

STATE OF MINNESOTA
COUNTY OF RAMSEY

DISTRICT COURT
SECOND JUDICIAL DISTRICT

STATE OF MINNESOTA,

CRIMINAL DIVISION
No. 62-CR-08-10515

Plaintiff,

vs.

MONICA RACHEL BICKING,

Defendant.

**SUPPLEMENTAL EXHIBIT – MOTION TO COMPEL INFORMATION
PERTAINING TO CONFIDENTIAL INFORMANTS**

Defendant, by counsel Bruce D. Nestor, hereby submits the attached Supplement Exhibit – Motion to Compel Information Pertaining to Confidential Informants, and states as follows:

1. On October 8, 2009, a hearing was held before the Court on Defendants’ Joint Motion to Compel, filed August 3, 2009.

2. In Defendants’ Joint Motion to Compel, the eight co-defendants in this matter sought discovery of “[t]he name, photo, address, agency affiliation, and reports created by, any law enforcement personnel or agent or informant acting on behalf of law enforcement, with respect to any investigation or surveillance pertaining to the 2008 RNC, including all such documents relating to any person present in the streets of St. Paul, Minnesota, on September 1, 2008.”

3. In support of the Motion to Compel, undersigned counsel read into the record excerpts from a book, Greelis, Richard, *Copbook*, “Marching to the Beat of an Anarchist Drummer,” Beaver’s Pond Press (2009). Counsel also read into the record excerpts from a posting available on Infoshop News, <http://news.infoshop.org/article.php?story=20080814220257929>, which was posted by Indy TACT on August 14, 2008, at 10:02 p.m. CDT.

4. In *Copbook*, retired Bloomington Police officer Richard Greelis describes how the Bloomington Police Department placed an undercover informant inside the RNC Welcoming Committee (“RNCWC”). Mr. Greelis further describes how this informant was withdrawn from the RNCWC upon request of “a certain law enforcement administrator” who he names “Chicken Little.” Upon information and belief, this law enforcement administrator is Ramsey County Sheriff Bob Fletcher. Mr. Greelis further describes creating an “affinity group” and posting the message by Indy TACT which is found in the excerpt from Infoshop News.

5. The public posting by the Bloomington Police Department, seventeen days prior to the RNC 2008, contains language which could be construed as inciting others to violence and unlawful act. For instance, the lengthy posting includes the following:

We are red-zone activists and our oppressors will see the reflection of red hot malevolence, determination and endurance in our eyes. We will not back down and we will not be intimidated. Arrest will neither deter us nor alter our cause.

6. Discovery materials provided to date indicate that at trial of this matter, the State of Minnesota will argue that “red zone” is a reference to an area in which persons were willing to engage in acts which would constitute the charged offense in this matter of felony riot, in violation of §609.71, Subd. 2.

7. The Criminal Complaint in this matter contains multiple allegations of statements similar to those made by Indy TACT, including statements made at meetings such as the pReNC and Lake Geneva “action camp” which are not attributed to any particular individual or any named defendant.

8. To date, the eight defendants in this matter have not received any disclosures from the State of Minnesota with respect to the undercover operations or informants used by the Bloomington

Police Department as part of its investigation of the RNCWD, although Mr. Greelis specifically appears to state in his book that Ramsey County Sheriff Bob Fletcher was aware of the operations of the Bloomington Police Department in this regard.

9. In addition to the statutory basis for discovery in a criminal case, a Defendant is constitutionally entitled to disclosure of all exculpatory evidence. State v. Miller, 754 N.W.2d 686, 706 (Minn.2008), citing to Brady v. Maryland, 373 U.S. 83 (1963). A violation of Brady "...occurs when evidence that is favorable to the accused is suppressed, either willfully or inadvertently by the State, resulting in prejudice to the accused. Unlike Rule 9.01, Brady does not require that the evidence be within the prosecuting attorney's actual knowledge." Miller at 706, citing to Pederson v. State, 692 N.W.2d 452, 459 (Minn.2005). Under Minnesota law and the Rules of Criminal Procedure, the obligation of the prosecution requires it "...to make a reasonable effort to obtain the records in those situations where the prosecution does not have the records but the defendant specifically requests them and it appears that the records will be material to the defense." State v. Jackson, 346 N.W.2d 634-638 (Minn. 1984).

10. Defendants have made a *prima facie* showing that the identity and activities of confidential informants may constitute exculpatory evidence, in that confidential law enforcement operatives have engaged in acts which could be characterized as inciting and encouraging violations of the law with which Defendants are charged.

11. Defendants request that the District Court grant the Motion to Compel, and order the State of Minnesota to affirmatively inquire of any law enforcement agency involved in the investigation, surveillance, infiltration, and monitoring of the RNCWC, or in carrying out law enforcement functions in the City of St. Paul on September 1, 2008, as to whether that agency possesses information sought in the Motion to Compel with respect to confidential informants. Upon

obtaining such information, the District Court should further order the State of Minnesota to disclose the information sought to the defendants in this matter. In the event the State of Minnesota intends to assert that such material should not be disclosed, the State of Minnesota should be directed to make application to the District Court for non-disclosure and the District Court could consider appropriate procedures for an *in camera* review of such materials.

12. Attached to this filing are copies of the excerpts read into the record at the hearing on October 8, 2009, and referenced above.


Date: 10/9/2009


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cc: Heidi Westby
Assistant Ramsey County Attorney

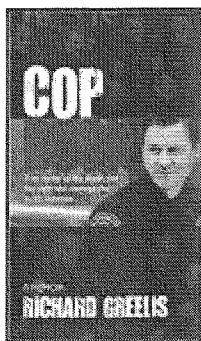
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CopBook

by [Richard Greelis](#)



book data

2 ratings, 3.50 average rating, 1 review ([more data...](#))

[edit](#)

published

June 15th 2009 by Beaver's Pond Press

binding

Paperback, 424 pages

isbn

1592982824 (isbn13: 9781592982820)

description

Whether encouraging his covering K-9 to reengage during a crime in progress or interviewing an unrepentant shoe molester, veteran cop Richard Greelis [...more](#)

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disintegrated, since they couldn't risk scaring off *any* potential protesters.

Rather than sending in cops—who typically look, dress, smell, act, and talk like cops—we sent in sources who were younger, better looking, and willing to work, either for dismissal of drug charges or simply for money.

One might think that all the good guys—the cops—would work together to achieve this goal, but such was not the case. Politics and egos tended to get in the way. We saw this happen. Most guilty in this endeavor was a certain law enforcement administrator who wanted to be the overall, end-all boss of the cop element of the RNC. He wanted the credit for saving St. Paul from the sky that was, according to him, falling fast. As Chicken Little of the law enforcement community, he took great pleasure in his (rumored) off-the-record leaks to the media about the grave state of affairs in the upcoming RNC. (As much as it pains me to admit, some of his worries about the sky falling were substantiated.) In addition to airing his concerns, he tended not to play well with other cop-types who did not work for him—like our intel unit.

Little had a longtime, reliable undercover in the Welcoming Committee who was getting him good intel. When he learned that our intel unit had inserted a source into the group as well, he became adamant that we remove him: adamant enough that he followed our intel unit back to Bloomington from a surveillance in Minneapolis, and performed a traffic stop on the truck I was driving. Though he was also in an undercover car, I recognized him and pulled my truck into a commercial parking lot just off the freeway. When cops talk to one another in vehicles, they position their cars, driver's door to driver's door, and speak out the windows. This positioning is the result of both years of tradition and years of performing this maneuver as patrol officers. But when I pulled

around to talk to Little, he continued in a circle, guiding his car around behind me determined to execute a routine traffic stop on my vehicle. Denying him the pleasure of chasing us around in circles until we were all dizzy, I stopped and allowed him to position his car behind mine. After all, we were all cops here, and we were in my city. He wasn't even in his county. He had no jurisdiction in Bloomington. As he approached the passenger side of my truck, Leigh reluctantly lowered her window. Expecting obsequiousness, or at least acquiescence, he was disappointed to find that Leigh and I staunchly defended our position and strategy. Though I had a good working relationship with Little's intel commander, there had been some miscommunication between agencies, and Little overreacted like a spoiled child.

While most cops live by that "brotherhood in blue" thing, and rightfully so, it seemed more than a little possible that our source in the Welcoming Committee was in danger of being rattled out. We took him out of the group before that happened, but the ill will did Little to foster that one-for-all and all-for-one, solidarity team-building thing.

Since we lost our undercover within the group, we decided to answer the Welcoming Committee's website solicitation to "Adopt a Sector" of St. Paul to protest from. The Welcoming Committee divided the downtown area of St. Paul into seven sectors and published a strategy of "3S's"—Swarm, Seize and Stay. This strategy proposed that protesters swarm into a valued area like a busy intersection, take control of it, and refuse to give it up.

Our intel unit made up an affinity group, gave it an appropriately provocative name, and got to work. We followed the Welcoming Committee's directions for claiming a sector and wrote our anti-capitalist manifesto which was then published on the RNCWC's website and other local and national radical websites. These anarchists are sharp, though! Days after adopting our

sector, the Welcoming Committee's website started lighting up, smelling a cop-rat. The pronouns "we" and "they" had been used in such a way within the manifesto that, at times, the "we" became temporarily estranged from the "they," which constitutes a major faux-pas within a solidarity movement. The comments were hilarious to me:

"This looks shady in many ways. Does anyone know the people behind it? Be careful that this isn't cops trying to mess up the sector dynamic. And if I'm wrong, I apologize for the people who are about to get down in [this] sector."

"But it's some scary shit if the FBI or NSA or anyone actually put this together. I mean that would have taken some fucking courage, and if this is bullshit, they really did some fucking research and are using major COINTELPRO style shit. I don't want to scream fire in a crowd, but imagine if there will be some agents mixed in with blocs? Or what if these people really show up on the day, and it's a set up or whatever...."

Though shrewdly smelling our rat, they were never able to fully flesh us out. And although our adopted sector ended up being the site of several confrontations, I like to believe that our adoption of it caused an ulcer, or at least a gassy stomach, to the anarchist strategists.

My boss, Commander Michael Bergey, and I went to the DNC in Denver on August 24th for an intel prelude to the RNC. The anarchist group, "Recreate '68," sponsored the resistance in Denver. We walked with the protesters and sometimes carried signs and chanted with them:

"Whose streets? Our streets! Whose war? Their war!"
"You're sexy, you're cute, take off that riot suit."

Again, we were the old guys wearing clean Ragstock clothes and smelling of a recent soaping. Two nuts in a jar of screws but, surprisingly, we never got burned.

The protesters were very astute at picking cops out of the crowd. Nextel Direct Connect push-to-talk phones and Oakley sunglasses were dead giveaways. Those "burned" detectives were photographed, surreptitiously or not, and their pictures were posted on radical media websites the following day, in effect ending their undercover protester careers. Like calling a police dispatcher after taking a little blue pill four hours ago, and having to report symptoms of blindness, deafness, dizziness, and an area suffering *impending rigidity*, getting burned was embarrassing.

Denver PD's Mobile Field Force boxed us in during one of the unauthorized protest marches in their city, and Bergey and I experienced the feeling of being at their whim. They could push us in any direction they wanted, using horses and sheer numbers of MFF officers with their long black sticks. We had code words to keep us from being gassed, smacked, and arrested, but we wanted to avoid using them at all costs, since uttering the code words in front of real protesters would get us burned. We managed to slip out of their dragnet before it came to that but, before we made our exit, we witnessed the difference between *effective* and *offensive* police conduct. While holding a line at Denver's Pepsi Center, a police supervisor sarcastically told the protesters within earshot that their presence at the DNC was paying for his next vacation and probably for Christmas as well. He wasn't making a joke, and he came across like a pompous ass. Rather than fostering respect, his words served to further polarize the protesters against the police. Nearly all the other police we encountered in Denver were disciplined and composed. We were mostly impressed by their professionalism and hoped we could match it.

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DNC/RNC: Sector 2 Adopted by Indiana

Thursday, August 14 2008 @ 10:02 PM CDT
Contributed by: Indy TACT
Views: 826

Attention all Capitalists, Imperialists, Racists, Sexists, Homophobes and most of all--Republicans! The status quo has just been replaced by a new order of autonomy, mutual aid, and direct democracy! Indy-TACT, a group of Fort Wayne, Indiana anti-capitalists, anti-authoritarians, and anti-war activists are hoisting our "Freedom From Capitalism" flag in the fertile soil of St Paul as we stand in solidarity in our adoption of Sector 2 in St. Paul Minnesota, the host of the RNC. After a July 26th spokes-council in Fort Wayne, our Temporary Anti-Capitalist Team (TACT) unanimously agreed to make the commitment to stand up for the change we demand, and institute direct action as a catalyst for that change. **Indy-TACT Crash the RNC**



Attention all Capitalists, Imperialists, Racists, Sexists, Homophobes and most of all--Republicans! The status quo has just been replaced by a new order of autonomy, mutual aid, and direct democracy! Indy-TACT, a group of Fort Wayne, Indiana anti-capitalists, anti-authoritarians, and anti-war activists are hoisting our "Freedom From Capitalism" flag in the fertile soil of St Paul as we stand in solidarity in our adoption of Sector 2 in St. Paul Minnesota, the host of the RNC. After a July 26th spokes-council in Fort Wayne, our Temporary Anti-Capitalist Team (TACT) unanimously agreed to make the commitment to stand up for the change we demand, and institute direct action as a catalyst for that change.

The RNC Welcoming Committee (RNCWC) has invited established groups and temporary groups, such as ours, to join them in their rally to change the business as usual politics of the two party system. Indy-TACT is a unification and collaboration of anti-capitalists, anarchists, anti-war activists and anti-authoritarians throughout the area of northeastern Indiana and Northwest Ohio. Our solidarity is a confluence of commitment for change and a willingness to stand our ground and face the state supported oppressors on their turf.

Bush and his army of capitalist cronies have had their chance to institute some measure of unity, and the result has been death in the form of an immoral illegal foreign war. While Bush and his war machine grow rich from the fruits of their "Blood for Oil" war, the economically disadvantaged and people of color, continue to die. The Republicans have heard the cacophony of our discontent and they have ignored us. Over sixty percent of the US population opposes this war and yet we remain deployed in force. When elected politicians ignore the opinions, wants and needs of their constituents, change can only come by a dramatic show of opposition.

Indy-TACT will be that show of opposition. We plan to make our opposition to the Capitalists, and the Republicans in particular, memorable. It's not enough to say that we will strive to make meaningful change by a unified voice within the system. Nor is it adequate to say that we will rally around a more liberal candidate in hopes of being somewhat represented. These tactics have been tried from every conceivable angle, and without exception, they have failed. They have failed because we have acted within the capitalist framework of government.

Indy-TACT understands that efforts made within the capitalist confines of politics will result in more State sponsored oppression. We are ready to face our oppressors in St. Paul and crash their party in such a way that the 2008 RNC will serve as an example for future protests. **(We are red-zone activists and our oppressors will see the reflection of red hot malevolence, determination and endurance in our eyes. We will not back down and we will not be intimidated. Arrest will neither deter us nor alter our cause.)**


All of us should have a voice in a government that is willing to shed our blood for their imperialistic goals and policies. Our voice has not been heard and will not be heard in our present state of dependant isolation. The St. Paul RNC is a preplanned circus of Capitalists jumping on one another's band wagons and slapping one another on their backs. Our concerns and our differences of opinion are not part of their agenda. We need to be heard and our needs must be acknowledged. This duality of purpose can only be realized with a resolute commitment and unerring persistence. These we can do.

Indy-TACT welcomes all like minded affinity groups and individuals to join us in Sector 2 on September 1st. We will be attending a spokes-council in August, where we will reveal a more specific course of action. We welcome your participation in Sector 2 and will continue to recruit any and all who wish to join us in our RNC

Affidavit of Service

State of Minnesota)
) ss:
County of Hennepin)

Lorena Giese, being duly sworn on oath, states that on October 9, 2009, she served the attached filing on Heidi Westby, Assistant Ramsey County Attorney, 50 W. Kellogg Blvd, #315, St. Paul, Mn 55102.



Lorena Giese

Sworn and subscribed to before me by Lorena Giese this 9th day of October, 2009.



Notary Public, State of Minnesota

