

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BURLEIGH

SOUTH CENTRAL JUDICIAL DISTRICT

STATE OF NORTH DAKOTA,)

)

Plaintiff,)

)

vs.) Case No. 08-2023-CR-03618

)

JASON DEAN DOCKTER,)

)

Defendant.)

SENTENCING HEARING

Before

The Honorable Bobbi L. Weiler

District Judge

Thursday, May 9, 2024

Burleigh County Courthouse

Bismarck, North Dakota

APPEARANCES:

LADD ERICKSON

MCLEAN COUNTY STATE'S ATTORNEY

P.O. Box 1108

Washburn, North Dakota 58577

For the Plaintiff.

LLOYD SUHR

ATTORNEY AT LAW

418 E Rosser Ave, Ste 102

Bismarck, North Dakota 58502

For the Defendant.

1 (THE FOLLOWING PROCEEDINGS WERE HAD AND MADE OF
2 RECORD, AS FOLLOWS, on May 9, 2024, commencing at 9:30 a.m.)

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4 THE COURT: So we'll open the case. 08-2023-CR-3618.
5 We are set for a sentencing hearing. And I am going to
6 apologize because apparently on -- on the calendar it showed
7 9:00 a.m. but on the notice it showed 9:30, and so some of
8 you have been waiting about a half an hour. So we'll work
9 that out with court administration and find out what
10 happened, but we are all here at 9:30.

11 Mr. Erickson is appearing by Zoom. Mr. Suhr and his
12 client, Mr. Dockter, are appearing in person. I did review a
13 sentencing recommendation by the State last night.

14 And so, Mr. Erickson, did you want to add anything to
15 your sentencing recommendation that wasn't in your brief?

16 MR. ERICKSON: No, Your Honor. Thank you.

17 THE COURT: Mr. Suhr, then what is the
18 recommendation?

19 MR. SUHR: Your Honor, I would join the
20 recommendation that Mr. Erickson made. He and I have
21 actually discussed several times sentencing thoughts on this.
22 For the reasons that he has stated, you know, Mr. Dockter is
23 50 years old, he has no prior criminal record. He is an
24 active member, of course, of the legislature. He has a
25 foster son, he's married, he has a family, he's a business

1 owner.

2 I think, as Mr. Erickson has indicated, he deserves
3 to be treated the same as any first time offender with a
4 Class A Misdemeanor. I've explained the deferred sentence
5 process to him. We're fine with the fees. He understands
6 he'll have to be fingerprinted. But I think Mr. Erickson is
7 correct in his analysis of why the deferred is appropriate, I
8 would join in that. And beyond that, I don't have any
9 additional comments. Thank you.

10 THE COURT: Mr. Dockter, do you want to say anything
11 regarding the sentence?

12 THE DEFENDANT: No, Your Honor.

13 THE COURT: Okay. All right. So I -- I had moved
14 the sentencing out a little bit to give me some time to
15 think, because it is a unique situation that we don't see
16 every day in the criminal justice system. There are certain
17 offenses that this Court doesn't always give deferred on,
18 especially violent offenses, domestic violence, those are
19 something that I think the community deserves to know about,
20 so we normally don't give deferred on those type of cases.

21 This is also a case that I think the community needs
22 to know about, but the Court has to also look at all of the
23 sentencing factors, your lack of criminal history. I was
24 hoping to hear something from you today, Mr. Dockter, and I'm
25 -- I'm disappointed I didn't. And the reason I wanted to

1 hear something from you is I look at this as the -- the
2 citizens of North Dakota being the victims and being taken
3 advantage of, and I didn't hear an apology from you to the
4 citizens and I'm a little disappointed in that.

5 I reviewed everything. Going into a jury trial, this
6 Court is -- is like the jurors, I don't know a lot about the
7 case. I hear and listen to a lot of the testimony that day
8 and it's the first time I'm hearing it. So I was surprised
9 by some of the testimony, especially from you and your -- and
10 your colleague from Grand Forks.

11 I was surprised to learn that this land deal was \$5
12 million, and I understand that your portion of it was only
13 12.5 percent. But if I look at that, that is \$1 million a
14 year, 12.5 percent of that is you're making \$125,000 off of
15 this one land deal that is paid for by the citizens of North
16 Dakota.

17 And the entire trial you wanted to make it about the
18 rule. And the rule says that you need to reveal these
19 conflicts if there's direct, unique, and substantial, and I
20 don't know how more direct and unique it gets when we're
21 talking about you and your partner getting \$5 million. It's
22 pretty unique.

23 I don't know how many other legislators are making
24 that amount of money on a lease. So I don't know how more
25 unique or direct that gets. So my biggest concern is you

1 don't think it's substantial. And you and your attorney and
2 Mr. Erickson kept bringing up teachers. What would a teacher
3 think? If that's the example you want to use, an average
4 teacher in North Dakota makes about \$50,000 a year.

5 So would an average teacher think that Mr. Dockter
6 making \$125,000 a year on one land lease is substantial? I
7 think a majority of them would say yes. So what standard are
8 we using when we're trying to determine what is substantial?
9 I am not sure your perspective is the one that you should be
10 going off of.

11 Having said all of that, the Court will allow you an
12 opportunity at a deferred imposition because it is your first
13 offense, but there are going to be stipulations in there that
14 Mr. Erickson and your attorney did not ask for. I was trying
15 to find a way to help -- hopefully help you understand so
16 that we're not seeing this again.

17 That's one of the sentencing factors is how do I
18 prevent this from happening again, and I'm not sure if
19 there's a way to do that. But what I looked at is you voted
20 on a bill in 2023, and that's a two-year bill. In that two
21 years you were going to make \$250,000. So I am going to
22 order you to do 250 hours of community service. That is 0.1
23 percent of the amount of money you made off the citizens of
24 North Dakota by voting for that bill.

25 I am also going to order a \$2,500 fine. That is

1 1 percent of the money that you made off the citizens of
2 North Dakota when you voted on that bill. You'll also have
3 to pay the fine, and you'll also have to be fingerprinted.
4 Unsupervised probation for 325 days -- or 360 days. You
5 cannot violate any more criminal laws or ordinances. You
6 have a right to appeal this. You can appeal it within
7 30 days. Talk to Mr. Suhr if you want to appeal it.

8 Mr. Erickson, anything further?

9 MR. ERICKSON: No, Your Honor. Thank you.

10 THE COURT: Mr. Suhr, anything further?

11 MR. SUHR: One -- one question, Your Honor. I think
12 you said a \$2,500 fine, and then you also said he'd have to
13 pay the fine. Did you mean --

14 THE COURT: The fees.

15 MR. SUHR: -- fees? Okay.

16 THE COURT: If he needs --

17 MR. ERICKSON: And that would be a payment schedule I
18 assume the Court would have the clerk work out?

19 THE COURT: He'll have to work out a payment plan
20 with the clerk if he wants a payment plan, or pay it all in
21 full.

22 THE CLERK: Your Honor?

23 THE COURT: Yes.

24 THE CLERK: Just to clarify the community service,
25 did you say 250 hours?

1 THE COURT: And it needs to be done in six months.
2 That's about ten hours a week.

3 Anything else, Mr. Suhr?

4 MR. SUHR: No, Judge. Thank you.

5 THE COURT: Mr. Dockter, any questions?

6 THE DEFENDANT: That's -- I'll take whatever you're
7 giving me.

8 THE COURT: I do want the community service spent
9 with the homeless community. So you can talk to the
10 community service worker, but it needs to be spent either at
11 Ministry on the Margins, United Way, the soup kitchen, Dream
12 Center, something like that. Maybe you can see how the other
13 side lives, Mr. Dockter. We'll close the case.

14 (The proceeding concluded at 9:38 a.m.)

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CERTIFICATE OF COURT REPORTER

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

I, Jana Aamodt, a duly appointed official court reporter,
CERTIFY that I recorded in shorthand the foregoing
proceedings had and made of record at the time and place
indicated.

I FURTHER CERTIFY that the foregoing and attached 7
typewritten pages contain an accurate transcript of my
shorthand notes then and there taken.

Dated at Mandan, North Dakota, on the 19th day of August,
2024.

Jana Aamodt

Jana Aamodt
Official Court Reporter

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