

**THE DECLARATION OF THE APPELLANT IN SUPPORT OF HIS
MOTION:**

The appellant, Geron Lee Harrison, the declarant declares and deposes the following:

(1). I, Geron Lee Harrison, the appellant, in the above cited and entitled and captioned case[s] with the attached motion, "MOTION AND DECLARATION TO APPEAL AND PROCEED IN FORMA PAUPERIS," I do state the following facts, as follows:

(2). I am 50-years old. I was born in the United States of America. I am a resident of the State of Washington. I am a resident of King County. I am an honorably discharged United States Armed Services Veteran.

(3). The above cited and entitled and captioned case is an impending appeal in the State of Washington Supreme Court in Olympia, Washington, which is being appealed from the State of Washington King County Superior Court in Seattle, Washington, and the State of Washington Court of Appeals, Division One, in Seattle, Washington. Please refer to the following cases numbers as references as follows: State of Washington King Superior Court case number: 13-3-07385-8-SEA; and State of Washington Court of Appeals, Division One, case number: 72094-5-

1. The appellant, Geron Lee Harrison, was granted by the courts to proceed *in forma pauperis* in both of the previous aforementioned cases in the above cited and captioned and entitled appeal...

(4). I, the appellant, Geron Lee Harrison, in the above cited and entitled and captioned case[s], am indigent. I'm currently homeless and unemployed, as defined by federal law, and I receive Food

Stamps or S.N.A.P. Benefits, my current household income is at or below 125 percent of the federal poverty guidelines.

(5). The appellant is attempting to petition and motion the court to arrange payment of the costs to be paid by public expense or by court waivers of court and clerks [filing] fees and court charges in the above civil matters on the basis that appellant is indigent as prescribed in the State of Washington Court Rules, General Rules, GR 34, please also refer to the recent State of Washington Supreme Court case, *Jafar v. Webb*, 177 Wn.2d 520, May 2013. The appellant is also a recipient of the Food Stamp Program (FSP) as well as household income is at or below 125 percent of the federal poverty guidelines. Please note that the appellant has already motioned and petitioned the State of Washington King Superior Court to prepare and to transmit all the trial records (to include all electronic and hard copies and audio) and clerk's papers and trial exhibits to the State of Washington Supreme Court and to the State of Washington Court of Appeals, Division One, in the above entitled and captioned and cited legal matters, on or about June 06th, 2014 through November 05th, 2014, through the appeal processes: *Motion for Order of Indigency*; and *Order of Indigency*; and *Findings of Indigency and Order to Transmit Findings of Indigency to the State of Washington Supreme Court and the State of Washington Court of Appeals*.

(6). The State of Washington Supreme Court has ruled that "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 to judicial relief from a judicial officer in the applicable trial court." The rule further provides that an individual may be found indigent under the rule in three ways. First, a litigant who receives need-based, means-tested assistance (such as TANF or food stamps), or whose household income is at

or below 125 percent of the federal poverty guideline is automatically deemed indigent. GR 34(a)(3)(A), (B). Second, a litigant whose household income is above 125 percent of the federal poverty guideline may still be deemed indigent if the trial court finds that recurring basic living expenses or "other compelling circumstances" render that person unable to pay the mandatory fees and charges. GR 34(a)(3)(C), (D). Finally, a litigant represented by a "qualified legal services provider" (QLSP) is granted a presumption of indigency if counsel states that the individual was screened and found eligible for the QLSP's services. GR 34(a)(4)."

(7). The State of Washington Supreme Court continues to state and rule that, "GR 34 must also be interpreted in a manner that is constitutional. Consistent with our analysis of GR 34, principles of due process or equal protection require that indigent litigants have access to the courts and require a complete waiver of fees. This principle historically is firmly established. The foundation case is *Griffin v. Illinois*, 351 U.S. 12, 76 S. Ct. 585, 100 L. Ed. 891 (1956), where the Supreme Court struck down a rule that denied defendants access to appellate review if they 10 No. 87009-8 were unable to pay for a trial court transcript. The Court reasoned that such a rule violated due process and equal protection, and said that "[t]here can be no equal justice where the kind of trial a man gets depends on the amount of money he has." *Griffin*, 351 U.S. at 19. Guided by the rationale in *Griffin*, the Court later recognized that due process requires states to provide access to the courts for indigent litigants in a narrow category of civil cases. See, e.g., *Boddie v. Connecticut*, 401 U.S. 371, 91 S. Ct. 780, 28 L. Ed. 2d 113 (1971). In *Boddie*, several women receiving public assistance were barred from pursuing divorce proceedings because they were unable to pay the mandatory court fees and costs, totaling approximately \$60. In that case, the Court held that due process prevents the State from denying access to civil indigent litigants where the State requires court

involvement for changes to "a fundamental human relationship." *Boddie*, 401 U.S. at 383. Two concurring justices also recognized that closing the courts to indigent persons on the ground of nonpayment of fees violates equal protection principles. See *Boddie*, 401 U.S. at 383 (Douglas, J., concurring in result), 386 (Brennan, J., concurring in part). A more recent civil case involving the principles established in *Griffin* was *ML.B. v. S.L.J.*, 519 U.S. 102, 117 S. Ct. 555, 136 L. Ed. 2d 473 (1996). In *ML.B.*, a mother was denied appellate review of a decision terminating her 11 No. 87009-8 parental rights because she was unable to pay the record preparation fees. The Court found that denying appellate consideration of the mother's claims violated equal protection and due process. However, the Court in *ML.B.* emphasized that *Griffin* does not extend to all civil cases and is limited to those "involving state controls or intrusions on family relationships." *ML.B.*, 519 U.S. at 116. The Court said, "Choices about marriage, family life, and the upbringing of children are among associational rights this Court has ranked as 'of basic importance in our society.'" *ML.B.*, 519 U.S. at 116 (quoting *Boddie*, 401 U.S. at 376)."

(8). The State of Washington Supreme Court continues to state and rule that "while these cases recognize and apply these constitutionally based principles and establish a constitutional "floor," and although Jafar's parenting plan action could be characterized as involving a fundamental right and controlled by this line of cases, no need exists to decide that here because GR 34, consistent with our cases, is broader than these base constitutional principles and requires fee waivers for indigent litigants in all cases. Even before the United States Supreme Court's decision in *Boddie*, this court recognized that imposing court fees on indigent litigants would violate the fundamental principles our system of justice is founded on and we held that courts have a duty to waive filing fees for any indigent litigant. In *O'Connor v. Matzdorff*, 76 Wn.2d 589, 458 P.2d 154 (1969), a

plaintiff was prohibited from filing a civil action for damages because she could not pay the \$3.50 filing fee. There we said that "the exercise of a sound discretion dictates that a litigant should not be denied his day in court simply because he is financially unable to pay the court fees." O'Connor, 76 Wn.2d at 603. Four years later, we reaffirmed the principles in O'Connor and held that the court has a duty stemming from the state constitution to waive fees on appeal for indigent plaintiffs. Iverson v. Marine Bancorporation, 83 Wn.2d 163, 517 P.2d 197 (1973). We said that "[t]he administration of justice demands that the doors of the judicial system be open to the indigent as well as to those who can afford to pay the costs of pursuing judicial relief and that 'financial inability to pay the costs of pursuing a legal remedy will not operate to bar one from this state's system of justice.'"

(9). The appellant petitions and motions this Court to arrange payment of or waive the costs to be paid by public expense or paid by court waivers of the court and clerks [filing] fees and court charges in the above civil matters on the basis that appellant is indigent as prescribed in the State of Washington Court Rules, General Rules, GR 34. The appellant further prays that the court will grant this motion as soon as possible for appeal purposes...

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

Dated: November 09th, 2015.

Signature: _____



Geron Lee Harrison
The Appellant
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