

iii.

No. 21-6683

ORIGINAL

Supreme Court, U.S.
FILED

NOV 23 2021

OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

David M. Vines

Petitioner

vs.

Washington State Supreme Court

Respondent

PETITION FOR WRIT OF CERTIORARI

David M. Vines
32600 5th Ave
Black Diamond, WA 98010
253 293 0565

iv.

QUESTIONS PRESENTED

The question presented is of National concern:

Whether the State of Washington, and the police, have decided an important question of Federal law, namely the Fourth Amendment, e.g. arrest without a Warrant, that conflicts with relevant decisions of this Court. And whether the police can arrest persons who speak out against the police when police search vehicles without a Warrant and arrest persons without a Warrant. And whether the courts error in penalizing the whistleblower for speaking out against this and other policies by the police.

v.

LIST OF PARTIES

[x] All parties in the caption of the case are on the cover page.

David M. Vines is the Petitioner

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

RELATED CASES

City of Black Diamond v. Vines
Municipal Court of Black Diamond
Dismissed without prejudice
Case No. 8z1144055 judgment entered
March 19, 2019

Vines v. Ivar Gunderson et. al.
Supreme Court of the State of Washington
Dismissed without prejudice
Case No. 19-2-01338-9 Judgment entered
June 18, 2019

Vines v. City of Black Diamond et. al.
Supreme Court of the State of Washington
Case No. 19-2-1920101 Judgment entered
February 21, 2020.

Vines v. City of Black Diamond et. al.
Supreme Court of the State of Washington
Case No. 20-2-00927-0 Judgment entered
July 24, 2020.

RELATED CASES continued

Vines v. City of Black Diamond et. al.
United States Federal Court
Case No. 2:20-cv-01788-RAJ judgment entered
May 21, 2021

Vines v. City of Black Diamond et. al.
State of Washington Appeals Court
Case No. 81748-5-1 judgment entered
June 21, 2021

Vines v. City of Black Diamond et. al.
State of Washington Appeals Court
Case No. 81748-51-1 Judgment entered
July 22, 2021

Vines v. City of Black Diamond et. al.
State of Washington Appeals Court
Case No. 81748-5-1 Order denying Motion to Publish
Judgment entered July 22, 2021

Vines v. City of Black Diamond et. al.
State of Washington Appeals Court
Case No. 81748-5-1 Order denying Reconsideration
Judgment entered July 22, 2021

Vines v. City of Black Diamond et. al.
Washington State Supreme Court
Case No. 81748-5-1 judgment entered
November 3, 2021

TABLE OF CONTENTS

OPINIONS BELOW	1
JURISDICTION	2
CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	3
STATEMENT OF THE CASE	4
REASONS FOR GRANTING THE WRIT	5, 6, 7
HISTORY	6
STATE DEPARTS FROM THE LAW	8
A. EFFORTS TO UNDERMINE THE CONSTITUTION	8
B. OPENS THE DOOR FOR OTHER TOWNS TO FOLLOW	9
CONCLUSION	10
PROOF OF SERVICE	11

INDEX TO APPENDICES

APPENDIX A Declaration of Income

APPENDIX B Decision of Black Diamond Municipal Court

APPENDIX C Decision of State Trial Court dismiss w/o prejudice

APPENDIX D Decision of State Trial Court denying review

APPENDIX E Decision of State Trial Court denying review

APPENDIX F Decision of Federal Court Denying Review

APPENDIX G Decision of Appeals Court Denying Review

APPENDIX H Decision State Supreme Court Denying Review

TABLE OF AUTHORITIES CITED

CASES

U.S. v. Peisner C.A. 4 (Md.) F.2d 94 1962	8
U.S. v. Callahan Minn. 256 F.Supp. 739 1964	8
Berger v. State of N.Y. U.S.N.Y 87 S.Ct 1873, 388 1967	8
State of Delaware v. Prouse, U.S.Del. 99 S.Ct. 1391, 440	8
U.S. 648, 59 Led.2d 660 1979	
State v. Redmond 150 Wn.2d 489, 493, 78 P.3d	
1001 (2003) No duty to Retreat	8
WPA 1341, 1343, 1344, 1348	9

STATUTE AND RULES

RCW 9A.16.020(6)	5
RCW 7.80.005	5
RCW 10.31.100	5
RCW 10.31.030	5

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 G 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 F 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 C 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 highest state court appears at Appendix D to the petition and is

☐ 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 MAY 21, 2021.

☒ 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 NOV. 3, 2021.
A copy of that decision appears at Appendix H.

☐ 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

The Supremacy Clause of the Constitution Fourth Amendment provides:

This Constitution and the laws of the United States which shall be made in pursuance thereof shall be the Supreme Law of the land; and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary not-with-standing.

Fourth Amendment: The right of the people to be secure of their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched or the persons or things to be seized.

STATEMENT OF THE CASE

This petitioner, at the time, was 73 years old when a relative came into petitioner's home, into a daycare, and was aggressive and threatening and may have had a concealed weapon in his coat pocket. Petitioner threw the relative out and twelve hours later the police arrested the petitioner/home owner, without a warrant of any kind using the words "probable cause". Previously, petitioner complained to the police chief concerning arrest without a Warrant and searching vehicles without a Warrant.

Upon arrest December 21, 2018, the police intended to commit a crime against humanity by handcuffing the petitioner and leading him to an idling police vehicle, where the petitioner was told to "get into the front seat", behind the steering wheel, of which the petitioner refused.

At pre-trial hearing, the police confiscated petitioner's pertinent evidence (relative's syringe as a weapon) destroying it.

Weeks later the City of Black Diamond dismissed Vines' case without prejudice since there was no evidence against petitioner to prosecute him for any crime.

Never-the-less on trial date, police allowed six felons to preside on the jury, not knowing the petitioner's case had already been dismissed.

REASONS FOR GRANTING THE PETITION

An erroneous Washington State law allows an arrest without a Warrant in a person's home, on "probable cause" for domestic violence RCW 10.31.100(2.c) (up to 4 hours) with no Oath or affirmation, or Describing the persons to be seized. However, this law goes against the Federal law, Fourth Amendment, which goes against this court's law. Furthermore, petitioner was arrested long after Washington State's four hour limit.

Acceptably, another Washington State law requires a Warrant for arrest such as stated in RCW 10.31.030 . . . Warrants and Arrests. Yet, a Warrant was never issued at any time.

Furthermore, the State Legislature recommends a citation instead of an arrest for a misdemeanor RCW 7.80.005.

Correctly, RCW 9A.16.020(6) Use of Force . . . When Lawful. Whenever used by a person to prevent a mentally ill person from committing an act dangerous to any person . . . of which

petitioner followed the State's law and had witnesses to show the same. Never-the-less Washington Court's ruled against the petitioner for speaking out against the police for the morally shocking way the police treat arrestees.

HISTORY

Vines filed lawsuit against prosecuting attorney Ivar Gunderson for malicious prosecution and later withdrew the lawsuit from King County Superior Court since said prosecuting attorney had dismissed Vines' case.

Vines filed a second lawsuit against the City of Black Diamond for false arrest in King County Superior Court and later withdrew said lawsuit since Vines believed the city mayor would apologize for the arrest and make appropriate corrections.

Vines filed lawsuit against City of Black Diamond since the city would do nothing to correct or stop the police from arresting innocent persons or the police committing crimes against humanity such as:

1. The dangerous practice of placing handcuffed arrestees behind the steering wheel of an idling police vehicle
2. Confiscating pertinent evidence from the accused before trial
3. Allowing felons to preside on the Municipal Court's jury

Vines lawsuit against City of Black Diamond was dismissed in Superior Court for filing too many lawsuits, Furthermore, the Court shifted the blame from the police officers to Vines in a way that prosecuted the whistleblower.

Vines filed lawsuit in Federal Court against City of Black Diamond, which was later dismissed by the court, supporting the Superior Court's decision, but did nothing to correct the Black Diamond police or the needless shooting of Tony Chilcott by two King County police officers.

Vines filed an appeal in Washington State Appeals Court which was later dismissed by the Court.

Vines filed an appeal in Washington State Supreme Court which was later dismissed which did nothing to correct Black Diamond's policy of police arresting persons without Warrant, and continued the reckless disregard and failure to protect the petitioner, as well as any other arrestee.

WASHINGTON STATE DEPARTS FROM THE LAW

In regard to a warrantless arrests, Washington State's own laws conflict with Fourth Amendment rights, causing arrests without a written Warrant such as petitioner being needlessly arrested.

A. EFFORTS TO UNDERMINE THE CONSTITUTION UNACCEPTABLE

In that if the police in the State of Washington can arrest anyone in their home, without proof of a crime, witness to a crime, on hearsay alone, and without a Warrant, this opens the door for police officers to arrest anyone in their home, without a Warrant, since the laws in the state are contradictory and go against the Fourth Amendment.

U.S. v. Peisner CA 4 (Md.) F.2d 94 1962

U.S. v. Callahan Minn. 256 f.Supp. 739 1964

Berger v. State of N.Y. U.S.N.Y. 87 S.Ct 1873. 388 1967

State of Delaware v. Prouse U.S.Del. 99 S.Ct 1391, 440

U.S. 648, 59 Led.2d 660 1979

State v. Redmond 150 Wn.2d 489, 493, 78 P3d

1001 (2003)

**B. THE DECISION BELOW UNDERMINES THE FOURTH
AMENDMENT AND OPENS THE DOOR FOR OTHER
TOWNS AND CITIES TO FOLLOW SUIT**

The police are not above the law and should not ignore the Fourth Amendment. Police are sworn to serve and protect . . . not arrest persons on suspicion alone, or attempt to commit crimes against humanity. Nor courts shifting blame to the whistleblower. Trust in the courts and police is diminished at a time when the courts and police should be respected and held in high regard. WPA 1341, 1343, 1344, 1348. Pray that the Constitution is never recanted.

CONCLUSION

The State of Washington, and the police, go beyond their power and allow arrest without a Warrant, which goes against the Fourth Amendment of the Constitution. Secondly, the State and Federal Courts have shifted the blame to the Whistleblower, which goes against the Whistleblower Protection Act. For reasons stated above, petitioner should go to trial court for further proceedings consistent with this opinion and the petition for writ of certiorari and should be granted.

Respectfully submitted,

David M. Vines

Date: December 16, 2021