

Subj: Re: Article Corrections
Date: Monday, October 18, 2010 5:33:25 PM
To: nferraro@pioneerpress.com
cc: MariJaynDuchene@aol.com

Mr. Ferraro:

The differentiation of the title of "long form complaint" and "formal complaint" is not the issue. A long form complaint by whatever title, is a right any criminal defendant has to a written statement of the charges that forces the prosecution to state the legal cause of action, a statement of probable cause, and a statement of the facts relied on by the prosecution, so that a defense can be presented and defendants are not ambushed at trials with no opportunity to know the charges and prepare a defense to facts claimed; and it is obviously a right that unscrupulous prosecutors wish did not exist.

Citations are used for filing the lower level charges handled by city prosecutors, and the option of demanding a long form complaint is something then defendant in any action must claim and demand. Thereafter the defendant has the right to demand that the long form complaint is done legally and contains all the probable cause information, specific charges, and statement of facts are complied with by the prosecutor.

When you state that the judge felt "*the city should have sought charges through a formal complaint.*" this shows that your thinking regarding and understanding of legal processes is completely blurred, as that statement makes no sense in any way whatsoever to anyone who is legally informed, and has nothing to do with the court record or facts of the case, or my attorneys motion which is again attached, for the second time, for you to review.

I was embarrassed for you when I read that, and you filling in the

charges with an actual legal cause of action which was not in the citation or long form complaint, especially if you often cover legal cases. You should talk to the lawyers for the paper about this.

You also fabricated that the contents of the long form complaint actually contained a charge under any statute or law, and suggested there was some substance to the case, which defames me. It did not. That is why it was dismissed. The Rules of Criminal Procedure, Rule 17 mandates criminal charges that do not state the law under which alleged crimes are being filed, and also, or in the alternative, fails to make a statement of facts supporting the charges in detail, be dismissed.

It would appear that you are trying to revive the long ago dismissed 1997 and give the case a venue for a new trial in public opinion, suggesting that I was guilty but managed to avoid prosecution because of some minor problem with procedure, under the assumption that there are no rules this time. It is peculiar that you, no my opponent, are literally throwing "shit" on my name. Do you have some reason or agenda in doing this? Are you possibly connected to a radically right conservative organization the resents and want to revoke civil rights?

It appears you are filling in the blanks, with information of your conception, and which is not in court records, and trying to make something irrational be rational, and you made statements in your article that are false and biased because you did that. One does not expect the police and prosecutors to do that and likely your trust is with these entities, however a journalist is required to check the court file, not write expectations or assumptions.

You also failed to report that Judge Harvis chastised, in open court, before many people present, the prosecutor not just for my case, for engaging in a pattern of filing charges that were insupportable by a valid long form complaint. This is very much in the public's interest to know if you mention this case at all. It is unfortunate that many

people do not have access to competent legal representation or a good understanding of the law themselves. A responsible and ethical journalist would not wish to compound and add to any level of public ignorance of the law.

My vehicle was also illegally towed in 2006, and charges on the alleged "snowbird citation" were also dismissed, because the citation was given four days or so after the end of the snowfall. I was awarded damages in district court for over \$500.00. All of the law, dismissal, civil case, and so on is posted, for public education and information:

<http://www.angelfire.com/mn3/advocate6/2006WSPtowing/towing.html>

FYI, I do not currently own any dogs.

Your comments on the 1997 case defame me to achieve a political outcome. You need to correct your comments public and submit a public apology and retraction in the paper. You are not protected by privilege in this matter.

Further, the link to my candidacy website was not posted correctly and does not work, it must include the full address as follows:

<http://www.angelfire.com/mn3/mj4mayor/election2010.html>

*Mary Jane Duchene
1144 Ottawa Avenue
St. Paul, MN 55118-2008*

*Fax: 651 457 4376
E-Mail: MariJaynDuchene@aol.com*

Hello Mary Jane,

Thank you for the e-mail.

We have checked, and a long-form complaint and formal complaint are the same.

- Nick

Nick Ferraro
Reporter
St. Paul Pioneer Press
345 Cedar St., St. Paul MN 55101
651-228-2173 | cell: 763-412-6706
fax: 651-228-5500

-----Original Message-----

From: MariJaynDuchene@aol.com [mailto:MariJaynDuchene@aol.com]
Sent: Monday, October 18, 2010 4:58 AM
To: Ferraro, Nick
Cc: MariJaynDuchene@aol.com
Subject: Article Corrections

Mr. Ferraro:

You wrote Oct. 17, 2010:

"Duchene has a history of fighting the city over personal legal issues. In 1997, Duchene was given a misdemeanor public nuisance citation after an animal control officer reported "extreme buildup" of dog feces in her back yard.

The case was thrown out of Dakota County District Court after Judge Duane Harvis concluded the city should have sought charges through a formal complaint."

This is what not I told you and not what happened in the 1997 case. I sent you the attorneys motion so you had every opportunity to check the court records. I also asked you if you understood what a long form complaint was, and you said you did.

What I told you was:

The prosecution did not file an appropriate or legal long form complaint, which they must do by the rules of criminal procedure, to be allowed to carry forward any intended prosecution. The prosecution

failed to state, in the initial long form complaint, an ordinance or other law (inclusive the laws pertaining to public nuisance) that was allegedly violated or any facts supporting the charges. After Mr. Graham's motion, a copy of which I sent you by e-mail, Judge Harvis gave the prosecution about 10 days to revise the long form complaint, failing which the case would be dismissed. The prosecution was unable to amend the long form complaint, and the case was dismissed, that means the prosecution lost the case and the charges were not allowed to proceed.

I still have the full file for this case.

Thanks for making corrections to conform to what I said and the court records.

Respectfully, there is immunity for reporting on matters in court records, however, there is none when reporters create their own, imaginary, version of court records.

Please feel free to contact me by e-mail only at anytime.

It is not convenient for me to be available for phone conversations or interviews, unless by appointment, made in advance by e-mail.

Mary Jane Duchene
1144 Ottawa Avenue
St. Paul, MN 55118-2008

Fax: 651 457 4376
E-Mail:: MariJaynDuchene@aol.com

----- Headers -----

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References: <1bc5.7fa5a10d.39ed7426@aol.com>
From: "Ferraro, Nick" <nferraro@pioneerpress.com>
To: <MariJaynDuchene@aol.com>
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x-aol-sid: 3039cd9d074cbca903153e
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