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In Re: Violation of Federal Laws by Local and County Law Enforcement

December 20, 2013

Barb Erdman
Polk County Sheriff's Office
600 Bruce Street
Crookston, MN
56716

Sheriff Erdman,

On August 2, 2013 I contacted the Office of the Minnesota Attorney General (MAG). The basis of my communication to the MAG is set forth in the attached letter to the MAG. On August 12, 2013 I received a response with advice on how to move forward. It is my intentions to continue following the advice of the MAG.

I am now going to address the issue of the search and seizure that occurred on December 14, 2012 at my residence. You are intimately familiar with this subject. You know my hard-drive was seized, and subsequently searched by Sgt. Michael Norland, special investigations, Polk County Sheriff's Office (PCSO).

As of this date, I am satisfied I have exhausted all avenues of obtaining records regarding this matter. I have no reason to believe that you, or any other law enforcement agency involved in this matter, intends to provide me with any further documents or statements regarding the chain of custody of my property and hard-drive.

Documents I received from your Office contain dates and assertions regarding the whereabouts of my hard-drive after it was seized.

You are aware the search warrant was obtained by a police officer, identified by your deputy, as being a member of the Pine-to-Prairie Drug Task Force. You are also aware that evidence seized from my home-office was placed into baggies and storage that was labeled "Minnesota Department of Public Safety / Bureau of Criminal Apprehension".

I have been in extensive communications with your Department. I have been thorough. There does not appear to be any out standing or un-resolved matters that could exist on your end.

Below you will find my evidence of the aforementioned:

* * * * *

'The Bureau of Criminal Apprehension' will not perform a search of Mr. Holmseth's hard-drive without another warrant. We will be requesting that.'

-January 4, 2013 / Paraphrase of Ronald Galstad / Open Court before Honorable Tamara Yon

"The records you requested are attached. There are no documents, outside of the attached report, generated from Sgt. Norland's search of your hard drive or documenting a chain of evidence".

-December 4, 2013 / Katrina Genereux / Polk County Sheriff's Office

- Attached is pdf containing incident report from case number 13-000447
 - ⇒ "On 03/29/2013 I was contacted by Lt. Rodney Hajicek of the East Grand Forks Police Department in reference to a hard drive that was dropped off at our office by Officer Aeisso Schrage with the Pine-to-Prairie Task Force on 12/15/2012".

-March 29, 2013 / Sgt. Michael Norland / Polk County Sheriff's Office

"In this situation neither our Department nor the Polk County's Sheriff's Office completed a chain of custody form so unfortunately I do not have any additional documents to provide you."

-December 6, 2013 / EGF Police Chief Michael Hedlund / Letter to Timothy Holmseth

"There are no BCA personnel serving on that task force."

-December 6, 2013 / Jill Oliveira / public information officer / Minnesota Department of Public Safety / E-mail to Timothy Holmseth

"The BCA had no role in the investigation you describe and did not attach any tags to evidence in that case."

-December 9, 2013 / Jill Oliveira / public information officer / Minnesota Department of Public Safety / E-mail to Timothy Holmseth

"The Bureau of Criminal Apprehension had no involvement in this case."

-December 12, 2013 / Drew Evans / assistant superintendent / Minnesota Bureau of Criminal Apprehension / Email to Timothy Holmseth

"We were not requested to conduct a forensic examination on your computer."

-December 13, 2013 / Drew Evans / assistant superintendent / Minnesota Bureau of Criminal Apprehension / Email to Timothy Holmseth

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On December 18, 2013 I filed a MOTION with the Minnesota District Court seeking a ruling from the Judge regarding the legality of the search of my hard-drive by Sgt. Norland, which he asserts took place April 3, 2013. I also requested the Court set forth an Order directing the Plaintiff to pay to have the hard-drive forensically recovered.

I am hereby advising you, Sheriff Barb Erdman, the senior ranking law enforcement officer in Polk County, Minnesota, I have **PROOF** in the form of indisputable **EVIDENCE** that my hard-drive was **ILLEGALLY ENTERED** on a date that is not consistent with Sgt. Investigator Michael Norland's official report.

I possess irrefutable evidence that multiple federal laws have been violated.

Sgt. Norland's incident report is prima facie evidence the Polk County Sheriff's Office is not acting in good faith.

The actions and decisions of your Sheriff's Office demonstrate you have no intention of identifying the person(s) that possessed the hard-drive; when they possessed it; what they did with it; or why they did it.

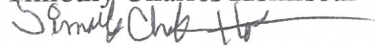
The actions and decisions of the East Grand Forks Police Department show that particular Office is of the same position.

Further – it appears the PCSO and EGFPD are coordinating on this matter.

This document will be copied to the Ninth Minnesota District Court for any relevance thereby.

It is my position this is now a matter for the State of Minnesota – Bureau of Criminal Apprehension and/or the FBI.

Respectfully,
Timothy Charles Holmseth



Cc: EGF City Attorney Ronald Galstad, EGF Police Chief Michael Hedlund, Polk County Attorney Greg Widseth



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

August 12, 2013

SUITE 1800
445 MINNESOTA STREET
ST. PAUL, MN 55101-2134
TELEPHONE: (651) 297-2040

Mr. Timothy Holmseth
320 – 17th Street N.W.
Unit #17
East Grand Forks, MN 56721

Dear Mr. Holmseth:

I thank you for your correspondence received on August 2, 2013.

You are an author and journalist. You indicate that officers from the East Grand Forks Police Department have violated your rights after you investigated the kidnapping of HaLeigh Ann-Marie Cummings. You state that the city attorney and various state employees made threats against you, including a threat to take away your children. You indicate that police seized your hard-drive and would return it only if you dropped a complaint against the city attorney, public defender, and police. You also state that a guardian ad litem has been paid by the state to monitor your publications. You attach copies of letters you sent to a local judge and social worker. You also include links to a series of recordings of threatening telephone calls you received. You believe local police and state officials are attempting to stop you from investigating or reporting on the kidnapping of HaLeigh Cummings. You ask for any assistance this Office can provide.

I am sorry to hear of your difficulties. While this Office has no authority over local law enforcement agencies, I can tell you the following, which I hope will be helpful:

First, in Minnesota, the legislature delegated the authority to prosecute criminal matters to the county attorney. It also delegated the duty to investigate criminal matters to the county sheriff and, in some circumstances, the municipal police department. The legislature did not delegate any authority to this Office to investigate criminal matters. Accordingly, if you have not already done so, you may wish to contact the Polk County Sheriff or Polk County Attorney regarding this matter. Their contact information is as follows:

Barb Erdman
Polk County Sheriff
600 Bruce Street
P.O. Box 416
Crookston, MN 56716

Gregory Widseth
Polk County Attorney's Office
Polk County Justice Center
816 Marin Avenue
Crookston, MN 56716



Second, you may contact the Board of Peace Officers Standards and Training (POST). The POST Board licenses and regulates peace officers in Minnesota. The POST Board has jurisdiction to receive complaints about licensed peace officers and to investigate them. You may contact the POST Board as follows:

Neil Melton, Executive Director
Board of Peace Officer Standards and Training
1600 University Avenue, Suite 200
St. Paul, Minnesota 55104-3825
Telephone: (651) 643-3060
Fax: (651) 643-3072
Website: <http://www.post.state.mn.us>

Third, in Minnesota, the Office of Lawyers Professional Responsibility is the agency with authority to investigate complaints of ethical misconduct by attorneys. Your letter and enclosures indicate that Judge Tamara Yon forwarded your complaints regarding two attorneys to the Office of Lawyers Professional Responsibility. If you have further concerns about the conduct of an attorney, you may contact the Board directly as follows:

Office of Lawyers Professional Responsibility
1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102
(651) 296-3952
Toll free: 1-800-657-3601

Fourth, the East Grand Forks City Attorney is appointed by the Mayor and City Council of East Grand Forks. If you believe the City Attorney has acted inappropriately or unlawfully, you may wish to contact the Mayor of East Grand Forks as follows:

Mayor Lynn Stauss
600 Demers Avenue
East Grand Forks, MN 56721
Telephone: (218) 773-2483

Fifth, a guardian ad litem is appointed by and acts under the authority of the local court system. In contrast, this Office has no authority over a guardian ad litem. If you have not already done so, you may wish to report concerns to the Ninth Judicial District. Contact information for the Chief Judge of the Ninth Judicial District is as follows:

The Honorable Kurt J. Marben
101 North Main
Thief River Falls, MN 56701

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Sixth, the Chief Public Defender is responsible for supervising the activities of Assistant Public Defenders in the Ninth Judicial District. If you have concerns about the conduct of a public defendant, you may contact the Chief Public Defender as follows:

Kristine Kolar
619 Beltrami Avenue NW
Bemidji, MN 56537
Telephone: (218) 755-4333

Seventh, you may wish to discuss this matter with a private attorney. I recognize that retaining a private attorney is not cheap. In this case, however, I believe that a private attorney may be able to advise you as to your legal rights and potential avenues of recourse. If you cannot identify an attorney to advise you, the Minnesota State Bar Association's Attorney Referral Service is available on the Internet at www.mnfindalawyer.com. If you select an attorney through the referral service, you should ask about any initial consultation fee since the fees vary. I enclose our flyer, *Hiring an Attorney*, which has more information.

I thank you again for your correspondence.

Sincerely,



LAURA FLANDERS
Legal Assistant

Enclosure: *Hiring an Attorney*



Hiring an Attorney

From the Office of Minnesota Attorney General Lori Swanson

The legal system can be complex, and it can be daunting for people without legal training to navigate the legal system on their own. The following information provides tips on how to hire an attorney for people who need legal advice or representation.

Finding an Attorney. The legal field covers many different topics. Attorneys who have experience in one field may have no experience in another field. When possible, it is best to hire an attorney with relevant experience in the area of law in which you need representation. For example, a bankruptcy attorney may not be the best person to represent you in a criminal proceeding, and a divorce attorney may not be the best advocate for you in a personal injury lawsuit.

In some cases, word of mouth may help you find a reputable, skilled attorney. If family, friends, or co-workers have hired a lawyer for a similar reason, you may wish to ask them for recommendations. You may also wish to check with the Minnesota State Bar Association or local bar associations. The Minnesota State Bar Association's Attorney Referral Service is available on the Internet at www.mnfindalawyer.com. To find out whether an attorney is properly licensed in the State of Minnesota or has been disciplined by the lawyer's regulatory board, you may call the Office of Lawyers Professional Responsibility at 800-657-3601 or check online at <http://lprb.mncourts.gov/LawyerSearch/Pages/default.aspx>.

(Please note that the Minnesota Attorney General's Office cannot provide legal advice to individuals in private legal matters.)

Hiring an Attorney. When you find an attorney you want to hire, be sure that you have a clear understanding of the scope of the attorney's representation. It is important to discuss with the attorney how the attorney plans to do his or her job for you. Depending on the nature of the case, some areas you may wish to discuss with your attorney include what information you are required to provide, your various strategic options, and the total cost (see below for more information on fees). It is important that you be honest and realistic about the facts of your situation and any concerns you may have. If at any point you are unclear on what the attorney is doing, ask for clarification. You should be comfortable with the way your attorney handles your case.

Different Approaches on Fees. There are different ways for you to pay an attorney. For example, attorneys may charge an hourly rate, a flat fee, or a contingency fee. Each type of fee is discussed in greater detail below. Before you hire an attorney, make sure you have reached a clear agreement--in writing--about how the attorney will be paid and the fees and costs to be charged.

Hourly Rates. Many attorneys charge an hourly rate for their services and that of their colleagues in their law firm. Your final cost will depend on how long it takes to complete the work. There is no standard hourly rate; rather, attorneys rates vary according to the particular attorney's expertise, experience, and the particular issues pertaining to your situation. An experienced attorney may charge a higher hourly rate, but may complete the work more quickly. Because the hours worked on your case can quickly add up, you should ask for an estimate of the number of hours necessary to complete your case.

Contingency Fees. In some types of cases, such as personal injury or medical malpractice cases, your attorney may agree to work on a contingency fee. A contingency fee means that your attorney gets a percentage of whatever money you receive as a resolution of your case, but does not get paid if there is no recovery. The contingency fee percentage may be negotiable. Contingency fees, however, are not available for all types of legal matters.

Flat Fees. A flat fee is a set dollar amount that you pay an attorney for a particular service, like writing a will. If your attorney charges a flat fee, be sure to find out exactly what the fee includes.

Retainers. Some attorneys who work on an hourly rate or charge a flat fee may require you to pay an advance retainer fee before they start work. Retainers are particularly common in some areas of law, like criminal defense work. A retainer is a fee paid up front. A lawyer may use the retainer as a down payment on future expenses and fees. The terms of the retainer should be clearly laid out in your written agreement with the attorney.

Legal Aid Services. Legal Aid attorneys work in all regions of the state and provide free legal representation to people with limited income and assets. Legal Aid attorneys

are funded by donations and government payments. Not everybody qualifies for free legal work from Legal Aid attorneys; rather, only people with limited income and assets qualify. To find out if you may qualify for free services from a Legal Aid attorney, you can contact the following groups:

Southern Minnesota Regional Legal Services

St. Paul Central Office
400 Alliance Bank Building, 55 East 5th Street
St. Paul, MN 55101
651-222-5863
central@smrls.org

Central Minnesota Legal Services

430 - 1st Avenue North, Suite 359
Minneapolis, MN 55401
612-334-5970
www.centralmnlegal.org

Public Defenders. If you have been charged with a crime, you may be entitled to the services of a Public Defender, who provides legal representation to indigent defendants in criminal cases. Minnesota Public Defenders are coordinated and funded by the Board of Public Defense. At the state level, each of the nine judicial districts have at least one full-time Public Defender office, which is supervised by a Chief Public Defender for the district. There are also independent public defense offices serving minority communities in Cass Lake, White Earth, Duluth, Minneapolis, and St. Paul. At the federal level, the Federal Defender provides representation to indigent criminal defendants charged with federal crimes. The Federal Defender is authorized and funded pursuant to the Criminal Justice Act.

Statutes of Limitation. If you think you have a legal claim that you wish to pursue through a lawsuit in court, you should not delay in speaking with an attorney. All civil legal claims have applicable statutes of limitation. A statute of limitation is a deadline for filing a legal claim. The deadlines vary depending on the nature of the claim. If a person does not bring a lawsuit before the statute of limitations expires, the claim may be forever barred. In addition, some types of legal claims may require you to follow certain procedural steps before you are entitled to bring a lawsuit in court. If you have a problem for which you want to file a civil lawsuit, it is in your best interest not to delay in speaking with a qualified attorney. The attorney can advise you on the applicable statutes of limitation within which you must file your claim and any procedural steps you must follow before you file a lawsuit.

Fee Disputes. Despite the best planning, people may sometimes have a dispute with their attorney after-the-

fact about the appropriateness of the fees that were billed. District bar associations maintain fee arbitration panels to hear and resolve such fee disputes. For more information about fee arbitration panels in your region of the state, you may contact the Minnesota State Bar Association at 800-882-6722 or visit its website at www.mnbar.org.

Beware of Scammers Posing as Attorneys. While the rules to practice law vary in each state, generally speaking, a lawyer must graduate from a law school and be licensed to practice law by a state body. Once again, to find out whether an attorney is authorized to practice law in Minnesota, you can contact the Office of Lawyers Professional Responsibility at 800-657-3601 or check online at <http://lprb.mncourts.gov/LawyerSearch/Pages/default.aspx>. Make sure the lawyer you hire is a real attorney. In this Internet Age, some scammers may hold themselves out as licensed attorneys who work for low prices, but they do not even have a law degree. Other scammers may pretend to be attorneys but, after the consumer pays an up-front fee, the scammer simply sends the consumer boilerplate forms to use.

Watch Out for Out-of-State Attorney Mills. In other cases, out-of-state lawyers who are not licensed in Minnesota may run high-volume legal mills in which they purport to help people with mortgage modifications, debt assistance, etc. The attorneys may charge consumers thousands of dollars in advance fees for help with their mortgage, credit card debt, etc. After the attorneys get the money, however, they may provide little to no help, making a bad financial situation even worse.

If Things Go Wrong. Minnesota-licensed attorneys must adhere to certain ethical standards. The Office of Lawyers Professional Responsibility is the agency with authority to investigate and handle complaints of ethical misconduct by attorneys. If you feel that an attorney's misconduct warrants an investigation, you may contact the Office of Lawyers Professional Responsibility as follows:

Office of Lawyers Professional Responsibility

1500 Landmark Towers
345 St. Peter Street
St. Paul, MN 55102
651-296-3952
800-657-3601

If you have a problem with an attorney in another state, the Office of Lawyers Professional Responsibility should be able to refer you to the proper regulatory agency.

This publication is intended to be used as a source for general information and is not provided as legal advice.