

Frank R. Dillman
2273 County Road 54 W
Notasulga, AL 36866

Hand-delivered to Mr. Magruder during public comment, Macon County Commission meeting on Monday, April 11, 2022.

STATEMENT OF FACTS of events during Macon County meetings of Monday, July 12, 2021, and Friday, July 16, 2021

April 11, 2022

Ernest Magruder
District 3 Macon County Commissioner
101 E. Rosa Parks Avenue
Tuskegee, AL 36083

Dear Commissioner Magruder,

The legal doctrine, Clean Hands, is the principle that always works best for all parties concerned.

During public comment on November 8, 2021 and March 14, 2022, I hand delivered to you a Statement of Facts concerning the events that transpired during the July 12, 2021 and Friday, July 16, 2021 Macon County Commission meetings.

To date, I have not received your response.

I am writing for the second time to offer you the opportunity to correct or dispute any of the facts stated in the November 8, 2021 document, as it contained,

This is my **third** letter to you stating the events and your involvement in the events of July 12, 2021 and July 16, 2021 Macon County Commission meetings.

Monday, July 12, 2021

1. I entered the Macon County Commission meeting chamber about 5:40 pm, sat down, and set up my camcorder and tripod for the 6 pm Macon County Commission meeting.
2. Commissioners Miles Robinson, Edward Huffman, Robert Berry and you, and Chairman Louis Maxwell were in attendance. Huffman and you were sitting in front of the dais for social distancing.
3. Sheriff and Mrs. Brunson were in the audience along with Revenue Commissioner Iverson Gandy, Probate Judge James Cooper, County Attorney Bridgett Gray, and a couple of county employees.

4. Maxwell welcomed everyone and asked for public comment on or about 6 pm. A couple of citizens from the zoom connection spoke.
5. I was recognized by Maxwell to address the commission. I stood and introduced myself.
6. I stated the county is refusing to accept my Registered Return Receipt letters from the post office, which is returning my letters as “unclaimed” after being available to the county for 15 days.
7. I continued with someone in the county is filtering incoming mail and therefore I must hand-deliver copies of the “unclaimed” letters of July 12, 2021.
8. I approached the dais and placed before Commissioner Robinson his returned “unclaimed” letters.
9. Upon turning to my right to deliver to Maxwell his copies of his returned “unclaimed” letters Commissioner Robinson pushed the papers onto the floor by my feet.
10. I turned around, bent over, picked up the documents and sternly re-placed them back on the dais. Commissioner Robinson immediately stood up with outreached arms, resembling an athlete guilty of an offense attempting to convince the referee of his innocence.
11. Maxwell immediately began berating me, stating “Mr. Dillman, (comments on the recording are inaudible) you cannot come here and do that,” <https://www.facebook.com/100001174032610/videos/368624574692089>
12. I told Maxwell that Robinson threw the papers at me, of which Maxwell’s attitude cared less.
13. Upon leaving Maxwell’s “unclaimed” letter in front of him I turned and placed in front of Huffman copies of his “unclaimed” letters.
14. While returning to my seat Brunson approached the dais to restore order. Maxwell began directing him to remove me from the meeting. Robinson threw the letters about 10 feet in front of the dais striking your face and landing on your microphone.
15. Maxwell ordered the Sheriff “I want this gentleman removed” while pointing his finger at me. Robinson immediately added “and never come back.”
16. To Robinson’s comment I said “kiss off” of which he stated “That is why you are not coming back.”
17. Not a word was spoken by Maxwell, the other commissioners, or you to the person who initiated the disturbance, Commissioner Miles Robinson, nor to the violation of my rights to peacefully assemble and attend public meetings. Silence is acquiescence.¹

¹ Black’s Law Dictionary (11th ed. 2019), acquiescence is defined as “A person’s tacit or passive acceptance; implied consent to an act. ‘As to burden of proof, it has been said that the inference from the conduct amounting to acquiescence may be ‘so probably as to [be] almost certain, ‘James Crawford, Brownlie’s Principles of Public International Law 419-20 (8th ed. 2012)”

18. I stepped outside with Brunson as he directed. We returned within a couple of minutes. I returned to my seat. Brunson addressed the commission with Sheriff Departmental business.
19. Following the Sheriff's report, I was escorted from the Chamber by the Sheriff accompanied by his wife approximately 6:10 pm.

Friday, July 16, 2021

1. I entered the Macon County Commission chamber about 1:35 pm, 5 minutes into the meeting, with my camcorder and tripod. Other than a couple elected public servants in the audience, there were a few citizens in attendance.
2. Commissioners Miles Robinson, Edward Huffman, and Robert Berry, and you and Chairman Louis Maxwell were in attendance. Huffman and you were sitting in front of the dais for social distancing.
3. Upon taking my seat, Maxwell asked me a couple of times if I had received his letter and directed me to leave. I remained silent and ignored his order.
4. Maxwell then directed civilian-clothed Tuskegee District 3 City Councilman Macon County Deputy Orlando Whitehead sitting in the back of the room to remove me. Following Maxwell's direction, off-duty Whitehead approached me and asked me to step outside. I refused, stating "call the sheriff." Whitehead left me and had no other interactions with me.
5. Uniformed Deputy Chris Johnson arrived unannounced and sat in the back of the chamber.
6. Robinson unsuccessfully motioned for a recess.
7. Robinson approached Johnson resulting in both leaving the chamber for approximately 3 minutes. Both men returned to the chamber.
8. Neither Robinson or Johnson said anything to me.
9. You and Commissioners Huffman and Berry sat silent to the attempts of violating my unalienable rights.
10. The meeting terminated and I departed the chamber with my camera, tripod, and notepad.

Should you choose to reply to amend or correct the above facts, please mail it within 7 days of receipt of this statement to Frank Dillman, 2273 County Road 54 West, Notasulga, AL 36866 or otherwise you will be accepting the facts as noted above.

Respectfully requested, reserving all rights, known and unknown, and wavering none,

Frank Dillman
