

## Testimony on Senate Bill 2375

On June 28<sup>th</sup>, 2020 at approximately 1:52 a.m. the Cass County Sheriff's Office was dispatched to Big Erv's Bar and Grill in Horace North Dakota on a report of an assault which had occurred. When Deputies arrived, they learned that Marlin Klatt had been assaulted by Jordan Pendleton and that Mr. Klatt was unresponsive bleeding from his head and ears and was agonal breathing. Ambulance personnel were tending to Mr. Klatt and it was apparent that he had sustained a severe head injury. It was reported to Deputies on scene that Mr. Pendleton assaulted Mr. Klatt by punching him the head causing him to go unconscious and fall to the ground. Mr. Pendleton then stood over Mr. Klatt as if he were going to strike him again. Mr. Klatt's Friend Roy Bishop stepped in to stop Mr. Pendleton. Mr. Pendleton then assaulted Mr. Bishop by punching him in the head and knocking him to the ground. The bouncer of Big Erv's Bar identified as Randy Silvis then tried to intervene and Mr. Pendleton took Mr. Silvis to the ground and repeatedly struck Mr. Silvis. Mr. Pendleton admitted to striking Mr. Klatt. (Video)

Medical staff reported that Mr. Klatt sustained a brain stem injury from the strike to his head which caused Mr. Klatt's brain to be damaged beyond repair reporting his condition as irreversible. On June 29<sup>th</sup>, 2020 at 2:16 a.m. Mr. Klatt was pronounced dead at the Sanford Medical Center.

As a result of Mr. Klatt's death Mr. Pendleton was charged with Manslaughter, Aggravated Assault, and 2-counts of Simple Assault. Mr. Pendleton was ordered to serve 5 years in prison, 2 years of probation and got credit for 25 days of time served.

Not feeling like that sentence brought justice to her sons' death, Kathy Klatt, Marlin Klatt's mother reached out shortly after the last legislative session and wanted to know how she could bring about change to North Dakota Law on Manslaughter. As everyone knows Manslaughter is a Class B Felony punishable by a maximum of 10 years imprisonment and a \$20,000 dollar fine. Mrs. Klatt's concern is Mr. Pendleton's repeated assaultive behavior during the incident. During the Incident you can clearly see that after Mr. Pendleton strikes Mr. Klatt knocking him to the ground and then steps over him as if he were going to strike him again but is broken up by Mr. Bishop's intervention. It is the concern of Mrs. Klatt and myself of the repeated violent behavior of Mr. Pendleton which is why we feel adding an Aggravated Manslaughter Statute punishable by a Class A felony which would carry an 20 year maximum and \$20,000 fine would be more appropriate under those circumstances.

Jesse Jahner