Motion for Change of Venue to a Court of Competent Subject Matter Jurisdiction

22-CR-49987, Oregon v. Jared Essig. Charge of "trespass" (2x)

The question asked of the court is whether the defendant Mr. Jared had "reasonable grounds for belief" that he had a right of ingress to the courtyard and parking lot of two orthodox Jewish synagogues, for the purpose of begging for forgiveness and making amends during the Jewish “season of repentance”. Since the "grounds for his belief" that he did have such a right (and moreover, obligation) rest on an interpretation of Jewish law (torah and halakha), the court is outside the scope of its proper mandate in deciding the question. Otherwise the court will intrude on one party’s free exercise of his religion, and inevitably lead to an unwarranted "establishment" of the other party’s interpretation thereof.

Defendant has stated his willingness to have the matter decided by a panel of Rabbinic leaders (beit din) chosen by the alleged victims, and to accept their verdict and to abide by any penalties imposed upon him as terms of a “civil compromise”. The leader of congregation Beit Yosef is Rav Eliayu Weisman, and he has offered to serve on this court, and the leader of congregation Kesser Israel is similarly competent. Lex causae is lex loci delictus, and since it is an internal matter to their community, it can decided internally, if both parties accept the jurisdiction of the Rabbinic court. This is the best outcome, which will avoid raising constitutional issues.

Motion for Continuance pending the results of this Arbitration.

No bias or hate crime has occurred, and no violent threats have been alleged, and this is a misdemeanor.

The State has a compelling interest in protecting Jewish community from harrassment, and rightly so. This interest has been served, ipso facto. If the defendant fails to abide by terms of the “civil compromise” imposed by the beit din / rabbinic court, then the prosecution may continue in MultCo criminal court in order to enforce that verdict cum compromise. If this proposed arbitration is refused by the accusers, then

Motion to Dismiss for lack of Subject Matter Jurisdiction

There is a possible civil rights issue here, insofar as the congregations have given no grounds for their expulsion of the defendant, and the expulsion appears to be due to his housing or employment status rather than for his professed beliefs or conduct. The defendant has a right to FREE EXERCISE of his religious faith. This includes attempts at confession and reconciliation, for which purpose he has made the alleged trespass a full year after the stay away order had been given. The defendant’s compliance with said stay away order, and his confession, satisfies the state that he has no criminal intent or animus against that community, but is merely an “unwanted person” following an internal dispute. (The Portland Jewish community has been traumatized by terrorist incitement against it in 2020, followed by the arson of a local synagogue, which the DA and Mayor were unable or unwilling to denounce. The state should focus its resources elsewhere.) Therefore,

Motion to Dismiss in the Interest of Justice

The congregations who are the alleged victims here, should be warned there may be grounds for future civil action against them if they refuse to give cause for the earlier expulsion of the defendant from their congregations, and if they refuse the arbitration of their own rabbinic leaders, and if they continue to refuse the defendant-plaintiffs good-faith attempts at reconciliation and correcting earlier mis-understandings, especially if they misuse police bureau resources and press malicious prosecutions at the public expense, in order maintain such refusal.