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TIMOTHY W. FITZGERALD
SPOKANE COUNTY CLERK

Superior Court of Washington, County of Spokane

In re: Custodial Interference December 2020

Petitioner:

Sidnya Polari

And Respondent:

Aaron Surina

No. 17-3-01817-0

Affidavit of truth; Karmen Colby

RE: December 17, 2020 including events
leading up to that day

(DCLR)

Affidavit of truth of Karmen Colby

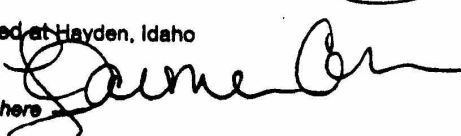
1. I am 49 years old and I am a mother of 3 children, the sister of Mr. Surina AND Aunt of Mr. Surina's two children DMS and AAS.
2. I am competent to testify to the events outlined in this affidavit and am of sound mind and knowledgeable of the people involved in these events, including those witnessed between October and December 17th of 2020 as outlined in my affidavit attached.
3. This is not all inclusive of the events that happened during this time period.

I declare under penalty of perjury under the laws of the state of Washington that the facts I have provided on this form (and any attachments) are true.

☒ I have attached: 9 pages. 

Signed at Hayden, Idaho

± Date: 2/10/2021

►  Sign here

Karmen Colby
Print name

My name is Karmen Colby. I am the aunt of DMS and AAS, sister to Aaron Surina. I have been present for most court hearings/matters and many child exchanges since August 2017.

Introduction

On 12/17/2020 – I witnessed the following:

Keith Landrus and Sirinya Surina refused to give the children to Dad (Aaron Surina) at Dad's Court Scheduled, Parenting Plan Pick-Up Date, Time and Place –

- with AGREEMENT that it is Dad's time and day to pick up
- with CALCULATED evaluations of the CONSEQUENCES equaling – NOTHING if they don't exchange the kids at the Court Ordered Time – and don't follow court orders
- AND multiple 'arguments' they will use for not exchanging the kids / following the court order.

Keith Landrus said the following:

- "Court Orders Don't Matter"
- "The Police Won't Do Anything About It"
- "Contempts Don't Have Teeth"

Keith Landrus said they might not give the kids until next week and repeatedly said you aren't picking up your kids, you aren't getting your kids.

Facts:

Aaron and I left the courthouse from the court hearing with Judge Dixon for Surina vs Surina on 12/17/2020. We went to pick up the children. Aaron sent a message to Sirinya on Our Family Wizard that he was on his way to pick up the kids.

- Parenting Plan – Thursday – Dad picks up. This (12/17/20) is Dad's first Thursday of 2 Thursday pick ups in a row. (Scheduled time with Dad - Thursday 3pm to Monday 8:30am)
Holiday Schedule begins – School Release – 2020 = Friday, 12/18/2020 (DAD Even Year)
- Dad – Regular – Thursday plus Holiday starts Friday – School Release.

We arrived at Mom's (Sirinya Surina) house. Mom's car was not there yet. Other cars were there, we wondered if anyone was home.

Keith Landrus arrived and parked in front of us.

Aaron and I remained in the car the entire time – never got out of the car from arrival to departure.

Exchanges are usually done this way. Sometimes Aaron will get out to help the kids, if needed, to move a car seat or put something in the trunk. Aaron does exchanges this way to avoid conflict.

Keith Landrus got out of his car and started walking towards us, arranging himself to stand tall and "gruff or tough". He walked up to the passenger side where Aaron was sitting. Keith Landrus paused.

Aaron said – Hi Uncle James

- Uncle James seems to be Keith Landrus' 'secret' name that the kids are supposed to call him. He hasn't actually introduced himself as Keith Landrus. It is kept a 'secret' who he is, but it has been verified that he is Keith Landrus and Keith Landrus is named in court documents in the noted case. I believe he is listed as an 'advisor'.

Keith Landrus got slightly aggressive and said something in line with -
- you aren't getting your kids today.

Aaron asked Keith Landrus - What do you mean I'm not getting my kids today? It's my pick-up.

I was shocked by what proceeded to transpire and could not believe the absolute refusal of giving the kids to Aaron – with agreement that it is Aaron's time to pick up the kids.

Keith Landrus told of seemingly well discussed and calculated plans of how to keep the kids from Aaron and the arguments that they (Sirinya Surina and Keith Landrus) could give for not giving Aaron the kids on Aaron's Court Ordered, Parenting Plan - Scheduled pick up time.

This was not a mistake or a misunderstanding. It seemed calculated and planned.

Keith Landrus was very threatening – in a – we will do whatever we want and the court and police won't do anything about it way.

Keith Landrus told of the known results and consequences considered – or be it lack of consequences from the court and the police - and that no one would make them give the kids to Aaron today and nothing will happen if they don't.

Keith Landrus went back and forth with many reasons why Aaron would not be picking up his kids today.

He tried to say that it isn't Aaron's day to pick up the kids but then confirmed and agreed that it is Aaron's day to pick up the kids.

He tried to negotiate – How about if we negotiate, you give Mom an extra day, let her have the kids today and you get them tomorrow?

(Today, 12/17 is Aaron's Day and so is tomorrow.)

Keith Landrus gave multiple explanations of how they (Sirinya and Keith) can choose to interpret the Parenting Plan, with statements of – well we can argue that the parenting plan says something else – while agreeing that it is Dad's pick-up time, while agreeing that we all understand it the same – BUT – they could argue it to be different.

Keith Landrus said that the Holiday Schedule Trumps the Regular Parenting Schedule so Aaron doesn't get his kids today, the Holiday starts tomorrow.

We confirmed – that yes – Holiday Schedule does Trump the regular schedule – but the Regular Parenting Schedule ALWAYS exists as the platform and it doesn't change. When a Holiday exists – then it Trumps the Regular Schedule, it doesn't change the Regular Schedule but Trumps it – ON the Holiday – but – when no Holiday exists – it does not change the Regular Schedule – and no Holiday exists today – today – IS – Aaron's pick-up. Holiday starts tomorrow, which is also Aaron's – but Aaron doesn't lose today. Today is not a Holiday so the Regular Schedule stands.

I asked Keith Landrus – Are you interpreting the Parenting Plan for Sirinya? He seemed bothered that I was asking him directly if he was doing something – he stepped back and said that he is not.

He had been stepping forward more aggressively towards Aaron sitting in the car, and then would step back.

- I tried to communicate very reasonably and considered that perhaps there was a misunderstanding, but reasonable communication was not an option with Keith Landrus. He 'acted' fairly reasonable but began getting agitated. I started becoming very concerned that this is not a reasonable person but someone very calculated in deception and planned deceit. He was not talking to us to be reasonable. I felt that he was threatening us and exerting his power and control over the children, the court, law enforcement and us. It was clear that he understood the parenting plan but had calculated 'arguments' for not following it. Prior to this day, I had not had conversation with Keith Landrus and considered that he seemed like he might be a decent person as he had not strongly shown himself to be anything else. I had formed no opinion of him as I had very little engagement with him. He has kept himself mostly 'secret' in all court matters and has rarely engaged. Today, he came up to us in the car and revealed his calculated deceit and disregard of law enforcement and court orders and that he is participating in deception to the court, creating conflict and withholding the children from Aaron Surina (Dad).
- In hind sight, one prior occasion he had engaged with Aaron and I together. After court he came up to us in the parking lot as we were walking to the car. Aaron and I kept walking and did not engage with him, but he was acting the same way as he did this day and was threatening Aaron regarding money and that Aaron better sign the documents he had (which were fraudulent).

Around this time, Sirinya Surina arrived, parked her car and got out of the car saying – you aren't getting the kids today. Then she walked in the house. She began quickly setting up what looked to be a camera in the front window.

Aaron said to Keith Landrus, I am here to pick up my kids. I've been here about 5 minutes, exchanges are supposed to be 5 minutes or less. It is my time to pick up my kids.

Child AAS (4) was standing in the window (front door) looking at us, Mom was pulling him and holding him from coming out and from looking out the window (door).

Aaron and I had confirmed the parenting plan with Keith Landrus – Thursday is Aaron's pick up and today is Aaron's first of 2 Thursdays. Keith Landrus agreed and said – "This is your first Thursday".

Keith Landrus agreed – it is Aaron's pick up today – Thursday – 12/17/2020, but continued to say Aaron is not getting the kids today.

Keith Landrus continued with FURTHER threats of Aaron not getting his boys -

Keith Landrus said, we (implying him and Sirinya) can say that the Holiday doesn't start until Monday – and you don't get them until Monday. This was after agreeing that the Holiday starts on Friday – today is Aaron's pick-up Thursday - but threatening that they can keep the boys from Aaron until whenever they decide. It is their decision.

I asked Keith Landrus - So – just to confirm – you are not going to let Aaron get his kids today?

Keith Landrus said, you are not getting the kids.

Aaron said, I am going to have to call the police again for her not giving me my kids on my scheduled pick up – this is the 5th time.

Keith Landrus said – Go ahead and call the police, "the police won't do anything about it".

Go ahead and go to court, go file a contempt, it will take time, won't get you the kids and – "contempts don't have teeth".

Keith Landrus said - Go ahead and go to court – "Court Orders Don't Matter".

I asked directly - one more time – To clarify - You are not going to let us pick up the kids today?

Keith Landrus started getting shaky and nervous and said – "I'm out of here" – he walked quickly to his car and drove off.

I called 911 – we were leaving – Keith Landrus returned. He was gone for maybe 1-2 minutes. We left.

We called the court and left a message and drove to court with about 30 minutes to get there before 4pm. There seems like there is nothing that is done to stop this and this just keeps happening.

Both Keith Landrus and Sirinya Surina did not let Aaron pick up his kids, kept the kids from him on his scheduled time and Keith Landrus threatened – you aren't getting your kids.

The above detail happened on 12/17/2020 after the following recent events:

10/26/2020 – Child told police, teacher and a stranger of both sexual and physical harm happening to him at Mom's house. (*told while at Mom's house during Mom's time)

10/27/2020 – Protection Order of the children – Restraining Order of Benjamas (Sirinya's Mother) from the children – for reports of sexual assault by Benjamas to child(ren).

10/29/2020 – Pick Up of Children by Dad and Aunt – regular Thursday pick-up - Child told of further details of physical harm done to both children at Mom's house. (I was there.)

10/29/2020 – Learned that child told his teacher – in face to face video – of physical and sexual harm Mom does to him.

10/30/2020 – Further report to Police – New details - Spoke with Police (I spoke with police)

11/02/2020 – Protection Order of the children – Restraining Order of Mom

11/02/2020 – Sirinya Surina (Mom) requested to terminate Restraining Order – with false information to the court.

11/04-11/05 Report to DCYF / Child Protective Services

11/05/2020 – Court Cancelled Restraining Order of Sirinya Surina – without a hearing, but by Sirinya Request. Court said both parties failed to appear when both parties were at court, at room 202, at 1:30 – where the court said to be and had confirmed twice on 11/04/2020. Commissioner Swemmunson was in a different building. (I was there)

Also before the court on 11/05/2020 – filings from mid-October – pre-scheduled for 11/05 – Contempt requests – Aaron Surina requesting – Sirinya Surina in contempt – for withholding the children multiple times, police having to escort Sirinya from Aaron's home when she tried to take the children when it wasn't her time, confirmed by police, and refusal to pay any and all court ordered expenses.

That was struck from the record or dismissed by Commissioner Swemmunson without hearing.

11/05/2020 – Commissioner Swemmunson – Terminated Protection Order – saying – both parties failed to appear. Commission Swemmunson included – Dad to return children to Mom and handed the orders to both parties. Commissioner Swemmunson was told there is further information that has been submitted to the court for the Protection Order and is before the court. Commissioner Swemmunson told the parties they could go over to Ex-Parte and try again – (Protection Order). Both parties went to Ex-Parte and spent the rest of the day at court – leaving court when it closed. (I was present)

11/05/2020 – Re-Requested – Protection Order of the Children – Restrained Party – Sirinya – Court Scheduled for 11/06. (I was present)

11/05/2020 – Aaron communicated through talking parent to return the children to Sirinya. Sirinya viewed the message but did not respond and did not pick up the children. Aaron and I waited at Stateline Idaho/Washington – for a response or to exchange the children for about 2 hours. Sirinya never responded – though viewed the message. After 7:30pm we decided to leave as it was clear – she had viewed the message, but was not going to respond to exchange the children. * Note – we also met with Stella Bear – DCYF – around 6pm – for her to do a visual check that the children are okay – as I had made a report that created the requirement that she see the children in person. (I was present).

11/06/2020 – Sirinya Surina requested the court to issue a Writ of Habeas Corpus for Aaron not returning the children on 11/05/2020 – even though Sirinya Surina – refused to communicate to exchange the children. The court viewed the information and disregarded the Writ request of Sirinya. I don't see where the court noted the information and facts before the court that Sirinya requested the Writ – but Sirinya is the party that refused exchange – creating the event that the children were not exchanged. (I was present)

11/06/2020 – Hearing with Commissioner Swemmunson – for Protection Order of Children – Restrained Party Sirinya Surina – Commissioner Swemmunson scheduled re-hearing for 11/19/2020 – for further evidence to be submitted.

Commissioner Swemmunson verified and confirmed in Court that –

- This was Dad's weekend – Thursday, 11/05/2020 to Monday, 11/09/2020.
- Dad had Children – Halloween Weekend – Thursday, 10/29 to Monday, 11/02
HOWEVER – it was a weekend that Mom gave Dad – and the communication is in the Our Family Wizard – it was not Dad's Scheduled Weekend – not the Parenting Plan Platform Schedule.

11/06/2020 – Commissioner Swemmunson confirmed – Dad – per DCYF MUST take children to the doctor for examination.

11/08/2020 – Dad took children to Sacred Heart Children's Hospital

- Sacred Heart Children's Hospital / Doctor's Orders – NOT to return Children to Mom – for their Safety – go to Court (tomorrow – Monday morning – and Request a Protection Order)

11/09/2020 – Dad (and me) at court – Monday Morning – 11/09/2020 – to request a Protection Order. Mom – Sirinya Surina – was also at court (requesting a Writ of Habeas Corpus).

- Court Staff would not let Aaron Surina Petition the court for a Protection Order or Submit any Request to the Court
- Family Law Office – Susan Robson – told Aaron – you are not submitting anything in Ex-Parte – you can give it to me and I will give it to Commissioner Swemmunson to review.

- Susan Robinson said Commission Swemmumson is not here but I will give it to her when she gets here.
- Court Staff continued to deny Aaron the ability to Request the Protection Order the Hospital Instructed.
- Aaron filed a Declaration to the Clerk, including the Hospital Records and gave a copy to Susan Robson.
- Aaron and I sat outside of Court Room 202 – waiting to hear from Susan Robson on getting the information to Commissioner Swemmumson.
- While we were sitting on the bench, in the hallway – waiting for Susan Robson – Court Clerk – Erik Clark walked out and handed Aaron papers and said – Mr. Surina, you have been issued a Writ of Habeas Corpus to return the children to the court tomorrow morning. If you fail to do so – a warrant will be issued for your arrest.
- This was shocking – we were sitting right there – had been communicating with the court staff – trying to submit a request – per Hospital and Doctors orders. Court Staff would not allow Aaron Surina to submit a request – but held a hearing for Sirinya Surina – knowing we were sitting in the hallway- and Commissioner Swemmumson had the Hospital Instructions as they were handed back to Aaron Surina – his declaration and Hospital Orders - as the court staff would not let Aaron submit a Request / Motion / Petition to the court.
- Aaron and I left the court – in shock of what just happened.
- We went back to the court in the afternoon – to try to submit a request again – with a new request in hand – we went into Ex-Parte – Room 202.
 - Court Clerk Erik Clark and Commissioner Pelc were in Court Room 202.
 - Court Clerk – Erik Clark said – Mr. Surina you need to go home and come back tomorrow as ordered. You aren't submitting anything today.
 - Aaron asked – I am not allowed to submit anything today?
 - Mr. Clark confirmed – you aren't submitting anything today.
 - We left the court room – I told Aaron – you need to go back in and confirm very simply.
 - We went back in – Aaron asked – Just so that I completely understand – I am not allowed to submit anything to this court today?
Commissioner Pelc paused and said – “um, I didn't say that”.
Clerk – Eric Clark – said – “I was instructed to not let him submit anything today.”
Commissioner Pelc said – let me see it – she put the papers in her hands for mere seconds, not enough time to look at what it contained – and then said – “come back tomorrow”.

11/10/2020 – All Parties Present – including children (I was there)

Commissioner Swemmunson ordered the children to go with Mom.

Commissioner Swemmunson told the children, in the court room, that they were going with Mom.

The children started crying and asking why, shaking and clinging to Dad, begging and pleading to please to not go to Mom's. Please can I go with Dad.

The children – DMS – Testified on Court Record – Recorded – to Commissioner Swemmunson – that people hurt them at Mom's.

There is over 20 minutes of the children on court record – audio

11/19/2020 – Children Forensic Interview

11/19/2020 – Both parties before Judge Dixon for Protection Order Hearing – evidence submitted to the court.

- Court Hearing was surprising – it was not the Protection Order hearing we thought we were there for.
- Judge Dixon held Aaron's request for a change of venue.
- Judge Dixon confirmed on 11/23 that court staff told him that the hearing on 11/19 was the change of venue.
- The change of venue request was not scheduled for 11/19. The change of venue hearing was within the requests that were scheduled on 11/05, which did not happen – yet both parties were present. It had not been rescheduled. The only hearing scheduled on 11/19 was the Protection Order of the Children – Restrained Party – Sirinya Surina. That has not yet been heard.

11/23/2020 – Court Hearing – Protection Order of the Children – Restrained Party Benjamas S.

- Protection Order denied – not enough evidence and judge doesn't know who to believe.

11/24/2020 and other near dates – Sirinya Surina filed requests to the court to –

- Jail Aaron Surina
- Issue a Restraining Order against Aaron Surina
- Give Custody of the children to Sirinya Surina
- Court Denied Requests – 12/17/2020

12/03/2020 – Aaron Surina was served a FAKE RESTRAINING ORDER – by Kootenai County Sheriff. Sirinya Surina paid Kootenai County Sheriffs to serve Aaron Surina – the 4 pages – Court Order – Restraining Order – stamped with the court stamp.

12/03/2020 – was Aaron's pick up day of the kids, due to the fake Restraining Order telling that he can't go near his kids – it took hours to verify that it was not valid – Aaron picked up his kids late.

12/03-04/2020 – Sirinya Surina Reported that Aaron Surina kidnapped his children – when he picked them up on his court ordered – Parenting Plan – pick up date.

12/07/2020 – Aaron Surina returned his children at the normal Parenting Plan time – 8am – Monday morning.

12/07/2020 – Parent – Teacher – Student – Online Mini-Conference – Child – DMS told Dad and teacher – and aunt present – (I heard this and reported to DCYF)

- "Mom said I am never going to Dad's again"
- "Mom said I am never going to see Dad again."

12/17/2020 – Court – Court denied Sirinya's requests – jailing Aaron Surina, issuing a Restraining Order and giving Custody to Sirinya Surina.

12/17/2020 – Aaron's Court Ordered Parenting Plan – Pick up date – picking up after court –

Keith Landrus – having been present in court on 12/17/2020 – in Judge Dixon's hearing.

Keith Landrus and Sirinya Surina withheld the children and would not give them to Aaron.

Keith Landrus said the following:

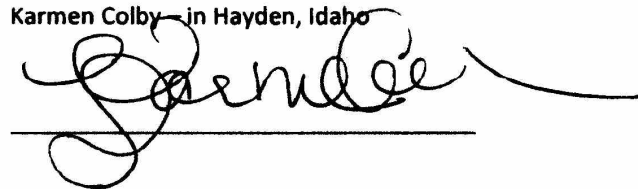
- "Court Orders Don't Matter"
- "The Police Won't Do Anything About It"
- "Contempts Don't Have Teeth"

I declare under penalty of perjury under the laws of Washington and the United States that all of the above is true and correct to the best of my knowledge. I was either present for the event listed or it is a documented fact and part of the court record and schedules that I am aware of.

Written this day – December 17, 2020

Signed this date 2/10/2021

Karmen Colby – in Hayden, Idaho



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