

**IN THE DISTRICT COURT OF NELSON COUNTY, STATE OF NORTH DAKOTA
NORTHEAST CENTRAL JUDICIAL DISTRICT
IN RE: PETITION OF QUALIFIED ELECTORS OF NELSON COUNTY FOR A
GRAND JURY UNDER N.D.C.C. CHAPTER 29-10.1**

STATEMENT ON VENUE

The undersigned petitioners file this statement with their Petition for a Grand Jury under N.D.C.C. ch. 29-10.1. It sets out in full the venue statute on which Part V of the petition relies and identifies the records at issue. It then states why venue lies in Nelson County.

1. The venue statute

Part V of the petition rests venue on N.D.C.C. sec. 29-03-04. That section provides in full:

“When a crime or public offense is committed in part in one county and in part in another, or when the acts or effects thereof constituting, or requisite to the consummation of, the offense occur in two or more counties, the jurisdiction is in either or any of said counties.”

2. The records at issue

Part V of the petition refers to “the records at issue.” They include the Social Security Administration records of Nelson County residents, held in the agency’s Numerical Identification System, known as the Numident. The Numident contains one record for each Social Security number ever assigned. (Social Security Administration Office of the Inspector General, Audit Report A-06-16-50069.)

On August 26, 2025, Charles Borges, then the Chief Data Officer of the Social Security Administration, submitted a whistleblower disclosure to the United States Office of Special Counsel and to four committees of Congress. The disclosure states that on June 10, 2025 a request was made to create “a cloud environment to which SSA’s Numerical Identification System or ‘NUMIDENT’ data could be transferred,” and it describes the “DOGE specific, self-administered cloud environment lacking independent security controls and hosting a copy of NUMIDENT.” (Disclosure of Charles Borges, Aug. 26, 2025.) A copy of the Numident contains the records of every resident of Nelson County who has been issued a Social Security number. The United States has also told the federal court in American Federation of State, County and Municipal Employees, AFL-CIO v. Social Security Administration, No. 1:25-cv-00596-ELH (D. Md.), that from March 7 to March 17, 2025, members of the Social Security Administration’s DOGE Team were using links to share data through the third-party server Cloudflare, which is not approved for storing Social Security Administration data, and that the agency “has not been able to determine exactly what data were shared to Cloudflare or whether the data still exist on the server.” (ECF No. 197, § VI.) Records of Nelson County residents cannot be excluded from those data.

3. Effects in Nelson County and in other North Dakota counties

The offenses into which the petition asks the grand jury to inquire take effect where the people whose information is taken or used live. The identity offense requires the use of an individual’s personal identifying information “without the authorization or consent of the individual.”

N.D.C.C. sec. 12.1-23-11(3). The computer offense includes gaining access to, copying, disclosing, or taking possession of data without authorization. N.D.C.C. sec. 12.1-06.1-08(2).

On information and belief, the records of Nelson County residents were among the data shared through the unapproved third-party server or copied into the cloud environment described above, and so were the records of residents of the other counties of North Dakota. The effects constituting, or requisite to the consummation of, those offenses therefore occurred where those residents live, in Nelson County and in other North Dakota counties. Because the effects occurred in two or more counties, jurisdiction is in any of them, including Nelson County. N.D.C.C. sec. 29-03-04.

The identity statute itself provides for violations “in more than one county involving either one or more victims or the commission of acts constituting an element of the offense,” and permits the offenses to be “consolidated for commencement of prosecution in any county where one of the offenses was committed.” N.D.C.C. sec. 12.1-23-11(6). Each violation involving the identifying information of a Nelson County resident is an offense committed in Nelson County, where that resident lives.

4. Sections 29-03-01 and 29-03-01.1

Section 29-03-01 provides:

“When the commission of a public offense, commenced without this state, is consummated within its boundaries, and the defendant is liable to prosecution as provided in section 29-03-01.1, the venue is in the county in which the offense is consummated, or in which the offenders are apprehended.”

Section 29-03-01.1 provides:

“Any person who commits one or more of the following acts is liable to prosecution under the laws of this state:

1. Commission of a robbery or theft outside this state and bringing the stolen property into this state.
2. Soliciting, while outside this state, criminal action within this state.
3. Soliciting, while outside this state, sexual contact with a person believed to be a minor who at the time of the solicitation is located in this state.
4. Commission of kidnapping or felonious restraint when the victim is brought into this state.”

Neither section defeats venue in Nelson County. Neither provides that an offense consummated within North Dakota may be prosecuted only in the four situations listed, and neither displaces section 29-03-04. The offenses alleged in the petition, if committed, were consummated within North Dakota, in the counties where their effects fell on North Dakota residents, including Nelson County. Section 29-03-04 places jurisdiction in any of those counties, and the county of consummation is also the county that section 29-03-01 names for the offenses it covers. “Acts done outside a jurisdiction, but intended to produce and producing detrimental effects within it, justify a state in punishing the cause of the harm as if he had been present at the effect” *Strassheim v. Daily*, 221 U.S. 280, 285 (1911).

The petition does not rely on N.D.C.C. sec. 12.1-23-12. That section provides that, “[n]otwithstanding section 29-03-01.1, a person who, while outside this state and by use of deception, obtains, deprives, or conspires, solicits, or attempts to obtain the property of a person within this state or to deprive the person of property is subject to prosecution under this chapter in the courts of this state.” Section 12.1-23-12 confers jurisdiction over one class of offenses committed by deception from outside the state, and it does not mention or limit section 29-03-04. The offenses alleged in the petition are consummated within North Dakota.

5. The grand jury's charge

Under N.D.C.C. sec. 29-10.1-21, "[e]ach grand jury impaneled within any county shall inquire into offenses against the criminal laws of the state alleged to have been committed within that county." The petition alleges offenses committed within Nelson County, and this statement sets out the basis for that allegation. The petitioners make the statements of fact in this statement on information and belief.

Dated: _____, 20____

Respectfully submitted,

Petitioner 1

Signature: _____

Printed name: _____

Address where I live: _____

Telephone: _____

Petitioner 2

Signature: _____

Printed name: _____

Address where I live: _____

Telephone: _____

Petitioner 3

Signature: _____

Printed name: _____

Address where I live: _____

Telephone: _____