

Supreme Court, U.S.
FILED

AUG 29 2022

OFFICE OF THE CLERK

No. 22-427

IN THE SUPREME COURT OF
THE UNITED STATES OF AMERICA

WILLIAM VERRINDER, *Pro Se*
Petitioner,

v.

CITY OF LEWISTON, MAINE,
Respondent.

ON PETITION FOR WRIT OF CERTIORARI TO
THE SUPREME JUDICIAL COURT OF MAINE

PETITION FOR A WRIT OF CERTIORARI

October 24, 2022
William Verrinder, Pro Se
P.O. Box 58174
Raleigh, NC. 27658
919-500-6893

QUESTIONS PRESENTED

Whether the City of Lewiston, Maine, in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America, can require the Petitioner to pay \$150.00, as demanded in a Notice of Violation, to the City of Lewiston to buy a hearing or to pay \$150.00 to the City of Lewiston before the Petitioner can defend himself for the first time by challenging the constitutionality of the Respondent's demand that the Petitioner pay \$150.00 to the City of Lewiston to buy a hearing or pay \$150.00 to the City of Lewiston before the Petitioner can defend himself for the first time against a Notice of Violation that seeks to impose mandatory statutory monetary fines and the Respondent threatens to seize real property, otherwise the Petitioner automatically loses the right to defend himself in court and the City of Lewiston

automatically wins the entire lawsuit. The \$150.00 fee covers either or both the purchase of the hearing or the purchase of the ability of the Petitioner to defend himself.

Suggested Answer: No.

Whether, in violation of the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America, the Respondent can first tell, three years after filing the lawsuit and issuing the Notice of Violation, the Petitioner of a non-existent waiver to the \$150.00 fee to buy a hearing or \$150.00 fee before the Petitioner can defend himself for the first time against a Notice of Violation (NOV) that seeks to impose mandatory statutory monetary fines and the Respondent threatens to seize real property; and when the non-existent waiver, as emphasized by the dissent, isn't

mentioned in the Notice of Violation, and as the dissent states, there isn't a city ordinance that allows the Zoning Board to waive the \$150.00 fee to buy a hearing or waive the \$150.00 fee for the Petitioner to defend himself for the first time against the Notice of Violation, and when as the dissent emphasizes the Respondent never argued that the \$150.00 fee could be waived.

Suggested Answer: No.

Whether, in violation of the Eighth Amendment to the Constitution of the United States of America, the City of Lewiston can use a Notice of Violation to impose unconstitutionally excessive mandatory statutory fines for the Petitioner having had deliberately disorderly, for artistic purposes, placed household items and other non-dangerous items on the Petitioner's lawn that expressed political speech either with the political speech painted on the items

or written in magic marker on the smaller items, and the political speech is very similar to political speech that has all ready been approved by the Supreme Court of the United States of America in *Cohen v. California*, 403 U.S. 15 (1971), which is why it was used, and when the City of Lewiston has never presented any sworn affidavits that the household items, sheetrock, tires, and other items listed in the Notice of Violation cannot also qualify as political speech when political speech is written on them, and when the dissent below states that none of the items posed any type of danger to anyone, and when the Respondent has never claimed by affidavit that the items posed a danger to anyone, and when the Code Enforcement Officer states that during his investigation he deliberately avoided asking the Petitioner any questions about the political speech before issuing the Notice of Violation.

Suggested Answer: No.

Whether, in violation of the First Amendment to the Constitution of the United States of America, the City of Lewiston can use a Notice of Violation to impose mandatory statutory fines for the Petitioner having had deliberately disorderly, for artistic purposes, placed household items and other non-dangerous items on the Petitioner's lawn that expressed political speech either with the political speech painted on the items or written in magic marker on the smaller items, and the political speech is very similar to political speech that has all ready been approved by the Supreme Court of the United States of America in *Cohen v. California*, and when the City of Lewiston has never presented any sworn affidavits that the household items, sheetrock, tires, and other items listed in the Notice of Violation

cannot also qualify as political speech, and when the dissent below states that none of the items posed any type of danger to anyone, and when the Respondent has never claimed by affidavit that the items posed a danger to anyone.

Suggested Answer: No.

PARTIES TO THE PROCEEDING

The Petitioner is William Verrinder. He was the defendant in the Superior Court proceeding and the Appellant in the appellate proceeding. The Respondent is the City of Lewiston, Maine, and it was the Plaintiff and Appellee.

DIRECTLY RELATED PROCEEDINGS

City of Lewiston, Maine v. William Verrinder, CV-18-128, Androscoggin County Superior Court, Order Granting Plaintiff's Motion for Summary Judgment, entered January 14, 2021.

William Verrinder, Appellant, v. City of Lewiston, Maine, 22 ME 029, Supreme Judicial Court of the State of Maine, opinion denying Petitioner's appeal, entered on May 31, 2022.

This case was removed to the United States District Court for the District of Maine and remanded; the

docket number is 2:18-cv-00028-JAW, and it was captioned *City of Lewiston v. William Verrinder*. It was remanded on August 20, 2018.

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	2
PARTIES TO THE PROCEEDINGS	8
DIRECTLY RELATED PROCEEDINGS	8
TABLE OF CONTENTS	10
TABLE OF AUTHORITIES	12
PETITION FOR WRIT OF CERTIORARI	13
OPINIONS BELOW	13
JURISDICTION	13
CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES INVOLVED	18
STATEMENT OF THE CASE	21
REASONS FOR ALLOWANCE OF THE WRIT	34
CONCLUSION	42
APPENDIX	46
Majority Opinion of the Supreme Judicial Court of Maine	48

Dissenting Opinion of the Supreme Judicial Court of Maine	72
Androscoggin Superior Court Opinion	109
Notice of Violation	131
30-A M.R.S. § 4452	138
Chapter 18, Property Maintenance Code:	141
Section 302.1. Sanitation	141
Section 304.10 Stairways	142
Maine Rules of Civil Procedure Rule 80K	143
Petitioner's Motion for Summary Judgment	149
Petitioner's Response to the Respondent's Motion for Summary Judgement	186
Petitioner's Appeal Brief to the Supreme Judicial Court of Maine	221

TABLE OF CITED AUTHORITIES

Boddie v. Connecticut, 401 U.S. 371, 377 (1971) .4, 18

Citizens United v. Federal Election Commission,
558 U.S. 310, pg 33 slip opinion
(2010)5, 6 13, 20, 21, 22

Cohen v. California, 403 U.S. 15
(1971).....5, 9, 13 14, 16, 20

Little v. Streater, 452 U.S. 1, 3-4, 16-17
(1981).....19

Mkt. St. R. Co. v. R.R. Commission of Cal.
324 U.S. 548, 551 (1945).....8

Mullane v. Central Hanover, 339 U.S. 306
(1950)5, 19

Timbs v. Indiana, 586 U.S. __, 139 S.Ct. 682
(2019).....5, 21

Windsor v. McVeigh, 93 U.S. 274, 277(1876).....4, 18

28 U.S.C. §1257(a)..... 7

Lewiston Ordinance Sec. 2-166. Jurisdiction and
manner of taking appeals10, 13, 19

PETITION FOR WRIT OF CERTIORARI

The Petitioner respectfully petitions this Court for a writ of certiorari to review the judgment of the Supreme Judicial Court of Maine.

OPINIONS BELOW

The majority opinion (Citation 22 ME 029) of the Supreme Judicial Court of Maine is in the Appendix, and the dissenting opinion is in the Appendix. The Androscoggin County Superior Court opinion (Citation CV-18-128) is in the Appendix. The Notice of Violation Land Use Citation is in the Appendix.

JURISDICTION

This Court's Clerks' Office granted the Petitioner an additional 60 days after August 31, 2022 to refile this Petition, which is October 31. The lower court's opinion was issued on May 31, 2022.

The Petitioner didn't learn of the lower court's opinion until June 28, 2022.

This Court has jurisdiction pursuant to 28 U.S.C. §1257(a):

Final judgments or decrees rendered by the highest court of a State, in which a decision could be had, may be reviewed by the Supreme Court by writ of certiorari where the validity of a treaty or statute of the United States of America is drawn in question on the ground of its being repugnant to the Constitution, treaties, or laws of the United States of America, or where any title, right, privilege, or immunity is specially set up or claimed under the Constitution or the treaties or statutes of, or any commission held or authority exercised under, the United States of America.

The Supreme Judicial Court of Maine's Opinion is a final judgment rendered by the highest court of the State of Maine (the "lower court"). The lower court's opinion is not subject to further review or correction in any other state tribunal; it has ended the litigation and is the final word by the final court. See

Mkt. St. R. Co. v. R.R. Commission of Cal. 324 U.S.
548, 551 (1945).

As discussed in the Statement of the Case section, the Petitioner raised all of the following arguments in his appeal to the Supreme Judicial Court of Maine and motion to dismiss and response to the Respondent's motion for summary judgment. The Petitioner challenges as being repugnant: (1) to the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America, the City of Lewiston's demand that the Petitioner pay \$150.00 to the City of Lewiston to buy a hearing or pay \$150.00 to the City of Lewiston before the Petitioner can defend himself for the first time by challenging the unconstitutionality, under the federal constitution, of the City of Lewiston's demand that the Petitioner pay \$150.00 to the City of Lewiston to buy a hearing or pay \$150.00 to the City

of Lewiston before the Petitioner can defend himself for the first time against a Notice of Violation Land Use Citation (NOV) that seeks to impose mandatory statutory monetary fines, otherwise the Petitioner automatically loses the right to defend himself in court and the City of Lewiston automatically wins the entire lawsuit; (2) to the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America, the Respondent violating the Petitioner's rights, by (i) not telling the Petitioner, in the Notice of Violation, of the non-existent waiver, (ii) waiting three years to tell the Petitioner of the non-existent waiver in the Respondent's reply brief to its motion for summary judgment, and (iii) as the dissent below emphasizes, the Respondent's Zoning Board never had authority under any ordinance to waive the \$150.00 fee to buy a hearing or waive the \$150.00 fee before the

Petitioner can defend himself for the first time against a Notice of Violation that seeks to impose mandatory statutory monetary fines and the Respondent threatens to seize real property; (3) to the Eighth Amendment to the Constitution of the United States of America, the Respondent using a Notice of Violation to impose unconstitutionally excessive fines for the Petitioner having had household items on the lawn that expressed political speech, either with the speech painted on or written in magic marker on the smaller household items, and the political speech is very similar to political speech that has all ready been approved by the Supreme Court of the United States of America in *Cohen v. California*, 403 U.S. 15 (1971), which is why it was used; and (4) to the First Amendment of the Constitution of the United States, the Respondent's use of fines imposed by a NOV to silence the

Petitioner's political speech that the Respondent's police tried to stop on multiple occasions.

CONSTITUTIONAL PROVISIONS, STATUTES, AND RULES INVOLVED

First Amendment to the Constitution of the United States of America:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

Eighth Amendment to the Constitution of the United States of America:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

**Fourteenth Amendment to the Constitution of the
United States of America:**

All persons born or naturalized in the United States of America, 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.

Lewiston Ordinance Sec. 2-166. Jurisdiction and

manner of taking appeals, in pertinent part,

The board of appeals may hear an appeal from a decision, order, rule or failure of any municipal entity to act relating to the following matters, except as

otherwise specifically provided for in the ordinance or codes:

- (1) Actions of the director of code enforcement regarding appendix A, zoning, of this Code.
- (6) Actions of the code official regarding section 18-51 et seq.

- (10) Actions of the code enforcement official regarding appendix A to this Code.

The fee for filing an appeal shall be set by the city council on the recommendation of the director of code enforcement. (Emphasis added and the Notice of Violation itself demands payment of \$150.00 for a hearing or to defend against the Notice of Violation for the first time.)

30-A M.R.S. § 4452 (in the Appendix)

Maine Rule of Civil Procedure 80K (in the Appendix)

Section J says defendants are entitled to appeal.

STATEMENT OF THE CASE

The Petitioner raised his Procedural Due Process arguments, under the Fourteenth Amendment to the Constitution of the United States of America, against the fee of \$150.00 to buy a hearing or buy the ability to defend himself in (1) the Petitioner's Motion for Summary Judgment in the Androscoggin County Superior Court; (2) the Petitioner's Response to the Respondent's Motion for Summary Judgment in the same court; and (3) in the Petitioner's Appeal Brief to the Supreme Judicial Court of Maine. Regarding the constitutional arguments about the non-existent waiver, the Respondent never mentioned the non-existent waiver until its Reply Brief in support of its Motion for Summary Judgment, and the Superior court refused the Petitioner's motion for leave to respond to the reply brief. The Petitioner discusses the non-existent

waiver in the Petitioner's Appeal Brief to the Supreme Judicial Court on **Appendix page 226 footnote 23 and Appendix page 239**; the Petitioner states:

"The [Petitioner] has filed six Freedom of Access Act requests to receive a copy of the fictional waiver. The City of Lewiston has never provided the waiver to the [Petitioner].

Further the Notice of Violation does not mention the fictional waiver. (See NOV page 131) The [Petitioner] looked at 26 land use lawsuits that were filed by the City of Lewiston, and none of the Notices of Violation in any of those lawsuits mentioned the fictional waiver."

The Petitioner raised his First Amendment argument in all three of the above documents. The Petitioner raised his Eighth Amendment argument

against excessive fines under the Constitution of the United States in the Petitioner's Appeal Brief to the Supreme Judicial Court of Maine and the Petitioner's Response to the Respondent's Motion for Summary Judgment. At the end of this paragraph, specific quotes from these documents appear. Both the Superior Court and the Supreme Judicial Court of Maine refused to rule on the Petitioner's Due Process constitutional arguments on the basis of the Petitioner had to pay the City of Lewiston \$150.00 first or apply for a non-existent waiver (Appendix pages 57 – 60, page 58 footnote 4, and Appendix page 120): as emphasized by the dissent, Lewiston Ordinance Sec. 2-166. "Jurisdiction and Manner of Taking Appeals" does not grant the Zoning Board authority to waive the \$150.00 fee to defend against a Notice of Violation. (Appendix pages 74, 81) Regarding the First Amendment argument, (1) the

Superior court appears to limit *Citizens United v. Federal Election Commission*, 558 U.S. 310, (2010) only to corporate political speech (**Appendix page 124**) and excluded its applicability to personal political speech on private property, and (2) both of the lower courts stated that the Petitioner's uncontroverted sworn affidavit stating the Petitioner engaged in political speech was insufficient to show that the Petitioner engaged in political speech, even though the Petitioner filed a Statement of Material Fact stating, "The [Petitioner] used household items, sheetrock, and tires to express political speech in the form of political art on his private property," and even though the Respondent has never presented any sworn affidavits stating that the items couldn't also be political speech. (**Appendix pages 63 footnote 7, and 124 - 126.**) The Androscoggin Superior Court appears to believe that the fine imposed violated the

Eighth Amendment (Dissent quoting the Superior Court, **Appendix page 77**), and the dissent from the Supreme Judicial Court of Maine says the fine violates the Eighth Amendment (**Appendix page 101 - 106**), while the majority opinion of the Supreme Judicial Court of Maine said the fine was not excessive (**Appendix pages 66 - 68**); but the fine is excessive because it fines the Petitioner for using political speech that is nearly identical to political speech that has all ready been approved by this Court in *Cohen v. California*, 403 U.S. 15 (1971).

The majority opinion notes that the issue of the constitutional validity of the \$150.00 fee to appeal has never been addressed. (**Appendix pages 57 - 60**); that Court is willing to allow the Petitioner's home to

be seized even though the \$150.00 fee is clearly unconstitutional: in other cases, that Court has *sua sponte* raised constitutional defenses on behalf of

civil defendants when “fundamental constitutional liberties” are at issue, but that Court wouldn’t do that for the Petitioner because the Petitioner used a phrase similar to that of *Cohen v. California*, 403 U.S. 15 (1971): Michael Carey, the Respondent’s attorney, waged a public relations campaign to make certain that the Superior Court and Supreme Judicial Court knew of the Petitioner’s political signs to inflame passions and prejudices against the Petitioner.

Here are the quotes, **from the Petitioner’s Appeal Brief** to the Supreme Judicial Court of Maine, (1) “The City of Lewiston violated the Appellant’s constitutional substantive and procedural due process rights to appeal to the Board of Appeals by...charging the Appellant \$150.00 to appeal to the Board of Appeals,” (Appendix page 245); (2) “the Superior Court erred by not considering the

Appellant's argument that \$40,000 in fines, for a stair tread that was missing a small bit and some household items that had political free speech written on them, violates the Eighth Amendment To The Constitution Of The United States Of America," (Appendix pages 235, 245 - 247), and (3) "If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech." (Appendix page 246 - 247).

Here are quotes from the **Petitioner's Response to the Respondent's Motion for Summary Judgment**,

(1) "Also, the \$150.00 fee to appeal the NOV violates...the [Petitioner's] constitutional privilege to have his legal rights adjudicated in accordance with...the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States of America," (Appendix page 201); (2) "The

[Respondent's] failure to provide a free hearing to appeal the NOV also violates the [Petitioner's] Due Process rights." (**Appendix page 201 - 202**); (3) "The \$40,000 In Fines For the [Petitioner's] Political Speech Violates The Eighth Amendment To The Constitution Of The United States of America," (**Appendix pages 189, 216 - 217**); (4) "If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech," (**Appendix page 211 - 212**); and (5) "Since the [Respondent] cannot fine citizens for using their First Amendment rights in the public discourse, then it cannot fine citizens for speaking on private property. The [Petitioner] has engaged in political speech by displaying, on private property, political art. The government has the burden of proving that it is not political speech, and the government has not

presented any evidence to the contrary.” (**Appendix page 212**).

From the **Petitioner’s Motion for Summary Judgment**, (1) “The \$150.00 fee to appeal the NOV that the [Respondent] demands from the impoverished [Petitioner] violates...the Fourteenth Amendment of the Constitution of the United States,” (**Appendix pages 150, 159**); (2) “If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens, for simply engaging in political speech,” (**Appendix page 168 - 169**); and (3). Since the [Respondent] cannot fine citizens for using their First Amendment rights in the public discourse, then it cannot fine citizens for speaking on private property.” (**Appendix page 169**).

Starting in the summer of 2017, the Petitioner was expressing political speech using signs made of

various materials, like plywood, sheet rock, glass bottles, two car tires, a television, and other household items and using paint on the larger signs and magic marker for the political speech on the smaller items (the Petitioner's house is situated in such a way that none of the neighbors ever had to drive by the signs; they were easily avoidable). One of the signs had political speech that referenced "you politicians," and the pertinent word from *Cohen v. California*, 403 U.S. 15 (1971). That political speech was specifically used because its kin has all ready been approved by this Court in *Cohen v. California*. Many people stopped to compliment the Petitioner on the signs, and some thought it was hilarious. A newspaper reporter stopped by stating, "This is clearly a political protest. Can I interview you?" In a way, the political speech was a precursor to the current political slogan that uses the same pertinent

word being expressed orally and in print today by millions of Americans.

The City of Lewiston knew of these political signs since June of 2017 because they sent the police in June of 2017 to investigate and to chill the Petitioner's political speech. In November of 2017, Nicholaus Richard, code enforcement officer, criminally entered the Petitioner's property (which he later denied twice under oath), without a warrant, to photograph the Petitioner's property in a way that excluded as much as possible the political speech signs, and Nicholaus Richard turned over the sheetrock signs and household items so the political speech would not appear in the illegal photographs; the City of Lewiston was concealing the true purpose of this lawsuit: silence the Petitioner's political speech. Nicholas Richard took photographs that show a small area of only ground meaning that he

had to have been standing directly over top of those spots and pointing the camera directly at the ground, and those spots are forty feet from the road, meaning that he illegally entered the Petitioner's property to take those photographs, which he also denied under oath. Nicholaus Richard was videotaped for 30 minutes in September of 2017 on the Petitioner's property, and Nicholaus Richard later stated twice under oath that he had never been to the Petitioner's property despite the neighbors calling him there multiple times in the summer of 2017. Also, the Respondent's photographs clearly show that the first step was never missing half the tread as Nicholaus Richard claimed under oath. Here are a few more important facts: Importantly, at same exact time that the Notice of Violation was issued to the Petitioner three of the Petitioner's neighbors, all within 200 feet of the Petitioner's home, had enough

stuff on their properties to fill at least one Dump Truck each: none of them got a Notice of Violation (they didn't have 'pertinent word you politicians' signs), and the Petitioner took pictures. The Respondent issued a second NOV to the Petitioner in July of 2021 for grass over 12 inches: one of the neighboring homes within 150 feet of the Petitioner's home has had grass over several feet since the summer of 2017 and continuing until today, but that property has been owned in succession by two police officers so they never received a NOV, even though both of them also express political speech. And at the time of typing this petition, 26 houses within 600 yards of the Petitioner's home have grass well above 12 inches, but none of them will receive a NOV: they don't have 'pertinent word you politicians 'signs. And last, the property immediately bordering the Petitioner's property has had grass several feet tall

on numerous occasions over the past three years and at the time of typing this petition (the Petitioner took pictures), but that property has never received a NOV: it is owned by the State of Maine, and it doesn't have a 'pertinent word you politicians 'sign.

In November of 2017, the City of Lewiston issued the Petitioner a Notice of Violation that demanded a fee of \$150.00 to be paid to the City of Lewiston to buy a hearing or that demanded a fee of \$150.00 before the Petitioner could defend himself for the first time by challenging the constitutionality of the \$150.00 fee required to be paid to the Respondent before the Petitioner could defend himself for the first time against the notice of violation.

REASONS FOR ALLOWANCE OF THE WRIT

The rulings from the Supreme Judicial Court of Maine and the Androscoggin County Superior

Court directly conflict with the rulings of this Court.

The Supreme Court of the United States of America requires that a defendant against governmental action that imposes mandatory statutory penalties be "given" or granted a hearing when a fundamental constitutional right is at stake, such as money and the Petitioner's home, and the Petitioner has the fundamental right to defend himself against governmental action by the City of Lewiston.

"[P]ersons forced to settle their claims of right and duty through the judicial process must be given a meaningful opportunity to be heard." (Emphasis added) *Boddie v. Connecticut*, 401 U.S. 371, 377 (1971), and *Windsor v. McVeigh*, 93 U.S. 274, 277 (1876), "[w]herever one is assailed in his person or property, there he may defend." The Respondent violated the Petitioner's Due Process rights by not giving him a free hearing but rather charging

\$150.00 for a hearing and by charging \$150.00 before the Petitioner, who is indigent, could defend himself for the first time against governmental action that imposes mandatory statutory monetary fines and the Respondent has threatened to seize the Petitioner's home, otherwise the Petitioner automatically loses the right to defend himself in court and the City of Lewiston automatically wins the entire lawsuit. The Petitioner quotes the dissent, paragraphs 38-39, under the dissent's heading of "Federal Precedents:"

Under the U.S. Constitution, a fee without a waiver opportunity for indigent parties violates due process when the subject matter involves a "fundamental right."

See Melder v. Carreiro, 541 A.2d at 1294.

The right to defend oneself is fundamental.

See Boddie v. Connecticut, 401 U.S. 371, 377 (1971) ("Early in our jurisprudence,

this Court voiced the doctrine that wherever one is assailed in his person or his property, there he may defend." (alteration and quotation marks omitted)); *see also* *Little v. Streater*, 452 U.S. 1, 3-4, 16-17 (1981) (concluding that a Connecticut statute requiring costs of blood testing in paternity actions be borne by the party requesting them violated due process when applied to indigent defendants).

[¶39] Here, Verrinder is not only seeking to defend against civil penalties imposed based on the use of his property, but he may very well lose his home given the size of the penalty. We have previously

referenced the "fundamental right" to property. *See Porter v. Hoffman*, 592 A.2d 482, 486-87 (Me. 1991).

(Appendix pages 95 – 96)

The dissent from the Supreme Judicial Court of Maine states, “Nothing in either the NOV or the ordinance [2-166] indicated that the appeal fee could be waived, **and the City does not argue that it could have been waived.**” (Emphasis added **Appendix page 74**). The City of Lewiston first told the Petitioner of the fake waiver three years after the start of the lawsuit in its reply brief for its motion for summary judgement, and additionally, the Petitioner filed six Freedom of Access Act requests to get a copy of the fake waiver, and the City refused to provide a copy of the fake waiver to the Petitioner. The City of Lewiston had never, before the issuance of the NOV to the Petitioner, told any recipient of a NOV of the non-existent waiver; the Petitioner went to the local court and looked at dozens of Land Use cases. Due Process requires the City of Lewiston to tell the

Petitioner, in the NOV, of the non-existent waiver: not three years after the start of the lawsuit in the City of Lewiston's reply brief for its motion for summary judgment. *Mullane v. Central Hanover*, 339 U.S. 306, 313-318 (1950). The Superior Court refused to allow the Petitioner to respond to the fabricated waiver, which also violates the Petitioner's Due Process rights.

In *Timbs v. Indiana* 586 U.S. __, 139 S.Ct. 682, 2019, Justice Ginsburg ruled, “...[T]he protection against excessive fines has been a constant shield throughout Anglo-American history: Exorbitant tolls undermine other constitutional liberties. Excessive fines can be used, for example, to retaliate against or chill the speech of political enemies, at the Stuart’s critics learned several centuries ago.”

Id. at 6.

A \$67,000.00 fine for engaging in political speech on the Petitioner's own private property is excessive and violates the Eighth Amendment because it is being used to silence the Petitioner's political speech that the Respondent particularly dislikes, and when the Respondent allowed a City of Lewiston police officer to display a white-power symbol on his house while also being in violation of Land Use Ordinances restricting the height of grass to less than 12 inches and not issuing a NOV to the police officer, and all of that was ongoing at the same time the Respondent issued the NOV to the Petitioner. The City of Lewiston violates the Petitioner's rights, under the Eighth Amendment, by using the NOV to impose excessive fines of \$67,000.00 to silence the Petitioner's political speech that is very similar to political speech that has all ready been approved by

the Supreme Court of the United States of America in *Cohen v. California*, 403 U.S. 15 (1971), which is why it was used, on his own property. The excessive fines are unconstitutional because they are a fine on political speech, which cannot be fined, and which cannot be stopped. *Citizens United v. Federal Election commission* 558 U.S. 310 pg 33 slip opinion (2010). The threats of fines and threats of seizing the Petitioner's home has unconstitutionally stopped the Petitioner's political speech.

Turning to the Petitioner's First Amendment argument, the rulings from the Supreme Judicial Court of Maine and the Androscoggin County Superior Court directly conflict with the rulings of this Court in *Citizens United* and *Timbs v. Indiana*, 586 U.S. __, 139 S.Ct. 682 (2019). "If the First Amendment has any force, it prohibits Congress from fining or jailing citizens, or associations of citizens,

for simply engaging in political speech.” *Citizens United v. Federal Election commission* 558 U.S. 310 pg 33 slip opinion (2010). Because the Government cannot fine the Defendant for engaging in political speech, any fine at all for engaging in political speech is unconstitutional. Both of the lower courts and the Respondents state that the Petitioner’s political speech was not political speech because it was either “haphazard” or “randomly strewn:” they have ruled that Political Speech must be Mellifluous and Pulchritudinous, but: (1) political protests involving thousands of people are also “haphazard,” dangerous, violent, cause billions in property damage annually, and often cause fatalities but the government allows them because they are political speech; (2) there is nothing beautiful or safe about pouring gasoline on the American flag in public and setting it on fire, but the government calls it political speech: pour gasoline

on anything else in public and set it on fire and that person will be charged with arson, and that is far more dangerous than some sheetrock, tires, cardboard, and glass bottles: what would otherwise be a felony qualifies as political speech, but glass bottles, tires, a television, cardboard, and sheetrock are way too dangerous to be used to express political speech? No.; (3) there is nothing beautiful about murdering an animal for fun while videotaping it, but the government says that is protected speech; and (4) the internet is "haphazard" and "randomly strewn." There is nothing in the First Amendment that says that political speech cannot be messy, see above. DeTocqueville noted that American political speech was uncontrolled: the definition of

"haphazard." If killing animals for the fun of it qualifies as political speech, then so does using glass bottles, cardboard, sheetrock, a door, television, tires,

and other innocuous items with political speech either painted on them or written on them with magic marker. Surely, using one piece of sheetrock with political speech written on it qualifies as political speech; and so would using two pieces, and so would using three pieces,...and so would using one thousand pieces: the lower courts and the Respondent basically argue that the Petitioner engaged in too much speech by using too many items and too many different types of items: but “political speech as a categorical matter simply cannot be stopped,” *Citizens United v. Federal Election Commission*, 558 U.S. 310, (2010).

Conclusion

For the above stated reasons, the Petitioner’s PETITION FOR WRIT OF CERTIORARI should be granted.

Respectfully submitted,
October 24, 2022



William Verrinder
P.O. Box 58174
Raleigh, N.C. 27658
919-500-6893

CERTIFICATE OF WORD COUNT

The Petitioner states that the word count for the petition is 5,648. The Petitioner has filed a Certificate of Word Count

CERTIFICATE OF SERVICE

The Petitioner has filed a corresponding Proof of Service. Three copies were mailed to the Respondent at P.O. Box 3070, Lewiston, ME. 04243.

