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U.S. COURT OF APPEALS

FEB 14 2017

FILED _____
DOCKETED _____ DATE _____ INIT _____

1 James J. O'Hagan
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3 Grayland WA 98547
4 (360) 267-7911
5 Wayoutwest1@hotmail.com

8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE WESTERN DISTRICT OF TEXAS

10	WASHINGTON STATE Et All)	TEXAS NO.
11	Plaintiff(s))	Washington State No. 17-cv-00141-JLR
12	VS)	9 th Circuit No. 17-35105
13	PRESIDENT DONALD TRUMP Et All)	
14	Defendant (s))	MEMORANDUM OF INTERVENER BY
15)	DECLARATION OF JAMES J. O'HAGAN
16	JAMES J. O'HAGAN, (Et All))	
17	Co- Defendant(s))	
18	_____)	

19 COMES NOW JAMES J. O'HAGAN an intervener with standing and swears under the
20 penalty of perjury the following is true and correct to the best of my knowledge.

21 Since the Department of Justice Attorneys defending President Donald Trump are
22 actually his adversaries that was appointed by the former President Barrack Obama, they failed
23 to identify significant legal issues, and important facts that should not be ignored. Since their
24 omissions or negligence affects my personal interests and damages me, I'll get right down to
25 identifying their omissions, and strategies of sabotage.

26 "I stipulate" the plaintiff Washington State Attorney General (AGO) Robert Ferguson
27 lacks standing to bring the matters he is attempting to prosecute whereas he is not a damaged
28 party, and a complaining party has not come to him and hired him for relief. Washington State
29 Attorney General Robert Ferguson filed this lawsuit in a political attempt to maintain
30 democratic power in Washington State, and continue to allow dead people and illegal aliens to
31 vote for the social programs they are using to bribe their voter supporters with.

32 I stipulate everything that AGO Robert Ferguson is doing with this case is politically
33 motivated, fraud and a fraudulent use of taxpayers' funds as his actions directly violate Article II

1 section 4¹ of our United States Constitution that guarantees us our Republican form of
2 government shall not be infringed upon in Washington State.

3 AGO Robert Ferguson is using taxpayer funds collected ultimately only from the
4 producers of our products developed in Washington State to prosecute this case for his and his
5 accomplices personal political agenda, and infringe upon the legislative and executive branches
6 of our republican form of government.

7 The producers of Washington State's products, the ultimate taxpayers (where all taxes
8 are derived from) have been plagued by decades of social programs that have been created by
9 socialists and communists to bribed voters to vote for people that support their social
10 programs. The people of Washington State, like most of the States in the Ninth Circuit have
11 been denied access to the "Equal Footing Doctrine" that has caused us numerous problems that
12 most states in the United States have not had to deal with. Our "problems" started with a
13 notorious statehood that is largely ignored by the beneficiaries of ignoring the deceptions
14 involving our statehood. We should not continue to ignore the problems out of habitude.

15 The deceptions started when our 1878 Washington State Constitution, that was ratified
16 by the United States 50th Congress, second session in Senate miscellaneous documents,
17 Number 55 on January 28th 1889 was switched at the last hour with our fictitious 1889
18 Washington State Constitution. As far as I can tell, and other individuals that have investigated
19 the situation in depth, our 1889 Washington State Constitution was never ratified by the United
20 States congress. This is significant as the 1889 Washington State Constitution had very
21 significant changes that violated the States of the United States "Equal Footing Doctrine".

22 Even though several other individuals have pointed out several other valid violations of
23 the "States Equal Footing Doctrine" to me the most significant violation of the "Equal Footing
24 Doctrine" that I have personally been damaged by, and all other economically vulnerable
25 individuals have been damaged by, is identified in Article III of our original 1878 Washington
26 State Constitution that states **"Article III Distribution of Power Section 1. The Government of
27 this State shall be divided into three separate distinct departments, to wit, the legislative, the**

¹ USC Article II section 4 Guarantee of republican Government. The united States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion: and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

1 executive, and the judicial. Section 2. No person, or collection of persons, holding any
2 position in or exercising any authority under, one of these departments shall hold any office
3 in, or exercise any authority whatever under, either of the others, except such as may be
4 expressly provided for in this constitution”.

5 Here in Washington State we have been continually plagued by violations to the
6 separation of powers where officers of the courts (attorneys) have infiltrated our legislative and
7 executive branches and created laws that provide their fellow judicial branch members
8 (attorneys) pecuniary benefits (untold riches) special privileges and immunities, that has led to
9 them obtaining “nobility” and complete control over all three branches of our Washington
10 State Government. It is described in “Black Law Dictionary” as a tyranny. It should be noted the
11 thirteen original states all have articles in their state constitutions that prohibit the violations of
12 the separations of powers, thus if the equal footing doctrine is applied equally the people of
13 Washington State would be protected from members of the judiciary infiltrating our legislative
14 and executive branches to completely take over the State of Washington for the benefit of their
15 fellow attorneys, which has happened.

16 This tyranny that we live in here in Washington State has converted most beneficial
17 parasites that are surviving off of the lives of our producers into detrimental parasites and
18 predators that are preying on all of our producers. Our “Prosperity” and “Domestic Tranquility”
19 has suffered from the lack of balance between the producers, beneficial parasites, detrimental
20 parasites and predators. Our dependency on debt is evidence of how far out of balance these
21 entities of our society are. In order to rein in our debt and regain our Domestic Tranquility these
22 entities need to be brought back into balance. It is impossible to bring these entities into
23 balance without ending the violations of the separations of powers.

24 This lawsuit is the cause and effect of the tyranny that has been created by generations
25 of judicial branch members continually violating the separation of powers and infiltrating our
26 legislative and executive branches.

27 I stipulate this lawsuit is about the corruption involved in the judicial branch of
28 Washington State doing what it needs to do to retain its tyranny in Washington State, and

1 nothing else. In accordance with RCW 2.48.220 (6)² it is grounds for disbarment of Robert
2 Fergusons Washington State Bar license.

3 In accordance with “RCW 2.44.020 Appearance without authority—Procedure.
4 If it be alleged by a party for whom an attorney appears, that he or she does so without
5 authority, the court may, at any stage of the proceedings, relieve the party for whom the
6 attorney has assumed to appear from the consequences of his or her act; it may also
7 summarily, upon motion, compel the attorney to repair the injury to either party consequent
8 upon his or her assumption of authority”.

9 I am a damaged party of AGO Robert Ferguson who has not granted him any authority to
10 appear for me in this case, and as such he has embezzled my tax revenue and has used and is
11 using it for his personal political gains.

12 I am ordering the court to cease and desist all of AGO Robert Ferguson’s actions in this case
13 until Washington State Attorney General proves to the court the following:

- 14 1. Standing: Where a damaged complaining party (a voter of Washington State) came to
15 him and asked him to prosecute this case and explain to the court why he did not
16 identify the complaining party in the caption of the case and him as their attorney.
- 17 2. Embezzlement of my taxes: AGO Robert Ferguson needs to prove to this court he is not
18 using my tax dollars to promote his and his colleagues in the democratic party personal
19 political interests.
- 20 3. Fraud by Deception: AGO Robert Ferguson needs to prove to this court that he has not
21 brought this case forward fraudulently to maintain and protect the tyranny the Judicial
22 branch of Washington State has created with the judicial branch of Washington State
23 infiltrating and controlling the executive branch and legislative branch of Washington
24 State .
- 25 4. Subversive activities: Washington State Attorney General Robert Ferguson needs to
26 prove to the court that he is not the puppet master of Washington State and his deputy

² RCW 2.48.220 Grounds of disbarment or suspension. An attorney or counselor may be disbarred or suspended for any of the following causes arising after his admission to practice:

(6) 6) For the commission of any act involving moral turpitude, dishonesty, or corruption, whether the same be committed in the course of his or her relations as an attorney or counselor at law, or otherwise, and whether the same constitute a felony or misdemeanor or not; and if the act constitute a felony or misdemeanor, conviction thereof in a criminal proceeding shall not be a condition precedent to disbarment or suspension from practice therefor.

1 AGO's are not instructing the legislators of Washington State how to act, doing what he
2 personally desires to do and telling them what they can and cannot do.

3 5. Election crimes: AGO Robert Ferguson needs to prove to this court that he is not using
4 this case to engage in or conceal election crimes and promote his political career.

5 TESTIMONEY OF INTERVENER UNDER PENALTY OF PERJURY

6 I am a "Next Friend" of several economically vulnerable individuals and an economically
7 vulnerable litigant, that has appeared before more than 50 State and Federal judges in
8 Washington, Oregon and Montana over the last 25 years. As such I am a historical witness as to
9 the quality of our judges, the integrity of the people's courts and the problems the judicial
10 branches have created for themselves and the people of these states.

11 I can honestly say I have been before the best judges these states have to offer and the
12 worst judges these states have to offer. The best judges are being harassed, threatened and
13 intimidated by the judicial fraud industry and the State Supreme Court Justices they practice in,
14 the U.S. District Court Judges and the Justices of the Ninth Circuit Court of Appeals. The worst
15 judges are the most dishonest disrespeckable, deceiving unlawful people I have ever met in my
16 entire life, that regularly engage in inhumane treatment of economically vulnerable individuals.
17 They are obsessed with power and the State Supreme Court Justices encourage their inhumane
18 obsession with power, because they too understand the Ninth circuit Court of Appeals justices
19 have their back and share their obsession to power. The powers these individuals have
20 obtained through generations of violating the separations of powers, with their fellow judicial
21 branch members infiltrating our state's legislative and executive branches was never intended
22 to subject the people to.

23 The desire to obtain total and complete power has developed the judicial branches of
24 Washington and Oregon into nothing more than powerful organized crime families that have
25 overthrown the people's courts and are using the people's courts to steal the lives, liberties and
26 properties of every economically vulnerable individual in Washington and Oregon. The Judicial
27 branches in Washington and Oregon are attacking our prosperity and domestic tranquility for
28 profits.

1 On request of Pacific County Sherriff Scott Johnson the Washington State Patrol
2 conducted a white collar criminal fraud investigation into the criminal fraud of several
3 Washington State attorneys and state and federal judges in Washington State. After completing
4 their criminal fraud investigation the Washington State Patrol submitted a charging document
5 to my Washington State Attorney General Robert Ferguson's office. Not only did Washington
6 State Attorney General Robert Ferguson engage in the criminal act of omission to the fraud
7 crimes of his fellow judicial branch members he and his assistants became accomplices when
8 they directly interfered with my attempts to adjudicate the fraud crimes. Please see exhibit 1.

9 On requests of several of my Next Friends" I decided to run for Washington State
10 Representative of my district to address the judicial crime family in Washington state and end
11 the violations of the separation of powers members of the judicial branch are engaging in that
12 has resulted in their tyrannical hold over all of the people of Washington State. As my political
13 campaign to expose and break up the organized crime family of the judicial branch of
14 Washington State grew, members of the judicial branch of Washington State slanderously, and
15 maliciously attacked me, my family and my political supporters with a vengeance. Days before
16 Election Day members of the judicial branch conspired and collaborated with local fake and
17 phony news media to ruin my political campaign and efforts. Please review Pacific County cause
18 no. 16-1-00207-1 State of Washington vs James J. O'Hagan, and contact attorney Harold
19 Karlsvik at Hkarlsvik@comcast.net.

20 Pleased also review U. S. District Court for the Western District of Washington at
21 Tacoma no. 3:16-mc-05038-BHS that was sandbagged by an inhumane federal judge that has
22 continually catered to his own personal political agenda instead of justice regarding civil right
23 violations here in Washington State. Please note that I filed several affidavits of prejudice on
24 Judge Benjamin H. Settle and have filed numerous complaints to have him removed as
25 described in 28 USC section 372(c)(1) & (2)³ and he still assumed jurisdiction over my attempt
26 to remove Pacific County cause no. 16-1-00207-1 to federal jurisdiction to address civil rights

³ 28 USC section 372 (c) (1) Any person alleging that a circuit district, or bankruptcy judge, or magistrate, has engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts, or alleging that such a judge or magistrate is unable to discharge the duties of the office by reason of mental or physical disability, may file with the clerk of the court of appeals for the circuit a written complaint containing a brief statement of the facts constituting such conduct.

1 violations involving election crimes. Please also review Ninth Circuit Court of Appeals No 17-
2 35060, that is currently before the Ninth Circuit Court of Appeals documenting the election
3 crimes I was submitted to by the judicial branch of Washington State.

4 Please review my Washington State Supreme Court Brief I submitted to the Washington
5 State Supreme Court justices and all of my state representatives on January 25, 2017. Please
6 note all of these Judges have engaged in the criminal act of omission to the election crimes that
7 I was subjected to by members of the judicial branch, that are motivated by their desire to
8 maintain power they we never intended to hold, yet through stealthy continual subversive
9 tactics managed to obtain.

10 ARGUMENT

11 Washington State Courts' have a long soiled, filthy history of using the U.S. Federal
12 Courts and the Ninth Circuit Justices to support Washington State Judges' patterns of falsities
13 and willful disregards and disrespects for truth and justice. Washington State Judges have
14 disregarded the instructions the National Center for State Courts provided in their 1999 Anti-
15 Government Movement Guidebook, to wit: "Decency, security and liberty alike demand that
16 government officials shall be subject to the same rules of conduct that are commands to the
17 citizen. In a government of laws , existence of the government will be imperiled if it fails to
18 observe the law scrupulously. Our government is the potent, the omnipresent teacher. For
19 good or for ill it teaches the whole people by its example."

20 President Donald Trump stated it honestly and clearly to the world, the judge acted
21 politically with disrespect of the law. If the President of the United States cannot receive
22 lawful treatment from our judges then no economically vulnerable individual has a shadows
23 chance in hell of receiving justice. President Donald Trump has verified my testimony that
24 no-one in the Ninth Circuit has received justice for the last 20 years, and now the world
25 knows it. Now the question for President Donald Trump, our representatives and our military
26 is; Are the victims of the injustice of the Ninth Circuit entitled to justice, or will the
27 government continue to fail to observe the law scrupulously, and thus fail the people.

28 The Judges of the U.S. Federal Courts in Washington and Oregon and the Ninth Circuit
29 Justices have ignored the advice and instructions of the National Center for State Courts and

1 not held the State Judges accountable for their patterns of falsities and willful disregards and
2 disrespects for truth and justice. All of the willful patterns of falsities and willful disregards and
3 disrespects for the truth and justice have resulted in subversive attacks on individual's rights,
4 and preying on economically vulnerable individuals. Their combined actions are organized
5 criminal attacks on our constitutions, and our constitutional form of government, that was
6 designed specifically to protect individual rights of economically vulnerable individuals from
7 oppressive governmental practices of our governments. Essentially the State and Federal
8 Judges in the Ninth Circuit have become rogue⁴ and are operating outside of the law and are
9 using the people's courts to attack every individual's life, liberty and property.

10 The State and Federal Judges in Washington have ignored RCW 2.44.020 Production of
11 Authority to Act and have allowed attorneys that were fraudulently before the court to commit
12 fraud, extortion and embezzlement please see Ninth Circuit Court of Appeals No. 13-35324,
13 James J. O'Hagan vs Northwest Farm Credit Services.

14 Attorneys and state and federal Judges in Washington have routinely wrongfully used
15 their powers to defraud economically vulnerable individuals in Washington State, and the Ninth
16 Circuit Court of Appeals, has continually supported these injustices. The United States Supreme
17 Court has been overwhelmed by the patterns of falsities and willful disrespect and disregards of
18 truth and justice the Ninth circuit Court of Appeals Justices engaged in. Please see Order from
19 United States Supreme Court Re: James J. O'Hagan vs Northwest Farm Credit Services no.13-
20 35324.

21 When the judicial branch controls the legislative and executive branches of the state
22 and controls public elections they have successfully converted the constitutional form of
23 government to a communist or monarchy or oligarchy tyranny that holds total and complete
24 power, and the people of the state are defenseless against the whims of the judges holding
25 power they were not intended to hold.

26 The problem is clearly described in the 1999 Anti-Government Movement Guidebook
27 produced by the National Center for State Courts and no-one needs to pretend the problem
28 does not exist or need repairing. The problem is state and federal judges use their judicial

⁴ Rogue: A dishonest or unprincipled person; scoundrel; fraudster

1 positions to ignore our laws and create law of which they were not intended to be allowed to
2 do. Essentially it is allowing judges to use the peoples courts for unlawful purposes or political
3 purposes, either of which are the highest forms of crimes of our society whereas using our
4 courts for unlawful purposes undermines the foundation of our governments and using our
5 courts to execute political gains or politics also undermines the foundation of our governments.

6 It essentially all boils down to this; if the judicial branch is going to continue be allowed
7 to ignore the laws we have, create any law or procedure they desire by judicial decisions, then
8 why do we even have the burden of the legislative and executive branches. Are the legislative
9 and executive branches only smoke and mirrors and tools of deception to assist the members
10 of the judicial branches to enslave the people with their quest for “ Nobility”

11 In order for the three separate branches of government to operate successfully without
12 corrupt influence they need to be separate and distinct with enforceable checks and balances in
13 place. In order for this to occur the people need to have an enforceable method of removing
14 the top ranking judicial members if they become rogue and overstep the laws or disregard their
15 duties.

16 Currently the law professors and political science professors of our state and federally
17 funded universities are instigating student protests because they are afraid President Donald
18 Trump will acknowledge they are the root of the problems that the producers of our gross
19 national products are facing. The problem is these law professors and political science
20 professors are not beneficial parasites of our society they are detrimental parasites of our
21 society and predators and are educating their students to become detrimental parasites and
22 predators to prey on the lives, liberties and properties of our producers and this insanity needs
23 to end, in order to restore our prosperity and domestic tranquility.

24 Instead of bringing these law professors to justice and prosecuting them for instigating
25 riots AGO Robert Ferguson filed this case to encourage these professors and students to
26 support his political career. Washington State Attorney General Robert Ferguson is as criminal
27 as criminal gets and each and every judge that goes along with him and his accomplices desire
28 to overthrow our government destroy our Domestic Tranquility and interfere with our
29 prosperity as described in 18 USC section 1951 Interference with Commerce should be

1 prosecuted with him for their felony subversive attacks on our republican form of government.
2 It is a fine line all beneficial parasites need to walk to keep themselves from becoming
3 detrimental parasites and predators.

4 PRAYER FOR RELIEF

5 I am instructing the Judges involved in this case to cease and desist using the people's
6 courts and their official positions to execute their personal political agendas, and follow the law
7 scrupulously.

8 I am instructing the justices to identify without delay the "injured party" that hired
9 Washington State Attorney General Robert Ferguson as their attorney to bring this case
10 forward and prosecute this case, and determine if AGO Robert Ferguson can use the taxpayer's
11 funds for his personal political career to damage taxpayers.

12 I am instructing the Judges involved to correctly identify the names of the "individual
13 damaged persons", and explain to me how I am not a damaged person from Robert Ferguson's
14 actions herein.

15 The ethical Judges involved, and those of us who are not members of the judicial branch
16 (attorneys) should closely examine the preamble to our United States Constitution and the last
17 sentence in **Article I section 6 Compensation, Privileges, Disabilities** regarding a disability to
18 hold office in our U.S. Senate and House of Representatives to wit: **and no person holding any**
19 **office under the United States, shall be a member of either house during his continuance in**
20 **office.** This clause in our United States Constitution was implemented to insure us that we
21 would be protected from officers of the courts violating the separation of powers and
22 infiltrating our legislative branches to be in a position to create laws to attack our domestic
23 tranquility for profits and power.

24 The problem comes out of habitude⁵ and the fact that no member of the judicial
25 branches of our States and United States will ever enforce this section of our United States
26 constitution because members of the judicial branch have derived untold amounts of wealth
27 and power from continually violating it, while sacrificing our nation's domestic tranquility and

⁵ **in re Benny , 29 B.R. 754, 762 (N.D. Cal. 1983 "an unlawful or unauthorized exercise of power does not become legitimated or authorized by reason of habitude"**

1 prosperity. Every time any individual attempts to address it or enforce it they become the arch
2 enemy of the judicial branches and are harassed, threatened and intimidated to death or
3 silenced by the judiciary incarcerating them.

4 The violations of the separation of powers by members of the judiciary (attorneys)
5 infiltrating our legislative and executive branches attacks every economically vulnerable
6 individual's freedom. The lives of untold amounts of our patriots have been wrongfully
7 sacrificed by the members of the judiciary that have engaged in stealthy tactics to steal the
8 people's freedoms.

9 In accordance with 18 USC section 4 Misprision of Felony⁶ I am personally asking
10 President Donald Trump to work with the members of our legislative and executive branches
11 that are not members of the judiciary, our United States Military, our law enforcement, and
12 our militias across our country to take back our House and Senate, and remove every Judicial
13 Branch member from office that has violated the separation of powers and infiltrated our
14 legislative and executive branches or supported judicial members that have violated the
15 separations of powers. The prosperity and domestic tranquility of our nation depends on it.

16 If President Donald Trump decides not to totally drain the swamp of the corruption our
17 nation is drowning in, all he has to do to rid himself (and the rest of our nation) of the problem
18 Washington State Attorney General Robert Ferguson is causing, is appoint a DOJ official to
19 investigate the fraud crimes and election crimes Robert Ferguson executed against me, my
20 family, my friends and political supporters.

21 If any United States Judge has any ethical integrity the size of a grain of salt, and does
22 not want to become an Accessory After the Fact as described in 18 USC section 3⁷, he would

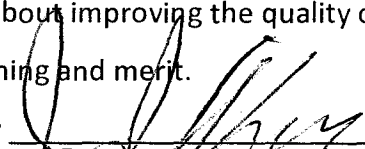
⁶ 18 USC section 4 Misprision of Felony. Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall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

⁷ 18 USC section 3 Accessory After the Fact. Whoever, Knowing that an offense against the United States has been committed, receives, relieves, comforts or assists the offender in order to hinder or prevent his apprehension, trial or punishment, is an accessory after the fact. Except as otherwise expressly provided by any act of Congress, an accessory after the fact shall be imprisoned not more than one-half the maximum term of imprisonment or (notwithstanding section 3571) fined not more than one half the maximum fine prescribed for the punishment of the principal, or both; or if the principal is punishable by life imprisonment or death, the accessory shall be imprisoned not more than 15 years.

1 personally bring Robert Ferguson before him and require him to answer directly to his political
2 motivations, the misuse of public funds, the fraud and election crimes I have addressed herein.

3 It is for these reasons that I have demanded a Jury in this case, to allow the jury to
4 examine the stealthy encroachments of the judiciary by continually violating the separation of
5 powers, creating laws that attack our domestic tranquility for profits, providing their fellow
6 judicial branch members pecuniary benefits, special privileges and immunities and engaging in
7 felony subversive attacks on our constitutional Republican form of Government.

8 God Bless President Donald Trump to have the courage to expose the problems the
9 people are having with the members of the judicial branches of the United States, he is our
10 Hero, for being honest to us and starting discussions about improving the quality of justice so
11 our oaths of office and pledge of allegiance have meaning and merit.

12 Dated this 9th day of February 2017, By 

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

14 CERTIFICATE OF SERVICE

15 I the undersigned placed true and correct copies of the foregoing in the U.S. mail
16 postage prepaid via certified mail and / or via first class mail and / or via email.

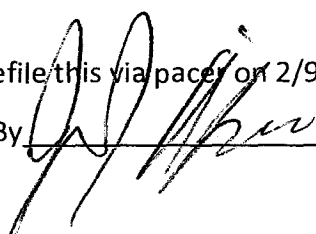
17 U.S. District Court Clerk	U.S. District Court Clerk	Robert W. Ferguson
18 655 Cesar Chavez Blvd. Rm G65	700 Stewart St. Suite 2301	P.O. Box 40100
19 San Antonio Texas 78206	Seattle WA 98101	Olympia WA 98504-0100

21 Colleen M. Melody	USDOJ Civil Division	michelle.bennett@USDOJ.GOV
22 800 5 th Ave. Ste 2000	20 Massachusetts Ave. NW	arjun.garg@usdoj.gov
23 Seattle WA 98104	Washington DC 20530	

25 President Donald Trump	My Political Supporters	My Legislators
26 1600 Pennsylvania Ave NW	My Next Friends	Washington State Supreme Court
27 Washington D.C. 20500		

28 General James Mattis	9 th Circuit Court of Appeals
29 1400 Defense Pentagon	P.O. Box 193939
30 Washington DC 20301-1400	San Francisco, CA 94119-3939

31
32 I asked DOJ attorneys Michelle and Arjun to efile this via pacer on 2/9/2017.

33 Dated this 9th day of February 2017. By 



RECEIVED

Exh. bit 1

2013 JUN 6 11 35

STATE OF WASHINGTON
WASHINGTON STATE PATROL

SCOTT L. WILSON 4811 Werner Road • Bremerton, Washington 98312-3333 • (360) 478-4646

PACIFIC COAST SHERIFF

SOUTH BEND, WA
October 24, 2013

Mr. James J. O'Hagan
2298 Cranberry Road
Grayland WA 98547

The Washington State Patrol (WSP) Criminal Investigation Division has completed the investigation of your case. The case number associated with this investigation is 08-13-006659. The case officer is Scott Marlow of the Attorney General's Office. The attorney may be reached at (206) 389-2098 during normal business hours. If the attorney is not available when you call, please leave a message and the attorney will call you back as soon as possible.

You are receiving this letter because you are either a victim in this case or because you have been identified to us as a point of contact for the affected person(s).

The investigation has been completed and referred to the Attorney General's Office for a charging decision. The Attorney General makes the decision regarding whether or not to charge a suspect with a crime and what those charge(s) should be. Although the active investigation is complete, the case is not closed until it is adjudicated. The attorney assigned to this case will continue to work closely with the Attorney General's Office until the case is adjudicated by the court.

Now that the case has been referred to the Attorney General's Office, further inquiries regarding this case should be directed to the attorney's office for updates and case status inquiries.

Sincerely,

Captain Charles Leblanc
Criminal Investigation Division

CL:rg

cc: Captain Christopher D Old, Bremerton

Exhibit 2

1 Washington State Supreme Court

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3

4

5 Pacific County Superior Court Case no. 16-1-00207-1

6

7 James J. O'Hagan,

8 Appellant

9 Vs.

10 State of Washington

11 Respondents

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14 Opening Brief of Appellant

15 James J. O'Hagan

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BRIEF OF APPALANT JAMES J. O'HAGAN

Comes now appellant James J. O'Hagan and appeals the decisions of the lower courts to deny him assistance of legal counsel, engage in election fraud and subject him to the judicial fraud industry that was accomplished by subjecting him to unfair biased and prejudiced judges that made dishonest findings of fact and unlawful conclusions of law.

Appellant James J. O'Hagan asserts he is constitutionally entitled to the same equal protections of law that other litigants in state and federal courts receive.

BACKGROUND

Appellant James J. O'Hagan is a victim of the judicial fraud industry (fraud upon the courts by officers of the courts). The judicial fraud industry makes profits for attorneys and others by preying off of economically vulnerable individuals. Judges involved in supporting the judicial fraud industry penalize every pro se litigant that comes before them for not participating in their judicial fraud industry. Judges participating in the judicial fraud industry ignores pro se litigant's evidence and testimony and engages in patterns of falsities with willful disregard and disrespects for the truths.

The judicial fraud industry is not a unique problem with appellant James O'Hagan it is a national problem that is well documented in the National Center for State Courts Ant-Government Movement Guidebook and has grown out of members of the judiciary violating the separation of powers and entering into legislative and executive branches of government to create pecuniary benefits, special privileges and immunities for themselves and fellow members of the judiciary.

As a victim of the judicial fraud industry appellant James O'Hagan studied how and why the judicial fraud industry (and corruption involved in it) thrives and expands. As a victim of the judicial fraud industry appellant James O'Hagan developed a political strategy to address and end the judicial fraud industry and restore justice to all economically vulnerable individuals.

1 The strategy appellant James O'Hagan developed causes the least amount of damages
2 to judicial branch members in restoring justice to economically vulnerable individuals and
3 restores our nation's domestic tranquility.

4 The criminal charges filed against me were an action of voter fraud to prevent me from
5 getting elected and addressing the corruption involved in the judicial branch of Washington
6 State.

7 FACTS

8 The facts are fairly well documented in the court records of this case. The court record
9 shows that the Judges involved already made a considerable amount on fraudulent findings of
10 facts that are supporting unlawful interpretations of our laws.

11 The uncontested facts in the court or records, court record are:

- 12 1. The accused ran for Washington State Representative, for District No. 19 position no. 2.
- 13 2. The accused campaigned to clean up the corruption involved in the judicial branch
14 specifically the judicial fraud industry that is made up of predators that are profiting
15 from preying off of economically vulnerable individuals.
- 16 3. The accused is a victim of the judicial fraud industry.
- 17 4. The defendant's temporary public defender stated clearly on the record that the case
18 was a special case that was a politically motivated, toxic case for Pacific County.
- 19 5. There was no investigating officer that filed an affidavit of probable cause, it was only
20 judicial members that brought the charges against the accused.
- 21 6. The filing of the criminal charges by the prosecutor violates the duties of the prosecutor,
22 and leaves the prosecutor without immunity, as described in Kalina Vs. Fletcher
23 Supreme Court No. 96-792 (1997).
- 24 7. The criminal charges were brought on top of an ongoing civil action that created a lis
25 pendens action in common law.
- 26 8. The filing of criminal charges on top of an ongoing civil action creates a common law
27 action that leaves the prosecutor with limited qualified immunity only, and responsible

1 for any and all damages that occurred if the personal matter and subject matter is
2 involved in the civil lawsuit.

3 9. In accordance with **RCW 36.27.030 Disability of Prosecuting Attorney** and **RCW**
4 **36.27.040 Appointment of Deputies- Special and Temporary Deputies**, the Lewis
5 County Prosecutor was not lawfully authorized to act as a Pacific County Prosecutor, and
6 as such he / they were engaging in the criminal act of impersonating a public officer, as
7 identified in **RCW 9A.60.040 Criminal impersonation In The First Degree**.

8 10. The unauthorized and illegal acts of the Lewis County Prosecutors, leaves them without
9 any immunity and responsible for all damages the accuser and his supporters suffered
10 as described in **RCW 2.44.020. Appearance Without Authority- Procedure**.

11 11. Local newspaper writer Natalie St. John conspired with Pacific County and Lewis County
12 prosecutors and instigated the criminal charges for pecuniary benefits, special privileges
13 and immunities.

14 12. The Pacific County Prosecutor and Lewis County Prosecutor conspired with Newspaper
15 reporter Natalie St John in a civil conspiracy with the intent to violate election laws, as
16 described in **RCW 29A.84.620 Hindering or bribing voter** , **RCW 29A.84.630**
17 **Influencing voter to withhold vote** and **RCW 29A.84.720 Officers—Violations**
18 **generally**.

19 13. The criminal charges and everything involved in them was an attempt by members of
20 the judicial branch of Washington State to use the people's courts to overthrow their
21 Republican and constitutional form of government as described **USC Article II section 4.**
22 **Guarantee of Republican Government**.

23 14. The members of the judicial branch believe it is acceptable to violate individuals' rights
24 and protections of law under the guise it is in the public's interests to do so, and as such
25 they regularly engage in subversive activities as described in **RCW 9.81.020 Subversive**
26 **activities made felony—Penalty**.

27 15. Judge pro tem William Faubion violated my right to assistance of counsel because he did
28 not want any attorney present in the courtroom witnessing and documenting the
29 judicial fraud crimes he was engaging in from the bench.

- 1 16. As a judge pro tem, and not an elected Superior Court Judge, William Faubion had a
2 duty to obtain consent from the parties before making any judicial decisions as
3 described in **WSC Article IV section 7 Exchange of Judges – Judge Pro Tempore**.
- 4 17. Judge pro tem William Faubion made a fraudulent finding of fact regarding the Lewis
5 County prosecutors, unlawful impersonation of a Pacific County prosecutor.
- 6 18. Judge pro tem William Faubion ignored the evidence and made a fraudulent finding of
7 facts regarding the fact the case is a special politically motivated, toxic case for Pacific
8 County
- 9 19. Judge pro tem William Faubion fraudulently determined the accused did not have the
10 right to assistance of counsel.
- 11 20. Judge pro tem William Faubion is a supporter of the judicial fraud industry and as a
12 supporter of the judicial fraud industry, Judge Faubion had a conflict of interest and was
13 motivated to deny the accused, all lawful protections of law and rights of accused
14 persons.
- 15 21. As a supporter of the judicial fraud industry Judge Pro tem William Faubion was highly
16 motivated to assist the prosecutors in doing everything they could to ruin the political
17 career of the accused James O’Hagan.
- 18 22. In an effort to conceal and protect their involvement in the judicial fraud industry Pacific
19 County Superior Court personnel violated the lawful protections the accused has in
20 connection with Court commissioners review challenges.
- 21 23. The entire judicial branch of Washington State has obtained pecuniary benefits, special
22 privileges and immunities from allowing judicial officers to violate the separation of
23 powers and infiltrate the legislative and executive branches of Washington state
24 government.
- 25 24. The entire judicial branch of Washington State is motivated to do everything in their
26 power to ruin the political efforts and political career of the accused James O’Hagan.
- 27 25. Since the accused lost the election by less than 10%, we presume adverse publicity that
28 subjected the accused to public ridicule, humiliation, contempt and hatred that
29 stemmed from the slanderous, malicious and vindictive criminal charges interfered with

1 his ability to be elected, and clean up the corruption involved in the judicial branch of
2 Washington State.

3 ARGUMENT

4 The accused relies on the court record, transcripts and the laws attached hereto in
5 appendix A.

6 The judicial fraud industry exists by allowing judges to make fraudulent findings of facts
7 and using those findings of facts to make unlawful conclusions of law. The appellate courts are
8 the backbone of the judicial fraud industry as they inspire fraud and instigate fraud by
9 continually condoning fraud upon the courts by officers of the courts. The appellate Judges use
10 word smithing and creative writing skills to conceal, deceive and cover-up the fraudulent
11 findings of facts and unlawful conclusions of law, the lower judges determine.

12 The sole reason I ran for state office and petitioned for this appeal is to expose to the
13 people that the judicial fraud industry is operating from the top of the judicial branch down the
14 chain of command to the lower court judges.

15 I will not move to dismiss this case without accurate findings of facts tied to lawful
16 conclusions of law, and I will present each and every contested finding of fact to the jury in this
17 case with this appeal and the judges decisions thereof, to expose to the people how the judicial
18 fraud industry operates and why.

19 I am requiring the appellate court judges to cease and desist their judicial fraud industry
20 and refrain from using word smiting and creative writing skills to conceal the fraudulent finding
21 of facts the lower court judges determined. As such I am requiring that each appellate court
22 judge involved in this appeal either agrees or disagrees with the findings of facts I have
23 proposed. I am requiring the judges to make accurate findings of facts, as such their answer to
24 this appeal needs to be free of deceit and deception and I command them to word their
25 findings of facts as follows:

26 FINDINGS OF FACTS

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- 1. The accused ran for Washington State Representative, for District No. 19 position no. 2. Agree (initials of appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite reason in record or evidence used in contesting facts) _____
Disagreeing Judge’s Initials _____, reason _____
- 2. The accused campaigned to clean up the corruption involved in the judicial branch specifically the judicial fraud industry that is made up of predators that are profiting from preying off of stealing economically vulnerable individual’s life, liberty and property. Agree (initials of appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of appellate judge) _____, cite reason in record for contesting facts _____
Disagree (Initials of appellate judge) _____, cite reason in record for contesting facts _____
- 3. The accused is a victim of the judicial fraud industry. Agree (initials of appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of appellate judge) _____, cite reason in record for contesting facts _____
Disagree (Initials of appellate judge) _____, cite reason in record for contesting facts _____
- 4. The defendant’s temporary public defender stated clearly on the record that the case was a special case that was a politically motivated, toxic case for Pacific County. Agree (initials of appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of appellate judge) _____, cite reason in record for contesting facts _____
Disagree (Initials of appellate judge) _____, cite reason in record for contesting facts _____
- 5. There was no investigating officer that filed an affidavit of probable cause, it was only judicial members that brought the charges against the accused. Agree (initials of appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of

- 1 appellate judge) _____, cite reason in record for contesting
2 facts _____
- 3 Disagree (Initials of appellate judge) _____, cite reason in record for contesting
4 facts _____
- 5 6. The filing of the criminal charges by the prosecutor violates the duties of the
6 prosecutor, and leaves the prosecutor without immunity, as described in Kalina Vs.
7 Fletcher. Agree (initials of appellate judges) _____, _____, _____, _____, _____,
8 Disagree (Initials of appellate judge) _____, cite reason in record for contesting
9 facts _____
- 10 Disagree (Initials of appellate judge) _____, cite reason in record for contesting
11 facts _____
- 12 7. The criminal charges were brought on top of an ongoing civil action that created a lis
13 pendens action in common law. Agree (initials of appellate judges) _____, _____,
14 _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite reason in
15 record or evidence used in contesting
16 facts) _____ Disagreeing
17 Judge's Initials _____, reason _____
- 18 8. The filing of criminal charges on top of an ongoing civil action creates a common law
19 action that leaves the prosecutor with limited qualified immunity only, and
20 responsible for any and all damages that occurred if the personal matter and subject
21 matter is involved in the civil lawsuit. Agree (initials of appellate judges) _____,
22 _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite
23 reason in record or evidence used in contesting
24 facts) _____ Disagreeing
25 Judge's Initials _____, reason _____
- 26 9. In accordance with RCW 36.27.030 Disability of Prosecuting Attorney and RCW
27 36.27.040 Appointment of Deputies- Special and Temporary Deputies, the Lewis
28 County Prosecutor was not lawfully authorized to act as a Pacific County Prosecutor,
29 and as such he / they were engaging in the criminal act of impersonating a public

1 officer, as identified in RCW 9A.60.040 Criminal impersonation In The First Degree.
2 Agree (initials of appellate judges) _____, _____, _____, _____, _____, Disagree
3 (Initials of appellate judge) _____, (cite reason in record or evidence used in
4 contesting facts)_____

5 Disagreeing Judge's Initials _____, reason _____

6 10. The unauthorized and illegal acts of the Lewis County Prosecutors, leaves them
7 without any immunity and responsible for all damages the accuser and his
8 supporters suffered as described in RCW 2.44.020. Appearance Without Authority-
9 Procedure. Agree (initials of appellate judges) _____, _____, _____, _____, _____,
10 Disagree (Initials of appellate judge) _____, (cite reason in record or evidence used
11 in contesting facts)_____

12 Disagreeing Judge's Initials _____, reason _____

13 11. Local newspaper writer Natalie St. John conspired with Pacific County and Lewis
14 County prosecutors and instigated the criminal charges for pecuniary benefits,
15 special privileges and immunities. Agree (initials of appellate judges) _____, _____,
16 _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite reason in
17 record or evidence used in contesting

18 facts)_____ Disagreeing
19 Judge's Initials _____, reason _____

20 12. The Pacific County Prosecutor and Lewis County Prosecutor conspired with
21 Newspaper reporter Natalie St John in a civil conspiracy with the intent to violate
22 election laws, as described in RCW 29A.84.620, RCW 29A.84.630 and RCW
23 29A.84.720. Agree (initials of appellate judges) _____, _____, _____, _____, _____,
24 Disagree (Initials of appellate judge) _____, (cite reason in record or evidence used
25 in contesting facts)_____

26 Disagreeing Judge's Initials _____, reason _____

27 13. The criminal charges and everything involved in them was an attempt by members
28 of the judicial branch of Washington State to use the people's courts to overthrow
29 their Republican and constitutional form of government. Agree (initials of appellate

1 judges) _____, _____, _____, _____, _____, Disagree (Initials of appellate judge)
2 _____, (cite reason in record or evidence used in contesting
3 facts)_____ Disagreeing
4 Judge's Initials _____, reason _____

5 14. The members of the judicial branch believe it is acceptable to violate individuals'
6 rights and protections of law under the guise it is in the public's interests to do so,
7 and as such they regularly engage in subversive activities as described in RCW
8 9.81.020. Agree (initials of appellate judges) _____, _____, _____, _____, _____,
9 Disagree (Initials of appellate judge) _____, (cite reason in record or evidence used
10 in contesting facts)_____ Disagreeing
11 Judge's Initials _____, reason _____

12 15. Judge pro tem William Faubion violated my right to assistance of counsel because he
13 did not want any attorney present in the courtroom witnessing and documenting
14 the judicial fraud crimes he was engaging in from the bench. Agree (initials of
15 appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of
16 appellate judge) _____, (cite reason in record or evidence used in contesting
17 facts)_____ Disagreeing
18 Judge's Initials _____, reason _____

19 16. As a judge pro tem, and not an elected Superior Court Judge, William Faubion had a
20 duty to obtain consent from the parties before making any judicial decisions as
21 described in WSC Article IV section 7. Agree (initials of appellate judges) _____,
22 _____, _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite
23 reason in record or evidence used in contesting
24 facts)_____ Disagreeing
25 Judge's Initials _____, reason _____

26 17. Judge pro tem William Faubion violated my right to assistance of counsel because he
27 did not want any attorney present in the courtroom witnessing and documenting
28 the judicial fraud crimes he was engaging in from the bench. Agree (initials of
29 appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of

- 1 appellate judge) _____, (cite reason in record or evidence used in contesting
2 facts)_____ Disagreeing
3 Judge's Initials _____, reason _____
- 4 18. Judge pro tem William Faubion ignored the evidence and made a fraudulent finding
5 of fact regarding the fact the case is a special politically motivated toxic case for
6 Pacific County. Agree (initials of appellate judges) _____, _____, _____,
7 _____, Disagree (Initials of appellate judge) _____, (cite reason in record or
8 evidence used in contesting
9 facts)_____ Disagreeing
10 Judge's Initials _____, reason _____
- 11 19. Judge pro tem William Faubion fraudulently determined the accused did not have
12 the right to assistance of counsel. Agree (initials of appellate judges) _____, _____,
13 _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite reason in
14 record or evidence used in contesting
15 facts)_____ Disagreeing
16 Judge's Initials _____, reason _____
- 17 20. Judge pro tem William Faubion is a supporter of the judicial fraud industry and as a
18 supporter of the judicial fraud industry, Judge Faubion had a conflict of interest and
19 was motivated to deny the accused all lawful protections of law and rights of
20 accused persons. Agree (initials of appellate judges) _____, _____, _____, _____,
21 _____, Disagree (Initials of appellate judge) _____, (cite reason in record or
22 evidence used in contesting
23 facts)_____ Disagreeing
24 Judge's Initials _____, reason _____
- 25 21. As a supporter of the judicial fraud industry Judge Pro tem William Faubion was
26 highly motivated to assist the prosecutors in doing everything they could to ruin the
27 political career of the accused James O'Hagan. Agree (initials of appellate judges)
28 _____, _____, _____, _____, _____, Disagree (Initials of appellate judge) _____,
29 (cite reason in record or evidence used in contesting

1 facts) _____ Disagreeing
2 Judge's Initials _____, reason _____

3 22. In an effort to conceal and protect their involvement in the judicial fraud industry
4 Pacific County Superior Court personnel violated the lawful protections the accused
5 has in connection with Court commissioners review challenges. . Agree (initials of
6 appellate judges) _____, _____, _____, _____, _____, Disagree (Initials of
7 appellate judge) _____, (cite reason in record or evidence used in contesting
8 facts) _____ Disagreeing
9 Judge's Initials _____, reason _____

10 23. The entire judicial branch of Washington State has obtained pecuniary benefits,
11 special privileges and immunities from allowing judicial officers to violate the
12 separation of powers and infiltrate the legislative and executive branches of
13 Washington state government. Agree (initials of appellate judges) _____, _____,
14 _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite reason in
15 record or evidence used in contesting
16 facts) _____ Disagreeing
17 Judge's Initials _____, reason _____

18 24. The entire judicial branch of Washington State is motivated to do everything in their
19 power to ruin the political efforts and political career of the accused James O'Hagan.
20 Agree (initials of appellate judges) _____, _____, _____, _____, _____,
21 Disagree (Initials of appellate judge) _____, (cite reason in record or evidence used
22 in contesting facts) _____
23 Disagreeing Judge's Initials _____, reason _____

24 25. Since the accused lost the election by less than 10%, we presume adverse publicity
25 that subjected the accused to public ridicule, humiliation, contempt and hatred that
26 stemmed from the slanderous, malicious and vindictive criminal charges interfered
27 with his ability to be elected, and clean up the corruption involved in the judicial
28 branch of Washington State. Agree (initials of appellate judges) _____, _____,
29 _____, _____, _____, Disagree (Initials of appellate judge) _____, (cite reason in

1 record or evidence used in contesting
2 facts) _____ Disagreeing
3 Judge's Initials _____, reason _____

4 CONCLUSIONS OF LAW

5 After determining these accurate findings of facts the appellate Judges involved should
6 be able to make rational, respectful, responsible lawful conclusions of law.

7 Dated this 25th day of January, 2017 By 

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

9 CERTIFICATE OF SERVICE

10 I, James J. O'Hagan certify that I sent copies of this to the following via U.S. mail and emails.

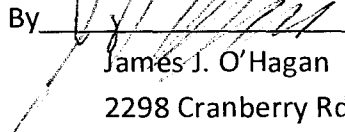
11 ~~Pacific County Superior Court Clerk~~ Lewis County Prosecutor Jonathan Meyer
12 P.O. Box 67 345 West Main Street
13 South Bend WA 98586 Chehalis WA 98532

14
15 ~~Pacific County Sheriff Scott Johnson~~ Court Commissioner William J. Faubion
16 P.O. Box 27 P.O. Box 157
17 South Bend WA 98586 Cathlamet WA 98612-0116

18
19 Washington State Supreme Court Justices Brian Blake Jim Walsh
20 supreme@courts.wa.gov brian.blake@leg.wa.gov via email

21
22 Cowlitz County Republican Party My Political Supporters & Next Friends
23 Grays Harbor Republican Party via emails
24 Lewis County Republican Party

25
26 Dated this 24 day of January, 2017.

27 By 
28 James J. O'Hagan
29 2298 Cranberry Rd
30 Grayland WA 98547
31
32