

App. 1

THE SUPREME COURT OF WASHINGTON

No 100588-1

ORDER

Court of Appeals

No. 38333-4-III

ANDY A. WEIMER,

Petitioner,

Verses

STATE OF WASHINGTON,

Respondent.

(Filed June 8, 2022)

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Department II of the Court, composed of Chief Justice Gonzalez and Justices Madsen, Stephens, Yu and Whitener (Justice Johnson sat for Justice Madsen), considered this matter at its June 7, 2022. Motion Calendar and unanimously agreed that the following order be entered.

IT IS ORDERED:

That the Petitioner's motion to modify the Commissioner's ruling is denied.

DATED at Olympia, Washington, this 8th day of June, 2022

For the Court

s/s Gonzalez C.J.

CHIEF JUSTICE

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IN THE SUPREME COURT OF THE STATE OF
WASHINGTON

No.100588-1

Court of Appeals No. 38333-4-III

RULING DENYING REVIEW

ANDY A. WEIMER,

Petitioner,

Verses

STATE OF WASHINGTON,

Respondent.

(Filed March 21, 2020)

App. 4

Pro so petitioner Andy Weimer seeks discretionary review of a decision by Division Three of the Court of Appeals denying discretionary review of a Spokane County Superior Court order on RALJ appeal affirming a district court decision finding that Mr. Weimer committed three traffic infractions. The motion for discretionary review is denied for reasons explained below.

Mr. Weimer was cited for (1) failing to stop at a stop sign, (2) failing to secure a load (a snowmobile in the back of his pickup truck), and (3) defective tail lamps. Mr. Weimer contested the citations, and the district court found that he had committed them. The superior court affirmed the district court decision on RALJ appeal. Mr. Weimer then moved for discretionary review in the Court of Appeals. Commissioner Erin Geske denied review, determining that Mr. Weimer failed to show review was justified under RAP 2.3(d). A panel of judges denied Mr. Weimer's motion to modify the commissioner's ruling.

Mr. Weimer now seeks discretionary review in this court. RAP 13.3(a)(2),(c),(e);RAP 13.5(a). To obtain discretionary review he must demonstrate that the court of Appeals committed obvious error that renders further proceedings useless, probable error that substantially alters the status quo

or that substantially limits a party's freedom to act, or that the Court of Appeals departed so far from the accepted and usual course of judicial proceedings that this court review is justified. RAP 13.5(b). Mr. Weimer fails to address any of these criteria and provides no briefing, just a one-page (and not even full page) list of issues and a couple of sentences on why he seeks review. He claims that (1) he is innocent of the infractions, (2) he was denied his constitutional right to a jury, (3) the city of Spokane failed to release sought-after information, and (4) there are multiple complaints against the officer issuing the citations. Attached to this single page is a copy of a handwritten and unsworn narrative of Mr. Weimer's version of what transpired during the traffic stop, a copy of the commissioner's ruling, and a copy of the order denying the motion to modify the ruling. It is impossible to conduct any meaningful review of the Court of Appeals decision relying on such a slender pleading. *See Cowiche Canyon Conservancy v. Bosley*, 118 Wn.2d 801,809,828 P.2d 549 (1992) (reviewing court will not consider issues lacking supporting argument and citation to authority). The motion for discretionary review is denied.

SIGNED March 21, 2022 /s/ Michael E Whiston

COMMISSIONER

App. 6

THE COURT OF APPEALS OF THE STATE OF
WASHINGTON DIVISION III

No. 38333-4-III
COMMISSIONER'S RULING

ANDY A. WEIMER,
Petitioner,
Verses
STATE OF WASHINGTON,
Respondent.

(Filed November 01, 2021)

App. 7

Andy Weimer seeks review of the Spokane County superior court's order affirming the district court's decision finding that Mr. Weimer committed three traffic violations. For the reasons set forth below, this Court concludes that Mr. Weimer has failed to demonstrate review is warranted under any of the criteria set forth in RAP 2.3(d).

By way of background, this matter concerns a traffic stop during which a Spokane County Deputy Sheriff issued Mr. Weimer citations for: (i) failure to stop at a stop sign in violation of RCW 46.61.190.2, (ii) failing to secure a load (the snowmobile in the back of Mr. Weimer's truck) in violation of RCW 46.61.655.2, and (iii) defective tail lamps in violation of RCW 46.37.050. {1}

The district court apparently found that Mr. Weimer guilty of all three citations. {2}. Mr.

1. Mr. Weimer asserts that the deputy who stopped him engaged in various bad acts, including using excessive force and threatening Mr. Weimer. To the extent Mr. Weimer wishes to pursue claims against the arresting deputy, his remedy is to bring a tort action rather than pursuing this appeal of the traffic citations.

2. Although Mr. Weimer provided this court with a copy of the transcript for the superior court proceedings and the superior court's order denying his appeal, he did not provide this court with any records from the district court proceeding.

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Weimer appealed to the superior court. At the hearing, he put forth a variety of arguments, including: (i) he was entitled to a jury trial, (ii) there was no evidence that his snowmobile was unsecured, (iii) the court excludes evidence he wanted to present, including the arresting deputy's history of misconduct and use of excessive force, and (iv) he did stop at the stop sign but the arresting deputy made false claims in the police report. He admitted that his license plate lights were not working at the time of the traffic stop, but indicated they appeared to be defective where he had taken his vehicle to a mechanic multiple times to fix the issue. He further argued that where his truck was registered in Idaho and Idaho laws do not have any license plate requirements, he was not required to comply with RCW 46.37.050.

After noting that Mr. Weimer was not entitled to a jury trial for a civil traffic infraction and explaining that it could not consider any evidence that was not in front of the district court, the superior court concluded that the district court correctly found that each of the three citations was supported by a preponderance of the evidence:

As the court went through I guess I'll start with the easiest one because even you in the

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transcript admitted to the Judge that your lights at the date and time were not operable. I understand you said you've had your truck worked on, but on whether or not the Court could make a decision by a preponderance of the evidence that the defendant, you, would commit, and it's really the respondent, whether or not you committed a defective light violation.

So based on your admission on the record and the Court and that, the Judge I believe made the right call because that was the evidence, and it more than met the preponderance.

As far as the failure to stop at the stop sign, the Judge at that time weighed the evidence that he had in front of him and the credibility, what he heard and made a decision based on that. So the Court can't go back and re-weigh credibility. I have to rely on the record and the Judge's decision.

So at this time, I understand your arguments, but the focus that this Court has to do is look at whether or not the determination whether a preponderance of the evidence for the Court to find you committed these infractions and based on the weight of the evidence as the Court ruled that the Court believed that you failed to stop at the stop sign and made that determination based on a preponderance of the evidence.

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As far as whether or not you secured your load, according to the testimony presented, the pictures that were presented, the Judge made an evidence ruling based on that by a preponderance that he believed there was more than enough evidence to support the preponderance.

As the Court reviews that, looks at your arguments based on law and what they had, this Court as I said is sitting in just a reviewing court, but at this time based on what is in front of me, the Court does make a finding that the Judge made the right calls based on the preponderance of the evidence that he had in front of him.

At this point after the Court went through that striking any of the new evidence that was presented, the Court does make a finding that the Judge in the lower court made the right call, and this being a contested infraction hearing, he did find that you committed those infractions.

So at this time, with what I have in front of me and understanding your arguments, but the Court has to just look at what the law tells me as an appellate judge, which is I have to affirm the lower court that he made the right call based on the evidence he had in front of him.

App. At 23-25. Accordingly, the court affirmed the district court's order. Mr. Weimer seeks

discretionary review of the superior court's order.

This Court's discretionary review of RALJ appeals is governed by RAP 2.3(d), which provides that this Court will accept review in such cases only:

(1) If the decision of the superior court is in conflict with a decision of the Court of Appeals or the Supreme Court; or

(2) If a significant question of law under the Constitution of the State of Washington or of the United States is involved; or

(3) If the decision involves an issue of public interest which should be determined by an appellate court; or

(4) If the superior court has so far departed from the accepted and usual course of judicial proceedings, or so far sanctioned such a departure by the court of limited jurisdiction, as to call for review by the appellate court.

RAP 2.3(d)(1)-(4).

In his motion for discretionary review, Mr. Weimer contends: (i) the snowmobile was securely fastened according to all definitions, (ii) he had a right to a jury trial under the 7th amendment, (iii) he cannot prove he stopped at the stop sign but the police report and misconduct reports

Prove that the arresting deputy lied, and thus Mr. Weimer should be given greater credibility as to this citation, (iv) his truck is registered in Idaho and since Idaho has no license plate light requirement, he had no duty to comply with RCW 46.37.050 and the citation under that statute violates his right to travel under the Fourteenth Amendment, (v) the city of Spokane violated Mr. Weimer's right to a speedy trial, and (vi) Mr. Weimer is innocent of the three citations and the arresting deputy is guilty of perjury under RCW 9A.72.020.

Mr. Weimer did not analyze RAP 2.3 (d)'s standards for accepting discretionary review, and failed to provide an appendix of the district court materials or the materials filed in superior court that could assist this Court in determining why discretionary review of the RALJ appeal should be granted. *See* RAP 17.3(b)(6),(8). He does not cite any case law and thus fails to demonstrate that the superior court's decision conflicts with any Court of Appeals or Supreme Court decision. He also fails to explain how the decision involves and issue of public interest or demonstrate that the superior court has so far departed from the accepted and usual course of judicial proceedings so as to call for review. The only RAP criteria potentially implicated by Mr. Weimer's motion is RAP 2.3(d)2: whether there is a significant

question of constitutional law.

Several of Mr. Weimer's arguments involve constitutional issues. Mr. Weimer initially asserts he had a right to a jury trial under the Seventh Amendment, which provides that "in suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved..." The Seventh Amendment to the United States Constitution "does not apply through the Fourteenth Amendment to the states in civil trials," and instead the right to jury trial in civil proceedings is protected solely by article 1, section 21 of the Washington Constitution. *Sofie v. Fibreboard Corp.*, 112 Wn.2d 636, 644, 771 P.2d 711 (1989). Accordingly, Mr. Weimer fails to demonstrate he had a right to a jury under the Seventh Amendment.

As RCW 46.63.010 notes, the legislature intended to "decriminaliz[e] certain traffic offenses" in order to Implement and "expeditious system for the disposition of traffic infractions." RCW 46.63.090(1) expressly provides that contested traffic infraction hearings "shall be without a jury." Mr. Weimer makes no argument that RCW 46.63.090(1) is unconstitutional under article 1, section 21 of the Washington Constitution, and he fails to demonstrate that review of this issue is warranted under RAP 2.3(d)(2).

Mr. Weimer also claims the State violated his right to a speedy trial. The Sixth Amendment of the United States Constitution and article 1, section 22 of the Washington State Constitution both guarantee an accused to a speedy trial in all criminal prosecutions. Mr. Weimer fails to cite any authority providing that he had a constitutional right to a speedy trial in a civil traffic infraction prosecution. {3} He also failed to provide this Court with any records from the district court proceedings demonstrating an alleged speedy trial violation. Mr. Weimer fails to demonstrate to demonstrate that his speedy trial right argument raises a significant question of constitutional law.

Finally, Mr. Weimer asserts a violation of his Fourteenth Amendment rights based on the citation for the license plate light pursuant to RCW 46.37.050. He contends that where his truck is registered in Idaho, which does not have any similar license plate light requirements, he is

3. This Court notes that the Infraction Rules for Court of Limited Jurisdiction (IRLJ) provide in part that for contested hearings, upon receiving a response, the court shall schedule a hearing “not less than 14 days from the date of the written notice of hearing is sent by the court, nor more than 120 days from the date of the notice of infraction...” IRLJ 2.6 (a).

not required to comply with RCW 46.37.050 and the citation pursuant to that statute in thus a violation of his right to travel between states.

“The freedom to travel throughout the United States has long been recognized as a basic right under the United States Constitution.” *State v. Lee*, 135 Wn.2d369, 389, 957 P.2d 741 (1998) (citing *Dunn v. Blumstein*, 405 U.S. 330, 92 S. Ct. 995, 31 L.Ed2d 274 (1972)). This right is a fundamental right subject to strict scrutiny under the United States Constitution, and thus a regulation limiting the right to travel may be justified only by a compelling state interest. *See Kent v. Dulles*, 357 U.S. 116, 78 S.Ct. 1113, 2 L.Ed.2d 1204 (1958); *State v. Enquist*, 163 Wn. App.41, 50, 256 P.3d 1277 (2011). A state law implicates the right to travel when it actually deters such travel, and impeding travel is its primary objective. *Lee*, 135 Wn.2d at 389-90.

RCW 46.37.050, which governs tail lamps on cars, requires in part that, “every motor vehicle... shall be equipped with at least two tail lamps mounted on the rear, which, when lighted as required in RCW 46.37.020, shall emit a red light plainly visible from a distance of one thousand feet to the rear...” and “[e]ither a tail lamp or separate lamp shall be so constructed and placed as to illuminate with a white light the rear

registration plate and render it clearly legible from a distance of fifty feet to the rear..." RCW 36.37.050(1), (3).

Mr. Weimer fails to demonstrate that RCW 46.37.050 actually deters travel or that impending travel is its primary objective, and thus fails to demonstrate that the statute implicates the constitutional right to travel. Moreover, it appears the tail lamp and license plate light requirements of RCW 46.37.050 were intended to protect public safety, and thus the enactment of this statute falls within the government's constitutional police power. *See city of Seattle v. Larkin*, 10 Wn. App. 205, 209, 516 P.2d 1083 (1973) ("It has often been recognized that regulation of the use of highways for the safety of the public is within the governments constitutional police power and that high-way safety is a pubic interest deserving protection."); see also *Seattle v. Wright*, 72 Wn.2d 556, 559, 443 P.2d 906 (1967) (A vehicular traffic regulation enacted for the safety of the public's use of roadways is within the governing authorities' constitutional police power.") Mr. Weimer fails to demonstrate a significant question of constitutional law as to this argument.

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Mr. Weimer fails to satisfy his burden of demonstrating that this Court should take review under RAP 2.3(d). Accordingly, IT IS ORDERED, Mr. Weimer's motion for discretionary review is denied.

/s/ Erin Geske

ERIN GESKE

COMMISSIONER

APPENDIX B

I was traveling to work, and I noticed a vehicle catching up to me, I looked in my mirror and it sort of looked like a cop vehicle. It followed me for a little bit and turned on his emergency light.

I pulled over, turned on my vehicle dome light, got my registration and proof of insurance out of the glove box.

Sheriff deputy walked up to my vehicle door, asked for my registration, drivers license, proof of insurance, what I gave him. He asked if my name was something else and I said no, sorry that was registration form the previous owner, I reached my hand out and he gave it back to me and I said sorry.

He looked up at the vehicle VIN number in the windshield, he asked where I was going, I said going to work, down the road at the rock pit. He asked where I was coming from another rock pit.

I said, I want to video record this, and he said keep your hands on the steering wheel don't reach for nothing. and he asked if I had paperwork on my snowmobile. I told him by law I don't have to give it to him, since I wasn't riding it and since it was in the bed of my pickup.

He said, you want to go the whole way huh? And he stepped back about 6 feet from my driver door and drewed his pistol. He told me to get out of my

vehicle. I asked him if I could put it in gear since it was a manual so it would not roll, he said don't reach for nothing, get out of your truck. With his pistol pointing at me I stepped out of my truck, he grabbed me and threw me against side of my truck, he said don't resist and he handcuffed me.

He asked if I had any weapons on me. I said a razor blade knife in the front left pocket. He took it out and pushed me towards his vehicle. I asked for the sheriff and his supervisor. He said he would soon as he gets everything under control.

He pushed me into his back seat. Then when backup showed up, he opened the door and asked if we can start over again, I said, I wanted his supervisor, he said it would be 40 minute and I said, I want your supervisor. He slammed the door.

I could see them walking around my vehicle looking in and looking at my snowmobile. He came back and sat in his vehicle and made a remark that it was going to be expensive. I told him he cannot detain me for over an hour. He said was that Idaho state law are federal and I didn't say nothing.

Than he opened up the door and told me to get out of his vehicle. I told him I needed help, he just started giving me a bunch of smart alec remarks. I got out and stood by the vehicle. He asked if I had any questions. I said what was the ticket for. He

said for my snowmobile being unsecured. I said that was an illegal ticket, he said bring it up in court.

He unhandcuffed me and I asked if I was free to go, and he said yes. I was walking back to my truck and he ran up and threw me against my truck. I said, am I being detained, and he said yes. He pushed me around to the back of my truck threw me against my tail gate and my snowmobile, he started yelling at me if I understood something and I told him I plead the 5th, that really made him mad. He grabbed me and shoved me with my arm twisted behind my back and shoved me about 50 feet down beside the road and told me to stay there till they left.

I drove to work. I started getting pain going up my neck and my shoulder started swelling. So, I called 911 and told the lady on the phone what happened and that my shoulder was really starting to hurt and I needed to go to the hospital and I was going to the hospital soon as I get off of work.

I hand wrote this (Feb 2020) but typed it out for you guys. I wrote and signed I am, Andy Weimer signed my name saying everything is true.

SIGNED August 29, 2022. /s/ Andy Weimer

SPOKANE COUNTY SHERIFF FIELD CASE
REPORT

CASE # 2020-10022422

Reporting Officer 592051 Stolz. Date 02/19/2020

Reviewed by Salas, Kenneth B. Date 02/19/2020

Narrative

On 02/19/20, I was working as Spokane County Sheriff's Office patrol unit B512, wearing full police uniform and driving fully marked patrol vehicle 1854.

At about 0358hrs, I was parked facing south just north of the intersection of N Hayford Rd and W Deno Rd. I had a clear and unobstructed view of the intersection at W Deno Rd and W Trails Rd. The intersection is governed by a stop sign requiring traffic on W Deno Rd to stop.

I observed a white pick-up truck with what appeared to be a snowmobile loaded on the bed travel eastbound on W Deno Rd. The pick-up made an eastbound turn onto W Trails Rd without stopping.

I elected to conduct a traffic enforcement stop of the vehicle. As I caught up, I observed the license plate light of the vehicle was defective. I

activated my emergency lights and the vehicle, bearing ID license plate 1L8717T, came to a complete stop at w Trails Rd/N Flint Rd.

I approached the driver and identified myself. I advised him why I stopped him. He said: "what intersection?" I told him there was a stop sign at W Deno Rd/W Trails Rd and he did not stop. He said: "I don't know what you're talking about". I asked the driver for his license, registration and insurance which he provided. He handed me his information identifying him as Andy A.

WEIMER. WEIMER kept asking about where the stop sign was and why I pulled him over.

I saw the snowmobile appeared to be hastily loaded into the bed of the truck. It appeared to be unsecured and resting on an object raising one side higher than the other. It was protruding past the tailgate. It was almost 0400hrs and there was no snow on the ground in the area. I found it was suspicious that WEIMER was transporting a snowmobile at this time of day in the middle of the week. A reasonable explanation would be that he may be leaving early to go snowmobiling. However, the snowmobile may have been stolen.

I conducted a file check of his person via radio. While waiting for the return I inquired about where he was coming from and where he was going. WEIMER said he was going to work at a

quarry nearby. I know there is a quarry on N Old Trails Road which was the general direction WEIMER was traveling towards. I know this quarry is not operated in the wintertime. I asked him where he was coming from. He replied he was coming from another quarry. I know there is a quarry on N Hayford Rd which is manned 24/7. However, when I first saw WEIMER, he was not coming from the direction of where the quarry was.

WEIMER'S answers did not appear to be truthful which raised my suspicion.

Due to WEIMER'S elevated position inside the pick-up truck, OI was unable to see inside initially. I utilized my flashlight to illuminate the inside and saw what appeared to be an automatic rifle in between the center console and the passenger seat. The barrel was facing forward making it immediately accessible to WEIMER. I told WEIMER I saw the rifle and asked him to place his hands on top of the steering wheel for my safety. WEIMER placed his left hand on the steering wheel and dropped his right hand into his lap and out of my sight. I repeated my demand for him to place both hands on top of the steering wheel fearing there may be a handgun in his waistband area. WEIMER complied.

However, WEIMER repeatedly complained he did not understand why he was stopped. I told him again: "You failed to stop before your last turn. There was a stop sign."

The file check of WEIMER revealed he was licensed.

I found WEIMER'S behavior suspicious. He appeared nervous and agitated. He repeatedly lowered his hands. I inquired about the snowmobile. WEIMER said: "That's none of your business!" I told him I wanted to ensure it belonged to him. He said it did, but he was not going to show me any paperwork for it.

Due to the following factors I elected to detain WEIMER:

WEIMER was agitated and nervous.

There was a firearm within reach and immediately accessible to WEIMER.

He had repeatedly tried to move his hands away from the steering wheel after being told to keep them there.

I was unable to see his waistband area, a place where handguns are commonly located.

WEIMER'S explanations of where he was going and where he was coming from did not make sense.

The snowmobile appeared hastily loaded and unsecured.

WEIMER refused to provide any paperwork for the snowmobile.

I suspected the snowmobile might be stolen.

I therefor asked WEIMER to exit the vehicle to separate him from the firearm. I told him to keep his hands visible. Again, WEIMER was argumentative and hesitant to follow orders. He slowly opened the door, reached for the center console only to raise his hands after I immediately addressed his move. After stepping out of the truck, WEIMER suddenly and for no apparent reason turned and leaned back inside towards where the automatic rifle was located. Fearing he may arm himself, I unholstered my service weapon and brought it to a low ready position. I told WEIMER: Do not reach for that gun!" He complied. I ordered him to step away from the truck which he did. To prevent WEIMER from further escalating the situation, I detained him in handcuffs, double locked and checked for fit. I escorted him to the rear of my

patrol vehicle where I conducted a pat down for weapons. WEIMER was screaming. He wanted to talk to a supervisor and it was his Constitutional Right to speak to a supervisor right away. I told him I would call as soon as the situation was safe. I located a folding knife in his right pant pocket. I placed WEIMER in the rear of my patrol vehicle. I asked him why he wanted to talk to a supervisor so I could advise Sgt Staley. WEIMER refused to answer. He repeated it was his right.

I called Sgt Staley and advised him of what occurred. Sgt Staley said it would take him about 40 minutes to respond. He asked me to relay this information to WEIMER and ask WEIMER if he wanted to wait or call Sgt Staley. With Sgt Staley on the line I asked WEIMER. He was unwilling to answer. He repeated it was his right and he wanted a supervisor.

Kalispell Police Officers Arroyo and Tande responded to the scene. I asked Ofc Arroyo if she could locate a VIN on the snowmobile. Ofc Arroyo was able to find a VIN. A file check revealed it belonged to WEIMER.

With my suspicion dispelled, I told Sgt Staley that I would issue WEIMER a traffic citation and release him from detention. Sgt Staley asked me to advise WEIMER to call him or the on duty Sgt. I told WEIMER.

I inspected the snowmobile. It was not secured to the truck in any way.

I issued WEIMER a notice of infraction for failing to stop at a stop sign, defective license plate and unsecured load. I placed WEIMER'S knife, his ID and vehicle information on the driver's side seat (the front door was still open). I asked WEIMER to step out of the patrol car. WEIMER said he was unable to do so. WEIMER appeared able bodied at about 5'08" and 160lbs. I told him I would wait until he managed to get out. WEIMER swung his feet out and let himself drop to the ground and onto his knees. Ofcs Arroyo, Tande and I assisted him to stand up. I advised WEIMER what he was cited for and asked if he had any questions. He screamed he wanted everyone's names and badge numbers. Ofc Arroyo, Tande and I provided him with names and badge numbers. I circled my name and badge number on the NOI for WEIMER to see. In addition, I wrote the appropriate phone numbers on the bottom of the NOI. I told him he needed to contact the courts within 15 days. WEIMER questioned all infractions. I explained to him again why he was cited and told him to consult his lawyer.

In order to keep WEIMER who remained very agitated from accessing his firearm while we were

still on the scene, I asked him to stand by the back of his vehicle until we left. WEIMER said he would not. If he was not detained he would enter his truck. I explained again why I wanted him to stand by the back of his truck. I released him from handcuffs. WEIMER walked away and instead of going to the back of his truck, he went straight towards the cab. In order to prevent WEIMER from accessing his weapon, I grabbed the neck of his shirt and his right arm and stopped him. I told him again, he needed to wait at the back of his truck for our safety. WEIMER yelled: "Am I being detained?" I told him, yes, at the moment he was, but I did not want to detain him any further and just needed him to wait until we left. Ofcs Arroyo and Tande assisted me in walking WEIMER to the back of his truck where we released him.

Again, as we walked away, WEIMER walked towards the front of his vehicle. Ofcs Arroyo and Tande placed WEIMER in a two-handed escort position to keep him from walking off. They turned WEIMER towards the back of the truck. I warned WEIMER that he was delaying and obstructing when he was given a lawful order. WEIMER said he did not care and once he was free to leave he would enter his vehicle. It was apparent WEIMER was not willing to comply. In order to not further escalate the situation and

provide for a safe way to leave the scene, I elected to remove WEIMER far enough from his vehicle for all Officers to leave the scene. I placed WEIMER in a two-handed escort position and walked him away about 50 ft from his vehicle. WEIMER repeatedly tried to turn and remained aggressive.

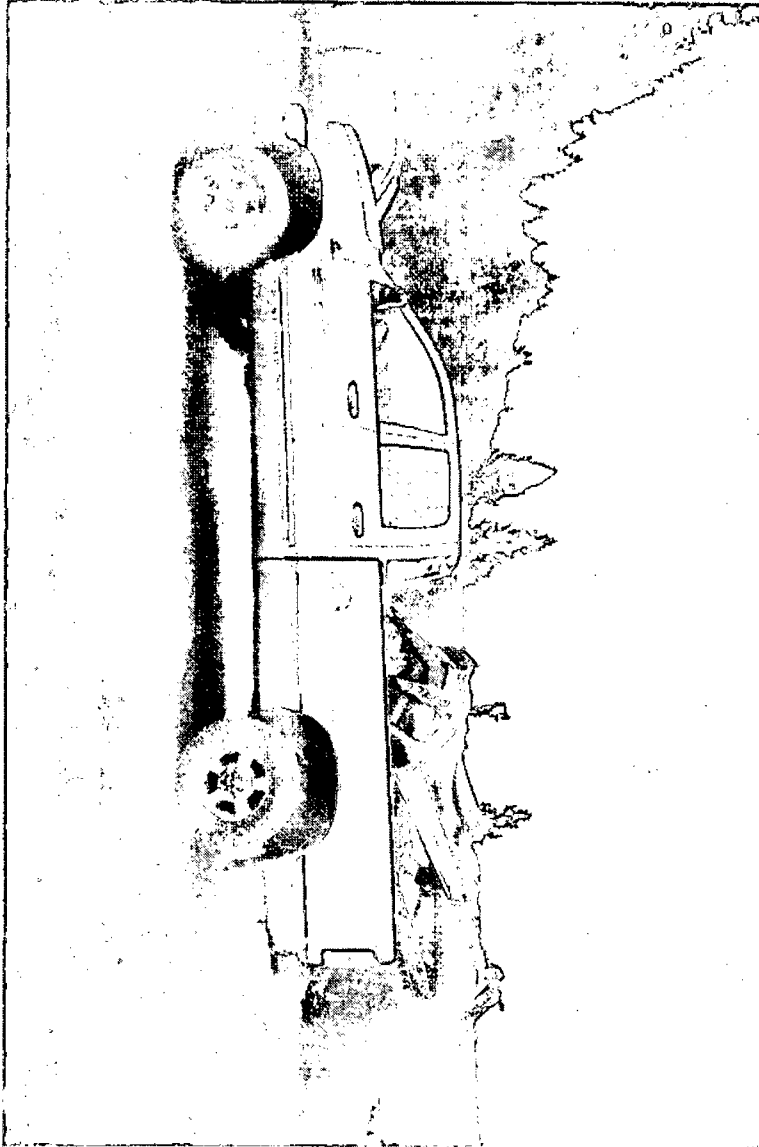
WEIMER remained away from his vehicle as Ofcs Arroyo, Tande and I retreated towards our vehicles and were able to safely leave the scene.

I completed this report for documentation purposes.

I certify under the penalty of perjury under the laws of the State of Washington that all statements made herein are true and accurate and that I have entered my authorized user ID and password to authenticate it. Place Signed:
Spokane County WA

Reporting officer 592051 Stolz. Date 02/19/2020

Reviewed by Salas, Kenneth B. Date 02/19/2020



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United States Constitution Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Law of any State to the Contrary notwithstanding

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

Seventh Amendment

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any court of the United States, then according to the rules of the common law.

Eighth Amendment

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

Ninth Amendment

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Tenth Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Fourteenth Amendment ratified July 9, 1868

Section 1. 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 the 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.

UCC 1-207

Section UCC 1-207 was modified to become UCC 1-308 in 2004

UCC 1-308

Section 1-308 of the Uniform Commercial Code titled "Performance or Acceptance Under Reservation of Rights".

UCC 1-308 states: A party that with explicit reservation of rights performs or promises performance or assents to performance in a matter demanded or offered by the other party does not thereby prejudice the rights reserved. Such words as "without prejudice," "under protest," or the like are sufficient.