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SEP 25 2019

THE SUPREME COURT OF WASHINGTON

Washington State
Supreme Court

Michael W. Williams,
Appellant/Petitioner,

Supreme Court No. 97643-1
Ref COA No. 52395-7-II/50079-5-II

v.

Motion For Waiver Of Fees
Or Alternative Relief
Pursuant to GR 34; RAP 1.2

Dept. of Corrections,
Respondant/Defendant.

I. RELIEF REQUESTED

1.1 That the Supreme Court waive the filing fee of \$200 required by the court clerk in her letter dated Sept. 12, 2019 in the interest of justice under GR 34 because Mr Williams earns under 125% of the national poverty limit, is incarcerated and has no other assets, has already paid two filing fees along with other costs which the Court of Appeals, Division II and the Thurston County Superior Court have erred and unlawfully denying him recovery under the PRA when those fees and costs could have paid this filing fee and now constitute a financially-based barrier of access to the court for review of this meritorious action. Or,

1.2 In the alternative to waiving the fee, that the Supreme Court, using its inherent power or authority under RAP 1.2(a)(c),

lower the fee to \$20.00 which Mr Williams can request payment from the Respondant that a check be made from his institutional trust account, spendable subaccount on October 10, 2019. Or,

1.3 In the alternative using its inherent power and in the interest of justice under RAP 1.2(a)(c), that the issue an order to the Respondant, the Dept. of Corrections ordering them to allow Mr Williams to access \$200 from each of his other subaccounts, (medical and postage), subject to statutory deductions in order to have a net check of \$200 made from his money to pay the required filing fee.

1.4 That the Supreme Court extend the time for Mr Williams to pay the filing fee, but maintain the October 14 2019 deadline to submit his new pleading under GR 3.1 since the order by the court will take a week to be received by Mr Williams and is more likely than not that the Respondant the DOC will refuse to comply and it takes up to a month to process a check by the DOC and its action by inaction can simply stop this meritourious action from being ruled on against it.

II. STATEMENT OF FACTS

2.1 Mr Williams is a prisoner of the State of Washington in the custody of the Dept. of Corrections who require him to work

at a sub minimum wage position in the DOC food factory and takes approx. half of his monthly wages as deductions to reimburse himself for the cost of his incarceration, LFO's, and pay restitution that he does not owe.

2.2 The DOC does not provide Mr Williams with adequate food, clothing, shelter, or medical attention but has cost-shifted expenses to him in such a manner as to require him to spend all but \$20 month of his net check to meet his basic living needs including food (because of allergies), and medical as well as charging fees in excess of that charged in the private sector.

2.3 The DOC is the custodian of Mr Williams' money as well as the Respondant/Defendant in this action and is able to block Mr Williams' meritorious case for violation of the PRA from review on the merits by the Supreme Court by denying Mr Williams the ability to access his own money.

2.4 Mr Williams as part of settlements with state agencies from their misconduct towards him has been able to place money in his postal and medical subaccounts allowing him to secure necessary medical treatment that has been denied him as what he believes is part of the DOC's internal and informal litigation strategy.

2.5 Mr Williams has aprox \$600 in his medical account and \$700 in his postal account currently and the DOC is denying his request to use part of it to pay this filing fee of \$200

2.6 An Order by this court directing the DOC to allow Mr Williams to access \$200 from each of his medical and postal accounts, (subject to statutory deductions), would be in the interest of justice and allow him to have a net check of \$200 issued from his inmate trust account to secure review of the issues at hand which are of great public interest given the purpose and mandates of the PRA and that the courts appear to have been acting as advocates to the Dept. of Corrections in this matter.

2.7 Mr Williams dispite the mandate of the PRA that he be allowed to recover all costs and fees he has incurred in advancing this action has been denied recovery multiple times by the trial court when having been a cost bill for the original trial and remand hear had been properly placed before the court in his Opening Brief on Remand but the court refused to hear or rule on the issue, and by the Court of Appeals' Commissioner Schmidt who failed to issue an order after remanded back to him by a panel of judges upon motion to modify by the Respondant for over one year.

III. STATEMENT OF THE ISSUES

3.1 Should the Supreme Court exercise its inherent authority to make ruling or its rulemaking authority under RAP 1.2 in order to waive the filing fee in the interest of justice and to reach a decision on the merits placing truth over power and substance over form?

3.2 In the Alternative to waiving the fee, should the Court in the interest of justice, to place truth over power, and substance of form exercise its inherent authority to make ruling or its rulmaking authority under RAP 1.2 and reduce the filing fee to \$20 should Mr Williams submit a request for disbursement to the Respondant the Dept of Corrections prior to October 14, 2019, to serve the ends of justice?

3.3 In the alternative, should the Supreme Court in the interest of justice, to place truth over power and substance over form exercise its inherent power to make ruling or rulemaking authority under RAP 1.2 issue an order directing the Respondant the Dept. of Corrections to allow Mr Williams to access his money held in trust by them to pay the filing fee, by directing them to allow him to move \$200 from each of his postal and medical subaccounts, transferring such \$400 to his spendable account, subject to statutory deductions so he can pay the filing fee in full?

3.4 Should the Supreme Court because, given the facts and long, procedural history of the case demonstrating an extraordinary circumstance and taking into account the logistical difficulties of receiving orders from the court, the DOC's long history of ignoring court orders, the Respondants ability to "slow-walk" processing a check and the time necessary to send it to the court extend the time for Mr Williams to pay the filing fee if he submits his new pleadings to the court in accordance with GR 3.1 from the CRCC by October 14, 2019?

IV EVIDENCE RELIED UPON

This motion is based on the papers and pleadings filed in the long procedural history of this action, and the attached declaration of Michael W Williams.

V. LEGAL AUTHORITY & ARGUMENT

This motion is made pursuant to RAP 1.2(a), which provides in pertinent part:

"These rules are to be liberally interpreted to promote the ends of justice and facilitate the decision of cases on their merits. Cases and issues will not be determined on the basis of compliance or noncompliance with these rules except in compelling circumstances where justice demands"

RAP 1 2(c) goes on to say, "[t]he appellate court may waive or alter the provisions of any of these rules in order to serve the ends of justice, subject to the restrictions of Rule 18 8(b)and (c)." Now, given that the Supreme Court has acknowledged that Mr Williams filings have been considered timely to this point and has set a date of October 14, 2019 to file any new pleadings with the Supreme Court, in light of this Court's ruling of IN re Pers. Restraint of Fero, 190 Wn2d 1, 13 (2018) and Shumway v. Payne, 136 Wn2d 383 394 (1998) dealing with the effects of RAP 1.2(a)(c) and RAP 18.8(b)and (c), given that Mr Williams' pleadings have all ben timely, RAP 18 8 has no application or its application is overridden by the Common Law Forfeiture Doctrine as laid out by the United States Supreme Court in Reynolds, 98 US 145 (1878)(stating that a party should not be allowed to benefit from its own wrongdoing).

Reynolds has multiple application to the case at hand. First, the DOC benefits from its own wrongdoing by not being held accountable for its violations of the PRA done in bad faith, it would be unaccountable for Mr Williams costs and fees incurred as required by the PRA, and would also then try to benefit under CR 68 for making its post-loss offer of judgment, and its denying Mr Williams access to his own money to pay the filing fee. Second, the Trial Court and COA would benefit from their advocacy on the behalf of the DOC if the Supreme Court does not exercise its

revisory powers to vindicate the Act. Thirdly, the citizens of the State of Washington will lose because the PRA would have been effectively gutted by the courts and agency misconduct emboldened and empowered by the court, while the people continue to lose proper oversight of the records they create on the peoples behalf. Thus, it is in the interest of justice to proceed to a ruling on the merits of the case and allow Mr Williams some form of relief.

VI. PROPOSED ORDER

A Proposed order granting the relief request accompanies this motion.

Dated: Sept. 18. 2019



Michael W. Williams DOC# 882945
Appellant/Petitioner, Pro Se
Coyote Ridge Corrections Center
PO Box 769: FB-35
Connell, WA. 99326-0769

THE SUPREME COURT OF WASHINGTON

Michael W. Williams,
Appellant/Petitioner,

|
Supreme Court No. 97643-1
Ref COA No. 52395-7-II/50079-5-II

v.

|

Dept. of Corrections,
Respondant/Defendant.

|

DECLARATION OF:
MICHAEL W. WILLIAMS

I, Michael W. Williams do hereby declare under penalty of perjury under the laws of the State of Washington that the following is true and correct to the best of my knowledge.

1 I am the Appellate/Petitioner in the above referenced action over the age of 18 years old, competent to testify as to the facts contained herein, make this declaration from first-hand knowledge, and do so in support of my motion for waiver of fees or alternative relief.

2. I am a prisoner of the State of Washington in the custody of the Dept. of Corrections who requires me to work at a sub-minimum wage position in the DOC food factory and takes aprox. half of my monthly wages as deductions to reimburse itself for the cost of incarceration, LFO's, and pay restitution that I do not owe.

3. The DOC does not provide me with adequate food, clothing, shelter, or medical attention but has cost-shifted expenses to me in such a manner as to require me to spend all but \$20 month of my net check to meet my basic living needs including food (because of fatal allergies to fish), and medical as well as charging fees in excess of that charged in the private sector.

4 The DOC is the custodian of my money as well as the Respondant/Defendant in this action and is able to block my meritorious case for violation of the PRA from review on the merits by the Supreme Court by denying me the ability to access my own money.

5 I have, as part of settlements with state agencies for their misconduct have been able to place money in my postal and medical subaccounts allowing me to secure necessary medical treatment that has been denied me by the defendant as what I believe is part of the DOC's internal and informal litigation strategy.

6 I currently have aprox. \$600 in my medical account and \$700 in my postal account currently and the DOC is denying my request to use part of it to pay this filing fee of \$200

7 An Order by this court directing the DOC to allow me to

access \$200 from each of my medical and postal accounts, (subject to statutory deductions), would be in the interest of justice and allow me to have a net check of \$200 issued from my inmate trust account to secure review of the issues at hand which are of great public interest given the purpose and mandates of the PRA and the lower courts appear to have been acting as advocates to the Dept. of Corrections in this matter.

8. Dispite the mandate of the PRA that I be allowed to recover all costs and fees I have incurred in advancing this action have been denied recovery multiple times by the trial court when I submitted a cost bill for the original trial and remand hearing properly placeing a Cost Bill before the court in my Opening Brief on Remand but the court refused to hear or rule on the issue, and by the Court of Appeals' Commissioner Schmidt who failed to issue an order on costs after remanded back to him by a panel of judges upon motion to modify by the Respondant for over one year, these required recoverable costs are now stopping me from paying the filing fee so I can receive a ruling on the merits.

Dated this 18th day of Septemner, 2019 at Connell, Washington.



Michael W. Williams DOC# 882945

William x Dist. of Columbia

Case Name: 97643 Case Number: 97643

Financial Statement (Attachment)			
1. My name is: <u>Michael W. Williams</u>			
2. [] I provide support to people who live with me: How many? <u>w/a</u> Age(s): <u>w/a</u>			
3. My Monthly Income:		6. My Monthly Household Expenses:	
Employed []	Unemployed <input checked="" type="checkbox"/>	Rent/Mortgage:	\$ <u>w/a</u>
Employer's Name: <u>DOC</u>		Food/Household Supplies:	\$ <u>35</u>
Gross pay per month (salary or hourly pay):	\$ <u>122</u>	Utilities:	\$ <u>w/a</u>
Take home pay per month:	\$ <u>72</u>	Transportation:	\$ <u>w/a</u>
4. Other Sources of Income Per Month in my Household:		Ordered Maintenance actually paid:	\$ <u>w/a</u>
Source:	\$	Ordered Child Support actually paid:	\$ <u>w/a</u>
Source:	\$	Clothing:	\$ <u> </u>
Source:	\$	Child Care:	\$ <u> </u>
Source:	\$	Education Expenses:	\$ <u> </u>
Sub-Total:		Insurance (car, health):	\$ <u> </u>
[] I receive food stamps.		Medical Expenses:	\$ <u>15</u>
Total Income, lines 3 (take home pay) and 4:		Sub-Total:	\$ <u>50</u>
5. My Household Assets:		7. My Other Monthly Household Expenses:	
Cash on hand:	\$ <u>22</u>		\$ <u>w/a</u>
Checking Account Balance:	\$ <u>w/a</u>		\$ <u> </u>
Savings Account Balance:	\$ <u> </u>		\$ <u> </u>
Auto #1 (Value less loan):	\$ <u> </u>		\$ <u> </u>
Auto #2 (Value less loan):	\$ <u> </u>	Sub-Total:	\$ <u>w/a</u>
Home (Value less mortgage):	\$ <u> </u>	8. My Other Debts with Monthly Payments:	
Other:	\$ <u> </u>		\$ <u>w/a</u> /mo
Other:	\$ <u> </u>		\$ <u> </u> /mo
Other:	\$ <u> </u>		\$ <u> </u> /mo
Other:	\$ <u> </u>		\$ <u> </u> /mo
Other:	\$ <u> </u>	Sub-Total:	\$ <u>w/a</u>
Total Household Assets:	\$ <u>22</u>	Total Household Expenses and Debts, lines 6, 7, and 8:	\$ <u>50</u>
Date: <u>9/19/2019</u>	Signature: <u>[Signature]</u>		

09/13/2019

Department of Corrections

PAGE : 01 OF 01

AASIMPSON

COYOTE RIDGE CORRECTIONS CENTER

OIRPLRAR

F unit

10.2.1.18

**PLRA IN FORMA PAUPERIS STATUS REPORT
FOR DEFINED PERIOD : 02/28/2019 TO 08/31/2019**

DOC# : 0000882945 NAME : WILLIAMS MICHAEL ADMIT DATE : 12/29/2005
 DOB : 02/09/1961 ADMIT TIME : 11:43

AVERAGE MONTHLY RECEIPTS	20% OF RECEIPTS	AVERAGE SPENDABLE BALANCE	20% OF SPENDABLE
122.56	24.51	47.28	9.46

THE SUPREME COURT OF WASHINGTON

Michael W. Williams,
Appellant/Petitioner,

v.

Dept. of Corrections,
Respondant/Defendant.

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Supreme Court No. 97643-1
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|

ORDER FOR WAIVER OF FEES
OR ALTERNATIVE RELIEF

I. BASIS

The Court receive the motion to waive fees or alternative relief filed by or on the behalf of the appellant/petitioner Michael W. Williams.

II. FINDINGS

The Court reviewed the motion and supporting declaration. Based on the declaration and the relevant records and files, the Court finds:

2.1 [] The moving party is indigent based on the following: He or she:

[X] has household income at or below 125% of the federal poverty guideline.

2.2 It is in the interest of justice to provide Mr Williams with some form of relief to allow for a ruling on the merits.

III. ORDER

3.1 The motion is granted, and

All fees are waived,

The filing fee is reduced to \$20,

The Respondant/Defendant, the Dept. of Corrections shall allow Mr Williams to have access to \$200 from each of his inmate trust account subaccounts (postal, and medical), subject to statutory deductions and will disburse a check in the amount of \$200 to the Washington Supreme Court in order to pay the filing fees in the above referenced actions.

Other. Mr Williams deadline to file additional pleading shall remain on October 14 2019 subject to GR 3.1, and the time for the court to receive payment from the Respondant on Mr Williams' behalf will be extended as necessary to allow for receipt by the Court.

Dated: _____

Judge/Commissioner

Presented by:



Michael W Williams DOC# 882945
Plaintiff Pro se

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SEP 25 2019

Case # 97643-1

Washington State
Supreme Court

DECLARATION OF MAILING
PURSUANT TO GR 3.1

I, Michael W. Williams, declare that on September 19, 2019 I deposited the following documents: GR 3.1 Declaration of Mailing, Motion for Waiver or Fees or Alternative Relief, Declaration in Support, and Order (proposed) or a copy thereof in the internal legal mail system of the Coyote Ridge Corrections Center, and made arraignments for postage U.S. Mail addressed to:

Attorney General of Washington
PO Box 40116
Olympia, WA. 98504-0116
Attn: AAG Marko Pavela

Supreme Court of Washington
Temple of Justice
PO Box 40929
Olympia, WA. 98504-0929

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Dated at Connell, Washington on Sept. 19, 2019.



Michael W. Williams DOC# 882945

Appellant/Petitioner, pro se

Handwritten text, possibly a name or address, partially visible on the left edge of the paper.

5/16/19

Michael W Williams DOC # 882945
Coyote Ridge Correction, Center
PO Box 769 : FB-35
Connell, WA 99326-0769



Mailed
09/20/20
031A 00

Supreme Court of Washington
Temple of Justice
PO Box 40929

Olympia, WA. 98504-0929

Attn: Susan Carlson

(Clerk's Action Required)

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Department of Corrections
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