

Reporting Person:

Shayla Thomson DOB 9-30-77

Today's date - 4-14-14

On 4-12-14 at approximately 1730 hrs. my friends and relatives were at the Senior Hall in McVille, Nelson County, ND celebrating my grandpa's 100<sup>th</sup> birthday. There was approximately 30-40 people there. My son, [REDACTED] DOB 12-10-99, was standing at the side of a table talking to people. Kelly Leben came up behind [REDACTED] and grabbed the tops of his shoulders (the muscle part) + squeezed really hard. [REDACTED] told Kelly, "Ow, that hurts!" [REDACTED] quickly grabbed Kelly's hand to remove it from his shoulder. Kelly proceeded to get [REDACTED] in a head lock. Stacey Leben, Kelly's wife, told Kelly to quit before someone gets hurt. Kelly refused. I told [REDACTED] to quit & [REDACTED] replied, "I'm not doing anything!" Stacey again walked up to Kelly and said, "Remember you are wearing glasses and you have a bad shoulder." Kelly kept [REDACTED] in a head lock with one arm and removed his glasses with the other and handed them to Stacey. Continuing with the head lock, Kelly brought [REDACTED] down to his knees and [REDACTED] was frantically trying to get free. Kelly kept telling [REDACTED] "say uncle, say uncle." Stacey grabbed her

Camera and got down on her knees to take pictures of [redacted]. [redacted] face was red + was obvious he was upset. While Stacey was taking pictures she said, "Aww poor [redacted]." Stacey then gave him a pouty lip. [redacted] pushed himself up against Kelly's body and they both fell backwards. Kelly then put [redacted] in a choke hold. One arm around [redacted] neck, the other on the back of his head pushing forward. [redacted] was struggling to free himself. [redacted] face was purple and his hands started to go limp. The choke hold prevented [redacted] from breathing at all. [redacted] was starting to pass out. [redacted] started kicking his legs. Jamie Thomas DOB 2-3-77, yelled, "Kelly, he can't breathe!" Jamie then pushed Kelly out of the way. [redacted] layed on the floor gasping for air. I told Kelly, "It's pretty hard to talk or say 'uncle' when you can't breathe." Kelly said "Shayla, don't start with me." Jamie and ashlynn (victims sister DOB 7-14-97) was trying to help [redacted] get his breath back. Kelly kept trying to assure me that they were just "playing." [redacted] started complaining about pain in his neck/throat and that his leg was numb. He stated to me that he couldn't feel his leg at all. He also stated to me that he had pain in his back too. Stacey walked over to [redacted] and tried to force [redacted] to stand

up. I heard her tell \_\_\_\_\_, "You need to stand up so everyone knows your OK." \_\_\_\_\_ stated "I can't." Stacey walked away and started doing dishes. Kelly kept apologizing to Jamie and \_\_\_\_\_ . Kelly kept saying, "I'm sorry, \_\_\_\_\_ . Do you forgive me?" \_\_\_\_\_ could not answer Kelly because he was still trying to catch his breath. After about 10-15 minutes of laying on the floor and trying to breathe, Jamie and Ashlynn helped \_\_\_\_\_ to his feet. Once he stood up he hugged Ashlynn and told her his neck and back really hurt and he couldn't feel his leg. Ashlynn got him a dish towel with ice in it and placed it on the back of his neck. \_\_\_\_\_ then sat down on a chair. Pierce \_\_\_\_\_ friend, offered to help him walk outside to get some fresh air. Pierce put his arm around \_\_\_\_\_ and helped him to stand. Pierce assisted \_\_\_\_\_ outside. It was decided by Jamie and I that \_\_\_\_\_ needed<sup>st</sup> to go to the Emergency Room. Kelly told Jamie ~~that~~ <sup>and</sup> I that if we felt that we needed to take \_\_\_\_\_ to the Dr. or Chiropractor that he would pay for his medical bills. Kelly also said that all we needed to do was send him the bill. Once we got \_\_\_\_\_ in my truck and ready to leave, Kelly walked out of the Senior Hall and up to the drivers side window. I rolled my

window down + Kelly stated again that he would pay for the medical bills + that we needed to let him know what we find out from the doctor. We drove \_\_\_\_\_ to Meru Hospital ER in Devils Lake, ND. We arrived at the Hospital at approximately 1845 hrs. \_\_\_\_\_ was given a wheel chair upon arriving at the ER. \_\_\_\_\_ was having severe pain in his neck and back. His leg was also still numb. The ER nurse got \_\_\_\_\_ an ice pack and the Dr ordered a shot of Toradol for the pain he said he was in. The nurse had us wait about 20-30 mins so the meds could take affect before sending him to xray. During the xray, \_\_\_\_\_ started to complain about his hand "tingling." I was told by the Dr that the xrays needed to be faxed to Minneapolis to be read by the radiologist and it could take 30-45 mins for the results to come back. While waiting for the results, \_\_\_\_\_ was finally able to relax and fall asleep because of the toradol shot he was previously given. The Dr told me \_\_\_\_\_ has a cervical thoracic strain. Dr. Cheng stated to me that he will be very sore for a few days. He suggested no physical activity, No track, No running or jumping. Dr. Cheng told me \_\_\_\_\_ (could have TR) or Motrin for pain.

and to take it easy to prevent further injury to his neck and/or back. We were discharged from the hospital ER and traveled back to my parent's house which is 7 miles south of Perin & 2 miles west of Hwy 1. Jamie, myself, Ashlynn, [redacted] and Pierce slept at my parents' house. The next morning (4-13-14) [redacted] told me that he was in a lot of pain and that his back and neck hurt. [redacted] also stated to me that he doesn't want to see or talk to Kelly. [redacted]

showed me text messages that he received from Kelly. [redacted] asked me what he should reply back. I said, "Nothing. Don't reply back if you don't want to."

At approximately 9:30pm, we, Jamie, [redacted], Ashlynn, Pierce and myself returned ~~to~~ to Lincoln, ND. We drove Pierce home, also in Lincoln.

Jamie [redacted], Ashlynn + myself went home, which is located at 148 Dolan Dr. Lincoln, ND.

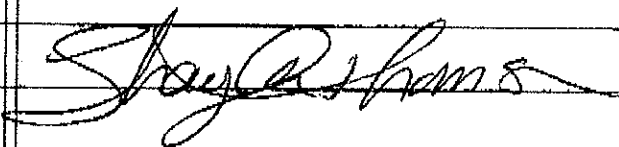
[redacted] tried to sleep. At approximately 12:00hrs on 4-14-14, [redacted] walked into my bedroom, rubbed my shoulder and stated, "Mom, I can't sleep. I'm having bad dreams about what happened." I told him he could lay with me and I would keep him safe. [redacted] continued to toss and turn all night. [redacted] called me from school (Wachter Middle School) and told me

that his back hurt so bad that he couldn't even sit. I told him to put some ice on it until I could get there to pick him up.

I picked him up at approximately 12:15pm on 4-14-14 and brought him home to 148 Dolan Dr. Lincoln, ND. On the way home, he stated to me that his adam's apple hurt to touch. I told him that it probably would for a few days. ————— End of Report.

Dated - 4-14-14

Shayla Thomson



148 Dolan Drive

Lincoln, ND 58504

phone # 701) 516-4811

4-16-14

on 4/12/11 at about 5:30pm i was at the senior  
hall in millie ND celebrating my great grandpa's  
100th Birthday with several friends ~~to~~ family i was  
standing at a table talking to someone  
i felt someone come up ~~behind~~ <sup>behind</sup> me and grab the  
tops of my shoulder muscles and squeeze really  
hard i grabbed his right hand to pull it  
off my shoulder and realized it was  
my uncle Kelly Leben i said ow that hurts  
uncle Kelly grabbed my left leg <sup>and</sup> and  
brought me to the floor aunt Stacey  
Leben told Kelly you have glasses  
on and a bad shoulder Kelly took off  
his glasses and handed them to Stacey  
i heard Kelly say i dont care about my  
shoulder i grabbed both of Kelly's legs  
and Kelly got behind me and put me in a  
head lock my aunt Stacey squatted down  
and took pictures of me while saying  
oh poor \_\_\_\_\_ smile for the camera  
i pushed Kelly backwards and Kelly got me  
in a choke hold i was trying to punch  
him to make him stop Kelly said say  
uncle \_\_\_\_\_ say uncle Kelly started  
squeezing me ~~and~~ harder and harder and  
i opened my mouth and i couldn't breathe  
or talk i ~~remember~~ remember my <sup>hand's</sup> ~~hand's~~ <sup>bits</sup> ~~bits~~ <sup>bits</sup> ~~bits~~  
out or going limp and seeing lots of different  
colors and i was scared that i couldn't  
breathe remember seeing my friend Pierce (14)  
before seeing Black ~~the~~ <sup>the</sup> next thing i  
remember is hearing my dad yelling  
Kelly get off of him

breathe I remember Kelly smiling  
and asking me for something to drink  
I remember my Aunt Stacey pulling my  
arm up and saying — you have to  
stand up so everyone knows you ok  
She hugged her hand all my arm  
was still trying to breathe layed down on  
the floor and felt my dad rudding my back  
I couldn't feel my neck or my left leg  
I remember not having alot of feeling in  
my back I layed on the floor for  
quite awhile trying to catch my breath I stood  
up and hugged my sister my sister and  
dad helped me over to a chair and my  
dad got me ice to put on the back  
of my neck I sat there for awhile and my  
friend Pierce ask if he could  
help me out side to get fresh air Pierce  
walked with me out side and I still could  
not feel my left leg Pierce helped me  
walk to the park to get away from  
Kelly we sat down at the park  
and I called one of my friends Charles  
Charles then I called my dad and said  
come get me my neck is hurtin  
more my parents and sister picked  
me and Pierce up from the  
park we went to the hospital in detroit  
I got a shot for pain and had xrays  
on my neck and back. I felt tired I fell  
asleep my mom woke me up when the Dr.  
said I could go home went to my grandparents house  
I have been having night mares and not  
able to sleep I can't be in sports for



Ten days 3 my book week and Adams  
Still here I have been getting text from Kelly  
and replied to most of them, I don't want  
anything to do with Kelly anymore  
end of report

~~\_\_\_\_\_~~  
~~\_\_\_\_\_~~

5164989

On 4-12-14 Me and my Family were at the Senior Hall in Mcville MO celebrating 100<sup>th</sup> year old Bday. \_\_\_\_\_ (My Son) was talking to people at a table when Kelly Liben came up behind him and grabbed the top of his shoulders and squeezed \_\_\_\_\_ said aww that hurts and pulled his hands off his shoulder. Then Kelly & I went began wrestling around (instigated by Kelly) on the floor. As Stacy Liben Kelly's wife said to Kelly don't forget you got your glasses on and your shoulder. Kelly had \_\_\_\_\_ in a choke hold, Kelly was on his knees and \_\_\_\_\_ on his butt as Stacy was taking pictures and saying ah \_\_\_\_\_ then doing a party tip to him. \_\_\_\_\_ by this time was very mad his face was all red. \_\_\_\_\_ pushed his feet back to try to get out of the choke hold Kelly had him in so they both went to their back Kelly on bottom with \_\_\_\_\_ on top \_\_\_\_\_ of him in a choke hold as Kelly is smiling and telling front to say uncle. \_\_\_\_\_ face started to turn purple and legs started kicking I yelled Kelly He can't breathe. I went over pulled \_\_\_\_\_ off Kelly He curled up under the table gasping for air I knew I had to get him to relax slow his heart rate and breathe. his back and neck he complained was hurting him it took him ~~over~~<sup>about</sup> a good twenty minutes to get up. his one leg was numb and could barely walk. The time we were under the table I under ~~the~~<sup>st</sup> Stacy telling Kelly kinda hard to say uncle when he can't breathe all Kelly could say

dont go there with me and getting mad.  
I was able to get up and when he did  
he hugged his sister. I got him an rag with  
Ice in it for his back and he wanted  
to go outside. his friend pierce helped  
him outside they went for a walk to  
the park. I to needed to go outside  
and when I did Kelly come out there  
apologizing to me and say if we had  
to take him in to the Dr. I would send  
him to the hell and he will pay for it.  
Shortly after that \_\_\_\_\_ called me and said  
he cant hardly move his neck so we rushed  
him to Mercy hospital in Devils lake ND.  
while waiting for \_\_\_\_\_ at the hospital I would  
txt my friend Stacy when she was on her  
way and I replied to them. after \_\_\_\_\_  
was discharged we drove back down to  
my father in laws place south of palm. The next  
morning when he woke up his back and  
atomsapple were really sore 4-13-12. <sup>ST</sup> ~~and~~  
we got home to Bismack about 9:30 pm that  
nite when he went to bed he was having  
intranas about the whole situation that happened  
and ~~stacy~~ <sup>ST</sup> slept with shayla that nite.  
his back and neck are still sore to this day  
4-16-14

end of report

Samie Thomson P.O.B - 02/03/77

148 Dolan Dr  
Lincoln ND 58500



701-826-7600

# FM FARMERS & MERCHANTS BANK

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## & est. 1917 OF NORTH DAKOTA

PO Box 405 101 N Main St Tolna, ND 58380 Phone: 701-262-4211 Fax: 701-262-4411  
 PO Box 205 207 Whinery St Binford, ND 58416 Phone: 701-676-2411 Fax: 701-676-2311  
 PO Box 305 201 S Main Street McVie, ND 58254 Phone: 701-322-4324 Fax: 701-322-4325  
 PO Box 231 321 Hwy 15 Northwood, ND 58267 Phone: 701-587-6259 Fax: 701-587-6257

DATE: 4.15-14

TOTAL PAGES: 1

FAX NUMBER: 701 247 2475

TO: Medina Co. Sheriff Dept

FROM: Dale Larson

MESSAGE:  
this is to do with Angela Larsson  
case

COMMENTS: The information contained in this message may be confidential and privileged and is intended for the use of individual(s) named above. If the receiver of this message is not the intended receipt, you are hereby notified that any dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately and return the original message to us. Thank You

To the Nelson Co. Sheriff's Dept. 4-14-14

On the 12<sup>th</sup> of April we had a 100<sup>th</sup> birthday party for my father-in-law. We had the main party at the Nelson Co. Health Center in MC Ville N.D. from 2-4. Then we went over to the senior center in McVille when there was lunch served and the friends & relatives could continue their assisting. Tomson was standing there resting with some people when Kelly Teben came up behind [redacted] and started messing around pressure points on [redacted] shoulders and [redacted] told Kelly 2. that shutt, Kelly 2. kept on with the pressure points. Grabbed one of Kelly 2. hands and moved it off her shoulders and that's when Kelly put him in a head lock. [redacted] pushed back, and Kelly 2. still had a chad hold on [redacted] I could see that [redacted] couldn't breath. [redacted] then reached up and grabbed Kelly 2. by the back of the neck and tried to pull Kelly over him. About that time I heard 5 or 6 people say that this is serious, that [redacted] wouldn't breath, about that time [redacted] started kicking and that's when Jamie Tomson [redacted] had pushed Kelly 2. off of [redacted]. I could see that [redacted] was in a lot of pain, he was holding her head and neck trying to get her breath back that's when I got mad and said to my gals and left.

Dale Zucora

10350 21<sup>st</sup> N.E.

Pet. Co. N.D. 58361

Ph 701-296-4460

Hey im hoping u r doing ok i really feel bad. sorry

uncle kelly

Yeah he got a urinary tract issue

Call me sometime and i will buy u supper some night but no more wresting



Lov u bud have a good night

Hey buddie hope you are doing ok. I still feel real sorry

I can't go home, trust needs some abdominal surgery with hernia. Still in pain

I am sorry and if you are mad at me i understand

We r sick about Can u let us know what the doc is saying?

Yea will they just do X-rays get de-sched him to make sure he back in 20 min then he will see the doctor they gave him a pain cocktail so he is happy now would u like to see him

Thanks no matter what goes on in this family we love that kid so much

Any word?

No still waiting on the X-rays to get back it should be shortly

K Is dad with u?

No he still

Weird cuz he wasn't at farm and we didn't see him leave senior center

Alls hear was gone by 4:30 but I no

Weird cuz he wasn't at farm and we didn't see him leave senior center

His car was gone b4 we left I no

Weird

He has a cervical thoracic strain

Again Kelly is so sorry and thanks for letting us know

Yup

How is the basement coming along?

Its coming

Shayla please send us the medical bills when you get them and again we are so sorry that this happened I cant believe that this is happening and we will

try and make it right however we can





**Case Details**

Case Detail

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Case Number	14-00490	Date Opened	4/16/2014 12:00:00 AM
Agency	NCSO - Nelson County SO	Date Closed	
Reporting Group		Contains Juvenile	Y - Yes
Subject	13A - Aggravated Assault		
Case Status	Closed		

Case Review

Reviewer	Next Review Date	Reviewed On
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Owner 4484 - Koras, Jordan C  
 Workflow Stage  
 Folder Flag Categories

Assignment

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Officer Assigned	Koras, Jordan C	Assignment Type	Primary Officer
Date Assigned	4/16/2014	Notes	
Active Assignment			
Date Unassigned			

Solvability

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Solvability Factor 0

Solvability Code	Points
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Modus Operandi

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MO

Documents

**Case Report**

Date Created 4/13/2016 7:52:27 PM  
 Date Updated 4/13/2016 7:52:27 PM  
 Abstract Text Case Report: 14-00490-001  
 Occurred On: 4/12/2014  
 Reported On: 4/16/2014  
 Reported By: 4484 - Koras, Jordan C  
 Subject: 13A - Aggravated Assault  
 Disposition: 4 - Active

Location	Offense
20 - Residence/Home	13A - Aggravated Assault

Suspect Name	DOB	Sex	Race
Leben, Kelly Jon	6/21/1966	M - Male	W - White

Name	Victim Type	Victim Of
	I - Individual	13A - Aggravated Assault

Name	DOB	Sex	Race
Thomson, Shayla Rae	9/30/1977	F - Female	W - White
Leben, Stacey Helene	7/18/1970	F - Female	W - White
Quam, Dale Bernard	2/3/1949	M - Male	W - White
Thomson, Jamie Allan	2/3/1977	M - Male	W - White

Documents

**CFS**

Date Created 4/12/2016 10:44:41 AM  
 Date Updated 4/12/2016 10:44:41 AM



Abstract Text      CFS Number:            14-00490  
                          CFS Date/Time:        4/15/2014 12:00:00 AM  
                          Received Date/Time:   12/30/1899 2:30:00 PM  
                          Dispatched Date/Time:  
                          Arrived Date/Time:  
                          Cleared Date/Time:    12/30/1899 2:30:00 PM  
                          Address:                108 Nyhus Ave E  
                          CSZ:                    McVille, ND 58254  
                          Reported Offense:    13A - Aggravated Assault  
                          Verified Offense:    13A - Aggravated Assault  
                          Complainant Name:  
                          Complainant Phone:  
                          Case Number:         14-00490  
                          Disposition:          4 - Active  
                          Call Type:             P - Police Only  
                          Vehicle:  
                          Vehicle License:  
                          Tow Company:

Officers  
4484 - Koras, Jordan C

# Case Report

Nelson County SO

Case Report Number 14-00490-001  
Case Number: 14-00490  
CFS Number:



Subject	13A - Aggravated Assault	Coordinate X
Entered On	4/17/2014 9:45:04 AM	Coordinate Y
Entered By	4484 - Koras, Jordan C	Call Source
Reported On	4/16/2014	Related Cases
Reporting Officer	4484 - Koras, Jordan C	Means
Report Type	C - Crime Report	
Disposition	4 - Active	Motives
Assisted By		
Occurred On (Date and Time)	Saturday 4/12/2014 5:30:00 PM	Vehicle Activity
Or Between (Date and Time)		Direction Vehicle Traveling
Location Name		Cross Street
Address	108 Nyhus Ave E	Notified
CSZ	ND 58254	Exceptional Clearances Basis
Jurisdiction	McVillie	Exceptional Clearance Date
District		
Sector		

## Summary

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## Offense

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Offense	<b>13A - Aggravated Assault</b>	Entry	
Code Section		Suspected of Using	None/Unknown
IBR Code	13A	Weapons	40 - Personal Weapons (Hands, Feet, Teeth, etc.)
Statute		Criminal Activity	N - None/Unknown (no gang involvement)
Location Type	20 - Residence/Home	Type Security	
Completed	Y - Yes	Tools	
Hate/Bias	88 - None (No Bias)		
Premises Entered			

## Offenders

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Suspect Name	<b>Leben, Kelly Jon</b>	Alias	
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# Case Report

Nelson County SO

Address	CSZ	Address Type	County	Country
515 Birchwood Dr	Bismarck, ND 58504			

Phone Number	Phone Type
7014005117	O - Other

Email Address

Sex	M - Male	Hair Color	BRO - Brown	Weight	220
Race	W - White	Hair Style		Resident	N - Nonresident
Ethnicity	N - Not of Hispanic/Latino Origin	Hair Length		POB	N/A - Conversion
DOB	6/21/1966	Facial Hair		DLN	LEB667317
Age	47	Complexion		DL State	ND - North Dakota
Juvenile	N - No	Teeth		DL Country	
Eye Color	BLU - Blue	Build		SSN	000-00-0000
		Height	70		

Scars, Marks, Tattoos	SMT Location	Description

Attire	MO
Employer/School	
Employer Address	Habitual Offender Status
Employer CSZ	Status
Occupation/Grade	Notes

## Victims

Victim Name	Victim Type	I - Individual
Aliases	Victim of	13A - Aggravated Assault
Was Marsy's Card Provided?	Domestic Indicator	Non-Domestic
Victim Asserted Non-Disclosure Right	Asserted Date	

Address	CSZ	Address Type	County	Country
148 Dolan Dr	Lincoln, ND 58504			

Phone Number	Phone Type
7015164989	O - Other

Email Address

# Case Report

Nelson County SO

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Sex	M - Male	Eye Color	BLU - Blue	POB	N/A - Conversion
Race	W - White	Hair Color	BLN - Blond	DLN	THO998014
Ethnicity	N - Not of Hispanic/Latino Origin	Facial Hair		DL State	ND - North Dakota
DOB	12/10/1999	Complexion		DL Country	
Age	14	Height	70	SSN	000-00-0000
Juvenile	Y - Yes	Weight	148	Attire	
		Resident	N - Nonresident		

Employer/School  
 Employer Address  
 Employer CSZ  
 Occupation/Grade  
 Testify

Injury  
 Circumstances  
 Just. Hom. Circ.

I - Possible Internal Injury  
 M - Apparent Minor Injury  
 09 - Other Circumstances

Offender	Relationship
S - Leben, Kelly Jon	OF - Victim Was Other Family Member

LEOKA Type  
 Assignment  
 Activity  
 ORI-Other Jurisdiction

Notes

## Witnesses

Witness Name **Thomson, Shayla Rae** Aliases

Address	CSZ	Address Type	County	Country
148 Dolan Dr	Lincoln, ND 58504			

Phone Number	Phone Type
7015164811	O - Other

Email Address

Sex	F - Female	Age	36	Height	70
Race	W - White	Juvenile	N - No	Weight	185
Ethnicity	N - Not of Hispanic/Latino Origin	Eye Color	BRO - Brown	Resident	N - Nonresident
DOB	9/30/1977	Hair Color	BRO - Brown	POB	N/A - Conversion
		Facial Hair		DLN	THO778818
		Complexion		DL State	ND - North Dakota



# Case Report

Nelson County SO

Sex	M - Male	Eye Color	BRO - Brown	POB	N/A - Conversion
Race	W - White	Hair Color	BRO - Brown	DLN	QUA492123
Ethnicity	N - Not of Hispanic/Latino Origin	Facial Hair		DL State	ND - North Dakota
DOB	2/3/1949	Complexion		DL Country	
Age	65	Height	72	SSN	000-00-0000
Juvenile	N - No	Weight	250		
		Resident	R - Resident		

Attire	Occupation/Grade
Employer/School	Testify
Employer Address	Notes
Employer CSZ	

Witness Name **Thomson, Jamie Allan** Aliases

Address	CSZ	Address Type	County	Country
148 Dolan Dr	Lincoln, ND 58504			

Phone Number	Phone Type	Email Address
7012267600	O - Other	

Sex	M - Male	Eye Color	BLU - Blue	POB	N/A - Conversion
Race	W - White	Hair Color	BLN - Blond	DLN	THO774033
Ethnicity	N - Not of Hispanic/Latino Origin	Facial Hair		DL State	ND - North Dakota
DOB	2/3/1977	Complexion		DL Country	
Age	37	Height	72	SSN	000-00-0000
Juvenile	N - No	Weight	180		
		Resident	N - Nonresident		

Attire	Occupation/Grade
Employer/School	Testify
Employer Address	Notes
Employer CSZ	Father of victim.

## Other Entities

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**Properties**


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**Narrative**


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On Wednesday 4/16/14, Deputy Jordan Koras received a written statement from Shayla Thomson (DOB 9/30/77) that outlined events that took place at a birthday party on Saturday 4/12/14 at approximately 1730 hours at the Nelson County Nursing Home located at 108 Nyhus Ave E McVillie, ND 58254.

(DOB 12/10/99) is Shayla's son; Jamie Allan Thomson (DOB 02/3/77) is Shayla's husband and father. Stacey Helene Leben (DOB 7/18/70) is Shayla's sister. Stacey is married to the suspect, Kelly Jon Leben (DOB 6/21/66).

On the date above, was standing near a table while talking with friends when his uncle, Kelly, walked up behind him and grabbed his muscles on the tops of his shoulders (base of his neck) and squeezed hard. said "ow, that hurts" and grabbed one of Kelly's hands to remove it. Kelly then grabbed left leg and brought him to the floor.

Shayla heard Stacey say to Kelly to quit before someone gets hurt. Stacey then reminded Kelly that he (Kelly) had a bad shoulder and was wearing glasses. Kelly took off his glasses and handed them to Stacey. heard Kelly say, "I don't care about my shoulder".

grabbed both of Kelly's legs. got behind and put him in a head lock hold. Stacey squatted down in front of Kelly and took pictures with her camera while saying "oh por smile for the camera". Stacey then moved the food table out of the way.

tried to push Kelly backwards, at which time Kelly put into a choke hold by squeezing the inside of his elbow to the front of's neck, and pushing's head forward with his free hand. said he was trying to punch Kelly in an attempt to stop him. Kelly said to "say uncle, say uncle". stated Kelly began squeezing him harder. opened his mouth to breathe, and could not breathe or talk. Jamie stated that's face began to turn purple and his legs began to kick at this time. stated that he remembers his hands beginning to go limp, seeing lots of different colors, and that he was scared because he could not breathe. remembers everything going black and then heard his dad, Jamie, yelling at Kelly to get off of him.

Jamie yelled to Kelly, "Kelly, he can't breathe". Jamie then pulled Kelly off of Jamie and Shayla stated that gasped for air. Jamie stated that laid on the ground for about twenty minutes while he was catching his breath and complaining of back and neck pain.

stated, "I couldn't feel my neck or my left leg I remember not having a lot of feeling in my back I layed on the floor for quite a while trying to catch my breath". During this time, Stacey pulled on's arm saying "you have to stand up so everyone knows your ok". remembers Kelly smiling and asking if he would like anything to drink. According to Shayla, Kelly said multiple times, "I'm sorry do you forgive me?" Kelly offered to pay for any doctor or chiropractor bills should require any medical treatment.

friend, Pierce, helped walk outside to get some fresh air. While they were outside, could not feel his left leg and his neck began hurting more. called his father to pick him up. Jamie and Shayla decided to take to the Emergency Room at Mercy Hospital in Devils Lake. Before leaving, Kelly ran up to the Thomson's vehicle and said that he would pay for any medical bills.



\_\_\_\_\_ was seen by Dr. Stephen Chang at Mercy Hospital. \_\_\_\_\_ received pain medications and x-rays were taken. Dr. Chang diagnosed \_\_\_\_\_ with a "Cervical Thoracic Strain" and instructed him to abstain from any physical activity for ten (10) days or until his personal doctor cleared him. Shayla provided Deputy Koras with the medical records from this visit.

The next day, 4/13/14, \_\_\_\_\_ stated he was experiencing pain in his back, neck and adam"s apple. \_\_\_\_\_ stated he was also experiencing nightmares from what happened and could not sleep.

Shayla stated that there were between 30-40 people at this event when this incident happened. Shayla believes most of the people witnessed the incident, as the room stopped and everyone was watching (some people left the room after seeing what was going on). Shayla said that there was no alcoholic beverage consumption involved.

After the incident, Kelly text messaged \_\_\_\_\_ and apologizing and stating that he felt badly.

At the time of this report, Deputy Koras had voluntary written statements from Shayla, \_\_\_\_\_, Jamie, and Dale Quam (Shayla"s father). Deputy Koras will be speaking with the employee working at the nursing home during the incident to locate any possible further witnesses.

On 4/19/14, Shayla emailed Deputy Koras indicating that they decided not to press charges.

**Evidence Checklist**

Additional Evidence Items?

Video Recording  
In-Car Video  
Surveillance

Interview Room  
Other Recording  
What other recordings are there?

Audio Recording  
911 Call  
Other Audio

Other Dispatch Call

Photographs  
Uploaded to P1

Entered into Evidence

Written Statement  
Victim  
Witness

Suspect

Medical Forms

Emergency Detention  
Worksheet  
Use of Force Report

Domestic Violence  
Investigation  
Waiver of Rights  
Photo Log  
Search Warrant / Return

Affidavit  
Evidence Inventory