

THE ATTACK OF THE ENGELMEYER AND THE RESPONSES FROM JOHN HOFFMANN FOLLOWED BY NAME CALLING BY ENGELMEYER.

The attack on me and this website in a 45 minute power point presentation by Chesterfield Proecuting Attorney Tim Engelmeyer before the Chesterfield Public Health and Safety Committee was clearly the big story on Monaday May 22. However on Tuesday May 23, my response to the attack showing that Engelmeyer lies and used half thruhs and left out important facts was the story.

Then on Wednesday an email sent by City Administrator Mike Geisel suggesting how the council should vote on the reappointment of Engelmeyer. Many might think that is outside the job of a city administrator.

But a bigger noteworthy email was sent out by Tim Engelmeyer, which did not question my Tuesday review of the facts of the cases, including one where Engelmeyer claimed there was no one witnessed in a DWI case when in fact a police officer pulled the suspect over. He did not question another case where I pointed out in my original article that no one saw the suspect drive a car, but it was Engelmeyer who issued the arrest warrant despite a police report filed reporting no witnesses.

The email did not contain any defense. Instead Engelmeyer began calling me names including, a troll, a kook and a non-resident. Apparently according to Engelmeyer only residents should have first amendment rights to report on Chesterfield City Government Acitivity. Also apparently it is acceptable behavior for city employees or contract employees to call people names.

Here are the stories covering the Engelmeyer Monday Fractured Fairy Tale Presentation, my response giving the truth on Tuesday, Engelmeyer's letter calling me names followed by City Adminstrator Mike Giesel's email. Stick with this. It is fun reading.

THE ATTACK OF ENGELMEYER! OUR REBUTTAL Normally this space at the front of the Newsletter is for Town and Country News and we have plenty of that. But our lead has to be the attack on me and this website in a 45 minute power point presentation by Chesterfield Proecuting Attorney Tim Engelmeyer before the Chesterfield Public Health and Safety Committee.

During the presentation Engelmeyer simply referred to me as "The Blogger!" He picked a number of cases mostly from 2012 and before that I wrote about in 2013. After each case he lectured how I was either wrong or intentionally lied. Of course after this attack

Committee Chair Barry Flachsbart, the son of a well known St. Louis journalist did not offer me any rebuttal in either five minutes or at the next committee meeting.

In the presentation Engelmeyer who showed how people who pled guilty had records of convictions, he failed to mention that they were not actual convictions but guilty pleas to Suspended Imposition of Sentence plea deals. At the end of the probation the record is wiped clean for public review. The records he showed were only available on law enforcement data baess and not public data bases where you and I, insurance companies, pre-employment investigators or people doing checks of hosiptal and school employees could check.



Let the lying begin. Tim Engelmeyer at the Public Health and Safety Committee Meeting.

Here is my rebuttal response to Engelmeyer's presentation of half and whole lies directed at me. In many cases he claimed he could not prosecute the case because there were no witnesses. I pointed out the many witnesses he could have called including POLICE OFFICERS! His presentation was so full of lies I was amazed that he actually put it on.

THE ATTACK OF THE ENGELMEYER The following are the responses of John Hoffmann to the power point presentation made by Tim Engelmeyer before the Chesterfield Public Health and Safety Committee.

JUAN VARGAS: Engelmeyer lied. He told the councilpersons that he did not have a witness as no Chesterfield police officer saw Juan Vargas driving the car. He further stated that despite Vargas testing .142% BAC a recent court ruling did not allow BA tests if three different tests were not made to check the instrument. Only two were done.

The TRUTH: All police officers learn early on that you have to be able to make a DWI without a BA test. According to the police report Vargas showed ample signs of intoxication. He admitted he had been drinking at a company Christmas party.

There was a witness who saw Vargas driving a car. **Engelmeyer lied.** There was a witness who saw Vargas driving a car. Vargas was stopped driving his car by **St. Louis County Police Officer Burke.** Officer Burke witnessed Vargas only in Chesterfield so he stopped him and called for a Chesterfield Police Officer to respond. Vargas was driving around in circles on a church parking lot with front damage to his car after just hitting a fence at the church. If Engelmeyer would have subpoenaed Officer Burke he would have had his witness.

This is from my story Drunks and Thieves Part 1 June of 2015 located on my website.

MEXICAN NATIONAL IN ONE CAR ACCIDENT AND DRUNK...DWI CHARGE IS DROPPED: On December 14, 2013 around 10:30 p m Juan Vargas was stopped by St. Louis County Police Officer Burke. Officer Burke stopped the 2006 Honda being operated by Vargas on the Windsor Crossing Church parking lot in the 100 block of Eatherton Road after observing fresh front end damage on his car.

JAMES BOLDEN: Engelmeyer stated he got a conviction against Bolden. I chose these cases at random. I reported that Engelmeyer did get a conviction before a St. Louis County judge. We are in agreement and that is what I reported. This is from my May 7, 2013 Drunks and Thieves Newsletter:

On 12/06/2012 he pled guilty before Judge Judy Draper and sentenced to one year probation term unsupervised. Ina plea deal approved by Engelmeyer.

Bolden got a conviction, but I also reported that Bolden had a record of 12 serious arrests dating back to 1996, including five felony stealing cases. Engelmeyer should have sent this case to the County Prosecutor's Office for felony charges. Engelmeyer bragged how he got \$400 restitution for the victim. The case involved a driveway repair scam. Engelmeyer did not do jack. Judge Judy Draper issued three Failure to Appear warrants for Bolden until he finally paid the Chesterfield victim.

Engelmeyer did not tell the council the whole story about Mr. Bolden.

LEE DONG: Engelmeyer said he could not prosecute Dong for stealing as the witness was no longer available. He said Dong left the country for three years before returning and being arrested.

Here is what Engelmeyer did not tell you. The entire incident was on video with a recording, showing Dong with his 13-year-old in tow, cutting off price tags of shirts and then placing them on himself over each other. Another member of the Macy's security staff or the arresting officer who saw the video which was the Probable Cause for the arrest could have testified.

Stealing is a graduated felony. Three prior municipal theft convictions would mean a felony charge if caught again. Instead of using the video and the arresting officer or another Macy's security agent, Engelmeyer reduced the offense to littering.

Three years later in 2015 later Dong was arrested for committing felony sodomy on a minor and misdemeanor Sexual Abuse. He pled guilty in 2016 and was sentenced to nine months in jail for the misdemeanor and placed on a 5-year SES probation for the felony. Engelmeyer did not mention any of this in his presentation.

MICHELLE BAKER: Engelmeyer said he reduced the charge from DWI to Careless and Impudent Driving because no one saw her driving, when she drove up onto a front lawn and walked into a house at 2:40 in the afternoon. The homeowner walked her home and then called police. The police called for an ambulance and Baker was transported to St. Luke's Hospital due to extreme intoxication. Her BAC level was at .37% according to a blood draw.

Here is what Engelmeyer didn't tell the councilpersons when I complained about the way he handled the case. He complained he could do nothing about the fact that no one saw her driving and I should I known that. In fact I was well aware of that fact.

Baker was not arrested on the day of the offense. Instead officers sent the case to Engelmeyer to review and he issued the charge of DWI despite the police report being clear there were no witnesses to her driving. Engelmeyer apparently was too lazy to read the entire report.

This is from my May 7, 2013 DWI and Thieves report, where I wrote there was no evidence to charge her with DWI:

At the time of her plea she had another DWI pending, but she was allowed to plea to a lesser charge. In defense of the plea agreement the police report did not list anyone who actually saw her driving a car and it was by her admission that the car ended up in a front lawn. However Engelmeyer knew this when he issued a warrant for Baker's arrest 12/15/11. Of course of all the cases we reviewed this one actually involved Illegal Parking and the defendant was not convicted of it. How ironic.

DAVID COLDEWE: Engelmeyer again lied about this case. He said the victim got restitution and was happy. Without the victim who did not want to testify he did not have a case. That was a lie!

During morning rush hour Coldewe saw a man who was dating Coldewe's ex wife. Coldewe was driving a dump truck and the other man was driving a small pickup truck. Coldewe began to chase the man on eastbound I-64 trying to ram his truck.

There were multiple witnesses who stopped and gave statements to the police. (Engelmeyer failed to mention them.) One witness described Coldewe as driving on the shoulder of I-64 east of the Missouri River Bridge trying to catch up with the pickup truck and actually passed the pickup truck in heavy traffic, pulled in front of the pickup truck and slammed on the brakes of the dump truck causing the pickup truck to crash into him causing injuries to the driver. Coldewe then made incriminating statements to the police. This is from the police report:

I went and talked to Coldewe again. Coldewe started yelling that B [REDACTED] was "banging" [REDACTED]. He then admitted they were road raging starting

Here is a statement from one witness:

The dump truck and pick-up truck were having some kind of road rage. I saw the dump truck swerve at the pick-up truck a couple of times. Then at about Chesterfield Parkway, the dump truck cut in front of the pick-up truck and slammed on his brakes. There was no way that pick-up truck could have avoided that accident. The guy in the dump truck is nuts. He was going ballistic and was trying to get the guy in the pick-up truck out to fight him.

Here is the statement from a second witness:

I first saw them coming across the Boone Bridge. They were both swerving at each other like they were trying to ram each other. I saw the dump truck cut across all four lanes of the highway and was slamming on his brakes to make the pick-up truck run into the back of him. The dump truck driver jumped out of his truck, screaming and cussing at the other guy. He was ready to fight him.

Here is the statement from a third witness:

I was in the right lane coming through the valley. I saw the large dump truck come flying down the shoulder at about 70 - 75 MPH. He was cutting in and out of traffic and he cut across all the lanes of the highway to cut the white truck off and slammed on his brakes. There was nothing that white pick-up truck could have done. I think he cut him off and slammed on his brakes on purpose.

While the Chesterfield Police should have filed Felony 1st Degree Assault charges against Coldewe, they did not. Instead Aggressive Driving and Careless and Impudent Driving Charges were filed along with Peace Disturbance charges with Engelmeyer.

Even if the victim did not want to be involved in the case, Engelmeyer had three witnesses who were concerned enough to stop and give detailed statements to the police he could have put on the stand. Plus he had the crash evidence seen by the police officers and admissions by Coldewe to the police. But Engelmeyer dismissed the Aggressive Driving charge and amended to the Careless and impudent charge to "Illegal Parking." Coldewe did plead guilty to Peace Disturbance for threatening the pickup truck driver after injuring him in a crash. Both the Parking and Peace Disturbance were cash fines. Coldewe got no points.

Engelmeyer told the council members that he was fortunate to get the Peace Disturbance plea. He did not make any attempt to try this case and convict Coldewe who had an extensive record of felonies, domestic violence and serious traffic offenses.

This case was featured in our Ex-Alderman Newsletter 206 on 12/0/15.

WILLIAM KERCKHOFF: On December 1, 2013, a Sunday afternoon, William Kerckhoff was drunk, drove off the road in an apartment/condo complex, hit a parked car and then fled the scene pulling into the underground garage at his mother's condo. Witnesses pointed all this out to responding officers. His BAC level was .24% or three times the legal limit.

Engelmeyer claims he was tough and Kerckhoff pled guilty to both DWI and Leaving the Scene of an Accident. I and was wrong claiming he left the courtroom with nothing.

However, what Engelmeyer did not tell the council members was that Kerckhoff pled guilty and received SIS probation terms. Those resulted in No Points and No Fines and at the end of the probation period no record. When you plead guilty and get a SIS conviction you are not convicted of anything if your probation is not revoked.

Kerckhoff does not today have a public conviction for anything, despite being three times over the limit, crashing into a parked car and fleeing the scene. He does have a record in a police database but not one open to the public or insurance companies.

We reported this in our June 25, 2015 Drunks and Thieves Part 2 newsletter.

DAVID ROSS: Engelmeyer said I claimed that Ross got off, but Engelmeyer said he pled guilty to DWI.

Here the real story and the truth. Ross was highly intoxicated. Employees at the Valvoline in Chesterfield Valley called the police when they observed Ross crashing into parking barriers between Valvoline and Wendy's.

Three Chesterfield Police Officers arrived on the scene and found Ross slumped behind the wheel of his running car. He was so drunk that they called paramedics to check him out. He made admissions to the police and paramedics that he knew he was drunk. This is from the police report.

Officer Lantz and I also entered the back of the ambulance to witness Ross's responses. The paramedics asked Ross, how are you feeling. Ross replied "really drunk". The paramedics continued to assess Ross and determined that he was not having a diabetic episode and that all of his medical vitals were normal. I asked Ross if he had been drinking and he replied yes. I asked if he had any alcohol in his car or if he had been drinking while sitting on the parking lot, and Ross replied no. Ross stated he was drinking at home, and he consumed a pint of Southern Comfort. I asked Ross where he was coming from, he replied his home in Georgia, but now lives in ██████████ Missouri. Ross then spontaneously stated that he was sorry, that he never wanted to hurt anyone, and that he wants to go home, but shouldn't drive because he is too drunk.

At the hospital a blood test determined his BAC level to be .34% or more than 4-times the legal limit.

Not only were there three police officers who put Ross behind the wheel of a running car. Police obtained the names of all the witnesses at Valvoline.

Ross ended up with NO Points on his driving record. Engelmeyer did not try to convict him of the serious offenses he committed in front of lots of witnesses. Instead Ross pled guilty to DWI and was given a SIS probation term. He did plead guilty to DWI but he was not convicted of it. Engelmeyer amended the Careless and Impudent Driving charge to Illegal parking with a \$400 fine. Ross got no points on his license.

Engelmeyer called me a liar, but it was Engelmeyer who spun the truth into a lie. My reporting was very accurate.

This incident was in our Drunks and Thieves June 2015 Part 3 newsletter.

ROBERT SCHMITT: Engelmeyer accused me of claiming that I did not know the facts that the witness of the boyfriend-girlfriend disturbance refused to testify. He played a phone message from the girlfriend saying the police were wrong and Schmitt didn't do anything. Schmitt is the father of her child, but he did not live at the house. He has a record for domestic violence. Plus she is the one who called the police.

The police arrived and removed Schmitt from the house. An officer then offered to give him a ride to a hotel where he could stay overnight. Schmitt instead decided to fight three police officers. He was arrested for Peace Disturbance and Resisting Arrest. Court rulings say you cannot disturb the peace of a police officer. Schmitt was arrested for Causing Peace Disturbance of the Girlfriend and then Resisting Arrest by fighting the police.

Engelmeyer was correct that one witness did not want to appear on one charge. But he intentionally failed to tell the council members that there were three police officers he did not call on the resisting arrest charge. Instead Engelmeyer amended that charge to "Littering."

Our version of the events was correct, despite what Engelmeyer wants to claim.

This appeared in our Drunks and Thieves June 2015 Part 2 Newsletter.

DAN MCLAUGHLIN: Engelmeyer said how McLaughlin Pled Guilty to DWI in the first case. He did but he was never convicted as he was placed on a 2-year SIS Probation. The moving violation of lane weaving on I-64 was reduced to Illegal Parking by Engelmeyer. Engelmeyer said when McLaughlin was arrested about one year after his

first sentencing for DWI in an accident his SIS probation was “suspended.” That was correct. But it was never revoked so he was never convicted of the first DWI even though he was arrested for a DWI accident a year later. Instead his probation (that should have been revoked) was extended another six months.

In the new accident his DWI was amended by Engelmeyer to Excessive BAC (Blood Alcohol Content). If McLaughlin would have been convicted of all charges and had his probation revoked he would have had 24-points. Instead he got a 30-day suspension. Engelmeyer lied when he said it was a year-long suspension. It was clearly intentionally done this way so it would only be a 30-day suspension. If your license is lifted for a year it is Revoked. McLaughlin’s was never revoked.

I wrote about both of these as a columnist for AOL patch.com.

AMENDED CHARGES. Engelmeyer claimed he amended 1,200 charges last year to Illegal Parking or 12% of all cases. He lied. He amended 1,413, equaling 13.1% of all cases. I did a Sunshine Request of the Court and received a list of all the charges he amended. They included Careless Driving cases, Leaving the Scene of Accident cases and other very serious cases.

Engelmeyer claimed that if he did not amend these cases to Illegal Parking everyone would want a trial. That is crazy. People are not going to sit around to be convicted. It would increase the number of trials, but Engelmeyer would not be having trials 12 hours a day, five days a week like he claimed.

Engelmeyer then showed all the courts he contacted that claimed to be reducing speeding cases to Illegal Parking. So What! That doesn’t mean it is right. It sends a bad message to send hard working police officers and a worse message to aggressive drivers, who routinely get off of serious moving violations. If Chesterfield Muni Court had the reputation of being tough on speeders, fewer people would speed in Chesterfield.

Engelmeyer said he doesn’t reduce cases where people are doing 100 MPH. That is because he doesn’t get any cases of people doing 100 MPH. Chief Ray Johnson does not allow officers to conduct speed enforcement on I-64. Recently Engelmeyer had a case of a man doing 92 MPH on I-64. He reduced that one to Illegal Parking.

Of all the cases I have reviewed I have yet to see Engelmeyer offer to amend a moving violation to “Illegal Parking” for a person not represented by a lawyer. People who can’t afford lawyers are screwed in the Chesterfield Justice Circus.

Finally Engelmeyer admitted that he doesn't check to see if violators have gotten reduced deals in other cities or counties. If I can find out that information I don't know why Engelmeyer can't. It isn't that hard to find.

DWI CONVICTIONS: Engelmeyer claims I lied by saying people with SIS probations had no conviction. He kept showing cut outs from Casenet showing there was a conviction. There were convictions on casenet files that can be assessed by the police and courts. HOWEVER there are NO CONVICTIONS on the same files accessed by the public, insurance companies, employers doing pre-employment checks or school districts and hospital checking employees. When I report NO CONVICTION I am referring to court files the public have access to. This is another spin that Engelmeyer puts on things.

OVERALL: Tim Engelmeyer both lied and slanted his presentation in a bias and unfair way. Also if these were the best cases he could find to defend himself, he and the City of Chesterfield have a very serious problem. He kept referring to me as "The Blogger" but this reporter has used public records reported the truth.

AFTER MORE LIES FROM ENGELMEYER MAYOR NATION WANTS TO REAPPOINT HIM TO A 4-YEAR TERM: After Tim Engelmeyer was done with lying and telling half truths and forgetting to mention his overall incompetence in doing his job, Mayor Bob Nation said he was ready to reappoint him for another 4-year term. The Public Health and Safety Committee voted 4-0 to make that recommendation.

I don't know if any of them might have changed their minds after "this blogger" sent this rebuttal to them, but maybe a few realized that Engelmeyer is a phony who doesn't like to do his actual job of prosecuting and lies about what a great job he is doing.

Perhaps some residents of Chesterfield might want to contact a councilperson about this.

ENGELMEYER REBUTTAL TO THE REBUTTAL; HOFFMANN IS A NON-RESIDENT, A KOOK AND A TROLL

From: Tim Engelmeyer [<mailto:tim@epfirm.com>]

Subject: Rebuttal to Rebuttal

Dear Mr. Geisel:

I have reviewed Mr. Hoffmann's "rebuttal" to my PH&S Committee summary and at this juncture, I am not going to get into a back and forth debate about what I did or did not do on less

than seven one-thousandths of a percent of the cases I have handled in our City. I stand behind my decisions on each and every one of the cases profiled, and as opposed to Mr. Hoffmann, I provided back up. His 'rebuttal' is the same, worn out mischaracterizations that I have already addressed. I find it interesting and somewhat disingenuous that instead of doing his homework, research or even talking to me *BEFORE* he profiles these cases, he now tries to rehabilitate himself after being called out afterwards. Moreover, as opposed to sitting behind my laptop and guessing about what went into my decisions, I was actually there. I met with the witnesses. I was in front of the judges. I have my notes.

Let me make one thing crystal clear. And I'm going to call it like it is -- This man is a cowardly internet troll. He's a bully who thinks that he can tarnish reputations, affect city policy and mess with careers in a City that he doesn't even call home. I've done my research on him and he has been discredited and proven to be 'factually challenged' wherever he has been. He has been run out of his own city where he is widely known as a sideshow kook. He has lost virtually every job he's had including law enforcement. Yet, for some unknown reason he feels legitimized in our City.

At this juncture, the Council needs to make a choice. They either stand with me or they stand with John Hoffmann. It's that simple. When called to do so, I have answered every question the Mayor has asked of me. I have presented an extensive town hall meeting where I stood and answered questions for almost three hours. I have presented at PH&S. I have the unwavering support of our police department and court staff.

Above and beyond my appointment, there is a much larger issue at stake. That issue is whether we, as a city, are going to allow a discredited non-resident blogger to affect the day to day decisions made by our leaders. He is not a journalist. He is not a member of the press. He is accountable to no one. He is a troll with an agenda (bordering on obsession) with not only me, but other people and issues affecting our city.

Please don't interpret this to suggest that I am somehow immune from review or criticism. I should be held to a high standard and expect nothing less. But to rely on the ramblings of a madman when deciding important City issues is a dangerous road to go down. Instead, my door is always open. Confirm my work by calling or reaching out to me. Talk with our police department. Talk with our court staff. Talk with other prosecutors and/or judges in the area. Ask them about my integrity. Ask them about my reputation. Ask them about my dedication to our City.

Mike, I have spent an inordinate amount of time dealing with this man's flat-out lies for the last 5 years. I am done with his non-sense. Unless I am directed by you, the Mayor or the Council, I will not respond back and forth with this blogger any longer. I stand on my record and commitment to the City of Chesterfield. All I want to do at this juncture is to focus my attention on my job with the backing of our City leaders. You certainly have my permission to circulate this to the Mayor and Council.

As always, thank you.

Timothy A. Engelmeyer
Timothy A. Engelmeyer

FROM THE CITY ADMINISTRATOR:

On May 24, 2017, at 9:13 AM, Mike Geisel <mgeisel@chesterfield.mo.us> wrote:

Mayor and City Council:

I've provided Mr. Engelmeyer's response to Mr. Hoffman's rebuttal, below. Please read thoroughly and completely. As you know, Mr. Engelmeyer's re-appointment is being offered by Mayor Nation at the 6/5 Council meeting.

As you also know, at Monday's PH&S Meeting, Prosecuting Attorney Tim Engelmeyer provided a detailed, documented presentation responding to concerns related to municipal court procedures. By all observations, it was a compelling and convincing presentation. In some cases, it was pointed, providing direct contradictory evidence and commentary to previously published assertions.

Subsequently, after the meeting, Mr. Hoffman sent each of us an e mail rebuttal of PA Engelmeyer's presentation.

At this juncture, it is my opinion that it is pointless to continue this tit for tat exchange.

I won't begin to re-state the concerns or offer to summarize Mr. Hoffman's beliefs.

However, as I see it, there are two main issues:

- 1) There is a philosophical argument as to what our courts **should** do. The entire concept of amending charges. The legal constraints of a SIS disposition and whether that information is available to the public, even though that information is available to the courts and law enforcement. The Missouri practice of disposing of case load by pleading down and paying fines. While that is a completely valid point of view and broadly held perspective, it is largely outside of our prosecutor's control. That is a matter of court practice.
- 2) The second issue, from my perspective, is that Mr. Hoffman comes to conclusions based on the initial written report and available written records. He doesn't have the benefit of having interviewed witnesses, seen the evidence, or the defendant. He does not have the benefit of knowing whether the witnesses were cooperative, credible or available. He doesn't know whether there was a glitch in evidence handling. It is second guessing with an incomplete set of facts. Mr. Hoffman is left to try the case from the original police report. We all know there are compromised witnesses, evidence and mitigating circumstances that complicate cases. And while we would like to live in a land where time and court volume is not a significant contributing factor, we all know that is not the case. The other reality we have to address is that if a defendant doesn't like the resulting judgement from our municipal courts, they can simply throw it aside and have the court tried a second time in St. Louis County court, at additional cost, additional time, and in a court which is demonstrably more generous in pleas. If we were able to try the cases on the basis of the police report alone, we would give our police officers robes and call them judges. It just doesn't reflect reality.

There is simply no mechanism and we have no ability to re-try each of these cases in a sterile classroom. We either trust your political

appointee's judgement in handling the vagaries of each case and disposing of them consistent with your expectations, or you offer a different appointee. You cannot effectively second guess actions without having the full explanation of details involved in each instance. The interviews, the availability, the mistakes, and the discussions. Mr. Engelmeyer has offered to provide information and explanation at every juncture. He has not resisted inquiries or criticisms.

The appointment of the City's Prosecuting Attorney is the Mayor's responsibility and prerogative. City Council has the responsibility for review and consent. It is difficult for the courts to continue operating under a cloud of distrust and allegations of misdeeds. Without regard to what decision the City ultimately comes to, whether it be to re-appoint Mr. Engelmeyer or if you elect to go a different way, I hope and trust that the City Council will be able to show their full support for the officers of our court. As they say, a house divided.....