

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

v.

ROBERT BONINE BEALE (01)
JOHN HOWARD PELTON (02)
NORMAN WILLIAM POOL (03)
ANGEL ANN GESSNER (04)
FREDERICK OGAN BOND (05)

CRIMINAL COMPLAINT

Criminal No.: 08-MJ-179 AJB

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. From on or about April 3, 2008 to the present in Sherburne and Hennepin Counties, in the State and District of Minnesota, defendant(s) knowingly and intentionally conspired to prevent by force, intimidation, and threat an officer of the United States from discharging her official duties,

in violation of Title 18 United States Code, Section(s) 372.

I further state that I am a(n) Special Agent and that this complaint is based on the following

facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No



Signature of Complainant

Matt Snell

FBI

Sworn to before me, and subscribed in my presence,

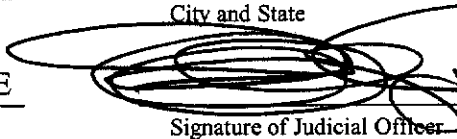
4/18/08

Date

The Honorable David S. Doty
UNITED STATES DISTRICT COURT JUDGE

Name & Title of Judicial Officer

at Minneapolis, MN
City and State



Signature of Judicial Officer

SCANNED

APR 22 2009

U.S. DISTRICT COURT MPLS

STATE AND DISTRICT OF MINNESOTA

COUNTY OF HENNEPIN

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)ss. Affidavit of J. Matthew Snell

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Your affiant, J. Matthew Snell, being first duly sworn under oath, does depose and state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) and have been so employed for over 4 years. The following is based upon my personal investigation, experience, knowledge, and observations; investigation conducted by other law enforcement officers; and upon review of documents as identified herein. Further, this affidavit contains information to support probable cause but is not intended to convey the facts of the entire investigation.

2. Robert Bonine Beale was arrested/charged on 01/11/2006 in United States District Court, District of Minnesota, under an indictment for aiding and abetting tax evasion and conspiracy to defraud, based on personal income estimated in excess of \$5.6 million. On 08/14/2006 Beale, representing himself, failed to appear for trial and a warrant for failure to appear was subsequently issued. On 11/01/2007, after over 14 months as a federal fugitive, Beale was arrested in Orlando, Florida, by a United States Marshals Service (USMS) fugitive task force. On 12/05/2007 Beale was transported back to the District of Minnesota and is currently being held at the Sherburne County Jail, Elk River, Minnesota, as a USMS prisoner pending trial currently scheduled for 04/21/2008. United States District Judge Ann Montgomery is the judge assigned to Beale's case.

3. Beale became a member/leader of a "Common Law Court/Venue" calling themselves: "Our one supreme court common-Law court for the de-jure Ramsey: the county: Minnesota: the land a superior court for the People, original jurisdiction under Almighty Yahweh exclusive jurisdiction

in and for confederation-government United States of America." This de facto Common Law Court and its members supported Beale during his arrest/prosecution and, after convening a self-styled "grand jury" in January 2008, began issuing "Writs of Habeas Corpus", "Subpoenas", "Summons", and "Warrants for Arrest of Bond." This culminated with the issuance of "Warrants for Arrest" under the heading of "Robert-Bonine: for the family Beale" dated 03/24/2008 "...commanding the United States Provost Marshal and any Authorized United States Officer to arrest Ann D. Montgomery, United States District Court Judge; Allen Garber, United States Marshal; Bruce Anderson, Sherburne county sheriff; and Patrick Carr, Commander Sherburne county jail." These "Warrants for Arrest" were signed by a "John Howard, Chief Justice for the common-Law court for the de-jure Ramsey: the county; Minnesota: the land" who has been identified as John Howard PELTON (FBI No. 275873LC0); witnessed by "Norman-William, Clerk of Court" who has been identified as Norman William POOL (FBI No. 3135RA9); and certified by "Kenneth Allen; Tesch, common-law notary" who has been identified as Kenneth Allen TESCH (FBI No. 182177P5).

4. On Thursday, 04/03/2008, Investigator Mike Sieg of the Sherburne County Sheriff's Office notified Supervisory Deputy U.S. Marshal (SDUSM) Steve Swensen that Beale has been contacting persons by jail telephone and making inappropriate/threatening communications against United States District Judge (USDJ) Ann Montgomery. SDUSM Swensen reviewed recordings of telephone calls made by Beale from Sherburne County jail and confirmed inappropriate/ threatening statements were made by Beale.

5. In a telephone call on 04/03/2008 at 9:51 a.m. from Beale to his common law wife, Mun Suk Kim, Beale stated: "If my plans work out on April 21st it will be a tremendous blessing, a tremendous blessing. God wants me to do this. This is what he wants me to do. He wants me to

destroy the judge. That judge is evil. He wants me to get rid of her."

6. In a telephone call on 04/03/2008 at 3:12 p.m. from Beale to John Howard Pelton at (763) 486-5334, the "meeting" is discussed. Affiant knows the meeting is a "Common Law" grand jury meeting to be held in Little Canada, Minnesota. Pelton confirms the meeting is at 5:00 p.m., discusses drafting common law court orders, and writing up the warrant for arrest of the judge. Pelton states: "I'm also going to record this on a camera. I've got a small video camera that lasts for about one hour forty-five minutes." Pelton tells Beale that if she (Judge Montgomery) doesn't answer the questions she'll be held in contempt. Beale states: "God is on our side and he's pretty upset too. He's going to do something soon but God needs us to be like Gideon against the Mennonites - 300 vs. 120,000 men. We rise up and God will take care of us."

7. In a telephone call on 04/03/2008 at 3:43 p.m. from Beale to Mun Suk Kim, Beale stated: "God has got me here. He wants me to take the judge out, that's what he wants me to do."

8. In a telephone call on 04/03/2008 at 7:20 p.m. from Beale to John Howard Pelton at (763) 486-5334, Pelton tells Beale only 8 or 9 people showed up at the meeting so they couldn't hold a grand jury, but they did sign the papers and discussed the arrest warrant and who should serve it, either the Provost Marshal or sheriff. A common law meeting to be held on 04/15/2008 is discussed. Pelton states they are planning on 30 to 40 people to be at Beale's trial. Beale tells Pelton to make sure all of them have copies of the arrest warrant for the judge so Beale can hold her in contempt, turn around and have everybody raise their hands, and then arrest her if she doesn't obey.

9. In a telephone call on 04/03/2008 at 7:31 p.m. to Angel Gessner, Beale tells Gessner that Ann (Judge Montgomery) did not show up at the grand jury meeting, and he wants Gessner to find out where she (Judge Montgomery) lives, directing her to go two specific internet sites.

10. In a telephone call on 04/04/2008 at 9:51 a.m. to Angel Gessner, Gessner tells Beale she found Ann Montgomery's address and has given it to Fred (known to affiant as Frederick Ogan Bond).

11. In a telephone call on 04/04/2008 at 10:05 a.m. to John Pelton, Beale tells Pelton they found Ann Montgomery's home address and then gives it to Pelton. Beale says they can now send the sheriff to her house and send service in the future. Pelton says that he and Norm (known to affiant as Norman William Pool) will write up the arrest warrant as soon as they can.

12. In a telephone call on 04/04/2008 at 11:03 a.m. to Norman Pool, Pool tells Beale that he sent the Warrants for Arrest of Bond Orders to the Provost Marshal.

13. In a telephone call on 04/04/2008 at 12:58 p.m. from Beale to Mun Suk Kim, Beale states: "Once I take down Ann Montgomery no judge in the whole court will have anything to do with me."

14. On 04/04/2008, an Order authorizing the installation and use of a pen register and trap and trace device was signed for target telephone numbers called by Beale from the Sherburne County Jail, including: (763) 258-7273, used by Mun Suk Kim; (763) 486-5334, used by John Howard Pelton; (763) 242-8087, used by Angel Ann Gessner; (612) 418-4765, used by Frederick Ogan Bond; and (763) 300-5958, used by Norman William Pool. As of 4/16/2008, Beale placed 121 calls to (763) 258-7273, 14 calls to (763) 486-5334, 30 calls to (763) 242-8087, 12 calls to (612) 418-4765, and 1 call to (763) 300-5958. Review of the pen register data identifies calls between target telephones, including: Outgoing calls from Kim to Gessner and Bond; an outgoing call from Bond to Pool; and outgoing calls from Gessner to Kim and Pelton.

15. On 4/10/2008, Frederick Ogan Bond presented a subpoena to Hennepin County Sheriff's Office Sergeant Brad Erickson at the public counter of the Civil Unit, Room 30, City Hall. The

subpoena listed plaintiff UNITED STATES OF AMERICA; defendant ROBERT B. BEALE, ENS LEGIS; witness ANN D MONTGOMERY, listing her home address, commanding Judge MONTGOMERY to appear at 7:00 p.m., April 15, 2008, at 440 Little Canada Road, Little Canada, Minnesota 55117. Your affiant knows that this is the address used by these defendants to conduct their Common Law Court. The subpoena was witnessed and notarized by John H. Pelton, and notarized by Paul G. Paris and Lisa J. Pelton. In addition to the subpoena, Bond presented a list of evidence to be provided and questions to be answered by Montgomery, and the text of Minnesota Statute 359.11. Bond was provided a receipt showing payment of \$70.00 cash for service of the subpoena. A Service Information Sheet was completed by Bond identifying the person to be served as ANND. MONTGOMERY, listing her home address and work address, and identifying the return information as JOHN HOWARD, 13628 Square Lake Trail, Stillwater, Minnesota, 55082, home telephone number (651)303-8869.

16. On 04/15/2008, a common law meeting was conducted at the Little Canada Old Fire Hall, 440 Little Canada Road, Little Canada, Minnesota 55117. The meeting commenced at approximately 6:30 p.m., ended at approximately 10:00 p.m., and was attended by 30 to 35 people. Vehicles observed in the parking lot during the meeting include vehicles registered to: Gail Joyce Bond, the wife of Frederick Ogan Bond; "Ray's Rent All", address 13628 Square Lake Trail, Stillwater, Minnesota, known to affiant as the home address of John Howard Pelton; and Mark Allen Fedor, known to affiant as a Justice and Notary Public for the Common Law Court.

17. In a telephone call on 04/16/2008 at 11:16 a.m. from Beale to Angel Gessner, the following conversation occurs: Beale: "They had a grand jury meeting last night." Gessner: "Yup." Beale: "They gave Montgomery the subpoena to attend." Gessner: "And then she didn't." Beale: "What's

that?" Gessner: "And then she didn't show up." Beale: "Well I don't know is she really did or not." Gessner: "No, she didn't. I asked Fred last night. I seen him on Skype last night." Beale: "Oh, late last night." Gessner: "Yup." Beale: "Okay." Gessner: "No, she didn't show up." Beale: "Did he say anything else about the meeting." Gessner: "No, I didn't talk to him much longer. He said he was going to take that warrant to the sheriffs today, though." Beale: "Good. Maybe she won't show up on Monday." Affiant knows SKYPE is a software program that allows users to make calls over the Internet to other users and allows for video conferencing.

18. In a telephone call on 04/16/2008 at 2:44 p.m. from Beale to Frederick Ogan Bond, Beale and Bond discuss having the Hennepin County Sheriff's Office serve the arrest warrant on Judge Montgomery. Beale states "It's important that she sees the thing, that's what I want her to do, is see it. I want her to be intimidated. I hope she saw the subpoena, and I want her to see the warrant." Later in the call, Beale states: "It's very likely she may not even show up if you serve that thing. She might even dismiss the case Friday, so I want you to try to get it over there today."

19. In a telephone call on 04/16/2008 at 3:39 p.m. to John Pelton, Beale states: "Just get as many people as you can in the courtroom." Pelton responds "I passed out 20 warrants last night with the seal on it, the seal stamped to it, and they said they would all be there." During the call between Beale and Pelton, Frederick Ogan Bond and Pelton have a separate telephone call between unidentified telephone numbers, in which Bond's voice can be heard by Beale.

20. On 04/16/2008, Deputy United States Marshal John M. Murphy received a facsimile from Sherburne County Jail presenting a "Warrant for Arrest Failure to Appear" with the heading of NOTARY PUBLIC, 13628 Square Lake Trail, Stillwater, MN 55082, (651)303-8869. Affiant knows this to be the address of John Howard Pelton. The warrant states: "YOU ARE HEREBY

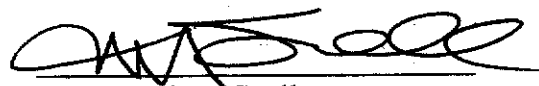
COMMANDED to arrest Judge Ann D. Montgomery, [home address] Pursuant to the attached subpoena." The warrant requests the notary at the above address be notified when the warrant is executed to arrange for a deposition. The warrant was notarized by John H. Pelton, Paul G. Paris and Lisa J. Pelton.

21. On 4/17/2008, Mark Allen Fedor presented a document titled "Warrant for Arrest Failure to Appear" to the Hennepin County Sheriff's Office. The document appears identical to the Warrant for Arrest Failure to Appear described in Paragraph 20 of this affidavit. Also presented to the Hennepin County Sheriff's Office was a subpoena that appears identical to the subpoena described in Paragraph 15 of this affidavit; a list of evidence to be provided by Ann D. Montgomery and questions to be answered by Montgomery; and the text of Minnesota Statute 359.11. The Warrant for Arrest to Appear and subpoena are stamped CERTIFIED COPY, with a handwritten signature that resembles "F.O. Bond" and a handwritten date of "4/16/08."

22. Based upon these facts conveyed in this affidavit, I have probable cause to believe that: Robert Bonine Beale, John Howard Pelton, Norman William Pool, Angel Ann Gessner, and Frederick Ogan Bond have conspired to prevent, by force, intimidation, or threat, an officer of the United States from performing his or her duties, in violation of Title 18, United States Code, Section 372.

Further your affiant sayeth not.

Dated: 04/18/2008


SA J. Matthew Snell

SUBSCRIBED and SWORN to before me
This 18th day of April, 2008.


DAVID S. DOTY
UNITED STATES DISTRICT COURT JUDGE