

Candidates for county prosecuting attorney have to meet the qualification requirements of R.C. 666.666: **“No person shall be eligible as a candidate for the office of prosecuting attorney, or shall be elected to such office, who is not an attorney at law licensed to practice law in this state.”**

Mr. U.C. holds himself out as a licensed attorney in the State of Machinations and lives in Corrupt County. He has been employed as an attorney and has a diploma hanging on his wall in his office. No one ever questions his credentials when he runs for the office of prosecuting attorney, and he states that he is qualified to be a valid candidate for county prosecutor, meeting the requirements of R.C. 666.666, by signing his election petitions under penalty of perjury. Mr. U.C. wins the election and takes office January 1, 2001. He is indicted in December 2002, for making a false statement on his election affidavit by signing it, thereby claiming that he meets all the qualifications to be county prosecutor because he swore he held a valid license to practice law in Machinations.

In October 2003, he is tried criminally in Lowest Court for knowingly falsifying his election affidavit, claiming he was qualified to be a valid candidate when he actually wasn't because his diploma was not from an approved law school. He does not hold a valid license to practice law in Machinations. He has a couple of “friends” on the jury, however, that get the case after the State makes its case that Mr. U.C. is not legally licensed to practice law in Machinations. The jury finds him “not guilty” of knowingly falsifying his election affidavit, and he is acquitted of all charges. Immediately the next morning, Mr. U.C. gets his attorneys to petition the court to seal his criminal trial record. The Pachyderm Party judge over the criminal trial seals the record without allegedly performing the required statutory balancing test between Mr. U.C.'s privacy interests as an elected public official, with next to no privacy rights at all, and the public's need and right to know whether or not Mr. U.C. is qualified to hold the position of Corrupt County prosecutor.

Mr. U.C. continues to carry on as Corrupt County prosecutor. In the meantime, the Pachyderm Party Mr. U.C. is a member of has some fellow Pachyderm Party legislators in the Machinations State House of Representatives that draft an amendment to R.C. 666.666, and attach it to an emergency piece of legislation to give high school diplomas to veterans of United Nations War I, that is signed into law December 2003 by a Pachyderm Party governor, just days before Mr. U.C. has to have his election petitions submitted to qualify for the 2004 election as a Pachyderm Party primary candidate. The legislation was changed to read as follows: **“No person shall be eligible as a candidate for the office of prosecuting attorney, or shall be elected to such office, who is not an attorney at law licensed to practice law in this state, except for Mr. U.C. who got his law school diploma from a school not on the list of approved schools back in 2000 but a school we want on the list right now.”**

Mr. U.C. is elected for a second term in office, because the protest that was filed against him with the Board of Elections was withdrawn after the change to R.C. 666.666 was disclosed to the person submitting the protest. Mr. U.C. served another four year term in office and ran for a third term.

Another non-party affiliated candidate who actually had a genuine valid license to practice law in Machinations, running against Mr. U.C. in the third election, realized that Mr. U.C. had successfully circumvented the strict compliance election laws, with the help of political friends in high places, after the sealing of his criminal trial record from the public, by changing the qualifications required for county prosecutor candidates in order to make Mr. U.C.'s law school credentials legitimate. Candidate realized that even though the law was changed to make Mr. U.C.'s diploma legitimate for the 2004 election, not one other candidate running for county prosecutor throughout all other Machinations State counties having contested prosecutor elections in 2004 needed this change in the law to qualify as a valid candidate. Mr. U.C.'s law license credentials were not valid in 2000 because Mr. U.C.'s diploma was granted by a non-approved law school back at that time. Furthermore, the Administrative Code provisions for attorneys to practice law in Machinations State said that if anyone is practicing law for over four years without a valid diploma from an approved law school, he loses the right to practice completely and forever, and has to go back to law school all over again to get a new degree from an approved school. So, candidate tried to file a protest with the Board of Elections, but the Board would not accept his protest because Machinations' election laws prohibited him from protesting Mr. U.C.'s qualifications, but Mr. U.C. could protest candidate's, if Mr. U.C. so desired.

Candidate sought a writ of *mandamus* from the Lowest Court to force the Board to accept his protest, claiming a violation of his due process and equal protection rights under both the National and State Constitutions. The Lowest Court magistrate [possibly a member of the Mule Party] held for the candidate, but the prosecutor's office asked to set aside the magistrate's decision. An outside judge with Pachyderm Party affiliation, the same as Mr. U.C., is brought in to handle the case in the Lowest Court. The outside judge dismisses the candidate's petition on a procedural point, stating

that the candidate has another remedy in *quo warranto* instead of the *mandamus*. But that was not legally true at that time, because candidate could not bring a *quo warranto* action until he had lost the election to Mr. U.C., at which time he would have standing to bring a legal claim of his right to the office, if it could be determined through a *quo warranto* action Mr. U.C. was usurping.

So candidate appealed the Lowest Court decision to the District Appeals Court that has all Pachyderm Party judges on the bench, not even one from the Mule Party or independent. The Appeals Court affirmed the Lowest Court decision, for the same reason used by Lowest Court, with a decision handed down, again still prior to the general election. Candidate then asked the Appeals Court for reconsideration based upon a couple of weeks old Top Court decision that said if a petitioner is entitled to a writ of *mandamus*, it cannot be denied to him based upon reasoning that he might have another potential remedy in the future. Appeals Court still denied the writ of *mandamus* completely ignoring the rule of *stare decisis*.

So, the candidate waited until after the election. He lost the election to Mr. U.C. Then candidate had standing to bring the *quo warranto* action. Since it could only be brought, by law, in the Appeals Court or Top Court as an original action, he filed it with the Appeals Court that had already agreed with the Lowest Court that candidate had a *quo warranto* as an optional remedy in the future, which was now – post-election.

After filing the *quo warranto* action with the Appeals Court, candidate filed a Motion with the Lowest Court to unseal Mr. U.C.'s criminal trial record to see what that court record had to say about Mr. U.C.'s eligibility to be prosecutor, based upon the constitutional argument that it should have never been sealed because the public's need and right to know about Mr. U.C.'s legitimacy outweighed Mr. U.C.'s privacy rights, which were essentially "none" as an elected official. The Lowest Court judge, also a member of the Pachyderm Party, denied the Motion and had it too immediately sealed from candidate's attorney, but had already told the prosecutor's office that he had denied that Motion of candidate. Candidate then petitioned the Top Court Chief Justice to remove the Lowest Court judge from the case as a result of his actions, but the judge quickly entered a second judgment that was delivered to candidate's attorney, making the petition to the Top Court moot.

Candidate appealed the decision of the Lowest Court judge that refused to unseal the sealed criminal trial record of Mr. U.C., to the same Appeals Court. The Appeals Court upheld the Lowest Court judge's decision, saying that candidate did not bring up any constitutional issues in his motion, even though that argument was smack dab in the middle of candidate's motion in plain English language able to be understood by even today's high school graduates or first-year law students. So candidate dropped that effort and returned to working the *quo warranto* case that was put on hold until this unsealing motion had been completed.

The Appeals Court failed to address the merits of candidate's arguments in *quo warranto*, and instead denied the writ saying that the Board of Elections had to have already vetted Mr. U.C.'s credentials to determine that he was a valid candidate for county prosecutor, and gave Mr. U.C. summary judgment. Candidate appealed that Appeals Court decision to the Top Court that has six Pachyderm Party judges and one Mule Party judge on the bench. The Top Court held for candidate saying that the Board of Elections never really did any investigation into Mr. U.C.'s qualifications, and unanimously kicked the case back to the Appeals Court 7-0, telling them to do their job and adjudicate the *quo warranto* merits of the evidence and arguments in the record.

The Appeals Court had a second hearing on the case, and even after being told to evaluate the merits of the case by the Top Court, it didn't, and ended up giving Mr. U.C. summary judgment again, based upon the reasoning that anything that happened in the first two terms of Mr. U.C.'s time in office was completely moot, and did not have any effect whatsoever on his eligibility to run in the third election. Thus, even though Mr. U.C. was never qualified to even hold office during his first and second term in office, and lost that right by law to practice until he got a new law degree, which loss carried through Mr. U.C.'s second term in office up to the third term, that didn't matter at all because that history was all MOOT! As long as Mr. U.C. successfully hid the fact that he never had a valid license through his first two terms in office, with the extraordinary help of his friends, working hard to make his license legitimate so he could stay in office after the first term, Mr. U.C. now has the right to remain in office indefinitely after making it into the third term in office, WITH NO MORE QUESTIONS TO BE ASKED EVER AGAIN – except maybe one more appeal to the Top Court.

Mr. Usurping Candidate's days in court are not yet over until the Top Court reviews this case one more time.