

# ST. LOUIS COUNTY ATTORNEY'S OFFICE

## *ANNUAL REPORT* *2011*



Duluth Court House  
100 N. 5<sup>th</sup> Ave. W., #501  
Duluth, MN 55802  
(218) 726-2323

Government Services Center  
320 W. 2<sup>nd</sup> Street, #403  
Duluth, MN 55802  
(218) 726-2034

Virginia Court House  
300 S. 5<sup>th</sup> Ave., #222  
Virginia, MN 55792  
(218) 749-7101

Hibbing Court House  
1810 – 12<sup>th</sup> Ave. E., #107  
Hibbing, MN 55746  
(218) 262-0158

Website: [www.stlouiscountymn.gov](http://www.stlouiscountymn.gov)  
E-Mail: [countyattorney@stlouiscountymn.gov](mailto:countyattorney@stlouiscountymn.gov)

The County Attorney is the elected official and chief legal officer for the County dealing with issues ranging from criminal justice and public safety, to responsible stewardship of our land. The primary function of the County Attorney is to serve as the chief prosecutor for the County. In other states, this is known as the "District Attorney." Our prosecutors are the voice for the people who have been victimized.

In St. Louis County, there are four separate offices of the St. Louis County Attorney—two in Duluth, one in Hibbing, and one in Virginia—and 33 attorneys who manage a variety of caseloads. Our office has a total staff of 71 people, including attorneys, investigators, victim/witness staff, and support staff.

My first year has been spent fulfilling my statutory responsibilities with the aid and assistance of a tremendously dedicated group of people. Daily, we do our work with integrity and compassion. We have hope for the future. We believe in restorative justice.

In the end, we can demonstrate that fairness leads to justice and justice leads to safe and strong communities. We are the voice of your neighbors, your fellow citizens.

**MARK S. RUBIN**  
**ST. LOUIS COUNTY ATTORNEY**

*"In the end, we can demonstrate that fairness leads to justice and justice leads to safe and strong communities. We are the voice of your neighbors, your fellow citizens."*

## Criminal Division

**Gary Bjorklund**  
Criminal Division Head

### Duluth Office:

Leslie Beiers  
Jon Holets  
Christopher Pinkert  
Jessica Smith  
Nate Stumme  
Rebekka Stumme  
Kristen Swanson

### Virginia Office:

Michelle Anderson  
Gordon Coldagelli  
Leah Stauber

### Hibbing Office:

Brian Simonson  
Jeff Vlatkovich

Gary Bjorklund oversees the 13 adult criminal prosecutors who work in Duluth, Virginia, and Hibbing. The Criminal Division charges and prosecutes all levels of criminal offenses within St. Louis County, including felonies, gross misdemeanors, misdemeanors, and county ordinance violations. Gary has over 25 years of experience in both the civil and criminal divisions.

Our office has prosecuted some extremely challenging cases this year, including:

- Michael Tahtinen was convicted of manslaughter in the first degree and sentenced to 9 years in prison following the death of an 11-month old child.
- Stephen Cobenais was found guilty of murder in the second degree for the brutal killing of Mario Highler in West Duluth. He was sentenced to 426 months in prison.
- Josiah Carlson pled guilty in the brutal homicide of a young woman in Eveleth, and was sentenced to prison for 480 months.
- A domestic violence case was brought against a Russian-national who was legally residing in the United States. He severely beat his girlfriend, and was convicted at trial of third degree assault and felony domestic assault by strangulation. He was taken into custody by the I.N.S. and was deported after sentencing.
- Numerous criminal sexual conduct cases were prosecuted, including a domestic abuse case where the victim refused to testify, but the jury was convinced even without the victim's testimony. "Evidence-based prosecution" requires intensive investigation on the part of law enforcement and the compiling of additional evidence so that these types of cases can be successfully prosecuted.
- A domestic assault case involved a man who doused his girlfriend with lighter fluid and threatened to ignite her. The victim was terrified to testify, but did find the courage to do so. After 12 hours of deliberation and being sequestered overnight, the jury found the defendant guilty of second degree assault and terroristic threats and he was sentenced to five years in prison.
- A homicide case was brought against an individual who went into a Chisholm bar and shot a number of people because he was upset with his estranged wife.
- An assault case on the Mayor of Hibbing and his wife and friends was successfully prosecuted.

*The mission of the St. Louis County Attorney's Office is to promote the well-being of county citizens through fair and vigorous prosecution of crime; to assist and protect victims and others in need; and to provide timely, sound, and effective legal advice and representation to County Departments and the Board of Commissioners.*

## Public Health & Human Services (PHHS) Division

**Patricia Shaffer**  
PHHS Division Head

### Duluth Office:

Joseph Fischer  
Heather Korpela  
Clarissa McDonald  
Charles Schumacher  
Angie Shambour  
Benjamin Stromberg  
Joanne Vavrosky

### Virginia Office:

Sharon Chadwick  
Renaë Darland  
Karl Sundquist

### Hibbing Office:

Gayle Goff  
Stacey Sundquist

### Investigators:

William Klein  
Shawn Laine  
Gerald London

Our Public Health and Human Services Division is the voice for our County's most vulnerable citizens. Pat Shaffer has over 13 years of experience and manages 12 attorneys and 3 investigators in Duluth, Virginia, and Hibbing. This Division provides a myriad of human and financial services to adults and families, including:

- Securing child support and paternity establishment;
- Involuntary commitment actions to provide necessary treatment for individuals who are mentally ill, chemically dependent, or developmentally disabled;
- Involuntary commitment to the Minnesota Sex Offender Treatment Program for sexually dangerous persons at the end of their prison sentences;
- Guardianship actions for adults who are unable to make decisions concerning their personal, medical, or financial needs;
- Child Protection (CHIPS) services for children who are abused or neglected. Intervention can range from providing protective supervision to transfer of custody to a relative, to full termination of parental rights.

The PHHS Division also provides legal representation to the St. Louis County Public Health & Human Services Department in all of its legal matters, including:

- Benefit recovery from estates;
- Answering legal questions regarding eligibility for public assistance programs;
- Legal actions regarding day care and foster home licenses issued by the County;
- Investigation and prosecution of public assistance fraud.

Representing the interests of the State, this Division also prosecutes juveniles who commit criminal offenses, with attorneys in Duluth, Virginia, and Hibbing. There was a spike in extremely violent juvenile behavior in 2009, and while the number of juvenile offenses continues to decline nationwide, we saw an increase in crimes committed by juveniles in St. Louis County during 2011.

Our office has implemented a new diversion policy – Youth Accountability Program. Our goal is to keep juveniles out of the system if possible, but with an understanding that they need to accept responsibility for their conduct. This program involves a number of tracks, including a restorative justice approach through participation in community programs or through community service and awareness of chemical dependency issues.



Some challenging cases from this past year include:

- A very serious aggravated robbery and third degree assault where a juvenile female lured a young man to a remote location where two juvenile males and one adult male were hiding. The victim was brutally beaten and required surgery to repair several facial fractures. The main assailant was adjudicated (found guilty) on both counts.
- A successful prosecution of a couple charged with public assistance fraud. This case involved convictions on multiple counts of wrongfully obtaining public assistance for failing to report an inheritance of over \$400,000.
- A child protection case where a two-month old child was brought to an emergency room with an acute spiral fracture in his femur. X-rays detected numerous bruises and other fractures in various stages of healing. The child was placed in foster care and has been healthy and thriving. The child's father later pled guilty to one count of felony malicious punishment.
- A child protection case where a pre-teen boy needed to be removed from his home after he victimized his younger sister. We continue to see cases where very young males are victimizing their younger female siblings and other acquaintances and the challenge is what to do for these children.

## Civil Division

**Timothy Lee**  
Civil Division Head

### Duluth Office:

Kim Maki  
Jim Nephew  
Tokunbo Okanla  
Barbara Russ  
Thomas Stanley  
Timothy Tysdal

**Investigator:**  
Jan Denzler

The Civil Division is headed by Tim Lee, who has worked in the Division for over 23 years.

Our Civil Division provides legal counsel to the County in the operation of its affairs. Legal advice and support are provided to the County Board, the County Administrator, County department heads and their employees. County commissions and boards, including Arrowhead Regional Corrections, are also provided with legal advice. This advice takes the form of formal opinions and employee training which covers a wide range of topics including:

- data practices
- contract administration
- land use
- solid waste
- veteran affairs
- employment law

Transactional assistance is also provided to County departments by the drafting and review of legal documents including contracts, leases and deeds.

The Civil Division also represents the County with respect to all claims and litigation. Litigation in the past year has included property tax appeals, employment law, civil rights, cartways, eminent domain, personal injury, workers compensation, eviction actions, contract disputes, debt collection, and asset forfeitures for DWI and drug cases.

*"The Civil Division provides timely legal advice to help assist County officials in their decision-making responsibilities."*

## Victim / Witness Division

**Patty Wheeler**  
Director

**Duluth Staff:**  
Anne Fisk  
Lori Ulvi

**Virginia Staff:**  
Anne Folman

**Hibbing Staff:**  
Elaine Lee

Our Victim/Witness Program is headed by Patty Wheeler, who supervises victim/witness staff members in each of the County Attorney's four offices. Patty and her staff ensure compliance with the Minnesota Criminal Victim Rights laws and assist crime victims throughout the criminal justice process.

The experienced, competent, and caring staff spends a great deal of time on the phone dealing with a multitude of questions, concerns, and needs. They deal with a range of emotions--from anger, frustration, and confusion to sorrow, grief, and concerns for safety. They work very closely with many victims and help with trial preparation. They also work closely with other agencies in the community providing services to victims.

The Youth Accountability Program was developed this year, and Lori Ulvi is piloting the project in Duluth. It was recently expanded to include our Virginia and Hibbing offices.

We have had four interns from local schools work in our office this year. Two applied to law schools and both were accepted. We have spoken to community groups, and we recently spent a morning giving a tour of the Court House to 20 ninth graders from the Ojibway School.

*"They deal with a range of emotions, ranging from anger, frustration, and confusion to sorrow, grief, and concerns for safety."*

## Support Staff

Office Administrator:  
Wade Backstrom

### Duluth Staff:

Yvonne Kalin, Supervisor  
Betty Christenson  
Shirley Garden  
Teresa Harries  
Rachel Lambert  
Diane Lundberg  
Carla Mercier  
Jody Messner  
Sue Peterson  
Teresa White  
Cynthia Zuk

### PHHS Staff:

Mary Fruehauf, Supervisor  
Jackie Calvert  
Diane Eck  
Katie Finc  
Laura Tromblay

### Virginia Staff:

Veronica Ratliff, Supervisor  
Patti Everson  
Tracy McDonald  
Candy Nelson  
Tammy Sundahl

### Hibbing Staff:

Veronica Ratliff, Supervisor  
Alaina Denny  
Char Meinzer  
Rachael Turk

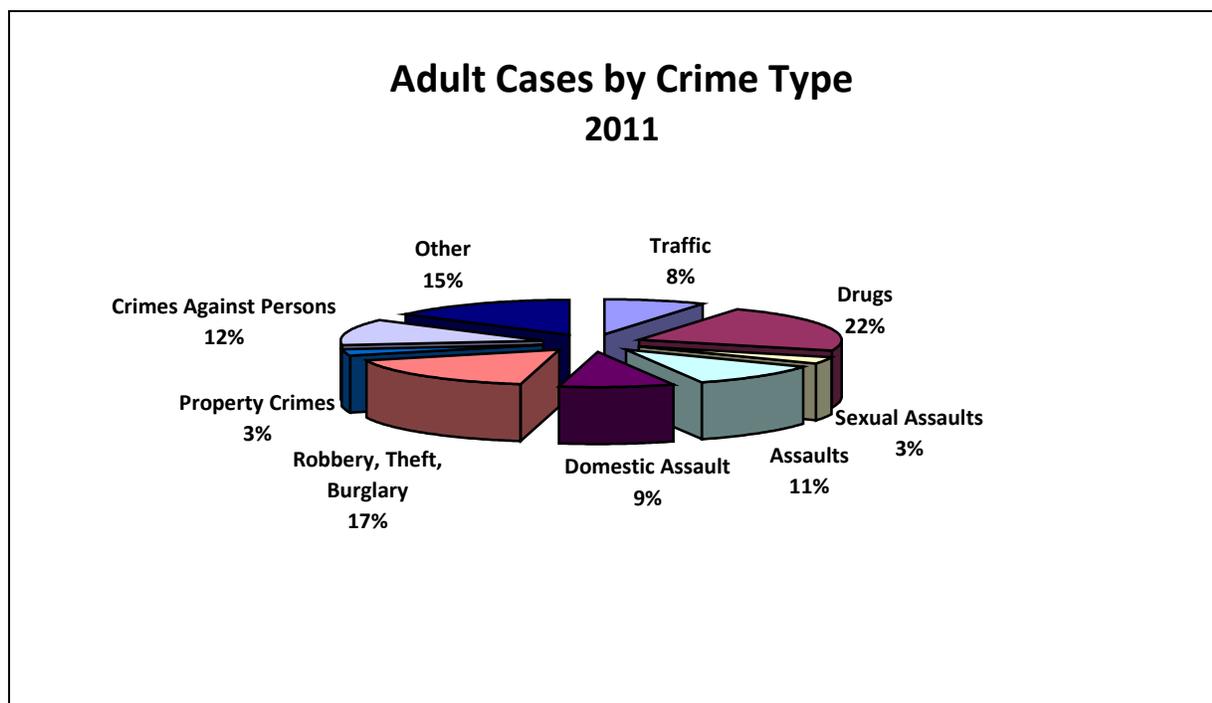
Our support staff consists of 24 clerical employees, overseen by our Office Administrator, Wade Backstrom. Wade is also responsible for the effective management of our \$6.8 million annual budget, human resource matters, and technological management.

Three clerical supervisors are responsible for managing division clerical staff and maintaining "DAMION," our electronic case management system. Over the last year, we have continued to improve our electronic filing (e-filing) of criminal complaints, which provides more efficient management of documents and court filings. The clerical staff is currently working on an electronic notification project between our office and the Courts, which allows for information from the Court's electronic case management system to be transferred in "real time" into our DAMION system. These electronic improvements speed up the process and greatly reduce the margin for human error. We are keeping and storing more and more data electronically, reducing our need for paper and keeping more accurate records.

Our office is a member of the North East Minnesota Enforcement Safety Information System (NEMESIS). We have taken a leadership role in NEMESIS, which is designed to provide a central resource for 27 regional law enforcement agencies to dispatch resources, track information regarding people, incidents, and cases through the criminal justice system. NEMESIS is designed to connect local and state-wide criminal and juvenile justice systems, making information available to strengthen public safety in Minnesota. NEMESIS includes the Minnesota counties of St. Louis, Carlton, Cook, Lake, and Koochiching.

*"We are keeping and storing more and more data electronically, reducing our need for paper and keeping more accurate records."*

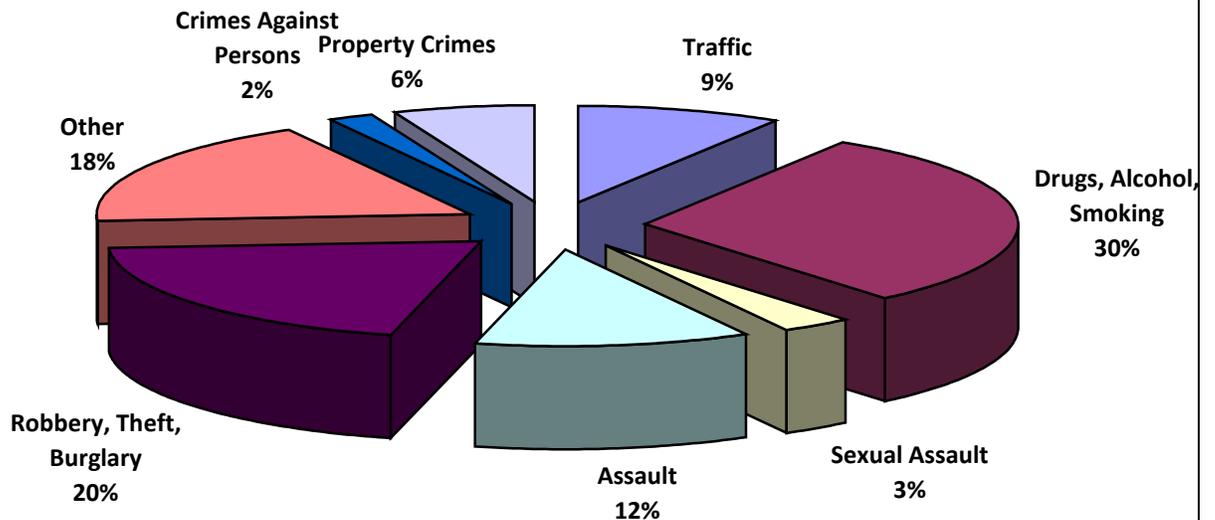
Our DAMION case management system allows us to track data in many different ways, including what types of crimes are committed in St. Louis County.



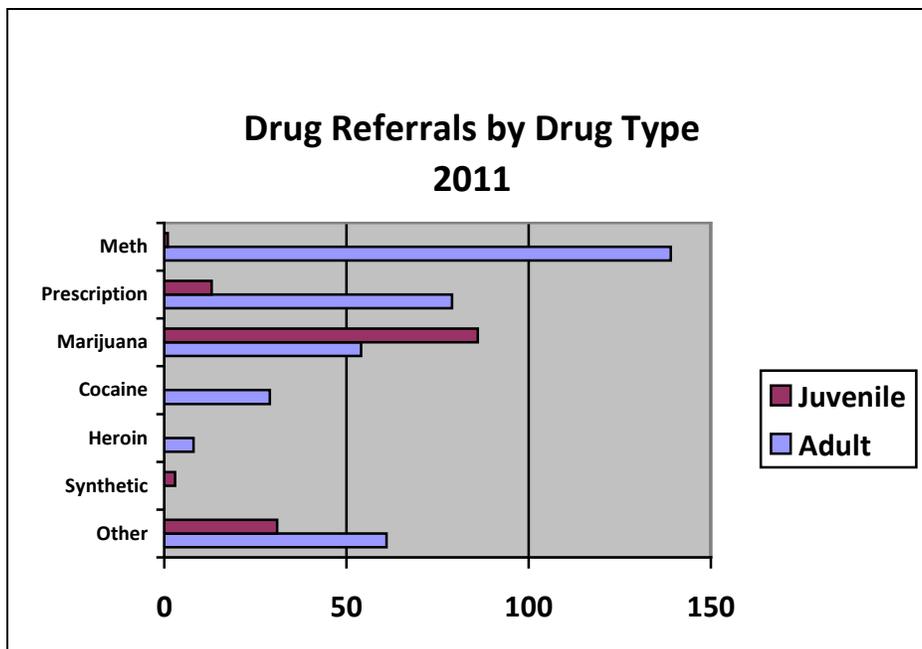
**Domestic assaults and drug abuse** continue to rise and cause a significant detriment to our community. In 2011, the Duluth Police Department made 340 domestic violence arrests. Ten percent of high school students reported being hurt by a dating partner in a 12-month period. Forty-five percent of the residents at Safe Haven Shelter are children.

Drug crimes have a far reaching collateral effect, including child neglect and maltreatment, thefts, burglaries, assaults, and other crimes.

### Juvenile Cases By Crime Type 2011



While the number of juvenile offenses continues to decline nationwide, we saw an increase in crimes committed by juveniles in St. Louis County in 2011.



Unfortunately, methamphetamine continues to be the illegal drug of choice for adults in our county. Abuse of prescription medication is rising every year. The abuse of prescription medication continues to be a disturbing trend amongst both adults and juveniles.

“Synthetic drugs” are a new and sad reality in our society. The short term medical effects of synthetic marijuana are revealing themselves in a very devastating fashion and we do not yet know the long-term effects. The substance is so new that we have had a difficult time finding an expert willing and qualified to testify as to the nature and effect of synthetic drugs. In recent months, we have seen a rise in commitment referrals resulting from near fatal usage of “bath salts” and other synthetic chemicals. Users are mostly young individuals who have done serious damage to their bodies as a result of using these substances. Our office has taken a leadership role in drafting new legislation and coordinating with federal authorities in an effort to prevent these drugs from being sold in our communities.

## BY THE NUMBERS

Felony Adult Criminal Referrals	
2011	1,660
2010	1,565
2009	1,727

Juvenile Delinquency Referrals	
2011	1,878
2010	1,706
2009	2,062

Homicide Referrals	
2011	3
2010	6
2009	6

Paternity Referrals	
2011	684
2010	641
2009	670

DWI Court Participants	
2011	26
2010	49
2009	47

Termination of Parental Rights Cases	
2011	37
2010	30
2009	50

Drug Court Participants	
2011	58
2010	93
2009	117

Involuntary Commitment Cases	
2011	146
2010	113
2009	117

*The delay and difficulty of obtaining quick court settings continues to be a major problem in the court system. We simply do not have enough judges, attorneys, or court staff to go around, often resulting in long delays. We continue to work with Court Administration to address these issues.*

# A Strong Start

During my first year as your County Attorney, we have made a strong start on enhancing public safety.



Assistant St. Louis County Attorneys renew their oaths at our annual staff meeting

## **Racial Justice—**

With federal grant assistance, we continue to provide leadership in the Racial Justice Improvement Project. In collaboration with the Courts, the Public Defender's Office, community representatives, and Arrowhead Regional Corrections, we are building and hope to implement a pretrial tool that will assist every judge in our District when they are addressing issues of bail and pretrial release. Our work is being monitored by the American Bar Association and could be used as a model for other communities. Our hope is that a more uniform and comprehensive review of the situation of all defendants will result in more fairness, justice, and ultimately, racial equality.



**Service to the County Board--**The St. Louis County Board has demonstrated tremendous leadership in a number of areas, and our office has been privileged to serve as counsel to the Board and Administration.

**Consumer Rights--**We have worked hard to continue to protect consumer rights, and even went so far as to obtain an injunction to shut down a business in Hibbing, Minnesota, that was engaged in the unauthorized practice of law.

**Human Trafficking--**Sharing leadership with Shunu Shrestha of the Program for Aid to Victims of Sexual Assault (PAVSA), our office has stepped up and provided statewide leadership in addressing the issue of sexual trafficking of adolescent girls. Our work has been done in conjunction with the support of the Women's Foundation of Minnesota, who has provided both financial support and encouragement for our efforts.

### **United States Attorney Collaboration—**

B. Todd Jones, United States Attorney for the District of Minnesota, and County Attorney Mark Rubin have organized and implemented the first Special Assistant United States Attorney (SAUSA) relationship for St. Louis County. Two of our attorneys will have a special relationship with the United States Attorney's Office which will benefit not only the people of St. Louis County, but all of the people of Minnesota.



On October 28, 2011, Leslie Beiers and Nathaniel Stumme, both of the St. Louis County Attorney's Office, were appointed to the positions of Special Assistant United States Attorneys. They will make appearances in Federal Court on behalf of the United States Attorney's Office.

## How are we involved outside the office?

We take public service seriously, not only in our jobs, but in our community involvement. Our attorneys provide leadership in various task forces, committees, and organizations including the Minnesota State Bar Association, National District Attorneys Association, American Prosecution Research Institute, and the Minnesota County Attorneys Association. Our staff is also involved in a myriad of community activities outside the office, including:

- Foster Parenting
- Church boards and choirs
- Curl Mesabi
- Minnesota Iron Range Retriever Club
- Zim Sportsmen's Club
- Guest speakers for high school and college classes
- Parent representatives in school
- Boy Scouts and Girl Scouts
- Ski Patrol Volunteers
- Civil Air Patrol
- Interracial Adoptive Family Group
- Annual MS Walk
- Credit Union Boards
- Iron Range Youth in Action
- Generation W Board Member
- Merritt Days Planning Committee
- School Anti-Bullying Committees
- CCR Danger Team
- Volunteering for local food shelves
- Serrano Memorial Junior Bonspiel
- Angling Horizons Fishing Contest for Persons with Disabilities
- Ordean Foundation
- Men as Peacemakers
- Touched by Breast Cancer Golf Classic Annual Fundraiser
- Cheers for a Cure Annual Fundraiser
- Mock Trial Coaches
- Richard I. Bong Veteran's Historical Center
- Rotary Club
- Tischer Creek Duluth Building Company
- Arrowhead Peace Officers Association
- PAVSA
- Parent Teacher Organizations
- Election Campaigns
- Nursing Home Volunteers
- Duluth Human Trafficking Task Force
- Women's Shelter Volunteer
- Meals on Wheels
- Partners Board
- Evergreen Volunteer Fire Department Ladies Auxiliary
- Arrowhead Peace Officers Association
- Hibbing Community College Law Enforcement Advisory Board
- United Way



On Monday, November 1, 2011, eleven Assistant St. Louis County Attorneys were admitted to practice in Federal Court and were sworn in by the Hon. Leo I. Brisbois. Admittance to Federal Court allows the Assistant St. Louis County Attorneys to represent St. Louis County and the State of Minnesota in the Federal Judicial System. The newly admitted attorneys are: James Nephew, Jessica Smith, Kristen Swanson, Jonathan Holets, Nathaniel Stumme, Rebekka Stumme, Christopher Pinkert, Jeffrey Vlatkovich, Gordon Coldagelli, Michelle Anderson, and Leah Stauber.

*SHOULDERS*

*By: Naomi Shihab Nye*

A man crosses the street in rain,  
stepping gently, looking two times north and south,  
because his son is asleep on his shoulder.

No car must splash him.  
No car drive too near to his shadow.

This man carries the world's most sensitive cargo  
but he's not marked.  
Nowhere does his jacket say FRAGILE,  
HANDLE WITH CARE.

His ear fills up with breathing.  
He hears the hum of a boy's dream  
deep inside him.

We're not going to be able  
to live in this world  
if we're not willing to do what he's doing  
with one another.

The road will only be wide.  
The rain will never stop falling.

From *RED SUITCASE*. ©BOA Editions, 1994. Reprinted with permission.

**“BELIEVING IN AND WORKING WITH YOU FOR A FAIR AND JUST  
WORLD.”**

**Mark Rubin, St. Louis County Attorney**