

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF BENSON

NORTHEAST JUDICIAL DISTRICT

State of North Dakota,

Plaintiff,

vs.

Loren Dale Lunde,

Defendant.

**RULE 32.2 PRETRIAL DIVERSION
AGREEMENT**

Criminal No. 03-2024-CR-00088

[¶1] The State of North Dakota, by and through James P. Wang, Benson County State's Attorney, and Defendant, Loren Dale Lunde, by and through his attorneys of record, Daniel J. Frisk and Mark A. Schwab, hereby agree to a pretrial diversion in the above-captioned matters under Rule 32.2 of the North Dakota Rules of Criminal Procedure.

[¶2] The State and the Defendant have considered the factors outlined in N.D.R.Crim.P. 32.2, including the substantial likelihood that a conviction could be obtained, as well as the benefits to society from any rehabilitation of the Defendant. The parties stipulate and agree that these things outweigh any harm that may be caused or imposed on society resulting from the suspension of the prosecution in this case.

[¶3] Specifically, the parties hereby stipulate and agree to the following terms and provisions:

- a. **The Defendant is charged with Maintaining a Public Nuisance in violation of N.D.C.C. § 42-01-05 (Class A Misdemeanor).**
- b. **The Defendant has entered and maintained a plea of not guilty to the above-listed charge.**

- c. **The Defendant acknowledges that he has a constitutional and statutory right to a Speedy and Public trial in the North Dakota, and hereby expressly waives those rights.**
- d. **After due consideration of the particular facts and circumstances of this case, and subject to the approval of the Court, the parties hereby agree that the prosecution in this matter shall be suspended for a period of four (4) months from the date of signature upon the following condition(s):**
 - i. **Defendant must satisfactorily complete the identified work effort presented by the City of Leeds.**

[¶4] That once this pretrial diversion agreement has been approved by the Court and filed with the Clerk of Court, the Defendant shall be released from custody, if applicable, and any bond posted may be released and applied to court fees and costs, if any.

[¶5] That upon successful completion of the pretrial diversion period as set forth in paragraph 3(d) above, assuming Defendant has satisfactorily completed the identified work effort presented by the City of Leeds, the case shall be dismissed in accordance with Rule 32.2(f), N.D.R.Crim.P., subject to the rights of the respective parties to seek modification or termination of this agreement under subdivisions (c) through (g) of Rule 32.2. The City expressly reserves the right to terminate this agreement and resume prosecution to the full extent permitted by Rule 32.2.

[¶6] That the parties hereby agree the legal standard applicable at any hearing to terminate this agreement and resume prosecution shall be probable cause. Furthermore, the parties stipulate and agree that in order to show probable cause that the defendant has committed a violation of this agreement by committing a felony, misdemeanor, or infraction within the pretrial diversion period, the State shall be required to produce only

certified copies of the complaint(s) or any affidavit(s) of probable cause related to the new offense or offenses.

[¶7] The Defendant stipulates and agrees to the factual basis for the alleged crime as set out in the information/complaint/report filed in the above-entitled case(s).

[¶8] This pretrial diversion agreement shall be terminated, and the underlying complaint, indictment, information or citation dismissed by order of the Court sixty (60) days after expiration of the period of suspension listed in paragraph 3(d) above.

[¶9] That following a dismissal in accordance with Rule 32.2(f), the Defendant may not be further prosecuted for the offenses involved in the above-captioned matters.

[SIGNATURE PAGE TO FOLLOW]

Dated: 03 / 24 / 2025

Loren Dale Lunde

Loren Lunde, Defendant

[¶10] I, Daniel J. Frisk, state that I am one of the attorneys of record for the Defendant in the above titled matter(s) and that I have explained the contents of this Pretrial Diversion Agreement to the Defendant.

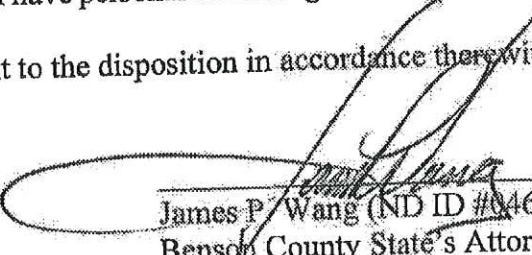
Dated: 03/24/2025

By: /s/ Daniel J. Frisk

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Attorneys for Defendant

[¶11] I, James P. Wang, Benson County State's Attorney, state that I am the attorney for the State in this criminal action, that I have personal knowledge of the contents of the above Petition, and that I agree and consent to the disposition in accordance therewith.

Dated: 21 March 2025


James P. Wang (ND ID #04664)
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