

U.S. Department of Justice
United States Marshals Service

DRAFT



REPORT OF INVESTIGATION

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1. FID: 1089239	2. DATE OF REPORT: 11/18/2005	3. REPORTED BY: MULDOWNNEY, EDWARD AT: WA/W
4. SUBJECT NAME: MYRLAND, DAVID RUSSELL		
5. TYPE OF REPORT: <input type="checkbox"/> REPORT OF ELECTRONIC INTERCEPTION <input type="checkbox"/> COLLATERAL LEAD <input checked="" type="checkbox"/> WITNESS INTERVIEW (USM11 61368) <input type="checkbox"/> OTHER <input type="checkbox"/> ARREST <input type="checkbox"/> INTELLIGENCE UPDATE <input type="checkbox"/> MEMORANDUM TO FILE		

INTERVIEW: MYRLAND, David Russell

DATE: November 17, 2005

CONDUCTED BY: DUSM MULDOWNNEY and CDUSM MILLER

LOCATION: NY Pizza in the Bridal Trails Shopping Center, 6800 block 132nd Avenue NE, Kirkland, Washington

On Thursday, November 17, 2005 at approximately 1145 hours, DUSM MULDOWNNEY and CDUSM MILLER conducted an interview with MYRLAND to ascertain MYRLAND's intent toward USMJ BENTON following his filing of an appeal that contained references to weapons and violence (previously documented in a Form USM-11 dated November 15, 2005).

MYRLAND contacted the USMS office the morning of November 17, 2005 and spoke with IRS HARSIN. MYRLAND stated he was aware DUSM MULDOWNNEY was attempting to locate him and asked to speak with DUSM MULDOWNNEY and requested the fax number for the USMS so that he could forward a document related to 18 USC 4, Misprision of a Felony. MYRLAND was told DUSM MULDOWNNEY was unavailable and was provided with the fax number. The document sent by MYRLAND purports to be a criminal complaint against USMJ BENTON, and City of Kirkland Municipal Court Judges (Pro Tempore) Michael HURTADO and Rebecca GRAHAM.

DUSM MULDOWNNEY contacted MYRLAND by phone (425/556-9828) to request a meeting with him. MYRLAND agreed to meet the DUSMs away from his residence and suggested a meeting at the NY Pizza restaurant in the Bridal Trails Shopping Center. MYRLAND stated he wished to provide DUSM MULDOWNNEY with a copy of his "notarized complaint" and would stop off at the UPS Store adjacent to the restaurant to make a copy.

At approximately 1145 hours, MYRLAND was observed entering the UPS Store, where he remained for a few minutes before proceeding to the NY Pizza. The distance from MYRLAND's residence to the shopping center is slightly less than one mile, making it unlikely that he traveled on foot.

The DUSMs entered the restaurant and identified themselves to MYRLAND. MYRLAND did not appear winded or to have otherwise exerted himself in his travel to the meeting.

DUSM MULDOWNNEY informed MYRLAND that he was not under arrest and thanked him for voluntarily meeting with the DUSMs. MYRLAND stated that he very much wanted to meet with the DUSMs to provide them a context for the language of his filing and to provide them with a copy of his "notarized complaint".

MYRLAND spoke for approximately twenty minutes regarding his case with Kirkland. He stated that the case had originated four years ago, when he had observed an arrest conducted by the Kirkland Police Department in the parking lot of the Bridal Trails Shopping Center, adjacent to the bowling alley.

6. SIGNATURE (<i>Name and Title</i>) EDWARD MULDOWNNEY Criminal Investigator	7. DATE 11/18/2005 11:01 AM EST	10. DISTRIBUTION <input type="checkbox"/> DISTRICT <input type="checkbox"/> HEADQUARTERS <input type="checkbox"/> OTHER
8. APPROVED (<i>Name and Title</i>)	9. DATE	

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MYRLAND stated that he stood approximately 40 feet away from the incident and intended to act as a witness for the purpose of providing testimony on behalf of the arrestee regarding the officer's treatment of him. MYRLAND did not explain why he felt it necessary to act as a witness for the arrestee, but his presumption of wrongdoing by the officer is consistent with previously documented statements by MYRLAND regarding his mistrust of the police.

MYRLAND stated the officer had instructed him to leave the area and that he (MYRLAND) chose to remain to continue to act as a witness. MYRLAND stated he was then restrained by a Kirkland Police Officer and searched for weapons, during which time MYRLAND was discovered to be in possession of a small amount of marijuana, described by MYRLAND as "residue". MYRLAND was arrested for Obstruction and Possession of Marijuana.

MYRLAND stated that he fired his court appointed attorney four days prior to the start of his trial for this arrest and claims that the judge, GRAHAM, refused to appoint a new attorney. MYRLAND stated that he was so distraught by the idea that he would face trial without an attorney that he began to exhibit physical manifestations of stress and on the morning of the trial went to the Group Health Emergency Room for treatment. MYRLAND stated that the trial judge, HURTADO, then issued two \$10,000 cash-only warrants for his arrest.

MYRLAND stated that when he next went to court, he was arrested following the hearing and spent 45 days in jail, with "no medical treatment, no prescription medications" and that his left leg became injured while incarcerated. MYRLAND stated that he now could no longer "trot" and could only walk at a modest pace.

MYRLAND stated he has pursued a civil case against the City of Kirkland for his injuries and for failing to produce documents relevant to his case. MYRLAND also claims to have received a death threat the morning of October 9, 2005 in which an unidentified male voice stated, "Dead man walking". MYRLAND has concluded that the caller was HURTADO or "someone in his camp".

MYRLAND stated that all of his evidence was ignored by USMJ BENTON in his federal suit and feels that she failed to report or otherwise take action against the Municipal Court judges upon learning of their wrongdoing, thereby committing the criminal act of "Misprision of a Felony".

DUSM MULDOWNNEY asked MYRLAND if it was his intention to commit an act of violence against any federal official. MYRLAND was unequivocal in his denial of any suggestion that he would act violently. He further stated that he could ruin a person's career without ever going near them. He stated that he could do so through the legal process and that it was his right to pursue justice through the courts. MYRLAND concluded by stating, "I respect the law. The law is perfect. Those who interpret the law are imperfect and should be held accountable for their actions." MYRLAND clarified, upon request, that he meant held accountable through the legal process.

DUSM MULDOWNNEY directed MYRLAND to his inflammatory statements in his appellate filing. MYRLAND reviewed the statements. When asked if he was indeed a gun owner MYRLAND replied, "Not yet" and stated that he felt he probably should get a gun for protection following the death threat he had received.

When asked about the statement regarding violence as "his only relief", MYRLAND stated that that was an accurate description of how he had felt on "the day he got out of the Appellee's jail", but not afterward or currently. He stated that he had been consumed by rage following his release and felt that he had appropriately channeled that emotion into his drive to obtain justice through the courts. CDUSM MILLER asked MYRLAND if he had sought any treatment for his anger and depression. MYRLAND replied that treatment is expensive and not available to "indigent people" such as himself. MYRLAND further stated that his use of marijuana had been instrumental in calming his anger and lifting his depression.

MYRLAND further stated that he was "taking the law into his own hands" by becoming educated about the law and pursuing the civil case through the courts.

DUSM MULDOWNNEY asked MYRLAND if he understood that a person reading the appellate filing without the context he was providing could interpret the wording as threatening. MYRLAND stated he could understand that and that he was sometimes more forceful in his language than he should be. DUSM MULDOWNNEY suggested to MYRLAND that the tone of the strong language might take focus away from the merits of his argument and could give his adversaries cause to initiate criminal charges against him. MYRLAND agreed that he did not want that to happen and stated he would "tone it down". DUSM MULDOWNNEY further stated to MYRLAND that he was not being told to cease his legal campaign, rather he was being warned to temper the language he was using. MYRLAND stated he understood that.

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Throughout the course of the interview, MYRLAND remained calm and spoke courteously to the DUSMs. MYRLAND did not become animated or raise his voice, but appeared to be deliberately speaking loudly enough for the other patrons in the restaurant to hear. MYRLAND appeared to enjoy the attention directed toward him.

MYRLAND referred to his intelligence and education on a number of occasions, stating that he was a teacher of the law. He stated that he while in eighth grade, he had beat the high school chess coach in a match. He referred to watching Jeopardy while writing his legal opinions. He stated he had been the fastest (most efficient) bartender in the Seattle-area, handling full bars of drink orders while dispensing any one of three hundred jokes he knew by heart. MYRLAND provided a sampling, rattling off five or six story-length jokes in quick succession.

MYRLAND stated he had to give up bartending due to his aversion to cigarettes. When it was suggested that, with the recently enacted smoking ban, he could return to bartending, MYRLAND dismissed the notion, stating, "Why would I want to do that? I have an education now." MYRLAND was not asked, nor did he identify, the institution(s) from which he had obtained his education.

MYRLAND stated that he had grown up in Everett but now lived in the Rose Hill neighborhood of Kirkland because he preferred the "white-collar surroundings" and that he could have "stimulating conversations" with the residents in Kirkland that he could not have in a "blue collar neighborhood."

MYRLAND agreed that living in the neighborhood was expensive, but that he was able to support himself by conducting legal advice seminars in which he assisted others in preparing documents "to be presented to their attorneys". He stated that this was not a lucrative endeavor, referring to his Honda Accord that needed hubcaps and his status as a renter, living in a basement unit of a house owned by an elderly couple, "a Dutch man with a Filipino wife". The residence he described matches that of Jan HOEVENAAR at 7607 139th Place NE in Kirkland.

MYRLAND volunteered the name and phone number of a character reference, Ron AMOS (530/396-2410) in Shasta County, California. MYRLAND used AMOS as an example of his devotion to non-violent, legal tactics to obtain justice. MYRLAND stated AMOS had experienced similar legal difficulties at the hands of county officials and, as a war veteran with dozens of "confirmed kills", had felt a violent resolution was his only option. MYRLAND stated that with his counsel and assistance, AMOS, whom he met in an internet chatroom, had come to believe that the solution he needed was available through the courts. MYRLAND is the administrator for AMOS' website, "oasisoftruth.com".

The interview concluded. MYRLAND was provided with DUSM MULDOWNNEY's business card and encouraged to contact him if he had additional concerns.

END OF REPORT.

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