

# Judge dismisses downtown Fargo bank robbery case

Federal charges likely to follow, prosecutor says

BY TASHA CARVELL  
The Forum

## FARGO

Robbery and theft charges filed in state court against the man accused of robbing a downtown bank in August have been dismissed.

The case against 66-year-old Jay Barker, of Hillsboro, was dismissed during a one-minute preliminary hearing Wednesday, Sept. 17, just after Barker's attorney said her client intended to plead guilty in the case. At that time, Assistant Cass County State's Attorney Patrick Fylling moved to dismiss the matter.

"You're moving to dismiss this case outright?" Judge Nicholas Chase asked, following the motion.

"That's correct," Fylling replied.

Following the hearing, the prosecutor assigned to the case, Assistant State's Attorney Katie Nechiporenko, told The Forum the case will likely be charged federally soon, "due to this being a bank robbery allegation," though she was unsure exactly when.

Bank robbery is a federal crime because most banks are federally insured.

Barker was previously convicted twice for robbing banks, once in Idaho in 1999, for which he



Chris Flynn / The Forum  
Jay Barker appears in a preliminary hearing Wednesday, Sept. 17, at the Cass County Courthouse in Fargo.

served 17 years in prison, and again in North Dakota in 2017, for robbing a credit union in St. John just outside the Turtle Mountain Indian Reservation near the Canadian border. In 2018, Barker was sentenced by Judge Ralph Erickson to seven years in federal prison.

In the most recent incident, Barker allegedly drove to the Wells Fargo at 406 Main Ave. in the early afternoon of Friday, Aug. 1, and walked into the bank's lobby, where he went to a table, wrote "Robbery 20-50-100" on a

piece of tissue paper and handed it to the tellers. He then put on a mask and demanded money, at which point the three tellers on duty handed over \$10,520 from their cash drawers, according to a police incident report.

Later that afternoon, police located Barker less than a mile away at a thrift store on the other side of downtown. Court documents say Barker admitted to robbing the Wells Fargo during an interview with investigators at police

headquarters, and the stolen cash was located in his car.

A message left with the prosecutor likely to seek Barker's federal indictment in the U.S. Attorney's Office for the District of North Dakota was not immediately returned Wednesday morning. Barker remained on the roster of the Cass County Jail late Wednesday morning, but his inmate status was listed as "released by court."

Readers can reach Forum reporter Tasha Carvell at [tcarvell@forumcomm.com](mailto:tcarvell@forumcomm.com).

## Minnesota House returns to a tie in special election to fill Melissa Hortman's seat

BY MARY MURPHY  
Forum News Service

MINNEAPOLIS — The Minnesota House returned to its 67-67 tie Tuesday night in a special election to fill assassinated Speaker Emerita Melissa Hortman's seat in Brooklyn Park.

Lee, Democrat and former Brooklyn Park City Councilmember Xp Lee took the victory in the Sept. 16 special with 61% of the vote against Republican Ruth Bittner's 39%. House seat 34B — representing areas of Brooklyn Park, Coon Rapids and Champlin — was expected to stay blue, as Hortman won her last election in November 2024 with 63% of the vote.



Lee

"I am honored to have been elected to represent my neighbors in Brooklyn Park, Champlin, and Coon Rapids," Lee said in a statement Tuesday night. "I have never lost sight of the situation that brought us to this moment, and I will work hard every day to carry forward Speaker Melissa Hortman's legacy."

Hortman, her husband, Mark, and their dog were killed after being shot in their home on June 14. The suspected assassin, Vance Boelter, has been charged federally and by the state with the murders as well as the attempted assassination of Sen. John Hoffman, DFL-Champlin, his wife, Yvette, and daughter Hope.

On Sept. 9, Speaker of the House Lisa Demuth, R-Cold Spring, had her first leadership meeting with Hortman's successor as House DFL Leader — Rep. Zack Stephenson, of Coon Rapids. She came out of that meeting reflecting on what the 2025 session was like with Hortman as her counterpart in a tied House.

"I would think we would return to a tie. Working with Melissa over the last year, it was basically 'Team House,' and that was kind of a term that we used together as we looked at the work being done," Demuth said. "So being back in this room, realizing, in a tie, we still need to be 'Team House,' but not expecting leader Stephenson to take Melissa's place in any way."

Special elections are also underway for two open Senate seats. Left vacant by the resignation of former Sen. Nicole Mitchell and the death of Sen. Bruce Anderson, those seats will be decided on Nov. 4. The Senate currently has a 33-32 DFL majority.

Gov. Tim Walz is expected to call a special session at an unspecified time following the special election for Hortman's seat. Walz said he wants to call the Legislature back in the fall to address gun violence — both in response to the death of Hortman, his friend and colleague, but also in response to the Annunciation Church shooting on Aug. 27 that killed two children and injured 21 others — 18 of whom were children.

## BRIEFS

### Moorhead police ask for assistance locating missing mentally-impaired man

MOORHEAD — The Moorhead Police Department is requesting the public's assistance in locating a 30 year-old mentally impaired man who was last seen in the 1400 block of Main Avenue Southeast in Moorhead on Sunday, Sept. 14.

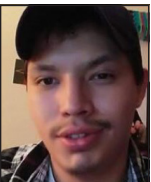
Wayne Anderson Jr. is 5-foot-11, weighs 110 lbs, and has black hair and brown eyes, according to a release from the Minnesota Bureau of Criminal Apprehension.

Anderson was last known to be wearing a blue quarter zip pullover and blue jeans and may be in Fargo, the release said.

Anyone with information about Anderson's whereabouts is asked to contact the Moorhead Police Department at (701) 451-7660.

**Moorhead student taken into custody after weapon found**

MOORHEAD — Police were called to the Alternative Learning Center on Wednesday, Sept. 17,



Anderson Jr.

after school officials found a student in possession of a weapon as they were leaving school.

Moorhead Principal Josh Haag sent an email to families around 8:30 p.m., Wednesday, that described the situation as a "safety incident."

Haag said in the email that the weapon was found when a student was leaving the Alternative Learning Center, which is housed in the Career Academy, 2800 27th Ave. S., Moorhead.

There were no threats made toward the school, students or staff, the email said.

Haag said law enforcement was called immediately, and the student was taken into custody without incident.

Haag did not explain what type of weapon was found or if the student may face criminal charges.

"Please know that we take matters like this very seriously, and the safety of our students and staff is always our highest priority," Haag said in the email. "We are grateful for the quick actions of those involved and for our continued partnership with local law enforcement."

## Appeals court affirms officer's use of deadly force in Standing Rock shooting was reasonable

### FORUM STAFF REPORTS

FARGO — The 8th Circuit Court of Appeals has affirmed a district judge's ruling that law enforcement officers acted reasonably under the circumstances and the United States is not liable for the shooting death of George "Ryan" Gipp, Jr. during a confrontation in October 2017 on the Standing Rock Sioux Reservation.

The decision, which concluded that "though shooting Ryan was regrettable, it was reasonable under the circumstances," was issued Friday, Sept. 12, after Gipp's family appealed Judge Daniel Traynor's dismissal of their wrongful death lawsuit in April 2024.

A release from acting U.S. Attorney for the District of North Dakota Jennifer Puhl summarized the incident that led to Gipp's death and the appeals court's decision.

"BIA officers responded to a report that Gipp discharged a firearm at a gas station in Ft. Yates. Gipp and family members left the scene but were pulled over by law enforcement on a rural highway a few miles

outside of town," the release said.

The 8th Circuit's decision said Gipp "was under the influence of multiple substances, refused to follow their instructions. When one tried to arrest him, he backed away, balled his fists, and moved into a 'bladed stance.' After losing sight of Ryan's hands, the officer fired his taser twice. Tasing Ryan just caused him to run and hide."

Peeking out from behind the truck, Gipp then fumbled with something in his hoodie pocket and pulled out a shiny black object, the release said. Fearing the object was a firearm, one of the officers fired his service weapon, fatally wounding Gipp.

By the time Gipp was shot, the appeals court said, "Ryan had already resisted arrest, shaken off two taser shots, crouched behind a truck, and pulled what looked like a gun from his hoodie pocket...The situation had gone from dangerous to potentially deadly as Ryan's actions became increasingly erratic and aggressive."

The firearm discharged



Contributed / U.S. Eighth Circuit Court of Appeals  
George "Ryan" Gipp Jr. just moments before he was fatally shot by a BIA officer in October 2017.

by Gipp at the gas station, and thrown out the window of the vehicle prior to being stopped by the police, was later found in a ditch, according to the release.

Puhl said Traynor's ruling and the appeals court's affirmation of it "recognize the dangerous, difficult, and rapidly evolving conditions officers must operate in."

# The Forum

OF FARGO-MOORHEAD

A division of Forum Communications Company  
ISSN 0895-1292 (print) and 2641-967X (digital)  
USPS 206-660 | Vol. 146 No. 230  
Copyright 2025  
[www.inforum.com](http://www.inforum.com)  
701-235-7311 | 800-747-7311

The Forum is published twice weekly on Wednesdays and Saturdays by The Forum, 101 5th St. N., Fargo ND 58102. Periodicals postage paid at Fargo, N.D., and additional mailing offices.

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## POSTMASTER

Send address changes to The Forum, 101 5th Street N. Fargo, ND 58102.

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Wednesday & Saturday Mail Delivery  
+ Digital All Access:  
\$377.89 per year / \$34.99 per month

Digital All Access:  
\$160 per year / \$14.99 per month

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