No. _____

In the

Supreme Court of the United States

Joe Patrick Flarity,
a marital community, *pro se*
Petitioner

v.

State of Washington, *et al*
Respondents

On Petition for Writ of Certiorari
To The Supreme Court of Washington State

PETITION FOR WRIT OF CERTIORARI

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April 10, 2025

QUESTIONS PRESENTED

1. CONTEMPT FOR THE U.S. SUPREME COURT. Here are the "two forearms" on the scale described in *Axon Enterprise v. FTC*, No. 21-86. Washington State courts have reached the extreme point of defiance where correction is justified.

2. RETRIBUTION AS STATE POLICY

The State shows contempt for unanimous *NRA v Vello*, 22-842, by refusing to examine 1st Amendment rights with the required *strict scrutiny* standard of review. Officials are motivated by animus bolstered by court demotion into a quasi-suspect class with further abuse by application of the absurd.

3. EQUAL PROTECTION OF THE LAW

The State Panel also shows contempt for a long list of its own precedents. This contempt is remarkable because it includes decisions that the sitting justices wrote, including one "vigorously protecting privacy", *McGee*, **AP-3,** written while the Panel was in the process of denying Flarity a review to protect domicile privacy. We ask the Supreme Court to return the "inviolate right to jury trial" to the citizens of Washington State.

1. IDENTITY OF PARTIES

PETITIONERS

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RESPONDENTS

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2. STATEMENT OF RELATED PROCEEDINGS

The following proceedings are related to this case within the meaning of Rule 14.1(b)(iii):

> 20-2-16134-0, King County, WA Superior Court: **AP-1(a)** Re-filed by Pierce County as 21-2-06124-1, with Div. II decision No. 56271-II, **AP-7.**
>
> 22-2-02806-34, Thurston County, WA Superior Court: Complaint **AP-1(c).** Div. II decision No. 57601-5-II, **AP-27,** review denied by the Supreme Court, **AP-49.**

3. PETITION FOR WRIT OF CERTIORARI

All courts are poised somewhere between the law and politics with no State obeying the Supreme Court perfectly. This justifies the framers prescient use of "more perfect" as a goal. Washington State departs from this goal as a spear-point of Executive branch attacks now propagating into the U.S Presidency. **AP-61.** Putting aside their contempt to our state constitution, *stare decisis*, (including the decisions they personally authored,) and federal law 42 U.S. § 1983, the contempt they blatantly showed to this Panel is inexcusable and should be corrected. If a self-avowed *progressive* Panel is excused, the wrong message is sent to other panels under tremendous pressure to forego the Rule of Law and kneel before administrative officials.

As noted in *Knick v. Twp. of Scott*, 139 S. Ct. 2162, 204 L.Ed.2d 558 (2019), states have a "home court advantage" for aggressive fee collections. *James v. City of Boise,* 136 S. Ct. 685, 193 L.Ed.2d 694 (2016):

> ...the constitution of the United States would be different in different states... The public mischiefs that would attend such a state of things would be truly deplorable." *Martin v. Hunter's Lessee, 1 Wheat.* 304, 348 (1816).

This Panel also corrected Texas for "unclean hands" in *Haaland v. Brackeen*, No. 21–376. Washington State set precedent, **AP-16**, by accepting

the SCOTUS **oral argument** in *Tyler v. Hennepin County, MN*, 22-166. C.J. Roberts, **AP-1(e):**

> ...where they talk about property, you know, land, being essential to the preservation of liberty and **it's a bulwark against the dominance of the state....**

SCOTUS rulings were accepted and then ignored, **AP-15**. Hypocritically, the AG protected the same rights for illegal immigrants, 2:19-cv-02043-TSZ: "FIFTH CLAIM (Right of Access to the Courts):

> ...constitutional right of access to the courts **prohibits systemic official action that bans or obstructs access to the courts**, including the filing or presenting of suits....Defendants' actions deprive Washington and its residents of meaningful access to the courts in violation of rights under the First, Fifth, Sixth, and Fourteenth Amendments."

4. OPINIONS BELOW

21-2-06124-1: Dismissed for failure to state a claim on the initial error, **AP-7.** A Mandate was issued in error at Div. II, **AP-40**, and the Supreme Court declined to Vacate the erroneous Mandate, **AP-43,** making the already filed Petition futile. **AP-1(b).** Division II compared the county's denial of any hearing whatsoever to Master Swanks' death in a high school football game. **AP-20.** The decision met

the "shameful" criteria per the Supreme Court's letter rebuking systemic court abuse. **AP-46.**

22-2-02806-34: The Superior Court of Thurston County dismissed for failure to state a claim, with Sanctions applied to Flarity for requesting a delay. The Div. II decision is shown **AP-27**.

5. JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1257(a). The Supreme Court of Washington State declined to review the Div. II retaliation for No. 103322-2 on January 8, 2025. **AP-49.**

6. STATEMENT OF THE CASE

The facts were neither challenged nor examined with the state Supreme Court excusing obvious unconstitutional "methods" to collect the maximum revenues possible. In 103322-2, Flarity asked the highest court to correct Board of Tax Appeal (BTA) unconstitutional practices. The BTA sat on the appeal for years until Pierce County alerted them that Flarity had sold the property and left our temporary residence in King County, WA. The BTA opinion destroyed a core right in the State Constitution for timely decisions, Art. 1, Sec. 10. Obviously, no jury would ever agree that the people get ZERO delays, **AP-1(a), p3**, and the State is allowed INFINITE delays, **AP-1(c), p8-10**. Flarity came forward because the Supreme Count in

Bosteder v. City of Renton, 155 Wn.2d 18, 36-37, 117 P.3d 316 (2005), had specifically prohibited this practice.

In addition, the BTA demanded a right to warrantless inspection of all domiciles in defiance of the state's enhanced protection of privacy in Article 1, Section 7, with the highest court specifically naming appraiser inspections as a violation, *In the Matter of Maxfield*, 945 P.2d 196, 133 Wash. 2D 332 (1997). The Court again showed contempt for its own precedent and then hid in the "shadows" described in *Sofie* with non-publication.

FACTS

No facts are in dispute. The State prevails by the highest court's contempt for the "will of the people" and removal of our basic humanity exactly as the King County BAR described in Resolution 400. **AP-51.**

7. REASONS FOR GRANTING THE PETITION

(a) CONTEMPT FOR SCOTUS DECISIONS. Despite Washington State chiding this Panel with Resolution 400, **AP-51**, and the AG attacking I.C.E. with 2:19-cv-02043-TSZ, hypocrisy[1] is not the main

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[1] Justice McCloud sat on Flarity's Panel. From her dissent in *Quinn v. State,* No. 100769-8:

When we deal with broad, general constitutional rights and values (**such as "due process" or "equal protection"**), we have a duty to interpret and apply those rights and values in a way that **will protect all Washingtonians**....

reason the Panel should correct Washington State. The Panel should accept the Petition because this level of contempt for SCOTUS authority cannot be allowed to continue in system preserving the "perpetuity of free government" as the Washington State founders described in Article 1, Section 32.

The recent decisions ignored by Washington courts are as follows, **AP-15**:

NRA v Vello, 22-842;
Axon Enterprise v. FTC, No. 21-86;
Tyler v. Hennepin County, MN, 22-166;
Haaland v. Brackeen, No. 21–376;
303 Creative LLC v. Elenis, 600 U.S. 570 (2023);
Knick v.Twp. of Scott, 139 S. Ct. 2162, 204 L.Ed.2d 558 (2019);
James v. City of Boise, 136 S. Ct. 685, 193 L.Ed.2d 694 (2016).

The court of last resort in Washington State gives notice to every other state that the U.S. Supreme Court can be ignored with no repercussion. The state needs a reminder to avoid this "deplorable" behavior per *Martin v. Hunter's Lessee, 1 Wheat.* 304, 348 (1816).

(b) RETRIBUTION. The state court uses Section 32 as bait to lure the people for further retribution:[2]

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[2] Retribution also violates state law, RCW 42.41.040. **AP-1(d)**, p14, 16, AP-14, 290.

> SECTION 32 FUNDAMENTAL PRINCIPLES: A frequent recurrence to **fundamental principles** is essential to the **security of individual right** and the **perpetuity of free government.**

The State Supreme Court has admitted to their systemic court problem, **AP-45,** then failed to "walk the talk." In contrast, compare U.S. Attorney Hagan Scotten's email to Emil Bove III, February 14, 2025:

> But any assistant U.S. attorney would know that our laws and traditions **do not allow using the prosecutorial power to influence other citizens**, much less elected officials, in this way. If no lawyer within earshot of the President is willing to give him that advice, then I expect you will eventually find someone who **is enough of a fool, or enough of a coward, to file your motion.** But it was never going to be me.

If President Trump seeks "fools" or "cowards" to file bad faith motions to hide obvious constitutional violations, he need look no further than Washington State, where the practice is systemic, **AP-45.** Motivated by animus, SENIOR AG Comfort, attacked the messenger as vexatious rather fix the violation. **AP-60.** The rebuke recently delivered by

CJ Roberts pertaining to attacks on Federal judges[3] is not necessary in Washington State because the judges capitulate to the wishes of Administrative officials. The State AG has here foreshadowed similar attacks at the Federal level. **AP-61.** By confirming, the Washington state judiciary strikes at the core of the Rule of Law.

(c) EQUAL PROTECTION OF THE LAW

Tyrants are infamous for hiding in the "shadows," as a previous Washington Court expertly explained in *Sofie v. Fibreboard Corp.*, 771 P.2d 711, 112 Wash. 2d 636, 112 Wash. 636 (1989). The Supreme Court of Washington State ignored their own decisions:

> *In the Matter of Maxfield,* 945 P.2d 196, 133 Wash. 2D 332 (1997); warrant-less appraiser inspections illegal.
>
> *Bosteder v. City of Renton*, 155 Wn.2d 18, 36-37, 117 P.3d 316 (2005); demand for infinite administrative delays illegal.
>
> *STATE V. McGee*, 102134-8, **AP-3**, referring to the State's "strong protection for privacy," McGee was exonerated after killing a police

[3] "For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose,"

informant while Flarity's case was pending. Written by sitting J. Stevens.

Davis v. Cox, 183 Wn.2d 269, 290, 351 P.3d 862 (2015), again protecting the "inviolate right to jury trial" by J. Stevens and reinforcing the remarkable *Sofie v. Fibreboard Corp.*, 771 P.2d 711, 112 Wash. 2D 636.

Wash. Trucking Associations, Nonprofit Corp. v. State, 188 Wash. 2D 198, 393 P.3d 761 (Wash. 2017), redress per 42 U.S. § 1983, for unconstitutional administrative "methods," by J. Stevens.

State v. Barker, 25 P. 3d 423 - Wash/ Supreme Court 2001, written by sitting J. Madsen.

8. CONCLUSION

This case gives stark evidence the self proclaimed progressive Washington Panel is metastasizing core rights into "worthless paper."[4] The Petition should be accepted and Washington Courts reminded that their personal projects must Not ignore U.S. Supreme Court decisions and undermine core rights. The State Supreme Court engages *Martin's* deplorable and illustrates what lies in *Sofie's* shadows of Rule of Law destruction.

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[4] J. Gorsuch, *A Republic, If We Can Keep It.*

LISTING OF COUNSEL

RESPECTFULLY SUBMITTED, Originally February 4, 2025, amended to incorporate corrections per the Clerk's letter, of February 11, 2025, and resubmitted April 10, 2025. This document does not exceed 1,500 words. Therefore, Tables of Contents and Authority listings are not included as allowed by Rule 34.2. All emphasis is added unless otherwise noted. Meaning no disrespect to any party, titles are shortened to reduce word count.

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