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STATE OF MINNESOTA	)	DISTRICT COURT
COUNTY OF POLK	)	NINTH JUDICIAL DISTRICT
State of Minnesota,	)	File No. 60-CR-11-2640
Plaintiff,	)	
vs.	)	
Timothy Charles Holmseth,	)	TRANSCRIPT OF
Defendant.	)	PROCEEDINGS

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The above entitled matter came on for hearing before the Honorable Tamara L. Yon, one of the judges of the within court, in the courtroom at the Polk County Justice Center, Crookston, Minnesota, on August 30, 2018.

Mr. Ronald Galstad, City Attorney in and for said City of East Grand Forks, appeared on behalf of the State of Minnesota.

Ms. Gretchen Handy, Assistant Public Defender for the Ninth Judicial District, appeared on behalf of the defendant, who was also present in court.

COPY

1 MS. HANDY: Timothy Holmseth.

2 THE COURT: Let's call those files and they  
3 are CR-18-343, CR-18-439, CR-18-441. Mr. Holmseth is  
4 present together with his attorney, Ms. Handy. We also  
5 have Mr. Galstad present on behalf of the State. We are  
6 here for pretrials in all three of these files.

7 Ms. Handy, do you have any pretrial matters  
8 to discuss?

9 MS. HANDY: Your Honor, the last time that  
10 we were before the Court I had informed the Court that  
11 Mr. Holmseth had indicated he was going to be filing a  
12 federal lawsuit against myself, Mr. Fontaine, and  
13 Ms. Kolar in our office and so at that time it was my  
14 understanding that that was going to have been done  
15 prior to today's hearing. Having not heard anything on  
16 that, I reached out to Mr. Holmseth yesterday via  
17 e-mail. He indicated that he has filed an ethics  
18 complaint against me and apparently he was informed by  
19 the Lawyers Office of Professional Responsibility that  
20 that should be his first step. Once that's completed,  
21 he then intends on filing the lawsuit. So I'm not sure  
22 how the Court would like to proceed today.

23 THE COURT: Well, I suppose it would be hard  
24 for the Public Defender's office to represent  
25 Mr. Holmseth if he's got these pending actions.

1 MS. HANDY: Correct.

2 THE COURT: So, Mr. Holmseth, would it be  
3 fair to say that if this is your plan, are you wanting  
4 to represent yourself or hire private counsel?

5 MR. HOLMSETH: May I speak for a moment?

6 THE COURT: You may.

7 MR. HOLMSETH: The reason I'm filing a  
8 federal lawsuit, Your Honor, is because I've been  
9 charged on this order out of Florida on two different  
10 occasions and I've been assigned three different  
11 attorneys from the Minnesota Public Defender's office  
12 and none of those attorneys, all three of them, they all  
13 refused to challenge this order based on the First  
14 Amendment, yet I have a trial attorney out of the  
15 Washington, D.C. area who told me that this order  
16 violates the Constitution on its face. So I've got  
17 three attorneys and the latest one is Ms. Handy refused  
18 to make this challenge. I deserve to have an attorney  
19 but that attorney should be challenging this. Any  
20 attorney that's not in the Minnesota Public Defender's  
21 office says it's not constitutional.

22 THE COURT: Okay.

23 MR. HOLMSETH: The only option I had was a  
24 depravation of rights lawsuit.

25 MR. GALSTAD: Your Honor, maybe I can --

1 THE COURT: Mr. Galstad.

2 MR. GALSTAD: I would just like to weigh in.  
3 I am, at this time, based upon all of the things that  
4 have happened, I am going to request a motion for a  
5 Rule 20.01. I believe Mr. -- I question his competency.  
6 To verify my reasons, after the last hearing, on the way  
7 to the last hearing, Mr. Holmseth was actually picked up  
8 on a routine traffic stop. During that routine traffic  
9 stop he's claiming that the police in East Grand Forks  
10 are trying to plant drugs on him. He feared for his  
11 safety. Afterwards he posts on his website the fact  
12 that he didn't think that he was ever going to see his  
13 children again. That the police are shooting people and  
14 that based upon that I don't believe that he's  
15 competent.

16 The other thing of it is, and you're seeing  
17 it right now, is that anybody that disagrees with him  
18 becomes a part of this larger conspiracy. He's  
19 blamed -- I'm a part of the conspiracy, the Public  
20 Defender's office is a part of a conspiracy. He's  
21 implicated ex-President Barack Obama in the conspiracy.  
22 He's implicated the entire East Grand Forks Police  
23 office in the conspiracy. Depending upon which case  
24 you're talking about, he implicates the FBI in the  
25 conspiracy --

1 MR. HOLMSETH: May I object for a moment?

2 MR. GALSTAD: Half the state --

3 MR. HOLMSETH: Should my attorney be  
4 objecting to what he's doing?

5 MR. GALSTAD: No, but half the state of  
6 Florida is in the conspiracy.

7 MR. HOLMSETH: Should my attorney be  
8 objecting to what he's doing right now?

9 THE COURT: Let me just stop both sides.

10 MR. GALSTAD: That's why I'm asking for a  
11 20.01 motion.

12 THE COURT: All right. Procedurally  
13 Mr. Galstad is requesting what's called a Rule 20.01  
14 evaluation. Under that rule, if it's either side that  
15 requests it, the Court has to grant the request for this  
16 evaluation and so there is no discretion there. So  
17 whether the defense asks for it, whether the State asks  
18 for it, the Court must grant that request. What that  
19 means is we put these criminal proceedings on hold.

20 And so, Mr. Holmseth, I will put together  
21 what's called an order for a Rule 20.01 evaluation.  
22 There are a number of different doctors. I know one  
23 that we have used from the Twin Cities area, his name is  
24 Dr. Charles Chmielewski. He can usually turn these  
25 reports around fairly quickly. So I will put an order

1 that Dr. Chmielewski have this evaluation with you and  
2 then we'll schedule a review hearing and we'll put it  
3 out a little ways so he has time to get that report  
4 done.

5 And I'm not comfortable saying you're on  
6 your own right now because I want to see what this  
7 report says and then we'll go from there. So I am not  
8 discharging the Public Defender's office, but basically  
9 for the criminal proceedings everything is on hold. So  
10 I will put that order together and then, Mr. Holmseth,  
11 is there a telephone number that Mr. -- or that Dr.  
12 Chmielewski could use to try to reach you to set up a  
13 time to meet with you?

14 MR. HOLMSETH: Sure.

15 THE COURT: Do you want to give that to your  
16 attorney and then we'll -- I'll put it in the order so  
17 he knows how to reach you. Okay. And then it's going  
18 to take a little time for him to come up, meet with you,  
19 turn that report around. So what I'm wondering is, we  
20 could go a little ways. Maybe, it's the end of August  
21 now, how about if we set this either August 1st --  
22 excuse me, November 1st or November 22nd. Does that  
23 work for both sides?

24 MR. HOLMSETH: November 26th?

25 THE COURT: 22nd.

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MR. HOLMSETH: 22nd.

THE COURT: Okay. Let's do that. Thursday, November 22nd, and I got to double check. That's not -- is that Thanksgiving? Okay. The courthouse is closed. So I am going to scratch that out on this form. How about November 1st. Does that work?

MR. HOLMSETH: Yeah, it should.

THE COURT: Okay. So let's set the next hearing and it will be a review hearing, but we'll keep it on the Thursday afternoon calendar. Thursday, November 1st, we'll set them at one o'clock. Hopefully we have that report by then. Okay. Thank you to both sides and we will go ahead and adjourn.

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