

U.S. Supreme Court No.

SUPREME COURT OF THE UNITED STATES

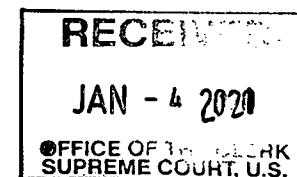
KEITH ARNOLD,
Petitioner

v
CITY OF AUBURN,
Respondent

On Petition for Writ of Certiorari to the Supreme
Court of the State of Washington

Petition for Writ of Certiorari
(corrected)

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A. QUESTION PRESENTED FOR REVIEW

Has the City of Auburn committed harassment under the cover of abuse of a position of authority against petitioner by giving petitioner a parking ticket for parking near the corner on the street in front of the same apartment and in same spot he had parked in for the prior 13+ years without getting any such ticket and have the state district, superior, appellate, and supreme court judges and appellate and supreme court commissioners added to municipal harassment all showing an abuse of discretion?

B. LIST OF ALL PROCEEDINGS

(also see, Washington State Appellate Court
CERTIFICATE OF FINALITY [Appendix page A-ii])

King County District Court, State of Washington, Auburn Courthouse, Case No. 98182, City of Auburn, plaintiff, vs Arnold, Keith, defendant, judgment entered October 19, 2018.

King County Superior Court, State of Washington, Cause No. 18-2-55775-5 SEA, City of Auburn, plaintiff/respondent, v. Keith L. Arnold, defendant/appellant, judgment entered June 28, 2019.

Court of Appeals, State of Washington, Division I, No. 80246-1-I, City of Auburn, respondent, v. Keith L. Arnold, petitioner, judgment entered October 10, 2019, order denying motion to modify was entered on January 15, 2020.

Supreme Court of the State of Washington, No. 98176-1, City of Auburn, respondent, v. Keith L. Arnold, petitioner, judgment entered April 23, 2020, order denying motion to modify was entered on July 8, 2020.

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C. BASIS FOR JURISDICTION

Review is sought on the Supreme Court of the State of Washington, No. 98176-1, City of Auburn, respondent, v. Keith L. Arnold, petitioner, judgment entered April 23, 2020 and order denying motion to modify entered on July 8, 2020.

This Court's jurisdiction is the U.S. Constitution, 14th Amendment, Section 1 states no State shall "deny to any person within its jurisdiction the equal protection of the laws". Harassment under the cover of abuse of a position of authority (abuse of discretion) denies equal protection of the laws.

D. CONSTITUTIONAL PROVISIONS

U.S. Constitution, 14th Amendment

Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

E. STATEMENT OF THE CASE

The superior court judge Ruhl completely ignored my Brief of Appellant, (Bapl) [Appendix p.

A-7 (A-7)]; Reply Brief of Appellant, (RBAplt) [A-45]; Appellant Objection to Brief of Respondent, (ApltO) [A-59]; and Post-Deadlines Misbehavior by Appellee, (PDMAAee) [A-61].

Judge admits something is wrong here using the word "hassle" saying, "he's lived there 14 years and never had a hassle" [hearing disc time 3:04:07p], [A-7].

On September 10, 2004 I moved into my current apartment 404 22nd St SE, Apt.A, Auburn, WA 98002 which is the first apartment or residence at the corner with D St SE. I started parking in the 2 street parking spaces in front of my apartment immediately. There was no off street parking by my apartment but there were initially (but no longer) carports in the rear of my building which required additional costs to use. I had no parking problems with the City of Auburn for years.

Then in 2008 I appeared on the primary ballot for U. S. Representative for the first time but didn't advance to the November 2008 General Election. Then in December 2008 I got my first parking ticket from the City of Auburn. It was for parking more than 72 hours on the street which I'd done since 2004, [BAplt p4][A-10]. When I got the 72 hour ticket I called the police department and spoke to the supervisor (sergeant, I think) and said I've parked here for over four years sometimes a month or more at a time without ever having a problem and asked the supervisor why did the cop give me a ticket now. The supervisor in a frustrated sounding voice told

me (as exactly as I recall now), "I don't know, trying to impress his boss or something, I don't know". The 72 hour parking ticket used a general address "400" instead of my actual address "404" which made it less obvious that I was just parked in front of my home [A-10, A-25]. When I got the 72 hour ticket I remember days before that seeing an old RV relatively new to the area parked in the middle of my block with a 72 hour citation sticker on it (BAplt p6)[A-12].

"On SA 9/15/18 at 7:51p I parked on D St because 2 cars were parked in front of my apt when I returned home. At 8:45p a White female Auburn cop (short height, medium-size, tied-back tan hair, no glasses, I think her name tag said "A'Slate") came and told me they got a complaint about cars too close to the corner and she wasn't going to cite me but parking enforcement might and she recommended I look around in about half an hour for another parking spot. I told her I was watching for one of the cars in front of my apt. to leave so I could move. That cop responded "awesome" and left." [BAplt p/5][A-11]

"On April 30, 2019 at 3:55 pm when I started to cutter the weeds in the side corner of my yard by D St., there was an Auburn Police Parking Enforcement white SUV with WA plates 513450 driven by a short white female with no passenger in the 15 minute parking space right behind a white

Acura MDX SUV (which was empty) with WA plates BLB4559 which was parked on D St at the 22nd St SE corner in the space in front of the 15 minute parking space [PDMAee p1][A-61].

'As I wrote their information the female cop yelled at me (no one else was around) "your apartment manager sent me this Jim Brass". I never said anything to the female cop. [PDMAee p2][A-62]

'At the hearing the district judge, saying it didn't matter, sustained an objection to my asking who made the original complaint in 2018 [hearing disc time 2:51:25p]. If who made the original complaint doesn't matter, then why did this cop on 4-30-19 voluntarily say my building manager Jim Brass made the complaint? [PDMAee p2][A-62]

I was given the 30 foot ticket in this case the day before I received the Primary voters' Pamphlet with me as a candidate for the 8th Congressional district of Washington on 7-18-18 [BAplt p3][A-9]. At the trial when the district court judge asks me if I wanted to call any witnesses and I said I never got a response to my request for a subpoena [BAplt p6][A-12]. Judge says "it's your responsibility to have the subpoena served that's what the order says."

[2:57:10p] I said I thought I had to wait for the court's permission to serve it. Then the judge asks what do I think that witness would testify to. I mention 72 hour ticket 9 years ago and I spoke to Pierson about getting this ticket voided because I

believe they were targeting me. Judge says "it doesn't sound, based on that offer of proof that, the witness would have offered relevant evidence." [BAplt p6, 7][A-12 to A-13]

The city cited another car for being too close to the curb on the day it cited me in 2018. [BAplt p.5][A-11]. District "Judge interrupted me 3 times without prosecutor Thompson first objecting or saying anything" [BAplt p7][A-13]

District "Judge asks Thompson if Auburn adopts a RCW by reference. Thompson pauses, seems lost, stunned, and clueless and responds "just one second" [3:00:00p] and has to look up the judges reference. While Thompson looks up reference judge just gave him, judge explains to me modification of the corner is what Conner is referring to" [BAplt p7][A-13].

Issuing officer "Conner cited an Auburn not state code on the ticket" [BAplt p8][A-14]. 'Conner said she's worked for Auburn parking enforcement "4 years and 11 almost 10 and a half months" [2:36:10p]" [BAplt p2][A-8].

District Judge says go to the city legislature, but city legislature and mayor and police chief say go to court (judge) for 2018 ticket [BAplt p8][A-14].

District judge said "it's too bad that uh the city can't paint those curbs or something just but, but it's the state law you can't park within 30 feet of the controlled intersection" [BAplt p8][A-14].

Also, 'both curbs at my 404 22nd St. corner had yellow paint on them for the first time in the 14 years I've lived there when I returned home at 6:25 pm Tuesday, April 2, 2019' [RBAplt p2][A-46].

Also, 'instead of giving me a simple tape (or CD) that could be put in a player, the district court added unnecessary complications and obstructions by giving me a CD that encoded the audio into several files that then had to be decoded by a special player provided by a company, apparently, based in Australia. As an additional obstacle that Australian company wouldn't simply provide a transcription of the audio and I had to ask them twice before they answered (giving a Denver, Co address) but denied my email request for one' [BAplt p9][A-15].

The superior court issued its ORDER SETTING RALJ CIVIL APPEAL CASE SCHEDULE on 11/21/19 setting the Brief of Respondent filing deadline at 4/3/19 [A-6]. The City of Auburn filed its brief long after this deadline without giving a valid reason then I filed an objection [ApltO'p1][A-59]. In the City's Response to Objection page 1 [Rob p1][A-68] the City presented as exhibit A [RobEx A][A-70] a 3-27-19 superior court email delaying oral argument which the City tried to claim extended the deadline for the Brief of Respondent and Appellant's Reply Brief (but, obviously, not the Appellant's Brief due 3-6-19). In that email the superior court bailiff, Laurie Watson, said "Apparently Mr. Arnold's email

address is no longer valid", but this email doesn't say any attempt was made to tell me by paper mail about this hearing change. [RobEx A][A-70][A-73]. I had received the Case Schedule by paper mail.

That ORDER SETTING RALJ CIVIL APPEAL CASE SOHEDULE on page 3 set oral argument before the assigned judge at 8:30 am 5/3/19 [A-6]. That case schedule states on page 2, Notices of Appearance, Notices of Withdrawal must be filed with the opposing party. At the end of that case schedule on page 3 under "III. ORDER", it states, "It is ORDERED that all parties involved in this action shall comply with the schedule listed above and that failure to meet the listed event dates will result in the dismissal of the appeal".

I appeared for oral argument at 8:30 am 5/3/19 but the court room was empty. I had to go all over the building trying to find out what was going on but couldn't find the answer. The clerk's office didn't open until 9 am and I couldn't find anyone in Ruhl's court room until after 9 am. The bailiff finally told me they had sent an email that reached the City of Auburn but not me. It turned out the Superior Court had misspelled Illinois in my email address, so I never got the email [A-73]. I never received a letter telling me the oral argument date was changed.

Comeau was the city's attorney at oral argument and Thomsen was not there. Prior to oral argument on 6/28/19 I did not receive Notice of Appearance for Comeau nor Notice of Withdrawal for Thomsen.

I filed my Post-Deadlines Misbehavior by Appellee [A-61] before the 6-28-20 oral argument which included the city putting yellow paint on the curbs near me [PDMAee p3][A-63], [photos A-77 to A-78]

I live on the east side of the D St and 22nd St SE intersection and on the south side of 22nd St SE. The D St and 23rd St intersection behind me looks the same as mine. Both have fourplexes and form a t-intersection with residences instead of street on the west side of the intersection. The only difference is D St is about half as wide at 23rd St as at my street.

As of Saturday, 4-13-19, there is no yellow (nor any other color) paint on the curbs on 23rd St SE at D St and cars still park in the slot next to the D St corner on the south side of 23rd St. Therefore, the City of Auburn painted my corner but not others to show off they were blatantly targeting and harassing me. [RBapl p2][A-46] [photos A-79]

As of Wednesday, August 21, 2019 there is no yellow paint at either end of 23rd St SE block behind me. I was out of town July 3 to 14, 2019. When I left for work at 4:59a MN 7/15/19 first time I noticed the yellow paint on both sides of 22nd St at F St (opposite end of my block) was longer and now about 10 to 12 feet long from F St.

When I left for work at 4:59a TU 7/16/19 first time I noticed the yellow paint on 22nd St (at the

opposite end of my block but on my side of the street) from the apt building driveway toward F St was about 10 feet or longer (supposed to be 5 feet?) leaving enough unpainted parking space on 22nd St from that driveway to the F St corner for only one car.

Superior court judge Ruhl never gave a written answer to my Appellant Objection to Brief of Respondent which stated I should win by default. His only response was a verbal claim at oral argument that he was interpreting something (a case, I think) to deny me default judgment.

Kanazawa notes the city points out the \$200 amount, but ignores the city, also, points out by its CITY OF AUBURN'S ANSWER TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW page 3 (Cans p3) states:

"(3) If the decision involves an issue of public interest which should be determined by an appellate court; or, and "(4) If the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by the court of limited jurisdiction, as to call for review by the appellate court."

Kanazawa's dismissal states, "The City of Auburn correctly points out that this Court lacks jurisdiction over civil cases when the amount in controversy does not exceed \$200. RCW 2.06.030".

Kanazawa's dismissal incorrectly ignores my "B. REPLY ARGUMENT" in REPLY TO CITY OF AUBURN'S ANSWER TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW [RMDR] pp 1-3;

"My MDR clearly shows the issue is not about money nor personal property but about harassment under the cover of abuse of a position of authority which is clearly and strongly an issue of public interest."

Respondent's CITY OF AUBURN'S ANSWER TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW page 3 (Cans p3) states: "(3) If the decision involves an issue of public interest which should be determined by an appellate court; or

The public interest is clearly the city, district court, and superior court members threatening the public by abusing positions of power. Any instance of abuse of power is a threat to the entire public because one citizen being victimized proves others can be victimized. The City trying to call this matter "private" when it states "public, rather than his own private, interest" [Cans p4] is blatantly and obviously false. Obviously, the public interest is the combination of private interests.

As the City stated, this is not about recovering the monetary amount nor property but "whether the district and superior court abused their discretion" [Cans p1]. The City's answer should have included whether the City and police "abused their discretion".

because that is what the rare tickets were and started and I included them all along.

Harassment under the cover of abuse of a position of authority against petitioner strongly involves an issue of public interest which should be determined and protected by an appellate court. Accordingly, it is worth far more than \$200.00 because any monetary sanction should be greater than \$200.00.

The City states, "(4) If the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by the court of limited jurisdiction, as to call for review by the appellate court." [Cans p3]. The City and police far departing from the accepted and usual course of their proceedings, procedures, or actions is significantly similar because a departure is important by anyone in a public position whether judicial, city, or police.

My not getting a 72 hour ticket until 2008 after I'd lived in my apartment more than 4 years [MDR p2] and "Judge admits something is wrong here using the word "hassle" saying, "he's lived there 14 years and never had a hassle" [hearing disc time 3:04:07p]. [A-7]" strongly proves a departure from the accepted and usual course of proceedings by authorities.

The authorities further show this is a departure by when I asked the supervisor why did the cop give me a ticket now. The supervisor in a

frustrated sounding voice told me (as exactly as I recall now), "I don't know, trying to impress his boss or something, I don't know"? [MDR p2].

The authorities still further show this is a departure by

"At 8:45p a White female Auburn cop (short height, medium size, tied back tan hair, no glasses, I think her name tag said "A Slate") came and told me they got a complaint about cars too close to the corner and she wasn't going to cite me but parking enforcement might and she recommended I look around in about half an hour for another parking spot. I told her I was watching for one of the cars in front of my apt to leave so I could move. That cop responded "awesome" and left. [BAplt p 5][A-11], [MDR pp2-3]"

Saturday, September 7, 2019 9:44 am when I walk by, this is first time I notice yellow paint on both sides of 22nd St at F St (opposite end of my block) (was about 10 to 12 feet long from F St) and yellow paint on curb on F St at northwest side (21st St side)(end of my block) is completely painted over with gray paint so yellow paint has been removed there [photos A-80,A-81]. At 6:20 pm when I walk by again returning home, all yellow paint on 22nd St at F St end of my block, on F St at end of my block, and on 22nd St opposite end of my block at both first apartment building driveways from F St is all

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painted over with gray paint so the yellow paint has been removed. The yellow paint on both sides of the apartment building driveway entrance by 425 22nd St fourplex is still there and still goes to the fire hydrant in front of 425 22nd fourplex. At 6:44 pm, no paint on 23rd St 400 corner at D St (match of my apt) nor at other end at F St [photos A-82], and a vehicle is parked in slot by corner in front of 404(?) 23rd St (match of my apt) and across street at 401(?) 23rd St. slot by corner. No paint on D St at 22nd St corner by 401, (across street from me). Yellow paint still on 22nd St on both sides at D St in front of my apartment and across my street. No mobile excess-speed-flashing warning sign on D St by 404C/D 22nd St (rear of my building and resident manager Jim Brass's apt.). As of Sunday, February 9, 2020 this is unchanged from this successive [unclear] year.

I am a Black male who appeared in the hearings at the district and superior courts.

The Supreme Court of the State of Washington commissioner claimed my argument is "unpersuasive" [A-iii].

The Supreme Court of the State of Washington without stating a reason, denied my motion to modify its commissioner's ruling.

F. ARGUMENT

My argument continues to be the statements in my filings Brief of Appellant, (BAplt)[Appendix p. A-7 (A-7)]; Reply Brief of Appellant, (RBplt) [A-45]; Appellant Objection to Brief of Respondent, (ApltO)

[A-59]; and Post-Deadline's Misbehavior by Appellee, (PDMAee)[A-61] which Ruhl ignored.

"Though the City of Auburn should lose for harassment under the cover of abuse of a position of authority, it should now lose by default of the deadline to file its court brief" [ApltO p2][A-60].

The city did not give a good nor valid reason for filing its brief late in response to the superior court's case schedule. Once the schedule is set in writing by the court unless it is specially changed in writing it is not changed. Oral argument may have been changed (the superior court intentionally not telling me about the change makes that questionable) but nothing was written nor changed about the due dates.

"The repealed city codes in Appendix A indicate the difficulty in writing codes that include enough options to cover every situation in every part of the city. Since it is impossible to write (or formulate) a law (state or city code) long enough that covers every possibility, discretion is necessary in the enforcement (implementation) of laws. Those (city and state legislatures here) formulating guidelines (laws or codes here) can't detail every situation that will be encountered by those (cops here) implementing them. That is why cops should have and do display discretion by not citing every time a law could be ticketed. This is easier than writing every

possible exception which no legislature (state or city) could do." [BAplt p1-2][A-7 & 8]

"Some or most Auburn cops aren't abusing parking code discretion and it seems only Auburn parking enforcement is." [BAplt p. 5][A-11].

The City of Auburn used poorly written parking rules as cover to harass me for running for Congress. The fact that the 72 hour rule wasn't used until I had lived there for 4 years and the 30 foot rule wasn't used until I had lived there for 13+ years shows the legislatures formulation of these rules was so poor that the police wisely didn't implement in every situation. The only change in the situations here where I was cited is the city couldn't find any other excuse to harass me.

The City later put yellow paint around my home at 22nd St but not the next block of 23rd St which is almost exactly like mine to harass me even more by showing they weren't putting the same restrictions on the next block nor other persons.

The district court intentionally and blatantly blocked my chance to call witness by not responding to my subpoena list. The district judge did the prosecutor's job for him by objecting for him and being biased in the City's favor. The district judge was intentionally biased against me the entire time especially at the trial because he planned on siding with the City of Auburn and against me all along.

The superior court joined in the abuse immediately on my appeal by setting oral argument

(which it planned to cancel after my brief was filed but before the City's brief was due) for a time before the clerk's office opened so I wouldn't have anyone to tell me what happened. The superior court intentionally misspelled my email address when it sent me notice the oral argument was postponed. Then the superior court was extra abusive by not using paper mail to tell me the oral argument was postponed.

Additionally, the city and its attorneys Comeau and Thomsen intentionally, blatantly, and defiantly violated the superior court case schedule by not giving me Notice of Appearance for Comeau nor Notice of Withdrawal for Thomsen.

My MOTION FOR DISCRETIONARY REVIEW (MDR) presents clear strong proof the City of Auburn committed harassment under the cover of abuse of a position of authority against petitioner by giving petitioner a parking ticket for parking near the corner on the street in front of the same apartment and in same spot he had parked in for the prior 13+ years without getting any such ticket and the district and superior court judges added to that harassment all 3 showing an abuse of discretion.

My MDR clearly shows the issue is not about money nor personal property but about harassment under the cover of abuse of a position of authority which is clearly and strongly an issue of public interest.

Respondent's CITY OF AUBURN'S ANSWER
TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW page 3(Cans p3) states: "(3) If the decision involves an issue of public interest, which should be determined by an appellate court; or

The public interest is clearly the city, district court, and superior court members threatening the public by abusing positions of power. Any instance of abuse of power is a threat to the entire public because one citizen being victimized proves others can be victimized. The City trying to call this matter "private" when it states "public, rather than his own, private, interest" [Cans p4] is blatantly and obviously false.

Obviously, the public interest is the combination of private interests. As the City stated, this is not about recovering the monetary amount nor property but "whether the district and superior court abused their discretion" [Cans p1]. The City's answer should have included whether the City and police "abused their discretion" because that is what the rare tickets were and started and I included them all along.

Harassment under the cover of abuse of a position of authority against petitioner strongly involves an issue of public interest which should be determined and protected by an appellate court. Accordingly, it is worth far more than \$200.00 because any monetary sanction should be greater than \$200.00.

The City states, "(4) If the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by the court of limited jurisdiction, as to call for review by the appellate court?" [Cans p3]. The City and police far departing from the accepted and usual course of their proceedings, procedures, or actions is significantly similar because a departure is important by anyone in a public position whether judicial, city, or police.

"My not getting a 72 hour ticket until 2008 after I'd lived in my apartment more than 4 years" [MDR p2] and "Judge admits something is wrong here using the word "hassle" saying, "he's lived there 14 years and never had a hassle" [hearing disc time 3:04:07p]. [A-7]" strongly proves a departure from the accepted and usual course of proceedings by authorities.

The authorities further show this is a departure by when [redacted]

"asked the supervisor why did the cop give me a ticket now. The supervisor in a frustrated sounding voice told me (as exactly as I recall now), "I don't know, trying to impress his boss or something, I don't know". [MDR p2]. The authorities still further show this is a departure by "At 8:45p a White female Auburn cop (short height, medium-size, tied-back tan hair, no glasses, I think her name tag said "A-Slate") came and told me they got a complaint about cars too close to the corner and she

wasn't going to cite me but parking enforcement might and she recommended I look around in about half an hour for another parking spot. I told her I was watching for one of the cars in front of my apt to leave so I could move. That cop responded "awesome" and left. [BAplt p 5][A,11]" [MDR pp2-3].

The supervisor not agreeing with the 72 hour ticket and cop not giving me a ticket for being too close to the corner and warning me about parking enforcement show both tickets were a deviation from normal police practice.

"Since it is impossible to write (or formulate) a law (state or city code) long enough that covers every possibility, discretion is necessary in the enforcement (implementation) of laws. Those (city and state legislatures here) formulating guidelines (laws or codes here) can't detail every situation that will be encountered by those (cops here) implementing them. That is, why cops should have and do display discretion by not citing every time a law could be ticketed. This is easier than writing every possible exception which no legislature (state or city) could do." [BAplt p1-2][A-7 & 8]" [MDR p8].

The police practice has been not to implement 100% enforcement of an imperfectly written law the legislature has failed to improve with an update.

To further show I alone am targeted and this is a departure from accepted and usual proceedings, referring to "D St and 23rd St intersection behind me looks the same as mine" [MDR p6] as of Wednesday, September 4, 2019,

"there is no yellow (nor any other color) paint on the curbs on 23rd St SE at D St and cars still park in the slot next to the D St corner on the south side of 23rd St. Therefore, the City of Auburn painted my corner but not others to show off they were blatantly targeting and harassing me." [MDR p6].

Also, "The City later put yellow paint around my home at 22nd St but not the next block of 23rd St which is almost exactly like mine to harass me even more by showing they weren't putting the same restrictions on the next block nor other persons."

[MDR p8]

Notably, on Wednesday, August 28, 2019 about 6:30 pm for the first time there was a mobile excess-speed-flashing warning sign with a "25" speed limit metal sign above its flash board is on D St by 404C/D 22nd St (rear of my building) just pass intersection with 300 block of 23rd St (from A St) facing 22nd St and me as I walk home from work.

This scanner was gone for the first time on September 3, 2019. The next day on 8-29-19 the City efiled and eserved their answer to my motion for review.

This 404C/D is the address of my building resident manager Jim Brass included here. "As I wrote their information the female cop yelled at me (no one else was around) "your apartment manager sent me this, Jim Brass". I never said anything to the female cop." [PDMAee p2][A-62]" [MDR p1]. Therefore, this looked like a favor to Jim Brass for his helping the City with their abuse.

Also, Thomsen's statement

"The City believes, but is not certain, that issue presented" [Cans p1]

is the same as

"Thompson pauses, seems lost, stunned, and clueless and responds "just one second" [3:00:00p], and has to look up the judges reference." [MDR p4] showing Thomsen's incompetence.

The City citing the \$200 threshold in "City of Bremerton v. Spears, 134 Wn.2d 141, 153, 949 P.2d 347 (1998)" [Cans p3] shows premeditation. The premeditation was parking enforcement and the City and its attorneys planned to use the \$200 threshold from 1998 (long before these 2 tickets) as an excuse to get away with this abuse if it was contested.

Thomsen's appeared to be back in and Comeau out as they go in and out without serving an appearance or withdrawal. This "back in" by Thomsen is to cover up the City "violated the superior court case schedule by not giving me Notice

of Appearance for Comeau nor Notice of Withdrawal for "Thomsen" [MDR p9] by setting up a false claim Thomsen never left.

Additionally, on Tuesday, August 27, 2019 about 6:25 pm when I returned home there was a message on my answering machine time stamped 2:43 pm. In this message the caller's stated:

- her name was "Jacqueline" (she didn't give a last name) and she was with the Washington State court of appeals;
- she was calling regarding my "motion for discretionary" (the next word may have been "review" but it was mostly unintelligible) I filed August 23;
- she was calling about 2 things about my motion: one was the motion was due August 12 and I need to file a motion for extension of time, the second was I filed two copies of my motion and she can't tell why and there's no explanation as far as the difference;
- her direct phone is 206-389-2640 and she will be in that day until about 5 pm then she won't be back until after the holiday, the case number is 803641.

I called this phone number a couple of times but only got a voice mail.

The second copy was filed because the first didn't have MOTION FOR DISCRETIONARY REVIEW on the title page and that is the only difference between the two. I did not file a motion for

extension of time because this was a phone message and not in writing and I filed in accordance with the appellate court's written instructions I received by email.

Still, "Though the City of Auburn should lose for harassment under the cover of abuse of a position of authority, it should now lose by default of the deadline to file its brief" [ApltO p2][A-60]. [MDR p7].

My ARGUMENT in my MOTION FOR DISCRETIONARY REVIEW and REPLY ARGUMENT in my REPLY TO CITY OF AUBURN'S ANSWER TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW still stand.

In addition, after I filed my REPLY TO CITY OF AUBURN'S ANSWER TO PETITIONER'S MOTION FOR DISCRETIONARY REVIEW on September, 6 2019, later that day or on the next day 9/7/19, the City of Auburn repainted the yellow paint on the curbs at the opposite end of my block gray to remove the visible parking restrictions around me while leaving the yellow paint visible parking restrictions in front of my apartment in defiance of my contesting their harassing me.

This gray paint to remove yellow paint near but not including the curbs in front of my apartment, blatantly, intentionally, and defiantly targets and harasses me and brags it is targeting and harassing me by removing visible yellow paint restrictions near me but keeping the yellow paint restrictions at my address.

Also, the appellate court gave no reason for its denial. The appellate court's denying my Motion to Modify on Martin Luther King's actual birthday of January 15, 2020 is a blatant racist message adding and/or highlighting racism to its defiance, abuse, and coverup.

The Supreme Court commissioner's page A-iii false statement that my argument is "unpersuasive" is unpersuasive.

The Supreme Court of the State of Washington denying my motion to modify its commissioner's ruling covers up for and supports the harassment under the cover of abuse of a position of authority (abuse of discretion) which denies equal protection of the laws.

The purpose of discretionary view is to prevent notice of appeal limitations such as dollar amounts being used to cover up other involved abuses like abuse of discretion. This case is a prime example of why motion for discretionary review is needed in addition to usual notice of appeal.

Therefore, the district court decision should be reversed and I should prevail in this case and should never be cited for parking my licensed vehicle clear of the crosswalk area in front of (nor on the side of) my 404 22nd St address, the harassment should end, a parking space painted for vehicles registered at the address only should be put in front of my apartment, and the yellow paint at my corner should be removed.