

**IN DISTRICT COURT, COUNTY OF BARNES, NORTH DAKOTA**

State of North Dakota, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 **Giles Kayton Yazzie,** )  
 )  
 Defendant, )

**CRIMINAL INFORMATION**  
File No. **02-2023-CR-00114**

The Barnes County State’s Attorney charges:

[¶1] Count 1: That on or about April 18, 2023, in Barnes County, North Dakota, the defendant, Giles Kayton Yazzie, did commit the offense of **Simple assault**, in violation of North Dakota Century Code section 12.1-17-01(1)(a), 12.1-17-01(2)(a), 12.1-32-01(4), by then and there: The defendant willfully caused bodily injury to a peace officer or correctional institution employee acting in an official capacity, which the defendant knew to be a fact, in particular: by kicking and flailing about injuring Officer Gruba's shoulder causing pain. This offense is a **Class C Felony**.


[¶2] Count 2: That on or about April 18, 2023, in Barnes County, North Dakota, the defendant, Giles Kayton Yazzie, did commit the offense of **Contact by bodily fluids**, in violation of North Dakota Century Code section 12.1-17-11(1)(a), 12.1-17-11(3), 12.1-32-01(4), by then and there: The defendant knowingly caused blood, emesis, excrement, mucus, saliva, semen, vaginal fluid, or urine to come in contact with a law enforcement officer acting in the scope of employment, in particular: by spitting on Officer Gibson. This offense is a **Class C Felony**.

[¶3] Count 3: That on or about April 18, 2023, in Barnes County, North Dakota, the defendant, Giles Kayton Yazzie, did commit the offense of **Preventing arrest**, in violation of North Dakota Century Code section 12.1-08-02(1), 12.1-32-01(4), by then and there: The defendant, with intent to prevent a public servant from effecting an arrest of himself or another for a Class A, B or C felony, created a substantial risk of bodily injury to the public servant or to anyone except himself, or employed means justifying or requiring substantial force to overcome resistance to effect such an arrest, in particular: by resisting officer's attempts at placing him in the secured area of the patrol vehicle by locking his legs, being physically belligerent, and requiring officers to apply pain compliance techniques to get him to comply. This offense is a **Class C Felony**.

[¶4] Count 4: That on or about April 18, 2023, in Barnes County, North Dakota, the defendant, Giles Kayton Yazzie, did commit the offense of **Disorderly conduct**, in violation of North Dakota Century Code section 12.1-31-01(1)(e), 12.1-32-01(6), by then and there: The defendant, with intent to harass, annoy, or alarm another person or in reckless disregard of the fact that another person is harassed, annoyed, or alarmed by the defendant's behavior, persistently followed a person in or about a public place or places, in particular: by chasing A.H. into the CHI Home Health building. This offense is a **Class B Misdemeanor**.

[¶5] Against the peace and dignity of the State of North Dakota.

Dated this 19th day of April, 2023.

  
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John M. Gonzalez, ND ID 09128  
Barnes County Assistant State's Attorney

**CST # C00196, C00320, C00021, C00901**

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State's Witnesses:

Denise Michelle Orthman  
Jean Lynn Swenson  
A.H.  
Tyler Gibson  
Zachary Michael Gruba  
Sergeant Wade J Hannig, Valley City Police  
Department  
Zachary M Gruba, Valley City Police Department

Penalty Section

Count 1: N.D.C.C. §§ 12.1-32-01(4)  
Class C Felony.  
Min. Mandatory:  
Count 2: N.D.C.C. §§ 12.1-32-01(4)  
Class C Felony.  
Min. Mandatory:  
Count 3: N.D.C.C. §§ 12.1-32-01(4)  
Class C Felony.  
Min. Mandatory:  
Count 4: N.D.C.C. §§ 12.1-32-01(6)  
Class B Misdemeanor.  
Min. Mandatory: