

State of Minnesota
County of Hennepin

District Court
4th Judicial District

Prosecutor File No.
Court File No.

CR-2015-102
27-CR-15-1304

State of Minnesota,
Plaintiff,

COMPLAINT
Summons

vs.

KANDACE LEANNE MONTGOMERY DOB: 09/30/1990

3849 15th Avenue S
Apt. 1
Minneapolis, MN 55407

Defendant.

The Complainant submits this complaint to the Court and states that there is probable cause to believe Defendant committed the following offense(s):

COUNT I

Charge: Trespass-Premises of Another-Refuse to Depart

Minnesota Statute: 609.605.1(b)(3), with reference to: 609.605.1(b)

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: That at the time and place below-alleged, the above-named Defendant did intentionally trespass upon the premises of another, to wit: MOA, and, without claim of right, refuse to depart therefrom on demand of the lawful possessor

COUNT II

Charge: Aiding and Abetting Trespass-Premises of Another-Refuse to Depart

Minnesota Statute: 609.605.1(b)(3), with reference to: 609.605.1(b), 609.05.1

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: aiding and abetting and being aided and abetted by another That at the time and place below-alleged, the above-named Defendant did intentionally trespass upon the premises of another, to wit: MOA, and, without claim of right, refuse to depart therefrom on demand of the lawful possessor

COUNT III

Charge: Unlawful Assembly

Minnesota Statute: 609.705, with reference to: 609.705

Maximum Sentence: 90 days and/or \$1,000
Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: That at the time and place below-alleged, the above-named Defendant did when three or more persons assemble without lawful purpose and conduct themselves in a disorderly manner as to disturb or threaten the public peace

COUNT IV

Charge: Aiding and Abetting Unlawful Assembly

Minnesota Statute: 609.705, with reference to: 609.705, 609.05.1

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: aiding and abetting and being aided and abetted by another That at the time and place below-alleged, the above-named Defendant did when three or more persons assemble without lawful purpose and conduct themselves in a disorderly manner as to disturb or threaten the public peace

COUNT V

Charge: Disorderly Conduct-Offensive/Abusive/Noisy/Obscene

Minnesota Statute: 609.72.1(3), with reference to: 609.72.1

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: That at the time and place below-alleged, the above-named Defendant did engage in offensive, obscene, abusive, boisterous or noisy conduct or in offensive, obscene or abusive language tending reasonably to arouse, alarm, anger or cause resentment in others or provoke an assault or breach of the peace

COUNT VI

Charge: Aiding and Abetting Disorderly Conduct-Offensive/Abusive/Noisy/Obscene

Minnesota Statute: 609.72.1(3), with reference to: 609.72.1, 609.05.1

Maximum Sentence: 90 days and/or \$1,000

Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: aiding and abetting and being aided and abetted by another That at the time and place below-alleged, the above-named Defendant did engage in offensive, obscene, abusive, boisterous or noisy conduct or in offensive, obscene or abusive language tending reasonably to arouse, alarm, anger or cause resentment in others or provoke an assault or breach of the peace

COUNT VII

Charge: Public Nuisance-Interfere/Obstruct/Render Dangerous Public Road/Water

Minnesota Statute: 609.74(2), with reference to: 609.74

Maximum Sentence: 90 days and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: That at the time and place below-alleged, the above-named Defendant did interfere with, obstruct, or render dangerous for passage, a public highway or right-of-way.

COUNT VIII

Charge: Aiding and Abetting Public Nuisance-Interfere/Obstruct/Render Dangerous Public Road/Water

Minnesota Statute: 609.74(2), with reference to: 609.74, 609.05.1

Maximum Sentence: 90 days and/or \$1,000 fine

Offense Level: Misdemeanor

Offense Date (on or about): 12/20/2014

Control #(ICR#): 14013152

Charge Description: aiding and abetting and being aided and abetted by another That at the time and place below-alleged, the above-named Defendant did interfere with, obstruct, or render dangerous for passage, a public highway or right-of-way.

STATEMENT OF PROBABLE CAUSE

That on or about December 9, 2014, Bloomington police were alerted to the existence of a Facebook webpage purporting to organize a large scale demonstration being organized by a group identifying itself as "Black Lives Matter" (BLM), on December 20, 2014, at the Mall of America (MOA), 8100 24th Avenue, Bloomington, Hennepin County, Minnesota. The webpage was entitled "Black Lives Matter at the Mall of America" (BLM-MOA) and contained links and cross-references to another Facebook page, "Black Lives Matter Minneapolis", which had recently taken credit for hosting a demonstration on Interstate 35W in Minneapolis, which closed the freeway. On December 12, 2014, the MOA, copying Bloomington police, sent via courier a letter to the self-identified organizers of the demonstration, subsequently identified as Michael Anthony McDowell (DOB: 12-/29/1993) (McDowell) and Mica Lauren Grimm (DOB: 05/26/1990) (Grimm), as well as Nicholas Espinosa (Espinosa), advising them that the MOA prohibits all forms of protest, demonstration, and public debate on its premises. The letter invited the organizers to contact the City of Bloomington (City) to secure use of its property immediately adjacent to the MOA. On December 16, 2014, Espinosa, copying Grimm and McDowell, e-mailed the City stating that the event would be happening on December 20th and that there were no plans to cancel it. The City sent three subsequent e-mails to Espinosa, McDowell, and Grimm asking them to use the City-owned property adjacent to the MOA, reiterating that the MOA is private property that has never allowed private demonstrations, and that the City would prosecute anyone identified by police as violating the law. BLM-MOA posted on Facebook the MOA's letter and its response that the group was undeterred and expected thousands of protestors to attend the protest located in the MOA rotunda. Grimm gave an interview to the media before the protest acknowledging that she was a leader of BLM and that the protest would proceed as originally planned. Grimm also gave an interview after the protest stating that "[s]he calls the protest a success . . . nobody can ignore what happened Saturday."

Bloomington Police Sergeant Giles learned through BLM-MOA that organizers of the demonstration were conducting a planning meeting on the evening of December 17, 2014. The training and preparation session was open to the public and plain-clothed Bloomington police officers attended it. The leaders of the planned demonstration and primary speakers at the planning meeting were identified as Grimm and McDowell, as well as Kandace Leanne Montgomery (DOB: 09/30/1990) (Montgomery); Catherine Claire Salonek (DOB: 08/30/1988) (Salonek); Todd Allan Dahlstrom (DOB: 12/12/1965) (Dahlstrom); Adja Sara Gildersleve (DOB: 01/02/1989) (Gildersleve); and Shannon Lee Bade (DOB: 05/11/1969) (Bade). Police subsequently identified additional organizers as Jie Rose Wronski-Riley (DOB: 09/23/1996) (Wronski-Riley); Amity Lebaube Foster (DOB: 04/02/1976) (Foster); and Pamela Ann Twiss (DOB: 01/24/1962) (Twiss). Each of the speakers at the planning session continued to direct people to the MOA rotunda for the purpose of calling attention to their private cause by disrupting business on the busiest shopping day of the year. Montgomery ran the planning meeting. She claimed to be part of several earlier "direct action" protests in the past and explained the structure of the protest. Montgomery requested participants to be protest "police liaison volunteers", stating a preference for "people of color" and requested participants to be protest "marshals", stating a preference for "white people". Montgomery emphasized the importance of participants posting messages on social media, remaining in the public eye, chanting, and sign making. McDowell, like Montgomery, identified himself as an organizer of the protest. While McDowell stated that the MOA is private property, he told the group that it remained the site for the protest. McDowell led some of the group in his "Christmas carols with a twist" and chants. At the end of the planning session McDowell and Montgomery led the estimated 150-200 trainees in chanting. Gildersleve ran the break-out session on the use of social media during the protest. Bade trained protest marshals in how to move the protestors from place to place and how to stall police by telling them that a police liaison was on the way. Bade told the trainees to meet by the large Christmas trees in the MOA's rotunda at 1:15 p.m. on December 20, 2014. Marshal volunteers gave Bade their cell phone numbers for a phone list and received a text message on December 19, 2014 from a telephone number registered to Salonek. Police had included a City cell phone number on the list. In a later text, Bade changed the preliminary meeting to IKEA's food

court. Also speaking to the trainees at the planning meeting was Nekima Valdez Levy-Pounds (DOB: 06/27/1976) (Levy-Pounds). She advised attendees on how events could and should play out during the protest. In subsequent media interviews, Levy-Pounds stated that BLM should not have to abide by the MOA rules for protests. In those interviews, Levy-Pounds identified herself as a lawyer and law professor. Espinosa later stated on his publicly accessible Twitter account: "We trained 250 people in direct action tonight. We're ready for the MOA."

On Thursday, December 18, 2014, Salonek contacted Bloomington Police Chief Potts from her cell phone and asked to meet with him and representatives of the MOA. The meeting occurred the following afternoon and included Chief Potts, Deputy Chief Hartley, MOA Security Director D. Reynolds, and Salonek and Dahlstrom, both of whom identified themselves as organizers of the intended protest demonstration. While police and Reynolds continued to warn Salonek and Dahlstrom that the planned demonstration was illegal and likely to result in arrests, organizers insisted that the protest would go on as planned, discussed the general manner in which it would be conducted, and that it would last for approximately two or more hours. On Saturday, December 20, 2014, at 12:15 p.m., BLM marshals met at the IKEA food court, 8000 Ikea Way, Bloomington, Hennepin County, Minnesota. Plain-clothed Bloomington police officers also attended this meeting. Bade identified herself as the primary marshal and stated that she would make decisions and provide directions for the marshals throughout the protest using the text group "@BLMmarshals". Bade introduced Foster and Wronski-Riley as the backup head marshals who would provide direction in her absence. Bade detailed that after assembling the thousands of people accepting the invitation to protest in the rotunda, they would protest with signs and chants until the first MOA demand to leave, at which time the protestors would stage a "die-in" by lying on the floor. Bade advised that marshals would be directed to move protestors to the Sears court at the MOA and again chant and protest until the next MOA demand to leave, which would serve as a prompt to stage a second "die-in". Not until the third MOA demand to leave would marshals start moving protestors out of the building. Bade advised the marshals to enter the MOA alone to avoid identification with the protest. Bade then texted that she had gone to the Barnes and Noble café. Because MOA security officers identified her as a protest organizer, they escorted her off the property. Despite this, Bade continued to text instructions to the marshals, concluding with the text: "We shut it down y'all . . . Great work!!!"

On Saturday, December 20, 2014 between 1:45 and 2:00 p.m., an estimated 1,000-1,500 people gathered at the place designated on BLM-MOA for the demonstration: the main rotunda of the MOA. Doors to the MOA contained a warning that demonstrations and protests were strictly prohibited. MOA management also announced to the assembling crowd at 2:03 p.m. via the public address system that their event was unauthorized and ordered all participants to leave the building. At 2:10 p.m. MOA management posted the same warning on the audio visual screen in the rotunda. MOA management gave additional audible orders to leave at 2:19 p.m. and 2:30 p.m. Each time this order was given, the crowd vehemently objected and became demonstrably louder. Montgomery situated herself in the middle of the protest and led the large group of protestors in loud, boisterous shouting and chanting. The crowd engaged in loud, boisterous chants. Officers observed Foster, Wronski-Riley, and Montgomery in the center of the rotunda leading the chants. They were later joined by Twiss. After about 30 minutes of chanting, police attempted to disperse the protestors. During this time, MOA customers were unable to enter the rotunda and were blocked from some hallways. The protestors' yelling was so loud that police could hear it throughout Nickelodeon Universe and the entire east side of the MOA. Protestors were located on all four levels of the open rotunda. Officers Kne and Barland were spit on from an upper level of the rotunda. Officers observed that many MOA guests were very frustrated by their inability to get through the rotunda and hallways to their destinations. Officers observed many families with children who appeared visibly frightened and upset by the protestors.

As protestors moved from the rotunda, officers observed and photographed Dahlstrom leading chants near the Build-A-Bear Workshop, where he and Salonek instructed protestors to stop and lay on the floor after MOA security ordered them to disperse. As some of the protestors left, officers observed Foster marshaling on the north side of the rotunda, both keeping protestors from going north toward Sears and keeping MOA customers out of the rotunda. Officers heard Wronski-Riley telling marshals to continue

protesting for another 20 minutes. Gildersleve joined the group, leading chanting protestors through the MOA hallways. Gildersleve later spoke to the media about her role in the demonstration. Hundreds of protestors took to the hallways and continued yelling and chanting. At 2:32 p.m., a group of protestors marched through Nickelodeon Universe. Sergeant Spark, while posted at the level one south doors of the MOA, observed the group of protestors marching from west to east shouting chants, before proceeding to the second floor and marching through the hallways, which caused customers along their route to stop and move of their way. Sergeant Spark described the intensity of the protestors' words and conduct as frantic and uncontrolled. The protestors then went to the third floor of the MOA and started marching and chanting and were soon joined by a second large group of protestors. Officers observed McDowell leading the group in both movement and chants and he later spoke to the media about the protest. The demonstration within the hallways continued for over an hour. Meanwhile, out on the MOA's internal ring road, a large group of protestors blocked traffic from traveling on the roadway and continued shouting, chanting, fist pumping, and waving banners. Officers observed and photographed Montgomery as she led a group of protestors who blocked the MOA's ring road near the transit station. Officers photographed Levy-Pounds with the group of protestors blocking the ring road. Later on December 20, 2014, Montgomery posted on her Twitter account: "We shut down the MOA y'all!" After approximately two hours the protestors were cleared from the MOA property. The cost to the taxpayers of the City for the police overtime and additional police resources of other communities currently exceeds \$25,000. The cost to the MOA for the additional security needed to maintain public safety during the demonstration currently exceeds \$8,000. Based on the above, your complainant states that on December 20, 2014, within the corporate limits of the City of Bloomington, Hennepin County, State of Minnesota, Kandace Leanne Montgomery, then and there being, did violate the above-listed provisions.

SIGNATURES AND APPROVALS

Complainant requests that Defendant, subject to bail or conditions of release, be:
(1) arrested or that other lawful steps be taken to obtain Defendant's appearance in court; or
(2) detained, if already in custody, pending further proceedings; and that said Defendant otherwise be dealt with according to law.

Complainant	Martin Earley Sgt. Crimes Against Person Unit 1800 W Old Shakopee Rd Bloomington, MN 55431 Badge: 154	Electronically Signed: 01/09/2015 03:40 PM
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Subscribed and sworn to before the undersigned.

Notary Public or Judicial Official	Larry Mena, Peace Officer License Number: 12803, Hennepin County, Minnesota. My license expires: 06/30/2017 Police Officer 1800 W Old Shakopee Rd Bloomington, MN 55431	Electronically Signed: 01/09/2015 03:55 PM
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Being authorized to prosecute the offenses charged, I approve this complaint.

Prosecuting Attorney	Sandra Johnson City Attorney 1800 W Old Shakopee Rd Bloomington, MN 55431 (952) 563-8753	Electronically Signed: 01/09/2015 03:36 PM
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FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the Issuing Officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, Defendant's arrest or other lawful steps be taken to obtain Defendant's appearance in court, or Defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense(s).

SUMMONS

THEREFORE YOU, THE DEFENDANT, ARE SUMMONED to appear on **February 10, 2015 at 8:30 AM** before the above-named court at 7009 York Avenue S, Edina, MN 55435 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

WARRANT

To the Sheriff of the above-named county; or other person authorized to execute this warrant: I order, in the name of the State of Minnesota, that the Defendant be apprehended and arrested without delay and brought promptly before the court (if in session), and if not, before a Judge or Judicial Officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such Judge or Judicial Officer is available to be dealt with according to law.

Execute in MN Only

Execute Nationwide

Execute in Border States

ORDER OF DETENTION

Since the Defendant is already in custody, I order, subject to bail or conditions of release, that the Defendant continue to be detained pending further proceedings.

Bail: \$

Conditions of Release:

This complaint is issued by the undersigned Judge as of the following date: January 10, 2015.

Judicial Officer

John McShane

Electronically Signed: 01/10/2015 02:51 PM

Sworn testimony has been given before the Judicial Officer by the following witnesses:

**COUNTY OF HENNEPIN
STATE OF MINNESOTA**

State of Minnesota

Plaintiff

vs.

Kandace Leanne Montgomery

Defendant

Clerk's Signature or File Stamp:

RETURN OF SERVICE.

I hereby Certify and Return that I have served a copy of this Summons upon the Defendant herein named.

Signature of Authorized Service Agent: