

19-7125
No. _____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

SHANE R DODGE)
CHRISTINE L. DODGE)
Plaintiff/Petitioner,)
vs.)
BONNERS FERRY POLICE DEPT)
OFFICER: WILLIAM COWELL)
OFFICER: BRANDON BLACKMORE)
Defendant/Respondent(s),)

ON PETITION FOR A WRIT OF CERTIORARI TO

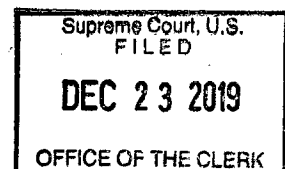
IN THE SUPREME COURT OF THE STATE OF IDAHO

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Plaintiffs pro se:

Shane R. Dodge
Christine L. Dodge
1205 District Two Road
Bonners Ferry, ID 83805



208-267-4137
(Phone Number)

QUESTIONS PRESENTED.

- 1) DID THE IDAHO SUPREME COURT (ERRED) GRANTING THE DISTRICT COURTS DISMISSAL OF PLAINTIFFS NOTICE OF TORT CLAIM I.C. # 6-901 FOR FAILURE TO FILE NOTICE WITHOUT ADDRESSING PLAINTIFFS CASE PURSUANT TO HAUSCHEL V. STATE, 143 Idaho 462, 147 P.3d 94 Pg 13, (CT APP. 2006.)
- 2) DID THE IDAHO SUPREME COURT (ERRED) GRANTING THE DISTRICT COURTS DISMISSAL IN VIOLATION OF I.R.C.P. 12(b)(6) AND I.R.C.P. 56 FAILING TO NOTICE PLAINTIFFS (28) DAYS BEFORE THE DECEMBER 20TH, 2018 HEARING.
- 3) DID THE IDAHO SUPREME COURT (ERRED) GRANTING THE DISTRICT COURTS DENYING THE PLAINTIFFS MOTION FOR CONTINUANCE DUE TO THE FAILURE TO BE PROPERLY NOTICED ABUSING DISCRETION.
- 4) DID THE IDAHO SUPREME COURT (ERRED) GRANTING THE DISTRICT COURTS DISMISSAL OF PLAINTIFFS FAILURE TO HAVE BEEN NOTICED PURSUANT TO I.R.C.P. 12(b)(6) AND I.R.C.P. 56 CLAIM DUE TO THE DISTRICT COURT PERFORMING (FRAUD) UPON PLAINTIFFS WITHHOLDING THE MOTION TO SHORTEN TIME, MOTION TO DISMISS AND ORDER FROM THE RECORD.

QUESTIONS PRESENTED -pg. I.

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- [] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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APPENDIX B	THE DISTRICT COURT OF THE (FIRST) JUDICIAL DISTRICTS ORDER OF DISMISSAL CASE NO# CVII-18-408 ENTERED ON THE DATE OF DECEMBER 21, 2018.
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APPENDIX D	APPELLANTS BRIEF FILED JANUARY 14, 2019.
APPENDIX E	RESPONDANTS BRIEF FILED MAY 10, 2019.
APPENDIX F	REPLY BRIEF OF APPELLANT FILED IN APRIL 2019.

TABLE OF AUTHORITIES CITED.

CASES: ARGUED IN APPELLANTS BRIEF.

- (1) MILES V. IDAHO POWER CO. 116 Idaho 635, 788 P.2d 333
Pg. 9 (CT APP. 1991).
- (2) TAYLOR V. MCWICKS. 149 Idaho 826, 832, 234 P.3d Pg. 9,
642, 648 (2010).
- (3) HAUSCHEULZ V. STATE, 143 Idaho 462, 147 P.3d 94 Pg. 13,
(CT APP. 2006).
- (4) HUFF V. UHL, 103 Idaho 274, 647 P.2d 730 (1982) Pg. 15.
- (5) SYSCO INTERMOUNTAIN FOODS INC. V. CITY OF TWIN FALLS,
109 Idaho 88, 705 P.2d 548 (CT APP. 1985).
- (6) FRIEL V. BOISE CITY Hous. AUTH. 126 Idaho 484, 877
P.2d Pg. 17 2a (1994).
- (7) ATHAY V. STACY, 196 Idaho 407, 196 P.3d 325 (2008) Pg. 21.
- (8) MULLANE V. CENTRAL HANOVER BANK AND TRUST CO.
399 Pg. 25 U.S. 306 (1950).
- (9) STATE V. CARMAN, 114 Idaho 793 (CT. APP. 1998.)
- (10) LONGAR V. SARAFITE, 376 U.S. 575, 589 (1964),
Pg. 26.
- (11) SHRINER V. RAUSH, 141 Idaho 228, 232, 108 P.3d.
- (12) FROST V. ROBERTSON 2009 U.S. LEXUS 24076
(D. Idaho 2009). Pg. 23, 275 375 (2005.)

SEE: APPELLANTS BRIEF AND REPLY BRIEF.

STATUTORY PROVISIONS.

STATUTES

Idaho RULES OF CIVIL PROCEDURE 7(b)(3).

Idaho RULES OF CIVIL PROCEDURE 12(b)(6).

Idaho RULES OF CIVIL PROCEDURE 27(a)(1).

Idaho code § 6-610.

Idaho code § 6-610(2).

Idaho code § 6-610(4).

Idaho code § 6-610(5).

Idaho code § 6-901.

Idaho code § 6-906.

Idaho code § 6-908.

Idaho code § 12-117.

Idaho code § 12-121.

Idaho code § 18-901(a)(b).

Idaho code § 18-903(a)(b).

Idaho code § 18-2901.

Idaho code § 18-3201

Idaho code § 19-603

Idaho code § 19-610

Idaho code § 131-3220

SEE! CAUSES OF ACTION IN (STATEMENT OF THE CASE) PGS 4 F THRU G.

TABLE OF AUTHORITIES -pg. V.
STATUTES AND RULES.

Revised 3/24/16

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☒ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A. to the petition and is DATED OCT 4, 2019 DOCKET # 96696.

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☒ is unpublished.

The opinion of the IDAHO STATE DISTRICT COURT court appears at Appendix C. to the petition and is DATED DEC 21, 2018 CASE NO CIV-18-408.

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☒ For cases from **state courts**:

The date on which the highest state court decided my case was OCT 4, 2019.
A copy of that decision appears at Appendix A. ocket no #46696.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED.

A. THE FOURTEENTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

SECTION 1. CITIZENSHIP - DUE PROCESS OF LAW - EQUAL PROTECTION. ALL PERSONS born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside, no State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

B. THE EIGHTH AMENDMENT OF THE UNITED STATES CONSTITUTION.

BAIL - PUNISHMENT:

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments to be inflicted.

I. STATEMENT OF THE CASE

ON THE DATE OF SUNDAY JUNE 17, 2018, THE PLAINTIFFS MR (SHANE R DODGE), AND MRS. (CHRISTINE L. DODGE) HAD BEEN RETURNING HOME WITH THEIR SON (ANDY J. DURETTE) AFTER HAVING DINNER CELEBRATING FATHER'S DAY AND TRAVELING NORTH ON HWY 95 HEADED TO TURN RIGHT ONTO DISTRICT TWO ROAD. ONCE ON DISTRICT TWO ROAD MR (DODGE) HAD PULLED HIS CAR OVER APPROXIMATELY (4) FOUR CAR LENGTHS FROM THE CAR THE OFFICER HAD PULLED OVER. AFTER HAVING TO SLOWLY PULL ALONG THE SIDE OF THE PATROL CAR WHICH WAS ENTIRLEY BLOCKING MR (DODGE'S) LANE OF TRAVEL. THERE HAVE BEEN SEVERAL OCCASIONS PRIOR TO THIS INCIDENT WHERE POLICE VEHICLES HAVE HAD CARS PULLED OVER PARTIALLY BLOCKING DISTRIC TWO ROAD. MR (DODGE), AFTER PARKING HIS CAR, SIMPLY WALKED UP THE POLICE OFFICER, QUIETLY, AND STATED TO SGT (COWELL) THAT IT WAS A PRETTY STUPID PLACE TO PULL PEOPLE OVER BECAUSE IT WAS CAUSING A TRAFFIC HAZARD. OFFICER SGT. (COWELL) HAD AUTOMATICALLY BECAME ANGRY AND AGITATED IN AN OUTBURST OF EXPLOSIVE BEHAVIOR AND STATED THAT MR. (DODGE) WAS UNDER ARREST FOR OBSTRUCTION OF JUSTICE. OFFICER SGT. (COWELL) HAD NOT EVEN ATTEMPTED TO ADDRESS, OR REASONABLY RESPOND TO THE CONCERN OF MR. (DODGE) AND THE HAZARD THAT HIS PATROL VEHICAL WAS CAUSING ON THE HIGHWAY TO ONCOMING TRAFFIC. AS MR. (DODGE) HAD STATED "GO TO HELL" THIS OFFICER IMMEDIATELY GRABBED MR. (DODGE) AND HAD SLAMMED HIS CHEST ONTO THE TOP OF A CONCRETE K RAIL HIGHWAY BARRIER AND HAD RAMMED HIS KNEE INTO MR (DODGES) BACK, OFFICER (BLACKMORE) AS HE HAD STATED HAD GRABBED MR. (DODGES) RIGHT ARM PARTICIPATING IN THE

ASSAULT ON MR (DODGE) WHILE THE TWO OFFICERS TACKLED AND SLAMMED MR (DODGE) ONTO THE CONCRETE K RAIL BARRIER WHILE OFFICER (BLACKMORE) IN HIS OWN STATEMENT HAD PLACED HANDCUFFS ON MR. (DODGE) IN A MANNER TO CREATE MORE BODILY HARM BY WRENCHING ON THE HANDCUFFS SO TIGHT THAT THE HANDCUFFS HAD CRUSHED THEIR WAY IN DEPTH INTO MR. (DODGE'S) WRIST LIKE A VICE CHOKING AND RESTRICTING THE BLOOD CIRCULATION IN MR. (DODGE'S) WRIST IN WHICH HAD BEEN DONE BY OFFICER (BLACKMORE) ONLY TO INTENTIONALLY CAUSE MR(DODGE) EXTREME PAIN AND INJURY. WHILE MR. (DODGE) HAD BEEN BEING HANDCUFFED, HIS WIFE, MRS. (DODGE) HAD GOTTEN OUT OF THE CAR EXTREMELY CONCERNED FOR THE SAFETY OF HER HUSBAND AND UPSET ASKED THE OFFICERS WHY HER HUSBAND WAS BEING ARRESTED. OFFICER (COWELL) STARTED YELLING AND KICKING AT OFFICER (BLACKMORE) TO GET HIM TO ARREST MRS. (CHRISTINE L. DODGE) HIS WIFE. AGAIN, AS LIKE FOR MR. (DODGE), FOR ABSOLUTLEY NO REASON ACCORDING TO LAW, BUT DUE TO AN UN-CONTROLLABLE OUTBURST OF ANGER AND ABUSIVE BEHAVIOR.

MR. (DODGE) HAD THEN BEEN PUT INTO THE REAR SEAT OF THE PATROL CAR AND TRANSPORTED TO THE COUNTY JAIL. WHEN INSTRUCTED TO EXIT THE VEHICAL, WITH THE PAIN FROM THE WAY THE HANDCUFFS HAD BEEN PUT ON AND ALSO BEING CRAMPED UP SO TIGHT INTHE BACK OF THE PATROL CAR, MR. (DODGE) COULDN'T MOVE. OFFICER SGT. (COWELL) PROCEEDED TO GET AHOLD OF MR. (DODGE'S) LEGS AND PULL WHILE OFFICER (BLACKMORE) WENT AROUND TO THE OTHER SIDE OF THE PATROL VEHICAL AND PUSHED FROM THAT SIDE UNTIL THEY HAD REMOVED MR. (DODGE) FROM THE PATROL VEHICAL AND HAD GOTTEN HIM ONTO HIS FEET.

MR. (DODGE) WAS THEN TAKEN INTO THE JAIL BOOKING ROOM WHERE THE DEPUTY SHERIFF BOOKING OFFICER WAS OBTAINING INFORMATION IN WHICH MR. (DODGE) WAS COMPLIANT. MR. (DODGE) WAS ASKED WHAT HIS MIDDLE NAME WAS. HE TOLD HIM IT WAS "R". THE OFFICER THEN ASKED WHAT "R" STOOD FOR. MR. (DODGE) AGAIN TOLD HIM "R". THEN THE BOOKING OFFICER EXPLAINED TO MR. (DODGE) THAT IF HE WAS NOT BEING TRUTHFUL WITH HIM THAT HE COULD BE FACING ANOTHER CHARGE FOR NOT BEING TRUTHFUL. MR. (DODGE) HAD THEN TOLD THE BOOKING OFFICER THAT HE HAD ALL OF HIS CARDS, DRIVER'S LICENSE, CONCEALED CARRY PERMIT, MILITARY, THE WHOLE THING, "WHAT IS ON THEM?" THE BOOKING OFFICER THEN STATED THAT IF HE WAS GOING TO BE NON-COMPLIANT THAT HE (MR. (DODGE)) COULD JUST KEEP THE HANDCUFFS ON A WHILE LONGER. LET IT BE KNOWN FOR THE RECORD THAT OFFICER SGT. (COWELL), AND OFFICER (BLACKMORE) HAD NOT EVEN THE MORAL AND COMMON COURTESY TO REMOVE THE WRENCHED ON HANDCUFFS. THEY JUST LEFT THEM ON, CAUSING MR. (DODGE) AN UN-TOLLERABLE AMOUNT OF EXCRUTIATING PAIN. THESE HANDCUFFS HAD BEEN LEFT ON MR. (DODGE) THE ENTIRE TIME UP UNTIL THEY NEEDED TO TAKE HIS FINGER PRINTS. THE DEPUTY SHERIFF THAT HAD TAKEN THE HANDCUFFS OFF OF MR. (DODGE) HAD A HARD TIME REMOVING THEM. HE HAD BEEN FINGER PRINTED SEVERAL TIMES. HE PAID HIS BOND/BAIL AND WAS RELEASED.

MR. (DODGE), UPON HIS RELEASE, HAD TO BE TAKEN BY HIS FAMILY TO THE EMERGENCY ROOM AT THE LOCAL HOSPITAL TO BE EXAMINED AND TREATED FOR THE INJURIES HE HAD SUSTAINED BY THE FALSE ARREST, AND THE UNNECESSARY AND EXCESSIVE USE OF FORCE CAUSED

BY SGT. (COWELL) AND OFFICER (BLACKMORE) THAT HAD OCCURED ACTING IN THE CAPACITY OF LAW ENFORCEMENT OFFICERS.

MRS. CHRISTINE L.DODGE HAD BEEN CAUSED GRAVE "EMOTIONAL DISTRESS" AS SHE HAD BEEN PUT IN A SITUATION OF "FEAR" FOR THE SAFETY OF HER HUSBAND SHANE, HERSELF AND HER SON, AS SHE HAD TO WATCH AND ENDURE THE ABUSE OF HER HUSBAND FOR ABSOLUTELY NO MORAL OR LEGAL REASON. SHE HAD ALSO BEEN "THREATENED" BY OFFICER SGT (COWELL) WHEN HE HAD INSTRUCTED OFFICER (BLACKMORE) TO PLACE HER UNDER ARREST AFTER SIMPLY ASKING THE OFFICERS WHY THEY WERE ARRESTING SHANE AND THEN (BLACKMORE) ORDERED HER TO LEAVE. AFTER MRS. CHRISTINE L. DODGE HAD FILED A COMPLAINT AT THE SHERIFFS DEPARTMENT IN REGARDS TO THE FALSE ARREST, AND UNNECESSARY USE OF EXCESSIVE FORCE ON HER HUSAND. SHE HAD POSTED BOND/BAIL AND LEFT THE BUILDING TO RETURN TO THE PARKING LOT WHERE HER SON AND MR. (DODGES) DAUGHTER HAD BEEN WAITING. SHE NOTICED THAT OFFICER SGT. (COWELL) AND OFFICER (BLACKMORE) HAD ALSO BEEN IN THE PARKING LOT SPEAKING TO HER STEP DAUGHTER AND HER SON. MRS. (DODGE) STATED TO SGT (COWELL) THAT SHE STILL WANTED TO KNOW WHY HER HUSBAND HAD BEEN ARRESTED, THEN SGT (COWELL) STOOD FACING MRS. (DODGE) WITH HIS CHEST"STUFFED OUT" AND LOOKING DOWN ON HER IN AN "INTIMIDATING MANNER" AND STATED" I CAN STILL ARREST YOU" AND THEN AT THAT POINT MRS. (DODGE) HAD TO STOP AND GET HER THOUGHTS IN ORDER AND WITH STRENGTH STATED, "LOOK AT YOURSELF STANDING LIKE THAT, AND YOUR LOOK AS IF YOU CAN DO ANYTHING YOU WANT. WHAT IF YOU WERE IN MY SHOES-WOULD YOU WANT TO BE TREATED LIKE THIS?".

SGT. (COWELL) DECLINED TO ANSWER AND WITHOUT ANY COMPASSION, NOR COURTESY, STATED, "ARE YOU DONE?".

MRS. (DODGE'S) STEP DAUGHTER HAD BEGAN SPEAKING TO SGT. (COWELL), AND THEN ALL OF A SUDDEN SGT. (COWELL) WALKED OVER TO MRS. (DODGE'S) SON AND STATED, "I HAVE (SHANE'S) BELONGINGS IF YOU WOULD TAKE THEM." MRS. (DODGE) HAD HEARD THE STATEMENT AND WALKED OVER AND SAID "NO". I'M HIS WIFE AND I WILL TAKE POSSESSION OF MY HUSBAND'S BELONGINGS. SGT. (COWELL) HAD TURNED AND SAID, "I'M NOT TALKING TO YOU" IN AN INAPPROPRIATE MANNER.

AFTER MR. (SHANE R DODGE) HAD BEEN RELEASED ON BAIL/BOND, HE HAD BLOOD RUNNING DOWN FROM AN INJURY SUSTAINED ON HIS ARM AND WAS IN A LOT OF PAIN FROM BEING MISTREATED AND HE HAD VISIBLE INJURY TO HIS WRIST FROM THE NEGLENT PLACEMENT OF HANDCUFFS BY OFFICER (BLACKMORE). MR. (DODGE) HAD ALSO BEEN IN A LOT OF PAIN IN HIS CHEST FROM SGT. (COWELL) AND OFFICER (BLACKMORE) SLAMMING HIS CHEST INTO THE CONCRETE K RAIL BARRIER AND ALSO EXCRUTIATING PAIN IN HIS BACK FROM SGT. (COWELL) RAMMING HIS KNEE INTO MR. (DODGES) BACK AFTER SLAMMING MR. (DODGE'S) CHEST FIRST INTO THE CONCRETE BARRIER. DUE TO THE INJURIES THAT MR. (DODGE) SUSTAINED FROM SGT. (COWELL) AND OFFICER (BLACKMORE), HE HAD BEEN TAKEN BY FAMILY TO THE HOSPITAL EMERGENCY ROOM FOR TREATMENT.

II.

CAUSE'S OF ACTION

THE PLAINTIFF'S, MR. (SHANE R DODGE) AND HIS WIFE, MRS. (CHRISTINE L. DODGE) COMPLAIN THAT THE ABOVE LISTED RESPONDENTS: BONNERS FERRY POLICE DEPARTMENT AND ACTING IN CAPACITY OF LAW ENFORCEMENT PERSONAL, OFFICER SGT. (WILLIAM COWELL) AND OFFICER (BRANDON BLACKMORE) DID COMMIT THE FOLLOWING OFFENCES, DAMAGES, AND MISDEMEANOR CRIMES AGAINST THE PLAINTIFFS AS FOLLOW'S:

OFFICER SGT WILLIAM COWELL:

- A. THAT ON THE DATE OF JUNE 17, 2018 AT 8:30 P.M., OFFICER SGT (WILLIAM COWELL) HAD COMMITTED THE OFFENCES AND DAMAGES AGAINST THE PLAINTIFF'S.
1. FALSE ARREST OF MR. (SHANE R DODGE) WITHOUT PROBABLE CAUSE, I.C. 19-603.
 2. UNNECESSARY AND EXCESSIVE USE OF FORCE AGAINST MR. (SHANE R DODGE) WITHOUT CAUSE. I.C. 19-610.
 3. MISDEMEANOR ASSAULT. I.C. SECTION 18-901(a)(b).
 4. MISDEMEANOR BATTERY. I.C. SECTION 18-903(a)(b)(c).
 5. FALSE IMPRISONMENT. I.C. SECTION 18-2901.
 6. FALSIFYING A POLICE REPORT. I.C. SECTION 18-3201.
 7. MISDEMEANOR ASSAULT ON MRS. (CHRISTINE L. DODGE). I.C. SECTION 18-901(a)(b).

B. THAT ON THE DATE OF JUNE 17, 2018 AT 8:30 P.M. OFFICER (BRANDON BLACKMORE) DID WILLFULLY ASSIST OFFICER SGT (WILLIAM COWELL) COMMITTING THE OFFENCES AND DAMAGES AGAINST PLAINTIFFS.

1. FALSE ARREST OF MR. (SHANE R DODGE) WITHOUT PROBABLE CAUSE. I.C. 19-603.
2. UNNECESSARY AND EXCESSIVE USE OF FORCE AGAINST MR. (SHANE R DODGE) WITHOUT PROBABLE CAUSE. I.C. 19-610.
3. MISDEMEANOR ASSAULT. I.C. SECTION 18-901(a)(b).
4. MISDEMEANOR BATTERY. I.C. SECTION 18-903(a)(b)(c).
5. FALSE IMPRISONMENT. I.C. SECTION 18-2901.
6. FALSIFYING A POLICE REPORT. I.C. SECTION 18-3201.
7. MISDEMEANOR ASSAULT ON MRS. (CHRISTINE L. DODGE) BY AIDING AND ABETTING OFFICER SGT (COWELL) WHILE IN THE COMMISSION OF A CRIME. I.C. SECTION 18-901(a)(b).

C. THAT ON THE DATE OF JUNE 17, 2018 AT 8:30 P.M. THE (BONNER'S FERRY POLICE DEPARTMENT) COMMITTED THE OFFENCES AND DAMAGES AND SUBJECT TO LIABILITY FOR MONEY DAMAGES ARISING OUT OF IT'S NEGLIGENCE OR OTHERWISE WRONGFULL ACTS OR OMISSIONS AND THOSE OF IT'S EMPLOYEE'S ACTING WITHIN THE COURSE AND SCOPE OF THEIR DUTIES. I.C. 6-903 (a) AND I.C. 6-904 SECTIONS 3. SEE: ANDERSON v. FOSTER, 73 IDAHO

340.252.P.2d 199 (1953). AND ALSO SEE: SPRAGUE v. CITY OF BURLEY 109 IDAHO 656.710 p.2d 566 (1985), AND AGAINST THE STANDARD'S OF LAW ENFORCEMENT PERSONAL AS DEFINED BY FEDERAL AND STATE LAW AND IN CHAPTER 51, TITLE 19, IDAHO CODE, AND THAT THE PLAINTIFF'S COMPLAIN THAT THE ACTIONS AROSE OUT OF AND IN THE COURSE OF THE PERFORMANCE OF THE DUTIES OF THE OFFICERS. SEE: MONSON v. BOYD, 81 IDAHO 575.348 p.2d 93 (1954).

D. THE AUTHORITY OF POLITICAL SUBDIVISION TO PURCHASE INSURANCE: IDAHO CODE SECTION 6-923.

ALL POLITICAL SUBDIVISIONS OF THE STATE SHALL HAVE THE AUTHORITY TO PURCHASE THE NECESSARY LIABILITY INSURANCE FOR THEMSELVES AND THEIR EMPLOYEES.

E. LIABILITY OF GOVERNMENT ENTITIES-DEFENSE OF IT'S EMPLOYEES:

EVERY GOVERNMENT ENTITY IS SUBJECT TO LIABILITY FOR MONEY DAMAGES ARISING OUT OF ITS NEGLEGENT OR OTHERWISE WRONGFULL ACT OR OMISSIONS AND THOSE OF IT'S EMPLOYEES ACTING WITHIN THE COURSE AND SCOPE OF THEIR EMPLOYMENT OR DUTIES, AND WHETHER ARISING OUT OF A GOVERNMENTAL OR A PROPRIETARY FUNCTION, WERE THE GOVERNMENT ENTITY WOULD BE LIABLE FOR MONEY DAMAGES UNDER IDAHO LAWS OF THE STATE OF IDAHO. IDAHO CODE SECTION 60903. SEE: SPRAGUE v CITY OF BURLEY 109 IDAHO 656.710.p2d 566 (1985)

F. POLICY LIMITS-MINIMUM REQUIREMENTS: EVERY POLICY OR CONTRACT OF INSURANCE OR COMPREHENSIVE LIABILITY PLAN OF A GOVERNMENT ENTITY AS PERMITTED UNDER THE PROVISIONS OF THIS CHAPTER SHALL PROVIDE THAT THE INSURANCE CARRIER PAY ON BEHALF OF THE INSURED GOVERNMENT ENTITY OR IT'S EMPLOYEE TO A LIMIT NOT LESS THAN: FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) FOR BODILY OR PERSONAL INJURY, DEATH, OR PROPERTY DAMAGE OR LOSS AS THE RESULT OF ANY ONE OCCURRENCE OR ACCIDENT, REGARDLESS OF THE NUMBER OF PERSON INJURED OR NUMBER OF CLAIMS. SEE ANDERSON v. FOSTER 73 IDAHO 340.252 p.2d 199 (1953). ALSO SEE: FERGUSON v. COREGIS INS. CO., 527 F.3d 930 (9TH CIR 2008)

G. JUDGEMENT OR CLAIMS IN EXCESS OF COMPREHENSIVE LIABILITY PLAN-REDUCTION BY COURT-LIMIT OF LIABILITY: IDAHO CODE SECTION 6-926.

THE PLAINTIFFS MR. (SHANE R DODGE), (CHRISTINE L. DODGE) COMPLAIN THAT IF THE DAMAGES AND COURT COSTS, LEGAL FEES DO GO IN EXCESS OF \$500,000.00 DOLLARS THAT IF THE (BONNERS FERRY POLICE DEPARTMENT) INSURANCE CARRIERS HAVE COVERAGE IN EXCESS, THAT THE COURT ORDER AN EXCESS IN AWARD.

H. ATTORNEYS FEES: IDAHO CODE SECTION 6-918 A.

THE PLAINTIFFS MR. (SHANE R DODGE), (CHRISTINE L. DODGE) COMPLAIN THAT AT THE TIME AND IN THE MANNER PROVIDED FOR FIXING COSTS IN CIVIL ACTIONS

AND AT THE DISCRETION OF TRIAL COURT, APPROPRIATE AND REASONABLE ATTORNEYS FEES MAY BE AWARDED TO THE PLAINTIFFS AS COSTS IN ACTIONS UNDER THIS ACT, UPON PETITION THEREFOR AND A SHOWING, BY CLEAR AND CONVINCING EVIDENCE, THAT THE PARTY AGAINST WHOM OR WHICH SUCH AWARD IS SOUGHT WAS GUILTY OF BAD FAITH IN THE COMMENCEMENT, CONDUCT, AND ACTING IN THE CAPACITY AS LAW ENFORCEMENT PERSONNEL IN THE COURSE OF PERFORMANCE OF HIS DUTY.

- I. DAMAGES FOR NEGLIGENCE AND PERSONAL INJURY SOUGHT BY THE PLAINTIFFS ARE IN THE AMOUNT OF:
1. BAIL BOND FEES: \$
 2. MEDICAL EXPENSES: \$ 1,452.50
 3. PERSONAL INJURY AND NEGLIGENCE: \$ 496,547.50
 4. CRIMINAL DEFENSE ATTORNEY FEES: \$ 2,000.00
 5. CIVIL DEFENSE ATTORNEY FEES: \$ SET BY THE COURT
- TOTAL JUDGMENT: AMOUNT \$500,000.00

ATTACHED EXHIBITS: A,B,C,D,E,F

REASONS FOR GRANTING THE PETITION

- A. THE OPINIONS OF THE IDAHO STATE SUPREME COURT ARE INCONSISTANT WITH DECISIONS FROM THE UNITED STATES SUPREME COURT AND ITS OWN DECISIONS.
- B. THE IDAHO STATE SUPREME COURT (ERRED) BY ALLOWING THE IDAHO STATE DISTRICT COURT TO DISMISS THE PLAINTIFFS NOTICE OF TORT CLAIM AGAINST THE CITY, AND OFFICERS.
- C. THE IDAHO STATE SUPREME COURT (ERRED) BY ALLOWING THE IDAHO DISTRICT COURT TO VIOLATE THE PLAINTIFFS RIGHTS TO NOTICE, AND PREPARE AN ADJUDIC DEFENSE.
- D. THE IDAHO STATE SUPREME COURT (ERRED) BY DENYING THE PLAINTIFFS CONTINUANCE TO PREPARE AN ADJUDIC DEFENSE DUE TO FAILURE OF NOTICE.
- E. THE IDAHO STATE SUPREME COURT (ERRED) ALLOWING THE IDAHO DISTRICT COURT TO PERFORM FRAUD UPON PLAINTIFFS.
REASONS FOR GRANTING - PG. 5.
THE PETITION.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Christine Y. Dodge

Date: Dec. 23 - 2019