

Update on Jesse Harkcom

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On the April 26 post, we discussed Jess Harkcom's plans for the Washington State Public Records Act (Act). His plan was:

"You don't even need negligence. if someone (we) make's a request for record's and they forget to disclose a "little portion" there f...d and have to pay 15.00 - 100.00 dollars per day - per record! So, this bring's us to current. Say someone requested 100 thousand or 1 million record's and were denied access to portion's of the request, then essentially, they'd have to pay per day/per record ... were talking Millions of dollars here."

So, what has happened to date about Jesse?

Well, Jesse went up against the City of Everett whose Records Attorney is Ramsey Ramerman, someone who knows the Act inside and out. It turns out that Jesse missed one small point about the Act, RCW 42.56.565 which includes:

*(2) The inspection or copying of any nonexempt public record by persons **servng criminal sentences** in state, local, or privately operated correctional facilities may be enjoined pursuant to this section.*

There are lots of conditions on this, but the bottom line is you don't get a free pass to do whatever if you are behind bars. The City's successful injunction is in the Library section of this website. Jesse may appeal the injunction as he has done with other legal claims.

But maybe this will encourage Jesse to be a model prisoner and maybe get out early for good behavior. Because then he wouldn't be serving a criminal sentence. Evidently parole doesn't count, but who can be sure. The answer to this question, like many questions about the Act, is decided by the courts. In reference to this process, Attorney Greg Overstreet said:

"If you have four years and \$ 500,000, you too can get an answer."

But be happy. If you are not currently serving a criminal sentence, you qualify for Jesse's plan. However, don't say that you are doing it for the "...Millions of dollars...". Be more discrete.