

IN DISTRICT COURT  
SOUTH CENTRAL JUDICIAL DISTRICT

Plaintiff,

V

Morton Co. 30-2016-CR-01337

Defendant.

Lisa Schmidt

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF MORTON

SOUTH CENTRAL JUDICIAL DISTRICT

State of North Dakota,

Plaintiff,

v

Alex Wilson,

Defendant.

.....)

Morton Co. 30-2016-CR-01337

**TRANSCRIPT OF INITIAL APPEARANCE**

**Morton County Courthouse**

**Mandan, ND 58554**

**October 24, 2016**

The Honorable Bruce B. Haskell, District Judge, Presiding

PRESENT:

Mr. Ladd Erickson

Acting Morton Co. State's Attorney

PO Box 1108

Washburn, ND 58577

For the State

Alex Wilson

PO Box 298

Cannon Ball, ND 58528

The Defendant

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Transcript requested by Alex Wilson  
Recorded and transcribed by Lisa Schmidt

[THE FOLLOWING PROCEEDINGS WERE HAD AND MADE OF  
RECORD, AS FOLLOWS, on the 24th day of October, 2016  
commencing at 3:59 p.m.] - - -

5 THE COURT: All right. Ms. Wilson, did you get a  
copy  
6 of a ticket or citation in this case?  
7 THE DEFENDANT: No.  
8 THE COURT: Actually, two citations?  
9 THE DEFENDANT: No, Your Honor. I got a release  
form.  
10 THE COURT: Right. That's something different.  
11 That's the bond order.  
12 But when you were arrested, you should have gotten  
two  
13 things that look tickets or citations. Did you get  
those?  
14 THE DEFENDANT: No.  
15 THE COURT: All right. We'll see that you get  
copies16 when we're done.  
17 The citations allege two offenses in Morton County on

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October 15th, 2016. Count 1 alleges disobedience of safety

orders during a riot. That charge is a B misdemeanor.  
That

means if you were to plead guilty or be found guilty of the 21 charge, you could be sentenced up to 30 days in jail, fined up to \$1,500, or both. There is no minimum penalty.

Do you understand that charge and the possible penalties?

THE DEFENDANT: I comprehend. Thank you.

THE COURT: Okay. Count 2 alleges disorderly conduct. That's also a B misdemeanor with a maximum penalty of 30 days in jail, a \$1,500, or both. There's no minimum penalty.

Do you understand that charge and the possible penalties?

THE DEFENDANT: I know what you're saying. Thank you.

THE COURT: Okay. I'm going to explain your rights 6  
regarding these charges. If you have any questions when I've  
completed that, you'll have that opportunity.

You have a right to have a lawyer to represent you at all stages of this case. If you want a lawyer to represent you and

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10 can't afford to hire one, you can apply for court-  
appointed  
11 attorney. Whether you qualify or not depends on your  
income  
12 and finances. If you do qualify, the lawyer would  
represent  
13 you at no charge. If your income and finances improve in  
the  
14 future, you may have to repay all or part of the costs of  
the 15 lawyer, but for now, the lawyer would represent  
you for free.  
16 Do you wish to have a lawyer to represent you in  
this  
17 case?  
18 THE DEFENDANT: May I have more time to decide to  
19 choose that? I'd like some more time.  
20 THE COURT: That's fine. What I'm going to do is  
give  
21 you an application for court-appointed attorney and  
you can  
22 decide whether you want to fill it out or not.  
You're also free to hire an attorney if you wish to.  
But I will tell you that we're going to set a trial  
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date now, so the sooner that you make a decision on  
the attorney,

the better it will be for you because it would be in your  
best interest to be represented by an attorney. But we  
will give you the application and maybe if someone else here  
wants to sit down with you and help you out with it,

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that might be helpful as well.

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You do have a right to a speedy and public trial in this

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case. You can have a trial with a judge or a trial with  
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jury.

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If you have a trial by jury, all the jurors would be

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citizens of Morton County. At the trial and at all  
stages in

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this case, you're presumed innocent. That means the  
State is required to prove the charges against you  
beyond a reasonable doubt before you could be found  
guilty.

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At the trial, you'd have the opportunity to question or

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cross examine witnesses against you. In other words, no

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16 evidence or witnesses could be presented in court without  
you  
17 there to see and hear that, and you'd have a chance  
through 18 your lawyer to question all the witnesses  
that testify.  
19 You could testify at the trial. You can't be required or  
20 forced to. At no time in this case can you be required  
to  
21 testify, make a statement, or in any way incriminate  
yourself.  
22 If you did have a trial by jury, all jurors would  
berequired to agree on a verdict of guilty or not guilty.  
Do you understand each of those rights?

THE DEFENDANT: If I may ask a question?

THE COURT: Yes.

THE DEFENDANT: What are  
the pre-requisites for the trial by jury? And also, it appears to  
me on my research so far that we're on Oceti Sakowin land and that  
a trial by jury 5 could be done from a member of a jury of my  
peers within that 6 rather than a jury of Morton County  
citizens, sir.

7 THE COURT: Okay. Well as far as pre-requisites for  
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jury trial, these cases will be set automatically  
for a trial

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by jury. If you choose to have it in front of a  
judge, then

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you would need to make that decision and file a  
motion to do 11 that. But they will all be in  
front of a jury.

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At the time the jury is selected, you or your  
attorney

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would have the opportunity to challenge the makeup  
of the jury

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panel. In other words, if you don't think it's a  
jury of your

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peers at the time the panel is selected, then you'd  
have that

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opportunity to address that.

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Does that answer your question?

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THE DEFENDANT: Thank you. Yes.

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THE COURT: All right. Any other question you have?

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THE DEFENDANT: I'd like to -- I read several places

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where the Department of Justice says that we have a  
first

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amendment right to film publicly pertinent cases and  
I'd like to exert my right in court to be able to  
make sure this is filmed for educational purposes  
and for public safety.

THE COURT: All right. My understanding is that media  
is allowed and as long as there's no disruption of the  
court proceedings, there wouldn't be any problem with  
filming or recording.

THE DEFENDANT: Thank you,  
Your Honor.

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THE COURT: Any other questions?

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THE DEFENDANT: From some of the research I've done,  
I

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heard that misdemeanors generally aren't courts of  
record.

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Could this be made to a court of record?

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THE COURT: This is a court of record.

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THE DEFENDANT: Thank you,

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THE COURT: I don't know about other states and

federal jurisdiction, but all criminal offenses  
in North Dakota are courts of record.

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THE DEFENDANT: Also, my vision is kind of not good.

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I can't read your name there, Your Honor. If I  
could get that 16 before I go and thanks for  
answering for everything. 17 THE

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COURT: My name is Bruce Haskell. Last name is  
spelled H-A-S-K-E-L-L.

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All right. Thank you.

I assumed you wish to enter not guilty plea's to the 21  
charges; is that correct?

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THE DEFENDANT: Additional research I did, I heard  
that I can also deny the charges. I'd like to deny them, for  
constitutional immunity, if that would be honored.

THE COURT: All right. Okay. We will set a trial  
date. I'm going to give you an application for court-  
appointed attorney and as I said, you can fill that out if  
you wish and if you have questions about anything on that  
application, the people in the clerk of court's office will  
be

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able to answer those questions.

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All right. Thank you.

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(Hearing concluded at 4:05 p.m.)

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