

Call to Morton County State's Attorney's Office (then transferred to Morton County Clerk of Court) by Alex "Distance" Wilson @ 3:05 pm on 4-19-2017:

Call Length: 12:26

Summary: Distance calls the Morton County State's Attorney's Office for the second time in regards to obtaining a copy of the Discovery *in response* to the "STATE'S DISCOVERY RESPONSE and REQUEST and NOTICE OF INTENT TO USE EVIDENCE" notice that was sent to her on 3-21-2017. During the call, she is informed that 1.) she needs to submit her Request for Discovery in writing, & 2.) she has a court appearance "tomorrow" (4-20-2017) to which she was not given notice of! She is informed she needs to contact the Burleigh County Clerk of Court's Office.

TRANSCRIPT:

State's Attorney Office: Morton County State's Attorney's Office. How can I help you?

Distance: Hello. This is the second time I've called. I got a message from Gabriel Goter's office regarding a Disclosure on the Evidence the State was going to try to use against me in the case – as far as a *records request*. It says to contact you to find a time to contact you to find a time to come in & I can have a copy of all the evidence the State plans to use against me.

State's Attorney Office: Okay. What was your name?

Distance: Alex Wilson. I have the case number too.

State's Attorney Office: Sure. That would be great.

Distance: 30-2016-CR-1337

State's Attorney Office: Okay. One moment. This is in regards to some records you said?

Distance: My request for Discovery & Request of Notice of Prosecution's Intent to Use Evidence.

State's Attorney Office: Gotcha. Just one moment okay?

Distance: Okay.

On hold.

State's Attorney Office: State's Attorney's Office.

Distance: Hi there. My name is Alex Wilson. I'm calling in regards to a Request for Discovery & a Request for Notice of Prosecution's Intent to Use Evidence.

State's Attorney Office: Okay.

Distance: I was told I can call here and arrange a time to receive all of the evidence. Do you need a copy of the paperwork? I have it right here in front of me.

State's Attorney Office: What's the case number on it?

Distance: 30-2016-CR-1337. At least that's the certificate of service via US mail & electronic filing service. That's the number that's listed under that.

State's Attorney Office: K. Let me look up in the court's site & see if we have... what the heck? And what case are you trying to get it for? What's the name of the Defendant you're looking for? Is it yourself?

Distance: Yea. Alex Wilson. That's me.

State's Attorney Office: Okay because that number came up for someone else. Maybe I typed it in wrong. I must have typed it in wrong. What I'm doing is looking through the court's site right now, & those documents have to be requested. Have you sent it into our office prior?

Distance: No. I just got this thing in the mail, & this is the second phone call I've made. I was told that my phone call was going to get a phone call was going to get returned to me last time it never did. I have that call recorded.

State's Attorney Office: Okay. What the procedure is is that request has to be received in our office in writing.

Distance: Okay.

State's Attorney Office: So if you want you can drop off a written request & date it, & I can see what I can do to see what I can do to you a quick turnaround. It shows that there's a criminal hearing tomorrow.

Distance: A criminal hearing tomorrow? I'm supposed to be there? Is that what you're saying.

State's Attorney Office: Yea.

Distance: I was not notified in any way about this.

State's Attorney Office: Ummm. So, when any. There was a final dispositional conference yesterday at nine, & those notices I do believe are mailed out from the clerk's office.

Distance: I have not gotten any notices. This is the first I've ever heard about it. Last I was aware my court date got pushed back, & I'm talking to somebody else on the same list that was arrested that same day, & he told me he got no information regarding when this was rescheduled, & I contacted you & this is the first I'm hearing about it as well, so none of us got any notices.

State's Attorney Office: All I can tell you is that it looks like on January 20th there was an amended notice of trial & final dispositional conference. That's typically sent out by the Clerk's office I do believe – & that's a different office so I can't speak for them. I can transfer you when you & I are finished with our phone call, & you can talk with them & make sure you have the right mailing address because if they have an address that's not correct unless they're notified they have no way to know differently

Distance: They have my address on file...

State's Attorney Office: Right – but that's a different office, so like I said as soon as you & I are finished with our conversation, I will be happy to transfer you down there & you can speak to them because I can't speak cuz I can't speak for what another office does.

Distance: I'm sorry. That just made my blood pressure go up to hear I have a case tomorrow that I never heard about.

State's Attorney Office: So, a final dispositional conference is held to make sure you still want your jury trial – *basically*. So, I show it in the court's site that there's a Notice of Hearing January 20th. As far as *what happened* with getting you your notice, *I don't know*, but that's what I have in the court's site. That's what I can look up on “NDcourts”.

Distance: Hmmmmm. Interesting. “NDcourts”. Let me look. NDcourts.gov?

State's Attorney Office: Yep. Like I said – for *Discovery* purposes – I would still suggest that you show up at your criminal hearing tomorrow because it *is* on the calendar, so I am at least letting you know that it shows that tomorrow at 8:30 there is a criminal hearing. If you want to drop off a written request for Discovery, I'm going to tell you, *I'm not going to get it done & back to you today*. If you want to stop by our office *after* your hearing, *please bring your I.D.*, *cuz you have to have an I.D. for the written request*, & then I can get you any documents *or* anything we have for your case, but I have to have a written request. Did you need to be transferred down to the Clerk's office?

Distance: Yes please.

State's Attorney Office: Okay. Hold on. I will give them your case number so they have it, *but just one second, okay?*

Distance: Thanks.

Morton County Clerk: Clerk of Court.

Distance: Hello. I was calling because I was looking for the very last time – when was I contacted by your office that I have a court case tomorrow.

Morton County Clerk: Okay. So I talked to the State's Attorney that you were just talking to – from the State's Attorney's Office – and we don't don't send those notices out. She apologizes. She thought that we did. Its *Court's Admin* who sends out trial notices. I can see it was January 20th, but it would not be our office.

Distance: January 20th I was supposed to have case, & when I called up to your office, *or their office*, I was told that it was postponed & that it would *not* be on January 20th.

Morton County Clerk: Right. It was not *on* January 20th. They sent a notice of a *new* trial date *on* January 20th.

Distance: I never received that in the mail & neither did somebody else that I'm talking to...

Morton County Clerk: Okay. Yea – yea *I don't know*. I don't send them.

Distance: So, can I be sent to the office that allegedly sent them?

Morton County Clerk: I can give you their phone number. They're actually in a different city, so I can't transfer you.

Distance: Thank you.

Morton County Clerk: 701-222-6682.

Distance: Thank you very much.

Morton County Clerk: You're welcome

Distance: Bye.

Morton County Clerk: Bye.

– END TRANSCRIPT –

Witness the entire case & listen to the audio recording at
www.standingrockclassaction.org/?page_id=3258