

Treated as a petition for review, filed by Petitioner Steven Baumgarten at the Court of Appeals on August 31, 2020

FILED
SUPREME COURT
STATE OF WASHINGTON
9/1/2020
BY SUSAN L. CARLSON
CLERK

APPEALS SUPREME COURT 98970-2

Some appeals supreme court cases constitutional law conflicts violations Public interests reasons the Supreme Court should accept this and overturn this unfair abuse of power discriminated false reported 1,000 foot permanent order Constitutional violations

1) Wash State Constitution State V Lee, 135 Wash 2nd 369, page 389 (1998)

Office of the Code Reviser

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Washington State Constitution

SECTION 14 EXCESSIVE BAIL, FINES AND PUNISHMENTS. Excessive bail shall not be required, excessive fines imposed, nor cruel punishment inflicted.

ARTICLE IV

AMENDMENT VIII

EXCESSIVE BAIL SHALL NOT BE REQUIRED, NOR EXCESSIVE FINES IMPOSED, NOR CRUEL, AND UNUSUAL PUNISHMENTS INFLICTED.

Constitutional violation of

1) EXCESSIVE 1,000 foot permanent order EXCESSIVE since don't know Ms. Evans is now and this is PERMANENT Order to day I die don't know who she is now and as concussion I received from David Jones chasing me and constant exposure to 2nd hand mairjauna LIKELIHOOD I will get dementia

2) Excessive Violation # 2 RIGHT TO TRAVEL.

State V Lee, 135 Wash. 2nd 369, page 389 (1998)

PAGE 389 [4, 5] "These case

s all dealt with freedom of movement, that is, the right to travel, as affected by oppressive state action. <70> A state law implicates the right to travel when it actually deters such travel<71> and impeding the travel is its"

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COURT OF APPEALS DIV 1
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(<70> like the bus # I take to see Brent, Ken play basketball, no mystical serendipitous connection?)

PAGE 390 State v Lee June 1998 135 Wn.2d 369 primary objective
<72> "There is an acknowledged constitutional right to be free from governmental interference but the United States Constitution does not create a right for any person to interfere with the rights of other persons <73>

PAGE 390 [6] "This Court has held that freedom of movement may not be used to impair the individual rights of others.<77> NO TRAVEL RIGHTS OF ONE INDIVIDUAL CAN SUPERSEDE THE CONSTITUTIONAL RIGHTS OF OTHER INDIVIDUALS. <78>"

RAP 13.4(b)

Right there in itself a clear CONSTITUTIONAL Violation lower court and Court of appeals sorry about that court of appeals but true.

392 STATE V LEE JUNE 1998 135 WN.2D 369 PAGE 392D

"One person's freedom of movement gives way to another person's freedom not to be disturbed"

"A statute which regulates behavior will not be overturned unless the over breadth is both real and substantial <85>"

Even if courts believed that ESP checking question for Ms. Levias if she talked to other RECEPTIONIST (don't know who she is either) was obscurely attempted contact it WASN'T but lets say court believed somehow obscurely it was **ITS NOT THAT SERIOUS** Not reason to give order at all let alone a permanent 1,000 foot order to someone don't remember know who is as have brain injury and insomnia from long term exposure to constant 2nd hand marijuana Its not substantial to give order at all plus permeant to day I die 1,000 feet and travel ban restriction CONSTITUTIONAL VIOLATIONS OF WASHINGTON STATE Legislature office of the Code Revision Washington State Constitution Section 14) Listed above US Constitution Article IV AMENDMENT VIII

and post office and bank and beach and city hall where don't know who she is now Plus this sealer CONSTITUTIONAL TRAVEL BAN VIOLATION CITY HALL VIOLATION any bank, post office, beach where wouldn't know who she is now.

I proved 1 RANDOM contact on 70 bus on the way to see Brent Kremen as Brent said in court and wrote and played basketball at the park by Brent Kremen's. Proved the findings of fact were false based on Ms. Evans and Ms. Levias falsifying information. Again if you haven't TIME IT take 70 bus from where got on 6th and Virginia to next stop actually it's 9th and Virginia if no light LESS THAN 1 minute another 4 to get to Harrison St where see Brent. 15 minutes is a lie. Also subtract 20 to 15 seconds that Ms. Evans OMITTED fact I moved to the front left to give her space. So 40 to 45 secs max.

Still don't have a place got ACCEPTED in Beautiful Envy Apts no thinking of this had to tell Britney no when realized its on 70 bus line. Attorney Ken said you have a right to travel to and from your apartment. I said in theory your right manager of the bank said don't take you'll run into her eventually you don't know who she is now you'll go to jail. Also can't go to city hall, technically 1,000 foot Or law library where I do research (closed now) or if in Post office Bank Beach street I wouldn't know who Ms. Evans is now.

Plus the finding on the Internet mistake after mistake another MISTAKE is written 2 contacts on Jan 31st. I proved the 1st one was false The 1st elevator I Debunked as ESP checking question for Ms Levias (Mental illness question was if she talked to other RECEPTIONIST if she said what pictured she to check to debunk ESP or check for it) 3 women got on LOWER FLOOR made it clear didn't notice any of them to BOTHE COURTS off elevator talked to Ms. Levias later (WHEN HAD TO SERVE PAPERS OVERTIME FOR REGULAR DISCRIMINATION LAW SUIT) . That's MISTAKE in Finding to write 15 minutes when 40 to 45 seconds and 2 contacts on Jan 31st do I see they contacted me on the elevator got on LOWER FLOOR didn't talk to any of them and didn't notice them. Also MISTAKE IN findings of fact is Contact Jan 19th? Whatever because when I had to serve stuff for regular lawsuit that ESP checking question for Ms. Levais was if she talked to OTHER RECEPTIONIST what I pictured. Complete lie or Misunderstood by Ms. Levais. So people reading findings coming from place this is what happened when I proved Ms. Evans and Ms. Levais to some degree falsified information to obtain this plus in court said 1 contact judge said the elevator? Plus said "sorry for misunderstanding" in court and at the very end said "good luck" to court on the phone Ms. Evans what else do you need. EXCESSIVE all these city attorneys don't remember any of them. 1 African American lady city attorney thought was Ms. Evans she was on the phone was that Ms. Sylvester? Wouldn't recognize her either clearly or any of them. Only one would be Brent Kremen and probably Mr. Holmes I got serious concussion and marijauan 2nd hand long term lack of sleep because of it. So now order at all let alone permanent order

1,000 feet to strangers who don't know who is till day I die when I have long term brain damages from concussion David Jones chased me assaulted me and long term insomnia due and to 2nd hand constant marijuana damages. Travel restriction EXCESSIVE violation as well as 1,000 feet permanent order as well as order at all EXCESSIVE since proved what they said and findings are erroneous.

Court of Appeals of Washington Division 2
State of Washington., Respondent, v Davide Ellis
SCHIMELPFENIG, Appellant No 31012-1-ll June 29,2005
State v Schimelpfering 128 Wash.App 234 (2005)
PAGE [1] Narrowly tailored to serve a compelling governmental interest
[2] "To determine whether a specific geographic restriction permissibly INFRINGES ON A DEFENDANT'S RIGHT TO TRAVEL"
[2] Whether the restriction is punitive and unrelated to rehabilitation:
[3] "WHETHER THE RESTRICTION IS UNDULY SEVERE AND RESTRICTIVE BECAUSE THE DEFENDANT RESIDES OR IS EMPLOYED IN THE AREA FROM WHICH HE IS BANISHED"
9) 3) Constitutional law (Freedom to Travel and Movement "Was not sufficiently tailored and therefore impermissibly infringed on defendant's right to travel; there was no evidence that defendant ever posed a threat to victim's family, or that he desired continued contact with them after his release from prison"

I had zero interest in contacting any of city attorneys Ms. Sherrif (though she was nice in 1 contact in lobby) Ms. Evans, Ms. Cowart, Mr. Johnson or any of the other attorneys on the list for lawsuit in all these letters get. there was zero contact at the office when I had to serve papers for regular lawsuit. While telling jokes once Ms. Levais was talking to other receptionist created a detailed ESP OCD question did they say what I pictured to check if it was potentially ESP (which even if they did say what pictured wouldn't prove ESP) while wanting to ask Ms. Levais that OCD ESP debunking (mental illness harmless question) if talked about me to OTHER RECEPTIONIST (also don't know who she is. On LOWER FLOOR 3 women got on elevator said didn't notice or talk to ANY of them OFF ELEVATOR on Ground floor saw 1 of them talk to Ms. Levias on way to see Comedian Brent Kremen and play basketball in park 70 is bus always took thought maybe wasn't sure was same women off elevator so tried asking ESP checking question she didn't answer quiet 25 30 seconds asked again so MOVED TO FRONT LEFT of bus to give her her space. She got off side and went on to comedian Brent Kremens place Harrison St another 4 minutes. That's it time it TIME IT if

you haven't already 6th and Virginia where boarded next stop where later found out city attorney works there Ms. Evans de boarded 1 minute even less SUBTRACT 20 to 15 seconds fact MS EVANS OMITTED I moved to front left to give her space. What Ms. Levias said a ESP chicking mental illness question if Ms. Levais said what I pictured for 4 seconds to another RECEPTIONIST when serving stuff for regular lawsuits. how was that supposed to be attempted contact? It wasn't Even if you believe it wasn't it wasn't but if you believe it was asking if she talked to another receptionist about me to try to debunk ESP if said what pictured for 4 seconds IT'S NOT THAT SERIOUS.

State v Schimelpfening 128 Wash.App 224 (2005)

PAGE 2 3 Schimmelpfennig contends that the court's order banishing him from Grays Harbor County violates his constitutional right to travel. HE DOES NOT DISPUTE THAT A COURT MAY IMPOSE RESTRICTIONS ON HIS RIGHT TO TRAVEL BUT HE ARGUES THAT THE BAN IS UNNECESSARILY BROAD

5) "THE BAN WAS NOT SUFFICIENTLY TAILORED"

PAGE 3 [2] (3) WHETHER THE RESTRICTION IS UNDULY SEVERE AND RESTRICTIVE BECAUSE THE DEFENDANT RESIDES OR IS EMPLOYED IN THE AREA FROM WHICH HE IS BANISHED;

UNCONSTITUTIONAL TRAVEL RESTRICTION

always take the 70 bus go to city hall use police headquarters to pick up public requests go to law library go to libraries Seattle, been Mercer Island labor Bellevue, Redmond, Kirkland library use the post office walk on Lake Washington Blvd where got attacked in Madison park by way and downtown same kids on bus Bellevue Transit back to Seattle, Can't use 70 bus can't go to city hall can't go to post office bank beach won't know who she is now let alone when get dementia or next concussion I get when chased attacked again that cops haven't and won't protect me as regular person. ESP detailed question is no big deal plus for Ms. Levias was for other RECEPTIONIST and 2nd ESP debunking question when had to serve wasn't attempted contact with receptionist Ms. Evans or anyone else even if you believe obscurely ESP debunking checking question was attempting to contact another Receptionist later gal off elevator talking to Ms. Levias later found out works there city attorney "IT'S NOT THAT SERIOUS".

Also the court didn't consider THAT BOTH to some degree Ms. Evans and Ms. Levias falsified information to obtain this. The findings on internet that people read are coming from a place this is true this is what happened are full of lies mistakes and omissions based on court falsely believing what Ms.

Levais and Ms. Evans falsified to obtain this and that Ms. Sylvester is helping Ms. Evans as a friend this has nothing to do with city attorney this is 1 random contact WITH A INDIVIDUAL had NO WAY OF KNOWING WAS A CITY ATTORNEY even worked there other than name of everyone on all letters for regular lawsuit had no way of knowing who Ms. Cowart or Ms. Evans or Ms. Sheriff or Mr. Johnson appeals court clerk met E-mailed back and forth met him once at court of appeals wouldn't recognize him either only know Mr. Stephen Kennedy Denali Fitness lawyer because talked to him most every day on telephone and met him once at Bellevue library when he handed me 500 \$ check from Denali Fitness owner Sang Kim to settle Denali Fitness portion of law suit on regular law suit and to police for disability ADA history of discrimination abasing me that city attorneys are defending so had to serve city attorneys every time time stamp proof serve than bring to court of appeals. Though once serving papers Ms. Sheriff was in the lobby chatting for about 8 minutes, don't remember her either. I think she said she was from the Bay Area, but I don't remember her either. That was only contact of me serving papers other than receptionists.

Competency State V Watkins

857 p2 300, 71 Washington App Page 164 (1993)

PAGE 2 II "Watkins contends that the trial court erred by failing to determine the competency of R.P. Thompson, and Osborne because these witnesses were developmentally disabled and suffering from mental health problems. Since the issue of competence key was not raised below, Watkins argues that the trial court had a duty "to sua sponte determine whether the witnesses were competent to testify" and that such an error is of constitutional magnitude."

PAGE 3 170 122. In Smith , the Court of Appeals and the Supreme Court help that the record contained a "solid foundation" for the trial courts determination of competency where, although retarded, the witness was 'able to understand the obligation to tell the truth on the witness stand and... was able to relate the basic facts of the incident."

'Ordinarily, the competency of a witness is a preliminary fact question to be determined by the trial court'

170 3rd Paragraph "Here, because no objection or request was interposed by the defendant, the trial court did not make an express inquiry of determination concerning the competency of R.P., Thompson, or Osborne. Thus the questions we must resolve are whether the trial court was obliged to make a sua sponte competency determination and, if so,"

171 [3] Because the record does not suggest these witnesses were incompetent, Watkins has not demonstrated that there was any need for

a competency hearing. Thus the trial court did not err by filing to engage in a special inquiry

172) 2nd paragraph 2nd sentence "We are mindful, however, that the issue of whether the trial court must initiate a competency hearing on the absence of a request by a party is an issue of first impression in Washington"

PAGE 4 173 2nd Paragraph last sentence (where competency of witness was "clearly called into question" trial court's failure to inquire into competency help to have prejudiced defendant's right to a fair trial)]9]

Everyone that sees me knows I have issues including judge Marshall Ferguson. Judge Ferguson knew it

Judge Marshal Ferguson VIOLATED

RCW 4.12.050 notice of disqualification asked to waive him in a nice way he ignored my request and proceeded anyway when saw clear prejudice and bias in him before and my perception when asked in a nice way beginning" He knew from as everyone I have issues as Brent Kremen said as was clear. I wasn't well from the last 8 out of 11 years of Mairjuana exposure at Interbay 21 Apartments. No smoke allowed buildings within 25 feet but mairjuana smokers and management protected marijauan smokers. ESP for me is a harmless thing but a mental illness issues. Also during this whole process over 2 months at Extended Stay America also inspire of sign "no smoking at Extended Stay America 250 \$ fine minimum" The maintenance man Chrisa and former cleaning lady Michelle said "it's not a priority" "They don't enforce it" so this damaged me the long term not sleep well because of it beside concussion. ESP OCD question yes it's a harmless thing but it got me a permanent 1,000 foot order to someone don't know who is in 1 random contact that court never considered that BOTH Ms. Evans AND MS. LEVIAS FALSIFIED INFORMATION TO OBTAIN THIS as proved.

The judge wanted to believe that the elevator when said got on a lower floor didn't notice any of them. I was all over the place mentally verbally even Brent Kremen said after "you had no chance the way you dressed you had no lawyer you jumping from subject to subject" Yes it was 1 random contact to see him and basketball. The judge should have checked Are you good when said ESP to testify

Even though as before court never took into consideration that Ms. Evans and Ms. LEVIAS BOTH falsified information to some degree to OBTAIN THIS. And the fact of findings is not what happened and didn't happen and what was omitted that would influence psychologically everyone that reads it coming from a place this is true.

PUBLIC INTEREST 3 things

A) Mentally ill people discriminated against in COURTS and LIFE IN GENERAL

As I clearly was TOO ALSO falsely accused to some degree in BOTH courts when said to Marshal Ferguson who asked to WAIVE in a nice way he IGNORED and PROCEEDED ANYWAY. and Appeals court That lower and appeals court wanted to believe

B) People falsely accused in general

C) Retaliation this is to some degree why both falsified and omitted retaliation to my regular lawsuit by Ms. Evans and Ms. LEVIAS to a vulnerable person. The more than 1 contact 2 on Jan 31st when PROVED that wasn't case 1 BUS that's it. When Feb. 19th a ESP checking (mentally ill harmless question) to Ms. Levais if she TALKED TO OTHER RECEPTIONIST and later gal off elevator later Ms. Levis how is if talked about me to check for ESP attempted contact? IT WASN'T. Plus the time again to take bus 70 6th and Virginia where got on to next stop 1 MINUTE subtract 20 to 15 seconds what Ms. Evans OMITTED I moved to front left to give her space she got off side. I went on to Brent Kremens' basketball in the park for another 4 minutes. That's it court wanted to believe when THEY GOT ON LOWER FLOOR 3 women who told Judge Marshal Ferguson didn't NOTICE ANY OF THEM or talk to any of them. So findings are ERROR 2 contacts on Jan31st 1 than Jan. 19th when served also ESP checking question if talked to other receptionist how is that attempted contact?

So here PUBLIC INTEREST some EXAMPLES how MENTALLY PEOPLE ARE GENERALLY DISCRIMINATED AGAINST in different facets of courts and gone against in courts me and many many others here's a few examples

1) McCann V McCann 424 P.3d 324 (Wash. Ct App. 218

"Argues trial courts actions reflect implicit bias abasing or ignorance of mental illness"

2) R.W. v Columbia Basin Coll No; 4:18-cv-5089-RMP 9E.D. Wash.Oct. 4, 2019

"The Washington Law against Discrimination also prohibits discrimination on the basis of a mental disorder"

That ESP checking little harmless question to Ms. Levais later Ms. Evans in 1 random contact for no more than 40 to 45 secs was a mental disorder question. The random contact with Ms. Evans on how to see mentally ill comedian Brent Kremen and play basketball if talked about what I pictured off the elevator was an ESP checking question. I moved to the front to give her space sheroot off side in 1 CONTACT. If you think about it "IT'S NOT THAT SERIOUS"

I said in court "sorry for misunderstanding good luck" again at the end I still said to the court Ms. Evans was on the phone and said again "sorry for misunderstanding good luck" what else do you need?

The court **DISCRIMINATED AGAINST ME** believed what they said even though I **PROVED** they falsified on things. Did discriminate on me due to mental illness and did **NOT TAKE** into consideration one iota ESP checking my actual attempted question is a mental disability.

State V Hughes 173 P3d 983 (Wash Ct. App 2007)

"Our Courts have long held and our legislature has long recognized that persons are disabled by virtue of their minority"

In re Ayers 713 P.2d 88 (Wash. 1986)

" They contend that, as mentally ill or developmentally disabled persons, they are treated differently than other potentially parable person" They face discrimination in every facet of life

Weyer V Twentieth Century Fox Film Corp 198 F.3d 1104 (9th Cr. 2000)

" It Prohibits discrimination against discrimination against individuals in Public Accommodation"

ESP checking question while having to serve papers or analyzing receptionists little bit as due everywhere while having to serve everything. Told receptionists have OCD and analyze details as did to Sheila, Sue at court of appeals as did to 6th floor gals and Albert at King county courthouse also who all were helpful so receptionists city attorneys can't remember but OCD analyzed them too a little when had to serve stuff.

Compassion in Dying V state V State of Washington 850 F. Supp. 1454 (W.D. Wash. 1994)

"Plaintiff in this case contend that Washington State law **UNCONSTITUTIONALLY** distinguishes between two similarly situated groups of mentally competent terminally ill adults"

Hernandez V Fed Way Case No. 2:18 CV-01473-BJR (W.D. Wash Apr. 24, 2020)

"She alleges officers **DISCRIMINATED** against Ricardo because he was having a **MENTAL HEALTH EPISODE**"

Myers V Bacon Case No C19-1169-RSM-BAT (W.D. Wash. sept. 24, 2019)

"Mr. Myers alleges he was **DISCRIMINATED** against by jail staff **BASED ON HIS MENTAL ILLNESS**"

You see the pattern PUBLIC INTEREST not just
Me DISCRIMINATED disbelieved when others falsify information me and
these other cases DISCRIMINATED in courts and every facet of life

Tanner V Dept't of Corr No C12-5876 RBL1KLS (W.D. wash Jan 11, 2013
"Plaintiff claims he was DISCRIMINATED against on the BASIS OF HIS
MENTAL ILLNESS"

Fey V State 174 Wn. App. 435 (Wash Ct. App. 2013)
"Washington courts have adopted this narrow construction of the BFOQ
defense to a claim of disparate treatment under the Washington Law against
DISCRIMINATION (WLAD)"

St. George V Pexo LLC 496 F. App' x 754 (9th Cr. 2012)
"St George alleged Pexco laid him off in RETALIATION for a complaint, in
violation of Title VII of the Civil Rights Act of 1964; 42 USC 2000 et seq, and
the WASHINGTON LAW AGAINST DISCRIMINATION (WCAD) Wash. Rev.
Code 49.60.210"

Here I'm writing another PUBLIC INTEREST to this case retaliation to
my regal lawsuit to some degree. This was in employment but retaliation is a
greater than just me a PUBLIC INTEREST what happened with Ms. Evans
and Ms. LEVAIS to my regular lawsuit was retaliation to some degree. Here
was employment me partially for my regular law suit against the
police department for HISTORY of DISCRIMINATION AGAINST ME.

RETALIATION also is a Public Interest that happens to this many not just
me. To some degree this was what Ms. Evans and Ms. Levias to my regular
lawsuit that numerous city attorneys defended.

Even if what Ms. Evans and Ms. Levais somewhat really thought
that originally. I apologized sincerely for the misunderstanding in court and at
the end said again to the court everyone in court and Ms. Evans on telephone
"sorry for the misunderstanding good luck" who don't know who is as don't
know who the other receptionist asked first ESP checking question (a mental
disability is either). The fact Ms. Evans and Ms. Sylvester want to still
proceed tenaciously with it is an act of power and retaliation. Is a way to
incarcerate me.

Lawyer Elena Garella said it's not against the law to lie on a restraining
order. Another lawyer told me there under affidavit to tell the
truth. Again clearly the time 15 minutes is an intentional false thing Ms. Evans
said to obtain this again if you haven't already and have an extra
few minutes take a 70 bus where I got on to see Brent 6th and Virginia to next

stop 9th 1 MINUTE. Subtract the 20 to 15 seconds I moved to the front left to give space later found out Ms. Evans to my ESP checking question that Ms. Evans OMITTED 40 to 45 seconds Another 4 to Harrison St to see Brent. Ms. LEVIAS also to some degree exaggerated and falsified to obtain this. My ESP checking question if Ms. Levais talked what I pictured to other receptionist while serving stuff saw Ms. Levais looking at me talking to another receptionist for 4 seconds did say what pictured to check if was ESP how is that big deal how is that attempted contact? It wasn't then off the elevator wondering if said 2nd ESP question NOT THAT SERIOUS.

I APOLOGIZED SINCERELY in court FOR MISUNDERSTANDING and at end said again 'SORRY FOR MISUNDERSTANDING GOOD LUCK". Again fact Ms. Evans and Ms. Sylvester want to go through with this completely unnecessary order as an act of retaliation power. Plus as the previous case mentioned

This other case shows a public interest more than just me retaliated to my regular lawsuit.

The big Public Interest if you do or don't deem retaliation is this please hear me out kindly. (sorry hear wrong word hear is sound auditory this is reading visual). In the United States 43.8 million adults experience mental illness more including youth 1 in 25 experience SERIOUS MENTAL ILLNESS. 1.1 %
A) 1.1 % in 100 (2.4) million) American adults live with schizophrenia
B) 2.6 %(6.1 million of American adults live with Bi Polar disorder
C) 6.9 % (16 million) of American adults live with major depression
D) 18.1 % (42 million) of America adults live with anxiety disorders

1 in 5 adults in America experience a mental illness.

Nearly 1 in 25 (10 million) adults in America live with a serious mental illness.

One-half of all chronic mental illness begins by the age of 14; three-quarters by the age of 24.

1.1%

1 in 100 (2.4 million) American adults live with schizophrenia.¹

6.9%

6.9% (16 million) of American adults live with major depression.¹

Depression is the leading cause of disability worldwide, and is a major contributor to the global burden of disease.¹

\$ -\$193b

Serious mental illness costs America \$193.2 billion in lost earning every year.³

90%

90% of those who die by suicide have an underlying mental illness. Suicide is the 10th leading cause of death in the U.S.³

African American & Hispanic Americans used mental health services at about 1/2

the rate of whites in the past year and Asian Americans at about 1/3 the rate.

2.6%

2.6% (6.1 million) of American adults live with bipolar disorder.¹

10.2m

Approximately 10.2 million adults have **co-occurring** mental health and addiction disorders.¹

26%

Approximately 26% of **homeless** adults staying in shelters live with serious mental illness.¹

24%

Approximately 24% of **state prisoners** have “a recent history of a mental health condition”.²

18.1%

18.1% (42 million) of American adults live with anxiety disorders.¹

1st

60%

Nearly 60% of adults with a mental illness didn't receive mental health services in the previous year.⁴

Talk with Connect with other your doctor individuals and families

1 This document cites statistics provided by the National Institute of Mental Health. www.nimh.nih.gov 2 Statistics provided by the Department of Justice.
3 American Journal of Psychiatry and U.S. Surgeon General's Report, 1999.
4 Substance Abuse and Mental Health Services Administration

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50%

Nearly 50% of youth aged 8-15 didn't receive mental health services in the previous year.¹

Learn more about mental illness

Visit NAMI.org

www.nami.org

PUBLIC INTEREST MOST MENTAL ILLNESS SERIOUS MENTAL ILLNESS STARTED and got EXACERBATED FROM MARIJUANA AND DRUGS IN SEATTLE KING COUNTY SNOHOMISH COUNTY PIERCE COUNTY THURSTON COUNTY WASHINGTON STATE UNITED STATES OF AMERICA MOST started Schizophrenia Bi Polar with marijuana.

Please hear me out direct link with this Public Interest and this case with Me and Ms. Evans Ms. Levias and Ms. Sylvester.

In 10 States where marijuana is legal serious mental illness is up. Some of effects of marijuana are 1) Lower IQ makes people stupid (thus name dope) 2) Heart attacks (MORE THAN CIGARETTES) 3) Strokes (MORE THAN CIGARETTES) 4) Dementia (greatly contributes to getting dementia) [not that every person smokes marijuana will get dementia but greatly increases likelihood as does long term insomnia which I had because of it for years as does concussion I received) 5) Schizophrenia 6) Bi Polar manic depression 7) all kinds of mental illness

Now besides the first 4 which isn't good for anyone. If any of you as most did smoke don't project yourself on me or the 48 million mentally ill in this country. To break it down to a microcosm. I met a man on bus 21 he said he's 65 he said he smoked marijuana for 50 years he's fine mentally. His brother became **SCHITZOFRENIA** from it in his teens from **MARIJUANA**.

And by the way most these mentally ill people on street in Shelters in halfway houses everywhere **STARTED** from **MARIJUANA AND DRUGS** not just me decades

and decades ago mairjauna and it's such a clear scientific link between MARIJAUANA AND SCHIZOPHRENIA BI POLAR in every race socioeconomic status men women certain people get schizophrenia and or bi polar and other mental illness from it and ones that have EXACERBATES it. And 10's of thousands in King, Pierce, Thurston, Snohomish Washington State alone MOST CAUSED STARTED FROM MARIJAUANA AND DRUGS.

You say what this has to do with your case. It has everything to do with this case. I admit something I've been mentally ill since late 1976 didn't start analyzing till 1983 or 1984. It caused me decades ago a mental illness last time I touched the horrible junk was 1978. Experienced telepathy in the late 70's numerous times. I have horrible memories from experiences. Many of these other mentally ill people have also different from mine. But met others similar.

Since the legalization this public legal hallucinogenic in spite of at Interbay 21 lease no smoking anything cigarettes marijauan within 25 feet of premises. But new property management allowed protected college punks smoking weed one after another for 8 years. At city parks, beaches and basketball courts. I lost my apartment after 11 years because of retaliation for reporting it. At Extended Stay was serious marijauana problem management didn't care to enforce as they get \$\$\$ from marijuana smokers they don't care it ruins me with lack of sleep long term.

This harmless ESP question that court punished me for by granting a unnecessary 1,000 foot restraining order for Ms. Levias if she talked to other RECEPTIONIST was 100 % 1000 % induced by mairjauna this picturing in my mind did they say what I pictured a mairjauna induced mental illness. If you see 24 % of incarcerated people are mentally ill.

Besides the fact Ms. Evans and Ms. Levais BOTH falsified information to obtain this.

This is amaro public interest as showed you numerous other cases of mentally ill people discriminated in courts and different facets of life in courts. My late Mom saved me by taking me out of the county in 1979 for 5 years and 10 months and then a few more years the 2nd time after I came back here.

But the LEGALIZATION OF MARIJUANA has REAPED HAVOC NOT JUST ON ME and the long term insomnia because of it and the concussion has caused damages permanently to my brain mind. Long term insomnia in the 40's and 50's greatly increases chances of dementia when older. This is a HUGE PUBLIC INTEREST as see all people in prison jails mental ill examples discrimination MOST stated from MARIJUANA AND DRUGS me being one of hundereds of thousands in Washington and 1 in 48 million in United States.

This OCD harmless debunking ESP question to Ms. Levias was 100 % because of that reason a harmless mental ill disability question started from Mairjauana and the 2nd hand constant marijuana exposure. The court granted me a permanent 1,000 foor order that was nothing more than a harmless ESP checking question a marijauan induced schizoffective OCD debunking checking oriented question.

I do it all the time at Motel on a picnic table trying to read the Washington State and United States Constitution. I did it at the office. Man I know lives there on computer was

in office chatted with him guy at desk I left pictured they said something came back to ask if said what picuted he said no. Should he get a 1,000 foot permanent order for that?

By the way at Motel they kicked many people out for smoking mairjauna in their rooms. They did their best to protect me in the 3rd room because of incoming mairjauana smokers. 2 nights ago terrible marijauara makes me in day dream fantasize. Several marijauan smokers moved out yesterday last night beautiful air slept good except little bit of miajruana this morning at 6AM.

For them it's business \$\$ so they can't kick out all mairjauana smokers or get tough with them no money business and if I speak up about it they kick me out even though it ruins me metnally and this ESP question for Ms. Levais and about another receptionist was a mairjauan induced question. I did it to lawyer Ken so at his place a woman friend showed up. I left. I pictured they said "crazy guy" about me the next day asked on the phone. They didn't say anything. **I'm happy ESP was wrong.** Just like Motel talked with a man on the computer left to my room. He and the guy behind the desk pictured they said something went back asked the man quietly on the computer they didn't good again ESP was wrong. **You don't grant an order at all let alone a 1,000 foot permanent order for nothing more than this** even if someone reacted negatively to me to someone I don't know who is as the other receptionist for 1st ESP question of this sort. A mental illness marijauana direct correlation question. Public interest MOST of mentally ill people started from mairjauan and drugs and major discirmiantion in general towards them by courts every facet of life not just me

Asking the court for 2 constitutional violations **EXCESSIVE** any order at all especially permeant 1,000 foot restricting court house city hall and right to travel constitutional violations public Interest on numerous points **discrimination against mentally ill** other points fact I apologized for misunderstanding retaliation, Judge Marshal Ferguson **VIOLATED**.

RCW 4.12.050 notice of **DISQUALIFICATION ASKED TO WAIVE HIM** in a nice way, despite that **HE IGNORED MY REQUEST AND PROCEEDED ANYWAY** Other reasons stated.

Please supreme court totally review everything plus fact proved **Ms. Evans and Ms. LEVIAS BOTH did falsified information somewhat to obtain this.**

The retaliation part if you do or don't deem that specific part as public interest. Again even if I originally Ms. Levais and in that 1 random contact later Ms. Evans for 40 to 45 seconds on bus asked quiet asked again I moved to front left of bus to give space which she also **OMITTED** that she got off side I went on to Brent's mindless dribble (basketball) in that park my **ESP checking question** is said what was pictured while serving stuff Ms. Evans said to other receptionists while serving stuff and they thought that somehow this was attempted contact it wasn't but obscurely if you want to interpret it was even though question if Ms. Levais talked to another employee who was another receptionist what was said for 4 seconds **it's not that serious.** I sincerely apologize for misunderstanding in court and again at the end said to court to everyone Ms. Evans on phone again "sorry for the misunderstanding good luck"

The fact Ms. Evans and Ms. Sylvester want to proceed over this case that if you really look at the big picture and all the stuff that happens

it's not that serious shows retaliation ignoring as city attorneys are supposed to be objective agencies and take more seriously not just David Jones chasing me and giving me concussion but other times men and women have done similar. But you can also say in fairness what your wondering detailed analysis questions in general and how it really matters. This was unnecessary and excessive.

Please Supreme court take this case on numerous points review everything and do the fair and decent thing overturn this abuse of power unfair excessive unnecessary order on examples of inconstitines in appeals court supreme court rulings numerous constitutional violations BOTH

Washington State and United States Constitutional and greater Public Interest than just me on numerous points. Lets not forget this public finding on the internet that people read comes from place this is what happened and affects them psychologically there attitude when I proved on several points the things the court published many were based on falsified information omissions and mistaken not true things by Ms. Levias also. As did twice in court apologized again if my ESP checking question was taken wrong.

Enjoy summer everyone

Best to everyone

Peace, Steve

Steve Bangator

POB 17219

Seattle, Wash. 98127

79948-7



8/13/2020

Steven Byron Baumgarten
Po Box 17219
Seattle WA 98127

2020 AUG 31 PM 3:56
COURT OF APPEALS
STATE OF WASHINGTON

To Whom It May Concern:

Mr. Steven Baumgarten has been a longtime patient of mine. He suffers from mental illness, obsessive-compulsive disorder and has had brain damage from head trauma from assaults in past.

He also has issues from second hand marijuana exposure and long term lack of sleep problems because of it. He is at risk for dementia because of these factors.

His obsessive-compulsive disorder makes him prone to wonder about questions in a detailed nature that have led to misunderstandings.

As have many mentally ill people in general, Mr Baumgarten has faced discrimination and bias in life in general.

Sincerely,

Provider:
Timothy Joos, MD

Document generated by: Timothy Joos, MD, 8/13/2020, 4:18 PM PDT

NEIGHBORCARE HEALTH AT COLUMBIA CITY
4400 37TH AVE SOUTH
SEATTLE WA 98118-1609
Phone: 206-461-6957
Fax: 206-461-7810

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

ERIKA EVANS,)	No. 79948-7-I
)	
Respondent,)	DIVISION ONE
)	
v.)	
)	
STEVEN B. BAUMGARTEN)	UNPUBLISHED OPINION
DOB 06/25/1960,)	
)	
Appellant.)	

BOWMAN, J. — Erika Evans obtained a stalking protection order against Steven B. Baumgarten. Baumgarten argues the court lacked sufficient evidence to find he engaged in repeated acts of harassment. Because Baumgarten’s behavior constitutes stalking under RCW 7.92.020(3)(c),¹ we affirm.

FACTS

Evans is an assistant city attorney in the Seattle City Attorney’s Office. She is one of three city attorneys who entered notices of appearance in a lawsuit filed by Baumgarten. On February 22, 2019, Evans filed a petition for a stalking protection order against Baumgarten. “[T]hree recent events” led her to fear that

¹ We note the legislature amended RCW 7.92.020 in 2020 to add a definition of “electronic monitoring” and renumbered the subsections. LAWS OF 2020, ch. 296, § 4. The definition of “stalking conduct” as defined in former RCW 7.92.030(3) (2013) did not change but was renumbered as subsection (4). See RCW 7.92.030. We cite to former RCW 7.92.020(3) throughout the opinion.

she was being “harassed and stalked.” Two events occurred on January 31, 2019 and one event occurred on February 19, 2019.

Toward the end of the workday on January 31, 2019, Baumgarten went to the Seattle City Attorney’s Office. Baumgarten asked receptionist Lisa Levias if Evans worked there. Levias confirmed that she did. According to Levias, Baumgarten asked for Evans “at least two more times” during their conversation. Baumgarten also repeatedly asked if Levias and her coworker “were talking about him.” Levias informed Baumgarten that the office was about to close for the day and asked him to leave.

On her way out of the office, Levias discovered Baumgarten waiting in the elevator. Evans then entered the elevator on a lower floor. Because of Baumgarten’s “erratic” and “paranoid” behavior in the office, Levias was careful not to identify or speak to Evans in the elevator. After exiting the elevator in the lobby, Baumgarten again asked Levias “in a loud voice” if she and her coworkers had talked about him. Levias “tried to reassure him that he wasn’t being talked about” and left the lobby area.

Evans noticed that Levias was “acting odd and not making eye contact with her” on the elevator. She then saw Levias speaking with Baumgarten in the lobby. After Levias walked away from Baumgarten, she rejoined Evans at the escalator. Levias told Evans that Baumgarten had come to the office looking for her. She also told Evans that Baumgarten had been “extremely persistent” and showed “signs of paranoia.” Levias and Evans then left the building and parted ways.

Evans walked to the bus stop and waited about 15 minutes for a bus. On the bus, she found a “seat that faces inward.” Soon after she found her seat, Evans was “shocked” to find Baumgarten “standing over” her. She described him as standing “right in front of me, facing directly in front of me.” In the crowded bus, Evans had nowhere to go. Baumgarten “aggressively peppered” Evans with questions for almost 15 minutes, such as:

“You are a City Attorney[.]” “You were just in the elevator!” “You work at the City Attorney’s Office!” [and] “Were you and that lady talking about me!?”

Evans claimed not to know what Baumgarten was talking about. He became increasingly agitated and continued to hover over Evans, asking questions. She was scared so she texted her fiancé, who worked nearby. Baumgarten accused her of calling the police “or trying to tell on him.” Because she felt “intimidated and threatened,” Evans abruptly exited the bus at the next stop. She spotted a police officer nearby and stood near him until her fiancé arrived.

On February 19, 2019, Baumgarten returned to the Seattle City Attorney’s Office. Baumgarten asked Levias if she remembered being on the elevator with “‘that girl.’” Levias said she remembered him. Baumgarten asked if they “had been talking about him.” Once again, Levias assured Baumgarten they had not been talking about him. Baumgarten then asked which floors housed the attorneys’ offices. Levias became concerned Baumgarten was attempting to locate Evans. Levias saw Evans’ supervisor near the reception area and notified her that Baumgarten was in the lobby. Levias explained her concerns to the

supervisor, who went to find Evans. Evans was in her office when her supervisor rushed in and told her “not to leave the building.” She explained that Baumgarten was in the reception area asking for the location of the lawyers’ offices. Evans feared for her safety, suspecting that Baumgarten had come back looking for her.

On February 22, 2019, the court issued a temporary stalking protection order. On March 5, 2019, the court held a hearing to determine whether a permanent order should issue. Baumgarten filed a declaration and appeared pro se at that hearing. He explained that he suffers from “schizo-effective and obsessive compulsive” disorder that manifests as an “obsessive need to analyze details with people.” According to Baumgarten, this obsessive need to ask questions and analyze details led to a misunderstanding with Evans. Baumgarten calls these “analysis questions.” He told the court, “Once those analysis questions enter my mind, they do not go away until I get them answered.” Baumgarten testified, “It’s never my intention to cause anyone fear.”

Baumgarten stated that he went to the Seattle City Attorney’s Office on January 31, 2019 to serve papers for his lawsuit. After serving the papers, Baumgarten had “an analysis question” for Levias. He wondered whether Levias and another receptionist were talking about him. When Baumgarten saw Levias on the elevator, he started asking her detailed questions on the subject.

Baumgarten said he saw Levias speaking with another woman, whom he later learned was Evans, after exiting the elevator. He had never seen Evans so

he did not recognize her on the elevator. At that point, Baumgarten left the building to catch a bus to play basketball with a friend.

On the bus, Baumgarten recognized Evans as the woman speaking with Levias outside of the elevator. He did not know her name, where she worked, or that she was an attorney. Finding himself standing near her on the bus, Baumgarten began asking Evans “analysis questions.” He wanted to know if she had been talking about him with Levias. Baumgarten noticed that Evans felt “uncomfortable.” She got off the bus and Baumgarten continued on to the park to play basketball with his friend.

Baumgarten claimed that on February 19, 2019, he went to the Seattle City Attorney’s Office again to deliver papers. He asked Levias if she had talked about him with “the other lady.” Baumgarten asserted he was not stalking Evans and “[u]ntil I got served with the papers for this hearing, I had no idea who she was, or what she looked like.” Baumgarten told the court he was “sorry that she felt fear.”

Baumgarten called two witnesses. His housekeeper testified that Baumgarten asks questions “over and over again” and has “difficulty letting go” of situations. She said that people who do not know Baumgarten often “misunderstand” the questioning as harassment. She explained that people mistakenly think Baumgarten is dangerous but he is not. Baumgarten’s friend, the same man he met on January 31, 2019 to play basketball, testified similarly. He described Baumgarten as “the most annoying man I have ever met in my life” but “he’s not a dangerous person.”

After considering the testimony, the trial court issued a permanent stalking protection order in effect until March 5, 2060. Baumgarten appeals.

ANALYSIS

Baumgarten alleges the court abused its discretion by granting the protection order because substantial evidence does not support that he engaged in stalking behavior. Specifically, he argues that Evans fails to satisfy the elements of RCW 9A.46.110, the criminal stalking statute, because the evidence does not support two or more distinct incidents of harassment. See RCW 9A.46.110(1)(a), (6)(e).

We review a trial court's decision to grant or deny a protection order for abuse of discretion. In re Marriage of Freeman, 169 Wn.2d 664, 670-71, 239 P.3d 557 (2010). Where the court held a hearing and weighed evidence, we assess whether substantial evidence supports the court's decision. In re Marriage of Rideout, 150 Wn.2d 337, 351, 77 P.3d 1174 (2003); see Kencayd v. Preece, No. 74665-1-I, slip op. at 3-4 (Wash. Ct. App. Nov. 28, 2016) (unpublished), <http://www.courts.wa.gov/opinions/pdf/746651.pdf>.² "Substantial evidence is evidence in sufficient quantity to persuade a fair-minded, rational person of the truth of the declared premise." In re Welfare of T.B., 150 Wn. App. 599, 607, 209 P.3d 497 (2009).

A court must grant a stalking protection order if it "finds by a preponderance of the evidence that the petitioner has been a victim of stalking

² "Washington appellate courts should not, unless necessary for a reasoned decision, cite or discuss unpublished opinions in their opinions." GR 14.1(c). "However, unpublished opinions of the Court of Appeals filed on or after March 1, 2013, may be cited as nonbinding authorities, if identified as such by the citing party, and may be accorded such persuasive value as the court deems appropriate." GR 14.1(a).

conduct by the respondent.” RCW 7.92.100(1)(a). “Stalking conduct” is defined as “any of the following”:

- (a) Any act of stalking as defined under RCW 9A.46.110;
- (b) Any act of cyberstalking as defined under RCW 9.61.260;
- (c) Any course of conduct involving repeated or continuing contacts, attempts to contact, monitoring, tracking, keeping under observation, or following of another that:
 - (i) Would cause a reasonable person to feel intimidated, frightened, or threatened and that actually causes such a feeling;
 - (ii) Serves no lawful purpose; and
 - (iii) The stalker knows or reasonably should know threatens, frightens, or intimidates the person, even if the stalker did not intend to intimidate, frighten, or threaten the person.

RCW 7.92.020(3).

Baumgarten contends that Evans did not produce sufficient evidence that he engaged in stalking conduct. He argues that a finding of stalking requires at least “two distinct” harassing acts and that Evans can show only one—his interaction with her on the bus.

In support of his argument, Baumgarten cites City of Seattle v. Meah, 165 Wn. App. 453, 267 P.3d 536, 297 P.3d 69 (2011). Meah involved a prosecution for stalking under former Seattle Municipal Code (SMC) 12A.06.035 (2008). 165 Wn. App. at 454.³ The defendant argued that his conduct was one continuous act that did not satisfy the statutory requirement of repeated harassment. Meah, 165 Wn. App. at 457. Quoting State v. Kintz, 169 Wn.2d 537, 551, 238 P.3d 470 (2010), we concluded that “[i]n order to properly convict a person of stalking, a

³ Both RCW 9A.46.110(1)(a) and former SMC 12A.06.035(A)(1) require that a person intentionally and “repeatedly” harass or follow another person in order to commit stalking. Both the statute and the ordinance define “repeatedly” as “on two or more separate occasions.” RCW 9A.46.110(6)(e); see former SMC 12A.06.035(E)(3).

jury must find two or more ‘distinct, individual, noncontinuous occurrences or incidents’ of following or harassment.” Meah, 165 Wn. App. at 454.

But Baumgarten is not charged with criminal stalking under RCW 9A.46.110. He is the respondent in a civil petition for an order of protection from stalking conduct “pursuant to RCW Title 7.92.” Under RCW 7.92.020(3)(a), meeting the elements of criminal stalking in RCW 9A.46.110 is only one of three alternative means to demonstrate stalking conduct. Here, the trial court specifically found that Baumgarten’s conduct amounted to stalking under RCW 7.92.020(3)(c).

The record supports the trial court’s conclusion that Baumgarten engaged in a “course of conduct involving repeated . . . attempts to contact” Evans in violation of RCW 7.92.020(3)(c). On January 31, Baumgarten went to the Seattle City Attorney’s Office and asked whether Evans worked there. During the ensuing conversation, he asked about Evans at least two more times. Later that afternoon, Baumgarten had direct contact with Evans on the bus and “continued to harass” her for approximately 15 minutes about seeing her in the elevator earlier. And on February 19, Baumgarten returned to the Seattle City Attorney’s Office and asked Levias if she and Evans had been talking about him. He then asked on which floors the attorneys’ offices were located. Levias believed Baumgarten was attempting to locate Evans and notified Evans’ supervisor. These three acts show a course of conduct that supports a finding of stalking conduct.

There is also sufficient evidence that Baumgarten's actions would cause a "reasonable person to feel intimidated, frightened, or threatened." RCW 7.92.020(3)(c)(i). Levias described Baumgarten's demeanor as "a little erratic/paranoid." Evans testified that on the bus, Baumgarten appeared "manic, deranged, angry, and paranoid." She said that his behavior caused her to feel frightened and threatened. In fact, his behavior caused her to seek out a police officer for protection. When Baumgarten returned to her office on February 19, she became afraid that Baumgarten would be waiting for her in the lobby of the building or on the bus that day as well as in the future, "and that made me fear for my safety and my life."

The record shows that Baumgarten's conduct served "no lawful purpose." RCW 7.92.020(3)(c)(ii). He claims that he went to the Seattle City Attorney's Office to deliver legal papers related to the lawsuit that lists Evans as an attorney. However, Baumgarten had no reason to ask about Evans. Evans' involvement in his case was nominal. She was one of three attorneys to file a notice of appearance. She did not sign or file any documents associated with the case. Yet Baumgarten inquired about only Evans.

Finally, there is substantial evidence that Baumgarten knew or should have known that his conduct would "intimidate, frighten, or threaten" Evans "even if" he "did not intend to" do so. RCW 7.92.020(3)(c)(iii). Baumgarten testified that he has an "obsessive need" to get his "analysis questions . . . answered." Baumgarten admitted that when he confronted Evans on the bus, he "could tell she was uncomfortable." And he elicited testimony from both of his witnesses

that people often mistake his incessant questioning for dangerous behavior or harassment.

We conclude that substantial evidence supports the trial court's issuance of the stalking protection order, and affirm.

Burns, J.

WE CONCUR:

Smith, J.

Lippelwick, J.