

**RECEIVED**  
AUG 19 2021

Washington State  
Supreme Court

SUPREME COURT OF THE STATE OF WASHINGTON

David M. Vines  
Appellant

No. 100014-6

vs

City of Black Diamond,  
Jamey Kiblinger,  
Ryan Keller,  
Michael Henrich,  
Brian Lynch  
Respondents

MOTION TO  
ALLOW  
WITNESSES

Come now David M. Vines Appellant and ask this  
Court to allow witnesses: Michelle Ibarra; June Vines;  
and Mark Vines.

## STATEMENT OF RELIEF SOUGHT

To allow Michelle Ibarra, June Vines and Mark Vines as witnesses to December 21, 2018 arrest of David M. Vines in his home.

## FACTS RELEVANT TO THE MOTION

On December 21, 2018, a mentally incompetent relative, with a criminal record, entered Appellant's home, threatened Appellant, frightened the children, and would not leave. After being physically thrown out, the relative complained to the police. The police arrested the Appellant (home owner) twelve hours later.

## GROUND FOR RELIEF AND ARGUMENT

The appellant requests that this case be sent to trial, in whole, judged by a twelve member jury for the following reasons:

1. The police had no warrant 4<sup>th</sup> Amendment
2. The police did not act under color of law RCW 10.31.030

3. The arrest was not needed since a notice to appear in court would have been sufficient RCW 7.80.005
4. Appellant denied equal protection of the laws 14<sup>th</sup> Amendment

#### ARGUMENT

What happened to the term 'peace officers?' It seems the police have too much power and cause more harm than good. Care little for the citizen who pay their salary. A "Shoot first and ask questions later" seems to be the rule of the day. No investigation. No interviewing witnesses. No looking into the record of the person complaining. If a complaint is brought to the police: "someone must be arrested". And that complaint could be unfounded.....a way to get back at a relative who disapproves of their life style. Or to hurt someone they don't like. Do you think things should change? Do you think the police have a duty to treat everyone as innocent until proven guilty? Not act as judge and jury before arresting someone on suspicion alone?

Date .. August 17, 2021 ..

Respectfully submitted

 ..  
David M. Vines

I swear the foregoing is true and correct and that I mailed  
a copy to respondent's attorney:

Patrick McMahon  
P.O. Box 2965  
Wenatchee, WA 98807-2965

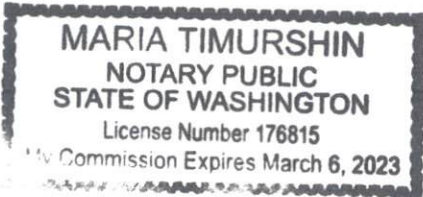
DECLARATION OF JUNE A. VINES

AT APPROXIMATELY 8:30 IN THE MORNING ON DECEMBER 21, 2018 I WAS IN THE BEDROOM AND HEARD MY BROTHER YELLING AT MY HUSBAND DAVID. AFTER MY HUSBAND TOLD CLYDE TO "GET OUT" TWICE, I HEARD A SCUFFLE. AFTER ENTERING THE ROOM I HEARD CLYDE CHALLENGE MY HUSBAND TO CONTINUE THE FIGHT OUTSIDE. WHAT IS WRONG WITH EVICTING SOMEONE WHO WILL NOT LEAVE FROM YOUR HOME?

I swear the above statement is true and correct

Name June A Vines  
Date 3-13-2020

State WASHINGTON County KING



Notary name MARIA TIMURSHIN

Date 3/13/2020

Signed by JUNE A VINES

Notary name MARIA TIMURSHIN

My commission ends 03/06/2023

DECLARATION OF MICHELLE M. IBARRA

ON DECEMBER 21, 2018 AT 8:30 IN THE MORNING, I WITNESSED AN ASSAULT IN MY HOME BY CLYDE ERICKSON. HE CROSSED THE ROOM AND VERBALLY ASSAULTED MY DAD, DAVID M. VINES AND WHEN HE WAS TOLD TO LEAVE, HE REFUSED TO GO. THE KIDS WERE GETTING UPSET. LATER THAT DAY, THE POLICE ARRESTED MY DAD FOR THROWING CLYDE OUT OF MY DAD, MOM AND MY HOME.

I swear the above statement is true and correct.

Name: *Michelle Ibarra* .. michelle Ibarra

Date: *5/4/2020* .....

State *Washington* .. County *King* .....

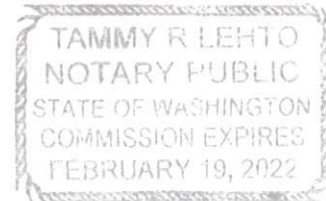
Notary Name *Tammy R. Lehto* .....

Date *5/4/2020* .....

Signed by *Michelle M. Ibarra* .....

Notary *Tammy R. Lehto* .....

My commission ends *2/19/2022* .....



DECLARATION OF MARK D. VINES

I WAS IN MY PARENTS HOUSE DRINKING COFFEE AND MAKING TOAST AT 8:30 IN THE MORNING ON DECEMBER 21, 2018 WHEN CLYDE ERICKSON CAME INTO THE HOUSE FOR COFFEE. MY DAD CAME OUT OF THE BEDROOM AND ASKED CLYDE TO RETURN EVERYTHING HE HAD STOLEN. CLYDE CROSSED THE ROOM, GOT IN MY DAD'S FACE AND THAT IS WHEN THE ALTERCATION BEGAN. I REMEMBER MY DAD TELLING CLYDE TO "GET OUT" TWICE BUT IT SEEMED LIKE HE WOULD NOT LEAVE. CLYDE THEN SAID HE WAS GOING TO THE POLICE. BUT FIRST HE WANTED TO TAKE THE FIGHT OUTSIDE. INSTEAD HE WENT TO THE POLICE WHEN MY DAD WOULD NOT GO OUT.

I swear the above statement is true and correct

Name MARKOM D. VINES

Date 3/13/2020

State WA County King

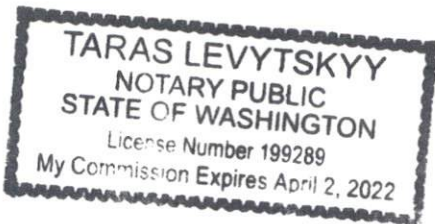
Notary name Taras Levytskyy

Date 03/13/2020

Signed by [Signature]

Notary Public

My commission ends Apr 2, 2022



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BD WA 98010



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98504

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THE SUPREME COURT  
Temple of Justice  
PO Box 40929  
Olympia WA 98504-0929