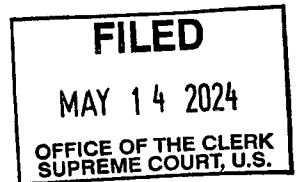


2ND 23-7534

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



CHARLES FEICK,
PETITIONER,

v.

BRUTSCHE FAMILY REVOCABLE TRUST ET AL
RESPONDENTS.

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE WASHINGTON STATE SUPREME COURT*

PETITION FOR A WRIT OF CERTIORARI

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i.

QUESTIONS PRESENTED

This case presents a crucial opportunity for the Supreme Court to protect indigent citizens and set a nationwide precedent for the protection of appeal rights for indigent civil litigants.

The Constitutional issues involved are: (1) whether the Equal Protection Clause of the Fourteenth Amendment requires the state to demonstrate a rational basis for treating similarly situated persons differently (2) whether the Equal Protection Clause of the Fourteenth Amendment requires due process for indigent persons and (3) whether the Eighth Amendment prevents excessive bail and fines and requires an assessment of the ability to pay.

LIST OF PARTIES AND RELATED CASES

The Petitioner is Charles Feick. The Respondents are the Brutsche Family Revocable Trust, Pat Brutche, Michael Brutshe, and Martha Carr. Steve Krohn was substituted for Pat Brutsche. There are no related cases.

CORPORATE DISCLOSURE STATEMENT

Petitioner Charles Feick is not a corporation.

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1.

I. PETITION FOR A WRIT OF CERTIORARI

Petitioner Charles Feick petitions this court to accept review of the Washington State Supreme Court ruling terminating Feick's appeal for failure to pay sanctions and court costs.

II. OPINIONS IN THE CASE

The opinions of the Washington State Supreme Court, upholding the rulings of the Washington State Court of Appeals are unpublished.

III. JURISDICTION

The March 5, 2024, judgment of the Washington State Supreme Court became final on April 29, 2024. Feick invokes jurisdiction under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the Washington State Supreme Court ruling.

IV. STATUTES INVOLVED

28 U.S.C. § 1257 and RCW 4.88.330.

V. CONSTITUTIONAL PROVISIONS INVOLVED

United States Constitution, Amendment XIV:

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

2.

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.

United States Constitution, Amendment VIII:

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

VI. STATEMENT OF FACTS

1. This case concerns whether an indigent person should be required to pay all court costs, fines, and fees, in order to obtain an appeal of the orders granting the court costs, fines, and fees.

2. On July 24, 2017, the defendants Pat Brutsche, Martha Carr, and Michael Brutsche, acting in conspiracy, knowingly, purposefully, and willfully conducted an ultra vires GHC Board meeting, without an attendance of quorum present by other board members on the first floor of the Becker Building which the Brutsche Trust owned. The defendants abandon the SEC/WSLCB/GHC Business Plan to takeover ultra vires management of the GHC Board of Directors to control WSLCB licensed operations of GHCC. Pat's plan was to gain control of GHC

3.

Management to control the money from the marijuana sales revenue. Feick was completely unaware of Pat's plan.

3. On August 17, 2017, Attorney Steve Natwick of Ingram, Zelasko, and Goodwin forwards an email to Attorney Teresa Daggett of Gordon Thomas Honeywell, of the written resignation letters of Pat Brutsche, Michael Brutsche, and Martha Carr as Officers of the GHC. Attorney Daggett forwards this email to Feick who accepts the defendant's resignations as GHC Officers and Directors of the Corporation. The defendants abandon the GHC/GHCC and walk away for sixteen months until Feick filed his complaint.

4. On December 5, 2018, Feick, pro se filed a Shareholder's Verified Derivative and Direct Complaint against six defendants as the Brutsche Family Revocable Trust, Leopold Channing Brutsche, Michael Brutsche, Martha Carr, Charles Carr, and CSEI in Grays Harbor County Superior Court as Case No. 18-2-00991-14.

On December 19, 2018, Plaintiff amended the complaint to better define his Direct claims.

4.

5. Between August 17, 2017, and May 10, 2024, the defendants retained eight Law firms as follows:

- A. Gordon, Thomas, Honeywell, Tacoma, Washington
- B. Ingram, Zelasko, and Goodwin, Aberdeen Washington
- C. Miller, Nash Graham, and Dunn Seattle, Washington
- D. Miller, Nash Graham, and Dunn Portland, Oregon
- E. Stewart Law Offices, Montesano, Washington
- F. Budsberg Law Group, Olympia-Spokane, Washington
- G. Integrity Law Group, Seattle, Washington
- H. Resource Transition Consultants, Lakewood, WA

6. Between August 17, 2017, and May 10, 2024, the defendant's fielded twelve Attorneys as follows:

- A. Attorney Teresa Daggett, Gordon, Thomas, Honeywell,
- B. Attorney Steve Natwick, Ingram, Zelasko, Goodwin,
- C. Attorney Danielle Hunt, Miller, Nash, Seattle
- D. Attorney Doug Morris, Partner, Miller, Nash, Seattle E.
- E. Attorney Brian Esler, Partner, Miller, Nash, Seattle
- F. Attorney Justin Sawyer, Miller, Nash, Portland
- G. Attorney Ivan Gutierrez, Miller, Nash, Portland
- H. Attorney Brian L. Budsberg, Budsberg Law Group
- I. Attorney William Stewart, Stewart Law Office

5.

J. Attorney Jake Flothe, Integrity Law Group

K. Attorney Kevin Hanchett, RTC

L. Attorney Fabio Dworschak, Miller, Nash, Seattle

7. Between December 5, 2018, and May 10, 2024, there have been 672 Index filings by all parties in the Superior, Appellate, and WA Supreme Court. This evolved from one Superior Court Case, that evolved into three WA Court of Appeals Division II Court Cases, that evolved into three Washington State Supreme Court Cases as follows:

A. Grays Harbor Superior Court, Case No. 18-2-00991-14
Shareholder's Verified Derivative and Direct Complaint
342 Index filings, December 5, 2018, to October 25, 2023
This Case is on Appeal.

B. Court of Appeals Div. II, Case No. 54963-8 - 55213-2
Notice of Appeal 96 Index filings, September 1, 2020, to
February 22, 2022, Notice of Appeal is Denied.

C. Washington State Supreme Court, Case No. 99542-7
Motion for Discretionary Review 48 Index filings,
February 28, 2021, to December 1, 2021, Motion for
Discretionary Review is Denied.

D. Court of Appeals Division II, Case No. 55686-3

6.

Motion for Discretionary Review

32 Index filings, April 5, 2021, to April 18, 2022

Motion for Discretionary Review is Denied.

E. Washington State Supreme Court, Case No. 100766-3

Petition for Review

18 Index filings, March 24, 2022, to July 13, 2022

Remand to Grays Harbor Superior Court, 18-2-00991-14.

F. Court of Appeals Division II, Case No. 57499-3

Notice of Appeal

90 Index filings, October 25, 2023, to April 29, 2024

Notice of Appeal is Dismissed.

G. Washington State Supreme Court, Case No. 102251-4

Motion for Discretionary Review, Remand

47 Index filings, August 4, 2023, to March 5, 2024

Remand to WA COA II, No. 57499-3, February 26, 2024.

8. On March 27, 2019, in response to the derivative and direct complaint, the Brutsche Family Revocable Trust filed CR 11 and CR 12 Motion to Dismiss and Petition for the Appointment of General Receiver with both motions noted for April 22, 2019. (Keep this or not if not then renumber)

7.

9. There have been five sanctions to date. The Superior Court record in August 2020 had determined Feick's inability to pay sanctions. That Court denied sanctions because his monthly income is Social Security and Food Stamps. At each additional hearing, where Feick objected to sanctions, the Court failed to provide a review of Feick's ability to pay these sanctions. Thus, while continuing to grant sanctions to defendants' counsel all the while knowing that Feick's inability to pay sanctions because he is financially indigent and poor.

10. Feick's has filed seven declarations of indigency in all courts. The Superior Court, the Appellate Court, and WA Supreme Court record shows that Feick is indigent.

11. Feick had filed Grays Harbor County District Court¹ and Hoquiam Municipal District Court² exhibits assigning Feick court ordered counsel because he was found to be indigent in his deferred prosecution DUI cases which he successfully completed on September 28, 2023.

¹ Attorney Steve McNeil Letter of Representation in Grays Harbor County District Court Case 9Z1014897 dated January 9, 2020.

² Attorney Doug Bitar Letter of Representation in City of Hoquiam Municipal Court Case No. 9Z0065960 dated July 24, 2020.

12. Throughout the history of this litigation the Courts and defendants are completely aware that Feick's sole income is monthly Social Security and Food Stamp Benefits. The Respondents have weaponized the fee sanctions as a defensive tactic to avoid answering the arguments on appeal which they have conceded at the Grays Harbor Superior Court, the Washington Court of Appeals Division II, and the Washington State Supreme Court.

13. In this case, the officers of the Superior, Appellate, and Supreme Court as its Judges, and the attorneys that have been retained by the defendants, are fully aware that Feick, pro se, has successfully prosecuted his case over a period of 5.5 years against a cabal of attorneys whose collective "Brain Trust" has finally succeeded in the dismissal of the case that was accomplished through Court Rulings that violated Feick's Washington State Constitutional Rights, and now most importantly, Feick's 8th and 14th Amendment U.S. Constitutional Rights.

14. The dismissal of Feick's complaint was accomplished by systematically compiling financial sanctions against a pro se litigant for three years (2021 to 2024) to avoid answering the allegations in the original and amended complaint filed in December 2018. A review of the court record shows that the Defendant's conceded the allegations of the original and amended complaint at the trial court (that were facts conceded on Appeals), while continuing to make new arguments at the Court of Appeals and the WA Supreme Court. Then abandoned it all for the defendant's three-year strategy that Feick is a frivolous, meritless, and abusive litigant that provided the various Judges in this case to grant financial sanctions that weaponized against Feick who is poor and incapable of paying sanctions.

15. On September 12, 2022, Grays Harbor Superior Court Judge Svoboda, in Case No. 18-2-00991-14, signed the (proposed) Miller Nash Order Denying Plaintiff's Motions, Granting Defendant's Motion to Dismiss and Granting Sanctions of \$15,000 against Feick.³

³ Grays Harbor Superior Court Case No. 18-2-00991-14, Judge Svoboda Order Denying Plaintiff's Motions, Granting Defendant's Motion to Dismiss and Granting Sanctions dated September 12, 2022.

10.

16. The order granted defendants \$15,000.00 in attorney sanctions. The order didn't contain specific instructions whether the sanction is paid in full or monthly payments, or the amount of any monthly payments based on Feick's ability to pay. Here, Judge Svoboda was completely aware of Feick's indigency and didn't order a financial review of Feick's ability to pay this sanction.

17. At this point in time, a total of \$27,867.55 was granted as attorney fees and costs to Miller Nash Graham and Dunn against Feick as follows:

- A. Grays Harbor Superior Court July 19, 2021, \$7,500.00
- B. WA State Supreme Court August 20, 2021, \$2,830.00
- C. WA Court of Appeals Div. II March 10, 2022, \$2,546.55
- D. Grays Harbor Superior Court Sept. 12, 2022, \$15,000.00

18. In each instance, the Court never performed a review of Feick's ability to pay sanctions. The Washington State Constitution imposes a duty on the court to inquire into the ability of the defendant to pay. *Smith v. Whatcom County Dist. Court*, 147 Wn.2d 98, 112, 52 P.3d 485 (2002). Inquiry into the person's ability to pay comes at the "point of collection when sanctions are sought for nonpayment."

State v. Blank, 131 Wn.2d 230,242, 930 P.2d 1213 (1997). More recently, in *State v. Nason*, 168 Wn.2d 936, 945-46, 233 P.3d 848 (2010), citing *Smith, Blank, and Bearden*, this Court held that "inquiry [into ability to pay] must come at the time of the collection action or sanction." (emphasis added)

19. In Family, Municipal, District, Superior, Appellate, and Supreme Court in the United States, parties are given the opportunity to financially comply with court ordered awards, fees, fines, penalties, restitutions, and sanctions to make financial payments, in whatever court ordered capacity, based on a court ordered review of their personal financial status. Feick has never received this consideration from any Court on record except for the financial review of Superior Court Judge Mistachkin's ruling on August 24, 2020, denying defendant's sanctions based on Feick's inability to pay.

20. Here, no inquiry into Feick's ability to pay was conducted by any of the abovementioned Courts whose rulings erred in violating Feick's Washington State and U.S. Constitutional rights to seek equal access to justice

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because Feick is poor and indigent and could not pay these sanctions.

21. On October 25, 2022, Feick filed a Notice of Appeal of Grays Harbor Superior Court Judge Svoboda's September 12, 2022 Ruling Case No. 18-2-00991-14 at Washington Court of Appeals Division II as Case No. 57499-3-II. The Opening Brief is scheduled to be filed on March 13, 2023.

22. On February 27, 2023, the defendants filed Respondent's RAP 18.9(a) Motion to Condition Appellant's Right To Pursue This Appeal in Compliance With Sanctions and Attorney Fees Orders asks the Court to compel Feick to pay the existing court fee sanctions in full before Feick was allowed to file his Opening Brief.

23. On March 30, 2023, In Washington Court of Appeals Division II Case No. 57499-3-II, Commissioner Triebel ordered Feick to pay the amount of \$2,546.44 in full representing the March 10, 2022, ⁴ Ruling by Commissioner Schmidt in WA COA II Case No. 55686-3-

⁴ APP 22-24

II. Feick cannot file anything in this case until this sanction is paid in full.

24. On April 27, 2023, the Brutsche Revocable Trust et al filed the Respondent's Motion to Partially Modify Commissioner's Ruling seeking to compel the WA COA II Judges panel to overturn Commissioner Triebel's order.

25. On June 12, 2023, Feick filed his Opening Brief that had an excessive word count of 3,621 words overlength. On June 12, 2023⁴ Feick filed a Motion for Waiver of Rules to File Overlength Brief and was denied by Commissioner Triebel who allowed Feick to refile with a corrected word count by June 26, 2023.

26. On June 26, 2023, Feick filed his revised Opening Brief that was 12,967 words in length and was 967 words overlength. Feick filed a Motion for Waiver of Rules to File Overlength Brief and was denied by Commissioner Triebel who allowed Feick to refile with a corrected word count by July 7, 2023.

27. On July 5, 2023, the WA COA II Judges Panel filed an Order Granting Respondent's Motion to Modify

14.

Commissioner's Ruling,⁵ "This Appeal is stayed until Appellant has paid all sanctions imposed by any court in any dispute involving these same parties. Appellant must provide documentation to this Court verifying payment of all such sanctions within 60 days of the date of this order. If verification has not been provided within that time, the Court will dismiss this Appeal on its own motion."⁶

28. On August 4, 2023, Feick filed Appellant's Motion for Discretionary Review Pursuant to RAP 13.5 in Washington State Supreme Court Case Number 102251-4.

29. On October 18, 2023, an Oral Argument between parties was presided by Commissioner Michael Johnston in Case No. 102251-4. **NOTE:** At the beginning of the Hearing Commissioner Michael Johnston admitted to being sick with COVID. During the hearing Commissioner Johnston was visibly ill, coughing, sneezing, and perspiring as his awareness and speech seemed slower. Both parties in attendance, on record, questioned his ability to conduct the hearing while wishing him a speedy recovery Feick later argued that Commissioner Michael Johnston should

⁵ APP. 18-21

have recused himself from the proceedings and was unqualified to preside over a WA Supreme Court Hearing while sick with COVID.

30. On October 23, 2024, Commissioner Johnston filed his Ruling Denying Review warning Feick to accept his ruling which was full of historical case fact errors, financial errors, and parroting of the Respondent's characterization of Feick. The Commissioner did not address Feick's agreement of the standing of the Revocable Trust. The Commissioner did not address Feick's ability to pay sanctions. Feick was warned by the Commissioner in the final paragraph of the ruling of the consequences of filing a motion to modify the Commissioner's ruling.⁷

31. On November 22, 2023, Feick filed a Motion to Modify Commissioner's Ruling Pursuant to RAP 17.7(a) providing a detailed paragraph analysis of Commissioner Johnston's ruling showing the seven (7) case file errors that were cited in the ruling. Incredibly this ruling was written after Commissioner Johnston was admittedly sick with

⁷ APP. 11-17

COVID during the Oral Argument he presided over on October 18, 2023.

32. In his motion Feick raised the following issues as:

A. Whether Commissioner Johnston's Ruling provided reasonable analysis, is correct and fair, and demonstrated objectivity because he presided over the hearing sick with COVID-19.

B. Whether Feick's Equal Access to Justice has been barred due to nonpayment of court fee sanctions.

C. Whether the Court has plainly reiterated the Respondent's characterization of Feick's legalese as abusive, frivolous, meritless, and vexatious which the Respondents used as their defense tactic to avoid answering the arguments on the court record which they have conceded on appeals.

33. On February 7, 2024, Department II of the Supreme Court issued an Order,⁸ "That the Petitioner's motion to modify the Commissioner's ruling is denied. The "Petitioner's Motion to Supplement the Record and Take Judicial Notice" is granted in part as follows: the

⁸ APP. 8-10

documents attached to the motion are placed in the file. The remainder of the motion is denied. The Respondents' request for attorney fees for filing an answer to the motion to modify is granted. The Respondents are awarded reasonable attorney fees and expenses as a sanction pursuant to RAP 18.9(a). The amount of the attorney fees and expenses will be determined by the Supreme Court Clerk pursuant to RAP 18.1. Pursuant to RAP 18.1(d), the Respondent should file an affidavit with the Clerk of the Washington State Supreme Court. In addition, the Petitioner is Page 2 Order February 7, 2024, barred from filing any further pleadings in any appellate court in any case arising from the underlying superior court case or dispute until all outstanding sanctions are paid.

34. On February 20, 2024, Supreme Court Clerk filed a Letter Notification to all Parties, "On February 16, 2024, the Supreme Court received the "RESPONDENTS AFFIDAVIT OF ATTORNEY FEES" in regard to a request for attorney fees. The determination of the amount of fees that will be awarded is set for

consideration on the Supreme Court Clerk's February 29, 2024, Motion Calendar and will be determined without oral argument unless otherwise requested by the Clerk. See RAP 18.1(j). The petitioner may file an objection to the request for attorney fees within 10 days of service of the Respondent's affidavit, provided that he has paid all outstanding sanctions as required in the Court's February 7, 2024, Order. Both parties are requested to file pleadings by February 26, 2024, indicating whether the Petitioner "has paid all outstanding sanctions."

35. On February 26, 2024, the WA Court of Appeals Division II Clerk filed a Letter Notification to all Parties, "The Supreme Court has terminated its review by denying the motion to modify. As a result, the 7/5/2023 order from the Court of Appeals is in force. Per the order, "appellant must provide this court with documentation verifying payment of all such sanctions within 60 days," of the date of this letter. "If verification has not been provided within that time, this court will dismiss this appeal on its own motion." In addition, per the Supreme Court Order, "the Petitioner is barred from filing any further pleadings in

any appellate court in any case arising from the underlying superior court case or dispute until all outstanding sanctions are paid.”⁹

36. On March 5, 2024, the Supreme Court Deputy Clerk filed the Clerk’s Ruling Setting Amount of Attorney Fees and Expenses, “By order filed on February 7, 2024, a Department of this Court denied Petitioner Charles Feick’s motion to modify the Commissioner’s ruling denying the motion for discretionary review. The order also awarded the Respondents, The Brutsche Family Revocable Trust, the Estate of Leo Brutsche, and Michael Brutsche, reasonable attorney fees and expenses as a sanction pursuant to RAP 18.9(a) for answering the motion to modify and directed the Supreme Court Clerk to determine the amount of the award. On February 16, 2024, the Respondents filed the “RESPONDENTS’ AFFIDAVIT OF ATTORNEY FEES”, which requests a total award of \$11,745.00 for attorney fees and expenses for preparing and filing the answer to the motion to modify. Per the Order issued by this Court on February 7, 2024, the

⁹ APP. 6-7

Petitioner is barred from filing any further pleadings in any appellate court in any case arising from the underlying superior court case or dispute until all outstanding sanctions are paid. The parties were directed to file pleadings by February 26, 2024, indicating whether the Petitioner has paid all outstanding sanctions. On February 26, 2024, the Court received a letter from the Respondents stating that as of February 26, 2024, the Petitioner has not yet paid his outstanding sanctions. The Petitioner did not file a statement about outstanding.” “Accordingly, the Respondents, The Brutsche Family Revocable Trust, the Estate of Leo Brutsche, and Michael Brutsche, are awarded reasonable attorney fees and expenses in the total amount of \$11,745.00, which shall be paid by the Petitioner, Charles Feick.”¹⁰

37. On April 29, 2024, the WA Court of Appeals Division II Clerk filed a Ruling by the Clerk, “A review of the file indicates that the Appellant, per the July 5, 2023, Order, and the Supreme Court’s Order filed February 7, 2023, did not provide this court with documentation verifying

¹⁰ APP. 4-5

payment of all such sanctions by the due date of April 26, 2024, and therefore dismissal is warranted. Accordingly, this appeal is dismissed.”

38. On May 14, 2024, Charles Feick, pro se filed a Petition for a Writ of Certiorari at the United States Supreme Court for violations of his U.S. Constitutional 8th and 14th Amendment Rights because he is poor.

VII. REASONS WHY REVIEW SHOULD BE ACCEPTED.

A. The Washington Opinions Conflicted With Supreme Court Precedent Regarding Due Process Under the Fourteenth Amendment.

The Supreme Court must accept review of this case to protect an American citizen from being denied due process to appeal simply because he is poor. A rich man would still be in court disputing their rights in this case and that is supposed to be prevented under the Fourteenth Amendment.

Due process requires that Constitutional steps must be taken before someone is deprived of an interest involving life, liberty, or property. These Constitutional steps depend on the circumstances but typically include

notice and an opportunity to be heard. If an indigent person is required to pay in full all court costs, prior to an appeal in the same case, they will not get the Constitutional required due process rights to appeal.

Feick was declared indigent in the case and was making payments on trial court judgments already in the same case, even though he was declared indigent.

The Grays Harbor County Superior Court had impermissibly placed financial burdens onto the indigent Feick, even before the trial court made its final decision. Feick agreed to a payment plan at the trial court in order to maintain the pursuit of his rights to justice at the trial court level.

When the Washington State Court of Appeals required all outstanding court costs be paid prior to appealing and the Washington State Supreme Court upheld that decision, Feick was denied due process under the Fourteenth Amendment.

Feick has the same Constitutional rights to the same access to the court system that affluent persons have. The

Washington State Courts interfered with those same rights that affluent persons have to appeal Court rulings.

The Washington State Court decisions requiring indigent persons to make full payments prior to appeal should be overturned by this court, because the Washington Court's decisions interfered with Feick's indigent rights. A state cannot arbitrarily cut off appeal rights for indigents while leaving open avenues of appeal for more affluent persons. U.S.C.A. Const. Amend. 14. See *Ross v. Moffitt*, 417 U.S. 600, 94 S. Ct. 2437, 41 L. Ed. 2d 341 (1974).

Here, Feick was arbitrarily cut off from his appeal rights while the more affluent person could have appealed because they had more money than Feick. These decisions smack of due process violations on the basis of Feick being too poor for access to justice.

In re *Welfare of Lusier*, 84 Wash. 2d 135, 524 P.2d 906 (1974), the Supreme Court of Washington held that in a termination proceeding, the due process clauses of the

fourteenth amendment and the Washington Constitution mandated the parent's right to counsel. The court cited *State v. Jamison*, 251 Or. 114, -, 444 P.2d 15, 17 (1968) ("where the parent in a termination proceeding is indigent, counsel must be supplied at public expense."). 44. 84 Wash. 2d at 138, 524 P.2d at 908. See WASH. CONST. Art. I, § 3.

The Washington Supreme Court decisions requiring the indigent Feick to make full payments prior to appeal should be overturned by this Court, because the decisions conflict with this Court's precedence regarding due process.

B. The Washington Opinions Conflicted With Supreme Court Precedent Regarding Equal Protection under the Fourteenth Amendment.

Feick was also entitled to the same protective exemptions available to other civil judgment debtors such as criminal defendants. Criminal defendants have their court costs paid by the public. Feick should have been given the same equal rights as a criminal indigent person, to have his court costs paid.

It is a fact that criminal defendants are given a review of the ability to pay prior to the court's orders. Feick was never given a review of his ability to pay by the

Washington State Court of appeals or the Washington State Supreme Court.

It is also a fact that the State pays all review costs for indigent parties for criminal defendants. This unequal treatment under the law violates the equal protection clause. RCW 4.88.330 reads:

Indigent party—State payment of review costs.

When a party has been judicially determined to have a constitutional right to obtain a review and to be unable by reason of poverty to procure counsel to perfect the review all costs necessarily incident to the proper consideration of the review including preparation of the record, reasonable fees for court appointed counsel to be determined by the supreme court, and actual travel expenses of counsel for appearance in the supreme court or court of appeals, shall be paid by the state. Upon satisfaction of requirements established by supreme court rules and submission of appropriate vouchers to the clerk of the supreme court, payment shall be made from funds specifically appropriated by the legislature for that purpose.

As shown above, criminal defendants have their entire review costs paid by the state of Washington. Feick should have been given equal protection under the same law. See *James v. Strange*, 407 U.S. 128, 92 S. Ct. 2027, 32 L. Ed. 2d 600 (1972).

Furthermore, *In re Welfare of Luscier*, 84 Wash. 2d 135, 524 P.2d 906 (1974), the Supreme Court of Washington held that in a termination proceeding, the due process clauses of the fourteenth amendment and the Washington Constitution mandated the parent's right to counsel. The court cited *State v. Jamison*, 251 Or. 114, -, 444 P.2d 15, 17 (1968) ("where the parent in a termination proceeding is indigent, counsel must be supplied at public expense."). 44. 84 Wash. 2d at 138, 524 P.2d at 908. See WASH. CONST. Art. I, § 3.

Under the precedent above, Feick was not given equal protections afforded to parents in civil cases. This would violate Feick's right to the same equal protections given to parents in civil litigation matters.

The Washington Courts decisions violated Feick's rights to equal protection and due process and this Court's precedent.

C. The Washington Opinions Conflicted With Supreme Court Precedent Regarding Excessive Fines Under the Eighth Amendment.

The Eighth Amendment protects against excessive civil fines. See Generally *Hudson v. United States*, 522 U.S.

93 (1997). (determining that “the Eighth Amendment protects against excessive civil fines, including forfeitures”) (collecting cases). Civil penalties, including court sanctions implicate the right to be free from excessive fines.

When calculating fines, courts must consider the defendant’s financial resources and the burden of the fine to the defendant, as discussed in *United States v. United Mine Workers*, 330 U.S. 258 (1947). In that case, the court found that a \$3,500,000 fine against a union was excessive, but that a \$700,000 fine was not.

Here, Feick was sanctioned five times by Washington Court’s despite his indigent status and despite multiple rulings deciding his filings were not frivolous. Furthermore, the Washington Court’s had already determined Feick could only pay \$25 dollars per month on the previous fines and fees. How could Feick all of a sudden pay everything?

Feick’s Constitutional rights to be free of excessive fines were violated by the Washington State Supreme Court. Feick’s Constitutional rights to a litigation on the merits of Feick’s direct claims were impermissibly avoided

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by using the costs from litigating his derivative claims.

The Washington State Supreme Court rulings violated Feick's Eighth Amendment rights to be free of excessive fines and the precedent set by this Court.

VIII. CONCLUSION

The pro se Charles Feick respectfully prays that his petition for a writ of certiorari be granted.

Respectfully submitted, May 14, 2024.

By: Charles Feick pro se
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