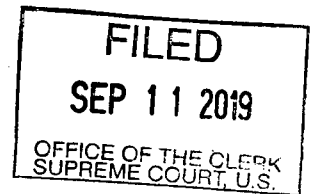


No. 19-6629

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

JACQUELINE M. KING — PETITIONER
(Your Name)

vs.

DISTRICT OF COLUMBIA
_____ — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

DISTRICT OF COLUMBIA COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

JACQUELINE M. KING

(Your Name)

4812 IOWA AVE NW

(Address)

WASHINGTON, DC 20011

(City, State, Zip Code)

202-203-0047

(Phone Number)

QUESTIONS PRESENTED

Whether the District of Columbia violated Petitioner's due process rights under the Fifth and Fourteenth Amendments to the U.S. Constitution by suspending Petitioner's drivers license for unpaid parking tickets without prior notice that such suspension could occur and result in criminal charges

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

TABLE OF AUTHORITIES CITED

CASES

PAGE NUMBER

STATUTES AND RULES

OTHER

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix B to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was Feb. 8, 2019.
A copy of that decision appears at Appendix B.

☒ A timely petition for rehearing was thereafter denied on the following date: June 13, 2019, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTION AND STATUTORY PROVISIONS

FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

FOURTEENTH AMENDMENT TO THE UNITED STATES
CONSTITUTION

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CONSTITUTION AND STATUTORY PROVISIONS

FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

FOURTEENTH AMENDMENT TO THE UNITED STATES
CONSTITUTION

STATEMENT OF THE CASE

In the late afternoon of May 24, 2013 Petitioner, Jacqueline M. King ("King or Petitioner") was stopped by two Police Officers of the DC Metropolitan Police Force ("Respondent" or "DC MPD") at the intersection of Rhode Island Avenue NE and 4th Street NE in Washington DC for driving with an expired car registration.

The female Officer asked for Petitioner's driver's license to write Petitioner a citation and Petitioner complied. The Officer went back to the squad car and after a long time both Officers (one male and the other female) instructed King to step out of the car and to place her hands on the back of the car. The female Officer proceeded to handcuff King. Neither MPD Officer told King why she was being handcuffed.

A female passenger who was in the car with King stepped out of the car and asked the Officer why King was being handcuffed. One of the Officers told the passenger that Petitioner's driver's license was suspended.

King was placed in a police paddy wagon which was dispatch to the scene and transported to the 5th Precinct where she was processed and detained. King was released on her own personal recognizance after 3 to 5 hours and given a court date to appear in the DC Superior Court Traffic Adjudication. Petitioner, inquired of the Desk Officer at the precinct as to

why she had been arrested and the Officer stated that he did not know but that Petitioner go to the D.C. Department of Motor Vehicles "DMV" and she should not forget to appear in Court (or a bench warrant would be issued).

On or about May 28, 2013 King visited the DMV and was informed by a Representative there that her driver's license had been suspended for failure to pay parking tickets. Petitioner provided proof to the DMV Representative that Petitioner did not owe the exorbitant amount that was in the system. The Representative verified this fact and cancelled the amount that appeared on the computer in the system. King told the Representative at the DMV that she never received any notice of unpaid parking tickets and that she should have been made aware of, but was not, in a written notice of the consequences of failure to pay outstanding parking tickets including suspension of one's driving privileges and possible detainment on criminal charges. King appeared in criminal court in the DC Superior Court at a later date where she was found guilty of driving on a suspended driver's license and ordered to perform community service.

Petitioner brought an action against Respondent the District of Columbia ("Respondent" or the "District") on May 24, 2016 alleging Wrongful Detention and Abuse of Process, Violation of Civil Liberties, Negligence and IIED in connection with her arrest and detainment. Pursuant to Appellee's Motion to Dismiss Petitioner's Complaint under DC Superior Court Civil

Rule 12(b)(6), the DC Superior Court dismissed Petitioner's Complaint on all Counts. King noted an appeal of the trial court's decision and the DC Court of Appeals affirmed the decision on February 8, 2019. King sought rehearing or rehearing en banc in the DC Court of Appeals. On June 13, 2019 the DC Court of Appeals denied Petitioner's rehearing or rehearing en banc.

REASONS FOR GRANTING THE PETITION

The District of Columbia violated Petitioner's due process rights under the Fifth and Fourteenth Amendments to the U.S. Constitution by suspending Petitioner's drivers license for unpaid parking tickets without prior notice that such suspension could occur and result in criminal charges

King maintains that the DC Court of Appeals completely missed the point when it affirmed the decision of the trial court dismissing King's due process violation and violation of civil liberties claims. The Appellate Court opined that the trial court's conclusion that King's admission that she was driving on an expired car registration gave the police probable cause to arrest her and that her due process rights under the Fifth and Fourteenth Amendments to the U.S. Constitution and her civil liberties.

Whether King was driving on an expired registration and whether King did not deny that she had outstanding parking tickets had nothing to do with Petitioner's claims of due process violations and violations of her civil

liberties¹. The issue is that the District of Columbia suspended King's license without giving prior notice that failure to pay a parking ticket could result in a suspension of one's driver's license. In addition, there is nothing in this record that indicates that King was arrested because the DC MPD stopped King on the spot and suspended her license her driver's license because her car registration had expired. Here Petitioner was denied the equal protection of the laws under the Fourteenth Amendment to the U.S. Constitution.

The point here is that Appellant (nor anyone else living on the District) is given prior notice that failure to pay a parking ticket could result in the suspension of one's driver's license. Any violation that could result suspended driver's license and the attachment of resulting criminal charges must include notice that failure to correct the violation could result in criminal charges. This is an obvious violation of Appellant's due process rights under the Fifth Amendment to the US Constitution and the Fourteenth Amendment.

Neither the trial court nor the Court of Appeals referred to any statute or law in the District's Regulations that state that failure to pay a parking violation could result in the suspension of a driver's license. Indeed, there is no such notice on a parking ticket issued by the District of Columbia. By contrast, citations issued for moving violations carry such a notice and the

¹ Appellant notes here that she did indicate in her pleadings that she did not owe for the parking tickets alleged as owed by the District.

operator of the vehicle is warned of a possible suspension of his or her driver's license depending upon the seriousness of the moving violation or the failure to correct such moving violation.

The DC Court of Appeals incorrectly opined that King's claims relating to due process violations (and civil liberties violations) were vague and conclusory. Petitioner specifically alleged facts in support of her claims that the state action without notice of the possible suspension of one's driver's license if she did not pay and an opportunity for a fair hearing on this issue violated her due process rights under the Fifth Amendment to the U.S. Constitution. It is unconscionable and unreasonable for the District to impose such a harsh penalty of suspension of a driver's license and the imposition of criminal charges for failure of paying parking tickets which results in an arrest of one's corpus without ever notifying the individual that failure to pay a parking ticket which results in such a serious consequence. Once again Petitioner was denied the equal protections of the laws afforded in the U.S. Constitution and her liberty interest was unprotected.

The DC Court of Appeals cites *Santos v. District of Columbia*, 940 A.2d 113, 118 (DC 2007); *Loftus v. District of Columbia*, 51 A.3d 1285, 1286 (DC 2012) in support of its affirmation of the trial court's dismissal of Petitioner's claim. However, the Court of Appeals' reliance on these cases is totally beside the point. King never argued that operating a motor vehicle without a

valid permit is not a violation; of course it is. King has argued throughout that the error on the part of the District of Columbia is that it will arbitrarily and capriciously suspend a driver's license for parking tickets without giving any notice or warning that a failure to pay the tickets would result in a suspension of an operator's permit and the imposition of criminal charges. The issue here is that the alleged offender has no knowledge of the offense and there is nothing in the District's regulations concerning this matter.

A DC resident has no due process protections under these conditions. The DC Court of Appeals Memorandum Opinion deals with what happens after a suspension. The Appellate Court like the trial court, fails to address the fact that a driver's license cannot be suspended or revoked without due process. *Santos*, supra at 940. The case cited by the Court namely *Santos v. District of Columbia* actually supports Petitioner's position. There the Court of Appeals stated in pertinent part:

... a driver's license cannot be suspended or revoked without due process, including both fair notice of a traffic violation charge and the *potential penalties* and the right to a hearing ...

While the District may comply with notice of the violation even the right to a hearing (although somewhat dubious), it fails to comply with notice of potential penalties including suspension of an operator's permit with respect to parking tickets. This is the very issue that Petitioner has argued

through this case. “Due process (civil liberties) is the legal requirement that the state must respect all legal rights that are owed to a person. Due process balances the power of the law of the land and protects the individual person from it. Due process embodies the right to be warned of constitutional rights (life, liberty, etc.) at the earliest stage of criminal process. BLACK’S LAW DICTIONARY Sixth Edition, pg 500; *Vaughn v. State*, 3 Tenn. App. 54, 456 S. W. 2d 819, 883 (1996). King maintains that the District committed two due process violations in this instance, 1) it failed to notify King that failure to pay a parking ticket could result in suspension of her driver’s license and 2) it failed to notify King that her driver’s license could be suspended prior to the actual suspension and the penalties that would attach. Rehearing or rehearing en banc should not have been denied on this issue.

b. The District of Columbia’s Practice of Suspension of a Driver’s License for Unpaid Parking Tickets Constitutes Abuse of Process.

King incorporates by reference the facts and arguments outlined in the previous sections. The use of criminal process in the Court system in an effort to collect a civil debt will generally support an abuse of process claim. *McCornell v. City of Jackson*, 489 F. Supp. 2d 605, 610 (S.D. Miss. 2006). In its broadest sense, abuse of process is defined as misuse or perversion of regularly issued legal process for a purpose not justified by the nature of the process. 1 Am. Jur. 2d Abuse of Process, § 4 (1962). King maintains that the

District is an individual for purposes of legal action. Respondent is using the criminal legal process to achieve additional revenue at the expense of its residents.

The use of criminal procedure to secure payment of parking tickets falls under an abuse of process tort in that, 1) Respondent does not notify its residents of the potential of suspension of an operator's permit for failure to pay the parking ticket, 2) Respondent suspends the permit without notice yet attaches a fine to reinstate the suspended license, 3) the District arrests the motorist (unknowingly driving on a suspended permit) and fines the motorist for that infraction or violation followed by offering the option to either pay an additional fine or do community service. (from which the District benefits).

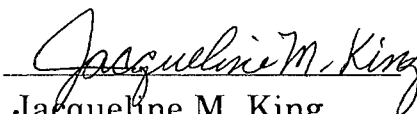
Here, the underlying cause is failure to pay parking tickets which allows the District to collect more revenue from its residents. This is true especially since several remedies are available to collect for unpaid parking tickets. These include, prevention of car registration unless all tickets are paid, booting the vehicle upon which the tickets are paid are imposed if two or more tickets are incurred and impounding the vehicle. The latter two methods involve the payment of additional fines. The District's remedies further include selling the impounded vehicle to satisfy the debt. The District also refuses to renew a driver's license unless you pay outstanding

parking tickets. In other words, Respondent has numerous ways to secure payment of unpaid parking fines especially for District residents. King contends that the business of suspending licenses for failure to pay parking tickets that involves the attachment of criminal charges including detainment and payment of additional fines abuses the criminal process. The District is extorting or collecting additional revenue from its citizens in this manner. The District's actions are consistent with abuse of process. *Jacobson v. Thrifty, Paper Boxes, Inc.*, 230 A.2d 710, 711 (D.C. 1967). Petitioner's, as she has stated throughout this Petition, rights were not protected by the District.

CONCLUSION

Based upon the above, King prays that the Court will grant the instant Petition for Writ of Certiorari.

Respectfully submitted,


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September 11, 2019