

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

AFFIDAVIT

I, Shawn Peterson, an employee of Morton County, attest to the following:

1. That I am a trained and licensed peace officer with 5 years of experience with jurisdiction to enforce state law in Morton County, North Dakota.

2. That on the 22<sup>nd</sup> day of February, 2017, at approximately 1615 hours, in Morton County, North Dakota, at (specific location) STHY 1806 M 34

3. The suspect was identified as (Full Name) Anton William Buerkert whose date of birth is (Month) August (Day) 30, (Year) 1987, and is 29 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.
- 2<sup>ND</sup> 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
- ENDANGERING BY FIRE/EXPLOSION, NDCC 12.1-21-02, Class B Felony

OTHER: \_\_\_\_\_

OTHER: \_\_\_\_\_

OTHER: \_\_\_\_\_

OTHER: \_\_\_\_\_

5. Circumstances and/or other facts:

On 2/22/2017, Anton William Buekert was arrested for Obstruction of government function and resisting arrest.

I was advised by command that protesters wanted to be ceremoniously arrested through negotiations in defiance of the Army Corp evacuation orders.

Protesters massed on the roadway and the field force was called up. When LE advanced on protesters, many would turn and run away.

I was approached by Buekert in the road. I advised he was under arrest. I reached for Buekert, who moved out of reach. Again I reached for Buekert, and was able to get ahold of his shirt. Buekert actively resisted, struggling to maintain his posture and keep his hands in front of him.

Other officers were required to assist in getting Buekert to the ground and securing his hands. Buekert was advised he was under arrest for obstruction of a government function and resisting arrest.

Buekert was assisted for his feet and escorted to JDP for transport.

Dated this 22<sup>nd</sup> day of February, 2017.

*[Signature]*

Complaining Officer/Affiant

Subscribed and sworn before me on the 22 day of February, 2016.

*[Signature]*  
Notary  
Morton County

