

COURT OF APPEALS DIVISION II  
OF THE STATE OF WASHINGTON

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MICHAEL SNYDER,

Appellant,

ALLISON & KELLY PARNELL

Respondents,

**COURT OF APPEALS NO. 37364-5-II**

TRIAL COURT NO. 06-2-06481-3

FILED  
COURT OF APPEALS  
DIVISION II  
09 OCT 23 4:11:14  
STATE OF WASHINGTON  
BY *[Signature]*  
DEPUTY

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BRIEF OF APPELLANT

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**I. ASSIGNMENT OF ERROR**

The trial court erred in granting Defendants Motion to Dismiss. The court failed to properly apply the “discovery rule”, “statute of limitations” and “tolling”, thus dismissing an otherwise valid tort claim of “outrageous conduct” with a series of consequences for Plaintiff, which included fees to opposing parties.

**II. ISSUES PERTAINING TO ASSIGNMENT OF ERROR**

- 1.) Did the cause of action begin to accrue at the time the 9-1-1 tapes were obtained?
- 2.) Did the plaintiff exercise due diligence in trying to obtain copies of the 9-1-1 tapes?
- 3.) Does tolling apply to the 90-day period of attempted service after filing of the complaint due to “absence” and/or “concealment”?
- 4.) Was the instant case, given the totality of the circumstances and multiple issues, within the statute of limitations as intended by law.

### **III. STATEMENT OF THE CASE**

On June 16<sup>th</sup>, 2003 the Appellant was married to Sara Skillman. The Defendants were friends of Sara Snyder and next-door neighbors. The marriage had been volatile with both sides claiming the other was abusive and manipulative and had hit a breaking point when Mr. Snyder (Appellant) called a divorce attorney in the presence of Sara Snyder when Sara refused to attend therapy and threatened to take the couples' 1 year old child away and never let Mr. Snyder see him again. This led to a series of events, out of which the original claim arose. (CP #2, Pg. 3)

During the later part of the day of June 16<sup>th</sup>, 2008 Allison Parnell had come to the Snyder residence with Sara Snyder while Michael Snyder was working in the dining room. Michael Snyder demanded to know where a missing gun was that had been taken earlier in the day that Michael used for work as a Security company owner. After both Sara Snyder and Allison Parnell refused to admit they took it or knew where it was, Allison Parnell began yelling at Michael Snyder and refused to leave after being repeatedly asked to do so. (CP #2, Pg. 3)

Subsequently, Michael Snyder placed a call to 9-1-1 which was then hung-up by Sara Snyder. A 2<sup>nd</sup> call to 9-1-1 was placed by Michael Snyder which was also hung-up by Sara, who then told Allison Parnell to leave. Allison refused to do so. Michael Snyder then placed a 3<sup>rd</sup> call to 9-1-1 which got through. Sara Snyder fled the house. (CP #19, Pg. 46)

Within 1 minute of Michael Snyder making the 9-1-1 call, Allison Parnell stated "Now you're gonna get it, watch this" and Allison proceeded to place a 9-1-1 call of her own on her cell phone. Very shortly after placing the 9-1-1 call, Allison walked outside of the apartment and outside of Mr. Snyder's presence. Michael Snyder continued to stay on the phone with 9-1-1 dispatchers for approximately 15 minutes, not including a brief period where Sara Snyder had returned to talk to dispatchers. (CP #2, Pg. 3, CP #19, Pg. 46)

After being instructed to go outside and talk to police, Michael Snyder was arrested on a charge of "harassment" and booked into the Clark County Jail. Michael Snyder remained incarcerated for 46 days until August 1<sup>st</sup>, 2003. Michael Snyder had been unable to make bail, which was doubled to \$10,000 based on false statements made by both Sara Snyder and Allison Parnell (falsely claiming she was assaulted), which encouraged the Judge to double what the Prosecutor had asked for.

While incarcerated, Michael had been attempting to work with a court-appointed attorney on his defense. Michael Snyder had vigorously attempted to get copies of the 9-1-1 tapes, but the court-appointed attorney refused to get them (well documented). While in custody, Michael Snyder learned that his gun had been found in the vehicle of Kelly Parnell who had driven it to Seattle, WA earlier on June 16<sup>th</sup>, 2003 and he eventually returned it to Police in its still locked case. (CP #19, Pg. 46)

Michael Snyder made many impassioned attempts to get both the 9-1-1 tapes and to prepare for trial through discovery. However, the court-appointed attorney (Tony Lowe) had refused any trial preparation whatsoever, including filing for necessary hearings, though he was instructed to. Numerous attempts to make bail and fire Mr. Lowe were made while incarcerated and these have been well documented. Eventually, under pressure from Mr. Lowe, Michael Snyder accepted a plea offer on the condition it be entered as a Newton Plea when Mr. Lowe had failed to prepare in any way, 4 days before trial. This is also documented extensively. (CP #19, Pg. 46)

Upon being released from custody Michael Snyder immediately began contacting attorneys to inquire about a withdrawal of the Newton Plea and moving for a trial. At that point in time, Michael Snyder had no employment, no phone, virtually no money and had lost his apartment, on top of being on Probation. After 2 weeks of attempts it became clear that Michael Snyder would not be able to obtain an attorney to assist with this for financial reasons and also had been served divorce papers and had child visitation issues to deal with. As a person who was now required to move forward with these actions "Pro Se" while still dealing with the immediate aftermath of what had happened and learning what to do in the process, progress was slow though each day was spent moving forward.

During the month of September, 2003, Michael Snyder was required to take a Polygraph by the Dept. of Corrections among other things. It was not until October that Michael was advised of the process for obtaining 9-1-1 tapes of the incident after requesting discovery from Vancouver, P.D. The official request was submitted on November 7<sup>th</sup>, 2003. The tape was delivered on December 11<sup>th</sup>, 2003. Attorneys advised that date would be the one used for the “cause of action”. (CP #19, Pg. 46)

For the first time, Michael Snyder was able to hear the parts of the 9-1-1 call that he was not present for, including the 9-1-1 call that Allison Parnell had made after she left the house while Michael Snyder was still on the phone with 9-1-1 dispatchers. The information obtained from the recorded 9-1-1 call of Allison Parnell is what has made this case an “outrageous act” tort claim. Allison Parnell lied repeatedly to the 9-1-1 dispatcher about the gun and her knowledge of it, specifically concealing the fact that she had taken it herself and placed it in her husband’s truck (Kelly Parnell) by which it was then transported to Seattle and where it was at the time of her call to 9-1-1. She specifically told the dispatcher that both she and Sara Snyder were in fear because they did not know where the gun was. Allison also lied to Sara about what was going on (it is on tape) and as an apparent result, Sara Snyder then goes back to the apartment and makes up stories to the dispatcher in what seems an attempt to gain custody of their son in the impending divorce. (CP #19, Pg. 46)

During the next 3 years Michael Snyder engaged in an epic custody battle with Sara Snyder, while on probation and trying to save a struggling security business, while making dozens of visits to Colorado and South Dakota for visitation with his son. During this period, Michael Snyder was “Pro Se” in both his custody case in multiple states as well as a “Pro Se” attempt to withdraw the “Newton Plea”. Needless to say, this required an immense amount of time, study and effort and more often than not, Michael Snyder worked around the clock, 7 days a week, to meet all of these obligations.

During the 3 years from December 11<sup>th</sup>, 2003 Michael Snyder attempted to acquire counsel to assist with the civil case while doing the study and research necessary to pursue the civil claim “Pro Se”, while still working on discovery and trying to locate Allison and Kelly Parnell, whom it was now discovered had been “on the run” for some time and continued their “run” shortly after Michael Snyder had been released from custody. While numerous attempts to locate the Parnell’s had been made, as the December 11<sup>th</sup>, 2006 deadline approached they had still not been found. As a result, Michael Snyder filed the complaint on December 8<sup>th</sup>, 2006 and then made “best efforts” to locate the Parnell’s through the use of multiple private investigators. (CP #19, Pg. 46)

During the 90-day service period it was thought the Parnell’s had been found in Utah, but Process Servers and investigators found they had

used another person's address for a short period of time. Use of multiple investigators eventually resulted in finding the Parnell's in Rio Rancho, New Mexico and they were effectively served on March 9<sup>th</sup>, 2007. This put the service date at 91 days. (CP #19, Pg. 46)

The Parnell's did not respond to the complaint and appear to have completely ignored the matter until December of 2007 when Michael Snyder had obtained a subpoena for Sara Snyder to be deposed as a critical part of discovery (CP #8, Pg. 12.). At that time, the Parnell's obtained their present counsel and eventually moved to have the matter dismissed, which was done on January 25<sup>th</sup>, 2008. (CP #13, Pg. 19.)

#### **IV. SUMMARY OF ARGUMENT**

There are several unique points in the instant case but there are essentially two primary arguments to be made. #1.) That the cause of action on the Statute of Limitations should commence on the date the 9-1-1 tape was actually obtained (December 11<sup>th</sup>, 2003) as the incident which occurred on June 16<sup>th</sup>, 2003 was insufficient by itself to create a cause of action without the specific statements discovered on the 9-1-1 tapes which effectively change the entire dynamics of what happened on June 16<sup>th</sup>, 2008. #2.) The 91 days it took to effect service still fall within the statute of limitations as tolling applies due to service outside of the state and concealment on the part of the defendants.

V. ARGUMENT

The first issue that must be dealt with in this appeal is whether the cause of action should accrue on June 16<sup>th</sup>, 2003 or at some future date. Under the discovery rule, the statute of limitations begins to run when a cause of action accrues. (*Green v. A.P.C.*, 136 Wn.2d 87, 95, 960 P.2d 912 1998). A cause of action accrues when a party knows or should know the essential elements of the cause of action. (*Green*, 136 Wn.2d at 95). For a tort claim, these elements include: a duty the defendant owes to the plaintiff, the defendant's breach of that duty, causation, and damages. (*Green*, 126 Wn.2d at 95).

In the instant case, the Defendant Allison Parnell owed a duty to NOT file a false report to Police and make false statements to 9-1-1 dispatchers. Not only had Allison Parnell refused to leave Michael Snyder's residence and taken a registered firearm without permission and secreted it in her husbands truck to Seattle, but she then lied to 9-1-1 dispatchers about these actions and intentionally created fear with the intent to make the arrest of Michael Snyder more likely. She also lies to Sara Snyder in the process. While Allison later claims she was just protecting her friend from Michael Snyder, her lies to 9-1-1 when out of hearing range of Michael Snyder along with other statements made, clearly demonstrate a larger plan at work as there was no legitimate reason to lie to police under those circumstances. No greater good was served.

Under the discovery rule, a cause of action does not accrue until the plaintiff knows, or through the exercise of due diligence, should have known the essential elements of the cause of action. (*Allen*, 118 Wn.2d at 757-58; *Beard v. King County*, 76 Wn. App. 863, 867, 889 P.2d 501 (1995) The cause of action accrues on the date the plaintiff, through the exercise of due diligence, should have discovered the factual basis for the action, even if actual discovery did not occur until later. (*Allen*, 118 Wn.2d at 758).

The Appellant made clear at the hearing on 1/25/08 that a tort of “outrageous conduct” had NOT arisen out of anything that occurred except the 9-1-1 call placed by Allison Parnell on that day:

“It was not outrageous conduct for Allison Parnell to come to my house and refuse to leave or to trespass in support of my ex-wife. It was not outrageous conduct to take the gun if they can claim they believe there was a concern. It was not outrageous conduct to call 9-1-1. It was not outrageous conduct to interfere on behalf of her friend. It was not outrageous conduct to be arrested, even if the police had a probable cause or whatever may be the case. So at the time on June 16<sup>th</sup> that I was arrested, it would be reasonable for a prudent person to say, 9-1-1 was called, I initiated the first two calls which were hung up by Miss – uh, my ex-wife. But I knew calling that there’s a possibility anything can happen when you call 9-1-1. Allison Parnell made a phone call and left. All of those things are not outrageous. It’s in the normal course of daily strife, unfortunately.” (VRP Pg. 7, 8)

Those were the facts that Michael Snyder was aware of on June 16<sup>th</sup>, 2003 and they did not give cause to a claim of “outrageous conduct” however offensive or unwanted they may have been. The legal cause of action, unbeknownst to Michael Snyder at the time, was the lies to 9-1-1

and Sara Snyder that Michael Snyder was completely unable to even know about prior to actually receiving the 9-1-1 tapes as part of the discovery process. It is only through those specific lies that a tort can be shown or proven:

“It was outrageous to have lied to 9-1-1 dispatchers directly and clearly which was done outside of my presence to 9-1-1 dispatchers which was directly resulted without my knowledge in my arrest later, the 46 days of incarceration and the inability to properly deal with this.” (VRP Pg. 8)

The statute of limitations period begins to run when the plaintiff's cause of action accrues. (*Crisman v. Crisman*, 85 Wn. App. 15, 20, 931 P.2d 163, review denied, 132 Wn.d 1008 (1997)). Generally, it occurs when the plaintiff suffers some form of injury or damage. (*In re Estates of Hibbard*, 118 Wn.2d 737, 744, 826 P.2d 690 (1992)). In some cases, there is a delay between the injury and the plaintiff's discovery of it. (*Crisman*, 85 Wn. App. At 20.) If the delay was not caused by the plaintiff sleeping on their rights, courts may apply the discovery rule.

Courts apply the discovery rule in two categories of cases. (*Crisman*, 85 Wn. App. at 20) First, courts apply this rule in cases where the defendant fraudulently conceals a material fact from the plaintiff and thereby deprives the plaintiff from learning the factual elements of the cause of action. (*Crisman*, 85 Wn. App. at 20). In this case, Allison Parnell covertly took the Plaintiffs gun outside of his knowledge and then

lied to the Plaintiff, made false reports to 9-1-1 and lied to dispatchers outside of Plaintiff's presence, thus concealing the act to him.

If Michael Snyder had no way to know a cause of action had occurred, then it is clearly erroneous to consider the cause of action to accrue on June 16<sup>th</sup>, 2003. When an aggrieved party discovered or could have discovered the facts to support a cause of action is a question of **fact**. (*Green*, 136 Wn.2d at 100; *Vigil*, 42 Wn. App. At 800.) It is clear that Michael Snyder DID NOT and COULD NOT have discovered the cause of action until the 9-1-1 tapes were obtained.

At the hearing on 1/25/08 the court entertains other dates for the Statute of Limitations to commence after this is brought up. (VRP 2,3,4) Initially the court suggests 30 days from the date of the incident. But, after being advised that the Plaintiff had been incarcerated for 46 days, the court suggests 30 days from August 1<sup>st</sup>, 2003 as a reasonable date. The court also gives an allowance of approximately 30 days more for processing of the request for the tape. At the least, this would place the commencement of the statute of limitations at approximately October 1<sup>st</sup>. However, it would still be over 2 more months before the tapes were actually obtained.

At that point, the court seems to dismiss the issue altogether and just asserts the cause of action to accrue on June 16<sup>th</sup>, 2003. This not only constitutes an error of law, and possibly abuse of discretion, but creates a

legal dilemma. Is 30 days the “going rule” on how long after an incident a cause of action will accrue? Is incarceration a cause for “tolling”, but out of custody a 30-day rule applies regardless of knowledge of the tort?

If the court can accept the fact that the Appellant could not have known of the tort at the time it occurred on June 16<sup>th</sup>, 2003 then as a question of fact, the Appellant learned of the tort effectively on December 11<sup>th</sup>, 2003 when the 9-1-1 tapes were obtained. The only other issue is whether a December 11<sup>th</sup>, 2003 date for the cause of action to accrue was reasonable and represented “due diligence” on the part of the plaintiff.

As mentioned previously and seemingly accepted by the trial court, Michael Snyder could not have reasonably obtained the 9-1-1 tape sooner than approximately October 1<sup>st</sup>. While incarcerated numerous requests were made to Mr. Lowe to obtain the tapes. Given the extreme nature of the situation, is 30-days a reasonable time limit to place on someone to obtain 9-1-1 tapes when it is unknown how to get them and then hold them accountable to that 30-day limit as the basis of commencement? Is an additional 2 months unreasonable when balanced with the weight of actual discovery of the tort? Especially when such a date was used as a guideline on when a complaint must be filed?

A person whose life has been thrown into utter chaos on numerous levels can not be expected to immediately or even within 30-days act on every pressing issue, especially when the weight or importance of a

particular issue is not yet even known to the person. Police Reports had to be obtained first. There is a 30-day waiting period for responses to all requests from the Police Dept. For the lay person, these things take time.

Due Diligence was exercised and I would assert that as a matter of law, if June 16<sup>th</sup>, 2003 is not the date of commencement of the statute of limitations, then December 11<sup>th</sup>, 2003 MUST be.

If the court can accept a commencement on December 11<sup>th</sup>, 2003 then that leaves a deadline of December 10<sup>th</sup>, 2006 to file a complaint in this case. The appellant filed the complaint on December 8<sup>th</sup>, 2006. There is good reason why the plaintiff waited for nearly the full term of the statute of limitations. During that period, other than struggling to keep his small business afloat and fighting a "Pro Se" custody battle for visitation and flying back and forth to Colorado each month, the appellant needed to prepare and complete discovery on this case. Doing this alone is not an easy task and doing it "Pro Se" is even more challenging. While most discovery in this case is now completed, it took a very long time to do so and the past 5 years have been spent tracking down and gathering evidence. Furthermore, Allison and Kelly Parnell moved from the residence they occupied on June 16<sup>th</sup>, 2003 and since then, the appellant had been trying to track them down for service of papers, etc... Once it became clear that they had left the State of Washington it was difficult to track them. Even when a new address was located, they would already be

gone by the time they were tracked down. There would be little point in filing a complaint early if the parties could not be served. This activity continued for the entire 3 year period.

The trial court dismissed the case (CP 44.), in part, citing that regardless of when the statute of limitations commenced, they were not served within 90 days and therefore, it was a moot point so the first issue need not be considered further. While the plaintiff claimed there were other grounds on which tolling would occur, the court stopped hearing argument and dismissed the case at that point (VRP Pg. 6-11).

The limitation period begins to run when a cause of action accrues and tolls, ie., stops running, when a complaint is filed or a summons is served. (*U.S. Oil & Refining Co. v. State Dept. of Ecology*, 96 Wash. 2d 85, 633 P.2d 1329 (1981)). Additionally, a number of statutes and a few case law doctrines suspend the running of the statute during a stated period, or offer an alternative period. These are referred to as tolling provisions. (*Medina v. Public Utility Dist. No. 1 of Benton County*, 147 Wash. 2d 303, 53 P.3d 993 (2002)).

The toll for absence or concealment is provided for in RCWA 4.16.180. By its terms, this statute tolls the statute of limitations in two circumstances.

- (1) when the person to be served is outside of the state (absence); and
- (2) when the person to be served is a resident concealed in the state.

For the tolling provision to apply, jurisdiction over the defendant must exist at the time the cause of action accrues. (*Im Ex Trading Co. v. Raad*, 92 Wash. App. 529, 963 P.2d 952 (Div. 3 1998).

As far as jurisdiction over the defendant goes, Allison and Kelly Parnell continued to live in the residence of June 16<sup>th</sup>, 2003 for a few months after Michael Snyder was released from custody until about October or November of 2003. After that time, it is believed they continued to live in Clark County while Allison worked at Fort Vancouver Ear, Nose and Throat Clinic. On December 15<sup>th</sup>, 2003 Allison Parnell caused an incident outside a “Safeway” store when she yelled profanities at the appellant and gave him “the finger”. On June 3<sup>rd</sup>, 2004 Allison was served a summons in Clark County while she was at the court house for an “anti-harassment order” filed by the appellant. She attended a hearing at the Clark County Courthouse on June 18<sup>th</sup>, 2004. I believe that sufficiently establishes this court had Jurisdiction over the Parnell’s on December 11<sup>th</sup>, 2003 when the cause of action should have accrued.

However, after this time, the Parnell’s left Clark County and were not able to be located after June 18<sup>th</sup>, 2004 until they were served on March 9<sup>th</sup>, 2007. Upon conducting a series of private investigations on the Parnell’s, it was discovered that in the preceding 10 years they had leap-frogged across the country, living under various alias’ and social security numbers. Specifically, Allison Parnell has residences between 1994 and

2006 in: Georgia, Washington, Oregon California, Florida, Utah, New Mexico. In the case of Georgia and California, she has multiple cities in each state that she apparently would move to or from every few months.

For example: In Georgia, she lived in; Newnan, Fayetteville, and Peachtree City all within less than 2 years. Then she moved on to California, where she lived in; Canyon Country, Castaic, Tarzana and Moorpark. She moved to Vancouver, WA in January of 2003 and by June of 2004 She has multiple new addresses at times. Investigations revealed she has had a bankruptcy in 2003 just before this incident as well as a sizable federal tax lien against her from the IRS (Case #96R136017) for \$19,664, these being just some of the justification for them to keep moving.

In June of 2006 she had established an address in Eden Utah. As the statute of limitations based on the December 11<sup>th</sup>, 2003 date drew near additional steps were taken to try and locate the Parnell's and an investigator was sent to the address to verify it was the Parnell's. According to the investigator it was discovered that they were not living there, nor had they been for any length of time. It was some kind of seasonal vacation home registered to someone else and had been for some time. So with just 2 days to spare, the complaint was filed on December 8<sup>th</sup>, 2006 without actually knowing where the Parnell's lived. Through extreme diligence and the aid of 3 different investigators in early March of

2007 we located the Parnell's in Rio Rancho, New Mexico and the complaint was attempted on March 8<sup>th</sup>, but was not able to be served until March 9<sup>th</sup>, 2007 thus going past the 90 day period by 1 day.

Concealment remains a valid basis for tolling. Although the literal terms of the statute cover only concealment within the state, it is understood to encompass tolling because of concealment outside the state as well. (Bethel v. Sturmer, 3 Wash. App. 862, 479 P.2d 131 (Div. 2 1970)). A plaintiff may invoke the concealment toll even if service by publication would have been possible. (Caouette v. Martinez, 71 Wash. App. 69, 856, P.2d 725 (Div. 2 1993)). Concealment connotes more than mere departure from a known address; the plaintiff must show active avoidance of service. (Muncie v. Westcraft Corp., 58 Wash. 2d 36, 360 P.2d 744 (1961)).

In the instant case, it is up to the discretion of the court what would constitute a willful evasion of process. It is the Appellants position that a large number of moves in a short period of time with a federal tax lien and bankruptcy may be at the very least, reasonable suspicion that the party(s) are relocating with the intended purpose of concealing their location. Especially if a physical address used turns out to be invalid. However, there is further evidence that the party(s) in this case intended to avoid service if at all possible.

In January of 2008, Sara Skillman (Formerly Snyder) was deposed as a precursor to setting a trial date. Though the Parnell's made absolutely no contact from March 2007 when they were served through November, 2007, once Sara Skillman was given a notice of taking deposition, the Parnell's obtained her attorney as counsel on this case and Sara Skillman attempted to avoid process service in Fort Collins, CO over a 2 day period. During that time she lied to process servers as to her identity and told them that Sara Skillman would be on vacation for the next week. Process servers later identified Sara Skillman from video of her. Sara Skillman also refused to answer the door, had neighbors harass process servers waiting nearby in their vehicle and used distractions to try and escape in her vehicle. Eventually, after being hard pressed by as many as 3 process servers simultaneously, she was served after believing she has lost one in traffic. The additional costs were nearly \$1,000, but service was effected. While Sara Skillman is not a party to this case, just prior to dismissing the case, a motion was filed to Join Sara Skillman as a Party. I believe it is additional evidence and support for the claim that the Parnell's have something to hide and as a result, finding the Parnell's is more difficult.

Whether concealment applies or not, it is clear that both "absence" and "concealment" are reasonable factors in why the parties were not served within the 90-day period. If either applies in this case, then tolling stops the statute of limitations clock on December 8<sup>th</sup>, 2006. Because the

service was not made during the 90-day service period, even if tolling applies, there would only be 2 days remaining on the statute of limitations to effect service if the 90-day tolling period is not counted.

In most cases similar to the instant case, that alone might end the argument as there would not be enough time remaining on the statute of limitations to effect service once the 90-day's had passed. However, since service was effected on day 91, only 1 additional day would be necessary and there were still 2 additional days remaining on the statute of limitations (December 9<sup>th</sup> and 10<sup>th</sup>, 2007).

Finally, I would appeal to the spirit and intent of the statute of limitations and the rules and case law that is applicable to this case. A 3-year statute of limitations has been established for a reason. That reason is not to exclude people with a valid claim for a tort, but to set a reasonable timeframe to pursue a cause of action or to "let it go". While the statute of limitations is strictly adhered to when applied, it is not written in stone and there are numerous reasons why exceptions might be made depending on the circumstances.

In this case, I believe the court should consider the facts in the light most favorable to the appellant. If there is a valid basis to the claim to begin with, then the courts should give weight to any reasonable circumstances that does not put excessive strain on the defendant. In this case, the defendant seemingly had no intention of responding to the

complaint until action was taken against Sara Skillman. Thus, had the complaint been filed a few months sooner, it can be reasonably assumed there would have been little affect on the defendant if any. As it was the defendant who lied and concealed the lie and her actions, it is only Just, that deference be given to the Appellant in establishing December 11<sup>th</sup>, 2003 as the commencement date.

## **VI. CONCLUSION**

The trial court had a very technical case to decide. It allowed the complexity of the case and the dual statute of limitations issues to dictate the simplest outcome rather than fully apply the law and carefully consider each point. While no one has wanted to admit it, Michael Snyder could NOT have known about the content of the 9-1-1 call and thus the cause of action until after the 9-1-1 tape was provided.

Given the relative extreme nature of the claim, the actions of the Defendants and Sara Skillman, the Plaintiff should be allowed to move forward with the case. The Plaintiff acted in good faith all along that this would eventually make it to a trial and did his best to ensure it moved along as expeditiously as possible. Difficult times locating the Parnell's brought this case to where it is.

There is ample case law and clear facts to demonstrate that the commencement date should be December 11<sup>th</sup>, 2003. There is also clear

evidence that the 90-day period should be tolled at the very least, due to the absence of the Parnell's from the State of Washington and possibly also due to concealment. Though somewhat confusing to arrive at, I believe it is clear that given the 90-day period being tolled, with 1 remaining day for service necessary, the Plaintiff perfected the complaint 1 day prior to the end of the statute of limitations. The appeals court should reverse the dismissal and remand for trial.

Respectfully Submitted,

10/22/08  
Date

  
Michael P. Snyder  
Pro Se Appellant

# Clark Regional Emergency Services Agency

710 West 13<sup>th</sup> Street  
Vancouver, WA 98660-2810  
Phone (360) 737-1911 Fax (360) 694-1954

Attn: \_\_\_\_\_

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## REQUEST FOR 9-1-1 CALL INFORMATION

Your Name: Michael Snyder Date of Request: 11-7-03

Agency/Firm: Alpha-Omega Security Solutions Phone: (360) 608-4357 Fax: (360) 882-1411

Address: P.O. Box 871724 City: Vancouver State: WA Zip: 98687

### INFORMATION REQUESTED

9-1-1 Call Documentation  9-1-1 Call Documentation and an Audiotape

**NOTE:** There is no current Fee for 9-1-1 Call Documentation. There is an Audiotape Preparation Fee of \$18.50 per hour, prorated to the nearest quarter hour. Payment upon pickup is required by personal check, money order or cashier's check in the exact amount. Cash will be accepted only for the exact amount. Photo ID is required for any Personal Check. All requests require approximately five business days to complete.

### PROVIDE AS MUCH OF THE FOLLOWING INFORMATION AS POSSIBLE:

Date(s) of Incident: 6-16-03 Time(s) of Incident: Approximately 8:30pm

Agency(ies) Involved:  Police: Vancouver P.D.  Fire  Medical  Other: \_\_\_\_\_

Incident Address: 14913 SE Mill Plain Blvd. D-26, Vancouver, w.A. 98684

Name(s) of Caller(s)/People Involved: Michael + Sara Snyder, Allison Parnell

Briefly, describe what the call(s) were about (house fire, traffic accident, etc.): Trespassing, Domestic Violence. 2 seperate calls. 3 from 885-9090 (first 2 hangups) 1 call from Allison Parnell's cell phone.

Court Date or Date Needed By: A.S.A.P. Cause Number/dt: 2003-1366 (03-1-01212-1) Please include all related calls

### FOR AN AUDIOTAPE OF 9-1-1 CALL INFORMATION (See Note above for Preparation Fee).

CAD Call Number(s), If Available: 360 885-9090, Plus immediately following the successful call, another from Parnell's cell phone

Indicate what you need recorded:  Incoming 9-1-1 Call(s) Only.  Call and related radio traffic.

Both parties' 911 calls (Allison Parnell RECEIVED Snyder) all Police radio traffic readily available.

Specific Control Traffic (Agency users only): NOV 10 2003 281-7545

2003-169735, 169762 169926 CRESA Request Completed by PSN: \_\_\_\_\_

**\*\*\*\*AGENCY USE ONLY\*\*\*\***

The Agency must establish release authorization for 9-1-1 call information in accordance with the applicable sections of the Revised Codes of Washington.

Authorization Required:  Yes  No Rachel

Authorized By: \_\_\_\_\_ PO Number: T03 2024

Date Completed: \_\_\_\_\_ Time Required: 1 Hours 00 Minutes

TOTAL COST: \$ 18.50

Information Picked Up By: \_\_\_\_\_ Date: \_\_\_\_\_

**PHOTO IDENTIFICATION REQUIRED FOR PERSONAL CHECKS**

PLEASE include any documentation of a 911 hang-up.

PLEASE call 360-608-4357 if any questions.

Superior Ct. Clark Co. Wn.		
No. 06-2-06481-3		
P	Ident	Exhib.

Snyder vs Parnell

Date 1-25-08
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B083592

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- EVIDENCE
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Lab No. \_\_\_\_\_

Agency Citizen Case No. \_\_\_\_\_

Offense \_\_\_\_\_ Item No. \_\_\_\_\_

Collected By J. Butbord Badge No. \_\_\_\_\_

Date 12/10/03 Time \_\_\_\_\_

Description \_\_\_\_\_

1413 SE Mill Plain Bl

Location 081063

CHAIN OF CUSTODY

From	To	Date	Time
<u>CHEYI</u>	<u>Citizen</u>	<u>12/10/03</u>	

Condition of Bag When Opened

Sealed  Other \_\_\_\_\_

Opened by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Opened by \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

Comments \_\_\_\_\_

TO REMOVE CONTENTS CUT ALONG DOTTED LINE

Superior Ct. Clark Co. Wn.		
No. 06-2-06481-3		
P	Ident	Exhib.
	2	2

Snyder vs Parnell

Date 1-25-08
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1 911 CALL:

2 MS. BUCHARD: This cassette is being prepared by  
3 Debbie Buchard of Clark Regional Emergency Services  
4 Agency on December 11, 2003, at 1229. This cassette is  
5 being recorded from, and is an accurate copy of the  
6 original master recording of telephone and radio  
7 communications received and recorded at Clark Regional  
8 Emergency Services Agency on June 16, 2003, starting at  
9 2232.

10 **CALL #1**

(DIAL TONE AND STATIC ON LINE)

11 MICHAEL SYNDER: I am calling 911.

12 **CALL #2**

DISPATCHER: Hello.

13 MICHAEL SNYDER: Just what your friend is causing,  
14 okay?

15 DISPATCHER: Hello? Hello?

16 (CALL IS DISCONNECTED)

17 **CALL #3**

DISPATCHER: Hello?

18 (INAUDIBLE BACKGROUND VOICES)

19 DISPATCHER: Hello.

20 MICHAEL SNYDER: I want to go now.

21 DISPATCHER: Hello.

22 MICHAEL SNYDER: Hello.

23 DISPATCHER: Hi, 911. What's going on there?

24 MICHAEL SNYDER: Well, my neighbor is not leaving  
25 my house, and I've asked her to.

1 DISPATCHER: Okay. What is her name?

2 MICHAEL SNYDER: Her name is Allie Parnell. I'd  
3 asked her to leave several times. She's interfering in  
4 an argument I'm having with my wife, but I've asked her  
5 to leave several times, and she won't.

6 DISPATCHER: Okay. Has anybody been hitting on  
7 each other, or is it just --

8 MICHAEL SNYDER: No, not --

9 DISPATCHER: And what is your name?

10 MICHAEL SNYDER: My name is Mike Snyder.

11 DISPATCHER: And, Mike, what's your phone number  
12 there?

13 MICHAEL SNYDER: It is 360-██████████.

14 DISPATCHER: And your address?

15 MICHAEL SNYDER: Uh, ██████████ Southeast Mill Plain  
16 Boulevard, ██████████.

17 DISPATCHER: Okay. So it's the three of you  
18 involved in the argument; you, your wife and Allie?

19 MICHAEL SNYDER: Oh, no. See, my wife and I aren't  
20 arguing right now. She just won't leave and she's been,  
21 you know, getting involved where she shouldn't --

22 ALLISON PARNELL: (Inaudible).

23 MICHAEL SNYDER: -- she shouldn't be.

24 ★ ALLISON PARNELL: There's a gun involved -- a gun.

25 MICHAEL SNYDER: (Sighing.)

1 DISPATCHER: Okay. So, any idea why she won't  
2 leave?

3 MICHAEL SNYDER: Uhm, because she's entered into  
4 stuff she doesn't know what she's talking about. And,  
5 you know, my gun's missing. I'm looking for my gun.  
6 Uh, they've said they don't know who could have taken  
7 it, but many people were in the house, and there's been  
8 a whole big problem. My wife actually isn't doing  
9 anything right now, although I'm pretty sure she has the  
10 gun somewhere.

11 DISPATCHER: Okay. Let me talk to your wife then.

12 MICHAEL SNYDER: Uh. she's outside right now, but  
13 there is no, uh -- oh, now she's reporting a domestic  
14 dispute, the --

15 DISPATCHER: Who is?

16 MICHAEL SNYDER: -- neighbor. The neighbor, even  
17 though nobody's arguing.

18 DISPATCHER: Okay. I want to talk to your wife.  
19 Where is she? I want to talk to --

20 MICHAEL SNYDER: She's outside.

21 DISPATCHER: Okay.

22 MICHAEL SNYDER: She's getting out of this.

23 DISPATCHER: Why do you think she's got the missing  
24 gun?

25 MICHAEL SNYDER: Uh, because she knew where I put

1 it last, and it's gone.

2 DISPATCHER: Why would she take it?

3 MICHAEL SNYDER: Well, she had taken it for the  
4 past three months, my --

5 DISPATCHER: Why?

6 MICHAEL SNYDER: -- wife's not really involved.  
7 There's no gun that any officer needs to be worried  
8 about. I'm an ex-police officer.

9 DISPATCHER: Okay. Then you know why I'm asking  
10 these questions.

11 MICHAEL SNYDER: I certainly do.

12 DISPATCHER: So, where's the gun? Why do you think  
13 your wife --

14 MICHAEL SNYDER: I have no clue --

15 DISPATCHER: -- has it, and why did she take it in  
16 the first place?

17 MICHAEL SNYDER: -- where the gun is, but no police  
18 officer needs to worry about violence or punching. In  
19 fact, there's no actual argument between my wife  
20 currently, but the neighbor's not leaving my house. In  
21 fact, that's her in the background refusing to leave,  
22 and I think she's trying to call in a domestic dispute.

23 DISPATCHER: Well, she can call in whatever she  
24 wants. But I'm still concerned about why your wife has  
25 your gun.

1           MICHAEL SNYDER: Uhm, because sne just -- she's  
2 just causin' problems.

3           DISPATCHER: Is she suicidal? Is she going after  
4 somebody? What -- what's the deal?

5           MICHAEL SNYDER: Uh, no, not at all.

6           DISPATCHER: So she just took it and hid it, and  
7 you don't know why?

8           MICHAEL SNYDER: Uh, yeah. Exactly. She's had it  
9 for the past three months. I found it underneath my bed  
10 after she's been hiding it. But, anyway, when I found  
11 it, I had taken it with me, and she, uh, she just took  
12 it again when I had put it down for a few mintues.

13          DISPATCHER: So how long has she had it?

14          MICHAEL SNYDER: Uh, I don't know. She's denying  
15 that she has it or knows where it is.

16          DISPATCHER: ~~How~~ long has it been missing?

17          MICHAEL SNYDER: Uh, probably for three or four  
18 hours.

19          DISPATCHER: Okay. But you don't know where it is,  
20 and you have no idea why she took it, and you won't get  
21 her to the phone.

22          MICHAEL SNYDER: She's outside. I don't even know  
23 where she is now. And now the neighbor's walked  
24 outside, calling in this -- this call, so. And I know  
25 this is going to be a big mess.

1 DISPATCHER: Well, it's -- you know, if there's  
2 nothing going on, there's nothing going on.

3 MICHAEL SNYDER: Well, except my neighbor wouldn't  
4 leave the house when I asked her to --

5 DISPATCHER: Right.

6 MICHAEL SNYDER: -- out.

7 DISPATCHER: Right, and that part. But I am a  
8 little concerned about the fact that your wife took your  
9 gun three to four hours ago, you think, and you don't  
10 know where she's got it or what she's doing with it or  
11 why she might have taken it.

12 MICHAEL SNYDER: Uh, well, I mean, she took it just  
13 to -- to take it. I mean, she -- I don't believe there  
14 was any ulterior motive involved, other than to take it  
15 and -- you know, there's -- she's --

16 DISPATCHER: Is she suicidal?

17 MICHAEL SNYDER: No, not at all. They're just  
18 playin' this big game, and this --

19 DISPATCHER: Are you suicidal? Is that why they  
20 took it?

21 MICHAEL SNYDER: No. No, no, no. No.

22 DISPATCHER: Okay.

23 MICHAEL SNYDER: No. They're just tryin' to work  
24 up, uh, just, you know, cause problems. So, but my wife  
25 didn't intend to do anything, and I don't want her to --

1 to be --

2 DISPATCHER: So you and your wife were arguing, and  
3 how did the neighbor get involved?

4 MICHAEL SNYDER: Uh, actually, my wife and I had an  
5 argument last night. The neighbor's been involved the  
6 whole day, and even though her own husband told her to  
7 stay out of it, she came to my house and she started  
8 causing problems and accusing me of things that she  
9 doesn't know what she's talking about. And even my told  
10 her to -- to stay out of it. ~~But she~~, uh, she wouldn't  
11 leave my house after I asked her about 20 times. Now  
12 she's out of the house, so, I mean, you can cancel the  
13 police if you want. My wife's here now.

14 DISPATCHER: Okay, let me talk to her then.

15 SARA SNYDER: Hello. Uhm, is this 911?

16 DISPATCHER: Yeah. Okay, who's this?

17 SARA SNYDER: Uhm, this is his wife and --

18 DISPATCHER: Waht's your name?

19 SARA SNYDER: My name's Sara Snyder.

20 DISPATCHER: Okay, Sara.

21 SARA SNYDER: And --

22 DISPATCHER: Sara?

23 SARA SNYDER: Yeah --

24 DISPATCHER: Number one question, do you have his

25 gun?

★  
1 SARA SNYDER: Yes.

2 DISPATCHER: Okay. Where? Do you know?

3 SARA SNYDER: It's gone because he was gonna

4 He had been using it around my son today. He's  
5 only one years old. He had locked him in the bedroom  
6 with the gun. I found the gun later, and someone took  
7 it from me, and I don't know where it is. It's taken  
8 away.

9 DISPATCHER: But it's no longer in the house?

10 SARA SNYDER: Exactly, because my husband is a  
11 former police officer, and he's very violent to me. And  
12 so I didn't press charges because I know that once he  
13 has a criminal record, he can't be in law enforcement  
14 any more.

15 DISPATCHER: Okay. What do you mean that he locked  
16 himself and the son in the bedroom?

17 SARA SNYDER: He's done this before. He, uhm --

★  
18 DISPATCHER: Is he threatening the child or --

19 MICHAEL SNYDER: (speaking from the background)  
20 Can respond now, thank you.

21 SARA SNYDER: Okay. Anyway --

22 DISPATCHER: Well, Sara, we were coming anyway.

23 SARA SNYDER: I know.

24 DISPATCHER: We were coming as soon as he said the  
25 neighbor wouldn't leave. So.

1 SARA SNYDER: She wasn't. I -- and I'd asked her  
2 to stay because of him badgering me about the gun.  
3 Him --

4 DISPATCHER: Okay.

5 SARA SNYDER: -- obsessed about the gun.

6 DISPATCHER: Okay.

7 SARA SNYDER: And he's been threatening divorce all  
8 day, and he's been abusive, and I -- I don't call the  
9 police because I don't want him to have a criminal  
10 record. But he's the one that called for first --

11 DISPATCHER: Right, yeah. And that's -- and, like  
12 I said, we were coming anyway, so it doesn't really  
13 matter at this point; we're still coming.

14 SARA SNYDER: That's great.

15  DISPATCHER: Uhm, but I am concerned about what  
16 you're saying about him and the baby in the room.

17 SARA SNYDER: I brought the baby -- his mother --  
18 his parents live next door, and so --

19 DISPATCHER: Okay.

20 SARA SNYDER: -- I left the baby next store with  
21 them.

22  DISPATCHER: Okay. But why was he locked in the  
23 room with the child and the gun?

24 SARA SNYDER: He did it to -- so that I couldn't  
25 have the baby. The baby woke up from a nap, and I went

1 in to get him, and the baby was reaching for me and so  
2 he closed me out of the room.

3  DISPATCHER: But did he threaten you with it? 

4 SARA SNYDER: He threatened the baby. He put the  
5 baby in front of the door, that if I tried to, uhm, get  
6 into the room, I would have hurt the baby. And he has  
7 done this before, so that if I tried to get to my son, I  
8 would hurt the baby. And he's said this several,  
9 several times.

10  DISPATCHER: Okay. Did he threaten the child by   
11 you knocking him over when you opened the door --

12 SARA SNYDER: Exactly.

13  DISPATCHER: -- or was he going to do something   
14 with the gun?

15 SARA SNYDER: Uhm, basically just that. It was  
16 more the gun was just an intimidation factor all day.  
17 He'd been carrying it around even in the bathroom. He  
18 had carried it around all over, 'cause I had hidden it  
19 for two months.  

20 MICHAEL SNYDER: (speaking from the background:) I  
21 was carrying it around because I found it last night and  
22 I didn't want to let her do this again.

23 SARA SNYDER: I'm -- Michael --

24 DISPATCHER: Okay, sara, don't talk to him. Okay?

25 SARA SNYDER: Anyway, basically what it is, is I

1 had hidden the gun, uhm, 'cause I was afraid for my son,  
2 I was afraid for myself.

3 DISPATCHER: Uh-huh.

4 SARA SNYDER: So I had hidden it for two months.  
5 He found it yesterday, and so he's been carrying it  
6 around all day. And that's basically what it boils down  
7 to.

8 DISPATCHER: Okay.

9 SARA SNYDER: He's been extremely violent. ★★

10 ★★ DISPATCHER: Okay. Has he -- has he threatened  
11 anybody with it today?

12 SARA SNYDER: No. He's referred to Laci Peterson  
13 to me several times in the last few weeks saying that I  
14 was going to be like her if I didn't knock it off, and  
15 that kind of thing. And I have him on tape, on audio  
16 tape threatening that he wanted to kill me. So I do  
17 have that stuff. Is that --

18 DISPATCHER: Okay.

19 SARA SNYDER: And he did just walk out the door, so  
20 I'm afraid he's going to go --

21 DISPATCHER: Does he have a car?

22 SARA SNYDER: Uhm, yes, but I think he might be  
23 taking my car.

24 DISPATCHER: Okay. What kind of car is he  
25 associated with?

1           SARA SNYDER: Uhm, I have a silver, uh, Ford Taurus  
2           Escort -- I'm sorry, Ford Escort wagon. And, uhm, N-K-  
3           T, I think, is one -- three of the letters on there.

4           DISPATCHER: I'm sorry, what were they?

5           SARA SNYDER: I think it's [REDACTED] NKT, I think that's  
6           what it is, but --

7           DISPATCHER: And what other kind of car?

8           SARA SNYDER: And a Honda, Honda Civic, and I can  
9           not remember the license plate off the top of my head.

10          DISPATCHER: I'm sorry, he's a -- say what other  
11          car?

12          SARA SNYDER: The other one is a blue Honda Civic,  
13          and it's a '92, blue --

14          DISPATCHER: Okay. And is it just you left in the  
15          house now?

16          SARA SNYDER: Yeah, I went with my son over --

17          DISPATCHER: Okay. Is Michael white, Black or  
18          Hispanic?

19          SARA SNYDER: Oh, he's white. He's a very, very  
20          large man. He's about 350 pounds and, uh, yeah, he --  
21          he said to me today that he has nothing else to lose  
22          because, uh -- yeah, I've been trying to get him to go  
23          to counseling.

24          DISPATCHER: Okay. Hold on for me just a second,  
25          if you would; okay?

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SARA SNYDER: Uh-huh.

She's gone, it's done -- I mean, there -- she's off the line.

MICHAEL SNYDER: Then hang up the phone.

SARA SNYDER: Well, she's off the line, but she's not on right now. No, the dispatcher is not on the line, you can have the phone. If you want, Michael, you can have the phone. She --

DISPATCHER: Is that Michael?

SARA SNYDER: Yeah.

DISPATCHER: Okay, let me talk to him.

SARA SNYDER: Michael, she wants to talk to you. She's right here. She wants to talk to you. Michael, if you want to talk to her, she's right here. You don't have to call again. Here. All right, here you go.

DISPATCHER: Okay.

MICHAEL SNYDER: Hello.

DISPATCHER: Hi.

MICHAEL SNYDER: Hey --

★ DISPATCHER: Okay. So, here's the deal. ★

MICHAEL SNYDER: Uh-huh.

DISPATCHER: She's saying one thing, you're saying something else. Who's telling me the truth?

★ MICHAEL SNYDER: Well, I am. (Laughter)

DISPATCHER: Okay. So you didn't threaten anybody?

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You haven't made any threats?  
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MICHAEL SNYDER: Not at all.  
\_\_\_\_\_

DISPATCHER: You haven't --  
\_\_\_\_\_

MICHAEL SNYDER: My wife has psychological  
\_\_\_\_\_ problems, and that's a big part of this whole problem.  
\_\_\_\_\_

No, not at all. I'm an ex-police officer. I was five  
\_\_\_\_\_ years on a first aid squad. I was on a --

DISPATCHER: Michael?

MICHAEL SNYDER: -- fire department --

DISPATCHER: Then you know why I'm asking these questions.

MICHAEL SNYDER: A hundred percent. In fact, I was a 911 dispatcher, too.

DISPATCHER: Okay, then you know why I'm asking all the questions, and --

MICHAEL SNYDER: Yeah, and I --

DISPATCHER: -- you know why you got everybody a little interested when you started talking about a gun.

MICHAEL SNYDER: I -- I completely understand.

DISPATCHER: Okay. So, is it just you and Sara in the house now?

MICHAEL SNYDER: Uh, actually, I think Sara's gone out to meet her friend who's waiting for the police, who -- I don't know. Did you guys receive another domestic dispute call? My neighbor called in even

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1           though there wasn't one.

2           DISPATCHER: Well, you know --

3           MICHAEL SNYDER: I just don't want to get taken  
4           down on the ground and arrested because my neighbor  
5           decided to make something up that even my wife didn't go  
6           to the extent to do.

7           DISPATCHER: Well, did -- first off, have you done  
8           anything?

9           MICHAEL SNYDER: No.

10          DISPATCHER: Okay.

11          MICHAEL SNYDER: By the way, are the police coming?

12          DISPATCHER: Uh-huh.

13          MICHAEL SNYDER: Okay. Well, do you want me to --

14          DISPATCHER: No, go ahead and stay on the phone  
15          with me until they get there, and I'll tell you when to  
16          go outside.

17          MICHAEL SNYDER: Okay. Is there anything else I  
18          can help you with right now that you want to know to  
19          advise the police officers of?

20          DISPATCHER: Uh, no. Hold on just a sec.

21          MICHAEL SNYDER: Sure. Where's Gabriel?

22          DISPATCHER: Is Sara back inside?

23          MICHAEL SNYDER: Uh, in for a second. I don't know  
24          where my son is. Where's Gabriel?

25          SARA SNYDER: (Speaking from the background;

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inaudible).

MICHAEL SNYDER: I guess my son's with my parents now. Dang. So, is there anything else that I can help you with right now?

DISPATCHER: No. Stay on the phone and I'll tell you when to go outside.

MICHAEL SNYDER: Are they there yet?

DISPATCHER: The one of them is. They're waiting for another one. Uh, Michael, what's your middle initial?

MICHAEL SNYDER: P.

DISPATCHER: And your date of birth?

MICHAEL SNYDER: [REDACTED] Uh, you did note that I'm the one who called 911; right?

DISPATCHER: Uh-huh. Yeah.

MICHAEL SNYDER: Thank you.

DISPATCHER: Yeah. And that's what I told Sara. I mean, it doesn't matter who called or what's being said, we're coming.

MICHAEL SNYDER: Right.

DISPATCHER: So, I mean, once there's a call placed.

MICHAEL SNYDER: I just want it to be official that I called 911, and then my neighbor called 911 to try and, you know --

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DISPATCHER: Uh-huh.

MICHAEL SNYDER: -- circumvent the fact that I  
called, and --



DISPATCHER: So why would your neighbor be trying  
to do all this?

MICHAEL SNYDER: Because she's a busy-body and my  
wife is a compulsive liar and a manipulator who has just  
been telling her big fish stories, which she falls for,  
and then came in and tried to get involved, and then  
came in my house telling me all sorts of things about  
stuff I never did.

DISPATCHER: Uh-huh.

MICHAEL SNYDER: Like this whole thing with the  
gun. She hid it for three months and lied and said she  
didn't know where it was. Well, I have a gun that I  
can't account for in my house.

DISPATCHER: Uh-huh.

MICHAEL SNYDER: And either I'm going to report it  
stolen -- excuse me, stolen or it needs to come up. So  
I've looked everywhere. And I found it last night when  
I was moving our bed in a place that I had looked  
before.

DISPATCHER: Uh-huh.

MICHAEL SNYDER: So I know that she had -- had  
taken it. So.



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DISPATCHER: So, have you been carrying it around  
with you all day?

MICHAEL SNYDER: Yeah, in its case, locked.

(Laughing) You know, it's -- it's not that I've been  
waving it around, not even remotely like that. I was in  
the bathroom and I just kept it next to me, 'cause I --  
excuse me -- I knew if she saw it again, she might take  
it and there you go. And I started my own security  
company and I need that for work. And my wife doesn't  
want me to run a security company, so she's been trying  
to undermine my business --

DISPATCHER: Uh-huh.

MICHAEL SNYDER: -- literally every way she can.  
Uh, so, anyway, I was cleaning my gun --

DISPATCHER: Uh-huh.

MICHAEL SNYDER: -- at the kitchen table while my  
son was about 12 feet away in his high chair, and, you  
know, at no time did I have a chambered bullet or  
anything like that.

DISPATCHER: Uh-huh.



MICHAEL SNYDER: I know gun safety. So it --  
nothing was intimidated. I went in the room with --  
where my son was when he was sleeping, 'cause she said  
she's gonna take him and run off someplace. Uh, she  
wasn't gonna tell me where. She wasn't gonna tell me

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LASER BOND FORM A

1 anything. And I said, you're not [redacted] my son and  
2 doin' that.  
[redacted]

3 DISPATCHER: Uh-huh.

4 MICHAEL SNYDER: Her parents did that with her, her  
5 whole life, so.  
[redacted]

6 DISPATCHER: Uh-huh.

7 MICHAEL SNYDER: Uh, I went in the room and I  
8 simply put my foot in the door and wouldn't let her come  
9 in, and she's actually, in the past, thrown herself into  
10 the door with full force repeatedly to try and open it.  
[redacted]

11 DISPATCHER: Uh-huh.

12 MICHAEL SNYDER: And the only way I can stop that  
13 is with my foot. I put the gun, which was in its case,  
14 and in its lock, uh, and everything in a drawer, uh,  
15 with a couple magazines. And I had picked my son up and  
16 was holding him, and I was standing next to the door and  
17 I said, Gabriel's next to the door; stop it, you might  
18 hurt him.  
[redacted]

19 DISPATCHER: Uh-huh.

20 MICHAEL SNYDER: In the past, she's called up my  
21 parents, said, oh, he's holding his fingers next to the  
22 door so if I open it, he's gonna get hurt.  
[redacted]

23 DISPATCHER: Uh-huh.

24 MICHAEL SNYDER: And I would never do that to my  
25 son.  
[redacted]

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LAKER BOND FORM A

1 DISPATCHER: Uh-huh.

2 MICHAEL SNYDER: I simply don't want her to slip or  
3 me slip and have him get his head get cracked open  
4 'cause she's bangin' the door that much.

5 DISPATCHER: Uh-huh.

6 MICHAEL SNYDER: Uhm, I don't know, there was a  
7 bunch of other things that she said, so I don't know if  
8 I've missed something. But, I mean --

9 DISPATCHER: Well, the stor -- both --

10 MICHAEL SNYDER: -- goin' on --

11 DISPATCHER: Both stories that you guys are telling  
12 me amke sense, it's just neither story has anything in  
13 common with the other. So --

14 MICHAEL SNYDER: (Laughing)

15 DISPATCHER: -- that's, you know, I mean, both of  
16 you are telling me completely different versions of what  
17 happened.

18 MICHAEL SNYDER: Yeah.

19 DISPATCHER: So that -- and -- and, like I said, if  
20 you've done this in the past, then you know, the minute  
21 they start talking about guns, people get a little  
22 nervous.

23 MICHAEL SNYDER: Oh, and that's what she uses, you  
24 know.

25 DISPATCHER: Uh-hum.

1 MICHAEL SNYDER: It's very easy to say, oh, he was  
2 an ex-cop, he's a violent person, and he -- he had a gun  
3 and dut, da-dut, da-dut, da-dut, da-daw.

4 DISPATCHER: Yeah.

5  MICHAEL SNYDER: And, you know, she -- she took the  
6 fact that she was saying, what are you gonna do, shoot  
7 me, you gonna shoot me with that, while I'm sitting on  
8 the toilet --

9 DISPATCHER: Uh-huh.

10  MICHAEL SNYDER: -- looking at it 'cause I haven't  
11 seen it for three months.

12 DISPATCHER: Uh-huh.

13 MICHAEL SNYDER: And I -- and I just looked at her  
14  and I -- and I smiled and laughed because she was being  
15 so ridiculous.

16 DISPATCHER: Uh-huh.

17 MICHAEL SNYDER: And she's like, oh, I see you're  
18 planning and plotting. And there's -- there's a lot of  
19 psychological issues.

20 DISPATCHER: Yeah. Yeah.

21 MICHAEL SNYDER: Uh, anyway, she was supposed to be  
22 going to therapy, and I said if she's not gonna go to  
23 therapy, I'm gonna leave you. And that's what part of  
24 the argument was last night. So, anyway, the neighbor  
25 decided to get involved. And she's been divorced like



# Neighbors

911 CALL:

MS. BUCHARD: The following call was received June 16, 2003, at 2034.

DISPATCHER: 911, how can I help you?

ALLISON PARNELL: Yeah, I'd like to report a domestic dispute.

DISPATCHER: Where at?

ALLISON PARNELL: Uh, [REDACTED] Mill Plain, Number [REDACTED]

DISPATCHER: I'm sorry, [REDACTED] --

ALLISON PARNELL: There's another party on the line trying to report the same dispute.

DISPATCHER: [REDACTED] Southeast Mill Plain?

ALLISON PARNELL: Yes.

DISPATCHER: Number?

ALLISON PARNELL: Uh, [REDACTED].

DISPATCHER: And what's going on there? 

ALLISON PARNELL: There's a gun involved, so I need somebody here.  

DISPATCHER: Uh, okay. What's going on?

ALLISON PARNELL: There's, uh, badgering between my neighbors. He, uh -- he's saying his gun is missing and he's accusing his wife, and, uhm, he's lying. He's telling the -- the police on the other end that there's no problem between him and his wife, and she is afraid

1 for her life.

2 DISPATCHER: Do you know their names?

3 ALLISON PARNELL: Mr. and Mrs. Synder.

4 DISPATCHER: Do you know their first names?

5 ALLISON PARNELL: Uh, Sara and Michael. 

6  He's asked me to leave, and I won't leave because  
7 I'm in fear of her safety.

8 He does not know that she did or did not take the  
9 gun that's their gun, and he won't leave her alone.

10 DISPATCHER: Are you, uh -- what's your name?

11 ALLISON PARNELL: Allie, Allison Parnell.

12 DISPATCHER: How do you spell your last name?

13 ALLISON PARNELL: 'P-A-R-N-E-L-L. He's, uh -- he's  
14 on the end with another officer -- uhm, he's lying about  
15 what's going on.

16 DISPATCHER: And what's your middle initial,  
17 Allison?

18 ALLISON PARNELL: Allison Beth Parnell.

19 DISPATCHER: And your date of birth?

20  Talking to  
sir  
now  
21 Allison PARNELL: 4/28/66. Huh? Yes, and I'm  
22 entering a counter. 'Cause he's lying. He's saying all  
23 this shit about you. This -- it -- it's gotta stop.  
24 Sir?

24 DISPATCHER: Yeah, what's going on right now?

25 ALLISON PARNELL: Noth -- he's still on the phone

1 with the other officer. I have -- I have left the  
2 premises as he asked me to do. But he's -- he is  
3 badgering her about a piece of property. He's badgering  
4 her about a piece of property that she doesn't know  
5 anything about. There was a lot of people in the house  
6 when his -- his -- first of all, it's a joint piece of  
7 property -- claiming that it's his and -- and he has  
8 no --

*known  
since 6 months*

9 DISPATCHER: How are you involved in all of this?

10 ALLISON PARNELL: Uhm, I'm the next door neighbor,  
11 her best friend. Trying to make sure that my friend --  
12 uhm, it's a history of abuse, and this is just -- it's  
13 escalated this time where a gun -- he's been -- the  
14 gun's been out all day. He's been cleaning it.

? →

15 Basically threatening her with it. Would not let -- I  
16 got involved when he wouldn't leave her -- he wouldn't  
17 let her leave the premises with the child.

★★

18 DISPATCHER: Okay. So, does anybody know where the  
19 gun is now? ★ ★ ★ ★ ★ ★ ★ ★ ★ ★

20 ALLISON PARNELL: No. It disappeared. There  
21 were -- there were multiple people in the house for fear  
22 of her life. And one of those persons has taken it.  
23 It's not his wife.

★★

24 DISPATCHER: Do you know who's taken it? ★ ★

25 ALLISON PARNELL: No, I do not. ←

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DISPATCHER: Okay.

ALLISON PARNELL: But --

DISPATCHER: All right, well, we've got --

ALLISON PARNELL: My point here is that he's not going to stop badgering her.

DISPATCHER: We've got officers on the way, okay?

ALLISON PARNELL: He needs -- he needs to leave.  
And -- and they're going -- they're going to file for divorce.

DISPATCHER: Okay. We've got --

ALLISON PARNELL: We need --

DISPATCHER: We have officers on the way. All righty?

ALLISON PARNELL: Are they here yet?

DISPATCHER: They're not arrived yet, but they're on their way. Okay?

ALLISON PARNELL: We could -- 'cause we don't know where the gun is, and, uhm, so we are in fear.

DISPATCHER: I understand, okay? So you can -- when the officers get there, you can talk to them also. Okay?

ALLISON PARNELL: When will they be here?

DISPATCHER: They're on their way.

ALLISON PARNELL: Okay.

DISPATCHER: Okay. Uhm -- bye.

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ALLISON PARNELL: Thank you.

DISPATCHER: You bet. Bye.

MS. BUCHARD: That call concluded at 2038 on June  
16, 2003.



Superior Ct. Clark Co. Wn.		
No. <i>06-2-06481-3</i>		
<i>P</i>	Plent <i>3</i>	Exhib. <i>3</i>

*Snyder vs Parnell*

Date *1-25-08*

(4)

# Vancouver Police Department

300 E. 13th Street Vancouver, Washington 98660		(360) 696-8292 (360) 696-8047 (FAX)		Case Number 03011708	
<b>Incident Report</b>				Report ID 2003-06-17 23:26 1366	
				Reference Case Number	
<b>Records Center</b>				Date of Report 6/17/2003	
707 W. 13th Street Vancouver, Washington 98660		(360) 397-2211 (360) 397-6074 (FAX)		Officer Assaulted <input type="checkbox"/>	Non Disclosure <input type="checkbox"/>
Distribution ADMIN VPD+PA				Distribution Other	
init	pDis	sDis	dEnt	M.C.	Concl
<i>AS</i>		<i>6/18</i>			
				Case	
				F/U	
				Ret	
				Lett	
				Status	
				<input type="checkbox"/>	

Administrative Information										
Location 14913 SE MILL PLAIN #D26					City, State, ZIP 98684					
Local Geo		State Geo		Precinct V EAST		Other				
Reported Date 6/16/2003		Reported Time 20:34		Occurred From Date 6/16/2003		From Time 20:34		To Date		To Time
Category		Class		Premise RE						
Domn Viol <input checked="" type="checkbox"/>	DV Card <input checked="" type="checkbox"/>	Child Abuse <input type="checkbox"/>	Arson <input type="checkbox"/>	Homicide <input type="checkbox"/>	Gang <input type="checkbox"/>	Weapons <input checked="" type="checkbox"/>	Alcohol <input type="checkbox"/>	Drugs <input type="checkbox"/>	Computer <input type="checkbox"/>	
Offense Information										
Off # 1	Offense Classification 9A.46.020-FC			Offense Category HARASS		Offense Translation Harassment - class C felony			Att/Comp C	Location Type APT/CONDO
Weapon (or Force) Used in Commision of Offense										
Wpn # 1	Weapon/Force SEMI-P		Caliber / Gauge 9MM		Finish	Length	Grips	Other Description BERETTA		

OLARK CO.  
 SHERIFF'S DEPT.  
 JUN 18 6 18 AM '03

Reporting Officer <b>Fugate, William</b>	PSN 1366	Ref Case Number 23:26 1366	Report ID 2003-06-17	Agency/Case Number VPD/03011708
Approving Officer <b>Graaff, Joe</b>	PSN 1146			
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# Vancouver Police Department

Case Number  
**03011708**

## Individuals

Role <b>B</b>	Seq <b>1</b>	Type <b>I</b>	Name - Last <b>SYNDER</b>	First <b>MICHAEL</b>	Middle <b>P</b>	Sex <b>M</b>	Race <b>W</b>	Birth Date <b>9/4/1975</b>	Ethnicity <b>N</b>
Age Range	Height <b>511</b>	Weight <b>280</b>	Hair <b>BRO</b>	Eyes <b>HAZ</b>	Residence Status <b>F</b>	Employment/Occupation <b>SELF EMPLOYED SECURITY</b>			
Driver's License No [REDACTED]			Issuer <b>WA</b>	Social Security No [REDACTED]		State ID No	FBI No	PCN	
Custody Status <b>INCARC</b>	Gang		Tribe			Identifiers			
Alias Names, Additional Description, and Comments									
Hair Length		Hair Type		Hair Style			Complexion		
Facial Shape		Facial Hair							
Facial Oddities									
Glasses	Teeth	Handed	Speech						
Distinctive Features				Significant Trademarks					
Appearance									
Type <b>H</b>	Address <b>14913 SE MILL PLAIN #D26</b>			City, State, Zip <b>98684</b>			Type <b>H</b>	Phone Number <b>(360) 885-9090</b>	

## Arrest Information

Booking Number	CFN	Arrest Date <b>6/16/2003</b>	Arrest Time <b>21:30</b>	Type of Arrest <b>O</b>	Multi-Clear <input type="checkbox"/>	Armed With <b>UNARMED</b>
Juvenile Disp	Miscellaneous					
Location of Arrest				City, State, ZIP		
Charge Classification <b>9A.46.020-FC</b>	Charge Category <b>HARASS</b>	Citation Number			Warrant Number	
Charge Translation <b>Harassment - class C felony</b>						

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Graaff, Joe</b>	PSN <b>1146</b>			
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# Vancouver Police Department

Case Number  
03011708

Individuals										
Role	Seq	Type	Name - Last	First	Middle	Sex	Race	Birth Date	Ethnicity	
I	5	I	SYNDER	GABRIEL	CHRISTIAN	M	W	4/8/2002		
Age Range	Height	Weight	Hair	Eyes	Residence Status	Employment/Occupation				
					F					
Driver's License No			Issuer	Social Security No		State ID No		FBI No	PCN	
Custody Status		Gang		Tribe		Identifiers				
Alias Names, Additional Description, and Comments										
Hair Length		Hair Type		Hair Style			Complexion			
Facial Shape		Facial Hair								
Facial Oddities										
Glasses		Teeth		Handed		Speech				
Distinctive Features				Significant Trademarks						
Appearance										
Type	Address			City, State, Zip			Type	Phone Number		
H	14913 SE MILL PLAIN #D26			98684			H	(360) 885-9090		

Individuals										
Role	Seq	Type	Name - Last	First	Middle	Sex	Race	Birth Date	Ethnicity	
V	2	I	SYNDER	SARA	GRACE	F	W	1/4/1978	N	
Age Range	Height	Weight	Hair	Eyes	Residence Status	Employment/Occupation				
					F	SCHOOL TEACHER				
Driver's License No			Issuer	Social Security No		State ID No		FBI No	PCN	
Custody Status		Gang		Tribe		Identifiers				
Alias Names, Additional Description, and Comments										
Hair Length		Hair Type		Hair Style			Complexion			
Facial Shape		Facial Hair								
Facial Oddities										
Glasses		Teeth		Handed		Speech				
Distinctive Features				Significant Trademarks						
Appearance										
Type	Address			City, State, Zip			Type	Phone Number		
H	14913 SE MILL PLAIN #D27			98684			H	(360) 885-9090		

Reporting Officer <b>Fugate, William</b>	PSN 1366	Ref Case Number 23:26 1366	Report ID 2003-06-17	Agency/Case Number VPD/03011708
Approving Officer <b>Graaff, Joe</b>	PSN 1146			
Report printed by: 1146				

# Vancouver Police Department

Case Number  
**03011708**

Individuals										
Role	Seq	Type	Name - Last	First	Middle	Sex	Race	Birth Date	Ethnicity	
<b>W</b>	<b>3</b>	<b>I</b>	<b>PARNELL</b>	<b>ALLISON</b>	<b>B</b>	<b>F</b>	<b>W</b>	<b>4/28/1966</b>	<b>N</b>	
Age Range	Height	Weight	Hair	Eyes	Residence Status	Employment/Occupation				
					<b>F</b>	<b>VANC EAR,NOSE AND THROAT CLINIC</b>				
Driver's License No			Issuer	Social Security No		State ID No		FBI No		PCN
Custody Status		Gang			Tribe		Identifiers			
Alias Names, Additional Description, and Comments										
Hair Length		Hair Type		Hair Style			Complexion			
Facial Shape		Facial Hair								
Facial Oddities										
Glasses		Teeth		Handed		Speech				
Distinctive Features					Significant Trademarks					
Appearance										
Type	Address				City, State, Zip			Type	Phone Number	
<b>H</b>	<b>14913 SE MILL PLAIN #D27</b>				<b>98684</b>			<b>H</b>	<b>(360) 281-7545</b>	

Individuals										
Role	Seq	Type	Name - Last	First	Middle	Sex	Race	Birth Date	Ethnicity	
<b>W</b>	<b>4</b>	<b>I</b>	<b>PARNELL</b>	<b>KELLY</b>	<b>L</b>	<b>M</b>	<b>W</b>	<b>7/31/1963</b>	<b></b>	
Age Range	Height	Weight	Hair	Eyes	Residence Status	Employment/Occupation				
					<b>F</b>	<b>NW AIRLINES - SEATTLE</b>				
Driver's License No			Issuer	Social Security No		State ID No		FBI No		PCN
Custody Status		Gang			Tribe		Identifiers			
Alias Names, Additional Description, and Comments										
Hair Length		Hair Type		Hair Style			Complexion			
Facial Shape		Facial Hair								
Facial Oddities										
Glasses		Teeth		Handed		Speech				
Distinctive Features					Significant Trademarks					
Appearance										
Type	Address				City, State, Zip			Type	Phone Number	
<b>H</b>	<b>14913 SE MILL PLAIN #D27</b>				<b>98684</b>			<b>H</b>	<b>(360) 281-7556</b>	

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Graaff, Joe</b>	PSN <b>1146</b>			
<b>Report printed by: 1146</b>				

# Vancouver Police Department

Case Number

03011708

## Narrative

### SUMMARY:

Michael Snyder harasses his spouse, Sara Snyder by threatening her with a handgun. He is subsequently arrested for felony Harassment-DV.

### ORPHAN DOCUMENTS:

Domestic Violence Statement.

Domestic Violence Report.

### MENTIONED:

B-1 Michael P SYNDER, arrestee who resides at 14913 SE Mill Plain #D26.

V-2 Sara G SYNDER, wife and victim of B-1, also resides at 14913 SE Mill Plain #D26.

W-3 Allison B PARNELL, neighbor to B-1 and V-2 who resides 14913 SE Mill Plain #D27.

W-4 Kelly L PARNELL, neighbor to B-1 and V-2 who resides at 14913 SE Mill Plain #D27.

I-5 Gabriel C SYNDER, child to B-1 and V-2 who resides at 14913 SE Mill Plain #D26.

### INFORMATION:

On 6-16-2003 at about 2034 hours units were dispatched to 14913 SE Mill Plain #D26 for a reported disturbance that possibly involved a gun.

### STATEMENT OF SARA SYNDER

Upon our arrival on scene I was contacted by Sara Synder who walked across the parking lot to us. She identified herself as one of the persons involved in the disturbance and said the other half, her husband, was inside the apartment. While other officers made contact with her husband I spoke with Sara about what had happened.

Sara appeared relieved we were there and told me she would like to report her husband had been abusing her. She told me in substance that she and her husband, Michael Synder, have been having marital problems which have been escalating. She explained to me Michael has a history of being abusive and threatening. She said he has recently told her that she is going to end up like Lacy Peterson (murder victim killed by her husband). She said he had also made a statement on this date that he had nothing else to lose and didn't care about her, their fourteen month

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Graaff, Joe</b>	PSN <b>1146</b>			
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# Vancouver Police Department

Case Number  
03011708

## Narrative

child (Gabriel Synder) or his career.

Sara said in the early morning of this date (6-16-03) they were involved in a disturbance where he woke her up out of a sleep and started an argument. She explained she works a daytime job and had been sleeping several hours when he barged into their mutual bedroom and turned on the light. She said he was being rude to her and was attempting to start an argument with her. She said every time she said something he didn't like he would turn the light on. She continued to ask him to keep the light off as she had to sleep, but he would keep it on when she talked and off when he spoke. Sara said Michael became more and more frustrated during the argument finally going into the bathroom and retrieving a glass of cold water. She said he returned and threw the water on her while she was in the bed. She stated she found this conduct undesirable and very offensive.

When I asked her if he had ever done this sort of thing before she said he had and used it as a way to manipulate her. She explained that he had even thrown ice water on her and their infant son while she had been breastfeeding during an argument.

Sara continued and said after he had thrown the cold water on her she got up and he intentionally tripped her into the bed frame. She said he grabbed her and physically removed her from the bedroom because she was crying. She said every time she attempted to go back in he would push her out, eventually barricading her out by putting the bed against the door. Sara told me she had no visible injuries from that disturbance.

Sara told me later in the day Michael continued to be verbally abusive. She also stated that he had found a handgun that she had hidden from him for her safety. She said once he had found the handgun he carried it around all day, making subtle threats to her.

Sara said she and Michael continued to argue throughout the day. She said he started by locking himself and their son, Gabriel into the child's room. She said Michael was sure to tell her that he was in the room with the gun. She said she tried to get into the room but Michael had placed their son against the door so she couldn't open it. Sara stated she was very scared because he had already made the threats to her that he had nothing to lose and he was in possession of the gun.

Sara said he later came out and was acting suspiciously. She said he later cleaned his gun and made sure he did it in a location she could see him. She said after he cleaned it he put it back together and began to manipulate it, smiling at her in an "evil" manner. She said he would load the magazines with bullets, counting each one as he put them into the magazine. She said he continued to stare at her while doing this. She said this was just a short time after he had made a comment to her about Lacy Peterson.

Sara explained to me she was fearful for her and her child's safety as Michael had made threats of harming her with a handgun in the past and had been handling the handgun most of the day while they were arguing.

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Graaff, Joe</b>	PSN <b>1146</b>			
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# Vancouver Police Department

Case Number  
03011708

## Narrative

Sara told me the police had been called today because her neighbor Allison Parnell had come over and tried to mediate their arguing. She told me Michael got mad when Allison wouldn't leave. Sara said she had invited Allison over and she was staying because she was fearful of Michael injuring her with the gun.

I asked Sara where the gun was. She told me she had watched Michael put the gun and magazines in their son's dresser. She said when he wasn't looking she removed the gun and magazines and gave them to Allison to hide. She told me the gun ended up in a vehicle that was driven to Seattle prior to our arrival. Sara said the vehicle belonged to Allison's husband, Kelly Parnell.

Sara told me she and Michael had been married for two and a half years and have had marital problems for their entire marriage. She said he is abusive in nature and when they argue he will push, poke and hurt her in manners that won't leave marks. She explained that Michael used to be a police officer in New Jersey and knew how to twist her arms in a way that caused extreme pain. Sara additionally told me he has an anger management problem which seems to be getting worse as time goes by.

She told me she had always wanted to call the police when abused but was scared to do so because she was afraid of him. I asked Sara what she would like to see happen today. She told me she just wanted the abuse to end.

### STATEMENT OF ALLISON PARNELL

I spoke with Allison Parnell who told me she and her husband live next door to the Synder's. She told me she had known them for six months and they continually fight. She stated she had seen Michael grab and push Sara during arguments in the past. Allison also told me she has seen bruises and marks on Sara which she had claimed were from Michael.

Allison told me in substance that on 6-16-2003 at about 0300 hours she could hear a disturbance occurring in the Synder's master bedroom. She said she could hear slamming and banging going on and could distinctly hear Michael yelling, "you're an idiot" and "you're a bad mother". She said the disturbance lasted for some time before quieting down.

Allison said she had gone to work later in the morning. She said she received several calls during the day from Sara who was crying. She said Sara told her that Michael was carrying his gun around and threatening her with it. Allison said Sara told her that she was fearful of him and needed help.

Allison said she left work and went to their apartment in an attempt to diffuse the situation. She said she and Sara

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
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# Vancouver Police Department

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03011708

## Narrative

went for a walk to let things cool down. She stated that when they returned Michael had discovered his gun had been removed from the apartment and became irate. Allison said Michael immediately got into Sara's face and began to yell at her. She said he was demanding for her to tell him where the gun was. She said Michael told her to leave but she feared for Sara's safety so she didn't go. She told me she was aware he had been carrying his gun around all day and was afraid for Sara. Allison said Michael then called the police to report her in his residence.

Allison told me that Michael often carries his gun around and makes sure everyone knows he has it. She told me with his recent escalating behavior and their disturbances, she believed he would one day seriously hurt her.

Allison told me her husband did have the gun in question and was currently in Seattle where he works. She provided me with a telephone number to contact her husband.

## STATEMENT OF MICHAEL SYNDER

I spoke with Michael Synder who had been standing in the parking lot with other VPD officers. I contacted Michael and asked him what had happened tonight. He started by telling me what had happened early in the morning when he woke Sara up. He told me in substance that he had only gone into the bedroom to get something out of there. He said he asked her to cover her eyes before he turned on the light. Michael told me as soon as he turned the light on she became irate and started an argument. He told me he did throw water on her only to get her to calm down.

Michael then told me later in the day he found his gun that had been hidden from him. He told me he was excited about finding it and wanted to handle it as he hadn't seen it for a while. He said he did have it out a couple times during the day when Sara saw him with it. Michael said he did clean the gun during the day in which he broke it down on their table. He told me while he was doing this she was nowhere around and their son was in a highchair and not in any danger.

Michael said he never pointed it at her and said it was never loaded. He did admit to having the magazines loaded but said they were never inserted into the weapon.

Michael then spoke about the incident in which he went into a bedroom with his son and Sara became upset. He said he was worried she would assault him so he put his foot against the door to prevent her from breaking down the door. He stated she did throw herself against the door several times.

Michael told me he had put his gun into its case along with two loaded ten round magazines into a dresser drawer in his son's room. Michael said he later discovered it missing and assumed his wife had removed it. He admitted to getting upset at her and said he did demand to know where it was as it belonged to her. Michael said Allison was

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
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# Vancouver Police Department

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03011708

## Narrative

present and began to get into the middle of things. He said he asked her to leave but she refused to do so. He said he then attempted to call 911 but Sara hung the phone up twice before he could get through.

I asked Michael if he had ever made references about Lacy Peterson to Sara. He said he never had. Michael then said he may have said it jokingly to her in the past when it was in the headlines. I then asked him if he had said he had nothing to lose. He laughed said she had phrased him out of context. Michael explained that Sara had threatened to take their son and move out. He said he did tell Sara that she could go ahead and leave because he had nothing to lose in the sense of their marriage.

Michael told me Sara is constantly abusive to him and often pushes and hits him. He said on a scale from 0 to 100 she was a 1000 on being a manipulator.

### STATEMENT OF KELLY PARNELL

I telephoned Kelly Parnell and spoke with him about the incident. He told me he did tell me that he was awake at about 0330 hours on the morning of 6-16-03 and heard a disturbance at the Synder's. He said he couldn't specifically hear what was going on.

Kelly told me that he spoke with Michael who did state they had been arguing. He said he tried to counsel Michael on marriage in order to prevent further problems.

Kelly told me he thought things had come down when he left for work in Seattle in the afternoon. He said he stopped at a service station and notice a plastic case in the camper shell of his pickup. He said upon further inspection he found a handgun and two magazines. Kelly said he called his wife and discovered it had been put there in order to keep it from Michael.

I instructed Kelly the gun was evidence and it needed to be returned to our custody. He said he couldn't make back into Vancouver until Saturday (6-21-03). I instructed him to keep the gun in a secure place and to return it immediately to the Vancouver Police when he returned.

### INVESTIGATION:

Based on the statements obtained it appears Michael was the primary aggressor given the totality of the circumstances. Michael committed the crime of harassment as he had knowingly placed Sara in reasonable fear that he would carry out the threat of using his handgun against her.

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
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## Narrative

I placed Michael under arrest for DV Felony Harassment and transported him to the Clark County Jail where he was booked.

Officer Moore obtained a Smith Affidavit from Sara Synder and provided her with the domestic violence information.

### ACTION RECOMMENDED:

Refer to Prosecution Attorney.

Case pending recovery of the firearm.

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
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# Vancouver Police Department

Case Number  
**03011708**

Individuals										
Role <b>W</b>	Seq <b>4</b>	Type <b>I</b>	Name - Last <b>PARNELL</b>	First <b>KELLY</b>	Middle <b>L</b>	Sex <b>M</b>	Race <b>W</b>	Birth Date <b>7/31/1963</b>	Ethnicity <b>N</b>	
Age Range	Height	Weight	Hair	Eyes	Residence Status <b>F</b>	Employment/Occupation <b>NORTHWEST AIRLINES</b>				
Driver's License No			Issuer	Social Security No		State ID No		FBI No	PCN	
Custody Status		Gang			Tribe		Identifiers			
Alias Names, Additional Description, and Comments										
Hair Length		Hair Type		Hair Style			Complexion			
Facial Shape		Facial Hair								
Facial Oddities										
Glasses		Teeth		Handed	Speech					
Distinctive Features				Significant Trademarks						
Appearance										
Type <b>H</b>	Address <b>14913 SE MILL PLAIN #D27</b>			City, State, Zip <b>VANCOUVER, WA 98684</b>			Type <b>H</b>	Phone Number <b>(360) 281-7556</b>		

## Narrative

### SUMMARY:

Michael Snyder harasses his spouse, Sara Snyder by threatening her with a handgun. He is subsequently arrested for felony Harassment-DV.

### ORPHAN DOCUMENTS:

- Pre-Book Sheet.
- Arresting Officer's Declaration of Probable Cause.

### MENTIONED:

- B-1 Michael P SYNDER, arrestee who resides at 14913 SE Mill Plain #D26.
- V-2 Sara G SYNDER, wife and victim of B-1, also resides at 14913 SE Mill Plain #D26.
- W-3 Allison B PARNELL, neighbor to B-1 and V-2 who resides 14913 SE Mill Plain #D27.
- W-4 Kelly L PARNELL, neighbor to B-1 and V-2 who resides at 14913 SE Mill Plain #D27.

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number	Report ID <b>ORIGINAL</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Hyde, Keith</b>	PSN <b>1066</b>			
Report printed by: 1066				

# Vancouver Police Department

Case Number

03011708

## Narrative

### INFORMATION:

On 6-16-2003 at about 2034 hours units were dispatched to 14913 SE Mill Plain #D26 for a reported disturbance that possibly involved a gun. Upon our arrival on scene I was contacted by V-2, Sara, who told me she would like to report her husband had been abusing her. She told me in substance that she and her husband, B-1, have been having marital problems which have been escalating.

V-2 told me B-1 has a history of being abusive and threatening. She said he has recently told her that she is going to end up like Lacy Peterson (murder victim with her husband as the suspect). She said he had also made a statement on this date that he had nothing else to lose and didn't care about her, their child or his career.

V-2 said in the early morning of this date they were involved in a disturbance where he woke her up out of a sleep and started an argument. She said he eventually threw a cup of cold water on her while she was trying to sleep as a result of unable to control his anger.

V-2 said during midday on this date he began to carry his semi-auto handgun around the house and was making subtle threats to her. She said he started by locking himself in their fourteen month old child's bedroom with the gun. She also said he cleaned his gun and made sure he did it in a location she could see him. She said while manipulating the gun he was smiling at her in an evil manner. **She said he would load the magazines with bullets, counting each one as he put it into the magazine. She said he continued to stare at her while doing this.**

V-2 explained to me she was fearful for her safety as B-1 had made threats of harming her with a handgun in the past and had been handling the handgun most of the day while they were arguing.

**THE PRECEDING IS A PROBABLE CAUSE STATEMENT.**

**A MORE DETAILED SUPPLEMENT WILL FOLLOW.**

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number	Report ID <b>ORIGINAL</b>	Agency/Case Number <b>VPD/03011708</b>
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# Vancouver Police Department

Case Number  
03011708

## Narrative

### SUMMARY:

Michael Snyder harasses his spouse, Sara Snyder by threatening her with a handgun. He is subsequently arrested for felony Harassment-DV.

### ORPHAN DOCUMENTS:

Domestic Violence Statement.  
Domestic Violence Report.

### MENTIONED:

- B-1 Michael P SYNDER, arrestee who resides at 14913 SE Mill Plain #D26.  
V-2 Sara G SYNDER, wife and victim of B-1, also resides at 14913 SE Mill Plain #D26.  
W-3 Allison B PARNELL, neighbor to B-1 and V-2 who resides 14913 SE Mill Plain #D27.  
W-4 Kelly L PARNELL, neighbor to B-1 and V-2 who resides at 14913 SE Mill Plain #D27.  
I-5 Gabriel C SYNDER, child to B-1 and V-2 who resides at 14913 SE Mill Plain #D26.

### INFORMATION:

On 6-16-2003 at about 2034 hours units were dispatched to 14913 SE Mill Plain #D26 for a reported disturbance that possibly involved a gun.

### STATEMENT OF SARA SYNDER

Upon our arrival on scene I was contacted by Sara Synder who walked across the parking lot to us. She identified herself as one of the persons involved in the disturbance and said the other half, her husband, was inside the apartment. While other officers made contact with her husband I spoke with Sara about what had happened.

Sara appeared relieved we were there and told me she would like to report her husband had been abusing her. She told me in substance that she and her husband, Michael Synder, have been having marital problems which have been escalating. She explained to me Michael has a history of being abusive and threatening. She said he has recently told her that she is going to end up like Lacy Peterson (murder victim killed by her husband). She said he had also made a statement on this date that he had nothing else to lose and didn't care about her, their fourteen month

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
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Case Number

03011708

## Narrative

child (Gabriel Synder) or his career.

Sara said in the early morning of this date (6-16-03) they were involved in a disturbance where he woke her up out of a sleep and started an argument. She explained she works a daytime job and had been sleeping several hours when he barged into their mutual bedroom and turned on the light. She said he was being rude to her and was attempting to start an argument with her. She said every time she said something he didn't like he would turn the light on. She continued to ask him to keep the light off as she had to sleep, but he would keep it on when she talked and off when he spoke. Sara said Michael became more and more frustrated during the argument finally going into the bathroom and retrieving a glass of cold water. She said he returned and threw the water on her while she was in the bed. She stated she found this conduct undesirable and very offensive.

When I asked her if he had ever done this sort of thing before she said he had and used it as a way to manipulate her. She explained that he had even thrown ice water on her and their infant son while she had been breastfeeding during an argument.

Sara continued and said after he had thrown the cold water on her she got up and he intentionally tripped her into the bed frame. She said he grabbed her and physically removed her from the bedroom because she was crying. She said every time she attempted to go back in he would push her out, eventually barricading her out by putting the bed against the door. Sara told me she had no visible injuries from that disturbance.

Sara told me later in the day Michael continued to be verbally abusive. She also stated that he had found a handgun that she had hidden from him for her safety. She said once he had found the handgun he carried it around all day, making subtle threats to her.

Sara said she and Michael continued to argue throughout the day. She said he started by locking himself and their son, Gabriel into the child's room. She said Michael was sure to tell her that he was in the room with the gun. She said she tried to get into the room but Michael had placed their son against the door so she couldn't open it. Sara stated she was very scared because he had already made the threats to her that he had nothing to lose and he was in possession of the gun.

Sara said he later came out and was acting suspiciously. She said he later cleaned his gun and made sure he did it in a location she could see him. She said after he cleaned it he put it back together and began to manipulate it, smiling at her in an "evil" manner. She said he would load the magazines with bullets, counting each one as he put them into the magazine. She said he continued to stare at her while doing this. She said this was just a short time after he had made a comment to her about Lacy Peterson.

Sara explained to me she was fearful for her and her child's safety as Michael had made threats of harming her with a handgun in the past and had been handling the handgun most of the day while they were arguing.

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# Vancouver Police Department

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## Narrative

Sara told me the police had been called today because her neighbor Allison Parnell had come over and tried to mediate their arguing. She told me Michael got mad when Allison wouldn't leave. Sara said she had invited Allison over and she was staying because she was fearful of Michael injuring her with the gun.

I asked Sara where the gun was. She told me she had watched Michael put the gun and magazines in their son's dresser. She said when he wasn't looking she removed the gun and magazines and gave them to Allison to hide. She told me the gun ended up in a vehicle that was driven to Seattle prior to our arrival. Sara said the vehicle belonged to Allison's husband, Kelly Parnell.

Sara told me she and Michael had been married for two and a half years and have had marital problems for their entire marriage. She said he is abusive in nature and when they argue he will push, poke and hurt her in manners that won't leave marks. She explained that Michael used to be a police officer in New Jersey and knew how to twist her arms in a way that caused extreme pain. Sara additionally told me he has an anger management problem which seems to be getting worse as time goes by.

She told me she had always wanted to call the police when abused but was scared to do so because she was afraid of him. I asked Sara what she would like to see happen today. She told me she just wanted the abuse to end.

## STATEMENT OF ALLISON PARNELL

I spoke with Allison Parnell who told me she and her husband live next door to the Synder's. She told me she had known them for six months and they continually fight. She stated she had seen Michael grab and push Sara during arguments in the past. Allison also told me she has seen bruises and marks on Sara which she had claimed were from Michael.

Allison told me in substance that on 6-16-2003 at about 0300 hours she could hear a disturbance occurring in the Synder's master bedroom. She said she could hear slamming and banging going on and could distinctly hear Michael yelling, "you're an idiot" and "you're a bad mother". She said the disturbance lasted for some time before quieting down.

Allison said she had gone to work later in the morning. She said she received several calls during the day from Sara who was crying. She said Sara told her that Michael was carrying his gun around and threatening her with it. Allison said Sara told her that she was fearful of him and needed help.

Allison said she left work and went to their apartment in an attempt to diffuse the situation. She said she and Sara

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
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# Vancouver Police Department

Case Number

03011708

## Narrative

went for a walk to let things cool down. She stated that when they returned Michael had discovered his gun had been removed from the apartment and became irate. Allison said Michael immediately got into Sara's face and began to yell at her. She said he was demanding for her to tell him where the gun was. She said Michael told her to leave but she feared for Sara's safety so she didn't go. She told me she was aware he had been carrying his gun around all day and was afraid for Sara. Allison said Michael then called the police to report her in his residence.

Allison told me that Michael often carries his gun around and makes sure everyone knows he has it. She told me with his recent escalating behavior and their disturbances, she believed he would one day seriously hurt her.

Allison told me her husband did have the gun in question and was currently in Seattle where he works. She provided me with a telephone number to contact her husband.

## STATEMENT OF MICHAEL SYNDER

I spoke with Michael Synder who had been standing in the parking lot with other VPD officers. I contacted Michael and asked him what had happened tonight. He started by telling me what had happened early in the morning when he woke Sara up. He told me in substance that he had only gone into the bedroom to get something out of there. He said he asked her to cover her eyes before he turned on the light. Michael told me as soon as he turned the light on she became irate and started an argument. He told me he did throw water on her only to get her to calm down.

Michael then told me later in the day he found his gun that had been hidden from him. He told me he was excited about finding it and wanted to handle it as he hadn't seen it for a while. He said he did have it out a couple times during the day when Sara saw him with it. Michael said he did clean the gun during the day in which he broke it down on their table. He told me while he was doing this she was nowhere around and their son was in a highchair and not in any danger.

Michael said he never pointed it at her and said it was never loaded. He did admit to having the magazines loaded but said they were never inserted into the weapon.

Michael then spoke about the incident in which he went into a bedroom with his son and Sara became upset. He said he was worried she would assault him so he put his foot against the door to prevent her from breaking down the door. He stated she did throw herself against the door several times.

Michael told me he had put his gun into its case along with two loaded ten round magazines into a dresser drawer in his son's room. Michael said he later discovered it missing and assumed his wife had removed it. He admitted to getting upset at her and said he did demand to know where it was as it belonged to her. Michael said Allison was

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Graaff, Joe</b>	PSN <b>1146</b>			
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Case Number  
03011708

## Narrative

present and began to get into the middle of things. He said he asked her to leave but she refused to do so. He said he then attempted to call 911 but Sara hung the phone up twice before he could get through.

I asked Michael if he had ever made references about Lacy Peterson to Sara. He said he never had. Michael then said he may have said it jokingly to her in the past when it was in the headlines. I then asked him if he had said he had nothing to lose. He laughed said she had phrased him out of context. Michael explained that Sara had threatened to take their son and move out. He said he did tell Sara that she could go ahead and leave because he had nothing to lose in the sense of their marriage.

Michael told me Sara is constantly abusive to him and often pushes and hits him. He said on a scale from 0 to 100 she was a 1000 on being a manipulator.

## STATEMENT OF KELLY PARNELL

I telephoned Kelly Parnell and spoke with him about the incident. He told me he did tell me that he was awake at about 0330 hours on the morning of 6-16-03 and heard a disturbance at the Synder's. He said he couldn't specifically hear what was going on.

Kelly told me that he spoke with Michael who did state they had been arguing. He said he tried to counsel Michael on marriage in order to prevent further problems.

Kelly told me he thought things had come down when he left for work in Seattle in the afternoon. He said he stopped at a service station and notice a plastic case in the camper shell of his pickup. He said upon further inspection he found a handgun and two magazines. Kelly said he called his wife and discovered it had been put there in order to keep it from Michael.

I instructed Kelly the gun was evidence and it needed to be returned to our custody. He said he couldn't make back into Vancouver until Saturday (6-21-03). I instructed him to keep the gun in a secure place and to return it immediately to the Vancouver Police when he returned.

## INVESTIGATION:

Based on the statements obtained it appears Michael was the primary aggressor given the totality of the circumstances. Michael committed the crime of harassment as he had knowingly placed Sara in reasonable fear that he would carry out the threat of using his handgun against her.

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Graaff, Joe</b>	PSN <b>1146</b>			
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# Vancouver Police Department

Case Number

03011708

## Narrative

I placed Michael under arrest for DV Felony Harassment and transported him to the Clark County Jail where he was booked.

Officer Moore obtained a Smith Affidavit from Sara Synder and provided her with the domestic violence information.

### ACTION RECOMMENDED:

Refer to Prosecution Attorney.

Case pending recovery of the firearm.

Reporting Officer <b>Fugate, William</b>	PSN <b>1366</b>	Ref Case Number <b>23:26 1366</b>	Report ID <b>2003-06-17</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Graaff, Joe</b>	PSN <b>1146</b>			
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# Vancouver Police Department

Case Number

03011708

## Narrative

### SUMMARY:

See Original Report. On 06/21/03 Kelly Parnell arrived at VPD East Precinct and requested the Beretta 8000 Cougar Handgun belonging to his neighbor, Michael Synder be placed into Safekeeping by the request of MICHAEL's wife, Sara Synder.

### ORPHAN DOCUMENTS:

None

### MENTIONED:

Kelly Parnell: Neighbor and friend of Sara and Michael Snyder

### ACTIONS TAKEN:

On 06/21/03 I was contacted at VPD East Precinct by Kelly Parnell. KELLY informed me that he wanted to place a firearm into safekeeping that belonged to his neighbor, Michael Snyder. KELLY informed me that MICHAEL was arrested by OFC Fugate last week for threatening his wife with the handgun and that MICHAEL's wife, SARA had asked him to drop the gun that MICHAEL was threatening her with off at the Police Station.

KELLY provided me that VPD case number along with the Beretta handgun that was still in the case. I secured the handgun and checked it for being loaded. Upon opening the case I noted that the gun was already secured with a gun lock going through the barrel and that it was empty. Inside the case was one magazine that was loaded with 9mm rounds. KELLY then provided me a two magazine pouch that is commonly used by Police on their duty belts that contained two more magazines that were also fully loaded.

I provided KELLY with my name and told him that I would complete a supplemental report to the original report done by OFC Fugate and that I would log the handgun in as safekeeping into the VPD Evidence System.

### EVIDENCE:

Beretta 8000 Cougar 9mm, serial number #018973MC, in case with three loaded magazines. Handgun is secure and empty with gunlock cable through barrel.

Reporting Officer <b>Wier, Ron</b>	PSN <b>1291</b>	Ref Case Number <b>10:19 1291</b>	Report ID <b>2003-06-21</b>	Agency/Case Number <b>VPD/03011708</b>
Approving Officer <b>Lobdell, Steven</b>	PSN <b>1129</b>			
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CERTIFICATE OF SERVICE

Court of Appeals No. 37364-5-II  
Trial Court # 06-2-06481-3

On the 23rd day of October, 2008, I served the following documents(s) on the attorney(s) or person(s) identified below:

Documents:

1. Brief of Appellant (10/22/08) Case No37364-5-II
2. Appendices to Brief of Appellant

<u>Person and Address</u>	<u>Method of Service</u>
Lori Ferguson (attorney for Sara Skillman-Blom) Gregerson & Langsdorf 415 E. 17 <sup>th</sup> St. Vancouver, WA 80524	First Class U.S. Mail

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed in Vancouver, WA.

  
Amy Reeves

FILED  
COURT OF APPEALS  
DIVISION II  
08 OCT 23 AM 11:14  
STATE OF WASHINGTON  
BY \_\_\_\_\_  
DEPUTY