

PETER CARLIN,  
Respondent,

vs.

MARY EZENWA,  
Petitioner.

Court of Appeals Case No. 37496-3  
Supreme Court Case No. 99707-1

**MOTION FOR LEAVE  
TO FILE AN AMENDED  
PETITION FOR REVIEW**

**I. IDENTITY OF ANSWERING PARTY**

Petitioner **MARY EZENWA** proceeding *Pro se* requests the relief stated in Part II.

**II. STATEMENT OF RELIEF SOUGHT**

Pursuant to RAP 18.8(b), and to prevent gross miscarriage of justice, Ms. Ezenwa respectfully requests for review raising an additional issue not included in the original, timely-filed petition for review. Ms. Ezenwa is filing the petition for review contemporaneously with this motion. She seeks an extension of time until today's date, to file the amended motion.

Wherefore, all of Ms. Ezenwa's issues raised in the previous Amended Petition for Review should not be considered by this Court.

**III. FACTS RELEVANT TO MOTION AND GROUNDS FOR RELIEF**

1. By Unpublished opinion entered March 4, 2021, the Court of Appeals, Division Three, issued a decision affirming the trial court's order of protection entered against Mary Ezenwa.
2. A petition for review was timely filed on April 2, 2021.
3. On April 27, 2021, the Court of Appeals Division III, issued a decision on Appellant's Motion For Reconsideration of March 4, 2021, and it ordered the Motion to be denied.
4. The Court of Appeals opinion erred by establishing (by clear, cogent, and convincing evidence) that trial court found Alan Carlin was a vulnerable adult. The record does not support the court's finding, as evidenced by Respondent's omission of Alan's medical records from his most current Primary Care Providers, and (2) statement from Gary Stenzel about subpoenaing Dr. Debra Brown. Court of Appeals, Division III Opinion 22-23 and RP 26-33. In holding otherwise, the Court of Appeals erred, created a conflict with RCW 74.34, and established precedent likely to lead to erroneous resolution of RCW 74.34, to enforce a VAPO in Washington.
5. Ms. Ezenwa argues that a significant question of law (RCW 74.34) under the Constitution of the State of Washington is involved because the Court

of Appeals erroneously applied the law in affirming the VAPO issued by the trial court.

6. Ms. Ezenwa seeks a denovo review of her case because it raises an issue based on some errors in legal conclusion. Although this issue was not raised in the Court of Appeals, this Court has discretion to decide an issue raised for the first time in the Petition For Review. *State v. McCollum*, 98 Wn.2d 484, 487, 656 p. 2d. Granting Ms. Ezenwa leave to file an amended petition for review raising this issue will enable this Court to fully uncover the truth, and therefore prevent a gross miscarriage of justice. RAP 18.8(b).

7. This Court should review de novo the Court of Appeals opinion applying the Washington law (RCW 74.34) because it was based on some errors in legal conclusion. Here, the Court reviews questions of law de novo. *Id.* (citing *Sunnyside Valley Irrigation*). *Dist. v. Dickie*, 149 Wn.2d 873, 880, 73 P.3d 369 (2003)).

8. The conflict created by the Court of Appeals opinion is itself worthy of review under Rap 13.4(6)(1) and (2). But, the case also warrants review because ensuring the proper standard for evaluating the enforceability of RCW 74.34 is a matter of substantial public interest. RAP 13.4(b)(4).

9. It should be noted under RAP 10.1(h), this Court may authorize the filing of briefs other than those specifically provided for in the rules.

10. It should be noted under RAP 1.2. (a) and 18.8 (a), this Court may on its own initiate or on motion of a party, waive or alter the provisions of any of the rules of appellate procedure in order to serve the ends of justice. As specifically noted in RAP 1.2(a), except in compelling circumstances, the outcome of a case should not be determined on the basis of compliance with the rules of appellate procedure.

11. In addition, Ms. Ezenwa directs this court's attention to a June 4, 2020 letter issued by the Washington Supreme Court to the state judiciary and legal community. Letter from Washington State Supreme Court to Members of Judiciary and Legal Cmty. (June 4, 2020).

12. In the Supreme Court's open letter, the Honorable Judge Fearing stated: "The protests surrounding the deaths of George Floyd, Breonna Taylor, and Ahmaud Arbery, the false accusations of Karens against African-American males, and the many corporate pronouncements supporting Black Lives Matter prompted the Supreme Court's letter . . . The Supreme Court's June 2020 letter mentions racialized policing and the overrepresentation of black Americans in every stage of our criminal and juvenile justice systems." *State v. Scabbyrobe*, No. 37124-7-III. Wash. Ct. App. (2021).

13. With proactive application, it "advises judges to recognize that implicit racial bias blights our judicial system regardless of open racism . . . the Washington State legal community must recognize that we all bear

responsibility for this enduring injustice. The letter exhorts the community to exercise the courage and will to end the injustice. The letter continues that judges must develop a greater awareness of our own conscious and unconscious biases in order to administer justice in a way that brings racial fairness to our legal system.” *State v. Scabbyrobe*, No. 37124-7-III. Wash. Ct. App. (2021).

The Supreme Court ends by calling on “every member of our legal community to reflect on this moment and ask ourselves how we may work together to eradicate racism.”

14. The Supreme Court’s June 2020 letter directs this court to ask whether racism tainted this case. By citing the Supreme Court’s 2020 letter, Ms. Ezenwa claims she was a victim of racialized policing when her ethnicity influenced the Cheney Police Department to deny her of services and privileges as set forth in the Washington State Fair Housing and Public Accommodations Act and that CPD responded to calls for assistance from the following members of the Carlin family (Peter, Danielle, Nancy), while acting in a manner that reflected no care or concern about Appellant’s well-being because of her race and color.

15. CPD and its Officers engaged in profiling Ms. Ezenwa when she temporarily rented a room in Cheney, as evidenced by CPD’s one-sided investigation done with malicious intent to harm Ms. Ezenwa in VAPO

case. Couples in interracial relationships have faced a documented history of discrimination in this country. In 1967, in *Loving v. Virginia*, the U.S. Supreme Court recognized that state laws banning interracial marriage violated the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution. The case changed the legal landscape if not the daily realities of discrimination for couples in interracial relationships.

16. In *Brady v. Maryland*, the U.S. Supreme Court enforced the *Brady* Rule, making it a *Brady* violation for a police department to withhold an evidence favorable to the accused in a criminal case.

17. Whereas, the egregious actions of CPD officers significantly affected Ms. Ezenwa's constitutional rights, and the *Brady* Rule does not apply to civil cases; it may well be the appropriate time for the Supreme Court of the State of Washington to consider establishing binding precedent for future cases connected to police powers, so the *Brady* rule can at least apply in certain civil cases to further the Constitution's guarantees of due process and right to a fair trial. U.S. CONST. amend. XIV, § 1.

18. Ms. Ezenwa's right to due process were violated by Cheney Police Department officers. For the interest of justice and public safety for the community, and to safeguard due process, Ms. Ezenwa directs this Court's attention to the racism that tainted this case.

19. After Alan left a note and voicemail message for his children, the two traveled together to the airport, and there Ms. Ezenwa gratuitously paid for: I) all their baggage fees, II) gluten free meals and bottles of spring water from the Airport's food courts of Alan's choice, and III) tipped the workers at the airport who provided assistance.

20. Ms. Ezenwa also made a payment to Sarah to rent a private room at her home in Cheney. At their rented room, Ms. Ezenwa continued to care for Alan by making every reasonable effort to provide the care Alan needed. Ms. Ezenwa typically prepared the gluten free meals which she bought with her own money. She never wanted Alan's money, and Alan was fully aware of it.

21. Ms. Ezenwa took very good care of Alan for the entire time they were living together at Cheney. Ms. Ezenwa also stayed busy doing their specific household chores. In addition to the cooking, Ms. Ezenwa cleaned their room, mopped the floor, swept the floor, made the queen size bed that had a box spring (not an "air mattress"), did the laundry, and also got up early to take Alan to all his neuropsychological appointments with Dr. Debra Brown, and many other things.

22. Alan never fell down at any point while they were living together from January 18, 2020 to January 31, 2020 because Ms. Ezenwa made sure the room was well-lit according to Alan's wishes.

23. On or around 1/29/2020 respondent raised false alarm to the Fairfax and Cheney Police Departments stating that his father is missing from Fairfax County VA and have eloped with Ms. Ezenwa to Cheney Washington State. (CP at 12).

24. Whereas, upon investigation, Police Officer Rocky Hanni indicated that he contacted Alan in Ms. Ezenwa's place where he was living happily with Mary in Washington. (CP at 12).

25. Alan Carlin (purported vulnerable adult) told Cheney Police Officer he is tired of his family "harassing" him. (CP Ex 8).

26. Alan told Cheney Police Officer his family is trying to say he is not competent so they can stop him from removing him from his will.

27. Officer Hanni asked Alan if he was in Cheney on his own free will. Alan stated he bought his own plane ticket, boarded the plane by himself, and was not forced to do so. (CP at 12).

28. On 01/30/2020, Ms. Ezenwa informed the CPD officers during a wellness check for Alan Carlin that Dr. Debra Brown from Brown and Associates found her husband Alan Carlin to be competent and able to make



his own decisions, but the CPD officers intentionally failed to follow that lead or subpoena key relevant documents from Dr. Debra Brown.

29. Also, CPD officers failed to request for phone records from Nancy (Alan's daughter) that would prove Alan was in constant communication with Nancy, and continued to do so after arrival at Spokane to see a few Clinical Psychologist for cognitive testing for Alan.

30. Because CPD officers only informed Ms. Ezenwa that they were conducting a wellness check on Alan Carlin, Ms. Ezenwa never received the necessary due process opportunity expected in a criminal investigation for “kidnapping, abuse and isolation of an alleged vulnerable adult.”.

31. If given the opportunity to defend herself against the false allegations on the police report, Ms. Ezenwa would at least be able to provide CPD officers with her mobile phone to see the text messages of her communication with the Director of Nursing from Frontier Behavioral Health which proved her plan to take Alan Carlin to see a few Clinical Psychologist in Spokane for cognitive testing, and then bring Alan back to his place in Virginia right in time to contest the Guardianship hearing that Peter Carlin wanted for Alan.

32. Due to the lack of investigation and bias within the police force, a CPD officer instead reported the matter to Adult Protective Services most likely with intent to permanently separate Alan and Mary, as well as to try to taint

the VAPO case and try to prejudice the court for the plaintiff and against the defendant.

33. On January 31, 2020, Ms. Ezenwa was targeted by four angry CPD officers that served court papers to Ms. Ezenwa and Mr. Carlin.

34. One of the CPD officers then entered Ms. Ezenwa's privately rented room while she was gathering her things. That same CPD officer searched through their belongings and seized Alan Carlin's laptop.

35. The police report serves as a material evidence to prove the four CPD officers are not credible. It shows that CPD officers inaccurate statement regarding Ms. Ezenwa's name incident are credible allegations of CPD officers misconduct and racial harassment.

36. In or around 01/30/2020, CPD officers falsified report when it came to the name incident and disposition of Ms. Ezenwa at her home.

37. Ms. Ezenwa does not speak her parent's native language, so Ms. Ezenwa informed the CPD officers of the difficulty spelling her middle name because it is in Igbo language. Ms. Ezenwa does not recall spelling her middle name.

38. Ms. Ezenwa never informed CPD officers that she was not told how to pronounce her name. Ms. Ezenwa simply expressed the difficulty pronouncing and spelling her middle name because it is in Igbo language.

39. CPD officers' decision to lie about her disposition and name spelling/pronunciation were motivated by racism. There is a high probability that White People in the same circumstances that may have been questioned by the same CPD officers would never experience being told to spell and pronounce their name.

40. The sworn CPD officers' statement with regards to Ms. Ezenwa allegedly expressing not knowing how to spell her middle and last name because of an alleged claim of never being taught how to pronounce her name are completely false and can erode public confidence in police. (CP at 12)

41. The police report also highlights the contradictions in the Cheney and Fairfax Police officers' account regarding Ms. Ezenwa alleged name incident, which points to the possible omission of key facts by CPD officers. (CP at 12).

42. The problems found within sworn written report by CPD officers regarding the name incident support the fact that those CPD officers are not trustworthy. Here, Ms. Ezenwa directs this court's attention to the record of Ms. Ezenwa's certificate from Columbia University to prove Ms. Ezenwa's challenges with spelling her middle name only; not her last name. (CP at 20).

43. Wherefore, the false statement regarding Ms. Ezenwa's name incident is an issue, the CPD officers' report about that matter cannot be considered as errors and lack of attention to detail. The CPD officers' omissions and inaccurate statement regarding Ms. Ezenwa's name incident causes irreparable harm because of their intentional misleading sworn statement regarding Ms. Ezenwa's name incident that confirm intentional steps to mislead or be deceitful. (CP at 12).

44. To highlight further discrimination, Brady (a resident of Cheney living at Sarah's place, and there with Ms. Ezenwa in his vehicle on 01/31/2020) will testify on that day, one of the CPD officer stated: "Just leave her in the middle of the road."

45. Shortly after that statement, Alan Carlin was taken to Sacred Heart Hospital against his will because of a CPD officer's false report about Alan Carlin.

46. In the same police report, we have two contradictory statements regarding Danielle Roselin's comment about Alan Carlin alleged medical problems, specifically with regards to the "sepsis" statement. This is a sign of omission. (CP at 12).

47. In efforts to make more false statement in the police report with intent to try to influence the VAPO case outcome, a CPD officer falsified report of Sarah's testimony: I) Sarah never stated that Mary Ezenwa was her client,

II) CPD officer fabricated untrue facts of Ms. Ezenwa being a client of Sarah while residing at the Women Healing and Empowerment Network's home, II) CPD officer also falsely alleged Sarah told him that Mary said she was with Alan for two years prior to their marriage, and IV) CPD officer lied about Sarah claiming Mary had an issue with another male's family when living in the WHE housing. (CP at 12).

48. It is also important to note, Ms. Ezenwa never claimed to have two tech firms worth \$5 million. This CPD officer specifically targeted Ms. Ezenwa with one-sided investigation to harm defendant in VAPO case. (CP at 12).

49. In or around the first week of February 2020, the Cheney Police Department received Alan Carlin's medical records from Sacred Heart Hospital, but CPD did not affirmatively disclose withheld evidence of innocence that is favorable to the defendant and cast doubt on the credibility of complainants. (CP at 12).

50. Peter Carlin and the Police Officers never contacted Ms. Ezenwa to investigate these allegations by Dr. Alan Carlin's adult children before they went and obtained an ex parte Temporary Vulnerable Adult Protection Order from a Judicial Officer; Gregory Hicks on 01/31/2020 and Temporary Restraining Order from the Spokane County superior court on 02/13/2020. (CP 1-7).

51. As a resident of Spokane at the time, Ms. Ezenwa was entitled to services from the CPD and expected that those services would be provided in the way they are provided to all residents.

52. Ms. Ezenwa had the right to expect and trust that services would be delivered professionally and free of bias, and that the CPD would provide reasonable protection and support if needed. Here, it was reasonable for Ms. Ezenwa to expect the CPD officers to conduct a fair investigation, so that Ms. Ezenwa's constitutional rights would not be violated.

53. However, the CPD failed to gather evidence from Dr. Debra Brown that could have called into question members of the Carlin family's allegations.

48. Here, the fundamental difference for purposes of a disparate treatment analysis between Ms. Ezenwa and the persons in the Carlin family that falsely accused Ms. Ezenwa is Ezenwa's race and color. This is an extreme example of a failure to provide services, privileges, advantages, or benefits, to a person due to race.

54. These four CPD officers engaged in unfair tactics that deliberately breaks the law and code of professional ethics, all to influence this case. Whereas, CPD concealed evidence of innocence favorable to the defendant, it may be appropriate for the Supreme Court to look into the systemic failures involved, and do what it can to keep the community it serves safe from that type of behaviors.

55. Ms. Ezenwa argues that being on the receiving end of CPD officers misconduct: I) placed her at an extreme disadvantage to prove self-innocence in the court, II) endangered Ms. Ezenwa's safety and damaged her well-being, and III) deprived the proper authorities of information it could have used to make the correct decisions.

56. After the trial court issued a VAPO against Ms. Ezenwa, Mr. Gary Stenzel stated: "Sorry, I couldn't say anything negative about CPD because I have a family member that works for the Cheney Police Department."

**IV. CONCLUSION**

To prevent a gross miscarriage of justice, this Court should grant Ms. Ezenwa's request for leave to file an amended petition for review until today's date. RAP 18.8(b).

Dated this 17<sup>th</sup> day of June, 2021

**CERTIFICATE OF SERVICE**

I, hereby certify that on this day June 17, 2021, I filed Motion for Leave to Amend Petition for Review with this court's electronic filing system which served the Petition among the parties:

**Dianna Joy Evans**

Law Office of Richard W. Perednia

28 W Indiana Ave Ste E

Spokane, WA, 99205-4751

**(Attorney For Respondent)**



---

Mary Ezenwa, Petitioner Pro Se



**MARY CARLIN - FILING PRO SE**

**June 17, 2021 - 3:43 PM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 99707-1  
**Appellate Court Case Title:** Peter Carlin v. Mary C. Ezenwa  
**Superior Court Case Number:** 20-2-00391-8

**The following documents have been uploaded:**

- 997071\_Other\_20210617153736SC955466\_8960.pdf  
This File Contains:  
Other - Motion For Leave to File an Amended Petition for R  
*The Original File Name was Motion For Leave to File an Amended Petition for Review.pdf*

**A copy of the uploaded files will be sent to:**

- dianna@legalRWP.com
- msmarye7@gmail.com

**Comments:**

Motion For Leave to File an Amended Petition for Review

---

Sender Name: Mary Carlin - Email: grow2better@gmail.com  
Address:  
711 Commerce Way #13  
Libby, MT, 59923  
Phone: (917) 993-1057

**Note: The Filing Id is 20210617153736SC955466**