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**July 01, 2017**

**Water Protector Legal Collective**

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**Lack of Evidence Leads to Dismissal and Victory for Water Protectors**

WPLC attorney Sam Saylor represented Nicholas Jackson in Morton County on Thursday, June 29, 2017 by successfully arguing for a judge to lift his warrant. Jackson, a Water Protector who was arrested during the October 22nd, 2016 mass arrests at Standing Rock, had his initial case dismissed in May but then was recharged a few weeks later. As part of that recharge, no notice was given by the State’s Attorney to Jackson or his attorney in the dismissed case, WPLC attorney Jacob Reisberg. Saylor’s request for Jackson came after he was in court just last week defending his client Abigail Johnson, another October 22nd arrestee.

On Thursday June 22nd, 2017 defendants Johnson and Amy Gellaty, who was represented by attorney Erica Shively, were both found not guilty of Criminal Trespass and Engaging in a Riot. Saylor and Shively were given 10 photos by Morton County Prosecutor Brian Grosinger showing the events that took place at the alleged protest site. The photos showed no indication of riotous or violent activity and neither of the defendants were present in any of the photos. Despite testimony from Officer Stugelmeyer, Officer Schmeichel and Officer Bob Ziebarth, Surrogate Judge Allan L. Schmalenberger granted the motion for judgement of acquittal. With no evidence of any wrongdoing it didn’t take long to reach the verdict. Schmalenberger stated, “A mere presence at a riot does not mean you are inciting one.”

The defendants were part of prayer groups told to disperse from a field west of Highway 1806, near sacred sites and the DAPL Easement. When they began to follow law enforcements instructions, they were stopped and arrested by Morton County officers regardless. The arresting officers said the ladies complied and did not resist being arrested and they also couldn’t place the defendants in any of the prosecutor’s photos, admitting they only recognized the ladies based on their hairstyles and a hat Gellaty was wearing when arrested. The hat is a light green baseball cap worn by National Lawyers Guild legal observers.

After trial, Attorney Sam Saylor said, “An honest evaluation of whether it’s proper to bring peaceful protesters to court alleging a crime of violence when, even by the State's own evidence, they did not engage in any violent behavior will hopefully be considered by the State’s Attorney. Hopefully the State will not choose to waste time, money, and energy in prosecuting individuals who gathered for a prayer walk the morning of October 22nd. It would be unthinkable if the State was using these cases to chill legitimate efforts of protestors exercising their First Amendment rights.”

“It certainly raises some questions when the State is pursuing these protestor cases where they have virtually no evidence to present. If this was an ordinary, non-DAPL related case, would the State have pushed this to trial? I don't think so.”

Water Protectors who have seen and experienced bias and discrimination by public officials based on their indigeneity or political associations are encouraged to contact the Water Protector Legal Collective for advice and representation.

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