

Peter Rickmyer,

Plaintiff,

Court File: 27-cv-10-3378  
The Honorable Robert A. Blaeser

v.

Robert Hodson, *et al*,

Defendants.

**PLAINTIFF'S LIMITED  
APPEARANCE TO OBJECT  
TO JURISDICTION, AUTHORITY  
& QUALIFICATION, & TO THE  
EXTENT NECESSARY, MOTION  
TO CONTINUE**

I, Peggy Katch, being first duly sworn depose and state:

1. I am an assistant in Ms. Clark's law firm and I staff Ms. Clark.

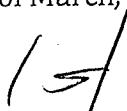
**Exhibits.**

**Exhibit A** is a copy of a redacted "chrono" from Community Corrections describing an in-person meeting between Will McDonald and Judge Blaeser.

**Exhibit B** is a copy of selected portions of the "Johnny Northside" blog, describing (nearly verbatim) emails to and from a Agent at Community Corrections.

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Signed and sworn before me this  
22<sup>nd</sup> day of March, 2011.



Notary Public



Peggy Katch

# Chronologicals

Prepared For: ONEILL,HANA (JS8140)

Date: 03/21/2011

From: 04/08/2010 To :03/21/2011

Report No.: CHR0030

Client Name: STEPHENSON,PETER  
RICHARD

SILS ID: 72629

Date	Reason	Mode	Autho
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*Redacted*

03/03/2011 JUDICIAL CONTACT

IN PERSON . MCDONALD,WILL  
612-596-7667

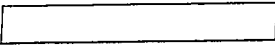
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NOTE MCDONALD,WILL  
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EXHIBIT           A



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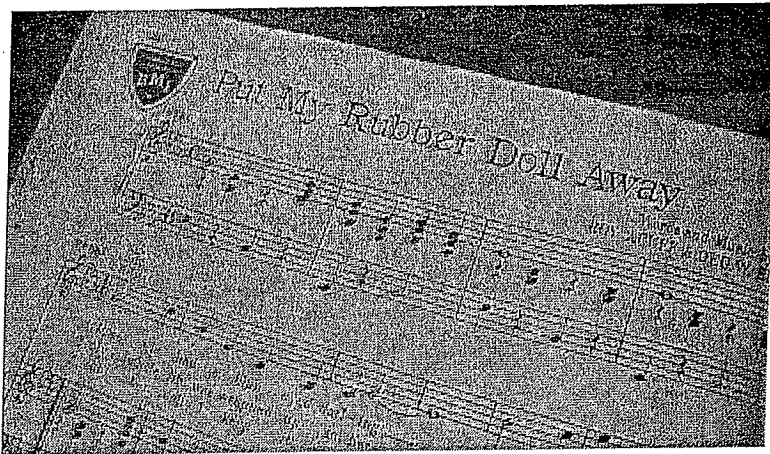
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# The Adventures of Johnny Northside

Being the amazing, true-to-life adventures and (very likely) misadventures of a divorced man who seeks to take his education, activism and seemingly boundless energy to North Minneapolis, (NoMi) to help with a process of turning a rapidly revitalizing neighborhood into something approaching Urban Utopia. I am here to be near my child. The journalism on this blog is dedicated to my son Alex, age 13, and his dream of studying math and robotics at MIT. Email me at hoffjohnw@gmail.com

Wednesday, March 9, 2011

**Level Three Sex Offender Peter "Spanky Pete" Rickmyer Purportedly Serves A Second Lawsuit On Johnny Northside Blog...**



Stock photo and blog post by John Hoff

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Divorce, Custody, Child Support,  
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March 3

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PT. 2

PT. 1

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Zzzzzzzzzzzzzzzzzzzzz

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PT 3

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On **March 16, 2011**, the undersigned Plaintiff counsel was retained *pro bono publico* to represent Mr. Rickmyer. Mr. Rickmyer resides in the Jail to this date.

Motion for Continuance.

The OSC requires Plaintiff to show cause on **March 23, 2011**. However,

1) the Plaintiff is in Jail and unable physically to ensure his presence in Court that date and because Plaintiff has analyzed this to be a criminal proceeding (see below), he has a Fifth Amendment right not to speak about this matter, including to the Court; and

2) newly-retained Plaintiff counsel has a motion hearing in a different county that date and time. Given the gravity of this proceeding, Mr. Rickmyer has a due process right to be represented by counsel. To the extent necessary (to the extent this proceeding is not disposed

of based on the discussion below), Mr. Rickmyer seeks a continuance of the March 23 hearing. OSC likely a criminal proceeding.

The OSC does not contain any citation to the law as to its authority. Therefore (unless there is further Order of the Court), Plaintiff must analyze what is available to him. Based on analysis of Plaintiff counsel:

- The OSC does not threaten a civil contempt proceeding because there is no ability to “purge.” Further, the WHEREAS clauses do not provide a factual basis to conclude that there has been any violation of the actual text of the May 17, 2010 Order. If the conduct complained of cannot possibly violate the prior order, then there is no ability to cease the allegedly offending conduct, and “purge” – a requirement for civil contempt.
- The OSC does not threaten a direct criminal contempt proceeding, because the conduct complained of did not occur in the courtroom in the presence of the issuing Judge.<sup>1</sup>
- The OSC therefore must threaten a constructive criminal contempt proceeding, because the conduct is in the past, and occurred outside the presence of the issuing Judge.<sup>2</sup>

Full criminal process applies to constructive criminal contempt proceedings.<sup>3</sup> Mr. Rickmyer therefore has a Fifth Amendment right to remain silent, even if questioned by the Court. Further, since 1955, no single judge can be investigator, prosecutor, judge and jury in a criminal contempt proceeding. In re Muchirson, 349 U.S. 133 (1955).

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<sup>1</sup> Minn. Stat. §588.01, Subd. 1-2.

<sup>2</sup> Minn. Stat. §588.01, Subd. 1 and 3.

<sup>3</sup> The Rules of Criminal Procedure are applicable to a constructive criminal contempt proceeding. Knadjek v. West, 153 N.W.2d 846 (Minn. 1967). A new criminal case must be charged by summons and complaint. Minn.R.Crim.P. 3.

Because the OSC threatens a constructive criminal contempt proceeding, with due respect, the issuing Judicial Officer would not be able to preside. **First**, with due respect, it is Plaintiff's position that the issuing Judicial Officer has acted as investigator by talking with people in the courthouse about this case.<sup>4</sup> **Second**, the issuing Judicial Officer is not prosecutor. The issuing Judicial Officer therefore lacks authority to issue a constructive criminal contempt OSC or to convene such a proceeding. **Third**, the issuing Judicial Officer is disallowed from presiding over this proceeding, because he is a witness. (One of the reasons for requiring a separate criminal contempt proceeding that abides by all of the rules of due process for criminal cases, is to allow the judge to be called as a witness.) Mr. Rickmyer does intend to call the Honorable Robert A. Blaeser as a witness in an evidentiary hearing on this matter. **Fourth**, obvious from the discussion above, the issuing Judicial Officer would be disqualified from deciding the case, either as judicial trier of fact, or jury (Mr. Rickmyer does assert his Sixth Amendment right to trial by jury, due to his personal knowledge or investigation of the case.

There are other structural problems with the OSC, for example, was not properly served upon Mr. Rickmyer (to this day he has never received it, let alone been "served" with it) pursuant to the Rules of Criminal Procedure. Accordingly, Mr. Rickmyers objects to jurisdiction. And this pleading does not waive that objection.

Removal without cause.

To the extent necessary, Mr. Rickmyer removes the Honorable Robert A. Blaeser from the criminal case that has (apparently) been convened, pursuant to Minn.R.Crim.P. 26.03,

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<sup>4</sup> Plaintiff counsel discloses that she overheard the Honorable Robert A. Blaeser in conversation with Mr. Godfread (Mr. Hoff's Attorney in another matter), discussing factual matters at issue in this proceeding, on March 7, 2011.

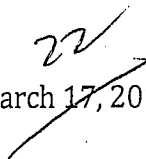


Subd. 13. Mr. Rickmyer believes that the above section would require self-recusal, and Mr. Rickmyer believes that that section should be analyzed first. Mr. Rickmyer, with due respect, does not wish to spend a strike unless absolutely necessary.

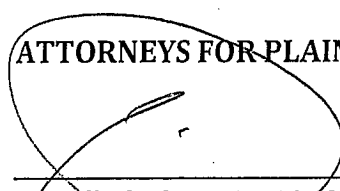
If the issuing Judicial Officer does not self-recuse or accept the removal without cause, Mr. Rickmyer reserves the right to proceed in an orderly fashion (prior to any proceeding taking place) to the Minnesota Court of Appeals for a legal review of whether he has appropriately removed the Judicial Officer without cause. *See State v. Cheng*, 623 N.W.2d 252 (Minn. 2001) (Prohibition is the appropriate remedy to pursue when a motion or notice to remove without cause has been denied); *Citizens State Bank v. Wallace*, 477 N.W.2d 741, 742 (Minn. Ct. App. 1991) (Determining whether a notice to remove is timely is a question of law).

#### CONCLUSION

For all of the foregoing reasons, Mr. Rickmyer objects to jurisdiction, the qualification of the issuing Judicial Officer to convene, preside over or decide this matter, and to the extent necessary, seeks a continuance of the March 23, 2011 hearing.

  
Dated: March 17, 2011

**ATTORNEYS FOR PLAINTIFF**

  
By: Jill Clark, Esq. #196988  
Jill Clark, P.A.  
2005 Aquila Avenue North  
Golden Valley, MN 55427  
Phone: (763) 417-9102

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Peter Rickmyer,

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The Honorable Robert A. Blaeser

**AFFIDAVIT OF PEGGY KATCH**

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Notary Public

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Peggy Katch

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Prepared For: ONEILL,HANA (JS8140 )

Date: 03/21/2011

From: 04/08/2010 To :03/21/2011

Report No.: CHR0030

Client Name: STEPHENSON,PETER  
RICHARD

SILS ID: 72629

Date	Reason	Mode	Author
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*Redacted*

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IN PERSON

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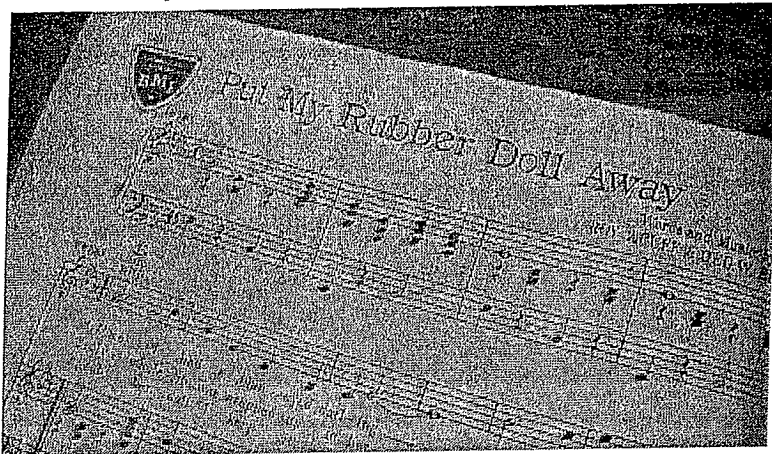
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~~\*~~ PT. 1

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PT. 2

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7 months ago

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Handwritten notes: "PT 3" and a large "X" mark.

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2) newly-retained Plaintiff counsel has a motion hearing in a different county that date and time. Given the gravity of this proceeding, Mr. Rickmyer has a due process right to be represented by counsel. To the extent necessary (to the extent this proceeding is not disposed

of based on the discussion below), Mr. Rickmyer seeks a continuance of the March 23 hearing. OSC likely a criminal proceeding.

The OSC does not contain any citation to the law as to its authority. Therefore (unless there is further Order of the Court), Plaintiff must analyze what is available to him. Based on analysis of Plaintiff counsel:

- The OSC does not threaten a civil contempt proceeding because there is no ability to “purge.” Further, the WHEREAS clauses do not provide a factual basis to conclude that there has been any violation of the actual text of the May 17, 2010 Order. If the conduct complained of cannot possibly violate the prior order, then there is no ability to cease the allegedly offending conduct, and “purge” – a requirement for civil contempt.
- The OSC does not threaten a direct criminal contempt proceeding, because the conduct complained of did not occur in the courtroom in the presence of the issuing Judge.<sup>1</sup>
- The OSC therefore must threaten a constructive criminal contempt proceeding, because the conduct is in the past, and occurred outside the presence of the issuing Judge.<sup>2</sup>

Full criminal process applies to constructive criminal contempt proceedings.<sup>3</sup> Mr. Rickmyer therefore has a Fifth Amendment right to remain silent, even if questioned by the Court. Further, since 1955, no single judge can be investigator, prosecutor, judge and jury in a criminal contempt proceeding. In re Muchirson, 349 U.S. 133 (1955).

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<sup>1</sup> Minn. Stat. §588.01, Subd. 1-2.

<sup>2</sup> Minn. Stat. §588.01, Subd. 1 and 3.

<sup>3</sup> The Rules of Criminal Procedure are applicable to a constructive criminal contempt proceeding. Knadjek v. West, 153 N.W.2d 846 (Minn. 1967). A new criminal case must be charged by summons and complaint. Minn.R.Crim.P. 3.



Because the OSC threatens a constructive criminal contempt proceeding, with due respect, the issuing Judicial Officer would not be able to preside. **First**, with due respect, it is Plaintiff's position that the issuing Judicial Officer has acted as investigator by talking with people in the courthouse about this case.<sup>4</sup> **Second**, the issuing Judicial Officer is not prosecutor. The issuing Judicial Officer therefore lacks authority to issue a constructive criminal contempt OSC or to convene such a proceeding. **Third**, the issuing Judicial Officer is disallowed from presiding over this proceeding, because he is a witness. (One of the reasons for requiring a separate criminal contempt proceeding that abides by all of the rules of due process for criminal cases, is to allow the judge to be called as a witness.) Mr. Rickmyer does intend to call the Honorable Robert A. Blaeser as a witness in an evidentiary hearing on this matter. **Fourth**, obvious from the discussion above, the issuing Judicial Officer would be disqualified from deciding the case, either as judicial trier of fact, or jury (Mr. Rickmyer does assert his Sixth Amendment right to trial by jury, due to his personal knowledge or investigation of the case.

There are other structural problems with the OSC, for example, was not properly served upon Mr. Rickmyer (to this day he has never received it, let alone been "served" with it) pursuant to the Rules of Criminal Procedure. Accordingly, Mr. Rickmyers objects to jurisdiction. And this pleading does not waive that objection.

Removal without cause.

To the extent necessary, Mr. Rickmyer removes the Honorable Robert A. Blaeser from the criminal case that has (apparently) been convened, pursuant to Minn.R.Crim.P. 26.03,

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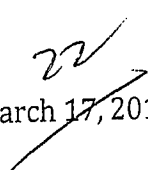
<sup>4</sup> Plaintiff counsel discloses that she overheard the Honorable Robert A. Blaeser in conversation with Mr. Godfread (Mr. Hoff's Attorney in another matter), discussing factual matters at issue in this proceeding, on March 7, 2011.

Subd. 13. Mr. Rickmyer believes that the above section would require self-recusal, and Mr. Rickmyer believes that that section should be analyzed first. Mr. Rickmyer, with due respect, does not wish to spend a strike unless absolutely necessary.

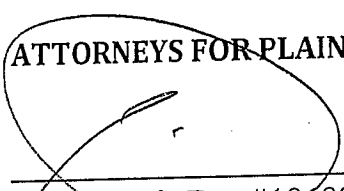
If the issuing Judicial Officer does not self-recuse or accept the removal without cause, Mr. Rickmyer reserves the right to proceed in an orderly fashion (prior to any proceeding taking place) to the Minnesota Court of Appeals for a legal review of whether he has appropriately removed the Judicial Officer without cause. See State v. Cheng, 623 N.W.2d 252 (Minn. 2001) (Prohibition is the appropriate remedy to pursue when a motion or notice to remove without cause has been denied); Citizens State Bank v. Wallace, 477 N.W.2d 741, 742 (Minn. Ct. App. 1991) (Determining whether a notice to remove is timely is a question of law).

### CONCLUSION

For all of the foregoing reasons, Mr. Rickmyer objects to jurisdiction, the qualification of the issuing Judicial Officer to convene, preside over or decide this matter, and to the extent necessary, seeks a continuance of the March 23, 2011 hearing.

  
Dated: March 17, 2011

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