

IN THE SUPREME COURT OF THE STATE OF NORTH DAKOTA

State of North Dakota,)	District Court Case No. 08-2020-CR-02100
Plaintiff,)	Supreme Court File No. 20220096
)	
)	
vs.)	Motion for Leave to File Transcript
)	and Supplemental Order for Transcript
Dalton Peltier,)	
Defendant.)	

[¶1] COMES NOW the Defendant/Appellant, Dalton Peltier, by and through his attorney, James R. Loraas, and submits this Request for Leave to File Transcript and Supplemental Order for Transcript pursuant to Rule 10 of the North Dakota Rules of Appellate Procedure. Attached as Exhibit 1 is the transcript of the Evidentiary Hearing held on February 9, 2021 and relating to Defendant’s Motion to Suppress. Good cause is also shown because Defendant/Appellant’s counsel believed that when the transcript was prepared on July 27, 2021 the transcript of the hearing would have been included in the record.

Respectfully submitted this 27th day of October, 2022.

/s/ James R. Loraas
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STATE OF NORTH DAKOTA, COUNTY OF BURLEIGH
IN DISTRICT COURT, SOUTH CENTRAL JUDICIAL DISTRICT

State of North Dakota,)
)
)
 Plaintiff,)
) Case No. 08-2020-CR-02317
 vs.)
)
Dalton Gene Peltier,)
)
 Defendant.)

Evidentiary Hearing

Before the Honorable James S. Hill, District Judge
Burleigh County Courthouse
Bismarck, North Dakota
February 9, 2021

Appearances:

For Plaintiff: Mr. Dennis H. Ingold
 Assistant Burleigh County State's Attorney
 514 East Thayer Avenue
 Bismarck, North Dakota 58501

For Defendant: Mr. James Russel Loraas
 Attorney at Law
 410 East Thayer Avenue, Suite 201
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Recorded and transcribed by:
Kimberly Gullicks, AAERT CER, CET
District Court Recorder/Transcriber
514 East Thayer Avenue
Bismarck, North Dakota 58501

Exhibit 1

WITNESS INDEX

WITNESS:	PAGE
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EXHIBIT INDEX

EXHIBIT:		RECEIVED
1	CD-R of Interview	7
2	Burleigh County Sheriff's Department Statement of Rights and Waiver of Rights	7

1 (THE FOLLOWING PROCEEDINGS WERE HAD AND MADE OF RECORD, AS
2 FOLLOWS, on February 9, 2021, commencing at 9:01 a.m.):

3 -----

4 THE COURT: We're going to call into session this
5 morning, 08-2020-CR-02317, State versus Dalton Gene Peltier.
6 In the Zoom call range, Dennis Ingold on behalf of the State of
7 North Dakota, James Loraas on behalf of Defendant Peltier,
8 Dalton Peltier is present with us today as well. I see Deputy
9 Ron Mehrer is ready to go as well as a potential witness. For
10 the benefit of counsel, the individual identified as Jayla
11 O'Neill is one of our law clerks, I'm having her sit in today.
12 I don't want you to think there is some surprise witness out
13 there some place that is waiting to give testimony. We're here
14 today, 9:01 a.m. on February 9, 2021, in this case.

15 A couple of housekeeping matters. This was a case
16 where there had been a request to move the trial, I originally
17 had denied it because we have such a stress on the system right
18 now in the south central. But I was persuaded by a subsequent
19 filing by Mr. Loraas indicating that he's looking at some
20 potential expert witness of his own. So we've already moved
21 this matter into May of this year. I think you got notice of
22 that change.

23 There are two motions before us this morning.
24 They're kind of combined. There is a motion to suppress and a
25 combined motion to compel. There have been individual

1 responses to those motions. The initial motion by Mr. Loraas
2 is Document Entry 5, it combines the two motions together. He
3 has briefed, at Document Entry 56, his position with respect to
4 both the motion to suppress and his motion to compel. There
5 has been a response individually to both motions. Document
6 Entry 64 is the State's response to the defendant's motion to
7 suppress, Document Entry 62 is the response from the State to
8 the motion to compel.

9 The State has also filed two exhibits. Exhibit 1 is
10 Document Entry 67, that is a disc which has the recorded
11 interview that's the subject of the motion to suppress.
12 Exhibit 2 is Document Entry 66, that's a copy of the statement
13 of rights and the waiver of rights signed purportedly by
14 Defendant Peltier on August 3, 2020. I would note for the
15 benefit of counsel, I have actually listened to the exhibit,
16 Exhibit 1, which is Document Entry 67. I've read both briefs.
17 We're prepared to go forward at this time.

18 Now, I'm expecting, Mr. Loraas, that the focus of the
19 motion today will be the motion to suppress. But let's take
20 care of that motion to compel first. Do you as the moving
21 party have anything more to place into the record with respect
22 to the motion to compel? You've seen the response by the
23 State. Do you have anything additional to -- that you have put
24 in writing, anything in addition to that that you want to put
25 on the record with respect to the motion to compel?

1 You're on mute, James.

2 MR. LORAAS: No, Your Honor. The State has provided
3 information and I think they even put it into the, you know,
4 the court record. So we would not be pursuing our motion to
5 compel.

6 THE COURT: Thank you. And I did look at the
7 response that was filed by the State. I know that you and
8 Mr. Ingold have a good record of communicating with one
9 another, and it does appear that that issue has been resolved.
10 So what I'm going to do is I'll just take care of that motion
11 to compel. I think I can just put in a short order denying the
12 motion based on counsel's statement that the issues regarding
13 discovery have been resolved. If something else comes up, of
14 course you can renew a different motion if necessary. But for
15 now, it appears all issues relating to your original motion to
16 compel have been resolved.

17 Mr. Ingold, is that satisfactory to you?

18 MR. INGOLD: Yes, Your Honor.

19 THE COURT: All right. Now, let's turn to the motion
20 to suppress. As mentioned, I do have two exhibits which I have
21 reviewed. Exhibit 1 is Document Entry 67, that is the disc of
22 the interview by Deputy Mehrer. And then I have Document Entry
23 66 which is the signed statement of rights.

24 And before we get too far, I'm assuming these are two
25 things we're going to talk about in the motion to suppress.

1 But, Mr. Loraas, just to be sure, you do have copies of both
2 items that I've just mentioned, those two exhibits?

3 MR. LORAAS: Yes, Your Honor.

4 THE COURT: And so if we refer to them as Document
5 Entry -- excuse me -- Exhibits 1 and 2, we both -- all the
6 parties know what we're talking about, that's Document Entries
7 67 and 66. And you can refer to them as Exhibit 1 and 2 since
8 I've made a record of what they are.

9 MR. LORAAS: Yes, Your Honor.

10 THE COURT: Very good.

11 All right. With that, is there anything preliminary,
12 Mr. Loraas? Otherwise I'm going to turn it over to State's
13 Attorney Ingold to proceed with testimony.

14 MR. LORAAS: Just, Your Honor, that we understand
15 that these exhibits are part of the record, that they've been
16 accepted as evidence --

17 THE COURT: They have.

18 MR. LORAAS: -- for the purposes of this hearing.

19 THE COURT: For the purpose of the hearing, Exhibits
20 1 and 2 are received. And again, for the record, Exhibit 1 is
21 Document Entry 67, that is a disc which carries an interview
22 that would've taken place on August 3, 2020 between Deputy
23 Mehrer and the defendant, Dalton Gene Peltier. And then
24 Exhibit 2, which is Document Entry 66, is a signed statement of
25 rights and a waiver of rights. Looks like the signatures are

1 dated August 3, 2020. Both Exhibits 1 and 2 are received for
2 purposes of our meeting here today -- or our hearing here
3 today.

4 And we're going to focus on the motion to suppress.
5 So, Mr. Ingold, I think we're ready to go. I don't think any
6 statements are necessary. I suspect you'd like to just get
7 going with a witness.

8 MR. INGOLD: Yes, Your Honor. The State calls Deputy
9 Ron Mehrer.

10 THE COURT: All right. At this time, before we swear
11 Deputy -- is it Mehrer or Meyer?

12 MR. MEIER: It's Mehrer, Your Honor.

13 THE COURT: Mehrer. Thank you. I apologize. I want
14 to make sure I pronounce your name correctly. You know with a
15 name like Hill, we never have a problem; so it works out well.

16 I want to tell Mr. Peltier one thing however.
17 Mr. Peltier, we're operating under unusual rules because of the
18 COVID-19. We are doing so because we're protecting the health
19 and safety of everyone involved in the process. You're
20 obviously isolated out at the detention center, the deputy is
21 in a separate location, your attorney's in a separate location,
22 Mr. Ingold is in the annex here at the courthouse, and I'm in
23 the courthouse in Courtroom 207, and even ironically, my court
24 reporter is segregated in her home. So we can do a lot of
25 things electronically, and we're doing that pursuant to Rule 52

1 of the Administrative Rules of the Supreme Court. That's for
2 the purpose of preserving the health and integrity of everyone
3 involved.

4 But I want you to know that if you demanded to be
5 present, we would do that. But if you tell me you waive that,
6 and you accept the premise that we can proceed in this fashion,
7 we're going to go forward. Do you agree with the mechanism of
8 the Zoom call to handle this matter?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: All right. Thank you, Mr. Peltier.

11 With that, Deputy, raise your right hand.

12 RON MEHRER,

13 called as a witness, being first duly sworn, was examined and
14 testified as follows:

15 THE COURT: And would you for the record, I want to
16 make sure that my court reporter's getting everything down
17 accurately, would you tell me your name and then spell your
18 name for the benefit of the record.

19 THE WITNESS: Yes. My name is Ron Mehrer,
20 M-E-H-R-E-R.

21 THE COURT: Very good. Deputy, I'm going to turn you
22 over to State's Attorney Ingold.

23 MR. INGOLD: Thank you, Your Honor.

24 DIRECT EXAMINATION

25 BY MR. INGOLD:

1 Q. Deputy Mehrer, can you give us a brief background of
2 your training and give us an overview of what you do every day.

3 A. Yes. I've been with the sheriff's department for 26
4 years. I've been part of the criminal investigation for a
5 little over 10 years. I graduated from Minot State University
6 with a Bachelor's of Science in Criminal Justice, graduated
7 from the Law Enforcement Academy here in Bismarck. I have
8 approximately twenty-five hundred hours of continuous training
9 through the sheriff's department.

10 My daily duties are following up on reports conducted by
11 the patrol officers, and then taking in reports that come
12 directly into the sheriff's department, and doing follow-up
13 investigations on those reports.

14 Q. Were you on duty back on August 3, 2020?

15 A. Yes, sir.

16 Q. Were you asked to interview a man named Dalton
17 Peltier?

18 A. Yes, sir.

19 Q. How did that come about?

20 A. There was an incident at 303 90th Avenue Northeast in
21 Bismarck. It was involving a stabbing. Mr. Peltier was
22 detained by our patrol officers and brought to the sheriff's
23 department. I was contacted by my sergeant who was at the
24 scene and he requested that I interview Mr. Peltier.

25 Q. At the time you began your interview of Mr. Peltier,

1 what information did you know?

2 A. I didn't know a whole lot other than there was a
3 stabbing incident, and that Mr. Peltier was a person of
4 interest.

5 Q. Was he brought to you by patrol?

6 A. Yes.

7 Q. Was that by Deputy Weigel?

8 A. Yes.

9 Q. Is Mr. Peltier on the Zoom call here today?

10 A. Yes. He's the individual at the detention center
11 there.

12 Q. And --

13 THE COURT: The record can reflect that the deputy
14 has identified the defendant, Dalton Peltier.

15 MR. INGOLD: Thank you, Your Honor.

16 Q. And Deputy Mehrer, when Mr. Peltier was brought to
17 you, he was handcuffed; is that correct?

18 A. That is correct.

19 Q. Did you then proceed with your interview of
20 Mr. Peltier?

21 A. Yes.

22 Q. All right. Was that recorded?

23 A. Yes.

24 Q. And I believe that the Court has indicated it's
25 already been accepted, but that was submitted as Exhibit 1; is

1 that correct?

2 A. Yes.

3 Q. Is it your standard practice to Mirandize people that
4 you interview?

5 A. Yes.

6 Q. Did you do that with Mr. Peltier?

7 A. Yes.

8 Q. Before doing so, did you ask him if he had already
9 been read his rights?

10 A. Yes.

11 Q. And what was his response?

12 A. He stated he was -- he did.

13 Q. Nevertheless, you then Mirandized him; is that right?

14 A. Yes.

15 Q. And did you have him sign a Miranda waiver?

16 A. Yes.

17 Q. And again, the Court's indicated that's been
18 submitted as Exhibit 2; so I'm just going to move on from that.

19 I guess one of the issues here today is Mr. Peltier is
20 alleged to have been in some distress when you interviewed him.
21 About how many interviews have you done?

22 A. Well over a hundred.

23 Q. And based on your experience as an investigator, did
24 Mr. Peltier seem overly distressed to you?

25 A. No.

1 Q. All right. Describe this general demeanor.

2 A. He appeared to be tired, but he was very calm.

3 Didn't appear to be under the influence of anything.

4 Generally, just calm and very cooperative with the interview.

5 Q. Based on your perspective, did it seem as though he
6 was wanting to provide information?

7 A. Yes.

8 Q. All right. Were there any questions to which he
9 refused to provide a response?

10 A. No.

11 Q. Were there any questions that you had to repeat to
12 him in order to get him to respond? In otherwise -- in other
13 words, did you have to put any pressure on him to get him to
14 respond?

15 A. No. He was speaking very freely that day.

16 MR. INGOLD: And, Your Honor, I don't have any other
17 questions at this time.

18 THE COURT: Thank you.

19 Mr. Loraas, do you have any questions of Deputy
20 Mehrer?

21 MR. LORAAS: Yes, Your Honor. Thank you.

22 THE COURT: At your leisure.

23 MR. LORAAS: Thank you.

24 CROSS-EXAMINATION

25 BY MR. LORAAS:

1 Q. Deputy, so on August 3rd he was brought to you in the
2 morning; correct?

3 A. It was right at noon, sir. It was like at 12:01.

4 Q. Okay. And he did indicate to you that he had freaked
5 out about what had happened; correct?

6 A. Yes.

7 Q. And you don't know that -- when a Miranda was
8 waived -- excuse me -- was read to him before he actually had
9 waived it? You don't know that; correct?

10 A. I do not know that, no.

11 Q. And Mr. Peltier indicated that when he woke up his
12 fiancé was naked from the waist down; correct?

13 A. Correct.

14 Q. And that -- he indicated that they had gone to bed or
15 to sleep at 4:00 or 5:00 in the morning; correct?

16 A. Correct.

17 Q. After doing some drinking; correct?

18 A. Correct.

19 Q. And he indicated to you that his thought process was
20 that he believed that she had been raped; is the correct?

21 A. That is correct.

22 Q. And he indicated to you that he had not had sex with
23 her; correct?

24 A. I believe so, yes. Correct.

25 Q. But he indicated that they had been at O'Brian's and

1 closed the bar down; correct?

2 A. Correct.

3 Q. And they had drinks at O'Brian's; correct?

4 A. Yes.

5 Q. And he indicated to you that when this -- when an
6 incident had happened outside, he had his hands up when a
7 neighbor had cocked a gun pointing it at him; correct?

8 A. Yes.

9 Q. Now, you indicated to him that you knew that he was
10 under a lot of stress; correct?

11 A. In regards -- yes, I did.

12 Q. So that would've been like at -- far, pretty far into
13 the interview? Say like 24 minutes and 20 seconds; correct?

14 A. Yeah, I think it was in the 20 minute area.

15 Q. Thank you, Deputy. And he also indicated to you that
16 he had been drinking; so he did not fully appreciate what may
17 have been signals that this other -- that another person was
18 hitting on his fiancé; correct? Since he had been drinking he
19 didn't fully appreciate that; is that correct?

20 A. I don't know if those were his exact words. I can
21 look in my interview here.

22 Q. It would have been about a minute thirty into the
23 interview. And you may not have it in your report, Deputy; so
24 I'm just -- if you, you know, I'm -- do you recall that? Is
25 that something --

1 A. I would say that he was not happy, that he believed
2 his girlfriend was sexually assaulted.

3 Q. But he did indicate that he had been drinking? He
4 indicated that to you repeatedly, that had been drinking at the
5 bar and at the residence; correct?

6 A. Yes.

7 Q. And you noticed that towards the end of the interview
8 he had his head down; correct? On the table; correct?

9 A. Yes, that's correct.

10 Q. And he was -- he did that more than once; correct?
11 Where he placed head out on the table?

12 A. I would say that's correct, yes.

13 Q. And he yawned; correct? Towards -- especially
14 towards the end of the interview; correct?

15 A. I don't recall him yawning. If it's on the video
16 then yes, he did, but I don't remember that.

17 Q. You don't remember him not yawning; correct?

18 A. Yes.

19 Q. You do not remember him not yawning; correct?

20 A. I do not remember him not yawning, yes.

21 Q. Thank you.

22 One moment please.

23 THE COURT: Certainly.

24 Q. You gave him a water when he first came in; correct?

25 A. Yes.

1 Q. And that's because he indicated he was thirsty;
2 correct?

3 A. Yes.

4 Q. And towards the end of the interview, again, he asked
5 for water; correct?

6 A. I do not recall.

7 Q. But you do not recall that he did not ask for more
8 water later in the interview; correct?

9 A. That's correct.

10 Q. You would agree that having a shotgun pointed at a
11 person, that would be something that would stressful; correct?

12 A. Absolutely. Yes.

13 Q. And he indicated that a shotgun was pointed at him,
14 that he knew it was cocked; correct?

15 A. Yes.

16 Q. And you understood that although -- he had gone to
17 bed at 4:00 or 5:00 in the morning; correct? Is that what you
18 understood?

19 A. Yes.

20 Q. And although he had gone to sleep that early, he had
21 woke up shortly after sunrise; is that what you understood?

22 A. My understanding, yeah, it's right around 9:00
23 o'clock.

24 Q. You would agree that having a shotgun pointed at you
25 could be emotionally distressful; correct?

1 A. Absolutely. Yes.

2 Q. And also believing that your fiancé had been raped
3 could be emotionally distressful; correct?

4 A. Yes.

5 Q. And you didn't doubt that he believed that she had
6 been raped; correct?

7 A. No. He believed that she had been sexually
8 assaulted, yeah. So I do not doubt that.

9 Q. And considering that he had been up until 4:00 or
10 5:00 in the morning and had been up fairly early in the morning
11 then, it would be reasonable to believe that he would've been
12 tired; correct?

13 A. Correct.

14 Q. And since he had told you that he had been drinking,
15 that would be something that would have still been impacting
16 him; correct? Let me put it to you this way, you can't say
17 that it wasn't affecting him; correct?

18 A. No, I can't say that.

19 Q. And you certainly gave him the impression that you
20 were trying to get to the bottom of this allegation that
21 someone had raped his fiancé; correct? You were trying to
22 investigate that also?

23 A. Yeah. Absolutely. Yes.

24 Q. Thank you.

25 MR. LORAAS: I have no further questions of this

1 witness at this time.

2 THE COURT: Thank you.

3 State's Attorney Ingold, do you have any additional
4 questions of Deputy Mehrer?

5 MR. INGOLD: I do, Your Honor.

6 REDIRECT EXAMINATION

7 BY MR. INGOLD:

8 Q. Deputy Mehrer, as part of your law enforcement
9 experience have you had occasion to interact with people who
10 are under the influence of alcohol?

11 A. Many times.

12 Q. There's no doubt that Mr. Peltier claimed he drank
13 alcohol the night before, but did he seem, based on your
14 training and experience, to be under the influence of alcohol
15 as you were interviewing him?

16 A. He did not.

17 Q. Did he smell of alcohol at that time?

18 A. He did not.

19 Q. Did he tell you he was too drunk to talk to you or
20 make any statements that would indicate that he was unable to
21 communicate with you?

22 A. He did not.

23 Q. All right. My only other questions are about the
24 shotgun. Did you also interview an individual with the
25 initials J.E.? That person being a neighbor of the stabbing

1 victim.

2 A. Yes, I did.

3 Q. All right. And is J.E. the individual who pointed
4 that weapon at Mr. Peltier?

5 A. He was.

6 Q. And based on his statements to you, what was the
7 reason that that occurred?

8 A. He was under the impression that he and his family
9 were in immediate danger of being assaulted.

10 Q. And is that assaulted by Mr. Peltier?

11 A. Yes.

12 Q. They had just witnessed Mr. Peltier stab J.E.; is
13 that correct?

14 A. Correct.

15 Q. And based on J.E.'s statements, did you ultimately
16 determine that that was a reasonable act for J.E. to engage in?

17 A. I believe so, yes.

18 MR. INGOLD: Your Honor, I don't have any other
19 questions.

20 THE COURT: Thank you.

21 I'll give you one last chance, Mr. Loraas, if you
22 have anything.

23 MR. LORAAS: One moment, Your Honor.

24 I have no further questions of this witness, Your
25 Honor.

1 THE COURT: Very good.

2 We'll conclude the testimony of Deputy Mehrer.

3 Any additional witnesses to be called by the State at
4 this suppression hearing?

5 MR. INGOLD: No, Your Honor.

6 THE COURT: Very good.

7 The State has rested.

8 With respect to this motion from the evidence side,
9 Mr. Loraas, do you intend on putting any evidence on?

10 MR. LORAAS: No, Your Honor.

11 THE COURT: Very good.

12 Both parties have rested. Now, I'd like to take some
13 comments.

14 I have your briefs and I have listened to the tape
15 which is Exhibit 1 -- or the disc, I should say. It's no
16 longer a tape. That kind of dates me a little bit since it's
17 really not that. And I will review it again given the
18 testimony that I have now from the deputy, but I'll take some
19 comments from both counsel beginning with the State.

20 State's Attorney Ingold, do you have any comments you
21 want to put on the record with respect to this issue?

22 MR. INGOLD: Your Honor, I think the video speaks for
23 itself. Deputy Mehrer took the step of providing Miranda
24 warnings to Mr. Peltier. He uncuffed him, gave him a bottle of
25 water. From watching to video it appears that Mr. Peltier just

1 basically wanted to tell his side of the story. He believed
2 that his fiancé had been attacked, and he wanted to explain to
3 Deputy Mehrer why he engaged in the conduct that he engaged in.

4 And when looking at whether his statements should be
5 suppressed, I don't think there's any Miranda issue. The
6 defense has not brought forward any evidence that will indicate
7 that there's any Miranda violation. I think that Deputy Mehrer
8 provided the Miranda waiver, that's in the record; so the Court
9 has enough to deny the motion on that ground.

10 But with respect to the confession, we're really
11 looking at the confession at the time it was given and whether
12 the defendant's will was overborne. There's nothing in the
13 video to indicate that Deputy Mehrer was putting any pressure
14 on Mr. Peltier whatsoever. It's apparent, again, that
15 Mr. Peltier simply wanted to tell his version of events and
16 Deputy Mehrer let him do that. So I ask the Court to deny the
17 motion. Thank you, Your Honor.

18 THE COURT: Thank you.

19 Mr. Loraas, do you have some comments you want to add
20 to the record in addition to your written brief?

21 MR. LORAAS: Yes, Your Honor, just a few comments
22 here.

23 There's no question that my client had been drinking
24 at a bar. There's no question that he had been drinking at
25 this residence. There's no question that a shotgun that was

1 loaded was pointed at him and this would cause stress. There's
2 no question that the officer, himself here, during the
3 interview acknowledged that he's under stress, and that is that
4 he acknowledged that my client was under stress.

5 And the fact that he'd been drinking, that he also
6 had this belief that his fiancé had been raped, this adds to
7 the stress levels. And under the circumstances here, the
8 interview happening shortly after the alleged incidence, it's
9 reasonable to believe that he was under stress, and that the
10 characteristics and conditions of the accused at the time of
11 this interview and his physical and mental condition, weigh in
12 favor of finding that he did not voluntarily waive Miranda.
13 The circumstances would weigh in favor of excluding the
14 interview, the statements that he made during it. Thank you,
15 Your Honor.

16 THE COURT: Thank you, Mr. Loraas.

17 I'll give you the last word, State's Attorney Ingold.
18 Anything additional you want to add to the record?

19 MR. INGOLD: Your Honor, I don't disagree that at one
20 point Mr. Peltier probably was experiencing some stress as a
21 result of having a shotgun pointed at him. But when we look at
22 this event as an entire picture, that happened after
23 Mr. Peltier had already caused extensive damage to the victim's
24 home and stabbed the victim, had yelled profanities and
25 terroristic threats at the good Samaritans who were rendering

1 aid, and that's when the shotgun came out. And that was some
2 time before he was brought to Deputy Mehrer who, again, did
3 nothing more than to just let him tell his story. So I think
4 the motion should be denied. Thank you, Your Honor.

5 THE COURT: Thank you.

6 Well, I will take the matter under advisement. We do
7 have a little time, but I think both attorneys know me well, I
8 like to get these taken care of, and I'm going to move on it
9 rather quickly. I do want to listen to the interview one more
10 time.

11 So if there's nothing further, I will take it under
12 advisement. I will have something out -- I know we've moved
13 this trial to allow for the opportunity of the defense to
14 engage an expert witnesses should they wish to do that and so
15 we'll proceed in that fashion.

16 There being nothing further on the record -- again,
17 just for the record, I've received Exhibits 1 and 2, Document
18 Entries 66 and 67, that I'll use in consideration of the motion
19 to suppress. I will issue a short order that essentially
20 denies the motion to compel based on essentially mootness that
21 the parties have resolved any discovery issues at this point.

22 So with that, we are adjourned in 08-2020-CR-02317
23 pending a decision from the Court on the motion to suppress.
24 Thanks, both parties. I appreciate it.

25 Have a good day, Mr. Peltier.

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THE DEFENDANT: Thank you.

THE COURT: Thank you.

MR. LORAAS: Thank you, Your Honor.

THE COURT: Thank you.

(Adjourned at 9:30 a.m.)

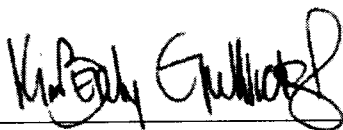
CERTIFICATE OF COURT RECORDER

I, Kimberly Gullicks, a duly certified digital
electronic court recorder and transcriber,

DO CERTIFY that I recorded the foregoing proceedings
had and made of record at the time and place indicated.

I FURTHER CERTIFY that the foregoing and attached 25
typewritten pages contain a true, accurate, and complete
transcript from the electronic sound recording then and there
taken.

Dated at Bismarck, North Dakota, this 27th day of
July, 2021.



Kimberly Gullicks, AAERT CER, CET
Official District Court Recorder/Transcriber

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY
TO THE REPRODUCTION OF THE SAME BY ANY MEANS, UNLESS UNDER THE
DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING COURT
RECORDER/TRANSCRIBER.

IN THE SUPREME COURT OF THE STATE OF NORTH DAKOTA

State of North Dakota,)	District Court Case No. 08-2020-CR-02100
Plaintiff,)	Supreme Court File No. 20220096
)	
vs.)	Certificate of Service
)	
Dalton Peltier,)	
Defendant.)	

[¶1] A true and correct copy of **Motion for Leave to File Transcript and Supplemental**

Order for Transcript was emailed to the following this 27th day of October, 2022:

Dennis Ingold
Burleigh County State's Attorney
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Bismarck, ND 58501
(701) 222-6672
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/s/ James R. Loraas
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