criminal actions do not occur.

**United States ex rel Toth v. Quarles, 350 US 11, 16 (1955) the jury...acts not only as a safeguard against judicial excesses, but also as a barrier to legislative and executive oppression. The Supreme**

**Court...recognizes that the jury...is designed to protect Defendants against oppressive governmental practices."**

As a public official Mr. Filed should not have made the bad faith decision to come to Washington State to criminally attack a victim of his criminal activity. Likewise judge Gordon Godfrey should have never made any bad faith decisions regarding ignoring his lawful jurisdiction, proceeding without jurisdiction to take an individual's life, liberty and property by ignoring state and federal laws and taking 100% of my earnings, denying special proceedings, taking the act of omission and malfeasance of office regarding addressing the evidence of fraud, theft and embezzlement of Carsten's assets, used his official position to assist Mr. Field and other state bar members to engage in and engaged in himself the following criminal acts.

**Warnock v. Pecos County, 88 F. 3<sup>d</sup> 341 (5<sup>th</sup> Cir. 07/08/1996, "The Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state official acted in violation of Federal law. Edelman v. Jordan, 415 US 651, 664, 39 L. Ed. 2d 662, 94 S. Ct. 1347 (1974) ; Brennan v. Stewart, 834 F. 2d. 1248, 1252 (5<sup>th</sup> Cir. 1988).**

The intent of bonding public officials is so individuals subjected to their bad faith decisions can hold them and not the general public (taxpayers) responsible for their bad faith decisions. Both Judge Gordon Godfrey and Joseph Field are Washington State Bar members who hold public bonds. Our Washington State Supreme court Justices have a duty to address criminal and ethical violations of Washington State bar members, and they cannot make a bad faith decision to take the act of omission and malfeasance of office. **Beightol v. Kunowsky D.C. Pa. 1974 382 F. Supp. 98 (the Court held) "Absent highly unusual**

**circumstances defenses of Executive Immunity and Good Faith by public officials in carrying out duties should be submitted to jury"**

Likewise our Supreme Court justices cannot reject a prose litigants brief because they are reluctant to address the criminal activity of Washington State Bar Association members. In complying with the foregoing and following case law and evaluating the evidence presented to Judge Gordon Godfrey and referred to in the 6/22/13 RP on pages 10-13 our Supreme Court Justices have a duty to evaluate the evidence in my **"Legislative Inquiry Action And Petition for Grand Jury Investigation Into Corrupt Activities"** and address the criminal acts appropriately in **good faith.**

The intent identified in WSC Article I section 12, Special Privileges and Immunities Prohibited, Article II section 30, Bribery or Corrupt Solicitation, Article IV section 9 Removal of Judges Attorney General Etc. and RCWs Chapters 10.27 Grand Juries- Criminal Investigations and 10.29 Statewide Special Inquiry Judge Act is for us to have a means to address organized criminal activities by members of organizations such as the Washington State Bar Association and if needed the State Bar Association in its entirety. The Question I am wondering is: has the Washington State Bar Association as a whole violated WSC Article II section 30, Bribery or Corrupt Solicitation and Article I section 12, Special Privileges and Immunities Prohibited and violated the separation of powers and infiltrated the executive and legislative branches with the intent to initiate and pass laws that prevents us from addressing a criminal use of our courts by officers of the courts (all their membership) with the intent to keep organized criminal activities and public corruption a profitable business enterprise for their membership. In both chapters RCW 10.27 and RCW 10.29 our Supreme Court justices have the power to call forth a Grand Jury to investigate the criminal activity documented and supported

with the evidence in this case, and it not only would be bad faith not, to but in this case it would be leading organized criminal activities, by Washington State bar members for Washington State Bar members.

This documented our state and federal constitutions prevent any public official from taking any individual's life liberty and property without a jury's involvement. All of the State Bar Members and their accomplices have as much right to a jury's involvement as I have.

USC Article IV section 1 Faith and Credit Among States, USC Amendment VII Trial by Jury in Civil Cases, USC Amendment XIV section 1 Citizenship rights not to be abridged by states, WSC Article 1 sections 1,2,3 & 10, WSC Article I section 21 Trial by Jury, WSC Article 1 section 32

Fundamental principals

In an attempt to protect himself from a jury imposing civil and criminal liabilities on him, Joseph Field made the argument that Grays Harbor Superior court has to give full faith and credit to the judgment he obtained against me. When anyone actually evaluates the absurdness of Mr. Field's argument that he is entitled to the constitutional protections of our full faith and credit laws, yet I am not entitled to any constitutional protections regarding the taking of my life, liberty and property without a jury with the intent of our constitutional amendments that prohibits our courts from taking an individual's life, liberty and property without the involvement of a jury and prohibiting providing special treatment and immunities to Joseph Filed, every rational person will understand that Mr. Field used his position as a state bar member to violate and deny me constitutional protections that were established to protect me from public officials like Joseph Field.

Joseph Field's entire argument is "he is entitled to constitutional protections and I am not entitled to constitutional protections". In regards to any full faith and credit arguments the court must examine the

course of conduct that led to the Judgment, to make sure no constitutional protections were violated, and both of us have had our constitutional protections protected. Joseph Field argues he is entitled to the constitutional protections provided in full faith and credit laws but used his official position as an officer of the court to prevent me from having the constitutional protections involved in making a jury trial, and special privileges and immunities prohibited mandatory and inviolate. It is impossible for Joseph Field's argument because of his official position to be further from the intent of our constitutions.

Here in this case not one but two Oregonians (6/22/13 RP page 21) came here to Washington State to attack me a Washington State resident's life, liberty and property. The only reason two Oregonians had the arrogance and audacity to come to Washington State and attack my life, liberty and property is because they were both aware that Washington State Bar Association members engaged in criminal actions towards me personally and that their attacks on my life, liberty and property could not be presented to a jury without the criminal attacks on me by Washington State Bar members being exposed, and I would have to have the permission of Washington State Bar Members to expose the criminal activities of Washington State Bar members. This permission situation instigated all of the criminal activity I have been subjected to by Washington State Bar Members, and tests our domestic tranquility.

The full faith and credit argument goes both ways the Oregon Court that entered its judgment against me did not provide me the protection of the laws that make it mandatory and irrevocable that a jury is to be involved in the takings of my life, liberty and property, that exceeds \$5,000.00 in nature. I have at every aspect of all of the proceedings requested that a jury is involved in all of the proceedings to break up the conflict of interest that occurs when State Bar members are

providing preferential treatment or special privileges and immunities to each other. CP Doc. # 19 Motion for Jury trial including evidence of Joseph Field's actions to defraud me.

The documents I included in CP doc. No 19 exhibit 5 document the fact an Oregon attorney by the name of Lewis B. Hampton arraigned to sell the Dead Dog Ranch (Larsell property) for \$825,000.00. CP Doc. #19 with exhibits, CP Doc. #26 with exhibits & 6/22/13 RP pages 4-10, 13, 16, 19, 20, 26 & 28 documents the fact the property was appraised at over three million dollars. No one will be able to convince me or any jury that attorney Lewis B. Hampton was acting in Good Faith and not acting with the intent to defraud others, by allowing his client to sell a three million dollar parcel of property for \$825,000.00 just days before a purchaser of the property filed bankruptcy. All of it is fraud designed and executed with the assistance of State Bar Association members, and State Bar Association judges are leading the criminal activity by preventing the fraud from being addressed by a jury that has no pecuniary benefits to offer or gain, please see CP Doc. # 10 with exhibits. As long as fraud is never addressed the criminal activity remains a viable business enterprise for State Bar members. No State Bar member can overcome the fact that this type of fraud is a criminal enterprise led by state bar members. The violations of the separation of powers Washington State Bar Association members have engaged in has evolved to the point, State Bar Members are leading organized fraud and theft crimes.

The courts in Oregon ignored the constitutional protections of the laws I have that make the jury inviolate when it comes to the taking of my life, liberty and property, and as such refused to give full faith and credit to our United States Constitution Amendment VII, Amendment XIV section 1, Article IV sections 1 & 2, Amendment V, Amendment XIV section 1 and Washington State Constitutions in Amendment VII and

Article 1 sections 3, 21 and 29. I have continually been denied of my right to have a jury involved in the judgment Joseph Field is using to deprive me of my life, liberty and property. CP Doc # 19

In violation of our Washington State Constitution Article 1 section 21 Joseph Field used his relationship with the courts to violate my right to have the jury involved in the proceedings that led to the establishment of his judgment against me, if a jury was involved I would have obtained a multimillion dollar judgment against Joseph Field and his law firm and he would not have obtained a judgment in his favor CP Doc. 19 With exhibits. Joseph Field used his official relationship with the courts to obtain special privileges and immunity from civil and criminal liabilities.

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

When I am allowed to present my fraud argument to a jury and they rule in my favor and enter a judgment against Joseph Field for conspiring with others to defraud me of millions of dollars, the Oregon court that entered Joseph Field’s judgment against me will have to give full faith and credit to the jury’s finding of fact and conclusion of law, and reverse his judgment against me.

The Honorable Elizabeth Perris presided over Carsten von Borstel’s bankruptcy case in which these proceedings derived from. The Honorable Elisabeth Perris understood my argument completely that Mr. Field sabotaged my efforts to recover Carsten’s bankruptcy assets and provided me with the following case laws.

**Geo. P. Reintjes Co. , Inc. v. Riley Stoker Corp., 71 F. 3d 44, 48 (1<sup>st</sup> Cir. 1995) “Fraud on the Court” is construed narrowly. It is “reserved**

for those cases of injustices which, in certain instances are sufficiently gross to demand a departure from rigid adherence to the doctrine of res Judicata. "

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

Alexander v. Robertson , 882 F. 2d 421, 424 (9<sup>th</sup> Cir. 1989) ( quoting 7 J. Moore & J. Lucas, Moore's Federal Practice 60.33 92d ed. 1978) ) . It " includes both attempts to subvert the integrity of the court and fraud by an officer of the court. " In re Intermagnetics Am. , 926 F. 2d 912,916 (9<sup>th</sup> Cir. (1991). The moving party must "show an unconscionable plan or scheme which is designed to improperly influence the court in its decision."

All of the case law Judge Elizabeth Perris provided me with deal with officers of the court's using their position as officers of the court to victimize, victims and defraud the courts, and they pertain directly to all of the officers of the courts involved in Carsten bankruptcy fraud schemes, including mostly Joseph Field, because the rest of them had to have his assistance to execute their fraud schemes. As Judge Perris documents there is no res judicata, statute of limitations or latches, when fraud is executed by an officer of the courts.

The moment the jury determines Joseph Field sabotaged my efforts to recover Carsten's assets and defrauded me of millions of dollars, I will present their findings of fact and conclusion of law to the

honorable Elisabeth Perris and ask her to give full faith and credit to the jury and address the fraud involved in her courtroom by officers of the court and make it all equitable and just, and I have full faith that the Honorable Elisabeth Perris will make sure all of it is equitable and just.

DENIAL OF SPECIAL PROCEEDINGS AS IDENTIFIED IN RCW 6.32

The evidence supported the fact that I requested and was entitled to Supplemental Proceedings as identified in RCW 6.32.030, RCW 6.32.120, RCW 6.32.200, RCW 6.32.260 and RCW 6.32.270 if for no other reason but for the court to assure that it was not assisting in the criminal activities I identified and the evidence supported. Acting without jurisdiction, seizing 100% of my earnings and denying me supplemental proceeding made me a victim of the criminal codes I identify in my statement of errors 3-17.

In allowing me special proceedings I would have subpoenaed the credit reporting agency for the documents to show Joseph Field exaggerated the amount he reported to them by \$100,000.00 and asked for damages. CP Doc.# 19 exhibit 2 & 6/22/13 RP page 15 & 16. I would've asked for other subpoenas also.

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

**A "Hobsons Choice" occurs when a person is offered what is equivalent of no choice at all. Cited in part at (31) State v. Chen 119 Wash. App. 1013 (Wash. App. Div. 2 11/13/2003)**

OMISSION, MALFEASANCE OF OFFICE AND THE CRIMINAL CODES IDENTIFIED IN ASSIGNMENT OF ERRORS NUMBERS 6-17.

I address the issues related to Assignment of error # 5 Omission and Malfeasance of Office, and the criminal codes I identify in assignment of errors numbers 6 through 17 by focusing the court's attention on the criminal conspiracy involving Washington State bar members organized use of our courts to criminally defraud my family and I. CP Doc #s 6, 10, 15, 19, 24, 26, 28, & 37 with exhibits and 6/22/13 RP. All of the Washington State Bar members including judges prosecutors and attorneys who were and are legally obligated by the act of omission and malfeasance of office that have refused to address the criminal activities of their fellow Washington State Bar Association members are criminal accomplices in the intent to defraud my family and I that Judge Snyder documented.

Instead of my attorney Joseph Field addressing the criminal activities of fellow State Bar members and his personal friend trustee Russell Garrett, Joseph Field assisted them with their intent to defraud my family and sabotaged my efforts to recover assets, from individuals who defrauded my family and I. Mr. Field assisted with their criminal activity so he could obtain pecuniary benefits from them and their judicial colleagues.

This case is not a case that involves five thousand dollars or less, which would affect me personally. This case is all about an organized effort of several State Bar members organized criminal acts to take my life's achievements. The Pacific County jury verdict in our favor was one of my life's achievements that was intended to repair several years of damages to our family farm. Since my life's achievements are intended to benefit my children and grandchildren, these individuals have, with criminal acts, stolen lifelong opportunities from my children and grandchildren, of which I am unable to tolerate. Every state bar member including all of the judges, prosecutors and attorneys who criminally

organized to render the jury verdict in our favor a useless act, should have made good faith decisions instead of deciding to engage in criminal activity. Now our Justices are afraid to allow me access to a Grand Jury because they are faced with a very serious problem of having the lack of integrity of our entire judicial branches being seriously damaged. Essentially many of our justices who are obsessed with power are afraid of losing their powers. Honorable Judges like Judge F. Mark McCauley and Judge Paul B. Snyder have nothing to fear from a Grand Jury investigation, but power obsessed judges like Judge Gordon Godfrey, Brian D. Lynch and Michael Sullivan would most likely be forced to forfeit their official bonds and be disbarred at the very least.

Our Supreme Court Justices are faced with a very difficult task, whereas they can follow the intent and clear wording defined in our constitutions and risk having the entire State Bar Association determined to be a subversive criminal organization by a Grand Jury, or at the very least be forced to disbar many high ranking State Bar members, of which could possibly turn into a falling domino type situation that could reach the majority of the Washington State Bar Association or ignore their oath to uphold our constitutions and throw my family and I under the bus and risk domestic tranquility. If I were a Supreme Court justice I would err on the side of caution and not make any decision that could not stand up to my oath to protect our constitutions, and the scrutiny of a Grand Jury investigation, or a legislative investigation. If I were a Supreme Court Justice I would not risk my creditability or engage in any criminal actions to cover-up the criminal acts I describe in my assignment of errors 6-17 of others. If I were a Supreme Court Justice I would do whatever it takes to encourage Domestic Tranquility, instead of damaging it.

Ever since the Honorable Paul B. Snyder entered his conclusion of law and exposed the conspiracy of Washington State Bar members

conspiring with each other, and others, to defraud me I have been continually harassed, threatened and intimidated by Washington State Bar members conspiring to cover-up the criminal intent to defraud my family and I. All of the individuals who were involved in arraigning for this action to be presented to Judge Gordon Godfrey and the action itself is an act to hinder, delay and defraud me and harass, threaten and intimidate me and force me both mentally and financially into remission and silence to keep me from addressing the criminal intent designed and executed by Washington State Bar members. Victimized harassing threatening and intimidating a victim, witness and informant is described in RCW 9A.72.110 Intimidating a witness RCW 9A.72.120 Tampering with a witness, and 18 USC sections 1512 & 1513.

I have been subjected to these criminal acts because State Bar Members, Judges (including but not limited to Judge Gordon Godfrey, have continually provided Special Privileges and Immunities to state bar members, including but not limited to Joseph Field, Gregory Ursich, Russell Garrett, George Benson and Thomas Linde. Please see CP Doc. #10 with exhibits, and my Legislative Inquiry Action and Petition for Grand Jury Investigation Into Corrupt Activities, which I presented to Judge Godfrey in open court 6/22/13 RP page 10 lines 15-22. In reviewing the records in this action it appears my Legislative Inquiry Action and Petition for Grand Jury Investigation into Corrupt Activities went directly into the trash can as it is not in the court records. Most likely it has been filed in the Judge's closet, just as my other missing documents were filed in Pacific County Superior Court's Judge's closet for nine years. I did provide a copy of it to this court in my original opening brief, and I again ask it to be included herein as an exhibit with the brief itself. Not only does WSC Article I section 12 Special Privileges and Immunities Prohibited prevent the taking of an individual's life, liberty and property without the

involvement of a jury but the entire intent of our constitutions is to prevent oppressive governmental officials from taking individuals life, liberty and property without the involvement of a jury. The entire intent of our constitutions is to rein in oppressive governmental tactics to prevent public officials from taking individual's life, liberty and property without a jury's involvement.

With knowledge of the criminal activity documented in Judge Snyder's conclusion of law, the evidence in his possession and the intent of our U.S. and Washington State Constitutions Judge Gordon Godfrey had a lawful duty to act in good faith and not take any action that could possibly be conceived as victimizing, threatening, harassing and intimidating a victim, witness and informant. By their oath to uphold our constitutions our Washington State Supreme court Justices have a lawful duty to address all of the criminal activity Washington State Bar Association members have subjected me to. No Washington State Bar Association member has any right what so ever to harass, threaten, intimidate or victimize a victim of criminal activity of their State Bar Association members. All Washington State Bar Association members are required by the intent of our state and federal constitutions to allow a jury to factually determine the names of their members and the amount of the involvement of each member that was and is involved in the conspiracy to defraud me. With this document everyone involved here is "On Notice" of the crimes I document in assignment of errors no. 6-17, and taking any action including the act of omission, to conceal or cover-up these crimes makes everyone subject to the criminal codes I identify in my assignment of errors 6-17.

Cooke v. Iverson, 122, N.W. 251 "It cannot be assumed that the framers of the Constitution and the people who adopted it, did not intend that which is the plain import of the language used. When the language of the Constitution is positive and free of all ambiguity, all courts are not at liberty, by a resort to the refinements of legal learning, to restrict its

obvious meaning to avoid the hardships of particular cases. We must accept the Constitution as it reads when its language is unambiguous, for it is the mandate of the Sovereign power.

#### E. CONCLUSION

The proper good faith action to take is to arrive at an honest, fair, just and equitable resolution. To prevent special privileges and immunities provided to anyone the facts regarding the criminal violations and evidence need to be determined by an independent jury.

I will ask the jury (or the court) to forfeit the official bonds and liability insurance policies of all of the Washington State Bar members who has used their official position and our courts to criminally attack my life, liberty and property.

Frankly because of the magnitude of the fraud, embezzlement, theft, extortion and interference of commerce not only to my family but to the entire Twin Harbors area and the importance of this action to domestic tranquility and the public's interest the proper action is to call forth a Grand Jury as identified in RCW 2.36.010 (5), RCW 10.27 and RCW 10.29.

In accordance with RCW 2.36.010 (5), RCW 10.27 and RCW 10.29 the Jurisdiction argument will have to be resolved by this court and if the parties are worried about receiving a fair trial in the county that is determined to have proper jurisdiction they should have the opportunity to remove the action to an adjacent county.

In determining proper jurisdiction the court should require 100% of my funds to be returned to me with a clause I am entitled to damages from an unfair debt collection action executed by Joseph Field or retain them for the bonding requirement identified in RCW 4.25.350.

If for some unknown reason the court determines jurisdiction was proper in Grays Harbor County the court still needs to return 75% of my earnings as described in RCW 6.27.150 with the clause I am entitled to

damages from an unfair debt collection action executed by Joseph Field or retain them for the bonding requirement identified in RCW 4.25.350 as the language in RCW 6.27.150 is clear and whether or not Judge Godfrey had lawful jurisdiction, he Provided Special Privileges and Immunities to Joseph Field by seizing 100% of my earnings and placing Mr. Field's entire action to recover money before my employees and other creditors.

If our Supreme Court Justices are reluctant to call forth a RCW 10.27 and or RCW 10.29 action they should at the very least determine I should have had a right to conduct special proceedings as identified in RCW 6.32.030, RCW 6.32.200, RCW 6.32.260 and RCW 6.32.270, and Judge Godfrey provided Special Privileges and Immunities to Joseph Field by interfering with these protections of the laws provided to me, as a result I was damaged by an amount to be determined at jury trial. In fairness to the parties the court should limit the Special Proceedings to the arguments and evidence I presented to the lower court, this includes addressing State bar member Russell Garrett's relationship with Joseph Field, the bribing of Russell Garrett by Washington State Bar member Gregory Ursich, with the disappearance of the \$97,327.57 Grange Insurance payment, Carsten von Borstel's involvement in Field's Unlimited and the fraud Judge Snyder exposed, determining the names of all of the state bar members involved in the intent to defraud me Judge Snyder exposed both before and after his conclusion of law, Marlow Dill's responsibility and involvement as an accomplice to the fraud involved in the fraudulent transfer and theft of the Dead Dog Ranch. Lewis B. Hampton's involvement as an accomplice in the fraudulent transfer and theft of the Dead Dog Ranch and officials of Experian the debt reporting agency to see if in fact Joseph Field fraudulently exaggerated the amount of the judgment by \$100,000.00.

The court should determine I am entitled to compensation and damages because of the violation of the automatic stay that should have been provided to me with my notice of appeal, was not enforced. The exact amount exceeds \$10,000.00 in nature and I ask the court to decide I have a right to have a jury factually determine amount.

Essentially I want a jury to determine if I should have my life, liberty and property back. I want to be freed from the bonds of these slave traders, (under the guise of officers of the courts, state bar members) who because of their official positions, have bound me to involuntary servitude because I obtained a jury verdict in my family's favor and they were determined to use their official position with our courts to take our life, liberty and property from us because of it.

Dated this \_\_day of May 2014

Respectfully submitted

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James J. O'Hagan Pro Se All Rights Reserved

Appendix

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Certificate of Service

I James J. O'Hagan swear under the penalty of perjury of the laws of the state of Washington that the following is true and correct. On May 23, 2014 I emailed and / or mailed a copy of the foregoing to the following:

Washington State Supreme Court  
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Dean Takko  
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Dated this 23 rd day of May, 2014.

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James J. O'Hagan

**OFFICE RECEPTIONIST, CLERK**

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**Subject:** Cause No. 89285-7

Mr. Carpenter,  
Attached is my first supplemental opening Brief as per letter dated 4/21/2014.  
Thank you  
James O'Hagan