

UNITED STATES DISTRICT COURT

for the
District of Oregon

Andrew G. Clark

Plaintiff(s)

v.

City of Eugene, Oregon
Police Department/Police Auditor,
et al

Defendant(s)

Civil Action No. 6:14-cv-01103-TC

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) Wells Fargo Bank, NA
Registered Agent for Oregon Corporate Service Company
285 Liberty Street NE
Salem, OR 97301

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Andrew G. Clark
3270 Stoney Ridge Road
Eugene, OR 97405

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.



MARY L. MORAN, Clerk of Court

By: [Signature] Deputy Clerk

Date: 07/11/2014

COPY

United States District Court for the State of Oregon

Wayne Morse Courthouse 405 East Eighth Ave. Eugene, OR 97401

Case Number: 6-14-cv-01103-TS

Plaintiff: Andrew G. Clark

Plaintiff Filing Under Rule 26

Discovery

3270 Stoney Ridge Rd. Eugene, OR 97405
541.510.3915

Defendants:

City of Eugene, Oregon Police Department/Police Auditor
Served to Mayor's Office 125 E. 8th Avenue Eugene, OR 97401 *

Lane County, Oregon – Sheriff's Department and Jail
Served to Lane County Commissioners Public Window
125 E. 8th Avenue Eugene, OR 97401 *

State of Oregon – District Attorney's Office for Lane County
and Pre-Trial Release Office.
Served to Public Window of District Attorney's Office
125 E. 8th Avenue Eugene, OR 97401 *

Mailed to Director of the Oregon Dept. Administrative Services
Department of Administrative Services Executive Building
155 Cottage St. NE, U20 Salem 97301-3972 *

Alex Gardner – District Attorney for Lane County
Served to Public Window of District Attorney's Office *

Wells Fargo Bank, NA Registered Agent for Oregon
Corporate Service Company 285 Liberty Street NE
Salem, OR 97301 via process server.

*Rule 4 (j) Serving a Foreign, State, or Local Government. (2) State or Local Government. A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by: (A) delivering a copy of the summons and of the complaint to its chief executive officer; or (B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant (note: ORS 30.275)

This Filing is being made pursuant to Local Rule 26, Discovery. It is to formally transmit the Evidence Material to the Defendants. That is made necessary by Local Rule LR 26-1 as it allows the Defendants time to respond to the Evidence and engage in meaningful Conference as specified:

LR 26-1 Initial Conference of Counsel for Discovery Planning (See Fed. R. Civ. P. 26(f))
Unless exempted under Fed. R. Civ. P. 26(a)(1)(B) or otherwise ordered by the Court:

The parties must hold a Fed. R. Civ. P. 26(f) initial conference of counsel for discovery planning within 30 days after all defendants have been served. Counsel for plaintiff(s), upon learning the identity of counsel for defendant(s), must initiate communications with counsel for defendant(s). All counsel must then confer as required by Fed. R. Civ. P. 26(f). No written report of the initial conference of counsel for discovery planning is required (other than the form that is referred to in LR 26-2), but the parties must be prepared to report orally to the Court as to their discovery plan. The parties may seek discovery once the initial conference of counsel for discovery planning contemplated by this local rule has occurred.

I collected official material via legal processes, including police audio, video, reports, and various court records generated by official processes. It is posted and well-organized on Case Presentation Site:

www.RisePatriot.com (backed up on www.osunrise.com)

The primary site is checked against malware each day by professionals. There are no ads. It is a fully identified site. There are no links to other cases or material that is not first-hand factual and related to this case. It is presented as if it were a hyperlink within an electronic filing and an integral part of the Complaint. There is a link to an emotional Art Page: www.risepatriot.com/page2.html
The Art is not part of my Factual Presentation (www.RisePatriot.com).

I assert for the record:

1. This Complaint provides a clear factual basis to conclude the charges against Defendants are true. There is conclusive evidence of Racketeering subject to RICO Prosecution and/or Litigation.
2. A defined characteristic of RICO is using attorneys to obstruct justice. That includes any filing they make to a court without addressing the tangible evidence presented to them.
3. If an attorney submits material to this Court devoid of relationship to the disclosed evidence, it therefore represents their deliberate, knowing participation in the Racketeering activity of the Enterprise.

Signed and Sworn to:

 7-11-14

Andrew (Andy) Clark 3270 Stoney Ridge Rd. Eugene, OR 97405 541.510.3915

CIVIL COVER SHEET

Copy

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Andrew G. Clark

(b) County of Residence of First Listed Plaintiff Lane County Oregon
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Pro Se 3270 Stoney Ridge Rd. Eugene, OR 97405
541.510.3915

DEFENDANTS

City of Eugene, County of Lane, State of Oregon, Wells Fargo Bank

County of Residence of First Listed Defendant Lane Co. OR
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- 1 U.S. Government Plaintiff
- 3 Federal Question (U.S. Government Not a Party)
- 2 U.S. Government Defendant
- 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input checked="" type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input checked="" type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- 1 Original Proceeding
- 2 Removed from State Court
- 3 Remanded from Appellate Court
- 4 Reinstated or Reopened
- 5 Transferred from Another District (specify)
- 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42 USC 1983 S. 1964(c)
Brief description of cause:
Civil Racketeering, Repeated Violations of 18 USC 241 and 242.

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 4,000,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE Ann Aikens

DOCKET NUMBER 6.13.cv.01546.AA

DATE

7-18-14

SIGNATURE OF ATTORNEY OF RECORD

AK

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

United States District Court for the State of Oregon

Wayne Morse Courthouse 405 East Eighth Ave. Eugene, OR 97401

Case Number: 6-14-CV-01103-TC

Plaintiff: Andrew G. Clark
3270 Stoney Ridge Rd. Eugene, OR 97405
541.510.3915

Complaint Filed Under:
Civil Rights Violations 42 USC 1983
Civil Racketeering 18 USC 1964(c)
JURY TRIAL OR MEDIATION
DEMANDED

Defendants:

City of Eugene, Oregon Police Department/Police Auditor
Served to Mayor's Office 125 E. 8th Avenue Eugene, OR 97401 *

Lane County, Oregon – Sheriff's Department and Jail
Served to Lane County Commissioners Public Window
125 E. 8th Avenue Eugene, OR 97401 *

State of Oregon – District Attorney's Office for Lane County
and Pre-Trial Release Office.
Served to Public Window of District Attorney's Office
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Mailed to Director of the Oregon Dept. Administrative Services
Department of Administrative Services Executive Building
155 Cottage St. NE, U20 Salem 97301-3972 *

Alex Gardner – District Attorney for Lane County
Served to Public Window of District Attorney's Office *

Wells Fargo Bank, NA Registered Agent for Oregon
Corporate Service Company 285 Liberty Street NE
Salem, OR 97301 via process server.

*Rule 4 (j) Serving a Foreign, State, or Local Government. (2) State or Local Government. A state, a municipal corporation, or any other state-created governmental organization that is subject to suit must be served by: (A) delivering a copy of the summons and of the complaint to its chief executive officer; or (B) serving a copy of each in the manner prescribed by that state's law for serving a summons or like process on such a defendant (ORS 30.275)

Defendants: Individuals know or suspected to be participants will be identified within this Notice of Claim in order to provide a legal basis for racketeering claims which require known human 'actors' to be identified in a Complaint against the organization which employs them. I reserve the right to litigate individuals in addition to any and all city, county, state or federal agencies not currently included.

Jurisdiction

District Court is the correct Court for this Complaint for these primary reasons:

1. It involves several Questions of Federal Law and Rights and Obligations Under the Constitution of the United States as well as the State of Oregon.
2. One of the defendants, Wells Fargo Bank is a company involved in interstate commerce and its headquarter office is located outside of Oregon.

Sample Justice Department Publication Applicable to this Complaint of Civil Racketeering

http://www.justice.gov/usao/eousa/foia_reading_room/usam/title9/civrico.pdf

Plaintiff Statement Regarding Judicial Assignment:

Plaintiff was recently involved in a tangentially related case 6.13.cv.01546.AA, to be Appealed.

Plaintiff respectfully Demands of the Court to appoint a different Judge to this Complaint.

Evidence Presentation Site: www.RisePatriot.com Only in the last several years has technology advanced to make such a presentation is possible. It is an integral part of my Claims as it allows the Defendants to view and discuss the evidence with me. So far, there is no indication they have in any meaningful and total context. It is official police material, legally obtained and posted for review. It is included here as if this were a hyperlinked PDF in an electronic filing. I will expect that any attorney who responds to this material will respond to the evidence that is presented rather than submitting obstructive filings to avoid Discovery and Trial. I assert for the record: if a licensed attorney in any capacity files or accepts Defendant responses to dismiss my Complaint that do not specifically address the evidence presented to them implicates that attorney in the Racketeering being alleged and documented. There is no known-to-me precedent for such an evidence presentation in a civil Complaint by a Citizen against corporate and government entities that includes such a complete papertrail and reasonable proof of allegations. Actual Evidence will be Heard by a Court, not obstructed.

Jury Trial Demanded. Complaint - Claims for Relief of

Civil Rights Violations under 42 USC 1983. Repeated violations of 18 USC 241 and 242 against me that constitute Conspiracy Against Rights under color of law. Fabrication of crime and evidence.

S. 1964(c) Civil Racketeering and knowing participation in Kidnapping to Terrorize for Political/Economic Motivations. Corporate corruption and use of police and prosecutor to enforce civil matter is a gangland tactic used by organized crime. What police and prosecutor perpetrated based on lies and fealty is exactly what the Mobs used to do prior to RICO enforcement. Police and Prosecutor activity are proven to be entirely corporate driven for the clear pecuniary motivations of the corporation.

Defamation, Negligence, Dereliction of Duty, Failure to Train and Supervise, Invasion of Privacy

Police Emotional Entrapment Activities, Malicious Prosecution, Battery by Legal Processes, Police Practice of Medicine (Psychiatry) without qualification or license.

Arrest and imprisonment based on knowingly false evidence.

Excessive bail and illegal pre-release conditions, unconstitutional search/seizure of computers.

Coercion and Duress; battery by Legal Processes, Waste of Public Resources (claim as a taxpayer)

Novel Claims and Facts: Participation in Corporate Espionage and Organized Domestic Terrorism.

A Factual Basis for Relief under the Above Claims Exists as Summarized and further detailed in court filed material and official material posted www.RisePatriot.com. The material is an integral part of the Case Presentation and will be submitted to Court in various formats as it fully supports Factual Statements relay the circumstances that support the charges for Trial.

Summary Version: twice in a two year period I was removed from my home by police who acted against the law based on Wells Fargo or their Agent's falsified threat reports and jailed. That constitutes 'kidnapping' perpetrated upon me and/or concealed by the Defendants within a two year period which constitutes Racketeering. Police acted as Agents "directed by" Wells Fargo as demonstrated in their own words with official material, posted on www.RisePatriot.com .

1. I worked for Wells Fargo Home Mortgage in Eugene Oregon in 2011. I reported significant suspected and evidenced technical business irregularities to local Federal Bureau-Investigation per law and Wells Fargo and Company policy. I was terminated 6.28.11.

2. Martin Ogno, Corporate Security Agent of Wells Fargo Bank, NA in Portland Oregon did on and/or before July 18, 2011 contact City of Eugene Police and directed them to perform what was first said to be a well-being call at my home. Two large, armed police in uniform were sent to my home to interrogate me in behalf of Wells Fargo Bank. Police were provided content of a email (posted) I sent to a designated representative of Wells Fargo in Minneapolis as their next reason for that in-home detention and interrogation. Police then gave a third reason for their visit: a 'trespass warning'. Police are heard, in my home, advising/ordering me to not contact Wells Fargo and also being aware that I was planning to sue Wells Fargo. Police have no authority or right to issue such requests in my home. It is a most extreme, chilling violation of First Amendment. It was terrorizing and it appears police are aware that such visits are terrifying to the citizen unless wanted by the citizen. It appears they do their visits in the evening hours *with the result of* to maximum defaming and threat painting in the neighborhood. Novel claim: it represents deliberate, organized domestic terrorism and in this case it was corporate-directed.
3. Hear on Audio: Police coerced me to provide to them my birthplace and social security number. I see no reason for that bizarre removal of privacy and discovery will show exactly why police obtained that data and how it was used. I assert it was illegally collected and used.
4. Police are clearly heard violating my Second Amendment obligations regarding doing Right with firearms. They determined I did not own firearms and reported that back to Wells Fargo as heard on internal police audio. City of Eugene Police were sent to my home to silence my speech in behalf of Wells Fargo and to determine if I had firearms. Arguably, that combination of activity directed by a corporation based on a business email involving business facts as well as a real ethnic issue I experienced is the most chilling violation of the Constitution that is possible. They reported significant information back to Mr. Ogno. Novel claim: I assert that transfer of information represents knowing participation in corporate espionage activities: police were sent to my home by the Enterprise to collect information in behalf of the Enterprise:
5. The case was assigned to Eric Klinko of West Side SWAT. The use of SWAT to discourage and prevent me from communicating business facts to a corporation is far outside normal police policy and practice. It is far outside state and federal laws. Eric Klinko has been the target of several successful 'excessive force' lawsuits against City of Eugene Police and he is implicated in

other cases. Discovery will show the exact communication channel and path that lead to the SWAT assignment of a fabricated municipal trespass telephoned in to 911 the day before.

6. The police action was directed by Wells Fargo Bank. That is clear from internal police headquarter audio (posted) from July 18, 2011 in which police call him and can be heard saying they were “directed” to perform the intimidating, defaming evening visit to my home against all normally practiced police policy and they reported back to Mr. Ogno with fealty.
7. Police were aware July 18, 2011 that a significant commercial dispute existed between myself and Wells Fargo Bank (et al). They choose to act in behalf of Mr. Ogno and do as he directed. That reflects lack of training and supervision and is also a waste of the public resources.
8. Police are heard on their headquarter audio promulgating Wells Fargo assertions that I lacked mental stability. Quoting a police officer seemingly in authority: “if you can wrap your head around it, Wells Fargo let him go because he was acting crazy.....”. Under the circumstances, that constitutes the practice of medicine (psychiatry) without qualification or license. Their prescription was increased police action, duress, jailing, defaming, and battery by legal process. Please go listen to the audio and compare the voice tone of the police when speaking with me, the Citizen while showing dripping fealty to the Wells Fargo Bank Security Worker in Portland, OR. It is a very noticeable difference. Click the 'Dog at Computer' Thumbnail on www.RisePatriot.com for that Audio, accompanied by emo-art. Note: the police on-audio urination event heard loud and clear is real. Their microphones were on their belts.
9. Police are heard actively discussing my banking information with Mr. Ogno of Wells Fargo Bank. Police are heard conspiring and pre-meditating further police response for Wells Fargo. Police are also heard asking Mr. Ogno about my claim of Federal Bureau-Investigation contact and accepted Mr. Ogno's statements with regard to FBI as evidenced. That represents Police Corruption of FBI Processes and is an aspect of my Racketeering claim against Defendants.
10. In writing I notified each of the Defendants of the dispute on a large number of occasions. Some of those notices were discovered in 'evidence' to be used against me. Nothing at all was done to prevent the next illegal police activity. That is complete dereliction of duty and lack of response

to the citizen and crime reporter based upon the public corruption by the corporate Enterprise.

11. On July 27, 2011 I re-filed with FBI and included a narrative of the police action of July 18. At that time, I did not have or know that I could obtain the police audio and reports. I never had a website prior to that. I reported it then as a situation of suspected corruption of police and FBI processes by Wells Fargo. I notified Defendants of that filing at various times.
12. On July 28, 2011 Wells Fargo, using a Securitas guard transmitted a falsified threat report to Eugene Police involving municipal trespass. Police acted aggressively upon that threat report without confirming its validity fully knowing it was related to a commercial (civil) dispute. That represents negligence, failure to train and supervise, dereliction of duty, and participation in the racketeering activity of a corporate enterprise. Discovery will show if the 911 dispatch operator was told by police to respond a certain way because in my opinion, she seems to be leading the call to a certain conclusion. It differs so much from my experience calling 911 or the police on other matters that it requires discovery to determine the extent of the corporate-police conspiracy.
13. On July 29, 2011 c. 6:00 pm SWAT arrived at my home to perform an "arrest" for 2nd degree municipal trespass. Two SUV's and two squad cars were used. I was force-marched barefoot in chains approximately one block to the waiting police vehicles. I was taken to jail and released 18 hours later. That act constitutes Kidnapping #1 by Wells Fargo et al using corrupted and lied to police who were fully aware of the possibility of a commercial dispute yet chose to take the side of the Enterprise. Police acted with undue force. No other 2nd degree trespass case known was prosecuted by SWAT and at-home arrest. A later review of police reports shows that police fabricated evidence and did not have correct in-advance legal authority for the arrest. It represents false arrest as it relates to police as well as complicity in Civil Racketeering charges.
Legal Note: Kidnapping for Ransom generally requires 24 hours holding. Kidnapping to Terrorize for Political/Economic Motivations does not. The act itself is designed to meet the objective of the kidnapers. In context, it could be argued that the July 18, 2011 home detention and interrogation was a kidnapping event. It was very intimidating. I was detained AFTER inviting police into my home. I was clearly given a corporate-sponsored message by them by armed police in my home who were fully aware of what they were doing to me and my objections to it. All parts of the process were audio or video recorded (and posted

www.risepatriot.com) except the arrest event itself and the vehicles were within range to record but it is claimed they did not. That omission appears as manipulation of police technology to conceal actual police activity.

14. The charges were dismissed with no hearing. I wrote (and posted on www.risepatriot.com) many letters to many different offices of the Defendants, including Lane County District Attorney Alex Gardner to complain about my treatment. All were ignored and in fact later used as some form of evidence against me in kidnapping event #2. Defendants responded as a lynch mob against me when I went to them for help as a citizen. It is a horrific example against 42 USC 1983.
15. The page that follows this is from the police reports I obtained and posted. It is a small example. Police claimed and placed into affidavit that I had threatened to rape my bosses. They had no evidence of that and they failed to mention the only bosses for 100 miles are two males, neither of whom shared their fears (or hopes as the case could be) of homosexual rape by me. Those abject lies are representative of the type of extreme defaming and libel that police felt free to introduce into police reports but more importantly: an ARREST AFFIDAVIT, a sworn statement of truth that seemingly was not executed (signed or notarized) until after-fact.
16. The arrest affidavit and lack of a judge's signature for at-home arrest for second degree municipal trespass is a massive violation of Constitutional Rights under the circumstances of no physical threat. All appeared to be executed after-fact. Discovery will show that 2nd degree municipal trespass is never handled by SWAT and is dealt with at the scene (usually, unless a video exists or witnesses are willing to testify) via the issuance of a citation to appear. That type of analysis of departure for typical procedures and policies is one metric of 42 USC 1983/ 18 USC 241 and 242 violations. It establishes on a factual basis illegal activity perpetrated under color of law and excessive force that endangered me and the general public needlessly.
17. I obtained and posted the police audio/video and correlated it back to the written reports. That material is a major part of the evidence against the Defendants. It demonstrates their negligence, dereliction of duty, improper supervision, malice, and incorrect application of the law far outside what is provided for the Construct of Oregon Criminal Law. What you hear is police actively interpreting and rendering orders on the most fundamental constitutional issue: freedom to

BAND POTTER
920
515

I responded to Wells Fargo Mortgage at 100 E Broadway regarding a trespass complaint.

I contacted Christiansen and Potter. Christiansen is a security guard hired by Wells Fargo because of safety concerns about a former employee, Clark. Potter is a mortgage consultant in the office. They told me that Clark had recently (weeks ago) been terminated from his position at the office and had been repeatedly trying to come back in and entering back onto the property.

→ Potter said that Clark has, for several months, been demonstrating increasingly bizarre behavior. He described behavior that can be generalized as conspiratorial, neurotic, and obsessive. He said that he is turning the organization into the FBI for prosecution under the RICO statute. He said that he will rape his bosses because they fired him. He has continually come back and tapped on the windows and opened the front doors of the business after being told not to enter the premises.

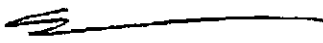
→ Both Potter and Christiansen told me that they have authority to trespass people from the premises and they have done so with Clark via police contact. (on 071811, Officer Esch contacted Clark and told him that he was not allowed on any Wells Fargo Property - this was documented in an FI)

Because of Clark's behavior which resembles psychosis, Wells Fargo hires Christiansen as a guard for the safety of the workers there. On the above date and time, Christiansen and Potter told me that they saw Clark ride up on his bike and approach the doors of the business to within one foot of the doors. The business is on a corner and this would clearly be on the business property. He left when he saw he was being observed. As they were relating this to me, we all observed Clark approach the same corner on his bike. He appeared to observe me inside and rode off eastbound. By the time I could get out of the building, he was gone.

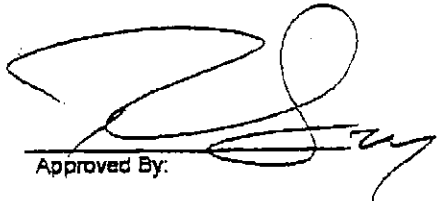
Potter and Christiansen both told me that the manager, Martin, has formally trespassed him from the location. Martin did not answer his phone. They said that they wanted him arrested for trespass.

I attempted to call Clark but he would not answer his phone.

The employees whom I spoke to were very concerned for their safety. They asked if they should carry guns to protect themselves from Clark should he return. They describe him as very mentally unstable and unpredictable.

 167
SCHULKE #164
Patrol, DOWNTOWN

072811 @ 1200


Approved By:

7 A

PKC 

EXHIBIT COMMON
TO BOTH
JUDICIAL COMPLAINTS

One Page of Police Evidence Report Dated 7.29.11 Follows This Page

MALE BOSS RAPE THREAT REPORT within their manufactured 2nd Degree Municipal Trespass.

It is just one of about 20 pages of police reports related to Kidnapping #1. Other pages are just as 'bad'. All that followed was the result of me refusing to allow the perpetrators and defendants to 'get away with what they did' because I realized they do it all the time to others for various reasons.

1. They claimed I threatened to rape my bosses. They failed to mention that the only bosses for 100 miles are two men. That allegation was placed on the seemingly-signed-after-the-fact arrest affidavit as well. Neither men (or anyone else) reported their homosexual rape fears or fantasies to police or anyone else. It is unacceptable to anyone that police should be placing that nonsense in a report about 2nd Degree Municipal Trespass except to facilitate guilty by proxy. Discovery will show exactly why that got in there and that could lead to some other rather shocking possible allegations in involving police activity.

Another page of the police reports (all posted) used that rape nonsense to "place me on a police-only list for potential violent offenders". That is illegal threat profiling and secret listing. Both are elements of almost all of the Claims against defendants.

2. Police repeatedly place their diagnosis of mental health issues into the report. They appear nearly obsessed with it at every stage of their persecution. They use mental health against the citizen as demonstrated in many areas of this case. It is akin to calling someone a 'witch' or a 'Jew' and then burning them. It might sound more scientific but the police are not trained to make or act upon such determinations.
3. Notice the last paragraph about employees asking if they should bring guns to work. I think it is obvious to most people on the face that the employees either never said that or, it was meant as a slur against the police and security guards for their intense and terrifying activity. Simply put: the presence of guards in a tiny MORTGAGE OFFICE NOT IN A BANK frightened many workers at many of their area locations. Discovery will show I was well like and a top producer just doing my job at the time.

Simply put: what the police did to me and the community is Terrorism. On an organized basis police go around town and cause trouble. What they did in my case is typical police behavior. They over-react and excuse it by claiming public safety. They are also rapacious. It is a national endemic.

Police are like any other workers. If they are not carefully managed they will find ways to circumvent processes and controls for all reasons they can. Police literally get away with murder all over America and claim not only public safety but their own safety as why they have to over react. Have they never considered just staying at their stationhouse until a citizen calls? They go around town doing this stuff to everyone and it really upsets the Citizen. Fire department does just fine without setting fires.

POLICE AS A GROUP APPEAR TO CONSIDER EUGENE OREGON TO BE FALLUJAH IRAQ AND THE CITIZEN IS THE ENEMY. THAT IS PRETTY CLEAR FROM THE IN-STATION POLICE AUDIO (POSTED) where they treat me like excrement while bowing to the Wells Fargo security agent in Portland. They trusted him WAY above their own citizen and homeowner.

The solution is technology but after this case police probably got rid of their a/v recorders :)



peacefully communicate from my Home. It is a uniquely convincing presentation once understood. It is forensic evidence above and beyond what is used in most criminal trials, let alone a civil Complaint. I did not sue police at that time for a wide variety of reasons but I did complain a lot about it in various formats and forums. It greatly enraged City of Eugene Prosecutor Daniel Barkovic (since fired for refusing a breath test while apparently driving intoxicated). He is shown on the posted 5-30-13 letter from Ogletree Deakins et al (agents of Wells Fargo et al) as being the one who involved City of Eugene Violent Crimes... Tony Veach due to a cartoon vampire picture in a Youtube video I created. I assert that Mr. Barcovic's conduct shortly after that time speak to his potential lack of judgment in considering a cartoon vampire picture and Youtube video a matter that deserved the significant and limited resources of Tony Veach, City of Eugene Violent Crimes and his various partners. The Corporate Enterprise was allowed to utilize violent crime police to investigate and prosecute Art in violation of State and Federal Free Speech Rights and Obligations.

18. The commercial dispute continued for approximately two years. Per First Amendment obligations and as required under the provisions of the Dodd-Frank Act relating to financial professionals I continued filing very detailed and technical government reports to agencies such as FBI, SEC, Board of Governors of the Federal Reserve, and others. I also used automated FAX transmissions to publicize the business issues in order to obtain a resolution outside of the court system. Some of the faxes contained a minor amount of language and concepts that are typical in today's culture and heard in nearly all media in order to grasp reader attention. There were absolutely no threats of physical violence. All were fully identified. All were faxed to law enforcement agencies as well as to the corporate offenders. Faxing is not a criminal act and remedy for fax issues is provided for by special and specific Federal legislation, not stalking law.
19. On July 18, 2014 Tony Veach of Eugene Violent Crimes Police came to my home with his partner. They issued an illegal order/request to stop communicating with the attorney for Wells Fargo (Ogletree Deakins in Portland OR). I asked police if they were recording our conversation and they said they were not. A recording of the conversation would show subtle but important differences in what police actually said versus what they wrote in their written reports. That appears as deliberate manipulation of police technology to conceal their actual activity. Police do not have authority to go to Citizen's homes and issue orders to stop communicating.

That power resides with judges via restraining orders and due process. Due process did not occur, it was deliberately circumvented under Color of Law for the second time in two years upon direction of the same actors in order to silence and chill Free Speech Obligations.

20. I considered the visit by Eugene Violent Crimes to be a supreme insult, extremely coercive and intimidating. Discovery will reveal the extent to which police were aware their activity was LIKELY to precipitate more fax activity. Police have visited my home several times over the two years for no valid reason rooted in fact or law. Each time it prompted a flurry of communication in accordance with First Amendment Obligations to warn others of danger with evidence. That is generally known as “emotional pretexting” and is a widely reported, controversial police tactic. I considered the visit a serious waste of public resources in Lane County in behalf of a large, wealthy corporation and its beavies of attorneys and agents. I was terrorized by that visit and it was very clear to me that police had absolutely no idea of the details of the Oregon Stalking laws when they proposed that fax communication constituted stalking in absence of a stalking protective order which was not obtained. Police claimed but did not confirm a physical threat. Police also did not question that the complaint was provided by a corporation and there is no precedent under Oregon Law for corporations to be a stalking victim. Regardless of all else, there are clearly defined stalking protective order requirements and practices and they were massively circumvented by Defendants who were aiding and abetting Wells Fargo. It was above all else: a supreme insult to actual stalking victims and significant resources were diverted, thus endangering the general public.

21. Per First Amendment obligations, I redoubled my notification efforts and faxed by the hundreds using automated methods to warn others of what police, Wells Fargo, and Ogletree Deakins were perpetrating. I faxed to various law enforcement agencies and city/county offices. In addition, I accidentally sent ONE more fax to Ogletree Deakins in Portland Oregon c. July 22, 2013. Their fax number is a matter of record and is on a variety of other lists, such as the Oregon Bar Association's online material and I used automated extraction software to develop marketing lists. The single “error” was unintended and was the product of automation despite that I am just one human being lacking the office support enjoyed by the corporate Enterprise and its lawyers.

22. I was following the directives of the Police even though their request to stop communicating was

illegal. Faxing is not a crime and it is outrageous and reeks of police misconduct to charge 10 counts of stalking based upon one additional fax. One count of stalking would not have resulted in pre-trial duress and coercion. According to the RAT manual, I would have been released on recognition or just issued a citation to appear as is common in non-violent misdemeanors. That is further support for my claim the 10 charges were deliberately duplicated in order to mete out punishment regardless of trial results and to coerce some form of 'guilty' plea. Discovery will confirm the extent of that apparent truth.

23. I received a telephone call from Tony Veach, Eugene Violent Crime detective asking me if I had faxed to Ogletree Deakins. I told him that by error I had faxed one item to them. He did not advise me of my rights to remain silent at that time. 5th Amendment claims are extraordinarily complex and theoretical but I go on record as asserting that call was a violation of 5th Amendment protections against self-incrimination. Had I denied (lied) about sending the fax or been unaware that I sent it.... it is presumed that Police would have had to obtain a warrant to compel production of telephone records to confirm that a fax had indeed been transmitted. That one fax was used as the basis for 10 stalking charges so in context it may be considered after discovery and trial to be a violation of 5th Amendment protections. Had he warned me in advance that my answer to his question would result in my arrest I definitely would have contacted an attorney immediately and NOT answered his question. I assert that by then, I should have been advised of 'Miranda Rights' under these particular set of circumstances.

20. On July 25, 2013 c. 4:00 pm Tony Veach of Eugene Violent Crimes Police called me on the telephone and told me he needed to meet with me. He refused to say on the telephone that he intended to arrest me until I had repeatedly questioned him to that effect. I told him I needed to contact my attorney prior to meeting him. Tony Veach told me it was necessary to meet him right away to be charged for a crime. He did not mention that he had an arrest warrant for 10 stalking charges because if he had, I definitely would have taken a moment to at least notify my attorney. I contend that is a deliberate denial of a due process rights that had significant impact and damage to me and further removal of due process rights at the later in-jail preliminary hearing. Once in jail, it was not possible for me to notify my attorney and arrange his presence at the preliminary hearing which is a massive violation of due process and the Oregon Law. It converted the preliminary hearing into a meaningless 'show trial', coincidentally presided over by

the same Judge (Rooke-Ley) as signed the arrest and later search/seizure warrants.

21. The 10 charges were absolutely identical in time, place, and victim. I assert that it is not possible to simultaneously stalk the same entity 10 times in the exact same time frame and the Judge should not have signed that. They were based on a “Criminal Information” presented by a corporation with clear pecuniary motivations for making a falsified or exaggerated complaint. The facts were not presented to a grand jury for indictment even though the cumulative penalty of the charges was as much as 10 years in prison and \$62,500 in fines I was only to receive a 6 person Jury. I contend that is also a violation of due process that had at least a slight affect on trial planning as that could have been contested resulting in yet further delays of trial and abusive coercive pre-trial treatment for misdemeanors.

22. The ten charges caused the Lane County Risk Assessment tool to consider me among the highest possible risks and nearly ineligible for release from jail pre-trial due to computer generated danger scores. That is exhaustively detailed in my evidence presentation on www.RisePatriot.com. That resulted in violations of Federal and State bail laws and violations of 8th Amendment protections against cruel and unusual punishment in context of pre-trial treatment for business communications with a corporate entity. It resulted in extreme coercion and life-threatening duress as carefully explained and documented. Our Chief Criminal Judge Vogt is heard on court audio blindly accepting the results of the Risk Assessment Tool without being able to define its inputs or the meaning of its outputs. Instead she relied on her 'trust in the system' as captured on court audio. Blind trust in science without factual basis is the “Religion of Science” and *arguably* violates separation of Church and State mandated by the Constitution.

23. The Risk Assessment Tool scores also determine security level in Lane County Jail. I was housed in a maximum security area and subjected to barbaric conditions and medical malpractice that are detailed in my evidence material. Conditions were so horrific that I signed under duress of my life a pre-release agreement (posted) that on a pre-trial basis makes a large number of legal activities to be illegal. The terms of the pre-release agreement constitute jailing and in fact is officially in lieu of jailing. I claim the pre-release contract is unconstitutional and was in this particular case obtained via massively undue, deliberately inflicted duress.

24. The pre-release conditions included the mandatory use of an electronic ankle bracelet monitor. I had to report to the jail facility each week and pay for it and it cost over \$2,000 in total which is an absurd burden on a citizen in such a case as this on top of the attorneys and all else. The ankle bracelet monitor had no relationship to the conduct (faxing). It represents a most cruel and unusual punishment in this case as I carefully detailed in my evidence. I included a comprehensive 2010 Register Guard article that detailed the abusive, coercive nature of the program as used in Lane County, OR.

The Risk Assessment Tool also includes a bail matrix that caused bail to be \$200,000, an amount higher than required of most felonies. It all was caused by use of 10 identical charges. Once 9 or more charges of any type are placed in Risk Assessment Tool, it causes the person to be considered an extreme danger. That in turn causes time spent in jail prior to trial and the bail to be higher due, all against the constructs of State and Federal Bail laws:

There is absolutely no basis for jailing or ankle braceleting of a citizen charged with non-violent misdemeanors that do not involve any known physical threat of any form. Oregon law is very clear that bail is designed to insure appearance at a trial. I own my home here free and clear and have significant ties to the community. Pre-trial release conditions are to be used to prevent danger to society of the alleged conduct of the criminal charges. It was unconstitutional to prohibit or specifically monitor any other of my activity and use it as a pretext to revoke bail and re-jail but that later happened.

25. I hired an attorney, Laura Fine Moro at significant expense. She refused to file a demurrer as I requested of her. She claimed it was unethical and there was no basis. I hired her to do what I wanted her to do, not what she considered 'ethical'. I later learned her flamboyant husband is affiliated in some meaningful way with the prosecutor's office suggesting yet another possible reason for her refusal to perform her job per the Law. I obtained through Ms. Moro the police evidence material. Ms. Moro's failure to file a demurrer as demanded in conjunction with the time spent in jail caused a statutory period for a particular type of demurrer to pass. That type of demurrer was referenced by Judge McAlpin in a later demurrer hearing of a different type submitted by my next attorney. I conclude the long-term fealty between Ms. Moro and the District Attorney's office caused further violation of due process rights and compromised rights to an attorney who was supposed to be acting in my behalf. The fact of the charges originating

via an 'information' versus an 'indictment' also limited demurrer rights per related ORS. Any conflicts or obfuscation that limits the right to have evidence looked at early on is an obvious violation of due process. **Example:** Suppose I had been charged with Murder of Ogletree Deakins (the corporation)... as absurd as stalking Ogletree Deakins but more obviously so. There would be no release provision because it is impossible to 'produce the body' of the murdered corporation. In Lane County there is nothing that would prevent the prosecutor from claiming that until the evidence is looked at in trial it is not possible to conclude the corporation was not murdered. I realize murder and stalking are different, the point being both are **equally** absurd for a corporation to claim or prosecute but it was... with extreme prejudice and malice.

26. My review of the police evidence showed they manufactured a crime upon repeated written request and visits by the corporate accusers. Almost none of the material was sent to the corporate Enterprise or the human-proxy Leah Lively. The letters are all posted on www.RisePatriot.com. My review of the case law (State of Oregon v. Rangel and State of Oregon v. Ryan) showed very clearly that my conduct did not even come close to constituting stalking and that a stalking protective order was required in advance of arrest in a communication-only situation. That is NOT the way specified under Oregon Law that stalking arrests are initiated and it represents clear and outrageous willing, deliberate participation in public corruption initiated by and for the pecuniary motivations of corporate entities.
27. My review of the evidence turned up the actual conspiracy letters dated 5-30-13 and 6-21-13. Those letters are posted and the significance explained. Simply put: police and prosecutors conspired with Ogletree Deakins/Wells Fargo for two months, accepted without investigation written physical threat reports, all without telling me about it until they were ready to arrest me. It is a very blatant conspiracy against rights under color of the law. Police and prosecutor were fully aware of their corporate direction and were working directly and frequently with the corporate instigators. I accuse police of being knowing accomplices to "RICO" perpetrated by a corporation and the undue police response represents kidnapping by the corporations that ordered and directed it. I also allege false arrest performed under color of the law using falsified evidence (false physical threat reports in the 6-21-13 letter and faxes NOT to the enterprise.)
28. I brought my evidence directly to the District Attorney's office. That was ignored and in fact

caused the District Attorney to heighten defaming activity and malicious prosecution. That is best encapsulated in the attached October 2, 2013 letter written by District Attorney Alex Gardner to Ms. Moro before she 'fired me'. It shows the District Attorney had no working knowledge of Oregon stalking case law and charged non-criminal conduct as a crime then maliciously prosecuted, fully aware of the duress I was subjected to, and branded me a threat.

29. The case was assigned to Erik Hasselman, who generally prosecutes the most serious, violent and lurid crimes. Discovery will show why a communication based misdemeanor case was so assigned, just as discovery will determine why Tony Veach of violent crimes was assigned to the case and why Erik Klinko of SWAT was assigned the 2011 case. The results of the combination of the two related police activities represents vastly excessive force against at-home peaceful communications that are fully protected by State and Federal Constitutions and case law.
30. Mr. Hasselman missed the "35-day call" hearing due to his schedule. I was there with attorney at great expense to me but he did not show up and the matter pended. All the while I was subjected to the ankle bracelet and pre-release conditions. Citizens and tax payers deserve better service.
31. The 35-day call hearing process is the result of inefficiencies and scheduling problems of Lane County. It caused me expense and discomfort (punishment) prior to trial. It is an unreasonable delay and added to duress and feelings of hopelessness. The citizen should not be responsible for the gross inefficiency of government. There is no reason the backlog cannot be whittled down so that justice is conducted in accordance with the Constructs of Oregon Criminal Law and on a timely basis. The backlog allows legal battery of misdemeanor criminal suspects awaiting trial in order to induce guilty pleas, which evidence shows is a common practice in Lane County due to its unique and highly controversial Pre-trial release process and total reliance on an easily 'gamed' (i.e. frauded) Risk Assessment Tool that metes out punishment pretrial based almost entirely on the NUMBER of charges without considering evidence or even reasonability. That results in a situation which has already been reported by local media as endangering the public: serious violent criminal suspects charged with a single crime are released from jail while minor non-violent misdemeanor suspects who were 'slap-sticked' with charges are subjected to higher bails, longer jailing pre-trial, and stringent pre-trial release conditions as has been documented.



ALEX R. GARDNER
LANE COUNTY DISTRICT ATTORNEY

SEE PAGE 2

LANE COUNTY DISTRICT ATTORNEY'S OFFICE
125 EAST 8TH AVENUE, ROOM 400
EUGENE, OREGON 97401-2926
FAX ONLY (541) 682-3890
(541) 682-4261

October 2, 2013

Sent via Facsimile and U.S. Mail

Laura Fine Moro
Law Office of Laura Fine Moro, P.C.
541 Willamette Street, Suite 403
Eugene, OR 97401

Re: *State v. Andrew Glen Clark*
Lane County Circuit Court case no. 21-13-14234
DA Case no. 039-271301

Dear Laura:

Last week, your client filed a written complaint with our office alleging my misconduct. Within that complaint, your client makes representations that indicate a clear disconnect between you and your client, or at a minimum, apparent misunderstandings.

First, your client indicates that he did not commit the crime of Stalking, and that he understands "a judge agreed it is not 'stalking'." He further represents, "A judge concurred the faxes do not represent stalking as there was no physical or actionable contact."

To my recollection, the only judicial conversation we have had regarding this matter is the settlement conference we had before Judge McAlpin on September 16th. My recollection of that discussion is that Judge McAlpin was aware of the *Rangel* case. Judge McAlpin made no assertion that the case prevented this prosecution, nor did Judge McAlpin in any way indicate he thought it absolved your client from any criminal responsibility. Perhaps you can clear up with your client why he would conclude the judge "agreed" your client's actions did not amount to Stalking.

Second, your client indicated in his complaint that I met with you on September 16, 2013, and that I "will offer [your client] a deal of some form to plead guilty to unrelated charges such as 'telephonic harassment' or 'disorderly conduct'." My recollection of our conversation is that you suggested the State should settle this case for a Disorderly Conduct, which you indicated was actually your client's idea.

You represented to me that your client suggested settling the matter for that charge in lieu of Stalking charges, yet he claims that I am trying to "use the Ankle Bracelet and threat

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of jail to extort beaten down human beings into pleading guilty." He continues, "I cannot speak for other cases. In my case, pleading guilty would be committing perjury. I committed no crimes."


Given your client's posture, I don't believe there is any settlement to be reached. We have a fundamental difference of opinion regarding his acts. Despite his protestations, I believe his behavior has been criminal, and prosecution will continue. My reading of *Rangel* does not comport with your client's interpretation. I believe his intent through his repeated, unwanted contacts was to put the victims in fear that violent crimes would be committed against them. His reliance on the geographical separation between Eugene and Portland is unpersuasive to the State.

Further, please advise your client I have no interest in receiving communications directly from him. Any communications should be made through his counsel. I consider Mr. Clark a threat to my safety and to public safety in general.

As always, thank you for your attention to this matter.

Sincerely,

ALEX GARDNER, District Attorney



Erik V. Hasselman
Assistant District Attorney
Major Crimes Division

32. After Ms. Moro 'fired me' I sought other counsel. I also placed Motion into court to modify pre-release conditions. That motion was heard and denied by Judge Vogt, Chief Criminal Judge of Lane County. The hearing audio and transcript are posted. She acted against the Law but has immunity. The transcript is also very clear: Judge Vogt stated that she only had partial information about the case and 'wished she could ask the DA's office questions but could not'. That aspect will be further dissected in the section of this Claim regarding personal liability of the District Attorney and District Attorney's Office. They lost their immunity by directing the police activities per *Buckley v. Fitzsimmons* (91-7849), 509 U.S. 259 (1993).
33. In October 2013 I delivered formal Notice of Claim #1 in this case. That was necessary because it must be done within 180 days of when the offending activity occurred so I used the arrest date as the conservative basis. At that time, trial was scheduled for December 6, 2013 so I turned it in early in case I did not prevail at trial and got placed into prison where it would be more difficult.
34. Within a week of that, I was subjected to a "random" urine analysis by pre-trial services. That is one of the many agreements made under life-threatening duress by the pre-release "contract". I have been treated by a physician for Seizure Disorder for almost 40 years. That treatment includes the use of medical marijuana. I was not charged with any drug related offenses and my medical use of marijuana is unrelated to the charges or alleged conduct. I later learned that the Ankle Bracelet allowed Sheriff's office to know that I went to a medical marijuana dispensary. They knew I went yet did nothing to prevent it. It represents further conspiracy against rights and deliberate, cruel use of medical conditions as a coercive device on a pre-trial basis.
35. On November 5, 2013 I attended a demurrer hearing. I had retained Kevin Bons who promptly did what Ms. Moro would not: file a demurrer (the type of demurrer still available as the timeframe for the first type had long lapsed due to attorney neglect and fear of the DA). The prosecutor handed Mr. Bons his response. Mr. Bons said he would need time to review it and the hearing was rescheduled for the next day. At that time, I was informed in Court that I was being taken back into jail for failing the urine analysis due to use of medical marijuana for medically recognized seizure disorder. It is common knowledge that police are generally against marijuana use. As one example, police organizations are often in the Voter's Pamphlets publicly opposing medical or recreation use of marijuana. While they are entitled to their wrongful,

worthless, ignorant, bully opinions...they do not have the right to enforce their obsolete, disgraceful, cruel, inhuman opinions via pre-trial release agreements. That contributes to claims of practicing medicine without qualification or license in the State of Oregon as it relates to Seizure Disorder: A licensed physician has long treated me for Seizure Disorder. The Oregon Medical Marijuana Program is clear about parole and probation but pre-trial misdemeanor situations are vague at best and simply had no place in logic or law in my particular case.

36. Tony Veach, Eugene Violent Crimes Police was also at the otherwise unattended hearing. He got up and led me to the most public area of the Lane County Courthouse: the area right outside of Judge McAlpin's courtroom 205 in front of the public window where citizens line up to conduct business at the public window. I was dressed in suit and tie. I was handcuffed in front of everyone. Det. Veach presented me with a search and seizure warrant of my home. That warrant was the product of the same fabricated threats and fabricated evidence as the original arrest. The arrest act in court represents excessive force and deliberate defaming and violation of due process rights. There was no reason they could not have waited because I was due to report to the pre-trial office that week anyway. It is a barbaric practice to publicly arrest people in courts and it speaks of undue police control or influence over court processes, to be determined further via Discovery. Bail was doubled an additional \$400,000 for a total of \$600,000. The judge made it somewhat clear in the court that we had 30 days to request relief from the original \$200,000 bail. That represents further due process violations and is not in accordance with the Construct of the Oregon Criminal law or the state/federal Constitutions.
37. I was taken back to jail and placed in an even more restrictive maximum security cell. The jail guard told me that Tony Veach has specifically told him that I was not allowed to communicate with the outside for 24 hours. The actual amount of time was more than that due to the 1 hour out of 24 hours allowed out of the maximum security cell.... all pre-trial for faxing, not a crime.
38. Police did a very thorough but gentle search of my home. I appreciate their restraint. I expected they would trash the place but instead, it was very clear they 'touched' every spot in that house but did not disrupt it much. All occupants of my home are appreciative but we all still feel terribly violated by the unreasonable search and seizure that was conducted under color of law per corporate direction. It was unconstitutional and there was no valid basis for the warrant. I

was 'robo-signed' by Judge Ilisa Rooke-Ley.

39. All my computer equipment was taken including the family computer that is never used for business. It contained irreplaceable family photos and other personal material. None of the equipment has been returned as of yet and part of the relief requested is immediate return of all items taken from my home. Police have no reason to keep it as they download the entire contents of them onto their computers for analysis. It is an element of malicious prosecution and coercion because I telephoned Erik Hasselman in January 2014 and he told me that if I wrote a letter promising not to appeal he would tell police to give me back my equipment. Opinion: they stole my equipment (warrant obtained with falsified or incomplete evidence) and held them for ransom of giving up appeal rights. It is additive of all the other malicious prosecution and prosecutor misconduct so rife in this case.
40. Computer equipment is akin to a person's brain. A computer stores thoughts. As police found out, my thoughts and activity with computers are beyond the highest standards of reproach and morality. They seized a total of 4 computers, one of them very broken as described by police in their reports. The three computers that have been used for the past several years were used to store family pictures, financial records, thoughts, exculpatory evidence, materials needed for trials, art, and paid software. All that was taken from me without any evidence that justified it. It appears that information about the findings were fed back to the corporate accusers. That will be fully discovered as will all that they did to analyze my equipment. Police also may have taken papers from my home that are not permitted by the warrant, which will also be discovered. As an anecdote, the news has since reported a case involving a local police employee found with child pornography on his computer. My computers were all devoid of a naked human images or any history of access to any form of pornography. Police must have been shocked and disappointed that my computer activity and morality far exceeds their own.
41. In their police reports, police referred to my home in very derogatory terms. They reported a moldy smell, sparse furniture, unclean conditions, and other very defaming content unrelated to their police fishing expedition four months after the original misdemeanor arrest. That represents further examples of malicious prosecution, police misconduct, robo-judging, and a massive violation of Constitutional protections of property and home. I exclaim with emotion:

you try cleaning or maintaining your home in an ankle bracelet while being financially and emotionally bled to death and then tell me about it. Let that stand as further evidence of the extreme battery and damage to me as a human being that will be recovered with this lawsuit. Let that stand as a measure of the cynical and cruel behavior tolerated by City of Eugene Police.

42. Judge Rooke-Ley also signed the original arrest warrant, presided over the in-jail preliminary “show trial” hearing, and signed the search/seizure warrant. Review of records shows that she most likely knows or has heard of Leah Lively...attorney for Ogletree Deakins used as a human-proxy for their corporate complaint and objectives. They share affiliations on the board of directors of close sister organizations. At the minimal I am asserting judicial misconduct that requires her removal from the bench unrelated to any possible affiliation with the 'victim': she 'robo-signed' warrants that affected constitutional rights in a non-violent misdemeanor case orchestrated by a corporation for pecuniary reasons. She had no basis to sign a warrant with 10 identical charges as she did. She did not act in accordance with Oregon Bail law at the in-jail show trial preliminary hearing. Worst case: if she was familiar with Leah Lively and signed the warrants based on that affiliation or even worse...contact... then Judge Rooke-Ley is a felon. Discovery will determine if she is merely a robo-judge or a major criminal.
43. I arrived in Court November 6, 2103 in jail clothing and jail chains on both and and foot. I managed to pour some water. I was allowed to drink the cup I poured but the pitcher was taken away from me. The demurrer hearing is posted. I ask people to listen to that and consider I was in jail clothing and chained hand and foot. After it was denied, I was placed in a courtroom jail cell (awaiting ride back to jail) that lacked water. Eventually I was compelled to drink from the toilet. That and much more systemic abusive treatment is posted www.RisePatriot.com.
44. The demurrer hearing was outside the constructs of Oregon's Criminal law. The judge was not allowed to have and/or consider any evidence despite four months of abusive pretrial treatment as described. The event represented violation of due process and yet another 'show trial' because Court Procedures in Lane County Oregon shield a judge from the evidence. Discovery will determine the extent, if any, that stems from the District Attorney's Office. The Court did not address whether Ogletree Deakins could be a victim but the District Attorney allowed them victim status. That will be further dissected in the section on Prosecutor Misconduct.

45. The hearing did not conclude that a corporation could be a stalking victim but accepted that Leah Lively, an Ogletree Deakins attorney was. She did not follow the established procedure for a stalking protective order. I found no evidence at all that she personally complained of stalking. The formal request to District Attorney for a stalking protective order (6.21.13 correspondence, posted) **specifically did NOT** include her as a co-complainant. It is obvious on the face she was added in by civil attorneys who were aware that stalking requires a natural born 'victim'. All fax material in question was sent to thousands upon thousands of recipients. It represents legal information marketing. Matters involving unwanted faxes are a very well defined area of Federal Law does not include stalking charges or criminal charges as a consequence. There is absolutely no evidence Leah Lively ever saw the material. It was sent to a large law office that presumably has policy to dispose of unwanted fax material.

46. A review of the fax material will show that 95% of the words are communicating detailed business and legal facts. 5% at best represents non-threatening but possibly vulgar inducements to gain reader interest. Out of over 200 pages of police "evidence", there are c. 10 communications over a one year period with the Enterprise. It is a perfectly legal activity and no word written was threatening in any way and no physical threat was ever confirmed. As example, Ogletree Deakins is in a secure Portland office tower and I have not been to Portland in four years now nor have I been alleged to have been anywhere near there. City of Eugene Police did not, per evidence, confirm with Portland Police if any threat existed. Logically: if someone is experiencing an "immediate or eminent fear of serious personal violence" they would first seek protection by their police who in turn would work with Eugene Police after determining the actual threat, if any. Police evidence (posted) did include reports from Multnomah Sheriff showing they received the faxes but did not consider them 'stalking' or even a threat worthy of continued investigation. They also failed to consider them Crime Reports. They were branded 'vulgar' and filed. While I disagree with that artistic interpretation, 'vulgar' is not stalking.

47. The cumulative effects of the duress and coercion were taking their toll upon me. Still, I was determined to hold out for a trial. Mr. Kevin Bons (my attorney at the time) was very sure we did not have to file for release from the \$200,000 bail that was forfeited unless retrieved via court order. The transcript of the hearing clearly shows the judge indicating we had 30 days but Mr.

Bons did not agree that was the case. Reluctantly, at the last moment, I was compelled to locate another attorney who could release me from the \$200,000 judgment that was about to accrue against me. I retained John Halpern, a renowned trial attorney. I paid him a flat \$15,000 because that is what he asked for. He was able to get the Motion in to avoid the judgment on the very last possible day and it was successful.

46. Trial was delayed by Mr. Bons from December 6, 2013 until January 14, 2014. Had Ms. Moro performed her job as I paid her to and not been cowed by the District Attorney's office that would not have been necessary. As noted previously, Ms. Moro refused to file a demurrer and fired me. It was not my choice and it cost me plenty to switch out of necessity, as it did the next time.
47. Over the Christmas Holidays, I was in ankle bracelet and subject to the unconstitutional, cruel, and medically dangerous pre-trial release conditions. I stumbled across a study published by the National Institutes of Health (Cancer Institute) advising against close exposure to cellular radiation for more than five hours per day. That study was formalized c. 6.24.13. Prior to that, it was not an official recommendation or warning by the Government. After that, it was reasonable to assert that it was potentially life threatening as there was no way for me to determine signal type or strength. Discovery will reveal all those details as well as the fact that worrying about unknown health risks can itself lead to terminal health conditions. At that point, I communicated my concern to my attorney Mr. Halpern and told him to pursue a negotiated agreement with District Attorney's office and he did so.
48. Still, I was determined to hold out for a trial scheduled for January 14. Mr. Halpern will confirm that I did not want to plead any form of guilt but was willing at that point to consider what the District Attorney would offer. Around that time I learned the following:
 - a. the January 14, 2014 trial was going to be postponed indefinitely. Prosecutor Hasselman is extremely busy and on any given day had more serious and pressing cases than a misdemeanor. As previously stated, discovery will determine how and why Erik Hasselman was assigned this case at that time. His wife was pregnant with twins then so his personal life may have also caused delays.
 - b. I learned that trial could and likely would be postponed for as long as two years and then ended with dismissal of charges, all the while with me subjected to ankle braceleting, etc.

49. During the time in ankle bracelet, I received several calls that will be a matter of record. They generally were very late at night and woke my household. It was the Sheriff's office claiming they could not pick up a signal and wanted to see if I was home. Those calls were intimidating, defaming in my household, and terrorizing to me and my household. They added to the cumulative duress and coercion. A fact finder could look at any single element of my pre-trial treatment and try to excuse it as within policy and do the same with the next. The cumulative effect cannot and will not be discounted as that represents the true effect upon the human organism. That will be backed up with professional testimony at Trial.
50. I met with Mr. Halpern and Erik Hasselman in Mr. Hasselman's conference room. I concluded that Erik Hasselman was an equal victim to myself (of a different kind). On one hand, I must vigorously pursue damage recovery as well as do all possible to expose the role of each person and to hold them personally accountable professionally and financially. On the other: Erik Hasselman was tricked and backed into continuing prosecution. He should have not. He should have moved to dismiss charges. The District Attorney is most responsible. This aspect will be dissected more in the section regarding prosecutor misconduct and malicious prosecution.
51. On January 9, 2014 I agreed in court to a set of stipulated facts. I agree that any fear of trial and sentencing is not coercive. The jailing, pre-release conditions, bail, indefinite trial, and ankle bracelet most certainly are as described. District Attorney wrote in his October 4, 2013 letter that I considered it perjury to plead guilty. I hereby invoke 5th Amendment protection if later needed for placing a statement into court that is sworn to that I openly lied in Court on January 9, 2014 but that it appears specifically allowed by Oregon Law per Mr. Halpern, my attorney. He will confirm that I expressed misgivings about lying in court about guilt, duress, etc. and he confirmed it is provided for in Oregon Law.
52. Prosecutor Erik Hasselman, after the judge had accepted Stipulated Facts, went on in Court to place on the record what I consider to be tantamount to a confession that I had not actually committed any crime. In my opinion, his testimony in court that day is the exact opposite of his previous posture towards me and is more or less what a defense attorney might argue. I am placing this as an opinion so others can listen or read it and see it is like a Confession of sorts.

53. The sentencing agreement was dictated by the corporate complaints despite it not having been confirmed by the Court at demurrer hearing that a corporation could be a victim of stalking. I assert what is obvious to anyone:
- a. It is not in the public interest to allow corporations to claim they are being stalked by citizens peacefully in their home communicating via fax.
 - b. Corporations should first try simple solutions such as blocking my fully disclosed home telephone number if they do not want informational material. There are also clearly defined civil remedies provided for in Federal fax laws that were all bypassed by corporate civil attorneys.
 - c. Corporations cannot be stalked, murdered, raped, assaulted, strangled, or maimed. The stalking laws were not written as a vehicle to limit corporate communication as used in this case.
54. The sentencing agreement called for a cursory \$200 mental health examination but specifically excluded the need to complete treatment. That is practice of medicine without license or qualification because the District Attorney decoupled evaluation and treatment. As far as I can ascertain, decoupling evaluation and treatment is not a permitted activity in the mental health industry. Dr. Miki Mace of Quality Research Associates had never seen that before. She did not provide her opinion of its propriety but she did help me address it with the Court. As an aside, I strongly recommend that instead of allowing police to handle imagined or real mental health issues....get the professionals such as Dr. Mace and Quality Research Associates in the loop from the get-go to avoid the illegal and immoral conduct described in this complaint along with other such conduct that arises from Discovery.

Cumulatively, there was significant 'second hand' involvement of the mental health industry. The use of psychiatric resources to affect political or economic outcomes is generally considered to be a crime against humanity but not currently a specific crime in the United States from what I can discern as Pro Se. There have been attempts at the national level to label it as such but last I knew, those were all derailed. It is instead practicing medicine without license or qualifications. I propose that use of psychiatric resources to conceal or to affect political outcomes provides a set of facts that provides a basis for civil relief. This is put on the record as contingency.

55. The agreement included verbiage that I was not allowed to contact Ogletree Deakins or their

Attorney Steven Seymour. The prosecutor was fully aware that I had filed a lawsuit against the accusers in District Court. I assert that action was clearly against the American Bar Association suggested rules of conduct of the Prosecutor and if reported to ABA could result in investigation. Please note: the ABA recognizes departure from its suggested rules when there is any form of valid reason involving public safety in major crime situations. This case should have had no departure at all from code of conduct. That caused a major denial of my ability to act as Pro Se in that case and I could not afford what civil attorneys were charging in light of all my other financial obligations without income or employment. That restraining order is prima facie, clear willful, knowing involvement of the prosecutors office in the racketeering activity of the corporate Enterprise and the product of conspiracy against rights: **Corruption of Court**. With that action, the Racketeers corrupted the Court itself. Non-victims cannot dictate such terms. My District Court complaint was postponed by the District Court specifically for the reason of concluding the criminal stalking charges. I hereby allege improper collusion and corruption of District Court processes. District Court used the 'no contact with Ogletree Deakins' as a basis to dismiss Ogletree Deakins from my District Court lawsuit. I am making a note of it here. That aspect will be addressed in the District Court and/or Appeals court of the related case. It potentially implicates the District Court in the racketeering activity of the corporate Enterprise. Discovery will determine the nature and extent of coordination between Lane County Criminal Justice System and United States District Court – Civil. It will be litigated and prosecuted (or not) based on the facts themselves, once discovered fully. On the face: it is smoking gun public corruption of the judiciary branch of the state and federal government by a corporate enterprise for clear pecuniary motivations. They deliberately manufactured a crime and then systematically used the results of their activity to further violate my due process rights and Defendants willingly participated and are thus fully liable and culpable.

56. I immediately appealed the conviction within the 30 day period. My legal research showed that appeal rights in stipulated facts trials were limited by ORS. Mr. Halpern, my attorney, suggested filing for Post Conviction Relief, so I did. That required me to withdraw the appeal so I did. I paid for and filed for Relief and it was twice denied for being in the wrong format. No guidance was provided as to correct format and I used a format accepted in Tillamook County, which should have sufficed a Pro Se in Lane County. The presiding judge ordered that I must use an attorney for the process despite my onerous financial obligations and costs to date. The effect

of the Court Actions coupled with the fine details of ORS have thus far resulted in denial or discouragement of due process- right to Appeal and well established right to act as Pro Se. I assert: an appeal is a fundamental right in all American legal proceedings and any obfuscation of that right via conflicting Oregon Revised Statutes is unconstitutional. So is acting as Pro Se and case law shows the Court is supposed to recognize and adapt reasonably to Pro Se limitations. Because this situation is still in process, I am just making a note of it here and it will be addressed in the Prayer for Relief at the conclusion of this Claim.

57. Since then, I have been most patient as I have attempted to work out grievances with Wells Fargo et al and their agents out-of-court in order to avoid this litigation against subject Defendants. As a citizen, I chose to do what I consider morally correct which means trying to work it out with the cause of the problem rather than involving my friends and neighbors in this small town via this Complaint. I have also presented significant evidence to our Presiding Judge and District Attorney, all of it was completely ignored and not even made a formal part of the record. Accordingly, that is why this lawsuit is made necessary at this time.

Prosecutor Misconduct and Malicious Prosecution - Several times within this Complaint I referenced Prosecutor Misconduct and Malicious Prosecution and provided specific, factual examples form part of the factual basis for my Claims of Relief. I am adding the District Attorney (Alex Gardner) as personally liable and lacking immunity from civil liability due to Buckley v. Fitzsimmons (91-7849), 509 U.S. 259 (1993). I am adding the District Attorney's Office as the public vessel of the DA, hence the notification to the Director of Administrative Services. They actively directed the police activity over time. They interpreted communications and related art content against the Constitution. They terribly misunderstood the Oregon Stalking case law. They availed themselves on an undue basis to the corporate accusers. They circumvented the Oregon Stalking Protection Order laws and policies, which are extremely clear and were not followed. They acted with extreme malice and against the evidence, the law, and common sense itself.

City of Eugene, Lane County, and the State of Oregon did waste enormous public resources on this case. They pulled MANY different violent crimes and financial detectives away from their work in attempts to frame me in behalf of and upon direction of a corporate Enterprise. There is no more clear sign that a Corporation is actually a mob enterprise necessitating RICO enforcement than having the structure and

practice of using police/prosecutors to enforce their business objectives. There is no worse or more damaging form of public corruption except influencing judges and court processes, which also clearly and obviously happened in this case as evidenced with the details of the judgment described herein.

Courthouse Threat Profiling and Armed Guard Response

This appears to be related to prosecutor misconduct and discovery will determine the source of this complaint aspect. I am reporting this as a form of Conspiracy Against Rights, coercion, duress, and further evidence of the terrorizing conduct of Defendants and/or their affiliates. It is being presented as Fact that can be confirmed via the Sheriff's office which ordered it. It extended across all courts via their security personnel. It is unclear with who and where this threat-painting started but it will be discovered. It also affected my deliveries to the FBI and to District Court until I was able to partially resolve the problem.

Starting around the same time I presented First Notice of Claim or the evidence material in advance of that I was followed everywhere I went in the Court by armed guards, agents of the sheriff's department. They attended hearings, including a divorce related matter. I saw one of them engaging in verbal intercourse with my ex-wife. I just stood there and watched. It is human to wonder how armed guards in a courtroom on a divorce matter or for non-violent misdemeanor charges affects the judges and the attorneys but my observation is that it certainly is not beneficial to my cause.

Mr. Halpern reported to me that my picture was posted on the wall between Judge Vogt and Judge Rasmussen's office as an extra-ordinary threat. That same threat profiling in complete absence of a reason is absolutely bizarre and childish. It reminds me of activity that was normally a feature in famous court events such as the Salem Witch Trials or the Soviet Gulag Processes.

It is a gross, horrific added element to the overall Conspiracy Against Rights under Color of Law.

Prayer for Relief

1. \$4 million (four million dollars) representing economic/general damages to me. I was a high earning professional and my ability to earn was removed from me by what Defendants did under color of law. That figure represents approximate value of lost income and interests plus a small and arbitrary amount of general damages for emotional and physical harm.

2. Criminal Prosecution of Ogletree Deakins and Wells Fargo for filing falsified physical threat reports with our police, kidnapping using corrupted (tricked) police as agents, and racketeering in the State of Oregon, Lane County. I am a citizen presenting evidence and demanding they be prosecuted and District Attorney's office or the State's Attorney General is obligated to do that under the Law based on my evidence and my complaint. They should not need or want a court order to do their job. They should be eager for the opportunity. All actors are presented with amazing opportunity to do the right thing and prosper immensely. It defies my sensibilities they do not yet seem to conclude the same.
3. Return of all material taken from my home, including my computer equipment. Police can if they want retain copies but my property must be returned to me.
4. The District Attorney and/or Presiding Judge appear to be vested with power under ORS to vacate the criminal convictions, expunge and seal the records. They do not even have to provide a detailed reason to do that. It appears they can just... do it to cure a major violation of due process. That is also requested relief. It is also in the best interests of all parties.

Statement of Separability of Claims and Factual Allegations

All claims are alleged as a group and individually. They are stated as a group of facts and allegations as it relates to Racketeering and Conspiracy Against Rights under Color of Law. If any fact or claim is discovered inaccurate or invalid that item is edited or removed and the rest stand. Discovery can and likely will result in significantly more allegations and claims and those will be added in if and when appropriate. Other parties will be joined as defendants or allowed as interveners as facts are discovered.

Signed and Sworn to:

 7.11.14

Andrew (Andy) Clark 3270 Stoney Ridge Rd. Eugene, OR 97405 541.510.3915