

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

AFFIDAVIT

I, Timothy Frank, an employee of North Dakota Highway Patrol, attest to the following:

1. That I am a trained and licensed peace officer with 4 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 1645 hours, in Morton County, North Dakota, at (specific location)

Highway 1806 Mile Marker 34.8 / Dakota Access Pipeline Protest Camps

3. The suspect was identified as (Full Name) Viscarra, Lauri Teyona whose date of birth is (Month) June (Day) 11, (Year) 1962, and is 54 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:

1. On 02/22/2017 I, Trooper Frank, was deployed at the Dakota Access Pipeline protests. I was a part of a mobile field force that consisted of multiple law enforcement agencies from different jurisdictions. I was assigned to an arrest team on the mobile field force. At approximately 1400, my field force had been deployed to Highway 1806, just west of the main protest camps on Army Corps of Engineers property.

2. The protesters located in the main camps had been given a mandatory evacuation order by Governor Burgum, as well as the Army Corps of Engineers. The camps had been notified of the eviction and it was highly publicized that all protester on Army Corps land where to leave by 1400, on 02/22/2017.

3. At approximately 1630, my mobile field force encountered approximately 60 resistant protesters on Highway 1806. An order was issued that they vacate the area otherwise they would be subject to arrest. Prior to that order, the protesters had also sent a liaison to negotiate with law enforcement. Their liaison had also been informed that anyone left in the camps or on the roadway, would be subject to arrest. My mobile field force moved on the resistant protesters and began to take them into custody.

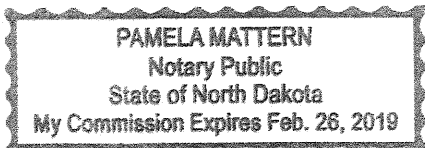
4. I placed a female individual under arrest, on Highway 1806. I had held the female's right arm to escort her, and she fell to her knee. The female stated that she may have a broken foot. The foot was injured prior to my contact with her. I escorted the female back to Parole and Probation's booking area. The female was compliant and was handcuffed behind her back with zip handcuffs. I was assisted by Mandan Police Officer 222. Officer 222 conducted a search on the female. The female was then turned over to Parole and Probation for further processing. My name was tied to the arrest, and my picture was taken with female. I later identified the female as Teyana Lauri Viscarra (DOB: 06/11/1962, Possible CA OLN: N9970767). Morton County had provided Viscarra's name to me after the arrest.

Dated this 27 day of February, 2017.



Complainant Officer/Affiant

Subscribed and sworn before me on the 27th day of February, 2017.




Notary
Burleigh County