

February 27, 2017

VIA EMAIL

Allen Koppy
Morton County State's Attorney
210 2nd Ave., NW
Mandan, ND 58554
Allen.koppy@mortonnd.org

Re: Seizure of equipment from photographers arrested at DAPL protest

Dear Mr. Koppy:

I represent Tonita Cervantes and Tracie Williams, two freelance photojournalists who had their photographic equipment seized from them last week during their misdemeanor arrests at the site of the Dakota Access Pipeline protests. I write to request that their equipment be returned to them immediately.

When I called your office this morning, I was told that all of the property seized by authorities incident to last week's arrests was being held for evidence, and that none of the property would be released for the foreseeable future. This is unacceptable. There is no conceivable evidentiary value in camera bodies, lenses, external battery packs, and blank flash cards and data discs, which comprise most of the items seized from Ms. Cervantes and Ms. Williams. I understand from anecdotal reports that some of those arrested last week have had photographic equipment returned to them, and there is no reason why that should not be the case for my clients.

Moreover, the seized items represent significant investments for these photographers and are quite literally the tools of their trade, essential to their livelihoods. While I understand the potential evidentiary value of the images of last week's events stored on the memory cards (if they are acquired in a search pursuant to a lawfully obtained warrant), the rest of their equipment should not be kept from them. Particularly given that the charges against the photographers are misdemeanors, it seems to be an inefficient use of governmental resources to continue to keep this equipment from its rightful owners.

Mr. Allen Kopy
February 27, 2017
Page 2

I am available to discuss this matter further at any time; I may be reached at 202-508-1112. I expect that a release of evidence form will be provided to the Morton County Sheriff's office so that my clients can collect their equipment as soon as possible.

Sincerely,

LEVINE SULLIVAN KOCH & SCHULZ, LLP

By:  _____
Matthew E. Kelley

Cc: Kyle Kirchmeier, Morton County Sheriff
Wayne Stenhjem, North Dakota Attorney General