



FILED
JUL 17 2020
WHITMAN COUNTY CLERK

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IN THE SUPERIOR COURT FOR THE STATE OF WASHINGTON
IN AND FOR THE WHITMAN COUNTY

JACQUELINE MILLER, a single person,

Plaintiff,

v.

WHITMAN COUNTY and JILL WHELCHER, a
single person and in her capacity as employee of
Whitman County,

Defendants.

NO. **20 2 00100 38**
COMPLAINT

COMES NOW the Plaintiff, JACQUELINE MILLER, a single person, by and through her attorney, DOUGLAS D. PHELPS, and for a cause of action against the Defendants above-named alleges as follows:

I. JURISDICTION

- 1.1 Plaintiff, JACQUELINE MILLER, a single person, is and was at all times relevant hereto a resident of Whitman County, Washington.
- 1.2 Plaintiff, JILL WHELCHER, a single person, is and was at all times relevant hereto a resident of Whitman County, Washington.
- 1.4 All acts and omissions alleged herein occurred in Whitman County, Washington.

II. CLAIM

- 2.1 On or about May 9, 2018, Plaintiff JACQUELINE MILLER was served an arrest

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ORIGINAL

warrant from Whitman County due to failure to pay fines.

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- 2.2 Plaintiff JACQUELINE MILLER was arrested and held in jail.
- 2.3 Defendant JILL WHELCHER, a clerk, signed the warrant instead of a duly appointed Judge.
- 2.4 Defendant JILL WHELCHER did not have the authority to sign an arrest warrant for the Plaintiff JACQUELINE MILLER.
- 2.5 Plaintiff JACQUELINE MILLER was placed under arrest and held in jail based on a warrant that was signed by the clerk and not by a duly appointed Judge.
- 2.6 Plaintiff JACQUELINE MILLER was held in the Whitman County jail until she appeared before the duly appointed Judge who released her.

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**III. CAUSE OF ACTION FOR VIOLATION OF PLAINTIFF'S
CONSTITUTIONAL RIGHTS UNDER COLOR OF LAW PURSUANT
TO 42 USC 1983 (THE CIVIL RIGHTS ACT)**

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Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 2.1 to 2.6 as paragraphs 3.1 to 3.6.

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- 3.7 The Defendants caused or failed to prevent injury to JACQUELINE MILLER in violation of his rights under 42 USC 1983.
- 3.8 The Defendants failed to properly investigate the allegations against JACQUELINE MILLER, causing JACQUELINE MILLER to be falsely arrested, injuring her and causing damages.
- 3.9 That the Defendants WHITMAN COUNTY and JILL WHELCHER by custom, policy, or practice caused the injury to JACQUELINE MILLER.
- 3.10 As a result of the deprivations and violations to JACQUELINE MILLER's rights, JACQUELINE MILLER suffered and continues to suffer injury and as a result of this false arrest and injuries including but not limited to physical, psychological, and emotional.
- 3.11 As a result of the actions or inactions of WHITMAN COUNTY and JILL WHELCHER, JACQUELINE MILLER suffered and continues to suffer injury, including but not limited to, injuries that are physical, psychological, and emotional.

1 3.12 The County of Whitman was served with a Notice of Claim pursuant to RCW
2 4.28.080 on April 22, 2020.

3 **IV. FOURTH AMENDMENT VIOLATION**

4 Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 2.1 to
5 2.6 as paragraphs 4.1 to 4.6.

6 4.7 Plaintiff JACQUELINE MILLER was stopped, detained, searched, and hand
7 cuffed by a Deputy Sheriff acting on a warrant signed by, JILL WHECHEL.

8 4.8 Plaintiff JACQUELINE MILLER was transported to the Whitman County Jail
9 where she was searched, booked, and held in the County jail based on arrest
10 warrant signed by JILL WHECHEL.

11 4.9 The RCW 10.88.320 authorizes the issuance of arrest warrants only by duly
12 appointed Judge and not a clerk.

13 4.10 Plaintiff JACQUELINE MILLER was not released until she appeared before a
14 duly elected Judge Libey.

15 **V. DUE PROCESS VIOLATION UNDER THE 14TH AMENDMENT**

16 Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 2.1
17 to 2.6 as paragraphs 5.1 to 5.6.

18 5.7 Plaintiff JACQUELINE MILLER was denied due process under 14th
19 Amendment of law when a duly appointed Judge did not review and sign the
20 arrest warrant.

21 5.8 Plaintiff JACQUELINE MILLER was denied due process of law under the
22 14th Amendment when an arrest warrant was signed by a clerk of the court,
23 JILL WHECHEL.

24 5.9 Plaintiff JACQUELINE MILLER was denied due process of law under the
25 14th Amendment when a non-judicial officer, JILL WHECHEL initiated legal
26 process against JACQUELINE MILLER.

27 5.10 Plaintiff JACQUELINE MILLER was denied due process of law when she
28 was arrested, searched, and held on improperly authorized warrant.

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VI. FALSE ARREST AND FALSE IMPRISONMENT

Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 3.1 to 3.6 as paragraphs 6.1 to 6.6.

- 6.7 Clerk, JILL WHECHEL, by the unauthorized issuance of an arrest warrant cause the false arrest of JACQUELINE MILLER by ordering restraining confining and/or detaining Plaintiff's personal liberty when without legal authority.
- 6.8 Clerk, JILL WHECHEL acted intentionally in issuing arrest warrant for Plaintiff JACQUELINE MILLER.
- 6.9 Clerk JILL WHECHEL, a County clerk, acted unlawfully and without legal authority in issuing an arrest warrant for JACQUELINE MILLER.
- 6.10 The arrest was against the will and without the consent of Plaintiff JACQUELINE MILLER.
- 6.11 As a result of the false arrest and false imprisonment, Plaintiff JACQUELINE MILLER suffered damages including emotional and physical.

VII. MONELLE CLAIMS FOR NEGLIGENT INVESTIGATION, NEGLIGENT TRAINING, SUPERVISION AND RETENTION

Plaintiff JACQUELINE MILLER re-alleges and incorporates paragraphs 3.1 to 3.6 as paragraphs 7.1 to 7.6.

- 7.7 WHITMAN COUNTY failed to conduct an adequate investigation prior to entering an arrest warrant into the police data base.
- 7.8 Clerk, JILL WHECHEL was not adequately trained or supervised by County of Whitman in her legal authority as clerk to authorize warrants of arrest.
- 7.9 That Clerk, JILL WHECHEL was not adequately supervised by the County of Whitman to avoid the illegal issuance of a warrant by anyone but a duly appointed Judge.
- 7.10 That WHITMAN COUNTY by custom, policy, or practice caused the deprivation of the rights of JACQUELINE MILLER.

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- 7.11 That Defendants WHITMAN COUNTY are liable for the actions of their employees for failing to train said employees in procedures involving issuing arrest warrants.
- 7.12 That as a result of the actions or inactions of the employees of WHITMAN COUNTY, JACQUELINE MILLER suffered and continues to suffer injury.
- 7.13 That WHITMAN COUNTY failed to adequately and fully train clerk, JILL WHECHEL, resulting in the injury of JACQUELINE MILLER.
- 7.14 That as a result of the negligent training of JILL WHECHEL, JACQUELINE MILLER suffered and continues to suffer injury.
- 7.15 That Defendants WHITMAN COUNTY, are liable for the actions of their employees for failing to supervise said employees in procedures involving issuance of arrest warrants, which resulted in the injury to JACQUELINE MILLER.
- 7.16 That as a result of the actions or inactions of the employees of WHITMAN COUNTY, JACQUELINE MILLER suffered and continues to suffer injury.
- 7.17 That WHITMAN COUNTY failed to adequately and fully supervise clerk, resulting in the injury of JACQUELINE MILLER.
- 7.18 That as a result of the negligent supervision, JACQUELINE MILLER suffered and continues to suffer injury both physical and emotional.
- 7.19 That as a result of the actions or inactions of WHITMAN COUNTY, JACQUELINE MILLER suffered and continues to suffer injury.
- 7.20 That as a result of the negligent retention, JACQUELINE MILLER suffered and continues to suffer injury.

VIII. RELIEF SOUGHT

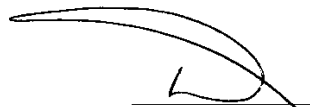
WHEREFORE, Plaintiff prays for judgment against the defendants, jointly and severally, in an amount that will fairly compensate plaintiff for all damages sustained, costs, and reasonable attorney's fees and costs, interest calculated at the maximum amount allowable by law, and other relief the court deems just, including but not limited to:

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- 8.1 Past and future medical expenses, other health care expenses.
- 8.2 Past and future loss of earnings.
- 8.3 Permanent partial impairment of earnings and earning capacity.
- 8.4 Property damage and loss of use.
- 8.5 Pain and suffering, both mental and physical.
- 8.6 Past and future permanent partial disability.
- 8.7 Loss of enjoyment of life.
- 8.8 Past and future special damages.
- 8.9 Interest calculated at the maximum amount allowable by law, including prejudgment interest.
- 8.10 Attorneys fees and costs.
- 8.11 Costs and disbursements herein in an amount to be proven at trial.

DATED at Spokane, Washington, this 16th day of July, 2020.



DOUGLAS D. PHELPS, WSBA # 22620
Attorneys for Plaintiff

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STATE OF WASHINGTON)
 : ss
County of Whitman)

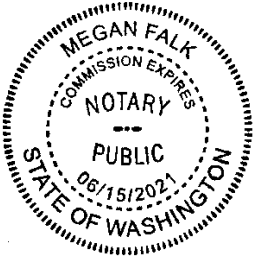
JACQUELINE MILLER, being first duly sworn on oath, deposes and states:

I am the named Plaintiff herein, I have read the foregoing Complaint for Damages; I know the contents thereof, and I believe the same to be true and correct.

Jacqueline Miller

JACQUELINE MILLER

SUBSCRIBED AND SWORN TO before me this 23 day of June, 2020.



Megan Falk

NOTARY PUBLIC for the State of Washington
Residing at Spokane, WA
My Commission expires: 06 / 15 / 2021