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Date: Wed, Jul 16, 2014 at 3:22 PM
Subject: Letter to Delegates Michelle MacDonald
To:

Judicial Election Committee Of the 2014 RPM State Convention

Fellow 2014 state convention Delegates,

Help Michelle MacDonald defeat David Lillehaug in November!!

A recent Star tribune Article erroneously claimed that our Committee was unaware of attorney Michelle MacDonald's DWI charge. That claim is false. We knew a lot about it, and we are convinced that she is innocent. Michelle invited us during her interview to attend her jury trial scheduled for September 15, because she believes that citizens are innocent until proven guilty beyond a reasonable doubt.

Her voluntarily-provided blood alcohol and drug test were tested at ZERO percent and negative by a nearby hospital after she was stopped by a traffic officer in Rosemount; she was never asked to take a breathalyzer test; and she asked to see a judge immediately, as spelled out in Minnesota statutes 169.91, but the officer refused.

She was released after her husband provided a copy of the statute and the officer talked to the city attorney.

Later, in spite of the lack of evidence, a city attorney for Rosemount, Dan Fluegel, threw the book at her, falsely charging her with a DUI and other spurious charges, to cover up the mistakes that the police had made in the case. Rosemount is in Dakota County, part of the First Judicial District of Minnesota.

Fluegel also enabled a high-handed abuse of law

enforcement and judicial power in another, later case which involved Michelle.

While representing a client during a court trial before Judge David Knutson in Hastings, she was handcuffed and later put into solitary confinement in the Dakota county jail for over 24 hours without being booked or charged after being forced into Judge David Knutson's courtroom in handcuffs and a wheelchair, where Knutson demanded that she continue the court trial without her files, pen, paper, notes, shoes, and even without her client.

This was a child custody trial, where the children have been missing since April, 2013.

Michelle told Knutson that she objected to proceeding in this condition, and Knutson responded that it would not be good for Michelle's client if she did not participate in the trial, so she did.

The Judge forced her to proceed or threatened to find her client in default, even though her client was not present, without a pen, paper, shoes, eyeglasses, and handcuffed to a waist belt against the wheel chair the deputies put her in.

This all happened without Michelle being charged with anything!!

This unconstitutional abuse of power by Minnesota courts, law enforcement, and court officers, similar to this, has been experienced by other members of our Committee, so we were not skeptical when we heard Michelle's story.

We have continued below with further details of these events, as they were presented to us by Michelle. We met with her twice, for a total of 2 - 3 hours, and some of us had been in court to show our support for her and her clients during her clients' trial, just before Michelle was put into solitary confinement.

Our committee concluded that Michelle's abuse at the

hands of the Dakota county judicial system makes her a "poster child," a symbol for Minnesotans who have been abused by law enforcement, prosecutors, Judges and other officers of the court. We voted by an overwhelming majority to recommend her nomination.

Michelle's campaign focuses on reforming our Minnesota judicial system to prevent, punish, and hold accountable judicial and other abuse, and we expect that the voters of Minnesota will flock to her because many of them have also been abused by the judicial system or know of someone who has been.

Please tell everyone you know to vote for Michelle and not to believe what they read in the Star Tribune. Abby Simons' article was nothing more than a hit piece. The Star Tribune's policy is to denigrate all Republicans, conservatives and endorsed judicial candidates, whenever they get the chance. Abby did her best to misrepresent the facts by spin and omission, and to smear Michelle and the Republican Party because she had to please her bosses.

The chairman of the Judicial Election Committee reported to the convention that Michelle was "qualified" for the position of Supreme Court Justice, meaning that she met all the legal requirements. The chairs of the nominating committees for Governor, U.S. Senate, and all other offices used the same word to report the names of the candidates for that position: they were all "qualified." Nominations committees are not asked or allowed to editorialize on the other qualifications or disqualifications of the candidates that they interview beyond the legal standards for the office in question.

Michelle was so thoroughly vetted by our Committee that she even reported a 2005 watercraft registration violation, and a 2006 parking violation.

Please help with Michelle's campaign. She especially needs to be placed high on the list of candidates that you will be promoting in your BPOU's Get-Out-The-Vote phoning in late October. If you have a local Sample

Ballot, please also put her name high on that List. And she needs your financial support: winning a statewide campaign is expensive.

Help Michelle defeat David Lillehaug in November!!

THE 2014 JUDICIAL ELECTION COMMITTEE

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These are the facts which the Committee heard in our discussions with

Michelle:

On January 10 of this year many people came to the U.S.

Federal District Court Building in St. Paul, Minnesota, to hear attorney Michelle MacDonald argue that Judge

David Knutson should not be immune for civil rights violations that he had inflicted on Michelle's client, Sandra Grazzini-Rucki and her 5 children, and to show their support for them and their case (U.S. Federal Court File no. 0:13-CV-02477).

These were Tea Party activists, Libertarians and Conservative Republican activists from all over the State.

They were attending the Federal Court hearing because Michelle had earlier represented this homeless client who had complied with Dakota County Judge Knutson's order of September 7, 2012, to be removed from her home, and abandon her five children there without supervision by noon that day. Knutson also ruled that neither parent could have any contact with their children or their schools, or through third parties. The parents could have no contact whatsoever under threat of incarceration.

This was the first week of school, and this mother drove her kids to school, on September 7, not able to tell them exactly what was happening because she did not know herself.

A year later in Dakota County on September 12, 2013, just one day after the U.S. Federal lawsuit was filed by Michelle on September 11 (Dakota County Court file no. 19AV-FA-11-1273), during a break in the trial related to Michelle's client, called by Knutson, who exited the courtroom, purportedly so Michelle and her client could locate an Exhibit, which was a 2011 calendar to be used for cross-examination of a witness, sheriff's deputies approached them and took Michelle to the adjacent jail area.

It was learned later that earlier in the day, in secret, and in the back hallways, Knutson and deputies had arranged an illegal search and seizure directed at Michelle, who (as an attorney) is an

officer of the court.

They took her camera because she had taken a photograph of a deputy, who had posed for the picture, while the court was not in session. In the back area, the deputies intimidated Michelle by repeatedly asking her name, to which she repeatedly responded: "you know my name."

She also questioned deputies as to who put them up to this and what was going on. When Michelle began to cry and call out for her husband, Tom, the deputies taunted her, saying that they were "crocodile tears."

Another deputy asked her if she was Nelson Mandela. There were prisoners nearby watching the ordeal and deputies told her that the prisoners were mocking her because she was an attorney and did not know what to do.

After she began to cry, the deputies then stripped her of some of her clothing, shoes, her hair piece, glasses, and jewelry, including her wedding rings and a gold cross given to her by her husband Tom. She was then handcuffed and put in a jail cell.

Later, the deputies returned with a wheel chair, and fitted her with a belt to wear around her waist, and fastened her handcuffs to the belt, restricting her to the wheelchair.

It was later learned that Judge Knutson and the deputies had communicated and that Knutson had ordered them to return her to the courtroom in handcuffs, so that he could resume the child custody trial. As the deputies wheeled Michelle out of the cell, and through the back halls of the court room, Judge Michael Mayer was coming down the back stairs and said to Michelle "Having a bad day?"

They continued to wheel her through the back halls, and out to the back door of the court, into a courtroom, where she saw that only the opposing attorneys and their clients were present.

Judge Knutson was absent.

Michelle's client and all of her numerous supporters had left. They had been told that the trial was over because the attorney had been arrested.

Michelle was forcibly wheeled behind the counsel table where she had previously been sitting. All of her client files and boxes were missing along with Michelle's personal belongings, including her large pocketbook with her wallet, money, and credit cards.

Michelle sat there quietly and waited for Knutson to come out to the bench. When he did, he said "something must have happened during the break," as if he had not conspired to make these things happen. Michelle remembers his pointing out that her client was gone, all of her files were gone, all of her supporters were gone, and saying something like "you can probably call your office and get them back here," to which Michelle responded, "they took my cell phone".

Knutson told her that the child custody trial was important, and asked her if she wanted to enter a default on behalf of her client and she said no because that would have harmed her client's case. So Knutson returned the guardian ad litem to the stand and asked that Michelle MacDonald resume her cross-examination of the guardian. He insisted she do this without the 2011 calendar that he had told her she could get during the break, without the presence of her client, without her files and boxes of information on her client's case, without a pen or paper, without eye glasses or shoes, and in handcuffs tied to the belt around her waist, sitting in a wheel chair, guarded by deputies with guns standing right behind her.

Michelle objected, but continued to participate in the trial and cross-examine the witnesses in spite of these outrageous restrictions because of Knutson's threat to her client's case.

She recalls that 3 unidentified people came into the

courtroom to witness this.

Judge Knutson concluded the trial by asking if the other attorneys rested, and when they said "yes", he looked at Michelle MacDonald and said that he would take the matter under advisement, and left the bench.

He did not ask if Michelle had rested.

If he had, she would have said "no" because the trial was a mockery of justice. And her client was entitled to a rebuttal.

After Knutson left the bench, the deputies began wheeling Michelle back to the jail cell, and she recalls turning to the three (unidentified) witnesses, and mouthing "help." The deputies continued wheeling her back and placed her in the cell again, still sitting in the wheelchair with the fitted belt and handcuffs. They locked the door. She remembers one of them throwing a lunch bag at her, which she could not reach because her belt was tied to the chair.

The ordeal continued as deputies returned and wheeled her to the adjacent all-men's prison, where at least three male deputies got into the elevator with her and many, many more handled her throughout the rest of the day and throughout the night and the next day.

She was eventually placed in an all-cement, solitary confinement cell in the Men's prison, which had only a toilet and toilet paper. At first the cell had a plastic mattress and pillow that a female deputy said she was not supposed to have, saying that it was "inadvertently" being left there. Michelle said "thank you". But then the pillow and mattress were taken away by a male deputy later anyway. Many deputies had handled her to this point.

When one of them came in to ask medical questions, she did not answer, thinking "I am not sick or in a hospital." When another asked her to sign a document to pay for a phone card, she refused because she had a cell phone, which had been

taken from her and returned in her property bag when she was released. When she was asked to sign a document that required her to pay \$25.00 per night for her "stay," she thought "I am not in a hotel". She was not read any Miranda rights.

One deputy told her that she was not being interrogated, so they did not have to read her rights. That was the same deputy that said he "had an idea" and took her mattress, pillow, and toilet paper, after she had used it to wrap her feet, body and head when she was cold, when she was returned to her cell after being removed in the middle of the night, and who lifted her with another deputy to take pictures, and when she pleaded to "please don't take my picture like this," they said she looked "beautiful".

She was repeatedly told that she had to be "booked" and she repeatedly responded, "booked for what?" She was told she could not make a phone call until she was "booked."

They turned the temperature of the room down to freezing and kept the bright lights on all night to keep her awake. She took the toilet paper and wrapped it around her head and body and feet to keep warm. The guard came in and ripped it off her, saying she was not using it properly. She then used the paper bag that had come with her egg sandwich to put on her feet.

She cried and prayed for her family who she knew were worried, and for the other prisoners, and thought of ways to change the pleas from "not guilty" or "guilty" to "I did not harm anyone" or "I did not intend to harm anyone" or "I harmed someone". When she told a female deputy she did not harm anyone, she said there were 300 people in the jail with her that did not harm anyone, and what did that have to do with anything. Michelle learned they checked prisoners periodically by opening their curtain, peeking in to see if they were alive. With Michelle, they repeatedly left the small curtain open so they could watch her go to the bathroom.

This is just a small part of her overnight jail experience. She describes it as Torture, defined as "the act of deliberately inflicting severe physical or psychological pain and possibly injury to a person (or animal), usually to one who is physically restrained or otherwise under the torturer's control or custody and unable to defend against what is being done to them."

An example of the torturous circumstances that she endured is that deputies took her nylons because they claimed to believe that Michelle might hang herself. Also, she says that she pushed the medical alert button no less than 50 times. Sirens were going off and she was told that others were attempting suicide. One female deputy told her she had found a dead prisoner. When she asked what would happen if she wanted to commit suicide, thinking her treatment might be better, a male deputy threatened they would strip her naked, put her in a straight - jacket and a padded cell.

Late the next day, she was still not charged or booked, and still without the clothes they had taken the day before, she was brought before Judge Tim Wermager, who signed an order to release her.

Still in handcuffs, she was wheeled back to an open area, the handcuffs were taken off, and she was told to sit behind a certain line, and not look at the prisoners. With the release order in her hand a deputy approached her and told her that she should come with him to be booked and it would only take a few minutes. She reminded the deputy of her rights and said that the Judge had just said in open court that the county had 30 days to bring charges.

A short while later the deputy approached her again and told her that the State was filing a motion to bring charges and that it would take only a few minutes of her time to be "booked".

Again, knowing her rights, she said that they can file and serve the motion and she will be there, but that

the Judge had just said she was released and that he should comply with the Court Order.

A few minutes later, Michelle reminded the deputy that the Judge had said that there was 30 days to do the booking, to which the deputy responded that if she did not accompany him to get booked, he would place her in the cell for 30 more days. He then proceeded to put her in a cell where Michelle fully expected that she would be held for 30 more days, even though she was holding Judge Wermager's release order in her hand.

Then a security officer named Chris opened her cell and brought her to another area to get her property. He then escorted her through a door leading to the outside.

All this time Michelle had been denied the right to contact her husband and others, so she was unaware of what was going on in the outside world. Her family, friends, client, and supporters had been getting mixed messages and were unaware of what was going on in the Dakota County jail.

Waiting for her outside were several supporters, whom she hardly knew, including Linda Senst, Dale Nathan, and others. The reporter from Fox 9 had left, promising to do a followup story and, when the producer called and said he could not help, she said "thank you" and hung up.

Her husband Tom, her paralegal, and her paralegal's friend (who is an attorney) had been directed to the wrong door and given the wrong time, so they were not present, but eventually found her.

When she finally got home, and was with her husband in the security of their home in Rosemount, she inventoried her property bag, and noticed that the gold cross that her husband had given her, which she always wore, was missing. She also noticed an Exhibit, a 2011 calendar, that was not her property, had been added to her property bag, printed off a courthouse computer.

Her husband Tom consoled her saying that whoever took the cross may need it more than she. Michelle told him that a deputy took it off before she was handcuffed.

While Michelle was in jail, she learned that the opposing counsel had asked Judge Knutson to sign a "civil" warrant for her client's arrest for not revealing her address in her testimony in court. Her client was homeless because she had been removed from her home by deputies, carrying out Knutson's order. Knutson can sign this warrant against her client even today, and it has been in the court file ever since.

The following week, Michelle subpoenaed all security videos in and outside the courthouse and jail for September 6, 11, 12, and 13 and related times an including any audio recordings and transcripts for evidence of her ordeal. These subpoenaed items have not been produced and are still being withheld and obstructed by Dakota County Attorney James Backstrom.

However, when prosecuting attorney Dan Fluegel brought a criminal contempt charge against Michelle for having taken the picture of the posing deputy while court was not in session, Fluegel was provided with portions of the security video of her ordeal, which Michelle had subpoenaed. Michelle was ordered by Judge Leslie Metzen not to disseminate these portions of the video of her sadistic abuse by the Dakota County criminal justice system. (Her criminal defense attorney, Steven Grigsby, a former stranger who had contacted her in jail, warned her before she watched it that the video was "sadistic.")

Judge Leslie Metzen ultimately determined that Michelle MacDonald's civil rights had been violated by the illegal search and seizure. She (Metzen) then dismissed the case because no probable cause had been established, and ordered that Michelle's camera be returned to her, which deputies have refused to release. So her husband's camera with 2000 personal photos has not been returned to her.

Dan Fluegel has also been prosecuting her for the traffic stop. Judge Metzen is the presiding Judge. In that case, it has already been determined that the officers lied, Michelle was driving impeccably, that the officers did not follow Minn. Stat. 169.91, which Michelle invoked, and that they did not offer her a Breathalyzer. Michelle's copy of the squad video is in evidence, and others have tried to obtain it, but were told that the case is still pending so they can't have it. Michelle has asked Dan Fluegel to provide a copy to herself, her attorney, and the media, which he has not.

Michelle wants everyone to know that her traffic stop was not lawful, and she is standing in the truth for herself, as she has done for her clients. She was released without being charged on the evening of her traffic stop, as soon as her husband Tom hand-delivered a copy of Minn. Stat. 169.91 to the Sergeant. At her husband's suggestion, she went directly to Fairview Ridges hospital for a blood test and the full gamut, including drug testing, because the sergeant had commented that Tom's eyes were "dilated" and that Michelle was "impersonating an attorney" because she did not comply like she should, and he had mentioned something about "pill popping."

When she received the results of the blood tests in the mail several days later, Michelle, having by now filed employee civil rights complaints against Officer Alex Eckstein, who had stopped her, brought this exculpatory evidence (the blood test results) to the police because they needed to have it as part of their investigation. However, the police refused to take it.

They told her to give it to the prosecutor, who had not yet brought charges. Michelle MacDonald insisted the police take it and told him of his duty to investigate the case and his duty to turn exculpatory evidence over to the prosecutor.

After the police completed their internal misconduct investigation, which they summarily dismissed,

prosecutor Dan Fluegel "threw the book" at Michelle, entering many spurious charges. Michelle had expected that he would do this in order to cover up her wrongful arrest and the violation of her civil rights.

At a later hearing, even though it was clear that her blood alcohol and drug testing was at zero, the prosecutor insisted that she subpoena the person who drew blood to court to explain on the stand that less than .001 %, the baseline, meant ZERO, which she did.

That was entered into evidence, along with the implied consent for the Intoxilyzer (Michelle was never offered a Breathalyzer), where the officer had written that Michelle had asked to see a magistrate, pursuant to Minnesota Statute 169.91.

Dan Fluegel, the same prosecutor in the case in which her civil rights were violated for taking a photo of a posing deputy, insists on taking the DWI charge to a jury trial, scheduled for September 15. He has received repeated demands to dismiss and notices that Michelle's reputation will be harmed, which this case has already successfully done in connection with her bid for Minnesota Supreme Court Justice. Michelle has no criminal record.

These two cases are connected and highlight the need to reform the Minnesota judicial system to correct abuses.

Michelle MacDonald, after concluding the trial in handcuffs and with no client present, continues to represent that same client. The client is still homeless because Judge

David Knutson ordered her on September 7, 2012 not to return to her home. In the same order he threatened to incarcerate her if she contacted any of her five children, directly or indirectly. She has not seen her children for 21 months and her two oldest daughters ran away from the guardian and have not been seen for more than a year. Judge Knutson also sealed the testimony of the children in a "listening session" in his

chambers from the parents and the appeals court.

A Supreme Court Petition was filed on June 13 and is pending about the corruption in that case.

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