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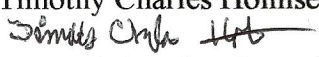
July 12, 2016

Federal Judge
United States District Court
United States Courthouse
316 North Robert Street
STE 724
St. Paul, MN
55101-1477

Honorable Judge,

I am a member of the media.

Enclosed is a request for an EMERGENCY Injunction.

Respectfully submitted,
Timothy Charles Holmseth


Cc: Grand Forks City Administrator Todd Feland, UND President Mark Kennedy, Grand Forks States Attorney David Jones, Colonel Michael Gerhart, North Dakota Highway Patrol, Eric Lunn, Altru Health Systems

Attached: Email thread/Grand Forks Police Department; July 9, 2016 police shooting article regarding Philando Castile and David Elliott

**United States District Court
District of Minnesota**

Timothy Charles Holmseth <i>Plaintiff,</i> v. City of Grand Forks, University of North Dakota, State of North Dakota, County of Grand Forks, Altru Health Systems <i>Defendants,</i>	MOTION FOR EMERGENCY INJUNCTIVE RELIEF
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PLAINTIFF'S REQUEST FOR EMERGENCY INJUNCTION

This request for emergency federal relief is brought by Plaintiff/Petitioner TIMOTHY CHARLES HOLMSETH, a resident of East Grand Forks, Minnesota, against Defendants CITY OF GRAND FORKS, COUNTY OF GRAND FORKS, UNIVERSITY OF NORTH DAKOTA, STATE OF NORTH DAKOTA/HIGHWAY PATROL, and ALTRU HEALTH SYSTEMS.

INTRODUCTION

PETITIONER is not an attorney.

PETITIONER is requesting permission to proceed PRO SE until such time PETITIONER can achieve legal counsel.

Due to time constraints that are of no fault of PETITIONER; rather the direct fault of RESPONDENT; PETITIONER is forced to forgo the necessary research required to cite applicable statutes regarding Jurisdiction.

PETITIONER firmly believes the United States District Court – District of Minnesota has jurisdiction over PETITIONER, RESPONDENTS, this case and the subject matter.

SUMMARY

PETITIONER believes the facts and circumstances that surround this requested injunction potentially affect the safety and well being of the national public and national security.

PETITIONER has obtained evidence that shows RESPONDENT is involved in the commission of state and federal crimes including Conspiracy and Attempted Murder.

RESPONDENT is planning to destroy evidence that shows RESPONDENT attempted to murder an unarmed man, David James Elliott, under the guise of a '*justified*' police shooting.

RESPONDENT possesses evidence the aforementioned police shooting was **not** justified and RESPONDENT is concealing, and conspiring to further conceal, evidence that shows it.

RESPONDENT is planning to destroy media records and evidence that shows the police shooting was not justified and was a federal crime.

RESPONDENT notified PETITIONER of their plans to destroy the evidence on July 11, 2016, after PETITIONER, on July 9, 2016, published information relating to the national profile shooting of **Philando Castile**, who was recently shot by a police officer in Falcon Heights, Minnesota.

RESPONDENT notified PETITIONER of plans to destroy the files immediately after PETITIONER made contact with KARE 11, Star-Tribune, KSTP, National Public Radio, and other media outlets.

PETITIONER argues the following supports an Injunction:

1. **Irreparable Harm:** If RESPONDENT destroys the files in question, they will never again be retrievable through RESPONDENT'S keeper of records.
2. **Clear Legal Right:** PETITIONER has a clear legal right to the files, which are public record.
3. **Consideration of Public Interest:** There exists a clear public safety issue connected to this case and the files.
4. **Legal Challenge:** The stated basis for RESPONDENT'S decision to destroy the files is subject to legal challenge.

PUBLIC SAFETY and PUBLIC INTEREST

The abrupt destruction of the files by RESPONDENT is not necessary and does not need to be done for any important reason that would better any existing situation. To the contrary, maintaining the integrity of the files serves the greater good and public interest.

The destruction of the files could potentially serve to fan the flames presently raging across the United States in regards to distrust of the police and future investigations of controversial police shootings.

The destruction of the files could create fodder for violent radical group's to generate further suspicion and hatred of the police in the wake of recent police shootings, and contribute to the already dangerous level of civil unrest in the United States.

The recent shooting/ambush murder of five police officers at the Dallas Police Department speaks to the colossal public safety issue and potential ramifications of such an irresponsible action by RESPONDENT. Such file destruction could generate a similar incident and turn into a national crisis if the files regarding a suspicious police shooting are suddenly, inexplicably, and cynically destroyed.

The destruction of the files also creates a unique public safety issue pertaining to the residents and citizens of Grand Forks, North Dakota, as well as the entire State of North Dakota and neighboring Minnesota.

PERSONAL SAFETY of PETITIONER

PETITIONER is receiving telephone calls from unidentified persons using voice changing software demanding PETITIONER remove all his publications from the Web.

PETITIONER'S children are also being threatened.

PETITIONER has been taunted in writing and told that the local police are never going to help PETITIONER.

PETITIONER has reported the threats to the police in Grand Forks, North Dakota and East Grand Forks, Minnesota. Law enforcement takes no meaningful action.

PETITIONER believes PETITIONER'S constitutional rights are being violated.

REQUEST FOR INJUNCTIVE RELIEF

PETITIONER is requesting EMERGENCY Temporary Injunctive Relief against RESPONDENT.

PETITIONER is a news reporter, journalist, author, and publisher with an existing media relationship with RESPONDENT regarding the acquisition of public records.

PETITIONER has worked as a news reporter for newspapers of public record in Minnesota and North Dakota, and was recognized with first place awards from the North Dakota Newspaper Association.

PETITIONER is producing a documentary that will include information about the Wal-Mart shooting in Grand Forks, North Dakota by a black man who was stationed at the United States Air Force Base in Grand Forks.

PETITIONER has an existing media relationship with RESPONDENT regarding public records requests relating specifically to the police pursuit and officer involved shooting of **David James Elliott**, which occurred on February 27-28, 2015.

PETITIONER also has an existing media relationship with RESPONDENT regarding public records pertaining to the un-attended death of **Caitlin Jenna Erickson**, which occurred on February 27, 2015.

PETITIONER also has an existing media relationship with RESPONDENT regarding public records pertaining to the case of State of North Dakota v. **Mohammed Aweis Mohammed** that resulted in 'attempted murder' charges against the Somali immigrant.

PETITIONER has requested, paid for, and received multiple documents and records including 911 transcripts, police reports, officer body cam, and/or officer dash-cam video, regarding the aforementioned highlighted cases.

PETITIONER also obtained investigative files from the North Dakota Attorney General/North Dakota Bureau of Criminal Investigation regarding the police shooting of David James Elliott.

PETITIONER has regularly published comprehensive articles and stories featuring the aforementioned public records at PETITIONERS websites, including:

<http://writeintoaction.com/>

<https://eastgrandforks.wordpress.com/>

<https://www.facebook.com/profile.php?id=100009187154735>

PETITIONER is providing a valuable service to the public.

At no time has RESPONDENT notified or advised PETITIONER of any time restraints and/or deadlines regarding records pertaining to the officer involved shooting of David James Elliott; death of Caitlin Jenna Erickson; or attempted murder charges against Mohammed Aweis Mohammed.

To the contrary, RESPONDENT has essentially misled PETITIONER during e-mail communications to believe the files would remain accessible and available.

RESPONDENT has improperly stalled PETITIONER'S information discovery through various stalling tactics by multiple Keeper's of Record.

On July 11, 2016, RESPONDENT abruptly advised PETITIONER that RESPONDENT would be destroying files pertaining to GFPD IR#201501332 and the files would not be available after Monday, July 18, 2016 (the file pertaining to the police shooting of David James Elliott).

As previously stated, PETITIONER believes this is a premeditated plan to destroy evidence of a crime and/or multiple crimes, and to prevent the American public from viewing the files.

RESPONDENT HAS ALREADY (PREVIOUSLY) ALTERED AND TAMPERED WITH EVIDENCE AND PUBLIC RECORDS

PETITIONER has discovered RESPONDENT has altered public records and tampered with evidence.

RESPONDENT altered officer cam video regarding the police shooting of an unarmed man (David James Elliott) before providing the video to PETITIONER.

RESPONDENT changed existing properties of video files. For example, one instance of evidence-tampering is a dash cam video from the squad car of GFPD officer Dan Harvala that captured the police shooting of David James Elliott. While most video from the dash-cam of Harvala's car is in color; one portion of the video was altered/changed to appear in black and white. The portion that was altered captured the shooting of David James Elliott. The black and white quality restricts the viewer from seeing the details of the shooting scene due to glare and shadows. All other cam evidence obtained thus far was in color.

PRIMA FACIE EVIDENCE OF UNJUSTIFIED POLICE SHOOTING

PETITIONER obtained BCI files that show UNDPD officer Jerad Braaten's officer body-cam was found by the BCI investigators underneath Jerad Braaten's squad car (where he attempted to hide it after he shot David James Elliott).

PETITIONER obtained files that show UNDPD officer Jerad Braaten's dash-cam video was not available whatsoever to police in any fashion for investigation (because he got rid of it).

PETITIONER obtained files that show UNDPD officer Jerad Braaten was reprimanded in writing by UNDPD chief Eric Plummer for actions involving his officer cameras (see attachment).

PETITIONER obtained the aforementioned evidence and alerted the public that despite the evidence, Grand Forks States Attorney David Jones determined the shooting was justified, and the Grand Forks Police Department went on to hire the shooter, Jerad Braaten, despite all the aforementioned evidence.

On several dates, PETITIONER was contacted by a person identifying himself as David James Elliott.

The person made a plethora of statements, including:

- UNDPD officer Jerad Braaten attempted to shoot him (David Elliott) several minutes before the actual shooting, while atop the Columbia Road Bridge in Grand Forks, but Braaten's gun jammed.
- UNDPD officer Jerad Braaten lied to investigators about the incident atop the bridge until investigators found his "finger prints" on an un-fired cartridge atop the bridge (the assertion of an attempted shooting atop the bridge appears to be verified by BCI investigators who noted a cartridge from Braaten's firearm was found on the bridge.)
- Unseen/unpublished/un-released video exists to show police officers repeatedly tazing David James Elliott after he has been rendered unconscious by multiple gunshots to the head.
- Unseen/unpublished/un-released video shows David Elliott's body fall out of his pick-up like a "sack of potatoes" as police officers continuously yell "stop resisting" at his unconscious body and continuously taze him.
- Unseen/unpublished/un-released video shows "excessive force".
- Video and evidence was withheld from David James Elliott and his attorney, Darla Schuman, by prosecutors.
- Video was turned over very slowly (suspiciously slow) by prosecutors.
- David James Elliott is receiving death threats.
- The media is not reporting the whole relevant truth to the public.

CONCLUSION

PETITIONER respectfully requests the United States District Court issue an Injunction forbidding the destruction of GFPD IR#201501332 until further Order of the Court.

The Order further forbids the destruction of any related files held by the University of North Dakota Police Department, Grand Forks County Sheriff's Office, Grand Forks County States Attorney's office, North Dakota Highway Patrol, and Altru Health Systems.

07/12/2016
 Jimmy Chalk 

Timothy Charles Holmseth

From: Zimmel, Derik [DZimmel@grandforksgov.com]
Sent: Monday, July 11, 2016 3:31 PM
To: Timothy Charles Holmseth
Subject: RE: Records Request

Mr. Holmseth;

Your last two requests are completed. We extended you the courtesy of putting both BWC videos on the same DVD, even though they were separate requests, to save you \$20. The DVD and both receipts may be picked up at the front window of the PD as usual. Total fee due for completion of both requests will be \$20.

On a side note, I would like to provide notice of a potentially important item. According to GFPD Special Order 2015-01 (1) (D) **"All BWC and MVR video released by any prosecuting agency for disposition purposes will be retained for 30 calendar days prior to their destruction."** This ability to purge our system of unnecessary data is critical to our ability to function in a fiscally responsible manner, as electronic storage requirements with unlimited retention would be astronomical. We received a letter from Grand Forks County State's Attorney's Office on April 5th, 2016, authorizing the GFPD Evidence Custodian to "dispose of any evidence" related to GFPD IR#201501332, as the State has closed its file on the matter. We are well past the designated 30-day retention period (May 5th) after receipt of such a letter.

As a courtesy to you, in addition to the natural extension of the period of retention that has already occurred (over two months), and in recognition of your continued interest in this incident, we will extend the retention period of all BWC and MVR video until 4:00 pm, next Monday, July 18th. As of that date, any non-requested BWC/MVR recording will be subject to destruction, and any requested BWC/MVR video will be preserved only until such time it can be processed and redacted, and may be destroyed upon completion of meeting the request made. Additionally, per NDCC 44-04-18 (2), all requests made pertaining to this incident over the next seven day period will be treated as a single request for processing and billing purposes.

I would encourage you to plan accordingly regarding any request you are contemplating. After next Monday, you may continue to make requests as you wish, but it will be increasingly likely that the answer may be, "the requested record does not exist".

I just wanted to ensure you were aware of this, and provide you an opportunity to complete whatever requests you wanted to make.

Lt. Derik J. Zimmel
Office of Professional Standards
Grand Forks Police Department
Office: 701-787-8184
Cell: 701-740-0763
dzimmel@grandforksgov.com

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This e-mail, and any attachments, is confidential and privileged. The information contained herein is intended only for the review and use of the recipient(s) named above. If you have received this e-mail in error,

7/11/2016

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From: Timothy Charles Holmseth [mailto:tholmseth@wiktel.com]

Sent: Tuesday, July 05, 2016 7:21 PM

To: Zimmer, Derik

Subject: RE: Records Request

Officer Brown told the BCI he was at Altru handling a call regarding a woman that would not leave. I am asking you to please provide me video that starts one minutes before his interview with the woman begins. The interview will take place – I want the interview. You can then end it one minute after the interview with the woman is over.

Thanks,
Tim

From: Zimmer, Derik [mailto:DZimmer@grandforksgov.com]

Sent: Tuesday, July 5, 2016 4:22 PM

To: Timothy Charles Holmseth

Subject: Re: Records Request

Perhaps restate? This is the uncertainty with your request...

I want to clarify, Mr. Holmseth is now just asking for Off. Chris Brown's body cam recording of just 1 minute after the interaction with the female? Not 1 minute before, through, and 1 minute after as he stated in the initial request?

Thanks!

Sent from my iPhone

On Jul 1, 2016, at 7:36 AM, Timothy Charles Holmseth <tholmseth@wiktel.com> wrote:

Lt. Zimmer,

I am requesting the body-cam video of Officer Chris Brown from Event Number 201500009381, which is mentioned in the BCI records of the David Elliott investigation. It is regarding a woman at Altru hospital that Brown interacted with. I would like 1 minute before, through, 1 minute after.

Thanks,
Tim

7/11/2016

Police Shooting: Police officer's body cam found (hidden) underneath his squad car

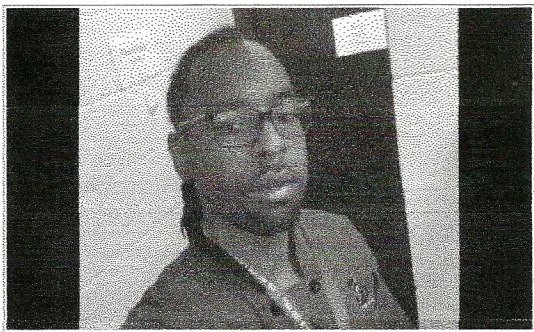
Philando Castile shooting protesters justified in doubting investigation

by Timothy Charles Holmseth on July 9, 2016, 1:09 P.M. CST

The United States Department of Justice needs to investigate a police shooting in North Dakota.

The body-cam worn by UND police officer Jerad Braaten, who shot David James Elliott, an unarmed man, in a Grand Forks, North Dakota hospital parking lot, was found by investigators underneath the officer's squad car.

The astonishing revelation comes as protests across the nation are turning deadly due to public trust issues regarding official investigations, and in the wake of the fatal police shooting of Philando Castile, which occurred in neighboring Minnesota.



Philando Castile

The U.S. DOJ announced it will monitor the Minnesota BCA investigation of the Castile shooting. Notably, the Minneapolis FBI has territorial jurisdiction for North Dakota.

The revelation regarding the officers attempt to hide his body camera supports the cries of protesters across the nation that are demanding justice, in what appears to be a national 'Pattern and Practice' of clearing police officers that are committing murders.

The staggering fact that the UND police officer's body-cam was found under his car is revealed in a line item of an investigative inventory sheet by the

Special Agent Michael Ness recorded in the Inventory Sheet "UNDPD body cam" was found "under UNDPD squad car".

Write Into Action has uncovered insurmountable evidence that shows an elaborate multi-agency and Institutional cover-up of the police shooting of David James Elliott is underway.

Evidence shows the truth about the shooting is factually known to UND, Altru Health System, ND BCI, and other law enforcement agencies involved.

Evidence strongly suggests the shooting was an attempted murder being carried out in the form of a 'hit' – possibly related to drug trafficking in North Dakota and Minnesota.

Grand Forks States Attorney David Jones found Officer Braaten acted within the law when he shot David Elliott.

However, the facts of the case that have come during Write Into Action's investigation show there is no possible way an honest, law-abiding, reasonable person could have reached that conclusion.

Write Into Action's investigation has discovered that every single police video obtained thus far appears to be tampered with; contains changed properties; and/or was otherwise altered/manipulated in various ways.

No video released thus far shows the actual shooting.

However, the dash-cam of a GFPD police officer's squad car that captured the shooting in the distance was inexplicably altered. The color video was changed so it would only appear in black and white. The black and white creates shadows and glare that obfuscates the details in the video. All other video; including video from the same officers car; was in color.

Write Into Action has submitted a public records request to UNDPD for the body-cam of Braaten; the video still has not been delivered.

Write Into Action has obtained evidence that Braaten actually attempted to shoot Elliott a few minutes prior to the actual shooting, while Elliott's vehicle was stopped atop the Columbia Road bridge in Grand Forks with his arms out the window, surrendering. The first attempt failed because Braaten's gun jammed.

Braaten allegedly lied to investigators about a cartridge located atop the bridge, and only admitted he had performed an action with his gun on the bridge, after his fingerprints were found on the cartridge.

Write Into Action exclusively obtained and published UNDPD records show Braaten was disciplined for actions he took regarding his police cameras.



UND.edu

Department of Public Safety
Safety Building
3851 Campus Road Stop 9033
Grand Forks, ND 58202-9033
Phone: 701.777.3431
Fax: 701.777.8474
www.psd.nd.gov

April 30, 2015

Officer Jerad Braaten
3851 Campus Road Stop 9033
Grand Forks, North Dakota 58202

Officer Braaten,

The University of North Dakota Police Department is taking the following disciplinary action against you: a written reprimand. This is based on the following circumstances resulting from the incident you were involved in on the morning of February 26, 2015:

- * Your failure to adhere to UNDPD policy 445 entitled Mobile Audio Video.

As mentioned, you are reminded of the importance of properly setting up your equipment prior to engaging in patrol activities in order to ensure your safety and the proper documentation of incident events for evidentiary purposes.

This reprimand will be active for one year from the date of this letter and then will be removed from your personnel record if no other violations of policy occur.

As a reminder, the University of North Dakota provides an Employee Assistance Program (EAP) which is a confidential assessment/counseling/referral service staffed by trained professionals who can help you evaluate your issues and take positive action to resolve them. All contact with the EAP is confidential.

Sincerely,


Eric S. Plummer
Associate Vice President for Public Safety and Chief of Police

(ACKNOWLEDGEMENT OF RECEIPT)

 4/30/15
Employee: _____ Date: _____

Braaten was later hired by the Grand Forks Police Department.

David Elliott's lawyer on the case, Darla Schuman, has not responded to requests for comment.

For more information about Write Into Action's police shooting investigation go to HOME PAGE