

IN THE DISTRICT COURT OF FULTON COUNTY, ARKANSAS

State of Arkansas,

Plaintiff,

VS.

**Case NOs. CR-24-543, CR-24-542,
CR-24-541 and WR-24-285**

Dave Campbell,

Defendant.

**MEMORANDUM OF AUTHORITIES IN SUPPORT OF DEFENDANT'S
OPPOSITION TO TURNBOUGH'S MOTION TO QUASH SUBPOENA**

The issues Defendant has with Turnbough and other city representatives are that they have conspired in retaliation to defame us with these alleged charges, which are proven fraudulent by the forged affidavit and the 07/16/24 video evidence. Officer Crawford committed fraud stating there is no evidence to show who touched whom first. The evidence proves Defendant was immediately assaulted with a deadly weapon by Gary Dunn. Everyone involved, including O'Dell and Turnbough knew Gary and Randy Dunn were trespassing on 07/16/24. A defendant cannot be charged for a crime when an alleged victim acted unlawful, as Gary, Brenda and Randy Dunn did on 07/16/24.

“A winning motion to quash must attack the sufficiency of the subpoena itself, not the merits of the lawsuit. In other words, informing the Court that they don't have personal jurisdiction over you might be proper grounds for a motion to quash. But just telling the Court you didn't do it is not proper grounds. If you want to address the merits of the lawsuit, that's what the litigation process is all about.” (Quoting John Whitaker, Motion to Quash; Motion to Sever; Motion to Dismiss: What's the Difference? :

Getting to the bottom of the allegations made against Defendant, et ux by Barry O'Dell and James Turnbough will "*advance the ball*" for Defendant to prepare his defense, which is "*conspiracy to retaliate*" committed by Turnbough, O'Dell, et al. "*Even if a district court believes the evidence is insufficient to prove the ultimate point for which it is offered, it may not exclude the evidence if it has the slightest probative worth.*" United States v. Whittington, 455 F.3d 736, 738-739 (6th Cir. 2006). "*A piece of evidence does not need to carry a party's evidentiary burden in order to be relevant; it simply has to advance the ball.*" Dortch v. Fowler, 588 F.3d 396, 401 (6th Cir. 2009).

In *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, a subpoena could not be quashed for someone who might be called to the stand. At 429 U.S. 252, 268 (1977). At a Bench Trial, James Turnbough **will be called** to the stand to testify under oath concerning exonerating material facts.

Barry O'Dell, who is a preacher and city councilman, did not respond to Campbells' 10/28/23 email until instructing us to "*correct*" our "*records*," because he is "*not a pastor*" in June of 2024, when he was not called a pastor. **(Ex. 7 and Ex. 14)** Betty Dunn has never been discussed by "*Preacher*" O'Dell, leaving suspicion. On 12/06/23, Chief Turnbough notified Dave and Dawn Campbell, a document at City Hall notifies of the fact Gary and Randy Dunn are prohibited from 435 Bethel AV until Betty Dunn dies. Dispatch reminded Turnbough on 07/16/24, Gary and Randy Dunn were considered as trespassers at 435 Bethel Avenue by Betty Dunn. Dispatcher Hutchinson stated on the record, "*We've been through this a dozen times*," to which Turnbough agreed. **(Ex. 29, P. 1, L. 1-14)**

O'Dell's ignoring Campbell's 10/28/23 email about Mrs. Dunn and Turnbough's

admission Gary and Randy Dunn are trespassed at 435 Bethel AV shows O'Dell, Turnbough, et al unlawfully conspired to harm Betty Dunn and Campbells.

Under the Arkansas Rules of Civil Procedure, a party is entitled to obtain discovery when, among other things, the requested materials are relevant to a viable legal claim or defense in a pending lawsuit. See Ark. R. Civ. P. 26(b)(1); *Dodson v. Allstate Ins. Co.*, 345 Ark. 430, 446, 47 S.W.3d 866, 876-77 (2001) In the four criminal charges alleged against me, James Turnbough is a crucial witness in support of my claim of conspiracy, as set forth in my presented Disclosures, pursuant to Ark. R. Crim. P. 18.3. It was explained in *Atkins v. Fewell*, discovery is permitted with regard to viable legal claims presented in the case. Case No. CA 02-1286, available at 2003 WL 22407427, at *10 (Ark. Ct. App. Oct. 22, 2003)

In *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 268 (1977), the Court recognized the high relevancy of admissible evidence in equal protection cases. This is an equal protection case, because I was actually the one assaulted by Gary Dunn, Randy Dunn, and Brenda Dunn.

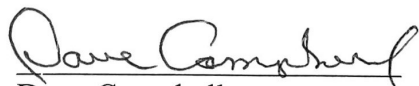
Arkansas Rule 45(2) states, "*The court, upon motion made promptly and in any event at or before the time specified in the subpoena for compliance therewith, may (i) quash or modify the subpoena if it is unreasonable or oppressive or (ii) condition denial of the motion upon the advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents or tangible things.*"

Mr. Turnbough's Motion to Quash fails to provide any evidence the subpoena is "oppressive" or "unreasonable."

Just because Turnbough filed a fraudulent injunction request the same day it appears he set Defendant up to be attacked by known trespassers should not circumvent Defendant's ability to prepare his defense in these alleged charges. Mr. Hass' argument the subpoena should have been filed in another case is prejudicial and irrelevant.

Pursuant to the Constitution in receiving due process of law, Defendant has every right to file the subpoena in these cases, because Turnbough is the primary reason Defendant was arrested in bogus charges. The totality of the circumstances prove Turnbough is a habitual liar who maliciously attacked Defendant on 07/16/24 in an evil act of law-fare; both criminally and civilly. Turnbough incriminated himself on 04/01/24 by falsely alleging Campbells were going to have to hire an attorney. Turnbough's bullying behavior on 04/01/24 revealed a conspiracy, because the issues herein were unknown. Apparently, Turnbough, like his buddy, Randy Dunn, was unable to contain the secret plan to destroy Dave and Dawn Campbell with erroneous law-fare. The facts prove every bit of law-fare enacted by James Turnbough on 07/16/24 was in error.

Respectfully Submitted,



Dave Campbell, pro se
440 Main ST,
Mammoth Spring, AR 72554-8800
Blues24Seven@ymail.com
(870) 907-0572