

RE: Why did the City Attorney's office drop the charges in case #2019-0006248-MD?

Reçu : **jeudi, la 16-a de avril, 2020 14:46**

De: **Jill Hueser JHueser@fcgov.com**

À: **Véronique Bellamy v@vero.moe, CAO Admin caoadmin@fcgov.com**

Good afternoon Ms. Bellamy,

I am the lead prosecutor for the City and am happy to provide you with additional information as to why the charge of harassment was dismissed. My understanding of the facts that led to the citation is that Ms. Doerner sent three text messages to you regarding a debt she claimed you owed to her. In one of the messages, she stated she would go to the police, the media, and the courts with information she claimed to have about you committing a crime. After reviewing the case, I determined this factual scenario does not fit any of the subsections of harassment under the City Code. The City Code's provision on harassment says:

(a)

A person commits harassment if, with intent to harass, annoy or alarm another person, he or she:

(1)Strikes, shoves, kicks or otherwise touches a person or subjects him or her to physical contact; or (2)In a public place directs obscene language or makes an obscene gesture to or at another person; or

(3)Follows a person in or about a public place; or

(4)Initiates communication with a person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network or computer system in a manner intended to harass or threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone, computer, computer network or computer system which is obscene; or

(5)Makes a telephone call or causes a telephone to ring repeatedly, whether or not a conversation ensues, with no purpose of legitimate conversation; or

(6)Makes repeated communications at inconvenient hours that invade the privacy or another and interfere in the use and enjoyment of another's home or private residence or other private property; or

(7)Repeatedly insults, taunts or challenges another in a manner likely to provoke a violent or disorderly response.

(b)As used in this Section, unless the context otherwise requires, *indecent exposure* means a blatantly offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted,

actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

The closest fit would be subsection (4). However, it would be difficult to prove her intent in sending the messages – presumably she would say she sent them with the intent of collecting a debt. She has the right to go to the police and report a crime if she wishes (if it was a false report she could face criminal consequences), to talk to the media if she wishes (under the First Amendment and she could face civil penalties if it were defamatory) and to initiate legal process against you if she believes you owe her money so none of these things are a criminal threat. As a prosecutor, I have an obligation not to proceed on cases where I do not believe there is a reasonable likelihood of success at trial and based on my professional opinion and experience, I did not believe this was a case that could be successfully prosecuted.

None of this means I am endorsing her approach to the issue or that her actions were morally right. It simply means that there is not sufficient evidence to prove the elements of the criminal offense of harassment beyond a reasonable doubt. If you have any additional questions or there is additional information about the case that I was unaware of, feel free to email me.

Regards,

Jill A. Hueser

Lead Municipal Court Prosecutor

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970-221-6316

From: Véronique Bellamy <v@vero.moe>

Sent: Thursday, April 16, 2020 2:11 PM

To: CAO Admin <caoadmin@fcgov.com>

Subject: Why did the City Attorney's office drop the charges in case #2019-0006248-MD?

Dear Sir or Madam:

I'm writing to inquire why the Municipal Prosecutor dropped the charges in case #2019-0006248-MD. I'm asking because I requested the records from the court and while I did receive a motion to dismiss that case, it did not say exactly why the case was dismissed. It does have a checkbox next to the line that reads:

"Although there was probable cause to issue the Summons and Complaint, based upon a review of the case report and information, the Prosecution moves to dismiss in the interests of justice."

Can you please send the real reason, as I fail to see how allowing a woman who harassed another woman and threatened to blackmail her to walk free without consequence would be "in the interests of justice".

Warmly,

Véronique Bellamy

Sent with [ProtonMail](#) Secure Email.