

IN CRIMINAL COURT

File No#CR-20-0916

-VS-

CRIMINAL COMPLAINT

Julian Bear Runner

DOB: 06/22/85

Defendant

COMES NOW the Tribal Prosecutor and for the complaint in this matter states and alleges that on or about the 2nd day of May, 2020, the above named defendant did commit the offense(s) of:

COUNT I

Driving While Intoxicated, Section 605, OST Motor Vehicle Code. It shall be unlawful to drive or be in actual physical control of any operational vehicle upon any private or public road within Tribal Jurisdiction while under the influence of intoxicating alcohol, or controlled dangerous substances, or any other substances that impair the ability to control or operate an operational vehicle. (a) A person is presumed to be intoxicated if there is 0.08% or more alcohol in the blood by weight as shown by chemical analysis of that person's breath, blood, or other bodily substance. (b) A person is presumed not to be intoxicated if there is less than 0.05% of alcohol in their blood by weight. Between such above stated percentages, results of tests showing such fact may be received in evidence, with other tests or observations, for consideration by the court or jury. (c) Any person who operates any vehicle on this reservation shall be deemed to have given his or her consent to a chemical analysis of his/her blood, breath, or other bodily substance for the purposes of determining the amount of alcohol, drugs or other impairing substances in his/her body. (d) A person is presumed to be under the influence of intoxicating alcohol, drugs or other impairing substances, if the person refuses to consent to a blood alcohol test and fails to pass field sobriety tests. (e) A breath or blood test must be administered with the consent of the subject, by a qualified operator using a properly maintained apparatus in order to be admissible, provided that if any person refuses to take such test when requested to do so by an Officer having a reasonable suspicion that such a person may be intoxicated, the person's driving privileges within the Tribal jurisdiction shall be suspended by the Court for a period of six (6) months whether or not such person is convicted of any offense. Such suspension is mandatory., To Wit: **officer did make contact with the defendant the driver of a truck where the driver the defendant did display elements of intoxication; slurred speech unsteady on their feet eyes glossy and blood shot and strong odor of intoxicating beverage emitting from their breath and did register 0.107%BAC on an Alco-Visor Jupiter.**

COUNT II

Verbal or Written Assault, Section 204, OST Criminal Offense Code, (a) It shall be unlawful to threaten verbally or in writing to commit any offense involving violence with apparent ability to do so: (1) With intent to terrorize another or place such other in fear of imminent serious bodily injury; or (2) to cause evacuation of a building, place of assembly, or facility of public transport or otherwise to cause serious public inconvenience,, To Wit: **Officer made contact with Mark Wisecarver who stated that Julian told him he was going to beat his ass.**

Said incident did occur in **Manderson**, South Dakota, well within the exterior boundaries of the Pine Ridge Indian Reservation.

This complaint is signed pursuant to Chapter 8, Section 1-2 of the Oglala Sioux Tribal Code and the Prosecutor swears that it is true and correct to the best information and belief of the Prosecutor signing this complaint.

Dated this 5th day of May, 2020


Tribal Prosecutor

Officer / Witness(es):

Tyler Rojo, Law Enforcement Officer

Mark Wisecarver Witness

