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**SUPERIOR COURT OF WASHINGTON
COUNTY OF SPOKANE
APPELLATE COURT, DIVISION III**

In re: Custody of DMS & AAS

No. 404358

Aaron Surina,
Father of DMS & AAS
Appellant, Petitioner

Superior Ct No. 2017-3-01817-32^D

MOTION TO ADMIT VIDEO EVIDENCE

v.

Sirinya Surina,
Respondent,

**MOTION TO ADMIT VIDEO EVIDENCE AND PREVENT FURTHER
ACTION PENDING PRESERVATION AND PROPER CHAIN OF
CUSTODY**

May it please the court(s);

COMES NOW the Respondent, Aaron Surina, whom respectfully moves this Court for an order admitting the video evidence and preventing any further action in this matter until the video evidence has been preserved and obtained with a proper chain of custody. In support of this motion, the Respondent states as follows:

1. Introduction and Background

- The subject of this motion concerns a critical piece of video evidence provided by the Child Protective Services (CPS) in connection with the ongoing custody dispute in this case.
- The video in question was originally provided by individuals alleged to be suspects in the matter at hand. However, it has come to the Respondent's attention that CPS accepted the video from these individuals without ensuring the preservation of the original format and without a proper chain of custody.
- Notably, the video provided was altered into a drastically reduced resolution format, from the original 5k quality to 480p. This conversion, which significantly impacts the clarity and potential evidentiary value of the video, was admitted by opposing counsel, Mr. Stanley Kempner Jr., to have been conducted by him or under his direction.

2. Legal Standards

- It is a fundamental principle of law that evidence must be preserved in its original form and obtained through a proper chain of custody to ensure its authenticity, integrity, and reliability.
- The intentional or negligent alteration of evidence can be considered tampering, which is a serious offense and may render the evidence inadmissible. The Washington State courts have consistently emphasized the importance of maintaining the integrity of evidence to ensure a fair and just legal process.

3. Commissioner Rugle's Involvement

- Commissioner Rugle, who has been involved in this case, has provided a

special form designed to facilitate the proper preservation and admission of evidence in this matter. That order is attached.

- Commissioner Rugle specifically advised that this form be entered into this matter to ensure the proper handling of the video evidence.

4. Argument

- The integrity of the video evidence is crucial to the just resolution of the issues before the Court. The drastic reduction in resolution from 5k to 480p, as well as the potential tampering with the evidence, directly compromises its reliability and the fairness of the proceedings.
- Given the significance of this video evidence, it is imperative that no further legal action is taken in this case until the original video evidence is obtained, preserved, and maintained with a proper chain of custody.
- Allowing any further action without addressing these issues would result in substantial prejudice to the Respondent and could result in a miscarriage of justice.

5. Relief Requested

- WHEREFORE, the Respondent respectfully requests that this Court:
 1. Order the immediate admission of the video evidence into the record.
 2. Prevent any further action in this matter until the original video evidence has been preserved and obtained with a proper chain of custody.
 3. Ensure that the video evidence is maintained in its original 5k resolution to allow for a fair and just evaluation of its contents.
 4. Order a reassignment/realignment of parties if the court sees this necessary for the proper administration of justice

5. Provide any other relief the Court deems just and proper.

Affidavit and Verification

I, Aaron Surina, declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge, information, and belief.

This document contains 511 words out of 734 as required according to RAP 18.17(a)1(b).

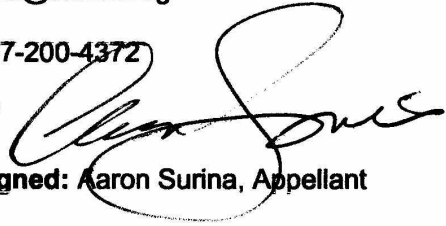
Executed on this 27th day of August, 2024, at Hayden, ID by Aaron Surina

12000 N. Stinson Dr, Hayden, ID 83835

ams@surina.org

707-200-4372

/s/


Signed: Aaron Surina, Appellant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Admit Video Evidence and Prevent Further Action Pending Preservation and Proper Chain of Custody was served upon all parties of record by hand delivery, ECF and emailed to court administration on this 27th day of August 2024