



DUNN COUNTY DISTRICT ATTORNEY'S OFFICE

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District Attorney
Andrea Amidon Nodolf

Assistant District Attorneys
Andrew J. Maki • Renee M. Taber

March 13, 2019

Re: 2018 Annual Report of the Dunn County District Attorney's Office

Dear County Board Members:

The Office of the Dunn County District Attorney (the "Office") experienced another year with a high number of felonies and criminal referrals. This Office successfully prosecuted 479 felony cases, 558 misdemeanor cases, and 316 criminal traffic cases. A "successful prosecution" cannot be strictly defined by a guilty verdict or conviction on a case. Rather, this Office defines "successfully prosecuted" to be when an offender is held accountable, the offender's rehabilitative needs are addressed, the restorative concerns of victims are addressed, and the public is protected from future harm. Additionally, our Victim/Witness Program contacted 859 new victims of cases. Of those 859 victims, 599 victims requested services from our Victim/Witness staff.

Overall, this Office remained under budget for 2018 and returned \$18,518.01 to the County. The operations component of this Office's budget was slightly over budget by approximately \$600 in 2018, but the personnel component was under due to employee absences in the Office. Overages in the operations component included items such as process serving and prosecution expenses including use of expert witnesses for high profile cases.

In 2018, this Office continued to address the challenges of an overwhelming caseload and advances in technology that have changed how cases are prosecuted. Changing technology requires the use of more experts at an increased cost to the County. Cases now regularly include evidence such as cellphone records, computer applications, GPS data, and DNA analysis. Whereas previous cases may have had one or two digital recordings, larger felony cases routinely have dozens. One case currently has 108 disks with more continuing to come in each week.

According to the latest 2015-2017 workload analysis by the Wisconsin Department of Administration, Dunn County is currently in need of an additional 3.14 prosecutor positions based upon the number and complexity of cases. Despite the large increase in the number of cases, this Office now has fewer prosecutors than it did in 2002. For the last four (4) years, I have strongly and continually lobbied our local legislators for additional prosecutorial staff at meetings both here in Dunn County and at the Capitol in Madison. I am hopeful that Dunn County will receive additional prosecutorial support. Governor Ever's proposed budget includes 20 additional Assistant District Attorney ("ADA") positions across the State, with one full-time position allotted to Dunn County.

Non-Traditional Resolutions to Cases

This Office continues to utilize the Pre-Charge Diversion Program that was originally implemented in 2016. This program diverts certain low-risk, or first time offenders from the traditional criminal justice system. Only certain predetermined offenses are allowed for consideration in this program. If an offender successfully completes the program, the referred criminal offense will not appear on the individual's criminal history. In 2018, a total of 80 Pre-Charge Diversion Agreements were entered into by defendants. During this same period, a total of 97 Agreements were completed, including some from the previous calendar year. Of the 97 Agreements completed, 78 of these agreements were successful (80%). This high success rate results in justice being served while diverting 78 low-risk individuals from the judicial system, thereby saving the attorneys' time and the Office's costs of prosecuting these cases.

In addition to the Pre-Charge Diversion Program, this Office also offers certain offenders the opportunity to participate in the Dunn County Treatment Opportunity Program (TOP). During 2018, the Office made 126 referrals to the program with 30 of those individuals starting the Program. The Program is aimed at medium risk individuals and had an overall success rate of 56% for 2018. The Office views TOP as an invaluable tool as it reduces recidivism while addressing the mental health and AODA needs of many offenders. In December 2018, Treatment Alternatives and Diversion (TAD) State Program Managers met with TOP for a site visit. The Program Managers were impressed with the collaboration between this Office and TOP regarding the referral process, number of participants, monthly staff meetings, and adherence to State standards. It has been suggested that Dunn County serve as a model for other TAD funded counties.

2018 High Profile Cases

This Office prosecuted three high profile homicide related cases in 2018. The first, State vs. Serghei Kundilovski, concluded in April of 2018 after Kundilovski pled guilty to three counts of Homicide by Intoxicated Use of a Vehicle. Kundilovski was operating his vehicle while "huffing" and crossed the median on I-94, and crashed into a vehicle, killing three of the occupants. The three victims all had full lives ahead of them. The families were utterly

devastated, relied heavily on our prosecutors and our Victim/Witness staff, and provided many victim impact statements and letters to the Court. Kundilovski was ultimately sentenced to seventy-five (75) years in prison.

The second homicide, State vs. Cullen Osburn, placed an extremely heavy burden on this Office. That case was scheduled for a jury trial from April 10, 2018 through April 19, 2018, but concluded after six (6) days. This case involved substantial medical testimony from five (5) medical experts as well as a substantial number of law enforcement and civilian witnesses. The victim's family lived in Saudi Arabia and required this Office to utilize Skype to gather victim input and allow the family to participate in this case. A jury ultimately delivered a guilty verdict on the lesser included offense of Aggravated Battery as Repeater and Osburn was sentenced to eight (8) years in prison with extended supervision.

Finally, State vs. Todd Dormanen concluded in October of 2018 after Dormanen plead guilty to Homicide by Intoxicated Use of a Vehicle and Operating While Intoxicated Causing Injury. Dormanen was working the night shift and went to a bar in Menomonie after he got done with work around 6:30a.m. He proceeded to drink heavily and knew he was too intoxicated to drive. Despite that, he got behind the wheel of his vehicle and traveled home, endangering everyone he passed on the road. Unfortunately, Dormanen eventually crossed the center line and struck another vehicle head on, causing the death of the driver and injuring the passenger in the other vehicle. The victims were a mother and daughter on their way to Walmart to go shopping. This was Dormanen's 4th OWI and he was sentenced to thirty-two (32) years in prison with extended supervision. This heart-breaking crime continues to remind this Office that any one of us could have been a victim that day. There were approximately two-hundred (200) OWI cases prosecuted by this Office in 2018, any of which could have ended just as tragically as this case.

In addition to the homicide related cases that were prosecuted in 2018, this Office zealously prosecuted Ted Lopez regarding his three criminal cases related to sexual assault of children. After Lopez was apprehended by the FBI in Minnesota, his first case had a jury trial December 19, 2018 through December 21, 2018. After that three-day trial, the jury found Lopez guilty of all six (6) counts with which he was charged. Lopez ultimately faces a possible 203 years of initial confinement if all of his crimes were sentenced consecutively. Lopez' sentencing is slated to occur at the end of March regarding all three of his cases.

Remarkably, this Office had five (5) open or pending homicide/murder cases in 2018. The five (5) cases included Osburn, Kundilovski, Dormanen, as well as State vs. McCandless and State vs. Seehaver, which are pending first degree intentional homicide cases. This is an extremely large amount of homicide cases for this County to have occurring at the same time. In comparison, since 2010, there have only been approximately twelve (12) homicide related cases, half of which were drug related.

State vs. McCandless is set for trial in April, 2019, and is scheduled for three (3) full weeks. This case will involve multiple medical experts, officers from Dunn County and Eau Claire County, and approximately two dozen civilian witnesses.

Additional Funding Opportunities

As needs continue to increase and budgets tighten, my Office has continually searched for potential additional funding sources. After working in partnership with the Clerk of Court's Office and the Judges' Office this Office implemented a new case settlement forfeiture amount schedule effective October 1, 2018, that will generate additional income for the County. Prior to implementing this new schedule, this Office compared forfeiture amounts for neighboring counties and found that Dunn County's forfeiture amounts were much lower than surrounding counties. This new settlement schedule makes Dunn County comparable to the forfeitures received in our neighboring counties and will generate approximately \$20,000 of additional revenue each year.

Due in large part to the methamphetamine epidemic in this County, the number of CHIPS cases has increased by 44% and the number of TPR cases has increased by 88% in the last five years. Through the assistance of DHS Director Kris Korpela, this Office was able to secure federal grant funds due to the increased CHIPS and TPR cases prosecuted by this Office. The Department of Children and Families applied for and received federal grant funds in the amount of \$39,408 effective January, 2019. These additional funds can be utilized by this Office to secure additional part-time staff to assist with CHIPS and TPR cases. In February of 2019, a contracted part-time legal secretary began working in this Office to assist with these matters.

In addition to obtaining the additional funds for a part-time legal secretary, this Office also applied for and received a one-time Victims of Crime Act (VOCA) award in the amount of \$56,116. These additional grant funds were utilized to purchase video-conferencing equipment in the Victim/Witness conference room. With this equipment, Dunn County is the first county in the State to have video-conferencing in its Victim/Witness room specifically designated for victims of crimes.

This technology serves victims of crimes in numerous ways. First, the technology reduces the additional trauma placed on victims by allowing them to observe and hear courtroom proceedings while in a private and secure setting away from defendants. Second, it also allows victims to exercise their right to make a victim impact statement to the Court while in a safe and secure victim/witness room away from the perpetrator (and his or her family). Finally, this technology has allowed child victims of crime the ability to testify via video-conferencing during jury trials instead of in front of a jury of adults and the perpetrator.

This video-conferencing technology has been so successful that Victim/Witness Coordinator Barb Lande and I have been asked by the Department of Justice to speak at upcoming trainings. Our presentation will discuss how to apply for VOCA grants as well as utilize video-conferencing for testimony.

Paperless Transition

During 2018, this Office transitioned to paper-on-demand (paperless Office). In January, 2018, members from this Office met with Dodge County, the pilot county for the paperless transition, to begin this process. Our Office then worked closely with our State I.T. division to make preparations through our PROTECT system. This Office spent a substantial number of hours updating our PROTECT system to achieve this goal. The Office began to make the transition to paperless in September, 2018, and the transition was completed by October 1, 2018.

This change has led to numerous benefits for this Office including substantial efficiencies in paperwork processing. Except for complex and substantial cases, prosecutors carry a laptop instead of piles and piles of files. This transition also allows more than one individual to work on a case at the same time. Additionally, it allows the prosecutors to access all of their case files remotely. The Office hopes to further these efficiencies by continuing to streamline the paperless process both within the Office and other County agencies in 2019.

An additional benefit of the paperless transition is that it has required the Office to utilize the PROTECT system to its full potential. Previously, minimal information was entered into PROTECT, as the main source of information for cases was the physical file. With the transition to paper-on-demand, all case information and data is entered into PROTECT. This creates greater efficiency and allows everyone access to the same information and allows this Office to more accurately determine and analyze data through PROTECT.

Conclusion

I would like to thank every member of this Office for their hard work and dedication over the past year. This Office would not have been able to accomplish so much without their contributions. The transition to a paperless office required each member to be willing to change how we do business, and each one committed to achieving this goal. Law enforcement agencies have also changed the methods in which they submit reports to this Office, and I am grateful not only for the work they do for our County, but also their willingness to change how reports are submitted. The Clerk of Court's Office, Judges, and Department of Human Services have been invaluable partners in not only this process, but so many other collaborative efforts that benefit the residents in this County.

Additionally, I wish to extend a sincere thank you to the County Board for your support this year. I appreciate all of the time and energy you spend debating issues and making difficult

choices, and your work advocating for additional prosecutors for this Office. I hope that next year, I can report that we received the additional ADAs and judge that are long overdue this County.

Finally, it is a true honor to serve Dunn County as your District Attorney, and I am so proud of the work we are doing in this Office. Please do not hesitate to contact me if you have any questions, comments, or suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrea Amidon Nodolf". The signature is written in a cursive style with a large, sweeping flourish at the end.

Andrea Amidon Nodolf
Dunn County District Attorney

ANNUAL REPORT

2018

OFFICE OF THE DISTRICT ATTORNEY



ANDREA AMIDON NODOLF
DISTRICT ATTORNEY
DUNN COUNTY, WISCONSIN
STAFF

District Attorney	Andrea Amidon Nodolf	w/DA since 11/14
Legal Secretary	Adrienne Bechel	W/DA since 11/17

Assistant District Attorney	Andrew Maki	w/DA since 3/93
Legal Secretary	Marcia Finder	W/DA since 5/85

Assistant District Attorney	Renee Taber	w/DA since 4/17
Legal Secretary	Pam Rudie	w/DA since 10/93

Secretary I	Aimee Cronk	w/DA since 10/14
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Crime Victim/Witness Coordinator	Barb Lande	w/County since 7/77 w/DA since 4/85 V/W since 8/93
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Victim/Witness Assistant	Melanie Williams	w/DA since 3/18
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Victim/Witness Assistant	Alea Norrish	P-T V/W since 4/16
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Victim/Witness Assistant	Laura Steiner	P-T V/W since 10/17
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Deferred Prosecution Coordinator	Deanna Arntson	w V/W 2/13-12/16 1/16 to present
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DISTRICT ATTORNEY 2018 CASELOAD STATISTICS

TOTAL CASES OPENED

2014-2018

<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
3140	3229	3092	3301	3242

TOTAL CRIMINAL COMPLAINTS FILED

2014-2018

	<u>2014</u>	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>
CRIMINAL TRAFFIC	203	294	263	338	316
MISDEMEANORS	600	540	418	563	558
FELONIES	407	367	415	509	479
PRE-CHARGE DIVERSION			93	102	80
JUVENILE				173	142
Meth Cases:					
961.41(1)(e)1 to 961.41(1)(e)4		Deliver/Mfg Meth			18
961.41(1m)(e)1 to 961.41(1m)(e)4		Possess w/intent to Deliver Meth			11
961.41(3g)(g)		Possession of Meth			60
THC:					
961.41(1)(h)1 to 961.41(1)(h)2		Del/Mfg THC			11
961.41(1m)(h)1 to 961.41(1m)(h)5		Possess w/intent to Del/Mfg THC			18
961.41(3g)(e)		Possession of THC			102
961.41(3g)(e) F		Possession of THC-2 nd & Sub.			11
Burglaries:					15
Theft					47
Identify Theft					6
Retail Theft					63
DC:					151
Battery					53
Substantial/Aggravated Battery (Felony)					14
OWI					
1 st					113
2 nd					37
3 rd					21
4 or more					25
OAR:					112
Sexual Assaults:					
§940.225					11
§948.02					6
Criminal Damage					21