STATE OF MINNESOTA

COUNTY OF LAKE

DISTRICT COURT

SIXTH JUDICIAL DISTRICT

COURT FILE NO. 38-CR-07-634
PROSECUTOR FILE NO. 07-09-066789

STATE OF MINNESOTA,

Plaintiff,

v.
JAY ANDREW OLSON (DOB: 01/25/1988)
1963 W. Shagawa Road
Ely, MN 55731,

Defendant.

CRIMINAL COMPLAINT
☒ Summons ☐ Warrant
☐ Order of Detention

☐ Amended
☐ Tab Charge Previously Filed

The complainant, being duly sworn, makes complaint to the above-named court and states that there is probable cause to believe that the defendant committed the following offense(s):

COUNT I

Charge: Aid and Abet Terroristic Threats

Minnesota Statute: § 609.713, Subd. 1, with reference to § 609.05, Subd. 1

Maximum Sentence: Five years incarceration or payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire or counsel or conspire with another to threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another, to-wit: E.K., or in reckless disregard of causing such terror, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: A9B03
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT II

Charge: Aid and Abet Terroristic Threats

Minnesota Statute: § 609.713, Subd. 1, with reference to § 609.05, Subd. 1

Maximum Sentence: Five years incarceration or payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire or counsel or conspire with another to threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another, to-wit: M.K., or in reckless disregard of causing such terror, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: A9B03
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT III

Charge: Aid and Abet Terroristic Threats

Minnesota Statute: § 609.713, Subd. 1, with reference to § 609.05, Subd. 1

Maximum Sentence: Five years incarceration or payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire or counsel or conspire with another to threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another, to-wit: A.K., or in reckless disregard of causing such terror, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: A9B03
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT IV

Charge: Aid and Abet Terroristic Threats

Minnesota Statute: § 609.713, Subd. 1, with reference to § 609.05, Subd. 1

Maximum Sentence: Five years incarceration or payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire or counsel or conspire with another to threaten, directly or indirectly, to commit any crime of violence with purpose to terrorize another, to-wit: P.F., or in reckless disregard of causing such terror, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: A9B03
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT V

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #59, by the commission of an unlawful

act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT VI

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #62, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT VII

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #28, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT VIII

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #30, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT IX

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #31, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT X

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #16, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000

Control Number: 07006599

COUNT XI

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #63, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XII

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #64, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XIII

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #52, by the commission of an unlawful

act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XIV

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #71, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XV

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: persons at campsite #66, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XVI

Charge: Aid and Abet Harassment

Minnesota Statute: §609.749, Subd. 2(a)(1) and §609.749, Subd. 3(a)(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to directly or indirectly manifest a purpose or intent to injure the person, property or rights of another, to-wit: Outward Bound campers at campsite #67, by the commission of an unlawful act and at such time that he or an accomplice possessed a dangerous weapon, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: N128A
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XVII

Charge: Aid and Abet Criminal Damage to Property

Minnesota Statute: §609.595, Subd. 1(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of $10,000 fine, or both, in that on or about July 24, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to intentionally damage physical property of another without the other's consent and the damage totaled more than $1,000, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: W3E00
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XVIII

Charge: Aid and Abet Criminal Damage to Property in the First Degree

Minnesota Statute: § 609.5~~8~~9 5, Subd. 1(3), with reference to §609.05, Subd. 1

Maximum Sentence: Five years incarceration or to payment of a $10,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to intentionally cause damage to physical property of another without the latter's consent and reduced the value of the property by more than $1,000 as measured by the cost of repair and replacement, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Felony
MOC Code: PF110
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XIX

Charge: Possession of Stolen Property

Minnesota Statute: §609.53 and §609.52, Subd. 3(4)

Maximum Sentence: One year incarceration or to payment of a $3,000 fine, or both, in that on or about August 7, 2007, Jay Andrew Olson did receive, possess, buy or conceal stolen property knowing or having reason to know the property was stolen, the value of said property being $518, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Gross Misdemeanor
MOC Code: Q229F
GOC Code: N
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XX

Charge: Aid and Abet Theft

Minnesota Statute: § 609.52, Subd. 2(1) and §609.52, Subd. 3(4), with reference to §609.05, Subd. 1

Maximum Sentence: One year incarceration or to payment of a $3,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to intentionally and without claim of right take, use, transfer, conceal or retain possession of moveable property of another without the other's consent and with intent to deprive the owner permanently of possession of the property valued at $518, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Gross Misdemeanor
MOC Code: TQ011
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XXI

Charge: Aid and Abet Theft

Minnesota Statute: §609.52, Subd. 2(5) and § 609.52, Subd. 3(4), with reference to §609.05, Subd. 1

Maximum Sentence: One year incarceration or to payment of a $3,000 fine, or both, in that on or about August 7, 2007, in the County of Lake and State of Minnesota, Jay Andrew Olson did aid, advise, hire, counsel or conspire with another to intentionally exercise temporary control over the property of another and manifested indifference to the rights of the owner or restoration of the property to the owner, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Gross Misdemeanor
MOC Code: TQ010
GOC Code: X
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XXII

Charge: Reckless Discharge of a Firearm

Minnesota Statute: § 609.66, Subd. 1(a)(1) and §609.66, Subd. 1(b)(2)

Maximum Sentence: 90 days incarceration or to payment of $1,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson did recklessly handle or use a gun or other dangerous weapon or explosive so as to endanger the safety of another, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Misdemeanor
MOC Code: W3E00
GOC Code: N
Controlling Agency: MN0380000
Control Number: 07006599

COUNT XXIII

Charge: Consumption of Alcohol by Person Under the Age of 21

Minnesota Statute: § 340A.503, Subd. 1(a)(2) and §340A.703

Maximum Sentence: 90 days incarceration or to payment of a $1,000 fine, or both, in that on or about August 7, 2007 in the County of Lake and State of Minnesota, Jay Andrew Olson, DOB: January 25, 1988, did consume an alcoholic beverage, contrary to the law in such case made and provided the same being set forth above.

Offense Level: Misdemeanor
MOC Code: M4140
GOC Code: N
Controlling Agency: MN0380000
Control Number: 07006599

STATEMENT OF PROBABLE CAUSE

The complainant states that the following facts establish probable cause:

On August 7, 2007 at approximately 2300 hours Deputy Jim Hoberg, received a call from Lake County Dispatch. Dispatch stated they took a call from Emmerich Koller (DOB 11/1/1942), who through a series of phone calls, officers determined was at campsite #59 on Basswood Lake. Koller reported he and his family were in the woods hiding and were afraid to go to their campsite. Men were shooting guns, using abusive language, and threatening to kill them.

Koller explained he had heard someone shooting firearms on the lake. The parties he believed were responsible for the shooting, docked in front of their campsite, on the other shore. It was a group of men who were shouting and laughing. Koller asked them to be quiet. The men shot off a flare into the air and said "how do you like that". The men started yelling and shouting then left, using abusive, foul language.

Koller was concerned. He and his family went to bed. Approximately a half hour later, they heard a boat or boats coming in the distance. They assumed it was the same parties coming back, so they went and hid in the woods. They first hid by the latrine, realizing that there was a path to that, they went into the woods further and then realized that maybe they weren't far enough and went further into the woods. At

the same time, they realized if they went too far in the woods they could all get lost. They huddled there in fear.

The parties seemed to come ashore at their campsite. The suspects called out for them, threatened to kill him, and rape his daughter. They finally left. Dispatch was able to convince him to come out of the woods. At one point Emmerich called back and stated that the men had left and no one needed come out tonight but they were packing up and going to leave in the morning.

Deputy Hoberg contacted US Forest Service Agent Chip Elkins to assist him on the matter. The officers planned to get a boat or canoe and head into the Basswood Lake area to talk to the Kollers. Before the officers left the Ely Police Department, dispatch had taken two other calls regarding the same behavior on Basswood. At approximately 2338 hours, Sam Okstad called in reporting males in a boat running around screaming, hollering, shooting guns that sounded like machine guns, and they were running around terrorizing people. A third party called in, Thomas Ward Winter (DOB 9/1/1948), reporting some of this same behavior. Between the second and third calls, the officers determined the boats direction of travel and moved to intercept them as they came out.

The officers went to the Fall Lake landing. One boat had come down the lake from the direction of the portage and had driven past the boat landing. While attempting to locate that boat, the officers heard another boat coming down the lake, from the portage. Agent Elkins arrived at the boat landing first and met the boat. He had the three people stay in the boat. They were Barney James Lakner (DOB 9/29/1969), sitting in the middle of the boat, Jay Andrew Olson (DOB 1/25/1988), the driver of the boat, and MU, 16 years old, sitting at the bow of the boat.

Agent Elkins then had the person in the bow of the boat, MU, get out and he pat searched. Deputy Hoberg had the next person, Lakner get out of the middle of the boat, and pat searched him. At the time Lakner was wearing a knit, skull cap with dread locks attached to it. Deputy Hoberg did not realize that this individual was Barney Lakner though he has known him for over 20 years. As Lakner was turning around to be pat searched Deputy Hoberg saw a firearm on his right hip, which he later determined was a .45 caliber semi automatic. Lakner was then placed in handcuffs; he had another clip in a case on his belt. Deputy Hoberg was aware the driver of the boat was Jay Olson. As he looked at Olson in the boat, he saw a gun stock sticking out of a pack sack in the middle of the boat. They had Olson get out of the boat and he was frisked and handcuffed.

Then they heard another boat coming from the direction where the first boat had gone. Everyone was told to be quiet, while they waited in the dark at the landing for the boat to arrive. Lakner continued to keep talking after being told to keep quit. He was trying to alert the second boat so that they would not come into the boat landing. Twice he was told to keep quite. He continued to speak. Officer Hood from the Ely P.D. took Lakner to his squad car in the parking lot 50 yards away. Lakner continued to blurt out words, becoming louder as the boat got closer to the landing. He then said something very loud and Officer Hood took him to the ground and put his hand over his mouth and silenced him. The boat continued to come to the landing. When Deputy Hoberg heard the gravel hit the bottom of the boat he turned on his light, announced who he was, and told everyone to put their hands in the air.

The three people in the boat were Zachary Ross Barton (DOB 12/29/1987), and Travis John Erzar (DOB 7/18/1987) and Casey James Fenske (DOB 06/16/1988), who was the driver. Officers asked if there were any weapons in the boat. Fenske said he had a .22 in a plastic case, on the bottom of the boat near his feet. That was the only weapon found in second boat.

All parties were placed in the back seats, of multiple vehicles, and transported to the Ely Police Department. St. Louis County Deputy Mettler and US Forest Service Protection Officer Pete Weckman transported both boats to a locked storage facility at the US Forest Service. The group appeared to be using two vehicles; one belonged to Travis Erzar and the other to Jay Olson. These vehicles were towed to the Ely Impound lot. Before they towed the vehicles, the officers seized a Smith and Wesson, 1911

SC .45 caliber, semi-automatic pistol, serial number: JRH5190, an 8-round clip full of .45 ammunition, 5 loose rounds of .45 auto, all located in a green soft sided case, taken out of Travis Erzar's vehicle.

At approximately 0130 hours, at Ely Police Department, Fenske was brought in and gave an audio and video taped interview. He was read the Miranda Warning; he waived his right and agreed to talk. Fenske stated that Olson has been trying to get him to go on their expeditions. However he kept telling Olson, not until he goes to court for another incident, where he and Olson had been caught in the Boundary Waters with a 4-wheeler about a month earlier.

Fenske said on August 7, sometime between 4:00 and 4:30, either Olson or MU called him and said "we're going to take a ride up Basswood" and wanted to know if he wanted to go. Fenske had other commitments. Later they called and said if you could make it to Fall Lake Landing right now, he could come. Fenske said he might try to get up there later. The officers asked if they were going up there for fishing, Fenske said "no." During the interview Fenske stated the people in his boat did not go up to Basswood Lake until 7:30 pm or later. By the time they got to Jack Fish it was dark. They were considering turning back because they could not find the other boat. Then they saw fireworks.

They assumed the fireworks were from the other boat and waited at the "Y", which is a wide area that connects Jack Fish and Pipe Stone Bay. The other boat arrived at the Y, driven by Olson. Fenske acknowledged Lakner was sitting in the middle of the boat wearing fake dreadlocks, but could not remember why Lakner said he was wearing them. MU was also in the other boat. None of the people switched from boat to boat at any time while on the lake. The people that were in his boat were Zach Barton and Travis Erzar and they stayed in his boat the entire time. However, they did switch seats from the middle to the front because the front had a back rest and the middle one didn't. He stated that all three of them were drinking beer and that the beer that he brought was Pabst.

Fenske said the two boats sat at the "Y" talking and shooting. Fenske stated that he was the only one that shot his pistol. He shot 2 clips full, twenty rounds. He stated that he bought the shells before they left at Lucky Seven; he paid $4.99 for a box of 22-long rifle. Fenske stated nobody else in his boat shot any guns. He said that Erzar is not a big shooter and Barton did not shoot. Fenske stated that all the guns in Olson's boat were Lakner's. Fenske said while they were at the Y, MU shot Lakner's black pistol. Fenske also said the other boat told them they had gone past the marker and were screwing around. MU and Olson said they had shot the rifle while past the marker.

Olson, Lakner and MU told those in Fenske's boat that they had gotten into a confrontation with what they referred to as "enox" tree huggers. Fenske stated those in his boat said, "Let's go back up there and see if the guy is weeping." Both boats went back to where the Olson boat had earlier confronted Koller. Fenske said the closest they came to yelling anything sexual was when MU or Olson yelled "you and your wife quit banging." Fenske said that he recalled yelling "where's the smores."

Fenske stated that he maybe drank 4 beers. He was administered a Preliminary Breath Test. He gave a good breath sample and it showed a reading of .007. Fenske's interview ended at approximately 0218 hours.

At approximately 0248 hours Barton was given an audio and video taped interview. He was read the Miranda Warning, waived his rights, and agreed to talk. Barton said he got a phone call from Fenske at around 1900, saying that Fenske and Erzar were going up to Basswood Lake. The other boat with Lakner, Olson and MU was already up there. He said they were just going to go up there and have some fun. He stated that he met Fenske at his house and they left Fall Lake around 8:00. The boat that they were in actually belongs to Andy Gruba. He said that he had a Smith and Wesson .45 semi-auto gun with him but he left it in Erzar's truck. He stated that he brought three beers. He believes he drank 4 beers while in the boat and the brand was MGD. He stated when they arrived on Basswood Lake it was very close to dark. They were looked all over the place for Olson, Lakner and MU. They went into the beginning of Jack Fish, which is a part of that Y area. They were ready to head back because they

believed they couldn't find the other boat. That's when they saw the big fireworks in the air. They thought it was the Olson boat and waited for them.

When the two boats met, the six individuals had a beer together. The Olson boat told Barton and his companions that they had gotten into an argument with some people. Barton believed that was probably where he saw the firework launched. Someone then suggested they all return there because apparently a man at the campsite called them an asshole. Barton stated the individuals in both boats wanted to go back up there and "stir things up a little bit." So the two boats went back to the other side of the shore line from the campsite and then they started yelling stuff. Barton stated they yelled "Go home, enox, you fucking enox." He stated that everybody yelled something. He wasn't sure if anyone fired weapons there or not. Barton did not fire any weapon. He stated that he fired a couple rounds earlier in the night. He stated that he fired at a stump on a shore line and he had used Fenske's .22. He stated that Olson, Lakner and MU each shot the guns from their boat when they were at the Y. Barton stated here was a hand gun and another gun he thought was an AK in the Olson boat. He knew that MU and Olson both shot the AK at this time.

Barton said the three individuals in the Olson boat said they were sitting at the gauging station while it was still light out. The gauging station was near the Koller campsite. They did some target practicing and some guy came out and said "shut up." Olson, Lakner and MU started yelling back and forth.

The group of six returned to the gauging station. Barton remembered someone yelling "we're going to fuck you in the ass." Barton stated the comments yelled at the campers were "just dumb, just dumb stuff being said." He stated that they were all laughing about the comments that they made and thought it was kind of cute and funny. When asked more specifically in reference to sexual comments and women, one comment he remembered hearing was "your wife has a hairy cock." When asked if anyone said "we're going to kill you," he stated that no, he didn't hear anything like that but maybe they stated "we are going to whoop your ass."

When asked if there was any shooting from either boat as they were heading down from the gauging station, Barton said that Fenske fired a couple in the air around Pipe Stone. Barton said they got ahead of the other boat so they cut the motor, to listen and wait. He said he could hear screaming back and forth and figured that they had somehow gotten into another confrontation with a group of people on the way back, so they turned around and went back to that location. He stated that his boat didn't have any involvement in that altercation; they were just sitting on the water and waiting at a distance for the Olson boat to be done. He stated that he didn't think there was any shooting going on at that time. When I asked him about what they might have heard at that second incident he stated, "You know, fucking tourists." Barton stated he never shot or handled the rifle.

Agent Elkins asked Barton some questions about when both boats were at gauging station. Barton stated that there was some shooting there and that Fenske shot the 22 in the air. He did not believe Erzar shot the gun at the station. Barton stated Fenske was on the gravel, out of the boat, when he shot at the gauging station. He stated after the firework had gone off they had cut their motor and they did hear some rounds going off, up in that direction of the fireworks. Barton's interview ended at approximately 0317 hours.

At approximately 0328 hours MU was given an audio and video taped interview. His mother had been contacted and came to the Ely P.D. She gave permission to talk to her son alone. He was read the Miranda Warning, waived his rights, and agreed to talk. MU stated that at 5 o'clock he got a call from Olson asking if he would go to Basswood. He stated that he went with Barney Lakner and Jay Olson. MU stated that he sat in the front of the boat the whole time. He brought a case of Pabst Blue Ribbon beer and drank about 5. He said they left Fall Lake at around 5:45 to 6:00 pm. When asked if they were going fishing, he said "just for a boat ride." MU said they did fire weapons but they did not go into the no-motor zone, but they just hung out in Pipe Stone and Jack Fish Bay. He stated that they were shooting a 7.62 by 39 (referred to as the assault rifle) and a .45 Glock. He stated that Lakner owns both guns and

that all three individuals in their boat shot both guns. When asked what they were shooting at, he stated that they were just blowing off rounds, being dumb, shooting into the sky, and at some stumps on shore. He denied shooting as they were running down the lake. He stated that they were always stopped. He said that they stopped about three times. He did admit that they had fired the firearms after dark.

Initially, MU denied having any confrontations with campers. Later he admitted that he and his companions had two confrontations. One was on the way up and one was on the way home. He stated they fired at that gauging station and it was either Lakner, himself, or Olson. They had a confrontation with the campers across the way from the gauging station and they told the campers to go home. MU said the campers said something like, "why don't you go home." He said that he, Lakner and Olson had to say something, so they did. However in the interview MU did not go into what they said. He stated that they probably shot their weapons after the initial confrontation. They then went down and met up with the other boat. He said Erzar and Fenske wanted everyone to return to the gauging station. He said the first time at the gauging station campers weren't mocking them but the second time the campers were mocking them. They did shoot some fireworks off up there. He stated that they were shooting fireworks up there the second time.

When asked if he remember specifically what was said, MU stated "why are you talking to us?" or "why are you giving us crap," and comments like that were made when all six of them were near the gauging station. They had a second altercation at a beach in which he wanted to go swimming and in fact did swim. He said that they probably swore some words and did stuff like that in front of those people.

MU admitted that firing those weapons with those people across the way might cause some fear. He did state that both weapons were fired both times at the gauging stations. MU did not remember any foul language used by the group at the gauging station. He again said that he was in the front of the boat the entire time and that Lakner was in the middle the entire time while Olson drove the boat. He stated that the fireworks were Lakner's and that Lakner lit all the fireworks. He stated they were "big fireworks, they were like mortars or something." He stated that they had three of them along and that they were all the same size and they were in the same bag. He stated that everyone in their boat was drinking. Olson and Lakner were drinking Coors Light. He stated that he had only been up to the gauging station once earlier this summer because he's been busy working. When asked who he went with he said his buddy Nips, Fenske and Olson. He said that no one else wants to go. When asked to identify Nips, he said Ryan Puzel. Agent Elkins asked him if he had firearm safety and if they taught him to shoot like that, he said "nope, just to pull the trigger, but not to be dumb like that, you know." Later he made the statement "I, you know, screwed up pretty good and I guess I'll pay the consequences, you know."

The officers then brought his mother in and went over all the things they had talked about earlier with Barton. When his mother was present, MU stated that he only shot the AK-47 and the Lakner's pistol and he did not shoot Fenske's pistol. He was administered a PBT. He gave a good breath sample and it showed a reading of .087.

At approximately 0530 hours Olson was given an audio and video taped interview. He was read the Miranda Warning, waived his rights, and agreed to talk. During the interview, Olson made the following statements: He drove the canoe, Lakner sat in the middle, and MU sat in the front the entire time. He stated that he had 6 or 7 beers. He stated that the assault rifle, Russian/ Romanian made AK-47 type, and the .45 caliber pistol were both Lakner's. MU did most of the shooting. He stated the first time they fired shots was south of Goose Narrows and most of the shooting was south of Goose Narrows. The first time everyone took a couple of shots. Olson then stated MU and Olson shot the AK, three times. He admits to going up past the no motor zone to the gauging station. He said that they just sat there for a little while and some guy screamed at them. He stated that they did not fire the guns at this time. When asked how it started he said that the guy yelled something, like "shut the fuck up," or something. This was near the Koller campsite. When asked who hollered back first he said he believed it was Lakner. Olson said that "kind of pushed it, yeah. We should have stopped." When asked him how they

pushed it, he said "didn't stop, kept on ragging on him." He admits that all three of them responded back to Koller.

Olson did not think that anybody shot weapons either time at the gauging station, but they shot fireworks the first time. He said that Lakner fired the fireworks. He said that it lit the sky up pretty good. He said that they left after the first time and then came back in through Goose Narrows and into what they call the Y and they ran into the Fenske boat. He said they sat there for a while and shot a couple of rounds. He stated at that point he, MU, Lakner and Fenske shot the firearms. He did not believe Barton or Erzar shot. Olson admitted they shot at a stump out along the shore but multiple rounds went off there, by multiple people.

He said that they all went back up to the gauging station together and were "cranking" on the guy at the Koller campsite. He did not see the guy the second time. When asked what his comments were he stated "I don't know, wake up, just dumb stuff." He yelled a little but I questioned him about the guy hollering the second time and he stated they didn't even see him again the second time. He thought that there was two, maybe three people on the campsite, and one Kevlar canoe.

When I asked him about sexual connotation comments, he stated they said wake up, asshole, and similar comments. He said it wasn't "really like bad sexual harassment". He stated that they never really threatened to enter the Koller campsite. He once again admitted that they did go back up to "crank up the guy some more." He said that everyone knew what they were going back up for.

Olson said when they left the gauging station the second time, they headed down the lake. His motor was slower and at one point MU wanted to go swimming on the beach so they landed the boat on the beach. The beach is located out by an area called Rocking Chair Reef. Olson said there were people there who asked them to leave. Olson said at first they asked if they could swim. He said that they left after a short time. When questioned further he stated that there was some swearing going on at each other and that there was some gun fire out on the lake that came from Fenske's boat. He believed Fenske did the shooting. Olson was pressed further as to what kind of statements were made to the people at this campsite, such as, "fuck you, we're just going to do what we want to?" Olson agreed that was said to the campers, which were members of the Falk family. He then stated that MU said something to the extent of "get the hell off our fucking property." Olson said he told the people at the second campsite to "go screw themselves." When questioned further on that comment he said "I think, fuck off, you're shining a flashlight in my eye." He said at this point Lakner stayed pretty quiet.

Olson said all the fireworks went off at the gauging station. One was a bigger one and two were smaller ones. When asked if shooting the fireworks off was in response to what the campers had asked them to do and he said they were. When asked about the fast shooting, someone squeezing the trigger, if that was with the pistol or the AK-47, Olson said it was with the pistol. He said that they were seeing how fast they could empty it. When questioned about the rounds, Olson didn't seem to think too many went off. When asked "could they have possibly shot sixty rounds?" he agreed. He stated that they shot more rounds on the way home than on the way up. He said that they didn't do any shooting in the light only after sundown.

Olson said he knew they were bringing guns in the boat. He saw the pistol on Lakner's belt before they left. He also saw the rifle. He admitted that they didn't go up to Basswood to do any fishing; it was just something to do. He also admitted that he called MU at approximately 1700 hours to see if he wanted to go along. Olson stated that he shot and yelled less than the others. Olson also agreed that he was the driver of the boat and "I know that was my decision." He was administered a PBT. He gave a good breath sample and it showed a reading of .026. This interview ended at approximately 0612 hours.

At approximately 0623 hours Erzar was given an audio and video taped interview. He was read the Miranda Warning, waived his rights, and agreed to talk with officers. Erzar said Fenske called him and said "let's go to Basswood." Other guys had gone up and Fenske wanted to meet them up there. Erzar

agreed and drove to Fenske's where they called Barton. He brought Bud Lite beer. Fenske stopped and bought 22 shells. They left Fall Lake between 7:30 and 8:00 pm. Erzar stated that he did not know that Barton left his gun in Erzar's truck until they got on the lake and Barton told him that he had left the gun there. Erzar knew that Olson and MU were together on Basswood Lake but did not know that Lakner was with them until he saw the three on the lake. He said that Fenske fired his gun with about 5 rounds by Goose Narrows. He stated that he never touched the gun nor did he ever fire the gun. He did say that Barton fired Fenske's pistol a couple times. He said that they were up on Basswood but could not find the other boat. They headed back when they saw a big flash in the sky. Erzar and his companions then waited for the other boat.

When the two boats were together, MU, Lakner, and Olson talked about their confrontation with campers near the gauging station. Erzar stated that Olson, Lakner and MU said they were just shooting some fireworks and that some guy came out and started yelling at them. Olson, Lakner and MU started yelling back and then the guy went away and shut down camp and Olson's boat left. When asked whose idea it was to return to that campsite, Erzar thought it was Fenske's. When questioned further, he said "okay, well, ah, they just wanted to go see if the guy was still not there or if he came out, they like had something against him." Erzar later stated that they wanted to go pick on somebody, go cause havoc. Erzar stated that the others in the tow boats said "let's go fuck with him, or, go wake the fucker up." He stated that they were sitting there together and someone said "let's go back," and other people said "yeah, yeah. Erzar stated the six mutually agreed to return to the campsite. Both boats headed back to the campsite that was across from the gauging station, which was the Koller campsite.

Erzar stated everybody exited the boats at the gauging station. Fenske fired a shot first. He then said "go home, fucking enox." Erzar believed that MU shot next. Erzar said that MU yelled "gibberish stuff". He stated the group shot 20 -30 rounds at the gauging station. Erzar believed the purpose of the shooting and continued hollering was "to try and get his attention". When asked if he thought that might scare the camper, Erzar stated he could believe that. Erzar believed that Lakner and MU were the only two people who shot the rifle that night.

After they left the gauging station, they headed down the lake and Fenske's boat got out in front. They stopped and could hear yelling. Erzar's boat turned around and he said that Lakner, Olson and MU were yelling at some people at another campsite. He stated that they sat off to the side, in their boat. He stated that Fenske fired the gun about 40 yards from the beach. When questioned what the words were that were said, Erzar said that it was the same old "go home." When asked what the purpose of firing the weapon was, he said to scare the campers. He said that some rounds went off after they left the second campsite confrontation. Erzar stated that someone in Olson's boat said they shot about 200 rounds to this point in time. Erzar's boat shot an additional 50 to 60 rounds since the two boats had gotten together.

Erzar admitted to making verbal statements to campers at the gauging station. He stated he probably said things like "go home, enox." He admitted cursing when he said it. He was administered a PBT. He gave a good breath sample and it showed a reading of .006. This interview was concluded at approximately 0702 hours.

At approximately 0711 hours Lakner was read the Miranda Warning and stated he would not want to talk to us without an attorney.

At approximately 0830 hours Agent Elkins, FPO Weckman, and Deputy Hoberg were flown into the BWCA where they landed at Koller's campsite site #59, across from the gauging station. A 19' foot canoe and a motor were brought along.

Agent Elkins and FPO Weckman got in the canoe and went across from the campsite to the gauging station to check the area for any evidence. They also talked to a few people along the lake and sent them over to Deputy Hoberg who was interviewing the Kollers.

At approximately 0920 Deputy Hoberg did an audio taped interview with Marina Renee Koller (DOB 1/14/1981). It was apparent to Deputy Hoberg that Marina had been traumatized the night before. She stated that the language was unreal, that she works in a bar, and has never heard anything like that. She stated that boaters said "fuck you Communist mother fucker!" The boaters shot off a large firework and the Kollers heard shooting coming from the boat as they drove off on the lake. About 45 minutes later the boaters came back but this time she and her family were hiding in the woods. She stated that one of the comments the boaters made was "you're not such a big fucking tough guy now, are you? Fuck nuts. Come out you fucking pussy!" She believed that the boaters were on their campsite because the boaters commented about the dehydrated food. The boaters commented on the Kollers mummy style sleeping bags, which were in the tent. The boaters told the Kollers to come out of the woods because they were not going to leave until breakfast. The boaters said to them "maybe if you make us smores for an hour, we won't fucking kill you!" Another one of the comments said was "if you fucking come out here I'll bury my cock in your cunt for three hours." There was more of this and many other comments.

At approximately 0950 hours Deputy Hoberg conducted an audio taped interview with AK, Emmerich Koller's son, which contained some of the same things. The one comment that AK heard was "I'm going to stick my cock up your cunt!" and "I'm going to kill this guy!"

At approximately 1033 hours Emmerich Koller was interviewed. Some of the comments Emmerich remembered were "fucking nut" "fucking ass hole" "Commi- ass mother fucker" "son of a bitch" "cock sucker." Koller was visibly shaken and had been very scared the night before. He stated that he actually thought, for the first time in his life, he could actually be killed. After the boaters left, the Kollers waited for quite a while before they came out of the woods, thinking that the boaters had laid a trap for them and they might still be waiting for the Kollers at the campsite. The Kollers eventually came out and realized that the boaters were gone.

As the deputy finished the interview with Emmerich Koller, were other people arrived to provide statements. While Agent Elkins was gathering evidence at the gauging station, Deputy Hoberg took statements from three parties: Curtis Yess, Jocelyn Yess, and Zachary Karbo from campsite #62. Terrence James Cleven (DOB site #52 5/22/1955) arrived at the Koller campsite with his four children. They had camped just out of the no motor zone on the right. He stated that they were not threatened or had any confrontation with the boat motorists. Cleven was very concerned with all the shooting and yelling. He said that it lasted for approximately 2 hours. Cleven's family made plans to evacuate if they had been confronted. He said that the evacuation plan was known by everyone in the family to get together and they were going to walk into the woods. They had also made a decision to stay quiet and make no response.

Kurt Gullins (DOB 8/18/1965), site #63, also stopped at the Koller campsite. He had camped further up the lake on Williams Island. Teacher's Reef is in front of site #63. Gullins was with a group of four other adults and three children. They had ordered the children to lie down, because Gullins believed that one round was aimed towards their direction. He did not have a confrontation with the boaters.

Zach Soiney was at campsite # 64 on August 7, 2007. He observed three men in a motorized boat heading toward Upper Basswood Falls. One man wore a stocking cap and had dread locks. A short time later, the motor was shut off and Soiney heard gunfire. He then heard a large bang and more gunfire. Soiney heard guys yelling and heard someone say "My gun sounded like this, bang, bang, bang."

Timothy Connor was camped at campsite #66 on August 7, 2007. He heard shots between 9:00 p.m. and
10:30 p.m. He recalled the gunfire became more rapid. Connor heard voices across from his site. He saw a flash and what looked like a white flare above the area where he heard the noises. He saw a

motor boat pass by his site and saw two men in a boat. Approximately 30 minutes, Connor heard what sounded like semi-automatic fire. He saw another flare about 45 minutes later.

Michael Mercer was camped at campsite #16 on August 7, 2007. He reported that after sunset on that date, he observed a boat with three people stop a couple hundred yards from his campsite. The individuals in the boat revved their motor with the prop up. The boaters yelled and Mercer heard pops that sounded like firecrackers. Soon after, Mercer flames on the water and the boat took off, the water still on fire. Mercer continued to hear shots for the next 45 minutes.

At approximately 1200 hours four members of the Saucier Family from site #31 pulled up. They saw that Deputy Hoberg was busy and they agreed to wait. When he cleared with the Kollers, he met with the Saucier family. There were two other family members in their campsite that night. The Sauciers saw the boat come by earlier in the evening, heard gun shots and one of the parties in the boat "mooned" them.

At approximately 1330 hours Agent Elkins and FPO Weckman returned. At this time Agent Elkins had taken some other statements and talked to other people. Through their statements and by talking with them and the other campers, they realized that the one boat, with Jay Olson, Barney Lakner, and MU, had come up earlier and gone into Canada. Multiple parties reported that they heard gun shots going in there. Agent Elkins at this time had already contacted the Ontario officials who asked the officers to go onto the Canadian soil and retrieve any evidence.

The officers left the Koller campsite and headed toward the border. As they were heading in, a boat was coming out. The boat stopped and the occupants gave the officers a beer bottle that they picked up on the Canadian side in the area of the shooting. They stated that they had not touched it but put it a plastic bag over it. Agent Elkins took the name of that party. The officers then pulled onto Canadian soil. There were four individuals on the shore. Dave Severson (DOB 08/01/1986) was one of them. He had a handful of shell casings, 13 of them, which he had picked up on the Canadian side. He put the casings on the ground and then gave a statement as to where he picked them up. The three individuals with him also wrote their names on this statement with their telephone numbers.

All evidence on the Canadian side was photographed and collected. The items that were picked up were: an additional 8 casings, on the big flat rock on the crest of the falls. The items seized from Basswood Falls, Ontario was: 1) a red cardboard tube 2) one Coors Light bottle, empty, bar code: 719904 3) one broken portion of a Coors Light bottle, bar code label: 719904 4) 13 spent casing, 7.62 by 39 5) 7 spent casings 7.62 by 39 6) and paper remains of a spent fire works, with FB on label. All items collected were bagged individually, marked, and are located in the evidence room at the Lake County Sheriff's Office.

Agent Elkins retrieved the following evidence from the gauging station: 1) one empty Coors Light bottle, code number: 0CT2107, which is written over 03660E 2) one empty crushed Bud Lite can, code number: 28JUN07-SE18 3) one empty PBR can, code number: 10157, written above the number: C11848 4) three red cardboard tubes 5) one broken Coors Light bottle 6) and one black plastic cap.

After collecting the evidence, the officers headed down Basswood Lake, to work their way through Newton Lake, to Fall Lake. They stopped and talked to many people. Everyone that was on the lake the night before heard the gun shots, for some people it was off to the distance. The officers spoke with the Falk Family at site #30. There were nine of them at the campsite: parents, five children, and two friends of the children. The Falks were camped in the area where the Olson boat beached to swim. They heard one of the people in one of the boats say "we're talking to the girls". The Falks also heard the boaters say "we're black from the waist down," and "you must be a church group," The Falks asked them to leave many times. They were very concerned for their safety but as a group they stayed in the campsite, off the beach, with their flash lights aimed at the ground until the boaters finally left. It took one to two hours to calm down the group. They were very concerned that the boaters might come back. The Falks stated that when one of the men was skinny dipping, another person from the boats took pictures,

as they saw the flash from a camera. Teresa Falk stated that there were a lot of f-words used and that the people that invaded the beach area stated that they owned the land. She was becoming frightened especially for her children. She told the boaters that they had children and asked them again to please leave. The boaters only hurled the f-word, again. They wanted to have "smores" with the Falk family. One of the men mentioned that his name was Chip Elkins. Only one boat landed on shore and the other boat stayed out on the water. Two of the Falk daughters were the first at the beach and they asked the boaters to leave. They stated that the boaters refused. The daughters asked them to leave again. The boaters responded with statements such as "fuck you, this is our beach" and "no we came to skinny dip and we plan to, you can watch if you want". Then screaming in drunken, broken phrases, two of them took their clothes off and ran around in the water and took pictures. Several people camped on the lake stated that they heard fire crackers, which were .22 rounds going off. They stated that the boaters were on the beach for approximately 15 to 20 minutes. At one point, one of the boaters said "what do you think we are? Communists! We're going to do what we fucking want." When the other Fenske boat pulled up, the individuals in the first boat said "here comes the Calvary, and fucking your wife is our game." The Falk family found at the swimming beach one Budweiser screw-on bottle cap and one Michelob screw-on bottle cap. These were turned over to Deputy Hoberg. A Marlboro cigarette butt was collected by FPO Weckman and turned over to Deputy Hoberg.

The officers spoke with the Deperte party of 4 at site #71 and took a statement from Martin Joseph Deperte (DOB 03/15/1964) on the mainland site, inside Dominion Island. The Depertes were camped on Hanson Island, just north of Williams Island. Deperte stated they heard 50 to 60 shots from a semi-automatic firearm. The shots came from the area of Williams Island. After they heard the shots they heard a motor boat coming towards the campsite and more shots fired as it approached. He stated that the boat passed by Hanson Island and went into Canadian waters. A short time later that boat returned and landed on the northern point of Hanson Island. After a few minutes, 3 males launched a large firework that lit up the sky and a single loud report. The 3 males then got in the boat and as they left they fired more shots, at least 20 rounds. He stated that the boat then went towards the gauging station where they had motored in. He said that the 3 males spoke as if they were intoxicated and with white male dialect.

While on the water that day, Agent Elkins and Deputy Hoberg talked to at least 80 people. All were affected in some way, either by just being disturbed by the motors in the no motor zone, or the discharging of firearms. Some people were more concerned than others as the gun fire got closer to their area. Others heard rounds off in the distance and thought it might be fireworks.

The officers left Basswood Lake at approximately 1900 hours. At approximately 2130 hours Agent Elkins and Deputy Hoberg met with Jason Carlson at the Ely impound lot where Erzar's vehicle was located. The officers removed 3 Smirnoff Ice alcoholic beverages because Erzar is under 21 years of age. Ely Police Department was informed they could release the Erzar vehicle.

At approximately 2130 hours the officers went to the US Forest Service impound lot. At that time they conducted an inventory search of both boats. At approximately 2149 hours the first boat inventoried was bearing Minnesota registration 8891 AL, a 1963, 14 foot, Alumacraft, expiring in 12/06. The vehicle operator of this boat was Jay Olson. The boat came back as registered to Darwyn Dean Olson. Inside the boat they located a blue Rubbermaid cooler, which contained 6 PBR cans- with a code of 10157, which was written above the numbers C11844, on all six cans. On the floor of the boat was 16 empty 22 casings, 5- 45 round empty casings, 4- 45 live rounds, and 1 live round of 7.62 by 39, one cell phone, 1- ½ full 750ml plastic DeKuper Butter shots, and one Verizon cell phone. Also in this boat, taken at the time of arrest was the assault type rifle bearing serial number: S1-70162-2002. It was unloaded at the time of seizure and the barrel has rust on it. 3- thirty round magazines for the same rifle, Galatiin Intel, black gun case, which is too short for the assault rifle, the gun sticks approximately 10 inches out of it, 15- spent 45 casings, 1- Sony cyber shot digital camera, and 1 homemade PVC tube with the cap painted camouflage, with fireworks residue and on the semi-burnt paper, it looks like from the fireworks paper, it had the capital initials of MB written on it. Additionally, the officers inventoried the following

items: 1- Grey pole with silver reel, Master Spectra pole with a silver cast reel; 1- Blue and silver soft side tackle box, full of tackle, also inside the tackle box was a set of keys with Houston Ford Pine River on the key tag; 1- Camp chair with 5 stars in the back in yellow letters; 2- Blue and yellow old boat cushions; 1- Personal floatation device with Pack Sack Canoe Outfitters name on it; 1- red/white/blue dish towel; and 1- Red Sterns personal floatation device.

The second boat was inventoried at approximately 2246 hours. It is a 1956, Alumacraft, 14 foot, bearing Minnesota registration 7188 AE. The vehicle operator of this boat was Casey Fenske. The registered owner was David Charles Gruba. The items that were seized from the that boat and brought to the evidence room were: a Schmidt beer cooler with 3 full Bud Light cans (bearing number on the bottom of the can of: 28JUN07SO18), 9- PBR (bearing the number on the bottom of the can: 09107, which was written above the number: C11819) full cans, 14- Coors Light (bearing number on the bottom of the can of: 15934G and five cans had the number: 159G34H) cans, 35- spent 22 shell casing, 1- spent 45 shell casing, and 3 live 22 rounds on the floor of the boat.

At approximately midnight Deputy Hoberg went to the Ely Police Department and picked up the following evidence: 1) Dosko Sport Hand plastic pistol case, containing a Ruger MKII .22 caliber long rifle, semi-automatic pistol, stainless steel with a black handle, serial number: 21284126, 1- clip with 2, .22 shells, 28- .22 shells in a box, total equals 30 shells. These are all inside the case found near Casey Fenske's foot who stated it was his. 2) A dread lock wig attached to a black, yellow, red, green knit hat that Barney Lakner was wearing at the time of his arrest. 3) Glock 36, .45 caliber, semi-automatic with laser, serial number: FTW043, 1- 6 round magazine clip located in gun with 5 rounds in it, one round in pistol, weapon was taken out of a holster located on Barney Lakner's hip, one clip and a belt clip on Lakner's belt. All of these items were directly seized by Deputy Hoberg and transported by Deputy Mettler to the Ely Police Department. All of these items were taken by Deputy Hoberg from the Ely Police Department and taken to the evidence room at the Lake County Sheriff's Office in Section 30.

On Saturday August 11th Agent Elkins met with the Sam Okstad family who had called in on the night of the August 7, 2007. They said they were camping on site 28 on Pipestone Bay and heard an outboard motor heading toward New York Island. They heard shouting sounds and then what sounded like a machine gun going off. They next saw a flash of red fire from the area of the boat. The boat took off but a short time later, the family heard gunfire, automatic and semi-automatic, as well as shouting and laughing. They heard the sound of the motor fade away and hoped the boaters were gone for the night. After dark, the family heard the motor approaching. They heard screaming and laughing coming from the boat. They heard another loud boom further down the lake. The family hid in the woods as they heard gunfire and shouting close to the campsite. One member of the family heard, "Here we come", "Here comes the cavalry," and "You can't hide". They heard a second motor and both boats went past the campsite.

On Monday, August 13, 2007 at approximately 1600 hours Deputy Hoberg met with Agent Elkins and Border Patrol Agents and went to Kawishiwi Lake Campground to meet a group of Outward Bound students who were coming out of the woods. The Outward Bound group had camped on the last campsite, # 67, on Upper Basswood Falls on August 7, 2007. The group heard the shooting and saw the boat travel into Canada. The group reported that a boat with three white males in it arrived around dusk and went to the portage across the water on the Canadian side. The men started shooting at a beaver in the water between the campsites. They could see the rounds hitting the water towards their campsite. After about 15-20 minutes the men shot off some large fireworks then left.

On Wednesday, August 15, 2007 Deputy Hoberg and Agent Elkins took statements from the two individuals that were leaving to repair the damage done to the gauging station. The gauging station, which measures the flow of water, sends a signal to Grand Rapids every hour on the half hour. On August 7, 2007, the signal came in at 2130 hours but no signal was received at 2230 hours. The damage to the station occurred between these times. The repairs for the damage on August 7 cost $1384.13.

The station had been damaged earlier on July 24, when someone shot up the door and broke the antenna off. It cost the Forest Service $1140.10 to repair the damage.

At approximately 1520 hours on August 15, 2007, the officers contacted the Winter Party. They reported hearing the gun fire on the night of August 7, 2007. They were camped on Newton Lake site #2, the northern most campsite. They saw both boats go in and heard both boats come out.

On Thursday, August 16, 2007 at approximately 1117 hours the assault rifle was test fired by Lake County Sheriff's Office Firearms Instructor and Armorer Deputy Mike Erickson. It was determined this weapon is semi-automatic only. Three rounds of brass were also collected after being fired through this weapon.

Travis Erzar agreed to reinterview with the officers. The interview was conducted by Agent Elkins and Deputy Hoberg. Erzar was read the Miranda Warning, stated he understood it, and was willing to talk to us. The officers questioned Erzar about the second confrontation at the gauging station with the Koller family. Erzar stated that Olson made the following statement: "come out here you Communist mother fuckers," "I'll bet you fucking brought your own water, you dumb fucks," and "you dumb fucks with your dehydrated food." Erzar said that statement was Fenske's and the next time he changed it to Olson. He stated that Lakner made the following two comments: "you're not such a big fucking tough guy, now are you, fuck nuts" and "come on let's go," which was said several times. He said that it was Fenske or MU that said "come out here you fucking pussy." It was also Fenske or MU that said "maybe if you make us smores for an hour we won't fucking kill you." He stated that MU or Olson said the following statement: "you fucking come out here I'll bury my cock in your cunt for 3 hours." Erzar also stated that it was MU who had wrecked the antenna on the gauging station.

At the Falk campsite, he said that it was either Fenske or MU that said "I'm black from the waist down." He said it was Olson who made the following statements: "you must be a church group," his name was "Chip Elkins," and "what do you think we are, Communists?" He said that MU made the following statements: "fuck you, this is our beach," "no, we came to skinny dip and plan too, you can watch if you want to," and "we're going to do what we fucking want." He stated it was Fenske who said "we own the land."

Zach Barton was contacted and agreed to reinterview. According to Barton, Jay Olson made the following two statements: "Come out here, you communist mother fucker" and "you dumb fucks with your dehydrated food." He then stated Barney Lakner made these four statements: "you're not such a big fucking tough guy, now are you, fuck nuts," "I'll bet you fucking brought your own water, you dumb fucks," "You better come out here, or get comfortable because we're not leaving until breakfast," and "come on let's go," which was stated several times. Barton stated that he thought MU made the statement "come out here you fucking pussy." And he knows MU made the statement "if you don't fucking come out here, I'll bury my cock in your cunt for 3 hours." Barton stated that MU wrecked the antenna and recalled something coming over his head and hit the water. He believes it was the antenna but didn't see it. . He also stated that MU damaged the antenna at the gauging station in July. Barton admitted to lighting gas on fire on top of the water, twice. He stated MU or Olson said "maybe if you make us smores for an hour we won't kill you."

At the Falk campsite, Barton said MU or Olson said "I'm black from the waist down." He believes MU stated "no we came here to skinny dip and plan to, you can watch if you want." He stated Lakner said "fuck you this is our beach." And Olson said "you must be a church group" and also said he was "Chip Elkins."

On August 17, 2007 the officers contacted Casey Fenske and he agreed to come in and talk. Fenske was read the Miranda Warning, he stated he understood it, and agreed to talk. He said that Lakner said "you dumb fucks with your dehydrated food." He thinks it was MU who said "if you fucking come out here I'll bury my cock in your cunt for 3 hours." Lakner also said "come on; let's go, the heats going to be

coming." He believes it was Olson who said "you're not such a big fucking tough guy, now are you, fuck nuts." He stated that MU tore off the antenna at the station and a picture was taken during the time of the incident. MU got up on the building by himself, Fenske heard something land in the water, but did not see what it was. He stated when he saw MU starting to rip on the antenna back and forth, he turned around and walked down to the lake shore and got in the boat and at this time he heard something hit the water.

When the officers talked to Fenske about the damage that occurred at the gauging station three or four weeks earlier, Fenske admitted to shooting the door once with his .22. Fenske, along with Jay Olson, MU, and Nips (Ryan Puzel) went to the gauging station. He stated that MU and Nip's came up in MU's 19 foot, square stem canoe. He said that MU ripped the antenna off the station. He stated Olson owns a 6 shot revolver, stainless steel. He stated that there were two holes already in the door when they arrived.

At the Falk campsite Fenske admitted that he said "you must be a church group." He said that Lakner said the following two statements: "we own the land," and "fuck you, this is our beach." He said that MU made the following statement: "no, we came to skinny dip and plan to, you can watch if you want." He believes MU said "what do you think we are? Communists." And he believes Olson said "we are going to do what we fucking want." Barton did not hear "here comes the Calvary and fucking you're wife is our game" but he knows it did not come from his boat. While they waited for the other boat on shore at the Falk campsite, Barton lit gas on the water.

On August 8, 2007 at approximately 1300 hours, Lake County Sheriff's Deputy Joe Linneman, had met Wayne Carpenter and his sister at the Miner's Inn in Ely, MN. They said that on August 7, 2007, they camped in the BWCA at the Newton Portage Campsite on Fall Lake. On that date, they went to bed and when they came out of the tent at approximately 0700 hours on August 8, 2007 several items were missing from their campsite including their canoe.

They stated the following items were missing: grey fishing pole with a silver reel (approx. $40.00), a soft side blue and silver tackle box, full of tackle (approx. $300.00), a set of car keys with Houston Ford Pine River on the tag (approx. $20.00), one black folding camp chair with 5 stars in yellow letters on the back (approx. $20.00), two blue and yellow old boat cushions (approx. $5.00 each), one personal floatation device that was rented from Pack Sack Canoe Outfitters- had the name Pack Sack Canoe Outfitters on it (approx. $48.00), one red/white/blue dish towel (approx. $5.00), and one red personal floatation device (approx. $30.00).

They got help to get it back their car. The canoe, an Aluminum Rental from Pack Sack Canoe Outfitters, was found on another part of the lake. The cost of replacing the canoe is $850. When the Carpenters arrived at their car, they had to pay $66.00 to Conoco in Ely to have them unlock their vehicle at the landing, because their keys were gone. The next day they had to pay another $65.00 to have a new key made; it was a computer chip key.

On August 25, 2007, Agent Elkins informed Deputy Linneman that the Carpenter's equipment was in a boat that was confiscated in an arrest on August 7, 2007 and the boat was currently in impound. Deputy Linneman went with Agent Elkins and took a look at the boat and the items in it. He photographed the contents and the boat. The boat was the Olson boat with registration of MN 8891 AL, registered to Darwyn Dean Olson of Ely.
Wayne Carpenter described in detail his equipment that was stolen from his campsite that were found in the Olson boat.

Complainant requests that defendant, subject to bail or conditions of release, be:

(1) arrested or that other lawful steps be taken to obtain defendant's appearance in court; or

(2) detained, if already in custody, pending further proceedings; and that said defendant otherwise be dealt with according to law.

COMPLAINANT'S NAME: Jerry Norberg

COMPLAINANT'S SIGNATURE:

Subscribed and sworn to before the undersigned this 14th day of September, 2007.

NOTARY SEAL:

ELLYNE N SOLEY
NOTARY PUBLIC-MINNESOTA
LAKE COUNTY
MY COMMISSION EXPIRES JAN. 31, 2010

SIGNATURE:

Being authorized to prosecute the offenses charged, I approve this complaint.

Date: 14 Sep 07

PROSECUTING ATTORNEY'S SIGNATURE:

RUSSELL H. CONROW
Lake County Attorney
Lake County Courthouse
601 Third Avenue
Two Harbors, MN 55616
(218) 834-8375
Attorney Registration # 281955

FINDING OF PROBABLE CAUSE

From the above sworn facts, and any supporting affidavits or supplemental sworn testimony, I, the issuing officer, have determined that probable cause exists to support, subject to bail or conditions of release where applicable, defendant's arrest or other lawful steps be taken to obtain defendant's appearance in court, or defendant's detention, if already in custody, pending further proceedings. Defendant is therefore charged with the above-stated offense.

☒ SUMMONS

THEREFORE YOU, THE ABOVE-NAMED DEFENDANT, ARE HEREBY SUMMONED to appear on the 1st day of October, 2007 at 9:00 AM before the above-named court at Lake County Courthouse, 601 Third Avenue, Two Harbors, MN 55616 to answer this complaint.

IF YOU FAIL TO APPEAR in response to this SUMMONS, a WARRANT FOR YOUR ARREST shall be issued.

☐ WARRANT

To the sheriff of the above-named county; or other person authorized to execute this warrant: I hereby order, in the name of the state of Minnesota, that the above-named defendant be apprehended and arrested without delay and brought promptly before the above-named court (if in session), and if not, before a judge or judicial officer of such court without unnecessary delay, and in any event not later than 36 hours after the arrest or as soon as such judge or judicial officer is available to be dealt with according to law.

☐ ***Execute in MN Only*** ☐ ***Execute Nationwide*** ☐ ***Execute in Border States***

☐ ORDER OF DETENTION

Since the above-named defendant is already in custody, I hereby order, subject to bail or conditions of release, that the above-named defendant continue to be detained pending further proceedings.

Bail: $_____

Conditions of Release:

This complaint, duly subscribed and sworn to, is issued by the undersigned judicial officer this 14th day of Sept, 2007.

JUDICIAL OFFICER:
NAME: Kenneth A. Sandvik
TITLE: Judge of District Court

SIGNATURE:

Sworn testimony has been given before the judicial officer by the following witnesses:

COUNTY OF LAKE
STATE OF MINNESOTA

STATE OF MINNESOTA

Plaintiff,

vs.

JAY ANDREW OLSON

Defendant

Clerk's Signature or File Stamp:

FILED

SEP 14 2007

Lake County Court Administrator

RETURN OF SERVICE

I hereby certify and return that I have served a copy of this COMPLAINT *upon the defendant herein named.*

Signature of Authorized Service Agent:

_____

DEFENDANT DATA / CHARGE SHEET – ATTACHMENT A

DEFENDANT NAME: **OLSON, JAY ANDREW**

Defendant alias name(s):

Defendant DOB: 01/25/1988

Alias DOB(s):

Defendant last known address: 1963 W. Shagawa Road
Ely, MN 55731

State ID:

OTHER DEFENDANT / CASE IDENTIFIERS:

Fingerprinted? ☐ No ☐ Yes

Handgun permit? ☐ No ☐ Yes (Issuing Agency:)

Location of Violation:

IF DRIVING OFFENSE:

Driver's License Number: Issuing State:

License Plate Number: Issuing State:

Accident Type: *check all that apply*
☐ No injury/no damage ☐ Property Damage
☐ Personal Injury ☐ Fatality

Blood Alcohol Concentration (BAC):