

FILED
10-16-2020
Clerk of Circuit Court
Kenosha County
2020CV000953
Honorable Chad G
Kerkman
Branch 8

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

MICHAEL M. BELL,
1337 13th Place
Kenosha, WI 53144,

Plaintiff,

v.

ALBERT GONZALES,
6547 7th Avenue
Kenosha, WI 53143,

Defendant.

Case Classification Code:
30301 (Money Judgment)
30107 (Personal Injury – Other)

SUMMONS

THE STATE OF WISCONSIN, To each person named above as a Defendant:

You are hereby notified that the Plaintiffs named above have filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the Court, whose address is Kenosha County Courthouse, 912 56th Street, Kenosha, Wisconsin 53140, and to Plaintiff's attorney, whose address is Meuler Law, LLC, 7436 Kenwood Avenue, Wauwatosa, Wisconsin 53213. You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the Court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated this 16th day of October, 2020.

MEULER LAW, LLC
Attorneys for Plaintiff, Michael M. Bell

By: Electronically signed by:
Christopher M. Meuler (SBN: 1037971)

P.O. ADDRESS:
7436 Kenwood Avenue
Wauwatosa, WI 53213
(414) 305-7029
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**FILED
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STATE OF WISCONSIN

CIRCUIT COURT
BRANCH NO. _____

KENOSHA COUNTY

MICHAEL M. BELL,
3317 13th Place
Kenosha, WI 53144,

Plaintiff,

v.

Case No. 20-CV-
Case Classification Code:
30301 (Money Judgment);
30107 (Personal Injury – Other)

ALBERT GONZALES,
6547 7th Avenue
Kenosha, WI 53143,

Defendant.

COMPLAINT

The above-named Plaintiff, Michael M. Bell, by and through his attorneys, Meuler Law LLC, for his Complaint against the above-named Defendant states as follows:

1. Plaintiff, Michael M. Bell, is an adult resident of the State of Wisconsin, residing at 3317 13th Place in Kenosha, Wisconsin.
2. Upon information and belief, Defendant Albert Gonzales is an adult resident of the State of Wisconsin residing at 6547 7th Avenue in Kenosha, Wisconsin. Mr. Gonzales is an employee of the Kenosha Police Department, but this claim is against Mr. Gonzales individually and not as a Kenosha employee.

JURISDICTION AND VENUE

3. The Court has jurisdiction pursuant to Wis. Stat. § 801.05(1) because Defendant Gonzales is a natural person domiciled in Wisconsin.

4. Venue is appropriate in this county under Wis. Stat. § 801.50(2) because the events at issue took place in Kenosha County and/or the Defendant resides in Kenosha County.

NATURE OF THE CASE

5. Plaintiff Michael M. Bell has experienced every parent's worst nightmare, the death of one of his children. His son, Michael E. Bell, was killed during a traffic stop by Kenosha police officers in the City of Kenosha in the early morning hours of November 9, 2004. At least four members of the Kenosha Police Department were at the scene, including Defendant Gonzales. During the stop, Defendant shot Plaintiff's son in the head, and Michael E. Bell died from that wound. A previous lawsuit addressed the wrongful death claims arising from this tragic incident. Earlier this year, Defendant Gonzales wrote and published a book about the events of that early morning and subsequent proceedings, including interactions with Plaintiff. That book, titled "A Fateful Two Minutes," contains untrue, defamatory material against Plaintiff, and this lawsuit seeks redress for these defamatory statements.

BACKGROUND FACTS

6. Plaintiff Michael M. Bell ("Plaintiff" or "Mr. Bell") is a retired United States Air Force pilot who achieved the rank of Lieutenant Colonel.

7. Mr. Bell was previously married to Kim Bell, with whom he had three children; Shantae, Sondra, and Michael. Mr. Bell and Kim were married from May 29, 1977 to August 6, 1991.

8. In the early morning of November 9, 2004, Mr. Bell's son, Michael E. Bell ("Michael"), was driving a vehicle that was stopped by police. The stop occurred right outside the home owned by Kim, where Michael resided.

9. Michael exited the vehicle, was grabbed by an officer and moved back to the driver's side door. The officer then moved Michael out of the dash cam recording area. The officer accused Michael of speeding and running a stop sign (which was later recanted by the officer in findings for the civil rights trial) and ordered a sobriety test. When Michael refused, officers attempted to handcuff him using knee strikes and tasers.

10. Michael indicated that he had done nothing wrong, and he moved towards his house. At that point, the two arresting officers took him to the ground. Among other things, Michael was receiving knee strikes to his ribs, fist strikes, and was being kicked.

11. Michael was placed in handcuffs. He got up to his knees and was promptly tased, eliciting a painful scream. He ran to his backyard. Two officers chased Bell and again took him to the ground.

12. The commotion awoke Kim and Shantae, who came outside.

13. Another KPD employee, Lieutenant David Krueger, arrived on the scene. Kim Bell was pleading for someone to help her son. Lieutenant Krueger tased Michael.

14. The officers and Lieutenant Krueger subsequently held Michael and pinned him against a car in the driveway. Michael was still in handcuffs, with his hands behind his back.

15. Defendant Gonzales arrived on the scene, running through the backyard of Kim's house.

16. Mr. Gonzales states in his book on pages 8 to 9 that one of the officers yelled three times that Michael had his gun.

17. Mr. Gonzales then fired his service weapon directly into Bell's head. Mr. Gonzales describes this in his book on p. 4 as follows:

Pop! My left hand blew back from the suspect's temple. Everything started to move in slow motion. My pounding heart felt like it would come through my vest. I glanced to my left and saw one of my fellow officers popping his head over a stockade fence about five feet away. The wide-eyed look on his face said it all.

18. Mr. Gonzales describes his reaction, writing on p. 10:

My mind started flipping through its pages trying to normalize what was going on. The bloody pool made my mind flash to every deer I had ever killed. Up until this time as an officer, I had pulled my gun on many a suspect but never had to shoot. The only things I killed in my life were game animals.

Yaay—woo hoo! I did it! I cheered inside my head, as though I scored a winning touchdown.

Are you crazy? You just killed somebody! was my next thought.

Yeah! but I did it, I did it! The other part of me answered back.

You're crazy. You just killed someone! You going to be in trouble—maybe even fired! I tried to shake the thoughts out of my head.

(Italics in book.)

19. Michael E. Bell died from the gunshot wound to his head. He was 21 years old.

FEDERAL CIVIL LAWSUIT

20. The Kenosha Police Department conducted a two-day internal investigation into the incident and concluded that the shooting was justified.

21. Plaintiff, Kim, Shantae and the Estate of Michael E. Bell filed a federal lawsuit against the four officers involved, the Kenosha Police Department and the City of Kenosha. *See Estate of Michael E. Bell et al. v. Officer Erich R. Strausbaugh et al.*, United States District Court for the Eastern District of Wisconsin Case No. 05-cv-1176.

22. Extensive discovery was conducted as part of that case, including written and deposition testimony.

23. Plaintiff's deposition was taken on April 9, 2008. Mr. Gonzales was a defendant in that case and was present at the deposition.

24. As part of their case, the defendants produced a video recreation of their version of the events of the morning of November 9, 2004.

25. The civil case was ultimately settled out of court. The settlement agreement did not include a non-disclosure provision.

26. Since the death of his son, Plaintiff has been a tireless advocate for changing the way police departments investigate or review the actions of their own employees. He spearheaded efforts to change Wisconsin law, and 2013 Wisconsin Act 348 was enacted on April 23, 2014. Act 348 requires an outside agency to investigate fatal police shootings. Plaintiff has also consulted or assisted with similar efforts in multiple other states.

DEFAMATORY STATEMENTS IN MR. GONZALES'S BOOK

27. In March of 2020, Defendant Gonzales published on Amazon a book that he authored entitled "A Fateful Two Minutes."¹ The book was, and is, available at least on Amazon.

28. Upon information and belief, Mr. Gonzales published his book as a lay person and not as an employee of the Kenosha Police Department.

29. The book provides detailed information regarding the incident where Michael was killed and subsequent associated events. Mr. Gonzales does not use the last names of the officers

¹ The book is for sale and available on Amazon. https://www.amazon.com/Fateful-Two-Minutes-B-Gonzalesbook/dp/B08521JWD2/ref=sr_1_1?dchild=1&keywords=fateful+two+minutes&qid=1600051715&sr=8-1 Plaintiff is not attaching the book to this Complaint but can submit to the Court under seal at the appropriate time.

and attorneys involved, but there is no question that the book refers to the actual persons involved in the incident and subsequent proceedings: “Lt. Dave” refers to Lt. David H. Krueger; “Strauss” refers to Officer Erich R. Strausbaugh; “Erich W.” refers to Officer Erich S. Weidner; “Greg” refers to Defense Attorney Greg Gunta; “Kevin” refers to Defense Attorney Kevin Reak; “Murphy” refers to Plaintiffs’ Attorney Patrick Dunphy; “Kim” refers to Kim Marie Bell; and “Shantae” refers to Shantae Marie Bell. Further, Mr. Gonzales uses “Smith” rather than the Bell surname, and uses “Mitchell” in place of “Michael” for Michael E. Bell and Michael M. Bell.

30. The book contains demonstrable falsehoods and misquotes, twisted to present Mr. Bell in a false light.

31. For instance, one year after Michael’s death, Mr. Gonzales was living next door to Mr. Bell’s father in law and Mr. Bell placed a picture of Michael and a sign that Michael had made on Mr. Gonzales’s porch. On pages 55-56 of his book, Mr. Gonzales misquotes Plaintiff’s deposition testimony from the civil case regarding this event:

Murphy and Smith came back into the room and took their chairs. Smith had more of a smug look on his face. Most of the questions he was asked to that point were of his relationship with his son. Smith was not living in the same home as his son the actual night of the shooting. He was across town with his new wife. He was awakened by a frantic call from his daughter to come to the hospital.

Kevin [the defendants’ attorney] asked a couple more clarifying questions. Then (sic) asked the one I wanted answered.

“Would you know anything about an incident where someone put something on officers (sic) Gonzales’s porch?”

I expected to hear him blame his ex-wife or a friend of his son’s or his father-in-law. I wasn’t expecting what I heard.

“Yes, I do,” he said almost proudly.

“What do you know?” Kevin asked.

“It was me.” Smith never looked toward me, but he became somewhat emotional.

“What did you put on his porch?” Kevin pushed.

“I put a sign that my son made; a picture of my son taped to the sign and a note.”

“Why?” Kevin asked.

“I wanted officer Gonzales to pay, I wanted his family to know the pain he caused us!”

Whatever was said after that became white noise to my ears. I could feel the blood rush through my veins. Temptation came at me from all sides.

Do I jump across and beat this man to a pulp?

Do I just sit?

What do I do?

I clenched my teeth and took a long breath. One of my internal affairs bosses was sitting to my right. I wanted to blow, but I kept thinking I’m gonna lose my job if I jump.

(emphasis added.)

32. Mr. Bell did not testify that “I wanted officer Gonzales to pay, I wanted his family to know the pain he caused us!” Rather, Mr. Bell testified at deposition that he had placed a table ornament on Defendant’s porch. As shown in Exhibit A, in response to the question about why he placed the table ornament on his porch, Mr. Bell testified:

That table ornament was something that my son created, and I saved it for his wedding day. It was going to be a gag gift. And on the first anniversary of his death, I was in deep pain and I wanted Officer Gonzales to understand the tremendous pain that he caused my family.

33. Contrary to Defendant’s quotation of Mr. Bell’s testimony, Mr. Bell did not testify that he wanted Defendant “to pay.”

34. The misquote constitutes a material change in the meaning of the statement and conveys an attitude of vengeance and retribution that Mr. Bell does not hold.

35. Defendant misquoted Mr. Bell in order to portray Mr. Bell as vengeful, threatening or in an otherwise unflattering light.

36. Defendant was present at the deposition. And, as a party to that case, he had possession of or access to the deposition transcript. He knew, had a high degree of awareness of, or entertained serious doubts about, the probable falsity of his misquote.

37. In addition, Mr. Gonzales confronted Mr. Bell in a parking lot after he followed Mr. Bell out of a Kenosha Police and Fire Commission meeting. On pages 83 and 84 of his book, Defendant recounts a portion of their conversation as follows:

“You’ve [Mr. Bell] been accusatory towards me and just calling me a liar. I forgive you for that.

I know deep down in my heart, sir, that the decision I made was right. I know deep down that if I was put in that same situation, I’d have to do it again. I won’t go back on that Mr. Smith. I’m not going to say it in front of cameras or anything—there’s no sense in that. This is you and me, man to man. This stays between you and me, man to man...

“You call yourself a warrior, Mr. Smith.” I kept on. “What if the enemy came to your house and did something to you for what you had done to them? “It’s not that your son was the enemy. You understand in the context I’m saying it. You crossed the line. You admitted it. You affected my family for me doing my job, like you say you did yours in the military.”

“I did come to your house. I wanted your family to feel what you did!” Smith shot back. “I wanted to show you what you took from me.”

“Mr. Smith, if I would’ve come to your house any time, I would’ve been arrested and fired. I just want you to know that even though you came to my house and made it personal, I forgive you,” I countered.

38. Mr. Bell did not say that “I wanted your family to feel what you did!” He did say, in a calm manner: “That morning I was in pain. I wanted to show you what you took from me.”

39. The misquote constitutes a material change in the meaning of the statement and conveys an attitude that Mr. Bell did not and does not hold.

40. Mr. Gonzales purposefully avoided accurately quoting Mr. Bell in order to portray him as vengeful, threatening or in an unflattering light.

41. Mr. Gonzales participated in the conversation and acknowledges in his book that the conversation was recorded. Moreover, the video of the conversation is publicly available online. Defendant knew or had a high degree of awareness of the falsity of the quotation presented in his book.

42. Mr. Gonzales also states his belief or endorses the viewpoint stated by another that Michael's death could have been avoided if Mr. Bell "would've been a better father." For instance, Mr. Gonzales recounts a Kenosha Fire and Police Commission hearing where he and Mr. Bell were both present. On pages 79 to 80, Mr. Gonzales writes the following about an interaction between a County Supervisor and Mr. Bell:

When he finished, his brother David, one of my supervisors, took the podium.

The room became tense when he began. He started out by attacking Mr. Smith as, basically, being an absentee parent, if he would've been a better father, this would not have happened."

"That's out of line!" Smith barked out.

"Well it's true," David retorted.

"Again, that's out of line!" Smith snapped back. It seemed those comments hit home.

43. Defendant's repeating and endorsement of this attack on Mr. Bell – that his son would be alive if he was a better father – is defamatory.

44. Mr. Gonzales suggests on other occasions that Mr. Bell was an absentee father. As noted above, early in the book he writes that on the night of the incident, Mr. Bell was not present that night because he was "across town living with his new wife." The marriage of Mr. Bell and Kim had ended over thirteen years prior to that night.

45. On pages 48-49, Mr. Gonzales discusses Kim Bell's deposition testimony: "When it came to questions about his relationship with his father, [Kim] would only grit her teeth and say,

"Ask him!" motioning with her head back toward her ex-husband. Mr. Smith never broke his gaze, but rather, just sat stoically."

46. Again, this misrepresents the testimony. The transcript shows Kim Bell was being asked about a letter written by Mr. Bell that was published in the newspaper. The transcript (attached as Exhibit B along with newspaper articles) provides:

Q That's what I wanted to ask you about. So you disagree with that statement, that Michael had a dark side?

A Yes, I do.

Q Do you know, and tell me if you don't, do you know what his dad was referring to when he wrote this message as Michael's dark side?

A Why don't you ask him? He's right here.

47. The misquote constitutes a material change in the meaning of the statement in order to support the defamatory narrative.

48. Taken as a whole, a reasonable reader would understand the book to convey that Mr. Bell's son would be alive today if Mr. Bell had been a better father. The communication is defamatory.

FIRST CAUSE OF ACTION COMMON LAW DEFAMATION

49. Plaintiff re-alleges and incorporates paragraphs 1 through 48 as if fully set forth herein.

50. Defendant writes in his book that Plaintiff testified at deposition that "I wanted Officer Gonzales to pay." The misquote falsely represents Mr. Bell's deposition testimony and materially changes the meaning of the statement.

51. Defendant also quotes Mr. Bell as saying: "I wanted your family to feel what you did!" The quote and the tone expressed falsely represent the conversation and represent a material change in meaning.

52. Defendant also repeats or endorses the view that Plaintiff was an absentee father, and that his son would be alive if he was a better father.

53. The above statements were communicated in writing to third persons.

54. The statements were made to harm the reputation of Michael Bell with the public.

55. Defendant made the statements in his book knowing they were false or with a reckless disregard as to whether they were false or not.

56. Defendant acted with ill will, bad intent, and/or other bad motives against Plaintiff to harm his reputation; therefore, Plaintiff is entitled to punitive damages.

WHEREFORE, Plaintiff Michael M. Bell demands relief as follows:

- A. Damages in an amount to be determined at trial;
- B. For costs, disbursements, and attorneys' fees as allowed by law; and
- C. For any further relief the Court deems just and equitable.

PLAINTIFF HEREBY DEMANDS A TRIAL BY JURY.

Dated this 16th day of October, 2020.

MEULER LAW, LLC

By: Electronically signed by
Christopher M. Meuler
State Bar No. 1037971

7436 Kenwood Avenue
Wauwatosa, WI 53213
(414) 305-7029
chris@meulerlaw.com

Attorneys for Plaintiff, Michael E. Bell

Exhibit A

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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF WISCONSIN

* * * * *

ESTATE OF MICHAEL EDWARD BELL, by Special
Administrator Michael Martin Bell, KIM MARIE
BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,

Plaintiffs,

vs. Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH, OFFICER ERICH S.
WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER
ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,
c/o CHIEF OF POLICE DANIEL C. WADE, and CITY OF
KENOSHA,

Defendants.

* * * * *

DEPOSITION OF MICHAEL MARTIN BELL

TAKEN AT: Cannon & Dunphy, SC
LOCATED AT: 595 North Barker Road
Brookfield, WI

April 9, 2008
8:58 a.m. to 11:29 a.m.

REPORTED BY ANITA K. FOSS
REGISTERED PROFESSIONAL REPORTER

* * * * *

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Fax (414) 347-1166
Toll Free (800) 472-0445
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RayReporting@aol.com

1 A The deposition was four or five months ago.

2 Q Well, when the picture was placed on his porch,
3 I guess do you know when that happened?

4 A I believe it was the morning of November 9th.

5 Q Of what year?

6 A 2005.

7 Q What do you know about that incident?

8 A I know that I was the person that placed that
9 table ornament.

10 Q You were the person that placed the table
11 ornament on his porch?

12 A That's correct.

13 Q Why did you think that was appropriate?

14 A That table ornament was something that my son
15 created, and I saved it for his wedding day.
16 It was going to be a gag gift. And on the
17 first anniversary of his death, I was in deep
18 pain, and I wanted Officer Gonzales to
19 understand the tremendous pain that he caused
20 my family.

21 My father-in-law, Michael's grandfather,
22 was his next-door neighbor. I couldn't even go
23 to my father-in-law's house without seeing the
24 man that shot and killed my son. It was an
25 emotional event for me. And it was nothing

Exhibit B

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

* * * * *

ESTATE OF MICHAEL EDWARD BELL, by Special
Administrator Michael Martin Bell, KIM MARIE
BELL, MICHAEL MARTIN BELL, and SHANTAE BELL,

Plaintiffs,

vs. Case No. 05-C-1176

OFFICER ERICH R. STRAUSBAUGH, OFFICER ERICH S.
WEIDNER, LIEUTENANT DAVID H. KRUEGER, OFFICER
ALBERT B. GONZALES, KENOSHA POLICE DEPARTMENT,
CITY OF KENOSHA,

Defendants.

* * * * *

DEPOSITION OF KIM BELL

TAKEN AT: Cannon & Dunphy, SC
LOCATED AT: 595 North Barker Road
Brookfield, WI

March 6, 2006
11:58 a.m. to 2:23 p.m.

REPORTED BY ANITA K. FOSS
REGISTERED PROFESSIONAL REPORTER

* * * * *

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1 Michael's dad, as this -- because this is his
2 message, it says, "Yet he had his dark side."
3 And this says, "(Let the person without a dark
4 side throw the first stone.) And we think
5 that he eventually would have got it, just
6 like we did when we were that age." Did I
7 read that correctly?

8 A My son did not have a dark side.

9 Q That's what I wanted to ask you about. So you
10 disagree with that statement, that Michael had
11 a dark side?

12 A Yes, I do.

13 Q Do you know, and tell me if you don't, do you
14 know what his dad was referring to when he
15 wrote this message as Michael's dark side?

16 A Why don't you ask him? He's right here.

17 Q I can't do that right now.

18 MR. DUNPHY: If you don't know, tell
19 him you don't know. If you do know, then
20 explain.

21 THE WITNESS: I don't know.

22 BY MR. REAK:

23 Q I'm sorry, did you say I don't know?

24 A I said, I don't know.

25 Q Okay. There's an Internet -- there's a

ida

http://www.michaelbell.info/Guida/guida.html



Bill Guida

The bells toll for all of us

A lot has changed in the 16 years since we stopped taking our kids to family swim night.

Our son and daughter have long since outgrown those nights when mom watchfully treaded water nearby or guided their first attempts at swimming, and dad swam underwater playfully prabbing at little legs.



Michael M. Bell



Michael E. Bell

In those innocent days, we met other parents and kids at the former KYF (now the Downtown YMCA).

One dad was Michael M. Bell, who not only brought his own kids but others from families living in apartments he owned.

His son, Michael E. Bell, "Mike," was a blonde, wiry, fearless boy who didn't test the water timidly before entering.

Mike was an all-out cannonball, no matter whether he was launching himself into the deep end of the warm little pool or the big, cooler lap pool.

He was full of rambunctious, youthful exuberance, though mindful when his dad quietly but firmly reined him in.

Gradually, I learned more about the elder Bell.

An Air Force Reserve pilot, he flew refueling missions and served in the Gulf War during Operation Desert Storm.

He earned a good reputation as a landlord, turning around a large multi-unit complex in the Wilson Heights neighborhood.

The buildings had deteriorated. Drug dealers and street gangs freely roamed the complex.

Bell renovated the buildings, enlisted residents to tighten things up, cleared the parking lots as hangouts.

His rules were simple: Sell drugs, make trouble, you're out.

As our kids got older, I lost contact with him, and thoughts of family swim faded.

Then, late Tuesday afternoon, I found myself making eye contact with him through a hole in a throng of reporters, cameramen and photographers in a cramped, first-floor corridor below Kenosha County District Attorney Bob Jambois' office.

Earlier, Jambois had ruled police justified in fatally shooting Bell's now 21-year-old son Mike.

Mike's mother, Kim Bell, and sister, Shantae, were present in the hallway, too. They had witnessed the shooting outside the home where they lived with Mike and disputed some of the facts police reported.

After the women spoke with reporters, the cameras turned to Mike's dad.

He said he'd already forgiven the police for shooting Mike, who had been drinking and apparently resisted arrest after a traffic stop.

After the corridor cleared, I asked Bell how close he was with his son.

"As close as we could be in a separated family," he said. "I used to pick him up on Fridays and keep him all weekend. His mother would get mad because I was supposed to have him back earlier."

They went fishing in remote, Canadian woodlands. After high school, he took Mike to Spain for six weeks while he was there on military assignment.

He acknowledged Mike's combative history with police after he resisted arrest on at least two prior occasions, including an incident in September involving the same officer who pulled his son over Nov. 9.

He tried counseling his son,

GUIDA: Bell sought help

From Page C1

getting him into treatment for alcohol and drug abuse. He took him to a 12-step program for three years.

When I'd read his comments in the paper after the shooting, I wondered at what seemed like calm detachment.

Now, looking in his eyes, I saw a kind of empty helplessness. His square shoulders sagged almost imperceptibly as we talked, like he'd gotten the wind knocked out of him.

"We're beginning the grieving process," he said.

Questions likely will linger over Mike's death. But none of us get to turn back time.

I offer Bell my condolences. We shake hands and part.

I walk outside, leaving behind the sobs of a grief-stricken mother, the sagging shoulders of a desolate father.

In the chill evening air, the sky darkens and unseen church bells toll the hour.

Bill Guida's column runs four days a week. E-mail him at biguida@kenoshanews.com.

EXHIBIT
1c Bell
2

KENOSHA NEWS

Kenosha, Wisconsin

FRIDAY, DECEMBER 24, 2004

★★★ 75¢

Bell family urges public unity

Father seeks positive vein, encourages holiday spirit

BY MARK HORNICKEL
KENOSHA NEWS

Michael Bell has forgiven police officers involved in his son's shooting death, but as Bell and his family prepare for Christmas without their loved one, their grieving won't subside.

"It's hard and it's especially hard in the evenings," said Bell, the father of 21-year-old Michael E. Bell, who was shot

and killed by a Kenosha police officer on Nov. 9. "It occupies your attention 75 percent of the day. You experience a whole range of emotions.

"One of the things we did as we made a pact as a family if one of us gets extremely sad, we call one of the other ones right away and just talk. I can't tell you how sad you feel; you connect with another family mem-

ber and that lifts you up."

At 2:11 a.m. on Nov. 9, Kenosha police stopped a Ford Explorer that Michael E. Bell was driving in front of his home. Police reports said that Bell resisted and struggled with police officers. Eventually, reports said, he placed his hand on and tried to remove one officer's holstered firearm. Another officer then shot Bell at



Michael E. Bell

See **BELL**, Back page

A Christmas message from the Michael Bell family

Editor's note: The following letter was sent to the Kenosha News by Michael M. Bell, father of Michael E. Bell, who was shot and killed by a Kenosha police officer after a traffic stop last month.

As we approach Christmas, I would like to remind everyone that this a time of peace and forgiving. I have accepted in my heart that people are upset, but I also still believe that something good will come from the event that occurred Nov. 9. God doesn't work any other way. There is a pain to the event and there will also be an earned reward.

I ask all mothers and fathers to recall what it was like

See **LETTER**, Back page

Frigid cold descends on Kenosha County

Program gets

BELL: Take the high road

From Page A1

close range in the head.

Law enforcement officials ruled the shooting was justified and the officers acted within state law. After reviewing evidence, however, the Bell family said it has begun working with Brookfield-based attorney Patrick Dunphy of Cannon and Dunphy in preparing a civil lawsuit. Bell and Dunphy have not said when the suit might be filed.

Bell also has met with state lawmakers in hopes of influencing the way law enforcement officers are trained.

"It's really hard for me to do it from the high road, and that's how I want to do this," he said. "I don't want to go in there and call anybody names. I want to take the high road on this and see if we can make this better."

Various Internet Web sites, including one produced by the

Check out the final Christmas story. **Page C1.**

Local students write their own holiday stories. **Page C3.**

Bell family, have triggered mail conveying a wide range of emotions — in support of and against Kenosha police officers' actions, Bell said. Some of the writings have been beautiful, he said, while others have been "just brutal, they have no regard."

So as this holiday season arrived, Bell wrote the Kenosha News, looking to remind others to take the high road as well, to look at all the positive things surrounding them and take none of it for granted.

"To kind of de-escalate all this emotion here, that's why I wrote it," Bell said. "If I can set the tone for things, then maybe it's something everybody else can do."

LETTER: Holiday message

From Page A1

when they were 21. We all remember being pulled by the influences of society. Most of us had one foot going to jail and the other going to college. Some of us have children who are currently at that point in their lives.

It was no different with Michael. He was going to college. He said to me, "Dad, I got an A, can you believe that?" I knew he could when he applied himself. He had a meaningful job as he built many a fine home as a skilled carpenter. Yet he had his dark side (let the person without a dark side throw the first stone) and we think that he eventually would have got it, just like we did when we were that age.

As for the officers, they too are learning. They too are suffering and so are their families. I ask that you practice charity with them and also with us.

Please allow everything to take its course and know that something good will come out of it. Legislation might be passed, procedures might be changed, fathers and mothers will recognize more deeply that precious gift of their children.

This is not about revenge or anger. It is not about "you people" versus "us." It is about change. The cycle of rest, upheaval and resettlement is entering into its final stage.

I just ask that people keep their eyes open for the good and not get mixed in hatred, anger and resentment.

Michael M. Bell

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