

TO: CARL MARTINECK, BARNES COUNTY STATE'S ATTORNEY

**FROM: David Schelkoph, City Administrator
Fred Thompson, Chief of Police
Russell J. Myhre, City Attorney
David Swenson, Lieutenant, Valley City Police Department**

SUBJECT: Request for Investigation

The purpose of this letter is to request the Barnes County State's Attorney to request the North Dakota Bureau of Criminal Investigation (BCI) to conduct an investigation on the following matters:

1. Whether Robert Drake violated NDCC § 12.1-15-01 (Criminal Defamation) by the dissemination/publishing of the letter dated December 7, 2015. A copy of this letter and additional materials contemporaneously submitted is attached as "Exhibit A."
2. Whether Mayor Robert Werkhoven participated in the dissemination/publishing of the letter dated December 7, 2015, and thereby violated NDCC § 12.1-15-01 (Criminal Defamation).
3. Whether the dissemination/publishing of the letter dated December 7, 2015, by Robert Drake was with the intent to influence the official action of public officials of the City of Valley City (namely to obtain a favorable decision on the filing of the Robert Drake, Tony Drake and Lloyd Nelson Initiated Petition to disband the Valley City Police Department) and thereby constitutes a violation of NDCC § 12.1-12-06(2) (Threatening Public Servant).
4. Whether Mayor Robert Werkhoven participated in the dissemination/publishing of the letter dated December 7, 2015, with the intent to influence the official actions of public officials of the City of Valley City (namely to obtain a favorable decision on the filing of the Robert Drake, Tony Drake and Lloyd Nelson Initiated Petition to disband the Valley City Police Department) and thereby violated NDCC § 12.1-12-06(2) (Threatening Public Servant).

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Valley City, North Dakota

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