

Stephenson, Peter
215933

Minnesota Department of Corrections
HEARINGS AND RELEASE UNIT

1450 Energy Park Drive, Suite 200; St. Paul, MN 55108-5219
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Revocation Hearing

OID: 215933 **Releasee Name:** Stephenson, Peter **Action Date:** 3/24/2011
Offenses: CSC, 4th Deg. **Supervised Rel. Date:** 9/25/2006 **Rel. Exp:** 09/22/16
Agent: Will McDonald **Hearing Loc:** Hennepin County Jail **Attorney:** Jill Clark (Private)
County: Hennepin **Warrant Issued:** 3/9/2011
Release Status: Intensive Supervised Release **Arrest Date:** 3/1/2011

Certification of Procedural Rights: Offender was informed of procedural rights.

NOTE: All Projected Release Date's (PRD) are approximate dates

Disposition: Revoke release and assign 90 days.

Decision Commentary: Revoke release and assign 90 days from date of arrest. The violations are Severity Level II Violations that call for 90 days if there are aggravating factors. The aggravating factors are subject has had three prior restructures and he is a Level 3 Predatory Offender. The mitigating factor is subject has been in the community since 2006. While incarcerated, the offender must avoid conviction of discipline violations, or HRU may extend the PRD by one day for every three days spent in segregation for minor rule violations or one day for every day spent in segregation for major rule violations. Re-release is contingent upon an agent-approved ISR plan. Offender must complete Civil Commit review, if applicable, for consideration of release of PRD. He is already an ECRC Level 3; therefore, an additional ECRC review is unnecessary. Megan Goodmundson testified for the county; Defense was provided an opportunity for cross-examination. Hennepin Co. Community Corrections Supervisor Hanna O'Neil and Hennepin Co. ISR Agent Mark Waltz observed the proceeding.

Defense Counsel Jill Clark submitted several motions on Due Process matters pertaining to Mr. Stephenson's Revocation Hearing prior to today's hearing date. Ms. Clark requested a response prior to the actual hearing. The Department of Corrections acknowledged receipt of Defense's motions. The Department's formal response is that the motions are rudimentary issues that are well settled in law and will not respond to them. Neither will this Hearing Officer address the motions at today's proceedings, as a revocation hearing is not the appropriate forum to address them. Moreover, both the Executive Hearing Officer of the Hearings and Release Unit (Jeffrey Peterson) and the Director of Legal Services (Brent Warner) of the Minnesota Department of Corrections addressed Ms. Clark's primary concern on the phone: lack of subpoena power to call witnesses for this administrative revocation hearing. Ms. Clark asserted that this is a standing objection at today's hearing, and wished the record to reflect that several key witnesses (Ray Naset, Judge Robert Blaeser, Attorney Paul Godfred and Agent Bobbi Chevalier-Jones) are critical to her defense. Ms. Clark said Mr. Naset's employer will only let him off to attend today's proceedings if a subpoena is issued; all others refused to voluntarily testify.

Defense also objects to the appropriateness/legality of Directives #1 and #2. Responses are addressed in the fact-finding rationale section.*

Extended Incarceration Time Will Adjust PRD As The Result Of Major Discipline.

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John Hoff was a respondent. He was given a directive to stay away from any court appearances for John Hoff or Megan Goodmundson on 02/16/11. He called for clarification on this directive on 03/01/11. On 03/02/11, subject was waiting outside a courtroom in which John Hoff was appearing and ran up to Hoff, his significant other and his Attorney in order to serve paper. He failed to stay away from a hearing in which Hoff was appearing. He has been engaged in behavior for over a year that can be construed as harassing to John Hoff and Megan Goodmundson. He began by filing lawsuits against a large group of people, including the above, and despite a dismissal of his lawsuits and the Court Order for review of his purported filings, he continues to engage in filing. To avoid the Court Order, he filed a civil rights complaint with the City of Mpls. He also mailed letters addressed to Hoff and others.

Ms. Goodmundson testified to the following: she is one of the directors of the neighborhood organization, Jordon Area Community Counsel (JACC); she is aware of subject through the neighborhood and through the public notification process; she has had interaction with subject through his complaints and called Agent to report this; on Feb. 10, 2011, she was in court as a spectator and subject showed up there and attended the hearing; John Hoff was present and subject is not suppose to have contact with Hoff; she called Agent to complain; she was at the Government Center with Hoff and his attorney on 03/02/11 and observed subject ran up and served legal papers to the attorney; she saw subject on the hallway while she was going for coffee and felt he wanted to spy on her; she feels vulnerable anytime she sees him; he is a convicted level 3 sex offender and creepy and he seems to have a vendetta against her; subject knows where she lives and she feels very threatened by him; and she has written about subject in the blog, "Adventures of Johnny Northside" and has referred to him as "Spanky Pete" due to his prior offense of spanking a kid.

Subject's overall adjustment to supervision has been marginal. He persists on being defiant and questions all directives and methods of supervision. He has a lengthy history of filing multiple grievances, lawsuits or making complaints to get some sort of redress. His actions are quite frivolous and without merit. He has been out since September 2006. He has had three restructures. He is a Level 3 sex offender. He is obsessed with John Hoff. He indicated to Agent that he was upset with him because "Hoff had my house searched." Subject displays behavior that is not only escalating but is getting bizarre. He is difficult to supervise, unamenable to supervision due to the fact that he questions authority, displays little motivation for change and tends to externalize blame for his problems onto others. Revoke for 180 days.

Releasee Attorney Recommendations: Defense submitted multiple exhibits for consideration, including blogs of "Adventures of Johnny Northside," redacted chronos of Agent, Hoff's letter to Agent Fletcher, etc. Ms. Goodmunson volunteered to testify today. She wants subject to go to prison. She is the significant other of John Hoff and is a contributor to his website, "The Adventures of Johnny Northside." This blog is engaged in "cyberstalking" on subject. She is part of a community of about 20-50 members, who have a bias on subject. Instead of subject harassing her (as she claims), she has been the actual one harassing him. She called him "Spanky Pete" in the blog. She has no harassing or restraining order against subject and there is nothing in writing that says subject has to stay away from her. She was at a public court proceedings; she objected to subject being there. He has a right to be at public proceedings. Subject never harassed her, or followed her around. This is purely speculation on her part. Defense has ordered a video from the Government Center to show that subject never harassed her. She is the one that is harassing subject. She takes photographs of him to put on the blogs. She is testifying on behalf of John Hoff. This is self-serving testimony, as defense cannot cross examine Hoff. Subject was at court on 02/10/11 to observe the court case of Moore vs. Hoff. Moore was a victim of Hoff's blog

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and has a judgment against him (Hoff). He did not seek out Ms. Goodmunson; nor did he talk to her.

Subject asked the Agent several times to put the directive in writing that he cannot be at court when Hoff is present. Subject has a cognitive problem and the written directive would help him understand the directive. The Agent told him that he has no obligation to put it in writing. It is subject's understanding that he was prohibited from preparing or filing any new documents. Even DOC's central office has advised Agent that subject could not be violated for filing legal documents. This directive was given to him before the Judge's Order that designated him a "Frivolous Litigant" was put into effect. This directive prevented him from defending himself against the motion that he was a "Frivolous Litigant." It is unconstitutional.

The Court Order declaring him a "Frivolous Litigant" prevented him from filing new cases. He followed the spirit of the Court Order, as the documents served pertained to "old" materials and not "new" materials. The service of legal documents to Hoff on March 7, 2011, therefore, did not violate the Order. Hoff has bragged about evading subject's attempts to be served legal documents. Therefore, it was difficult to serve Hoff. Subject knew that he would be at the court house for the Moore vs. Hoff lawsuit and subject felt he would be able to serve him an amended complaint on the old lawsuit. Agent wanted subject to reveal his private conversation with his attorney. This is against attorney-client privileges.

The agent's directive is unconstitutional. Court trials are public places and subject has a right to be there. The paper work said he cannot be at JACC meetings. The directive did not say he could not be at a public place where Hoff and Goodmunson are present. He was told that he could not be in a court room with them. He served them, but he was never in a court room with them.


People in the community, including Hoff, Goodmunson and Kip Browne, were trying to get parole to prevent subject from filing complaints against them. The goal of parole is not do their work for them. Community corrections ended up doing their bidding. Confidential information was placed on Hoff's blog. Subject went to court to stop this mob mentality of the community. The District Court Judge that issued the order had ex parte communication over the matter and compromised his neutrality. Yet the Judge declared him a "Frivolous Litigant." His ISR Agent was changed because she told the community they could not do what they are doing to him. The community wanted a more tougher Agent who would do their bidding. His behavior is not getting bizarre, as his current Agent claimed. Perhaps a change in Agent is necessary to help his supervision. Subject has been stable. He would like to work more. None of the current issues are violence related, or related to sex offences. Subject has received calls from the community in support of him and against Hoff and others. He would like to go back on ISR and be supervised by his previous Agent.

Crim/Release Information: SR /// PRIOR CRIMINAL HISTORY: Felony: 2nd Deg. CSC (1991) and Indecent Exposure (1989). Misd/GM: Assault (X 2) /// ECRC 3 /// DISCIP: 5 reports between 205-2006, including RCV Threatening Others and several Disorderly Conducts /// MI: Sexual sadism and Learning Disability /// TX: Negative Disorder /// RELEASE HISTORY: SRD on 09/25/06; Restructured on 04/01/10 for failure to involve in constructive activity; Restructured on 08/06/09 at a Revocation Hearing for failure to inform Agent of police contact and own/operate a computer with Internet capabilities.

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Hearing Officer: 
Roger Baburam, Hearings and Release Officer

Dated: 3/24/2011

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