

STATE OF NORTH DAKOTA)
) SS.
COUNTY OF Morton)

AFFIDAVIT

I, Michael Breid, an employee of Mandan PD, attest to the following:

1. That I am a trained and licensed peace officer with 3 years of experience with jurisdiction to enforce state law in Morton County, North Dakota.
2. That on the 22 day of February, 2017, at approximately 1600 hours, in Morton County, North Dakota, at (specific location) Hwy 1806 south of the Backwater Bridge
3. The suspect was identified as (Full Name) Eric Bivens whose date of birth is (Month) December (Day) 22, (Year) 1986, and is 30 years of age.

4. The following gives rise to probable cause to charge the suspect with:

- PHYSICAL OBSTRUCTION OF A GOVERNMENT FUNCTION, NDCC 12.1-08-01, Class A Misd.**
- CONSPIRACY TO COMMIT PHYSICAL OBSTRUCTION OF A GOVERNMENT FUNCTION, NDCC 12.1-06-04, 12.1-08-01, Class A Misd.
- PREVENTING/RESISTING ARREST (FELONY OFFENSE), NDCC 12.1-08-02, Class C Felony
- PREVENTING/RESISTING ARREST (MISD. OFFENSE), NDCC 12.1-08-02, Class A Misd.
- RECKLESS ENDANGERMENT, NDCC 12.1-17-03, Class C Felony
- CONSPIRACY TO COMMIT RECKLESS ENDANGERMENT, NDCC 12.1-06-04, 12.1-17-03, Class C Felony
- CRIMINAL TRESPASS (POSTED LAND, PRIOR NOTICE, REFUSAL TO LEAVE), NDCC 12.1-22-03, Class B Misd.
- CRIMINAL TRESPASS (CLOSED AS TO MANIFESTLY EXCLUDE INTRUDERS), NDCC 12.1-22-03, Class A Misd.
- 2ND OFFENSE OF CRIMINAL TRESPASS (POSTED LAND, PRIOR NOTICE, REFUSAL TO LEAVE), NDCC 12.1-22-03, Class A Misd.
- DISORDERLY CONDUCT, NDCC 12.1-31.01, B Misd.
- CRIMINAL MISCHIEF (>\$2000/DESTRUCTIVE DEVICE), NDCC 12.1-21-05, Class C Felony
- SIMPLE ASSAULT ON A PEACE OFFICER, NDCC 12.1-17-01, Class C Felony
- AGGRAVATED ASSAULT, NDCC 12.1-17-02, Class C Felony
- TERRORIZING, NDCC 12.1-17-04, Class C Felony
- CONTACT BY BODILY FLUIDS, NDCC 12.1-17-11, Class C Felony
- FELON IN POSSESSION OF A FIREARM, NDCC 62.1-02-01, Class C Felony
- POSSESSION OF AN EXPLOSIVE, NDCC 62.1-02-11, Class C Felony
- CARRYING A CONCEALED FIREARM OR WEAPON, NDCC 62.1-04-02, Class A Misd.
- INCITING A RIOT, NDCC 12.1-25-01, Class C Felony
- ENGAGING IN A RIOT, NDCC 12.1-25-03, Class A Misdemeanor
- ENDANGERING BY FIRE/EXPLOSION, NDCC 12.1-21-02, Class B Felony
- OTHER: _____
- OTHER: _____
- OTHER: _____
- OTHER: _____

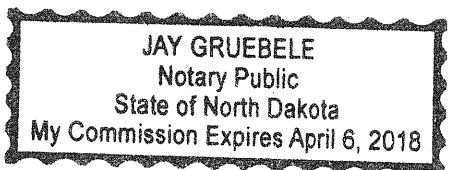
5. Circumstances and/or other facts:

On 2/22/17 I, Officer Breiel, was on patrol in the area of the Backwater Bridge & Individuals ~~near~~ that were protesting in the area of the Oceti-Sapawan that were informed to leave multiple times. Both by Federal and local government. A large group gathered by law enforcement and were told to leave. Several subjects refused to leave the area and camp. I took into custody a Eric Rivers (12/22/1986), for Physical Obstruction of a Government Function. He was released into custody of Parole and Probation for transport to Morton County Jail.

Dated this 22nd day of February, 2017.

[Signature]
Complaining Officer/Affiant

Subscribed and sworn before me on the 22 day of February, 2017.



[Signature]
Notary
Morton County