

STATE OF NORTH DAKOTA

COUNTY OF BENSON

IN THE MATTER OF THE REMOVAL FROM OFFICE OF  
ETHAN JAMES RODE, BENSON COUNTY SHERIFF

State of North Dakota, )  
Petitioner, )  
vs. )  
Ethan James Rode, )  
Benson County Sheriff )  
Respondent, )

**PETITION FOR REMOVAL**

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- [¶1] COMES NOW the Petitioner, State of North Dakota, by and through James P. Wang, Benson County State's Attorney, and for this petition pursuant to Chapter 44-11, North Dakota Century Code (N.D.C.C.), alleges and states as follows:
- [¶2] That the Respondent, Ethan James Rode, is a resident of Benson County, North Dakota.
- [¶3] That the Respondent is the current Sheriff of Benson County, having been appointed to this position in November 2020 and elected to this position in November 2022.
- [¶4] That the Respondent is guilty of misconduct, malfeasance, neglect of duty in office, and gross incompetency which are grounds to remove him from the office of Sheriff of Benson County by:
- [¶5] Misconduct in his official position, to include violating the North Dakota Peace Officers Standards and Training Code of Conduct, specifically North Dakota Administrative Code 109-02-05 Officer Conduct.
- [¶6] Multiple criminal violations in violation of the North Dakota Century Code, to include:
1. **Criminal Conspiracy 12.1-06-04 – Official Oppression N.D.C.C. 12.1-14-01 – a Class A Misdemeanor**
- [¶7] In the case of the Warwick Public School burglary investigation April 9<sup>th</sup>, 2025, which was located in Indian Country, and the subsequent arrests of T.B. and Th.B. in Indian Country for felony burglary, there are no applicable laws that provided the

Benson County Sheriff's Department with the jurisdiction to make the arrests or remove T.B. or Th.B. from the Spirit Lake Nation on April 9, 2025. Prosecution of felony burglary was clearly under the control of the federal government under the Major Crimes Act, and/or the Spirit Lake Nation Tribal Court. If the criminal trespass was a misdemeanor, it did not occur in law enforcement's presence, including Chief Deputy Travis Carlson's presence.

- [¶8] BIA SS/A Terry McCloud verified that T.B. and Th.B. were enrolled members of the Spirit Lake Nation.
- [¶9] Burglary is classified as a major crime under the Major Crimes Act and that Chief Deputy Travis Carlson arrested T.B. and Th.B. in Indian Country (within the exterior boundaries of the Spirit Lake Nation) and charged each of them with felony burglary for an alleged crime which occurred in Indian Country. Both individuals were arrested and jailed at the Lake Region Law Enforcement Center, Devils Lake, ND.
- [¶10] Sheriff Ethan Rode supported the actions of Chief Deputy Travis Carlson related to the arrests of T.B. and Th.B. Writing in Sheriff Ethan Rode's April 10, 2025, email, "Then the Chief Deputy spoke with me and I advised him that if extradition was needed to go through Tribal Court."

BIA SS/A McCloud advised that Chief Deputy Travis Carlson took arrested suspects T.B. and Th.B. to the Tribal Court for an extradition hearing. Tribal Judge Joseph Vetsch held a hearing and ruled that no extradition hearing was necessary as T.B. and Th.B. were in Benson County custody and not tribal custody. (See transcription of the hearing.)

Sheriff Ethan Rode also wrote in the April 10, 2025, email, "To my knowledge and past experiences any offense that happen inside the Warwick Bar with being enrolled or not that is the Benson County Sheriff's Office jurisdiction".

- [¶11] Chief Deputy Travis Carlson had not completed an investigatory police report in reference to Chief Deputy Travis Carlson's actions of the Warwick Public School burglary investigation until May 27, 2025, (six weeks after the illegal arrests of T.B. and Th.B.) States Attorney Wang was provided a police/investigatory report completed by Chief Deputy Travis Carlson. Prior to this, Amanda Klemetsrud, Spirit Lake Tribal Prosecutor had also requested police/investigatory report.

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- A. "Chief Deputy" Travis Carlson states and explains nothing about Miranda warnings, or custodial or non-custodial circumstances related to the interviews of T.B. and Th.B..
- B. "Chief Deputy" Travis Carlson provided no body camera recording or audio recording of the interviews with T.B. and Th.B.
- C. Chief Deputy" Travis Carlson reported "it was decided "Chief Deputy" Travis Carlson would attempt to locate the two females in regards to the issue". This was a false and misleading statement as BIA S/A Wilkie that BIA S/A Wilkie clearly told "Chief Deputy" Travis Carlson that BIA patrol officers would handle any follow-up with the Warwick Public School investigation. This was also documented in BIA S/A Wilkie's report.

[¶12] **False and misleading statement by the Deputy and Benson County Sheriff's Department.** Chief Deputy TRAVIS CARLSON placed both under arrest for burglary and criminal trespass and transported them to the Spirit Lake Tribal Court for an extradition hearing which was held, and both were transported to the Lake Region Law Enforcement Center in Devils Lake, ND, under concurrent jurisdiction with the Spirit Lake Tribe".

- A. This was a false and misleading statement made by "Chief Deputy" TRAVIS CARLSON as Tribal Judge Joseph Vetsch was clear that no extradition hearing was needed as Benson County took custody of T.B. and Th.B., not tribal authorities (BIA), and the tribal court had no jurisdiction.
- B. Based on the felony burglary arrest of T.B. and Th.B., there was no "concurrent jurisdiction" as written by "Chief Deputy" TRAVIS CARLSON. Further, if the criminal trespass was a misdemeanor, it was not witnessed by an officer and was not an arrestable offense without court process.
- C. The Major Crimes Act of 1885 or (18 U.S.C. § 1153) is a law passed by the United States Congress. The law places certain crimes under federal jurisdiction if they are committed by a Native American in Native territory. This list of crimes includes murder; manslaughter; kidnapping; maiming; A felony under chapter 109A (i.e. sexual abuse); incest; A felony assault under section 1 13 (e.g. assault with intent to commit murder or assault with a dangerous weapon); an assault against an individual who has not attained the age of 16 years; felony child abuse or neglect; arson; burglary; robbery; A felony under section 661 of this title (i.e. larceny).

D. The declaration of the document read, "I declare under the penalty of perjury under the law of North Dakota, the forgoing is true and correct. " The signature was dated May 9, 2025, and signed Chief Travis Carlson #4121.

1) Chief Deputy Travis Carlson utilized three different dates within a one page sworn court document: April 9, 2025, March 9, 2025, and May 9, 2025

**2. Public Servant refusing to perform duty N.D.C.C. 12.1-11-06, Duties of Sheriff N.D.C.C. 11-15-03(h), N.D.C.C. 11-15-04, N.D.C.C. 11-15-06, – a Class A Misdemeanor**

[¶13] Sheriff's Rode's refusal to serve Subpoena:

- A. Sheriff Rode did not serve the subpoena upon Chief Deputy Travis Carlson demanding Chief Deputy Travis Carlson's appearance on April 17, 2025.
- B. Sheriff Rode denied the request for the deputies schedule under the guise that "due to the safety of the deputies" Sheriff Rode would not release the deputies' work schedules. State's Attorney Wang responded to Sheriff Rode, "You will have to closely monitor when any subpoena issued for a deputies appearance in Court is required."
- C. State's Attorney Wang then forwarded a subpoena to Sheriff Rode to serve upon Chief Deputy Travis Carlson for a criminal court hearing scheduled for April 17, 2025. (Case number 03-2024-CR-00102.) Sheriff Rode responded, Chief Deputy Travis Carlson is out of the state the week of April 14-18<sup>th</sup>. State's Attorney Wang responded, "He is subpoenaed for the Wice trial on the 17th. Please make the adjustments."
- D. Sheriff Rode responded: "Some suggested adjustments could be: Either someone else would have to testify on his behalf or the trial would have to be rescheduled. The time off for Chief Deputy Travis Carlson was granted over 30 days ago."
- E. States Attorney Wang responded: "My intentions are this matter will stay on the Schedule."

[¶14] Sheriff Rode served upon Chief Deputy Travis Carlson the subpoena for the Alton Mitzel criminal case scheduled for May 20, 2025.

- A. Sheriff Rode served the subpoena upon Chief Deputy Travis Carlson on April 17, 2025 at 1:35 pm. This is the same day of the hearing for which Sheriff Rode refused to serve the April 8, 2025, subpoena, stating Chief Deputy Travis Carlson is out of the state the week of April 14-18<sup>th</sup>.
- B. Sheriff Rode certified that Sheriff Rode served the subpoena on Chief Deputy Travis Carlson at the BCSO (Benson County Sheriff's Office) which was located in the Benson County Courthouse in Minnewaukan, ND. This indicated that Chief Deputy Travis Carlson was either not out of state on April 17, 2025 (meaning he was available for the April 17, 2025, hearing and/or Sheriff Rode did not serve the subpoena upon Chief Deputy Travis Carlson as certified).

[¶15] Chief Deputy Travis Carlson's missed court date:

April 16, 2025

- A. State's Attorney Wang forwarded a subpoena to Sheriff Rode to be served upon Chief Deputy Travis Carlson for a criminal court hearing schedule for May 20, 2025, at 2:00 p.m., for North Dakota vs Alton Mitzel (Criminal Case No. 03-2025-CR00048).
- B. On May 20, 2025, Chief Deputy Travis Carlson did not appear for the hearing in which he was subpoenaed which Sheriff Rode certified he had served Chief Deputy Travis Carlson with.

**3. Peace Officers to report Law Violations N.D.C.C. 44-04-06 – a Class A Misdemeanor**

[¶16] Failure to produce police report to State's Attorney-Dakota Spirits Bar Burglary (Public Servant refusing to perform duty N.D.C.C. 12.1-11-06, Peace Officers to report Law Violations N.D.C.C. 44-04-06, "A peace officer shall report the information to the state's attorney of the county in which the violation occurs and shall assist the state's attorney in the prosecution of the violators of said laws."):

- A. On April 14, 2024, a bar burglary was reported at the Dakota Spirits Bar in Minnewaukan, ND. The burglary was investigated by Chief Deputy Travis Carlson.
- B. On August 21, 2024, State's Attorney James Wang sent an e-mail to Chief

Deputy Travis Carlson and Sheriff Rode requesting an update on the Dakota Spirits Bar burglary.

- C. On February 13, 2025, State's Attorney James Wang wrote an email and sent it to Chief Deputy Travis Carlson and Sheriff Rode requesting an update on the Dakota Spirits Bar burglary.

[¶17] Sheriff and his department did not complete a report and/or provide State's Attorney Wang with a report, even though Chief Deputy Travis Carlson used force on a 14-year-old juvenile who was a passenger in a vehicle.

- A. On May 6, 2025, Maddock City Auditor Pamela Lee advised S/A Zachmeier that there was a video posted to Facebook of Chief Deputy Travis Carlson kneeling on the back of a juvenile identified as D.D, 14 years old. Pamela Lee was able to locate the video and show the video to BCI Agent Zachmeier. The video was posted to Facebook account "GooGooNBj".
- B. The video showed Chief Deputy Travis Carlson dressed in plain clothes, kneeling on the lower back of a small statured male with the male's arms behind the male's back. The male (later identified as D.D.) was not in handcuffs.
- C. Bureau of Indian Affairs (BIA) Police Officer Duncan McDuffie. Officer McDuffie had information and arrived at the scene of the traffic stop in which Chief Deputy Travis Carlson arrested/wrestled with 14-year-old D.D.
- D. Chief Deputy Travis Carlson did have an active SLEC at the time.
- E. No supplemental report explaining the use of force on a juvenile was ever presented.

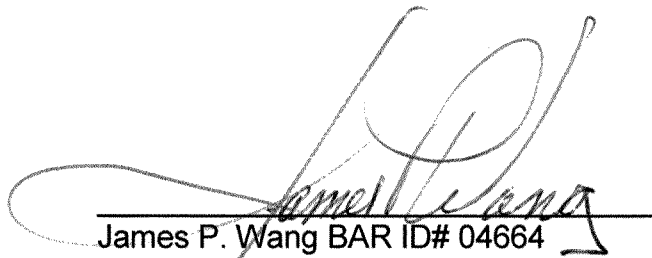
[¶18] **Sheriff Ethan Rode approving a falsified work record resulting in over \$3,000 loss.** Sheriff Ethan Rode reportedly recruited Deputy Casey Ahmann and allowed Deputy Casey Ahmann to be paid/compensated for the entire month of June 2023 while Deputy Casey Ahmann was still working as a police officer for the Devils Lake Police Department. Deputy Casey Ahmann reportedly should have only been paid for time spent at K-9 training for the Benson County Sheriff's Office. The overpayment, including benefits and salary, paid to Casey Ahmann which Casey Ahmann was not entitled to totaled \$1,320.80 in wages for hours not worked and \$1,730.22 in employer paid benefits totaling \$3,051.02, which the overpayment was approved by Sheriff Ethan Rode.

- [¶19] In later conversations with Deputy Casey Ahmann he was asked if he was comfortable enough to spend the money that Deputy Casey Ahmann was overpaid. Deputy Casey Ahmann said that as soon as Deputy Casey Ahmann talked to Sheriff Ethan Rode, Deputy Casey Ahmann felt everything was approved, so Deputy Casey Ahmann spent the money on bills. Deputy Casey Ahmann said Deputy Casey Ahmann trusted Sheriff Ethan Rode and did not feel that Sheriff Ethan Rode would do something intentionally deceptive.
- [¶20] Ethan Rode originally agreed to pay Benson County the money out of Ethan Rode's own pocket; however, Ethan Rode later recanted. Benson County has not been refunded the money by Ethan Rode or any other source.
- [¶21] WHEREFORE, due to Ethan Rode's misconduct, malfeasance, neglect of duty in office, and gross incompetency, pursuant to Chapter 44-11, N.D.C.C., the undersigned respectfully requests the following relief:
- [¶22] That the Attorney General conduct an investigation and make a recommendation to the Governor to conduct removal proceedings and suspend Rode during the pendency of proceedings;
- [¶23] That upon finding it to be in the best interests of the State, that the Governor by written order, suspend Ethan James Rode from the performance of his duties during the pendency of the proceedings;
- [¶24] That upon suspension, the Governor immediately notify the Benson County Board of Commissioners that within five days after receipt of the notice of suspension, the Commission shall appoint a competent person to fill the office of Sheriff and perform those duties during the pendency of proceedings;
- [¶25] That the Governor appoint a special commissioner to preside over a hearing on removal proceedings, prepare a report of the proceedings, including a summary of testimony, findings as to whether any allegations were proven by a preponderance of the evidence, exhibits and evidence received, and a recommendation whether Ethan James Rode should be removed from office;
- [¶26] That upon completion of said hearing, that the Governor remove the Respondent, Ethan James Rode, from the office of Benson County Sheriff and direct the person appointed to the office during the suspension shall continue until the expiration of the term for which Ethan James Rode was elected.



[¶27] I have read section 44-11-03, N.D.C.C., and the statements made in this petition are true and correct to the best of my knowledge.

[¶28] Dated this 20<sup>th</sup> day of June, 2025.

A handwritten signature in black ink, appearing to read 'James P. Wang', is written over a horizontal line.

James P. Wang BAR ID# 04664  
Benson County State's Attorney  
110 Main St E  
PO Box 211  
Minnewaukan, ND 58351  
(701) 473-5338  
jamespwang@gondtc.com