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Washington State
Supreme Court

SUPREME COURT OF THE STATE OF WASHINGTON

STEPHEN P. DOWDNEY JR.,)
Petitioner,)
v.) No. 98352-6
JUDGE HON. A.HOWARD,)
Respondent.)
MOTION TO MODIFY THE
COURT CLERKS RULING.
RAP 17.7

1. IDENTITY OF MOVING PARTY:

Petitioner, pro se, Stephen P. Dowdney Jr., respectfully requests relief designated in part 2.

2. STATEMENT OF RELIEF SOUGHT:

Petitioner requests that this court waive \$200 filing fee demanded by Court Clerk by May 1, 2020 in order to review Appellate Court decision dismissing appeal, as petitioner is indigent per GR 34.

3. RELEVANT FACTS:

As Dowdney still has pending charges in Snohomish County District Court, he filed a 'motion to dismiss'. The District Court Judge refused to rule on motion claiming charge was dismissed despite

evidence to the contrary presented.

Dowdney filed 'writ of mandamus' in Snohomish County Superior Court requesting an order to produce 'order on motion to dismiss'.

After Superior Court dismissed writ, Dowdney filed an appeal of which trial court found Dowdney indigent.

Despite this Court denying public funds, the Appellate Court entertained argument on cause.

The Appellate Court Dismissed his action. see September 25th, 2019 order.

4. ARGUMENT:

(a) RAP 13.1(b) dictates that review of Writ of Mandamus in this Court is proper avenue.

RAP 13.1(b) states that as writ procedures are suspended and 13.1 is proper avenue.

Also see 13.3(a) as a party may seek discretionary review of 'any' decision.

(b) GR 34(a) and JAFAR v. WEBB, 177 Wn.2d 520, 303 P3d 1042 (2013) dictate Dowdney's indigent status precludes him from filing fees.

GR 34(a) provides in part:

"Any individual, on the basis of indigent status as defined herein, may seek a waiver of filing fees or surcharges the payment of which is a condition precedent to a litigant's ability to secure access Judicial relief from a Judicial officer in the Appellate Court".

IT IS TRUE THIS COURT INITIALLY DENIED REVIEW AT PUBLIC EXPENSE, HOWEVER, THE APPELLATE COURT CHOSE TO MOVE AHEAD WITH REVIEW OF DOWDNEY'S WRIT OF MANDAMUS. see COA 80309-3-I

Dowdney was found indigent by the trial court.

GR 34(a)(3)(c).

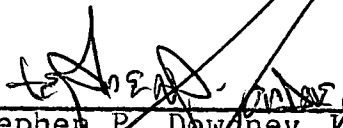
Jafar v. Webb cites to Griffin v. Illinois, (351 U.S 12) in which the Court recognized that due process requires States to provide access to courts for indigent litigants in a narrow category of civil cases. The Jafar Court stated that GR 34 provides greater protection than the federal analysis and GR 34 requires fee waivers for indigent litigants in "all cases". Jafar, 177 Wn.2d at 530-31. also see Wash. Const art 1 §§§ 3,10,12(due process, access to the courts and equal protection).

5. CONCLUSION

Dowdney wishes to have the \$200 filing fee waived.

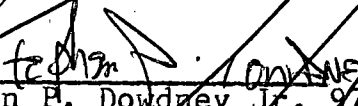
Respectfully submitted,

This 20 day of April, 2020



Stephen P. Dowdney Jr.

I certify under penalty of perjury under the laws of Washington State that the foregoing is true and correct AND that I caused a copy of this pleading mailed first class legal mail to Snohomish County Prosecutor's office and the Washington State Supreme Court and Div 1 COA at address located on Clerks ruling dated 4/2/2020. ON APRIL 20, 2020.



Stephen P. Dowdney Jr. 971036
Stafford Creek Corr Cent
191 Constantine Way
Aberdeen, Wa, 98520

DOWDNEY, STEPHEN, P. #971036
Stafford Creek Corrections Center
191 Constantine Way H6/B131
Aberdeen, Wa, 98520

TACOMA WA 983
OLYMPIA WA
21 APR 2020 PM 2 L



LEGAL MAIL

Susan L. Carlson, Court Clerk
Temple of Justice
PO Box 40929
Olympia, Wa, 98504-0929

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