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WASHINGTON STATE
SUPREME COURT

SUPREME COURT OF THE STATE OF WASHINGTON

CARLOS BENITEZ, JR.,)	
)	
Petitioner,)	No. 93120-8
)	
v.)	COA No. 73626-4-I
)	
SKAGIT COUNTY,)	MOTION FOR WAIVER OF FILING
)	FEE
Respondent.)	

1. IDENTITY OF MOVING PARTY

Petitioner, Carlos Benitez, Jr. (Benitez), requests the relief designated in Part 2.

2. STATEMENT OF RELIEF SOUGHT

Benitez requests that the Court waive the filing fee for his petition for review.

3. FACTS RELEVANT TO MOTION

On August 5, 2016, Supreme Court Clerk, Susan L. Carlson (Ms. Carlson), received and filed Benitez's Petition for review. Benitez did not pay the filing fee. Instead, Benitez provided the superior court's "Order Re Waiver of Civil Filing Fees and Surcharges," asserting that all filing fees in this matter had been waived.

Ms. Carlson responded that the superior court waiver of the filing fee was not controlling, and she notified Benitez that if the filing fee, or a motion to waive the filing fee, was not received by August 31, 2016, the matter would likely be dismissed.

 ORIGINAL

Benitez now brings this motion for waiver of the filing fee for his petition for review.

4. ARGUMENT

Benitez has previously been found indigent in this matter and does not have any income that would allow him to pay the filing fee for the petition for review, and Benitez remains indigent. See Appendix.

Furthermore, the superior court's order states that "all filing fees ... the payment of which is a condition precedent to the moving party's ability to secure access to judicial relief are waived." Order Re Waiver of Civil Filing Fees and Surcharges at § 3.1. And the Court of Appeals accepted the superior court's order, and allowed Benitez's appeal to proceed without payment of any filing fees.


Additionally, there is no other costs to be paid and nothing will be paid for at public expense. The filing fee will just be waived.

Benitez should not be denied this Court's review simply because he cannot afford to pay the filing fee for his petition for review.

5. CONCLUSION

For the foregoing reasons, this Court should waive the filing fee for Benitez's petition for review.

Respectfully submitted this 31 day of August, 2016.



Carlos Benitez, Jr.
Petitioner
A.H.C.C. L-B-19-L
P.O. Box 2049
Airway Heights, WA 99001

APPENDIX

SUPREME COURT OF THE STATE OF WASHINGTON

CARLOS BENITEZ, JR.,)	
)	
Petitioner,)	No. 93120-8
)	
v.)	COA No. 73626-4-1
)	
SKAGIT COUNTY,)	DECLARATION OF FINANCES
)	
Respondent.)	
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I, Carlos Benitez. Jr., certify as follows:

I am so poor that I cannot pay the filing fee for the petition for review in this matter.

I have a spendable balance of zero dollars in my prison account.

I am not employed.

During the past 12 months did not receive money from a business, profession or other form of self-employment.

During the past 12 months I did not receive any rent payments, any interest, any dividends, or other money.

I do not have any cash, any savings, or own any stocks, bonds, or notes.

I do not own any real estate or other properties.

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

Dated this 31 day of August, 2016, at Airway Heights, Washington.

Carlos Benitez

Carlos Benitez, Jr. #715131
A.H.C.C. L-B-19-1,
P.O. Box 2049
Airway Heights, WA 99001

DECLARATION OF FILING AND SERVICE

I, Carlos Benitez, Jr., declare that, on August 31, 2016, I deposited the foregoing **Motion for Waiver of Filing Fee and Declaration of Filing and Service**, or copies thereof, in the internal mail system of Airway Heights Corrections Center and made arrangements for postage addressed to:

Susan L. Carlson, Clerk
Washington Supreme Court
Temple of Justice
P.O. Box 40929
Olympia, WA 98504-0920

A.O. Denny
Skagit County Prosecuting Attorney's Office
600 South Third Street
Mount Vernon, WA 98273

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

Dated: August 31, 2016, at Airway Heights, Washington.

Carlos Benitez

Carlos Benitez, Jr. #715131
A.H.C.C. L-B-19-L
P.O. Box 2049
Airway Heights, WA 99001