

My name is Dennis Ingold, and I am a Senior Assistant State's Attorney for Burleigh County. I strongly urge a **DO PASS** on SB2128.

Our system should be one in which victims of crime, defendants, members of the public, law enforcement, judges, prosecutors, and defense attorneys have clear expectations as to how much of a sentence a criminal defendant will serve if that defendant is sentenced to serve time at the DOCR. In its current form, our law allows the DOCR nearly unlimited and unchecked discretion to transfer inmates between facilities, including halfway houses, as early as DOCR decides to do so. That might be after an inmate serves 5%, 10% or 15% of a sentence, even if that sentence is for dealing fentanyl or methamphetamine, terrorizing, escape, assault, theft, burglary, reckless endangerment, bail jumping, or nearly any other offense.

Under our current law, there are very few offenses, and even few violent offenses, that require an inmate to serve 85% of his or her sentence prior to release. This bill would require some offenders, like drug dealers, violent offenders, and sex offenders, to serve 50% of their sentence before being eligible for parole. It would still incentivize inmates to engage in rehabilitation to be released at 50% of their sentence, while bringing accountability and transparency to our sentencing system.

I have attached approximately 20 case examples taken from data I collected or received from DOCR. As these cases show, it is not uncommon for inmates, especially drug dealers, to serve 10% to 20% of their sentences (or less) before being transferred to halfway houses or before being paroled. For example, a fentanyl trafficker with multiple prior drug dealing convictions out of Illinois was only kept at the prison for 38 days of the remaining approximately 3 years of his sentence on a Class A Felony fentanyl offense. For another example, an inmate serving a 1 year and 1 day sentence for Terrorizing (minus 7 days jail credit), was transferred to a halfway house after only serving 30 days at the prison. These cases are not outliers; they are examples of what happens when there is no truth in sentencing.

The debate on SB2128 does not have to be a debate about accountability versus rehabilitation. Our criminal justice system can, and should, focus on both. Virginia's sentencing system focuses on both. Virginia is a "truth-in-sentencing" state (85% for felony offenses) that also focuses on providing rehabilitative services while inmates are incarcerated. There is accountability *and* rehabilitation. And, as a result, Virginia consistently has either the lowest or second-lowest level of recidivism in the country. Our recidivism rate is nearly 40%, while Virginia's is 19%. Our system, like theirs, should include both accountability and rehabilitation.

I have enclosed my written testimony before the Senate Judiciary Committee, along with case examples.

I strongly urge a **DO PASS**.

Thank you for your consideration.

January 20, 2025

Testimony in Support of Senate Bill 2128

My name is Dennis Ingold, and I am a Senior Assistant State’s Attorney for Burleigh County. I am the supervisor of our office’s drug division. In that role, I prosecute drug offenses, including drug dealing and drug possession, but I also prosecute violent offenses, sex offenses, and driving offenses, among others. Before becoming a prosecutor, I worked in private practice for more than seven years, and I defended criminal cases as part of that work. Because Senate Bill 2128 addresses a critical public safety concern – the early release of offenders, including violent offenders, drug dealers, and sex offenders, from North Dakota’s prisons – I strongly urge a **DO PASS** on SB2128. Although I also support the minimum sentences included in this bill, I will focus my testimony on the “truth in sentencing” provisions within SB2128. To demonstrate why this bill is important and timely, here are some examples of what happens when there is no truth in sentencing:

A methamphetamine dealer is caught with nearly a pound of methamphetamine. This being her second drug dealing offense, she agrees, under a plea agreement, to serve four years in prison. She appeals to the North Dakota Supreme Court, which affirms her conviction. She moves the District Court to reduce her sentence, which the Court denies. She is ordered to report to prison to serve her sentence. Having served 8 days in jail before her pretrial release while the case was pending, she is scheduled to serve nearly all of the four years remaining on her sentence. Despite having nearly all of those four years to serve, she is kept at the prison for 64 days. When you add her jail and prison days together, they total 72 days of a four-year (1,460 day) sentence. That is **4.9%**. This is on a Class A felony drug dealing offense (her second offense for drug dealing).¹

A Michigan resident is sentenced to two years in prison in one drug conspiracy case, and is sentenced to one year and one day in prison on a second fentanyl dealing case, to be served at the same time. So, he is scheduled to serve two years. He has credit for 20 days served in jail. He is kept at the prison for 35 days of his two-year sentence. When you add his jail and prison days together, they total 55 days of his two-year (730 day) sentence. That is **7.5%**.² Also of note is that, after leaving the prison, this offender served 192 days at Bismarck Transition Center (BTC) on “inmate status” before being paroled. That is 26.3% of his sentence and would be reported by DOCR as time served in a “DOCR facility” before parole. By including that time on “inmate status” at a halfway house as time served at a “DOCR facility,” his reported time served would jump to 33.8%. And if he was given credit for all his good time (120 days on a two-year sentence), his reported time “served” would jump to **50.3%**, despite the fact that he spent only **7.5%** of his sentence in jail or prison. To illustrate how the percentages of time served differ based on what is considered time “served,” here is a comparison for this case:

Time served by offender sentenced to two years at DOCR		
	Time Served	DOCR Calculations
Total sentence to DOCR	730 days	730 days
Time served in jail	20 days (2.7%)	20 days (2.7%)
Time served in prison	35 days (4.8%)	35 days (4.8%)
Time at halfway house on “inmate status”	-----	192 days (26.3%)
Good time	10 days (1.4%)	120 days (16.4%)
Time Served	65 days (8.9%)	367 days (50.3%)

¹ State v. Willard, 08-2020-CR-03052.

² State v. Luke, 08-2021-CR-03150 and 08-2021-CR-03153.

A three-time convicted drug dealer is sentenced to five years in prison on his **fourth** drug dealing offense. He serves 407 days in jail while the case pending. After pleading guilty, he is sentenced to five years in prison. He serves an additional 6 days in jail awaiting transfer to DOCR. After being sentenced to five years in prison, he is kept at the prison for 288 days. When you add his jail and prison days together, they total 701 days of a five-year (1,825 day) sentence. That is **38.4%** of actual time served on a *fourth drug dealing offense*.³

A Michigan resident is convicted of a drug conspiracy and is sentenced to four years in prison. He has credit for 121 days served in jail awaiting trial. After being sentenced, he serves an additional 3 days in jail awaiting transfer to DOCR. He is kept at the prison for 67 days. When you add his jail and prison days together, they total 191 days of a four-year (1,460 day) sentence. That is **13.1%**.⁴

A man convicted of Endangering by Fire or Explosion, who was originally given a probation sentence, is revoked on probation and again sentenced to probation. He is again revoked on probation and is sentenced to three years in prison. He has credit for 130 days in jail. He serves an additional 2 days in jail awaiting transfer to prison. He serves **29 days** at the prison before being transferred to the Bismarck Transition Center. While at BTC, he is allowed to leave, unsupervised, to look for work. He never returns and is charged with escape.⁵ This inmate was actually serving time for this case *and* a felony theft case at the time. When you add his jail and prison days together, they total 161 days. So, he served **14.7%** actual time of his three-year sentence for Endangering by Fire or Explosion after being revoked twice on probation.

A Michigan resident is caught with more than fifty-six grams of fentanyl (enough fentanyl to kill thousands of people) and is sentenced to four years in prison on a Class A felony. He has credit for 176 days in jail. He serves an additional day in jail after being sentenced. After being transferred to prison, he serves 280 days at the prison. When you add his jail and prison days together (457), he served **31.3%** actual time in jail or prison for a Class A felony fentanyl offense. Despite only serving 457 days, according to DOCR personnel, he “earned” 200 days good time.⁶

From the above examples, it is clear that good time is currently being awarded, not earned. This is because of N.D.C.C. § 12-54.1-01, which states that the DOCR “may credit an offender committed to the legal and physical custody of the department who is eligible for sentence reduction five days good time per month for each month of the *sentence imposed*.” Despite the earlier sentence in that statute that says “an offender committed to the legal and physical custody of the department of corrections and rehabilitation is eligible *to earn sentence*

³ State v. Reis, 08-2019-CR-03395.

⁴ State v. Anderson, 08-2022-CR-01859.

⁵ State v. Fresse Cortes, 30-2022-CR-00975.

⁶ State v. Patrick, 08-2023-CR-01417.

reductions based upon performance criteria established through department and penitentiary rules[,]” the DOCR credits offenders with good time “up front” and takes it away for bad behavior, rather than awarding the good time as it is actually earned.

To demonstrate how this inflates time served percentages, consider the case of a methamphetamine dealer who is sentenced to four years in prison for a *second* methamphetamine dealing offense. His total sentence is 1,460 days (four years). He serves 485 days in a “DOCR facility” (which includes halfway houses). That is 33.3%. Despite that, he is awarded 240 days good time, which is all the good time he could have earned if he served all four years (48 months x 5 days per month = 240 days). So, he is awarded all of his good time despite serving only a third of his sentence. As such, his reported time served jumps to 49% (33% in a “DOCR facility” and 16% “good time”), despite that he served far less than that percentage in a jail, prison, or by good time *earned*. In this case, if he was awarded 1/3 of his good time (for serving 33.3% of his sentence in a “DOCR” facility), that would be 5.5% good time (80 days on a 1,460-day sentence). Adding that 5.5% good time to his time served in a “DOCR facility,” his time served, and good time earned, goes down to 38.8%.

Why does this matter? Because, if this offender would have been required to serve his sentence, he would not have been able to commit the crime he committed while back in the community: a **third** methamphetamine dealing offense, this time with a stolen firearm.⁷

The cases discussed above are just some of the many cases that demonstrate the problem; SB2128 is the solution. This bill would require offenders like those listed above to serve a minimum of fifty percent of their sentences before being paroled. This bill would require that time to be served in confinement, not at a halfway house. And, this bill would require offenders to actually earn their good time, rather than having all of it awarded to them up front.

To have a fully-informed discussion on this bill, we have to understand who is being sentenced to the DOCR and why they are there. Violent crime has skyrocketed in North Dakota. In fact, there was a **98.7% increase** in violent crime arrests in North Dakota from 2010 to 2023. In 2010, there were 456 arrestees for violent crime⁸; in 2023, there were 906⁹. The number of violent crimes committed with firearms increased **193.3%** during that time, increasing from 45 in 2010¹⁰ to 132 in 2023.¹¹

⁷ State v. Gist, 08-2021-CR-01149 and 08-2024-CR-00627.

⁸ <https://crimestats.nd.gov/tops/report/violent-crimes/north-dakota/2010>

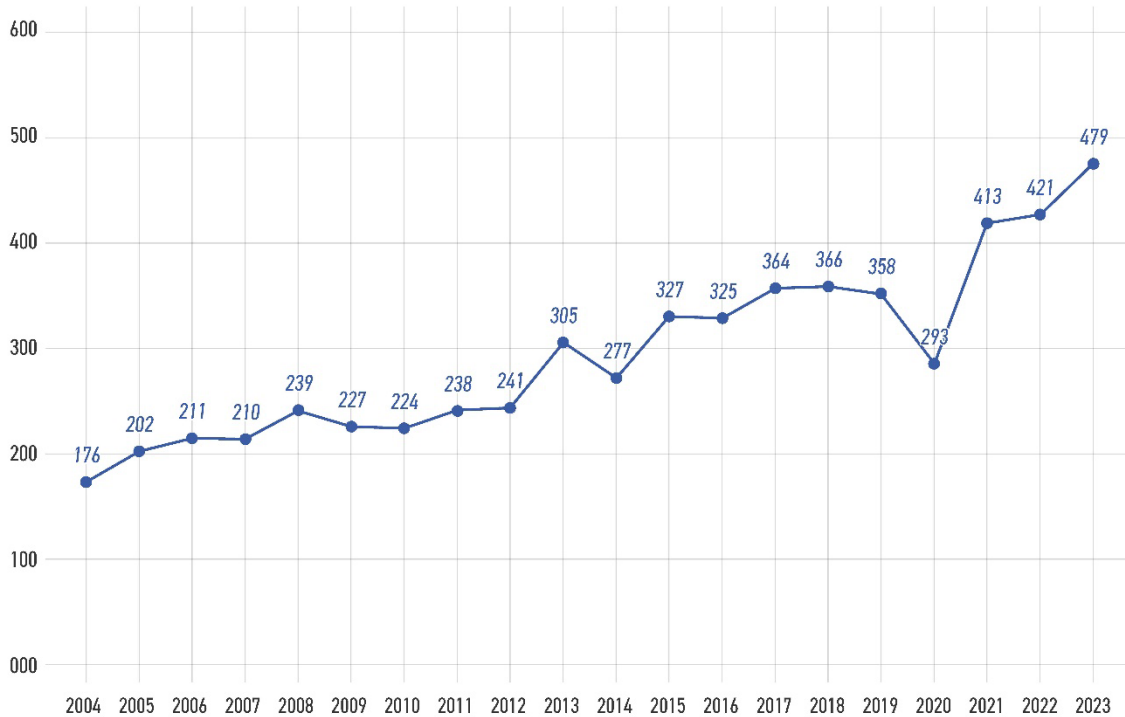
⁹ <https://crimestats.nd.gov/tops/report/violent-crimes/north-dakota/2023>

¹⁰ <https://crimestats.nd.gov/tops/report/violent-crimes/north-dakota/2010>

¹¹ <https://crimestats.nd.gov/tops/report/violent-crimes/north-dakota/2023>

Because of this dramatic increase in violent crime, the number of violent offenders committed to the DOCR has also increased dramatically¹²:

VIOLENT OFFENDERS ADMITTED TO DOCR BY FISCAL YEAR



As the chart above shows, there were **more than two-and-a-half times** the number of violent offenders admitted to DOCR custody in fiscal year 2023 than there were in fiscal year 2004. In fiscal year 2004, there were 176 violent offenders admitted to DOCR custody.¹³ In fiscal year 2023, there were 479 violent offenders admitted to DOCR custody.¹⁴ That is a **172.2%** increase.

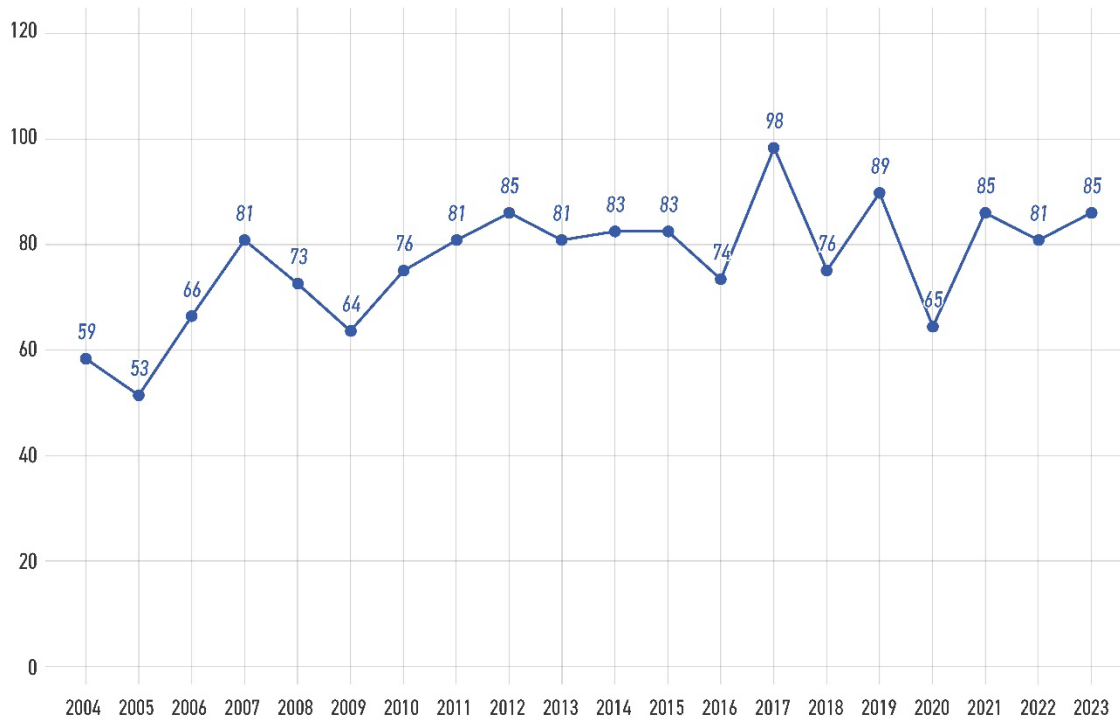
¹² DOCR Fact Sheets, available at: <https://www.docr.nd.gov/reports-and-statistics>

¹³ <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2009%2012%2031%20FACT%20SHEET.pdf>

¹⁴ <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2023%2012%2031%20FACT%20SHEET.pdf>

At the same time, the number of sex offenders admitted to DOCR custody has also increased¹⁵:

SEX OFFENDERS ADMITTED TO DOCR BY FISCAL YEAR



In fiscal year 2004, there were 59 sex offenders admitted to DOCR custody.¹⁶ In fiscal year 2023, there were 86 sex offenders admitted to DOCR custody.¹⁷ That is a **45.8%** increase.

Also based on DOCR data, we know that far fewer people are now being sentenced to prison for drug and alcohol offenses. Between fiscal year 2004 and fiscal year 2023, the number of people admitted to DOCR custody for drug and alcohol offenses increased 19.5%.¹⁸ But since fiscal year 2015, the year of the justice reinvestment initiative, the number of people admitted to DOCR custody for drug and alcohol offenses has decreased 28.1%.¹⁹

¹⁵ DOCR Fact Sheets, available at: <https://www.docr.nd.gov/reports-and-statistics>

¹⁶ <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2009%2012%2031%20FACT%20SHEET.pdf>

¹⁷ <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2023%2012%2031%20FACT%20SHEET.pdf>

¹⁸ Compare <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2009%2012%2031%20FACT%20SHEET.pdf> to

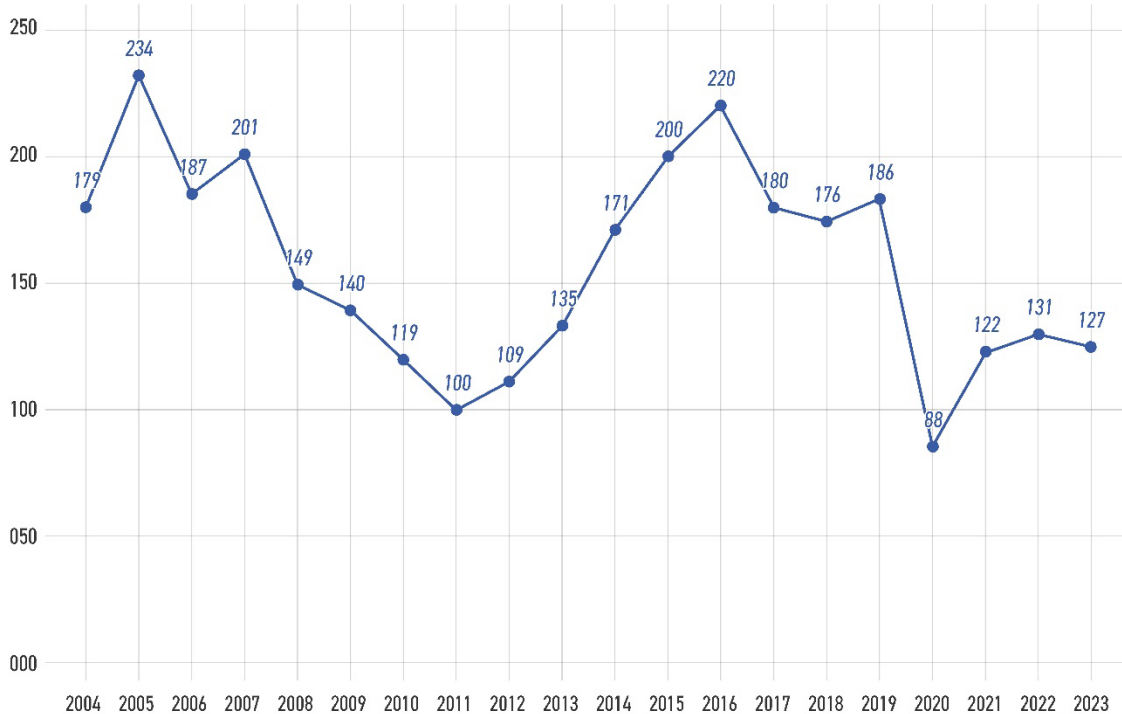
<https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2023%2012%2031%20FACT%20SHEET.pdf>

¹⁹ Compare https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2015_FACT_SHEET.pdf to

<https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2023%2012%2031%20FACT%20SHEET.pdf>

Although the DOCR fact sheets do not break down drug offender admissions to DOCR by crime type (drug dealing versus drug possession), the DOCR fact sheets show that the percentage of people serving sentences in DOCR custody for drug possession has *decreased* dramatically²⁰:

DRUG OFFENDERS (SIMPLE POSSESSION) IN DOCR CUSTODY AT END OF YEAR



There were actually fewer people serving DOCR sentences for simple drug possession on December 31, 2023 than there were on December 31, 2004. In fact, the number of people serving prison sentences for simple drug possession decreased **29.1%** from December 31, 2004 to December 31, 2023.²¹ Between December 31, 2015, the year of the justice reinvestment initiative, and December 31, 2023, the number of people serving prison sentences for simple drug possession decreased **36.5%**.²²

²⁰ DOCR Fact Sheets, available at: <https://www.docr.nd.gov/reports-and-statistics>

²¹ Compare <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2009%2012%2031%20FACT%20SHEET.pdf> to <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2023%2012%2031%20FACT%20SHEET.pdf>

²² Compare https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2015_FACT_SHEET.pdf to https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2015_FACT_SHEET.pdf

Because North Dakota is incarcerating far fewer people for drug possession than it was twenty years ago, the percentage of DOCR prisoners serving sentences for simple drug possession decreased from 13.5% on December 31, 2004, to only 6.7% on December 31, 2023.²³ As such, on December 31, 2023, only 6.7% of all DOCR inmates were serving a sentence for simple drug possession. This is likely because of the increased focus on steering people toward treatment courts and alternatives to incarceration.

And, there were actually *less* people serving DOCR sentences for drug dealing on December 31, 2023 (252)²⁴ than there were on December 31, 2004 (254).²⁵ As a percentage of the total DOCR inmate population, drug dealers made up only 13.3% of that population on December 31, 2023, as opposed to 19.1% of the total population on December 31, 2004.

Based on those numbers, North Dakota incarcerates fewer people for drug dealing now than it did twenty years ago, despite that we are facing the greatest drug threat this country has ever faced – fentanyl.²⁶ Drug overdose deaths in the United States more than doubled from 2015 to 2022,²⁷ yet the number of drug dealers in North Dakota prisons decreased 14.3% during that time.

Based on all of this data, two things are clear. First, the increase in prison population is *not* because North Dakota is incarcerating more drug offenders, especially not because it is incarcerating more drug possession defendants. Second, North Dakota judges are sending the right people – violent offenders, sex offenders, and drug dealers – to prison. This bill, SB2128, will ensure that those offenders serve a reasonable portion of their sentences before being released back into our communities.

Those opposed to the truth-in-sentencing portion of this bill may argue that requiring violent offenders, sex offenders, and drug dealers to serve a certain percentage of their sentences discourages them from engaging in programming to earn early release. To see the effects of truth-in-sentencing, we can look to Virginia, a state with one of the lowest recidivism rates in the country. According to a report by the Virginia Criminal Sentencing Commission, the body tasked with administering felony sentencing guidelines used in Virginia, the following results were achieved during the first ten years after Virginia passed its truth-in-sentencing law:

- Violent felons are spending significantly more time in prison
- There are fewer repeat violent offenders
- Prison population growth has slowed
- The overall crime rate has been declining
- The violent crime rate also has been decreasing²⁸

²³ Compare <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2009%2012%2031%20FACT%20SHEET.pdf> to <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2023%2012%2031%20FACT%20SHEET.pdf>

²⁴ <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2023%2012%2031%20FACT%20SHEET.pdf>

²⁵ <https://www.docr.nd.gov/sites/www/files/documents/statistics/factsheets/2009%2012%2031%20FACT%20SHEET.pdf>

²⁶ <https://www.dea.gov/press-releases/2024/05/09/dea-releases-2024-national-drug-threat-assessment#:~:text=Fentanyl%20and%20other%20synthetic%20opioids,and%20most%20urgent%20drug%20threat>

²⁷ <https://nida.nih.gov/sites/default/files/images/fig1-2024.jpg>

²⁸ <http://www.vscs.virginia.gov/ReptCdPDFfinal.pdf>

Virginia passed its 85% truth-in-sentencing law in 1995 and saw the above benefits after only ten years. Almost thirty years later, on September 24, 2024, Virginia Department of Corrections announced that it had, for the eleventh year in a row, either the lowest or second lowest recidivism rate in the nation. (19%).²⁹ According to testimony submitted to the Senate Workforce Development Committee last session, North Dakota’s recidivism rate is approximately 40%.³⁰

Virginia recently amended its truth-in-sentencing laws to allow *some* inmates to earn enhanced sentence credits to earn release after serving 67% of their sentence rather than having to serve 85%.³¹ According to the Office of the Attorney General for the Commonwealth of Virginia, the result has been alarming:

“In FY2023, 9,638 inmates were released under the EESC program. **Of the 9,638 inmates thus released, 2,725 have been re-arrested, for a re-arrest rate of 28.27%.** Re-arrest offenses in FY2023 for EESC offenders include 3 capital murders, 8 first-degree murders, 4 second-degree murders, 48 abductions, 28 rapes and other felony sexual assaults, 38 robberies, 167 felony assaults, and 88 weapons offenses. In contrast, **of the 2,252 inmates released under the standard earned sentence credit system, only 459 have been rearrested, resulting in a re-arrest rate of 20.38%.** More specifically, according to VDOC, “The rates of releases re-arrested within three months were significantly higher for those with [enhanced earned sentence credit] status (672, 7.0%) than those with the old [earned sentence credit] status (123, 5.5%).”³²

As such, according to the Office of the Attorney General for the Commonwealth of Virginia and the Virginia Department of Corrections, re-arrest rates are actually *higher* for offenders released after serving 67% of their sentence as opposed to those serving 85% of their sentence.

And as for the argument that longer sentences do not reduce recidivism, the data is not nearly as one-sided as some people argue. In fact, the United States Sentencing Commission, the body that “establishes and amends [federal] sentencing guidelines for the judicial branch and assists the other branches in developing effective and efficient crime policy”³³ – has consistently found that longer sentences actually *reduce* recidivism. According to a 2023 study by that commission, sentences exceeding five years in length reduce recidivism (the federal system is a “truth-in-sentencing system):

- In both studies, the odds of recidivism were lower for federal offenders sentenced to more than 60 months incarceration compared to a matched group of offenders receiving shorter sentences.
- The odds of recidivism were approximately 29 percent lower for federal offenders sentenced to more than 120 months incarceration compared to a matched group of federal offenders receiving shorter sentences.

²⁹ <https://vadoc.virginia.gov/news-press-releases/2024/vadoc-announces-lowest-recidivism-rate-in-more-than-20-years/>

³⁰ https://ndlegis.gov/assembly/68-2023/testimony/SWKF-3026-20230323-26348-F-HANSON_KARLA.pdf

³¹ <https://files.constantcontact.com/d3e83e11901/3e4cd65a-5ff3-4879-bfb8-dcd190aafb06.pdf?rdr=true>

³² <https://files.constantcontact.com/d3e83e11901/3e4cd65a-5ff3-4879-bfb8-dcd190aafb06.pdf?rdr=true>; <https://www.oag.state.va.us/media-center/news-releases/2757-june-9-2024-attorney-general-miyares-addresses-data-on-enhanced-earned-sentence-credits>

³³ <https://www.ussc.gov/>

- The odds of recidivism were approximately 18 percent lower for offenders sentenced to more than 60 months up to 120 months incarceration compared to a matched group of federal offenders receiving shorter sentences.³⁴

As such, bare assertions that “the data” shows that truth-in-sentencing does not increase public safety should be carefully scrutinized. Data collected from federal offenders – often the most serious drug dealers or sex offenders – shows that truth in sentencing plays an important role in reducing recidivism. And data from Virginia – a state with one of the lowest recidivism rates in the country – reinforces that conclusion.

The opposition will argue that truth-in-sentencing increases the prison population. That may happen. But the people in prison will be the violent offenders, drug dealers, sex offenders, and other offenders sentenced to prison by North Dakota judges. In written testimony opposing SB 2107 in the 2023 session, the North Dakota Association of Criminal Defense Lawyers noted that “our Legislature has historically resisted the temptation to insert a host of minimum mandatory into our law – instead relying on our exceptionally well qualified judges to fashion appropriate sentences under existing law.”³⁵ The bill before the Committee now – SB 2128 – reinforces that trust in North Dakota’s judges by requiring violent offenders, sex offenders, and drug dealers sentenced by those judges to serve 50% of their sentences before being released back into our communities.

I strongly urge a **DO PASS**.

Thank you for your consideration.

³⁴ <https://www.ussc.gov/research/research-reports/length-incarceration-and-recidivism-2022>

³⁵ https://ndlegis.gov/assembly/68-2023/testimony/HJUD-2107-20230314-24659-A-WALSTAD_JESSE_H.pdf

CASE EXAMPLES

DEFENDANT: KENDRICK LYONES

CASE#: 27-2021-CR-01095

CHARGE:
POSSESSION WITH INTENT
DELIVER - FENTANYL - 40
GRAMS OR MORE

OFFENSE LEVEL:
CLASS A FELONY

CHARGE:
POSSESSION WITH INTENT
TO DELIVER -
METHAMPHETAMINE

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
4 YEARS

JAIL CREDIT:
225 DAYS

DAYS AT NDSP:
38 DAYS

Mr. Lyones arrived at NDSP on May 22, 2023 to serve the remaining approximately 40 months of his sentence for these two drug dealing offenses. He was transferred to a halfway house in Fargo on June 29, 2023. That is **38 days**.

If only jail and prison days are counted, Mr. Lyones served 263 days of a 1,460-day sentence on a Class A felony fentanyl offense. That is **18.0%**.

Mr. Lyones remained at the halfway house until his parole on November 1, 2023. As such, even if time spent in a halfway house is counted as "time served," he only served about 6 months of the 40 months he had left on his sentence when he arrived at DOCR.

According to the affidavit of probable cause in this case, task force officers seized approximately 1,250 fentanyl pills, approximately \$15,000 cash, and about 40 grams of methamphetamine from Mr. Lyones. Also according to the affidavit, Mr. Lyones' criminal history includes multiple prior drug dealing convictions out of Cook County, Illinois.

DEFENDANT: RODNEY SPICER

CASE#: 03-2020-CR-00056

CHARGE:
RECKLESS ENDANGERMENT
- EXTREME INDIFFERENCE

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
5 YEARS *CONSECUTIVE* TO
THREE OTHER CASES

JAIL CREDIT:
57 DAYS

DAYS AT PRISON:
207 DAYS FROM DATE OF
SENTENCING

CASE#: 03-2020-CR-00058

CHARGE:
POSSESSION OF
METHAMPHETAMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
5 YEARS *CONSECUTIVE* TO
THREE OTHER CASES

PRIOR CREDIT:
57 DAYS

DAYS AT PRISON:
207 DAYS FROM DATE OF
SENTENCING

On October 25, 2021, Mr. Spicer was sentenced to 18 months in prison for Fleeing a Peace Officer – Vehicle – Risk of Death or Serious Bodily Injury in case 09-2020-CR-04614. Mr. Spicer had credit for 93 days served.

Also on October 25, 2021, Mr. Spicer was sentenced to 18 months in prison for Fleeing a Peace Officer – Vehicle – 2nd or subsequent offense in case 09-2020-CR-04616. Mr. Spicer had credit for 93 days served.

Also on October 25, 2021, Mr. Spicer was sentenced to 18 months in prison for Fleeing a Peace Officer – Vehicle – 2nd or subsequent offense in case 09-2021-CR-03713. As such, Mr. Spicer had about 15 months left to serve on his **three** fleeing sentences as of October 25, 2021.

Mr. Spicer was on probation in cases 03-2020-CR-00056 and 03-2020-CR-00058 when he committed the three fleeing offenses listed above. As a result, his probation was revoked, and, on June 3, 2022, he was sentenced to 5 years in prison in cases 03-2020-CR-00056 and 03-2020-CR-00058. The 5-year sentences in these two cases were ordered to run **consecutively** to his 18-month sentences in the three fleeing cases. Nevertheless, only six months after being sentenced to 5 years **consecutive**, he was transferred to a halfway house. That transfer occurred on December 27, 2022. According to DOCR records, he was paroled out of the halfway house on April 25, 2023. His sentences in 08-2020-CR-00056 and 03-2020-CR-00058, if served, would have kept him in custody until at least 2026.

On August 6, 2023, less than 4 months after being paroled, Mr. Spicer committed the offense of Aggravated Assault. According to the incident report, three individuals, including Mr. Spicer, knocked the victim unconscious and continued to strike the victim after the victim was motionless on the ground. Mr. Spicer was sentenced to 30 months for the assault in case 09-2023-CR-03672 on November 27, 2023. Witnesses told officers that they thought the victim was dead when the assault ended. As of March 20, 2025, Mr. Spicer is serving his sentences at Missouri River Correctional Center, a Minimum Low security level facility.

DEFENDANT: KEVIN LUKE

DEFENDANT 1 OF 2
CONTINUED ON NEXT PAGE

CASE#: 08-2021-CR-03150

CHARGE:
POSSESSION OF
FENTANYL WITH INTENT
TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
2 YEARS

JAIL CREDIT:
20 DAYS

DAYS AT PRISON:
35 DAYS

CASE#: 08-2021-CR-03153

CHARGE:
CONSPIRACY TO POSSESS
FENTANYL WITH INTENT
TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
1 YEAR AND 1 DAY

PRIOR CREDIT:
14 DAYS

DAYS AT PRISON:
35 DAYS

Mr. Luke served 55 days of a 2-year sentence in case 08-2021-CR-03150, or **7.5%** of actual time served in jail or prison.

Mr. Luke served 49 days of a 1 year and 1 day sentence in case 08-2021-CR-03153, or **13.4%** of actual time in jail or prison.

In cases 08-2021-CR-03153 and 08-2021-CR-03160 involving Mr. Luke and Ms. Gipp as co-defendants, according to the affidavit of probable cause, Mr. Luke directed another individual to transport fentanyl pills from Detroit, Michigan to Bismarck. That co-defendant told law enforcement that he brought approximately 2,000 to 3,000 fentanyl pills to Bismarck.

Task force officers found approximately 140 fentanyl pills in Ms. Gipp's apartment where she was located with two children. She told task force officers she planned to continue to sell fentanyl pills and "bleed this town dry" and "leak this town of money." Ms. Gipp made those statements six months after being placed on probation for Possession of Oxycodone with Intent to Deliver in case 08-2020-CR-02544.

On May 23, 2022, Ms. Gipp was sentenced to serve 3 years in prison as part of the conspiracy with Mr. Luke. She had credit for 20 days served in jail. Ms. Gipp was transferred to a halfway house on December 14, 2022. As such, she served 225 days in jail or prison of a 1,095-day sentence on a second drug dealing offense. That is **20.5%**.

CONTINUED ON NEXT PAGE...

DEFENDANT: LACEY GIPP

DEFENDANT 2 OF 2

CASE#: 08-2021-CR-03160

CHARGE:
POSSESSION OF
FENTANYL WITH INTENT
TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

CHARGE:
CHILD NEGLECT

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
3 YEARS

JAIL CREDIT:
20 DAYS

DAYS AT PRISON:
205 DAYS

According to publicly available federal court documents, Ms. Gipp has since signed plea agreements in two new drug cases, both of which were charged in federal court. In one case, Ms. Gipp agreed to plead guilty to Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances. In the other case, Ms. Gipp agreed to plead guilty to Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances (400 grams or more fentanyl - mixture), Money Laundering Conspiracy, and Maintaining a Drug-Involved Premises.

According to the plea agreement filed in federal court, the Conspiracy to Distribute and Possess with Intent to Distribute Controlled Substances (400 grams or more fentanyl - mixture) count carries a 10-year mandatory minimum sentence. If Ms. Gipp is sentenced to federal prison, she will not be considered to have recidivated by DOCR because she did not return to a DOCR facility.

DEFENDANT: CORI WILLARD

CASE#: 08-2020-CR-03052

CHARGE:

POSSESSION OF MORE
THAN 50 GRAMS OF
METHAMPHETAMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:

CLASS A FELONY

CHARGE:

POSSESSION OF
OXYCODONE WITH
INTENT TO DELIVER

OFFENSE LEVEL:

CLASS B FELONY

SENTENCE:

4 YEARS

JAIL CREDIT:

8 DAYS

DAYS AT PRISON:

64 DAYS

Ms. Willard served 72 days in jail or prison of a 1,460-day sentence for dealing methamphetamine and oxycodone. That is **4.9%**.

This was Ms. Willard's second methamphetamine dealing conviction. She was on probation for the first methamphetamine dealing offense when she committed the offenses in 08-2020-CR-03052. Despite this being a second drug dealing offense, and despite being on probation for the first offense when she committed this one, she served about 5% of her sentence in jail or prison. This was after she motioned the district court to reduce her sentence, which was denied.

She was caught with nearly one pound of methamphetamine in this case.

DEFENDANT: DEREK FUGLEM

CASE#: 18-2019-CR-01198

CHARGE:
AGGRAVATED ASSAULT

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
1 YEAR

JAIL CREDIT:
0 DAYS

DAYS AT PRISON:
0 DAYS

Mr. Fuglem was ordered to serve this one-year sentence **consecutive** to another aggravated assault case, 18-2019-CR-00899. Mr. Fuglem was supposed to serve his one-year sentence in case 18-2019-CR-00899 **consecutive** to a four-year sentence in case 18-2019-CR-00605.

According to DOCR records, Mr. Fuglem served **0 days** of the 365-day sentence for aggravated assault in case 18-2019-CR-01198. DOCR records indicate he received 60 days good time and 305 days of parole days.

Also according to DOCR records, Mr. Fuglem served only 147 days of the 365-day sentence for aggravated assault in case 18-2019-CR-00899.

Mr. Fuglem's prior felony criminal history included the following fourteen felony convictions:

- 46-09-K-00106 - Unauthorized Use of a Vehicle
- 46-09-K-00109 - Fleeing or Attempting to Elude Police
- 46-2010-CR-00109 - Theft of Property (Possession)
- 49-2010-CR-00377 - Breaking into A Vehicle
- 18-2011-CR-01622 - Theft of Property
- 20-2012-CR-00044 - Breaking into A Vehicle
- 32-2013-CR-00050 - Theft of Property
- 32-2013-CR-00077 - Reckless Endangerment
- 18-2013-CR-02544 - Theft of Property
- 49-2013-CR-00285 - Theft of Property
- 18-2017-CR-00430 - Possession of Controlled Substance
- 18-2017-CR-00842 - Theft of Property
- 49-2017-CR-00074 - Burglary
- 18-2017-CR-00865 - Theft of Property

DEFENDANT: STEVEN WHITE

CASE#: 36-2023-CR-00280

CHARGE:
TERRORIZING

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
1 YEAR AND 1 DAY

JAIL CREDIT:
7 DAYS

DAYS AT PRISON:
30 DAYS

On June 20, 2023, Mr. White was sentenced to 1 year and 1 day in prison for Terrorizing. He had credit for 7 days served in jail.

According to DOCR records, Mr. White arrived at NDSP to serve his sentence on July 19, 2023. He was transferred to a halfway house in Mandan on August 18, 2023. That is **30 days**.

As such, if only jail and prison days are counted, he served 37 days of a 1 year and 1 day sentence for terrorizing. That is **10.1%**.

On November 29, 2023, Mr. White was paroled to the same halfway house (where he had already been transferred three months earlier).

DEFENDANT:

DANIEL SWARTOUT

CASE#: 36-2022-CR-00055

CHARGE:
ESCAPE

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
1 YEAR AND 1 DAY

JAIL CREDIT:
43 DAYS

DAYS AT DOCR:
4 DAYS

On April 6, 2022, Mr. Swartout's probation was revoked and he was sentenced to 2 years in prison, with credit for 145 days served, for Failure to Register as a Sexual Offender in case 36-2021-CR-00646. As such, Mr. Swartout had a 730-day sentence, of which he had served 145 days in jail. That left 585 days, minus good time, left to be served.

On April 21, 2022, Mr. Swartout was sentenced to 1 year and 1 day in prison for Escape in case 36-2022-CR-00055. Mr. Swartout had credit for 43 days served in jail. As such, he had 323 days, minus good time, left to be served. The sentence was to run **consecutively** to the 2-year sentence in 36-2022-CR-00055. As such, Mr. Swartout had approximately 908 days (2.5 years) left to serve in these two cases as of April 2022.

Mr. Swartout was paroled out on August 8, 2023. According to DOCR records, Mr. Swartout served **4 days** in DOCR custody on the 1 year and 1 day sentence for Escape in case 36-2022-CR-00055. Together with his jail credit, he served 47 days in jail or prison on the Escape charge, or **12.8%**.

DEFENDANT:

LISA KOEHMSTEDT

CASE#: 09-2022-CR-04171

CHARGE:

THEFT - TAKE - OVER
\$50,000

OFFENSE LEVEL:

CLASS A FELONY

SENTENCE:

2 YEARS

JAIL CREDIT:

2 DAYS

DAYS AT PRISON:

50 DAYS

On June 19, 2023, Ms. Koehmstedt pled guilty to the Class A felony offense of Theft - Take - Over \$50,000 and was sentenced to 2 years in prison. She received credit for 2 days served. She served an additional day while waiting to be transferred to the prison.

Ms. Koehmstedt arrived at DOCR on June 20, 2023. At that time, she had served 3 days of her 2-year sentence. Ms. Koehmstedt was transferred to a halfway house on August 9, 2023, after only serving a total **53 days** in jail or prison of a 730-day sentence. As such, Ms. Koehmstedt served **7.3%** of her sentence in jail or prison.

Ms. Koehmstedt was transferred to the halfway house on August 9, 2023, despite the district court denying her motion for a reduction of sentence on August 4, 2023, just 5 days before her transfer. In the order denying her request for a reduction of sentence, the district court noted that Ms. Koehmstedt "caused serious harm in committing her offense. And the Defendant committed a very similar offense in the past." The court noted that Ms. Koehmstedt had previously stolen over \$10,000 from a prior employer and stole over \$70,000 from an employer in this case.

She was housed at the halfway house until she was paroled out on October 20, 2023. As such, even if time in a halfway house is counted as "time served," Ms. Koehmstedt served only 122 days of her 2-year sentence on a Class A felony offense.

DEFENDANT: TIMMIE SMITH

CASE#: 09-2023-CR-00676

CHARGE:

POSSESSION WITH INTENT
TO DELIVER - FENTANYL

OFFENSE LEVEL:

CLASS B FELONY

CHARGE:

POSSESSION WITH INTENT
TO DELIVER - HEROIN

OFFENSE LEVEL:

CLASS B FELONY

SENTENCE:

2 YEARS

JAIL CREDIT:

14 DAYS

DAYS AT NDSP:

67 DAYS

CASE#: 09-2023-CR-01566

CHARGE:

POSSESSION WITH INTENT
TO DELIVER - FENTANYL

OFFENSE LEVEL:

CLASS B FELONY

CHARGE:

TAMPERING WITH
PHYSICAL EVIDENCE

OFFENSE LEVEL:

CLASS C FELONY

SENTENCE:

2 YEARS

PRIOR CREDIT:

2 DAYS

DAYS AT NDSP:

67 DAYS

On August 7, 2023, Mr. Smith pled guilty in two drug dealing cases. In case 09-2023-CR-00676, Mr. Smith pled guilty to possessing heroin and fentanyl with intent to deliver. He was sentenced to 2 years with credit for 14 days. In 09-2023-CR-01566, he pled guilty to possessing fentanyl with intent to deliver. He was sentenced to 2 years with credit for 2 days served.

Mr. Smith arrived at NDSP on August 10, 2023, three days after he was sentenced. He was paroled out on October 16, 2023, after serving only **67 days** at the prison on two drug dealing cases, both of which involved fentanyl and one of which involved heroin.

In case 09-2023-CR-00676, Mr. Smith served 81 days of a 730-day sentence, or **11.1%**. In case 09-2023-CR-01566, Mr. Smith served 69 days of a 730-day sentence, or **9.5%**.

Parole Board records available at https://www.docr.nd.gov/sites/www/files/documents/parole_pardon/Parole/Minutes%20%26%20Result%20Upload/October%202023%20PB%20Results%20and%20minutes.pdf indicate that he was paroled not to a halfway house, but “[t]o his approved plan with his wife in Fargo, ND.”

DEFENDANT: SHANELL AZURE

CASE#: 51-2019-CR-01158

CHARGE:
POSSESSION WITH INTENT
TO DELIVER - HEROIN

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
3 YEARS

PRIOR CREDIT:
2 YEARS

DAYS IN PRISON:
6 DAYS

CASE#: 51-2018-CR-02336

CHARGE:
POSSESSION OF
METHAMPHETAMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
3 YEARS

PRIOR CREDIT:
2 YEARS

DAYS IN PRISON:
48 DAYS

In case 51-2019-CR-01158, Ms. Azure's probation was revoked, and the court sentenced her to 3 years in prison with credit for 2 years served. That sentencing occurred on January 19, 2023.

Ms. Azure was paroled out on January 25, 2023. That was **6 days** after being sentenced to a year to serve on a revocation of her probation for dealing heroin. As such, Ms. Azure served **1.6%** of her year to serve in case 51-2019-CR-01158.

In case 51-2018-CR-02336, Ms. Azure's probation was revoked, and the court sentenced her to 3 years in prison with credit for 2 years served. That sentencing occurred on December 8, 2022. Ms. Azure was paroled out on January 25, 2023. That was **48 days** after being sentenced to a year to serve on a revocation of her probation for dealing methamphetamine. As such, Ms. Azure served **13.2%** of her year to serve in case 51-2018-CR-02336.

Ms. Azure was not sent to a halfway house. Parole Board records available at https://www.docr.nd.gov/sites/www/files/documents/parole_pardon/Parole/Minutes%20%26%20Result%20Upload/January%202023%20PB%20results%20and%20minutes.pdf indicate that she was paroled "[t]o her approved plan with her mother in Belcourt, ND."

DEFENDANT: KELLY COPELAND

CASE#: 02-2022-CR-00380

CHARGE:

FAILURE TO APPEAR
AFTER RELEASE - BAIL
JUMPING - FELONY
OFFENSE

OFFENSE LEVEL:

CLASS C FELONY

SENTENCE:

21 MONTHS

JAIL CREDIT:

32 DAYS

DAYS AT PRISON:

41 DAYS

Ms. Copeland arrived at the prison on December 8, 2022, to serve her 21-month sentence (minus 32 days jail credit) for felony bail jumping. She was transferred to a halfway house on January 18, 2023, just **41 days** after arriving at the prison.

If just jail and prison days are counted, she served 73 days of a 630-day sentence for felony bail jumping. That is **11.6%**.

She was also serving sentences in three other cases for felony drug offenses.

Her criminal history included Possession of Methamphetamine with Intent to Deliver (09-2019-CR-00926).

DEFENDANT: TERRI ZEPHIER

CASE#: 51-2017-CR-00150

CHARGE:
POSSESSION OF
METHAMPHETAMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:
CLASS A FELONY

SENTENCE:
3 YEARS

JAIL CREDIT:
79 DAYS

DAYS AT PRISON:
36 DAYS FROM DATE OF
SENTENCING

On February 7, 2023, Ms. Zephier's probation was revoked in this case, and she was sentenced to 3 years in prison with credit for 79 days served.

On March 15, 2023, just **36 days** after being sentenced to 3 years to serve, Ms. Zephier was transferred to a halfway house. On May 26, 2023, Ms. Zephier was paroled to the same halfway house (where she had already been transferred two months earlier).

If only jail and prison days are counted, Ms. Zephier served 115 days of a 1,095-day sentence or **10.5%** actual time served on a probation revocation for a Class A Felony methamphetamine dealing offense.

DEFENDANT: CORY REIS

CASE#: 08-2019-CR-03395

CHARGE:
POSSESSION OF
METHAMPHETMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

CHARGE:
ATTEMPTED POSSESSION
OF HEROIN WITH INTENT
TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
5 YEARS

JAIL CREDIT:
413 DAYS

DAYS AT PRISON:
288 DAYS

This was Mr. Reis' *fourth* drug dealing offense. His days served in jail or prison totaled 701 days of an 1,825-day sentence. That is **38.4%** for a *fourth* drug dealing offense. His criminal history also included a conviction for burglary.

DEFENDANT: JOSIAH ANDERSON

CASE#: 08-2022-CR-01859

CHARGE:

CONSPIRACY TO POSSESS
FENTANYL OR
OXYCODONE WITH
INTENT TO DELIVER

OFFENSE LEVEL:

CLASS B FELONY

SENTENCE:

4 YEARS

JAIL CREDIT:

121 DAYS

DAYS AT PRISON:

67 DAYS

Mr. Anderson was sentenced to 4 years in prison for possessing fentanyl and/or oxycodone with intent to deliver. He had credit for 121 days served in jail. He served another 3 days while awaiting transfer to the prison.

He was only kept at the prison for **67 days**. As such, he served a total of 191 days in jail or prison of a 1,460-sentence. That is **13.1%**.

DEFENDANT: JERRY EIDEM

CASE#: 09-2021-CR-02945

CHARGE:

POSSESSION WITH INTENT
TO DELIVER -
METHAMPHETAMINE

OFFENSE LEVEL:

CLASS B FELONY

SENTENCE:

1 YEAR AND 1 DAY

JAIL CREDIT:

5 DAYS

DAYS AT NDSP:

49 DAYS

CASE#: 09-2021-CR-02867

CHARGE:

BURGLARY

OFFENSE LEVEL:

CLASS C FELONY

CHARGE:

THEFT

OFFENSE LEVEL:

CLASS C FELONY

SENTENCE:

1 YEAR AND 1 DAY

JAIL CREDIT:

5 DAYS

DAYS AT NDSP:

49 DAYS

Mr. Eidem arrived at NDSP on September 15, 2022 to serve the remaining approximately 12 months of his sentence in these two cases. He was transferred to a halfway house in Fargo on November 3, 2022. That is **49 days**.

As such, Mr. Eidem served 54 days in jail or prison of his 366-day sentences for dealing methamphetamine and for burglary. That is **14.8%**.

This was Mr. Eidem's second methamphetamine dealing conviction.

Prior to these cases, Mr. Eidem's criminal history in North Dakota included felony convictions for possession with intent to manufacture/deliver methamphetamine, theft, and criminal conspiracy to commit theft. As such, these were the fourth and fifth criminal cases in North Dakota in which he was convicted of felonies.

DEFENDANT: JADEN PATRICK

CASE#: 08-2023-CR-01417

CHARGE:
POSSESSION WITH INTENT
TO DELIVER - FENTANYL -
40 GRAMS OR MORE

OFFENSE LEVEL:
CLASS A FELONY

SENTENCE:
4 YEARS

JAIL CREDIT:
176 DAYS

DAYS AT PRISON:
280 DAYS

Mr. Patrick served 456 days of a 1,460-day sentence for a Class A Felony fentanyl offense. That is **31.2%**. Despite that, according to a DOCR email from the legal records manager dated August 21, 2024, Mr. Patrick “earned 200 days of good time[.]” As such, Mr. Patrick “earned” 200 days good time despite only serving 280 days at the prison.

DEFENDANT:

CHRISTOPHER GIST

CASE#: 08-2021-CR-01149

CHARGE:

POSSESSION OF
METHAMPHETAMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:

CLASS B FELONY

SENTENCE:

4 YEARS

JAIL CREDIT:

0 DAYS

DAYS AT DOCR:

485 DAYS

Mr. Gist served 485 days of a 1,460-day sentence, including any time spent in a halfway house. That is **33.2%**, despite this being a *second* offense for Possession of Methamphetamine with Intent to Deliver. While back out in the community, Mr. Gist committed a *third* offense for Possession of Methamphetamine with Intent to Deliver, this time with a stolen firearm.

DEFENDANT: HOPE BURD

CASE#: 51-2020-CR-00796

CHARGE:
CONSPIRACY TO DELIVER
METHAMPHETAMINE

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
2 YEARS, 73 DAYS

JAIL CREDIT:
105 DAYS

DAYS AT PRISON:
223 DAYS

CASE#: 51-2022-CR-01255

CHARGE:
POSSESSION OF
METHAMPHETAMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
2 YEARS

PRIOR CREDIT:
0 DAYS

DAYS AT PRISON:
201 DAYS

In July 2020, Ms. Bird pled guilty to Conspiracy to Deliver Methamphetamine in case 51-2020-CR-00796 and was sentenced to probation. While on probation for that offense, Ms. Burd committed the offense of Unlawful Possession of a Firearm in case 51-2022-CR-00231, and was again sentenced to probation.

While on probation in those two cases, Ms. Burd committed the offense of Possession of Methamphetamine with Intent to Deliver in case 51-2022-CR-01255. Ms. Burd was sentenced to 2 years in prison. That sentencing occurred on September 21, 2022. She was paroled out on April 10, 2023. That is 201 days. As such, she served **27.5%** of her sentence in case 51-2022-CR-01255.

Ms. Burd was also sentenced to 2 years in prison on a probation revocation in case 51-2020-CR-00796. She had credit for 105 days. That sentencing occurred on August 30, 2022. She was paroled out on April 10, 2023. That is 223 days. As such, she served 328 days of a 2 years and 73-day (803-day) sentence. That is **40.8%**.

DEFENDANT: BRENT AHO

CASE#: 51-2023-CR-00322

CHARGE:
POSSESSION OF
METHAMPHETAMINE WITH
INTENT TO DELIVER

OFFENSE LEVEL:
CLASS B FELONY

CHARGE:
UNLAWFUL POSSESSION
OF FIREARM

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
2 YEARS

JAIL CREDIT:
38 DAYS

DAYS AT PRISON:
128 DAYS

According to DOCR records, Mr. Aho arrived to begin serving his sentence on April 26, 2023. At that time, Mr. Aho had approximately 22 months left to serve on his 2-year sentence. He was paroled out on September 1, 2023. That is 128 days. According to records available at https://www.docr.nd.gov/sites/www/files/documents/parole_pardon/Parole/Minutes%20%26%20Result%20Upload/August%202023%20PB%20results%20and%20minutes.pdf, Mr. Aho was paroled “[t]o his approved plan with his father-in-law in Minot, ND.” His total time served was 166 days of his 730-day sentence for dealing methamphetamine with a firearm. That is **22.8%**.

DEFENDANT: JESSE LIPSH

CASE#: 34-2021-CR-00202

CHARGE:
POSSESSION WITH INTENT
TO DELIVER -
METHAMPHETAMINE

OFFENSE LEVEL:
CLASS B FELONY

SENTENCE:
15 MONTHS

JAIL CREDIT:
22 DAYS

DAYS AT PRISON:
56 DAYS

Ms. Lipsh arrived at DOCR on August 23, 2023 to serve the remaining approximately 14 months of her sentence. She was transferred to a halfway house in Fargo on October 18, 2023. That is **56 days**. As such, she served a total of 78 days of her 15-month sentence in a jail or prison. That is **17.3%**.

According to the affidavit of probable cause in this case, officers seized approximately 26 grams of methamphetamine and approximately \$3,085 cash from Ms. Lipsh.

DEFENDANT: AMBROSE AMYOTTE

CASE#: 40-2022-CR-00239

CHARGE:
ESCAPE

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
27 MONTHS

JAIL CREDIT:
105 DAYS

DAYS AT NDSP:
137 DAYS

Mr. Amyotte arrived at NDSP on April 14, 2023 to serve the remaining approximately 23 months of his sentence. He was paroled out on August 29, 2023. As such, he served about 4 months (137 days) of the remaining 23 months of his sentence for escape.

As such, Mr. Amyotte served 242 days in jail or prison of his 810-day sentence for escape. That is **30.0%**.

DEFENDANT: CALIE THIBERT

CASE#: 03-2016-CR-00134

CHARGE:
BURGLARY

OFFENSE LEVEL:
CLASS B FELONY

CHARGE:
THEFT

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
5 YEARS

JAIL CREDIT:
108 DAYS

DAYS AT PRISON:
315 DAYS

CASE#: 36-2019-CR-00335

CHARGE:
ESCAPE

OFFENSE LEVEL:
CLASS C FELONY

SENTENCE:
1 YEAR AND 1 DAY

JAIL CREDIT:
29 DAYS

DAYS AT PRISON:
315 DAYS

In case 03-2016-CR-00134, Ms. Thibert was originally sentenced to probation in April 2017. Her probation was revoked in March 2019, and she was sentenced to 90 days in jail, followed by probation.

Ms. Thibert's probation was revoked for a second time in May 2022. At that time, the court sentenced her to 5 years in prison, with credit for 108 days served.

In case 36-2019-CR-00335, Ms. Thibert was sentenced to 1 year and 1 day in prison for escape.

Ms. Thibert arrived at DOCR to serve her sentences on June 22, 2022. She was transferred to Heart River Correctional Center, a minimum-security facility, on December 21, 2022. Ms. Thibert was paroled out from HRCC on May 3, 2023. As such, she served 315 days at DOCR. When you add the 108 days she served in jail before sentencing in the burglary case, she served 423 days of her 5-year sentence. That is **23.2%** of time actually served in jail or prison on her 5-year sentence on a second probation revocation.

According to DOCR parole board records available at https://www.docr.nd.gov/sites/www/files/documents/parole_pardon/Parole/Minutes%20%26%20Result%20Upload/April%202023%20PB%20results%20and%20minutes.pdf, Ms. Thibert was paroled "[t]o her approved plan with her boyfriend in West Fargo, ND."