
**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION**

Daneta Wollmann United States Magistrate Judge Presiding

Courtroom Deputy - KLK
Courtroom - RC #1

Court Reporter – FTR
Date – August 4, 2016

5:15-mj-130

United States of America

Plaintiff,

vs.

Val H. Demars

Defendant.

Megan Poppen
Benjamin Patterson

Gary Colbath Jr.

TIME HEARING SCHEDULED TO BEGIN: 9:30 a.m.

TIME:

9:37 a.m. Enter Court Trial before the Honorable Daneta Wollmann, United States Magistrate Judge, presiding.

Counsel note their appearances for the record. The defendant is present.

The Court notes the Notice to Amend filed by the government. Ms. Poppen orally moves to amend, the Court grants the motion consistent with the written ruling.

The Court notes the motion to extend [34] and grants the motion nunc pro tunc as of 06/09/2016.

The Court notes the government's motion in limine [28]. Ms. Poppen argues in support of the motion. Mr. Colbath Jr. objects to the motion. The Court rules on the motion.

Ms. Poppen moves the Court for sequestration of witness. Mr. Colbath Jr. responds. The Court enters a Sequestration Order

Jessica Lucas, hydrologist, affirmed as a witness on behalf of the government.

Direct Examination by Ms. Poppen

Cross Examination by Mr. Colbath Jr.

Re-Direct Examination by Ms. Poppen

10:30 a.m. Court in Recess

10:46 a.m. Court Trial Resumes

Ruth Esperance affirmed as a witness on behalf of the government.

Direct Examination by Mr. Patterson

Cross Examination by Mr. Colbath Jr.

Re-Direct Examination by Mr. Patterson

Re-Cross Examination by Mr. Colbath Jr.

Re-Direct Examination by Mr. Patterson

Re-Cross Examination by Mr. Colbath Jr.

Jeff Summers affirmed as a witness on behalf of the government.

Direct Examination by Ms. Poppen

12:00 p.m. Court in Recess

1:21 p.m. Court Trial Resumes

Jeff Summers resumes the witness stand on behalf of the government.

Cross Examination by Mr. Colbath Jr.

Re-Direct Examination by Ms. Poppen

Travis Lunders, special agent, affirmed as a witness on behalf of the government.

Direct Examination by Ms. Poppen

Cross Examination by Mr. Colbath Jr.

The Government rests its case in chief.

Mr. Colbath Jr. moves the Court for a judgment of acquittal as to Improving Spring Transfer Water Course Violation #FASW003Z. Ms. Poppen responds and argues in opposition. The Court replies and grants the motion.

Mr. Colbath Jr. moves the Court for a judgment of acquittal as to Blocking Roadway Violation #FASW003Y. The Court responds and denies the motion.

2:54 p.m. Court in Recess

3:15 p.m. Court Resumes

Val Demars, defendant, affirmed as a witness on behalf of the defense.

Direct Examination by Mr. Colbath Jr.

Cross Examination by Ms. Poppen

Mr. Colbath Jr. rests its case in chief.

The government has no rebuttal witnesses.

Ms. Poppen makes closing statements to the Court.

Mr. Colbath Jr. makes closing statements to the Court.

The Court gives a statement of reasons and finds the defendant, Val Demars, guilty to Blocking Roadway Violation #FASW003Y.

Ms. Poppen addresses the Court as to sentencing and a fine.

Mr. Colbath Jr. addresses the Court as to sentencing and a fine.

The defendant, Val Demars, addresses the Court as to sentencing. The Court responds.

Sentence: \$100 fine and \$25 process fee.

The Court advises the defendant of his appeal rights.

3:37 p.m. Court Adjourned.