



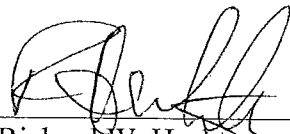
by the City of Minneapolis (police), inventoried and kept in their property room for evidence back in February of 2004. (See Exhibit 1). The gun was apparently traced by its serial number to a Mr. Dang Her in February of 2004. The gun was supposed to have been returned to Mr. Her after the trial of the two men who had stolen the gun in the burglary of Mr. Her's home in February of 2004. These two men were not Fong Lee or any of his friends. Upon information and belief, the two African American males convicted of the burglary were not friends, acquaintances, or in any way associated with Fong Lee.

6. That Mr. Her confirmed for my office in an in-person interview on March 23, 2009 that he was contacted by the Minneapolis Police Department (MPD) in 2004 and was told they had recovered his stolen gun. That his gun was to be returned after the criminal trial, but he (Dang Her) never received his gun back from the Minneapolis Police Department at any time after the case was concluded against the two suspects in 2004. That Mr. Her was told that the gun recovered in 2004 was registered to him by the verified serial number. That he was never told anything to the contrary. Mr. Her has never been informed by the City that some mistake had been made and the gun recovered in 2004 was not his.
7. That the individuals who allegedly stole the gun from Dang Her's home were Kentay Young and Marcus Daniels.
8. That a MPD report dated 7/28/06 (six days after Fong Lee's death) shows the gun recovered from the area of Fong Lee's body was the same gun registered to Dang Her which had been recovered and kept in the possession of the City of Minneapolis since 2004.
9. That when this was discovered, the City apparently issued a new supplemental report dated August 1, 2006 trying to intimate that the gun recovered in 2004 and registered to Mr. Her by serial number, may now not be Mr. Her's gun.
10. That, of interest, the police officer involved in the investigation of the gun theft from Mr. Her in 2004 is apparently the same officer who may have arrived first on the scene after the shooting death of Fong Lee. Furthermore, this officer and Defendant Anderson were all working out of the Fourth Precinct, including Sgt. Fossum who received the gun from Officer Adams back in February of 2004. Mr. Her's gun was turned in to the Fourth Precinct.

11. That this newly discovered evidence is provided to the Court as additional support for Plaintiff's Monell claims and in opposition to the City's pending motion. The evidence is supportive of the fact that the defendants (City) had the alleged second (stolen) gun in their possession since 2004, never disclosed this information and, following the shooting, may have tried to deliberately alter history by writing new reports indicating that the gun recovered near Fong's body was not the same gun recovered and allegedly traced (by serial number) to Dang Her in 2004, all shows intentional and separate widespread and high level constitutional violations warranting Monell claims. The evidence supports a claim of planting a gun, especially since the irrefutable video evidence and eye-witness accounts establish Fong Lee did not have a gun at the time he was killed.

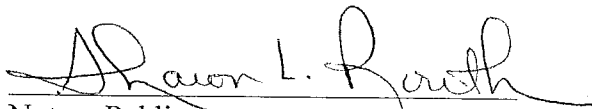
FURTHER, I SAYETH NOT.

Dated: March 27, 2009

  
Richard W. Hechter

Subscribed and sworn to before me

this 27 day of March, 2009.

  
Notary Public



**EXHIBIT 1**

Case Report with Supplements

Minneapolis Police Department

CCN: MP-04-037433

Report Details

Reporting Officer:	003298: Bruce Johnson	Approval Status:	Approved
Assisting Officer:		Approval Date:	
Supervising Officer:		Date Returned:	
Approving Supervisor:	005013: Jody A Nelson	Return Count:	
Call/Sqd:	420a	Date Printed:	Mar 24, 2009
Precinct:	04	Last Uploaded:	
Related CCN :	MP-04-037433	Solvability:	45
Reported Date:	Feb 18, 2004 15:01	Primary Routed Unit:	4038 - Pct 4, Investigators
Entered By:	007832		

Incident Details

Offense1: BURGD	Desc: Burglary Of Dwelling	Statute: 609.58	Attempted:
Address:	3447 Humboldt AV N Minneapolis, MN		
Occurred From:	02/13/2004 00:01	Dispatched:	15:11:00
Occurred To:	02/18/2004 12:00	Arrived:	15:13:00
Location:		Cleared:	15:35:00
Minor Involved:	No		

Public Data

Victim gained into the dwelling by breaking out the window which leads into the living room. Exit through same window. Once inside suspect(s) went into victim's bedroom closet and removed loss from a purse where loss was kept and covered by folded socks.

Victim said loss is very old and may have been Russian made.

Victim given MPD report receipt card.

**Victim**

Role #: V001  
 Name: Her, Dang  
 Residence: 3447 Humboldt AV N  
 Minneapolis, MN  
 Telephone: H:529-0730  
 Date of Birth: 06/28/1973 Event Age: 30 Est. Age: 30 - 30  
 Race: Asian  
 Sex: Male  
 Height:  
 Build:  
 Victim of: BURGD

Employment Information

<u>Employer/School</u>	<u>Address</u>	<u>Telephone</u>	<u>Occupation</u>
Onan		574-5249	
<u>Availability:</u>			

Personal Description

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Employment Status	Employed		

**Suspect**

Role / Role #: S001  
 Name: Unknown  
 Address: Unknown  
 Telephone:  
 Date of Birth: Event Age: 0 Est. Age: 0  
 Race:  
 Sex:  
 Height:  
 Build:

**Relationships**

None Defined

**Modus Operandi**

<u>Category</u>	<u>Description</u>	<u>Related Offense</u>	<u>Comments</u>
Breaking Method	Break/Cut Glass		
Crime Location	Single Family		
Entry Point	Ground Level		
Entry Point	Floor		
Exit Point	Ground Level		
Exit Point	Floor		
Victim Location	Away/Gone		

**Inventoried Property**

Stolen Property

Property Type: Guns  
Officer's Description: .380 black semi-automatic handgun  
Quantity: 1  
Owner Role: V001 Owner Name: Her, Dang  
Value: 250.00

**Damaged Property**

Property Type: Misc  
Officer's Description: window  
Owner Role: V001 Owner Name: Her, Dang

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**Case Supplements**

1 supplements begin on the following page.

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Supplement number: 1 CCN: MP-04-037433 Author: 002072 - Michael Fossum

SUPPLEMENT OF SGT. MICHAEL FOSSUM, CCN#04-37,433

On 2/26/04, I was notified by Officer Tony Adams that he had recovered a handgun in the 2700-block of Russell Av. N. Children playing outside had found it in the snowbank. Off. Adams, recalled that a robbery of dwelling had occurred at 2700 Queen Av. N. a week earlier. Off. Adams brought the gun to me at the 4th Pct. The gun was a Russian-made .380 with live bullets in the magazine. The gun had a blued finish and was beginning to show signs of rust. Off. Adams brought the gun to the B of I for processing.

The recovery of the gun is likely related to CCN#04-32,894. On 2/12/04, at 1912 hrs., two masked gunmen, armed with handguns, forced their way into 2700 Queen Av. N. and began to rob the occupants of the dwelling. One occupant escaped, called police and upon arrival of police, one gunman ran westbound, toward Russell Av. N. He was subsequently arrested in the yard at 2519 Queen Av. N. This suspect was later identified as KENTAY YOUNG. The second gunman was captured in the 2700 Queen Av. address. He was identified as MARCUS DANIELS. Both AP's were eventually charged with Burglary in the First Degree.

On 2/26, Officer Adams notified me that the handgun he had recovered had been taken in a burglary of dwelling at 3447 Humboldt Av. N. The owner reported losing a .380 semi-automatic pistol between the dates of 2/13/04--2/18/04.

On 2/27/04, I called the victim, DANG HER, at work. I informed him that his stolen handgun had been recovered the previous day. I asked him if he was sure the pistol was taken between those dates. HER stated that he wasn't sure when it was stolen because the loss wasn't noticed until they began to pack their things for their move to 2715 Knox Av. N. HER readily agreed the burglary could have occurred up to two weeks before the original listed date of 2/13. I informed HER that his handgun would be released upon conclusion of the trial with defendants YOUNG and DANIELS.

END of Supplement 1

End of report for case MP-04-037433. Print ID: 2aa0909f-4c87-4d91-b3f9-9322ff49c8cc