

**In the Multnomah County Circuit Court
State of Oregon**

City of Portland
Plaintiff

versus

Brian Carr
Defendant

Answer and Affirmative Defense
to Parking Violation
U019204 and Complaint

Defendant, Brian Carr, *pro se*, hereby pleads not guilty to charges listed and answers the Parking Violation notice by admitting, denying, and alleging the following:

1. On April 7, 2008 my vehicle was stolen and reported as such. My vehicle was not under my control or access until it was recovered on April 24, 2008. The parking violation was dated April 23, 2008 and was listed as an abandoned auto.
2. A reasonable person would check whether a purportedly abandoned vehicle had been reported as stolen as a significant percentage of abandoned vehicles are, in fact, stolen vehicles and should be treated as recovered property rather abandoned property.
3. The submission of the parking violation to this court even after the police had recognized that the vehicle was a stolen vehicle was irresponsible as it was known at that time that the vehicle was recovered and not abandoned.

The defendant requests that this court:

1. Relay the attached Interrogatory to the Portland Police Bureau with an order that the answer

Answer, 5/23/2008, 1 of 6

U019204

Brian P. Carr, Pro Se

and associated documents be served on the defendant within a reasonable period to be specified by the court.

2. Permit Mr. Carr to make a dispositive motion within two weeks of the answers (or lack thereof) by the Portland Police Bureau. Mr. Carr will be seeking:
 - a. Dismissal of all charges,
 - b. Costs of defending this action,
 - c. Cost of recovering vehicle after the unnecessary tow (\$131).

As well as such other relief as the court deems reasonable and justified.

Respectfully submitted, May 23, 2008 (Portland, OR).

Signature of Defendant
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

**In the Multnomah County Circuit Court
State of Oregon**

City of Portland
Plaintiff

versus

Brian Carr
Defendant

Defendant's Declaration
In Support of
Answer and Affirmative Defense
to Parking Violation
U019204 and Complaint

I, Brian Carr, am the defendant in this matter, have knowledge of the facts of this matter, and make the following statements under oath and penalty of perjury.

1. On April 7, 2008 my vehicle, a 1991 Toyota Camry with Washington plates 668-PXQ, was parked at the Lloyd's Shopping Center in Portland, OR on the 14th Street ramp and was stolen from that location. On that same date I reported the theft to Officer Jack Blazer (#37413) in case #08-032989.
2. On April 24, 2008 I received a call from the Portland Police Bureau that my car had been recovered and was picked up at Sergeant's Towing Lot in Portland, OR. There was a charge of \$131 to retrieve my vehicle. I had no control or access to my vehicle during the intervening period.
3. On recovering my vehicle, there was a Parking Violation notice attached to my vehicle which was submitted to the court by Officer Kathy Saunders for an abandoned auto violation and listing a fee of \$280 which was dated April 23, 2008 with a location of 5600 N. Amherst.

I certify under penalty of perjury under the laws of the state of Oregon and the United States that the foregoing is true and correct.

Respectfully submitted, May 23, 2008 (Portland, OR).

s/ Brian P. Carr
Signature of defendant
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

**In the Multnomah County Circuit Court
State of Oregon**

City of Portland
Plaintiff

versus

Brian Carr
Defendant

Defendant's Interrogatory
for Portland Police Bureau
for Parking Violation
U019204

I, Brian Carr, the defendant in this matter, request that the plaintiff, the Portland Police Bureau, respond to the attached Interrogatory with sworn written statements and attaching requested documents as exhibits.

1. On or about April 7, 2008 did you receive a report of a stolen vehicle from Mr. Carr and assign a case number 08-032989. If so, please attach a copy of the report and all documents in that matter and describe the disposition of the matter.

2. Is it the normal procedure of the Portland Police Bureau to clearly mark what appears to be abandoned vehicles (e.g. fluorescent green sticker on driver's window) and allow the owner time to correct the violation (i.e. move the vehicle)? If so, when and where, was this marking, if any, made with respect to a 1991 Toyota Camry with Washington License Plates 668-PXQ. Was a check of whether the vehicle was stolen made before the marking, if any. If so, what were the results of the check. If not, why was this check not made? Was there any complaint or cause for this marking if any? Please elaborate on the complaint or cause for this marking if any.

3. What percentage of potentially abandoned vehicles which are marked as above (if any) are later identified as stolen vehicles for recovery to their owners? Cumulative figures for 2007 would be sufficient.
4. What percentage of vehicles which have not been moved after marking as above are later determined to have been stolen vehicles? Cumulative figures for 2007 would be sufficient.
5. On or about April 23, 2008, was a 1991 Toyota Camry with Washington license plates 668-PXQ given a parking violation as an abandoned violation? If so, please attach a copy of the notice and all documents in that matter and describe the disposition of the matter. Also, was a check of whether the vehicle was stolen made before the notice was issued? If so, were the results of the check. If not, why was this check not made?

Respectfully submitted, May 23, 2008 (Portland, OR).

Signature of Defendant
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357