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MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS
MAR 06 2017

1 James J. O'Hagan
2 2298 Cranberry Rd.
3 Grayland WA 98547
4 (360) 267-7911
5 Wayoutwest1@hotmail.com

6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE WESTERN DISTRICT OF WASHINGTON

FILED
DOCKETED
DATE
INITIAL

8 WASHINGTON STATE Et All)
9 Plaintiff(s) District NO. 17-cv-00141-JLR
10 VS) 9th Circuit No. 17-35105
11 PRESIDENT DONALD TRUMP Et All) DEFENDANT JAMES J. O'HAGAN'S
12 Defendant (s)) MOTION TO RECONSIDER ALLOWING
13) HIM TO JOIN LAWSUIT AS A REAL PARTY
14 JAMES J. O'HAGAN, (Et All)) IN INTEREST
15 Co- Defendant(s)) BY DECLARATION OF JAMES J. O'HAGAN
16)

17 I, JAMES J. O'HAGAN, swear under the penalty of perjury the following is true and
18 correct to the best of my knowledge.

19 I am a Republican candidate that supported Donald Trump and was subjected to
20 election crimes by democratic members of the judicial branch of Washington State. I
21 campaigned to clean up the corruption involved in the judicial branch of Washington State.
22 After being slanderously and maliciously attacked by the judicial branch, I lost my political race
23 by less than 10%.

24 I will show the court where Washington State prosecutors have a pattern of using the
25 people's courts for their criminal actions and file cases where they lack the standing or
26 authority to file the case. I have undeniable evidence to show the court that Washington State
27 prosecutors are using the people's courts and public funds to promote their political beliefs or
28 prevent opponents of their political beliefs, from getting elected. Please see exhibit 1.

29 I have undeniable evidence that shows the last several Democratic Governors of
30 Washington State came through the Washington State Attorney General's office, and were
31 leaders of the judicial fraud industry that has stolen justice from every economically vulnerable
32 individual in Washington State.

33 I have undeniable evidence that shows Washington State Attorney General Robert
34 Ferguson is a leader of the Judicial Fraud Industry of Washington State and is using this case

1 and unlawfully using public funds to further his political career in an effort to protect his
2 organized crime family's judicial fraud industry. As Washington State Attorney General, Robert
3 Ferguson is directly involved in leading the corruption of the judicial branch of Washington
4 State. Please see exhibit 2.

5 I have evidence that shows Washington State Attorney General Robert Ferguson lacked
6 proper authorization to use public funds to file this case and therefore lacked standing to file
7 this case and as such U.S. District Judge James Robart lacked jurisdiction to proceed, but did so
8 to promote and protect the judicial fraud industry operating within the jurisdiction of the Ninth
9 Circuit Court of Appeals.

10 I have evidence that shows a pattern where the Ninth Circuit Court of Appeals Justices
11 are supporting the criminal activities of Washington and Oregon U.S District Court Judges and
12 Washington and Oregon State court Judges, and State Supreme Court Justices. I have evidence
13 that shows this is a judicial fraud industry of attorneys that is preying off of the lives, liberties
14 and properties of economically vulnerable individuals. I have evidence that shows this is a well
15 organized crime ring that needs to be broken up so all economically vulnerable individuals have
16 an opportunity to achieve justice.

17 I have evidence from a multitude of individuals (fraud victims of the judicial branches)
18 that shows the Judicial Fraud Industry operating within the jurisdiction of the Ninth Circuit
19 Court of Appeals, is ran by members of the Judicial branch of governments violating the
20 separation of powers and infiltrating our legislative and executive branches of our governments
21 so they can profit by stealing every economically vulnerable individuals opportunity for justice
22 then steal their lives, liberties and properties.

23 I am positive that U.S. District Judge James Robart does not want my evidence near the
24 people's courtroom where he holds office and is leading the organized crimes involved in the
25 judicial fraud industry of Washington State. I am also sure that James Robart would like to have
26 Suri law implemented in Washington State where his accomplices in the judicial fraud industry
27 would be protected of their organized judicial fraud crimes, and destroying our domestic
28 tranquility.

29 RELIEF I WILL OBTAIN FROM BEING A PARTY TO THIS ACTION

1 In evaluating my evidence, witnesses and testimony either the jury of this court or the
2 Appellate courts will determine Robert Ferguson filed this lawsuit to further his political career
3 and protect a small elite group of individual's stranglehold on Washington State Politics, and
4 the judicial fraud industry operating within the jurisdiction of the Ninth Circuit Court of Appeals.

5 Either the jury of this court or the appellate courts will determine Robert Ferguson was
6 using public funds inappropriately to further his political career, and as such he will be removed
7 from political office.

8 Either the jury of this court or the Appellate courts will determine members of the
9 Judicial branches within the jurisdiction of the Ninth Circuit Court of Appeals have violated the
10 equal footing doctrine and are violating the separation of powers and have infiltrated the
11 legislative and executive branches of governments and have organized together to create a
12 judicial fraud industry that has stolen justice from every economically vulnerable property
13 owner within the Ninth Circuit.

14 The violations of the separation of powers that is occurring at the federal level and the
15 state level will be terminated, and members of the judicial branches will be prohibited from
16 holding office in our legislative and executive offices and justice will be restored to all
17 economically vulnerable individuals, including all economically vulnerable property owners.

18 If I am allowed to remain in this case as a party of interest I will bring an end to the
19 judicial fraud industry that has stole justice from every economically vulnerable individual
20 within the jurisdiction of the Ninth Circuit Court of Appeals, our pledge of allegiance will
21 actually mean something and together we will restore our domestic tranquility that has been
22 broken by attorneys who are profiting from keeping our domestic tranquility broken.

23 Make no mistake about it I completely understand it is the leaders of the Judicial Fraud
24 Industry that has stolen justice and our domestic tranquility from all economically vulnerable
25 individuals and it is they who will determine if I am to be considered a party of interest in this
26 action. The people of our nation need to know who is making money and power from
27 destroying our country's domestic tranquility, and how highly motivated these individuals are
28 to keep me and my arguments out of this case.

1 It is not "justice" Robert Ferguson and his accomplices including Judge James Robart
2 desires, it is their determination to throw us into more domestic turmoil and defraud us of
3 justice because their crime family is getting rich beyond most individuals wildest dreams, by
4 creating arguments between humans, and defrauding them of their lives, liberties and
5 properties.

6 If given the opportunity I will restore our Nation's Domestic Tranquility by restoring
7 justice to every economically vulnerable individual.

8 PRAYER FOR RELIEF

9 In order to restore our Nation's Domestic Tranquility the violations of the separation of
10 powers and their Judicial Fraud Industry needs to be brought to an end. As a Nation we need to
11 take the all of the profit out of attacking our Domestic Tranquility (arguments between
12 humans). Together we can produce less predators and more beneficial parasites and
13 producers.

14 Dated this 24 Day of February 2017. By 

15 James J. O'Hagan, Pro se All Rights & Protections Reserved

16 CERTIFICATE OF SERICE

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

19
20 Ninth Circuit Court of Appeals U.S. District Court Clerk Robert W. Ferguson
21 P.O. Box 193939 700 Stewart St. Suite 2301 P.O. Box 40100
22 San Francisco CA 94119-3939 Seattle WA 98101 Olympia WA 98504-0100

23
24 Colleen M. Melody USDOJ Civil Division michelle.bennett@USDOJ.GOV
25 800 5th Ave. Ste 2000 20 Massachusetts Ave. NW ariun.garg@usdoj.gov
26 Seattle WA 98104 Washington DC 20530

27
28 President Donald Trump My Political Supporters My Legislators
29 1600 Pennsylvania Ave NW My Next Friends Washington State Supreme Court
30 Washington D.C. 20500

31 Dated this 24 day of February 2017. By 

32

Exhibit 1



STATE OF WASHINGTON
WASHINGTON STATE PATROL

4811 Werner Road • Bremerton, Washington 98312-3333 • (360) 478-4646

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,

A handwritten signature in black ink, appearing to read "Charles P. Leblanc".

Captain Charles Leblanc
Criminal Investigation Division

CL:rg

cc: Captain Christopher D Old, Bremerton

Exhibit 2

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VIRGINIA LEACH, CLERK
PACIFIC COUNTY, WA

BY _____ DEPUTY

1 James J. O'Hagan
2 2298 Cranberry Rd.
3 Grayland WA 98547
4 (360) 267-7911
5 Wayoutwest1@hotmail.com
6
7
8

9 IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON

10 IN AND FOR PACIFIC COUNTY 9th Circuit # 17-35060

11	STATE OF WASHINGTON)	U.S. Dist. Cause no 3: 16-MC-5038
12	Plaintiff)	Cause no. 16-1-00207-1
13	Vs.)	MOTION TO QUASH BENCH WARRANT
14	JAMES JOHN O'HAGAN)	
15	Accused)	
16	_____)	BY DECLARATION OF JAMES O'HAGAN

17 I James J. O'Hagan swear under penalty of perjury of the laws of the state of
18 Washington that the following is true and correct to the best of my knowledge.
19 I have appealed the decision involved in this action to both the Ninth Circuit Court of
20 Appeals and the Washington State Supreme Court.

21 Currently the Ninth Circuit Court of Appeals has issued a briefing order. Please see
22 exhibit 1.

23 In addition to the appeals that are in place this court lacks jurisdiction because the Lewis
24 County prosecutor lacked the lawful authority to prosecute me in Pacific County Superior Court,
25 and therefore lacked the Standing and jurisdiction to bring this lawsuit in Pacific County
26 Superior Court.

27 STANDING

28 *Express authority.* Authority delegated to agent by words which expressly authorize him
29 to do a delegable act. Authority which is directly granted to or conferred upon agent in express
30 terms. That authority which principal intentionally confers upon his agent by manifestations
31 to him.

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

33 That which confers power to do a particular identical thing set forth and declared exactly,
34 plainly, and directly with well-defined limits. An authority given in direct terms, definitely and
35 explicitly, and not left to inference or implication, as distinguished from authority which is
36 general, implied, or not directly stated or given.

1
2 **Department of Ins. of Indiana v. Church Members Relief Ass'n., 217 Ind. 58, 26 N.E.2d 51**
3 **(1940): "Public officers are merely the agents of the public, whose powers and authority are**
4 **defined and limited by law. Any act without the scope of the authority so defined does not**
5 **bind the principal, and all persons dealing with such agents are charged with knowledge of**
6 **the extent of their authority," 113 F.2d, at 286.**
7

8 "The people themselves have it in their power effectually to resist usurpation, without
9 being driven to an appeal in arms. **An act of usurpation is not obligatory: It is not law;**
10 **and any man may be justified in his resistance.** Let him be considered as a criminal by
11 the general government; yet only his fellow citizens can convict him. They are his jury,
12 and if they pronounce him innocent, not all powers of congress can hurt him; and
13 innocent they certainly will pronounce him, if the supposed law he resisted was an act of
14 usurpation." *Elliot's Debates, 94; 2 Bancroft, History of the Constitution, 267.*

15 The holding in *Ryder vs. United States*, 115 S. Ct. 2031, 132 L. Ed. 2d 136, 515 U.S. 177
16 (1995) Held:

17 The Court of Military Appeals erred in according de facto validity to the actions of the
18 civilian judges of the Coast Guard Court of Military Review. Pp. 3-11.

19 (a) *The de facto officer doctrine - which confers validity upon acts performed under the*
20 *color of official title even though it is later discovered that the legality of the actor's*
21 *appointment or election to office is deficient - cannot be invoked to authorize the actions*
22 *of the judges in question.* Those cases in which this Court relied upon the doctrine in
23 deciding criminal defendants' challenges to the authority of a judge who participated in
24 the proceedings leading to their conviction and sentence, see, e.g., *Ball v. United States*,
25 140 U.S. 118, are distinguishable here because, inter alia, petitioner's claim is that there
26 has been a trespass upon the constitutional power of appointment, not merely a
27 misapplication of a statute providing for the assignment of already appointed judges.
28

29 **One who makes a timely challenge to the constitutionality of the appointment of an**
30 **officer who adjudicates his case is entitled to a decision on the merits of the question**
31 **and whatever relief may be appropriate if a violation indeed occurred. Cf. Glidden**
32 **Co. v. Zdanok, 370 U.S. 530, 536 . Any other rule would create a disincentive to raise**
33 **Appointments Clause challenges with respect to questionable judicial appointments.**
34 **Buckley v. Valeo and Connor v. Williams, 404 U.S. 549 , which Buckley cited as**
35 **authority, were civil cases that did not explicitly rely on the de facto officer doctrine in**
36 **validating the past acts of public officials against constitutional challenges, and this Court**
37 **is not inclined to extend those cases beyond their facts. Pp. 2-6. (b) The Court rejects the**
38 **Government's several alternative defenses of the Court of Military Appeals' decision to**
39 **give its Carpenter holding prospective application only. First, the argument that the latter**
40 **court exercised remedial discretion pursuant to *Chevron Oil Co. v. Huson*, 404 U.S. 97 , is**
41 **unavailing because there is not the sort of grave disruption or inequity involved in**
42 **awarding retrospective relief to this petitioner that would bring the *Chevron Oil* doctrine**
43 **into play. Nor is it persuasively argued that qualified immunity, which specially**

1 **protects public officials from damages liability for judgment calls made in a legally**
2 **uncertain environment**, should be extended to protect such officials from Appointments
3 Clause attacks, which do not involve personal damages, but can only invalidate actions
4 taken pursuant to defective title. *Similarly, the practice of denying criminal defendants an*
5 *exclusionary remedy from Fourth Amendment violations when those errors occur despite*
6 *the government actors' good faith, United States v. Leon, 468 U.S. 897, does not require*
7 *the affirmance of petitioner's conviction, since no collateral consequence arises from*
8 *rectifying an Appointments Clause violation, see id., at 907, and such rectification*
9 *provides a suitable incentive to make challenges under the Clause, see id., at 918-921.*
10 ~~Finally, the Government's harmless-error argument need not be considered, since it was~~
11 ~~not raised below and there is no indication that the Court of Military Appeals determined~~
12 ~~that no harm occurred in this case. *The related argument that any defect in the Court of*~~
13 ~~*Military Review proceedings was in effect cured by review in the Court of Military*~~
14 ~~*Appeals must be rejected because of the difference in function and authority between the*~~
15 ~~*two courts. Petitioner is therefore entitled to a hearing before a properly appointed panel*~~
16 ~~of the Coast Guard Court of Military Review. Pp. 6-10. 39 M. J. 454, reversed and~~
17 ~~remanded.~~

18
19 **Whatever the form in which the Government functions, anyone entering into an arrangement**
20 **with the Government takes the risk of having accurately ascertained that he who purports**
21 **to act for the Government stays within the bounds of his authority.** The scope of this
22 authority may be explicitly defined by Congress or be limited by delegated legislation, properly
23 exercised through the rule-making power. And this is so even though, as here, **the agent**
24 **himself may have been unaware of the limitations upon his authority.** *Federal Crop Insurance*
25 *Corp. v. Merrill, 322 U.S. 380, at 384; 68 S. Ct. 1; 92 L.Ed.10, (1947).*

26 See also *Continental Casualty Co. v. United States, 113 F.2d 284, 286 (5th Cir. 1940)* ("Public
27 officers are merely the agents of the public, whose powers and authority is defined and limited
28 by law. *Any act without the scope of the authority so defined does not bind the principal and all*
29 **persons dealing with such agents are charged with knowledge of the extent of their**
30 **authority").**

31 Persons dealing with the government are charged with knowing government statutes and
32 regulations and **they assume the risk that government agents may exceed their authority and**
33 **provide misinformation.** *Lavin v. Marsh, 9th Cir., 1981, 644 F. 2d 1378, 1383.*

34 All persons in the United States are chargeable with the knowledge of the Statutes at Large and
35 **it is well established that anyone who deals with the government assumes the risk that the**
36 **agent acting in the governments behalf has exceeded the bounds of his authority.** *Bollow v.*
37

38 Pacific County Prosecutor Mark McClain did not have the power to appoint Lewis
39 County Prosecutor Jonathan Meyer to bring the charges nor prosecute this case in Pacific
40 County Superior court. In addition to Lewis County Prosecutor Jonathan Meyer's lack of
41 standing in Pacific County Superior court Judge Nancy McAllister, Judge Mike Turner and judge

1 William Faubion all are charged with knowing the law and as such they are charged with
2 knowing Lewis County prosecutor Jonathan Meyer lacked the authority to file this lawsuit in
3 Pacific County superior court and lacked the authority to prosecute this lawsuit in Pacific
4 County superior court as such they knowingly lacked jurisdiction because when standing goes
5 so goes jurisdiction. Herein the law is specific and certain. In accordance with RCW 36.27.030
6 Disability of Prosecuting Attorney¹, and RCW 36.27.040 Appointment of deputies- special and
7 temporary deputies².

¹ **RCW 36.27.030 Disability of prosecuting attorney.** When from illness or other cause the prosecuting attorney is temporarily unable to perform his or her duties, the court or judge may appoint some qualified person to discharge the duties of such officer in court until the disability is removed. When any prosecuting attorney fails, from sickness or other cause, to attend a session of the superior court of his or her county, or is unable to perform his or her duties at such session, the court or judge may appoint some qualified person to discharge the duties of such session, and the appointee shall receive a compensation to be fixed by the court, to be deducted from the stated salary of the prosecuting attorney, not exceeding, however, one-fourth of the quarterly salary of the prosecuting attorney: PROVIDED, That in counties wherein there is no person qualified for the position of prosecuting attorney, or wherein no qualified person will consent to perform the duties of that office, the judge of the superior court shall appoint some suitable person, a duly admitted and practicing attorney-at-law and resident of the state to perform the duties of prosecuting attorney for such county, and he or she shall receive such reasonable compensation for his or her services as shall be fixed and ordered by the court, to be paid by the county for which the services are performed.

² **RCW 36.27.040 Appointment of deputies—Special and temporary deputies.**

The prosecuting attorney may appoint one or more deputies who shall have the same power in all respects as their principal. Each appointment shall be in writing, signed by the prosecuting attorney, and filed in the county auditor's office. Each deputy thus appointed shall have the same qualifications required of the prosecuting attorney, except that such deputy need not be a resident of the county in which he or she serves. The prosecuting attorney may appoint one or more special deputy prosecuting attorneys upon a contract or fee basis whose authority shall be limited to the purposes stated in the writing signed by the prosecuting attorney and filed in the county auditor's office. Such special deputy prosecuting attorney shall be admitted to practice as an attorney before the courts of this state but need not be a resident of the county in which he or she serves and shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies except to avoid any conflict of interest with the purpose for which he or she has been engaged by the prosecuting attorney. The prosecuting attorney shall be responsible for the acts of his or her deputies and may revoke appointments at will.

Two or more prosecuting attorneys may agree that one or more deputies for any one of them may serve temporarily as deputy for any other of them on terms respecting compensation which are acceptable to said prosecuting attorneys. Any such deputy thus serving shall have the same power in all respects as if he or she were serving permanently.

The provisions of chapter 39.34 RCW shall not apply to such agreements. The provisions of *RCW 41.56.030(2) shall not be interpreted to permit a prosecuting attorney to alter the at-will relationship established between the prosecuting attorney and his or her appointed deputies by this section for a period of time exceeding his or her term of office. Neither shall the provisions of *RCW 41.56.030(2) require a prosecuting attorney to alter the at-will relationship established by this section. **Chapter 39.34 RCW INTERLOCAL COOPERATION ACT**

1 In addition to Mark McClain, Jonathan Meyer, Nancy McAlister Mike turner and William
2 Faubion being charged with knowing the law , so are the Pacific County Commissioners charged
3 with knowing the law, as is Pacific County Sherriff Scott Johnson charged with knowing the law.
4 As such the Pacific County Commissioners and Sherriff Scot Johnson are aware Lewis County
5 Prosecutor Jonathan Meyer had no authority to file these criminal charges in Pacific County
6 Superior Court and use the people's court of Pacific County for his and Prosecutor Mark
7 McClain's organized crimes. Please see RCW 42.20.020 Powers may not be delegated for
8 profit³.

9 Unlike the members of the judicial branch currently Sherriff Scott Johnson is honoring
10 the law, and even though he may be providing special privileges as described in RCW 42.52.070
11 Special Privileges⁴, to members of the judicial branch I have to commend him for doing the best
12 he can under the circumstances.

13 In addition to Lewis County Prosecutor Jonathan Meyer lacking the authority to file this
14 lawsuit in Pacific County Superior Court, the argument involves an ongoing civil action that
15 prevents the criminal charges from being alleged or filed in court as described in RCW
16 60.70.050 Immunity from liability for failure to accept filing or disclose common law lien. A
17 person is not liable for damages arising from a refusal to record or file or a failure to disclose
18 any claim of a common law lien of record., and RCW 60.70.020 Real property common law
19 liens unenforceable—Personal property common law liens limited⁵.

³ RCW 42.20.020 Powers may not be delegated for profit.

Every public officer who, for any reward, consideration, or gratuity paid or agreed to be paid, shall, directly or indirectly, grant to another the right or authority to discharge any function of his or her office, or permit another to perform any of his or her duties, shall be guilty of a gross misdemeanor.

⁴ RCW 42.52.070 Special privileges.

Except as required to perform duties within the scope of employment, no state officer or state employee may use his or her position to secure special privileges or exemptions for himself or herself, or his or her spouse, child, parents, or other persons.

⁵ RCW 60.70.020 Real property common law liens unenforceable—Personal property common law liens limited.
Nonconsensual common law liens against real property shall not be recognized or enforceable. Nonconsensual common law liens claimed against any personal property shall not be recognized or enforceable if, at any time the lien is claimed, the claimant fails to retain actual lawfully acquired possession or exclusive control of the property.

1 As such the Pacific County Commissioners are charged with knowing the law and as such
2 if they have financed any of these criminal actions they have used public funds to finance
3 organized crimes including election violations which is a class B felony as described in RCW
4 42.20.070 Misappropriation and falsification of accounts by public officer⁶. In addition to using
5 public funds to finance organized crimes, it may be determined the Pacific County
6 Commissioners used public funds to engage in election crimes as described in RCW 42.23.070
7 Prohibited Acts⁷.

8 It is expected the public defense involved in attempting to unlawfully and unsuccessfully
9 prosecute me in connection with these slanderous, malicious and vindictive criminal charges
10 will exceed \$100,000.00 and incur immense amounts of additional civil liabilities to everyone
11 involved that does not have the express authority to do what they are attempting to do, or use
12 their public office for and public facilities for and public funds for.

13 **CONCLUSION**

⁶ **RCW 42.20.070 Misappropriation and falsification of accounts by public officer.**

Every public officer, and every other person receiving money on behalf or for or on account of the people of the state or of any department of the state government or of any bureau or fund created by law in which the people are directly or indirectly interested, or for or on account of any county, city, town, or any school, diking, drainage, or irrigation district, who:

- (1) Appropriates to his or her own use or the use of any person not entitled thereto, without authority of law, any money so received by him or her as such officer or otherwise; or
- (2) Knowingly keeps any false account, or makes any false entry or erasure in any account, of or relating to any money so received by him or her; or
- (3) Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or
- (4) Willfully omits or refuses to pay over to the state, its officer or agent authorized by law to receive the same, or to such county, city, town, or such school, diking, drainage, or irrigation district or to the proper officer or authority empowered to demand and receive the same, any money received by him or her as such officer when it is a duty imposed upon him or her by law to pay over and account for the same, is guilty of a class B felony and shall be punished by imprisonment in a state correctional facility for not more than fifteen years.

⁷ **RCW 42.23.070 Prohibited acts.**

- (1) No municipal officer may use his or her position to secure special privileges or exemptions for himself, herself, or others.
- (2) No municipal officer may, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, or gratuity from a source except the employing municipality, for a matter connected with or related to the officer's services as such an officer unless otherwise provided for by law.
- (3) No municipal officer may accept employment or engage in business or professional activity that the officer might reasonably expect would require or induce him or her by reason of his or her official position to disclose confidential information acquired by reason of his or her official position.
- (4) No municipal officer may disclose confidential information gained by reason of the officer's position, nor may the officer otherwise use such information for his or her personal gain or benefit.

1 In accordance with RCW 2.44.030 Production of Authority to Act⁸, the Court should
2 cease all further proceedings until it can be verified that lawful procedures were followed to
3 provide proper authority to Jonathan Meyer to file this lawsuit.

4 In accordance with RCW 2.44.020 Appearance without Authority – Procedure⁹, the court
5 should call on the jury to determine the amount of damages all of the people who acted
6 without authority and jurisdiction cause to James O’Hagan and his family, friends and political
7 supporters.

8 PRAYER FOR RELIEF

9 It is proper for the court to quash the arrest warrant issued on James O’Hagan and if it
10 chooses to pursue the criminal charges appoints a public defender to assist Mr. O’Hagan in
11 making his court appearances, or set a date for the jury to determine the amount of damages
12 the accused has suffered.

13 Dated this 17 day of February 2017.

14 By _____

15 James J. O’Hagan pro se All Rights & Protections Reserved
16

⁸ RCW 2.44.030 Production of authority to act.

The court, or a judge, may, on motion of either party, and on showing reasonable grounds therefor, require the attorney for the adverse party, or for any one of several adverse parties, to produce or prove the authority under which he or she appears, and until he or she does so, may stay all proceedings by him or her on behalf of the party for whom he or she assumes to appear.

⁹ RCW 2.44.020 Appearance without authority—Procedure.

If it be alleged by a party for whom an attorney appears, that he or she does so without authority, the court may, at any stage of the proceedings, relieve the party for whom the attorney has assumed to appear from the consequences of his or her act; it may also summarily, upon motion, compel the attorney to repair the injury to either party consequent upon his or her assumption of authority.