

DECEMBER 19, 2016

STATE OF NORTH DAKOTA

Hulm, Petra

From: Hermione Wade <finduilasseregon@outlook.com>
Sent: Monday, December 19, 2016 8:13 AM
To: (SUP) Clerk of Court Office
Subject: State vs the Water Protectors of North Dakota

To: Justice Cynthia Feland,
Your Honour,

I am writing to express my deep concerns regarding the case of State of Dakota vs a number of Water Protectors currently arraigned.

Acting Morton County State's Attorney Ladd Erickson's motion regarding this case has cited "Each protester attack on our police officers, each riot, and each incidence of private property destruction". By using this language regarding matters which have yet to come before a court, he is guilty of pre-judging the issue – and therefore of PREJUDICING the case.

His particular accusation of one or more of the defendants "Pushing through police lines" cannot be tried without the legality of the police presence being appropriately addressed. Since the land in question was seized by eminent domain to further a PRIVATE enterprise, the propriety of the original seizure and therefore rationality of the police's presence must surely be discussed in open court.

Acting Morton County State's Attorney Ladd Erickson's motion also calls for the recoupment of funds for the provision of States Attorneys, amounting to punitive damages. As I understand it, this could be construed as "excessive fines", contrary to Amendment 8 of the US Constitution. Again, he has pre-judged the outcome of the court hearing. Should this undesirable precedent be set, it could have seismic consequences for the entire US justice system. The effect upon indigent persons seeking redress or defending cases would undermine Amendment 14 of the US Constitution, which guarantees "equal protection of the laws" – justice would become for sale to the highest bidder.

For all the above-listed faults, I request that Your Honour denies the motion and recuses Acting Morton County State's Attorney Ladd Erickson from all trials concerning the Dakota Access Pipeline project. It might also be prudent for Your Honour to consider inquiring into his continued suitability to retain the post of Morton County State's Attorney.

With regard to the petition filed by the Water Protector Legal Collective to permit out-of-state lawyers to assist in the conduct of this and subsequent cases; the public defence system in Morton County was, I understand, straining at the seams before the arrests of several hundred Water Protectors. The number of in-state lawyers is demonstrably insufficient to defend this number of cases. I ask, therefore, that Your Honour looks kindly on the petition and, in what the Sherriff has declared to be an emergency situation, grant emergency access to out-of-state lawyers for the proper defence of the accused.

Finally, should any person seek to restrict my right to address Your Honour because I am not a citizen of the United States, I would remind such a person that the US Constitution is based, in part, on the Magna Carta; one of the central tenets of which, Clause 40, states (in translation) 'To no man will we deny, nor will we delay, nor will we SELL justice'. The principles at stake in this trail pre-date the foundation of the United States of America – but I look to American justice to see right done.

With best regards,

Hermione F. Wade

1 Summerland Avenue, Acton, LONDON, W3 6EN, United Kingdom

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